



IACHR Inter-American
Commission on
Human Rights

Observations and recommendations

Working visit to Colombia

Visit: June 2021

Observations and recommendations of the working visit of the IACHR to Colombia on June 8-10, 2021.

I. Introduction

1. According to the Political Constitution of 1991, Colombia is a social State governed by the rule of law with robust, participatory, and pluralistic democratic institutions. As it has done on previous occasions, the IACHR recognizes that this political Constitution established an institutional architecture that strikes a balance between branches of government and autonomous bodies with specific control functions. The Commission calls for the preservation of this architecture, reinforced by the 2016 Peace Agreement,¹ along with the consolidation of an operating system checks and balances.
2. At the same time, the IACHR notes that the demonstrations that began on April 28 are linked to structural and historical demands of Colombian society that are themselves articulated in the Political Constitution of 1991 and the Peace Accords of 2016. The Commission found a broad consensus among representatives of the State and civil society regarding the causes of the unrest underlying the protests, including deep inequality in the distribution of wealth; poverty and extreme poverty; and access to economic, social, and cultural rights, particularly the rights to education, work, and health. Also of concern are the high levels of violence and impunity, as well as ethnic-racial and gender discrimination.
3. The Commission recognizes that these challenges have been exacerbated by the necessary measures to contain and address the COVID-19 pandemic, measures that, as in other countries, have had a significant economic and social impact and have altered the policy trajectories of the current administrations. Additionally, it recognizes that the effects of the pandemic have had an impact on the lack of access to health, as well as job and educational opportunities, especially among women and young people.
4. The IACHR also notes that the demonstrations in Colombia are especially complex not only because they have extended to the different regions of the country but because of the broad array of petitions, claims, and social demands that are national, regional, and local in nature. Specifically, the high number of deaths and injuries are extremely concerning, as are the grave reports of disappeared persons, sexual violence, and the use of ethnic-racial profiling. Likewise concerning are the attacks on journalists and medical missions, the use of protective transfers (*traslado por protección*), and complaints of arbitrary detentions.

¹ Special Jurisdiction for Peace, Government of Colombia, [Final Agreement for the End of the Conflict and Building of a Stable and Lasting Peace](#), November 24, 2016.

5. During the visit, the IACHR verified the existence of a climate of polarization that is directly related to structural ethnic-racial and gender discrimination, as well as to political factors. This phenomenon is present across social sectors and manifests itself in the form of stigmatizing speech that has accelerated the deterioration of the public discourse. The Inter-American Commission finds such speech especially concerning when it comes from government authorities.
6. The Commission has observed the phenomenon of violence in Colombia, which stands out for—among other factors—the presence and actions of a variety of criminal structures that have particular characteristics in the country’s different territories. In this regard, the Commission is concerned that some illegal groups, including gangs involved in drug trafficking, may take advantage of the current environment to develop or conduct criminal activities.
7. Similarly, the Commission notes with concern the persistence of the logic of the armed conflict in the responses to the current social mobilization and how it is interpreted. In this regard, it reiterates that these disagreements are arising between people who must be protected, not enemies who must be fought.²
8. The Commission finds that the polarization, stigmatization, violence, and persistence of militaristic approaches hinder efforts to use dialogue as a mechanism for reaching solutions to social conflict. It is essential for dialogue with a territorial approach to be broad and inclusive so as to involve young people, indigenous persons and persons of African descent, women, LGBTI persons, persons living in poverty, older persons, persons with disabilities, persons in a situation of human mobility, and the victims of human rights violations.
9. In these observations, the Inter-American Commission gives an account of the background of the social protest in Colombia and the demonstrations that began on April 28. It also presents its findings on grave human rights violations, particularly with respect to the right to life, integrity of person, and liberty of demonstrators, along with other situations that endanger social protest, as well as regarding impacts on the fundamental rights of third parties and public and private property protected in the context of the protests. Additionally, it offers some considerations regarding the roadblocks and the Internet as a space for protest. Lastly, the IACHR makes a range of recommendations to the State.

II. Social protests beginning in April 2021

2.1 Background

² IACHR, Report on Citizen Security and Human Rights, pg. 44, para. 105.

10. The Inter-American Commission was able to confirm that the protest that began on April 28, 2021, had similar claims to those of mobilizations in previous years. Through its monitoring mechanisms, the IACHR documented the demonstrations that took place nationally in 2019³ and 2020.⁴ Among other things, they were motivated by increasing rates of poverty, inequality, and violence, along with the growing number of murders of human rights defenders, social leaders, representatives of indigenous peoples and persons of African descent, and signers of the Peace Agreement.
11. Regarding inequality, the World Bank⁵ and the Organization for Economic Cooperation and Development (OECD)⁶ have indicated that the tax system of the Colombian State does not redistribute income, measured through the Gini coefficient, which is considered an indicator of regressive taxation. Additionally, its social spending is relatively low.
12. In 2020, monetary poverty reached 42.5% and extreme monetary poverty was 15.1%. In other words, a total of 21 million people were in poverty and 7.5 million in extreme poverty. The departments with the highest share of population below the poverty line are located in the regions where indigenous peoples and communities of African descent predominate.⁷
13. Additionally, the national unemployment rate in the first quarter of 2021 was 15.1%.⁸ According to the State, unemployment has particularly impacted women, who have an unemployment rate of 19.9% (8.3 percentage points higher than men), as well as young people, with a rate of 18.1%.
14. With regard to rates of violence, according to government figures, the homicide rate stood at 23.33 deaths per 100,000 inhabitants.⁹ Although this is the lowest rate for this indicator since 1974, it remains alarming. The IACHR observes that these homicides were concentrated in 55% of the national territory, particularly in areas characterized by a limited presence of the State. Additionally, it recognizes that in these areas, the presence of illegal armed groups as a phenomenon that predated the protests adds an additional layer of difficulty when it comes to guaranteeing human rights. This situation also has the potential to impact the exercise of the right to protest, highlighting the State's duty to act in accordance with inter-American standards.

³ IACHR, Press Release "[IACHR Concerned about Repression by Government Agents in Colombia, Rejects All Forms of Violence in the Context of Protests](#)," December 2019.

⁴ Deutsche Welle (DW), "[Colombia: enfrentamientos en primera protesta de 2020 contra gobierno](#)," January 2020.

⁵ World Bank, [Fiscal Policy in Colombia: Tapping Its Potential for a More Equitable Society](#), 2012, p. 5.

⁶ Organization for Economic Cooperation and Development (OECD), [OECD Economic Surveys: Colombia](#), 2019, pg. 30-35.

⁷ National Administrative Department of Statistics (DANE), [Monetary Poverty and Extreme Poverty](#) (<https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-monetaria>), 2021.

⁸ National Administrative Department of Statistics (DANE), [Overall participation, occupation and unemployment rate. National total](#), April 202-2021.

⁹ Presidency of the Republic, Colombia marks its lowest homicide rate in 46 years in the first half of 2020: National Police, July 1, 2020.

15. State figures indicate that 53 human rights defenders were murdered in 2020, while the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported 133 murders¹⁰ of human rights defenders during that period. Elsewhere, the Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ) documented 310 murders of social leaders and human rights defenders during 2020.¹¹ Additionally, the United Nations Verification Mission in Colombia confirmed the murder of 73 signatories of the Peace Agreement in 2020.¹²
16. The IACHR takes note of the recent early warnings from the Office of the Ombudsperson reporting imminent risk to the population due to the reemergence of the violence and the presence of armed actors in outlying areas.¹³ In this regard, it highlights the differentiated impact of these risks on indigenous peoples and communities of African descent.
17. The Commission has also received information on low levels of public trust in State institutions, a phenomenon that could be explained by issues such as high rates of impunity. According to the United Nations High Commissioner for Human Rights, in 2018 the impunity rate for intentional homicides ranged between 86.58% and 94.30%.¹⁴ Likewise, according to the 2018 Latinobarómetro data, there is widespread distrust among Colombian society in State institutions, exceeding 70% for the judiciary and 75% for the executive and legislative branches.¹⁵
18. In its 2020 Annual Report, the Commission noted the concern expressed by civil society regarding the concentration of authority in the Executive Branch, as well as at the potential impacts to the system of checks and balances due to connections between members of the executive branch and the persons chosen for investigation and oversight bodies. These concerns were raised once again at the hearing on the "human rights situation in Colombia," held during the 178th period of sessions,¹⁶ as well as during the Commission's visit.
19. Regarding guarantees of the right to protest in Colombia, the exercise of which is not yet regulated by a statutory law as required by the Political Constitution, the Commission was informed of judgment STC 7641-2020 of the Supreme Court of Justice, dated September

¹⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), [Presentation of the Annual Report of the UN High Commissioner for Human Rights for Colombia](#), February 2021, p. 3.

¹¹ Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ), [Líderes sociales y defensores de derechos humanos asesinados en 2020](#), June 2020.

¹² United Nations Verification Mission in Colombia, [Press release on the UN Secretary-General's Quarterly Report to the Security Council on the UN Verification Mission in Colombia](#), January 2021.

¹³ Office of the Ombudsperson of Colombia, [Early warnings](#), 21. No. 001, 002, and 003.

¹⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. [Human Rights Situation in Colombia](#), February 2019, pg. 9.

¹⁵ Latinobarómetro, [Online Analysis Colombia](#), 2018.

¹⁶ IACHR, Public Hearing, 178th period of sessions, [Situation of human rights in Colombia](#), December 9, 2020.

22, 2020.¹⁷ This judicial decision described a nationwide issue of violent, arbitrary, and disproportionate intervention by security forces during several citizen demonstrations.

20. In this judgment, the Civil Cassation Chamber found that the security forces, especially the Mobile Antiriot Squad of the National Police (ESMAD), pose "a serious and present threat to those seeking to go out and demonstrate to peacefully express their opinions, as its actions, far from being isolated, are consistent and reflect ongoing and identifiable aggression during protests."¹⁸ The Civil Cassation Chamber also found that security forces agents harbored deep-seated stereotypes about the protests and their participants, reflected in, among other things, a willingness to permit violations of individual guarantees.¹⁹
21. The Commission recognizes that this decision constitutes an important judicial precedent. In addition, it values that some of the reports delivered by the authorities during the visit were to comply with orders issued in that judgment. The IACHR highlights that it is important for the authorities in question to fully comply with STC 7641-2020 so as to effectively guarantee the right to protest in Colombia.²⁰

2.2 National strike

22. On April 28, 2021, the so-called national strike began, in response to a tax reform project ("Sustainable Solidarity Act")²¹ submitted to Congress by the national government on April 15. Subsequently, another bill was announced to reform the way the General Social Security System provides health services (Bill 010)²². Both initiatives were met with broad social dissatisfaction and were withdrawn from the legislature on May 2 and 19, respectively. It is the Commission's view that the fact that the protests persist to this day demonstrates the scope of the social dissatisfaction and the structural nature of its demands.
23. The Inter-American Commission highlights the massive citizen participation in public affairs through the exercise of the right to public and peaceful protests, set forth in article 37 of the Political Constitution of Colombia²³ and protected by the American Convention on Human Rights.²⁴ It also notes that the mobilizations have brought some of the social

¹⁷ Supreme Court of Justice, [STC 7641-2020](#).

¹⁸ Supreme Court of Justice, [STC 7641-2020](#), pg. 100.

¹⁹ Supreme Court of Justice, [STC 7641-2020](#), pg. 122.

²⁰ Supreme Court of Justice, [STC 7641-2020](#).

²¹ Ministry of Finance and Public Credit of Colombia, [Bulletin No.11 "Sustainable Solidarity Law."](#) April 2021.

²² Ministry of Health and Social Protection, Bill 010, May 2021.

²³ Constitutional Court, [Political Constitution of Colombia, Article 37](#), amended with legislative acts to 2015. pg. 17.

²⁴ Organization of American States, [American Convention on Human Rights, Article 13. Freedom of Thought and Expression](#), November 1969.

demands from young people into the public debate, including universal access to health and education and the need to reform the National Police of Colombia.

