

International Protection Considerations with Regard to People Fleeing **Colombia**

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List of Abbreviations

ACAPS	Assessment Capacities Project
ADIDA	<i>Asociación de Institutores de Antioquia</i> (Association of Educators of Antioquia)
AFRODES	<i>Asociación Nacional de Afrocolombianos Desplazados</i> (National Association of Displaced Afro-Colombians)
AGC	<i>Autodefensas Gaitanistas de Colombia</i> (Gaitanist Self-Defence Forces of Colombia)
AMI	<i>Asociación Colombiana de Medios de Información</i> (Colombian Association of Media Outlets)
AP	Associated Press
AUC	<i>Autodefensas Unidas de Colombia</i> (United Self-Defence Forces of Colombia)
BBC	British Broadcasting Corporation
CAPAZ	<i>Instituto Colombo-Alemán para la Paz</i> (German-Colombian Institute for Peace)
CCEEU	<i>Coordinación Colombia Europa Estados Unidos</i> (Coordination Colombia Europe United States)
CCJ	<i>Comisión Colombiana de Juristas</i> (Colombian Commission of Jurists)
CEPAL	<i>Comisión Económica para América Latina</i> (United Nations Economic Commission for Latin America and the Caribbean)
CERAC	<i>Centro de Recursos para el Análisis de Conflictos</i> (Conflict Analysis Resource Centre)
CERREM	<i>Comité de Evaluación de Riesgo y Recomendación de Medidas</i> (Committee on Risk Assessment and Recommendation of Measures)
CEV	<i>Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición</i> (Commission for the Clarification of Truth, Coexistence and Non-Repetition)
CINEP	<i>Centro de Investigación y Educación Popular</i> (Center for Research and Popular Education)
CIPRUNNA	<i>Comisión Intersectorial de Prevención del Reclutamiento, Utilización y Violencia Sexual contra Niños, Niñas y Adolescentes</i> (Intersectoral Committee for the Prevention of Recruitment, Utilization, and Sexual Violence Against Children)
CITREP	<i>Circunscripciones Transitorias Especiales de Paz</i> (Special Transitory Peace Circumscriptions)
CNGS	<i>Comisión Nacional de Garantías de Seguridad</i> (National Commission for Security Guarantees)
CNOA	<i>Conferencia Nacional de Organizaciones Afrocolombianas</i> (National Confederation of Afro-Colombian Organizations)
COCE	<i>Comando Central</i> (Central Command)
CODHES	<i>Consultoría para los Derechos Humanos y el Desplazamiento</i> (Consultancy for Human Rights and Displacement)
COP	Colombian peso
CTC	<i>Confederación de Trabajadores de Colombia</i> (Colombian Confederation of Workers)
CUT	<i>Central Unitaria de Trabajadores</i> (Central Union of Workers)
DW	Deutsche Welle
ECOSOC	United Nations Economic and Social Council
ELN	<i>Ejército de Liberación Nacional</i> (National Liberation Army)
ENS	<i>Escuela Nacional Sindical</i> (National Trade Union School)
EPL	<i>Ejército Popular de Liberación</i> (Popular Liberation Army)

EU	European Union
FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo</i> (Revolutionary Armed Forces of Colombia – People's Army)
FASOL	<i>Fondo de Solidaridad con los Jueces Colombianos</i> (Solidarity Fund with Colombian Judges)
FECODE	<i>Federación Colombiana de Educadores</i> (Colombian Federation of Education Workers)
FENALPER	<i>Federación Nacional de Personerías</i> (National Federation of Municipal Ombudspersons)
FGN	<i>Fiscalía General de la Nación</i> (Office of the Attorney General)
FIDH	<i>Fédération internationale pour les droits humains</i> (International Federation for Human Rights)
FIP	<i>Fundación Ideas para la Paz</i> (Ideas for Peace Foundation)
FLIP	<i>Fundación para la Libertad de Prensa</i> (Foundation for Press Freedom)
GAO	<i>Grupos Armados Organizados</i> (Organized Criminal Groups)
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
IACTHR	Inter-American Court of Human Rights
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFA/IRA	Internal flight or relocation alternative
INDEPAZ	<i>Instituto de Estudios para el Desarrollo y la Paz</i> (Institute for Development and Peace Studies)
INMLCF	<i>Instituto Nacional de Medicina Legal y Ciencias Forenses</i> (National Institute of Legal Medicine and Forensic Sciences)
IPS	Inter Press Service
IWGIA	International Work Group for Indigenous Affairs
JEP	<i>Jurisdicción Especial para la Paz</i> (Special Jurisdiction for Peace)
LGBTIQ+	Lesbian, gay, bisexual, transgender, intersex, and queer
MOE	<i>Misión de Observación Electoral</i> (Electoral Observation Mission)
NGO	Non-governmental organization
OAS	Organization of American States
OAU	Organisation of African Unity (succeeded by the African Union)
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ODEVIDA	<i>Observatorio para la Defensa de la Vida</i> (Observatory for the Defence of Life)
OHCHR	Office of the UN High Commissioner for Human Rights
OIA	<i>Organización Indígena de Antioquia</i> (Indigenous Organization of Antioquia)
ONIC	<i>Organización Nacional Indígena de Colombia</i> (National Indigenous Organization of Colombia)
PARES	<i>Fundación Paz y Reconciliación</i> (Peace and Reconciliation Foundation)
PCN COLOMBIA	<i>Proceso de Comunidades Negras en Colombia</i> (Process of Black Communities in Colombia)
PNIS	<i>Programa Nacional Integral de Sustitución de Cultivos Ilícitos</i> (National Comprehensive Programme for the Substitution of Illicit Crops)
PROVEA	<i>Programa Venezolano de Educación Acción en Derechos Humanos</i> (Venezuelan Programme for Education-Action on Human Rights)
RFI	Radio France Internationale
RSF	<i>Reporters Sans Frontières</i> (Reporters Without Borders)
RUV	<i>Registro Único de Víctimas</i> (Victims Registry)
SAT	<i>Sistema de Alertas Tempranas</i> (Early Warning System)

SIVJRNR	<i>Sistema Integral de Verdad, Justicia, Reparación y No Repetición</i> (Comprehensive System of Truth, Justice, Reparation and Non-Repetition)
UARIV	<i>Unidad Administrativa para la Atención y Reparación Integral a las Víctimas</i> (Unit for the Attention and Comprehensive Reparation of Victims)
UBPD	<i>Unidad de Búsqueda de Personas dadas por Desaparecidas en el Contexto y en Razón del Conflicto Armado</i> (Search Unit for the Disappeared in the Context and Due to the Armed Conflict)
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNP	<i>Unidad Nacional de Protección</i> (National Protection Unit)
UNSC	United Nations Security Council
UP	<i>Unión Patriótica</i> (Patriotic Union)
VOA	Voice of America
WOLA	Washington Office on Latin America

I. Executive Summary

These International Protection Considerations supersede the September 2015 UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia* (2015 Guidelines).¹ This document is based on information available up to 30 June 2023, unless otherwise stated. It contains information about developments that may impact the assessment of international protection needs for persons from Colombia falling within certain risk profiles or finding themselves in certain circumstances. All assessments of international protection needs of people fleeing Colombia must be based on reliable, relevant and up-to-date information about the political, security, human rights and humanitarian situation in the country.

A. Refugee Status under the 1951 Convention

UNHCR considers that asylum-seekers from Colombia falling within one or more of the following risk profiles may be in need of international refugee protection, depending on the circumstances of the individual case.

- 1) Social Leaders, Community Leaders and Human Rights Defenders;
- 2) Persons Involved in the National Comprehensive Programme for the Substitution of Illicit Crops;
- 3) Journalists;
- 4) Indigenous Communities;
- 5) Afro-Colombian Population;
- 6) Persons in Professions Susceptible to Extortion;
- 7) Public Officials Involved in the Administration of Justice, including Prosecutors, Judges and Lawyers, as well as Witnesses and other Stakeholders in Judicial Proceedings;
- 8) Labour Union Leaders and Union Workers;
- 9) Teachers and Education Workers;
- 10) Former Members of the FARC-EP;
- 11) Women with Certain Profiles or in Specific Circumstances;
- 12) Children;
- 13) Individuals of Diverse Sexual Orientations, Gender Identities and/or Gender Expressions.

This list is not necessarily exhaustive and is based on information available to UNHCR at the time of writing. A claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Depending on the specific circumstances of the case, family members or other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.

B. Refugee Status under UNHCR's Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. Accordingly, a sequential approach is preferred, whereby refugee status is initially assessed under the 1951 Convention definition, while interpreting the criteria for refugee status contained in that Convention in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument.² In such a sequential approach, if an asylum-seeker is found not to meet the refugee criteria contained in the 1951 Convention, for example because the feared persecution

¹ UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia*, September 2015, HCR/EG/COL/15/1, www.refworld.org/docid/560011fc4.html.

² Such a sequential approach underscores the universal character of the definition of a refugee in Article 1A(2) of the 1951 Convention, the primacy of that Convention, and the explicitly complementary character of the regional definitions. See UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, December 2016, www.refworld.org/docid/583595ff4.html, para. 87.

is not for reason of a Convention ground,³ or the threshold for applying the 1951 Convention definition is otherwise not met, broader international protection criteria under UNHCR's mandate or contained in regional instruments need to be examined. However, the broader refugee criteria contained in regional instruments may be applied directly when this is more practical and efficient, including in group situations or specific regional contexts, as long as the 1951 Convention standards of treatment apply.⁴

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol,⁵ but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.⁶ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of origin or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from conflict, generalized violence or other events seriously disturbing public order.⁷

In the context of Colombia, assessments of the threat to life, physical integrity or freedom resulting from conflict, generalized violence or events seriously disturbing public order should include both the direct impact of the violence as well as the longer-term, more indirect consequences of violence and conflict. In this respect and in the specific context of Colombia, relevant factors include the information presented in [Section II.A](#) relating to (i) social and economic control over civilian populations by irregular armed actors in certain parts of the country, including by means of threats and intimidation, extortion, restrictions on freedom of movement, forced displacement, confinement, and presence of antipersonnel mines and unexploded ordnance seriously affecting the State's ability to provide protection; (ii) forced recruitment by irregular armed actors; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty, and the destruction or systematic undermining of livelihoods in rural and urban settings; (iv) high levels of organized crime and the ability of State and non-State actors to commit violent crimes and human rights abuses with impunity; and (v) systematic constraints on access to education or basic health care as a result of insecurity. These and other manifestations of the impact on the civilian population of the presence and operations of irregular armed actors indicate that an *ordre public* (public order) based on respect for the rule of law and human dignity has been seriously eroded. Against this background, UNHCR considers that areas of Colombia where irregular armed actors are present and exercise control over the civilian population, should be regarded as areas affected by events seriously disturbing public order. Areas with active conflict may be affected by generalized violence in addition to targeted violence. UNHCR considers that individuals who originate from areas affected by active conflict or from areas where irregular armed actors are present and exercise control over the civilian population, may, depending on the individual circumstances of the case, be in need of international protection. Those who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international protection under UNHCR's broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

Colombian asylum-seekers who seek international protection in any of the countries that have incorporated the Cartagena Declaration on Refugees ("Cartagena Declaration")⁸ into their national legislation may qualify for refugee status under the terms of the Cartagena Declaration. In particular,

³ Note in particular that in situations of armed conflicts and violence, what may appear to be indiscriminate conduct (i.e., conduct whereby the persecutor is not seeking to target particular individuals) may in reality be discriminate, in that the conduct is aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 33.

⁴ Ibid., para. 88.

⁵ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

⁶ UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fdb49d.html; UN, General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

⁷ UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html; UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

⁸ Cartagena Declaration on Refugees, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html, para. III(3).

UNHCR considers that individuals who originate from areas affected by active conflict or from areas where irregular armed actors are present and exercise control over the civilian population, and who have been found not to meet the criteria of the 1951 Refugee Convention, may be in need of international protection under the terms of the Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by serious and widespread human rights abuses committed by irregular armed actors in areas under their control; or by other circumstances that have seriously disturbed public order, including the direct and indirect consequences of conflict-related violence.

Colombians who seek international protection in countries that are States Parties to the Convention Governing the Specific Aspects of Refugee Problems in Africa ("1969 OAU Convention"),⁹ and who have been found not to meet the criteria of the 1951 Refugee Convention, may qualify for refugee status under Article I(2) of the 1969 OAU Convention. In particular, UNHCR considers that individuals originating from areas of Colombia that are affected by active conflict, as well as areas of Colombia where irregular armed actors are present and exercise control over the civilian population, and who have been found not to meet the criteria of the 1951 Refugee Convention may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

Persons originating from Colombia who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for believing that they would face a real risk of serious harm in Colombia.¹⁰ In light of the information presented in these International Protection Considerations, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) of the EU Qualification Directive, on the grounds of a real risk of the relevant forms of serious harm, either at the hands of irregular armed actors or the State or its agents. Additionally, as Colombia continues to be affected by a non-international armed conflict, and considering the information presented in these International Protection Considerations, applicants originating from, or previously residing in, conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) of the EU Qualification Criteria on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.

C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative

The assessment of the availability of an IFA/IRA requires an analysis of both the relevance and reasonableness of the proposed IFA/IRA.¹¹

Where the applicant has a well-founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not relevant for areas under the control of the State.

UNHCR considers that no IFA/IRA is available in areas affected by active conflict in Colombia, regardless of the actor of persecution.

Considering the available evidence of serious and widespread human rights abuses by irregular armed actors in areas in Colombia where they have a presence, as well as the inability of the Government to

⁹ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 UN Treaty Series 45, www.refworld.org/docid/3ae6b36018.html. The definition of the term "refugee" as contained in Article I of the 1969 OAU Convention has been incorporated into Article I of the Bangkok Principles on the Status and Treatment of Refugees (Bangkok Principles). See Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi), www.refworld.org/docid/3de5f2d52.html.

¹⁰ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)* ("Qualification Directive"), 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&from=EN>, Articles 2(f), 15.

¹¹ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html.

provide protection against such abuses in these areas, UNHCR considers that an IFA/IRA is not available in areas where irregular armed actors have a presence, including post-demobilization groups, the ELN, or post-FARC-EP irregular armed groups.

Where the agents of persecution are irregular armed actors, consideration must be given to whether the persecutor is likely to pursue the applicant in the proposed area of relocation. Given the ability of some irregular armed actors to carry out attacks in all parts of Colombia, irrespective of their areas of control, and to trace and target individuals, both in rural areas and in cities such as Bogotá, Cali, and Medellín, a viable IFA/IRA may not be available to individuals at risk of being targeted by such actors.

Further, in relation to individuals fleeing persecution at the hands of irregular armed actors, an internal flight alternative may not be relevant in areas under State control when State authorities tolerate or condone acts of persecution, including corruption and extortion, perpetrated by irregular armed actors.

Further consideration should be given to the presence of illegal checkpoints in rural areas throughout the country and the possibility that individuals attempting to relocate may be identified and targeted at such checkpoints by armed groups.

Whether an IFA/IRA is "reasonable" must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including their age, ethnicity, gender, health, disability, family situation and relationships, as well as their educational and professional background and the impact of any past persecution.¹² Other factors that must be taken into account include the safety and security situation in the proposed area of relocation, respect for human rights in that area, and the possibilities for economic survival, in order to evaluate whether the individual would be able to live a relatively normal life without undue hardship in the area of relocation, given his or her situation.¹³

Particular attention must be given to the availability of basic infrastructure and access to essential services in the proposed area of relocation; access to housing; the presence of livelihood opportunities, and, in particular for Afro-Colombians and peasants, the extent to which the applicant can expect to receive genuine support from his or her extended family.¹⁴

Where the proposed area of relocation is an urban area where the applicant has no access to accommodation and livelihood options, and where he/she cannot be reasonably expected to fall back on meaningful support networks, the applicant will likely find himself or herself in a situation comparable to that of urban IDPs. Under these circumstances, to assess the reasonableness of the IFA/IRA adjudicators need to take into account the scale of internal displacement in the area of prospective relocation, the living conditions of IDPs in the location, as well as the fact that many IDPs are exposed to serious human rights violations and abuses.

D. Exclusion from International Refugee Protection

Among Colombian nationals or habitual residents of Colombia seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.¹⁵ Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including murder, torture and other forms of ill-treatment, kidnappings, rape and other forms of sexual violence, extortion, robbery, violent assaults and other violent crimes, forced displacement and recruitment and use of children, child labour, including transnational and national trafficking. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied

¹² Ibid., paras 25-26.

¹³ Ibid., paras 24, 27-30.

¹⁴ Ibid., paras 29-30.

¹⁵ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.unhcr.org/refworld/docid/3f5857684.html.

with caution. Mere membership in a criminal group or organization is not a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.¹⁶

In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.¹⁷ Where children associated with a gang or other organized criminal group are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not just perpetrators.¹⁸

II. Main Developments in Colombia

A. Background

1) 2016 Peace Agreement with the FARC-EP

The Government and the *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo* (Revolutionary Armed Forces of Colombia – People's Army – FARC-EP) signed a Peace Agreement (*Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*) on 12 November 2016, ending an armed conflict that had lasted over 50 years.¹⁹ About 13,000 FARC-EP combatants demobilized and entered a social reinsertion programme.²⁰ Former combatants also created a political party, the *Fuerza Alternativa Revolucionaria del Común* (Common Alternative Revolutionary Force), which under the Peace Agreement has 10 guaranteed seats in the Congress for two legislative periods until 2026.²¹ In January 2021, the party changed its name to *Partido Comunes* (The Commons).²²

¹⁶ In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5*, 4 September 2003, www.refworld.org/docid/3f5857684.html; and UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

¹⁷ For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

¹⁸ The Paris Principles state: "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles". See UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

¹⁹ Colombia and FARC-EP, *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, 12 November 2016, www.jep.gov.co/Marco%20Normativo/Normativa_v2/01%20ACUERDOS/Texto-Nuevo-Acuerdo-Final.pdf, pp. 1, 6; El País, *Así se negoció la paz con las FARC en Colombia*, 23 July 2018, https://elpais.com/internacional/2018/07/23/colombia/1532308717_696133.html.

²⁰ France 24, *La fragile paz en Colombia: a cuatro años de la firma de los Acuerdos con las FARC*, 16 February 2021, www.france24.com/es/programas/reporteros/20210216-reporteros-acuerdo-paz-farc-colombia; El País, *Así se negoció la paz con las FARC en Colombia*, 23 July 2018, https://elpais.com/internacional/2018/07/23/colombia/1532308717_696133.html.

²¹ International Crisis Group (ICG), *A Fight by Other Means: Keeping the Peace with Colombia's FARC*, 30 November 2021, <https://icg-prod.s3.amazonaws.com/092-a-fight-by-other-means%20%282%29.pdf>, p. ii; El País, *Así se negoció la paz con las FARC en Colombia*, 23 July 2018, https://elpais.com/internacional/2018/07/23/colombia/1532308717_696133.html.

²² Partido Comunes, *Nuestro nuevo nombre es #COMUNES*, 24 January 2021, <https://twitter.com/comunescol/status/1353450506962706432>.

The implementation of the Peace Agreement has faced many challenges, including delays in the implementation of its six components,²³ the killing of former combatants, and the rearming of others.²⁴ According to a report by the Kroc Institute for International Peace Studies, by October 2021, 30 per cent of the 578 initiatives included in the Peace Agreement had been completed, 18 per cent had been partially completed, 37 per cent had started to be implemented, and 15 per cent were still pending.²⁵ The rate of completed initiatives with a focus on ethnic and gender relations was significantly lower than the average as of 2022.²⁶ According to the Office of the Comptroller General, resources assigned to the implementation of the Peace Agreement during the period 2017-2020 represent 65 per cent of the intended target for the first four years, and that at current rates of annual expenditures it would take 26 years to fully implement the Agreement.²⁷

The Victims and Land Restitution Law (Law 1448 of 2011), provides the legal basis for the protection of victims of the armed conflict, outlines assistance and reparation measures, and contains measures to prevent internal displacement and protect and assist IDPs.²⁸ However, the implementation of this Law continues to be slow.²⁹ As of October 2022 courts had issued only 13,507 land restitution rulings on the 142,000 claims that had been filed.³⁰ Law 1448 also creates the Victims Registry (*Registro Único de Víctimas* – RUV), an administrative tool managed by the Unit for the Attention and Comprehensive Reparation of Victims (*Unidad Administrativa para la Atención y Reparación Integral a las Víctimas* – UARIV) to include those who have registered as victims of human rights violations relating to events after 1 January 1985, including victims of internal forced displacement.³¹ Law 1448 was enacted with a validity of ten years and was extended for another ten years in 2021 by means of Law 2078, because its objectives had not been met within the initial deadline.³²

The Peace Agreement included the creation of the *Sistema Integral de Verdad, Justicia, Reparación y No Repetición* (Comprehensive System of Truth, Justice, Reparation and Non-Repetition – SIVJRNR)

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- ²³ The six components of the Peace Agreement are: 1) Comprehensive rural reform, 2) Political participation, 3) End of the conflict, 4) Addressing the problem of illicit drugs, 5) Accord on the victims of the conflict, and 6) Implementation, verification and ratification, including the ethnic chapter. Colombia, Consejería Presidencial para la Estabilización y la Consolidación, *Explicación puntos del acuerdo*, May 2018, <https://portalparalapaz.gov.co/explicacion-puntos-del-acuerdo/>; Colombia, Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición (CEV), *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 632.
- ²⁴ UN Security Council (UNSC), *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 47; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, paras 54-57; Freedom House, *Freedom in the World 2021: Colombia*, 3 March 2021, www.ecoi.net/en/document/2046504.html; ICG, *A Fight by Other Means: Keeping the Peace with Colombia's FARC*, 30 November 2021, <https://icg-prod.s3.amazonaws.com/092-a-fight-by-other-means%20%282%29.pdf>, p. i.
- ²⁵ Kroc Institute for International Peace Studies, *Cinco años de implementación del Acuerdo Final en Colombia: logros, desafíos, y oportunidades para aumentar los niveles de implementación*, Diciembre 2016 - Octubre 2021, 2021, <https://curate.nd.edu/downloads/6108v982w96>, p. 5.
- ²⁶ Ibid., p. 6. "The delay in the implementation of the initiatives focused on ethnicity, where only 13% progress is reported, and in implementation of measures focused on gender, with 12% progress reported, is particularly worrying, as there is a clear gap compared to the pace of implementation of the other measures, which stands at around 30%." (translation by UNHCR). CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 634.
- ²⁷ Colombia, Contraloría General de la República, *Implementación del Acuerdo de Paz se lograría en 26 años, advierte quinto informe de la Contraloría sobre recursos del posconflicto*, 4 August 2021, www.contraloria.gov.co/es/w/Implementaci%C3%B3n-del-acuerdo-de-paz-se-lograr%C3%ADa-en-26-a%C3%B1os-advier-te-quinto-informe-de-la-contralor%C3%ADa-sobre-recursos-del-posconflicto.
- ²⁸ Colombia, *Ley de Víctimas y Restitución de Tierras*, Ley 1448 de 2011, www.suin-juricol.gov.co/viewDocument.asp?ruta=Leyes/1680697; Internal Displacement Monitoring Centre (IDMC), 2021 *Internal Displacement Index Report*, December 2021, www.internal-displacement.org/sites/default/files/publications/documents/IDMC_Internal_Displacement_Index_Report_2021.pdf, p. 63.
- ²⁹ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; Human Rights Watch (HRW), *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html.
- ³⁰ HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html.
- ³¹ Colombia, *Ley 1448 de 2011*, 2011, www.suin-juricol.gov.co/viewDocument.asp?ruta=Leyes/1680697, Article 48; Colombia, *Decreto No. 4800 de 2011*, 2011, www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/decreto4800reglamentarioleyvictimas.pdf, Articles 16-17.
- ³² Deutsche Welle (DW), *Duque prorroga por 10 años Ley de Víctimas y Restitución de Tierras*, 9 January 2021, www.dw.com/es/duque-prorroga-por-10-a%C3%B1os-ley-de-v%C3%ADctimas-y-restituci%C3%B3n-de-tierras/a-56177615; Agencia EFE, *Colombia prorroga por 10 años Ley de víctimas y Restitución de Tierras*, 9 January 2021, www.eltiempo.com/politica/gobierno/colombia-prorroga-por-10-anos-ley-de-victimas-y-restitucion-de-tierras-559635.

to produce a truthful account of the armed conflict and guarantee the rights to truth, justice, reparation and non-repetition to all victims of human rights and international humanitarian law violations.³³ The SIVJNR is made up of the *Jurisdicción Especial para la Paz* (Special Jurisdiction of Peace – JEP), the *Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición* (Commission for the Clarification of Truth, Coexistence and Non-Repetition – CEV), and the *Unidad de Búsqueda de Personas dadas por Desaparecidas en el Contexto y en Razón del Conflicto Armado* (Search Unit for the Disappeared in the Context and Due to the Armed Conflict – UBDP).³⁴ The SIVJNR has made progress towards the fulfilment of its mandate,³⁵ and by late 2021 the JEP and the CEV had gathered "enormous volumes of evidence" through investigations and testimonies from "thousands" of Colombians.³⁶ The JEP investigates crimes directly or indirectly related to the armed conflict, such as forced displacement, regardless of how these crimes are classified under international law. The JEP also investigates crimes committed by third parties and public servants not members of the State security agencies who voluntarily accept the jurisdiction of the JEP. In the case of the FARC-EP and members of State security agencies, their appearance before the JEP is mandatory.³⁷ The JEP has estimated that there are over 332,000 persons who are victims of the armed conflict before the Special Jurisdiction,³⁸ investigated and prosecuted war crimes and crimes against humanity committed by former FARC-EP combatants and current and former army officers, and ordered the Government to protect people at risk, including former FARC-EP combatants, as outlined in the Peace Agreement.³⁹ However, in January 2022 the Constitutional Court ruled that the Government had violated its obligations under the Constitution by failing to provide proper security measures to protect those who entered into the Peace Agreement, their families, and members of the *Partido Comunes*.⁴⁰

In August 2022 the CEV publicly presented its final report, in compliance with its mandate to contribute to the elucidation of what happened in the context of the internal armed conflict.⁴¹ This report provides an explanatory framework of the background and drivers of the conflict in Colombia in recent years.⁴² The report is divided into eleven chapters that include the CEV's message to the country and recommendations for the non-repetition of the events; narratives of the armed conflict; a presentation of the main violations of human rights and international humanitarian law; the collective responsibilities related to these events; the effects on persons of diverse sexual orientations and/or gender identities, gender expression and sex characteristics (LGBTIQ+), ethnic groups, children, adolescents, and

³³ Colombia, *Sistema Integral de Verdad, Justicia, Reparación y No Repetición* (SIVJNR), 2019, www.jep.gov.co/DocumentosJEPWP/3SIVJNR_ES.pdf, pp. 2-5.

³⁴ Ibid. For additional information about these bodies, including their objectives, see Colombia, Ministerio de Justicia, *Sistema Integral de Verdad, Justicia, Reparación y No Repetición*, accessed 30 June 2023, www.minjusticia.gov.co/ojtc/SitePages/victimas/sistema_integral.aspx.

³⁵ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, paras 20-23; Office of the High Commissioner for Human Rights (OHCHR), *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, paras 55-57.

³⁶ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html. The JEP is currently working on ten so-called macro-cases: 1) Hostage-taking and other serious deprivations of liberty committed by the FARC-EP; 2) Territorial situation of Ricaurte, Tumaco and Barbacoas (Nariño); 3) Murders and forced disappearances presented as combat casualties by State agents; 4) Territorial situation in the Urabá region; 5) Territorial situation in the region of northern Cauca and southern Valle del Cauca; 6) Crimes committed against members of the Patriotic Union (*Unión Patriótica*, UP); 7) Recruitment and use of children and adolescents in the armed conflict; 8) Crimes committed by State agents in association with paramilitary groups; 9) Crimes committed against indigenous communities and territories; and 10) Crimes committed by the former FARC-EP in the framework of the Colombian armed conflict that are not eligible for nor subject to amnesty. JEP, *Los casos de la JEP*, accessed 7 July 2023, www.jep.gov.co/Paginas/casos.aspx. By 2 December 2022, about 13,500 people had appeared before the JEP, including 9,837 former members of the FARC-EP, 3,524 members of State security forces, 95 State agents other than State security forces, and 71 civilians. JEP, *Principales estadísticas*, 2 December 2022, www.jep.gov.co/jepcifras/JEP-en-Cifras-diciembre-2-de-2022.pdf.

³⁷ Information available to UNHCR.

³⁸ JEP, *Principales estadísticas*, 30 June 2023, www.jep.gov.co/jepcifras/JEP-en-Cifras-junio-30-2023.pdf, p. 1.

³⁹ HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html. See also, JEP, *JEP ordena nuevas medidas para proteger a los firmantes del Acuerdo de Paz y sus familias*, 20 September 2021, www.jep.gov.co/Sala-de-Prensa/Paginas/JEP-ordena-nuevas-medidas-para-proteger-a-los-firmantes-del-Acuerdo-de-Paz-y-sus-familias.aspx.

⁴⁰ Corte Constitucional, *Sentencia SU020/22*, 27 January 2022, www.corteconstitucional.gov.co/Relatoria/2022/SU020-22.htm.

⁴¹ CEV, *La Comisión de la Verdad presenta a Colombia y al mundo su Informe Final*, 26 June 2022, <https://web.comisiondelaverdad.co/actualidad/noticias/la-comision-verdad-presenta-a-colombia-y-al-mundo-su-informe-final>.

⁴² Ibid.

victims in exile; testimonies of victims and those responsible for human rights violations; and the coping and resistance mechanisms of the population.⁴³

The report states that even though violence related to the internal armed conflict does not persist in the same way as before the signing of the Peace Agreement with the FARC-EP, armed confrontations in some parts of the country continue and "the opportunity opened up by the signing of the Final Peace Agreement to move towards a stable and lasting peace is at risk".⁴⁴ According to the CEV report, "the violence and armed confrontation in some territories had led to an increase in displacement, restrictions on free movement, forced recruitment, landmine incidents, and the killing of social leaders, human rights defenders, and people in the process of reintegration".⁴⁵ In addition, the suspension of talks with the *Ejército de Liberación Nacional* (National Liberation Army – ELN) and "the absence of a security strategy appropriate to the current context and focused on the protection of people" are factors that entail a risk of a new cycle of violence, moving the country away from a durable peace.⁴⁶

A component of the Peace Agreement was the establishment of the *Programa Nacional Integral de Sustitución de Cultivos Ilícitos* (National Comprehensive Programme for the Substitution of Illicit Crops – PNIS).⁴⁷ The PNIS, however, privileges agreements with families over those with communities, and has not provided comprehensive support to ethnic communities participating in the programme.⁴⁸ Also, sources indicate that the PNIS has not been financed properly and the future of the programme is "uncertain".⁴⁹ By December 2020, 99,097 families had registered to obtain support under the PNIS,⁵⁰ and by March 2021 about 68,900 families were receiving PNIS assistance.⁵¹ However, the Government has focused on the implementation of forced eradication campaigns, exposing local communities to further targeting by illegal armed actors.⁵²

⁴³ Ibid.

⁴⁴ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 624 (translation by UNHCR).

⁴⁵ Ibid., p. 624 (translation by UNHCR). The terms "social leader" and "human rights defender" are sometimes used interchangeably by sources. As noted in footnote 267, for the purposes of this document, the term "human rights defender" is interpreted to include the concept of "social leader", as defined by OHCHR and based on the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, 9 December 1998, www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and.

⁴⁶ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 624 (translation by UNHCR).

⁴⁷ The ICG indicates that "[w]ith the FARC's initial involvement, and with the UN Office on Drugs and Crime (UNODC) undertaking verification, the program pledged a series of monetary and technical incentives to help farmers forsake coca. Farmers were asked to eradicate their crops in exchange for a year's worth of monthly food subsidies (totalling \$3,400 at the current exchange rate), an injection of cash for subsistence crops and livestock (\$500) and, lastly, short-term support for a new livelihood project (\$2,560) with technical assistance (\$900), followed up by a longer-term investment (up to \$2,900)". ICG, *Deeply Rooted: Coca Eradication and Violence in Colombia*, 26 February 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/87-deeply-rooted-coca-eradication-and-violence-colombia.

⁴⁸ Colombia, Comisión de Seguimiento y Monitoreo a la Implementación del Decreto Ley 4633 de 2011, *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para las víctimas del conflicto armado de los pueblos indígenas*, 20 August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3559.pdf>, p. 30.

⁴⁹ CINEP, *La muerte lenta del PNIS en el Gobierno Duque*, Vol. 101: January-April 2021, www.revistacienciadecinep.com/home/la-muerte-lenta-del-pnis-en-el-gobierno-duque/. See also, Friedrich Ebert Stiftung, *PNIS, un programa ejecutado a cuentagotas*, November 2021, <https://library.fes.de/pdf-files/bueros/kolumbien/18632.pdf>, p. 10.

⁵⁰ Friedrich Ebert Stiftung, *PNIS, un programa ejecutado a cuentagotas*, November 2021, <https://library.fes.de/pdf-files/bueros/kolumbien/18632.pdf>, p. 5; Colombia, Comisión de Seguimiento y Monitoreo a la Implementación del Decreto Ley 4633 de 2011, *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para las víctimas del conflicto armado de los pueblos indígenas*, 20 August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3559.pdf>, p. 30.

⁵¹ Friedrich Ebert Stiftung, *PNIS, un programa ejecutado a cuentagotas*, November 2021, <https://library.fes.de/pdf-files/bueros/kolumbien/18632.pdf>, p. 5.

⁵² ICG, *Deeply Rooted: Coca Eradication and Violence in Colombia*, 26 February 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/87-deeply-rooted-coca-eradication-and-violence-colombia; Dejusticia, *Solicitamos al Gobierno suspender los operativos de erradicación forzada durante la contingencia del COVID-19*, 31 March 2020, www.dejusticia.org/solicitamos-al-gobierno-suspende-los-operativos-de-erradicacion-forzada-durante-la-contingencia-del-covid-19/.

2) Peace Negotiations with the ELN

The Government of Juan Manuel Santos (2010-2018) initiated peace negotiations with the *Ejército Nacional de Liberación* (National Liberation Army – ELN) in Quito, Ecuador, in February 2017.⁵³ Incoming President Duque made the continuation of the peace talks conditional on the ELN stopping kidnapping and releasing those who had been kidnapped and were held by the ELN, which the ELN refused.⁵⁴ In January 2019, the ELN activated a car bomb inside a military academy in Bogotá that killed 22 people and injured several others.⁵⁵ In response, President Duque suspended the peace negotiations and reactivated the arrest warrants against the ELN's leaders, and refused to conduct further negotiations for the remainder of his term.⁵⁶

In June 2023, talks resulted in a 6-month ceasefire between the government and the ELN, effective as of August 3.⁵⁷

3) Current Situation of Conflict and Violence in Colombia

In 2019, the Government insisted that there was no internal armed conflict in the country.⁵⁸ However, in March 2023 the International Committee of the Red Cross (ICRC) identified seven non-international armed conflicts in Colombia: a conflict between the Government and the ELN; a conflict between the government and the *Autodefensas Gaitanistas de Colombia* (Gaitanist Self-Defence Forces of Colombia – AGC); a conflict between the Government and post-FARC-EP irregular armed groups; a conflict between the ELN and the AGC; a conflict between post-FARC-EP irregular armed groups and *Segunda Marquetalia*; a conflict between post-FARC-EP irregular armed groups and *Comandos de la Frontera*; and a conflict between post-FARC-EP irregular armed groups.⁵⁹

Violence in Colombia continues to be widespread, with an intensification in various parts of the country due to disputes among irregular armed actors over territories vacated by the former FARC-EP, with

⁵³ Colombia Reports, *Colombia's 2017 Peace Talks with ELN – Fact Sheet*, 7 August 2022, <https://colombiareports.com/colombias-2017-peace-talks-eln-fact-sheet/>.

⁵⁴ DW, *Gobierno de Duque suspendería órdenes de extradición de ELN, si se abre negociación de paz*, 11 May 2021, www.dw.com/es/gobierno-de-duque-suspender%C3%ADa-%C3%B3rdenes-de-extradici%C3%B3n-de-eln-si-se-abre-negociaci%C3%B3n-de-paz/a-57500868; El País, *Duque da por terminada la negociación con el ELN y pide a Cuba que detenga a su cúpula*, 19 January 2019, https://elpais.com/internacional/2019/01/19/colombia/1547858528_303881.html.

⁵⁵ Fundación Paz y Reconciliación (Pares), *Duque rompe negociaciones con el ELN*, 19 January 2019, www.pares.com.co/post/duque-rompe-negociaciones-con-el-eln; DW, *Gobierno de Duque suspendería órdenes de extradición de ELN, si se abre negociación de paz*, 11 May 2021, www.dw.com/es/gobierno-de-duque-suspender%C3%ADa-%C3%B3rdenes-de-extradici%C3%B3n-de-eln-si-se-abre-negociaci%C3%B3n-de-paz/a-57500868.

⁵⁶ El Espectador, *Duque desmiente que Gobierno estuviera explorando negociaciones con Eln*, 24 November 2021, www.elespectador.com/politica/duque-desmiente-que-gobierno-estuviera-explorando-negociaciones-con-eln/; Semana, *Alto comisionado de paz responde un contundente "no" a las negociaciones con el ELN*, 22 December 2021, www.semana.com/nacion/articulo/alto-comisionado-de-paz-responde-un-contundente-no-a-las-negociaciones-con-el-eln/202130/.

⁵⁷ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 4.

⁵⁸ Colombia, Consejería Presidencial para los Derechos Humanos y Asuntos Internacionales, *Intervención del Consejero Francisco Barbosa en la Sesión Ordinaria del Consejo de Derechos Humanos*, 27 February 2019, www.derechoshumanos.gov.co/Prensa/2019/Paginas/Intervenci%C3%B3n-del-Consejero-Francisco-Barbosa-en-la-Sesi%C3%B3n-Ordinaria-del-Consejo-de-Derechos-Humanos.aspx.

⁵⁹ ICRC, *Humanitarian Challenges 2023: Colombia*, 8 March 2023, www.icrc.org/en/download/file/265393/colombia_humanitarian_challenges_2023.pdf, p. 5. For information about the *Segunda Marquetalia*, see Insight Crime, *Second Marquetalia*, 5 July 2022, <https://insightcrime.org/colombia-organized-crime-news/segunda-marquetalia/>. For information on the *Comandos de la Frontera*, see for example, El Espectador, *¿Qué son los Comandos de la Frontera?*, 17 April 2022, www.elespectador.com/colombia-20/conflicto/comandos-de-frontera-los-disidentes-de-las-farc-en-el-putumayo/.

different groups seeking greater territorial and social control.⁶⁰ OHCHR noted in July 2022 that over the preceding two years, irregular armed actors and criminal organizations, often involved in illicit activities such as drug-trafficking and illegal mining, had expanded their presence in various regions of Colombia.⁶¹ The rising levels of violence perpetrated by these groups and criminal organizations in rural areas are having a devastating impact on the population, particularly on women and children, indigenous peoples, Afro-Colombian populations, community leaders, and human rights defenders.⁶²

Irregular armed actors doubled their territorial presence between 2018 and 2020,⁶³ particularly in areas identified for development programmes.⁶⁴ According to the *Fundación Ideas para la Paz* (Ideas for Peace Foundation – FIP), armed actions carried out by irregular armed actors decreased from 241 in 2015 to 170 in 2016, then increased for four years in a row to 208 in 2017, 215 in 2018, 269 in 2019, and a peak of 365 in 2020, before decreasing to 312 in 2021.⁶⁵ In 2021, about 61 per cent of armed actions by irregular armed actors against State security forces took place in Catatumbo (24 per cent), Arauca (21 per cent), and northern Cauca (16 per cent).⁶⁶ Between 2019 and 2021, of all armed confrontations among irregular armed actors, most (35 per cent) took place in central-south Cauca, between the ELN and post-FARC-EP irregular armed groups; 29 per cent took place in Norte de Santander, between the ELN and organized criminal groups; and 19 per cent took place in Chocó, between the ELN and the AGC.⁶⁷

⁶⁰ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, paras 41-42; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; Fundación Ideas para la Paz (FIP), *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, p. 8; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 197-199; Instituto de Estudios para el Desarrollo y la Paz (Indepaz), *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 13.

⁶¹ OHCHR, *Territorial Violence in Colombia: Recommendations for the New Government*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, p. 3. See also, UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 122; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 33.

⁶² OHCHR, *Territorial Violence in Colombia: Recommendations for the New Government*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, pp. 5, 10-11, 13-16.

⁶³ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 4. The Pares report notes that post-FARC-EP irregular armed groups went from operating in 56 municipalities in 2018 to 113 by August 2020, while the ELN went from operating in 99 municipalities in 2018 to more than 160 in 2020. *Ibid.*, p. 5. According to the CEV final report, "[t]he prolonged duration of the internal armed conflict in Colombia has fostered the continuous movement of combatants between groups on the same or opposing sides, which has given rise to the construction of identities and social relations around the 'trade of war', which results in a process of 'recycling' the experiences of war. These dynamics have even led to new retaliations and the recycling of violence. [...] This is added to the great difficulties in the routes of reintegration of ex-combatants that, despite institutional support, do not make it easier for ex-paramilitaries to integrate into society in fields other than as combatants and do not guarantee their employment formalization, social insertion and not even their own lives. The lack of reintegration guarantees and differentiated programmes weakens peace processes and fuels new cycles of violence." CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 309 (translation by UNHCR).

⁶⁴ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 8; Pares, *Radiografía de la ominosa presencia de los carteles mexicanos*, 10 June 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_1249ee35717d47deac2f228fa2cd961c.pdf, p. 4.

⁶⁵ FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, p. 8.

⁶⁶ *Ibid.*, p. 9.

⁶⁷ *Ibid.*, p. 9.

Since the signing of the 2016 Peace Agreement with the FARC-EP, violence against human rights defenders has increased.⁶⁸ In 2022, OHCHR verified 116 killings of human rights defenders.⁶⁹ In 2021, OHCHR verified the killing of 100 human rights defenders.⁷⁰ Most incidents have taken place in areas with the presence of illicit economies or with high levels of poverty,⁷¹ or in municipalities identified for development projects.⁷² Former combatants of the FARC-EP are also targeted by irregular armed actors, particularly in municipalities identified for development projects.⁷³

The number of massacres of civilians has also increased since 2018; the most affected departments are Antioquia, Cauca, Nariño and Valle del Cauca.⁷⁴ According to the June 2022 CEV final report, the dispute among irregular armed actors over territories formerly controlled by the FARC-EP has contributed to the increase in the number of massacres.⁷⁵ According to FIP, there are several motives behind such massacres, including to displace populations, dispute territories, or displace an enemy from their territory by committing a massacre to force the presence of State security forces.⁷⁶ FIP reports that the number of massacres increased from 38 in 2016, to 61 in 2017, 70 in 2018, 114 in 2019, 162

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- ⁶⁸ HRW, *Colombia: Protection Gaps Endanger Rights Defenders*, 10 February 2021, www.hrw.org/news/2021/02/10/colombia-protection-gaps-endanger-rights-defenders; Pares, Observatorio para la Defensa de la Vida (ODEVIDA) and Programa Venezolano de Educación Acción en Derechos Humanos (PROVEA), *El aire huele a mal: situación de personas defensoras del ambiente y el territorio en Colombia y Venezuela*, 9 December 2021, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_e6d4a0a6ef4841e7ad4467ba90be08fe.pdf, p. 36.
- ⁶⁹ "El ACNUDH recibió 256 alegaciones de homicidios de personas defensoras de derechos humanos, de las cuales verificó que en 116 existía un vínculo entre su muerte y su labor en defensa de los derechos humanos, y que 140 no fueron concluyentes." OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 61. See also, OHCHR, *Violencia Territorial en Colombia: Recomendaciones para el Nuevo Gobierno*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, p. 14.
- ⁷⁰ OHCHR, *Violencia Territorial en Colombia: Recomendaciones para el Nuevo Gobierno*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, p. 14.
- ⁷¹ OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, paras 62-65; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 27; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, https://digitallibrary.un.org/record/3907554/files/A_HRC_46_76-EN.pdf, para. 6. See also, Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf. In 2023, "the Office of the Ombudsman issued a national early warning on specific risks for social leaders and human rights defenders, including those related to conflict-related sexual violence. According to the Office, between September 2019 and December 2022, there were 2,974 incidents of violence against human rights defenders and social leaders, including killings, forced displacement and threats in 510 of the country's more than 1,100 municipalities." UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 53. See also, UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 6.
- ⁷² UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 8. See also, Infobae, "Quieren amilanar nuestros sueños", *excombatiente luego de ataque a proyecto productivo en Bogotá*, 10 February 2022, www.infobae.com/america/colombia/2022/02/11/quieren-amilanar-nuestros-suenos-excombatiente-luego-de-ataque-a-proyecto-productivo-en-bogota/.
- ⁷³ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, paras 47-48; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 8. See also, Infobae, "Quieren amilanar nuestros sueños", *excombatiente luego de ataque a proyecto productivo en Bogotá*, 10 February 2022, www.infobae.com/america/colombia/2022/02/11/quieren-amilanar-nuestros-suenos-excombatiente-luego-de-ataque-a-proyecto-productivo-en-bogota/; FIP, *Las trayectorias de la reincorporación y la seguridad de los excombatientes de las FARC: Riesgos, respuestas del Estado y tareas pendientes*, August 2019, https://ideaspaz.org/media/website/FIP_NE_TrayectoriasFarc_Final_V02.pdf, pp. 15-22.
- ⁷⁴ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 41; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 129-130.
- ⁷⁵ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 130.
- ⁷⁶ FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, pp. 31, 33, 49.

in 2020, and 144 in 2021.⁷⁷ OHCHR verified 92 massacres during 2022 with 321 victims.⁷⁸ Several massacres and homicides that took place in 2020 occurred despite the identification of these risks through the Early Warning System (*Sistema de Alertas Tempranas* – SAT⁷⁹) of the Office of the Ombudsperson (*Defensoría del Pueblo*).⁸⁰

Cases of forced confinement⁸¹ have similarly increased.⁸² UNHCR recorded 76 confinements affecting 69,881 people in 2022, a 16 per cent increase from 2021.⁸³ Between January and November 2021, OCHA reported 56 cases of forced confinement affecting 57,787 persons, an increase of 41 per cent compared to 2020.⁸⁴ Most cases of confinement in 2021 took place due to threats by irregular armed actors to impose social control, or to facilitate the commission of illicit activities, including drug trafficking; when communities got caught in the cross fire during armed confrontations among irregular

⁷⁷ Ibid., p. 33. The *Instituto de Estudios para el Desarrollo y la Paz* (Institute for Development and Peace Studies – Indepaz) defines "massacre" as the simultaneous intentional homicide of three or more persons protected under international humanitarian law. Indepaz reported that 91 massacres were committed in 2020 with 313 victims, and 88 massacres in 2021 with 313 victims. Indepaz collected the data from news articles and information provided by NGOs, the media, and authorities. Indepaz, *Masacres en Colombia durante el 2020, 2021 y 2022*, 12 November 2021, <https://indepaz.org.co/informe-de-masacres-en-colombia-durante-el-2020-2021/>.

