

**VIOLATIONS OF AFRO-COLOMBIAN WOMEN'S HUMAN
RIGHTS**

**A REPORT FOR THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION**

For Consideration in the List of Themes

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Submitting Organizations:

Proceso de Comunidades Negras (Black Communities Process, PCN) is a nation-wide organizational dynamic, made up of more than 120 grassroots Afro-Colombian organizations, Community Councils and individuals dedicated to the defense and promotion of the collective rights of Black / Afro-descendant Peoples and the struggle to end racism and all forms of discrimination in Colombia. More information at: <http://renacientes.net>

MADRE is an international women's human rights organization that partners with community-based women's groups worldwide facing war and disaster. MADRE works towards a world in which all people enjoy the fullest range of individual and collective human rights; resources are shared equitably and sustainably; women participate effectively in all aspects of society; and people have a meaningful say in decisions that affect their lives. More information at:

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The **Human Rights and Gender Justice Clinic of CUNY** advocates before international and regional human rights bodies and national and local court and legal institutions to combat gender discrimination and sexual violence, advance sexual and reproductive rights and economic and social rights and promote women's participation and empowerment. More information at: <http://law.cuny.edu/academics/clinics/hrgj.html>

I. Introduction

This report, prepared for the List of Themes in advance of the review of Colombia's human rights record by the Committee on the Elimination of Racial Discrimination, describes a widespread pattern of human rights violations committed against Afro-Colombian women and their communities, a pattern which in turn underscores entrenched systemic racial and gender discrimination in Colombia. Part II details ways in which Afro-descendant women are excluded from meaningful participation in peace implementation, and relatedly, the Government's failure to adequately implement racial and gender justice provisions of its 2016 Peace Accord with the Fuerzas Armadas Revolucionarias de Colombia (FARC). Part III describes the consistent attacks on Afro-descendant human rights defenders, including women, the lack of meaningful state protection for them, and the environment of impunity in which the attacks occur. The following section provides information on the disproportionate vulnerability to sexual and gender-based violence that Afro-descendant communities face, and the lack of services, protection and justice for victims. Lack of access to adequate, appropriate, and timely health services for Afro-descendant survivors of sexual and gender-based violence is described in more detail in Part V. Part VI discusses the Government's failure to uphold the collective territorial rights of Afro-Colombian women and their communities, placing their very existence as Peoples at risk. Each section is followed by suggested questions and recommendations to the Colombian government.

II. PEACE ACCORD IMPLEMENTATION & AFRO-COLOMBIAN WOMEN'S PARTICIPATION (ARTS. 2, 5 and 6)

As a result of historic and systemic racism in Colombia, Afro-Colombians, and in particular Afro-Colombian women, have been disproportionately affected by Colombia's decades-long conflict.¹ Through the creation of the Afro-Colombian National Peace Council, Afro-Colombian organizations, with strong leadership from Afro-Colombian women, developed a vision for the peace process that would recognize and remedy historic injustices and discrimination against Afro-Colombians, including gender discrimination, in order to ensure an inclusive and lasting peace.² Despite attempts to exclude Afro-Colombians from the negotiating table, rapid mobilization of a coalition of leading Indigenous and Afro-Colombian organizations, led to inclusion of the "Ethnic Chapter" (Point 6.2) in the Government's final peace agreement with the Fuerzas Armadas Revolucionarias de Colombia (FARC).³

The Ethnic Chapter acknowledged the disproportionate impact of the conflict on Afro-Colombian and Indigenous communities, within a historic framework of discrimination and violence against them, and included key safeguards for their collective territorial and individual rights. Importantly, the Ethnic Chapter adopted an intersectional rights-based approach that reflects how factors including ethnicity, race and gender affect certain populations differently during conflict and how they should be accounted for in peace implementation.⁴ The Peace Accord also incorporates ground-breaking gender-based human rights protections, including provisions calling for women's participation in all levels of Accord implementation, all of which apply to Afro-descendant women.⁵

While representing an important advance in peacebuilding, these provisions are only meaningful if implemented. Unfortunately, the Government has demonstrated an unwillingness to fully fund and implement them, and has failed to meaningfully ensure participation by Afro-Colombians, including women, in all mechanisms charged with peace implementation.

A. *Lack of Implementation of Gender and Racial Justice Provisions*

A lack of adequate political will and funding from the State have prevented full implementation of both the Ethnic Chapter and other gender and racial justice provisions,⁶ hindering Afro-

¹ Roosbelinda Cardenas, *The Anti-Racist Horizon in Colombia's Peace Process*, NACLA (Mar. 23, 2017), available at <https://nacla.org/news/2017/03/23/anti-racist-horizon-colombia%E2%80%99s-peace-process>; Proceso de Comunidades Negras, *Derrotar la Invisibilidad: Un Reto para Las Mujeres Afrodescendientes en Colombia*, El Panorama de la Violencia y la Violación de los Derechos Humanos Contra las Mujeres Afrodescendientes en Colombia, en el Marco de Los Derechos Colectivos, pp. 5-7 (Apr. 2012).

² Consejo Nacional de Paz Afrocolombiano (CONPA), *Agenda de Paz Afrocolombiana*, p. 53 (12 Jul. 2017)

³ Roosbelinda Cárdenas, *The Anti-Racist Horizon in Colombia's Peace Process*, NACLA (23 Mar. 2017). Notably, the government only accepted three pages of the more than 40 proposed pages.

⁴ Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, article 6.2.3 (24 Nov. 2016).

⁵ Latin America Working Group Education Fund & Washington Office on Latin America, *The Fight for Inclusion: Advocating for a Gender-Sensitive Implementation of the Colombian Peace Accords*, p. 1-2 (July 2019), <https://colombiapeace.org/wp-content/uploads/2019/07/Advocating-for-a-Gender-Sensitive-Implementation-of-the-Colombian-Peace-Accords.pdf>.

⁶ Contraloría General de la República (CGR), "Segundo informe al Congreso sobre la ejecución de los recursos y cumplimiento de las metas del componente para la paz del Plan Plurianual de Inversiones 1 de enero 2017 a 30 de

Colombian women's participation in national institutions and mechanisms for peace. While the initial peace implementation framework (*Plan Marco*) drafts excluded any mention of the Ethnic Chapter, after substantial advocacy by civil society, including by Afro-descendant and Indigenous organizations, the Special High Level Body for Ethnic Peoples (*Instancia Étnica*) negotiated directly with the Government to include ethno-racial- and gender-responsive indicators jointly developed by Afro-Colombian and Indigenous authorities and organizations, including women's organizations.⁷ Afro-Colombian human rights defenders remain concerned, however, that the government has not dedicated adequate funding to implement the Accord in line with these indicators,⁸ and observers report sparse implementation of both its racial and gender justice provisions. As of November 30, 2018, 46% of the commitments with an ethnic/racial focus had not been initiated; 41% were minimally implemented; 9% had reached an intermediate level of implementation; and only 4% of the commitments had been fully implemented.⁹ Also as of that date, 46% of commitments with a gender focus had not been initiated; 38% (50) were minimally implemented; 10% (13) had reached an intermediate level of implementation; and just 5% (7) of the commitments had been fully implemented.¹⁰

The Peace Accord created two Special High Level bodies to monitor and guide implementation of its gender and racial justice provisions: The Special High Level Body to Guarantee Gender Perspective in Accord Implementation and the Special High Level Body for Ethnic Peoples (*Instancia Étnica*).¹¹ These entities are meant to serve as first-order consultants to the Commission for Monitoring, Verifying and Furthering Implementation of the Final Accord (CSIVI), the body

marzo de 2018", (August 2018) at 116-119, 128-130

<https://www.contraloria.gov.co/documents/20181/787219/Segundo+informe+al+Congreso+sobre+la+ejecución+de+los+recursos+y+cumplimiento+de+las+metas+del+componente+para+la+paz+del+Plan+Plurianual+de+Inversiones+1+de+enero+de+2017+a+30+de+marzo+de+2018.pdf/6af3e981-05e3-44b0-8d3d-c334edbc60c6>;

Roosbelinda Cárdenas, *The Anti-Racist Horizon in Colombia's Peace Process*, NACLA (23 Mar. 2017).

⁷ Kroc Institute for International Peace Studies, *Segundo Informe Sobre El Estado Efectivo de Implementación del Acuerdo de Paz en Colombia* at 245-246 (Aug. 2018),

https://kroc.nd.edu/assets/284864/informe_2_instituto_kroc_final_with_logos.pdf; PCN and MADRE, *Open Letter to Colombian President Manuel Santos and Members of the Commission for Monitoring, Furthering and Verifying Implementation of Colombia's Peace Accord* (3 Oct. 2017), <https://www.madre.org/press-publications/statement/open-letter-colombian-president-manuel-santos-and-members-commission>;

CUNY School of Law, MADRE, and PCN, *Afro-Colombians' Human Rights: A Call for Racial and Gender Justice in Peacebuilding* (April 2018), [https://www.madre.org/sites/default/files/PDFs/Colombia UPR Report ENGLISH Updated.pdf](https://www.madre.org/sites/default/files/PDFs/Colombia%20UPR%20Report%20ENGLISH%20Updated.pdf).

⁸ Interview, Afro-Colombian woman human rights defenders (29 Sept. 2018) (on file with MADRE) (names omitted for safety reasons); Angélica Bernal Olarte, *¿Plan nacional de desarrollo: 2018 o 1998?*, La Silla Vacía (4 Apr. 2019), <https://lasillavacia.com/silla-llena/red-de-las-mujeres/plan-nacional-de-desarrollo-2018-o-1998-70714>; Olga Patricia Rendón, *El enfoque de género no avanza*, El Colombiano (26 Oct. 2018), <https://www.elcolombiano.com/colombia/paz-y-derechos-humanos/enfoque-de-genero-en-el-acuerdo-de-paz-es-letra-muerta-HG9558696>.

⁹ Kroc Institute for International Peace Studies, *Estado efectivo de implementación del Acuerdo de Paz de Colombia 2 años de implementación, Informe 3, Diciembre 2016 – Diciembre 2018*, at 232 (9 April 2019), https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf.

¹⁰ Kroc Institute for International Peace Studies, *Estado efectivo de implementación del Acuerdo de Paz de Colombia 2 años de implementación, Informe 3, Diciembre 2016 – Diciembre 2018* (9 April 2019), at 223-225, 232-233 https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf.

¹¹ Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, at Arts. 6.1.d and 6.2.3(f), respectively, (Nov. 24, 2016), <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>;

in charge of monitoring implementation of the peace agreement.¹² Insufficient funding and lack of political recognition have limited the ability of members of the *Instancia Étnica* to carry out their mandate as the first-order consultant, representative and liaison body on peace implementation in Indigenous and Afro-Colombian territories.¹³ CSIVI failed to establish an ongoing communication mechanism with the *Instancia Étnica*, further complicating the question of the *Instancia*'s authority and mandate, thereby limiting the possibility of intersectional monitoring and reproducing Afro-Colombian and Indigenous women's invisibility and exclusion.¹⁴

B. Lack of Adequate Inclusion of Afro-Colombian Women & Their Communities in Peace Implementation

The Colombian Government has failed to consistently ensure Afro-Colombians' rights to participate in the peace implementation process. Tactics include limiting the opportunity, format and time for review of legislative proposals by Afro-Colombian authorities, as well as limiting the participation of Afro-Colombians on key implementation bodies. For example, while a process of free, prior and informed consent was mandated in order to pass legislation creating the Special Jurisdiction for Peace (JEP), the Government imposed serious time limits for reviewing and influencing the legislation, and only sought input via email from a limited number of people.¹⁵ Consequently, proposals that Afro-Colombians presented were ignored in the final statute.¹⁶ Limited opportunity for Afro-descendants' meaningful input was a consistent feature in multiple other legislative initiatives to implement the Accord,¹⁷ some with significant impacts on territorial rights. For instance, vague language in Decree-law 902/2017, which outlines who can access the land fund stipulated by the Peace Accord, guarantees Indigenous Peoples and peasant farmers

¹² Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, at Art. 6, (Nov. 24, 2016), <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>;

¹³ Kroc Institute for International Peace Studies, *Estado efectivo de implementación del Acuerdo de Paz de Colombia 2 años de implementación, Informe 3, Diciembre 2016 – Diciembre 2018* (9 April 2019), at 173 https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf.

