

# Gustavo Petro's first year and the challenges for freedom in Colombia

## A strong State against society and weak against illegality?

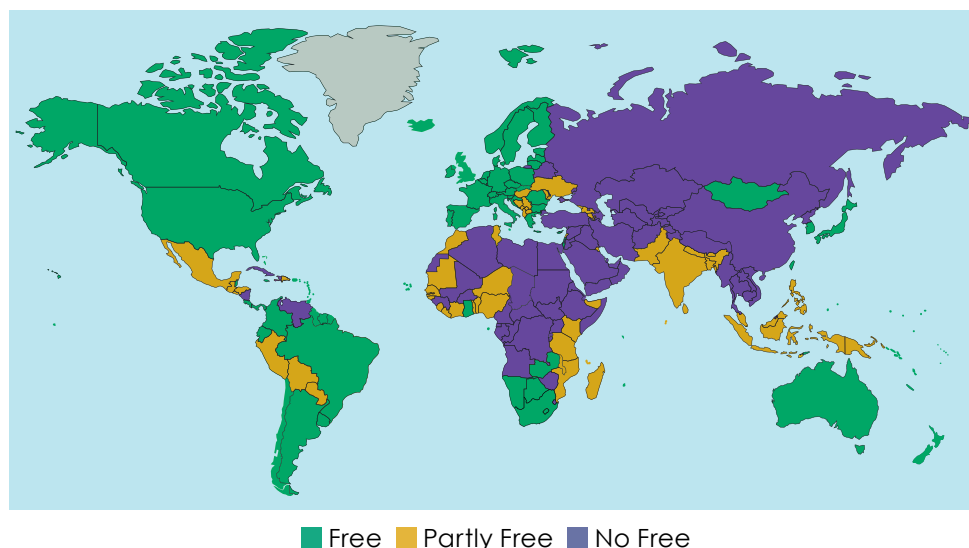
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In 2022, Colombia was the country that rose the most in the Freedom House report, a Washington-based NGO that estimates freedoms in the world and classifies nations as “Free”, “Partly free”, or “Not free”.

In Latin America, Uruguay has the highest score with 96/100, while Cuba ranks last with 12/100. Amid this enormous difference in the exercise of freedoms, several countries in the region are classified as “partly free”, as is the case of Mexico or Peru. Colombia was found in that range until last year's measurement when it increased by 6 points, entering the “Free country” category<sup>1</sup>.

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1 *Freedom House*. Freedom in the world map. <https://freedomhouse.org/explore-the-map?type=fiw&year=2023>



Fuente: <https://freedomhouse.org/explore-the-map?type=fiw&year=2023>

However, the most relevant event in Colombia in 2022 was not related to said freedom increase; on the contrary, it was an event that could make the country's passage through the group of free nations ephemeral: Gustavo Petro's election for the Presidency of the Republic.

There are two dimensions in which the Petro government can seriously affect the exercise of freedoms: the statist policies of his administration and the deterioration of security. Another look at Freedom House's map can help us understand this. It clearly –and without surprises– shows that the State is the entity with the greatest capacity to repress freedom; thus, “not free” countries are precisely those under authoritarian regimes of different types. “Partly free” countries, on the other hand, may have governments that slide towards authoritarianism or weak states in which illegal groups are the main repressors.

Colombia is under both threats in the first year of the Gustavo Petro administration. On the one hand, the socialist inspiration of

the current government points towards a greater presence of the State in social and economic life –without ruling out authoritarian veins that could still be developed–. On the other hand, a more powerful State in different spheres does not equate to a stronger rule of law and stance against crime.

In this text, I will address the two aforementioned dimensions to answer whether Colombia can maintain its status as a free country under the current government. In the first place, I will analyze Petro's first year in the House of Nariño from the point of view of strengthening the executive power vis-a-vis other public powers, the market, and civil society. Secondly, I will focus on the security situation and the fight against drug trafficking and terrorism.

