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Submitted By:

MADRE



MADRE

121 West 27th Street, #301
New York, NY 10001

Email: advocacy@madre.org | **Telephone:** (212) 627-0444

Web: <https://www.madre.org/>



Proceso de Comunidades Negras (PCN)

Colombia

Email: charominarojas@gmail.com

Web: <https://www.renacientes.org/>

The City University of New York

CUNY SCHOOL OF LAW

Law in the Service of Human Needs

**Human Rights and Gender Justice (HRGJ) Clinic, City
University of New York School of Law**

2 Court Square 5th Floor, Long Island City, New York 11101

Email: davisl@law.cuny.edu | **Telephone:** (718) 340-4148

Web: <http://www.law.cuny.edu/academics/clinics/hrgj.html>

1. Introduction

This report, compiled by Proceso de Comunidades Negras (PCN) and MADRE, focuses on human rights violations against Afro-Descendant Peoples in Colombia, with particular emphasis on gender-based human rights violations. Its recommendations section offers steps the government and other stakeholders can take to ensure that implementation of Colombia's Peace Accordⁱ adheres to provisions requiring promotion and protection of Afro-Descendant Peoples' individual, collective and gender-based rights.

2. Background

Black, Afro-Descendant, Palenquera and Raizalⁱⁱ Peoples in Colombia face long-standing systemic racial discrimination.ⁱⁱⁱ Cities and regions with majority Afro-Descendant populations have the least access to potable water, health, and educational infrastructure in all of Colombia. As a result, Afro-Colombians' life expectancy is lower than that of other Colombians, and their infant mortality and illiteracy rates are double that of the remainder of Colombia's population.^{iv} The armed conflict, heavily centered on control of land and resources, has disproportionately victimized Afro-Colombian Peoples, who have suffered among the highest rates of displacement from their territories.^v Afro-Colombian women and girls, who face multi-faceted discrimination and oppression based on gender and race, have also disproportionately suffered conflict-related human rights violations, including displacement, murder, torture, sexual violence, and forced labor.^{vi} In the wake of the signing of the Peace Accord, violence against Afro-Colombians and displacement of entire communities has continued, as paramilitaries and other armed actors fill the vacuum left by demobilized FARC fighters, and as powerful interests attempt to seize resource-rich land.^{vii} The Government's failure to deliver physical security or to address prevailing economic insecurity will increase Afro-Colombian women's and girls' vulnerability to gender-based violence and other human rights abuses.

3. Sexual and Gender Based Violence against Afro-Colombian Women

All actors in Colombia's armed conflict have employed sexual and gender-based violence (SGBV) to spread terror, wound enemies, and dehumanize victims as a means of exerting social control.^{viii} Due to severe underreporting, it is difficult to determine the number of victims of SGBV as a result of the conflict in Colombia, however it is estimated that there have been about 500,000 people made victims of SGBV in the first decade of the 21st century alone.^{ix} According to Medicina Legal, between January and March of 2017 there were 22,000 cases of SGBV nationally. As Colombia's Constitutional Court highlighted in its 2008 Judicial Decision Auto 092, sexual violence against women and girls has been a "systematic and invisible practice" in Colombia's armed conflict, which has normalized the crimes and silenced victims.^x State Security Forces have themselves committed SGBV, which has the effect of decreasing trust in public institutions and discouraging victims from reporting the crimes and seeking justice.^{xi} Afro-Colombian women have reported to UN observers that they were victims of forced labor, rape, and other violence at the hands of illegal armed actors, and that they felt they had little to no recourse in the state. Rape victims and children born of rape suffer ostracism and stigma.^{xii}

Afro-Colombian women and girls are disproportionately affected by conflict-related SGBV as a result of systemic exclusion and racism in Colombia. Racist perceptions and stereotypes have contributed to higher rates of violence against Afro-Colombian women, and as noted by the Inter-American Commission on Human Rights (IACHR), Afro-Colombian women are doubly victimized as a result of both racial and gender-based discrimination. In 2016 the National Victims' Unit registered 85 cases of conflict-related SGBV, 31% of which targeted Afro-Colombian women.^{xiii}

As a marginalized group, Afro-descendant Colombian communities have suffered among the highest rates of violence from armed groups fighting for control over natural resources, making them hardest hit by forced displacement. Afro-Colombian women have been excluded from many of the social and economic development programs within Colombia, and in a climate where armed actors commit violence against them with impunity, they have been made particularly vulnerable to sexual violence.^{xiv}

