Committee on the Elimination of Racial Discrimination

100th session

Summary record of the 2778th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 27 November 2019, at 3 p.m.

Chair: Mr. Amir

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Combined seventeenth to nineteenth periodic reports of Colombia
The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Combined seventeenth to nineteenth periodic reports of Colombia
(CERD/C/COL/17-19; CERD/C/COL/Q/17-19)

1. At the invitation of the Chair, the delegation of Colombia took places at the Committee table.

2. Mr. Chaux Donado (Colombia), introducing the combined seventeenth to nineteenth periodic reports of Colombia (CERD/C/COL/17-19), said that the country was a multi-ethnic, multilingual and multicultural State, which had achieved substantial progress with regard to ensuring the rights of members of ethnic groups. The Political Constitution of 1991 enshrined a multidimensional approach to equality, promoting the adoption of measures in support of groups that suffered from marginalization or discrimination and recognizing the direct effect of the international treaties ratified by Colombia.

3. Through Act No. 1955 of 2019, the State party had issued the 2018–2022 National Development Plan, entitled “Pact for Colombia. Pact for Equity”. The Plan had been developed through a process that had involved all social sectors, resulting in the inclusion of a chapter on indigenous issues. The Plan promoted equity through affirmative action and recognized the ethnic diversity of the country.

4. Articles 171 and 176 of the Constitution established special electoral constituencies for indigenous, Afrodescendent and Raizal people. Two Afro-Colombian members of the current Congress, two indigenous senators and one indigenous representative had been elected by the special constituencies. Eight members of Congress who self-identified as Afro-Colombian and eight senators who belonged to ethnic groups had also been elected to the current Congress and, in the local elections in October 2019, several governors who belonged to ethnic groups had also been elected.

5. The State party did not distinguish among ethnicities with regard to the exercise of civil, economic, social and cultural rights. It maintained an open-door policy of welcoming Venezuelan migrants, who currently totalled 1.7 million. In September 2019, regulations had been amended to grant Colombian nationality to the children of Venezuelan migrants born in Colombia, of whom there were more than 25,000.

6. In the area of education, the National Development Plan contained agreements that had been reached with the indigenous, black, Afro-Colombian, Raizal, Palenquero and Roma communities. The State party was currently engaged in consultation on the standards of the indigenous peoples’ education system and the teacher’s statute for Afro-Colombian communities, with the aim of ensuring that children of the country’s ethnic groups enjoyed the right to a culturally relevant education.

7. In accordance with Decree No. 1953 of 2014, the first indigenous university, the Autonomous Indigenous Intercultural University of Cauca, had been recognized in 2018. To promote indigenous peoples’ access to universities, investments were being made in the Álvaro Ulcué Chocué Fund, which was anticipated to provide funds for an additional 2,000 indigenous university students in 2019 and which had been incorporated into State policy through Act No. 1986 of 2019. Similarly, the Special Fund for Education Loans for Afrodescendants had provided loans to 4,866 Afro-Colombians.

8. Health care was available to 97 per cent of members of ethnic communities. The Government, together with indigenous authorities and organizations, was making progress in building, developing and rolling out the Indigenous and Intercultural Health System. To that end, Circular No. 011 had been issued in 2018 to adapt the implementation and cultural structure of the System to local conditions. Input from Roma and indigenous peoples to define departmental health-care goals and strategies had been collected, and the Ministry of Health would issue the corresponding resolutions in the coming months.

9. Ethnic affiliation had been included as a variable in the registration of births and deaths. A pilot project on the notification of life events by ethnic communities had been
implemented in the Departments of Cesar, Magdalena, Cauca and Putumayo, with a view to reducing the underregistration of births and deaths.

10. In October 2018, the Government had launched the “Guajira Azul” programme to increase access to and the continuity and quality of drinking water services in the Department of La Guajira. The Government had also invested in increasing access to drinking water in the Departments of Cauca and Chocó.

11. The fundamental right of ethnic communities to prior consultation was enshrined in article 2 of the Constitution and legally recognized through the adoption of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). Presidential Directive No. 10 of 2013 provided guidance on the consultation process.

