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Visit to Colombia

Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement*, **

Summary

The report sets forth the conclusions and recommendations of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement concerning its visit to Colombia from 4 to 14 May 2026. The purpose of the visit was to examine best practices and the challenges facing the country, with the aim of addressing systemic racism against African people and people of African descent and advancing racial justice and equality in the context of law enforcement.

The Mechanism met with government officials and other stakeholders, including representatives of law enforcement agencies, oversight bodies, the national human rights institution, civil society organizations and individuals and communities directly affected. It also visited a prison and a pretrial detention centre. In the report, the Mechanism highlights its main concerns and makes recommendations designed to address those concerns, with the aim of advancing racial justice and equality in this context.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

** The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and English only.

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Annex

Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement on its visit to Colombia

I. Introduction

1. At the invitation of the Government, and pursuant to Human Rights Council resolutions 47/21 and 56/13, the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement conducted a visit to Colombia from 4 to 14 May 2026.

2. The Mechanism was represented by Mr. Víctor Rodríguez, who visited the cities of Bogotá, Cali, Cartagena and Quibdó and met with government officials and civil society organizations. In the locations visited, the Mechanism heard first-hand accounts from affected individuals and communities.

3. The Mechanism would like to thank the Government of Colombia for its invitation and its consistent cooperation before, during and after the visit. The Mechanism also extends its gratitude to the government and local officials who met with it and generously answered questions and shared data, presentations, references, reports and other materials.

4. The Mechanism extends special thanks to the people of African descent who met with it for their courage and generosity in sharing their experiences and stories, especially those who are victims, family members of victims or human rights defenders, some of whom travelled long distances to meet with the Mechanism.

5. In Bogotá, the Mechanism met with the Vice-President of Colombia, Ms. Francia Márquez, and her staff, as well as with the Deputy Minister for Multilateral Affairs at the Ministry of Foreign Affairs, Mr. Mauricio Jaramillo Jassir. The Mechanism also held meetings with representatives of the Ministry of Defence, the National Police, the Ministry of Equality and Equity, the Ministry of Justice, the Ministry of the Interior, the National Prisons Institute, the National Department of Statistics, the Attorney General's Office, the Counsel General's Office and the Ombudsman's Office.

6. In Quibdó, the Mechanism met with representatives of the Mayor's Office, the Chocó departmental authorities and the National Police and with the Regional Ombudsman.

7. In Cartagena, the Mechanism met with representatives of the Mayor's Office, the Metropolitan Police, the Bolívar departmental authorities, the Regional Ombudsman's Office and the District Ombudsman's Office. It also visited the Bellavista Temporary Detention Centre.

8. In Cali, the Mechanism met with representatives of the Valle del Cauca departmental authorities, the Mayor's Offices of Cali and Buenaventura, the Departmental and Metropolitan Police, the Valle del Cauca Counsel General's Office, the Regional Ombudsman's Office and the Municipal Ombudsman's Offices of Cali, Jamundí and Palmira. The delegation also visited the medium-security prison in Cali, also known as the Villanueva or Villahermosa Prison.

9. The purpose of the visit was to examine best practices and the challenges facing Colombia, with the aim of addressing systemic racism against African people and people of African descent and advancing racial justice and equality in the context of law enforcement. The present report sets forth the Mechanism's conclusions and recommendations.

II. Legal framework

10. Colombia is a Party to the nine core international human rights instruments, including the International Covenant on Civil and Political Rights and its Second Optional Protocol,

aiming at the abolition of the death penalty, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination. The Mechanism regrets that Colombia has not yet accepted the individual complaint procedure provided for in the International Convention on the Elimination of All Forms of Racial Discrimination and has not ratified the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance. The Mechanism welcomes, however, the fact that Colombia acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 10 November 2025.

11. The Colombian legal framework includes various protections against racism and racial discrimination. Article 7 of the 1991 Constitution recognizes and protects ethnic and cultural diversity, and article 13 thereof guarantees freedom from racial discrimination and equality before the law, as well as special measures in support of groups that are discriminated against or marginalized. Transitional article 55 of the Constitution mandated the drafting of Act No. 70 of 1993, which recognizes, protects and promotes the cultural identity, territorial rights and social development of communities of African descent in the Pacific region (known as "black communities"). In addition, Act No. 1482 of 2011, as amended by Act No. 1752 of 2015, criminalizes acts of discrimination and racism and establishes the associated criminal penalties. The chapter on ethnic perspectives in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, which was concluded in 2016, is another key element in the framework that guarantees the rights of Indigenous Peoples and black, Afro-Colombian, Palenquera and Raizal communities.

III. Systemic racism

12. Systemic racism against African people and people of African descent, including structural and institutional racism, is the operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, skin colour, descent or national or ethnic origin. Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism.[1]

13. Manifestations of systemic racism in the context of law enforcement and the criminal justice system have been documented in reports issued by the Mechanism and the Office of the United Nations High Commissioner for Human Rights and persist in part because of the inadequacy of the measures taken to address the legacy of enslavement and colonialism.[2] Society as a whole, and the State and its institutions in particular, must recognize the widespread and systemic negative effects of the injustices suffered by African people and people of African descent in the past, the impact of which continues to harm them today, especially in the context of law enforcement and the criminal justice system.[3]

14. In Colombia, deep-rooted systemic racism against people of African descent is normalized and rendered invisible. It creates racial inequalities that are perpetuated every day not only against black, Afro-Colombian, Palenquera and Raizal people and communities but also against other groups, such as Indigenous Peoples.[4]

15. Structural and systemic racism against people of African descent in Colombia has its roots in historical legacies from the colonial period, particularly the enslavement of African

[1] A/HRC/47/53, para. 9.

[2] See A/HRC/47/53, A/HRC/51/53, A/HRC/54/66, A/HRC/54/69, A/HRC/57/67, A/HRC/57/71 and the conference room paper of the Human Rights Council on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, available at https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans.

