

# Economic & Social Rights Report

## Colombia: the Challenge of Building Peace



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# Description

## ABOUT SOLIDAR'S ECONOMIC AND SOCIAL RIGHTS REPORT

In 2015, all United Nations Member States signed up to the 2030 Agenda for Sustainable Development: a global commitment to transform our current model of economic development into one based on respect for human rights and the environment. In 2017 – with the aim of promoting policy coherence for development – the new European Consensus on Development announced the alignment of the development activities of the EU and its Member States with the 2030 Agenda. According to SOLIDAR, the 2030 Agenda constitutes a powerful framework to:

1. Promote a model of sustainable development at the service of the great majority, while making the full realisation of human and environmental rights its main objective.

2. Ensure the progressive realisation of economic and social rights, namely decent work, social protection, and freedom of association.

The Economic and Social Rights Monitoring Report (ESRM) is a tool developed by SOLIDAR's members and partners within the framework of the EU-funded programme "Organising International Solidarity" (OIS)<sup>1</sup>.

The objective of the ESRM is to engage in a structured dialogue with the EU and to contribute to the EU Programming for the period 2021-2027, by collecting the views and recommendations of civil society organisations (CSOs) on the contribution of national and European policies and programmes to the achievement of the Sustainable Development Goal, and especially of:



SDG 5: Gender Equality



SDG 8: Decent Work and Economic Growth



SDG 12: Sustainable Consumption and Production



SDG 13: Climate Action



SDG 16: Peace, Justice, and Strong Institutions



SDG 17: Partnerships for the Goals

<sup>1</sup> A presentation of the OIS programme is available at: <https://prezi.com/view/9zuxuivoqUSD3w1pGJSz>

## EU-COLOMBIA COOPERATION AND CIVIL SOCIETY DIALOGUE

The European Union's (EU) engagement with Colombia in the past ten years has been mainly focused on “**supporting peacebuilding initiatives**”.

In order to facilitate access to fundamental economic and social rights and achieve lasting peace, the European Trust Fund for Peace was created in response to the Government's request to contribute to two essential aspects of the Peace Agreement: 1) the Comprehensive Rural Reform and 2) the social and economic reincorporation of former FARC-EP<sup>2</sup> combatants. The European Trust Fund for Peace currently<sup>3</sup> has 130 million euros to support peace projects in 26 departments and 98 municipalities in Colombia<sup>4</sup>.

Recently, the European Union has followed social protests and violence in Colombia with great concern. The country is going through a profound crisis, and the socio-economic impact of the COVID-19 pandemic has further exacerbated the existent inequality and the population's deprivation of their right to demonstration and freedom of expression. In addition to this, the country has had a high crime rate in recent years, including persecutions and killings of social and environmental leaders. This context of violence puts at risk the country's modest progress towards peace.



Photography:  
**MPDL and  
ACPP files.**

### 1. Environmental Challenges and Necessary Changes

Colombia has a natural wealth that is currently under threat due to the economic and agricultural transformation to which it has been subjected in recent decades.

**The concentration of land ownership through violence**, the indiscriminate logging of forests and the development of extraction activities, the use of chemicals and pesticides, and the recent practice of hydraulic fracturing (commonly known as fracking) are the four pillars upon which this economic and agricultural transformation is based, whose

2 Revolutionary Armed Forces of Colombia-People's Army.

3 [https://eeas.europa.eu/headquarters/headquarters-homepage/100701/el-fondo-europeo-para-la-paz-fortalece-su-apoyo-en-colombia\\_ro](https://eeas.europa.eu/headquarters/headquarters-homepage/100701/el-fondo-europeo-para-la-paz-fortalece-su-apoyo-en-colombia_ro)

4 Equivalent to 71.8% of the departments (26 out of 32 departments in total) and to 9.5% of the municipalities (98 out of 1,025 municipalities in total).

beneficiaries are mainly multinational corporations.

### 1.1. Concentration of Land Ownership through Violence

Colombia has one of the highest figures of land concentration ownership worldwide, with a Gini coefficient of 0.87. The figures disclosed by Agustín Codazzi Geographical Institute (IGAC, as per the Spanish acronym) reveal that 14 million hectares are used exclusively for livestock farming, even if only 2.7 million are suitable for such purpose<sup>5</sup>. Furthermore, of the 22.1 million hectares of agricultural land only 7.1 million are used for this activity.

During the transformation of the economic model, small farm plots were replaced with **livestock and single-crop agro-industrial macro-projects for exportation**, mainly with banana and palm oil crops.



Photography:  
Shutterstock.com

Land dispossession, the main mechanism used for land appropriation and concentration, lays the foundations for the final goal of this type of land use, focused on **exportation and accumulation of wealth following the agro-industrial reasoning** in spite of the great impact that this model is having on ecosystems and land fertility, which ultimately affect the health of the population of these territories.

All this was carried out with the support of paramilitary forces that, despite the existing legal framework, seized territories that belonged to rural and indigenous communities, and collectively-held territories of Black communities<sup>6</sup>, which combined forest use with crop rotation agriculture. Ethnic peoples from the departments of Guaviare, Nariño, Chocó, Valle del Cauca, and Cauca face some of the most sensitive circumstances. This situation is due to the presence of illegal armed groups, illegal crops in indigenous reserves and Community Councils<sup>7</sup>, displacements, killings, and other violations of human rights (sexual violence, lockdowns, extortion, threats, etc.) associated with the armed confrontations that take place in the territories of ethnic peoples in the context of the armed conflict.<sup>8</sup>

Despite the legal and social advances for land restitution led by the Land Restitution Unit (URT, as per the Spanish acronym), **beneficiary families are left with land in a situation of grave environmental deterioration and with limited possibilities for cultivation.**

<sup>5</sup> <https://www.semana.com/nacion/articulo/ganaderia-en-colombia-utiliza-mas-tierra-de-la-que-deberia-segun-igac/529191/>

<sup>6</sup> Dialnet-PanoramaDerechoPropiedadColectivaEnComunidad.pdf

<sup>7</sup> Legal-administrative form of organisation of Black communities in Colombia whose functions include the internal administration of collectively-held land allocated to them.

<sup>8</sup> <https://centrodememoriahistorica.gov.co/pueblos-indigenas-victimas-de-violencias-de-larga-duracion/>

<https://comisiondelaverdad.co/actualidad/noticias/reconocimiento-verdad-pueblo-negro-racismo-discriminacion-intensificaron-violencia>

Faced with the impossibility of ensuring their food security and difficulties to regenerate the social and territorial fabric, these families are forced to perpetuate the farming or monoculture model (accepting the conditions set by landowners, working for plantations, giving up land) to ensure their survival. This situation, which represents a beneficial relationship for some and one of survival for others, contributed to the country's environmental deterioration.

### 1.2 Extraction Activities and Deforestation

In 2019<sup>9</sup>, 158,000 hectares were deforested only in the Amazon, **which is equivalent to 30 times the surface of Andorra**<sup>10</sup>. One of the direct consequences of this indiscriminate logging is increased flooding and drought, since forests have been deprived of the natural capillary system they create in order to absorb rainwater during droughts and release water in summer. In addition, there has been a dramatic reduction in the ability to fight against the greenhouse effect because of the source of CO<sub>2</sub> emissions to the atmosphere that results from the destruction of forest areas.



**Mining is another activity with great impact in the country.** The exploitation of alluvial and lode gold in particular is considered to be one of the most impactful activities due to the damage it causes to waters and rivers, as well as to the arable land, by extracting the natural minerals and nutrients of the soil.

In this context, **one key challenge is to restructure Colombia's mining code in order to prioritise the production and generation of life in the territories.**

### 1.3 Use of Chemicals and Pesticides

The use of chemicals and pesticides has become widespread in order to be able to maintain macro-plantations. Due to soil erosion and deforestation, these products penetrate the soil and spread throughout the habitable territory and arable land, including groundwater and rivers, which become polluted. This phenomenon causes **the permanent disappearance of vegetation, as in the case of the territory of Nariño, where indigenous communities who depend on certain plant species see their survival at risk as a result of the use of chemicals and pesticides.**



One of these chemicals is glyphosate, the use of which was banned due to the severe consequences it had on the environment. However, it is starting to be used again in Colombia, mainly in illegal crop eradication programmes<sup>11</sup>. Furthermore, fossil fuels are employed in new land uses for the manufacture of pesticides and fertilisers, leading to an increase in CO<sub>2</sub> emissions.

<sup>9</sup> <https://infoamazonia.org/es/2020/07/10/espanol-colombia-deforesta-158-894-hectareas-en-2019/>

<sup>10</sup> Institute of Hydrology, Meteorology, and Environmental Studies (IDEAM, as per the Spanish acronym), Ministry of Environment and Sustainable Development of Colombia (MADS, as per the Spanish acronym). UN-REDD Programme Colombia: Caracterización de las principales causas y agentes de la deforestación a nivel nacional Período 2005-2015 (in English, "Characterisation of the main deforestation causes and agents at national level for the 2005-2005 period"): <http://documentacion.ideam.gov.co/openbiblio/bvirtual/023780/Caracterizacion.pdf>

<sup>11</sup> <https://www.mpd.org/comunicados/americ-latina/derechos-humanos/comunicado-para-no-retorno-fumigaciones-aereas-glifosato#sthash.moxz1giD.dpbs>

## 1.4 Hydraulic Fracturing

In the last few years, the Colombian government has begun to spread the use of hydraulic fracturing (fracking) for the extraction of energy despite its negative impact on the environment. Considering the state of soils and the changes in their natural capillary system, this practice is particularly harmful for the different ecosystems of the country.

In spite of the different efforts made within the country to curb this practice, with the possibility of legally suspending it in 2018 having been considered, an expert committee determined that regulations should be adapted in order to enable fracking, whose practice started to be implemented in late 2019.