12. In January 2019, the Standing Committee on Consultation with Indigenous Peoples had reviewed and discussed the proposals for the National Development Plan through a process that had resulted in 320 agreements. For the Roma community, 78 agreements had been concluded through prior consultation, while the Afro-Colombian, black, Palenquero and Raizal communities had reached 239 agreements through the National Forum for Prior Consultation with Black Communities, as well as the High-level Consultative Commission, whose primary task was to ensure the implementation of the regulations of Act No. 70 of 1993. The Government had committed to fully implementing Act No. 70 by 2020.

13. The Attorney General’s Office was conducting a total of 611 investigations into the alleged commission of crimes specified in Act No. 1482 of 2011, of which 423 involved acts of discrimination and 188 were harassment based on race, religion, political ideology or national, ethnic or cultural origin. Since April 2014, the Attorney General’s Office had prioritized its investigations in the District of Buenaventura, which had led to 366 convictions in 2018 and 396 convictions in 2019 to date.

14. Meeting the standards laid down by the Constitutional Court, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, the Attorney General’s Office had solved 56 per cent of the cases of murders of human rights defenders. Of those cases, 50 had involved human rights leaders or defenders who belonged to ethnic groups.

15. With a view to coordinating the indigenous branch of the legal system with the regular legal system, the Government had signed international cooperation agreements with the United Nations Office on Drugs and Crime, through which seven projects with indigenous communities had been supported, and with the Organization of Ibero-American States for Education, Science and Culture, which had prioritized 31 initiatives in 15 Departments. The Government was supporting the development of internal regulations by indigenous communities, and the High Council of the Judiciary had created a forum for inter-court dialogue to facilitate access to justice for ethnic communities.

16. With regard to the implementation of Act No. 1482 of 2011, the Government had made substantial disbursements, since 2014, for individual reparations to victims who belonged to ethnic groups, as well as for collective reparations. Furthermore, during the same period, 76 land restitution claims had been filed; decisions had been issued in favour of restoring land rights to indigenous communities in 16 cases and to Afro-Colombian communities in 2 cases.

17. Recognizing the importance of including an ethnic focus in the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, the Government had established a special high-level forum of ethnic peoples, which had been formalized through Decree No. 1995 of 2016. The forum had agreed on 97 indicators, which would serve as a basis for monitoring action on all aspects of the Agreement in the following 15 years.

18. The State party had launched the implementation of its comprehensive programme of safeguards for human rights defenders and civic leaders through pilot projects being developed in Putumayo and Montes de María. It also had established, by Decree No. 2137 of 2018, an intersectoral commission for the development of a timely action plan for individual and collective protection of the rights to life, freedom, integrity and security of human rights defenders, social and community leaders and journalists. Since September
2018, the Government had held 12 regional meetings with the participation of approximately 370 human rights defenders and 160 civil servants.

19. The National Department of Statistics had included the criterion of ethnic self-identification in its statistical operations. Its 2018 quality of life survey had provided representative data on urban and rural conditions in the country’s 32 Departments. In the 2018 national population and housing census, the response rate to the question about ethnic self-identification by indigenous and Roma peoples had been robust, but that had not been the case for Afro-Colombian, black, Raizal and Palenquero peoples. The Department had accordingly drawn on the 2018 quality of life survey for its official data on the Afro-Colombian population.

20. Colombia had the firm political will to eliminate all forms of discrimination and break down the walls of ignorance, racism, xenophobia and racial stereotyping. It was committed not only to the Constitution and the Convention but also to doing the right thing.

21. The Chair commended the work of Mr. Murillo Martínez, a Colombian national, and in particular his efforts on issues affecting people of African descent.

22. Ms. Verdugo Moreno (Country Rapporteur) said that, while the Committee welcomed the use of self-identification for indigenous and Afrodescendent people in national censuses, she wished to know whether the persons who carried out the censuses had received training on the cultural specificities of those groups and what steps had been taken to ensure that rural populations were included in the censuses. She wondered whether the fact that, according to census data, the proportion of persons of African descent had not risen in line with the general population growth was due to the failure to identify such persons in the censuses.

