**Colombian Delegation to the UN in Geneva**

**Ministry of Foreign Affairs**

**DCHONU No. 463/17**

The Permanent Mission of Colombia to the United Nations and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights on the occasion of submitting a copy of the findings of the Colombian state on the measures adopted to combat racism, racial discrimination, xenophobia and other related forms of intolerance. This report is in accordance with General Assembly resolution 71/181.

The Permanent Mission of Colombia to the UN and other International Organizations at Geneva avails itself of the opportunity to renew to the Office of the United Nations High Commissioner for Human Rights at Geneva the assurances of its highest and most distinguished consideration.

Geneva, 17 May 2017

To the Honourable

Office of the United Nations High Commissioner for Human Rights

Geneva

Chemin du Champ d’Anier, 17-19 1209 Geneva

Tel ++44 (0) 22 798 45 54 ++ (0) 22 798 47 18 Fax ++41 (0) 22 791 07 87

[mission.colombia@ties.itu.int](mailto:mission.colombia@ties.itu.int)

* Act No. 160 of 1994, through which the process of titling the collective lands of black communities is established.
* Act No. 191 of 1995, which considers the situation of ethnic minorities in border regions.
* Act No. 301 of 1996, through which representation of black communities in the National Council for Agriculture, Livestock & Agroindustry is established.
* Act No. 397 of 1997 or General Law on Culture, in which the State recognizes the equal value of all cultural manifestations by the Colombian population. It establishes special rights for ethnic minorities as well as areas of participation for the different communities in discussions on adequate protection of their events and assets of cultural interest.
* Act No. 434 of 1998, which sets forth provisions for representation of black communities in the National Peace Council.
* Act No. 539 of 2000, which classes the following as a crime: genocide, forced disappearance, forced displacement and torture, amongst others.
* Act No. 725 of 2001, which establishes 21 May as Afro-Colombian Day.
* Act No. 731 of 2002, which sets forth provisions to benefit women living in rural areas and which establishes the participation of not less than 30% of black women living in rural areas in Community Councils and Consultative Commissions.
* Act No. 734 of 2002, Disciplinary Code, in which Article 35 expresses that no public servant may apply any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose of destroy or diminish the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms in political, economic, social & cultural arenas and in any other field of public life (Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, approved in Colombia through Act No. 22 of 1981).
* Decree-Law No. 4635 of 9 December 2011, which establishes measures of assistance, attention, comprehensive reparations and restitution of lands to victims from black, Afro-Colombian, Raizal and Palenquera communities.
* Act No. 1757 of 2015, which establishes the representation of black communities in the National Council of Citizen Participation
* Act No. 1833 of 2017, which creates the Legal Commission for the Protection of Rights of Black or Afro-Colombian Communities of the Congress of the Republic.

In addition Act No. 1482 of 2011 is highlighted, which aims to guarantee the protection of the rights of a person, group of people, community or people who are vulnerable to acts of racism or discrimination; also Act No. 1530 of 212, an amendment of the former which interprets as a criminal offence acts of discrimination based on race, ethnicity, religion, nationality, political or philosophical beliefs, gender or sexual orientation, disability and other forms of discrimination.

Since Act No. 1482 of 2011 came into force, 300 investigations have been brought on behalf of the Public Prosecution, 199 of which relate to racial discrimination and in 101 of which the victim is a member of an Afro-descendant community and concerns crimes of racism, discrimination or harassment on the grounds of race. Of these cases, five have reached preliminary inquiry stage, one is under investigation, three are in court and one has resulted in conviction.

In the last four National Development Plans corresponding to the period 1998-2014, specific components have been included directed at improving living conditions for ethnic groups and at recognising and strengthening their cultural identity. This means that a public policy designed to promote improvement of living conditions of ethnic groups in Colombia is a Government priority.

In the same way, it is important to highlight that the Ministry of the Interior succeeded in incorporating Article 112 in Act No. 1753 of 2015 in the National Development Plan 2014-2018, the essence of which involves developing an inter-sectoral action plan as part of the International Decade for People of African Descent. This action plan will be aimed at “guaranteeing the recognition of, justice for and development of Afro-Colombian communities and will contain measures aimed at guaranteeing equal opportunities for said population” and “in order to develop programmes, projects and actions benefitting people of African descent, the Government will establish differential indicators and targets which allow social inclusion to be measured in different sectors related to social policy.” The Ministry of the Interior, with the support of the Pan American Development Foundation (PADF), prepared a background document for creating an Inter-sectoral Action Plan for the International Decade for People of African Descent addressed in Article 112 of Act No. 1753 of 2015.

Additionally, the Ministry of the Interior supports the Equal Opportunities for the Afro-Colombian Population Bill which aims to recognise the fundamental right of black communities to an ethnic identity as well as taking affirmative action to guarantee the principle of substantive equality to members of this community, in order for them to be included on an equal footing.

The Observatory against Discrimination and Racism, which operates within the Ministry of the Interior, supports the community in cases of racial discrimination, advising in cases of infringement of rights and in respective reports to competent authorities. In these circumstances, racial discrimination awareness-raising campaigns are carried out within public and private institutions in which such cases have been presented.