[3] See A/HRC/47/53 and A/HRC/57/71.

[4] CCPR/C/COL/CO/8, paras. 10 and 11.

populations, the hierarchical racial structure imposed by the Spanish colonizers and the forms of segregation and exclusion that followed the formal abolition of slavery in 1851. These historical processes left communities of African descent relegated to isolated and marginalized territories, particularly in the Pacific and the Caribbean regions, and laid the groundwork for persistent inequalities in access to land, education, healthcare, political participation and economic opportunities. These effects continue to manifest themselves in the country's present-day social and institutional structures.

16. Racism in Colombia is clearly entrenched in the country's institutions, including the security forces and the justice system. The Mechanism repeatedly heard accounts of deep-rooted prejudice and stigma within the police towards people of African descent, who are often presumed to be associated with armed groups, criminal activity or drug trafficking. All of these factors have led to widespread mistrust of the authorities and institutions among Afro-Colombians, particularly with respect to security agencies and the justice system.[5]

17. Systemic racism permeates other critical institutions, such as the healthcare system. The Mechanism received information about the case of a young pregnant woman who, according to witness accounts, died due to a lack of timely medical care. During her ordeal, she was reportedly told that she could "handle the pain" – a phrase that encapsulates racial stereotypes that hold that women of African descent have a higher pain threshold.

18. During its visit, the Mechanism welcomed the repeated acknowledgment by the officials with whom it met, including high-level officials, of the existence of systemic racism against people and communities of African descent in the country. Senior officials acknowledged its historical, systemic and institutional nature. Such recognition is a crucial step and serves as the starting point for transformative government action. Systemic racism is the result of centuries of exclusion and discrimination. Its eradication requires continuous and long-term transformative change backed by sustained political will and ongoing action.

A. Rural and urban areas

19. Systemic racism against people of African descent in Colombia manifests itself differently depending on the local context. In urban areas, it is expressed in particular through racial profiling, discriminatory police checks and the disproportionate use of force against young people of African descent. In rural areas, people of African descent face extreme forms of violence perpetrated by both State and non-State actors, including extrajudicial killings, threats, murders, sexual violence, forced recruitment and restrictions on movement, in a context marked by the limited presence of State security forces and high levels of widespread impunity.

20. Most people of African descent who live in rural areas affected by ongoing non-international armed conflict[6] and violent organized crime are subjected to violence, which has profound consequences, particularly for children and adolescents. The Mechanism received consistent reports of an increase in serious mental health issues, including suicides among young people, as a result of the violence they have suffered, threats of recruitment from non-State actors and the lack of effective protection. Many children and adolescents drop out of school and are exposed to illegal and highly risky forms of survival, including being recruited or used by armed groups, even in activities such as contract killings.[7]

21. Despite the guarantees of territorial rights enshrined in the 2016 Peace Agreement, the lack of administrative and judicial demarcation of the collective territories of Afro-Colombian communities and the ancestral lands of Indigenous Peoples remains a significant challenge.[8] When combined with the territorial control exercised by non-State armed groups in areas where there is no police or military presence or where such presence is insufficient, this leads to outbreaks of violence over territory. The partial or total absence of the State leaves self-protection measures as the only option; for example, the Maroon

[5] A/HRC/60/77/Add.1, paras. 43–47.
[6] A/HRC/49/19, para. 28.
[7] CRC/C/COL/CO/6-7, paras. 4, 55 and 56; and E/C.12/COL/CO/7, paras. 32, 33, 44 and 45.
[8] CERD/C/COL/CO/17-19, paras. 20 and 21.

Guard, a community-based initiative with no legal recognition or State support, nevertheless often serves as the sole interlocutor or mechanism for defending and protecting communities of African descent in rural areas.[9]

22. In urban areas where the residents are primarily people of African descent, the presence of non-State armed groups and criminal organizations, which operate in full view of the authorities, including the police, has created a kind of "invisible border" between neighbourhoods. These unofficial borders or boundaries imposed by illegal groups divide families, restrict freedom of movement and prevent people of African descent from accessing basic services, including education for children and adolescents, because they fear crossing these boundaries and becoming victims of acts of violence, which often go unpunished.

23. The Mechanism received reports suggesting that some instances of violence surpass mere State inaction and may involve collusion with non-State actors, meaning that the police facilitate the violence suffered by communities of African descent.

B. Specific locations

24. In Cartagena, a city historically inhabited by communities of African descent and which witnessed the arrival of ships carrying enslaved persons from Africa, the Mechanism received numerous testimonies illustrating the persistence of systemic racism and its effects on people of African descent. The accounts gathered indicate that people of African descent are subjected to racial profiling by the police and officials of the Mayor's Office, are systematically excluded from the tourist areas of the city and are displaced to segregated neighbourhoods on the outskirts of the city where access to public services is limited and levels of violence and police surveillance are high. The people interviewed noted that they are profiled on the basis of not only their skin colour but also their overall appearance, the way they dress and any sexual and gender non-conformity. They also reported that they are harassed by the police when they try to use public spaces and are penalized through the issuance of citation notices and accompanying fines. The Mechanism is concerned about the use of municipal plans such as "Plan Titán" and "Ancla Heroica", which appear to prioritize police and military control over security ahead of structural solutions to the root causes of violence.

25. In Cartagena, there is a form of spatial segregation based on race and class, with tourism and economic development used to justify it. The Mechanism was informed of a gentrification process in which neighbourhoods where people of African descent and working-class communities have historically lived have fallen into the hands of the tourism industry and communities of African descent have subsequently been displaced to marginalized outlying areas. There is large-scale investment in tourist areas but very little social investment in marginalized outlying areas.