⁷⁸ OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 41. See also, Pares, *Total massacres cometidas en Colombia año 2022*, accessed 7 July 2023, <https://public.tableau.com/app/profile/fundacion.paz.y.reconciliacion/viz/TotalmasacrescometidasenColombiaaao2022/AnalisisGeneralImagen>. Between January and May 2023, OHCHR "registered 22 massacres, of which 7 were verified, 12 were under verification and 3 were inconclusive." UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 44.

⁷⁹ "The Early Warning System (SAT) is the instrument through which the Office of the Ombudsperson monitors and warns about situations of risk, threat and vulnerability of the civilian population caused by the conflict or violence in order to warn the authorities about possible violations of human rights and international humanitarian law." (translation by UNHCR) Colombia, *Defensoría del Pueblo, ¿Qué es el sistema de alertas tempranas de la defensoría del pueblo?*, 2019, <https://cej.org.co/wp-content/uploads/2019/12/Sistema-de-Alertas-Tempranas.pdf>, p. 1.

⁸⁰ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, https://digitallibrary.un.org/record/3907554/files/A_HRC_46_76-EN.pdf, para. 13; Radio Nacional de Colombia, *El 70% de las masacres han tenido alerta temprana de la Defensoría: Indepaz*, 5 October 2020, www.radionacional.co/actualidad/el-70-de-las-masacres-han-tenido-alerta-temprana-de-la-defensoria-indepaz; La Vanguardia, *Las masacres se recrudecen en Colombia pese a alertas tempranas de Defensoría*, 8 September 2020, www.lavanguardia.com/internacional/20200908/483383013620/las-masacres-se-recrudecen-en-colombia-pese-a-alertas-tempranas-de-defensoria.html.

⁸¹ The UARIV defines "confinement" as "[t]he violation of fundamental rights and a serious infraction of international humanitarian law, produced by restrictions of free movement (or locomotion) of the civilian population, which may also lead to the loss of the ability to generate economic income that is essential for survival, as a consequence of the presence and actions of outlawed armed groups in a given territory and/or military, economic, political, cultural or social interventions carried out by these groups. Colombia, UARIV, *Informe analítico sobre la medición de indicadores de goce efectivo de derecho de la población desplazada*, 2020, <https://docplayer.es/19147840-Informe-analitico-sobre-la-medicion-de-indicadores-de-goce-efectivo-de-derecho-de-la-poblacion-desplazada.html>, p. 127 (footnote 20).

⁸² UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, para. 51; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 172-173, 624; Colombia, *Defensoría del Pueblo, Defensoría alerta ante el aumento de eventos de desplazamiento masivo y confinamiento de comunidades*, 13 July 2021, www.defensoria.gov.co/-/defensor%C3%ADa-alerta-ante-el-aumento-de-eventos-de-desplazamiento-masivo-y-confinamiento-de-comunidades.

⁸³ "From January to December [2022], seventy-six (76) confinements occurred affecting 69,881 people (10,060 families) in areas monitored by UNHCR. This represents a 16% increase in the number of affected people compared to the same period in 2021. [...] The number of people affected by confinements reached its highest point in 2022 since UNHCR started monitoring confinements." UNHCR, *Colombia: Confinements*, 8 March 2023, <https://data2.unhcr.org/en/documents/details/99407>, p. 1. See also, OCHA, *Colombia: Impacto y tendencias humanitarias entre enero y mayo de 2022*, 23 June 2022, www.humanitarianresponse.info/en/operations/colombia/infographic/colombia-impacto-y-tendencias-humanitarias-entre-enero-y-mayo-de, p. 4. From January to May, UNHCR estimated that 24,300 persons had been confined. UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 18. OCHA recorded confinement during the same time period in "14 departments and 38 municipalities, mainly in Arauca, Bolívar, Cauca, Chocó, Nariño and Valle del Cauca Departments." UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 44.

⁸⁴ OCHA, *Colombia: Impacto y tendencias humanitarias entre enero y noviembre de 2021*, 30 December 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20211228_infografia_impacto_tendencia_humanitaria_nov_2021_vf_0.pdf, p. 1. See also, UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 9. Between 2014 and 2017, a total of 23,175 victims of confinement were registered in the country. OCHA, *Nota Metodológica: Estimación de víctimas de confinamiento*, 3 March 2020, https://reliefweb.int/attachments/e0eb715f-4452-300a-a6ab-a1bb20e8256f/nota_metodologica_-_estimacion_victimas_confinamiento_-_pin_2020.pdf, p. 1.

armed actors; or due to the presence of anti-personnel mines.⁸⁵ The departments most affected by antipersonnel mines and unexploded ordnance in 2021 were Nariño (36 per cent of incidents), Cauca (13 per cent), Norte de Santander (11 per cent), and Chocó (10 per cent).⁸⁶ OCHA indicated that the populations most affected by confinements in 2021 were indigenous persons (78 per cent) and Afro-Colombian communities (18 per cent).⁸⁷

The COVID-19 pandemic exacerbated the risks in communities across the country as irregular armed actors increased violent actions to exert territorial control, including targeted killings, intimidation, forced disappearances, large-scale forced displacement, confinements, attacks against medical missions, antipersonnel mines, and restrictions on freedom of movement that affected the ability of victims to seek assistance or recourse.⁸⁸

On 28 April 2021, mass demonstrations took place in the country to protest two legislative projects to reform income-tax law and the provision of health care.⁸⁹ Subsequent protests also focused on other grievances such as wealth distribution, poverty, access to economic rights, violence, impunity, and gender and racial discrimination.⁹⁰ These protests were considered the largest in Colombia's recent history.⁹¹ The Government registered 12,478 demonstrations between 28 April and 4 June 2021.⁹² During the State response to the protests, there were reports of forced disappearances, sexual violence,

⁸⁵ OCHA, *Colombia: Impacto y tendencias humanitarias entre enero y noviembre de 2021*, 30 December 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20211228_infografia_impacto_tendencia_humanitaria_nov_2021_vf_0.pdf, p. 1. See also, CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 172-173. In 2022, people were confined due to "[f]ears of antipersonnel landmines, threats by armed groups, and the hazards of crossfire". HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html.

⁸⁶ FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Informe_NiPazNiGuerra.pdf, p. 36. "Colombia remains one of the countries most affected by the presence of explosive ordnance. Between January and November 2022, the National Mine Action Authority recorded 104 victims (98 survivors and 6 fatalities), including eight children and 26 members of ethnic minorities, compared with 157 in 2021." UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, para. 52.

⁸⁷ OCHA, *Colombia: Impacto y tendencias humanitarias entre enero y noviembre de 2021*, 30 December 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20211228_infografia_impacto_tendencia_humanitaria_nov_2021_vf_0.pdf, p. 1. See also, UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, para. 51.

⁸⁸ Centro de Investigación y Educación Popular (CINEP), *Lo que esconde la pandemia ¿En (E)estado de guerra?*, April 2021, www.revistacienciasnep.com/home/lo-que-esconde-la-pandemia-en-eestado-de-guerra/; ICRC, *Retos humanitarios 2021: Colombia*, February 2021, www.icrc.org/sites/default/files/wysiwyg/Gaby/Colombia/retos_humanitarios_colombia_2021.pdf. See also, Verdad Abierta, *Covid-19 en Cauca: panorama de dos años de pandemia*, 20 February 2022, <https://verdadabierta.com/covid-19-en-cauca-panorama-de-dos-anos-de-pandemia/>.

⁸⁹ IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, paras 2, 22; France 24, *La caída de la reforma a la Salud, el nuevo triunfo de las protestas en Colombia*, 19 May 2021, www.france24.com/es/am%C3%A9rica-latina/20210519-reforma-salud-paro-nacional-colombia. According to the ICG, social protests are common in Colombia, with unions, peasants, students, and left-leaning movements being the most active at protesting government policies or using demonstrations to press their demands on governments. The 2021 protests came after the mass protests of 2019 were unions and students marched to demand improvements in State social support, access to education and employment opportunities. These protests waned when the COVID-19 pandemic hit in March 2020, with a flare in tensions in September 2020 when the police was filmed beating a civilian who later died of his injuries. The 2021 protests, however, stand out as people from diverse urban and rural areas joined the demonstrations. ICG, *The Pandemic Strikes: Responding to Colombia's Mass Protests*, 2 July 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/090-pandemic-strikes-responding-colombias-mass-protests.

⁹⁰ IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, para. 2; ICG, *The Pandemic Strikes: Responding to Colombia's Mass Protests*, 2 July 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/090-pandemic-strikes-responding-colombias-mass-protests. See also, Amnesty International, *Colombia: Represión violenta, paramilitarismo urbano, detenciones ilegales y torturas contra manifestantes pacíficos en Cali*, 30 July 2021, www.amnesty.org/es/latest/news/2021/07/colombia-represion-violenta-contra-manifestantes-pacificos-cali/; BBC, *3 factores para entender las protestas en Colombia y la indignación contra la reforma tributaria*, 29 April 2021, www.bbc.com/mundo/noticias-america-latina-56932013.

⁹¹ France 24, *28 de abril de 2021: una fecha que sacudió la historia reciente de Colombia*, 29 April 2022, www.france24.com/es/am%C3%A9rica-latina/20220429-aniversario-protestas-pano-nacional-colombia; ICG, *The Pandemic Strikes: Responding to Colombia's Mass Protests*, 2 July 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/090-pandemic-strikes-responding-colombias-mass-protests.

⁹² IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, para. 25.

attacks against journalists and medical responders, and arbitrary detentions.⁹³ The number of victims vary according to the source, with the Government indicating that by 24 June 2021, 54 people were killed, 1,140 injured, and 84 disappeared, while local NGOs reported around 4,600 cases of police violence and 84 persons killed.⁹⁴

4) 2022 Parliamentary and Presidential Elections

In the months leading up to the March 2022 parliamentary elections, candidates of political parties across the political spectrum faced sustained levels of targeted violence.⁹⁵ According to the UN Verification Mission in Colombia, violence against political leaders increased in the first half of 2021 by 15.7 per cent compared to the same period in 2020.⁹⁶ According to a September 2021 report by the UN Verification Mission in Colombia, 54 per cent of the killings of social and political leaders between June and September 2021 took place in electoral districts identified as "special transitional districts for peace" (*Circunscripciones Transitorias Especiales de Paz*, or CITREP).⁹⁷ The CITREPs faced security threats and challenges to political participation due to armed confrontations among armed actors.⁹⁸ According to the Electoral Observation Mission, a platform of civil society organizations that promotes civil and political rights, out of the 167 municipalities covered under the CITREPs, the risk level in 43 was "very high", in 44 it was "high", and in 10 it was "medium".⁹⁹ Areas with "very high" risk included the lower Cauca River in Antioquia (9 municipalities); the border area between Nariño, Cauca and Valle del Cauca (6); and Catatumbo in Norte de Santander (5).¹⁰⁰ A European Union election observation mission reported instances of infiltration of political parties, vote-buying, security issues, and the presence of irregular armed actors in municipalities covered under the CITREPs.¹⁰¹

⁹³ Colombia, Defensoría del Pueblo, *Informe defensorial visita CIDH Colombia protesta social abril-junio 2021*, 2021, <https://protesta.defensoria.gov.co/assets/informe-visita-cidh.pdf>, p. 30; IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, para. 4.

⁹⁴ IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, paras 35-37.

⁹⁵ El País, *Los riesgos que enfrentan las circunscripciones de paz de cara a las elecciones en marzo*, 25 February 2022, www.elpais.com.co/politica/los-riesgos-que-enfrentan-las-circunscripciones-de-paz-de-cara-a-las-elecciones-en-marzo.html; El Espectador, *Cobros de pólizas y amenazas: los obstáculos para los candidatos a curules de paz*, 12 January 2022, www.elespectador.com/colombia-20/conflicto/cobros-de-polizas-y-amenazas-los-obstaculos-absurdos-para-los-candidatos-a-las-curules-de-paz/; El Colombiano, *Denuncian amenazas a Gustavo Petro, Francia Márquez y miembros del Pacto Histórico*, 4 December 2021, www.elcolombiano.com/colombia/politica/amenazas-a-gustavo-petro-francia-marquez-y-miembros-del-pacto-historico-HH16116375. See also, Misión de Observación Electoral (MOE), *El 58% de los municipios de las Circunscripciones Transitorias Especiales de Paz presentan algún nivel de riesgo electoral*, 21 October 2021, www.moe.org.co/el-58-de-los-municipios-de-las-circunscripciones-transitorias-especiales-de-paz-presentan-algun-nivel-de-riesgo-electoral/.

⁹⁶ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 19.

⁹⁷ Ibid. The CITREP are part of the implementation of the 2016 Peace Agreement between the Government and the FARC-EP. The 16 CITREP seats seek to promote the political representation of marginalized areas affected by the conflict. Colombia, Registraduría Nacional del Estado Civil, *Circunscripciones Transitorias Especiales de Paz, CITREPS: Análisis y descripción*, December 2017, www.registraduria.gov.co/IMG/pdf/Circunscripciones_transitorias_especiales.pdf, p. 7.

⁹⁸ El País, *Los riesgos que enfrentan las circunscripciones de paz de cara a las elecciones en marzo*, 25 February 2022, www.elpais.com.co/politica/los-riesgos-que-enfrentan-las-circunscripciones-de-paz-de-cara-a-las-elecciones-en-marzo.html; FIP, *Análisis FIP - ¿La mala hora de las Curules de Paz?: escenarios de riesgo y acciones prioritarias*, 16 February 2022, www.ideaspaz.org/publications/posts/2129.

⁹⁹ MOE, *El 58% de los municipios de las Circunscripciones Transitorias Especiales de Paz presentan algún nivel de riesgo electoral*, 24 January 2022, www.moe.org.co/el-58-de-los-municipios-de-las-circunscripciones-transitorias-especiales-de-paz-presentan-algun-nivel-de-riesgo-electoral/.

¹⁰⁰ Ibid.

¹⁰¹ Infobae, *Unión Europea y MOE reportaron casos de compra de votos en las pasadas elecciones en Colombia*, 16 March 2022, www.infobae.com/america/colombia/2022/03/16/union-europea-y-moe-reportaron-casos-de-compra-de-votos-en-las-pasadas-elecciones-en-colombia/; Caracol, *MOE de la Unión Europea registró numerosos indicios de compra de votos*, 15 March 2022, https://caracol.com.co/radio/2022/03/15/politica/1647374915_355411.html.

In the run-up to the first round of the presidential elections on 29 May 2022, some candidates received threats to their lives.¹⁰² In the runoff on 19 June 2022, Gustavo Petro was elected President of Colombia; he was inaugurated on 7 August 2022.¹⁰³

B. Irregular Armed Actors¹⁰⁴

Irregular armed actors continue to operate in the country.¹⁰⁵ They have been accused of abuses and violent crimes such as extrajudicial executions, unlawful killings, sexual violence, use of antipersonnel mines, restrictions on freedom of movement, confinement of communities, recruitment of child soldiers, forced disappearances, bombings, threats, forced displacement, extortion, kidnapping, torture, human trafficking, and illegal mining.¹⁰⁶ Irregular armed actors are reported to exercise various forms of control over civilian populations in territories under their control, including by means of curfews, confinements of communities and other restrictions on freedom of movement, regulation of economic activities, control over telecommunications, and restrictions on permissible types of clothing.¹⁰⁷ It is not always clear to inhabitants what rules they are expected to comply with, while in some cases these irregular armed actors use violent methods to enforce their rules, including threats, forced labour, murder, and forcing

- ¹⁰² El Espectador, *Rodolfo Hernández dice que no volverá a Colombia por amenazas en su contra*, 9 June 2022, www.elespectador.com/politica/elecciones-colombia-2022/rodolfo-hernandez-dice-que-no-volvera-a-colombia-por-amenazas-en-su-contra/; Europa Press, *El Gobierno de Colombia refuerza la seguridad del candidato a la Presidencia 'Fico' tras recibir amenazas*, 18 May 2022, www.europapress.es/internacional/noticia-gobierno-colombia-refuerza-seguridad-candidato-presidencia-fico-recibir-amenazas-20220518170817.html; Diario Las Américas, *Amenazan de muerte al candidato presidencial Federico Gutiérrez*, 15 May 2022, www.diariolasamericas.com/americas-latina/amenazan-muerte-al-candidato-presidencial-federico-gutierrez-n4249114; DW, *Amenazas a candidatos en Colombia: ¿regresa el miedo a las campañas presidenciales?*, 4 May 2022, www.dw.com/es/amenazas-a-candidatos-en-colombia-regresa-el-miedo-a-las-campa%C3%B1as-presidenciales/a-61678778.
- ¹⁰³ DW, *Colombia: Gustavo Petro Sworn in as First Leftist President*, 7 August 2022, www.dw.com/en/colombia-gustavo-petro-sworn-in-as-first-leftist-president/a-62734376; El Espectador, *Gustavo Petro, la ciencia y la tecnología. ¿Qué propuso el presidente electo?*, 20 June 2022, www.elespectador.com/ciencia/estas-son-las-propuestas-de-ciencia-y-tecnologia-de-gustavo-petro/; El Colombiano, *Los cuatro ejes claves del discurso de Gustavo Petro*, 20 June 2022, www.elcolombiano.com/colombia/politica/estos-fueron-los-cuatro-puntos-claves-del-discurso-de-gustavo-petro-DK17846126.
- ¹⁰⁴ Against the background of the fluid nature of the conflict in Colombia, it should be noted that the names and composition of irregular armed actors have tended to change over time. For example, certain elements of an armed actor may be absorbed into other groups with different names; branches of irregular armed groups are created or dismantled; and new generations of irregular armed groups adopt the names, activities and/or combatants of other and/or older structures. Although this document uses the common names of irregular armed groups and their branches as reported by sources, these actors may have used other names depending on the context, the source, and the time of reporting. See, New York Times, *En lo profundo de Colombia, una nueva generación de combatientes se enfrenta por lo mismo: el control del tráfico de drogas*, 20 April 2022, www.nytimes.com/es/2022/04/20/espanol/colombia-grupos-armados.html; BBC, *Colombia: quiénes son y cuánto poder tienen los grupos que se resisten a la paz*, 12 October 2021, www.bbc.com/mundo/noticias-america-latina-58757536.
- ¹⁰⁵ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 42; US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; UNSC, *Security Council Press Statement on Colombia*, SC/14978, 22 July 2022, <https://press.un.org/en/2022/sc14978.doc.htm>; New York Times, *En lo profundo de Colombia, una nueva generación de combatientes se enfrenta por lo mismo: el control del tráfico de drogas*, 20 April 2022, www.nytimes.com/es/2022/04/20/espanol/colombia-grupos-armados.html; IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, para. 6.
- ¹⁰⁶ ICRC, *Retos humanitarios 2023: Colombia*, 22 March 2023, www.icrc.org/es/download/file/263578/colombia_retos_humanitarios_2023.pdf; US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfzfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 20.
- ¹⁰⁷ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 214, 244-249, 556; HRW, *"The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 24; Information available to UNHCR. "These groups and organizations maintain a presence in several territories and exercise control over the population using coercion, intimidation, violence and threats to counter the opposition to the development of their activities. In addition to acts of sexual violence, killings and disappearances, in several territories the groups extort, control or limit the mobility of the population and its productive activities. In some places, such groups seem to supplant State functions, regulating aspects of community life and making decisions on family issues or delivering 'justice'." OHCHR, *Situation of Human Rights in Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-Unofficial-translation-EN.pdf, paras 8-9.

populations into displacement.¹⁰⁸ The imposition of control over civilian populations by irregular armed actors is facilitated in large part by the absence of the State in these territories.¹⁰⁹ The decrease of violence in some of these areas is reportedly due to the consolidation of territorial control by an irregular armed actor.¹¹⁰ However, territorial control by an irregular armed actor often leads to elevated levels of targeting of persons of specific profiles such as human rights defenders and persons of diverse sexual orientations and/or gender identities (LGBTQ+).¹¹¹ Afro-Colombians, indigenous persons, Venezuelan migrants, and persons living in marginalized urban areas are targeted in particular for forced labour and forced recruitment by irregular armed actors.¹¹²

Irregular armed actors engage in armed confrontations with criminal groups for control over areas where previously the FARC-EP had influence or a presence.¹¹³ Conflict dynamics over territory depend also on the licit and illicit economic activities in the area, whether there is a strong presence of civil society organizations, and the degree to which the State is present.¹¹⁴ These dynamics can be highly unstable, and can be affected by changes in the leadership of irregular armed actors, the establishment of alliances and agreements for the distribution of illegal revenues, and the emergence of new conflicts.¹¹⁵ Areas in dispute, including coastal ports, are of strategic interest for trafficking of drugs and weapons, and for illegal mining.¹¹⁶ Conflict areas identified by sources include northern Antioquia, southern Córdoba, and southern Bolívar; Urabá region in Antioquia and Chocó; the Pacific coast; northern Cauca and southern Valle del Cauca; Tumaco; Nariño and Cauca Pacific coasts; lower Putumayo; Catatumbo in Northern Santander, and southern Cesar; and Algeciras in Huila, north-western Caquetá, and

¹⁰⁸ fCEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 244-249; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 28; HRW, "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 24.

¹⁰⁹ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, para. 50; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 209, 214.

¹¹⁰ ICG, *Tackling Colombia's Next Generation in Arms*, 27 January 2022, www.crisisgroup.org/latin-america-caribbean/andes/colombia/tackling-colombias-next-generation-arms; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 20.

¹¹¹ Information available to UNHCR. "La presencia de los GANE en zonas de disputa o con diversos grados de control sobre el territorio ha estado acompañada de violencia contra la población civil, controles a la movilidad, a la comunicación fuera de los territorios donde habitan las comunidades, cooptación de las Juntas de Acción Comunal (JAC), extorsiones, violencia basada en género (VBG), señalamientos y amenazas a docentes, defensores de DDHH y periodistas, así como la intensificación de modalidades violentas de reclutamiento, uso y utilización de niñas, niños y adolescentes (NNA), y el secuestro." UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 6.

¹¹² US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Infobae, *Migrantes venezolanos, objetivo de reclutamiento forzado de los grupos armados colombianos*, 11 August 2022, www.infobae.com/america/colombia/2022/08/11/migrantes-venezolanos-objetivo-de-reclutamiento-forzado-de-los-grupos-armados-colombianos/; Global Protection Cluster, *Análisis de protección*, April 2022, www.globalprotectioncluster.org/sites/default/files/2022-04/pau_narino_-_2022_04_13_-_version_final.pdf, pp. 8-9.

¹¹³ "After the 2016 peace accord, FARC withdrawal resulted in a struggle for control by other armed groups, causing violence and additional internal displacement." US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. See also, *Análisis Urbano, La Serranía del Abibe y el Nudo del Paramillo: la república independiente de las AGC*, 9 September 2021, <https://analisisurbano.org/la-serrania-del-abibe-y-el-nudo-del-paramillo-la-republica-independiente-de-las-agc/159690/>; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 20.

¹¹⁴ Information available to UNHCR.

¹¹⁵ Information available to UNHCR.

¹¹⁶ *Análisis Urbano, La Serranía del Abibe y el Nudo del Paramillo: la república independiente de las AGC*, 9 September 2021, <https://analisisurbano.org/la-serrania-del-abibe-y-el-nudo-del-paramillo-la-republica-independiente-de-las-agc/159690/>. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; El País, *Crece el desplazamiento en zona rural de Buenaventura por combates de grupos delincuenciales*, 12 April 2022, www.elpais.com.co/judicial/crece-el-desplazamiento-en-zona-rural-de-buenaventura-por-combates-de-grupos-delincuenciales.html; El Espectador, *El miedo que atraviesa a Buenaventura*, 27 January 2022, www.elespectador.com/colombia/cali/el-miedo-que-atraviesa-a-buenaventura/.

southern Meta.¹¹⁷ In Buenaventura, for example, the proliferation of post-FARC-EP irregular armed groups led to violent confrontations over territorial control of its port, which is strategic for the export of cocaine.¹¹⁸ Armed confrontations among irregular armed actors in rural Buenaventura have led to large forced displacements to Buenaventura and Cali.¹¹⁹

1) Post-Demobilization Groups¹²⁰

After the demobilization of paramilitary groups that were under the umbrella of the *Autodefensas Unidas de Colombia* (United Self-Defence Forces of Colombia – AUC) in 2006, several post-demobilization groups emerged under the leadership of former members of the AUC.¹²¹ The AUC was a right-wing paramilitary organization created in 1997 as an umbrella organization of the self-defence groups that were operating in the country.¹²² The AUC, which at the time of demobilization in 2006 consisted of around 30,000 combatants, had deep ties with Colombia's economic, military, social and political sectors.¹²³ According to the CEV report, a considerable part of regional paramilitary networks survived the demobilization of the AUC, facilitating the reconfiguration of AUC remnants into new groups to defend specific political and economic interests, and continue their participation in the profitable activity of drug trafficking.¹²⁴ In some regions, post-demobilization groups are still considered to be the primary source of authority and control.¹²⁵ According to Indepaz, 22 post-demobilization groups were operating

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- ¹¹⁷ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 13. "Communities are suffering as [illegal armed groups] seek to expand territorial and social control in departments such as Antioquia, Atlántico, Bolívar, Cauca, Chocó, Córdoba, Nariño and Putumayo." UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 42. See also, FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, pp. 16-17; Pares, *Plomo es lo que hay: Violencia y seguridad en tiempos de Duque*, 7 April 2022, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_476fc49ae03d4dbdbf5e6698ad7e9b98.pdf; JEP, *El mecanismo de monitoreo de riesgos del Sistema Integral para la Paz: Naturaleza, alcance y utilidad pública*, 30 November 2021, www.jep.gov.co/JEP/documents/1/EI%20mecanismo%20de%20monitoreo%20de%20riesgos%20del%20Sistema%20Integral%20para%20la%20Paz%20naturaleza,%20alcance%20y%20utilidad%20p%C3%BAblica.pdf, p. 13.
- ¹¹⁸ El País, *Crece el desplazamiento en zona rural de Buenaventura por combates de grupos delincuenciales*, 12 April 2022, www.elpais.com.co/judicial/crece-el-desplazamiento-en-zona-rural-de-buenaventura-por-combates-de-grupos-delincuenciales.html; El Espectador, *El miedo que atraviesa a Buenaventura*, 27 January 2022, www.elespectador.com/colombia/cali/el-miedo-que-atraves-a-buenaventura/.
- ¹¹⁹ Vanguardia, *Crece el desplazamiento en zona rural de Buenaventura por combates*, 12 April 2022, www.vanguardia.com/colombia/crece-el-desplazamiento-en-zona-rural-de-buenaventura-por-combates-yn5078818; RCN, *Más de 200 desplazados deja enfrentamientos entre grupos ilegales en Buenaventura*, 10 April 2022, www.rcnradio.com/colombia/pacifico/mas-de-200-desplazados-deja-enfrentamientos-entre-grupos-ilegales-en-buenaventura; Pares, *Plomo es lo que hay: Violencia y seguridad en tiempos de Duque*, 7 April 2022, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_476fc49ae03d4dbdbf5e6698ad7e9b98.pdf, p. 14.
- ¹²⁰ These groups have been categorized under different names, including Criminal Gangs (Bandas Criminales, Bacrim), Organized Armed Groups (Grupos Armados Organizados, GAO), paramilitaries, narcoparamilitaries, neo-paramilitaries, and illegal armed groups. Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, pp. 27-29. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities. For consistency, this document uses the term "post-demobilization groups" for all armed groups that emerged after the demobilization of the AUC.
- ¹²¹ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 27; Análisis Urbano, *La Serranía del Abibe y el Nudo del Paramillo: la república independiente de las AGC*, 9 September 2021, <https://analisisurbano.org/la-serrania-del-abibe-y-el-nudo-del-paramillo-la-republica-independiente-de-las-agc/159690/>.
- ¹²² CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 425; Stanford University, *Mapping Militant Organizations: The United Self-Defense Forces of Colombia*, AUC, June 2018, <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/united-self-defense-forces-colombia>.
- ¹²³ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 111, 280.
- ¹²⁴ Ibid., pp. 270-272, 308, 363-366.
- ¹²⁵ Ibid., p. 308.

in the country in 2020, with a presence in 27 out of the 32 departments, and in 291 out of Colombia's 1,122 municipalities.¹²⁶

Among the largest post-demobilization groups are the AGC, also known as *Clan del Golfo* (Gulf Clan) (1,600-1,700 combatants), with a presence in 25 departments; and Los Rastrojos, which has a presence in nine departments.¹²⁷ Other post-demobilization groups with regional reach, usually operating in the periphery of areas controlled by larger criminal groups, include Los Pelusos (250 combatants), Los Pachencas (also known as Autodefensas Conquistadoras de la Sierra Nevada) (150-200 combatants), Los Caparrapos or Caparros (150 combatants), Los Puntilleros, La Construcción, and Los Pachelly.¹²⁸ Post-demobilization groups operating at the local level include La Oficina de Envigado, Los Contadores, La Cordillera, and La Empresa.¹²⁹ Local criminal groups act as branches of larger post-demobilization groups to carry out illicit activities at the local level.¹³⁰ The AGC, for example, has several local gangs embedded in its structure in cities such as Barranquilla, Cúcuta, Montería, Quibdó, and Medellín, to carry out criminal activities within these cities.¹³¹

The AGC is the largest post-demobilization group in Colombia¹³² with a reported presence in 25 departments.¹³³ The AGC's territorial expansion is mostly carried out by means of alliances with local

¹²⁶ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 6. See also, FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, pp. 25-29.

¹²⁷ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, pp. 6, 43. See also, Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 44.

¹²⁸ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, pp. 6, 56. See also, InSight Crime, *Perfil de Colombia*, 21 January 2021, <https://es.insightcrime.org/noticias-crimen-organizado-colombia/colombia/#grupos>.

¹²⁹ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 6.

¹³⁰ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 43. Indepaz also indicates that other groups such as La Oficina del Valle de Aburrá, Los Contadores, Los Pachelly, Los Puntilleros, La Construcción, La Cordillera, La Empresa, La Local, Los Shotas, El Nuevo Bloque Costeño and Los Paisas, usually act in small groups, "some are subcontracted by large structures, mostly narco-paramilitaries, to provide security and surveillance to their illegal businesses, carry out money laundering through the purchasing of goods and the establishment of front operations, open new trafficking routes and control them, obtain control over street-level drug trafficking in main cities, arms trafficking, and business management that mostly have to do with economies that seem legal, such as gambling, lotteries and others such as prostitution, shark loans, contract killings, and threats. Their actions are mainly concentrated in the peripheries of the regions where the largest groups have control, this allows them to have network mobility, control roads and engage in extortion, as well as establish meetings and agreements in areas other than those of dispute. Their actions are usually more invisible, but they are no less powerful, and they are notorious for making their places of residence into strongholds where everything is guarded, and the amount of money that they collect from illegal economies is not insignificant." Ibid., p. 56 (translation by UNHCR).

¹³¹ Pares, *Informe trimestral de seguridad ciudadana*, 15 May 2021, www.pares.com.co/post/informe-trimestral-de-seguridad-ciudadana, p. 23-29.

¹³² Agencia EFE, *Otoniel: ¿qué pasará con el cartel más grande de Colombia tras su caída?*, 24 October 2021, www.eluniversal.com.co/colombia/otoniel-que-pasara-con-el-cartel-mas-grande-de-colombia-tras-su-caida-KF5610185; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 44.

¹³³ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, pp. 6, 43. "In May [2022], the AGC ordered an 'armed strike,' imposing movement restrictions on civilians in over 170 municipalities in 11 states. The restrictions suggested an alarming geographical expansion, compared to its 2012 armed strike, affecting 26 municipalities." HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html. See also, Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 44. Departments include Guajira, Magdalena, Atlántico, Bolívar, Sucre, Córdoba, Antioquia, Chocó, Valle del Cauca, Nariño, Santander, Norte de Santander, Casanare, Meta, Tolima, Huila, Bogotá, Cauca, and Vichada. Vanguardia, *Desmantelan cristizador de cocaína del clan del golfo en Vichada*, 15 April 2022, www.vanguardia.com/colombia/desmantelan-cristizador-de-cocaina-del-clan-del-golfo-en-vichada-EY5089161; Pares, *Plomo es lo que hay: Violencia y seguridad en tiempos de Duque*, 7 April 2022, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_476fc49ae03d4dbdbf5e6698ad7e9b98.pdf, p. 40; Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 47; W Radio, *Clan del Golfo estaría detrás de la masacre del líder social y su familia en Cauca*, 30 April 2020, www.wradio.com.co/noticias/regionales/clan-del-golfo-estaria-detras-de-la-masacre-del-lider-social-y-su-familia-en-cauca/20200430/nota/4034822.aspx.

groups.¹³⁴ For example, it established alliances with Los Rastrojos in Norte de Santander to dispute territorial control with the ELN; with irregular armed actors in Cauca, Nariño, and Valle, to traffic in drugs; with Los Puntilleros and other irregular armed actors in Meta to trade coca paste; and with local criminal gangs in Bogotá to traffic weapons and to engage in extortion, street-level drug trafficking and contract killings.¹³⁵ The AGC is also reported to have links with Mexican cartels.¹³⁶ In January 2021, it was reportedly engaging in negotiations with Ecuadorian drug traffickers to establish a network for the trafficking of persons to Mexico and the US.¹³⁷ In Córdoba, the AGC forces peasants to cultivate coca leaf.¹³⁸ In Chocó, the AGC threatens peasants and local leaders to engage in illegal mining activities in their territories, and recruit indigenous persons, Afro-Colombians, and peasants to plant landmines to limit the movement of locals.¹³⁹ In areas under the control of the AGC, it acts as a money lender to local peasants and small businesses to gain support and exert economic influence and power.¹⁴⁰ In October 2021, the leader of the AGC, Dario Antonio Usuga, also known as "Otoniel", was captured by Colombian authorities and was later extradited to the United States in May 2022 on drugs and weapons trafficking charges.¹⁴¹

Post-demobilization groups engage in a range of unlawful practices, including threats against civilians, massacres, forced displacement, illegal mining, extortion, and money laundering through licit

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- ¹³⁴ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 52; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 44.
- ¹³⁵ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 52.
- ¹³⁶ Ibid.; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 45.
- ¹³⁷ El Espectador, *Capturan a "El Mexicano", supuesto narco que se hacía pasar por empresario de conciertos*, 21 January 2021, www.elespectador.com/judicial/capturan-a-el-mexicano-supuesto-narco-que-se-hacia-pasar-por-empresario-de-conciertos-article/.
- ¹³⁸ RCN, *A campesinos "les arrancan las matas" y los obligan a cultivar coca en Puerto Libertador*, Córdoba, 22 September 2021, www.rcnradio.com/colombia/caribe/campesinos-les-arrancan-las-matas-y-los-obligan-cultivar-coca-en-puerto-libertador; El Universal, *Clan del Golfo obliga a campesinos de Córdoba a cultivar coca*, 4 October 2017, www.eluniversal.com.co/regional/clan-del-golfo-obliga-campesinos-de-cordoba-cultivar-coca-263415-LUEU376159.
- ¹³⁹ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 50.
- ¹⁴⁰ Ibid., pp. 49-50. This modality is called *gota a gota*, an consists of lending money with few to no requirements but with very high interest rates. Borrowers are usually street vendors and housewives who are subjected to extortion, displacement, theft, attacks, and homicide if they do not abide by the terms and conditions of the loan. W Radio, *El golpe de la Fiscalía a los préstamos 'gota a gota'*, 6 June 2019, www.wradio.com.co/noticias/actualidad/el-golpe-de-la-fiscalia-a-los-prestamos-gota-a-gota/; Colombia, FGN, *Asegurados presuntos integrantes de organización criminal dedicada al préstamo de dinero 'gota a gota'*, 28 May 2019, www.fiscalia.gov.co/colombia/seccionales/asegurados-presuntos-integrantes-de-organizacion-criminal-dedicada-al-prestamo-de-dinero-gota-a-gota/.
- ¹⁴¹ BBC, *Qué poder mantiene el Clan del Golfo, el mayor grupo criminal de Colombia, tras la extradición de Otoniel y el paro armado*, 10 May 2022, www.bbc.com/mundo/noticias-america-latina-61389304; The Washington Post, *Cartel Shuts Down Much of Colombia over Leader's Extradition to U.S.*, 9 May 2022, www.washingtonpost.com/world/2022/05/09/colombia-clan-golfo-armed-strike-otoniel/; El Tiempo, *Atención: capturan a alias Otoniel, el narco más buscado del país*, 23 October 2021, www.eltiempo.com/justicia/conflicto-y-narcotrafico/alias-otoniel-jefe-del-clan-del-golfo-capturado-627333.

businesses such as gas stations and construction companies.¹⁴² Some post-demobilization groups have reported links with municipal councils in strategic zones to exert influence on local politics.¹⁴³

2) ELN

The ELN is considered the last remaining leftist guerrilla group in Colombia.¹⁴⁴ The ELN is made up of a central command (*Comando Central*, COCE) and several fronts with a large degree of autonomy.¹⁴⁵ Fronts are located mainly in the departments of Antioquia, Arauca, Bolívar, Boyacá, Cauca, Cesar, Chocó, Nariño, Norte de Santander, and Valle del Cauca.¹⁴⁶ Reports on the ELN's territorial presence vary according to the source. Pares noted that the ELN increased its presence from 99 municipalities in 2018 to more than 160 in 2020.¹⁴⁷ According to Indepaz, in 2020 the ELN was present in 207 municipalities across 23 departments, an increase of 57 municipalities when compared to previous years.¹⁴⁸

As of September 2020, the ELN had about 3,000 combatants,¹⁴⁹ an increase of 500 compared to the period 2011-2019.¹⁵⁰ The ELN has an undetermined number of militias and support networks,¹⁵¹

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- ¹⁴² US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; JEP, *El mecanismo de monitoreo de riesgos del Sistema Integral para la Paz: Naturaleza, alcance y utilidad pública*, 30 November 2021, www.jep.gov.co/JEP/documents/1/El%20mecanismo%20de%20monitoreo%20de%20riesgos%20del%20Sistema%20Integral%20para%20la%20Paz%20naturaleza,%20alcance%20y%20utilidad%20p%C3%BAblica.pdf, p. 7; ICG, *Bosques caídos: deforestación y conflicto en Colombia*, 4 November 2021, www.crisisgroup.org/es/latin-america-caribbean/andes/colombia/091-broken-canopy-deforestation-and-conflict-colombia; Vanguardia, *Comerciantes de San Vicente de Chucurí denuncian extorsiones de ex paramilitares*, 23 September 2021, www.vanguardia.com/judicial/denuncian-extorsiones-de-ex-paras-en-san-vicente-de-chucuri-NJ4281483; Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, pp. 17, 49; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, pp. 45-46.
- ¹⁴³ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 49. See also, *El Tiempo*, *En Sucre hacen llamado a no dejarse infiltrar por el Clan del Golfo*, 23 May 2022, www.eltiempo.com/colombia/otras-ciudades/clan-del-golfo-estaria-infiltrando-autoridades-de-sucre-674498; Verdad Abierta, *Políticos y criminales: ¿aliados en el Bajo Cauca?*, 28 February 2018, <https://verdadabierta.com/posibles-alianzas-entre-politicos-y-las-autodefensas-gaitanistas-de-colombia-en-el-bajo-cauca-antioqueno/>.
- ¹⁴⁴ BBC, *Colombia: quiénes son y cuánto poder tienen los grupos que se resisten a la paz*, 12 October 2021, www.bbc.com/mundo/noticias-america-latina-58757536; *El País*, *La última guerrilla de Colombia lanza un nuevo desafío con un "paro armado"*, 14 February 2020, https://elpais.com/internacional/2020/02/13/colombia/1581598219_664249.html; RFI, *El ELN, la última guerrilla en armas reconocida en Colombia*, 19 January 2019, www.rfi.fr/es/general/20190119-el-eln-la-ultima-guerrilla-en-armas-reconocida-en-colombia.
- ¹⁴⁵ InSight Crime, *ELN*, 27 October 2020, <https://insightcrime.org/colombia-organized-crime-news/eln-profile/>; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 22.
- ¹⁴⁶ InSight Crime, *ELN*, 27 October 2020, <https://insightcrime.org/colombia-organized-crime-news/eln-profile/>; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 22; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, p. 15. See also, FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, pp. 23-25.
- ¹⁴⁷ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, pp. 5, 20.
- ¹⁴⁸ Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, pp. 6-7.
- ¹⁴⁹ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, pp. 5, 20; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, p. 5.
- ¹⁵⁰ Indepaz, *ibid.* See also, CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 196.
- ¹⁵¹ InSight Crime, *ELN*, 27 October 2020, <https://insightcrime.org/colombia-organized-crime-news/eln-profile/>; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 22.

although support in major urban areas is reportedly decreasing, as supporters are turning to social and political work without weapons.¹⁵²

Sources of income for the ELN include illegal mining; smuggling of cattle, dairy products, and gasoline; drug trafficking; and the control of illegal crossings of the border with Venezuela.¹⁵³ Actions committed by the ELN, as reported by sources, also include forced displacement, forced confinement of local populations, forced recruitment, restrictions to the freedom of movement, threats, and kidnapping.¹⁵⁴ Additionally, in departments such as Arauca, Nariño, Norte de Santander (Catatumbo area), and southern Bolívar, the ELN reportedly regulates the social life of communities, and dictates curfews and norms.¹⁵⁵

The ELN has been involved in armed confrontations with other irregular armed actors, including the AGC, Los Pelusos, and post-FARC irregular armed groups, to dispute territorial control,¹⁵⁶ particularly in the departments of Antioquia, Arauca, Bolívar, Cauca, Chocó, Nariño, Norte de Santander (including Cúcuta), and Valle del Cauca.¹⁵⁷ According to the *Centro de Recursos para el Análisis de Conflictos* (Conflict Analysis Resource Centre – CERAC), armed confrontations involving the ELN increased in the second half of 2021 with five combats per month, in comparison to the first half of 2021 (four combats per month), and 2020 (three combats).¹⁵⁸ The ELN has used landmines as a military strategy

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- ¹⁵² US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, pp. 13-14. See also, InSight Crime, *Ejército de Liberación Nacional (ELN)*, 19 October 2021, <https://es.insightcrime.org/noticias-crimen-organizado-colombia/el-n-colombia/>.
- ¹⁵³ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 22; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, pp. 15-20.
- ¹⁵⁴ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, pp. 22-23. See also, InSight Crime, *ELN*, 27 October 2020, <https://insightcrime.org/colombia-organized-crime-news/el-n-profile/>; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>.
- ¹⁵⁵ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 23; HRW, "The Guerrillas Are the Police": *Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 24.
- ¹⁵⁶ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 22; Assessment Capacities Project (ACAPS), *Colombia: Outlook for September – February 2020*, September 2020, <https://data2.unhcr.org/en/documents/download/78931>, p. 5; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, p. 8.
- ¹⁵⁷ RCN, *ELN y su respuesta tras confrontaciones y desplazamientos masivos en Arauca*, 15 January 2022, www.rcnradio.com/colombia/llanos/el-n-y-su-respuesta-tras-confrontaciones-y-desplazamientos-masivos-en-arauca; El Tiempo, *Alerta en tres municipios de Arauca por enfrentamientos entre ilegales*, 3 January 2022, www.eltiempo.com/colombia/otras-ciudades/arauca-enfrentamientos-entre-el-el-n-y-las-disidencias-dejan-varios-muertos-642587; El Tiempo, *Alerta en tres municipios de Arauca por enfrentamientos entre ilegales*, 3 January 2022, www.eltiempo.com/colombia/otras-ciudades/arauca-enfrentamientos-entre-el-el-n-y-las-disidencias-dejan-varios-muertos-642587; Caracol, *Preocupación en el Valle del Cauca por amenazas del ELN*, 30 September 2021, https://caracol.com.co/emisora/2021/09/30/cali/1633027838_491210.html; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 85; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, pp. 22-23; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, pp. 9-10, 12, 19.
- ¹⁵⁸ CERAC, *Reporte del conflicto con el ELN: Crecen los combates con participación del ELN*, No. 19, 3 January 2022, www.blog.cerac.org.co/wp-content/plugins/download-attachments/includes/download.php?id=8477.

to contain military offensives by rival groups and the armed forces,¹⁵⁹ and was responsible for 92 per cent of the victims of landmines between January and May 2020.¹⁶⁰ Between January and September 2021, the ELN carried out 65 military offensives and was involved in 29 armed confrontations with other armed groups in 12 departments, with Antioquia (14 actions) and Arauca (11) the most affected.¹⁶¹ In the same period, the ELN was responsible for 35 incidents of large-scale displacements (nine directly related to actions by the ELN and 26 in the context of armed confrontations with other irregular armed actors) and 18 civilian deaths.¹⁶²

Between 23 and 26 February 2022, the ELN carried out a so-called *paro armado*, or armed strike, with the group paralyzing parts of the country for 72 hours through violent actions.¹⁶³ During armed strikes, the ELN restricts the free movement of people and vehicles,¹⁶⁴ orders the suspension of all business activity,¹⁶⁵ and threatens those who disobey their orders.¹⁶⁶ They also shut down highways, burn vehicles, and plant explosive devices, including gas cylinders, on roads and highways.¹⁶⁷ The Observatory of Human Rights, Conflict and Peace of Indepaz reported 65 armed actions during the armed strike, including limitations to the freedom of movement, orders to suspend all business activity, detonation of explosive devices on roads and highways, burning vehicles and trucks, targeted killings, armed confrontations with other irregular armed actors, bombing telecommunication towers, hanging the ELN's flag from public buildings and covering public buildings with graffiti referring to the ELN.¹⁶⁸ The armed strike affected 11 departments: Antioquia, Arauca, Casanare, Cauca, Cesar, Chocó, Huila, Nariño, Norte de Santander, Santander, and Valle del Cauca.¹⁶⁹ Compared to the 2021 armed strike,

¹⁵⁹ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 85; RCN, *Por amenazas del ELN, 1.500 indígenas están confinados en Frontino (Antioquia)*, 29 March 2021, www.rcnradio.com/colombia/antioquia/por-amenazas-del-eln-1500-indigenas-estan-confinados-en-frontino-antioquia; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 23.