24. Peaceful protest has played an essential role in giving visibility to demands that need to be addressed and voices that need to be heard. It has at the same time helped authorities at different levels better understand the issues affecting citizens. The Commission values this moment as an opportunity to strengthen the democratic system and guarantee human rights.
25. The Colombian State reported to the IACHR that, between April 28 and June 4, within the framework of the national strike, there were 12,478 protests in 862 municipalities of the 32 departments, including: 6,328 rallies, 2,300 marches, 3,190 blockades, 632 mobilizations, and 28 assemblies. Some 89% of the protests—that is 11,060—took place without acts of violence and with support from municipal authorities, peacekeepers, ombudsperson officials, and police.
26. The State also alleged that in 1,418 protests, or 11% of protests, there were disturbances or violent actions that, in its view, disturbed the peace and for which the ESMAD was called in. According to the information provided, this security force did not do regular patrolling. Rather, it intervened when there were acts of violence during protests.
27. During the visit, the State underscored the exceptional nature of the use of force to protect the human rights of the general population from grave and imminent threats using protocols that follow the criteria of prevention, persuasion, dissuasion, reaction, and containment. It likewise indicated that force was only used in cases where police intervention was needed and after analysis of its legality, absolute necessity, proportionality, and reasonableness.²⁵
28. However, the Inter-American Commission received complaints about repeated human rights violations in the context of social protests. Likewise, it received information on damage done to third parties and public property in the same context. Hereinafter, the IACHR will address the findings of the working visit and offer considerations on the roadblocks and the Internet as a space of protest.

III. Main human rights violations observed and obstacles identified to guaranteeing the right to protest

29. In the framework of the working visit, the Inter-American Commission received information on grave human rights violations and a number of obstacles to guaranteeing social protest. Similarly, it observed the impact that polarization and stigmatization have on the human rights of demonstrators. The central concerns identified were the following:

²⁵ Ministry of Foreign Affairs, Written Report for the working visit to Colombia of the Inter-American Commission on Human Rights, June 8, 2021.

the disproportionate use of force; gender-based violence during protests; ethnic-racial violence during protests; violence against journalists and volunteer medics during protective transfers; and reports of disappearances. Also concerning was the use of military support, military disciplinary authority, and military criminal jurisdiction.

30. Regarding the human right to protest, the Commission recalls that human rights are universal, indivisible, and interdependent—that is, all human rights exists in relation to each other and mutually reinforce each other, and in principle, no one right takes precedence over the others in a way that would empty them of their essential content. Likewise, it reminds States that in the exercise of their obligations to respect and guarantee human rights, the principle of non-discrimination must be considered a mandatory norm of international human rights law
31. According to the information provided by the Office of the Attorney General of the Nation, between April 28 and June 5, 51 deaths were documented. Of these deaths, 21 took place during protests, 11 incidents are undergoing the verification process, and 19 took place over the course of the national strike but not during protests. The Presidential Council for Human Rights and International Affairs reported that, between April 28 and June 13, 1,113 civilians were injured.²⁶ The Office of the Ombudsperson documented 18 cases of eye injuries.²⁷
32. The State also indicated in its report that 1,106 civilians and 1,253 police officers were injured, mainly in the cities of Bogotá, Cali, Yumbo, Neiva, Medellín, Pasto and Popayán, as well as in other municipalities of Risaralda and Valle del Cauca. It also provided information on acts of violence against public and private property and the impact on various sectors of the economy, which, according to State estimates, amounts to COP 11.9 trillion (US\$3.3 billion).²⁸
33. The Office of the Ombudsperson also reported that it had received 783 reports of missing persons, of which 318 cases were eliminated for being duplicates or because the persons had been located. Likewise, it indicated that 465 cases were referred to the Office of the Attorney General of the Nation. Of these, 196 cases were closed after the persons were located; 153 cases were rejected; and 29 are undergoing the verification process. According to information from the Office of the Ombudsperson, the Urgent Search Mechanism was activated for 91 people. In this regard, the Office of the Attorney General of the Nation indicated that, as of June 15, 335 people had been located and the Urgent Search Mechanism was still active with respect to 84 cases.²⁹

²⁶ Presidential Council for Human Rights and International Affairs, [Bulletin 32: Human Rights in the Framework of the 2021 National Strike](#), pg. 1.

²⁷ Office of the Ombudsperson, Report of the Ombudsperson for the IACHR Visit, Social Protest in Colombia April-June 2021, Archive of the Commission, pg. 33.

²⁸ Ministry of Defense, [Overall Assessment of the National Strike](#), June 9.

²⁹ Office of the Attorney General of the Nation, Press Release, "[Office of the Prosecutor locates 335 people and keeps the Urgent Search Mechanism active in 84 more cases.](#)" June 2021.

34. Additionally, according to the Office of the Ombudsperson, 113 acts of gender-based violence were documented. Of these cases, 112 allegedly involved the security forces and their ESMAD—99 incidents against women and 13 against LGBTI persons. The complaints include 27 cases of sexual violence, 5 incidents of forcible rape, and 22 incidents of groping.³⁰ Additionally, a case was reported of gender-based violence experienced by a woman police officer during the demonstrations.
35. Regarding the keeping of statistics, in its response, the State noted the existence of a National Human Rights Information System used to monitor all situations related to human rights. According to the information reported through that system, as of June 24, 54 persons had died and 1,140 civilians had been injured. It likewise indicated that as of June 10, only 84 persons were missing of the original 572 reported, including four reports of disappearance.³¹
36. Additionally, during the working visit, civil society organization Temblores reported the existence of 4,687 cases of police violence. It provided a count of 73 persons dead in the framework of the protests, of which 44 cases allegedly involved the actions of security forces and 29 are undergoing the verification process.³² Likewise, the organizations that make up the Campaña Defender la Libertad Asunto de Todas reported that 84 persons had died during the demonstrations, of which 28 cases involved police officers as potentially responsible, 7 could be attributed to unidentified civilians, and the perpetrators had not been identified in 43 cases, while 14 cases were undergoing the verification process.³³
37. In the same way, the organizations comprising the Campaña Defender la Libertad documented 1,790 persons injured, of which 84 experienced eye injuries.³⁴ They also reported that 3,274 persons had been detained in the framework of the protests. For its part, Temblores counted 1,617 victims of physical violence and provided a list of 82 people with ocular trauma. Additionally, it reported on 2,005 arbitrary detentions that took place in the framework of the protests. With regard to the acts of sexual violence,³⁵ the organization reported 25 cases allegedly committed by security forces agents, 18 against female victims and 9 against male victims.³⁶

³⁰ Office of the Ombudsperson, Report of the Ombudsperson for the IACHR Visit, Social Protest in Colombia April-June 2021, Archive of the Commission, pg. 49.

³¹ Human Rights Council, Bulletin # 41 on Human Rights in the framework of the 2021 National Strike (http://www.derechoshumanos.gov.co/Prensa/2021/Paginas/140521-infografia-DDHH-Paro-Nacional-2021.aspx?TSPD_101_R0=0883a32c4dab2000bf1ee9b0a4b02c5d553bc94d80ff8b342f5fe85b41f96d2b27b36b19d7a152108a1e8960b1430004d73a4061a5c27694cf43f376ee9d8ce078b8039c6e75743fc7c035fbc4d84117abcd3ebdd1113945ab5acc3c24dc2a), June 24, 2021.

³² Temblores Org, Plataforma Grita, June 2021.

³³ Campaña Defender la Libertad, Boletín informativo No.17: #ParoNacional, June 2021.

³⁴ Campaña Defender la Libertad, Boletín informativo No.17: #ParoNacional, June 2021.

³⁵ Temblores Org, Plataforma Grita, May 2021.

³⁶ Temblores Org, Plataforma Grita, May 2021 2021.

38. The Commission expresses concern at the inconsistencies in the figures reported by the different State entities, as well as at the disparities between the numbers reported by State entities and the numbers resulting from the documentation efforts by civil society, mainly as regards fatalities and disappeared persons. Regarding the cases in which investigations have been launched, the Office of the Attorney General of the Nation submitted a report explaining the methodology, the lines of inquiry in ongoing investigations, and the technical criteria used in terms of time, method, and location. In this regard, the IACHR received questions from civil society as to the Office of the Public Prosecutor's failure to publicize the criteria used to establish which deaths were related to the protests and which ones were not.
39. It is the Inter-American Commission's view that these inconsistencies could lead citizens to lose trust in the authorities. The States should therefore maintain a registry with consistent, up-to-date, and public information, with the participation of civil society, and be transparent as to the criteria used in the investigations and the progress of them. The Commission also notes that the handling of the records and widely disparate hypotheses regarding the persons dead and injured during the protests is an obstacle to access to justice for the persons who allege having been the victims of human rights violations. Whatever the case may be, the high numbers of the different reports in terms of loss of human life are extremely concerning to the Commission, and it condemns them emphatically.
40. Likewise, the Commission recalls that the right to access to public information means that States have a duty—among other duties—to provide reliable and disaggregated information. In the same way, it underscores the obligation to preserve and facilitate access to State archives on human rights violations, not only to preserve the investigations but to ensure such violations are not repeated.³⁷
41. The Inter-American Commission firmly condemns and rejects the high levels of violence documented in the framework of the social protest, caused both by the excessive use of force by security forces and by groups from outside the protest itself.

3.1 Disproportionate use of force

42. In the framework of the working visit, the Inter-American Commission was informed that, in compliance with the aforementioned decision of the Supreme Court of Justice, the Colombian State issued Decree 003 of 2021, entitled “Rules for reaction, use and verification of legitimate force of the State and protection of the right to peaceful citizen protest.” These regulations establish guidelines for the actions of police authorities “in their functions of guaranteeing fundamental rights, conserving citizen coexistence and

³⁷ IACHR and its RELE, *The Inter-American Legal Framework with regard to the Right to Access to Information*, December 2009, pg. 11, para. 44.

the public order in the framework of public and peaceful demonstrations."³⁸ In this regard, the Commission has taken note of the announcement of changes to this decree by State authorities.

43. Specifically, article 2 of Decree 003 of 2021 establishes the primacy of dialogue and mediation in protests. In this regard, it notes that "executive branch and national and territorial authorities are required to prioritize dialogue and mediation in the course of public demonstrations as decisive and central elements of the actions of administrative and police authorities (...) The encouragement of dialogue and mediation shall remain ongoing, even when peaceful means of intervention are considered exhausted and authorities proceed to use force pursuant to the terms of this protocol."³⁹
44. Additionally, the Colombian State informed the IACHR that through Directive 05 of March 1, 2021, the National Police established "institutional parameters for activating the system for anticipating and handling public demonstrations and controlling disturbances on national territory."⁴⁰ Likewise, to provide support during the demonstrations that began April 28, Transitory Operating Directive 018 of May 7, 2021 was issued on "Strengthening the police service to guarantee the peaceful public demonstrations begun on April 21, 2021."⁴¹
45. Likewise, in its response, the State reported that in accordance with the protocols of the National Police, there are two distinct mechanisms. The first is accompanying, protecting, and guaranteeing the right to public and peaceful demonstration, provided without using firearms; and the second is monitoring with police patrols, whose mission is to ensure citizen security and coexistence, and for this mechanism, carrying firearms is authorized.
46. However, the IACHR has been able to verify that on several occasions, and in multiple regions of the country, the State's response has been characterized by the excessive and disproportionate use of force, including lethal force in many cases. This was confirmed using the information received in the form of audio, video, and photographs, as well as from meetings with social organizations and individual and collective testimonies gathered in the framework of the visit. It is the Commission's view that the proper application of the protocols on the use of security forces should be governed by the criteria of legality, necessity, and proportionality. Faced with complex scenarios, the

³⁸ Supreme Court of Justice of Colombia, Decree 003, "Rules for reaction, use and verification of legitimate force of the State and protection of the right to peaceful citizen protest," January 5, 2021.

³⁹ Supreme Court of Justice of Colombia, Decree 003, "Rules for reaction, use and verification of legitimate force of the State and protection of the right to peaceful citizen protest," January 5, 2021, article 2.

⁴⁰ National Police of Colombia, Report of the Defense Sector, Guaranteeing Peaceful Demonstration and Control of Violent Actions. Period April 28 to June 4, 2021. Transitory Operating Directive 005, March 1, 2021, pg. 23.

⁴¹ National Police of Colombia, Report of the Defense Sector, Guaranteeing Peaceful Demonstration and Control of Violent Actions. Period April 28 to June 4, 2021. Transitory Operating Directive 005, March 1, 2021, pg. 23.

actions of authorities must not be indiscriminate. Rather, they must identify the violent actors and distinguish them from those exercising their legitimate right to protest.

