



VICTIMS ISSUES

A MONTHLY REVIEW

JUNE 2014

1. BACKGROUND

On June 10, 2011, President Santos signed into effect the Victims and Land Restitution Law (Law 1448). Over the next 10 years, the Law will provide five reparation measures to victims of the internal conflict: (1) land restitution, (2) financial reparation, (3) rehabilitation, (4) satisfaction and (5) guarantees of non-repetition. Three public institutions were created by the Law: (1) the Victims Unit, to provide services and reparations and coordinate the National Victims Assistance and Reparation System (SNARIV), (2) the National Center for Historical Memory (CNMH), to collect and develop historical memory of the conflict, and (3) the Land Restitution Unit, to implement the restitution component. As of June 2014, 6,541,351 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (86%).

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2. KEY DEVELOPMENTS

FARC AND GOC SET GUIDELINES FOR DISCUSSION ON VICTIMS

An announcement by the peace negotiations roundtable between the FARC and the GoC was released on Saturday, June 6 reporting on the ten principles that will guide discussions on victims' issues. After reaching agreements on rural development, political participation and illegal drugs, the conversations will now focus on victims' access to truth, justice and reparation measures.

Negotiators have agreed to create a Historical Commission on the Conflict with experts, which will not replace a Truth Commission with broader participation as part of the implementation of the agreements. Regional forums with victims will be organized (July 4 to 5 in Villavicencio, and July 10 to 11 in Barrancabermeja and July 17 to 18 in Barranquilla), as well as a regional and national forum in Cali (August 5 to 6). The challenge for United Nations agencies and the Universidad Nacional will be to seek balanced participation between victims of the FARC and victims of other armed actors (paramilitaries and the state).⁽¹⁾

Any discussion will take as a starting point the recognition of responsibility towards victims of the armed conflict, "where [the two actors] will not exchange impunities", states the announcement.

THREE YEARS OF THE VICTIMS LAW

On June 10, 2014 the Victims Law marked its three year anniversary. The law, which recognizes millions of victims of the armed conflict in Colombia, has opened new spaces for victims' comprehensive reparation, assistance and attention. According to the Victims Unit, to date 385,000 victims have received administrative reparations, in addition to processes to provide education and health services (including 50,000 victims who have received psychosocial attention). The Victims Unit celebrated the anniversary with the event "Women, rights and reparation" in Bogotá, in which Paula Gaviria, Director of the Victims Unit, hailed processes for victims "to reconstruct their life projects".⁽²⁾ The anniversary coincides with COHDES's publication of its 2013 Report on Displacement (see Further Reading), on the current situation of displacement in Colombia, and the ten year anniversary of the Constitutional Court's Sentence T-025 (2004).⁽³⁾

Though its implementation has faced challenges, the Victims Law has opened new spaces and has provided vital recognition for hundreds of thousands of Colombians who have been affected by the armed conflict and armed actors, affirmed Paula Gaviria, Director of the Victims Unit.⁽⁴⁾

1. "Declaración de principios para la discusión del punto 5 de la Agenda: Víctimas", *Mesa de Conversaciones*, June 7, 2014, <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-junio-7-de-2014>

2. "Unidad celebra tres años de la Ley de Víctimas, con las mujeres", *Unidad para las Víctimas*, July 8, 2014, <http://www.unidadvictimas.gov.co/index.php/en/79-noticias/2452-unidad-celebra-tres-anos-de-la-ley-de-victimas-con-las-mujeres>

3. "Ley de Víctimas y Restitución de Tierras cumple tres años", *El Espectador*, June 11, 2014, <http://www.elespectador.com/noticias/nacional/ley-de-victimas-y-restitucion-de-tierras-cumple-tres-an-articulo-497641>

4. "Ley de Víctimas: lo bueno, lo malo y lo feo", *Semana*, June 11, 2014, www.semana.com/nacion/articulo/ley-de-victimas-balance-de-tres-anos/391302-3

