

COLOMBIA  
Afro-descendant Women

Shadow Report to the Committee for the Elimination of Discrimination  
Against Women

Convention To Eliminate All Forms of Discrimination Against Women  
(CEDAW)

Presented at the 56<sup>th</sup> session – September 30<sup>th</sup> to October 13<sup>th</sup>, 2013  
Committee for the Elimination of Discrimination Against Women – United Nations CEDAW  
Convention To Eliminate All Forms of Discrimination Against Women

Produced by el Kuagro Ri Ma Changaina Ri PCN (Women's Collective of the Black  
Communities Process)

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**The Black Communities Process (PCN)** is a collective of more than 100 organizations, community councils, and Afro-descendant activists based in Colombia. Founded in 1993, its purpose is to construct Black consciousness, fight against discrimination, exclusion and social injustice, and develop a legal and political framework for the recognition and respect for the territorial, cultural, political, economic, environmental and general human rights of Afro-descendants in Colombia. PCN has played a leadership role in the construction of mutual solidarities with the struggles for social justice and self-determination at a national, regional, and international level.

**El Kuagro Ri Chanagina Ri PCN** is a collective of female members of PCN tied to the local and regional organizational processes, and has developed the *Mujeres Afrodescendientes Defensoras de Derechos Humanos* project, dedicated to studying, exhibiting, and finding means of protection, as well as combating violence against Afro-descendant women, youth, and young girls. El Kuagro produced the report "*Defeating Invisibility: A Challenge for Women of African Descent in Colombia. The Panorama of Violence and Human Rights Violation Against Women of African descent in Colombia, in the Framework of Collective Rights*"\*, published in both English and Spanish, which has served as the basis of the making of this report.

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\* \* <http://www.afrocolombians.org/pdfs/DerrotarlaInvisibilidad.pdf>  
<http://www.afrocolombians.org/pdfs/Defeating%20Invisibility.pdf>

## **Executive Summary**

This Shadow report was produced by el Kuagro Ri Ma Changaina Ri PCN, the Women's Collective of the "Black Communities Process" of Colombia (PCN) to provide a perspective from the point of view of Afro-Colombian women in respect to the compliance of the Colombian government to the provisions of The Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) during the 56th session of the CEDAW Committee.

It is our contention that the Colombian government has failed to provide specific protections and remedial policies that recognize the unique situation of Afro-Colombian women and ensures that the fundamental human rights of Afro-Colombian women are recognized, protected and fulfilled.

The main concerns of organizations in relation to the non-compliance of the State with the guiding principles of the Convention are related to the failure of the Colombian State to protect the individual and collective rights of women of African descent in Colombia who are exposed to high status vulnerability and discrimination within the objective realities of Colombian Society. Those realities are informed by 1) internal armed conflict, 2) the situation of internal displacement that disproportionately impact Afro-Colombian women and girls and the associated violence that goes along with displacement and armed conflict, and 3) the interconnected status of Afro-Colombian women as women and as members of a racially discriminated ethnic group.

The report discusses the lack of applicability of the majority of the legislation and programs formulated by the Colombian government in order to respond to the conditions of discrimination, marginalization, and inequality of Afro-descendant women, within the framework of the rights of the Convention.

### **Background:**

Colombia has been involved in an internal armed conflict for more than 50 years. In the past 20 years, the urban and rural areas with the largest Afro-descendant presence have become the center of military operations of the various armed groups: guerrillas, paramilitaries and government forces, which, along with the imposition of economic and development models that violate the collective social and cultural rights of the communities, have generated gross violations of human rights and international humanitarian law and created an unprecedented humanitarian crisis in the region.

In this context, we have identified that Afro-descendant women, accounting for 50.5% of the Afro-descendant population, suffer disproportionately from the impacts of war. As a result of the war, the culturally and socially determined role of Afro-descendant women, have been dramatically transformed.

However, in addition to the internal conflict, there are other overlapping factors that have prevented Afro-Colombian women from fully realizing their fundamental human rights under CEDAW. Those factors include: 1) structural racism, 2) internal displacement, enforced disappearance, exile and forced migration, 3) militarism, 4) sexual violence and based on gender and to deter their political and organizational work, and 5) the imposition of economic models and policies that are inconsistent with the interests and purposes of development of Afro-descent communities.

