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VIOLENCE AND DISCRIMINATION AGAINST WOMEN IN THE ARMED CONFLICT IN COLOMBIA

IV. MULTIPLE DISCRIMINATION AGAINST AFRO-COLOMBIAN AND INDIGENOUS WOMEN

102. The IACHR corroborated that the situation of indigenous and Afro-Colombian women is particularly critical, as they are victims of multiple forms of discrimination on the basis of their race, ethnic background and their condition as women, a situation aggravated within the armed conflict. They face two layers of discrimination since they are born: firstly, as members of their racial and ethnic group and secondly, their sex. Being exposed to two forms of discrimination historically, they are doubly vulnerable to abuse and mistreatment by the armed groups in their struggle to control resources and territory. As previously stated, the armed groups exploit and manipulate social disadvantage factors in specific groups as a strategy of war. In the case of indigenous and Afro-Colombian women, there is more than one vulnerability factor they can abuse.

103. In this regard, the United Nations Rapporteur has stated that:

Women from the indigenous and Afro-Colombian population suffer multiple/intersectional discrimination on the basis of gender, race, color and ethnic origin and as internally displaced persons.....The conflict reproduces and deepens discrimination between the different groups and women suffer intersectional discrimination on the basis of their gender, and their ethnic and cultural origin.[124]

104. Article 9 of the Convention of Belém do Pará stipulates that, in acting with due diligence, the State must take special account of the increased vulnerability to violence that women may suffer because of their race and ethnic background, among other risk factors. This provision was enacted because discrimination, in its different manifestations, does not always affect all women to the same degree: there are women who are more exposed to the infringement of their rights. Certain women confront various forms of discrimination, which increases their vulnerability and exposure to being abused on the basis of more than one factor.

105. Internationally, it has been recognized that discrimination, in its different manifestations, can be motivated by two or more factors. For example, the Committee overseeing compliance with CEDAW has stated in this regard that:

Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional groups such as race, ethnic or religious identify, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or in different ways than men. State parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.[125]

106. Additionally, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, recognized that racial discrimination and racism manifest differently for women and girls and lead to the detriment of their living conditions, poverty, violence, multiple forms of discrimination, the limitation or denial of their human rights.[126] Furthermore, the United Nations Committee against Racial Discrimination has recognized the serious consequences and the unsafe situation of women who face multiple forms of discrimination. It has emphasized that racial discrimination does not always affect women and men the same way, and that there are circumstances in which racial discrimination only or mainly affects women.[127] Certain forms of racial discrimination may be directed specifically against women because of their gender, such as sexual violence during an armed conflict.[128]

A. Afro-Colombian women

107. The IACHR was able to verify that the situation of Afro-Colombian women living on the Pacific coast is particularly precarious and alarming. Both State authorities and non-State sources confirmed that the Afro-Colombian population has been subjected to a history of discrimination, exclusion, invisibility and social disadvantage, both economic and geographic. The armed conflict has worsened this situation, since the armed actors profit from these disadvantages in their struggle to control territories and resources. In the particular case of Afro-Colombian women, their condition as women adds another factor of discrimination and vulnerability to their lives and exposes them to greater abuses by the actors of the conflict:

We women have been trampled over in our territory and anywhere by the different groups, the legal and illegal armed groups, who kidnap us, kill, rape and humiliate us ... leaving as a consequence of these actions the deterioration of the social fabric around us. Therefore, there is no doubt that the armed conflict has harmed black women's feelings, their ancestral legitimacy, their creativity to form and generate life, their cultural identity and their love for their territory.[129]

108. The United Nations Rapporteur, the High Commissioner for Human Rights, and the *Mesa de Trabajo Mujer y Conflicto Armado* have identified Afro-Colombian women as a particularly vulnerable group to violence and the consequences of the conflict on the civilian population, such as forced displacement.[130] In its last report, the High Commissioner for Human Rights specifically stated that:

The security, particularly of rural, indigenous and Afro-Colombian women and girls and of those that are organized, displaced, confined or are returnees, has deteriorated as a result of the armed conflict and the use of sexual violence and social control by the illegal armed groups.[131]

109. The *Mesa de Trabajo Mujer y Conflicto Armado* has stated that the "racism that prevails in Colombian society is also present in the way the armed actors reproduce, in their relations with Afro-Colombian women, exclusionary and discriminatory practices that

ignore their differences.”[132]

