**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**COLUMBIA**

# Weapons Act

There is no single “Weapons Act” in Colombia. Different regulations at National and Regional level, as well as from different regulatory bodies (e.g. National Police, Aeronautics Authority, City Mayors) comprise the regulatory framework for weapons in the country.

*1.1 Which knives are considered weapons under your local law?*

All knives are considered edged weapons or “Armas Blancas” by Colombian Law. No distinction is made based on a knife’s properties, technical or manufacturing features.

Colombian law defines a weapon as “any instrument manufactured with the purpose of threatening, injuring or causing death to a person” (Decree 2535/1993. Art. 5. See: https://www.suinjuriscol.gov.co/viewDocument.asp?ruta=Decretos/1461503).

The National Aeronautical Regulations refers to “Armas Blancas” as a “group of instruments of a flattened shape, varied structure, that have one or more cutting edges and whose tip can be pointed or blunt. In a general sense, edged weapons can be grouped into (a) Stabbing weapons (b) Cutting weapons (c) Sharp cutting weapons (d) Sharp blunt weapons” (Aeronautic Regulations of Colombia No.160. Section No.160.005-Definitions See: https://www.aerocivil.gov.co/normatividad/RAC/RAC%20%20160%20-%20Seguridad%20de%20la%20Aviaci%C3%B3n%20Civil.pdf).

Local regulations of the city of Bogotá also define “Armas Blancas” as those “sharp, stabbing, sharp cutting and sharp blunt elements such as knives, poniards, stilettos, stabs, awls, brass knuckles, bludgeons, machetes, hooks, bodkins, mallets, axes, penknives, crowbars, rapiers, daggers, sabers, swords or any other object with similar features that may be used as defensive or offensive weapons to threaten, to injure or take another person’s life”

Case law consistently understands knives as items that fall into the “Armas blancas” concept.

*1.2 Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife (depending on a special blade length or not?), fixed knife or any knife)?*

Carrying a knife in a public place or a place open to the public is generally considered a criminal offense, unless the carrier can produce evidence that such knife constitutes a tool for his/her trade, profession, studies or sport activity. However, Case law indicates that authorities tend to demand clear and unequivocal evidence to apply any exceptions. All types of knives are subject to this treatment.

Such general prohibition contained in Colombian National Police Code states that “carrying weapons, cutting elements, sharp or alike, or dangerous substances, in public places or places open to the public” (Law 1801/2016. National Code of Police and Citizens Coexistence. Art. 27. Num.6. See: https://www.suinjuriscol.gov.co/viewDocument.asp?ruta=Leyes/30021736) it is considered a behavior against human life and physical integrity of people, and thus, general coexistence of society.

Bogotá City local regulations also prohibit carrying “Sharp cutting or blunt objects, such as knives, poniards, stilettos, stabs, awls, brass knuckles, bludgeons, machetes, hooks, bodkins, mallets, axes, hammers and any similar object that may be used to endanger person’s life or integrity as well as its property” (Bogota´s Decree No.217/2015. Art.1. See: https://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=61930). Tools carried for work or educational purposes are allowed, unless otherwise used as weapons.

No exception is admitted for knives carried in:

* Sports or cultural venues (Penal Code (Law 599/2000) Art.359. See: <https://www.suinjuriscol.gov.co/viewDocument.asp?ruta=Leyes/1663230>).
* Cabin Luggage in flights departing from Colombian airports (Aeronautic Regulations of Colombia No.160. Annex 15. Section 5.10. See:https://www.aerocivil.gov.co/autoridadde-la-aviacion-civil/bibliotecatecnica/Documents/Seguridad%20de%20la%20Aviaci%C3%B3n%20Civil/Adjuntos%20al%20RAC%20160/Adjunto%2015%20al%20RAC%20160.pdf).

*1.3 How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?*

As indicated (1.2), carrying knives is generally prohibited. Exceptions are admitted regarding the purpose or the intended use for such knives (work, studies, sports). The law does not describe exceptions or leniency based on a knife’s container or packaging although it may be admitted as evidence of its intended use.

Fire arms regulations provide a legal definition of “carrying” (Decree 2535 of 1993. Art. 17. See: https://www.suinjuriscol.gov.co/viewDocument.asp?id=1461503#:~:text=El%20presente%20Decreto%20tiene%20por,la%20importaci%C3%B3n%20y%20exportaci%C3%B3n%20de) as the action of a person that takes a weapon with him/herself o within reach for personal defense, while “transporting” (Decree 2535 of 1993. Art. 17. See: https://www.suinjuriscol.gov.co/viewDocument.asp?id=1461503#:~:text=El%20presente%20Decreto%20tiene%20por,la%20importaci%C3%B3n%20y%20exportaci%C3%B3n%20de) is defined as moving an unloaded weapon from one place to another, for repairs or practice observing security measures. But an analogy with “armas blancas” is not formally recognized.

Passengers of flights departing from Colombian airports are only allowed to transport knives in checked baggage (Aeronautic Regulations of Colombia No.160. Annex 15. Section 5.1.2 See: https://www.aerocivil.gov.co/autoridadde-la-aviacion-civil/bibliotecatecnica/Documents/Seguridad%20de%20la%20Aviaci%C3%B3n%20Civil/Adjuntos%20al%20RAC%20160/Adjunto%2015%20al%20RAC%20160.pdf).

*1.4 Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. railway station, airport, market places, football stadium, event halls etc.)?*

Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. public building, schools, railway station, airport, market places, football stadium, event halls etc.)? As indicated (1.2), carrying knives is generally prohibited in all public places and all places open to the public. Particularly Sports and Cultural venues, such Stadiums and Theaters.

*1.5 How is the blade length measured (only the cutting blade or including the blade shank)?*



No regulation on how to measure blades length has been adopted so far.

