



MAY 29, 2022

ELECTION OBSERVATION REPORT

COLOMBIAN PRESIDENTIAL ELECTIONS



The delegation was in Colombia from May 21, 2022, to June 1, 2022, and included delegates from Canada and the United States. The team has years of experience monitoring elections and supporting human rights and democratic processes in Latin America and the Caribbean: Julia Zaldua, Karren Jarrett, Terry, Gibbs, Tim Bood, Teri Mattson, Raul Burbano, and videographer Jase Tanner.

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To see all reports and videos while in country, visit *Rabble’s* electoral accompaniment blog:
<https://rabble.ca/tag/colombiaelection2022>

INTRODUCTION:

The 2022 presidential elections in Colombia took place in a context of extreme political polarization and violence. In the months preceding the legislative elections of March 2022, political violence increased dramatically, leading the Electoral Observation Mission (EOM), an organization that closely monitors the Colombian electoral process, to describe this as the “most violent pre-election period on record”. According to the EOM, death threats, the primary form of political violence, increased by 193%. Much of this violence can be attributed to state¹ and right-wing paramilitary groups such as the Aguilas Negras.

POLITICAL CONTEXT: COLOMBIA AT WAR:

To better understand the current situation in Colombia, it is important to situate the election process in the recent reality of increased violence, while also considering the much longer history of war in Colombia, its roots, and the history of direct political violence against those attempting to challenge the status quo through democratic means. While Colombia historically had a two-party system dominated by the Conservative and Liberal parties, both of which ensured the dominance of Colombia's economic elite in the political process, the constitution of 1991 opened the political process to third parties. Despite this opening, the process has continued to be dominated by the country's elite, with ongoing persecution and violence against social movements and political parties attempting to raise the issues of poverty and social inequality in the country and to broaden and deepen the democratic process.

The historical conflict in Colombia is linked to deep inequality in land distribution, lack of access to agricultural surplus, the expansion of drug trafficking and organized crime, to paramilitarism and the dirty war, and even to peace proposals and environmental protection.



1. Lo ocurrido en Alto Remanso, sostuvo el diario bogotano El Espectador “Había decenas de civiles. El Ejército entró disfrazado de guerrilleros”, señaló José Guarnizo, director de Vorágine

NATIONAL MOBILIZATIONS:

The bleak conditions in the country presented a picture of economic crisis, social discontent, isolation, and quarantines due to the COVID-19 pandemic and dissatisfaction with the government's "democratic security" policy, which led to national protests from late 2019 to mid-2021. In 2021 Colombians mobilized en masse against Duque's fiscal policy, which would lead to the resurgence of war, police violence and uncertainty about the future of young people.

The massive response paralyzed the country for several weeks, with mobilizations concentrated in the main cities. Even though the mobilizations were deeper and more extensive than those of the past, the achievements were only temporary. The mobilizations led to a reversal of government policies and the departure from office of a couple of government officials in the context of repressive and violent state responses to rallies, and the criminalization of youth at the front lines, regardless of political persuasion.

The energy and political frustration on the streets over the past few years have been channeled into the political sphere, with many Colombians participating in the election process in the hope of bringing about change via electoral means.

LEGISLATIVE ELECTIONS AND FRAUD:

On March 13, 2022, the legislative elections for the Chamber of Representatives and the Senate took place, changing the political map. Traditional parties lost support while a new coalition, the *Pacto Histórico* (Historic Pact), emerged with significant support. The Liberal Party obtained 32 seats in the Senate, the Historic Pact 19 representatives, and the Conservative Party dropped to 15; the Democratic Centre and the *Centro esperanza* (Hope Centre) Coalition obtained 13 seats².

During the legislative elections, fraud against the Historic Pact was detected when it was discovered that they were robbed of votes. Despite having received the highest vote, the Historic Pact coalition did not register any votes in 25% of the tables. During the scrutiny, it was discovered that a large discrepancy existed in the pre-count votes and the final scrutiny of votes. This led to an investigation by the National Registrar, Alexander Vega,³ who uncovered 400,000 additional votes for the Pact, resulting in an additional 3 seats in the Senate.

Another concerning incident took place hours before the legislative voting on March 13, when the Registrar's Office official website experienced serious technical issues. This affected many people and generated confusion, hindering people from accessing information about their voting place, as some voting sites were moved. This clearly impacted some citizens' ability to exercise their right to vote.

