Synthesis of the situation of women

of the ethnic peoples of La Guajira in Colombia

Prepared for the CEDAW Committee's work on

a general recommendation on the rights of indigenous women and girls,

by EDO Group

Regional NGO – La Guajira – Colombie

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EDO Group is a regional NGO whose aim is to respond to the main socio-economic needs of Afro-Colombian and Wayuu mothers and their families in vulnerable situations in the department of Guajira, between the Caribbean, the Sierra Nevada de Santa Marta and the border with Venezuela - http://edogroup.com.co/. EDO Group is a member association of Make Mothers Matter, an international NGO with General Consultative Status with ECOSOC.

The objectives of this document are:

* to spotlight the lack of respect for the rights of Colombian indigenous women, especially the Wayuu, Arhuaco, Kogui, Wiwa, Kankuamo peoples, as well as the black communities that live in the territory of the La Guajira peninsula in northern Colombia
* to present to international institutions the solutions that local NGOs are implementing to promote transformative organisational ecosystems in relation to the mothers of ethnic communities.

# A reminder of our Colombian context

## Indigenous people demography in Colombia

Between 2005 and 2018, the population growth of indigenous peoples was 36.8% higher than that of the national total, largely due to a fertility rate that was about twice as high, but also to the inclusion of people who had not been included in the 2005 census count.

The National Statistics office has indicated that 13 years ago the indigenous population represented about 3.3% of the total Colombian population; today it represents 4.4%. The ethnic groups with the largest numbers in the country are the Wayuu (about 450’000 people), the Zenú (350’000 people), the Nasa (300’000 people) and the Pastos (200’000 people). These ethnic groups represent 65% of the indigenous population of Colombia.

Colombia is a multi-ethnic and multilingual State with approximately 90 indigenous peoples and Afro-Colombian communities that are registered and recognized by the Ministry of the Interior and Justice, the National Planning Department, the Ministry of Defence and the National Administrative Department of Statistics (DANE). Cultural, ethnic and social diversity is enshrined in the Constitution, with article 7 stating that the State recognizes and protects the ethnic and cultural diversity of the Colombian nation, and article 8 stating that it is the responsibility of the State and individuals to protect the cultural and natural wealth of the nation.

## Indigenous people in La Guajira

Approximately 450’000 indigenous Wayuu live in the department of La Guajira, 50’000 indigenous Arhuacos, Wiwa and Kogui on the eastern side of the Sierra Nevada de Santa Marta, in the municipalities of Dibulla, Riohacha and San Juan, and 100’000 Afro-Colombians on the same side of the Sierra.

## Colombian state that forgets and mistreats its ethnic and rural population

Three realities coexist in the same territory

1) Some multinationals focus on resource extraction without any consideration of the environmental, social and ethno-cultural consequences.

2) Some national and local political elites divert, for reasons of incompetence, ignorance or convenience, the revenues of royalties received for the region’s exploitation of natural resources.

3) The Wayúu are the forgotten people of the State, in terms of guarantee of their human rights, their societal rights and their ethno-cultural rights.

### Human rights violations against the Wayuu people

* As a result of transfers, displacements, intimidation of the population, destruction of sacred sites, their territorial rights are being violated
* Multinationals and the state are responsible for this. They strongly encourage indigenous people to give up their ancestral territories and move to other lands or urban areas without taking into account their ethnic characteristics, and in some cases proceed to evict entire communities with the support of the public force and private security groups, justifying that the general law prevails over the particular
* The government's policies regarding the exploitation of the Cerrejón mine have not integrated the rights of indigenous people in administration or conservation, although their right to participation is enshrined in Article 1 and paragraph 330 of the National Constitution, and in Article 15, paragraph 2, of ILO Convention No. 169. The protection of their natural resources on their territory is also a right
* Furthermore, regarding the Wayuu's participation in the benefits of the project, the Environmental Justice Atlas (EJATLAS 2014) citing Salas (2004) writes that the social investments in the communities between 1982 and 2002 amounted to approximately $5 million at constant 2002 prices, i.e. the value of two and a half days of coal production
* The environmental impact of coal mining has been investigated by the Attorney General's Office. It brought a popular action against El Cerrejón for health damage ‘to the inhabitants of the area of influence, both of the mine and the port, caused by coal and other chemicals, elements and materials or products from the different activities conducted in the mine and the port' (EJATLAS, 2014).