Kroc Institute for International Peace Studies, *Segundo Informe Sobre El Estado Efectivo de Implementación del Acuerdo de Paz en Colombia*, p. 245 (Aug. 2018), https://kroc.nd.edu/assets/284864/informe_2_instituto_kroc_final_with_logos.pdf; Kroc Institute for International Peace Studies, *Special Report of the Kroc Institute and the International Accompaniment Component, UN Women, Women's International Democratic Federation, and Sweden, on the Monitoring of the Gender Perspective in the Implementation of the Colombian Final Peace Accord*, p. 30 (Oct. 2018), https://kroc.nd.edu/assets/297624/181113_gender_report_final.pdf; Organización Nacional Indígena de Colombia (ONIC), *Pronunciamiento de la Instancia Especial de Alto Nivel con Pueblos Étnicos*, (2 Aug. 2018), <https://www.onic.org.co/comunicados-onic/2491-pronunciamiento-de-la-instancia-especial-de-alto-nivel-con-pueblos-etnicos>.

¹⁴ Kroc Institute for International Peace Studies, *Segundo Informe Sobre El Estado Efectivo de Implementación del Acuerdo de Paz en Colombia*, p. 245-246 (Aug. 2018), https://kroc.nd.edu/assets/284864/informe_2_instituto_kroc_final_with_logos.pdf.

¹⁵ Kroc Institute for International Peace Studies, *Segundo Informe Sobre El Estado Efectivo de Implementación del Acuerdo de Paz en Colombia*, p. 246 (Aug. 2018), https://kroc.nd.edu/assets/284864/informe_2_instituto_kroc_final_with_logos.pdf; Interview with Afro-Colombian woman human rights defender (10 Jun. 2018) (on file with MADRE) (name omitted for safety reasons).

¹⁶ Interview with Afro-Colombian women's human rights defender (10 Jun. 2018) (on file with MADRE) (name omitted for safety reasons).

¹⁷ Kroc Institute for International Peace Studies, *Segundo Informe Sobre El Estado Efectivo de Implementación del Acuerdo de Paz en Colombia*, p. 344 (Aug. 2018), https://kroc.nd.edu/assets/284864/informe_2_instituto_kroc_final_with_logos.pdf.

(*campesinos*) access through a specific account, but excludes mention of access to a fund for Afro-descendant communities.¹⁸ The Government has also failed to adequately coordinate with Afro-Colombian authorities regarding collective security and self-protection as required under the Accord.¹⁹ Measures incorporating a gender perspective in security guarantees have also not been fully implemented.²⁰ For example, the National Commission on Security Guarantees (CNGS) has only one woman civil society representative, despite women's organizations' repeated requests to be meaningfully included.²¹

C. Suggested Questions for the Colombian Government

1. What measures is the Government taking to strengthen implementation of the Ethnic Chapter, as well as the gender focused provisions of the Peace Accord, including ensuring the integrity and authority of the CSIVI and the *Instancia Étnica*?
2. What measures is the Government taking to ensure participation of Afro-Colombian and Indigenous Communities in the Peace Accord implementation process, including (1) specific measures to address under-representation in the bodies charged with implementation, and (2) safeguards to ensure meaningful consultation, such as sufficient opportunities, adequate time, and an appropriate format for providing input?

D. Suggested Recommendations to the Colombian Government

We encourage the Committee to call on the Colombian Government to:

- Dedicate sufficient political and financial support to the *Instancia Étnica* so that it can execute its mandate in the implementation of the Ethnic Chapter and effectively collaborate with other mechanisms of Peace Accord implementation;
- Commit technical and financial resources to support implementation of the Ethnic Chapter in accordance with the Plan Marco Ethnic Chapter indicators;
- Ensure continued operation of the CSIVI, and continued participation and consultation between Afro-Colombian and Indigenous authorities—including women representatives and organizations—and the CSIVI in peace implementation; and

¹⁸ Decreto-Ley Número 902 de 2017, Art. 18 (May 29, 2017).

¹⁹ Interview with Afro-Colombian woman human rights defenders (10 Jun. 2018) (on file with MADRE) (name omitted for safety reasons); *Indígenas y afros, excluidos del nuevo programa de protección para comunidades*, Verdad Abierta (27 Apr. 2018), <https://verdadabierta.com/indigenas-y-afro-excluidos-del-nuevo-programa-de-proteccion-para-comunidades/>.

²⁰ Kroc Institute for International Peace Studies, *Special Report of the Kroc Institute and the International Accompaniment Component, UN Women, Women's International Democratic Federation, and Sweden, on the Monitoring of the Gender Perspective in the Implementation of the Colombian Final Peace Accord*, p. 32 (Oct. 2018), https://kroc.nd.edu/assets/297624/181113_gender_report_final.pdf.

²¹ Kroc Institute for International Peace Studies, *Special Report of the Kroc Institute and the International Accompaniment Component, UN Women, Women's International Democratic Federation, and Sweden, on the Monitoring of the Gender Perspective in the Implementation of the Colombian Final Peace Accord*, p. 34-35 (Oct. 2018), https://kroc.nd.edu/assets/297624/181113_gender_report_final.pdf.

- Accelerate implementation through adequate funding of the gender provisions of the Peace Agreement, including those related to the security guarantees of women leaders and human rights defenders and harmonize the National Development Plan with the provisions.²²

III. THREATS AGAINST AND ATTACKS ON AFRO-COLOMBIAN HUMAN RIGHTS DEFENDERS (ARTS. 5 and 6)

A. Failure to Prevent Threats Against and Killings of Human Rights Defenders

Violence against human rights defenders and community leaders continues unabated, disproportionately impacting Afro-descendant, Indigenous, and rural leaders, as well as women leaders promoting Peace Accord provisions such as rural reform or crop substitution.²³ According to civil society organizations monitoring the situation, between January 1, 2016 to May 20, 2019, 499 human rights defenders were murdered, and approximately 45% were Afro-descendant or Indigenous.²⁴ From January to May 20, 2019 alone at least 80 human rights defenders and social leaders were assassinated throughout Colombia.²⁵ Threats against human rights defenders have also increased. Between January and June of 2018, 272 human rights defenders were threatened, up from 225 during the same period the year prior.²⁶ Women human rights defenders in particular face threats and violence due to their prominent local leadership roles and their persistent work to document and denounce individual and collective human rights violations, and to protect territories from environmental harm.²⁷ Observers find that murders of women human rights defenders denote greater levels of violence, including sexual violence, against them.²⁸

On May 4, 2019 in Santander de Quilichao, Cauca, armed men fired at and threw a grenade towards a meeting where Afro-descendant human rights and environmental defenders were preparing for

²² CEDAW, *Concluding observations on the ninth periodic report of Colombia*, ¶¶10, 12, 16(a) (UN Doc CEDAW/C/COL/CO/R.9 (14 Mar. 2019)).

²³ Instituto Kroc de Estudios Internacionales de Paz, Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia, p.103 (2019), https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf; Indepaz, Separata de actualización, Todos los nombres, Todos los rostros, p. 25, 28 (May 23, 2019), <http://www.indepaz.org.co/wp-content/uploads/2019/05/SEPARATA-DE-ACTUALIZACIO%CC%81N-mayo-Informe-Todas-las-voces-todos-los-rostros.-23-mayo-de-2019-ok.pdf>.

²⁴ Indepaz, Separata de actualización, Todos los nombres, Todos los rostros, p. 24-25 (May 23, 2019), available at <http://www.indepaz.org.co/wp-content/uploads/2019/05/SEPARATA-DE-ACTUALIZACIO%CC%81N-mayo-Informe-Todas-las-voces-todos-los-rostros.-23-mayo-de-2019-ok.pdf>

²⁵ Indepaz, Separata de actualización, Todos los nombres, Todos los rostros, p. 9-10 (May 23, 2019), available at <http://www.indepaz.org.co/wp-content/uploads/2019/05/SEPARATA-DE-ACTUALIZACIO%CC%81N-mayo-Informe-Todas-las-voces-todos-los-rostros.-23-mayo-de-2019-ok.pdf>

²⁶ Programa Somos Defensores, *Más Allá de las Cifras: Segunda Parte*, p. 88, (2018) <https://somosdefensores.org/wp-content/uploads/2018/09/MasAllaDeLasCifrasEspWeb.pdf>.

²⁷ Interview, Afro-Colombian woman human rights defender, (July 2, 2019), (on file with MADRE); UN Special Rapporteur on the situation of human rights defenders, End of Mission Statement by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst on his visit to Colombia (November 20, 2018), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23960&LangID=E>

²⁸ UN Special Rapporteur on the situation of human rights defenders, End of Mission Statement by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst on his visit to Colombia (November 20, 2018), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23960&LangID=E>

a dialogue with the government following national mass protests, referred to locally as a *minga*, in April in Norte de Cauca.²⁹ Several leaders present during the attack subsequently received threatening text messages on May 6 stating, “what happened on Saturday was only the beginning of the extermination of all.”³⁰ On May 29, the Black Eagles, a paramilitary group, distributed a pamphlet threatening a group of seven women human rights defenders.³¹ On June 10, two Afro-descendant women human rights defenders in Buenaventura received death threats from an unknown number.³² On June 21 an Afro-descendant woman leader in Córdoba, María del Pilar Hurtado, who reportedly received death threats from Autodefensas Gaitanistas de Colombia, was shot and killed outside her home in front of her adolescent son,³³ while the home of a woman peace activist from Montes de María, Yirley Velasco, received a letter signed by Autodefensas Unidas de Colombia, threatening her with the same fate as Hurtado if she continues her defense of the territory, including specifically her “meetings with women.”³⁴

Despite these continued threats, the National Protection Unit (UNP), in charge of providing protection to threatened leaders, is overwhelmed, lacks appropriate resources, and is unable to enact appropriate protection measures to address the threats.³⁵ For example, members of the board of directors of the Afro-descendant Community Council of Alto Mira and Frontera in Nariño were displaced from their community, and despite being granted individual protection measures, as of this year, the measures had not been implemented, and some members had to return to their territories in the face of threats and continued risk, while some remain displaced.³⁶ The UNP’s

²⁹ ACONC, ASOM y PCN, Accion Urgente: Atentado Contra Líderes y Lideresas de las Dinamicas Organizativas (May 5, 2019), available at <https://renacientes.net/blog/2019/05/05/accion-urgente-5/>; La Silla Vacía, Los callos que pisan los líderes afro en el norte del Cauca (May 6, 2019), available at <https://lasillavacia.com/silla-pacifico/los-callos-pisan-los-lideres-afro-norte-del-cauca-71445>; Deutsche Welle, Ataque contra Francia Márquez y otros líderes sociales en Colombia deja dos heridos (May 5, 2019), available at <https://www.dw.com/es/ataque-contr-francia-m%C3%A1rquez-y-otros-l%C3%ADderes-sociales-en-colombia-deja-dos-heridos/a-48605077>.

³⁰ Washington Office on Latin America, U.S. and Colombian Authorities Must Respond Strongly to Brazen Attack on Afro-Colombian Human Rights Groups (May 8, 2019), available at <https://www.wola.org/2019/05/u-s-and-colombian-authorities-must-respond-strongly-to-brazen-attack-on-afro-colombian-human-rights-groups/>.

³¹ El Espectador, Lideresas sociales son amenazadas por las Águilas Negras (May 30, 2019), available at <https://www.elespectador.com/noticias/nacional/lideresas-sociales-son-amenazadas-por-las-aguilas-negras-articulo-863448>

³² PCN, Accion Urgente Por Amenaza e Intimidacion a las Lideresas Sociales (June 11, 2019), available at <https://renacientes.net/blog/2019/06/13/accion-urgente-por-amenaza-e-intimidacion-a-las-lideresas-sociales-yency-murillo-sarria-y-mary-cruz-renteria-mina-integrantes-submesa-de-mujeres-en-el-marco-de-la-mesa-de-cultura-deporte-genero-y-ge/>.