110. The ICBF confirmed with the Rapporteur that the Afro-Colombian population comprises approximately 20% of the Colombia’s population. The Rapporteur had the opportunity to interview a number of networks, groups and Afro-Colombian women who made reference to the “subtle racism” in Colombian society towards Afro-Colombians because of their race, which has meant for them, as a group, unequal access to the country’s economic, social and political development. They communicated that this racism limits their access to educational services, work, income and participation in national and local decision-making. For example, groups of women in Quibdó, where 85% of the population is Afro-descendent, indicated that most of the population lives in extreme poverty. Quibdó[133] is the locality with the least water supply coverage in the country, 81% of homes have no sewage, illiteracy is up to 19% and maternal mortality rates are high.[134] The State has estimated that 72% of the Afro-Colombian population is in the country’s two lowest socio-economic strata.[135]

111. All of these factors have limited the possibilities for this population to enjoy their particular worldview, traditions and culture and have promoted their invisibility in the public policies of the country. Local authorities of the government of Quibdó, confirmed to the Rapporteur that they felt like a territory forgotten by the national authorities in the social and economic spheres.

112. In the particular case of women, their sex has exposed them to discrimination not only because for their condition as Afro-Colombian, but also because they are women, both in and outside of their communities. Afro-Colombian women shared with the Rapporteur information about the discrimination and violence they suffer from inside their own communities because they are women. For example, they are left out of most organizational processes in their communities, either in the form of community councils, municipal councils, departmental assemblies, and other such models, and they are subject to cultural stereotypes based on their sexuality.[136]

113. The racism and marginalization of the Afro-Colombian groups, as well as them inhabiting territories with resources appealing to combatants, has resulted in their territories turning into scenarios of violence and death, making them one of the population groups with the highest rate of forced displacement, which can reach 30% according to CODHES and Human Rights Watch.[137] For example, Quibdó is an attractive territory for the armed actors because it has one of the world’s highest biodiversity rates, coasts on both oceans, good conditions to grow coca and oil palm. For Afro-Colombians, this reality is particularly harsh because of their close connection with their territory, culture, identity and past. The aggressions by the armed actors are an attack against their culture and their worldview.

114. The Colombian State enacted Law 70 in 1993, which recognizes the Afro-Colombian population as an ethnic group and sets standards for the protection of their cultural identity and rights. Through this law the State recognizes that Afro-Colombians have the right to live according to their own worldview, are entitled to exist as an ethnic group with different needs, and to enjoy their collective property over areas they have occupied according to their traditional production practices. However, illegal armed groups do not respect the right of collective ownership of the Afro-Colombian groups.

115. One of the worst effects of the conflict on Afro-Colombian women is the forced displacement and its consequences. According to CODHES figures, women constitute approximately half of the displaced population and as much as 28% are reported to be Afro-

Colombian women.[138] An analysis of different figures also leads us to conclude that women constitute about 50% of the Afro-Colombian displaced population and almost half are heads of household.[139] Within the percentage of displaced women who are heads of household, the highest rates are among Afro-Colombian women (47%) and indigenous women (49%).[140]

116. The impact of forced displacement on Afro-Colombian women is significant and manifests itself in various ways, due to their worldview, culture and traditions, identification with their territory and their condition as women. In addition to the effects on women discussed in previous sections, Afro-Colombian women lose the ability to carry out their cultural practices, for example, having wakes for their deceased, funeral rites, and in general, sharing community life.[141] For example, during the meeting that the Rapporteur held with networks of women in Quibdó, the delegation received the following testimony from an Afro-Colombian victim of forced displacement:

We cannot use the river as we always have ancestrally, as a sacred place. But not anymore, because of the occupation of the armed actors.[142]

117. The loss of territory is also crucial for them. From their perspective, it represents more than a physical space, integrating "neighbors, animals, nature, and social organization: elements that provided a feeling of belonging to a group and distinguishing them from the rest".[143]

118. The change in roles and family structure faced by displaced women may be even more intense and radical in the case of Afro-Colombian women living in rural areas who move to urban zones, because of the community life that they used to lead, the traditional correlation of their activities with those of their husbands or fathers, and the uprooting of this social model. CODHES has described this change as follows:

For rural, indigenous and Afro-Colombian women, the change they experience because of displacement is very significant; generally, their movements in the past closely corresponded to the movements of their father or husband, their social setting was limited to household activities and production in the same area, as well as their relations with organizations and other outsiders through their men ... This situation has molded their self-image and understanding of their environment, which clashes with the perspectives of the urban setting when they arrive in the city. They are exposed to complex cultural, affective, material and spatial losses, particularly when they attempt to symbolically and materially reaffirm their maternal role, which they have always played in their own culture, generating life and preserving family stability.[144]

119. The situation of Afro-Colombian women in the Pacific Coast reveals the relegation of Afro-Colombian women inhabiting rural zones to the domestic sphere as a historical fact. [145] They are the center of their family group and of the direct ties between their children and family members.