¹⁶⁰ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 23. The Ministry of Defence indicated that between January and November 2021, 141 persons were victims of landmines (12 injured and 129 dead), with 88 of them being civilians. In 2020, the number of victims was 156 (23 injured, 133 dead), with 100 of them being civilians. Colombia, Ministerio de Defensa, *Logros de la política de defensa y seguridad*, November 2021, www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios_sectoriales/info_estadistica/Logros_Sect_or_Defensa.pdf, p. 59.

¹⁶¹ Pares, *Dinámicas en las que participa el ELN en el último año y perspectivas para el futuro próximo*, 14 September 2021, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_e51813221529428dbfa01e466b7e0d09.pdf, p. 19.

¹⁶² *Ibid.*, pp. 23-29.

¹⁶³ InSight Crime, *ELN Show of Force Confirms its Unmatched Criminal Presence in Colombia*, 2 March 2022, <https://insightcrime.org/news/eln-show-of-force-confirms-its-unmatched-criminal-presence-in-colombia/>; BLU Radio, *El ELN confirmó que este sábado terminó el paro armado en Colombia*, 26 February 2022, www.bluradio.com/nacion/el-eln-confirio-que-este-sabado-termino-el-paro-armado-en-colombia.

¹⁶⁴ EFE, *Guerrilla del ELN amenaza con un "paro armado" de 72 horas en toda Colombia*, 21 February 2022, www.swissinfo.ch/spa/colombia-conflicto_guerrilla-del-eln-amenaza-con-un-paro-armado-de-72-horas-en-toda-colombia/47367280; AP, *ELN anuncia paro armado en Colombia, autoridades en alerta*, 10 February 2020, <https://apnews.com/article/01cebaea53f54cf6ac0b29443fbcbb71>.

¹⁶⁵ InSight Crime, *ELN Show of Force Confirms its Unmatched Criminal Presence in Colombia*, 2 March 2022, <https://insightcrime.org/news/eln-show-of-force-confirms-its-unmatched-criminal-presence-in-colombia/>; Portafolio, *Industriales rechazan acciones y amenazas terroristas por paro armado*, 25 February 2022, www.portafolio.co/negocios/empresas/industriales-rechazan-acciones-y-amenazas-terroristas-por-paro-armado-562243.

¹⁶⁶ InSight Crime, *ELN Show of Force Confirms its Unmatched Criminal Presence in Colombia*, 2 March 2022, <https://insightcrime.org/news/eln-show-of-force-confirms-its-unmatched-criminal-presence-in-colombia/>; EFE, *Guerrilla del ELN amenaza con un "paro armado" de 72 horas en toda Colombia*, 21 February 2022, www.swissinfo.ch/spa/colombia-conflicto_guerrilla-del-eln-amenaza-con-un-paro-armado-de-72-horas-en-toda-colombia/47367280.

¹⁶⁷ InSight Crime, *ELN Show of Force Confirms its Unmatched Criminal Presence in Colombia*, 2 March 2022, <https://insightcrime.org/news/eln-show-of-force-confirms-its-unmatched-criminal-presence-in-colombia/>; Indepaz, *Acciones del ELN durante el paro armado febrero 2022*, 23 February 2022, <https://indepaz.org.co/acciones-del-eln-durante-el-paro-armado-febrero-2022/>.

¹⁶⁸ Indepaz, *Acciones del ELN durante el paro armado febrero 2022*, 23 February 2022, <https://indepaz.org.co/acciones-del-eln-durante-el-paro-armado-febrero-2022/>.

¹⁶⁹ InSight Crime, *ELN Show of Force Confirms its Unmatched Criminal Presence in Colombia*, 2 March 2022, <https://insightcrime.org/news/eln-show-of-force-confirms-its-unmatched-criminal-presence-in-colombia/>; Indepaz, *Acciones del ELN durante el paro armado febrero 2022*, 23 February 2022, <https://indepaz.org.co/acciones-del-eln-durante-el-paro-armado-febrero-2022/>.

the 2022 armed strike saw more armed actions (65 compared to 27 in 2021) in more departments (11 compared to nine in 2022), underscoring the ELN's continued strength.¹⁷⁰

Even though the ELN still constitutes a threat to security due to its military capacity and economic power derived from its participation in illicit economic activities,¹⁷¹ the ELN has also been weakened militarily due to armed confrontations with other irregular armed actors and State security forces,¹⁷² as well as politically.¹⁷³ The Ministry of Defence indicated that 130 ELN combatants demobilized between January and September 2021 and 251 in 2020.¹⁷⁴

3) Post-FARC-EP Irregular Armed Groups

During the 2016 peace negotiations between the Government and the FARC-EP, several high and middle-ranking members of the FARC-EP refused to demobilize, or demobilized and later rearmed, creating post-FARC-EP irregular armed groups with different organizational structures focusing on the control of illicit economic activities abandoned by the former FARC-EP.¹⁷⁵

By 2020, about 30 post-FARC-EP irregular armed groups were identified, growing over time from 1,600 combatants in 2018,¹⁷⁶ to over 2,600 in 2020,¹⁷⁷ to around 5,000 in 2021-2022.¹⁷⁸ Sources identify three types of post-FARC-EP irregular armed groups:

- A post-FARC-EP irregular armed group that emerged in the Amazonas from Fronts 1 and 7 of the former FARC-EP, and became known as *Frente Primero*, then *Bloque Suroriental*, and later *Gentil*

¹⁷⁰ InSight Crime, *ELN Show of Force Confirms its Unmatched Criminal Presence in Colombia*, 2 March 2022, <https://insightcrime.org/news/eln-show-of-force-confirms-its-unmatched-criminal-presence-in-colombia/>.

¹⁷¹ Ibid.; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, p. 2; FIP, *¿Qué hacer con el ELN? Opciones ante una derrota military lejana y un diálogo improbable*, January 2020, https://ideaspaz.org/media/website/FIP_NE_QuehacerELN_Final.pdf, p. 5.

¹⁷² Pares, *Plomo es lo que hay: Violencia y seguridad en tiempos de Duque*, 7 April 2022, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_476fc49ae03d4dbdbf5e6698ad7e9b98.pdf, p. 45; InSight Crime, *Ejército de Liberación Nacional (ELN)*, 19 October 2021, <https://es.insightcrime.org/noticias-crimen-organizado-colombia/eln-colombia/>; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, p. 12. While the ELN reportedly signed a ceasefire agreement with the government for six months in December 2022, the group "later denied adopting such an agreement". Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html. The government and the ELN signed a ceasefire on 9 June 2023, beginning in August 2023. UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 6.

¹⁷³ InSight Crime, *Ejército de Liberación Nacional (ELN)*, 19 October 2021, <https://es.insightcrime.org/noticias-crimen-organizado-colombia/eln-colombia/>; FIP, *¿Qué hacer con el ELN? Opciones ante una derrota military lejana y un diálogo improbable*, January 2020, https://ideaspaz.org/media/website/FIP_NE_QuehacerELN_Final.pdf, p. 26; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corregido-L-cgp.pdf>, p. 2.

¹⁷⁴ Colombia, Ministerio de Defensa, *Resultados operaciones de la Fuerza Pública*, 2021, www.mindefensa.gov.co/irj/go/km/docs/pccshrcontent/Mindefensa/Estudios%20Estrategicos/EstadisticaDesagregada/DESMO%20VILIZADOS.xlsx.

¹⁷⁵ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 82; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 32.

¹⁷⁶ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 34.

¹⁷⁷ Freedom House, *Freedom in the World 2021: Colombia*, 3 March 2021, <https://freedomhouse.org/country/colombia/freedom-world/2021>; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 34.

¹⁷⁸ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; Semana, "Ya se habla de un secretariado de las disidencias de las Farc": fiscal Barbosa explica la guerra en Arauca, 11 January 2022, www.semana.com/nacion/articulo/ya-se-habla-de-un-secretariado-de-las-disidencias-de-las-farc-fiscal-barbosa-explica-la-guerra-en-arauca/202210/; Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 7.

Duarte.¹⁷⁹ The number of its combatants grew from 1,700 in 2020 (representing 65 per cent of the total number of post-FARC-EP irregular armed groups in the country)¹⁸⁰ to 2,700 in 2021.¹⁸¹ The group is said to have considerable military power, with clandestine factories of explosives and caches of weapons.¹⁸²

- Post-FARC-EP irregular armed groups that emerged along the Pacific coast, including *Gente de Orden*, *Guerrillas Unidas del Pacífico*, and *Frente Oliver Sinisterra*.¹⁸³ By September 2020, these groups had about 700 combatants combined, were autonomous and, in some areas, engaged in combats against each other to control territory.¹⁸⁴ According to Indepaz, by September 2021 these organizations were grouped into *Comando Coordinador de Occidente*, totalling 500 combatants.¹⁸⁵
- A post-FARC-EP irregular armed group known as *Segunda Marquetalia* that emerged in August 2019 when some demobilized commanders of the FARC-EP abandoned the Peace Agreement,¹⁸⁶ and joined other former members of the FARC-EP who had not demobilized.¹⁸⁷ The number of combatants varies according to the source, with Pares indicating in 2020 that, according to military intelligence, the group had about 202 combatants,¹⁸⁸ while Indepaz indicated that the number was 2,000 by 2021.¹⁸⁹

Post-FARC-EP irregular armed groups increased their territorial presence from 56 municipalities in 2018, to 113 in 2020,¹⁹⁰ to 138 in 2021.¹⁹¹ They are mostly present in the departments of Antioquia, Arauca, Bolívar, Boyacá, Caquetá, Casanare, Cauca, Chocó, Guainía, Guaviare, Huila, Meta, Nariño, Norte de Santander, Putumayo, Tolima, Valle del Cauca, Vaupés, and Vichada.¹⁹²

¹⁷⁹ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 82; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 32.

¹⁸⁰ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 32.

¹⁸¹ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 7.

¹⁸² Universidad de Navarra, *La disidencia de las FARC se consolida en su actividad delictiva*, accessed 30 June 2023, www.unav.edu/web/global-affairs/detalle/-/blogs/la-disidencia-de-las-farc-se-consolida-en-su-actividad-delictiva; Voice of America (VOA), *¿Quiénes son y cómo operan las disidencias de las FARC?*, 1 December 2021, www.vozdeamerica.com/a/explicativo-como-operan-disidencias-farc-de-colombia-/6334952.html; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 39.

¹⁸³ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, pp. 32-33.

¹⁸⁴ Ibid.

¹⁸⁵ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 7.

¹⁸⁶ Ibid., pp. 64, 70.

¹⁸⁷ Ibid., pp. 64, 70; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 34.

¹⁸⁸ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 34.

¹⁸⁹ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 7. See also, FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, pp. 19-23.

¹⁹⁰ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 5.

¹⁹¹ Colombia, Defensoría del Pueblo, *Alerta Temprana No. 004-2022, Documento de Advertencia por Proceso Electoral 2022*, 17 February 2022, <https://alertasstg.blob.core.windows.net/alertas/004-22.pdf>, p. 28; Pares, *Presencia GAPF en Colombia 2021*, accessed 30 June 2023, https://public.tableau.com/app/profile/fundaci.n.paz.y.reconciliaci.n/viz/PresenciaGAPFenColombia2021_/AnlisisGAPF.

¹⁹² Colombia, Defensoría del Pueblo, *Alerta Temprana No. 004-2022, Documento de Advertencia por Proceso Electoral 2022*, 17 February 2022, <https://alertasstg.blob.core.windows.net/alertas/004-22.pdf>, p. 28; Pares, *Presencia GAPF en Colombia 2021*, accessed 30 June 2023, https://public.tableau.com/app/profile/fundaci.n.paz.y.reconciliaci.n/viz/PresenciaGAPFenColombia2021_/AnlisisGAPF.

The CEV final report indicates that post-FARC-EP irregular armed groups continue to exercise control over civilian populations in areas under their control.¹⁹³ The *Gentil Duarte* armed group, for example, recycled the "community handbooks" used by the former FARC-EP to maintain social norms in areas under their control, such as Caquetá, as well as the setting up of checkpoints and the issuance of rules to regulate economic activity, taxation, community-based organization, and the harvesting of coca crops.¹⁹⁴ The same report also indicates that due to the radicalization of other groups such as the ELN, post-FARC-EP irregular armed groups have been applying rules and norms that are more severe, have used more lethal actions to enforce these rules and norms, and have acted in a more indiscriminate manner.¹⁹⁵

Post-FARC-EP irregular armed groups are reported to engage in the killing of human rights defenders; forced displacement; forced confinement; and forced disappearances.¹⁹⁶ Between March and June 2020, post-FARC-EP irregular armed groups were responsible for 23 out of the 81 targeted killings that occurred in the country, including indigenous leaders (4), community leaders (2), and former FARC-EP members (2) and their family members (2).¹⁹⁷

Among the activities carried out by post-FARC-EP irregular armed groups are the production, management, and export of cocaine.¹⁹⁸ They are reported to control fields where coca crops are grown and harvested, and facilities for the production of cocaine.¹⁹⁹ They also reportedly control several routes used to export drugs through Venezuela, Brazil, and the Pacific coast, and have connections with Mexican drug cartels such as the Sinaloa Cartel.²⁰⁰

4) Other Criminal Groups

Local criminal gangs also operate in the country, particularly in main cities.²⁰¹ Even though local gangs are for the most part autonomous, irregular armed actors, including post-demobilization groups, post-FARC-EP irregular armed groups, and the ELN, have been increasingly establishing networks with these gangs to operate at the local level.²⁰² In Medellín, for example, most of the 350 gangs that operate

¹⁹³ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 243.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Universidad de Navarra, *La disidencia de las FARC se consolida en su actividad delictiva*, accessed 30 June 2023, www.unav.edu/web/global-affairs/detalle/-/blogs/la-disidencia-de-las-farc-se-consolida-en-su-actividad-delictiva; US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 33.

¹⁹⁷ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 34.

¹⁹⁸ Universidad de Navarra, *La disidencia de las FARC se consolida en su actividad delictiva*, accessed 30 June 2023, www.unav.edu/web/global-affairs/detalle/-/blogs/la-disidencia-de-las-farc-se-consolida-en-su-actividad-delictiva; Voice of America (VOA), *¿Quiénes son y cómo operan las disidencias de las FARC?*, 1 December 2021, www.vozdeamerica.com/a/explicativo-como-operan-disidencias-farc-de-colombia-/6334952.html; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 38.

¹⁹⁹ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 39. See also, El Espectador, *Así opera el frente Primero de las disidencias de las Farc*, 25 July 2020, www.elespectador.com/judicial/asi-opera-el-frente-primero-de-las-disidencias-de-las-farc-articulo/.

²⁰⁰ Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf, p. 39. See also, El Espectador, *Así opera el frente Primero de las disidencias de las Farc*, 25 July 2020, www.elespectador.com/judicial/asi-opera-el-frente-primero-de-las-disidencias-de-las-farc-articulo/.

²⁰¹ Colombia, Defensoría del Pueblo, *Reclutamiento forzado, uso y utilización de niños, niñas y adolescentes en Colombia*, April 2021, in: https://caracol.com.co/radio/2021/04/20/judicial/1618918694_971289.html, p. 11; El Nuevo Siglo, *Pandillismo, problema social que se desborda*, 15 April 2017, www.elnuevosiglo.com.co/articulos/04-2017-pandillismo-problema-social-que-se-desborda.

²⁰² Colombia, Defensoría del Pueblo, *Reclutamiento forzado, uso y utilización de niños, niñas y adolescentes en Colombia*, April 2021, in: https://caracol.com.co/radio/2021/04/20/judicial/1618918694_971289.html, p. 11; Blattman, Christopher et al., *Gobierno criminal en Medellín: panorama general del fenómeno y evidencia empírica sobre cómo enfrentarlo*, 21 October 2020, <https://repository.eafit.edu.co/bitstream/handle/10784/24352/NP-01%20Santiago%20Tob%3%b3n.pdf>, pp. 2-4 El Nuevo Siglo, *Pandillismo, problema social que se desborda*, 15 April 2017, www.elnuevosiglo.com.co/articulos/04-2017-pandillismo-problema-social-que-se-desborda.

in the city are subordinated to larger criminal structures.²⁰³ These structures are, in turn, connected with irregular armed actors such as the AGC to carry out more localized activities, such as the training of hitmen or the management of illicit local economies.²⁰⁴ In Buenaventura, two factions of the local criminal group La Local – Los Espartanos, a local criminal group that works for the AGC, and Los Shotas – are engaged in an armed dispute for the control of the maritime port.²⁰⁵ The growing presence of non-State armed groups and armed confrontations in Buenaventura has led to increasing numbers of cases of extortion, killings, forced disappearances, threats, child recruitment, and the intra-urban displacement of families that are caught in the crossfire.²⁰⁶

Mexican drug cartels are reportedly present in areas of strategic interest for drug trafficking activities such as the Pacific coast, Norte de Santander (Catatumbo region), Magdalena, and lower Cauca River in Antioquia.²⁰⁷ In some instances, Mexican drug cartels finance irregular armed actors operating in these regions.²⁰⁸ Among the cartels that have a presence in the country are the Sinaloa cartel (Nariño and Cauca) and the New Generation Jalisco Cartel (Norte de Santander).²⁰⁹ Organized criminal groups dedicated to people smuggling have also been reported in the country.²¹⁰

²⁰³ El Colombiano, *Así se juega el ajedrez del crimen organizado en el Valle de Aburrá*, 1 November 2021, www.elcolombiano.com/antioquia/el-ajedrez-del-crimen-organizado-en-el-aburra-HL15966076; Blattman, Christopher et al., *Gobierno criminal en Medellín: panorama general del fenómeno y evidencia empírica sobre cómo enfrentarlo*, 21 October 2020, <https://repository.eafit.edu.co/bitstream/handle/10784/24352/NP-01%20Santiago%20Tob%20c3%b3n.pdf>, pp. 2-4.

²⁰⁴ El Colombiano, *Así se juega el ajedrez del crimen organizado en el Valle de Aburrá*, 1 November 2021, www.elcolombiano.com/antioquia/el-ajedrez-del-crimen-organizado-en-el-aburra-HL15966076. Some local gangs that are linked to the AGC, for example, use the "AGC" name when they commit a crime under the umbrella of the AGC and the gang's name when the crime is not connected to AGC orders. The AGC also lends its name to local gangs as a franchise. Other local gangs use the name "Águilas Negras" to instill a deeper fear in victims even though there is no conclusive evidence that a criminal organization under that name, with an identified structure and recruits, operates in Colombia. Information available to UNHCR.

²⁰⁵ Las 2 Orillas, *La expansión del Clan del Golfo y el regreso de la violencia*, 24 August 2021, www.las2orillas.co/la-expansion-del-clan-del-golfo-y-el-regreso-de-la-violencia/; Colombia, Defensoría del Pueblo, *Alerta Tempana N° 003-21*, 29 January 2021, <https://alertasstg.blob.core.windows.net/alertas/003-21.pdf>, pp. 1-4.

²⁰⁶ El Espectador, *Más de 130 desplazados llegaron al casco urbano de Buenaventura*, 12 October 2021, www.elespectador.com/colombia/mas-regiones/mas-de-130-desplazados-llegaron-al-casco-urbano-de-buenaventura/; OCHA, *Colombia: Desplazamiento intraurbano y restricciones a la movilidad en Buenaventura*, 9 March 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/flash_update_no1_desplazamiento_s_en_buenaventura.pdf; Colombia, Defensoría del Pueblo, *Alerta Tempana N° 003-21*, 29 January 2021, <https://alertasstg.blob.core.windows.net/alertas/003-21.pdf>, p. 2.

²⁰⁷ Infobae, *Según la Defensoría del Pueblo, narcos mexicanos ya tienen fuerte presencia en Colombia*, 27 October 2020, www.infobae.com/america/colombia/2020/10/27/segun-la-defensoria-del-pueblo-narcos-mexicanos-ya-tienen-fuerte-presencia-en-colombia/; Pares, *Radiografía de la ominosa presencia de los carteles mexicanos*, 10 June 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_1249ee35717d47deac2f228fa2cd961c.pdf, p. 4.

²⁰⁸ Periódico UNAL, *Carteles mexicanos en Colombia se han convertido en reguladores del crimen*, 24 December 2021, <http://unperiodico.unal.edu.co/pages/detail/carteles-mexicanos-en-colombia-se-han-convertido-en-reguladores-del-crimen/>; Pares, *Radiografía de la ominosa presencia de los carteles mexicanos*, 10 June 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_1249ee35717d47deac2f228fa2cd961c.pdf, p. 4.

²⁰⁹ Diario Criterio, *La cartelización mexicana del narcotráfico en Colombia*, 28 June 2021, <https://diariocriterio.com/los-carteles-mexicanos-y-su-franquicia-millonaria-en-colombia/>; Pares, *Radiografía de la ominosa presencia de los carteles mexicanos*, 10 June 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usrfiles.com/ugd/e7c20b_1249ee35717d47deac2f228fa2cd961c.pdf, pp. 39-40.

²¹⁰ According to the Director of Criminal Investigations of the National Police, people smugglers operate mostly on two routes: one that runs from Cúcuta, at the border with Venezuela, to Urabá; and a second that runs from Ipiales, at the border with Ecuador, to Urabá. Infobae, *Así funcionan las bandas de coyotes que trafican migrantes en Colombia*, 9 August 2021, www.infobae.com/america/colombia/2021/08/09/asi-funcionan-las-bandas-de-coyotes-que-traffican-migrantes-en-colombia/. See also, Radio Nacional de Colombia, *Armada interceptó embarcación con 13 migrantes en el Urabá chocoano*, 20 April 2022, www.radionacional.co/regiones/pacifico/trafico-de-migrantes-interceptan-lancha-con-13-personas-uraba-chocoano; Colombia, Policía Nacional, *Capturados por tráfico de migrantes en Nariño*, 3 July 2021, www.policia.gov.co/noticia/capturados-trafico-migrantes-narino.

C. State Protection

The presence of the State in areas of the country that experience increasing violence, particularly in rural areas, is limited,²¹¹ undermining its ability to protect civilians and guarantee basic rights, including access to justice, health care, and education.²¹² State presence in rural areas usually consists of a temporary increase of State security forces, rather than the strengthening of local and regional institutions and the delivery of essential services.²¹³ The absence of the State is the main driver in the proliferation and strengthening of criminal groups that seek to replace the State in these areas.²¹⁴ The State's predominantly military response has failed to stop the groups' expansion, with the limited presence of civilian institutions exacerbating the situation.²¹⁵

According to Freedom House, Colombia's prosecutorial service is "relatively professional".²¹⁶ The US Department of State notes that the Government "generally respected" the independence and impartiality of the judicial system.²¹⁷ Some sources indicate that the independence of the judicial system had gradually deteriorated in recent years under former president Duque.²¹⁸ The judicial system is reported to be overburdened and inefficient, with trial processes that are very slow due to, among other reasons, the "reduced number of judicial police officers, the delays in processing evidence and the excessive prosecutorial workloads".²¹⁹ The corruption and intimidation of judges, prosecutors, and

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- ²¹¹ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 122; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 32; El Espectador, "Al Estado le faltan pantalones para ir a una zona en conflicto", 9 November 2021, www.elespectador.com/colombia-20/conflicto/al-estado-le-falta-pantalones-para-ir-a-una-zona-en-conflicto/; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, https://digitallibrary.un.org/record/3907554/files/A_HRC_46_76-EN.pdf, paras 6, 50.
- ²¹² Agencia EFE, *Cuando el Estado colombiano no llenó el vacío de la Guerra*, 20 November 2021, www.efe.com/efe/america/sociedad/cuando-el-estado-colombiano-no-lleno-vacio-de-la-guerra/20000013-4680629; Pontificia Universidad Javeriana, *Una mirada a los daños del conflicto armado en la educación rural colombiana*, 20 September 2021, www.javeriana.edu.co/pesquisa/educacion-rural-en-colombia-conflicto-armado/; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, https://digitallibrary.un.org/record/3907554/files/A_HRC_46_76-EN.pdf, paras 6, 50; Universidad Externado de Colombia, *Abandono estatal, la desgracia del pueblo*, 2 March 2021, <https://conexion.uexternado.edu.co/abandono-estatal-la-desgracia-del-pueblo/>. "[T]he Colombian state has long struggled to establish a secure presence in all parts of its territory, meaning threats from guerrilla groups and criminal gangs can disrupt policymaking and implementation in certain regions and localities." Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html.
- ²¹³ Razón Pública, *Crisis de legitimidad de la Fuerza Pública*, 24 April 2022, <https://razonpublica.com/crisis-legitimidad-la-fuerza-publica/>; ICG, *Colombia's Armed Groups Battle for the Spoils of Peace*, 19 October 2017, https://icg-prod.s3.amazonaws.com/063-colombias-armed-groups-battle-for-the-spoils-of-peace_0.pdf, p. 17. See also, CEV, *Cauca reclama una presencia integral del Estado*, 3 August 2021, <https://comisiondelaverdad.co/actualidad/noticias/cauca-reclama-una-presencia-integral-del-estado>.
- ²¹⁴ Agencia EFE, *Cuando el Estado colombiano no llenó el vacío de la Guerra*, 20 November 2021, www.efe.com/efe/america/sociedad/cuando-el-estado-colombiano-no-lleno-vacio-de-la-guerra/20000013-4680629; El Tiempo, *La violencia se agravó en la pandemia por la ausencia del Estado*: ONU, 23 February 2021, www.eltiempo.com/politica/gobierno/la-violencia-se-agravo-en-la-pandemia-por-la-ausencia-del-estado-onu-568993.
- ²¹⁵ OHCHR, *Territorial Violence in Colombia: Recommendations for the New Government*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, p. 4.
- ²¹⁶ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html.
- ²¹⁷ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.
- ²¹⁸ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html. See also, Coordinación Colombia Europa Estados Unidos (CCEEU) et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeueuropa.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, pp. 22, 26, 32, 56, 57, 62; Dejusticia, *Un Duque que quiere reinar*, 7 September 2020, www.dejusticia.org/column/un-duque-que-quiere-reinar/.
- ²¹⁹ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, www.ohchr.org/en/documents/country-reports/ahrc4676-situation-human-rights-colombia-report-united-nations-high, para. 50. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html.

witnesses is also common.²²⁰ Trust in the justice system among the population is low.²²¹ Impunity for crimes committed in the country remains high.²²² According to a 2022 CEV report, impunity for human rights violations in the context of the conflict reaches over 90 per cent.²²³

As of June 2022, the *Unidad Nacional de Protección* (National Protection Unit – UNP) was providing protection to over 8,000 persons, including around 3,600 human rights defenders, 162 journalists, 255 mayors, 16 governors, and 435 departmental deputies, municipal councillors, judges, and municipal ombudspersons;²²⁴ the UNP provided protection to a similar number of persons in 2021.²²⁵ In 2020, the UNP received 23,762 applications for protection, of which 8,190 qualified for protection measures.²²⁶ The UNP provided protection to 7,313 persons in 2019,²²⁷ 6,752 in 2018,²²⁸ and 6,067 in 2017.²²⁹

Applicants who apply to the UNP for protection are reported to face delays in reviewing protection requests, implementing protection measures, and the adoption of ineffective measures.²³⁰ Risk assessments usually take months, and the UNP rarely makes recommendations to provide urgent protection measures.²³¹ Cuts in the UNP's budget contribute to the lack of efficacy of protection

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- ²²⁰ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropa.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, p. 22.
- ²²¹ Razón Pública, *Encuesta 'Invamer Poll': Algunas luces sobre el pesimismo*, 5 September 2021, <https://razonpublica.com/encuesta-invamer-poll-algunas-luces-pesimismo/>; La Silla Vacía, *Así está el ánimo de los colombianos cuando está complete el partidito para 2022*, 2 September 2021, www.lasillavacia.com/historias/silla-nacional/invamer-poll/; IACHR, *Observaciones y recomendaciones: Visita de trabajo a Colombia*, July 2021, www.oas.org/es/cidh/informes/pdfs/ObservacionesVisita_CIDH_Colombia_SPA.pdf, para. 17.
- ²²² CEV, *La impunidad como factor de persistencia del conflicto armado interno colombiano*, 2022, www.comisiondelaverdad.co/caso-impunidad, p. 8; Semana, *Cifras de impunidad en Colombia son las mismas que hace 20 años: Fundación Ideas para la Paz*, 25 January 2022, www.semana.com/nacion/articulo/cifras-de-impunidad-en-colombia-son-las-mismas-que-hace-20-anos-fundacion-ideas-para-la-paz/202252/; CCEEU et al., *La impunidad estructural en Colombia necesita de la justicia internacional*, 2021, <https://coeuropa.org.co/la-impunidad-estructural-en-colombia-necesita-de-la-justicia-internacional/>.
- ²²³ CEV, *La impunidad como factor de persistencia del conflicto armado interno colombiano*, 2022, www.comisiondelaverdad.co/caso-impunidad, p. 8.
- ²²⁴ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. Protection schemes provided by the UNP do not include the travel expenses of bodyguards, and protected persons often have to pay themselves for expenses such as the maintenance of vehicles, which limits their ability to carry out their activities. Protection equipment does not always meet the needs of specific protected persons, including for example vehicles and means of communication provided to members of indigenous communities and Afro-descendant communities located in difficult-to-access rural areas. Also, protection schemes are cancelled without much notice and protected persons whose schemes are cancelled need to file a judicial review to have them reinstated. Threatened persons must apply in person, and interviews are often carried out over the phone. Once the initial interview has taken place, the applicant has to travel to a UNP office to sign the interview record. The UNP is establishing agreements with private security organizations to provide protection, with some Afro-Colombians reporting instances of racism from bodyguards. In a few cases, the UNP has established protection agreements with indigenous guards. Information available to UNHCR.
- ²²⁵ US Department of State, *Country Reports on Human Rights Practices for 2021: Colombia*, 12 April 2022, www.ecoi.net/en/document/2071134.html.
- ²²⁶ Colombia, UNP, *Informe evaluación rendición de cuentas 2020*, December 2021, www.unp.gov.co/wp-content/uploads/2022/01/informe-de-evaluacion-de-rendicion-de-cuentas-2020.pdf, p. 8.
- ²²⁷ US Department of State, *Country Reports on Human Rights Practices for 2019: Colombia*, 11 March 2020, www.state.gov/wp-content/uploads/2020/02/COLOMBIA-2019-HUMAN-RIGHTS-REPORT.pdf, p. 23.
- ²²⁸ US Department of State, *Country Reports on Human Rights Practices for 2018: Colombia*, 13 March 2019, www.state.gov/wp-content/uploads/2019/03/COLOMBIA-2018.pdf, p. 24.
- ²²⁹ US Department of State, *Country Reports on Human Rights Practices for 2017: Colombia*, 20 April 2018, www.state.gov/wp-content/uploads/2019/01/Colombia-1.pdf, p. 28.
- ²³⁰ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 69; OHCHR, *Presentación Informe Anual de la Alta Comisionada de la ONU para los Derechos Humanos sobre Colombia*, 23 February 2021, www.hchr.org.co/files/Pronunciamentos/2021/Intervencion-JDR-Presentacion-Informe-Anual.pdf, p. 6; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities; Amnesty International, *Afro-Colombian Women Are Risking Their Lives to Defend Their Communities*, 9 January 2020, www.amnesty.org/en/latest/news/2020/06/lideres-sociales-nos-siguen-matando-durante-cuarentena/.
- ²³¹ Information available to UNHCR. See also, ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, p. 31.

schemes.²³² Most human rights defenders killed after 2016 did not have protection measures and in 2019, only 6 out of the 108 human rights defenders killed during that year had protection measures.²³³ Individuals providing testimony to the JEP are eligible to receive a protection scheme provided by that tribunal; however, the capacity is limited to about 100 persons.²³⁴ The UNP also provides collective protection measures to groups or communities,²³⁵ but it is difficult to meet the requirements to qualify for protection if the group is not registered as an NGO.²³⁶ In 2020, authorities implemented 54 collective protection measures and conducted, through the Committee on Risk Assessment and Recommendation of Measures (*Comité de Evaluación de Riesgo y Recomendación de Medidas*, CERREM), 33 risk assessments for collective protection.²³⁷ In a 2019 judgment, the Constitutional Court found that in the case of a journalist the UNP did not properly conduct a risk assessment and did not provide reasons to the journalists for the rejection of his application.²³⁸ In 2020, the Foundation for Press Freedom (*Fundación para la Libertad de Prensa*, FLIP) accused the UNP of systematically withholding information about the assessment of the security risks faced by journalists.²³⁹

Government agencies have been criticized for ignoring the early warnings issued by the Office of the Ombudsperson through the SAT.²⁴⁰ In April 2019, for example, the Office of the Ombudsperson sent a letter to the Ministry of Interior warning that Afro-Colombian communities were facing threats by non-State armed groups but received no response.²⁴¹

²³² UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 14; Colombia, UNP, *Informe de rendición de cuentas, enero-diciembre 2020*, 2020, www.unp.gov.co/wp-content/uploads/2021/04/informe-de-rendicion-de-cuentas-construccion-de-paz-2020.pdf, p. 10.

²³³ HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf, p. 73. During 2021: "OHCHR was made aware of the case of a defender who disappeared despite having reported his situation to the National Protection Unit, and of the cases of six human rights defenders who were murdered despite having protection measures in place." OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 46.

²³⁴ Information available to UNHCR.

²³⁵ HRW, *Colombia: Protection Gaps Endanger Rights Defenders*, 10 February 2021, www.hrw.org/news/2021/02/10/colombia-protection-gaps-endanger-rights-defenders; ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, p. 31.

²³⁶ Information available to UNHCR. See also, ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, p. 31.

²³⁷ Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para pueblos e indígenas víctimas del conflicto*, 2021, www.procuraduria.gov.co/portal/media/file/SEGUIMIENTO%20Y%20MONITOREO%20A%20LA%20IMPLEMENTACION%20DEL%20DECRETO%20LEY%204633%20DE%202011.pdf, pp. 34-35.

²³⁸ Corte Constitucional, *Sentencia No. T-199/19*, 15 May 2019, www.corteconstitucional.gov.co/relatoria/2019/T-199-19.htm, para. 59.

²³⁹ FLIP, *El CERREM oculta información relevante sobre la seguridad de los periodistas*, August 2020, https://flip.org.co/images/Documentos/FLIP-Informe_Cerrem_agosto_2020.pdf, pp. 3-4.

²⁴⁰ Colombia, Comisión de Seguimiento y Monitoreo a la Implementación del Decreto Ley 4633 de 2011, *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para las víctimas del conflicto armado de los pueblos indígenas*, 20 August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3559.pdf>, p. 18; Dejusticia, *Una alerta temprana a la Defensoría*, 26 October 2020, www.dejusticia.org/column/una-alerta-temprana-a-la-defensoria/; Colombia Reports, *Government Systematically Ignoring Alert System put in Place to Prevent Killing of Social Leaders*, 6 May 2019, <https://colombiareports.com/government-systematically-ignoring-alert-system-put-in-place-to-prevent-killing-of-social-leaders/>.

²⁴¹ Colombia Reports, *Government Systematically Ignoring Alert System put in Place to Prevent Killing of Social Leaders*, 6 May 2019, <https://colombiareports.com/government-systematically-ignoring-alert-system-put-in-place-to-prevent-killing-of-social-leaders/>.

D. Humanitarian Access

The deterioration of the security situation in the country has undermined the ability of humanitarian organizations to access affected communities, particularly in remote areas of the country.²⁴² According to a survey by OCHA among 37 humanitarian organizations, 71 per cent of these organizations faced restrictions in accessing areas of concern in 2021 (an increase from 57 per cent during the previous year), and 26 per cent experienced direct threats or attacks (an increase from 17 per cent during 2020).²⁴³ In 2021, ICRC reported 553 incidents against medical personnel in Colombia, particularly in areas affected by conflict and violence, a 70 percent increase compared to 2020, when 325 cases were reported.²⁴⁴ Most of the cases were committed by members of the community (66 per cent), irregular armed actors (17 per cent), and State security forces (3 per cent).²⁴⁵ According to the same source, most incidents consisted of homicides, arbitrary detention, harassment, threats, targeting of health facilities, blockading of ambulances and medical supplies, and forced entry into health facilities to kill a target or request health assistance.²⁴⁶

E. Conflict-Induced Displacement

Colombia continues to be affected by conflict-induced internal displacement.²⁴⁷ The number of people affected by internal displacement increased from around 17,000 in 2017 to close to 22,000 in 2020.²⁴⁸ In 2021, UNHCR documented 145 large events of internal displacement in areas covered by its field offices, which affected 21,201 families (62,273 persons), an increase of 151 per cent compared to 2020.²⁴⁹ In 2022, UNHCR documented 161 large events of internal displacement in areas it monitors, which affected 26,336 families (68,745 persons).²⁵⁰ Most cases of internal displacement in 2022 took place in the departments of Nariño, Chocó, Cauca, Valle del Cauca, Norte de Santander, Putumayo,

²⁴² OCHA, *Humanitarian Access Snapshot, January-April 2023*, May 2023, https://reliefweb.int/attachments/f8c356f9-81b4-4719-9b86-71547f7442bb/COL-%20Access_Snapshot%20January-April%202023.pdf, pp. 1-2; La Silla Vacía, *Respetemos el acceso humanitario, Colombia lo necesita*, 2 June 2022, www.lasillavacia.com/historias/historias-silla-llena/respetemos-el-acceso-humanitario-colombia-lo-necesita/; OCHA, *Restricciones de acceso humanitario en Colombia – resultados de encuesta 2021*, 15 February 2022, https://reliefweb.int/attachments/1b4a5868-5b98-3f5e-b3ac-a613a08b65ce/infografia_restricciones_de_acceso_humanitario_colombia_resultados_encuesta_2021_v3.pdf, p. 1. For example, in November 2022, OCHA reported that since September 2021, over 10,000 people around the municipality of Remedios, Antioquia have had limited access to health care, food, and sanitation supplies due to attacks against medical personnel and extortion of transportation companies. OCHA, *Alerta por situación humanitaria*, 3 November 2022, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/03112022_restricciones_a_bienes_y_servicios_en_remedios_antioquia_vf.pdf.

²⁴³ OCHA, *Restricciones de acceso humanitario en Colombia – resultados de encuesta 2021*, 15 February 2022, https://reliefweb.int/attachments/1b4a5868-5b98-3f5e-b3ac-a613a08b65ce/infografia_restricciones_de_acceso_humanitario_colombia_resultados_encuesta_2021_v3.pdf, p. 1. See also, OCHA, *Colombia: Balance de Acceso Humanitario 2022*, 21 March 2023, https://reliefweb.int/attachments/60d8c526-d1fc-42da-b340-3a82c365e701/Balance_de_acceso_humanitario_COL2022_V4.pdf.

²⁴⁴ ICRC, *Colombia: Asistencia de salud en peligro*, 23 March 2022, www.icrc.org/es/document/colombia-asistencia-salud-en-peligro-2022.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 169; Inter-American Commission on Human Rights (IACHR), *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 9.

²⁴⁸ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2021*, 25 February 2022, <https://data2.unhcr.org/en/documents/download/91090>. See also, FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, p. 34.

²⁴⁹ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2021*, 25 February 2022, <https://data2.unhcr.org/en/documents/download/91090>.

²⁵⁰ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1. More than 269,000 persons were displaced (group and individual) during 2022, the most since 2016. Between January and May 2023, a further 41,000 persons were forcibly displaced. UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 10.

