VOLUME III.H: COLOMBIA

Author	Title	Date
Adriaan Alsema	*Colombia's armed conflict moving to cities: report*	12/21/22
Al Jazeera News	*Colombia armed groups confining people to homes, communities: NRC*	11/24/22
Adriaan Alsema	*Colombia subject to worst levels of violence in decades*	6/7/22
Al Jazeera News	*Forced displacement in Colombia more than doubled in 2021: Report*	2/16/22
Amnesty International	*Colombia—The Police Does Not Care for Me: Sexual Violence and Other Gender-Based Violence in the 2021 National Strike*	2021
Civicus	*Colombia: Attacks on HRDs and Journalists Amid Increasing Violence*	5/17/22
Inigo Alexander	*Colombia's Indigenous population faces scourge of violence*	11/1/22
Gimena Sanchez-Garzoli	*Colombia Begins 2022 with Alarming Violence*	1/31/22
Adriaan Alsema	*Medellin's secret history of violence against women and girls*	8/1/22
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Colombia's armed conflict moving to cities: report

Urbanization of conflict could complicate prospects for peace

by Adriaan Alsema December 21, 2022

Colombia's illegal armed groups are increasingly moving their violence from the countryside to the country's cities, according to a leading think tank on the armed conflict.

In its annual report on illegal armed group, think tank Indepaz said that Colombia's cities are increasingly becoming a battleground for guerrillas and paramilitary groups that have long maintained in the countryside.

The urbanization of the armed conflict would be due to the increasingly common practice by paramilitary organization AGC and groups of drug traffickers who returned to Colombia after serving a prison sentence in the United States.
The approximately two dozen groups that were formed by former members of the now-defunct guerrilla organization FARC after a 2016 peace deal have largely been absorbed by three FARC dissident organizations.
Clashes between rival groups have diminished the territorial control of smaller groups that have either been expelled from their regions or have joined one of the larger groups.

Paramilitary hegemony

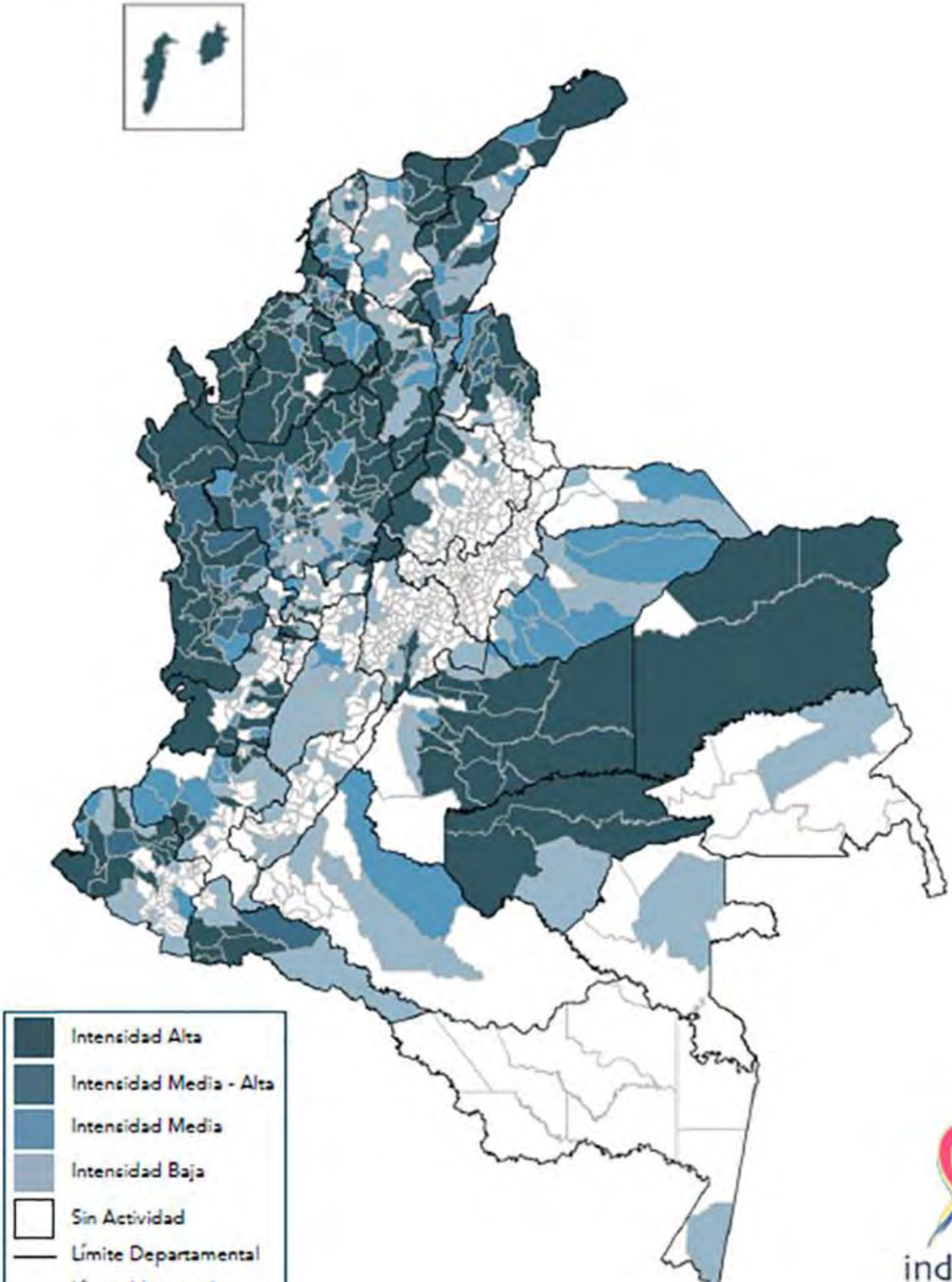
Paramilitary groups that reorganized after the partial demobilization of the AUC between 2003 and 2008 have since consolidated control over 216 of Colombia's approximately 1,100 municipalities, according to Indepaz. The paramilitaries are intermittently active another 232 municipalities and allegedly expanding their presence in another 79 municipalities.

Indepaz first registered the current paramilitary expansion in 2020 after a period that saw a gradual reduction in the territorial control of the AUC successor groups.

The AGC is by far the largest or these groups formed by dissident former AUC members.

These paramilitaries are permanently present in 131 municipalities, mainly in the northwest of Colombia from where the group originates.

Paramilitary activity between 2017 and 2021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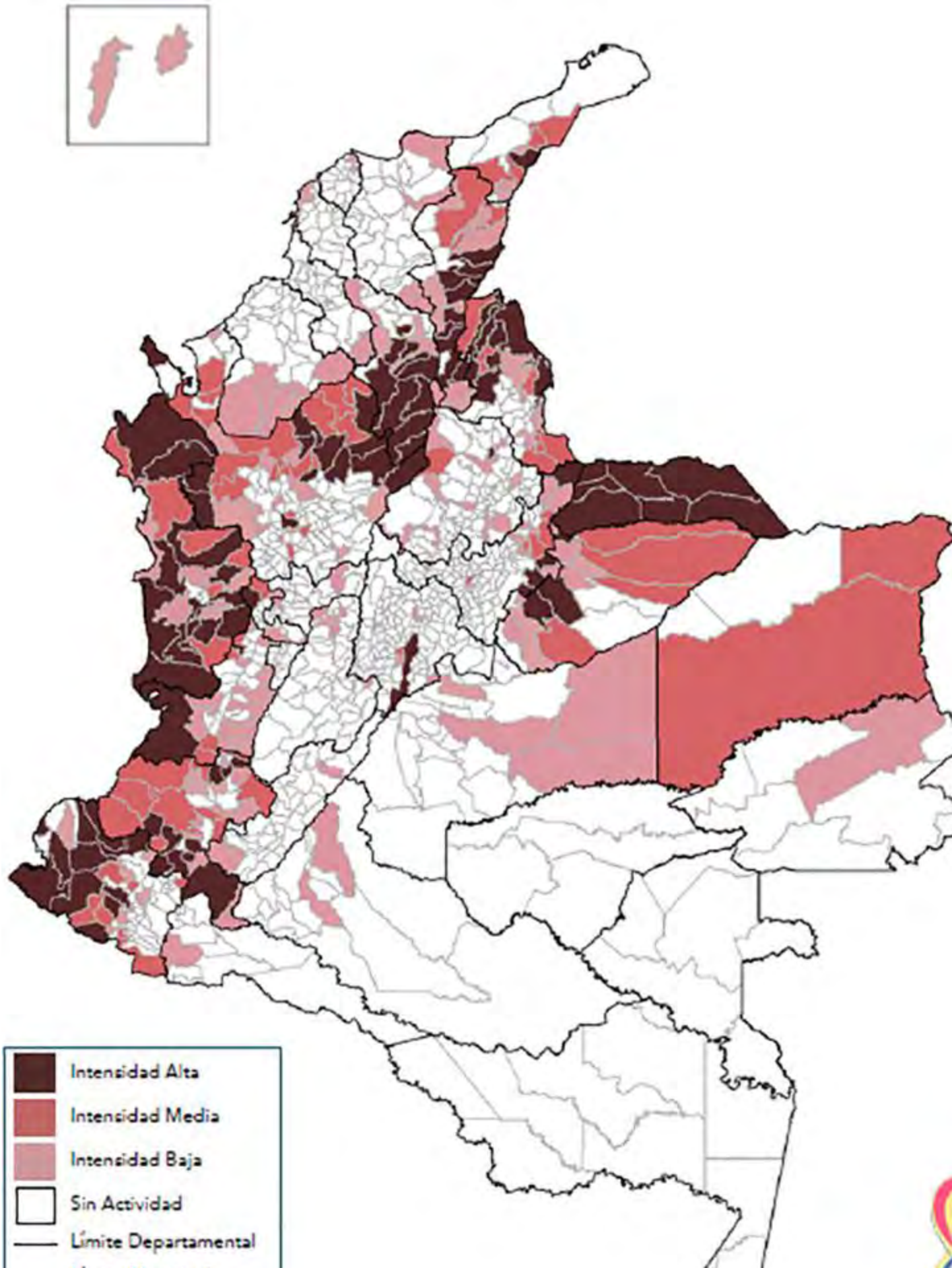
The ELN's expansion drift

The ELN, Colombia's longest-living guerrilla organization, was able to consolidate control over 91 municipalities and appears to be in the process to become the dominant illegal armed group in another 71.
This group's territorial control has historically been strong in the periphery of Colombia's national territory.

The ELN was occasionally present in another 152 municipalities outside their traditional strongholds, however, possibly because of military offensive by State forces to confine the guerrillas to the border regions.

ELN activity between 2017 and 2021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The reuniting of former FARC guerrillas

FARC dissident groups have consolidated control over 60 municipalities, mainly in the south of Colombia and along the Venezuelan border in the east.

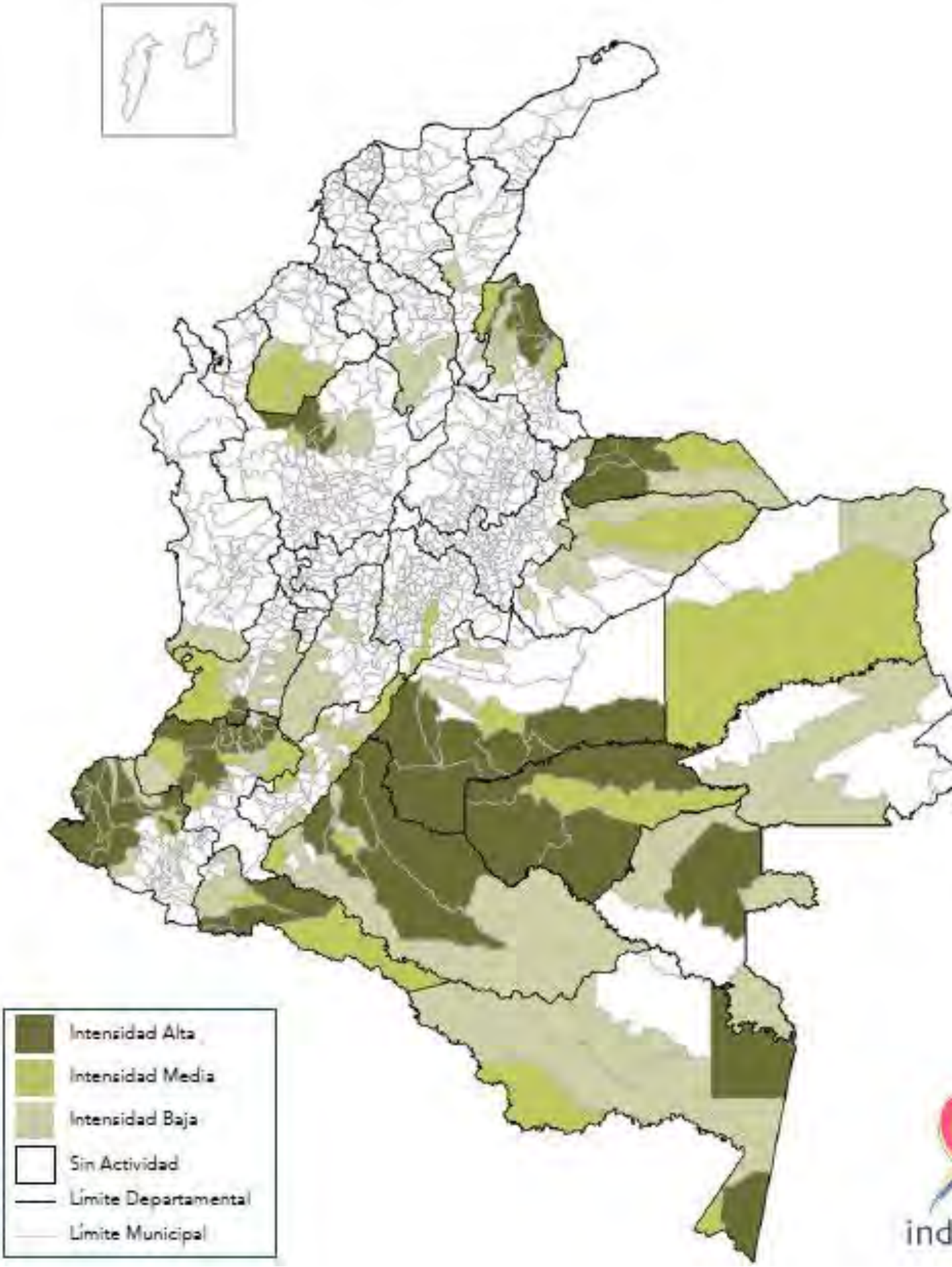
Another 36 municipalities are on the verge of falling under the control of the groups that were formed by members of what was Colombia's largest guerrilla organization until five years ago.

The so-called Southeastern Bloc, which rejected the peace process since the beginning, was the dominant force in the southwest of Colombia last year.

Their allies of the Western Coordinating Command (CCO) dominate former FARC territory in the southwest.

The Segunda Marquetalia of the FARC's former political leader, "Ivan Marquez," has barely been able to expand its territory amid persistent tensions with the other guerrilla groups.

FARC dissident activity between 2017 and 2021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The lost war

The Indepaz report confirms those of other conflict monitoring NGO's that noted that former President Ivan Duque's attempts to overpower the guerrillas failed to increase State control over Colombia.
The far-right former president made no visible effort to reduce the territorial control of the AGC and other paramilitary groups that historically have refused to challenge state power.

Duque's successor, President Gustavo Petro, has embarked on a policy that seeks to negotiate the demobilization and disarmament of the illegal armed groups in order to allow an expansion of state control over his country's national territory and population.

How Duque condemned Colombia to a new cycle of violence

Taking the war to people's doorstep

The apparent urbanization of the illegal armed conflict and the increased presence of paramilitary groups in the cities poses a major threat to Petro's peace policy.

Public support for the president's negotiations with illegal armed groups and organized crime groups alike could suffer if turf wars between rival organizations surge urban violence during the talks.

A similar trend occurred in the late 1990's when the AUC sought to violently assume control over cities while former President Andres Pastrana sought to negotiate peace with the FARC, which ultimately failed.

https://colombiareports.com/colombias-armed-conflict-moving-to-cities-report/

News | Armed Groups

Colombia armed groups confining people to homes, communities: NRC

Norwegian Refugee Council calls for 'lasting peace' to end restrictions on freedom of movement across Colombia.

Indigenous children walk down the stairs inside a temporary shelter after months of negotiations to return to their homelands after being displaced by violence, in Bogota, Colombia, October 20, 2022 [File: Luisa Gonzalez/Reuters]

24 Nov 2022

Armed groups in Colombia are confining people to their homes and communities in a bid to exert control over territory, said the Norwegian Refugee Council,

which called on the authorities to do more to ensure citizens can move freely.

The NRC said on Thursday that millions of people are affected by six "ongoing non-international armed conflicts" in which armed groups use confinement "to exert control over isolated communities and territories that are often used for illicit activities".

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Colombia's signing of Escazu accord brings hope to land defenders

Fighting between armed groups leaves 18 dead in Colombia

Colombian government, left-wing ELN rebels launch new peace talks

"Imagine being forced to stay in your home by men with guns – day after day. The confinements in Colombia mean you can't work, visit your family or send your children to school," Juan Gabriel Wells, interim country director for NRC in Colombia, said in a statement.

"We call on the Colombian government and non-state armed actors to agree on a lasting peace that benefits the vulnerable populations affected by these inhumane restrictions of movement."

Thursday marks the six-year anniversary of a peace deal between Bogota and the Revolutionary Armed Forces of Colombia (FARC) that saw members of the left-wing rebel group lay down their weapons. But some FARC dissidents rejected the agreement and have picked up arms again.

Violence has surged in Colombia since the signing of the accord, especially in parts of the country that lay outside government control and where armed groups are involved in drug trafficking and other illicit activities.

Colombia violence: ‘Environmental defenders’ seek government help

Last weekend, at least 18 people died in fighting involving FARC dissidents and a criminal band that calls itself “Comandos de la Frontera” or “Border Commandos” in southwest Colombia, near the border with Ecuador. The two groups were battling for control of drug trafficking routes.

The incident marked the deadliest fight between illegal armed groups since left-wing Colombian President Gustavo Petro took office in August.

Petro has promised to bring "total peace" to the country after nearly six decades of armed conflict that left at least 450,000 dead between 1985 and 2018 alone.

And earlier this week, Petro's government began peace talks with the National Liberation Army (ELN), the country's largest remaining rebel group, in neighbouring Venezuela.

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The delegates said in a joint declaration that they had gathered to restart a dialogue "with full political and ethical will, as demanded by the people of rural and urban territories that suffer from violence and exclusion, and other sectors of society".

The first round of negotiations will last 20 days, with diplomats from Venezuela, Cuba and Norway helping in the negotiations, while representatives from Chile and Spain will observe the process.

Citing figures from the United Nations humanitarian affairs office (UN-OCHA), the NRC said on Thursday that more than 2.6 million people had their movements restricted so far this year due to continuing violence, with "Indigenous and Afro-Colombian communities being some of the worst affected".

“The rules imposed by the armed groups are: ‘you can’t go out;’ ‘you can’t use that road;’ ‘we don’t want to see any people passing through here.’ We are trapped,” Cecil, an Indigenous teacher from the Pacific coast region, said in the NRC statement.

“Where I live, we are afraid to walk [outside] – we can’t do it freely,” a resident of southwest Colombia, Nelsa, also said.

President Gustavo Petro has promised to bring ‘total peace’ to Colombia [File: Nathalia Angarita/Reuters]

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President Ivan Duque and General Eduardo Zapateiro.

War and peace

Colombia subjected to worst levels of violence in decades

Security forces and illegal armed groups undid security gains made by 2016 peace deal

by Adriaan Alsema | June 7, 2022

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Colombia's security situation has worsened under President Ivan Duque to a point compa to the most violent period of the country's armed conflict, according to a think tank.

According to conflict investigator Leonardo Gonzalez of think tank Indepaz, "in terms of security, we are getting close to the worst period of violence in recent decades."

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patron, was in office.

The humanitarian agency of the United Nations confirmed that almost 3 million Colombia were affected by conflict related violence so far this year.

Failing peace and security policies

President Ivan Duque and Defense Minister Diego Molano. (Image: President's Office)

According to Gonzalez, the surge in violence is due to Duque's neglect to implement a 2016 deal with now-defunct guerrilla group FARC and an "ineffective security policy."

> *The lack of commitment to implement the peace agreement, the ineffective security policy and the lack of comprehensive state presence in the territory are the main causes of this widespread violence during Duque's term in office.*
>
> **Indepaz investigator Leonardo G**

To illustrate the gravity of the situation, Indepaz said that 930 human rights defenders and community leaders have been assassinated since Duque took office in 2018.

So far this year, 81 social leaders have been assassinated, according to the think tank.

Assassinations of social leaders

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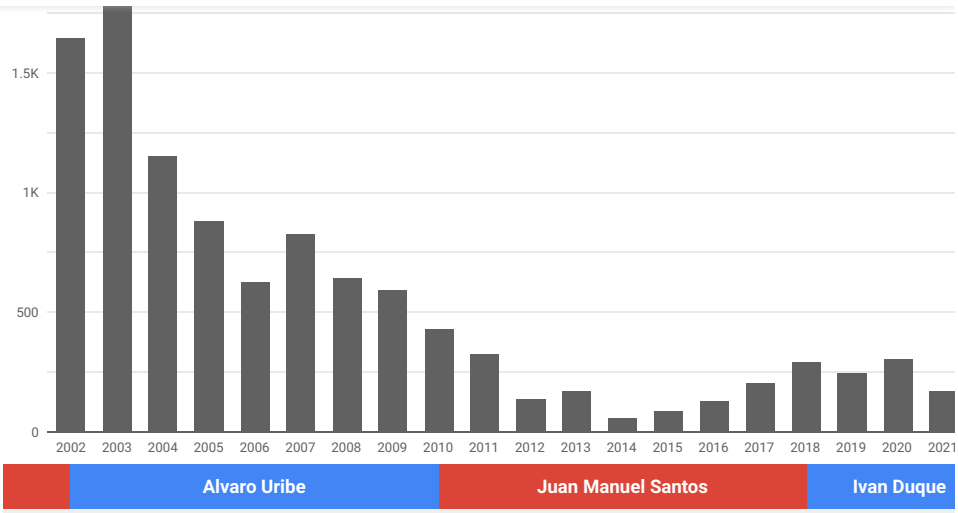
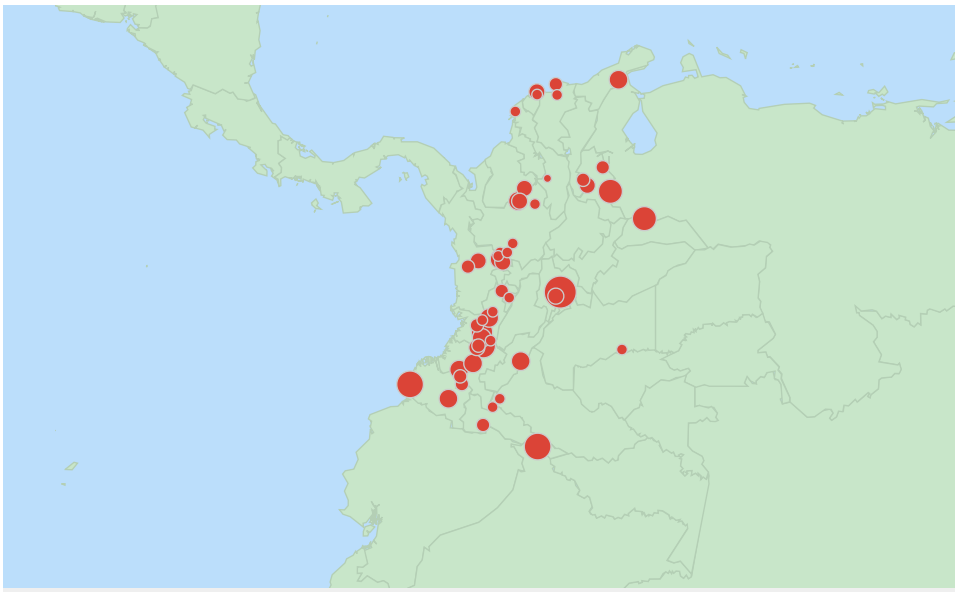


Source: Indepaz

At least 245 of the approximately 13,000 former FARC members who signed peace in 2016 assassinated after Duque took office.

In the same period, Indepaz registered 261 massacres in which 1,144 people were killed.

Victims of massacres since Duque took office



Source: Indepaz

According to the Defense Ministry, more than 58,000 people were murdered since 2019.

In the first four months of this year, the police registered the highest number of homicides 2013 when the FARC was still in arms.

At least 6 soldiers killed in ambush in northwest Colombia

Almost 3 million victims of violence so far this year: UN

Car incinerated by alleged AGC paramilitaries. (Image: Twitter)

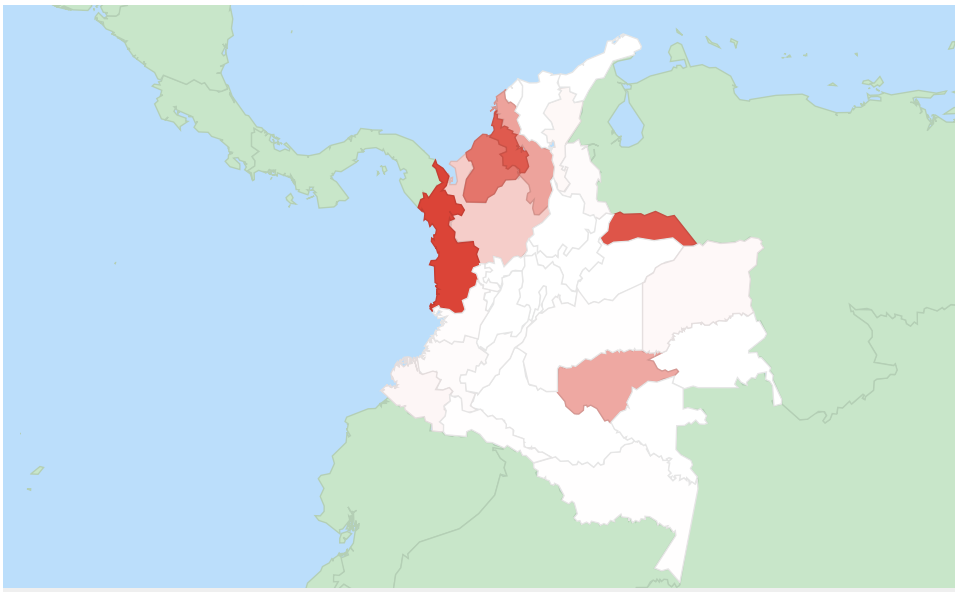
According to the United Nations' humanitarian agency OCHA, almost 3 million Colombiar affected by conflict-related violence so far this year compared to less than 119,000 last yea

More than 78,900 of these victims were forcibly displaced or confined to their homes beca armed conflict, which has raged in the Pacific region and the northeastern Arauca provinc

> *These events have become more recurrent during this year, giv the territorial control of armed groups over the population, especially towards ethnic communities... in rural and dispersec areas.*

Millions of people were affected by lockdowns that were imposed by guerrilla group ELN a paramilitary organization AGC earlier this year.

Victimization rates so far in 2022



Source: OCHA

Human rights violations and crimes against humanity allegedly committed by the security
also soared under Duque, particularly in response to anti-government protests in 2019 an
year.

According to human rights NGO Temblores, 161 people allegedly became the victim of poli
brutality this year.

Police assassinated at least 44 protesters and physically assaulted more than 1,660 people
anti-government protests that lasted between late April and mid-July last year, Indepaz sa
April.

At least 35 women were sexually abused by police during the protests, think tank said.

More than 2,000 people were arbitrarily arrested, according to Indepaz. Hundreds of thes
protesters were arrested on apparently trumped up criminal charges, including terrorism.

The extreme violence used to quell the largely peaceful protests led to international outrag

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News | Conflict

Forced displacement in Colombia more than doubled in 2021: Report

UN agency says forced displacement increased by 57 percent amid an increase in attacks and clashes by armed groups.

According to the OCHA report, more than 53,000 remain displaced, while at least 65,600 people were forced to remain indoors due to the presence and operations of armed groups [Nathalia Angarita/Reuters]

16 Feb 2022

a new report, amid an increase of violence on civilians by armed groups.

In the report published on Wednesday, the UN Office for the Coordination of Humanitarian Affairs (OCHA) said that the number of direct attacks against civilians in 2021 rose 37 percent to more than 2,400.

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"It should be noted that actions by non-state armed groups against the civilian population are the main causes of forced displacement in Colombia," the report said.

"The main needs of the displaced population are based on lack of protection and access to temporary shelter, food, health services, education and access to safe water," according to the report.

OCHA said that the number of direct attacks against civilians in 2021 rose 37 percent to more than 2,400 [Nathalia Angarita/Reuters]

OCHA said clashes between rival armed groups were the second most important driver of displacements, as well as threats made via phone calls, pamphlets and other means.

According to the report, more than 53,000 remain displaced, while at least 65,600 people were forced to remain indoors due to the presence and operations of armed groups, while a further 85,700 saw restrictions on movement, the report said.

The report came as Colombia continued to struggle with fully applying the terms of a 2016 landmark peace agreement between the Colombian government and FARC fighters which saw the rebels laying down their arms after decades of brutal conflict.

Members of the National Liberation Army (ELN) and Revolutionary Armed Forces of Colombia (FARC) dissidents who reject the peace deal with the government, have been clashing with each other, with the army and with drug-trafficking gangs in bids to control territory.

Colombia's internal conflict has left more than 260,000 dead across almost six decades, and millions have also been displaced.

Ingrid Betancourt, who was held captive by the FARC for six years, is now campaigning to become the first female president. She is pledging to crack down on corruption and reconcile the deeply polarised nation. More than 20 aspirants are vying for the position.

Ingrid Betancourt is pledging to crack down on endemic corruption and reconcile the deeply polarised nation. More than 20 aspirants are vying for the position [Luisa Gonzalez/Reuters]

Colombia is scheduled to hold presidential elections on May 29.

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The nation is also reeling from persistent inequality and poverty. In April, protests erupted across the country after President Ivan Duque, a right-wing leader, proposed increasing taxes amid of the coronavirus pandemic. Although Duque withdrew the tax reform proposal in the face of public anger, discontent persists.

A brutal crackdown of protesters has also aggravated nerves. A UN High Commissioner for Human Rights report in December said Colombia's police responsible for at least 28 deaths during the anti-government protests. The report found that security forces in Colombia committed "serious" human rights violations.

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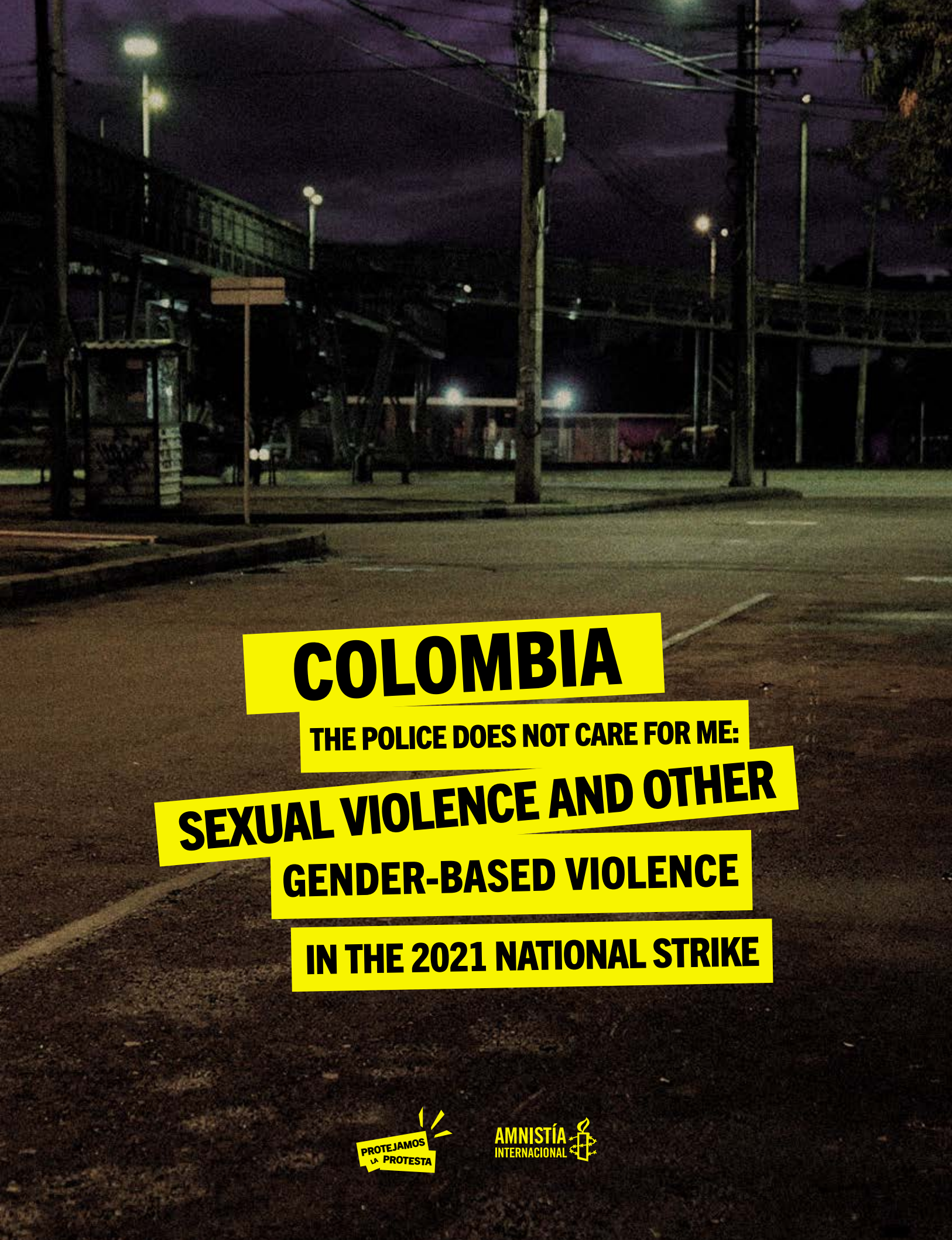

COLOMBIA

THE POLICE DOES NOT CARE FOR ME: SEXUAL VIOLENCE AND OTHER GENDER-BASED VIOLENCE IN THE 2021 NATIONAL STRIKE

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CONTENTS

COLOMBIA: The police does not care for me: Sexual violence and other gender-based violence in the 2021 National Strike

Executive summary 04

Research methodology 09

I. Background and context 14

a. One year on from the start of the National Strike 15

b. Continuing gender-based violence in Colombia and the prevalence of impunity 20

II. Violence against women, girls and LGBTI people in the context of social protest: repression using the body 24

a. Violence during the dispersal of demonstrations 30

b. Sexual torture in detention 36

c. Violence and discrimination: violence intensified on the basis of gender identity or expression, ethnicity and race 39

d. Attacks on women and LGBTI human rights defenders and journalists 42

III. Access to justice and collective coping mechanisms 46

a. Shortcomings in the implementation of care pathways and ensuring access to justice 48

b. Impacts and collective coping mechanisms 56

IV. Conclusions and recommendations 60

PROTEJAMOS LA PROTESTA

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EXECUTIVE SUMMARY

Gender-based violence, including sexual violence, has been part of a range of violence used in Colombia by armed and unarmed, state and non-state actors. Women, girls and lesbian, gay, bisexual, transgender and intersex (LGBTI) people have, over the years, experienced this violence in a marked and disproportionate way. Meanwhile, failings in state responses and high rates of impunity persist. Consequently, thousands of survivors are demanding their rights and that their access to justice be guaranteed.

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Social protest and mobilizations are not spaces that are free of gender-based violence, especially in situations where state forces intervene and use force.

Since **April 2021**, a series of mobilizations, collectively known as the **National Strike** (Paro Nacional), have erupted in Colombia, triggered by tax reforms proposed by the government of then president Iván Duque, amid a grave social, economic and health crisis exacerbated by the Covid-19 pandemic.
The National Police intervened at different times to control mobilizations and protests and used excessive and disproportionate force; conduct that was documented and criticized by various civil society organizations and by the Inter-American Commission on Human Rights (IACHR).
As a result, thousands of people sustained serious injuries caused by the inappropriate or unlawful use of lethal and less lethal weapons, and dozens lost their lives at the hands of the security forces.

Despite extensive coverage and social mobilization for the rights of victims of police violence, cases of gender-based violence, including sexual violence, were overshadowed

by other human rights violations and crimes under international law during the National Strike.

In this report, Amnesty International highlights repeated and widespread violence against women, girls and LGBTI+ people, through the documentation of 28 individual cases.

The common factor in all cases is the intention behind this use of violence: the perpetrators sought to punish the victims for contravening social gender norms and going out onto the streets to claim their rights.

Amnesty International received hundreds of reports of gender-based violence during the National Strike. The cases reported include psychological violence, threats of sexual violence, violence due to prejudice against LGBTI people, groping and sexual harassment, forced nudity, gender-based discrimination, torture and rape experienced by Afro-descendant women, Indigenous women, as well as women human rights defenders, journalists, reporters and members of health brigades, mothers who accompanied the demonstrations and, in general, women who participated in the protests. Amnesty International, with the support of various human rights organizations that support survivors of gender-based violence, documented 28 such cases in the cities of Cali and Palmira (Valle del Cauca), Popayán (Cauca), Soledad (Atlántico), Tunja (Boyacá), Manizales (Caldas) and Bogotá.

This research highlights two situations in which the National Police were responsible for gender-based violence during interventions in the context of the National Strike. The first is during action taken by the National Police to disperse demonstrations. This report details everything from sexist insults and threats to cases of sexual violence that took place when members of the National Police were carrying out orders to disperse demonstrations.
The second is during the detention of protesters following interventions in demonstrations.
In detention facilities threats and acts of gender-based violence, including sexual violence, were repeated and heightened by the special risks faced by people deprived of their liberty and in state custody, even temporarily.

In addition, the cases documented also describe the heightened violence experienced by some groups as a result of the intersection of different forms of discrimination, which means survivors experience violations of their rights differently.
In this report Amnesty International presents two groups of cases which clearly show this intersection. **The first group are cases of gender-based violence exacerbated by the gender identity or expression, ethnicity or race of the survivors.** In these cases, extracts of statements are cited that show how being an Indigenous, Afro-descendant or trans woman becomes an additional motive for perpetrators for the attacks and that reflect how these identities experience gender-based violence and intensify it. The second group are documented cases of attacks against women and LGBTI human rights defenders and journalists.
In these cases, people report different attacks compared to their colleagues,

steeped in stereotypes and marked by machismo, homophobia and other forms of discrimination that add to the stigmatization of their work as human rights defenders or journalists.

Amnesty International also received information regarding the lack of or inadequate response by the justice system to complaints filed by survivors of gender-based violence, especially by the Attorney General's Office. This includes legal mischaracterization of the facts during the investigation or pressures to withdraw complaints. It has also documented the fear and lack of trust felt by various survivors who decided not to approach the Attorney General's Office. These findings are worrying given that the fight against impunity has an essential role in guaranteeing the right of women and LGBTI people to live a life free from violence and discrimination.

