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Document on the situation of human rights defenders of the Afro-Colombian people

Colombia is a country that, in the last few years, has been advancing in the topic of ending the armed conflict, but in spite of these efforts has continued in a historical debt with the Afro-Colombian people, for whom the conditions of violation of Human Rights are massive and systemic.

These issues include prior, free and informed consultation and the murders of those who defend the dignity of their territories. Their autonomy and self-governance is not only regrettable, but furthermore horrific, especially when the institutions of the state have ignored the early warnings issued from various human rights and grassroots organizations before the increase in murders and threats perpetuated, especially for Afro-Colombian, Black, Palenqueras and Raizal women. There have been advances through various actions from judicial proceedings until mobilizations, in order to denounce a situation that is getting worse.

Currently, even with the implementation of the National Human Rights System and International Humanitarian Law, the outlook for social and community leaders, and defenders of Afro-Colombian human rights, is not encouraging.

Colombia is a country that in terms of protection and security for social leaders and human rights defenders presents great weaknesses, given that tools or protection strategies are homogeneous and undifferentiated for the individual ethnic-racial and territorial realities of each person, making these measures null or ineffective.

The security schemes assigned by the National Protection Agency (ANP) have become a problem, given that in some cases they generate breaks in the community and organizational processes. Additionally, there are great flaws affecting the trust and credibility of the service, the effectiveness to reduce the phenomenon, as well as the actions of investigation, justice and punishment of criminal structures fundamentally linked to reinforcing the guarantees of preservation, integrity and care of the lives and family environment of Afro-Colombian leaders.

As of 2018, the figures that reflect the humanitarian crisis and security issues that Afro-Colombian people face show an alarming increase in the number of leaders killed and threatened. These cases include the murders of Nicomedes Payan, community and social leader of López de Micay (Cauca) and Leidy Amaya of San Calixto (Norte de Santander) on January 30, Temistocles Machado, social leader of Buenaventura, assassinated in Isla de la Paz on Saturday, January 27, Miguel Eduardo Parra Rondón Chigatá, president of the JAC in the village El Roble (Norte de Santander) on January 25, Fares Carabalí Carbonero of Buenos Aires (Cauca) murdered on January 23, José Olmedo Obando de Ipiales (Nariño) leader for the community council

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Afro Nueva Esperanza assassinated on January 22, Victor Vitola Cáceres (Antioquia) murdered on January 20, Plinio Pulgarín, President of the Community Action Board-JAC village of San Pedro de San José de Uré (Córdoba) murdered on January 18, Jesús Orlando Grueso Obregón and Jonathan Cundumi Anchino, in Guapi (Cauca) and others. These were all acts of sectorized violence in various regions of the country.

It is found that big projects of economic infrastructure, land, agroindustry and mining mobilize these groups, or criminal gangs, to act. While the government and institutions responsible for the protection of leaders in these regions deny that it is something systematic, it is noteworthy that the victims correspond to leaders from the areas most affected by the armed conflict in the country. Violence is the way that land claimants are silenced, this strategic is also used against Afro-Colombian leaders in the process of manual eradication of illicit crops, or peasants who are given death threats by criminal gangs and illegal groups that disputed territorial control in armed and legal manners, territories that for years were zones influenced by the FARC.

These lands hold economic interest national and internationally. Between these areas of Colombian territory are the cities of Buenaventura and Tumaco.. There also lie the departments of Cauca, Norte de Santander, Chocó, Nariño, Antioquia and Córdoba. Children, adolescent girls and young people of the Afro-Colombian people who are still recruited and suffering gender violence are other direct victims of this violence.

Additionally, Afro-Colombian children, adolescent girls and young people suffer the burden of having been born in the middle of an armed conflict, which, according to the official statistics, has produced more than eight millions of people victims, of which 52% have been children and adolescents, and of which 25% of the total are Afro-descendents.

Data lacks a characterization with an ethnic and racial approach of the affectations of Afro-Colombian children and adolescents. There are no official statistical figures that give an account of their human rights situation in the context of the armed conflict, which would be fundamental in the processes of individual and collective reparation, as well as its participation in the process that the Commission of Clarification of Truth put forth, among which are: forced displacement, armed recruitment of children, uprooting and loss of families, deschooling due to the conflict in the territory, confinement or displacement; loss of customs, histories, uses and traditions, among others. For the particular case of women belonging to this ethnic group, these actions have caused multiple conflicts, including damages that exerts violence on the lives and bodies of Afro-Colombian women, Femicide, the murder of their relatives, sexual violence of girls, adolescents, young people, enforced disappearance and threats. These express the grave situation and the intersection of vulnerability that live in their territories, which violates their rights.

