

FREEDOM IN THE WORLD

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OVERVIEW:

President Juan Manuel Santos used his congressional majority to pass a set of important laws in 2011, most notably the Victims and Land Restitution Law, which—if properly implemented—would help address the damage caused by Colombia's ongoing internal conflict. However, human rights abuses persisted during the year, with land rights advocates frequently targeted and paramilitary "successor groups" continuing to expand. Regional and local elections held in October were not dominated by any single party, but demonstrated a growing urban-rural divide. In November the military killed guerrilla leader Alfonso Cano even as his Revolutionary Armed Forces of Colombia (FARC) rebel group increased its level of activity.

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 who ran as an independent, 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.

Although by 2005 the leftist guerrillas had largely ceded control of major cities to the paramilitaries, they held out in remote areas, using the narcotics trade and extortion for financial support. Moreover, social and human rights conditions sometimes deteriorated further where paramilitaries replaced the guerrillas.

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, the seizure of illicitly acquired assets, 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, taking 62 percent of the vote, fully 40 points ahead of his closest rival.

By late 2006, more than 30,000 paramilitaries had formally demobilized. However, human rights groups reported subsequent problems with civilian reintegration, violence against former combatants, a lack of resources for investigations, nonparticipation in the justice and peace process, and delays in reparation payments and physical protection for victims. Moreover, fragmented "successor groups" formed in part by recalcitrant or recidivist paramilitaries continued to engage in drug trafficking, land theft, assassinations of social and human rights activists, and in some cases collaboration with security forces or guerrillas.

In April 2008, 14 paramilitary chiefs were extradited to the United States to face long prison sentences for drug trafficking. However, they ceased cooperation with Colombia's confessions process, which—despite frequent frustration—had yielded valuable information on paramilitary operations and tens of thousands of unsolved murders. Observers also raised concerns that the extraditions removed potential witnesses in the ongoing "parapolitics" scandal, which linked scores of politicians to paramilitaries. By the close of the 2006–2010 Congress, over 90 legislators had been arrested, convicted, or placed under investigation. In August 2009 the

2012 SCORES

STATUS

Partly Free

FREEDOM RATING

3.5

CIVIL LIBERTIES

4

POLITICAL RIGHTS

3

Colombian Supreme Court prohibited further extraditions of former paramilitary leaders still involved in the justice and peace process.

Meanwhile, evidence emerged in February 2009 that Colombia's intelligence agency, the Administrative Security Department (DAS), had been spying extensively on targets including journalists, nongovernmental organization (NGO) workers, politicians, and Supreme Court justices since 2003. The revelation led to multiple convictions in 2010 and 2011, including that of former DAS chief Jorge Noguera on murder and conspiracy charges in September 2011. He was sentenced to 25 years in prison. In October 2011 the DAS was formally dissolved, but new information about its spying schemes and involvement in criminal activities continued to come to light.

The DAS scandal added to severe friction between Uribe and the Supreme Court, which was less acquiescent than the Congress regarding his accrual of power. Other factors included the administration's dubious accusations of corruption within the court, the court's rejection of all of Uribe's proposed attorney general candidates, and its probe of his cousin Mario Uribe, who was eventually convicted in February 2011 for ties to paramilitaries. In 2010, the focus shifted to the Constitutional Court, which ruled in March—just weeks before congressional elections—that a prospective third presidential term for Uribe would conflict with constitutional checks and balances, and that multiple regulations and procedural rules had been violated during the effort to collect signatures and win approval for a referendum on the issue.

In the March 2010 congressional elections, putative Uribe 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, taking 47 percent of the vote. Former Bogotá mayor Antanas Mockus, running for the new Green Party, mounted a spirited challenge, winning 22 percent. However, most other candidates endorsed Santos in the June runoff, and he won easily with 69 percent.

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. It was enacted in June following a prolonged debate, with the most vigorous opposition coming from 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; more than 16 million acres of land were estimated to have been stolen during the conflict. However, analysts and rights groups said implementation would pose an enormous challenge given the complexity of adjudicating land titles, the sheer scale of the undertaking, and ongoing collaboration between rural landholders and armed groups. A sharp rise in threats and killings targeting victims' rights advocates in the first part of Santos's term appeared to confirm fears about resistance to the reforms.

In regional and local elections held in October, 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 won after running on an anticorruption platform, while candidates viewed as modernizing also won the mayoralties of Medellín, Cali, and Barranquilla. Although conduct of the elections was generally viewed as an improvement on the previous round in 2007, the campaign period was violent, with 41 candidates killed, mostly in rural municipalities. As in past elections, such interference by armed actors, particularly paramilitary successor groups, partially skewed the overall results. Candidates facing judicial investigation were elected in a number of important regions and municipalities.

