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Technical assistance and capacity-building

Technical assistance and capacity-building in Colombia

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report contains a description of the technical assistance and capacity-building provided to national and local authorities and other relevant actors by the Office of the United Nations High Commissioner for Human Rights in Colombia, pursuant to Human Rights Council resolution 53/22. The report focuses on the technical support provided for the implementation of the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repetition on the investigation of human rights violations and corruption, security sector reform, protection of social leaders and human rights defenders, and definition and development of a public policy for a culture of peace.

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



I. Introduction

1. The present report has been submitted pursuant to Human Rights Council resolution 53/22 on enhancement of technical cooperation and capacity-building in the field of human rights in Colombia to implement the recommendations of the Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission).
2. In that resolution, the Human Rights Council requested, for a renewable period of two years, the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide and step up its technical assistance and capacity-building to national and local authorities and other relevant actors to assist Colombia in the implementation of the recommendations made by the Truth Commission. It also requested that particular attention be dedicated to victims and that a gender perspective be applied that takes into account ethnic origins and their different needs in the areas of investigations of human rights violations and abuses, breaches of international humanitarian law and corruption, human rights and security sector reform, the protection of social leaders and human rights defenders, and the definition and development of a public policy for a culture of peace.
3. Furthermore, in resolution 53/22 the Council requested that an international human rights expert submit a report identifying the obstacles to the implementation of the 2016 peace agreement, in particular those announced publicly by the Special Jurisdiction for Peace in March 2023, and identifying the consequences of these obstacles for the full enjoyment of human rights under international law, as well as the domestic right to peace as enshrined in the Political Constitution of Colombia, and making recommendations that would help to overcome them. The report was presented by the international expert, Antonia Urrejola, on 2 April 2024 at the fifty-fifth session of the Human Rights Council.
4. Since July 2023, the liquidity situation of the regular budget for the United Nations Secretariat has directly affected the capacity of OHCHR to provide all the technical assistance envisaged in the four areas identified in the Human Rights Council resolution, particularly in investigations of human rights violations and corruption and in the definition and development of a public policy for a culture of peace.

II. Recommendations of the Truth Commission

5. In June 2022, the Truth Commission published its final report.¹ In it, the Commission mainstreamed differential approaches, including the gender, ethnic and territorial approaches.
6. In the chapter on findings and recommendations, the Commission addresses the main factors behind the persistence of the armed conflict and proposes 67 key recommendations for promoting structural reforms to bring about cultural, administrative, legal and political transformations, with the aim of laying the foundation for non-repetition and promoting the consolidation of peace, democracy and the rule of law. Of the total number of recommendations, 37 are to be implemented in the short term (one year), 28 in the medium term (within three years) and 2 over an implementation period of more than three years. All this poses an immediate challenge for the implementation of the recommendations.
7. By Decree-Law No. 588 of 2017, the Committee for Follow-up and Monitoring of the Implementation of the Commission's Recommendations was created. The Committee became operational after the publication of the Commission's final report in June 2022. It has seven members (four women and three men), who were selected by the members of the Commission. The Committee's mandate is to follow up on and monitor the recommendations and to submit periodic reports. The mandate has a duration of seven years from the date on which the Committee became operational.² The Committee plays a central role in advocacy and in monitoring indicators to assess progress and challenges in implementing the

¹ See <https://www.comisiondelaverdad.co/>.

² See <https://www.comisiondelaverdad.co/lo-que-sigue/comite-de-seguimiento>.

recommendations. The Committee currently has a technical secretariat consisting of an 11-person team and has been allocated a budget for 2024.

8. In July 2023 the Committee published its first monitoring report,³ in which it identified 220 recommendations and 647 actions required to implement them. In the report, the Committee included an analysis with a differential approach and tabulated the recommendations from the Truth Commission's final report on which it is focusing its monitoring, its analysis of the extent to which the recommendations have been incorporated into the National Development Plan 2022–2026⁴ and its advocacy efforts at the national and territorial levels. It also prepared a guide to support local governments in implementing the recommendations.

9. The national Government, through the Unit for the Implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (Peace Agreement) of the Office of the High Commissioner for Peace, and in conjunction with the National Planning Department and the Committee for Follow-up and Monitoring of the Implementation of the Commission's Recommendations, launched an inter-agency coordination strategy for progressively implementing the recommendations. To support this work, OHCHR provided technical assistance and sponsored the first training exercise to familiarize government entities with the recommendations. It also supported the dissemination of a methodological road map with which each of the entities involved can draw up a workplan that expressly incorporates actions, measures and indicators for implementing the recommendations.

10. As part of this process, the Government selected 104 recommendations, mainly on comprehensive rural reform, participation and security, full reparation, implementation of the Peace Agreement, justice, culture of peace, structural racism, drugs and the legacy of the Truth Commission.