Various international instruments ratified by Colombia establish obligations to prevent gender-based violence and other types of violence, protect survivors and investigate cases, in accordance with standards of due diligence, in order to guarantee equal access to justice and non-repetition. In addition, international standards recognize the need to conduct investigations incorporating a gender perspective and intersectionality with other grounds of discrimination such as race, socioeconomic status, ethnicity, religion and political opinions, among others.

With this report Amnesty International seeks to contribute to improving the general situation regarding respecting, guaranteeing and protecting the human rights of people exercising their rights of freedom of expression and peaceful assembly, especially women and LGBTI people, as well as their access to justice in cases of gender-based violence and other types of violence.

To this end, it sets **out a set of recommendations** to the Executive Branch, the Attorney General's Office, the Ombudsperson's Office and the Public Prosecutor's Office, **all of which are aimed at ensuring they fulfil their obligations under international human rights law.**

The first group of recommendations is addressed to the President of the Republic, the national government and departmental, district and municipal governments. In general, these recommendations seek to ensure that those responsible for the conduct of the National Police put an end to the gender-based violence during police interventions in protests and social demonstrations and that they also adopt measures that guarantee non-repetition and the protection of survivors, whether they report such violence or not. The second group of recommendations is addressed to the Attorney General's Office and these seek to ensure that all the actions taken during investigations are guided by the principles of putting survivors at the centre and of causing no harm. They also make clear the human rights standards applicable in investigations of gender-based violence. Finally, a third group of recommendations is addressed to the Offices of the Ombudsperson Office and the Public Prosecutor and these aim, in accordance with their particular functions, to strengthen their efforts to fulfil their mandates to promote human rights and to ensure progress in relevant disciplinary investigations.

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https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/el-desafio-de-una-generacion-que-grita-futuro/

RESEARCH METHODOLOGY

PROTEJAMOS LA PROTESTA

AMNISTÍA INTERNACIONAL

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Amnesty International received worrying reports of gender-based violence, including sexual violence, committed by the National Police's Mobile Anti-Riot Squad (Escuadrón Móvil Antidisturbios, ESMAD) against girls, women and LGBTI people, in the context of the massive demonstrations in 2021. This type of violence often remains hidden, increasing the victimization and injustice experienced by survivors.

Amnesty International, therefore, decided to initiate a rigorous process of documenting cases and accompanying survivors, as well as the human rights defenders, lawyers, journalists and human rights organizations that helping them pursue their cases with the Attorney General's Office between June 2021 and August 2022.

As it concerns the documentation of cases of gender-based violence, including sexual violence, which involved serious harm to physical and mental integrity, the methodology of the research was based on the concepts of **centrality of survivors, doing no harm and ensuring comprehensive support for their cases.** This requires the rights and expectations of survivors to be put at the heart of the research and their statements at the core of access to justice processes or care pathways.[1] It also implies taking special care on avoiding negative impacts derived

from this process on survivors and allied organizations.

Amnesty International, working with partner organizations and survivors who agreed to participate directly in the research, developed a qualitative methodology, based on semi-structured interviews, and the review and comparison of the state response delivered in practice with the care, protection and justice pathway established in Colombia.[2] Although some of the survivors decided not to approach public bodies such as the Attorney General's Office or the Ombudsperson's Office, their cases were accompanied by allied organizations who supported them and are part of this investigation. Amnesty International recognizes and documented the obstacles that exist to reporting these forms of violence and understands that deciding to make a complaint is an individual decision and at no time implies a moral or legal obligation on survivors to make their cases visible and to be accompanied.

For this research, 75 interviews ,
were carried out:

2
2 with journalists,

7
with survivors or their families,

66
with human rights defenders and spokespersons for associated organizations.

The names and **identities of the people interviewed by Amnesty International have been withheld for reasons of confidentiality and security and pseudonyms used,** indicated by an asterisk.

The documented cases occurred in various cities in the country, such as Cali and Palmira (Valle del Cauca), Popayán (Cauca), Soledad (Atlántico), Tunja (Boyacá), Manizales (Caldas) and Bogotá. The research was also based on a review and analysis of documentary evidence: complaints, press releases and public documents. These include two reports of medical examinations, a forensic medical examination and 11 documents issued by the Attorney General's Office in connection with the cases. The last date on which information related to the progress of criminal investigations was reviewed was 31 July 2022. This research also takes as its basis the observations and recommendations of the Inter-American Commission of Human Rights (IACHR) following its visit to Colombia in June 2021.[3]

Amnesty International reiterates its solidarity and commitment to accompanying survivors of gender-based violence, including sexual violence who gave consent for their cases to be included in this report.

Of the **28 cases documented for this report, 24 involved women and girls, including women of diverse sexual orientation and gender identity, and four involved men, one of whom identifies as a gay man.**

This report also analysed the response of state entities responsible for providing care, protection and a comprehensive response to survivors of gender-based and sexual violence, including the Attorney General's Office and the Ombudsperson's Office. On 22 April 2022, the organization wrote to the National Director of Police, the Attorney General and the Ombudsperson, requesting detailed information about the cases described in this report so that this could be included, where appropriate, in this document. Amnesty International received a response from all three bodies and these are referred to in Section III of this report.

To complement the qualitative exercise, various databases that collect information about reports of gender-based violence and sexual violence in the context of the National Strike were reviewed and cross-checked. The Bogotá Women's Secretariat, the Ombudsperson's Office, Temblores ONG and the Office of the United Nations High Commissioner for Human Rights in Colombia shared their databases with Amnesty International.

Representatives of survivors and human rights defenders who reported acts of gender-based violence during the National Strike actively participated in the drafting of this report. Amnesty International is immensely grateful to Nomadesc, La Manada Colectiva Feminista, Women's Link Worldwide, Caribe Afirmativo and Temblores ONG for their support in the documentation process, the support they provided to survivors who gave their consent for their cases to be included in this report and, in general, their work in defence of human rights. The Office of the United Nations High Commissioner for Human Rights in Colombia; the Inter-Church Commission on Justice and Peace; the Grupo de Acción y Apoyo a Personas con Experiencia de Vida Trans (GAAT); the Campaign Defender la Libertad un Asunto de Todas; and Mutante,[4] an alternative media outlet, also contributed to this research.

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[1] Interagency Gender-based Violence Case Management Guidelines: Providing care and case management services to gender-based violence suvivors in humanitarian settings, first edition, 2017, (in Spanish), https://lac.unfpa.org/sites/default/files/pub-pdf/interagency_gbv_case_management_guidelines_es_js_1.pdf

[2] In Colombia, legislative provisions on prevention, protection and access to justice for survivors of gender-based violence are set out in Law 1257 of 2008. Cases of sexual violence in the context of the armed conflict are addressed in Law 1719 of 2014.

[3] IACHR, Observations and recommendations Working visit to Colombia, June 2021, https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf

[4] Mutante.org and the Liga contra el silencio, "Enciérrenlas y ahóguenlas: abuso policial en Palmira durante el Paro", May 2021, https://www.mutante.org/contenidos/encierrenlas-ahoguenlas-abuso-policial-palmira-paro

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https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/sos-colombia-por-la-vida-el-territorio-y-la-paz/

BACKGROUND AND CONTEXT

PROTEJAMOS LA PROTESTA

AMNISTÍA INTERNACIONAL

ONE YEAR ON FROM THE START OF THE NATIONAL STRIKE

Since the start of the National Strike in Colombia in April 2021, Amnesty International has prioritized monitoring, verifying and documenting reports of the grave human rights crisis caused by the repressive response of the Colombian state to the protests and demonstrations.

As part of this, on 30 July 2021, published a report entitled Cali: In the epicentre of repression was published[5] and, in November 2021, together with the University of the Andes' PAIIS[6] programme and Temblores ONG, the report Shoots on sight: eye trauma in the context of the National Strike was published.[7] In March 2022, a video was made public showing a forensic reconstruction of the so-called "Operation Siloé" in Cali, based on analysis of audiovisual evidence and numerous testimonies.[8]

These reports **described the excessive and disproportionate use of force by the National Police,** especially the Mobile Anti-Riot Squad (Escuadrón Móvil Antidisturbios, ESMAD), **to violently repress protests,**

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[5] Cali: In the Epicentre of Repression, July 2021, https://www.amnesty.org/en/documents/amr23/4405/2021/en/

[6] PAIIS is the Programa de Acción por la Igualdad y la Inclusión Social (Action Programme for Equality and Social Inclusion) of the University de los Andes in Colombia, it is a legal clinic of public interest law.

[7] Amnesty International, Colombia: Shoots on sight: eye trauma in the context of the National Strike, November 2021, https://www.amnesty.org/en/documents/amr23/5005/2021/en/

[8] Amnesty International, Repression in the Spotlight, Reconstruction of Operation Siloé, March 2022, https://www.amnesty.org/en/latest/campaigns/2022/02/repression-in-the-spotlight/

[9] Office of the United Nations High Commission for Human Rights, press statement, "La Alta Comisionada informa de retrocesos graves de los derechos humanos en el mundo", 21 June 2021, https://news.un.org/es/story/2021/06/1493562, In Spanish.

[10] Amnesty International, Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru, 2022, https://www.amnesty.org/en/documents/amr01/5675/2022/en/

causing physical and psychosocial harm to thousands of demonstrators.

In those previous reports, Amnesty International documented cases of attacks by armed civilians on demonstrators, the use of lethal weapons by state officials and eye trauma. These constitute violations of the rights to physical integrity, the prohibition of torture and the right to freedom of peaceful assembly, among others.

Various international organizations and Colombian civil society organizations have also documented the excessive use of force by the National Police in the context of National Strike protests. For example, at the opening of the 47th session of the United Nations Human Rights Council, the High Commissioner for Human Rights, Michelle Bachelet, stated that her office **had received reports of 56 deaths in this context and 49 cases of sexual violence.**[9]

The difficulty of finding updated data and figures on gender-based violence in Colombia is something that Amnesty International has already highlighted previously.[10] For example, as of September 2022, the Integrated Information System on Gender-Based Violence only had preliminary information for 2021.[11]

Since the start of the National Strike, Amnesty International has expressed concern about reports of gender-based violence and sexual violence by the Colombian police.[12] **As of June 2021, there were reports that there were more than**

491
women victims of police violence, not necessarily associated with gender in the context of protests;[13]

28
victims of sexual violence;[14]

5
cases of gender-based violence against LGBTI demonstrators.[15]

In addition to Amnesty International, many civil society organizations and international human rights bodies raised similar concerns.

Numerous reports from civil society organizations highlighted multiple forms of gender-based violence and sexual violence committed by the security forces, noting that they

[11] Sistema Integrado de Información sobre Violencias de Género, https://www.sispro.gov.co/observatorios/onviolenciasgenero/Paginas/home.aspx
[12] Amnesty International, "Colombia: Concerning reports of disappearances and sexual violence against protesters", 7 May 2021, https://www.amnesty.org/en/latest/news/2021/05/colombia-preocupan-las-denuncias-de-desapariciones-y-violencia-sexual-contra-manifestantes/
[13] Sisma Mujer, Resumen del informe presentado a la CIDH durante su visita a Colombia entre el 8 y el 10 de junio de 2021, 10 June 2021, https://www.sismamujer.org/wp-content/uploads/2021/08/Comunicado-_VisitaCIDH-_mujeres-y-personas-LGBTIQ_2021.06.09.pdf Full report available at https://cjlibertad.org/comunicaciones/1.%20Informe%20VBG%20Paro%20Nacional%20-%20CIDH%20-%20Versi%C3%B3n%20p%C3%BAblica.pdf (both Spanish only).
[14] Temblores ONG, Boletín del 26 de junio de 2021, https://www.instagram.com/p/CQr4h6TJ9vK/?utm_source=ig_web_copy_link
[15] Caribe Afirmativo, Fundación Grupo de Acción & Apoyo a Personas Trans, Santamaría Fundación, Plataforma LGBTI por la Paz, International Instititute on Race, Equality and Human Rights, Colombia Diversa and the Asociación Líderes en Acción, Informe sobre la situación de violencia policial contra personas LGBTI en el marco del Paro Nacional, 9 June 2021, https://caribeafirmativo.lgbt/caribe-afirmativo-junto-con-otras-organizaciones-entrega-informe-ante-la-cidh-sobre-violencia-en-el-marco-de-la-protesta-social-contra-personas-lgbt/

> *“have used these forms of violence as part of the violent repression of the protest, thus committing human rights violations, and reaffirming such violence as a means of preventing the effective enjoyment of women’s rights, especially being part of the public and political life of the country, freedom of expression and association and living a life free of violence. . . Sexual violence is the main differentiated risk experienced by women in contexts of the repression of social protests”.* [16]

The Ombudsperson’s Office, in a bulletin published on 4 June 2021, identified

112
acts of gender-based violence against women and LGBTI people during social demonstrations committed by National Police officials,

99
were committed against women,

13
against people who identify as LGBTI.

In its report, the Ombudsperson’s Office stated that most of the cases reported occurred in Valle del Cauca (24), followed by Antioquia (20), Nariño (13), Boyacá (12), Cauca (10) and Bogotá (seven). It should be noted that cases were also reported in Atlántico (three), Bolívar (two), Magdalena (two), Meta (four) and Norte de Santander (six).

With regard to acts of sexual violence, the Ombudsperson’s Office stated that five complaints were filed for violent physical penetration (acceso carnal violento) – as this criminal offence is defined in Colombia – and 22 incidents of offences including groping, threats of sexual violence and sexual harassment, among others. In his report, he concludes that:

> *“approximately one in four cases of gender-based violence in the context of social protest include acts of sexual violence in which the aggressors use the bodies of women and LGBTI people as part of a strategy of power and control over their participation in the context of social protest... in many cases the violence is accompanied by sexual harassment in the form of verbal attacks, referring to their bodies in an objectivizing way, as well as the use of expressions such as bitch, slut, I’m gonna rape you, I’m gonna lick you, gay twat, among others”.* [17]

[16] Report presented to the IACHR during its visit to Colombia between 8 and 10 June 2021, by various Colombian civil society organizations: Casa de la Mujer, Comunitar - Casa de la Mujer; Comunitar - Corporación de Mujeres Ecofeministas; Corporación Humanas; Corporación Jurídica Libertad; Defender la Libertad Asunto de Todas; Fundación Comité de Solidaridad con los Presos Políticos; Proceso Social de Garantías para la Labor de los Lideres y Lideresas Sociales Comunales; Defensores y Defensoras de Derechos Humanos de Antioquia; International Instititute on Race, Equality and Human Rights; Ruta Pacífica de Mujeres; Sisma Mujer; Vamos Mujer; and Women’s Link Worldwide, 10 June 2021. Amnesty International translation.

[17] Ombudsperson’s Office of Colombia, Bulletin #3 Gender-Based Violence in the Context of Social Protest, Delegate for Women’s Rights and Gender Affairs, 4 June 2021. Amnesty International translation.

In December 2021, the Office of the United Nations High Commissioner for Human Rights in Colombia (OHCHR) stated that it had "reasonable ground to argue that in the context of the National Strike, human rights violations were committed, such as the unnecessary or disproportionate use of force that resulted in arbitrary deprivation of life and violations of personal integrity and security, as well as arbitrary detentions, sexual and gender-based violence and acts of discrimination and racism".[18] It also noted in its annual report that it had received reports of sexual violence against 60 individuals (48 women and 12 men) of which it had verified 16 cases allegedly committed by members of the National Police.[19] It concluded that

> *"according to the information collected and verified by the Office, there are reasonable grounds to argue that in these cases members of the police used sexual violence to punish people for their participation in the demonstrations and to humiliate them for their status as women (for not fulfilling the gender roles traditionally assigned to women or for being involved in public affairs), as LGBTI people, or for their ethnic origins. Many of the violations recorded were committed in the context of arbitrary detention".*[20]

In response to these serious reports, the IACHR carried out a working visit to Colombia from 8 to 10 June 2021, highlighting in its recommendations that it "received testimony on the different types of gender-based violence. Based on the information gathered, the Commission was able to note multiple reports of acts committed by security forces agents, indicating the use of gender-based violence as a mechanism of repression against women, girls, and LGBTI persons. Such violence was used against both persons found in the protest and against persons located in areas away from the protest."[21] In fact, the IACHR received multiple reports "of acts committed by security forces agents, indicating the use of gender-based violence as a mechanism of repression against women, girls, and LGBTI persons."[22]

These reports come in the context of a history of reports of excessive use of force and gender-based violence by National Police officers which have been the subject of previous national judicial rulings. For example, **in 2020**

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[18] Office in Colombia of the United Nations High Commissioner for Human Rights, El Paro Nacional 2021: Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia, https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/. Amnesty International translation.

[19] Office in Colombia of the United National High Commissioner for Human Right report on Colombia 2021 https://www.hchr.org.co/wp/wp-content/uploads/2022/05/211214-Colombia_Documento-lecciones-aprendidas-y-observaciones-Paro-Nacional-2021.pdf [THIS LINK IT TO LESSONS LEARNED RATHER THATN SITUAITON OF HUMAN RIGHTS IN COLOMBIA - OK?]

[20] Office in Colombia of the United National High Commissioner for Human Right report on Colombia 2021, https://www.hchr.org.co/wp/wp-content/uploads/2022/05/211214-Colombia_Documento-lecciones-aprendidas-y-observaciones-Paro-Nacional-2021.pdf [THIS LINK IT TO LESSONS LEARNED RATHER THATN SITUAITON OF HUMAN RIGHTS IN COLOMBIA - OK?]

[21] Inter-American Commission on Human Rights, Observations and recommendations Working visit to Colombia, June 2021, https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf

[22] Inter-American Commission on Human Rights, Observations and recommendations Working visit to Colombia, June 2021, https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf

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the Colombian Supreme Court of Justice issued a ruling in which it

> *"condemned all types of gender-based violence and reasserts the rights of women and people of different sexual orientation, as social groups that have historically experience discrimination. From this perspective, it should be noted that when a woman is the victim of abusive acts... her dignity and physical and moral integrity are harmed; she must be protected by society and the State and even more, by the judges, as guarantors of the restoration of her rights".* [23]

In this ruling, the Colombian government was ordered to take concrete action to protect the right to peaceful protest by addressing the excessive use of force by ESMAD against demonstrators. The civil society organizations that pursued this case[24] issued a statement on 6 May 2021 noting the failure to comply with aspects of the ruling and requesting that the officials responsible for compliance be found in contempt.[25] Although the courts dealing with the case did not rule in favour of the contempt motion, the Supreme Court of Justice reiterated its call to the national government to comply with the provisions contained in its ruling.[26]

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[23] Colombia: Supreme Court of Justice, Civil Cassation Chamber, STC 7641-2020, Issue no. 1101-22-03-000-2019-02527-02, https://cortesuprema.gov.co/corte/wp-content/uploads/2020/09/11001-22-03-000-2019-02527-02-STC7641-2020.pdf. Amnesty International translation.

[24] The organizations that supported the action were: the Corporación Humanidad Vigente; the Colectivo de Abogados José Alvear Restrepo; the Comité de Solidaridad por los Presos Políticos; the Colombian Commission of Jurists; the Centro de Estudios de Derecho, Justicia y Sociedad; the Fundación para la Libertad de Prensa; the Red de Defensores y Defensoras de Derechos Humanos; El Veinte; and the Colectivo Profes al Uno.

[25] Centro de Estudios de Derecho, Justicia y Sociedad, "Le pedimos a la Corte Suprema que declare el desacato de la sentencia que protegió el derecho a la protesta", 6 May 2021, https://www.dejusticia.org/le-pedimos-a-la-corte-suprema-que-declare-el-desacato-de-la-sentencia-que-protegio-el-derecho-a-la-protesta/

[26] El Espectador, "Corte Suprema insta al Gobierno a respetar la protesta y ordena pruebas para desacato", 28 May 2021, https://www.elespectador.com/judicial/corte-suprema-insta-al-gobierno-a-respetar-la-protesta-y-ordena-pruebas-para-desacato/

3. CONTINUING GENDER-BASED VIOLENCE IN COLOMBIA AND THE PREVALENCE OF IMPUNITY

Gender-based violence, and in particular sexual violence, has a painful history in the context of the Colombian armed conflict. Both members of armed groups and members of the state security forces were responsible for this form of violence and their conduct, understood as a pattern of violence, is key to explaining, analysing and understanding what happened during the National Strike as a continuum of violence.

National authorities such as the Constitutional Court[27] and the National Centre for Historical Memory **have recognized that all armed actors, including state security forces, used sexual violence as a strategy** for reaffirming their authority in contested territories, since "sexual violence in the context of the Colombian armed conflict has been of an indiscriminately strategic nature because all armed actors used it as a means to appropriate the bodies and populations who sought to reaffirm their authority in the territories."[28]

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[27] Constitutional Court of Colombia, Judgment SU-599 of 2019; Justice reporting the opinion of the Court: Cristina Pardo Schlesinger, 11 December 2019.
[28] CNMH, (2017), La guerra inscrita en el cuerpo, p. 35, November 2017, https://www.centrodememoriahistorica.gov.co/descargas/informes-accesibles/guerra-inscrita-en-el-cuerpo_accesible.pdf. Amnesty International translation.

According to reports from women's organizations, **in Colombia 90% of sexual crimes go unpunished.**[29]

The Constitutional Court has recognized that sexual violence has followed certain patterns in the context of armed conflict and forced displacement: *"(i) acts of sexual violence as an integral part of larger violent operations; (ii) acts carried out individually by members of all armed groups for various purposes, such as: intimidation of the population, retaliation and revenge, a strategy to make advances and territorial control, obtaining information or simple aggression; (iii) sexual violence against women reported to have family or personal relationships with someone who is a member of or collaborator with any of the legal or illegal actors; (vii) acts of sexual violence by armed actors against women who are members of social, community or political organizations or who are leaders or act as human rights defenders, or against women members of their families, as a form of retaliation, repression or to silence their activities."*[30]

In addition, the Supreme Court has stated that in Colombia sexual violence has been committed in contexts of i**nvisibility, silence** and **impunity** for the perpetrators. This is partly because survivors do not have confidence in the justice system and partly because they are afraid of retaliation if they report incidents. Deep-rooted cultural factors that exacerbate shame, isolation and stigmatization and prevailing impunity also have an impact.[31]

The Justice and Peace Courts[32] have recognized that sexual violence was committed in the context of the armed conflict as a pattern of macro-criminality of gender-based violence. They have identified characteristics such as repetition, planning and policy, purpose and gender-based motivations.[33]

The Truth and Reconciliation Commission (Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición), created by the Peace Agreement signed by the state and the FARC-EP guerrilla group in 2016, published its final report in July 2022, with a chapter dedicated to the gender-based violence and sexual violence that occurred in the context of the armed conflict in the country.

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[29] Revista Ámbito Jurídico, "La impunidad por violencia sexual en Colombia supera el 90%", 22 February 2018, https://www.ambitojuridico.com/noticias/en-ejercicio/penal/la-impunidad-por-violencia-sexual-en-colombia-supera-el-90

[30] Constitutional Court of Colombia, Order 092 of 2008; Justice reporting the opinion of the Court, Manuel José Cepeda Espinosa, 14 April 2008, art III.1.1.2 of Section III.1.1., "Riesgo de violencia, explotación o abuso sexual en el marco del conflicto armado". Amnesty International translation.

[31] Constitutional Court of Colombia, Order 092 of 2008; Justice reporting the opinion of the Court, Manuel José Cepeda Espinosa, 14 April 2008, art III.1.1.2 of Section III.1.1. "Riesgo de violencia, explotación o abuso sexual en el marco del conflicto armado".

[32] The Justice and Peace rulings referred to here document sexual violence committed by armed paramilitary actors, some of whom acted with the collusion of or in coordination with security forces officials.

[33] Chaparro Liliana, Morelle Cecilia, Cuéllar Marcela y Velásquez Laura, La violencia sexual y la justicia transicional en Colombia: Análisis de la violencia sexual como parte del patrón de macrocriminalidad de violencia basada en género en las sentencias de Justicia y Paz (2010-2021), Universidad Santo Tomás, October 2021, pending publication.

> In the report, "Mi Cuerpo es la Verdad", the Commission acknowledged that the security forces perpetrated sexual violence against women and LGBTI people and stressed that "the victims were young women. The institution responsible for most victimizations [attributed to state agents] was the National Army, followed by the Police. . . As regards the security forces, although there are fewer cases reported, it was evident that sexual violence was used against civilian women as a way of attacking those who were considered "enemies", that is, the women believed to be collaborating with insurgencies or to be guerrillas." [34]

The Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP) announced in July 2022 that it was opening a macro-case[35] on "sexual violence and other crimes related to gender, sex, orientation or identity", with the aim of identifying and bringing to justice those who perpetrated these crimes during the armed conflict. This is the result of decades of advocacy by organizations of women victims[36] who submitted their cases to the transitional justice process.

Amnesty International has conducted research on crimes of sexual violence and the prevalence of impunity in Colombia, such as the 2004 report **Scarred bodies, hidden crimes,** which detailed how sexual violence was deliberately committed by legal and illegal armed actors to sow terror in communities, forcibly displace people and eliminate those they considered allies of their opponents.

In that report, Amnesty International highlighted a pattern of sexual violence against civilians, mostly women or LGBTI people, as a means of asserting authority in the context of the conflict. One of the main points highlighted at the time was the rampant impunity and how it sent a message that sexual violence by armed actors was tolerated. In 2011, the organization published a follow-up report in which it documented how impunity prevailed as a result of the lack of protection for victims, the lack of gender training for judicial officials, as well as the lack of institutional coordination in investigations and the comprehensive care for victims.[37]

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[34] Colombian Commission for the Clarification of the Truth, Coexistence and Non-Repetition, Report, Mi Cuerpo es la Verdad: experiencias de mujeres y personas LGBTIQ en el conflicto armado, pp 84 and 199, July 2022, https://www.comisiondelaverdad.co/mi-cuerpo-es-la-verdad. Amnesty International translation.

[35] A macro-case gathers together hundreds and thousands of incidents that suggest the same motivation, the same modus operandi, the same commands, the same criminal plans and orders, and very similar forms of criminal actions Therefore, macro-cases gather together all the crimes that follow the same pattern. Definition taken from the website of the special jurisdiction for peace JEP. In Spanish.

[36] Rutas del conflicto, "Tras años de luchas se abre un macrocaso de violencia sexual en la JEP", 22 July 2022, https://rutasdelconflicto.com/notas/anos-luchas-abre-macrocaso-violencia-sexual-la-jep

[37] Amnesty International, Colombia: 'This is what we demand, justice!': Impunity for sexual violence against women in Colombia's armed conflict, 21 September 2011, https://www.amnesty.org/en/documents/amr23/018/2011/en/

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VIOLENCE AGAINST WOMEN, GIRLS AND LGBTI PEOPLE IN THE CONTEXT OF SOCIAL PROTEST: REPRESSION THROUGH THE BODY

PROTEJAMOS LA PROTESTA

AMNISTÍA INTERNACIONAL

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Amnesty International documented 28 cases of gender-based violence and sexual violence against women, girls and LGBTI people between 28 April and 30 June 2021.

They were committed in cities such as Cali, Popayán, Palmira, Manizales, Soledad and Tunja. Of the cases documented, **85% relate to gender-based violence against women and girls**, a clear reflection of the particular risk women face of such violence. The organizations that accompany survivors affirm that these cannot be seen as isolated incidents or coincidence; on the contrary, the justice system needs to analyse these as patterns. Moreover, the cases documented by Amnesty International confirm the worrying picture painted by the official figures on gender-based violence set out below.

Although women are disproportionately affected by gender-based violence, other people may also experience it on grounds of their sexual orientation, real or perceived gender identity or expression, or other characteristics, such as race or ethnicity. Four of the cases documented by Amnesty International involve men, one of whom identifies as a gay man; a trans woman human rights defender; and two Indigenous people.

Although most of the cases of police violence reported to state entities occurred in cities such as Bogotá, Cali and Medellín, the systematic nature of the complaints indicates that **gender-based** violence and sexual violence by police officials, and particularly members of ESMAD, are widespread, given that these incidents took place in different Colombian cities, in particular between 28 April and 30 June 2021. The Ombudsperson's database, which Amnesty International consulted, lists cases in Antioquia, Atlántico, Bogotá, Meta, Valle del Cauca, Boyacá, Cauca, Nariño and Santander. About 80% of these cases were committed against women and girls and 20% against men, including LGBTI people.

Colombia is a state party to various instruments on which this analysis is based and that form part of its constitutional corpus,[38] such as the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the American Convention on Human Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará); and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Gender-based violence covers a broad spectrum of violence and includes threats, abuse, coercion and physical, sexual or psychological violence. In some cases it may amount to torture, especially in cases of sexual violence.

This type of violence disproportionately impacts women but can also affect other people based on their sexual orientation, gender identity and/or actual and/or perceived gender expression. Gender-based violence stems from gender inequality, power imbalance and the existence of norms that cause harm; at the same time, this form of violence contributes to reproducing these social contexts. Gender-based violence requires a comprehensive state response that puts the rights of survivors at the centre and addresses root causes.[39]

The right of women and all people to live a life free from gender-based violence and all forms of discrimination is indivisible and interdependent with other human rights, such as the right to life health; physical integrity, freedom, security, and equality; protection from

[38] Colombian Constitution, Article 93, states that international treaties and agreements ratified by the Congress that recognize human rights and prohibit their restriction during states of emergency shall take precedence over domestic law.

[39] Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of Belém do Pará"), 1994, Articles 1 and 2.

torture and other cruel, inhuman or degrading treatment; and freedom of expression, movement, participation, assembly and association.[40] It is also closely related to the right to freedom of peaceful assembly.[41] In particular, with regard to violent acts committed on the basis of gender in the context of demonstrations, the Human Rights Committee, in General Comment 37 (2020) on the right of peaceful assembly, stated that:

> *"Particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination, or that may face particular challenges in participating in assemblies. Moreover, States have a duty to protect participants from all forms of discriminatory abuse and attacks."*.[42]

States are responsible for the acts and omissions of state organs and agents that constitute gender-based violence against women and others. State bodies and agents should refrain from engaging in any act or practice of direct or indirect discrimination against women and ensure that public authorities and institutions act in conformity with this obligation. In addition, states should ensure that laws, policies, programmes and procedures do not discriminate against women and that an effective and accessible legal and services framework is in place to address all forms of gender-based violence against women committed by state agents.[43]

One of the obstacles women and other victims of gender-based violence face in gaining access to justice is the requirement to provide evidence in addition to their testimonies. Inter-American standards state that the **testimony of a survivor of crimes of sexual violence has sufficient probative value**, recognizing that this type of violence usually occurs in places where there are no witnesses and that there are historical barriers to reporting these incidents and access to justice. Similarly, the Inter-American Court of Human Rights has issued rulings such as the Case of Contreras et al. v. El Salvador; the Case of the Massacres of El Mozote v. El Salvador;

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[40] Committee against Torture, General Comment 2, CAT/C/GC/2; CEDAW, General Recommendation 35 on gender-based violence against women, updating general recommendation 19.

[41] It is enshrined in Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the American Convention on Human Rights (ACHR), to which Colombia is a state party. Similarly, Article 37 of the Constitution of Colombia recognizes the right of peaceful assembly and public protest. The exercise of the right to freedom of peaceful assembly is linked to freedom of expression (Articles 19 of the ICCPR and 13 of the ACHR) and freedom of association (Articles 22 of the ICCPR and 16 of the ACHR). International human rights standards stipulate that the use of force by the security forces must be a last resort and must be strictly guided by the principles of legality, necessity, proportionality and accountability.

[42] Human Rights Committee, General Comment 37 on Article 21 (Right of peaceful assembly), CCPR/C/GC/37, 17 September 2020, https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful

[43] CEDAW, General Recommendation 35 on gender-based violence against women, updating general recommendation 19, para. 22.

the Case of Azul Rojas Marín et al v. Peru; and the Case of Bedoya Lima et al v. Colombia.[44] Thus, the testimony of survivors of sexual violence must be the starting point of criminal investigations and constitute fundamental piece of evidence, so that victims are not required to submit graphic or documentary evidence to prove that sexual violence occurred.

The majority of the cases presented in this report are of violence by **ESMAD agents in operations to disperse demonstrators** using tear gas. The women and girls who were attacked were separated from the group of demonstrators and, when they were alone, under the pretext of registering them or searching them, agents committed acts of sexual violence against them.

Amnesty International also documented two cases in which violence was committed in National Police **detention centres** or in **National Police patrol cars or vehicles** while people were being driven to places of detention in the context of their transfer in protective custody.[45] In Colombia, the National Police has the power to detain anyone if they deem it necessary, using the provision "transfer in protective custody" (traslado por protección), in certain specified circumstances. This provision can in some cases result in arbitrary

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[44] Inter-American Court of Human Rights, Case of Contreras at al v. El Salvador, Judgment of 31 August 2011, https://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf ; Case of the Massacres of El Mozote and surrounding areas v. El Salvador, Judgment of 25 October 2012, https://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf ; Case of Azul Rojas Marín et al v. Peru, Judgment of 12 March 2020, https://www.corteidh.or.cr/docs/casos/articulos/seriec_402_ing.pdf ; Case of Bedoya Lima et al v. Colombia, 26 August 2021, https://www.corteidh.or.cr/docs/casos/articulos/seriec_431_ing.pdf

[45] National Police Code, Article 155 Protective custody: "When the life or physical integrity of a person or of third parties is at risk or in danger, uniformed personnel of the National Police may transfer them for their protection or that of third parties, in the following situations: When wandering in a state of helplessness or seriously disturbed state of consciousness due to psychological factors, or under the influence of alcohol or psychoactive or toxic substances, when the transfer is the only available means to avoid the risk to the life or physical integrity of the person or third parties.
When they are engaged in an altercation or display aggressive or reckless behaviour, engage in dangerous or risky activities that endanger their life or physical integrity or those of third parties, or are in danger of being attacked and the transfer is the only available means to avoid the risk to the life or physical integrity of the person or third parties". Original Spanish available at: https://leyes.co/codigo_nacional_de_policia/155.htm. Amnesty International translation.

and unlawful detentions on a massive scale, without legal controls and putting people's health at risk in the context of the Covid-19 pandemic[46] and in the context of protests and demonstrations.[47]

The cases documented occurred mostly **at night** when there was less chance of there being evidence of what happened, including witnesses to this kind of violence. In addition, a pattern emerged of this violence being committed by groups of about eight or 10 officials, some of whom abused the victims while others allowed it to happen and failed to protect victims, despite their duty to do so.

Amnesty International received hundreds of reports of gender-based violence and sexual violence in the context of the National Strike.[48] The allegations include cases of **psychological violence, threats of sexual violence, violence based on prejudice against LGBTI people, groping and sexual harassment, forced nudity, gender discrimination, torture and rape.**

Gender-based violence was committed against: **Afro-descendant women; Indigenous women; women human rights defenders, journalists, reporters and health brigade members; mothers accompanying the marches; and, in general, women who decided to protest or support young people in the streets.**

Distressing accounts of gender-based violence and sexual violence that occurred in the context of demonstrations were also received and the survivors who decided to report their cases are being accompanied by associated organizations. In the following paragraphs explain, in survivors' own words, what happened, with the aim of supporting their search for justice. Neither the names of the survivors, nor the places where the events occurred, are cited in this report, as survivors did not authorize this on grounds that the necessary conditions for them to be able to report safely are not in place. Some of these cases were highlighted in media reports.

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[46] Campaña Defender la Libertad, "Pedimos que cese el traslado por protección en Colombia", 17 March 2020, https://defenderlalibertad.com/-cese-el-traslado-por-proteccion-en-colombia/

[47] Colombia: Supreme Court of Justice, Civil Cassation Chamber, STC 7641-2020, Issue no. 1101-22-03-000-2019-02527-02, https://cortesuprema.gov.co/corte/wp-content/uploads/2020/09/11001-22-03-000-2019-02527-02-STC7641-2020.pdf

[48] Amnesty International, "Colombia: Concerning reports of disappearances and sexual violence against protesters", 7 May 2021, https://www.amnesty.org/en/latest/news/2021/05/colombia-preocupan-las-denuncias-de-desapariciones-y-violencia-sexual-contra-manifestantes/

VIOLENCE DURING THE DISPERSAL OF DEMONSTRATIONS

On 30 April, in the context of demonstrations, Camila* and Sofia*, two women in their twenties, experienced sexual violence by police officers and members of ESMAD. As the two women were walking along singing and chanting to demand their rights, stun grenades being thrown at the group of peaceful demonstrators. There had been no acts of violence prior to this. Everyone ran and Sofia* was left isolated and on her own next to a wall. At that moment an ESMAD official came up to her and, without saying a word, **"put his hand in her pants, touching her vulva and inserting his fingers into her vagina."** Sofia* recalls that at that moment she went into shock and could not breathe properly. At the scene, there was also a woman ESMAD official who did not take any action to prevent this from happening, just reprimanded Sofia* saying **"no one touched you, if you do not want these things to happen why are you here"**.[49]

Sofia* recalls **"they insulted me telling me that if I didn't want those things to happen to me I should stay at home, they pushed me telling me to leave"**.[50] Minutes later, when she tried to identify her assailant, he hastily left the scene. Sofia* shared her experience on social media and filed a complaint with the Attorney General's Office on 1 May 2021, but she stated that, a year later, there has been no progress in the investigation or identification and indictment of the perpetrator. [51] She has received threats on social media and she and her family are at risk. María José*, the lawyer advising Sofia*, requested that the site where the incident took place be inspected, but there were no video cameras in the area. The organization that has supported Sofia* during the process reported that a similar incident occurred on the same date and in the same place a few metres away, but the survivor did not want to lodge a complaint for fear that she could face reprisals.

[49] Medical record, IU 118603-1, dated 30 April 2021, 23:45.
[50] Interview conducted 15 June 2021.
[51] Attorney General's Office, Criminal Notification 760016000193202103577, allegation of violent physical penetration (acceso carnal violento).

Women played a major role in the demonstrations.[52] They were supporters, spokeswomen, field monitors, mediators with police authorities, they organized "community kitchen" ("ollas comunitarias") to ensure protesters had food and acted as a "Frontline",[53] to protect the physical integrity of demonstrators.[54] By identifying forms of violence against protesters that resulted in severe eye trauma and deaths, "Frontline" women played a crucial role in their protection and defence. Unfortunately, this was one of the reasons why they were subjected to stigmatization, violence and threats.[55]

Despite the recognition of the predominantly peaceful nature of the demonstrations during the National Strike,[56] the state's repressive response, carried out by the ESMAD unit of the National Police, was devastating. The violence, which left dozens of people dead, also resulted in hundreds of victims sustaining eye trauma and various other serious injuries, in addition to the gender-based violence inflicted on women, girls and LGBTI people aimed at punishing those who, by deciding to go out onto the streets to protest, defied stereotypes and socially assigned gender roles. In other words: the women who dared to challenge socially assigned roles and go out to protest were punished differently because of this. This violence was also directed against those with diverse gender identity and/or expression and/or sexual orientation, or perceived as such, and who found in the demonstrations a way to assert and express their dissent.

