

Human Rights Defenders and Social Leaders in Colombia



OAS

More rights for more people

OEA/Ser.L/V/II.

Doc. 262

6 December 2019

Original: Spanish

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Report on the Situation of Human Rights Defenders and Social Leaders in Colombia

OAS Cataloging-in-Publication Data

Inter-American Commission on Human Rights.

Report on the situation of human rights defenders and social leaders in Colombia : approved by the Inter-American Commission on Human Rights on December 6, 2019.

v. ; cm. (OAS. Official records ; OEA/Ser.L/V/II) ISBN 978-0-8270-7001-1 1. Human rights—Colombia. 2. Human rights workers—Violence against—Colombia. I. Title. II. Series.

OEA/Ser.L/V/II. Doc.262/19

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Members

Esmeralda Arosemena de Troitiño

Joel Hernández García

Antonia Urrejola

Margarette May Macaulay

Francisco José Eguiguren Praeli

Luis Ernesto Vargas Silva*

Flávia Piovesan

Executive Secretary

Paulo Abrão

Chief of Staff of the Executive Secretariat of the IACHR

Fernanda Dos Anjos

Assistant Executive Secretary for Monitoring, Promotion and Technical Cooperation

María Claudia Pulido

Assistant Executive Secretary for the for the Case, Petition and Precautionary Measure System

Marisol Blanchard Vera

* According to Article 17.7 of the Commission's Rules of Procedure, Commissioner Luis Ernesto Vargas Silva, a national of Colombia, didn't participate in the discussion, debate, investigation or approval of this report.

Approved by the Inter-American Commission on Human Rights on December 6, 2019

TABLE OF CONTENTS

EXECUTIVE SUMMARY	9
CHAPTER 1 INTRODUCTION	15
<i>A. Purpose of the Report</i>	15
<i>B. Methodology and Structure</i>	16
CHAPTER 2 CONCEPT AND ROLE OF HUMAN RIGHTS DEFENDERS IN A DEMOCRATIC SOCIETY	21
<i>A. Definition of a Human Rights Defender</i>	21
<i>B. Human Rights Defenders and Social Leaders in Colombia</i>	22
<i>C. The Right to Defend Human Rights</i>	24
CHAPTER 3 SITUATION OF HUMAN RIGHTS DEFENDERS AND SOCIAL LEADERS IN COLOMBIA	29
<i>A. Current Context following the Negotiation and Subsequent Signing of the Final Peace Agreement with the FARC-EP</i>	29
<i>B. Groups at Particular Risk</i>	31
1. Social Leaders: Community and Campesino Leaders	32
2. Indigenous and Afro-Colombian Leaders	34
3. Women Human Rights Defenders	37
4. LGBTI Human Rights Defenders	39
5. Defenders of the Peace Agreement	41
6. Union Leaders	42
CHAPTER 4 TYPES OF VIOLENCE FACED BY HUMAN RIGHTS DEFENDERS IN COLOMBIA	47
<i>A. Murders</i>	47
<i>B. Threats</i>	54
<i>C. Attacks and Harassment</i>	58
<i>D. Stigmatization</i>	59
<i>E. Criminalization</i>	63
<i>F. Investigations into Crimes against Human Rights Defenders</i>	65

CHAPTER 5 | THE STATE'S OBLIGATIONS WITH RESPECT TO HUMAN RIGHTS DEFENDERS 73

A. *Obligation to Ensure Conditions that Enable Human Rights Defenders to Carry Out their Activities Freely* 74

B. *Duty Not to Impede the Work of Human Rights Defenders and to Overcome Obstacles in the Way* 76

C. *Obligation to Avoid and Respond to the Criminalization of Human Rights Defenders* 78

D. *Obligation to Protect Human Rights Defenders at Risk* 80

 1. Implementation of Suitable Protection Measures 83

 2. Agreement with the Beneficiary on the Measures to be Adopted 84

 3. Urgency and Flexibility 84

 4. Differentiated Approach 85

E. *Obligation to Investigate, Clarify, Prosecute, and Punish Crimes against Human Rights Defenders* 87

CHAPTER 6 | INSTITUTIONAL RESPONSE REGARDING PREVENTION AND PROTECTION MEASURES FOR HUMAN RIGHTS DEFENDERS 97

A. *Legal Framework in the Area of Prevention and Protection for Human Rights Defenders in the Context of Implementation of the Peace Agreement* 97

B. *Spaces for Dialogue and the Design of a Comprehensive Public Policy for the Protection of Human Rights Defenders and Social Leaders* 101

C. *Prevention and Protection Measures Implemented by the State* 105

 1. Early Warning System (SAT) 105

 2. National Protection Unit Programs 106

D. *Precautionary Measures Issued by the IACHR* 112

CHAPTER 7 | CONCLUSIONS AND RECOMMENDATIONS 117

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

1. This report addresses the situation of human rights defenders and social leaders in Colombia, with special emphasis on the span of time between the negotiations and subsequent signing of the Peace Agreement between the Colombian State and the Revolutionary Armed Forces of Colombia–People’s Army (Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo, FARC-EP) and the date of approval of this report. The report offers recommendations with the aim of helping the Colombian State strengthen its efforts to protect and guarantee the human rights of the country’s human rights defenders and social leaders.
2. The Inter-American Commission on Human Rights (the “IACHR” or “Commission”) has followed the situation of human rights defenders in Colombia over time. Since the beginning of the negotiations that led to the Peace Agreement, the subsequent signing of that agreement on November 24, 2016, and up until now, the Commission has received, through its various monitoring mechanisms, troubling information about increasing acts of violence against people who defend human rights in the country. In this context, and at the invitation of the Colombian State, the Commission carried out a working visit in November 2018 to verify and observe on the ground the situation of risk that this group faces.
3. During the visit, a range of different actors were in agreement that there is a serious problem of violence against human rights defenders and people in social and community leadership roles; according to records kept by civil society and international organizations, this violence has increased since the signing and implementation of the Peace Agreement. During the visit, both the State and civil society organizations recognized the need to adopt comprehensive measures to ensure the safety of human rights defenders and social and community leaders as well as the right to defend rights.
4. The Commission welcomes the measures adopted by the State to guarantee the human rights of human rights defenders. These include the adoption by the Office of the Attorney General (Fiscalía General de la Nación) of Directive No. 002 in 2017, establishing guidelines for the proper investigation and prosecution of attacks against defenders; the Office of the Attorney General’s adoption of Resolution 0-0339 in April 2018, creating a working group to support and coordinate the analysis, investigation, and prosecution of cases involving threats against human rights defenders; the agreement to reactivate the National Roundtable on Guarantees (Mesa Nacional de Garantías); and the various public pronouncements recognizing the importance of the work carried out by these groups. Nevertheless, challenges remain in terms of combatting the structural causes of the continued violence against human rights defenders, preventing future acts of violence from being committed, and investigating these crimes and punishing those responsible for them.

5. The Commission identifies social leaders, indigenous, and Afro-descendant leaders who take on leadership roles in implementing various points of the Peace Agreement—such as comprehensive rural reform and illicit-crop substitution policy—as groups of human rights defenders who face a higher level of risk. The Commission also observes that women and LGBTI human rights defenders and union leaders are also in a particularly dangerous situation.
6. In this report, the IACHR identifies the main types of violence encountered by human rights defenders in Colombia, which range from acts of harassment, stigmatization, threats, and criminalization to attacks on their lives. The Commission notes that since 2017, when Colombia recorded its lowest overall homicide rate in the last 30 years, a significant and alarming increase has been seen in the number of murders of human rights defenders and social leaders in the country. In that respect, there was a 13% increase in the number of human rights defenders killed from 2018 to 2019.¹ The IACHR also analyzes the characteristics of human rights defenders in Colombia and the forms of violence to which they have primarily been exposed, as well as possible factors involved in the commission of these crimes.
7. Threats are the most common form of aggression and seem to be closely related to the peace process. These types of attacks have a major impact on the exercise of the right to defend human rights. The distribution of pamphlets with threatening messages is the most-used method to intimidate the work of human rights defenders in Colombia. The Commission also notes that the stigmatization of human rights defenders in Colombia continues to be a problem of concern. Human rights defenders continue to be subject to stigmatizing language, by which they are accused of “fabricating victims,” “robbing the treasury,” or being “vandals,” “guerrillas,” or “terrorists,” among other allegations.
8. On another front, the IACHR observes that the criminalization of human rights defenders through the improper use of criminal law is another way in which the defenders’ work is being hampered in Colombia. Among other methods, the report points to cases involving the capture and detention of human rights defenders in rural areas with a presence of armed actors; lengthy detentions without evidence; or baseless charges in which human rights defenders are accused of belonging to armed groups. To this last point, in the report the Commission observes that there is a close relationship between how stigmatizing statements often serve as a basis for bringing criminal charges for the purpose of obstructing the work of human rights defenders and social leaders.
9. Given the situation of violence affecting human rights defenders, the IACHR is concerned about the lack of official statistics and the lack of detailed, disaggregated, and unified records of attacks against this group of people, as well as the high levels of impunity related to investigations of crimes committed against them. Impunity is a factor that increases risk for defenders, as it leaves them in a defenseless and unprotected state that encourages the repetition of these crimes. In the report, the

¹ Office of the Human Rights Ombudsman (Defensoría del Pueblo), [Informe de Seguimiento Alerta Temprana 026-18](#), August 2019, p. 16.

Commission analyzes the measures adopted by the Colombian State regarding investigations of these crimes and the progress it has made in that regard. Although the IACHR is encouraged by the progress the Office of the Attorney General has made in terms of investigative methods, it notes the importance of strengthening its capacity, given the large number of cases that remain pending, and the need to promote greater disclosure, transparency, and civil society participation in the development and adoption of these methods.

10. The report lays out the obligations of the State and the standards established in the inter-American system regarding human rights defenders, with a specific focus on the situation and problems faced by human rights defenders and social leaders in Colombia. This section was prepared based on the Basic Guidelines for Strengthening Guarantees for Human Rights Defenders, which were developed as part of a technical support effort provided to the Colombian State in 2017. In this regard, the standards established in this report derive from the precedents and recommendations issued by the Commission, whether in its reports on cases or thematic or country reports, or in resolutions related to its mechanism of precautionary measures; from the case law of the Inter-American Court of Human Rights (hereinafter the “Inter-American Court” or “I/A Court H.R.”); and from the broad framework of the principles of international human rights law.
11. The report outlines the five main international obligations of the State with respect to human rights defenders. These are: i) the obligation to ensure conditions that enable human rights defenders to carry out their activities freely; ii) the duty not to impede the work of human rights defenders and to overcome obstacles in the way; iii) the obligation to avoid and respond to the criminalization of human rights defenders; iv) the obligation to protect defenders who are at risk; and v) the obligation to investigate, clarify, prosecute, and punish crimes committed against human rights defenders.
12. The Commission reiterates that the work carried out by human rights defenders is essential for the consolidation of a democratic society and the rule of law. In Colombia specifically, human rights defenders and social leaders have performed a fundamental role in the quest for the full exercise of human rights, peace, and an end to the armed conflict. Thus, acts of violence against these groups not only affect their guarantees as persons but also undermine the role they play within Colombian society. The Commission calls on the Colombian State to foster an environment free of hostility and respectful of fundamental freedoms in a context of peace, as these are essential conditions so that those who defend human rights can do so freely. In this context, the IACHR makes a series of recommendations to the Colombian State.

CHAPTER 1
INTRODUCTION

INTRODUCTION

A. *Purpose of the Report*

13. This report examines the context in which human rights defenders and social leaders in Colombia carry out their work, particularly during the period from the signing of the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace (hereinafter the “Agreement” or “Peace Agreement”) on November 24, 2016, up until now. The report offers recommendations with the aim of helping the State of Colombia (hereinafter “Colombia”, “the State,” or “the Colombian State”) to strengthen its efforts to protect and guarantee the rights of human rights defenders and social leaders in the country, as well as with respect to measures designed to prevent actions that hamper their work.
14. This report and the working visit that preceded it are based on the information received by the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) regarding the serious situation of violence faced by human rights defenders and social leaders in Colombia. The Commission has paid particular attention to their situation since negotiations began between the Colombian State and the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP) to bring to an end to more than five decades of internal armed conflict. During this process, up until the signing of the Peace Agreement in 2016,² the Commission received compelling information on an ongoing basis about the situation of violence against human rights defenders, social and community leaders, and campesino, indigenous, and Afro-Colombian leaders, which has intensified their vulnerability.³ The information provided through the Commission’s various

² National Government of Colombia and FARC, [Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera](#), November 24, 2016.

³ IACHR, Annual Report 2016, [Chapter V, Follow-Up on Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia](#), para. 353; IACHR, Annual Report 2017, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 357; IACHR, Annual Report 2018, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 357; IACHR, Hearing, “[General Situation of Human Rights in Colombia](#),” held during the 157th period of sessions, April 5, 2016; IACHR, Hearing, “[Territory, Human Rights, and Peace-Building in the Departments of Cauca and Córdoba, Colombia](#),” held during the 158th period of sessions, June 8, 2016; IACHR, Hearing, “[Human Rights and the Peace Process in Colombia](#),” held during the 159th period of sessions, December 6, 2016; IACHR, Hearing, “[Investigation of Attacks on Human Rights Defenders in Colombia](#),” held during the 161st period of sessions, March 21, 2017; IACHR, Hearing, “[Human Rights Situation of Afro-Descendants Affected by the Armed Conflict in Colombia](#),” held during the 163rd period of sessions, July 5, 2017; IACHR, Hearing, “[Situation of Human Rights Defenders and Social Leaders in Colombia](#),” held during the 165th period of sessions, October 23, 2017; IACHR, Hearing, “[Human Rights and Follow-up to the Peace Agreement in Colombia](#),” held during the 168th period of sessions,

mechanisms points to a significant increase in acts of violence against this group of people, ranging from stigmatizing language and threats to an alarming increase in killings.⁴ In this regard, figures available from the Office of the Human Rights Ombudsman of Colombia show 697 cases from March 2016 to February 2017, and 1,334 cases from March 2018 to February 2019, which would correspond to a 52% increase in violent acts against human rights defenders in the country.⁵

15. As part of the process to implement the Peace Agreement, in 2017 the State asked the Inter-American Commission to provide technical assistance to prepare guidelines that would make it possible to identify the State's obligations regarding the protection of human rights defenders. As a result of this technical support, the Office of the Attorney General of Colombia (FGN) approved Directive 002 of 2017, "whereby the Attorney General establishes general guidelines for the investigation of crimes committed against human rights defenders in Colombia."⁶

B. Methodology and Structure

16. The Commission conducted a working visit to Colombia from November 27 to 30, 2018, to verify the situation of human rights defenders and social leaders in the country. The delegation was led by Commissioner Francisco Eguiguren, Rapporteur on Human Rights Defenders, and made up of IACHR Executive Secretary Paulo Abrão; Executive Secretariat Chief of Staff Marisol Blanchard; and technical staff from the Executive Secretariat. During the visit, the IACHR held meetings with high-level authorities from State institutions, including the Office of the Vice President, the Ministry of Foreign Affairs, the Interior Ministry, the Defense Ministry, the Justice and Law Ministry, the Office of the High Commissioner for Peace, the Office of the Senior Adviser for the Post-Conflict Setting, and the Office of the Senior Presidential Adviser for Human Rights and International Affairs. The delegation also met with members of the Office of the Human Rights Ombudsman, with the Mission to Support the Peace Process in Colombia (MAPP-OEA), and with national and municipal authorities of the National Protection Unit. It also met with the Governor of Chocó, with officials of the Chocó Regional Public Prosecutor's Office, with the Governor of Antioquia and his team, and with the Antioquia Protection Unit. In

May 9, 2018; IACHR, Hearing, "[Human Rights Situation of Indigenous Peoples in the Context of the Peace Agreement in Colombia](#)," held during the 168th period of sessions, May 10, 2018; IACHR, Hearing, "[Reports of Killings, Threats, and Forced Displacement of Defenders of Land Rights of Indigenous Peoples and Afro-descendants in Colombia](#)," held during the 169th period of sessions, October 3, 2018; IACHR, Hearing, "[Complaints of Impunity for Killings and Attacks on Human Rights Defenders in Colombia](#)," held during the 170th period of sessions, December 6, 2018; IACHR, Hearing, "[Situation of Defenders of Indigenous Rights in Colombia](#)," held during the 171st period of sessions, February 15, 2019; IACHR, Hearing, "[Implementation of Precautionary Measures with Differential and Collective Ethnic Approach in Colombia](#)," held during the 172nd period of sessions, May 9, 2019.

⁴ IACHR, Press Release No. 160/16, [IACHR Condemns the Increase in Killings of Human Rights Defenders in Colombia](#), November 2, 2016; IACHR, Press Release No. 155/18, [IACHR Condemns Murders of Human Rights Defenders and Social Leaders in Colombia](#), July 19, 2018; IACHR, Press Release No. 23/17, [IACHR Examines Progress and Challenges in the Protection of Human Rights Defenders in Colombia](#), March 6, 2017.

⁵ Office of the Human Rights Ombudsman, [Informe de Seguimiento Alerta Temprana 026-18](#), August 2019.

⁶ Office of the Attorney General of Colombia, [Directiva 002](#), November 30, 2017.

addition, as part of its activities in Bogotá, Quibdó (Chocó), and Medellín (Antioquia), the IACHR delegation met with scores of human rights defenders; social leaders and community-based, trade-union, political, indigenous, and Afro-Colombian leaders; human rights advocacy organizations; and church authorities.

17. The Commission appreciates the Colombian State's invitation to conduct the visit and its collaboration in organizing it, as well as the availability of various authorities to engage in constructive dialogue on the situation of human rights defenders in the country, and values the improved coordination of technical cooperation activities with the State.
18. This report has been prepared using the information received by the IACHR during its working visit to the country. The Commission has also systematized and analyzed other information it has received in the course of fulfilling its mandate, particularly in the context of public hearings, press releases, available annual reports, requests for information under Article 41 of the American Convention, and precautionary measures granted during the period covered by this report. The IACHR has also used information collected by international agencies, government institutions, and local, regional, or international civil society organizations, as well as news articles related to the subject of this report.
19. In addition, on April 23, 2019, the Commission requested information from the State on the progress and challenges related to the situation of human rights defenders and social leaders. On May 15, 2019, the Commission received the State's response to this request. The Commission also invited civil society organizations and interested institutions to send in any relevant information on the topic, and they had until May 21, 2019, to do so.⁷ The IACHR thanks the government of Colombia and the civil society organizations for the valuable information they provided for the preparation of this report.
20. On October 25, 2019, the IACHR forwarded a draft of this report to the State of Colombia and requested its observations, in accordance with the IACHR Rules of Procedure. On December 6, 2019, the IACHR received the information from the State, which was incorporated, as relevant, into this final version approved by the IACHR on December 17, 2019.
21. Additionally, as indicated above, to prepare the second section of this report the Commission drew on the Basic Guidelines for Strengthening Guarantees for Human Rights Defenders as a supporting document. Developed as part of the technical support provided to the Colombian State in 2017, this document establishes principles related to the protection of human rights defenders.⁸
22. In analyzing the information and putting together this report, the IACHR determined that the time frame to be covered would be from January 1, 2016, to the date of the

⁷ IACHR, Press Release No. 110/19, [IACHR Invites People to Share Information on the Human Rights Situation of Defenders and Social Leaders in Colombia](#), May 2, 2019.

⁸ At the request of the Colombian State, the Commission provided technical assistance to the Office of the Attorney General to prepare some guidelines that would help identify the State's obligations in terms of protecting human rights defenders.

report's approval, in order to examine the situation of human rights defenders and social leaders in the period immediately prior to the signing of the Peace Agreement and during its subsequent implementation.⁹

23. This report is divided into seven chapters. The introduction establishes general considerations. The second chapter establishes key concepts and definitions for the analysis of the situation of human rights defenders. The third chapter lays out the current context experienced by human rights defenders in Colombia and examines the groups most at risk. The fourth chapter identifies the main forms of violence that human rights defenders face as a consequence of their work in the country. The fifth chapter identifies established international standards in the framework of the State's obligations related to the protection of human right defenders. The sixth chapter shows the Colombian State's institutional response. Finally, in the seventh chapter the IACHR presents the report's conclusions and makes a series of recommendations to the State.

⁹ In some cases, for illustrative purposes or to provide context, this report refers to events and historical trends prior to the time period established, in order to include contextual information in the analysis.

CHAPTER 2
CONCEPT AND ROLE OF HUMAN
RIGHTS DEFENDERS IN A
DEMOCRATIC SOCIETY

CONCEPT AND ROLE OF HUMAN RIGHTS DEFENDERS IN A DEMOCRATIC SOCIETY

A. *Definition of a Human Rights Defender*

24. The Inter-American Commission has established that a human rights defender is “every person who in any way promotes or seeks the realization of human rights and fundamental freedoms, nationally or internationally.”¹⁰ This broad definition includes even professional activities or personal or social causes that are only occasionally linked to defending human rights.¹¹ It also includes justice system operators who as part of their work help to ensure access to justice, whether by representing a victim, investigating, punishing, or providing reparation for a violation of rights, or independently and impartially administering justice.¹² For the purposes of this report, the IACHR will not examine the specific situation of justice operators in Colombia.
25. This definition is consistent with what the United Nations and its Special Rapporteur on the situation of human rights defenders have stated. In that regard, the UN Special Rapporteur said that “a human rights defender is any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms, at the local, national, regional or international levels.”¹³ Defenders can be of any gender, age, or background, given that there is a consensus at the international level that the main criterion to determine whether a person is a human rights defender or not rests primarily upon the activity the person is undertaking.¹⁴ Consequently, other factors,

¹⁰ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 13; Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 12.

¹¹ Office of the United Nations High Commissioner for Human Rights, Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29, 2004, p. 7-8, which states: “Many professional activities do not involve human rights work all of the time but can have occasional links with human rights.” When such activities are conducted in a way that offers specific support to human rights, it can be said that the people doing them are acting as human rights defenders. Moreover, “[m]any people act as human rights defenders outside any professional or employment context.” What is important is to consider how these individuals are supporting human rights and, in some cases, to determine whether they are making a “special effort” to promote or protect human rights.

¹² IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 13; Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 349.

¹³ UN, Report of the Special Rapporteur on the situation of human rights defenders, A/73/215, July 23, 2018, para. 15.

¹⁴ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 21.

such as whether people are being paid for their work¹⁵ or whether or not they belong to a civil society organization, should not come into play in considering whether they are human rights defenders.¹⁶

26. For its part, the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”) has indicated that a person’s status as a human rights defender is defined by the work being carried out, regardless of whether the person is a private citizen or a public servant.¹⁷
27. Activities performed by defenders may include, among others, monitoring, dissemination of information, reporting of violations, promotion, and education on human rights.¹⁸ The rights and freedoms promoted by human rights defenders are broad and not only apply to civil and political rights but also necessarily cover economic, social, and cultural rights, in keeping with the principles of universality, indivisibility, and interdependence.¹⁹

B. Human Rights Defenders and Social Leaders in Colombia

28. In the case of Colombia, human rights defenders carry out various types of promotion and protection activities with specific characteristics. Historically, indigenous, Afro-Colombian, social, and community leaders have been a major force in promoting full respect for human rights, as well as promoting peace and an end to the armed conflict in Colombia.
29. In fact, the bodies of the inter-American human rights system have made reference to such leaders. The Court, for example, has referred in its case law to the leaders of the Juntas de Acción Comunal [Community Action Boards] as human rights

¹⁵ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 19.

¹⁶ [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 12; IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 19.

¹⁷ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 129; see also I/A Court H.R., *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, para. 122.

¹⁸ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, Series C No. 283, para. 129; see also I/A Court H.R., *Case of Valle Jaramillo et al. v. Colombia*, Merits, Reparations, and Costs, Judgment of November 27, 2008, Series C No. 192, para. 88; *Case of Kawas Fernández v. Honduras*, Merits, Reparations and Costs, Judgment of April 3, 2009, Series C No. 196 para. 147; and *Case of Fleury et al. v. Haiti*, Merits and Reparations, Judgment of November 23, 2011, Series C No. 236, para. 80.

¹⁹ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, Series C No. 283, para 129, citing I/A Court H.R., *Case of Kawas Fernández v. Honduras*, Merits, Reparations and Costs, Judgment of April 3, 2009, Series C No. 196 para. 147; OHCHR, [Human Rights Defenders: Protecting the Right to Defend Human Rights](#), Fact Sheet No. 29, 2004, p. 8; Council of the European Union, [European Union Guidelines on Human Rights Defenders](#), December 8, 2008, para. 3.

defenders.²⁰ For its part, the IACHR has recognized that in the Colombian context, there are people who are defending human rights by being leaders in their communities.²¹

30. Someone's status as a social leader or a community or campesino leader is based on the activity the person is engaged in and the recognition that he or she has in the community. These types of leadership, then, fall within the concept of what it means to be a human rights defender. The concept of human rights defender is broad and flexible in nature and is evaluated in light of the activity the person is doing to defend human rights. That is why any definition of the concept in legislation, directives, or public policy documents should be interpreted without restrictions to allow for evaluation on a case by case basis, with open-ended criteria based on the standards described here.
31. Meanwhile, in terms of the importance of the role of human rights defenders, the Commission has indicated that the work they do is fundamental for the full existence of democracy and the rule of law and is an essential pillar for the strengthening and consolidation of democracy, as defenders "exercise the necessary social oversight of public officials and democratic institutions."²² Through their activities, human rights defenders contribute to the effective elimination of violations of human rights and fundamental freedoms and to improved social, political, and economic conditions.²³ Specifically, their activities related to monitoring, denunciation, dissemination, and education activities contribute to respect for human rights by combating impunity. Therefore, human rights defenders play an irreplaceable role in building a solid and lasting democratic society.²⁴ Accordingly, when a person is kept from defending human rights, it directly affects the rest of society.²⁵
32. In the Colombian context, human rights defenders have been an essential pillar in the democratization process in the country, as through their monitoring, denunciation, outreach, and education activities they contribute to respect for human rights.²⁶ Along those lines, the IACHR has pointed to the essential role that

²⁰ I/A Court H.R., *Case of Yarce et al. v. Colombia*, Preliminary Objection, Merits, Reparations and Costs, Judgment of November 22, 2016, Series C No. 325, para. 101. Along these same lines, during his most recent visit to the country, the UN Special Rapporteur said that these types of leaders have been recognized by the United Nations as human rights defenders. UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 2.

²¹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 293.

²² IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 22; IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 24.

²³ United Nations General Assembly, [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#), March 8, 1999, Article 2.

²⁴ IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, paras. 20-26.

²⁵ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 34.

²⁶ I/A Court H.R., *Case of Valle Jaramillo et al. v. Colombia*, Merits, Reparations, and Costs, Judgment of November 27, 2008, Series C No. 192, para. 88.

human rights defenders have played and continue to play in reporting human rights violations committed during the armed conflict, as well as their valuable contributions to the process of seeking and consolidating peace in Colombia.²⁷

33. The State recognized the importance of the work carried out by human rights defenders and social leaders as an essential part of the consolidation of democracy, the full respect for the rule of law, and the pursuit of stability in Colombia. It reiterated its total commitment to protect the life and personal integrity of these groups and to provide the necessary guarantees so they can do their work. In addition, the State reiterated its commitment to the promotion and protection of human rights and to the work of the inter-American human rights system and expressed its complete willingness to continue cooperating with the Inter-American Commission on Human Rights to improve the situation of human rights defenders.²⁸

C. The Right to Defend Human Rights

34. Given the importance of the activities carried out by human rights defenders, the right to defend human rights has been recognized internationally. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereinafter the “UN Declaration on Human Rights Defenders”) establishes that “[e]veryone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”²⁹ The then Special Representative of the UN Secretary-General said that the declaration represented “a clear commitment to acknowledge, promote and protect the work and rights of human rights defenders around the world” and “a turning point in improving the protection of human rights defenders.”³⁰ Based on this acknowledgment by the UN General Assembly, the right to defend human rights has also been recognized in the regional systems of protection of human rights.³¹

²⁷ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1132; IACHR, Press Release No. 023/17, IACHR Examines Progress and Challenges in the Protection of Human Rights Defenders in Colombia, March 6, 2017.

²⁸ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 1.

²⁹ United Nations General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, March 8, 1999, Article 1.

³⁰ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 14; Economic and Social Council, Promotion and Protection of Human Rights Defenders, Report submitted by Ms. Hina Jilani, Special Representative of the Secretary-General on human rights defenders in accordance with Commission [on Human Rights] Resolution 2000/61, E/CN.2001/94, January 26, 2001, para. 2.

