

VICTIMS ISSUES

A MONTHLY REVIEW

AUGUST 2013

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 July 31, 2013, 5,669,236 victims are registered with the government of Colombia, primarily victims of internal displacement (82%).

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2. KEY DEVELOPMENTS

VICTIMS UNIT AND CNMH 2014 BUDGET CUTS

The Ministry of Finance responded to the Victims Unit original 2014 budget request of a 24% increase by decreasing both the Victims Unit and CNMH budgets by 6%. Comparative approved 2013 and 2014 budgets are below⁽¹⁾:

VICTIMS UNIT

ITEM	Approved 2013	Approved 2014	Var %
OPERATING BUDGET	390,488,021	366,030,208	-6.26%
INVESTMENT BUDGET	392,945,833	367,812,100	-6.40%
TOTAL BUDGET	783,433,854	733,842,308	-6.33%

70% of Victims Unit requested budget was approved.
Affected areas include: collective reparations, local-national coordination and victims participation.

NATIONAL HISTORICAL MEMORY CENTER

ITEM	Approved 2013	Approved 2014	Var %
OPERATING BUDGET	5,564,942	5,754,353	3.40%
INVESTMENT BUDGET	17,291,667	15,690,104	-9.26%
TOTAL BUDGET	22,856,609	21,444,458	-6.18%

33% of CNMH requested budget was approved.
Affected areas include: museums, regional archives and general report dissemination.

REPORT PRESENTS VICTIMS LAW'S ADVANCES AND DIFFICULTIES

On August 27, the Public Ministry monitoring commission presented the second Victims Law implementation monitoring report (covering July 2012-July 2013) to Congress. The commission highlighted GOC efforts to design an integral reparation policy with victims' participation and the increase in public officials responsible for implementing the law in the 51 SNARIV institutions (2,341 in 2012 to 4,237 in 2013). Main improvements needed include:

- Implementing the participation protocol to guarantee victims participation
- Securing financial resources for the effective implementation of the law
- Adjusting the Single Victims Registry
- Moving from a humanitarian aid model to a comprehensive reparation model
- Unifying Victims Law and National Development Plan criteria

The first ethnic community services monitoring report was also presented, highlighting institutional adjustments to enforce mainstreaming diversity, and slow implementation.⁽²⁾

1. July 2013 exchange rate: USD 1 = COP 1920

2. Reports available at: <http://www.secretariassenado.gov.co/index.php/lo-de-hoy/1007-informe-de-seguimiento-y-monitoreo>

MUNICIPAL OMBUDSPERSON'S OFFICE DEMANDS SUPPORT

Colombian Ombudsperson Federation president Andrés Santamaría claimed that current financial and physical resources for victims' service provision are not enough.⁽³⁾ Under the Victims Law, Municipal Ombudspersons take victims declarations, submit them for registration in the Single Victims Registry (RUV) and act as victims' roundtables technical secretariats. With UNDP support, a law reform to increase Ombudsperson's offices local budgets and staff is under review.⁽⁴⁾ The reform establishes new guidelines for their election (including new time periods and qualification requirements) to guarantee independence and avoid political participation.

As of February 2013, Municipal Ombudsperson's offices provided attention to 78% of victims; Regional Ombudsperson's to 11% and the Prosecutor's office to 9%. The Victims Law does not strengthen Municipal Ombudsperson's offices.

80% of 1,102 Municipal Ombudsperson's offices do not have computer equipment to fulfill their tasks

3. PEACE PROCESS

RESULTS IN FROM THE VICTIMS ROUNDTABLES

On August 27, the UN submitted victims' opinions on their rights and access to truth from regional victims' roundtables. During the event, UN Resident and Humanitarian Coordinator in Colombia Fabrizio Hochschild explained how the three month process showed victims are a diverse population, yet with common interests, requesting that: (1) armed actors recognize their crimes and responsibilities; (2) they participate in the GOC/FARC negotiations; and, (3) the peace process is successful.⁽⁵⁾

Colombian Congress President and Victims Law's supporter Juan Fernando Cristo insisted on the participation of victims and political party representatives in the peace negotiations in Havana, Cuba⁽⁵⁾. Both GOC and FARC agree on the importance of this possible meeting.

FARC RECOGNIZES THE NEED TO IDENTIFY AND REPAIR VICTIMS

In response to the recently released Historical Memory Center General Report (exploring the origins and actors of Colombia's internal armed conflict), FARC demanded a similar analysis be conducted by an independent national and international commission. In the same statement and for the first time, FARC leader alias "Pablo Catatumbo" publically recognized the need to identify and repair their victims.

