



## Social Protest

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### Implementation of recommendations from the previous period

In previous reviews, it was not specifically recommended that the Colombian State protect the right to protest. Unfortunately, during the last five years there have been very serious acts of stigmatization, aggression, and criminalization committed against protesters in Colombia. Between 2019 and 2021, there were three major protest cycles (1) that involved different acts of violence: 166 homicides that had possible police involvement; 3,250 protesters were injured; 153 protesters suffered eye injuries; 6,384 protesters were detained, and 1,065 of these cases were brought to trial; 110 reports of gender-based violence committed against protesters; 359 acts of aggression against women human rights defenders; and 47 cases of ethnic-racial violence due to the use of excessive use of force. (2)

In 2020, the Supreme Court of Justice identified the existence of systematic, violent, and arbitrary interventions by state security forces in social protests; stigmatization of peaceful protesters; disproportionate use of force and weapons; illegal and abusive detentions; inhuman, cruel, and degrading treatment; and attacks against the media. (3) In its working visit to Colombia between 8 and 10 June 2021, the Inter-American Commission on Human Rights, noted (4) that social protests in the country occurred in a climate of polarization related to structural ethnic, racial, and gender discrimination, as well as political factors.

As a result of national protests, a "comprehensive transformation" of the National Police was proposed in 2021. (5) However, the reforms have been superficial. Following the change in the national government, new reforms were proposed. These include transferring Police oversight from the Ministry of Defense to a different ministry, as well as transforming the Mobile Riot Squad (ESMAD) into the National Unit for Dialogue and Maintenance of Order (UNDMO). Despite these proposals, to date there have been no structural changes or "broad social dialogue aimed at real and comprehensive transformations of the institution." (6)

### Current status

**Inappropriate use of non-lethal weapons.** Despite the human rights violations documented in recent protests, there have been no changes to police use of non-lethal weapons. Technical specifications of the weapons have not been shared with the public and no research has been conducted on the medical, psychosocial, and environmental impacts of these weapons. The use and effects of non-lethal weapons are not monitored.

**Victims of police violence have not received guarantees regarding their rights to truth, justice, reparation, and non-repetition.** A number of demands from victims have still not been met, including: the prosecution and punishment of those responsible; transferring these cases from the military criminal jurisdiction to the ordinary justice system; reparations and comprehensive accompaniment for victims; public recognition of events by the police; and the creation of programs that guarantee the fundamental rights of victims.

(1) Between November and December 2019, a National Strike occurred in the cities of Bogotá, Cali, Medellín, and Barranquilla. On 9 and 10 September 2020, as a consequence of the homicide of Javier Ordóñez in a police station, a series of mass protests occurred in the city of Bogotá. Finally, as a result of a tax reform proposal presented by the National Government with the purpose of taxing lower income people, a National Strike was called on 28 April 2021, which lasted for almost two months in several regions of the country.

(2) Defending Freedom Campaign: Everyone's Business. This campaign has demanded that the Colombian government respect the right to peaceful protest and investigate cases of human rights violations as prosecution of these crimes has been slow. Impunity persists for cases being investigated, those that have gone to trial and crimes that have reached the sentencing stage.

(3) Supreme Court of Justice. Sentence STC-7641 of September 22, 2020. Available at: <https://www.cortesuprema.gov.co/corte/wp-content/uploads/relatorias/tutelas/B%20OCT2020/STC7641-2020.doc>

(4) IACHR. Working visit to Colombia. Observations and recommendations. Available at: [https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita\\_CIDH\\_Colombia\\_ENG.pdf](https://www.oas.org/en/iachr/reports/pdfs/ObservacionesVisita_CIDH_Colombia_ENG.pdf)

(5) <https://www.france24.com/es/am%C3%A9rica-latina/20210606-colombia-ivan-duque-reforma-policia>

(6) <https://www.elespectador.com/judicial/organizaciones-critican-la-reforma-al-esmad-no-fue-estructural-ni-participativa/>

**Comprehensive reforms to the National Police.** It is imperative that the police modify its doctrine, structure, and functions to guarantee human rights and human dignity.

Regulatory updates to the Penal Code and legislation related to the Police have been insufficient to achieve doctrinal and structural changes with a view to non-repetition. This 'transformation' has been carried out without real participation from civil society and victims.

The modifications related to the UNDMO have not been shared with civil society, nor with National Police officers.

**Statutory Law on Social Protest.** The social protests that occurred in Colombia between 2019 and 2021 are just another example of the lack of implementation of the 2016 Final Peace Agreement, specifically Point 2.2.2 on guarantees for social mobilizations and peaceful protest.

As a renewed attempt to establish clear rules on the right to social protest, this is a debt pending since provisions were included in Article 37 of the 1991 Political Constitution.

The government must urgently present a Statutory Bill on Social Protest to Congress.

## Recommendations

1. Design structural reforms for the National Police that promote changes to the police model, its hierarchical structure, and establish strict distinctions between military and police functions. It is essential that protocols on the use of force and weapons are modified, while a policy needs to be designed to promote dialogue and the effective transformation of social conflicts. These reforms should take into account gender, ethnic, and territorial approaches and be mediated through the broad participation of civil society organizations and victims of police violence.
2. Demand that cases of police abuse are investigated and punished in a diligent and impartial manner without resorting to the military criminal jurisdiction. Urge the Attorney General's Office to take over and carry out these investigations.
3. The State must adopt the recommendations made by the United Nations Committee Against Torture, especially those related to the use of force and attention for victims in the context of social protests. (7) This also requires the implementation of measures that ensure the provision of assistance and comprehensive support for victims of police violence.
4. Draft and approve a statutory law that guarantees the right to protest in Colombia, as dictated by the Supreme Court and in accordance with international standards.

(7) <https://corporacionreiniciar.org/2023/06/01/colombia-recibio-51-recomendaciones-del-comite-contra-la-tortura-de-la-onu/>