

**GLOBAL
PLURALISM
MONITOR**



COLOMBIA

Global Pluralism Monitor: Colombia

by Global Centre for Pluralism

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ABOUT THE SERIES

This report was developed using the Global Pluralism Monitor Assessment Framework. The Global Pluralism Monitor's country assessments are conducted by a team of experts on diversity issues who are either country nationals or have significant experience in the country.

The scores presented in this report should not be interpreted as part of a universal scale or ranking system that applies to all countries in the same way. Instead, scores should be understood as a context-specific indication of the country's progress toward (or away from) a pluralistic ideal. For example, a post-conflict society that still experiences violence – but comparatively less than at the height of conflict – might have a similar score to a society that has been peaceful but has recently experienced a surge in hate crimes. The Global Pluralism Monitor aims to assess countries on their own terms to reflect the highly contextual nature of pluralism: there is no single route to success that all societies must follow.

For more information on the Monitor and its methodology, visit our website at pluralism.ca/monitor.

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ABOUT THE GLOBAL PLURALISM MONITOR

What is pluralism?

Diversity in society is a universal fact; how societies respond to diversity is a choice. Pluralism is a positive response to diversity. Pluralism involves taking decisions and actions, as individuals and societies, which are grounded in respect for diversity.

MEASURING INCLUSION AND EXCLUSION IN DIVERSE SOCIETIES

Living and engaging with differences in society is a challenge all societies face. As inequality, marginalization and divisions rise, building peaceful and inclusive societies is ever more urgent.

Vulnerable groups, including religious and ethno-cultural minorities, indigenous groups, and women and girls, face ongoing political, economic and social exclusion. To foster more just, peaceful and prosperous societies, these exclusions must be addressed. To take meaningful action, policy makers and practitioners need a holistic understanding of these issues.

Launched by the Global Centre for Pluralism, the Global Pluralism Monitor is a measurement tool that assesses the state of pluralism in countries around the world. Across political, economic, social and cultural domains, the Monitor informs decision-making to address root causes of exclusion and improve the prospects for pluralism.

Enhances existing efforts by governments, civil society and the private sector

The Monitor enables:

- Gap analysis: to assess the state of pluralism in societies and identify areas in which intervention is needed to address exclusion;
- Trends analysis: to track a country's trajectory over time, either towards greater inclusion or exclusion;
- Intersectional analysis: to assess the treatment of women in societies, accounting for intra-group dynamics of inclusion and exclusion;
- Conflict prevention: to identify signs of exclusion and marginalization before crisis becomes imminent;
- Good practices: to identify initiatives that are having a positive impact that could be further developed, or serve as lessons for other contexts

Approach rooted in both institutional and cultural responses to diversity

The Centre's approach to pluralism focuses on institutions (hardware), cultural processes (software) and the complex interactions between the two. Institutional arrangements – such as constitutions, legislatures, courts, and systems of government – outline the legal and political spaces within which members of societies act. Cultural habits or mindsets shape our perceptions of *who belongs* and *who contributes*, and influence how we interact with one another every day.

The Monitor Assessment Framework is rooted in the interplay between institutional and cultural responses, and measures inclusions and exclusions across political, economic and social dimensions. Its 20 indicators cover the following:

1. Legal commitments in support of pluralism;
2. Practices by state institutions to realize commitments;
3. Leadership towards pluralism from societal actors;
4. State of group-based inequalities;
5. Intergroup relations and belonging

Informed by expertise and data

A team of national experts on diversity and inclusion in the country uses the Monitor Assessment Framework to produce a country report, drawing on a range of qualitative and quantitative data. The reports offer recommendations for policymakers and practitioners on how to advance pluralism, and offer a basis for dialogue with stakeholders across the society.

Each team of experts is encouraged to define the story *they* want to tell about pluralism. In this way, the reports are grounded in the local realities and designed to have the most potential impact on policy and practice.

The Monitor is guided by an international Technical Advisory Group of leading experts on indices and diversity issues.

GLOBAL PLURALISM MONITOR ASSESSMENT FRAMEWORK

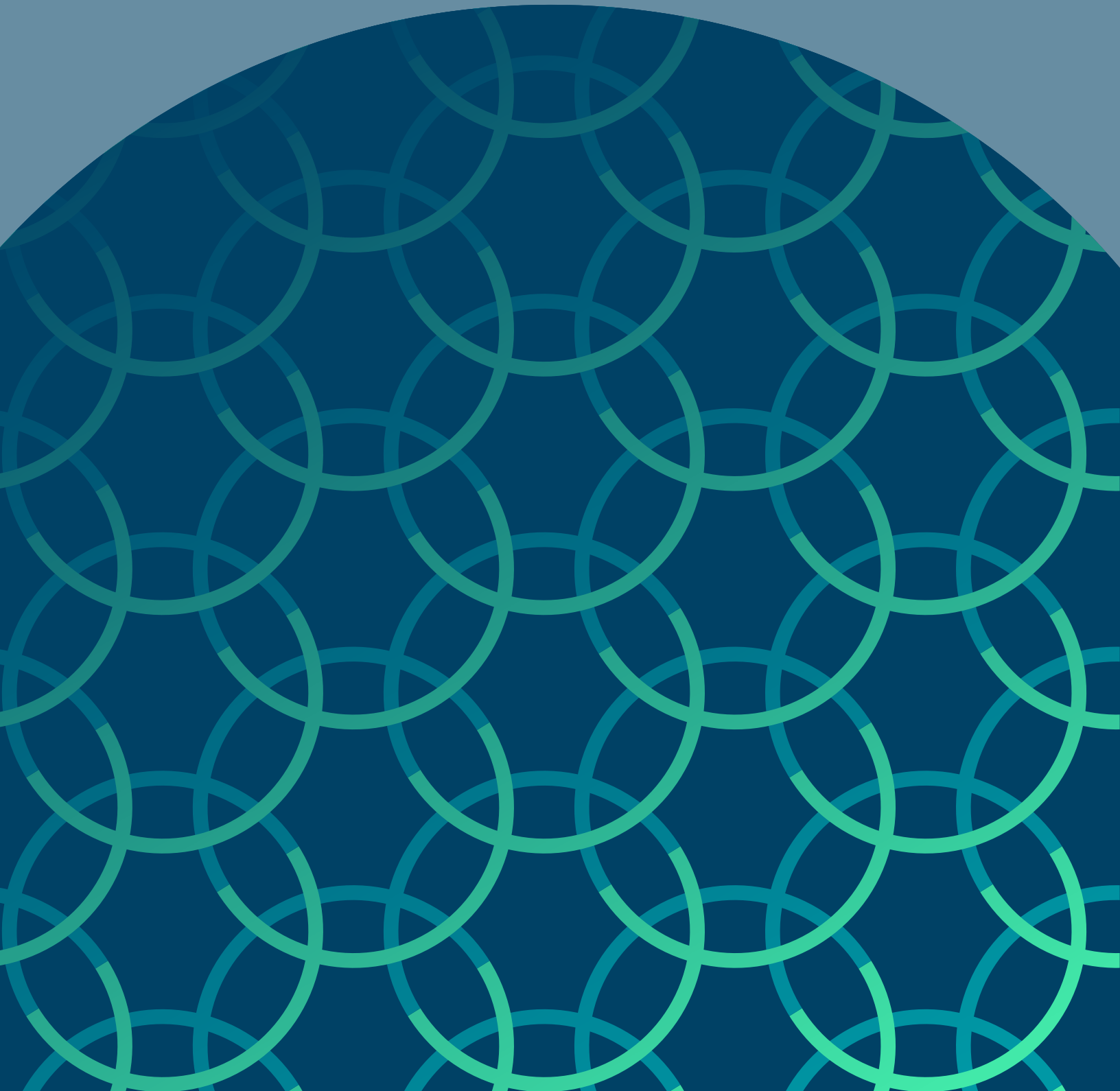
COUNTRY PROFILE

COMMITMENTS	PRACTICES	LEADERSHIP	GROUP BASED INEQUALITIES	INTERGROUP RELATIONS + BELONGING
International Commitments	Policy implementation	Political Parties	Political	Intergroup Violence
National Commitments	Data Collection	News Media	Economic	Intergroup Trust
Inclusive Citizenship	Claims-Making and Contestation	Civil Society	Social	Trust in Institutions
		Private Sector	Cultural	Inclusion and Acceptance
			Access to Justice	Shared Ownership of Society

RECOMMENDATIONS

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EXECUTIVE SUMMARY

The Monitor report focuses on Afro-descendants, Indigenous peoples, peasants, and Roma communities to explore critical gaps and potential opportunities impacting pluralism in Colombia.

AVERAGE SCORE: 3.5

The recent election in Colombia has brought to power a coalition that has been very vocal about improving conditions for the country's most marginalized and excluded peoples. With this recent development, there is now an opportunity for new policies and practices that can strengthen pluralism in the country. Understanding the dynamics around exclusion and marginalization of specific peoples will be vital to making progress. The Monitor report focuses on Afro-descendants, Indigenous peoples, peasants, and Roma communities to explore critical gaps and potential opportunities impacting pluralism in Colombia.

The assessment recognizes two dominant, contradictory tendencies. First, previous Colombian governments formalized an array of laws and policies in negotiating peace that can bridge the gaps and actualize the opportunities to strengthen pluralism. Second, previous Colombian governments selectively implemented critical policies and at times took actions conflicting with the spirit and letter of some laws and commitments. Afro-descendants, Indigenous peoples, peasants, and Roma communities generally experience many of the exclusions resulting from those contradictory tendencies equally. Monitor analysis also reveals the discrete policies and practices acutely affecting Afro-descendants and Roma people.

LEGAL COMMITMENTS

Successive Colombian governments acceded to some important international legal instruments and codified a number of group-based rights and freedoms in national law while not extending these commitments to all peoples equally. Additionally, not all monitoring mechanisms are permitted even when laws are in place, making it difficult to appreciate the full impact of the disparities between peoples.

PRACTICES AND LEADERSHIP

Non-implementation of specific laws and formally adopted policies fuels cycles of protest and mobilization by Indigenous peoples, Afro-descendants, and peasants whose leaders are also violently targeted at times. Champions of pro-pluralistic policies frequently turn to the courts where the *tutela* – a judicial writ demanding protection under the law – features prominently as a measure to defend rights. State refusal to collect certain types of data about marginalized peoples masks targeted inequalities and severe forms of exclusion facing some peoples. State authorities can also depress a specific group's numbers, such as in the case of Afro-descendants, in a practice activists have referred to as statistical genocide. Important societal actors, particularly political parties, the mainstream media, and the private sector, have a propensity to exacerbate the marginalization of specific peoples by denying them a meaningful presence and role in their respective spheres of work.

GROUP-BASED INEQUALITIES, INTER-GROUP RELATIONS AND BELONGING

Inter-connected patterns of inequality reflect a type of vicious spiral producing serious negative outcomes for Afro-descendants, Indigenous peoples, peasants, and Roma people. Land dispossession and forced displacement underpin economic disparities that drive poor social outcomes and cultural inequalities. A lack of meaningful political representation and access to justice ensures the causal forces of inequality can operate with a high degree of impunity.

Unsurprisingly, the assessment of inter-group relations and sense of belonging suggests a high degree of shared experience across Afro-descendants, Indigenous peoples, peasants, and Roma people, but is difficult to verify due to substantial legal restrictions on what kinds of data can be collected.

MONITOR TAKEAWAYS

Recognizing the state's deliberateness in not acceding to specific international laws, not extending national protections to all peoples, and not collecting data on group-based experiences is essential to understanding the nature of marginalization in Colombia. For example, Colombia's unwillingness to recognize the Committee on the Elimination of Racial Discrimination monitoring mechanism and prevention of a country visit by the Working Group of Experts on People of African Descent invisibilizes Afro-descendant marginalization. Obscuring and erasing the results of violence, exclusion, and inequality enables a lack of accountability and perpetuation of the problem. A similar pattern of legal exclusions and harmful practices affects each of the other groups, demonstrating a degree of calculated intent.

Notably, the forms of exclusion are also defining the terms for rights-based mobilizing efforts. Civil society organizations and community leaders maintained a strong and steady capacity to organize and demand full protection under the law. Group-based inequalities propelled affected groups to focus on the law, repeatedly employing a combination of coordinated protest and court action reflecting an unwavering commitment to developing the rule of law. The strength of this dedication to expanding legal equality can serve as a source of resilience as the government works to establish legal equality and implement the necessary policies to actualize that equality.

Solidarity among marginalized peoples is also a defining feature of mobilization among those groups studied in this report. Afro-descendants, Indigenous peoples, peasants, and Roma communities scored the same in all but one of the five indicators examining inter-group relations and belonging. This helps to explain the collaboration and coordination among key actors in the civil society sector and community leadership networks and represents a potential source of transformative power for national leaders and decision-makers looking for partners in charting a path towards a more pluralistic Colombia.

RECOMMENDATIONS

The Monitor's recommendations echo what experts, activists and stakeholders have long called for in Colombia and provide several pathways to pluralism for the country.

- Ratify international treaties and recognize the authority of international bodies overseeing their monitoring and enforcement
- Extend constitutional and legal protections for Indigenous groups to Afro-descendants. Create protections for the self-determination and diversity of the Roma peoples and the peasantry. For this, the establishment and respect of autonomous communal authorities is essential.
- Protect and respect minority rights through the implementation and enforcement of constitutional mandates and provisions, and relevant policies and laws. This should include strengthening capacities of state institutions to ensure implementation, as well as an exploration of the reasons for the lack of enforcement.
- Review existing security mechanisms for social leaders and organizations and adjust to reflect changing regional, ethnic and gender demographics.
- Strengthen state capacities to produce complete, systematic and disaggregated data on the implementation of international and constitutional obligations.
- Significantly improve information about rights violations and impunity. Focus should be on gathering available information across institutions and producing complete and systematic data on minority or oppressed groups. Civil society and international institutions play an important role in demanding the production of such data.