26. Meanwhile, in Cali, people of African descent living in the eastern part of the city described a deeply entrenched cycle in which structural racism, poverty, displacement and violence are intertwined. The Mechanism heard several testimonies denouncing discriminatory police practices and the persistent use of racial profiling by law enforcement officers, including in the handling of social protests.[10] Many people reported that they were routinely stopped and searched or questioned without adequate justification, primarily on the basis of harmful racial stereotypes that automatically associate young people of African descent with criminal activity. Interviewees expressed deep mistrust of all State institutions.

27. In other areas of Valle del Cauca Department, such as Buenaventura, and in other parts of the Colombian Pacific region, such as Chocó,[11] people of African descent continue to suffer high rates of violence perpetrated by non-State armed groups and criminal organizations, resulting in frequent homicides and enforced disappearances,[12] many of which remain unrecorded or unsolved. These groups exploit the discontent, exclusion and

[9] Ibid., para. 29 (c).
[10] A/HRC/60/77/Add.1, para. 45.
[11] A/HRC/61/20, para. 76.
[12] CED/C/COL/OAI/1, paras. 22–25.

socioeconomic vulnerability of communities of African descent with the aim of recruiting children, adolescents and young people. The convergence of racialized poverty, discriminatory policing, violence and impunity creates conditions in which some young people of African descent are forced to engage in illicit activities as a means of survival, since viable alternatives remain largely non-existent.

C. Encouraging initiatives

Ministry of Equality and Equity

28. The Mechanism received information about the creation, through Act No. 2281 of 2023, of the Ministry of Equality and Equity, which has a mandate to design, coordinate and implement public policies to reduce structural inequalities, thereby guaranteeing the rights of historically excluded populations, including people and communities of African descent. The Mechanism also received information about Constitutional Court ruling No. C-161 of May 2024, in which the Court declared the Act to be unconstitutional, and about the legislature's failure to take action to remedy the Act's constitutional defects within the subsequent two-year period.

29. The creation of the Ministry of Equality and Equity and its programmes had the potential for systemic and structural measures to be introduced to combat systemic racism.[13] The Mechanism regrets the prolonged period of legal uncertainty that ensued and the lack of legislative action to address it, which led to the Ministry's recent closure.

Racial Discrimination and Racism Observatory

30. The Mechanism also acknowledges the establishment of the Racial Discrimination and Racism Observatory, originally created within the Ministry of the Interior, as a mechanism to track and analyse trends and patterns of racial discrimination at the national and regional levels and to provide input for public policies addressing racism.

National Intersectoral Commission on Historical Reparations

31. The National Intersectoral Commission on Historical Reparations was established by Decree No. 820 in May 2023 with the aim of designing and implementing public policies aimed at overcoming the effects of racism, racial discrimination and colonialism on ethnic groups in Colombia. Its functions include researching, documenting and preserving the history of enslavement, the transatlantic trade of enslaved Africans and the genocide of Indigenous Peoples in Colombia, as well as promoting the creation of research centres, archives and museums. It also coordinates commemorative activities, identifies memorial sites and collaborates with national entities and international initiatives to ensure truth, remembrance and historical redress.

32. The Mechanism welcomes the Commission's creation as a first step towards acknowledging and addressing the historical debt incurred as a result of enslavement, colonialism and structural racism and towards developing an agenda for restorative justice for people of African descent in Colombia.

D. Representation, diversity and inclusion

33. The Mechanism welcomes the progress made in terms of representation of people of African descent within Colombian institutions, including in elected office, such as the first woman of African descent to be elected to the position of Vice-President of the Republic. However, people of African descent continue to be underrepresented in public and political life, including in law enforcement and the criminal justice system.[14] For example, it was reported that the Chocó police force rarely appoints people of African descent to leadership positions. The interviewees noted that employees of African descent are to be found

[13] CCPR/C/COL/CO/8, para. 10.
[14] A/HRC/60/77/Add.1, para. 37.

predominantly in subordinate positions, while leadership positions are primarily held by individuals who are white or of mixed descent, creating a racialized hierarchical structure.

34. The Mechanism considers that police work is more effective and that trust between law enforcement bodies and the public is stronger when these institutions reflect the diversity of the societies they serve, including in terms of their racial, ethnic and gender composition. This is essential to ensuring that institutions are more inclusive and representative and are capable of giving effect to the rights of communities of African descent and providing an appropriate response to their needs.

IV. Law enforcement

A. Racial profiling

35. Racial profiling is the practice by law enforcement authorities of using, to whatever extent, grounds of race, colour, ancestry, national or ethnic origin, or the intersection of these with other relevant grounds, to subject individuals to any investigative or surveillance activity or to determine whether they are involved in criminal activities. Racial profiling is based on stereotypes and prejudices, which may be individual, institutional or structural and either conscious or unconscious. Racial profiling constitutes a violation of international human rights law when assumptions based on stereotypes are used to undermine the enjoyment of human rights.[15]

36. Not only is racial profiling illegal, it is also ineffective and counterproductive as a general law enforcement tool. People and communities affected by these practices tend to have less trust in law enforcement in general and, as a result, are less willing to cooperate, which erodes community relations with the police and impairs the effectiveness of police operations.[16]

37. The Mechanism received extensive information regarding racial profiling practices used by the police in Colombia to repeatedly detain and interrogate people of African descent, not because of any reasonable suspicion that they have committed a crime but because of who they are and what they look like.[17] One particularly notable testimony came from a young woman of African descent who told the Mechanism: “I realized I was black when I arrived in Bogotá.” According to information received about Bogotá, people of African descent are often perceived as outsiders, strangers or “out of place” and experience a form of racial xenophobia that questions whether they fully belong in the city. The interviewees noted that this also occurs in interactions with law enforcement officers, who assume that people of African descent are not from Bogotá and resort to the use of racist and dehumanizing language, including references that portray them as “scum” who have come to the city from elsewhere.

