End of visit Statement - Colombia (6 to 12 February 2025)

Mr. Gehad Madi, UN Special Rapporteur on the human rights of migrants

With great appreciation to the invitation extended to me by the Government, today I conclude my official visit to Colombia, which is the first segment of a back-to-back visit in the region. I wish to extend my gratitude to Colombia for the smooth cooperation prior to and during the visit.

In Bogota, my delegation had the opportunity to meet with representatives from the Ministry of Foreign Affairs, including representatives of the Colombian Migration Office, the Ministry of Equality and Equity, the Ministry of Interior, the Ministry of Defence, the Ministry of Health and Social Security, the Ministry of Education, the Colombian Institute of Family Welfare, the Constitutional Court, the Bogota Mayor's Office, the Colombian Association of Capital Cities, the Attorneys General's Office, the office of the Inspector General, the Public Ministry, the Ombudsperson's Office, and the Search Unit for Persons Reported Missing. In addition to the meetings held in Bogota, I also visited Necocli and Acandi, where I met with the Mayor of Necoclí, representatives of the Governor's Office of Chocó and Antioquia departments and of the Acandí, Apartado and Turbo Mayor's Offices, and local representatives of the Ministry of Foreign Affairs, the Colombian Institute of Family Welfare, and the Ombudsperson's Office.

During the visit, I had the opportunity to meet with migrants, refugees, representatives from Civil Society organizations, religious groups and UN entities.

I thank all the representatives for the discussion and the information provided. In particular, I thank migrants and refugees for sharing testimonies of their personal experience and for offering their insightful observations which helped me to understand the migration context in Colombia.

I will start with **some general observations** before going into specific issues.

In response to the large-scale arrival of Venezuelan refugees and migrants, since 2017, Colombia has made tremendous efforts through adopting different measures for the regularization of this population. In 2021, unifying different temporary permits, the Colombian Government launched the Temporary Protection Statute for the Venezuelan Population (ETPV), granting a Temporary Protection Permit (TPP) which guarantees regular stay for 10 years, access to health, education and the right to work. I **pay tribute to Colombia** for making this milestone in migration governance by launching a policy that is designed to guarantee access to rights and offer a more structured and long-term solution for migrants. Based on the figures provided by the Government, out of the 3 million Venezuelans who currently reside in Colombia, 2.5 million of them have been regularized. 80% of migrants with TPP are enrolled in the health system, while more than 600,000 Venezuelan children are enrolled in the Colombian educational system.

It is also worth mentioning that in my exchanges with government officials from various institutions and at all levels, I noticed a clear understanding of the national migration policy

and a **sense of commitment to promote the human rights of migrants and ensure their social inclusion** through providing assistance to facilitate their integration to the society.

Through coordination efforts of the Ministry of Foreign Affairs and particularly Colombia Migration, in collaboration with IOM, Colombia has established an **institutional structure** that leads the formulation and implementation of migration policies.

The migration context in Colombia is nothing short of **complex**. Historically, Colombia was a country of origin, with approximately 5.8% of its population living abroad. Since 2017, Colombia has also become a country of transit and destination, receiving large-scale arrivals of migrants and refugees. Due to its geographic position, Colombia is currently a strategic place for the passage of people to the north, through the Darien jungle, and to the south, through the Andean Corridor. The migration reality in Colombia is heavily impacted by migration policies of countries in the region. Within the country, multiple forced human mobilities intersect. Colombia endures the longest-running armed conflict and violence in the Western Hemisphere, with 8 ongoing armed conflicts on its territories, according to the ICRC. Consequently, Colombia has the largest number of internally displaced persons in the Americas. The total number of internally displaced persons, as registered in the National Registry of Victims of the Victims Unit, currently stands at more than 9 million. At the beginning of 2025, a humanitarian protection crisis emerged in the Catatumbo region due to the territorial dispute of two non-state armed actors, resulting in the displacement of 52,000 individuals, including approximately 5,000 migrants.