COUNTRY PROFILE

Colombia has endured one of the longest civil wars in the world, despite having one of the most durable and competitive electoral systems in Latin America and having very sophisticated legal norms and institutions.

Colombia has endured one of the longest civil wars in the world, despite having one of the most durable and competitive electoral systems in Latin America and having very sophisticated legal norms and institutions (especially its courts). The Colombian conflict has undeniable political and structural dimensions.

Conservative and liberal parties fought for ideological and political dominance from the early independence days (1820s) into the mid-twentieth century, virtually uninterrupted. Leftist guerrilla groups emerged in the 1960s for many reasons, including to challenge the exclusionary bipartisan agreement reached to put an end to violence in 1958. Right-wing paramilitary groups were created in the 1980s by, or in complicity with, economic and political elites and members of the armed forces as “irregulars” tasked with combatting guerrilla groups. The human rights of civilians were violated extensively, with these groups targeting leftist parties and those promoting redistributive agendas, including assassinating thousands of militants of the Patriotic Union (*Unión Patriótica*), a phenomenon many consider to be political genocide.



Photo: Shutterstock/Inspired By Maps

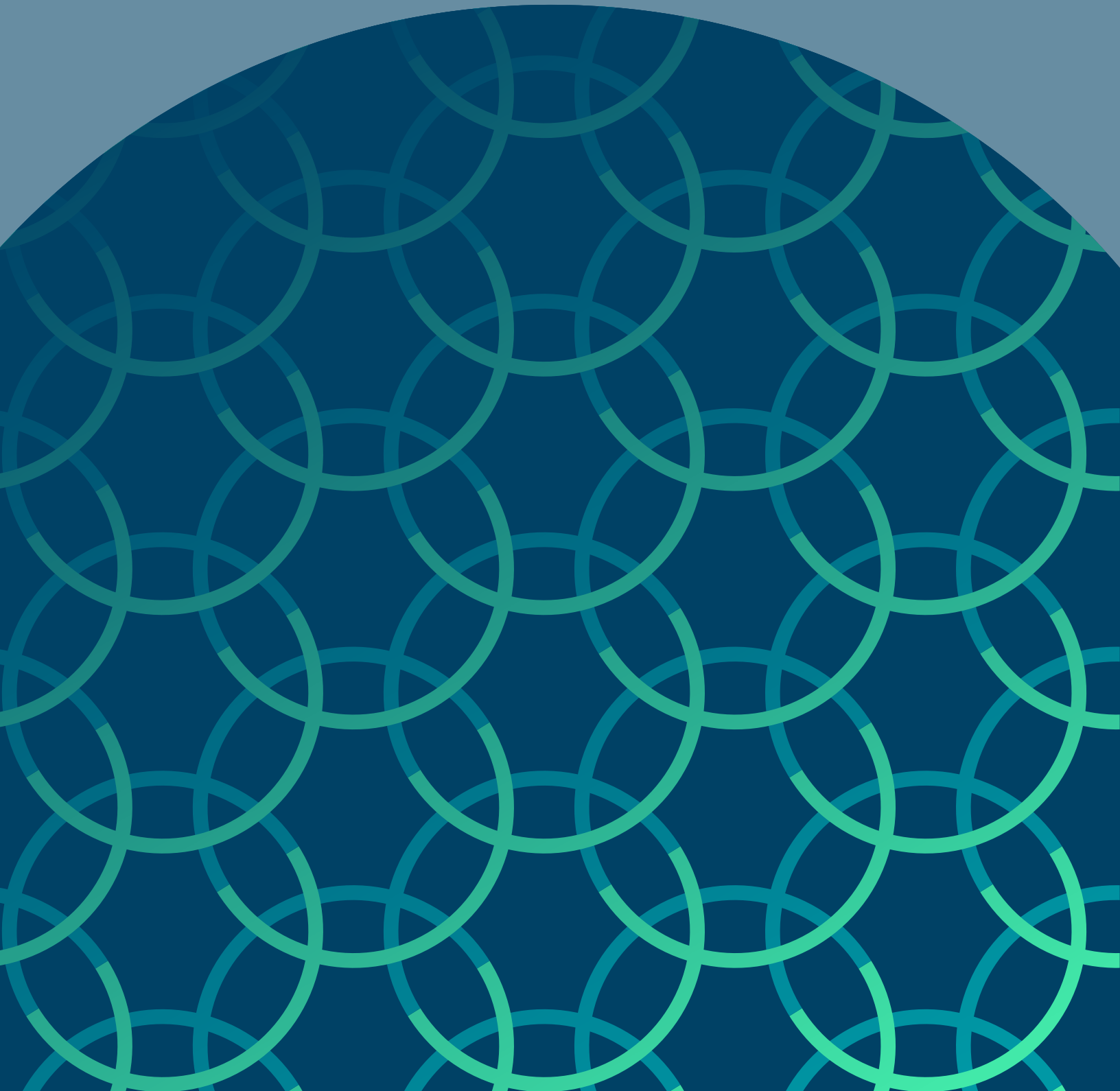
Many important and serious attempts have been made to achieve peace, including the demobilization of several guerrilla groups in the late 1980s and the enactment of the 1991 Constitution, which had peace as a fundamental right and pluralism as a means to reach this goal.

The conflict also has important structural causes, including the unequal distribution of land done through multiple waves of dispossessions and the permanent political exclusion of non-hegemonic groups. The conflict has an identity dimension based on which groups striving for change are stigmatized and targeted through violence. As a result, violence has disproportionately targeted members of Indigenous, Afro-Colombian and peasant populations who defend alternative forms of production, civic engagement and organization.

Many important and serious attempts have been made to achieve peace, including the demobilization of several guerrilla groups in the late 1980s and the enactment of the 1991 Constitution, which had peace as a fundamental right and pluralism as a means to reach this goal. The 1991 Constitution's recognition of cultural and ethnic rights was pioneering for the Latin American region. More recently, peace negotiations with paramilitary groups in 2005 and the guerrilla Revolutionary Armed Forces of Colombia-Popular Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, FARC-EP) in 2012 resulted in the adoption of transitional justice measures to redress human rights violations. It is estimated that 261,619 Colombians, most of them civilians, were assassinated as a result of 50 years of war (1964–2016). The Peace Agreement with FARC-EP, considered one of the most comprehensive in the world, includes an Ethnic Chapter and a gendered approach which entail a transversal approach to peace that recognizes ethnic and gender differences and specific commitments in favour of Indigenous, Afro-descendant and Roma populations, who were consulted in the agreement's creation.

Currently, violence continues to disproportionately target ethnic populations and peasants because their leaders and organizations promote the enactment of the Peace Agreement's transformative agenda. For this reason, these groups are the main focus of this report. These groups are targeted by violence due to their redistributive and transformative agendas against extractive projects, destructive development and exclusionary elitist politics, which have, at this point, acquired an identity dimension but are not reducible to it. Attitudes toward migrants and their treatment, especially towards Venezuelan and Haitian migrants, are relevant for pluralism. However, with limited space, the present report does not focus on this issue due to a narrow scope, and it is recommended that this issue be considered for a separate report in the future.

**PART I.
COMMITMENTS**



1. INTERNATIONAL COMMITMENTS

OVERALL AVERAGE SCORE: 4

AFRO-DESCENDANTS | SCORE: 4

INDIGENOUS GROUPS | SCORE: 5

PEASANTS | SCORE: 3

ROMA | SCORE: 3

Successive governments have been less inclined to extend commitments to all groups, to enforce mechanisms that monitor implementation and to support the measures recommended by country reports.

Colombia has a long tradition of engagement with international organizations. It became a member of the United Nations (UN) in 1945. It has ratified the International Labour Organization (ILO) Convention and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; the International Covenant of Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights, among many others. Despite these ratifications, successive governments have been less inclined to extend commitments to all groups, to enforce mechanisms that monitor implementation and to support the measures recommended by country reports.

Colombia has only partially recognized Afro-descendants and Roma as subjects of the ILO's Indigenous and Tribal Peoples Convention (ILO 169). Colombia has signed but not yet ratified the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance for any of the groups, and it has not recognized the Committee on the Elimination of Racial Discrimination's (CERD) complaints mechanism. Colombia is among the few Latin American countries with a significantly high Afro-descendant population that has not invited the Working Group of Experts on People of African Descent to conduct a country visit. It was not supportive of the UN Human Rights Council's (HRC) Resolution 43 on anti-black racism and police brutality in 2020; nor was it supportive during the HRC's debate on the Office of the High Commissioner for Human Rights' 2021 report on systemic racism.

Colombia endorsed the ratification of ILO 169 in Law 21 of 1991. In 2009, it declared its support for UNDRIP. However, it has not ratified the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance or recognized the CERD complaints mechanism.

Even though peasants have been historically considered a class-based group with economic revindications, they have recently begun to demand recognition as a group with identity claims as well. On those grounds, they strongly pushed the government to support the 2018 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, but the government refused to do so. Peasants tend to be disproportionately affected by human rights violations involving extreme forms of violence and the satisfaction of social, economic, cultural and environmental rights. Yet, there are no special mechanisms for the monitoring of treaties concerning peasants. Instead, Colombia has signed free trade agreements that generate a disadvantage for national agricultural producers and make them vulnerable to poverty, dispossession and violence related to the latter.¹ Peasants are also disproportionately threatened by lethal violence, especially if they organize and protest.

2. NATIONAL COMMITMENTS

AVERAGE SCORE: 7

AFRO-DESCENDANTS | SCORE: 3

INDIGENOUS GROUPS | SCORE: 8

PEASANTS | SCORE: 5

ROMA | SCORE: 2

The Colombian Constitution of 1991 was groundbreaking in its full-throated recognition, protection and promotion of ethnic rights, including the country's multicultural character, ethnic groups' rights to collective autonomy and land ownership, respect for these groups' traditional practices and usages, special representation and prior consultation.

The Colombian Constitution of 1991 was groundbreaking in its full-throated recognition, protection and promotion of ethnic rights, including the country's multicultural character, ethnic groups' rights to collective autonomy and land ownership, respect for these groups' traditional practices and usages, special representation and prior consultation. Multiple laws, decrees and institutions have been created to develop these rights, and the judicial avenue to demand their protection was significantly expanded by the creation and progressive behaviour of the Colombian Constitutional Court (CCC) and the *tutela*, a judicial writ to demand the protection of fundamental rights before judicial authorities, whose decisions are revised by the CCC. Recently, the Peace Agreement negotiated between FARC-EP and the Colombian government (2016) included an Ethnic Chapter, which was proposed by the Ethnic Commission for the Defense of Rights and provides a transversal ethnic perspective to all the topics of the agreement. One of the main purposes of the Ethnic Chapter is to impede regression in the protection of rights of ethnic groups. Despite this strong legal framework, ethnic rights have historically been weakly implemented or reversed de facto. There are also significant differences in the protections across minority groups.

For Indigenous groups, the Constitution's recognition includes autonomy, special authorities and jurisdiction, special political representation, Indigenous languages and the right to culturally appropriate education. There are many laws and decrees protecting and promoting diverse Indigenous rights, including the creation of associations of Indigenous authorities or *Cabildos* (Decree 1088 of 1993); the titling of lands to Indigenous communities (Law 60 of 1993, Decrees 2164 and 2564 of 1995); the promotion of ethno-education (Law 115 of 1994, Decree 804 of 1995); the creation of the National Commission on Indigenous Territories and the Permanent Roundtable for Consultation with Indigenous Peoples and Organizations (Decree 1397 of 1996); the right to prior consultation (Decree 1320 of 1998); the right to special political participation (Law 649 of 2001); the recognition and protection of Indigenous languages (Law 1381 of 2010); the right to non-discrimination (Law 1482 of 2011); the rights of Indigenous victims of violence (Decree-Law 4633 of 2011) and participation in the General System of Royalties (Law 1530 of 2012). There are recent advancements in the inclusion of the gender perspective, such as the creation of the National Commission of Indigenous Women (Decree 1097 of 2020). Many of these rights have been specified and developed through judicial interpretation, notably of the CCC. The state has also acquired special obligations with Indigenous rights in the National Development Plan.

Compared to Indigenous peoples, Afro-descendants' constitutional rights are limited. In the Constitution, only one article refers to Afro-descendant rights and does so in a restrictive way. Provisional Article 55 of the Constitution created the obligation to adopt what became the Law of Black Communities (Law 70 of 1993), which recognizes the right

Recently, peasants have demanded the right to their subjective identification and recognition as a group, which involves their right to be counted *as peasants* in the census, as well as special rights accounting for their vulnerability.

to the collective titling of ancestrally occupied lands. The law has been misinterpreted as only applying to rural communities on the Pacific Coast, since it emphasized these communities in Article 1. However, Article 1, Paragraph 1 states that it also applies to lands occupied by black communities in other parts of the country with traditional ethnic practices. As such, communities in other regions of the country including some urban contexts, have struggled to demand its application by demonstrating their ethnic traditions and ancestral relationship to their lands. The decree that regulated the law (Decree 1745 of 1995) permits communities to create their own Community Councils to demand land, but these have much narrower powers and autonomy than Indigenous authorities. Ethnic rights in the Constitution only recognize a limited scope for Afro-descendants in the areas of political participation (Constitution Article 171, Law 649, 2001), recognition of territorial entities (Article 286) and special education (Law 115, Article 55). Besides Law 70 of 1993, other important measures concerning Afro-Colombians include Law 99 of 1993 on Free Prior Informed Consent (FPIC); environmental regulations and FIPC; Organic Law 375 of 1994 concerning development plans; Law 191 of 1995 on Black communities and International Border Areas; Law 387 of 1997, Article 10 establishing special attention for Indigenous and black communities subjected to forced displacement; Law 434 of 1998 related to the National Peace Council; Law 589 of 2000 which defines genocide, forced displacement and torture; Decree 3770 of 2008 on a high-level consultative commission and Decree Law 4635 of 2011 on collective reparations.