³¹ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 15. Europe, for example, adopted the European Union Guidelines on Human Rights Defenders, which included as part of the purpose “to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights,” Brussels, June 10, 2009. The African Union in 1999 adopted the Grand Bay Declaration and Plan of Action, recognizing the UN Declaration on

35. The inter-American system has also recognized this right. The Commission has stated that the exercise of the right to defend human rights implies the possibility of freely and effectively promoting and defending any right whose acceptance is unquestioned; the rights and freedoms contained in the Declaration on Human Rights Defenders itself; and also any “new rights or components of rights whose formulation is still a matter of debate.”³² The Commission also understands that the exercise of this right may not be subject to geographical restrictions and that it implies the possibility of freely and effectively promoting and defending any right whose acceptance is unquestioned.³³
36. The Court, for its part, has indicated that provisions in the inter-American system establish many rights whose guarantee makes the work of human rights defenders possible.³⁴ In this sense, as the Court has established, the right to defend human rights implies the exercise of various rights contained in the American Declaration of the Rights and Duties of Man and the American Convention which are interrelated, in keeping with the principles of interdependence and indivisibility,³⁵ such as the right to life, humane treatment, freedom of expression, freedom of association, right to a fair trial, and judicial protection, which taken together allow for the free exercise of activities to defend and promote human rights.³⁶
37. Similarly, the Court has recognized the right to defend human rights in establishing certain obligations that the State must meet to permit the free exercise of the right to defend human rights, such as for example ensuring the real conditions in which human rights defenders can freely carry out their work.³⁷ In that regard, the Court has pointed to specific obstacles that hamper the free exercise of this right, such as for example the fear caused by the murder of a defender in retaliation for the person’s activities, which could reduce the possibility of human rights defenders exercising their right to defend human rights by means of denunciations.³⁸ The bodies of the inter-American system have thus, through evolving interpretation, made this right part of their *corpus juris*, and it has become an essential means for the exercise of other rights.

Human Rights Defenders and the importance of the development and energizing of civil society as essential elements for creating a favorable background for human rights in Africa. Cf. [Grand Bay Declaration and Plan of Action](#), adopted at the OAU Ministerial Conference on Human Rights, held on April 12-16, 1999, in Grand Bay, Mauritius.

³² IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124 Doc. 5 rev.1, March 7, 2006, para. 16.

³³ [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 16.

³⁴ I/A Court H.R., *Case of Escaleras Mejía et al. v. Honduras*, Judgment of September 26, 2018, Serie C No. 361, para. 60.

³⁵ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 129.

³⁶ I/A Court H.R., *Case of Escaleras Mejía et al. v. Honduras*, Judgment of September 26, 2018, Serie C No. 361, para. 60.

³⁷ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, Series C No. 283, para. 142.

³⁸ I/A Court H.R., *Case of Valle Jaramillo et al. v. Colombia*, Merits, Reparations, and Costs, Judgment of November 27, 2008, Series C No. 192, para. 96.

38. On the domestic front in Colombia, the Commission notes that the right to defend human rights is embodied by the Colombian State in its legal framework. The Colombian Constitution explicitly establishes the right of every citizen to defend and disseminate human rights.³⁹ There are also various legal rules that recognize the importance of the work of human rights defenders in Colombia and call for their protection. For example, Directive No. 007 of 1999 orders public officials to refrain from questioning the legitimacy of human rights organizations and their members,⁴⁰ and Directive No. 009 of 2003 establishes Ministry of Defense policies related to the protection of the human rights of trade-union members and human rights defenders.⁴¹
39. In June 2017, by means of Directive No. 002 of the Office of the Inspector General (Procuraduría General de la Nación), the Colombian State recognized the internationally established concept of the human rights defender and established guidelines to be followed in investigating crimes committed against this group.⁴² The Commission welcomes this State initiative and calls to mind that it is only through public recognition that the State can help to legitimize the work of defenders and create a safe environment free of obstacles that hamper their ability to carry out their work.⁴³

³⁹ Article 95 of the Constitution of Colombia establishes: “The following are duties of the individual and the citizen... to defend and publicize human rights as a basis of peaceful coexistence....”

⁴⁰ Republic of Colombia, [Directiva Presidencial Número 007 de 1999](#), September 9, 1999.

⁴¹ Republic of Colombia, [Directiva Número 009 del Ministerio de Defensa Nacional](#), July 8, 2013.

⁴² Office of the Inspector General, [Directiva No. 002](#), June 14, 2017, p. 4

⁴³ IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 282.

CHAPTER 3
SITUATION OF HUMAN RIGHTS
DEFENDERS AND SOCIAL
LEADERS IN COLOMBIA

SITUATION OF HUMAN RIGHTS DEFENDERS AND SOCIAL LEADERS IN COLOMBIA

A. Current Context following the Negotiation and Subsequent Signing of the Final Peace Agreement with the FARC-EP

40. The Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, between the government of Colombia and the FARC-EP, represents a very important step to bring about peace in the country and seek to end an armed conflict that lasted for more than 50 years. The Commission welcomed this development and underscored the importance of its implementation, as peacebuilding is essential to ensure the effective exercise of human rights.⁴⁴
41. From the beginning of the negotiations until the signing of the Peace Agreement, the Commission has monitored the situation of human rights defenders and social leaders in the country, one of the groups particularly affected by the violence from the armed conflict. Human rights defenders have played an important role in the pursuit of peace and an end to the armed conflict. As indicated above, their work has been closely tied to the denunciation of human rights violations that occurred in the context of the conflict, the promotion of public policies designed to ensure greater access to justice for victims of human rights violations, and efforts to combat impunity. In addition, they have promoted and protected transparency, accountability, civil society participation, and the rule of law in Colombia.
42. In this regard, the IACHR has observed that since the signing of the Peace Agreement, violent and lethal attacks have increased steadily, particularly killings and threats against leaders and human rights defenders. Statistics both from civil society and from the Office of the United Nations High Commissioner for Human Rights (OHCHR) reflect this trend. Along these lines, the Somos Defensores program recorded a 16.42% increase in attacks from 2016 to 2017, from 481 to 560.⁴⁵ For its part, OHCHR indicated that during the same period it recorded a total of 389 attacks in 2016 and 441 in 2017.⁴⁶ The increase was exponential in 2018, which came to be

⁴⁴ IACHR, Press Release No. 122/16, [IACHR Welcomes the Signing of Agreement for the Construction of Peace in Colombia](#), August 29, 2016.

⁴⁵ Programa Somos Defensores, [Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2017, p. 26; Programa Somos Defensores, [Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD](#), 2018, p. 59.

⁴⁶ UN, [Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/37/3/Add.3, March 2, 2018, para. 8; UN, [Annual report of the United Nations High](#)

considered the most violent year for human rights defenders in Colombia,⁴⁷ with an increase of 43.7% over the previous year.⁴⁸ The upward trend continues in 2019. It concerns the IACHR that the attacks recorded just in the first quarter of 2019 show an increase of 66% over the same period in 2018.⁴⁹ The IACHR observes that the State agrees with the figures reported by OHCHR during this period.⁵⁰ This increase in violence has also been reported by Colombia's Office of the Human Rights Ombudsman.⁵¹

43. According to information received by the IACHR, the places that have generally seen the most attacks on human rights defenders and social leaders correspond to rural areas specified as the areas most affected by the armed conflict (*zonas más afectadas por el conflicto armado, ZOMAC*) and places where historically the FARC-EP have had a presence. These areas are also characterized as having little presence of the State, with limited access to basic services such as health care, education, and justice.⁵² The departments of Cauca, Antioquia, Norte de Santander, Chocó, Nariño, and Putumayo have the highest homicide rates.⁵³ The State confirmed this information in its response to the questionnaire it was sent.⁵⁴
44. The Commission observes that the trend toward increased violence against human rights defenders stems from various factors in addition to the structural problems that have affected them historically. Several sources of violence have emerged in the post-Peace Agreement context, including the presence of participants in the conflict who have refused to demobilize. There are also those who oppose any progress and results that may come from the truth, justice, and reparation mechanisms

[Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/34/3/Add. 3, March 23, 2017, para. 54.

⁴⁷ ElEspectador, [2018, el año más violento contra los líderes sociales en Colombia](#), April 23, 2019; Verdad Abierta, [2018: el año más violento para los líderes sociales en una década](#), April 23, 2019.

⁴⁸ Programa Somos Defensores, [La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2019, p. 85.

⁴⁹ Programa Somos Defensores, [Boletín Agresiones contra Personas Defensoras de Derechos Humanos en Colombia Enero – marzo 2019](#), 2019, p. 2.

⁵⁰ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019.

⁵¹ Office of the Human Rights Ombudsman, [Vigésimo Cuarto Informe del Defensor del Pueblo de Colombia al Congreso de la República](#), 2016, p. 230; Office of the Human Rights Ombudsman, [Vigésimo Quinto Informe del Defensor del Pueblo de Colombia al Congreso de la República](#), 2017, pp. 32-34. On March 30, 2017, the Office of the Human Rights Ombudsman issued Risk Report 010-17, in which it warned about the situation to which leaders and human rights defenders in 277 of the country's municipalities were said to be exposed. Office of the Human Rights Ombudsman, [Informe de Riesgo No. 010-17 A.I.](#), March 30, 2017. In November 2018, in its report on the human rights situation in Cauca, the Office of the Human Rights Ombudsman continued to register an increase in the killings of human rights defenders. Office of the Human Rights Ombudsman, [Situación de los Derechos Humanos en el Departamento de Cauca, Informe Ejecutivo](#), November 2018, p. 17.

⁵² IACHR, Press Release No. 65/18, [IACHR Urges Colombia to Adopt Urgent Measures to Protect Human Rights Defenders and Social Leaders](#), March 27, 2018; UN, [Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights](#), A/HRC/40/3/Add.3, February 4, 2019, para. 18

⁵³ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 3.

⁵⁴ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 17.

established by the Peace Agreement and resent the success it may have in ending the armed conflict in Colombia, such as the ELN and FARC dissidents.⁵⁵

45. International agencies, civil society organizations, and the Colombian State all concur that there is a serious problem of violence against human rights defenders and individuals who exercise social and community leadership, a problem that has been on the rise since the signing and implementation of the Peace Agreement. They have also identified various factors behind the risks faced by human rights defenders in Colombia. Among those factors: more intense competition for domination and control over various criminal businesses (including illegal mining); the slow stabilization of areas where the FARC was once dominant and the reorganization of armed groups in territories formerly occupied by the FARC; the unprecedented expansion of illegal crops, with all its collateral consequences; the persistent activities of illegal armed groups of various types (dissidents of the FARC, ELN, EPL, armed groups in the pay of drug traffickers, among others); and the diversification of organized-crime interests.⁵⁶
46. In its observations on the draft of this report, the State reported that for the first time in seven years, the national government has managed to break the growth trend in illegal crops and has stabilized the number of hectares under cultivation. It indicated that as a result of the national government's efforts, the goal for eradicating coca crops was exceeded, with 81,305 hectares eradicated through November 2019.⁵⁷

B. Groups at Particular Risk

47. The Commission has identified the fact that certain groups of human rights defenders in Colombia are exposed to higher risk and thus require reinforced and differentiated protection. These include: (i) social leaders; (ii) indigenous and Afro-descendant leaders; (iii) women human rights defenders; (iv) LGBTI human rights defenders; (v) defenders of the Final Peace Agreement; and (vi) members of trade unions. The Commission will next examine the situation of each of these groups in greater detail.

⁵⁵ IACHR, Annual Report 2017, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 357.

⁵⁶ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019; Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 17.

⁵⁷ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 4.

1. Social Leaders: Community and Campesino Leaders

48. During the period covered by this report, the Commission, through its various human rights monitoring and protection mechanisms, has consistently received information about the alarming level of risk faced by social leaders in Colombia.
49. According to the information the Commission has received, in Colombia the forms of social leadership vary depending on how the groups are organized or the activities they do to promote and defend human rights. Social leaders in Colombia are those who play a leadership role in social organizations, whether formal or informal, at the national, departmental, and/or local level on various human rights issues.⁵⁸
50. The IACHR observes that since the signing of the Peace Agreement, Colombia has seen a disproportionate increase in violent attacks against social leaders, particularly targeted killings. The IACHR notes that according to civil society organizations, 23.73% of the human rights defenders killed in Colombia through mid-2018 were members of Juntas de Acción Comunal.⁵⁹ The Somos Defensores Program reported that between 2016 and 2018, these leaders headed the list of human rights defenders murdered in Colombia;⁶⁰ the second most affected group consisted of other community leaders, who accounted for 20.23% of those killed.⁶¹
51. The Commission notes that the work performed by social leaders is one of the factors that make them more vulnerable. Along these lines, the Commission has observed that people who express their opposition to illegal activities, for example by supporting official illicit-crop substitution programs, or who support land restitution processes and the restoration of territorial rights by the State, are those who have been most affected by the violence.⁶² In Antioquia, for example, the IACHR received information about a large number of attacks directed against human rights defenders whose work focuses on crop substitution, protection of the environment, and land restitution.⁶³
52. The IACHR observes that the National Comprehensive Program for the Substitution of Illicit Crops (PNIS) is said to be one of the efforts that has led to increased risk for

⁵⁸ Electoral Observation Mission, [Informe de violencia en contra de líderes políticos, sociales y comunales](#), July 2018, p. 4.

⁵⁹ Comisión Colombiana de Juristas (CCJ), [¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo](#), December 16, 2018, p. 21.

⁶⁰ Programa Somos Defensores, [Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2017, p. 36; Programa Somos Defensores, [Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD](#), 2018, p. 81; Programa Somos Defensores, [La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2019, p. 92.

⁶¹ CCJ, [¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo](#), December 16, 2018, p. 21; Sputnik, [Fiscalía: líderes comunales, los más asesinados en Colombia por grupos ilegales](#), January 12, 2019;

⁶² MAPP/OAS, [Twenty-Sixth Report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia](#), p. 9.

⁶³ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

social leaders who carry out activities as part of this program.⁶⁴ During its visit, the Commission received information pointing to a pattern of violence directed against social and community leaders for supporting policies stemming from the Final Peace Agreement, such as the PNIS. In its observations on the draft version of this report, the State indicated that it was implementing a plan to strengthen security measures for PNIS leaders throughout the country. Among these actions, the State noted that it was strengthening the concentric rings of security set up by law enforcement in the PNIS regions; creating service and response plans with steps to help reduce vulnerability and risks to communities; and informing each PNIS coordinator and team about the protection plans, among other measures.⁶⁵

53. The IACHR observes that people who defend the environment or land against extractive projects are also at particular risk. That is why Colombia is considered the third most dangerous country in the world when it comes to defending the land or the environment, according to civil society organizations.⁶⁶ The Commission has become aware, through its mechanism of precautionary measures, about the particular risk faced by environmental defenders. Along these lines, on December 3, 2018, the IACHR granted precautionary measures for leaders in the Perla Amazónica Peasant Reserve Zone because it considered that they were in a serious and urgent situation, given the threats and acts of intimidation reportedly directed against them as a result of their efforts to defend the environment in a context of oil extraction activities.⁶⁷
54. The Commission cautions that attacks on social leaders have had a serious negative impact on the cohesion and continuity of social organizations, which in many cases has led to the silencing of their struggles and the forced displacement of their members.⁶⁸ In the case of community and campesino leaders, these acts of violence have led to radical agenda changes, mass resignations, and an increased lack of trust for participation in government projects.⁶⁹
55. In that regard, the IACHR reiterates that social leaders in Colombia fulfill an essential role in communities, as they act as intermediaries between the State and the community in advocating for their rights. That is why the consequences of attacks against these individuals are so important, because of the collective impact they produce, since social leaders are the main actors promoting citizen participation in their communities.⁷⁰

⁶⁴ Information received by the human rights organizations Elementa and Colectivo FB, March 21, 2019, in IACHR archives.

⁶⁵ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, pp. 4-5.

⁶⁶ Global Witness, At What Cost? Irresponsible business and the murder of land and environmental defenders in 2017, 2018, p. 21.

⁶⁷ IACHR, Resolution 87/2018, Precautionary Measure No. 204-17, Jani Silva, Hugo Miramar y Saúl Luna respecto de Colombia1 (Líderes de la Zona de Reserva Campesina Perla Amazónica), December 3, 2018.

⁶⁸ Office of the Human Rights Ombudsman, Informe de Riesgo N° 010-17 A.L., March 30, 2017, p. 19.

⁶⁹ OAS, Twenty-Fifth Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OAS), p. 12.

⁷⁰ CCJ, ¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo, December 16, 2018, p. 21.

2. Indigenous and Afro-Colombian Leaders

56. The Commission is concerned to observe that during the period being examined, the situation of indigenous and Afro-Colombian leaders has become more vulnerable.⁷¹ In that regard, the IACHR has noted that indigenous and Afro-descendant leaders in displaced communities who call for the return of their lands, or who report the presence of legal or illegal mining in their collective territories, have been victims of threats and even homicides.⁷²
57. Previously, the Commission has noted that indigenous and Afro-Colombian peoples, particularly their traditional authorities, are often victims of violence perpetrated by armed actors or groups associated with them. Added to this is the presence of mining and oil extraction activities, which in many cases has aggravated social conflicts within these territories. The Commission notes that these acts of violence seek to intimidate these communities to force them to move, in reprisal for the communities' opposition to the presence of these groups in their territories or, in general, for their efforts to reclaim their land.⁷³
58. In this regard, during its visit to the country, the Commission received information from indigenous authorities about persistent acts of violence and the imposition of rules in their territories by armed groups. They further indicated that due to this situation, 95% of all indigenous communities in Chocó are confined to their land and that the recruitment of children and adolescents by armed groups has increased.⁷⁴ During its meetings in Quibdó, the IACHR delegation was informed about the continued presence of illegal mining and illegal crops, megaprojects, and various armed actors in indigenous territories. Civil society organizations described the high homicide rates, reportedly above the national average, in some of the department's urban centers. The organizations also informed the IACHR about threats received by Afro-Colombian women, for whom "war was still ongoing" because of the continuing violence against them, child-recruitment practices, and forced displacement.⁷⁵ In its observations on the draft of this report, the State informed the IACHR that it had established at least 15 protection measures for indigenous and Afro-descendant communities in Chocó.⁷⁶

⁷¹ IACHR, Press Release No. 160/16, [IACHR Condemns the Increase in Killings of Human Rights Defenders in Colombia](#), November 2, 2016.

⁷² IACHR, Annual Report 2016, Chapter V, [Follow-Up on Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia](#), para. 247; ONIC, [ONIC denuncia amenazas y atentados constantes contra dirigentes del Consejo Regional Indígena del Huila - CRIHU](#), May 28, 2019; UN News, [ONU expresa preocupación por abusos de derechos humanos en el Chocó](#), Colombia, May 12, 2016; OHCHR Colombia, [ONU Derechos Humanos rechaza amenazas contra defensores de derechos humanos afrocolombianos en Cauca](#), April 29, 2016.

⁷³ IACHR, [Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia](#), OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 762.

⁷⁴ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

⁷⁵ Ibid.

⁷⁶ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 10.

59. For his part, the UN Special Rapporteur said that indigenous leaders are targeted for reporting acts of corruption and for defending their rights to a healthy environment, lands, and territories, which are being affected by economic interests ranging from mining and energy projects to illicit economies.⁷⁷
60. The IACHR underscores that indigenous communities in Colombia suffered a disproportionate impact from the armed conflict and that little progress has been made in addressing structural inequalities that have historically affected them.⁷⁸ In the post-Peace Agreement context, the acts of violence against indigenous leaders are taking place in the midst of complex territorial dynamics, aggravated by the presence of extractive projects and new armed actors who are trying to move into territories that were abandoned by the FARC-EP and where the State has a very limited presence.
61. Civil society organizations have indicated that of the attacks that took place from the signing of the Peace Agreement until June 2018, 40% of the leaders attacked belong to an ethnic group, 21% of African descent and 19% indigenous, and they represent 43% of the leaders killed.⁷⁹ Along the same lines, during the Commission's 171st period of sessions, civil society organizations reported that in 2018, 43% of the human rights defenders who were killed had been members of indigenous or Afro-descendant peoples.⁸⁰
62. In terms of indigenous leaders, civil society organizations have indicated that from the signing of the Peace Agreement until June 2018, there have been 31 murders of indigenous leaders, including governing members of indigenous reserves, spiritual authorities, educators, and others, with the largest number of murders in the department of Cauca.⁸¹ For its part, OHCHR reported that in 2018 it knew of 18 cases of killings of defenders who belonged to indigenous communities.⁸²
63. The State, for its part, indicated that from January 1, 2016, to September 18, 2018, there had been 27 identified cases of indigenous leaders who had been killed, based on figures provided by OHCHR.⁸³ It also indicated that of all the cases of reported killings until 2019, 38 of the victims were indigenous leaders. It reported that the Office of the Attorney General has solved 21 of these cases and that these have

⁷⁷ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 20.

⁷⁸ Ibid. p. 20.

⁷⁹ CODHES, *Informe Especial sobre la Violación masiva del derecho a la Vida y la Integridad de Líderes y Líderesas que desde sus comunidades y procesos promueven y defienden los derechos humanos*, November 2018, p. 10

⁸⁰ IACHR, [Situation of Defenders of Indigenous Rights in Colombia](#) (video), February 15, 2019

⁸¹ CCJ, [¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo](#), December 16, 2018, p. 22.

⁸² UN, [Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights, A/HRC/40/3/Add.3](#), February 4, 2019, para. 15.

⁸³ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights' Annual Report 2018, p. 97.

resulted in four judgments, six cases in trial, seven with charges pending, and four with active inquiries.⁸⁴

64. In its observations on the draft of this report, the State indicated that the National Protection Unit (UNP) has a collective-protection plan, a mechanism that allows for processes to be put in place to protect the rights to life, integrity, freedom, and personal security of ethnic communities and groups by establishing general guidelines to analyze the level of risk and to work with the communities to develop protection measures. Along these lines, the UNP is reportedly providing protection measures to 836 indigenous authorities and has served 92 indigenous communities. In addition, the State pointed to Inter-Administrative Agreement UNP-ACIN 2018, by which the UNP and the Association of Indigenous Councils of Northern Cauca are working hand in hand to develop the respective protection plan, with a view to ensuring implementation of the precautionary measures granted by the IACHR in 2011.⁸⁵
65. As to the situation of leaders of African descent, Afro-Colombian communities are subject to a more vulnerable situation because of existing structural problems as well as ongoing institutional and social discrimination and longstanding exclusion.⁸⁶ Civil society organizations report that from the signing of the Peace Agreement until June 2018, 24 leaders of Afro-Colombian communities or organizations were killed, including leaders of community councils, with the largest number of these attacks concentrated in the department of Chocó.⁸⁷ For its part, OHCHR knew of 12 killings of Afro-Colombian leaders.⁸⁸ In this regard, the State reported that the Office of the Attorney General was investigating seven cases in which leaders of this population were killed, noting that a judgment has already been handed down in one of these cases.⁸⁹
66. In its observations on the draft of this report, the State indicated that in the context of its collective-protection plan, 22 groups of Afro-Colombians, Raizales, or Palenqueros had gone to the Committee on Risk Assessment and Recommendation of Measures (CERREM) and had measures in place as of October 2019. Another 13 collectives were reportedly undergoing risk assessments or were in the process of having protection measures implemented.⁹⁰
67. The IACHR cautions that the murders of indigenous and Afro-descendant leaders not only seriously affect the cultural integrity of their peoples but also break down the sense of community that binds them together in their struggle to defend their

⁸⁴ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 26.

⁸⁵ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, pp. 4-6.

⁸⁶ IACHR, *Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia*, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 615.

⁸⁷ CCJ, *¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo*, December 16, 2018, p. 22.

⁸⁸ UN, *Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights*, A/HRC/40/3/Add.3, February 4, 2019, para. 15.

⁸⁹ Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 26.

⁹⁰ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 9.

human rights.⁹¹ As for the consequences these attacks have had on these communities, the Human Rights Ombudsman indicated that codes of silence have been established in some areas as the only method of self-protection, because to file complaints would result in greater risk.⁹² In the case of indigenous communities, the attacks on their authorities and leaders have an impact that goes beyond the immediate victim and affects the peoples and communities themselves, given the important functions these authorities and leaders serve and their central role in defending and preserving their ancestral culture.⁹³ Consequently, the death of an indigenous leader or an Afro-descendant leader has a direct impact on the collective rights of the organizations they represent, putting them in a more defenseless and vulnerable situation.⁹⁴

3. Women Human Rights Defenders

68. In the context of violence against human rights defenders in Colombia, women defenders and leaders face differentiated risks and disproportionate effects based on gender; these are exacerbated depending on the rights or causes they are defending, their sexual orientation or gender identity, their ethnic origin, and where they are in the country.
69. The dangers, threats, harassment, and violence that women in Colombia and their families face have been a subject of continued monitoring by the IACHR. Along those lines, the Commission has received information indicating that murders, torture, sexual violence, and threats against women community leaders and human rights defenders have increased in recent years.⁹⁵ The Office of the Human Rights Ombudsman has also sounded the alarm about the specific risks experienced by women human rights defenders in Colombia. According to its records, 23 women human rights defenders were killed from January 1, 2017, through February 27, 2018, and the number of threats increased, to a total of 142 cases.⁹⁶ For its part, the State informed the Commission that according to OHCHR figures, the number of women leaders and human rights defenders who were killed went down in 2018; there were 9 such homicides reported, down from 15 in 2017. The State indicated that two women human rights defenders had been killed in January 2019.⁹⁷
70. The Commission notes that many of the acts of violence committed against women human rights defenders have an undeniable gender dimension. The violence against them has been exacerbated not only in terms of the number of violent acts but also

⁹¹ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 298.

⁹² Office of the Human Rights Ombudsman, Alerta Temprana No. 026-18, February 28, 2018, p. 58.

⁹³ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 769.

⁹⁴ IACHR, Annual Report 2018, Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia, para. 204.

⁹⁵ *Ibid.*, para. 225.

⁹⁶ Office of the Human Rights Ombudsman, Alerta Temprana No. 026-18, February 28, 2018, p. 53.

⁹⁷ Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 27.

in the qualitative sense, due to the double implication of such acts; the attackers intend to make them examples both because they are women and because they carry out activities to promote or defend human rights.⁹⁸ Civil society organizations have identified two patterns of differentiated attacks. In the case of attacks on men, the objective seems to have them disappear, and so men are more often victims of homicide and forced disappearance. In the case of attacks on women, on the other hand, the objective seems to be to punish them, and so there is more use of torture and sexual violence and more attacks directed against their families.⁹⁹ In this sense, according to information received by the IACHR, the largest number of attacks against women human rights defenders are individual threats, collective threats, and homicides, including the murder of family members, often carried out as a form of punishment and intimidation due to the women's leadership.¹⁰⁰

71. The Commission notes that, unlike the threats made against men, threatening messages directed toward women include sexist language, such as allusions to their bodies or sexual insinuations. Such threats, made through direct attacks on them as women, reportedly have the ultimate goal of hampering their active participation in representing social and community interests.¹⁰¹ In 2017, the Office of the Human Rights Ombudsman issued 28 alerts that included sexual violence as one of the types of attacks being warned against, aimed either toward the woman defender directly or toward a member of her family.¹⁰²
72. During its visit, the IACHR was told that more—and more serious—signs of violence are increasingly being reported as a factor pointing to contempt toward female defenders simply for being women. According to the Somos Defensores program, murders of women human rights defenders reflect a high level of violence, including sexual violence.¹⁰³ It has also been observed that the majority of the killings have been committed in municipalities with a high level of gender-based violence.¹⁰⁴ Another constant identified in the killings of women leaders is that they first go missing; this is apparently a way to increase the trauma to the woman and her family.¹⁰⁵
73. The number of attacks also varies depending on the type of activity or human rights work they are doing. In 2017, it was reported that the women leaders most affected were those who participate in victim forums or associations of displaced women and those whose work centers on women victims of human rights violations. There

⁹⁸ Constitutional Court, *Auto 92/2008*, April 14, 2008, Sec. II.2.

⁹⁹ CODHES, *Informe Especial sobre la Violación masiva del derecho a la Vida y la Integridad de Líderes y Líderesas que desde sus comunidades y procesos promueven y defienden los derechos humanos*, November 2018, p. 12.

¹⁰⁰ Information received from the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), May 21, 2019, in IACHR archives.

¹⁰¹ Ibid.

¹⁰² Office of the Human Rights Ombudsman, *Alerta Temprana No. 026-18*, February 28, 2018, pp. 55 and 56.

¹⁰³ Programa Somos Defensores, *Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD*, 2018, p. 60.

¹⁰⁴ UN, *Situation of human rights in Colombia*, Report of the United Nations High Commissioner for Human Rights, A/HRC/40/3/Add.3, February 4, 2019, para. 23.

