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Colombia: Police Reform and Congressional Concerns

In July 2021, Colombian President Iván Duque announced reforms to the Colombian National Police (CNP). This announcement followed public and international demands for reform after the Colombian government's crackdown on widespread protests between April and June 2021. A landmark presidential election in June 2022 is to bring to power the country's first leftist president, who may seek significant changes to the police reform program. Some Members of the U.S. Congress remain closely engaged with overseeing long-standing U.S. efforts to support the CNP with assistance programs, training, and equipment.

2021 Protests and Aftermath

Protests that began in early 2021 initially focused on a government-proposed tax reform but later expanded to include opposition to rising inequality and corruption, among other issues. According to a 2022 report by the Office of the United Nations High Commissioner for Human Rights (OHCHR; see excerpt below), 46 people were killed (44 civilians and 2 police officers) and thousands were injured during the protests. The United Nations attributed 28 killings to Colombia's police and 10 of those to Colombia's anti-riot police, the *Escuadrón Móvil Antidisturbios*, or ESMAD.

The CNP's response to the mostly nonviolent national protests damaged the CNP's image and called into question police capacity to manage civilian protest. Past unresolved allegations of police brutality, coupled with the CNP's handling of the 2021 protests, heightened public demands to investigate and end police abuse. In August 2021, a 63% of Colombians polled viewed the CNP negatively, a 10% jump from the year before.

The National Strike that began on 28 April was a mostly peaceful civic mobilization, with unprecedented participation by young people, which sought to make an impact on inequality and economic, social and political exclusion.... OHCHR welcomes the creation of the human rights directorate of the National Police in August. It also encourages the State to promote a broad national debate on the reforms to be made within the police, including its internal oversight and accountability mechanisms. It also believes it is important to adopt legislative initiatives for the profound transformation of the National Police's mobile anti-riot squad, including a review of its protocols on the use of force and less lethal weapons and ammunition, so that they comply with international norms and standards.

– OHCHR, *Situation of Human Rights in Colombia*, March 2022.

Globally, many rights groups and governments condemned ESMAD; domestically, public approval of the Colombian anti-riot police declined. In response to the criticism, in July 2021, President Duque announced a package of reforms, the Integral Transformation of the National Police (Integral Reform), to professionalize the CNP and increase its public accountability.

CNP Background and Reform Efforts

The CNP is a centralized institution. The general director of the police leads the institution and is appointed by the president. Although the CNP and its personnel are civilian in nature, the institution is situated under the authority of Colombia's defense ministry and is structured to resemble a military institution. Despite their civilian status, Colombian police are not allowed the right to vote, as is the case for military personnel. The CNP is divided into eight geographical regions, which comprise metropolitan and departmental areas. It has eight advisory offices and is further organized into seven functional directorates, as well as divisions for human capital and resource management.

To date, the Duque government has enacted two laws to realize the Integral Reform. The first, the Career and Professionalization Statute (Law 2179 of December 30, 2021), seeks to professionalize the institution and creates a new ranking, the *patrulleros* (patrols). This ranking provides further opportunities for police to advance their careers based on good performance and time in service. The second law, the Police Disciplinary Statute (Law 2196 of January 18, 2022), outlines disciplinary measures for police who violate citizens' rights guaranteed in the Colombian Constitution, as well as those outlined in international human rights accords to which Colombia is party. It also calls for the inspector general (IG) of the police to present a report on the management of disciplinary issues to the Colombian Congress each year.

Further changes include the creation of a new office to enforce human rights protections. In July 2021, President Duque appointed retired police officer Colonel Luis Alfonso Novoa Díaz to head the new office. Novoa is a human rights lawyer and former adviser to the U.S. State Department and the United Nations, and his appointment drew praise from the U.N. High Commissioner for Human Rights in Colombia. Novoa supports further human rights training as a mandatory requirement for police advancement.

The reform agenda also seeks to bring the police closer to the public through citizen engagement. New programs such as *Soy joven y estoy contigo* ("I'm Young and I'm with You") seek to facilitate interaction between youth and the police. The creation of a new human rights institute also aims to serve this goal, providing a way for academics and civil society to promote human rights and citizen security.

The CNP has created new uniforms that display the names and ranks of service members and a prominently placed QR code to facilitate filing complaints of wrongdoing. The uniforms have body cameras and are designed to emphasize the CNP's civilian identity. The CNP also is seeking to incorporate more women and ethnic minorities into the force through scholarships for policing academies to lower barriers to entry. As of early 2022, 5.5% of uniformed police were ethnic minorities and 12% were female, according to CNP data.