47. In particular, the Commission received multiple reports indicating that, from the start of the social protests, a considerable portion of the actions of security forces were aimed at discouraging participation in them. This also impacted those who were not participating in the protests and contributed to escalating tensions. In this regard, reports were received of excessive use of force with less lethal weapons—for example, through the indiscriminate use of expired irritant gases, or the use of Venom grenade launchers, the use of which was prohibited by an administrative judge in Popayán on June 2.⁴²
48. The IACHR also received grave reports of the indiscriminate use of firearms against demonstrators and persons who were not participating in the protests, especially in Cali and the different municipalities of Valle del Cauca, as well as in Pereira, Risaralda. The reports received describe the use of these types of weapons allegedly by some members of the security forces, some of whom are not fully identified. The Commission also received extremely concerning information on the possible involvement of armed persons dressed as civilians, some of whom apparently operated with the acquiescence of the police. According to publicly-available information, this took place on multiple dates and in multiple locations, culminating on May 28 in the city of Cali, when 13 people were killed and 36 injured.⁴³
49. The IACHR also received information indicating that in some departments—such as Valle del Cauca—the armed civilians traveled on motorcycles and in SUVs with the license plates covered as they intimidated, attacked, and harassed demonstrators or people fleeing the clashes. For example, the Commission took note of publicly-available information on a group of civilians carrying firearms who traveled in a truck allegedly registered as the property of the National Police of Colombia.⁴⁴ Regarding this, State authorities said armed persons had infiltrated the protests. They also indicated that the Office of the Attorney General had been asked to conduct the corresponding investigations.
50. It should be noted that the accounts received by the IACHR consistently described disproportionate use of force by ESMAD officers. According to these accounts, ESMAD officers broke up different demonstrations, points of resistance, and other peaceful gatherings using physical, sexual, and verbal aggression. Likewise, the testimony received describes the use of marbles and rubber bullets or munitions, as well as the indiscriminate and nonstop deployment of teargas, sometimes fired directly at the heads and chests of demonstrators. This caused a high number of injuries, including eye

⁴² Tenth Mixed Administrative and Oral Court of the Popayán Circuit, [Judgment No. 065 of 2021](#), June 2.

⁴³ *El País*, news item: [Balance preliminar del 28 de mayo en Cali: 13 muertes violentas y 36 heridos](#), May 28, 2021.

⁴⁴ *El Espectador*, [Paro Nacional: Policía admite que camión con hombres vestidos de civil es suyo](#), May 6, 2021.

injuries and deaths. Specifically, the Commission received the testimony of at least a dozen persons who suffered eye injuries of varying severity.

51. The Commission also received testimony on the intimidating use of low-flying helicopters during the demonstrations. In this regard, the Deputy Prosecutor of the Nation told the delegation of the Commission that no complaints had been filed on aircraft flyovers. The IACHR additionally received public information indicating that demonstrators had been struck by antiriot armored vehicles.⁴⁵
52. The IACHR also received consistent reports that, in some cases, the teargas was fired directly into spaces where demonstrators were seeking refuge and shelter; improvised medical posts; and even into residences, disproportionately impacting older adults, children, and adolescents who were not participating the protests.
53. The Commission notes that according to the testimony received in Valle del Cauca, young people, students, journalists, indigenous persons, persons of African descent, and women are the groups most affected by the different forms of violence deployed by the State.
54. For its part, in response to complaints of eye injuries from alleged attacks, the State informed the IACHR that 11 disciplinary investigations have been launched: 5 in Bogotá, 1 in Popayán, 3 in Risaralda, 1 in Medellín and 1 in Neiva. Of these, 1 was taken over by the Office of the Procurator General of the Nation in the exercise of its authority to do so.
55. Considering that the impacts of the use of force can be irreversible, the IACHR views it as a last resort that, limited qualitatively and quantitatively, is intended to prevent events of greater gravity than what would be caused by the State's reaction. Within this framework of exceptionality, both the Commission and the Inter-American Court have agreed that in order for the use of force to be justified, it must effectively satisfy the principles of legality, absolute necessity, and proportionality.⁴⁶ This generally means that it must be provided for by law and pursue a legitimate aim; that an evaluation must be conducted to verify the existence and availability of less harmful measures; and that the degree of force used must be in accordance with the real risk posed to persons and the level of resistance, meaning a balance must be struck between the situation faced by the official and their response, considering the potential damage that could be caused.
56. Likewise, in accordance with the principle of exceptionality, States must, where possible, use nonviolent measures prior to employing force and firearms. This restriction on the use of force does not apply solely to lethal weapons. Measures considered "nonlethal" or "less lethal" must also be among the measures whose use is controlled. This category can

⁴⁵ *El Tiempo*, [Ioven atropellado por tanqueta del Esmad en Popayán se recupera](#), May 19, 2021.

⁴⁶ *Case of Nadege Dorzema et al. v. Dominican Republic*. Merits, Reparations, and Costs. Judgment of October 24, 2012, Series C No. 251, para. 85.

include different types of rubber bullets, tear gas, rubber projectiles, plastic bullets, sound devices, etc.

57. In its report *Protest and Human Rights*, the IACHR indicated that dispersing or dispelling demonstrations legally and legitimately can only be allowed very exceptionally, “through an explicit order that is based on imminent and serious risk to peoples’ fundamental rights, lives, or physical safety and when no other measures are available for protecting these rights that would be less damaging.”⁴⁷
58. Through its monitoring mechanisms, the IACHR has been able to confirm that in the case of the protests in Colombia, the use of nonlethal devices has caused serious injuries, mutilations, and the death of at least one person. The Commission recalls that, under certain circumstances, the lethality of a weapon depends on its use and control. In this regard, it reminds the State of its duty to guarantee the practical and effective application of use-of-force protocols.
59. The Commission recalls that the right to life, protected under the American Convention, is inviolable, and because of its essential nature, it is a precondition for the exercise of all other human rights. The bodies of the Inter-American system have reiterated that the use of force by the State must follow the principles of exceptionality, legality, necessity, and proportionality. The Colombian State is also reminded that lethal force cannot be used merely to maintain or restore public order; only the protection of life and physical integrity in the face of imminent and real threats can be a legitimate objective for the use of lethal force by State agents.
60. Additionally, the IACHR urges the State to immediately and urgently implement mechanisms to effectively prohibit and prevent the use of lethal force as a means of controlling public order in cases of protest. The Commission also reiterates that firearms and their respective munitions must be excluded from operations to supervise social protests, and police or military officials who could come in contact with the demonstration should not be carrying firearms.
61. In this regard, the Commission appreciates the information provided by the office of the mayor of Bogotá indicating that, thanks to the effective implementation of article 33 of Decree 003 of 2021,⁴⁸ prohibiting the carrying and use of firearms during protests, fewer people died during the national strike compared to in the demonstrations that took place on September 9 and 10, 2020. In this regard, the IACHR highlights the importance of civil society participation in the process to draft that reform.

⁴⁷ IACHR, *Protest and Human Rights*, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, Para. 153; Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, February 4, 2016, para. 61-62.

⁴⁸ Office of the Mayor of Bogotá D.C., Decree 003, Article 33, January 5, 2021.

62. It likewise takes note of the information provided by the State on the institutional reform to strengthen the civilian nature of the police force and its aim of protecting all persons residing in Colombia and guaranteeing the exercise of public liberties and citizen coexistence with a focus on human rights.⁴⁹
63. Lastly, the IACHR condemns the high number of human rights violations reported in the context of social protest and urges the Colombian authorities to investigate with due diligence, identify and punish those responsible, and duly report the results to citizens, providing reparations to victims and their families.

3.2 Gender-based violence during protests

64. Pursuant to the provisions of the Convention of Belém do Pará (articles 1 and 2),⁵⁰ the interpretive standards thereof, and the case law of the Inter-American Court, the Commission understands gender-based violence to be any action or conduct based on gender identity and/or expression that causes harm or physical, psychological, or sexual suffering.⁵¹
65. In the framework of its visit, the IACHR 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.
66. In this regard, the IACHR received information on the grave case of an adolescent who was sexually assaulted by several security forces agents in the city of Popayán and who

⁴⁹ According to the response from the State dated June 30, 2021: “This reform proposes: (i) establishing a Vice Ministry of Defense and Citizen Security Policies, which will work with political and administrative authorities to articulate the purposes and mechanisms for effectively consolidating citizen security public policy; (ii) rename the Ministry of National Defense the Ministry of National Defense and Citizen Security; (iii) issue a decree to modernize the organic structure of the National Police with a view to strengthening human rights policy and the standards for service provision; (iv) submitted a bill to the Congress of the Republic creating the Police Disciplinary Rules, which will be harmonized with the human rights pronouncements of the Inter-American system, the UN, and the Constitutional Court, prioritizing disciplinary investigations in cases related to human rights violations, without prejudice to the precedents of the Office of the Attorney General of the Nation and the conduct that must be investigated criminally; (v) in the framework of harmonic collaboration between the branches of government, ask the members of Congress presenting and co-authoring the bill to prioritize the processing of Police Career and Professionalization Act, given that the professionalization of our police forces is one of the fundamental pillars of transforming the working culture of the National Police; (vi) as regards the use of force, submit a bill to establish a legal framework for the use and sale of less lethal weapons in Colombia and issue a decree regulating guns that shoot rubber bullets (*armas traumáticas*); (vii) to strengthen the procedures of the Anti-Riot Squad (ESMAD), call on partner countries for recommendations from international experts on protocols for mediation, use of force, and intervention, as well as other international good practices that will contribute to the ongoing professionalization of the ESMAD; (viii) adopt a blue uniform for the National Police of Colombia to align it with international standards on policing and law enforcement in the world, reenforcing its civilian nature; (ix) create a Commission for the Comprehensive Transformation of the National Police of Colombia to evaluate the contributions of citizens, academia and civil society.”

⁵⁰ Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women “Convention of Belém do Pará,” June 1994. Articles 1 and 2.

⁵¹ Inter-American Court. *Case of Miguel Castro Castro Prison v. Peru*. Merits, Reparations, and Costs. Judgment of November 25, 2006. Series C No. 160.

later committed suicide on May 12.⁵² The Commission was informed by the State that these events are under investigation.

67. The Commission also notes with extreme concern the cases of grave gender-based violence alleged, including sexual violence against indigenous women who report having been abused and stigmatized for their cultural expressions and ancestral symbolism during the demonstrations. In this context, the testimony of an indigenous woman was received in Puerto Madera, Cali, who was stopped by two police officers traveling by motorcycle. They then proceeded to physically and sexually abuse her.
68. Likewise, the IACHR received testimony from women who recounted having been groped during their detentions, threatened with rape and sexual abuse, and subjected to stigmatization by police officers who called them "vandals" or "guerrillas" for having been at the demonstrations. Other women interviewed by the IACHR reported having been shot at point-blank range in their genitals, causing serious injuries.
69. Additionally, the Commission learned of the occurrence of 15 cases of gender-based violence against women of African descent in the framework of the national strike. The IACHR recalls the specific risks to which women of African descent and indigenous women are exposed due to the racial and structural discrimination to which they have been subjected with historic patterns of specific violence originating from slavery.
70. The Commission also received information and reports of an alleged case of sexual violence against a gay man in Barranquilla during an arbitrary detention, as well as reports of physical and sexual aggression against trans women by security forces in Tunja and Pasto.
71. Likewise, the IACHR reaffirms its condemnation of the sexual violence suffered by a female security forces officer when a police station was vandalized in Cali on April 29.⁵³
72. Regarding violence against women, in its response, the State said in its response that the Presidential Council for Women's Equity would work together with the 32 Women's Secretariats and gender mechanisms at the department level and in the capitol city to identify, support, and activate pathways for addressing cases of violence against women in the framework of the social protest. Likewise, at the judicial level, it should be noted that the Office of the Attorney General of the Nation has worked decisively on: (i) designing and implementing a protocol for investigating sexual violence; (ii) strengthening offices focused on investigating crimes of sexual violence; and (iii) supporting the interagency strategy in the struggle against impunity.

⁵² *El País*, news item: "[La fiscalía de Colombia investiga el caso de una menor que se suicidó tras ser retenida por la policía](#)," May 2021.

⁵³ *Semana*, news item: "[El desgarrador relato de una patrullera que fue abusada sexualmente por vándalos en un CAI](#)," May 5, 2021.

