

VICTIMS ISSUES

A MONTHLY REVIEW

AUGUST 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 August 2014, 6,739,978 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (86%).

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2. KEY DEVELOPMENTS

DESPITE DIFFERENCES, VICTIMS CONTRIBUTE TO THE PEACE PROCESS

After the three regional forums to facilitate victims' participation in the peace talks, a national forum was held in Cali with UN and Universidad Nacional support. A total of 1,457 participants from all regions, representing all victimizing acts and perpetrators, as well as unions, academia, business associations and social organizations attended the forum. FARC victims' participation gradually increased during the regional and national forums, opening a space for their involvement in the peace talks. Despite their differences, the forums allowed victims to be actively involved, marking the first case internationally in which victims directly participate in a peace process. They agreed on the need to modify the ten year period of the Victims Law and implement a transitional justice model based on victims recognition and truth confessions on behalf of all actors involved in the conflict. The preliminary report of the national forum is available online.⁽¹⁾

Victims also expressed the need to consider nature as a victim due to environmental damages occurred within the conflict.

FIRST DELEGATION OF VICTIMS VISITS HAVANA

On August 16, the first of five delegations of 12 victims participated in the peace talks between GoC and FARC in Havana, Cuba. The group included eight women and four men, representing a wide range of victimizing acts, regions and perpetrators, including victims of FARC, paramilitary groups and the Colombian Armed Forces. In a statement released, the delegation expressed how they shared their stories and proposals to the negotiation roundtable, emphasizing the need for truth as the base for a lasting peace. Four more groups of 12 victims will travel to Cuba during the next round of talks. Their selection will follow the same criteria, considering victimizing act, perpetrator, ethnicity, gender, among others, as well as feedback from the first group of victims, to ensure plural representation. A call has been made by different sectors to not stigmatize victims who participate in the talks.⁽²⁾

SANTOS ANNOUNCES CREATION OF COUNCIL MINISTRY OF THE POST CONFLICT, HUMAN RIGHTS AND SECURITY

A new structure, the Council Minister of Post-Conflict, Human Rights and Security under the direction of Retired General Oscar Naranjo, was announced by President Santos. The new office will be responsible for coordinating security, demobilization and reintegration programs and policy in the post-conflict scenario, as well as the coordination of the National Security Council to advance in discussions to create the Ministry of Citizen Security. General Naranjo will continue as a member of the GoC peace team. Under Naranjo's supervision, President Santos appointed former Liberal Party Congressman from Putumayo and Victims Law's promoter Guillermo Rivera as the head of the Human Rights Council, responsible for coordinating the Human Rights program, as well as the Program for Integral Action against Landmines (PAICMA) and the prevention of child recruitment.⁽³⁾

1. "Informe preliminar Foro Nacional de Víctimas", UNDP, Cali, August 3-5, 2014, <http://www.co.undp.org/content/dam/colombia/docs/Paz/undp-co-informefinalFNV-2014.pdf>

2. "Comunicado a la opinión pública. Primer encuentro de víctimas con la mesa de conversaciones", UNDP, August 16, 2014, <http://www.co.undp.org/content/dam/colombia/docs/Paz/undp-co-declaracionvictimashabana-2014.pdf>

3. "Reparos al ministro del posconflicto", *El Espectador*, August 17, 2014, <http://www.elespectador.com/noticias/politica/reparos-al-ministro-del-posconflicto-articulo-511064>

3. PEACE PROCESS

COMMISSION CREATED TO STUDY ROOTS OF THE ARMED CONFLICT

In a Joint Statement released on August 5, the GoC and the FARC-EP announced the creation of a Historic Commission on the Conflict and its Victims (CNCV), to contribute to understanding of the historical context of the armed conflict and provide inputs for the peace talk's pending points. The CNCV is comprised of twelve experts and two narrators, including international and national researchers and members of diverse academic disciplines. It will produce a detailed academic and historic report on the origins and multiple causes of the conflict, principle factors and conditions that have facilitated its continuation, and the most severe effects and impacts on the population. The CNCV, which is guided by principles of respect and dignity for victims, complements the development of a future Truth Commission.⁽⁴⁾