Systemic government neglect of Afro-Colombian Peoples and territories was among the factors that recently led to civil strikes in Buenaventura and Chocó. In the majority Afro-Colombian city of Buenaventura, also home to Colombia's most important port, the official unemployment rate is at 62%, while 64% live in poverty.^{xv} The majority Afro-Colombian department of Chocó has the least coverage of potable water of all Colombia's 32 departments, and a majority of homes have no sewerage service.^{xvi} The 2005 census^{xvii} found Afro-Colombians' infant mortality rate roughly double that of the rest of Colombia's. Due to a lack of equal education opportunities, Afro-Colombians' illiteracy rate was twice that of the general population. In addition, poverty and lack of access to health infrastructure rob Afro-Colombians' of multiple years of life. Afro-Colombian women live eleven years less than the remainder of Colombian women while Afro-Colombian men live five less, according to the 2005 census.^{xviii} This increased level of economic vulnerability and marginalization further endangers Afro-Colombia women and girls, and places them at a heightened risk of SGBV.

In recent years the government of Colombia has passed laws and decrees that aim to prevent SGBV and assist victims that are seeking justice. In 2016 the State reported that it had implemented trainings for public servants to incorporate a gender perspective on access to justice and protection.^{xix} In addition, the Ministry of Interior designed a guide to implement a gender approach in the Integral Prevention and Protection Plans and provided workshops to women's organizations and public servants.^{xx} The State has also taken steps to implement Resolutions 1774 of 2016 and 1006 of 2016 regarding the establishment of a Protocol of Investigation and Prosecution of Sexual Violence by the Attorney General, and protection programs that adopt an intersectional human rights approach to addressing the needs of women.^{xxi} In addition, the State reported to the IACHR that the Ministry of Health and Social Protection is designing programs for the prevention of SGBV and the care of SGBV victims in compliance with Constitutional Court orders 092 and 009 of 2015, as well as Resolution 459 of 2012.^{xxii}

However, inadequate or absent implementation has left many victims, and particularly Afro-Colombian women and girls, without protection or access to justice.^{xxiii} For example, a report issued by the panel for follow-up on Orders 092 and 009 of 2015 noted that there are significant obstacles preventing victims from accessing justice and obtaining necessary protection and

health services. The panel also noted that in all cases of sexual violence related to the armed conflict included in the orders, the level of impunity exceeded 97%.^{xxiv} Furthermore, Afro-Colombian women's organizations have indicated that many of these laws and norms fail to take into account the diverse ways in which their communities are affected by violence.^{xxv} In its 2016 Annual Report the Inter-American Commission on Human Rights noted that Afro-Colombian women remain one of the most marginalized groups in Colombia and continue to face institutional violence from public and judicial authorities.^{xxvi}

Under the peace accord, a Special Jurisdiction for Peace (JEP) was created to investigate and prosecute crimes committed as a result of the conflict. Sexual violence is among the list of crimes for which perpetrators will not be granted amnesty or pardoned. Some advocates have raised concerns that the JEP may allow for amnesty for certain individuals because of its narrow definition of "command responsibility" and the provision allowing citizens who may have aided or abetted armed groups the ability to opt-out of the transitional justice process.^{xxvii} It is important to recognize that much of the violence committed against Afro-Colombian communities, and specifically SGBV committed in the context of the conflict, may not have been a direct result of hostilities between armed groups, but should not be ignored by the JEP. To ensure a lasting peace and safety for Afro-Colombian communities, the JEP must consult with and include voices of the Afro-Colombian community, particularly women's and gender justice organizations.

4. Women's Participation

Intersecting forms of discrimination impact Afro-Colombian women's participation in political life generally and in the implementation of the peace process. Nationally, Colombia has reserved 2 seats in congress for Afro-Colombian representatives and has implemented a 30% quota for women representatives.^{xxviii} However, as of 2014 Afro-Colombian representatives comprised only 3.2% of congress members.^{xxix} Afro-Descendant women's organizations have been struggling to address historical exclusion in the window of opportunity the peace process represents.

