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FREEDOM IN THE WORLD

Colombia

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OVERVIEW:

Talks between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) rebel group were announced in August 2012 and began in Norway in October. The FARC declared a unilateral 60-day ceasefire in November, though some fighting continued between the revolutionary group and the government. The talks were opposed by some Colombian politicians, including former president Álvaro Uribe.

Following independence from Spain in 1819, Gran Colombia broke into what became Venezuela, Ecuador, and modern Colombia. The 1903 secession of Panama, engineered by the United States, left Colombia with its present borders. A civil war between Liberals and Conservatives erupted in 1948 and resulted in some 200,000 deaths before subsiding after 1953. From 1958 to 1974, the two parties alternated in the presidency under the terms of a 1957 coalition pact aimed at ending civil strife. Colombia has since been marked by corrupt politics as well as left-wing guerrilla insurgencies, right-wing paramilitary violence, the emergence of vicious drug cartels, and human rights abuses committed by all sides.

A peace process between the government and the leftist Revolutionary Armed Forces of Colombia (FARC) rebel group unraveled in 2001, and Álvaro Uribe, a former provincial governor, won the 2002 presidential election after pledging to crush the rebels by military means. Right-wing paramilitary death squads, grouped together as the United Self-Defense Forces of Colombia (AUC), also battled the guerrillas, sometimes with the tolerance or covert complicity of government forces. By 2005, the leftist guerrillas had largely ceded control of major cities to the paramilitaries, though they held out in remote areas, using the narcotics trade and extortion for financial support.

The 2005 Justice and Peace Law was designed to demobilize and grant a partial amnesty to the paramilitaries, but human rights groups said it failed to ensure the permanent dismantling of the groups and encouraged impunity. In May 2006, the Constitutional Court struck down certain elements of the law and mandated full confessions, asset seizures, and the provision of reparations to victims. Meanwhile, bolstered by a growing economy and the perception of improved security, Uribe won a second term in that month's presidential election by an overwhelming margin.

By late 2006, more than 30,000 paramilitaries had formally demobilized, though human rights groups reported problems with the disarmament, including the formation of fragmented "successor groups" created in part by recalcitrant or recidivist paramilitaries which continued to engage in drug trafficking, land theft, and assassinations of human rights activists.

In April 2008, 14 paramilitary chiefs were extradited to the United States to face long prison sentences for drug trafficking, though they ceased cooperation with Colombia's confessions process. Meanwhile, the "parapolitics" scandal, which

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

3.5

CIVIL LIBERTIES

4

POLITICAL RIGHTS

3

linked scores of politicians to paramilitaries, resulted in the investigation, arrest, or conviction of over 90 legislators by the close of the 2006–2010 Congress.

In 2011, Colombia's intelligence agency, the Administrative Security Department (DAS), was dissolved after the conviction of former officials, including former chief Jorge Noguera, on murder and conspiracy charges following revelations that the office had been spying extensively on various targets, including Supreme Court justices, journalists, activists, and politicians, since 2003. The DAS scandal added to friction between Uribe and the Supreme Court, which had opposed various means used by the president to consolidate power. In March 2010, just weeks before congressional elections, the Constitutional Court ruled that Uribe could not stand for a third consecutive term as president.

In the March 2010 congressional elections, Uribe's allies won a substantial majority in both chambers. Former defense minister Juan Manuel Santos, who benefited from his association with the Uribe administration's security achievements, overcame an ideologically diverse array of opponents in the first round of the presidential poll in May and ultimately defeated Green Party member and former Bogotá mayor Antanas Mockus in a June runoff with 69 percent of the vote.

In regional and local elections held in October 2011, Santos's Partido de la U, the Liberal Party, and independents won the greatest share of governorships and mayoralties. In Bogotá, left-wing independent Gustavo Petro became mayor after running on an anticorruption platform. Although the elections were generally viewed as an improvement over those of 2007, 41 candidates were killed, and interference by armed actors, particularly paramilitary successor groups, skewed the results in many rural municipalities.

The Santos administration adopted a far more conciliatory approach than the previous government, and by mid-2011, Santos had expanded his National Unity coalition to include most parties in Congress. He used this control to enact a series of far-reaching laws, the most ambitious and widely lauded of which was the Victims and Land Restitution Law, enacted in June over the vigorous opposition of Uribe and his staunchest supporters. The law recognized the legitimacy of claims by victims of conflict-related abuses, including those committed by government forces. It also established a framework for reparations and resettlement of displaced people who had lost their land during the conflict. Analysts and rights groups predicted implementation would be difficult given the sheer scale of the undertaking, as well as ongoing collaboration between rural landholders and armed groups. The government made some progress in 2012 in preparing to implement the reform, and began the process of indemnifying victims. It was less effective, however, in protecting victims' advocates, accelerating the pace of formal title transfers, and formulating comprehensive rural development programs.

