

VICTIMS ISSUES

A MONTHLY REVIEW

JANUARY 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. According to the most recent data available, 7,028,776 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (86%).*

2. KEY DEVELOPMENTS

125 MUNICIPALITIES THAT WOULD BE TARGETED IN THE POST-CONFLICT ARE CHOSEN

Various United Nations agencies identified 125 municipalities where post-conflict efforts will ultimately be concentrated in Colombia. The UN selected these municipalities by analyzing and assigning greatest priority given presence of the FARC, armed actions by illegal groups, development and poverty, humanitarian needs and local capacities, stated Fabrizio Hochschild, UN Coordinator in Colombia. 17 of 32 departments are included - the top three departments in terms municipalities included are: Cauca (20), Antioquia (16) and Caquetá (14). The list was sent to government and FARC delegations in Havana to guide their eventual selection of prioritized post-conflict municipalities. 13 of the 125 municipalities chosen (10.4%) are targeted by the IOM's Victims Institutional Strengthening Program.⁽¹⁾

SURVEY WITH DISPLACED POPULATIONS SHOWS ADVANCES IN COMBATTING POVERTY, PROVIDING EDUCATION

Following 15 months of efforts, the National Administrative Department of Statistics (DANE) and the Victims Unit published the results of a detailed survey measuring the effectiveness of the government's efforts to guarantee the rights of victims of forced displacement. The Effective Enjoyment of Rights Survey (EGED) show positive advances, include fewer displaced households living in poverty compared to 2010, as well as improvements in education and health care access. Continued challenges include ensuring dignified housing, particularly ensuring land titles and judicial security, as well as low percentages of victims who have received satisfaction measures to repair damages (5.3%) and psychosocial attention (8.3%).⁽²⁾

NATIONAL DEPARTMENT PLAN 2014/2018 EMPHASIZES PEACE AND VICTIMS

Government institutions, international cooperation and the national victims participation roundtable, among others, provided feedback on the National Planning Department's "National Development Plan 2014-2018," which includes points dedicated to victims and peace. The Ombudsman's Office's Victims Delegate expressed concerns over budgetary limitations resulting from the fallen price of petroleum corresponding with an increasing number of victims, as well as increased demand for central - local strategies and strengthened coordination between the Victims Unit and regional entities to provide attention and reparation.⁽⁷⁾

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8 of the 10 departments prioritized by the International Organization for Migration's Victims Institutional Strengthening Program are among the 17 departments included on the on the UN's post-conflict municipalities list.

The number of internally displaced households living in poverty decreased between 2010 and 2014, from 74% to 33% living in extreme poverty and 97% to 64% living in poverty, respectively.

The National Development Plan was constructed with inputs from the local level and was recognized as a highly participative effort that connected victims to institutionality.

* The most recent official data on number of victims reported by the Victims Unit is through November 1, 2014, <http://mi.unidadvictimas.gov.co/?q=v-reportes>.

1. "Estos son los 125 municipios del posconflicto, según la ONU," Reconciliación Colombia, Jan. 21, 2015, <http://bit.ly/1L31AIT>.

2. "La histórica encuesta sobre las víctimas," El Espectador, Jan. 7, 2015, <http://bit.ly/1zXzr3j>. Results of the DANE survey carried out between late 2013 and early 2014 with 112,406 individuals from 27,727 households in 151 municipalities, are available at: <http://goo.gl/UN2cD1>.

3. Bases Plan Nacional de Desarrollo, Departamento Nacional de Planeación, Jan. 2015, <http://goo.gl/dxRwRc>.

3. PEACE PROCESS

SANTOS PASSES LAW 1745 FOR A REFERENDUM ON PEACE AGREEMENTS

On January 6, President Santos signed Law 1745 of 2015 to endorse via referendum a possible peace agreement with the FARC. The guerrilla group said a referendum must be settled at the peace table and not unilaterally by the GoC, insisting on a National Constitutional Assembly as a mechanism to endorse agreements.⁽⁴⁾ Attorney General Eduardo Montealegre stated that according to his legal analysis, a referendum is not necessary to give legal support to the peace agreement.⁽⁵⁾ On the other hand, Chief GoC negotiator Humberto de la Calle replied that while a referendum may “technically” not be necessary, President Santos wants the Colombian people to have the opportunity to decide, also clarifying that options for referendums will be discussed and agreed upon at the table.⁽⁶⁾

