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## Indigenous women's human rights violations in La Guajira, Colombia

Prepared for the  
**73<sup>rd</sup> pre-sessional Working Group of the Committee on  
Economic Social and Cultural Rights**

This submission focuses on the department of La Guajira, 45% of whose population is made up of Indigenous people.

Isolated between the Caribbean Sea, the Venezuelan border and the Sierra Nevada de Santa Marta, which rises to an altitude of 5,775 meters, La Guajira is rich in coal and gas, wind and sun. It ranks first in terms of economic growth in national statistics<sup>1</sup>. But it also ranks high in inequality, poverty, corruption and malnutrition as multinational companies are given priority over the welfare and wellbeing of Indigenous people, the sustainability of their land and natural environment.

### The Indigenous people in La Guajira

Colombia is a multi-ethnic and multilingual state with around 115 indigenous peoples and Afro-Colombian communities<sup>2</sup>. Cultural, ethnic and social diversity is enshrined in the Constitution, with article 7 stating that the State recognises 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.

In La Guajira, the Wayuu represents the largest indigenous concentration in Colombia, with an estimated 500,000 people<sup>3</sup>. La Guajira has been the Wayuu's territory for several thousand years.

The Wayuu traditionally live on the territory of their mothers' ancestors, in a matrilineal clan society, with no central power or coordination. They do not live in villages, and form small, scattered rural communities in which each inhabitant is linked to the others by ties of maternal consanguinity and shares a common social status and past. The cemeteries mark their territories; this is where their ancestors live, with whom they maintain spiritual contact.

Uncles are the guarantors of tribal justice and represent the authority. Children do not inherit from their father, but from the maternal uncle of their clan. The clan is the ancestral community; it is considered a public law entity, whose main duty is to maintain the cohesion of the group.

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<sup>1</sup> La Guajira had Colombia's highest growth rate at 32.5% between 2021 and 2020 – see [https://www.dane.gov.co/files/investigaciones/pib/departamentales/B\\_2015/Bol\\_PIB\\_dptal\\_2021preliminar.pdf](https://www.dane.gov.co/files/investigaciones/pib/departamentales/B_2015/Bol_PIB_dptal_2021preliminar.pdf)

<sup>2</sup> Source: National Population and Housing Census (CNPV 2018) – These numbers are self-recognised indigenous population – All 2018 census data available on <https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/grupos-etnicos/informacion-tecnica>

<sup>3</sup> The official figure from the 2018 National Population and Housing Census (CNPV 2018) is around 395'000 indigenous people in La Guajira; however, these figures are based on self-recognition of census respondents, and are therefore underestimated, as Wayuu people are scattered in rural areas

However, the rights of the Wayuu and their clans have always been ignored, and since the 1980s their human rights situation has been continuously deteriorating.

Since the 1980s the Wayuu territories have been subjected to the exploitation of coal and natural gas. In particular, El Cerrejón has become the largest open-pit coal mine in Latin America and one of the largest in the world.

The region is also swept by constant trade winds, which has led to the construction of wind energy farms, which continue to expand. La Guajira is expected to provide 13% of the national energy needs over the next five years, with a potential output of 3'131 MW<sup>4</sup>.

However, supported by successive national governments, the multinationals which exploit those natural resources focus on extraction only, without taking into account the environmental, social and ethno-cultural consequences of their activities. Hardly any of the economic profit is reinvested to benefit the local ethnic populations, and no policy guarantee their fundamental rights (human, societal and ethno-cultural rights).

Unfortunately, the Covid-19 pandemic and Climate change has only made matters worse, and these multiple human rights violations continue and even deteriorate.

### **Human Rights violations**

At 67,4%, the poverty rate in La Guajira is much higher than the Colombian average of 39%<sup>5</sup>. Poverty also disproportionately affects Indigenous people, who live in situation of extreme vulnerability<sup>6</sup>. Wayuu women, particularly mothers, face survival challenges as their most fundamental rights are violated, such as access to food and water, health care, decent work and quality education for themselves and their children.

#### *The right to food*

In La Guajira, malnutrition is rampant in indigenous communities<sup>7</sup>, with particularly dramatic effects on children.

In 2015, the Inter-American Commission on Human Rights (IACHR) had already reported that, since 2008, 4'770 Wayuu children had died due to problems associated with malnutrition and lack of drinking water - a figure likely to be higher since many children are not registered at birth and many deaths occur in homes rather than in hospitals and go unreported.<sup>8</sup>

In 2017 the Commission further requested Colombia to adopt the necessary measures to protect the life and personal integrity of Wayuu mothers who are pregnant or nursing and at risk because of their lack of access to medical care and their high levels of malnutrition. Specifically, the Commission asked Colombia 'to ensure the availability, accessibility, and quality of health services, with a

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<sup>4</sup> Unidad de Planeación Minero Energética [UPME] (2015). Plan de Expansión de referencia Generación - Transmisión 2015- 2029. Colombia