SANTOS WINS REELECTION UNDER BANNER OF PEACE

In the second round of presidential elections on Sunday, June 15, President Juan Manuel Santos beat challenger Oscar Ivan Zuluaga 51% to 45%, to be reelected for an additional four years. Santos, who came second to Zuluaga in the preliminary round of elections in May, owes much of his victory to regional landslides on the Atlantic and Pacific coasts and in the south of the country.⁽⁵⁾ During the final weeks of the campaign, peace gained publicity and emerged as a central topic dividing the two candidates. Addressing ongoing peace processes, Santos stated that negotiators in Havana would “create a technical subcommittee to begin discussing the end of conflict” simultaneously with victims, the current topic, to advance concurrently on “the two final substantive points on the agenda”.⁽⁶⁾

3. PEACE PROCESS

GoC TO BEGIN PEACE PROCESS WITH ELN

On Tuesday, June 10 the GoC announced plans to initiate a peace process with the National Liberation Army (ELN), Colombia’s second largest guerrilla group. According to a joint statement released by the two parties, an exploratory phase of conversations began in January 2014, after initial contact and meetings in 2013. During this exploratory phase the parties will construct an agenda and design the structure of the process. Brazil, Chile, Cuba, Ecuador, Norway and Venezuela have already announced their support and willingness to accompany the process. The GoC and the ELN will release periodic information on the progress and results of this phase. The talks will not be part of current negotiations with the FARC and will be held separately in Ecuador.

The official announcement states that victims and societal participation have already been agreed upon as two points to be included in the agenda.⁽⁷⁾

COMMISSION FROM VICTIMS PARTICIPATION ROUNDTABLES WOULD GO TO HAVANA

During a Special Session held on June 26, the National Victims Roundtable selected 15 representatives who would go to Havana to participate in the ongoing negotiations between the FARC and the GoC. The representatives’ presence in peace negotiations would mark the first direct participation of an outside group, and the Victims Unit has hailed the Roundtable’s readiness to participate in reconciliation processes. However, the High Commission for Peace has stressed that this initiative has not yet been debated by negotiators in Havana, who have yet to determine mechanisms for victims’ direct participation in the peace process.⁽⁸⁾

4. A VIEW FROM THE FIELD

MAYORS CALL FOR PRESIDENTIAL CANDIDATES TO CREATE FUND FOR PEACE

In an open letter sent during the presidential campaign to candidates Santos and Zuluaga, 1,104 local mayors expressed their desire for the next administration to pursue efforts to strengthen local government. Among other requests, the letter, sent via the Colombia Federation of Municipalities, calls for the creation of a Fund for Peace to rebuild local infrastructure damaged by the armed conflict and to support compliance with municipal responsibilities laid out by the Victims Law.⁽⁹⁾

HUMANITARIAN SITUATION IN ALTO BAUDO

Concerns have been expressed by various actors, including the United Nations, on the ongoing humanitarian situation in Alto Baudó, Chocó, where confrontations between armed actors (ELN and los Urabeños) have resulted in large-scale displacements. Between May and June, at least 2,000 members of indigenous and afro-descendent communities were displaced by conflict in the region. Institutions including the Victims Unit, the International Committee of the Red Cross and the Ombudsperson’s Office are working to provide humanitarian attention, search for victims of forced disappearance and develop return plans.⁽¹⁰⁾

5. IN THE SPOTLIGHT

MINISTRY FOR POST CONFLICT COULD BE CREATED

Following Santos’ reelection, discussions began with key actors on how his new cabinet will be organized, including the possible creation of new ministry that would deal specifically with topics related to post-conflict scenarios that arise now and in the context of ongoing peace negotiations. Discussions included meetings with politicians and political parties who played a key role in forming alliances for Santos’ victory in the second round.⁽¹¹⁾

5. **Santos se reelige impulsado por la bandera de la paz**, *El País*, June 15, 2014, <http://www.elpais.com.co/elpais/elecciones/noticias/santos-reelige-impulsado-por-bandera-paz>.

6. **“Participación de las víctimas está en el centro del debate en conversaciones entre gobierno y ELN”**, *Contagio Radio*, June 10, 2014,

7. **“Comunicado Conjunto Gobierno-ELN”**, *Presidencia de la República*, June 10, 2014, http://wsp.presidencia.gov.co/Prensa/2014/Junio/Paginas/20140610_01-Comunicado-Gobierno-ELN.aspx.

8. **“Empezó debate de víctimas”**, *El Espectador*, June 27, 2014, <http://m.elespectador.com/noticias/politica/empezo-debate-de-victimas-articulo-501107>.