Bolívar, Antioquia and Arauca.²⁵¹ The main causes of forced displacement were armed confrontations among irregular armed actors, clashes between irregular armed actors and State security forces, the presence of armed groups, forced recruitment, and the killing of human rights defenders.²⁵² The populations most affected by internal displacement in 2022 were Afro-Colombians (62 per cent) and indigenous persons (16 per cent).²⁵³ According to the UARIV, by 31 May 2023, a total of 8,473,850 persons were registered as internally displaced due to events that took place after 1985.²⁵⁴ Internal displacement also takes place at the individual level, often due to the killing of a family member, threats, or extortion.²⁵⁵ According to civil society organizations, individual internal displacements are underreported.²⁵⁶

IDPs are at risk of further acts of violence, sexual exploitation, forced recruitment; they also face restrictions in accessing health care, housing, education, employment, as well as obstacles to their right to freedom of movement.²⁵⁷

In 2004 the Constitutional Court ruled in Sentence T-025 that the State had breached its constitutional obligation to guarantee the rights and protect the lives of internally displaced persons (IDPs) in Colombia, finding that IDPs had suffered "serious, massive and systematic violation of their fundamental rights".²⁵⁸ The Constitutional Court had previously issued 17 rulings on the rights of IDPs, ordering the State to provide humanitarian assistance, create public policies and programmes to address the situation of IDPs, and rectify discriminatory or negligent actions by the authorities.²⁵⁹ Since its 2004 ruling, the Constitutional Court has issued 41 follow-up rulings, addressing, inter alia, protection

- ²⁵¹ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1. See also, OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 42; OCHA, *Informe: Tendencias e Impacto Humanitario en Colombia 2022*, 23 January 2023, https://reliefweb.int/attachments/7886001b-f5cc-43b5-9df0-efa08df26cfe/informe_impacto_y_tendencias_ene_dic_2022_vf.pdf, p. 2. For displacement in 2021, see UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2021*, 25 February 2022, <https://data2.unhcr.org/en/documents/download/91090>; IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp; Colombia, Defensoría del Pueblo, *Defensoría alerta ante el aumento de eventos de desplazamiento masivo y confinamiento de comunidades*, 13 July 2021, www.defensoria.gov.co/es/nube/comunicados/10268/Defensor%C3%ADa-alerta-ante-el-aumento-de-eventos-de-desplazamiento-masivo-y-confinamiento-de-comunidades-desplazamiento-confinamiento-Defensor%C3%ADa.htm.
- ²⁵² UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1; OCHA, *Informe: Tendencias e Impacto Humanitario en Colombia 2022*, 23 January 2023, https://reliefweb.int/attachments/7886001b-f5cc-43b5-9df0-efa08df26cfe/informe_impacto_y_tendencias_ene_dic_2022_vf.pdf, p. 2. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.
- ²⁵³ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1. See also, OCHA, *Informe: Tendencias e Impacto Humanitario en Colombia 2022*, 23 January 2023, https://reliefweb.int/attachments/7886001b-f5cc-43b5-9df0-efa08df26cfe/informe_impacto_y_tendencias_ene_dic_2022_vf.pdf, p. 2.
- ²⁵⁴ Colombia, UARIV, *Registro Único de Víctimas (RUV): Unidad para las Víctimas*, accessed 30 June 2023, www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394.
- ²⁵⁵ IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp; HRW, "The Guerrillas Are the Police": *Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 32;
- ²⁵⁶ La FM, *Llegada de desplazados a Medellín aumentó: Personería*, 23 November 2021, www.lafm.com.co/colombia/llegada-de-desplazados-medellin-aumento-personeria; IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp. See also, El Colombiano, *Violencia sexual de bandas causa desplazamientos en Medellín*, 25 November 2021, www.elcolombiano.com/antioquia/seguridad/violencia-sexual-de-combos-causa-desplazamientos-KA16074860.
- ²⁵⁷ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; OHCHR, *Territorial Violence in Colombia: Recommendations for the New Government*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, pp. 19-20; IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp; Colombia, Defensoría del Pueblo, *Defensoría reclama eficacia ante el desplazamiento de 11.150 personas*, 8 March 2021, www.defensoria.gov.co/es/nube/comunicados/9973/Defensor%C3%ADa-reclama-eficacia-ante-el-desplazamiento-de-11150-personas-desplazamiento-Defensor%C3%ADa.htm.
- ²⁵⁸ Corte Constitucional, *Sentencia T-025/04*, www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm, para. 5.2.
- ²⁵⁹ *Ibid.*, para. 5.3.

measures for IDPs, respect for IDPs' right to political participation, concerns regarding limited progress towards overcoming IDPs' vulnerabilities and advancement towards solutions, and the impact of displacement on ethnic groups, children and adolescents, and women.²⁶⁰

As noted in [Section II.A.3](#), despite the signing of the Peace Agreement in 2016, violence in Colombia continues, which has increased both the risk of forced displacement and its effects on the civilian population.²⁶¹ Between January and May 2023, UNHCR received information on the displacement of more than 41,000 persons in individual and large-scale events²⁶² and more than 24,000 people confined to their territories.²⁶³ According to the latest UNHCR global trends report, Colombia is currently the country with the largest number of IDPs in the world protected or assisted by UNHCR (approximately 6.8 million).²⁶⁴ Conflict and violence also continue to force Colombians to flee across borders.²⁶⁵

III. Assessment of International Protection Needs

A. Refugee Status under the 1951 Convention

This Section outlines a number of risk profiles for asylum-seekers from Colombia, based on UNHCR's legal assessment of available country of origin information at the time of writing, as referred to in [Chapter II](#) above. UNHCR considers that asylum-seekers from Colombia falling within one or more of these risk profiles may be in need of international refugee protection under Article 1A of the 1951 Convention relating to the Status of Refugees (hereafter: 1951 Convention),²⁶⁶ depending on the circumstances of the individual case. There is a certain degree of overlap between some of the profiles, and the particular circumstances of an individual asylum-seeker may mean that two or more profiles may be applicable to the applicant. Depending on the specific circumstances of the case, family members or other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.

Not all persons falling within the risk profiles outlined in this Section will necessarily be found to be a refugee under the 1951 Convention. Conversely, the risk profiles listed here are not exhaustive. Hence, a claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here. Where applications for international protection by asylum-seekers who have fled Colombia are considered on an individual basis, they should be assessed carefully in accordance with established fair and efficient refugee status determination procedures. The evidence presented by the applicant must be taken into account, as well as reliable and up-to-date information about the situation in Colombia.

While past persecution is not a requirement for recognizing an applicant as a refugee, particular consideration should be given to any past persecution to which applicants for refugee status may have been subjected.

²⁶⁰ Corte Constitucional, *Seguimiento al cumplimiento de la Sentencia T-025 de 2004*, accessed 30 June 2023, www.corteconstitucional.gov.co/T-025-04/autos.php.

²⁶¹ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

²⁶² UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 10.

²⁶³ *Ibid.*, p. 18.

²⁶⁴ UNHCR, *Global Trends Report 2022*, 14 June 2023, www.unhcr.org/global-trends-report-2022, pp. 26-27.

²⁶⁵ El Espectador, *Al menos 13 millones de personas viven procesos migratorios en Colombia*, 22 February 2023, www.elespectador.com/mundo/america/al-menos-13-millones-de-personas-viven-procesos-migratorios-en-colombia/. According to the Victims Unit, from 1985 to 30 April 2023, almost 27,000 Colombians have been recognized as victims abroad in 43 countries. However, exile has been largely underreported and has not been duly recognized as a human rights violation, as stated by Truth Commission. CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 27; Colombia, Unidad para la Atención y Reparación Integral a las Víctimas, *Registro Único de Víctimas (RUV)*, accessed 30 June 2023, www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394.

²⁶⁶ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, UN Treaty Series, Vol. 189, p. 137, www.refworld.org/docid/3be01b964.html.

In light of the context of widespread human rights violations observed in Colombia, the applicability of the exclusion clauses may need to be considered in certain cases.

1) *Social Leaders, Community Leaders and Human Rights Defenders*²⁶⁷

The 2016 Peace Agreement includes a section on protection guarantees for social leaders, community leaders and human rights defenders.²⁶⁸ The Government has implemented several mechanisms to provide them with protection, including the UNP (see [Section II.C](#));²⁶⁹ the Action Plan for the Prevention and Protection of Human Rights Defenders, Social Leaders, Community Leaders, and Journalists;²⁷⁰ the Collective Protection Route of the Rights to Life, Liberty, Personal Integrity and Security of Groups and Communities;²⁷¹ the National Commission on Security Guarantees;²⁷² and the Comprehensive Security and Protection Programme for Communities and Organizations in the Territories,²⁷³ among others.²⁷⁴

²⁶⁷ According to OHCHR, based on the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms of 1998, "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner. Human rights defenders are identified above all by what they do and it is through a description of their actions ... and of some of the contexts in which they work ... that the term can best be explained". For more information, including examples of activities of human rights defenders, see OHCHR, *About Human Rights Defenders*, accessed 30 June 2023, www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders#ftn1. The IACHR notes that "[t]he condition of social, communal, community, or peasant leader is based on the activity that the person performs and the recognition they have in their community. Therefore, these leaders are framed within the concept of human rights defenders". IACHR, *Personas defensoras de derechos humanos y líderes sociales en Colombia*, 6 December 2019, www.oas.org/es/cidh/informes/pdfs/DefensoresColombia.pdf, para. 30. The Office of the Ombudsperson similarly notes that the notion of "social leader" is a sociological term that is included in the concept of "human rights defender" and includes individuals working on a wide range of issues including, but not limited to, community rights, land restitution, environmental rights, or the rights of women, peasants, Afro-descendants, indigenous peoples, workers, displaced persons, etc. Defensoría del Pueblo, *Alerta Temprana No. 026-18*, 28 February 2018, <https://alertasstg.blob.core.windows.net/alertas/026-18.pdf>, pp. 28-29. The IACHR and the Office of the Ombudsperson both note that the term should be interpreted in a broad and flexible manner, and without restrictions, relying on a proper evaluation of the relevant context. The ICG also notes that "Government and civil society bodies also disagree as to how and whether to include in their tallies violence that may have motivations beyond targeting human rights work, such as personal debts or alleged local disputes. This issue is far from easy to resolve, because many leaders operate in areas dominated by armed groups and/or illicit economies". ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, p. 4. The terms "social leader" and "human rights defender" are sometimes used interchangeably by sources. As noted above, for the purposes of this document, the term "human rights defender" is interpreted to include the concept of "social leader".

²⁶⁸ Colombia and FARC-EP, *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, 24 November 2016, www.jep.gov.co/Documents/Acuerdo%20Final/Acuerdo%20Final.pdf, pp. 8, 41, 78, 81, 83, 93.

²⁶⁹ Colombia, *Decreto 4065 de 2011*, 31 October 2011, www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=44545.

²⁷⁰ Colombia, Plan de Acción Oportuna de Prevención y Protección de los Defensores de Derechos Humanos, Líderes Sociales, Comunes y Periodistas, November 2018, www.mininterior.gov.co/sites/default/files/noticias/19.11.2018_pao_final.pdf. A Commission was created to develop and coordinate protection programmes and resources for the protection of human rights defenders, social leaders, communal leaders and journalists. Colombia, *Decreto 2137 de 2018*, 19 November 2018, www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30035949.

²⁷¹ Colombia, *Decreto 2078 de 2017*, 7 December 2017, www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=84635.

²⁷² Colombia, *Decreto Ley No. 154 de 2017*, 3 February 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf>. For criticism of the Commission's efficacy, see *El Espectador*, *Piden al Presidente Duque convocar de inmediato la Comisión Nacional de Garantías*, 26 April 2021, www.elespectador.com/colombia-20/conflicto/piden-al-presidente-duque-convocar-de-inmediato-la-comision-nacional-de-garantias-articulo/; HRW, *Colombia: Protection Gaps Endanger Rights Defenders*, 10 February 2021, www.hrw.org/news/2021/02/10/colombia-protection-gaps-endanger-rights-defenders; Indepaz, *Comunicado de Indepaz: Comisión Nacional de Garantías de Seguridad*, 17 August 2020, www.indepaz.org.co/comunicado-de-indepaz-comision-nacional-de-garantias-de-seguridad/.

²⁷³ Colombia, *Decreto 660 de 2018*, www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=85922.

²⁷⁴ Coordinating these bodies is the *Consejería Presidencial para los Derechos Humanos y Asuntos Internacionales*, *Protección*, <https://derechoshumanos.gov.co/Areas-Trabajo/Paginas/Proteccion.aspx>. Decree 2252 of 2017 imposes obligations on mayors and governors to protect human rights defenders at the regional level. Colombia, *Decreto 2252 de 2017*, 29 December 2017, www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=85059.

Despite the Government's efforts, the situation of human rights defenders continues to be of concern.²⁷⁵ The implementation of laws, policies, and other mechanisms designed to protect human rights defenders and other people at risk from human rights violations and abuses has often been poor.²⁷⁶ The Constitutional Court has indicated that human rights defenders in Colombia face "high" levels of risk and that the State must provide them with additional protection.²⁷⁷ Colombia is considered one of the most dangerous countries for human rights defenders.²⁷⁸

Human rights defenders are subjected to threats, forced disappearances, killings, forced displacement, theft of personal information and information related to the projects they are participating in, arbitrary detention, attacks, criminalization, and sexual violence.²⁷⁹ Victims include leaders of ethnic communities;²⁸⁰ leaders of community, youth, peasants', and victims' organizations;²⁸¹ defenders of

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- ²⁷⁵ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, paras 52-54; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, paras 61-65; HRW, *Amicus Brief on Killings of Human Rights Defenders in Colombia*, 20 April 2021, www.hrw.org/news/2021/04/20/amicus-brief-killings-human-rights-defenders-colombia; UN News, *UN Documents 375 Killings in Colombia in 2020, Urges Government Action*, 15 December 2020, <https://news.un.org/en/story/2020/12/1080082>.
- ²⁷⁶ Information available to UNHCR. See also, OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, paras 67-70; HRW, *Colombia: Protection Gaps Endanger Rights Defenders*, 10 February 2021, www.hrw.org/news/2021/02/10/colombia-protection-gaps-endanger-rights-defenders.
- ²⁷⁷ Corte Constitucional, *Sentencia T-469/20*, 3 November 2020, www.corteconstitucional.gov.co/Relatoria/2020/T-469-20.htm#_ftnref31, paras 51, 58, 65.
- ²⁷⁸ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; Caracol, *Colombia, el país donde más defensores de DD.HH. asesinaron en 2020*, 15 April 2021, https://caracol.com.co/radio/2021/04/15/internacional/1618520167_559941.html; The Guardian, *At Least 331 Human Rights Defenders Were Murdered in 2020, Report Finds*, 11 February 2021, www.theguardian.com/global-development/2021/feb/11/human-rights-defenders-murder-2020-report; UN News, *Colombia: El país latinoamericano con más asesinatos de defensores de derechos humanos, señala experto*, 4 March 2020, <https://news.un.org/es/story/2020/03/1470571>.
- ²⁷⁹ UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 16; Programa Somos Defensores, *Teatro de sombras: Informe anual 2021, 2022*, <https://drive.google.com/file/d/1-cyEWpykRIGU57cO-kNZFHMCTvIOJfLy/view?usp=sharing>, pp. 96-97; Colombia, Defensoría del Pueblo, *Alerta temprana No. 026-18*, 28 February 2018, <https://alertasstg.blob.core.windows.net/alertas/026-18.pdf>.
- ²⁸⁰ In addition to indigenous and Afro-descendant communities, the Roma (in Spanish *rrom* or *gitano*) have also been targeted during the armed conflict. The Roma are particularly affected by forced displacement and child recruitment. They are usually displaced to larger cities where they experience racism, discrimination, and loss of their cultural heritage, language, and economic activity. In the 2005 census there were 5,000 Roma in Colombia, while in the 2018 census the identified population dropped to 2,649. Colombia, Comisión de la Verdad, *Un llamado por la protección del pueblo rrom o gitano de Colombia*, 7 April 2022, <https://comisiondelaverdad.co/actualidad/noticias/dia-pueblo-rrom-gitano-colombia-llamado-comision-proteccion>. See also, RCN, *Los gitanos, los otros amenazados por 'genocidio cultural'*, 29 August 2017, www.rcnradio.com/colombia/caribe/los-gitanos-los-otros-amenazados-genocidio-cultural.
- ²⁸¹ OHCHR, *Territorial Violence in Colombia: Recommendations for the New Government*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, p. 13; Programa Somos Defensores, *Agresiones contra personas defensoras de derechos humanos en Colombia enero – marzo 2021*, 3 May 2021, <https://drive.google.com/file/d/1OCqeVcqkPBYPdbNQQNf9XDBTLortDKjEa/view>, p. 9. For attacks against human rights defenders in 2020, see Programa Somos Defensores, *In Evil Hour - Annual Report 2020*, 20 May 2021, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrTgvi_ya94j/view, p. 85.

land restitution and crop substitution initiatives;²⁸² environmental activists;²⁸³ and trade union leaders.²⁸⁴ Attacks are often committed inside their homes and often in the presence of their children or family members.²⁸⁵ Family members of human rights defenders have also been targeted.²⁸⁶ The targeting of human rights defenders is perpetrated by post-demobilization groups, post-FARC-EP irregular armed groups, the ELN and, to a certain extent, national security forces.²⁸⁷ *Programa Somos Defensores* indicated that in 2020, post-demobilization groups were responsible for 33.5 per cent of cases of violence against human rights defenders, post-FARC-EP irregular armed groups for 4.5 per cent of cases, the ELN for 4.5 per cent, security forces for 2.9 per cent, and in 54 per cent of the cases the perpetrator was unknown.²⁸⁸

Several sources indicate that the number of killings of human rights defenders increased after the signing of the 2016 Peace Agreement.²⁸⁹ The number of reported killings varies significantly depending on the source: HRW reported that OHCHR had documented the killings of 421 human rights defenders

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- ²⁸² OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 64; IACHR, *La CIDH reitera su preocupación por la situación de violencia registrada durante el 2020 contra quienes defienden derechos humanos en Colombia*, 22 January 2021, www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/013.asp; ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, pp. 14, 16. "Defenders of the land, territory and environment were particularly at risk." Amnesty International, *Amnesty International Report 2022/23: The State of the World's Human Rights - Colombia 2022*, 27 March 2023, www.ecoi.net/en/document/2089466.html.
- ²⁸³ Serious threats, including death threats, are commonplace in Colombia for defenders who raise concerns about corporate activity, in particular in land-intensive industries. See UN Special Rapporteur on Human Rights Defenders, UN Working Group on Business and Human Rights; UN Special Rapporteur on the rights of indigenous peoples, *Colombia: Extreme Risks for Rights Defenders Who Challenge Corporate Activity*, 4 August 2022, www.ohchr.org/en/press-releases/2022/08/colombia-extreme-risks-rights-defenders-who-challenge-corporate-activity.
- ²⁸⁴ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; Programa Somos Defensores, *Agresiones contra personas defensoras de derechos humanos en Colombia enero – marzo 2021*, 3 May 2021, <https://drive.google.com/file/d/1OCqeVcqkPBYdbNQQNf9XDBTLortDKjEa/view>, p. 9. For attacks against human rights defenders in 2020, see Programa Somos Defensores, *In Evil Hour - Annual Report 2020*, 20 May 2021, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, p. 85.
- ²⁸⁵ Washington Office on Latin America (WOLA), *Colombia Update: The State of Peace and Human Rights Amid the Pandemic*, 4 August 2020, www.wola.org/2020/08/the-state-of-peace-human-rights-colombia-pandemic/; Amnesty International, *Colombia's Social Leaders Are Still Being Killed During the Quarantine*, 22 June 2020, www.amnesty.org/en/latest/news/2020/06/lideres-sociales-nos-siguen-matando-durante-cuarentena/.
- ²⁸⁶ Information available to UNHCR. See also, IACHR, *Report on the Situation of Human Rights Defenders and Social Leaders in Colombia*, 6 December 2019, www.oas.org/en/iachr/reports/pdfs/ColombiaDefenders.pdf, paras 70, 71, 78, 130, 131. According to Indepaz, 12 family members of human rights defenders were killed during 2020. Indepaz, *Líderes sociales y defensores de derechos humanos asesinados en 2020*, accessed 14 June 2022, www.indepaz.org.co/lideres/. See also, El Tiempo, *Pese a cuarentena por coronavirus, siguen asesinando líderes sociales*, 26 March 2020, www.eltiempo.com/politica/lideres-son-asesinados-en-cuarentena-477378. Targeting usually consists of the dissemination of potential targets' information through WhatsApp channels, flyers, personal visits to the workplace or residence. Information available to UNHCR.
- ²⁸⁷ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 106, 390; Programa Somos Defensores, *Agresiones contra personas defensoras de derechos humanos en Colombia enero – marzo 2021*, 2021, <https://drive.google.com/file/d/1OCqeVcqkPBYdbNQQNf9XDBTLortDKjEa/view>, p. 4; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, February 2021, www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf, pp. 27-28; Universidad de los Andes, *¿Cómo entender los asesinatos de líderes sociales durante la pandemia?*, 15 October 2020, <https://uniandes.edu.co/es/noticias/gobierno-y-politica/como-entender-la-ola-de-asesinatos-de-lideres-sociales-en-colombia-durante-la-pandemia>.
- ²⁸⁸ Programa Somos Defensores, *Agresiones contra personas defensoras de derechos humanos en Colombia enero – marzo 2021*, 2021, <https://drive.google.com/file/d/1OCqeVcqkPBYdbNQQNf9XDBTLortDKjEa/view>, p. 4. In 2022: "Diversos grupos armados no estatales serían los presuntos responsables del 73% de los homicidios verificados" of human rights defenders. OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 61.
- ²⁸⁹ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 133; Verdad Abierta, *No hay estrategia institucional para proteger a firmantes del Acuerdo de Paz*, 2 March 2022, <https://verdadabierta.com/no-hay-estrategia-institucional-para-proteger-a-firmantes-del-acuerdo-de-paz/>; El Espectador, *Agresiones contra líderes sociales antes y después del acuerdo de paz*, 27 September 2018, www.elespectador.com/colombia-20/conflicto/agresiones-contra-lideres-sociales-antes-y-despues-del-acuerdo-de-paz-articulo/.

between November 2016 and December 2020,²⁹⁰ the *Fiscalía General de la Nación* (Office of the Attorney General – FGN) reported that more than 1,000 killings of human rights defenders took place between January 2016 and August 2022,²⁹¹ while Indepaz estimated that 1,000 human rights defenders were killed between November 2016 and 21 August 2020.²⁹² The JEP indicated that 904 human rights defenders were killed between November 2016 and April 2021.²⁹³ During 2020, *Programa Somos Defensores* reported 969 individual cases of violence against human rights defenders, including 199 killings, representing a 60.4 per cent increase in comparison to 2019 and the highest number of cases it recorded in 11 years.²⁹⁴ The regions with the highest number of assassinations of human rights defenders in 2020 were Cauca, Antioquia and Nariño, all of which saw a significant increase in the number of victims compared to previous years.²⁹⁵ Bogotá, La Guajira, Norte de Santander, Valle del Cauca, Putumayo, and Bolivar also reported high rates of attacks against human rights defenders.²⁹⁶ During the first three months of 2021, the Office of the Ombudsperson documented the killing of 34 human rights defenders; in the same period 123 defenders were threatened, a 37 per cent reduction in comparison to the same period in 2020.²⁹⁷ Indepaz's Observatory of Human Rights, Conflict and Peace indicates that in 2021, 171 human rights defenders were killed,²⁹⁸ while 87 were killed between January and June 2022.²⁹⁹ The departments with the highest number of human rights defenders killed between January and June 2022 are Cauca (12), Valle del Cauca (11), Antioquia (9), Putumayo (9), and Arauca (7).³⁰⁰

²⁹⁰ HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf, p. 24. "More than 1,000 human rights defenders and social leaders have been killed in Colombia since 2016, according to the Human Rights Ombudsperson's Office." HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html.

²⁹¹ "NGOs using different methodologies and definitions reported differing numbers of homicides of social leaders and human rights defenders, which often included environmental activists." US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

²⁹² Indepaz, *1.000 líderes y defensores de DDHH*, 21 August 2020, www.indepaz.org.co/1-000-lideres-y-defensores-de-ddhh/.

²⁹³ JEP, *Sistema Integral solicita a la Defensoría del Pueblo adoptar una resolución defensorial que trace hoja de ruta para poner fin al asesinato de líderes sociales y excombatientes de las Farc-EP*, 19 April 2021, www.jep.gov.co/Sala-de-Prensa/Paginas/Petici%C3%B3n-a-la-Defensor%C3%ADa-del-Pueblo-de-informe-y-resoluci%C3%B3n-defensorial-por-grave-situaci%C3%B3n-de-DDHH.aspx.

²⁹⁴ Programa Somos Defensores, *Annual Report 2020, 2021*, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, pp. 5, 7. OHCHR reported 133 homicides of human rights defenders (90 verified cases, 18 unverified and 25 under the process of verification. OHCHR, *Presentación informe anual de la Alta Comisionada de la ONU para los Derechos Humanos sobre Colombia*, 23 February 2021, www.hchr.org.co/files/Pronunciamentos/2021/Intervencion-JDR-Presentacion-Informe-Anual.pdf, p. 5. For a detailed list of human rights defenders killed during 2020, see Indepaz, *Líderes sociales y defensores de derechos humanos asesinados en 2020**, accessed 5 July 2021, www.indepaz.org.co/lideres/.

²⁹⁵ Programa Somos Defensores, *In Evil Hour - Annual Report 2020, 20 May 2021*, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, p. 66; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, 17 March 2021, A/HRC/46/76, <https://undocs.org/A/HRC/46/76>, footnote 16; IACHR, *La CIDH reitera su preocupación por la situación de violencia registrada durante el 2020 contra quienes defienden derechos humanos en Colombia*, 22 January 2021, www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/013.asp.

²⁹⁶ Programa Somos Defensores, *In Evil Hour - Annual Report 2020, 20 May 2021*, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, pp. 81-83. "OHCHR observed that an increased number of massacres and human rights violations against human rights defenders primarily occurred in municipalities with high levels of multidimensional poverty, where illicit economies that fuel endemic violence flourish." UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, 17 March 2021, A/HRC/46/76, <https://undocs.org/A/HRC/46/76>, paras 6, 22.

²⁹⁷ Caracol, *En tres meses de 2021 han asesinado a 34 líderes sociales y amenazado a 123*, 27 May 2021, https://caracol.com.co/radio/2021/05/27/judicial/1622119000_311548.html.

²⁹⁸ Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2021*, 14 November 2021, <https://indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/>.

²⁹⁹ Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2022*, 8 June 2022, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>.

³⁰⁰ Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2022*, 8 June 2022, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>. See also, FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, p. 37. See also, OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 61.

Human rights defenders are also exposed to stigmatization and, on occasion, false accusations from government officials of having links with irregular armed actors, which exposes them to further violence.³⁰¹ Human rights defenders are subjected to surveillance by government intelligence bodies;³⁰² in some instances, State authorities reportedly deem legal activities carried out by human rights defenders as either illegal or tied to irregular armed actors.³⁰³ Land restitution activists face stigmatization and defamation campaigns by political leaders and business owners through unsubstantiated accusations that they have links with guerrilla groups.³⁰⁴ In Urabá, for example, land restitution advocates face resistance from cattle ranchers and large land owners who consider themselves as "victims" of the land restitution programme.³⁰⁵ Human rights defenders are also attacked by irregular armed actors for alleged collaboration with the military, the Government, or for supporting governmental projects, including the substitution of illicit crops.³⁰⁶ The targeting of human rights defenders has negatively impacted local communities, in some cases "irreparably", as human rights defenders are often prevented from performing their work or are forcibly displaced by irregular armed actors to other regions.³⁰⁷

According to the UNP, out of the 7,600 persons under its protection in 2020, 49 per cent were human rights defenders.³⁰⁸ The US Department of State indicated that the UNP were protecting around 3,600 human rights defenders in 2022.³⁰⁹ Some have been killed while their application for protection measures was being evaluated or while they were waiting for the implementation of protection measures by the UNP.³¹⁰ There are cases of human rights defenders who were killed despite receiving

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- ³⁰¹ International Federation for Human Rights (FIDH), *Colombia: Attacks on Human Rights Defenders as Part of the National Strike*, 20 May 2021, www.fidh.org/en/issues/human-rights-defenders/colombia-attacks-on-human-rights-defenders-as-part-of-the-national-strike; Indepaz et al., *Sistematicidad, estigmatización y precarios avances en materia de investigación, juzgamiento y sanción*, 2021, www.protectioninternational.org/sites/default/files/sistematicidad_asesinato_personas_defensoras_col_marzo2021.pdf, pp. 20-21; ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, p. 19.
- ³⁰² UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, 17 March 2021, A/HRC/46/76, <https://undocs.org/A/HRC/46/76>, para. 20; Amnesty International, *Report 2020/21, The State of the World's Human Rights: Colombia*, 7 April 2021, www.amnesty.org/en/wp-content/uploads/2021/06/POL1032022021ENGLISH.pdf, p. 128.
- ³⁰³ Programa Somos Defensores, *In Evil Hour - Annual Report 2020*, 20 May 2021, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, pp. 78-79; CINEP, *Colombia y Guatemala piden a CIDH audiencia sobre defensores del territorio*, 12 May 2021, www.cinep.org.co/Home2/component/k2/883-colombia-y-guatemala-piden-a-cidh-audiencia-sobre-defensores-del-territorio.html; Indepaz et al., *Sistematicidad, estigmatización y precarios avances en materia de investigación, juzgamiento y sanción*, 2021, www.protectioninternational.org/sites/default/files/sistematicidad_asesinato_personas_defensoras_col_marzo2021.pdf, pp. 20-21.
- ³⁰⁴ Information available to UNHCR. See also, Comisión Colombiana de Juristas (CCJ) et al., *Radiografía de la restitución de tierras en Colombia*, 9 May 2019, www.coljuristas.org/documentos/tmp/Radiografia_de_la_restitucion_de_tierras_en_Colombia_2019.pdf, pp. 77-78.
- ³⁰⁵ Comisión Colombiana de Juristas et al., *Radiografía de la restitución de tierras en Colombia*, 9 May 2019, www.coljuristas.org/documentos/tmp/Radiografia_de_la_restitucion_de_tierras_en_Colombia_2019.pdf, pp. 77-78.
- ³⁰⁶ Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, p. 34; HRW, *Colombia: Protection Gaps Endanger Rights Defenders*, 10 February 2021, www.hrw.org/news/2021/02/10/colombia-protection-gaps-endanger-rights-defenders; IACHR, *La CIDH reitera su preocupación por la situación de violencia registrada durante el 2020 contra quienes defienden derechos humanos en Colombia*, 22 January 2021, www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/013.asp.
- ³⁰⁷ Information available to UNHCR. See also, UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, pp. 13-14; Colombia, Defensoría del Pueblo, *Alerta temprana No. 026-18*, 28 February 2018, <https://alertasstg.blob.core.windows.net/alertas/026-18.pdf>, p. 22.
- ³⁰⁸ Infobae, *UNP explicó qué está sucediendo con los esquemas de protección a los líderes sociales*, 5 January 2021, www.infobae.com/america/colombia/2021/01/05/unp-explico-que-esta-sucediendo-con-los-esquemas-de-proteccion-a-los-lideres-sociales/; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, 17 March 2021, A/HRC/46/76, <https://undocs.org/A/HRC/46/76>, para. 26; US Department of State, *Country Reports on Human Rights Practices for 2020: Colombia*, 30 March 2021, www.ecoi.net/en/document/2048118.html.
- ³⁰⁹ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html, p. 27.
- ³¹⁰ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 46; Infobae, *UNP explicó qué está sucediendo con los esquemas de protección a los líderes sociales*, 5 January 2021, www.infobae.com/america/colombia/2021/01/05/unp-explico-que-esta-sucediendo-con-los-esquemas-de-proteccion-a-los-lideres-sociales/; W Radio, *¿Qué está pasando con los esquemas de seguridad de los líderes sociales?*, 4 January 2020, www.wradio.com.co/noticias/actualidad/que-esta-pasando-con-los-esquemas-de-seguridad-de-los-lideres-sociales/20210104/nota/4099185.aspx.

protection measures by the UNP.³¹¹ According to officials familiar with the protection programme, a "significant proportion" of human rights defenders under protection are asked by authorities to relocate.³¹² As a result, many do not request protection to avoid having to abandon their homes or the causes for which they advocate, and instead rely on self-protection measures.³¹³ Some of the most common protection measures granted to human rights defenders include the provision of "panic buttons", bullet-proof vests, cell phones (even where no cell phone signal is available) and, in extreme cases, bodyguards and armoured cars.³¹⁴ The Constitutional Court held that "authorities responsible for assessing and implementing protection measures must take into account the specific conditions of the affected person and adopt measures with a differential approach, in the case of, among others, union leaders, peasant and community leaders, indigenous and Afro-Colombian leaders and, in general, human rights defenders".³¹⁵ Sources indicate, however, that the UNP do not apply a differentiated approach in the assessment of protection applications or the assignment of protection measures for members of ethnic communities, with some of the measures granted failing to take adequate account of, for example, the terrain or remote nature of the protected person's home area or the availability of telecommunication networks.³¹⁶

According to the FGN, the Government obtained 109 convictions in the cases of more than 1,000 human rights defenders killed between January 2016 and August 2022.³¹⁷ In April 2021, Amnesty International reported that the FGN had "made progress" in 137 of the 317 cases of killings of human rights defenders.³¹⁸

UNHCR considers that human rights defenders – including leaders of ethnic communities; leaders of community, youth, peasants', and victims' organizations; defenders of land restitution and crop substitution initiatives; environmentalists; and trade union leaders – are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion or their ethnicity.

2) *Persons Involved in the National Comprehensive Programme for the Substitution of Illicit Crops*

The National Comprehensive Programme for the Substitution of Illicit Crops (*Programa Nacional Integral de Sustitución de Cultivos Ilícitos* – PNIS) is being implemented in 56 municipalities across the

³¹¹ Programa Somos Defensores, *In Evil Hour - Annual Report 2020*, 20 May 2021, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, pp. 23, 33, 81; IACHR, *La CIDH reitera su preocupación por la situación de violencia registrada durante el 2020 contra quienes defienden derechos humanos en Colombia*, 22 January 2021, www.oas.org/es/CIDH/jrForm/?File=/es/cidh/prensa/comunicados/2021/013.asp.

³¹² ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>, p. 32.

³¹³ Ibid.

³¹⁴ Information available to UNHCR. See also, HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf, p. 72.

³¹⁵ Corte Constitucional, *Sentencia T-411/18*, www.corteconstitucional.gov.co/relatoria/2018/t-411-18.htm, para. 91.

³¹⁶ Information available to UNHCR. See also, Race & Equality, *Unidad Nacional de Protección no está protegiendo a dos lideresas afrocolombianas en riesgo extremo*, 31 December 2020, http://raceandequality.org/wp-content/uploads/2020/12/Comunicado-Raza-e-Igualdad-lideresas-afrocolombianas_ESP.pdf.

³¹⁷ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

³¹⁸ Amnesty International, *Amnesty International Report 2020/21, The State of the World's Human Rights: Colombia*, 7 April 2021, www.amnesty.org/en/wp-content/uploads/2021/06/POL1032022021ENGLISH.pdf, pp. 127-128.

country and, according to the Government, as of July 2021, around 44,294 hectares of illicit crops had been voluntarily eradicated, by almost 100,000 participating families.³¹⁹

Persons involved in the substitution of illicit crops, including peasants and peasants' leaders, are particularly targeted by post-demobilization groups,³²⁰ the ELN, and post-FARC-EP irregular armed groups.³²¹ Targeted persons include those who contributed to the drafting of the PNIS and other related programmes or who actively participate or participated in their promotion; those who participate or participated in forced manual eradication programmes; and those who build independent initiatives in their territories, or who lead negotiation processes, for other crop substitution programmes outside the PNIS.³²² Targeting occurs in the context of disputes among irregular armed actors for territorial control, expansion of drug trafficking activities, and a lack of comprehensive rural reforms.³²³ Additionally, there are also reports of threats against those who promote illicit crop substitution from neighbours who blame them for the fact that they have not received the promised government assistance for participating in the crop substitution programme, or from peasants with illicit crops who are affected by a wider government eradication action in an area with peasants participating in the programme.³²⁴ International

- ³¹⁹ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 56. See also, UNODC, *Informe No. 24, Programa Nacional Integral de Sustitución de Cultivos Ilícitos – PNIS*, 16 December 2022, www.unodc.org/documents/colombia/2022/Diciembre/INFORME_PNIS_24.pdf. Budgetary limitations and resource constraints have impacted the sustainability of the programme. According to peasant leaders, the PNIS has been a failure as the Government has not fulfilled its promise to provide effective support to those engaged in the programme. Additionally, pressure from irregular armed groups and the lack of credibility of the PNIS in the eyes of farmers are becoming an incentive to abandon the programme and re-engage in the cultivation of illegal crops. While forced eradication of illicit crops increased by 38 per cent between 2019 and 2020, voluntary eradication dropped by 90 per cent. France 24, "Un total incumplimiento": la desesperanza de los campesinos excocaleros colombianos (3/6), 21 November 2021, www.france24.com/es/am%C3%A9rica-latina/20211121-colombia-conflicto-plantaciones-coca-paz; Infobae, *Denuncian desfinanciación del programa de sustitución voluntaria en el Presupuesto Nacional de 2022*, 30 September 2021, www.infobae.com/america/colombia/2021/09/30/denuncian-desfinanciacion-del-programa-de-sustitucion-voluntaria-en-el-presupuesto-nacional-de-2022/; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 57; UN Office on Drugs and Crime (UNODC), *Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2020*, July 2021, www.unodc.org/documents/crop-monitoring/Colombia/Colombia_Monitoreo_de_territorios_afectados_por_cultivos_ilicitos_2020.pdf, p. 11; Semana, *¿El Gobierno no quiere sustituir los cultivos ilícitos?*, 24 February 2021, <https://semanarural.com/web/articulo/fracaso-el-programa-de-sustitucion-de-cultivos-ilicitos/1787>; FIP, *¿En qué va la sustitución de cultivos ilícitos? Desafíos, dilemas actuales y la urgencia de un consenso*, April 2019, https://ideaspaz.org/media/website/FIP_sustitucion_VOL06.pdf, p. 7.
- ³²⁰ Pares, ODEVIDA and PROVEA, *El aire huele a mal: situación de personas defensoras del ambiente y el territorio en Colombia y Venezuela*, 9 December 2021, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfries.com/ugd/e7c20b_e6d4a0a6ef4841e7ad4467ba90be08fe.pdf, p. 39; France 24, "Un total incumplimiento": la desesperanza de los campesinos excocaleros colombianos (3/6), 21 November 2021, www.france24.com/es/am%C3%A9rica-latina/20211121-colombia-conflicto-plantaciones-coca-paz; Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, pp. 23-24.
- ³²¹ Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, pp. 23-24; El Espectador, *Líderes de sustitución de coca, objetivo del narcotráfico*, 18 February 2018, www.elespectador.com/colombia-20/conflicto/lideres-de-sustitucion-de-coca-objetivo-del-narcotrafico-article/.
- ³²² Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, p. 36. See also, OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 4; Gutiérrez, Francisco, et al., *Paz sin garantías: El asesinato de líderes de restitución y sustitución de cultivos de uso ilícito en Colombia*, Revista Estudios Socio-Jurídicos, Vol. 22, No. 2, 2020, <https://revistas.urosario.edu.co/xml/733/73363708012/html/index.html>.
- ³²³ Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, p. 24. See also, Gutiérrez, Francisco, et al., *Paz sin garantías: El asesinato de líderes de restitución y sustitución de cultivos de uso ilícito en Colombia*, Revista Estudios Socio-Jurídicos, Vol. 22, No. 2, 2020, <https://revistas.urosario.edu.co/xml/733/73363708012/html/index.html>; El Espectador, *Sustitución de cultivos: ¿una lucha que Colombia da sola?*, 2 July 2018, www.elespectador.com/colombia-20/conflicto/sustitucion-de-cultivos-una-lucha-que-colombia-da-sola-article/.
- ³²⁴ Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, p. 34; ICG, *Deeply Rooted: Coca Eradication and Violence in Colombia*, 26 February 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/87-deeply-rooted-coca-eradication-and-violence-colombia, pp. 18, 23.

Crisis Group reports also that peasants who participate in the substitution programme are extorted by irregular armed actors for reason of the aid they received by the government.³²⁵ Between January 2020 and November 2021, 10 persons were killed for promoting the substitution of illicit crops.³²⁶ Between November 2016 and June 2020, 75 persons with this profile were killed;³²⁷ the departments with the highest number of killings were Antioquia (24 killings), Cauca (18 cases), Norte de Santander (8 cases), Putumayo (7 cases), and Nariño (5 cases).³²⁸

Sources also report instances where State security forces have engaged in the repression of peasants and demonstrators who protest against forced eradication programmes as they affect their livelihoods.³²⁹ According to *Observatorio de Tierras*, a think tank that conducts research on the relationship between property rights and conflict, during forced eradication campaigns conducted between 2016 and 2020, 95 incidents involving peasants and state security forces were reported, with 51 of the cases taking place in 2020.³³⁰ In 19 per cent of these incidents at least one person was injured, while in 6 per cent of the cases at least one person was killed.³³¹

Depending on the particular circumstances of the case, UNHCR considers that persons involved in voluntary substitution and eradication programmes of illicit crops may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion.

Persons who have resisted forced eradication programmes may also be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion.

3) Journalists

Colombia ranked 139 out of 180 in the 2023 Word Press Freedom Index and is considered "one of the most dangerous countries on the continent for journalists".³³² Journalists are frequent targets of death threats, physical attacks, kidnapping and killings.³³³ In the context of the armed conflict, journalists are

³²⁵ ICG, *Deeply Rooted: Coca Eradication and Violence in Colombia*, 26 February 2021, www.crisisgroup.org/latin-america-caribbean/andes/colombia/87-deeply-rooted-coca-eradication-and-violence-colombia, pp. 17-18.

³²⁶ Pares, ODEVIDA and PROVEA, *El aire huele a mal: situación de personas defensoras del ambiente y el territorio en Colombia y Venezuela*, 9 December 2021, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfries.com/ugd/e7c20b_e6d4a0a6ef4841e7ad4467ba90be08fe.pdf, p. 40.

³²⁷ Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://drive.google.com/file/d/1GiYkYUsiEyAJ9IH_fneN9Ozh2XLg1f5L/view, p. 55.

³²⁸ Other departments included Caquetá, Córdoba, Chocó, Meta, Valle del Cauca, Bolívar, and Guaviare. Ibid., p. 56.

³²⁹ Programa Somos Defensores et al., *La sustitución voluntaria siembra paz: Agresiones a personas defensoras de derechos humanos y población campesina vinculadas a cultivos de uso ilícito*, 26 March 2021, https://visomutop.org/wp-content/uploads/2021/03/Inf_especial_Sembrar-paz-compressed.pdf, pp. 34-36; El País, *La erradicación forzosa de plantaciones de coca en Colombia, una chispa en medio de la pandemia*, 23 April 2020, <https://elpais.com/internacional/2020-04-23/la-erradicacion-forzosa-de-plantios-de-coca-en-colombia-una-chispa-en-medio-de-la-pandemia.html>; FIP, *La erradicación forzada no ha aumentado, pero los cultivadores la están pasando mal*, 29 May 2020, <https://ideaspaz.org/publicaciones/opinion/2020-05/la-erradicacion-forzada-no-ha-aumentado-pero-los-cultivadores-la-estan-pasando-mal>; La Paz en el Terreno, *Líderes de sustitución de cultivos de uso ilícito: En doble riesgo*, 12 December 2018, <https://lapazenelterreno.com/especiales/lideres-sustitucion/>. In October 2017 at least six persons were killed by the National Police during a demonstration in Nariño against forced eradication programmes. Programa Somos Defensores et al., ibid., pp. 34-36; France 24, *Colombia: Seis campesinos murieron durante protesta contra la erradicación de coca*, 7 October 2017, www.france24.com/es/20171007-tumaco-colombia-campesinos-coca.

³³⁰ Observatorio de Tierras, *Erradicación forzada: una política que mata*, 14 July 2020, www.observatoriode tierras.org/erradicacion-forzada-politica-que-mata/.

³³¹ Ibid. For more information, see FIP, *Ni paz ni guerra: Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque*, May 2022, https://ideaspaz.org/media/website/FIP_Infome_NiPazNiGuerra.pdf, p. 39-42.

³³² Reporters without Borders (RSF), *Colombia*, accessed 30 June 2023, <https://rsf.org/en/colombia>.