As a result of their persistent advocacy, Indigenous and Afro-Colombian Peoples' representatives were invited to the Havana peace negotiations, though late in the process.^{xxx} Despite facing resistance from the government, they managed to ensure the Peace Accord included provisions protecting and furthering the rights of Indigenous and Afro-Descendant Peoples, compiled together in the Ethnic Chapter of the Peace Accord. The Ethnic Chapter of the Peace Accord includes safeguards and guarantees to use an ethnic and gender perspective throughout the implementation of the peace accord. It also reaffirms Afro-Colombian and Indigenous Peoples' right to give or withhold free, prior, and informed consent regarding policies, laws, and development plans that impact them or their territories.^{xxxi} Though the Ethnic Chapter requires the State to consult with communities before passing laws that would affect them, as of August 2017 the State had not consulted with Afro-Colombian communities before passing any of the thirty-six laws implementing the peace accord.^{xxxii} In addition, some within Colombia's government have expressed hostility to the Chapter. Former President and current Senator Álvaro Uribe, a leader of the campaign against the Peace Accords with close ties to

large-scale agribusiness, dismissed the Ethnic Chapter in openly racist terms, saying, “Colombia is not an African tribe but a country of institutions.”^{xxxiii}

Women are severely underrepresented in the various bodies meant to carry out peace implementation. Women make up only 15% of representatives of the institutions set up for the peace transition.^{xxxiv} The creation of the Special Body on Gender^{xxxv} was an important step towards addressing this underrepresentation and achieving gender parity in the peace implementation. The Special Body serves as a first-order consultant to the Commission for Monitoring, Promoting, and Verifying the Implementation of the Final Agreement (CSIVI) and is tasked with ensuring a gender perspective across all stages of implementation of the Peace Accord. However, its membership was not in place until late July, months after the accord came into effect, at the point where the parties were already well into developing the framework plan for implementation of the Peace Accord, known as Plan Marco.

Of additional concern, the recently elected Special Body on Gender has no member representing specifically Afro-Colombian women’s organizations, despite disproportionate victimization of Afro-Colombian women in the context of the conflict. The selection process for the Special Body on Gender was carried out in a way that tended to facilitate mainstream women’s organizations’ participation, while sidelining Afro-Colombian women’s organizations. For example, while there were 32 departmental assemblies to decide the territorial candidates, these assemblies were held in larger cities. Afro-Colombian communities are substantially concentrated in rural areas. The fact that no transportation was available for potential participants posed a significant barrier to meaningful participation by Afro-Colombian women’s organizations, which did not have adequate means to ensure attendance by their constituency.^{xxxvi}

5. Armed Actor Violence and Attacks on Women Human Rights Defenders

In the wake of the signing of the Peace Accords between the Government and the FARC, paramilitaries and other armed actors began to mobilize in regions where the Government failed to deliver on its promises of security.^{xxxvii} The site of the majority of fighting during the conflict, these areas heavily overlap with Afro-Colombian and Indigenous territories. Once again, entire Afro-Colombian communities are facing displacement, as the rate of violence, forced disappearances, attacks on human rights defenders, threats, and kidnappings increases. The ongoing physical and economic insecurity increases Afro-Colombian women’s and girls’ vulnerability to gender-based violence and other human rights abuses, in contravention of the government’s obligation to prevent such violations.

Afro-Colombian and Indigenous communities are furthermore alarmed by the high rate of assassinations of human rights defenders. In 2016, observers found that Colombia had the highest rate of assassinations of human rights defenders globally, and killings of human rights defenders have continued in 2017.^{xxxviii} In the first six months of 2017 alone at least 50 social leaders and human rights defenders had been killed.^{xxxix} The IACHR also reported that recent trends indicate that minority communities, and in particular social leaders in the Afro-Colombian community, are being targeted and forcibly disappeared far more than any other group in the country.^{xl}

In January 2017, Afro-Colombian activist Emilsen Manyoma and her husband, Joe Javier Rodallega were beaten, stabbed and shot to death. In June, Bernardo Cuero Bravo, member of the National Association of Displaced Afro-Colombians (AFRODES), was murdered after having survived prior attempts on his life and multiple death threats. His repeated requests to the state, and particularly to its National Protection Unit (UPN) for greater security measures had gone unanswered. These tragedies underscore the need for in-depth security consultation with Afro-Colombian and Indigenous authorities. Despite measures within the peace accord requiring the government to prevent and protect these kinds of attacks, the impunity rate for killings of human rights defenders remains at 90%.^{xli}

6. Threats to Territory

Afro-Colombian and Indigenous Peoples' right to give or withhold free, prior, and informed consultation and consent, recognized under the International Labor Organization's Convention 169, and ratified and adopted into Colombian law, is a critical human rights protection. It establishes that before a government changes laws or introduces projects such as extractive operations that will impact Afro-Colombian or Indigenous territories and Peoples, it must first seek their informed consultation, and respect their decision to either withhold or give consent. Without this protection, Afro-Colombian Peoples lose control over the use of their territories, as well as the right to ensure that development actually benefits them in the long term, and does not contribute to further social and economic isolation and environmental destruction.