MEMBERS OF MILITARY TO PARTICIPATE IN TECHNICAL COMMISSION IN PEACE TALKS

Seven members of the armed forces will participate in the Sub-commission on Ending the Conflict in peace talks in Havana. The high ranking military members will not directly join the negotiating table, but rather serve as technical team to provide inputs for negotiators. FARC-EP negotiator Ivan Marquez expressed the group's "disposition...to begin to discuss military topics in the negotiations," stating that the move is an "irrefutable demonstration and new reiteration of our willingness to walk the path of a political solution" to the armed conflict.⁽⁵⁾

CONSTITUTIONAL COURT CONSIDERS CONSTITUTIONAL FRAMEWORK FOR PEACE, WITH LIMITATIONS ON POLITICAL PARTICIPATION

In an interview with *Semana* magazine, President of the Constitutional Court Luis Ernesto Vargas discussed the court's decision to support the Legal Framework for Peace, which establishes scenarios for the political participation of individuals subjected to justice for political crimes and connections committed in the context of the armed conflict. The decision will create some limits to participation for perpetrators of systemic crimes against humanity and genocide, and seeks to reconcile the right to participation with victims' rights.⁽⁶⁾

PEACE WITHOUT CONCESSIONS: PERCEPTIONS OF THE COLOMBIAN PEACE PROCESS

The latest survey carried out by the Vanderbilt's University Latin American Public Opinion Project (LAPOP) on political culture in Colombia, explores perceptions of Colombians towards the peace process. Carried out between August and September 2013, the survey found that 71.6% of respondents in conflict regions and 58.1% nationwide approve the peace process. However, a wide majority does not approve that former FARC members create their own political movement (71% nationwide and 65% in conflict regions). The 2013 Americas Barometer was supported by USAID and is available online.⁽⁷⁾

4. IN THE SPOTLIGHT

WEEK FOR PEACE: "LETS WIN WITH PEACE, RECONCILE"

From September 7 to 14, Colombia will celebrate the twenty-seventh version of the Week for Peace under the slogan "Lets win with peace, reconcile" ("Ganemos con la paz, reconciliémonos"). During the week different peace efforts and processes from the civil society will be exposed, and a call for a 100 day cease fire will be made. Main events include a parade and concert for peace (Sept. 12), a meeting with victims on housing programs (Sept. 19) and a land, peace and post-conflict forum (Sept. 30). The peace week is an initiative of REDEPAZ, a network of Colombian civil society organizations.

5. A VIEW FROM THE FIELD

INSPECTOR GENERAL CAUTIONS REGIONAL ENTITIES AGAINST LACK OF COMPLIANCE WITH THE VICTIMS LAW

Alejandro Ordóñez, Colombia's Inspector General, issued an ultimatum to regional authorities who may be ignoring their responsibilities under the Victims Law, mentioning possible repercussions for Mayors and Governors who do not comply with mandates. This came in response to a report presented by the Monitoring Commission on the Victims Law to Congress on August 25, which includes advances, weaknesses and challenges to providing attention and reparation to victims of the conflict. This report presented information on regions that are at particularly high risk for victimization, recognizing low levels of commitment and lack of political will among some local authorities, as well as challenges to ensuring victims' participation.⁽⁸⁾

4. "Comunicado conjunto", August 5, 2014, <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-05-de-agosto-de-2014>

5. "Farc celebra participación de militares en diálogos de paz", *Terra*, August 22, 2014,

http://noticias.terra.com.co/nacional/farc-celebra-participacion-de-militares-en-dialogos-de-paz_ca8b33b7a4ff7410VgnVCM20000099cceb0aRCRD.html

6. "La paz debe conciliarse con los derechos de las víctimas", *Semana*, August 8, 2014, http://www.semana.com/nacion/articulo/luis-ernesto-vargas-la-paz-debe-conciliarse-con-los-derechos-de-las-victimas/398472-3#cxrecs_s

7. "¿Qué piensan los colombianos del proceso de paz? Una mirada desde el Barómetro de las Américas", *Vanderbilt University, Universidad de los Andes, USAID*, <http://www.obsdemocracia.org/fileman/files/INFORMES%20COL/2013/Primera%20Encuesta%20Nacional%20sobre%20el%20Proceso%20de%20Paz.pdf>