38. The Mechanism notes that these practices are rooted in racial prejudices, stigma and stereotypes that cast people of African descent as criminals or as inferior, uncivilized or suspicious. The Mechanism heard about the use by police of dehumanizing language, including references to people of African descent as being “primitive” or “uncivilized”, which stem from racist stereotypes deriving from the era of enslavement. These dynamics exist in conjunction with an excessive police presence in spaces where people of African descent gather for recreation, socializing and community meetings, as well as alongside interactions with the police that are frequently accompanied by aggression, unjustified searches and the disproportionate or unfounded use of batons, beatings and other forms of physical force. Taken together, these practices reinforce a climate of fear, hostility and distrust towards the police among urban communities of African descent. In this context, the Mechanism is concerned about the proposal to create “urban security defence units” since, without clear safeguards, this initiative could lead to profiling, stigmatization and increased

[15] Committee on the Elimination of Racial Discrimination, general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials.

[16] Ibid., paras. 13–26.

[17] A/HRC/60/77/Add.1, paras. 43–47.

police violence against young people, particularly those from low-income neighbourhoods and historically marginalized communities.

39. The Mechanism received a study analysing the prevalence of racial profiling by the National Police in the public transportation system in Bogotá. The study analysed 5,765 interactions between police officers and passengers at TransMilenio bus stations in March 2019. Using questionnaires, variables such as the type of contact, the reason for the interaction and the gender, appearance and skin tone of the members of public involved were recorded. The results revealed a clear disparity in police treatment. Although persons of white or mixed descent had a higher number of interactions with the police overall, these consisted mainly of searches or conversations. In contrast, people of African descent were up to twice as likely to be fined. The study also found that, at one transit station, 60% of the searches targeted people with darker skin tones, even though they represented a minority of the population observed. It also concluded that, at TransMilenio stations, a person with a darker skin tone is 2.67 times more likely to interact with the police and 2.57 times more likely to be detained, taken to a restricted area, fined or searched.[18]

40. The information received by the Mechanism points to systematic and widespread use of racial profiling by the police and the disproportionate imposition of sanctions.

B. Unnecessary and excessive use of force

41. Racial profiling is closely linked to the unnecessary and disproportionate use of force against people of African descent in Colombia. Initial encounters between police officers and people of African descent often arise from arrests, searches or identity checks based on stereotypes surrounding their appearance, skin colour, hair, place of residence or perceived association with crime and can escalate, without good reason, into forms of physical violence, including the unnecessary and disproportionate use of force, including lethal force, by the police. The Mechanism received reports from the families of young people of African descent who were allegedly chased and subsequently shot in the back or upper body while fleeing from the police. The families expressed concern that the use of force was linked to harmful racial stereotypes associating them with criminal activity.

42. The Mechanism heard deeply distressing testimonies from mothers and family members whose children of African descent were killed by police officers in suspicious, confusing or unclear circumstances.[19] In several cases, families reported that, despite many years having passed, the investigations have not yielded significant progress, that they have not been kept updated by the Attorney General's Office and that the alleged perpetrators remain at large or are even continuing to serve in the police force without having been subjected to any effective criminal or disciplinary sanctions.[20]

43. The information received indicates high levels of impunity. For many families, the lack of a prompt institutional response not only exacerbates the pain caused by the death of their loved ones but also sends the message that their lives are of lesser value in the eyes of the authorities. The impact of police violence has psychosocial and socioeconomic consequences for families and communities, including fear, anxiety, stress, distrust of the police and a sense of collective defencelessness.

C. Citation notices and fines

44. Also in connection with racial profiling, the Mechanism is concerned about the use of "citation notices" and other corrective measures provided for in the National Code of Citizen Security and Civic Coexistence. Although these measures are intended to prevent problems

[18] See https://ilexaccionjuridica.org/wp-content/uploads/2022/03/Abuso-Policial-Final-web.pdf.

[19] See the case of Janner (Hanner) García Palomino (A/HRC/47/53, A/HRC/51/53, A/HRC/54/66, A/HRC/57/67 and the conference room paper of the Human Rights Council on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers).

[20] CAT/C/COL/CO/6, paras. 16 and 17.

and preserve social harmony, the accounts and information received indicate that they are often applied in an arbitrary and discriminatory manner, serving in practice as a mechanism for administrative punishment or social control or as a deterrent to the exercise of rights.

45. Citation notices take the form of a written or electronic order issued by the police and requiring the offender to appear before the police authorities or comply with a corrective measure, which often takes the form of a monetary fine (art. 218 of the Code).

46. The Code sets out a comprehensive list of behaviours that are considered detrimental to civic coexistence and grants police officers broad discretion. These behaviours include any that "affect relations" between the public and the police (art. 35), such as: being disrespectful to police authorities; failing to comply with, disobeying, ignoring or obstructing a police action or order; resisting an identification procedure; resisting a police action; or refusing to provide accurate personal information such as one's address or occupation. Activities protected by freedom of expression, such as legitimate expressions of dissent, challenges to a procedure or any act of protest, may be treated as offences subject to a fine. The issuance of a citation notice is therefore an immediate administrative penalty and a social control measure, the enforcement of which is left to the discretion of individual police officers.

47. The Code allows only five days to challenge a decision, after which it is assumed that the person accepts responsibility for the violation and the fine becomes binding. In practice, people are often unaware of the deadline, lack legal advice, face digital or administrative barriers or prefer to pay the fines quickly to avoid more serious consequences.

48. Failure to pay a fine has significant consequences for people's lives, with a disproportionate socioeconomic impact primarily on low-income individuals, young people seeking employment, informal workers and small business owners, creating a vicious circle of exclusion that is difficult to overcome. The Mechanism received testimonies from young men of African descent with 10 or more unpaid fines, making it impossible for them to pay them. Some are forced to turn to informal lenders, who charge exorbitant interest rates, in order to pay part of what they owe. In some testimonies, it was noted that fines result in a kind of criminal record and, as a result, significantly hinder employment opportunities, thereby exacerbating exclusion and vulnerability.

