

# VICTIMS ISSUES

## A MONTHLY REVIEW

MAY 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 June 2015, 7,438,521 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (84%).<sup>(1)</sup>

#### CONTENT

1. Background	1
2. Key developments	1
3. Progress report	2
4. Peace process	3
5. In the spotlight	3
6. Diversity Mainstreaming	3
7. A view from the field	4
8. Institutional advances	4
9. Further reading	4

### 2. KEY DEVELOPMENTS

#### IN CONTEXT OF VICTIMS ROUNDTABLE ELECTIONS, MUNICIPAL OMBUDSPERSONS CALL FOR REGIONAL ARTICULATION

New departmental victims participation roundtables for the 2015/2017 period were elected during May. In June, the new National Victims Participation Roundtable will be elected. While the elections highlighted the consolidation of victims' participation at all levels and a significant increase in the number of registered victims' organizations, they also brought a complex situation to the foreground: in municipalities throughout the country, municipal ombudspersons, who are responsible for guiding the elections at this level, often lack the financial, technical and logistical resources needed to comply with their responsibilities under the Victims Law. An encounter held in Bogotá in mid-May by the National Federation of Municipal Ombudspersons (FENALPER) and the UNDP's Transitional Justice Fund, with USAID and IOM support, allowed regional ombudspersons to voice these concerns and their questions.<sup>(2)</sup>

**“Public policies must be made in the regions, not at desks,” stated Obdulia Valencia, leader of Buenaventura’s victims’ participation roundtable, in the National Federation of Municipal Ombudsperson’s event in Bogotá.**<sup>(3)</sup>

#### VICTIMS OF FORCED DISAPPEARANCE CALL FOR THE RIGHT FOR TRUTH

According to the RNI, there are 45,251 direct victims of forced disappearance and 110,478 indirect victims in Colombia, the latter representing immediate family. To commemorate victims of this crime, the final week of May marked the “Week of the Detained Disappeared.” While the Victims Unit announced that it has accompanied the handing over of remains to 1,428 families, principally in Medellín, Villavicencio and Montería, and ensured the availability of psychosocial support during these processes, the vast majority of victims' families are still waiting for the truth. Families used the occasion to voice their demands to know what happened to their family members and locate their remains, enshrined by both the Law 1408 of 2010 and the Victims Law.<sup>(4)</sup> Victims have also stated that should remains be found, the person continue to be included as a victim of two crimes, forced disappearance and homicide (rather than the latter replacing the former in the victims' registry), and have demanded a general historical memory report on forced disappearance in Colombia, which should be completed by the National Historical Memory Center (CNMH) later this year.

**The CNMH released a written report and a documentary on the forensic and judicial procedures for the exhumation of 36 bodies in Puerto Torres, Caquetá, victims of paramilitary groups.**<sup>(5)</sup>

1. Data from the National Information Network (RNI), Victims Unit, through May 1, 2015. A distinction was recently added between victims registered and victims subject to attention and reparation, the former referring to the total historic number of victims of the armed conflict and the latter referring to victims whose attention and reparation is still pending. <http://mi.unidadvictimas.gov.co/?q=v-reportes>.

2. “El drama de los personeros: sin recursos para atender a víctimas”, Semana, May 26, 2015, <http://bit.ly/1LLj5wt>.

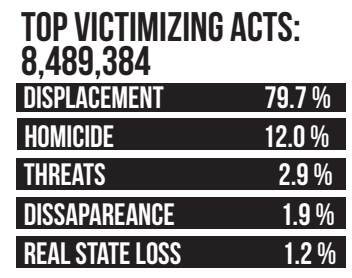
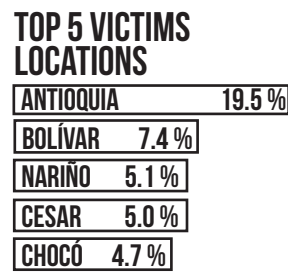
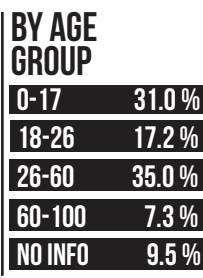
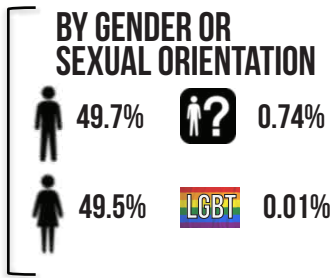
3. “Una política pública se hace desde el territorio, no desde el escritorio”, IOM, June 1, 2015, <http://bit.ly/1eLoA3p>.