<sup>5</sup> Source: <https://colombiareports.com/la-guajira/#economy>

<sup>6</sup> See for example *Forgotten in the dust of northern Colombia*, a photo essay on the Wayuu by Nicolò Filippo Rosso, published in the Washington Post, on 7 August 2017 <https://www.washingtonpost.com/news/in-sight/wp/2017/08/07/forgotten-in-the-dust-of-northern-colombia/>

<sup>7</sup> See for example this 2021 interview of a Wayuu family by EDO Group <https://www.youtube.com/watch?v=Oe4nDYKYNWk>

<sup>8</sup> See <https://www.oas.org/es/cidh/decisiones/pdf/2015/mc51-15-es.pdf>

comprehensive and culturally appropriate approach, and access to clean drinking water and food in sufficient quantity and quality to meet their nutritional needs in a way that is culturally relevant<sup>9</sup>. According to a more recent 2020 report of Human Rights Watch<sup>10</sup>, 'malnutrition claims the life of one in every 10 children under five. Here, more children than anywhere else in the country die of malnutrition or causes associated with malnutrition, and at six times the national rate, according to data reported by Colombia's Ministry of Health. Since 2016, a child under the age of five dies of malnutrition in La Guajira on average about once a week' – again a figure likely underestimated as many of those children aren't even registered at birth.

Last but not least, an untold number of children who survive in spite of malnutrition suffer long lasting harmful effects on their health and development, with dire consequences for their future.

### *The right to clean water and sanitation*

As they are scattered in rural areas, indigenous people have no access to basic public infrastructure and services, beginning with water: only 46,6% of the households of la Guajira have access to piped water, a figure which drops to 9,7% for indigenous households. For sanitation figures are even lower at 41,9% and 7% respectively. 52,2% of indigenous people in La Guajira rely on a well without pump, a cistern, a wellhead or a borehole to get water<sup>11</sup>.

With few rivers and low rainfall, the region relies on underground aquifers. However, more than 30 years of coal mining has been contaminating these aquifers. As if it were not enough, the mining companies have obtained licences to divert rivers and exploit the riverbeds as coal mining requires a lot of water. As a result, the wells that Indigenous people used to rely on have dried up or are contaminated.

The same goes for electricity: in spite of all the wind farms being built in the department, only 22,0% of the indigenous households have access to electricity<sup>12</sup>.

### *The right to health*

Basic health services and first aid are quasi non-existent in the rural areas of La Guajira, which particularly puts Wayuu mothers and their children in a situation of extreme health vulnerability.

There is no preventive medicine, no plan to address the main health risk factors. Unsafe water is being used because there is no other choice, and insects affect children's health without any way of protecting them. Hygiene and nutrition are inadequate due to a lack of knowledge and resources.

There is no medical response to recurring illnesses in their communities and emergency procedure is totally non-existent.

Medical centres are hours away under the sun. The hours of waiting to make an appointment or to obtain authorisation for a medical consultation are unbearable, in particular for a mother with children who has no financial means and no communication means.

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<sup>9</sup> See <https://www.oas.org/es/cidh/decisiones/pdf/2017/3-17mc51-15-co.pdf>

<sup>10</sup> See <https://www.hrw.org/video-photos/interactive/2020/08/13/people-resilience-colombias-wayuu-indigenous-community>

<sup>11</sup> Source: 2018 National Population and Housing Census (CNPV 2018)

<sup>12</sup> Source: 2018 National Population and Housing Census (CNPV 2018)

The lack of preventive literacy in terms of sexual education and family planning is frightening, and there is no prenatal nor postnatal follow-up. According to WHO<sup>13</sup>, while maternal deaths in Colombia as a whole fell from 70 to 51 per 100 000 live births between 2005 and 2019, they remain nearly five times higher in the country's indigenous communities due to socioeconomic factors and cultural barriers to accessing maternal health services.

### *The right to work*

The Wayuu people have traditionally lived of goat and cattle herding and fishing, growing a few crops, producing the 'mochilas' - the bags traditionally woven by Wayuu women, and trading with Venezuela and the Caribbean islands.

These traditional income resources no longer exist today. Climate change has affected the rainfall cycle, which in turn has disturbed the bean and pumpkin cultivation. The development of gas platforms on the coast have driven the fish offshore. The exploitation of coal mines on the territory have caused disputes and clashes, encouraging thefts from livestock. And the closure of the border with Venezuela and the fight against smuggling and drug trafficking have stopped legal trade.

The Wayuu crafts are also increasingly being counterfeit, with female labour exploited in an unfair production and trade of 'mochilas'.

The multinationals, which have encouraged or forced eviction, do not provide jobs: they employ mostly qualified professionals, who are not locally trained.

Access to decent work is therefore impossible; the economy remains informal and is mostly about survival.

Entrepreneurship is non-existent and there is a lack of training in fundamental skills such as marketing, management, logistics, communication and sales. Wayuu people have no access to financial resources or sustainable economic development funds.

In addition, traditional technical skills are no longer adapted, and modern tools and equipment are lacking. Important support and reskilling would be needed for fishing, livestock farming, permaculture adapted to arid zones and improving craft techniques.

Finally, irresponsible lobster fishing, which no longer respects the reproduction cycles, heralds even more difficult days ahead.

