

Since 1958 Colombia has experienced a complex internal conflict involving multiple far-left and far-right illegal armed groups, criminal groups and government forces. On 30 November 2016, the Colombian Congress approved a peace agreement between the government and the Revolutionary Armed Forces of Colombia-Army of the People (FARC-EP), a Marxist-Leninist guerrilla group.

Violations of the right to freedom of religion or belief (FoRB) in Colombia take two main forms: violations perpetrated by illegal armed groups, often specifically targeting religious leadership; and violations against religious minorities belonging to indigenous groups.

### Legal framework

Despite strong protections for FoRB in the Colombian constitution and in international treaties that Colombia has signed up to, Colombian courts have ruled that these rights do not extend to those living on indigenous lands where collective cultural rights take precedence.

FoRB violations in indigenous communities are largely rooted in a 1998 Constitutional Court ruling that, in a split judgement, upheld the right of traditional authorities to enforce the observation of and participation in traditional religious beliefs and practices on indigenous reserves. The same court and lower courts have referred to the 1998 decision in subsequent FoRB cases, reaffirming the right of indigenous governors to prohibit the practice of 'non-traditional' religions on indigenous reserves.

### Peace agreement and implementation

A peace agreement between the government of Colombia and the FARC-EP was approved by Colombian Congress on 30 November 2016. However, since its election in June 2018, the administration led by President Iván Duque Márquez has consistently slowed down the implementation process. Moreover, violations of human rights, including attacks on civilian populations and severe FoRB restrictions, persist or have deteriorated in many parts of the country.

Most notable is a concerning uptick in the killing of human rights defenders. Official figures suggest more than 900 social leaders have been killed since the peace agreement was signed in 2016. The Colombian Institute for Development and Peace (Indepaz) [reported](#) the killing of a total of 310 social leaders and HRDs in 2020, as well as several of their relatives, while 171 were [killed](#) in 2021.

During CSW's 2018 assignment to Colombia, several civil society leaders expressed concerns that the government's unilateral changes to the peace agreement could cause some former members of the FARC-EP to take up arms again if they believed the government was not fulfilling its obligations. On 29 August 2019, some former members of the FARC-EP announced their decision to do so in an online video, however, sources inform CSW that most former members remain committed to the peace agreement.

More than five years on and the full implementation of the peace accord, including truth and justice processes, remains critical to ensure human rights are respected.

### Restrictions on FoRB

Human rights violations, including violations of FoRB, are common, especially in conflict zones or areas of the country with a significant presence of illegal armed groups.

All actors in the country's internal armed conflict have been responsible for serious human rights violations. Leftist groups which hold ideological beliefs that look negatively on religious practice have either placed harsh restrictions on religious practice or prohibited it altogether in areas they control or where they have a strong influence. Hundreds of church leaders who have defied these restrictions and continued to carry out their work, either openly or clandestinely, have been targeted for assassination. Churches have also faced extortion from armed groups. In addition, the right to conscientious objection on account of religious beliefs was routinely violated by the military prior to a 2014 ruling by the Constitutional Court that reaffirmed this right.

This situation remains unchanged. Criminal groups continue to hold significant influence or control in parts of the country. These groups, which are composed of former far-right paramilitary members, narcotics traffickers and some FARC defectors, are a key part of the ongoing conflict as they vie for territorial and market control. CSW partners have observed an increase in clashes between the National Liberation Army (ELN), which holds an ideology based on Marxist-Leninism and liberation theology, and other unidentified armed groups, often suspected to be neo-paramilitaries or criminal groups, vying for control of the illicit economic activity in these regions (namely relating to narcotics, crops and mining).

These groups also continue to enforce strict rules prohibiting freedom of expression and free movement in areas under their influence, resulting in regular infringements of the rights to freedom of assembly and FoRB.

Illegal armed groups on both the left and right often perceive the presence of a strong or growing church as a threat to their authority. This has led to the regular monitoring of the content of religious leaders' sermons and community outreach. In one example, in the city of Buenaventura, a major port on the west coast of Colombia, illegal groups have banned churches from holding public prayer events and monitor the content of religious leaders' sermons in an attempt to minimise their impact within the communities and in order to force them to cooperate, part of a strategy to bring entire communities under their control.

According to Aleteia, in March 2021 Monsignor Rubén Darío Jaramillo [received](#) death threats as a result of his pastoral work supporting victims of crime and social injustice in the city of Buenaventura. According to the media report, someone told the priest they had been offered money to assassinate him. An audio message talking about the intention to bomb him also circulated on social media networks.

## Indigenous communities

Indigenous communities suffer conflict-related FoRB violations and have seen FoRB severely curbed by courts ruling in favour of traditional authorities seeking to impose religious uniformity in their communities.

In some communities the traditional authorities generally known as ‘cabildos’ have taken 1998 Constitutional Court to mean that they have the authority to define what traditional beliefs are, and to punish those who decline to profess or participate in their version of the traditional beliefs.

Community members who have converted to other faiths and beliefs, and away from the religious beliefs and practices promoted by their leaders, may be arbitrarily detained, attacked, excluded from certain benefits and even forcibly displaced.

CSW has also received several reports of discrimination in the educational setting. In some indigenous reserves religious minority children suffer daily discrimination because the school curriculum is designed to comply with traditional beliefs. One religious minority child in the Department of Cauca had difficulty enrolling in school because of her religious beliefs. When she was finally accepted into a school, her teachers discriminated against her, making her do more work than the other children to pass her subjects. There are also several obligatory ‘traditional’ subjects, which children cannot opt out of, where they are made to respond to exam questions as though they believe in the subject matter. If religious minority schoolteachers conscientiously object to teaching certain parts of the traditional school curriculum they risk being dismissed.

These rulings mean that when it comes to religious freedom, indigenous Colombians do not enjoy the same rights as the rest of the population. This contravenes Colombia’s international human rights obligations and leaves religious minorities in indigenous areas without protection for their right to FoRB, or legal recourse at the national level.

## Recommendations

### *To the government of Colombia:*

- Address restrictions on FoRB imposed by all actors in the ongoing domestic conflict and provide security for communities in areas where illegal armed groups target and extort religious and community leaders.
- Ensure that the Office of the Attorney-General prioritises its investigations of killings of human rights defenders, including religious leaders.
- Continue to pursue peace agreements with all actors in the armed conflict and ensure that dialogues with all actors in the conflict include the protection of freedom

of FoRB and freedom of conscience as a priority, calling for an end to all restrictions.

- Enact legislation that will protect freedom of religion or belief for all Colombians, including those living on indigenous lands.

### *To the United Nations and Member States:*

- Urge Colombia to guarantee the right to freedom of religion or belief for all in law and in practice, including for those living on indigenous lands, in line with the International Covenant on Civil and Political Rights (ICCPR) to which the State is party.
- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Colombia, addressing the vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Support Colombia by ensuring peace agreements and dialogues with all actors to the conflict include the promotion and protection of FoRB.

### *To the government of the United States of America:*

- The State Department should continue to closely monitor FoRB in Colombia.
- The Ambassador for International Religious Freedom, and the US Commission for International Religious Freedom (USCIRF), should request an invitation to visit Colombia with unhindered access to all parts of the country.

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