

Submission by Society for Threatened Peoples

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**a non-governmental organization in
special consultative status**

Language: English only
Universal Periodic Review
Sixteenth Session

2012-10-02

Colombia

Armed Conflict

1. Colombia is the home of 87 indigenous peoples with around 1.4 million people. The Afro-Colombian population comprises of around 45 million Afro-Colombians by self-identification. The Colombian population consists of 27 percent of Afro-Colombians. 3.5 percent of the population are indigenous people. The majority lives in the rural area of Colombia which is widely affected by the armed conflict between guerrilla groups, paramilitaries and the governmental troops. In recent years the phenomenon of urbanization has also reached indigenous and Afro-Colombian communities even though the displacements are caused by intrusions of the indigenous land through the armed conflict, illicit economy or exploitation of resources.
2. Colombia possesses the highest number of displaced persons worldwide with around 4 million people since the beginning of the armed conflict. Even though indigenous people represent only 3.5 percent of the Colombian population, their share of displaced persons is estimated at 15 percent. Another 30 percent of displaced persons are of Afro-Colombian origin. The high numbers of displacements among the indigenous and Afro-Colombian population is often caused by their extended presence in rural areas which are among the most affected regions by the armed conflict.
3. In 2011 official numbers estimated the amount of peoples facing the danger of extinction at 34 out of 87 indigenous peoples. Additionally there are several peoples at danger as their communities are composed of less than 500 people, 18 peoples only consist of less than 200 inhabitants and 10 peoples of less than 100 people. The danger of extinction is largely created by the intrusion and displacement, as they lead to poverty, lack of access to health care and education. The illiteracy rate is around 24 percent as half of the indigenous population between 5 and 25 years does not have access to education. Among Afro-Colombians the illiteracy rate is 30 percent, with 10 percent of the children between 5 and 10 years without the possibility to go to school. Around 80 percent of Afro-Colombians are not able to cover their daily needs. Furthermore the possibilities to practice a regular and adequately remunerated work or to live self-sufficiently by cultivating food crops are widely diminished. Another problem is that many peoples feel narrowly related to the land because they have been

on it for generations and because of its religious meaning for them. With forced displacement, many indigenous and Afro-Colombian peoples are at higher risk of extinction caused by life endangering living conditions and lack of perspectives.

4. The land, on which indigenous and Afro-Colombian communities live, is frequently disturbed and intruded by various actors. These actors consist partly of guerrilla and paramilitary groups. They usually aim to grow coca leaf in order to finance their fights. Thereby they use various strategies: either they invade a region and set an ultimatum of 24 hours to the local people to leave the region and their homes behind. The inhabitants can just take the most necessary things with them and have to leave their possessions and their land if they want to escape death, slavery and violence. Another strategy is to force the local population to cultivate coca instead of vegetables. This not only takes away the basis of life and food supply but also creates a rising danger for civilians to be drawn in between the fronts of the armed conflict of the different actors, as the guerrilla, the paramilitary and the Mafia are all engaged in the drug trade. Additionally the cultivated land is often destroyed by herbicide spraying-measures of the authorities to destroy coca plantations and to fight the drug wars. The herbicides are mostly distributed by airplanes which causes that not only the aimed plantations are affected but also surrounding food crops and the people living nearby. This leads to serious illnesses and health problems as well as to food scarcity caused by the chemical contamination.

5. Among indigenous and Afro-Colombian communities especially women and children suffer from the current conditions. In 70 percent of cases of violence against indigenous peoples women and children were the victims. According to Colombia's Constitutional Court (CC) violence was mostly related to sexual abuse and rape. Violated women are often stigmatized and made to leave their home communities. After being displaced, the majority of women moves to urban areas and is forced to work in domestic services, starts to beg or enters prostitution. In 2009 international organizations and the CC called upon the government to implement measures to protect Afro-Colombian and indigenous women. Up to now there are no viable and visible changes. Furthermore, many women fear the forced recruitment of their children by the guerrilla or the paramilitary. In order to prevent their children from being taken and become involved in the armed conflict, they chose escape as the better option to survive.

Land ownership

6. In 2011, President Santos signed the Victims and Land Restitution Law, Law 1448. This law is supposed to facilitate the possibility to receive reparations for the victims of the armed conflict. Between 2000 and 2005 alone, around 2.6 million hectares of land have been stolen, after their inhabitants were forcibly displaced or fled voluntarily. The law is crucial in two aspects: firstly it acknowledges the existence of the armed conflict and the ongoing human rights violations. Secondly it provides the option for victims to request their stolen land back or receive reparation payments for

their lost territorial possessions. Problematically the law enables a judicial loophole as it ensures immunity to straw men. In many cases stolen land is signed over to a third party, often a family member or close friend, and is therefore not affected by Law 1448. This complicates the restitution process and only in very few cases land is actually handed back to their original owner. Another problematic issue is the lack of official land titles. Many indigenous and Afro-Colombian people inhabit certain areas for many generations, but they were never officially registered as the owner of the land. When they are displaced, they do not have any proof of their ownership rights to the land and consequently Law 1448 does not take effect. Even though the law is a first step to support the rights of the displaced population, the implementation of the law needs further measures and the content has to be enlarged urgently.

7. International corporations are highly interested in the exploitation of Colombian natural resources. The Colombian government frequently distributes mining concessions to companies without the demanded consultation of the indigenous and Afro-Colombian communities who populate the region. Private investors exploit the natural resources without caring for the significance of certain locations for the life and beliefs of indigenous peoples. Furthermore ground water is regularly poisoned by the methods used to dissolve valuable ores and other metals from the rocks. Another economic branch consists of palm oil plantations and cattle breeding for the international market. Apart from international corporations, the local paramilitary groups are also eagerly engaged in agribusinesses. As the Colombian government does not impose the right of free, prior and informed consult as determined in the International Labour Organization Convention 169, which was ratified by the Colombian government in 1991, and in the Colombian Constitution Article 330, land is taken away from the indigenous and Afro-Colombian communities without compensation or help to resettle. As Colombia not only ignores the right of consultation, which contravenes the ILO Convention and their own Constitution, but even supports and promotes this violation of law, the actual situation of indigenous and Afro-Colombian peoples in the rural areas is unacceptable.

Discrimination

8. Indigenous and Afro-Colombian peoples face many sorts of discrimination against their population. They are excessively affected by structural poverty and inequality especially in rural areas. 63 percent of indigenous people live in poverty and 47.6 percent even face extreme poverty. Additionally the armed conflict and the drug trade complicate the situation of indigenous peoples as destruction of fields and displacement endanger food security. Basic needs are often lacking. Access to health care and education is mostly not available, which causes over-averaged illiteracy and a very low life expectancy. Moreover indigenous people are often confronted with the stigmatization, that they are allegedly sympathizing with and supporting illegal armed troops. On the other hand they regularly experience violence by armed troops if they deny their support and their alliance. Neutrality is evidently not accepted by the active parties of the armed conflict. Many indigenous peoples are unable to access their traditional food and in many cases nutritional support by the government ignores their diet and thus causes health problems and illnesses as a result of lacking resistance

to certain organisms. Indigenous rituals and cosmology are often neglected and made impossible by the intrusion of governmental troops, illegal armed troops or by displacement.

9. Indigenous and Afro-Colombian peoples are affected by the armed conflict above average. Their territories and lives are intruded by the military, guerrilla and paramilitary, their land is destroyed and misused by coca or palm oil plantations and they are frequently displaced. The United Nations should assess the situation of indigenous and Afro-Colombian peoples and include their problems in their efforts to pacify Colombia.