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https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/colombia-lesiones-oculares-gareth-sella/

[52] Report by Sisma and other organizations: Casa de la Mujer; Comunitar - Corporación de Mujeres Ecofeministas; Corporación Humanas; Corporación Jurídica Libertad; Defender la Libertad Asunto de Todas; Fundación Comité de Solidaridad con los Presos Políticos; Proceso Social de Garantías para la Labor de los Lideres y Lideresas Sociales Comunales; Defensores y Defensoras de Derechos Humanos de Antioquia; International Instititute on Race, Equality and Human Rights; Ruta Pacífica de Mujeres; Sisma Mujer; Vamos Mujer; and Women's Link Worldwide, Summary of report submitted to the IACHR during its visit to Colombia between 8 and 10 June 2021.

[53] The "Frontline" are a group of demonstrators who place themselves in front of the National Police Mobile Anti-Riot Squad, with shields and helmets, in order to defend the group from a possible attack with tear gas or stun grenades. Such groups were also formed during protests in Chile and Hong Kong.

[54] El País, "Mamás primera línea": las colombianas que enfrentan a la policía para salvar manifestantes, 19 May 2021, https://elpais.com/internacional/2021-05-19/mamas-primera-linea-las-colombianas-que-enfrentan-a-la-policia-para-salvar-manifestantes.html

[55] Amnesty International, Colombia: Shoots on sight: eye trauma in the context of the National Strike, November 2021, https://www.amnesty.org/en/documents/amr23/5005/2021/en/ p. 24 and Amnesty International, Cali: In the epicenter of repression, July 2021, https://www.amnesty.org/en/documents/amr23/4405/2021/en/ p. 22

[56] The majority of demonstrations were peaceful. Vice-President and Foreign Minister Marta Lucía Ramírez acknowledged that 88.5% of the demonstrations were peaceful in her statement at the end of the meeting with the Representative of the United Nations High Commissioner for Human Rights Juliette de Rivero, 25 June 2021, https://www.cancilleria.gov.co/newsroom/video/declaracion-vice Presidente-canciller-marta-lucia-ramirez-termino-reunion (Spanish only).

Rosario* and her daughter Natalia* were sexually assaulted by National Police officers. In the context of peaceful demonstrations, ESMAD fired tear gas grenades and as well as kinetic impact projectiles such as rubber bullets. Rosario* said **"both my daughter and I were hit by kinetic impact projectiles; my daughter in the back, and me in the head. While an ESMAD official grabbed my daughter to try to drown her in a well of water that was in the area, I was beaten with blunt instruments and kicked and dragged along to the canal, where an ESMAD official took my bag, lifted my top and opened my pants in order to touch my genital areas."**[57] After this, the officials told them that this would send a message to all the women who were at the demonstration: **"bitch we are going to kill you, go take a message to those sons of bitches, that the same thing could happen to any of them"**. Helena*, the human rights lawyer who accompanied Rosario* and Natalia* from the beginning, remembers that they arrived bleeding, asking for help and screaming with fear **"they are going to come and they are going to rape us all, that is why they let me come here warn you"**.[58] Rosario* and her daughter decided not to file a criminal complaint for fear of negative repercussions.

The CEDAW Committee, in its General Recommendation 35, stated that: *"gender-based violence against women, whether committed by States, intergovernmental organizations or non-State actors, including private persons and armed groups, remains pervasive in all countries, with high levels of impunity."*[59] For the Committee, this type of violence against women is one of the fundamental social, political and economic means by which the subordinate position of women compared to men and their stereotyped roles are perpetuated.

According to reports documented by Amnesty International, police conduct during demonstrations was not consistent with either international standards or national protocols and male officers used their power to inflict sexual violence. This occurred during violent searches of women. In several of the cases documented in this chapter, it was at that point that acts of sexual violence occurred, with officials touching women's genitals and breasts and penetrating them with their fingers.

[57] Interview conducted 15 June 2021.
[58] Interview conducted 10 August 2021.
[59] Committee on the Elimination of Discrimination against Women, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19; July 2017 https://www.refworld.org.es/type,GENERAL,,,5a2192294,0.html [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf]

Ana* and Catalina* were taking part in a peaceful demonstration. They recall that, suddenly, ESMAD launched tear gas grenades to disperse the group. Everything became very confused from that point, but they remember that they decided to hide behind a vehicle and there they were approached by ESMAD officials. An ESMAD official, took Catalina* towards a stream[60] and used his hand to violently sexually assault her while she screamed. She said: **"they were going to rape us, they put the gun in my mouth, they touched us all over, they told us we were going to kill us bitches."** Subsequently they were taken to a nearby tollbooth with officials shouting **"just wait to see what's going to happen to you", "troublemakers, bitches, bastards, why don't you die?"**. At the tollbooth they saw several officials, and they remember that one of them even urinated nearby and showed them his penis. And then suddenly they were released. They decided to lodge a complaint with the Attorney General's Office and say they did so with the intention of **"giving courage to the girls who are afraid to speak. There are a lot of cases here of girls who don't want to speak out. Because there is so much anxiety and fear, in the face of that you have to bolster your strength so that this does not keep on happening... we cannot go on with the country like this, we have to speak out; there are many cases left hanging in the air"**. At the Attorney General's Office they were offered police protection and one of them said: **"They asked me if I wanted police protection: how am I going to agree to their looking after me when they are the very people who are going to hit me, who want to rape me?"**[61]

Emilia*, an 18-year-old who did not participate in the demonstrations, was approached and sexually assaulted by National Police officials. She was walking down the street when she saw that there was a confrontation between protesters and ESMAD. She decided to take out her cell phone and record what was happening. Emilia* recalls

"they put me on a motorbike and the policeman told me that he wanted to lick me, that he wanted to rape me, that they would take me trousers down and they'd done the same thing to another girl and they were hitting her" they also shouted **"why aren't you at home cooking, you bitch, you slut?".**[62]

[60] The original refers "caño" which in Colombia is used to refer to a stream or brook.
[61] Interviews conducted in June 2021.
[62] Statement recorded on 14 June 2021.

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Esperanza*, a 17-year-old girl who did not participate in the demonstrations, was approached and assaulted by ESMAD agents as she was using her cell phone to record confrontations between protesters and members of the police. They grabbed her violently by the arms, but she refused to be led away by the ESMAD officials, so four male officials lifted her up and grabbed her roughly by the arms and legs and dragged her away.

As she was being taken away, Esperanza* stated that they were removing her clothes and taking her trousers down, as recorded in a video. She reported this on social media where she posted the video in which she can be heard shouting at the officials: **"they're removing my trousers" "4 with a woman" "they're touching me everywhere"**.[63] Esperanza* posted the story and the next day she was found dead in circumstances that are still under investigation. Andrea*, a lawyer who initially advised her family, told Amnesty International that the adolescent **"dignity as a woman had been mortally wounded that night."** [64] As this case involved a minor, it received extensive media coverage. However, it was presented without obtaining the family's consent and questioned the facts and the connection to her possible suicide.

In fact, the Minister of Defence made revictimizing statements, asserting that **"initial information from the Attorney General's Office makes it clear that there was no sexual abuse"**[65] at a time when the family did not even have access to these documents

[63] Audiovisual recording, 12 May 2021.
[64] Interview with lawyer representing the case, 16 June 2021.
[65] Statement by Minister of Defence Diego Molano, Motion of Censure before Congress, 26 May 2021: "en una primera información de la Fiscalía está claro que no hubo abuso sexual". Amnesty International translation.

and ignoring the fact that penetration is not the only form of sexual violence.
The National Police publicly denied what had happened without even taking into consideration the fact that she was a minor and that the judicial process must be allowed to follow its course.
Andrea* has stated in the media that **"restricting the definition of gender-based violence and sexual violence to violent physical penetration is legally wrong and I believe that what the police are trying to do in the media is to distance themselves from a case in which it could be proven that there was no violent physical penetration, but in which it must be understood that sexual violence also consists of touching and groping the body of a woman of that age, which could have had a psychological impact on this young girl and have a causal link triggering her decision and the final outcome."**[66]

The Attorney General's Office has not to date made significant progress in the case and Amnesty International is concerned about the intention to refer the investigation to the military criminal justice system, in breach of international standards of impartiality and due diligence in the investigation of serious human rights violations.[67]
The Office of the Inspector General[68] initiated a disciplinary[69] investigation, arguing that **"knowing the sex (female) and the likelihood that she was a minor, they clearly could have avoided any aggression and asked their superior to release her, in the absence of a police reason to hold her, and/or, if it was necessary to register her and check her identity, request the presence of female uniformed officials who were a few meters away from where the minor was located, however, they decided to take her to the URI [Unidad de Reacción Inmediata/Immediate Reaction Unit] by force grabbing her by her arms and legs, ignoring the fact that due to the obvious resistance that someone who has not committed any offence would put up, her clothing was disarranged, exposing her underwear. Thus, there is no doubt that the uniformed men possibly knew that the police conduct was unnecessary, disproportionate, irrational and illegal, and that to proceed ignoring the fundamental rights of citizens or of the procedures provided for constitutionally regarding protected persons such as children and adolescents without legal justification would have criminal and disciplinary consequences, however, possibly using excessive force, they took the minor to the URI facilities."**[70]

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[66] El Espectador, "No es falsa la noticia sobre joven de 17 años en Popayán": abogada Lizeth Montero, https://www.elespectador.com/colombia/mas-regiones/no-es-falsa-la-noticia-sobre-joven-de-17-anos-en-popayan-abogada-lizeth-montero-article/
[67] Interview with lawyer, 22 April 2022.
[68] Procuraduría General de la Nación. Highest body of the Public Ministry, also comprising the Office of the Ombudsperson and other legal entities. It represents citizens before the state and monitors the performance of public servants. See website of the Office of the Inspector General for definition.
[69] It is important to clarify that the Attorney General's Office does not carry out criminal investigations and that the results of the disciplinary process, in the event of a the officials being found guilty, would be of an administrative sanction, such as dismissal, suspension or a reprimand.
[70] Office of the Attorney General, Attorney General Delegate for the security forces and the judicial police, 14 May 14, 2021, "Alleged irregularities in police proceedings with minors who reported sexual abuse by officials of the ESMAD of the National Police". Amnesty International translation.

SEXUAL TORTURE IN DETENTION

In May 2021, in the context of the arrest of 17 demonstrators, Maribel* was tortured and beaten by National Police officials. The body search was carried out by male officials, in violation of the protocols that require women to be searched by female officials. While she was detained, she was prevented from performing her physiological needs. Maribel* feels forced not to lodge a complaint; she is afraid and states that she has no guarantees of safety because the officials have her personal information and could easily find her.

Gender-based violence can be exacerbated by contexts of armed conflict or widespread violence and anyone can be targeted because of their actual or perceived gender or gender expression and the roles assigned by society to each gender. While this violence has predominantly affected women and girls, it is important to recognize that people with diverse sexual orientation, identity or gender expression also experience this violence. The Committee against Torture and the CEDAW Committee have made it clear that rape and sexual violence and abuse, among other forms of gender-based violence, can amount to torture. They have also noted that women and LGBTI people are particularly at risk of this human rights violation, including when they are deprived of their liberty.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has indicated that: ***"Rape constitutes torture when it is carried out by, at the instigation of, or with the consent or acquiescence of public officials(...) In addition to physical trauma, the mental pain and suffering inflicted on victims of rape and other forms of sexual violence is often long-lasting due,***

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inter alia, to subsequent stigmatization and isolation" and stressed that women and LGBTI people are at disproportionate risk of sexual violence during detention. [71]

The Inter-American Court of Human Rights has also emphasized that ***"sexual violence consists of actions with a sexual nature committed with a person without their consent, which besides including the physical invasion of the human body, may include acts that do not imply penetration or even any physical contact whatsoever"*** and [72] ***that sexual violence constitutes an act of torture due to the severity of the suffering and to the intent to commit and the purpose of the act.*** [73] Both in the Case of J. v. Peru (2013) and the Case of Espinoza González v. Peru (2014) the Court reiterated that the standard established for rape is that the victim's statement constitutes fundamental proof of the fact. In relation to violence against LGBTI people, the Inter-American Court in the Case Azul Rojas Marín et al v. Peru (2020) recognized that: ***"LGBTI people have historically been victims of structural discrimination, stigmatization, and different forms of violence and violations of their fundamental rights(...) the State cannot act against a person based on their sexual orientation, their gender identity and/or their gender expression."*** [74]

Mauricio*, Sebastián* and Gabriel* were victims of sexual violence in a police station after their detention in the context of National Strike demonstrations. Gabriel* self-identifies as a gay man and, as a result of these incidents, he had to make his sexual orientation public. The three men were detained by police officers and taken to the police station, **"once inside, the custody officer, the patrolman who received us, entered the cells and began to goad the prisoners saying that 'fresh meat' had arrived and to shout that they were going to rape us, that they were going to beat us, that they were going to teach us a lesson for throwing stones, the custody officer made us take off our shoes... they took us to the cell where the prisoners made 'an honour guard'** for us.[75] Inside the cell, Sebastian* described how they were taken near to the bathroom where they were groped on several occasions, **"one of the guys stuck his finger in my anus and then slapped me... they put me in a corridor, one of the guys undressed and stuck his penis in my face".** Gabriel* was forced to perform oral sex on two inmates, **"they threatened to beat him if he did not perform oral sex on two of them, they humiliated him because of his sexual orientation."** [76]

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[71] Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, January 2016, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/000/97/PDF/G1600097.pdf?OpenElement

[72] Inter-American Court of Human Rights, Case of Miguel Castro Castro v. Peru, para. 306.

[73] Inter-American Court of Human Rights, Case of Rosendo Cantú et al v. Mexico, para. 114; Case of Fernández Ortega et al v. Mexico, para. 124.

In his testimony, shared with Amnesty International, Gabriel* recalled that **"one of them told me I was very soft and very sweet, when they touched me I tried to take their hands off me but they beat me"; "one of them called me and asked me if I liked men, everything happened inside the cell, behind closed doors... he told me that if I didn't cooperate they were going to stab me... they asked me if I was gay, I told them yes... one of the prisoners grabs me and shoves me in the bathroom and tells me to take off my pants, I was in a state of shock... they teased me saying that I was a girl, they continued to threaten me that I could make it easy or hard for myself... there was nothing we could do but go along with what they demanded... I had to have oral sex with two of them."**[77] Despite what happened and the serious impacts this has had on his life, he says that **"what happened to me should not happen to anyone else and that is why I want to continue with this process".** Caribe Afirmativo, an organization that defends the rights of LGBTI people that is accompanying the case, has stated that **"until that moment he had not experienced any conflict over his sexual orientation or gender expression, but as a result of the incident he started to wonder if this was why he became an 'easy target' at the time of the attacks and asking himself whether he should change aspects of himself so as not to have to go through an episode like this again."**[78]

This case was reported to the IACHR. Despite this, progress in the criminal investigation has not improved and one year after the complaint was filed, no charges have been brought. Alejandra*, a lawyer acting in the case, stated that a link has not been established between the custody officers in the police station and those who carried out the actions, only the prisoners, ignoring officers' duty as guarantors and the responsibility of the state to investigate sexual violence committed by its officials within a temporary detention facility.

[74] Inter-American Court of Human Rights, Case of Azul Rojas Marín et al v. Perú (2020).
[75] Interview conducted on 18 August 2021. The cited reference describes the arrival of the survivor at the detention centre, where other detainees and police officers arrange themselves in a row to "welcome" someone as an expression of power.
[76] Interview conducted on 18 August 2021.
[77] Interview conducted on 18 August 2021.
[78] Interview conducted on 18 August 2021.

VIOLENCE AND DISCRIMINATION: VIOLENCE INTENSIFIED ON THE BASIS OF GENDER IDENTITY OR EXPRESSION, ETHNICITY AND RACE

Aida*, an Indigenous woman and member of the Indigenous Guard,[79] was in the streets supporting the social demonstrations. She recalled that **"the police saw me and when they realized that I was wearing clothes that identify me as Indigenous, because I was wearing the symbols of the chapter and the CRIC**[80] **[a scarf], they came up to me and insulted me. I resisted and started screaming, they covered my mouth, ripped my shirt off, groped my private parts to the point of making me feel ashamed. They used force and violated me, they used my body, like animals sharing their prey."**[81] After the incident, she decided to report it to the authorities, but after a threatening leaflet was left on the door of her house she was forced to move away. Her case was documented by the IACHR during its visit to the country. Aida* said **"my community was discreetly informed because I feel very scared, I know that I am not the only one but I fear for my life, my body, the shame I feel because of the sexual assault makes me feel very humiliated and above all fearful."**[82] One year after the incident, there has been no substantive progress in the criminal investigation.

[79] The Indigenous Guard is conceived as its own ancestral body and as an instrument of resistance, unity and autonomy in defense of the territory and the life plan of the indigenous communities. It is not a police structure, but a humanitarian and civil resistance mechanism. It seeks to protect and spread its ancestral culture and the exercise of its own right. https://www.cric-colombia.org/portal/proyecto-politico/defensa-vida-ddhh-cric/guardia-indigena/#

[80] CRIC, Cauca Regional Indigenous Council.

[81] Interview conducted on 28 May 2021.

[82] Interview conducted on 28 May 2021.

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Any woman can experience gender-based violence. However, in contexts of intersecting forms of discrimination people experience it differently, based on their race, ethnicity or other protected characteristics. These varied and interconnected experiences often generate aggravated negative impacts and need to be recognized.[83]

The survivors of violence state that they were approached by ESMAD officials, whose actions were influenced by their **age, gender identity, ethnicity and race,** as they used racist and discriminatory insults during the acts of sexual violence, revealing that they were also attacked on grounds of their identities.

Gender-based discrimination is the context in which this violence occurred. National Police officials, including members of ESMAD, used force and violence against women, girls and LGBTI protesters while shouting at them that this was happening because they were "not at home cooking" or "bitches, sluts", or because "they hoped they'd be raped". The conduct of these officials occurred within a broader context of excessive use of force, but in these cases it was aggravated by discriminatory expressions based on the sexual orientation and gender identity of the victims. Police violence and the violence in the context of the armed conflict targeting LGBTI people have been widely documented and denounced by organizations such as Caribe Afirmativo, Colombia Diversa and the GAAT Foundation, demonstrating that there is a historical pattern of violence is based on prejudice and persistent impunity.

[83] CEDAW, General Recommendation 35 on gender-based violence against women, updating general recommendation 19, para. 12.

Another pattern identified is that gender-based violence was widely committed against **Indigenous women and Afro-descendant women** in the context of demonstrations. Amnesty International learned of at least 15 cases of gender-based violence against Afro-descendant women in Cali.[84] For example, the Proceso de Comunidades Negras (PCN) reported a case in which two Afro-descendant women were reportedly "brutally beaten, tortured and humiliated, in a National Police truck… they were groped and called black, bitches."[85]

Erlendy*, an Afro-descendant woman and mother of a member of the "Frontline", was abducted by armed men in civilian clothes, physically and psychologically assaulted and told that this was because she supported the National Strike. After this incident, she tried to seek help in a public clinic, but reports that she did not feel comfortable with the care she received. She also said that they refused to give her a copy of her medical report when she asked for one. Despite this, she decided to lodge a complaint with the Attorney General's Office, but she said that the questioning did not focus on gender-based violence, but on obtaining information about her participation in the demonstrations and about the Frontline. A week after filing the complaint, unidentified individuals raped her and cut her with a knife all over her body, and she has been threatened by police officials, which is why she reported that the sexual violence was linked to police officials.

Abel*, an Indigenous teenager, was the victim of a sexual assault when he was approached by ESMAD officials in the context of a demonstration. He recalled that they shouted at him **"where is your resistance?" and "faggot guerrilla"**,[86] while they grabbed him violently by the testicles.

Oliva*, a trans woman human rights defender, reported to Amnesty International that **"several women were victims of gender-based violence, although that shouldn't happen (...) I was the only trans woman (...) we live more exposed to the arbitrary actions of the state and law enforcement"**.[87] She described how on 15 May she was accompanying a demonstration in her role as a woman defender. ESMAD members threw tear gas grenades at the group and she was left alone when everyone ran away. At that point she began filming a police official assaulting a young man and an ESMAD official approached her from behind. He put his penis up against her and made sexual movement, leaving her in a state of shock. After the incident, she received threats on social media in which they said **"because I'm a defender of vulnerable populations, a guerrilla, a defender of faggots, prostitutes and hooligans, they were going to teach me what sexual violence was. The previous day I had made a public complaint about the sexual violence by the police and the next day I received the threat."** [88]

[84] PCN, Informe afectaciones a pueblo negro afrodescendiente en Colombia en el marco del Paro Nacional, 9 June 2021.
[85] PCN, "Denuncia de abuso policial y maltrato a dos jóvenes afros", Soacha, 4 May 2021.
[86] Criminal Complaint and Disciplinary Complaint, 4 June 2021.
[87] Interview conducted 18 August 2021.
[88] Interview conducted 18 August 2021.

ATTACKS ON WOMEN AND LGBTI HUMAN RIGHTS DEFENDERS AND JOURNALISTS

Gender-based violence was also particularly acute against women journalists and human rights defenders monitoring and mediating with the security forces, they were in a situation of double risk: for being women and for defending human rights.

In this context, women organized to accompany the demonstrations and provide immediate advice in cases of gender-based violence, including for example the Esquema Feminista de DDHH and La Manada Colectiva Feminista, among others.[89]

As of 12 May 2021, more than 90 cases of violence against human rights defenders undertaking monitoring activities had been reported.[90] One of the cases documented by the Esquema Feminista de Derechos Humanos and reported to Amnesty

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https://amnistia.org.mx/contenido/index.php/no-a-la-represion-en-colombia/

[89] Manifiesta Media, Laura Tatiana Peláez Vanegas, "Doble amenaza: ser mujer y defensora de Derechos Humanos en Colombia, June 2021, https://manifiesta.org/doble-amenaza-ser-mujer-y-defensora-de-derechos-humanos-en-colombia/
[90] Esquema feminista de DDHH, Reporte de Vulneraciones a los Derechos a la Vida, la Seguridad, la Integridad Personal y la Protesta Social en Colombia, June 2021.

International was that of a human rights defender who **"was taken into the police station by force, her breasts were touched and she was intimidated with threatening and lewd comments about her body by one of the policemen who told her 'I'm going to put it in deep, I'm going to take off your shorts, I'm going to run my tongue all over you so that you know what sexual violence is'"**.[91]

A well-known human rights defender from Popayán told Amnesty International that she has systematically experienced violence, **"under the pretext and argument of the authorities that we are not defending the human rights of the security forces and that we are biased in our defence of the rights of the demonstrators, which ignores the raison d'être of the Verification Commissions which is to evaluate the disproportionate use of force... in the context of social protest, the defenders who are clearly identifiable as such experience harassment and verbal and physical attacks, principally by ESMAD."** [92]

In her opinion, **"the attacks reveal clear differentiated aspects compared to the attacks against male defenders, since violence against women defenders is characterized by misogynistic abuse aimed at invading their personal space, violating their bodies and threatening the sexuality of women defenders... The responses given by members of the National Police to human rights defenders show on a deeper level that the military doctrine which informs the security forces is based on patriarchal practices and discourse that are called into question by women defenders on the ground, a situation that seems to disconcert officials, who resort to erratic and violent comments and attitudes"**.[93] The lawyer also received serious death threats signed on behalf of the "Black Eagles".

The reports received and documented by Amnesty International describe the threats and risks faced by women who play a leadership role and report police abuses, heightened in cases of women with diverse gender identity or expression. The attacks are accompanied by verbal and psychological violence, which expresses the fact that they are the targets of sexual violence because of their political role in defence of demonstrations against the government. The attackers' objective is to silence them and to use violence in order to demonstrate power and authority. In addition to this violence, Amnesty International also learned of the use of legal proceedings against women who denounce gender-based violence, including attacks against officials of bodies such as the Ombudsperson's Office who have highlighted this type of incident.[94]

Among others, four women human rights defenders aged between 20 and 23 were victims of gender-based violence by National Police officers during National Strike demonstrations. They report that they were clearly identified as human rights defenders and accompanying the demonstrations, but the police shouted at them **"human rights, nothing but a bunch of sluts"** and called them **"bitches"** as they were forced to get into a National Police truck.

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[91] Esquema feminista de DDHH, Reporte de Vulneraciones a los Derechos a la Vida, la Seguridad, la Integridad Personal y la Protesta Social en Colombia, June 2021.
[92] Amnesty International, interview with human rights defender from Popayán, 17 June 2021.
[93] Amnesty International, interview with human rights defender from Popayán, 17 June 2021.
[94] Ombudsperson's Office, Boletín 3 sobre VBG en el marco del Paro Nacional.

One of them stated that, according to her psychologist, **"I have a case of post-traumatic stress because after that episode I cannot sleep, I have nightmares, I wake up sweating, desperate, she tells me that I have to take medication because not sleeping is worrying and adds that now I have a phobia about the police and that I have to overcome that because I cannot stop acting as a defender."**[95] Another of the women defenders said: **"we were human rights defenders and we were monitoring the proportionate use of force and they verbally attacked me."** They also shouted at them that they were **"motherfucking bitches"** and that they were going to bring a female agent **"because you bastards already go around saying that we are rapists, so I am going to bring a woman to search them, but all those who come out on the street are bitches"**.[96]

Antonia*, a well-known human rights defender, and Manuela*, a psychologist, who accompanied the demonstrations, report that they have experienced discrimination on the basis of their gender by National Police officials. Antonia remembers that they shouted **"criminal accomplices and old hag"** at them. Manuela* said that the cases overwhelmed her, especially because of the raw accounts of survivors who describe the serious psychosocial impacts of the violence: **"they did not penetrate me physically, but they penetrated my head and soul. I was called a bitch, a guerrilla, a bastard; they kicked me, threw me to the ground."**[97]

On 29 April 2021, Liliana*, a 27-year-old journalist, was reporting on the ground for a local radio station and recalls that she was wearing clear press identification. There had not been any violent incidents at the scene when she was approached by armed men in civilian clothes who forcibly took her to an unknown location, which she says looked like a police station. She was then forced to get into a private vehicle, without any explanation. She remembers that they yelled at her **"this is where we're going to rape you and throw you in some ditch (...) everything they said was extremely frightening, threatening and I began to cry in terror, I began to pound the door of the truck with my body and (...) they threatened to hit me more and shouted 'keep quiet or it'll be worse for you'"**,[98] while she begged that, if they were going to kill her, that they do it at once, because she felt **"death very close and I began to cry more and more, I begged them, I begged them to kill me right now, to please not torture me any more, they laughed and repeated what they would rape me before killing me."** After this journey, she was dropped off at a police station and met by an officer who did not seem surprised or question the armed men.

Liliana* decided to file a complaint, but the Attorney General's Office has asked her to expand her account, so she had to retell the traumatic events more than three times. In fact, they continue to call her, but a year after the events there had been no substantive progress in the investigation. Liliana* believes that she was tortured and that this happened because of her activism, to silence her voice as a journalist.

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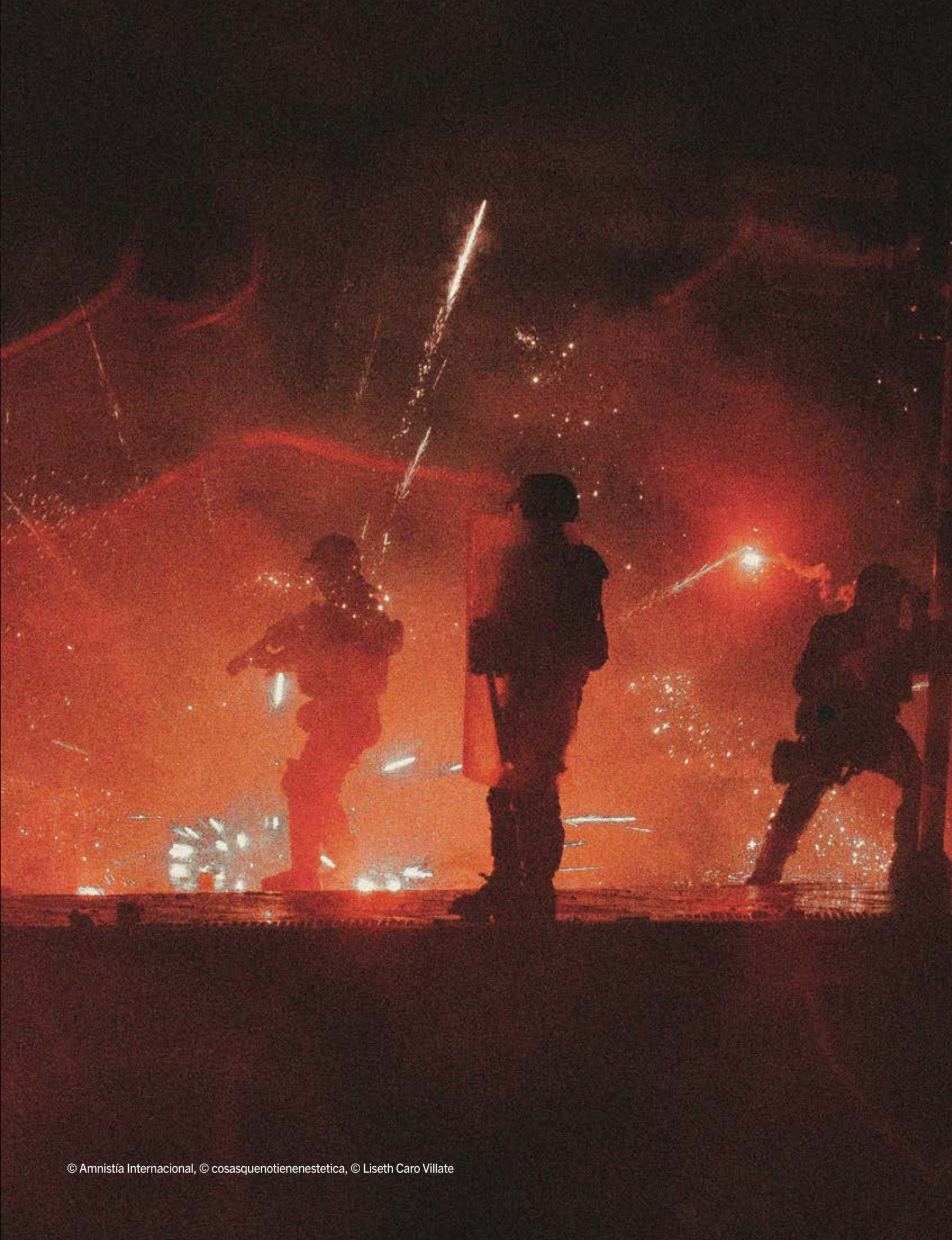
[95] Interview conducted 6 October 2021.
[96] Interview conducted 6 October 2021.
[97] Case documented by Vorágine, https://voragine.co/encierrenlas-y-ahoguenlas-abuso-policial-en-palmira-durante-el-paro/
[98] Interview conducted 6 October 2021.



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ACCESS TO JUSTICE AND COLLECTIVE COPING MECHANISMS

PROTEJAMOS LA PROTESTA

AMNISTÍA INTERNACIONAL

The state's response to gender-based violence, including sexual violence, must be comprehensive and focused on guaranteeing the rights of survivors. There are a series of obligations for different institutions, including those that are part of the administration of justice. In this section, Amnesty International documents worrying trends in state behaviour, evidenced in various cases. Among other concerns, there are allegations of incorrect categorization of the offences reported, lack of protection of complainants and, in general, lack of confidence in the institutions responsible for receiving and processing complaints.

Some survivors of the events presented in the previous sections decided to go to the state entities responsible for care, protection, access to justice, security and mental and physical healthcare. Their statements to Amnesty International set out the areas that need to be strengthened so that institutions can provide comprehensive support and create greater security for processes of recovery and access to justice. For survivors who actually filed complaints with the authorities or sought care and whose cases are documented in this report, the process of approaching the institutions has been revictimizing due to barriers created by the attitudes of those dealing with the cases or to delays in investigations and little access to information.

Colombian civil society organizations have documented the barriers to reporting and access to justice in cases of gender-based violence. Thus, for example, Sisma Mujer reports that, despite the clear increase in gender-based violence during the years 2020 and 2021, this reality is only reflected in the information collected by institutions focusing on women and gender.[99]

Most survivors do not have the confidence needed to approach state institutions because of fears that they could be revictimized or receive threats or attempts on their lives for reporting.

Despite these fears, this section highlights the collective coping mechanisms, which have been developed mostly by survivors of sexual violence in the context of the armed conflict who opened their doors to survivors of violence inflicted in the context of the 2021 demonstrations.

[99] Sisma Mujer, La lucha feminista no se detiene. Comportamiento de las violencias contra las mujeres en Colombia durante 2020 y 2021, 25 November 2021, https://www.sismamujer.org/wp-content/uploads/2021/12/%C2%A1La-lucha-feminista-no-se-detiene.pdf

SHORTCOMINGS IN THE IMPLEMENTATION OF CARE PATHWAYS AND ENSURING ACCESS TO JUSTICE

The Attorney General's Office publicly reported that, as of December 2021, it had received complaints from 36 survivors of gender-based violence, but did not reveal what progress had been in the investigations or the protocols applied in order to comply with international human rights standards.[100] According to information from OHCHR, the national government reported that between 28 April and 30 July 2021, there were no calls to Line 155, which was designed to receive complaints of gender-based violence at the national level.[101] These figures are not consistent with reports from civil society organizations and institutions. The Ombudsperson's Office, for example, received reports of 87 cases of gender-based violence between 28 April and 14 May 2021.[102] While, the Campaña Defender la Libertad alone recorded 34 cases.[103]

The National Police, in response to a request for information submitted by Amnesty International in May 2022, reiterated its commitment to maintaining annual training processes on gender-based violence. Among the outcomes described, it reported that "an administrative act, Resolution 03872, 19 November 2021 was put in place" which *"adopted guidelines on a cross-cutting gender perspective in the National Police, a policy document that establishes the care pathways, prevention protocols, differentiated care and other guidelines that allow the institution a starting point for the implementation of the mainstreaming of the gender perspective."*[104] This communication did not include information on progress in internal investigations into allegations of gender-based violence.

It is clear from the research carried out by Amnesty International that in three cases the survivors managed to identify the members of the National Police responsible, in the others, the circumstances in which the incidents took place prevented them from doing so. In two of the cases where the officers were identified, there is no information on internal measures taken by the National Police following the complaints. In its response

[100] Office of the United Nations High Commissioner for Human Rights, El Paro Nacional 2021: Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia, para. 133 https://www.hchr.org.co/documentos/el-paro-nacional-2021-lecciones-aprendidas-para-el-ejercicio-del-derecho-de-reunion-pacifica-en-colombia/

[101] Observaciones del Gobierno Nacional al documento "Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia", submitted to the OHCHR on 9 December 2021.

[102] Ombudsperson's Office, "La Defensoría ha recibido 87 reportes de violencia basada en género a mujeres y personas OSIGD durante la protesta social", 14 May 2021, https://www.defensoria.gov.co/-/la-defensor%C3%ADa-ha-recibido-87-reportes-de-violencia-basada-en-g%C3%A9nero-a-mujeres-y-personas-osigd-durante-la-protesta-social

[103] Campaña Defender la Libertad, Boletín Informativo #16: Paro Nacional, 2 June 2021, https://defenderlalibertad.com/boletin-informativo-16-paronacional/ Ministry of National Defence, Colombian National Police, No. GS-2022-022067-DIPON-ACDEH-3.1, 3 June 2022. Amnesty International translation.

[104] Ministry of National Defence, Colombian National Police, No. GS-2022-022067-DIPON-ACDEH-3.1, 3 June 2022. Amnesty International translation.

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https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/colombia-lesiones-oculares-gareth-sella/

the National Police also failed to report on the progress made in implementing the recommendations of the IACHR.

In response to the request for information sent by Amnesty International in April 2022, the Attorney General's Office noted that it *"had begun implementing a methodology on the investigation of the crimes reported on the day of a protest, which establishes as an essential element evidence of the circumstances surrounding the incidents under investigation, in such a way that these incidents are not subject to isolated verification and assessment, but on the contrary, incorporate an investigation of all the elements of time and place in which they occurred, highlighting not only the situation before, during and after the incident, but the circumstances, as well as the nature of the aggression, the tension generated in the public, and the characteristics of the victim and the perpetrator, among other aspects"*.[105] In its response, the Attorney General's Office does not mention the human rights standards followed in its investigation protocols and does not refer to the primacy of survivors' testimony as fundamental proof in cases of sexual violence. As of February 2022, the Attorney General's Office had launched investigations into 13 cases of sexual violence that occurred in the National Strike protests. In the institution's latest official response to Amnesty International's request, no update was given to this figure.

However, in Colombia, various norms have been adopted on the rights and protection of women survivors of gender-based violence and sexual violence within the family in the public sphere and in the context of armed conflict.

[105] Attorney General's Office, Directorate of International Affairs, Re: response-measures implemented to guarantee access to justice for gender-based violence (GBV) and sexual violence, 08/30/2022, response to issue n 20221700059021.

The pathway for care, protection and accompaniment of survivors of this type of violence is regulated by Law 1257 of 2008 and Law 1719 of 2014. These laws have developed the human rights standards drawn from international instruments that Colombia has ratified and included within its constitutional corpus. Colombia, therefore, recognizes the rights of survivors of sexual violence to be treated with dignity, both in healthcare and in access to justice; the right to information about available services; the right to free, timely and quality healthcare; and the right to protection.[106]

> The relevant laws[107] highlight the obligation of the state to implement an inter-institutional care pathway for victims of gender-based violence and sexual violence, which brings together different sectors such as health, justice and education, among others, to guarantee their rights.

In particular, they set out the responsibility of the state to train National Police officers on gender-based violence in order to prevent and eradicate it. With the approval of Law 1719 of 2014, protection was extended to survivors of sexual violence and the guarantee of access to justice was emphasized, especially for survivors of these crimes in the context of the armed conflict.

