
Internal Displacement in Colombia: A Priority Human Rights Concern for the U.S. Congress

Colombia Ranks Number Two in Internal Displacement Population after the Sudan

According to the UN High Commissioner for Refugees (UNHCR), Colombia's estimated 2-3 million internally displaced persons (IDPs) rank number two after the Sudan as the world's largest internally displaced population.¹ Colombian non-governmental organizations such as Pastoral Social and the Consultancy for Human Rights and Displacement (CODHES) report that the actual number of internally displaced persons is closer to 3.6 million. One factor that explains the differences in the IDP numbers is that not all IDPs are officially registered. According to the University of the Andes and Pastoral Social, only 71% of IDPs are registered and only 56% of those registered receive assistance². In 2005, CODHES estimates that 318,387 new persons fled their homes due to violence, an increase of eight percent over the previous year³.

Women and children, who make up seventy-four percent of the total IDP population⁴, must fend for themselves in dangerous environments without adequate security, essential documents and basic provisions. IDP women, especially widows, are highly vulnerable to sexual harassment and rape.

Afro-Colombian and Indigenous Communities are Hit Hard by Displacement

Afro-Colombians and indigenous communities are disproportionately affected by internal displacement and forced to flee due to threats and violence from illegal armed actors, many of whom are paramilitaries. Between 1995 and 2005, 318,647 Afro-Colombian persons in the country's Pacific region received community land titles through "Law 70," passed in 1993.⁵ An estimated 61% of those who received their land titles were subsequently forcibly displaced from their lands as a deliberate strategy of war by the armed groups. Afro-Colombians are now struggling to survive without satisfactory shelter, food and health services. Many are unable to obtain gainful employment due to stigmatization and prejudices related to their African ancestry and their status as persons displaced from conflict regions. Indigenous displaced persons do not fare much better. ***The UNHCR predicts that if the current trend of violence and forced displacement of indigenous communities continues, some of the smaller indigenous groups may disappear.***⁶

One of the reasons that ethnic communities are disproportionately affected by displacement is that they reside in lands that the illegal armed groups wish to control for strategic and economic purposes. Colombian groups testifying at the Inter-American Commission on Human Rights in March of 2006 recommended that the OAS Monitoring Mission produce a special report on the land question since paramilitaries have amassed so much land that they have effectively instituted a land reform in reverse. According to CODHES, ***from 1995 to 2003 Colombians were forced to abandon an estimated 4.8 million hectares of land.***⁷

Sampling of recent displacements:

May 19, 2006 UNHCR reports that seven leaders of the Wounaan indigenous group fled to Panama as a result of threats against their lives. A total of 47 people were forced to cross rough seas on small boats to reach the Darien coast. Panamanian authorities are allowing them to seek asylum. This incident comes at the heels of the assassination of two other Wounaan leaders in April in western Colombia that led to the displacement of hundreds of members of this ethnic group.⁸

April 28, 2006 UNHCR reports that at least 1,400 persons fled fighting (air to ground combat) between the army and an irregular armed group in Nariño Department. Ninety percent of the displaced are Afro-Colombians from remote areas. Since

¹ UNHCR. "The State of the World's Refugees: Human Displacement in the New Millennium," April 2006.

² Universidad de los Andes y Secretariado Nacional de Pastoral Social Caritas Colombia. *Hacia una política preactiva para la población desplazada*, May 2006, p.

³ Consultoría para los Derechos Humanos y el Desplazamiento (CODHES). *De la negación al desafío de la reparación: Informe CODHES 2005 sobre desplazamiento forzado interno en Colombia*, May 13, 2005.

⁴ UNHCR. "The State of the World's Refugees: Human Displacement in the New Millennium," April 2006, p. 170.

⁵ Afrodés/Global Rights. "Informe para la Comisión Interamericana de Derechos Humanos," Marzo 2006, p. 12.

⁶ UNHCR. "The State of the World's Refugees: Human Displacement in the New Millennium," April 2006, p. 170.

⁷ Colombian Episcopal Conference National Secretary of the Pastoral Social and CODHES. *Desafíos para construir nación, El país ante el desplazamiento, el conflicto armado y la crisis humanitaria*, 1995-2005. 2006, p. 142.

