

VICTIMS ISSUES

A MONTHLY REVIEW

MARCH 2015

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 March 2014, 7,201,034 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (79.2%)¹.

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2. KEY DEVELOPMENTS

COLOMBIAN GOVERNMENT AND FARC REACH HISTORIC AGREEMENT ON DEMINING

The unprecedented agreement on clearing and decontaminating Colombia of landmines will be carried out in coordination with the Norwegian People's Aid and with the support of the Colombian Government, led by the Office for Comprehensive Action against Landmines (DAICMA). This process will be carried out initially in Antioquia and Meta, two regions known for historic presence of FARC. While the pilot will be implemented in the selected areas, talks point to a 2021 strategic plan to clear the entire country of landmines. Colombia is one of the most landmine-contaminated countries in the world, and the devices have killed or injured over 11,000 persons,² mostly members of the security forces. Landmines are now a threat in about 700 of Colombia's 1,100 municipalities.³

Humberto de la Calle announced that “the government and FARC will work together to demine some rural areas. The main objective is to end the conflict...and therefore this proposal is a giant step toward peace.”

NATIONAL MEMORY MUSEUM ON THE ARMED CONFLICT

Following two years of discussions, significant advances have been made to construct Colombia's National Memory Museum, led by the National Historical Memory Center, to open in 2018. The construction of the museum is a societal project that includes the participation of victims and communities, the recognition of the plurality of victims' voices and experiences, and the inclusion of regional memory spaces throughout the country. The museum's development has been challenging given numerous visions and versions on the conflict, stated Martha Nubia Bello. The museum will cover five topics: what happened; why it happened; damages and impacts; resistance, dignity and peace; and finally, the present – other violence and current challenges. A lot in the center of the city has been designated for construction and President Santos symbolically placed the first stone, announcing an international competition for the museum's designs.

“The challenge is that the museum expresses the complexity...of Colombia's many diversities,” stated Martha Nubia Bello, responsible for the Museum's development.

POSSIBLE CHANGES TO VICTIMS LAW MENTIONED

The newspaper *El Espectador* published a piece stating that given the challenges of compensating all IDPs in the country as well as the impact of the ongoing peace process, the Colombian government must find new ways to finance the Victims Law – and the path to do this may be achieved through reforms to the Law. Concerns regarding these two challenges generated internal discussions at the highest level of the GoC, which must comply with promises to victims and deal with possible outcomes of an agreement with FARC.⁴

3. PEACE PROCESS

U.S. MOVES TO PLAY MORE ACTIVE ROLE IN PEACE PROCESS

In early March, Bernie Aronson, recently named by the United States Government as its delegate to the peace process, traveled to Cuba for the first time. Before heading to Havana, Aronson met with Santos in Bogotá. FARC greeted Aronson's arrival positively, stating that his presence responded to “a need, taking into account the presence and permanent impact that the United States has...”

¹ Victims Unit National Information Network: most recent data through February 1, 2015, mi.unidadvictimas.gov.co/.

² “Víctimas de Minas Antipersonal,” DAICMA, <http://bit.ly/1ATCDNi>.

³ “Demining the Path to Peace in Colombia,” Crisis Group, March 10, 2015, <http://bit.ly/1C2s7CP>.

⁴ “¿Vienen cambios en la Ley de Víctimas?”, *El Espectador*, March 21, 2015, <http://bit.ly/1DV5Ysf>.

had on the political, economic and social life of Colombia.”⁵ Aronson’s presence is indicative of pressing issues for both parties: ending the conflict and U.S. calls to extradite some guerilla members accused of involvement in drug trafficking. Furthermore, Sarah Sewall, Under Secretary of State for Civilian Security, Democracy and Human Rights, traveled to Colombia to meet with top national decision makers. The State Department noted the visit underscores the U.S.’s support for negotiations and transitional justice, consistent with the rule of law.⁶

Initial meetings with the U.S. Delegate to the peace process between the GoC and FARC were “frank, useful and productive,” stated FARC on its website.