### *The right to education*

There are a few 'ethno-educational centres' in the Wayuu territories. However, their resources are precarious, and management and monitoring are lacking. There is no transport to get there, the infrastructure is old and unsuitable to the intense heat of the area, and the lack of drinking water and nutritious food means that the children cannot concentrate on their studies.

The curriculum is ill-adapted. For example, teaching such subjects as chemistry in primary school when reading comprehension and basic calculation are not mastered does not make much sense. The Wayunaiké, the Wayuu's mother tongue, is not promoted either, and techniques and skills which would be useful for the development of society are not taught.

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<sup>13</sup> Country case study from the 2021 progress report on the implementation of the Global Action Plan for Healthy Lives and Well-being for All – <https://www.who.int/news-room/feature-stories/detail/colombia2021>

The teachers' working conditions and the lack of teaching materials and methods add to the difficulties.

There is a high drop-out rate – in particular girls who become pregnant at a young age and do not return; and families are mostly motivated by the knowledge that their children will have their only meal of the day provided by the ethnic education centre.

### **Legal/political situation in Colombia**

In a 2017 ruling<sup>14</sup>, the Colombian Constitutional Court declared the situation unconstitutional and called for special protection of the rights to water, health and food for the indigenous Wayuu communities in the municipalities of Riohacha, Manaure, Uribia and Maicao in La Guajira.

Following up on its 2017 ruling, in July 2022, the Court concluded that the execution of the judgment was 'insufficient and ineffective', and called for an interim action plan with concrete targets at one year to improve the situation<sup>15</sup>.

A year later, nothing has happened.

In July 2023, the newly elected government visited the area and declared a state of economic, social and ecological emergency in La Guajira.

### **Our analysis and recommendations**

Emergency humanitarian aid on the border with Venezuela has been organised in response to the regular and constant flow of migrants from the Republic of Venezuela.

However, the Wayuu mothers are still without answers to their suffering and continue to lose their children due to malnutrition and unsafe water. The situation is critical: only one meal a day, and living conditions that very few could bear.

Countless international and national organisations have come to witness the dire living conditions of the Wayuus. They leave with advice and promises of development projects, with files of photographs and lists of basic needs. But nothing changes on the ground...

The problem is that national programmes or international humanitarian interventions do not take into account the root causes of vulnerability and these communities' real social needs; nor do they seek the participation of those primarily concerned, i.e. the beneficiaries themselves or local civil society organisations. Designed and managed by outsiders, these interventions do not take into account any of the fundamental psychological needs of ethnic communities, nor do they seek to build a genuine, trusting and lasting relationship with these communities. More often than not, these organisations impose their solutions without checking their impact on the Wayuu people and society.

There is therefore no coherent programme or real strategies for medium and long-term sustainable socio-economic and environmental development for a matrilineal clan-based population of great ancestral cultural value. Meanwhile, plans continue for coal extraction, gas exploitation and the development of wind and solar farms.

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<sup>14</sup> Ruling T-302 - See <https://www.corteconstitucional.gov.co/relatoria/2017/t-302-17.htm>

<sup>15</sup> See <https://www.eltiempo.com/politica/gobierno/decreto-de-emergencia-para-la-guajira-no-pasara-en-la-corte-german-vargas-lleras-784615>

**Instead, it would be more appropriate and efficient to adopt a ‘botton up’ approach, i.e. work with the communities and local experts in a process of social innovation and co-creation to formulate intervention strategies and sustainable solutions to help these Indigenous communities in ensuring their own food security and becoming economically self-sufficient. Such an approach would be less costly than endless humanitarian aid, and more effective in its impact on improving the living conditions of Wayuu mothers.**

In Summary: our demands to the Colombian government

- Understand the systemic dynamics of the Wayuu people and put an end to the systematic violation of their fundamental human rights; trust the ancestral Wayuu people so that their mothers can decide with ethnic development experts the way forward on issues that affect the lives of dispersed rural family clans, and ensure their participation in the formulation and monitoring of local public policies and projects that affect their future
- Hold multinational companies to account so that they fully respect the human rights of indigenous people, work with Wayuu ethnic development experts and local communities, and positively and sustainably contribute to the economic social, and cultural development of these regions – both through financial profit sharing, and by providing appropriate training and decent work to local populations
- Work with and invest in local indigenous communities, in particular women, by developing basic infrastructure and services, so that the Wayuu clans recover their health sovereignty, build an education system tailored to the needs and constraints of the dispersed rural clans, and develop basic services such as water and sanitation, transport, energy and telecommunications
- Provide financial support for social innovation initiatives by expert local NGOs, so that ethnic Wayuu communities can survive, develop and thrive

### **About EDO Group**

EDO Group’s mission is to address the main socio-economic needs of Afro-Colombian and indigenous Wayuu and Wiwa mothers in vulnerable situations in the region of Guajira, Colombia. Its activities include education, inclusion, social entrepreneurship and improving the food sovereignty of ethnic groups in Guajira.

EDO Group is a non-profit grassroots organisation established in Riochacha, La Guajira, and an associate member of Make Mothers Matter (MMM), an International NGO with General Consultative Status to the Economic and Social Council of the United Nations.

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