

VICTIMS ISSUES

A MONTHLY REVIEW

NOVEMBER 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 August 2015, 7,758,935 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (79.8%).⁽¹⁾

2. KEY DEVELOPMENTS

SANTOS ANNOUNCES SINGLE FUND FOR PEACE

On November 24, President Santos announced the creation of the fund “Colombia in peace” to channel international cooperation resources to support post-conflict initiatives in the country. “Some resources will go to illicit crops substitution, others to build roads, others to promote rural income generation projects,” explained President Santos during the announcement, in which former Bogotá’s mayoral candidate Rafael Pardo was appointed the new Minister of Post-Conflict. Mr. Pardo explained that five financial and technical international cooperation funds will be managed under the “Colombia in peace” fund, which will have a manager and a board of directors. The new minister also estimated that international cooperation resources already amount to USD 750 million for five years and could increase to USD 3 billion for interventions for the post-conflict and the environment.⁽²⁾

CONSTITUTIONAL COURT CALLS FOR GOC TO CREATE LAND RESTITUTION PLAN

The Constitutional Court established a six month period for the Government to create a land restitution plan in order to restitute all land properties taken illegally by armed groups before 2021, when the Victims Law expires. The Court called on the GoC to create a plan detailing how the Land Restitution Unit and the Government will restitute these properties, including an assessment on the number of seized properties and restitution requests, establishing clear deadlines for restitution processes and methods that will be used. The Constitutional Court’s requirement comes after the Comptroller’s Office call to extend the timeframe of the Victims Law considering the backlog of land restitution claims.⁽⁴⁾

3. PEACE PROCESS

SANTOS UNILATERALLY PARDONS 30 FARC PRISONERS

In a confidence building gesture for de-escalation, the Executive Branch pardoned 30 FARC prisoners, stressing that these prisoners are not responsible for serious crimes, but for rebellion and political crimes. This unilateral act responded to FARC’s compliance with its unilateral ceasefire. The released prisoners will receive psychosocial support, family, community, and social stabilization, access to education, and labor training.⁽⁶⁾ FARC lauded the decision to release 30 prisoners as a simple gesture to de-escalate the conflict.⁽⁷⁾

CONTENT

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

During a forum hosted by the Victims Law’s follow-up commission, the peace building efforts of the international cooperation were highlighted. Representatives from embassies and agencies agreed upon the priority of promoting peace initiatives in the regions and efficiently managing resources for victims’ reparations.⁽³⁾

According to the Land Restitution Unit, 75,122 requests were presented through March 2015; of these, only 27,691 (37%) were being studied and the rest were suspended as they did not meet all requirements. According to President Santos, by April 2015, 100,000 thousand hectares had been restituted.⁽⁵⁾

1. National Information Network, Victims Unit, December 2015, <http://rni.unidadvictimas.gov.co/>.

2. “Santos anuncia...,” *El Espectador*, November 24, 2015, <http://bit.ly/1OqQvm0>.

3. “Cooperación en los territorios...,” *A Puerta Cerrada*, November 8, 2015, <http://bit.ly/1Po4ht3>.

4. “No hay un plan para...,” *El Espectador*, November 26, 2015, <http://bit.ly/1IO0cBK>.

5. *Ibid.*

6. “Abecé del indulto otorgado a...,” *El Espectador*, November 22, 2015, <http://bit.ly/1PVc13Z>.

7. “Farc dicen que indulto a...,” *El Espectador*, November 23, 2015, <http://bit.ly/1TnZ1Eh>.

AS CLOCK TICKS, NEGOTIATORS AGREE ON CONCLAVE TO ACCELERATE PROCESS

A year and a half into negotiations on the transitional justice and victims point (the most extended point to date in the Havana peace talks) the GoC and FARC protracted talks for “a few more days” in Havana. This after FARC leader Timochenko announced that the parties had agreed on “74 of 75” points and were about to finalize the current cycle. To speed up talks in order to meet the March deadline set by negotiators themselves, Timochenko accepted a GoC proposal that negotiators enter a so-called “conclave” to speed up talks, whereby FARC and GoC representatives will negotiate in an on-going manner without interruptions.⁽⁸⁾

COLOMBIAN HOUSE APPROVES PLEBISCITE FOR PEACE DEAL

The House of Representatives approved a plebiscite to seek popular approval of eventual peace accords with FARC. The bar set to approve the peace process would be 13% of eligible voters, about 4 million Colombians, and a direct, standalone election could be held as soon as mid 2016. Various actors have voiced criticisms, including the National Trade Council and the former President Uribe’s Democratic Center political party. Some call the method ad hoc, anti-democratic and a self-validation measure. FARC spoke out against the 13%, insisting, as it often has, on a Constituent Assembly. The Senate is set to vote shortly.⁽¹²⁾

