

Choco a Humanitarian and Human Rights Crisis.

Chocó, Colombia is situated between the Darién Gap on the border with Panama and the departments of Antioquia and Valle de Cauca. Biogeographic Chocó is one of the global biodiversity hotspots and home to approximately 56% of Colombian bird species and 11% of all known bird species in the world.ⁱ It is also a forestall reserve.

Humanitarian and Environmental Crisis

The majority of the Chocó inhabitants are indigenous and afro-Colombian Peoples, who suffer from the department having one of the highest rates of multidimensional poverty in Colombia.ⁱⁱ The internal armed conflict, territorial control by legal and illegal armed actors, the impact of extractive activities and coca cultivation have resulted in violations and abuses of International Humanitarian Law (IHL) and Human Rights.

FARC demobilisation left a power vacuum in areas they controlled in Chocó. Armed disputes arose mainly between the *Ejército Popular de Liberación* (ELN, leftist guerrilla group), and the rightist neo-paramilitary group *Autodefensas Gaitanistas de Colombia* (AGC), seeking to control territory, illicit economies (mainly drugs and mining)ⁱⁱⁱ and strategic corridors for smuggling persons, drugs and weapons.^{iv} This struggle is ongoing and is resulting in Indigenous and Afro-Colombian communities being caught in the middle. Many are fleeing their homes, whereas others, have been forcibly confined^v and used as human shields. Local communities, CSO and the Catholic Church all report the AGC moving freely in large numbers, well-armed in this highly militarised region of Chocó where the Colombian Joint Military Forces – “Titan” is deployed. Recently, there have been frequent reports of collusion between the AGC and the security forces.^{vi} As well as, reports of dissidents of the FARC and drug trafficking mafias operating in Chocó.

The humanitarian needs of those confined is worsening the humanitarian crisis, lack of access to their usual sources of livelihood (fishing, agriculture) and inadequate governmental response, has put the burden on the Quibdó Diocese and other international organisations, to undertake humanitarian missions of food supplies to local communities. For several years, alerts by the Afro-Colombian and Indigenous communities, the Human Rights Ombudsman and others, concerning the urgency of the problems in the Atrato region have largely been met with indifference by the state.

Chocó suffers not only a grave humanitarian but also an environmental crisis therefore local communities decided to take a citizen’s action (*Tutela*) to the Constitutional Court. In 2016, they won a landmark ruling T-622.^{vii} In the ruling, the Court recognised the environmental degradation of the River Atrato, its tributaries and ecosystems especially by deforestation, and illegal mining activities which were contaminating its water sources with toxic substances including mercury and cyanide. Along with, violations of the riverine communities to the right to health, water, food and food sovereignty, security, the right to a healthy environment, to physical and cultural survival, cultural and territorial rights, including free, prior and informed Consent (ILO 169).^{viii} The Court ruled that as the State had failed to fulfil its constitutional obligations, and it must provide remedy. The Court emphasised the importance of the communities’ participation in the remedial action. This included the implementation of an Environmental Action Plan together with 14 members of ethnic communities, referred to as the “Guardians of the Atrato”. The Court also reiterated the right to free, prior and informed consent for ethnic communities. Three years on from the decision, due to constant pressure from community organisations in Choco, national and International NGOs, the Environment Ministry finally has an initial plan. However, nothing to-date has been done in terms of its implementation.

Additionally, the T-622 ruling requires the Defence Ministry to remove illegal mining operations in the Atrato river. Subsequently the State burnt some floating mining platforms further contaminating the river, as they are burnt in the river and the wreckage left. Furthermore, communities report miners receiving information ahead of the military operations and removing expensive equipment before the operations to destroy the platforms begin.

Human Rights and Humanitarian Law

Forced recruitment of children, whilst diminishing after the signing of the Peace Accord, is once more reported to be on the increase in Chocó especially in indigenous communities; although the UN report there is a sub-register of cases^{ix}. Low educational coverage and lack of teachers in Chocó restricts access to education, and also leaves minors more exposed to the risk of being recruited by armed groups. The Colombian Human Rights Ombudsman highlighted areas

of concern in Chocó as, increasing forced recruitment, violence and sexual abuse against women, the use of landmines, as well as, the targeted killing of community leaders.^x

On 10 May 2019, Rupert Colville said the UN was ‘...alarmed by the strikingly high number of human rights defenders being killed, harassed and threatened in Colombia.’^{xi} According to the UN OHCHR “while the killing of 110 defenders registered by OHCHR does not represent the totality of cases, it helps to identify trends in such attacks, which seriously undermine the work of human rights defenders (HRDs) – work that is fundamental for advancing democracy and the rule of law”.^{xii} The Human Rights Ombudsman reported 172 killings of HRDs in 2018. By way of a comparison, Frontline Defenders Global Report 2018, reported globally 320 HRDs had been killed in 2018.

