



VICTIMS ISSUES

A MONTHLY REVIEW

JANUARY 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 December 31, 2013, 6,073,453 victims are registered with the government of Colombia, primarily victims of internal displacement (85%).

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2. KEY DEVELOPMENTS

VICTIMS UNIT 2014 GOALS: REPARATIONS PROVIDED TO 98,000 HOUSEHOLDS

After a series of national and regional diagnostic sessions, the Victims Unit advanced the 2014 action plan design. Main goals include providing judiciary and financial compensations to 98,548 households of displaced populations to overcome their situation of vulnerability. National divisions submitted their adjusted plans on January 29 to define the final version of the action plan. The 2014 results will mark the Victims Unit's role in an eventual peace process implementation.

Additional objectives include the approval of 100 Collective Reparation Plans, the need to strengthen local-national coordination and the construction, equipment and operation of 27 regional centers.

LIMITED PROGRESS IMPLEMENTING LAND RESTITUTION PROGRAM AND IMPUNITY: HUMAN RIGHTS WATCH

According to Human Rights Watch (HRW) 2013 World Report, Colombia once again failed on human rights protection. The slow progress on victims' reparations and the lack of effective judiciary actions against human rights abusers partially explain the negative grade received by the country. In light of the number of claimants, finalized claim rates and numbers of new displacement victims, during the 10 year duration of the Law the GOC will not be able to restitute the two million hectares taken from four million victims.⁽¹⁾

The report states that more than 700 displaced victims and leaders attempting to return to their land informed authorities that they had received threats. The Attorney General's Office reported the investigation of 43 murder cases committed since 2008. In response to the HRW report, Minister of Interior Aurelio Iragorri expressed that "Colombia has produced laws that do not exist elsewhere such as the Victims Law" and that the report does not show human rights achievements recognized by the UN and the US government.⁽²⁾

"The government estimated that there would be judicial rulings in 2,100 land restitution cases under the Victims Law in 2012, and 60,000 cases by 2014; however, as of mid-November 2012, specialized judges had ordered restitution in less than 15 cases", states the report.

1. "World Report 2014: Colombia", *Human Rights Watch*, <http://www.hrw.org/world-report/2014/country-chapters/colombia>; According to the first report of the Land, Property and Restitution Observatory the restitution process will take more than 91 years. Francisco Gutiérrez (2013), "An extraordinary backlog: analysis on the restitution process delays", *Land Observatory*, http://www.verdadabierta.com/images/Estudio_Observatorio_Un_tranc%C3%B3n_fenomenal.pdf

2. "Despite Human Rights Watch results, Ministry of Interior highlighted achievements", *El Colombiano*, January 21, 2014, <http://www.eluniversal.com.co/colombia/pese-resultados-de-human-rights-watch-mininterior-destaco-avances-en-ddhh-149172>

REFORMS TOWARDS A POST-CONFLICT SCENARIO

President Santos signed a total of seven law decrees to restructure the Attorney General's (AGO) and the Ombudsman's Offices. The reform seeks not only to toughen the fight against organized and white collar crime, but also to prepare the GOC's institutional framework for a post-conflict scenario. Its purpose is to strengthen the AGO's regional presence and the creation of five judiciary police branches to dismantle crime (Financial, Human Rights, Organized Crime, Assets Seizing and Constitutional Crimes). The Ombudsman's Office reform includes an increase in resources to improve its capacity to expedite possible processes in the case of a successful conclusion to peace negotiations in Havana between the GOC and the FARC. The reform also increases the institution's coverage in regions highly affected by the conflict as well as its role in victims' reparations.

The AGO reform, with an approximate investment of USD 56,250,000, includes 3,000 new staff positions, salary adjustments and trainings. It also creates the Vice-Ombudsman position and delegates for rural issues, children's rights and elder populations, among others.