9. **“Crear el Fondo Para la Paz, piden alcaldes a candidatos presidenciales”**, *Caracol Radio*, June 3, 2014, <http://www.caracol.com.co/noticias/actualidad/crear-el-fondo-para-la-paz-piden-alcaldes-a-candidatos-presidenciales/20140603/nota/2256453.aspx>.

10. **“Desplazados del Alto Baudó (Chocó) temen por minas en su territorio”**, *El Tiempo*, June 29, 2014, www.eltiempo.com/colombia/otras-ciudades/alerta-de-minas-en-alto-baudo/14186446

11. **“Primeras pistas del nuevo gabinete de Santos”**, *Semana*, June 18, 2014, <http://www.semana.com/nacion/articulo/primeras-pistas-del-nuevo-gabinete-de-santos/392460-3>.

6. PROGRESS REPORT*

REGISTERED INDIVIDUALS: 6,541,351 (13.7% of total population)⁽¹²⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION	
	%
Male	49.7
Female	49.4
Undefined	0.8
LGBTI	.01

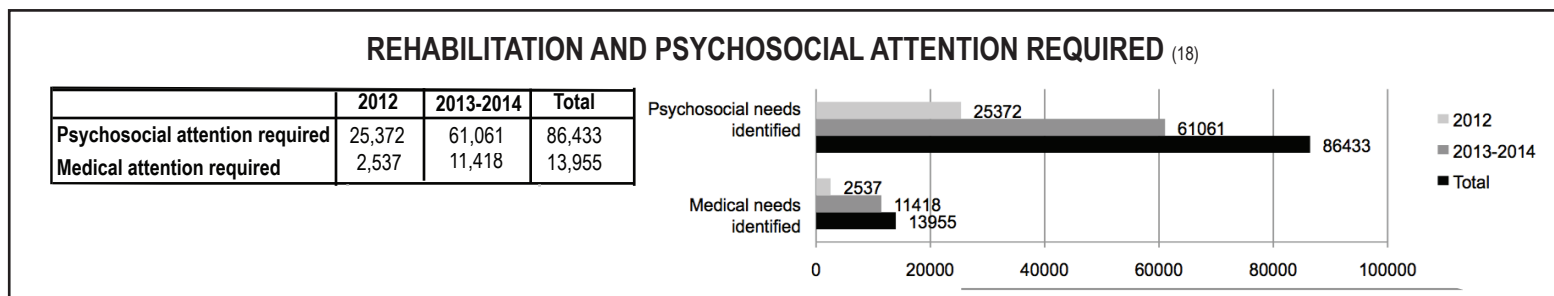
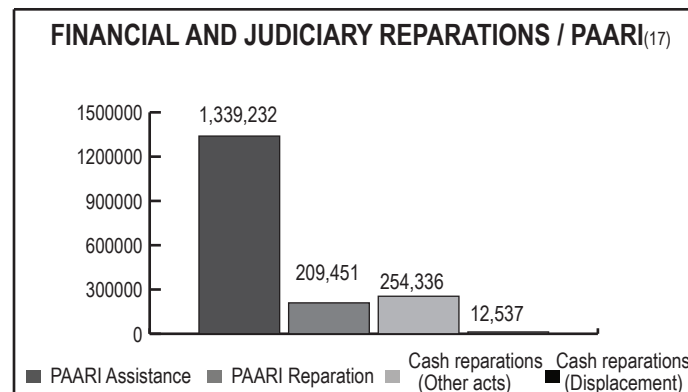
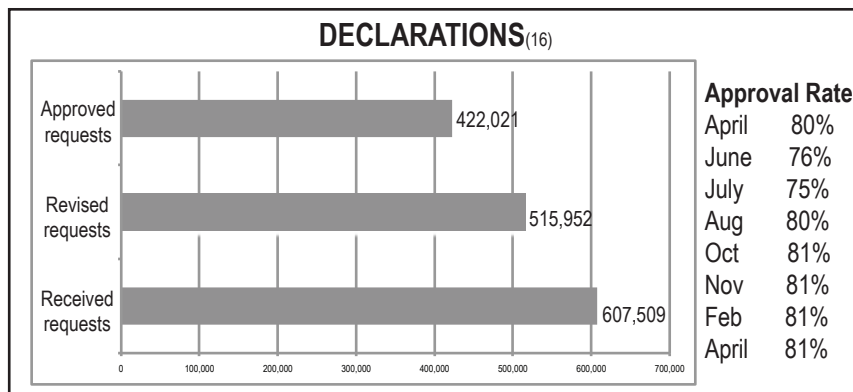
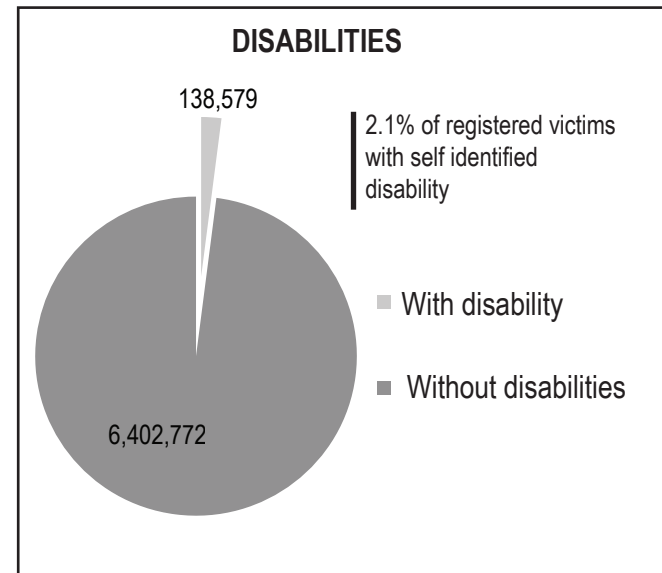
VICTIMS BY AGE GROUP	
	%
0-17	31.4
18-26	17.1
27-60	34.1
61-100	6.8
Without info	10.6