Roma people are not mentioned in the Constitution and do not have territorial entities, even though they are recognized as subjects of ILO 169 and have the right to FPIC. The National Development Plan 2003–2006 (Law 812 of 2003) was among the first to recognize Roma communities as ethnic groups. The principal domestic legal instruments on Roma rights are in Decree 2957 of 2010 for the protection of the rights of Roma people and Decree 4634 of 2011 on “measures of assistance, care, comprehensive reparation and restitution of land to victims belonging to the Roma or Gypsy people.” Among other provisions, Decree 2975 recognizes the right of Roma to have a justice system of their own and the right to nomadism for *Kumpaños* (Roma communities that consist of sets of extended family “patri-groups” that exercise symbolic appropriation of places for survival and cultural sustainability).²

Peasants are rarely recognized as a group with special rights but rather are recognized as comprising the sector of the population that is poor and in need of social policies. Recently, peasants have demanded the right to their subjective identification and recognition as a group, which involves their right to be counted *as peasants* in the census, as well as special rights accounting for their vulnerability. This right was recently acknowledged by the Supreme Court of Justice (Ruling 2029 of 2018). There are also laws recognizing peasants’ right to access lands and to promote the participation of women in such access (Law 160 of 1994, Law 731 of 2002 and Law 1413 of 2010). However, land reform laws have historically been weakly implemented or to the detriment of peasants and in favour of agrarian elites. Thus, land reform laws have not been able to protect peasants from dispossession. The failure of agrarian reform policies has been considered a structural cause of war.³ Because of the relationship between land dispossessions and forced displacements resulting from violence, there is a special legal framework seeking to ensure the restitution or compensation of lost lands, which includes Decree 2217 of 1996 establishing the acquisition of lands for peasants displaced by violence, Law 1448 of 2011 on victims’ rights and land restitution and Decree 902 of 2017 creating a land fund to ensure land access to peasants in application of the Peace Agreement.

3. INCLUSIVE CITIZENSHIP

OVERALL AVERAGE SCORE: 7

AFRO-DESCENDANTS | SCORE: 7

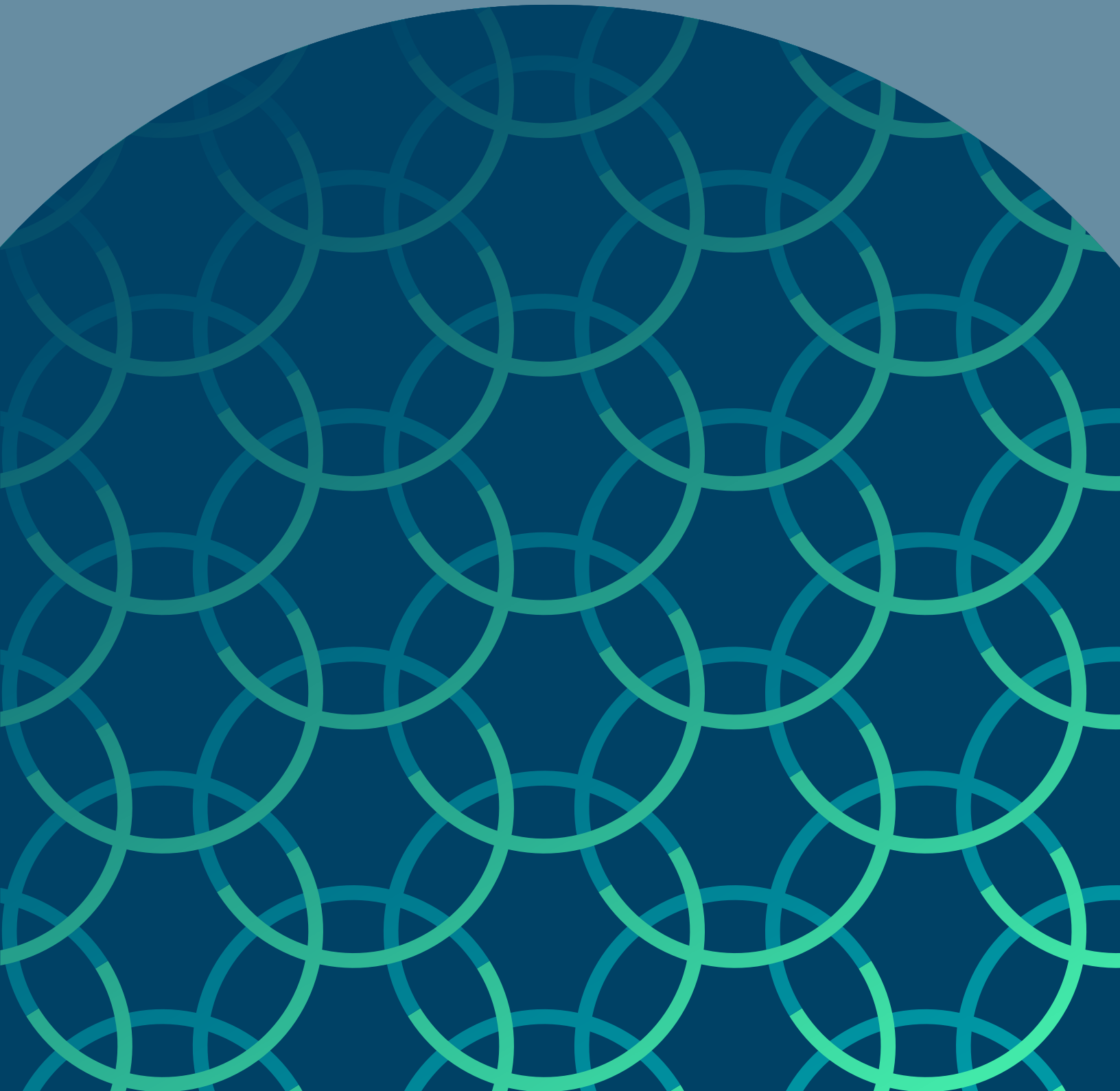
INDIGENOUS GROUPS | SCORE: 7

PEASANTS | SCORE: 7

ROMA | SCORE: 7

According to Article 96 of the Constitution, all persons born in Colombia are granted citizenship if either parent is Colombian or are residents in the country at the moment of birth. Citizenship may also be requested by foreigners; Latin Americans residing in the country; and by Indigenous peoples sharing frontier territories in accordance with the principle of reciprocity. This general rule may be developed by laws that impose stringent conditions on achieving residency and thereby the possibility of demanding citizenship, which may affect foreign migrants, including members of Indigenous, Afro-descendant and Roma groups of foreign origin. However, the rule does not affect Indigenous, Afro-descendant, Roma and peasant peoples who are born on Colombian soil and who compose the majority of these populations in the country.

**PART II.
PRACTICES**



4. POLICY IMPLEMENTATION

OVERALL AVERAGE SCORE: 3

AFRO-DESCENDANTS | SCORE: 3

INDIGENOUS GROUPS | SCORE: 5

PEASANTS | SCORE: 3

ROMA | SCORE: 3

There are abysmal gaps between policy formulation and practice concerning the rights of ethnic groups and peasants.

There are abysmal gaps between policy formulation and practice concerning the rights of ethnic groups and peasants. Frequently, the lack of compliance with policies or failures in implementation have resulted in cycles of protest that are very often met with state repression and wider violence. Moreover, the economic policies of the government tend to affect the rights, interests and subsistence levels of these groups.

In August 2020, the Ombudsman's Office of Colombia (*Defensoría del Pueblo*) issued a report on the compliance with the Peace Agreement's Ethnic Chapter. Overall, the Colombian Congress approved 11 laws, and the government issued 60 decrees and 36 law-decrees to develop the commitments of the Peace Agreement. The government determined that 16 of these laws, decrees, and law-decrees should comply with prior consultation. However, according to representatives of various ethnic groups, that process was not respected for 90 percent of the proposed legislation. Concerning the Agreement's Comprehensive Rural Reform component (IRR), the report indicates that negotiations were carried out and agreements reached with ethnic groups about the implementation of Territorial Development Programs (*Programas de Desarrollo con Enfoque Territorial*), which resulted in Action Plans for Regional Transformation (*Planes de acción para la transformación regional*, PATRs). However, after signing the PATRs, ethnic groups reported a lack of information about implementation advancements to the *Defensoría*.

The ombudsperson asserted that, between 2016 and April of 2020, 126 persons belonging to Indigenous groups and 36 Afro-descendants had been assassinated. In 2019 alone, the Early Warning System (*Sistema de Alerta Temprana*) reported 251 violations of the human rights of the leaders of Indigenous and Afro-descendant groups, of which 40 were homicides, 198 were threats and 13 were attempts against their lives.

Afro-descendants also face significant challenges. The limited application of the law, in the Pacific and beyond, is largely rooted in institutional and structural racism that upholds private economic interests over the territorial rights of black communities.⁴ Policies concerning mining and natural resources conflict with ethno-territorial rights. Black communities have the right, by law, to design their own development plans, and the government must include them in the national budget. However, for the last 20 years, these obligations have not been met.⁵ Special measures and affirmative action policies for Afro-Colombians have been frequently denied or implemented partially.⁶

Indigenous groups have highlighted the lack of compliance of the 216 agreements made with the national government in the framework of the National Development Plan 2018–2022, and of the agreements reached after the Indigenous *mingas* (massive and pacifist

The limited application of the law, in the Pacific and beyond, is largely rooted in institutional and structural racism that upholds private economic interests over the territorial rights of black communities.

mobilizations that are often supported by or articulated with protests of other groups like Afro-descendants and peasants) of 2019 relating to the allocation of resources and the creation and implementation of the Indigenous Fund for Equity.⁷ Three years after Decree 1973 of 2013 was issued by the Ministry of Health, advances in the establishment of Indigenous and intercultural health systems are limited and atomized. There are many issues for which obstacles to access justice exist, including the scope and application of the right to prior consultation, the unequal protection of the Indigenous jurisdiction, the widening and solving of titling disputes of *resguardos* (Indigenous collective territories) and the guarantee of Indigenous autonomy outside *resguardos*.

Peasants are rarely recognized as a group with special rights; social policies in their favour have historically been weakly implemented or reversed, which has made them central victims of violence. Recent policies seeking to repair and grant them access to lands suffer from severe implementation problems. The peace agreement's objective of developing an integral rural reform is one of the least implemented to date. Important bills like the creation of an agrarian jurisdiction and the regulation of the right to protest have not been presented in Congress. Other bills, like those creating a multipurpose cadastre (an information system that registers up-to-date data on land rights, duties, and restrictions, among others) and special circumscriptions for areas affected by violence, were shelved or voted down.⁸

The Indigenous, ROM, and Minorities Directorate was created in 2003 (Decree 200) and updated in 2008 (Decree 4530). Despite the existence of several norms, judicial rulings and public policies around inclusion, special measures for access to education and health, and culturally relevant education, there is a lack of implementation of these rights. This is largely related to the invisibility of the Roma people in Colombian society and the lack of information or understanding about Roma communities and Roma rights among state officials who are responsible for the guarantee of those rights.⁹

5. DATA COLLECTION

OVERALL AVERAGE SCORE: 5

AFRO-DESCENDANTS | SCORE: 4

INDIGENOUS GROUPS | SCORE: 7

PEASANTS | SCORE: 5

ROMA | SCORE: 4

Data collection on ethnic groups is fairly recent and incomplete. Information is not continuous across time and often does not take into account the differential traits across groups, their varied needs and/or cosmovisions (i.e. their perspectives on the world and the meaning they assign to life). There is a lack of data about access to human rights and disaggregated data related to victims of violence from different ethnic groups.¹⁰ Barriers to adequate data collection include not only the lack of institutional capacity and public servants' training but also, likely, the lack of political will. Indeed, the absence of disaggregated information obscures high levels of inequality and lack of access to land

The 2018 census reported a much lower percentage of both Afro-descendent and Roma persons than the 2005 census, which was considered by many a “statistical genocide.”

and basic services for ethnic groups and peasants. The lack of information conceals the reality of structural racism and how the severe violation of human rights and violence disproportionately target Afro-descendants, Indigenous, Roma and peasants. The lack of consistency of information affects the adequate identification of needs and the implementation of local plans according to the life projects of diverse communities.