Regarding the construction and implementation of the peace agreement, it should be noted that although the Afro-Colombian people have been the most affected in the internal armed conflict, their participation



in the construction of the agreements was very limited and only until the end an ethnic chapter was included in the agreement.

Despite the importance acquired by the ethnic groups within the agreement through the chapter, adequate spaces for consultation and effective participation with respect to the normative framework for the implementation of the Peace Agreement in the territories have not been enabled, to a greater extent affecting the participation and representation of Afro-Colombian women and youth. The situation of political representation of Afro-Colombian women is complex, with the percentage of participation not even reaching 1%, limiting the level of participation and access to power and of decision making.

In the implementation of peace agreements, Afro-Colombian women have been limited the right to participate to such an extent that there is 0% representation of these different mechanisms provided by the agreements¹.

Situations oriented by a structural order such as the intersection of multiple violations, which underlie violence of a discriminatory and racial nature, cause exclusionary conditions in what they generate stigmas and stereotypes that perpetuate conditions of inequality. Today, the judicial system has undertaken retaliations framed to silence the voices of women leaders and defenders through judicial persecution, criminalizing them and violating their right to freedom. Such is the case of Sara Quiñones and Tulia Marris, mother and daughter, who have worked for the collective rights of the Afro-Colombian people and their community in the Alto Mira y Frontera River in Tumaco.

Today the National Conference of Afro-Colombian Organizations (CNOA by its acronym in Spanish), a convergence that integrates more than 270 organizations of the Afro-Colombian people, raises our voices in protest and manifestation of disagreement in the face of institutional indifference and the lack of pertinent actions that give fulfillment and provide guarantees for full enjoyment and effective rights to Black peoples in Colombia and the guarantee of life and recognition of autonomy and defense of their territories without incurring risks that threaten the integrity and survival of social leaders and human rights defenders.

¹ The special instance of women for the implementation of the gender approach in the agreements for stable and lasting territorial peace is 0%. The verification commission has 0%, the technical secretary of notables has 0%, the tripartite verification mechanism 0 %, the technical support of verification has 0%, the support group of the national participation council 0%, the national reintegration council 0%, special electoral commission 0%, commission guarantee of security 0%, the selection committee 0%.



Recommendations for the Rapporteur Mr. Michel Forst

In regards to the special report on the situation of human rights defenders, the National Conference of Afro-Colombian Organizations (CNOA) requests the Rapporteur Mr. Michel Forst recommend the Colombian State to:

- Implement protection mechanisms for Afro-Colombian leaders according to their territorial dynamics, applying an ethnic-racial, gender and generational approach and recognizing these intersections. These processes should be inclusive for Afro-Colombian women, young people and the Afro-LGBTI population, effective in the protection of their lives and eliminate the barriers to such protection, balancing the response times since they are equidistant from the levels of risk. In coordination with the state agencies at the local level, regional and national security should also be guaranteed for the leaders' security and Afro-Colombian leaders.
- Guarantee the fundamental right to consultation, free and informed prior to the Afro-Colombian people, regulating effective mechanisms for participation and concertation, as well as the transparent and effective practices of these processes at a territorial level in articulation with the legal mechanisms for the implementation of the peace agreements at the territorial level.
- Adopt the Colombian Integral Program of Guarantees for Women Leaders and Advocates of Human Rights throughout the territories, as described in Resolution 0845 of 2018 in the same way that the functionality and operability of the Intersectoral Commission of Guarantees for the Women Leaders and Human Rights Defenders instance was created from the Decree 1314 of August 10, 2016.
- Carry out a characterization with an ethnic racial approach to the affectations of the Afro-Colombian children and young people who are victims of the armed conflict, that covers both the provisions of Auto 251 and Car 005, the follow-up of Judgment T025 in forced displacement, as the other affectations identified by victimizing facts (armed child recruitment, uprooting and loss of families, deschooling due to conflict in the territory, confinement or displacement; loss of customs, histories, uses and traditions, among others).
- Design, implement and follow up on public policies with a differential approach to Afro-Colombian racial ethnicity at the national and territorial levels, guaranteeing participation of the Afro-Colombian people and the ethnic social organizations that defend their rights that allow for the repair and reduction of the impacts of the armed conflict, structural racism, discrimination, the economic poverty and the institutional abandonment by the State.
- Request significant progress from the IACHR in petitions made by the Diocese of Quibdó and ethnic-territorial organizations of Chocó-Colombia on judicialization of more than 150 people killed by paramilitaries (petition in 2003), give a solution to the forced displacement by development projects



(October 27, 2014) and the construction of a human rights plan for Chocó and Buenaventura (petition for 2014).

- Request the Colombian government to comply with Auto 620 of 2017, which establishes urgent provisional measures for the protection of communities of the Nariño Coast.

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