## **1. The State against the Ghost of “Neoliberalism”**

From the perspective of the Colombian left, the country has not managed to consolidate the Social State of Law (ESD for its Spanish acronym) that was promised in the Political Constitution of 1991 because –they say– the “neoliberal” model has privileged big capital to the detriment of social rights. Without ignoring pending challenges, this can be met with the country's enormous progress. For instance, gross national coverage at the secondary level of education went from 52% in 2001 to 86% in 2020<sup>2</sup>; infant mortality was halved in 20 years (from 22 to 11 babies per 1,000

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2 *Departamento Administrativo Nacional de Estadística-DANE*. 2022. “Análisis de accesibilidad a centros educativos”. [https://www.dane.gov.co/files/investigaciones/notas-estadisticas/abr\\_2022\\_nota\\_estadistica\\_analisis\\_accesibilidad\\_centros\\_educativos.pdf](https://www.dane.gov.co/files/investigaciones/notas-estadisticas/abr_2022_nota_estadistica_analisis_accesibilidad_centros_educativos.pdf)

live births between 1999 and 2021)<sup>3</sup>; health insurance coverage reached 99.6%<sup>4</sup>, etc.

This has been achieved thanks to an understanding of the ESD that combines State action and private for and non-profit initiatives, which has allowed the educational and health sector or pension system, among others, to advance in coverage and quality. However, an ideological vision shared by President Petro and his political side demands a greater State presence to the detriment of the participation of private organizations.

This demand dates back to the times of the National Constituent Assembly when, together with the announcement of Colombia as an ESD, César Gaviria's government promoted a process of economic opening to the world. For some non-conformists who longed for a collectivist system, this meant implementing the "neoliberal" model of the "Washington Consensus", while the new Constitution remained supposedly on paper<sup>5</sup>.

The return of those radical non-conformists has come with Petro. The desire to expel or reduce the private actors they accuse

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3 *World Bank*. Tasa de mortalidad, bebés (por cada 1.000 nacidos vivos) - Colombia. <https://datos.bancomundial.org/indicador/SP.DYN.IMRT.IN?locations=CO>

4 *Ministerio de Salud*. Boletín de Prensa Número 373 de 2022 (26/06/2022). <https://www.minsalud.gov.co/Paginas/Colombia-llego-al-aseguramiento-universal-en-salud-al-alcanzar-el-99.6.aspx>

5 Private participation –and with it, an improvement in the guarantee of social rights– grew in 2012 with the dissolution of the Social Security Institute (ISS), a State entity in charge of managing health and pension resources, which turned into a great machine of corruption and inefficiency. Its disappearance did not mean the State ceased to participate directly in social security, but it did so in parallel with the private sector that promoted new health promoting entities (EPS), health provider institutions (IPS) and pension funds.

of turning health, pensions, education, etc., into a business is clearly observed in the three main reforms presented by the Government to date: health, pension, and labor reform. The first two seek a nationalization that ignores the important advances I have already mentioned, while the third claims to improve workers' conditions but puts businessmen, especially small and medium-sized ones, up against the ropes.

The most controversial one has been the health reform, which has received strong criticism and counter proposals from associations and think tanks such as ANDI (National Association of Entrepreneurs)<sup>6</sup>, ANIF-Centro de Estudios Económicos<sup>7</sup>, and Fedesarrollo<sup>8</sup>, whose documents can be consulted to understand the reform, its drawbacks, and potential impacts. For its part, the pension reform threatens to indirectly eliminate private funds if it forces a very high percentage of workers with lower incomes to join the state company Colpensiones. And the labor reform has been criticized for its potential to destroy 450,000 jobs, according to researchers at the Central Bank<sup>9</sup>. Regarding the latter, it should

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6 ANDI. "Propuesta de Pacto Nacional por un mejor Sistema de Salud en Colombia". May 15th, 2023. <https://www.andi.com.co/Home/Noticia/17446-propuesta-de-pacto-nacional-por-un-mejo>

7 ANIF-Centro de Estudios Económicos. "Posibles impactos del marchitamiento de las EPS en el marco de la reforma a la salud". June 16th, 2023. <https://www.anif.com.co/informe-semanal/posibles-impactos-del-marchitamiento-de-las-eps-en-el-marco-de-la-reforma-a-la-salud/>

8 Fedesarrollo. "Logros en equidad del sistema de salud y la reforma en Colombia". June 2023. Project director: Jairo Núñez. <https://www.repository.fedesarrollo.org.co/handle/11445/4434>

9 Banco de la República. Grupo de Análisis del Mercado Laboral (GAMLA). "Estabilidad en el mercado laboral y análisis cuantitativo de algunos impactos del proyecto de ley de reforma laboral". RML Reportes del Mercado Laboral. April 2023. <https://repositorio.banrep.gov.co/bitstream/handle/20.500.12134/10626/reporte-de-mercado-laboral-abril-2023.pdf>

be noted that even the Labor Minister, Gloria Inés Ramírez (a member of the Communist Party), has said she is not seeking to create employment<sup>10</sup>.

