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IRB – Immigration and Refugee Board of Canada (Author)

Colombia: Situation of Afro-Colombians, including treatment by society, authorities, and armed groups; ability to relocate to Bogotá, Cartagena, Barranquilla, and to other rural and urban areas; ability to access housing, employment, education, and health care; state protection and support services available (2021–August 2023) [Colombia: Situation of Afro-Colombians, including treatment by society, authorities, and armed groups; ability to relocate to Bogotá, Cartagena, Barranquilla, and to other rural and urban areas; ability to access housing, employment, education, and health care; state protection and support services available (2021–August 2023)]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

1.1 Legislation

Law 1482 of 2011 (*Ley 1482 de 2011*) provides the following regarding acts of discrimination:

[translation]

Article 3. Modified by Art. 2, Law 1752 of 2015. The Criminal Code shall have article 134A, which shall read as follows:

Article 134 A. *Racist or Discriminatory Acts.* Anyone who arbitrarily prevents, obstructs or restricts the full exercise of the rights of persons on the grounds of race, nationality, sex or sexual orientation shall be liable to imprisonment for twelve (12) to thirty-six (36) months and a fine of ten (10) to fifteen (15) times the statutory minimum monthly wage.

NOTE: Article declared CONSTITUTIONAL by the Constitutional Court's Sentence C-671 of 2014. (Colombia 2011, emphasis in original)

Freedom House reports that although Colombia's legal system "provides protections against various forms of discrimination," including based on race and ethnicity, "several vulnerable groups" experience "serious disadvantages in practice" (2023-03-09, Sec. F4). The same source adds that, according to "UN officials," Afro-Colombian ex-combatants and social leaders are killed with "nearly absolute" "impunity" and that areas with high Afro-Colombian populations are "disproportionate[ly]" affected by "abuse" from armed groups and security forces (Freedom House 2023-03-09, Sec. F4). Similarly, according to *Bertelsmann Stiftung's Transformation Index (BTI) 2022*, which "assesses the transformation toward democracy and a market economy as well as the quality of governance in 137 countries," while Colombia's legislative framework "guarantees equal access to fundamental rights and social services," prohibits race-based discrimination, and provides protection to ethnic minorities, these "formal instruments" have not adequately addressed the "causes of discrimination"; "inequality remains a salient characteristic of Colombian society," notably for Afro-Colombian communities, among others (Bertelsmann Stiftung 2022, 2, 27).

In correspondence with the Research Directorate, an associate professor of geography at the Florida International University, who has conducted research on Afro-Colombians, stated that Law 70 of 1993 (*Ley 70 de 1993*) is "perhaps the most significant legislation in the Americas that aims at protecting the rights of Afro-Latin American communities" (Associate Professor of geography 2020-04-06). According to the World Bank, Law 70 recognized the rights of rural Black communities (*comunidades negras*) of the Pacific Coast, including

the right to own their collective territory, to maintain their rural-based traditional economies, and to develop in ways that were appropriate to their cultural identity and social practices. It also mandated the inclusion of Afro-Colombian history and culture in public school curricula. Finally, it reserved two seats in the National Congress, and over 300 government positions, for members of *comunidades negras*. (2018, 46, italics in original)

In a submission to the UN Committee on the Elimination of Racial Discrimination (CERD), a group of eight local, national and international organizations report that although the law and its implementation decrees allow for the recognition of "black communities' collective lands on 'barren, rural and riparian' lands outside the Pacific Basin," their application in this area has been "restricted by government authorities" (ACIBAC, et al. 2019-10-31, 21). Sources indicated that the implementation of Law 70 faces "severe limitations" (Associate Professor of geography 2020-04-06) or is "very poor" (Consultant 2020-04-13).

1.2 Situation

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Colombia has a total population of 50.3 million (UN 2021-04-21, 1). According to a 2019 report on the ["most recent" (IMF 2021-02-22, Sec. 5.1.1)] 2018 census focusing on the Black, Afro-Colombian, Raizal and Palenquera (*Negra, Afrocolombiana, Raizal y Palenquera*, NARP) [1] populations, conducted by the National Administrative Department of Statistics of Colombia (Departamento Administrativo Nacional de Estadística, DANE), 2,982,224 Colombians self-identified as NARP, a decrease of 30.8 percent from the 4,311,757 counted in the 2005 census (Colombia 2019-11-06, 16). The same source provides the following statistics:

	Population who self-identified as NARP in the 2018 census	Population who self-identified as NARP in the 2005 census	Percentage change from 2005 to 2018
Atlántico department [with Barranquilla as its capital]	140,142	227,251	-38.33
Bolívar department [with Cartagena as its capital]	319,396	497,667	-35.82
Bogotá capital district	66,934	97,885	-31.62

(Colombia 2019-11-06, 35)

Sources report that Afro-Colombian populations are concentrated in Colombia's western departments (Amnesty International 2020-01-09) or along the Pacific coast, in the department of Cauca and "in and around" Cali (Associate Professor of history 2021-07-12). The Office of the Ombudsperson (Defensoría del Pueblo), based on the DANE's 2005 census, states that Afro-Colombians make up 90 percent of the population in the Pacific region (Colombia 2016-08, 18). Minority Rights Group International (MRG) indicates that 60 percent of the population

along the country's Atlantic coast is made up of Afro-Colombians (2023-06). The same source adds that the department of Vall del Cauca "is the most populous Afro-Colombian state," followed by the departments of Bolívar, Antioquia, Nariño, and Chocó (MRG 2023-06).

Regarding urban centres, MRG adds that Afro-Colombians "are present in every major city" of Colombia, including an estimated one million residing in Bogotá (2023-06). The same source notes that this is a result of "the significant role that displacement has played in the urbanization of Afro-Colombians," citing "one estimate" that "more than" 70 percent of Bogotá's Afro-Colombian population was "born outside the city" (MRG 2023-06). According to the UN's Economic Commission for Latin America and the Caribbean (ECLAC), Cartagena (Bolívar) and Cali (Valle del Cauca) are two of the cities with the largest proportion of Afro-Colombians (UN 2018, 26). The *Economist* indicates that almost half of Cali's population of 2.5 million is Afro-Colombian (2019-08-29). According to the website of the mayor of Cali, the city had the highest and second highest population of Afro-descendants in Colombia and in Latin America, respectively (Colombia 2013-05-21).

DANE reports that, according to a 2018 survey on quality of life, there were around 4.7 million individuals who identified themselves as Black, Afro-Colombian, Raizal and Palenquera, accounting for approximately 9.34 percent of the Colombian population (Colombia 2019-11-06, 29). According to International Crisis Group (Crisis Group), statistics on the proportion of Afro-descendant people in Colombia range from "just under" 10 percent according to the DANE to 20 percent according to UNHCR (Crisis Group 2023-02-24, 9). Freedom House indicates that Afro-Colombians make up "as much as 25 percent" of the country's population (2023-03-09, Sec. F4).

The [apparent] decrease in the number of Afro-Colombians in the 2018 census was criticized by some organizations, including the UN CERD (UN 2020-01-22, para. 4) and the National Conference of Afro-Colombian Organizations (Conferencia Nacional de Organizaciones Afrocolombianas, CNOA) [2] (CNOA 2019-11-07). The 2019 DANE report indicates that there are [translation] "barriers to ethnic and racial self-identification," particularly in urban settings, including "racism and racial discrimination" (Colombia 2019-11-06, 12). According to the Global African Worker (GAW), a US-based online magazine that focuses on workers of African descent with a "progressive, anti-imperialist and worker-centered approach" (GAW n.d.), there continue to be "no reliable statistics on specific problems of work, education, health, food, housing and forced displacement" faced by Afro-Colombians (GAW 2019-06-11).

In an article published on the Office of Ombudsperson's website, the Ombudsman was cited saying that [translation] "people of African descent in Colombia have not been sufficiently recognized and therefore do not

participate effectively in decisions that affect them" (Colombia 2022-07-27). The Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) indicates that a judgment published by the Constitutional Court of Colombia identified "the violation of the fundamental rights of the Afro-Colombian population, due to the deficiencies that affected the implementation of the 18th National Population Census and 7th Housing Census of 2018" (OAS 2023-04-01, para. 259). According to Judgment T-276/22 published on the court's website, the [translation] "invisibilization" of Afro-Colombian populations in the 2018 census has "affect[ed]" their rights to "material equality, to recognition of their ethnic and cultural diversity, to quality information, and to the progressive realization of their economic, social and cultural rights" (Colombia 2022-08-01, 99, 102). The same source adds that the [translation] "shortcomings" of the census have "obstructed the design [of] targeted public policies" to benefit Afro-Colombian populations (Colombia 2022-08-01, 104).