49. Beyond discretionary use, the Mechanism received complaints alleging the fraudulent issuance of citation notices and fines. In some testimonies, reference was made to the existence of minimum quotas that reportedly pressure officers to artificially inflate the number of citation notices they issue, including through the alleged creation of "phantom" notices, a practice that involves issuing citation notices without factual basis using the affected person's identification number without their knowledge and falsely recording that the person refused to sign the notice.

50. This practice disproportionately affects people of African descent, particularly those who face intersectional discrimination resulting from a combination of factors such as gender, age, socioeconomic status, gender identity or sexual orientation. For these individuals, who are often perceived as suspicious, problematic or generally a "threat to social harmony", these fines become a form of administrative criminalization of blackness, poverty, youth and sexual and gender non-conformity as a whole.

51. In locations or contexts with a heavy police presence, such as marginalized or racialized neighbourhoods, transit stations, search operations or social protests, fines deter people from exercising their rights and limit their ability to spend time in public spaces.

D. Transfers for protective purposes

52. The Mechanism received alarming information according to which the provision on "transfer for protective purposes", as set forth in the National Code of Citizen Security and Civic Coexistence, is frequently used in practice in a manner that is unnecessary, disproportionate and discriminatory against marginalized and racialized individuals and communities, particularly people of African descent.

53. Transfers for protective purposes are a measure through which the police may transfer individuals, against their will, to a special facility or another appropriate location for up to 12 hours when it is determined that they are at risk or may endanger others or themselves.

54. In practice, this measure constitutes a form of deprivation of liberty with no judicial oversight and which often violates the right to personal liberty due to the lack of sufficient safeguards. The broad discretion accorded to police in applying this provision facilitates its abusive and arbitrary use, including as a form of covert punishment for a range of behaviours or as a social control mechanism.

55. The Mechanism received reports that it was being used to remove from public spaces people considered a nuisance, such as homeless people, street vendors, young people engaged in cultural or recreational activities and peaceful protesters. People are often taken to police stations or temporary detention centres, where they face overcrowded conditions and a lack of basic services.

56. The Mechanism received information indicating that transfers for protective purposes are frequently and unnecessarily used against young people of African descent. When used in the context of social protests, this practice undermines fundamental freedoms and acts as a deterrent to the exercise of the rights to freedom of expression and peaceful assembly.[21]

57. The Mechanism heard testimonies from young men of African descent who reported having been detained under this provision and subsequently released by the police onto the streets in neighbourhoods far from their homes, in some cases crossing the "invisible borders" imposed by criminal organizations, which left them unnecessarily exposed them to high risks to their safety and security. This practice constitutes a form of exploitation of territorial violence by State actors. By releasing a young person in an area controlled by a rival group, the police not only abrogate their duty to protect, but also actively use their knowledge of these criminal dynamics to inflict extrajudicial punishment by exposing the person to an imminent risk of assault or death.

E. Minimum police quotas

58. The Mechanism received concerning information, including testimonies, about the informal establishment of minimum quotas for police work. These reportedly consist of targets that police units or officers must meet within specified time frames, such as for searches, arrests, citation notices or seizures. In some cases, police officers are reportedly required to meet certain goals during their shift or in a given month and are threatened with penalties or offered incentives.

59. The Mechanism is concerned that these quotas may encourage the police to take action simply to meet this requirement, rather than on the basis of evidence. Given the prevalence of racial profiling, the corresponding police actions disproportionately affect men who are young, black and poor, as well as those associated with certain cultural traditions and expressions, such as rap culture, primarily in urban areas.

F. Militarization

60. The Mechanism notes that the National Police continues to be part of the Ministry of Defence despite repeated recommendations made by national and international human rights mechanisms for it to be transferred to a civilian ministry to strengthen accountability and civilian oversight.[22] The Mechanism heard that the position of the National Police within the Ministry of Defence and its historical use as a security tool in the context of the armed conflict have led to policing efforts focused more on defending the State and controlling the "internal enemy" than on protecting the population and guaranteeing their rights. This blurs the lines between police and military functions and leads to military-style policing tactics.

[21] CCPR/C/COL/CO/8, paras. 22 and 23.

[22] CAT/C/COL/CO/6, para. 17 (g); A/HRC/55/7/Add.1, para. 4, recommendation 116.36; and A/HRC/57/50/Add.1, paras. 53, 58 and 92 (v).

61. The shift toward militarized policing exists alongside excessive police surveillance of people of African descent and their perceived association with criminal or dangerous activity on the basis of racial and class prejudices, as well as on their appearance, gender, age or occupation, which leads to recurring and unjustified interactions, as described above.

G. Human rights violations in the context of protests

62. The Mechanism received alarming information on this issue in the context of the social uprising of 2021.[23] The Colombia branch of the Office of the United Nations High Commissioner for Human Rights documented serious human rights violations committed between 28 April and 31 July 2021, including arbitrary deprivations of life, violations of personal integrity, arbitrary detentions and sexual and gender-based violence, as well as acts of discrimination and racism in the context of the protests. The Office verified 46 deaths that occurred in the context of the protests – 44 civilians and 2 police officers – and noted that police officers, including members of the Mobile Anti-Riot Squad, were allegedly involved in at least 28 of those deaths.[24]

63. The Mechanism notes that the crackdown on protests had a disproportionate impact on racialized populations, particularly people of African descent.[25] Cali was a particularly striking example: a city marked by deep inequalities, exclusion and structural racism and with one of the largest urban populations of African descent in Latin America, it was one of the main epicentres of the social uprising. Patterns of violence, repression and excessive use of police force were documented there that particularly affected young people of African descent and residents of historically marginalized communities, whose social demands were, in many cases, met with stigmatization, criminalization and police violence.