11. OHCHR provided technical cooperation to the Committee for Follow-up and Monitoring of the Implementation of the Commission's Recommendations, including in its internal structuring and start-up process. In addition, with the support of OHCHR, mechanisms were established for coordination between the Committee and State authorities at the national and regional levels to help formulate indicators for implementing the recommendations.

12. With regard to the Ministry of Defence, OHCHR provided technical cooperation in the design of awareness-raising and educational activities on the Truth Commission's recommendations. Some 400 members of the security forces participated in these activities, in compliance with the Ministry's Circular No. 0228 of 2022, as part of the educational and awareness-raising activities envisaged in the final report of the Truth Commission.

13. OHCHR also provided technical assistance during the first round of territorial dialogues between the Committee for Follow-up and Monitoring of the Implementation of the Commission's Recommendations, civil society organizations and representatives of local institutions in the Antioquia, Caribbean, North-East and Valle del Cauca regions, with the participation of 160 people from 64 civil society organizations and 30 State entities. The participants in the dialogues evaluated the challenges and prospects for implementing the Commission's recommendations. As a result of the dialogue held in the North-East region, in October 2023, with the participation of OHCHR, the Arauca Network of Human Rights Defenders led a debate among the candidates for the departmental governorship on the implementation of the Truth Commission's recommendations.

14. In April 2024, OHCHR provided technical assistance for the first regional working group meeting to advance the Truth Commission's recommendations. This provided an opportunity for dialogue between the Committee, civil society and local authorities from the Caribbean, North-East and coffee-growing regions,⁵ aimed at ensuring that these authorities'

³ Ibid.

⁴ See <https://colaboracion.dnp.gov.co/CDT/Prensa/Publicaciones/plan-nacional-de-desarrollo-2022-2026-colombia-potencia-mundial-de-la-vida.pdf>.

⁵ Participants included members of civil society and officials from the Departments of Antioquia, Arauca, Atlántico, Caldas, Cesar, Córdoba, Guajira, Magdalena, Norte de Santander and Quindío.

spatial planning instruments would include indicators, actions, measures and plans conducive to the recommendations' implementation. In addition, OHCHR sent comments and recommendations to the Committee for Follow-up and Monitoring of the Implementation of the Commission's Recommendations, which were incorporated into the Committee's support guide for local governments.

III. Technical assistance from OHCHR

A. Investigation of human rights violations and abuses, breaches of international humanitarian law and corruption

15. Despite the efforts made by the State, a high level of impunity persists in cases of serious human rights violations and breaches of international humanitarian law. In the chapter on findings and recommendations of the Commission's final report, it was concluded that in Colombia there is a historical, widespread and long-standing justice deficit with respect to the violations committed against millions of victims in the Colombian armed conflict, which has become a factor behind the persistent violence in the country.⁶ Efforts should be redoubled and strategies should be developed to guarantee the right to justice as an effective measure for ensuring non-repetition.

16. OHCHR provided technical cooperation in the framework of the State's investigations into the serious human rights violations and breaches of international humanitarian law that occurred in the context of the armed conflict, particularly those being dealt with by the transitional justice mechanisms established pursuant to the Peace Agreement, such as the Special Jurisdiction for Peace. It also provided technical cooperation in relation to emblematic cases of human rights violations and abuses that occurred after the signing of the Peace Agreement, such as alleged arbitrary killings by members of the security forces and killings of human rights defenders.

17. This last category includes notorious cases of human rights violations that have occurred in recent years and are alleged to have been perpetrated by members of the security forces, and thus require an adequate response from the State. These cases involve, in particular, alleged arbitrary killings in the context of the 2020 and 2021 protests and cases such as the March 2022 events in Alto Remanso, where 11 people, including one woman and one 16-year-old child, were killed in a military operation. OHCHR welcomes the Constitutional Court decision of 10 April 2024, which resolved the conflict of jurisdiction in this case and found that the ordinary courts were competent to hear the criminal proceedings against the members of the security forces.⁷ OHCHR reiterates the importance of ensuring that the ordinary courts are in charge of investigating cases of alleged serious human rights violations attributed to members of the security forces and that such investigations are carried out in accordance with international human rights standards.

1. Human rights violations and abuses and breaches of international humanitarian law in the context of the armed conflict

18. The Special Jurisdiction for Peace has opened 11 macro cases to address the most serious and representative crimes that occurred in the context of the armed conflict, in order to identify both patterns of criminal acts and the persons most responsible for these crimes.

19. The first judgments handed down by the Special Jurisdiction for Peace will be decisive for ensuring that the victims' restorative justice proposals are considered and their rights are guaranteed and for safeguarding the legal security of those identified as being most responsible. The Investigation and Prosecution Unit of the Special Jurisdiction for Peace has the role of investigating and prosecuting those most responsible who do not acknowledge the whole truth or their responsibility.