The reform package not only jeopardizes social achievements but also directly attacks the freedoms of users, companies, and institutions. However, this first year of a new Government and Congress has greatly challenged Gustavo Petro's legislative agenda. The health reform has had a difficult process for its approval, and during the turbulence, its author, the radical activist Carolina Corcho, was removed from the minister position. The pension reform has also barely taken its first steps, and the labor reform was shelved in June, although it will be presented again by the Government.

Can Petro approve his ambitious reforms? Currently, there is not enough of a pro-government bench to guarantee it<sup>11</sup>. To achieve majorities, Petro must convince by different means –not usually those of argumentation– the independent parties that were part of his coalition until he himself announced the break

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10 *Forbes Magazin*. "El objetivo de la reforma no es generar empleo, sino mejorar condiciones laborales: Mintrabajo". April 10th, 2023. <https://forbes.co/2023/04/10/economia-y-finanzas/el-objetivo-de-la-reforma-laboral-no-es-generar-empleo-mintrabajo>

11 Today the government bench has 39 out of a total of 108 senators, 20 of which belong to the incumbent party, *Pacto Histórico*. Some critics from the Partido Verde should be subtracted. The opposition includes 24 senators from *Centro Democrático* (former President Álvaro Uribe's party) and *Cambio Radical*; the independents total 30 between *Partido Conservador*, *Partido de la U*, and Christian movements; and, finally, there is the indecisive *Partido Liberal* that has had a bittersweet relationship with the Government.

on Twitter. The ideological distance and tensions of the first year will make these negotiations difficult<sup>12</sup>.

In this scenario, it is foreseeable that the reforms will not be approved as they had been initially designed. In response, Petro has appealed to the people to take the streets as if it were 2021, when he agitated the opposition masses. However, his calls to pressure Congress have not had the expected turnout or have been surpassed by the marches against him. In the midst of poor management and scandals of great resonance in public opinion, his favorability is increasingly low in the polls<sup>13</sup>, and the media have remained critical and independent. This, moreover, may be the preamble to a defeat in the local elections next October, where the approval or rejection of his proposal will be seen.

In conclusion, freedoms in Colombia are threatened by Gustavo Petro's political project, but if his claims fail to materialize due to other institutions' independence<sup>14</sup>, added to a strong and critical press and civil society, the evaluation of Colombia in a

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12 *Partido Liberal* is key, yet even being registered in the Socialist International, its current leader is César Gaviria, whom I have already mentioned in this text regarding his government of economic opening (1990-1994) –for which the left identifies him as a “neoliberal” enemy–, and who has sought to defend the transformations and achievements of his administration, which would be erased with these reforms.

13 E.g. you may review the Invamer survey of June 2023 in this analysis from *La Silla Vacía*. <https://www.lasillavacia.com/historias/silla-nacional/invamer-poll-petro-sigue-cayendo-pero-el-golpe-por-escandalos-es-leve/>

14 Until now, the High Courts have shown themselves to be independent, as have the Prosecutor's Office and the Attorney General's Office. Petro was able to influence the election of the Comptroller General, but the Council of State declared the result void due to defects in the procedure in Congress. The independence of the Constitutional Court, which must review the reforms (if approved) and other government initiatives to assess their constitutionality, will be especially important. Petro's ability to influence the configuration

measure like Freedom House may be less negative than expected before seeing this first year of scandals and failure. Thus, the real challenge for freedom in Colombia may lie in the second dimension I mentioned, one where the Petro government is having a huge impact: insecurity and the strengthening of groups outside the law.