POLITICAL COALITIONS AND CANDIDATES FOR PRESIDENTIAL ELECTIONS:

Historic Pact: Gustavo Petro, economist, and former mayor of Bogotá (2022-2015), and his running mate Francia Márquez, an Afro-Colombian social and environmental leader, with about 40% favorability.

Equipo Por Colombia (Team for Colombia): Federico Gutiérrez, civil engineer, and former mayor of the city of Medellín, and his running mate Rodrigo Lara, former mayor of an intermediate city in Colombia (Neiva), with about 23% favorability.

Coalición Centro Esperanza (Hope Centre Coalition): Sergio Fajardo, a mathematician teacher and his running mate Gilberto Murillo, former Minister of the Environment (2016-2019), with 20% favorability.

Partido Oxígeno Verde (Green Oxygen Party): Ingrid Betancourt, who was a representative of the chamber in 1990 and expressed the intention of joining the campaign of Sergio Fajardo and Rodolfo Hernández, as she only had 1% favorability. Her running mate was José Luis Esparza, a Colombian colonel.

2. <https://www.portafolio.co/elecciones-2022/senado-y-camara-de-representantes-partidos-con-mas-curules-562891>

3. Registrar Vega has been questioned for several things, among them, hundreds of designations based on political militancy, failures in the identification registration systems and the election of jurors with alleged inexperience (Daniel Pardo BBC World Correspondent in Colombia, March 23, 2022).

Independent candidate Rodolfo Hernández, a civil engineer and businessman, former mayor of the city of Bucaramanga (2016-2019) and his vice-presidential candidate is Marelen Castillo, a teacher and researcher. He choose, Academic Marelen Castillo a former teacher in Cali, later she became a university professor at the Lumen Gentium Catholic University Foundation.

ELECTORAL SYSTEM:

Despite the democratic traditions of the country, social organizations have denounced the fact that the Colombian electoral system is manipulated by sectors of the political class who have in the past committed electoral fraud to win elections. Additionally, the failure to implement the 1991 Constitution has meant that public confidence has only worsened in recent years.

The electoral financing system is mixed, with both state and national funding used to support political parties, electoral campaigns, and private individuals.⁴ Recent political-financing reforms in Colombia have turned political parties into cartel parties that exclude new challengers from electoral competition and are increasingly dependent on public subsidies. In many cases, this funding is not made available or is delayed due to “administrative issues,” and this has had a significant impact on the ability of candidates to run their campaign. This was best evidenced when Historical pact running mate Francia Márquez denounced on social media that she had not been given funds to support her campaign.

There have been several cases of illegal advertising; for example the Colanta Dairy Cooperative sent to its suppliers and buyers a letter inviting them to vote “sensibly,”⁵ making clear its suggestion, without mentioning it. In addition, numerous cases have been reported of consumption bonuses to those who would attend public campaign events.

Electoral crimes in Colombia are not uncommon. Every election, there are numerous reports of vote buying, vote shifting, and electoral harassment. According to the Prosecutor's Office, in the last four years 3,867 processes have been opened throughout the country for electoral crimes

committed in the different elections held during this time.

The selection of electoral jurors is done randomly by the National Civil Registrar's Office. The Civil Registrars request the lists of citizens from public and private companies, public and private educational institutions, important citizen groups, social organizations, and political parties and movements.⁶ Once the data is collected, a random draw is made, and jurors are selected. An issue with this process is that the counting and scrutiny of the system is manual and lacks transparency. This is because the forms for the systematization of the tables are filled out by hand and are prone to adulteration, as happened in previous elections with the so-called E14 form.

CONCERNS OF FRAUD:

The existence of episodes of fraud and violence in the electoral history of the country is well documented and, given that the current circumstances of violence in the country surpass those of previous decades, there was concern that the presidential elections could face setbacks that would have affected the legitimacy of the elections.