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73. For its part, with regard to reports of gender-based violence, the Commission reminds the State of its obligation to investigate these acts, taking into account the principle of enhanced due diligence and in line with its duty to protect and prevent violence against women and ensure the investigation is carried out from an intersectional gender approach that incorporates other factors of discrimination. It is also reminded to make the necessary mechanisms available to ensure that victims receive effective access to justice and reparations.
74. The IACHR likewise recognizes that although it is difficult to determine when acts of violence against LGBTI persons are motivated by prejudice, when conducting investigations, States must at a minimum perform an exhaustive review of the motives for the violence, whether it was perpetrated by private parties or State agents.
75. In the specific case of indigenous women and women of African descent, the State must consider all risk factors that they may encounter due to their ethnic-racial origin and age, pursuant to the provisions of articles 6 and 9 of the Inter-American Convention on the Prevention, Punishment, and Eradication Of Violence against Women. The IACHR recalls 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 their commission.
76. Lastly, it warns that violations of the rights of indigenous and Afro descendent women and girls not only impact them individually but also negatively affect their peoples of origin, causing grave damage to the social fabric and increasing the sense of defenselessness and impunity. The IACHR therefore urges the State to take these factors into account so that these incidents will be investigated as a priority, with special emphasis on the situation of violence that indigenous and Afro descendent women, girls, and adolescents may be facing in the context of the national strike at the hands of State and nonstate agents. It also urges the immediate adoption of all measures necessary to prevent, reduce, and eliminate any act of discrimination, including sexual violence, and guarantee respect for and protection of the territories of indigenous peoples and communities of African descent from the presence of armed State and nonstate actors.

3.3 Ethnic-racial discrimination-based violence during protests: Indigenous Peoples, People of African Descent, and Tribal Communities

77. Is the IACHR's understanding that, pursuant to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (articles 1 and 4), ethnic-racial violence includes any conduct based on ethnic-racial origin that causes stigmatization, exclusion, or any type of violence, either directly or indirectly.⁵⁴

⁵⁴ OAS, Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, articles 1 and 4.

78. According to publicly available sources, the Commission takes note that in some of the areas where social tension is higher in the framework of the protests that began on April 28, 2021, ethnic-racial communities predominate. The IACHR observes that Cali is the city with the largest Afro-descendant population in Colombia, and the second largest in Latin America.⁵⁵ For its part, the department of Cauca has the highest percentage of indigenous people in the country, with 8 ethnic groups, settled in 26 of the 39 municipalities of the department of Cauca.
79. In this regard, reports were received from civil society organizations on the situation of ethnic peoples in the framework of the protests. The Commission particularly took note that at least 82 persons of African descent between the ages of 13 and 60 were the victims of repression at the hands of security forces during the protests.⁵⁶ For example, police sources indicate that between April 28 and May 21, 2021, of the 39 people whose deaths during the protest in Cali and Yumbo were linked to excessive use of force, at least 11 were persons of African descent.⁵⁷
80. In particular, the IACHR received with concern testimony from members of indigenous communities in the department of Valle del Cauca on the grave impact on their communities of both deaths of their traditional authorities or leaders and aggressions against them. The IACHR also received information on attacks, acts of intimidation, harassment, and stigmatization committed by civilians who associated these peoples with the demonstrations in Cali.
81. According to reports provided by ethnic organizations to the IACHR, there have been 50 documented cases of attacks against members of the National, Social, Popular, and Community Minga since the demonstrations started on April 28, 2021. Specifically with regard to indigenous peoples, reports have indicated 2 deaths, 3 physical assaults, 159 incidents of harassment, and 21 alleged victims attended to in the framework of social protest.⁵⁸
82. The Commission reiterates its concern at public statements that stigmatize demonstrators from ethnic peoples, and in that regard, it reminds the State of its duty to prevent and combat direct and indirect racial discrimination, as well as provide comprehensive reparations to the victims.
83. The IACHR has indicated that, because of structural and historic discrimination, persons of African descent and members of indigenous peoples, as well as residents of

⁵⁵ Government of Cauca, Cali, [city with the second-largest Afro-descendant population the country](#), May 21, 2013.

⁵⁶ Race and Equality, [Informe afectaciones a pueblo negro afrodescendiente en Colombia el marco del Paro Nacional](#), June 9, 2021, pg. 7.

⁵⁷ Consultoría para los Derechos Humanos y el Desplazamiento, [Análisis étnico-racial del uso excesivo de fuerza por parte de los agentes del Estado en Cali](#), May 21, 2021, pg. 11.

⁵⁸ Organización Nacional Indígena de Colombia, [Informe Ejecutivo sobre el contexto y las afectaciones a los derechos de los Pueblos Indígenas dentro del Paro y Minga Nacional en Colombia](#), pg. 12.

geographic areas experiencing poverty and extreme poverty, are more exposed to racial profiling by State security forces and therefore to arbitrary detention and abuse.⁵⁹

84. The IACHR emphasizes the urgency of adopting comprehensive citizen security policies to prevent and combat the use of discriminatory criteria in police actions in order to eradicate racial profiling and the excessive use of force, in line with principles of equal protection and nondiscrimination. The IACHR urges the State to combat ethnic-racial and structural discrimination that mainly affects persons living in poverty.
85. The Commission also urges the State to adopt urgent measures to investigate, prosecute, and punish those responsible for incidents of ethnic-racial violence, as well as grant comprehensive individual and collective reparations with an ethnic-racial focus to victims and their family members.

3.4 Violence against journalists

86. The Commission learned that from the start, the protests were covered closely by the media. At the same time, a number of testimonies received coincided in indicating that guarantees for such coverage have been deteriorating. Indeed, reports were received of journalists who were the victims of a number of attacks and limitations on their reporting work in the context of the social demonstrations.
87. According to the information received, at least 236 attacks have been documented since the start of the protests. These attacks include physical aggression, threats related to their work covering the protest, theft and deletion of reporting materials, harassment, obstruction of journalism work, illegal detentions, and attacks on media outlets. According to the Proyecto Antonio Nariño, which brings together a variety of journalism organizations and professional associations in Colombia, the month of protests was the most violent against the media in recent decades.⁶⁰ According to the Fundación para la Libertad de Prensa, 54.1% of the 236 aggressions are attributable to security forces, 31.6% to private parties, 4% to public officials, and in the remaining 10.8%, the perpetrators are unknown.⁶¹
88. According to reports and information that circulated on social media, on June 4, 2021, journalists from *Canal 2* in Cali, Alberto Tejada and Jonathan Buitrago, were shot at by the ESMAD while they covered a protest even though they identified themselves as journalists. The IACHR also received information indicating that women journalists feared

⁵⁹ IACHR Country Report: [Situation of human rights in Brazil](#), February 12, 2021, pg. 19-40.

⁶⁰ Fundación Gabo. June 11, 2021. [Petición urgente por una prensa libre de violencia en Colombia](#).

⁶¹ See www.flip.org.co.

sexual violence as they did their reporting. In this regard, the Commission was informed about a case of sexual violence against a journalist in the city of Cali.

89. According to the testimony received from more than 40 reporters from Bogotá, Cali, and Popayán, security agents, demonstrators, and armed civilians have all taken part in harassment of the media. Although the State reports that at least eight disciplinary investigations have been opened into aggression against journalists, reports were also received indicating that the majority of these attacks have not been diligently addressed by authorities.
90. The incidents of violence against the media and the lack of institutional response to them has, according to the testimony received, produced a general climate of silence and journalism “no-go zones.” The Commission was informed of an overall climate of self-censorship due to fear of retaliation, attacks, or stigmatization. According to a number of journalists who met with the Commission, this has led communicators to decide not to go out reporting or, in some cases, decide not to make their media credentials or the logos of their media outlets visible. Additionally, according to the information received, as a result of the escalation of violence against the media in the streets, some protest coverage began using images and videos taken from the Internet.
91. The Commission also expressed its concern at the attacks suffered by two journalists and a protester during the June 30 protests in Suba. According to available information, the attacks were carried out by police officers. The IACHR notes that, according to publicly-available information, three of the police officers who participated in the events were suspended.
92. The IACHR received with concern reports of attacks on media facilities by some protesters and of online harassment, mainly of women journalists for their articles. According to the testimony received, these attacks take place in a context in which political or social leaders and authorities make stigmatizing statements that encourage citizens to reject media outlets that have editorial stances that are not to their liking. The attacks on media facilities also put the safety of journalists and media workers in jeopardy.
93. Increasing distrust in the media intensifies the breakdown in the public debate, and attacks on the media make it difficult to fulfill the right of persons to be informed of all possible viewpoints. Some media outlets also indicated there were no guarantees for reporting the attacks they were receiving publicly because of fear they would be repeated. The IACHR also recalls that nothing fosters the repetition of violence against the media more than the absence of a decisive institutional reaction to it.⁶² It is therefore essential for the most senior authorities to emphatically reject any escalation of violence and

⁶² IACHR. Office of the Special Rapporteur for Freedom of Expression. November 11, 2020. [Press Release R271/20. Office of the Special Rapporteur Expresses Extreme Concern about Violence against Journalists in Mexico and Calls on the State to Strengthen Protection Mechanisms and Measures to Combat Impunity.](#)

disassociate themselves from any speech that might incite these types of acts.⁶³ It is also important to issue a call for and give clear signals of a commitment to diligently investigate the reports issued.

94. The Commission also received information on the stigmatization of some media outlets by persons with government responsibilities and how that led to violence against the media during the demonstrations. The coverage of the protests has also caused a deep divide in the media ecosystem. On this point, the IACHR views it as essential that space for pluralistic, alternative, and diverse perspectives on matters concerning all citizens be respected.
95. Violence against the media affects the right to freedom of expression not only in its individual dimension but also in its social and collective dimension, as it limits opportunities for society to stay informed on matters of public interest.⁶⁴ The IACHR underscores that these limitations to media freedom also have negative impacts in terms of the professionalization of journalism and its essential role as working toward and a means of democratic coexistence.⁶⁵
96. The IACHR values the important work carried out by journalists during social protests in Colombia. It also deems it important to remind the State that media workers play a crucial role by collecting and disseminating information on what is happening during protests, including the actions of security forces. Authorities must therefore provide them with the highest level of protection so they can do their work freely. In their 2013 Joint Declaration, the Special Rapporteurs from the UN and the OAS indicated that, in the context of demonstrations and situations of significant social conflict, the work of communicators and the free flow of information are "essential to keeping the public informed of the events. At the same time, [they play] an important role in reporting on the conduct of the State [...], preventing the disproportionate use of force and the abuse of authority."⁶⁶
97. In this regard, the IACHR views positively the adoption of Directive 011 of 2021 of the Office of the Procurator General of the Nation, urging members of the national government, mayors' offices, governors' offices, security forces, and all public servants in

⁶³ United Nations (UN) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Organization for Security and Cooperation in Europe's (OSCE) Representative on Freedom of the Media, the Organization of American States' (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights' (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 25, 2012. [Joint Declaration on Freedom of Expression on the Internet](#).

⁶⁴ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Violence against journalists and media workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators](#). OEA/SER.L/V/II. CIDH/RELE/INF. 12/13, December 31, 2013, para. 1; Inter-American Court. *Case of Vélez Restrepo and Family v. Colombia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 3, 2012. Series C No. 248, para. 142-149.

⁶⁵ IACHR. Office of the Special Rapporteur for Freedom of Expression. May 3, 2021. [Press Release R112/21. On World Press Freedom Day, the Office of the Special Rapporteur presents its 2020 Annual Report and reaffirms its commitment to support journalism in the hemisphere](#).

⁶⁶ Office of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression of the United Nations, Office of the Special Rapporteur for Freedom of Expression of the OAS Inter-American Commission on Human Rights. [Joint declaration on violence against journalists and media workers in the context of protests](#). September 13, 2013.

general to serve as guarantors of the rights to freedom of expression and information. According to the Office of the Procurator, this is especially important given the circumstances the country has been facing since April 28 with citizens exercising their right to demonstrate peacefully, "which should be respected and protected the same as the expressions of those who are not in agreement and have staked out a different position."⁶⁷

98. The Commission urges the State to publicly condemn all acts of violence against the media and reminds it of its obligation to investigate, prosecute, and punish the perpetrators of such attacks. At the same time, the Commission invites the Colombian media to follow the highest standards in order to provide the highest quality journalism possible, ensuring the trustworthiness of the facts and information. The strengthening of democratic institutions requires journalism that follows a methodology and takes work, which in turn contributes to providing society with diverse, balanced, and well-sourced points of view on the facts of public interest being covered.