ONE-MONTH CESSATION OF AERIAL BOMBINGS OF FARC ENCAMPMENTS

In a landmark announcement that President said is based on the achievements of peace talks with FARC, which are “entering in a definitive phase,” Santos called for a one-month cessation of aerial bombings against FARC. The decision, Santos stated, also resulted from the guerrilla group’s continued compromise following its unilateral ceasefire declared in December 2014. Initially the ban will last a month but could be extended if FARC continue to comply with their ceasefire. Airstrikes have long been one of the government’s most successful tools in fighting the rebels, and will continue against ELN, the nation’s second-largest guerrilla group, until it joins peace talks. However for his part, Defense Minister Juan Carlos Pinzón argued that Colombia’s armed forces will use “all the tools at its disposal” to combat FARC.⁷

Other voices questioned Santos’ decision to cease aerial bombings, with the Inspector General stating, “This means the paralysis of the armed forces against FARC while it continues impacting the civilian population.”

UNITED NATIONS HIGH COMMISSION’S RECOMMENDATIONS FOR PEACE PROCESS

In its annual report analyzing the state of human rights in Colombia, the United Nations made a series of recommendations for the Colombian Government and ongoing negotiations in Havana with FARC and exploratory phases on negotiations with the ELN. “Colombia must develop legal and non-legal measures for society together to face the human rights and international humanitarian law violations that have occurred,” the document suggested, also noting the importance of responding to violence by post-demobilization groups pursuing organized crime, highlighting the importance of economic opportunities and jobs for youths.⁸

4. DIVERSITY MAINSTREAMING

ENDING THE SILENCE ON SEXUAL VIOLENCE IN COLOMBIA⁹

In early March, U.N Special Representative on Sexual Violence in Conflict Zainab Hawa Bangura visited Colombia and highlighted initiatives to address conflict-related sexual violence. In meetings with the Minister of Defense and Chief of the Army Staff, Ms. Bangura pledged continued UN collaboration with the Army and Police to ensure implementation of policies to eradicate sexual violence. She also met with communities from Chocó and stated that Colombia must break the silence on sexual violence committed by all sides in its long-running conflict and ensure such crimes are addressed in any accord resulting from current peace talks. Bangura stressed “a direct correlation between poverty, access to justice and sexual violence.”¹⁰

“Breaking the silence on sexual violence must be a conscious effort and represents a critical step towards eradicating this scourge...it is evident that a deep culture of silence and denial still exists,” Bangura.¹¹

GENDER AND LGBTI TOPICS INCLUDED IN DISCUSSIONS IN HAVANA

Speaking in Havana, Mauricio Albarracín, Director of Colombia Diversa, spoke to the social battles won by Colombia’s LGBTI community in recent years and the violation of rights that this community has suffered in the armed conflict. Albarracín stated, “Because of the pain that we have suffered, we believe in this peace process. We believe that this table is capable of creating a better future for Colombia,” suggesting that the GoC and FARC issue a joint declaration against discrimination of the LGBTI community and include specific elements to recognize sexual diversity. Between 2006 and 2014 alone, 332 acts of political violence were carried out against LGBTI persons.¹²

The third group of female experts in the Gender Sub-commission stressed the importance of ensuring long-term, continued inclusion of all women in the peace process.

⁵ Enviado de EE.UU. se reunió con delegados de Gobierno y Farc en Cuba,” W Radio, March 2, 2015, <http://bit.ly/1Fd73w5>.

⁶ “Under Secretary to Travel to Colombia,” U.S. Department of State, March 5, 2015, www.state.gov/r/pa/prs/ps/2015/03/238173.htm

⁷ “Colombia suspends air raids on the Farc,” The Guardian, March 11, 2015, <http://bit.ly/1CbWjaX>.