³³ Semana, En presencia de su hijo asesinaron a Maria del Pilar Hurtado en Tierralta (June 21, 2019), available at <https://www.semana.com/nacion/articulo/asesinan-a-mujer-en-tierralta-cordoba/620478>; Boris Miranda, Maria del Pilar Hurtado: el asesinato de una mujer frente a sus hijos que indigna a Colombia (June 22, 2019), available at <https://www.bbc.com/mundo/noticias-america-latina-48732381>.

³⁴ Semana, Amenazan a líder social Yirley Velasco (Jul.1, 2019), available at: <https://www.semana.com/nacion/articulo/amenazan-a-lider-social-yirley-velasco/621641?fbclid=iwar0ahq80eilz4gymfoggvotju5wkqhwxhgrfiohmqm3jwru1aecju6h-iy>

³⁵ Instituto Kroc de Estudios Internacionales de Paz, Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia, p.189 (2019), available at https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf.

³⁶ Instituto Kroc de Estudios Internacionales de Paz, Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia, p.190-191 (2019), available at https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf; Communication with Anonymous Afro-Colombian human rights defender (3 Sept., 2019) (on file with MADRE).

protection measures have been found ineffective in rural areas,³⁷ and Afro-descendant leaders continue to identify a need for collective protection measures and initiatives to deal with the attacks' root causes, such as illegal mining and large-scale industry's demands for territory.³⁸

B. Failure to Adequately Investigate and Prosecute Attacks on Human Rights Defenders

Since its last review by the CERD Committee, Colombia has begun to slowly increase its investigations of human rights defender homicides and prosecutions of perpetrators, with collaboration from the Office of the UN High Commissioner for Human Rights (OHCHR). As of mid-2018, 50% of the homicides of 178 leaders whose murders were recognized by OHCHR between 2016 and mid-2018 had been opened to investigation.³⁹ However, this number discounts the higher number of cases reported by civil society organizations and even Colombia's own Defensoría del Pueblo. In addition, there was no criminal sentence, and therefore a state of impunity, in 91.4% of the 563 cases registered by Somos Defensores between 2009-2017.⁴⁰

On May 7, President Duque announced the creation of a group of specialized judges to handle cases of murders and threats against human rights defenders and social leaders.⁴¹ The Attorney General stated that these specialized judges are needed in certain regions due to the high number of cases.⁴² However, as of the end of May 2019, the Superior Council of the Judiciary had not met to define the new body of judges.⁴³ For human rights advocates, an increase in judges is an inadequate response to the overall lack of rigorous investigation, including determining intellectual authors of threats and violence against human rights defenders, which remain largely unknown despite hundreds of killings since 2016.⁴⁴

C. Stigmatization and Criminalization of Human Rights Defenders

High-level Colombian officials have publicly smeared and threatened human rights defenders or downplayed the dangers they face. Even Colombia's National Protection Unit (UNP) has minimized, disregarded, and dismissed politically-motivated attacks and killings, including against those standing up for Afro-descendants' rights. In December 2017, Minister of Defense Luis Carlos Villegas publicly denied the existence of a systematic pattern of killings of human rights

³⁷ Id.

³⁸ Edinson Arley Bolaños, 'Las capturas por el atentado son un falso positivo': líder afro del norte del Cauca, El Espectador (June 19, 2019), available at <https://www.elespectador.com/colombia2020/territorio/las-capturas-por-el-atentado-son-un-falso-positivo-lider-afro-del-norte-del-cauca-articulo-866720>.

³⁹ Programa Somos Defensores, *Más Allá de las Cifras: Segunda Parte*, p. 67, (2018), <https://www.colectivodeabogados.org/IMG/pdf/masalladelascifrasespweb.pdf>.

⁴⁰ Programa Somos Defensores, *Más Allá de las Cifras: Segunda Parte*, p. 68, (2018), <https://www.colectivodeabogados.org/IMG/pdf/masalladelascifrasespweb.pdf>.

⁴¹ El Colombiano, Duque creará cuerpo especial de jueces para casos de líderes sociales (May 7, 2019), available at <https://www.elcolombiano.com/colombia/paz-y-derechos-humanos/duque-creara-cuerpo-especial-de-jueces-para-casos-de-lideres-sociales-CB10660031>

⁴² El Colombiano, Duque creará cuerpo especial de jueces para casos de líderes sociales (May 7, 2019), available at <https://www.elcolombiano.com/colombia/paz-y-derechos-humanos/duque-creara-cuerpo-especial-de-jueces-para-casos-de-lideres-sociales-CB10660031>

⁴³ La Silla Vacía, Con el asesinato de los líderes, Duque ha sido más cámaras que acción (May 27, 2019), available at <https://lasillavacia.com/asesinato-los-lideres-duque-ha-sido-mas-camaras-accion-71794>.

⁴⁴ Interview, Afro-Colombian woman human rights defender, (2 July, 2019) (on file with MADRE).

defenders, and claimed the assassinations are the result of petty local squabbles.⁴⁵ Following the attempted assassination of Senator Alexander Lopez Maya, a longtime spokesperson for human rights and anti-corruption laws, the UNP issued a false statement claiming he had suffered from a robbery attempt.⁴⁶ Just before the attempt on his life, Senator Lopez had spoken out in favor of fulfilling promises for improvements that the Government made after the mass civil strike last year in Buenaventura, a majority Afro-Colombian city with high poverty and chronic public underinvestment.⁴⁷

Meanwhile, Colombian officials have targeted recipients of protection measures with arrest. On April 20, 2018, Afro-descendant women human rights defenders, Sara Liliana Quiñonez Valencia and her mother, Tulia Marys Valencia were arrested on baseless charges of narcotics trafficking and ties to the National Liberation Army (ELN). Both were denied bail and placed in maximum-security detention⁴⁸ for 15 months before being released on July 12, 2019 to await trial.

Noting the arrests of social leaders, including Sara and Tulia Marys, international observers warn that the Government's stigmatization and criminalization of social protest could legitimize violence against human rights defenders and social leaders.⁴⁹ For example, Danelly Estupiñan, an Afro-descendant woman human rights defender from Buenaventura, faces unfounded charges of slander and libel from the very office charged with investigating threats to her safety. Estupiñan and other Afro-descendant leaders have received threats since Buenaventura's 2017 mass civic strike (*paro cívico*), and she has documented increasing incidents of unknown men surveilling her and her family members for months on end, despite having reported the incidents to the prosecutor in January 2019.⁵⁰ While none of the threat perpetrators have been publicly identified, agents from the Technical Investigation Corps (CTI), a branch of the prosecutor's office, used their resources to file against Ms. Estupiñan for slander, in a move that appears designed to distract from their

⁴⁵ El Espectador, *Asesinatos de líderes son por "líos de faldas": ministro de Defensa* (17 Dec. 2017), <https://www.elespectador.com/noticias/politica/asesinatos-de-lideres-son-por-lios-de-faldas-ministro-de-defensa-articulo-728893>

⁴⁶ Gimena Sanchez-Garzoli, *Attack Against Colombian Labor Rights Senator Must Be Widely Condemned*, Washington Office on Latin America (15 May 2018), <https://www.wola.org/analysis/attack-colombian-labor-rights-senator-must-widely-condemned/>

⁴⁷ Gimena Sanchez-Garzoli, *Attack Against Colombian Labor Rights Senator Must Be Widely Condemned*, Washington Office on Latin America (15 May 2018), <https://www.wola.org/analysis/attack-colombian-labor-rights-senator-must-widely-condemned/>

⁴⁸ JM Kirby, *Facing Wrongful Detention and Threats, Afro-Colombian Women Call for Justice*, Truthout (17 Mar., 2019) <https://truthout.org/articles/facing-wrongful-detention-and-threats-afro-colombian-women-call-for-justice/>.

⁴⁹ Instituto Kroc de Estudios Internacionales de Paz, *Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia*, p.191 (2019), available at

https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf; Additionally, more than 260 national and

international academics have expressed their concern that the Government has failed to implement sufficient protection measures, failed to investigate intellectual authors of attacks on human rights defenders, and has incited violence against them. Carta Abierta al Presidente Ivan Duque Marquez de Academicos del mundo y de Colombia (May 21, 2019), available at <http://static.iris.net.co/semana/upload/documents/carta-academicos-a-duque.pdf>.

⁵⁰ Amnesty International, *Urgent Action: Human Rights Defender at Risk* (July 1, 2019), available at <https://www.amnesty.org/download/Documents/AMR2306212019ENGLISH.pdf>; El Espectador, *Agentes del CTI asedian a una lideresa social de Buenaventura?* (July 2, 2019), <https://www.elespectador.com/colombia2020/territorio/agentes-del-cti-asedian-una-lideresa-social-de-buenaventura-articulo-868728>.

agents' possible improper actions in relation to the case.⁵¹ Estupiñán reports being unable to carry out daily activities due to the insecurity she and her family face,⁵² which has forced her to relocate temporarily from Buenaventura, to escape the fate of fellow Buenaventuran Afro-descendant human rights defender, Temístocles Machado, who was assassinated in 2017.⁵³ Machado, a leader within Black Communities Process (PCN), played an instrumental role in a years-long neighborhood struggle against a port administrator company, TC-BUEN, a subsidiary of Maersk, that threatens to displace more than 7,000 families with large-scale expansion and tourist development projects; and in Buenaventura's 2017 civic strike, protesting a lack of basic services such as water, and health and education infrastructure, and the failure of the state to adhere to obligations to address insecurity.⁵⁴

In August 2019, the legal representative and leader of the Association of Community Councils of Northern Cauca (ACONC), Victor Hugo Moreno, was informed by the Prosecutor's Office, at a roundtable to monitor prosecutions of Indigenous and Black leaders of a May 2019 *minga* (a civil disobedience organized by Indigenous and Afro-descendant Peoples), that he himself is under investigation by the Prosecutor for his participation in the *minga*.⁵⁵ In addition, it was revealed there that one of the most recognized leaders of Colombia's Black movement, Carlos Rosero of PCN is also under investigation. These two leaders were among the victims of the May 4, 2019 attack on human rights defenders in Cauca and subsequent threats against them,⁵⁶ described above.

D. Lack of Recognition of Afro-descendant Authorities, Including Guardia Cimarrona

A result of persistent advocacy on the part of Afro-descendant and Indigenous organizations, Colombia's peace agreement obligates the government, as part of its security guarantee to civil society organizations, to strengthen and recognize Afro-descendant and Indigenous Peoples' respective civil self-protection units, the Guardia Cimarrona and the Guardia Indígena.⁵⁷ With roots in resistance to enslavement and in longstanding cultural understandings, "the Guardia Cimarrona is one of the components of self governance, integrated into the Community Council, charged with safeguarding the integrity of Black, Afro-Colombian, Raizal and Palenquero Peoples."⁵⁸ Among its functions, the Guardia Cimarrona "defends, protects and safeguards the

⁵¹ El Espectador, Agentes del CTI asedian a una lideresa social de Buenaventura? (July 2, 2019), <https://www.elespectador.com/colombia2020/territorio/agentes-del-cti-asedian-una-lideresa-social-de-buenaventura-articulo-868728>.

⁵² El Espectador, Agentes del CTI asedian a una lideresa social de Buenaventura? (July 2, 2019), <https://www.elespectador.com/colombia2020/territorio/agentes-del-cti-asedian-una-lideresa-social-de-buenaventura-articulo-868728>.

⁵³ El Tiempo, *Temístocles Machado: La muerte de este valeroso líder de Buenaventura se suma a las 170 registradas el año pasado*, (30 Jan. 2018), available at <http://www.eltiempo.com/opinion/editorial/asesinato-de-temistocles-machado-176646>.