3.4 Violence against medical missions

99. Additionally, in the framework of the visit, the IACHR received multiple reports of attacks on medical missions by security forces, endangering the lives and safety of healthcare personnel. It also received reports of obstacles to the regular movement of emergency health vehicles and the transportation of medical supplies and food, which it is noted were exceptional and took place during some roadway blockades. Additionally, reports were received on the alleged obstruction of the passage of ambulances by security forces, as well as on the use of ambulances in some cases to transport security forces and/or their armaments, rather than for health purposes. This not only undermined the work of the medical missions but increased the risk faced by their personnel in this context.
100. The IACHR also received reports from the State and from medical personnel of threats toward and harassment of medical units and health personnel, especially those providing support to frontline persons. There were also reports of threats and harassment toward students who had organized to support the demonstrations. Information was also received on alleged moves by security forces—especially the ESMAD—to prevent injured demonstrators from receiving timely care. These persons were also afraid to go to health centers due to the risk of being prosecuted.
101. The IACHR also received information from medical personnel and nurses that State agents had allegedly told them to refuse care to persons injured during the demonstrations. It was also alleged that healthcare personnel were pressured and threatened to not say anything about the protests, as well as to turn over the medical

⁶⁷ Procurator General of the Nation, [Directive 011 of 2021](#), Guarantee of freedom of expression and freedom of information for individuals and the media, June 8, 2021.

records of persons injured during the demonstrations on threat of punishment and in violation of their obligation to maintain professional confidentiality. The Commission reminds the State of its obligation to investigate, prosecute, and punish the perpetrators of these aggressions.

3.5 Protective transfers

102. According to information from the Presidential Council for Human Rights and International Affairs, in the framework of the protests, more than 7,020 people were detained on the legal grounds of “protective transfers” (*traslado de protección*), established in article 155 of the National Police Code. The declared purpose of such detentions is to protect the lives and safety of persons or third parties when they are at risk or in danger and only if the transfer is the sole available means of doing so. According to the information provided by the State in its response, the protective transfer is not a punishment, and the person being transferred must be provided all necessary guarantees.
103. In this regard, the Commission learned that the Constitutional Court of Colombia found in Judgment C-281/17 of 2017 that this form of detention as regulated in article 155 “does not offer sufficient prior or subsequent due process guarantees.” In this regard, the court found it was constitutional, but on the condition that certain guarantees be observed, confirmed by Supreme Court of Justice judgment STC 7641-2020,⁶⁸ cited as background.
104. The IACHR also learned that the police and the Office of the Procurator General of the Nation developed the “Citizen mobilization guidelines: Scope of Public Ministry intervention,” which reiterated that these “transfers” are exceptional in nature and shall not be used to take people to places intended for deprivation of liberty. The protocol also requires the preparation of a report indicating the circumstances of the detention and identifying the police officer who carried it out.⁶⁹
105. However, in view of the exceptional nature of the measure, the high number of protective transfers reported by the State stands out to the IACHR. Additionally, the Commission received reports indicating that the objective parameters used by the police to carry out these transfers are unknown. In this regard, it has been alleged that the detentions in some cases extended beyond the 12 hours allow for by law and took place in unauthorized locations. The transfers were additionally being used to intimidate some demonstrators and to avoid the requirements to prove the crime committed or produce an arrest warrant for the alleged commission of criminal offenses.

⁶⁸ Supreme Court of Justice, Civil Cassation Chamber, STC 7641-2020, September 22, 2022.

⁶⁹ Office of the Procurator General of the Nation - Office of the Ombudsperson, Citizen Mobilization Guidelines: Scope of Public Ministry intervention, October 2020.

106. Likewise, during the visit, civil society, the Office of the Ombudsperson,⁷⁰ and the Office of the Procurator General repeatedly described difficulties accessing information on the detentions and the deficiencies in the intake and release records for detained persons, something that could have led to the high number of reports of disappearances. A number of statements also indicated that the options to turn detained persons over to their families are not used, nor was transparent information available on the places where detained persons were being transferred.
107. The IACHR also received complaints of situations of violence and even of cruel, inhuman, and degrading treatment that could amount to torture and that took place during the protective transfers. Specifically, the persons interviewed informed the IACHR that the victims were constantly beaten and abused during the transfers. In some cases, they were threatened with being disappeared for participating in the protests.
108. The testimony collected is consistent in indicating that the protective transfers are being used in multiple cases as a form of punishment or as a means of discouraging protest. In the Commission's view, it is especially grave that these transfers, as designed, lack judicial oversight, meaning they amount to a restriction on liberty that depends solely on the judgments of the police officer implementing it.
109. The IACHR consequently urges the State to avoid depriving persons of liberty through the arbitrary use of protective transfers. In the case of *Fernández Prieto y Tumbeiro v. Argentina*, the Inter-American Court establish that in the event of a condition making it possible to carry out a detention without a court order or a crime in progress, in addition to complying with the requirements of legitimate aim, suitability, and proportionality, it "must require the existence of objective elements, such that it is not merely police intuition or subjective unverifiable standards that lead to a detention." As the Inter-American Court found in this case, "these types of regulations must also follow the principle of equal protection and nondiscrimination, so as to avoid hostility against social groups [...]."⁷¹

3.6 Reports of disappearances

110. The IACHR received allegations of persons reported as disappeared in the framework of the protest. According to information provided by the Office of the Attorney General of

⁷⁰ Office of the Ombudsperson, Report of the Ombudsperson for the IACHR Visit, Social Protest in Colombia April-June 2021, Archive of the Commission, pg. 49.

⁷¹ Inter-American Court. *Case of Fernández Prieto y Tumbeiro v. Argentina*. Merits and Reparations. Judgment of September 1, 2020. Series C No. 411, para. 90.

the Nation, as of June 15, the Urgent Search Mechanism was still active with respect to 84 cases.⁷²

111. Additionally, the Commission received with extreme concern reports that some persons initially reported as disappeared have been found dead. According to the Mesa de Trabajo sobre Desaparición Forzada (MDTDF), these are the cases of Brahian Gabriel Rojas López, who was found dead on May 9, in Risaralda; leader Cristian Torres, found dead on May 16 in Nariño; Shirley Osnas Orozco and José David Díaz Hormiga, found dead, presumably on June 8 in Caloto, Cauca; and Maicol Stiven Sanchez, who was found on June 2, burned to death in a shop after denouncing his detention by the ESMAD.⁷³
112. The Commission welcomes the existence of the Urgent Search Mechanism, created by Law 971 of July 15, 2005,⁷⁴ which can be activated by anyone before a judge or prosecutor and whose main objective is for judicial authorities to be able to immediately order all procedures necessary for locating disappeared persons. However, the IACHR observes with great concern the data on disappeared persons produced by different State institutions, as well as the delay in opening investigations in the cases reported.
113. In this regard, civil society reported that the differences in the number of persons reported as disappeared could be explained by the fact that State institutions classify these situations as "unlocated" persons, thereby postponing *ex officio* investigations.
114. In this regard, the Inter-American Commission reiterates that, whenever there is reason to suspect the disappearance of a person, a serious, impartial, and effective investigation must be launched *ex officio* and without delay, aimed at determining the truth. The Commission has also emphasized that States must undertake a rigorous search by the pertinent judicial and administrative route. It must do so systematically, by establishing specialized units or commissions and providing adequate and suitable human, technical, and scientific resources for locating and identifying the disappeared victims. This procedure must have clear and specific search strategies and mechanisms for coordinating the different State bodies and institutions. States have a fundamental obligation in this matter to guarantee the participation of family members throughout the search process.

3.7 Military Assistance

115. As reported by the State, in response to the situation arising from the framework of the national strike, during the months of April and May 2021, military assistance was sought,

⁷² Office of the Attorney General of the Nation, Press Release, "[Office of the Prosecutor locates 335 people and keeps the Urgent Search Mechanism active in 84 more cases](#)," June 2021.

⁷³ Mesa de Trabajo de Desaparición Forzada (MDTDF), Report, June 2021, archive of the Commission.

⁷⁴ Colombian Congress, [Regulations of the Urgent Search Mechanism](#), Law 971 of July 14, 2005.

as provided for under article 170 of the National Code of Coexistence and Citizen Security. For such purposes, in the context of protests, the executive branch issued Decree 575 of 2021, whereby it ordered several governors and mayors to coordinate "military assistance" to "address and overcome the incidents that have led to grave disturbances to security and coexistence in the roadways of their jurisdictions."⁷⁵

116. The national government explained to the IACHR that the decree activated the military in order to protect strategic infrastructure from violent and illegal acts. The Commission also took note of Judgment C-281/17 of the Constitutional Court of 2017, in which it ruled that the military could only be activated to protect social demonstrations, not to control them or contain them.⁷⁶
117. However, the Commission observes that the decree provides for "coordination" with the military for the purposes of "removing the internal blockades," as well as "preventing the installation of new ones" in certain jurisdictions. It is the Commission's view that the absolute ban on all blockades, pursuant to the wording of the decree, could end up subverting the exceptional nature of the military's participation, avoiding analysis of the specific circumstances of each blockade and failing to exhaust less harmful measures, such as dialogue. It is the IACHR's view that this could constitute a disproportionate restriction on freedom of expression, demonstration, and assembly.
118. Likewise, the IACHR notes that the decree does not explicitly establish the operating limits of military participation, nor does it indicate the measure is temporary so as to ensure its exceptionality. On the contrary, by stating that, "in coordination with security forces," governors must adopt all measures necessary "to lift internal blockades," the broad wording of the provision suggests prioritizing the use of the military for such purposes without justifying military intervention based on the guidelines required under international law.
119. The IACHR recalls that, as the Inter-American Court found in the case of *Women Victims of Sexual Torture in Atenco v. Mexico*, "public safety cannot be based on a standard for the use of force that treats the civilian population as the enemy, but should consist in the protection and control of civilians."⁷⁷ In addition, in accordance with the inter-American standards reflected by the Inter-American Court in the case of *Alvarado Espinoza v. Mexico*, the State must limit the military's participation in domestic security work as much as possible.⁷⁸ Likewise, and pursuant to Inter-American case law, in every case, it must be demonstrated that this participation is extraordinary, exceptional, temporary, restricted to what is strictly necessary in the circumstances of the case; subordinate and

⁷⁵ Ministry of Interior Affairs of Colombia, Decree 575, May 28, 2021.

⁷⁶ Constitutional Court, Judgment C-281/17, May 3, 2017.

⁷⁷ Inter-American Court, Case of Women Victims of Sexual Torture in Atenco v. Mexico, Judgment of November 28, 2018, para. 168.

⁷⁸ Inter-American Court, Case of Alvarado Espinoza vs. Mexico, Judgment of November 28, 2018, para. 182.

complementary to the work of civilian body; and regulated and monitored by civilian bodies that are competent, independent, and technically capable.

120. Lastly, the IACHR notes that the decree establishes that local authorities who do not comply will be sanctioned. The effect of this is to discourage governors and mayors from prioritizing the use of other measures, such as dialogue, which have proved effective in some cities in the country.
121. In view of these problems, the IACHR urges the State to amend this Decree to bring it in line with Inter-American standards by ensuring that the military support is extraordinary, exceptional, temporary, subordinate, and complementary to the work of civilian bodies.

3.8 Use of disciplinary authorities

122. The Commission was informed by the Office of the Procurator General that as of June 7, 2021, 172 disciplinary actions were being taken with regard to incidents related to the protests. Of them, 143 case files correspond to members of security forces, including 139 preliminary inquiries and 4 disciplinary investigations. Also, 8 disciplinary investigations are being pursued against other public officials, including 2 officials of the Office of the Ombudsperson. Likewise, the Office of the Procurator reported that at least 20 "actions" had been initiated regarding elected authorities, including 3 members of Congress, 1 governor, 10 mayors, and 6 local councilmembers.⁷⁹
123. The Commission does not have information on the specific grounds for such actions or whether they could lead to sanctions for failing to comply with Decree 575 of 2021. However, some elected officials informed the IACHR that they feared facing disciplinary processes that could lead to sanctions like removal from their offices or disqualification from serving in government. Similarly, information was received from mayors, governors, and even members of Congress who said their capacity to prioritize dialogue had been undermined because of the possibility of facing disciplinary proceedings.
124. The Commission emphasizes that the State must investigate and, if applicable, punish any irregularity on the part of public officials. Notwithstanding the foregoing, the IACHR highlights that, according to inter-American jurisprudence in the cases of *López Mendoza v. Venezuela*⁸⁰ and *Petro Urrego v. Colombia*,⁸¹ the punishments of disqualification and removal of democratically elected authorities can only be imposed through a "sentence imposed by a competent judge, in a criminal proceeding," thereby guaranteeing the effective right to defense and all due process guarantees.