23. Regarding the definition of racial discrimination, she wished to know whether any legislation was under consideration to bring the law fully into line with the Convention. While national legislation complied with the standards in the Convention with regard to propaganda, she asked whether steps had been taken to explicitly prohibit supremacist propaganda in the Criminal Code, in order to combat hate speech against human rights defenders and members of indigenous and migrant groups. Noting the low rate of prosecution for hate speech and racial discrimination, she asked whether the State party had launched any initiatives to encourage victims to make complaints and to facilitate access to justice for marginalized groups. She would also welcome more information on how the Observatory on Discrimination and Racism functioned.

24. While congratulating the State party on reaching a peace agreement to end armed conflict in the country, she asked what percentage of the provisions covering ethnic issues in the agreement had been implemented effectively; whether the high-level forum of ethnic people provided for in the agreement had an effective communications mechanism; how the forum interacted with the Comprehensive System of Truth, Justice, Reparations and Non-Repetition; whether sufficient resources had been allocated to the implementation of the agreement; and what form the prior consultations on the legislation creating the Special Jurisdiction for Peace had taken. As armed groups remained active in the country and were responsible for, among other things, the high rate of sexual violence against indigenous and Afrodescendent women, the Committee wished to know to what extent the State was focusing on achieving peace and ensuring the security of affected areas; how the Early Warning System worked; and what was being done to facilitate access to prosecution and reparation, in particular collective reparation.

25. As indigenous and Afrodescendent populations continued to suffer structural discrimination, she would like to know what was being done to improve their access to drinking water, basic sanitation and high-quality health services, to combat chronic malnutrition among children and to ensure that births in rural areas were registered. She would also welcome information on whether health-care professionals received training on the cultural needs of such populations and on problems such as obstetric violence, and whether care was provided for victims of sexual violence, including psychological care and measures to prevent secondary victimization. She asked what initiatives were in place to remove the barriers to employment faced by indigenous and Afrodescendent people, and whether the State party had adapted the educational infrastructure and curriculum to take
account of those groups’ needs and facilitate access to higher education and employment. The Committee would also like to know what initiatives had been developed within the framework of the International Decade for People of African Descent.

26. With regard to territorial rights and land restitution, while the Committee welcomed the legal recognition of indigenous land rights and the provision of legal assistance in that regard, it would like to know how the ethnic protection plans were being developed, in particular with regard to the endangered Awá, Hitnú, Uitoto and Wayúu communities; whether sufficient funds were available to allow the rapid and effective restitution of land rights; and what processes were in place to deal with third-party private property titles in affected areas. As the Committee had received reports of significant delays in the restitution of land rights and in the rate of response to territorial claims, she wished to know what process was followed once a person or community’s rights had been legally recognized.

She would also welcome information on whether prior consultations were held before granting mining rights to corporations, and whether such rights were suspended in practice in the event that a displaced community’s land rights were legally recognized. As the National Land Agency had a backlog of land titling cases, she would appreciate information on whether the deadline for the settlement of such cases would be pushed back and whether any steps had been taken to expedite the decision process. Given that a fund to support rural indigenous communities without lands had been established, she wished to know whether similar protections were available for Afrodescendent populations and how the State was implementing Act No. 70 of 1993 on the recognition of Afrodescendent populations. As the State had been slow in consolidating the formal regulation of territorial rights, she wondered what percentage of collective lands had been recognized as belonging to Afrodescendent communities and how the State was developing the processes for the determination of land tenure.

27. As indigenous and Afrodescendent women were traditional victims of structural discrimination, she would welcome information on whether the State party had adopted any gender equality policies with an ethnic focus and what budget had been allocated to their implementation. She asked whether the delegation could provide disaggregated data on the number of victims of sexual violence perpetrated by armed groups, as such violence largely affected indigenous women. She inquired whether there were any mechanisms in place to help women file complaints, without exposing them to secondary victimization, and to improve the reparations and care provided to victims. She would also like to know what steps the State had taken to implement Act No. 1257 of 2008 on violence and discrimination against women and Act No. 1719 of 2014 on access to justice for victims, and what capacity-building activities had been offered to indigenous women through the Programme for the Protection of the Fundamental Rights of Indigenous Women in Situations of Displacement or Risk.