³³³ RSF, *Colombia*, accessed 30 June 2023, <https://rsf.org/en/colombia>. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; IACHR, *Relatoría Especial para la Libertad de Expresión, Informe anual de la Comisión Interamericana de Derechos Humanos 2020: Informe anual de la Relatoría Especial para la Libertad de Expresión*, 30 March 2021, www.oas.org/es/cidh/expresion/informes/ESPIA2020.pdf, paras 377-390.

targeted for reporting on the armed conflict, drug trafficking, corruption, and land restitution.³³⁴ Between 2017 and 2020, the killing and intimidation of journalists was usually related to the coverage of corruption cases involving local authorities and for publishing information related to the structure and operation of armed groups.³³⁵ A significant portion of threats against journalists reported in 2020 were related to the coverage of corruption³³⁶ and drug trafficking.³³⁷ In 2021, many cases of targeting of journalists were related to their coverage of the nationwide protests.³³⁸ According to a communiqué by several organizations including the Foundation for Press Freedom (*Fundación para la Libertad de Prensa*, FLIP), the Friedrich Ebert Stiftung and the Colombian Association of Media Outlets (*Asociación Colombiana de Medios de Información*, AMI), the number of attacks against journalists in 2021 was the highest in ten years.³³⁹ In several cases, authorities approved protection measures for journalists; however, there are reports of delays and failures in the implementation of these measures, exposing the journalists to further targeting.³⁴⁰

Journalists practise self-censorship to avoid targeting or libel lawsuits.³⁴¹ The IACHR expressed concern over allegations of illegal spying, surveillance, and profiling of journalists by State intelligence agencies.³⁴² Additionally, there is a high rate of impunity for crimes committed against journalists;³⁴³ according to FLIP, for 2020 this rate reached 78.8 per cent.³⁴⁴ During the national strike of 2021, FLIP reported 80 physical aggressions against journalists covering the events, 39 threats, 16 obstructions to

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- ³³⁴ RSF, *Colombia*, accessed 30 June 2023, <https://rsf.org/en/colombia>; IACHR, *Resolution 6/2021 – Precautionary Measure No. 207-20*, 14 January 2021, www.oas.org/en/iachr/decisions/pdf/2021/res_6-2021_mc-207-20_co-en.pdf, para. 24. The Constitutional Court has recognized that there is a historical context of harassment and violence against journalists in Colombia. Corte Constitucional, *Sentencia T-199/19*, 15 May 2019, www.corteconstitucional.gov.co/relatoria/2019/T-199-19.htm, para. 44. See also, IACHR, *Follow-up on the Recommendations Made by the IACHR in the Report Entitled Truth, Justice, and Reparation: Sixth Report on the Human Rights Situation in Colombia*, 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.5.CO-en.pdf, para. 345.
- ³³⁵ IACHR, *Relatoría Especial para la Libertad de Expresión, Informe anual de la Comisión Interamericana de Derechos Humanos 2020: Informe anual de la Relatoría Especial para la Libertad de Expresión*, 30 March 2021, www.oas.org/es/cidh/expresion/informes/ESPIA2020.pdf, paras 364-390; DW, *Colombia: Aumentan las agresiones contra la prensa, según la FLIP*, 10 February 2021, www.dw.com/es/colombia-aumentan-las-agresiones-contra-la-prensa-seg%C3%BA-la-flip/a-56517410; Cuba Debate, 2019: *Año negro para los periodistas colombianos*, 9 February 2020, www.cubadebate.cu/noticias/2020/02/09/2019-ano-negro-para-los-periodistas-colombianos/.
- ³³⁶ FLIP, *Páginas para la libertad de expresión*, 2021, https://flip.org.co/images/Documentos/FLIP_paginas_Informe_anual_2020.pdf, p. 9.
- ³³⁷ IACHR, *Relatoría Especial para la Libertad de Expresión, Informe anual de la Comisión Interamericana de Derechos Humanos 2020: Informe anual de la Relatoría Especial para la Libertad de Expresión*, 30 March 2021, www.oas.org/es/cidh/expresion/informes/ESPIA2020.pdf, para. 377.
- ³³⁸ US Department of State, *Country Reports on Human Rights Practices for 2021: Colombia*, 12 April 2022, www.state.gov/wp-content/uploads/2022/03/313615_COLOMBIA-2021-HUMAN-RIGHTS-REPORT.pdf, p. 17; RSF, *Colombia*, accessed 30 June 2023, <https://rsf.org/es/pais/colombia>. In 2022, “the electoral period between January and July was the most violent for journalists and the traditional media in the last 10 years.” US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.
- ³³⁹ FLIP, *Sabemos que el debate frente a la necesidad de autorregulación y transparencia en el sector periodístico está más activo que nunca*, 3 May 2021, https://twitter.com/FLIP_org/status/1521482482515943426.
- ³⁴⁰ “As of September 1 [2022], the NPU provided protection services to 162 journalists, including new protection measures issued this year for 15 journalists. Some NGOs raised concerns regarding perceived shortcomings in the NPU, such as delays in granting protection and the appropriateness of measures for addressing specific threats.” US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. See also, FLIP, *Periodistas en riesgo por fallas en la UNP*, 24 February 2021, <https://flip.org.co/index.php/en/informacion/pronunciamientos/item/2680-periodistas-en-riesgo-por-fallas-en-la-unp>.
- ³⁴¹ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; IACHR, *Relatoría Especial para la Libertad de Expresión, Informe anual de la Comisión Interamericana de Derechos Humanos 2020: Informe anual de la Relatoría Especial para la Libertad de Expresión*, 30 March 2021, www.oas.org/es/cidh/expresion/informes/ESPIA2020.pdf, para. 429.
- ³⁴² RSF, *Colombia*, accessed 30 June 2023, <https://rsf.org/en/colombia>; IACHR, *Chapter IV Human Rights Development in the Region*, 16 April 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 252.
- ³⁴³ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; IACHR, *Relatoría Especial para la Libertad de Expresión, Informe anual de la Comisión Interamericana de Derechos Humanos 2020: Informe anual de la Relatoría Especial para la Libertad de Expresión*, 30 March 2021, www.oas.org/es/cidh/expresion/informes/ESPIA2020.pdf, para. 366; FLIP, *Páginas para la libertad de expresión*, 2021, https://flip.org.co/images/Documentos/FLIP_paginas_Informe_anual_2020.pdf, p. 7.
- ³⁴⁴ FLIP, *Páginas para la libertad de expresión*, 2021, https://flip.org.co/images/Documentos/FLIP_paginas_Informe_anual_2020.pdf, p. 7.

their coverage, and 9 cases of illegal detention.³⁴⁵ The Office of the Ombudsperson reported 165 cases of aggression against journalists.³⁴⁶

Violence against journalists in Colombia has significantly increased after 2016.³⁴⁷ According to FLIP, between 2017 and 2020 there were 1,013 cases of aggressions against journalists, 618 threats, and 8 killings.³⁴⁸ During 2020, there was a 10 per cent increase in the number of threats against journalists in comparison to 2019, with 152 threats directed against 193 journalists, and 30 physical aggressions.³⁴⁹ In the first half of 2021, FLIP reported 109 incidents affecting freedom of the press.³⁵⁰ All actors involved in the conflict have reportedly engaged in violence against journalists.³⁵¹

Depending on the particular circumstances of the case, UNHCR considers that journalists may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, including in particular journalists who report on the armed conflict, drug trafficking, corruption, or land restitution.

4) Indigenous Communities

The ongoing armed conflict in Colombia and disputes over territory formerly controlled by the FARC-EP have progressively converged on areas inhabited by indigenous communities,³⁵² resulting in a disproportionate impact on these communities through acts of violence and forced displacement.³⁵³

³⁴⁵ Caracol, *Atacado en protestas: Van 80 agresiones físicas, 39 amenazas y 9 detenciones ilegales*, 3 June 2021, <https://noticias.caracoltv.com/colombia/periodismo-amenazado-en-las-protestas-del-paro-nacional>.

³⁴⁶ Colombia, Defensoría del Pueblo, *Paro nacional: Defensoría recibirá denuncias de periodistas y reporteros gráficos atacados*, 28 May 2021, www.defensoria.gov.co/es/nube/enlosmedios/10211/Paro-Nacional-Defensor%C3%ADa-recibir%C3%A1-denuncias-de-periodistas-y-reporteros-gr%C3%A1ficos-atacados.htm.

³⁴⁷ FLIP, *Páginas para la libertad de expresión*, 2021, https://flip.org.co/images/Documentos/FLIP_paginas_Informe_anual_2020.pdf, p. 8; Agencia EFE, *Las amenazas a la prensa se disparan en Colombia desde el acuerdo de paz*, 10 February 2020, www.lavanguardia.com/politica/20200210/473426533595/las-amenazas-a-la-prensa-se-disparan-en-colombia-desde-el-acuerdo-de-paz.html.

³⁴⁸ FLIP, *Páginas para la libertad de expresión*, 2021, https://flip.org.co/images/Documentos/FLIP_paginas_Informe_anual_2020.pdf, pp. 3, 9.

³⁴⁹ *Ibid.*, pp. 8-9, 24.

³⁵⁰ FLIP, *Mapa de violaciones a la libertad de prensa*, accessed 14 June 2022, <https://flip.org.co/index.php/es/atencion-a-periodistas/mapa-de-agresiones>.

³⁵¹ Journalists have been targeted by State officials, individuals, members of armed forces, and irregular armed actors. RSF, *Colombia*, accessed 30 June 2023, <https://rsf.org/en/colombia>; DW, *Colombia: Aumentan las agresiones contra la prensa, según la FLIP*, 10 February 2021, www.dw.com/es/colombia-aumentan-las-agresiones-contra-la-prensa-seg%C3%BAAn-la-flip/a-56517410.

³⁵² Amnesty International, *Amnesty International Report 2022/23: The State of the World's Human Rights - Colombia 2022*, 27 March 2023, www.ecoi.net/en/document/2089466.html; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, paras 37-38; OHCHR, *Territorial Violence in Colombia: Recommendations for the New Government*, 26 July 2022, www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia, p. 8; International Work Group for Indigenous Affairs (IWGIA), *The End of the Illusion for Indigenous Peoples in Colombia*, 20 November 2020, www.iwgia.org/en/colombia/3909-the-end-of-the-illusion-for-indigenous-peoples-in-colombia.html; The New Humanitarian, *Long Road to Peace: An Indigenous Protest Movement Emerges in Colombia*, 21 October 2020, www.thenewhumanitarian.org/news/2020/10/21/Colombia-conflict-Indigenous-protest.

³⁵³ Amnesty International, *Amnesty International Report 2022/23: The State of the World's Human Rights - Colombia 2022*, 27 March 2023, www.ecoi.net/en/document/2089466.html. See also, UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 44; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; IWGIA, *Indigenous World 2023: Colombia*, 2023, www.iwgia.org/en/resources/indigenous-world, pp. 336-342.

Indigenous peoples have been targeted by all sides in the conflict,³⁵⁴ including the Government, irregular armed actors, and criminal armed groups.³⁵⁵ A 2021 report on the implementation of Decree 4633 indicates that the security situation of ethnic communities is "serious," and that violence against indigenous leaders and territories has increased in recent years.³⁵⁶ Between January 2020 and June 2021, the Office of the Ombudsperson issued 66 early warnings through the SAT, 43 of which related to the situation of indigenous peoples, including six for Chocó and six for Cauca.³⁵⁷ During 2022, OHCHR verified 30 killings of indigenous human rights leaders.³⁵⁸

Indigenous territories are used by different armed groups as militarily and economically strategic areas for the transit and sheltering of troops, arms trafficking, and the production and trafficking of drugs,³⁵⁹ particularly in the context of the expansion of illicit crops after the signing of the Peace Agreement in 2016.³⁶⁰ Traditional authorities and indigenous leaders are frequently targeted in retaliation for opposing the presence of armed actors in their territories, defending human rights, working on the implementation of the Peace Agreement, or for seeking territorial recognition.³⁶¹ Irregular armed actors often target indigenous leaders and authorities to instill fear in their communities and force them off their lands.³⁶² A report by the National Indigenous Organization of Colombia (*Organización Nacional Indígena de*

³⁵⁴ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; Infobae, *Denuncian reclutamiento forzado de menores indígenas colombianos y venezolanos en el Catatumbo*, 23 February 2021, www.infobae.com/america/colombia/2021/02/23/denuncian-reclutamiento-forzado-de-menores-indigenas-colombianos-y-venezolanos-en-el-catatumbo/.

³⁵⁵ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities; IACHR, *La CIDH expresa su preocupación por el incremento de la violencia en Colombia en territorios con presencia de grupos armados ilícitos*, 13 October 2020, www.oas.org/es/cidh/prensa/comunicados/2020/251.asp.

³⁵⁶ Colombia, *Defensoría del Pueblo et al., Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para pueblos e indígenas víctimas del conflicto*, 2021, www.procuraduria.gov.co/portal/media/file/SEGUIMIENTO%20Y%20MONITOREO%20A%20LA%20IMPLEMENTACI%C3%93N%20DEL%20DECRETO%20LEY%204633%20DE%202011.pdf, p. 28. Decree 4633 sets out "measures of assistance, attention, comprehensive reparation and restitution of territorial rights to the victims belonging to indigenous peoples and communities". Colombia, *Decreto-Ley No. 4633 de 2011*, 9 December 2011, www.acnur.org/fileadmin/Documentos/BDL/2014/9739.pdf.

³⁵⁷ Colombia, *Defensoría del Pueblo et al., Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para pueblos e indígenas víctimas del conflicto*, 2021, www.procuraduria.gov.co/portal/media/file/SEGUIMIENTO%20Y%20MONITOREO%20A%20LA%20IMPLEMENTACI%C3%93N%20DEL%20DECRETO%20LEY%204633%20DE%202011.pdf, p. 30.

³⁵⁸ OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 61.

³⁵⁹ IWGIA, *Indigenous World 2023: Colombia*, 2023, www.iwgia.org/en/resources/indigenous-world, pp. 340; OCHA, *Colombia: Panorama de las necesidades humanitarias 2021 (abril 2021)*, 21 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/hno_colombia_2021_vf.pdf, pp. 35, 44, 52; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities.

³⁶⁰ "Prior to 2016, the area sown with coca stood at around 100,000 hectares. Since then, however, according to the UN Integrated Illicit Crop Monitoring System, coca plantations have consistently covered between 150,000 and 170,000 hectares." IWGIA, *The End of The Illusion for Indigenous Peoples in Colombia*, 20 November 2020, www.iwgia.org/en/news/3908-the-end-of-the-illusion-for-indigenous-peoples-in-colombia.html.

³⁶¹ The Constitutional Court has recognized the high risk faced by indigenous leaders in the decade since it started monitoring the situation. Corte Constitucional, *Auto 634 de 2018*, 27 September 2018, www.corteconstitucional.gov.co/T-025-04/AUTOS%202018/Auto%20634%20del%2027%20de%20Septiembre%20de%202018.pdf, p. 11. See also, UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, para. 90; ONIC, *Informe de afectaciones a los derechos humanos y territoriales en los pueblos indígenas de Colombia*, 30 September 2021, www.onic.org.co/images/pdf/Informe_Consejeri%CC%81a_de_Derechos_Humanos_segundo_trimestre_y_tercer_trimestre_de_2021.pdf, p. 4.

³⁶² UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 24 March 2023, <https://colombia.unmissions.org/sites/default/files/n2307964.pdf>, paras 85-86; US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; France 24, *Colombia: Grupos armados asesinan a cuatro indígenas y declaran "objetivo militar" a los líderes*, 6 December 2020, www.france24.com/es/am%C3%A9rica-latina/20201206-colombia-disidencias-farc-amenazan-lideres-indigenas-cauca; ICG, *Leaders under Fire: Defending Colombia's Front Line of Peace*, 6 October 2020, <https://icg-prod.s3.amazonaws.com/082-colombia-leaders-under-fire.pdf>; DW, *Indígenas de Colombia huyen de grupos armados*, 28 April 2020, www.dw.com/es/ind%C3%ADgenas-de-colombia-huyen-de-grupos-armados/a-53265487.

Colombia, ONIC) indicates that between April and September 2021, the departments most affected by reported violent acts committed against indigenous communities were Chocó (11,736 cases), Antioquia (1,008), Valle del Cauca (757), Córdoba (434), Tolima (128), Cauca (103), Nariño (33), Putumayo (14), and Guajira (9).³⁶³ The top violent acts in the same period included confinement (10,021 cases), forced displacement (3,666), intimidation (163), forced recruitment (134), threats (86), attempted homicide (48), homicides (36), threats to territorial integrity (33), collective threats (22), stigmatization (17), physical aggression (12), arbitrary detention (11), and detonation of antipersonnel mines (4).³⁶⁴ The percentage of acts attributed to various perpetrators were ELN/AGC (54.74 per cent), unknown (29.96 per cent), AGC (6.85 per cent), post-FARC-EP irregular armed groups/ELN/Armed Forces (6.1 per cent), and riot police (1.04 per cent).³⁶⁵ Between January 2020 and May 2021, 15 incidents of antipersonnel mines and unexploded ordnance left four indigenous peoples dead and 25 injured, most of them in the departments of Antioquia and Cauca.³⁶⁶ Indigenous peoples and communities of African descent have also been targeted by irregular armed actors, particularly in Arauca, Cauca, Chocó, Córdoba, Huila, Putumayo, Nariño, Norte de Santander and Valle del Cauca.³⁶⁷

According to Indepaz, 343 indigenous persons have been killed between 2016 and December 2021.³⁶⁸ The Nasa community continues to be most impacted by homicides, with 66 members of this community killed in Northern Cauca in 2020.³⁶⁹

Indigenous communities are frequently subjected to forced confinement.³⁷⁰ Armed confrontations between the ELN and other irregular armed actors in Arauca in February 2022 led to the confinement of 130 families from the indigenous community Hitnū-Macaguán, in the municipality of Arauquita.³⁷¹ In March 2021, the ELN was responsible for the forced confinement of 1,500 indigenous persons in March 2021 in Frontino, Antioquia, due to the planting of antipersonnel mines to force them out of their territory,

³⁶³ ONIC, *Informe de afectaciones a los derechos humanos y territoriales en los pueblos indígenas de Colombia*, 30 September 2021, www.onic.org.co/images/pdf/Informe_Consejeri%C3%A1_de_Derechos_Humanos_segundo_trimestre_y_tercer_trimestre_de_2021.pdf, p. 51.

³⁶⁴ Ibid., p. 37.

³⁶⁵ Ibid., p. 47.

³⁶⁶ Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para pueblos e indígenas víctimas del conflicto*, 2021, www.procuraduria.gov.co/portal/media/file/SEGUIMIENTO%20Y%20MONITOREO%20A%20LA%20IMPLEMENTACI%C3%93N%20DEL%20DECRETO%20LEY%204633%20DE%202011.pdf, p. 34.

³⁶⁷ OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 38. "In 2022, Indigenous communities in the departments of Chocó, Cauca, Valle de Cauca, and Nariño suffered widespread violence and displacement perpetrated by former FARC members, paramilitary successors, and criminal groups." Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html.

³⁶⁸ US Department of State, *Country Reports on Human Rights Practices for 2021: Colombia*, 12 April 2022, www.state.gov/wp-content/uploads/2022/03/313615_COLOMBIA-2021-HUMAN-RIGHTS-REPORT.pdf, p. 31.

³⁶⁹ UN News, *UN Documents 375 Killings in Colombia in 2020, Urges Government Action*, 15 December 2020, <https://news.un.org/en/story/2020/12/1080082>. See also, UN Special Rapporteur on the situation of human rights defenders, *Colombia: UN expert says killings of Nasa indigenous human rights defenders, including children, must stop immediately*, 24 March 2022, www.ohchr.org/en/press-releases/2022/03/colombia-un-expert-says-killings-nasa-indigenous-human-rights-defenders. The expert's call was endorsed by: Mr. José Francisco Cali Tzay, Special Rapporteur on the rights of indigenous peoples, Mr. Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Committee on the Rights of the Child. "Nasa Indigenous people who oppose abuses by armed groups have been threatened and killed." HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html.

³⁷⁰ Of the 69,881 persons confined in 2022, 62% were indigenous. UNHCR, *Colombia: Confinements*, 8 March 2023, <https://data2.unhcr.org/en/documents/details/99407>. See also, IACHR, *Annual Report 2020 - Chapter IV.A: Human Rights Development in the Region*, 2021, www.ecoi.net/en/document/2052587.html, para 255; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities.

³⁷¹ Radio France Internationale (RFI), *ELN y disidentes de las FARC se disputan en Arauca por el control territorial*, 27 February 2022, www.rfi.fr/es/programas/enfoque-internacional/20220227-eln-y-disidentes-de-las-farc-se-disputan-en-arauca-por-el-control-territorial; Blu Radio, *Enfrentamientos entre ELN y disidencias de las Farc en Arauca dejan 66 homicidios: Defensoría*, 2 February 2022, www.bluradio.com/nacion/orden-publico/enfrentamientos-entre-eln-y-disidencias-de-las-farc-en-arauca-dejan-66-homicidios-defensoria.

as it is a strategic area for drug trafficking.³⁷² In February 2021, sources reported that about 2,000 indigenous persons were confined in their communities in Murindó, Antioquia, after the ELN planted antipersonnel mines around agricultural fields and nearby schools to force them off their lands.³⁷³

According to ONIC, the main cause of internal displacement of indigenous communities are the frequent armed confrontations among irregular armed actors in their territories.³⁷⁴ In May 2021, the ELN forcibly displaced 400 indigenous from the Vichuvara community in the department of Risaralda, accusing them of being Army informants.³⁷⁵ According to the Indigenous Organization of Antioquia (*Organización Indígena de Antioquia*, OIA), in March 2021 the ELN sought to expand its territorial presence in the municipality of Murindó, Antioquia and threatened members of the Embera Eyábida, an indigenous community, forcing 48 indigenous families (168 persons) into displacement; 470 other indigenous peoples from the Gorrojo, Bachidubi, and Coredó communities were also reportedly at risk of displacement.³⁷⁶

Sources also report instances of forced recruitment of indigenous children by irregular armed actors.³⁷⁷

The extension of the armed conflict into indigenous territories has posed an existential threat to indigenous communities.³⁷⁸ For example, Ruling 4 of 2009 of the Constitutional Court (which follows up on Ruling T-025 of 2004) ordered special measures in favour of 34 indigenous communities "at risk of extinction".³⁷⁹ Similarly, in Ruling 173 of 2012, the Constitutional Court noted the "serious risk" faced by several indigenous communities and ordered the Government to grant protection measures to these and other communities in similar circumstances.³⁸⁰ ONIC reported that by 2018 there were 35 communities with fewer than 500 members that were classed as being at risk of extinction, including 12

³⁷² RCN, *Por amenazas del ELN, 1.500 indígenas están confinados en Frontino (Antioquia)*, 29 March 2021, www.rcnradio.com/colombia/antioquia/por-amenazas-del-eln-1500-indigenas-estan-confinados-en-frontino-antioquia; El Espectador, *Por territorios minados, 1.500 indígenas están confinados en Frontino (Antioquia)*, 29 March 2021, www.elespectador.com/colombia/medellin/por-territorios-minados-1500-indigenas-estan-confinados-en-frontino-antioquia-article/.

³⁷³ RCN, *Indígenas confinados en Murindó, Antioquia, exigen desminado humanitario*, 8 February 2021, www.rcnradio.com/colombia/antioquia/indigenas-confinados-en-murindo-antioquia-exigen-desminado-humanitario; El Colombiano, *Por minas antipersonal hay 2.000 indígenas confinados en Antioquia*, 6 February 2021, www.elcolombiano.com/colombia/paz-y-derechos-humanos/indigenas-confinados-en-antioquia-por-minas-antipersonal-MD14601058.

³⁷⁴ Semana, *La ONIC vuelve a denunciar la violación a la seguridad e integridad de las comunidades indígenas*, 20 March 2021, www.semana.com/nacion/articulo/la-onic-vuelve-a-denunciar-la-violacion-a-la-seguridad-e-integridad-de-las-comunidades-indigenas/202125/. See also, Amnesty International, *Amnesty International Report 2022/23: The State of the World's Human Rights - Colombia 2022*, 27 March 2023, www.ecoi.net/en/document/2089466.html; UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1.

³⁷⁵ RCN, *Por amenazas del ELN, más de 400 indígenas se desplazaron en Pueblo Rico, Risaralda*, 21 May 2021, www.rcnradio.com/colombia/eje-cafetero/por-amenazas-del-eln-mas-de-400-indigenas-se-desplazaron-en-pueblo-rico. See also, El Nuevo Día, *Más de 400 indígenas fueron desplazados por amenazas del ELN*, 21 May 2021, www.elnuevodia.com.co/nuevodia/mundo/colombia/467275-mas-de-400-indigenas-fueron-desplazados-por-amenazas-del-eln.

³⁷⁶ Caracol, *OIA declara emergencia humanitaria por desplazamiento masivo en Antioquia*, 4 March 2021, https://caracol.com.co/radio/2021/03/04/nacional/1614856430_438042.html; Infobae, *Por amenazas del ELN fueron desplazadas 48 familias indígenas en el municipio de Murindó, Antioquia*, 3 March 2021, www.infobae.com/america/colombia/2021/03/03/por-amenazas-del-eln-fueron-desplazadas-48-familias-indigenas-en-el-municipio-de-murindo-antioquia/.

³⁷⁷ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; Infobae, *Denuncian reclutamiento forzado de menores indígenas colombianos y venezolanos en el Catatumbo*, 23 February 2021, www.infobae.com/america/colombia/2021/02/23/denuncian-reclutamiento-forzado-de-menores-indigenas-colombianos-y-venezolanos-en-el-catatumbo/.

³⁷⁸ ONIC, *Informe de afectaciones a los derechos humanos y territoriales en los pueblos indígenas de Colombia*, 30 September 2021, www.onic.org.co/images/pdf/Informe_Consejeri%CC%81a_de_Derechos_Humanos_segundo_trimestre_y_tercer_trimestre_de_2021.pdf, p. 69; Corte Constitucional, *Auto No. 004 de 2009*, 26 January 2009, www.refworld.org/docid/49cbab242.html, Sec. I(1).

³⁷⁹ Corte Constitucional, *Auto No. 004 de 2009*, 26 January 2009, www.refworld.org/docid/49cbab242.html, Sec. I(1).

³⁸⁰ The Court recognized the serious situation of the JIW and Hitnu communities in this decision. Corte Constitucional, *Auto No. 173 de 2012*, <https://colaboracion.dnp.gov.co/CDT/DNP/Auto%20173%20de%202012.pdf>. See also, Corte Constitucional, *Auto No. 504 de 2017*, 25 September 2017, www.corteconstitucional.gov.co/T-025-04/AUTOS%202016/Auto%20504%20del%2025%20de%20septiembre%20de%202017%20Choc%C3%B3.pdf; Corte Constitucional, *Auto No. 091 de 2017*, 24 February 2017, www.corteconstitucional.gov.co/T-025-04/AUTOS%202016/Auto%20091%20del%2024%20de%20febrero%20de%202017%20Bajo%20San%20Juan.pdf.

communities with between 100 and 200 members, and 15 communities with fewer than 100 members.³⁸¹ Sources also indicated that violent actions against indigenous communities have led to ruptures of their social fabric, loss of their identity, and a negative impact on their ability to preserve their customs and ecosystems.³⁸² Out of the 54 collective protection schemes that were implemented in 2021, 34 were for indigenous communities, including 10 in Chocó and 19 inside indigenous reservations.³⁸³

Other obstacles to indigenous communities' enjoyment of their human rights include racial discrimination, limited educational opportunities, barriers to employment,³⁸⁴ malnutrition, and disproportionately high levels of poverty.³⁸⁵ Indigenous communities in remote areas do not have access to basic health care services and are at risk of malnutrition.³⁸⁶ Even though the Constitution provides for the participation of indigenous communities, via a consultation mechanism, for government decisions affecting their lands.³⁸⁷ The Government is not required to obtain the consent of affected communities.³⁸⁸ Sources also note that violence, confinement, and forced displacement committed against indigenous communities by irregular armed actors affect their participation in the consultation mechanism.³⁸⁹ Sources also point to instances of economic actors and government institutions'

³⁸¹ ONIC, *Boletín 002: Sistema de Monitoreo Territorial ONIC - SMT Información para Proteger la Vida y los Territorios*, 28 March 2020, www.onic.org.co/noticias/70-destacadas/3718-boletin-002-sistema-de-monitoreo-territorial-onic-smt-informacion-para-proteger-la-vida-y-los-territorios. See also, OCHA, *Colombia: Panorama de las necesidades humanitarias 2021 (abril 2021)*, 21 April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/hno_colombia_2021_vf.pdf, p. 35.

³⁸² OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 48; ONIC, *Informe de afectaciones a los derechos humanos y territoriales en los pueblos indígenas de Colombia*, 30 September 2021, www.onic.org.co/images/pdf/Informe_Consejeri%CC%81a_de_Derechos_Humanos_segundo_trimestre_y_tercer_trimestre_de_2021.pdf, pp. 31, 69. See also, France 24, *Colombia: la lucha por la tierra de los pueblos indígenas pese a la violencia (4/6)*, 23 November 2021, www.france24.com/es/am/C3%A9rica-latina/20211123-colombia-lucha-tierra-pueblos-indigenas-violencia.

³⁸³ Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4633 de 2011 para pueblos e indígenas víctimas del conflicto*, 2021, www.procuraduria.gov.co/portal/media/file/SEGUIMIENTO%20Y%20MONITOREO%20A%20LA%20IMPLEMENTACI%C3%93N%20DEL%20DECRETO%20LEY%204633%20DE%202011.pdf, p. 35.

³⁸⁴ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; OCHA, *Colombia: Panorama de las necesidades humanitarias 2021 (abril 2021)*, April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/hno_colombia_2021_vf.pdf, pp. 35, 65; Semana, *Pobreza multidimensional en indígenas es 2,5 veces mayor a la nacional*, 8 October 2020, www.semana.com/pais/articulo/cual-es-el-nivel-de-pobreza-de-los-indigenas-en-colombia/302888/; HRW, *Colombia: Indigenous Kids at Risk of Malnutrition, Death*, 13 August 2020, www.hrw.org/news/2020/08/13/colombia-indigenous-kids-risk-malnutrition-death.

³⁸⁵ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; OCHA, *Colombia: Panorama de las necesidades humanitarias 2021 (abril 2021)*, April 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/hno_colombia_2021_vf.pdf, pp. 35, 65; Amnesty International, *Colombia: Indigenous Peoples Will Die from COVID-19 or from Hunger if the State Does not Act Immediately*, 17 April 2020, www.amnesty.org/en/latest/news/2020/04/colombia-pueblos-indigenas-covid19-hambre/.

³⁸⁶ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 14; HRW, *Colombia: Niños indígenas en riesgo de desnutrición y muerte*, 13 August 2020, www.hrw.org/es/news/2020/08/13/colombia-ninos-indigenas-en-riesgo-de-desnutricion-y-muerte.

³⁸⁷ The mechanism is applicable to all ethnic groups in Colombia, where the State guarantees the Access and participation of ethnic authorities in all decisions that will affect their lands. Colombia, Ministerio del Interior, *La Consulta Previa*, accessed 14 June 2022, www.mininterior.gov.co/2022/03/01/que-es-la-consulta-previa-en-colombia/.

³⁸⁸ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Rutas del Conflicto, *En Colombia, ¿el derecho a la consulta es realmente previa, libre e informada?*, 8 June 2021, <https://rutasdelconflicto.com/notas/colombia-el-derecho-la-consulta-es-realmente-previa-libre-e-informada/>; Semillas, *La consulta previa, un derecho fundamental de los pueblos indígenas y grupos étnicos de Colombia*, 23 September 2008, www.semillas.org.co/es/la-consulta-previa-un-derecho-fundamental-de-los-pueblos-indigenas-y-grupos-tnicos-de-colombia.

³⁸⁹ Rutas del Conflicto, *En Colombia, ¿el derecho a la consulta es realmente previa, libre e informada?*, 8 June 2021, <https://rutasdelconflicto.com/notas/colombia-el-derecho-la-consulta-es-realmente-previa-libre-e-informada/>; Akubadoura, *Alcances y evolución jurídica del derecho a la consulta previa en Colombia*, June 2021, www.canva.com/design/DAEcJUFi3E4/Vg7mWWhd_JOxPMKn0K77BFQ/view#2, pp. 15-17.

attempts to create divisions within communities to undermine the consultation mechanism and the defence of their lands and cultural heritage.³⁹⁰

In 2020, indigenous communities organized a march to Bogotá to protest and reclaim their rights, a movement that was named the "Minga".³⁹¹ "Minga" participants were stigmatized and accused of belonging to guerrilla groups.³⁹² Sources report that indigenous protesters were attacked by armed civilians³⁹³ during the nationwide strike of April 2021.³⁹⁴

Depending on the particular circumstances of the case, UNHCR considers that individuals who are members of indigenous communities may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their race, (imputed) political opinion, or on the basis of other Convention grounds.

5) Afro-Colombian Population

According to the 2018 census, the population of Colombia included 2.98 million Afro-Colombians,³⁹⁵ Afro-Colombians live mainly in the departments along the Pacific and Caribbean coasts, such as Chocó, Valle del Cauca, Cauca, Nariño, Antioquia, Bolívar, and Cesar.³⁹⁶ In March 2023 OCHA estimated that there were 1.4 million Afro-Colombians who lived in conditions of vulnerability.³⁹⁷

- ³⁹⁰ Rutas del Conflicto, *En Colombia, ¿el derecho a la consulta es realmente previa, libre e informada?*, 8 June 2021, <https://rutasdelconflicto.com/notas/colombia-el-derecho-la-consulta-es-realmente-previa-libre-e-informada>; Akubadaura, *Alcances y evolución jurídica del derecho a la consulta previa en Colombia*, June 2021, www.canva.com/design/DAEcJUfi3E4/Vg7mWhd_JOxPMKn0K77BFQ/view#2, pp. 15-17.
- ³⁹¹ BBC, *Protestas en Colombia: Qué es la minga indígena y qué papel juega en las manifestaciones*, 29 October 2020, www.bbc.com/mundo/noticias-america-latina-54625586; The New York Times, *Indigenous Colombians, Facing New Wave of Brutality, Demand Government Action*, 24 October 2020, www.nytimes.com/2020/10/24/world/americas/colombia-violence-indigenous-protest.html.
- ³⁹² Colombia, Procuraduría General de la Nación, *Procurador rechaza estigmatización a la minga indígena y pide protección a líderes y lideresas en desarrollo de la protesta pacífica*, 21 October 2020, www.procuraduria.gov.co/portal/-Procurador-rechaza-estigmatizacion-a-la-Minga-Indigena-y-pide-proteccion-a-lideres-y-lideresas-en-desarrollo-de-la-protesta-pacifica.news; El Espectador, *La minga y la estigmatización*, 13 October 2020, www.elespectador.com/opinion/editorial/la-minga-y-la-estigmatizacion/.
- ³⁹³ Anadolu Agency, *Clashes in Colombia Leave Indigenous People Wounded*, 10 May 2021, www.aa.com.tr/en/americas/clashes-in-colombia-leave-indigenous-people-wounded/2235886; Amnesty International, *Colombia: Urgent Call For a Cease to Violence Against Indigenous Peoples in The Context of The National Strike*, 9 May 2021, www.amnesty.org/en/latest/news/2021/05/colombia-llamado-urgente-cesar-violencia-contra-pueblos-indigenas/.
- ³⁹⁴ The Guardian, *Further Unrest in Colombia as Talks Stall between Government and Protesters*, 29 May 2021, www.theguardian.com/world/2021/may/29/further-unrest-in-colombia-as-talks-stall-between-government-and-protesters; Anadolu Agency, *Clashes in Colombia Leave Indigenous People Wounded*, 10 May 2021, www.aa.com.tr/en/americas/clashes-in-colombia-leave-indigenous-people-wounded/2235886.
- ³⁹⁵ This figure also includes other ethnic minorities such as Palenqueros and Raizales. The term Palenqueros refers to the community from Palenque de San Basilio, department of Bolívar, whereas Raizales are communities originally from the islands of San Andrés, Providencia, and Santa Catalina. Colombia, Departamento Administrativo Nacional de Estadística, *Población negra, afrocolombiana, raizal y palenquera resultados del Censo Nacional de Población y Vivienda 2018*, 6 November 2019, www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-poblacion-NARP-2019.pdf, p. 16. According to Afro-descendant NGOs, the results of the census do not reflect the actual population of Afro-descendants in the country as the methodology used had several faults, including the formulation of the self-identification question and logistical obstacles to accessing remote areas with a significant number of Afro-descendants. Conferencia Nacional de Organizaciones Afrocolombianas (CNOA), *National Population and Housing Census 2018 Statistical Genocide of Afrocolombian People*, 7 November 2019, <https://convergenciagnoa.org/communique-to-public-opinion/>. See also, IACHR, *Informe anual 2020, Capítulo V*, 2021, www.oas.org/es/cidh/docs/anual/2020/capitulos/IA2020cap.5.CO-es.pdf, paras 265-266; CNOA, *Organizaciones afrocolombianas presentaron tutela contra el DANE por reducción de población afrodescendiente en el censo de 2018*, November 2020, <https://convergenciagnoa.org/organizaciones-afrocolombianas-presentaron-tutela-contra-el-dane-por-reduccion-de-poblacion-afrodescendiente-en-el-censo-de-2018/>.
- ³⁹⁶ Colombia, Departamento Administrativo Nacional de Estadística, *Población negra, afrocolombiana, raizal y palenquera resultados del Censo Nacional de Población y Vivienda 2018*, 6 November 2019, www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-poblacion-NARP-2019.pdf, p. 36.
- ³⁹⁷ OCHA, *Colombia: Summary Humanitarian Needs Overview 2023*, 13 March 2023, https://reliefweb.int/attachments/65fbb0ea-057d-4686-8e76-61b569992946/colombia_hno2023_summary_en_vf%20%281%29.pdf, p. 2. Vulnerability is defined as "conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards". OCHA, *OCHA and Slow-Onset Emergencies*, April 2011, www.unocha.org/sites/unocha/files/OCHA%20and%20Slow%20Onset%20Emergencies.pdf, p. 4.

The Peace Agreement included initiatives with a specific focus on ethnic minorities, including the Afro-Colombian population.³⁹⁸ Nevertheless, Afro-Colombians are still disproportionately impacted by the ongoing violence.³⁹⁹ Up until 31 May 2023, about 1,218,078 persons who identified themselves as Afro-Colombians were registered as victims in the Victims Registry, representing 12.8 per cent of the total number of victims.⁴⁰⁰

An increase of violence against Afro-Colombians has been observed in areas along the Pacific Coast, due to drug trafficking and territorial disputes among irregular armed actors fighting to control areas formerly controlled by the FARC-EP.⁴⁰¹ The IACHR has expressed concern over industrial mining and other extractive activities being implemented in violation of ethno-territorial rights.⁴⁰² Threats received by Afro-Colombian communities are usually connected with illegal mining, cultivation of illicit crops, and drug trafficking.⁴⁰³ Furthermore, the IACHR reported that most human rights violations against Afro-

³⁹⁸ Colombia and FARC –EP, *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, 24 November 2016, www.jep.gov.co/Documents/Acuerdo%20Final/Acuerdo%20Final.pdf, pp. 206-209.

³⁹⁹ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 79; US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; OCHA, *Colombia: Summary Humanitarian Needs Overview 2023*, 13 March 2023, https://reliefweb.int/attachments/65fbb0ea-057d-4686-8e76-61b569992946/colombia_hno2023_summary_en_vf%20%281%29.pdf, p. 3; IACHR, *Informe anual 2020, Capítulo V*, 2021, www.oas.org/es/cidh/docs/anual/2020/capitulos/IA2020cap.5.CO-es.pdf, paras 230, 261; Corte Constitucional, *Auto No. 123 de 2021*, 18 March 2021, www.corteconstitucional.gov.co/Relatoria/autos/2021/A123-21.htm.

⁴⁰⁰ Colombia, UARIV, *Registro Único de Víctimas (RUV)*, accessed 30 June 2023, www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394.

⁴⁰¹ CINEP, *La Guajira, Soacha y Nariño en defensa de sus derechos humanos*, 13 July 2021, www.cinep.org.co/Home2/component/k2/tag/Nari%C3%B1o.html; AFRODES, *"El Baudó entre la cordillera y las balas": Claves para entender la reciente crisis humanitaria del Alto Baudó Chocó*, 10 March 2021, www.afrodescolombia.org/wp-content/uploads/2021/03/AT%C3%8DCULO-GIRA-HUMANITARIA-BAUD%C3%93-FINAL.pdf; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities#_ftn102; Pares, *Racismo y covid-19 en Colombia: Las vidas negras importan*, 3 June 2020, <https://pares.com.co/2020/06/03/racismo-y-covid-19-en-colombia-las-vidas-negras-importan/>; Proceso de Comunidades Negras en Colombia (PCN Colombia), *Alerta comunidades negras: En normalidad o en cuarentena, la violencia no frena*, 26 April 2020, <https://renacientes.net/blog/2020/04/26/alerta-comunidades-negras-en-normalidad-o-en-cuarentena-la-violencia-no-frena/>. The Pacific coast, particularly the departments of Chocó, Valle del Cauca, Cauca, and Nariño, are the most affected by mining and human rights violations against environmental activists. Instituto Colombo-Alemán para la Paz (CAPAZ), *Minería, violencia y riesgo social: Un acercamiento cuantitativo al Pacífico colombiano*, May 2020, www.instituto-capaz.org/wp-content/uploads/2020/06/DT-2-2020-v6-web-FINAL.pdf, p. 14. "In the last 20 years, Buenaventura's Afro population has faced a wave of killings, torture, sexual violence and enforced disappearances at the hands of paramilitaries infamous for dismembering their victims in casas de pique, or 'chop houses'." Amnesty International, *Afro-Colombian Women Are Risking Their Lives to Defend Their Communities*, 9 January 2020, www.amnesty.org/en/latest/news/2020/01/afro-colombian-women-risking-lives-defend-communities/. "Violence, coca production and drug trafficking have spiked along Colombia's Pacific coast since the 2016 peace agreement between the Government and FARC guerrillas. New and old armed groups battle for control over communities, territory and illegal business, triggering ongoing displacement and low-intensity warfare. [...] Colombian intelligence officials estimate that 45 per cent of the country's cocaine exports now depart from the Pacific coast, at a time when drug production within the country has reached historic highs. [...] Illegal gold mines and extortion also fill warring groups' coffers and motivate competition among them. Local inhabitants – the majority being Afro-Colombians, as well as a small, but notable, indigenous population – suffer the worst ravages from the fighting." ICG, *Calming the Restless Pacific: Violence and Crime on Colombia's Coast*, 8 August 2019, www.crisisgroup.org/es/latin-america-caribbean/andes/colombia/076-calming-restless-pacific-violence-and-crime-colombias-coast.

⁴⁰² IACHR, *Resolución No. 6/18 (Ampliación) MC 140-14 - Comunidades, Líderes y Líderesas Afrodescendientes de Jiguamiandó, Curvaradó, Pedeguita y Mancilla, Colombia*, 7 February 2018, www.oas.org/es/cidh/decisiones/pdf/2018/6-18MC140-14-CO.pdf, para. 4. Extortion of legal mining and illegal mining is a significant source of income for the FARC dissidents and other armed groups, which causes Afro-descendant leaders opposing extortion and illegal mining in their territories to be threatened and murdered. HRW, *Left Undefended: Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/report/2021/02/10/left-undefended/killings-rights-defenders-colombias-remote-communities#_ftn102.

⁴⁰³ Corte Constitucional, *Auto No. 165 de 2020*, 8 May 2020, <https://vlex.com.co/vid/845711501>. See also, OCHA, *Panorama de las necesidades humanitarias Colombia*, April 2021,

Colombian communities take place in locations characterized by the presence of irregular armed actors and illegal economic activities, as well as a limited presence of civilian State authorities.⁴⁰⁴

According to the Observatory of Human Rights, Conflict and Peace of Indepaz, between 1 January and 8 June 2022, four Afro-Colombian leaders were killed in Nariño, Chocó, and Valle del Cauca.⁴⁰⁵ In 2021, 10 Afro-Colombian leaders were killed.⁴⁰⁶ Between November 2016 and April 2021, a total of 73 Afro-Colombian leaders were killed.⁴⁰⁷

Afro-Colombians are particularly affected by forced displacement,⁴⁰⁸ confinement,⁴⁰⁹ and forced recruitment.⁴¹⁰ Afro-Colombians represented 60 per cent of the 62,273 persons who were displaced in 145 cases of large-scale forced displacement registered in 2021.⁴¹¹ In the same year, Afro-Colombians represented 45.4 per cent of all internally displaced populations in the country.⁴¹² In 2022, Afro-Colombians represented 62 per cent of the 68,745 victims of forced displacement reported in the country.⁴¹³ According to the Unit for the Attention and Comprehensive Reparation of Victims, between 2016 and May 2023, 306,851 Afro-Colombians were victims of forced displacement.⁴¹⁴ The main causes of forced displacement of Afro-Colombians include the presence of armed groups, threats,

https://reliefweb.int/sites/reliefweb.int/files/resources/hno_colombia_2021_vf.pdf, p. 44. "UNODC documented that 42 percent of illegal mining occurs on Afro-Colombia lands. The departments of Antioquia and Chocó are particularly affected. Access to gold is a motivation for violence and displacement in these areas. In a single two-week period in 2019, for example, two massacres in the Antioquia department were attributed to a gold mining environment in which 'informal miners, illegal armed groups, and multinational miner Gran Colombia Gold are all trying to make money.' Displacement, in turn, fuels access. Following massive Afro-Colombian community displacements in 2008 and 2010, for instance, applications for mining permits in Cauca soared." Columbia Human Rights Law Review, 'Territory is Everything': Afro-Colombian Communities Human Rights and Illegal Land Grabs, 27 May 2020, <http://hrir.law.columbia.edu/hrir-online/territory-is-everything-afro-colombian-communities-human-rights-and-illegal-land-grabs/#post-1520-footnote-ref-40>. See also, IWGIA, *Indigenous World 2023: Colombia*, 2023, www.iwgia.org/en/resources/indigenous-world, pp. 340.

⁴⁰⁴ IACHR, *La CIDH expresa su preocupación por el incremento de la violencia en Colombia en territorios con presencia de grupos armados ilícitos*, 13 October 2020, www.oas.org/es/cidh/prensa/comunicados/2020/251.asp. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

⁴⁰⁵ Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2022*, 8 June 2022, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>.

⁴⁰⁶ Indepaz, *Cifras de la violencia en las regiones 2021*, 19 January 2022, <https://indepaz.org.co/cifras-de-la-violencia-en-las-regiones-2021/>, p. 10.

⁴⁰⁷ Indepaz, *Registros del Observatorio de Conflictividades y DDHH de Indepaz*, 22 April 2021, www.indepaz.org.co/wp-content/uploads/2021/04/CON-LI%CC%81DERES-HAY-PAZ.pdf.

⁴⁰⁸ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1; Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), *Desplazamiento forzado en Colombia: recrudecimiento en 2021*, <https://codhes.files.wordpress.com/2021/12/aumenta-el-desplazamiento-forzado-en-colombia-1-1.pdf>.

⁴⁰⁹ UNHCR, *Colombia: Confinements*, 8 March 2023, <https://data2.unhcr.org/en/documents/details/99407>, p. 1; Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 16.

⁴¹⁰ Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 31; Radio Nacional de Colombia, *Menores afrodescendientes son víctimas de reclutamiento forzado: Conpa*, 1 March 2021, www.radionacional.co/actualidad/menores-afrodescendientes-son-victimas-de-reclutamiento-forzado-conpa. See also, Colombia, Defensoría del Pueblo, *Dinámicas actuales de reclutamiento, uso y utilización de niños, niñas y adolescentes por parte de grupos armados ilegales o delincuencia organizada*, 2021, <https://campusvirtual.defensoria.gov.co/archivos/news/Doc%20Reclutamiento%20Nin%CC%83os%20Comisio%CC%81n.pdf>.

⁴¹¹ UNHCR, *Desplazamiento interno, Colombia: Desplazamientos masivos, enero a diciembre 2021*, 25 February 2022, <https://reliefweb.int/attachments/e99910bc-744a-30ff-9f02-cad2bf97d9da/2.1%20Desplazamientos%20masivos%20enero%20a%20diciembre%202021.pdf>.