⁷⁹ Procurator General of the Nation, Republic of Colombia, Report, June 7, 2021. Commission Archive.

⁸⁰ Inter-American Court, *Case of López Mendoza v. Venezuela*. Judgment of September 1, 2011, pg. 41, para. 202.

⁸¹ Inter-American Court, *Case of Petro Urrego v. Colombia*. Judgment of July 8, 2020, pg. 32.

125. In this regard, the Inter-American Court established in the case of *Petro Urrego v. Colombia* that "Article 23(2) of the American Convention makes clear that this instrument does not allow any administrative body to apply a sanction involving a restriction (for example, imposing a sanction of disqualification or dismissal) on a person for social misconduct (in the performance of public service or outside of it) on the exercise of their political rights to elect and be elected. This may only occur through a judicial act (judgment) by a competent judge in the corresponding criminal proceedings."⁸²
126. In this regard, the Commission urges the State to comply with the decision of the Inter-American Court by amending its internal legislation to ensure that the Office of the Procurator General of the Nation cannot prosecute elected authorities or punish them with removal from office or prohibition from serving in government.

3.9 Use of military criminal jurisdiction

127. The IACHR observed with concern that cases related to alleged human rights violations committed by the police, particularly by the ESMAD, are being heard by the military criminal justice system on the claim that they classify as "acts of service." In this regard, the Office of the Public Prosecutor reported that the cases related to the deaths of Santiago Andrés Murillo and Brayan Fernando Niño Araque are before the military criminal justice system, for which reason it filed motions of conflict of jurisdiction. Additionally, in a letter dated May 31, 2021, the Office of the Attorney General of the Nation asked the Ministry of Defense to "immediately remit the proceedings and elements of evidence related to the cases (...) [involving possible excesses by members of security forces in the framework of the national strike and] related to the alleged Commission of homicides, malicious personal injury, and sex crimes."⁸³
128. Additionally, the State indicated that from April 28 to June 4 of this year, the military criminal jurisdiction initiated a series of investigations against members of the National Police for offenses related to the police intervention to reestablish public order at the national level, pointing to 12 proceedings for alleged homicide and 19 for personal injury. The Office of the Public Prosecutor reported it has filed motions of conflict of jurisdiction in the cases related to the deaths of Santiago Andrés Murillo and Brayan Fernando Niño Araque.⁸⁴
129. In this context, the IACHR welcomes the fact that, on June 17, the Constitutional Court announced its decision to annul the order of the Superior Council of the Judiciary that granted the military criminal justice the jurisdiction to investigate and prosecute

⁸² Inter-American Court, *Case of Petro Urrego v. Colombia*. Judgment of July 8, 2020, pg. 32.

⁸³ Office of the Attorney General of the Nation, letter: Ref. Remission of Proceedings to Competence of the Ordinary Jurisdiction, May 31, 2021.

⁸⁴ Office of the Attorney General, Report on the investigative and interlocutory updates carried out by the Office of the Attorney General of the Nation with regard to the events that took place in the framework of the National Strike. June 7, 2021, p.21.

members of ESMAD for the death of Dilan Cruz,⁸⁵ who died in the 2019 demonstrations, allegedly due to the actions of a security forces officer. The Commission will monitor the results of the investigation, trial, and punishment of those responsible in the ordinary criminal justice system.

130. In this regard, the bodies of the inter-American system have consistently found that the use of military jurisdiction is incompatible with the American Convention, especially in view of the fact that it means security forces themselves engage in prosecuting their peers. The inter-American system has thus been emphatic on finding that special jurisdictions like the military jurisdiction can only prosecute active-duty personnel for committing crimes or infractions that are by nature against legal interests specific to the military or police.⁸⁶
131. As it has on multiple occasions, both through its monitoring work and through the system of petitions and cases, the IACHR urges the Colombian State to ensure that all cases—especially those involving human rights violations by security forces—be handled through the ordinary justice system, not through the military courts.

IV. Impacts on the fundamental rights of third parties and public property during the protests

132. The Commission received information on violations of the fundamental rights of third parties protected by domestic law, allegedly in the framework of the demonstrations. It also took note of the impacts on public property in that context.
133. Both the State and civil society organizations also reported that the protests have been infiltrated by groups or individuals who performed acts of violence and/or vandalism during the course of the demonstrations. Likewise, it was reported that in some specific situations, the character of the protests changed over the course of time, occasionally turning violent.
134. According to official figures, from the start of the protests through June 10, damage was documented to: 1,660 private assets, including 457 bank offices and 438 ATMs; 706 police assets, including 556 police vehicles and 116 Rapid Response Posts. In addition, more than 2,158 instances of damage to public property were observed, including 1,251 vehicles and 240 public transportation stops. Regarding the latter, the Commission received information indicating grave impact to Bogotá's public transportation system.
135. Especially concerning were the attacks on and fires at the Palace of Justice of Tuluá; the Forensic Medicine Institute in Popayán; and the Nariño government building, along with

⁸⁵ Constitutional Court of Colombia, Press Release 22 of Judgment SU-190-21, June 17, 2021.

⁸⁶ Inter-American Court. *Case of Usón Ramírez v. Venezuela*, judgment of November 20, 2009, para. 108

damage to the buildings of the Office of the Public Prosecutor of Popayán, Cauca, and the Office of the Municipal Mayor of La Plata, Huila. The Commission also learned of attacks on the facilities of different municipal-level agencies. The Commission visited a Rapid Response Unit in Popayán and verified extensive financial losses, destruction of evidence and judicial case files, and theft of firearms.

136. The IACHR also held meetings with business associations and collected testimony from persons who reported financial impact from activities related to the demonstrations. In one meeting, the IACHR received information on acts of vandalism in the form of a Molotov cocktail thrown at a bus carrying workers, causing third-degree burns to some of them. Reports also indicate the alleged collection of illegal tolls to allow passage or circulation in certain parts of the country.
137. According to information provided by the State, the protest activities impacted the supply of food, medicine, and fuel in 26 departments and 311 municipalities in the country, especially in the departments of Valle del Cauca, Cauca, Nariño, Huila, Cundinamarca, and Bogotá. Additionally, 94% of the companies in the country have said their sales were impacted by activities related to the protest, with the sectors most impacted being construction, commerce, transportation, lodging, and agriculture. For example, business groups in Valle del Cauca said that 43 days of a blockade on the Pan-American Highway had caused the loss of around 97,000 jobs.
138. The Commission expresses particular dismay at the deaths of two babies, allegedly because of a lack of medical care in the framework of the disruptions caused by the protests.
139. The IACHR condemns the death of three members of security forces during the protests. It likewise deplores the alleged kidnapping, disappearance, and murder of Officer Carlos Andrés Rincón Martínez, whose body was found showing signs of torture in the city of Cali. The Commission also took note of the fire at a Rapid Response Post in Aurora with 10 police officers inside; the attack on 6 police officers with a firebomb in Pasto; and the 1343 police officers injured, 4 of which are still in the hospital. The State likewise indicated that "in the framework of the strike, 14 police officers working to guarantee the public and peaceful demonstration suffered eye injuries, 12 from blunt objects, 1 from a firearm, and 1 from a chemical agent."⁸⁷
140. The IACHR strongly condemns all acts of violence, especially those that affect life and personal integrity and the course of demonstrations. In this regard, it calls on the State to investigate, prosecute, and punish those responsible for crimes committed in the framework of the process.

⁸⁷ Ministry of Defense, Guarantees to the peaceful demonstration and control of violent actions, April 28 to June 4, 2021, pg. 52-53

V. Considerations regarding roadblocks

141. The Commission notes that although the legitimate causes motivating the protests are widely recognized, there is a complex national debate underway on roadblocks, known as blockades. It is the IACHR's view that in the current context of Colombia, Inter-American standards on the right to protest and freedom of expression can contribute to better understanding of the scope of these rights and potential restrictions thereof.
142. As the Commission indicated in its report on Protest and Human Rights, "social protest can occur in many different ways. In the region, some of them take the form of street closures, 'cacerolazos' (pot-banging sessions), and vigils. The conditions in which many of these demonstrations and demands occur are complex and require appropriate responses from the authorities in terms of respecting and ensuring human rights."⁸⁸ In its report, it also indicated that demonstrators are free to choose the modality, form, place, and message for carrying out the peaceful protest.⁸⁹ This means that the State shall not impose prior restrictions or general prohibitions that end up denaturing the protest or robbing it of its substance.⁹⁰
143. During the visit, the IACHR was able to observe that not all roadblocks are the same or have equivalent characteristics. According to reports from the National Police, during the demonstrations, there were at least 1,937 roadblocks. Of them, 1776 lasted for between 1 and 3 days; 46 lasted for 4 to 6 days; 115 lasted for more than 7 days; and 9 were kept in place for 30 days or more,⁹¹ particularly in the department of Valle del Cauca.
144. Additionally, both the State and persons who testified during the visit indicated that several of these blockades had cause violations to the rights to life, health, freedom of movement, and work. These blockades also affected different economic sectors in the country, including the production and distribution of food and basic goods, the transfer of patients and medical supplies, and fuel supplies. In particular, the State reported that some of the blockades impeded the circulation of ambulances and the transportation of vital goods on strategic routes. This is the case for the road to the port of Buenaventura, through which 35% of the nation's cargo passes and from which chemicals are transported to purify the country's drinking water.
145. The State also indicated in its response that in the cases of certain roadblocks, criminal actions were taken against the transportation system infrastructure. It also noted what happened on June 25, 2021, when a person traveling on a motorcycle through a blockade died after colliding with an obstacle that had been placed in the roadway.

⁸⁸ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, pg. 1 and para. 89.

⁸⁹ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, para. 154.

⁹⁰ IACHR, Protest and Human Rights, September 2019, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, para. 37.

⁹¹ Office of the Ombudsperson, Report of the Ombudsperson for the IACHR Visit, Social Protest, April-June 2021, pgs. 23-25.

146. On the other hand, the Commission also observed that some blockades included multiple peaceful and cultural expressions that are protected under the right to protest. The IACHR met with groups of young people who repeatedly and consistently alleged that security forces took repressive action and pointed to a social situation of food insecurity and alienation from family and institutions. In this regard, the Commission calls for undertaking a dialogue that specifically includes young people for the purposes of seeking alternatives and opportunities and to build bridges between the State and all sectors of society.
147. The State reported that in the majority of cases, the blockades were addressed through local dialogue processes. The Commission highlights the agreement reached through the talks between the Unión de Resistencia de Cali (URC) - Primera Línea Somos Todos y Todas [Resistance Union of Cali - We Are All in the Front Lines] and the mayor's office in Cali. This agreement led to the creation of the Emergency Social Inclusion Plan, to be implemented with an approach that differentiates based on gender, ethnicity-race, age, sexual orientation, and territory. This agreement is also aimed at intervening in areas including food security, healthcare (including psychosocial and addiction); employability programs; and strengthening of social processes in the framework of Decree 0304 of May 31, 2021.⁹²
148. The State informed the IACHR of its social dialogue strategy, which includes: i) 18 listening sessions between authorities and prominent voices; ii) regional dialogue, including 17 processes and 70 workshops; iii) interlocution with the National Strike Committee; iv) a National Roundtable for evaluating guarantees for public demonstrations; and vi) a youth social strategy and listening sessions, with space for dialogue and building trust.⁹³ The IACHR also received information on the establishment of Social Peace and Dialogue Agents and their implementation in cities like Bogotá.
149. In addition to this, in its response, the State highlighted the multiple meetings that the national government has held with the National Strike Committee in order to reach agreements on attending and responding to each of its requests, such as “Colombia Pact with the youth,” drawn up in the territories. In this framework, it reported that it is currently involved in 202 active listening roundtables, with 5,273 participants.
150. On the other hand, the Commission was informed by civil society organizations of the alleged lack of willingness by national authorities to establish broad and inclusive spaces for dialogue and negotiation. Likewise, these organizations have also alleged that the agreements struck in peaceful demonstrations—like, for example, the agreement signed in the framework of the Civic Strike of Buenaventura—have not been complied with.⁹⁴ These situations have increased distrust in institutions and led several groups to continue

⁹² Santiago de Cali Mayor's Office, [Decree 0304](#), May 31, 2021.

⁹³ Written Report of the State to the IACHR. June 8, 2021. Pg. 29

⁹⁴ Buenaventura Mayor's Office, [National Government and the Executive Committee of the Civic Strike sign an agreement to lift the strike](#), June 6, 2017.

with their roadblocks as a means of protesting for as long as the negotiations remain ongoing.

