



The Victims Law for Afro-Descendants: Flawed Consultation Generates Flawed Results, Say Victims

The Black Communities' Process (*Proceso de Comunidades Negras*, PCN), along with several Community Councils and other Afro-descendant organizations such as AFRODES and the National Conference of Afro-Colombian Organizations (CNOA), lifted its voice to demand that President of Colombia Juan Manuel Santos implement an effective Prior Consultation process for the Decree Law that should provide reparations and restitution for Afro-Descendant victims (Victims Law for Afro-Colombians).

In a letter to President Santos, the Community Councils and organizations explained that the procedure implemented by the Colombian government and led by the Ministry of Interior, “does not respect the minimum national and international standards of Free, Prior, and Informed Consultation and Consent (...) and, as a result, it will make Afro-descendant victims more vulnerable.”

The Victims Law (Law 1448) was approved in June 2011 after disregarding the government's responsibility to consult Afro-descendant and indigenous victims. Therefore, the Congress gave special faculties to President Santos (Article 205 of Law 1448) to formulate a Decree Law that would respect the special needs and rights of Afro-descendant victims. The formulation of this Decree Law was supposed to satisfy an effective prior consultation process that would lead to free, prior, and informed consent. The attached letter denounces the process that the government has called prior consultation because it violated all of the principles of prior consultation, such as good faith, transparency, and the right to opportune and sufficient information.

The government also tried to “consult” other legislative initiatives with huge implications and consequences for the fundamental rights of our communities, such as Royalties Law, reforms to the CARs, and the Genetic Resources Law.

Afro-descendent communities in Colombia have been disproportionately affected by the internal armed conflict. More than 1.5 million Afro-Colombians are internally displaced; 72% are from collective territories and now live in miserable conditions. Despite their state of vulnerability, the government promulgated a law that does not include them and continues to violate their rights as victims and Afro-descendants.

“Given the circumstances, our Community councils and organizations have decided to dialogue with President Santos directly because he has the special faculties provided by the Congress that can guarantee an effective process of prior consultation that dignifies and respects Afro-descendant victims,” said José Santos, National Coordination Committee of PCN.

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