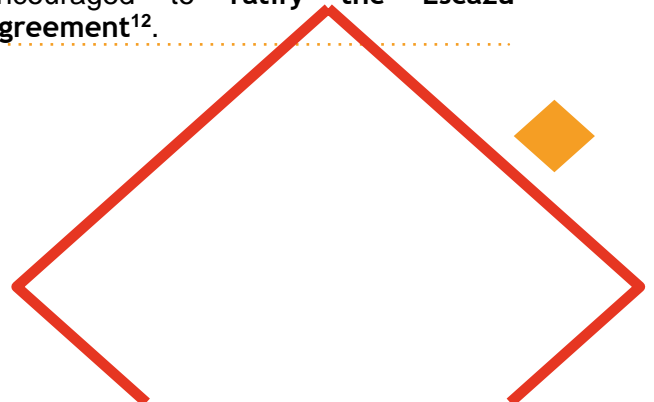
## 1.5 Recommendations of SOLIDAR Network Colombia to the European Union

The result of his situation is an **alarming loss of ecosystems that has a direct impact on the most disadvantaged communities**. In particular, indigenous and afro-descendent peoples see their natural livelihood resources at risk, and the limited legal resources available to curb the destruction of the environment in Colombia have proved to be ineffective and insufficient. Financial benefits prevail thanks to **the complicity of politicians and businesspeople**, while international and European multinational corporations take advantage of the vulnerability of natural resources in order to increase their wealth.

In view of all this, **SOLIDAR Network in Colombia makes the following recommendations to the European Union:**

- ▶ That free trade agreements be reviewed and that **mechanisms for the control and monitoring of European companies and multinational corporations** which operate in Colombia be established, calling a halt to said agreements if environmental abuses are identified.
- ▶ That strategies to **boost fair trade and and responsible consumption** be implemented.
- ▶ That actions that contribute to **reforestation and the conservation of rivers and basins** be supported, **while establishing mechanisms for public control of natural resources, particularly water**. The EU must engage in a political dialogue with the State focused on establishing public, transparent controls of the use of natural resources. These resources (e.g. rivers or forests) are considered to be subjects of rights, which means that the State is required to ensure the restoration, conservation, and sustainable use of the same.
- ▶ That it be ensured that rural communities which produce the food that is consumed in Europe are **paid fairly**, verifying the **percentages received by intermediaries**.
- ▶ That the Colombian government be encouraged to **ratify the Escazú Agreement<sup>12</sup>**.

<sup>12</sup> <https://www.javeriana.edu.co/pesquisa/acuerdo-de-escazu-colombia/>





Photography:  
MPDL and ACPP files.

- ▶ That **renewable energies** be promoted by means of bilateral aid and cooperation, **reducing the ecological print** and the production of energy by means of fossil fuels. In this sense, the EU should also include **the carbon print as a criterion for bilateral collaboration** with the country.
- ▶ That the **protection of leading defenders of environmental rights** be encouraged, as well as that of social activists and indigenous and Black community leaders, under threat due to their efforts to defend natural resources and the territory in which they live. After Brazil, Colombia is the Latin American country with the highest number of environmental killings.
- ▶ That human, technical, and economic resources that **contribute to the technification of the Colombian countryside** be provided and that **clean and agro-ecological production practices** be promoted in the territories.
- ▶ That **environmentally-friendly indicators** be included in all the formulated and executed projects, trying to reduce the use of printed paper, fostering recycling and reforestation, favouring social causes that protect natural resources and the cultural manifestations associated with the same (harmonisation, health, and spiritual rituals of indigenous peoples or Black communities, etc.).
- ▶ That **international pacts that force multinational corporations to respect human rights** be promoted within and outside their countries of origin.
- ▶ That pilot programmes be established in different regions which allow **rural and ethnic communities to access good practices** as one of the best strategies to replicate knowledge.



▶ That **civil society's petitions** be supported **before the Colombian government** to give up practices that are harmful to the environment, such as fracking, mining operations in moorlands, impacts on water sources, agroindustry and monocultures, or fumigations with chemicals.

▶ That the addition of an ecological and feminist transition perspective be promoted in EU-funded tenders and projects, encouraging exchanges involving the Colombian government.

▶ That the implementation of the **National Action Plan on Business and Human Rights** be reviewed occasionally in the agroindustry sector, since it constitutes an element that promotes social conflict and has an impact on human rights, the environment, and the territory.

## 2. Sustainable Growth and Employment

Colombia has been ranked as one of the countries with greatest inequality and, consequently, with lower intergenerational income mobility<sup>13</sup>. According to the UNDP 2019 report, the country has a Human Development Index (HDI) of 0.761, which includes the advances made in three essential dimensions of human development: enjoying a long and healthy life, access to education, and a decent standard of living. However,

the reality of the country is very different, and the effects of COVID-19 have been devastating: national monetary poverty increased from 35.7% to 42.5% in 2020 and, according to the estimations, the crisis associated with COVID-19 represents **“an unprecedented economic recession in terms of its magnitude and scope”** for Colombia. This has caused a disproportionate impact, **especially on female employment**: female labour participation, which peaked between 2015 and 2017, dropped to 46.8% in July-September 2020<sup>14</sup>.

In accordance with the information of the Great Integrated Household Survey (GEIH, as per the Spanish acronym)<sup>15</sup> of the third quarter of 2020<sup>16</sup>, Colombia's employed population went down by 2.9 million people compared to the same period in 2019. This reduction marks a historic low regarding the country's employment levels during this quarter in the last 11 years, a trend which makes it the third country with the highest unemployment rates and the lowest female labour participation rates at regional level.



<sup>13</sup> Human Development Report 2019, UNDP: [https://hdr.undp.org/sites/default/files/hdr\\_2019\\_overview\\_-\\_english.pdf](https://hdr.undp.org/sites/default/files/hdr_2019_overview_-_english.pdf) (Page 11).

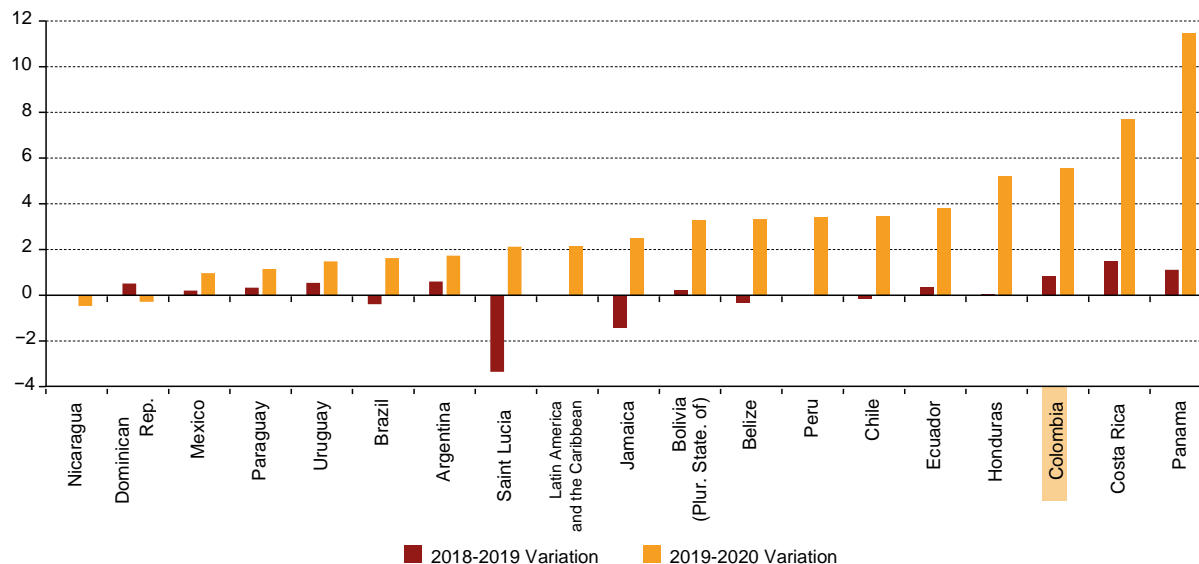
<sup>14</sup> El impacto de la COVID-19 en las mujeres trabajadoras de Colombia (in English, The Impact of COVID-19 on Colombian Working Women), ILO: [https://www.ilo.org/wcmsp5/groups/public/--americas/--ro-lima/--sro-lima/documents/publication/wcms\\_774770.pdf](https://www.ilo.org/wcmsp5/groups/public/--americas/--ro-lima/--sro-lima/documents/publication/wcms_774770.pdf)

<sup>15</sup> Great Integrated Household Survey.

<sup>16</sup> DANE's Technical Bulletin: [https://www.dane.gov.co/files/investigaciones/boletines/ech/ech\\_informalidad/bol\\_geih\\_informalidad\\_jul20\\_sep20.pdf](https://www.dane.gov.co/files/investigaciones/boletines/ech/ech_informalidad/bol_geih_informalidad_jul20_sep20.pdf)

► Latin America and the Caribbean (18 countries): year-on-year variation of the unemployment rate by country, 2018-2019 and 2019-2020

(In percentage points)



Source: Economic Commission for Latin America and the Caribbean (ECLAC) and International Labour Organization (ILO), based on the official information of the countries.

2.1 Unemployment and informal employment in Colombia



The serious employment situation caused by the consequences of the pandemic lead to a high national unemployment rate 20.2% in July 2020. In addition to this, public policies have further impoverished the population while benefiting the elites<sup>17</sup>. The report of the National Administrative Statistics Department of Colombia (DANE, as per the Spanish acronym) specified that there is a total of 12 million employed people in the entire national

territory: 6.3 million formally employed and 5.6 million informally employed. It is safe to say that, at national level, informal employment has risen, especially among men, who during the December 2019-February 2020 quarter<sup>18</sup> have increased by 1.3% their occupation in these job positions, whereas this increase is of 0.2% among women.