⁴¹² CODHES, *Desplazamiento forzado en Colombia: recrudecimiento en 2021*, <https://codhes.files.wordpress.com/2021/12/aumenta-el-desplazamiento-forzado-en-colombia-1-1.pdf>.

⁴¹³ UNHCR, *Internal Displacement/Colombia: Large-Group Internal Displacement – January to December 2022*, 6 March 2023, <https://data.unhcr.org/en/documents/download/99406>, p. 1.

⁴¹⁴ Colombia, Unidad para la Atención y Reparación Integral a las Víctimas, *Registro Único de Víctimas (RUV)*, accessed 30 June 2023, www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394.

intimidation, and armed confrontations in or around their communities.⁴¹⁵ The targeting of Afro-Colombian communities is closely related to the defence of their territories from actors such as corporations and criminal organizations that seek to carry out activities in or around these territories, including development projects, mineral exploitation, and drug trafficking.⁴¹⁶ Violence between irregular armed actors in the departments along the Pacific coast has caused large-scale displacement affecting mostly Afro-Colombians.⁴¹⁷ Internally displaced Afro-Colombians from this region usually move to large cities such as Cali or Bogotá.⁴¹⁸

Afro-Colombian communities are also disproportionately impacted by confinement.⁴¹⁹ Between March and June 2021, 25 cases of confinement of Afro-Colombian and indigenous communities were reported in departments such as Antioquia, Cauca, Chocó, Nariño, and Valle del Cauca.⁴²⁰ Between January and October 2021, 9,900 Afro-Colombians were confined to their communities due to armed clashes among irregular armed actors.⁴²¹ Antipersonnel mines planted by irregular armed actors and

⁴¹⁵ CODHES, *Desplazamiento forzado en Colombia ¿Qué pasó en 2020?*, 16 February 2021, <https://codhes.wordpress.com/2021/02/16/desplazamiento-forzado-en-colombia-que-paso-en-2020/>. See also, Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 16. "Between January and May 2023, the Office for the Coordination of Humanitarian Affairs registered 19,976 forcibly displaced persons and 18,789 confined persons in 14 departments and 38 municipalities, mainly in Arauca, Bolívar, Cauca, Chocó, Nariño and Valle del Cauca Departments. Indigenous Peoples and Afro-Colombians continue to be disproportionately affected." UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 44.

⁴¹⁶ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; Universidad de los Andes, *¿Cómo entender Los asesinatos de líderes sociales durante la pandemia?*, 15 October 2020, <https://uniandes.edu.co/es/noticias/gobierno-y-politica/como-entender-la-ola-de-asesinatos-de-lideres-sociales-en-colombia-durante-la-pandemia>; OAS, *La CIDH expresa su preocupación por el incremento de la violencia en Colombia en territorios con presencia de grupos armados ilícitos*, 13 October 2020, www.oas.org/es/cidh/prensa/comunicados/2020/251.asp; Amnesty International, *Afro-Colombian Women Are Risking Their Lives to Defend Their Communities*, 9 January 2020, www.amnesty.org/en/latest/news/2020/01/afro-colombian-women-risking-lives-defend-communities/.

⁴¹⁷ "[T]hreats and violence against Afro-Colombian leaders and communities continued to cause high levels of forced displacement, especially in the Pacific coast region." US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. See also, Colombia, Defensoría del Pueblo, *Informe Defensorial sobre los riesgos colectivos de lideresas y defensoras de derechos humanos en Chocó*, 2022, www.defensoria.gov.co/documents/20123/1657207/Informe_Choco_Digital.pdf/e42c32e6-bc92-da2c-c34b-2b73dd01ba34?t=1669045423149, pp. 123-124; OCHA, *Panorama de las necesidades humanitarias*, 23 February 2022, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/colombia_hno_2022_es_.pdf, p. 31; DW, *Más de 27.000 desplazados en Colombia en el primer trimestre*, 27 April 2021, www.dw.com/es/m%C3%A1s-de-27000-desplazados-en-colombia-en-el-primer-trimestre/a-57346131.

⁴¹⁸ Anadolu Agency, *Bogotá y su periferia, los receptores de los desplazados y los migrantes*, 9 September 2020, www.aa.com.tr/es/mundo/bogota%C3%A1-y-su-periferia-los-receptores-de-los-desplazados-y-los-migrantes-/1968354; Amnesty International, *Afro-Colombian Women are Risking Their Lives to Defend Their Communities*, 9 January 2020, www.amnesty.org/en/latest/news/2020/01/afro-colombian-women-risking-lives-defend-communities/.

⁴¹⁹ UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, pp. 19-20; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 42; Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, pp. 16-19.

⁴²⁰ OCHA, *Impacto y tendencias humanitarias entre enero y octubre de 2021*, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20211025_infografia_impacto_tendencia_humanitaria_octubre_21vff.pdf, p. 1.

⁴²¹ Ibid. "Según OCHA, a junio de 2022, al menos 54.000 personas de 197 comunidades afrodescendientes e indígenas están confinadas en el departamento del Chocó, lo que corresponde al 85% del total de personas confinadas (63.400) en el país en el primer semestre de 2022." UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 20.

unexploded ordnance continued to affect Afro-Colombian communities.⁴²² The report on the implementation of Decree 4635 indicates that between January 2020 and May 2021, 13 incidents involving antipersonnel mines and unexploded ordnance left six Afro-Colombians dead and 17 injured, with most cases taking place in Nariño and Chocó.⁴²³

Forced recruitment of Afro-Colombian children by irregular armed actors has also increased, particularly in the departments of Chocó and Nariño.⁴²⁴

The process of ancestral settlement undertaken by Afro-Colombian communities has been recognized by law, with collective property titles issued for "collective territories". Each community must establish a Community Council to be eligible to receive a collective property title. The role of Community Councils include the delimitation of properties, oversee the protection of collective lands, preserve cultural identity, and designate a legal representative.⁴²⁵ However, the defence of their territories and implementation of self-governance have become increasingly difficult for Afro-Colombians.⁴²⁶ Irregular armed actors exert pressure and threaten community leaders to gain control over their Community Councils and, in some cases, these armed groups have dismantled existing Councils to create new ones.⁴²⁷ The Constitutional Court found in Ruling 620 of 2017 that the situation in Afro-Colombians' territories in Nariño was "serious" as a result of forced displacement, forced disappearances, homicides,

⁴²² Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 32; El Espectador, *Las minas antipersonal en Colombia, armas silenciosas que impiden el desarrollo*, 4 April 2021, www.elespectador.com/colombia-20/analistas/las-minas-antipersonal-en-colombia-armas-silenciosas-que-impiden-el-desarrollo-articulo/. See also, El Tiempo, *En 2020 aumentaron en 46,4 % las víctimas de minas antipersonal*, 5 March 2021, www.eltiempo.com/justicia/investigacion/minas-antipersonal-cifras-y-datos-de-afectaciones-por-artefactos-explosivos-victimas-en-2020-571159. "En 2021, el CICR registró 486 víctimas de artefactos explosivos, el número más alto de los últimos cinco años según la entidad." UNHCR, *Colombia: un lugar de cruce de movilidad humana forzada*, 12 May 2023, <https://data2.unhcr.org/es/documents/details/101496>, p. 23.

⁴²³ Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 32.

⁴²⁴ Colombia, Defensoría del Pueblo et al., *Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 31; Radio Nacional de Colombia, *Menores afrodescendientes son víctimas de reclutamiento forzado: Conpa*, 1 March 2021, www.radionacional.co/actualidad/menores-afrodescendientes-son-victimas-de-reclutamiento-forzado-conpa; Colombia, Defensoría del Pueblo, *Dinámicas actuales de reclutamiento, uso y utilización de niños, niñas y adolescentes por parte de grupos armados ilegales o delincuencia organizada*, 2021, <https://campusvirtual.defensoria.gov.co/archivos/news/Doc%20Reclutamiento%20Nin%CC%83os%20Comisio%CC%81n.pdf>, pp. 16-32. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

⁴²⁵ Colombia, *Ley No. 70 de 1993*, 27 August 1993, www.refworld.org/docid/46d59b7a2.html, Articles 4-5. For a list of Community Councils organized by Department, see Colombia, Unidad de Víctimas, *Mapa reparación colectiva*, accessed 30 June 2023, www.unidadvictimas.gov.co/es/mesaafro.

⁴²⁶ Renacientes Proceso de Comunidades Negras, *Threat Alert Against Community Leaders and Defenders of Ethnic-Territorial Rights of the La Esperanza Community Council and Founding Families*, 9 December 2020, <https://renacientes.net/blog/2020/12/09/alerta-amenaza-contra-lideres-comunitarios-y-defensores-de-derechos-etnico-territoriales-del-consejo-comunitario-la-esperanza-y-familias-fundadoras/>. During 2020, three of the leaders of the Community Council Afro Renacer del Micay were killed. El Espectador, *"Aquí las alarmas se encienden cuando nos asesinan": Consejo Comunitario Renacer*, 19 June 2020, www.elespectador.com/colombia-20/conflicto/aqui-las-alarmas-se-encienden-cuando-nos-asesinan-consejo-comunitario-renacer-articulo/. Members of the Community Council of Pedeguita and Mancilla have received threats related to their opposition to projects in their territories. In 2020 the Constitutional Court held that the protection measures granted by the National Protection Unit did not provide the required protection. Corte Constitucional, *Sentencia SU111/20*, 12 March 2020, www.corteconstitucional.gov.co/relatoria/2020/SU111-20.htm, paras 119, 120, 135, 137.

⁴²⁷ Renacientes Proceso de Comunidades Negras, *Threat Alert Against Community Leaders and Defenders of Ethnic-Territorial Rights of the La Esperanza Community Council and Founding Families*, 9 December 2020, <https://renacientes.net/blog/2020/12/09/alerta-amenaza-contra-lideres-comunitarios-y-defensores-de-derechos-etnico-territoriales-del-consejo-comunitario-la-esperanza-y-familias-fundadoras/>; El Espectador, *"Aquí las alarmas se encienden cuando nos asesinan": Consejo Comunitario Renacer*, 19 June 2020, www.elespectador.com/colombia-20/conflicto/aqui-las-alarmas-se-encienden-cuando-nos-asesinan-consejo-comunitario-renacer-articulo/. In June 2021, the legal representative of the Afro-Colombian community council in the municipality of Roberto Payán, Nariño was killed, "which led to the displacement of ethnic leaders and authorities from the municipality." OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 44. See also, OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 63.

extortion, confinements, and threats.⁴²⁸ In Ruling T-469 of 2020 the Constitutional Court held that the Afro-Colombian population is a "vulnerable group"⁴²⁹ subject to special constitutional protections.⁴³⁰ Out of the 66 early warnings issued by the Office of the Ombudsperson through the SAT between January 2020 and June 2021, 29 were related to the situation of Afro-Colombians, with five warnings issued for the departments of Chocó, five for Cauca, and four for Nariño.⁴³¹ A report on the implementation of Decree 4635 of 2011 indicates that it is unclear whether the Government took action on these early warnings.⁴³²

Between January 2020 and April 2021, the UNP assessed 463 applications for protection from Afro-Colombian leaders, concluding that the risk faced by 384 of these leaders was "extraordinary".⁴³³ Out of the 54 collective protection schemes that were implemented in 2020, 17 were concerned Afro-Colombians, including eight in Chocó.⁴³⁴ By mid-June 2021, out of the 99,097 families that had benefited from framework agreements for the substitution of illicit crops, 10,238 were granted to Afro-Colombians located in Afro-Colombian communities or collective lands in Nariño.⁴³⁵

Depending on the particular circumstances of the case, UNHCR considers that individuals belonging to the Afro-Colombian population may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their race, (imputed) political opinion, or on the basis of other Convention grounds.

6) Persons in Professions Susceptible to Extortion

Irregular armed actors and common criminals engage regularly in extortion.⁴³⁶ According to the Ministry of Defence, 8,189 cases of extortion were reported to authorities in 2021, and 4,741 between January and June 2022.⁴³⁷ The FGN reported that from 1 January to 31 May 2022, 12,525 complaints related to extortion were filed with the authorities, and a total number of 19,567 complaints were made in 2021.⁴³⁸ Most cases of extortion in 2021 were reported in Antioquia, Valle del Cauca, Cundinamarca, Bogotá, Norte de Santander, Meta, Tolima, Atlántico, Nariño, and Santander.⁴³⁹ According to the Ombudsperson, the number of extortion cases has increased over the years and the actual number is

⁴²⁸ Corte Constitucional, *Auto No. 620 de 2017*, 15 November 2017, www.corteconstitucional.gov.co/T-025-04/AUTOS%202016/Auto%20620%20del%2015%20de%20noviembre%202017%20Nari%C3%B1o.pdf, paras 28, 47.

⁴²⁹ Corte Constitucional, *Sentencia T-469/20*, 3 November 2020, www.corteconstitucional.gov.co/Relatoria/2020/T-469-20.htm.

⁴³⁰ Corte Constitucional, *Auto No. 620 de 2017*, 15 November 2017, www.corteconstitucional.gov.co/T-025-04/AUTOS%202016/Auto%20620%20del%2015%20de%20noviembre%202017%20Nari%C3%B1o.pdf, para. 19.

⁴³¹ Colombia, *Defensoría del Pueblo et al., Noveno informe de seguimiento y monitoreo a la implementación del Decreto Ley 4635 de 2011 para las víctimas del conflicto armado de los pueblos negro, afrocolombiano, raizal y palenquero*, August 2021, <https://bapp.com.co/wp-content/uploads/2022/11/1.03.3558.pdf>, p. 29.

⁴³² Ibid., p. 19.

⁴³³ Ibid., p. 34.

⁴³⁴ Ibid., pp. 34-35.

⁴³⁵ Ibid., p. 30.

⁴³⁶ Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; Infobae, *En Bogotá se han dado más de 600 casos de extorsión en lo corrido del 2021*, 15 August 2021, www.infobae.com/america/colombia/2021/08/16/en-bogota-se-han-dado-mas-de-600-casos-de-extorsion-en-lo-corrido-del-2021/.

⁴³⁷ Colombia, Ministerio de Defensa, *Memorias al Congreso 2021-2022*, 2022, www.camara.gov.co/sites/default/files/2022-10/INFORME%20MEMORIAS%202021-2022%20MIN%20DEFENSA.pdf, p. 33. The number reported for 2020 was 8,189 cases, 8,344 in 2019, 7,047 in 2018, and 5,532 in 2017. Ibid., p. 5.

⁴³⁸ Colombia, FGN, *Estadística de denuncias por delitos: Secuestro, Art. 244 C.P.*, 31 May 2022, www.fiscalia.gov.co/colombia/gestion/estadisticas/delitos/. The number of complaints about extortion was 15,430 in 2020, 13,562 in 2019, 12,701 in 2018, 11,626 in 2017, and 10,828 in 2016. Ibid. According to the Ministry of Defense, the promotion of a campaign to incentivize the filing of complaints related to extortion led to a higher number of complaints, which reflect a higher number of cases from the previous year. Colombia, Ministerio de Defensa, *Memorias al Congreso 2021-2022*, 2022, www.camara.gov.co/sites/default/files/2022-10/INFORME%20MEMORIAS%202021-2022%20MIN%20DEFENSA.pdf, p. 33.

⁴³⁹ Colombia, FGN, *Estadística de denuncias por delitos: Secuestro, Art. 244 C.P.*, 31 May 2022, www.fiscalia.gov.co/colombia/gestion/estadisticas/delitos/.

likely higher than the official figures, as not all cases are reported to the authorities due to fears of reprisals.⁴⁴⁰

Depending on the criminal organization, extortion may be carried out in the form of demands for a "protection fee"⁴⁴¹ or a "tax".⁴⁴² According to the CEV 2022 final report, the fact that extortion payments are normalized as "taxes" in some areas of the country is an indication of the level of territorial control that irregular armed actors exercise in those areas.⁴⁴³ Refusal to pay these "taxes" is generally perceived as an act of resistance to the authority of the extortioner and may result in getting killed, while paying the "taxes" is perceived by the government as an act of collaboration with the irregular armed groups.⁴⁴⁴

⁴⁴⁰ Caracol, *El infierno de la extorsión en Colombia: incluso cobran vacuna a quien tenga arena para construir*, 7 February 2022, <https://noticias.caracoltv.com/colombia/el-infierno-de-la-extorsion-en-colombia-incluso-cobran-vacuna-a-quien-tenga-arena-para-construir>. See also, La Silla Vacía, *Denunciar o no denunciar, he ahí el dilema*, 18 November 2021, www.lasillavacia.com/historias/historias-silla-llena/denunciar-o-no-denunciar-he-ahi-el-dilema/; W Radio, *Disparada la extorsión en Bogotá, la más alta en los últimos 10 años*, 25 October 2021, www.wradio.com.co/noticias/bogota/disparada-la-extorsion-en-bogota-la-mas-alta-en-los-ultimos-10-anos/20211025/nota/4173745.aspx.

⁴⁴¹ RCN, *Duro golpe a la extorsión en el Atlántico; desarticulan banda dedicada a este delito*, 6 January 2022, www.rcnradio.com/colombia/caribe/duro-golpe-la-extorsion-en-el-atlantico-desarticulan-banda-dedicada-este-delito; El Tiempo, *Extorsión, el delito que más perturba a los barranquilleros*, 26 October 2021, www.eltiempo.com/colombia/barranquilla/extorsiones-en-barranquilla-627828; El Espectador, *Extorsión en Barranquilla, la cara de la inseguridad en la ciudad*, 15 January 2021, www.elespectador.com/colombia/barranquilla/extorsion-en-barranquilla-la-cara-de-la-inseguridad-en-la-ciudad-article/; Colombia, Defensoría del Pueblo, *Las amenazas y las extorsiones: Desafío a la paz territorial*, October 2017, https://publicaciones.defensoria.gov.co/development/1/ABCD/bases/marc/documentos/textos/Las_amenazas_y_las_extorsiones_-_Desafio_a_la_paz_territorial.pdf, p. 17.

⁴⁴² CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 145; El Universo, *René Higueta se cansó de pagar impuestos y otras extorsiones de grupos guerrilleros en Colombia*, 30 December 2021, www.eluniverso.com/deportes/futbol/rene-higueta-se-canso-de-pagar-impuestos-y-otras-extorsiones-de-grupos-guerrilleros-en-colombia-nota/; La Nueva Prensa, *Medellín superó la cifra de 300 homicidios, la inseguridad aumenta y la extorsión ya es un impuesto más*, 4 October 2021, www.lanuevaprensa.com.co/uribe-el-asesino-que-nos-puso-la-mafia-2/medellin-supero-la-cifra-de-300-homicidios-la-inseguridad-aumenta-y-la-extorsion-ya-es-un-impuesto-mas.

⁴⁴³ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 145-146.

⁴⁴⁴ Information available to UNHCR. The CEV final report states "Through extortion, the perpetrators destroy communities, stigmatize them and turn them into a link in the financing of armed groups, and for this reason they have sometimes been accused by each side of collaborating with the other side. [Extortion] destroys livelihoods projects by forcing those who cannot pay to give up their productive and economic activities, to close their businesses and abandon their land, to relocate to other places and carry out different activities; those responsible often assassinate those who resist the forced payments. It becomes part of a control of social life and armed illegality, often without the State exercising a protective role in the face of these widespread dynamics. In some territories, [extortion] has functioned as a control mechanism, like a 'tax collection'." Ibid., p. 145 (translated by UNHCR). See also, El Colombiano, *Extorsiones, el mal enquistado a lo largo y ancho de la frontera con Venezuela*, 7 May 2023, www.elcolombiano.com/colombia/nadie-controla-las-extorsiones-en-la-frontera-con-venezuela-arauca-norte-de-santander-OA21308622; La silla vacía, *Extorsión en Barranquilla: hacer empresa entre la violencia*, 18 March 2023, www.lasillavacia.com/historias/historias-silla-llena/extorsion-en-barranquilla-hacer-empresa-entre-la-violencia/.

Victims of extortion include owners of small businesses, street vendors,⁴⁴⁵ convenience stores,⁴⁴⁶ physicians,⁴⁴⁷ merchants,⁴⁴⁸ cattle ranchers,⁴⁴⁹ bus drivers,⁴⁵⁰ and sex workers.⁴⁵¹ Although extortion amounts vary from place to place, small business owners can be extorted with weekly payments ranging from 80,000 COP [20 USD]⁴⁵² to 500,000 COP [126 USD].⁴⁵³ Street vendors can be extorted with weekly payments of up to 20,000 COP [5 USD].⁴⁵⁴ Local businesses may be made to pay a periodic amount, farmers may be forced to pay a fixed fee for every cow or hectare they possess, while residents who sell or buy property may be forced to pay a transaction fee.⁴⁵⁵ In some cases extortion amounts are so high that business owners are forced to shut down their businesses.⁴⁵⁶

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- ⁴⁴⁵ Caracol, *Capturan a 20 personas en Medellín por usar menores para cobrar extorsiones*, 30 October 2021, https://caracol.com.co/emisora/2021/10/30/medellin/1635601547_519965.html; El Heraldo, *La dinámica de la extorsión en Barranquilla y Soledad*, 26 September 2021, www.elheraldo.co/judicial/la-dinamica-de-la-extorsion-en-barranquilla-y-soledad-852955.
- ⁴⁴⁶ Caracol, *Banda extorsionaba, amenazaba y atentaba contra tenderos en el Quindío*, 8 October 2021, https://caracol.com.co/emisora/2021/10/08/armenia/1633691428_019347.html; El Tiempo, *Extorsión, el delito que más perturba a los barranquilleros*, 26 October 2021, www.eltiempo.com/colombia/barranquilla/extorsiones-en-barranquilla-627828.
- ⁴⁴⁷ Caracol, *Médicos en Bogotá son víctimas de extorsiones*, 30 September 2021, https://caracol.com.co/radio/2021/10/01/judicial/1633047544_002104.html; Infobae, *Médicos del país están siendo víctimas de extorsiones y amenazas, denunció la Asociación Colombiana de Neurología*, 29 September 2021, www.infobae.com/america/colombia/2021/09/29/medicos-del-pais-estan-siendo-victimas-de-extorsiones-y-amenazas-denuncio-la-asociacion-colombiana-de-neurologia/.
- ⁴⁴⁸ RCN, *Duro golpe a la extorsión en el Atlántico; desarticulan banda dedicada a este delito*, 6 January 2022, www.rcnradio.com/colombia/caribe/duro-golpe-la-extorsion-en-el-atlantico-desarticulan-banda-dedicada-este-delito; Caracol, *Envían a la cárcel a alias 'Miller'*, 29 September 2021, https://caracol.com.co/emisora/2021/09/29/ibague/1632921701_609372.html.
- ⁴⁴⁹ Caracol, *Envían a la cárcel a alias 'Miller'*, 29 September 2021, https://caracol.com.co/emisora/2021/09/29/ibague/1632921701_609372.html; Colombia, Defensoría del Pueblo, *Las amenazas y las extorsiones: Desafío a la paz territorial*, October 2017, https://publicaciones.defensoria.gov.co/desarrollo1/ABCD/bases/marc/documentos/textos/Las_amenazas_y_las_extorsiones_-_Desafio_a_la_paz_territorial.pdf, p. 93.
- ⁴⁵⁰ El Tiempo, *Extorsión, el delito que más perturba a los barranquilleros*, 26 October 2021, www.eltiempo.com/colombia/barranquilla/extorsiones-en-barranquilla-627828; El Heraldo, *La dinámica de la extorsión en Barranquilla y Soledad*, 26 September 2021, www.elheraldo.co/judicial/la-dinamica-de-la-extorsion-en-barranquilla-y-soledad-852955.
- ⁴⁵¹ El Heraldo, *La dinámica de la extorsión en Barranquilla y Soledad*, 26 September 2021, www.elheraldo.co/judicial/la-dinamica-de-la-extorsion-en-barranquilla-y-soledad-852955; Colombia, Defensoría del Pueblo, *Las amenazas y las extorsiones: Desafío a la paz territorial*, October 2017, https://publicaciones.defensoria.gov.co/desarrollo1/ABCD/bases/marc/documentos/textos/Las_amenazas_y_las_extorsiones_-_Desafio_a_la_paz_territorial.pdf, p. 107.
- ⁴⁵² Caracol, *Capturan a 20 personas en Medellín por usar menores para cobrar extorsiones*, 30 October 2021, https://caracol.com.co/emisora/2021/10/30/medellin/1635601547_519965.html.
- ⁴⁵³ RCN, *Duro golpe a la extorsión en el Atlántico; desarticulan banda dedicada a este delito*, 6 January 2022, www.rcnradio.com/colombia/caribe/duro-golpe-la-extorsion-en-el-atlantico-desarticulan-banda-dedicada-este-delito.
- ⁴⁵⁴ Caracol, *Capturan a 20 personas en Medellín por usar menores para cobrar extorsiones*, 30 October 2021, https://caracol.com.co/emisora/2021/10/30/medellin/1635601547_519965.html.
- ⁴⁵⁵ Análisis Urbano, *La Serranía del Abibe y el Nudo del Paramillo: la república independiente de las AGC*, 9 September 2021, <https://analisisurbano.org/la-serrania-del-abibe-y-el-nudo-del-paramillo-la-republica-independiente-de-las-agc/159690/>; Colombia, Defensoría del Pueblo, *Las amenazas y las extorsiones: Desafío a la paz territorial*, October 2017, https://publicaciones.defensoria.gov.co/desarrollo1/ABCD/bases/marc/documentos/textos/Las_amenazas_y_las_extorsiones_-_Desafio_a_la_paz_territorial.pdf, pp. 222, 232.
- ⁴⁵⁶ CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 145-146; El Tiempo, *Extorsión, el delito que más perturba a los barranquilleros*, 26 October 2021, www.eltiempo.com/colombia/barranquilla/extorsiones-en-barranquilla-627828; El Heraldo, *La dinámica de la extorsión en Barranquilla y Soledad*, 26 September 2021, www.elheraldo.co/judicial/la-dinamica-de-la-extorsion-en-barranquilla-y-soledad-852955.

Extortion modalities include in-person,⁴⁵⁷ phone calls from prisons,⁴⁵⁸ cyber-extortion,⁴⁵⁹ and "fake kidnappings" ("*secuestro con falso servicio*").⁴⁶⁰ In some instances, irregular armed actors use children to collect extortion payments.⁴⁶¹

Depending on the particular circumstances of the case, UNHCR considers that persons in professions susceptible to extortion, including agricultural workers and small landowners, peasant farmers, persons involved in informal and formal commerce such as tradesmen and street vendors, public transport workers, taxi drivers, and sex workers, may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, or their membership of a particular social group based on the applicant's occupation (where disassociation from the profession is not possible or would entail a renunciation of basic human rights),⁴⁶² or on the basis of other Convention grounds.

7) *Public Officials Involved in the Administration of Justice, including Prosecutors, Judges and Lawyers, as well as Witnesses and other Stakeholders in Judicial Proceedings*

Judges, prosecutors, and witnesses are subjected to intimidation, influence peddling, and attempted bribery.⁴⁶³ Public officials involved in the administration of justice face criticism, threats, and attacks

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- ⁴⁵⁷ El Nuevo Siglo, *En 18 meses han sido capturados 2.002 extorsionistas*, 4 July 2021, www.elnuevosiglo.com.co/articulos/07-02-2021-en-18-meses-han-sido-capturados-2002-extorsionistas; Colombia, Defensoría del Pueblo, *Las amenazas y las extorsiones: Desafío a la paz territorial*, October 2017, https://publicaciones.defensoria.gov.co/desarrollo1/ABCD/bases/marc/documentos/textos/Las_amenazas_y_las_extorsiones_-_Desafio_a_la_paz_territorial.pdf, p. 132.
- ⁴⁵⁸ Colombia, Ministerio de Defensa, *Gaula Militares explican cómo combatir la extorsión en Colombia*, accessed 14 June 2022, www.cgfm.mil.co/es/blog/gaula-militares-explican-como-combatir-la-extorsion-en-colombia; Infobae, *En Bogotá se han dado más de 600 casos de extorsión en lo corrido del 2021*, 15 August 2021, www.infobae.com/america/colombia/2021/08/16/en-bogota-se-han-dado-mas-de-600-casos-de-extorsion-en-lo-corrido-del-2021/.
- ⁴⁵⁹ Colombia, Ministerio de Defensa, *Gaula Militares explican cómo combatir la extorsión en Colombia*, accessed 14 June 2022, www.cgfm.mil.co/es/blog/gaula-militares-explican-como-combatir-la-extorsion-en-colombia; El Nuevo Siglo, *En 18 meses han sido capturados 2.002 extorsionistas*, 4 July 2021, www.elnuevosiglo.com.co/articulos/07-02-2021-en-18-meses-han-sido-capturados-2002-extorsionistas.
- ⁴⁶⁰ This type of extortion consists of criminals requesting the delivery of goods or services to a fake address, after which and then call the delivery person's family members or company to tell them that they kidnapped the delivery person. A one-time express extortion payment is demanded in exchange for his/her freedom. The delivery person is never withheld or kidnapped and is usually not aware that the family or company is being extorted because he/she is looking for the fake address. Semana, "*Secuestro con falso servicio*": *denuncian modalidad de extorsión en Atlántico*, 18 February 2022, www.semana.com/nacion/articulo/secuestro-con-falso-servicio-denuncian-modalidad-de-extorsion-en-atlantico/202220/; El Colombiano, *Los juegos mentales con los que extorsionan en el Valle de Aburrá*, 23 June 2021, www.elcolombiano.com/antioquia/los-juegos-mentales-de-la-extorsion-por-telefono-en-medellin-y-el-valle-de-aburra-HC15178834. This form of extortion reportedly increased during the COVID-19 pandemic and takes place mostly from within prisons. La FM, *Falso secuestro, la modalidad de extorsión que toma fuerza en Colombia*, 17 July 2020, www.lafm.com.co/judicial/falso-secuestro-la-modalidad-de-extorsion-que-toma-fuerza-en-colombia; Caracol, *Policía alerta por aumento de falsos secuestros exprés en la pandemia*, 16 July 2020, https://caracol.com.co/radio/2020/07/16/judicial/1594925594_042121.html.
- ⁴⁶¹ Caracol, *Capturan a 20 personas en Medellín por usar menores para cobrar extorsiones*, 30 October 2021, https://caracol.com.co/emisora/2021/10/30/medellin/1635601547_519965.html; Colombia, Defensoría del Pueblo, *Entre 2017 y 2019, Defensoría emitió 108 alertas tempranas sobre riesgo de reclutamiento infantil*, 12 February 2020, www.defensoria.gov.co/es/nube/comunicados/9150/Entre-2017-y-2019-Defensor%C3%ADa-emiti%C3%B3-108-alertas-tempranas-sobre-riesgo-de-reclutamiento-infantil-ni%C3%B3s-soldado-Defensor%C3%ADa.htm; Telemedellín, *Autoridades alertan sobre el uso de menores para cobrar extorsiones*, 16 June 2019, <https://telemedellin.tv/menores-para-cobrar-extorsiones/336758/>.
- ⁴⁶² In relation to applicants who claim a fear of persecution as a result of pursuing their occupation, including for example business owners, street vendors and public transportation staff who have been pressured to pay "rent" and similar demands, it should be noted that requiring an individual to abandon his or her occupation in order to avoid persecution amounts to arbitrary deprivation of the right to work. A particular social group based on the applicant's occupation may be recognized where dissociation from the profession is not possible or would entail a renunciation of basic human rights. UNHCR, *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*, 31 March 2010, www.refworld.org/docid/4bb21fa02.html, para. 39. See also, J. C. Hathaway and M. Foster, *The Law of Refugee Status*, Cambridge University Press, 2014, pp. 456-458.
- ⁴⁶³ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropa.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, pp. 7-8.

when judicial decisions and investigations have an impact on economic or political interests,⁴⁶⁴ including the investigation of corruption cases.⁴⁶⁵ Members of the judiciary and lawyers involved in criminal investigations are targeted by irregular armed actors,⁴⁶⁶ gangs,⁴⁶⁷ and organized criminal groups.⁴⁶⁸ The presence of irregular armed actors in areas with low levels of State presence, particularly in rural and semi-rural areas, or areas that are disputed by irregular armed actors, represent a significant risk for judges as they are subjected to harassment, threats, and intimidation.⁴⁶⁹ Land restitution judges, for example, are threatened by organized criminal groups when they have economic interests in land destined for restitution purposes.⁴⁷⁰ Judicial workers who conduct field investigations in areas controlled by irregular armed actors may be subjected to threats, intimidation, attacks, and killings.⁴⁷¹

According to CCEEU, between January 2019 and April 2021, six judicial workers were killed, 26 threatened, 12 attacked, three were subjected to a judicial investigation, six forcibly displaced, one exiled, and one sexually assaulted.⁴⁷² In July 2021, sources reported the disappearance and killing of four members of a commission of the Land Restitution Unit of the Ministry of Agriculture who were surveying land in the department of Meta for restitution purposes.⁴⁷³ The four officials were reportedly killed by an irregular armed group and buried in a mass grave.⁴⁷⁴ In July 2022, sources report that

⁴⁶⁴ Asonal Judicial, *Comunicado*, 30 November 2021, www.asonaljudicialsi.org/index.php/afiliados/instituto-nacional-de-medicina-legal-y-ciencias-forenses/7-comunicado-sigue-la-ofensa-contra-la-independencia-judicial; CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropana.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, p. 8. Threats against judicial workers come from irregular armed actors, political interests, and unknown actors. There are also cases of pressures to drop cases or deviate investigations, particularly in cases that involve government interests or specific political parties. There are instances of judicial workers who, after rejecting pressures, are reassigned administratively without explanation or sent to other areas of the country, often conflict areas. When they cannot be reassigned, threats and intimidation, including to their families, can take place. Threats and intimidations can be veiled, but there are cases of flyers, telephone calls, and visits to their offices. In Cauca, for example, it is common that judicial workers receive flyers signed by the Águilas Negras, and in southern Córdoba receive flyers signed by the AGC. Also, their decisions are questioned publicly by political sectors and more direct intimidations usually ensue. Municipal ombudspersons are routinely threatened. In regions with the presence of military bases, judicial workers are intimidated when they investigate cases of extrajudicial executions. The same happens when they investigate violations committed during protests. Intimidation of judges also occurs through reassignments to conflict areas when they refuse to close investigations that affect economic and political interests. Recourse is usually ineffective as decisions on recourses are also subjected to political interference. Information available to UNHCR.

⁴⁶⁵ CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropana.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, p. 70. See also, Blu Radio, *Denuncian ataque contra juez que investiga al cartel de los parqueaderos*, 29 January 2020, www.bluradio.com/judicial/denuncian-ataque-contra-juez-que-investiga-al-cartel-de-los-parqueaderos.

⁴⁶⁶ Lawyers for Lawyers et al., *Colombia: Ensure Protection from Death Threats for Lawyers of CCAJAR*, 22 December 2021, <https://protect-lawyers.org/wp-content/uploads/Final-letter-Ensure-protection-from-death-threats-for-lawyers-of-CCAJAR-22-December-2021.pdf>; Corporación Excelencia en la Justicia, *Denuncian amenazas contra jueces y fiscales en Medellín*, 29 July 2018, <https://cej.org.co/sala-de-prensa/articulos-de-prensa/denuncian-amenazas-contra-jueces-y-fiscales-en-medellin/>.

⁴⁶⁷ CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropana.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, pp. 22-23; Corporación Excelencia en la Justicia, *Denuncian amenazas contra jueces y fiscales en Medellín*, 29 July 2018, <https://cej.org.co/sala-de-prensa/articulos-de-prensa/denuncian-amenazas-contra-jueces-y-fiscales-en-medellin/>.

⁴⁶⁸ CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropana.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, pp. 22-23; RCN, *En Antioquia, siete jueces y un fiscal están amenazados*, 2 February 2020, www.rcnradio.com/colombia/antioquia/en-antioquia-siete-jueces-y-un-fiscal-estan-amenazados.

⁴⁶⁹ Information available to UNHCR. See also, CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropana.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, pp. 15, 22.

⁴⁷⁰ Ibid., p. 22; InSight Crime, *La restitución de tierras: una labor peligrosa en Colombia*, 8 June 2021, <https://es.insightcrime.org/sin-categorizar/grupos-criminales-siguen-pista-restitucion-tierras-colombia/>.

⁴⁷¹ CCEEU et al., *ibid.*, pp. 22-23; InSight Crime, *ibid.*

⁴⁷² CCEEU et al., *ibid.*, p. 26.

⁴⁷³ El Tiempo, *Disidencias habrían asesinado a comisión de restitución de tierras*, 12 July 2021, www.eltiempo.com/colombia/otras-ciudades/confirman-masacre-contra-unidad-de-restitucion-de-tierras-en-el-meta-602374; DW, *Asesinan a cuatro miembros de Unidad de Restitución de Tierras en Colombia*, 10 July 2021, www.dw.com/es/asesinan-a-cuatro-miembros-de-unidad-de-restituci%C3%B3n-de-tierras-en-colombia/a-58223773. See also, Abogacía Española, *La VII Caravana de Juristas, muy preocupada por las amenazas al Estado de derecho en Colombia*, 29 August 2022, www.abogacia.es/actualidad/noticias/la-vii-caravana-de-juristas-muy-preocupada-por-las-amenazas-al-estado-de-derecho-en-colombia/.

⁴⁷⁴ El Tiempo, *Disidencias habrían asesinado a comisión de restitución de tierras*, 12 July 2021, www.eltiempo.com/colombia/otras-ciudades/confirman-masacre-contra-unidad-de-restitucion-de-tierras-en-el-meta-602374; DW, *Asesinan a cuatro miembros de Unidad de Restitución de Tierras en Colombia*, 10 July 2021, www.dw.com/es/asesinan-a-cuatro-miembros-de-unidad-de-restituci%C3%B3n-de-tierras-en-colombia/a-58223773.

during a virtual hearing in the trial of two commanders of Los Rastrojos Costeños, an unknown user logged into the hearing and made death threats against the prosecutor and the judge.⁴⁷⁵

In May 2021, the Association of Municipal Ombudspersons of Antioquia (Asociación de Personeros de Antioquia, APA) requested from the national government better protection and guarantees after most of the 125 departmental municipal ombudspersons were threatened by irregular armed actors during the April 2021 protests (see [Section II.A.3](#)).⁴⁷⁶ According to the National Federation of Municipal Ombudspersons (Federación Nacional de Personerías, FENALPER), in 2019, between 110 and 150 municipal ombudspersons reported being threatened by irregular armed actors, most of them in Nariño, Norte de Santander, Arauca, and lower Cauca River, including 40 who experienced an "extreme" threat level.⁴⁷⁷

Lawyers, particularly those involved in human rights cases, also face threats and violence, including targeted killings.⁴⁷⁸ In the last 10 years, more than 700 lawyers have been killed and about 4,400 have suffered some form of aggression.⁴⁷⁹ For example, 14 lawyers who were representing victims of "false positives"⁴⁸⁰ before the JEP were threatened, illegally monitored, and harassed, with the JEP ordering the FGN to fully investigate the threats.⁴⁸¹

Judges, prosecutors, and witnesses do not have adequate protection measures,⁴⁸² despite the number of complaints that have been filed with authorities indicating the threats and risk to their lives.⁴⁸³

Depending on the particular circumstances of the case, UNHCR considers that public officials involved in the administration of justice, including judges, prosecutors and lawyers, may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their

- ⁴⁷⁵ El Colombiano, *En video | Los Rastrojos Costeños amenazaron a un juez y a un fiscal en plena audiencia*, 28 July 2022, www.elcolombiano.com/colombia/video-los-rastrojos-costenos-amenazaron-a-un-juez-y-a-un-fiscal-en-audiencia-virtual-NB18199253; El Espectador, *Un juez y un fiscal fueron amenazados durante audiencia por Los Rastrojos Costeños*, 28 July 2022, www.elspectador.com/judicial/un-juez-y-un-fiscal-fueron-amenazados-durante-audiencia-por-los-rastrojos-costenos/.
- ⁴⁷⁶ El Tiempo, *Personeros de Antioquia denuncian falta de garantías por amenazas*, 31 May 2021, www.eltiempo.com/colombia/medellin/personeros-de-antioquia-denuncian-falta-de-garantias-en-su-labor-592523; RCN, *Personero de Andes, Antioquia, renunció por amenazas de muerte*, 31 May 2021, www.rcnradio.com/colombia/antioquia/personero-de-andes-antioquia-renuncio-por-amenazas-de-muerte.
- ⁴⁷⁷ Universidad de Alcalá, *"Hay 110 personeros amenazados en el país": director de la Federación Nacional de Personerías*, 9 July 2019, <https://pradpi.es/es/noticias/noticias-defensorias/hay-110-personeros-amenazados-en-el-pais-director-de-la-federacion-nacional-de-personerias>; La FM, *Cerca de 150 personeros son amenazados en Colombia, dice Fenalper*, 17 January 2019, www.lafm.com.co/colombia/cerca-de-150-personeros-son-amenazados-en-colombia-dice-fenalper.
- ⁴⁷⁸ International Observatory for Lawyers, *Day of the Endangered Lawyer 2022, 12th edition – Colombia*, 24 January 2022, https://eldh.eu/wp-content/uploads/2022/01/EN-Final-Report-Colombia_DEF.pdf, p. 6; Diario Occidente, *Gremio de abogados exige protección especial a las autoridades*, 18 December 2020, <https://occidente.co/area-legal/gremio-de-abogados-exige-proteccion-especial-a-las-autoridades/>.
- ⁴⁷⁹ International Observatory for Lawyers, *ibid.*; Diario Occidente, *ibid.*
- ⁴⁸⁰ A "false positive" is the killing of a person by State security forces that is later reported as a guerrilla "killed in combat", when the person was not associated with a guerrilla group. The JEP documented 6,402 cases of "false positives" between 2002 and 2008, while the Office of the Attorney General identified 2,248 cases between 1988 and 2014. JEP, *La JEP hace pública la estrategia de priorización dentro del Caso 03, conocido como el de falsos positivos*, 18 February 2021, www.jep.gov.co/Sala-de-Prensa/Paginas/La-JEP-hace-pública-la-estrategia-de-priorización-dentro-del-Caso-03,-conocido-como-el-de-falsos-positivos.aspx.
- ⁴⁸¹ Caracol, *14 abogados amenazados por defender víctimas de falsos positivos en la JEP*, 30 May 2020, https://caracol.com.co/radio/2020/05/30/judicial/1590857358_015963.html; Europa Press, *Hasta 14 abogados que defienden a víctimas de falsos positivos denuncian amenazas en Colombia*, 30 May 2020, www.europapress.es/internacional/noticia-14-abogados-defienden-victimas-falsos-positivos-denuncian-amenazas-colombia-20200530234411.html.
- ⁴⁸² US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html, p. 7; CCEEU et al., *La independencia judicial en Colombia, en riesgo por un régimen autoritario*, June 2021, <https://coeuropea.org.co/wp-content/uploads/Independencia-Judicial-version-web.pdf>, p. 8; Blu Radio, *Asonal Judicial pide protección para 8 jueces de Antioquia con amenazas de muerte*, 31 January 2020, www.bluradio.com/judicial/asnal-judicial-pide-proteccion-para-8-jueces-de-antioquia-con-amenazas-de-muerte.
- ⁴⁸³ Blu Radio, *Más de 1.200 testigos y comparecientes han pedido esquema de protección a la JEP por amenazas*, 23 September 2021, www.bluradio.com/antioquia/juez-de-vegachi-amenazado-pide-que-gobierno-preste-mas-atencion-a-rama-judicial-PM11953840; Blu Radio, *Asonal Judicial pide protección para 8 jueces de Antioquia con amenazas de muerte*, 31 January 2020, www.bluradio.com/judicial/asnal-judicial-pide-proteccion-para-8-jueces-de-antioquia-con-amenazas-de-muerte; El Colombiano, *Juez amenazado pide que "Gobierno preste más atención a rama judicial"*, 13 November 2019, www.elcolombiano.com/antioquia/juez-de-vegachi-amenazado-pide-que-gobierno-preste-mas-atencion-a-rama-judicial-PM11953840. In April 2021, "OHCHR documented the murder of the District Prosecutor of Tibú, Norte de Santander, which may have been related to her work investigating cases of femicide." OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 43.

(imputed) political opinion, or on the basis of other Convention grounds. This includes in particular those involved in investigating: (i) criminal acts committed by irregular armed actors, including drug trafficking; (ii) human rights violations committed by members of the armed forces; (iii) corruption cases; and (iv) land restitution.

Witnesses in criminal proceedings, in particular witnesses in trials against members of irregular armed actors, may also be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, or on the basis of other Convention grounds.