⁶ See <https://www.comisiondelaverdad.co/hallazgos-y-recomendaciones-1>.

⁷ Order A-648/24.

20. For those who have not been identified as being most responsible and have been referred to the Judicial Panel for Determination of Legal Situations, there are challenges related to the participation of victims and the guarantee of their rights and to the verification of compliance with the conditionality regime.

21. As part of its technical assistance to the Special Jurisdiction for Peace since the latter's creation in 2018, OHCHR has helped to strengthen the Jurisdiction's analytical and investigative capacities to address and investigate international crimes on the basis of international norms and standards, with an emphasis on the incorporation of the gender and ethnic perspectives. Such assistance has been provided to the Judicial Panel for Acknowledgement of Truth, the Investigation and Prosecution Unit, the Judicial Panel for Determination of Legal Situations, the Section for Cases Without Acknowledgement of Truth, the Section for Cases of Acknowledgement of Truth and the Gender Commission, among other units of the Jurisdiction. The technical assistance provided by OHCHR helped to strengthen methodologies for achieving the participation of victims, with the incorporation of differential approaches, in the prioritization and consultation processes and in acknowledgement hearings.

22. In 2023, OHCHR provided, *inter alia*, technical assistance in the investigation by the Special Jurisdiction for Peace of cases known as "false positives", in which killings and enforced disappearances were portrayed as combat casualties by State agents. In particular, assistance was provided in preparing victims and participants for the acknowledgement hearings held in Yopal, Casanare, and Dabeiba, Antioquia, to strengthen victims' participation in these processes. In addition, OHCHR provided technical assistance for the process of preparing the restorative justice component on gender-based violence, including sexual violence, the purpose of which is to develop restorative justice projects for victims of such violence. OHCHR contributed technical elements aimed at incorporating international norms and standards related to the gender perspective into the design of restorative justice projects and into the Jurisdiction's own sanctions. It also provided technical assistance and sponsored opportunities for participation and consultation with the victims.

23. Regarding intercultural and interjurisdictional dialogue between the Special Jurisdiction for Peace and the Special Indigenous Jurisdiction, OHCHR provided technical assistance and support in hearings and other restorative justice forums in macro case 2 and macro case 5 of the Special Jurisdiction for Peace, held in the Departments of Nariño and Cauca, respectively. The purpose of the assistance was to facilitate the effective participation of victims and the involvement of authorities of the Nasa and Awá Indigenous Peoples' own justice systems.

24. OHCHR provided technical assistance at hearings and expert round-table discussions on precautionary measures for Estero San Antonio in Buenaventura, Valle del Cauca, and the Central Cemetery in Neiva, Huila. In Arauca, OHCHR provided technical assistance and support in the framework of the accreditation hearings for the Hitnú people and the precautionary measures of prevention and protection enabling them to participate in Special Jurisdiction for Peace processes in safety and dignity.

2. Protection of civic space and access to justice

25. In relation to access to justice for victims of human rights violations and abuses, OHCHR focuses its technical cooperation particularly on investigations of cases involving deaths in the context of protests and killings of human rights defenders.

26. OHCHR provides technical assistance and participates in the Inter-Institutional Standing Committee convened by the Ministry of Defence. The Committee includes the Attorney General's Office, the Counsel General's Office and the Inspectorate General of Police. Its purpose is to identify cases, exchange information and make progress in investigating the deaths that occurred in the context of protests in recent years.

27. Among the cases analysed by the Inter-Institutional Standing Committee were those of the 14 victims (3 women and 11 men) who lost their lives in the September 2020 protests in Bogotá. In this regard, the criminal justice system handed down convictions against two police patrolmen who were found responsible for the killing of Javier Humberto Ordóñez Bermúdez. In the other 13 cases, those allegedly responsible for the killings were identified

by the Attorney General's Office in relation to 7 victims and by the Counsel General's Office in relation to 2 victims. Two cases are at the oral hearing stage, three are in preparatory hearings, seven are at the investigation stage and one has been closed. The National Police has separated eight of its members (six patrolmen, one subintendant and one colonel) on the basis of their alleged responsibility in these killings. The Attorney General's Office launched contextual investigations into the cases that took place in Soacha, Verbenal and Suba, while the Counsel General's Office exercised its disciplinary authority in all cases and has opened two macro cases against high-ranking officers of the police. However, to date no officer has been charged on chain-of-command grounds and in four cases no individual has been identified as bearing responsibility. Almost four years after the events, the families of the victims consider that the pace of the judicial proceedings is slow and that obstacles to their access to justice, truth and reparation persist. Some of the victims' family members, particularly women, have reported threats and harassment, allegedly by police officers.