⁵⁴ Washington Office on Latin America, *Two Ethnic Leaders Assassinated Within 48 Hours in Colombia*, (30 Jan. 2018), available at <https://www.wola.org/2018/01/two-ethnic-leaders-assassinated-within-48-hours-colombia/>.

⁵⁵ Urgente Acción Preventiva, <http://www.aconckekelo.org/urgente-accion-preventiva/> (31 Aug., 2019).

⁵⁶ La Silla Vacía, Los callos que pisan los líderes afro en el norte del Cauca (May 6, 2019), available at <https://lasillavacia.com/silla-pacifico/los-callos-pisan-los-lideres-afro-norte-del-cauca-71445>.

⁵⁷ Acuerdo Final Para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera, ¶ 6.2.3.c (2016), available at altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf.

⁵⁸ Proceso de Comunidades Negras, Sustento ideológico de la Guardia Cimarrona, (2018) (on file with PCN).

fundamental right to territory as a space for life. The Guardia Cimarrona carries out the orientations defined by Community Councils, Afro-descendant territorial organizations, and other organizational dynamics formed by Afro-descendant People.”⁵⁹

With proper training and material assistance, such as radios for rural areas that lack services,⁶⁰ it may be able to carry out its tasks in a robust manner, communicating to early warning systems and coordinating timely safety assistance, for example. The Government has refused to recognize the Guardia Cimarrona, erecting administrative hurdles and bureaucratic delays in response to Afro-descendant organizations’ and authorities’ call for implementation of this collective right.⁶¹ The hurdles are political: while the Guardian Indígena still lacks necessary support, the Government has officially recognized it and therefore has a model for this bare minimum collaboration, which it could extend to the Guardia Cimarrona if it had the political will.⁶²

The refusal to recognize Afro-descendant authorities has implications for human rights defenders, not only with regard to their physical safety in the face of increasing threats from armed actors, but also in the face of unjust criminal prosecution. Without recognition of their autonomous justice systems (*justicia propia*) and authorities, legal processes for Afro-descendant leaders who are wrongfully prosecuted for participating in protest, are solely carried out under the auspices of the state, without the safeguard of involvement by their own authorities.⁶³ In recent negotiations between Afro-descendant organizations and the Government for collective protection in the wake of the May 4th, 2019 grenade attack, the state has continued to refuse this recognition of Afro-descendants’ autonomous justice system and the Guardia Cimarrona.⁶⁴

E. Suggested Questions for the Colombian Government

1. What specific measures has the government taken since its last review by the CERD Committee to conduct thorough investigations and effectively prosecute individuals who threaten the lives and physical safety of human rights defenders, including leaders and defenders of the rights of Indigenous and Afro-Colombian Peoples?⁶⁵
2. How many investigations have resulted in the conviction of those directly responsible for threats and attacks against human rights defenders and social leaders, and how many have resulted in identification and prosecution of the intellectual authors of those attacks?
3. What Measures is the Government taking to recognize Afro-descendant authorities, including by supporting the Guardia Cimarrona and Afro-descendant autonomous justice systems?

F. Suggested Recommendations for the Colombian Government

⁵⁹ Proceso de Comunidades Negras, Sustento ideológico de la Guardia Cimarrona, (2018) (on file with PCN).

⁶⁰ *La fatal deuda con las Guardias Indígena y Cimarrona del Norte del Cauca*, Verdad Abierta (15 Aug., 2019), available at <https://verdadabierta.com/la-fatal-deuda-con-las-guardias-indigena-y-cimarrona-del-norte-de-cauca/>.

⁶¹ *La fatal deuda con las Guardias Indígena y Cimarrona del Norte del Cauca*, Verdad Abierta (15 Aug., 2019), available at <https://verdadabierta.com/la-fatal-deuda-con-las-guardias-indigena-y-cimarrona-del-norte-de-cauca/>.

⁶² *La fatal deuda con las Guardias Indígena y Cimarrona del Norte del Cauca*, Verdad Abierta (15 Aug., 2019), available at <https://verdadabierta.com/la-fatal-deuda-con-las-guardias-indigena-y-cimarrona-del-norte-de-cauca/>.

⁶³ Communication with anonymous Afro-Colombian human rights defender (3 Sept., 2019) (on file with MADRE).

⁶⁴ Communication with anonymous Afro-Colombian human rights defender (3 Sept., 2019) (on file with MADRE).

⁶⁵ CERD: *Concluding Observations, Colombia*, ¶28(c) U.N. Doc CERD/C/COL/15-16 (25 September 2015).

We encourage the Committee to call on the Colombian Government to:

- ensure that all attacks on Afro-Colombian human rights defenders and leaders, including women, are promptly and thoroughly investigated and prosecuted; including by increasing the number of properly trained and sensitized legal personnel who can guarantee adequate and timely investigation and legal assistance.
- halt the targeting of Afro-Colombian human rights defenders, including women, with wrongful arrest, administrative imprisonment, and baseless litigation; and end criminalization of social protest and the subsequent legal persecution of social leaders for participating in demonstrations, civil disobedience and other forms of protest.
- guarantee financial and institutional resources to ensure Afro-descendant authorities' and organizations' participation in creating and implementing the Security and Protection Program, in accordance with Articles 3.4.8 and 6.2.c of the Peace Accord;
- Improve the criteria of the National Protection Unit of Colombia for risk assessment in accordance with the consultations and proposals offered by Afro-Colombian authorities and organizations, in order to respond adequately and take into account the specific security needs of leaders and Afro-Colombian human rights defenders, particularly women defenders, and establish effective collective preventive and security measures.

IV. SEXUAL AND GENDER-BASED VIOLENCE COMMITTED AGAINST AFRO-COLOMBIANS (ARTS. 5 and 6)

A. Failure to Prevent Sexual and Gender-Based Violence

Afro-descendant and Indigenous Peoples' territories are disproportionately impacted by armed group presence,⁶⁶ increasing their risk of violence, including sexual and gender-based violence (SGBV).⁶⁷ Sexual violence continues to be a driving factor for displacement of Afro-descendant and Indigenous women.⁶⁸ Throughout 2018 the Ombudsperson's Office repeatedly warned the Government of ongoing conflict-related sexual violence, and of the lack of access to services for survivors, including in regions with majority Afro-descendant and Indigenous populations.⁶⁹ The Inter-American Commission on Human Rights recently warned that armed groups continue to use

⁶⁶ Instituto Kroc de Estudios Internacionales de Paz, Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia, p.190 (2019), available at https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf

⁶⁷ Instituto Kroc de Estudios Internacionales de Paz, Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia, p.190, 193 (2019), available at https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf

⁶⁸ Office of the Special Representative of the Secretary General for Sexual Violence in Conflict, *Country Report: Colombia* (2018).

⁶⁹ Defensoría del Pueblo, Defensoría pide derrumbar barreras de salud, justicia e inclusión que sufren víctimas de violencia sexual (May 25, 2019), available at <http://www.defensoria.gov.co/es/nube/comunicados/7915/Defensor%C3%ADa-pide-derrumbar-barreras-de-salud-justicia-e-inclusi%C3%B3n-que-sufren-v%C3%ADctimas-de-violencia-sexual-v%C3%ADctimas-violencia-sexual-dignidad-mujeres.htm>.

sexual violence as a form of territorial control, particularly impacting Afro-descendant and Indigenous women and girls.⁷⁰ Despite these warnings, the Government has failed to adequately consult with Afro-descendant authorities and women's organizations to implement effective security measures and support the establishment of local community self-protection mechanisms, as required under the Peace Accord.⁷¹

The full dimensions of SGBV and the disproportionate impact on Afro-descendant communities is difficult to ascertain because official quantitative data on SGBV in Colombia lacks completeness, comprehensiveness, comparability, timeliness, and disaggregation.⁷² For example, the Instituto Nacional de Medicina Legal y Ciencias Forenses (INML-CF) statistics, between January through April 2018, categorized over 6,000 women who suffered from non-fatal injuries as a result of sexual violence (SV) as “without ethnicity” or “without information,” while stating that only 275 Afro-descendant, Palenquero, or Raizal women suffered injuries from SV,⁷³ which could mean countless Afro-Colombian or Indigenous victims are uncounted due to a lack of proper data collection. In addition, much of the available information is gathered through official complaint processes and judicialization, which excludes a large portion of affected victims and survivors.⁷⁴ Protocols for proper intervention in SGBV cases go unheeded in rural areas, including when women wish to file a complaint with police and prosecutors.⁷⁵ The fact that state actors such as police and intelligence services are identified as perpetrators of sexual and gender-based violence in significant numbers⁷⁶ presents another barrier to reporting.⁷⁷

⁷⁰ Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 221 (Mar. 21, 2019), available at <https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>

⁷¹ Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, Art. 6.2.2 (24 Nov. 2016); Michel Forst (Special Rapporteur on the situation of human rights defenders), *Visit to Colombia, 20 November to 3 December End of Mission Statement* p. 26 (3 Dec. 2018)

⁷² UN Human Rights Council, Annual Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, U.N. Doc. A/HRC/37/3/Add.3, ¶ 85 (March 2 2018), available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a-hrc-37-3-add_3.pdf; Sisma Mujeres, *comportamiento de la violencia sexual contra mujeres y niñas en Colombia durante 2017 y 2018*, p. 6-7, 25 May 2018, available at https://www.sismamujer.org/wp-content/uploads/2018/05/Bolet%C3%ADn-25-de-mayo-de-2018_-Sisma-Mujer.pdf

⁷³ The Instituto Nacional de Medicina Legal y Ciencias Forenses, Información preliminar de lesiones no fatales de causa externa en Colombia. Enero a abril de 2018 (May 21, 2018), download Excel spreadsheet at <https://tinyurl.com/ybnwe4r4>.

⁷⁴ Sisma Mujeres, *comportamiento de la violencia sexual contra mujeres y niñas en Colombia durante 2017 y 2018*, p. 6, 25 May 2018, available at https://www.sismamujer.org/wp-content/uploads/2018/05/Bolet%C3%ADn-25-de-mayo-de-2018_-Sisma-Mujer.pdf

⁷⁵ UN Human Rights Council, Annual Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, U.N. Doc. A/HRC/37/3/Add.3, ¶ 85 (March 2 2018), available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a-hrc-37-3-add_3.pdf

⁷⁶ Sisma Mujeres, *comportamiento de la violencia sexual contra mujeres y niñas en Colombia durante 2017 y 2018*, p. 15, 25 May 2018, available at https://www.sismamujer.org/wp-content/uploads/2018/05/Bolet%C3%ADn-25-de-mayo-de-2018_-Sisma-Mujer.pdf

⁷⁷ *Id.* at 16.

Colombia's Law 1257 of 2008 guarantees the right of women to live free from violence, including sexual violence, and establishes entitlements for women victims of sexual violence to holistic treatment, free legal support and other services.⁷⁸ Despite efforts to institutionalize Law 1257, it remains largely unimplemented as violence against women continues to rise.⁷⁹ While inadequate data collection on sexual and gender-based violence (SGBV) in Colombia leads to undercounting—despite human rights experts' calls for improvement⁸⁰—recent statistics point to an overall increase in conflict-related SGBV.⁸¹ The rate of legal medical exams for women victims of presumed sexual violence committed by armed actors and security forces increased by 12.07% in 2018 compared to 2017.⁸² From 2017 to 2018 there was a marked increase in sexual violence crimes committed by State forces, particularly military forces, from 54 to 101.⁸³ Overall rates of sexual violence against women in Colombia have also increased with 5,193 cases recorded from January to March 2019, compared to 5,020 in the same period last year.⁸⁴ In Cauca during the span of three days, between May 13 and May 15, an eleven-year-old Afro-descendant girl and a fifteen-year-old Indigenous girl were found murdered in their communities.⁸⁵ The Indigenous victim was found showing signs of sexual violence and authorities were apparently conducting investigations to determine whether sexual violence was involved in the murder of the Afro-descendant victim, whose body was found dismembered.⁸⁶ On June 2 a ten-year-old Afro-descendant girl was found murdered and showing signs of sexual violence and physical torture in Buenaventura, apparently carried out by a relative.⁸⁷ This occurred within a context of ongoing violence, including sexual violence, and threats against Afro-descendant and Indigenous communities in Buenaventura by armed groups.⁸⁸

⁷⁸ Colombia Law No. 1257 of 2008, Art. 8 (b).

