

End of mission statement by the United Nations Working Group of Experts on People of African Descent following its country visit to Colombia (15-24 May 2024), containing its preliminary findings and recommendations.

Bogota, 24 May 2024

Background of the visit

The United Nations Working Group of Experts on People of African Descent (“The Working Group”) wishes to thank the Government of Colombia for its invitation to visit the country, for its cooperation and for the efforts to facilitate meetings with different ministerial departments as well as with other national institutions and local authorities. The Working Group also wishes to thank all the officials at the national and local levels, which engaged in dialogue, shared presentations, documents and replied to its questions. It further expresses thanks to the officials of the Ombudsman Office, the President of the Supreme Court and the officials of the Special Jurisdiction for Peace (JEP) for meetings held with the Working Group and exchanges on several issues of concern.

During its visit from 15-24 May 2024, the Working Group travelled to Bogota, Tumaco, North Cauca, Buenaventura and Quibdó. It met with the Vice-President of Colombia, the Vice-Minister of Foreign Affairs, senior officials from the ministries of Education, Health, Labour, Justice, Culture, Housing, Environment as well as the Directorate for Human Rights and International Humanitarian Law, National Statistics Agency (DANE), the Ombudsman Office, the JEP, the Supreme Court, and local authorities. The Working Group also met with civil society organizations of people of African descent in particular young people’s organizations, community leaders, women’s groups including from rural and remote areas in the Pacific Coast region. It visited the prison of Quibdó and the House of Memory in Buenaventura.

Throughout its meetings with civil society organizations and community council leaders, the Working Group has been impressed by the extreme resilience, resistance, dedication and relentless commitment to their communities and their willingness to pursue their struggle for equality and equity despite limited state assistance. Specially, the Working Group expresses its appreciation to the women, men, LGBTQI+, and young people of African descent, who shared their stories and for their attachment to their territories and lands.

The findings expressed in this statement are of a preliminary nature. The final report on the visit will be presented to the United Nations Human Rights Council in September 2025.

General observations

As a country that is experiencing centuries of structural, institutional, and systemic racism, Colombia has a unique opportunity to make a decisive break from the past and embark on a comprehensive transformative agenda. The Working Group acknowledges the adoption of legal provisions, court rulings and policies, which

recognize the ethnic differential for people of African descent, whose speedy implementation would allow for significant advancement of people of African descent in several areas of life.

Racism and racial discrimination that is anchored in the legacies of enslavement and colonialism have rendered people of African descent invisible, confined and 'diasporised' to race sacrifice zones. People of African descent and their concerns are further invisibilised by deficiencies in the collection and systematization of accurate and reliable data, thus contributing to biases in law, public policies and practices. Even regulations and court rulings in favour of people of African descent, are redundant demonstrating the institutional racism that prevails in the country. The Working Group was repeatedly told by people of African descent that "we are victims of 'statistics genocide' in the last census".

People of African descent are experiencing lack of recognition at multiple levels, spanning from the absence of a positive narrative of their contributions to the Colombian society, the absence of their history in textbooks, the slow implementation of the right of self-governance (recognised) in the provisions of the Constitution of 1991 to relevant law provisions especially Law 70. Despite the abundant natural resources in the territories, their impoverishment is astonishing. Whereas the successful implementation of the Peace Agreement is crucial, a history of state abandonment has exacerbated the deep suffering from the protracted and persistent conflict and violence.

The conflict has mutated and extended to urban areas with the armed groups, now living and thriving in the communities, intensifying human insecurity in all aspects. State policies that promote or permit illegal mining – have a disproportionate and differential impact on women.

The recognition of the ethnic differential approach by justice institutions as well as the consideration of environmental justice attest to the great potential for Colombia to advance the rights of people of African descent if obstacles and hurdles of racism are overcome. In that sense, the Working Group notes with appreciation, the commitment of the government to advance racial justice and equality in Colombia.

While noting Colombia's ratification of the main international and human rights instruments, the Working Group nevertheless regrets that it has not ratified the InterAmerican Convention against racism, racial discrimination and related forms of intolerance and has not yet accepted the competence of the Committee on the Elimination of Racial Discrimination to receive and consider individual complaints under article 14 of the International Convention against all forms of racial discrimination. The Working Group invites Colombia to do so.