The Political Constitution of Colombia sets out the principles that regulate and constitute decent work in its articles<sup>19</sup>. Nevertheless,

17 DANE's Technical Bulletin: [https://www.dane.gov.co/files/investigaciones/boletines/ech/ech\\_informalidad/bol\\_ech\\_informalidad\\_oct19\\_dic19.pdf](https://www.dane.gov.co/files/investigaciones/boletines/ech/ech_informalidad/bol_ech_informalidad_oct19_dic19.pdf)

18 DANE's Technical Bulletin: [https://www.dane.gov.co/files/investigaciones/boletines/ech/ech\\_genero/bol\\_eje\\_sexo\\_dic19\\_feb20.pdf](https://www.dane.gov.co/files/investigaciones/boletines/ech/ech_genero/bol_eje_sexo_dic19_feb20.pdf)

19 Art. 25. Right to work. Art. 38. Guarantee of the freedom of association. Art. 39. Right to form trade unions or associations without State intervention. Art. 43. Equality between men and women, with special protection of maternity. Art. 44. Fundamental rights of children. Art. 45. Adolescents are entitled to protection and comprehensive training. Art. 47. Right to social welfare, rehabilitation, and integration. Art. 48. Right to social security. Art. 53. Compulsory issuance of the Labour Statute and granting of internal legislation rule status to international labour conventions which are properly ratified. Art. 54.

Photography:  
Shutterstock.com



job insecurity figures and indexes concerning the four components of decent work according to the International Labour Organisation (ILO, 1999) shape an adverse scenario for compliance with sustainable development goal 8. With respect to the first component of decent work, generating employment and income, there are increasing tax burdens which are imposed on small and medium-sized enterprises (SMEs), promoting an economic downturn due to the closure of several SMEs<sup>20</sup> and relegating them to the sphere of the informal economy. The second component, extending social protection, is moving towards privatisation and deregulation

in Colombia. Health Promotion Agencies (EPS, as per the Spanish acronym) and the hospitals to which these companies owe large amounts of money, foster the commodification of the right to health. In fact, declarations of bankruptcy<sup>21</sup> are becoming increasingly common among these entities which emerged from the model set out in Law 100, of 1993.

The millennium goal of Decent Work and Economic Growth was negatively impacted by the conditions of preventive lockdown with no guarantees determined by the Colombian State for the prevention of COVID-19,

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Obligation of the State and employers to offer professional training and qualification. Art. 55. Right to collective bargaining in order to regulate labour relations. Art. 56. Guarantee of the right to strike. Art. 93 states that international treaties and conventions ratified by Congress which recognise human rights and prohibit their limitation in emergency states shall prevail in the internal order.

20 <https://www.larepublica.co/economia/en-medio-de-la-pandemia-por-covid-19-cerraron-509370-micronegocios-en-colombia-3130382>

21 <https://www.larepublica.co/economia/las-3-razones-de-la-crisis-financiera-del-sector-salud-segun-gaviria-2082086>

worsening the already precarious conditions of the economically active population (EAP). In 2021, there was a decrease in the overall participation, employment, and unemployment rate. According to the figures of the DANE, 2.6 million people stopped seeking employment, most of whom were women who were forced to take over childcare and domestic work at home. DANE's table of economically inactive population (EIP), which compares the period of 2019-2020 with that of May-July 2021, is shown below:

► Economically inactive population by type of activity (in thousands)

	Dec. 19-Feb. 20	May.-Jul. 21	Men	Women
Inactive (National total)	14,636	16,086	5,468	10,619
Studying	5,079	5,632	2,913	2,719
Domestic work	6,324	7,059	558	6,501
Other activity*	3,232	3,396	1,996	1,399

Source: DANE, cited by National Trade Union College (ENS, as per the Spanish acronym) (2021, page 24).

Photography:  
MPDL and ACPP files.

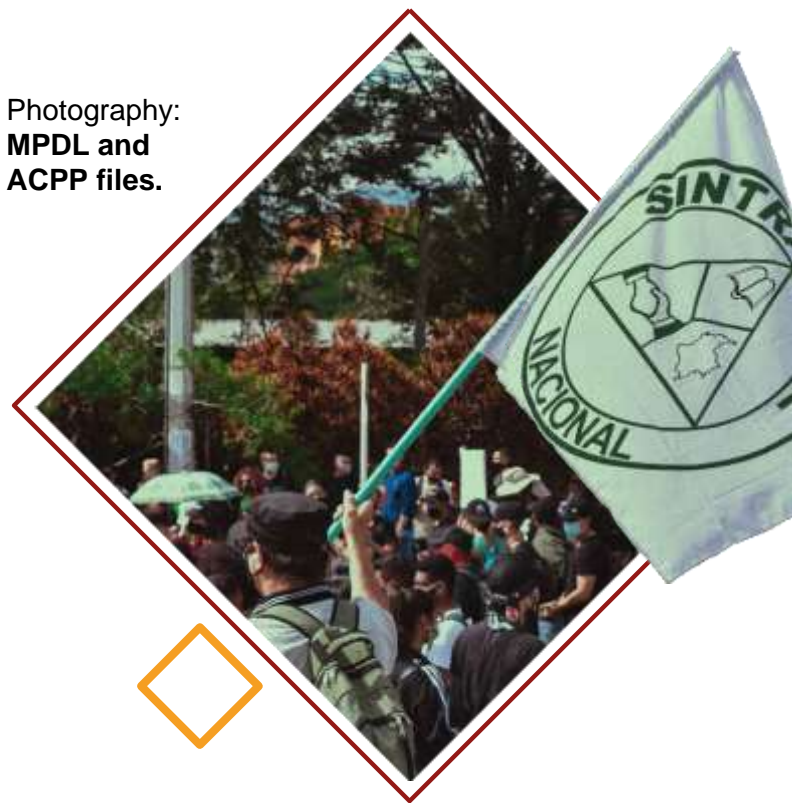


Lastly, it is worth noting the working conditions of small farmers. This group works in difficult agro-ecological conditions; meteorological conditions are unpredictable and their access to the markets is precarious. Only 3.9% of poor rural households own land and have access to technical assistance, inputs, and the necessary credits to engage in subsistence farming.

### 2.2 Anti-Union Violence and Violation of Labour Rights

**The COVID-19 pandemic has devastated jobs, communities, and lives.** With regard to the third and fourth components of decent work, ensuring the rights of workers and promoting social dialogue (ILO, 1999), the government and employers have taken the pandemic as an opportunity to lay off employees for disclosing vital information on the spread of the virus in workplaces, to violate collective bargaining rights, and to increase employee monitoring, undermining their right to privacy and/or restricting their freedom of expression and association. The reactivation of anti-union violence in the rural sector is notable, especially in areas which were previously controlled by the FARC-EP. In this context, **trade unions most affected by anti-union violence are those related to agriculture, education, the mining-energy industry, the public sector, and transport**<sup>22</sup>.

Photography:  
**MPDL and  
ACPP files.**



In accordance with the ITUC Global Rights Index concerning human and union rights<sup>23</sup>, **Colombia is one of the ten worst countries for workers in 2021**, together with Bangladesh, Belarus, Brazil, Egypt, Honduras, Myanmar, the Philippines, Turkey, and Zimbabwe. On the one hand, **it continues to be the deadliest country for workers and unionists, having registered 22 killings in 2020-2021**<sup>24</sup>. Most crimes remain unresolved because the government still does not allocate the necessary means to conduct an appropriate investigation. In fact, since no adequate protection is provided to them, the lives of unionists and those of their family members are constantly threatened.

On the other hand, trade unions' activities have been hampered because their

22 Report on the Application of International Labour Standards, 2021, ILO [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_771042.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_771042.pdf)

23 2021 ITUC Global Rights Index: [https://files.mutualcdn.com/ituc/files/ITUC\\_GlobalRightsIndex\\_2021\\_EN-final.pdf](https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN-final.pdf)

24 2021 ITUC Global Rights Index: [https://files.mutualcdn.com/ituc/files/ITUC\\_GlobalRightsIndex\\_2021\\_EN-final.pdf](https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN-final.pdf)

employers regularly violate their right to form trade unions and get rid of workers' representatives by laying them off or not renewing their contracts.

In the Report of the Committee of Experts of the International Labour Organisation (ILO)<sup>25</sup> that has just been published, the Committee has expressed **“deep concern at the persistence of many homicides of members of the trade union movement”** and notes **“the absence of data on the number of convictions of the instigators of acts of anti-union violence”**.

### 2.3 Gender Gap

Colombia has ratified all international treaties in force on human rights and women's rights and has made significant progress in the development of laws to promote gender equality and guarantee women's human rights. Some examples of this are the public policies adopted through the Public Policy Guidelines for Women's Gender Equality<sup>26</sup> of the Presidential Adviser on Equality for Women.

In spite of the advances from a legislative perspective, different organisations, such as UN Women, have drawn attention to the social and economic effects that the measures to tackle the pandemic have on women. Among the most prominent ones are the rise of gender-based violence and feminicides, the overload with unpaid work, the loss of own income due to the closure of,

female-dominated sectors, and the increase in the risk of contagion as a result of the high level of female presence in healthcare services (72%) and pharmacies and supermarkets (60%). After the outbreak of COVID-19, out of the 19,968,000 employed people by January 2021, 38.9% were women and 61.1% were men.



Finally, in the educational sphere, Colombian women have achieved major progress, since they have a higher education rate than men. Nonetheless, women are still faced with great difficulties when accessing employment and, once they enter the labour market, they are confronted with significant pay gaps<sup>27</sup>, in addition to being more prone to situations of harassment and labour exploitation.