151. The Commission notes that the lack of a statutory law establishing regulations that are in line with inter-American standards on the right to protest gives authorities a degree of discretion with regard to the exercise of that right and its restrictions. In the absence of such a law, the IACHR views it as important for the State's response to adhere to inter-American standards applicable to the right to protest and underscores the importance of broad, plural, and extensive social participation in devising this legal framework.
152. In the current context of Colombia, the official general classification of the blockades as illegal could lose sight of the specific characteristics of each roadblock and impact the chances of reaching negotiated solutions through dialogue and mediation. Each roadblock has different impacts, different demands, and different potential effects on the fundamental rights of third parties who are not taking part in the protest. Consequently, the Commission reminds the State that the circumstances must be evaluated on a case-by-case basis to ensure the exercise of the human right to protest can coexist with the fundamental rights of third parties.
153. The Commission urges the State to avoid using generalizing and prohibitive approaches to the various forms of demonstrating in the exercise of the right to protest, as some protest modalities lead society to listen to certain voices that otherwise would have a difficult time accessing the agenda or taking part in the public discourse.⁹⁵
154. The IACHR was able to observe that the consequences of certain roadblocks in Colombia have caused deep discontent and exhaustion for some State representatives, policing bodies, and sectors of society. The Commission recognizes that this discomfort is giving rise to a series of individual and collective impacts. It condemns the fact that some blockades have greatly compromised rights like the rights to life, to the provision of food, to safe drinking water, to health, etc.
155. The IACHR is concerned that the inadmissible impacts of some of the roadblocks have caused the State to fail in its duty to tolerate a certain degree of unrest with regard to this modality of protest. This could have various consequences. On the one hand, it could contribute to the escalation of social tension. On the other, it could hinder the management of social conflict through dialogue.
156. The IACHR recalls that the fact that demonstrations cause a certain degree of disturbance to daily life (for example, disruptions to traffic and commercial activities) must be tolerated so as to not deprive the right to peaceful assembly of its essence.⁹⁶ For the Commission, the appropriate "degree of tolerance" cannot be defined in the abstract and

⁹⁵ IACHR, Protest and Human Rights, September 2019, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, para. 10-13.

⁹⁶ IACHR, Protest and Human Rights, September 2019, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, para. 154; IACHR, Report on Citizen Security and Human Rights, December 31, 2011, OEA/Ser.L/V/II. Doc 57, para. 198.

therefore it is up to the State to examine the particular circumstances of each case with respect to the scope of the admissible disturbance to daily life.⁹⁷

157. When the eventual disruption of daily life in the heart of the protests extends in terms of time and scope to the point of gravely compromising the guarantee of other rights, such as, for example i) the right to life, ii) the supply of food; and/or iii) the right to health, the State has an accentuated duty to facilitate all possible mechanisms of dialogue and coexistence for all the rights in tension, with the use of force as a last resort.
158. It is the Commission's view that the State's approach to roadblocks must take an intersectional and interdependent human rights approach in order to prevent situations that affect the protest itself and the rights of third parties who are not participating in it. Preventing violence, providing transparency, and ensuring accountability for the State agents to respond to the protests is crucial for guaranteeing the rights in tension with each other.
159. Therefore, in order to both protect the process itself and prevent violent incidents arising from the protest from potentially having an increasing impact on human rights, the IACHR issues a special call for the authorities to draw a distinction between demonstrators and those who engage in criminal acts. The Commission has indicated that the State is not the only party capable of interfering with the exercise of protest, and in this regard, its obligations extend to protecting demonstrators from violations and abuses at the hands of third parties.⁹⁸
160. Just as the response to roadblocks cannot vacate the right of demonstrators to demonstrate, this form of protest also cannot annul or suspend, *de facto*, the rights of third persons who are not participating in the demonstrations. The State has a duty to guarantee the protest, as well as to establish the conditions for third parties not participating in the demonstrations to exercise their rights. At the same time, the Commission stresses that it is important for demonstrators using roadblocks to not endanger the lives of other persons and to permit the circulation of goods, services, and essential supplies.
161. The IACHR has established that protest is not an absolute right and restrictions are allowed on an exceptional basis.⁹⁹ However, protecting the rights and freedoms of others cannot be used as an excuse to restrict peaceful protests.¹⁰⁰ Any restriction on the right to protest must be provided for by law, seek a legitimate aim, and be necessary in a

⁹⁷ European Court of Human Rights - *Case of Primov et al.*, 2014, para. 145.

⁹⁸ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, Para. 53; Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, April 14, 2014, A/HRC/26/29, para. 9.

⁹⁹ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, Para. 31.

¹⁰⁰ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, Para. 32; Human Rights Council, Effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests, Report of the United Nations High Commissioner for Human Rights, A/HRC/22/28, January 21, 2013, para. 12.

democratic society based on the criteria of necessity, suitability, and proportionality.¹⁰¹ The State's actions must be guided by the application of this test to ensure that police bodies, human rights institutions, and judges play a fundamental role in reconciling the right to protest with other rights that are in tension.

162. Inter-American standards are emphatic in requiring that the restrictions be established beforehand, explicitly, narrowly, and clearly by law with full force and effect. The Inter-American Court has found that only a formal law "can restrict the enjoyment and exercise of the rights recognized by the Convention."¹⁰²
163. The Commission observes with concern the announcements of the Ministry for Interior Affairs whereby it is "established that demonstrations that promote the use of means to temporarily or permanently block roadways or infrastructure shall not be considered peaceful."¹⁰³ In this regard, it urges the State to define the exceptional restrictions on roadblocks through parliamentary deliberation and the enactment of a law. Pursuant to Inter-American standards, the executive branch is not to define the limits of the right to protest, especially when it is the target of the social demands.
164. As regards the requirement of legitimate aim, restrictions on roadblocks must be aimed at achieving the objectives authorized by the American Convention.¹⁰⁴ During its visit, the Commission was informed by the State on the negative implications of some roadblocks in terms of guaranteeing the rights and freedoms of others, such as public health, safety, and order.
165. That said, the Commission recalls that, as the Inter-American Court has found, it is not enough to generically invoke a legitimate aim, as States are not free to interpret its content however they wish.¹⁰⁵ As regards "the protection of the rights of others" as a legitimate aim justifying limits to freedom of expression, inter-American case law has been clear in finding that in cases where limits are established, these rights must be clearly damaged or threatened, which must be demonstrated by the authority imposing a limitation.¹⁰⁶ For its part, any harm to "public order" invoked as justification for limiting the right to protest must be in response to real and objectively verifiable causes that present a sure and

¹⁰¹ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, Para. 33-45.

¹⁰² Inter-American Court, Advisory Opinion OC-6/86 of May 9, 1986, "The Word 'Laws' in Article 30 of the American Convention on Human Rights," para. 35.

¹⁰³ Twitter account of Daniel Palacios (@DanielPalam). June 18, 2021.

¹⁰⁴ IACHR, Protest and Human Rights, September 2019, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, para. 36.

¹⁰⁵ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 75.

¹⁰⁶ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 77.

credible threat of a potentially serious disturbance of the basic conditions for the operation of democratic institutions.¹⁰⁷

166. Limitations on social protest must be necessary in a democratic society and strictly proportional for the compelling objectives they seek to accomplish.¹⁰⁸ The clear and compelling social need to implement the limitation must be established, and it must be confirmed that the legitimate objective invoked cannot be attained with a measure that is less restrictive of the human rights invoked.¹⁰⁹
167. Additionally, as regards the response to roadblocks, the IACHR reiterates that States have an obligation to manage social conflict from a perspective of dialogue and must respect the limited leeway they have to establish legitimate restrictions on demonstrations and protests.¹¹⁰
168. Likewise, for peaceful roadblocks, the State's decision to disperse a protest as a last resort must be clearly communicated and explained so demonstrators can understand it and comply with it, offering them sufficient time to disperse before using force.¹¹¹ It is important to underscore that dispersal by force can also increase tensions between protesters and security forces.¹¹²
169. When, in the context of a roadblock, acts of violence are observed that represent an imminent threat to the guarantee of other rights in tension, authorities must distinguish between the persons acting with violence and those participating in the protest peacefully.¹¹³ In cases in which the use of force is essential for achieving a legitimate aim in the context of a demonstration, only the minimum amount of force necessary can be used, and once that necessity has passed—for example, when a violent person has been detained safely—the use of force must cease.¹¹⁴

¹⁰⁷ IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 82.

¹⁰⁸ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, para. 38; IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Framework on the Right to Freedom of Expression, OEA/Ser.L/V/II CIDH/RELE/INF. 2/09, December 30, 2009, para. 67.

¹⁰⁹ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, para. 39; IACHR, Office of the Special Rapporteur for Freedom of Expression, Inter-American Framework on the Right to Freedom of Expression, 2010, para. 85.

¹¹⁰ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, pg. 1.

¹¹¹ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, para. 155; Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, February 4, 2016, para. 63.

¹¹² IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, para. 108 and 155.

¹¹³ Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, February 4, 2016, para. 61; Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37, September 17, 2020, para. 17.

¹¹⁴ Human Rights Committee, General comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37, September 17, 2020, para. 79.

170. In the Commission's view, prioritizing dialogue also means guaranteeing the conditions necessary for those participating in the protests to be able to participate in the dialogue or mediation processes without fear. During the visit, the Commission received information on criminal investigations opened against protesters. In this regard, the IACHR reiterates that "States should stop applying criminal definitions that characterize conduct commonly observed in protests as criminal acts, such as roadblocks or disorderly acts that, in themselves, do not affect interests such as the life, safety, or freedom of persons; in the context of protests, these acts constitute forms of exercising the rights to freedom of expression, assembly, and association."¹¹⁵
171. Lastly, the IACHR reiterates that protest is a right protected by the American Convention on Human Rights that can be restricted under certain circumstances based not on its modality but on the seriousness of its impact on other fundamental rights—including the right to life, the right to protest free from violence, the provisioning of food, and the right to health. It is the State's responsibility to verify in each case the gravity of the impacts and ensure that any restrictions strictly follow the principle of legality, pursue a legitimate aim, and are necessary and proportional in a democratic society.

VI. Considerations on the Internet as a space for protest

172. During the visit, the Commission received comments on the Internet as a key instrument for exercising the rights to freedom of expression and access to information to their full potential during the protests. For example, a number of State bodies provided the IACHR with information on efforts to quickly and broadly communicate official information through different websites and interact directly with citizens. Citizens, meanwhile, described how those who went out to demonstrate use the Internet as a means of interacting and organizing.
173. At the same time, the Internet has enabled demonstrators to report incidents and make allegations openly—often in real time—with regard to possible excessive uses of force, as well as request protection of their rights. The Internet is thus a fundamental tool for facilitating and enriching the public discourse and for reporting human rights violations during demonstrations. These facts make clear the need to protect the digital environment and guarantee free access to the web.
174. Despite the Internet's potential and its role in amplifying the voices in the public debate, the IACHR noted with concern reports that must be investigated of alleged State measures that could curtail freedoms on the Internet. According to the information provided by a variety of actors, these actions are taken based on subjective criteria rather than objective,

¹¹⁵ IACHR, Protest and Human Rights, OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, para. 208.

legitimate, and transparent parameters, as required by international human rights standards.

175. The Commission notes that the majority of actors interviewed during the visit said the digital conversation was growing increasingly important. They also said that the Internet is a crucial platform for public discussion and expressed fears that some speech incentivized violence or could be used as a basis for making decisions about the Internet that take the voice away from those who wish to express themselves on matters of public interest. The IACHR takes note of a general perception of possible excesses and censorship of speech on the Internet that increase anxiety to ensure that one's own voice is the only relevant one. This anxiety affects dialogue and has the potential to affect both institutional voices and civil society, regardless of their stance on the protest.
176. In this regard, the IACHR received information on "cyber-patrols" aimed at proactive monitoring of allegedly false content on the course of the protests, content disparaging security forces, and content intended to instigate hate amongst the public. The aim of these measures is to determine what information is false or true, thereby combating alleged "digital terrorism" activities that could exacerbate the violence. During the visit, the State reported that 21,675 hours of cyber patrolling had been conducted and that they had identified at least 154 pieces of false news and more than 2,300 posts containing threats to life or physical safety.¹¹⁶
177. In this regard, the Commission notes with concern that the security forces are establishing for themselves the authority to fact check information, classifying content as either true or false. This is especially worrying when the majority of the information they are classifying has to do with the actions of security forces.
178. In this context, the IACHR calls on them to stop classifying content, instead providing more information on the subject, so as to avoid engaging in censorship. As the Office of the Special Rapporteur indicated in its Guide to guarantee freedom of expression regarding deliberate disinformation in electoral contexts, it is clear that the deliberate spread of false information impoverishes the public discourse and makes it more difficult for citizens to exercise their right to receive information from a variety of sources.¹¹⁷
179. The Commission also received complaints from authorities regarding persons who post information containing, by their standards, messages of "hate" or "incitement to violence." The IACHR urges authorities to file the corresponding criminal complaints in these cases so investigations can move forward.
180. Additionally, the Inter-American Commission is concerned at the repeated allegations of profiling of persons using social media, whether or not they participate in the protests.