This action was supported by scientific reports showing the presence of chemical compounds that are harmful to the body.

The Right of Wayuu to a healthy environment is not respected (Article 79 of the National Constitution, Article 29 of the UN Declaration on the Rights of Indigenous Peoples, Articles 4 and 7 - number 3 - of ILO Convention No. 169...).

* The right to life is not respected - Despite Article 11 of the National Constitution, and Article 7(2) of the UN Declaration on the Rights of Indigenous Peoples, which states that peoples "shall not be subjected to genocide or any other act of violence, including forcible transfer of children from one group to another".

Intimidation of indigenous people, targeted killings, including of girls and women (Historical Memory Group, 2010), and the transfer of ranches that have broken the close-knit circle of a family clan, directly violate this right.

* The right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies, to use and control their objects of worship, and to have their human remains repatriated, which is enshrined in Article 12 of the UN Declaration on the Rights of Indigenous Peoples, is not respected. This right has been violated by the destruction of Wayuu cemeteries and other sacred places for the construction of the railway or coal mining sites.

### Extractive multinational companies and Wayuu land

* Struggle between the indigenous people and the large multinationals exploiting the coal in La Guajira, as well as between the indigenous people and the government, which pursues neo-liberal economic development through this extractive activity
* The point of contention is the land, which for the multinationals and the government is merely a commodity with a commercial value, whereas it has an intrinsic value that determines the very existence of the indigenous Wayúu
* Indifference and ineffectiveness of national justice mechanisms to remedy these repeated violations of their rights fuel this dispute
* Inability of the Colombian State to guarantee the rights of this indigenous population. Despite 40 declarations by international bodies (the Inter-American Court of Human Rights, the Rapporteur for the Human Rights of Indigenous Peoples), the problem is still not being addressed in a comprehensive manner.

#### Failure to respect Human Rights

* Continued discrimination against indigenous people in public institutions
* Non-compliance by the government with the Peace Accords, and in particular with the protocols and implementation of the Development Programmes with a Territorial Approach in the Sierra Nevada and Perijá. (PDET)
* Massacre by armed gangs of social leaders
* Massacre without justice (e.g. Baya Portete or Dibulla massacre) Corruption or incompetence of the elites, both in the administration and in the institutions, and lack of interest in the social issues
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* Non-implementation or non-monitoring of public policies. Clientelist actions are preferred to public policies
* Aid from international organisations (ACNUR, IOM, PMA) at the border to meet the needs of Venezuelan migrants, but no aid to the 450’000 Wayuu in the same territory
* Difficulty of access to housing for these populations scattered in rural desert or mountainous areas, which are also areas of influence of armed civilian and military groups.

## Pandemic management in indigenous territory

* The confinement has created conditions for military rearmament in the territories where the effects on indigenous peoples and their key leaders are well known: increased vulnerability of indigenous peoples to the exercise of their territorial rights, in addition to massacres, homicides, confrontations and threats.
* Threatening leaflets have been distributed and intimidation of leaders has increased during the period of confinement.
* Threats from armed groups: fighting, forced displacement, endangerment of the Embera indigenous communities of the Pichicora Chicué Punto Alegre-Rio Chicué resguardo in Bojayá (Chocó), who have been confined amidst gunfire from armed groups (Orewa and Fedeorewa Association, 2020). Renforcement des conflits territoriaux par divers groupes armés dans le nord du Cauca, qui s’est traduit par l’assassinat et la menace de dirigeants éminents du peuple Nasa.
* Acts of abuse of authority by law enforcement agencies against the process of liberation of Mother Earth.
* Increase in forced recruitment of boys and girls, who stayed at home during the pandemic, into armed conflict. Coalico published a report showing a 113% increase in recruitment over the previous year (El Espectador, 17 May 2020). OHCHR (2020) also warned of the increased risk of child recruitment.