<sup>25</sup> Report on the Application of International Labour Standards, 2020: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/--relconf/documents/meetingdocument/wcms\\_736204.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/--relconf/documents/meetingdocument/wcms_736204.pdf)

<sup>26</sup> <http://www.equidadmujer.gov.co/Documents/Lineamientos-politica-publica-equidad-de-genero.pdf>

<sup>27</sup> Human Development Report 2019, UNDP: [https://hdr.undp.org/sites/default/files/hdr\\_2019\\_overview\\_-\\_english.pdf](https://hdr.undp.org/sites/default/files/hdr_2019_overview_-_english.pdf)

## 2.4 Recommendations of SOLIDAR Network in Colombia to the European Union

SOLIDAR Network in Colombia makes the following recommendations to the European Union:

- ▶ That the adoption of a **decent work law which prioritises an intensive economic recovery with stable and properly paid jobs**, associated with the contributory scheme of the social security be included in the political agenda, together with public employment in state entities. This law should also comprise the adoption of a **minimum living income** that would provide support to the most vulnerable population.
- ▶ That Title IX of the Trade Agreement between the EU and Colombia, Peru, and Ecuador be enforced by means of **economic sanctions to Colombia due to its structural violations of fundamental labour rights and the sacred right to life**.
- ▶ That the **collaboration with trade unions and civil society as natural allies** of the European Union be strengthened in the promotion of decent work in the country. The European delegation should also increase protection mechanisms for social leaders who defend labour rights.
- ▶ That the establishment of inclusive labour policies that allow to overcome poverty and exclusion by a large number of Black, indigenous, and rural women in this situation be promoted by using different support, accompaniment, and funding mechanisms of the EU.
- ▶ That **support mechanisms for female entrepreneurs** be increased, enabling their access to microcredits for the purchase of capital goods, access to working capital, and support with consultancy for the development and consolidation of profitable and sustainable businesses in the long term.
- ▶ That **resources for microcredit programmes and institutions** that are present in the country and that have traditionally supported female entrepreneurship be increased.
- ▶ That the implementation of massive resource **transfer programmes** be promoted from the State to **informal workers**.
- ▶ That a coordinated action be coordinated together with the national government and the private sector with the aim of **creating new forms of labour that are flexible** and which allow both men and women with family burdens to have part-time employment options with decent conditions.
- ▶ That support mechanisms for the **recovery and digitalisation of small and medium-sized enterprises (SMEs)** be established.
- ▶ That spaces for the reinforcement of new **forms of association and unionisation** be created and supported within informal economies and virtual platforms<sup>28</sup>.
- ▶ That Sustainable Development that builds a dialogue-based relationship with Ethno-development methods proposed by Black and indigenous communities be fostered in their territories.

28 See: La joven de 24 años que le armó sindicato al gigante de las Tiendas D1 (in English, "The 24-year-old girl who formed a trade union in the face of the D1 store chain giant"): [https://voragine.co/la-joven-de-24-anos-que-le-armo-sindicato-al-gigante-de-las-tiendas-d1/?fbclid=IwAR3AsBMixFYg5\\_-M5LzTY-MTHaGHRc9IDLbRvwGJJmYKxgWG7x4QWDzCvSk](https://voragine.co/la-joven-de-24-anos-que-le-armo-sindicato-al-gigante-de-las-tiendas-d1/?fbclid=IwAR3AsBMixFYg5_-M5LzTY-MTHaGHRc9IDLbRvwGJJmYKxgWG7x4QWDzCvSk)

El sindicato que nació para que el emporio de los domicilios pague dignamente (in English, "The trade union that was created to make sure that the home delivery emporium pays properly"): [https://voragine.co/el-sindicato-que-nacio-para-que-el-emporio-de-los-domicilios-pague-dignamente/?fbclid=IwAR0z7H6R7btQzdL11XSdLsbr5YYBywbVmCKgKMhRtUheWhc\\_](https://voragine.co/el-sindicato-que-nacio-para-que-el-emporio-de-los-domicilios-pague-dignamente/?fbclid=IwAR0z7H6R7btQzdL11XSdLsbr5YYBywbVmCKgKMhRtUheWhc_)



## 1. Governance, Peace, Security, and Stability

Colombia has historically been one of the countries with the highest rate of systematic violations of freedom of expression<sup>29</sup> and the right to peaceful assembly, thus being considered one of the most dangerous countries for the practice of journalism. According to the data from the Foundation for Press Freedom (FLIP, as per the Spanish acronym), from 2006 to this date, 3,397 press freedom violation claims have been submitted in Colombia<sup>30</sup>. Increasing violence, particularly over the last year, has further jeopardised the path to peace and

stability, as demonstrated by the wave of violence experienced in the country last May and June, when the government decided to give a violent and armed response to the demonstrations organised after the tax reform proposal which intended to raise taxes on essential products, consequently increasing inequality and poverty.

With the Peace Agreement, signed on 24<sup>th</sup> November 2016 between the Colombian State and the FARC-EP guerrillas, **the creation of a legal framework for the peace process becomes necessary**. Based on the principle of centrality of victims<sup>31</sup>, **civil society organisations**, which bring together the more than 8 million victims of the long-standing

a6cJjNziBdE

29 See the comparative study on media concentration in Colombia: <http://www.monitoreodemedios.co/grupos-mediaticos/>

30 Press freedom violations map: <https://flip.org.co/index.php/es/atencion-a-periodistas/mapa-de-agresiones>

31 <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394>



armed conflict in Colombia, have the possibility of taking on an active role in the process, legally representing these people, and, most importantly, seeking the realisation of the victims' rights. Despite these efforts, **Colombia remains an unstable country** due to difficulties in the implementation of the Peace Agreement, perpetuated violence, and the slowdown caused by the pandemic on all fronts.

total of 524 violent acts, which represents a 13% increase in assaults compared to the same period of 2020.<sup>35</sup>

Killings of human right defenders mainly occur in areas where the State lacks sufficient presence and in municipalities with high levels of multidimensional poverty. These areas often coincide with territories of indigenous or Black communities.

### 3.1 Critical Situation for Civil Society Organisations and Human Rights Defenders

According to data from the 2019 annual report of the Somos Defensores Programme<sup>32</sup>, entitled "Reporting System on Assaults against Defenders of Rights" (SIADDHH, as per the Spanish acronym), **from 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2019, there have been 5,134** assaults (attacks, killings, threats, arrests, etc.). Furthermore, 2019 has been the year with the highest number of cases registered by its Reporting System since 2009<sup>33</sup>. According to the latest report of 2021 of the United Nations High Commissioner for Human Rights in Colombia (OHCHR)<sup>34</sup>, defending human rights remains a high-risk activity in Colombia. In 2020, the OHCHR registered the killing of 133 human rights defenders. The SIADDHH report of the first semester of 2021, for its part, confirmed a



Photography:  
**MPDL and  
ACPP files.**

32 2019 annual report, Sistema de Información sobre agresiones contra personas defensoras de DD.HH en Colombia, SIADDHH: <https://drive.google.com/file/d/1jYXd8GjrDjOERyTOJG5gDA4A55UEqYVN/view>

33 <https://somosdefensores.org/informe-anual-1/> and <https://drive.google.com/file/d/1jYXd8GjrDjOERyTOJG5gDA4A55UEqYVN/view>

34 Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: [https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A\\_HRC\\_46\\_76\\_E.pdf](https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A_HRC_46_76_E.pdf)

35 <https://somosdefensores.org/2021/09/28/resiste/>

## Threats and smear campaigns against Forjando Futuros Foundation (FFF)<sup>36</sup>

Since 2011, Forjando Futuros Foundation – one of SOLIDAR’s focal points in the country – and their director have been embroiled in several judicial proceedings orchestrated against them by the business sector (banana, livestock, and palm sectors) of Urabá, politicians from the Democratic Centre party, and institutions related to said party. Although most of these proceedings have ended up dismissed, time barred, or closed, they manage to cast a shadow of doubt on land claim processes, accusing claimants and their defenders of being detrimental to the regions’ development processes, which increases the risk of threats and killings. The restitution process is one of the great evils that afflicts the country.<sup>37</sup> Partly as a result of the above, the National Protection Unit (UNP, as per the Spanish acronym) assigned 2 collective protection schemes to the FFF: 2 vehicles with 2 escorts each, reinforcing security measures at the office, and a campaign in favour from Governance (the latter is yet to be implemented).

According to ¡Basta Ya! report, out of the 1,982 massacres documented by the National Historical Memory Centre (CNMH, as per the Spanish acronym) between 1980 and 2012, 1,166 were perpetrated by paramilitary groups, i.e. 58.9%. Guerrillas were responsible for 343, while the Security Forces were responsible for 158, which amount to 17.3% and 7.9%, respectively. These do not include 20 massacres corresponding to joint actions of paramilitary groups and members of Security Forces (CNMH, 2013, page. 42). This report has a dedicated section entitled “Afro-Colombian and Indigenous communities, the most abused”, where the historical impact suffered by them as collective subjects and their cultural losses resulting from territorial control and disputes by armed actors are registered (CNMH, 2013, pages. 284-287).

**In Colombia, freedom of expression violations are directly evidenced by the individual and collective assaults that take place in social demonstrations.** Assaults are generally justified by means of abuses of authority and accusations of belonging to criminal or insurgent groups, generating a stigmatisation of demonstrators that leads to threats and persecutions. **Human Rights movements and organisations have faced several obstacles in order to carry out their actions freely.** The internal armed conflict, the paramilitary, and forced displacement have prevented them from developing their legitimate work while ensuring their personal integrity and security.

36 (<https://www.forjandofuturos.org/comunicado-a-la-opinion-publica-sobre-reclamantes-de-tierras-donde-se-construira-puerto-pisivi/>)

37 Threats and abductions of land claimants: <https://www.forjandofuturos.org/alfranio-solano-habia-denunciado-amenazas-en-su-contra-y-le-fue-disminuida-su-proteccion/>)



Photography:  
MPDL and ACPD files.