28. With regard to the right of ethnic groups to prior consultation, she wished to know how that right was being enforced in practice; how the Standing Committee on Consultation with Indigenous Peoples functioned; whether steps had been taken to ensure that such consultations were culturally appropriate; whether the representatives elected to the committee were qualified to make decisions on behalf of such communities; whether full and complete information about both the positive and negative aspects of potential projects was provided to the communities during consultations; and who decided which issues should be subject to prior consultation.

29. Given the high rate of homicide among human rights defenders and indigenous and Afrodescendent community leaders, she asked what measures had been adopted to urgently combat the rise in violence. While she appreciated the State’s efforts to establish numerous mechanisms to address various issues, she warned against the danger of introducing too many bureaucratic processes, as doing so could contribute to the problems that they were intended to solve. She wished to know whether there was a process to assess the efficiency and effectiveness of existing policies and projects, with a view to focusing on those efforts rather than introducing new initiatives. She asked what measures were in place to enable human rights defenders in rural areas to benefit from government protection and, in the event of their murder, to identify the ideological instigators behind the attack. She also wished to know what was being done to improve the existing self-protection systems for
indigenous and Afrodescendent communities rather than providing external protection, as such systems were more suited to those communities’ needs.

30. With regard to indigenous justice, she would welcome information on what was being done to develop autonomous justice systems for indigenous and Afrodescendent communities, to facilitate access to justice and to provide information in indigenous languages. She also asked whether judicial authorities received training on such systems, and how the criteria to determine whether a case fell under the jurisdiction of the special indigenous courts were applied in practice.

31. While commending the State party’s efforts to accommodate the large influx of migrants from Venezuela, she asked how it was ensuring that such persons, in particular those with HIV, had access to essential services and, given the lack of specific legislation on hate speech, what it was doing to combat the rise in anti-migrant discourse.

32. **Mr. Kut** (Follow-up Coordinator) said that he welcomed the timely submission of the State party’s interim report (CERD/C/COL/CO/15-16/Add.1) on its follow-up to the recommendations contained in paragraphs 12, 16, 30 and 36 of the Committee’s previous concluding observations (CERD/C/COL/CO/15-16). The Committee had been moderately satisfied with the State party’s response to the recommendations in the interim report and, in a follow-up letter sent to the State party in May 2017, had requested further details on the impact of the action taken.

33. The issues raised in paragraph 12 had been addressed in paragraphs 106 to 111 of the periodic report before the Committee. He would appreciate additional information concerning the six legislative initiatives mentioned in paragraph 110 and the framework implementation plan mentioned in paragraph 111.

34. With regard to the issues raised in paragraph 16 of the concluding observations, the Committee had expressed regret in its follow-up letter at the lack of detailed information on the implementation of ethnic protection plans. The issues of ethnic protection and protection of indigenous peoples in voluntary isolation were addressed in paragraphs 66 to 80 of the current periodic report.

35. The recommendations contained in paragraph 30 of the concluding observations had focused on the Afro-Colombian population in Buenaventura. The Committee had commended the measures described by the State party in its interim report, but it had expressed concern about the failure to organize round-table discussions between representatives of the Government, the private sector and members of the Afro-Colombian communities. The issues were addressed in paragraphs 121 to 127 and paragraph 135 of the current report. Furthermore, paragraph 145 referred to the organization of 429 dialogue-focused meetings. It was unclear, however, whether those meetings bore any relationship to the Committee’s recommendation concerning round-table discussions.

36. With regard to the recommendations contained in paragraph 36 concerning the right to safe drinking water, the Committee had commended the information provided in the State party’s interim report but had expressed regret about the lack of information on the impact of the mining industry. The issues raised were addressed in paragraphs 171 to 181 of the current report, but the Committee would welcome additional information about the implementation and results of the plans and programmes.

37. **Ms. Shepherd** said that she commended the plan to introduce culturally relevant education and curricula in the State party’s schools. She would appreciate further information about the measures being taken to that end, in consultation with Afro-Colombians and indigenous peoples, and on action to ensure that all students, especially those in rural areas, had access to state-of-the-art educational facilities and the requisite curricula for higher education. She would also like to know how many Afro-Colombians and indigenous peoples had benefited from laudable initiatives such as access to loans for enrolment in higher education institutions.