3. PEACE PROCESS

FARC'S BEHAVIOUR DURING THE CEASE-FIRE

January 15 marked the end of the one month unilateral cease-fire declared by FARC. According to several reports the cease-fire was not entirely respected by FARC members, although a reduction in attacks against military units and civilians was registered.

The Peace and Reconciliation Foundation counted 4 violations (95% fulfillment). The Conflict Analysis Resources Centre (CERAC) reported 12 actions, 65% fewer than during the previous year.⁽⁴⁾ The Ombudsman registered 7 violations, four against military units and three against civilians. FARC marked the beginning of the cease-fire with an attack in Inza (Cauca) on December 7 and signaled its conclusion on January 16 with a bombing in Pradera (Valle). While some analysts, such as CERAC director Jorge Restrepo express that "FARC demonstrated an almost complete capacity to control their members", others such as Professor Camilo Echandía explain that the use of terrorist acts prove the military weakness affecting FARC.⁽⁵⁾

"With actions such as the ones in Inza and Pradera it cannot be sustained that the guerrilla is strong or that has territorial control, beyond the media impact of these actions. To carry these actions out no military strength or territorial control is needed. On the contrary, it might reveal the opposite", explains Camilo Echandía.

CELAC SUPPORTS COLOMBIAN PEACE PROCESS

The members of the Community of Latin American and Caribbean States (CELAC) expressed their support for the peace process between the GOC and the FARC during a summit celebrated in Cuba. Uruguayan President Mujica offered to collaborate in the process if required by Colombia. President Santos thanked fellow CELAC member states for their support and shared his views on the process: "We have advanced as never before in the negotiations with the FARC, already finishing two of the five points we have agreed to. There remains a difficult path to follow but if you ask me today if I am more optimistic than I was when we spoke about this topic in the last CELAC summit a year ago, I would say yes, I am more optimistic".⁽⁶⁾

DEMINEING MUST BE DISCUSSED IN HAVANA: STATE COUNCIL

The State Council demanded President Santos that demining of Colombian fields must be included in the peace negotiations in Havana. According to the Presidential Program for Comprehensive Action against Anti-personnel Landmines (PAICMA), between 1990 and 2013 2,156 civilians have died and 7,904 have been injured by landmines.⁽⁷⁾ Vice-president Angelino Garzón asked FARC and ELN to stop using landmines and provide information about their location to avoid new casualties.

4. IN THE SPOTLIGHT

SOCIAL PROSPERITY ACCOUNTABILITY SESSION AND VICTIMS UNIT'S TWO YEAR ANNIVERSARY

On February 26, the Department for Social Prosperity (DPS) will hold an accountability session to present the results achieved during 2013. The Victims Unit and the National Center for Historical Memory, affiliated with DPS, will present their results. Interested citizens can attend the session submit their questions online. In commemoration of its creation two years ago, the Victims Unit will publish a photo book on collective reparation processes and will organize several events.

3. "Decrees for peace", *El Espectador*, January 10, 2014, <http://www.elespectador.com/noticias/judicial/decretos-paz-articulo-467971>

4. "FARC and an almost successful truce", *El Espectador*, January 15, 2014, <http://www.elespectador.com/noticias/judicial/farc-y-una-tregua-casi-exitosa-articulo-468835>;

5. "Did FARC followed the truce?", *Semana*, January 15, 2014, <http://www.semana.com/nacion/articulo/balance-de-la-tregua-de-las-farc/370943-3>

conflicto-colombiano-cuentan-su-drama-espec-articulo-464606; "Attack shows FARC's military weakness", *Semana*, January 16, 2014, <http://m.semana.com/nacion/articulo/atentado-de-las-farc-en-pradera/371046-3>

6. "Latin America summit wraps up in Cuba on note of peace", *CBS News*, January 29, 2014, <http://www.cbsnews.com/news/latin-america-summit-wraps-up-in-cuba-on-note-of-peace/>

7. "Demining must be discussed in Havana", *El Espectador*, January 30, 2014, <http://www.elespectador.com/noticias/judicial/una-paz-sin-minas-antipersonal-articulo-471996>