The 2021 National Strike mobilised the Colombian population, once again, in order to reclaim rights that had been historically violated<sup>38</sup>. One of the locations with a higher concentration of forceful actions during the Strike was the city of Cali and the Pacific region of the country, where the Black community of Buenaventura is located. This community suffers from poor economic conditions and a lack of healthcare and education services, and it has been strongly affected by the armed conflict. Protesters were violently rejected by the police for merely exercising their right.

### 3.2 Changes in NGO legislation

In recent years, there have been changes concerning NGO legislation and their legal treatment in the country. **Since 2012, NGOs are legally registered with Chambers of**

**Commerce.** This means that the regulations applied to them are those which also govern and control businesses (discounting, regular taxation).

Furthermore, Decree 092, of 2017, favours larger private non-profit entities with financial muscle over more modest ones. **This change in regulations for non-profit organisations resulted in more than 75% of the existing non-profit entities (ESALs, as per the Spanish acronym) losing their continuity in the special scheme.** These procedures that have been added in the last few years have worked against the continuity and sustainability of local NGOs, many of which lack the knowledge to complete said procedures.

Regarding **mechanisms for consultation and participation in decision-making**, there are some laws<sup>39</sup> that include them, for

<sup>38</sup> <https://www.forjandofuturos.org/wp-content/uploads/2021/10/Informe-SOS.pdf>

<sup>39</sup> At national level, article 103 of the Political Constitution of Colombia sets forth citizen participation mechanisms, which are as follows: voting, plebiscites, referendums, popular consultations, open town councils, legislative initiatives, and revocation of mandates.

instance, Law 1448. of 2011<sup>40</sup>, which establishes participation mechanisms such as victim roundtables or the Transitional Justice Committees. Law 1757, of 2015<sup>41</sup>, subsequently established the participation mechanisms, bodies, spaces, and necessary institutional architecture to ensure the fundamental right of all citizens to participate in the political, economic, social, and cultural life of the country. Nonetheless, citizen participation is disputed and is usually influenced by corruption and a culture of illegality accentuated by inequality and poverty.

Lastly, the lack of access to social, cultural, territorial, economic, health, and education rights by a large section of the country has generated social protests across major cities of the country since the second half of 2019, with the government having taken advantage of the measures adopted within the framework of the pandemic to call a halt to social struggles. However, the situation of rights violation worsened with the pandemic, and the 2021 National Strike has represented a clear response of social nonconformity that is still relevant today.

### 3.3. Governance in 2022-2023



Historically, Colombia has always been a politically troubled country. One of its key features have been the exclusion of those who are different and who oppose the political system and the government through violent means.

There have been two cycles of political violence recently. The first one took place at the end of the 19<sup>th</sup> century and continued at the beginning of the 20<sup>th</sup> century, whereas the

second one started in 1948 and still exists today. One way to summarise history is to tell it from the perspective of its “protagonists”. The so-called Thousand Days’ War (1899-1902) saw the rise of general Victoriano Lorenzo<sup>42</sup>, a representative of excluded Panamanian indigenous liberals whose execution was used to chasten liberal insurgents after going through a peace process with the Colombian State. This historical account allows for the sequential analysis of the aforementioned phenomenon in leading figures such as Jorge Eliecer Gaitán (1948), Guadalupe Salcedo (1957), Jaime Pardo Leal (1987), Luis Carlos Galán (1989), Bernardo Jaramillo Ossa (1990), Carlos Pizarro León Gómez (1990), and Álvaro Gómez Hurtado (1995), among others. Likewise, it is worth mentioning the **groups that emerged in opposition to the political system, or who were accused of opposition from the structure of the Colombian State, and were consequently exterminated and persecuted.** The National Opposition Union (UNO, as per the Spanish acronym), the Civic Movement of Eastern Atioquia, the National Pro-Housing Union (CENAPROV, as per the Spanish acronym), or the Popular Training Institute (IPC, as per the Spanish acronym), among others, are an example of this. Some of these groups are recognised as Subjects of Collective Reparation<sup>43</sup> within the implementation framework of the Victims Law 1448/11.

This historical trend is still present today and it is evidenced by the emergence of the Commons political party<sup>44</sup>. As of 30<sup>th</sup> October 2021, 289 members of this parties had been killed since the Peace Agreement was signed (COMMONS, 2021).

40 Law 1448 of 2011: <http://wp.presidencia.gov.co/sitios/normativa/leyes/Documents/Juridica/LEY%201448%20DE%202011.pdf>

41 Law 1757 of 2015: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=65335>

42 <https://rebelion.org/victoriano-lorenzo-general-de-cholos-libres-y-guerrillero-invencible/>

43 <https://www.unidadvictimas.gov.co/es/atencion-asistencia-y-reparacion-integral/reparacion-colectiva/119>

44 Political party that emerged from the Peace Agreement and through which the FARC-EP would access the political and democratic life of the country.

## Peace Plebiscite

In 2016, a context of electoral conflict between Colombia's conservative political forces and those who wanted change unfolded. This conflict was evidenced by the approach to the 'Yes' and 'No' campaigns during a plebiscite that sought to legalise the Peace Agreement created in Havana during the peace negotiations between the Colombian State and the FARC-EP.

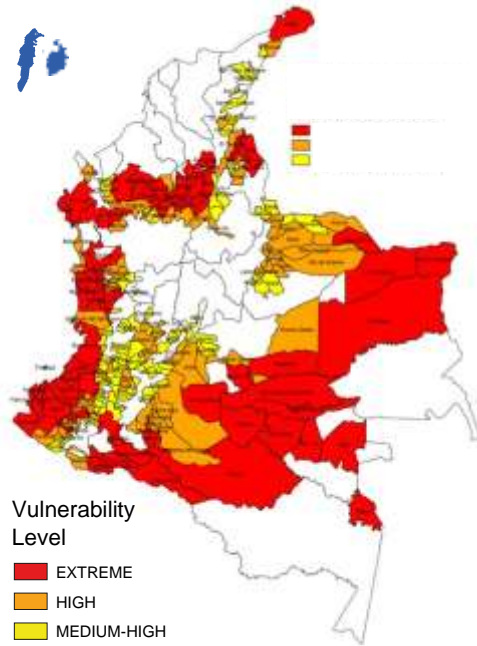
The maps below show the tens politico-electoral relation generated by the peace plebiscite, which has become a trend ever since Juan Manuel Santos was re-elected for the second time with the political solution to the armed conflict as his hallmark.

## RESULTS OF THE 2016 PLEBISCITE



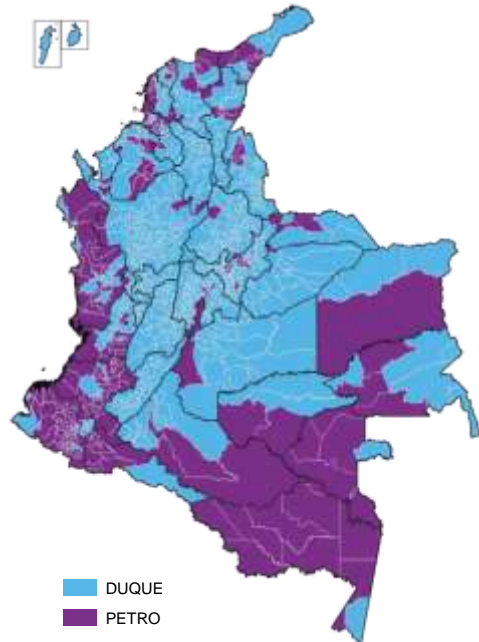
Map 2. Peace Plebiscite Elections (2016), Ideas for Peace Foundation (FIP, as per the Spanish acronym)<sup>46</sup>

## POST-CONFLICT VULNERABILITY INDEX



Map 1. Post-conflict Vulnerability Index (2015); Paz y Reconciliación Foundation<sup>45</sup>

## RESULTS OF COLOMBIA'S 2018 PRESIDENTIAL ELECTIONS - Second Round



Map 3. Results of the Second Round of the Presidential Elections (2018) by Municipality

45 Source: <https://verdadabierta.com/por-lo-menos-281-municipios-seran-vulnerables-en-el-posconflicto/>

46 Source: <https://www.ideaspaz.org/especiales/posplebiscito/>

## Colombia's Political System

Although, historically, there has always been two political parties which held the power, the political spectrum nowadays encompasses 17 political parties<sup>47</sup> recognised by the National Electoral Council (CNE, as per the Spanish acronym). This, however, does not mean that the guarantee of democratic participation has been further developed. The number of political parties could be even higher if the requests to recover legal entity status made by parties that have lost theirs are approved<sup>48</sup>.

In Colombia, public power is divided into 3 branches: the executive, the legislative, and the judiciary. The executive is currently led by the Democratic Centre party, which holds a majority in the Senate and the House of Representatives thanks to the coalition bench. The Colombian Congress is bicameral<sup>49</sup> and it consists of 172 representatives and 108 senators. Out of the 108 senators, 100 are elected by national constituency, 2 by special constituency, 5 by the Commons party (as part of the commitments of the Peace Agreement), and 1 by the highest second round presidential vote.