The Working Group remains concerned by the political polarization of the country based among others on racist hate and prejudices against people of African descent, demonstrated by racist hate speech expressed against the Vice-President of Colombia and other leaders and role models. It is an indication of the urgency to reinforce anti-racism efforts and deconstruct the negative narrative that still keeps Colombian society under the siege of racism. The Working Group urges Colombia to fulfil the

commitments under the three pillars of International Decade of people of African descent -recognition, justice and development.

Issues of concern

During its visit, the Working Group has heard testimonies and histories and received reports, which lead to the concerns below.

Data

Reliable data visibilises any population and its concerns, and people of African descent are no exception. In addition, reliable data allows for more targeted policies to address inequalities in a more effective and targeted manner. Several reliable stakeholders have confirmed to the Working Group that Colombia's data on people of African descent is 'broken' including those obtained during the 2018 population and housing census. Persons of African descent living in different territories confirmed that they were not reached by the national census officials as the majority live in remote locations that are controlled by armed groups. The Working Group urges Colombia to collect accurate and reliable data of people of African descent at the next population and housing census. This could be achieved by working with local leaders and community councils.

Political participation, representation, and governance

Despite attempts by the current government, the State is still alienated from people of African descent especially in their territories. A senior state official confirmed that the state cannot guarantee the human rights of people in *absentia*. Whereas communities have governance structures or community councils recognised by law as well as governance experience over centuries, they lack instruments of power including full enjoyment of autonomy and guarantees of (legal) protection. The reality of impoverishment and infrastructural difficulties weakens the authority of local governance structures (Community Councils) in the territories. Testimonies and reports indicate an evident general lack of representation of populations of African descent including among areas of native competency such as housing projects in the territories, and state sponsored spaces for ethnic art and music, but also in political and public affairs including in high-level and in decision-making positions.

The differential approach is noble and instructive but met with structural barriers including racism and racial discrimination, the lack of specific guidelines, training of officials, the absence of a national anti-racism strategy, and lack of accountability measures. Colombia should operationalise the Law 70 fully and recognise local leaders, especially community councils, as authorities in their territories and equipped with instruments of authority, guarantees of legal and other protections to correspond with the level of responsibilities assumed by them. It should ensure an adequate representation of people of African descent at all levels of political and public affairs.

Justice

People of African descent seek justice for historical wrongs including the slave trade, and the legacies of those violations, and the effects of the protracted war against them for their territories. Men, women and children of African descent in these regions are at war with the realities of weaponised sexual and gender-based violence, mutilation, internal displacement, environmental racism, massacres, forced recruitment and use of children and young people into armed groups, enforced disappearance, killing of human rights defenders and community leaders, with impunity. Criminalization of people of African descent is underscored by coercive circumstances of permanent deprivation, racial stereotypes, and the absence of law enforcement in their places of abode.

The Working Group heard from people of African descent about significant barriers to access justice as they mainly live in impoverished remote and dispersed areas with limited availability of legal representatives as well as lack of access to courts. According to testimonies, many of the femicide cases have gone unpunished, which brings people of African descent to develop mistrust and loss of confidence in the justice system. The application of the differential approach to justice is constrained by the limited representation of judicial officers of African descent. Examples of concern to people of African descent in accessing justice from the courts and state mechanisms include:

a) disappearance of files and records of evidence gathered at a high cost and filed by vulnerable people of African descent with justice mechanisms. This has led to distrust of justice processes, impunity and relegation of the truth of people of African descent among existing transitional justice mechanisms; b) unresponsiveness of state institutions to grievances of people of African descent, and disregard of court rulings and orders by the State. Examples include Rulings 005/2009, 073/2014, 620/2016 and Order T 025/2004; c) exercise of hegemonic approaches in formal justice systems and relegation of traditional justice; d) the monolingual language policy of the judiciary with Spanish as the language of courts; e) people of African descent are unable to defend their causes in courts that do not communicate in their languages without translation or interpretation guarantees.

Barriers of access to justice have led to overrepresentation of people of African descent in the criminal justice system including disproportionate levels of incarceration. Reportedly, lawyers advise persons accused of criminal offences to bargain verdicts with pleas of guilt other than spend prolonged periods in detention without trial.