Thus, the regulatory framework in Colombia has advanced towards the recognition of the right to live a life free of violence, but in practice both the Attorney General's Office and those responsible for the administration of justice have fallen short of their duty to protect and guarantee the rights of survivors. These entities are responsible for guaranteeing access to justice in dignified, accessible conditions, guided by the principle of putting survivors at the centre and avoiding revictimization. The rights of victims of sexual violence are clearly set out in the law and include the right to be heard, to have their needs addressed and to be protected; to receive advice; to have their privacy and confidentiality maintained at all times, ensuring the confidentiality of the information; to emergency contraception and safe abortion; to be informed of the progress of proceedings; to not be discriminated against on the basis of their sexual orientation; to have particular conditions of vulnerability taken into account, such as their age, disability, membership of an ethnic group or groups facing discrimination; to not be confronted with the attacker at any stage of the process; and to have their testimony as having fundamental probative value.[108]

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[106] Mesa de género de la cooperación internacional en Colombia, Law 1257 of 2008, https://colombia.unfpa.org/sites/default/files/pub-pdf/ley1257de2008.pdf
[107] Law 1257 of 2008 and Law 1719 of 2014.
[108] Congress of the Republic of Colombia, Law 1719 of 2014, http://www.equidadmujer.gov.co/ejes/publicaciones/Derechos-victimas-violencia-sexual-Ley_1719.pdf

Although these legislative advances have been highlighted by the CEDAW Committee, in its observations on Colombia's periodic report of 2019 it reiterated that concern persists about

> *"the limited institutional capacity of the judiciary, in particular in rural areas, and the high level of impunity, in particular in cases related to femicide, sexual violence and violence against women human rights defenders, which disproportionately affect women from vulnerable groups, such as indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women."* [109]

Defenders of women's and LGBTI people's human rights reported that in the context of the National Strike, there were shortcomings in care pathways, protection and access to justice and the rights of survivors were not protected. For example, the lawyers of the Cali La Manada Colectiva Feminista, who provide legal advice and psychosocial accompaniment to survivors, described the institutional violence experienced when approaching entities such as the Attorney General's Office or the Ombudsperson's Office; they told Amnesty International that **the care practices adopted by officials were poor, which resulted in revictimization and as a result victims abandoned their efforts to seek justice.** This is consistent with the differences between the numbers of cases of gender-based violence reported during the days when the protests occurred and the complaints actually received by institutions such as the Attorney General's Office.

According to La Manada Colectiva Feminista, the failure of institutions to respond appropriately when survivors first approach them combined with threats act as barriers to survivors' access to justice since *"they prevent in a decisive way the defence, guarantee and promotion of the human rights that the Colombian state has committed to defend in the international legal framework by signing the international covenant on human rights and treaties, conventions and other documents that regulate the actions of states on human rights issues in the signatory countries"*.[110]

The Attorney General's Office has a protocol for the investigation of sexual violence developed in conjunction with women's organizations and the advice of the OHCHR, in which guidelines are set out for the criminal investigation and prosecution of these crimes.[111] This protocol, established in 2016, sets out the obligation of the officials of this body who investigate sexual violence

[109] Committee on the Elimination of All Forms of Discrimination against Women, Concluding observations on the ninth periodic report of Colombia, 14 March 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOL%2fCO%2f9&Lang=es

[110] La Manada Colectiva Feminista, Informe sobre violencia policial contra las mujeres en el Paro Nacional, Colombia, 28 de abril-julio de 2021. Amnesty International translation.

[111] Attorney General's Office, Protocolo de Investigación de violencia sexual, Guía de buenas prácticas y lineamientos para la investigación penal y judicialización- de delitos de violencia sexual, https://www.fiscalia.gov.co/colombia/wp-content/uploads/Protocolo-de-investigacio%CC%81n-de-violencia-sexual-cambios-aceptados-final.pdf

to develop their methodological plan guided by international standards, with a gender and intersectional perspective and differentiated approach, following an analysis of appropriate context and guaranteeing the protection of victims. One of the first guidelines is the recognition of the victim's complaint as the main source of information in these cases, the need to coordinate with the health sector to guarantee comprehensive care, the appropriate gathering of evidence without revictimization and comprehensive psychosocial support.

Two of the cases documented by Amnesty International in this report reflect survivors' lack of confidence and fear of bringing their cases before the entities responsible for investigating and providing protection:

Alba*, a woman who ran a "community kitchen,"[112] received threats and was the victim of sexual violence by armed men in civilian clothes, whom she believed may have been police officers. She decided not to report this for fear of reprisals against her life and that of her family.

Clara*, a woman who belonged to the Mobile Support Brigade,[113] was the victim of gender-based violence while accompanying a demonstration. After the incident, the impact was such that she could not carry on studying or working. She subsequently received threats that if she filed a complaint, she would have to bear the consequences.

Survivors of gender-based violence and sexual violence face **barriers and obstacles in bringing their cases** to justice and accessing efficient processes, in line with human rights standards and victim-centred processes. **In at least 50% of the cases documented by Amnesty International, the victim choose not to report the incident to the criminal justice system for fear of being revictimized, stigmatized or persecuted.** According to one of the lawyers interviewed by Amnesty International for this report, **making the decision to take a case to the authorities can mean not only revictimization, but also being judged by public officials who blame them for being victims because they were protesting in the streets.**

For many, filing a complaint means submitting themselves to the scrutiny and judgement of the public officials who deal with them. In addition, some say that they do not believe that this means

[112] According to the organization Derecho a no Obedecer, the aim of community kitchens is to provide a community meal prepared by several neighbours and friends, in a public space in the neighbourhood. It is a space where people gather and all the participants contribute food and work to prepare a meal for everyone to eat.

[113] During the 2021 National Strike, health personnel and medical students organized Medical Support Brigades to care for the injured.

that their case will not result in impunity, since investigations of this type of offence rarely make progress and, therefore, they decide not to report it. In fact, one of them said that she received calls from an official at the Attorney General's Office to persuade her to abandon her complaint because it was not worth it. In the case of the LGBTI survivors who shared their stories for this report, they say they have no confidence to report incidents to the courts, because they are discriminated against and abused because of their gender identity or sexual orientation and this makes it difficult to describe the violence suffered.

One of survivors' main fears is that they will not be believed and, therefore, they prefer to turn to in other civil society bodies rather than to judicial entities. An example of this is sharing cases on social media, with the media or with civil society organizations because the judgement of public opinion is a more efficient way of eliciting an immediate response from public entities than filing a complaint with the Attorney General's Office.

The lawyers who shared their statements with Amnesty International were consistent in reporting that the **Attorney General's Office did not charge people in the cases they dealt**

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[114] See Law 1257 of 2008 and Law 1719 of 2014 and the Committee on the Elimination of All Forms of Discrimination against Women, Concluding observations on the ninth periodic report of Colombia, 14 March 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/-Download.aspx?symbolno=CEDAW%2fC%2fCOL%2fCO%2f9&Lang=es

[115] In Colombia, the military criminal justice system can deal with crimes committed by members of the security forces on active duty and where the act was committed while they were in the service. However, when it comes to human rights violations, the investigation must be conducted by the ordinary justice system as stated by the Constitutional Court, Judgment SU-190 of 2021, https://www.corteconstitucional.gov.co/relatoria/2021/SU190-21.htm (Spanish only).

with the crimes of sexual violence or sexual abuse, but rather with offences such as personal injury or other type of crime, failing to adopt a gender-based perspective and to put in place the additional protection that survivors need. Such miscategorizations not only point to a serious lack of awareness of gender-based violence on the part of the authorities, but are also in breach of the state's duty to combat all forms of gender-based violence and constitute gender-based discrimination.

In addition, in an interview with Amnesty International, one lawyer noted that in one case of sexual violence in detention, the Attorney General's Office decided not to pursue the link with the police officers who encouraged and were complicit in the crime. This is despite the fact that this was a direct request made to the person in charge of the investigation.

The organizations accompanying proceedings before the Attorney General's Office consistently told Amnesty International that when filing a complaint, **victims often receive threatening leaflets** and hate messages on social media and experience suspicious instances of being followed. This suggests possible links between some judicial officials and police officers, which could lead to testimonies being disclosed to the perpetrators. The clear connection that exists between those who carry out judicial police activities in Colombia and the security forces are indications that lead organizations to believe there are such links. This is true both for the staff of the National Police Criminal Investigation Directorate (Dirección de Investigación Criminal de la Policía Nacional) and of the Technical Investigation Unit (Cuerpo Técnico de Investigación) of the Attorney General's Office.

The psychosocial impacts of this type of violence are exacerbated by insensitive processes and the failure to comply with the protocols established for the investigation of sexual violence. Victims are required to give their testimonies time and again and to expand on their version of events, which can result in serious harm to their mental health and revictimize them.

Finally, a common concern about the processes is the length of time it takes to even start the investigation. In addition, despite the fact that Colombia has a comprehensive set of regulations for the protection of the rights of survivors of gender-based violence,[114] prosecutors charge perpetrators with crimes that fall outside this category of offence. In some cases, they charge sexual touching or harassment or forced nudity as the offence of abuse of power. What is most worrying is the proposal to investigate cases under the heading of "acts committed while on duty" ("actos del servicio"),[115] which means that they fall within the scope of the military criminal justice system. This is a breach of victims' right to justice and the state's obligations to investigate with due diligence, impartiality and full guarantees for victims of human rights violations.[116]

It is worth mentioning that, according to international human rights standards, States have an:

[116] Amnesty International has previously recommended that the Colombian state remove from military criminal justice jurisdiction crimes constituting gender-based violence, including sexual violence. See Amnesty International, Colombia: "Scarred bodies, hidden crimes": Sexual Violence against women in the armed conflict, 13 October 2004, https://www.amnesty.org/en/documents/amr23/040/2004/en/

> “States have an obligation to investigate effectively, impartially and in a timely manner any allegation or reasonable suspicion of unlawful use of force or other violations by law enforcement officials, including sexual or gender-based violence, in the context of assemblies. Both intentional and negligent action or inaction can amount to a violation of human rights”. [117]

Gender-based violence is a form of discrimination and therefore state authorities have a duty to take into account the link between gender and certain types of violence at all stages of the investigation. This includes the duty to categorize gender-based violence under the appropriate criminal provisions and to ensure that people have effective and prompt access to justice and redress mechanisms. Moreover, under international human rights law, rape, a specific form of gender-based violence, may constitute torture, and therefore states have specific obligations in the areas of prevention, investigation and prosecution and the protection of survivors. [118]

The IACHR has recognized that the failure to investigate and punish acts of gender-based violence with due diligence has grave repercussions. It also underscores that impunity for such crimes sends the message that this violence is tolerated, fostering its commission.[119] It is the duty of the state to restructure and strengthen the processes of training, education and capacity-building of members of the security forces on gender, diversity, equality and non-discrimination to guarantee respect for the rights to freedom of expression and freedom of peaceful assembly.

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[117] Human Rights Committee, General Comment 37, (CCPR/C/GC/37), 17 September 2020, para. 90.

[118] Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Rape as a grave, systematic and widespread violation of human rights, a crime and a manifestation of gender-based violence against women and girls, and its prevention, 19 April 2021, Committee against Torture, General Comment 3, (A/HRC/47/26),13 December 2012, para. 39.

[119] Inter-American Commission on Human Rights, Observations and recommendations Working visit to Colombia, June 2021,

3 IMPACTS AND COLLECTIVE COPING MECHANISMS

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Surviving an assault on sexual integrity and freedom causes profound harm, impacting various areas of victims' lives.

Women's survivors' organizations highlight the psychosocial impacts of **gender-based violence,** such as feelings of helplessness and insecurity, which affect their personal, work and social relationships. Personal relationships can be shattered as a result of violence, as some survivors tend to isolate themselves and feel guilt or anger about what happened. In particular, sexual violence affects self-esteem, feeling that violence may be the result of transgressing an imposed social order, which can often lead survivors to question their roles in social spaces and demonstrations. In the case of women who have a leadership role or defend human rights, these impacts are also transferred to the collective, community and social spheres, affecting accompaniment and support processes.

Survivors interviewed by Amnesty International consistently said that these incidents have had serious consequences for their mental health, including depression, acute stress, anxiety, constantly remembering the incident and the inability to sleep or experience enjoyment. In their own words they describe feeling anger at what happened and also sadness and helplessness because they believe that they will not get redress for what happened to them,

[120] UNICEF, Violence against children and adolescents in Latin America and the Caribbean 2015-2021, https://www.unicef.org/lac/media/29036/file/Violence-against-children-in-Latin-America-and-the-Caribbean-2015-2021.pdf

which not only affects them individually but also their families and their social networks.

Sexual violence committed against adolescents has a particularly marked impact and therefore requires an enhanced response focused on their protection and recovery. According to UNICEF, adolescents may be at particular risk of post-traumatic anxiety and depression, which in some cases could lead to self-harm or suicidal thoughts if they are not addressed as a priority and on an ongoing basis.[120]

Regarding **physical impacts,** the health and physical integrity of survivors is significantly affected, with both short and long-term consequences. Survivors of sexual violence experience injuries to their bodies and require comprehensive healthcare. Emergency care must be provided according to standards and protocols as the risk of sexually transmitted infections and diseases, including HIV, are high, as well as the risk of pregnancy. If survivors do not have adequate emergency care and follow-up care, they may experience physical harm, such as problems urinating or defecating, chronic pain, reproductive impairment, sexual dysfunction or a disability. The accounts shared with Amnesty International highlight shortcomings in primary care for these forms of violence, revictimization during medical consultations and the lack of training of medical personnel to enable them to provide appropriate care, in particular to LGBTI survivors.

The **impacts on survivors' security and livelihoods** are both medium and long term, in particular for those who decide to file a complaint and initiate judicial proceedings. Following complaints to public entities, the survivors interviewed by Amnesty International have been threatened and in some cases this has led to their forced displacement and one was even forced to leave the country to protect their lives. The effects on their work, economic and social life are greater, since some say that they are unable to continue working due to the physical or psychosocial impact caused by the traumatic event.

The victims who gave their statements acknowledge that thanks to the support of feminist and human rights organizations they have been able to feel accompanied, receiving support that they did not receive from public health entities. The coping mechanisms adopted are diverse. In particular, women survivors participate in collective spaces with other women to heal the harm caused by the violence.

In response to the history of violence and sexual abuse against women in the context of the armed conflict, collective and community spaces have brought together extensive experience of accompanying survivors, which has provided unconditional support for those who experienced sexual abuse by the National Police in the National Strike. During the demonstrations, feminist human rights defenders came to the fore, providing support and advice to survivors, focused on ensuring guarantees and redress.[121]

The final report of the Truth and Reconciliation Commission emphasized that, the persistence

[121] La Manada Colectiva Feminista in Cali and the Esquema Feminista de Derechos Humanos in Bogotá are two examples.
[122] Colombian Commission for the Clarification of the Truth, Coexistence and Non-Repetition, Mi Cuerpo es la Verdad: experiencias de mujeres y personas LGBTIQ en el conflicto armado, pp 84 and 199, July 2022, https://www.comisiondelaverdad.co/mi-cuerpo-es-la-verdad. Amnesty International translation.
[123] Interview conducted on 11 June 2021.

of structural violence resulting in conditions of social vulnerability, gender gaps, violence and lack of protection of women and girls, **"women continue to rebel against social strictures, waging historic battles not only to enhance their status as citizens, but often to demand rights for all. Colombia's recent history also shows their transformative power, contributions to democracy with inclusive nationwide agendas, resistance in defending territories, great capacity for networking, fundamental role in the construction of peace, and that it is women who have underpinned the reconstruction of the social fabric."**[122] In one of the stories shared with Amnesty International, a survivor said that her message is **"I don't feel alone"**[123] because despite the difficulties in accessing justice and the intense emotional impacts that are still healing, she has had the unconditional support of women human rights defenders and women's organizations.

Collective coping mechanisms in the face of gender-based violence in Colombia have enabled survivors to gain visibility and to fight together to guarantee access to justice and non-repetition. However, the fact that survivors have turned to collective coping mechanisms in the face of gender-based violence does not absolve the Colombian state from its human rights obligations. The institutional response to these incidents must be comprehensive, prompt and effective; in the cases documented by Amnesty International it was none of these. This is especially important when survivors are constantly speaking out to call for non-repetition.

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https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/colombia-represion-violenta-paramilitarismo-urbano-detenciones-ilegales-y-torturas-contra-manifestantes-pacificos-en-cali/

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CONCLUSIONS AND RECOMMENDATIONS

PROTEJAMOS LA PROTESTA

AMNISTÍA INTERNACIONAL

This report documented cases of gender-based violence, including sexual violence, committed by National Police officials, and in particular the ESMAD anti-riot squad, against demonstrators, mostly women. Despite coverage in the media and on social media of these incidents in which the survivors themselves described these attacks, the justice system has not been effective in guaranteeing their protection, putting survivors at the centre of processes or ensuring their safety.

This report sets out the main patterns of gender-based violence committed by ESMAD officials of the National Police against women, girls and LGBTI people and shows how this violence was also racially motivated, as it was committed against Afro-descendant women and members of Indigenous peoples. It also highlights the shortcomings of the institutional mechanisms in dealing with gender-based violence and the failure to provide appropriate and prompt responses to survivors and address their circumstances, taking into account the situations of risk in which they find themselves as a result of historical social contexts of discrimination.

Amnesty International is also adding its voice to the call of organizations that accompany survivors in these processes to request that the Attorney General's Office ensure that these investigations make progress and are guided by due diligence, efficiency and a victim-centred approach to guarantee survivors' rights to truth, justice and comprehensive reparation.

AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

TO THE PRESIDENT OF THE REPUBLIC, TO THE SENIOR OFFICIALS OF THE NATIONAL GOVERNMENT AND TO DEPARTMENTAL, DISTRICT AND MUNICIPAL GOVERNMENTS:

- **As commander of the state security forces, the President of the Republic must condemn and issue unequivocal orders for an end to human rights violations against demonstrators,** including gender-based violence and sexual violence committed by National Police officials, in particular the ESMAD.

- **Ensure that everyone is able to exercise their right to freedom of peaceful assembly without any discrimination,** including based on gender, gender identity and/or expression and sexual orientation.

- **Ensure that the Ministry of National Defence and the National Police implement an effective policy to end to gender-based violence, sexual violence and excessive use of force during peaceful demonstrations.** This includes ensuring that when a serious allegation is made, the alleged perpetrator is immediately suspended from active duty and removed from any place or function where they may interfere in the investigation, for example by intimidating witnesses, while the civil justice system conducts a prompt, effective, independent and impartial investigation, in accordance with international standards.

- **Ensure that any restrictions imposed on the right of assembly and freedom of expression are demonstrably necessary and proportionate** to meet any of the legitimate objectives expressly enshrined in international human rights law. In particular, the authorities should refrain from using criminal and administrative legislation to deter participation in demonstrations and otherwise silence criticism of the authorities.

- **Redouble efforts to implement a national plan for the prevention of gender-based violence,** including sexual violence, violence due to prejudice, political violence and violence within institutions, paying special attention to Indigenous, Afro-descendant and rural women and LGBTI people.

- **Implement a reparation programme that enables survivors to fully exercise their right to restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.** Reparation should include different measures, such as monetary compensation and the provision of legal, social and healthcare services, including sexual, reproductive and mental health services to facilitate a full recovery. It must also be adequate, promptly allocated, holistic and proportionate to the severity of the harm suffered.

- **Ensure that due attention is paid to gender in the process of ensuring that all people,** in particular members of groups that have become vulnerable, are treated fairly and equitably and obtain fair and adequate compensation, rehabilitation and other reparation measures that meet their specific needs.

- **Refrain from making judgements based on gender** stereotypes about allegations of gender-based violence committed against protesters and recognize the mandate of the judicial authorities over these cases.

- **Provide adequate and accessible protection mechanisms to prevent new or potential acts of gender-based violence,** without requiring that survivors take legal action. This should include the immediate assessment of risk and protection, the implementation of a wide range of effective measures and, where appropriate, issuing and following up eviction, protection, removal or emergency banning orders against alleged perpetrators, including appropriate sanctions in case of non-compliance. Protective measures should avoid imposing undue financial, bureaucratic or personal burdens on survivors.

- **Comply with the orders of the September 2020 ruling of Supreme Court of Justice**[124] on the establishment of protocols for the prevention of gender-based violence, incorporating an intersectional perspective.

- **Comply with the recommendations of the IACHR on the thorough, impartial and survivor-centres investigation** of gender-based violence and sexual violence.

- **Cooperate with and refrain from hindering the work of the IACHR's Special Follow-up Mechanism on Human Rights in Colombia.**

- **Publicly recognize the legitimate work of women and LGBTI** human rights defenders, journalists and reporters, doctors, psychologists and lawyers who have accompanied the cases of protesters before the justice system and advocate for their protection and respect.

- **Publicly underscore that women and LGBTI human rights defenders have the right to carry out their work free from attacks, threats or harassment and that seeking justice is a human right.**

- **Provide for the creation of independent mechanisms for the supervision of the National Police** that have political and functional independence, adequate financing, institutional legitimacy, powers to access information and proactive powers to review patterns of misconduct committed by members of the National Police, including patterns of gender-based violence during the National Strike and other peaceful demonstrations. These mechanisms must ensure the thorough, prompt and impartial investigation of allegations of human rights violations by state agents, including the ESMAD of the National Police.

[124] Colombia: Supreme Court of Justice, Civil Cassation Chamber, STC 7641-2020, Issue no. 1101-22-03-000-2019-02527-02, https://cortesuprema.gov.co/corte/wp-content/uploads/2020/09/11001-22-03-000-2019-02527-02-STC7641-2020.pdf

- **Develop a structural reform of the National Police that results in the protection and guarantee of human rights as the basis of its actions.** This reform must include the mainstreaming of a gender and differentiated perspective and guarantee the full participation of survivors of gender-based violence in the formulation of the reform, with appropriate safeguards in terms of confidentiality and non-revictimization.

- **Strengthen the processes for training and monitoring tools and protocols on the prevention of gender-based violence,** including sexual violence, and on the absolute prohibition of torture for National Police officials, and in particular ESMAD, which promote unconditional respect for the bodies, life and integrity of women, girls and people with diverse sexual orientation and expression or gender identity. Strengthen training and monitoring tools and protocols aimed at the provision of sexual and reproductive health services, including free and informed access to abortion in cases of sexual violence.

- **Strengthen the judicial system,** including by increasing the provision of specialized financial, technical and human resources so that it can deal with cases in a timely, gender-appropriate, non-discriminatory and competent manner throughout the country, particularly in rural areas.

- **Facilitate access to justice for Indigenous, Afro-descendant, rural and migrant women** by widely disseminating information on judicial institutions and procedural guarantees in their mother tongues.

- **Ensure that all measures to combat gender-based violence are implemented with a survivor-centred perspective, recognizing survivors as rightsholders and promoting their agency and autonomy.** These measures should be designed with the participation of women and LGBTI people and take into account the particular situation of those affected by intersectional forms of discrimination.

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ATTORNEY GENERAL'S OFFICE:

- **Ensure that the principle of a survivor-centred** approach is applied in all proceedings to guarantee effective access to justice without discrimination.

- **Apply the international and Inter-American standard on the probative value of the testimonies of survivors of sexual violence, without imposing disproportionate burdens on the victims to provide evidence.** All allegations of gender-based violence based on survivors' testimonies must prompt thorough, effective and impartial investigations to establish the facts and identify suspects, who should, where there is sufficient evidence to justify it, be brought to justice in accordance with fair trial standards.

- **Conduct impartial, thorough and survivor-centred investigations in accordance with international standards** of competence, efficiency, independence and impartiality, including an analysis of the chain of command effective in determining the responsibilities of authorities at all levels for acts or omissions that give rise to gender-based violence and other human rights violations committed by state officials.

- **Provide timely and effective protection to women and LGBTI human rights defenders** who are the targets of intimidation, threats and/or attacks because of their work and in the exercise of their right to peaceful assembly. In addition, strengthen efforts to ensure that all allegations of intimidation, threats or attacks against such defenders are promptly, thoroughly and impartially investigated and that the perpetrators are brought to justice and held to account.

- **Ensure that cases of gender-based violence are classified correctly, in a way that reflects the discriminatory motive behind them.** Cases of sexual and other forms of gender-based violence that amount to torture should be classified accordingly. Ensure that the crime of torture is not subject to statute of limitations in order to avoid any risk of impunity in relation to the investigation of those responsible and the prosecution and punishment of perpetrators.

- **Strengthen training processes for those responsible for receiving and analysing cases of all forms of sexual violence.** Strengthen training and monitoring tools and protocols aimed at the provision of sexual and reproductive health services, including free and informed access to abortion in cases of sexual violence.

TO THE OFFICES OF THE OMBUDSPERSON AND THE INSPECTOR GENERAL:

- **Strengthen the care pathways for survivors of gender-based violence and violence due to prejudice against women and LGBTI people in the context of social protest.** Ensure that survivors always have access to information about existing pathways.

- **Ensure respect for due process** and that human rights violations, such as sexual crimes committed by National Police officials in the context of demonstrations, fall within the mandate of the ordinary justice system.

- **Ensure that investigations of the National Police officials,** in particular ESMAD, make significant progress and that civil society can receive periodic reports on them.

- **Include a psychosocial component in the criminal investigation strategy.** Officials in the Attorney General's Office should guarantee the confidentiality, privacy and security of victims and their families, taking into account in particular women's ties to family and the community.

- **Implement the recommendation made by the CEDAW Committee in 2019** aimed at increasing the number of judges and prosecutors specialized in sexual violence issues.

- **Fulfil the obligation to ensure the promotion, exercise and dissemination of human rights** with independence and impartiality and free from interference by political authorities.

- **Provide legal and psychosocial support to survivors of gender-based violence and sexual violence who have reported their cases to the courts, ensuring their protection.**

- **Strengthen coordination channels** with human rights organizations and defenders.

- **Progress diligently disciplinary investigations opened** by the Inspector General's Office in a thorough, impartial manner, putting survivors of gender-based violence and sexual violence at the centre.

PROTEJAMOS LA PROTESTA

AMNISTÍA INTERNACIONAL

COLOMBIA: ATTACKS ON HRDS AND JOURNALISTS AMID INCREASING VIOLENCE

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Protesters shout slogans outside the Justice Palace as Constitutional Court debates decriminalisation of abortion. 3 February 2022, Guillermo Legaria Schweizer/Getty Images.

ASSOCIATION

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María Elvia Gómez Alzate
Fecha: 29/04/22
Lugar: El Peñol - Antioquia

Con María Elvia Gómez Alzate serían 64 los líderes/as y defensores de DDHH asesinados en 2022.

5:22 PM · May 2, 2022

82 Reply Share

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According to data from the Observatory of Human Rights, Conflict and Peace of the *Instituto de Estudios para el Desarrollo y la Paz* (Institute for Development and Peace Studies - INDEPAZ), 64 social leaders and human rights defenders were killed between the beginning of 2022 and 19th April 2022. Of these cases, 31 took place in March and April. Victims were often community leaders or Indigenous land defenders. In just one day, 18th April 2022, three leaders were killed in separate incidents in Arauca and Antioquia.

The extreme violence led the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia to issue a public statement expressing deep concern at the increase in violence since the beginning of 2022 in several country regions. The Office emphasised the impact of such violence on human rights defenders, community leaders, campesino communities, Indigenous peoples and Afro-descendants. Given the situation, the OHCHR urged the strengthening of all protection measures - individual and collective - adequate to guarantee the life and integrity of human rights defenders, particularly in rural areas and in the municipalities most affected by the violence.

In addition, fighting between armed groups on the border with Venezuela caused a dramatic increase in violence in the early months of 2022, leading thousands to flee. According to Human Rights Watch, between the beginning of the year and 11th March 2022, more than 3,800 people were internally displaced in Arauca. Nine Indigenous communities and a group of demobilised FARC fighters have announced that their members are not willing to leave their communities because they fear abuses by armed groups, a situation known in Colombia as "confinement."

Defenders at risk in Magdalena Medio

CREDHOS Paz
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#Credhos35añosDefendiendoLaVida
Estamos reunidos @onucolombia, socializando la crisis humanitaria que atraviesa la región del Magdalena Medio, las continuas amenazas, atentados y asesinatos a líderes/as sociales, ambientales y Defensores/as de DDHH.

8:26 PM · Mar 2, 2022

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17 Reply Share

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During the reporting period, there were several cases of environmental defenders being threatened and harassed in the Magdalena Medio region.

In February 2022, members of the environmental group *Alianza Colombia Libre de Fracking* (Alliance to Keep Colombia Free from Fracking) were named in a pamphlet signed by an armed group, warning that they would be killed if they did not give up their activism. More than 20 activists in the region were named in the threat. Some young environmental defenders had toflee their home towns or even the country, following threats and attacks. Environmental defender Linda Oneida Suárez, member of the movement "*Resistencia a la minería y al extractivismo*" ("Resistance to mining and extractive activity"), received three death threats in February 2022.

Violence against anti-fracking activists escalated after hundreds of locals gathered in Puerto Wilches to protest against fracking projects operated by Ecopetrol in the region. After the demonstration, at least one person was attacked and protesters were stigmatised.

In separate but related developments, on 22nd February 2022, leaders Teofilo Acuña and Jorge Tafur – called "historic social leaders" of the Magdalena Medio region – were killed. They had previously reported receiving death threats. Human rights groups said both leaders led important processes in defence of campesinos and their livelihoods, as well as for the protection of territories and natural resources from extractive activities and land appropriation.

Obstruction of Truth Commission's work

Comisión de la Verdad
@ComisionVerdadC · Follow

La @ComisionVerdadC rechaza y denuncia este hecho que atenta contra uno de sus funcionarios y contra el trabajo de esclarecimiento del conflicto armado en el país y pide a las autoridades competentes investigar de manera diligente y eficaz los hechos.

web.comisiondelaverdad.co
Denuncia pública de la Comisión de la Verdad
La Comisión de la Verdad rechaza y denuncia este hecho que atenta contra uno de sus funcionarios y contra el trabajo de esclarecimiento ...

3:06 PM · Feb 19, 2022

2.1K Reply Share

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Colombia's Truth Commission published a statement warning that on 18th February 2022 there was a break-in at the home of one of the Commission's investigators. Two days before this break-in, the investigator and a commissioner had begun an interview with a drug trafficker who had reportedly agreed to speak on the links between armed criminal groups and public forces. At the time, the interview was interrupted by the police because of alleged security issues.

Tape recorders and a computer used by the investigator were stolen during the raid on his house. However, the Commission had copies of the stolen content. The Truth Commission denounced the attack and said security guarantees should be provided so that the interview with the Gulf Clan leader could be concluded without intimidation.

PEACEFUL ASSEMBLY

Ruling on abortion celebrated by women's rights groups

Magda Alberto
@Magdis289 · Follow

#CorteAbortoSi #Ganamos mujeres colombianas tras histórico fallo @CConstitucional con la demanda del movimiento #CausaJustaporelaborto X que decidir sobre nuestros cuerpos es construir paz, democracia y reconocer a las mujeres como ciudadanas plenas @causajustaco

4:56 PM · Feb 21, 2022

42 Reply Share

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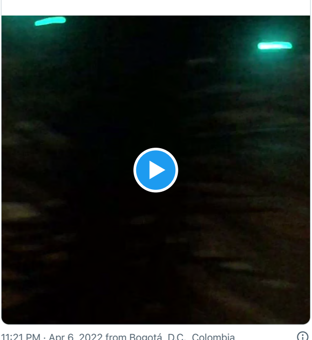
In a historic ruling on 21st February 2022, Colombia's Constitutional Court decriminalised abortion during the first 24 weeks of pregnancy. The decision was a response to a petition brought to the Court by Causa Justa, a coalition of feminist organisations, requesting the removal of criminal penalties for abortion from the Criminal Code. As the ruling was handed down, protesters in favour of access to abortion clad in green – the colour adopted by the pro-choice movement – celebrated in front of the Court in downtown Bogotá. Anti-choice activists also demonstrated while the ruling was taking place.

Repression of Embera Indigenous communities

Temblores ONG
@TembloresOng · Follow

#Alerta. En estos momentos el Esmad está lanzando gases y aturdidoras contra los indígenas, incluyendo niños, que se encuentran viviendo en el Parque Nacional. 👇

Carol Ann Figueroa Rueda @carolannfiru
Hace 5 minutos en el Parque Nacional
@ClaudiaLopez ¿qué es esto?



11:21 PM · Apr 6, 2022 from Bogotá, D.C., Colombia

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On 7th April 2022, the anti-riot police (ESMAD) repressed Embera Indigenous people who had been squatting in a park in Bogotá. Members of Embera Indigenous communities, some of whom fled their territories because of armed conflict, have been camping in the National Park for months to demand food, health and housing rights. As reported by CNN, the police intervention took place a day after Indigenous protesters blocked a nearby avenue to demand justice for an Embera teenager who had been hit by a taxi.

During the repression, ESMAD agents fired tear gas and stun grenades at the Indigenous peoples, including pregnant women and children. A spokesperson for the Grita platform of human rights organisation Temblores told CNN that the police action was disproportionate, with over ten stun grenades released in less than a minute. The police claimed the operation was prompted by protesters threatening, intimidating and demanding money from drivers during the demonstration. After police intervened, some people allegedly responded by throwing rocks and vandalising cars. About 20 Indigenous people and six police officers were injured.

Report details repression in Cali during 2021 National Strike

Amnesty Police and Human Rights
@Amnesty_PHRP · Follow

Reconstruction reveals how security forces intentionally attacked peaceful protesters in Cali, Colombia, on 3 May 2021. Amnesty and SITU Research analysed more than 200 pieces of audiovisual material and interviewed multiple witnesses.

amnesty.org
Reconstruction reveals how Colombian security forces attacke...
Three young people were shot and killed in the Siloé neighbourhood on 3 May 2021

12:13 PM · Feb 25, 2022

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In 2021, when thousands joined the *Paro Nacional* ("National Strike"), security agents in various cities resorted to heavy repression to disrupt protests. An event reconstruction published by SITU Research and Amnesty International in February 2022 detailed how Colombian security forces assaulted peaceful protesters in the Siloé neighbourhood of the city of Cali on 3rd May 2021. During the repression, three young people were killed. The reconstruction, using over 200 audio-visual materials, shows that police faced no imminent threat of violence and their use of lethal weapons was unjustified. Erika Guevara-Rosas, Americas director at Amnesty International, said:

> *"Our meticulous digital reconstruction of the events in Siloé reveals how the Colombian security forces intentionally attacked people who were demonstrating peacefully in order to punish, injure and kill them."*

On a related note, on 4th April 2022 the Colombian Prosecutor's Office filed an indictment against three police officers for their alleged responsibility in killings committed during the 2021 protests in Cali. A colonel, a lieutenant and a patrol officer of the National Police were accused of being responsible for homicides and cases of personal injury. The lieutenant was in charge of a Special Operations Group whose members fired against protesters and bystanders in two separate occasions, on 30th April and 3rd May 2021.

EXPRESSION

Armed men attack journalist's bodyguard

CPJ Américas
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#COLOMBIA: Colombian authorities must thoroughly investigate an armed attack on the vehicle and bodyguard of investigative journalist Julián Martínez, determine if the reporter was targeted for his work, and bring those responsible to justice.

cpj.org
Armed men attack car, bodyguard of Colo...
Bogotá, February 28, 2022 – Colombian authorities must thoroughly investigate an ...

5:23 PM · Feb 28, 2022

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On 22nd February 2022, two armed men attacked investigative reporter Julián Martínez's bodyguard while the journalist conducted an interview. As reported by the Committee to Protect Journalists (CPJ), the assailants approached the reporter's vehicle, which was parked on the street in front of a Bogotá apartment, and tried to force open the door. They then pointed their pistols at Martínez's bodyguard, who was sitting in the driver's seat. The bodyguard, assigned to Martínez by the National Protection Unit, was armed and fired shots at the men, who escaped in a waiting taxi.

Martínez, who works with the independent media La Nueva Prensa, frequently investigates allegations of government corruption and illegal spying. He had previously received threats and has been enrolled in Colombia's protection mechanism since April 2021. Martínez is currently investigating alleged links between Colombian politicians and drug traffickers and told CPJ he believes the gunmen may have been trying to frighten or kill him. However, police said they didn't rule out the possibility of an attempted robbery.

Attacks, detentions and other developments

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In February 2022, the Mayor's Office of Yopal, located in the municipality of Casanares, carried out a communications campaign "inviting" media not to speak ill of the local government administration. Called "*Fuera malas lenguas*" ("Out with the foul language"), the campaign featured a video of the mayor saying that "constructive criticism is welcomed" but that people cannot "destroy the work being done to reconstruct the city" because they do not sympathise with the authorities. The *Fundación para la Libertad de Prensa* (FLIP) said the campaign discredited journalistic work and fostered hostility against the press, calling on the local authorities to withdraw it immediately.

On 8th March 2022, during the Women's March in Medellín, the Metropolitan Police detained Jennifer Mejía, a journalist with Le Cuento and Pacifista. She was recording the arrest of a demonstrator when a police officer grabbed her by the arm and detained her. Mejía identified herself as a journalist, wore a press waistcoat and carried an ID card. She also claimed that police did not tell her where she was being taken or why she was being detained.

During the same protest, Telemedellín journalist Manuela Granda and camera operator Nelson Usquiano were harassed and attacked by seven protesters. Granda told news media that some demonstrators were angered by Usquiano's presence amid the protest, saying news media should have sent women communicators for their news coverage. The reporter said seven hooded women cornered them against a wall, shouted at them and then hit Usquiano. When the two tried to leave, the protesters threw a can and hit Granda on the head. She received medical attention for the injury.

On 21st March 2022, the vehicle of Noticias Uno's director, Cecilia Orozco, was followed by a funeral car for several kilometres in Bogotá. On the evening of the incident, Orozco had left the media outlet's office together with a security team. She was on her way home when a funeral car began following her vehicle. As reported by FLIP, the police questioned the driver, who claimed to have been hired by a funeral home to pick up a dead body and told to follow Orozco's vehicle. FLIP said this was an attempt to intimidate Orozco and her team, and called on the country's protection mechanism to re-evaluate the journalist's security measures.

On 11th April 2022, presidential candidate Enrique Gómez said on Twitter that "there is a hypocritical attitude, several media outlets have taken up the flags of drug trafficking to the detriment of the most vulnerable populations in the country." Referring to news articles on alleged irregularities involving the military, Gómez said "the context in which the news is presented is clearly biased." FLIP condemned these stigmatising statements, saying that unfounded claims linking the press to criminal activities seek to discredit journalism.

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News | Indigenous Rights

Colombia's Indigenous population faces scourge of violence

In 2021, an Indigenous person in Colombia was killed every four days, according to a new report.

Colombian Indigenous people hold a funeral for a murdered defender in January [File: Luis Robayo/AFP]

By **Inigo Alexander**

1 Nov 2022

Bogota, Colombia – Late last month, 25-year-old Indigenous leader Yermy Chocue was found dead near her home in Morales, in the Colombian department

of Cauca. The young woman, a prominent human rights defender, had reportedly been approached and shot by armed men.

"Yermy's dreams and hopes were thwarted by the violence that is consuming the country," the Regional Indigenous Council of Cauca said in a statement.

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Council member Mauricio Capaz told Al Jazeera that Colombia's Indigenous communities were increasingly being "threatened and persecuted" in the years since the country's 2016 peace accord, noting: "Indigenous peoples are going through a very complex situation. It's almost six years of ongoing assassinations of Indigenous leaders."

In 2021, a member of Colombia's Indigenous population was killed every four days, according to a report released last month by the National Commission of Indigenous Territories (CNTI). The commission registered 114 homicides last year, 17 of which occurred in the context of seven massacres. Around a third of the victims were community leaders, and in approximately two-thirds of the cases, the perpetrator was not identified.

Overall, homicides in Colombia reached a seven-year high in 2021, with more than 13,000 registered.

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"Indigenous communities have suffered disproportionately from targeted violence, displacement and massacres throughout Colombia's conflict, particularly in the years since the peace accord," Elizabeth Dickinson, a senior Colombia analyst with the International Crisis Group, told Al Jazeera.