FARC QUESTION RECENT GOVERNMENT STATEMENTS ON TRANSITIONAL JUSTICE

FARC leader Timoleón Jiménez published a communiqué questioning an alleged meeting between National Unity representatives, the Ministry of Defense and President Santos discussing the benefits of transitional justice applying to both guerrillas and the official armed forces, but on the basis of different criteria, to ensure special protection for the armed forces so that “they would not be negatively affected by the agreements on justice reached at the Havana talks.”⁽⁸⁾

PRESIDENT SANTOS CALLS FOR DISCUSSION OF BILATERAL CEASEFIRE WITH FARC

“The unilateral and indefinite ceasefire declared by the FARC [on December 20] has been a step in the right direction, and thus far—we have to say it—they have complied,” stated President Santos on January 14, consequently announcing that he gave GoC negotiators instructions to start the discussion of a bilateral and definitive ceasefire and cessation of hostilities.⁽⁹⁾ FARC negotiators replied “we are ready for the bilateral ceasefire.”⁽¹⁰⁾ Likewise General Oscar Naranjo (r), minister counselor for the Post-Conflict, Human Rights, and Security, explained that a ceasefire should cover mine clearance, the end of child recruitment, and the search for disappeared people, pointing out that a decision to suspend air bombings has not yet been made.⁽¹¹⁾ Santos invited the ELN to join the unilateral ceasefire initiative with the FARC.

“The participation of the Colombian society will make the agreements stable and long-standing,” Fabrizio Hochschild, UN Humanitarian Coordinator in Colombia.⁽⁷⁾

The Ombudsperson’s Office reported that a month into the FARC’s ceasefire, it has not been violated. The ceasefire, according to think tank CERAC “leads to a historic drop in violence.”⁽¹²⁾

4. A VIEW FROM THE FIELD

MEDELLIN TO IMPLEMENT PILOT ON TERRITORIALIZATION OF THE VICTIMS LAW

Minister of the Interior Juan Fernando Cristo announced that Medellín will be the first city to implement the strategy to decentralize the Victims Law to the regional level. The city was chosen, the Minister commented, because it has “demonstrated the capacity and compromise to work with people affected by the armed conflict.”⁽¹³⁾ In recent months an increased focus has been placed on the regions, where peace must eventually be consolidated. 28 governors recently discussed this topic with El Espectador, sharing efforts they have begun, the importance of institutional strengthening and the need to guarantee funding for attention and reparation.⁽¹⁴⁾

OMBUDSPERSON REJECTS THREATS AGAINST HUMAN RIGHTS DEFENDERS ON THE CARIBBEAN COAST

The institution demanded responsibility for threatening flyers supposedly signed by the “Autodefensas Gaitanistas” of Atlántico and Magdalena that were distributed in January. The threats mentioned 38 journalists, public servants from the Land Restitution Unit and human rights defenders. President Santos ordered the National Police to summon a Special Unit with the Attorney General and the intelligence agency to investigate the perpetrators of threats.⁽¹⁵⁾

688 MUNICIPALITIES IN COLOMBIA ARE REPORTEDLY MINED

In an interview with a local newspaper, General Naranjo (r) stated that 688 of Colombia’s municipalities (62.5%) have landmines. Since 1990, 11,006 victims of landmines have been injured or killed, and Colombia is the only country in the Americas that continues to plant these types of explosive devices. According to GoC chief negotiator Humberto de la Calle, demining has been a debated topic in Havana for several months. He emphasized the importance of government, FARC and ELN agreements to demine all of Colombia’s regions.⁽¹⁶⁾ Since the FARC began its unilateral ceasefire on December 20, 2014, four people have been injured and one killed by landmines.

“Landmines don’t know about truces nor ceasefires. Mines continue causing injuries and deaths because that is what they were made to do,” Humberto de la Calle.⁽¹⁷⁾

4. “Farc rechazarán ley para referendar acuerdos de paz”, RCN, Jan. 11 2015, <http://bit.ly/1zYpBN5>.

5. “Se debe descartar la referendación de los...”, El Tiempo, Jan. 20 2015, <http://bit.ly/1GpJWjJ>.

6. “Declaración del Jefe del Equipo Negociador...”, Presidencia, Jan. 20 2015, <http://bit.ly/1xD5pdG>.

7. “ONU respalda propuesta de referendar...”, El País, Jan. 21 2015, <http://bit.ly/16AQ2MP>.

8. “Acuerdo final no está tan cerca”: ‘Timochenko’, El Espectador, Jan. 29 2015, <http://bit.ly/1vwECFF>.