4. A VIEW FROM THE FIELD

DISPLACEMENT ANEW IN ANTIOQUIA

In November, 48 families were displaced in Apartadó in the Urabá region of Antioquia and sought refuge in a school after members of illegal armed groups (presumably Urabeños or Clan Usaga groups) came looking for eight people they intended to kill. According to the United Nations, another 400 rural campesinos are also at risk of displacement from their land to the center of the municipality. This was the first massive displacement registered in the region in several years.⁽¹⁵⁾

5. INCLUSIVE APPROACHES

ELIMINATING VIOLENCE AGAINST WOMEN THROUGH THEATER

A theater presentation in Bogotá with Colombian actress and activist against GBV Alejandra Borrero commemorated International Day for the Elimination of Violence against Women. The event completed a social mobilization strategy through theatre, a joint initiative by the Council for Women’s Equality, Casa Ensemble, USAID, and IOM to raise awareness and establish local institutional commitments against GBV.⁽¹⁷⁾

OMBUDSPERSON’S OFFICE ALERTS VIOLENCE AGAINST LGBT VICTIMS

The Ombudsperson’s Office, with UNDP support, released a report on violence against LGBT victims based on 92 interviews in five cities. The report warned that the lack of a unified database and under-reporting are obstacles to defending the rights of this population. It also identified the different types of violence against these groups, including: (1) homicides, (2) threats, (3) forced displacement, (4) sexual abuse, and (5) imposition of sexual stereotypes.⁽¹⁸⁾

The UN applauded a “notable improvement” in the humanitarian situation in Colombia during the three years of the peace process to date, and a decrease in the numbers of massacres and forced displacement in the same period.⁽⁹⁾

Rodrigo Uprimny from the group Dejusticia argues that a plebiscite that only consider voters in favor or against (not counting abstention) stimulates participation. As voters can’t simply say no by not going, they must vote to share their views.⁽¹³⁾

The UN High Commissioner for Human Rights decried an “insecure and hostile environment” in which 729 human rights activists have been killed since 1994 (33 each year and 3 each month).⁽¹⁶⁾

From November 23 to 29, Casa Ensemble organized the Second Theater Festival “Not even with a rose petal,” to honor female victims of GBV.

Recommendations by the Ombudsperson’s Office include fostering participation, strengthening reparation and non-repetition, and defining inclusive policies to ensure information the number and characteristics of LGBT populations.

8. “Farc dan visto bueno a ‘cónclave’...” El Espectador, November 25, 2015, <http://bit.ly/1lq5KBX>.

9. “Situación humanitaria en Colombia...” BluRadio November 25, 2015, <http://bit.ly/1OrPXFm>.

10. “Farc proponen delimitar...” El Espectador, November 24, 2015, <http://bit.ly/1XoR3Lm>.

11. “Gobierno rechaza territorios de...” Caracol Radio, December 1, 2015, <http://bit.ly/1Rjx3KF>.

12. “Consejo Gremial manifestó...” El Heraldo, December 2, 2015, <http://bit.ly/1OyKTlv>.

13. “Umbral, plebiscito y paz,” La Silla Vacía, December 6, 2015, <http://bit.ly/1LYHhsV>.

14. “Mina que afectó a menor...” BluRadio, November 30, 2015, <http://bit.ly/1ISocDr>.

15. “¿Qué está pasando en...,” Verdad Abierta, November 6, 2015, <http://bit.ly/1Ovv4TC>.

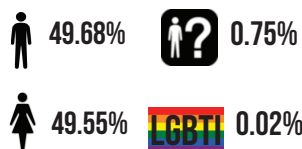
16. “UN says 729 human rights...,” Guardian, November 20, 2015, <http://bit.ly/1TnZflw>.

17. “Campaña teatral de Casa...,” El Tiempo, November 13, 2015, <http://bit.ly/11t8CUG>.