While the Colombian Government, the National Human Rights Institutions, UN agencies, civil society organizations and the society have been making significant efforts to host and assist migrants; **criminal and non-state armed groups controlling the border and rural areas of the country have been profiting from migration**. Like other Colombians living in the rural areas or in the poorest parts of the main cities, migrants are disproportionately impacted by the violence generated by non-state armed groups and criminal organizations. They are subject to violence, including sexual and gender-based violence, human trafficking, forced recruitment, and other crimes. Their experience of violence is exacerbated due to the limited opportunities for formal jobs, barriers in accessing justice and effective protection from State institutions. Those who wish to travel north without legal means fall prey to traffickers, abusive smugglers and criminal groups, such as the self-proclaimed "*Autodefensas Gaitanistas de Colombia*" (AGC), who control and operate the means of transportation. Based on the information received, the AGC also subjects migrants to extortion, violence, sexual and gender-based violence, forcible recruitment, and participation in criminal activities including drug trafficking. In the absence of an effective institutional presence and alternative means, migrants do not have any other option but to pay a package fee, between 300 and 400 USD per person for transportation, guides and orientation to the group.

With full recognition of the challenges faced by the Colombian Government amid humanitarian crisis in the country, negative impact of migration measures adopted by other countries in the region, and an extremely worrisome funding outlook in the future, I share the following **preliminary observations and recommendations** on its migration policies.

Response to Venezuelan refugees and migrants

While the ETPV offers an expedited pathway to regularize the legal status of 2.5 million Venezuelans, the application process disregards the international refugee protection needs of the applicants. This raises serious concerns also due to the lack of an efficient asylum system in the Country. Some Venezuelans applied for TPP after a lengthy wait for the result of their asylum application. Some had to give up their asylum application to be considered for TPP.

The current asylum system faces significant challenges in meeting the growing demand of requests. The asylum authority faces resources constraints, insufficient human capacity and autonomy to operate in an effective manner. Due to the situation in Venezuela, as of early 2025, Colombia has registered a total of 75,000 asylum applicants, with almost half of these backlogged. Based on the information received, the average processing time for asylum claims is approximately 3 to 4 years. While their claims are pending, asylum-seekers are not able to access work or engage in formal economic activities. The lack of efficiency in the asylum system and the lack of access to work has failed to protect and exacerbated the vulnerabilities of asylum seekers.

Colombia must strengthen its asylum system to ensure effective access to refugee protection of individuals in need; I refer to the Constitutional Court Sentence SU 543 of 2023, which requires Colombia to repeal certain provisions of Decree 216 of 1 March 2021 that prevented asylum seekers from accessing a Temporary Protection Permit (TPP) without waiving their application. In addition, it requested the National Government to design and implement, within six months, a public policy to solve the saturation in the processing of refugee applications, with the participation of stakeholders, and eliminate administrative and regulatory barriers. Regulatory adjustments are also ordered to establish a maximum period to resolve refugee applications and define prioritization criteria with a differential approach, prioritizing people at high risk, extreme economic and social vulnerability, or belonging to groups of special constitutional protection.

In this regard, I welcome the adoption of Decree 0089 of 25 January 2025, promoting a more agile and efficient procedure for the determination of refugee status, and overcoming regulatory obstacles that have slowed down the processing of refugee applications and to guarantee fairer processes. I encourage Colombia to quickly move to implement this Decree and with the effective participation of civil society organizations. I also acknowledge improvements regarding asylum seekers' right to work in Colombia and access services from the admission of their application.

Enhancing the capacity of the asylum system, Colombia should also prioritize the identification of protection profiles through a comprehensive protection sensitive entry system, which could benefit countries in the whole region. I call on Colombia to apply the expanded definition of refugee in the Cartagena Declaration.