5. PROGRESS REPORT*

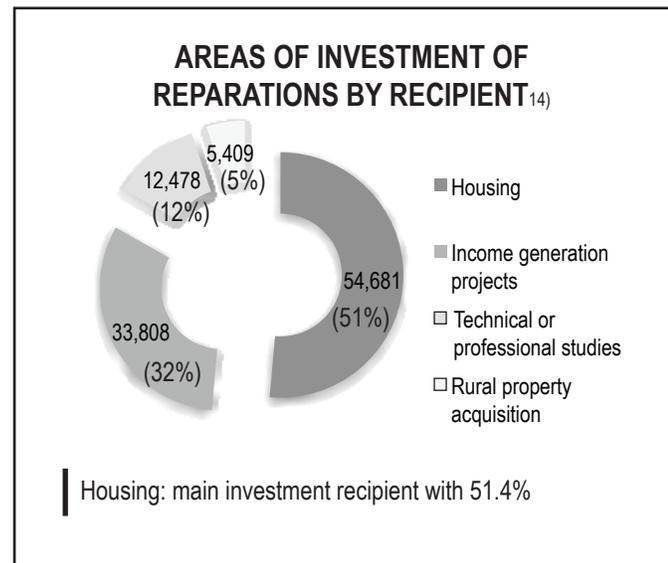
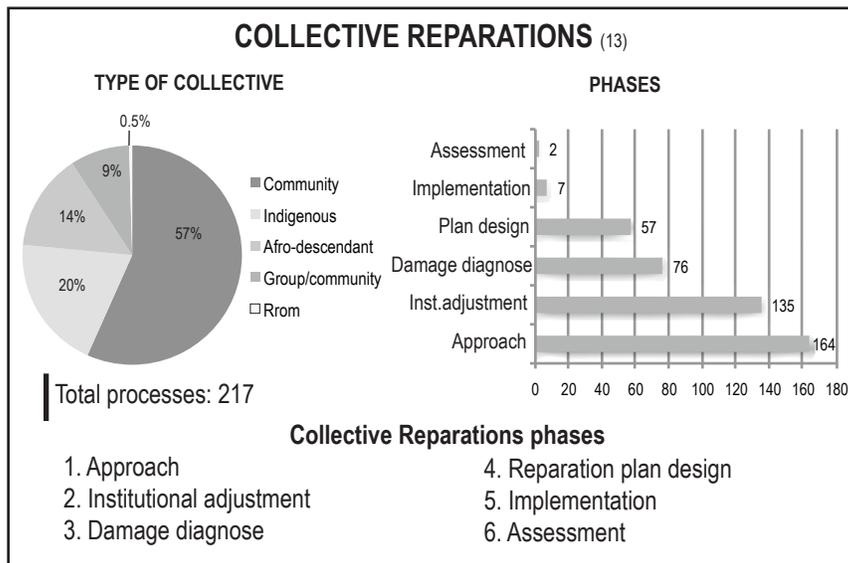
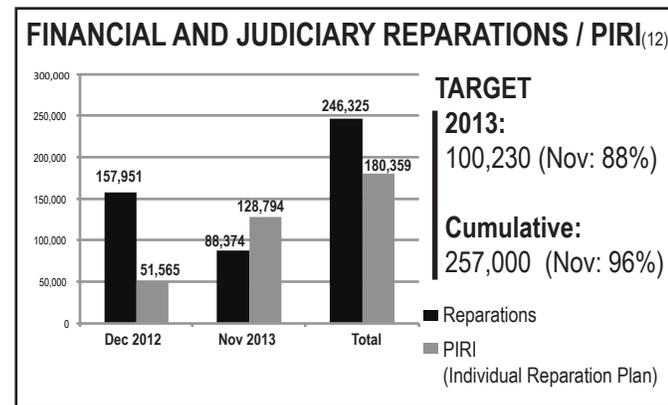
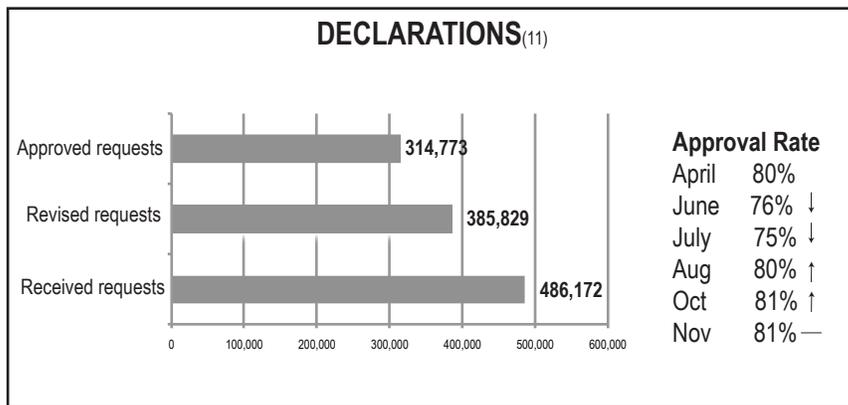
REGISTERED INDIVIDUALS: 6,073,453 (12.8% of total population)⁽⁸⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION	%
Male	49.7
Female	49.5
Undefined	0.7
LGBTI	.009