The Ethnic Chapter of the Peace Accord affirms Afro-Colombians' constitutional right to free, prior and informed consent regarding laws and development that affect their territories. It mandates non-regression of their rights, including their right to collective title of their traditional territories, guaranteed under Colombia's Law 70 of 1993. It specifically calls for effective consultation with and participation of Afro-Colombian and Indigenous communities in designing the illicit crop eradication and substitution plan. Section 4 of the Peace Accord requires that the government's illicit crop eradication and substitution plan "recognise and take account of the economic, cultural and social issues, characteristics and needs of the territories and rural communities, in particular of [I]ndigenous communities and communities of African descent, and of women in these ... territories, and ensure socio-environmental sustainability."^{xliii}

In the context of implementing key components of peace implementation, such as the Development Programs with a Territorial Focus (PDETs), it appears the Government again risks overriding territorial rights. The National Afro-Colombian Peace Council (CONPA) has observed that the Land Renovation Agency (ART), which is tasked with implementing the PDETs, has failed to work directly with Afro-Colombian and Indigenous authorities and organizations to develop a methodology that will ensure meaningful, rather than symbolic, participation in forming the PDETs. Meaningful participation is critical for ensuring that PDETs are grounded in Indigenous and Afro-Descendant Peoples' own aspirations and goals for wellbeing and development.

In addition, the government is creating a patchwork of agreements in various coca-producing areas that may allow the introduction of large-scale industrial and agricultural projects in Afro-Colombian and Indigenous territories without their free, prior and informed consent. The manner

in which illicit crop eradication and substitution is being implemented under Section 4 of the Peace Accords also raises concerns for collective ownership mechanisms in these territories. The government has yet to spell out criteria underlying its various local agreements in coca-producing areas, the resources and institutional responsibility to maintain them, and how its eradication and substitution plan fits within a broader integral rural development plan. Current emphasis is on individual emergency benefits, without a transparent plan for a participatory rural development agenda that includes the investment in social infrastructure necessary to end rural poverty and isolation, and protections for Afro-Colombian and Indigenous territorial rights.^{xliii}

Furthermore, implementation of the Victims and Land Restitution Law (Law 1448), passed in 2012 to return illegally obtained land to its rightful occupants, has hit significant roadblocks. The State reported that as of 2016, in the four years since the law had been passed, about 50% of the claims had been processed.^{xliv} Yet, as reported by the United Nations Office of the High Commissioner of Human Rights (OHCHR), as of 2015 only about 4% of claims with the Land Restitution Unit had been settled, discouraging claimants and resulting in “no real land restitution policy” for Colombia.^{xlv} OHCHR also highlighted that the policy has ultimately failed to serve its main purpose of redressing collective damages, and that only 24 of 153 Indigenous and Afro-Colombian communities are in the process of obtaining reparation under the law.^{xlvi}

For Afro-Colombian communities, having access to and control of their ancestral lands is crucial for maintaining their culture, traditions, and identity.^{xlvii} In particular, Afro-Colombian women’s roles in society are grounded in their relationship to ancestral territory and the ability to provide for their families.^{xlviii} However, many Afro-Colombian communities continue to face arbitrary bureaucratic hurdles to ensuring collective title to their lands, compounding the potential erosion of their territorial control posed by the illicit crop substitution program and PDETS. In addition, civil society organizations have reported instances of forced displacement of Afro-Colombians by private actors in an attempt to appropriate territory for private sector projects.^{xlix} This ongoing precariousness will serve to exacerbate Afro-Colombian women’s and girls’ economic insecurity, thereby increasing their vulnerability to gender-based and other forms of violence, in contravention of the government’s obligation to prevent such violence. Moreover, Afro-Colombian communities have a security interest in ending coca distributors’ influence in their territories, which makes their Community Councils indispensable partners for implementing Colombia’s illicit crop eradication and substitution program.