TOP FIVE VICTIMS LOCATIONS ⁽¹³⁾	
	%
1. Antioquia	19.4
2. Bolívar	7.4
3. Magdalena	5.9
4. Nariño	5.1
5. Cesar	4.9

TOP VICTIMIZING ACTS: 7,522,448 ⁽¹⁴⁾	
	%
1. Displacement	80.6
2. Homicide/Massacre	12.0
3. Threats	2.2
4. Disappearance	1.9
5. Loss of property	1.1

VICTIMS BY ETHNIC GROUP ⁽¹⁵⁾			
Ethnic Group	RUV	PAARI Assistance	PAARI Reparation
No ethnicity recognized or identified	5,771,488	1,245,260	200,576
Afro descendant	600,095	73,271	5,861
Indigenous	132,153	20,472	2,507
Gypsy/ROM	29,043	69	127
Raizal (San Andres and Providencia)	8,178	58	56
Palenquero	394	10	6
Total	6,541,351	1,339,140	209,133

11.76% of registered victims self-recognize as members of ethnic group



*Source: Victims Unit VISOR, April, 2014; Victims Registry information obtained from the Victims Unit's National Information Network, June 1, 2014, <http://mi.unidadvictimas.gov.co>.

12. Official estimate of victims in the country. Population: 47,661,787.

13. Based on registry location.

14. Based on the registry of victimizing acts.; homicide and disappearance include indirect victims.

15. Based on declared ethnicity; Palenquero: natural from San Basilio de Palenque, Bolivar.

16. Based on the Single Declaration Format (FUD). Cumulative total of declarations received, April 2014.

17. Number of reparation transfers sent through April 2014; PAARI Reparation and Assistance carried out through June 2014.

18. Victims who express need for psychosocial attention and or medical attention; April 2014.

7. DIVERSITY MAINSTREAMING

NEW LAW PASSED GUARANTEEING RIGHTS OF VICTIMS OF SEXUAL VIOLENCE

On June 18, President Santos signed a law focusing on cases of sexual violence occurring within the armed conflict. The law, which strengthens the ability to prosecute sexual violence, includes clauses on non-discrimination for victims based on their past, behavior or sexual orientation. It adopts measures to guarantee victims' access to justice and provides special protection for women, children and adolescents in conflict zones, while also shifting the burden of proof from victims to state entities responsible for investigating crimes and establishing that sexual violence should be punished equally regardless of the perpetrator. President Santos called the law a step towards recovering victims' dignity and tranquility. To date, the Victims Unit has registered 4,672 female victims of sexual violence within the context of the armed conflict, 2,095 of whom have been repaired.⁽¹⁹⁾

8. INSTITUTIONAL ADVANCES

Victims Unit

ATTENTION POINTS INAUGURATED IN CIENAGA AND DIBULLA

The Victims Unit and local authorities, with support from USAID, renovated and equipped Victims Attention Points in Ciénaga (Magdalena) and Dibulla (La Guajira) for victims to access services from different government institutions. Renovations included infrastructure and equipment provision to increase the quality and efficiency of victims' attention processes.