28. OHCHR also provided technical cooperation to the authorities in connection with investigations into the deaths that occurred during the national strike protests in several cities between April and July 2021. The Inter-Institutional Standing Committee analysed the 46 cases of deaths documented by OHCHR.⁸ The Attorney General's Office has identified those allegedly responsible in 19 cases, of whom 13 are members of the security forces and 6 are non-State actors. Of the total number of cases investigated by the Attorney General's Office, 14 are at the trial stage, 20 are at the investigation stage and 2 have been closed owing to the death of the alleged perpetrator. OHCHR wishes to highlight the contextual investigation launched by the Attorney General's Office into the deaths that occurred in Cali on 30 April 2021. The commander of the Metropolitan Police and the commander of the Special Operations Group responsible for the operations were charged in these cases. Some progress has also been made in the cases that took place in Bogotá, Ibagué and Madrid, and patrolmen have been charged. However, three years after the national strike, no convictions have been handed down for the deaths and other human rights violations that took place. This is due in part to the constant delays in judicial proceedings, the conflict of jurisdiction with the military justice system and the insufficient number of contextual investigations targeting all levels of responsibility.

29. In cases involving killings of human rights defenders, OHCHR provides technical cooperation to the Special Investigation Unit of the Attorney General's Office and the Elite Corps of the National Police, particularly through the exchange of contextual information in emblematic cases.

30. Together with the Ombudsman's Office, OHCHR presented a study identifying the strengths and challenges of the current model of investigation and prosecution of cases involving killings of human rights defenders to the Attorney General's Office, the Counsel General's Office and the High Council of the Judiciary. The study methodology was based on the analysis of 74 homicide convictions and 20 charging documents prepared by the Attorney General's Office in cases involving killings of human rights defenders between 2016 and 2021. The study recognizes important institutional advances, especially in the methodology developed by the Special Investigation Unit of the Attorney General's Office and in the incorporation of international standards into the internal rules of the Attorney General's Office, such as Directive No. 2 of 30 November 2017⁹ and Directive No. 8 of 9 October 2023.¹⁰

31. The study also identifies areas where improvements are needed to combat impunity and overcome obstacles to access to justice. These areas include: (a) better development of the victim profile of human rights defenders, particularly in the case of women defenders; (b) contextual analysis to explain the work that the person performed; (c) strengthening of the evidence base to demonstrate the relationship between the motive for the killing and the victim's work in defending human rights; and (d) more thorough investigation to identify

⁸ See <https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/>.

⁹ See <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Directiva-002-2017.pdf>.

¹⁰ See <https://www.fiscalia.gov.co/colombia/wp-content/uploads/2023-DIRECTIVA-0008-ACTUALIZA-LINEAMIENTOS-DELITOS-CONTRA-DERENSORES-DDHH.pdf>.

those responsible for ordering these killings and to include reparation schemes for the victims' families.

B. Security sector reform

32. The Truth Commission included several recommendations addressed to the State security sector with the aim of adapting its operations to a new vision of security for peace.¹¹ The Peace Agreement itself, in its chapter on security guarantees, provides for the creation of entities related to the security sector, whose purpose is to strengthen the State's capacity to provide security guarantees not only to human rights defenders and members of social or political movements, but also to the entire population.

33. As OHCHR has indicated on several occasions,¹² the comprehensive implementation of the Peace Agreement, including in relation to the security sector, will enable the State to better fulfil its international obligations to prevent human rights violations and to protect and guarantee human rights.

34. OHCHR has defined five strategic areas of work with the State, in which differential approaches from the gender and ethnic perspectives are taken into account, in order to promote the transformation of the security sector in line with the Peace Agreement and as recommended in the final report of the Truth Commission: (a) providing support and technical advice to the National Commission on Security Guarantees, created by the Peace Agreement, in the process of constructing the public policy for dismantling criminal organizations that undermine peacebuilding, including the so-called paramilitary successor groups and their support networks,¹³ and the related action plan, as well as monitoring the implementation of this policy in terms of its impact on the population's access to and genuine exercise of human rights; (b) providing technical advice to the Ministry of Defence in the construction of the Security, Defence and Citizen Coexistence Policy: Guarantees for Life and Peace 2022–2026¹⁴ and monitoring its implementation in terms of access to security guarantees, with emphasis on the protection of people of African descent and Indigenous Peoples, particularly those at risk of physical and cultural extermination; (c) providing technical assistance to the National Police in its transformation process; (d) promoting the implementation of Ministry of Defence Directive No. 13 of 2019, which establishes a mechanism for direct dialogue between the armed forces, the National Police and the Ministry of Defence, on the one hand, and OHCHR, on the other, to assess the human rights issues identified; and (e) providing technical assistance to the Congress of the Republic in drafting the amendment to the Intelligence and Counter-Intelligence Act (No. 1621).