Source: <https://www.larepublica.co/especiales/resumen-del-ano-2018/asi-queda-la-nueva-distribucion-del-congreso-de-la-republica-2810293>

47 Human Colombia Movement (CH, as per the Spanish acronym), Patriotic Union (UP, as per the Spanish acronym), Movement of the Indigenous Authorities of Colombia (AICO, as per the Spanish acronym), Alternative Indigenous and Social Movement (MAIS, as per the Spanish acronym), Afro-Colombian Democratic Alliance (ADA, as per the Spanish acronym), Renascent Colombia (*Colombia Renaciente*), Dignity (*Dignidad*), Social Independent Alliance (ASI, as per the Spanish acronym), Green Alliance (*Alianza Verde*), Radical Change (*Cambio Radical*), Democratic Centre (*Centro Democrático*), Just and Free Colombia (*Colombia Justa Libres*), Colombian Conservative Party (*Conservador Colombiano*), Commons (*Comunes*), Colombian Liberal Party (*Liberal Colombiano*), Independent Movement for Absolute Renovation (MIRA, as per the Spanish acronym), Alternative Democratic Pole (PDA, as per the Spanish acronym), and Social Party of National Unity (Partido de la U). <https://www.cne.gov.co/informacion-sobre-partidos-y-movimientos-politicos>

48 New Liberalism (*Nuevo Liberalismo*), Christian Union Movement (*Movimiento Unión Cristiana*), Communal and Community Movement of Colombia (*Movimiento Comunal y Comunitario de Colombia*), Let Moreno Play (*Dejen Jugar al Moreno*), Authentic Liberal Left Front (*Frente de Izquierda Liberal Auténtico*), National Salvation Movement (*Movimiento de Salvación Nacional*), Green Oxygen Party (*Partido Verde Oxígeno*), National Reconciliation Movement (*Movimiento Nacional de Reconciliación*), and Secular Civic-Political Movement for Colombia (*Movimiento Cívico Político Laicos por Colombia*).

49 Legislative system that consists of two houses of representatives who draft and pass laws.

An additional element for the future Congress will be the 16 seats in the House of Representatives that will be elected from the special peace constituencies for the 2022-2026 and the 2026-2030 terms in compliance with the Peace Agreement.

Within the electoral schedule, the competition for the legislative in March will be particularly relevant in order to configure this branch as a space opposed to or in alliance with the sustainability of the governability of the elected president who takes up office on 7<sup>th</sup> August 2022. Other local elections will take place and will have an impact on the broader political system scenarios which have already been mentioned.

2022 Elections	2023 Departmental Elections
▶ Communal Action Associations (JAC/80,000 delegates)	▶ Governors (32)
▶ Congress House and Senate: 172 House Representatives-108 Senators (March)	▶ Departmental Assemblies (32)
▶ Presidential elections (May)	▶ City Councils (1,103)
	▶ Municipal Councils (1,103/12,166 councillors)
	▶ Local Administrative Boards (JAL <sup>50</sup> )

Table: own elaboration

The elections to Municipal Youth Councils (CMJ, as per the Spanish acronym) will be decided in December 2021. An analysis of the same may indicate that these are an attempt by Colombia's political system to calm down the social outburst of the months of April and October 2021, as it had been 10 years since the last time these

elections were held in the country. Colombians aged between 15 and 28, the population entitled to vote in these elections, amount to 12,537,557 inhabitants according to the DANE, and it represents 25.9% of the Colombian population. Out of this figure, only 10% went to the polls, thus indicating a high degree of abstentionism<sup>51</sup>. It is worth noting that, even though CMJ are spaces for youth representation, they still lack a direct influence on decision-making on current economic matters. Only a few have the power to decide on 5% of the municipal Youth budget and public policies.

Once this space for the participation of Colombian youth is open, it is expected to turn out to the polls in the parliamentary and presidential elections of 2022. Nevertheless, it is important to follow-up on the impact that this may have on the potential intention to deactivate the protests and social resistance of the Youth Movement in the context of the demonstrations that begun in April 2021, since the structural injustice that sparked this movement are still present.

### 2022-2023 Elections

In recent statements, the National Registrar announced that in Colombia there are 5 million people who have not been registered with the DANE. According to the data of the National Registry, the electoral register for 2019 was of 36,602,752 people, and 3 months prior to the elections, the actual number of citizens who are able to exercise their right to vote will be published.

There are two possible scenarios for the 2022 presidential elections. The first one would be

50 These are part of the structure of the Colombian State, within the territorial order of the Executive. The JAL were established by Law 136 of 1994, which defines them as "administrative corporations with a public nature that are subject to popular election".

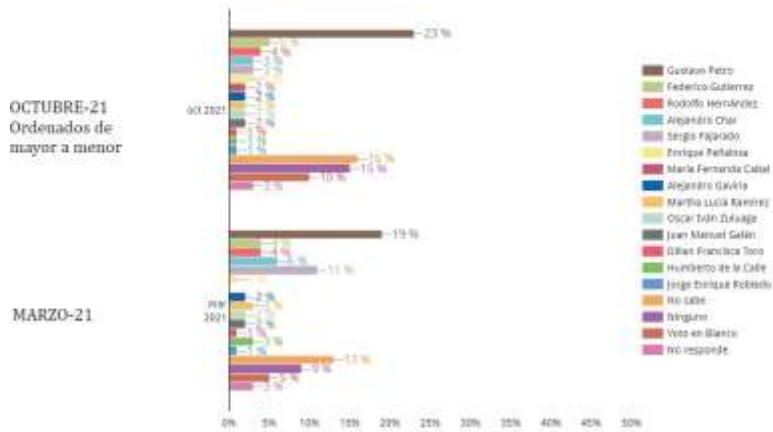
51 <https://www.canalinstitucional.tv/consejos-de-juventud-resultados-finales-balance>

the victory of the progressive presidential candidate or the left-wing coalition driven by the “Historic Pact”, and the second one would be the victory of the conservative right-wing coalition led by the ruling Democratic Centre party. Voting intention seems to favour the candidate of the Historic Pact, Gustavo Petro<sup>52</sup>, but it may change during the time that is left until the elections.

### 2.2 Intención de Voto Presidencial

Si las elecciones para la presidencia de la República de Colombia fueran mañana ¿por quién votaría?  
(Respuesta abierta espontánea)

Categoría: 1. General (1) ← Filtros con información demográfica



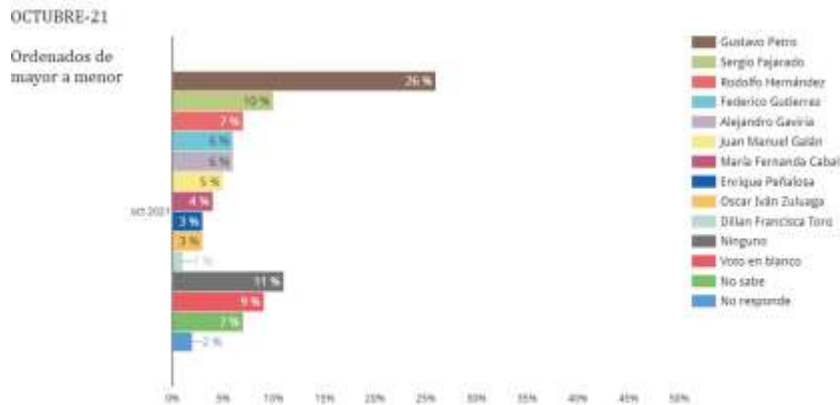
\* Candidatos con un porcentaje mayor o igual al 1%. La diferencia en resultados con respecto al 100%, corresponde a otros candidatos con porcentajes menores al 1%.



### 2.3 Intención de Voto Presidencial

Si las elecciones para la presidencia de la República de Colombia fueran mañana y se presentaran los siguientes candidatos ¿por cuál de ellos votaría? (Respuesta cerrada)

Categoría: 1. General (1) ← Filtros con información demográfica



\* La diferencia en resultados con respecto al 100%, corresponde a la aproximación a números enteros.



52 <https://www.valoraanalitik.com/2021/12/07/colombia-pacto-historico-lintencion-voto-presidenciales/>



Coalitions among the existing parties and pre-candidates play a crucial role in defining the elections. There are three big blocs in which the different pre-candidates have tried to position themselves. The first one, in the 1<sup>st</sup> consultation, gathers the alternative sector, which aims to represent new political directions for the country. At the centre there is a sector which is trying to distinguish itself from the two extremes, although leaning toward a group of parties that are trying to renew themselves within the conservative sector (2<sup>nd</sup> consultation candidates). The third bloc is that of the extreme right, led by the political party Democratic Centre, which corresponds to the 4<sup>th</sup> consultation of presidential pre-candidates. There are candidates that still have not chosen one of the blocs that will go on the first round in order to obtain a level of voter support that would allow them to negotiate in the second round, as is the case of the candidate Rodolfo Hernández.

The first problem faced by the candidate who becomes the president of the republic will be that of governability, since the so-called Social Outburst, whose main milestone were the social demonstrations of the last few years, will reach different horizons and take different directions. If the left wing led by Gustavo Petro wins, it will face the opposition of the different conservative parties from different territorial and economic levels.

Abstention will yet again play a role in the elections. It has historically exceeded 50% of voters, with the exception of 2018, when it went down 2 percentage points. This same phenomenon was present in the elections for Congress of the Republic, with abstention rates ranging between 52% and 59%.