In November 2011, the Santos administration registered a dramatic military success when a bombing raid killed the FARC's leader, Alfonso Cano. After increasing its attacks each year between 2005 and 2011, FARC entered secret preliminary discussions with the government in Havana, Cuba in early 2012. The discussions became public in August, and Santos formally announced the initiation of a peace process in early September. Despite vocal opposition from Uribe and his supporters, who considered the process a negotiation with terrorists, formal contact began in Oslo, Norway in October, with the first round of official negotiations starting in Havana in November. The talks centered on rural development, one of five main issues on the agenda, along with ending the conflict, political rights for demobilized guerrillas, drug trafficking, and victims' rights.

Opinion polls showed Colombians resoundingly backing the process, though they were skeptical of its prospects for success. The government called for the talks to last no longer than one year, while the FARC sought a less defined period. Although the government refused to consider a ceasefire, FARC imposed one for 60 days, starting in November. By Christmas, two rounds of talks had yielded guardedly optimistic statements from both parties, and a process was launched for civil society groups within Colombia to submit ideas to the negotiators.

The Santos administration continued a détente in 2012 with Ecuador and Venezuela, both of which had cut off diplomatic ties after Colombian forces

attacked a FARC camp in Ecuador in 2008. In November 2012, the International Court of Justice awarded Nicaragua nearly 40,000 square miles of maritime territory previously controlled by Colombia, prompting a nationalistic reaction throughout Colombian society. At the end of the year, Santos, whose approval ratings had slipped after the decision, requested clarification of the ruling from the court and had not explicitly stated whether Colombia would comply.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Colombia is an electoral democracy. The 2010 legislative elections, while less violent than previous campaigns, were marred by vote buying, murky campaign-finance practices, and intimidation in some areas, particularly former paramilitary strongholds. The 2010 presidential election was relatively peaceful.

Congress is composed of the Senate and the Chamber of Representatives, with all seats up for election every four years. Of the Senate's 102 members, two are chosen by indigenous communities and 100 by the nation at large using a closed-list system. The Chamber of Representatives consists of 166 members elected by closed-list proportional representation in multimember districts.

The traditional Liberal-Conservative partisan duopoly in Congress has in recent years been supplanted by a rough division between urban, modernizing forces and more conservative, often rural sectors aligned with former president Álvaro Uribe. Factional divides within both right- and left-wing parties in 2012 exacerbated the ongoing problem of party fragmentation.

Corruption occurs at multiple levels of public administration. Scandals have emerged in recent years within an array of federal government agencies. In addition, contracting abuses in Bogotá led to the May 2011 removal of Mayor Samuel Moreno from office and the arrests of both him and his brother, Senator Iván Moreno; their cases continued throughout 2012. The national health system was revealed in 2012 to have suffered more than \$2 billion in embezzlement over a decade-long period. Colombia was ranked 94 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The constitution guarantees freedom of expression, and opposition views are commonly expressed in the media. However, dozens of journalists have been murdered since the mid-1990s, many for reporting on drug trafficking and corruption. Most of the cases remain unsolved, and although violence has declined in recent years, a local press watchdog recorded at least 123 threats and other abuses against the press in 2012. Self-censorship is common, and slander and defamation remain criminal offenses. The government does not restrict access to the internet or censor websites, and Twitter and other social media platforms have become important arenas of political discourse.

The constitution provides for freedom of religion, and the government generally respects this right in practice. The authorities also uphold academic freedom, and university debates are often vigorous, though armed groups maintain a presence on many campuses to generate political support and intimidate opponents.

Constitutional rights regarding freedoms of assembly and association are restricted in practice by violence. Although the government provides extensive protection to hundreds of threatened human rights workers, trust in the program varies widely, and scores of activists have been murdered in recent years, mostly by paramilitary groups and their successors. Between 2010 and September 2012, 33 human rights defenders were killed in the department of Antioquia alone. Although the Santos administration has reiterated respect for nongovernmental organizations (NGOs), violations against activists have risen since Santos took office. Victims' and land rights campaigners are especially threatened by former paramilitaries seeking to smother criticism of their ill-gotten assets. In early 2012, a group calling itself the Anti-Restitution Army began a campaign of threats and harassment against land rights advocates in northern Colombia; one of the group's alleged founders was arrested in October.