A 2020 DANE report indicates that 37 percent of people who self-identify as Black or Afro-descendant live in poverty, 10 percent above the national average (Colombia 2020-09, 9). In its report on Colombia in 2021, the Office for the UN High Commissioner for Human Rights (OHCHR) cites ECLAC as stating that, of Latin American countries, Colombia has the "second highest level of inequality" and that Afro-Colombians are among the groups "primarily affect[ed]" by this (UN 2022-05-17, para. 6). A report published by DANE in September 2021 finds that the rate of individuals living in multidimensional poverty in 2020 was three times higher in rural areas than that of individuals living in urban centres (Colombia 2021-09-02, 25). The same source states that at the regional level, the rate of multidimensional poverty was highest in the Pacific region (30.9 percent) and the Caribbean region (28.7 percent), while the lowest was in Bogotá (7.5 percent) (Colombia 2021-09-02, 26). In households headed by Afro-Colombians, DANE reports that the incidence of multidimensional poverty is 29.2 percent (Colombia 2021-09-02, 93).

2. Treatment of Afro-Colombians

Colombia's National Centre for Historical Memory (Centro Nacional de Memoria Histórica, CNMH) indicates, according to records kept by its Memory and Conflict Observatory (Observatorio de Memoria y Conflicto, OMC), that of 14,380 women who experienced sexual violence in the armed conflict between 1958 to 2022, 87.03 percent were Afro-Colombian; this statistic was highest in the departments of Chocó, Nariño, Valle del Cauca, Cauca and Antioquia (CNHM 2022-05-25).

For information on the targets of criminal groups in Colombia, particularly the Gulf Clan (Clan de Golfo) [also known as the Gaitanista Self-Defence Forces of Colombia (Autodefensas Gaitanistas de Colombia, AGC), Los Urabeños, Clan Úsuga], the National Liberation Army (Ejército de Liberación Nacional, ELN), Los Pachenca, and FARC or FARC-EP dissidents,

including their ability to track targets, see Response to Information Request COL200703 of August 2021.

2.1 Treatment by Society

According to the US Department of State's *Country Reports on Human Rights Practices for 2022*, Afro-Colombians face "significant economic and social discrimination" (2023-03-21, 28). *BTI 2022* indicates that Afro-Colombian communities face poverty and social exclusion that are "to a large extent structurally ingrained" (Bertelsmann Stiftung 2022, 19). The UN CERD similarly states that Afro-Colombians face "persistent structural and historical discrimination" which results in "high levels of poverty and social exclusion" when compared to the rest of the population (UN 2020-01-22, para. 16). In correspondence with the Research Directorate, an assistant professor of Black studies at the University of California, Santa Barbara, whose research includes Black lives in urban Colombia, stated that there is an "unspoken and yet socially shared antagonism" towards Afro-Colombians, who are viewed as the "'enemy' of Colombian economic progress" (Assistant Professor 2020-04-10). *US Country Reports 2022* indicates that Afro-Colombians are among the groups "at the highest risk of forced labor, domestic servitude, forced begging, and forced recruitment" (2023-03-21, 40).

The Associate Professor of geography indicated that Afro-Colombians are "the worst affected" on indicators of well-being, including literacy rates, income disparity, unemployment rates, and poverty levels (2020-04-06). The same source indicated that Afro-Colombians in the middle class have an "unequal position," including in terms of income and life expectancy (Associate Professor of geography 2020-04-06). In an interview with the Research Directorate, a consultant in Colombia for the International Institute on Race, Equality and Human Rights (Race and Equality) [3] stated that urban-dwelling middle-class Afro-Colombians, like all Afro-Colombians, face racial discrimination, such as when trying to get a job or entering a restaurant (Consultant 2020-04-13).

In a case reported by *Semana*, a Spanish-language magazine in Colombia, the township of Paya, in the department of Boyacá, where an Afro-Colombian English teacher and her two children relocated in mid-2021 after fleeing violence in Chocó, saw them [translation] "'attacked in all sorts of ways,'" which the teacher indicated was because they "'belong[ed] to the black and Afro-descendant population'" (2022-12-03). The article states that the teacher experienced "'social and racial'" segregation and workplace "'harassment,'" while her children, aged five and nine, faced "sexual assault" and "'severe beatings'" by other children, including incidents that led to hospital visits (*Semana* 2022-12-03).

According to sources, Afro-Colombians living in Bogotá, Cartagena and Barranquilla experience racial discrimination (Associate Professor of history 2021-07-12; Senior Analyst 2021-07-08). Colombia indicates in a

report submitted to the UN's CERD that the cities that registered the most complaints of racial discrimination between 2014 and 2018 with the Observatory on Discrimination and Racism (Observatorio contra la Discriminación y el Racismo), an advisory body to the Ministry of the Interior (Ministerio del Interior) created in 2012, are Bogotá with 65 cases, followed by Medellín with 11 cases, Cartagena with 9 cases and San Andrés with 7 cases (Colombia 2018-11-14, para. 37, 40). The Associate Professor of geography stated that there is "ample evidence" of racism in Bogotá, Medellín and Cali, as well as in the country as a whole, while noting that "it is probably most evident in Cali, where the black population is large and there is some racial segregation" (2020-04-06). In a telephone interview with the Research Directorate, a full professor at the University of Ottawa, who is also a researcher at the Observatory on Violence, Criminalization and Democracy (OVCD) [4] indicated that [translation] "some" members of Colombian society perceive Afro-Colombians as having [translation] "supported" or been "involved" in illegal activities, including "drug trafficking, prostitution and paramilitarism" (Full Professor 2021-07-07). The same source further stated that this belief is [translation] "especially common" in "tourist cities" such as Cartagena, given the presence of sex trafficking (Full Professor 2021-07-07).

According to sources, the 2022 presidential elections resulted in Colombia's first Afro-Colombian vice president (Amnesty International 2023-03-27, 129; Freedom House 2023-03-09, Sec. B4). However, Freedom House notes that a "disproportionate" number of Colombia's government posts are occupied by "[l]ighter-skinned Colombians," that national policymaking "rarely" prioritizes issues important to Afro-Colombian and Indigenous communities, and that "progress" towards the political inclusion of these communities "remains slow" (2023-03-09, Sec. B4).

2.2 Treatment by Authorities

In a telephone interview with the Research Directorate, a Bogotá-based senior analyst at Crisis Group whose research has focused on armed conflict and migration dynamics in Colombia, indicated that in Bogotá, Cartagena, and Barranquilla, Afro-Colombians reside in "low-income settlement areas" where local politicians have "relationships" with "criminal armed groups," and the police are "co-opted by an armed group"; there is "absolutely no trust in the authorities," resulting in "very low reporting of crime" (Senior Analyst 2021-07-08). In a telephone interview with the Research Directorate, an associate professor of history at the University of Toronto, who is also a researcher at the OVCD, similarly stated that there is a "nexus" between regional political power and paramilitary successor groups "across the country," and further noted that paramilitary groups are "particularly present in low-income neighbourhoods where internally displaced Afro-Colombians are located" (Associate Professor of history 2021-07-12). For further information on

internally displaced persons (IDPs) in Colombia, see Response to Information Request COL200900 of February 2022.

The Consultant stated that the behaviour of Colombia's police "very often includes expressions of racial discrimination" (2020-04-13). The Assistant Professor of Black studies stated that Afro-Colombian youths are viewed as "'Afrodelinquent,'" which leads to "repressive policing practices" in urban areas (2020-04-10). The Associate Professor of history stated that, in interviews they conducted in 2020, Afro-Colombians described experiencing police harassment and expressed mistrust of the authorities, who may assume that Afro-Colombians are from a "troubled" region or are a member of a guerilla group or criminal organization; this mistrust affects the willingness of Afro-Colombians to access services for displaced individuals (2021-07-12).

According to a report on systemic racism and police violence in Colombia authored by Temblores ONG, a Colombian NGO that "monitors state violence" (*The Guardian* 2021-02-25), and three other rights NGOs [5], while [translation] "racist police violence" is not new, documentation of it by civil society organizations has become "more systemati[c]" in "recent years"; this has "exposed" law enforcement "practices and actions" that are guided by "racist prejudices," leading to "numerous violations of the human rights of the Afro-Colombian population" (Temblores ONG, et al. [2022-11], 11). In its report on 2021, the OHCHR states that it "observed" cases of "some police officers" engaging in "ill-treatment or unnecessary or disproportionate use of force," "in some cases" leading to "arbitrary deprivations of life" against Afro-Colombian adolescents and youths "from poor and vulnerable communities," notably in the Atlántico and Bolívar departments (UN 2022-05-17, para. 36).