7. Direct State Violence

The Colombian Government has not only failed to adequately mitigate the economic inequality and poverty that have helped fuel conflict in Colombia,¹ it has also unleashed repression and violence on civil society members who peacefully organize in defense of social and economic rights. Recent examples include its use in June 2016 of anti-riot police against civilians, including Indigenous and Afro-descendant Peoples, who were protesting neoliberal economic policies. The Minga Nacional protestors called on the government to comply with previous land reform agreements reached in 2014, and came out against Colombia’s National Development Plan, including trade agreements that harm workers and small farmers. Protestors were met with violence by the Escuadrón Móvil Antidisturbios (ESMAD) police leaving three dead and 149 injured.^{li}

In Buenaventura and Chocó, recent civil strikes calling for basic necessities such as potable water and health services were met with disproportionate force and repression by the government, leaving at least one protestor dead and many injured. In addition to the state's systemic abandonment in the face of extreme poverty in the region, the demonstrations were fueled by the Colombian Government's failure to implement protections guaranteed under the Peace Accords, and to address dramatically increased insecurity in the regions. While after two weeks of civil strike and state repression, President Manuel Santos agreed to some investments in health and other infrastructure in Chocó, activists remain concerned that there will be no accountability for state violence during the demonstrations and that these new promises will remain unfulfilled, as did prior promises encapsulated in the Peace Accords. Furthermore, the government continues to use repressive measures against the ongoing civil strike in Buenaventura.^{lii} President Manuel Santos has refused to meet the strikers' demand that he declare the port city a zone of social and political emergency, which would facilitate urgent federal funds to address the legitimate humanitarian needs of the population. He instead has taken to social media to declare that the situation is "under the control of the public forces," referring to his deployment of ESMAD.^{liii}

8. Recommendations:

1. Urge the parties to the agreement to implement fully and without delay the UN High Commissioner's recommendations and human rights recommendations of other UN bodies.
2. Remind the Colombian authorities of their obligation to ensure independent criminal investigations of all those suspected of responsibility for crimes against Afro-Colombian Peoples, particularly women and girls, under international law, and full reparation for victims and truth seeking, in line with international law. The authorities must focus on ensuring that investigating "the most serious and representative" cases, as is stipulated in the peace accord, is not used as a pretext for abandoning the investigation of certain cases.
3. In recognition that conflict-related violence mostly occurs outside the context of direct combat between the parties to the conflict, advocate providing the UN observer mission with a human rights component to complement the role of the Office in Colombia of the High Commissioner for Human Rights, whose monitoring and reporting role should be strengthened.

Sexual and Gender-Based Violence

4. Create a line of direct communication between Afro-Colombian victims of sexual violence in the conflict, and both the Special Jurisdiction for Peace (JEP), and the Commission for the Clarification of Truth, Coexistence, and Non-Repetition; and ensure that these bodies prioritize these cases.

Women's Participation

5. Call on the Colombian authorities to guarantee the effective participation of Afro-Colombian and Indigenous Peoples, including their respective authorities and community organizations, particularly women's organizations, in all aspects of the implementation of the peace accord.

Paramilitary Violence and Attacks on Human Rights Defenders

6. Call on the Colombian authorities to implement effective measures to prevent crimes under international law and human rights abuses and violations, including by dismantling paramilitary groups and breaking their links with state actors.
7. Immediately provide security in Afro-Colombian and Indigenous territories, in consultation with their respective authorities and community organizations, in order to prevent violence against them, and to ensure that paramilitaries and other armed actors are investigated and held fully accountable for violence, including gender-based violence. This should include resources for training and strengthening traditional security forces, and should include support for and implementation of an ethno-racial, gender perspective.

Threats to Territory

8. Urge the Land Renewal Agency (ART) to meet with Indigenous and Afro-Colombian authorities and representatives, and to develop in consultation with them a strategy to secure full participation and autonomy of Indigenous and Afro-Colombian Peoples in formulation and implementation of PDETs.
9. Take good-faith, immediate steps to implement and fund all initiatives in the Ethnic Chapter of the Peace Accord, and to ensure respect for the fundamental right of Indigenous and Afro-descendant Peoples to free, prior and informed consent regarding any policies or development program impacting their territories.