8. "Ultimátum del procurador Alejandro Ordóñez Maldonado a autoridades territoriales", *Procuraduría*, August 25, 2014, http://www.procuraduria.gov.co/portal/Ultimatum-del-procurador-Alejandro-Ordóñez-Maldonado-a-autoridades-territoriales-que-posiblemente-han-desconocido-sus-responsabilidades-frente-a-la-Ley-de-Victimas-y-Restituci_n_de-Tierras_.news

6. PROGRESS REPORT*

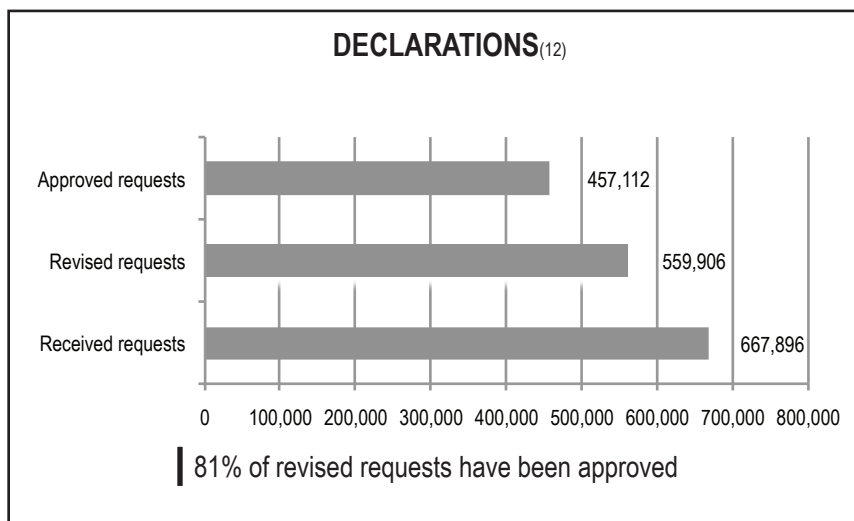
REGISTERED INDIVIDUALS: 6,739,978 (14% of total population)⁽⁹⁾

| INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION | |
|---|------|
| | % |
| Male | 49.6 |
| Female | 49.5 |
| Undefined | 0.8 |
| LGBTI | .01 |

| VICTIMS BY AGE GROUP | |
|----------------------|------|
| | % |
| 0-17 | 31.1 |
| 18-26 | 17.0 |
| 27-60 | 34.3 |
| 61-100 | 7.0 |
| Without info | 10.6 |

| TOP FIVE VICTIMS LOCATIONS ⁽¹⁰⁾ | |
|--|------|
| | % |
| 1. Antioquia | 19.5 |
| 2. Bolívar | 7.3 |
| 3. Magdalena | 5.8 |
| 4. Nariño | 5.1 |
| 5. Cesar / Valle del Cauca | 4.9 |

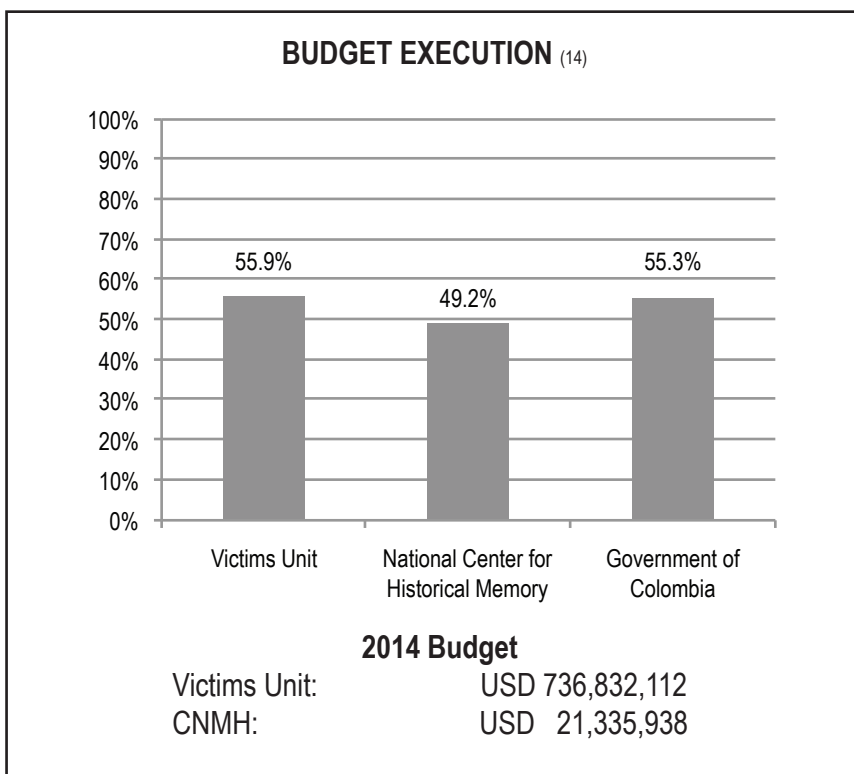
| TOP VICTIMIZING ACTS: 7,688,51 ⁽¹¹⁾ | |
|---|------|
| | % |
| 1. Displacement | 80.0 |
| 2. Homicide/Massacre | 12.3 |
| 3. Threats | 2.4 |
| 4. Disappearance | 1.9 |
| 5. Loss of property | 1.1 |