## 2. The “re-Colombianization” of Colombia

In 2010, Mauricio Cárdenas and Kevin Casas-Zamora wrote an article for the influential American think tank Brookings<sup>15</sup>, in which they spoke of the “Colombianization” of Mexico, warning that this term is pejorative, and that is why then-President Obama asked his Secretary of State, Hillary Clinton, to avoid the analogy with Colombia when talking about the violence of drug trafficking and illegal groups. But the analogy, while derogatory and imprecise, is not arbitrary; it refers to Colombia in the 1990s, subjected to drug cartels, guerrilla and paramilitary groups, and other criminal structures. An almost failed state.

Without having overcome all its security problems, the country’s success in the 2000s and onwards is widely known through indicators as important as the homicide rate that went from 85 to 24 per 100,000 inhabitants, between 1991 and 2020<sup>16</sup>. But

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of these institutions in the coming years will depend on his influence in Congress.

15 *Brookings*. Mauricio Cárdenas and Kevin Casa Zamora. “La ‘colombianización’ de México y sus consecuencias”. September 21st, 2010. <https://www.brookings.edu/es/articles/la-colombianizacion-de-mexico-y-sus-consecuencias/>

16 *World Bank*. “Homicidios intencionales (por cada 100.000 habitantes) - Colombia” <https://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5?locations=CO>



the setback in the first year of Petro's government is evident, and its implications in terms of freedom will be equally blunt.

According to reports from the Ministry of Defense, in the first four months of 2023, kidnappings increased by 162%<sup>17</sup> compared to the same period of the previous year; The UN Verification Mission (created to monitor the implementation of the agreement between the government of Juan Manuel Santos and the FARC) indicates that between January and May, 19,976 forced displaced individuals were registered in 14 of the 32 departments of the country<sup>18</sup>; and, according to the NGO Indepaz, as of May 31, 40 massacres have been committed so far this year and 69 social leaders have been assassinated. This data anticipates a dramatic increase compared to 2022<sup>19</sup>.

Colombia could be experiencing a "re-Colombianization", in the sense of returning to its brutal reality of 30 years ago. And the ingredients are the same, starting with drug trafficking. The increase in hectares of coca cultivated began to gain strength in 2014 amid negotiations with the FARC in Havana (Cuba), when measures such as the use of glyphosate were reconsidered. However, the problem is currently worsening because, according to information from the Ministry of Defense itself, in the first three

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17 *Asuntos Legales*. "Las víctimas de secuestros aumentaron 212% entre enero y abril de 2023, hasta 131". June 8th, 2023. <https://www.asuntoslegales.com.co/consumidor/las-victimas-de-secuestros-aumentaron-212-entre-enero-y-abril-de-2023-hasta-131-3632560>

18 *Revista Semana*. "Misión de Verificación de ONU alerta por violencia en Colombia: 'Se está socavando la construcción de la paz en algunos territorios'". July 6th, 2023. <https://www.semana.com/politica/articulo/mision-de-verificacion-de-onu-alerta-por-violencia-en-el-pais-se-esta-socavando-la-construccion-de-la-paz-en-algunos-territorios/202342/>

19 *Indepaz*. Observatorio de Derechos Humanos y Conflictividades. <https://indepaz.org.co/observatorio-de-derechos-humanos-y-conflictividades/>

months of this year, the eradication of illicit crops fell by around 90% and the seizure of cocaine hydrochloride by almost 40%<sup>20</sup>. The rise of this lucrative business strengthens illegality in the country that, according to the Global Initiative against Transnational Organized Crime<sup>21</sup>, occupies second place in the ranking of countries with the largest number of criminal organizations.

These figures are part of *paz total*, the name of Gustavo Petro's peace policy, with which he has opened the door to negotiations with all groups despite their incalculable number and different nature, and without having a clear security policy to accompany it. These criticisms are shared by the prestigious sociologist and expert in the field, Eduardo Pizarro Leongómez<sup>22</sup>. I will comment on some of his reflections to better understand the foreseeable failure of *paz total*.