9. “Alocución del Presidente al inicio del año 2015”, Presidencia, Jan. 14 2015, <http://bit.ly/1xD5sGt>.

10. “Estamos listos para el cese bilateral del fuego”, FARC-EP, Jan. 14 2015, <http://bit.ly/1AS8oU4>.

11. “No habrá paz armada en Colombia!”, Presidencia, Dec. 15 2014, <http://bit.ly/11YfPZP>.

12. “Monitoreo de la Defensoría...” <http://bit.ly/1J7sAVD> / “The FARC’s unilateral ceasefire leads to a historical drop in violence levels, CERAC, Jan. 26 2015, <http://bit.ly/1yLCi3f>.

13. “En Medellín se implementará...”, Min. of the Interior, Jan. 23, 2015, <http://bit.ly/1zGRjfq>.

14. “Gobernadores hablan posconflicto...”, El Espectador, Jan. 24, 2015, <http://bit.ly/1zXA24Z>.

15. “Gobierno investigará amenazas...”, El Colombiano, Feb. 1 2015, <http://bit.ly/1C5JXDb>.

16. “Gran parte del territorio colombiano está...”, NTN24, Jan. 16, 2015, <http://bit.ly/1yRcFIM>.

17. “Desminado, ¿punto de discordia?”, El Espectador, Feb. 3, 2015, <http://bit.ly/1DJPeQg>.

5. PROGRESS REPORT*

REGISTERED INDIVIDUALS: 7,028,776 (14.7% of total population)⁽¹⁸⁾

VICTIMS BY GENDER OR SEXUAL ORIENTATION

	%
Male	49.6
Female	49.5
Undefined	0.89
LGBTI	.01

VICTIMS BY AGE GROUP

	%
0-17	31.1
18-26	17.1
27-60	34.6
61-100	7.0
Without info	10.2

TOP FIVE VICTIM LOCATIONS⁽¹⁹⁾

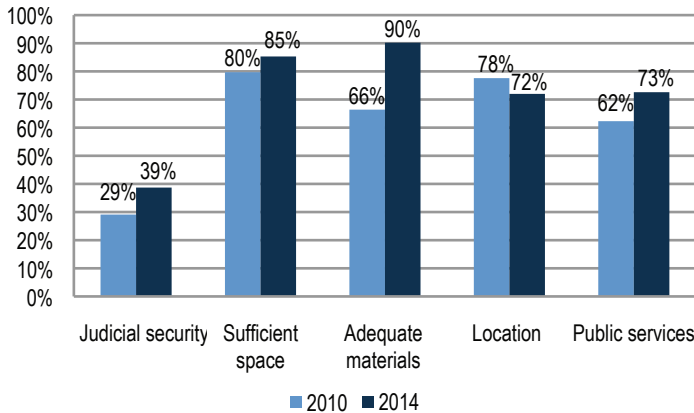
	%
1. Antioquia	19.7
2. Bolívar	7.3
3. Magdalena	5.9
4. Valle del Cauca	5.2
5. Nariño	5.2

TOP FIVE VICTIMIZING ACTS:

7,591,031 total acts⁽²⁰⁾

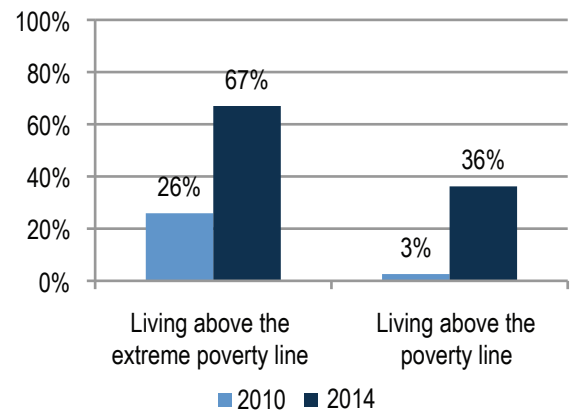
	%
1. Displacement	79.6
2. Homicide/Massacre	12.3
3. Threats	2.8
4. Disappearance	2.0
5. Loss of property	1.1