Analysts say a power vacuum generated by the mismanaged implementation of the 2016 peace deal between the Colombian state and the Revolutionary Armed Forces of Colombia (FARC) rebel group has fuelled the violence. The CNTI has documented a particular threat to the Nasa and Awa communities, who have together comprised about two-thirds of the victims. Capaz, himself a Nasa leader, said they have been targeted because "we have a long history of fighting against those we believe that are doing us harm".

In an interview with Al Jazeera, Colombian Ombudsman Carlos Camargo acknowledged that the ongoing violence has "deepened the [Indigenous population's] structural conditions of marginality", adding: "The inequalities are due to a historical process of structural discrimination and racism that has not yet been

overcome, which in turn has created a gap distancing Indigenous peoples from their individual and collective rights."

Government neglect

The CNTI report comes at a turbulent time for the country's Indigenous population, as protesters and police clashed in Bogota earlier in October, resulting in at least two dozen injuries. Observers say the government's neglect of Indigenous communities has been a key factor in the worsening state of affairs.

"There is no state presence, so that enables other actors to take over governance," Camilo Nino, an Arawak leader and technical secretary of the CNTI, told Al Jazeera. "We believed that when the peace accord was signed, peace would come to our territories – but what we've seen instead is that the violation of human rights has been exacerbated since the agreement."

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According to Dickinson, this problem has been compounded by political disenfranchisement among Indigenous communities: "The state is not as inclined to respond to their situation in the way that they might to a high-powered business community or an important political constituency, so that contributes to the violence, and it renders the state complicit in many ways."

Colombia's interior ministry did not respond to Al Jazeera's multiple requests for comment on the matter.

The threat to Indigenous communities has been exacerbated by the strong presence of armed groups and illicit economies, with many Indigenous communities situated near territories that house prominent drug routes and resource-rich land used for mining, both legal and illegal.

"These powerful illegal economies establish themselves through violence, which is used to eliminate all the voices that stand up to them," Capaz said.

Much of the violence is concentrated in the country's southwest, especially Cauca, where 43 percent of the 2021 killings occurred. Dickinson said the Indigenous population in Cauca has been working especially hard in recent years

to resist the takeover of their land by armed groups. "As a result, the same armed groups who want to take over those areas and carve up trafficking routes and other illicit economies retaliate against Indigenous authorities who reject their presence," she said.

More than a third of the Indigenous victims last year were between the ages of 18 and 32, the CNTI found – a concerning trend that reflects the targeting of a new generation of political leaders.

The violence presents a significant obstacle for President Gustavo Petro's promise of "total peace", a process set to include negotiations with armed groups.

"The issue of peace and saving lives is not an issue of party politics; it's an issue that should interest us all," Indigenous congressman Ermes Pete told Al Jazeera. "In four years, it will be very difficult [to solve], but the idea is that we make a great deal of progress."

Capaz acknowledged the journey would not be easy, "but we cannot lose hope", he added. "The Indigenous movement has never stopped fighting."

SOURCE: AL JAZEERA

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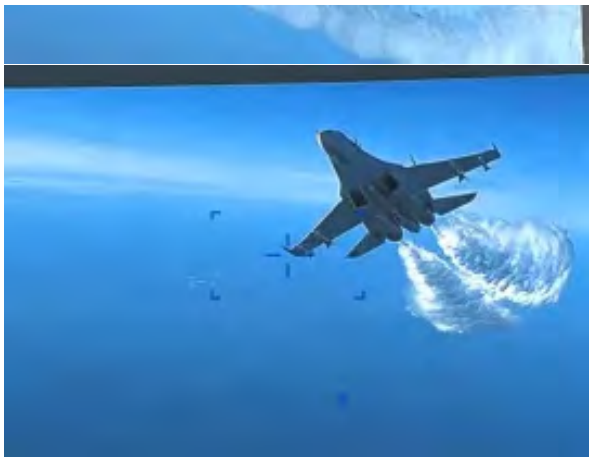

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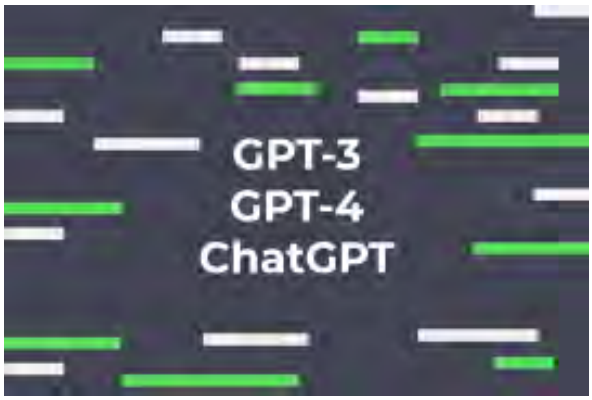

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31 JAN 2022 | NEWS

Colombia Begins 2022 with Alarming Violence

by Gimena Sánchez-Garzoli

The security situation in Colombia deteriorated alarmingly in January 2022. As of January 31, the Institute for Development and Peace Studies (*Instituto de estudios para el desarrollo y la paz*, INDEPAZ) has recorded a total of 13 social leaders murdered, 13 massacres, 3 ex-combatants killed, 214 selective homicides, 98 death threats, 58 homicide attempts, 25 episodes of harassment, 17 forced disappearances, and 16 mass internal displacements. While violations are occurring in multiple areas, the departments of Arauca, Cauca, Valle del Cauca and Putumayo appear to be flashpoints. In the case of Arauca, the violence and displacement are due to the breaking of the truce that existed between the ELN and FARC. The FARC dissidents and ELN are engaged in armed combat with each other and as a result are taking it out on the civilian population, particularly social movements. WOLA, along with other international organizations working in and on Colombia, issued statements condemning the violence in Arauca and Cauca.

WOLA is also extremely concerned about the rise in internal displacement in Colombia. In early January, the United Nations Coordination for Humanitarian Affairs (OCHA) released a report that found that 72,300 persons were internally displaced in 2021. This represents an increase of 62 percent of displacement events and 196 percent increase in the number of persons displaced compared to 2020.

We strongly urge U.S. policymakers, the diplomatic community, and civil society to raise visibility on the human rights and humanitarian situation in Colombia. Also, we urge them to take actions denouncing the violence, calling for it to cease and for all the actors concerned to support humanitarian minimums and peace efforts.

Below you will find a summary of the incidents reported to WOLA:

Indigenous Leader and Guard Founder Killed (Cauca)
On January 24, the Jaime Martínez Front of the FARC dissidents assassinated the founder and ex-coordinator of the National Indigenous Guard José Albeiro Camayo. The murder occurred in Las Delicias reservation located in Buenos Aires municipality, Cauca department. The armed actors, including alias 'El Paisan,' forced community members to gather in a meeting and proceeded to kill the Indigenous leader. According to INDEPAZ in October 2019, Camayo became the target of FARC dissidents who stigmatized and tortured him.Indigenous communities throughout Cauca department are demanding protection and justice for this killing.

Female Leader Dragged From Her Home by Armed Men Found Dead (Cauca)
On January 29, the body of community leader Deisy Sotelo Anacon was found in El Plateado, Cauca department. Six days prior, armed men forcibly removed her and her husband from their home. The husband's whereabouts remain unknown. An early warning alert was issued in late 2021 by the human rights ombudsman's office concerning the risk of harm to civilians due to illegal groups' activities for Argelia and Tambo, Cauca.

Armed Men Massacre Four People (Cauca)
On January 28, four men whose identity is not yet known were massacred in the Afro-Colombian area of Timbiquí, Cauca

department. Timbiquí, Lopez de Micay, and Guapi municipalities form part of an early warning alert put out by the human rights Ombudsman's office.

Three Members of the Same Family Killed, Ten-Year-Old Girl Injured (Cauca)
On January 27, three members of the same family were massacred and a 10-year-old girl injured by armed men in Buenos Aires, Cauca department. The victims are presumably Afro-Colombians. Buenos Aires municipality forms part of an early warning alert previously put out by the human rights ombudsman's office.

Social Leader and His Widow Murdered (Arauca)
On January 25, armed men murdered social leader Álvaro Peña in Tame, Arauca department. The next day his widow, Rosalba Tarazona, was grieving her husband when armed men returned and killed her.

Three Men Murdered in Cucuta (North Santander)
On January 25, three not yet identified men between the ages of 25 and 38 were murdered in Cúcuta, Norte de Santander along the Colombian-Venezuelan border.

Social Leader Killed (Putumayo)
On January 24, social leader Pedronel Sanchez Gallego from the Comunal Action Board of Las Perlas, Putumayo deparment, was murdered.

Female Land Rights Leader Murdered (Meta)
On January 17, after she went missing for six days, community members identified the lifeless body of land rights leader Luz Marina Arteaga in Puerto Gaitán, Meta department. The Claretian Norman Pérez Bello Corporation (*Corporación Claretiana Norman Pérez Bello*) and the Yira Castro Legal Corporation (Corporación Jurídica Yira Castro) reported that Arteaga's lifeless body was found in La Esmeralda village along the banks of the Meta River. Her murder occurred despite her previous request, to no avail, for protection measures from the National Protection Unit (*Unidad Nacional de Protección*, UNP). Arteaga's activism in emblematic land right's case El Porvenir warranted her protection. The human rights organizations demand that the authorities immediately conduct a transparent investigations into Luz Marina's murder. Immediate protection measures are also required for the human rights defendersinvolved in seeking justice for this murder.

Community Activist Assassinated (Antioquia)
On January 17, armed actors assassinated 35-year-old Mario Jonathan Palomino Salcedo, a community activist and agriculture professor at the Monseñor Ramón Arcila Ramírez University. The murder occurred in El Carmen de Viboral municipality, Antioquia department. Armed actors intercepted Palomino Salcedo when he got off his motorcycle late at night and attacked by open fire. His body was later found by authorities along the highway.

Four People Massacred (Antioquia)
On January 17, unknown armed actors massacred three men and one woman between Santo Domingo and Barbosa municipalities in Antioquia department. Armed groups that operate in the region include the Gulf Clan, the Pachelly, and the Valle de Aburrá.

Three Family Members Murdered in Magdalena
On January 8, according to INDEPAZ, hitmen massacred three people of the same family in Zona Bananera municipality, Magdalena department. The victims were identified as Jorge Hernández; Patricia Margarita de Armas Gallarda, who was pregnant; and 17-year-old William Hernández. The Ombudsman's Office had previously published Early Warning Alert 044/2019, which was followed up with reports from November 2021 that identify threats and attacks against those who denounce the diversion of rivers, the contamination of water resources with chemical products like fertilizers and agroindustrial pesticides, the dredging of swamps to cause water overflows, road damage from machinery in rainy seasons, and the coerced sales of farms or properties. Indepaz notes that the Gulf Clan paramilitary and other criminal factions operate in the region.

FARC Dissidents Attack Building That Houses Human Rights Organizations (Arauca)
On January 19, the 28th front of the FARC dissidents detonated a car bomb in front of a building that houses six social organizations and two media outlets in Saravena, Arauca department. The organizations affected were Fundación de Derechos Humanos Joel Sierra, Asociación Nacional Campesina José Antonio Galán Zorro ASONALCA, Asociación Amanecer de Mujeres por Arauca AMAR, Asociación Juvenil y Estudiantil Regional ASOJER, Central Unitaria de Trabajadores CUT y la Corporación de Comunicaciones Trochando Sin Fronteras.

The bomb killed a security guard from the building next door, injured 40 (including 5 social leaders) and damaged infrastructure within a four-block radius. At the time, over 40 social leaders from the region were gathered in a self-

protection training workshop. Human rights defenders had denounced that FARC dissidents had circulated pamphlets stating that it would strike against any NGO or social group suspected of being aligned with the National Liberation Army (ELN). It was communicated to the police that a grave incident could happen. However, a human rights defender recently informed WOLA that: "the police just went and looked around the building but no other measures were taken to safeguard their safety."

Illegal Armed Actors Kidnap Six Civilians (Arauca)
On January 22, illegal armed actors kidnapped six community members in Tame municipality, Arauca department . In a disturbing audio message, community members recount witnessing the kidnapping, where the armed men forced the six individuals, who do not belong to any of the armed groups, into a pick-up truck. Despite the state's heavy militarization in the region, state authorities have failed to address the episode.

Afro-Colombians and Indigenous Displaced (Valle del Cauca)
On January 25, the Ombudsman's office urged state authorities to attend to the hundreds of internally displaced persons who arrived in Cali from the port city of Buenaventura. Since the beginning of 2022, at least 704 displaced families, including Afro descendants and Wounaan Indigenous, arrived in Cali due to the bellic actions of illegal armed groups which, include the Gulf Clan paramilitaries, dissidents of the FARC, and local criminal factions. In November 2021, the National Afro-Colombian Peace Council (*Consejo Nacional de Paz Afrocolombiano*, CONPA) and Colombia's Black Communities Process (*Proceso de Comunidades Negras*, PCN) had denounced the displacement of at least 500 families from the lower basin of the Calima river, in a rural area of this port, after an incursion by the Gulf Clan paramilitary.

Illegal Armed Groups Kidnap and Displace Civilians (Arauca)
On January 24, the Ombudsman's office reported the kidnapping of three people in Saravena municipality, Arauca department. This kidnapping occurred in the context of an ongoing burst of violence that began at the beginning of the year in Arauca due to armed confrontations between d FARC dissidents and the ELN. The UN Office of Humanitarian Affairs (OCHA) of the United Nations reported that a total of 1,531 people were internally displaced by the recent crisis in Arauca.

Paramilitaries and Guerillas Kill Several Civilians (Putumayo)
On January 19, the Intereclesial Commission for Justice and Peace (*Comisión Intereclesial de Justicia y Paz*, CIJP) alerted that fighting taking place between the Carolina Ramírez Front of the FARC dissidents and the Commanders of the Border paramilitary group in in Putumayo department. Municipalities most affected are Puerto Guzmán, Puerto Leguízamo, and Puerto Asís. Community members are living in fear. Various lethal incidents are reported by CIJP. On January 18, in Piñuña Negro, the lifeless body of a man with his throat slit was found along the banks of the Putumayo River. On January 17, illegal armed actors murdered three people and burnt down a house in Cerito, Puerto Guzmán municipality. On January 13, five decomposed, lifeless bodies washed up to the shores of Puerto Asís. These have resulted in the internal displacement of 455 locals. The CIJP calls on the Duque administration to move beyond its militaristic approach to resolving conflict. Instead it should implement civil society's demands to adhere to a humanitarian agreement.

Mass Displacement and Confinement of Afro-Colombians (Chocó)
On January 17, the General Community Council of San Juan (ACADESAN) warned that the activity of illegal armed groups is leading to increased displacement, confinements, death threats, and murders. Those affected are Afro-Colombians residing in Istmina, Sipí, Medio San Juan, and Litoral del San Juan municipalities in Chocó, department. Since the start of 2022, ACADESAN documented that illegal armed groups were engaged in six instances of violence in Afro-Colombian territories., At least 660 individuals became internally displaced and another 1,400 are confined to their homes. ACADESAN expressed concern of the dangers posed by landmines and the lack of humanitarian response by the State.

Displaced Indigenous Face Death Threats for Participating in Protests (Cundinamarca)
On January 25, over 450 internally displaced Indigenous families protesting in Bogotá's national park in, denounced that they received death threats. The Indigenous, who were displaced from Cauca, Nariño, Chocó and Antioquia departments, are engaged in a months-long protest in the park to demand that action is taken to address their situation. Those threatening the Indigenous identify themselves as belonging to a dissident faction of the FARC. However, the indigenous believe that the threats may actually be coming from paramilitary groups.

Illegal Armed Actors Torture and Murder Indigenous Youth (Cauca)
On January 10, the Regional Indigenous Council of Cauca (*Consejo Regional del Cauca*, CRIC) reported finding the lifeless body of Indigenous youth Jhon Alexis Collazos. He formed part of the Indigenous guard in Caldono, Cauca department. He was found with signs of torture on his body, his hands tied, and bullet wounds in his head. The CRIC condemned Collazos' murder and expressed concerned about the escalation of violence against Indigenous communities that has taken

place since the signing of the 2016 peace accord.The CRIC notes that the state failed to establish civil institutions in these areas. The CRIC urged the international community to activate all possible protection mechanisms for the Indigenous in Cauca.

Paramilitary Groups Terrorize San Jose de Apartado Peace Community (Antioquia)
On January 14, the San José de Apartadó (SJA) Peace Community detailed the extent to which paramilitary groups have overtaken Apartadó, Antioquia department. The groups are imposing their will on the community and are allegedly aligning themselves with public officials. They are responsible for the murder of Huber Velásquez on December 17, 2021. The construction of a two kilometer road between Apartadó and San José is plagued by corruption. The SJA community alleges that wrongdoing by officials is leading to damaged and unrepaired houses and few employment opportunities for the locals. They hold Mayor Felipe Benicio Canizalez responsible for Velásquez's death and believe he is a paramilitary sympathizer. The SJA peace community reports that those who defy the paramilitaries must choose between life or death.

Afro-Colombians Displaced by Paramilitary Roadblock (Valle del Cauca)
On January 11, the CIJP reported that paramilitaries belonging to the Gulf Clan established a river blockade in the Afro-Colombian community of San Isidro located along the Calima River. They then proceeded to stop boats from crossing the river and transporting persons and goods, deeply affecting the communities. Starting in February 201 paramilitaries entered the area and imposed their will b on the communities of Pichima Playa residing along the San Juan River. This has resulted in the internal displacement of Afro-Colombians and the Wounaan Indigenous located in Santa Rosa de Guayacán, Guadual, and Ceibito. The Indigenous community of Cocalito is also affected. The fighting between the ELN and paramilitaries has generated a humanitarian crisis for these communities who are unable to hunt or fish. According to the CIJP, the national government is complicit because it has denied these communities humanitarian assistance. They point out that President Iván Duque has refused to agree to a humanitarian agreement in the region and done little to respond to the human rights crisis.

INDEPAZ Releases Report on Violence (Arauca)
On January 8, INDEPAZ released a report on the violence in Arauca, underscoring that it persisted in ways beyond the clashes of armed groups. It revealed that in the first week of January, 28 individuals were massacred. The victims included two women, two minors, and four Venezuelan citizens. According to the Ombudsman's office, as of the first week of January, there are currently 57 internally displaced individuals, 2,000 at risk of displacement, 50 missing persons from the areas of Arauquita, Tame, Fortul, and Saravena. Civil society has called for urgent humanitarian action for the families of victims, attention for the civilians who have been displaced and confined, the presence of international organizations providing humanitarian support, among other propositions. The report also outlines dates and statistics on the areas most affected by the ongoing violence in 2021, providing contextual explanations and facts regarding the current crisis.

Colombian Peace Commission Urges Action on the Humanitarian Crisis in Arauca
On January 7, the Colombian Senate's Peace and Post-Conflict Commission conducted a virtual evaluation session on the humanitarian crisis occurring in Arauca department, calling for a ceasefire between the ELN and dissidents of the FARC. Although the Commission had invited the Minister of Defense, the High Commissioner for Peace, the National Army's Commander, and the Ombudsman to participate , none were in attendance. The Commission gave three recommendations: strengthen civil institutions throughout Arauca, increase public investments to strengthen social responses, and generate spaces where dialogue and participation are encouraged. The Commission also solicited the aid of the international community, diplomatic missionaries, and the Colombian and Venezuelan governments to protect the lives of residents at the border while also promising another virtual session to come that would listen to the input of the local authorities, community members, and civil organizations.

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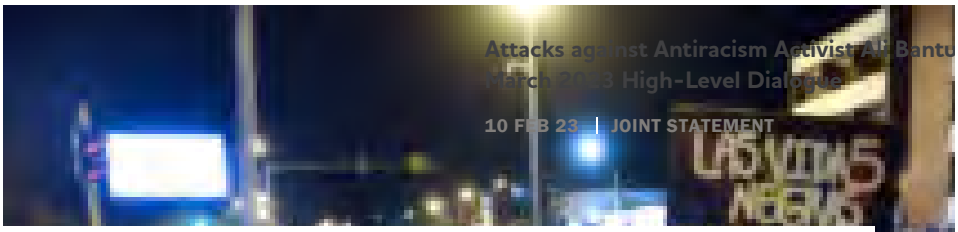

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Medellin’s secret history of violence against women and girls

Problems of Colombia's "open-air brothel" a lot bigger than locals may want to admit

by Adriaan Alsema August 1, 2022

Medellin is a dangerous city for women and girls despite alleged efforts to combat gender violence and pedophilia in Colombia’s second largest city.
Forty women and girls were assassinated in the city last year, according to local authorities in the capital of the Antioquia province that is home to more than 2.5 million people.
Fifteen of these victims were murdered at home, one of the most dangerous places for Medellin’s women and girls.

In its annual report on women’s rights, the local government said that 1,568 women were physically abused by their partner and 133 girls suffered physical abuse by a family member.

At least 2,008 women and children became the victims of sexual violence in 2021. Of the 466 rape tests carried out by the Medical Examiner, 90% corresponded to underage girls.

> *Family environments are proportionally more dangerous for women because of the type of violence that is exercised against them, and because of the way in which this type of violence associated with coexistence, interpersonal and the relationships between couples.*
>
> *Medical Examiner’s Office*

The situation is considerably better than it was in 2005 when Medellin’s Women’s Secretary was founded and 61% of the city’s women said they had been beaten by their partner.

Sixty women were assassinated that year, the local government in a 2008 report.

In 2007, the Medical Examiner carried out 933 rape tests of which 70% corresponded to girls of 14 and younger.

The impoverished northwest of the city was the most dangerous for women then and continued to be so in 2021, according to Medellin's city hall.

What is threatening Medellin women and girls?

The coronavirus and the massive influx of migrants from Venezuela has had a devastating effect on women in the city with a history of "machismo."

According to national statistics agency DANE, 18% of Medellin's women were unemployed. The unemployment rate among women was as high as 31.7%. The physical and job insecurity severely affected the mental health of Medellin women of whom 36% said to be having mental health issues.

Medellin's suicide rate was 2.7 per 100,000 women last year, which was double that of the capital Bogota and the highest of all Colombia's major cities.

The vulnerability of women that belong to ethnic minorities is considerably higher than white women as they additionally face racist violence, stressed Maria Roa of the Afrocolombian Domestic Service Union.

The main challenges to improve equality and to be able to have a better quality of life for women and reduce the gender gap, is the guarantee of labor and human rights such as: having a fair salary, social benefits, reducing the domestic workload and the burden of the home, eliminating ethnic-racial discrimination, economic violence, sexual violence, workplace violence and having a dignified treatment.

Maria Roa

Keeping the problem a secret

For some reason, women's rights wasn't an issue in Medellin until sex workers also began offering their services to reported sex tourists in the wealthy Poblado district.

Prostitution has been as common as violence against women in Medellin since before 1963 when a survey found that more than 4.5% of the local women worked in prostitution.

According to a 2012 study by the Health Ministry, a little more than 2,000 women and more than 270 children provided sex services to the male half of the city's 2.2 million inhabitants.

I started when I was 11 years old. I was in a boarding school where met a friend who told me to come here and you know when they say "money, money," it calls your attention.

"Astrid"

The local child welfare service told local news station Telemedellin that it received only seven complaints of child sexual exploitation that year.

The situation caused little public indignation as prostitution mainly took place in the downtown area and the sexual violence against women and children at home.

Medellin project aims to curb sex tourism, telling visitors to 'buy other souvenir'

The public indignation kicked in in 2016 after a growing number of foreigner visitors to Poblado also began attracting sex workers to Medellin's most affluent area.

Local crime expert Fernando Quijano told Vivir en Poblado that year that "we have reported this often, but many businesses said that this was... not true."

El Poblado has been a time bomb for many years... When looking for [the local mafia] bosses, they found them in that area.

Fernando Quijano

Quijano said "the situation is now out of control after Medellin mafia syndicate La Oficina de Envigado and Poblado businessmen had been making money of Poblado's booming sex industry for years.

The US-funded fraud

Federico Gutierrez

Medellin Mayor Federico Gutierrez embarked on a US-funded, but fraudulent witch hunt that targeted foreign visitors, but left the mafia associates of his now-jailed former security secretary alone.

ICE embroiled in major fraud scandal in Colombia

Mayor Daniel Quintero, an alleged sex offender, took office in 2020 and was almost immediately confronted with the coronavirus crisis, which worsened the situation of Medellin's women dramatically.
The pandemic was a godsent for the sex industry, however, and the local mafia flooded the city center and El Poblado with sex workers again.

The minimum price for sex in downtown Medellin dropped to little more than $1 and in El Poblado to $20, according to sex workers' rights organization "Putamente Poderosas."

Worse than an "open-air brothel"

After author Carolina Sanin called Medellin “an open-air brothel” on Monday, Quintero “finally” vowed to do something about prostitution, local newspaper El Colombiano reported.

Dozens and dozens of women walk at any hour along 10th Street or Lleras Park in search of a client, and those clients are mostly foreigners who pay in dollars.

El Colombiano

The newspaper complained that the city hall's announced efforts "don't even directly impact" the prostitution in El Poblado.

Quintero's policy allegedly seeks to tackle Medellin's history of violence against women and children instead of the sensitivities of the local elite and the mafia that promote prostitution.

I have a client and first I take him to a nearby bar, or to a discotheque, the manager gives me a tip for taking that foreigner to spend money with them. That way everybody wins.

"Luisa"

Colombia's second largest city "continues to be an absolutely exclusive society," sex workers' rights activist Melissa Toro told Spanish newspaper El Pais.

While El Colombiano decried prostitution, local police arrested a taxi driver who allegedly raped and robbed a 33-year-old woman from Manrique, Medellin's most dangerous district for women.

The city's Women's Secretary hasn't spoken out about the situation of Medellin's women for months.

https://colombiareports.com/medellins-secret-history-of-violence-against-women-and-girls/

Conflict **News feature** 12 April 2022

A Colombian town's spike in femicides is linked to armed groups

'I didn't want to leave my town, but I didn't want to stay and be killed.'

Samuel Ritholtz/TNH

This woman now lives in Medellín, where she fled after threats in her hometown. She struggles to make ends meet and says she has received no support from the authorities.

Kiran Stallone

PhD Candidate at University of California, Berkeley studying gender and civilian agency in conflict

CÚCUTA, Colombia

In Tibú, a small town along the border with Venezuela, a rising wave of violence in Colombia's primary coca-producing region is targeting women, leading to an unprecedented spike in killings and forcing others to flee.

Those who flee are often left in precarious economic situations far from their homes, too afraid to return and with little support from social services or aid groups.

At play in the femicides is a too-familiar mix of armed groups battling for power and influence and their efforts to exert control by instilling fear among local residents. The uptick in violence underlines a collapse in government authority, which is also playing out elsewhere in the country.

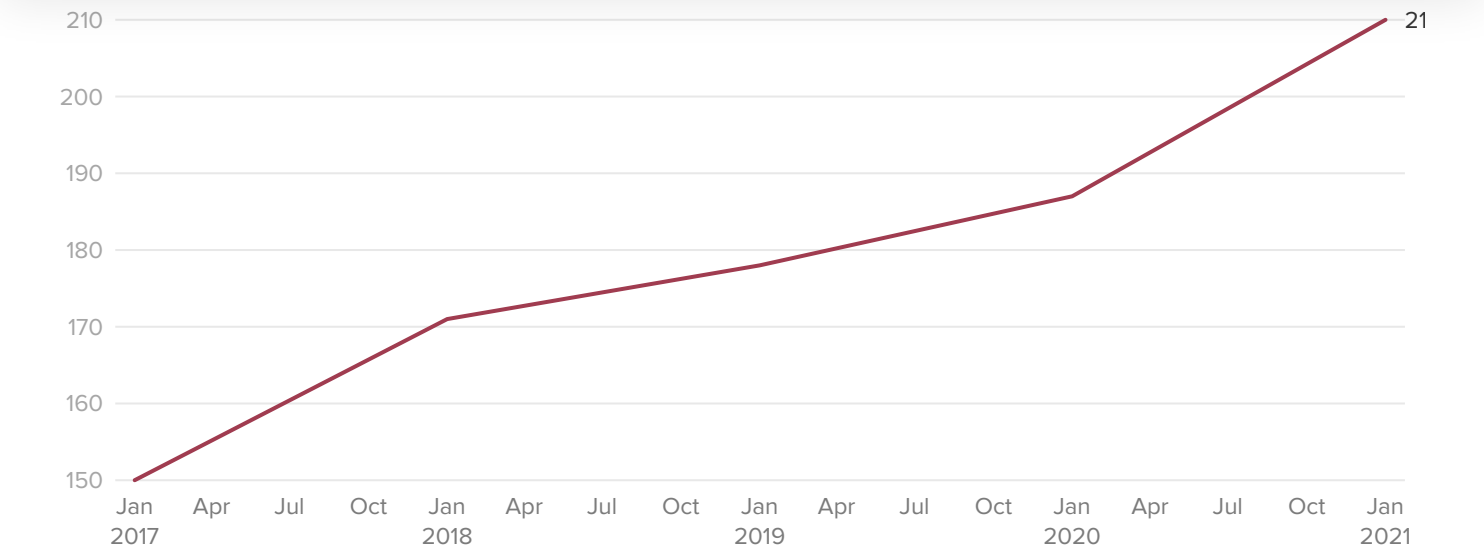
The targeting of women began last year, with rumours that an armed group made up of former members of the Revolutionary Armed Forces (FARC) – which signed a peace deal with the government in 2016, ending the longest-running civil war in the Americas – had created a list of women who were each an objetivo militar, or a target for violence. Videos shaming women accused of being linked to police officers, soldiers, or other state agents then began circulating on social media.

> "For Tibú, the dozen killings represent a 400% increase in such murders over 2020."

"I was terrified," Sara, a 17-year-old who saw her picture in one of the videos, told The New Humanitarian in March. "Sara" is a pseudonym to protect her identity.

"I was worried that they were going to hurt me," she continued. "My friends told me that if I appeared in the video, they [the armed groups] would kill me."

At least 12 women were killed between April and December last year. With a population of just 21,500 in Tibú, that number is significant, given the countrywide femicide toll of 210 for the year. For Tibú, the dozen killings represent a 400% increase in such murders over 2020. Throughout Latin America, the number of femicides is estimated to be much higher than reflected in official data, as under-reporting by authorities and a frequent lack of understanding of what the term means leads to undercounts.



Source: Sisma Mujer

The New Humanitarian

The deaths, along with threats and kidnappings, pushed dozens of other women to choose to move away, often to uncertain futures without jobs, shelter, or access to basic necessities. And local NGOs and human rights workers say such women find little to no government support.

The videos were released anonymously on WhatsApp, showing personal pictures taken from social media accounts, often set to music with derogatory lyrics. Captions accused the women of being "secret girlfriends" of policemen, "cheap whores", or otherwise sexually involved with the security forces. A few weeks after the videos began appearing, some of the women turned up dead.

The National Liberation Army (ELN), another armed group operating in the area, denied releasing the videos, but announced that it would launch investigations into the women who appeared in them.

> Dozens of women have now received death threats, prompting more and more to make the difficult decision to leave.

While Tibú's public prosecutor, Esperanza Navas, was investigating threats made against a number of women, she was gunned down in her home last June. The attorney general's office announced recently that it had evidence that her murder was ordered by the group of former FARC fighters because of her open investigations into their organisation.

Sara was forced to make a difficult choice. At first, she kept telling herself that she hadn't done anything wrong and shouldn't be in danger. But when her landlady told her that two men on a motorcycle had come

stay and be killed."

'We really don't have any help'

Nestled deep in the region of Catatumbo, which spans the Colombia-Venezuela border, Tibú is no stranger to gender-based violence or armed conflict.

"Tibú is a contested urban centre," says Beth Dickinson, a senior analyst at the International Crisis Group, adding that multiple armed groups – including the ELN, fighters formerly part of FARC, and the Rastrojo paramilitaries – maintain a presence in the area.

"One of the ways that each of these groups – without exception – has tried to extend their control over the population and instil fear has been through symbolic violence, particularly targeted at vulnerable groups, such as women and migrants," she noted.

Now, many of the women under threat in Tibú have nowhere to turn, aside from a small handful of human rights defenders.

"The women of Catatumbo are suffering more every day," said Carmen García, the head of Madres de Catatumbo por la Paz [Mothers of Catatumbo for Peace], a local organisation defending women's rights in the context of ongoing armed conflicts.

Kiran Stallone/TNH

Carmen García is the leader of the Madres de Catatumbo por la Paz, a women's rights organisation based in one of Colombia's most violent regions. Since last year she has helped at least 68 women flee Tibú.

García has helped women like Sara escape the town. She said she works with little government support or resources, which leaves her feeling frustrated.

García herself chose to leave in 2020, as armed violence grew in Tibú. "We really don't have any help," García explained, speaking from the nearby city of Cúcuta, where she has lived and worked since she left Tibú.

García only returns when absolutely necessary – with government-issued bodyguards in an SUV with tinted windows.

"This has somehow fallen on my shoulders," she continues. "The problem is getting bigger and bigger."

Blaming the victims

Some analysts say the widely circulated WhatsApp videos push a narrative that the women deserve the violence they receive.

police officers.

"This is something that is really worrying," she continued. "It is socialising the idea that the victim, and particularly the woman, is responsible for these trends in violence that are happening, when of course the opposite is much closer to the truth."

Dozens of women have now received threats against their lives via the videos and direct threats by phone or messages, prompting more and more to make the difficult decision to leave.

"I received many threats and was kidnapped for a few hours," recalled Deisy, another woman who fled Tibú and whose name has been changed to protect her privacy. She left in August 2021, after a video was released that accused her of sexual promiscuity.

"I was able to run away before they did any physical harm, but I still have the psychological trauma," she continued, speaking to The New Humanitarian from Bogotá.

"I have two daughters, so I felt obligated to leave town."

Deisy* fled Tibú in August 2021 after multiple threats, a kidnapping, and a wave of femicides against other women featured in the same video. Although she was able to escape to Bogotá, she says "the fear is constant."

'I don't think about going back under any circumstances'

Deisy says her fear is "constant". Even though she reported the threats to the authorities, she says she hasn't received support from the government and is struggling to find reliable work.

"Going back [to Tibú] is my absolute last option," she said. "My belongings, my house, everything is there. I left with nothing. I don't dare to return."

Sara said she feels similarly isolated and abandoned by the state, particularly after she experienced abuse at a shelter in Cúcuta. That pushed her to move even farther from home.

"I don't think about going back, under any circumstances," she said, speaking from Medellín, where she works as a seamstress, earning less than minimum wage. She said she doesn't have enough money to buy food, clothes, or even shampoo, and relies on her parents to wire her any money they are able to scrape together.

TNH

The New Humanitarian

"All I want is to be able to study again," she continued. "I want to start a new life, with new opportunities, but it's so difficult."

According to García, this kind of economic precarity often forces women to return to Tibú, perpetuating the cycle of violence.

"Most of them have had to return to the town, putting themselves in danger," she added, explaining that this is one more symptom of the lack of government support for victims.

celebration in Cúcuta, where they were honoured by the

Colombia human rights ombudsman's office for their activism.

During the ceremony, the provincial director of the attorney general's office reminded the women gathered in the auditorium that he was available to support and protect them "24/7", urging the audience to "have faith in the attorney general's office." One by one, government officials took the floor, listing their phone numbers, urging the human rights defenders in the audience to call them whenever they needed.

When García received her award, she called out what she saw as their hypocrisy, saying: "They keep murdering women, they keep threatening us, and I don't see any results."

As she sat back down, she turned to those sitting nearby. Where, she asked, were these officials when she was asking for help for the threatened women in her community.

"They give us their [phone] numbers and sometimes they answer our calls," she said. "But they never actually help us."

Edited by Paula Dupraz-Dobias and Anna Lekas Miller.

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In Northern Colombia, Women and Girls Endure Astonishing Violence and Need Immediate Protection and Cash Assistance

News and Press Release

Sources: CARE(/organization/care), WRC(/organization/wrc)

Posted: 21 Oct 2021

Originally published: 21 Oct 2021

By Cassondra Puls, Women's Refugee Commission, and Catalina Vargas, CARE Colombia

At Colombia's border with Venezuela, women and girls face daily risks to their health and lives to survive and provide for themselves and their families. In September 2021, CARE Colombia field staff spoke to more than 80 women in Ocaña, Norte de Santander, Colombia, about their lives and exposure to violence. Women described deprivations and violations, including high levels of gender-based violence (GBV), with few services or aid to turn to.

As the COVID-19 crisis swept across the globe, the pandemic exacerbated the humanitarian situation in northern Colombia. On the border with Venezuela, criminal syndicates fight for control over land, oil, and the drug trade at the expense of the population. As a result, human trafficking, massacres, assassinations, and other acts of violence have increased — and the impacts of these overlapping crises on women and girls in the Norte de Santander region are profound. Levels of violence against women — already extreme — are worsening, and services and aid for women remain inadequate .

This is what the Women's Refugee Commission (WRC) and CARE have found in our project in Ocaña, a town of 100,000 where over 40,000 are displaced people and migrants, most of them women and children. Our project's local partner — whose name is being withheld to keep them from becoming a target of violence — is delivering services focused on survivors of GBV. The services include one-on-one psychosocial and legal support, along with cash assistance of US$100 per survivor, to improve survivors' safety and meet their needs.

In an assessment we carried out in September 2021 with 82 displaced Colombian and migrant Venezuelan women, we found that almost all (90 percent) met the risk and vulnerability profile that qualified them for GBV services with cash assistance. Seventy percent reported threats, intimidation, and other forms of psychological abuse, while 71 percent reported experiencing physical abuse, and 56 percent told us they had been blackmailed by partners and relatives through control of financial resources to keep them from leaving abusive relationships. The assessment aligned with other reporting from the region: that GBV is rampant and relentless , and targets women and girls who often are economically dependent on their abusers and vulnerable to exploitation.

In the patriarchal culture of Norte de Santander, safe economic opportunities are limited, making women dependent on male partners, who can be abusive, for basic needs. In our assessment, women, Colombian and Venezuelan alike, described emotional abuse, physical violence, and forced sex at the hands of intimate partners and their own relatives to have a degree of economic security — or else face rights violations, sexual exploitation, and risks of disappearance and death in the broader community. For example, some Venezuelan migrant women had to accept shelter from male strangers — a vulnerable position that could lead to domestic servitude or forced physical and sexual labor at coca plantations.

Women we spoke to who did flee from abusers, especially Venezuelan migrants with fewer support networks, were struggling to clothe themselves and their children. This forced some women to engage themselves, or their daughters, in transactional sex work to pay for basic needs. Those who crossed borders in search of employment risked being kidnapped by criminals controlling crossings. With little recourse, women feared that they or their children would be forced into armed groups or become victims of femicide.

These are real fears. In Norte de Santander, threats, physical abuse, and sexual violence against women escalate into murder with little consequence to the perpetrator. Femicide, the murder of women based on their gender, is a leading cause of death for Venezuelan women and girls in Colombia. Femicide across Colombia dramatically increased during COVID-19, including in Norte de Santander, where, as of July 2021, there were 10 reported cases of femicide.