38. The State party should continue taking action in the framework of the International Decade for People of African Descent, participate in the discussions concerning the declaration and permanent forum, and involve Afro-Colombians in all its plans. In that connection, she wondered whether the State party was supporting Afro-Colombians and
indigenous peoples in their quest for reparation for colonial injustice, especially in light of the connection between their treatment at that time and the current situation.

39. She was concerned about the unrealistically low figures for Afro-Colombians in the previous census and hoped that effective action would be taken to produce more accurate figures in the next census.

40. Mr. Avtonomov said that he wished to commend the State party’s efforts to protect its multicultural linguistic heritage.

41. He also commended the adoption of Act No. 985 of 2005 on the prevention of trafficking in persons, as well as the establishment of an inter-agency committee and the creation of special units in the national police force and the Ministry of the Interior. The National Strategy to Combat Trafficking in Persons 2016–2018, adopted by Decree No. 1036 of 2016, also provided for the establishment of observatories, the production of updated data on human trafficking and the development of more effective policies.

42. Ms. McDougall said that she had visited Colombia in 2010 as the Special Rapporteur on minority issues. As most people knew that roughly 25 per cent of the population were Afrodescendants, she had discussed the 2005 census with a senior official in order to ascertain the grounds for the figure of only about 10 per cent recorded at that time. She had attributed it to the fact that most census workers had been unwilling to visit Pacific coastal regions. She wished to know whether the census methodology had been amended and whether training had been provided for members of the Afro-Colombian and indigenous communities. It would also be useful to know whether the census data were properly disaggregated and whether the figures were included in the State party’s reports on the Sustainable Development Goals.

43. She had been shocked by the violence perpetrated at the time in regions inhabited by the Afro-Colombian and indigenous peoples. Community leaders had been targeted if they opposed demands to turn over their land for conversion into cocoa or palm oil plantations. She would be grateful for statistics regarding investigations into such violence and the prosecution of perpetrators.

44. Mr. Cali Tzay said that, while some regions of the State party had benefited from the peace agreement, violence had actually increased in other areas, particularly those inhabited by indigenous communities, such as the Department of Cauca. He was also concerned about the threats levelled against Afrodescendant leaders in the Department of Chocó. The Committee had been informed that 36 people had been killed in the State party in October 2019. While he welcomed the information provided by the head of the delegation concerning criminal proceedings in Buenaventura, he was shocked by the number of cases reported.

45. He wished to know what action was being taken by the Ministry of Health to address the needs of lesbian, gay, bisexual, transsexual and intersex persons, people of African descent and indigenous peoples who were victims of stigmatization.

46. He was pleased to hear that the ethnicity of candidates for public corporations or decision-making offices was not taken into account. He wondered, however, who was responsible for managing political parties.

47. Mr. Yeung Sik Yuen said that, according to table 2 in the State party’s common core document (HRI/CORE/COL/2015), there were 23,799,679 males and 24,403,726 females in the age group 0–4 years. The figures should be amended, because the age group would account for more than the entire population if they were correct.

48. According to paragraph 55 of the core document, the liquidation of the National Narcotics Directorate in the Ministry of Justice by 31 December 2013 had been ordered by Decree No. 3183 of 2011. He wished to know why it had been liquidated.

49. Paragraph 85 of the core document stated that the judiciary was independent and autonomous, and the following paragraph stated that the High Council of the Judiciary was responsible for the administration of the judiciary and the application of disciplinary measures. Yet no information was provided on the appointment and dismissal of judges or the composition of the High Council. Furthermore, paragraph 85 stated initially that the
Supreme Court of Justice was the highest court, and subsequently that the Constitutional Court was the highest court. He was also surprised to note that the Constitutional Court was composed of all judges of the republic. He wondered how such a court could operate.

50. **Mr. Diaby** said that, according to the report, the Observatory on Discrimination and Racism had received 104 complaints. He would be grateful for information concerning the action taken to address their content.

51. He noted with regret that, although the Ombudsman’s Office had enjoyed A status accreditation for nearly two decades, no representative of the Office was attending the dialogue.