There is a specialized institution, the National Administrative Department for Statistics (*Departamento Administrativo Nacional de Estadística*, DANE), in charge of carrying out population censuses. Since 1972, DANE has collected information on Indigenous peoples. Special questionnaires were administered in Indigenous territories, and households were considered Indigenous if they lived therein.¹¹ The 1993 census formulated, for the first time, a general question about ethnic belonging based on self-recognition for the entire population, but it simply inquired whether persons belonged to an Indigenous group—not to which one. The 1993 census offered the first official registry of the black population. However, although it included a self-recognition question, the instrument was poorly designed, failing to specify or describe different ethnic groups, and there was no pedagogical process around self-recognition with the general population carried out prior to the census. Further the census had poor coverage with census takers often failing to enter territories or *barrios* with high Afro-descendant populations. Many were poorly trained, often failing to ask the ethnic identity question and instead making their own assumptions about the ethnicity of the respondents. As such, the 1993 census found a population of just 500,000.¹² In contrast, the 2005 census, which included a detailed question describing the concept of ethnic groups as relating to culture, peoples and/or physical features, found more than four million (4,311,757) Afro-descendants, equivalent to 10.6 percent of the total Colombian population, although this was still considered an underestimate due to many of the same institutional barriers as 12 years before.¹³ The 2005 National Census was also the first to collect data on the Roma people, which resulted in the self-recognition of 4,857 people as Roma.

None of these national censuses formulated specific questions on peasants’ belonging or living conditions. Law 731 of 2002 (Article 30) made it mandatory to gather statistical information on rural women but without reference to the censuses. In 2017, many peasant organizations presented a writ of protection (*tutela*) against the DANE and the Ministry of Interior’s refusal to include questions about the peasantry. The Supreme Court ruled in favour of the *tutela* (Ruling 2028 of 2018). As a result, DANE included differential questions on the peasant population in the 2018 national surveys. DANE presented the results of the survey on political culture, the first survey in the history of the country to include questions related to the peasantry.¹⁴

The 2018 National Census on population and housing included four questions on ethnic issues and eight categories of answers for other questions. The information collected on those grounds allows DANE to offer data on Indigenous groups’ ethnic self-recognition; the type of Indigenous group; age; gender; use of native language; departmental location and type of locality (rural or municipal head); size and head of household; education level; housing materials and access to public services and health problems. Although it used the self-recognition method, the 2018 census reported a much lower percentage of both Afro-descendent and Roma persons than the 2005 census, which was considered by many a “statistical genocide.” The Afro-descendant population was reported to have fallen to 2,982,224 persons or 6.2 percent of the national population, which suggested that 30 percent of Afro-descendants had disappeared in comparison with the 2005 census.¹⁵ Similarly, the 2018 census only reported 2,649 Roma persons, a 45.5 percent decrease.¹⁶

Limitations in data collection are an important barrier in developing suitable policies for ethnic groups in general and the Roma population, in particular, especially in the area of health.¹⁷ Law 1151 of 2007 (Art. 7, no. 3) highlights the need for strategies to train government institutions to competently serve ethnic groups, specifically the Roma population.

6. CLAIMS-MAKING AND CONTESTATION

OVERALL AVERAGE SCORE: 2

AFRO-DESCENDANTS | SCORE: 2

INDIGENOUS GROUPS | SCORE: 2

PEASANTS | SCORE: 2

ROMA | SCORE: 4

Afro-descendant and Indigenous groups have used the tutela writ extensively to demand the protection of their collective rights.

Civil and political rights are formally protected, and all groups engage in active claim-making through both institutional and contentious channels. On one hand, all groups make extensive use of the institutional channels for judicial claim-making, which include writs of protection (tutelas), abstract challenges to the unconstitutionality of laws and popular writs against authorities' actions, among others. On the other hand, there is robust contentious claim-making through massive and peaceful mobilizations and protests that are often joined by different minority groups and supported by wide sectors of civil society. Yet, claims-making is often met with violence from dominant state and non-state actors.

Afro-descendant and Indigenous groups have used the tutela writ extensively to demand the protection of their collective rights. Between 2018 and June 2019, 263 tutela actions were presented by Indigenous groups to demand the protection of the right to prior consultation alone. Other tutela and unconstitutionality claims and rulings have referred to multiple other rights of Indigenous groups, including the rights to self-determination and association (e.g., Ruling T-172/19), the protection of their territories (e.g., Ruling T-530/16 and Ruling T-698/11), respect for the special jurisdiction of Indigenous authorities (e.g., Ruling T-208/19 and Ruling T-387/20), cultural-specific access to health (e.g., Ruling C-898/03 and Ruling C-063/10) and education (e.g., Ruling T-577/12) and against the privation of freedom of community members (e.g. Ruling T-685/15 and Ruling T-669/11), among others. Afro-descendant people have also frequently used tutelas and unconstitutionality actions. Individual members of these groups have also mobilized legally and politically against acts of discrimination and violence. Law 1482 of 2011 against discrimination is the result of these groups' struggle for specific legal mechanisms to protect their right to equality.¹⁸

Indigenous groups have also challenged the constitutionality of the National Development Plans (issued every four years by the government), either for not consulting with them prior to their formulation or for not complying with the commitments therein established after negotiations with Indigenous groups. Similarly, Afro-descendant groups have demanded differential treatment in National Development Plans, which takes

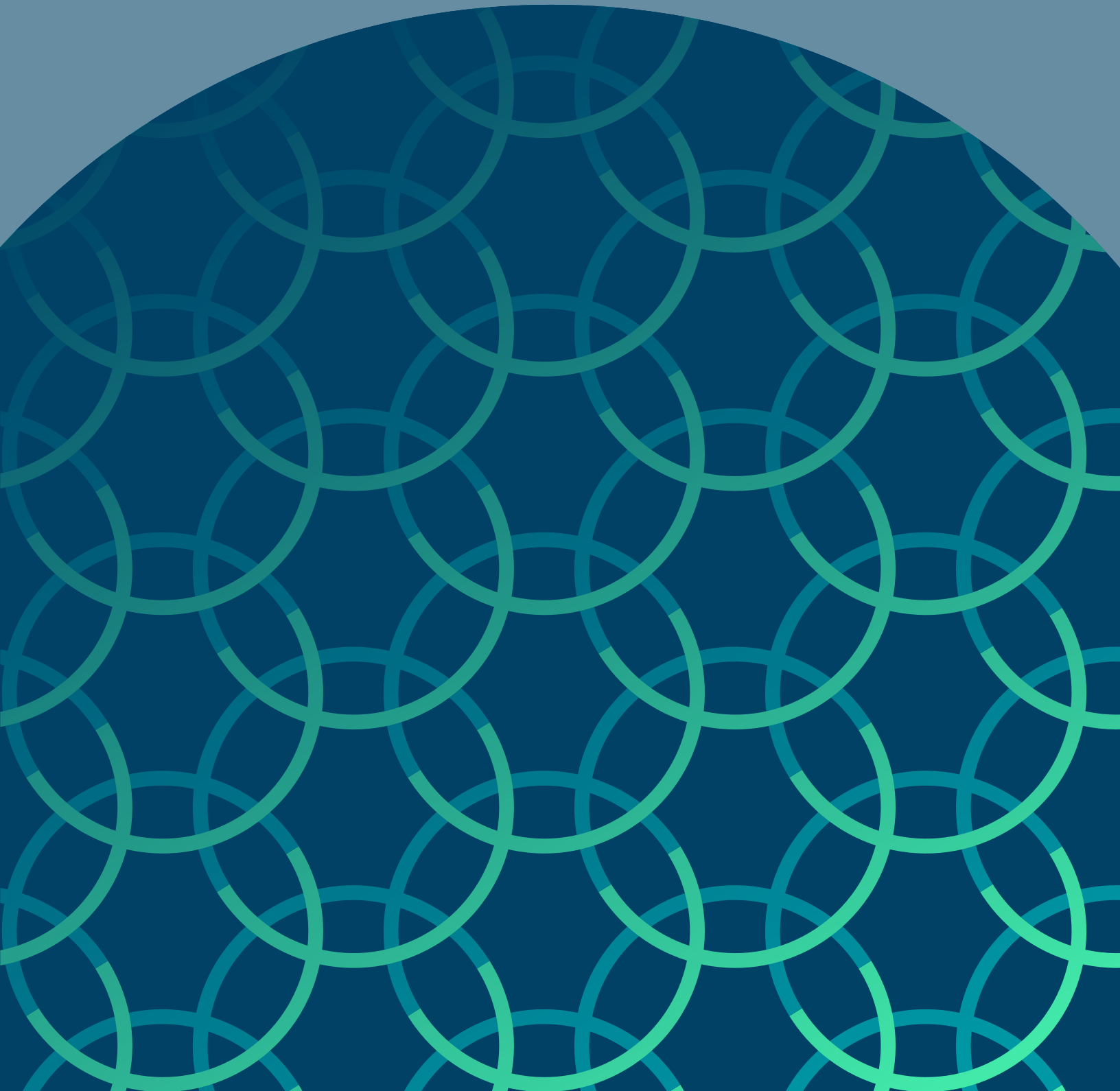
When institutional mechanisms fail or are not enforced adequately, minority groups engage in active and contentious claims-making.

into account their economic, social and cultural rights. They have further claimed a special document issued by the National Council on Economic and Social Policy (*Consejo Nacional de Política Económica y Social*), devoted to the Afro-Colombian population as a response to international recommendations made at the 2001 World Conference against Racism in Durban and by the International Committee Against Discrimination.¹⁹ Roma people have also used judicial writs to challenge the lack of special regulations concerning them or their inclusion in those protecting other ethnic groups. In 2013, a public action of unconstitutionality was brought against Law 1537 of 2012, which fore-saw special protections for all low-income homes, including ethnic groups, but did not include the Roma or the Raizal (an Afro-Caribbean ethnic group from the Archipelago of San Andrés, Providencia, and Santa Catalina) populations. In Ruling C-359 of 2013, the CCC found that “there is indeed a relative legislative omission due to the existence of discriminatory treatment within the ethnic and cultural groups of the Nation, specifically by excluding the gypsy and Raizales populations from the indicted norms.”

Peasants also use judicial channels to demand the protection of their rights, as illustrated by the tutela through which they demanded their counting in the census. They have also often proposed legislative bills to Congress on various topics, including the General Law of Lands (agrarian reform and Integral Rural Development presented by the National Table of Agrarian Unity (*Mesa de Unidad Agraria*, MUA) in 2013), the Law on Environmental Democracy (presented in 2021 to address the participation deficit generated by the restrictions imposed by the judiciary to the possibility of submitting the viability of large extractive projects to local popular consultations), and the peasant referendum, a proposal to submit to the popular vote the modification of constitutional articles related to military service (making it non-mandatory for peasants) and the guarantee of access to education in rural areas.²⁰

When institutional mechanisms fail or are not enforced adequately, minority groups engage in active and contentious claims-making. In recent decades, Indigenous *mingas* have been prominent and recurring, taking place in 1992, 1999, 2004, 2006, 2008, 2011, 2013, 2014, 2017, 2019, 2020 and 2021. Peasants have also carried out large mobilizations, protests and strikes, such as those occurring most recently in 2013, 2014, 2019 and 2021. The most recent national strike (in 2021) was carried out during the COVID-19 pandemic, and different minority groups participated actively. However, these events are often met with state repression and wider violence against leaders from non-state actors, as discussed in section 16.

**PART III.
LEADERSHIP FOR PLURALISM**



7. POLITICAL PARTIES

OVERALL AVERAGE SCORE: 3

AFRO-DESCENDANTS | SCORE: 3

INDIGENOUS GROUPS | SCORE: 3

PEASANTS | SCORE: 3

ROMA | SCORE: 3

The protection of ethnic diversity is usually promoted by Indigenous parties, which are, at times, in alliance with progressive minority parties like the leftist Alternative Democratic Pole (*Polo Democrático Alternativo*, PDA).

Many political parties espouse respect for diversity as a core value and even at times reflect it in their policy proposals and campaign platforms. However, in practice, most parties are indifferent to diversity issues, and they rarely include members of ethnic or peasant groups. Also, some important parties (especially the current incumbent party) adopt exclusionary and stigmatizing discourses against ethnic and peasant leaders that inhibit and endanger diversity.

As discussed in section 11 below, there is a constitutional quota law to ensure the special representation of both Afro-Colombians and Indigenous people in Congress (one and two seats, respectively). There are several Afro and Indigenous parties that compete for these seats, and members of black communities and Indigenous groups who participate in politics generally belong to those parties rather than to others.

According to the European Union's Election Experts Mission to Colombia, despite the existence of special circumscriptions for Indigenous and Afro-descendant peoples, these groups' representation is still restricted due to several factors.²¹ First, the distance to polls; second, vulnerability to clientelism and vote-buying, which results from high poverty and marginalization; and third, the particular needs of Indigenous and Afro-descendant groups have generally been absent from the political platforms of presidential candidates.

Gustavo Petro's recent presidential campaign was an exception. The Indigenous and Social Alternative Movement (*Movimiento Alternativo Indígena y Social*, MAIS) was part of his support coalition, and it received the support of the National Indigenous Organization of Colombia (*Organización Nacional Indígena de Colombia*, ONIC). Further, Petro's campaign for the 2022 presidency created the Historical Pact (*Pacto Histórico*), a wide coalition of political groups and social movements in which diverse presidential candidates will compete in a primary, including the Afro-descendant social leader Francia Márquez and the Wayúu Indigenous leader Arelis Uriana.

The protection of ethnic diversity is usually promoted by Indigenous parties, which are, at times, in alliance with progressive minority parties like the leftist Alternative Democratic Pole (*Polo Democrático Alternativo*, PDA). A recent example of this is the PDA's 2019 support for the claims of the Cauca Indigenous *minga*, which entailed demanding President Iván Duque comply with agreements signed by prior governments.