VICTIMS IN SINGLE VICTIMS REGISTRY (RUV) DISAGGREGATED BY PERPETRATOR⁽¹³⁾

| Group | Included |
|------------------|------------------|
| Guerrilla groups | 674,490 |
| Unknown | 349,742 |
| Paramilitaries | 360,424 |
| BACRIM | 114,666 |
| Other | 46,965 |
| State Forces | 10,124 |
| Total | 1,556,411 |

Total victims reporting: 1,455,614*



COLLECTIVE REPARATIONS⁽¹⁵⁾

| TYPE OF COLLECTIVE | No. | % |
|----------------------------------|------------|------------|
| Communities | 137 | 45.2 |
| National cases and organizations | 5 | 1.7 |
| Women organizations | 8 | 2.6 |
| Afro-descendant | 73 | 24.1 |
| Indigenous | 79 | 26.1 |
| Rrom | 1 | 0.3 |
| Total | 303 | 100 |

| PHASE | No. | % |
|-----------------------------------|------------|------------|
| Identification | 67 | 22.1 |
| Approach | 50 | 16.5 |
| Enrollment | 85 | 28.1 |
| Damage assessment | 3 | 1.0 |
| Consultation (ethnic groups) | 1 | 0.3 |
| Collective reparation plan design | 77 | 25.4 |
| Reparation plan approved | 20 | 6.6 |
| Total | 303 | 100 |

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

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

10. Based on registry location.

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

12. Based on the Single Declaration Format (FUD). Cumulative total of declarations received, June, 2014. Approved requests are included in the Victims Single Registry (RUV).

13. Individuals included in the RUV disaggregated by actor who committed the victimizing act. Guerrilla groups include FARC and ELN; BACRIM, short for criminal bands that emerged from the demobilization of paramilitaries. Victims Unit, July 1, 2014. *Victims can report being affected by more than one group.

14. Data obtained from "Portal Transparencia Económica", www.pte.gov.co, retrieved September 4, 2014.

15. The three types of collective are: communities, organizations and groups. Collective Reparations Office, July 31, 2014.

7. DIVERSITY MAINSTREAMING

YOUTH AND ADOLESCENT VICTIMS FORMULATE PEACE PROPOSALS

Over 100 adolescent victims from around the country met in Bogotá and jointly elaborated peace proposals to be submitted to the peace roundtable in Cuba, based on the ten principles guiding discussions on victims' issues. Four regional forums were previously held in Antioquia, Nariño, Valle del Cauca and Norte de Santander, where youth and adolescent victims centered their proposals on topics such as education, security and truth.

MAY 25: DIGNITY DAY FOR FEMALE VICTIMS OF SEXUAL VIOLENCE

On August 21, President Santos presented Decree 1480 that officially establishes May 25 as the National Dignity Day for Female Victims of Sexual Violence. The decision is part of the satisfaction measures called for by Jineth Bedoya, an editor from the newspaper El Tiempo who has been advocating against gender based violence since going public with her kidnap, torture and sexual abuse in 2000. Currently, nearly 6,000 victims of sexual based violence are included in the Victims Single Registry (RUV), 86% of whom are women.