4. “En tres años se han entregado restos a 1.428 familias con víctimas de desaparición”, El Espectador, May 30, 2015, <http://bit.ly/1GMOQ8o>.

5. “Textos corporales de la crueldad”, CNMH, <http://bit.ly/1PZy5Y4>; “Cuerpo 36”, CNMH, <http://bit.ly/1KKeYA4>.

### 3. PROGRESS REPORT\*

**7,438,521**  
REGISTERED  
VICTIMS  
15.6%  
OF TOTAL  
POPULATION



## GENDER BASED VIOLENCE (GBV)

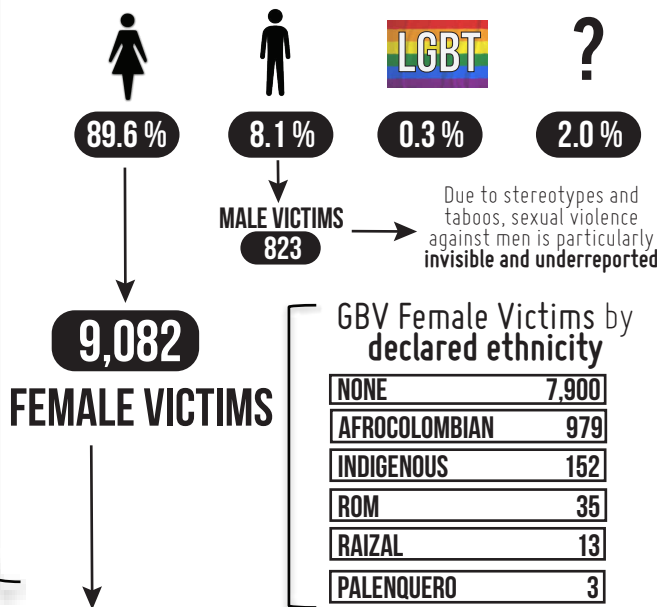
- INCLUDES:**
- Domestic violence
  - Sexual harassment
  - Rape
  - Sexual violence in conflict
  - Trafficking
  - Forced prostitution
  - Forced abortion
  - Other crimes committed against someone based on their gender

Undermines the health, dignity, security and autonomy of its victims, but is often silenced in society

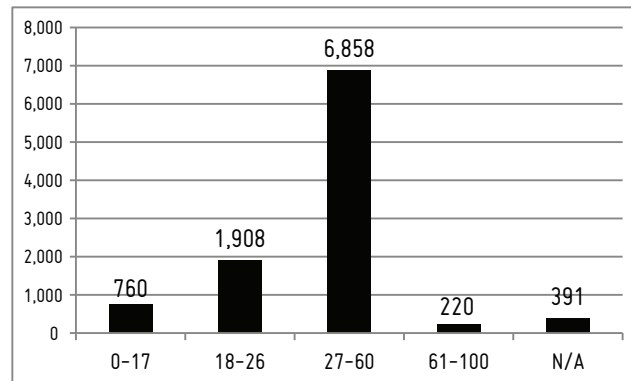
According to the Victims Unit,

**10,137** individuals are registered as victims of crimes against sexual freedom and integrity

### GBV Victims by GENDER OR SEXUAL ORIENTATION



### GBV Victims by AGE



**7.4%**

of victims of sexual violence are **MINORS**

According to the Norwegian Council for Refugees,



## MAY 25<sup>th</sup> DAY FOR DIGNITY OF FEMALE VICTIMS OF SEXUAL VIOLENCE

- Considers sexual violence a crime against humanity with no statute of limitations
- Includes sentences between 13 and 17 years for prostitution, forced abortion, rape, and sterilization, among others