**IMPLEMENTATION OF THE DECADE FOR PEOPLE OF AFRICAN DESCENT**

As part of the Plan for the Decade for People of African Descent, work is being undertaken to create an Inter-sectoral Commission for the implementation, monitoring and evaluation of the programmes, projects and actions of the Inter-sectoral Plan for the Decade for People of African Descent, which will aim to:

1. Establish differential indicators and targets which allow social inclusion to be measured in different sectors concerned with social policy
2. Approve the Inter-sectoral Action Plan for the International Decade for People of African Descent, prepared by the Ministry of the Interior
3. Advise, based on the Inter-sectoral Plan for the International Decade for People of African Descent, on the design of a public policy guaranteeing the recognition of, justice for and development of the Afro-Colombian population
4. Fulfil the recommendations for the implementation of the programmes, projects and actions of the Inter-sectoral Plan
5. Monitor and evaluate the implementation of the Inter-sectoral Action Plan for the International Decade for People of African Descent
6. Carry out the recommendations to each sector in order that measures are taken to address the lack of progress in fulfilment of the programmes, projects and actions of the Action Plan for the Decade for People of African Descent

In the same way, the Ministry of the Interior is moving forward with processes which will give strength to public servants at national and regional level so that they include affirmative actions with a differential focus to combat racism and promote respect for the rights of black, Afro-Colombian, Raizal and Palenquera communities. By the end of 2017 at least 1000 public servants will be engaged in ensuring the inclusion of black community dynamics in the instruments of planning whether this is between regional or national government entities.

Finally, it must be pointed out that as part of the Decade for People of African Descent, various actions have been carried out, for example:

* Regional plans have been created including different public activities which involve events to raise awareness in society of the cultural and ethnic diversity which exists in the country and the need to respect it. Regional programmes will be planned in Medellín, Palmira & Bogotá and there is already a separate plan for the Department of Antioquia.
* Colombia seeks recognition of the manifestations of culture and the identities of Afro-Colombian, black, Raizal and Palenquera communities. One of the most successful activities is the declaration of the month of May as “Afro-Colombian month” which, in the last few years, has enabled the African legacy of Colombians to be made visible, giving rise to spaces for dialogue and interaction between communities, academics, social organisations and citizens in general.
* The event known as the “Arrival of African Legacy” which took place on 21 May, “Afro-Colombian Day”, highlighted the arrival of this culture which today makes us so proud as bearers of a national identity. The Buccaneer Galleon Museum in Cartagena bears witness to the slave trade and inside there are torture exhibits and explanations of how human trafficking was carried out. Today visitors can go inside to read texts by writers and researchers reflecting on historical and current facts about the people of African descent, accompanied by the rhythms of the drums - symbols of resistance and freedom to Afro-Colombian communities.
* In this spirit, the Chair of the Decade of African Descent in Cartagena de Indias, organised by the Ministry of Culture and in alliance with a group of local institutions, aims to encourage dialogue between the knowledge gained through academic and cultural research and knowledge associated with traditional and customary practices within the region’s black communities. It is hoped that by exposing the infringement of human and cultural rights of black communities and recognising their cultural practises, strengthened identity and dignity for people of African descent will emerge.
* In addition, over the last year and as part of the Colombian cultural diversity policy, “Grandparents’ Tables” were introduced which are a way of recognising the traditional
* knowledge of ethnic groups as well as their participation in and contribution to the country’s identity throughout its history as a nation. Given that grandparents and traditional knowledge-holders are at the forefront of this initiative, it is a living tribute to the cultural experience of men and women bearing the African ancestral legacy which lives on in Colombia.
* Likewise, with the International Decade for People of African Descent and Afro-Colombian month as its model, the Ministry of the Interior is creating a series of affirmative actions of impact across the national territory throughout May 2017, with the aim of highlighting the contributions Afro-Colombian people have made in terms of building the country. In developing these actions, events and communications, campaigns have taken place to promote inclusion of people of African descent in the different spheres of influence in society and to raise awareness of the importance of eradicating racist practices in Colombia.
* Justice Houses, which are located in towns with indigenous communities, people of African descent or special ethnic groups, have an “ethnic link” office which aims to provide information and guidance to people from minority groups living in the respective municipalities.
* The Human Rights Policy and International Humanitarian Law of the Ministry of Defence has enabled training and education to be provided to the Armed Forces for them to help ethnic communities. Currently, the Armed Forces and National Police have 156 link officers who advise the Major on the topic of ethnic groups and serve as a communication channel between the Armed Forces and communities by addressing worries and handling complaints from these groups.
* The ten-year Afro-Colombian Community Plan has been laid out along with a special Statute for the Raizal People of San Andrés and property tax compensation for collective territories of black communities is in development. This translates into more than 20 million dollars annually from 2017.
* User-friendly health services, with emphasis on sexual and reproductive health, have been developed in which services tailor their treatment to the needs of young people with the aim of supporting the creation and implementation of lifelong projects which are in accordance with their culture.

Finally, it should be pointed out that there is a special chapter in the Final Agreement for the Termination of Conflict and the Construction of Stable and Lasting Peace between the Colombian government and FARC-EP, for black, Afro-Colombian, Raizal and Palenquera communities. In this chapter, the distinctive features of these communities are collated which will materialize in policy development as a result of the legislative act 01 of 2016 which must be consulted with these communities through the request for respective representation.