# Specific vulnerabilities of indigenous women and mothers

### Human Rights Violation

Exclusion and discrimination affect all Colombian women, but it is especially the case for women of ethnic origin. The government does not guarantee their fundamental rights: respect for the acquired rights of their land, rights to education, health, security, drinking water and political, social and cultural participation.

#### Lack of political participation

Low political participation and representation of women in general, with the exception of a few localities (some rural areas and areas with high ethnic populations). Where the level of women's political participation is higher, the level of physical violence is lower.

#### Teenage pregnancies and sexual violence

* 23.8% of teenage mothers were indigenous mothers.
* 4’780 girls aged 10 to 14 became mothers in 2019; in 99.2% of cases the father is an adult.
* Sexual violence is normalised. From 2015 to 2020, a total of 119’026 girls between the ages of 10 and 14, and 18’212 boys of the same age, were victims of sexual violence. In 52.7% of the cases, the aggressor is a family member, and in 34%of the case, it is a known person or a friend.

#### Violence against women

It is difficult to specify the level and structure of violence against indigenous women because of

1. their geographical dispersion
2. differences between indigenous communities, groups and families
3. the lack of disaggregated statistical data or under-reporting in institutions
4. the silence of women for fear of jeopardising organisational structures or bringing shame to their families

* There is direct or indirect violence against widows, mothers of the disappeared, daughters and sisters of murdered men, displaced persons, those who bear the burden of "family survival in all circumstances" as noted by Meertens (1995)
* Women who claim their rights and participate in the political life of their communities or join political or community organisations are particularly vulnerable
* Women's vulnerability to violence increases in territories where there is armed or economic conflict.

#### Maternal mortality

* Indigenous women are more at risk and are 2.7 times more likely to die in childbirth than other women.
* Women in rural areas are also most at risk of maternal death (UN Women, UNFPA, UNDP).

#### Women’s Health

These data show how sexual and reproductive health indicators are linked to indicators of social inequality (illiteracy, poverty, exclusion, discrimination, geographical barriers to accessing services, etc.) and how this affects the lives of women from ethnic populations.

# Possible solutions for real and sustainable change

## The reality of the territory in terms of socio-economic and environmental interventions

La Guajira is a department where 60% of the population is indigenous or black, and which has 60% income poverty, with probably more than 40% extreme poverty.

The vast majority of indigenous mothers are forgotten. All the actions that respond to their current needs are not followed by any sustainable development.

Only the World Food Programme (WFP) is studying, at the beginning of 2021, the experiences and skills of regional NGOs to build coherent interventions to meet recurrent food security needs.

As for the regional non-profit organisations present in the territory that seek integral solutions to the socio-economic and environmental needs of indigenous families, they suffer from funding problems and many have already disappeared.

## A continuous intervention structure is essential

A continuous intervention structure is essential to initiate lasting change and sustainable socio-economic improvement of Colombia's indigenous peoples.

A technical non-governmental human rights structure should coordinate with regional NGOs on the ground, continuous improvement operations under a management planning and monitoring of regional socio-economic interventions.

This structure should take into account the needs of indigenous peoples as a whole, as well as their ethnic particularities and any local problems due to clientelism or the non-formulation or misapplication of local public policies (Example: a solution in a Wayuu community would not necessarily meet the needs of the Arhuaco people)

A BOTTON UP Social Innovation process structure would be needed to identify innovative bottom-up responses from indigenous communities, to finance them, to develop cooperation between different actors and to respond to social, economic or environmental needs.

This new structure would break with the TOP DOWN strategy in favour of a BOTTON UP strategy which, with the help of competent regional and local NGOs and with identified ethical values, would make it possible to gain the trust needed to rebuild the social capital essential for building lasting peace in Colombia.

