



## Human rights situation for the black, afro-colombian, raizal and palenquera population

21

### Implementation of recommendations from the previous period

Namibia, Ivory Coast, Serbia, Peru, Botswana, Nigeria, Senegal, Dominican Republic, and Bolivarian Republic of Venezuela formulated recommendations to the Colombian State on strengthening regulatory and institutional frameworks that would establish a complete definition of racial discrimination in accordance with Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. However, during the period there were clear signs of persistent structural racism and the systematic exclusion of this population that included increased poverty, misery, and the worsening of racist violent practices, such as the confinement of communities due to the presence of armed groups.

This is despite the fact that in 2018 Colombia received 42 recommendations from 34 countries on improving living conditions for Afro-descendant peoples. The measures included: full implementation of the Final Peace Agreement; comprehensive reparations and protection for victims of gender-based violence, victims of the armed conflict, and human rights leaders; access to justice for ethnic peoples; guarantees of sexual and reproductive rights; and ensuring access to the right to collective land titles, among others. A fulfillment of these recommendation requires an understanding and recognition of the diversity of Afro-descendant people, which takes into account their historical conditions and unique ways of being in the world. (2)

### Current status

**Statistical invisibility:** In Colombia, disperse information and the lack of a unified methodology to collect data generates barriers that affect rigorous research on the rights of Afro-descendant populations. This situation was recognized by the Constitutional Court in Ruling T-276 of 2022, which highlighted the deficiencies with the most recent National Population Census in 2018, which made the Afro-descendant population statistically invisible. To date, no progress has been made with the DANE's methodology in this area that would allow the public entity to effectively comply with the Constitutional Court's ruling. (3)

**Right to Prior Consultation:** In the UPR 2018, the State of Palestine, Switzerland, Peru, and the Holy See recommended that the Colombian State continue to strengthen prior consultation mechanisms for Indigenous and Afro-descendant peoples. However, and specifically related to Afro-Colombian peoples, to date there have been no legislative initiatives that seek to regulate this issue. Legislation is an essential step to guarantee ethnic peoples' collective dominion, use, and enjoyment of their territory. The gaps in this area contribute to a lack of guarantees for other rights, such as the right to decide on projects that impact Afro-descendant cultural identity and the preservation and care of their territories.

(1) Mexico, Austria, Belgium, Canada, Costa Rica, France, Germany, Ghana, Dominican Republic, Italy, United Kingdom of Great Britain and Northern Ireland, Gabon, Guyana, Honduras, Haiti, Plurinational State of Bolivia, Peru, Nigeria, Serbia, United States of America, Congo, Senegal, Namibia, Bolivarian Republic of Venezuela, Holy See, State of Palestine, Switzerland, Niger, Botswana, Ivory Coast, Canada, Norway, Brazil, and Australia.

(2) Although the figures are concerning, it is noteworthy that the number of victims with Indigenous and/or Afro-descendant ethnicities only represents 35.4% of the consolidated total. A total of 1201 social leaders were murdered during the period, according to INDEPAZ, most of whom were Indigenous or Afro-descendant. Regarding the diversification of armed groups and their actions in ethnic territories, the Ombuds Office has issued more than 137 early warnings, which have gone unheeded. According to the latest report from the Ombuds Office, 115 forced displacements were of ethnic communities, and 72 of these were Black or Afro-Colombian communities. Furthermore, 24,121 families and 69,780 people were victims of mass forced displacement. The authors of this report have concluded that the murder of human rights defenders continues to occur in ethnic communities and targets persons belonging to ethnic peoples.

(3) Illex Acción Jurídica (2023). ¿Superar la desigualdad racial sin datos?: la invisibilidad estadística de la población afrodescendiente en los registros administrativos de los sectores de educación y justicia en Colombia. Available at: <https://illexaccionjuridica.org/wp-content/uploads/2023/05/Superar-la-desigualdad-racial-sin-datos-V9-DIGITAL-1.pdf>

Acts of aggression and persecution of Human Rights Defenders: Austria, Norway, Belgium, Canada, Costa Rica, France, and Germany urged the Colombian State to ensure protection of the lives and physical safety of human rights defenders belonging to minority groups, especially Afro-descendant peoples, to preserve and promote their leadership. In its annual report, OHCHR warned that 15 Afro-descendant leaders were killed in Colombia during 2022. Current protection plans do not have protection roadmaps that recognize the differential impacts of violence on Afro-descendant peoples, nor do they involve support to relocate leaders and their families. There is also a lack of suitable protection measures that are based on the needs of Afro-descendant peoples. In addition, these programs do not recognize existing security structures in Afro-descendant communities, such as the Maroon Guard, which would help establish effective mechanisms for collective physical, cultural, and territorial protection as subjects of special rights.

Confinement and Forced Displacement: According to the report titled Trends and Humanitarian Impact in Colombia 2022, (4) 70% of the 102,395 people who have been confined or limited in their mobility are Afro-descendants. The departments most affected by confinement are Arauca, Cauca, Chocó, Nariño, Valle del Cauca, and Antioquia. Although these figures are alarming, it is notable that the number of victims who are Indigenous and/or Afro-descendant only represents 35.4% of the total, despite the fact that most of the crimes against human rights defenders occurred in departments that have a majority ethnic population.

(4) United Nations Office for the Coordination of Humanitarian Affairs. 2023. Informe Tendencias e Impacto Humanitario en Colombia 2022. Document available at [https://reliefweb.int/attachments/7886001b-f5cc-43b5-9df0-efa08df26cfe/informe\\_impacto\\_y\\_tendencias\\_ene\\_dic\\_2022\\_vf.pdf](https://reliefweb.int/attachments/7886001b-f5cc-43b5-9df0-efa08df26cfe/informe_impacto_y_tendencias_ene_dic_2022_vf.pdf).

## Recommendations

1. Create differential protection mechanisms for people belonging to the Black, Afro-Colombian, Raizal (Islander), and Palenque LGTBIQ+ communities, as well as ensuring their participation in the design and deployment of public policies.
2. Guarantee the right to prior consultation to safeguard the lives of the Afro-Colombian people and their territories.
3. Guarantee assistance and comprehensive collective reparations for Afro-descendant communities in an orderly, systematic, coherent, efficient, and harmonious manner. All of the actions carried out in this area should be designed to generate dialogue, participation, and respect for the human rights, identities, and diversity of Afro- descendant people, as well as contributing to the legal defense of Afro-Colombian people in judicial contexts.
4. Design a Comprehensive Census Preparation Plan for the identification of Black, Afro-Colombian, Raizal (Islander), and Palenque peoples living in the country.