



# Closure of Civic Spaces in Colombia

A Discussion Paper by Martha Lucía Márquez Restrepo

*Translated into English from the original Spanish version.*

In Colombia's recent history, there have been two milestones in the transition to participatory democracy and peace: the constitution of 1991 and the peace agreements with the Revolutionary Armed Forces of Colombia–People's Army (Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo, or FARC–EP) in 2016. This text reviews the primary obstacles to exercising rights and enjoying civic spaces, with a historic glance focused especially on continuity and ruptures between the governments of Presidents Juan Manuel Santos (2010–2018) and Iván Duque (2018–present).

## 1. Lack of awareness about rights to participation and the matter of quorum.

The Constitution of 1991 established several mechanisms of participation, among which is the “popular consultation” established under Article 103, which expanded to include the right to prior consultation for Indigenous populations after Colombia signed Convention 169 of the International Labor Organization. Both mechanisms have since faced barriers related to meeting quorum, obtaining guarantees from authorities, and, recently, changes in viewpoint from the Constitutional Court, which, in a 2018 ruling, limited consultations to facilitate mining projects and thus obtain royalties for the state. So, between 1991 and 2018, 50 local popular consultations and only one national consultation were held. Seventeen of the first and the National Anti-Corruption Consultation, which proposed a reduction of congress members' salaries and an increase in penalties for corruption, were withdrawn because the threshold was not reached. On another note, the right of prior consultations for Indigenous, Black, or Raizal communities about economic and infrastructure projects in their territories has been systematically ignored by companies, governments, and officials, which is demonstrated by the fact that of the 2,331 environmental permits granted between 1994 and 2012, only 6.7 percent have been assigned to prior consultation.<sup>1</sup>

## 2. Defunding peace and lack of security guarantees.

Point 2 of the Havana Peace Agreement was focused on political and citizen participation and included aspects like full guarantees to political opposition, social movements, and peaceful protest, as well as the commitment to guaranteeing the safety of social leaders and demobilized militants. However, as noted by the Kroc Institute, which tracks the implementation of the agreement, progress on this front has been slow.<sup>2</sup> For example, although communities from 170 prioritized municipalities were invited to design 16 development programs with a territorial focus, many of them have not been implemented because of a lack of resources. In addition, leaders who were visible in the peace process framework—among which are members of the victims' roundtables, sponsors of crop replacement and land reclamation, and environmentalists, many of them women and members of the LGBTQ+ community—have been murdered or threatened. Thus, in 2016, there were 61 murders of social leaders; in 2017, the figure rose to 84; 2018 saw the greatest peak when 115 homicides were reported; in 2019, the figure dropped to 108; and as of December 2020, 47 murders have been verified.<sup>3</sup> To this we add the 234 homicides of demobilized militants. These crimes took place because the state had no presence in the territories where the FARC–EP were withdrawn, so they were absorbed by the National Liberation Army (Ejército de Liberación Nacional), the Popular Liberation Army (Ejército Popular de Liberación), the FARC dissidents, and criminal gangs such as the Gulf Clan (Clan del Golfo), which compete for control of illicit economies (drug trafficking, illegal mining, “drop-by-drop” loans, human trafficking, etc.).

## 3. Repression and criminalization of social protest.

In 2013, 2,027 social mobilizations took place, the highest number since 1975. As has been tradition in Colombia, the government of Santos responded with oppression, employing the Anti-Riot Mobile



Squadrons (Escuadrones Móviles Antidisturbios, or ESMAD), created in 1999 with resources from the Colombia Plan. In just 20 years, the ESMAD tallied 34 killings, and the number of its members grew from 200 to 3,328.<sup>4</sup> To the oppression we add the criminalization of social protest with the Law of Citizen Safety in 2011, which established the need for authorization from a competent authority to protest in a public space and which increased sanctions for anyone who blocks streets, destroys public or private property, and injures authorities or citizens.<sup>5</sup> In this same sense, in October 2020, the Ministry of Interior prepared a draft protocol for protests, with the clear intention of deterring protestors.