Article 2 of CEDAW obliges the government to condemn discrimination against women in all its forms and agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women. Taken together, the CEDAW obliges the State to take all appropriate measures to

ensure compliance with the principles of equality, non-discrimination and state commitment to protect women from discrimination in all its forms and manifestations, including abstaining from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation (2d).

Despite a significant and sophisticated legislative and regulatory production to protect Afro-descendant communities, and legislative developments seeking to ensure principles of equality, non-discrimination and non-violence, these laws and practice standards have not created the same guarantees for Afro-Colombian women, Raizales and Palenqueras (women of African Descent) that exist for the rest of the female population in Colombia for three reasons:

- a) **The focus on gender without special attention to ethnic and cultural factors does not guarantee the protection of the rights of Afro-descendant women from a perspective of equality and diversity.** The non-recognition of the special status and realities of Afro-descendant women by the Colombian government, in a framework of their individual and collective rights, results in policies and practices that violate the spirit of Article 1 of the Convention by having the “effect” of impairing the recognition and enjoyment of the full range of human rights by Afro-Colombian women. It also violates article 2, sections, c, e and f.
- b) **The failure to implement the Right to Free, Prior, and Informed Consent (ILO Convention 169).** The failure by the Colombian government to adhere to its own constitutional provisions that require the government to consult with Afro-descendant communities as an ethnic group on matters that have a direct impact on the lives and life-changes of Afro-Colombian communities have had a detrimental impact on Afro-Colombian women. This violates article 3 of the convention.
- c) **The lack of disaggregated data that includes racial variables and intersections of gender-specific and ethno-racial information.** Information on Afro-descendant women does not take into account their cultural and/or racial identity. This is particularly true and worrisome in the cases of women, girls, and young victims of internal armed conflict and sexual and domestic violence, about which there is no information that ensures specific knowledge of the number of victimized Afro-descendant women. The absence of data creates unnecessary difficulties in establishing measurable goals for remedial policies and state accountability.

This lack of data and failure to acknowledge and address systemic racial and gender discrimination makes overcoming a system of de facto racism and patriarchy that continues to treat Afro-descendant women second-class citizens almost impossible. The articles that are especially pertinent here are articles 1,2 and 3.

The full report draws the attention of the Committee to the state of Afro-Colombian women in rural areas (Article 14 of CEDAW), and that of Afro-descendant human rights defenders.

Access to land in rural Afro-descendant communities is linked to the right to collective titling (Decree 1745 of 1995), so the access to property, proof of ownership, policies and land restitution strategies, documentation of cases of dispossession of women and everything related to land rights are connected and demand correlation between standards as the Auto 005/2009 and laws 1448/2011 and decree Law 4635/2001, as well as coordination to ensure effective response to the needs of rural Afro-descendant women.

The Public Ministry is facing serious obstacles to implementation, given the dispersion and lack of institutional coordination, the lack of institutions and officials of the same standard, lack of socialization among the victims, significant registry problems reflected in the inconsistencies and disparities in the data between institutions, lack of updated registries and property taxes and the difficulties that the system presents in order for victims to file their claims and register their land and losses.

**As relates to the defenders and advocates, the report points out that** in the first half of 2013, 15 women's organizations in Chocó and Barrancabermeja were declared military targets by armed groups, one of which is called the 'Anti-Land Restitution Block'. In the port city of Buenaventure, the armed group "Los Urabeños" was said to have a list of 50 women to be murdered by the end of 2012. Since this report, 7 women have been murdered in this city and a number of them have gone unreported. So far, the authorities have made no advances in the investigations of the murders of these women.

The State has consistently denied the existence of paramilitary groups and called those responsible for crimes against human rights defenders "criminal gangs". However, that is not how these organizations define themselves with many having historical ties to paramilitary groups that were supposed to have been "demobilized" a few years ago as a result of agreements with the government.

Aguilas Negras, Urabeños, Rastrojos, Bloque Gaitanista, and Bloque Anti-restitución of Magdalena Medio are self-recognized armed groups according to their pamphlets, telephone messages, and faxes to the leaders and human rights defenders who carry out acts of intimidation and violence in the pursuit of an agenda that appears to overlap with the agenda's of powerful economic and political elites in the country. These groups have been responsible for specific attacks on Afro-Colombian women human rights defenders that have resulted in deaths still to count and numerous death threats.