**REGISTRADURÍA NACIONAL DEL ESTADO CIVIL**

**CONSULTA PRESIDENCIAL**  
Marzo 2022  
Marque con una "X" su candidato

**22/11/2021**

**CANDIDATOS CONSULTA 1**

- GUSTAVO PETRO (Frente Alternativo)
- ADRIANA HERNÁNDEZ (Colombia Humana)
- ADRIANA HERNÁNDEZ (Frente Alternativo)
- FRANCISCA MARFELTZ (POLO)
- ROY BARBERÁN (ADA)
- CARLOS FERRERO

**CANDIDATOS CONSULTA 2**

- SEBASTIÁN ESPERANZA (Coalición Esperanza)
- SEBASTIÁN ESPERANZA
- JUAN FERNANDO ORTIZ
- JOSÉ RODRÍGUEZ (DIGNIDAD)
- ALEJANDRO GAVIRIA (FIRMAS)
- JUAN MANUEL GALÁN (Frente Democrático)
- CARLOS ANDRÉS AMAYA

**LIGA**

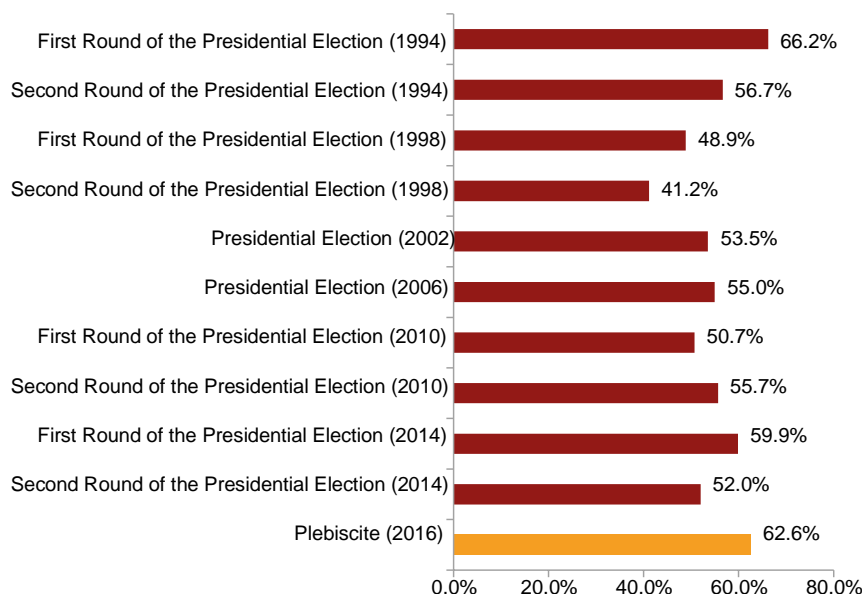
RODOLFO HERNÁNDEZ

**SIN CONSULTA EN MARZO**  
**VA A PRIMERA VUELTA**

**CANDIDATOS CONSULTA 4**

- DERECHA (EX GOB. - ALC.)
- ENRIQUE PERALTA (FIRMAS)
- LUJÁN TORO (Partido de la Uribista)
- FEDERICO GUTIERREZ (FIRMAS)
- DAVID ALEJANDRO RAFAEL
- JUAN CARLOS SCHERFF
- ALEJANDRO CHAN (Partido Social Libertador)
- JUAN MILTON RODRÍGUEZ
- AYDÉE LIZARRAZ (MIRA)
- OSCAR IVÁN ZULLUAGA (CENTRO)

## ▶ Electoral abstention rate



Source: Ideas for Peace Foundation (FIP)<sup>53</sup>

### 3.4. Ethnic Communities

Being Afro-Colombian (Black, Ethnic, Palenquero) or indigenous in Colombia may carry a stigma and, for the population who fits that description, it may represent the potential violation of their rights. This situation becomes worse if they take on a role of social leadership. In spite of this, these communities, represented by their organisations and social leaders, dare to denounce the violation of their rights and the risks to which they are exposed, fundamentally due to the situation of state neglect they live in. These denunciations have been the main cause of the threats, homicides, and forced displacements that they have suffered in the past years.

According to the Institute for Development and Peace Studies' (INDEPAZ) report of 2020<sup>54</sup>, 71 afro-descendent and 250 indigenous

leaders have been killed since the Peace Agreement was signed (2016 and 2020). This report suggests that this is systematic in the department of Cauca, Antioquia, Nariño, Valle del Cauca, and Córdoba, which have had the highest rate of leader homicides for 5 years in a row. During the reporting period, 681 homicide cases were related to rural, indigenous, afro-descendants, environmentalist, and communal organisations. The report also notes that agricultural conflicts concerning land, territory, and natural resources amount to 70.13% of the homicides. INDEPAZ's 2021 report<sup>55</sup> notifies the killing of 171 people in a position of social leadership during the year, 91 of them belonging to indigenous, afro-descendent, and communal organisations. 55 of them were indigenous, and 10 of them were Black people. Furthermore, the Afro-Colombian and indigenous population was

<sup>53</sup> Source: <https://www.ideaspaz.org/especiales/posplebiscito/>

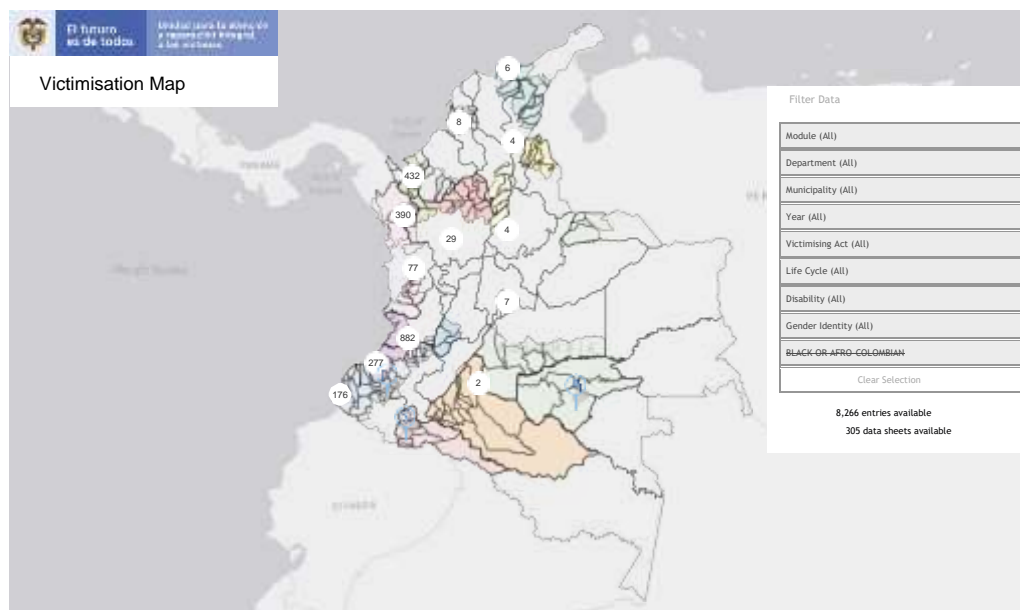
<sup>54</sup> <http://www.indepaz.org.co/wp-content/uploads/2020/07/Informe-Especial-Asesinato-lideres-sociales-Nov2016-Jul2020-Indepaz.pdf>

<sup>55</sup> <https://indepaz.org.co/wp-content/uploads/2022/01/INFORME-FINAL-2021.pdf>

described as the most abused group in the country, according to the CNMH's 2013 report. INDEPAZ's data evidences that very little has changed since then. The CNMH's report has a dedicated section where the historical impact suffered by them as collective subjects and their cultural losses resulting from territorial control and disputes by armed actors are registered (CNMH 2013, pages. 284-287).

In its Victimisation Map, the Victims' Unique Registry (RUV, as per the Spanish acronym)<sup>56</sup> shows that 68% of the filtered records of ethnic communities amount to 38% of the total victimisations registered. The georeferences of the cases in ethnic communities are provided below, which mostly represent focal points of development plans with a territorial approach (PDET, as per the Spanish acronym).

Since the independence of Colombia, there has been an attempt to mitigate the forms of exclusion suffered by ethnic communities by legal means. The Constitution of Cúcuta (1821)<sup>57</sup> posed an important milestone, since it aimed to fulfil Simón Bolívar's promise by declaring the freedom of slaves' children once they turned 18 years old. Nowadays, despite the fact that the Political Constitution of 1991 and other international treaties ratified by Colombia<sup>58</sup> recognise their ethnic and cultural diversity, there are still acts of state discrimination, exclusion, and oblivion of the territories where these ethnic communities are settled, which are linked to the violation of rights (rural areas of the Pacific, Orinoquia, and Amazon regions).



Source: <https://vgv.unidadvictimas.gov.co/mapavictimizacion/>

<sup>56</sup> The Victimisation map is a tool that serves as a source of information and as an instrument for the recognition and memory of acts perpetrated during the conflict but which are not included in the sphere of victims to be registered in the Comprehensive Victim Reparation Programme in coordination with the Commission for the Clarification of Truth, Coexistence, and Non-Repetition (CEV, as per the Spanish acronym), the Search Unit for People Presumed Missing (UBPD, as per the Spanish acronym) during and due to the conflict and the Special Peace Jurisdiction (JEP, as per the Spanish acronym).  
<sup>57</sup> <https://www.nuevatribuna.es/articulo/historia/libertad-vientres/20161012143051132618.html>

<sup>58</sup> ILO's Convention no. 169 of 1989, ratified by Colombia through Law 21 of 1991 (Prior Consultation), and World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance in Durban (South Africa) in 2001; Law 70 of 1993 (created based on transitory article 55 of 1991); Decree 1,745 of 1995 (it regulated chapter III of Law 70/1993: right of Black communities to collectively-held land); Ruling T-576 of 2014; Decree 1,066 of 2015; Decree 1,372 of 2018, among others.

### 3.5 Recommendations of SOLIDAR Network in Colombia to the European Union

SOLIDAR Network in Colombia makes the following recommendations to the European Union:

- ▶ That bilateral aid conditional on compliance with and implementation of the Peace Agreement be made, requiring the Colombian State to create mechanisms that enable civil society organisations **to supervise and monitor approved public policies**. This will provide legal security and physical safety to those who defend rights in Colombia and will ensure the independence and proper funding of the institutions that make up the Comprehensive System of Truth, Justice, Reparations, and Non-Repetition (SIVJVRGNR, as per the Spanish acronym).
- ▶ For this same purpose, that the mechanisms to follow up and supervise the implementation of the Peace Agreement by European institutions be strengthened. That Government accountability concerning the funds allocated for its implementation be demanded.
- ▶ That support to the **Peace Agreement in Colombia and the Comprehensive System of Truth, Justice, Reparations, and Non-Repetition**, specifically the Special Peace Jurisdiction (JEP) and the Search Unit for People Presumed Missing (UBPD), be kept. Particularly, **that civil society be supported**, which has brought cases to the JEP, for its effective participation and compliance with the recommendations of the Commission for the Clarification of Truth (CEV).