64. The Mechanism also received information about alleged human rights violations during the 2017 civic strike in Buenaventura, which demanded basic economic, social and cultural rights and was predominantly led by people of African descent. The incidents reported included the use of tear gas against peaceful protesters, children, older persons and persons with disabilities.[26]

65. The Mechanism welcomes the establishment, in 2025, of the ad hoc Committee of Experts to uncover the truth about possible human rights violations that occurred during social protests that took place between 2019 and 2021.[27]

66. The Mechanism also welcomes the revision of the guidelines on the use of police force in the context of managing social protests, through Decree No. 1231 of 2024, which regulates the differentiated and proportionate use of force by the National Police, establishes that force must be used only on an exceptional basis and only as a measure of last resort and prioritizes dialogue, mediation and non-violent means over confrontation. These changes, combined with a political will to prioritize dialogue, have significantly reduced the use of force during social protests in recent years. The Mechanism acknowledges this progress, which reflects improvements in the management of protests and structural changes aimed at greater accountability.

H. Police well-being

67. The Mechanism recognizes the complex, demanding and highly stressful nature of police work in Colombia, especially against the backdrop of widespread violence, armed conflict and the proliferation of criminal groups, as well as attacks and threats directed at

[23] CAT/C/COL/CO/6, paras. 16 and 17.

[24] See www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/.

[25] A/HRC/49/19, para. 36; and A/HRC/60/77/Add.1, para. 45.

[26] See www.defensoria.gov.co/-/informe-de-derechos-humanos-paro-civico-buenaventura-2017 and https://www.oas.org/en/iachr/media_center/PReleases/2017/076.asp.

[27] See www.presidencia.gov.co/prensa/Paginas/Gobierno-crea-Comite-de-Expertos-para-estudiar-violaciones-a-derechos-humanos-en-protestas-sociales-de-2019-251114.aspx.

members of the security forces. This situation has a traumatic impact on police officers and directly affect their mental and physical health. The well-being of police officers has a direct impact on their ability to perform their duties effectively, on their decision-making capacity and on the quality of their interactions with the communities they serve. It is therefore essential that police officers and their families have access to resources, psychosocial support, mental healthcare and adequate working conditions that enable officers to perform their duties safely, professionally and in a manner that is respectful of human rights.

V. Criminal justice system

A. Access to justice

68. The Mechanism is concerned about the lack of effective access to justice for people of African descent in Colombia, particularly in areas affected by the presence of non-State armed groups, as well as structural violence and a weak institutional presence. The information received indicates that many victims face significant obstacles in reporting human rights violations, including geographical barriers, a lack of trust in institutions, fear of reprisals and the absence of adequate protective measures.[28]

69. Affected communities, particularly young people of African descent, expressed very limited confidence in the available complaint mechanisms, including the Attorney General's Office. Several people stated that they did not believe that filing complaints would lead to effective investigations or to the punishment of those responsible. This perception of impunity contributes to deepening mistrust of State institutions and limits the willingness of victims and their families to seek justice.

70. The Mechanism also received testimonies from individuals who noted that when the victims are of African descent, institutional will to hold perpetrators effectively accountable is often limited or non-existent. According to these testimonies, complaints filed by people of African descent do not always receive a diligent, timely and culturally appropriate response, which reinforces historical patterns of exclusion, racial discrimination and impunity. In addition, testimonies revealed a fear of reprisals by non-State armed groups if official complaints were filed. This fear, combined with the Government's limited capacity to ensure effective protection in the relevant locations, leaves victims in a situation of legal uncertainty, lacking protection and vulnerable to further attacks. In this context, the lack of security guarantees acts as a direct deterrent to access to justice.[29]

71. The Mechanism recognizes the significant and positive role played by the Ombudsman's Office, particularly in its efforts to reach remote and severely affected communities, document the human rights situation and support victims. The Office's resources for the relevant areas should be increased. These efforts must be complemented by a comprehensive institutional response that ensures prompt, independent, impartial and effective investigations, as well as adequate protective measures for whistle-blowers, victims, witnesses and affected communities of African descent.

B. Temporary detention centres

72. The Mechanism echoes the concerns raised by national and international human rights organizations[30] regarding the appalling conditions faced by persons deprived of liberty in various temporary detention centres in Colombia, such as police stations, rapid response units and other similar facilities intended for the short-term detention of persons recently deprived of their liberty.

73. In principle, these detention centres should hold individuals from the time of their arrest until they are brought before a competent judge to determine their legal status – a

[28] A/HRC/60/77/Add.1, paras. 37 and 38.
[29] CERD/C/COL/CO/17-19, paras. 14, 15, 30 and 31; and CAT/C/COL/CO/6, paras. 18 and 19.
[30] CCPR/C/COL/CO/8, para. 20; and CAT/C/COL/CO/6, para. 24.

maximum of 36 hours as set out in the national legal framework.[31] In reality, however, many people stay there longer – hundreds of them for months or even years. These facilities, which are designed for very short-term detention, have in practice become centres for prolonged detention that lack the infrastructure, resources, staff and conditions necessary to ensure minimum standards of dignity and humane treatment. This situation gives rise to human rights violations related to, inter alia, overcrowding, access to healthcare, sanitation, food and personal integrity, as well as the prohibition of arbitrary detention, torture and other forms of ill-treatment.

74. The lack of disaggregated data makes it difficult to determine the proportion of people of African descent in these facilities and in the prison system as a whole.

75. During the visit, the Mechanism visited the Bellavista Temporary Detention Centre in Cartagena, where it documented extremely poor conditions of detention. These include, inter alia, excessive overcrowding, a complete absence of natural light and ventilation, extremely high temperatures in some cells, a lack of adequate hygiene conditions and access to medical care, the complete lack of food and hygiene products provided by the institution, which family and friends had to supply daily, the lack of separate spaces for eating, resting and attending to bodily functions and the total absence of opportunities for recreation, leisure or physical activity. The Mechanism observed that most of the detainees at that facility appeared to be of African descent.