Afro-Colombian women subscribe to a social pattern that assigns them the role of care-givers, with domestic chores under their responsibility, and furthermore, male mobility as opposed to female lack of mobility is assumed as a form of complementing roles; the behavioral norms for men and women are different.[146]

They are also entrusted with transmitting beliefs, traditional norms and controls inside the community and to define elements of identification with their territory. These traditions and practices change with the displacement experience.[147]

120. Groups and networks of women interviewed by the delegation in Quibdó described the consequences of displacement for Afro-Colombian women and the change in family structure, roles and traditions they face, as follows:

On their shoulders falls the reorganization, care, and daily hygiene tasks of the family and even the community. Generally, housework is done by women and under these conditions men feel unable to solve these problems and unable to do the work they ordinarily do in their fields. This generates an emotional overload for women, because this situation sometimes leads to family conflicts. Furthermore, women are generally obliged to take the responsibility of obtaining the economic resources to support the family, since the uprooted conditions make it more difficult for men to do work that would generate income, whereas women can work as maids, washing clothes or selling any product as street vendors. When the resettlement is in shelters, women's privacy is affected, because these places are usually not adapted to satisfying private hygiene needs, or privacy at all, and sometimes there is harassment and abuse of young girls by the males. In the case of displaced persons, there is no differentiated care for women. Their health needs regarding menstruation and family planning are not taken into account.[148]

121. According to the information and testimonies gathered, displacement leads Afro-Colombian women to suffer various forms of discrimination in addition to being women – because they are Afro-Colombian and because they are displaced. Testimonies that the Rapporteur received from displaced Afro-Colombian women indicate that they suffer acts of racism, ridicule and stigmatization by the receiving communities. The *Asociación de Afro-Colombianos Desplazados* (hereinafter "AFRODES") has described the persistent belief of receiving communities that "black women are dirty, thieves, or if they come to work in a house they are only useful in bed".[149] This situation is aggravated by the low levels of education and poverty of the displaced women, which along with their race challenge their adequate access to work and to different forms of economic subsistence.[150]

B. Indigenous Women

122. The IACHR verified that the situation of indigenous women is especially critical due to the serious effects of the armed conflict and the history of discrimination and exclusion they have faced based on their condition of indigenous women.[151]

123. The Rapporteur had the opportunity of meeting in Bogotá and Valledupar with indigenous women pertaining to different groups and could verify through their testimonies, that the protection of their rights is directly linked to the real possibility of living freely in their ancestral lands. Therefore, while the ancestral lands of indigenous peoples are not protected and respected by the armed actors indigenous women will continue to gravely suffer the effects of the armed conflict.

124. From the varied and categorical testimonies received by the Rapporteur from indigenous women, it may be concluded that the armed conflict has meant for indigenous peoples massacres, murders, especially of their leaders and traditional authorities, kidnappings and massive displacements from their ancestral lands. The indigenous women communicated to the Rapporteur that the armed conflict has taken their husbands, their children, their families and even their land, and they said they were tired of suffering:[152]

We are tired; we have no tears left to cry for another loved one[153]

125. Indigenous women in Colombia are recognized as the reproducers of their culture, the guarantors of their peoples' survival. They have resisted centuries of repression

and are now resisting the illegal armed groups who want to take their territories. They recognize that the deterioration is immense, but that they continue, because as they say, not only grief and sadness exist – “the important thing is that we are still alive.”

1. Indigenous women and their ancestral lands

126. Indigenous women belong to societies where the ancestral land is an essential element of their existence and culture. This is the reason why any analysis of the human rights situation of indigenous women in Colombia must consider that they are part of peoples with a different culture, which have a close connection to their lands. It is important to note that the armed conflict has turned indigenous lands into scenarios of war and death.[154]

127. In Colombia, 84 indigenous peoples inhabit 31 of the 32 departments of the national territory, comprising 2% of the total population. Their cultural and social wealth is reflected in their diverse forms of life, generally closely linked to their ancestral lands, in the defense of their autonomy, their organizational structures and ways to resolve conflicts, all of which has enabled them to maintain their cultural identity.