⁷⁹ Andrea Catalina León Amaya & Linda María Cabrera Cifuentes, *Ley 1257 Ocho años de obstáculos en la protección integral para las mujeres víctimas de violencias*, 73 (Nov. 2016).

⁸⁰ See, e.g. CEDAW Committee, Concluding observations on the ninth periodic report of Colombia, para. 52 (March 8, 2019).

⁸¹ Sisma Mujer, 24 05 2019 Boletín SISMA, p. 6-8, 13-14 (May 25, 2019), available at https://drive.google.com/file/d/1tXOcyLrFUCIv7uUJCt5_YbPanHDevuL/view; Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 221 (Mar. 21, 2019), available at <https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>.

⁸² Sisma Mujer, 24 05 2019 Boletín SISMA, p. 13-14 (May 25, 2019), available at https://drive.google.com/file/d/1tXOcyLrFUCIv7uUJCt5_YbPanHDevuL/view.

⁸³ Id. at 15.

⁸⁴ Sisma Mujer, 24 05 2019 Boletín SISMA, p. 10 (May 25, 2019), available at https://drive.google.com/file/d/1tXOcyLrFUCIv7uUJCt5_YbPanHDevuL/view.

⁸⁵ Semana, Los tres asesinatos de niñas que conmocionan a Colombia, (May 20, 2019), available at <https://www.semana.com/nacion/articulo/los-tres-asesinatos-que-conmocionan-a-colombia/616273>.

⁸⁶ Id.

⁸⁷ Colombia.com, Buenaventura: Menor de 10 años fue brutalmente asesinada (June 4, 2019), available at <https://www.colombia.com/actualidad/nacionales/hallan-cuerpo-de-nina-asesinada-en-buenaventura-230578>; El País, Tatiana Rodríguez y los otros casos de niñas asesinadas brutalmente en el último año en Colombia (June 5, 2019), available at <https://www.elpais.com.co/judicial/tatiana-rodriguez-y-los-otros-casos-de-ninas-asesinadas-brutalmente-en-el-ultimo-ano-en-colombia.html>.

⁸⁸ COALICO, Comunicado Público: La COALICO rechaza el asesinato de Diana Tatiana Rodríguez en Buenaventura y se solidariza con la familia. Hacemos un llamado a la protección de las niñas, niños y adolescentes de Colombia (June 6, 2019), available at <http://coalico.org/comunicado-publico-la-coalico-rechaza-el-asesinato-de->

B. Failure to Investigate Reports of and Prosecute Perpetrators of Sexual and Gender-Based Violence

In rural areas with significant Afro-Colombian and Indigenous populations, survivors of sexual violence lack adequate access to justice.⁸⁹ The Government's failure to rigorously investigate and prosecute perpetrators of SGBV has led to a climate of impunity for such crimes.⁹⁰ Lack of judicial resources, slow investigations, and discriminatory stereotypes perpetuated by judicial actors prevent SGBV victims, particularly those in rural areas, from accessing justice.⁹¹ Due to the stigmatization and re-victimization they experience at the hands of State institutions, many women choose not to report sexual violence.⁹² The judicial system's failure to detain and prosecute sexual offenders also discourages women from reporting sexual violence crimes, leaving them even more vulnerable, according to an Afro-descendant women's rights activist from Norte de Cauca.⁹³ Afro-Colombian human rights defenders also report that in many places of continued conflict, such as Tumaco, gender-based violence victims lack safe, accessible, and confidential reporting mechanisms.⁹⁴

The impunity rate for cases brought under the Constitutional Court decisions 092 and 009, meant to address conflict-related sexual violence, is 92% and 97% respectively.⁹⁵ In the majority Afro-Colombian municipality of Tumaco, a reported 74 people were victims of sexual abuse related to

[diana-tatiana-rodriguez-en-buenaventura-y-se-solidariza-con-la-familia-hacemos-un-llamado-a-la-proteccion-de-las-ninas-ninos-y-adolescentes-de/](#)

⁸⁹ Special Representative of the Secretary-General on Sexual Violence in Conflict, Conflict Related Sexual Violence: Report of the United Nations Secretary-General, ¶ 42, U.N. Doc S/2019/280 (Mar. 29, 2019).

⁹⁰ Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 221 (Mar. 21, 2019), available at

<https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>

⁹¹ Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 222 (Mar. 21, 2019), available at

<https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>

⁹² Sisma Mujer, 24 05 2019 Boletín SISMA, p. 7 (May 25, 2019), available at https://drive.google.com/file/d/1tXOcyLrFUCIv7uUJCt5_YbPanHDevuL/view

⁹³ Kimberley Brown, For many women in Colombia, peace never arrived, Al Jazeera (May 9, 2019), available at <https://www.aljazeera.com/indepth/features/women-colombia-peace-arrived-190509194227891.html>.

⁹⁴ Interview, Afro-Colombian women's human rights defender (13 Feb. 2018) (on file with MADRE) (names omitted for safety reasons).

⁹⁵ Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 242 (Mar. 21, 2019), available at

<https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>.

the armed conflict between January 2017 and September 2018.⁹⁶ Yet the Attorney General's office has not convicted anyone for sexual crimes in Tumaco since 2017 and only one prosecutor is assigned to handle 742 cases.⁹⁷ For women human rights defenders, the lack of access to justice for sexual and other violence against them points to an undercounted phenomena, violence which has as its objectives both punishing them for their leadership roles, and hindering their ability to continue their work as social leaders.⁹⁸ In an analysis of recent witness and survivor interviews, *Proceso de Comunidades Negras* finds that women are treated as if they are a war enemy, and that violence against Afro-descendant women and, at increasing rates, against youth, is intended to discourage new generations of women from taking leadership and carrying on existing organizing processes.⁹⁹

The Special Jurisdiction for Peace (JEP), a key transitional justice mechanism for conflict victims, has been continually under attack by lawmakers, jeopardizing its credibility and authority as a mechanism for all victims of conflict-related SGBV. A November 2017 Constitutional Court decision hinders the ability of the JEP to prosecute third-party perpetrators of conflict-related human rights abuses, such as landowners that funded and organized paramilitaries, by removing language that would compel such actors to appear before the court.¹⁰⁰ In August 2018 the Constitutional Court upheld modifications to the JEP which include a definition of “command responsibility” for war crimes that may exonerate large numbers of military commanders.¹⁰¹ In March 2019, the Government proposed changes to the JEP that would have excluded sexual crimes from the JEP's jurisdiction.¹⁰² The Constitutional Court rejected these changes,¹⁰³ but the Government has announced new plans to try to change the JEP's regulatory law,¹⁰⁴ while

⁹⁶ Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia's Pacific Coast* (Dec.

13, 2018), available at <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumacocolombias-pacific-coast>

⁹⁷ Jose Miguel Vivanco, *The Abandoned Women of Tumaco* (Mar. 25, 2019), available at <https://www.hrw.org/news/2019/03/25/abandoned-women-tumaco>.

⁹⁸ CODHES, *Lideresas Sociales en Colombia: el relato invisible de la crueldad*, p.13,15 (March, 2019), available at <https://codhes.files.wordpress.com/2019/03/informe-lideresas-sociales-codhes-marzo-2019.pdf>; INDEPAZ. *La dificultad de ser una lideresa social hoy en día en Colombia*. (September, 2018), p.9 available at <http://www.indepaz.org.co/la-dificultad-de-ser-una-lideresa-social-hoy-en-dia-en-colombia/Indepaz>.

⁹⁹ *Proceso de Comunidades Negras, Combatiendo a las mujeres negras como si fueran un enemigo bélico*, (2019), available at <https://vigiaafro.org/wp-content/uploads/2019/03/TercerInformeVBG-PCN-Marzo2019.pdf>.

¹⁰⁰ Washington Office on Latin America, *Rescuing Colombia's Post-Conflict Transitional Justice System* (Nov. 29, 2017).

¹⁰¹ Washington Office on Latin America, *Last Week in Colombia's Peace Process: Week of August 12-18* (Aug. 23, 2018).

¹⁰² Beatriz Valdés Correa, *Victimas de violencia sexual de las Farc piden que sus casos los lleve la JEP*, *El Espectador* (Mar. 22, 2019), available at <https://colombia2020.elespectador.com/jep/victimas-de-violencia-sexual-de-las-farc-piden-que-sus-casos-loslleve-la-jep>

¹⁰³ BBC, *Objeciones a la JEP en Colombia: la Corte Constitucional rechaza los reparos del presidente Duque a la Jurisdicción Especial para la Paz* (May 30, 2019), available at <https://www.bbc.com/mundo/noticias-america-latina-48453600>; Instituto Kroc de Estudios Internacionales de Paz, *Tercer Informe sobre el Estado de Implementación del Acuerdo de Paz de Colombia*, p.89 (2019), available at https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf

¹⁰⁴ *El Herald*, *Hay que descubrir vacíos en la JEP y ver cómo los solucionamos conjuntamente: Margarita Cabello* (June 11, 2019), available at <https://www.elheraldo.co/colombia/hay-que-descubrir-vacios-en-la-jep-y-ver-como-los-solucionamos-conjuntamente-margarita>; W Radio, *Minjusticia presentará proyectos contra artículos polémicos de la Ley Estatutaria de JEP* (June 12, 2019), available at

lawmakers are considering calling for a referendum or constituent assembly to reform the JEP or instead create a chamber within the regular judicial system.¹⁰⁵

C. Suggested Questions for the Colombian Government

1. What measures is the Government taking to collaborate with Afro-Colombian women's organizations and authorities to develop community self-protection measures in order to address ongoing violence and insecurity, including gender-based violence, in Afro-Colombian territories?
2. How many cases of sexual violence against Afro-Colombian women, youth and girls have been investigated since the last review by CERD of Colombia, and in how many of those were the victims provided services and reparations and the perpetrators brought to justice?
3. How many medical forensic specialists does the prosecutor have to attend to cases of sexual and gender-based violence committed against Afro-descendant women, youth and girls, and in which localities are they established?
4. What specific initiatives is the Government undertaking to ensure Afro-Colombian women and girl survivors of conflict-related SGBV have access to justice and reparations, including:
 - a. respecting the independence and impartiality of the JEP and allocating sufficient resources to its operation;
 - b. implementing initiatives to combat impunity for GBV, including providing legal aid for Afro-Colombian women and girls and establishing safe and confidential reporting mechanisms; and
 - c. providing reparations to Afro-Colombian women and girl survivors of conflict-related GBV using a differentiated approach to account for intersecting forms of discrimination they experience?

D. Suggested Recommendations for the Colombian Government

We encourage the Committee to call on the Colombian Government to:

- coordinate with Afro-Colombian women's organizations and authorities to develop community self-protection measures to address GBV with a differential focus in territories experiencing ongoing conflict;
- consult with Afro-Colombian women's organizations and authorities to establish safe and anonymous ways to report conflict-related sexual violence and ensure that survivors are able to do so without re-traumatization or fear of retaliation;

<https://www.wradio.com.co/noticias/actualidad/minjusticia-presentara-proyectos-contr-articulos-polemicos-de-la-ley-estaturaria-de-jep/20190612/nota/3913944.aspx>.