Pizarro<sup>23</sup> warns that *paz total* is a poorly-designed policy based on improvisation. First, it is based on the premise that all violence is a consequence of poverty, ignoring ideology, and

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20 *El Colombiano*. "Coca incautada bajó 39 %, ¿se cae discurso de Petro?". April 9th, 2023. <https://www.elcolombiano.com/colombia/incautacion-de-cocaina-en-colombia-cayo-39-segun-el-ministerio-de-defensa-MG21056831>

21 *Caracol Radio*. "Colombia, segundo país con más organizaciones criminales del mundo". August 31st, 2022. [https://caracol.com.co/radio/2022/08/31/internacional/1661947588\\_030737.html](https://caracol.com.co/radio/2022/08/31/internacional/1661947588_030737.html)

22 Eduardo Pizarro, in addition to being a renowned academic, is also the brother of Carlos Pizarro, the murdered leader of the M-19 guerrilla group –to which Petro belonged– and signer of the peace with the government of the time, which allowed him to enter the legal political life. He is also the brother of Hernando Pizarro, who commanded a FARC dissident group in the 1990s. Thus, Eduardo Pizarro is not suspected of representing the political right. He is the uncle of María José Pizarro, one of the main representatives of *Pacto Histórico* in Congress, and a daughter of Carlos.

23 *Revista Cambio*. "El modelo de paz total del Gobierno Petro es la improvisación": Eduardo Pizarro. February 11th, 2023. <https://cambiocolombia.com/pais/>

greed. These factors have a very different nuance if we are talking about historical guerrilla groups such as the National Liberation Army (ELN) or the *Clan del Golfo* as a criminal gang or cartel. Pizarro says that criminal incentives must be attacked in the case of groups that are moved by greed, which implies a determined fight against drug trafficking and illegal mining. Negotiations, on the other hand, should be focused on groups with a greater ideological baggage, such as the ELN or the FARC dissidents.

The sociologist warns that the chaos of *paz total* can cause greater internal violence, and one of the reasons is that the army is immobilized before the successive ceasefire announcements with different groups that are difficult to identify. Thus, they must opt for inaction to avoid attacking any organization in rapprochement or dialogue with the Government. Added to this is the expectation of impunity generated by a weak government that, in its eagerness to show results, makes extensive concessions to illegal groups and promotes policies such as paying one million pesos a month (240 USD) to young people to “stop killing”<sup>24</sup>.

The Military Forces (FFMM) and the Police are today led by Defense Minister Iván Velásquez, a lawyer who from the Supreme Court of Justice persecuted the so-called “parapolitics” (alliances between politicians and paramilitaries) and was the head of the International Commission against Impunity in Guatemala (CICIG), but who has no experience in security and defense issues, is not close to the armed forces, and his place in

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el-modelo-de-paz-total-del-gobierno-petro-es-la-improvisacion-eduardo-pizarro

24 *Revista Semana*. “Polémica: Gobierno Petro pagará un millón de pesos mensuales a jóvenes para que ‘dejen de matar’”. July 10th, 2023. <https://www.semana.com/politica/articulo/polemica-gobierno-petro-le-pagara-un-millon-de-pesos-mensuales-a-jovenes-para-que-dejen-de-matar/202308/>

the government would respond to his ideological identification with the President. Petro seems to have decided that the head of the Ministry of Defense should be a man with a profile similar to NGOs dedicated to monitoring possible human rights violations in the armed forces, and not an effective strategist in combating the criminal organizations that plague the country.

## Conclusion

The relationship between the deterioration of security and freedoms is direct and already known in Colombia. Kidnapping, extortion (which has increased 24% this year<sup>25</sup>), forced displacement, homicide, among others, are crimes that affect the exercise of free enterprise and freedom of the press, association, conscience, etc. For this reason, the weakness of Gustavo Petro's government in the face of crime is the greatest threat to the freedoms of Colombians in the near future. In contrast, its political weakness in carrying out the reforms is a hope for freedom.

Seen in this way, the measurement that Freedom House makes in the coming years about Colombia may be affected by the chaotic *paz total* more than by the implementation of the health, pensions, or labor reform.

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25 *Noticias RCN*. "Autoridades se muestran preocupadas por el aumento de extorsiones en el país". June 6th, 2023. <https://www.noticiasrcn.com/colombia/autoridades-confirman-aumento-en-el-delito-de-extorsion-447412>