35. OHCHR provided technical advice on international human rights norms, standards and best practices in the process of drafting the public policy for dismantling criminal organizations and criminal conducts that undermine peacebuilding, including the so-called paramilitary successor groups and their support networks, adopted in September 2023.¹⁵ As a result, this policy was oriented towards addressing the structural causes of violence by safeguarding rights. It also includes the human security approach from a human rights perspective and the gender, ethnic and differential approaches, with the aim of establishing effective guarantees of non-repetition through the presence and comprehensive action of the State. The technical assistance provided also promoted the implementation of this policy with

¹¹ Recommendations Nos. 39, 40, 40-1 to 40-8, 41, 42, 43, 44, 45, 46, 47 and 48. All the recommendations can be found at <https://www.comisiondelaverdad.co/hallazgos-y-recomendaciones/recomendaciones-if#>.

¹² A/HRC/34/3/Add.3, paras. 9 and 10; A/HRC/37/3/Add.3, para. 7; A/HRC/40/3/Add.3, paras. 3, 4 and 10; A/HRC/43/3/Add.3, paras. 1 and 5; A/HRC/46/76, para. 81 (a); A/HRC/49/19, para. 1; and A/HRC/52/25, para. 16.

¹³ See https://portalparalapaz.gov.co/wp-content/uploads/2023/10/Documento-comision-nacional-de-garantias-de-seguridad_02.pdf.

¹⁴ See <https://ddhcolombia.org.co/wp-content/uploads/2023/05/GARANTIAS-PARA-LA-VIDA-Y-LA-PAZ.pdf>.

¹⁵ See <https://portalparalapaz.gov.co/aprobada-politica-de-desmantelamiento-de-organizaciones-criminales/08/>.

a territorial approach, effective participation by the population in the regions (non-urban areas) and the strengthening of accountability.

36. OHCHR concluded a memorandum of understanding with the Peace Agreement Implementation Unit to provide technical assistance in the development of the above-mentioned public policy and in its implementation phase. As part of this assistance, OHCHR will monitor the policy's implementation with a view to evaluating its impact, from a human rights perspective, in some of the municipalities identified by the National Commission on Security Guarantees.

37. The Security, Defence and Citizen Coexistence Policy, issued in April 2023, includes a number of recommendations made by the Truth Commission, OHCHR and human rights organizations in Colombia and is aimed at contributing to the implementation of the Peace Agreement in the regions. The policy is based on the concept of human security, with the principal aim of protecting life and the environment. OHCHR welcomes the policy's human rights approach to addressing violence in the regions, with a focus on prevention and on protection of the population, which actively participates in the identification of its security needs. This policy establishes that the responsibility for security is no longer limited exclusively to the work of the security forces. It also provides for the inclusion of various State institutions linked to sectors such as health, education, housing, employment and development. Such sectoral institutions take on various responsibilities in this field and should coordinate effectively to cover all the dimensions encompassed by this new concept of security, taking into account the diverse characteristics of different population groups.

38. Despite the decrease in some indicators of violence in 2023, non-State armed groups and criminal organizations have continuously expanded their geographical reach and their social and territorial control,¹⁶ and thus continue to affect the rights of the civilian population, including ethnic-territorial and grass-roots organizations, and to jeopardize the physical and cultural survival of various peoples of African descent and Indigenous Peoples and historical organizational processes. In this regard, OHCHR considers it necessary to improve State coordination at the territorial level in the implementation of the following policies: the policy of total peace;¹⁷ the public policy for dismantling criminal organizations and criminal conducts that undermine peacebuilding, including the so-called paramilitary successor groups and their support networks; the Security, Defence and Citizen Coexistence Policy: Guarantees for Life and Peace 2022–2026; and the National Drug Policy 2023–2033.¹⁸ It is also essential to empower ethnic-territorial and grass-roots organizations as a crucial means of prioritizing the protection of the civilian population and the territory. In particular, better coordination is needed between local, regional and national authorities for the interlinkage and execution of the various policies, in order to strengthen the presence of the State in the regions.

39. The National Police has begun a process of institutional reform. One component of this process is to strengthen the inclusion of international human rights norms and standards in police doctrine and in the disciplinary system and to change ways of relating to the population in the regions, so that the observance of human rights will become routine in the everyday work of the National Police. In this regard, OHCHR has provided technical assistance by making a series of recommendations for the comprehensive and effective inclusion of relevant international human rights norms, standards and good practices in the human rights handbook of the National Police, a fundamental instrument of its operational doctrine. OHCHR provided advice on the design of the academic curriculum for the training of disciplinary judges and facilitated 16 forums for dialogue between the National Police and the population at the territorial level. At the request of the Ministry of Defence, OHCHR facilitated a forum for dialogue between civil society organizations and the National Police

¹⁶ Social control is understood to mean strategies of intimidation, harassment, pressure and extortion, among others, whereby non-State armed groups and criminal organizations exert control over the population and territories.

¹⁷ See <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=197883>.