Health Concerns

Communities in the Chocó department only have access in the main towns to the lowest level hospital (basically equating to a cottage hospital in the UK). They must travel long distances to arrive, and even then, find that the medication and treatment necessary is not available. The particular needs of children, pregnant and nursing mothers are not met^{xiii}. Many women from ethnic communities die in childbirth. The lack of access to medicine, and in confined communities to food as well, has already caused the death of four children.

In addition to this the communities do not have access to an aqueduct for clean drinking water, the increase in informal gold mining is polluting the rivers they have for water with mercury leaving the communities in a vulnerable condition. Women are particularly impacted as they must wash clothes and carry out other tasks in the river. Fish stocks have massively decreased due to high levels of sediment and mercury caused by illegal gold mining.

Women

Indigenous and Afro-Colombian women have been severely impacted by the conflict in Colombia. The forced recruitment of the children and killing of their partners, leaving them as heads of household responsible for providing for their families. Patriarchal and racist attitudes have taken their toll. Illegal mining has increased violence and sexual abuse against women, and prostitution. Despite the Peace Agreement, sexual violence remains a constant dynamic, with a variation in the armed actors, but with an equally disproportionate impact on women, with Indigenous women being 2.5 times more likely to be victims of violence. Partner violence is also increasing, UN Women state, one in every three women in Colombia has been beaten by their current or former intimate partner.^{xiv}

In October 2019, MAPP/OEA highlighted ‘increased political and gender-based violence associated with the armed conflict against women who hold elected office and exercise political and social leadership’^{xv} Attacks against women HRDs in many cases include incidents of sexual violence, and often murders are preceded by sexual abuse, torture or other forms of brutality. In the first six-month of 2019, Somos Defensores reports a slight decrease in the overall number of killings of HRDs compared to 2018, however, an increase was seen in the same period, in attacks and killings of women HRDs.^{xvi} Frequently threats against women HRDs are not only directed at them, but also their families.

Recommendations

- The full implementation of the Humanitarian Accord Now in Choco by all armed actors;
- Full implementation of Court ruling T-622 in conjunction with the Peace Accord, and specifically, the Ethnic Chapter, the gendered agreements and the PDETs.^{xvii} The PDETs, in Chapter One of the Peace Accord, provide integrated local economic development plans in areas most impacted by the conflict. PDETs have been strongly supported by the EU and its Trust Fund as key to sustainable peace; Chocó has [13 municipalities in their PDET area](#). The full implementation alongside that of ruling T-622, with the participation of the ethnic communities, would address many of the humanitarian and environmental issues raised here.
- The Ethnic Chapter makes community participation a requirement which respects ethnic communities’ rights enshrined in Colombian Law to self-determination and free, prior and informed consent.
- Climate change is a priority globally as demonstrated by the Paris Agreement, commitments to the EU [Green Deal](#), is a central precept of the Finish Presidency and to position the [EU as a global leader](#). Compliance with the Constitutional Court ruling empowers communities that protect the environment, recognising them as a local partner for the protection of, and the sustainable management of, natural resources and protection of ecosystems in Colombia. **Acknowledging the role of communities in the management and sustainable protection of their territories, helps to support environmental defenders** in a country with the highest number of defenders killed annually, and especially of those who defend the environment and territory.

ⁱ Critical Ecosystem Partnership Fund, Ecosystem profile: Chocó-Manabí Conservation Corridor, Colombia and Ecuador, 2005; Forest Reserve: Ministerio de Ambiente, Vivienda y Desarrollo Territorial. Dirección de Licencias, Permisos y Trámites Ambientales. Oficio No 2400-E2-95921 de 02/09/2010. Suscrito por Magda Constanza Contreras Morales – Coordinadora Grupo de Relación con Usuarios

ⁱⁱ Choco: Humanitarian Accord Now!

ⁱⁱⁱ More information on illegal gold mining and its impact can be found [here](#)

^{iv} Mission to Support the Peace Process/Organisations of American States ([MAPP/OAS](#))

^v Defensoría del Pueblo (local Ombudsman) 21/10/2019

^{vi} Communities are afraid to speak out about this collusion; however, they have reported it to organisations. The NGO, CIJP reported on this situation in February 2019 [here](#)

^{vii} Corte Constitucional-Sala Sexta de Revisión-T-622de 2016 Referencia: ExpedienteT-5.016.242

^{viii} Ibid

^{ix} UN Office for the Coordination of Humanitarian Affairs (OCHA), Alert 22/10/2019.

^x Early Warning Alert AT025-19

^{xi} Rupert Colville is the Spokesperson for the UN High Commissioner for Human Rights

^{xii} UN Report to the Human Rights Council, February 2019

^{xiii} UN Office for the Coordination of Humanitarian Affairs (OCHA), Alert 22/10/2019

^{xiv} UN Women, El progreso de las mujeres en Colombia, 2018.

^{xv} The Organization of American States Mission to Support the Peace Process in Colombia (MAPP/OAS) 30 October 2019 pg.2

^{xvi} Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia

^{xvii} PDET: Development Plans with a Territorial Focus