8. INSTITUTIONAL ADVANCES

Victims Unit

PRESENTATION OF THE NATIONAL RECONCILIATION CONDITIONS INDEX (ICRN)

The National Reconciliation Conditions Index (ICRN), a methodology to measure municipal conditions favoring reconciliation, was handed over to the national government, represented by the Victims' Assistance and Integral Reparation Unit. The ICRN is the culmination of more than three years of work that included the implementation of pilot studies in three cities affected by the armed conflict and its humanitarian consequences, ranked for their reconciliation conditions as follows: (1) San Carlos (Antioquia), (2) Medellín and (3) Bogotá. USAID and IOM supported the ICRN.

National Center for Historical Memory (CNMH)

PRESENTATION OF THE CAMPAIGN "I CONTRIBUTE TO THE TRUTH"

The CNMH's Truth Agreements Directorship presented the communications and social mobilization strategy "I contribute to truth", which aims to encourage more than 2,500 demobilized ex-combatants from the United Self-Defense Forces of Colombia (AUC), the citizenry in general, and victims' organizations to their narratives, stories, and testimonies of the armed conflict.

9. FURTHER READING

HUMAN RIGHTS REPORT ON COLOMBIA

The latest report on Colombia by the Inter-American Commission on Human Rights highlights how despite advances, impunity and obstacles for victims' reparations still persist. The report is based on the Commission's visit to the country in December 2012.⁽¹⁶⁾

HISTORICAL MEMORY PUBLICATIONS

In August, the CNMH presented two new publications: (1) the summary of the report "Land Under Dispute", an analysis of what happened in the Montes de María region and (2) "Theoretical and methodological contributions to assess damages caused by the conflict", a guide that collects CNMH's experience regarding the connections between historical memory and damage.⁽¹⁷⁾

VICTIMS VISIT HAVANA

Political website La Silla Vacía narrates the visit of 12 victims to Havana, Cuba to interact with GoC and FARC negotiation teams.⁽¹⁸⁾

COLOMBIAN CHILDREN DENOUNCE HUMAN RIGHTS ABUSES IN NGO REPORT

The report "No more stories," a product of multiple NGOs, includes the direct participation of children and 1,200 testimonies of human rights violations in the context of the armed conflict, highlighting forced recruitment and use of children as a "widespread and systematic practice."⁽¹⁹⁾

"HEIRS OF WRONGDOING: CLANS, MAFIAS AND CORRUPTION"

On August 5, the Fundación Paz y Reconciliación released a detailed research investigation on Colombia's new Congress, addresses political corruption, vote buying, and aims to unveil why citizens continue to vote for politicians with known criminal connections.⁽²⁰⁾

16. "Verdad, justicia y reparación : Cuarto informe sobre la situación de los derechos humanos en Colombia", CIDH, December, 2013, <http://www.oas.org/es/cidh/docs/pdfs/Justicia-Verdad-Reparacion-es.pdf>.

17. "Nueva publicación: La tierra en disputa (versión resumida)", CNMH, August 19, 2014, <http://www.centrodememoriahistorica.gov.co/noticias/noticias-cmh/nueva-publicacion-la-tierra-en-disputa-version-resumida>; "Aportes teóricos y metodológicos para la valoración de los daños causados por la violencia", CNMH, August 13, 2014, <http://www.centrodememoriahistorica.gov.co/noticias/noticias-cmh/aporte-teoricos-y-metodologicos-para-la-valoracion-de-los-danos-causados-por-la-violencia>

18. "El encuentro con las Farc a los ojos de las víctimas", *La Silla Vacía*, August 19, 2014, <http://lasillavacia.com/historia/el-encuentro-con-las-farc-los-ojos-de-las-victimas-48430>

19. "Niños colombianos denuncian abusos de DD.HH. en informe de ONG", *El Espectador*, August 27, 2014, www.elespectador.com/noticias/nacional/ninos-colombianos-denuncian-abusos-de-ddhh-informe-de-o-articulo-513044.

20. "Herederos del mal: Clanes, mafias y mermelada", *Las 2 Orillas*, August 4, 2014, www.las2orillas.co/herederos-del-mal-clanes-mafias-y-mermelada/.