128. The Colombian Constitution of 1991 is one of the most interesting and advanced in the Americas in regards to the rights of indigenous peoples. The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation,[155] recognizes the right of indigenous authorities to exercise judicial functions within their land according to their own norms and procedures[156], and grants indigenous lands the status of territorial entities, by virtue of which they are autonomous to manage their interests, within the limits of the Constitution and the law.[157] Accordingly, they have the following rights: 1) to be governed by their own authorities; 2) to exercise the corresponding competencies; 3) to administer their resources and establish the necessary taxes to enable them to perform their functions.[158]

129. Approximately 27% of the Colombian national territory has been recognized as property of the different indigenous peoples. This recognition has been granted by means of *resguardos*[159], indigenous reserves with individual titles for the community or *parcialidades*.

130. In this context of constitutional and legal recognition of the rights of indigenous peoples in Colombia and the enforcement of their rights to ancestral lands, the internal armed conflict has been developing for decades. The Colombian State has been a pioneer in the recognition of the rights of indigenous peoples.

131. Nevertheless, only in 2005, approximately 19,000 have been forcibly displaced from their lands.[160] Even though indigenous peoples constitute about 2% of the total Colombian population,[161] 12% of the internally displaced persons are indigenous.[162]

132. The IACHR in its annual report for 2004 stated that, during the past few years, pressure by illegal armed groups on indigenous lands has intensified. This is due to their strategic importance, both military and economic, for growing and trafficking illegal drugs, and the extraction of natural resources, and for its use in road, mining and hydropower works. [163] Several peoples are at risk of disappearing.[164]

133. Furthermore, the IACHR expressed that in response to this war context, indigenous peoples had expressed publicly at the national and international level their categorical denial to be involved in the armed conflict.[165] They have demanded from all

armed actors respect to their right of autonomy and neutrality, declaring their community resistance against the armed conflict actors and the State, in defense of their autonomy, their human rights and with the objective of safeguarding their collective survival.

134. The Rapporteur received testimonies from indigenous women from different peoples who described the serious challenges they face in their lands because of the persistent threats and harassment of the armed actors, and the pressures exercised by third parties sometimes associated with the armed actors, with the purpose of forcing them to abandon their lands, to occupy them strategically and/or exploit their natural resources. An alarming situation is that of the Wayúu women in the Media Guajira, who have denounced the presence of the AUC in a zone where there was no conflict. In that area, the members of the AUC have, for approximately three years, murdered, threatened and harassed members of the Wayúu people in order to wield political and military control over a zone that is considered strategic. Wayúu female leaders have also been threatened, which has required protection by the Inter-American Human Rights System.[166]

135. As the Rapporteur learned during her visit to Colombia, indigenous women view their lands as a fundamental part of their existence. They expressed that the armed conflict has worsened the situation of marginalization they face, but that they have suffered a history of discrimination and marginalization since strangers have desired their lands:

If the bullets don't kill us, the public policies will[167]

136. Despite the serious challenges indigenous women face by remaining in their lands, they have chosen to stay and resist the various methods the armed actors use to intimidate them. In indigenous lands, the murder of leaders, the kidnapping of children and the rape of women are part of the daily reality:

There have been many human rights violations affecting indigenous and Afro-Colombians, especially in terms of murders, forced disappearances, death threats and internal displacement in rural areas.[168]

According to official statistics, some 855 indigenous people were murdered between 1998 and September 2004 and the OACNUDH reported that "over 100 indigenous individuals and authorities were murdered". The UN Special Rapporteur on the Indigenous Peoples has stated that these actions constitute "genuine genocide and ethnocide". In the case of the Kankuamo people who live on the slopes of the Sierra Nevada in Santa Marta, some 166 of their members were murdered between 1993 and 2003. This led the Inter-American Court of Human Rights to issue provisional measures [for protection] in July 2004, ordering the State to safeguard the lives and personal well-being of the members of that community and to investigate and punish prior violations. Nevertheless, less than one month later, another Kankuamo leader was murdered.[169]

137. As members of thousand-year old communities, indigenous women communicated to the Rapporteur that their survival is linked to preserving their lands, because that is where they can freely express their culture.

138. According to the National Human Rights Information System (SINDHO) of the *Organización Nacional de Indígenas de Colombia* (hereinafter "ONIC"), 21,711 persons have been banished from their reservations and communities. Between January 1st and December 9 of 2005, 63 indigenous people were forced per day to migrate from their ancestral lands; approximately over 12 families a day and nearly three persons per hour. Over 14 thousand indigenous members of the Nasa peoples (66%) and nearly 4,600 Awa

indigenous people (21.3%) were the worst affected by the armed actors, who were forced, in both cases, to disperse outside of their communities.[170]

139. In addition to the pernicious effects provoked by the forced displacement on persons, indigenous women suffer the cultural impact resulting from leaving their territories:

If it is an internal displacement[171] there are problems because they are disrupting the balance of our ecosystems. If it is to urban centers, it is a bit more complicated, since most of our fellow indigenous women don't know Spanish very well, the immensity of the city frightens them, with its anonymity and lack of solidarity among the residents. The memory of our mountains and jungles and their sound kills us. We face new problems in raising our children and relating with our partners, because the city is not our customary environment. We are pursued by the images of the anguish when we had to leave, running with what little we had or could carry in order to outrun death and desolation. Amidst this anguish, we are in charge of our families, accepting activities that are not traditional in our cultures, such as getting jobs as domestic servants or, in the worst of cases, even selling our bodies".[172]

140. In the visit, it was evident that, even though the State has implemented actions to address the situation of the displaced population, the indigenous population was not considered specifically, much less in a culturally relevant manner, up to a year ago. An UNHCR report from 2003 states: "Regarding the displaced indigenous population in Bogotá there is no accurate information on how many persons or families have come to the capital or what conditions they are living in because, when they register, there is no record of whether they are indigenous, much less what community or reservation they are from. This has contributed to making their problems invisible and, in consequence, they feel unattended."[173]

Indigenous women have to fight to be recognized as displaced persons, fight to have access to health care and education even if it is not our own, prepare meals with food that is alien to our culture and bodies, struggle for our families not to break apart and our children not to lose our culture.[174]

141. The indigenous women who met with the Rapporteur were emphatic in expressing that the assistance they receive in their capacity as displaced persons is provisional and insufficient. In Valledupar, the Rapporteur received testimonies of the unprotected situation of hundreds of widows and orphans living in extreme poverty and precariousness, who were forced to abandon their lands where they used to live freely to become extremely poor people in the cities.[175] In Valledupar, the situation is especially critical because it is where most indigenous displaced people arrive from the Sierra Nevada of Santa Marta, where the Ijka or Arhuaco, Kogi, Wiwa Arzario and Kankuamo peoples live. In the case of the Kankuamo peoples, between 1998 and 2004, 189 of their members were murdered and most of the widows and orphans were displaced to Valledupar.[176]

142. Indigenous women are clear in explaining what they want and they communicated it as follows:

We don't want any more widowed women, more orphans, we want to return to our lands.[177]

2. Indigenous women, the armed conflict and sexual violence

143. During her visit to Colombia, the Rapporteur received complaints about the

use of indigenous women as “spoils of war” by the armed actors and verified that indigenous women have often been victims of sexual violence perpetrated by members of legal and illegal armed groups.

144. In fact, the Rapporteur received testimonies from indigenous women denouncing sexual aggressions perpetrated by the armed actors participating in the conflict, to the detriment of indigenous women. The same women who offered these testimonies indicated that the discriminatory attitude of the aggressor worsens this type of aggression, already alarmingly serious. They explained that patrols of the different armed groups occupying indigenous lands kidnap indigenous women, collectively use them sexually, and then abandon them, protecting themselves by the impunity of their acts.

145. *ONIC* denounced on November of 2005 that “only in Vaupes, in Carurú, approximately 20 indigenous women have been raped by the Security Forces, plus one adolescent from the Kokonuco peoples of Cauca”.^[178]

146. The testimonies received reveal that indigenous women do not often denounce sexual aggressions for different reasons, including cultural. However, one of the main reasons is that the armed groups that perpetrated such crimes often have social and political control over the area where they commit their crimes. Then the women wonder, Where should we file the complaint? For what?

147. In regards to this situation, *ONIC* communicated how common are the cases of “young women harassed by the armed groups, both legal and illegal, who use them as emotional support, force them to perform domestic duties for them, which stigmatizes them for both groups, and thus forces them to abandon their land, increasing the rate of forced displacement to cities different from their environment, which also leads to begging, working as domestic servants and, worse yet, ending up in prostitution.”^[179]

3. Conclusion

148. Accordingly, the IACHR considers that the serious effects of the armed conflict on the lives of Colombian women and men acquire a special dimension for indigenous women. In fact, the pressure exercised by the armed groups over indigenous lands, whether for military strategy or economic reasons, impacts the lives of indigenous women especially seriously since they perceive their ancestral lands as essential places for their existence, culture, and family. The main demand of indigenous women is that their lands should be respected. To the extent indigenous lands are still subject to military or economic interests, the lives of indigenous women will remain threatened, as well as the cultural integrity and the very existence of the peoples they belong to.

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^[124] United Nations, *Report submitted by Mrs. Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences: Mission to Colombia* (1-7 November 2001), E/CN.4/2002/83/Add. 3, 11 March 2002, paras. 28 and 42.