¹⁰⁵ El Espectador, Referendo o constituyente, las salidas que propone el uribismo para reformar la JEP, (May 16, 2019), available at <https://www.elspectador.com/noticias/politica/referendo-o-constituyente-las-salidas-que-propone-el-uribismo-para-reformar-la-jep-articulo-860918>; El Nuevo Siglo, Debate para eventual asamblea constituyente (May 29, 2019), available at <https://www.elnuevosiglo.com.co/articulos/05-2019-imparable-debate-por-eventual-asamblea-constituyente>; El Tiempo, Uribe plantea sustituir a la JEP por sala especial en la Corte Suprema (June 6, 2019), available at <https://www.eltiempo.com/politica/congreso/el-planteamiento-de-uribe-sobre-la-jep-y-la-corte-suprema-de-justicia-371956>

- ensure meaningful access for Afro-Colombian survivors of conflict-related sexual and other violence to both the JEP, and the Commission for the Clarification of Truth, Coexistence, and Non-Repetition, to ensure that these bodies receive and prioritize these cases of GBV;
- Provide a consultation process with Afro-Colombian women's organizations to identify and develop appropriate mechanisms and strategies to ensure access to justice and reparations in accordance with Law 1257 (2008) and the transitional justice system for Afro-Colombian women GBV survivors, with a differentiated approach that considers the intersectional discrimination they experience;
- Create mechanisms, programs and strategies that ensure Afro-Colombian women and girl SGBV victims, and particularly those residing in rural areas, have access to comprehensive support services, including legal aid services,¹⁰⁶ developed in consultation with Afro-Colombian women's organizations.
- Generate campaigns that raise recognition and appreciation of Afro-descendant women, youth, and girls, as part of a distinct Peoples, and that underscore their contributions to cultural, scientific, educational, and economic strength, as well as to a diverse and peaceful society.

V. ACCESS TO HEALTHCARE FOR AFRO-COLOMBIAN GBV SURVIVORS (ARTS. 2 and 5)

A. Afro-Colombian GBV Survivors Lack Access to Adequate Healthcare

The Colombian Constitution protects the right to healthcare,¹⁰⁷ yet Afro-descendant gender-based violence (GBV) survivors face substantial barriers to treatment, stemming from not only discrimination and stigma in health settings, but also the overwhelming lack of adequate physical and mental health infrastructure in many Afro-Colombian communities. For example, the majority Afro-descendant city of Buenaventura, which houses the largest economic seaport in Colombia, does not have a major hospital.¹⁰⁸ A significant driver of a weeks-long civil strike in Buenaventura in 2017 was the government's failure to ensure adequate health infrastructure.¹⁰⁹ Inadequate,

¹⁰⁶ CEDAW, *Concluding observations on the ninth periodic report of Colombia* ¶14(f) (UN Doc CEDAW/C/COL/CO/R.9 (14 Mar. 2019)).

¹⁰⁷ See Art. 49, Colombian Political Constitution ("Public health and environmental protection are public services for which the State is responsible. All individuals are guaranteed access to services that promote, protect, and rehabilitate public health."); Ley Estatutaria No. 1751 (16 Feb. 2015) (detailing the mechanisms to ensure the right to healthcare is protected), https://www.minsalud.gov.co/Normatividad_Nuevo/Ley%201751%20de%202015.pdf; Ministerio de Salud y Protección Social, *Derechos y deberes en salud*, <https://www.minsalud.gov.co/proteccion-social/promocion-social/Paginas/Calidad-salud-deberes-derechos-mecanismos.aspx> (outlining healthcare rights guaranteed by the Colombian government).

¹⁰⁸ Camilo Alzate, *El 'desarrollo' se impone de espaldas al Pacífico*, Colombia Plural (8 Mar. 2019), <https://colombiaplural.com/el-desarrollo-se-impone-de-espaldas-al-pacifico/>; DANE, *Perfil Buenaventura* (14 Sept. 2010), https://www.dane.gov.co/files/censo2005/PERFIL_PDF_CG2005/76109T7T000.PDF.

¹⁰⁹ *Las 'promesas inconclusas' que detonaron el paro cívico de Buenaventura*, El País (21 May 2017), <https://www.elpais.com.co/valle/las-promesas-inconclusas-que-detonaron-el-paro-civico-en-buenaventura.html>; Publimetro, *S.O.S. al sistema de salud en Buenaventura*, (27 Jul. 2017), <https://www.publimetro.co/co/colombia/2017/07/27/s-s-al-sistema-salud-buenaventura.html>.

outdated health centers, patient mistreatment, and lack of services has caused countless deaths in Buenaventura and surrounding areas, including, for example, that of a nine-months pregnant woman who died in 2016 after being denied fulfillment of prescriptions for a sudden illness.¹¹⁰

The health infrastructure in the majority-Black department of Chocó is woefully inadequate to meet the needs of a population facing high levels of poverty-induced health issues, such as child malnutrition.¹¹¹ Lack of health and other infrastructure, such as clean water, means that preventable diseases more easily become fatal in Chocó as compared to other regions.¹¹² Inadequate access to prenatal care leaves pregnant women in Chocó at higher risk of maternal mortality.¹¹³ Access to basic health care is so scarce in rural areas of Chocó that women have to walk for hours or even days to the nearest health center, and so many have died in that process that Afro-Colombian women's advocates report having coined it "the path of death."¹¹⁴ In Nóvita, Chocó, for example, Afro-Colombian women GBV survivors must travel over 30 miles (52.9km) through difficult and often dangerous terrain to Chocó's capital, Quibdó, to receive specialty care such as psycho-social counseling.¹¹⁵

The few facilities that serve Chocó's residents are in deplorable, dangerous conditions. The government has failed to meet deadlines imposed by the Constitutional Court to improve health services in Chocó and in July 2016, the National Health Superintendent announced the liquidation of the crumbling St. Francis de Asís Hospital in Chocó's capital city, Quibdó,¹¹⁶ a hospital with sanitary conditions so poor that government monitors describe them as "conducive to the production of germs and bacteria."¹¹⁷ The hospital in Pereira in the neighboring department of Risaralda, which serves patients from Chocó, has also been condemned for its unsanitary and

¹¹⁰ Publimetro, *Caminando hacia Bogotá por la salud de Buenaventura*, (17 Aug. 2017), <https://www.publimetro.co/co/colombia/2017/08/17/caminando-hacia-bogota-la-salud-buenaventura.html>; Mateo Isaza Giraldo, *El viaje a pie entre Buenaventura y Bogotá por la salud del puerto*, *El Colombiano* (8 Sept. 2017), <https://www.elcolombiano.com/colombia/salud/caminata-entre-buenaventura-y-bogota-por-la-salud-del-puerto-DY7265621>.

¹¹¹ Semana Sostenible, *La terrible situación de salud in Chocó*, (Jul. 14, 2016).

¹¹² Colombia Plural, *Chocó, el departamento sin salud*, (23 Oct. 2016), <https://colombiaplural.com/choco-departamento-sin-salud/>; *El Espectador*, *Identifican 323 casos de malaria en la Costa Pacífica del Cauca*, (27 Feb. 2019), <https://www.elespectador.com/noticias/nacional/cauca/identifican-323-casos-de-malaria-en-la-costa-pacificadel-cauca-articulo-842211>; Holly Eustance, *Colombia's Choco: From a tropical paradise to a jungle hell*, *Colombia Reports* (22 Aug. 2016), <https://colombiareports.com/colombias-choco-tropical-paradise-jungle-hell/>.

¹¹³ *El Espectador*, *Embarazadas acuden al autocuidado por la falta de atención médica en Colombia*, (12 Mar. 2019), <https://www.elespectador.com/noticias/salud/embarazadas-acuden-al-autocuidado-por-falta-de-atencion-medica-en-colombia-articulo-844508>; Colombia.com, *Colombia: Fallas en EPS derivan en autocuidado de embarazadas en Colombia*, (15 Mar. 2019), <https://www.colombia.com/actualidad/nacionales/colombia-fallas-en-eps-derivan-en-autocuidado-de-embarazadas-en-colombia-222304>.

¹¹⁴ Interview, Afro-Colombian women's human rights defenders (Oct. 2018) (on file with MADRE) (names omitted for safety reasons).

¹¹⁵ Ana Carolina Bucheli Olmos and María Fernanda Vargas Jiménez, *Violencia sexual en el marco del conflicto armado colombiano caso: Chocó*, Thesis for the Universidad de Rosario, Facultad de Jurisprudencia, p.31 (Jan. 2018), (on file at MADRE).

¹¹⁶ *Id.*

¹¹⁷ Colombia Plural, *Chocó, el departamento sin salud*, (23 Oct. 2016), <https://colombiaplural.com/choco-departamento-sin-salud/>.

unsafe conditions, with government health officials declaring it unviable without immediate major improvements.¹¹⁸

Victims of GBV face additional barriers to medical care. These include social stigma, shame, fear of retribution, delays and other failures by health care facilities to implement relevant policies and protocols, mistreatment by health professionals, and survivors' and practitioners' lack of knowledge of requisite health services.¹¹⁹ For Afro-Colombian survivors, these barriers are compounded by high rates of displacement as well as racial and gender discrimination.¹²⁰ According to Afro-Colombian activists, doctors who have treated Afro-Colombian SGBV survivors have referred to rape as "an act of passion", or "a problem between a husband and wife."¹²¹ One advocate recalls that a doctor asked an Afro-Colombian woman rape victim to describe the moment her attacker "made love" to her.¹²² These types of experiences deter Afro-Colombian women from following up with medical providers and from reporting these incidents to police.¹²³ As of 2017, advocates reported that in both Tumaco and Buenaventura there is a false belief, reinforced by attitudes in public institutions, that in order to receive medical attention, a victim must file a complaint with the authorities.¹²⁴ This runs contrary to Colombia's Law 1719, which provides protections for GBV survivors, and it means that untold numbers of survivors are unlawfully denied necessary emergency care in these majority Afro-Colombian areas.

Legislative remedies aiming to address this problem have not been implemented. In 2014, Colombia's Congress enacted Law 1719, which originally was intended to improve implementation of a 2012 protocol on providing adequate post-rape care to survivors, but made

¹¹⁸ El Tiempo, 'Este hospital hay que salvarlo': Superintendente de Salud, (23 Mar. 2019), <https://www.eltiempo.com/colombia/otras-ciudades/este-hospital-hay-que-salvarlo-superintendente-de-salud-341226>.

¹¹⁹ Human Rights Watch, *Country Summary: Colombia*, p. 6 (Jan. 2018) https://www.hrw.org/sites/default/files/colombia_3.pdf; Médicos Sin Fronteras - Colombia, *A la sombra del proceso Impacto de las otras violencias en la salud de la población colombiana*, p. 23 (Aug. 2017) https://arhp.msf.es/sites/default/files/MSF_Report-Colombia-Aug2017_SP.pdf.

¹²⁰ Interview, Afro-Colombian women's human rights defenders (29 Sept. 2018) (on file with MADRE) (names omitted for safety reasons); Castro A, Savage V, Kaufman H. *Assessing equitable care for Indigenous and Afrodescendant women in Latin America*. Rev Panam Salud Publica. 38(2) p. 98 (2015) <https://pdfs.semanticscholar.org/4076/70c4c1e21886dc3fbfe6a241ea3066622325.pdf>; United Nations Office for the Coordination of Humanitarian Affairs, *Humanitarian Needs Overview: Colombia*, p. 12 (2018) http://earlyrecovery.global/sites/default/files/hno_2018_en.pdf; Defensoría del Pueblo, *Defensoría alerta por incremento de la violencia en Tumaco* (9 Jan. 2018) <http://defensoria.gov.co/es/nube/enlosmedios/6987/Defensor%C3%ADa-alerta-por-incremento-de-la-violencia-en-Tumaco.htm>; RCN Radio, *Más de mil desplazados en el país dejó la violencia en solo cuatro días: Defensoría* (22 Jan. 2018) <https://www.rcnradio.com/mcontent/5b36b30a5f0049e5d12f92c6/amp>.

¹²¹ Interview, Afro-Colombian women's human rights defenders, (29 Sept. 2018) (on file with MADRE) (names omitted for safety reasons).

¹²² Interview, Afro-Colombian women's human rights defenders, (29 Sept. 2018) (on file with MADRE) (names omitted for safety reasons).

