

POLICY BRIEF



Colombia

Ensuring the Fundamental Rights of Faith Adherents

Every strata of Colombian society has been affected by its longstanding internal conflict, which lasted for more than 50 years.

The signing of the peace agreement in 2016 between the Colombian Government and the FARC-EP, the main guerrilla group in the country, marked the formal end of the armed conflict. The security context in the territory, however, continues to hinder individuals' fundamental rights through attacks on the civilian population by illegal armed groups and criminal organizations.¹ Areas once controlled by the FARC-EP are now affected by other illegal armed groups and criminal organizations, resulting in human rights violations, including violations of freedom of religion

or belief for the Colombian population.² Reports of increased violence associated with criminal groups after the signing of the peace agreement show that the Government has not ensured security and the rule of law in all areas abandoned by the FARC-EP, and that there is still a long way to go to guarantee a dignified life to all Colombians, including faith adherents. Furthermore, the slowdown of the peace process and disappointment of former FARC-EP combatants threatens the stability and peace in the country. For example, on the 29 August 2019, in a 32-minute video former leaders of the FARC-EP, along with other dissidents, called for a return to arms because the peace agreement had been "betrayed" by the Colombian Government—resuming the conflict is still a possibility.³

¹ "Organized crime in Colombia: What does it mean for religious minorities?", *Observatory of Religious Freedom in Latin America*, July 2019. Available at: <https://platformforsocialtransformation.org/download/religiousfreedom/Flores-Petri-Organized-crime-in-Colombia-What-does-it-mean-for-religious-minorities.pdf>.

² See "Colombia: Assignment Report", *Christian Solidarity Worldwide*, November 2018. Available at: <https://www.csw.org.uk/2018/11/27/report/4164/article.htm>. See also "Organized crime in Colombia: What does it mean for religious minorities?", *Ibid.*

³ See https://www.bbc.co.uk/news/world-latin-america-49508411?intlink_from_url=https://www.bbc.co.uk/news/topics/cywd23g04get/colombia&link_location=live-reporting-story.

Killings and harassment of faith leaders and faith adherents

The Colombian Government recognizes the need for protection for Faith leaders, as articulated in its “Action Plan for the Protection of Social and Community Leaders, Human Rights Defenders and Journalists”, where Faith leaders are listed as Human Rights Defenders (HRDs).⁴ On numerous occasions, the International Community has raised the ongoing killings and serious security threats to HRDs as a serious issue to be addressed by the Colombian Government.⁵ The killings of faith leaders and other HRDs continue, and in certain areas have increased, despite the signing of the peace process, with an extremely and concerning high level of impunity for the perpetrators.⁶ Armed groups and criminal organizations regularly target Faith leaders because of their willingness to expose themselves and protect the civilian population from injustice and violence, resulting in severe human rights violations. Faith leaders tend to openly oppose criminal activities from illegal armed groups and criminal organizations, spread values of non-violence and work to influence young people from joining the ranks of such groups. Armed groups and criminal organizations view these actions as a oppositional; and for these reasons, they regularly target Faith leaders for their work and the beliefs they

are committed to follow.⁷ The violations of fundamental rights to which Faith leaders are regularly and forcibly subjected damages and undermines their essential role to foster resilience, prevent violent conflict and sustain peace through dialogue, and providing leadership in action within their society.⁸

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Reportedly, Faith leaders have also been forced to welcome members of illegal armed groups and criminal organizations into their homes and tell the authorities that they were family members to protect them from arrest or from being discovered. Such actions violate Faith leaders freedom of conscience. Refusal to offer shelter to members of armed groups can result in harsh punishments and even death for the Faith leader and his family.⁹ These situations force Faith leaders to choose between protecting their lives and their families and betraying their faith and beliefs. Such acts impair

⁴“Plan de Acción Oportuna de Prevención y Protección para los Defensores de Derechos Humanos, Líderes Sociales, Comunes y Periodistas”, *Government of Colombia and Colombian Ministry of Interior*. Available at: https://www.mininterior.gov.co/sites/default/files/plan_de_accion_oportuna_de_prevenicion_y_proteccion_0.pdf (in Spanish).

⁵ See, for example, the most recent UPR recommendations to Colombia by UN Member states at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/COIndex.aspx>.

⁶ See “United Nations Verification Mission in Colombia: Report of the Secretary General”, June 2019. Available at: <https://colombia.unmissions.org/sites/default/files/n1918521.pdf>. See also “Stop the Killings”, *Front Line Defenders*, June 2018, pp. 20. Available at: https://www.frontlinedefenders.org/sites/default/files/stk_-_full_report.pdf.

⁷ “Organized crime in Colombia: What does it mean for religious minorities?”, *Ibid.*, pp. 7-9.

⁸ “Partnering with Local Faith Actors to Support Peaceful and Inclusive Societies”, International Partnership on Religion and Sustainable Development, 2019. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/PaRD_SDG16_Scoping_Study.pdf.

