

EMRIP | 19TH SESSION

EXECUTIVE SUMMARY

Contribution to the Expert Mechanism on
the Rights of Indigenous Peoples (EMRIP)

“The Rights of Indigenous Peoples in Conflict and Post-Conflict Situations”

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CO-AUTHORS:



COLLABORATION:



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Executive Summary
Contribution to the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
“The Rights of Indigenous Peoples in Conflict and Post-Conflict Situations”
Co-authors: CDDHHPI, CNTI, CNMI and OIK. Collaboration: IWGIA and Nia Tero.

1. Presentation and Context

This contribution is submitted to the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) by the Commission on Human Rights of Indigenous Peoples (CDDHHPI), the National Commission on Indigenous Territories (CNTI), the National Commission of Indigenous Women (CNMI), and the Indigenous Kankuamo Organization (OIK), with the collaboration of IWGIA and Nia Tero. Colombia is home to 115 Indigenous Peoples, holders of their own governance systems, ancestral territories, and worldviews that sustain their physical and cultural survival as distinct peoples.

Nearly a decade after the signing of the Final Peace Agreement (2016), the internal armed conflict has not ended — it has reconfigured. The persistence of armed actors, the expansion of illicit economies (drug trafficking, illegal mining, arms trafficking), undue militarization, and the imposition of extractive projects without free, prior, and informed consent continue to generate disproportionate and differentiated impacts on Indigenous Peoples. The notion of “post-conflict” is legally problematic when it does not translate into effective guarantees of non-repetition or material transformations in territories.

2. Figures and Patterns of Violation (2016–2025)

Sociopolitical Homicides.

The System of Information on Sociopolitical Violence against Indigenous Peoples (SIVOSPI) of the CNTI documented 812 homicides between 2016 and December 2025, with a sustained increase after 2018 and a spike from 75 (2024) to 102 (2025). In more than 75% of cases, authorship remains unknown, evidencing structural impunity. In 2025, 38% of homicides involved persons with current or former Indigenous leadership roles or members of their immediate families; 80% occurred in municipalities with pending territorial formalization requests before the National Land Agency.

Territorial Distribution.

Violations are concentrated in Cauca, Valle del Cauca, Nariño, Putumayo, Chocó, and La Guajira, but are recorded across all departments. Amazonas and Caquetá show a growing incorporation of the Amazon into the map of impacts, transforming the geography of violence and threatening one of the planet’s principal biomes.

Indigenous Victims according to the RUV (1985–2021).

Based on processing by the CNMI of data from the UARIV, the Unified Victims Registry documents 529,959 Indigenous victims of the armed conflict. Of these, 266,391 are unique Indigenous women victims, with a total of 386,188 records: approximately 32.7% experienced more than one victimizing event, establishing a structural pattern of re-victimization. Forced displacement accounts for 76.1% of cases, followed by confinement (7.2%), threats (5.7%), and homicide (5.2%). The 2,128 registered cases of crimes against sexual freedom and integrity suggest significant underreporting.

Events Reported in 2025 (SIVOSPI).

Of 346 victimizing events: homicides (29.4%), individual threats (23.1%), collective threats (14.7%), enforced disappearance (13.5%), attacks (8.3%), kidnapping (3.6%), forced displacement (2.3%), and recruitment of children and adolescents (2%).

3. Structural Jurisprudence and Climate Security

Unconstitutional State of Affairs.

Ruling T-025 of 2004 and follow-up Orders 004 of 2009 and 266 of 2017 recognize the risk of physical and cultural extermination of Indigenous Peoples, the persistence of legal insecurity over territories, and institutional blockades to the formalization, constitution, expansion, and land clearing of resguardos. The ECI has not been overcome and reproduces across territorial contexts; Safeguard Plans have not been fully formulated or implemented.

Indigenous Environmental Governance.