When considering asylum applications, priority should be given to cases of those at risk of political persecution including for those Venezuelans who fled their country after the elections on 28 July 2024 and reported direct persecution due to political reasons. Among these cases, I

wish to highlight Venezuelan human rights defenders who were forced to flee their country and have stablished in Colombia to continue their work to defend the human rights of Venezuelans. Colombian authorities should also adopt effective measures to prevent and protect them of any form of violence while they are in Colombian territory as well as to guarantee the principle of non-refoulment. In addition, granting access to work for asylum seekers awaiting results of their refugee status determination procedure is also crucial.

Colombia should strengthen identification and referral of individuals of all nationalities in need of international protection to the asylum procedure.

In the meantime, to ensure effective protection of Venezuelan refugee and migrant population, Colombia should introduce non-refoulement safeguards to current and future regularization permits (ETPV, PEP Tutor).

To ensure effective access to the rights of TPP holders, Colombia should enhance its efforts in conducting awareness raising campaign to ensure public institutions, especially service providers, recognize the TPP card and fulfil their obligations to provide access to services.

Migrants in irregular situation, Venezuelans and other nationals

Considering that the registration process of ETPV terminated on 24 November 2023 and is currently only available for children enrolled in schools I am extremely concerned about the growing number of Venezuelans in irregular situations in view of the continued and foreseeable arrivals of Venezuelan refugees and migrants in Colombia.

In addition to the Venezuelans, which takes up the vast majority, approximately 97%, of the migrant and refugee population in Colombia, there are also many other nationalities from the continent and beyond, being left in irregular status. Because all the current regularization measures are only applicable to Venezuelans, other nationals, some with international and human rights protection needs, are left in a highly vulnerable situation without any legal pathways. Without a regular status, these individuals could only access emergency health care. They do not have access to formal job and economic activities and are subject to heightened risk of exploitation and abuse, violence, including gender-based violence, human trafficking, recruitment by criminal and armed groups and engagement in illegal economies and other criminal activities.

Colombia should also consider granting opportunities to legal stay for nationals other than Venezuelans. In this regard, I welcome the Government's plan to launch in March a 2-year Special Visitor Visa aimed to regularize 500,000 migrants, including Venezuelans and others originally from this continent. I also note with appreciation the Government's efforts in designing additional measures, complementary to the ETPV, including the Special Stay Permit (PEP Tutor) for parents of children who obtained a TPP through their enrolment in school.

At the practical level, Colombia should also double its efforts to simplify application processes and facilitate applicants to overcome administrative barriers.

Darien region and other border areas

The Darien region between Colombia and Panama remains one of the most dangerous routes for people on the move. In 2024, approximately 300,000 persons left Colombia heading to Panama through the Darien Jungle. This figure is significantly lower than the historic peak of 520,000 in 2023. In January 2025, 2,229 individuals left Colombia heading to Panama via the Darien jungle, which represents a 94% decrease compared with the same period last year.. Over 73% of those who headed north to cross the Darien are Venezuelans. Other nationalities include Ecuadorians, Haitians, Chinees, Vietnamese, Cubans and people from countries of Africa. In 2024, Colombians crossing the Darien represented 6%. Despite the regularization and integration efforts of Colombia, migrants and refugees continue to move north.

Municipalities, local authorities, and citizens have demonstrated solidarity and readiness to receive and support migrants and refugees, they consider migration an opportunity for development and show willingness to ensure a safe and dignified passage for migrants traveling north. Civil society organizations, the Catholic Church, and United Nations agencies and Funds, within the R4V platform, have also responded to the humanitarian crisis through the establishing of a significant presence in Necocli and Acandí, and providing comprehensive services, such as information, food, water, health checks, prevention against gender-based violence and protection orientation.

However, the near absence of State institutions, particularly Security Forces and strong presence of the AGC in the area has created a phenomenon where migrants are transported towards the Darien in a highly organized manner, by a network of smugglers, traffickers, and members associated with criminal groups, in broad daylight.