76. What the Mechanism observed in Cartagena is not an isolated situation. As recognized by the Constitutional Court[32] and documented by the Ombudsman's Office,[33] this is a systematic and widespread practice in Colombia. Furthermore, given the documented existence of systemic racism, the Mechanism expresses concern that people of African descent may be disproportionately represented in these facilities.[34]

77. During the second half of 2025, the Ombudsman's Office conducted inspection visits to the 55 most overcrowded temporary detention centres in the country, where approximately 5,510 people were being held. Visits conducted by the Ombudsman's Office revealed that 82.5% of detainees had been held at the facilities visited for more than 36 hours and that 15% had been detained there for more than a year. Serious human rights violations were documented, including overcrowding, inadequate conditions and lack of access to healthcare, food, drinking water, and legal representation, as well as shortcomings in complaint and protection mechanisms. The Mechanism did not receive any information on whether these visits examined whether marginalized racial and ethnic groups, including people of African descent, were disproportionately affected or faced specific problems.

78. According to the information received, as of 21 May 2026, there were 18,799 people detained in these detention centres, of whom 17,932 were being held in police holding cells with a capacity of 8,742, meaning that the occupancy rate was more than double the intended capacity.

79. The problem stems from structural deficiencies in institutional coordination and in the distribution of responsibilities between national and local authorities, which results in temporary detention centres effectively functioning as facilities for prolonged detention, not only for individuals who have just been apprehended but also for those in a range of legal situations, including suspects, defendants and convicted individuals. For the most part, these detention centres are run by the Colombian National Police, an institution that lacks the constitutional mandate, the specialized institutional experience and the necessary resources for holding individuals in prolonged detention.

[31] Constitution, art. 28.

[32] See www.corteconstitucional.gov.co/relatoria/Autos/2026/A517-26.htm.

[33] See https://repositorio.minjusticia.gov.co/politica-criminal/documento/ECI150523/Anexo_INFORME_CENTROS_DE_DETENCI%26oacute%3BN_TRANSITORIA_120220040702019272_00005_00005.pdf.

[34] A/HRC/60/77/Add.1, para. 39.

C. Drug policy

80. For years, United Nations human rights mechanisms have documented, in many countries,[35] the devastating effects on human rights and health caused by drug policies that place excessive emphasis on punishment, criminalization and militarization, including killings and enforced disappearances at the hands of law enforcement, the disproportionate incarceration of people of African descent and the resulting prison overcrowding. United Nations experts have stated that the war on drugs has been more effective as a system of racial control than as a tool for shrinking the market for drugs. Police interventions based on racial discrimination remain widespread, while access to evidence-based treatments and harm reduction measures for people of African descent remains extremely limited.[36]

81. The Mechanism received information indicating that aerial spraying with glyphosate, a practice in which law enforcement agencies engaged as part of counter-narcotics efforts until it was discontinued in 2015, had a disproportionately harmful impact on Afro-Colombian communities. According to the information received, these operations were concentrated in areas with populations predominantly of African descent, such as the Department of Nariño, and caused serious damage to the environment, health and food security by affecting other subsistence crops, water sources and, more generally, the livelihoods and collective rights of these communities. The health impacts reportedly included harms to the sexual and reproductive health of women of African descent that are associated with chemical exposure. The operations were reportedly carried out without prior consultation with the communities and were often accompanied by other actions, such as direct military interventions involving the use of force and the criminalization of leaders of African descent. The Mechanism received information indicating that while these actions failed to significantly reduce illicit crop cultivation, they had considerable and lasting adverse effects. The Mechanism is concerned about the stated intention to resume these practices[37] without considering the adverse effects they might have on Afro-Colombian populations and other marginalized and racialized communities.

82. The Mechanism also received information on how the recent adoption of local drug control policies and restrictions on possession and use in public spaces are closely intertwined with systemic racism and racial profiling, disproportionately affecting people of African descent, especially young people. By granting the police broad discretion, these measures have led to increased surveillance, institutional violence and human rights violations in historically marginalized communities, with particularly severe consequences for vulnerable groups such as transgender women of African descent.

83. The excessive use of incarceration and the reported overrepresentation of people of African descent, especially women, in the criminal justice system are also consequences of the so-called war on drugs.

84. The Mechanism welcomes recent drug policy reforms in Colombia, particularly the adoption of the National Drug Policy 2023–2033, which will apparently have a potentially positive impact on communities of African descent by shifting the emphasis from a punitive response to a human rights-based approach,[38] protecting lives, transforming local areas and promoting legal economic activities. This shift is particularly significant for communities of African descent in areas historically affected by illicit economic activities, armed violence and stigmatization. Its impact will depend on whether its implementation effectively incorporates an ethnic and racial perspective, community participation and safety guarantees.

85. The Mechanism is deeply concerned that some of the proposals announced during the election campaign run by the incoming Administration appear to be moving in the opposite direction, prioritizing predominantly repressive and security-oriented responses. This approach has already proven ineffective and has had a disproportionate impact on people of

[35] See www.ohchr.org/sites/default/files/documents/hrbodies/special-procedures/activities/2024-06-26-stm-World-Day-against-Drugs.pdf.

[36] See www.ohchr.org/en/press-releases/2023/06/un-experts-call-end-global-war-drugs.

[37] See https://elpais.com/america-colombia/2025-12-22/el-gobierno-de-petro-vuelve-a-la-vieja-formula-del-glifosato-contra-los-cultivos-de-coca-esta-vez-con-drones.html.

[38] E/C.12/COL/CO/7, para. 44.

African descent. Any drug policy must be based on the principles of human rights and public health and must also adopt an ethnic and racial perspective and be tailored to local realities.