4. A VIEW FROM THE FIELD

VICTIMS MOBILE ATTENTION UNIT ASSISTS VICTIMS IN CORDOBA

In August, the Victims Mobile Attention Unit - a joint initiative between the Ombudsperson's Office and the Ministry of Interior - provided information on attention routes, reparation measures and benefits provided by the Victims Law to victims in Córdoba. The Mobile Unit, which began touring the country in August 2012, brings institutional services to regions where victims cannot easily access them and has registered more than 10,000 victims around the country.⁽⁶⁾

Córdoba (in northern Colombia) is one of the most affected regions by paramilitary groups. The Victims Mobile Attention Unit is made possible by the financial support of USAID, Chemonics, EU and PADF.

5. DIVERSITY MAINSTREAMING

HISTORICAL MEMORY MEETING WITH ETHNIC COMMUNITIES

On August 9 and 10, the CNMH conducted a meeting with representatives of 18 indigenous communities in Puracé (Cauca). During the meeting four ethnic communities' memory initiatives developed with CNMH support were presented and discussions revolved around how to develop historical processes around an ongoing conflict.⁽⁷⁾

3. "Municipal Ombudsperson's offices diagnostic to implement transitional justice framework", *FENALPER*, June, 2013, <http://es.scribd.com/doc/157525979/DIAGNO%CC%81STICO-FORTELECIMIENTO-PERSONERIA-PARA-LA-JUSTICIA-TRANSICIONAL-FINAL>; "Ombudsmen, drowning with the Victims Law, claim for help", *La Silla Vacía*, August 1, 2013, <http://www.lasillavacia.com/historia/los-personeros-ahogados-por-la-ley-de-victimas-piden-ayuda-45319>; "Ombudsmen without budget", *Noticias Uno*, August 24, 2013, http://www.youtube.com/watch?feature=player_embedded&v=Yk8_sldRGq0

4. "Municipal Ombudsperson's offices reform", <http://es.scribd.com/doc/157525018/Propuesta-de-Iniciativa-Legislativa-Para-El-Fortalecimiento-de-Las-Personerias-Municipales-y-Del-Estado-Local-CFV-Con-Comentarios-2>

5. "UN submits victims proposals", *UNPD*, August 27, 2013, <http://www.pnud.org.co/sitio.shtml?apc=i1-----&x=73423#UiZUYjZLO84>; "Victims must be heard in Havana: Juan Fernando Cristo", *Radio Santa Fe*, August 27, 2013, <http://www.radiosantafe.com/2013/08/27/juan-fernando-cristo-pidio-que-victimas-sean-escuchadas-en-la-habana/>

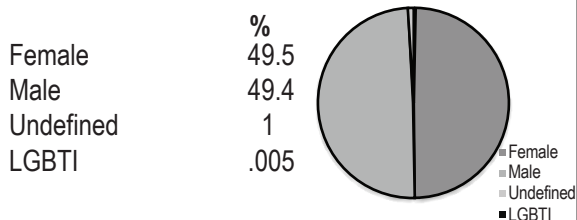
6. "Victims Mobile Attention Unit began fourth tour around the country", *Defensoría del Pueblo*, August 12, 2013, http://www.defensoria.org.co/red/index.php?_item=0301&_secc=03&ts=2&n=1737

7. "Indigenous groups historical memory initiatives first meeting", *CNMH*, August 8, 2013, <http://www.centrodememoriahistorica.gov.co/index.php/noticias/noticias-cmh/1779-primero-encuentro-de-iniciativas-de-memoria-historica-de-pueblos-indigenas>

6. PROGRESS REPORT*

REGISTERED INDIVIDUALS: 5,743,957 (12% of total population)⁽⁸⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION



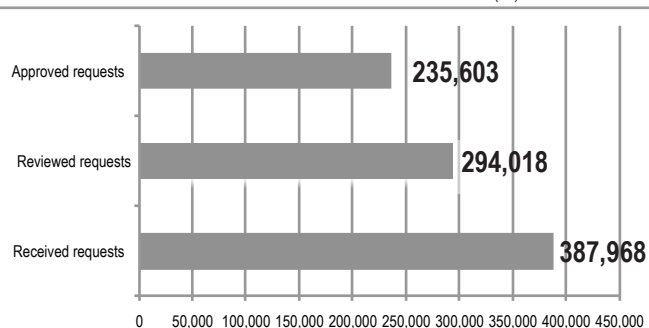
TOP FIVE VICTIMS LOCATIONS⁽⁹⁾

Location	%
1. Antioquia	13.5
2. Bogotá	7.1
3. Valle del Cauca	5.6
4. Magdalena	5.4
5. Bolívar	4.7