¹⁰⁵ Information received from the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), May 21, 2019, in IACHR archives.

were also a number of cases involving attacks on women who chaired Juntas de Acción Comunal or who served as leaders in rural and urban areas. A significant number of these women exercised leadership within particular ethnic groups.¹⁰⁶ In 2018, 24% of the attacks against women leaders were directed against members of ethnically different populations.¹⁰⁷ In terms of the investigations into such cases, during its visit the IACHR was informed that there is a failure to delve deeper into the investigations for reasons based on gender.¹⁰⁸

74. In addition to violating the right to defend human rights, the violence committed against women human rights defenders in Colombia comes with other types of consequences that have a differentiated impact on them. For example, as a result of these acts of violence, women human rights defenders have had to separate themselves from their immediate families, their communities, and their leadership and political activism.¹⁰⁹
75. In its observations on the draft of this report, the State referred to the existence of the Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders, as well as the implementation of the “Specific Protocol with a Gender and Women’s Rights Approach” to determine the protection measures granted by the UNP.¹¹⁰

4. LGBTI Human Rights Defenders

76. The Commission has pointed out that those who defend the rights of lesbian, gay, bisexual, trans, and intersex persons (LGTBI) play an important role in exercising public oversight to ensure compliance with the States’ obligations regarding the rights to privacy, equality, and non-discrimination and, in general, in building a global human rights agenda that respects and guarantees the rights of this population.¹¹¹
77. In Colombia, LGBTI human rights defenders have constantly been victims of violence and structural discrimination in the context of the armed conflict. During its visit, the Commission was informed about the heightened risk faced by LGBTI human rights defenders, with a significant increase in the number of killings and threats. Civil society organizations noted that this is due to the double risk they face, based both on their efforts to defend people who have historically been

¹⁰⁶ Office of the Human Rights Ombudsman, [Alerta Temprana No. 026-18](#), February 28, 2018, pp. 55 and 56; OAS, [Twenty-Sixth Report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia](#), p. 9.

¹⁰⁷ Information received from the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), May 21, 2019, in IACHR archives.

¹⁰⁸ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

¹⁰⁹ Information received from Corporación Sisma Mujer in November 2018, in IACHR archives.

¹¹⁰ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, pp. 10-11.

¹¹¹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 325.

discriminated against and on prejudice against their sexual orientation or gender identity, as well as the lack of differentiated prevention and protection measures and guarantees to defend the rights of this population.¹¹²

78. In terms of attacks against this group, the Office of the Human Rights Ombudsman indicated that between January 2017 and February 2018, it knew of three cases in which individuals of diverse sexual orientation or gender identity were killed, nine cases involving threats, and one case in which family members were attacked.¹¹³ According to civil society, 44 LGBT persons were killed between 2007 and 2017, including individuals who advocate for the rights of this population and LGBT persons who work as leaders of victims' groups or serve as community, union, or political leaders. They believe that at least 34 of these murders were motivated by the person's sexual orientation or gender identity.¹¹⁴
79. Moreover, LGBTI human rights defenders are constant victims of threats, which include pejorative allusions to their sexual orientation or gender identity.¹¹⁵ The UN Special Rapporteur said that in 2017, LGBTI defenders were identified in threats as immoral and harmful to society.¹¹⁶ In that respect, armed groups have sent threatening pamphlets alluding to a so-called "social cleansing" which would apparently target, among others, the LGBTI population.¹¹⁷
80. Meanwhile, the Commission received information regarding the ineffectiveness of the protection measures provided to LGBTI human rights defenders.¹¹⁸ In that regard, civil society organizations stated that the double risk that LGBT persons face is exacerbated by the lack of protection from the State. They said that some victims who have protection measures in place continue to be threatened. They also indicated that the protection programs and measures that exist do not include a differentiated approach that identifies the specific risks faced by LGBTI human rights defenders and that ensures that they can do their work, which includes fighting gender stereotypes.¹¹⁹ In addition, while one of the positive aspects of the Final Peace Agreement for this population was to establish measures that could help reduce stigmatization and encourage differentiated approaches, members of civil society reported that there has hardly been any development of these measures by the State.¹²⁰ In its observations on the draft of this report, the State indicated that it is carrying out different types of training for UNP staff and collaborators on issues related to serving and protecting the rights of the LGBTI community. In addition, the

¹¹² IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

¹¹³ Office of the Human Rights Ombudsman, [Alerta Temprana No. 026-18](#), February 28, 2018, p. 43.

¹¹⁴ Information received from the organization Colombia Diversa, May 21, 2019, in IACHR archives.

¹¹⁵ Office of the Human Rights Ombudsman, [Alerta Temprana No. 026-18](#), February 28, 2018, p. 55.

¹¹⁶ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement, p. 25.](#)

¹¹⁷ Programa Somos Defensores, [Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2017, p. 46.

¹¹⁸ IACHR, Public Hearing, [Investigations of Serious Human Rights Violations and Implementation of the Peace Agreement in Colombia](#), October 23, 2017.

¹¹⁹ Information received from the organization Colombia Diversa, November 2018, in IACHR archives.

¹²⁰ Information received from the organization Colombia Diversa, May 21, 2019, in IACHR archives.

UNP is reportedly implementing processes to transform its organizational culture and has a Subcommittee on Gender.¹²¹

81. The Commission cautions that the acts of violence committed against this population have had a clear impact on their ability to defend their rights. In some municipalities where threats have been made against LGBTI persons, these threats have led to the disintegration of social spaces where members of the LGBTI community could have a visible presence and participate in political, social, and cultural life. In other cases, these aggressions have forced those threatened to move away and abandon their group activities.¹²²

5. Defenders of the Peace Agreement

82. The Commission has pointed to the essential role that human rights defenders have played and continue to play in the process of seeking and consolidating peace in Colombia.¹²³ The IACHR observes that a strong commitment to peace has emerged at the local level, and human rights defenders and leaders have become fundamental to the implementation of the Peace Agreement. However, the Commission is concerned to observe that many of the leaders who have been killed or have been victims of violence were actively involved in implementing the Agreement.¹²⁴
83. In this regard, civil society organizations noted that in a number of cases, those killed had taken on leadership roles in the implementation of points related to comprehensive rural reform, political participation, and policy on illicit crops.¹²⁵ For its part, OHCHR noted that according to information gathered on possible motives for the murders of human rights defenders, one of the motives identified was support for the implementation of the Peace Agreement, specifically illicit-crop substitution activities promoted by the State.¹²⁶
84. Along the same lines, the Human Rights Ombudsman indicated that social leaders and human rights defenders have been standard-bearers in the implementation of the Peace Agreement, which has made them more visible to violent sectors opposed to the peace agenda.¹²⁷ In Early Warning 26-18, the Ombudsman noted that the advocacy agendas promoted by leaders who were victims of homicides shared certain features, such as their defense of the implementation at the territorial level

¹²¹ Republic of Colombia, Note S-GA/ID-19-049327 of December 5, 2019, pp. 4-5.

¹²² Ibid.

¹²³ IACHR, *Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia*, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 75.

¹²⁴ IACHR, Press Release No. 65/18, *IACHR Urges Colombia to Adopt Urgent Measures to Protect Human Rights Defenders and Social Leaders*, March 27, 2018.

¹²⁵ CCJ, *Panorama de violaciones al derecho a la vida, libertad e integridad de líderes sociales y defensores de derechos humanos en 2016 y en el primer semestre de 2017*, October 2017, p. 48.

¹²⁶ UN, *Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights*, A/HRC/40/3/Add.3, February 4, 2019, para. 21.

¹²⁷ Office of the Human Rights Ombudsman, *Vigésimo Quinto Informe del Defensor del Pueblo de Colombia al Congreso de la República*, 2017, p. 21.

of the Final Peace Agreement, particularly as it relates to illicit-crop substitution and the formulation of Territorially Focused Development Plans (PDETs).¹²⁸

85. The Commission has received a range of information in this regard. For example, an association of coca, poppy, and marijuana growers, the Coordinadora Nacional de Cultivadores de Coca, Amapola y Marihuana (COCCAM), reported that from 2017 to July 2018, 36 leaders of voluntary coca eradication efforts had been killed; they had been promoting efforts to substitute illicit crops, in keeping with the National Comprehensive Program for the Substitution of Illicit Crops.¹²⁹
86. In addition, people who defend the rights of victims of the armed conflict have also been targets of violence. The Commission is aware that 12 activists who advocate for victims' rights have been killed, including members of an association of victims for collective reparation.¹³⁰ In that regard, the UN Special Rapporteur on the situation of human rights defenders expressed concern at the heightened risk faced by individuals who denounce violations and seek justice for victims of the armed conflict.¹³¹
87. The Commission has also learned about the risk faced by those who participate in the National Committee of Victims (Mesa Nacional de Víctimas). Members of that group are reportedly being targeted for harassment and threats, which could be related to their advocacy for land restitution for victims or to their support for the peace process.¹³² The Human Rights Ombudsman indicated that the women human rights defenders who were threatened in 2017 included members of the Victims' Roundtable.¹³³

6. Union Leaders

88. The violence directed against leaders of trade unions in Colombia is a situation the Commission has been monitoring closely.¹³⁴ Trade unions historically have been subject to serious violations of their rights in the context of the armed conflict. That is in large measure because they are a point of convergence for denouncing human rights violations committed by sectors of both the State and private business.¹³⁵

¹²⁸ Office of the Human Rights Ombudsman, *Alerta Temprana No. 026-18*, February 28, 2018, p. 44.

¹²⁹ CCJ, *¿Cuáles son los patronos? Asesinatos de Líderes Sociales en el Post Acuerdo*, December 16, 2018, p. 31.

¹³⁰ *Ibid.*, p. 27.

¹³¹ UN, *United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement*, p. 28.

¹³² RCN, *Integrante de la Mesa de Víctimas en Risaralda recibió nuevas amenazas*, July 17, 2018; La Razón, *Líderes de la Mesa 77 Víctimas denuncian amenazas por apoyo al proceso de paz*, undated.

¹³³ Office of the Human Rights Ombudsman, *Alerta Temprana No. 026-18*, February 28, 2018, p. 53.

¹³⁴ IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 264.

¹³⁵ IACHR, *Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia*, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1157.

89. The Commission cautions that the exercise of union activity continues to carry high risk despite the signing of the Peace Agreement, especially given the persistence of armed groups, continued impunity, and the lack of protection for trade unionists. Although the Commission observes that during the period being analyzed for this report there has been a steady decrease in anti-union violence, attacks on this group continue to take place in alarming numbers.
90. According to the Escuela Nacional Sindical (National Union School), in 2018 a total of 194 attacks were reported against unionists, disaggregated into 28 homicides, 146 threats, 7 attempted killings, and 13 other types of violence.¹³⁶ It indicated that between 2016 and 2018, a total of 66 union members were murdered, 44 of whom were social leaders and activists.¹³⁷ In its observations on the draft of this report, the State reported a reduction in cases involving homicides of unionists; from 2001 to 2018, the number dropped by 86.3%, from 205 cases in 2001 to 28 cases in 2018.¹³⁸
91. Threats are the most common form of violence against trade union leaders in Colombia, followed by acts of harassment. In 2018, many of the threats were directed against unionists and unions that advocate for labor rights, peace, and territorial rights, as well as for land restitution.¹³⁹ Additionally, civil society organizations indicated to the IACHR that there is a 90% impunity rate for crimes committed against unionists.¹⁴⁰
92. In its observations on the draft of this report, the State indicated that the Office of the Attorney General designed a strategy to advance the investigations of crimes against unionists and set up a committee to monitor crimes against this group, headed by the Office of the Deputy Attorney General. It indicated that as of September 2019, a total of 1,714 cases involving crimes against unionists had been received and 867 of those are procedurally active, of which 779 are for the crime of homicide. Of these 867 cases, 374 are reportedly in the preliminary inquiry stage, 441 in pretrial proceedings, and 52 in the trial stage. The State indicated that the Office of the Attorney General reports 205 homicides of unionists in the period from 2011 to June 2019, and there has been progress in solving 44.39% of these cases.¹⁴¹
93. In addition, in its observations on the draft of this report, the State recognized the importance of the work of unionists and indicated that the UNP is protecting 142 union leaders or activists, assigning them protection measures such as means of communication, bulletproof vests, or armored vehicles, among other things.

¹³⁶ Information received from the Escuela Nacional Sindical during the working visit, November 2018, in IACHR archives.

¹³⁷ Information received from the Escuela Nacional Sindical, May 21, 2019, in IACHR archives.

¹³⁸ Republic of Colombia, Note S-GA/ID-19-049327 of December 5, 2019, p. 13.

¹³⁹ Information received from the Escuela Nacional Sindical during the working visit, November 2018, in IACHR archives.

¹⁴⁰ Information received from the Escuela Nacional Sindical, May 21, 2019, in IACHR archives.

¹⁴¹ Republic of Colombia, Note S-GA/ID-19-049327 of December 5, 2019, pp. 13-14.

94. The IACHR calls to mind that union leaders play a key role in defending human rights and are the political voice through which organized labor articulates its labor-related and social demands. Violations of a union leader’s right to life and physical integrity can have an intimidating effect on other members of this social movement, which can diminish the exercise of the right to freedom of association.¹⁴²

¹⁴² IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, paras. 257 and 258.

CHAPTER 4
TYPES OF VIOLENCE FACED BY
HUMAN RIGHTS DEFENDERS IN
COLOMBIA

TYPES OF VIOLENCE FACED BY HUMAN RIGHTS DEFENDERS IN COLOMBIA

95. This chapter analyzes the most common types of violence faced by human rights defenders in Colombia, which include murders, threats, and attacks. The IACHR observes that the violence against this group is complex and thus cannot be attributed to a single cause but rather to the sum of many factors and structural causes that require a detailed analysis and understanding to be able to provide an appropriate response in terms of prevention and protection.¹⁴³
96. For its part, in its observations on the draft of this report, the State pointed to the following as the main sources of risk to these groups: more intense competition for dominion and control over various criminal economies (including illegal mining); the slow stabilization of areas where FARC guerrilla fighters had held influence; the persistent activity of various types of illegal armed groups (dissidents of the FARC, ELN, EPL, armed groups in the pay of drug traffickers, among others); and the diversification of organized-crime interests.¹⁴⁴

A. Murders

97. The IACHR observes as a positive development that the homicide rate in Colombia has gone down since the signing of the Peace Agreement, and 2017 saw the lowest homicide rate in 30 years.¹⁴⁵ At the same time, the Commission is concerned to observe that homicides against human rights defenders went up during this same period. In 2017 and 2018, there was a disturbing increase in the number of murders of human rights defenders and social leaders in Colombia.¹⁴⁶
98. On that point, the Commission observes that these murders increased exponentially in 2018 compared with 2016 and 2017, when the numbers were already troubling. Figures from the Somos Defensores Program show a total of 155 killings, the largest

¹⁴³ In that regard, the Office of the Human Rights Ombudsman has pointed to, among other things, the lingering confrontation with other armed actors and the expanding dynamics of violence that have had an impact primarily on individuals and organizations that advocate for the rights of territory and natural resources, victims' rights, and land restitution, as well as those who seek to strengthen community agendas and the implementation of the Peace Agreements at the territorial level. Office of the Human Rights Ombudsman, *Vigésimo Cuarto Informe del Defensor del Pueblo de Colombia al Congreso de la República*, 2016, pp. 81- 82.

¹⁴⁴ Republic of Colombia, Note S-GA/ID-19-049327 of December 5, 2019, p. 14.

¹⁴⁵ *El Colombiano*, *Tasa de homicidios en Colombia en 2017 es la más baja en 30 años*, December 26, 2017; *El Espectador*, *Homicidios en Colombia: la tasa más baja en los últimos 42 años se dio en 2017*, January 21, 2017.

¹⁴⁶ IACHR, Press Release No. 160/16, *IACHR Condemns the Increase in Killings of Human Rights Defenders in Colombia*, November 2, 2016.

number recorded since the creation of the Information System on Attacks against Human Rights Defenders (SIADDHH).¹⁴⁷ For its part, OHCHR recorded a total of 110 killings¹⁴⁸ that same year, while the Office of the Human Rights Ombudsman indicated that it knew of 164 social leaders and human rights defenders who had been killed.¹⁴⁹ The increase in killings has been sustained; by comparison, in 2016 and 2017 there were 80 and 106 cases, respectively, according to figures from civil society.¹⁵⁰

99. With respect to 2019, the Commission observes that the number of homicides of human rights defenders has been decreasing. Civil society organizations reported a 23% decrease in such killings in the first half of 2019.¹⁵¹ For its part, in its observations on the draft of this report, the State reported a decrease of 39% compared with 2018.¹⁵²
100. Despite this positive development, the Commission observes that the number of killings of human rights defenders continues to be very troubling. During the first week of 2019, the Commission learned that six human rights defenders had been murdered.¹⁵³ In that regard, the IACHR and OHCHR stated, in the context of the Joint Action Mechanism to contribute to the protection of human rights defenders, that 63 human rights defenders in Colombia were known to have been murdered in 2019, as of early November.¹⁵⁴ For its part, the State, in its observations on the draft of this report, indicated that it knew of 64 cases of human rights defenders killed in 2019.¹⁵⁵ The Human Rights Ombudsman reported that 25 social leaders had been killed during the first four months of 2019.¹⁵⁶ For its part, the Instituto para el Desarrollo y la Paz (INDEPAZ) recorded 80 murders in the first quarter.¹⁵⁷
101. Meanwhile, the State indicated that it does not have a unified database system that would report consolidated statistics on the number of human rights defenders who

¹⁴⁷ Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 47.

¹⁴⁸ UN, Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights, A/HRC/40/3/Add.3, February 4, 2019, para. 15.

¹⁴⁹ Office of the Human Rights Ombudsman, En 2018 han sido asesinados 164 líderes sociales y defensores de derechos humanos, December 13, 2018.

¹⁵⁰ Programa Somos Defensores, Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2017, p. 26; Programa Somos Defensores, Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD, 2018, p. 61.

¹⁵¹ Programa Somos Defensores, Defensores, ¿El juego final? Informe semestral enero-junio 2019, October 2019, p. 90.

¹⁵² Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 2.

¹⁵³ Front Line Defenders, Seis defensores de derechos humanos asesinados en la primera semana de 2019, January 10, 2019; El Espectador, Van 6 líderes asesinados en primeros siete días de 2019, January 7, 2019.

¹⁵⁴ IACHR, Press Release No. 288/19, IACHR and UN Human Rights Presences Once Again Call for the Creation of a Safe, Favorable Environment for Human Rights Defenders in the Americas, November 7, 2019.

¹⁵⁵ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 41.

¹⁵⁶ Office of the Human Rights Ombudsman, “Líderes y lideresas comunales, acá estamos para la garantía de sus derechos humanos”: Defensor del Pueblo, April 30, 2019.

¹⁵⁷ INDEPAZ, Informe parcial, July 26, 2019, p. 1.

have been killed.¹⁵⁸ However, it said that it uses the figures issued by OHCHR as official figures because it believes these are the most balanced among the different statistics available.¹⁵⁹ Along these lines, the State reported that it knew of 61 killings of human rights defenders in 2016; 84 cases in 2017; 113 in 2018; and during the period from January to March 2019, it knew of 14 defenders who had been killed.¹⁶⁰ In its observations on this report, the State indicated that OHCHR statistics show a total of 323 homicides from 2016 to November 2019.¹⁶¹

102. The IACHR points out that while there is no exact figure on the number of human rights defenders and social leaders who have been murdered, the State, international organizations, and Colombian civil society all concur that between 2016 and 2018 there was an alarming increase in the killings of leaders and defenders compared with the years prior to the signing of the Peace Agreement, with a downward trend seen in 2019.
103. With respect to who is responsible for the killings, in observations it made to the IACHR Annual Report 2018, the State indicated that according to the Office of the Attorney General, the main perpetrators are, by order of responsibility, individuals, local criminal organizations, the Gulf Clan, and FARC and ELN dissidents.¹⁶²
104. Various reports produced by civil society organizations point out the difficulty of identifying those allegedly responsible for these crimes. However, many concur in identifying the presence of illegal armed groups as the main source of violence.¹⁶³ In 2016, civil society organizations indicated that these groups were presumed to be responsible in more than 60% of the cases.¹⁶⁴ However, in 2017 and 2018 there was reportedly an increase in the involvement of unknown individuals or hitmen said to be part of some criminal organization, making it difficult to identify the masterminds.¹⁶⁵ Meanwhile, OHCHR indicated that for cases recorded in 2018,

¹⁵⁸ Government of Colombia, Ministry of the Interior, Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Community Leaders, and Journalists, November 18, 2018, p. 7.

¹⁵⁹ In its observations on the draft of this report, the State reiterated that it uses OHCHR statistics as supporting information on the progress made in the protection of human rights defenders. Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019; Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 39.

¹⁶⁰ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, pp. 1-8.

¹⁶¹ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 2.

¹⁶² IACHR, Annual Report 2018, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 22; Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 3.

¹⁶³ Front Line Defenders, [Stop the Killings](#), 2018, p. 18; Observatory for the Protection of Human Rights Defenders, [Colombia, no hay paz para las personas defensoras de derechos humanos](#), May 2018, p. 18; Marcha Patriótica, [Informe especial de Derechos Humanos. Situación de lideresas y líderes sociales, de defensoras y defensores de derechos humanos y de excombatientes de las Farc-EP y sus familiares](#), June 2018, p. 19.

¹⁶⁴ Programa Somos Defensores, [Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2017, p. 53; UN, [Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/34/3/Add. 3, March 23, 2017, para. 56.

¹⁶⁵ Programa Somos Defensores, [Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD](#), 2018, p. 83; UN, [Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/37/3/Add.3, March 2, 2018, para. 12; Programa Somos Defensores, [La naranja mecánica: informe](#)

those responsible for these murders were mostly members of criminal groups who potentially included former members of demobilized paramilitary organizations (40%), individuals not affiliated with any criminal or illegal armed group (18%), members of the ELN (8%), members of the People's Liberation Army, or EPL (4%), former FARC-EP members who did not adhere to the peace process (8%), members of the security forces (5%), and unknown persons (17%).¹⁶⁶

105. In its observations on the draft of this report, the State emphatically rejected any reference to members of the security forces as being among those responsible for murders of human rights defenders and indicated that the main sources of risk to these groups are: more intense competition for dominion and control over various criminal economies (including illegal mining); the slow stabilization of areas where FARC guerrilla fighters had held influence; the persistent activity of various types of illegal armed groups (dissidents of the FARC, ELN, EPL, armed groups in the pay of drug traffickers, among others); and the diversification of organized-crime interests¹⁶⁷
106. The information available is consistent in identifying areas with greater concentrations in the number of murders. From the information provided it is evident that most of the murders in the time period being analyzed were in rural areas, in the same places that historically felt the impact of the conflict and where the presence of the FARC-EP was most intense. In that regard, the Office of the Human Rights Ombudsman pointed out that there is a geographical concentration of homicides of social leaders and human rights defenders and indicated that according to the figures it has available, from February 2017 to February 2018 the majority of violent deaths occurred in the departments of Cauca, Urabá, Antioquia, Norte de Santander, Risalda, Nariño, Valle del Cauca, and Arauca.¹⁶⁸ In his follow-up report to Early Warning No. 026-18, the Ombudsman reported that through May 2019, these departments continued to be the ones with the largest number of murders.¹⁶⁹
107. For his part, the UN Special Rapporteur said that the most killings were registered in Cauca, Antioquia, Valle del Cauca, and Norte de Santander, followed by Nariño, Córdoba, Meta, and Caquetá.¹⁷⁰ The Somos Defensores Program also indicated that most of the murders have occurred in areas with a large presence of the military and armed actors, such as those mentioned earlier, in addition to Valle and Chocó.¹⁷¹

anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 93.

¹⁶⁶ UN, Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights, A/HRC/40/3/Add.3, February 4, 2019, para. 22.

¹⁶⁷ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 14.

¹⁶⁸ Office of the Human Rights Ombudsman, Alerta Temprana No. 026-18, February 28, 2018, p. 36.

¹⁶⁹ Office of the Human Rights Ombudsman, Informe Seguimiento At 026-18 - Personas Defensoras de Derechos Humanos y Líderes Sociales, August 2019, p. 25.

¹⁷⁰ UN, United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement, p. 10.

¹⁷¹ Programa Somos Defensores, Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2017, p. 35.

108. Civil society organizations have pointed out that these murders took place across geographical areas with common characteristics, such as the presence of illicit crops, the presence of illegal armed groups, areas in which illegal extractive activities are being carried out, and areas where there are social movements, among others.¹⁷² The State concurs with this information.¹⁷³
109. According to information the Commission has received, the number of murders of communal leaders, campesino leaders, and indigenous leaders represented the largest percentage of those killed as of 2016.¹⁷⁴ In that regard, the Human Rights Ombudsman indicated that leaders in rural areas who are associated with defending land and territorial rights and the rights of vulnerable populations such as Juntas de Acción Comunal and campesino or community movements, as well as ethnic indigenous authorities and authorities from black communities, represent 85% of the total number of homicides.¹⁷⁵
110. In this regard, civil society organizations registered an increase in the murder of land restitution leaders between 2016 and 2018. They note that this increase could be related to various land restitution cases that have had favorable outcomes for those making claims.¹⁷⁶ Moreover, the Office of the Inspector General has said that there is a “systematic and widespread practice” reflected in the number of killings of land rights defenders.¹⁷⁷ In its observations on the draft of this report, the State indicated that there are a large number of land restitution leaders, and the Land Restitution Unit has created a risk map and a special protection plan for this population.¹⁷⁸
111. According to information the Commission has received, those who advocate for the implementation of the fourth point of the Peace Agreement, related to substitution of illicit crops, make up another group at a particularly high risk of getting killed. The Human Rights Ombudsman indicated that the implementation of actions geared toward illicit-crop substitution has given campesino leaders a higher profile in the region,¹⁷⁹ putting those who advocate for implementation of the National Comprehensive Program for the Substitution of Illicit Crops (PNIS) at greater risk.¹⁸⁰

¹⁷² CCJ, ¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo, December 16, 2018, p. 67.

¹⁷³ Republic of Colombia, Note S-GAIID-19-019279, May 13, 2019, p. 17

¹⁷⁴ Programa Somos Defensores, Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2017, p. 36; Programa Somos Defensores, Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD, 2018, p. 82; Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 92.

¹⁷⁵ Office of the Human Rights Ombudsman, Informe Seguimiento At 026-18 - Personas Defensoras de Derechos Humanos y Líderes Sociales, August 2019, p. 25.

¹⁷⁶ CCJ, ¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo, December 16, 2018, pp. 25-26.

¹⁷⁷ Office of the Inspector General, Violencia sistemática contra defensores de derechos territoriales en Colombia Informe Procuraduría General de la Nación, April 2018, p. 72.

¹⁷⁸ Republic of Colombia, Note S-GAIID-19-049327 of December 5, 2019, p. 15.

¹⁷⁹ Office of the Human Rights Ombudsman, Alerta Temprana No. 026-18, February 28, 2018, p. 64.

¹⁸⁰ Office of the Human Rights Ombudsman, Situación de los Derechos Humanos en el Departamento de Cauca, Informe Ejecutivo, November 2018, p. 98.

Civil society organizations indicated that implementation of the PNIS is connected to the murder of a significant number of leaders, pointing to a geographical coincidence between the regions of the country with the largest presence of coca crops and the areas where the most murders have occurred. In this regard, since the signing of the Peace Agreement, they have registered 27 murders of social leaders advocating for substitution of illicit crops; of these, one took place in 2016, 12 in 2017, and 14 between January and July 31, 2018.¹⁸¹

112. The Commission also corroborated this during its working visit, where it received information pointing to a pattern of violence against social and community leaders, members or presidents of Juntas de Acción Comunal, and leaders of ethnic groups who support policies stemming from the Peace Agreement, such as the PNIS, in areas with a presence of illegal armed groups.¹⁸² For his part, the UN Special Rapporteur also noted that most of the murders he learned about during his 2018 visit happened in areas where there were illegal activities, such as the planting of illicit crops. He expressed particular concern over the increase in killings of leaders who were part of the PNIS.¹⁸³
113. The Commission observes that the information analyzed has made it possible to identify common threads and similar conditions in which the attacks have taken place. In this respect, MAPP/OAS has identified the following, among other factors: i) a leader's report of an armed group moving into the area; ii) public complaints about the mismanagement of government resources, or assertion of community rights to the use of natural resources and defense of the territory; iii) political work involving education for peace; iv) community work to create new representative spaces and/or movements; and v) the silencing of certain leaders whose work reveals and endangers illicit financial flows from the area that directly benefit the illegal armed group.¹⁸⁴
114. The Human Rights Ombudsman stated that "these human rights violations are widespread in that they have a significant number of victims who belong to groups with similar characteristics, and they took place within the same period and geographical area."¹⁸⁵ Similarly, the Office of the Inspector General has described attacks on human rights defenders as a "systematic and widespread practice" that directly affects organizational, community, or ethnic structures.¹⁸⁶ The UN Special

¹⁸¹ CCJ, ¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo, December 16, 2018, p. 70-71.

¹⁸² IACHR, Press Release No. 08/19, IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders, January 15, 2019.