VICTIMS BY AGE GROUP ⁽⁹⁾	%
0-17	32.4
18-26	17.2
27-60	33.5
61-100	6.5
Without info	10.4

TOP FIVE VICTIMS LOCATIONS ⁽⁹⁾	%
1. Antioquia	19.6
2. Bolívar	7.7
3. Magdalena	6.1
4. Nariño	5.3
5. Choco/Cesar	5.0

VICTIMIZING ACTS:	6,881,655 ⁽¹⁰⁾	%
1. Displacement		83.8
2. Homicide/Massacre		9.7
3. Threats		1.9
4. Disappearance		1.4
5. Loss of property		1.1



FINANCIAL REPARATIONS BY AGE GROUP

	December 2012	November 2013	Total
Children and youth	7,052	5,585	12,637
Adults	149,962	76,616	226,579
TOTAL			239,215

REGIONAL PRESENCE⁽¹⁵⁾

Regional Attention Centers	Count	Assistance points
Operating	3 (Valledupar, Medellín, Bogotá)	
Under construction	7	
Contract phase	11	
Design phase	13	
Planned	7	
Total	41	99

*Source: Victims Unit, November 30, 2013; Victims Registry information obtained from the Victims Unit's National Information Network: <http://mi.unidadvictimas.gov.co>
 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). Cumulative total of declarations received.

12. Number of reparation transfers sent during November 2013; PIRI: Individual Reparation Plan.
 13. The three types of collectives are: communities, organizations and groups. Collective Reparations Office, Victims Unit, December 31, 2013.
 14. Main investment areas per person.
 15. Victims Unit's service provision coverage. Victims Units Regional Centers Office, February, 2014.

6. A VIEW FROM THE FIELD

MASSIVE DISPLACEMENT IN CHOCÓ

In January the progressive displacement of families from Riosucio (Chocó) continued due to the actions of illegal armed groups in the region. At least 45 families have arrived to Turbo (Antioquia) where they have been located in temporary shelters and have received humanitarian aid provided by the Victims Unit.

“We need protection to return. If there is no police or soldiers we will not go back,” stated one of the displaced civilians from La Honda (Riosucio).⁽¹⁶⁾

LOCAL AUTHORITIES TO SUBMIT ADVANCES ON LOCAL VICTIMS’ POLICIES

On March 15 the deadline expires for governors and mayors to submit advances towards local victims’ policies through the Information, Coordination and Assessment System (RUSICST). The data submitted corresponds to the second semester of 2013 and will certify local authorities and measure performance indicators regarding implementation policies for victims. RUSICST currently has 98% coverage (1,117 users); 987 mayor’s offices submitted their advances during the first semester of 2013.