- Declared on August 2014 by President Santos to increase the visibility of sexual violence within the conflict and support the dignity of those who have suffered from it
- Part of the satisfaction measures of journalist and advocate against GBV Jineth Bedoya

**LAW 1719 / 2014**

Approximately **72%** of sexual violence goes unreported

**SEXUAL VIOLENCE** leaves **CATASTROPHIC PSYCHOLOGICAL** and **PHYSICAL AFFECTATIONS**



Antioquia, Nariño, Magdalena, Bolívar and Putumayo are the **TOP 5 DEPARTMENTS** by number of registered GBV victims

\*Sources  
National Information Network (RNI) data from the Victims Unit through June 1, 2015, <http://mi.unidadvictimas.gov.co>.  
"Violencia Sexual como Arma de Guerra" (DAICMA), Norwegian Council for Refugees, <http://bit.ly/1MiLhXd>.  
"Colombia: Mujeres, Violencia Sexual en el Conflicto y el Proceso de Paz", ABC Colombia, Sisma Mujer, November 2013, <http://bit.ly/1I7Javv>.

## 4. PEACE PROCESS

### MAY 2015: FARC ENDS ITS UNILATERAL CEASEFIRE AND THE CONFLICT HEATS UP

After the death of 11 Colombian soldiers in Cauca in an attack by FARC, President Santos lifted the suspension of air bombings on FARC camps. New air raids resulted in the killing of 27 FARC members in Guapi (Cauca), including Jairo Martínez, who participated in the peace talks in Havana and who was in Colombia to explain the advances of the peace process to FARC members. Following the attack, FARC announced the end of the unilateral ceasefire declared in December 2014.<sup>(6)</sup> Since then, actions from both FARC and the GoC have increased. On May 23, ten FARC members were killed by the Colombian army in Segovia (Antioquia) and four in Riosucio (Chocó), while FARC perpetrated attacks against police stations in Tumaco. By the end of May, FARC increased actions by bombing electric towers in Buenaventura and Tumaco, affecting the electric supply of nearly 600,000 people. The re-escalation of the conflict has produced new displacements and calls from the countries accompanying the process to declare a bilateral ceasefire. According to Fundación Paz y Reconciliación, during the five months unilateral ceasefire nearly 600 lives were saved, reducing the intensity of the conflict by 90%.<sup>(7)</sup>

### AGREEMENT TO CREATE IMPARTIAL TRUTH COMMISSION

The peace delegations of FARC and the GoC announced an agreement to create a Truth Commission. The Truth, Social Harmony and Non-Repetition Commission, formed by 11 members, will clarify what happened within the conflict, and will promote the recognition of victims' rights and social harmony in the regions. The Commission will be an independent and neutral extrajudicial mechanism aiming to guarantee victims' participation and access to truth.<sup>(8)</sup> While some sectors applauded this announcement as evidence of FARC's recognition of the need to include transitional justice mechanisms in the process and unblock the discussion on justice and victims' rights, other sectors as Inspector General Alejandro Ordoñez, warned that the Commission cannot become a mechanism to "legitimize terror and crime" and asked for the inclusion of members of the Armed Forces in the Commission. The Commission will be established once a final agreement is reached.<sup>(9)</sup>

**"The success of this Commission will depend on the commitment of all sectors in the process of truth and recognizing the responsibilities of those who directly or indirectly took part in the conflict," reads the agreement.**

### HUMANITARIAN DEMINING STARTS IN ANTIOQUIA

Despite recent tensions, FARC and the GoC started the humanitarian demining pilot in El Orejón (Briceño, Antioquia) through a field visit by government, FARC and international agencies representatives. A first phase to study the area was conducted and will be followed by the cleaning and decontamination phase. The agreement includes the commitment to keep the area free from any explosives in the future, as a guarantee for non-repetition to local communities.<sup>(10)</sup> Further demining pilots will be carried in other regions of Antioquia and Meta.<sup>(11)</sup> The demining agreement was announced on March 7, 2015.