¹⁸³ UN, United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement, p. 3.

¹⁸⁴ OAS, Twenty-Third Report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia (MAPP/OAS), p. 8.

¹⁸⁵ Office of the Human Rights Ombudsman, Al menos 120 líderes y defensores de DD.HH. han sido asesinados en los últimos 14 meses, reportó la Defensoría del Pueblo, March 3, 2017.

¹⁸⁶ Office of the Inspector General, Violencia sistemática contra defensores de derechos territoriales en Colombia, 2018, p. 72.

Rapporteur on the situation of human rights defenders has also described the existence of widespread violence against these groups.¹⁸⁷

115. For their part, some State institutions have asserted that these crimes are not widespread or systematic. In January 2017, the Ministry of Defense indicated that although there have been murders, these “are not systematic.”¹⁸⁸ In September 2018, the Minister of the Interior affirmed that these events are due to a number of factors associated with all sorts of armed groups and therefore cannot be described as something systematic that can be attributed specifically to one basic cause.¹⁸⁹ Nevertheless, the Attorney General admitted that there are systematic patterns in the commission of these crimes, from the standpoint that these involve structured criminal organizations.¹⁹⁰
116. In response to the murders, the State has implemented various measures that are described later in this report. These include the creation, in 2016, of a specific investigation and prosecution strategy to advance the investigation of these crimes. This strategy starts by considering as a first hypothesis whether the person was murdered as a consequence of his or her work as a human rights defender. In addition, traveling units have been created to reach remote parts of the country.¹⁹¹ The State reports that this strategy has resulted in positive progress in these investigations, although there are still challenges in terms of reducing impunity for these acts.
117. The IACHR notes that killings of human rights defenders or people who stand out for their leadership in society have been committed for the purpose of setting an example and intimidating those who carry out similar activities. In that regard, the Human Rights Ombudsman said that one of the consequences of the increase in homicides is the mass resignation of leaders of these organizations, as well as the displacement of their families and leaders close to them. In other cases, individuals have opted to part ways with the movements in which they had participated.¹⁹² In fact, the acts of violence that have occurred during the period covered by this report have become deaths by example, aimed at showing that these illegal armed groups have the capacity to attack social movements that run counter to their interests. The Commission points out that the lack of effective protection and the rise in homicides have a chilling effect on those who exercise their leadership to try to protect the rights of their community and society in general. In its observations, the State referred to the creation of a Comprehensive Public Policy to Guarantee the Defense

¹⁸⁷ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 5.

¹⁸⁸ RCN Radio, [Asesinato a líderes sociales no es sistemático: MinDefensa](#), January 18, 2017; [El Espectador, “Asesinatos de líderes sociales no son sistemáticos”: mindefensa](#), January 18, 2017.

¹⁸⁹ [El Espectador, Gobiernos de Santos y Duque coinciden: asesinato de líderes sociales no es sistemático](#), September 19, 2018.

¹⁹⁰ [Semana, Néstor Humberto Martínez confirma sistematicidad en asesinato de líderes sociales](#), January 11, 2019; [El Espectador, Fiscalía reconoce sistematicidad en crímenes contra líderes sociales](#), January 11, 2019.

¹⁹¹ Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 39.

¹⁹² Office of the Human Rights Ombudsman, [Vigésimo Quinto Informe del Defensor del Pueblo de Colombia al Congreso de la República](#), 2017, p. 30-31.

of Human Rights, as well as actions related to protection and prosecution, which will be discussed later on in this report.¹⁹³

118. The work of human rights defenders is essential to building a democratic society and strengthening the rule of law, and this work can be carried out freely only when human rights defenders are not victims of any type of physical or psychological aggression or other acts of harassment.¹⁹⁴ The Commission calls to mind that acts of violence and other attacks against this group not only affect the guarantees of every human being but undermine the fundamental role that human rights defenders play in society.¹⁹⁵ Such acts also harm everyone whose rights the defenders are fighting for, making them more vulnerable and leaving them defenseless.

B. Threats

119. In Colombia, threats against human rights defenders are the most common form of aggression, and in the current context of the country they seem to be closely tied to the peace process and the implementation of the Peace Agreement.¹⁹⁶ In this regard, during its visit in November 2018, the IACHR received troubling information concerning the continued increase in threats against human rights defenders and social and community leaders in recent years.¹⁹⁷
120. In that regard, the Somos Defensores program registered 583 cases of threats against human rights defenders in 2018.¹⁹⁸ This represents an increase over the 317 cases recorded in 2016 and the 370 in 2017.¹⁹⁹ During the first quarter of 2019, the organization registered 207 such threats, an increase of 146% over the same period the year before.²⁰⁰ For its part, OHCHR also showed an increase, recording 213 cases of threats in 2017 and 210 cases in 2016.²⁰¹ Along the same lines, the Office of the

¹⁹³ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 15.

¹⁹⁴ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, Series C No. 283, para. 142.

¹⁹⁵ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 485.

¹⁹⁶ Observatory for the Protection of Human Rights Defenders, Colombia, no hay paz para las personas defensoras de derechos humanos, May 2018, p. 18.

¹⁹⁷ IACHR, Press Release No. 08/19, IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders, January 15, 2019.

¹⁹⁸ Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 87.

¹⁹⁹ Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 87; Programa Somos Defensores, Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2017, p. 46.

²⁰⁰ Programa Somos Defensores, Boletín Agresiones contra Personas Defensoras de Derechos Humanos en Colombia Enero – marzo 2019, 2019, p.3.

²⁰¹ UN, Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/37/3/Add.3, March 2, 2018, para. 8; UN, Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/34/3/Add. 3, March 23, 2017, para. 54.

Human Rights Ombudsman indicated that from March 2018 to February 2019, the number of threats increased significantly, by 47% over the same period immediately preceding.²⁰²

121. In terms of the methods used to threaten these groups, the distribution of pamphlets with threatening messages is the most common means to intimidate the work of human rights defenders in Colombia.²⁰³ Telephone calls and text messages to cell phones are other means used to threaten defenders, followed by e-mails, both to personal accounts and to their organizations' official accounts.²⁰⁴
122. The Commission is extremely concerned to observe that in addition to making accusations and threats, the pamphlets offer financial rewards for taking the life of human rights defenders and social leaders. This serious situation has led the IACHR to grant various precautionary measures. For example, on March 11, 2018, the IAHR granted precautionary measures for members of the governing board of the Alto Mira y Frontera Community Council. In their request for precautionary measures, the leaders stated that illegal groups had declared them to be a "military target" and had placed a value "per head" on members and made other threats that in some cases had reportedly resulted in killings, because of their stance in defending their territory and promoting voluntary substitution of illicit crops in the framework of the Peace Agreements.²⁰⁵
123. In terms of the origin of the threats, information the Commission has received indicates that those believed to be responsible for issuing threats were illegal armed groups, including members of organized crime and organized armed groups. In 2016, the primary responsibility for the threats is said to have fallen on the illegal group called the Águilas Negras.²⁰⁶ In 2017 and 2018, in addition to the Águilas Negras, the Autodefensas Gaitanistas de Colombia, which the government and the security forces have called the Gulf Clan, also represented a high percentage of those alleged to be behind these threats.²⁰⁷
124. In fact, during its visit to Colombia, the IACHR was informed about troubling threats allegedly made by the group that calls itself the Águilas Negras. The IACHR received, among other evidence, a copy of a written threat issued on September 17, 2018, in

²⁰² Office of the Human Rights Ombudsman, "Líderes y lideresas comunales, acá estamos para la garantía de sus derechos humanos": Defensor del Pueblo, April 30, 2019.

²⁰³ IACHR, 173rd period of sessions, Public Hearing, "Threats against and Murders of Social Leaders in Colombia," September 26, 2019.

²⁰⁴ Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 96.

²⁰⁵ IACHR, Press Release No. 066/18, IACHR Grants Precautionary Measures in Favor of the Afro-Colombian Leaders of the Governing Board of the Alto Mira and Frontera Community Council, March 28, 2018.

²⁰⁶ Programa Somos Defensores, Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2017, p. 50; Programa Somos Defensores, Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2018, p. 90.

²⁰⁷ Programa Somos Defensores, Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2018, p. 91; Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 97.

which the central command of that illegal group warned several human rights defenders, “If you don’t want to go and visit the other social leaders who have already been killed, it’s better for you to keep quiet.” The group said the recipients had 48 hours to comply before they would be declared military targets. In a similar threat, the same illegal armed group said that various civil society organizations and human rights defenders were military targets and warned that “there is no protection scheme available that prevents us from acting and killing each and every one of those rebels.”²⁰⁸ In addition, in the public hearing “Threats against and Murders of Social Leaders in Colombia,” held during the 173rd period of sessions, the State indicated that it had a prosecutor assigned exclusively to investigate this organization.²⁰⁹

125. The Commission also obtained information regarding the new dynamics of violence. In both Quibdó and Medellín, the Commission observed that people fear the threats issued by individuals, given the activities related to coca crop eradication and illegal mining, as well as the actions of groups that have splintered off from the FARC-EP and other guerrillas.²¹⁰ In that regard, the IACHR was informed that the Early Warning System of the Office of the Human Rights Ombudsman has issued risk alerts based on the threats various communities have received for participating in the PNIS.²¹¹
126. In the period covered by this report, the Commission has issued 13 resolutions in which precautionary measures were granted for human rights defenders in Colombia due to the alleged risks to their life and personal integrity as a result of the threats made against them.²¹² The Commission noted that in several of the cases, those requesting precautionary measures claimed they had received threats from various illegal armed groups, among them the Rastros Rojos, the Águilas Negras, the

²⁰⁸ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

²⁰⁹ IACHR, 173rd period of sessions, Public Hearing, “[Threats against and Murders of Social Leaders in Colombia](#),” September 26, 2019.

²¹⁰ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

²¹¹ FIP, [La fragilidad de la transición. La paz incompleta y la continuidad de la confrontación armada](#), 2019, p. 15.

²¹² IACHR, [Resolución 87/18](#), PM 204/17, Jani Silva, Hugo Miramar, and Saúl Luna (Leaders of the Perla Amazónica Peasant Reserve Zone), regarding Colombia, December 3, 2018; [Resolución 66/18](#), PM 175/18, Giomar Patricia Riveros Gaitán, regarding Colombia, August 27, 2018; [Resolución 53/18](#), PM 395/18, Authorities and Members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) Reserves of the Siona (ZioBain) Indigenous People, regarding Colombia, July 14, 2018; [Resolución 30/18](#), PM 210/17, Leaders of the Political and Social Movement Marcha Patriótica, regarding Colombia, May 5, 2018; [Resolución 19/18](#), PM 400/15, Members of the Governing Board of the Alto Mira y Frontera Community Council, regarding Colombia, March 11, 2018; [Resolución 6/18](#), PM 140/14, Afro-descendant Communities and Leaders from Jiguamiandó, Curvaradó, Pedeguita, and Mancilla, regarding Colombia, EXTENSION, February 7, 2018; [Resolución 47/17](#), PM 261/16, Daniel Ernesto Prado Albarracín, regarding Colombia; [Resolución 18/17](#), PM 21/05, Wiwa Indigenous People of the Sierra Nevada de Santa Marta, regarding Colombia, EXTENSION, June 14, 2017; [Resolución 5/17](#), PM 522/14, Alberto Yepes Palacio and his Daughter, regarding Colombia, February 10, 2017; [Resolución 65/2016](#), PM 382/12, Members of the Community Action Board of the Village of Rubiales, regarding Colombia, December 17, 2016; [Resolución 63/2016](#), PM 658/16, Erlendy Cuero Bravo et al., regarding Colombia, December 6, 2016; [Resolución 52/2016](#), PM 113/14, Luis Ernesto Olave Valencia and his Family, regarding Colombia, November 1, 2016; [Resolución 53/2016](#), PM 548/15, Several Leaders of the Ancestral Mining Communities of Remedios and Segovia, regarding Colombia, November 1, 2016.

Autodefensas Gaitanistas de Colombia, and the ELN.²¹³ Additionally, it is worth noting that two of these cases referred to the risks the applicants were facing in the context of the implementation of the Peace Agreement, specifically due to the implementation of the PNIS.²¹⁴

127. With regard to the regions most affected by threats, the Commission observes that the largest number of threats took place in Bogotá, Valle del Cauca, Santander, Cauca, and Atlántico.²¹⁵ In other years, in addition to those departments, the threat situation has been constant in Tolima, La Guajira, Nariño, and Chocó.²¹⁶
128. The Commission notes that, among the prevention measures, the State pointed to the President of the Republic's creation of the Unified Command Post (Puesto de Mando Unificado, PMU) as a strategy for coordinating action among institutions to respond to the threats, attacks, and risks faced by human rights defenders and leaders at the national and territorial level.²¹⁷ The State also indicated that it currently has a Rapid Response Network designed to learn about and verify in real time cases involving threats or attacks against social leaders. This network is reportedly in permanent contact with the Elite Corps of the National Police, government entities, and civil society representatives, including indigenous and Afro-descendant communities.²¹⁸ In its observations on the draft of this report, the State indicated that the Attorney General's Office has a specific methodology for investigating threats—this will be discussed later in this report—and reiterated its commitment to respond to complaints, as well as to shed light on the threats and ensure that they are not carried out.²¹⁹
129. The Commission considers such threats to be intimidating warnings about possible acts that would endanger the physical and mental capacity of human rights

²¹³ IACHR, [Resolución 63/2016](#), PM 658/16, Erlendy Cuero Bravo et al., regarding Colombia, December 6, 2016; [Resolución 52/2016](#), PM 113/14, Luis Ernesto Olave Valencia and his Family, regarding Colombia, November 1, 2016; [Resolución 53/2016](#), PM 548/15, Several Leaders of the Ancestral Mining Communities of Remedios and Segovia, regarding Colombia, November 1, 2016; [Resolución 5/17](#), PM 522/14, Alberto Yepes Palacio and his Daughter, regarding Colombia, February 10, 2017; [Resolución 30/18](#), PM 210/17, Leaders of the Political and Social Movement Marcha Patriótica, regarding Colombia, May 5, 2018.

²¹⁴ IACHR, [Resolución 87/18](#), PM 204/17, Jani Silva, Hugo Miramar, and Saúl Luna (Leaders of the Perla Amazónica Peasant Reserve Zone), regarding Colombia, December 3, 2018; ; [Resolución 19/18](#), PM 400/15, Members of the Governing Board of the Alto Mira y Frontera Community Council, regarding Colombia, March 11, 2018; [Resolución 30/18](#), PM 210/17, Leaders of the Political and Social Movement Marcha Patriótica, regarding Colombia, May 5, 2018.

²¹⁵ The Office of OHCHR in Colombia and the Human Rights Ombudsman concurred with this information: UN, [Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/34/3/Add. 3, March 23, 2017, para. 55; Office of the Human Rights Ombudsman, [Vigésimo Quinto Informe del Defensor del Pueblo de Colombia al Congreso de la República](#), 2017, p. 34.

²¹⁶ Programa Somos Defensores, [Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDH](#), 2017, p. 50; Programa Somos Defensores, [Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD](#), 2018, p. 90.

²¹⁷ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights' Annual Report 2018, p. 121.

²¹⁸ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 23.

²¹⁹ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, pp. 15-16.

defenders. The Commission also notes that the intimidating effect of these types of aggression can reach the point at which defenders are forced to leave the place where they are doing the work of defending human rights.²²⁰ The threats are especially serious when there is a high likelihood that they will be carried out, and they have a major impact in bringing to a halt the exercise of the right to defend human rights.²²¹ The IACHR cautions that the threats are often a precursor to an even more dangerous situation, such as the possibility of an attempt against someone's life. That is why the State must diligently take on these types of aggressions, both from a prevention standpoint, by conducting effective investigations into who is responsible, and in its reaction to them, by granting appropriate and effective protection measures.

C. *Attacks and Harassment*

130. In addition to the killings and threats, the IACHR notes that there has been an increase in attacks on human rights defenders' personal integrity and in acts of harassment. The Commission has stated that physical assaults include acts of physical violence that are aimed at causing a defender's death but due to circumstances beyond the assailant's control may not have that result, as well as acts of physical violence whose purpose is to inflict physical pain on a defender or a member of his or her family.²²² In Colombia, the Somos Defensores Program recorded 27 cases of attacks in 2019 and 34 cases in 2018. In 2017, the organization recorded 50 attacks and in 2016 it was aware of 40 cases.²²³
131. Additionally, in the context of intimidation of human rights defenders in Colombia, acts of harassment have become a recurring practice, such as in the form of constantly following leaders or members of their family. In some cases, this is done in a way that is meant to be undetectable, while in others the aim seems to be to have the victim aware of being under surveillance.²²⁴ These acts of harassment vary and include unknown people tracking leaders and taking photos of them, asking about their schedules, menacing them verbally or physically, moving around their

²²⁰ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 47.

²²¹ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 158.

²²² *Ibid.*, para. 155.

²²³ Programa Somos Defensores, Defensores, ¿El juego final? Informe semestral enero-junio 2019, October 2019, p. 90; Programa Somos Defensores, Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2017, p. 28; Programa Somos Defensores, Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2018, p. 89; Programa Somos Defensores, La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 99.

²²⁴ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 164.

homes or workplaces, or intimidating them with knives or guns, among other methods.²²⁵

132. The Commission notes that human rights defenders in Colombia carry out their activities in an adverse environment which some organizations and agencies have described as a “situation of widespread violence,” against a historical backdrop of vulnerability that requires special protection by the State. Thus, indigenous leaders and communal and social leaders represent the largest percentage of people affected by these forms of aggression.²²⁶
133. The IACHR observes that the attacks and acts of harassment described in this section aim to diminish human rights defenders’ capacity to act. Respect for and guarantee of personal integrity is directly related to the right to defend human rights. Consequently, threats, assaults, and physical and psychological acts of intimidation against human rights defenders severely hamper their ability to do their work, by creating an environment that takes a psychological and physical toll and forces human rights defenders to expend a great deal of effort in ensuring that they can work more safely and attend to their own personal safety.²²⁷ The intimidating effect of such attacks not only have an impact on the life and personal integrity of the defenders; they have also brought other consequences, such as forced displacement and migration to cities.²²⁸

D. Stigmatization

134. In addition to the safety issues that jeopardize their life and personal integrity, human rights defenders in Colombia also encounter other obstacles that hamper them from freely carrying out their work, including stigmatization and smear campaigns.
135. The phenomenon of stigmatizing human rights defenders in Colombia emerged more than 40 years ago with the implementation of the “doctrine of the internal enemy,” by which many individuals and organizations who were defending human rights were described as enemies of the State for supposedly standing in the way of national security objectives.²²⁹ The Commission has referred to this doctrine before

²²⁵ Programa Somos Defensores, *Contra las cuerdas: informe anual 2016 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH*, 2017, p. 50; Programa Somos Defensores, *Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH*, 2018, p. 89; Programa Somos Defensores, *La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH*, 2019, p. 97.

²²⁶ Office of the Human Rights Ombudsman, *Vigésimo Cuarto Informe del Defensor del Pueblo de Colombia al Congreso de la República*, 2016, p. 71.

²²⁷ IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 49.

²²⁸ IACHR, *Towards Effective Integral Protection Policies for Human Rights Defenders*, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 308

²²⁹ CCJ, *¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo*, December 16, 2018, p. 217.

and has pointed to this strategy as a factor of stigmatization that contributes to human rights defenders being the targets of serious violations of human rights.²³⁰

136. Although this doctrine has fallen into disuse, according to information the Commission has received, the armed conflict had the effect of making that perception of human rights defenders endure over time, becoming widespread not only among the armed forces but also influencing some segments of Colombian society and institutions.²³¹ In that regard, the Human Rights Ombudsman has indicated that the practice of stigmatizing the work of leaders and defenders persists among certain social, political, and economic groups and armed actors, along with a failure to recognize their activities as legitimate. Generally, the demands made by these groups are seen as questioning the status quo and thus subverting the social order.²³² In that respect, despite the time that has passed and the fact that Colombian democracy is at a different stage, the implications of this doctrine continue to be seen in some sectors of society that do not tolerate the activity of defending human rights.
137. During the period being analyzed, the Commission received a range of information about stigmatizing language directed against human rights defenders in Colombia. Among other things, the Commission received information about alleged smear campaigns carried out on social media against members of the Colectivo de Abogados José Alvear Restrepo (CCAJAR), in which the lawyers collective was accused of “fabricating victims,” “looting the treasury,” and “robbing victims,” among other accusations.²³³ Additionally, in 2019 the Commission learned of a smear campaign reportedly instigated against human rights defender Daniel Ernesto Prado Albarracín, a beneficiary since November 2017 of precautionary measures granted by the IACHR. In that respect, on February 25, 2019, a video was reportedly disseminated stigmatizing his work as a lawyer by indicating that his activities as a human rights defender were part of a political battle he was waging against high-level leaders of the political party in power.²³⁴
138. During its working visit in November 2018, the Commission was informed of comments made by departmental and local government authorities who told several media outlets that criminal gangs “that are close to or associated with the Gulf Clan (Gaitanista Self-Defense Forces of Colombia)” and “have had ties with the ELN and with organizations linked to the ELN” are behind the work of activists and human rights defenders. Further, civil society organizations denounced that student

²³⁰ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1133.

²³¹ Observatory for the Protection of Human Rights Defenders, Colombia, no hay paz para las personas defensoras de derechos humanos, May 2018, p. 18.

²³² Office of the Human Rights Ombudsman, Vigésimo Cuarto Informe del Defensor del Pueblo de Colombia al Congreso de la República, 2016, p. 78.

²³³ IACHR, Annual Report 2016, Chapter V, Follow-Up on Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia, para. 360.

²³⁴ FIDH, Colombia: Campaña de ataques, intimidación y amenazas en contra del Sr. Daniel Ernesto Prado Albarracín, April 2, 2019.

protests had been stigmatized in media reports that branded the students as “vandals,” “rebels,” or “terrorists.”²³⁵

139. The UN Special Rapporteur on the situation of human rights defenders also expressed his concern at having received a catalog of quotations from political leaders and public officials stigmatizing this group. “Labelling human rights defenders as *guerrilleros* of this or that group, the internal enemy, terrorists, anti-development, or informants (so-called ‘sapos’) seriously [increases] their exposure to risks and violations,” he said. “It must be clear that they are not killed due [to] love affairs, but for implementing peace, opposing the interests of organized crime, illegal economies, corruption, unlawful tenure of land, and for protecting their communities.”²³⁶
140. In terms of who is allegedly behind these campaigns, information received by the Commission indicates that some of these stigmatizing acts are coming from State authorities. For example, civil society organizations called the Commission’s attention to statements made by State authorities in the wake of social protests, in which they reportedly dismissed these movements as a way to promote social animosity and impinge on governance.²³⁷ The IACHR was also informed recently about statements made by State authorities against members of a group called the Comité por la Defensa del Agua y del Páramo de Santurbán, Colombia. According to this information, in May 2019, during a series of protests against new extractive projects, the mayor of the town of Vetás, in the department of Santander, said that the protests had been organized by illegal armed groups.²³⁸ Among other examples illustrating this problem, the IACHR points to statements made by the then-Minister of Defense, who said in an interview in December 2017 that the killings of social leaders “have in their vast majority resulted from matters related to boundaries, to chasing skirts, to grievances, to fights over illicit revenues.”²³⁹
141. The State, for its part, informed the Commission about measures it had adopted to prevent and reduce stigmatization of human rights defenders. It indicated that it had held various public acts designed to recognize defenders’ work and prevent and overcome stigma against them in several parts of the country, during which it had recognized the work of at least 248 human rights organizations, community and church groups, trade unions, and associations and groups of relatives of victims,

²³⁵ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

²³⁶ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 11.

²³⁷ Information received from the organization Equipo Jurídico Pueblos on May 31, 2019, in IACHR archives.

²³⁸ Information received from the organization Center for International Environmental Law (CIEL) on May 31, 2019, in IACHR archives.

²³⁹ FIDH, [COLOMBIA: Señor Ministro de Defensa: ¡No son “líos de faldas”, son ataques contra el derecho a defender derechos!](#), December 20, 2017; Pulzo, [Mindefensa insiste en ‘líos de faldas’ para explicar asesinatos de líderes sociales](#), December 18, 2018; Noticias RCN, [Declaraciones de mindefensa sobre muerte de líderes sociales generan polémica](#), December 18, 2018.

among others.²⁴⁰ In addition, through Directive 002 of 2017, the Office of the Inspector General announced that it would use its administrative and disciplinary authority to address the stigmatization of human rights defenders and the failure of municipal, departmental, or national authorities to take action to protect them.²⁴¹

142. According to the State, on a number of occasions public authorities have made statements in favor of the work done by human rights defenders in Colombia. Specifically, the State indicated that in January 2019, the Office of the Presidential Adviser for Human Rights made statements about the importance of the work of social leaders during a visit to Caquetá and Antioquia. The State mentioned that in February of this year, the President of the Republic, during a workshop on “Building the Country,” committed to protect human rights defenders, especially against those who attack their life and integrity.²⁴² In its observations on the draft of this report, the State repeated that information and referred to the Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Community Leaders, and Journalists, which has as one of its central pillars to stop the stigmatization of these groups.²⁴³
143. The State also indicated that it has carried out various campaigns designed to recognize and legitimize the work of human rights defenders.²⁴⁴ One example is the campaign “Human Rights Defenders as Agents of Peace,” which aims to create a favorable environment toward the work that human rights defenders carry out in their territories.²⁴⁵
144. The Commission welcomes the actions taken by the State to prevent stigmatizing statements against human rights defenders. Nevertheless, even though such cases are becoming more and more isolated, the Commission is concerned about the persistence of this type of discourse. The Commission calls to mind the importance of the work of human rights defenders in strengthening and consolidating the rule of law in Colombia and calls on the State to strengthen its public and unequivocal recognition of the importance of the role human rights defenders play in Colombian society.²⁴⁶

²⁴⁰ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights’ Annual Report 2018, p. 121.

²⁴¹ UN, [Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/37/3/Add.3, March 2, 2018, para. 18.

²⁴² Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 19.

²⁴³ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 18.

²⁴⁴ In its observations on the draft of this report, the State referred to several public statements made by State authorities in favor of human rights defenders and reiterated that it is working on campaigns designed to do away with negative and hostile ideas about human rights defenders and social leaders in the collective imagination.

²⁴⁵ Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 36. The State, in its observations on the IACHR Annual Report 2018, said that between 2015 and 2017, the Interior Ministry spoke out publicly about the situation of human rights defenders and rejected the attacks to which they have been victims. Additionally, in December 2017, on the occasion of International Human Rights Day, the Interior Ministry made favorable comments about human rights defenders to various media outlets.

²⁴⁶ IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 91.

145. The Commission has reiterated that “public officials must refrain from making statements that stigmatize human rights defenders or that suggest that human rights organizations act improperly or illegally, merely because of engaging in their work to promote and protect human rights.”²⁴⁷ Along those lines, the IACHR has indicated that these types of statements made by State authorities generally seek not only to stigmatize human rights defenders before society but also to delegitimize the work they do.²⁴⁸ In this regard, as the IACHR has previously noted, the State should give precise instructions to officials to refrain from making stigmatizing statements and should take disciplinary action against those officials who fail to comply with such instructions.²⁴⁹ The IACHR notes that Directive No. 002 of 2017 of the Office of the Inspector General provides for these types of measures.
146. The Commission has maintained that accusations and stigmatization against human rights defenders delegitimize and discredit their work and increase their vulnerability²⁵⁰ and can eventually undermine the right to personal integrity, the right to honor and dignity, and the principle of the presumption of innocence.²⁵¹ Such acts are therefore incompatible with the States’ obligation to prevent and protect, which this report will discuss further on.²⁵²
147. The Commission reiterates that only through strong government backing for the work of human rights defenders on the part of all its authorities and other agents, as well as the effective punishment of public officials who may be responsible for these types of statements, can the State progressively eradicate the unlawful stigmatization that human rights defenders have suffered and thus steer away from the perception that may be created in Colombian society about a supposed relationship between these groups and actions by illegal armed groups.²⁵³

E. Criminalization

148. The Commission has identified the criminalization of human rights defenders through the improper use of criminal law as another obstacle to the defense of human rights in Colombia.²⁵⁴ In that regard, the Commission has observed the close relationship between statements that aim to stigmatize the work of human rights

²⁴⁷ Ibid., para. 83.

²⁴⁸ Ibid., para. 79.

²⁴⁹ Ibid., para. 89.

²⁵⁰ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 176.

²⁵¹ IACHR, Situation of Human Rights in Guatemala, OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 164.

²⁵² IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 775.

²⁵³ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1141.