In contrast to Afro-descendant and Indigenous groups, neither Roma nor peasants have so far had special political representation quotas. Further, despite the demographic and

Historically, major parties have not had a significant membership of peasant politicians, though peasants have been an important electorate for traditional parties.

socio-economic importance of peasants, there are not any solely or mainly peasant-based parties in contemporary Colombia. Historically, major parties have not had a significant membership of peasant politicians, though peasants have been an important electorate for traditional parties. Recently, however, peasant movements have nominated their leaders as independent candidates, and progressive parties have included peasant leaders on their party lists who have run with peasant organizations as their main constituency. An example of the first situation is the Agriculture and Livestock Farming with Dignity for Colombia (*Dignidad Agropecuaria por Colombia*). An example of the second situation is the campaign and triumph of Jesús Alberto Castilla as senator for the PDA in 2018. Castilla is an important peasant leader. He is president of the National Agrarian Coordinator (*Coordinador Nacional Agrario de Colombia*), speaker for the Congress of Peoples (*Congreso de los Pueblos*) and has promoted crucial bills for the rural sector in the current legislative period.²²

There are some members of major parties (notably those of the Democratic Center (*Centro Democrático*)) who adopt exclusionary and stigmatizing discourses against peasant, Indigenous and Afro-Colombian leaders and organizations that engage in protest. A clear example of this is María Fernanda Cabal, a House Representative for the party, who, among other things, has referred to Indigenous members of the Regional Indigenous Council of Cauca (*Consejo Regional Indígena del Cauca*, CRIC) as “...indians who march instead of working. Until they destroy those who pay taxes to maintain them.”²³

8. NEWS MEDIA

OVERALL AVERAGE SCORE: 4

A. Representation | Score: 6

AFRO-DESCENDANTS | SCORE: 5

INDIGENOUS GROUPS | SCORE: 6

PEASANTS | SCORE: 6

ROMA | SCORE: 1

B. Prominence of Pluralistic Actors | Score: 2

AFRO-DESCENDANTS | SCORE: 2

INDIGENOUS GROUPS | SCORE: 2

PEASANTS | SCORE: 2

ROMA | SCORE: 2

The Colombian legal framework (Law 335 of 1996, Article 20) expressly protects ethnic groups' access to and participation in news media and the creation of their own news media. Yet, there have been obstacles to the implementation of the latter, while access to and participation in major news media has been very limited. Minority groups often create their own news media but have a limited scope and resonance in the wider society.

Minority groups often create their own news media but have a limited scope and resonance in the wider society.

Hegemonic news media do not offer wide spaces for the contributions of minority groups or the representation of their cultures and perspectives. Major news media are generally owned by elites and promote their interests, and they make the perspectives and interests of diverse groups invisible. They often use exclusionary and stigmatizing discourses against ethnic groups and peasants, referring to them as subversives or criminals.²⁴ Minority groups make widespread use of social networks (Twitter, Instagram and apps such as WhatsApp, Telegram, YouTube) to expose their ideas both internally within the community and externally to other sectors of society, as well as to raise their claims and requests with the state and international community.

Through communitarian radio broadcasts, Law 335 of 1996 and Decree 1447 of 1995 aimed to provide the rural sector, diverse ethnic groups and inhabitants of areas distant from big cities a means of communication that could serve as an educational and informational tool and contribute to their recreation and development. In 1997, the first concessions were made to social organizations.²⁵ However, communitarian broadcasts lack impact in the wider society. In turn, major news media do not generally grant access to the contributions of peasants nor do they envision spaces for the representation of their cultures and perspectives.

Some recent advancements have been made to promote the participation and representation of Indigenous people in the news media. In 2012, the National Commission for Communication of Indigenous Peoples (*Comisión Nacional de Comunicación de los Pueblos Indígenas*) was created. In 2017, the Public Policy for Communication of Indigenous Peoples (*Política Pública de Comunicación de y para los Pueblos Indígenas*, PPCPI) was adopted. Between 2010 and 2018, the Direction of Communication of the Ministry of Culture promoted the creation of 10 schools and training processes in Indigenous communication, accompanied 21 Indigenous *pueblos*, trained 710 Indigenous leaders and youngsters and fostered 12 productions of Indigenous broadcasts. However, Indigenous radio broadcasts have a limited impact in the wider society, and major news media rarely allow for the contribution of Indigenous group members or the adequate representation of their cultures and perspectives.

Peasant organizations and leaders have also created their own news media to represent and disseminate their perspectives and to educate their fellow members. A notable historical example of peasant broadcasts is Radio Sutatenza, which was created in 1947 and lately transformed into Peasant Digital Schools. More recently, peasants have used the legislation on communitarian radio broadcasts to create their own radios, which are, however, also limited in scope and resonance in the wider society.

There are a few regional television and radio channels with important representation of Afro-Colombians. There is further widespread use of social networks. Examples include *Vive Afro* and *Afrodiaspora* and *El Bogotano*.

Roma people are largely invisible in the news media. In 2000, through the implementation of ethnic working groups, the Roma People's Organizational Process of Colombia (*Proceso Organizativo del Pueblo Rom (Gitano) de Colombia*, PRORROM) achieved some visibility in public media, such as those of the Inravisión Institute (2000–2).²⁶

9. CIVIL SOCIETY

OVERALL AVERAGE SCORE: 7

AFRO-DESCENDANTS | SCORE: 7

INDIGENOUS GROUPS | SCORE: 7

PEASANTS | SCORE: 7

ROMA | SCORE: 7

A vast part of civil society is made up of organizations composed by ethnic and minority groups, many of which are recognized and registered with the Ministry of the Interior as officially representing such groups. While civil society at large is diverse, some sectors are exclusionary. For example, some human rights organizations have failed to adequately address or adopt an ethno-racial focus in their work and instead make general analyses and make general responses to human rights issues that ignore or make invisible the diverse experiences, rights and needs of ethnic and racial minority groups. In the same way, some sectors of the feminist movement have failed to take an intersectional approach to acknowledge and struggle against the structural inequalities, discrimination and injustices that Afro-descendant, Indigenous, Roma and peasant women face. However, several human rights organizations promote the protection of ethnic rights or adopt an ethnic transversal approach to their work on other issues, such as the Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento*, CODHES), Colombia International Corporation (*Corporación Colombia Internacional*), Dejusticia, Colombia Diversa and Women's Link. According to the First Congress of the black people in Colombia (2013), there are more than 2,000 organizations representing black people.²⁷ In 1991, the Organization of Black Communities (*Organización de Comunidades Negras*), an Afro-Colombian non-governmental organization (NGO), was prominent in the discussion of Article 55 of the Constitution, which led to the creation of vital organizations such as the Process of Black Communities (*Proceso de Comunidades Negras*, PCN) and National Cimarró Movement. The National Afro-Colombian Peace Council (*Consejo Nacional de Paz Afrocolombiano*, CONPA) is another black organization promoting pluralism.²⁸

In turn, the National Indigenous Organization of Colombia (ONIC) was created in 1982, formed by the CRIC and supported by leaders of other communities. Its purpose was to provide the Indigenous movement with an identity and to denounce the violence that targeted them.²⁹ ONIC currently covers 80 percent of the Indigenous population; it is organized in 49 regional associations and has 530 affiliated *resguardos* (2018).³⁰ Other Indigenous regional organizations include the Organization of Indigenous peoples of the Colombian Amazon (*Organización Nacional de los Pueblos Indígenas de la Amazonía Colombiana*), the Zonal Indigenous Organization of Putumayo (*Organización Zonal Indígena del Putumayo*), the Association of Indigenous Cabildos of Northern Cauca (*Asociación de Cabildos Indígenas de Norte del Cauca*) and CRIC.

Currently, there are at least six spaces of convergence of peasant organizations in Colombia, several of which include Indigenous and Afro-descendant groups: MUA (*Mesa Nacional de Unidad Agraria*), the Agrarian and Popular National Coordinator (*Coordinadora Nacional Agraria y Popular*, CONAP); the Peasant, Black and Indigenous National

Convergence (*Convergencia Nacional, Campesina, Negra e Indígena*, CNI); Vía Campesina; the National Peasant Council (*Consejo Nacional Campesino*) and the National Council of Agrarian and Indigenous Organizations of Colombia (*Consejo Nacional de Organizaciones Agrarias e Indígenas de Colombia*, CONAIC).

Finally, the PRORROM represents 4,858 Roma people in 11 Kumpaños throughout the country. It was recognized by Resolution No. 022 of September 2nd, 1999, issued by the Ethnic Direction of the then Ministry of Interior and Justice General Directorate of Black Communities.

10. PRIVATE SECTOR

OVERALL AVERAGE SCORE: 3

AFRO-DESCENDANTS | SCORE: 3

INDIGENOUS GROUPS | SCORE: 3

PEASANTS | SCORE: 3

ROMA | SCORE: 3

With few exceptions, the private sector does not respect diversity or alternative visions on the economic model, and it has, at times, allied with illegally armed actors to dispossess minority groups and suppress their alternative projects.

There is some representation of diverse groups in the workforce but not in leadership or ownership in the private sector. With few exceptions, the private sector does not respect diversity or alternative visions on the economic model, and it has, at times, allied with illegally armed actors to dispossess minority groups and suppress their alternative projects.

Javeriana University elaborated a dataset on the national and foreign corporations that have been mentioned in the rulings of the Justice and Peace Tribunals in charge of sentencing paramilitaries for their links with the latter. According to the declarations of paramilitary leaders such as Salvatore Mancuso, Jorge Iván Laverde (“El Iguano”) and Jesús Ignacio Roldán (“Monoleche”), several corporations provided financial and logistic support to the United Self-Defense Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC). Sectors such as hydrocarbons, sugar, oil palm trees and cattle-ranching were especially responsible for the promotion and consolidation of those groups. In many cases, the relation between paramilitaries and corporations enabled or facilitated the assassination of persons opposed to the neo-liberal exploitation model.³¹

A few corporations have developed an exceptional strategy of inclusive competitiveness, by which they make vulnerable populations and associations their regular suppliers, such as *Crepes & Waffles*, *Compañía Nacional de Chocolates*, the Noel Biscuit Company (*Compañía de Galletas Noel*) and *Compañía de Empaques*.³²

Peasants, a very important part of the Colombian workforce, rarely participate in leadership or ownership in the private sector. Governmental initiatives promoting their land ownership or the development of rural programs have often been captured or hindered by economic elites. The Peace Agreement’s ratification failure led to a renegotiation of the rural development component to explicitly assert that the legal security of current

Previous governments have also felt compelled to ensure, in meetings with representatives of the private sector, that the legal security of large landholders will be protected, which, implies the lack of priority for the peasant agenda.

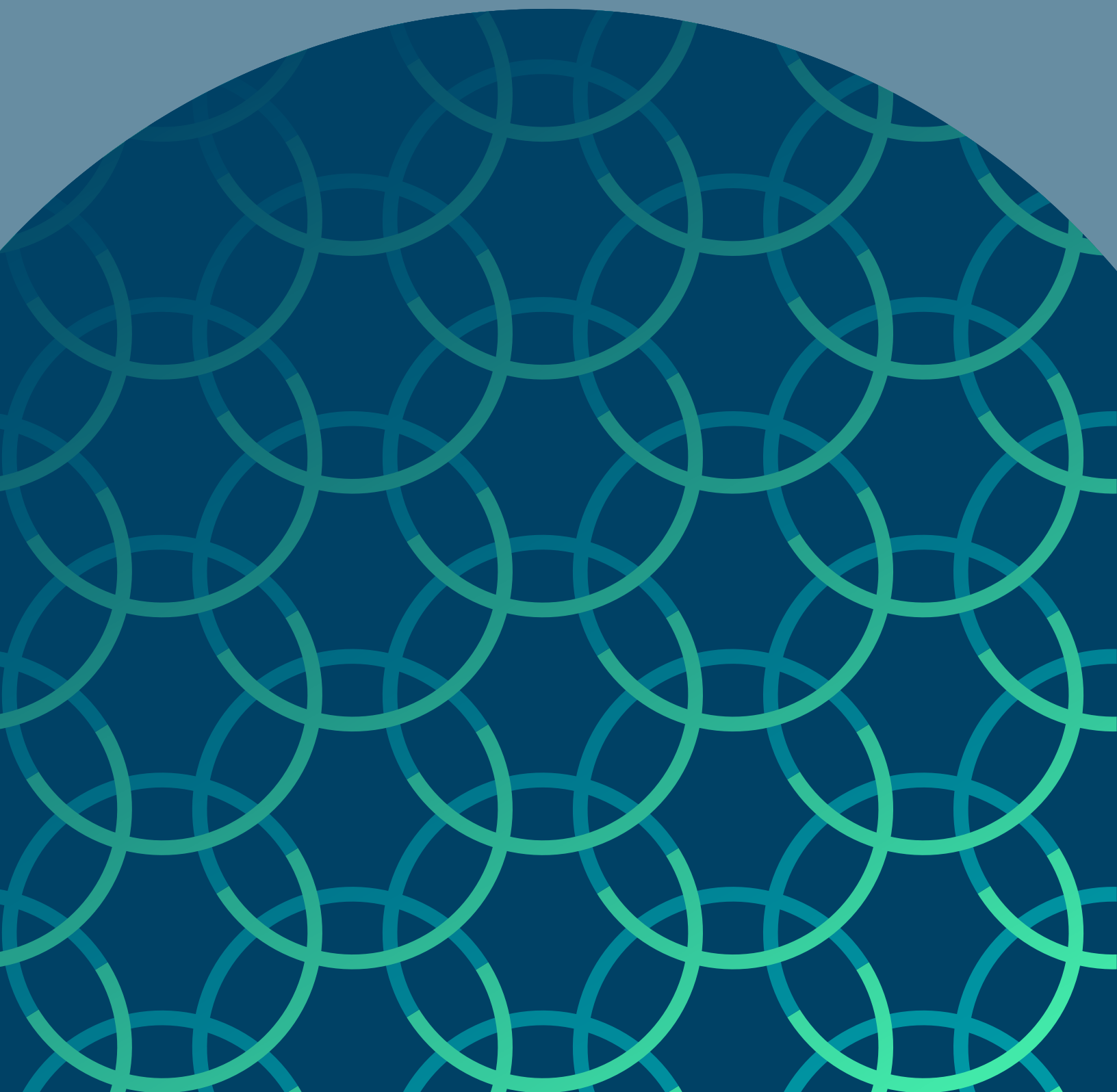
landholders would be ensured. This sector's support was key in bringing to power the previous president, Iván Duque, who was explicit in his defence of large landowners' interests at the expense of the commitments of the Peace Agreement. Previous governments (including that of President Juan Manuel Santos, who negotiated the Peace Agreement) have also felt compelled to ensure, in meetings with representatives of the private sector, such as sugarcane producers, that the legal security of large landholders will be protected, which, according to organizations like Oxfam Colombia, implies the lack of priority for the peasant agenda.³³