52. He would be interested to know what progress Colombia had made in implementing the Sustainable Development Goals for indigenous peoples and people of African descent. Had Colombia submitted any reports to the United Nations on its achievement of the Goals, particularly Goals 1, 2 and 3 on poverty, hunger and health? Given that indigenous peoples and people of African descent had suffered disproportionately as a result of the internal armed conflict, he would appreciate statistics on the number of indigenous and Afrodescendent children who had been affected by that conflict and the measures that had been taken for their protection. What role did the Ombudsman’s Office play in preventing and mitigating the impact of the conflict on ethnic groups? Furthermore, he wondered whether Colombia maintained disaggregated data on the proportion of Afro-Colombians and indigenous persons in the prison population, and what crimes they were convicted of. He would also like to know more about the structure and composition of the Observatory on Discrimination and Racism, the profile of its officials and how they were selected, and any investigations that the Observatory had conducted into allegations of racism and their outcomes. What had been the Observatory’s role in preparing and conducting the national population and housing census? Lastly, he asked whether Colombia had a housing policy that envisaged the differential treatment of indigenous peoples and people of African descent.

53. **Mr. Bossuyt** said that he would welcome clarification of the status of the State party’s ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance. He would be interested to know what was meant by the “multidimensional approach to equality” set forth in the Constitution. He would be grateful if the delegation could describe the circumstances that had led the Constitutional Court to pronounce its judgment T-462 of 2015, which established that employers could not exercise disciplinary authority against an individual because of his or her ethnic identity. He asked when the “enforced displacement of certain indigenous peoples”, mentioned in paragraph 66 of the report, had been carried out and by whom. What relationship, if any, existed between the illegal miners and missionaries who were mentioned in relation to the prevention of contact with indigenous peoples in voluntary isolation? The delegation should also explain the large discrepancy between the 22,000 women victims of sexual violence described in paragraph 96 of the report and the 314,000 victims referred to in paragraph 191. What was the meaning of the term “civil strike” in paragraph 130? More information should be provided about the land expropriation that had taken place and State party’s efforts to restore that land to the communities concerned. Lastly, he would be grateful if the delegation could describe the criteria that were applied under Directive No. 011 of 2016 to determine whether a person was a human rights defender.

54. **Ms. Mohamed** said that she wished to know more about the composition and powers of the Special Jurisdiction for Peace that had been established in Colombia. She asked who presided over the High Council of the Judiciary and what proportion of members of the Senate and the Chamber of Representatives came from an indigenous or Afrodescendent background.

55. **Ms. Chung** said that more information should be provided on the sexual violence mentioned in the report, including whether any children had been born as a consequence of it. She asked whether the authorities had conducted any investigations or published a comprehensive report on the sexual violence. Given that the number of registered victims seemed small, she wondered whether underregistration was a factor and whether non-
governmental organizations had reported a larger number of victims. Did the Government continue to register victims? While it was clear that many women had received counselling, assistance, psychological care and compensation, she wished to know what further measures had been taken for the recovery of the victims’ dignity, such as the punishment of perpetrators or the issuance of an apology by the Government. She was interested to know whether the Comprehensive Victim Support and Reparation Unit established in 2011 was still operational, and whether it focused exclusively on female victims. If not, did its processes incorporate a gender perspective or were there other institutions focusing specifically on women victims? She would appreciate an explanation of the relationship between the Comprehensive Victim Support and Reparation Unit, the Comprehensive System of Truth, Justice, Reparations and Non-Repetition, and the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement. Lastly, she asked whether the survivors of sexual violence had participated in the negotiations that had led to the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.

56. **Ms. McDougall** said that she remained concerned about the protection of land belonging to indigenous peoples and Afro-Colombians, given that Act No. 70 of 1993 did not appear to have been fully implemented and that the Government had authorized the operations of extractive industries in areas recognized as ancestral lands. Noting, too, that illegal gold mining had resulted in a number of mine collapses, she asked the delegation what corrective actions, such as the revocation of mining concessions, had been taken to address the fact that land titles had been granted without seeking the free, prior and informed consent of the people to whom the land belonged.

57. **Mr. Calí Tzay** said that violence in Colombia was often caused by foreign mining companies rather than the security forces. He wondered what the State party was doing to control those companies, whose actions sometimes resulted in indigenous and Afrodescendent human rights defenders being forced out of the area or murdered for asserting their rights. The delegation should also comment on the reported criminalization of social protest and prosecution of community leaders, which were particularly worrisome. He was also interested to know whether Colombia planned to intensify its activities for the promotion of the International Decade for People of African Descent, having been one of the driving forces behind that initiative.