7. DIVERSITY MAINSTREAMING

810 MALE VICTIMS OF SEXUAL VIOLENCE WITHIN THE CONFLICT

To date, the Victims Unit has registered 3,300 cases of sexual violence, 810 of which were suffered by males. Antioquia (627 cases) followed by Nariño, Putumayo and Valle del Cauca register the highest number of cases of sexual violence against men.⁽¹⁷⁾

8. INSTITUTIONAL ADVANCES

Victims Unit

NATIONAL CAMPAIGN FOR VICTIMS AND PEACE

The Victims Unit is implementing the national campaign “For Victims, for Peace,” promoting victims’ rights to truth, justice, reparation and guarantees of non-repetition, as well as supporting the peace negotiations in Havana. During 2013, 12 concerts were held in regions affected by the conflict with an average of 60,000 persons in attendance. Visit the campaign’s website at: <http://porlasvictimasporlapaz.org/>

VICTIMS RECEIVE HIGHER EDUCATION LOANS AND JOB OPPORTUNITIES

The joint initiative between the Ministry of Education and the Victims Unit will finance higher education studies for 2,015 victims registered in the Single Victims Unit (RUV). Education loans will be up to 100% reimbursable. The Ministry of Labor is also implementing the Training Program for Young Victims, which includes competency-based training to facilitate their integration into the labor market.

National Center for Historical Memory (CNMH)

CONMEMORA: HISTORICAL MEMORY MAGAZINE

On January 26, the CNMH released “Conmemora” a magazine based on the historical report “Enough: Years of War and Dignity.” 400,000 copies were printed and 233,000 were disseminated to subscribers of national newspapers as a strategy to reach urban audiences.

9. FURTHER READING

HISTORICAL MEMORY DOCUMENTARY ON THE NUEVA VENECIA MASSACRE [DOCUMENTARY]

Thirteen years after the massacre committed in Nueva Venecia (Magdalena) by paramilitary groups on November 22, 2000, this documentary reveals the events through the stories of victims, including those who returned.⁽¹⁸⁾

HISTORICAL MEMORY IN NECOCLÍ, URABÁ [DOCUMENTARY]

A production made possible by USAID/IOM, this documentary was produced during the Sixth Memory Week celebration in Necoclí (Antioquia) and features victims sharing their memories.⁽¹⁹⁾

VICTIMS AND LAND RESTITUTION LAW IN CONTEXT

A research paper exploring the contradictions between the rural property model and victims land restitution policy.⁽²⁰⁾

16. “Displaced from Riosucio ask for guarantees to return”, *El Colombiano*, January 13, 2014,

http://www.elcolombiano.com/BancoConocimiento/D/desplazados_de_riosucio_piden_garantias_de_retorno/desplazados_de_riosucio_piden_garantias_de_retorno.asp

17. “Over 800 men have been victims of sexual violence within the conflict”, *RCN Radio*, January 20, 2014, <http://www.rcnradio.com/noticias/mas-de-800-hombres-han-sido-victimas-de-violencia-sexual-en-el-conflicto-112350#ixzz2rF7gUJjU>

18. “Los hijos del pueblo del agua” [“The sons of the water people”], 2013, <http://www.youtube.com/watch?v=RuuUQ3gQHN8&feature=youtu.be>

19. “Memoria Histórica en Necoclí: Huellas indelebles del conflicto armado en Urabá” [“Historical memory in Necoclí”], 2013, <http://www.youtube.com/watch?v=e38yXliNIOo&feature=youtu.be4>

20. Paula Martínez Cortés, “Victims and land restitution law in context”, *FDCL, TNI and ‘Hands off the Land*, December, 2013, <http://www.tni.org/sites/www.tni.org/files/download/martinez-ley-de-victimas-web.pdf>