^[125] United Nations, Committee on the Elimination of Discrimination against Women, *General Recommendation 25, Temporary Special Measures*, U.N. Doc./CEDAW/C/2004/II/WP.1/Rev.1 (2004), section II, para. 12.

^[126] Declaration of the World Conference against Racism, Xenophobia and all Forms of Intolerance, Durban, 2002, p. 14.

^[127] United Nations, Committee on the Elimination of Racial Discrimination, *General Recommendation 25, Gender Related Dimensions of Racial Discrimination*, U.N. Doc. HRI/GEN/1/Rev.7 (2000).

^[128] United Nations, Committee on the Elimination of Racial Discrimination, *General Recommendation 25, Gender Related Dimensions of Racial Discrimination*, U.N. Doc. HRI/GEN/1/Rev.7 (2000).

^[129] Testimony submitted to the IACHR Rapporteur during her on-site visit to Colombia by the *Foro Interétnico de Solidaridad del Chocó*.

^[130] United Nations, *Report submitted by Mrs. Radhika Coomaraswamy, Special Rapporteur on violence against women, its*

causes and consequences: *Mission to Colombia* (1-7 November 2001), E/CN.4/2002/83/Add. 3, 11 March 2002, paras. 42 and 73; United Nations, *Report of the High Commissioner for Human Rights on the situation of human rights in Colombia*, E/CN.4/2005/10, 28 February 2005, para. 122; *Mesa de Trabajo de Mujer y Conflicto Armado, Impact of the Armed Conflict on Afrocolombian Women*, February 2003, p. 23.

[131] United Nations, *Report of the High Commissioner on Human Rights on Colombia*, E/CN.4/2005/10, 28 February 2005, para. 124.

[132] *Mesa de Trabajo de Mujer y Conflicto Armado, Impact of the Armed Conflict on Afrocolombian Women*, February 2003, p. 27.

[133] Statistics from the Administrative Health Department of Chocó included in the report: *Chocó: Territory of Wealth and Survival: We Live to Resist, We Resist to Live*, presented to the Rapporteur during her on-site visit by women's groups and networks from Quibdó.

[134] Report: *Chocó: Territory of Wealth and Survival: We Live to Resist, We Resist to Live*, presented to the Rapporteur during her on-site visit by women's groups and networks from Quibdó.

[135] National Council of Economic and Social Policy, National Planning Department, Document CONPES 3310, *Affirmative Action Policy for the Black or Afro-Colombian Population*, Bogotá, D.C., 20 September 2004.

[136] *Memories*, National Afro-Colombian Conference, Bogotá, September 13-16 2002, p. 102; *Impact of the Armed Conflict on Afrocolombian Women*, February 2003, p. 38.

[137] See CODHES figures available online: www.codhes.org; Report: *Human Rights Watch, Report on the Internally Displaced in Colombia*, Chapter III, 2005, p. 18.

[138] *Mission to Observe the Situation of Afro-Descendent Communities in Colombia: Forced Internal Displacement, Violations of International Humanitarian Law and Situation of Afro-Colombian Persons in Jails*, June 2002, Bogotá, organized by *Asociación de Afrocolombianos Desplazados-AFRODES*, *Asociación de Mujeres Afrocolombianas-AMUAFROC*, *Centro de Estudios de Pastoral Afrocolombiana CEPAC*, *Espacio Aframericano (Suiza)*, *Huella Afrocolombiana*, *Movimiento Nacional por los Derechos de las Comunidades Negras-CIMARRON*, *Organización de Comunidades Negras-HORCONES*, *Organizaciones-Mundo AFRO (Uruguay)*, *Proceso de Comunidades Negras en Colombia PCN*, *Pueblo Negro de Colombia PNC*, *Fundación Afrocolombiana Las Mojarras (Chocó)*, para. 88, citing figures from CODHES and the Social Solidarity Network.

[139] Information from women's networks, *Conflict, Displacement and Abandonment from Lands in: Points of Encounter, Documents on Democracy and Peace*, No. 26, Bogotá, March – April 2005.

[140] *Confluencia Nacional de Redes de Mujeres, Corporación Sisma Mujer and Atelier-IEPALA*, Observatory of the Human Rights of Women, *Displaced Women: Actions of the Colombian Government*, March 2004, p. 9, citing figures from CODHES. Figures also included in *Confederación de Redes, Red Nacional de Mujeres y la Red de Educación Popular Entre Mujeres, One Step Forward, Two Backwards, Shadow Report, Platform of International Conference, Fourth World Conference on Women*, 2004, p. 41; United Nations, Office of the United Nations High Commissioner for Refugees, *Assessment of Public Policy on the Prevention, Protection and Attention for forced internal displacement in Colombia (August 2002 -2004)*, Bogotá, December 2004, p. 110.