- ▶ That the implementation of **guarantee programmes for defenders** and, especially, **roundtables on guarantees for human right defenders** be supported.
- ▶ That **CSOs** that work on **legal representation, psychological assistance, protection, reconciliation, and non-repetition** in areas where armed forces are present be strengthened, ensuring stable funding mechanisms and supporting their political and legal influence.
- ▶ That **verification and awareness** missions regarding risk situations and the presence of armed groups and **armed conflict** in the aforementioned areas be conducted.
- ▶ That **verification and awareness** missions regarding risk situations and the presence of armed groups and **armed conflict** be conducted in the most affected territories be conducted.
- ▶ That **communication and media campaigns in major media outlets** be promoted and supported **against the stigmatisation of organisations and human rights defenders**, led by national and local CSOs through financing funds.
- ▶ That mechanisms which facilitate **Social dialogue**<sup>59</sup> and allow local human rights defenders to **engage in a dialogue with national authorities** concerning compliance of their obligations be reinforced to ensure protection.

59 For instance, Mesas por la Vida (in English, “Life Roundtables”), the campaign Lidera la vida (in English, “Lead Life”), and the Social Dialogue Summits.

▶ That the **Committee for Risk Assessment and Recommendation of Measures (CERREM, as per the Spanish acronym)** for women be strengthened and that the existing Protocol within the Comprehensive Guarantee Programme for Female Leaders and Human Rights Defenders be implemented in a comprehensive manner in order to **ensure the inclusion of gender, ethnic, intersectoral, and territorial approaches.**

▶ That **spaces for dialogue among civil society, institutions, and social organisations** be created and that **observatories for the generation of information** for social participation and control processes be promoted.

▶ That supervision mechanisms for pre- and post-electoral periods be fostered in a coordinated manner by EU missions and European social or civil organisations in order to guarantee the democratic right to cast a free and informed vote. These mechanisms should ensure a wide and strategic coverage<sup>60</sup> of the electoral process.

▶ That the full implementation of the Peace Agreement be promoted, especially in relation to Political Participation and the dismantling of paramilitary organisations.

▶ That the reinforcement of inclusive health and education policies<sup>61</sup> be promoted, ensuring access to the same by historically poor communities, as a mechanism to fight against inequality and the existing social conflict.

▶ That specific criteria with gender and ethnic approaches be included in the different EU-funding models, particularly, in those that depend on the European delegation in Colombia.

▶ That follow-up and supervision mechanisms monitoring the implementation of priorities agreed during programming be established, actively and effectively engaging civil society in the same.

▶ That consultations focused on reviewing the implementation of the National Action Plan on Business and Human Rights be organised, fostering a dialogue with different civil society representatives, especially women's and ethnic communities' organisations.



<sup>60</sup> "Strategic" refers to those polling stations suspected of fraud in the last elections.

<sup>61</sup> Promotion of ethno-education, for instance, by embracing ancestral health practices.

## 4. CONCLUSIONS

The promotion of economic and social rights and a favourable and conducive environment for CSOs and human rights defenders is an essential prerequisite for the achievement of the 2030 Agenda and its SDGs.

The COVID-19 pandemic has had catastrophic effects for the country and has led to enormous difficulties in people's lives. In addition, in a country like Colombia, where respect for human and labour rights and

anti-union violence are so vital, the pandemic may represent an opportunity for the Government to continue suppressing citizen's rights and freedoms, as well as to move further away from democracy, security, and peace.

In this context, SOLIDAR's members and their partners contribute, with their efforts, to the following political priorities of the European Commission:



Photography:  
MPDL and ACPP files.

EC Political Priorities 2019-2024	Description	Work of SOLIDAR's members and partners
Green Deal	Climate change and environmental protection	<p><b>Movimiento por la Paz (MPDL) in Colombia:</b> it promotes the use of natural fertilisers and compost, bringing back traditional cultivation practices. Furthermore, it promotes actions for the reinforcement of organisational capabilities with environmental training, case studies, and impact plans for the protection of natural resources and good environmental practice.</p> <p><b>FFF and ACPP:</b> they implement agro-ecological and reforestation projects with the aim of restoring damaged ecosystems and the network of associations of the communities living in restituted land, mainly in Urabá and Eastern Atioquia. Besides, they are launching information and awareness efforts for grassroots organisations to access the payment for environmental service scheme (Decree 1007, of 2018).</p> <p><b>FOS, IFSI, and SOLSOC:</b> they work with producer networks of the subregion of Urabá in the manufacture of organic fertilisers. In addition, they provide the current territorial diagnosis, considering environmental, social, and production factors, and conduct case studies in order to identify any damage to wetlands, establish methods of restoring those that have been deteriorated, and preserving those that are not yet damaged.</p> <p><b>Progetto Sud:</b> it supports food sovereignty, the cultivation and harvesting of medicinal plants, and the transformation of medicinal plants for therapeutic integral health uses.</p>
Growth and work	Decent work, education and professional training, private sector, trade and consumption, and production	<p><b>Movimiento por la Paz (MPDL) and Hogar Juvenil Foundation:</b> they have consolidated strategies for entrepreneurship support and reinforcement of production units in rural, urban, and peri-urban areas. They have systematised experiences and methodologies for intervention that incorporate technical, administrative, social, communicative, and marketing reinforcement processes and the injection of seed capital.</p> <p><b>FOS, IFSI, and SOLSOC:</b> they are currently executing a joint decent work programme (2017-2021) in Colombia and preparing a new joint programme for 2022-2026. They work with local partners such as trade unions, social and solidary economy networks, HR NGOs, and organisations fighting for the right to health.</p> <p><b>Laudes Infantis Foundation:</b> it generates training strategies to increase the economic opportunities of 180 young people and adults in the municipalities of Ciudad Bolívar, Usme and nearby areas, and Bogotá.</p> <p><b>CUT Colombia and Anthoc - Antioquia:</b> it promotes healthcare and the prevention of violence for victims of gender-based violence (GBV) in Santa Fe de Antioquia and Rionegro.</p> <p><b>CODHES:</b> it reinforces the capabilities of the trade union movement as a collective subject for its participation and advocacy in processes for the creation, implementation, and assessment of public policies for collective reparation and non-repetition guarantees with a gender-based approach.</p>

EC Political Priorities 2019-2024	Description	Work of SOLIDAR's members and partners
		<p><b>Progetto Sud:</b> it works on psychosocial training in labour agreement conflicts and bargaining, providing psychosocial care to unionists and families affected by human rights violations and the displacement of workers from their regions due to violence and work harassment.</p> <p><b>Fundación Movimiento por la Paz:</b> it analyses employment quality in Cartagena de Indias, focusing on decent employment difficulties faced by women and young people in the city.</p>
Governance, Peace, Security, and Stability	Rule of law, human rights, gender equality, social protection, democracy, and justice	<p><b>FFF and ACPP:</b> they have presented 4 reports to the JEP related to victimising acts of forced displacement and dispossession, or forced abandonment of land linked to the country's armed conflict. Furthermore, since 2019, they have legally represented 181 victims before the JEP. They also represent land claimants within the framework of the Law of Victims and Land Restitution of 2011. So far, they have provided individual legal advice in almost 7,000 cases, they have offered representation in almost 1,000 cases during administrative and judicial stages, and they have obtained 61 rulings to date, resolving 112 cases<sup>62</sup>. At the same time, they are permanently in charge of reading, systematising, and analysing all rulings on land restitution pronounced in the country, publishing the results on the website by means of the platform "Sistema de información Sembrando Paz".<sup>63</sup> They provide psychological assistance to more than 30,000 victims of the conflict in 17 departments of the country.</p> <p><b>FFF:</b> it works with both international cooperation resources and resources from public tenders in Colombia. It manages the configuration of the Peace, Reconciliation, and Coexistence Council in Medellín and has conducted several projects with rural and women's organisations of Urabá. It is part of the organisations that are driving the International Mission SOS Colombia for the verification of the serious human rights violations perpetrated during the National Strike.</p> <p><b>FOS and IPC:</b> they support the reinforcement of management, administrative, and financial capabilities, with which several NGOs and grassroots or community organisations have managed to comply with legal requirements and keep on fulfilling their corporate purpose.</p> <p><b>Progetto Sud:</b> it develops actions related to the protection of human rights and the provision of psychosocial care to the social leadership of the victims of the armed conflict.</p> <p><b>Movimiento por la Paz (MPDL) in Colombia:</b> it provides counselling to victims', women's, and youth organisations so that they can comply with the procedures and formalities required to access their rights in a timely and appropriate manner.</p>

62 Land restitution statistics: <http://siff.eaconsultores.com.co/Datos/Index>

63 Rulings search engine: <http://siff.eaconsultores.com.co/Buscador/Index>



## CONTRIBUTING ORGANISATIONS:

Movimiento por la Paz (MPDL) (in English, Movement for Peace)  
Asamblea de Cooperación por la Paz (ACPP) (in English, Assembly for Peace Cooperation)  
Fonds voor Ontwikkelingssamenwerking (FOS)  
Forjando Futuros Foundation  
Movimiento por la Paz Foundation Colombia  
Anthoc - Antioquia (National Trade Union of Healthcare and Comprehensive Social Security and Supplementary Services Workers and Public Officials)  
Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) (in English, Consultancy of Human Rights and Displacement)  
Central Unitaria de Trabajadores de Colombia (CUT Colombia) (in English, Central Workers' Organisation)  
Hogar Juvenil Foundation  
Laudes Infantis Foundation  
IFSI-ISVI  
Instituto Sindical de Cooperación al Desarrollo (ISCOD) (in English, Development Cooperation Trade Union Institute)  
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SOLIDAR is a European network of 60 NGOs working to advance social justice in Europe and worldwide. SOLIDAR voices the concerns of its member organisations to the EU and international institutions across the policy sectors of social affairs, international cooperation, and lifelong learning. For more info visit [www.solidar.org](http://www.solidar.org)

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