D. Lack of data disaggregated by race or ethnic origin

86. The Mechanism is concerned about the lack of data disaggregated by race or ethnic origin on institutional violence, racism and discrimination against people of African descent, both within law enforcement agencies and the criminal justice system and in society at large. This lack of data is exacerbated by the low rate of reporting of abuse and sexual assault, which is linked to a lack of trust in institutions, fear of retaliation and the perception that reports do not lead to investigations or effective outcomes. The lack of disaggregated data on the population of African descent leads to statistical invisibility, which hinders the identification and measurement of institutional and systemic racism, as well as the design of public responses, accountability mechanisms and appropriate reparations.[39]

87. Another example of this invisibility is the methodological flaw in the 2018 census, which led to a statistical decrease of 31% in the Afro-Colombian population. This statistical flaw has direct implications for law enforcement and access to justice, since, without a reliable demographic baseline, it is impossible to conclusively measure the overrepresentation of people of African descent in the prison system, the disproportionate number of encounters with law enforcement, representation in institutions or the fair allocation of resources. Addressing this flaw is an essential requirement for designing effective policies to combat systemic racism.

VI. Conclusions and recommendations

88. **The Mechanism commends the efforts made by Colombia in recent years to acknowledge structural racism and racial discrimination against people of African descent, as well as to adopt measures aimed at addressing these issues, including in the context of law enforcement and the criminal justice system. It also commends the authorities' willingness to engage in dialogue and cooperate with the Mechanism to address these issues. The Mechanism stands ready to continue cooperating with Colombia to implement the recommendations set forth below.**

89. **The Mechanism makes the following recommendations to the competent authorities:**

(a) **Combat systemic racism through a comprehensive, human rights-based approach that addresses the structural inequalities that affect people of African descent and puts in place special measures to increase their representation in decision-making positions, including in the police, the judiciary, the Attorney General's Office and the Counsel General's Office, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination;**[40]

(b) **Ensure the meaningful, inclusive, safe and regular participation of people of African descent and of the diverse civil society organizations that represent them in all national, departmental and local decision-making processes that affect them. Effective participation and representation could help restore communities' trust in these institutions;**

(c) **Continue to strengthen recognition, remembrance and truth initiatives in respect of the legacies of enslavement, colonialism and successive systems of racial discrimination, as part of a comprehensive package aimed at achieving restorative justice, and ensure the effective participation of communities of African descent in these initiatives;**

[39] CERD/C/COL/CO/17-19, paras. 4 and 5.

[40] International Convention on the Elimination of All Forms of Racial Discrimination, art. 2 (2); and Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention.

(d) **Collect and publish data disaggregated by race or ethnic origin, as well as by other factors, and use it to guide policymaking, including in law enforcement and the criminal justice system, in order to ensure that violations of the rights of people of African descent are properly documented and that disproportionate and/or discriminatory effects are identified and addressed through accountability measures;**

(e) **Transfer the National Police from the Ministry of Defence to the Ministry of the Interior or another civilian ministry and ensure the continuity of institutional reforms in respect of its doctrine, training and internal monitoring mechanisms, while preserving the progress made in the areas of human rights and oversight, in order to eliminate racial profiling and prevent the disproportionate use of force;**

(f) **Eliminate and prohibit racial profiling, explicitly define it in legislation and police protocols, investigate all complaints related to this practice and ensure accountability;**

(g) **Establish a moratorium on citation notices and related fines until a thorough review of their human rights impact has been conducted and the necessary adjustments have been implemented. In the meantime, waive all outstanding fines;**

(h) **Review the provision on "transfer for protective purposes" to ensure that it is applied only as an exceptional measure and in a necessary, proportionate and non-discriminatory manner, accompanied by effective safeguards to avoid its arbitrary application;**

(i) **Investigate and eliminate any formal or informal system of police quotas related to searches, arrests, citation notices or seizures, including the practice of issuing "phantom" citation notices;**

(j) **Ensure that all regulations, policies and practices regarding the use of force by police, both in the context of social protests and in other contexts, are fully consistent with international human rights standards, and establish mandatory mechanisms for the recording and independent review of all incidents;**

(k) **Ensure that training for law enforcement and justice system personnel on human rights, racial equality and the use of force is ongoing, evidence-based and subject to periodic evaluations in terms of quality, outcomes and impact from an ethnic and racial perspective, adjusting its content and methodology as necessary. Include specific modules on racialized gender-based violence and other forms of intersectional racism in State services;**

(l) **Prioritize accountability for racial profiling and the excessive use of force against people of African descent, especially in cases that have resulted in death. Investigate and adjudicate these incidents promptly, effectively and impartially through a specialized strategy supported by sufficient resources, ensuring that the investigations examine the role that racial discrimination, stereotypes and prejudices may have played in the incident. Ensure that victims and their families have access to effective remedies, protective measures and psychosocial support with an ethnic and racial perspective and a differentiated approach;**

(m) **Ensure that the ad hoc Committee of Experts established to uncover the truth about possible human rights violations that occurred during social protests that took place between 2019 and 2021 has the necessary resources and examines the role that racial discrimination, stereotypes and prejudices may have played in those violations;**

(n) **Strengthen independent mechanisms for oversight of police conduct and continue to strengthen the capacity of the Ombudsman's Office, especially in remote areas and areas affected by violence;**

(o) **Address, as a matter of priority, the situation of persons deprived of liberty in temporary detention centres, ensuring full compliance with international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Prevent these facilities from**

being used as pretrial detention centres and prisons if they cannot be brought into line with these standards;

(p) **Prevent, investigate and punish serious human rights violations committed by non-State armed groups and criminal groups in areas where people of African descent reside. Effectively address and expand the scope of early warning systems and facilitate victims' access to effective remedies;**

(q) **Strengthen the comprehensive protection of Afrodescendent human rights defenders, social leaders, ethno-territorial authorities and members of the Maroon Guard through culturally appropriate collective and individualized measures, especially in areas affected by the presence of armed groups;**

(r) **In the light of the recent closure of the Ministry of Equality and Equity, identify ways to reopen it or develop alternative plans to ensure that other competent authorities assume its mandate and are provided with the necessary resources for the implementation thereof.**