The Assistant Professor of Black studies provided an example of the Agua Blanca district of Cali [in Valle del Cauca department] where activists have reported a "consistent pattern of violence" against Afro-Colombian youth as the Colombian government is trying to "'pacify'" the area through "new military efforts" to attract foreign investments (Assistant Professor 2020-04-10). According to the Full Professor, Afro-Colombians participating in anti-government protests in Bogotá, Cartagena, and Barranquilla are targeted by the riot police [(Escuadrón Móvil Antidisturbios, Esmad)], a civilian police force that reports to the Ministry of Defence (2021-07-07). The same source added that, in the wake of protests related to the security situation and authorities' response to COVID-19, Afro-Colombians in Bogotá, Cartagena and Barranquilla have been [translation] "very affected" by security forces' "rhetoric" and "perception" of them as supporting guerrillas and drug traffickers; riot police have "targeted" leaders of African descent (Full Professor 2021-07-07). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Temblores ONG et al. report, [translation] "racist" police practices were "particularly evident" during the 2021 National Strike (Paro Nacional) [6], when the "differential use of force" by police had a "disproportionate impact" on racialized groups, including Afro-Colombian populations ([2022-11], 11). In a report on human rights violations during the National Strike, Amnesty International indicates that the city of Cali was the site of "at least" 70 percent of reported murders during the protests, as well as "serious complaints of possible enforced disappearances, sexual violence, arbitrary detention and armed violence by civilians acting with acquiescence or consent of the security forces" (2021-07-30, 12).

According to the New Humanitarian, a non-profit news organization focusing on humanitarian crises (The New Humanitarian n.d.), it is difficult to obtain information on the extent of police violence against Afro-Colombians, since data collected by the police is not disaggregated by race or ethnicity (2020-09-25). Citing Temblores ONG, the *Guardian* reports that there were 7,992 cases of assault and 30 cases of sexual assault in 2020 and that the victims were "often" migrants and Afro-Colombians (2021-02-25).

2.3 Treatment by Armed Groups

For information on criminal and armed groups, including the Gulf Clan, the ELN, Los Pachenca, and FARC or FARC-EP dissidents, see Response to Information Request COL200696 of July 2021.

According to Freedom House, Afro-Colombians experience "abuse" at the hands of guerillas, criminal groups, and security forces at "vastly disproportionate levels," and account for "the largest segment of the more than 7 million people" displaced by violence (2023-03-09, Sec. F4). The OHCHR indicates that 2021 saw an "increase in violence in rural areas and some urban centres" that "seriously affected the leadership and community life" of Afro-Colombians, among other groups (UN 2022-05-17, para. 2). According to Crisis Group, the offensive mounted by the state and its military over "[d]ecades" has moved the front lines of the battle "to the most peripheral parts of the country, inhabited by some of the country's least protected people," such as Afro-Colombian and Indigenous communities, most notably along the Pacific coast and in border regions (2023-02-24, i). The OHCHR similarly notes with regards to the groups most affected, that violence perpetrated by non-state armed and criminal groups "disproportionate[ly]" affects Indigenous, Afro-Colombian, and campesino communities (UN 2022-05-17, para. 28). The OHCHR reports "78 verified massacres" in 2021 with 292 victims, 6 of whom were Afro-Colombian; "most" of these massacres took place in the departments of Antioquia, Cauca, Nariño, and Valle del Cauca (UN 2022-05-17, para. 26).

According to a thematic report by ACAPS, an "independent information provider" which specializes in "humanitarian needs analysis and assessment" (ACAPS n.d.), forced confinements—situations of "severely reduced mobility" resulting from armed conflict and affecting "access to livelihoods, basic services, and goods"—have "considerably increased" in Colombia since 2017; "especially" affected are Afro-Colombian communities and the departments of Antioquia, Chocó, Nariño, Norte de Santander, and Valle del Cauca (2022-02-18, 1). Amnesty International indicates that in May 2022, Afro-Colombian communities "reported armed clashes" in Istmina, Sipí, Nóvita, Medio San Juan, and Litoral del San Juan in the department of Chocó, leading to "collective forced displacements and the confinement of several Black communities" (2023-03-27, 132). The same source notes that in June 2022, two members of Malaguita, an "Afro-descendant collective territory" located in Bajo San Juan, Chocó, were killed by "unidentified armed actors" (Amnesty International 2023-03-27, 132–133). *US Country Reports 2022* indicates that, "particularly" in the departments of Cauca, Chocó, Córdoba, Nariño, and Norte de Santander, armed groups "exploited" children, including Afro-Colombian youth, for human trafficking, "forcibly recruiting them to serve as combatants and informants, to harvest illicit crops, and to be exploited in sex trafficking" (2023-03-21, 16-17). The OHCHR notes that, in addition to "committing massacres," non-state armed and criminal groups

kill social leaders, threaten individuals who ignore their demands, control communication in the community, limit relationships with third parties, restrict and control productive activities including planting, harvesting, fishing and marketing of products, and do not recognize ethnic authorities. (UN 2022-05-17, para. 28)

According to the Center for Strategic and International Studies (CSIS) [7], in regions formerly controlled by the FARC, minority groups including Afro-Colombians rely on "local protection mechanisms and volunteers" for protection due to lack of trust in the police and military forces (2020-03, 5).

The information in the following paragraph was provided by Crisis Group:

Armed groups seek "to win the compliance of local communities" through a mix of "enticements and violence." Groups will use "force and intimidation," but also offer "'services'" such as crime prevention and the "provision of justice." An "Afro-Colombian community leader" in Arauquita, Arauca department, interviewed by Crisis Group stated that "'people take their problems to the groups to solve'," a practice that "'has become highly legitimate within the community, because the state doesn't show up and because the group's decisions are more likely to be respected'." Certain "[m]ore serious offences," such as the "misuse of land belonging to others," may lead to a penalty of forced displacement, while "[a]lleged collaboration with the military or rival armed bands" results in a

death sentence. Armed groups "demand collaboration and forcefully silence anyone who would question their authority" (Crisis Group 2023-02-24, 9, 10).

The Full Professor indicated that Afro-Colombian leaders are [translation] "targeted" by criminal groups in cities such as Bogotá, Cartagena, and Barranquilla (2021-07-07). The Senior Analyst reported that Afro-Colombians in low-income urban areas face forced recruitment (2021-07-08). The Full Professor noted that young Afro-Colombian men are [translation] "almost exclusively" targeted by drug traffickers for forced recruitment, "especially" in Bogotá and Cartagena (2021-07-07). For example, a report by Fundación Paz y Reconciliación (Pares), an NGO conducting research and analysis on topics such as security, internal armed conflict and criminality (Devex n.d.), states that 10 youths from an Afro-Colombian neighbourhood in the municipality of Soacha near Bogotá were recruited by the criminal gang Los Paisas (also known as El Mesa) (Pares 2020-03-15). The same source adds that there are at least 20 criminal groups [translation] "possibl[y]" present in Soacha (Pares 2020-03-15).

According to the Full Professor, young Afro-Colombian women who migrate to urban centres face harassment and threats, as well as recruitment into prostitution and human trafficking, particularly in Bogotá and Cartagena (2021-07-07). The Senior Analyst similarly reported "issues of sexual exploitation" for Afro-descendent women, adding that there is "very serious" underreporting of gender-based violence in poor settlements in Bogotá, Barranquilla, and Cartagena (2021-07-08). The OHCHR indicates that the victims and survivors of gender-based violence, "particularly sexual violence" "are silenced by threats," and as a result, "the seriousness of the situation" becomes "obscur[ed]" (UN 2022-05-17, para. 28). The Senior Analyst noted that in Bogotá, there have been instances of sexual and gender-based violence being used as a threat against individuals who might be considering reporting a crime or resisting exploitation (2021-07-08).

3. Ability to Travel and Relocate in Colombia

3.1 Bogotá, Cartagena, and Barranquilla

The Assistant Professor of Black studies indicated that Afro-Colombians in major cities are "discriminated [against] in the access to public policies meant to reduce poverty and provide food security" (2020-04-10). The 2020 DANE report indicates that in Cartagena, which is among Colombian cities with the [translation] "greatest number" of people self-identifying as Black, Afro-Colombian, Raizal and Palenquera, 12.4 percent of the population has [unsatisfied basic needs (*necesidades básicas insatisfechas*, *NBI*)] (Colombia 2020-09, 26).

According to the Senior Analyst, the cities of Bogotá, Barranquilla and Cartagena have "large" IDP populations that include Afro-Colombians,

who settle in low-income neighbourhoods (2021-07-08). The Full Professor reports that Afro-Colombians relocating to cities such as Bogotá, Cartagena and Barranquilla often arrive [translation] "already very impoverished" (2021-07-07). The Associate Professor of history stated that "[o]rdinary" Afro-Colombians who are displaced face "increased scrutiny and pressures" and added that Afro-Colombians who migrate to Bogotá will "stand out" for being an ethnic minority, while those who migrate to Barranquilla and Cartagena from rural areas of the Pacific coast will "stand out" due to their accents (2021-07-12).

According to the Senior Analyst, armed groups are "easily" able to locate Afro-Colombians who relocate to escape their threats, since the groups have "networks in all the major cities" (2021-07-08). The same source added that in Bogotá, the presence of criminal groups in low-income settlements drives the continued intra-urban displacement of Afro-Colombians (Senior Analyst 2021-07-08). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Full Professor stated that there is a [translation] "double dynamic" at play for Afro-Colombians in relocating to urban centres such as Bogotá, Cartagena, and Barranquilla (2021-07-07). First, the "promised" restitution of legally recognized Afro-Colombian ancestral lands along the Pacific coast has not been successful; Afro-Colombian leaders defending human rights are being threatened and killed by paramilitary and criminal groups in the region (Full Professor 2021-07-07). Second, upon migration to urban centres, Afro-Colombians are targeted by armed criminal groups (Full Professor 2021-07-07).