Indigenous territories contain 51.22% of Colombia's forests, 12.63% of its páramos, 18.21% of its savannahs, and 52.11% of its glaciers and snow-capped mountains. However, approximately 22.5% of these territories overlap with hydrocarbon blocks (approximately 614,000 hectares), and more than 162,000 hectares within titled territories have been deforested in the past decade. Decree 1275 of 2024 recognizes Indigenous authorities as environmental authorities within SINA; its effective implementation is essential to articulate territorial protection, conflict prevention, and peacebuilding.

4. Final Peace Agreement, SIVJRNR, and Indigenous Women

Ethnic Chapter and Point 1.

Implementation of the Ethnic Chapter has been limited, fragmented, and uneven. The Indigenous Technical Secretariat of the CNTI has requested detailed information on formalized hectares, effective access to the three million hectares of the Land Fund, and the application of the safeguard under Article 22 of Decree-Law 902 of 2017, without receiving comprehensive and verifiable responses.

JEP – Special Indigenous Jurisdiction Coordination.

The normative framework is robust, but its material and contextualized implementation is deficient. Peacebuilding requires a substantive conception of access to justice with territorial and intercultural approaches that recognize legal pluralism and collective, cultural, spiritual, and environmental harm. Indigenous Women: Differentiated Impacts and Reparation.

Indigenous women victims have experienced, on average, more than four distinct types of violations; more than a quarter have suffered six or more. Chocó (17.8%), Cauca (17.6%), Nariño (9.6%), Antioquia (7.5%), and Putumayo (7.5%) account for 60% of cases. The Nasa, Awá, Zenú, Pijao, Emberá Katió, and Emberá Chamí peoples are most affected; ethnic affiliation was recorded in only 35% of cases. Of the 266,391 unique Indigenous women victims, only 1.3% have accessed administrative compensation; 26.8% of allocated resources were returned to the UARIV; the national average wait between the victimizing event and reparation is 1,882 days (more than five years), with extreme cases in Caldas (more than 14 years) and enforced disappearance (approximately 13.5 years).

5. Territorial Voices

5.1. Sierra Nevada de Gonaivindúa

Ancestral and sacred territory of the Iku (Arhuaco), Kággaba (Kogui), Wiwa, and Kankuamo peoples (approximately 85,719 persons, DANE 2018), recognized as the Heart of the World and a collective subject of rights. The Black Line (Decree 1500 of 2018) and the JEP's recognition as collective victims in Macrocase 09 confirm the comprehensive dimension of the harm. Early Warning 020 of 2025 from the Human Rights Ombudsman classifies the level of risk as high and persistent, in the context of the dispute between the EGC and the ACSN. Forced displacements persist (more than 300 documented Wiwa persons), along with 132 active mining titles and 263 additional applications overlapping resguardos, sacred sites, and areas of the Black Line, without compliance with the right to free, prior, and informed consent.

5.2. Zio Bain People (Putumayo)

A people with a transborder territory between Colombia and Ecuador, located on the banks of the Putumayo River. Their ancestral territory Mãi Yija was recognized as a victim by the JEP (Order SRVJJCP 038 of 2025, Case 09, Amazonía and Orinoquía Sub-case). Extractive cycles (quinine, rubber, oil, coca) have brought state and non-state armed actors: FARC-EP since the mid-1980s, the AUC thereafter, counterinsurgency and counter-narcotics operations under Plan Colombia, and the installation of anti-personnel mines and improvised explosive devices within resguardos. The border condition, far from being a protective factor, increases structural vulnerability. The People maintain their own systems of physical and spiritual protection articulated through the Cuiracuas and the practice of yagé.

5.3. Forced Recruitment of Indigenous Children (CRIC – Cauca)

The report “Did We Not Bear Our Children for War?” by the CRIC Human Rights Observatory (2024–2025) identifies Cauca as the national epicenter of forced recruitment of Indigenous children and adolescents. Between 2020 and 2024, 2,340 cases of illegal recruitment of minors were recorded nationwide; in 2024 more than half involved Indigenous populations, and Cauca accounted for approximately two-thirds of the national total. The phenomenon is inscribed in the post-Agreement reconfiguration of the conflict and operates as a mechanism of social control, interruption of intergenerational transmission of knowledge, and an attack on the future base of community leadership. The CRIC conceptualizes it as part of an ongoing ethnocidal process; the Searching Mothers, the Indigenous Guard, and initiatives such as the “Rooting Path” constitute their own responses to institutional insufficiency.