¹⁸ See <https://www.minjusticia.gov.co/Sala-de-prensa/Documents/Pol%C3%ADtica%20Nacional%20de%20Drogas%202023-2033%20%27Sembrando%20vida,%20desterramos%20el%20narcotr%C3%A1fico%27.pdf>.

to adopt new regulations on the use of force and less lethal weapons, particularly in the context of protests, in accordance with international standards.

40. In relation to the implementation of Ministry of Defence Directive No. 13 of 2019, a committee for periodic dialogue at the national level was created for the discussion of human rights issues identified by OHCHR. Through this committee, direct dialogue has been established between OHCHR and the security forces for the purpose of identifying preventive actions to avoid the repetition of the problems identified. There are plans to expand this dialogue to the territorial level to broaden its scope and expedite the implementation of the preventive measures identified. Similarly, OHCHR, through its nine sub-offices in the country, holds regular and periodic meetings with the security forces to discuss the human rights situation in the regions and to debate possible approaches for making the protection of human rights more effective. OHCHR appreciates the security forces' openness to engaging in such a dialogue at the national and territorial levels.

41. OHCHR provided technical assistance to the Congress of the Republic in drafting the bill to amend the Intelligence and Counter-Intelligence Act. The technical assistance focused on revising the objective of intelligence work, the purpose of which should be to facilitate the full exercise of rights and the protection of the population, by including both criteria for declassifying confidential information when human rights violations may have occurred and international human rights standards in areas such as command and control and transparency and accountability, with civil society participation. This draft amendment is expected to be taken up for debate in Congress during 2024.

C. Protection of social leaders and human rights defenders

42. Levels of violence against human rights defenders remain high. In 2023, OHCHR verified that, in 105 cases involving killings of human rights defenders (87 men, 14 women and 4 LGBTQ+ persons), there was a link between the victims' deaths and their work in defending human rights. Between 1 January and 27 May 2024, OHCHR received 80 allegations of killings of human rights defenders, of which 26 were considered verified cases, 20 were under verification and 30 were inconclusive. Patterns and trends of violence remain the same as in 2023 and especially affect members of community action committees, authorities of Indigenous Peoples and of people of African descent and persons who defend territory, land and the environment. The most severely affected departments are Arauca, Cauca, Chocó, Norte de Santander, Putumayo and Valle del Cauca. In most cases, the alleged perpetrator belongs to a non-State armed group.

43. In view of this situation, in December 2023 the Constitutional Court declared an unconstitutional state of affairs by means of judgment SU-546/23.¹⁹ The Court found that there was a mismatch between the situation of risk and violence experienced by social leaders and rights defenders and the State's institutional and budgetary capacity to guarantee and protect their rights, including the right to defend rights. This ruling should be seen as a turning point and a road map for the sweeping institutional reforms that need to be made in the areas of prevention, protection and the fight against impunity.

44. One of the main orders issued by the Constitutional Court in the aforementioned ruling is the development of a comprehensive protection plan that gives coherence to the regulations, programmes and actions of the Government for human rights defenders. In this context, OHCHR provided technical assistance to the Ministry of the Interior in developing the national policy on guarantees. The Ministry of the Interior held a national forum to promote the participation of human rights organizations in the development of this policy. With support from OHCHR, among other actors, agreement was reached on an initial draft of the policy, which complies with international human rights standards. It is crucial to adopt this policy as soon as possible and to ensure that it is backed by a sufficient budget and a mechanism to evaluate its implementation, with the full participation of civil society.

¹⁹ See <https://www.corteconstitucional.gov.co/comunicados/Comunicado%2052%20-%20Diciembre%206%20de%202023.pdf>.

45. OHCHR welcomes the strategy pursued by the Ministry of the Interior to strengthen a permanent inter-institutional presence in the regions experiencing the highest rates of violence by non-State armed groups against communities, in order to restore governance. This strategy, launched so far in the Departments of Cauca, Chocó, Magdalena, Nariño and Putumayo, still needs to be strengthened with greater budgetary execution, the presence of more institutions and better coordination with territorial entities to achieve the desired impact of protecting communities. Ongoing and effective dialogue with social organizations and movements with a historical presence in the regions is also necessary. To this end, it is essential to strengthen the National Committee on Safeguards and the Regional Committees on Safeguards, as well as the sub-working groups, through the presence of public servants with decision-making capacity, more effective working methods and mechanisms to ensure compliance with the commitments undertaken.

46. At the municipal level, with the support of OHCHR, the Ministry of the Interior has promoted the inclusion of prevention and protection measures for rights defenders in municipal development plans. As first responders to the human rights situation at the local level, municipal authorities in the localities with the highest levels of violence against rights defenders should adopt and implement prevention and protection plans with sufficient budgets, training in differential approaches and actions for the recognition and non-stigmatization of leaders and should cooperate in implementing collective protection measures for organizations and groups working in their jurisdictions.