In November 2011, the Santos administration registered a dramatic military success when a bombing raid killed the FARC's leader, Alfonso Cano. The killing followed a series of deaths of top FARC commanders—from government attacks, internal disputes, and natural causes—that began in 2008. Later that month, the FARC's reputation among Colombians reached a new low after guerrillas executed four long-term hostages during a rescue attempt. However, despite the group's weakening, it has adapted its tactics in recent years, and the number of attacks rose by approximately 10 percent in 2011, inflicting serious damage on security forces, economic infrastructure, and civilians.

In the international arena, Santos continued a détente with Ecuador and Venezuela, both of which had cut off diplomatic ties after Colombian forces attacked a FARC camp in Ecuador in 2008. Diplomatic and commercial ties were restored in 2010, and Santos met with the leaders of both countries in 2011 over the protests of Uribe and some of his supporters. In October, the United States ratified a free trade agreement long sought by Colombia's business sector, though critics expressed concern that related labor safeguards offered Colombian workers insufficient protection from violence and exploitation.

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, opaque financing, and intimidation in some areas, particularly former paramilitary strongholds. The 2010 presidential election was relatively peaceful. Despite improved legal standards, both the 2010 national elections and the 2011 regional and local contests were characterized by murky campaign-finance practices.

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 more urban, modernizing forces opposed to former president Álvaro Uribe and pro-Uribe forces representing more conservative, often rural sectors. President Juan Manuel Santos's National Unity coalition has blurred but not completely eliminated this division in the Congress, but the results of the 2011 regional and local elections confirmed the tendency. Party fragmentation remains a problem, and several new parties have formed to serve as vehicles for those implicated in the parapolitics scandal. Such parties achieved some victories in the 2011 subnational elections.

Corruption occurs at multiple levels of public administration. A series of scandals emerged late in the Uribe administration and accelerated in 2010 and 2011. The alleged malfeasance affected an agricultural subsidies program, an agency handling confiscated assets, and the tax agency, among others. The most dramatic case involved contracting abuses in Bogotá and led to the May 2011 removal of Mayor Samuel Moreno from office. Both he and his brother, Senator Iván Moreno, were arrested; their trials were ongoing at year's end. Colombia was ranked 80 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

The constitution guarantees freedom of expression, and opposition views are commonly expressed in the media. However, crime and conflict make it difficult for journalists to work. 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 one reporter was killed in 2011. Self-censorship is common, and slander and defamation are criminal offenses, as confirmed by the Supreme Court in June 2011. The government does not restrict access to the internet or censor websites.

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. Large-scale student protests during the fall of 2011 prompted the government to withdraw a controversial education reform bill.

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. The Santos administration has emphasized respect for NGOs, unlike the belligerent Uribe, but 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. At least nine were among the 49 social activists and human rights defenders killed between in 2011, a sharp increase from the 32 deaths in 2010. The June murder of displaced peoples' leader Ana Fabricia Córdoba in Medellín was perhaps the most publicized incident.

Colombia is considered the world's most dangerous country for organized labor. More than 2,600 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 from their early-2000s peak, and fell from 51 in 2010 to 29 in 2011. Although a special prosecutorial unit has substantially increased prosecutions for such assassinations since 2007, most have not touched those who ordered the killings, and the impunity rate remains above 90 percent. The Labor Action Plan linked to the U.S. free trade agreement calls for enhanced investigation of rights violations and stepped-up enforcement regarding abusive labor practices.

The justice system remains compromised by corruption and extortion, but the Constitutional Court and Supreme Court have demonstrated their independence from the executive. Lower courts are more susceptible to political and criminal influence, and both judges and prosecutors confront serious risks when investigating powerful figures, as illustrated by the March 2011 killing in Arauca of a judge presiding over the murder trial of a Colombian soldier.

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.

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 way, and thousands of security personnel remained under investigation at the end of 2011. 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. In April 2011, a civilian court imposed a 30-year prison sentence on former army general Jesús Arias Cabrales for the disappearance of 11 suspected rebels following the 1985 siege of the Palace of Justice. Such verdicts have increased tensions between military and civilian justice institutions and prompted a series of proposed bills that would limit security forces' culpability. One government-sponsored bill would amend the constitution to presume that all crimes committed by soldiers were service-related and thus subject to military justice. The measure remained under debate at year's end.

All of the illegal armed groups systematically abuse human rights. While violence has declined since the early 2000s, massacres rose substantially in 2010 and again in 2011, and at least 450 police and soldiers were killed during the year. FARC guerrillas 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.

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. At least 117 indigenous Colombians were murdered in 2011, and both 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.

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. The displaced population as a whole suffers from social stigma, arbitrary arrest, and exploitation, as well as generalized poverty. 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 the president signed the Antidiscrimination Law, which criminalizes discriminatory conduct toward a variety of vulnerable groups.

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 in 2006 a Constitutional Court ruling allowed abortion in cases of rape or incest, or to protect the mother's life.

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