In the face of extreme levels of violence targeting women and girls, our assessment tried to map existing services — but found few other services or sources of relief for GBV survivors in Ocaña. Government agencies were overwhelmed and lacked resources to protect women and respond to high levels of GBV. This is a situation that calls for civil society and humanitarian organizations to step in to fill the gaps in women's protection. Yet, at the time of our assessment, there were only two other organizations providing relief in Ocaña: one provides school kits and the other offers livelihood trainings.

The conflict in northern Colombia is a humanitarian crisis, one that disproportionately victimizes women and girls, and available services are shamefully inadequate to meet needs. CARE and WRC call on relevant national and international actors to negotiate safe, principled humanitarian access to women, girls, and other populations in need of assistance in conflict-affected regions of Norte de Santander. These actors should strengthen existing coordination mechanisms, or put new ones in place if needed, to ensure that government actors and humanitarian organizations can support women's protection, livelihoods, and resilience.

A comprehensive humanitarian response in Norte de Santander — comprised of government agencies supported by civil society — must prioritize GBV response services. Trained GBV case workers are a lifeline in the face of threats of violence and murder. GBV programs that provide access to cash assistance can support women in recovering from trauma, and then with access to financial resources to change their circumstances.

National authorities must meet their commitments to protect civilians and displaced people. No matter how complex a crisis, until peace comes, it is the responsibility of the government and international community to protect the rights and lives of women and girls.

Primary country:

Colombia(/country/col)

Other country:

Venezuela (Bolivarian Republic of)(/country/ven)

Sources:

CARE(/organization/care) / Women's Refugee Commission(/organization/wrc)

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Impunity for femicide in Colombia is still above 90%

By **Hayley McCord** - September 27, 2021

Like many countries, various forms of violence against women in Colombia increased during the pandemic.

Protestors campaign against violence against women. Photo: Observatorio Feminicidios Colombia

Violence against women is a problem all over the world. The WHO estimates that almost 1 in 3 women have been victim to some kind of violence by a partner in their lifetimes. This type of violence can take many forms and has far reaching health and human rights implications.

Colombia has high numbers of domestic violence cases, femicides, sexual violence, and conflict-related sexual violence. It does have some progressive laws in place to tackle these issues, but prosecution rates remain low. Activists point to impunity of over 90% for some of these crimes.

You might think the day of Amor y Amistad would be about love and friendship. It is, but sadly it's also the day that sees the second most reports of violence towards women in Colombia. Mother's Day is the worst.

This year, Bogotá's mayor Claudia López re-introduced a campaign called 'Pregunta por Ángela' which encouraged women to approach staff in bars and clubs and say they need Angela if they are in need of help. A similar scheme lets women ask for help in supermarkets and other public spaces.

Pandemic made it hard for victims to get support

It is hard to get an accurate picture of what happened during the pandemic. Ana María Peñuela, from the Ministry of Health said that the risk of violence against women and girls in the home had increased during the health emergency. But several activists and observers, including Peñuela, point out that victims may have had trouble reporting these crimes because of the quarantine restrictions.

What we do know is that all Colombia's helplines — 155, 123, and 122 — reported a significant increase in calls related to domestic violence. Indeed, 155, the domestic violence hotline, said it received almost 19,000 calls between March 25 and October 29, 2020. That's more than double the same period in 2019.

The Fiscalía also reported an increase of 6% in domestic violence cases, from 88,859 in 2019 to 94,270 in 2020. The number of sexual crimes fell from 38,697 in 2019 to 30,579 in 2020.

Juliana Castillo Rodas, of the Fundación Feminicidios Colombia, an NGO that monitors gender-based violence told *The Guardian*: "Sadly when we speak about violence against women in Colombia, there isn't a single place that we can call 'safe,' but what we can say is that the home has become one of the most dangerous places for women."

There are a number of groups and NGOs in Colombia that advocate against and raise awareness of violence against women. Support groups for survivors of sexual violence — like

Mujeres Gestionando Paz — also campaign for justice. But it's also important to tackle the roots of the issue, with the hope of slowly changing the dynamics that lead to violence.

That's why projects like the Escuela Nacional de Desaprendizaje de Machismo (ENDEMA), a school for unlearning machismo, are key. The project, which involves Brigitte Baptiste, president of Ean University and a leading voice on gender issues, the European Union, and Colombian journalists, aims to combat prejudice. As Baptiste put it, "the exercise invites us to unlearn, to watch what we say and who we say it to, to not widen the gap between men and women."

Femicide

Femicide has long been a problem in Colombia, so much so that in 2015, the country passed a law that made femicide — a gender-based hate crime — a legally defined crime with heavy punishments. It gives the state more power to intervene and gives more power to the victims of these crimes.

However, according to data from the Observatorio Feminicidios Colombia, the number of femicides increased from 571 in 2019 to 630 in 2020. These figures are higher than reports from other organisations — the Fiscalía registered 186 victims in 2020.

According to No Es Hora De Callar (It's Not Time To Shut Up), a campaign led by journalist and activist Jineth Bedoya, only 7% of the femicide cases have been fully pursued by the courts. By October 2020, 93% of the femicide cases from that year remained in impunity.

Conflict leaves shadow of sexual violence

One additional aspect to understanding violence against women in Colombia is the sexual violence that took place during its conflict. According to research by PeaceWomen, 489,687 women were victims of sexual violence between 2001 and 2009. This equates to about 150 women suffering this type of violence every day.

The peace agreement was the first of its kind to specifically include a gender sub commission and dedicate a chapter to gender. The final accord included 130 measures to promote equal rights, including commitments to include female ex-combatants in economic initiatives and that women would play an active role in peacebuilding. It also included specific measures to ensure victims of violence could access the transitional justice system.

However, implementation is proving a challenge. According to the latest Kroc Institute report on gender implementation, in 2019, 42% of the gender commitments had not been started. In comparison, work is underway on 27% of the overall commitments.

In addition, a report from the committee set up to monitor the implementation of the victim law, showed over 90% of cases that were referred to the Fiscalía remain uninvestigated.

And the violence continues. The peace agreement may have brought about peace on paper, but in reality, many regions of Colombia still struggle with armed violence as gangs attempt to fill the vacuum left by the FARC. COVID-19 restrictions meant women in these regions were especially vulnerable. According to a report by the UN, "The pandemic increased vulnerability in areas affected by conflict, making it difficult for survivors and women's organizations to gain access to protection mechanisms and referral pathways."

It may be some time before we know the full impact of COVID-19 on violence against women, but we can already see that the picture has worsened. However, authorities have at least

shown they are aware of the problem. As Colombia grapples with a new normal, we can only hope the figures from 2021 show a reduction in this type of violence and an increase in prosecution.

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Hard Times in a Safe Haven: Protecting Venezuelan Migrants in Colombia

Latin America Report N°94 | 9 August 2022

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Table of Contents

Executive Summary i

I. Introduction 1

II. A Mass Exodus and a Hard Landing 4
- A. Mass Migration's Drivers 4
- B. Permits to Stay 6
- C. For Many, a Precarious Home in the City 7
- D. Labour Market Difficulties 8
- E. Access to Health Care 9

III. The Lure of Crime 11
- A. Venezuelans and Colombian Armed Groups 11
- B. Criminal Groups and Urban Gangs 14
- C. Coca Cultivation 17
- D. Gold Mining and Trafficking 18

IV. Human Trafficking and Sexual Exploitation 19

V. The Backlash against Venezuelans 22
- A. Public Perceptions 22
- B. Stigma and Vulnerability 23
- C. Deportation 24

VI. Recommendations 26
- A. Protection 26
- B. Integration 28
- C. Bilateral Diplomacy 30
- D. Resolving the Venezuelan Crisis 31

VII. Conclusion 34

APPENDICES

A. Map of Colombia 35

B. Venezuelan Migrants and Refugees in Colombia 36

C. About the International Crisis Group 38

D. Crisis Group Reports and Briefings on Latin America and the Caribbean since 2019 39

E. Crisis Group Board of Trustees 41

Principal Findings

What's new? Close to 2.5 million Venezuelans are living in Colombia, having fled their home country's economic collapse and political crisis. While Bogotá has generously offered residency rights, many migrants and refugees nevertheless face extreme hardship and have few resources to sustain themselves.

Why does it matter? Thriving armed and criminal groups in Colombia's cities and countryside have absorbed Venezuelans as cheap recruits, often deploying them for high-visibility crimes while exposing them to great physical danger. Xenophobia toward Venezuelans has risen sharply, surging during periods of unrest.

What should be done? The new Colombian government and donors should cooperate to improve protection of arriving migrants, including by diverting them from violent areas, and help them get access to the formal labour market. Rebuilding ties between Colombia and Venezuela will be vital to giving migrants an option to return safely home.

Executive Summary

Colombia has welcomed millions of Venezuelans fleeing their homeland, but many remain at risk in the country. Venezuelans have fanned out across the Americas, but by far the largest number, close to 2.5 million, have settled in Colombia, where governments sympathetic to the distress across the border and cool to leaders in Caracas have offered them residency and services. These policies stand out for their compassion but are not matched by sufficient economic or other support. Penniless migrants and refugees are vulnerable to sexual exploitation. Many have little choice but to rely on informal work and are vulnerable to recruitment into armed groups or street gangs. As the Venezuelans' role in criminal outfits has grown more prominent, xenophobia directed at them has also increased. To break this cycle, Colombian authorities should work with partners to offer better protections for Venezuelans and to strengthen legal economic opportunities. Colombian President Gustavo Petro's plan to restore dialogue with Caracas will be essential to ensuring that migrants can pass safely between the two countries.

Escaping a huge economic contraction, rising insecurity, collapsing public services and a political crackdown, over six million migrants and refugees from Venezuela have sought a new, safer life abroad over the past decade – with most leaving home since 2017. From these Venezuelans' perspective, Colombia boasts several attractions as a destination: it shares a porous 2,200km frontier with its neighbour, making it possible albeit dangerous to cross, even when official borders are closed; its governments have been highly critical of Caracas; and it has offered residency and access to public services to the newcomers. Moreover, until the onset of COVID-19, its economy was enjoying steady growth, with thriving labour markets in its big cities.

But in other ways Colombia is one of the least suitable Latin American countries to receive a mass migrant exodus. Over decades, various fronts of a vicious, multi-pronged internal war caused the country to suffer some of the world's highest rates of forced displacement – and drove out millions of migrants and refugees. Colombia has had no previous experience of offering shelter and respite to so many migrants, and its lack of know-how and capacity is conspicuous. The country's cash-based informal economy accounts for close to half of all jobs and is characterised by paltry, erratic pay – particularly for Venezuelans, who, for lack of formal alternatives, often accept wages considerably lower than what locals receive.

In poor rural areas, both close to the border with Venezuela and in remote corners elsewhere, the most easily available employment is often to be found in illicit business and among armed and criminal groups. Despite the 2016 agreement with the guerrilla Revolutionary Armed Forces of Colombia (FARC), which brought an end to the country's largest insurgency and mapped out a route to lasting peace, splinter groups (known as "dissident" factions) and other armed bands continue to coerce communities and perpetrate acts of violence throughout large parts of the country. Migrants have been immersed in conflict zones with no understanding of the unwritten rules for survival. Coca production and illegal mining have become major sources of work for Venezuelans; human trafficking and sexual exploitation plague border towns (and big cities as well), with women and minors in special danger. Gender-based violence

is particularly common at informal border crossings under criminal control, where the means of protecting victims are generally absent.

Struggling with high unemployment, bouts of social unrest and, since 2020, the effects of COVID-19, Colombia's big cities have likewise proven inhospitable. Tens of thousands of Venezuelans ended up walking back to the border in the first months of the pandemic after the state prohibited their work as streets vendors, causing many to be evicted from cramped lodgings. Just as armed groups in the countryside lure Venezuelan recruits with one-off payments, food and shelter, urban gangs have targeted desperate migrants, many of them sleeping rough (an estimated 16 per cent of homeless people in Colombia are now Venezuelan). Employed by gangs as part of their growing work force, migrants offer cheap labour as street fighters, drug dealers and hit men. Although working under the orders of illicit Colombian groups, the high-visibility crimes perpetrated by migrants have fuelled xenophobia toward Venezuelans. Migrants who have been exploited for their vulnerability and poverty are regularly vilified by members of the public and politicians as the cause of low wages, insecurity and public disorder.

Preventing recruitment of migrants and refugees by armed and criminal groups is essential both to the safety of Venezuelans and the broader cause of peace and security in Colombia. Crucial steps toward this end should include strengthening migrant reception services close to the border or in big cities; improving support for all newcomers seeking safe passage to their destination; and making migrants aware of the perils of involvement with organised crime. More safe houses for sexually exploited and trafficked women and children along the border are also an acute need. But Colombia cannot do all these things by itself. Foreign partners and international bodies working on migration, conflict, gender and humanitarian emergencies should help the cash-strapped Colombian state foot the bill.

In certain areas, however, the incoming government in Bogotá will have to assume primary responsibility. Where Venezuelans have found themselves embroiled in violence, they should be given the right to be registered as victims of Colombia's conflict, which by law entitles them to reparation payments and special judicial attention. The Colombian state should also strive to iron out the difficulties Venezuelan migrants encounter in trying to join the formal economy by taking additional steps to recognise their educational qualifications and providing vocational training where necessary. Stricter law enforcement to ensure Venezuelan employees are not exploited or underpaid in their work, thereby undercutting protections for Colombians, could help relieve the labour market frictions that the migration wave has created.

President Petro's goal of patching up severed ties between the Colombian and Venezuelan governments is also long overdue. Communication channels between border provinces enabled pedestrian traffic to resume through the main formal crossings in late 2021. But the incoming Colombian government has made clear it wishes to restore full diplomatic and consular relations, while Petro himself has stressed the need for the two states to work together in improving security and boosting formal trade along the border. A fragile stabilisation of Venezuela's economy, driven in large part by use of the U.S. dollar as legal tender in the country, has raised the prospect that more migrants can go back to their home country voluntarily. Making sure there

is safe passage in both directions will require far more cooperation between the two states, as well as support from international agencies.

Colombia's offer of a safe haven for Venezuelans is both a grand gesture of solidarity and a promise the country has been hard pressed to meet. Stronger protection upon migrants' arrival, clear routes to the formal labour market, restored bilateral ties and a safe way to return home if desired are vital to protecting migrants from the lures and dangers of crime and exploitation, with all the ill effects that those may bring.

Bogotá/Washington/Brussels, 9 August 2022

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Hard Times in a Safe Haven: Protecting Venezuelan Migrants in Colombia

I. Introduction

Over the past quarter-century, migration out of Venezuela has come in three successive stages, prompted by political tumult, economic and social unrest, and a deep humanitarian crisis.[1] The first wave included affluent Venezuelans in possession of passports and sufficient funds to book a flight, many of them leaving during President Hugo Chávez's rule (1999-2013). During the second wave, between 2016 and 2017, many middle-income families departed, primarily to other South American countries. Finally, since 2018, people lacking resources to travel and often without passports have headed out on foot, becoming known as *los caminantes* (the walkers). As time passed, worsening conditions – including hunger, extreme poverty, a failing health system and widespread violence – have accelerated the exodus. Around one fifth of Venezuela's population of 30 million has moved abroad over the past decade, with most of this migration occurring since 2017.

Of the six million Venezuelans who have left their country since 2013, nearly 2.5 million live in Colombia, which shares a 2,200km border with Venezuela, and which has in many respects presented itself as a welcoming neighbour.[2] Successive governments have sought to assure incoming migrants and refugees of their rights to stay, work and enjoy access to social services.[3] Leaders in Bogotá have won plaudits from foreign officials and international humanitarian bodies for their efforts to provide newly arrived Venezuelans with a degree of protection, including through special residency permits and close working arrangements with UN agencies and donors to handle the migrant inflow.

[1] Bram Ebus, "Under a Merciless Sun: Venezuelans Stranded across the Colombian Border", Crisis Group Commentary, 25 February 2020. In Latin America and the Caribbean, according to surveys done by the International Organization for Migration (IOM), about 34 per cent of the female migrants travelled by themselves. In Colombia, about half of the Venezuelan migrant population are women. Frequently, men depart first, with their wives and children following later. "Displacement Tracking Matrix", IOM, July 2020.

[2] About 295,000 undocumented Venezuelans are in Colombia. "Distribución de Venezolanos en Colombia – Corte 28 de Febrero de 2022", Migración Colombia, 19 July 2022; Plataforma de Coordinación para Refugiados y Migrantes de Venezuela (R4V), January 2022. Crisis Group telephone interview, Bogotá city official, 29 March 2022.

[3] For brevity's sake, this report will refer to migrants, refugees and returnees as "migrants". While the term has no definition under international law, the IOM defines a migrant as a person who "moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons". "Who is a Migrant", IOM, undated. For purposes of this report, the term includes both refugees (whom the UN Refugee Convention of 1951 defines as "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion") and returnees (here, Colombians who settled in Venezuela, mainly escaping the internal conflict in Colombia, but who have decided to return to their homeland).

But laudable as these efforts have been, Colombia has struggled to provide Venezuelan migrants with the support they need, a problem with both humanitarian and security implications. Many migrants suffer extreme economic hardship and violent intimidation in a country still troubled by armed and criminal outfits, and with its own long history of forced displacement.[4] For many Colombians, the visible face of Venezuela's humanitarian emergency consists of the migrants scraping by in the country's cities, where organised crime often has more absorptive capacity than formal businesses or state employment schemes. But many migrants also end up in rural and conflict-affected regions. Although the largest insurgency in the country, the Revolutionary Armed Forces of Colombia (FARC), handed over its weapons following the 2016 peace accord, an array of armed groups continues to plague rural areas. Migrants can now be found in the most remote corners of Colombia, working in rackets that help fund these groups and their activities, including illegal gold mining, fuel smuggling and coca growing.

A rupture in diplomatic relations between Colombia and Venezuela in February 2019 only deepened the difficulties faced by migrants. Whether seeking to cross a frequently closed formal border, return safely to family in their homeland, obtain official documents or receive basic consular services, migrants have found their efforts thwarted by the refusal of President Iván Duque's government in Bogotá to entertain any sort of relationship with President Nicolás Maduro.

But major changes are afoot in Colombia and the question is what happens now. President Gustavo Petro's victory at the polls in June and his formal inauguration on 7 August made him Colombia's first left-wing president in recent history, auguring a dramatic switch in policy direction for Bogotá on many key issues, including relations with Caracas. Despite his historical differences with the Maduro government, Petro spoke with the Venezuelan president days after his election and declared that borders between the two countries would be fully reopened; he also made clear throughout his campaign that he would restore ties with Venezuela.[5] Petro is also expected to renew efforts to negotiate with Colombia's current largest guerrilla group, the National Liberation Army (ELN), which has a presence on both sides of the border, and has flourished deeper inside Venezuela in recent years.[6]

As the political transition proceeds in Bogotá, this report examines the challenges faced by Venezuelan migrants who have sought safe harbour in Colombia, including the risk of being recruited into criminal and armed groups, and how their vulnerability in this regard has affected public perceptions of them. Focusing on the second and

[4] Over eight million people are registered as victims of forced displacement in Colombia. Colombia's Victims Unit, April 2022. The number of Colombians who fled to Venezuela due to decades of conflict is unknown. About five million Colombians lived in Venezuela in 2015, making up some 15 per cent of the population. This total included refugees, but also Colombians who had migrated to Venezuela in search of employment opportunities. See Yhoger Contreras, "Colombians flee homes in Venezuela amid border crackdown", Associated Press, 25 August 2015.

[5] "Gustavo Petro concede a Noticias Caracol su primera entrevista tras ser elegido presidente", Noticias Caracol, 22 June 2022. Regarding Petro's differences with Maduro, see "Dura arremetida de Petro al gobierno de Nicolás Maduro", *El Tiempo*, 31 January 2020.

[6] "Negociar la paz con el ELN, un desafío para el gobierno de Gustavo Petro", *El País*, 25 June 2022. On failed attempts to negotiate with the ELN, see Crisis Group Latin America Report N°68, *The Missing Peace: Colombia's New Government and Last Guerrillas*, 12 July 2018.

third migratory waves described above, the report explores the ways in which the Colombian state has sought to support migrants; the difficulties it has encountered in doing so, particularly during the pandemic; and the gaps in support and protection that the new government will need to fill. This report is based on interviews with about 90 state and local officials, migrants, civil society leaders, diplomats and aid workers between November 2019 and July 2022. Research was conducted through visits to Colombian regions including Bajo Cauca, the Pacific, north-eastern Antioquia, Arauca and Catatumbo, as well as the cities of Villavicencio, Medellín, Cúcuta and Bogotá.

II. A Mass Exodus and a Hard Landing

Prior to the Venezuelan migrant exodus of the past decade, Colombia had not experienced a major inflow of migrants or refugees. The Venezuelan crisis thus forced a largely unprepared country to adapt at speed. Colombia welcomed Venezuelan migrants, but their arrival aggravated existing social tensions and placed a new set of demands on the country's already taxed institutions.

A. *Mass Migration's Drivers*

Venezuela's economic collapse has been a primary engine driving recent waves of migration into Colombia. A massive contraction prompted by ill-considered state interventions, falling oil prices and corruption, and worsened by the imposition of U.S. financial and economic sanctions from 2017 onward, shaved 74 per cent off Venezuela's gross domestic product between 2014 and 2020.[7] Recent studies have indicated that 95 per cent of Venezuelans remaining in their country live in poverty and 77 per cent in extreme poverty following this nosedive, which caused the monthly minimum wage to decline to a few dollars by early 2022, although it has risen since.[8] Dollarisation of Venezuela's economy has afforded a modicum of stability by tempering hyperinflation, but salaries for public-sector employees remain very low and economic conditions are still forbiddingly tough for most people.[9]

The country's economic straits are linked to its political crisis, which has also escalated under the government of President Maduro. Following his election in 2013, economic collapse, rising insecurity, and shortages of food and medicines created the backdrop for an opposition victory in the 2015 legislative contests. Two years later, the government stripped the opposition-held National Assembly of its powers. Amid intensifying political conflict and an authoritarian clampdown by the government, the opposition boycotted the 2018 presidential polls, which Maduro won. Arguing that the vote was fraudulent and unfair, the speaker of the National Assembly, Juan Guaidó, asserted his claim to be "interim president" in early 2019 and won recognition from over 50 countries, including the U.S. Subsequent attempts by elements of the opposition to unseat Maduro, including a civil-military uprising and a mercenary invasion, failed to achieve their goal, enabling the president to consolidate his hold on power.[10]

[7] "Encuesta Nacional de Condiciones de Vida 2021", Universidad Católica Andrés Bello, 2021.

[8] In March, President Maduro announced an eighteen-fold increase in the minimum wage, which now stands at $28 a month. "Salario mínimo Venezuela sólo cubre 5 % de alimentos, según ente independiente", Swissinfo, 20 June 2022.

[9] "Encuesta Nacional de Condiciones de Vida 2021", op. cit.; "Extreme poverty in Venezuela rises to 76.6% – study", Reuters, 29 September 2021. Many Venezuelans have quit their jobs, and those who have stayed in the country, including highly educated professionals, have resorted to informal means of earning a living, including illegal gold mining in southern states or smuggling goods across the borders with Brazil and Colombia. Crisis Group Latin America Report N°73, *Gold and Grief in Venezuela's Violent South*, 28 February 2019.

[10] See Crisis Group Latin America Reports N°s 75, *A Glimmer of Light in Venezuela's Gloom*, 15 July 2019; and 85, *Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep*, 21 December 2020.

Increasing repression has also been a hallmark of the Maduro administration. While repression and widespread abuse are not the main causes of migration, they are among the reasons migrants cite for leaving the country.[11] The UN Independent International Fact-Finding Mission on Venezuela has condemned state authorities for a wide variety of human rights violations, including arbitrary arrests and disappearances by security forces, and stated that instead of protecting rights and freedoms, judicial authorities have facilitated impunity.[12] In November 2021, the International Criminal Court announced a formal investigation into possible crimes against humanity in Venezuela allegedly committed by security forces.[13]

One further cause pushing Venezuelans to leave their country has only surfaced in the last year or so. Since early 2021, flare-ups of fighting between FARC "dissident" factions (ie, splinters of the disbanded organisation) and the Venezuelan army in the border state of Apure has forced Venezuelans to flee across the border.[14] Of the at least 6,000 uprooted people who crossed into Colombia in early 2021, several hundred were displaced from Apure state to the departments of Arauca and Vichada in Colombia, including over a dozen families of the Jivi ethnic tribe.[15]

Even though Colombia is right next door, crossing the border is a perilous endeavour. Due to border closures or their lack of travel documents, many Venezuelans have no alternative but to walk over informal tracks (*trochas*) controlled by armed groups and gangs that charge fees for passage and are frequently violent.[16] An estimated 63 per cent of families entering Colombia did so over irregular border crossings.[17] Corrupt police officers may also benefit by collecting extortion fees of roughly 5,000 Colombian pesos ($1.25) from motorcyclists transporting food products, such as eggs, across the border from Colombia to Venezuela. Venezuelans have also reported abuses by Colombian migration officials, including throwing water at sleeping mi-

[11] "La Crisis de Migrantes y Refugiados Venezolanos", OAS, June 2021; "¿Qué se sabe sobre la migración venezolana reciente?", Observatorio Venezolano de Migración, 2021.

[12] "Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela", UN Human Rights Council, September 2020; "Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela", UN Human Rights Council, 16 September 2021.

[13] Mariano de Alba, "Venezuela: International Criminal Court Probe Puts Maduro in a Quandary", Crisis Group Commentary, 12 November 2021.

[14] Following the 2016 peace deal with the government, several splinter groups of the guerrilla still using the name FARC are active in Colombia. See Crisis Group Latin America Report N°92, *A Fight by Other Means: Keeping the Peace with Colombia's FARC*, 30 November 2021.

[15] Crisis Group telephone interview, humanitarian aid official, April 2022. See also "Ya son más de 6.000 los refugiados venezolanos en Arauquita", *El Tiempo*, 2 April 2021. In the years prior to the uptick in fighting in Apure, Venezuelans had already been displaced across the border due to conflict in the southern mining districts of Amazonas and Bolívar states. See Crisis Group Report, *Gold and Grief in Venezuela's Violent South*, op. cit.

[16] Crisis Group interview, Venezuelan migrant, Villa del Rosario, 27 November 2021.

[17] "Colombia: Evaluación de Seguridad Alimentaria en Emergencias (ESAE) para Población Migrante de Venezuela y Hogares de Acogida en Departamentos Fronterizos", World Food Programme, February 2020.

grants, sometimes beating people who need to spend the night outside near their offices, and destroying valid identity documents.[18]

B. *Permits to Stay*

In 2017, as migration from Venezuela surged, President Juan Manuel Santos' government created the Permiso Especial de Permanencia, or special residency permit, to enable incoming Venezuelans to stay legally in Colombia. Colombian solidarity with Venezuelan migrants reflected an expression of sympathy with their flight from an increasingly authoritarian government, as well as a pragmatic understanding that migrants could not be stopped from coming across a long, porous border. The permit granted registered migrants two years of residency, access to social services and a work permit.[19] Appointment of a border czar working in the presidential offices helped streamline coordination among ministries and state agencies handling the migrant flow and cut red tape, enabling around 660,000 Venezuelans to obtain residency permits within three years.[20] Even so, ranging from 2017 to 2021, between 41 per cent and 57 per cent of Venezuelans in Colombia still had no formal legal authority to stay because of administrative hurdles and the lack of capacity to process permit requests.[21]

In response to increasing migrant numbers, President Duque's government developed new legislation, enacted in May 2021, that granted Venezuelans temporary protection status (known as the Estatuto Temporal de Protección para Migrantes Venezolanos).[22] Widely praised abroad for its generous provisions, the statute affords Venezuelan migrants who obtain a permit ten-year residency and allows them access to public education, health care and the job market. By February 2022, about 2.4 million Venezuelans, or 96 per cent of the migrant population, had applied for a protection permit, with Colombian migration authorities having approved nearly 1.4 million by July 2022.[23] Still, not all Venezuelan migrants are eligible to apply. Those who cannot prove their date of entry or provide valid identification documents are subject to deportation, spawning a black market in "service providers" who offer to fix paper-

[18] Crisis Group interview, Venezuelan migrant, Villa del Rosario, 27 November 2021. Abuses by border officials have been previously documented and described by Colombian media and Crisis Group. See "El drama de las violaciones en la frontera con Venezuela", *Semana*, 12 March 2020; and Crisis Group Latin America Report N°84, *Disorder on the Border: Keeping the Peace between Colombia and Venezuela*, 14 December 2020.

[19] Stephanie López Villamil and Helen Dempster, "Why Colombia Granted Full Rights to Its 1.7 Million Venezuelans, and What Comes Next", Center for Global Development, 26 January 2021.

[20] Crisis Group interview, migration expert, Bogotá, 1 March 2022.

[21] "Migration from Venezuela: Opportunities for Latin America and the Caribbean", International Labour Organization, 2021; "Socioeconomic Integration of Venezuelan Migrants and Refugees", IOM, July 2021.

[22] Ronal Rodríguez, "Lo que sigue para el Estatuto temporal de protección para migrantes venezolanos", *El Espectador*, 22 February 2021.

[23] "Distribución de Venezolanos en Colombia – Corte 28 de Febrero de 2022", op. cit.; "Migración Colombia entrega balance de la implementación del estatuto temporal de protección", press release, Migración Colombia, 19 July 2022.

work.[24] Venezuelans living in rural areas and lacking funds for travel often find it difficult to reach towns where the permits are handed out.[25]

C. *For Many, a Precarious Home in the City*

Conditions remain challenging for many migrants and refugees upon arrival in Colombia. Whereas food, fuel and medicine are generally not scarce, finding work in Colombia's formal economy and the means to purchase goods can be an ordeal. By the end of 2021, 48 per cent of workers were employed in the informal economy, a rate that rose to 70 per cent in the town of Cúcuta, the largest Colombian city close to the border with Venezuela, and home to nearly 170,000 Venezuelan migrants.[26] An estimated 90 per cent of Venezuelans working in Colombia are employed in the informal economy, where pay tends to be lower and more erratic.[27]

Venezuelan migrants have mainly settled in Colombia's big cities. Some 495,000 Venezuelans are registered in the capital Bogotá, while another 191,000 are located in Medellín, Colombia's second biggest city. After that come the border city Cúcuta, Cali, Colombia's third largest conurbation, located in the south west, and the Caribbean port of Barranquilla.[28]

Cities present specific challenges for many migrants. Those who have been unable to get their hands on a legal stay permit or lack a stable income face difficulties in obtaining apartment leases. For this reason, many poorer Venezuelans end up in informal accommodation or pay-per-day rooms, called *pagadiarios*, a predominantly urban phenomenon. Conditions in these facilities are commonly described by their inhabitants as miserable and inhumane.[29] Entire families cluster together in tiny rooms and share mattresses. "The state does not provide economic guarantees and migrants look for their own solutions", a state official said of these housing conditions.[30]

To pay for these *pagadiarios*, many Venezuelans join the informal street economy, selling products such as cigarettes, rubbish bags and sweets. What is earned during the day is spent after work on food and nightly accommodation. Experts who work closely with migrants warn that the owners of temporary accommodation sometimes entice tenants into taking part in criminal activities, or ask for sexual favours, as a means of paying the rent.[31]

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[24] Crisis Group interview, social worker, Cúcuta, December 2022. Migrants who entered before 31 January 2021 can apply for protection status under the 2021 statute. Migration experts highlight the importance of scheduling a new round of applications for the status that includes a more recent date of entry. Crisis Group interview, senior official international agency, Bogotá, 19 July 2022.
[25] Crisis Group interview, humanitarian agency representatives, Bogotá, 10 February 2022.
[26] "Distribución de Venezolanos en Colombia – Corte 28 de Febrero de 2022", op. cit.; "Informalidad cedió en las 13 principales ciudades del país", *Portafolio*, 10 November 2021; "Migration from Venezuela: Opportunities for Latin America and the Caribbean", op. cit.
[27] "¿En qué trabajan los migrantes venezolanos en Colombia, por lo general?", El Tiempo, 9 November 2021.
[28] Crisis Group telephone interview, Bogotá city official, 29 March 2022. See also "Distribución de Venezolanos en Colombia – Corte 28 de Febrero de 2022", op. cit.; and R4V, op. cit.
[29] Crisis Group interviews, migrants, refugees and civil society representatives, 2020-2022.
[30] Crisis Group interview, state official, Villa del Rosario, 1 December 2021.
[31] Crisis Group interviews, migration and human rights experts, January and February 2022.

Venezuelans are also vulnerable to being kicked out when unable to pay. Mass eviction became an acute problem in Colombia during the first COVID-19 lockdown from March 2020, when social distancing rules prohibited street vendors from working outside, in effect denying many migrants their only source of income. Lockdowns forced tens of thousands of Venezuelans to walk back to their native land, where they could at least find a place to stay with family or friends after losing their livelihoods and being turned out into the street by landlords, despite a ban on dislodging tenants during the pandemic's early stages.[32] Due to their precarious employment conditions and poverty, some 31 per cent of Venezuelan families indicated in a recent survey that they risked eviction because they could not pay rent and utilities, while about a quarter of refugee and migrant households in Colombia face food insecurity and consume poor-quality water.[33]

D. *Labour Market Difficulties*

Most of the Venezuelans in Colombia yearn for stable, paid employment.[34] But their chances of gaining work are limited, and the opportunities on offer are often far from desirable. At least 24 per cent of Venezuelan refugees and migrants in Colombia are unemployed, according to the state statistical institute.[35] For those who have work, conditions are often harsh. About 41 per cent of the Venezuelans in Colombia work more than 48 hours a week – above the legal limit on working hours – and often make considerably less money than their Colombian peers. In the construction industry, for example, a Colombian employee can earn up to 70,000 Colombian pesos ($17.5) a day, while a Venezuelan is paid about 30,000 pesos ($7.5), even if he is similarly skilled.[36]

Low pay affects Venezuelan women even more acutely than men, with earnings 26.5 per cent less than those of a Venezuelan man, according to a 2019 survey.[37] Venezuelan women are frequently the primary breadwinners for their households; as

[32] Crisis Group Latin America Briefing N°24, *Broken Ties, Frozen Borders: Colombia and Venezuela Face COVID-19*, 15 April 2020.

[33] "Refugee and Migrant Response Plan for Venezuela 2022", Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, 2021. By July 2021, according to the World Food Programme, 1.1 million Venezuelans in Colombia – representing 64 per cent of migrants in the country – were food-insecure, and 14 per cent were malnourished. "Food Security Update Venezuelan Migrants in Colombia, Ecuador and Peru", World Food Programme, August 2021. Another survey found that some 77 per cent of refugee and migrant households in June 2021 reported that they lacked access to health care; 85 per cent of the households said their priority was obtaining food, while about 59 per cent of households skip at least one meal a day. "Evaluación Conjunta de Necesidades", Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, June 2021.

[34] "Migration from Venezuela: Opportunities for Latin America and the Caribbean", op. cit.

[35] "Mercado Laboral", DANE, December 2021; "Bogotá es la ciudad con más migrantes venezolanos desempleados: Dane", Proyecto Migración Venezuela, 30 June 2021; Jairo Chacón, "¿Dónde viven y en qué trabajan los venezolanos en Colombia?", Voice of America, 9 February 2022.

[36] Crisis Group interview, mining sector representative, north-eastern Antioquia, 11 November 2020.

[37] "¿Cuál era la brecha de género de migrantes en el mercado laboral antes de la pandemia?", Proyecto Migración Venezuela, 2021. A higher percentage of migrant women, compared to migrant men, work in the informal economy. "Dinámicas laborales de las mujeres migrantes venezolanas en Colombia", UN High Commissioner for Refugees, 2020.

a result, they are especially vulnerable to being exploited in order to support their children. In the border city of Cúcuta, some restaurants pay Venezuelan women half what they would pay Colombian citizens.[38]

Legal stay permits, including residency visas and temporary protection status, are no guarantee that Venezuelans can gain access to legal employment or avoid discrimination. In Bogotá, some stores state in their vacancy notices that Venezuelans should not apply.

When Venezuelans do get work, but at lower pay rates, they can find themselves at odds with the Colombian work force. Colombian workers who lose their jobs or face difficulties looking for new employment because of competition with Venezuelan migrants experience acute frustration.[39] Even among migrants, excessively low pay can generate grudges. Women who clean houses but refuse to accept less than a Colombian domestic worker (who, although by law they should receive around 70,000 Colombian pesos per day, often get paid 25,000 to 30,000, or $6.25 to $7.5) can be sacked in favour of other migrants earning 10,000 to 15,000 pesos ($2.5 to $3.75).[40]

Competition and resentment between Venezuelan and Colombian workers extend beyond the legal labour market to the illicit economy. ELN guerrillas reportedly intervened in 2018 after locals in the hamlet of El Tarra sought to drive away Venezuelan coca leaf pickers and sex workers because of their alleged deleterious effect on wages. According to these reports, the ELN ordered farm and brothel owners to pay Venezuelans and Colombians equally to quell local tensions. Most coca leaf pickers in the area are now Venezuelan.[41]

E. *Access to Health Care*

The quest for health care is one of the main causes of migration from Venezuela, where the national public health system has broken down and many hospitals lack clean water and essential medication. Expensive medicines can be obtained privately, but the prices (generally set in U.S. dollars) are unaffordable for most people. Many health care workers have also migrated, causing shortages of essential medical staff.[42] Because migrants have the right to emergency treatment in Colombia irrespective of immigration status, women cross the border in search of prenatal checkups. Babies of

[38] Crisis Group interview, social worker, Cúcuta, 27 November 2021.

[39] Economists say there is no conclusive evidence of unemployment increasing as a result of Venezuelan migration, although migrants may well have boosted the relative size of the informal economy. "Venezolanos no les están quitando el trabajo a colombianos como dice Claudia López", *Semana*, 11 March 2021.

[40] Crisis Group focus groups, migrants and returnees, Cúcuta, 4 December 2021.

[41] Crisis Group interview, security expert, Cúcuta, 26 November 2021.

[42] "World Report 2021: Venezuela", Human Rights Watch, 2022; William Rhodes and Cristina Valencia, "Venezuela's healthcare crisis needs emergency attention", *Financial Times*, 8 February 2019; Crisis Group Report, *Disorder on the Border*, op. cit.; and Ebus, "Under a Merciless Sun", op. cit. Venezuelans were granted access to COVID-19 vaccines in 2021. Prior to this decision, in December 2020 President Duque responded when asked whether undocumented Venezuelan migrants would receive a jab: "Of course not. We could have calls to stampede the border". See "Venezolanos que no tengan doble nacionalidad ni estén regularizados no tendrán vacuna COVID: Duque", Blu Radio, 21 December 2020; and "Independiente de su estatus migratorio, todos pueden vacunarse", press release, Ministry of Health and Social Protection, 29 October 2021.