Direct State Violence

10. Call on the Colombian government to halt violence by ESMAD (Escuadrón Móvil Antidisturbios) forces, police and other state actors against peaceful protestors, and ensure that all state actors responsible for disproportionate violence directed at protestors in Buenaventura and Chocó are held accountable. Take measures to ensure that ESMAD and state armed forces don't commit further violations in the future.
11. Call on the Colombian government to follow through on its commitments to the civil strike committee in Buenaventura and address the demands of the community for basic needs like potable water and health services.

¹ Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace (2016) [hereinafter Peace Accord].

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- ⁱⁱ Afro-Colombian human rights and social justice movements use this terminology in order to be inclusive of people from prominent cultural and demographic centers, with *Palenquera* referring to Palenque, Bolívar and *Raizales* referring to the San Andres and Providencia Archipelago. Observatorio de Discriminación Racial, *El derecho a no ser discriminado* 14 note 1 (2008), available at http://www.odracial.org/files/r2_actividades_recursos/269.pdf. For brevity, this submission will also use the terms “Afro-Colombian” or “Afro-Descendant.”
- ⁱⁱⁱ Observatorio de Discriminación Racial, *El derecho a no ser discriminado* 7-9, 25-28 (2008), available at http://www.odracial.org/files/r2_actividades_recursos/269.pdf.
- ^{iv} Observatorio de Discriminación Racial, *El derecho a no ser discriminado* 7-9 (2008), available at http://www.odracial.org/files/r2_actividades_recursos/269.pdf. This is according to the 2005 census, which is the most recent census data available. As of this report’s drafting, Colombia is in the midst of carrying out and reporting on a new census.
- ^v Comisión Interamericana de Derechos Humanos, *Las Mujeres Frente a la Violencia y la Discriminación Derivadas del Conflicto Armado en Colombia* OEA/Ser.L/V/II ¶ 113 (2006), available at <http://www.cidh.org/countryrep/colombiamujeres06sp/informe%20mujeres%20colombia%202006%20espanol.pdf>; ABC Colombia, Sisma Mujer, & U.S. Office on Colombia, *Colombia: Women, Conflict-Related Sexual Violence and the Peace Process* 7 (2013).
- ^{vi} ABC Colombia, Sisma Mujer, & U.S. Office on Colombia, *Colombia: Women, Conflict-Related Sexual Violence and the Peace Process* 7 (2013).
- ^{vii} Tobias Franz, *Sabotaging Peace*, JACOBIN (9 Mar., 2017), available at <https://www.jacobinmag.com/2017/03/colombia-peace-farc-paramilitaries-santos/>.
- ^{viii} ABC Colombia, Sisma Mujer, & U.S. Office on Colombia, *Colombia: Women, Conflict-Related Sexual Violence and the Peace Process* 10 (2013).
- ^{ix} United Nations Development Program, *Stories: Breaking the Silence* (2017), available at <https://stories.undp.org/breaking-the-silence>.
- ^x Corte Constitucional, Auto 092 (2008) available at <http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>; Amnesty International, *Colombia: Hidden from Justice Impunity for Conflict-Related Sexual Violence, A Follow-Up Report* 14 (2012), available at https://www.amnestyusa.org/wp-content/uploads/2017/04/colombia_vaw_report_oct._4_embargoed.pdf.
- ^{xi} ABC Colombia, Sisma Mujer, & U.S. Office on Colombia, *Colombia: Women, Conflict-Related Sexual Violence and the Peace Process* 11 (2013).
- ^{xii} ¶ 44 <http://undocs.org/A/HRC/16/45/Add.1>
- ^{xiii} Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, *Report of the Secretary General on Conflict-Related Sexual Violence* 15 (2017), available at <http://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf>.
- ^{xiv} Inter-American Commission on Human Rights, *Truth, Justice and Reparation: Fourth Report on Human Rights Situation in Colombia* 261 (2013), available at <http://www.oas.org/en/iachr/reports/pdfs/Colombia-Truth-Justice-Reparation.pdf>.
- ^{xv} Jaime Alves, *Abandonment, civil life and black rage in Colombia’s port city of Buenaventura*, OPEN DEMOCRACY (26 May, 2017), available at <https://www.opendemocracy.net/democraciaabierta/jaime-alves/abandonment-civil-life-and-black-rage-in-colombia-s-port-city-of-buena>.
- ^{xvi} Comisión Interamericana de Derechos Humanos, *Las Mujeres Frente a la Violencia y la Discriminación Derivadas del Conflicto Armado en Colombia* OEA/Ser.L/V/II ¶ 110 (2006), available at <http://www.cidh.org/countryrep/colombiamujeres06sp/informe%20mujeres%20colombia%202006%20espanol.pdf>.
- ^{xvii} This is the most recent census data available. The data from the next census is due later this year.
- ^{xviii} Observatorio de Discriminación Racial, *El derecho a no ser discriminado* 7-9 (2008), available at http://www.odracial.org/files/r2_actividades_recursos/269.pdf.
- ^{xix} Inter-American Commission on Human Rights, *Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports* 737 (2016), available at <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xx} Inter-American Commission on Human Rights, *Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports* 737 (2016), available at <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.