3.2 Other Urban and Rural Areas

According to the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), Colombia has "persistent levels of violence," "concentrated mainly" in the Pacific region departments, as well as Antioquia, Putumayo, Norte de Santander, and Arauca, which have "disproportionate" Indigenous, Afro-Colombian, and peasant populations (OAS 2023-04-01, para. 248). The IACHR further indicates that these departments are also marked by "a limited state presence that particularly affects security guarantees and the full enjoyment of economic, social, cultural, and environmental rights," in addition to "the presence of non-State armed groups in dispute for the control of the operation of illicit economies" (OAS 2023-04-01, para. 248).

According to Crisis Group, non-state armed groups employ "draconian movement restrictions, including forced confinement," and Afro-Colombian communities are "especially" affected (2023-02-24, ii). The OHCHR, citing OCHA, indicates that in 2021 there were "increases" in "confinements or restrictions on movement imposed by non-State armed groups and criminal organizations" and in "displacement caused by

violence" (UN 2022-05-17, para. 27). The OHCHR further notes that confinements or restrictions "most affected" the departments of Antioquia, Chocó, Nariño, and Valle del Cauca and displacements "most affected" Antioquia, Cauca, Nariño, and Valle del Cauca (UN 2022-05-17, para. 27). OCHA reports that from January to May 2023, 20,000 people were displaced and 19,000 were confined, 39 percent of whom were Afro-Colombians (UN 2023-06-22, 1). The same source indicates that, during the period covered by the report, rural communities, [translation] "mostly" Afro-Colombian and Indigenous, experienced "massive emergencies," including major displacement and confinement events, "particularly" along the Pacific coast (UN 2023-06-22, 1). OCHA indicates that individuals in cities such as Cali, Buenaventura, and Quibdó and urban centres such as Charco and Tumaco have also faced [translation] "intraurban displacement and confinement due to clashes between non-state armed groups, incursions, threats, [and] homicide, among other [factors]" (UN 2023-06-22, 1).

Crisis Group reports that the ELN has confined "several Indigenous and Afro-Colombian communities" in remote parts of Arauca, and, according to interviews conducted in November 2022 with "social leaders and military officers" in Saravena and Arauca, confinement is "largely enforced through checkpoints" (2023-02-24, 22). According to OCHA, the growing presence of non-state armed groups, particularly in Guaviare, Caquetá, Putumayo, Sur de Bolívar, Norte de Santander and Arauca, has resulted in the [translation] "persistence of and increase in social control and attacks against civilians" (UN 2023-06-22, 1).

Citing OCHA figures, the OHCHR adds that from January to November 2021, 72,388 individuals were displaced and 57,787 were confined, 69 percent and 96 percent of whom, respectively, "are from indigenous or Afro-Colombian communities" (UN 2022-05-17, para. 27). Based on interviews conducted in March and October 2022 with social leaders from María La Baja [Bolívar department], "southern Bolívar," Montería [Córdoba department], and Aguachica [Cesar department], Crisis Group describes the state of confinements as follows:

Confinement is not always comprehensive and, indeed, many Colombians today are living in areas with de facto partial movement restrictions. In areas under the Gulf Clan's thumb, in Montes de María and southern Córdoba in the north of the country, for example, few residents venture out after dark and there are explicit restrictions from 5pm onward along some roads. Both the ELN and the Gulf Clan reportedly stop residents in southern Bolívar who have ventured out of the municipality to check if their journey offers grounds for suspicion. (2023-02-24, 22, footnotes omitted)

A report on racism in Cali by the Association of Displaced Afro-Colombians (Asociación de Afrocolombianos Desplazados, AFRODES), a Colombian

organization that works to protect the rights and culture of displaced Afro-Colombians (AFRODES n.d.), and several other organizations [8] states that Cali has been the destination for [translation] "flows" of migrant Afro-Colombians, relocating "mainly" from the South Pacific region (AFRODES, et al. 2022-04, 52). The same source indicates that Cali is marked by the [translation] "spatial segregation" of its Afro-Colombian residents, "mainly" into "communes" in eastern Cali; residents of these communes exist at socioeconomic levels one and two [one being the lowest of six socioeconomic levels (Colombia n.d.a)] and have "unequal access" to economic resources and "unequal" well-being (AFRODES, et al. 2022-04, 52).

The Assistant Professor of Black studies stated that most Afro-Colombians in the Pacific region have "no access to potable water, electricity, health care and food security" (Assistant Professor 2020-04-10). Data from the DANE's 2018 survey on quality of living indicates that Chocó, located on the Pacific Coast, was the poorest department in 2017 and 2018 (Colombia 2019-07-12, 8). The World Bank states that over 80 percent of the urban population of Chocó live in poverty and 20 percent have access to piped water (World Bank 2018, 62). According to the 2018 census, the DANE reports that 50 percent or less of the people in Chocó have access to the water system and garbage collection, and 30 percent or less have access to sewage (Colombia n.d.b), compared to approximately 86 percent, 82 percent and 77 percent, respectively, at the national level (Colombia n.d.c).

4. Access to Rights and Services

4.1 Housing

Sources indicate that [urban (Assistant Professor 2020-04-10)] Afro-Colombians face challenges in securing a home (OAS 2019-03-21, 548; Assistant Professor 2020-04-10). The Senior Analyst stated that Afro-Colombians experience racial discrimination when trying to access housing in "all major cities" (Senior Analyst 2021-07-08).

In a telephone interview with the Research Directorate, a professor of sociology at the Université du Québec à Montréal (UQAM), who is also a researcher at the OVCD, stated that Afro-Colombians who migrate to cities live in informal settlements or in neighbourhoods subsidized by the government (Professor of sociology 2021-07-12). The Consultant noted that large numbers of Afro-Colombians in urban areas live in marginalized neighbourhoods, where they face a high rate of criminality in the form of *microtráfico* (gangs with small-scale drug trafficking operations) and other criminal gangs who are trying to take over the neighbourhood, such as the Agua Blanca district in Cali, the Altos de Cazuca district in Bogotá, and the Nelson Mandela district in Cartagena (Consultant 2020-04-13). According to the Senior Analyst, Afro-Colombians in Bogotá live in low-

income settlements in the southern parts of the city (Senior Analyst 2021-07-08).

The Professor of sociology stated that Afro-Colombians build informal housing on the outskirts of cities, in areas with no public services (2021-07-12). The Senior Analyst noted that in the absence of free public services, low-income settlement areas rely on informal services, including water and public transit, provided by criminal groups for a fee (2021-07-08). The same source added that Afro-Colombians who resettle in Cartagena are often concentrated in areas "prone to flooding" and face challenges due to their geographic segregation (Senior Analyst 2021-07-08).

4.2 Employment

According to Colombia's Ombudsman, as cited in the article on the Office of the Ombudsperson website,

"racism and racial discrimination are barriers to Afro-descendants' access to employment, especially qualified employment. Those who do manage to access [employment] often face racism and racial discrimination. Furthermore, there is a close link between poverty and racism." (Colombia 2022-07-27)

The Assistant Professor of Black studies reported that the lack of public policies sensitive to the needs of the Afro-Colombian population has "led to societal discrimination in the job market, in access to public health, and education" (2020-04-10).

Sources state that Afro-Colombians have difficulties accessing employment (OAS 2019-03-21, 548; UN 2020-01-22, para. 16), particularly at management and senior levels (OAS 2019-03-21, 548). According to the Assistant Professor of Black studies, Afro-Colombians in major cities are "subjected to discrimination in the job market" (2020-04-10). Similarly, the Senior Analyst indicated that Afro-Colombians who relocate to low-income areas in Bogotá, Barranquilla and Cartagena experience "labour market discrimination" and a lack of economic opportunities (Senior Analyst 2021-07-08). The Associate Professor of geography stated that the unemployment rates of Afro-Colombians in urban areas are "particularly high" due in part to forced displacement, as racial discrimination makes it "even harder" for displaced Afro-Colombians to find employment than for non-Afro-Colombian displaced people (2020-04-06). According to the Professor of sociology, Afro-Colombians are [translation] "traditionally" dependent on agriculture but cannot continue to farm when they relocate to major cities (2021-07-12). According to the Associate Professor of history, Afro-Colombian women were negatively affected by COVID-19 lockdowns as they are "usually" employed in the service sector (2021-07-12). Corroborating information could not be found among the sources

consulted by the Research Directorate within the time constraints of this Response.