Migrants must pay an extorsion to alleged members of the AGC to cross from Necocli to Panamá through an irregular route in the Darien jungle. The payment, approximately between 300 and 400 USD per person, covers the boat transportation to Acandi and a local guide that will take the migrants through the Darien jungle in a 3 to 5 days walk until reaching the Panama border. To maintain the business going, the AGC, prohibits violence against migrants within the Colombian territory, but at the same time they use violence against those who are not willing or not able to pay the extortion. I received information indicating that the AGC has managed to instrumentalize and involve some members of local communities in the establishment of a network to manage the migration population.

In Acandi, migration has become a new industry in the communities on the route and attracted people from the region, including youths, to make quick money. During peak season, the local populations abandoned economic activities such as fishing and farming, prioritizing the sale of locally produced goods to migrants at higher prices. In addition, local communities in Acandi lack basic services, such as sanitation, running and drinkable water, access to the Internet and hospitals. There are also limited labour and development opportunities. The sharp reduction in the number of migrants due to recent migration policies in the United States and Panama would most likely have a strong negative economic impact on communities in the region.

The Government of Colombia shared information about the presence and the work of the Colombian Navy and the Army to control the borders, the shores and the national sea area. They informed about cases of rescue at sea of boats with migrants and seizures of illegal drugs

shipments. The Attorney General's Office also explained its strategy to investigate crimes allegedly committed by members of the AGC and to dismantle the organization through judicial proceedings which resulted in a number of detentions, including some of their high-level members. However, apparently the AGC has managed to maintain strong control of the region and of illegal economies, such as mining, trafficking in persons and drug tracking. The Inspector General's Office informed of ongoing internal investigations due to allegations of corruption and complicity of some public officials with crimes allegedly committed by members of the criminal groups.

Missing migrants

I am concerned about the lack of a direct registration system of migrants departing from Colombia through the Darien jungle by Colombia Migration. Apparently, only boat companies are conducting the registration of migrants going from Necocli to Acandí. The companies upload the information on an App of Colombia Migration, known as the System of Information to Report on Foreigners (SIRE by its acronym in Spanish). This registration does not include Colombians engaging in the migration route because they are considered to be domestic tourists by the companies. This registration is not conducted directly by Colombia Migration and is not used as a data instrument that could prevent migrant from going missing as well as to support the search of disappeared migrants on route through the Darian jungle. Official registration of migrants and asylum seekers by the Colombian and the Panamanian Government in both sides of the borders could be a key instrument to identify missing migrants and to initiate searching activities. In addition, according to different sources, the Urgent Mechanism for Searching for Disappeared Persons does not fully function in the Darien region because of the limited presence and capacity of the Attorney General's Office.

An additional concern is the limited capacity of Colombian authorities, particularly the Forensic Services and the Attorney General's Office, to retrieve dead bodies of migrants left on the routes. According to the information received, dead bodies of migrants are usually left behind. Colombian authorities do not seem to have the capacity to retrieve them.

I recommend that Colombia enhance the presence of the State at the border areas to provide an institutional response to migration. Colombia Migration and the Ministry of Equality and Equity should establish a registry of migrants departing to the Darien region, including information on Colombian nationals and disaggregated data. Colombia Migration and Ministry of Equality and Equity should also provide necessary support services to migrants. Law enforcement agencies and judicial authorities should enhance their presence and capacity to fight against criminal activities.

Colombia should consider accelerating the establishment of State-run shelters that comply with regional and international commitments to provide humanitarian assistance to migrants.

Enhancing awareness raising campaigns on risks migrants may face when crossing the Darien jungle is essential.