²⁵⁴ Ibid., para. 1190.

defenders before society and the way these statements often serve as a basis for instituting criminal proceedings against them in order to obstruct their work.²⁵⁵

149. Among other things, the Commission has been informed about possible acts of criminalization in the context of protests. The Commission has learned about the use of disproportionate force and unconventional weapons during protest demonstrations, and about statements allegedly made by State authorities claiming that “the protests are infiltrated by remnants of armed groups.”²⁵⁶
150. Civil society organizations referred to statements made following social protests in which State authorities announced the opening of criminal investigations. Along these lines, they referred to the case of human rights defenders who belong to a social movement in southwestern Colombia—the “*Minga por la defensa de la vida, la democracia, el territorio, la justicia y la paz*”—and who were reportedly subject to criminal prosecution, after protests that began on March 10, 2019. According to the information available, the Attorney General announced to the media that it was possible that criminal investigations would be initiated against these protestors for several crimes, including obstruction of a public roadway and kidnapping.²⁵⁷
151. For his part, the UN Special Rapporteur noted after his visit to Colombia in 2018 that he had heard testimonies from human rights defenders who might be prosecuted for various crimes as a consequence of their participation in peaceful assemblies, specifically against extractive projects and for the defense of the environment.²⁵⁸ He also stated that he had learned of a new pattern of criminalization or judicial setup against human rights defenders, in which they are accused of belonging to the ELN armed group. The Special Rapporteur said that evidence in such cases appears to be weak and rely on single testimonies by individuals who may have benefited from reduced penalties.²⁵⁹
152. The Commission also learned of the detention of three noted social leaders who are members of the Congreso de los Pueblos (Congress of the Peoples) and the Comisión de Interlocución del Sur de Bolívar, Centro y Sur del Cesar (Inter-Dialogue Commission of Southern Bolívar and Central and South Cesar) on March 21 and 22, 2017, in the southern region of Bolívar. According to the information available, as a result of these detentions, members of the National Police reportedly made statements associating these leaders as members of the ELN.²⁶⁰

²⁵⁵ IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 79.

²⁵⁶ Information received from the organization Marcha Patriótica on May 21, 2019, in IACHR archives.

²⁵⁷ FIDH, [Colombia: Estigmatización y criminalización de la protesta social La Minga](#), March 27, 2019.

²⁵⁸ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), pp. 11-12.

²⁵⁹ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 11.

²⁶⁰ [Front Line Defenders, Several Members of Congreso de los Pueblos and CISBCSC Detained, April 4, 2017; Verdad abierta, ¿Qué hay detrás de la captura de defensores de derechos humanos del Sur de Bolívar?, March 23, 2017; Resumen Latinoamericano, Colombia. Detenidos líderes del Congreso de los Pueblos y de la Cumbre Agraria Campesina Étnica y Popular en el Sur de Bolívar](#), March 22, 2017.

153. The Commission reminds the Colombian State that criminalizing the work of human rights defenders presents a complex obstacle, as it has a multifaceted impact on the free exercise of the defense of human rights.²⁶¹ In this sense, due to the nature of the violations involved in bringing baseless criminal actions against human rights defenders, a State that engages in this practice may bear international responsibility for violating various rights protected by inter-American instruments, by failing to meet its obligation to respect and guarantee the rights involved as a result of the criminalization.²⁶²
154. The IACHR underscores that criminalizing human rights defenders stigmatizes them collectively and sends an intimidating message to anyone who intended to denounce or had already denounced human rights violations.²⁶³ Opening groundless criminal investigations or judicial actions against human rights defenders not only has a chilling effect on their work but can also paralyze their efforts to defend human rights.²⁶⁴

F. Investigations into Crimes against Human Rights Defenders

155. The failure to investigate attacks against human rights defenders is one of the biggest impediments to the free exercise of their activities, since investigating these crimes is an essential way to keep them from occurring.²⁶⁵ The Commission observes that in the Colombian context, the failure to investigate these crimes has been one of the structural causes that has historically maintained the high levels of violence in the country and has allowed such crimes to be repeated.
156. According to information obtained by civil society through a petition filed by the Somos Defensores rogram, the Office of the Attorney General reported that from January 2016 to February 2018, there were 253 known cases in which human rights defenders were murdered. Of those 253 cases, 99 had been “clarified,” corresponding to 39.13% of the total.²⁶⁶ Figures from the Office of the Human Rights Ombudsman of Colombia indicate that of the 196 homicide cases registered by that agency between 2018 and May 2019, only one case has reportedly resulted in a conviction and another ended in a plea deal.²⁶⁷

²⁶¹ IACHR, *Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia*, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1193.

²⁶² IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 80.

²⁶³ *Ibid.*, para. 79.

²⁶⁴ *Ibid.*, para. 76.

²⁶⁵ IACHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, paras. 202-203.

²⁶⁶ Observatory for the Protection of Human Rights Defenders, *Colombia, no hay paz para las personas defensoras de derechos humanos*, May 2018, p. 45.

²⁶⁷ Office of the Human Rights Ombudsman, *Informe Seguimiento At 026-18 - Personas Defensoras de Derechos Humanos y Líderes Sociales*, agosto de 2019, p. 26.

157. Subsequent information from civil society indicates that the Office of the Attorney General reported 395 cases involving homicides of human rights defenders between January 1, 2016, and December 5, 2018, of which 34 were said to have resulted in a conviction, 60 were being tried, and in 30 cases suspects had been charged and held over for trial.²⁶⁸
158. Civil society organizations expressed concern over the use of the term “clarified” on the part of the Attorney General’s Office, saying that it apparently refers to progress in the investigations but not the establishment of judicial responsibility,²⁶⁹ and that in this sense, the percentage of cases in impunity would be around 90%.²⁷⁰
159. The State, for its part, reported that between January 1, 2016, and November 13, 2019, the Office of the Attorney General was investigating 549 cases involving homicides of human rights defenders, reported by four sources of information,²⁷¹ of which an historic number of cases—254, equivalent to 44.63% of the total—had been clarified.²⁷² It reported that of these 549 cases, 323 corresponded to cases verified by OHCHR, of which 55.73%, or 180 cases, had been clarified, resulting in 53 convictions, 66 cases at trial, 21 with charges filed, and 38 in the preliminary inquiry phase with arrest warrants issued and yet to be executed.²⁷³ In its observations on the draft of this report, the State also pointed out that 258 people had been arrested in connection with crimes against human rights defenders and social leaders in the 2016-2019 period, noting specifically the arrest of 12 members of the “cartel of the most-wanted for murders of social leaders.”²⁷⁴
160. The Commission welcomes the information provided by the State. At the same time, it observes a discrepancy between civil society and the Colombian State regarding the notion of homicides being “clarified,” in relation to the figures on results provided by the Office of the Attorney General about crimes committed against human rights defenders. In the public hearing on “Complaints of Impunity for Killings and Attacks on Human Rights Defenders in Colombia,” held during the 170th period of sessions, civil society organizations indicated that the State’s records were incomplete and that the solve rate is nowhere close to 50%.²⁷⁵ The organizations said that according to their analysis, only 8.5% of the cases the organizations have on record had resulted in convictions for homicide, and the motive for the killing of

²⁶⁸ Information received from the organizations SISMA Mujer and the Colectivo de Abogados José Alvear Restrepo on May 21, 2019, in IACHR archives.

²⁶⁹ Programa Somos Defensores, [La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2019, p. 66.

²⁷⁰ Programa Somos Defensores, [La naranja mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH](#), 2019, p. 66.

²⁷¹ The four sources of information were reportedly data provided by the OHCHR, the Office of the Human Rights Ombudsman, the Cumbre Agraria, and Marcha Patriótica.

²⁷² Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 41.

²⁷³ *Ibid.*, p. 40.

²⁷⁴ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 1.

²⁷⁵ IACHR, Public Hearing, [“Complaints of Impunity for Killings and Attacks on Human Rights Defenders in Colombia,”](#) held during the 170th period of sessions, December 6, 2018.

the human rights defenders had not been fully clarified.²⁷⁶ They also stated that most of the cases are in a preliminary inquiry phase, even eight years after the deaths, which they said made it materially impossible to advance the cases.²⁷⁷

161. For its part, the Office of the Human Rights Ombudsman indicated that the Office of the Attorney General was using only homicide statistics provided by OHCHR as the central factor to determine the number of homicides of human rights defenders during the 2016-2019 period, without taking into account the figures reported by the Office of the Ombudsman.²⁷⁸
162. In that regard, the State reported that it is implementing strategies for the investigation of murders of human rights defenders that includes a working assumption that the killing was related to the defense of human rights; the application of a methodology for categorizing cases; the creation of mobile units; and the preparation and application of intervention protocols and guidelines to standardize the investigation of homicides and threats. It also indicated that it is implementing a strategy to prioritize the investigation and prosecution of these crimes.²⁷⁹ In its observations on the draft of this report, the State again mentioned the Strategy for the Investigation and Prosecution of Crimes against Human Rights Defenders, and referred to Directive 002 of 2017, which will be discussed later in this report.²⁸⁰
163. The IACHR is aware of the adoption of Directive 011 of 2016, which establishes the concept of the human rights defender in laying out a methodology and roadmap for investigating criminal cases involving murders of defenders and develops guidelines for prosecuting the crime of threats, laying the groundwork for a more accurate investigation.²⁸¹
164. The State also indicated to the Commission that it had set up, within the Office of the Attorney General, a Special Investigation Unit to dismantle the criminal organizations and conduct that are responsible for murders and massacres, that attack human rights defenders and social or political movements, or that threaten or attack individuals who participate in the implementation of the agreements and the peacebuilding process, including the criminal organizations that have been called successors to the paramilitary groups.²⁸² The State further indicated that the

²⁷⁶ IACHR, Annual Report 2018, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 319.

²⁷⁷ Programa Somos Defensores, [Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD](#), 2018, p. 26.

²⁷⁸ Office of the Human Rights Ombudsman, [Informe Seguimiento At 026-18 - Personas Defensoras de Derechos Humanos y Líderes Sociales](#), August 2019, p. 27.

²⁷⁹ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights' Annual Report 2018, p. 97; Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 14.

²⁸⁰ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, pp. 36-38.

²⁸¹ Directive 011, which defines the concept of the human rights defender and establishes parameters for prosecuting the crime of threatening defenders. Bogotá, Colombia, July 16, 2016.

²⁸² IACHR, Annual Report 2017, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 381.

Ministry of National Defense had ordered the formation of an Elite Corps of the National Police with a multidimensional approach, as an immediate State action against the organizations and conduct targeted by the agreements, and the dismantling of the criminal organizations that are responsible for murders and massacres or that attack human rights defenders. The Elite Corps is made up of 1,123 police officers, headed by 120 experts in criminal investigation and 40 analysts, who will lead a comprehensive investigative model aligned with the Office of the Attorney General to dismantle criminal organizations and conduct responsible for killing social leaders.²⁸³ The State also indicated that its Rapid Response Network allows it to learn about and verify in real time cases involving threats or attacks on social leaders, and that it is in permanent contact with the Elite Corps of the National Police, government entities, and civil society representatives, including indigenous and Afro-descendant communities, who report on developments that could place leaders and human rights defenders at risk.²⁸⁴

165. Another measure reported by the State was the approval by the Office of the Inspector General of Directive No. 002 of June 14, 2017, on “Guidelines for the effective protection of the rights of human rights defenders and their organizations, members of political movements, and political and social leaders and their organizations” as a measure to continue enhancing recognition of the important work done by defenders; and Directive No. 0002, on guidelines for investigating crimes against human rights defenders, adopted in November 2017 and issued by the Office of the Attorney General with technical support from the IACHR.²⁸⁵
166. Additionally, during the public hearing entitled “Threats against and Murders of Social Leaders in Colombia,” held in September 2019 during the 173rd period of sessions, the State indicated that the Office of the Attorney General in March 2017 had presented a strategy consisting of a specific methodology for investigating threats against human rights defenders. This strategy is said to be based on various lines of action and includes: the creation of a specialized group of prosecutors, judicial police, and analysts; the design of a protocol for investigating threats; early intervention when cases are reported, to try to prevent these crimes; and direct telephone helplines, among other things. According to the State, these actions had resulted in three convictions for the crime of making threats, eight cases at trial, and nine in an investigative phase.²⁸⁶ For their part, civil society organizations said that there were 1,172 investigations on record with the Office of the Attorney General in 2017 and 2018 for the crime of making threats and that therefore they believe that three convictions do not represent sufficient progress.²⁸⁷
167. In addition, information provided by civil society organizations indicates that the Office of the Attorney General knows of 6,709 cases involving threats against human

²⁸³ IACHR, Annual Report 2018, Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia, para. 307

²⁸⁴ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 23.

²⁸⁵ *Ibid.*, para. 383.

²⁸⁶ IACHR, 173rd period of sessions, Public Hearing, “Threats against and Murders of Social Leaders in Colombia,” September 26, 2019.

²⁸⁷ *Ibid.*

rights defenders between 2016 and 2018 and that the results of the investigations into these acts are nil.²⁸⁸ For its part, the Office of the Human Rights Ombudsman stated that of the threat-related cases in the Atlántico region presented between 2016 and 2017, there have been practically no results in terms of investigations and prosecutions.²⁸⁹ The Commission notes that the Office of the Attorney General has taken steps to move forward in the investigation of the threats and reiterates the importance that threats are investigated diligently, as these acts of violence are often an early warning of a potential future attack on the life and integrity of a human rights defender. In this regard, although the IACHR is encouraged by the progress the Office of the Attorney General has made in terms of investigative methods, it notes the importance of strengthening its capacity, given the large number of cases that are pending.

168. The Commission values the information presented by the State concerning the efforts and resources allocated for investigating crimes against human rights defenders, as well as for dismantling the criminal structures and other sources of harassment, threats, or murders of people who have devoted their lives to defending individual, community, or social human rights. The Commission also recognizes the measures adopted by the State and the Office of the Attorney General to advance the investigations into acts of violence against human rights defenders and to ensure, above all, that the investigations include the defense of human rights as a central theory of the crime. Nevertheless, considering the criteria used for “clarifying” cases and the small number of convictions, the levels of impunity in these cases continue to be high. The Commission is also concerned that the State does not take into account the records of killings of human rights defenders kept by civil society organizations and the Office of the Human Rights Ombudsman and that for its records it uses the figures of cases verified by OHCHR. The IACHR observes the importance of classifying the murder victims as human rights defenders; thus, it is essential to cross-check the official figures available with those provided by civil society.
169. The Commission notes that although the State has begun taking steps that contribute to solving cases, it is essential to have clear statistics that establish the number of cases and the results, particularly those cases that lead to convictions in which those responsible are identified and the truth is determined about the motives behind the crimes. On this last point, the Somos Defensores Program has indicated that in the cases that have been solved, the motive for the deaths of the human rights defenders has not been made explicit, nor have the masterminds of the crimes been linked to the criminal proceedings.²⁹⁰ For its part, OHCHR has stated that full criminal accountability for the attacks against human rights defenders is critical, as it would constitute a safeguard for protection and non-repetition of these crimes.²⁹¹ In that regard, the IACHR has maintained that partial investigation and

²⁸⁸ Information received from the organizations SISMA Mujer and the Colectivo de Abogados José Alvear Restrepo on May 21, 2019, in IACHR archives.

²⁸⁹ Office of the Human Rights Ombudsman, [Alerta Temprana No. 026-18](#), February 28, 2018, p. 51.

²⁹⁰ Programa Somos Defensores, [Piedra en el zapato: informe anual 2017 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADD](#), 2018, p. 89.

²⁹¹ UN, [Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/37/3/Add.3, March 2, 2018, para. 17.

punishment increases immunity and with it, the risk affecting many human rights defenders.²⁹²

170. The Commission emphasizes the importance that the Colombian State move forward in identifying those responsible for planning these crimes. The Commission stresses that in combating impunity, the State must identify and punish not only those who carry out the killings of human rights defenders but also the masterminds. Moreover, to prevent these crimes from being repeated, it is crucial to determine the motives for them, possible patterns they have in common, and the structural causes that have led to the increased violence against human rights defenders in Colombia in recent years. Only then can it ensure that these attacks are not repeated.

²⁹² IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 237; IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 109.

CHAPTER 5
THE STATE'S OBLIGATIONS
WITH RESPECT TO HUMAN
RIGHTS DEFENDERS

THE STATE'S OBLIGATIONS WITH RESPECT TO HUMAN RIGHTS DEFENDERS

171. The State's obligations with respect to human rights defenders and the right to defend human rights are directly related to the enjoyment of the rights contained in the American Convention on Human Rights (hereinafter "the American Convention"), including the right to life, to humane treatment, to freedom of expression and association, to a fair trial, and to judicial protection. Taken as a whole, these rights allow for the free exercise of the activities involved in defending human rights and are carried out through the exercise of the right to defend human rights.
172. The Inter-American Commission and Court have emphasized that with regard to the rights of human rights defenders, States have the obligation to guarantee the necessary conditions so that they can perform their work,²⁹³ the specific obligations to prevent and protect,²⁹⁴ and the obligation to investigate crimes committed against human rights defenders.²⁹⁵
173. The Commission has specified that the State must prevent violations against human rights defenders and protect those who are at risk. This involves: 1) the obligation to ensure conditions that enable human rights defenders to carry out their activities freely; 2) the duty not to impede the work of human rights defenders and to overcome obstacles in the way; 3) the obligation to avoid and respond to acts intended to improperly criminalize their work; 4) the obligation to protect them if they are at risk, which may include complying with precautionary measures issued by the IACHR; and 5) the cross-cutting obligation to investigate, clarify, prosecute, and punish crimes committed against them.²⁹⁶

²⁹³ I/A Court H.R., *Case of García and Family Members v. Guatemala*, Merits, Reparations and Costs, Judgment of November 29, 2012, Series C No. 258.

²⁹⁴ I/A Court H.R., *Case of Yarce et al. v. Colombia*, Preliminary Objection, Merits, Reparations and Costs, Judgment of November 22, 2016, Series C No. 325; *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, Series C No. 283; *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269.

²⁹⁵ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014.

²⁹⁶ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 479.

A. Obligation to Ensure Conditions that Enable Human Rights Defenders to Carry Out their Activities Freely

174. The Commission has consistently stressed that States have the duty to create the conditions necessary to prevent and respond to violations by State actors or private citizens against the rights of human rights defenders, so that defenders can carry out their activities freely. The Commission has indicated that States have the obligation to take proactive steps that create environments conducive to the defense of human rights and that translate into the suppression of environments that are hostile or dangerous for the protection of human rights.²⁹⁷
175. The IACHR has established that the Colombian State has the obligation to adopt reasonable measures to prevent acts of violence against human rights defenders, as well as the duty to generate the necessary conditions for the work of defending human rights to be carried out.²⁹⁸ The Commission has also held in the case of human rights defenders that the State's obligation to prevent is not limited to providing material measures to protect their personal integrity or to ensuring that its agents do not interfere in the full exercise of their human rights but also entails the duty to address the structural causes that affect defenders' security, in order to create the necessary conditions for the effective exercise and enjoyment of the rights established in the American Convention.²⁹⁹ Therefore, the State must facilitate the necessary means, such as by eliminating hostile or dangerous environments, and create the conditions that are necessary to stop violations on the part of its agents or private citizens, in order to ensure that human rights defenders can freely perform their activities.
176. In the current Colombian context, the State must adopt measures to foster a culture in which the work of human rights defenders is recognized as legitimate and must publicly and unequivocally acknowledge the fundamental role played by defenders in guaranteeing the effectiveness of democratic institutions and the rule of law.³⁰⁰ To that end, the IACHR has recommended that States continue to undertake education, promotion, and outreach activities geared toward all State agents, society in general, and the media concerning the legitimacy of the work of promoting and defending human rights, as a strategy to raise awareness about the importance of the work of human rights defenders and their organizations.³⁰¹
177. The Inter-American Court has established that a public policy to protect human rights defenders should include the promotion of a culture that legitimizes and

²⁹⁷ IACHR, Report No. 100/11, Case No. 12.472, Carlos Antonio Luna López et al. v. Honduras, July 22, 2011, para. 225.

²⁹⁸ IACHR, Report No. 86/13, Cases 12.595, 12.596, and 12.621, Merits, Ana Teresa Yarce et al. (Comuna 13), Colombia, November 4, 2013, paras. 228-229.

²⁹⁹ IACHR, Report No. No.35/16, Case 12.713, Merits, Jose Rusbel Lara et al., Colombia. March 21, 2017, para. 152.

³⁰⁰ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 541.

³⁰¹ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 285 (Recommendation 4).

protects the work that they do.³⁰² This culture should be promoted at all levels of institutions and include civil servants and State authorities, ranging from territorial districts and local governments to high-level authorities, as a State policy of respect and support for human rights defenders and their work in a joint effort to build peace. This obligation involves implementing policies, programs, and interventions designed to create safe conditions for human rights defenders to carry out activities, especially in areas that have felt the biggest impact of the conflict and therefore require more attention.

178. In this regard, the Commission encourages Colombia to intensify its efforts to consolidate a culture of respect for those who defend human rights—particularly in those areas abandoned by the FARC and in the areas especially hard-hit by the armed conflict, through educational activities³⁰³ and activities to promote human rights and recognize human rights defenders. The Commission also encourages Colombia to organize coordination meetings between human rights defenders and State entities at the local level, in order to incorporate and promote issues of interest to human rights defenders in local public policy.
179. The IACHR has also stressed the importance of creating spaces for dialogue between human rights defenders or their organizations and the corresponding authorities, including those at the highest level, in order to identify, design, or implement public policies, programs, and interventions that may be appropriate to guarantee their safety and their work.³⁰⁴ It is therefore necessary to establish working groups to strengthen the dialogue with human rights defenders, so as to learn about the problems they face and facilitate their active participation in the adoption of public policies, such as for example the National Roundtable on Guarantees.³⁰⁵
180. Against the current backdrop of the implementation of the Peace Agreement, the presence of the State in remote territories is vitally important, especially in those regions hardest-hit by the armed conflict and abandoned by the FARC-EP, where there is more need for strengthening institutions. This will help to build greater trust between human rights defenders and State entities.
181. In that regard, the Commission welcomes that the Peace Agreement provides for the design, drafting, and execution of a National Human Rights Plan with the effective participation of organizations of human rights defenders and social organizations and movements, one that enables existing policy efforts to be adapted to the needs of a peacebuilding situation.³⁰⁶ The Commission also welcomes the fact the Peace Agreement contemplates a mechanism for the Interior Ministry to help strengthen

³⁰² I/A Court H.R., *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, para. 243; IACHR, Criminalization of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49-15, December 31, 2015, para. 285 (Recommendation 4).

³⁰³ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1200.

³⁰⁴ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 142.

³⁰⁵ IACHR, Criminalization of Human Rights Defenders, OEA/Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 285 (Recommendation 5).

³⁰⁶ Peace Agreement, 5.2.3, first paragraph.

the ability of human rights organizations in outlying territories to file complaints,³⁰⁷ and that the National Commission on Security Guarantees provided for in the Peace Agreement has been established.³⁰⁸

B. Duty Not to Impede the Work of Human Rights Defenders and to Overcome Obstacles in the Way

182. The Commission has emphatically maintained that when someone is kept from defending human rights, this affects the three dimensions of protection of rights: (i) on an individual level, it affects the person's right to defend rights; (ii) on a collective level, it affects the public interest in defending rights; and (iii) in the social dimension, it affects the right to seek positive changes when it comes to rights for society.³⁰⁹ In this sense and in fulfillment of the State's duty, authorities should refrain from using stigmatizing language toward the right to defend rights and toward human rights defenders.
183. Disparaging the work of human rights defenders, whether through official pronouncements or criminal complaints that may be unwarranted, creates a stigma which can result in a psychological burden that infringes on the human rights defender's right to psychological and moral integrity and can create a climate of hostility that hampers the legitimate exercise of the person's freedom of association.³¹⁰
184. In the specific case of Colombia, the Commission has referred to accusations and stigmatization of leaders who are accused individually or collectively, arbitrarily and without any basis in fact, of collaborating with some faction in the conflict, creating an immediate threat to their communities and families.³¹¹ The Commission has indicated that public officials must refrain from making statements that stigmatize the traditional indigenous authorities and leaders, or that suggest that they are acting improperly or unlawfully, merely because of their work of promoting and defending human rights.³¹²

³⁰⁷ Peace Agreement, 3.4.8, last paragraph.

³⁰⁸ National Commission on Security Guarantees for the dismantling of the criminal organizations and conduct that are responsible for homicides and massacres, that attack human rights defenders or social or political movements, or that threaten or attack individuals who participate in the implementation of the agreements and the peacebuilding process, including the criminal organizations that have been called the successors to paramilitary groups and their support networks. Peace Agreement, 3.4.3. Established on February 23, 2017.

³⁰⁹ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, paras. 32-34.

³¹⁰ I/A Court H.R., *Case of Huilca-Tecse v. Peru*, Merits, Reparations and Costs, Judgment of March 3, 2005, Series C No. 121.

³¹¹ See IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 774.

³¹² IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 775. IACHR, Report on the Situation of Human Rights Defenders in the

185. Additionally, the State must refrain from participating in smear campaigns, disseminating negative representations, or stigmatizing human rights defenders and the work they do.³¹³ The State must not tolerate any attempt by government authorities to question the legitimacy of the work being done by human rights defenders and their organizations.³¹⁴
186. Moreover, the Commission and the Court have established that it would not be compatible with the intentions of the American Convention to intercept, monitor, and record the telephone communications of members of an organization to control their activities, or to disseminate such communications, when this is done expressly to detract from the legitimacy of the work of the associations to which the victims belong.³¹⁵
187. It bears repeating that the Commission has also spoken out about the need for the State to verify the accuracy and objectivity of the information contained in military intelligence archives on human rights defenders and to make the results of this effort public.³¹⁶ The Commission has also established that individuals have a right to know about the intelligence information that has been gathered about them, even when they are not faced with a criminal proceeding based on that information. Without access to such information, individuals cannot correct any information that is erroneous.³¹⁷ In its observations on the draft of this report, the State indicated that intelligence information is of a confidential nature, as established in Article 33 of Law 162 of 2013, and that Article 19 of Law 1712 of 2014 establishes the existence of information exempt from public access.³¹⁸
188. In that regard, the Commission calls to mind that limitations to the right of access to information must be in strict accordance with the requirements derived from Article 13(2) of the American Convention—that is, the conditions of exceptional nature, legal establishment, legitimate objectives, and necessity and proportionality.³¹⁹ In this sense, “[e]xceptions should apply only where there is a risk of substantial harm to the protected interest and where that harm is greater than the overall public interest in having access to the information.”³²⁰ Moreover, “[i]f a restriction to the

Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, Recommendation 10; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 124.

³¹³ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, Recommendation 5.

³¹⁴ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 177; IACHR, Situation of Human Rights in Honduras, OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 64.

³¹⁵ I/A Court H.R., *Case of Escher et al. v. Brazil*, Preliminary Objection, Mertis, Reparations and Costs, Judgment of July 6, 2009, Series C No. 200, para. 165; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 521.

³¹⁶ IACHR, Access to Information on Human Rights Violations, 2010, para. 18.

³¹⁷ IACHR, Third Report on the Human Rights Situation in Colombia, OEA/Ser.L/V/II.102, Doc. 9 rev. 1, February 26, 1999, Chapter VII, para. 58.

³¹⁸ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 19.

³¹⁹ IACHR, The Inter-American Legal Framework regarding the Right to Access to Information, OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009 (2009), para. 45.

³²⁰ *Ibid.* para. 56.

right of access meets those requirements, the material may be kept confidential only as long as there is a certain and objective risk that revealing the information would disproportionately affect one of the interests that Article 13(2) of the Convention orders protected. In this regard, the exception should be in effect only for a reasonable time period, and after that expires, the information must be made available to the public.”³²¹

189. With regard to national security specifically, the IACHR and its Office of the Special Rapporteur have noted that Principle 4 of the Declaration of Principles on Freedom of Expression states that the principle of access to information “allows only exceptional limitations that must be previously established by law in case of a real and imminent danger that threatens national security in democratic societies.” It is incumbent upon the State to demonstrate, when it restricts access to information under its control, that it has complied with the requirements set forth in the American Convention.³²²
190. Finally, the IACHR considers that the State must provide human rights defenders with an appropriate remedy when they are subjected to stigmatizing statements that can affect their reputation, jeopardize their personal integrity, and lead to or facilitate their criminalization.³²³

C. Obligation to Avoid and Respond to the Criminalization of Human Rights Defenders

191. The IACHR understands that the criminalization of human rights defenders occurs through the misuse of criminal law and involves the manipulation of the State’s punitive power by State and non-State actors in order to hinder their advocacy work, thereby preventing the legitimate exercise of their right to defend human rights.³²⁴
192. The Commission has observed throughout the region that the process of criminalizing a human rights defender usually begins with the filing of baseless allegations or complaints based on criminal offenses that do not conform to the principle of legality or criminal offenses that do not meet inter-American standards. These criminal offenses are often linked to punishable conduct such as “incitement to rebellion,” “terrorism,” “sabotage,” “incitement to crime,” and “attack or resistance to public authority,” and tend to be arbitrarily applied by the authorities.