The UN's ECLAC states that Afro-Colombian men in Cartagena occupying high-ranking positions, such as directors, earn one fifth the income of their non-Afro-Colombian male colleagues, and Afro-Colombian women in professional positions earn one fourth as much as their non-Afro-Colombian female counterparts (UN 2018, 26). Sources indicate that Afro-Colombians are underrepresented in politics (OAS 2019-03-21, 548) or in Congress (Morgan 2019, 27). According to a book chapter on identity politics in Colombia by Nick Morgan, a lecturer in Latin American studies at Newcastle University in the UK who has researched representations of race, class and gender in Colombia (Newcastle University n.d.), minorities in ministerial positions are given portfolios fitting the "stereotypes," such as culture and the environment (Morgan 2019, 27).

4.3 Education

Sources state that Afro-Colombians have difficulties accessing education (OAS 2019-03-21, 548; UN 2020-01-22, para. 16). According to GAW, educational establishments in Colombia do not "regularly" track their numbers of Afro-Colombian students (2019-06-11). Crisis Group reports that high school education in most rural schools in the Pacific Coast is available up to grade eight or nine, out of eleven grades [in the Colombian school system] (2019-08-08, 17). According to the Professor of sociology, while primary and secondary schools are more accessible in cities, schools and buses are not available in IDP neighbourhoods, and students in these neighbourhoods have to walk for 40 minutes to travel to school (2021-07-12).

According to the Full Professor, another reason that Afro-Colombians relocate to cities like Bogotá, Cartagena and Barranquilla is to pursue post-secondary studies (2021-07-07). The same source added that Afro-Colombians studying political science or journalism are [translation] "at higher risk" of being targeted and noted that some Afro-Colombian journalism and political science students refused to be interviewed by the source during protests due to "their fear of being targeted by the police and armed groups" (Full Professor 2021-07-07). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that there are scholarships for post-secondary education reserved for Afro-Colombian students (Full Professor 2021-07-07; *Semana* 2021-07-02).

4.4 Health care

Sources state that Afro-Colombians have difficulties accessing health care (OAS 2019-03-21, 548; UN 2020-01-22, para. 16). According to GAW, health service providers in Colombia do not collect information on the "ethnic-

racial composition" of their patient population; as a result, providers report that they are unable to design health policies for Afro-Colombians (2019-06-11). According to the 2018 national quality of life survey by the DANE, approximately 8.9 percent of Afro-Colombian, Black, Raizal and Palenquera populations have encountered [translation] "barriers" in accessing health services, compared to 6.2 percent of the general population, and 14.3 percent are illiterate, compared to 10.1 percent of the general population (Colombia 2019-11-06, 66).

The Full Professor reported that Afro-Colombians who relocate to major cities arrive with little financial resources, resulting in an inability to pay for health care (2021-07-07). The Professor of sociology noted that [translation] "underprivileged" Afro-Colombians have access to free health care through Sisbén [(Sistema de identificación de potenciales beneficiarios de programas sociales, Sisbén)]; however, the service is slow and cannot meet demand (2021-07-12). According to the same source, the [translation] "incredibl[y]" bureaucratic application process "impedes" access to services (Professor of sociology 2021-07-12).

The Senior Analyst reports that the Sisbén is a "registry of poverty" through which Colombians can register to access free health care and education (2021-07-08). The World Bank explains that the Sisbén is an "[i]ntegrated [s]ocial [r]egistry," which helps target the allocation of social assistance programs by collecting socio-economic data of people in the registry (2020-12-15, para. 5). Sources indicated that the process to register is bureaucratic (Professor of sociology 2021-07-12; Senior Analyst 2021-07-08) and "very complicated" (Senior Analyst 2021-07-08). The Senior Analyst indicated that the education level of the displaced people migrating to the city is "not sufficient to navigate" the system (Senior Analyst 2021-07-08). According to the same source, barriers to accessing these resources also include the following:

There is a lot of paperwork and documentation involved, often documentation that displaced Afro-Colombians do not have, as well as a series of visits from the State to the person's house. Even if they complete the registration and get through all of these steps, it can take months and months before their application is processed. (Senior Analyst 2021-07-08)

An Afro-Colombian woman interviewed by the Professor of sociology was unable to receive treatment at a hospital due to the lack of ID; the woman was ultimately transferred to a private hospital, which only required payment and not ID (2021-07-12). In another interview conducted by the Professor of sociology, an Afro-Colombian woman in Barranquilla who had health care through Sisbén had to sell soup to pay for the bus fare to the hospital (2021-07-12).

4.5 Impact of COVID-19

A 2020 IACHR annual report states that COVID-19 "has deepened the historical racial inequality, which is reflected in the structurally precarious conditions" in departments where Afro-Colombians have settled (OAS 2021-04-16, para. 263). According to Justice for Colombia (JFC), a British trade union organization supporting the work of Colombian civil society (JFC n.d.), "African-Colombians are disproportionately affected by structural inequalities that se[e] many people living in highly precarious conditions, in substandard housing and with little or no access to essential services such as clinics, schools and decent roads" making them "highly vulnerable" to COVID-19 (JFC 2021-02-16). According to OCHA, Afro-Colombian communities are "particularly affected" by the increased food insecurity brought about by isolating from COVID-19 (UN 2021-04-21, 6).

The Senior Analyst reported that the COVID-19 lockdown created new barriers to accessing public services for IDPs due to the transition of many processes to online platforms, since displaced Afro-Colombians "might not" have internet access (2021-07-08). According to the DANE, 26.9 percent of Black, Afro-Colombian, Raizal and Palenquera households have access to the internet, compared to the national average of 43.4 percent (Colombia 2019-11-06, 56). According to the Professor of sociology, many Afro-Colombians are illiterate and do not have access to internet and have had to seek the help of intermediaries to apply for social assistance (2021-07-12).

According to the Senior Analyst, Afro-Colombian children face "labour and sexual exploitation and recruitment into armed groups" due to COVID-19 school closures (2021-07-08).

5. State Protection

According to a crime index report by the Global Initiative Against Transnational Organized Crime (GI-TOC), an "independent civil-society organization" based in Geneva that provides strategies to address organized crime (GI-TOC n.d.), and published with funding from the US government, corruption is "endemic in all state branches and levels of government," with political figures "often" making "alliances with criminal actors" to "win elections, later returning favours by embezzling state funds to such actors" (GI-TOC [2021], 4). The Consultant stated that there is a "lack of political will" to implement measures to protect Afro-Colombians (2020-04-13). The Assistant Professor of Black studies indicated that government efforts to protect Afro-Colombians are "disorganized" (Assistant Professor 2020-04-10).

For instance, according to a public letter from a coalition of NGOs [9], including AFRODES, as of June 2023 the Colombian government had not taken the [translation] "meaningful necessary steps" to implement the actions mandated in the T-276/22 Constitutional Court ruling that found that the 2018 national census had [translation] "invisibiliz[ed]" Afro-

Colombians in census data, despite certain of the court orders including a 10-month deadline from the decision's issuance in December 2022 (NGO coalition 2023-06-16). In another case reported by the Consultant, the Colombian government had not complied with orders from the Constitutional Court directing the State to address the impact of the internal conflict on Afro-Colombians, including Order 005 of 2010, which instructed the State to adopt specific programs for Afro-Colombian communities (2020-04-13).

According to an article authored by Dr. Sheila Gruner, an associate professor in community, economic, and social development at Algoma University in Canada, Afro-Colombian communities have a constitutional right to collectively titled land in areas on the Pacific coast; however, violence in the region has risen to "critical levels" since the peace talks (Gruner 2021-03-08). The same source adds that the Colombian government has "no effective presence" in the area and has "effectively abandon[ed]" these communities (Gruner 2021-03-08). The Assistant Professor indicated in 2020 that the land restitution program contained in the peace accords, intended to provide Afro-Colombians with control over their traditional territory, is underfunded and "undermined by the ruling right-wing political coalition" (Assistant Professor 2020-04-10). The UN's CERD reports that there are long delays in "implementing decisions of the Court requiring the titling of collective territories," and that 64 percent of land restitution applications were rejected by the Land Restitution Unit (UN 2020-01-22, para. 20). Information on whether the current administration of President Gustavo Petro is prioritizing the implementation of the land restitution program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The information in the following paragraph was provided by Crisis Group:

There are "major shortcomings" in the state protection mechanisms for individuals experiencing forced confinement. For example, the procedure for recognizing an instance of confinement and initiating aid is "long and arduous," most notably "when active combat is under way in the area in question." The budgets of local authorities, the "first responders" in situations of confinement, are "often over-stretched." Additionally, eligibility for "assistance of any kind" is predicated on recognition by "a visiting local official," who in turn will only pay a visit to an area "if the military certifies" it is "safe to enter" the region. In a January 2023 interview, a humanitarian official in Tumaco stated that a municipality in the department of Nariño "exhausted its entire annual displacement and confinement response budget" responding to its first emergency in January (Crisis Group 2023-02-24, 32).

With regards to forced labour practices against Afro-Colombians, the US Department of State reports that there was continued "impunity" for

perpetrators, as authorities failed to "investigate cases" of such practices or "increase inspections," and did not provide protections for "unidentified victims" in sectors like "agriculture, coffee production, floriculture, and extractive industries" (US 2023-03-21, 40).