The prevalence of these groups and the impunity that they have experienced has resulted in the armed takeover of collective and ancestral lands of urban and rural communities, the targeting of women leaders and sustained violent conditions and insecurity for women. This restricts their right to exercise their freedoms and to develop a life of dignity.

Despite the progress that the State has shown in terms of compliance with CEDAW, the coexistence of structural racism and patriarchal culture within an environment of violence in urban and rural areas of African descent, along with an inordinate increase in violence against women in those territories that is supported by high levels of institutional silence and impunity, the concerns of the Committee have remained since the previous evaluation of Colombia in 2007: *"While noting that the State Party has adopted measures to strengthen its legislative, regulatory, and institutional framework in order to cope with the continued violence in the country, the Committee is concerned about how the general climate of violence and instability in Colombia will affect the full application of the Convention. The Committee is concerned that the measures taken are insufficient and that the prevailing situation puts women and girls at constant risk of becoming victims of all forms of violence"*. Our concern places emphasis on Afro-descendant women and young girls.

The Kuagro Ri Ma Changaina Ri PCN would like to respectfully submit recommendations and questions to the Committee that can support its conclusions and comments on the status of implementation of the Convention by the Colombian State, in relation to the elimination of all forms and manifestations of discrimination against Afro-descendant women.

**Recommendations:**

1. The State must make legislative proposals to ensure the inclusion of ethnic and cultural variables in all policies, programs, projects, data collection instruments and reporting, as well as in all actions aimed at women of African Descent, to ensure effective protection and full exercise of their rights.
2. The State must ensure the inclusion of gender perspectives in policies, programs, projects and actions aimed at the protection of individual and collective rights of Black, Afro-Colombian and Palenquero peoples, and should promote social policies that ensure equal opportunities and cultural policies that protect the dignity of women of African Descent.
3. State institutions and administrations at the municipal and departmental level should create tools to not only collect data that is disaggregated by sex or gender but also by ethnic / racial identity and analyze information with an intersectional approach. The same applies to the methods of the denunciation of sexual and physical violence, threats, disappearances, migration, etc.
4. It is imperative that the state respect the right to free, prior and informed consultation and that it is implemented in accordance with the ILO Convention 169. To this end, the Colombian government must grant the requests made by Black, Afro-Colombian, Palenquero and Raizal communities in the first National Autonomous Congress held in Quibdo from August 23rd-27th of 2013 and agree to implement the proposed consultation methods. Prior consultation should ensure a gendered and generational focus that effectively gives a voice to Afro-descendant women and youth.
5. The Presidential Program of Human Rights and International Humanitarian Law should integrate the “strategic action to ensure the rights and freedoms of Afro-descendant women” (line E.8), formulated in the Action Plan on Human Rights and IHL for the Black, Afro-Colombian, Palenque and Raizal people 2010. The National Council of Public Policy Planning 161 (CONPES 161), must include specific provisions for this strategic action. The same should apply for the Afrodescendant’s development plan on regards to Afro-Colombian women.
6. As per the conclusions and proposals of the gender forums from the Pre-Congresses and the National Autonomous Congress of Black, Afrocolombian, and Palenquero Communities, held in Quibdo, it is proposed that the State support the creation of the Observatory of Violence Against Black, Afrocolombian, and Palenquera Women, with an ethno-racial focus, and the disposition of a database that is updated by tracking institutional commitments to the prevention, detection, treatment, and eradication of the extreme violence that affects women of African descent, generates discrimination, and hinder’s the full enjoyment of their individual and collective rights in all areas of life.
7. Adopt special temporary measures, from an ethnic and cultural perspective, addressing the issue of employment (especially for urban women-headed households and women in situations of internal displacement and urban containment), eradication of violence, education and culture, and political involvement for Afro-descendant women and youth.
8. Taking special temporary measures to eradicate violence against women, youth, children and sexually diverse peoples of all community spaces, interactions and organizations of Black, Afro-Colombian, Palenquero and Raizal peoples, with particular emphasis on violence against human rights defenders in urban and rural areas.
9. As a step to further advance the ratification of the International Convention for the Protection of All Persons from Forced Disappearance, it is important that Colombia accept the competence of the Committee against forced disappearance, which would allow for more extensive protective functions and direct participation of victims.