The Working Group invites Colombia to address structural barriers to access justice by people of African descent and ensure its accessibility physically and fight impunity for crimes committed against people of African descent, in particular women, including in the context of conflicts, taking into account the differential ethnic approach. People of African descent should be guaranteed free legal aid where appropriate and be represented in adequate manner in a language that they understand. Court rulings mentioned above should be given effect and trust rebuilt in the justice institutions. Increasing the number of judges of African descent in institutions could be a first step.

Transitional justice

People of African descent require peace, justice and guarantee of their rights simultaneously. The Ethnic Chapter of the Peace Agreement offers prospects but there is need for more commitment to compliance with the terms of the peace process by all stakeholders. The Working Group learnt that:

- a) violence and enforced displacement have escalated since the signing of the peace agreement;
- b) many of the leaders that defended Law 70 were assassinated despite the early alert mechanism, and with impunity; the response mechanisms do not reflect the disproportionate impact of the conflict on people of African descent especially women and the representation of people of African descent in the Special Jurisdiction for Peace (JEP) is four judges out of 34.
- c) Several signatories of the peace agreement have not received their amnesty certificates.

People of African descent confirm the harmful effects of racism and the raced-based conflict in the following terms: a) the territory is a victim; b) destruction and loss of cultural identity; c) abandoned, isolated, and forgotten; d) femicide; e) gender-based (sexual) violence; f) 'genocide'; g) displacement; h) impoverishment; i) trauma; j) violation of femininity and spirituality; k) stolen childhoods; l) brokenness and mental despair; m) environmental degradation; n) food insecurity, among others.

The Working Group urges Colombia to adopt structured and rule-based responses to early warning mechanisms.

The state needs to take all possible measures, including seeking international assistance, to end the protracted conflict that is submerging a significant part of the country and making state functionary a mirage. A sustainable response mechanism to immediate threats to life and livelihoods such as land mines and water mines needs to be urgently established and adequately resourced to intervene promptly and effectively.

Embark on comprehensive culturally competent programmes to repair, develop and transform the respective regions in partnership with, and ownership by people of African descent to ensure sustainability.

Adapt a research and evidence-based approach to interventions such as legislation, and decrees intended to transform the agenda of the nation to vindicate the rights of people of African descent. It is pertinent to assess the harm caused to people of African descent by legacies of the past, racism and racial discrimination as a pre-requisite to reparation.

Sensitise people of African descent about the existing interventions from the state, build their capacity and support them to meet the requirements.

The fight against structural, systemic and institutional racism needs to be specific and streamlined with an anti-black racism agenda that is supported by a complaint mechanism and remedial approaches.

Law enforcement

People of African descent in both rural and urban areas decry the disproportionate interface with law enforcement by way of racial profiling, which may turn confrontational and victimising. The law is often enforced against, other than for them. Increased militarisation of their territories has not yielded positive results. The army is replicating the actions of the armed groups with impunity, yet made little progress with regard to the purpose of their deployment. On the other hand, the absence of effective law enforcement in their territories has created a state of lawlessness, which is abused by several actors including bandits from other countries that violate the vulnerable populations.

The Working Group learned of the phenomenon of “false positives”, through which police officers deliberately implicate people including by planting drugs and weapons to cover up their own criminality.

The state needs to investigate thoroughly, prosecute and expedite trials for accountability of military personnel and members of armed groups for human rights violations.

The Land Question

In their testimonies, people of African descent have described land as identity, community (or belonging), and a livelihood. They have also described the territory as their life. They complained about the difficulties they are encountering in obtaining collective land titles despite the Laws and relevant regulations on the restitution of lands to the victims of the armed conflict and on the right to collective ownership by people of African descent over their territories, respectively.

People of African descent reported that successive mega projects of monocrops such as sugarcane growing in the North of Cauca, and contested take over by companies have dispossessed them of ancestral lands. The Working Group is astounded by information that the state has expropriated ancestral lands of certain communities, without compensation, as deemed them occupied wetlands, and that communities of African descent have also lost their ancestral lands that have been titled to communities of other ethnicities. Loans have led to dispossession because of decline in profitability of their economic activities.

The Working Group calls on Colombia to expedite the implementation of all laws and regulations as well as court rulings on land titling and land restitution for people of African descent and ensure that no project is carried out within their territories and likely to affect them without meaningful prior consultations in view to obtain their free, prior and informed consent. Provide adequate compensation for land losses in consultation with them.