8) Labour Union Leaders and Union Workers

According to the National Trade Union School (*Escuela Nacional Sindical*, ENS) between 2016 and 2018 there were 738 cases of targeting of union workers and leaders.⁴⁸⁴ In 350 of these cases the perpetrator was unknown, followed by paramilitaries/post-demobilization groups (326), National Police (16), military (10), and common criminals (9).⁴⁸⁵ The ENS reported that the reasons for targeting union leaders and workers included their perceived association with guerrilla groups; attempts to solve labour disputes by means of intimidation; attempts to replace union leaderships in certain territories with persons associated with irregular armed actors to control territories or economic interests; crackdowns on trade unionism; and retaliation for participation in demonstrations.⁴⁸⁶

There has been a downward trend in the killing of union workers, which decreased from 196 in 2002, to 29 in 2011, 18 in 2020,⁴⁸⁷ and eight between January and November 2021.⁴⁸⁸ Nevertheless, labour union officials continue to face significant security risks, including death threats, violent attacks and harassment.⁴⁸⁹

According to the Attorney General's Office, 254 cases of homicide of trade unionists have been reported between 2011 and August 15, 2022 with 45 percent of the open cases reporting advances during 2022.⁴⁹⁰ The Constitutional Court ruled in 2019 that union workers needed "special constitutional

⁴⁸⁴ ENS, *Violencia Antisindical en Colombia: Entre el exterminio y la violación a la libertad sindical*, September 2020, <https://ail.ens.org.co/wp-content/uploads/sites/3/2020/10/Violencia-antisindical-en-Colombia-entre-el-exterminio-y-la-violacion-a-la-libertad-sindical.pdf>, p. 60.

⁴⁸⁵ Ibid.

⁴⁸⁶ Ibid., pp. 79-89. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

⁴⁸⁷ For the historical registry of human rights abuses, see Colombia, Presidencia de la República, *Cifras violaciones a los derechos a la vida e integridad*, accessed 14 June 2022, <http://historico.derechoshumanos.gov.co/Observatorio/Documents/Cifras-Nacionales-2002-Julio-2012.pdf>. See also, Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html. According to Indepaz, between 24 November 2016 and 15 December 2020, 61 trade union officials were killed. Indepaz, *Posacuerdo traumático: Coletazos en la transición desde el Acuerdo de Paz al posconflicto*, 21 December 2020, www.indepaz.org.co/wp-content/uploads/2020/12/Informe-Especial-asesinato-li%CC%81deres-2016-2020-L-15-12-20-Final.pdf, p. 13.

⁴⁸⁸ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. See also, DW, *Defensoría de Colombia registró 145 asesinatos de líderes sociales en 2021*, 18 January 2022, www.dw.com/es/defensora-de-colombia-registro-145-asesinatos-de-lideres-sociales-en-2021/a-60455760; Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2021*, 14 November 2021, <https://indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/>. "Between April 2021 and March 2022, 13 trade unionists were murdered, down from 22 in the previous year, according to the International Trade Union Confederation (ITUC)." Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html.

⁴⁸⁹ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; El País, "El nivel de agresión que sufre el movimiento sindical en Colombia es alarmante", 1 March 2022, <https://elpais.com/internacional/2022-03-01/el-nivel-de-agresion-que-sufre-el-movimiento-sindical-en-colombia-es-alarante.html>; Escuela Nacional Sindical (ENS), *Más de tres décadas de violencia antisindical en Colombia: Entre la estigmatización, la persecución, el exterminio y la violación a las libertades sindicales*, 9 April 2021, <https://ail.ens.org.co/informe-especial/mas-de-tres-decadas-de-violencia-antisindical-en-colombia-entre-la-estigmatizacion-la-persecucion-el-exterminio-y-la-violacion-a-las-libertades-sindicales/>.

⁴⁹⁰ US Department of State, *Country Reports on Human Rights Practices for 2021: Colombia*, 12 April 2022, www.state.gov/wp-content/uploads/2022/03/313615_COLOMBIA-2021-HUMAN-RIGHTS-REPORT.pdf, p. 38. See also, Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html; Justice for Colombia, *Trade Unionists in Colombia Still Being Murdered with Impunity: ITUC*, 25 June 2020, <https://justiceforcolombia.org/news/trade-unionists-in-colombia-still-being-murdered-with-impunity-ituc/>.

protection" due to risks to their lives and personal integrity.⁴⁹¹ By June 2022, the UNP was providing protection to 253 union leaders or members.⁴⁹²

Depending on the particular circumstances of the case, UNHCR considers that trade union officials may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, or on the basis of other Convention grounds.

9) Teachers and Education Workers

Threats against teachers and education personnel are reported to be common,⁴⁹³ with sources reporting in February 2021 that more than 600 teachers were threatened by irregular armed actors in Córdoba⁴⁹⁴ and 121 teachers and school principals in Ituango, Antioquia.⁴⁹⁵ Irregular armed actors reportedly kill, threaten, or force teachers and their families into displacement because they object to the curriculum being taught in schools, or because they accuse teachers of being "leftist", or because teachers are seen as the only government presence in remote areas where these groups operate and exert control.⁴⁹⁶ Teachers in rural areas also face threats for preventing students from being forcibly recruited by irregular armed actors.⁴⁹⁷

Between the signing of the Peace Agreement and August 2020, a total of 28 teachers were killed.⁴⁹⁸ Between January and November 2020, at least two teachers were killed,⁴⁹⁹ and between January and November 2021, eight teachers were killed.⁵⁰⁰

⁴⁹¹ Corte Constitucional, *Sentencia T-388/19*, 26 August 2019, www.corteconstitucional.gov.co/relatoria/2019/t-388-19.htm, paras 4.4.1, 5.4, 8.2.2.

⁴⁹² "Between January 1 and August 31, the NPU processed 280 risk assessments of union leaders or members; 94 of those individuals were assessed as facing an 'extraordinary threat,' and the NPU provided protection to them." US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

⁴⁹³ El Espectador, *Más de 600 docentes de Córdoba fueron amenazados por grupos armados*, 13 April 2021, www.elespectador.com/colombia/mas-regiones/mas-de-600-docentes-de-cordoba-fueron-amenazados-por-grupos-armados-articulo/; Pares, *Profesores amenazados, otra alerta roja en Ituango*, 10 February 2021, <https://pares.com.co/2021/02/10/profesores-amenazados-de-muerte-otra-alerta-encendida-en-ituango/>; Caracol, *Fecode rechaza asesinato de dos docentes durante primeros días de 2021*, 4 January 2021, https://caracol.com.co/radio/2021/01/04/nacional/1609760136_689200.html; Consejo de Redacción, *Las nuevas guerras reclutan niños en Cauca*, 14 September 2020, <https://consejoderedaccion.org/noticias/las-nuevas-guerras-reclutan-ninos-en-cauca>.

⁴⁹⁴ El Espectador, *Más de 600 docentes de Córdoba fueron amenazados por grupos armados*, 13 April 2021, www.elespectador.com/colombia/mas-regiones/mas-de-600-docentes-de-cordoba-fueron-amenazados-por-grupos-armados-articulo/; Global Coalition to Protect Education from Attack, *Education under Attack 2020*, 2020, https://protectingeducation.org/wp-content/uploads/eua_2020_full.pdf, pp. 30, 41, 124-130.

⁴⁹⁵ Pares, *Profesores amenazados, otra alerta roja en Ituango*, 10 February 2021, <https://pares.com.co/2021/02/10/profesores-amenazados-de-muerte-otra-alerta-encendida-en-ituango/>; Caracol, *Increíble amenaza a 121 docentes que ganaron concurso de la CNSC para trabajar en Ituango*, 9 February 2021, <https://noticias.caracoltv.com/antioquia/increible-amenaza-a-121-docentes-que-ganaron-concurso-de-la-cnsc-para-trabajar-en-ituango>.

⁴⁹⁶ Blu Radio, *Amenazan de muerte a varios docentes y personal de la Universidad Eafit*, 18 June 2021, www.bluradio.com/blu360/antioquia/amenazan-de-muerte-a-varios-docentes-y-personal-de-la-universidad-eafit; El Tiempo, *Las amenazas a docentes subieron un 162 % en 2019*, 20 February 2020, www.eltiempo.com/vida/educacion/amenazas-a-docentes-subieron-un-162-en-2019-464296; Semana, *¿Por qué amenazan y callan a los maestros oficiales?*, 8 September 2019, www.semana.com/opinion/columnistas/articulo/por-que-amenazan-y-callan-a-los-maestros-oficiales-por-angel-perez-martinez/276625/.

⁴⁹⁷ InSight Crime, *Maestros colombianos, última línea de defensa contra el reclutamiento forzado*, 15 April 2021, <https://es.insightcrime.org/investigaciones/maestros-colombianos-ultima-linea-defensa-reclutamiento-forzado/>. See also, El Tiempo, *Las amenazas a docentes subieron un 162 % en 2019*, 20 February 2020, www.eltiempo.com/vida/educacion/amenazas-a-docentes-subieron-un-162-en-2019-464296.

⁴⁹⁸ Indepaz, *Listado de homicidios líderes sociales y defensores de derechos humanos desde la firma del Acuerdo de Paz*, 21 August 2020, www.indepaz.org.co/wp-content/uploads/2020/08/1.-Listado-de-homicidios-lideres-sociales-y-defensores-de-derechos-humanos-desde-la-firma-del-Acuerdo-de-Paz.pdf.

⁴⁹⁹ Semana, *Repudio en el gremio educativo por asesinato de un docente en Nariño*, 23 November 2020, www.semana.com/nacion/articulo/repudio-en-el-gremio-educativo-por-asesinato-de-un-docente-en-narino/202037/; El Colombiano, *Fecode denuncia asesinatos de profesores en Risaralda y Nariño*, 23 November 2020, www.elcolombiano.com/colombia/dos-profesores-fueron-asesinados-en-risaralda-y-narino-LG14128407.

⁵⁰⁰ RCN, *Fecode exige a miembros del Centro Democrático que cesen sus discursos de odio hacia los maestros*, 10 November 2021, www.rcnradio.com/colombia/fecode-exige-miembros-del-centro-democratico-que-cesen-sus-discursos-de-odio-hacia-los.

In August 2013, increasing threats against teachers led the Ministries of the Interior and Education to adopt Decree 1782 to regulate the relocation of teachers for security reasons.⁵⁰¹ Additionally, teachers are entitled to benefit from protection measures by the UNP.⁵⁰²

Depending on the particular circumstances of the case, UNHCR considers that teachers and other education workers may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, or on the basis of other Convention grounds.

10) Former Members of the FARC-EP

According to the Observatory of Human Rights, Conflict and Peace of Indepaz, between 1 January and 8 June 2022, 21 former FARC-EP members were killed.⁵⁰³ Between 2016 and June 2023, a total of 375 former members of the FARC-EP were killed, 129 were targeted for killing, and 32 were forcibly disappeared.⁵⁰⁴ Other risks faced by former FARC-EP members include attacks against those participating in cooperatives and other livelihood projects that were established as part of the reintegration process,⁵⁰⁵ forced displacement, and the targeting of their family members.⁵⁰⁶ As of June 2023, the FGN had secured convictions in relation to 67 killings of former FARC-EP members, while 62 cases were in the trial phase.⁵⁰⁷ A total of 198 arrest warrants were pending execution.⁵⁰⁸

According to the 2021 report of the UN Verification Mission in Colombia, irregular armed actors committed most of the killings, one third of which took place in the departments of Cauca, Nariño, and Valle del Cauca.⁵⁰⁹ Ex-combatants have also faced threats in Antioquia, where 96 former members of the FARC-EP and their families had to be relocated from Ituango to Mutatá in July 2020 due to security

⁵⁰¹ Colombia, *Decreto 1782 de 2013*, 20 August 2013, www.icbf.gov.co/cargues/avance/docs/decreto_1782_2013.htm.

⁵⁰² Colombia, UNP, *Protección a docentes amenazados*, accessed 30 June 2023, www.unp.gov.co/wp-content/uploads/2020/10/proteccion-a-docentes-amenazados-vf.pdf. For reports on short-comings of protection measures, see RCN Radio, *Docentes amenazados piden al estado que no les retiren el esquema de protección*, 4 September 2020, www.rcnradio.com/economia/docentes-amenazados-piden-al-estado-que-no-les-retiren-el-esquema-de-proteccion.

⁵⁰³ Four killings took place in the department of Cauca, three in Putumayo, two in Bogotá and two in Guaviare Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2022*, 8 June 2022, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>. "According to the UN Verification Mission (UNVM), 37 former FARC combatants had been killed by September 26, bringing the total to 342 homicides of former combatants since the 2016 accord." US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.

⁵⁰⁴ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 48. See also, ICG, *A Fight by Other Means: Keeping the Peace with Colombia's FARC*, 30 November 2021, <https://icg-prod.s3.amazonaws.com/092-a-fight-by-other-means%20%282%29.pdf>, p. ii.

⁵⁰⁵ Section 3 of the Peace Accord considers the creation of economic cooperatives to support the re-integration of former members of the FARC-EP into civilian life. These cooperatives are concentrated within economic development projects in areas such as agriculture, cattle ranching, and dressmaking. La Silla Llena, *Las cooperativas de reincorporados y reincorporadas: Apuestas por la paz*, 24 February 2021, www.lasillavacia.com/historias/historias-silla-llena/las-cooperativas-de-reincorporados-y-reincorporadas-apuestas-por-la-paz/; El Espectador, *Cooperativas de las Farc, una alternativa para el posconflicto*, 17 August 2017, www.elespectador.com/colombia-20/paz-y-memoria/cooperativas-de-las-farc-una-alternativa-para-el-posconflicto-articulo/.

⁵⁰⁶ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, paras 47-49; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 24 March 2023, S/2023/222, <https://colombia.unmissions.org/sites/default/files/n2307964.pdf>, para. 53. Demobilized combatants face stigmatization and are targeted due to score settling for crimes they committed when they were members of the FARC or when they rejected an offer from an irregular armed group to join their ranks given their military experience. They are also targeted for participating in illicit crop substitution programmes or promoting the Peace Agreement. Some demobilized FARC-EP combatants created productive projects, which are an important component of the demobilization process, and the threats against them has led to the temporary or indefinite suspension of these projects. Information available to UNHCR.

⁵⁰⁷ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 59.

⁵⁰⁸ Ibid.

⁵⁰⁹ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 12.

concerns.⁵¹⁰ A group of about 100 ex-combatants and their families was relocated from Meta to the department of Caquetá in December 2021, in response to threats and acts of violence committed against them.⁵¹¹ Targeting of former members of the FARC-EP has affected their reintegration process, with some of their cooperatives and livelihood projects having been suspended.⁵¹² Common reasons for the targeting of former combatants of the FARC-EP include their participation in economic projects at the community level that collide with the economic interests of irregular armed actors, or disputes among irregular armed actors over territories where these economic projects are located.⁵¹³ According to an investigation by La Silla Vacía, a Colombian news source, most of the victims were low-ranking former guerrillas, and in addition to those who were exercising local leadership, other profiles of victims include those who were recently released from prison and those who occupied a position within the guerrilla organization with access to high-value information for current irregular armed actors such as urban militias, including former guerrillas who conducted intelligence gathering, and treasurers who had knowledge about extortion schemes, drug trafficking routes, and money laundering.⁵¹⁴

The JEP has issued precautionary measures for the protection of former FARC-EP combatants and in 2021 it ordered the government to implement region-specific measures that include the creation of a working group to develop a security strategy, a reintegration roadmap for former combatants who were forcibly displaced, and measures to prevent stigmatization.⁵¹⁵ By January 2021, 78 per cent of protection applications made by former FARC-EP members had been assessed, with 597 applications approved.⁵¹⁶ By December 2021, 690 former combatants benefitted from the 377 protection frameworks provided by the UNP.⁵¹⁷ However, in January 2022 the Constitutional Court ruled that there was a lack of proper security measures for those who entered into the Peace Agreement, their families, and other members of the Comunes party, in violation of the government's obligations under the Constitution.⁵¹⁸

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- ⁵¹⁰ Agencia EFE, *Excombatientes culminan traslado de Ituango a Mutatá por la violencia*, 16 July 2020, www.elcolombiano.com/colombia/paz-y-derechos-humanos/excombatientes-de-farc-dejan-ituango-por-amenazas-y-violencia-contra-desmovilizados-KD13327159; El Tiempo, *Llegaron a Mutatá los excombatientes que debieron irse de Ituango*, 16 July 2020, www.eltiempo.com/colombia/medellin/proceso-de-paz-llegaron-a-mutata-los-excombatientes-de-las-farc-provenientes-de-ituango-antioquia-518812.
- ⁵¹¹ El Tiempo, *Arranca el traslado de exFarc que salieron desplazados de Meta por riesgos*, 16 December 2021, www.eltiempo.com/justicia/paz-y-derechos-humanos/trasladan-a-excombatientes-de-las-farc-por-violencia-en-el-meta-639633; El Espectador, *Excombatientes del ETCR de Yari, en Meta, aceptan traslado terrestre hacia Caquetá*, 16 December 2021, www.elespectador.com/colombia-20/conflicto/excombatientes-del-etcr-de-yari-en-meta-aceptan-traslado-terrestre-hacia-caqueta/.
- ⁵¹² UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 24; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 24 March 2023, S/2023/222, <https://colombia.unmissions.org/sites/default/files/n2307964.pdf>, para. 42; Infobae, “*Quieren amilanar nuestros sueños*”, *excombatiente luego de ataque a proyecto productivo en Bogotá*, 10 February 2022, www.infobae.com/americacolombia/2022/02/11/quieren-amilanar-nuestros-suenos-excombatiente-luego-de-ataque-a-proyecto-productivo-en-bogota/; UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 12.
- ⁵¹³ El País, *Los asesinatos de firmantes de la paz en Colombia, una crisis camino al exterminio*, 10 January 2023, <https://elpais.com/americacolombia/2023-01-11/los-asesinatos-de-firmantes-de-la-paz-en-colombia-una-crisis-camino-al-exterminio.html>; JEP, *Diagnóstico de los casos de violencia letal que afectan a los excombatientes de las FARC-EP en el Valle del Cauca, Cauca y Nariño*, 13 August 2021, www.jep.gov.co/JEP/documents1/Situaci%C3%B3n%20de%20violencia%20letal%20contra%20excombatientes%20de%20las%20FARC-EP%20en%20Valle%20del%20Cauca,%20Cauca%20y%20Nari%C3%B1o.pdf, pp. 6-7; UN News, *La violencia contra excombatientes en Colombia sigue siendo la mayor amenaza para su transición a la vida civil*, 13 January 2022, <https://news.un.org/es/story/2022/01/1502572>. Former combatants trying to participate in politics have also been attacked and threatened. UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 40.
- ⁵¹⁴ La Silla Vacía, *La cara desconocida de los muertos de las FARC*, 2 February 2020, www.lasillavacia.com/historias/silla-nacional/la-cara-desconocida-de-los-muertos-de-la-farc.
- ⁵¹⁵ JEP, *JEP ordena nuevas medidas para proteger a los firmantes del Acuerdo de Paz y sus familias*, 20 September 2021, www.jep.gov.co/Sala-de-Prensa/Paginas/JEP-ordena-nuevas-medidas-para-protger-a-los-firmantes-del-Acuerdo-de-Paz-y-sus-familias.aspx.
- ⁵¹⁶ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, S/2021/824, 24 September 2021, <https://colombia.unmissions.org/sites/default/files/n2125243.pdf>, para. 14. As of March 2023, there was “a backlog of over 1,100 protection requests to the National Protection Unit and 43 former combatants [had] been killed waiting for protection since the signing of the Final Agreement.” UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 24 March 2023, S/2023/222, <https://colombia.unmissions.org/sites/default/files/n2307964.pdf>, para. 61.
- ⁵¹⁷ Colombia, UNP, *Informe de rendición de cuentas, enero – diciembre 2021*, 2021, www.unp.gov.co/wp-content/uploads/2022/03/informe-rendicion-de-cuentas-para-la-paz-2021.pdf, p. 6.
- ⁵¹⁸ Corte Constitucional, *Sentencia SU020/22*, 27 January 2022, www.corteconstitucional.gov.co/Relatoria/2022/SU020-22.htm.

On 1 March 2022, the JEP observed that there was still no institutional strategy to prevent violence against former combatants and signatories of the Peace Agreement,⁵¹⁹ and ordered the Government to fully implement the National Commission for Security Guarantees (*Comisión Nacional de Garantías de Seguridad*, CNGS)⁵²⁰ to combat and dismantle irregular armed actors that are undermining the reintegration process of former FARC-EP combatants.⁵²¹ While the CNGS had started to operate after the signing of the Peace Agreement, it had obtained only limited results as it lacked internal guidelines and most of its work had been delegated to the Office of the High Commissioner for Peace of the Colombian President.⁵²²

Depending on the particular circumstances of the case, UNHCR considers that demobilized former members of the FARC-EP may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their (imputed) political opinion, or on the basis of other Convention grounds.

In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Participation in armed conflict is not, as such, a ground for exclusion. See Section III.D.

11) Women with Certain Profiles or in Specific Circumstances

Violence against women continues to be a serious problem.⁵²³ Between January and November 2021, a total of 27,885 cases of sexual violence (or 54.6 cases per 100,000 inhabitants) were reported to the authorities.⁵²⁴ In addition, in the same period a total of 108,886 cases of domestic violence (or 213.3 per 100,000 inhabitants) were reported.⁵²⁵ However, statistics relating to domestic violence underestimate the scale of the problem, as victims do not always file complaints with the authorities.⁵²⁶ According to the National Institute of Legal Medicine and Forensic Sciences (*Instituto Nacional de*

⁵¹⁹ Infobae, *JEP ordena activar la Comisión Nacional de Garantías de Seguridad para excombatientes*, 1 March 2022, www.infobae.com/america/colombia/2022/03/02/jep-ordena-activar-la-comision-nacional-de-garantias-de-seguridad-para-excombatientes/; El Tiempo, *Duro regaño a comisionado de paz por plan para dismantelar grupos armados*, 1 March 2022, www.eltiempo.com/justicia/jep-colombia/jep-ordena-a-gobierno-implementar-cngs-para-desmantelar-grupos-criminales-655326.

⁵²⁰ The CNGS was created under Decree Law No. 154 in 2017 to "design and monitor public and criminal policy regarding the dismantling of criminal organizations or behaviours responsible for homicides and massacres, that attack human rights defenders, social movements or political movements, or that threaten or attack people who participate in the implementation of the Agreements and construction of peace, including criminal organizations that have been called successors of paramilitarism and their support networks". Colombia, *Decreto Ley No. 154 de 2017*, 3 February 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf>, Article 1.

⁵²¹ Infobae, *JEP ordena activar la Comisión Nacional de Garantías de Seguridad para excombatientes*, 1 March 2022, www.infobae.com/america/colombia/2022/03/02/jep-ordena-activar-la-comision-nacional-de-garantias-de-seguridad-para-excombatientes/; El Tiempo, *Duro regaño a comisionado de paz por plan para dismantelar grupos armados*, 1 March 2022, www.eltiempo.com/justicia/jep-colombia/jep-ordena-a-gobierno-implementar-cngs-para-desmantelar-grupos-criminales-655326.

⁵²² Infobae, *Qué es la Comisión Nacional de Garantías de Seguridad y por qué la JEP pidió su implementación*, 2 March 2022, www.infobae.com/america/colombia/2022/03/02/que-es-la-comision-nacional-de-garantias-de-seguridad-y-por-que-la-jep-pidio-su-implementacion/; RCN, *JEP ordena al Gobierno adoptar plan especial para proteger a exFarc de bandas criminales*, 1 March 2022, www.rcnradio.com/judicial/jep-ordena-al-gobierno-adoptar-plan-especial-para-proteger-exfarc-de-bandas-criminales.

⁵²³ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Sisma Mujer, *Día Internacional de la Mujer 2022: Violencias contra las mujeres y participación en el mercado laboral*, 7 March 2022, www.sismamujer.org/wp-content/uploads/2022/03/VF-Boletin-8M-2022-1.pdf, p. 8; Diario Criterio, *Miedo y desconfianza en las instituciones: por qué las víctimas de violencia de género tardan en denunciar*, 16 December 2021, <https://diariocriterio.com/violencia-mujeres-por-que-tardan-en-denunciar/>.

⁵²⁴ This compares to 30,958 cases in 2020, 38,205 in 2019, 36,820 in 2018, and 28,371 in 2017. Colombia, Ministerio de Defensa, *Información de criminalidad, resultados operacionales y delitos contra las propias tropas*, 2021, www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios_sectoriales/info_estadistica/Avance_Politi

⁵²⁵ This compares to 118,778 cases in 2020, 116,534 in 2019, 99,916 in 2018, and 100,528 in 2017. Colombia, Ministerio de Defensa, *Información de criminalidad, resultados operacionales y delitos contra las propias tropas*, 2021, www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios_sectoriales/info_estadistica/Avance_Politi

⁵²⁶ Pares, *Informe trimestral de seguridad ciudadana*, 15 May 2021, www.pares.com.co/post/informe-trimestral-de-seguridad-ciudadana, p. 13; OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, https://digitallibrary.un.org/record/3907554/files/A_HRC_46_76-EN.pdf, para. 67.

Medicina Legal y Ciencias Forenses, INMLCF), 22,376 women and girls underwent medical examinations in 2022 for suspected sexual violence.⁵²⁷

According to the Colombian Observatory of Feminicides, 619 feminicides were committed in 2022, with most of them occurring in Valle del Cauca (95), Antioquia (89), Bogotá (83), Atlántico (47), and Cauca (39).⁵²⁸ The departments with the highest rates were Arauca (7.98 per 100,000 women), Cauca (5.13), Valle del Cauca (3.95), Putumayo (3.86), Magdalena (3.73), Caldas and Atlántico (3.31), and Casanare (3.21).⁵²⁹ The INMLCF registered the killing of 1,016 women in 2022⁵³⁰ while according to the Colombian Observatory of Feminicides, 622 feminicides were committed in the country in 2021, with most of them occurring in Antioquia (109), Valle del Cauca (75), Cauca (47), and Bogotá (47).⁵³¹ In 2020, the number of feminicides was 630.⁵³² According to the Colombian Observatory of Women of the Presidential Advisor for Women's Equity, the number of feminicides in 2019 was 226, 228 in 2018, 208 in 2017, and 57 in 2016.⁵³³

The conflict has had a disproportionate impact on women, particularly Afro-Colombians, indigenous women, and peasants.⁵³⁴ Irregular armed actors continue to sexually abuse women and children.⁵³⁵ According to Indepaz, members of post-demobilization groups establish relationships with local women for the purpose of securing inheritance rights over their lands.⁵³⁶ Internally displaced women and girls are also exposed to sexual exploitation, abuse, and the forced recruitment of their children by irregular armed actors.⁵³⁷ Due to a lack of livelihood opportunities, many internally displaced women and girls have no option but to engage in negative coping strategies, including prostitution,⁵³⁸ early marriages, and forced cohabitation with new partners.⁵³⁹ Internally displaced women and girls are reported to face significant challenges when seeking justice for gender-based violence, including mistreatment by

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- ⁵²⁷ Statistics are "preliminary" figures subject to change. Colombia, INMLCF, *Boletín estadístico mensual de diciembre de 2022*, December 2022, www.medicinalegal.gov.co/documents/20143/742818/Boletin_diciembre_2022.pdf, pp. 7-8. See also, Colombia, INMLCF, *Boletín estadístico mensual de diciembre de 2021*, December 2021, www.medicinalegal.gov.co/documents/20143/628335/Boletin_Dic_2021.pdf, p. 6.
- ⁵²⁸ *Feminicidios Colombia, Informe anual 2022: Vivas nos queremos*, 2022, 25 February 2023, <https://observatoriofeminicidioscolombia.org/attachments/article/512/Informe%202023-1.pdf>, pp. 2-3.
- ⁵²⁹ *Ibid.*, p. 10.
- ⁵³⁰ Colombia, INMLCF, *Boletín estadístico mensual de diciembre de 2022*, December 2022, www.medicinalegal.gov.co/documents/20143/742818/Boletin_diciembre_2022.pdf, p. 2.
- ⁵³¹ Observatorio Feminicidios Colombia, *Boletín mensual de feminicidios*, December 2021, <https://observatoriofeminicidioscolombia.org/attachments/article/448/Bolet%C3%ADn%20Vivas%20Nos%20Queremos%20Diciembre%202020.pdf>, pp. 0, 3.
- ⁵³² Observatorio Feminicidios Colombia, *Boletín mensual de feminicidios*, December 2020, [https://observatoriofeminicidioscolombia.org/attachments/article/476/Bolet%C3%ADn%20Vivas%20nos%20queremos%20Colombia%20diciembre%202021%20\(1\).pdf](https://observatoriofeminicidioscolombia.org/attachments/article/476/Bolet%C3%ADn%20Vivas%20nos%20queremos%20Colombia%20diciembre%202021%20(1).pdf), pp. 5-6.
- ⁵³³ Colombia, Consejería Presidencial para la Equidad de la Mujer, *Observatorio Colombiano de las Mujeres: Violencia*, <https://observatoriomujeres.gov.co/es/Violence>.
- ⁵³⁴ CEV, *Mi cuerpo es la verdad: Experiencias de mujeres y personas LGBTIQ+ en el conflicto armado*, August 2022, www.comisiondelaverdad.co/mi-cuerpo-es-la-verdad; Swissinfo.ch, *Mujeres afro, las más afectadas por violencia sexual en conflicto de Colombia*, 24 May 2022, www.swissinfo.ch/spa/colombia-conflicto_mujeres-afro-las-m%C3%A1s-afectadas-por-violencia-sexual-en-conflicto-de-colombia/47620804; CINEP, *Violencias basadas en género contra mujeres rurales*, 7 March 2019, www.cinep.org.co/home-files/images/2019Noticias/InformeVBG-05fem.pdf, p. 3.
- ⁵³⁵ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html, p. 27; Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 77.
- ⁵³⁶ Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf, p. 50.
- ⁵³⁷ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Infobae, *Casi 1,5 millones de personas piden asistencia luego de verse desplazadas por la violencia de género en Colombia*, 18 January 2022, www.infobae.com/america/america-latina/2022/01/18/casi-15-millones-de-personas-piden-asistencia-luego-de-verse-desplazadas-por-la-violencia-de-genero-en-colombia/; IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jSForm/?File=/es/cidh/prensa/comunicados/2021/258.asp.
- ⁵³⁸ Voice of America, *Migrantes venezolanas son vulnerables a trata de personas o explotación*, 6 February 2021, www.vozdeamerica.com/a/venezuela_migrantes-venezolanas-son-vulnerables-explotacion/6071390.html; El Universal, *Pasaron de vivir en un puente a dormir en un andén*, 2 February 2021, www.eluniversal.com.co/cartagena/pasaron-de-vivir-en-un-puente-a-dormir-en-un-anden-DC4114757.
- ⁵³⁹ Infobae, *Casi 1,5 millones de personas piden asistencia luego de verse desplazadas por la violencia de género en Colombia*, 18 January 2022, www.infobae.com/america/america-latina/2022/01/18/casi-15-millones-de-personas-piden-asistencia-luego-de-verse-desplazadas-por-la-violencia-de-genero-en-colombia/; El Universal, *Pasaron de vivir en un puente a dormir en un andén*, 2 February 2021, www.eluniversal.com.co/cartagena/pasaron-de-vivir-en-un-puente-a-dormir-en-un-anden-DC4114757.

authorities, evidentiary challenges, poor referrals, and economic barriers.⁵⁴⁰ As a result, many internally displaced women and girls do not file complaints with the police.⁵⁴¹ Violence against women in rural areas, including Afro-Colombians, indigenous women and peasants, is exacerbated by wider problems in rural areas such as high levels of illiteracy, the widespread use of informal labour, and the lack of access to services, opportunities, and economic resources, as well as the longstanding stigmatization of peasants, indigenous peoples and Afro-Colombians.⁵⁴²

Women human rights defenders have been also targeted.⁵⁴³ Sources indicate that between 1 January and 8 June 2022, six women human rights defenders were assassinated,⁵⁴⁴ 26 in 2021,⁵⁴⁵ and 23 in 2020,⁵⁴⁶ while between July 2016 and July 2019, a total of 69 women human rights defenders were killed.⁵⁴⁷

The government is required by law to provide assistance and protection to victims of domestic violence.⁵⁴⁸ According to the Office of the Ombudsperson, the State's response to gender-based violence continues to be inadequate due to problems such as a lack of resources for the entities tasked with addressing domestic violence, insufficient shelter capacity, the collapse of the hotline network for women to report cases of gender-based violence, and lack of access to forensic assessments.⁵⁴⁹ Impunity for perpetrators of gender-based violence continues to be a problem.⁵⁵⁰ Women victims of

⁵⁴⁰ Alianza por la Solidaridad, *Impacto de la violencia basada en género (VBG) en las mujeres migrantes/desplazadas y su acceso al Sistema de Protección, Justicia y Reparación en Colombia*, 2021, www.alianzaporlasolidaridad.org/axs2020/wp-content/uploads/INFORME-DE-GE%CC%81NERO-29-NOV.pdf, pp. 63-70; HRW, "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 29. See also, UNHCR, *Mujeres colombianas desplazadas luchan contra los abusos sexuales*, 5 March 2018, www.acnur.org/noticias/noticia/2018/3/5b0be7cb1c/mujeres-colombianas-desplazadas-luchan-contra-los-abusos-sexuales.html.

⁵⁴¹ Voice of America, *Migrantes venezolanas son vulnerables a trata de personas o explotación*, 6 February 2021, www.vozdeamerica.com/a/venezuela_migrantes-venezolanas-son-vulnerables-explotacion/6071390.html; HRW, "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 29.

⁵⁴² Dejusticia, *Cuando el cuerpo es lugar en disputa: historias de violencia sexual contra mujeres indígenas y afro*, 9 August 2021, www.dejusticia.org/historias-de-violencia-sexual-contra-mujeres-indigenas-y-afro-en-colombia/; CINEP, *Violencias basadas en género contra mujeres rurales*, 7 March 2019, www.cinep.org.co/home-files/images/2019Noticias/InformeVBG-05fem.pdf, p. 4.

⁵⁴³ UN News, *ONU Mujeres en Colombia condena los ataques contra defensoras de los derechos humanos en Cali*, 10 May 2021, <https://news.un.org/es/story/2021/05/1491842>; Sisma Mujer, *Lideresas y defensoras de derechos humanos durante el segundo año de la pandemia en Colombia*, May 2021, www.sismamujer.org/lideresas-y-defensoras-publicaciones/, p. 1. As noted in footnote 267, for the purposes of this document, the term "human rights defender" includes the concept of "social leader", as defined by OHCHR and based on the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* of 1999.

⁵⁴⁴ Indepaz, *Líderes sociales, defensores de DD.HH y firmantes de Acuerdo asesinados en 2022*, 8 June 2022, <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>. See also, OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 39.

⁵⁴⁵ Sisma Mujer, *Situación de las mujeres lideresas y defensoras de derechos humanos en Colombia durante 2021*, May 2022, www.sismamujer.org/wp-content/uploads/2022/06/SITUACION-LIDERESAS-DIGITAL-V16-demayo-aprobado-1.pdf, p. 8.

⁵⁴⁶ Sisma Mujer, *Patrones de violencia sociopolítica de género contra lideresas y defensoras de derechos humanos en Colombia: Claves conceptuales y metodológicas 2016-2020*, 16 May 2022, www.sismamujer.org/wp-content/uploads/2022/06/PATRONES-DE-VIOLENCIA-DIGITAL-V16-de-mayo-2022-1.pdf, p. 35.

⁵⁴⁷ Sisma Mujer, *Patrones de violencia sociopolítica de género contra lideresas y defensoras de derechos humanos en Colombia: Claves conceptuales y metodológicas 2016-2020*, 16 May 2022, www.sismamujer.org/wp-content/uploads/2022/06/PATRONES-DE-VIOLENCIA-DIGITAL-V16-de-mayo-2022-1.pdf, pp. 34-35.

⁵⁴⁸ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. See also, Colombia, Ministerio de Salud y Protección Social, *Derechos de las víctimas de violencias de género*, 20 June 2022, www.minsalud.gov.co/salud/publica/ssr/Paginas/Derechos-de-las-victimas-de-violencias-de-genero.aspx.

⁵⁴⁹ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, https://digitallibrary.un.org/record/3907554/files/A_HRC_46_76-EN.pdf, para. 68. See also, Alianza por la Solidaridad, *Impacto de la violencia basada en género (VBG) en las mujeres migrantes/desplazadas y su acceso al Sistema de Protección, Justicia y Reparación en Colombia*, 2021, www.alianzaporlasolidaridad.org/axs2020/wp-content/uploads/INFORME-DE-GE%CC%81NERO-29-NOV.pdf, pp. 71-74.

⁵⁵⁰ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html.

violence usually do not file complaints with authorities out of mistrust in the justice system.⁵⁵¹ In 2016, the government increased the prison term to 50 years for the perpetrators of acid attacks.⁵⁵²

Depending on the particular circumstances of the case, UNHCR considers that women of certain profiles, in particular but not limited to women human rights defenders, women in social leadership positions and women who are members of indigenous groups and Afro-Colombian women, may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their membership of a particular social group,⁵⁵³ and/or their (imputed) political opinion, or on the basis of other Convention grounds.

12) Children

Child abuse continues to be a serious problem.⁵⁵⁴ In 2022, the United Nations verified 290 grave violations against 209 children (122 boys, 83 girls), including 44 children who were victims of multiple violations.⁵⁵⁵ According to the INMLCF, out of the 25,355 forensic medical examinations it conducted for alleged sexual offenses, 20,877 were on children under 17 years of age, including 3,770 for children aged between 15 and 17, 11,015 for ages between 10 and 14, 4,292 for ages between 5 and 9, and 1,800 for ages 0 and 4.⁵⁵⁶ The same source also indicates that 634 children under the age of 17 years were killed in 2022, representing 4.8 per cent of the total number of homicides.⁵⁵⁷ Children and adolescents have also been subjected in some parts of the country to forced displacement,⁵⁵⁸ threats, forced disappearances, and attacks.⁵⁵⁹

⁵⁵¹ UN Development Programme (UNPD), *Más del 95% de las mujeres víctimas de violencia en el trabajo y/o espacios públicos no lo denuncian*, 16 November 2021, www.do.undp.org/content/dominican_republic/es/home/presscenter/articles/2021/mas-del-95-de-las-mujeres-victimas-de-violencia-en-el-trabajo-y.html; Eje21.com, *Mujeres no denuncian violencia de género por desconocimiento o miedo*, 8 November 2021, www.eje21.com.co/2021/11/mujeres-no-denuncian-violencia-de-genero-por-desconocimiento-o-miedo/.

⁵⁵² US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Reuters, *ENTREVISTA-Superviviente colombiana de un ataque con ácido pide ayuda para las víctimas*, 18 November 2018, www.reuters.com/article/derechos-colombia-mujeres-idESKCN1NL005-OESEN. See also, Colombia, *Ley 1773 de 2016*, 2016, www.suin-juriscal.gov.co/viewDocument.asp?id=30019620.

⁵⁵³ UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, www.refworld.org/docid/3d36f1c64.html, and UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/02, www.refworld.org/docid/3d36f23f4.html.

⁵⁵⁴ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Infobae, *En Colombia el abuso sexual a menores creció durante la pandemia, según la organización Red PaPaz*, 18 February 2022, www.infobae.com/america/colombia/2022/02/18/en-colombia-el-abuso-sexual-a-menores-crecio-durante-la-pandemia-segun-la-organizacion-red-papaz/; Uniminuto Radio, *La violencia infantil, un gran problema en Colombia*, 17 August 2018, www.uniminutoradio.com.co/la-violencia-infantil-un-gran-problema-en-colombia/.

⁵⁵⁵ UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2023, S/2023/363, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/144/96/PDF/N2314496.pdf>, para. 40. See also, UN Secretary-General, *Children and Armed Conflict: Report of the Secretary-General*, 23 June 2022, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/117/04/PDF/N2011704.pdf>, para. 39.

⁵⁵⁶ Colombia, INMLCF, *Boletín estadístico mensual de diciembre de 2022*, December 2022, www.medicinalegal.gov.co/documents/20143/742818/Boletin_diciembre_2022.pdf, pp. 7-8.

⁵⁵⁷ Ibid., p. 3.

⁵⁵⁸ Colombia, Defensoría del Pueblo, *Defensoría alerta ante el aumento de eventos de desplazamiento masivo y confinamiento de comunidades*, 13 July 2021, www.defensoria.gov.co/es/nube/comunicados/10268/Defensor%C3%ADa-alerta-ante-el-aumento-de-eventos-de-desplazamiento-masivo-y-confinamiento-de-comunidades-desplazamiento-confinamiento-Defensor%C3%ADa.htm.

⁵⁵⁹ Colombia, Defensoría del Pueblo, *Reclutamiento forzado, uso y utilización de niños, niñas y adolescentes en Colombia*, April 2021, https://caracol.com.co/radio/2021/04/20/judicial/1618918694_971289.html. See also, HRW, *"The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf.

Despite a decline in child recruitment after the signing of the Peace Agreement, child recruitment by irregular armed actors continues,⁵⁶⁰ including by the AGC and the ELN.⁵⁶¹ Between January and June 2022, the Office of the Ombudsperson issued nine early warnings through the SAT related to risks of child recruitment in the departments of Valle del Cauca, Putumayo, Risaralda, Antioquia, Cauca, and Córdoba.⁵⁶² In 2021 OHCHR reported that child recruitment was particularly serious in Antioquia, Cauca, Meta, Chocó, Nariño, and Valle del Cauca.⁵⁶³ According to a survey by Del Rosario University, between 2017 and 2020 the ELN was responsible for 178 cases of child recruitment, the AGC for 174 cases, and post-FARC-EP irregular armed groups for 165 cases.⁵⁶⁴ The same survey indicates that most cases of child recruitment took place in Córdoba (194 cases), Antioquia (164), Chocó (144), Vaupés (64), Nariño (55), and Caquetá (53).⁵⁶⁵ The full scale of child recruitment is difficult to assess due to underreporting.⁵⁶⁶ Afro-Colombian⁵⁶⁷ and indigenous children are reported to be at particular risk of forced recruitment by irregular armed actors, while parents who refuse recruitment of their children are threatened by these organizations.⁵⁶⁸ During the COVID-19 pandemic, the increased limitations in access to food, education and health care, contributed to the increase of child recruitment by irregular armed actors that took advantage of the lack of opportunities in isolated communities in particular.⁵⁶⁹

- ⁵⁶⁰ UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2023, S/2023/363, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/144/96/PDF/N2314496.pdf>, para. 41; OHCHR, *Situación de los derechos humanos en Colombia*, 27 February 2023, A/HRC/52/25, www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/advance-version/A-HRC-52-25-AdvanceUneditedVersion-ES.pdf, para. 46; Análisis Urbano, *La Serranía del Abibe y el Nudo del Paramillo: la república independiente de las AGC*, 9 September 2021, <https://analisisurbano.org/la-serrania-del-abibe-y-el-nudo-del-paramillo-la-republica-independiente-de-las-agc/159690/>. See also, CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 157-161. In some isolated areas, irregular armed actors such as the AGC raid communities and abduct children from their homes or schools. In some instances, irregular armed groups offer them a recruitment payment that can range between 3 and 5 million pesos (770 to 1,280 USD). Information available to UNHCR.
- ⁵⁶¹ UNSC, *Children and Armed Conflict: Report of the Secretary-General*, 5 June 2023, S/2023/363, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/144/96/PDF/N2314496.pdf>, para. 41; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 159.
- ⁵⁶² Colombia, Defensoría del Pueblo, *Alertas Tempranas*, accessed 14 June 2022, <https://alertastempranas.defensoria.gov.co/?orden=&criterioBusqueda=ni%C3%B1os&anioBusqueda=2022>. “The Mission registered with concern several cases of child recruitment by illegal armed groups, especially Indigenous and Afro-Colombian children in Antioquia, Arauca, Cauca and Nariño Departments.” UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 27 June 2023, S/2023/477, https://colombia.unmissions.org/sites/default/files/n2317646_en.pdf, para. 107.
- ⁵⁶³ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/066/82/PDF/G2106682.pdf?OpenElement>, para. 79. See also, El Espectador, “Lo único que detiene el reclutamiento de menores son las negociaciones de paz”, 5 January 2022, www.elespectador.com/colombia-20/conflicto/reclutamiento-de-ninos-en-el-conflicto-armado-colombiano-analisis-juan-pablo-fayad/.
- ⁵⁶⁴ Universidad del Rosario, *Córdoba, Antioquia y Chocó, los departamentos con los mayores índices de reclutamiento infantil*, 11 February 2022, www.urosario.edu.co/Periodico-NovaEtVetera/Sociedad/Cordoba-Antioquia-y-Choco-los-departamentos-con-lo/.
- ⁵⁶⁵ Ibid.
- ⁵⁶⁶ HRW, “The Guerrillas Are the Police”: *Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 17; Colombia, Centro Nacional de Memoria Histórica, *Una Guerra sin edad: Informe nacional de reclutamiento y utilización de niños, niñas y adolescentes en el conflicto armado colombiano*, December 2017, www.centrodememoriahistorica.gov.co/descargas/informes2018/una_guerra-sin-edad.pdf, p. 53.
- ⁵⁶⁷ Radio Nacional de Colombia, *Menores afrodescendientes son víctimas de reclutamiento forzado: Conpa*, 1 March 2021, www.radionacional.co/actualidad/menores-afrodescendientes-son-victimas-de-reclutamiento-forzado-conpa; UN Economic Commission for Latin America and the Caribbean (CEPAL), *Infancia afrodescendiente en Colombia*, 30 September 2019, www.cepal.org/es/notas/infancia-afrodescendiente-colombia.
- ⁵⁶⁸ Universidad del Rosario, *Córdoba, Antioquia y Chocó, los departamentos con los mayores índices de reclutamiento infantil*, 11 February 2022, www.urosario.edu.co/Periodico-NovaEtVetera/Sociedad/Cordoba-Antioquia-y-Choco-los-departamentos-con-lo/; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf, p. 67. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html.
- ⁵⁶⁹ El Espectador, *Reclutamiento forzado, la otra pandemia de Colombia*, 15 May 2021, www.elespectador.com/colombia-20/conflicto/reclutamiento-forzado-la-otra-pandemia-de-colombia-articulo/; El Tiempo, *Ni la pandemia ha podido evitar que grupos irregulares recluten niños*, 12 March 2021, www.eltiempo.com/politica/proceso-de-paz/pandemia-no-impidio-reclutamiento-de-ninos-por-parte-de-guerrillas-572694. See also, OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 9.