Immediate, mid-term and long-term plans in migration governance

I note with appreciation the adoption of Colombia's Comprehensive Migration Policy, as outlined in Law 2136 of 2021. This policy advocates for safe and regular migration. Despite progress in the regularization and integration processes, significant challenges and protection gaps remain. I also take note of efforts made at the municipality level, particularly by cities like Bogotá, Medellín and Cali, to integrated migrants and refugees into the society and to facilitate their access to the rights to education, health, work and housing. In many cities, the resources required to ensure migrants' access to economic and social rights have exceeded the financial and administrative capacity at the municipality level. It is especially the case for cities with less resources. I recommend reviewing the model of cooperation among municipal, departmental and national governments and establishing clear and share responsibilities, in both financial and administrative aspects, for the integration of migrants.

To enhance the stability and integration of the migrant and refugee populations in Colombia, continued financial investment and international support in the process is crucial. The uncertainty of continued international financial aid in this area poses serious threats to the consistency of migration policies in the country and may negatively affect the human rights of the migrant and refugee populations in the country.

Colombia should speed up the design and implementation of additional measures and adjustment to current measures aimed at enhancing protection and access to rights.

In the meantime, Colombia should strengthen regional and international cooperation and design long-term plans for migrants currently residing in the country, taking into account foreseeable Colombian returnees and further arrivals from the continent.

In this regard, I call on all relevant actors in the region, especially Panama and the United States, to enhance coordination with Colombia and to improve the effectiveness of protection responses for individuals in mixed movements, through the Darien region. Enhanced coordination can also expedite durable solutions and optimize financial resources.

Establish secure and reliable channels for the exchange of information in the region to enhance coordination in responding to individuals in need of international and human rights protection.

Other issues brought to my attention and to be elaborated further in my report

The Colombian Government should enhance the **protection of migrants with vulnerabilities** through the adoption of intersectional approaches which recognize the multi-dimensional reality and experience of migrants based on their migratory, economic and social status, age, gender, and sexual orientation. Enhanced understanding of these overlapping interactive factors would facilitate a nuanced understanding of complex marginalization and help to design comprehensive programs to protect and assist these individuals.

In relation to the asylum system, I note with concern the **lack of a protection-sensitive entry system**. There is no system in place for identifying protection needs and ensuring access to international human rights and refugee protection in transit areas of international airports or at land borders.

Access to the formal labour market by migrants, asylum seekers and refugees

Approximately 78% of migrants in Colombia work in the informal labour market. Limited opportunities for accessing formal jobs and the low level of earnings for migrants in informal economies put them in vulnerable situations and limits their access to other human rights, such as housing, social security and food security. Colombia should enhance migrant access to formal jobs and legal economic activities and also establish alternative mechanisms to foster contributions to the tax base from those who work in informal economy. This is essential if migrant and refugee populations are to provide economic benefits to the host society thus enhancing the sustainability of migration policy in Colombia.

Disproportionate impact of violence related to armed conflict

Migrants and refugees usually live in some of the poorest parts of the main cities and in rural areas where illegal economies, such as coca cultivation, micro-trafficking, trafficking in persons and illegal mining thrive. This has placed them at risk of being impacted by violence exercised by non-state armed actors that control those economies. Migrants and refugees are usually victims, just like Colombians, of human rights violations and infringements of Humanitarian Law, such as enforced recruitment, displacement and confinement. Despite the lack of legislative restrictions or explicit discrimination in the state responses to victims of armed conflict, migrants usually face bureaucratic and administrative barriers to being recognized as victims of the armed conflict. They also face barriers to access to reparation and restitution of rights. I received information indicating that national authorities are acknowledging this gap and are taking measures to facilitate recognition that migrants are victims of the internal armed conflict. I applaud the adoption of Directive 002 of 14 January 2025 which exhorts various State entities to guarantee the protection and care of migrant victims of the internal armed conflict, regardless of their migratory status, in compliance with the constitutional, legal and international frameworks.

Xenophobia and discrimination experienced by migrants have a negative impact on individuals and social cohesion. Colombia should continue its efforts to eliminate, condemn and counter all forms of discrimination and xenophobia, and reshape harmful and dehumanizing narratives against migrants and refugees. This includes not only recognizing their contributions to Colombian society but also affirming their rights and dignity as rights-holders.