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- ^{xxi} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 737 (2016), available at <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xxii} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 737 (2016), available at <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xxiii} Liga Internacional de Mujeres por la Paz y la Libertad (LIMPAL), Informe de Mesa 2014 – Violencia Sociopolítica Contra Mujeres, Jóvenes y Niñas de Colombia, 10-11 (2014), available at <http://www.limpalcolombia.org/publicaciones/7-informemesa2014.pdf>.
- ^{xxiv} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 737-738 (2016), available at <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xxv} Liga Internacional de Mujeres por la Paz y la Libertad (LIMPAL), Informe de Mesa 2014 – Violencia Sociopolítica Contra Mujeres, Jóvenes y Niñas de Colombia, 57 (2014), available at <http://www.limpalcolombia.org/publicaciones/7-informemesa2014.pdf>.
- ^{xxvi} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 727 (2016), available at <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xxvii} Adam Isacson and Gimena Sánchez-Garzoli, *Colombia's New Transitional Justice Law Violates the Spirit of the Peace Accords*, Washington Office on Latin America (22 Mar., 2017), available at <https://www.wola.org/analysis/colombias-new-transitional-justice-law-violates-spirit-peace-accords/>
- ^{xxviii} Center for Latin American Studies, Political Database of the Americas: Republic of Colombia Electoral System, available at <http://pdba.georgetown.edu/ElecSys/Colombia/colombia.html>
- ^{xxix} Maren Soendergaard, *How political exclusion affects Colombia's afro-descendant minority*, Colombia Reports (6 Mar., 2014), available at <https://colombiareports.com/afro-colombian-political-exclusion-effects-social-indicators/>
- ^{xxx} Conferencia Nacional de Organizaciones Afrocolombianas, Pronunciamiento Mujeres de la Comisión Étnica para la Paz y la Defensa de los Derechos Territoriales en Minga Nacional, (7 June, 2016), available at <https://convergenciacoa.org/pronunciamiento-mujeres-de-la-comision-etnica-para-la-paz-y-la-defensa-de-los-derechos-territoriales-en-minga-nacional/>
- ^{xxxi} Peace Accord § 6.2
- ^{xxxii} Gimena Sánchez-Garzoli, *Colombia's Peace Implementation Will Only Succeed with an Ethnic Perspective*, Washington Office on Latin America (18 Aug., 2017) available at <https://www.wola.org/analysis/colombias-peace-implementation-will-succeed-ethnic-perspective/>.
- ^{xxxiii} Gimena Sánchez-Garzoli, *Afro-Descendants and Indigenous Defend Historic Peace Agreement*, Washington Office on Latin America (21 Oct., 2016), available at <https://www.wola.org/analysis/afro-descendants-indigenous-defend-historic-peace-agreement/>.
- ^{xxxiv} Sismamujer, Primer informe de seguimiento a la participación de las mujeres en la institucionalidad de la transición, (1 June, 2017), available at <http://www.sismamujer.org/wp-content/uploads/2017/06/01-06-17-Primer-informe-de-seguimiento-a-la-participaci%C3%B3n-de-las-mujeres-en-la-institucionalidad-de-la-transici%C3%B3n.pdf>.
- ^{xxxv} Special Body to Contribute to Guaranteeing Gender Focus in Implementation of the Final Accord (*Instancia Especial para contribuir a garantizar el enfoque de género en la implementación del Acuerdo Final*) [hereinafter “Special Body on Gender”]
- ^{xxxvi} Interview National Coordinator of Advocacy and Outreach for the Black Communities’ Process (Proceso de Comunidades Negras- PCN), Cali, Colombia, June, 2017 (on file with authors).
- ^{xxxvii} Tobias Franz, *Sabotaging Peace*, Jacobin (9 Mar., 2017), available at <https://www.jacobinmag.com/2017/03/colombia-peace-farc-paramilitaries-santos/>.
- ^{xxxviii} *Concern About the Murder of Human Rights Defenders in Colombia*, PBI Colombia (9 May, 2017), available at https://pbicolombia.org/2017/05/09/6519/#_ednref6.
- ^{xxxix} Gimena Sánchez-Garzoli, *Colombia's Peace Implementation Will Only Succeed with an Ethnic Perspective*, Washington Office on Latin America (18 Aug., 2017) available at <https://www.wola.org/analysis/colombias-peace-implementation-will-succeed-ethnic-perspective/>.