⁸ Las recomendaciones de la ONU para una paz verdadera,” El Espectador, March 16, 2015, <http://bit.ly/1y1WgCg>.

⁹ “ONU destaca iniciativas de Colombia sobre violencia sexual,” El Tiempo, March 3, 2015, <http://bit.ly/1CbVBUG>.

¹⁰ “UN Envoy: Colombian Peace Process Must Tackle Sexual Violence,” Telesur, March 5, 2015, <http://bit.ly/1a2Uh5h>.

¹¹ “Colombia, in peace talks, must break silence on sexual violence – UN,” Channel NewsAsia, March 4, 2015, <http://bit.ly/1yTsaFa>.

¹² “Las reflexiones de los LGBTI en La Habana,” El Espectador, March 8, 2015, <http://bit.ly/1ai9Kib>.

5. PROGRESS REPORT

REGISTERED INDIVIDUALS: 7,201,034 (15.1% of total population)

VICTIMS BY GENDER OR SEXUAL ORIENTATION	
	%
Male	49.75
Female	49.50
Undefined	0.74
LGBTI	.01

VICTIMS BY AGE GROUP	
	%
0-17	30.8
18-26	17.2
27-60	34.9
61-100	7.2
Without info	9.9

TOP FIVE VICTIM LOCATIONS	
	%
1. Antioquia	20.2
2. Bolívar	7.2
3. Magdalena	5.8
4. Nariño	5.4
5. Cauca	4.9

TOP VICTIMIZING ACTS: 8,175,353	
	%
1. Displacement	79.8
2. Homicide/Massacre	12.2
3. Threats	2.7
4. Disappearance	2.0
5. Loss of property	1.2

DIGNIFYING ATTENTION TO VICTIMS: OPTIMIZING VICTIMS ATTENTION POINTS

108 VICTIMS ATTENTION POINTS AND REGIONAL ATTENTION CENTERS IN COLOMBIA → **62** ARE LOCATED IN MUNICIPALITIES TARGETED BY VISP

VISP's optimization of Victims Attention Points through renovations and provision of necessary equipment has dignified attention to victims in targeted municipalities, ensuring timely and comfortable access to institutional offer:

- Victims Unit
- Mayor's Offices
- Health and Education Secretaries
- Inspector General's Office
- Colombian Family Welfare Institute
- Ombudsman's Office