KNOWLEDGE FAIR HELD IN BOGOTA

A Knowledge Fair was held on June 27 with the Victims Unit and thirteen implementing agencies that work with victims-related activities. The Fair provided a space to exchange experiences and lessons learned between international programs, including those funded by USAID, and the Victims Unit. Negotiating rounds yielded 118 initial cooperation agreements, and operating agencies presented successful projects. Follow-up will include analyzing agreements to identify possible new initiatives and interventions, to foster sustainability of the Fair's results.

National Historical Memory Center

ENCOUNTER WITH REGIONAL HISTORICAL MEMORY GROUPS AND DIGITAL MEMORY INITIATIVES

From June 4 to 5 the first national meeting of the CNMH's Digital Memory Initiatives Project was held in Bogotá. Participants shared local memory initiative content based on their cultural expressions and languages, received training on historical memory, social media, and photography, among other topics, and worked to design websites to raise awareness of local historical memory projects. Next steps include promoting the network and developing new initiatives.

9. FURTHER READING

VICTIMS UNIT REPORT ON DISPLACEMENT AND HUMANITARIAN CRISES

The 2012-2013 report from the Victims Unit provides regional and national information and statistics on the dynamics of the armed conflict, the current situation of forced displacement and humanitarian crises, and the role of effective public policies in guaranteeing the rights of victims of forced displacement. It recognizes institutional advances in the implementation of policies for victims, the registration of information, and assistance, attention and reparation.⁽²⁰⁾

COHDES 2013 REPORT ON DISPLACEMENT

The report, released on June 10, 2014, provides a detailed overview of displacement and key regions affected, highlighting the urbanization of the conflict, areas most affected by displacement and the arrival of displaced populations, the transformation of armed actors, the rise in general violence as a factor for displacement and the importance of peace to stem this phenomenon throughout the country. According to COHDES, 219,398 people were displaced in 2013, compared to 185,214 reported by the Victims Unit via the National Information Network (RNI).

DEPARTMENT OF STATE'S 2014 TRAFFICKING IN PERSONS REPORT

The TIP report provides comprehensive information on anti-trafficking efforts and the scope of trafficking across the globe. The 2014 report on Colombia highlights the relationship between internal displacement, organized criminal groups and trafficking, and the need to improve interagency coordination of anti-trafficking efforts.⁽²¹⁾

CERAC AND PNUD STUDY ON ECONOMIC BENEFITS OF PEACE

On June 10, 2014, the Conflict Analysis Resource Center (CERAC) and the United Nations Development Program (PNUD) presented the study "What will Colombia gain from peace?: An economic perspective" to representatives of the GoC.⁽²²⁾

19. "Ley da dientes a jueces para castigar violencia sexual en el conflicto", *El Tiempo*, June 18, 2014, <http://m.eltiempo.com/politica/gobierno/ley-da-dientes-a-jueces-para-castigar-violencia-sexual-en-el-conflicto/14140175/1>.

20. "Desplazamiento y crisis humanitaria 2012 - 2013", *Unidad para la Atención y Reparación Integral a las Víctimas*. http://www.unidadvictimas.gov.co/images/docs/Informe_desplados-2012-2013.pdf.

21. "Trafficking in Persons Report 2014", *U.S. Department of State*, June 20, 2014, <http://www.state.gov/j/tip/rls/tiprpt/2014/index.htm>.

22. "¿Qué ganará Colombia con la paz?", *CERAC*, June 10, 2014, <http://www.cerac.org.co/es/l%C3%ADneas-de-investigaci3n/violencia-armada/l3-que-ganar3-colombia-con-la-paz-una-perspectiva-econ3mica.html>