5.1 Police and Judiciary

According to GI-TOC's crime index report, the state's criminal justice system is "burdened by a lack of resources and high levels of corruption, with exceedingly high impunity rates" ([2021], 5). The same source notes that criminal groups "regularly bribe" judges and lawyers, "including those operating in the country's high courts," and that security force and correctional officials "are also frequently embroiled in corruption scandals" (GI-TOC [2021], 4).

The information in the following paragraph was provided in the report by AFRODES et al. on racism in Cali:

Reporting of violence against Afro-Colombians by state security forces was [translation] "hindered" by "fear" and "distrust of state institutions, especially" the Office of the Ombudsperson and the Office of the Attorney General [Office of the Prosecutor General] (Fiscalía General de la Nación), as well as the absence of a dedicated process for Afro-Colombian who experienced violence during the National Strike and a "lack of safeguards" for Afro-Colombians in the reporting process, given that state security forces were the "main perpetrator" of violence during National Strike protests. This [translation] "considerably impacts" victims' ability to access justice and "impedes the recognition of the State's responsibility" for these actions (AFRODES, et al. 2022-04, 50).

According to *US Country Reports 2022*, in 2022 the "Attorney General's Office and Prosecutor's Office" initiated "numerous cases against members of the military forces and police" for instances of "rape, abuse, and sexual harassment," including for acts committed against Afro-Colombian leaders (US 2023-03-21, 27).

A report on corruption complaints received by the Advocacy and Legal Advice Centre (ALAC) of Transparencia por Colombia [10], part of a Transparency International initiative that provides "free and confidential advice and support to victims and witnesses of corruption" in over 60 countries (TI n.d.), states that out of 403 allegations of corruption analyzed by ALAC that occurred from November 2017 to November 2019, 293 were deemed suitable for the organization's counsel, and the cases originated from 28 of Colombia's 32 departments and from 142 municipalities (Transparencia por Colombia 2020-11, 21, 22-23). ALAC further indicates that, of the 293 alleged acts of corruption that its counsel received, 24.3 percent involved the public administration sector, 4.4 percent involved [translation] "defence and security" and 4.1 percent involved the judicial sector (Transparencia por Colombia 2020-11, 23, 24). In an article

published by Colombia Reports, a non-profit news source based in Colombia (Colombia Reports n.d.), the conviction of a former senator led to the criminal investigations of six other members of Congress and "implicate[d] at least" six mayors, among other officials (2023-07-04). According to Colombia Reports, one of the senators was indicted for "allegedly" taking money that "was meant for public investment projects" and splitting it with the former deputy director of Prosperidad Social, the [State] "investment agency"; the two men "allegedly" received "kickbacks" which were "paid by businesses" that were contracted through Colombia's peace investment fund (2023-07-04).

Crisis Group states that the judiciary in Tumaco and Buenaventura are "overwhelmed" by the caseload and "corrupt" (2019-08-08, 23). The same source further reports that, according to an interview with a government official, Buenaventura had 25 prosecutors working on 17,000 cases (Crisis Group 2019-08-08, 25). Based on interviews with government officials in 2018, HRW reports that Tumaco had one judge who handled "aggravated murder" cases and one prosecutor who handled extortion, enforced disappearance and displacement cases, and that one person has been convicted of homicide, out of over 300 murders committed in Tumaco since 2017 (2018-12, 4, 50-51).

According to sources, another protection mechanism available is *tutela*, "an action to provide for the 'immediate protection of one's fundamental constitutional rights'" when these are "violated" by a "public authority" (Delaney 2008, 54) or [translation] "legal action to protect ... fundamental rights" (Professor of sociology 2021-07-12). Sources report that in some cases where the judge ruled in favour of the plaintiff, the legal decision was not implemented (FPP and Resguardo Indígena de Origen Colonial Cañamomo Lomapieta 2021-03-26, 8; Professor of sociology 2021-07-12). According to the Associate Professor of geography, "numerous" Afro-Colombians have filed *tutelas* or formal complaints against individuals or the government for racial discrimination (Associate Professor 2020-04-06). The same source further stated that the process is "difficult" and "often drawn-out" (Associate Professor 2020-04-06).

5.2 Office of the Ombudsperson

According to sources, the Office of the Ombudsperson receives complaints of human rights abuses (Full Professor 2021-07-07) or mistreatment (Senior Analyst 2021-07-08). The Senior Analyst indicated that the Office of the Ombudsperson can only receive the complaint, "anonymize it," and try to advocate for intervention by other government agencies "in the broader context," rather than act on any specific case or complaint (2021-07-08). Information on the effectiveness of the Office of the Ombudsperson after the 2022 presidential elections could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. Support Programs and Services

The Assistant Professor of Black studies indicated that support programs for Afro-Colombians are "limited in reach and resources" (2020-04-10). The Consultant stated that the programs are "symbolic" (2020-04-13). The same source further indicated that government programs such as the Observatory on Discrimination and Racism and scholarships for Afro-Colombians pursuing education are not a "significant" allocation of resources given that the most pressing issue facing the Afro-Colombian population is internal displacement (Consultant 2020-04-13). The Assistant Professor of Black studies stated that a loan program failed to increase Afro-Colombian participation in post-secondary education; as of April 2020, 2 percent of Afro-Colombian youths were enrolled in a bachelor's degree program (2020-04-10).

The Associate Professor of geography stated that the Observatory on Discrimination and Racism and other local-level government agencies are either dedicated to ethnic minorities or deal generally with equality and diversity (2020-04-06). In its report to the UN, the Colombian government states that the Observatory on Discrimination and Racism supports victims of racism through the "analysis of cases, referral to the competent authorities, follow-up actions and the generation of statistics on reported cases" (Colombia 2018-11-14, para. 39). The same source describes the mission of the Observatory as to

design educational strategies aimed at raising awareness of racial discrimination and racism, to advise local bodies and communities on providing comprehensive care based on a differentiated approach, to establish a methodology for handling cases, and to formulate recommendations on public policy to prevent racial discrimination. (Colombia 2018-11-14, para. 38)

The Colombian government also reports that

[b]etween 2014 and 2018, the Observatory received 104 complaints of racial discrimination. Of these, 49 involved men, 34 involved women, 11 involved children and 8 involved groups. ... In total, 42 of the reported cases have been transferred to the Attorney General's Office for investigation while 18 have been transferred to the Counsel General's Office [Procuraduría General de la Nación], 15 to the National Police, 14 to the Ombudsman's Office and 22 to other institutions. (Colombia 2018-11-14, para. 40)

Information on the effectiveness of the Observatory following the 2022 presidential elections could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time

constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Colombian National Administrative Department of Statistics (Departamento Administrativo Nacional de Estadística, DANE) notes that the Black, Afro-Colombian, Raizal, and Palenquero population (*Negra, Afrocolombiana, Raizal y Palenquera, NARP*) consists of three ethnic groups: 1) the Raizal of the Archipelago of San Andrés and Providencia; 2) the Palenqueros of San Basilio; and 3) Blacks and Afro-Colombians as well as mixed race and Afro-descendant individuals (Colombia 2019-11-06, 10).

[2] The National Conference of Afro-Colombian Organizations (Conferencia Nacional de Organizaciones Afrocolombianas, CNOA) is "a social organization working to protect human rights and to further the collective interests of Afro-Colombians" (WOLA 2014).

[3] The International Institute on Race, Equality and Human Rights (Race and Equality) is an "international, human rights capacity-building organization that works side by side with activists in Latin America to enhance their ability to promote and protect the human rights of marginalized and vulnerable people"; it is based in Washington, DC (Race and Equality n.d.).

[4] The Observatory on Violence, Criminalization and Democracy (OVCD) is a research team funded by Canada's Social Sciences and Humanities Research Council (SSHRC) and is conducting research on the criminalization of human rights advocacy in Latin America, including in Colombia (OVCD n.d.).

[5] The report on systemic racism and police violence was also authored by the Institute on Race, Equality, and Human rights, the Consultancy for Human Rights and Forced Displacement (Consultoría para los Derechos Humanos y el Desplazamiento Forzado, CODHES), and ILEX-Legal Action (ILEX-Acción Jurídica) (Temblores ONG, et al. 2022, 6).

[6] Sources report that the national strike in Colombia was a series of mass protests that began at the end of April 2021, prompted by the government's introduction of a tax reform bill, and developed into calls for other changes (Atlantic Council 2021-06-18; CIVICUS 2021-05-19).

[7] The Center for Strategic and International Studies (CSIS) is "a bipartisan, nonprofit policy research organization" based in Washington, DC whose purpose "is to define the future of national security" (CSIS n.d.).