Afro-Colombian people are not part of the dominant group of the private sector.³⁴ Leaders have tried to encourage new generations of Afro-Colombians to join the private sector without much success. Public-private economic strategies, such as on palm oil plantations and in the mining and forestry sectors, have been promoted by the state since 1972 in territories inhabited by black communities. These strategies have failed to improve employment opportunities and economic stability, instead producing negative environmental, cultural and socio-economic effects.³⁵

The National Consultancy Centre (2014) found that the level of participation of Indigenous people in executive posts is 1 percent, and it is 0 percent in administrative posts.³⁶ According to the National Association of Business Owners of Colombia (*Asociación Nacional de Empresarios de Colombia*, ANDI), Indigenous people occupy the lowest jobs in the occupational pyramid.³⁷ Few productive projects have attempted to include the Indigenous population or to promote social development projects with the joint participation of the private sector and Indigenous organizations, such as the maintenance of roads carried out by communal action boards and Indigenous Mingas with the support of the national and departmental government and the participation of the military and the private sector through ANDI's social responsibility program.³⁸

There is limited participation of Roma in the workforce, and there is no Roma participation in leadership or ownership in the private sector.

PART IV. GROUP-BASED INEQUALITIES



11. POLITICAL

OVERALL AVERAGE SCORE: 4

AFRO-DESCENDANTS | SCORE: 4

INDIGENOUS GROUPS | SCORE: 6

PEASANTS | SCORE: 2

ROMA | SCORE: 4

Quotas have promoted the creation of parties and political organizations with diverse levels of strength and success.

The 1991 Constitution's reforms included reworking the electoral system to create special Congress quotas for Indigenous and Afro-descendant groups. It foresaw more seats for the former than the latter, despite the latter's larger population. Election for these seats do not require a legal threshold, and parties who win them have the right to obtain legal personality recognition. Quotas have promoted the creation of parties and political organizations with diverse levels of strength and success. The Constitution did not foresee special seats for Roma or peasants. The 2016 Peace Agreement envisioned the creation of special quotas for territories especially affected by violence, which would privilege rural areas, and hence peasants as well as Indigenous people and Afro-descendants who live therein. However, the bill that created those quotas for the 2018 election was shelved with irregularities. In 2021, the Constitutional Court declared the legislative process void and "revived" the bill.

The 1991 Constitution established two Senate seats and one House of Representatives seat that can only be occupied by Indigenous people. Special circumscriptions promoted the creation of Indigenous parties (such as the Indigenous Social Alliance (*Alianza Social Indígena*, ASI) and the political participation of existing organizations (such as ONIC and the Indigenous Authorities of Colombia (*Autoridades Indígenas de Colombia*) with the aim of increasing political engagement. These groups are, however, minority associations. More recently, MAIS was created, and it has a mixed platform and membership that aims to compete for political posts beyond the special Indigenous circumscriptions. In 2018, MAIS obtained all the seats reserved for Indigenous people in Congress. It also promoted the candidacy of leftist Gustavo Petro, who has since become president..

Afro-descendants have one seat in the House of Representatives, for which Resurgent Colombia (*Colombia Renaciente*) and the Broad Democratic Alliance (*Alianza Democrática Amplia*) parties generally compete. However, these parties have grown distant from black communities. Recently, new Afro-descendant political movements have emerged but have yet to be legally recognized. These include the Partido PRE (*Partido de Reivindicación Étnica*) and the I am Because We are Movement (*Movimiento Soy Porque Somos*).³⁹ Several Afro-Colombian NGOs, such as Afrodes (Association of Displaced Afro-Colombians), PCN, Cimarron National Movement (*Movimiento Nacional Cimarrón*) and the National Conference of Afro-Colombian Organizations (*Conferencia Nacional de Organizaciones Afrocolombianas*), do not have national scope.⁴⁰ As a result, there are obstacles for Afro-Colombian candidates to convene and obtain the support of their population.

The Constitution does not foresee special forms of representation for the peasantry, and, as noted above, there are no peasant-based parties. This may explain the low levels of peasant political organization and voting in the country. According to DANE, only 0.9

It is well documented that organizations who politically mobilize and promote progressive agendas are disproportionately targeted by violence, and security mechanisms are weak.

percent of peasants belong to a political party or movement, 0.9 percent belong to a peasant organization, 1.6 percent to a communal organization and 8.4 percent belong to a communal action board.⁴¹ In turn, according to Dejusticia, 23 percent of the people who self-recognize as peasants did not vote in the 2018 presidential elections, mainly due to lack of interest, obstacles to voting registration and trust in politicians following through with their promises.⁴² Recently, peasant movements have presented their own leaders as independent candidates, and progressive parties have included some peasant leaders.

The special quotas for territories especially affected by violence as foreseen in the 2016 Peace Agreement, which will be put in place for the upcoming 2022 elections, will privilege rural areas with strong peasant, Indigenous and Afro-Colombian presence and will likely increase their representation in Congress in the future. In all these cases, increased political participation and representation could also increase the threats of violence against these groups, unless strong measures are taken for their protection. As noted above, it is well documented that organizations who politically mobilize and promote progressive agendas are disproportionately targeted by violence, and security mechanisms are weak.

12. ECONOMIC

OVERALL AVERAGE SCORE: 2

AFRO-DESCENDANTS | SCORE: 1

INDIGENOUS GROUPS | SCORE: 3

PEASANTS | SCORE: 1

ROMA | SCORE: 3

According to a recent study carried out by several universities, Colombia is the Latin American country with the greatest inequalities across subnational regions in various economic measures.⁴³ Such inequalities disproportionately affect peasants and ethnic groups, who exhibit very large negative differences in socio-economic indicators with respect to the general population.

Although Indigenous people are entitled to 31.5 percent (36 million ha) of Colombia's territory, this access has not resulted in the elimination of the high levels of poverty nor of the economic and social inequality to which they have been historically subjected.⁴⁴ This is due to the lack of the lands' productive capacity and state services in their territories. According to the Ombudsperson's Office, approximately 90 percent of the lands titled to ethnic groups have an agroforestry vocation, and only 7 percent are appropriate for agriculture.⁴⁵ Moreover, Indigenous territories have been severely affected by the armed conflict, including frequent threats of dispossession and displacement by armed groups. In 2002, for example, of the 113 municipalities in which ethnic territories represented more than 50 percent of the rural area, and 38 municipalities registered a high or very high incidence of the armed conflict.⁴⁶ Moreover, eight-of-every-ten Indigenous households suffer from food insecurity.⁴⁷ In 2012, 63 percent of Indigenous persons in Colombia were below the poverty line, and 48 percent were below the destitution line. Further, a majority of boys and girls suffered from chronic malnutrition.⁴⁸

The Afro-Colombian people have approximately 6 million ha of legally protected collective land, but they are often not able to exercise governance in these lands due to pressure from legal and illegal economic groups and little support from state institutions.⁴⁹ According to data from the national Victims' Unit, 1,286,818 of those registered as internally displaced between 1985 and 2020 were Afro-descendants, which is approximately 14 percent of the total displaced population. Such percentages significantly increase if Afro-descendant municipalities are considered, that is, the 302 municipalities (out of the 1,123) in the country where 92.6 percent of the total Afro-descendant population reside and that have collective titles, community councils and/or Afro-descendant population greater than 20 percent. Between 1985 and 2020, these municipalities produced 5,186,233 victims of forced displacement, which represent 58.6 percent of the national total of victims of internal forced displacement (IFD).⁵⁰ Furthermore, 75 percent of the country's Afro population receives wages below the legal minimum, and their life expectancy is 20 percent below the national average.⁵¹ Income poverty is significantly higher in the regions where Afro-Colombians have a high presence, as in the case of Nariño, Chocó and Cauca.⁵² Poverty is much higher among Afro-descendant women, reaching more than 47 percent.⁵³

Colombian peasants have chronically suffered from lack of access to lands and from multiple cycles of dispossession and forced displacement. They also rank very low in multi-dimensional measures of poverty. According to DANE, while 19.6 percent of Colombian households are in a situation of multi-dimensional poverty, that percentage increases to 39.9 percent concerning peasant households.⁵⁴ While in 2015 the poverty level in municipal heads was 25 percent, in rural population centres and dispersed areas it reached 40 percent. Extreme poverty in the former was 5 percent, and it was 18 percent in the latter. The labour market in rural areas particularly disadvantages women, who face higher unemployment rates and thus lower access to social security.⁵⁵

Roma people are facing the deterioration of their income, associated with their lack of acceptance in society and the declining relevance of the market for their products and services.⁵⁶ Those that maintain traditional trades in the informal sector rarely have stable or permanent jobs, social security or health services.⁵⁷ Roma people are also affected by the armed conflict, which lessens their capacity for cultural reproduction and includes job losses, forced displacement and the weakening of organizational forms and symbolic systems (Decree-Law 4634 of 2011). The issue of land rights is complex in the case of the Roma people, as their particular and cultural nomadic traditions mean that this right should be understood and expressed differently than that of other ethnic groups and requires measures such as establishing safe corridors allowing members of this community to practice their pilgrimage rooted in their ancestral customs.⁵⁸

13. SOCIAL

OVERALL AVERAGE SCORE: 2

AFRO-DESCENDANT | SCORE: 1

INDIGENOUS GROUPS | SCORE: 1

PEASANTS | SCORE: 2

ROMA | SCORE: 4

Colombia is the Latin American country with the greatest inequalities across subnational regions not only in economic terms but also in social well-being, education and health, among others.

Colombia is the Latin American country with the greatest inequalities across subnational regions not only in economic terms but also in social well-being, education and health, among others.⁵⁹ Such inequalities disproportionately affect peasants and ethnic groups who exhibit very large negative differences in access to services and social and cultural rights indicators with respect to the general population.

In terms of access to services, Afro-descendants are in a situation of disadvantage with regard to the national average. For example, 70 percent of the Afro-descendant population have basic sanitation compared to the 87 percent of the general population; 55 percent have access to sewage systems as compared to 77 percent of the general population; only 50 percent have access to gas as compared to a national average of 67 percent. A similar pattern is found in other services, such as water supply, waste management and access to education.⁶⁰

A similar pattern of social inequality exists between Indigenous groups and the general population. According to DANE, 13 percent of the Indigenous population lacks education at all levels compared to 4.5 percent of the general population.⁶¹ In turn, only 7 percent of the Indigenous population has superior education compared to 18 percent of the general population. Indigenous persons have lower access to public services, such as water (41 percent compared to the national 86 percent), energy (66 percent compared to the national 96 percent), sewage (23 percent compared to the national 77 percent), trash collection (25.5 percent compared to the national 82 percent), gas (15 percent compared to the national 67 percent) and internet (6 percent compared to the national 43 percent).

There are also very high levels of social inequality between peasant and non-peasant populations, as the data on literacy and access to education exemplify. According to the 2018 census data, 8 percent of the population who identify as peasant cannot read or write compared to 5 percent of the general population. In addition, the highest education level of peasants between 18 and 40 years of age is high school, while the majority of adults between 41 and 65 years of age have only attended elementary school.⁶²

Roma people have above average access to basic services, such as running water (90 percent), sewage systems (83.5 percent), gas (73 percent), rubbish collection (89 percent) and internet (49 percent). Literacy among Roma populations has fallen since 2005 and is now slightly below average at 91 percent compared to 94 percent.⁶³ While Roma people have above average completion of primary education (41 percent compared to 30 percent) and graduate level education (3.5 percent compared to 3 percent), they have below average completion of secondary (13.5 percent compared to 17 percent),

middle school (17 percent compared to 25 percent) and higher (15 percent compared to 19 percent) education levels. They also have high rates of no access to education (6.7 percent compared to 4.5 percent).⁶⁴ Further, the phenomenon of premature dropout among Roma students, especially among Roma girls, is widespread.⁶⁵ There are concerns that certain social programs and differential treatment are recognized for some Roma groups and not others.⁶⁶

14. CULTURAL

OVERALL AVERAGE SCORE: 2

AFRO-DESCENDANTS | SCORE: 2

INDIGENOUS GROUPS | SCORE: 2

ROMA | SCORE: 2

Colombia is a country with a long-standing internal armed conflict, which, for decades, has been considered as politically and economically rooted but which should also be understood to have a cultural dimension.