**"El Orejón is a small town located in northern Antioquia, where there are more explosives than inhabitants", explained lead GoC negotiator Humberto de la Calle.<sup>(12)</sup> A video is available here: <http://bit.ly/1B0DCwm>**

## 5. IN THE SPOTLIGHT

### JUNE 9: DEADLINE TO REGISTER AS A VICTIM FOR ACTS OCcurring BETWEEN 1985 AND 2011

On June 9, the period for victims to declare and be included in the Victims Single Registry (RUV) for acts occurring between January 1st, 1985 and June 10th, 2011 expires. To increase the reception of declarations, the Public Ministry has been hosting massive declaration sessions around the country.<sup>(13)</sup> Proposals from the Inspector General's Office, Congress and victims aim to expand the validity of the RUV. These proposals are being discussed in Congress, have passed the first round of debate and are pending unification. The first is a senator initiative to extend the registry for two years for victims whose acts took place prior to June 10th, 2011. The second is a Victims Unit initiative to include new victimizing acts and permit the exceptional extension of the register of acts such as sexual violence, forced recruitment, victims abroad or ethnic subjects.

## 6. DIVERSITY MAINSTREAMING

### COLOMBIA RECOGNIZES VICTIMS OF SEXUAL VIOLENCE

There are over 10,000 registered victims of violence against sexual liberty and integrity in Colombia; however, because of fear of retaliation, being targeted or shame, sexual violence is consistently underreported. To increase the visibility of this atrocity and support the

6. "FARC suspenden cese al fuego unilateral", FARC, May 22, 2015, <http://bit.ly/1FDfxfX>.

7. "El cese unilateral redujo el número de muertos y heridos", Fundación Paz y Reconciliación, May 26, 2015, <http://bit.ly/1cxLuJJ>.

8. "Comunicado conjunto #5 Avances de la discusión del punto 5: Comisión para el Esclarecimiento de la Verdad, La Convivencia y la No Repetición", June 4, 2015, <http://bit.ly/1cAgKrH>.

9. "Comisión de la Verdad no puede ser un instrumento de legitimación del terror y del crimen": Procurador", El Espectador, June 4, 2015, <http://bit.ly/1dhFAND>.

10. "Comunicado conjunto. La Habana, 29 de mayo de 2015", Mesa de Conversaciones, May 29, <http://bit.ly/1M5cmwV>.

11. "Farc y Gobierno Nacional ya empezaron desminado humanitario en Meta y Antioquia". El Heraldo, May 11, <http://bit.ly/1zTjviT>.

12. "FARC y gobierno colombiano muestran acciones de desminado", El Universal, May 29, 2015, <http://bit.ly/1LXpkww>.

13. "El próximo 9 de junio vence el plazo para acreditarse como víctima del conflicto armado en Colombia", Defensoría del Pueblo, May, 23, 2015, <http://bit.ly/1KsrOCE>.

dignity of those who have suffered from it, in late 2014 President Santos declared May 25th, “Day for Dignity of Female Victims of Sexual Violence in the Colombian Armed Conflict.” As part of the first commemoration of this day, different activities and initiatives were held around the country. The Victims Unit began implementing a strategy specifically directed towards these victims to support their reparation route through financial guidance and an introduction to institutional programs to invest their compensations. Moreover, regional grassroots encounters addressed the issue of sexual violence in Quibdó, Santa Marta, Popayán, Cartagena and other locations, using workshops, dialogues, mobilization strategies and other means to support survivors and raise awareness to prevent these crimes.<sup>(14)</sup>