[8] The report on racism in Cali was prepared by the following organizations: the Valle del Cauca Association of Small and Medium Agricultural Producers (Asociación de Pequeños y Medianos Productores Agropecuarios del Valle del Cauca), the El Perfil Leaders Association (Asociación de Líderes El Perfil), the Association of Displaced Afro-Colombians (Asociación de Afrocolombianos Desplazados, AFRODES), the Afro-descendant Foundation for Social and Sexual Diversity (Fundación Afrodescendiente por las Diversidades Sociales y Sexuales, SOMOS IDENTIDAD), the Vulnerable Victims Independent Afro Women Foundation (Fundación Víctimas Vulnerables Mujeres Afros Independientes), and the Orientados Citizen Movement (Movimiento Ciudadano ORIENTADOS) (AFRODES, et al. 2022-04, 1). Technical support for the report came from Race and Equality and CODHES (AFRODES, et al. 2022-04, 1).

[9] The public letter to the government was signed by AFRODES, ILEX-Legal Action, CNOA, the Black Communities Process (Proceso de Comunidades Negras, PCN), the Afro-Colombian National Council for Peace (Consejo Nacional de Paz Afrocolombiano, CONPA), the Universidad de Los Andes Racial Discrimination Observatory (Observatorio de Discriminación Racial de la Universidad de los Andes, ODR), and the Colombian Association of Black Economists (Asociación Colombiana de Economistas Negras) (NGO coalition 2023-06-16).

[10] Transparencia por Colombia is Transparency International's national chapter in Colombia (Transparencia por Colombia n.d.).

References

ACAPS. 2022-02-18. [Colombia: Confinements](#). [Accessed 2023-07-17]

ACAPS. N.d. ["ACAPS API: Global Humanitarian Datasets"](#). [Accessed 2023-07-28]

Amnesty International. 2023-03-27. ["Colombia." *Amnesty International Report 2022/2023: The State of the World's Human Rights*](#). [Accessed 2023-07-04]

Amnesty International. 2021-07-30. [Cali: In the Epicenter of Repression. Human Rights Violations During the 2021 National Strike in Cali, Colombia](#). (AMR 23/4405/2021) [Accessed 2023-07-05]

Amnesty International. 2020-01-09. Duncan Tucker. ["Afro-Colombian Women Are Risking Their Lives to Defend Their Communities"](#). [Accessed 2021-06-17]

Asociación de Afrocolombianos Desplazados (AFRODES), et al. 2022-04. [Las huellas del racismo: voces de las personas excluidas y violencia](#)

[estructural dentro y fuera del estallido social en Cali](#). [Accessed 2023-07-05]

Asociación de Cabildos Indígenas del Bajo Caquetá (ACIBAC), et al. 2019-10-31. [Alternative Report on Colombia for the Consideration of the Committee on the Elimination of Racial Discrimination During Its 100th Session \(25 November -13 December 2019\)](#). [Accessed 2020-04-02]

Nacional de Afrocolombianos Desplazados (AFRODES). N.d. "Identidad." [Accessed 2023-07-12]

Assistant Professor, University of California, Santa Barbara. 2020-04-10. Correspondence with the Research Directorate.

Associate Professor of geography, Florida International University. 2020-04-06. Correspondence with the Research Directorate.

Associate Professor of history, University of Toronto. 2021-07-12. Interview with the Research Directorate.

Atlantic Council. 2021-06-18. Camila Hernandez & Jason Marczak. ["Colombia's National Strike: Overview of the Situation and Strategies Moving Forward."](#) [Accessed 2022-02-07]

Bertelsmann Stiftung. 2022. ["Colombia Country Report."](#) *Bertelsmann Stiftung's Transformation Index (BTI) 2022*. [Accessed 2023-07-17]

Center for Strategic and International Studies (CSIS). 2020-03. Janina Staguhn, et al. ["Colombia at a Stabilization Crossroads."](#) CSIS Briefs. [Accessed 2020-04-01]

Center for Strategic and International Studies (CSIS). N.d. "About Us." [Accessed 2020-04-08]

Centro Nacional de Memoria Histórica (CNMH). 2022-05-25. ["Mujeres afrocolombianas, las más afectadas por la violencia sexual ejercida por actores armados."](#) [Accessed 2023-06-28]

CIVICUS. 2021-05-19. ["Protests Against Tax Reform Lead Thousands to the Streets in Colombia, Face Brutal Police Repression."](#) [Accessed 2022-02-07]

Colombia. 2022-08-01. Corte Constitucional. [Sentencia T-276/22](#). [Accessed 2023-06-15]

Colombia. 2022-07-27. Defensoría del Pueblo. ["Defensoría del Pueblo presentó proyecto ley que busca la reivindicación de la población afrocolombiana."](#) [Accessed 2023-07-12]

- Colombia. 2021-09-02. Departamento Administrativo Nacional de Estadística (DANE). [Pobreza multidimensional. Resultados 2020](#). [Accessed 2023-08-04]
- Colombia. 2020-09. Departamento Administrativo Nacional de Estadística (DANE). [Conferencia regional sobre población y desarrollo](#). [Accessed 2021-06-18]
- Colombia. 2019-11-06. Departamento Administrativo Nacional de Estadística (DANE). [Población negra, afrocolombiana, raizal y palenquera](#). [Accessed 2021-06-18]
- Colombia. 2019-07-12. Departamento Administrativo Nacional de Estadística (DANE). [Pobreza monetaria por departamentos en Colombia: Año 2018](#). Boletín técnico: Pobreza monetaria departamental. [Accessed 2020-04-24]
- Colombia. 2018-11-14. [Combined Seventeenth to Nineteenth Periodic Reports Submitted by Colombia Under Article 9 of the Convention, Due in 2018](#). (CERD/C/COL/17-19) [Accessed 2020-04-02]
- Colombia. 2016-08. Defensoría del Pueblo. [Problemática humanitaria en la región pacífica colombiana](#). [Accessed 2020-04-24]
- Colombia. 2013-05-21. Alcaldía de Santiago de Cali. ["Cali, segunda ciudad con mayor población afrodescendiente en el país."](#) [Accessed 2023-07-05]
- Colombia. 2011 (amended 2015). [Ley 1482 de 2011](#). Excerpt translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 2020-04-24]
- Colombia. N.d.a. Departamento Administrativo Nacional de Estadística (DANE). ["Estratificación socioeconómica para servicios públicos domiciliarios."](#) [Accessed 2023-07-31]
- Colombia. N.d.b. Departamento Administrativo Nacional de Estadística (DANE). ["Servicios públicos."](#) Censo nacional de población y vivienda 2018. [Accessed 2020-04-24]
- Colombia. N.d.c. Departamento Administrativo Nacional de Estadística (DANE). ["¿Cómo vivimos?"](#) Censo nacional de población y vivienda 2018. [Accessed 2020-04-24]
- Colombia Reports. 2023-07-04. Adriaan Alsema. ["Plea Deal Triggers Major Corruption Probe into Colombia's Congress."](#) [Accessed 2023-07-13]
- Colombia Reports. N.d. ["About Colombia Reports."](#) [Accessed 2023-08-02]

Conferencia Nacional de Organizaciones Afrocolombianas (CNOA). 2019-11-07. "[Communiqué to Public Opinion](#)." [Accessed 2020-03-31]

Consultant, International Institute on Race, Equality and Human Rights. 2020-04-13. Telephone interview with the Research Directorate.

Delaney, Patrick. 2008. "[Legislating for Equality in Colombia: Constitution Jurisprudence, Tutelas, and Social Reform](#)." *The Equal Rights Review*. Vol. 1. [Accessed 2021-07-13]

Devex. N.d. "[Fundacion Paz y Reconciliacion \(Pares\)](#)." [Accessed 2021-08-09]

The Economist. 2019-08-29. "[Why Colombia's Pacific Coast Is So Poor](#)." [Accessed 2020-04-01]

Forest Peoples Programme (FPP) & Resguardo Indígena de Origen Colonial Cañanomro Lomapieta. 2021-03-26. [Elementos de contienda contra la impunidad del genocidio en Colombia](#). [Accessed 2021-06-29]

Freedom House. 2023-03-09. "[Colombia](#)." *Freedom in the World 2023*. [Accessed 2023-07-04]

Full Professor, University of Ottawa. 2021-07-07. Telephone interview with the Research Directorate.