More than 2,600 labor union activists and leaders have been killed over the last two decades, with attacks coming from all of Colombia's illegal armed groups. Killings have declined substantially from their early-2000s peak, and fell from 29

in 2011 to 15 through November 2012. Although a special prosecutorial unit has substantially increased prosecutions for such assassinations since 2007, most have avoided those who ordered the killings. The Labor Action Plan, linked to the 2011 U.S. free trade agreement, which calls for enhanced investigation of rights violations and stepped-up enforcement regarding abusive labor practices, resulted in only minor improvements in 2012.

The justice system remains compromised by corruption and extortion. Although the Constitutional Court and Supreme Court have demonstrated independence from the executive in recent years, revelations of questionable behavior involving Supreme Court justices in 2012 resulted in diminished support for the court in opinion polls. A long-debated justice reform bill failed in July 2012, when President Santos returned the bill to Congress after an outcry over multiple provisions, particularly one that would have stripped the Supreme Court of jurisdiction over criminal allegations against parliamentarians. Congress subsequently revoked the new law, and Minister of Justice Juan Carlos Esguerra resigned his position.

Many soldiers work under limited civilian oversight, though the government has in recent years increased human rights training and investigated a greater number of military personnel for human rights abuses. Collaboration between security forces and illegal armed groups declined following AUC demobilization, but rights groups report toleration of the roughly 8,000-strong paramilitary successor groups in some regions. Primary responsibility for combating them rests with the police, who lack the resources of the military, are frequently accused of colluding with criminal groups, and are largely absent from many rural areas where the groups are active. However, several of the paramilitary groups' key leaders were killed or arrested in 2012, as were several of Colombia's most wanted drug traffickers.

The systematic killing of civilians to fraudulently inflate guerrilla death tolls has declined substantially since a 2008 scandal over the practice led to the firing of dozens of senior army officers. More than 2,000 people may have been killed in this fashion, and thousands of security personnel remained under investigation at the end of 2012. Dozens of convictions were obtained in cases transferred to civilian courts, but far more cases proceeded slowly due to a shortage of prosecutors and delaying tactics by defense lawyers.

Jurisdiction over human rights violations is a sensitive issue. Several convictions of high-ranking officers for forced disappearances in 2010 and 2011 added to already-rising tensions between military and civilian justice institutions and prompted a government-sponsored constitutional amendment that would have made crimes committed by security forces subject to military, rather than civilian, justice. Following enormous domestic and international outcry, extrajudicial executions and several other crimes were excluded from military jurisdiction, and the bill was passed in December 2012. Despite the exceptions, human rights groups warned that the law would weaken efforts to hold soldiers accountable for rights abuses.

While violence has declined since the early 2000s and homicides reached a 27-year low in 2012, some areas, particularly resource-rich zones and drug trafficking corridors, remain besieged by violence. FARC guerrillas and paramilitary successor groups regularly extort payments from businesspeople and engage in forced recruitment, including of minors. The use of landmines has added to casualties among both civilians and the military. Impunity for crime in general is rampant. Rights groups cautioned that provisions contained within the Legal Framework for Peace, a constitutional reform enacted in July, could allow near-complete impunity for all armed actors accused of atrocities during the conflict between guerrillas and paramilitary groups.

Colombia's more than 1.7 million indigenous inhabitants live on over 34 million hectares granted to them by the government, often in resource-rich, strategic regions that are increasingly contested by the various armed groups. Indigenous people are frequently targeted by all sides. The Office of the UN High Commissioner for Refugees and the Constitutional Court have warned in recent years that many groups face extinction, often after being displaced by the conflict. In July 2012, an indigenous group in Cauca expelled a Colombian army unit from its territory after complaining that clashes between the army and

guerrillas had resulted in civilian deaths.

Afro-Colombians, who account for as much as 25 percent of the population, make up the largest sector of Colombia's over 4 million displaced people, and 80 percent of Afro-Colombians fall below the poverty line. Consultation with Afro-Colombians is constitutionally mandated on issues affecting their communities, but activists expressed dismay over shortcomings in the government's consultation process for the Victims and Land Restitution Law in 2011. In December 2012, a prominent advocate for Afro-Colombians, Miller Angulo, was murdered in Nariño.

Child labor is a serious problem in Colombia, as are child recruitment into illegal armed groups and related sexual abuse. Sexual harassment, violence against women, and the trafficking of women for sexual exploitation remain major concerns. Thousands of rapes have occurred as part of the conflict, generally with impunity. The country's abortion-rights movement has challenged restrictive laws, and a 2006 Constitutional Court ruling allowed abortion in cases of rape or incest, or to protect the mother's life. In December 2012, a bill to legalize same-sex marriage passed an initial hurdle in Congress despite staunch opposition from conservatives.

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