³²¹ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 199.

³²² IACHR, [The Inter-American Legal Framework regarding the Right to Access to Information](#), OEA/Ser.L/V/II CIDH/RELE/INF. 1/09, December 30, 2009 (2009), para. 46.

³²³ IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 90.

³²⁴ IACHR, [Criminalization of Human Rights Defenders](#), OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 3.

Sometimes, the initiation of criminal proceedings is preceded by stigmatizing statements made by public servants.³²⁵

193. In other cases, criminal offenses are reportedly misused to criminalize human rights defenders involved in social protests, under the pretext of protecting the right to freedom of movement and traffic and vehicle safety, or other criminal offenses are misapplied, such as resisting arrest or causing damage in the context of demonstrations dispersed by law enforcement.³²⁶
194. The Commission has indicated that cases in which authorities make statements or issue press releases publicly incriminating a human rights defender for acts not proven in a court of law are violations of the right to one's honor and dignity.³²⁷ It further recalls that, by the principle of the presumption of innocence, States must avoid publicly incriminating any human rights defender whose alleged crimes have not been proven in a court of law.³²⁸
195. The IACHR has indicated that criminalization is a complex obstacle that has a multifaceted impact on the free exercise of the defense of human rights. Criminalization may also have social effects by affecting structures, leadership, the ability to function as a group, and collective symbols. In this sense, when criminalization affects individuals who play significant roles in a society, village, or community, such as social and community leaders or indigenous authorities, it has a very negative impact on the collective, because not only is the accused person affected but also the society in which he or she plays a role, as that person is prevented from exercising his or her position of representation, leadership, or authority.³²⁹ The misuse of criminal law can also generate community division, because criminally prosecuting a defender often generates mistrust and collective insecurity, as well as a climate of fear, threats, accusations, and social ostracism.³³⁰
196. The Commission reiterates that no human rights defender may be subject to a criminal proceeding indefinitely; such a situation would infringe on the guarantee of a reasonable time period. This guarantee, in addition to being a basic element for the right to a trial in accordance with the rules of due process, is especially essential to prevent unwarranted criminal proceedings from preventing defenders from doing their work.³³¹

³²⁵ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 6.

³²⁶ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 117.

³²⁷ IACHR, Democracy and Human Rights in Venezuela, OEA/Ser.L/V/II., Doc. 54, December 30, 2009, para. 616. IACHR, Report No. 43/96, Case 11.430, José Francisco Gallardo (Mexico), October 15, 1996, para. 76; IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 775.

³²⁸ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 775.

³²⁹ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 220.

³³⁰ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 221.

³³¹ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 181; Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 111.

197. Along these lines, the Commission has urged the States to adopt all necessary measures to avoid subjecting human rights defenders to unfair or baseless investigations and/or trials, which from a broad standpoint also have implications in terms of the protection of defenders. The State should therefore give precise instructions to officials to refrain from subjecting human rights defenders to criminal proceedings for carrying out their legitimate work and should punish those who do not comply with these instructions.
198. Additionally, the IACHR has maintained that States should decriminalize the crimes of libel and slander, which have sometimes been used by public officials to restrict human rights defenders' freedom of expression and work.³³² In Colombia, these crimes remain in the Criminal Code, and therefore the Commission recommends that the State take the necessary measures to amend the Criminal Code to decriminalize libel and slander, in accordance with inter-American standards.
199. In the case of Colombia, the Commission has maintained that the Colombian State should ensure that its authorities or third persons not manipulate the punitive power of the State and its organs of justice with the aim of harassing those who are devoted to defending human rights, and ensure that the proper punishment be applied if this should occur.³³³

D. Obligation to Protect Human Rights Defenders at Risk

200. The Commission has emphasized that the defense of human rights can be exercised freely only when human rights defenders are not victims of threats or of any type of physical, psychological, or moral aggression or other forms of harassment,³³⁴ or improper reprisals or pressure. This also implies the need to take timely and diligent steps to investigate, establish patterns, and punish any aggression committed against human rights defenders because of their work, so as to prevent other actions from being taken against them.
201. In that regard, the State's duty not only implies creating the necessary legal and formal conditions; it also demands that the State ensure the real conditions in which human rights defenders can freely carry out their work. This means the State should adopt decisive measures to prevent acts of violence against human rights defenders; provide the necessary means so that they can carry out their activities freely; protect them when they receive threats, so as to prevent attacks on their lives and integrity; create conditions to eliminate violations by State agents or private citizens; and

³³² See IACHR, Annual Report 2009, OEA/Ser.L/V/II. Doc. 51, December 30, 2009, [Report of the Special Rapporteur for Freedom of Expression](#), Chapter III, Inter-American Legal Framework of the Right to Freedom of Expression, paras. 118 and following; IACHR, [Situación de la Libertad de Expresión en Chile](#), OEA/Ser.L/V/II. CIDH/RELE/INF.16/17, March 15, 2017, para. 46.

³³³ IACHR, [Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia](#), OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1193.

³³⁴ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 46. I/A Court H.R., *Case of Fleury et al. v. Haiti*, Merits and Reparations, Judgment of November 23, 2011, Series C No. 236, para. 81.

thoroughly and effectively investigate violations committed against them, combating impunity. In short, the State's obligation to guarantee the rights to life and personal integrity of an individual is increased in the case of a human rights defender.³³⁵

202. The Commission has established that to provide effective protection to human rights defenders, States should implement an integral protection policy, a term that the Commission has used since 2011 to identify the set of State obligations to ensure the free exercise of defending human rights.³³⁶ On that point, the Inter-American Court has specified that a public policy or program for the protection of human rights defenders should at least do the following:
- a) contemplate the participation of human rights defenders, civil society organizations, and experts in the formulation of the standards that could regulate protection for the group in question;
 - b) address the problem in a comprehensive and inter-institutional manner, in keeping with the risk of each situation, and adopt measures to immediately address complaints made by defenders;
 - c) create a risk analysis model that allows for the effective assessment of the risk and the protection needs of each defender or group;
 - d) create an information management system on the situation of prevention and protection of human rights defenders;
 - e) design protection plans that respond to the specific risk faced by each defender and the characteristics of his or her work;
 - f) promote a culture that legitimizes and protects the work of human rights defenders; and
 - g) allocate sufficient human and financial resources to respond to the real needs for protection of human rights defenders.³³⁷
203. The IACHR and the Inter-American Court have recognized that the fear inflicted on human rights defenders by the murder of a defender in reprisal for his or her activities can reduce the possibility that defenders will exercise their right to defend human rights by denouncing violations.³³⁸ In this sense, attacks on human rights defenders may bring their activities to an immediate halt or reduce them almost completely, whether because the defenders must leave behind the areas where they work, change their places of residence or work habits, or in some cases, leave the

³³⁵ I/A Court H.R., *Case of Escaleras Meja et al. v. Honduras*, Judgment of September 26, 2018, Series C No. 361, para. 64; I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 142.

³³⁶ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, Recommendation 5; Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 5.

³³⁷ I/A Court H.R., *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, para. 243.

³³⁸ I/A Court H.R., *Case of Valle Jaramillo et al. v. Colombia*, Merits, Reparations and Costs, Judgment of November 27, 2008, Series C No. 201, para. 96; See Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 25.

region or the country.³³⁹ The States have the duty to provide the necessary means for human rights defenders to conduct their activities freely and to protect them when they are subject to threats in order to ward off any attempt on their life.³⁴⁰

204. In terms of compliance with this duty, the State should open up spaces for dialogue and participation between human rights defenders or their organizations and the corresponding authorities, in order to identify or design and implement any policies, programs, and interventions that may be appropriate and effective for guaranteeing their safety. It is also necessary to ensure that protection programs have national coverage in rural areas and in the interior of the country, especially in the regions abandoned by the FARC guerrillas, where human rights defenders are said to be at greater risk due to the absence or weakness of institutions in that territory. Additionally, the State should ensure that protection measures are suitable and effective, through periodic consultations and risk assessment.
205. On a more detailed level, the Inter-American Court has established that it corresponds to State authorities to take notice of the situation of special risk and to determine or assess whether the person who is the target of threats and harassment requires protection measures, or refer the matter to the competent authority to do so, and also to offer the person at risk timely information on the measures available. The Court has indicated that the assessment of whether a person requires measures of protection and which measures are appropriate is an obligation of the State and cannot be limited to the victim requesting this for him or herself from the “competent authorities,” or knowing exactly which authority is best suited to deal with his or her situation, because it is incumbent upon the State to establish coordination among its agencies and officials for this purpose.³⁴¹
206. In this context, it is important not to lose sight of the fact that the implementation of protection plans should be understood as temporary, and necessary to respond to urgent situations while the structural causes of the violence and harassment against human rights defenders in the country are being addressed.³⁴² Protection mechanisms and programs are vitally important where risk is involved; however, they should not be the only means to protect human rights defenders. The protection of their rights requires that the root causes of the risk be resolved.

³³⁹ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 142.

³⁴⁰ I/A Court H.R., *Case of Kawas Fernández v. Honduras*, Merits, Reparations and Costs, Judgment of April 3, 2009, Series C No. 196 para. 145; *Case of Nogueira de Carvalho et al. v. Brazil*, Judgment of November 28, 2006, Series C No. 161, para. 77. See also I/A Court H.R., *Matter of the Persons Imprisoned in the “Dr. Sebastião Martins Silveira” Penitentiary in Araraquara, São Paulo, regarding Brazil*, Provisional Measures, Order of September 30, “considering” para. 24; *Matter of the Forensic Anthropology Foundation regarding Guatemala*, Provisional Measures, Order of February 9, 2006, “considering” para. 12.

³⁴¹ I/A Court H.R., *Case of Vélez Restrepo and family v. Colombia*, Preliminary Objection, Merits, Reparations, and Costs, Judgment of September 3, 2012, Series C No. 248, para. 201.

³⁴² IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 521. See I/A Court H.R., *Matter of Lilliana Ortega et al. regarding Venezuela*, Provisional Measures, Order of the Inter-American Court of Human Rights of July 9, 2009, “considering” para. 40.

207. Encouraging appropriate interaction and coordination among the various entities that support the implementation of measures, not only protection measures but also measures related to investigation and victim services, is conducive to an effective protection system. Cooperation among the various authorities involved in assessing risk, implementing protection measures, and investigating, prosecuting, and punishing the acts of violence against human rights defenders, in a framework of confidentiality, facilitates the implementation of a protection system that is effective. For that to happen, it is necessary to establish clear competencies and areas of responsibility for the authorities who are involved in implementing and monitoring the protection measures and to ensure that there is a legal basis for these authorities to exercise these powers. The IACHR will analyze these aspects in greater detail in the following sections.

1. Implementation of Suitable Protection Measures

208. The IACHR considers that to meet the requirement of suitability, a protection measure must, by its very nature, address the risk to the defender in such a way that not only protects the defender's life and personal integrity but also ensures that he or she can continue to carry out activities to promote and defend human rights. To that end, the State and the beneficiaries must work together to design the appropriate type of protection measures. In addition, States must design public policies that enable them to monitor the effectiveness of the measures selected to protect the defenders and ensure that these address the obstacles to their work, especially in periods when the risk level could increase. Thus, if the protection measures are not effective, they should be adjusted in response to the specific situation the defender is experiencing.

209. In this sense, it is the opinion of the bodies of the inter-American human rights system that for measures of protection to be adequate, they must be suitable to deal with the danger the person is facing, and to be effective, they must be able to produce the results for which they were conceived. The Inter-American Commission and Court have considered that in the case of human rights defenders, the following conditions must apply for protection measures to meet the requirement of suitability:

- a) the measures must be in keeping with the functions performed by the defenders;
- b) the risk level must be assessed in order to adopt measures and monitor those that are in force; and
- c) it must be possible to modify the measures in keeping with changes in the level of danger and the human rights defender's individual situation and context.

210. Thus, the type of protective measures must be decided in consultation with the defenders in order to establish a timely and focused intervention that is proportionate to the danger that the person could face, taking into account the context, the specific situations, and the type of risk and ensuring a differentiated

approach. For this, it is essential to keep careful records of the measures to be implemented for each beneficiary.

2. Agreement with the Beneficiary on the Measures to be Adopted

211. As noted above, the adequate implementation of a protection scheme requires extensive consultation with the defenders being protected. In this regard, the setup of the protection team participating in the security plan must ensure that personnel are appointed with the active participation and approval of the beneficiaries of the plan, in order to instill confidence and trust.³⁴³ The measures of protection must not be provided by the public servants or security officers who, according to the beneficiaries, may have involved in the reported facts. It is advisable to appoint security escorts who have the beneficiaries' trust.³⁴⁴
212. In that regard, the Commission has recommended that the States have a security force that is separate from law enforcement agencies that engage in intelligence and counterintelligence work. The personnel in charge of protection should be selected, recruited, and trained with complete transparency.³⁴⁵
213. Meanwhile, protection arrangements that are subcontracted to private security companies should be monitored on an ongoing basis to assess their performance and effectiveness. In addition, the necessary areas of responsibility and decision-making must be clearly defined in terms of those who are providing the protection and the State officials who are responsible for the protection scheme. The State must provide training with a focus on human rights to individuals who are subcontracted to provide protection services.³⁴⁶

3. Urgency and Flexibility

214. The implementation of a protection scheme also depends on the speed with which it is implemented. For protection measures to be implemented promptly and without delay, the State institutions responsible for providing protection must simplify their administrative processes and procedures, due to the urgency of the public service being requested, and establish deadlines for submitting information,

³⁴³ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 523.

³⁴⁴ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 292; I/A Court H.R., *Matter of Mery Naranjo et al. regarding Colombia*, Provisional Measures, Order of the Inter-American Court of Human Rights of March 4, 2011, resolute para. 3.

³⁴⁵ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 479.

³⁴⁶ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 287.

which must be reasonable and at the same time allow for a rapid response on the part of the State.³⁴⁷

215. Protection schemes should be evaluated on a case by case basis and be sufficiently flexible so that the protection measures that comprise them can be reinforced or reoriented in a timely manner, depending on the level of danger, urgency, and need, considering that these elements vary over time.
216. Because of the difficulties human rights defenders face in carrying out their work in the territories, the need arises to strengthen protection arrangements to provide the necessary flexibility for the defenders to be able to move around.³⁴⁸ For example, a protection scheme should allow for defenders to be accompanied as they travel outside the jurisdiction of their assigned security escorts, in areas near jurisdictional boundaries, depending on the needs of the person being protected.
217. To make measures of protection more effective, the protection system should include a risk-mapping mechanism that reflects the level of danger in the different regions and territories in Colombia, one that identifies the regions in which acts of violence and harassment occur and can relate that to the protection arrangements. This also makes it possible to prepare for and improve the prevention and protection steps to be implemented, such as for example the establishment of effective early warnings.³⁴⁹

4. Differentiated Approach

218. Protection schemes should take into account the context and specific situation of the beneficiaries, including whether they have been displaced, the environment of collective risk that may involve their families, communities, or organizations, and the cultural elements of their situation.
219. Among other things, protection schemes should ensure a gender-based approach that makes it possible to identify the particularities and specific risks faced by groups of women, such as those who are indigenous or Afro-descendent leaders, human rights defenders, and leaders of Juntas de Acción Comunal, among others.³⁵⁰

³⁴⁷ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 279.

³⁴⁸ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 265.

³⁴⁹ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 144.

³⁵⁰ The Commission has recognized, as an important step forward in the development of the protection program, the existence of a gender approach designed to identify the particularities and specific risks faced by communities of women such as indigenous women leaders, women human rights defenders, and women journalists, among others. IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 188.

220. In the case of women human rights defenders, the State's duty to protect and take action is reinforced, given the particular risk they face due to the historical discrimination they have suffered because of their sex and the causes they pursue.³⁵¹ Based on Article 7(b) of the Convention of Belém do Pará, the State has a specific duty to protect when it is aware of a context of violence against women and women human rights defenders.³⁵²
221. Along these lines, it is especially important to apply a gender-based approach to risk-assessment procedures, because it could reveal a differentiated level of danger and could have an impact on the implementation of measures of protection. To ensure that the measures are effective, the following elements are essential: a) there must be an immediate response by the State as soon as it becomes aware of the existence of the danger, to ensure that the measures are timely; b) those involved in the protection of defenders must have the necessary training to perform their functions and understand the importance of their actions; and c) the measures must be kept in effect for as long as the victims of violence or threats require them.³⁵³
222. The State should also ensure an ethnic-based approach.³⁵⁴ In protection schemes for communities of African descent and indigenous peoples, the State should consider the geographical location, the specific needs, and the special situation these communities have confronted in the context of the armed conflict. For remote communities with no access to electricity or a satellite signal, it is important to recognize that measures such as panic buttons or cell phones are not useful, and that a simple visit by a State representative to the area or the installation of electric lighting may be more effective in dissuading violence. In addition, comprehensive measures should be designed to implement collective measures of protection.³⁵⁵
223. Protection schemes should ensure the inclusion of a differentiated approach that takes into account the particular vulnerability to violence of LGBTI human rights defenders in the design and implementation of protection measures,³⁵⁶ and should contemplate an approach that takes into consideration the gender expression,

³⁵¹ IACHR, Report No. 86/13, Cases 12.595, 12.596, and 12.621, Merits, Ana Teresa Yarce et al. (Comuna 13), Colombia, November 4, 2013, para. 230.

³⁵² I/A Court H.R., Case of Yarce et al. v. Colombia, Preliminary Objection, Merits, Reparations and Costs, Judgment of November 22, 2016, Series C No. 325, para. 194.

³⁵³ I/A Court H.R., Case of Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 157.

³⁵⁴ Colombia has a specific protocol in place to assess risk in cases involving indigenous populations and cases that require implementation of a gender-specific approach. Colombia reported that it has strengthened the *guardias indígenas*, or indigenous guards, such as by procuring rubber boots, vests that identify them as members of the guard, staffs of command, and camping tents; for Afro-Colombian communities in territories far from urban areas, protection measures have included boats with outboard motors, so as to be able to respond readily in an emergency, and all-terrain vehicles. IACHR, Annual Report 2016, Chapter V, Follow-Up on Recommendations, Colombia, para. 84.

³⁵⁵ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 311.

³⁵⁶ IACHR, Violence against LGBTI Persons, OAS/Ser.L/V/II.rev.2. Doc. 36, November 12, 2015, p. 281.

gender identity, and sexual orientation of those who turn to the State for protection.³⁵⁷

224. Finally, having information systems to compile and analyze data on the violence that affects human rights defenders and justice operators³⁵⁸ would allow the procedures that are implemented to be more efficient. In addition, to improve its effectiveness, the protection system should include a mechanism to monitor and evaluate the effectiveness of the measures that are implemented, given the situations of risk the beneficiaries face.³⁵⁹

E. Obligation to Investigate, Clarify, Prosecute, and Punish Crimes against Human Rights Defenders

225. The Inter-American Commission and Court have referred to the State's obligation to provide simple, prompt, and effective remedies—characteristics that should apply to the judicial remedies available for the crimes committed against human rights defenders. The effectiveness of the remedy has to do with its “suitability,” represented by its potential “to determine whether a violation of human rights had been committed and do whatever it takes to solve it”³⁶⁰ and its capacity to “yield positive results or responses to human rights violations.”³⁶¹ This should be measured on the basis of: a) the possibility of verifying the existence of such violations; b) the possibility of remedying them; c) the possibility of making reparation for the damage done and of punishing those responsible.³⁶² A remedy is not effective when it is “illusory” or excessively onerous for the victims, or when the State has not ensured its proper enforcement by the judicial authorities.³⁶³ The Commission calls these standards to mind with regard to the difficulties in practice

³⁵⁷ IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 316.

³⁵⁸ IACHR, The Human Rights Situation in Mexico, OEA/Ser.L/V/II. Doc. 44/15, December 31, 2015, para. 539.

³⁵⁹ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 178.

³⁶⁰ See I/A Court H.R., *Case of Durand and Ugarte v. Peru*, Merits, Judgment of August 16, 2000, Series C No. 68, para. 102; *Case of Cantoral-Benavides v. Peru*, Merits, Judgment of August 18, 2000, Series C No. 69, para. 164; *Case of Ivcher-Bronstein v. Peru*, Merits, Reparations and Costs, Judgment of February 6, 2001, Serie C No. 74, para. 136; *Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Merits, Reparations and Costs, Judgment of August 31, 2001, Series C No. 79, para. 113; *Judicial Guarantees in States of Emergency (Arts. 27(2), 25 and 8 American Convention on Human Rights)*, Advisory Opinion OC-9/87 of October 6, 1987, Serie A No. 9, para. 24, among others. IACHR, Access to Justice as a Guarantee of Economic, Social, and Cultural Rights. A Review of the Standards Adopted by the Inter-American System of Human Rights, OEA/Ser.L/V/II.129 Doc. 4, September 7, 2007, para. 246.

³⁶¹ I/A Court H.R., *Case of Velásquez Rodríguez v. Honduras*, Merits, Judgment of July 29, 1988, Serie C No. 4.

³⁶² IACHR, Access to Justice as a Guarantee of Economic, Social, and Cultural Rights. A Review of the Standards Adopted by the Inter-American System of Human Rights, OEA/Ser.L/V/II.129 Doc. 4, September 7, 2007, para. 248.

³⁶³ IACHR, Access to Justice as a Guarantee of Economic, Social, and Cultural Rights. A Review of the Standards Adopted by the Inter-American System of Human Rights, OEA/Ser.L/V/II.129 Doc. 4, September 7, 2007, para. 251.

involved in investigating and prosecuting the crime of threats in Colombia,³⁶⁴ as well as in relation to the investigation of this offense within the Special Jurisdiction for Peace (JEP).

226. The bodies of the inter-American system have stated that the most effective way to protect human rights defenders is by effectively investigating the acts of violence against them and punishing the persons responsible,³⁶⁵ in order to identify and address the causes of the violence and thus prevent its repetition. They have stressed that to guarantee the protection of human rights defenders, States have an essential obligation to prevent impunity with regard to the attacks against them.³⁶⁶
227. The Inter-American Commission and Court have established that impunity—understood as the overall failure to investigate, track down, capture, prosecute, and convict—fosters the chronic repetition of human rights violations and the complete defenselessness of the victims and their family members. Impunity is one of the reasons that enable acts of harassment, attacks, and murders to continue to be perpetrated against human rights defenders; it makes them more defenseless and unprotected and has a chilling and intimidating effect³⁶⁷ on them, on other human rights defenders, and on those who turn to them and those associated with the work they do.
228. The States must recognize publicly and raise awareness among public entities that the most effective way to protect human rights defenders is by investigating violations against them. The State’s fulfillment of its obligation to investigate violations committed against human rights defenders, when done diligently, becomes an important measure of prevention and non-repetition. This implies conducting serious, independent, transparent, and timely investigations to identify the perpetrators and masterminds, prosecute them, and ensure adequate reparations to victims.³⁶⁸
229. In this regard, the Inter-American Court has stated that the obligation to exercise due diligence implies that the criminal investigations must exhaust all logical lines of investigation. This requires that investigations carried out by the State take into account “the complexity of the facts, the context in which they occurred and the systematic patterns that explain why the events occurred,” ensuring that there were no omissions in the gathering of evidence or in the development of logical lines of

³⁶⁴ Colombian Criminal Code, Article 347: “Anyone who, by any means, frightens or threatens a person, family, community, or institution for the purpose of causing alarm, anxiety, or terror in the population, or any segment of such, shall incur, for this sole conduct, a prison sentence of four (4) to eight (8) years and a fine of thirteen point thirty-three (13.33) to one hundred fifty (150) times the current legal monthly minimum wage.”

³⁶⁵ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 233.

³⁶⁶ I/A Court H.R., *Case of Kawas Fernández v. Honduras*, Merits, Reparations and Costs, Judgment of April 3, 2009, Series C No. 196, para. 145; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 28.

³⁶⁷ I/A Court H.R., *Case of Huilca-Tecse v. Peru*, Merits, Reparations and Costs, Judgment of March 3, 2005, Series C No. 121, para. 78.

³⁶⁸ IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 287 (Recommendation 25).

investigation.³⁶⁹ The investigation should include the circumstances that could be a factor in the level of danger the defender faces; the type of threats or attacks made against the person; and the degree to which these have been repeated or have increased.

230. The Court has established that, in order to ensure effectiveness in the investigation of human rights violations, omissions must be avoided in the collection of evidence and the pursuit of logical lines of investigation. Along these lines, it has indicated that an investigation is not diligent, serious, and effective when it fails to take into account the context of the facts related to the defense of human rights, as well as other work and activities.³⁷⁰ Investigations should look into the role of the human rights defender as the starting point.
231. States have the obligation, *ex officio*, to ensure that justice is impartial and prompt, which entails an exhaustive examination of all the information in order to design and carry out an investigation that properly examines the various theories of responsibility, by act or omission, at different levels, exploring all the pertinent lines of investigation in order to identify those responsible.³⁷¹
232. The obligation to conduct an investigation with due diligence and exhaust all logical lines of inquiry is especially relevant in cases involving violence against human rights defenders, given that an investigation that does not consider factors related to context—such as the person's professional or personal activities and the rights he or she is defending—will be less likely to produce results and calls into question the authorities' willingness to solve the crimes subject to investigation and international responsibility.
233. In practice, the due diligence requirement is not satisfied if a State fails to implement essential procedures, in other words, if it merely (i) carries out a large number of procedures that are not geared toward finding out the truth; (ii) launches investigations and keeps them open over time without any activity; or even if (iii) the investigation produces some isolated results. Due diligence requires that the investigating body carry out all judicial actions and investigations necessary to obtain the intended objective. Otherwise, the investigation is not effective under the terms of the American Convention.³⁷²

³⁶⁹ I/A Court H.R., *Case of the Rochela Massacre v. Colombia*, Merits, Reparations and Costs, Judgment of May 11, 2007, Series C No. 163, para. 158; *Case of Cepeda Vargas v. Colombia*, Preliminary Objections, Merits, Reparations and Costs, Judgment of May 26, 2010, Series C No. 213, paras. 106-110 and 167.

³⁷⁰ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, paras. 216 and 237.

³⁷¹ I/A Court H.R., *Case of Escaleras Mejía et al. v. Honduras*, Judgment of September 26, 2018, Series C No. 361, para. 47; *Case of Acosta et al. v. Nicaragua*, Preliminary Objections, Merits, Reparations and Costs, Judgment of March 25, 2017, Series C No. 334, para. 143.

³⁷² I/A Court H.R., Cf. *Case of the Serrano-Cruz Sisters v. El Salvador*, Merits, Reparations and Costs, Judgment of March 1, 2005, Series C No. 120, para. 83; *Case of Albán Cornejo et al. v. Ecuador*, Merits, Reparations and Costs, Judgment of November 22, 2007, Series C No. 171, para. 62; *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 200.

234. Satisfying the obligations concerning investigation and punishment of those responsible is closely related to the “right of the next of kin of the alleged victims to know what happened and to know who was responsible for the respective events”;³⁷³ thus, the authorities must ensure that the family members of human rights defenders who have been irreparably harmed can learn the truth.³⁷⁴
235. Moreover, the Commission has indicated that in accordance with the standard of due diligence, when there are allegations that a crime may have been committed in retaliation for a human rights defender’s work, the investigating authority must investigate that as a possible motive.³⁷⁵ Thus, the State must be thorough in carrying out the very first procedures and all pertinent procedures in order to determine whether the existing evidence could be connected to the human rights defender’s work. Due diligence will not be recognized if the State deliberately ignores this theory of the crime or fails to investigate it fully.
236. In addition, investigations must take into account the complexity of the acts in question, the context in which they occurred, and the patterns that explain why they were committed, ensuring that there are no omissions in the collection of evidence and in the pursuit of logical lines of investigation. Aspects that the State should investigate include, for example: the type of activity the human rights defender was involved in at the time of the attacks and what individuals or interests could have been opposed to or affected by that activity.³⁷⁶ The State’s responsibility arises if it did not take the pertinent steps to determine whether the existing evidence could have been linked to that motive.³⁷⁷
237. As part of its examination of State responsibility with regard to the death of a human rights defender, the Inter-American Court has analyzed the issue of how serious the investigation is from the very first procedures. The Court has established that the efficient determination of the truth in the context of the obligation to investigate a death must be evident from the very first procedures carried out with all due diligence.³⁷⁸ The Inter-American Court has comprehensively detailed the duties of

³⁷³ I/A Court H.R., *Case of García Prieto et al. v. El Salvador*, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 20, 2007, Series C No. 168, para. 102; *Case of the “Las Dos Erres” Massacre v. Guatemala*, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 24, 2009, Series C No. 211, para. 105; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 237.

³⁷⁴ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 237.

³⁷⁵ *Cfr.* IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 68.

³⁷⁶ I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 216.