¹¹⁶ Written Report of the State to the IACHR. June 8, 2021. Pg. 64.

¹¹⁷ OAS, Guide to guarantee freedom of expression against deliberate misinformation in electoral contexts, OEA/Ser.D/XV.22 OEA/Ser.G CP/CAJP/INF.652/19, pg. 18.

Generic classification using terms such as "terrorism," "vandalism," or "criminals" stigmatizes demonstrators, fostering an environment that is hostile to the exercise of the right to protest and freedom of expression on the Internet. The Office of the Special Rapporteur for Freedom of Expression has indicated that criminal sanctions for the dissemination of allegedly false information could roll the region back to a time of criminalizing expression regarding officials or matters of public interest and establishing a tool with a significant chilling effect on the dissemination of ideas, criticism, and information.¹¹⁸

181. Likewise, civil society organizations reported concern at alleged cuts to Internet service in the context of protests. According to these reports, this caused a situation that impeded reporting on the actions of security forces and reduced opportunities for public scrutiny. The reports received indicate both the possible use of technology to inhibit or restrict Internet access and the blocking of two websites (URLs) on the Internet containing information about the protests.
182. Regarding this issue, the Office of the Special Rapporteur has held that mandatory blocking of entire websites, IP addresses, ports, network protocols or types of uses (such as social networking) is an extreme measure that can only be justified in accordance with international standards, for example where necessary to protect children against sexual exploitation.¹¹⁹
183. The IACHR recommends that these restrictions on access to networks, services, and content over the Internet, both through the use of technology with the capacity to interrupt regular access and through decisions to restrict access to content, must be established by law; pursue an aim that is legitimate, necessary, and strictly proportional to the aim sought; and be subject to judicial oversight.
184. The IACHR calls on the State to proactively and regularly provide information on the functioning of the Internet so that complaints about possible interruptions and blocks can be compared to technical, up-to-date, and accessible information. It likewise recommends that authorities refrain from assigning classifications that are stigmatizing or tend toward criminalizing those who express themselves about the protests over the Internet.

¹¹⁸ IACHR. Office of the Special Rapporteur for Freedom of Expression. April 18, 2020. [Press Release R78/20. IACHR and its RELE express concern about restrictions on freedom of expression and access to information in States' response to the COVID-19 pandemic.](#)

¹¹⁹ United Nations (UN) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. June 1, 2011. [Joint statement on freedom of expression and Internet.](#)

VII. Recommendations

Based on its observations and in view of the norms governing the inter-American human rights system—in particular the American Convention on Human Rights—the IACHR issues the following recommendations to the State of Colombia:

General recommendations

1. From the highest levels of the State, promote and strengthen a national process of genuine dialogue, with a territorial focus, to listen to all sectors, especially those sectors that have been most affected by historic, social, and structural discrimination the country.
2. Take measures to strengthen citizen trust in the State by enhancing the practical and effective independence of the branches of government and oversight entities.
3. Strengthen the guarantee and protection of ESCERs, particularly the rights to health, food, education, work, and social security, with a focus on equality and nondiscrimination, citizen participation, and accountability that fosters social inclusion and the creation of opportunities.
4. Adopt the provisions necessary to guarantee the lives, integrity of person, and safety of each and every person who entered into dialogue with and testified to the Inter-American Commission during its visit. Likewise, refrain from retaliating against them and/or allowing retaliation against them by third parties.

General recommendations on the right to social protest

5. Respect and guarantee the full enjoyment of the rights to protest, to freedom of expression, to peaceful assembly, and to participate in politics for the entire population.
6. Promote the inter-American standard according to which public officials have a duty to refrain from making statements that stigmatize or incite violence against persons who participate in demonstrations and protests, especially young people, indigenous peoples, persons of African descent, women, LGBTI persons, and human rights defenders.
7. Draft and enact a statutory law regulating the scope and limitations of the right to protest in Colombia, in accordance with the rulings of the Supreme Court and pursuant to international standards on the subject.

Recommendations on excessive and disproportionate use of force during protests

8. In the context of protests and demonstrations, execute security operations in strict adherence to protocols on legitimate use of force and in compliance with the principles of legality, absolute necessity, and proportionality established in international standards. Likewise, take the measures necessary to immediately cease the disproportionate use of force by security forces in Colombia in the framework of social protest.
9. Ensure that the priority of the security forces that intervene to protect and control demonstrations and protests is to defend lives and integrity of person, abstaining from arbitrarily detaining demonstrators or violating their rights in any other way, in accordance with current protocols.
10. Ensure that the use of nonlethal means of controlling public order are subjected to strict protocols that prevent and punish their use in ways that gravely affect the health and safety of demonstrators.
11. Immediately implement mechanisms to effectively prohibit the use of lethal force during public demonstrations.
12. Strengthen and restructure the training processes for persons forming part of State security bodies, including by adding an ethnic-racial and gender focus, as well as a focus on the rights of persons with nonnormative sexual orientations and identities in order to consolidate the broadest possible understanding and respect for their right to freedom of expression, proper and legitimate actions in the framework of protests, and exceptions and limitations on the use of force.
13. Take urgent measures in terms of training, use of action protocols, and creation of mechanisms of accountability to ensure the ESMAD plays the role of guaranteeing public order and the exercise of the right to protest and limiting its actions only to cases where strictly necessary.
14. Separate the National Police and its ESMAD from the Ministry of Defense to ensure a structure that consolidates and preserves security with a focus on citizens and human rights and prevent all possibility of military perspectives.
15. Adopt the measures necessary to ensure accountability for State security forces by impartially, exhaustively, and quickly investigating reports of human rights violations, and prosecuting and punishing those responsible. Likewise, provide reparations for victims and their families.
16. Standardize data on persons who died and who were injured, detained, disappeared, and exposed to gender-based violence as a consequence of social protests, ensuring it is transparent, up-to-date, clear, concise, and coordinated with the information provided by civil society. The registry must provide specific

data disaggregated by ethnicity-race, age, sex, sexual orientation and gender identity and/or expression. It also must provide basic information on actions to redress the damage caused, including the State's guarantee that those who need comprehensive healthcare are able to receive it free of charge.

17. Urgently provide and coordinate programs for providing comprehensive reparations to victims, especially in cases in which State security agents have committed acts of sexual violence as a mechanism of torture and caused ocular trauma with the purpose of exercising control over demonstrators. These programs must be national in their coverage; comprehensive; based on a gender approach; intercultural and intergenerational; and meet the psychosocial and mental health needs of victims, families, and communities in general.

Recommendations regarding gender-based violence

18. Adopt the measures necessary to strengthen mechanisms of access to justice for women, girls, and LGBTI victims of gender-based violence in the context of social protest, including mechanisms for reporting, addressing, investigating, and providing reparations from an approach that is differentiated, proximate, and provided by specialized personnel.
19. Strengthen the traditional mechanisms for responding to gender-based violence by adopting alternative channels of communication and strengthening community networks to expand opportunities for complaints and orders of protection.

Recommendations regarding violence based on ethnic-racial discrimination: Indigenous Peoples, People of African Descent, and Tribal Communities

20. Adopt all reasonable and positive measures necessary to prevent, eliminate, and reverse or change discriminatory situations that perpetuate stigmatization, prejudice, intolerance, and criminalization against persons for their ethnic-racial origins, gender identities, migratory status, national origin, or any other situation, to the detriment of their human dignity.

Recommendations on the use of protective transfers and the disappearance of persons

21. Take the measures necessary to restrict the use of protective transfers to situations of circumstantial or permanent helplessness or vulnerability of persons, in accordance with the National Code on Policing and Citizen Coexistence. Likewise, refrain from generalized use of this measure in the framework of protests and demonstrations.
22. Guarantee the right of due process to persons who have been detained in the framework of the protests.

23. Ensure that the relatives of detained persons and, where applicable, their legal representatives have access to all information on the detention process.
24. Conduct an independent and individualized review of all the charges filed against persons arrested and detained during protests.
25. Immediately release those who have been detained arbitrarily or without justification yet are still deprived of liberty.
26. Establish a special commission for locating the whereabouts of persons who remain missing, in which the participation of their relatives is guaranteed.

Recommendations on the use of disciplinary authorities

27. Adjust the domestic legal framework to ensure that the Office of the Procurator General of the Nation cannot prosecute elected authorities or punish them with removal from office or prohibition from serving in government, in keeping with inter-American standards on the subject

Recommendations regarding military assistance and the use of military courts

28. Guarantee that maintaining domestic public order and citizen security is primarily reserved for civilian security forces.
29. Ensure that, if the military's participation in security work is needed, it is provided on an extraordinary basis, subordinate and complementary to the work of civilian bodies. Likewise, it must be regulated and monitored by competent, independent, and technically capable civilian bodies.
30. Amend Decree 575 of 2021 in order to ensure that intervention by Armed Forces is compatible with international law on the subject.
31. Ensure that military courts are only authorized to prosecute active-duty soldiers for committing crimes or infractions that, due to their nature, impact legal interests specific to the military.
32. Adopt all measures necessary to ensure that the ordinary justice system is the forum with jurisdiction to investigate and, where applicable, prosecute and punish those who commit human rights violations.

Recommendations on impacts to the rights of third parties and public property during the protests

33. Investigate and, where necessary, prosecute and punish—with all due process guarantees—those responsible for crimes committed in the framework of the protests.

Recommendations regarding roadblocks

34. Refrain from placing blanket and *a priori* prohibitions on roadblocks as modalities of protest.
35. Approach potential restrictions to this modality of protest based on specific considerations, as long as such restrictions strictly adhere to the principle of legality, pursue a legitimate aim, and are necessary in a democratic society.
36. Establish a permanent mechanism for dialogue in the structure of the State, comprising negotiators trained in conflict mediation and with the capacity necessary to conduct transparent and voluntary dialogue processes that incorporate local authorities—such as governors and mayors—to address the particularities of the territories.

Recommendation on the protection of journalists, freedom of expression, and access to the Internet

37. Guarantee the exercise of the right to freedom of expression pursuant to Inter-American standards, particularly through the protection of journalists, communicators, and media workers from persecution, intimidation, harassment, aggression of all kinds, and by halting State actions that interfere with the free functioning of media outlets.
38. Guarantee respect for the independence of the media and refrain from applying direct or indirect forms of censorship.
39. Proactively and regularly provide information on the functioning of the Internet so that complaints about possible interruptions and blocks can be compared to technical, up-to-date, and accessible information.
40. Halt police activities to classify content as "false" or "true" and refrain from assigning stigmatizing classifications or classifications that tend to criminalize those who express themselves over the Internet regarding the protests.

Recommendations on medical missions

41. Recognize the importance of the work done by medical missions in performing their humanitarian work in the framework of protests by guaranteeing enhanced protection for them so they can provide health support unimpeded to everyone without discrimination and without fear of reprisals or sanctions.
185. Lastly, the Commission warns of the human rights challenges that could arise in future social mobilizations. The State of Colombia and society as a whole have the unique opportunity to reverse the current situation to usher in a new phase of citizen

participation. It can do so through effective and inclusive dialogue to address the legitimate demands of the population, with the highest respect for human rights and within the democratic framework of the rule of law.

186. To this end, the Commission urges the State to support, from the most senior levels of the State, a process of multidimensional dialogue and reconciliation making it possible to deactivate the tensions and hostilities latent in Colombian society and build trust in State institutions.
187. The IACHR will continue to monitor the course of the social protests while expressing its broadest availability to provide technical assistance to the State for following up on the recommendations, for which purposes it announces the establishment of a Special Monitoring Mechanism for Human Rights in Colombia to contribute to consolidating peace across the different sectors of society.