58. **Mr. Yeung Sik Yuen** said that, since the Observatory on Discrimination and Racism referred many of the complaints of racial discrimination it received to other institutions, he wished to know whether any follow-up and monitoring mechanisms were in place to ensure that those complaints were given due consideration. How many of those 104 complaints had been brought to court, and what had been the outcomes, if any, of those proceedings? Welcoming the Constitutional Court judgment C-091 of 2017, involving an analysis of the right to freedom of expression and the prohibition of hate speech, he asked if it was available in English.

59. **Ms. Shepherd** said that she wished to reiterate that climate change and environmental degradation had a particularly serious impact on indigenous peoples and Afro-Colombians in rural areas. For example, the Committee had been informed of a serious humanitarian crisis affecting the Wayúu communities in La Guajira as a result of large-scale coal mining. She therefore asked whether the Government planned to re-evaluate mining and oil projects that contributed to climate change and environmental degradation in the territories of indigenous peoples and people of African descent, especially projects planned in the Sierra Nevada de Santa Marta.

60. **Mr. Chaux Donado** (Colombia) said that autonomy and independence underpinned the structure of the judiciary. Judges were selected on merit through public competitions that were open to all qualified lawyers, and once appointed they could remain in office for as long as they observed good behaviour. The High Council of the Judiciary was the institution responsible for the administration of the judicial branch. The Council was composed of six justices, two of whom were appointed by the Supreme Court of Justice, one by the Constitutional Court and three by the Council of State. The ordinary jurisdiction consisted in three levels of courts: circuit and municipal courts, district high courts (appellate courts) and the Supreme Court of Justice. The Supreme Court had three
chambers – responsible for civil, criminal and labour affairs, respectively – and it elected its justices from a list of suitable candidates that was prepared by the High Council of Judiciary, following a public competition. Administrative jurisdiction also consisted in three levels: administrative judges, appellate courts and the Council of State. The Council of State was the highest administrative body; it was composed of five sections, whose members were elected in the same manner as Supreme Court justices for a term of eight years. The Constitutional Court, responsible for safeguarding the integrity and supremacy of the Constitution, had nine justices, all of whom were elected by the Senate. The Supreme Court of Justice, the Council of State and the Constitutional Court were equal in hierarchical status. Officials of the various structures of the Special Jurisdiction for Peace were selected on the basis of a public competition by a special committee established under Legislative Act No. 1 of 2017.

61. The Chamber of Representatives had 174 members, elected by territorial constituency, with the Departments and the Capital District of Bogotá being allocated a certain number of deputies depending on the size of their populations. The Senate had 100 members who were elected in a single national constituency, meaning that voters could elect their preferred candidate regardless of where they lived. Furthermore, to ensure pluralism of representation and to prevent minorities from being sidelined by the political majority, in 1991 special constituencies had been introduced in both houses of Congress. In the Chamber of Representatives, one seat was allocated to indigenous communities, so that anybody who self-identified as indigenous could vote for a candidate in that seat. There were two such seats for Afro-Colombians and a further seat, for the Raizal community of San Andrés y Providencia, was in the process of being created. In the Senate, in addition to the 100 seats that were elected in the national constituency, 2 seats were elected in a special constituency for indigenous communities.

62. Concerning the control of political parties, although the democratic tradition of Colombia was relatively short, the country prided itself on granting its citizens the freedom to form political parties, which in turn had full autonomy to decide who their leaders were. Some parties, such as the Colombian Indigenous Authorities Movement (AICO) and the Alternative Indigenous and Social Movement (MAIS), were structured along ethnic lines.

63. Instances of criminal violence against community leaders were profoundly regrettable. While it was true that violence sometimes occurred in Colombia, such acts never constituted State policy, nor would the Government ever allow transnational corporations to foment violence in the country. Any representatives of the State who committed acts of violence would face the full force of the law. The Government was fully committed to defending social protest and upholding the right to strike, but it would not permit vandalism or unlawful behaviour by criminals who infiltrated protests.

*The meeting rose at 5.55 p.m.*