³⁷⁷ I/A Court H.R., *Case of Escaleras Mejía et al. v. Honduras*, Judgment of September 26, 2018, Serie C No. 361, para. 54; *Cf.* I/A Court H.R., *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 220.

³⁷⁸ I/A Court H.R., *Case of Juan Humberto Sánchez v. Honduras*, Preliminary Objection, Merits, Reparations and Costs, Judgment of June 7, 2003, Series C No. 99, para. 127, and *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, para. 159; *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, para. 204.

State authorities who conduct an investigation into the death of a human rights defender.³⁷⁹

238. The IACHR has also recommended strengthening the capacity of institutions to combat the pattern of impunity for cases involving threats and killings of human rights defenders, through the formulation of investigative protocols that take into account the risks inherent in the work of human rights defenders and allow the investigation to be thoroughly developed under the theory that the crime was committed in retaliation against or to hinder the work of the human rights defender.³⁸⁰ To that end, it is necessary to coordinate, unify, and systematize investigations into acts of aggression and harassment committed against human rights defenders and their organizations, paying special attention to acts carried out against the same individuals and the patterns these acts fit into. It is also recommended that States adopt policies to strengthen trust and confidence in the institutions whose responsibility it is to investigate and prosecute crimes committed against human rights defenders.
239. In looking for patterns that could lead to results, officials called on to investigate should unify the criteria and not look at the case in a fragmented way, and they should use all means available to carry out the necessary procedures and inquiries to solve the crimes. For example, noticing a similar *modus operandi* for crimes committed against a number of social leaders or leaders of political opposition movements may lead to the identification of a pattern or a consistently shared feature.
240. Another important aspect to note is the obligation to carry out investigations within a reasonable time period. To do that, the authorities responsible for the investigation must conduct procedures expeditiously, avoiding delays, obstructions, or unwarranted inactivity that could lead to impunity and infringe on the right to judicial protection, in order to protect the interests of the victims, to preserve the evidence, and even to safeguard the rights of all persons who, in the context of the investigation, may be considered suspect.³⁸¹ This should also apply to the circumstances that may have an impact on the degree of danger the defender is facing; the type of threats or attacks that have been carried out against the defender; and the extent to which such incidents have been repeated or have increased.
241. The role of justice operators is essential to ensure access to justice for human rights defenders who are victims of human rights violations; by seeing to it that the judicial process functions properly, they guarantee that both the investigation and the proceedings are carried out in accordance with international human rights standards. Justice operators must ensure access to justice for human rights

³⁷⁹ I/A Court H.R., *Case of Juan Humberto Sánchez v. Honduras*, Preliminary Objection, Merits, Reparations and Costs, Judgment of June 7, 2003, Series C No. 99, para. 127, and *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, para. 159; *Case of Human Rights Defender et al. v. Guatemala*, Preliminary Objections, Merits, Reparation and Costs, Judgment of August 28, 2014, paras. 205 and following.

³⁸⁰ IACHR, Report No. 56/12, Case No. 12.775, Florentín Gudiel Ramos, Makrina Gudiel Álvarez y otros vs. Guatemala (in Spanish), March 21, para. 220.

³⁸¹ IACHR, Report No. 05/03, Jesús María Valle Jaramillo, Colombia (Admissibility), February 20, 2003, para. 31.

defenders, the proper application of the law, and the search for the truth about what happened, acting with professionalism, good faith, and procedural fairness. They should ensure that both the investigation and the proceedings are carried out in accordance with international human rights standards.

242. Justice operators must also take into account the international instruments that protect human rights defenders. That is, they must review domestic laws for compliance with the American Convention. Justice operators must ensure the correct application of the law and the search for truth about what happened, acting with professionalism, good faith, and with procedural loyalty.³⁸²
243. Along these lines, it is essential for the mechanisms of protection to work in coordination with the corresponding investigating agencies, to determine the sources of risk and identify and punish possible perpetrators. Progress made in the investigations will also complement the effectiveness of the protection measures adopted and deactivate the elements that jeopardize those protected under these programs.³⁸³
244. Coordination among the various institutions that work to investigate and prosecute threats and attacks against defenders makes these activities more effective, avoiding duplications and resulting in faster and more efficient procedures. The Commission considers it very important for there to be inter-institutional coordination between the regular criminal jurisdiction, the indigenous jurisdiction, the military criminal jurisdiction, and all other related State institutions with the Special Jurisdiction for Peace.³⁸⁴
245. In this regard, the Commission welcomes the fact that under the Peace Agreement, the government is to strengthen coordination between the Office of the Attorney General and organizations of human rights defenders, particularly those that work in rural areas, so as to look into and monitor, on a case by case basis, complaints and investigations of violations of the rights of human rights defenders, and that public progress reports are to be presented every three months.³⁸⁵
246. It should be noted that the Commission has also issued recommendations for human rights defenders who defend specific rights. For example, it has recommended that States implement measures that ensure effective investigations of killings and other acts of violence against LGBTI human rights defenders. It has indicated that the authorities should carry out an exhaustive analysis of every possible theory of the crime and thus establish whether or not the motive for the crime was the victim's

³⁸² IACHR, Criminalization of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49-15, December 31, 2015, para. 287 (Recommendation 21).

³⁸³ IACHR, The Human Rights Situation in Mexico, OEA/Ser.L/V/II. Doc. 44/15, December 31, 2015, para. 453.

³⁸⁴ Cf. IACHR, Annual Report 2016, Chapter V, Follow-Up on Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia, para. 136.

³⁸⁵ Peace Agreement, 5.2.2.

defense and promotion of human rights and/or the victim's sexual orientation or gender identity.³⁸⁶

247. The Commission also emphasizes that it is the State's duty to strengthen the means to investigate threats that are made electronically, so that the investigations into such threats can be effective and lead to the punishment of those responsible, and so that this type of crime—which has increased in Colombia in recent years—does not go unpunished.
248. As an example of a good practices in terms of investigations, the IACHR welcomes the formation of a special task force to prioritize the investigation and prosecution of cases involving the victimization of human rights defenders, with a cross-cutting differentiated approach on various issues. This task force will look at cases involving homicides, attempted homicides, and threats, or other punishable offenses against indigenous and Afro-Colombian leaders who work to defend the rights and lands of their communities against claimants, public servants, and others involved in land restitution processes, or cases related to collective threats made against groups of human rights defenders.³⁸⁷

³⁸⁶ IACHR, Violence against LGBTI Persons, OAS/Ser.L/V/II.rev.2. Doc. 36, November 12, 2015, Recommendation 88.

³⁸⁷ Office of the Attorney General, Resolution 1783 of August 31, 2015.

CHAPTER 6
INSTITUTIONAL RESPONSE
REGARDING PREVENTION AND
PROTECTION MEASURES FOR
HUMAN RIGHTS DEFENDERS

INSTITUTIONAL RESPONSE REGARDING PREVENTION AND PROTECTION MEASURES FOR HUMAN RIGHTS DEFENDERS

249. Since its 2013 report *Truth, Justice and Reparation*, the Commission has consistently recommended to the Colombian State that it design and implement comprehensive and effective public policies for protecting human rights defenders who are at risk, with special attention to those who may be particularly vulnerable.³⁸⁸ The IACHR reiterated this recommendation at the end of its working visit to the country in November 2018.
250. The Commission observes that the Colombian State has implemented several sets of regulations and administrative acts designed to protect human rights defenders and has created public policy on this issue. The Commission welcomes these efforts and at the same time identifies some ongoing challenges. The following sections will examine both the legal developments and the challenges that remain.

A. Legal Framework in the Area of Prevention and Protection for Human Rights Defenders in the Context of Implementation of the Peace Agreement

251. During the time period being examined, the Commission observed that the Colombian State adopted legislative and administrative measures to address the risk that human rights defenders face given the increase in attacks against them.
252. In 2016, the Office of the Attorney General established Directive 011, concerning the investigation of threats against human rights defenders, which adopts the concept of the human rights defender within the methodological roadmap for pursuing criminal investigations in cases involving homicides of human rights defenders and includes other provisions related to the crime of threats. This resolution was welcomed by international agencies and civil society organizations because it considered the value of human rights defenders in society, the importance of their work to the protection of human rights, and the broad spectrum the term defenders represents.³⁸⁹

³⁸⁸ IACHR, [Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia](#), OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 1200, Recommendation 5.

³⁸⁹ UN, [Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#), A/HRC/34/3/Add. 3, March 23, 2017, para. 61; Programa Somos Defensores, [La naranja](#)

253. In 2017, important legislative measures were passed as the obligations contained in the Peace Agreements began to be implemented. Among others, Decree Law No. of February 3, 2017, was approved, which created the National Commission on Security Guarantees (CNGS), aimed at designing and monitoring public policy and criminal law policy on the dismantling of the criminal organizations and conduct that are responsible for homicides and massacres, that attack human rights defenders and social or political movements, or that threaten or attack individuals who participate in the implementation of the agreements and the peacebuilding process.³⁹⁰ In its report to the IACHR, the State indicated that on January 20, 2019, as part of the activities carried out by the CNGS, the President of Colombia presided over a meeting which continued the interaction and coordination of efforts among institutions and established the need for the CNGS to work hand in hand with the Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Community Leaders, and Journalists (PAO).³⁹¹
254. The Commission was also informed about the creation of the Comprehensive Security System for the Exercise of Politics (SISEP) through Decree Law No. 895 of 2017. This system refers to rights and guarantees related to the exercise of political opposition and provides guarantees to prevent any type of stigma and persecution.³⁹² It also seeks to strengthen the system the Office of the Human Rights Ombudsman uses to issue early warnings. The Early Warning System aims to respond quickly to the presence, operations, or activities of criminal organizations that could jeopardize the implementation of the Peace Agreement, as well as to any criminal act or conduct against human rights defenders.³⁹³
255. A significant step forward for the investigation of crimes committed against defenders was the creation of the Special Investigation Unit inside the Office of the Attorney General, designed to dismantle the criminal organizations and conduct that are responsible for murders and massacres, that target human rights defenders and social or political movements, or that threaten or attack individuals who participate in the implementation of the agreements and the peacebuilding process, including the criminal organizations that have been called the successors to the paramilitary groups and their support networks.³⁹⁴ In that regard, the State reported that this unit includes an Elite Corps of 1,123 police officers, headed by 120 experts in criminal investigation and 40 analysts, who will take the lead in implementing a comprehensive investigative model aligned with the Office of the

mecánica: informe anual 2018 sistema de información sobre agresiones contra defensores de DDHH en Colombia SIADDHH, 2019, p. 63.

³⁹⁰ IACHR, Annual Report 2017, Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia, para. 382; Government of Colombia, Garantías de Seguridad: a un año de implementación, 2018, p. 52.

³⁹¹ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 19.

³⁹² Office of the President of the Republic, Decreto Ley 895-2017 "Establishing the Comprehensive Security System for the Exercise of Politics," May 29, 2017, Article 2.

³⁹³ Office of the President of the Republic, Decreto Ley 895-2017 "Establishing the Comprehensive Security System for the Exercise of Politics," May 29, 2017, Article 17.

³⁹⁴ IACHR, Annual Report 2017, Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia, para. 382; Republic of Colombia, Note S-GAIIID-17-067759 of August 29, 2017.

Attorney General’s overall Special Investigation Unit to dismantle the criminal organizations and conduct responsible for killings of social leaders.³⁹⁵

256. The IACHR also points to the adoption by the Office of the Inspector General of Directive No. 002 of June 14, 2007, on “Guidelines for the effective protection of the rights of human rights defenders and their organizations, members of political movements, and political and social leaders and their organizations,” as a measure to continue enhancing recognition of the important work done by defenders.³⁹⁶ Additionally, in November 2017, with technical support from the IACHR, the Office of the Attorney General adopted Directive No. 0002 on guidelines for investigating crimes against human rights defenders.³⁹⁷
257. In December 2017, Decree No. 2.124 was issued, establishing rules for the Prevention and Early Warning System to provide a rapid response to the presence and activities of criminal organizations and incidents that may jeopardize the rights of the people and the implementation of the Final Peace Agreement. The Commission notes that this prevention and warning system has two components: one to provide early warning through the Office of the Human Rights Ombudsman, in accordance with its constitutional and legal jurisdiction; and the other to provide rapid response and reaction at the national government level, with the participation of territorial entities, coordinated by the Ministry of the Interior.³⁹⁸ According to the Office of the Ombudsman, through October 2018 this mechanism had led to the issuance of some 77 early warning reports to prevent dangerous situations around the country; these lay out information about changes in the armed conflict and provide context related to threats to the population that does not participate in the hostilities, which continue to exist in Colombia.³⁹⁹
258. Additionally, the State, through the Ministry of the Interior, issued a series of decrees with a view to establishing programs for the individual and collective protection of social leaders in Colombia. Along those lines, it issued Decree No. 1.581 of 2017, establishing public policy on prevention of violations of the rights to life, integrity, freedom, and security of individuals, groups, and communities;⁴⁰⁰ Decree No. 2.078 of 2017, concerning the roadmap for the collective protection of the rights to life, freedom, integrity, and personal safety of groups and communities;⁴⁰¹ and Decree

³⁹⁵ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights’ Annual Report 2018.

³⁹⁶ Office of the Inspector General, [Directiva No. 0002](#), June 14, 2017.

³⁹⁷ IACHR, Annual Report 2017, [Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia](#), para. 383.

³⁹⁸ Republic of Colombia, [Decreto N° 2124](#) “Establishing rules for the prevention and early warning system for rapid response to the presence and/or activities of criminal organizations, incidents, and conduct that may jeopardize the rights of the people and the implementation of the Final Peace Agreement,” December 18, 2017.

³⁹⁹ Office of the Human Rights Ombudsman of Colombia, Note sent to the IACHR on October 29, 2018, input for follow-up on compliance with the recommendations included in the Truth, Justice and Reparation Report, p. 11.

⁴⁰⁰ Ministry of the Interior, [Decreto No. 1581](#) of September 28, 2017.

⁴⁰¹ Ministry of the Interior, [Decreto No. 2078](#) of December 7, 2017.

No. 2.252, which details the levels of coordination between governors and mayors who from their positions represent the President of the Republic in terms of the individual and collective protection of leaders of organizations and social and community movements and human rights defenders who are at risk.⁴⁰²

259. Finally, in 2018 the Commission was informed about the Comprehensive Program on Security and Protection for Communities and Organizations in Outlying Areas, which establishes that risk assessments and the adoption of measures are to include the active and effective participation of local organizations and communities to define the risk in question and agree on tangible and intangible measures of prevention, protection, and security. These measures should take into account the specific conditions of communities and organizations in these areas, considering the real capacities of the entities involved, the principle of progressivity, and standards on targeting and prioritizing measures.⁴⁰³
260. Likewise, the Commission takes note of the various actions implemented by the State to give timely response to the situation of women human rights defenders. The State reported that in August 2016 it created the Intersectoral Committee on Guarantees for Women Leaders and Human Rights Defenders, which aims to apply a gender-based approach to addressing cases involving threats and attacks committed against this group.⁴⁰⁴ The IACHR also learned of the adoption of the Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders, which includes specific measures for the protection and safety of women who defend human rights.⁴⁰⁵⁴⁰⁶ Nevertheless, civil society organizations informed the IACHR that through May 2019, none of the proposed actions for implementation of the Comprehensive Program of Guarantees had been implemented.⁴⁰⁷ In its observations on the draft of this report, the State pointed to some actions that had been undertaken under that program, such as efforts to apply the program in remote territories and develop an implementation strategy through two pilot projects carried out in Putumayo and Montes de María, taking a territorial and gender-based approach.⁴⁰⁸
261. The Commission welcomes the progress made in terms of legal and administrative provisions, as well as the institutional steps the State has taken to serve and protect human rights defenders and highlight their activities and contributions to society. The Commission calls to mind that in applying any normative framework, it is essential that protection programs have sufficient budgetary, material, and human resources and, in the case of the latter, that personnel are trained in receiving requests for protection, evaluating the risk, adopting measures of protection,

⁴⁰² Ministry of the Interior, Decreto No. 2252 of December 29, 2017.

⁴⁰³ Republic of Colombia, Ministry of the Interior, Decree No. 660, which creates and establishes rules for the Comprehensive Program on Security and Protection for Communities and Organizations in Outlying Areas and issues other provisions, April 17, 2018, Article 2.4.1.7.6.11.

⁴⁰⁴ IACHR, Annual Report 2016, Chapter V, Follow-Up on Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia, para. 350.

⁴⁰⁵ IACHR, Annual Report 2018, Chapter V, Follow-Up to Recommendations Made by the IACHR in its Report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia, para. 226.

⁴⁰⁷ Information received from Corporación Sisma Mujer on May 21, 2019, in IACHR archives.

⁴⁰⁸ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 20.

putting them into practice, and then monitoring them to ensure they are being enforced.⁴⁰⁹ In its observations, the State indicated that the National Protection Unit has more than 688 billion pesos for its operations and investment and that, as a commitment by the national government to the protection of human rights defenders, the budget for 2020 was expected to be over 900 billion pesos.⁴¹⁰ The Commission takes note of the resources the State has earmarked for the National Protection Unit, which will enable the agency to address the sizable needs for the protection of human rights defenders who are at risk.

262. The Commission underscores that the right of access to information by human rights defenders is essential for the exercise of the right to defend human rights, since it permits participation in public administration through the social control that can be exercised through such access. In that regard, the IACHR has reiterated that for States to be able to ensure that human rights defenders can fully and effectively exercise the right of access to information, public governance must be guided by the principles of maximum disclosure and good faith. In this sense, the Commission calls on the State of Colombia to allow and enable human rights defenders and civil society in general to have access to information on the measures adopted for protection and for the investigation of crimes committed against defenders.⁴¹¹
263. The IACHR also urges the State to promote coordination and interaction between the various institutions and programs created as a result of the Peace Agreement, to ensure that they can effectively fulfill the purpose for which they were intended.

B. Spaces for Dialogue and the Design of a Comprehensive Public Policy for the Protection of Human Rights Defenders and Social Leaders

264. As part of its prevention and protection measures for human rights defenders, the Commission has called on the States to create spaces for open dialogue between high levels of government and organizations that defend human rights, so as to receive their points of view regarding public policies and the effect these have on their work. The IACHR notes that the active participation of human rights organizations with regard to these public policies is essential.⁴¹²

⁴⁰⁹ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 155.

⁴¹⁰ Republic of Colombia, Note S-GA/ID-19-049327 of December 5, 2019, p. 20.

⁴¹¹ Regarding the production of and access to information as a guarantee for transparency and accountability, see IACHR, Public Policy with a Human Rights Approach, OEA/Ser.L/V/II. Doc 191, September 15, 2018, paras. 73 and following.

⁴¹² IACHR, Public Policy with a Human Rights Approach, OEA/Ser.L/V/II. Doc 191, September 15, 2018, para. 58; IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 142; IACHR, Criminalization of Human Rights Defenders, OEA-Ser.L/V-II. Doc. 49-15, December 31, 2015, para. 285, Recommendation 5.

265. The Commission was informed about various mechanisms for dialogue implemented by the Colombian State with a view toward establishing an effective public policy on this issue. Since 2009, through the National Process of Guarantees for the Work of Human Rights Defenders and Social and Community Leaders, the State began a process of dialogue through the National Roundtable on Guarantees. This is a forum for discussion and dialogue in which State institutions and organizations of human rights defenders aim to develop joint strategies and actions related to prevention, protection, and investigation.⁴¹³ The State indicated that through Territorial Roundtables on Guarantees, priority has been given to 14 departments most affected by the conflict where there are indications of social unrest, with the goal of working in coordination with local and regional authorities and social organizations in each region.⁴¹⁴
266. On that point, the IACHR is concerned that civil society organizations have stated that the National Roundtable on Guarantees has encountered various obstacles, including a lack of awareness about the importance of the issue; convocation problems on the part of the national and departmental governments, in terms of setting up or reactivating these forums; and a failure to fulfill the commitments that have been made.⁴¹⁵ The organizations informed the IACHR that the last time the roundtable met was in April 2018 and that they expected that another session would be convened in May 2019. The State, for its part, reported that on February 12, 2019, the Group to Support the National Roundtable on Guarantees held a meeting and decided to reactivate this forum and resume the Territorial Roundtables on Guarantees, where subgroups will be formed around issues related to prevention, protection, and investigation.⁴¹⁶ This reactivation reportedly took place on May 30, 2019, in the city of Popayán.⁴¹⁷
267. With respect to the National Commission on Security Guarantees (CNGS), created in 2017, the IACHR was informed that its role would be to design a public policy on the dismantling of the criminal organizations responsible for crimes committed against human rights defenders.⁴¹⁸ However, civil society organizations indicated that the CNGS had entered into a period of inactivity due to a lack of will by the government.⁴¹⁹ They mentioned that the only subsequent session held was on January 30, 2019, and claimed that no progress had been made toward creating a permanent action plan or a proposal to evaluate impacts and results, in terms of

⁴¹³ More information on the National Process of Guarantees and the National Roundtable on Guarantees is available at: <http://www.tudefiendesmisderechos.com/procesoNacional.php>.

⁴¹⁴ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights' Annual Report 2018, p. 120.

⁴¹⁵ Information received from the organization Comité de Solidaridad con los Presos Políticos on May 21, 2019, in IACHR archives.

⁴¹⁶ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, pp. 19 and 24.

⁴¹⁷ Office of the Human Rights Ombudsman, [Informe Seguimiento At 026-18 - Personas Defensoras de Derechos Humanos y Líderes Sociales](#), August 2019, p. 36.

⁴¹⁸ Ministry of Justice and Law, [Decreto No. 154](#) of February 3, 2017.

⁴¹⁹ Information received from the Comisión Colombiana de Juristas on May 21, 2019, in IACHR archives.

dismantling criminal structures.⁴²⁰ For its part, the State indicated that during the January 30 meeting, participants agreed to continue coordinating efforts among institutions and established that the CNGS should work hand in hand with the Timely Action Plan for Prevention and Protection for Human Rights Defenders, Social and Community Leaders, and Journalists.⁴²¹

268. In terms of the Timely Action Plan, during the IACHR's working visit the authorities informed the Commission about various internal coordination actions undertaken to structure a comprehensive public policy for protection of human rights defenders and social leaders. According to the State, this program was conceived as a series of coordinated actions for the purpose of addressing the situation of violence against these groups.⁴²²
269. The State indicated that the Timely Action Plan provides for the development of a comprehensive public policy to guarantee the defense of human rights. It said that the process of formulating that policy—with a differentiated approach in terms of equity, ethnicity, and territory—is moving forward. The State indicated that the Ministry of the Interior had drafted a roadmap that includes working meetings, starting immediately, and a single consolidated document. It also contemplates a process of consultation on the policy, which would include the participation of civil society, international agencies, and government institutions.⁴²³
270. In its observations on the draft of this report, the State informed the Commission about the development of the Comprehensive Public Policy for the Work of Human Rights Defenders. It indicated that the National Development Plan had established the goal of developing and implementing a National Public Policy on Prevention and Protection for Social and Community Leaders, Journalists, and Human Rights Defenders. The State indicated that it had held territorial-level workshops, organized jointly with the National Commission, as part of the process of formulating this policy, in which some 370 human rights defenders participated.⁴²⁴
271. Civil society organizations, for their part, have expressed their concern over various aspects of the Timely Action Plan (PAO). Among other things, they said that the PAO was intended to replace the functions carried out by the CNGS, even though the Timely Action Plan reportedly lacks the capacity to coordinate with all the existing entities and does not seem to include the steps forward already made by the various earlier mechanisms. The organizations said that the PAO is made up solely of members of the State, whereas the CNGS includes the participation of civil society.⁴²⁵ They also expressed concern that the intervention would primarily be military in nature and would seek to develop closer relationships between the armed forces and the civilian population. They pointed to the lack of participation by civil society

⁴²⁰ Information received from the Comisión Colombiana de Juristas on May 21, 2019, in IACHR archives; Information received from the organization Peace Brigades International on May 31, 2019, in IACHR archives.

⁴²¹ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 19.

⁴²² Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 17.

⁴²³ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 17.

⁴²⁴ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 21.

⁴²⁵ Information received from the Comisión Colombiana de Juristas on May 21, 2019, in IACHR archives.

and ethnically differentiated populations in the design of the plan.⁴²⁶ They also stated that the PAO lacks the capacity to coordinate all the entities that exist for the protection of human rights defenders and fails to take into consideration the progress made through different entities before it was created.⁴²⁷

272. In its observations on the draft of this report, the State underscored that “the actions of the PAO and the National Commission on Security Guarantees are not contradictory, repetitive, or exclusionary but rather complementary, even with the understanding that among the differences between the Commission and the PAO are that the former seeks to dismantle the organizations carrying out attacks against different types of leaders while the latter seeks to coordinate inter-institutional actions for individual and collective prevention and protection for social leaders.”⁴²⁸
273. The Commission welcomes the various initiatives and programs the State has adopted to address the situation of violence against human rights defenders in Colombia. On that point, the Commission has maintained that the multiplicity and dispersion of programs may add to the challenge for institutions to work in coordinated fashion.⁴²⁹ In this sense, the many institutions involved need to try to coordinate with each other and give each other feedback, reflecting on the effectiveness of previously created institutions and lessons learned and taking steps to ensure that they do not become too bureaucratic.⁴³⁰
274. The Commission urges the State to continue fostering already established spaces for dialogue, such as the National Roundtable on Guarantees and the National Commission on Security Guarantees, in order to convene civil society organizations to participate in the design and implementation of comprehensive prevention and protection policies for human rights defenders. It also reiterates the importance that the new programs being implemented do not weaken or disregard the work done before. As the Commission has maintained, the multiplicity and dispersion of programs may add to the challenge for institutions to work in coordination.⁴³¹ The many institutions involved need to try to coordinate with each other and give each other feedback, reflecting on the effectiveness of previously created institutions and lessons learned, taking steps to avoid becoming too bureaucratic, and ensuring that they can fully comply with their missions.

⁴²⁶ Information received from the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) on May 21, 2019, in IACHR archives.

⁴²⁷ Information received from the Comisión Colombiana de Juristas on May 21, 2019, in IACHR archives.

⁴²⁸ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 22.

⁴²⁹ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 154.

⁴³⁰ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 460, Recommendation 4.

⁴³¹ IACHR, Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia, OEA/Ser.L/V/II. Doc. 49/13, December 31, 2013, para. 154.

C. *Prevention and Protection Measures Implemented by the State*

275. The Colombian State has various prevention and protection mechanisms for human rights defenders, including the Early Warning System (SAT) and protection measures granted by the National Protection Unit (UNP).

1. **Early Warning System (SAT)**

276. The Early Warning System is a mechanism used by the Office of the Human Rights Ombudsman to collect, verify, and analyze information related to the vulnerability and risk to the civilian population as a result of the armed conflict and to alert the competent authorities accordingly to allow for a timely response. As part of the Early Warning System's monitoring functions, the Office of the Ombudsman issues risk reports in which it makes recommendations to the competent authorities so that they can take steps for prevention and risk mitigation.⁴³²

277. In December 2017, the Early Warning System was updated and adapted to activate a rapid response by other State institutions. This system will be able to take into account considerations that may be raised by human rights organizations and communities regarding risks and protection measures, with a differentiated territorial and gender approach, and can be deployed preventively for security at the national and regional level.⁴³³ This new scheme created the Intersectoral Committee on Rapid Response to Early Warnings (CIPRAT), which is in charge of coordinating and promoting preventive measures and rapid response on the part of authorities and entities.⁴³⁴

278. This new Early Warning System enables the Office of the Human Rights Ombudsman to issue alerts autonomously, which facilitates timely and rapid action by the institutions responsible for protecting human rights. It also defines the scope and the roadmap for the national government to follow to be able to react immediately to situations involving risk.⁴³⁵ This mechanism is viewed positively by the Colombian people, who consider it to be an effective tool to warn of possible and imminent attacks against human rights defenders.⁴³⁶ However, as the UN Special

⁴³² Office of the Human Rights Ombudsman, Early Warning System (SAT), available at: <http://www.defensoria.gov.co/es/public/atencionciudadanoa/1469/Sistema-de-alertas-tempranas---SAT.htm>.

⁴³³ Government of Colombia, *Garantías de Seguridad: a un año de implementación*, 2018, p. 78.

⁴³⁴ *Ibid.* p. 80.

⁴³⁵ Observatory for the Protection of Human Rights Defenders, *Colombia, no hay paz para las personas defensoras de derechos humanos*, May 2018, p. 52.

⁴³⁶ UN, *United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement*, p. 14.