47. Municipal ombudsman's offices are a linchpin of human rights work at the municipal level. Nonetheless, in several municipalities with high levels of violence, these offices are targeted by threats and attacks, and carry out their work in very precarious conditions, with serious constraints in terms of personnel and means of transport to ensure their presence in rural areas. OHCHR welcomes the adoption of Act No. 118 of 2023, which strengthens municipal ombudsman's offices by increasing budgetary allocations to category 5 and 6 municipalities. These municipalities, with populations of fewer than 20,000 inhabitants, receive fewer resources for defending human rights even though they face major human rights challenges.

48. Since 2017, the Ombudsman's Office has issued 311 early warnings, of which 163 were imminent and 147 were structural. Under the joint project between OHCHR and the Ombudsman's Office, OHCHR provided technical assistance to the latter Office's early warning system to increase the number of follow-up reports, which are crucial for assessing whether institutions have taken action to mitigate the risk factors identified for communities in areas affected by violence resulting from disputes between non-State armed groups. Particularly noteworthy is national structural early warning No. 019-23, issued in June 2023, on the work of human rights defenders and of social and collective leaders, which identifies risks to the life and personal integrity of rights defenders and makes recommendations for overcoming this situation. However, to ensure that the warnings are effective, progress needs to be made in reforming the Intersectoral Commission for Rapid Response to Early Warnings, the mechanism responsible for the implementation of the recommendations contained in the warnings. OHCHR provided assistance to the Ministry of the Interior in revising the methodology of this Commission and adopting institutional changes to ensure its effectiveness.

49. OHCHR provided technical cooperation to the National Protection Unit in several areas, including through its participation as a permanent member of the Committee for Risk Assessment and Recommended Measures. The highest authorities of the National Protection Unit have taken important steps to fight corruption within the institution and reduce its dependence on private vehicle rental companies and companies to which it outsources the hiring of protection personnel. To make these efforts more effective, it is essential for the Attorney General's Office to make further progress in investigating corruption.

50. Some positive actions were also taken to improve the functioning of the National Protection Unit, such as the promotion of regional committees for risk assessment and recommended measures, the purchase of its own vehicles and the provision of financial support for the transportation of beneficiaries, as an alternative to rented protection vehicles. However, the institution continues to experience serious operational difficulties that undermine the fulfilment of its duty of protection. Among the most serious are: (a) the time

lag between requests for protection and the implementation of measures, which averages six months; (b) recurring mechanical issues with vehicles; (c) the inadequacy of risk assessments and protection measures in relation to the profiles and context of rights defenders, particularly in rural areas; (d) insufficient mainstreaming of ethnic, gender and territorial approaches in the measures; and (e) poor follow-up of the measures adopted by the Committee for Risk Assessment and Recommended Measures, particularly for women at risk, and of the implementation of collective protection measures.

51. The National Protection Unit has informed OHCHR that it is working on an internal re-engineering. To date, no fully inclusive process involving human rights networks has been adopted and no clear progress is known to have been made. Moreover, the Government has not fulfilled the commitments it undertook in the emergency plan for rights defenders prepared in August 2022, such as the amendment of Decree No. 1139 of 23 September 2021 on the operation of the Unit. In April 2024 OHCHR and the National Protection Unit convened a regional meeting of national protection mechanisms in Latin America to launch a process of building a new protection model focused on the concept of collective protection and differential approaches.

D. Definition and development of a public policy for a culture of peace

52. Of all the recommendations made by the Truth Commission, four specific recommendations aimed at achieving a culture of living in peace stand out. Among the entities identified for their implementation are the Ministry of Education, the Ministry of Cultures, Arts and Knowledge, the National Archives Office and the Ministry of Information and Communication Technologies.

53. OHCHR wishes to highlight several government efforts aimed at consolidating a State strategy for a culture of peace, in particular the inclusion, in the National Development Plan 2022–2026, of a line of action entitled “Culture of peace in the daily life of populations and territories”. This line of action is intended to support public policies such as social dialogue, truth and memory, as well as other government programmes. It also has the objective of “positioning the culture sector for comprehensive development and social justice, through the construction of a culture of peace and inclusion”.²⁰ Accordingly, the Culture of Peace Strategy of the Ministry of Cultures, Arts and Knowledge is a comprehensive effort to “harness the political and transformative nature of culture in caring for all forms of life and increasing understanding of long-term violence and the emergence of conflicts”.²¹

54. The National Development Plan 2022–2026 also established the need to adopt an implementation strategy for the Truth Commission’s recommendations. The national Government has thus begun to “identify the roles of entities and of the mechanism for the formulation and follow-up of national government actions in line with the report”.²² In this framework, OHCHR has supported the Peace Agreement Implementation Monitoring Unit in this task, including the initial dialogue at which different sectors of the Government were convened to identify and select recommendations to be implemented during the current Government’s term of office, taking into account the available institutional capacities, financial resources and implementation time frames.