Venezuelan parents born in Colombia since 19 August 2015 are now granted Colombian citizenship, a measure in force until 2023. About 66,000 babies and children have benefited.[43]

But the struggling Colombian health care system is limited in what it can deliver. Colombians themselves find it hard to gain access to decent health care, while for Venezuelans matters are even worse.[44] The state is responsible for paying hospitals for any costs related to emergency care for migrants. Since the payouts can be very slow, hospitals feel little inclination to attend to undocumented Venezuelans, and when they do, prefer to charge them directly. During the early days of the COVID-19 pandemic, irrespective of whether they had residency permits or not, Venezuelans with the virus could not get medical care or were retained in hospitals by private security until reaching agreement on payment.[45] One human rights defender in Bogotá referred to a case in which women prostituted themselves near a hospital until they could pay their medical bills.[46] Venezuelans without legal residency can also be denied the right to medical attention if the hospital deems their cases not to be emergencies; undocumented citizens with chronic diseases, cancer or in need of antiretroviral drugs are often excluded from free treatment.[47]

For those Venezuelans with formal residency, the problems faced in gaining access to health care are typical of the travails of many Colombians. The Colombian government hopes to affiliate 945,000 Venezuelans to the public health system, but by December 2021 only 427,000 had health insurance.[48] Migrants with residency papers can acquire a public health insurance policy for low-income households, but members of a focus group complained that the doctors they were allocated make prescriptions without a proper consultation (they noted painkillers in particular), while some have stopped visiting Colombian hospitals after receiving inadequate attention.[49]

[43] "Ellos ya son colombianos", UNHCR, 23 December 2021. Some Venezuelan hospitals do not have the tools to deliver clean caesarean-style deliveries and charge patients in dollars for medical supplies that should be free. See Ebus, "Under a Merciless Sun", op. cit.

[44] More than eight million people in Colombia live more than an hour away from the nearest health centre and about 2.2 million face barriers to getting any health-care services. See "Resumen Panorama de Necesidades Humanitarias 2022 Colombia", UN Office for the Coordination of Humanitarian Affairs, February 2022.

[45] Jhoandry Suárez, "Migrantes venezolanas entre las trabas de un sistema y la solidaridad para parir en Colombia (I)", *Efecto Cocuyo*, 5 February 2022; "Desigualdades en salud de la población migrante y refugiada venezolana en Colombia", Profamilia, 2020.

[46] Crisis Group interviews, human rights lawyers, Bogotá, 12 February 2021.

[47] Crisis Group telephone interviews, migration experts, 17 November 2020. Emergency services should also be given to survivors of gender-based violence. For more information, see "Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru", Amnesty International, July 2022.

[48] "Minsalud logra afiliar 21.476 migrantes en una semana", press release, Ministry of Health and Social Protection, 9 February 2022.

[49] Crisis Group focus groups, migrants and returnees, Cúcuta, 4 December 2021.

III. The Lure of Crime

Venezuelans are vulnerable to armed group recruitment and face extraordinary risks on Colombian territory. They are often unprotected thanks to their undocumented status, unfamiliar with Colombian legislation and the rights it affords, and ignorant of unwritten rules in conflict zones such as curfews and codes of conduct imposed by armed groups.[50] In Bogotá's rougher areas and other urban centres, penniless migrants become caught up in gang violence, contract killing and drug trafficking, among other things.[51] Outside the cities they are drawn into coca cultivation, illegal mining and other illicit activity.

A. *Venezuelans and Colombian Armed Groups*

Despite the 2016 peace accord with the FARC, armed conflict continues to impinge on the lives of millions of Colombians and in some areas has worsened in recent years.[52] According to Colombia's transitional justice system, 2021 turned out to be the most violent year since the peace agreement was signed, with competition intensifying among rival armed bands over illicit economies and trafficking routes that require control over land and communities.[53]

Unlike the Colombians who have experienced recurrent waves of fighting, sometimes over decades, the Venezuelans who find themselves in rural areas do not know the de facto rules of the road in zones disputed by armed groups.[54] They consequently face risks that range from detonating landmines on rural tracks and braving crossfire in border areas to breaking nightly curfews imposed by armed groups.[55] Women, children, undocumented migrants and refugees can face grave peril in these settings. Two Venezuelan boys were killed by FARC dissidents in the border town of Tibú in October 2021 after being suspected of shoplifting. Their bodies, found on a village road, bore signs with "thief" written on them.[56] In the Colombian province of Cauca, hundreds of Venezuelans were coerced into leaving a coca-growing region late in 2020 after a pamphlet signed by the ELN ordered them out. "A share of the migrant popu-

[50] Crisis Group interviews, aid agency representatives, Bogotá, 10 February 2022.
[51] "Graves violaciones de derechos humanos a población proveniente de Venezuela en Colombia", CODHES, October 2020.
[52] Crisis Group Commentary, "Tackling Colombia's Next Generation in Arms", 27 January 2022. About 5.8 million people live in areas controlled by armed groups. See "Resumen Panorama de Necesidades Humanitarias 2022 Colombia", OCHA, February 2022.
[53] "En 2021 el conflicto armado se reactivó en 12 zonas del país", press release, Special Peace Jurisdiction, 2022. The International Committee of the Red Cross identifies five "non-international armed conflicts" in Colombia. "Armed Conflict in Colombia: A Pain That Doesn't Go Away", International Committee of the Red Cross, 17 March 2021.
[54] Non-state armed groups set strict rules in areas where they operate with the aim of exercising strict social and territorial control. Examples of such rules are curfews, mobility restrictions, closing times for shops and no-go zones. The groups mete out violent punishments for breaking these rules.
[55] Crisis Group interviews, representatives international aid agency, 10 February 2022.
[56] Joe Parkin Daniels, "Killing of two boys for alleged shoplifting shocks Colombia", *The Guardian*, 13 October 2021.

lation is a victim of the armed conflict in Colombia", said one young Venezuelan migrant working on a coca plantation.[57]

Lacking resources and often without a residency permit or temporary protection status in Colombia, Venezuelan migrants have also become prime targets for armed group recruitment – often more so than poor young Colombians. Forced recruitment of both Colombian nationals and Venezuelan migrants has been on the increase since 2017 and rose notably after the COVID-19 pandemic started.[58] Armed groups' thirst for territorial expansion and increased revenues has driven the quest to absorb more personnel. "Men and numbers give military power", one state official observed.[59]

With no place to stay, and little money to pay for food and accommodation, Venezuelans en route are easy prey as they walk from town to town.[60] The ELN, for example, is reported to have a makeshift lodge in the border department of Arauca where migrants can get clean clothing, rest and something to eat for a few days while being enticed to join the group.[61] Armed groups "show they are different to the government, which does not lend a hand", an expert in child recruitment said. Even though guerrilla outfits such as the ELN do not pay their soldiers a salary, fake offers are made to recruit Venezuelans, or gifts are distributed such as cell phones or even motorbikes. In Arauca, one of its traditional bastions, the guerrilla group allegedly pays one-off signup fees of between 200,000 and 500,000 Colombian pesos ($50 to $125).

Recruitment of migrants, sometimes by force, occurs both along the border and in areas throughout the country. Venezuelans who work for armed groups are found in regions far from the customary migration routes, for example in the Chocó department on Colombia's Pacific coast.[62] Migrants are lured with gifts or recruited under threat, particularly in conflict-ridden provinces such as Nariño, Norte de Santander, Arauca, Cauca and Putumayo.[63] Cases of online recruitment have also come to light. Youngsters in Venezuela have been tricked by job offers on social media and invited to the cities of Arauca and Cúcuta, whence they were subsequently taken to rural areas by an unidentified armed group.[64]

Once in these groups, Venezuelans find escaping a perilous enterprise. Venezuelans who manage to desert lack information about their rights, where they can go and the risks they face. One 24-year-old Venezuelan, interviewed by Crisis Group in a police cell, was recruited at gunpoint in Bajo Cauca by the Caparros, a criminal outfit

[57] Crisis Group telephone interview, Venezuelan migrant, 9 November 2021.
[58] Crisis Group interviews, international cooperation representatives, Cúcuta, 26 November 2021; experts on child recruitment, Bogotá, 12 January 2022.
[59] Crisis Group interview, senior local state official, north-eastern Antioquia, 12 November 2020.
[60] A senior military representative connected the presence of armed groups in certain areas partly to migration. "Here we have a presence of groups and a lack of presence of the state. These [non-state armed] groups have taken roots due to migration, poverty, extortion and the low level of state investment". Crisis Group interview, senior military official, Arauca, March 2022.
[61] Crisis Group interviews, experts on child recruitment, Bogotá, 12 January 2022.
[62] A Venezuelan belonging to the Gulf Clan post-paramilitary group was caught and wounded in a law enforcement operation near Bojayá, Chocó. Crisis Group interview, international agency representative, Chocó, October 2021.
[63] Crisis Group interviews, experts on child recruitment, Bogotá, 12 January 2022; senior UN official, Bogotá, 15 February 2021.
[64] Crisis Group interviews, experts on child recruitment, Bogotá, 12 January 2022.

that sprung from former paramilitary forces. The group promised him monthly pay of 800,000 Colombian pesos ($200) and a permit to visit his family after eight months. He received a haircut, shave, uniform and M79 grenade launcher and was immediately sent into a conflict area without any training. Induction into the Caparros proved hellish. Over seven months, he endured humiliation and regular beatings. He did not receive the promised payment and lived through skirmishes in which he lost a Venezuelan friend. "It was either continuing or dying", he said. "I decided to continue, to find a way out". After deserting, he helped the army to find hidden weapons but was subsequently arrested himself for firearm possession and has since spent 21 months in jail.[65]

The indifference of state and security officials toward the particular needs of Venezuelans embroiled in Colombia's armed conflicts is a recurrent concern. Migration experts told Crisis Group that it is common for law enforcement agencies to prosecute both Venezuelans and Colombians on the basis of ordinary criminal law for belonging to armed groups, even if they desert after being forcibly recruited. Desertion thus spells double jeopardy for migrants, who also face violent repercussions if armed groups believe they are sharing information with the authorities.[66]

The costs of reporting crimes frequently outweigh the benefits. In 2019, a 14-year-old Venezuelan girl who escaped in Norte de Santander after being recruited by the Popular Liberation Army, an armed group dedicated largely to drug trafficking, was handed by judicial authorities to a foster home in the same department run by the Colombian Institute of Family Welfare. Armed men subsequently found her and killed her.[67]

Some armed group members complain about rapid growth through the absorption of Venezuelans, though such grumbling is not the norm. One ELN militant griped that migrants had been used to collect extortion fees or intimidate locals without first being provided with proper education and ideological training. In his view, the migrants' presence explained why locals in certain regions under ELN control were displaying much more aversion to the group than before. "They are not making a good entry into communities and are using very top-down approaches", he said.[68] But in general the armed groups see value in recruiting Venezuelans. "It's better to work with any immigrant. It's cheaper, they do what's required and they don't get as much jail time as [a Colombian]", said a Colombian gang leader in Bogotá.[69]

[65] Crisis Group interview, detained Venezuelan refugee, Bajo Cauca, 14 June 2021.
[66] Crisis Group interviews, international cooperation representatives, Cúcuta, 26 November 2021.
[67] "Adolescente asesinada en Ábrego sería buscada por un grupo armado", *La Opinión*, 12 May 2019.
[68] Crisis Group interview, ELN militant, February 2021. The position of migrants and refugees within armed groups differs. Venezuelans have been able to reach the rank of local commander in a FARC dissident faction in Nariño, but have been used as disposable fighters by another dissident faction in Arauca. Crisis Group interview, international monitoring official, Cauca, September 2021; telephone interview, security expert, May 2022.
[69] Crisis Group interview, gang leader, Bogotá, May 2022.

B. *Criminal Groups and Urban Gangs*

Venezuelans are easily assimilated into Colombian gangs due to their vulnerable position and immediate need to survive in competitive urban environments. The nature and extent of criminal involvement by recruited Venezuelans varies. Certain organised crime groups such as those in Norte de Santander generally block them from acquiring status or ascending the ranks. Some migrants are drawn into specific tasks, such as carrying drugs during their journeys. Venezuelans are reportedly given discounts on the price of informal transport over the border into Arauca department if they bring packages with unknown contents.[70] In Norte de Santander, some migrants are forced to carry packages containing drugs as gang members accompany them to check up on their cargo.[71]

In large cities, criminal groups target Venezuelans who are homeless and living on the street, many of them young men.[72] "A gang gives work to a Venezuelan, gives him shelter and food", a Venezuelan drug trafficker explained.[73] The temporary accommodation used by Venezuelans in Bogotá, or *pagadiarios* (discussed above), are one gateway to recruitment. Indebted migrants are induced to consume drugs, creating a dependency relationship with criminal groups. Fake charities offer shelter but reportedly insert migrants in networks of sexual exploitation and micro-trafficking.[74]

The chief of an enterprise of contract killers (known as *sicarios*) in Colombia explained that he now mainly works with Venezuelans due to the lower costs. "A Colombian asks for 10 million pesos ($2,500) to kill someone; a Venezuelan does it for two or three million ($500-750)".[75] According to a Venezuelan member of one criminal group, recruits start by carrying out a murder, for which they are paid between 1,000,000 to 5,000,000 Colombian pesos ($250 to $1,250). Depending on the victim's profile, the killer may or may not briefly go back to Venezuela to avoid a police investigation. After between five and ten such hits, a *sicario* can be killed to prevent him or her from acquiring power or status within the group.[76] Trust issues with recruited migrants are usually resolved with violence. "They are killed at once", the leader of the enterprise of contract killers explained. "You get them out of the way. ... They are disposable. [Venezuelans] can be removed and they can be replaced".[77]

[70] Crisis Group interviews, human rights lawyers, Bogotá, 12 February 2021.
[71] Crisis Group interview, state official, Cúcuta, 25 November 2021.
[72] Around 16 per cent of people sleeping rough in Colombia are reported to be Venezuelan, while more than 1,200 Venezuelans live on the streets of border town Cúcuta. Luis Miguel Rodríguez, "DANE: El 16% de los indigentes en Colombia son venezolanos", *El Impulso*, 13 January 2022.
[73] Crisis Group interview, February 2021.
[74] Crisis Group interviews, social worker, Bogotá, 7 February 2022; Venezuelan migrants, Villa del Rosario, November 2021; and Bogotá, March 2022.
[75] Crisis Group interview, chief of enterprise of contract killers, May 2022.
[76] Crisis Group interview, Venezuelan organised crime member, February 2021. Venezuelans are often given a bat or knife with which to extort, threaten and steal, but a low-ranking migrant is rarely trusted with a gun when it comes to street operations. Crisis Group interview, security expert, Cúcuta, 26 November 2021. Venezuelans with weapons experience, often acquired from militia training at home, are now also recruited. Crisis Group interview, security expert, Cúcuta, 26 November 2021.
[77] Crisis Group interview, chief of enterprise of contract killers, May 2022.

Colombian gangs also hire Venezuelans as dealers and street fighters.[78] Smaller Colombian gangs use Venezuelans as lookouts or to sell drugs in Cúcuta.[79] In Bogotá, Venezuelans have not replaced Colombian street dealers, often called *jibaros*, so much as enabled the latter to gain turf and boost revenues by deploying a larger work force.[80] Local gangs in Bogotá, especially around Corabastos, Colombia's biggest marketplace for fresh produce – and a hotbed for drug trafficking, sexual exploitation and gun running – recruit Venezuelans as foot soldiers in their urban gang wars.[81] Venezuelans hawking drugs on street corners often get killed by competing gangs, end up in shootouts for neighbourhood control or are killed in internal struggles.[82] Most of the murders of Venezuelans in Bogotá have taken place in this part of the capital.[83]

A social worker explained that Bogotá's gangs use migrants and refugees as "cannon fodder" – a trend that is reflected in the rising number of Venezuelans killed in the capital.[84] The number murdered each year has jumped from one in 2016, to 72 in 2019 and 109 in 2021 – meaning the proportion of murder victims that is Venezuelan is higher than the percentage of Venezuelans in the city's population (see graph 1 in Appendix B).[85] "They are pawns that gangs use to have more power and displace the competition", a state official said.[86]

Reports and rumours regarding the expansion of large Venezuelan criminal groups into Colombia and beyond have proliferated in recent years. But evidence from insiders and eyewitnesses suggests that the presence in Colombia of Venezuelan criminal groups is less prominent than often claimed.[87] "No Venezuelan gang comes to Colombia to build an empire here", a Venezuelan organised crime member said. According to a state official, if Venezuelan gangs tried to move into the territory occupied by Colombian organised crime, a turf war would most likely erupt. Most of the major crime groups competing for control in Bogotá, especially in the districts of

[78] Crisis Group interviews, international cooperation representatives, Cúcuta, 26 November 2021.
[79] In Cúcuta, small crime groups pay quotas to receive permission to operate from larger structures, such as the Gulf Clan, ELN or the Popular Liberation Army. Crisis Group interviews, international cooperation representatives, Cúcuta, 26 November 2021.
[80] Crisis Group interview, state official, 10 February 2022.
[81] A local, who worked in the marketplace and now runs an aid group, said women are sexually exploited in the back of trucks in and around the marketplace. "They raffle a bottle of whiskey and add a girl". Crisis Group interview, local resident and social worker, March 2022.
[82] Crisis Group interview, state official, Bogotá, 10 February 2022.
[83] "Plan de acción para la verificación y seguimiento al cumplimiento de la sentencia T-386 de 2021", Bogotá Mayor's Office, 2022. In May, two bodies of tortured Venezuelans were found in garbage bags in Kennedy. Diana Giraldo, "Hallan dos cuerpos en bolsas en Kennedy, ya van 13 en Bogotá", Noticias Canal1, 11 May 2022.
[84] Crisis Group interview, social worker, Bogotá, 7 February 2022.
[85] "Plan de acción para la verificación y seguimiento al cumplimiento de la sentencia T-386 de 2021", op. cit. While representing an estimated 5 per cent of the population of Bogotá in 2021, Venezuelan migrants made up 9.7 per cent of the city's murder victims. Other major cities, such as Medellín, saw significant upticks in lethal violence against Venezuelans. See "Graves violaciones de los derechos humanos a población proveniente de Venezuela, en Colombia", Consultoría para los Derechos Humanos y el Desplazamiento, May 2021.
[86] Crisis Group interview, state official, 10 February 2022.
[87] "La guerra de las bandas delincuenciales venezolanas en Colombia", *Semana*, 6 August 2020; "La banda delincuencial venezolana cuyas redes azotan Colombia", *El Espectador*, 16 September 2021; "Así operan tres bandas venezolanas que se disputan crimen en Colombia", *El Tiempo*, 5 July 2020.

Kennedy and Bosa, are not Venezuelan in origin, although these groups do recruit migrants.[88]

Even so, smaller criminal startups founded by Venezuelan migrants are active in certain urban areas.[89] A group of Venezuelans called Los Maracuchos operates in María Paz, in the Bogotá's Kennedy district, where it is known for its extremely violent behaviour and involvement in street robberies.[90] A gang leader in Bogotá complained about Venezuelans trying to make a move. "They are a plague and they are bad", he said.[91]

Large Venezuela-based crime syndicates, called *megabandas*, have expanded in recent years and forged supply chain relations across the border. The Tren de Aragua is one of the most notorious *megabandas* and its influence is said to extend across Latin America, but some reports of its presence in Colombia might be based on the work of impostors.[92] "There are many who say they are the Tren de Aragua, but they are not, they use the name to intimidate people", a Venezuelan criminal operative said.[93]

Still, the group does have some operations in Colombia. For example, Crisis Group was able to confirm the presence of the Tren de Aragua in the Villa de Rosario municipality, on the border with Venezuela, where the group started working in 2018.[94] During the pandemic, the Tren de Aragua continued to operate in the department of Norte de Santander with the approval of larger Colombian armed groups, above all the Gulf Clan, with whom it collaborates, but it has faced armed resistance from the ELN. The Tren de Aragua traffics drugs and humans, and extorts migrants wishing to cross the border illegally. National media and law enforcement officials argue that the Tren de Aragua has taken over drug sales in large parts of Bogotá and allege they are responsible for a series of brutal killings.[95] Even so, various sources in the state and in organised crime concur that the Tren de Aragua's presence in the capital and other major cities goes no further than small cells working alongside local illegal outfits.[96]

[88] Crisis Group interviews, state official, Bogotá, February-March 2022.

[89] Similar allegations circulate in Cali, where Venezuelan crime groups have tried to make a name for themselves. Crisis Group interviews, humanitarian officials, Cali, September 2021.

[90] Crisis Group interview, resident and social worker in Kennedy, Bogotá, March 2022. The name Los Maracuchos may mean that the gang's members used to live in Maracaibo, capital of Venezuela's Zulia state. Crisis Group interviews, community activists, state officials, Bogotá, June and July 2022.

[91] Crisis Group interview, gang leader, Bogotá, May 2022.

[92] Colombian media report that Venezuelan crime syndicates operate in seven large cities in Colombia and several countries in the hemisphere. See "La guerra de las bandas delincuenciales venezolanas en Colombia", Semana, 6 August 2020; and "Así operan tres bandas venezolanas que se disputan crimen en Colombia", *El Tiempo*, 5 July 2020.

[93] Crisis Group interview, Venezuelan organised crime member, February 2021.

[94] Crisis Group interviews, Venezuelan organised crime member, February 2021; state official, Villa del Rosario, 1 December 2021. The Tren de Aragua never managed to get a firm foothold in Cúcuta and was pushed out in mid-2020.

[95] Jonathan Alexander Toro Romero, "La disputa del Tren de Aragua por el control de la droga en Bogotá", *El Tiempo*, 17 July 2022.

[96] Crisis Group interviews, Venezuelan organised crime member, February 2021; international cooperation representatives, Cúcuta, 26 November 2021; state official, Bogotá, March 2022; gang leader, Bogotá, May 2022. The Tren de Aragua is led by Venezuelans in Venezuela, but has Colom-

C. *Coca Cultivation*

A large number of Venezuelans find their way – whether of their own free will or under coercion – to rural areas remote from the standard migration routes. Hoping to avoid tough competition for informal employment in urban settings, particularly during the pandemic-related lockdowns, they are often following invitations from family members or acquaintances.[97] The opportunities they find are frequently illicit, and include work on coca plantations and logging in environmentally protected areas.[98] "Venturing to a city to look for work is impossible in Colombia because there are two million Venezuelans", said a young migrant by way of explanation for his job at a coca plantation. He eventually used his earnings to move on to Chile.[99]

Illicit activities in Colombia's remote rural areas offer dirt-poor migrants a chance to make ends meet. Work on the coca plantations provides quick pay and often includes food and board, which to some doubtless seems preferable to the back-breaking chores for little money in nearby African oil palm plantations, where work can include clearing overgrowth or carrying heavy palm fruit onto carts.[100] Still, conditions are also harsh on the coca plantations, even when these offer a place to sleep and daily meals. "In Venezuela I never thought of a farm in such a deplorable state. There's no electricity, a very thin mattress that feels like a table. Conditions are worse than in Venezuela. The only difference is that in Venezuela we have nothing to eat, but in Colombia we do", the migrant coca leaf picker said.[101]

Typically, a coca leaf picker can earn between 30,000 to 50,000 Colombian pesos ($7.5 to $12.5) for a day's work. A fast worker paid per quantity of coca leaves can earn over 100,000 pesos ($25).[102] Many migrants reach the coca plantations on their own initiative, but some leaf pickers are also recruited in Venezuela, in cities in Colombia and at informal border crossings. Some schools close to the border in Zulia state, Venezuela, have been abandoned during harvest periods as both students and teachers left for coca plantations on the other side of the border.[103]

Armed groups display contrasting attitudes to Venezuelans in coca plantations. ELN guerrillas forced crop owners and farmers to pay migrants properly in the southern part of Bolívar state. "If any person here is owed money on a farm, do not hesitate to contact us", the guerrillas would tell migrant workers.[104] But in another coca growing

bian leaders in Cúcuta. The Tren de Aragua needs permission from the Gulf Clan to conduct activities in the interior of the Norte de Santander department and pays commissions to this group to operate on the Colombian side of the border. Crisis Group interview, Venezuelan migrant, Villa del Rosario, 27 November 2021.

[97] Crisis Group interview, health worker, north-eastern Antioquia, 12 November 2020.

[98] Crisis Group interviews, law enforcement officials, Meta, May 2021.

[99] Crisis Group telephone interview, Venezuelan migrant, 9 November 2021.

[100] Crisis Group interview, humanitarian aid worker, Norte de Santander, 2 December 2021.

[101] Crisis Group telephone interview, Venezuelan migrant, 9 November 2021.

[102] Crisis Group focus groups, migrants and returnees, Cúcuta, 4 December 2021. Crisis Group interview, international cooperation representatives, Cúcuta, 26 November 2021. One source said a day's work is remunerated at 30,000 to 40,000 pesos as well as three meals and accommodation.

[103] Crisis Group telephone interviews, Venezuelan academic and NGO representative in Zulia state, 21 March 2022.

[104] Crisis Group focus groups, migrants and returnees, Cúcuta, 4 December 2021; Crisis Group telephone interview, Venezuelan migrant, 9 November 2021.

area, Venezuelan pickers who did not like their work and opted to leave the plantations without asking permission were killed, allegedly by local armed actors who mistrusted the migrants and thought they would share information with the authorities.[105]

D. *Gold Mining and Trafficking*

Venezuelans with or without prior experience have also landed jobs in gold mining in Colombia, where illegal mines are often financed by drug money.[106] Migrants tend to reach remote mining areas on the basis of hearsay or invitations from fellow Venezuelans who previously worked in the mines. To gain work in a particular mine, a migrant mostly requires a personal introduction.[107] Women are also frequently employed recycling mine waste that still contains concentrations of gold.[108]

The pay for migrants who work in the gold mines tends to vary. Some Venezuelans working in a region controlled by paramilitary groups said they are paid about 40 per cent less than Colombians if they lack formal residency, but at equal rates to Colombians if they have valid papers.[109] In another area, controlled by the ELN, a woman who had trouble finding a job in Bogotá and proceeded to work in the sex industry in Antioquia told Crisis Group that she now earns a few hundred U.S. dollars a month in an illegal gold mine. She brought her sons over from Venezuela so they could also work in the mines.[110]

Further down the supply chain, migrants are also involved in trafficking gold from illegal Venezuelan mines into Colombia. They are used as cross-border smugglers and are called *pulmones*, or lungs.[111] Many smugglers carrying small amounts can end up accumulating significant quantities of gold for wholesale buyers on the Colombian side of the border, which is called "smurfing".[112] "All this is squared with migration and police authorities", said a Venezuelan crime syndicate member.[113]

Cúcuta is a hub for gold smuggling and other contraband. A gram of gold without paperwork fetches close to $50, enabling large amounts of the metal to be gathered and sold quickly. Most pawn shops that work in this market buy *oro de mina*, meaning unprocessed gold extracted straight from the Venezuelan mines.[114] Buyers tend to bring gold from Cúcuta to cities such as Bogotá, Cali or Medellín, where the gold is smelted and exported with the help of false documents.[115]

[105] Crisis Group interview, Venezuelan organised crime member, February 2021.
[106] "Organized Crime and Illegally Mined Gold in Latin America", The Global Initiative Against Transnational Organized Crime, April 2016.
[107] Crisis Group interview, community leader, north-eastern Antioquia, 12 November 2020.
[108] Crisis Group interview, gold mine operator, north-eastern Antioquia, 11 November 2020.
[109] Crisis Group interviews, Venezuelan migrants, north-eastern Antioquia, 12 November 2020. Mines often look for day labourers for myriad tasks and truck in up to fifteen Venezuelans.
[110] Crisis Group interview, Venezuelan migrant and miner, north-eastern Antioquia, 7 February 2021.
[111] Crisis Group interviews, law enforcement officials, Norte de Santander, December 2021.
[112] "Venezuela, the smugglers' paradise", InfoAmazonia, 23 July 2019.
[113] Crisis Group interview, Venezuelan organised crime member, February 2021.
[114] Crisis Group interviews, gold merchants, Cúcuta, November 2021.
[115] Crisis Group interview, Venezuelan organised crime member, February 2021; "Venezuela: The Smugglers' Paradise", op. cit.

IV. Human Trafficking and Sexual Exploitation

Migrants and refugees have become a major focus for organised crime networks, and young women in particular, including minors, are victims of human trafficking and sexual exploitation.[116] Criminal groups may recruit women and minors by offering them jobs in restaurants or hotels before forcing them into sexual exploitation and retaining their passports, often saying they will divulge compromising pictures to family members to secure compliance. They may also threaten to kidnap women's children. Under pressure, victims may eventually become recruiters themselves, trying to lure in other women.

Recruitment occurs in Venezuela, on the border, and in Colombia's interior.[117] Alongside the Simón Bolívar bridge (which is traditionally the busiest border crossing), in an area called La Parada, some Venezuelan women are forced into sex work after arriving in Colombia, often winding up in clandestine brothels where they are exploited and abused. One of the criminal groups active in La Parada, the Venezuelan Tren de Aragua, allegedly recruits and sells women to other illegal outfits.[118] One migrant mentioned a house inhabited by about 25 women, including five minors, who had been marked behind their ears to prove "ownership".[119] To prevent the women from escaping, the criminals threaten them with violence.

Sexually exploited women in border areas are often tricked or forced into going to rural areas where they are put at the service of members of armed groups. A driver who frequently takes Venezuelan women and girls to Catatumbo, a coca-growing epicentre, explained that the women hope to work a weekend and earn good money, but brothel owners sometimes coerce them into staying for as long as a month. Local armed groups approved these arrangements after negotiating with brothel owners.[120] Young women and girls – sometimes underage – are also escorted to rural areas to be wed in servile marriages to coca growers, with some men ostensibly "buying" them from armed groups or human traffickers. Women and girls are abused and beaten if they are caught attempting to escape. Local authorities allegedly do not act even when they harbour suspicions about landowners engaging in child marriage.[121]

There are also reports of armed group members harassing, sexually abusing and murdering migrant women.[122] In Antioquia, female sex workers explained how one

[116] Women have been forced to take more risks and have shouldered greater burdens as a result of the crisis in Venezuela, which increased pressure on them to care and provide for their families. The pandemic also increased responsibilities for women as caregivers while their incomes fell. For more information, see "Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela", CARE, June 2020.

[117] Crisis Group interview, security expert, Cúcuta, 26 November 2021. Colombian networks do not necessarily work with counterparts in Venezuela. A source argues there is no need because so many vulnerable migrant women are coming across the border of their own accord. Crisis Group interview, criminal lawyer, Medellín, 10 November 2020.

[118] Crisis Group interview, Venezuelan migrant, Villa del Rosario, 27 November 2021; Crisis Group telephone interview, Venezuelan crime expert, June 2022.

[119] Crisis Group interview, Venezuelan migrant, Villa del Rosario, 27 November 2021.

[120] Crisis Group interview, chauffeur, Norte de Santander, November 2021.

[121] Crisis Group interview, security expert, Cúcuta, 26 November 2021.

[122] Crisis Group interviews, sex workers, 12 November 2020.

of their friends was killed and buried in a hamlet after armed groups discovered she was carrying HIV.[123] Armed groups are also known to expel sex workers from the area they control if they test positive for sexually transmitted diseases.[124]

Some migrant women are also recruited for webcam work; although considered safer due to the absence of physical contact, advocates note that it also is exploitative and can incur serious risks for those involved. Through force or deception, young women, including minors, end up being compelled to meet and sleep with clients, with Medellín's tourist areas notorious as hubs of sexual exploitation. Again, one method of strongarming girls and women into complying is the threat of sending compromising videos and pictures to family members, who have been located on social media. Some of the girls and women have their identity documents retained and need to work 24-hour shifts.[125]

To the extent that the foregoing activities involve human trafficking, Colombia has certain legal mechanisms to protect survivors. It has ratified the UN Convention against Transnational Organized Crime, which includes an anti-trafficking protocol. In a landmark October 2021 ruling, Colombia's Constitutional Court ordered the state to create new regulations for the identification and protection of trafficking victims, and highlighted the vulnerable position of migrant women and the need for special protection.[126]

Impunity for these crimes, however, remains the norm. Out of 908 reported cases of human trafficking between 2011 and 2016, only 52 ended in convictions, while state authorities have so far shown little inclination or capacity to protect vulnerable women and girls from being trafficked and exploited.[127] Despite the fact that sex work is legal in Colombia, officials reportedly often discriminate against Venezuelans engaged in prostitution and violate their rights rather than treating them as potential victims of exploitation.[128]

In some cases, state and law enforcement officials have been found complicit in sexual exploitation of trafficking victims.[129] A lawyer explained that police officers have collaborated with human traffickers, pointing to cases where they sent Venezuelan women and children back to their captors, often family members of the victims.[130] Four police officials working in Cúcuta were arrested in 2019 for participating in a

[123] Ibid.
[124] Crisis Group interviews, sex workers, 12 November 2020; aid workers, 2021. Local doctors are sometimes forced to share test results with armed groups.
[125] Crisis Group interview, criminal lawyer, Medellín, 10 November 2020.
[126] Julia Zulver and Ana Margarita González, "La justicia protege a Yolanda, migrante venezolana víctima de la trata en Colombia", Open Democracy, 28 January 2022.
[127] "La trata de personas en Colombia – Principales fallas en el sistema de protección", Women's Link, March 2021.
[128] Crisis Group telephone interview, women's rights experts, 17 November 2020. Women are being criminalised instead of the clients and exploiters. Crime groups sometimes directly extort sex workers, for example in Parque de Berrío, in the centre of Medellín. Crisis Group telephone interview, NGO investigator, 17 November 2020
[129] "Golpe al 'negocio' de explotación sexual de niñas en Cúcuta", *La Opinión*, 21 June 2022.
[130] Crisis Group interviews, criminal lawyer, 10 November 2020, Medellín; Venezuelan migrant, Villa del Rosario, 27 November 2021; telephone interview, social worker, 9 November 2021.

human trafficking network.[131] A social worker in Bogotá cited another case involving police officers who allegedly returned a Venezuelan woman to her pimp after she had escaped his clutches. "They put her in a patrol car and brought her back to the brothel. This was done by the same police officials who patrol the area".[132]

[131] Audrey Carrillo, "Capturados cuatro policías en Cúcuta por trata de personas", W Radio, 22 August 2019.
[132] Crisis Group telephone interview, social worker, 9 November 2021.

V. The Backlash against Venezuelans

Against the backdrop of waves of protest and surging political tensions, Venezuelans living in Colombia have been widely stigmatised for the involvement of some migrants in crime, and scapegoated for rising levels of poverty and unemployment.

A. *Public Perceptions*

Public perceptions of Venezuelan migrants in Colombia have grown notably more hostile in the past three years. Before May 2019, most Colombians believed that it was right to receive Venezuelan migrants, but a minority now holds this viewpoint, with only 40 per cent of Colombians saying they support residency rights for Venezuelan migrants.[133] Surveys showed that over 80 per cent held unfavourable opinions of the migrants by the start of the pandemic, although the percentage of detractors has fallen slightly since then.[134]

Social media is frequently a platform for the vitriol directed toward Venezuelans, with migrants blamed for stirring up protests, making streets unsafe and competing for benefits from underfunded social programs.[135] When Colombian media outlets or government officials suggest that a Venezuelan has been involved in a prominent crime, the number of xenophobic posts on social media reportedly increases.[136] For example, such postings spiked when Bogotá's centre-left mayor, Claudia López, blamed migrants for episodes of criminal violence in the city, saying: "Whoever comes to work is welcome, but whoever comes to commit a crime should be deported immediately".[137] The day after López's remarks, anti-migrant messages increased by 83 per cent according to one tracker.[138] Hate messages toward migrants also proliferated when the protection statute for Venezuelans was announced in February 2021, with false information spread via social media about migrants becoming eligible to vote in Colombia.[139]

Daily face-to-face contact with migrants tends to reduce xenophobia, but opportunities for those interactions diminished during the pandemic and its associated lockdowns, which in Colombia tended to be strict and long.[140] Some local academics suggested that the lockdowns increased the extent to which Colombians formed

[133] Invamer, July 2022.
[134] "Percepción de la integración de los migrantes en Colombia en tiempos de coronavirus – Boletín 10", Proyecto Migración Venezuela, 2020. Crisis Group telephone interview, migration expert and academic, 16 December 2021.
[135] "Xenofobia hacia personas venezolanas manifestaciones en cinco ciudades colombianas", Friedrich Ebert Stiftung, January 2021.
[136] Crisis Group telephone interview, migration expert and academic, 16 December 2021.
[137] "Xenofobia hacia personas venezolanas manifestaciones en cinco ciudades colombianas", op. cit.
[138] Milagros Palomares, "Xenofobia aumentó 83% tras declaraciones de Claudia López", Proyecto Migración Venezuela, 30 October 2020.
[139] "Boletín Mensual Barómetro de Xenofobia en Colombia #15", Barómetro de Xenofobia, 2021.
[140] Colombia shut down all border crossings on 14 March 2020, declared a state of emergency on 17 March and started a series of strict lockdowns on 20 March that ended on 1 September that year. Crisis Group telephone interview, migration expert and academic, 16 December 2021.

opinions about the activities of migrants primarily through negative messaging on social media.[141]

B. *Stigma and Vulnerability*

As discussed above, Venezuelan migrants are often drawn into the ranks of organised crime, which has exploited migrants' acute economic need to boost their profits. The precise extent of Venezuelans' contribution to crime rates is difficult to measure. Quantitative studies differ as to whether they now commit more crimes per head than Colombian nationals. Several studies indicate that Venezuelans are involved in fewer offences.[142] Data shows that Venezuelans have lower arrest rates than Colombians when it comes to violent crime, but slightly higher rates relative to the population when minor infractions are considered.[143] That said, the proportion of convictions received by Venezuelans now slightly exceeds their share of the population in Colombia (see graph 2 in Appendix B). Meanwhile, 2,439 Venezuelans are in jail on criminal charges, representing about 2.5 per cent of a national headcount of prisoners that stands at 96,962. While this percentage is significantly lower than their share of the country's population, the number of Venezuelan inmates has risen much faster than the number of Colombian prisoners.[144]

By contrast, data from Bogotá indicates that Venezuelans are arrested in the capital for high-visibility crimes such as burglary, theft and drug sales at far higher rates than their share of the population, and at a slightly higher rate for murder.[145] Migrants say the conspicuous role played by Venezuelans in carrying out street crime for Colombian groups leads the entire community to be stigmatised and treated with suspicion. Migrants, above all in the capital, report being subjected to regular abuse by police officers, who beat them and destroy their identity documents. These incidents are said to occur above all in the early morning hours and on Sundays, when Bogotá is quieter.[146]

Bogotá mayor Claudia López has contributed to this stigmatisation, stating that "we have very violent Venezuelan immigrants here. ... They murder first and then they

[141] Crisis Group telephone interview, migration expert and academic, 16 December 2021. "Migración, pandemia y xenofobia en Colombia, Perú y Chile: tres palabras que nunca debieron unirse", Dejusticia, September 2021. For more on the importance of face-to-face interaction in reducing xenophobia toward Venezuelans (in this case, in Peru), see "Una oportunidad para todos: Los migrantes y refugiados venezolanos y el Desarrollo de Perú", World Bank, 2019.

[142] "Inmigrantes venezolanos, crimen y percepciones falsas: Un análisis de los datos en Colombia, Perú y Chile", Brookings Institution, 14 September 2020; "Seguridad ciudadana y migración venezolana", Fundación Ideas para la Paz, August 2019.