¹²³ Interview, Afro-Colombian women's human rights defenders, (29 Sept. 2018) (on file with MADRE) (names omitted for safety reasons); Ana Carolina Bucheli Olmos and María Fernanda Vargas Jiménez, *Violencia sexual en el marco del conflicto armado colombiano caso: Chocó*, Thesis for the Universidad de Rosario, Facultad de Jurisprudencia, p.36 (Jan. 2018), (on file at MADRE).

¹²⁴ Médicos Sin Fronteras - Colombia, *A la sombra del proceso Impacto de las otras violencias en la salud de la población colombiana*, p. 23 (Aug. 2017).

the protocol optional rather than binding.¹²⁵ While in 2015 the Constitutional Court ruled that survivors of GBV must be provided comprehensive medical and psychosocial care with dignity under Law 1719,¹²⁶ at the end of 2016, Congressional Representative Ángela Robledo reported that there was no evidence of progress in realizing commitments under the law.¹²⁷ Indeed, human rights reporters find that in rural areas of Chocó, Afro-Colombian women GBV survivors lack access to necessary treatment in the wake of sexual assault or rape, including post-HIV exposure prophylaxis.¹²⁸

Other government efforts to address health disparities and to remedy the lack of access to care for GBV survivors and others have been insufficient. In its most recent state report to the CEDAW Committee, the Government asserted that it promulgated a healthcare model (MIAS - *Modelo Integral de Atención en Salud*) in 2016 to improve access to healthcare.¹²⁹ However, departmental and municipal health secretariats and public health management researchers in Eastern Colombia have expressed concern about the limited scope and lack of adequate institutional and organizational capacity for the program's implementation, as well as its failure to structurally change the health system.¹³⁰ For Afro-Colombian SGBV survivors, proper medical and mental healthcare remains largely out of reach.

B. Suggested Questions for the Colombian Government

1. What steps has the Government taken since the passage of Law 1719 of 2014 to educate healthcare providers about its provisions, and to ensure Afro-Colombian survivors of GBV are provided comprehensive, accessible and affordable medical and psychosocial care with dignity?
2. What steps is the Government taking to ensure quality healthcare access for Afro-descendant and Indigenous women and their communities, including reduction in maternal mortality, and updated healthcare infrastructure in their territories?

C. Suggested Recommendations for the Colombian Government

We encourage the Committee to call on the Colombian Government to:

- ensure Afro-Colombian GBV survivors' access to comprehensive medical treatment, mental health care and psychosocial support, provided by health professionals appropriately trained

¹²⁵ Amanda Klasing, *Dispatches: Broken Promise to Colombia's Women*, Human Rights Watch, (6 Jul. 2015).

¹²⁶ Constitutional Court of Colombia, Sentencia C-754/15, (2015).

¹²⁷ El Nuevo Siglo, *Ley contra la violencia sexual no avanza*, (16 Nov. 2016)

<https://elnuevosiglo.com.co/articulos/11-2016-no-hay-avances-con-ley-contra-la-violencia-sexual-robledo>.

¹²⁸ Ana Carolina Bucheli Olmos and María Fernanda Vargas Jiménez, *Violencia sexual en el marco del conflicto armado colombiano caso: Chocó*, Thesis for the Universidad de Rosario, Facultad de Jurisprudencia, p.36 (Jan. 2018), (on file at MADRE).

¹²⁹ CEDAW, *Lista de cuestiones y preguntas relativas al noveno informe periódico de Colombia – Respuestas de Colombia*, ¶104, U.N. Doc. CEDAW/C/COL/9/Add.1 (12 Nov. 2018).

¹³⁰ Ruiz-Rodríguez M, Hormiga-Sánchez CM, Uribe Rivero LM, Cadena Afanador LP, Mantilla Uribe BP, Solano Aguilar S. *Voces de la academia y los tomadores de decisiones del Oriente Colombiano ante la implementación del Modelo Integral de Atención en Salud*. Rev Univ Ind Santander Salud, 49(2): 320-329, at 323-324, (2017).

to detect GBV and to treat its consequences, and ensure that the survivors of GBV are promptly provided access to forensic testing;

- include race as part of mandatory data collection of patients using public health systems in order to accurately report on statistics and issues relating to Afro-Colombians;
- increase the budget allocated to health care and the number of trained health-care providers and medical personnel, including midwives, in particular in rural areas, to ensure women's access to inclusive basic health services and essential accessible obstetric care;¹³¹ and
- ensure that women and girls in rural and remote areas, particularly from Indigenous and Afro-Colombian communities, including women with disabilities, have equal access to high-quality health care, including through accelerating the implementation of the “National Plan on Rural Health” and strengthening the implementation of the “Model of clinical safety for emergency obstetric attention.”¹³²

VI. PROTECTION OF LAND AND COLLECTIVE TERRITORIAL RIGHTS FOR AFRO-COLOMBIAN WOMEN AND THEIR COMMUNITIES (ARTS. 5 and 6)

Years of conflict and violence have disproportionately affected Afro-Colombian communities,¹³³ and have particularly violated their rights to territory and to practice their ancestral customs.¹³⁴ One of the more common rights violation experienced by Afro-Colombian communities during the conflict was forced displacement due to illegal appropriation of their territories.¹³⁵ Afro-Colombian women have especially suffered disproportionate impact of the conflict and resulting displacement, and advocates report that the Government's failure to implement Constitutionally-required victim reparations and protection programs has increased their vulnerability.¹³⁶ Afro-Colombian women's activists point out the particularly painful cultural loss displacement

¹³¹ CEDAW, *Concluding observations on the ninth periodic report of Colombia*, ¶38(a) (UN Doc CEDAW/C/COL/CO/R.9 (14 Mar. 2019)).

¹³² CEDAW, *Concluding observations on the ninth periodic report of Colombia*, ¶38(b) (UN Doc CEDAW/C/COL/CO/R.9 (14 Mar. 2019)).

¹³³ Norwegian Refugee Council, *New wave of violence threatens Colombia's peace prospects* (8 Aug. 2017).

¹³⁴ Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 164 (Mar. 21, 2019), available at

<https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>

¹³⁵ Comisión Interamericana de Derechos Humanos, Informe Anual 2018: Capítulo V. Seguimiento de recomendaciones formuladas por la CIDH en el Informe Verdad, Justicia y Reparación: Cuarto informe sobre la situación de derechos humanos en Colombia, para. 164 (Mar. 21, 2019), available at

<https://www.refworld.org/es/cgi-bin/texis/vtx/rwmain?page=publisher&docid=5c9410564&skip=0&publisher=IACHR&querysi=colombia&searchin=title&sort=date>

¹³⁶ Race & Equality, Denuncias ante la CIDH de Incumplimiento de Mas de 10 Anos del Estado Colombia para Proteger Derechos de Comunidades Afrocolombianas en Situación de Desplazamiento Forzado (3 Oct. 2018), <http://raceandequality.org/es/espanol/denuncias-ante-la-cidh-de-incumplimiento-de-mas-de-10-anos-del-estado-de-colombia-para-proteger-derechos-de-comunidades-afrocolombianas-en-situacion-de-desplazamiento-forzado/>

represents, as women's identities in their communities are tied to their ancestral territories, and access to those territories is what provides them with the means to sustain their families and traditions for generations.¹³⁷ Denial and violations of the right to territory have a direct impact on the existence of Afro-descendant Peoples, who use the phrase "territory is life," to denote that the in losing their territories, their future as a People also disappears.¹³⁸

Colombia's Peace Accord has yet to bring an end to forced displacement for Afro-Colombians, who continue to suffer armed group presence in their territories,¹³⁹ as well as violence related to exploitation by extractive industries.¹⁴⁰ These ongoing security threats exacerbate GBV against women,¹⁴¹ again making them more vulnerable to displacement. The Government's ongoing failure to ensure land restitution and collective titling for Afro-Colombians, coupled with its failure to respect their rights to free, prior, and informed consent, further deprive Afro-descendant women and their communities of their collective territorial rights.

A. Failure to Recognize Afro-Colombian's Territorial Rights or Uphold Land Restitution

The Government has failed in many instances to uphold Afro-Colombian women and their communities' collective territorial rights, and has instead taken measures that threaten those rights, including, for example, authorizing large-scale mining in Afro-descendant territories without adhering to free, prior and informed consultation processes.¹⁴² While Law 70 of 1993 guarantees Afro-Colombians the right to their historic collective territories,¹⁴³ arbitrary administrative hurdles have prevented Afro-Colombian communities from officially registering collective title to their lands.¹⁴⁴ As of 2015, while Afro-Colombian communities represented an estimated 25% of Colombia's total population, only 170 collective land titles, covering less than 5% of Colombia's territory (slightly over 5.8 million hectares) had been granted to their communities.¹⁴⁵ As of 2017, at least 271 pending Afro-descendant collective land titling claims had yet to be fulfilled,¹⁴⁶ some

¹³⁷ Proceso de Comunidades Negras, *Combatiendo a Las Mujeres Negras Como Si Fueran un Enemigo Bélico*, p. 8 (Mar. 2019); CLACSO, *Hacia El Buen Vivir: Desde lo cotidiano-extraordinario de la vida comunitaria*, p. 38 (2018).

¹³⁸ Communication with anonymous Afro-Colombian human rights defender (3 Sept., 2019) (on file with MADRE).

¹³⁹ Amnesty International, *The Years of Solitude Continue: Colombia: The Peace Agreement and Guarantees of Non-Repatriation in Chocó*, p. 34 (Nov. 2017).

¹⁴⁰ Defensoría del Pueblo, *Informe Especial: Economías Ilegales, Actores Armados, y Nuevos Escenarios de Riesgo en el Posacuerdo*, p. 225 (Sept. 2018), <http://defensoria.gov.co/public/pdf/economiasilegales.pdf>.

¹⁴¹ Defensoría del Pueblo, *Informe Especial: Economías Ilegales, Actores Armados, y Nuevos Escenarios de Riesgo en el Posacuerdo*, p. 223-4 (Sept. 2018), <http://defensoria.gov.co/public/pdf/economiasilegales.pdf>.

¹⁴² María Camila Jiménez Nicholls & Luisa Fernanda Uribe Larrota, *La amenaza de desarrollo en norte del Cauca*, *El Espectador* (24 Aug., 2019), available at <https://www.elespectador.com/colombia2020/opinion/la-amenaza-del-desarrollo-en-el-norte-del-cauca-columna-877675>.

¹⁴³ Observatorio de Territorios Étnicos y Campesinos, *Derechos territoriales de las comunidades negras: sistema de información sobre la vulnerabilidad de los territorios sin titulación colectiva*, p. 64 (2017), <http://etnoterritorios.org/index.shtml?apc=c-xx-1-&x=1299>.

¹⁴⁴ Observatorio de Territorios Étnicos y Campesinos, *Derechos territoriales de las comunidades negras: sistema de información sobre la vulnerabilidad de los territorios sin titulación colectiva*, p. 11 (2017), <http://etnoterritorios.org/index.shtml?apc=c-xx-1-&x=1299>.

¹⁴⁵ Amnesty International, *Colombia: Restoring the Land, Securing the Peace, Indigenous and Afro-Descendant Territorial Rights*, p. 5 (Nov. 2015).