#### 4. Violations of press freedom and the right to information.

Practicing journalism has been a risky activity in Colombia since the 1980s, when the media began to denounce drug trafficking, and later, paramilitarism, its association with the state, and the connections between politicians and local elites with corruption and illegal economies. In recent years, intimidation against journalists has risen, and it has worsened during the Duque administration. Thus, while 380 violations of press freedom took place in 2017, victimizing 554 people, the figure in 2019 reached 515 violations and 634 victims. The same can be seen in the number of journalists attacked during social protests: during the agricultural strike faced by Santos, which lasted 75 days, 44 journalists were assaulted; by contrast, during the national strike of 2019, which lasted barely 40 days, 66 journalists were victimized. Furthermore, between 2012 and 2019, 15 bills were initiated in Congress for a law to restrict the freedom of expression.<sup>6</sup>

#### Effects on Private Universities

In the second half of 2019, the university communities at schools like Pontificia Universidad Javeriana [Pontifical Xavierian University] and Universidad de los Andes [the University of the Andes] were more widely involved in social protests on account of the nature of the demands (related to the underfunding of public universities, high costs of educational loans, corruption in management of resources for education) and for rejecting ESMAD's attempts to repress protests. The university authorities objected to excess use of public forces and have been mediating to prevent the protests from becoming violent and extending to their campuses. On another note, the increased violence in the territories, the fear of social leaders, and the recent COVID-19 pandemic have made the continuity of social projects developed by the universities with communities from various regions more difficult, also threatening to weaken the trust relationships between the latter and the academic community.

#### Recommendations from and for Private Universities

Universities should continue supporting the peace process by promoting spaces such as peaceful demonstrations, Peace Week, and volunteer services and social practices in the areas affected

by conflict. They should also continue providing academic support to the institutions responsible for implementing the peace process, particularly the institutions in the comprehensive system of truth, justice, reparation, and nonrepetition.

Universities must become safe spaces for what Jean Paul Lederach calls “unlikely dialogues between actors” that see each other as opponents with irreconcilable differences.

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#### About the Author

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#### Endnotes

- <sup>1</sup> Gloria Amparo Rodríguez, “La Consulta Previa En Proyectos Ambientales: ¿un Derecho O Un Obstáculo?” [Prior Consultation on Environmental Projects: A Right or an Obstacle?], *Razón Pública*, September 16, 2013, <https://razonpublica.com/la-consulta-previa-en-proyectos-ambientales-iun-derecho-o-un-obstaculo/>.
- <sup>2</sup> Kroc Institute for International Peace Studies, *Tres Años Después De La Firma Del Acuerdo Final De Colombia: Hacia La Transformación Territorial. Diciembre 2018–Noviembre 2019* [Three Years After Signing the Final Colombian Agreement: Toward Territorial Transformation. December 2018–November 2019], Bogotá, University of Notre Dame.
- <sup>3</sup> Casa Editorial El Tiempo, “UNP Solo Admitió 16% De Solicitudes De Protección De Líderes Sociales” [UNP Only Recognized 16% of Requests to Protect Social Leaders], *El Tiempo*, September 29, 2020, <https://www.eltiempo.com/politica/gobierno/cifras-de-lideres-sociales-asesinados-en-colombia-en-2020-540503>. UNP is the *Unidad Nacional de Protección*, or *National Protection Unit*.
- <sup>4</sup> Temblores ONG [Tremors NGO], *Silencio Oficial* [Official Silence], 2019, <https://www.temblores.org/silencio-oficial>.
- <sup>5</sup> Hugo Acero, “Ley De Seguridad Ciudadana: Entre El Optimismo Y La Realidad” [Law of Citizen Safety: Between Optimism and Reality], *Razón Pública*, December 12, 2011, <https://razonpublica.com/ley-de-seguridad-ciudadana-entre-el-optimismo-y-la-realidad/>.
- <sup>6</sup> Fundación para la Libertad de Prensa (FLIP) [Foundation for Press Freedom], *Informe Anual 2019* [Annual Report, 2019], <https://flip.org.co/index.php/es/capitulo-9>.





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