4. In the case of Congress, private donations may not exceed 10% of the total campaign cost, except for contributions from the candidate himself/herself and his/her relatives, for which no limit is established. For presidential candidates, contributions from themselves or their relatives are limited to 4% of the cost of the campaign. In addition, donations from legal entities are prohibited and donations from individuals are limited to 20% of the total amount invested in the campaign (Art. 14 of Law 996/2005 revised by the CC (Decision C-1153, 2005) https://moe.org.co/wp-content/uploads/2017/07/Cartilla_Financiamiento_Electoral_en_Colombia_2010.pdf.
5. <https://www.nenroll-nenroll.com/news/colanta-is-involved-in-controversy-by-sending-a-letter-that-apparently-invites-you-to-vote-for-federico-gutierrez/>
6. (see: https://www.registraduria.gov.co/IMG/pdf/20220207_preguntas-frecuentes-jurados_congreso-2022.pdf)



CONCERNS OF DISPLACED PEOPLE AND INABILITY TO VOTE:

Additionally, Colombia has not dealt with the issue of displaced people and their inability to vote. In 2020, the United Nations High Commissioner for Refugees (UNHCR) reported that Colombia is still the country with the highest number of internally displaced people in the world, with a total of 8.3 million. In 2022, that figure reached 9 million.

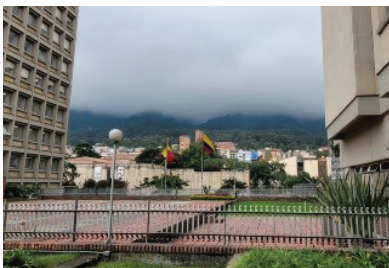
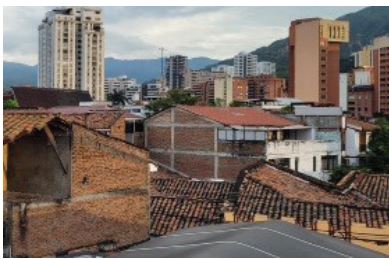
Internally displaced persons (IDP's) cannot return to their hometowns to vote, as is required by law. In addition, many displaced people lack the proper documents to register in other places and so their ability to vote is violated. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in 2021, there were 181% more displaced people in Colombia, with a figure of at least 73,974 people, mostly in Valle del Cauca, Magdalena, Arauca, Chocó and Nariño.



THE INTIMIDATION AND HARASSMENT OF INTERNATIONAL OBSERVERS:

The denial of entry to international observers during these elections is highly concerning. International observers are critical to fair and transparent elections; detaining and denying them entry is contrary to international norms and contributes to the loss of confidence in fair and transparent elections.

Intimidation and attacks against electoral observers were commonplace during the presidential elections. Electoral observers, such as Teri Matheson⁷ from the United States, were detained and denied entry into the country. The official reason given for Matheson's denial of entry was that she was a "threat to state security." These are baseless accusations that the state often uses to persecute and criminalize both Colombian and international social activists. In addition, Senator María Fernanda Cabal undertook a sustained social media attack against Electoral observers from Catalonia, Argentina, and other countries demonizing them as "separatists" and "communists".



VOTING SOFTWARE NOT AUDITABLE:

A very concerning issue was the lack of an international audit of the software used to count the more than 120,000 voting tables in Colombia. The candidate of Pacto Histórico requested that the Registraduría General, the body in charge of organizing the elections, carry out an audit that is transparent and open to all parties.



7. <https://www.counterpunch.org/2022/05/25/human-rights-activist-deported-from-colombia-in-runup-to-high-stakes-election/>

ELECTORAL VIOLENCE:

The 109% increase in pre-electoral violence compared to 2018, according to the EOM, demonstrates the complexity of the scenario. This NGO recorded about 581 acts of violence, a figure not seen for a decade. The most affected were inhabitants of rural areas that have been going through a war without pause for the last five years. Two hundred seventy-six of these violent actions were against social leaders, especially in rural areas, 100 were aimed at Indigenous and Afro leaders, and 33 episodes were assassinations. Thirty-five percent of all violent actions in the country in the period described were concentrated in the 167 municipalities where the so-called “Peace Seats” were disputed in the last elections. As part of the peace accords, and in order to give victims of the armed conflict and rural communities a voice in formal electoral structures, these 16 seats were added to the current 171 seats, with service for two terms.

Candidate Gustavo Petro announced the suspension of his activities on May 3 and 4 due to threats by a paramilitary group in the coffee-growing region⁸, and candidate Federico Gutierrez has denounced threats and the presence of microphones and cameras in one of his campaign headquarters⁹.

Since the beginning of 2022 to date, the Institute for Development and Peace Studies (INDEPAZ) registers 76 murders of social leaders and human rights defenders (22 in the last month), 20 murders of signatories of the Peace Agreement, and 40 massacres committed by armed groups, among the 342 people who have been killed.