↙ **22** ATTENTION POINTS AND REGIONAL ATTENTION CENTERS ARE BEING OPTIMIZED BY VISP

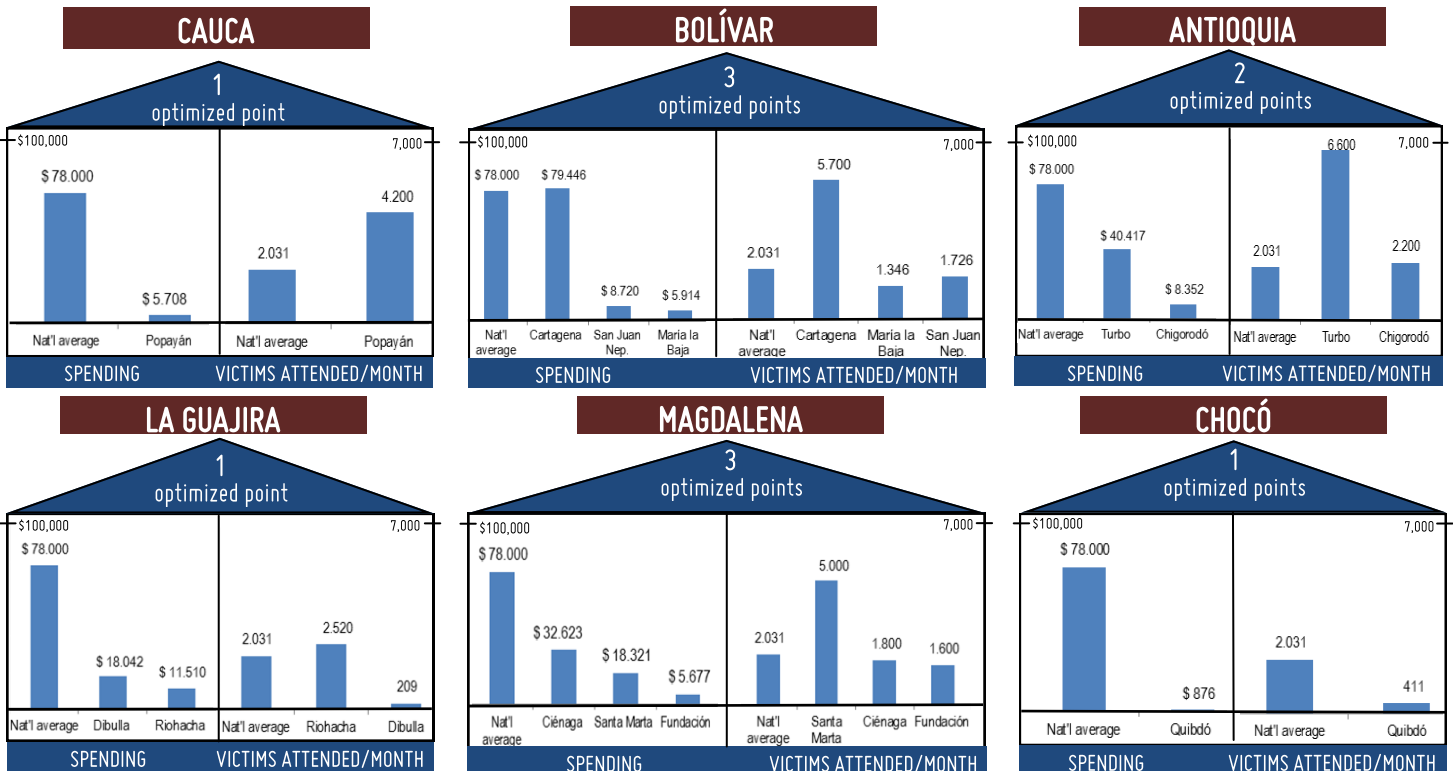
↘ **THE OPTIMIZATION OF 12 ATTENTION POINTS HAS BEEN COMPLETED AND 10 ARE IN PROCESS***

- NATIONALLY AMONG ALL ATTENTION POINTS- 2,031 victims are attended to monthly on average at each attention point

USD \$78,000 is needed on average to optimize and equip each attention point, according to Colombian Government

- AMONG ATTENTION POINTS OPTIMIZED BY VISP - 2,776 victims are attended to each month on average at VISP optimized attention points

USD \$19,634 was invested by VISP on average to optimize and equip each attention point



*Of the 10 in process attention locations, 4 are Regional Attention Centers (including designs projects) and 1 of the 10 refers to a completed project to design Fundación's Victims Attention Point, which has yet to be carried out by the Mayor's Office. Victims attended per month by optimized point is an approximate figure. VISP's investments for the 22 total projects amounts to approx. USD \$511,186. Initial information on number of victims from Victims Unit RNI.

6. A VIEW FROM THE FIELD

THREATS AND SCRUTINY SURROUND VICTIMS' WOULD-BE PARTICIPATION IN ELECTIONS¹³

Throughout the country, numerous victims' leaders have looked to participate in local elections to be held in October 2015. For some, including the leader of the women's organization Narrar para Vivir, their announcement that they would run as candidates in local elections were met with death threats from criminal groups. As social leaders, "we are in a grave position, because local political bosses are not interested in new ideas on how to run politics...we victims realized many years ago that the only differences are made when we are in decision-making spaces," stated Luis Alfreso Vásquez, leader of land restitution in the Montes de María region.