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- ^{xi} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 687 (2016), *available at* <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xlii} Gimena Sánchez-Garzoli, *Colombia's Peace Implementation Will Only Succeed with an Ethnic Perspective*, Washington Office on Latin America (18 Aug., 2017) *available at* <https://www.wola.org/analysis/colombias-peace-implementation-will-succeed-ethnic-perspective/>.
- ^{xliii} Peace Accord § 4.1.1
- ^{xliiii} For more detailed analysis on the eradication and substitution program, *see* Comisión Colombiana de Juristas, et. al., *Comunicado Sobre la Política de Sustitución de Cultivos de Uso Ilícito* (2017), *available at* <https://www.dejusticia.org/wp-content/uploads/2017/04/25-04-17-Comunicado-Plural-Sustitucion-de-cultivos-1.pdf>.
- ^{xliiv} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 713-714 (2016), *available at* <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xliv} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 713-714 (2016), *available at* <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xlvi} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 714 (2016), *available at* <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ^{xlvii} Liga Internacional de Mujeres por la Paz y la Libertad (LIMPAL), *Informe de Mesa 2014 – Violencia Sociopolítica Contra Mujeres, Jóvenes y Ninas de Colombia*, 65 (2014), *available at* <http://www.limpalcolombia.org/publicaciones/7-informemesa2014.pdf>.
- ^{xlviii} Liga Internacional de Mujeres por la Paz y la Libertad (LIMPAL), *Informe de Mesa 2014 – Violencia Sociopolítica Contra Mujeres, Jóvenes y Ninas de Colombia*, 65 (2014), *available at* <http://www.limpalcolombia.org/publicaciones/7-informemesa2014.pdf>.
- ^{xlix} Inter-American Commission on Human Rights, Annual Report 2016: Chapter V Follow-Up on Recommendations Made by the IACHR in its Country and Thematic Reports 716 (2016), *available at* <http://www.oas.org/en/iachr/docs/annual/2016/docs/InformeAnual2016cap.5-Colombia-en.pdf>.
- ¹ Liga Internacional de Mujeres por la Paz y la Libertad (LIMPAL), *Informe de Mesa 2014 – Violencia Sociopolítica Contra Mujeres, Jóvenes y Ninas de Colombia*, 10 (2014), *available at* <http://www.limpalcolombia.org/publicaciones/7-informemesa2014.pdf>.
- ⁱⁱ *A 10 días de la Minga Agraria la represión en Colombia aumenta*, Telesur (8 June, 2016), *available at* <https://www.telesurtv.net/news/Colombia-Se-cumplen-10-dias-de-la-Minga-Agraria-y-la-represion-se-profundiza-20160607-0060.html>.
- ⁱⁱⁱ Esther Ojulari, *Peaceful strikers are still attacked by armed police in Buenaventura, but the people won't give up!*, Black Alliance for Peace (1 June, 2017), *available at* <https://blackallianceforpeace.com/afrocolombia/2017/6/1/peaceful-strikers-are-still-be-attacked-by-armed-police-in-buenaventura-but-the-people-wont-give-up-by-esther-esther-ojulari>.
- ⁱⁱⁱⁱ Jaime Alves, *Abandonment, civil life and black rage in Colombia's port city of Buenaventura*, OPEN DEMOCRACY (26 May, 2017), *available at* <https://www.opendemocracy.net/democraciaabierta/jaime-alves/abandonment-civil-life-and-black-rage-in-colombia-s-port-city-of-buena>.