According to the La Misión de Observación Electoral (MOE) in 274 municipalities (i.e. in one out of four in Colombia), there was a high or extreme risk of citizens being restricted in their ability to elect and be elected. The MOE stated that the “pre-electoral period of the 2022 legislative elections was considered as the most violent of the last 12 years in Colombia¹⁰.” Between May 5 and 10, there was an armed strike decreed by the paramilitary group Autodefensas Gaitanistas de Colombia (AGC) in retaliation for the extradition of its top leader, alias

Otoniel. This show of force left a total of 145 people affected in nine departments and 77 municipalities in the country, with the departments of Antioquia, Córdoba and Chocó being the epicenters.¹¹

ILLEGAL PERSECUTION OF PUBLIC OFFICIALS:

Another relevant fact that can be framed within electoral violence is the persecution of certain public officials in a selective manner, regarding their participation in politics, since it is considered a serious offense, to be sanctioned administratively. For its part, the MOE reported on May 11 that it had received 207 complaints for alleged political participation of public officials. In spite of this warning, there were several officials who participated almost openly during this year's elections, and although many have been involved in this offense, few have been sanctioned. The case of Medellín Mayor Daniel Quintero stands out. Through a video that went viral, he celebrated the possibility that Petro would win in the first round. Immediately, the attorney Cabello, an official appointed by the governing party, dismissed him.

THREATS BY MILITARY:

The issue of a possible coup surfaced in the media when the head of the army, Eduardo Zapateiro, attacked presidential candidate Gustavo Petro on his Twitter account on April 22 and was later endorsed by President Duque. The Attorney General's Office¹² and the Procurator General's Office, the entity in charge of investigating public officials, opened an investigation. The participation in politics of the military forces is prohibited by the Colombian constitution.



8. <https://www.elespectador.com/judicial/fiscalia-investiga-supuesto-entramado-para-atentar-contra-petro-en-el-eje-cafetero/>

9. <https://elpais.com/america-colombia/2022-05-18/las-autoridades-se-vuelcan-con-fico-gutierrez-tras-sus-denuncias-de-espionaje.html>

10. <https://colombiareports.com/amp/political-violence-in-colombia-more-than-doubles-ahead-of-elections/>

11. Among the effects were 22 murders, 21 attacks on establishments, 91 attacks on means of transport, three armed confrontations, four road blockades, and an undetermined number of propaganda alluding to the AGC in at least 10 municipalities. With this armed strike the Gulf Clan exposed the magnitude of its territorial presence in areas of the northwest of the country and the Atlantic coast, where it has consolidated itself as the hegemonic armed actor. (see: <https://www.pares.com.co/post/balance-del-paro-armado-del-clan-del-golfo>)

12. <https://www.elespectador.com/judicial/por-posible-participacion-en-politica-denuncian-al-general-eduardo-zapateiro/>

CONCLUSIONS:

Based on the climate of violence, fear, and intimidation there is a high probability that many Colombians could not exercise their vote. During our meetings with Labour, Human Rights, Indigenous and Afro Colombian Social movement leaders, and representatives of Political parties the overarching message was that the election process had not been conducted in a fair and transparent manner. The level of state interference in the political process was highly concerning and may have contributed to the perception that the Colombian electoral process is easily manipulated.

RECOMMENDATIONS:

1. The international community must continue to pressure the Colombian Government to hold fair and transparent elections.
2. The Colombian government must end the use of excessive and disproportionate force against peaceful mobilizations and displays of support for political candidates.
3. The Colombian Government should ensure the safety of political candidates. Candidates should not face intimidation and/or death threats.
4. The President and armed forces must ensure the safety of candidates by refraining from making public statements against candidates that may open space for intimidation and/or violence against candidates.
5. The government should implement a minimum 12-hour voting period. The current voting period of 8 hours does not allow for sufficient popular participation. Voters who are already in the voting line at the time of the closing of polls should be allowed to vote. This is common practice in many countries.
6. The government should ensure an appropriate audit or scrutiny of the election's software by all political parties. We met with representatives of political parties who shared concerns and stories of specific irregularities regarding the diverse software being used in the electoral process.
7. Given the situation of intimidation and violence as the ongoing context of elections in Colombia and the very low faith of the public in the democratic system of the country, the government should fully abide by the Constitution of 1991 and implement the agreements of the Peace Accords of 2016. The international community should be putting pressure on the Colombian government to properly uphold the democratic system.