Civil society organizations have called for deeper police reforms, and some criticize President Duque's program as purely cosmetic. One of their major criticisms is that the CNP remains under the defense ministry's authority, although the ministry's name was modified under the reform measures to the Ministry of National Defense and Citizen Security to amplify its role in public security. According to some observers, this placement continues to orient the CNP toward national security rather than public service, increasing the likelihood of abuses and excessive use of force. After its working visit to Colombia during the 2021 protests, the Inter-American Commission on Human Rights (IACHR) recommended shifting the police away from the Defense Ministry. The Duque government rejected this recommendation, maintaining that the police are constitutionally designated to be civilian in character. Other critics argue that this shift would impede coordination between the police and the armed forces facilitated by colocation within a single ministry.

Impact of the 2022 National Elections

The Duque Administration's term ends in August 2022. President-elect Gustavo Petro, who won a tight runoff race on June 19, 2022, is to be Colombia's first leftist president. He is a former member of a guerrilla group, long-term opposition politician, and Senator, who calls for profound reforms to Colombia's security strategy and police. As of late July 2022, Petro has assembled a cross-party working majority coalition in both chambers of the Colombian Congress. The coalition's durability is uncertain, and its potential fragility may influence the future of police reform. Some aspects of President-elect Petro's approach to security may come under legislative and public scrutiny.

During his campaign, Petro embraced proposals to further police oversight, including one that police accused of abuses against civilians should be tried only under the civilian justice system and not within military courts. Police officials maintain that most cases of alleged abuse against civilians are heard by the ordinary justice system under the Colombian attorney general. However, several ongoing high-profile human rights cases have been prosecuted in the military justice system. For years, organizations such as the U.S.-based Human Rights Watch have criticized this practice, alleging that human rights cases heard in the military system rarely result in convictions.

Under the current system, the IG of the CNP is responsible for taking disciplinary action when the police commit wrongdoings. The office of the IG exists within the CNP's line of command rather than as an independent body, and some experts argue that this may generate conflicts of interest that limit the IG's incentives to punish abuses. Civil oversight of the police has been limited. Although mayors

and governors have authority over CNP forces operating in cities and departments (similar to states) that they represent, some experts contend this authority is not always recognized.

The planned reforms advanced by the Duque government apply to ESMAD, including the use of body cameras and increased human rights training. As a member of the opposition in the Colombian Congress, President-elect Petro, among others, called for dissolution of the anti-riot unit, but he has more recently announced that he would instead reform ESMAD to focus on conflict resolution.

The durability of the Duque police reform initiatives under incoming President Petro is unclear. President-elect Petro said he will make fundamental changes, including moving the police from the defense ministry to a new ministry. He also said his government would seek an overall reduction in funding for Colombia's security forces.

U.S. Assistance and Congress

Several Members of Congress have expressed concern regarding alleged human rights abuses committed by the Colombian police and have recommended guidelines to more effectively provide oversight for significant U.S. funding allocated to the forces. ESMAD in particular has been a source of concern for some Members of Congress. Congress may continue its oversight of CNP reform under the Petro administration, and it may consider in particular how U.S. assistance and training should be allocated in light of possible changes.

U.S. foreign assistance to the CNP is provided through the State Department, the U.S. Agency for International Development, and the Department of Defense. In the FY2022 Consolidated Appropriations Act (P.L. 117-103), Congress applied a human rights condition on assistance to the CNP for the first time. This provision states that 5% of International Narcotics Control and Law Enforcement (INCLE) funding for the CNP is to be withheld until the Secretary of State certifies that Colombia is working to bring to justice the police personnel "who ordered, directed, and used excessive force and engaged in other illegal acts against peaceful protesters in 2021."

The FY2023 Biden Administration budget request includes \$175 million in INCLE funding, within a total request of \$453 million for foreign assistance to Colombia. According to the State Department, a significant portion of the funding would support programming for the CNP to expand police oversight and capacity, increase rural police presence, and continue funding for anti-crime and counternarcotics efforts. The FY2023 House committee-reported foreign assistance bill, H.R. 8282, would allocate \$487.4 million to Colombia. It would impose a similar human rights condition as the FY2022 measure, withholding 30% of both Foreign Military Financing (FMF) and INCLE funding.

For additional background, see CRS Report R43813, *Colombia: Background and U.S. Relations*, and CRS Insight IN11955, *Colombia: Presidential Elections in 2022*.

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