6. Conclusions

Violence against Indigenous Peoples in Colombia is not a residual phenomenon nor exclusively linked to formal armed confrontations: it is a persistent expression of structural dynamics of dispossession, discrimination, illicit and extractive economies, and insufficient implementation of autonomy and self-determination guarantees. The post-2016 scenario is characterized by the mutation and reconfiguration of violence, not its overcoming. Legal territorial insecurity operates as a structural vulnerability factor; gaps in comprehensive reparation reveal the disconnect between formal recognition of victims and the material effectiveness of measures; impacts on Indigenous women compromise the transmission of knowledge, social cohesion, and cultural continuity; and Indigenous environmental governance is confirmed as a structural component of conflict prevention and sustainable peacebuilding.

7. Recommendations to EMRIP

7.1. General

- Reaffirm the centrality of territory as a material prerequisite for self-determination, autonomy, and physical and cultural survival; understand legal territorial security as a structural conflict prevention measure.
- Promote comprehensive frameworks that articulate formalization, expansion, and land clearing with effective measures against illegal occupations, illicit economies, undue militarization, and extractive projects imposed without free, prior, and informed consent.
- Promote the substantive incorporation of territorial and intercultural approaches in transitional justice systems, ensuring coordination between jurisdictions, recognition of legal pluralism, and consideration of collective, cultural, spiritual, and environmental harm.
- Recognize Indigenous environmental governance as a structural component of conflict prevention and territorial peacebuilding, integrating climate security, protection of strategic ecosystems, and respect for customary normative systems.
- Promote independent, transparent, and participatory monitoring mechanisms for the Final Agreement, structural judicial decisions, and protection measures, with verifiable indicators and disaggregated information.

7.2. Indigenous Women

- Incorporate an explicit intersectional approach (gender, ethnicity, territoriality) and culturally appropriate differentiated collective protection measures for women leaders, traditional authorities, and territorial defenders.
- Adapt reparation models to comprehensive schemes that recognize the territorial, cultural, spiritual, and community dimension of harm, moving beyond approaches centered on individual economic compensation.
- Guarantee equal, substantive, and culturally relevant participation in peace processes, transitional justice, Agreement monitoring, and environmental governance.
- Improve information and registration systems to ensure accurate ethnic identification, data disaggregation, and reduction of underreporting in gender-based violence cases.

7.3. Territorial and Thematic

Sierra Nevada de Gonawindúa:

Comprehensively recognize and protect the ancestral territory as a collective subject of rights; guarantee effective respect for the Black Line and sacred sites; reduce undue militarization; prevent the superposition of extractive projects; and implement non-repetition guarantees with a reinforced territorial approach.

Zio Bain People (Putumayo):

Incorporate protection approaches with a transborder perspective; prioritize comprehensive demining, environmental restoration, and collective reparation that recognizes the integral — territorial, cultural, and spiritual — character of the harm; and strengthen their own systems of protection and territorial harmonization.

Forced Recruitment of Indigenous Children:

Explicitly recognize it as an attack on the community fabric and cultural continuity; promote prevention frameworks based on comprehensive territorial protection, customary care systems, and culturally safe educational environments, avoiding responses reduced to militarization; incorporate a differentiated

ethnic approach in registration, investigation, and prosecution systems; and highlight the role of Indigenous organizations in the search, rescue, and support of recruited children and adolescents.

International Panel:

Request that EMRIP propose to the United Nations Human Rights Council the convening of a specific panel on forced recruitment of Indigenous children in conflict and post-conflict contexts, in order to position it as an urgent priority on the international agenda for the protection of Indigenous Peoples and the consolidation of peace.