Colombia is a country with a long-standing internal armed conflict, which, for decades, has been considered as politically and economically rooted but which should also be understood to have a cultural dimension. Even though diverse cultural practices are respected in the law, they are not given appropriate recognition in practice. Further, diverse groups with social, economic and cultural practices that deviate from dominant forms of exploitation and consumption, political participation and organization are considered a threat to the status quo and thus actively persecuted through extreme violence.

The levels of respect for black communities and their different cultural expressions often depends on these cultural expressions not being considered threatening or as interfering with the interests of the minority groups in power, as happens with the exercise of FPIC. In the case of IFD, there is a relationship between the violent acts carried out to deprive them of their lands and their refusal to accept the development of infrastructure, mining, energy or agro-industrial megaprojects in their territories.⁶⁷ The processes of economic appropriation of lands and resources also involve Afro-Colombians' cultural assets, such as ancestral drinks and music, which have been appropriated by businesspersons and by non-Afro-Colombian musicians respectively, depriving communities of economic benefits.

Although the Constitution and laws recognize the value of Indigenous peoples' cultures, their rights to self-determination and to access social services in accordance with their cosmovisions, such as ethno-education and ethnic-appropriate access to health, such norms are often not complied with in practice. For instance, despite the existence of Law 115 of 1994 promoting ethno-education, 86 percent of ethnic groups in Colombia lack access to an education that is pertinent to their culture, context and cosmovision.⁶⁸

The Roma people are the ethnic group who has least been able to reaffirm their cultural identity. There is a lack of state attention to this community, and their culture has been permeated by consumer society, which has caused new generations to set aside their cultural references.⁶⁹ The right to free movement of the Roma people is recognized as a cultural right, but it has been seriously limited by the armed conflict. Traditional

livelihoods are also under threat, affecting, in particular, the livelihoods and traditions of women, including the practice of palmistry (palm reading), which has been affected by their attendance of Christian churches that often seek to change their thinking about this practice.⁷⁰ The census and survey of 2018 show the reduction in native language use among Roma people. In 2005, 77 percent of Roma people reported using their native language, while in 2018 that figure had dropped to 64 percent.⁷¹ Moreover, education systems have not been adequately adapted to the needs of the Roma people.⁷² Roma people practice cultural objection to military services, but there is no rule that specifically exempts them from compulsory military service.⁷³

15. ACCESS TO JUSTICE

OVERALL AVERAGE SCORE: 2

AFRO-DESCENDANTS | SCORE: 2

INDIGENOUS GROUPS | SCORE: 2

PEASANTS | SCORE: 2

ROMA | SCORE: 2

NGO reports show a disproportionate use of force against Afro-descendants, which is rooted in institutional racism and racial profiling.

Even though there is a lack of ethnically or racially disaggregated data on access to justice, police violence and discrimination, as explained in the following section, ethnic and peasant groups are disproportionately affected by violence and therefore also by the high levels of impunity present in the country. Further, NGOs document the disproportionate and discriminatory use of force by police and the military against ethnic groups, as well as racial profiling. Thus, the extensive judicial claim-making of these groups mentioned above is the likely result of extensive rights violations against them, and many rights violations are likely not brought to justice.

NGO reports show a disproportionate use of force against Afro-descendants, which is rooted in institutional racism and racial profiling.⁷⁴ Although the right to apply their own system of justice (such as the Cimarron Guard (*Guardia Cimarrona*)) is recognized, the state has been slow in incorporating this system. Racial profiling has significantly limited access to justice for Afro-Colombians, who are victims of institutional police racism. The administrators of justice represent an additional and determining factor in the violations of their rights and re-victimization. Moreover, the lack of information disaggregated by race/ethnicity makes it difficult to make these phenomena visible. The process of collective reparations for Afro-descendant communities, approved in 2019, has not been consolidated. It is striking that, to date, in the Department of Chocó, which houses the largest number of black communities corresponding to a large percentage of the victims of the internal armed conflict, not a single black community has been repaired.⁷⁵

Indigenous groups have special authorities and jurisdictions that allow them to process and resolve intra-community conflicts. However, in many instances, these groups and individuals suffer rights violations from state and non-state actors, which they must process through judicial state authorities. As mentioned before, they frequently make

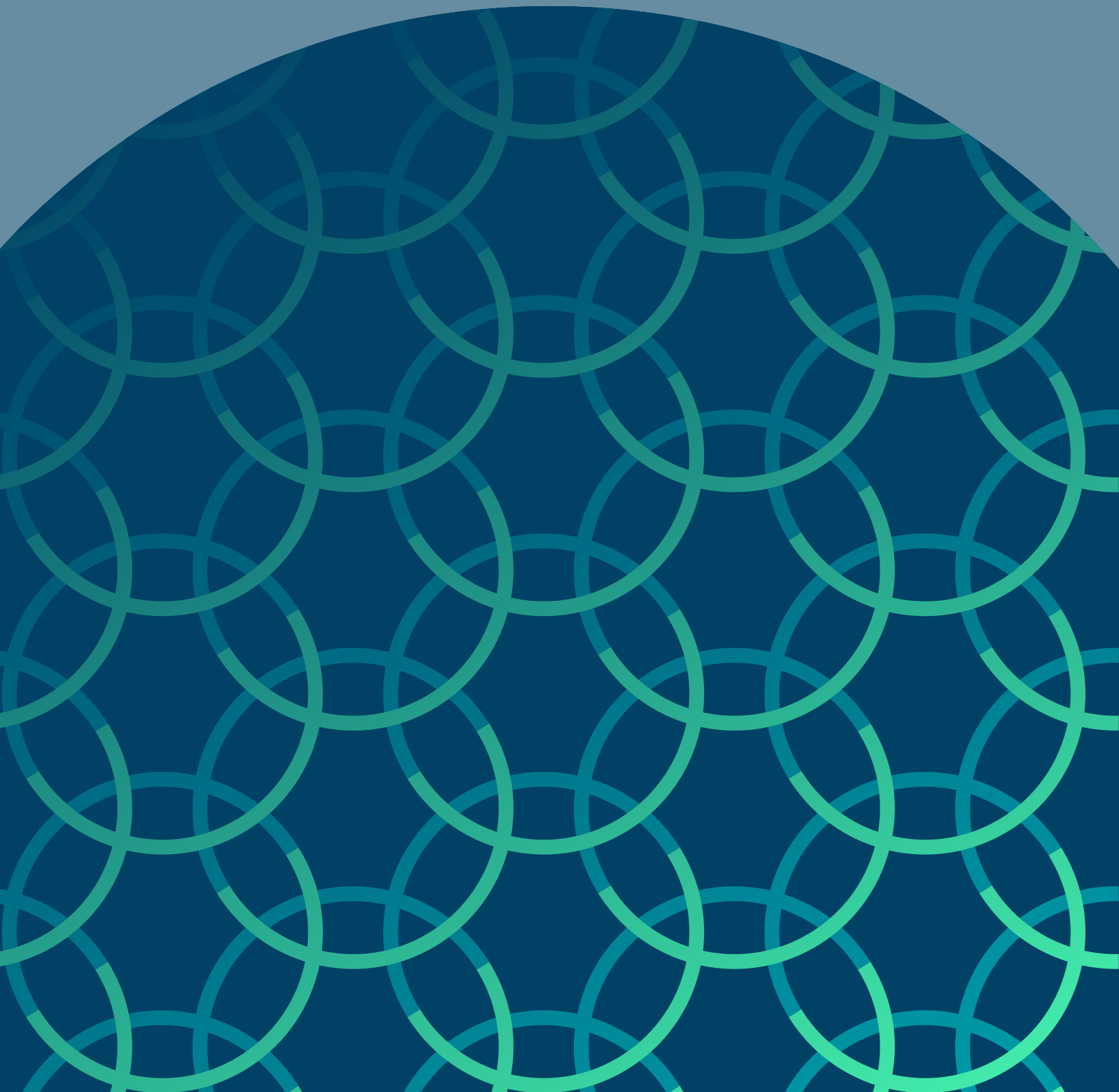
Indigenous groups have special authorities and jurisdictions that allow them to process and resolve intra-community conflicts. However, in many instances, these groups and individuals suffer rights violations from state and non-state actors, which they must process through judicial state authorities.

claims before judicial authorities to demand the protection of their rights. These claims are likely the result of extensive rights violations, and many rights violations likely never reach justice. In 2013, the Inter-American Commission on Human Rights (*Comisión Interamericana de Derechos Humanos*) asserted that the information it gathered indicated “the existence of high levels of impunity for human rights violations perpetrated against Indigenous peoples, communities or persons, and the absence of key judicial decisions addressing such violations from a collective perspective [...]. The Constitutional Court has concluded that, of 200 cases, less than one reaches the indictment stage and that the level of impunity remains high”.⁷⁶ Moreover, in the recent 2021 national strike (which was characterized by the abusive and disproportionate use of force by the police, including dozens of deaths, hundreds of injured and disappeared people, acts of sexual torture and repression), complaints were made of violent attacks carried out against the Indigenous *minga* in Cali, which injured several members of CRIC. According to Amnesty International, the police issued stigmatizing declarations about the Indigenous *minga* and other peaceful protesters.⁷⁷

Peasants are the target of multiple human rights violations, centred largely on land dispossessions and forced displacement but also include massacres, homicides, forced disappearances and attacks against their integrity. Peasant leaders and members of peasant organizations are especially vulnerable. According to Justicia Rural, the latest national survey on legal needs indicates that “60% of the polled did not satisfy their needs of justice, and such percentage increased by 15% in rural areas.”⁷⁸ Concerning land dispossessions, the Colombian Commission of Jurists recently presented a report before the Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*, JEP), titled “Impunities of Dispossession,” which documents cases of forced displacement and land dispossession of at least 1,552 peasants in the Magdalena, Antioquia and Cesar departments. The report highlights the lack of accountability concerning the intervention of members of the business sector in those atrocities, notably banana and oil palm tree producers.⁷⁹

Concerning the Roma people, according to Rojas, Molina, and Ramírez, there is no “law that regulates, recognizes and protects the gypsy identity, since currently the legislative system refers only to the protection of Indigenous and Afro-descendant communities [...] the Rom community is not guaranteed access to the administration of justice as a special and independent jurisdiction.”⁸⁰ While there is no law that grants the Roma population a special jurisdiction, the community has its own jurisdiction which allows it to resolve its conflicts within the framework of its cultural wealth, and it is a fundamental element of Roma cultural rights.

**PART V.
INTERGROUP RELATIONS
AND BELONGING**



16. INTERGROUP VIOLENCE

OVERALL AVERAGE SCORE: 1

AFRO-DESCENDANTS | SCORE: 1

INDIGENOUS GROUPS | SCORE: 1

PEASANTS | SCORE: 1

ROMA | SCORE: 1

Afro-Colombians have been one of the most affected populations over the 60 years of conflict despite the fact that there are no armed groups that represent or are led by the Afro-descendant people.

State and non-state actors frequently commit violence against ethnic and peasant groups who promote alternative visions of economic development and political organization and who demand economic and political redistribution and progressive institutional change from the state. State and non-state actors frequently exert violence against ethnic groups who represent or defend different visions and cosmovisions.

Afro-Colombians have been one of the most affected populations over the 60 years of conflict despite the fact that there are no armed groups that represent or are led by the Afro-descendant people. Afro-Colombian territories and natural resources have been historically appropriated by different legal or illegal armed groups who assassinate them when they refuse to leave their territories.⁸¹ As well as individual Afro-descendant people being disproportionately represented among the victims of the armed conflict, Afro-descendant territories have been disproportionately affected by the conflict. In 2015, 20 percent of *falsos positivos* (the assassination of civilians portrayed as combatants by the armed forces) took place in the Pacific region of the country, where a large portion of the Afro-descendant population lives (Chocó, Valle del Cauca, Cauca y Nariño).⁸² Between 2016 and 2020, the departments affected by massacres the worst were Nariño, Cauca and Valle del Cauca—which all have high black population levels. Between January and August 2020, 61 percent of massacres took place in the Pacific region.⁸³ In 2018, CODHES reported that, between January 1st and August 31st, at least 17 percent of the social leaders assassinated were Afro-descendant and that 31 percent of murders took place in Colombia's Pacific region.⁸⁴

According to the Colombian government's Victims' Unit, at least 384,886 Indigenous persons have suffered harm as a result of armed confrontations and violence in the Colombian armed conflict. That amounts to 20 percent of the total number of Indigenous persons in Colombia (1,905,617, according to the 2018 census). Indigenous victims are 4.2 percent of the 9,153,078 total registered victims of violence, a percentage similar to that of Indigenous people with respect to the total population (4.4 percent). In turn, according to the data of the National Network of Information for the Attention and Reparation of Victims (Red Nacional de Información para la atención y reparación a las víctimas), while 86 percent of the total victims suffered IFD (which often entails land dispossession), 97 percent of Indigenous victims did. More generally, according to the Ministry of Justice, the armed conflict has affected the assets and territories of Indigenous peoples and communities with greater intensity, restricting their mobility and hindering the development of daily activities that are crucial for their survival as collectives. Recently, despite the signing of the Peace Agreement, Indigenous leaders have been targeted through lethal violence by state and non-state actors at alarming levels. Also, many cases of sexual violence against Indigenous women and girls, as well as the forced recruitment of men and minors, have been documented.

There is often a misconception of the impacts of forced displacement on the Roma people during the conflict because these impacts are hidden or concealed as part of the Roma's ancestral nomadic practices.