## Social work for sustainable improvement of living conditions

Such a BOTTON UP social innovation structure would allow to develop a response taylored to the needs of Colombia's ethnic peoples and help women and mothers to live in conditions that respect the CEDAW convention.

In order to find an integral solution, here are some avenues to follow:

* Creation of a regional observatory of human rights violations
* Legal attention to land registration disputes and attempts to expropriate property titles
* Lobby and strengthening of women’s participation to formulate and monitor regional and local public policies in line with CEDAW recommendations
* Combating violence against women:
  + Create a working group with social actors to ensure prevention, monitoring, evaluation and improvement of guidance, assistance programmes and the support system and protection of victims
  + Set up a working group to provide a concrete and quick solution to the victims and to arrest the aggressors with the participation of the police, the Fiscalia and the Commissioner for the Family
  + Social plan to combat trafficking in women and prostitution.
* Social plan to combat drug addiction among young people
* Social plan to address the neglect of older persons by families

### Providing concrete solutions to basic needs

* Hygiene (drinking water, wood cookers, decent sanitation)
* Food safety
* Prevention and health (first aid, emergency route, medical follow-up...)
* Adult education (reading, writing, understanding, counting...)
* Civic education and ethical values
* Learning of information and communication technologies (ICT)
* Strengthening of the socio-cultural tradition and cultural activities
* Strengthening of sports facilities and inter-community games
* Collective organisation of savings and credit
* Continuous training in business creation and business planning
* Strengthening of key production channels
* Organisation of a job databank
* Support for production activities (agriculture, livestock, fishing, crafts, etc.)
* Strengthening of civil society

# Some practices of a Regional NGO - EDO Group

The search for an integral response to the socio-economic needs of indigenous and Afro-Colombian mothers

## A mission that seeks a comprehensive response to recurring needs

* To empower mothers of ethnic origin and Venezuelan migrant mothers in La Guajira, providing them with training and tools related to entrepreneurship, food security, nutrition and family health for their self-management and autonomy.
* To support them in their educational responsibilities and to strengthen their human and cultural capacities so that they become agents of change for their community.
* Share constructive ethical values for sovereign regional development, shared growth, social justice, technological progress, and a level playing field.

## Organisational objectives

1) To strengthen the autonomy and financial self-management of mothers:

To impart financial management skills and support mothers to create their own collective micro-savings and credit systems to strengthen their autonomy and self-management.

2) Strengthen the socio-economic situation of mothers:

Encourage initiatives for collective productive units. Train and guide entrepreneurship projects and accompany social innovation processes

3) Strengthen the human and cultural capacities of mothers:

Through processes of education and identification of ethical values, empower mothers' capacities to educate their children, to interact and achieve group goals, to gather and educate their community on issues related to violence and peace.

4) Strengthen food security and maternal health

Implement a comprehensive solution with mothers to address the needs of local food sovereignty, community-based nutrition and health prevention for their families.

## Example - A project undertaken with 15 town halls over 4 years

Main activities:

* Designing and planning a Women's Observatory
* Implementing the entrepreneurship and productivity endowment
* Support strategies to promote a culture of non-violence, non-discrimination against women and gender equality
* Promote the organisational strengthening of women through awareness raising and training processes to generate organisations of "territorial women leaders
* Training in the structuring of business plans for entrepreneurial projects
* Facilitate strategies that allow for commercialisation, seeking the sustainability of productive projects

Main objectives to be achieved by each municipality:

* Assess the multiple forms of violence against women and provide reliable data to the observatory
* Equip 3 production units
* Encourage strategies to combat violence and non-discrimination against women with the municipality
* Strengthen 5 women's organisations
* Support 5 women entrepreneurs in the formulation of their business plans
* Identify, structure and boost 2 marketing channels within fair trade referents

Number of beneficiaries

* More than 850 women per municipality

Transfer modality

* Transfer of competences; provision of food and non-food items