*1.6 Are there any further dangerous objects which also fall under the Weapons Act?*

As expressed above, there is no single “Weapons Act” in Colombia. Different regulations at National and Regional level, as well as from different regulatory bodies comprise the regulatory framework for weapons in the country. A definition of “dangerous objects” is also not provided in the law. On the contrary the concept of “Armas blancas”, although open for judicial interpretation, has being defined in regulations as described in 1.1. Other definitions and examples of prohibited cutting or blunt objects are included in regulations described in 1.2.

*1.7 Are there any exceptions?*

Knives carried for sports activities, for a given trade, for professional activities or for studies are exempted of the general prohibition of carrying “Armas Blancas” (such as knives) provided that the person found in possession of the given knife can produce compelling evidence of the intended use. See 1.1, 1.2.

*1.8 What are the consequences for a legal offense?*

An individual found in in possession of a knife without a valid justification can be simultaneously:

* Fined up to US$1950.oo \*(amount equivalent to 8 minimum monthly wedges at current rate of exchange),
* Being expelled from the public place in which was found carrying the knife and,
* Forfeit the knife which can be destroyed by the police authorities (Law 1801/2016. National Code of Police and Citizens Coexistence. Art. 27. Paragraph. See: https://www.suinjuriscol.gov.co/viewDocument.asp?ruta=Leyes/30021736).

If found at a Sports or Cultural venue can be:

* Fined up to US$2450.oo \*(amount equivalent to 10 minimum monthly wedges at current rate of exchange)
* Be banned from entering the venue from 6 months to 3 years (Penal Code (Law 599/2000) Art.359. See: https://www.suinjuriscol.gov.co/viewDocument.asp?ruta=Leyes/1663230).

*1.9 Are there any legislative developments? If so what do they concern?*

During the last 4 years 2 bills (164-2018, 176-2019) amending the Penal Code (both with similar drafting) have been submitted to congress in order to:

1. Legally define the term “Armas Blancas” or the concept of bladed weapon (including knives, blades and scissors) and,
2. Regulate its manufacturing, commerce, carrying and ownership by imposing government permits for them.

A general penalty of 4-8 years of prison was proposed for violating any of the provisions.

Both bills have been dropped and filed by congress due to lack of discussions. Yet both have been supported by the current government as part of its security policy. It is expected that in 2022 a new bill will be submitted (the bills referenced were: 1. Bill 164 of 2018. See: <https://leyes.senado.gov.co/proyectos/index.php/proyectos-ley/cuatrenio-2018-2022/2018-2019/article/164-por-medio-del-cual-se-modifican-los-articulos-365-y-366-de-la-ley-599-de-2000-codigo-penal-colombiano-se-reglamenta-el-porte-de-armas-blancas-y-se-dictan-otrasdisposiciones> and 2. Bill 176 of 2019. See: https://leyes.senado.gov.co/proyectos/index.php/textos-radicados-senado/p-ley-2019-2020/1647-proyecto-de-ley-176-de-2019).

# Airports

* 1. *According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.*

According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or Sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.

* + 1. *Are there any further national regulations to be considered in this respect?*

Aeronautic Regulations of Colombia issued by the national aeronautic authority (Aerocivil) includes a similar prohibition for any bladed weapon or objects that may be used as a bladed weapon to be introduced by passengers or others into aircrafts or security zones of Colombian airports (Bill 176 of 2019. See: https://leyes.senado.gov.co/proyectos/index.php/textos-radicados-senado/p-ley-2019- 2020/1647-proyecto-de-ley-176-de-2019). A bladed weapon or “Arma Blanca” is defined as a “group of instruments of a flattened shape, varied structure, that have one or more cutting edges and whose tip can be pointed or blunt. In a general sense, edged weapons can be grouped into (a) Stabbing weapons (b) Cutting weapons (c) Sharp cutting weapons (d) Sharp blunt weapons” (Aeronautic Regulations of Colombia No.160. Annex 15. Section 5.10 See: https://www.aerocivil.gov.co/autoridadde-la-aviacion-civil/bibliotecatecnica/Documents/Seguridad%20de%20la%20Aviaci%C3%B3n%20Civil/Adjuntos%20al%20RAC%20160/Adjunto%2015%20al%20RAC%20160.pdf), there is no distinction related to size or other specific features of bladed weapons.

* + 1. *If your country is outside the EU, what are the corresponding local regulations?*

Aeronautic Regulations of Colombia issued by the national aeronautic authority (Aerocivil).

* 1. *May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?*

Yes. Local Airports management must develop an Airport Security Plan following the standards set in Aeronautic Regulations of Colombia which in turn follow international standards. Such plan requires previous authorization from Aerocivil. Stricter compliance, although rare, can be implemented within Aerocivil criteria (Aeronautic Regulations of Colombia No.160. Section No. 160.300 -Civil Aviation Security Responsability at the Airport. See: https://www.aerocivil.gov.co/normatividad/RAC/RAC%20%20160%20-%20Seguridad%20de%20la%20Aviaci%C3%B3n%20Civil.pdf).

* 1. *May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6cm? If so, is the size of the pair of scissors or the length of the saw of relevance?*

Length of a knife, a pair of scissors or a saw is no criteria to deem them as “arma blanca” or bladed weapon by local Aeronautical Regulations. See 2.1.1.

* 1. *What is considered as a sharp object besides knives?*

Please see. 2.1.1.

* 1. *Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?*

No. Currently there are not.

* 1. *Are there any changes intended in the near future? If so what do they concern?*

No change has been announced in Colombian Aeronautical Regulations related to knives of bladed objects. Should you have any question or comment, please do not hesitate to contact us.

Ibach, Switzerland, 21 June 2021

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