7. INSTITUTIONAL ADVANCES

Victims Unit

EXPERIENCES IN HAVANA SHARED WITH VICTIMS IN HUILA

Victims from the region were invited to an encounter held in Pitalito, Huila to reflect on the peace process and discuss the post-conflict, with the presence of three victims who traveled to Havana to meet with negotiators. The forum supported by the Victims Unit and IOM included an attention session for victims to consult their status in the register, humanitarian attention and update their information. This encounter demonstrates greater efforts for territorialization of policies and community participation in the reconstruction of peace.

COMPREHENSIVE ROUTE ESTABLISHED

Following the signing of Resolution 113 of February 24, 2015, the Victims' Unit established the Comprehensive Route, an attention strategy to provide better responses to victims' requests that adjusts internal structures and procedures followed by the entity.

National Historical Memory Center

MULTIMEDIA PAGE: "FROM CARTAGENA TO TUMACO: A JOURNEY TO MEMORIES"

On March 1, the CNMH released the interactive website "From Cartagena to Tumaco," which includes ten videos and testimonies on memory and resistance in different locations that are representative of the history of the armed conflict in the country.¹⁴

INTERNATIONAL RIGHT TO TRUTH DAY

The CNMH celebrated International Right to Truth Day on March 24, including with a commemoration and dialogue session in Bucaramanga on victims' right to the truth about human rights violations.

8. IN THE SPOTLIGHT

DAY OF VICTIMS OF THE ARMED CONFLICT COMMEMORATED ON APRIL 9

Throughout Colombia, April 9 marks Victims Day, to be commemorated through a series of events and activities throughout the country, including marches. This date, created by the Victims Law, will include the presence of UN Secretary General Ban Ki-moon. As part of the commemoration, President Santos will place the first stone of the Memory Museum.

THE "INTERNATIONAL REPARATION SCHOOL: EXCHANGE OF SOUTH – SOUTH REPARATION EXPERIENCES"

The Victims Unit, the Presidential Agency on International Cooperation and the IOM organize a 5-day event on South-South Interexchange Forum on Reparations (May 4 to 8, 2015), with particular attention paid to discussing the main challenges between reparation policy and implementation.

9. FURTHER READING

TRANSITIONAL JUSTICE: NOT ALL FIT, NOT ALL ARE EQUAL

An article from El Espectador discussing former President Cesar Gaviria's transitional justice proposal (see February Victims Issues) and the vital importance of defining "justice" as part of the negotiations in Havana.¹⁵

INTERNATIONAL COMMITTEE OF THE RED CROSS' REPORT ON HUMANITARIAN SITUATION

The report registers 815 international humanitarian law infractions in 2014, 41% more than in 2013, highlighting the continued increase in statistics of forced displacement in Colombia (See Progress Report).¹⁶

STUDY ON THE IMPLEMENTATION OF COLOMBIA'S INDIVIDUAL REPARATION PROGRAM

Report by the International Center for Transitional Justice analyzing the current state and challenges of the reparation process advanced in the country. Following the consolidation of the universe of victims, the report states that the GoC has made an effort to dignify the process to delivery compensations to victims and there is more participation. Victims' state of vulnerability due to, on one hand, the conflict itself, and on the other, historic abandonment by part of the state. The report also questions the financial viability of compensating all victims, and notes that certain internal processes could be simplified to streamline reparation.

¹³ "Las víctimas que irán a las urnas ya están en la mira," La Silla Vacía, March 18, 2015, <http://bit.ly/1GtUs4s>.

¹⁴ "De Cartagena a Tumaco," CNMH, March 2015, <http://www.centrodememoriahistorica.gov.co/micrositios/viajeMemorias/>.

¹⁵ "Ni todos caben, ni todos son iguales," El Espectador, March 11, 2015, <http://bit.ly/1O8VZRU>.

¹⁶ "Humanitarian situation and ICRC action in Colombia," ICRC, March 11, 2015, <http://bit.ly/1Dk1bz0>.