Housing

Adequate housing is impracticable in conditions of enforced displacement, insecurity of land tenure, land dispossession, limited economic and social mobility, and state abandonment of the territories. The Working Group learnt with concern that people of African descent experience disproportionate difficulty in obtaining building licences and were discriminated against in allocation of social houses. Reportedly, houses built by the state in certain areas cannot withstand the specific rigours of the environment. The Working Group raises concern about the general housing conditions of people of African descent in the localities of Quibdo and Buenaventura where a good number of them live in slums.

The Working Group recommends that Colombia take adequate measures to ensure access to decent and adequate housing to people of African descent including those in forced displacement.

Employment

The Working Group learnt that territories inhabited by people of African descent have the highest unemployment rates. This situation has worsened due to the conflict which targeted and destroyed the economic mobility and establishments of inhabitants. Information received from people of African descent suggests that access to employment is also affected by the structural racism and racial stereotypes such as laziness and low intellect. The supposed lack of financial and project management skills of people of African descent inhibit employment prospects and contribute to unemployment. Additionally, their community development plans have reportedly low acceptance rates and development initiatives as a result of agreements concluded at round tables are often not implemented. The Working Group heard that budget lines that allocate funds to people of African descent together with other groups are often met with a competitive and discriminative effect that disfavours people of African descent.

The state should take concrete and urgent steps to promote access by people of African descent to employment through special measures such as quotas in the public sector and incentives for the private sector. Financial facilitation for people of African descent must be specifically oriented to them, with due regard to the tenets of a differential approach and policies of income generating activities. Colombia needs to undertake deliberate reconstruction programmes for the territories occupied by people of African descent underscored by the vision and aspirations of the inhabitants. The state should also build the capacity, rehabilitate and integrate signatories of the peace process in sectors of competency.

Health

Under article 5 of the International Convention on the elimination of all forms of racial discrimination and article 12 of the International Covenant on Economic, Social and Cultural Rights, Colombia committed to promote access to health without discrimination and render it accessible, available and affordable, with good quality of health care services. The Working Group is highly concerned by testimonies that territories mostly inhabited by people of African descent are left behind in terms of health care availability with one hospital and one health clinic in some cases, and difficulties of people living in remote and dispersed areas to access healthcare

services. The quality of healthcare services is often low in these territories. Moreover, people of African descent including women reported about stigmatization, violations of patient confidentiality and professional secrecy, material damage to health-care facilities among others. The working group learnt that people of African descent were more stigmatised and racialized during the pandemic. Their traditional remedies and innovations were overlooked, mocked and undocumented by the health sector and Colombian society.

The Working Group was given information about the lack of professional ethics by doctors, nurses, pathologists and other service providers. A racialized, gendered and sexualised pattern of discrimination is evident in the experiences of people of African descent in accessing health services. The Working Group received testimonies about refusal of medical help, 'obstetric violence' and racial stereotypes that black women can withstand more pain and that LGBTIQ+ groups only need STD and HIV treatment. Women are reportedly often discharged from the hospital early and without any additional follow up or pain management.

The Working Group is seriously concerned about the grave mental health crisis in the territories, which has resulted in many suicides and attempts to commit suicides by minors and adolescents in communities of African descent. A lack of mental health services and professionals combined with household stress results in (complete isolation) mothers from children, for example, causes loneliness, grief and a sense of hopelessness.

The Working Group is concerned about testimonies received on environmental pollution of rivers with mercury which renders them unusable and puts people of African descent in rural areas/remote areas at risk for their health. Harmful insecticides in agricultural lands have destroyed the environment and contaminated the water source, reportedly resulting in a significant rise in cancer in their territories. It has reportedly generated food insecurity, hunger and malnutrition.

The Working Group urges Colombia to take positive steps ensuring effective access by people of African descent, in particular those living in rural and remote areas, to health care services of good quality and to increase significantly the allocation of budgets for the health sector in this regard. Colombia should equip health services in these territories with personnel of African descent and guarantee adequate health care conditions. The mental health crisis of minors and adolescents should be addressed urgently, and sexual and reproductive rights to people of African descent ensured. The Working Group invites Colombia to prioritise remedies for the pollution of rivers which endangers the health of people of African descent in consultation with communities.