[141] *Mesa de Trabajo de Mujer y Conflicto Armado, Impact of the Armed Conflict on Afrocolombian Women*, February 2003, p. 35.

[142] Testimonies received from Afro-Colombian women by the Rapporteur during her visit to Quibdó.

[143] Luz María Cabezas-Rincón, *The Organization of Displaced Women as a Possibility for Policy Action: The Case of Women in the Asociación Afrocolombiana de Desplazados – AFRODES*, National University of Colombia, School of Law, Political and Social Sciences, Political Science Department, Bogotá, 12 April 2004, p. 92 (provided by CODHES during the visit).

[144] Luz María Cabezas-Rincón, *The Organization of Displaced Women as a Possibility for Policy Action: The Case of Women in the Asociación Afrocolombiana de Desplazados–AFRODES*, National University of Colombia, School of Law, Political and Social Sciences, Political Science Department, Bogotá, 12 April 2004, p. 76 (provided by CODHES during the visit):

In the case of displaced Afro-Colombian women the context in which the socialization process took place becomes very important in the way they confront the detachment when they arrive to their new places of residency. Afro-Colombian women who live in rural areas maintain a complementary relationship with men, carrying out activities in the agricultural production process that involve more force than men develop. They handle the harvest, grind the sugar cane, raise the animals and in some cases handle fishing as well.

[145] Luz María Cabezas-Rincón, *The Organization of Displaced Women as a Possibility for Policy Action: The Case of Women in the Asociación Afrocolombiana de Desplazados–AFRODES*, National University of Colombia, School of Law, Political and Social Sciences, Political Science Department, Bogotá, 12 April 2004.

[146] Luz María Cabezas-Rincón, *The Organization of Displaced Women as a Possibility for Policy Action: The Case of Women in the Asociación Afrocolombiana de Desplazados–AFRODES*, National University of Colombia, School of Law, Political and Social Sciences, Political Science Department, Bogotá, 12 April 2004.

[147] Luz María Cabezas-Rincón, *The Organization of Displaced Women as a Possibility for Policy Action: The Case of Women in the Asociación Afrocolombiana de Desplazados–AFRODES*, National University of Colombia, School of Law, Political and Social Sciences, Political Science Department, Bogotá, 12 April 2004.

[148] Report: *Chocó: Territory of Wealth and Survival: We Live to Resist, We Resist to Live*, presented to the Rapporteur during her on-site visit by women's groups and networks from Quibdó.

[149] *We Forge Hope, First National Meeting of Displaced Afro-Colombians*, Publications ILSA, Editorial UNIBIBLOS, National University of Colombia, Bogotá, 2001.

[150] Testimonies received from Afro-Colombian women by the Rapporteur during her visit to Quibdó.

[151] IACHR, Press Release N° 27/05, *The Armed Conflict Aggravates the Discrimination and Violence suffered by Colombian women*, 25 July 2005.

[152] "Our fair struggles to have our rights recognized have filled us with pain and sorrow. Thousands of our brothers have been murdered during the last four decades for daring to defend our territories; hundreds have been disappeared, kidnapped, massacred, confined and many more have been obligated to leave their communities for these same reasons. The guerrilla groups, self-defense groups and military and police forces of the Colombian State are responsible for this." In *The Indigenous Peoples and their Territorial Issues*, National Consensus-Building Forum. Bogotá, 24 - 28 October 2005.

[153] Testimony by an indigenous woman collected in the Sierra Nevada of Santa Marta during the on-site visit of the IACHR Rapporteur.

[154] IACHR, Press Release N° 27/05, *The Armed Conflict Aggravates the Discrimination and Violence suffered by Colombian Women*, 25 July 2005.

[155] Political Constitution, Article 7.

[156] Political Constitution, Article 246.

[157] Political Constitution, Articles 286 and 287.

[158] Additionally, by virtue of Law 21 of 1991, Convention 169 of the International Labor Organization (ILO) on Indigenous and Tribal Peoples in Independent Countries was enacted as a Law in Colombia. Similarly, there is extensive legislation that authorizes the implementation of the recognized rights both in the Political Constitution as in the ILO Convention 169. Accordingly, it is important to stress the jurisprudence issued by the Constitutional Court of Colombia, a body that has ruled on different issues involving the rights of indigenous peoples.