PERCENTAGE OF HOUSEHOLDS LIVING IN DIGNIFIED HOUSING



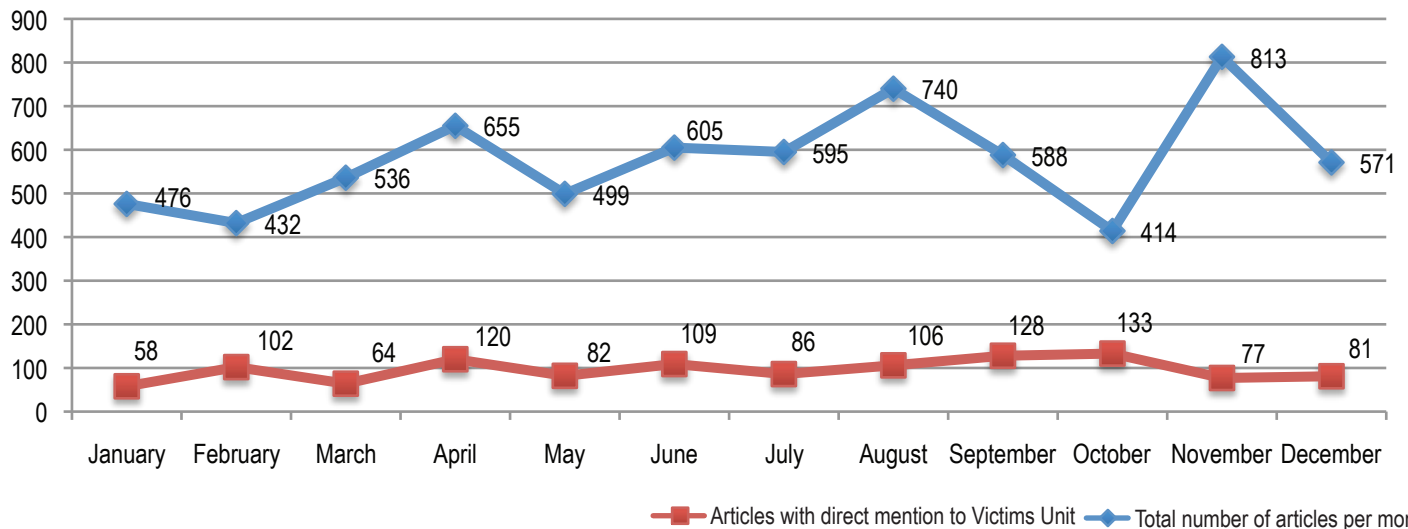
The right to housing is completely met when households are guaranteed all five components in the graph above. 19% of households have been guaranteed all five components, and 41% have been guaranteed four of five components. Among households lacking only one component, judicial security is most often missing (in 28.5% of cases, followed by public services and location).⁽²¹⁾

DISPLACED POPULATIONS LIVING ABOVE THE POVERTY LINE



According to the DANE EGED Survey with victims of forced displacement, between 2010 and 2014, the percentage of displacement households living above the poverty and extreme poverty lines increased significantly.

VICTIMS ISSUE VISIBILITY IN THE MEDIA IN 2014



577 was the average number of monthly articles on victims issues published during 2014. There was a notable increase in visibility from June to December, coinciding with the discussion of victims point in the peacetalks in Havana. Both the favorable and unfavorable tones of the articles decreased post-August, while the informative tone was steadily the most common.⁽²²⁾

*Source: Directly reported by the Victims Unit through Jan. 2014; National Information Network (RNI) data from the Victims Unit through Nov. 1, 2014 is available at <http://mi.unidadvictimas.gov.co>.

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

19. Based on registry location.

20. Based on registry of victimizing acts; homicide and disappearance include indirect victims. 97.8% of all victimizing acts fall into the top five categories.

21. DANE EGED Effective Enjoyment of Rights Survey, available at <http://goo.gl/UN2cd1>.

22. Results from the GNI In the Media Report released monthly by the Victims Unit, Dec. 2014.

6. IN THE SPOTLIGHT

'MARCH FOR LIFE' WILL BE HELD ON MARCH 8, 2015

Former mayor of Bogotá Antanas Mockus has organized a massive march with the slogan "life is sacred" and seeks that leaders (and supporters) of opposite political movements walk together. The event coincides with International Women's Day.

