

**The United Nations Permanent Forum on Indigenous Issues concludes visit
to Colombia
(Original version in Spanish)**

Bogota, Colombia, 10 July 2010 - "In spite of constitutional recognition of the human rights of indigenous peoples, the situation of indigenous peoples in Colombia is serious, critical and deeply worrisome". That is the conclusion of the mission of the United Nations Permanent Forum on Indigenous Issues. The Forum recognizes and values the contributions of the Government of Colombia and other State institutions, such as the Constitutional Court and the *Defensoría del Pueblo* (Ombudsman), to address the serious problems faced by indigenous peoples, nevertheless, human rights abuses persist.

In response to an invitation extended by the Government of Colombia, the United Nations Permanent Forum on Indigenous Issues visited the country from 5 to 9 July 2010. Previously, indigenous organizations of Colombia had also suggested that the Forum conduct such a visit. The purpose of the mission was to observe the situation of the indigenous peoples of Colombia and, in particular, the situation of the Awa and other indigenous peoples experiencing conflict-related abuses and facing the risk of extinction.

During its visit, the Forum met with governmental offices, including the Ministry of Interior and Justice and the Ministry of Defense, as well as the Office of the Attorney General, the Office of the Public Prosecutor and the *Defensoría del Pueblo* (Ombudsman). It also carried out meetings with indigenous peoples and indigenous people's organizations, NGOs and with agencies of the United Nation System. The Forum visited Bogota, Valledupar, Pereira and El Diviso.

The Forum thanks the Government of Colombia for its invitation, as well as the National Indigenous Organization of Colombia (ONIC), the indigenous peoples of Sierra Nevada of Santa Marta , the organizations of the coffee cultivation area, organizations of the Awa peoples and the indigenous peoples of Nariño, Cauca, Putumayo , among other areas. It is also thankful for the support provided in the organization and carrying out of the visit, as well as for the important information shared with the Forum.

The Forum highly values the dialogue established with Awa peoples, who live in a situation of extreme vulnerability due to the invasion of their territory by armed forces. In 2009, two massacres were perpetrated against the Awa. In spite of the dialogue that the Awa have established and maintained with the municipal, departmental and national authorities, the Awa continue to face egregious human rights abuses including homicides, kidnappings, internal displacement, confinement, forced recruitment and threats persist.

The Forum recognizes the efforts of the Awa people and the government in the design of a safeguard plan, as ordered by the Constitutional Court in its 004 decision. As of today, the plan is under development and a budget has not been approved for its implementation. The Permanent Forum is deeply concerned about the safety and wellbeing of the Awa peoples and will closely follow-up their situation and the implementation of their safeguard plan.

The Forum is extremely concerned about the situation of extreme vulnerability and abuses committed against indigenous women and children. The Forum received reports of acts of rape, forced recruitment and use of minors as informants, among others abuses in the context of conflict.

The Permanent Forum considers that it is necessary to strengthen and improve measures to guarantee the fundamental rights of the indigenous peoples of Colombia, and in particular, to consolidate mechanisms to guarantee the wellbeing of indigenous peoples, particularly those at risk of extinction, in areas impacted by armed conflict. Such measures must be undertaken in consultation with and with the approval of affected indigenous peoples.

To address the needs of indigenous peoples threatened by armed conflict it is necessary to evaluate the effectiveness of the Early Warning System of the *Defensoría del Pueblo* and establish the necessary mechanisms to guarantee its effective operation to ensure the government's adequate response to the System's risk reports, as well as the protection of indigenous peoples.

The Forum is particularly concerned that an effective mechanism has not been established to guarantee the implementation of the recommendations emitted by the United Nations special rapporteurs, which have included valuable proposals that could help to improve the situation of indigenous peoples. It is necessary to establish a mechanism of effective dialogue with indigenous people's organizations and the agencies of United Nations system in Colombia. This mechanism must also supervise the full compliance of the 004 decision of the Constitutional Court, as well as other Court decisions in favor of indigenous peoples.

The Forum is also concerned regarding by the displacement of indigenous peoples, Afro-Colombians and campesino populations due to both the armed conflict and the invasion of territories for legal or illegal cultivation for the exploitation of resources such as minerals and hydrocarbons.

The Forum values the Government's important investment in the Social Action Programme, which offers supports to internally displaced people, including indigenous peoples. The Forum received allegations, however, that the program does not have a culturally appropriate approach with regard to indigenous peoples. The displacement of indigenous peoples is one more factor that

contributes to the risk of extinction and should be prevented as to the greatest extent possible.

In spite of the legal recognition of the right to consultation, the Forum has received allegations regarding projects being implemented in indigenous territories, without the realization of a prior consultation seeking to obtain their free consent.

The Permanent Forum reiterates its gratitude to the Government of Colombia, ONIC, the authorities of the Awa peoples, and to all of the indigenous people's organizations and individuals who collected and provided information to the Forum.

The Forum will study all information received and will elaborate a report on the mission, together with recommendations to promote the protection and respect of the human rights of indigenous peoples in Colombia.

The United Nations Permanent Forum on Indigenous Issues is an advisory body of the Economic and Social Council, with the mandate to examine the related indigenous issues to the economic and social development, culture, education, health, environment and human rights.

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