Education

The Working Group notes the explanations provided by the Government about efforts to strengthen educational processes in different territories in Colombia. Nevertheless, these measures are insufficient to ensure full schools' accessibility to all children of African descent. Testimonies reveal that several families are extremely reluctant to send their children to school due to risks of forced recruitment in armed groups. For people of African descent living in the most remote areas, distance to schools remain

a challenge and results in school dropouts. Regulatory barriers consisting of minimum pupil requirements as a pre-requisite to teacher allocation have a serious indirect effect of leaving small communities inhabited in rural and dispersed areas with no teachers.

Communities and young people testified about the need for a transformative approach in the educational system - so their stories are not only told as enslaved people and the history of people of African descent is also taught including their contributions to Colombian society. The Working Group was told of the barriers to access to higher education including its affordability and the physical inaccessibility of high education institutions of good quality, which also could also offer a full range of trainings, professional or otherwise. Even students on scholarship drop out because of harsh conditions of life and inability to meet the additional costs.

The Working Group invites Colombia to confront all inequalities in access to education for people of African descent, Curriculum reform is necessary to ensure that people of African descent are appropriately represented in textbooks, including their history and contributions to the Colombia society.

Situation of displacement

The Working Group is alarmed that armed conflicts, the threat by armed groups and the absence of the state in territories have resulted in forced displacement of people of African descent and confinement. Mega projects combined with deforestation have significantly contributed to internal displacement and have degraded income generating activities of people of African descent. The Working Group learnt that despite protracted internal displacement and confinement there is a failure to adequately register people of African descent contributing to a denial of services. Refugees and migrants of African descent crossing Colombia are exposed to risks due to exploitation from irregular armed groups and human trafficking networks.

The Working Group recommends that Colombia included Afro-descendant victims of forced displacement and confinement to be properly registered in the Registry of Victims. The Working Group recommends that the state offers coordinated and comprehensive solutions that address the needs of mixed movements of people of African descent within Colombia including offering complementary protection mechanism (such as temporary protection schemes) for other people of African descent who may require international protection.

Protection of women of African descent

The Working Group take cognisance of the commitment and the leadership of women's leaders, mothers, and human rights defenders of African descent. While the Constitution guarantees gender equality, in the absence of the state, they are the champions of human rights in their territories resulting in local, nation, and international applaud for the leadership of women of African descent in peacebuilding efforts and justice of Colombia.

Exemplified by the history of Cocomas, the largest collective with 124 communities in Quibdó, women of African descent have carried out micro community support activities in other territories such as in the territory of Barbaco, where they empowered others and assisted victims of sexual and gender-based violence in the absence of psychosocial support and legal assistance from the State. The protracted armed conflict has brought intense suffering for women of African descent, who have been most of its victims including of sexual and gender-based violence, rape utilized as weapon of war, killing, forced displacement and other forms of violence and violations.

Throughout its consultation process, the Working Group heard how themes of resilience, resistance, and healing are important in the struggles for justice and the protection of livelihoods for people of African descent in particular women. Yet, persistent harm resulted through the actions of armed actors, crime networks combined with state inaction and lack of protection, which generated a sense of depletion for the people of African descent. Colombia should provide solutions to rebuild a resilient society and guarantee the rights of women of African descent. The state should increase its support for programs led by and for women of African descent that target serious violations of women's and children's rights, and ensure their sustainability through budget allocations and dedicated institutions.

Children and young people in the context of conflict

The Working Group is concerned that young people of African descent still face discrimination in all areas of life, such as education and employment, and unequal access to opportunities. They have reportedly been used as *tools of war* in particular by armed groups. Following the peace process, armed groups have quickly emerged as a key recruiter for children as informers, messengers, labourers, and also for fighting purposes. Ex combatants as adults recognised the extreme poverty, lack of opportunities, lack of access to education in rural areas and an absence of peaceful environment as some of the structural factors that resulted in their recruitment in armed groups. While adults are often at work with no one home, there is no guarantee of household or community protection for children. A strategy of 'seduction'- systematic grooming of young people is taking place by armed groups. Juvenile armed violence is a serious concern for people of African descent in the communities.

The Working Group invites Colombia to take appropriate policies and strategies, in consultation with people of African descent communities, to eradicate child recruitment in armed groups.

LGBTIQ+ groups

Based on testimonies and stories heard, the LGBTIQ+ individuals of African descent encounters discrimination and violence including within communities, their families, and by armed groups as well as the lack of appropriate support and understanding of their need of diversity. The Government should provide support and firmly combat discrimination against LGBTIQ+ individuals of African descent and take firm actions to counter impunity.