[143] In 2019, Venezuelans in Colombia represented 2.3 per cent of the arrests for violent crime, while making up 3.2 per cent of the total population. "Venezuelan Migration, Crime and Misperceptions", Brookings Institution, September 2020.

[144] "Estadísticas", Instituto Nacional Penitenciario y Carcelario, 2022.

[145] "Plan de acción para la verificación y seguimiento al cumplimiento de la sentencia T-386 de 2021", op. cit., p. 8.

[146] Crisis Group telephone interview, NGO representative, 17 November 2020.

steal".[147] She also made remarks in which she claimed that "Venezuelans mak[e] life difficult" for citizens in the capital city, which a chamber of the Constitutional Court ordered her to retract.[148]

Whether Venezuelans are responsible for an increasing share of crime in Colombia or not, they are without doubt becoming exposed to higher levels of lethal violence as they are being used as disposable fighters by rural armed groups and recruited for high-exposure jobs in the urban underworld. A total of 1,933 Venezuelans were killed across the country between 2015 and 2020. The murder rate of Venezuelans has risen sharply and is now far in excess of that for Colombians – reaching close to twice the national average in 2021 (see graph 3 in Appendix B).[149]

C. *Deportation*

Colombian authorities have turned increasingly to deportation in response to the difficulties in imprisoning undocumented migrants, as well as the problems in verifying the identity of detained suspects – the effect of severed diplomatic and consular relations between Colombia and Venezuela.[150] Colombian criminal outfits have even taken advantage of these deportation practices by recruiting Venezuelans, knowing that they are less likely to be put in jail. "The worst thing that can happen is that they send him back to his country again", a gang leader who employs Venezuelans explained.[151] From 2015 to 2021, Colombia deported over 4,000 Venezuelans (see graph 4 in Appendix B).[152]

Senior officials have sought to justify waves of deportations by arguing that Venezuelans represented a threat to national security during nationwide protests in 2019 and 2021, as well as during the eruption of unrest in Bogotá in September 2020.[153] During the protests in 2019, authorities put 59 Venezuelans on an airplane heading to Puerto Inírida, on the Colombian side of the border in the Amazon, where locals blocked the airstrip to prevent the Venezuelans from being released in their vicinity.

[147] "'They offer everything to Venezuelans. What guarantees are left for Colombians?' Claudia López, mayor of Bogotá", *Caracas Chronicles*, 12 March 2021; "'Primero asesinan y luego roban': Claudia López sobre bandas de venezolanos", *Forbes Colombia*, 11 March 2021.

[148] "Claudia López se retracta de sus declaraciones contra los migrantes venezolanos", Deutsche Welle, 19 December 2021.

[149] "Situación de derechos humanos de la población refugiada y migrantes venezolana en Colombia", CODHES, June 2021.

[150] Catalina Lobo-Guerrero, "Expulsiones: El lado oscuro de la política migratoria colombiana", Armando Info, 7 November 2021.

[151] Crisis Group interview, gang leader, Bogotá, May 2022.

[152] Lobo-Guerrero, "El lado oscuro de la política migratoria colombiana", op. cit. Crisis Group interview, academic, 16 December 2021. Before the deportations began, opportunistic Colombian criminals reportedly hid their identity cards when arrested and pretended to be Venezuelan in the hope of being released. Crisis Group interview, migration expert, Bogotá, 2 March 2022.

[153] Crisis Group interview, senior military officer, Bogotá, July 2021. See "Atención: primeras expulsiones de venezolanos por participar en desmanes en Cali", *Semana*, 30 April 2021. In 2021, Venezuelans actually started to leave Colombia as a result of the protests and related hardships. See Valeria Guerrero Osorio, "Venezolanos estarían abandonando Colombia por paro y protestas", LaFM, 24 June 2021. For more information about the protests, see Crisis Group Latin America Report N°90, *The Pandemic Strikes: Responding to Colombia's Mass Protests*, 2 July 2021.

After the plane finally landed in nearby Puerto Carreño, in Colombia, the deportees were taken to the Venezuelan bank of the Orinoco river and dropped in a remote area frequented by armed groups, without ever being officially handed over to Venezuelan authorities.[154]

Bogotá's messages about Venezuelan involvement in the 2021 protest wave were especially pointed. "The information that intelligence has indicates that there is a strong presence of Venezuelans at some roadblocks", said Defence Minister Diego Molano in May 2021, at the height of the national strike.[155] Government officials went so far as to spread claims that the Maduro government and drug traffickers had a role in organising protests.[156] (The Maduro government has denied involvement.[157]) Subsequently, hundreds of Venezuelans were rounded up and deported, without substantial evidence being amassed against them.[158]

[154] Lobo-Guerrero, "El lado oscuro de la política migratoria colombiana", op. cit.
[155] Laura Cristancho and Indira Córdoba, "Preocupa que declaraciones del ministro Molano originen expulsiones masivas", Proyecto Migración Venezuela, 7 May 2021.
[156] Then presidential adviser for national security, Rafael Guarín, tweeted that: "It is becoming increasingly clear that the escalation of vandalism, violence and crime with which the Colombian population is being attacked has not only the ELN and FARC dissidents behind it, but also the Maduro dictatorship and the Cartel de los Soles". See María Kamila Correa Escobar, "Detrás de la violencia está el régimen de Maduro y Cartel de los Soles: Gobierno", WRadio, 6 May 2021.
[157] "Venezuela rechaza acusaciones a Maduro sobre protestas en Colombia", *El Tiempo*, 7 May 2021.
[158] Lobo-Guerrero, "El lado oscuro de la política migratoria colombiana", op. cit. The UN Special Rapporteur on the human rights of migrants has expressed concern about the use of national security-related arguments to deport migrants and refugees. "Derechos humanos de los migrantes", UN General Assembly, 25 September 2018.

VI. Recommendations

Migrants and refugees who left Venezuela during the first years of the country's political conflict had high hopes for change in their home country and for a return in the near future. Despite signs of fragile economic stabilisation in Venezuela, a true recovery is likely to depend on political agreements between the Maduro government and the opposition, followed by the relaxation and lifting of U.S. sanctions – none of which appears to be in the offing. In all likelihood, a large number of Venezuelans in Colombia are there to stay. A recent survey by the Bogotá city government found that 88 per cent of migrants wished to remain in the country.[159] It will be incumbent on the new administration and its international partners to act accordingly.

A. *Protection*

Providing Venezuelan migrants with information and support they need to protect themselves as soon as possible after they arrive in Colombia can help prevent them from wandering into problems.

Right now, both are in short supply. For example, migrants and refugees who cross the Simón Bolívar bridge – east of Cúcuta – encounter criminal networks in the small town on the Colombian side. These groups try to extort, recruit or profit from the Venezuelans. By contrast, to gain access to Colombia's state services, migrants first need to reach Cúcuta and navigate a complicated bureaucratic system. Until they obtain legal stay permits, they are not allowed into buses that can take them to their destinations or next transit points, condemning them to walk across Colombia with all the attendant risks. The ones who reach Bogotá, sometimes after walking more than 500km, have little idea where to look for jobs, shelter or any sort of support, and are easy pickings for the grey market and organised crime. Illegal and informal businesses that involve sexual exploitation and micro-trafficking offer immediate economic relief, and these easily accessible but poorly paid jobs are attractive when there are no other options for making ends meet.[160]

Authorities at every level of government should be equipped to receive Venezuelan migrants and steer them toward safe, productive activities. Resource constraints will pose challenges to this effort. After decades of conflict, Colombia has more than five million internally displaced people, and the addition of nearly 2.5 million Venezuelan migrants is taxing it yet further.[161] Still, improved collaboration among the relevant state agencies should be possible and could improve matters significantly. In particular, migration and law enforcement authorities should cooperate better with municipal authorities, child protection services and the office of the human rights ombudsman. They should work with large cities to provide resources and personnel

[159] Crisis Group telephone interview, Bogotá official, 29 March 2022.

[160] Crisis Group telephone interview, NGO representative, 15 March 2022. People who apply for political asylum in Colombia need to wait for up to three or four years for a response. Meanwhile, they are not allowed to work in the country. Crisis Group telephone interview, migration lawyer, 15 March 2022.

[161] For more information about internal displacement numbers, see "Global Report on Internal Displacement 2022", IDCM, 2022. "Distribución de Venezolanos en Colombia – Corte 28 de Febrero de 2022", op. cit.

for receiving migrants and refugees at known entry points. A prime objective of greater cooperation should be to ensure that arriving Venezuelans receive timely, clear, useful information about hotspots for trafficking, forced recruitment and sexual exploitation, as well as where to turn for help – including how to get government and UN programs and benefits.[162]

Colombian authorities should also take greater steps to protect trafficking victims and survivors of sexual exploitation – as well as potential victims – along migratory routes. Protected environments are vital to prevent women from being exploited and trafficked, especially on the border; they should also afford women and children who have already become victims of trafficking and sexual exploitation an opportunity to escape from their abusers as well as medical and psychological support.[163] There are about two dozen safe houses in Bogotá, but in the main border city of Cúcuta, the lack of safe spaces for women and minors is pronounced.[164] Colombia's police should also designate a unit to investigate and prosecute human trafficking, which could work in close collaboration with judicial systems in other Latin American states, while pursuing internal investigations to tackle the alleged complicity of police officers in trafficking networks.

Another protective step that Colombian authorities can take would be to recognise those Venezuelan nationals who have become victims of Colombia's internal conflict as such for purposes of Colombia's 2011 Victims Law. That law stipulates that all people who suffer from violations of international humanitarian or human rights law amid Colombia's armed conflict are legally entitled to special rights, including reparations as well as certain social and economic benefits. But Venezuelans are excluded from the National Victims Unit's register and are not eligible for reparations payments even if they otherwise satisfy the law's requirements.[165] Although the Victims Law does not discriminate based on nationality or migratory status, as a practical matter the Unit for Comprehensive Care and Reparation for Victims does not carry out assessments of undocumented citizens. There are many other hurdles to overcome before Venezuelans can be recognised as conflict victims as well.[166]

Colombia is not alone in facing the challenge of protecting and integrating Venezuelan migrants; all the Andean countries are struggling with it in the face of growing domestic intolerance and xenophobia. Left-leaning Chilean President Gabriel Boric declared at the Summit of the Americas in June that "no country can absorb [Vene-

[162] "A Bus Ticket for Venezuelan Walkers in Colombia", Human Rights Watch, 17 January 2022.
[163] Intimate partner violence is the most prevalent form of violence that Venezuelan refugee women face. See "Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru", op. cit.
[164] Crisis Group telephone interview, NGO representative, 15 March 2022.
[165] Crisis Group interview, experts on child recruitment, Bogotá, 12 January 2022. Lina Arroyave, "Las personas migrantes también son víctimas del conflicto armado", Dejusticia, 4 October 2020.
[166] Local authorities often do not attend to undocumented migrants, are unfamiliar with protocols or discriminate against Venezuelans. State officials often do not take statements from undocumented migrants when they enter into contact to make a declaration. In addition, there is a lack of reliable statistics concerning Venezuelan victims of Colombia's conflict. Colombia's prosecution service should kickstart efforts to provide more reliable numbers of migrants affected by conflict, while the Victims Unit should add a category for Venezuelan nationals to their database. Crisis Group interviews, migration experts, February and April 2022.

zuelan migration] by itself", insisting on the need for a regional response anchored in human rights.[167] The core components of such a response should include greater information sharing regarding migration flows, the presence of organised criminal groups and other security risks faced by migrants; cross-border initiatives to ensure safe passage with common rules as to valid documentation; and a broad agreement to recognise Venezuelans' qualifications. This program should draw on backing from international donors and agencies, and should focus on helping protect Venezuelan migrants from the risks of violence and exploitation they encounter.

Attracting support could be difficult, however. Foreign assistance for Venezuelan migrants has previously paled in comparison to support for other humanitarian emergencies, and is likely to decline further in 2022 as donors shift budgets to the humanitarian crisis caused by the war in Ukraine. Meanwhile, aid packages reserved for Colombia are turning their focus to victims of the country's worsening internal conflicts.[168]

B. *Integration*

While migration can be beneficial for host countries, these benefits may be overshadowed by the challenges of absorbing a wave of new entrants into a labour market characterised by high levels of unemployment and informality and low levels of pay.[169] Since it is likely that many Venezuelans will not return to their homeland, developing routes to formal employment will be essential to ensure that migrants are not marooned in informal jobs or vulnerable to recruitment by criminal groups.

In spite of the state's steps toward legalising the stay of migrants, providing them with access to health care, and beginning to validate diplomas earned in Venezuela, employers are still hesitant to formally hire or enter into contracts with Venezuelans. Additionally, many of the more predatory employers instead exploit their vulnerable status through informal arrangements. Meanwhile, the gut fear of many Colombians, especially those earning lower incomes, is that Venezuelans will steal their jobs. Government leaders sometime reinforce these anxieties.[170] The outgoing vice president, Marta Lucía Ramírez, stated in February that Colombia has taken in the "less wealthy and qualified sectors" of the Venezuelan diaspora and has not benefited from the skills and resources typical of the migrants reaching North America and Europe.[171]

In fact, Venezuelan migrants are not necessarily less qualified than Colombians, but they have struggled to get their qualifications recognised. About 69 per cent of

[167] "Boric pide ayuda regional por crisis migratoria de venezolanos en Chile", *Vanguardia*, 6 June 2022.
[168] Crisis Group interviews, humanitarian NGO representatives, Bogotá, June 2022. In 2021, only 37 per cent of the $708.1 million in funding requirements for the UN Office for the Coordination of Humanitarian Affairs' humanitarian response plan were covered, which nevertheless was higher than in the previous two years. See "Global Humanitarian Overview 2022 – Venezuela", OCHA, 2022.
[169] "How Immigrants Contribute to Developing Countries' Economies", OECD, 24 January 2018; "Desde el Desplazamiento hacia el Desarrollo", Center for Global Development, October 2020.
[170] "Colombia convalidará títulos universitarios de migrantes venezolanos", *El Nacional*, 19 November 2021.
[171] Santiago Torrado, "La vicepresidenta dice que Colombia no puede 'seguir asimilando' migrantes venezolanos", *El País*, 17 February 2022.

Venezuelans in Colombia possess at least a high school diploma, roughly 9 per cent higher than the rate for Colombia's population.[172] Due to a lack of funds and government programs stalled by the COVID-19 pandemic, however, Colombia has been slow in moving ahead with efforts to integrate Venezuelans after granting legal stay permits. Like other regional states, it has lagged with respect to the recognition of educational credentials.[173] Only about 10 per cent of the Venezuelans in Chile, Colombia and Peru had their diplomas and credentials recognised by October 2020. By March 2022, about 22,000 Venezuelans in Colombia had completed the first steps to validate their university degrees.[174]

With the support of multilateral bodies such as the UN Development Programme and World Bank, Colombia as well as other Latin American states should make the recognition of credentials quicker and cheaper, while also helping migrants and refugees gain access to courses and re-schooling, which are essential to bridge the gap between supply and demand in the labour market.

In addition, the state should put more effort into communicating the legal rights of migrants to the private sector. Even though stay permits allow Venezuelans to open bank accounts and access credit, bank employees often deny these because of distrust or a lack of knowledge.[175]

As for the large population of migrants and refugees who do not possess valid migratory status, above all those living in remote rural areas, the risks of exploitation in the labour market are high. Barriers to obtaining status can be significant. Migration offices are located in larger cities that for Venezuelans, for example in the remote border region of Catatumbo, are too costly or far away to reach.[176] Mobile units carrying migration officials and training for municipal officials to work on migratory issues, such as handling applications for stay permits, could help improve access to formal work and social services for migrants in areas prone to conflict and crime.

At the same time, authorities should do what they can to overcome at least some of the concerns that Colombians have about competing with Venezuelans in the labour market. A stricter law enforcement approach to businesses that illegally exploit Venezuelans could help assure Colombians that migrants are not undermining employee protection laws, including those requiring payment of at least the official minimum wage. Steps to increase trade between the two countries could also enhance the perceived value of Venezuelans to the Colombian economy, enabling them to take commercial advantage of their connections across the border in ways that could create jobs for Colombians rather than take them away.

[172] Nahomi Ruiz Moreno, "El 40,7% de los migrantes venezolanos trabaja más de 48 horas a la semana", Proyecto Migración Colombia, 9 November 2021.

[173] With help from the UN Development Programme, Colombia's government designed a plan to integrate migrants and refugees, but the pandemic prevented the state from carrying it out in full. Crisis Group interview, migration expert, Bogotá, 1 March 2022.

[174] "Socioeconomic Integration of Venezuelan Migrants and Refugees", op. cit.; tweet by Lucas Gómez, @Lgomez4, border czar, 10:01am, 1 March 2022.

[175] Crisis Group focus group, migrants and refugees, Ciudad Bolívar, February 2022. Crisis Group interview, migration expert, Bogotá, 1 March 2022.

[176] Crisis Group telephone interview, senior local state official, north-eastern Antioquia, 3 November 2020.

C. *Bilateral Diplomacy*

Diplomatic relations between Colombia and Venezuela have been frozen since 23 February 2019, when President Maduro cut ties with Bogotá after opposition leader Juan Guaidó spearheaded a Colombia-U.S.-backed plan to transport humanitarian aid across the border.[177] As a result, each country closed the other's embassies and consulates. The border closure forced tens of thousands of migrants, refugees and residents to take enormous risks at dangerous informal crossings under the control of armed and criminal groups.[178] Since the closing of embassies and consulates, the only consular services that Venezuelans have access to in Colombia have been provided by Guaidó's "interim government". Fewer than ten countries now recognise his claim to the presidency following the failure of the various schemes in 2019 and 2020 to unseat Maduro.[179]

A marked deterioration in bilateral relations has been felt most acutely at the border, above all in worsening insecurity. At the same time, acrimonious or even severed relations between the countries need not impede functioning border ties. Maduro's predecessor as president, the late Hugo Chavéz, and his Colombian counterpart Álvaro Uribe, president between 2002 and 2010, had a plainly adversarial relationship, but the two maintained open borders and commercial relations for several years before diplomatic frictions between 2007 and 2009 led to border closures.[180] Maduro and former Colombian President Juan Manuel Santos met in Ecuador in 2015 to discuss their border dispute at length. Yet there is as yet no official record of even as much as a telephone call between Maduro and Duque.[181]

Even so, conditions at the border for migrants and refugees, as well as daily traffic between the two countries, have started to improve. Since October 2021, the Venezuelan-Colombian border has been partially reopened again for pedestrians.[182] Fluid

[177] "Crisis en Venezuela: Maduro rompe relaciones diplomáticas con Colombia y da 24 horas a sus diplomáticos para que abandonen el país", BBC, 23 February 2019.
[178] Crisis Group Report, Disorder on the Border, op. cit.
[179] The interim government's embassy in Colombia is led by Chargé d'Affaires Eduardo Battistini. It provides limited consular services, such as birth certificates and certification of university documents, but has no diplomatic headquarters, offering only online attention.
[180] In November 2007, Chávez announced a freeze in relations with Colombia after Uribe suspended his mediating role with the FARC. See "El Gobierno venezolano llama a consultas a su embajador en Colombia", 20minutos, 27 November 2007; "Colombia termina negociaciones FARC-Chávez", VOA, 21 November 2007. In March 2008, Chávez withdrew all Venezuelan diplomats from Bogotá and ordered tanks deployed at the Colombian border after Colombia attacked a FARC guerrilla camp in Ecuador. See "Chavez sends tanks to Colombia border in dispute", Reuters, 2 March 2008. In 2009, Chávez froze diplomatic relations with Colombia after Bogotá declared that anti-tank weapons purchased by Venezuela had ended up in the hands of the FARC, ordered an end to binational trade with Colombia, threatened to close the border and increased the Venezuelan military presence there. See Arthur Brice, "Venezuela freezes relations with Colombia", CNN, 29 July 2009; "Promesa del Presidente Chávez de reducir a cero el comercio con Colombia amenaza la recuperación de Venezuela", *Portafolio*, 24 November 2009; "Chávez ordena al Ejército que se prepare para la guerra con Colombia", *El País*, 9 November 2009.
[181] Crisis Group telephone interview, government official, May 2022.
[182] The border was not only closed due to political tensions but also because of preventive measures related to the COVID-19 pandemic. "Venezuela to reopen border with Colombia after more than two years", France 24, 5 October 2021.

dialogue between senior officials in the neighbouring regions of Norte de Santander, in Colombia, and Táchira, in Venezuela, has ensured an increasing level of local cooperation regarding shared security threats and humanitarian relief for migrants.[183] In 2021, authorities in Táchira warned their Colombian counterparts that members of the Tren de Aragua had escaped from prison and were hiding in Colombia. The exchange of intelligence led to their arrest.[184]

The incoming government in Bogotá, which took power on 7 August, appears determined to build on this fragile progress and restore ties between the two nations completely. President Petro, a left-leaning former urban guerrilla who has pledged to fight inequality and reduce Colombia's reliance on fossil fuels, has said he would re-establish diplomatic relations with Venezuela, "whatever the government".[185] Following his first telephone call with Maduro, days after his election victory, Petro declared that he would open the border fully and work toward improving human rights along the frontier, potentially signifying an end to the mistrust and mutual accusations of support for armed factions that have marred bilateral relations since 2019.[186] The government is also likely to be keen to expand trade following the collapse in formal commercial relations over the past decade, and to find ways to handle more humanely the arrival and return of migrants.

On the specific issue of migration, Petro has made explicit his goal of improving the well-being of Venezuelans. Building on the efforts of previous governments to offer Venezuelans temporary residency, his manifesto states that his government would support migrants' economic integration and educational programs, as well as "dignified conditions for return to their countries of origin".[187] He has also said he would promote dialogue with other Latin American states to support the integration of migrants and recognise their contribution to host societies.[188] Despite the new government's concern for migrants' needs, political refugees from Venezuela in Colombia have voiced concern about whether renewed bilateral relations will compromise their safety by enabling extradition back to Venezuela.[189]

D. *Resolving the Venezuelan Crisis*

Venezuela's economic, political, humanitarian and security woes have driven the migrant exodus. But while fixing some of these underlying causes could create the conditions for more migrants to return, a solution to Venezuela's political crisis that could spark a steady economic recovery nevertheless appears far from imminent. Tentative

[183] Crisis Group interview, Norte de Santander state officials, 13 May 2022.
[184] Ibid.
[185] "Restablecer relaciones con Venezuela y un ferrocarril entre los dos países: las promesas de Petro en Cúcuta", *Semana*, 11 November 2022.
[186] Tweet by Gustavo Petro, @petrogustavo, president of Colombia, 7:45am, 22 June 2022. Crisis Group Report, Disorder on the Border, op. cit.
[187] Gustavo Petro, "Colombia, potencia mundial de la vida. Programa de gobierno 2022-2026", manifesto, 2022, p. 35.
[188] "Petro y su política exterior: las propuestas del próximo presidente de Colombia", *El Espectador*, 20 June 2022.
[189] Patricia Laya, "Maduro's enemies are fleeing Colombia as persecution fears mount", Bloomberg, 5 July 2022.

negotiations between the Maduro government and an opposition alliance in Mexico started in August 2021, but Maduro suspended them two months later. In March 2022, however, the push for a negotiated settlement in Venezuela received a fresh boost when Maduro announced he would resume talks with the opposition after a high-level U.S. delegation visited Caracas.[190] Unfortunately, progress toward a new round of dialogue has stumbled since then, though it is not off the table, with frequent contacts between representatives of the two sides in recent months.[191]

The resumption of talks between Caracas and Washington was profoundly influenced by the war in Ukraine, but could in theory generate a climate that is favourable not just to resuming oil exports to the U.S. market, but also restarting the Mexico dialogue, preparing the ground for improved electoral conditions and providing sanctions relief. There is no quick fix for a political conflict that has dragged on for over two decades, but in the event of breakthrough toward a political settlement or a hypothetical lifting of U.S. sanctions, living standards in Venezuela could finally embark on a sustained recovery from their current nadir, while migrants might consider returning home.

Down the road, returnees could play a major role in the reconstruction of Venezuela. Yet it is uncertain how many of the Venezuelans who fled their homeland would consider going back when the situation allows for it. Estimates vary greatly, but civil society groups argue that most Venezuelan migrants and refugees plan on staying in neighbouring host countries.[192]

In the meantime, Maduro has argued that Venezuelans who are facing discrimination and xenophobia abroad need a helping hand to return home. "The doors of our country are open and they can return and be in peace, without discrimination, next to their families and on their land", he has declared.[193] A campaign to support returnees, branded Plan Vuelta a la Patria, claims to have brought back over 28,000 Venezuelans from 21 countries in 165 flights and sea journeys since 2018. This figure represents not even 0.5 per cent of the total Venezuelan diaspora, but the *chavista* government has given its campaign a high profile. While the campaign was supposedly designed for stricken migrants who could not finance a return trip, Venezuelans complained about having been charged large sums for their repatriation flights. Critics have treated the strategy as a political stunt.[194]

[190] The visit came as Washington is looking for options to reduce its reliance on Russian fuel. Phil Gunson, "A Twist in Caracas: Is a Venezuela-U.S. Reboot on the Cards?", Crisis Group Commentary, 16 March 2022.

[191] "Venezuela government and opposition to renew talks amid humanitarian crisis", BBC, 18 May 2022.

[192] For example, the NGO Observatory of the Venezuelan Diaspora surveyed migrants and refugees in neighbouring countries. About 80 per cent indicated they had no plans to return to Venezuela. See "Observatorio de la Diáspora afirma que el número de migrantes venezolanos asciende a 7,2 millones", *El Nacional*, 22 April 2022.

[193] "Venezuela inicia Plan Vuelta a la Patria 2022 desde Ecuador", TeleSur, 23 March 2022.

[194] "Regresar a Venezuela en vuelos de repatriación cuesta entre 120 y 1.390 dólares", *El Pitazo*, 8 May 2020.

Some entrepreneurial Venezuelans have also returned home, many with the aim of profiting from the elimination of price controls and free circulation of the U.S. dollar in the country.[195]

To promote future safe returns, the Venezuelan government should not be in sole charge of these operations. International partners should press Colombia and Venezuela to open effective humanitarian corridors across the border as part of any improvement in relations between the two, with support from international agencies such as the International Organization for Migration and UN High Commissioner for Refugees.[196] Guarantees aimed at safeguarding human rights of returnees during their journey will be vital. UN agencies and donor countries should also increase financial and technical support for returning migrants and strengthen the responsiveness of the Venezuelan state so as to ensure returnees have food and safe transportation to their destination. Special attention for women and children who have already faced extreme risks and hardships during their flight from Venezuela is of particular importance.

Close monitoring of the entire return process is critical. Venezuelans who opted to return home during the early months of the pandemic were received in overcrowded quarantine centres on the Venezuelan side of the border, where conditions were dire. *Colectivos*, violent para-police groups loyal to *chavista* politicians, were looking for signs of political dissent inside these centres and behaved violently toward former military officers who were perceived as traitors.[197]

[195] Some Venezuelans now make more money in Venezuela than they made abroad as migrants or refugees. Ezra Fieser, Nicolle Yapur and Fabiola Zerpa, "Venezuelan migrants are coming home as Maduro embraces capitalism", Bloomberg, 8 March 2022.

[196] The IOM has designed guidelines for the full spectrum of return, readmission and reintegration, which could be the departure point for future return policies. See "IOM's Policy on the Full Spectrum of Return, Readmission and Reintegration", IOM, April 2021.

[197] Crisis Group Report, *Disorder on the Border*, op. cit.

VII. Conclusion

Colombian authorities have provided a generous welcome to Venezuelans fleeing extreme hardship in their homeland, setting a high bar for granting migrants formal residency and access to public services. But the migrants' urgent quest for money, food and shelter has tended to overshadow the scope of Bogotá's legal protections. Many migrants have found themselves exposed to poverty, discrimination and physical peril. Colombia's large informal economy has failed to ease many migrants' financial straits, above all during the pandemic lockdowns. Meanwhile, the country's far-reaching armed and criminal networks have emerged as major employment providers, but at the cost of sexually exploiting women, entrapping migrants in conflict zones or dispatching them to commit crimes in cities.

The xenophobic reaction of many Colombians to Venezuelans has spiked at moments of unrest, but it owes much to the perception that migrants and refugees lower wages for locals and account for a rising share of crime, above all high-visibility offences in big cities such as drug dealing and burglary. While debate continues as to the extent of their involvement in crime, there is little doubt that vulnerable Venezuelans have been exploited as cheap, docile labour by legal employers and crime groups alike. These employment terms, and their effects on Colombians' perceptions of migrants (informed by anxiety about competing with them), have in turn been aggravated by the country's rising joblessness, worsening insecurity, buoyant illicit businesses and the pandemic's economic effects.

Ensuring that Venezuelans receive enhanced information and support to help protect them on arrival and doing more to enable them to join the formal economy would help rescue them from illicit recruitment and exploitation. But a safer life for Venezuelans in Colombia will also depend on improving ties between the two countries. Mending ruptured diplomatic and consular relations looks far more likely now that Gustavo Petro is the president of Colombia. Rebuilding relationships should be a priority for Caracas as well, and the broader region should do more to pool efforts to address the exodus and the criminal threats migrants face. Recognising that Venezuelans will continue to cross into Colombia should not impede strategies to facilitate safe returns to Venezuela for those who wish, especially if and when the country makes progress toward resolution of its longstanding political conflict. In the process, both governments must collaborate to increase border security and make passage safer in both directions.

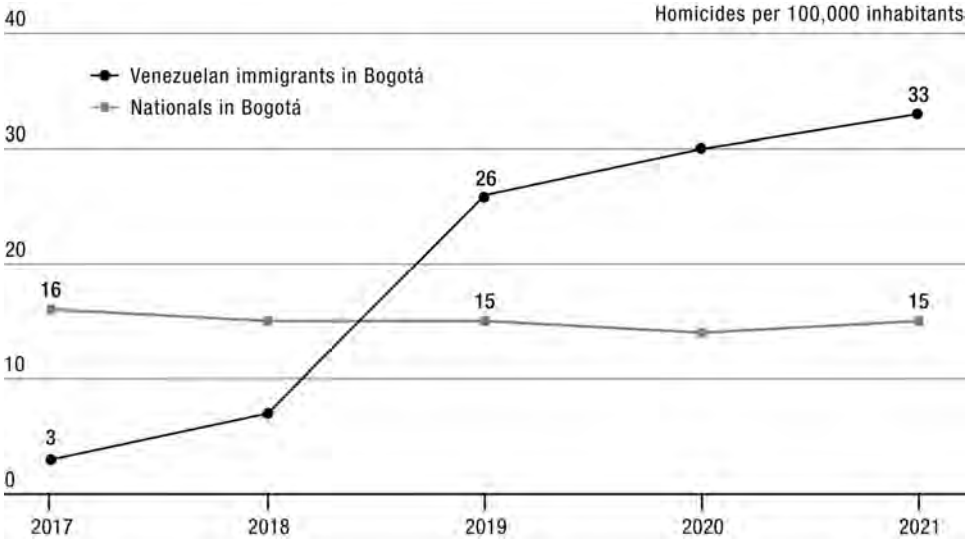
Crime may well remain an alluring option for vulnerable migrants so long as Venezuela's economy stays in the doldrums and employment in Colombia is hard to find. A route for migrants to a legal home and livelihood will require greater physical protection, more economic opportunity and serious steps toward cooperation between the two states. Overall, however, the Petro administration's advent and other developments hold out the hope that the worst of Venezuelan migrants' travails in Colombia may be in the past.

Bogotá/Washington/Brussels, 9 August 2022

Appendix A: Map of Colombia

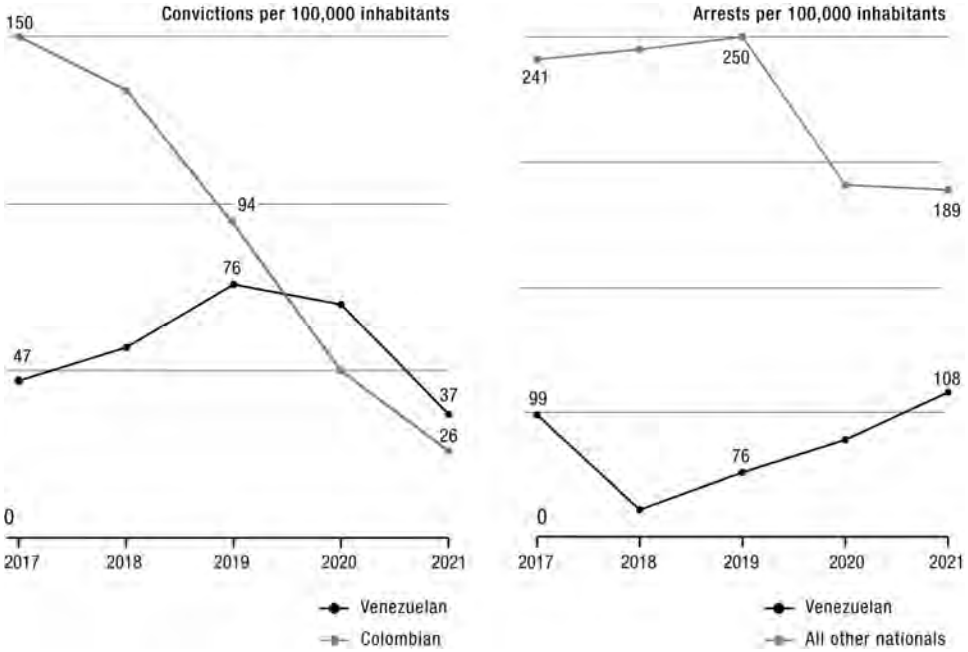
Appendix B: Venezuelan Migrants and Refugees in Colombia

Graph 1. Homicide rate in Bogota (2017-2021)



Source: Venezuelan and Colombian homicide rates from the Colombian National Institute of Legal Medicine and Forensic Sciences. The number of Venezuelan immigrants comes from Colombian state migration agency (Migracion Colombia) for the years 2018 to 2021. Colombian population projections from Colombian National Statistical Administrative Department (DANE) from 2018 to 2021. For 2017, we did a reverse population projection using the average rate increase observed in the available years.

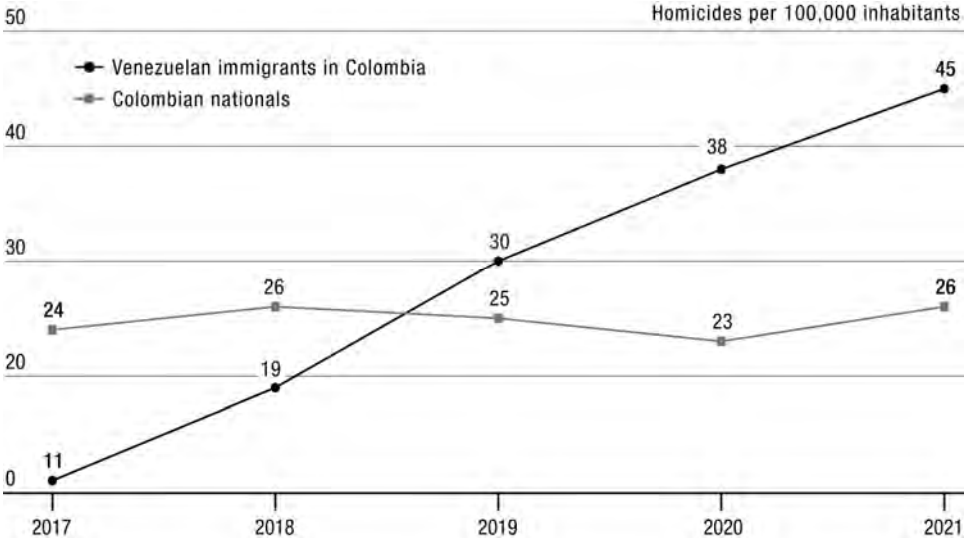
Graph 2. Conviction and arrests rates



For left panel: Crisis Group elaboration using conviction data from the Colombian Attorney General Office. Total convictions of those accused of crime according to criminal news entries to the Accusatory Oral Criminal System in Law 906 of 2004 and Law 1098 of 2006. Data collected on June 24, 2022. The number of Venezuelan immigrants comes from Migración Colombia for 2018 to 2021. Colombian population projections from DANE from 2018 to 2021. For 2017, we did a reverse population projection using the average rate increase observed in the available years.

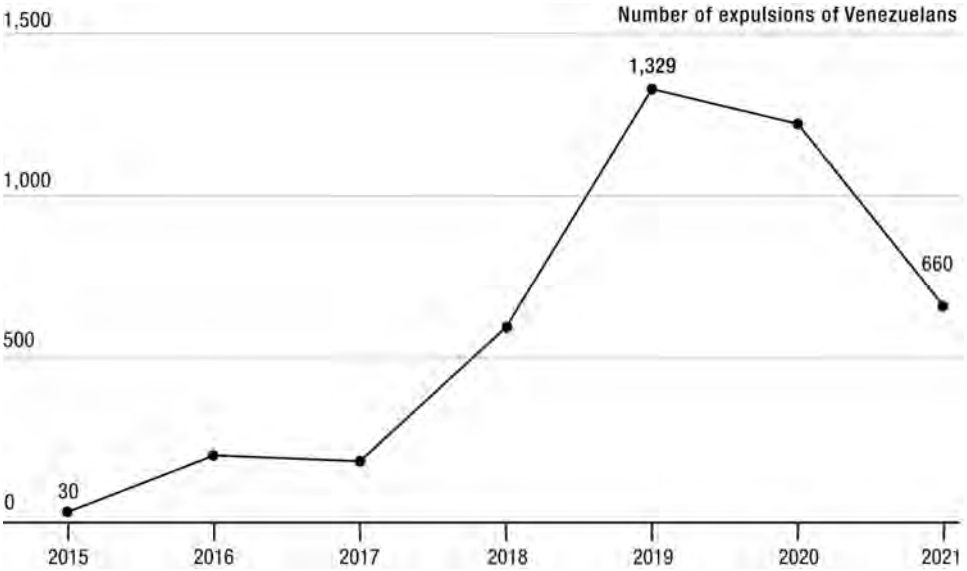
For right panel: Crisis Group elaboration using arrest data from the National Penitentiary and Prison Institute of Colombia (INPEC), and population from the Colombian Ministry of Foreign Relations, and DANE.

Graph 3. Homicide rate in Colombia (2017-2021)



Source: Venezuelan and Colombian homicides from the Colombian National Institute of Legal Medicine and Forensic Sciences. The number of Venezuelan immigrants comes from Migración Colombia for 2018 to 2021. Colombian population projections from DANE from 2018 to 2021. For 2017, we did a reverse population projection using the average rate increase observed in the available years.

Graph 4. Deportations of Venezuelans from Colombia



Source: Crisis Group elaboration using data from Armandoinfo, Dejusticia and Migracion Colombia. 2021 data from an interview with an immigration specialist in Colombia.

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

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The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

Comfort Ero was appointed Crisis Group's President & CEO in December 2021. She first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director in 2011 and then Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the UN Secretary-General in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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