55. OHCHR wishes to highlight the State bodies seeking to strengthen a strategy for a culture of peace, such as the National Council for Peace, Reconciliation and Coexistence, one of the objectives of which is to build a culture of reconciliation, coexistence, tolerance and non-stigmatization. In addition, educational efforts and proposals are being made by civil society to contribute to and strengthen the initiatives of different State institutions for the development of a culture of peace.

²⁰ See <https://colaboracion.dnp.gov.co/CDT/portalDNP/PND-2023/2023-05-04-bases-plan-nacional-de-inversiones-2022-2026.pdf>.

²¹ See https://www.mincultura.gov.co/plan-nacional-de-cultura-2024-2038/Documents/PLAN%20NACIONAL%20CULTURA_14-03-2024.pdf.

²² See <https://colaboracion.dnp.gov.co/CDT/Prensa/Publicaciones/plan-nacional-de-desarrollo-2022-2026-colombia-potencia-mundial-de-la-vida.pdf>.

IV. Recommendations

56. The United Nations High Commissioner for Human Rights recommends:

(a) That the State and government entities heading each of the sectors involved in the implementation of the Truth Commission's recommendations at the national level redouble their efforts in this regard and ensure that planning instruments include measures, actions and indicators conducive to the achievement of decisive progress in implementing the recommendations;

(b) That the Government promote the comprehensive and coordinated implementation of policies to dismantle criminal, drug-related and security-related organizations in the regions, as these policies are essential for achieving the necessary territorial transformation and, through the comprehensive and effective presence of the State, for overcoming the structural causes of violence by consolidating the rule of law to guarantee the population's full exercise and enjoyment of human rights;

(c) That State and government entities ensure the autonomy, independence and judicial impartiality of the Special Jurisdiction for Peace, for the full discharge of its functions, and provide it with the necessary resources for the fulfilment of its mandate;

(d) That the Special Jurisdiction for Peace ensure that its proposed sanctions take due account of the needs of victims stemming directly from the harm caused by human rights violations or abuses and breaches of international humanitarian law and that it adopt the necessary measures to strengthen the participation of victims, especially in the recently opened macro cases;

(e) That the Attorney General's Office carry out a process of analysis, evaluation and comprehensive transformation of its working methods, financial resources and personnel assigned to the investigation of killings and other violent crimes against human rights defenders, in compliance with Constitutional Court judgment SU-546/23 and with its responsibility for carrying out the policy of dismantling criminal organizations;

(f) That the Government propose a new bill to bring criminal organizations to justice and that it guarantee the rights of victims and non-repetition, including by uncovering criminal networks;

(g) That the Ministry of Defence and the National Police continue the process of reforming the National Police, ensuring that international human rights norms and standards are mainstreamed in the operational and educational doctrine of the National Police;

(h) That the Ministry of Defence ensure that the policies it develops and implements in the framework of its competencies are consistent with the international human rights obligations of the State;

(i) That the Congress of the Republic consider adopting the amendment to the Intelligence and Counter-Intelligence Act, with the full inclusion of the human rights norms and standards contained in the current draft amendments and the strengthening of civilian command in all State intelligence actions;

(j) That the Government adopt the national policy on safeguards for human rights defenders, assign it a sufficient budget and ensure that its implementation is monitored by the National Committee on Safeguards and the regional committees;

(k) That the Government promote a sweeping reform of the protection model for social leaders and human rights defenders, led by the Ministry of the Interior and with the full participation of civil society. This reform should include central aspects of the functioning of the National Protection Unit, such as the review of the methodology and instrument used in preparing risk analyses, review of analysts' profiles, skills and professional experience, strengthening of its territorial presence and adoption of a more

inclusive and comprehensive methodology for collective measures with a territorial, gender and ethnic perspective, among others;

(l) That the Ministry of Defence continue and strengthen the work of the Inter-Institutional Standing Committee to advance the investigation of deaths and other alleged human rights violations such as eye injuries and gender-based violence, including sexual violence, documented during the 2020 protests in Bogotá and the national strike in 2021;

(m) That the Attorney General's Office strengthen its capacities to ensure that investigations of deaths in the context of protests are carried out by a single prosecutor's office and that said office has the technical tools and resources necessary to carry out contextual investigations that include chain-of-command responsibility;

(n) That the Congress of the Republic consider adopting the bill to increase the budget for municipal ombudsman's offices in category 5 and 6 municipalities with high levels of violence;

(o) That the Government redouble its efforts to decisively revive the actions of the National Council for Peace, Reconciliation and Coexistence and to strengthen its coordination and interlinkage with other entities such as the Ministry of Culture, in order to promote and consolidate a strategy for building a culture of peace in the country.