Rapporteur on the situation of human rights defenders indicated, there seems to be a lack of response and coordinated action by local authorities to these alerts.⁴³⁷

279. In its observations on the draft of this report, the State pointed to efforts undertaken by the armed forces and the National Police, who have responded to 133 early warnings in which institutional actions have been requested, such as prevention measures, verification of threats, security councils, capacity-building, safety devices, and human rights training, among others.⁴³⁸

2. National Protection Unit Programs

280. Colombia was the first country in the hemisphere to create a national program to protect human rights defenders, in 1997.⁴³⁹ Currently, it has one of the most robust mechanisms in the region, led by the National Protection Unit (UNP), under the Ministry of the Interior. This agency is responsible for examining requests for protection, doing risk assessments, and implementing any individual or collective protection measures that may be warranted for the target populations established under the existing legal framework.⁴⁴⁰ In addition, since the signing of the Peace Agreement, the UNP is charged with various tasks related to security guarantees that are established in the accord.⁴⁴¹

281. Since its creation in 2011, the UNP has provided protection to more than 4,000 individuals at risk, including human rights defenders and victims of the armed conflict. Over the course of 2017, the UNP implemented 411 protection measures for human rights defenders, having received 3,152 requests for protection that year.⁴⁴² During its working visit, the IACHR held meetings with UNP authorities, who indicated that they currently have measures in place to protect 6,200 people, 4,367 of them human rights defenders.⁴⁴³ In its observations on the draft of this report, the State indicated that protection was provided to 4,487 defenders and social leaders in 2018, while 4,608 defenders were being protected through November 2019.⁴⁴⁴

⁴³⁷ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 14; Information received from the organization Amnesty International, May 21, 2019, in IACHR archives.

⁴³⁸ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 23.

⁴³⁹ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 154.

⁴⁴⁰ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights' Annual Report 2018, p. 31; Office of the President of the Republic, [Decreto No. 4065](#), October 31, 2011, Articles 1, 3, and 4.

⁴⁴¹ Established in Point 3.4 of the Final Peace Agreement.

⁴⁴² Amnesty International, [Americas: The Situation of State Protection Mechanisms for Human Rights Defenders](#), p. 3.

⁴⁴³ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

⁴⁴⁴ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 16.

a. Challenges in the Implementation of National Protection Unit Programs

282. The Commission has previously recognized the significant efforts made by the State of Colombia to provide effective protection to human rights defenders.⁴⁴⁵ Indeed, the UNP is an institution that has protected thousands of defenders and has prevented attempted murders. At the same time, the Commission cautions that due to the increase in violence against this group, the implementation and reinforcement of adequate, effective protection measures is critically important, especially as the State is in the process of implementing the Peace Agreement.
283. In this regard, the Commission has identified key challenges to the adequate implementation of the protection measures provided by the UNP. During its working visit to the country, the IACHR held various meetings with civil society organizations that questioned the efficacy of the protection measures provided by this institution, particularly when it comes to risk analyses, delays, and the implementation of the measures, as well as procedures to lift the measures.

i. Delays in the Evaluation of Applications and Deficiencies in the Implementation of Protection Measures

284. The Commission has previously addressed the matter of the delays between when a request for protection is submitted to the UNP and when the protection measure is implemented.⁴⁴⁶ According to information provided by civil society for the preparation of this report, the persistence of these delays continues to be a challenge.⁴⁴⁷ This was corroborated by the UN Special Rapporteur, who during his visit to the country repeatedly received information about delays in risk assessments and the subsequent implementation of UNP security measures.⁴⁴⁸ This situation is of particular concern given the urgency of effective protection measures to respond to the increase in violence against human rights defenders.
285. Meanwhile, the Commission was also alerted about deficiencies in the implementation of protection measures, which hamper and even prevent human rights defenders from carrying out their activities. Civil society organizations indicated to the IACHR that measures granted for individual protection often fail to respond in a relevant or timely manner and are not adapted to the individuals'

⁴⁴⁵ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 166; CIDH, IACHR, Annual Report 2016, Chapter V, [Follow-Up on Recommendations Made by the IACHR in the Report Truth, Justice and Reparation: Fourth Report on the Human Rights Situation in Colombia](#), paras. 7, 75-77, 85.

⁴⁴⁶ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 176; Statement of the Office of the Human Rights Ombudsman at the "Workshop on Promoting and Protecting the Work of Human Rights Defenders in Colombia," Bogotá, Colombia, February 22, 2017.

⁴⁴⁷ Information received from the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), May 21, 2019, in IACHR archives; Information received from the organization Consultoría DDHH Elementa and CCDI Global, May 21, 2019, in IACHR archives.

⁴⁴⁸ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 15.

situations and therefore affect the way they do their work.⁴⁴⁹ For example, the Commission learned of cases in which mobile phones were provided to people who work in areas where there is no cell phone coverage; bulletproof vests were provided in extremely hot regions; or vehicles were provided without taking into account the terrain in the areas where the petitioners travel, among other examples.⁴⁵⁰

286. The State, for its part, indicated that the beneficiaries of the protection program coordinated by the National Protection Unit participate, either directly or through their organizations, in the various phases of the protection plan.⁴⁵¹ On this point, the Commission has stressed the importance of the active participation and consultation of human rights defenders for protection programs to function properly, and it encourages the State to continue and promote this practice.⁴⁵²
287. Members of civil society also stated that there is a lack of specific training for the agents tasked with providing protection to the beneficiaries and a lack of a full understanding of the specific types and sources of risk faced by the beneficiaries.⁴⁵³ The State has indicated, on this matter, that the security escorts have been trained by the UNP in protective techniques, including special training in defensive, offensive, and evasive driving.⁴⁵⁴
288. In its observations on the draft of this report, the State informed the IACHR that the UNP is undergoing a reengineering process to improve and strengthen its actions and mechanisms for prevention and protection at the national and territorial level, with a human rights approach. It stressed that this process aims to reduce the response time between the examination of requests for protection and the implementation of the measures. The State explained that this reengineering process is taking into account differentiated approaches for specific actors.⁴⁵⁵ The Commission looks forward to seeing the results of the changes that may be implemented within the National Protection Unit, which it hopes will enable the UNP to operate more nimbly and effectively.

⁴⁴⁹ Information received from the organization Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), May 21, 2019, in IACHR archives; Information received from the organization SISMA Mujer, May 21, 2019, in IACHR archives.

⁴⁵⁰ Information received from the organization Colombia Caravana, May 21, 2019, in IACHR archives.

⁴⁵¹ Republic of Colombia, Note S-GAIIID-18-076808 of November 30, 2018, Observations of the Colombian State to the section on Colombia in Chapter V of the Inter-American Commission on Human Rights' Annual Report 2018, p. 125.

⁴⁵² IACHR, Towards Effective Integral Protection Policies for Human Rights Defenders, OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 281; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 523; I/A Court H.R., *Case of Luna López v. Honduras*, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, para. 243.

⁴⁵³ Information received from the organization Colombia Caravana, May 21, 2019, in IACHR archives.

⁴⁵⁴ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 12.

⁴⁵⁵ Republic of Colombia, Note S-GAIIID-19-049327 of December 5, 2019, p. 16.

ii. Need for Protection Measures with a Differentiated Approach

289. The IACHR has been informed about the need to adopt measures with a differentiated approach. In a hearing requested by the State during the 161st period of sessions of the IACHR, civil society organizations drew the Commission's attention to what they called the systematic failure to consider the protection needs of Afro-Colombian leaders and LGBTI human rights defenders; the lack of consultation with indigenous and Afro-descendant leaders on adapting protection arrangements to their particular circumstances; and the failure to customize the measures that end up being implemented.⁴⁵⁶
290. The consideration of a gender approach in determining protection measures is another of the major challenges the UNP faces. Civil society organizations informed the IACHR about the lack of mechanisms to identify the risk of sexual violence, since most of the risk assessment methodologies are associated with problems that have a greater impact on men.⁴⁵⁷ The organizations also talked about aggressions by bodyguards against women human rights defenders who are beneficiaries of protection measures, such as sexual comments about them.⁴⁵⁸
291. A recurring theme that civil society organizations have raised with the IACHR at different times is the lack of a differentiated, preventive, and collective approach to the ethnic reality of the territory and the traditional ways of indigenous communities and communities of African descent in the country. During the 172nd period of sessions, civil society organizations explained to the IACHR that there was a need to come to an arrangement with the indigenous authorities on the implementation of measures of protection and to ensure that protection schemes are implemented with an ethnically based approach.⁴⁵⁹ In that regard, the MAPP/OAS has signaled the need to implement protection measures that are in line with Afro-Colombian and indigenous ethnic groups' own worldviews on their security and territories.⁴⁶⁰
292. Civil society organizations said that sometimes the protection schemes provided for indigenous communities are not in tune with these communities' practices. For example, they indicated that bulletproof vests and armed security escorts are not consistent with the commitment to non-violence in many indigenous communities, which simply want the role that the indigenous guards (*guardias indígenas*) perform in their communities to be officially recognized in the protection of these communities.⁴⁶¹ The organizations therefore believe that protection measures must maintain an ethnic approach, especially through collective protection, with urgent

⁴⁵⁶ IACHR, Hearing, "Investigation of Attacks on Human Rights Defenders in Colombia," held during the 161st period of sessions, March 21, 2017.

⁴⁵⁷ Information received from the organization SISMA Mujer and the Colectivo de Abogados José Alvear Restrepo, May 21, 2019, in IACHR archives.

⁴⁵⁸ Information received from the organization Colombia Caravana, May 21, 2019, in IACHR archives.

⁴⁵⁹ IACHR, Hearing, "Implementation of Precautionary Measures with Differential and Collective Ethnic Approach in Colombia," held during the 172nd period of sessions, May 9, 2019.

⁴⁶⁰ OAS, Twenty-Fifth Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP/OAS), pp. 13 y 14 .

⁴⁶¹ Information received from the organization Colombia Caravana, May 21, 2019, in IACHR archives.

measures that facilitate access to means of communication, because in much of the region there is no cell phone signal or internet, or else provide protection with security escorts who belong to the communities they are protecting and recognize the role of the indigenous guards.⁴⁶² The organizations have also indicated the need to establish collective measures of protection for indigenous communities at risk.⁴⁶³

293. In that regard, the State informed the IACHR that the UNP includes an ethnic approach in its protection roadmap, at both the individual and the collective level. The roadmap for individual protection was agreed to in consultation with the Indigenous Peoples' Roundtable on Human Rights. The State indicated that the program's traditional protection measures were adjusted with special measures such as incorporating indigenous guards to escort their own leaders. With respect to collective measures of protection, the State indicated that 65 cases have been analyzed from an ethnic perspective, 45 of which have been for indigenous communities and 20 for Afro-Colombian communities.⁴⁶⁴
294. The State also informed the Commission that under Decree No. 660 of 2018, the risks faced by indigenous, Afro-Colombian, Raizal, and Palenquero communities are evaluated directly with the community's participation.⁴⁶⁵ As an example of collective measures with a differentiated approach, the State mentioned that it provided identifying vests and bandannas, camping tents and bags, staffs of command, wading boots, and communication radios. The State also indicated that there are 40 security escorts who belong to the indigenous guard, who are unarmed.⁴⁶⁶ However, civil society organizations said that despite this decree having been enacted, collective measures of protection are not being implemented. They said that a lack of political will and resources at the local level are among the main obstacles.⁴⁶⁷
295. The IACHR has closely monitored the specific situation of leaders and human rights defenders from indigenous and Afro-Colombian communities and notes that every territory can have its own dynamics and every leader his or her different needs, and therefore the State must take these specific characteristics into account so that any measures adopted are appropriate and meet their objectives. As indicated above, violence against human rights defenders has not just individual impacts but also collective impacts on indigenous communities and communities of African descent. The Commission welcomes the progress made by the UNP in implementing collective measures with an ethnic approach. It also invites the State to continue this progress and to expand the implementation of a differentiated approach for collective measures, one that includes an ethnic and racial perspective and that

⁴⁶² Information received from the organization Colectivo FB, May 21, 2019, in IACHR archives.

⁴⁶³ CAPAZ, Panorama de las personas defensoras de derechos humanos y líderes sociales en riesgo en Colombia 2018 – 2019, February 2019, p. 8; Information received from Amnesty International, May 21, 2019, in IACHR archives.

⁴⁶⁴ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 12.

⁴⁶⁵ Republic of Colombia, Note S-GAIIID-19-019279, May 13, 2019, p. 12.

⁴⁶⁶ Republic of Colombia, Additional information to Note MPC/OEA No.:238/2019 of March 15, 2019, p. 14.

⁴⁶⁷ Information received from Amnesty International, May 21, 2019, in IACHR archives.

considers, among other things, the conditions of the individuals to be protected and the need for protection measures that are culturally appropriate.

iii. **Withdrawal, Suspension, or Modification of Protection Schemes**

296. Another challenge the IACHR was told about concerning UNP-provided protection involves the withdrawal or suspension without consultation of protection schemes that had been put in place, and the fact that in some cases, the security agents assigned to escort the person have not fulfilled their duty to protect.⁴⁶⁸ The Commission learned of this situation during its visit, in which it was informed about cases in which the protection arrangements provided to beneficiaries of precautionary measures granted by the IACHR were unilaterally withdrawn.⁴⁶⁹ The UN Special Rapporteur, for his part, learned of various cases in which last-minute changes were made in the implementation of agreed-upon measures.⁴⁷⁰
297. In its observations on the draft of this report, the State indicated that before a decision is made to withdraw or suspend protection measures, the case is evaluated by 15 experts who make up the UNP's Committee on Risk Assessment and Recommendation of Measures (CERREM). Moreover, prior to protection measures being withdrawn or modified, the beneficiary of the measure is notified personally, and the decision may be reviewed through the filing of an appeal for reinstatement.⁴⁷¹
298. The Commission welcomes the efforts made by the Colombian State to strengthen the effectiveness of the protection measures adopted by the UNP and recognizes the important work the UNP does in protecting human rights defenders in Colombia. Given that various challenges remain in implementing the measures, the IACHR urges the State to continue to continuously assess the effectiveness and suitability of the protection arrangements, in consultation with civil society organizations and beneficiaries. Among other steps, the State must try to ensure that protection measures are granted in a timely manner and in agreement with the beneficiaries. The State must also expand the implementation of a differentiated approach in applying both individual and collective measures, including a gender perspective, as well as an ethnic and racial perspective, and must take into account, among other things, the circumstances of the individuals to be protected and the need for protection measures to be culturally appropriate.

⁴⁶⁸ Observatory for the Protection of Human Rights Defenders, [Colombia, no hay paz para las personas defensoras de derechos humanos](#), May 2018, p. 48; Information received from the organization Colombia Caravana on May 21, 2019, in IACHR archives.

⁴⁶⁹ IACHR, Press Release No. 08/19, [IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

⁴⁷⁰ UN, [United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, Visit to Colombia, 20 November to 3 December 2018, End of mission statement](#), p. 17.

⁴⁷¹ Republic of Colombia, Note S-GA/ID-19-049327 of December 5, 2019, p. 25.

D. Precautionary Measures Issued by the IACHR

299. The Commission has the authority to issue precautionary measures, as established in Article 25 of its Rules of Procedure.⁴⁷² Precautionary measures are binding upon the States because of the general obligation incumbent upon them to respect and guarantee rights and to carry out in good faith the obligations contracted under the American Convention and the Charter of the OAS. They are also binding because Articles 33 and 41 of the American Convention give the IACHR the competence to monitor to ensure that the States parties are complying with their commitments.⁴⁷³
300. Regarding the effect of precautionary measures, the Constitutional Court of Colombia has established that because these measures are binding upon on the domestic legal system, they create a corollary duty on the part of the authorities of the State to ensure that the measures are observed and that fundamental rights are thus protected.⁴⁷⁴ As the Constitutional Court wrote, “if the State failed to comply with precautionary measures decreed by the IACHR, it would be disregarding its international obligations under Articles 1 and 2 of the American Convention on Human Rights.”⁴⁷⁵
301. The Court also wrote, “If the actor is the beneficiary of precautionary measures ordered by an international body, irrespective of any other consideration, the State authorities must take steps to provide adequate and effective protection in order to guarantee the right to personal security, the right to life and the right to personal integrity, since the risk that the beneficiary is facing is not subject to question.”⁴⁷⁶ Measures implemented for human rights defenders should not only be determined in consultation with the defenders themselves but should enable the individuals under protection to continue carrying out their activities to defend human rights.⁴⁷⁷
302. The Commission has indicated that such measures should be in force for the time period necessary and may not be lifted until the Commission has issued a decision to that effect.⁴⁷⁸ States should ensure that security measures are effectively put into practice when demanded by conditions of risk.⁴⁷⁹ The IACHR has also recognized that a State must examine the situation and, in consultation with the beneficiaries,

⁴⁷² Article 63(2) of the American Convention on Human Rights.

⁴⁷³ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 241; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 438.

⁴⁷⁴ Constitutional Court of Colombia, Judgment T-524/05, May 20, 2005, Reason 7; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 458.

⁴⁷⁵ Constitutional Court of Colombia, Judgment T-524/05, May 20, 2005, Reason 7; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 458.

⁴⁷⁶ Constitutional Court of Colombia, Judgment T-524/05, May 20, 2005, Reason 28; IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, para. 459.

⁴⁷⁷ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124 Doc. 5 rev. 1, March 7, 2006, para. 134.

⁴⁷⁸ *Ibid.*, Recommendation 8.

⁴⁷⁹ IACHR, Justice and Social Inclusion: The Challenges of Democracy in Guatemala, OEA/Ser.L/VIII.118, Doc. 5 rev. 1, December 29, 2003, para. 208.

determine what protective measures will be adopted that will enable the State to effectively and diligently comply with the precautionary measures. The Commission understands that the authorities assess each situation in order to grant measures in keeping with the risk and the circumstances of each person or community to be protected. However, it emphasizes that a State may not subordinate the implementation of a precautionary measure ordered by the IACHR to a risk assessment carried out under domestic law; nor should it condition the implementation on whether a prior complaint had been filed. In this sense, the State's role in the process associated with a protective measure ordered by the IACHR is to implement and monitor the measure, not to assess the factors that prompted the request for precautionary measures, to ascertain whether they rise to what the State deems to be the necessary level of risk.⁴⁸⁰

303. During the period being examined in this report, the Inter-American Commission has issued 13 precautionary measures ordering that the lives and personal integrity of human rights defenders in Colombia be protected. The Commission notes that of the 13 measures granted, 10 refer to the risk faced by indigenous or Afro-Colombian community leaders and 3 to the situation of individuals who defend the rights of victims of the armed conflict.⁴⁸¹
304. The Commission notes that in the case of all the precautionary measures granted during this period of time, the beneficiaries expressed some degree of disagreement with the protection measures that had been provided by the UNP before they sought protection in the inter-American system. The Commission also observes that those who requested precautionary measures had informed the Colombian authorities about the risk they claimed to be facing and filed the relevant complaints for investigation before they turned to the IACHR mechanism. An example of this would be the measures granted for the benefit of leaders of the political and social movement Marcha Patriótica, in which the beneficiaries laid out a series of obstacles on the part of the UNP, including delays in the response time and in the implementation of the protection arrangements; the lifting of physical protection measures for certain leaders; lack of awareness about the realities and situations in

⁴⁸⁰ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser. L/V/II. Doc. 66, December 31, 2011, paras. 459-460.

⁴⁸¹ IACHR, Resolución 87/18, PM 204/17, Jani Silva, Hugo Miramar, and Saúl Luna (Leaders of the Perla Amazónica Peasant Reserve Zone), regarding Colombia, December 3, 2018; Resolución 66/18, PM 175/18, Giomar Patricia Riveros Gaitán, regarding Colombia, August 27, 2018; Resolución 53/18, PM 395/18, Authorities and Members of the Gonzaya (Buenavista) and Po Piyuya (Santa Cruz de Piñuña Blanco) Reserves of the Siona (ZioBain) Indigenous People, regarding Colombia, July 14, 2018; Resolución 30/18, PM 210/17, Leaders of the Political and Social Movement Marcha Patriótica, regarding Colombia, May 5, 2018; Resolución 19/18, PM 400/15, Members of the Governing Board of the Alto Mira y Frontera Community Council, regarding Colombia, March 11, 2018; Resolución 6/18, PM 140/14, Afro-descendant Communities and Leaders from Jiguamiandó, Curvaradó, Pedeguita, and Mancilla, regarding Colombia, EXTENSION, February 7, 2018; Resolución 47/17, PM 261/16, Daniel Ernesto Prado Albarracín, regarding Colombia; Resolución 18/17, PM 21/05, Wiwa Indigenous People of the Sierra Nevada de Santa Marta, regarding Colombia, EXTENSION, June 14, 2017; Resolución 5/17, PM 522/14, Alberto Yepes Palacio and his Daughter, regarding Colombia, February 10, 2017; Resolución 65/2016, PM 382/12, Members of the Community Action Board of the Village of Rubiales, regarding Colombia, December 17, 2016; ; Resolución 63/2016, PM 658/16, Erlendy Cuero Bravo et al., regarding Colombia, December 6, 2016; Resolución 52/2016, PM 113/14, Luis Ernesto Olave Valencia and his Family, regarding Colombia, November 1, 2016; Resolución 53/2016, PM 548/15, Several Leaders of the Ancestral Mining Communities of Remedios and Segovia, regarding Colombia, November 1, 2016.

particular territories; and difficulties in incorporating trusted security escorts and requesting vehicle repairs, among others.⁴⁸²

305. During the 172nd period of sessions, the IACHR held a hearing entitled “Implementation of Precautionary Measures with Differential and Collective Approach in Colombia,” in which the organizations that requested the hearing expressed dissatisfaction with the inadequacy of the protection measures that had been provided to comply with the precautionary measures issued by the Commission. In particular, the organizations pointed to the absence of a collective approach, claiming that the State was focusing on the individual protection of leaders and authorities through the implementation of protection schemes that were not in keeping with the specific characteristics of the territories. They said that even though the State had taken steps forward by implementing some collective measures of protection, these had not gone far enough, in addition to other flaws. The State, in its observations, informed the Commission about various protection measures implemented with an ethnic-based approach to the benefit of several indigenous communities, including the Embera Chamí, Alto Gauayabal, Resguardos Gonzaya, and Po Piyuya of the Siona indigenous people, among others.⁴⁸³
306. The Commission calls on the State to engage in a deeper analysis of context when it comes to human rights defenders and to strengthen coordination among the national and local authorities so that the latter, in conjunction with the defenders, can provide valuable information that would serve to reduce their risk when prevention and protection measures are put in place. The Commission also notes that every territory can have its own dynamics and every leader his or her different needs, and therefore the State must take these specific characteristics into account so that any measures adopted are appropriate and meet their objectives.
307. The Commission also emphasizes that when a precautionary measure is adopted, implementing it through a national protection mechanism can contribute significantly to its suitability and effectiveness.⁴⁸⁴ Otherwise, the failure to implement a precautionary measure effectively may give rise to the international responsibility of the State, specifically in respect of its obligation to protect.⁴⁸⁵

⁴⁸² IACHR, [Resolución 30/2018](#), Precautionary Measure No. 210-17, Leaders of the Marcha Patriótica Political and Social Movement regarding Colombia, May 5, 2018, para. 9.

⁴⁸³ IACHR, Hearing, 172nd period of sessions, “[Implementation of Precautionary Measures with Differential and Collective Ethnic Approach in Colombia](#),” May 9, 2019.

⁴⁸⁴ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 332.

⁴⁸⁵ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, paras. 74, 284.

CHAPTER 7
CONCLUSIONS AND
RECOMMENDATIONS

CONCLUSIONS AND RECOMMENDATIONS

308. The Commission reiterates that the work carried out by human rights defenders is essential for the consolidation of a democratic society and the rule of law. In Colombia, human rights defenders and social leaders have performed a fundamental role in the pursuit of the full exercise of human rights, peace, and an end to the armed conflict.
309. Given the increase in violence against human rights defenders and social leaders described in this report, it is necessary for the Colombian State to adopt urgent and comprehensive measures to strengthen the systems it has in place to prevent violence and protect these groups, as well as to move forward diligently to investigate the crimes perpetrated against them. Although the Commission notes that the State has adopted significant legal and institutional measures to address the situation, the State must intensify its efforts to eliminate the risk factors that give rise to violence against human rights defenders and social leaders in the country. These measures should be adopted in a context of reclaiming and strengthening the spaces for dialogue that have already been established with human rights defenders and civil society organizations, and should be geared toward both preventing attacks against them and investigating, prosecuting, and punishing the crimes of which they are victims.
310. There is consensus among authorities, international agencies, and civil society organizations about the gravity of the problem of violence that affects people who defend human rights and those who exercise social and community leadership in Colombia, a problem that has increased since the signing and implementation of the Peace Agreements. Moreover, both the State and civil society organizations concur on the need to adopt comprehensive measures that ensure the safety of these individuals and prevent the attacks against them; guarantee the rights of those who are victims of aggression; ensure that they can defend human rights and serve as social and community leaders; and investigate actions taken against them. While the IACHR welcomes the adoption of new measures that seek to investigate and prevent violations and protect the work of human rights defenders and social leaders in Colombia, it underscores the importance of maintaining the frequency, objectives, and mandates of initiatives it has already forged with civil society organizations, such as the National Commission on Security Guarantees or the National Roundtable on Guarantees for Human Rights Defenders.
311. The Commission reminds the State of Colombia that when it comes to adopting and implementing measures for prevention, investigation, and protection, it is important to keep in mind the differentiated levels of risk faced by the groups discussed in this report, which means that they require reinforced and differentiated levels of protection.

312. Additionally, the Commission underscores that the right of access to information for human rights defenders is essential for them to exercise the right to defend human rights, as it allows them to participate in public administration through the social control that can be exercised through such access. In that respect, the IACHR has reiterated that for the States to be able to guarantee that human rights defenders can fully and effectively exercise the right of access to information, public governance must be guided by the principles of maximum disclosure and good faith. In this sense, the Commission calls on the State of Colombia to enable and facilitate access by human rights defenders and civil society in general to information on the measures adopted for protection and for the investigation of crimes committed against defenders.
313. Finally, the Commission calls on the Colombian State, in the framework of the implementation of the Peace Agreement, to foster an environment free of hostility and respectful of the fundamental freedoms of human rights defenders and social leaders so that they can freely and effectively carry out their work. In that context, the IACHR makes a series of recommendations to the Colombian State.
314. In light of the previous observations, the IACHR is reiterating the following recommendations it made to the State of Colombia in its preliminary observations from the working visit and, based on the information analyzed and included in this report, adding some others. The Commission recommends that the State:
1. Redouble its efforts to implement the Peace Agreement so that the right conditions are in place all around the country for people to be able to defend human rights and defend communities.
 2. Promote a culture in which the work of human rights defenders and their organizations is seen as legitimate and is protected, one that publicly and unequivocally recognizes their role in ensuring democratic institutions and the rule of law. To that end, launch an educational and promotional campaign at the national level to highlight the work of human rights defenders. Disseminate clear messages about the obligation of justice system operators to respect and defend people's rights through a directive to be distributed throughout the relevant public institutions.
 3. Involve social organizations in any efforts to develop a comprehensive public policy on prevention and on protection of human rights defenders and social leaders, reactivating platforms for dialogue such as the National Roundtable on Guarantees and the National Commission on Security Guarantees, in which agreements have already been worked out.
 4. Create complete records of all attacks—in their various forms—against people who defend human rights or exercise social or community leadership, with the participation of civil society organizations. It is important to build on existing records in this effort.
 5. Conduct a deeper context analysis to assess risk and adopt protection measures, with a differentiated approach that considers the specific

circumstances of the people who require protection and the places where they work. It is particularly important to include ethnic- based, collective, and gender-based approaches in any prevention and protection measures.

6. Properly implement any precautionary measures granted by the Inter-American Commission and keep protection arrangements in place for beneficiaries as long as the measures are in force.
7. Implement the recommendations and decisions of the inter-American and universal human rights systems.
8. Improve coordination between national and local authorities so that protection measures can be adapted to safeguard the rights of human rights defenders and social leaders and ensure that the measures are effective in remote rural areas. In this regard, agree on protection measures to address the level of risk, listening to and consulting with the human rights defenders in order to develop a timely, specialized intervention that is proportionate to the potential risk and has a differentiated approach.
9. Adopt plans to prevent and combat the stigmatization of human rights defenders and social or community leaders within State institutions and in society as a whole.
10. Take all necessary measures to ensure that authorities or third parties do not manipulate the punitive power of the State and its institutions of justice to harass human rights defenders and harm their work. Ensure that the proper punishment is applied if this occurs.
11. Continue to adopt measures to investigate with due diligence and confront impunity regarding crimes committed against human rights defenders and social leaders in the country, establishing the perpetrators and masterminds of the crimes.
12. Justice operators must ensure access to justice for human rights defenders, the proper application of the law, and the search for the truth about what happened, acting with professionalism, good faith, and procedural fairness. They should ensure that both the investigation and the proceedings are carried out in accordance with international human rights standards.
13. Adopt differentiated gender- and ethnic-based approaches and an approach focused on LGBTI persons, both when developing programs related to guarantees and when investigating possible crimes against human rights defenders.
14. Improve coordination with international human rights organizations.