⁸ UNHCR Briefing Notes. "Colombian indigenous leaders flee to Panama," May 19, 2006.

2006, over 4,000 persons have become internally displaced in Nariño. UNHCR states that the security situation in Nariño “is a cause for increasing concern...in the past three weeks, nine people have been summarily executed – five of them in one day alone in the village of El Diviso, where masked gunmen shot three women and two men.”⁹

IDP Leaders and Communities Who Fight for Their Rights, Do So at a Cost

Colombia contains one of the most organized internally displaced populations in the world. Unfortunately, IDP leaders and communities who speak out for their rights often become the targets of harassment and killings and are more vulnerable to repeated displacement. One recent case is that of the Afro-Colombian IDP leader Orlando Valencia. On October 15, 2005 Orlando Valencia was disappeared by alleged paramilitaries shortly after being released from detention by police in Belén de Bajirá. On October 26, his body was found with a bullet hole in his forehead. Mr. Valencia had been traveling with national human rights groups to an area where elections were to be held for the Curvaradó community legal representative. In September 2004, Mr. Valencia had demanded to representatives of the offices of the Colombian Vice President and Ministry of the Interior that “the Government respect the rights to dignified life and territory of persons displaced from Curvaradó and guarantee their return in conditions of security and dignity.”¹⁰ The Jesuit Refugee Service and the Colombian Commission of Jurists report that “*the situation of risk and harassments suffered*” by IDP leaders and organized IDP communities “*has been going on for a long time but has intensified during the Administration of President Alvaro Uribe.*”¹¹

Government Response to Internal Displacement Remains Inadequate

Colombia contains the most sophisticated normative and institutional frameworks in the world for addressing the concerns of internally displaced persons. Yet most of the rights articulated in this framework remain on paper. The lack of political will to fully address the problem translates into limited tangible results of these policies and programs being seen on the ground. Most of the internally displaced are woefully neglected by the state and suffer from multiple violations of their rights. State response to internal displacement is weakest in the areas of prevention of displacement and protection during all phases of displacement.

In January 2004, the Colombian Constitutional Court issued sentence T-025 in which it states that “constitutional obligation of the State to guarantee the adequate protection of those who due to internal displacement are living in undignified conditions cannot be delayed indefinitely.”¹² Upon reviewing 108 cases brought on behalf of 1,150 displaced families, the Court found that “due to action or omission by the authorities in providing displaced population with optimum and effective protection, thousands of people suffer multiple and continuous violations of their human rights.”¹³ The Court issued orders for remedying the shortfalls in its response to IDPs. In late August 2005, the Court declared that actions taken since the ruling were insufficient and declared additional orders for correcting the response. In December 2005, the Colombian government announced that it would increase financing to IDP programs for 2005-2010. Although such an announcement is a step in the right direction, Colombian IDP experts find that bureaucratic obstacles may prevent this aid from reaching its intended targets. Furthermore, the increase in financing is insufficient and unlikely to alleviate the shortfalls in the long-term.

The internal displacement issue requires a more concerted approach from the Colombian government and the international community. The above underscores the need for a more vigorous debate on U.S. assistance to Colombia and the situation faced by the internally displaced Colombians.

⁹ UNHCR Briefing Notes. “Colombia: Hundreds flee fighting in Nariño Department,” April 28, 2006.

¹⁰ Jesuit Refugee Service and the Colombian Commission of Jurists. *Broken Promises: Follow-up of the application of international recommendations on forced displacement in Colombia 2004-2005*, p. 26.

¹¹ Jesuit Refugee Service and the Colombian Commission of Jurists. *Broken Promises: Follow-up of the application of international recommendations on forced displacement in Colombia 2004-2005*, p. 35.

¹² Comisión Colombiana de Juristas. “La protección de los derechos humanos no puede ser aplazada indefinidamente,” May 2004.

¹³ Jesuit Refugee Service and the Colombian Commission of Jurists. *Broken Promises: Follow-up of the application of international recommendations on forced displacement in Colombia 2004-2005*, p. 8.