According to the report prepared by Cumbre Agraria, Indepaz and Marcha Patriótica, since the signing of the Peace Agreement, and until June 2020, 971 social leaders have been assassinated; 342 (35 percent) of whom were known to be peasants. The main victims of homicides are communal leaders or peasants involved in claiming land restitution or in the substitution of illegal crops outlined by the Peace Agreement.⁸⁵

Roma people have been recognized as collective and individual victims of violence in the context of the armed conflict rooted in historic discrimination. They have been victims of forced disappearances, murders, kidnappings and extortion.⁸⁶ While confinement due to conflict reduced their opportunities for roaming, there were also frequent experiences of forced displacement. There is often a misconception of the impacts of forced displacement on the Roma people during the conflict because these impacts are hidden or concealed as part of the Roma's ancestral nomadic practices. Thus, while “for external observers, the displacements of family patri-groups were explained by their wide geographic mobility, and were always seen as normal, only the Kumpaños themselves understood [...] the differences between what a voluntary displacement was and what it entailed: a forced displacement derived from pressures associated with the actions of illegal armed actors.”⁸⁷

17. INTERGROUP TRUST

GENERAL PROPOSED SCORE: 4

There is a fairly low level of trust amongst members of the dominant group towards other groups and fairly high trust between members of different oppressed groups.

The Centre's *Pluralism Perceptions Survey* shows that 65 percent of the 986 interviewed people agreed (24 percent) or somewhat agreed (41 percent) with the assertion that it is possible to trust the majority of people. Those percentages were higher—agreed, 31 percent, and somewhat agreed, 44 percent, for a total of 75 percent—concerning both the assertions that it is possible to trust people from other ethnic groups and most of the people belonging to other Indigenous groups. These results are interesting because they suggest higher levels of trust in Indigenous groups and in other ethnic groups generally than in the wider population. Still, they should be interpreted with a grain of salt, since, as we have insisted throughout the report, people belonging to these groups are frequently subjected to violence and stigmatizing discourses.

We, therefore, propose that trust amongst members of the dominant group toward other groups is low, while there is fairly high trust between members of different oppressed groups. The latter assertion can be grounded, among other things, on the many organizations and mobilizations in which peasant, Indigenous and Afro-Colombian organizations converge to search for common goals and denounce common grievances, such as The National Association of Rural and Indigenous Women of Colombia (*Asociación Nacional de Mujeres del Campo e Indígenas de Colombia*), CONPA, the permanent Roundtable for Negotiating with Indigenous Peoples and Organizations (*Mesa Permanente de Concertación con los Pueblos y Organizaciones Indígenas*) and the Humanitarian Roundtables for Peacebuilding (*Mesas Humanitarias y de Construcción de Paz*).

18. TRUST IN INSTITUTIONS

GENERAL PROPOSED SCORE: 5

AFRO-DESCENDANTS | SCORE: 6

INDIGENOUS GROUPS | SCORE: 5

ROMA | SCORE: 2

Less than half of those surveyed (47 percent) expressed trust in the police and law enforcement, only 39 percent expressed trust in the justice system, and 50 percent expressed trust in the public health system.

There is an intermediate level of trust toward public institutions, which varies according to the type of institution and the group. Despite a history of colonialism, racism, institutional exclusion, abandonment and discrimination, as noted above, peasant and ethnic groups and their organizations make frequent legal and political claims before the state demanding the protection of their rights, their institutional inclusion, and their fair and differential treatment. Such claims are made before multiple institutions, notably courts, human rights ombudsperson offices, executive offices and Congress. Still, as previously stated, peasant and ethnic groups are subjected to frequent violence and abuses by military and police forces and armed non-state actors allied with them. They are also the target of stigmatizing discourse by elites. As a result, there is likely high distrust in these institutions and elites.

According to the survey data, less than half of those surveyed (47 percent) expressed trust in the police and law enforcement. Only 39 percent expressed trust in the justice system, and 50 percent expressed trust in the public health system. The percentages are even lower for non-religious, middle-income female and younger respondents. This data demonstrates a general limited trust in institutions; however, the specific experiences and perceptions of people belonging to the groups that are the focus of this report were unable to be analyzed because the data does not identify the ethnicity, race or rural/urban origin of those surveyed. Based on our wider analysis of pluralism and the situation of the four groups identified, it is likely that trust in institutions would be even lower than average for these groups.

It is not easy to find information about the perception that peasant and ethnic groups have of state institutions. In the search made, only an undergraduate thesis about the perceptions of Indigenous families living in Bogotá about the guarantee of children's rights was found. It indicates that families often consider that state services are provided without consideration for their cultures and traditions, and that there are violations of rights in areas such as child labour, criminal proceedings against adolescents, victims' rights, sexual violence and domestic violence.⁸⁸

There is a distrust of the Roma people towards state institutions due to their lack of sensitivity and commitment on such relevant issues as habitat and economic development.⁸⁹

19. INCLUSION AND ACCEPTANCE

AVERAGE SCORE: 2

Colombia is an exclusionary country with highly unequal distribution of resources and power, and very strong difficulties for non-dominant groups to mobilize and participate in politics without being subjected to violence.

As stated in the introduction and evidenced throughout the report, Colombia is an exclusionary country with highly unequal distribution of resources and power, and very strong difficulties for non-dominant groups to mobilize and participate in politics without being subjected to violence. Because the majority of the population is in poverty, and many belong to peasant and ethnic groups subjected to discrimination, we are comfortable asserting that most groups of such origin and belonging do not feel sufficiently included or accepted.

The answers to the *Pluralism Perceptions Survey* on inclusion and acceptance offer a different picture of individual perceptions, though they must be interpreted with care for two reasons. First, most questions focus on the issue of nationality, which, as noted above, has not historically been the main dimension of exclusion in Colombia. It is non-controversial that peasant, Indigenous Afro-descendant and Roma groups feel Colombian and are considered Colombian by other groups. The problem is that they are often discriminated against and persecuted despite being, feeling and being considered by others as Colombian. It is, therefore, not surprising that the vast majority of respondents agree or somewhat agree that they identify as Colombians (96 percent), see themselves as Colombians (95 percent), are glad to be Colombians (93 percent), feel strong ties with other Colombians (94 percent) and consider that other Colombians think they are Colombian just like them (87 percent). However, such answers cannot be considered as any grounds for asserting that respondents do not feel excluded or feel accepted in Colombia, since they can feel and be perceived as very Colombian and can still be the target of frequent violence and discrimination, as happens with peasants, Indigenous, Afro-descendants and Roma people.

Second, the survey does not distinguish respondents by racial or ethnic belonging, nor by rural/urban origin. Thus, the survey may not be capturing sufficient respondents belonging to such groups, which, in our view, should be *oversampled* to capture the relevant dimension of inclusion and acceptance in Colombia. For that reason, the most interesting question in the survey concerning inclusion and acceptance (Q36_1) must also be interpreted with care. According to the survey, 80 percent of respondents agree or somewhat agree that they can express all aspects of their identity without fear. Interestingly, the percentage is higher (84 percent) for lower-income people and lower for middle-income people (76 percent), non-religious people (75 percent), non-voters (75 percent) and non-citizen permanent residents (67 percent). Similar patterns of higher perceptions of inclusion and acceptance concerning lower-income respondents and lower perceptions for middle-income respondents, non-voters and (at times) non-nationals and religious respondents exist for the other questions concerning identification as Colombians. These offer interesting avenues for future research. Still, we do not feel comfortable using them as grounds for asserting that people feel included and accepted in the country because we cannot know if this is the case for people belonging to the groups that are most often discriminated against—peasants, Indigenous, Afro-descendant and Roma.

20. SHARED OWNERSHIP OF SOCIETY

AVERAGE SCORE: 4

Due to the frequent experiences of violence, exclusion, neglect and discrimination, it is likely that minority groups have a hard time feeling shared ownership over society and instead have a stronger feeling for the communities to which they belong and their fellow minority groups. Still, it is noteworthy that these groups insist on participating in politics and mobilizing for change with the hope that state institutions—and the country—can someday become theirs as well and not only belong to the dominant groups. Examples of the latter include their active mobilization, legal claim-making and support for candidates who promote a progressive agenda, such as Petro’s presidential campaign in 2018 and, more recently, Francia Márquez and Arelis Uriana, an Afro-Colombian environmental leader and an Indigenous Wayúu leader, both women, who are running for president in the Pacto Histórico coalition for the 2022 election.

The *Pluralism Perceptions Survey* responses to questions concerning shared ownership suggest that there are low levels of shared ownership in society overall, with 82 percent of respondents never volunteering for political parties, 64 percent to community groups, 63 percent to non-profit activities and 53 percent not donating to non-profit organizations. These percentages are higher for non-religious people and non-voters and, in some cases, for lower-income respondents. Again, as specified in the prior indicator, these answers should be interpreted with care because they do not distinguish respondents by racial or ethnic belonging, nor by rural/urban origin. In the case of many people belonging to ethnic groups, particularly Indigenous and Afro-descendant peoples, non-remunerated participation in community-based groups is a constant part of daily life and activism for the protection of cultural identity and in defence of group ethnic and territorial rights. Yet, this participation may not necessarily be conceived as “volunteering” as indicated in the questionnaire and, as noted above, may not necessarily be an indicator of shared belonging to wider society.

RECOMMENDATIONS

- 1) International treaties yet to be ratified should be, and the jurisdiction of international organs overseeing their monitoring and enforcement should be recognized.
- 2) Constitutional and legal protections afforded to Indigenous groups on the grounds of self-determination and diversity should be extended to Afro-descendants, and adequate protections for the self-determination and diversity of the Roma peoples and the peasantry should be created. We specifically recommend that, in compliance with ILO 169, the legal mechanisms that protect key rights for the survival of ethnic peoples (identity, territory and autonomy) should be strengthened, so that they can securely adopt and implement their own development model and form of livelihood. For this, the establishment and respect of autonomous communal authorities is essential.
- 3) The universal and consistent implementation and enforcement of constitutional mandates and provisions, policies and laws on the recognition, protection and respect of minority rights should be ensured. The main takeaway of the report is that the Colombian state tends to ratify treaties and develop policies and laws that are adequate on the books but are lacking in compliance, particularly those that protect the life and integrity of those promoting their implementation. Consequently, implementation and enforcement require not only the strengthening of the financial, technical and human resource capacities of state institutions in charge of implementation but also the identification, judicialization and eradication of the links between state agents and de facto powers that hinder or skew implementation and that often translate to loss of life and threats to social leaders demanding change. For the latter tasks, social and *international* monitoring are vital and should seek to unveil the motivations of lack of enforcement and implementation. The defence of the independence and strength of judicial institutions in charge of accountability should also be sought.
- 4) The improvement of existing mechanisms for the security and protection of social leaders and organizations exercising the right to petition and protest is urgent. These mechanisms should be adjusted to regional, ethnic and gender specificities. The mechanisms should be revised to identify the causes of their failure, and modifications to or the creation of new and more adequate mechanisms should be ensured. Civil society efforts to monitor and denounce rights violations should continue, and international support and visibility should be granted to them. Concretely, institutions like the Pluralism Monitor could offer continuous support for the needs involved in data collection and in the monitoring tasks of domestic organizations on the grounds.
- 5) The production of complete, systematic and disaggregated data on the implementation of international and constitutional obligations should be ensured. This entails time-series, cross-sectional and intersectional data that takes the ethnicity, race, class, rural belonging, gender and sexual orientation, age and disabilities of subjects into account, and that gathers relevant information on each. Currently available state data are not continuous across time, do not distinguish among different Indigenous groups or other groups within groups and provide little-to-no

information on women, senior citizens, children and persons with diverse capacities within each group. State capacities should be strengthened to produce such data. Further, civil society, with the support of international institutions like the Pluralism Monitor, should strive to monitor and demand the production of such data, as well as produce independent data to contrast the state's data. On those grounds, we recommend that the Pluralism Perceptions survey be improved and expanded so that it does not only capture perceptions and that the ethnicity, race, class, rural belonging, gender, sexual orientation, age and the disabilities of subjects are taken into account. If there are legal or institutional impediments to gathering such information directly, methodological strategies should be developed to infer it, such as oversampling in localities where ethnic groups predominate and conducting list experiments.

- 6) Information about rights violations and impunity should be significantly improved. As the report indicates, there is very little information about discrimination and access to justice of minority or oppressed groups. The available information on institutional claim-making is not complete or systematic; its quality depends on each institution. Further, information on overall rights violations that can be contrasted with existing claims and state decisions is incomplete and disperse. State efforts should focus on gathering the available information across institutions and producing complete and systematic data on the universe of rights violations and the percentage of those that claim and attain justice. The JEP's efforts on this are worthy of recognition and should be strengthened and expanded. Here also, civil society, with the support of international institutions, such as the Pluralism Monitor, should strive to monitor and demand the production of such data, as well as produce independent data separate from that generated by the state.

NOTES

- 1 Gustavo Díaz, “Impacto del TLC con Estados Unidos en el sector agrícola colombiano, mas riesgos que oportunidades (caso arroz)” [Impact of the FTA with the United States on the agricultural sector, more risks than opportunities (the case of rice)], *Revista CIFE* 14:20 (2012): 55–82.
- 2 A. D. Gómez, *Pueblo Rrom–Gitano–de Colombia: haciendo camino al andar* [Roma People of Colombia: Making a path by walking] (Bogotá: Departamento Nacional de Planeación [National Department of Planning], 2010).
- 3 María Paula Saffon and Fabio Sánchez, “Historical Grievances and War Dynamics: Old Land Conflicts as a Cause of Current Forced Displacements in Colombia” (Bogotá: Universidad de los Andes, Facultad de Economía, 2019).
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