¹⁴⁶ Observatorio de Territorios Étnicos y Campesinos, *Derechos territoriales de las comunidades negras: sistema de información sobre la vulnerabilidad de los territorios sin titulación colectiva*, p. 11 (2017), <http://etnoterritorios.org/index.shtml?apc=c-xx-1-&x=1299>

of which had been stalled in process for over a decade. Even where claims are recognized, in some instances the Government has failed to ensure communities' access to territory illegally seized from them. For example, the La Esperanza community is fighting for access to its legally-recognized collective territory, which was unlawfully parceled and sold off, including to local politicians.¹⁴⁷ Similarly, in the territory of the Community Council of La Toma in Norte del Cauca, the National Land Agency has failed to authorize the community's collective right to the territory for over a decade, while mining concessions and illegal mining continue to threaten the territory, placing the lives of the community leaders at risk.¹⁴⁸

The Government's failure to comply with guarantees of land restitution, a key component of Colombia's reparation measures under the Peace Accord, has meant that some Afro-descendant communities face the prospect of returning to land destroyed by extractive industries and mega-development,¹⁴⁹ or of never being able to return. Government agencies coordinating the restitution process have been slow to act. As of February 2018, the Land Restitution Unit was just starting to coordinate with other governmental entities, such as the National Land Agency.¹⁵⁰ The Government also has yet to fully implement the Victims and Land Restitution Law (Law 1448) of 2011,¹⁵¹ and Decree Law 4635 for Afro-descendant victims. Recently, a Commission tasked with monitoring implementation of Law 1448 and other decrees relating to Indigenous and Afro-Colombian communities warned that the Government has not allocated sufficient resources to the National Development Plan to meet the needs of victims under the law.¹⁵² It found specifically that the resources devoted to Afro-Colombian victims had decreased between 2018 and 2019 by 25%.¹⁵³ The Commission also found that 64% of land restitution requests have been denied by the Land Restitution Unit, with many denials citing reasons that do not conform to the law.¹⁵⁴

B. Lack of Free, Prior and Informed Consultation with Afro-Colombians

¹⁴⁷ Kati Hinman, For Afro-Colombians, a Slow March Toward Peace, NACLA (2 Aug. 2018), <https://nacla.org/news/2018/08/02/afro-colombians-slow-march-toward-peace>.

¹⁴⁸ *Titulación colectiva de tierras: una deuda del Estado colombiano*, Semana Sostenible, (23 Apr., 2019) available at <https://sostenibilidad.semana.com/impacto/articulo/titulacion-colectiva-de-tierras-una-deuda-del-estado-colombiano/43904>.

¹⁴⁹ Kati Hinman, For Afro-Colombians, a Slow March Toward Peace, NACLA (2 Aug. 2018), <https://nacla.org/news/2018/08/02/afro-colombians-slow-march-toward-peace>.

¹⁵⁰ Kroc Institute for International Peace Studies, *Estado efectivo de implementación del Acuerdo de Paz de Colombia 2 años de implementación, Informe 3 Diciembre 2016 – Diciembre 2018*, p. 142 (9 April 2019), https://kroc.nd.edu/assets/321729/190523_informe_3_final_final.pdf

¹⁵¹ 87El Espectador, La encrucijada de la política de restitución de tierras (May 4, 2019), available at <https://www.elespectador.com/colombia2020/territorio/la-encrucijada-de-la-politica-de-restitucion-de-tierrasarticulo-857940>; El Colombiano, Las denuncias del conflicto colombiano que recibió la CIDH (May 10, 2019) available at <https://www.elcolombiano.com/colombia/las-denuncias-del-conflicto-colombiano-que-recibio-la-cidh-FA10677112>; CIDH, Colombia: Reparación a víctimas de abandono forzado de tierras (May 9, 2019), from 4'28" to 4'40", available at <https://www.youtube.com/watch?v=9MmzFx2viHU> Amnesty International, *Colombia National Development Plan Threatens to Deny the Right to Land Restitution to Victims of the Armed Conflict and Allow Mining Firms to Operate on Illegally Acquired Lands*, (17 Jul. 2015).

¹⁵² Defensoría del Pueblo, Comunicado de prensa: Comisiones de Seguimiento a la Ley de Víctimas y Decretos Leyes Étnicos alertan sobre aumento de nuevos hechos de violencia (6 Aug. 2019).

¹⁵³ Defensoría del Pueblo, Comunicado de prensa: Comisiones de Seguimiento a la Ley de Víctimas y Decretos Leyes Étnicos alertan sobre aumento de nuevos hechos de violencia (6 Aug. 2019).

¹⁵⁴ Defensoría del Pueblo, Comunicado de prensa: Comisiones de Seguimiento a la Ley de Víctimas y Decretos Leyes Étnicos alertan sobre aumento de nuevos hechos de violencia (6 Aug. 2019).

While Law 70 of 1993 requires the State to consult with Afro-Colombian communities before carrying out any activity, including development or mining, that impacts their territories,¹⁵⁵ the Government has frequently disregarded this right.¹⁵⁶ The Government invites large scale mining and development projects into Afro-Colombian territories and does little to protect Afro-Colombian communities defending their territorial rights against these activities.¹⁵⁷ The Government has signed 739 mining titles with multinational corporations and 17 Free Trade Agreements with foreign governments that negatively impact Afro-Colombian ancestral territories.¹⁵⁸ The repeated failure to consult with Afro-Colombian communities about development within their territories leads to forced displacement, threats, and forced disappearances by illegal armed groups used to pave the way for mega-development projects, such as mining and port development.¹⁵⁹ This generates additional threats to Afro-Colombian women who have historically defended and maintained their ancestral territories.¹⁶⁰ The proliferation of illegal mining in Afro-Colombian territories has also led to increased levels of violence against Afro-Colombian community leaders advocating for their collective rights.¹⁶¹

Pending legislation risks further undermining Afro-Colombian communities' rights to free, prior and informed consent as well as the integrity of their territory. In July 2018 the Ministry of Agriculture proposed draft Law 003 of 2018 to amend Law 160 of 1994 on land reform,¹⁶² without

¹⁵⁵ Colombia Law 70 of 1993, Arts. 17, 26.

¹⁵⁶ UN Special Rapporteur on the Situation of Human Rights Defenders, End of Mission Statement by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst on his visit to Colombia, 20 November to 3 December 2018, p. 19, 26 (Dec. 2018).

¹⁵⁷ Stephen and Elizabeth Ferry, *Mining and the Defense of Afro-Colombian Territory: The Community of Yolombó, Colombia*, Revista Harvard Review of Latin America (Winter 2018) <https://revista.drclas.harvard.edu/book/mining-and-defense-afro-colombian-territory-community-yolombó-colombia>; Taula Catalana per la Pau and Oficina Internacional de Derechos Humanos, *Acción Colombia, Cómo protegemos a quienes defienden los derechos humanos en Colombia: Aportaciones de voces expertas en el marco de la implementación del Acuerdo de Paz*, p. 34-35 (May 2018) <http://www.oidhaco.org/uploaded/content/article/1666555647.pdf>; CLACSO, *Hacia El Buen Vivir: Desde lo cotidiano-extraordinario de la vida comunitaria*, p. 17 (2018); Interview, Afro-Colombian women's human rights defender, (1 Oct. 2018) (on file with MADRE) (name omitted for safety reasons).

¹⁵⁸ Taula Catalana per la Pau & Oficina Internacional de Derechos Humanos, *Acción Colombia, Cómo protegemos a quienes defienden los derechos humanos en Colombia: Aportaciones de voces expertas en el marco de la implementación del Acuerdo de Paz*, p. 34 (May 2018) <http://www.oidhaco.org/uploaded/content/article/1666555647.pdf>.

¹⁵⁹ Taula Catalana per la Pau & Oficina Internacional de Derechos Humanos, *Acción Colombia, Como Protegemos A Quienes Defienden Los Derechos Humanos en Colombia: Aportaciones de Voces Expertas en el Marco de la Implementación del Acuerdo de Paz*, p. 34 - 35 (May 2018); Manuel Góngora-Mera (2019) *The Ethnic Chapter of the 2016 Colombian peace agreement and the Afro-descendants' right to prior consultation: A story of unfulfilled promises*, p. 2 (21 January 2019), The International Journal of Human Rights, DOI: [10.1080/13642987.2018.1562920](https://doi.org/10.1080/13642987.2018.1562920)

¹⁶⁰ Proceso de Comunidades Negras, *Combatiendo a Las Mujeres Negras Como Si Fueran un Enemigo Bélico*, p. 7-9 (Mar. 2019).

¹⁶¹ Defensoría del Pueblo, *Informe Especial: Economías Ilegales, Actores Armados, y Nuevos Escenarios de Riesgo en el Posacuerdo*, pp. 224-225 (Sept. 2018), <http://defensoria.gov.co/public/pdf/economiasilegales.pdf>; Tatiana Naverrete and Mongabay Latam, *La lucha de un consejo comunitario contra la minería ilegal en Chocó* (23 Jun. 2017), <https://sostenibilidad.semana.com/medio-ambiente/articulo/mineria-ilegal-en-choco-la-lucha-de-un-consejo-comunitario-contra-la-mineria/38094>.

¹⁶² Verdad Abierta, *Proyecto de ley sobre tierras es lesivo para comunidades rurales vulnerables*, (9 Aug. 2018) <https://verdadabierta.com/proyecto-ley-tierras-lesivo-comunidades-rurales-vulnerables/>;

adequately consulting with Afro-Colombian and Indigenous communities through agreed-upon procedures.¹⁶³ Afro-Colombian and Indigenous organizations, as well as expert academics and the Solicitor General for Land Restitution Issues, fear this law will be used to legitimize the use of Afro-Colombian and Indigenous territories for agro-industrial and extractive projects, given that it prioritizes these projects as being in the “public interest”.¹⁶⁴

C. Suggested Questions for the Colombian Government

1. What steps is the Government taking to protect Afro-Colombian women and their communities’ collective and territorial rights including:
 - a. ensuring the full implementation and regulation of Law 70 of 1993, including fairly processing all pending collective land titling claims, and the full implementation of Law 1448 of 2011 and of Decree Law 4635, and land restitution provisions in the Peace Accord to guarantee restitution and reparations for Afro-Colombian victims of the conflict, particularly accounting for the disproportionate impact of the conflict on Afro-Colombian women;
 - b. allocating sufficient resources to implement Comprehensive Rural Reform under the Peace Accord and ensuring full participation and consultation of Afro-Colombian women and their communities; and
 - c. adopting measures to ensure Afro-Colombian women and their communities are properly consulted before any development projects or programs that may affect them and their territories are implemented?
2. What measures is the government taking to correct the error of excluding Afro-descendant peoples from the allocation of a specific account in the land restitution fund created under Decree 902 of 2017?
3. What measures is the National Land Agency taking to guarantee the right to collective ownership for the Community Councils that have pending applications, in particular, the territories attached to the Association of Community Councils (ACONC)?

D. Suggested Recommendations for the Colombian Government

We encourage the Committee to call on the Colombian Government to:

- finalize the regulation of Law 70 of 1993 as a way to guarantee Afro-Colombian women and their communities their collective rights, in particular access to their urban and rural ancestral and collective territories.
- develop a plan, in consultation with Afro-Colombian women and their communities, and dedicate adequate funding to implement the Victims and Land Restitution Law (1448) of

¹⁶³ Organización Nacional Indígena de Colombia, *Pronunciamiento de la Instancia Especial de Alto Nivel con Pueblos Étnicos* (2 Aug. 2018); Verdad Abierta, *Proyecto de ley sobre tierras es lesivo para comunidades rurales vulnerables*, (9 Aug. 2018); Kroc Institute for International Peace Studies, *Segundo Informe Sobre El Estado Efectivo de Implementación del Acuerdo de Paz en Colombia* p. 249. (Aug. 2018).

¹⁶⁴ Comisión Colombiana de Juristas, *Tierra Para La Minería y ZIDRES o Para Quien la Trabaja?* p. 1-3 (14 June 2019), https://www.coljuristas.org/documentos/tmp/Articulo_PL_003.pdf; Organización Nacional Indígena de Colombia, *Pronunciamiento de la Instancia Especial de Alto Nivel con Pueblos Étnicos*, (2 Aug. 2018); Verdad Abierta, *Proyecto de ley sobre tierras es lesivo para comunidades rurales vulnerables* (9 Aug. 2018).

2011 and Decree Law 4635 of 2011 to ensure Afro-Colombian women conflict victims receive land restitution required under the law;

- develop a plan in consultation with Afro-descendant authorities and women's organizations to guarantee their right to free, prior, and informed consent for any administrative actions, laws, programs, projects, and activities that may affect them;
- Guarantee collective title to those Community Councils in process of soliciting this important right, and ensure compliance with the titling agreement for 50 Community Councils that the National Land Agency signed with Proceso de Comunidades Negras in 2018.