7. DIVERSITY MAINSTREAMING

UN COMMITTEE ON THE RIGHTS OF THE CHILD EXAMINES COLOMBIAN SITUATION

On January 20 and 21 in Geneva, the Colombian state was examined on its implementation of the Convention on the Rights of the Child (CRC). The Victims Unit attended as part of the delegation of the Colombian state.⁽²³⁾ The UN Committee highlighted that "the State party has made some efforts to promote the right of the child to be heard and to participate, as well as the establishment of child participation bodies," and in this vein recommended that the GoC "ensure that the implementation of the protocol on the participation of children in the implementation of the Victims Law begins in March 2015 at the latest, as stated by the State party during the dialogue, all throughout the country."⁽²⁴⁾

EMOTIONAL IMPACTS ON CHILD VICTIMS OF CONFLICT

A study carried out by the ICBF, the United Nations, UNICEF and IOM with 1,680 children and adolescent victims in 17 departments, as well as 680 who are not victims but vulnerable, found that children are particularly prone to emotional and psychological impacts of conflict. Over two million children and adolescents have been victims of the armed conflict. The findings highlight the particularly severe impact on children and adolescent victims of sexual violence, who experience emotional impacts, including difficulty feeling happy, struggles connecting to friends and family and identify affectations.⁽²⁵⁾

Nira Kaplansky, expert on trauma, resilience and children in the Israeli-Palestinian conflict, stated that 90% of minors affected by a conflict recover over time, if and when conflict concludes.

8. INSTITUTIONAL ADVANCES

Victims Unit

PROTOCOL STRENGTHENS CHANNELS BETWEEN NATIONAL AND LOCAL VICTIMS PARTICIPATION ROUNDTABLES

The Effective Participation Protocol for Victims was adjusted to strengthen participation from the local to national levels, in order to confirm and select victims participation roundtables and guarantee that all members of national victims participation roundtables are also members of municipal and departmental roundtables and that all victimizing acts and differential approaches are represented.

Inter-Institutional

CONSTITUTIONAL COURT PASSES NEW LEGAL ORDER (Auto 009 OF 2015) ON SEXUAL VIOLENCE AGAINST WOMEN

Resulting from the Constitutional Court's monitoring of the Auto 092 (Sentence T-025 of 2004), which protects the fundamental rights of displaced women and recognizes their extreme vulnerability to sexual violence, Auto 009 urges the Victims Unit, the CNMH and the Office of the Presidential Adviser for Women's Equality to join efforts to develop symbolic reparation measures for female victims of sexual violence during armed conflict and forced displacement. Their efforts will be reflected in a report that is to be submitted to the Court's Monitoring Chamber within three months of the order's January 27 communication.

9. FURTHER READING

ENVIRONMENTAL CONDITIONS TO CONSTRUCT A STABLE, DURABLE AND SUSTAINABLE REGIONAL PEACE

UN report stressing the implications on the environment during the regional construction of peace. Some zones' continued environmental protection has been a result of their remoteness due to conflict; in the post-conflict, they must be protected.⁽²⁶⁾

HUMAN RIGHTS WATCH WORLD REPORT 2015

In the chapter on Colombia, the HRW report warns against transferring the "false positives" cases from civilian to military trials.⁽²⁷⁾

"WE ARE NOT GOING TO END THIS WAR BY PUTTING EVERYONE IN JAIL"

An interview with El Tiempo, former presidential candidate and victim of kidnapping by the FARC-EP Ingrid Betancourt.⁽²⁸⁾

COLLISION BETWEEN SANTOS AND INSPECTOR GENERAL ON RURAL POLICING

Analyzes Santos' statement on consolidating regional security with the possible participation of demobilized ex-guerrilla forces.⁽²⁹⁾

23. "Ley de víctimas: un aporte a los derechos de niños afectados por el conflicto," Unidad de Víctimas, Jan. 19 2015, <http://bit.ly/1Kz73E9>.

24. "CRC - Convention on the Rights of the Child 68 Session," 12 Jan. 2015 - 30 Jan. 2015, Conclusions, <http://bit.ly/1EGcwKZ>.

25. "Las huellas del conflicto en los niños," El País, January 18, 2015, Siglo Data - <http://bit.ly/1zpXiGD>.

26. "Environmental Conditions to Construct a Stable, Durable and Sustainable Peace," United Nations, <http://bit.ly/1zXAHU7>.

27. "World Report 2015," Human Rights Watch, Jan. 29, 2015, www.hrw.org/reports/2015/01/29/world-report-2015.

28. "No vamos a acabar esta guerra metiendo a todo el mundo a la cárcel," El Tiempo, Jan. 28, 2015, <http://bit.ly/1lkpmkP>.

29. "El choque Santos-Procuraduría por la Policía rural," Semana, Jan. 27, 2015, <http://bit.ly/1DJQHpS>.