⁹ “Colombia: Assignment Report”, *Ibid.*



Photo: An indigenous Christian girl from the mountains of northern Colombia.

their inherent right to freedom of religion or belief and freedom of conscience. Moreover, such precarious and instable security situation could encourage individuals to abandon their faith and beliefs for fear of repercussions on them and their loved ones. Faith leaders are role models for social cohesion and inclusive societies, and when their freedoms and rights are threatened, their inability to sustain and nurture their communities will negatively affect the whole society. Illegal armed groups and criminal organizations also reportedly target Faith leaders with extortions because it is well known that churches receive contributions from their members through offerings. This makes them an easy and vulnerable target within their communities, because they will not respond to threats and extortions with violence.¹⁰ For example, members of an illegal armed group shot and killed Pastor Elfren Martinez Perez in September 2018 after he confronted and opposed members of a new armed group in Antioquia,¹¹ and Pastor Plinio Rafael Salcedo was shot multiple times and assassinated in his home in August 2019.¹²

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Converts within indigenous communities

Serious violations to freedom of religion or belief and other fundamental rights also occur within indigenous communities in Colombia. Indigenous territories are recognized as territorial entities according to the Colombian Constitution and are governed by councils formed and regulated according to the customs of their communities. Such councils can adopt legislative acts, economic policies, budgets, ensure public order and implement their own justice system.¹³ However, according to Article 246 of the Constitution, their territorial jurisdiction cannot enact anything contrary



Photo: A teenage boy farming in a children's centre for children of pastors and teachers threatened in the civil war.

to the Constitution and the laws of the Republic of Colombia, where human rights, such as freedom of religion or belief, are recognized a protected.¹⁴ Individuals who convert from the mainstream religious practices of their indigenous community to another religion, such as Christianity, face serious consequences enforced by the community leaders, such as forced displacement, imprisonment, expulsion from their homes and communities. In the mainstream indigenous worldview, one ceases to be indigenous when one converts to another religion, hence the unfair treatment and violations to one's fundamental rights because of their conversion.¹⁵ Conversion to another religion is seen as a betrayal of the traditions of the community. Numerous reports give evidence that serious human rights violations occur within indigenous communities for individuals who abandon the mainstream indigenous religious practices: families are reportedly forcibly displaced because the parents converted to Christianity; converts are imprisoned.¹⁶ Whilst it is essential to protect indigenous rights, especially for communities where the existence of their customs and traditions is threatened, this must never be enforced at the expenses of individual rights.

¹⁰ "Organized crime in Colombia: What does it mean for religious minorities?", *Ibid.*, pp. 9.

¹¹ "Colombia: Pastor assassinated by members of illegal armed group", *Christian Solidarity Worldwide*, 24 September 2018. Available at: <https://www.csw.org.uk/2018/09/24/press/4079/article.htm>.

¹² "Pastor shot dead in his Home in Taraza", *Christian Solidarity Worldwide*, 12 August 2019. Available at: https://www.csw.org.uk/2019/08/12/press/4429/article.htm?utm_source=ADF+International+Alliance+Alert+Subscribers&utm_campaign=d98e89c813-EMAIL_CAMPAIGN_2018_09_30_09_41_COPY_01&utm_medium=email&utm_term=0_d877f2b466-d98e89c813-92643129&mc_cid=d98e89c813&mc_eid=e7de55b7fe. For other cases please visit the *Violent Incident Database* from the *Observatory of religious freedom in Latin America*, at <http://violentincidents.plataformac.org/web/search/results?t=0&c=83&ini=&fin=&do=10%2C9&pe=&pc=&page=1>.

¹³ *Ibid.*, pp. 129-131.

¹⁴ "The Constitution of Colombia", July 1991 with amendments through 2005, Art. 246. Available at: https://www.constituteproject.org/constitution/Colombia_2005.pdf.

¹⁵ "The vulnerability of cultural dissidents among the Nasa ethnic group in the resguardos indígenas of the southwestern highlands of Colombia", In "The Specific Vulnerability of Religious Minorities", Petri. D.P., Doctoral thesis at Vrije Universiteit Amsterdam, 2019, pp. 128.

¹⁶ See "Violent Incident Database", *Observatory of Religious Freedom in Latin America*. Available at: <http://violentincidents.plataformac.org/web/search/results?t=0&c=83&ini=&fin=&do=3%2C4%2C6&pe=3&pc=->.

To ensure that freedom of religion or belief and the right to a dignified life are respected and guaranteed to every Colombian citizen, Open Doors recommends:

1 The International Community should consider **funding research programs** to analyze cases of violations of one's freedom of religion or belief in Colombia and analyze the specific vulnerability of faith leaders and other faith adherents in the current stage of the peace process and how to support and protect them.

2 To ensure that the implementation of the current peace process guarantees the **rule of law** and an **end to impunity**:

- The International Community should support the Colombian Government to **re-establish state presence and control** in territories liberated by the former FARC-EP, so that security and the rule of law can be ensured across the country and all Colombian citizens can fully enjoy their fundamental rights, currently hindered by the presence of other armed groups;
- The Colombian Office of the Attorney General should **prioritize and investigate** cases of killings of HRDs, including Faith leaders, and **prosecute and punish** the perpetrators to pose an end to the killings and impunity;
- The **UN Security Council** should explicitly and fully recognize that Faith leaders are HRDs and should acknowledge the essential role they play in the Colombian society, along with the specific vulnerability that comes from being a figure of prominence in

their communities. Thence, the **UN Security Council** should mandate the **UN Verification Mission in Colombia** to promote and support programs aimed at protecting Faith leaders and their families from the violence of illegal armed groups and criminal organizations, and to ensure the inclusion of faith leaders in peacebuilding and community restoration programs.

3 To stop violations of fundamental rights of Christians and other faith adherents from **indigenous communities**:

- Without prejudicing the rights affirmed by the ILO Indigenous and Tribal Peoples Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples, the Colombian Government should **immediately take effective measures** to ensure that the autonomous government system of indigenous communities respects every human right; in particular, freedom of religion or belief, of all members of such communities;
- The International Community should **promote and invest in grassroots level programs on tolerance and groups identity** so that converts from traditional religions can still be considered part of their indigenous communities despite the change of their faith or belief.

Any questions? Please email advocacy@od.org