VICTIMIZING ACTS: 6,606,963⁽¹⁰⁾

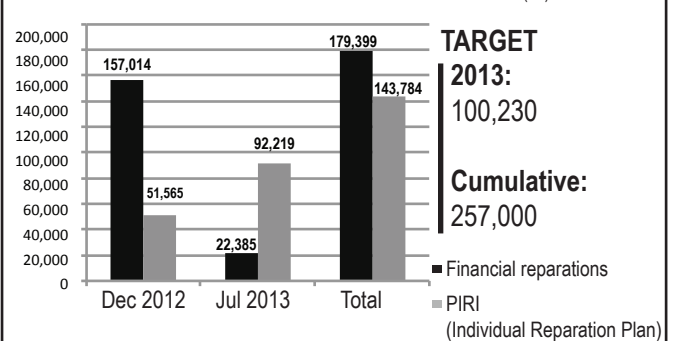
Act	%
Displacement	82
Homicide/Massacre	11
Disappearance	1.5
Abandoned/seized lands	1.4
Threats	1.3

DECLARATIONS⁽¹¹⁾

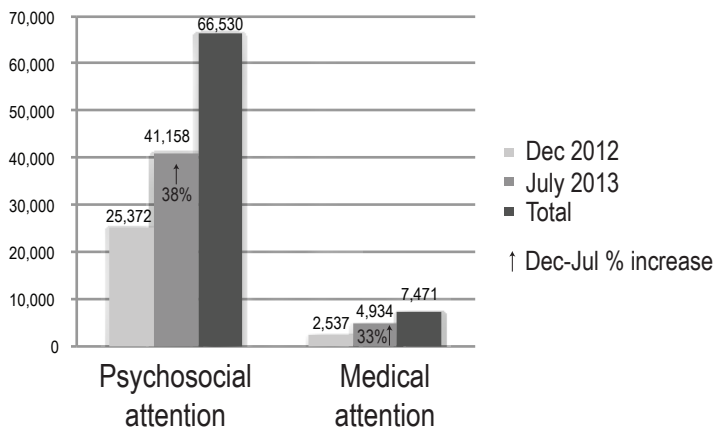


Approval Rate
 April 80%
 June 76% ↓
 July 75% ↓

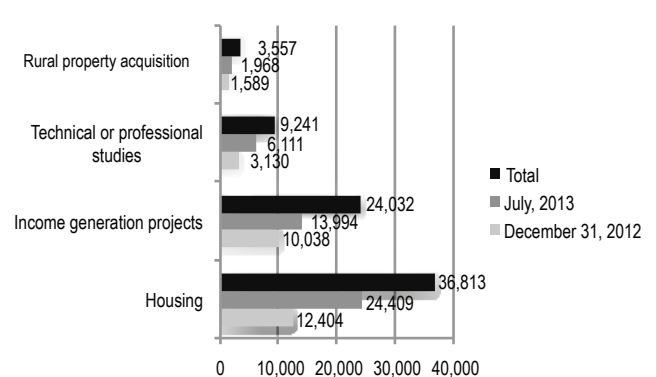
FINANCIAL REPARATIONS / PIRI⁽¹²⁾



REHABILITATION AND PSYCHOSOCIAL ATTENTION REQUIRED⁽¹³⁾



REPARATIONS INVESTMENT AREAS⁽¹⁴⁾



FINANCIAL REPARATIONS BY AGE GROUP

Age Group	Dec 2012	July 2013	Total
Children and youth	7,052	0	7,052
Adults	149,962	22,385	179,399

LOCAL ACTION PLANS (PAT)⁽¹⁵⁾

Entity	# with PAT	# without PAT	% with
Municipalities	1,003 (35)	120	89 (3% ↑)
Departments	30 (4)	2	90 (9% ↑)

*Source: Victims Unit. July 31, 2013.

8. Official estimate of victims in the country.

9. Based on registry location.

10. Based on the registry of victimizing acts.

11. Based on the Single Declaration Format (FUD).

12. Number of individuals who received financial compensation (total: COP 912,621,000); PIRI: Individual Reparation Plan.

13. Victims who express needs for psychosocial attention and/or medical attention.

14. Victims Unit's service provision coverage.

15. PAT: Local Action Plans, are guiding tools that includes prevention, assistance, attention and reparation measures created by municipalities and departments with victims' participation.