## 7. A VIEW FROM THE FIELD

### CORRUPTION PARTICULARLY PANDEMIC IN AREAS AFFECTED BY THE CONFLICT

According to the index of transparency of public entities presented by Transparency for Colombia, Mayor’s and Governor’s Offices throughout the country present high possibilities for corrupt acts. The organization specifically highlights weak capacity to hand over information, as well as the lack of administrative processes and procedures for decision-making and control mechanisms. Notably, the index demonstrates that the highest risk for corruption is present in areas most affected by the conflict, suggesting the need to establish controls given the vast amount of money likely to be invested in these areas in the post conflict.<sup>(15)</sup> Combined with the results of a recent study finding that “changes in corruption drive changes in peace,” this stresses the importance of ensuring controls for transparency at the local level to foster a culture for peace.<sup>(16)</sup>

**Of Colombia’s 32 departments, only four have a reduced risk of corruption; 12 have a medium risk, and 10 are at high risk.**

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

#### INTERNATIONAL SCHOOL FOR REPARATIONS MEETS IN BOGOTÁ AND VALLEDUPAR

From May 4 – 8 the first conference of the International Reparation School brought together national and international experts to share experiences and lessons learned on comprehensive reparation. During the first days of the conference, participants met in Bogotá to discuss collective and individual reparation, truth and reconciliation, gender and children, institutional arrangements and the role of international cooperation. Participants then visited Valledupar’s regional victims attention center and an Afro-Colombian community that is a reparation subject to better understand realities on the ground. This encounter, held with USAID and IOM support, was the first step in the creation of an international network to share experiences and best practices.

#### National Center for Historical Memory (CNMH)

#### HUMAN RIGHTS ARCHIVES TOOLBOX

The CNMH concluded the production of the Human Rights Archives Toolbox targeting victims and social organizations that are the recipients of materials and archives portraying struggle and resistance within the armed conflict. The toolbox, produced with USAID and IOM support, is the result of participatory workshops and validation sessions with victims and social organizations in nine departments and two regional meetings.

## 9. FURTHER READING

### INFOGRAPHICS ON HUMAN RIGHTS IN COLOMBIA

This series of charts and graphs from CINEP/PPP reports demonstrates the situation of human rights and humanitarian law violations in 2014, noting that the principal perpetrators were paramilitary actors, and the principal violations were threats, extrajudicial executions, damages and arbitrary detentions.<sup>(17)</sup>

### VICTIMS MUNICIPAL ROUNDTABLES ASSESSMENT

A case study produced by the National Federation of Regional Ombudspersons of Colombia (FENALPER) and UNDP’s Transitional Justice Fund on the experiences of the Victims Roundtables from Cali, Buenaventura, Tibú, Villavicencio, Carepa and El Rosario.<sup>(18)</sup>

### BUENAVENTURA: A TOWN WITHOUT COMMUNITY

Released by the CNMH, this report discusses Buenaventura (Valle del Cauca), which is one of the most difficult social and humanitarian situations in Colombia given serious violations of all types of human rights.<sup>(19)</sup>

14. “Unidos por las víctimas de la violencia basada en género”, IOM, June 1, 2015, <http://bit.ly/1G1mfeZ>.

15. “Alto riesgo de corrupción en todo el país,” El Espectador, May 21, 2015, <http://bit.ly/1KJrWhr>.

16. “Peace and Corruption Report,” Vision of Humanity, May 7, 2015, <http://bit.ly/1B6ZyjG>.

17. “Informe 2014, CINEP/PPP Situación de derechos humanos y DIH en Colombia,” CINEP/PPP, 2015, <http://bit.ly/1RPEEPS>.

18. “Personerías y Mesas Municipales y Distritales de Participación Efectiva de las Víctimas: Un diagnóstico desde lo local,” FENALPER, May 29, 2015, <http://bit.ly/1FBwRjh>.

19. “Buenaventura: un puerto sin comunidad,” CNMH, May 30, 2015, <http://bit.ly/1d9YFRK>.