[159] Indigenous reservations are the collective property of indigenous communities in favor of which they are constituted. Pursuant to Articles 63 and 329 of the Political Constitution, they are inalienable, imprescriptible and non-attachable. Reservations are a legal and socio-political institution of a special nature, comprising one or more indigenous communities, who have a collective title of ownership and enjoy the guarantees of private property, own their territory and are governed in management thereof and their life within by an autonomous organization supported by indigenous jurisdiction and their own normative system. In Article 21 of Decree 2164 of 1995.

[160] United Nations, Press Release, Office of the United Nations High Commissioner for Refugees, 9 December 2005.

[161] In its observations, the State indicates that the Indigenous population in Colombia ascends to 701,860 persons. Note DDH/OEA 25245/1210 from the Human Rights Direction of the Ministry of Foreign Affairs of the Colombian Republic, 24 May 2006.

[162] United Nations, *Considerations over the International Protection of Colombian Asylum Applicants and the Refugees*, United Nations High Commissioner for Refugees, 9 December 2005, para. 124.

[163] IACHR, *Annual Report 2004*, Chapter IV, N° 24.

[164] IACHR, *Annual Report 2004*, Chapter IV, N° 23; *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of the Indigenous People*, Rodolfo Stavenhagen, E/CN.4/2005/88/Add.2/ 10 November 2004; United Nations, Press Release, UNHCR, 9 December 2005.

[165] See United Nations, *Considerations over the International Protection of Colombian Asylum Applicants and the Refugees*, United Nations High Commissioner for Refugees, March 2005.

[166] IACHR, *Annual Report 2004*, Chapter III, *Precautionary Measures granted by the IACHR during 2004*, N° 22. On 23 September 2004 the IACHR granted precautionary measures in favor of Mariana Epinayú, Carmen Cuadrado Fincé, Débora Barros, and Karmen Ramírez, leaders of the Wayúu indigenous people in the department of La Guajira. Available information indicates that, during the last three years, the Wayúu indigenous community has suffered acts of violence from paramilitary groups commanded by *Jorge 40*, with the collaboration or acquiescence of State agents.

[167] Testimony of an indigenous leader, submitted to the IACHR Rapporteur during her on-site visit to Colombia.

[168] United Nations, *Considerations over the International Protection of Colombian Asylum Applicants and the Refugees*, United Nations High Commissioner for Refugees, para. 124. In just over 11 months [2005], 84 selective murders were committed; nearly one traditional authority assassinated every four days. To date, six peoples have applied to the Inter-American Court of Human Rights to request provisional and/or precautionary protection measures, since neither the State nor the government have responded favorably to the genocide and the imminent extinction of over 12 indigenous peoples in the Amazon region. Press release 189, *ONIC Communications*, 10 December 2005.

[169] United Nations, *Considerations over the International Protection of Colombian Asylum Applicants and the Refugees*, United Nations High Commissioner for Refugees, para. 126.

[170] Press release 189, *ONIC Communications*, 10 December 2005. In this regard, the Office of the United Nations High Commissioner for Human Rights in Colombia has reported that nearly 4,000 *Embera* indigenous people have been displaced from their territory and are highly endangered by the cross fire among illegal armed groups. United Nations System Press Release, 7 May 2005, Office in Colombia of the United Nations High Commissioner for Human Rights.

[171] Some indigenous communities have decided not to leave for the cities, preferring to move within their own territories or toward other indigenous communities. In these cases they have the opposite problem to displacement, which is, forced confinement because they cannot leave or move around freely, having to remain without protection and under precarious conditions in terms of survival.

[172] Document entitled *Uguerara Da Amba Giunu Tabua* submitted to the IACHR Rapporteur during her on-site visit to Colombia by the Women's Division of *ONIC*, 20 June 2005.

[173] See *The Displaced Population in Bogotá*, Office of the United Nations High Commissioner for Refugees, July 2003, p. 81.

[174] In the document entitled *Uguerara Da Amba Giunu Tabua* submitted to IACHR Rapporteur during her on-site visit to Colombia by the Women's Division of *ONIC*, 20 June 2005.

[175] IACHR, Press Release N° 27/05, *The Armed Conflict Aggravates the Discrimination and Violence suffered by Colombian Women*, 25 July 2005.

[176] In *Kankuamo Indigenous People: Human rights and mega-projects*. Jaime Enrique Arias, Governing Committee, Paris, 13 April 2005.

[177] Testimony of a female indigenous leader, collected during the on-site visit of the Rapporteur.

[178] Press Release, *ONIC*, Saturday 26 November 2005.

[179] Press Release, *ONIC*, Saturday 26 November 2005.