7. IN THE SPOTLIGHT

PAPSIVI TEAMS BEGIN TRAINING

Throughout September, the Ministry of Health will conduct a 5 day training session in 18 departments with the 128 teams in charge of implementing the Comprehensive Health Program (PAPSIVI). PAPSIVI provides psychosocial and health services and physical and mental rehabilitation to victims.

“Victims reparation services - especially psychosocial and integral health services - are essential to create conditions for a post conflict scenario in Colombia”, expressed Minister of Health Alejandro Gaviria

8. INSTITUTIONAL ADVANCES

VICTIMS UNIT AND DANE WILL CONDUCT DISPLACED POPULATION CENSUS

The Victims Unit and the National Statistics Department (DANE) will conduct a census of approximately 20,000 displaced households to measure the effective enjoyment of rights. Results will be used to profile the current conditions of displaced populations and will assess psychosocial and legal services provided and identify public policy adjustments.⁽¹⁶⁾

CNMH DISSEMINATES EX-COMBATANT JUDICIAL BENEFITS LAW

In August, the Truth and Reconciliation Agreement Directives (DAV), part of the CNMH, began disseminating Law 1424 with regional ombudspersons and magistrates. Law 1424 of 2010 exempts demobilized members of paramilitary groups from serving a prison sentence if they reveal their crimes, carry out social service actions and promise not to recidivate.

9. FURTHER READING

TRANSITIONAL JUSTICE AND COLOMBIA'S PEACE TALKS

The latest report by the International Crisis Group analyzes the legal and institutional context of existing transitional justice measures and explains the process of ratifying and implementing transitional justice measures in Colombia's highly polarized politics. Subsequent sections detail how victims' rights to justice, truth, reparation and guarantees of non-repetition can be satisfied.⁽¹⁷⁾

ANONYMOUS HEROES: 37 HUMAN RIGHTS DEFENDERS MURDERED DURING 2013 FIRST SEMESTER

The last report by Somos Defensores program warns about security issues faced by human rights defenders, land restitution and community leaders. Between January and June, 2013, 37 leaders were murdered, making it the most lethal period in recent times (69 cases were reported in 2012). Threat (86) and attack (21) figures are also alarming (12 of the 37 murder cases reported threats).⁽¹⁸⁾

THE HIDDEN FACE OF JUSTICE: FAIRNESS, DISCRIMINATION AND DISTRIBUTION IN TRANSITIONAL JUSTICE

This article argues that there is a distributional dilemma at the heart of transitional justice programs, given that the State must allocate goods and services both to victims and ex-combatants. Individual and social preferences over these processes matter, given that they are likely to scale up to undermine or increase public support for transitional justice programs.⁽¹⁹⁾

VICTIMS ISSUES TIMELINE

A timeline prepared by independent news website La Silla Vacía shows the process for GOC and FARC to recognize their victims.⁽²⁰⁾

16. "DANE will measure displaced population", *Dinero*, August 13, 2013, www.dinero.com/actiudad/nacion/dane-mide-desplazados/181782

17. "Transitional Justice and Colombia's Peace Talks", *International Crisis Group*, Latin America Report N°49, 29 August 2013, <http://www.crisisgroup.org/en/regions/latin-america-caribbean/andes/colombia/049-transitional-justice-and-colombia-s-peace-talks.aspx>

18. "2013 semi-annual review: Anonymous heroes", *Somos Defensores*, June 2013, <http://www.somosdefensores.org/index.php/extensions/ultimas-noticias/417-informe-semestral-2013-siaddhh-heroes-anonimos>; "Deadly semester for human rights defenders", *Semana*, August 3, 2013, <http://www.semana.com/nacion/articulo/semestre-lethal-para-defensa-dd-hh/352958-3>

19. Cárdenas, Juan-Camilo, Casas Casas, Andres and Mendez, Nathalie Mendez, "The Hidden Face of Justice: Fairness, Discrimination and Distribution in Transitional Justice Processes", August 4, 2013, available at <http://ssrn.com/abstract=2305836> or <http://dx.doi.org/10.2139/ssrn.2305836>; "Victimas, victimarios, reinserción y reparación en la práctica", *La Silla Vacía*, 19 de agosto, 2013, <http://www.lasillavacia.com/elblogueo/blog/victimas-victimarios-reinsercion-y-reparacion-en-la-practica-45436>

20. "After initially denying, GOC and FARC recognized their victims", *La Silla Vacía*, August 20, 2013, <http://www.lasillavacia.com/historia/tras-negarlas-gobierno-y-farc-reconocen-sus-victimas-45443>