10. Progress in the implementation of the Laws 092/2008 and 005/2009 in all territories defined by the Constitutional Court as vulnerable, ensuring effective participation of Afro-descendant women and results that reflect the inclusion of gender components in the Law 005/2009 and cultural ethnic components in the Law 092/2008.
11. Ensure the fulfillment of a comprehensive diagnostic study on the situation of Afro-Colombian, Black, Palenquera, and Raizal women, youth and girls, from both urban and rural territories, that from the intersectional perspective of gender, ethnicity and culture, and in the context of their individual and collective rights, serves as reference axis for the design and implementation of policies and programs that respond to different expectations of life with dignity and strengthen their overall development processes. This study diagnosis must be the product of a highly participatory research-reflection-action process, which is discussed in spaces with women, youth and girls of African Descent living in both urban and rural areas, in conditions of forced displacement, confinement and resistance.

**Questions:**

We respectfully suggest that the Committee ask the following questions to the Colombian state during their evaluation in session 56:

1. Afro-Colombian organizations have made progress in the formulation of proposals to address the development needs of Afro-descendant communities, such as the Long Term Development Plan for Black Afro-Colombian, Raizal and Palenquera communities (2010) and the Plan of Action on Human Rights and International Humanitarian Law for the Black, Afro-Colombian, Raizal and Palenquera Populations (2010), which includes guidelines and components to meet the obligation to protect the rights of Afro-descendant women. Please indicate how they are integrated or how the State plans to integrate these proposals into its National Development Plan, gender policies, the Plan For A Life Without Violence and other programs and policies to ensure fairness and non-discrimination of women and respond to the principle of State obligation under CEDAW. Please indicate proposed achievements, if there is a schedule of established actions and investments to reach such achievements.
2. Please provide information on the status of implementation of the Action Plan on Human Rights and International Humanitarian Law for Black, Afro-Colombian, Raizal and Palenquera Populations (2010), specifically the Strategic Action Line E.8, which is aimed at ensuring the rights and fundamental freedoms of Afro-descendant women, specifying what this implementation has consisted of, if there have been advances and what they have consisted of, what time timeline and goals are for this implementation, and the investment plan for such effects.
3. What steps has the Colombian government taken to solve the issue of the underreporting of Afro-descendant victims of sexual violence, disappearances and forced displacement? What progress has been made in implementing these steps? In what way has the State ensured prior consultation with organizations or urban women and female members of community councils and other sectors, as well as their participation in the implementation of these steps?
4. Within the strategy to combat impunity for gender-based violence, please specify the number of complaints of domestic and sexual violence that have been recorded, the relationship between victims and offenders, the number of prosecutions and convictions, and the tenor of the penalties imposed, specifically in cases of Afro-descendant women.
5. Regarding the elimination of impunity how many cases of murder, disappearance, and threats

against Afro-descendant leaders have been investigated? What is the state of these investigations? How many cases have been resolved? What specific measures have been taken in order to protect the human rights defenders and Afro-Colombian female leaders from threats, persecution, forced disappearance, and murder? How many cases of threats have been investigated, what is the state of the investigation? How many Afro-Colombian women in threatening situations are being protected?

6. Please indicate the measures taken or envisaged to improve the socioeconomic situation of women of indigenous and Afro-Colombian communities, which are the country's poorest and most affected by the internal armed conflict and the presence of armed groups and drug trafficking in the territories that they inhabit.
7. Is Colombia willing to accept the jurisdiction of the Committee on Forced Disappearance as a step forward after the ratification of the International Convention for the Protection of All Persons from Forced Disappearance?
8. Please indicate what measures have been taken to comply with the obligation established in Article 30 of Law 731/2002, the Law of Rural Women, on the expansion and updating of statistical records, and what advances can be reported. In particular, please provide information regarding any advances related to information that is pertinent to rural Afro-descendant women.
9. Please indicate what measures have been developed in order to provide psychosocial care for rural and urban victims of different forms of violence as a result of internal armed conflict, including threats, harassment, and individual and/or community terrorization and confinement, that meet their cultural needs and appropriately tend to the consequences caused by the different factors of discrimination to which they have been exposed.