Recruited children are mostly used as full-time combatants, collectors of extortion money, in surveillance activities, and to carry out small-scale violence, including grenade attacks.⁵⁷⁰ They are also used to carry out kidnappings, killings, and sexual violence.⁵⁷¹ For example, post-demobilization groups such as the AGC recruit children as young as 13 years old and train them on farms owned by leaders of these organizations.⁵⁷² Irregular armed actors in Arauca, including the ELN, offer children a salary, motorcycles, and weapons to lure them into their organizations, while girls are subjected to sexual exploitation, rape, and forced abortion in cases of pregnancy.⁵⁷³

Children who desert irregular armed actors and who are later caught, are treated like adults and undergo a "revolutionary trial", which usually leads to execution.⁵⁷⁴

Children have also been victims of antipersonnel mines planted by irregular armed actors, particularly in the departments of Chocó, Norte de Santander, Antioquia, and Nariño.⁵⁷⁵ Between January and November 2022, eight children were victims of antipersonnel mines.⁵⁷⁶ The Office of the Ombudsperson indicates that children who were victims of antipersonnel mines in 2020 included one child between 0 and 5 years old, three between 6 and 11 years old, and 11 between 12 and 17 years old.⁵⁷⁷

In 2007, the Government created the Intersectoral Committee for the Prevention of Recruitment, Utilization, and Sexual Violence Against Children (*Comisión Intersectorial de Prevención del Reclutamiento, Utilización y Violencia Sexual contra Niños, Niñas y Adolescentes*, CIPRUNNA), an inter-ministerial agency tasked with developing programmes for the prevention of child recruitment.⁵⁷⁸

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- ⁵⁷⁰ HRW, "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 18; Semana, *Los niños vuelven a la guerra*, 2020, <https://especiales.semana.com/el-reclutamiento-forzado-de-menores-en-colombia-en-2020/index.html>; Colombia, Centro Nacional de Memoria Histórica, *Una Guerra sin edad: Informe nacional de reclutamiento y utilización de niños, niñas y adolescentes en el conflicto armado colombiano*, December 2017, www.centrodememoriahistorica.gov.co/descargas/informes2018/una_guerra-sin-edad.pdf, Sec. 2.3.1.
- ⁵⁷¹ UNSC, *Children and Armed Conflict in Colombia: Report of the Secretary-General*, S/2021/1022, 8 December 2021, <https://reliefweb.int/attachments/3669dcf1-6082-36de-8be5-2e50fc5619df/N2138022.pdf>, paras 45-49; COALICO, *Boletín No. 26, enero – diciembre 2021*, 2021, https://coalico.org/wp-content/uploads/2022/02/Boletin-ONCA-No.-26_ene_dic_2021.pdf.
- ⁵⁷² Análisis Urbano, *La Serranía del Abibe y el Nudo del Paramillo: La república independiente de las AGC*, 9 September 2021, <https://analisisurbano.org/la-serrania-del-abibe-y-el-nudo-del-paramillo-la-republica-independiente-de-las-agc/159690/>. See also, Colombia, Centro Nacional de Memoria Histórica, *Una Guerra sin edad: Informe nacional de reclutamiento y utilización de niños, niñas y adolescentes en el conflicto armado colombiano*, December 2017, www.centrodememoriahistorica.gov.co/descargas/informes2018/una_guerra-sin-edad.pdf, Sec. 2.3.1.
- ⁵⁷³ HRW, "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, p. 3; Colombia, Centro Nacional de Memoria Histórica, *Una Guerra sin edad: Informe nacional de reclutamiento y utilización de niños, niñas y adolescentes en el conflicto armado colombiano*, December 2017, www.centrodememoriahistorica.gov.co/descargas/informes2018/una_guerra-sin-edad.pdf, p. 215.
- ⁵⁷⁴ UNSC, *Children and Armed Conflict in Colombia: Report of the Secretary-General*, S/2021/1022, 8 December 2021, <https://reliefweb.int/attachments/3669dcf1-6082-36de-8be5-2e50fc5619df/N2138022.pdf>, paras 21-23; HRW, "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf, pp. 19, 43-44; Colombia, Centro Nacional de Memoria Histórica, *Una Guerra sin edad: Informe nacional de reclutamiento y utilización de niños, niñas y adolescentes en el conflicto armado colombiano*, December 2017, www.centrodememoriahistorica.gov.co/descargas/informes2018/una_guerra-sin-edad.pdf, pp. 362-363.
- ⁵⁷⁵ OHCHR, *Situation of Human Rights in Colombia*, A/HRC/46/76, 17 March 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/066/82/PDF/G2106682.pdf?OpenElement>, para. 79; RCN, *El 62 % de víctimas de minas y municiones sin explotar son niños*, 4 April 2020, www.rcnradio.com/colombia/el-62-de-victimas-de-minas-y-municiones-sin-explotar-son-ninos.
- ⁵⁷⁶ UNSC, *United Nations Verification Mission in Colombia: Report of the Secretary-General*, 28 December 2022, S/2022/1004, www.ecoi.net/en/file/local/2085262/N2276996.pdf, para. 52. See also, Colombia, Presidencia de la República, *Estadísticas de asistencia integral a las víctimas de MAP y MUSE*, 30 April 2022, www.accioncontraminas.gov.co/Estadisticas/estadisticas-de-victimas.
- ⁵⁷⁷ Colombia, Defensoría del Pueblo, "Minas antipersonales, un peligro para nuestros niños y niñas": Defensor del Pueblo, 24 March 2021, www.defensoria.gov.co/es/nube/comunicados/9993/%E2%80%9CMinas-antipersonales-un-peligro-para-nuestros-ni%C3%B1os-y-ni%C3%B1as%E2%80%9D-Defensor-del-Pueblo-mina-antipersonal.htm.
- ⁵⁷⁸ Colombia, *Consejería Presidencial para los Derechos Humanos y Asuntos Internacionales*, *Línea de política pública de prevención del reclutamiento, utilización, uso y violencia sexual contra niños, niñas y adolescentes por parte de grupos armados organizados (GAO) y grupos delictivos organizados (GDO)*, 2019, <https://derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2019/191119-Linea-politica-Prevenci%C3%B3n-RUUVS.pdf>, p. 6.

According to CIPRUNNA, in 2020 a total of 1,954 families and 3,470 children benefited from the 60 programmes carried out by the different ministries to combat child recruitment.⁵⁷⁹

Depending on the particular circumstances of the case, UNHCR considers that children, in particular those from areas where irregular armed actors engage in child recruitment, may be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their membership of a particular social group and/or their (imputed) political opinion, or on the basis of other Convention grounds.

Asylum claims made by children, including any examination of exclusion considerations for former child soldiers, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims.⁵⁸⁰

13) Individuals of Diverse Sexual Orientations, Gender Identities and/or Gender Expressions

Persons of diverse sexual orientations, gender identities and/or gender expressions (LGBTIQ+ persons) are reported to face discrimination and violence.⁵⁸¹ In 2021 the Constitutional Court ruled that members of the LGBTIQ+ community are a social group "historically marginalized and subjected to structural discrimination" and, as such, are subject to special constitutional protections.⁵⁸² In 2020 the Constitutional Court ruled that medical insurance companies must bear the costs of gender affirmation and reassignment surgeries.⁵⁸³ LGBTIQ+ activists have criticized the Government for enacting policies intended to protect the rights of LGBTIQ+ persons without consulting LGBTIQ+ organizations.⁵⁸⁴

According to the Office of the Ombudsperson, during 2020 there were 77 killings and 517 violent incidents against LGBTIQ+ persons.⁵⁸⁵ The FGN reported the killing of 111 LGBTIQ+ individuals in 2021,⁵⁸⁶ while at least 113 killings were reported for 2022.⁵⁸⁷ According to Colombia Diversa, the impunity rate for homicides of LGBTIQ+ persons committed in the period 1993-2020 was 90.57 per

- ⁵⁷⁹ CIPRUNNA, *Informe sobre el reclutamiento, uso y utilización de niños, niñas y adolescentes por grupos armados organizados y grupos delictivos organizados*, March 2021, <https://derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/2021/210921-Informe-Reclutamiento-NNA.pdf>, p. 163.
- ⁵⁸⁰ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html.
- ⁵⁸¹ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; Semana, *Entre 2020 y 2021 asesinaron a 98 personas de la comunidad LGBTIQ en Colombia: Defensoría del Pueblo*, 28 June 2021, www.semana.com/nacion/articulo/entre-2020-y-2021-asesinaron-a-98-personas-de-la-comunidad-lgbtq-en-colombia-defensoria-del-pueblo/202153/; IACHR, *Derechos laborales y sindicales estándares interamericanos*, 30 October 2020, www.oas.org/es/cidh/informes/pdfs/DerechosLaboralesSindicales-es.pdf, para. 382.
- ⁵⁸² Corte Constitucional, *Sentencia T-068/2021*, 19 March 2021, www.corteconstitucional.gov.co/Relatoria/2021/T-068-21.htm, para. 82.
- ⁵⁸³ Corte Constitucional, *Sentencia T-236/20*, 8 July 2020, www.corteconstitucional.gov.co/relatoria/2020/T-236-20.htm.
- ⁵⁸⁴ Semana, *Proteger la vida, una deuda pendiente con la población LGBTI*, 28 June 2021, www.semana.com/mejor-colombia/articulo/proteger-la-vida-una-deuda-pendiente-con-la-poblacion-lgbti/202138/; Colombia, Defensoría del Pueblo, *Informe derechos humanos de personas OSIGD-LGBT 2020 y 2021*, 28 June 2021, <https://t.co/cSMlkSCZXZ?amp=1>, p. 6.
- ⁵⁸⁵ Most homicide victims were transgender women and gay men. Colombia, Defensoría del Pueblo, *Informe derechos humanos de personas OSIGD-LGBT 2020 y 2021*, 28 June 2021, <https://t.co/cSMlkSCZXZ?amp=1>, pp. 2, 4; El Espectador, *Asesinatos a personas LGBT aumentaron un 58% en el Caribe durante la pandemia*, 25 February 2021, www.elespectador.com/colombia/mas-regiones/asesinatos-a-personas-lgbt-aumentaron-un-58-en-el-caribe-durante-la-pandemia-articulo/.
- ⁵⁸⁶ DW, *Homicidios de personas LGBTI este año en Colombia doblan los de 2021*, 28 October 2022, www.dw.com/es/homicidios-de-personas-lgbti-este-a%C3%B1o-en-colombia-doblan-los-de-2021/a-63581792; AFP, *Los homicidios de personas LGBTI este año en Colombia doblan los de 2021*, 28 October 2022, www.france24.com/es/minuto-a-minuto/20221028-los-homicidios-de-personas-lgbti-este-a%C3%B1o-en-colombia-doblan-los-de-2021. "In 2021, the organization Colombia Diversa registered attacks against 405 LGBT people in the country, including 103 cases of police violence and 205 homicides attributed to other actors." HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html. See also, OHCHR, *Situation of Human Rights in Colombia*, A/HRC/49/19, 17 May 2022, www.ecoi.net/en/file/local/2075346/G2234394.pdf, para. 11.
- ⁵⁸⁷ HRW, *World Report 2023: Colombia*, 12 January 2023, www.ecoi.net/en/document/2085406.html; El País, *La violencia contra los hombres gays en Colombia deja dos muertos en menos de 72 horas*, 20 December 2022, <https://elpais.com/america-colombia/2022-12-20/la-violencia-contra-los-hombres-gais-en-colombia-deja-dos-muertos-en-menos-de-72-horas.html>.

cent, rising to 100 per cent for homicides of transgender men.⁵⁸⁸ Violent incidents also include threats and psychological, physical, and sexual violence, including against leaders of LGBTIQ+ organizations; in addition, LGBTIQ+ persons are subjected to discrimination in terms of employment and livelihoods.⁵⁸⁹

The armed conflict is reported to have exacerbated violence and threats against LGBTIQ+ persons.⁵⁹⁰ According to the organization Caribe Afirmativo, in the context of the armed conflict, LGBTIQ+ persons have been victims of threats, forced displacement, enforced disappearance, kidnappings, serious physical and psychological violence, sexual violence, arbitrary detention, torture, and killings, at the hands of post-FARC-EP irregular armed groups, the ELN, other irregular armed actors, the police, and the armed forces.⁵⁹¹ The Victims Registry recorded 4,088 LGBTIQ+ victims in the context of the armed conflict.⁵⁹² The most affected departments were Antioquia, Nariño, Bolívar, Valle del Cauca, Chocó.⁵⁹³ An undetermined number of LGBTIQ+ persons are reported to have fled from Arauca to Venezuela due to threats by irregular armed actors, particularly the ELN.⁵⁹⁴

The Office of the Ombudsperson reported 54 cases of abuse of LGBTIQ+ individuals by State authorities in 2021,⁵⁹⁵ and the FGN reported that, as of August 2022, there were 50 open investigations for excessive use of force by members of the security forces against LGBTIQ+ persons.⁵⁹⁶ Colombia Diversa reported 175 cases of police violence against LGBTIQ+ persons in 2020, representing a significant increase compared to 109 cases in 2019.⁵⁹⁷ Discrimination and prejudice are reported to prevail in the police response to cases of violence against LGBTIQ+ persons, with the police often

⁵⁸⁸ As of June 2021, 300 cases of homicides of transgender women and 10 of transgender men committed between 1993 and 2020 were still under investigation. El Tiempo, 'Ser una persona trans en Colombia es una sentencia de muerte', 30 June 2021, www.eltiempo.com/colombia/dia-del-orgullo-gay-homicidios-en-colombia-contras-personas-trans-598946. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Freedom House, *Freedom in the World 2023: Colombia*, 10 March 2023, www.ecoi.net/en/document/2088501.html.

⁵⁸⁹ Colombia, Defensoría del Pueblo, *Informe derechos humanos de personas OSIGD-LGBT 2020 y 2021*, 28 June 2021, <https://t.co/cSMikSCZXZ?amp=1>, pp. 3, 4. For details on violence against LGBTIQ+ persons and social leaders, see Indepaz, *Líderes sociales y defensores de derechos humanos asesinados en 2020**, accessed 14 June 2022, www.indepaz.org.co/lideres/; Programa Somos Defensores, *In Evil Hour, Annual Report 2020*, 20 May 2021, https://drive.google.com/file/d/1QaCwSTrkScbsWA2H4gajBrtGvi_ya94j/view, pp. 85, 86.

⁵⁹⁰ El Tiempo, *Los colectivos LGBT que resistieron al conflicto armado*, 3 December 2020, www.eltiempo.com/justicia/conflicto-y-narcotrafico/lgbt-colectivos-presentan-informe-a-comision-de-la-verdad-sobre-violencia-en-el-conflicto-armado-552560; Colombia, *Unidad para la Atención y Reparación Integral a las Víctimas*, *La Unidad reafirma su compromiso con las víctimas del conflicto armado con orientaciones sexuales e identidades de género diversas*, 16 May 2020, www.unidadvictimas.gov.co/es/enfoques-diferenciales/la-unidad-reafirma-su-compromiso-con-las-victimas-del-conflicto-armado-con.

⁵⁹¹ Threats against LGBTIQ+ persons are reported to have been made through phone calls, flyers, and text messages. Caribe Afirmativo, *Entre silencios y palabras*, 26 March 2021, <https://caribeafirmativo.lgbt/wp-content/uploads/2021/03/Informe-Entre-silencios-y-palabras-Caribe-Afirmativo-.pdf>, pp. 3-10. See also, El Espectador, *Informe entregado a la JEP alerta sobre violencia a población LGBT en el Cauca*, 9 March 2021, www.elespectador.com/colombia-20/paz-y-memoria/informe-entregado-a-la-jep-alerta-sobre-violencia-a-poblacion-lgbt-en-el-cauca-article/.

⁵⁹² Colombia, Unidad para la Atención y Reparación Integral a las Víctimas, *La Unidad para las Víctimas conmemora el Día Internacional de la Ciudadanía LGBTI*, 27 June 2021, www.unidadvictimas.gov.co/es/enfoques-diferenciales/la-unidad-para-las-victimas-conmemora-el-dia-internacional-de-la-ciudadania.

⁵⁹³ Colombia, *Unidad para la Atención y Reparación Integral a las Víctimas*, *La Unidad reafirma su compromiso con las víctimas del conflicto armado con orientaciones sexuales e identidades de género diversas*, 16 May 2020, www.unidadvictimas.gov.co/es/enfoques-diferenciales/la-unidad-reafirma-su-compromiso-con-las-victimas-del-conflicto-armado-con.

⁵⁹⁴ Caribe Afirmativo, *Entre silencios y palabras*, *Libro II: Ser ocultas, Conflicto armado y personas LGBT en Arauca*, 2021, <https://caribeafirmativo.lgbt/wp-content/uploads/2021/11/Entre-silencios-y-palabras-2.pdf>, pp. 47-48.

⁵⁹⁵ Colombia, Defensoría del Pueblo, *Una radiografía del prejuicio: Informe de derechos humanos de personas OSIGD-LGTBI 2021*, June 2022, <https://repositorio.defensoria.gov.co/bitstream/handle/20.500.13061/371/Informe%20OSIGD%20ver1.pdf>, p. 18.

⁵⁹⁶ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html. See also, IACHR, *Annual Report 2020 - Chapter IV.A: Human Rights Development in the Region*, 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 277.

⁵⁹⁷ Colombia Diversa, *Nada que celebrar*, June 2021, https://colombiadiversa.org/c-diversa/wp-content/uploads/2021/06/Nada-que-celebrar-Colombia-Diversa_-cifras-de-asesinatos-a-personas-LGBT.pdf.

ridiculing the victim based on their gender identity or sexual orientation.⁵⁹⁸ The Office of the Ombudsperson also noted that LGBTIQ+ victims of violence by members of the security forces are often barred from accessing information about disciplinary actions against perpetrators.⁵⁹⁹ The IACHR has also raised concerns about the obstacles LGBTIQ+ persons face when trying to access justice.⁶⁰⁰

Depending on the particular circumstances of the case, UNHCR considers that individuals of diverse sexual orientations and/or gender identities are likely to be in need of international refugee protection on the basis of a well-founded fear of persecution for reasons of their membership of a particular social group based on their sexual orientation and/or gender identity, or on the basis of other Convention grounds.

It should be borne in mind that individuals of diverse sexual orientations and/or gender identities cannot be expected to change or conceal their identity in order to avoid persecution.⁶⁰¹ The Inter-American Court of Human Rights has held that States must take positive steps to fully recognize individuals' gender identity and associated rights.⁶⁰²

⁵⁹⁸ US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Colombia, Defensoría del Pueblo, *Una radiografía del prejuicio: Informe de derechos humanos de personas OSIGD-LGTBI 2021*, June 2022, <https://repositorio.defensoria.gov.co/bitstream/handle/20.500.13061/371/Informe%20OSIGD%20ver1.pdf?sequence=1&isAllowed=y>, pp. 18-19; Race and Equality, *Race and Equality Urges Concrete Government Action to Combat the Alarming Increase in Violence against LGBTI Colombians*, 6 October 2020, <https://raceandequality.org/english/race-and-equality-urges-concrete-government-action-to-combat-the-alarming-increase-in-violence-against-lgbt-colombians/>.

⁵⁹⁹ Colombia, Defensoría del Pueblo, *Informe derechos humanos de personas OSIGD-LGBT 2020 y 2021*, 28 June 2021, <https://t.co/cSMkSCZXZ?amp=1>, p. 8.

⁶⁰⁰ IACHR, *Annual Report 2020 - Chapter IV.A: Human Rights Development in the Region*, 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 272.

⁶⁰¹ UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afc2.html; see also for example Court of Justice of the European Union, *X, Y, Z v Minister voor Immigratie en Asiel*, C-199/12 - C-201/12, 7 November 2013, www.refworld.org/docid/527b94b14.html.

⁶⁰² Inter-American Court of Human Rights (IACtHR), *Gender Identity, and Equality and Non-Discrimination with Regard to Same-Sex Couples. State Obligations in Relation to Change of Name, Gender Identity, and Rights Deriving from a Relationship Between Same-Sex Couples (Interpretation and Scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in Relation to Article 1, of the American Convention on Human Rights)*. Advisory Opinion OC-24/17 of 24 November 2017. Series A No. 24, www.corteidh.or.cr/docs/opiniones/seriea_24_eng.pdf.

B. Refugee Status under UNHCR's Broader Mandate Criteria or Regional Instruments, or Eligibility for Complementary Forms of Protection

The 1951 Convention forms the cornerstone of the international refugee protection regime. Accordingly, a sequential approach is preferred, whereby refugee status is initially assessed under the 1951 Convention definition, while interpreting the criteria for refugee status contained in that Convention in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument.⁶⁰³ In such a sequential approach, if an asylum-seeker is found not to meet the refugee criteria contained in the 1951 Convention, for example because the feared persecution is not for reason of a Convention ground,⁶⁰⁴ or the threshold for applying the 1951 Convention definition is otherwise not met, broader international protection criteria under UNHCR's mandate or contained in regional instruments need to be examined.

However, the broader refugee criteria contained in regional instruments may be applied directly when this is more practical and efficient, including in group situations or specific regional contexts, as long as the 1951 Convention standards of treatment apply.⁶⁰⁵

1) Refugee Status under UNHCR's Broader Mandate Criteria

UNHCR's mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol,⁶⁰⁶ but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder.⁶⁰⁷ In light of this evolution, UNHCR's competence to provide international protection to refugees extends to individuals who are outside their country of origin or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from conflict, generalized violence or other events seriously disturbing public order.⁶⁰⁸

In the context of Colombia, assessments of the threat to life, physical integrity or freedom resulting from conflict, generalized violence or events seriously disturbing public order should include both the direct impact of the violence as well as the longer-term, more indirect consequences of violence and conflict. In this respect and in the specific context of Colombia, relevant factors include the information presented in [Section II.A](#) relating to (i) social and economic control over civilian populations by irregular armed actors in certain parts of the country, including by means of threats and intimidation, extortion, restrictions on freedom of movement, forced displacement, confinement, and presence of antipersonnel mines and unexploded ordnance seriously affecting the State's ability to provide protection; (ii) forced recruitment by irregular armed actors; (iii) the impact of violence and insecurity on the humanitarian situation as manifested by food insecurity, poverty, and the destruction or systematic undermining of livelihoods in rural and urban settings; (iv) high levels of organized crime and the ability of State and non-State actors to commit violent crimes and human rights abuses with impunity; and (v) systematic

⁶⁰³ Such a sequential approach underscores the universal character of the definition of a refugee in Article 1A(2) of the 1951 Convention, the primacy of that Convention, and the explicitly complementary character of the regional definitions. See UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, December 2016, www.refworld.org/docid/583595ff4.html, para. 87.

⁶⁰⁴ Note in particular that in situations of armed conflicts and violence, what may appear to be indiscriminate conduct (i.e., conduct whereby the persecutor is not seeking to target particular individuals) may in reality be discriminate, in that the conduct is aimed at whole communities or areas whose inhabitants are actual or perceived supporters of one of the sides in the situation of armed conflict and violence. UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 33. *Ibid.*, para. 88.

⁶⁰⁶ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

⁶⁰⁷ UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fd49d.html; UN, General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

⁶⁰⁸ UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/docid/5268c9474.html; UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/docid/4c6aa7db2.html, para. 10.

constraints on access to education or basic health care as a result of insecurity.⁶⁰⁹ These and other manifestations of the impact on the civilian population of the presence and operations of irregular armed actors indicate that an *ordre public* (public order) based on respect for the rule of law and human dignity has been seriously eroded. Against this background, UNHCR considers that areas of Colombia where irregular armed actors are present and exercise control over the civilian population, should be regarded as areas affected by events seriously disturbing public order. Areas with active conflict may be affected by generalized violence in addition to targeted violence. UNHCR considers that individuals who originate from areas affected by active conflict or from areas where irregular armed actors are present and exercise control over the civilian population, may, depending on the individual circumstances of the case, be in need of international protection. Those who are found not to meet the refugee criteria of the 1951 Convention may be eligible for international protection under UNHCR's broader mandate on the grounds of serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

2) Refugee Status under the Cartagena Declaration

According to the broader refugee criteria contained in the 1984 Cartagena Declaration on Refugees (Cartagena Declaration), persons whose lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order, are also refugees.⁶¹⁰ The focus of the broader Cartagena refugee definition is on the exposure of people to threats inherent in the circumstances referred therein which have seriously disturbed public order. As the Cartagena refugee definition focuses on indiscriminate threats, decision-makers are advised to adopt a consistent approach to persons fleeing similar circumstances in the same country.⁶¹¹ Further guidance on the interpretation of the refugee definition in the Cartagena Declaration is provided in UNHCR's Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions.⁶¹²

The Cartagena refugee definition has attained a particular standing in the Americas region, not least through its incorporation into national laws and its application in practice.⁶¹³ The legal value of the Cartagena refugee definition has also been recognized by the Inter-American Human Rights bodies.⁶¹⁴ Its interpretation is to be informed by international and regional law, especially the standards of the 1948 American Declaration of the Rights and Duties of Man, the 1969 American Convention on Human Rights, and the evolving case law of the Inter-American human rights bodies.⁶¹⁵ The authority of the

⁶⁰⁹ UNHCR, *Guidelines on International Protection No. 12*, December 2016, www.refworld.org/docid/583595ff4.html.

⁶¹⁰ Cartagena Declaration on Refugees, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html, para. III(3).

⁶¹¹ UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 67.

⁶¹² *Ibid.*, paras 61-85.

⁶¹³ Fifteen countries have incorporated the regional definition into their national legislation, and it has been applied in practice in situations of large-scale movements even in countries where the definition has not been incorporated into their domestic legislation. Higher courts have also acknowledged the fundamental value of the Cartagena Declaration. States in the Americas have recognized its value through regional instruments such as the San Jose Declaration on Refugees and Displaced Persons (1994), the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America (2004), the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas (2011), the Brazil Declaration and Plan of Action (2014) and the 100 Points of Brasilia (2018). *Ibid.*, para. 63.

⁶¹⁴ IACHR, *Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless People, and Victims of Trafficking in Persons*, Resolution 04/19 (2019), www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf; IACrHR, *Advisory Opinion OC-21/14, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, OC-21/14, 19 August 2014, www.refworld.org/docid/54206c744.html, paras 76, 77, 79 and 249; IACtHR, *Advisory Opinion OC-25/18, The Institution of Asylum, and its Recognition as a Human Right under the Inter-American System of Protection (interpretation and scope of Articles 5, 22(7) and 22(8) in relation to Article 1(1) of the American Convention on Human Rights)*, 30 May 18, Series A No. 25, www.refworld.org/cases,IACRTHR,5c87ec454.html, para. 132.

⁶¹⁵ UNHCR, *Guidelines on International Protection No. 12*, www.refworld.org/docid/583595ff4.html, para. 64.

regional definition has also been reaffirmed by the Group of Latin-American and Caribbean countries (GRULAC)⁶¹⁶ and the General Assembly of the Organization of American States (OAS).⁶¹⁷

Following similar considerations as for UNHCR's broader mandate criteria, UNHCR considers that areas of Colombia where irregular armed actors are present and exercise control over the civilian population, should be regarded as areas affected by events seriously disturbing public order. Areas with active conflict may be affected by generalized violence in addition to targeted violence. Accordingly, UNHCR considers that individuals who originate from areas affected by active conflict or from areas where irregular armed actors are present and exercise control over the civilian population, and who have been found not to meet the criteria of the 1951 Refugee Convention, may be in need of international protection under the terms of the Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by serious and widespread human rights abuses committed by irregular armed actors in areas under their control; or by other circumstances that have seriously disturbed public order, including the direct and indirect consequences of conflict-related violence.

3) *Refugee Status under Article I(2) of the 1969 OAU Convention*

Colombians and others originating from Colombia who seek international protection in countries that are States Parties to the 1969 OAU Convention may qualify for refugee status under Article I(2) of that instrument, on the grounds that they were compelled to leave their place of habitual residence owing to events seriously disturbing public order in either part or the whole of Colombia, in order to seek refuge outside Colombia.⁶¹⁸

In the context of the 1969 OAU Convention, the phrase "events seriously disturbing public order" encompasses situations of conflict or violence that threaten civilians' lives, freedom or security, as well as other serious disruptions of the public order.⁶¹⁹ For the same reasons as above, UNHCR considers that areas of Colombia that are affected by active conflict, as well as areas of Colombia where irregular armed actors are present and exercise control over the civilian population, should be regarded as areas affected by events seriously disturbing public order. Consequently, UNHCR considers that individuals originating from such areas and who have been found not to meet the criteria of the 1951 Refugee Convention may be in need of international protection under the terms of Article I(2) of the 1969 OAU Convention, on the grounds that they were compelled to leave their place of habitual residence owing to threats to their lives, freedom or security as a result of events seriously disturbing public order.

4) *Eligibility for Subsidiary Protection under the EU Qualification Directive*

Persons originating from Colombia who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary

⁶¹⁶ GRULAC, *Persons Covered by the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and by the Cartagena Declaration on Refugees* (Submitted by the African Group and the Latin American Group), April 6, 1992), www.unhcr.org/refworld/docid/3ae68cd214.html

⁶¹⁷ OAS, General Assembly, Resolutions AG/RES. 774 (XV-O/85) (1985); AG/RES. 838 (XVI-O/86) (1986); AG/RES. 891 (XVII-O/87) (1987); AG/RES. 951 (XVIII-O/88) (1988); AG/RES. 1021 (XIX-O/89) (1989); AG/RES/1040 (XX-O/90) (1990); AG/RES. 1170 (XXII-O/92) (1992); AG/RES. 1214 (XXIII-O/93) (1993); AG/RES. 1273 (XXIV-O/94) (1994); AG/RES. 1336 (XXV-O/95) (1995); AG/RES. 1416 (XXVI-O/96) (1996); AG/RES. 1504 (XXVII-O/97) (1997); AG/RES. 1602 (XVIII-O/98) (1998); AG/RES. 1693 (XXIX-O/99) (1999); AG/RES. 1762 (XXX-O/00) (2000); AG/RES. 1.832 (XXXI-O/01) (2001); AG/RES. 1892 (XXXII-O/02) (2002); AG/RES. 1971 (XXXIII-O/03) (2003); AG/RES. 2047 (XXXIV-O/04) (2004); AG/RES. 2232 (XXXVI-O/06) (2006); AG/RES. 2296 (XXXVII-O/07) (2007); AG/RES. 2402 (XXXVIII-O/08) (2008); AG/RES. 2511 (XXXIX-O/09) (2009); AG/RES. 2597 (XL-O/10) (2010); AG/RES. 2826 (XLIV-O/14) (2014); AG/RES. 2887 (XLVI-O/16) (2016); AG/RES. 2908 (XLVII-O/17) (2017); AG/RES. 2941 (XLIX-O/19) (2019); AG/CG/doc.2 (L-O/20) rev. 1 (2020). AG/RES. 2976 (LI-O/21) (2021).

⁶¹⁸ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 UN Treaty Series 45, www.refworld.org/docid/3ae6b36018.html. The definition of the term "refugee" as contained in Article I of the 1969 OAU Convention has been incorporated into Article I of the Bangkok Principles on the Status and Treatment of Refugees (Bangkok Principles). See Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* (Final Text of the AALCO's 1966 Bangkok Principles on Status and Treatment of Refugees, as adopted on 24 June 2001 at the AALCO's 40th Session, New Delhi), www.refworld.org/docid/3de5f2d52.html.

⁶¹⁹ On the meaning of the phrase "events seriously disturbing public order" in the 1969 OAU Convention, see Marina Sharpe, *The 1969 OAU Refugee Convention and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in the Context of Individual Refugee Status Determination*, January 2013, www.refworld.org/docid/50fd3edb2.html; Alice Edwards, *Refugee Status Determination in Africa*, 14 *African Journal of International and Comparative Law* 204-233 (2006); UNHCR, *Extending the Limits or Narrowing the Scope? Deconstructing the OAU Refugee Definition Thirty Years On*, April 2005, ISSN 1020-7473, www.refworld.org/docid/4ff168782.html.

protection under Article 15 of the 2011 Qualification Directive, if there are substantial grounds for believing that they would face a real risk of serious harm in Colombia.⁶²⁰

Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

In light of the information presented in these International Protection Considerations, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) of the EU Qualification Directive, on the grounds of a real risk of the relevant forms of serious harm, either at the hands of irregular armed actors or the State or its agents.

Additionally, as Colombia continues to be affected by a non-international armed conflict, and considering the information presented in these International Protection Considerations, applicants originating from, or previously residing in, conflict-affected areas may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(c) of the EU Qualification Criteria on the grounds of a serious and individual threat to their life or person by reason of indiscriminate violence.

In the context of the non-international armed conflict in Colombia, factors to consider when assessing the threat to the life or person of an applicant by reason of indiscriminate violence in a particular part of the country include those outlined in [Section III.B.1](#) with reference to the analysis of "generalized violence" under UNHCR's broader mandate. These factors, either alone or cumulatively, may be found to give rise to a situation in a particular part of Colombia that is sufficiently serious to engage Article 15(c) without the need for the applicant to demonstrate individual factors or circumstances increasing the risk of harm. Where, after all relevant evidence has been considered, this is found not to be the case in the part of Colombia from which the applicant originates, it falls to be considered whether the applicant's individual characteristics are such as to reveal specific vulnerabilities which, combined with the nature and the extent of the violence, give rise to a serious and individual threat to the applicant's life or person.⁶²¹

C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), also referred to as internal protection alternative,⁶²² is contained in the UNHCR Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees.⁶²³ The assessment of the availability of an IFA/IRA requires an analysis of both the relevance and reasonableness of the proposed IFA/IRA.⁶²⁴

⁶²⁰ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)* ("Qualification Directive"), 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&from=EN>, Articles 2(f), 15.

⁶²¹ See Court of Justice of the European Union, *Elgafaji v. Staatssecretaris van Justitie*, C-465/07, 17 February 2009, www.refworld.org/docid/499aeee52.html, para. 43.

⁶²² EU, *Qualification Directive*, 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>, Article 8.

⁶²³ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html.

⁶²⁴ *Ibid.*, para. 7.

1) Relevance of IFA/IRA

Where the applicant has a well-founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not relevant for areas under the control of the State.

UNHCR considers that no IFA/IRA is available in areas affected by active conflict in Colombia, regardless of the actor of persecution.

Considering the available evidence of serious and widespread human rights abuses by irregular armed actors in areas in Colombia where they have a presence, as well as the inability of the Government to provide protection against such abuses in these areas, UNHCR considers that an IFA/IRA is not available in areas where irregular armed actors have a presence, including post-demobilization groups, the ELN, or post-FARC-EP irregular armed groups.

Where the agents of persecution are irregular armed actors, consideration must be given to whether the persecutor is likely to pursue the applicant in the proposed area of relocation. Given the ability of some irregular armed actors to carry out attacks in all parts of Colombia, irrespective of their areas of control,⁶²⁵ and to trace and target individuals, both in rural areas and in cities such as Bogotá, Cali, and Medellín, a viable IFA/IRA may not be available to individuals at risk of being targeted by such actors.⁶²⁶

Further, in relation to individuals fleeing persecution at the hands of irregular armed actors, an internal flight alternative may not be relevant in areas under State control when State authorities tolerate or condone acts of persecution, including corruption and extortion, perpetrated by irregular armed actors.

⁶²⁵ As noted in [Section II.B](#), irregular armed actors have demonstrated their capacity to operate throughout the country, including through their networks with local gangs to operate and exert influence at the local level in areas where these larger groups do not have a presence themselves. US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, p. 454; Pares, *Dinámicas en las que participa el ELN en el último año y perspectivas para el futuro próximo*, 14 September 2021, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_e51813221529428dbfa01e466b7e0d09.pdf; Indepaz, *Los focos del conflicto en Colombia: Informe sobre presencia de grupos armados*, September 2021, www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf; Semana, *La frontera del terror: Así es el control criminal de disidencias colombianas en Ecuador*, 11 December 2020, www.semana.com/nacion/articulo/la-frontera-del-terror-asi-es-el-control-criminal-de-disidencias-colombianas-en-ecuador/202000/; Pares, *Seguridad en tiempos de pandemia: Legados de Guerra y crimen organizado en Colombia*, 14 September 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_50832f60bc1e49b4a938c5e4ab7c7acc.pdf; Pares, *Radiografía de la ominosa presencia de los carteles mexicanos*, 10 June 2020, https://e7c20b27-21c2-4f2b-9c38-a1a16422794e.usfiles.com/ugd/e7c20b_1249ee35717d47deac2f228fa2cd961c.pdf; HRW, *"The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 2020, www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf; Indepaz, *Balance sobre las dinámicas del Ejército de Liberación Nacional -ELN- en Colombia*, January 2020, <https://indepaz.org.co/wp-content/uploads/2021/02/INFORME-ELN-2020-corrregido-L-cgp.pdf>; FIP, *Inseguridad, violencia y economías ilegales en las fronteras: Los desafíos del nuevo gobierno*, 2018, https://ideaspaz.org/media/website/fip_seguridad_fronteras.pdf.

⁶²⁶ Despite protection measures granted by the UNP, some individuals benefiting from such measures continue to face persecution upon relocation. See: JEP, *Comunicado 011 de 2022: JEP le pide a la Procuraduría investigar posibles fallas de protección a 35 firmantes del Acuerdo de Paz asesinados*, 16 February 2022, www.jep.gov.co/Sala-de-Prensa/Paginas/JEP-le-pide-a-la-Procuradur%C3%ADa-investigar-posibles-fallas-de-protecci%C3%B3n-a-35-firmantes-del-Acuerdo-de-Paz-asesinados.aspx; HRW, *Left Undefended Killings of Rights Defenders in Colombia's Remote Communities*, 10 February 2021, www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf, p. 73.

Further consideration should be given to the presence of illegal checkpoints in rural areas throughout the country⁶²⁷ and the possibility that individuals attempting to relocate may be identified and targeted at such checkpoints by armed groups.

2) Reasonableness of IFA/IRA

Whether an IFA/IRA is “reasonable” must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including their age, ethnicity, gender, health, disability, family situation and relationships, as well as their educational and professional background and the impact of any past persecution.⁶²⁸ Other factors that must be taken into account include the safety and security situation in the proposed area of relocation, respect for human rights in that area, and the possibilities for economic survival, in order to evaluate whether the individual would be able to live a relatively normal life without undue hardship in the area of relocation, given his or her situation.⁶²⁹

Particular attention must be given to the availability of basic infrastructure and access to essential services in the proposed area of relocation; access to housing; the presence of livelihood opportunities, and, in particular for Afro-Colombians and peasants, the extent to which the applicant can expect to receive genuine support from his or her extended family.⁶³⁰

Where the proposed area of relocation is an urban area where the applicant has no access to accommodation and livelihood options, and where he/she cannot be reasonably expected to fall back on meaningful support networks, the applicant will likely find himself or herself in a situation comparable to that of urban IDPs. Under these circumstances, to assess the reasonableness of the IFA/IRA adjudicators need to take into account the scale of internal displacement in the area of prospective relocation, the living conditions of IDPs in the location, as well as the fact that many IDPs are exposed to serious human rights violations and abuses.⁶³¹

⁶²⁷ An August 2022 report by the JEP indicates that, between January and August 2022, 215 municipalities and 81 highway stretches were affected by illegal checkpoints set up by irregular armed groups throughout the country, including the AGC (58 reported incidents), ELN (33), and post-FARC-EP irregular armed groups (5). JEP, *Municipios que registran graves afectaciones al derecho a la libre locomoción como consecuencia de los retenes ilegales que realizan las organizaciones criminales*, 26 August 2022,

www.jep.gov.co/JEP/documents1/Municipios%20que%20registran%20graves%20afectaciones%20al%20derecho%20a%20la%20libre%20locomoci%C3%B3n%20como%20consecuencia%20de%20los%20retenes%20ilegales%20que%20realizan%20las%20organizaciones%20criminales.pdf, pp. 1, 11. See also, US Department of State, *Country Reports on Human Rights Practices for 2022: Colombia*, 20 March 2023, www.ecoi.net/en/document/2089108.html; Infobae, *Autoridades aumentarán el pie de fuerza en Remedios y Segovia, Antioquia, por fuerte presencia de grupos ilegales*, 28 August 2022, www.infobae.com/america/colombia/2022/08/28/autoridades-aumentaran-el-pie-de-fuerza-en-remedios-y-segovia-antioquia-por-fuerte-presencia-de-grupos-ilegales/; Caracol, *Disidencias armadas hacen retén ilegal en casco urbano de Tibú, Catatumbo*, 21 December 2021, https://caracol.com.co/emisora/2021/12/31/cucuta/1640945745_891552.html.

⁶²⁸ UNHCR, *Guidelines on International Protection No. 4*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 25-26.

⁶²⁹ Ibid., paras 24, 27-30.

⁶³⁰ Ibid., paras 29-30.

⁶³¹ Certain cities have received large numbers of IDPs from other areas in search of anonymity and safety. However, IDPs have been reported to face serious human rights violations and abuses, including human trafficking, extortion, sexual violence, and forced recruitment by irregular armed actors. They also face restrictions on access to health care, housing, education, employment, dignified living conditions, and free movement. IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp; Colombia, Defensoría del Pueblo, *Defensoría reclama eficacia ante el desplazamiento de 11.150 personas*, 8 March 2021, www.defensoria.gov.co/es/nube/comunicados/9973/Defensor%C3%ADa-reclama-eficacia-ante-el-desplazamiento-de-11150-personas-desplazamiento-Defensor%C3%ADa.htm. For example, a survey published by the Monitoring Commission of the Public Policy on Internal Displacement (*Comisión de Seguimiento a la Política Pública sobre Desplazamiento Forzado*), an umbrella organization made up of NGOs, universities, civil society organizations, and academics, and conducted between May and June 2021, indicates that 63.2 per cent of IDP households live under the poverty line while 18.9 per cent live in extreme

D. Exclusion from International Refugee Protection

Among Colombian nationals or habitual residents of Colombia seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.⁶³² Exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including murder, torture and other forms of ill-treatment, kidnappings, rape and other forms of sexual violence, extortion, robbery, violent assaults and other violent crimes, forced displacement and recruitment and use of children, child labour, including transnational and national trafficking. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes that may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied with caution. Mere membership in a criminal group or organization is not a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.⁶³³

In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution.⁶³⁴ Where children associated with a gang or other organized criminal group are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not just perpetrators.⁶³⁵

poverty. Additionally, 68.6 per cent of IDP households indicated that during the COVID-19 pandemic they had to eat less as they did not have sufficient income or food available. Comisión de Seguimiento a la Política Pública sobre Desplazamiento Forzado, *El reto ante la tragedia humanitaria del desplazamiento forzado: Impacto de la pandemia en las víctimas del delito de desplazamiento forzado*, 2021, <https://codhes.files.wordpress.com/2021/11/el-reto-18-final.pdf>, pp. 154-158. See also, for example, CEV, *Informe final: Hay futuro si hay verdad. Hallazgos y recomendaciones*, August 2022, www.comisiondelaverdad.co/hay-futuro-si-hay-verdad, pp. 168, 171; IACHR, *La CIDH manifiesta preocupación por el notable incremento del desplazamiento interno forzado en Colombia*, 30 September 2021, www.oas.org/pt/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/258.asp; Colombia, Defensoría del Pueblo, *Defensoría reclama eficacia ante el desplazamiento de 11.150 personas*, 8 March 2021, www.defensoria.gov.co/es/nube/comunicados/9973/Defensor%C3%ADa-reclama-eficacia-ante-el-desplazamiento-de-11150-personas-desplazamiento-Defensor%C3%ADa.htm.

⁶³² UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.unhcr.org/refworld/docid/3f5857684.html.

⁶³³ In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5*, 4 September 2003, www.refworld.org/docid/3f5857684.html; and UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, www.refworld.org/docid/3f5857d24.html.

⁶³⁴ For further guidance on the application of the exclusion clauses to children, see UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

⁶³⁵ The Paris Principles state: "Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles". See UNICEF, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, February 2007, www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.

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