Fundación Paz y Reconciliación (Pares). 2020-03-15. "[Alerta por reclutamiento de jóvenes en Soacha](#)." [Accessed 2021-08-09]

Global African Worker (GAW). 2019-06-11. Agripina Hurtado. "[Colombian Workers and the Fight Against Racial Discrimination](#)." [Accessed 2021-06-17]

Global African Worker (GAW). N.d. Bill Fletcher, Jr. "[Welcome to the Global African Worker](#)." [Accessed 2021-06-17]

Global Initiative Against Transnational Organized Crime (GI-TOC). [2021]. "[Colombia](#)." *Global Organized Crime Index*. [Accessed 2023-07-17]

Global Initiative Against Transnational Organized Crime (GI-TOC). N.d. "[Our Story](#)." [Accessed 2023-07-17]

Gruner, Sheila. 2021-03-08. "[Peace for Indigenous and Black Communities in Colombia?](#)" *Our Times*. [Accessed 2021-06-18]

The Guardian. 2021-02-25. Joe Parkin Daniels. "[Colombian Police Killed 86 People in 2020, Report Reveals](#)." [Accessed 2021-07-16]

Human Rights Watch (HRW). 2018-12. [Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia's Pacific Coast](#). [Accessed 2020-04-01]

International Crisis Group (Crisis Group). 2023-02-24. [Protecting Colombia's Most Vulnerable on the Road to "Total Peace."](#) Latin America Report No. 98. [Accessed 2023-06-28]

International Crisis Group (Crisis Group). 2019-08-08. [Calming the Restless Pacific: Violence and Crime on Colombia's Coast](#). Latin America Report No. 76. [Accessed 2020-04-14]

International Institute on Race, Equality and Human Rights (Race and Equality). N.d. ["About Us."](#) [Accessed 2020-04-14]

International Monetary Fund (IMF). 2021-02-22. ["Special Data Dissemination Standard: Colombia Population \(National Population and Housing Census\)." Dissemination Standards Bulletin Board \(DSBB\)](#). [Accessed 2021-07-07]

Justice for Colombia (JFC). 2021-02-16. ["Coronavirus: What Is the Impact in Colombia?"](#) [Accessed 2021-07-16]

Justice for Colombia (JFC). N.d. ["About JFC/Who We Are."](#) [Accessed 2021-07-16]

Minority Rights Group International (MRG). 2023-06. ["Colombia: Afro-Colombians."](#) *World Directory of Minorities and Indigenous Peoples*. [Accessed 2023-08-10]

Morgan, Nick. 2019. ["The Antinomies of Identity Politics: Neoliberalism, Race and Political Participation in Colombia."](#) *Cultures of Anti-Racism in Latin America and the Caribbean*. Edited by Peter Wade, James Scorer, & Ignacio Aguiló. London: University of London Press. [Accessed 2020-04-02]

The New Humanitarian. 2020-09-25. Genevieve Glatky. ["What's Really Behind Colombia's Protests."](#) [Accessed 2021-07-16]

The New Humanitarian. N.d. ["About Us."](#) [Accessed 2021-07-16]

Newcastle University. N.d. ["Dr Nick Morgan."](#) [Accessed 2020-04-02]

NGO coalition. 2023-06-16. ["Comunicado a la opinión pública sobre la sentencia T-276 de 2022."](#) [Accessed 2023-08-02]

Observatory on Violence, Criminalization and Democracy (OVCD). N.d. ["Notre Mission."](#) [Accessed 2021-08-09]

Organization of American States (OAS). 2023-04-01. Inter-American Commission on Human Rights (IACHR). "[Chapter IV.A. Development of Human Rights in the Region.](#)" *Annual Report 2022*. [Accessed 2023-06-14]

Organization of American States (OAS). 2021-04-16. Inter-American Commission on Human Rights (IACHR). "[Chapter IV.A Human Rights Development in the Region.](#)" *Annual Report 2020*. [Accessed 2021-06-29]

Organization of American States (OAS). 2020-04-06. Inter-American Commission on Human Rights (IACHR). "[Chapter V Follow-Up on Recommendations Made by the IACHR in its Country or Thematic Reports.](#)" *Annual Report 2019*. [Accessed 2021-06-29]

Organization of American States (OAS). 2019-12-06. Inter-American Commission on Human Rights (IACHR). [Human Rights Defenders and Social Leaders in Colombia](#). (OEA/Ser.L/V/II.) [Accessed 2021-07-29]

Organization of American States (OAS). 2019-03-21. Inter-American Commission on Human Rights (IACHR). "[Chapter V - Follow-up to Recommendations Made by the IACHR in Its Country or Thematic Reports. Follow-up to Recommendations Made by the IACHR in Its Report Truth, Justice, and Reparation: Fifth Report on the Situation of Human Rights in Colombia.](#)" *2018 Annual Report*. [Accessed 2020-03-31]

Professor of sociology, Université du Québec à Montréal (UQAM). 2021-07-12. Telephone interview with the Research Directorate.

Semana. 2022-12-03. "[Aterrador: este es un caso de violencia racista en Boyacá que debería indignar a toda Colombia.](#)" [Accessed 2023-06-30]

Semana. 2021-07-02. "[18.000 millones de pesos en créditos de estudio condonables para comunidades afro, anunció el ICETEX.](#)" [Accessed 2021-07-08]

Senior Analyst, International Crisis Group, Bogotá. 2021-07-08. Telephone interview with the Research Directorate.

Temblores ONG, et al. [2022-11]. [Silencio e impunidad: Racismo sistémico y violencia policial contra personas afrodescendientes en Colombia](#). [Accessed 2023-06-15]

Transparencia por Colombia. 2020-11. Advocacy and Legal Advice Centres (ALAC). [La ciudadanía denuncia, la corrupción](#). [Accessed 2023-07-04]

[Transparencia por Colombia](#). N.d. "[Nosotros.](#)" [Accessed 2023-07-04]

Transparency International (TI). N.d. "[Advocacy and Legal Advice Centres.](#)" [Accessed 2023-07-04]

United Nations (UN). 2023-06-22. Office for the Coordination of Humanitarian Affairs (OCHA). [Colombia: Informe de Situación Humanitaria 2023](#). [Accessed 2023-06-30]

United Nations (UN). 2022-05-17. Human Rights Council (HRC). [Situation of Human Rights in Colombia](#). (A/HRC/49/19) [Accessed 2023-06-14]

United Nations (UN). 2021-04-21. Office for the Coordination of Humanitarian Affairs (OCHA). [Colombia: Humanitarian Needs Overview Summary 2021](#). [Accessed 2021-06-18]

United Nations (UN). 2020-01-22. Committee on the Elimination of Racial Discrimination (CERD). [Concluding Observations on the Combined Seventeenth to Nineteenth Periodic Reports of Colombia](#). (CERD/C/COL/CO/17-19) [Accessed 2020-03-31]

United Nations (UN). 2018. Economic Commission for Latin America and the Caribbean (ECLAC), Division for Gender Affairs. [Afrodescendent Women in Latin America and the Caribbean: Debts of Equality](#). Project Documents. (LC/TS.2018/33) [Accessed 2020-04-02]

United States (US). 2023-03-21. Department of State. ["Colombia." Country Reports on Human Rights Practices for 2022](#). [Accessed 2023-06-20]

The Washington Office on Latin America (WOLA). 2014. ["Interview on Colombia's Peace Process with Danny Ramirez of the National Conference of Afro-Colombian Organizations"](#). [Accessed 2020-03-31]

The World Bank. 2020-12-15. [Support to the Development of Colombia's Integrated Social Registry. Program Information Documents \(PID\)](#). [Accessed 2021-08-09]

The World Bank. 2018. Freire, Germán, et al. [Afro-descendants in Latin America: Toward a Framework of Inclusion](#). [Accessed 2020-03-31]

Additional Sources Consulted

Oral sources: Asociación Minga; Asociación Nacional de Afrocolombianos Desplazados; associate professor at an American university who has conducted research on vectors of migration and internally displaced persons in cities in Colombia; associate professor at a Canadian university who has conducted research on community economic and social development in Colombia; Barranquilla – City Hall; Cartagena – City Hall; Colectivo de Abogados José Alvear Restrepo; Colombia – Ministerio del Interior, Dirección de Asuntos Comunidades Negras, Afrocolombianas, Raizales y Palenqueras, Ministerio de Vivienda, Ciudad y Territorio; Comisión Intereclesial de Justicia y Paz; Conferencia Nacional de Organizaciones Afrocolombianas; DeJusticia; Instituto de estudios para el

Desarrollo y la paz; Peace Brigades International – representative in Colombia; Proceso de Comunidades Negras; professor of law at an American university who has conducted research on environmental and territorial justice and cultural interests of Afro-Colombians; Washington Office on Latin America.

Internet sites, including: Afro-Colombian Solidarity Network; Agence France-Presse; Al Jazeera; Asociación Minga; Asociación Nacional de Afrocolombianos Desplazados; *The Bogotá Post*; Center for Strategic and International Studies; *The City Paper*; Colombia – Departamento Nacional de Planeación, Ministerio de Educación Nacional, Ministerio del Interior, Observatorio Contra la Discriminación y el Racismo, Ministerio de Vivienda, Ciudad y Territorio, Sistema de Indentificación de Potenciales Beneficiarios de Programas Sociales; Columbia University – *Human Rights Law Review*; Comisión Intereclesial de Justicia y Paz; Council on Foreign Relations; *El País*; *El Tiempo*; EU – EU Agency for Asylum; Factiva; Harvard University – Berkman Klein Center for Internet & Society; Infobae; Instituto de Estudios para el Desarrollo y la Paz; Inter-American Court of Human Rights; Inter-American Dialogue; MADRE; Médecins sans frontières; *Medicine, Conflict and Survival*; *The New York Times*; UN – International Organization for Migration, Refworld, Reliefweb; US Institute of Peace; University of California – Center for Latin American Studies; *The Washington Post*.

Associated documents

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