6. PROGRESS REPORT*

7,758,935
REGISTERED VICTIMS
16.3%
OF TOTAL POPULATION

BY GENDER OR SEXUAL ORIENTATION



BY AGE GROUP

0-17	30.6%
18-28	20.5%
29-60	32.5%
61-100	7.5%
NO INFO	8.9%

TOP 5 VICTIMS LOCATIONS

ANTIOQUIA	19.6%
BOLIVAR	7.4%
MAGDALENA	5.9%
NARIÑO	5.1%
CESAR	5.1%

TOP VICTIMIZING ACTS:

DISPLACEMENT	79.8%
HOMICIDE	11.7%
THREATS	3.2%
DISAPPEARANCE	2.0%
REAL ESTATE LOSS	1.2%

VICTIMS UNIT 2015

ADVANCES AND ACCOUNTABILITY



\$540 million

2015 budget (USD)

SUPPORT FOR REGIONAL ENTITIES INCREASED 76%



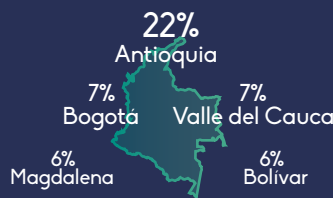
REGISTRATION AND REPARATION

DECLARATIONS in 2015 under the Victims Law



30% of declarations were taken online, compared to 15% in 2014

Top declaration locations in 2015



VICTIMS ABROAD

3,486 declarations were taken abroad

7,127 victims were included in RUV

Top locations abroad:

1. U.S.	20.1%
2. Canada	19.5%
3. Ecuador	16.5%
4. Spain	11.6%
5. Venezuela	10.2%

Top victimizing acts:

1. Displacement	42.2%
2. Threat	34.5%
3. Homicide	13.4%

REPARATIONS



Most compensated acts in 2015

- 72% displacement
- 18% murder
- 7% sexual violence

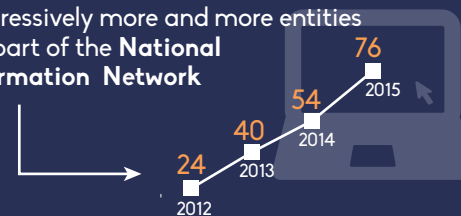
FINANCIAL SUSTAINABILITY

52,364 victims were guided on investing their financial compensations. They want to invest their compensations in:



INFORMATION TECHNOLOGY

Progressively more and more entities are part of the National Information Network



COLLECTIVE REPARATION



70 collective reparation plans approved

* Included under the Victims Law, 302,508 additional requests validated under previous legislation (an additional 615,006 victims included).
 ** When the Victims Law took effect in 2011, there were already victims registered by Accion Social, SIPOD, and other frameworks.
 Sources: Victims Unit 2015 Accountability Report, Sept. 30, 2015. <http://bit.ly/11ZRwU9>. Compensation and abroad info reported directly by the Victims Unit. to IOM (statistics through November 31 and December 3 respectively)

7. IN THE SPOTLIGHT

LGBT HISTORICAL MEMORY REPORT

On December 10, the CNMH will launch the historical memory report “Eradicate differences: Lesbian, Gay, Bisexual and Transgender People in Colombia’s armed conflict,” on the affectations suffered by LGBT victims in the conflict. The report, produced with USAID and IOM support is the result of an over 22-month participatory process with LGBT victims in four departments.

ACT OF PARDON BY FARC TO COMMUNITY IN CHOCÓ DEPARTMENT

Following previous conversations between victims of the massacre in Bojayá and FARC in Havana, an act of pardon to the community was held in Bojayá on December 6. FARC members led by “Pastor Alape” met with community members and publically regretted their actions that resulted in the death of at least 79 community members, in the massacre occurred in May 2, 2012, amidst a confrontation between FARC and paramilitary groups. Following another pardon act, former President Belisario Betancur apologized and accepted his responsibility for the state’s actions during the Palace of Justice siege during an event in Ibagué with the children of Alfonso Reyes Echandía, the former President of the Constitutional Court who died during the siege.

“We are here to express our sorrow, our recognition and reaffirmation that this should never have happened. We know that no word can express the emotions of losing your loved ones...we emphasize our pain for the suffering we caused stated FARC speaking in Bojayá.”⁽¹⁹⁾

8. INSTITUTIONAL ADVANCES

Victims Unit

INFORMATION SYSTEMS FOR VICTIMS’ REPARATION

On November 4, an event in Bogotá presented IT tools produced by the Victims Unit with USAID and IOM support, including: (1) a website and app to consult regional and national information on victims, (2) a single information system unifying numerous existing databases, and (3) a geographic system to produce maps on victims’ locations, among others. By bringing together previously disperse information on victims for the first time in Colombia, these tools ensure that the 52 institutions in the National Victims Assistance and Reparation System (SNARIV in Spanish) can access accurate information in an efficient manner. Over 1,245 national and regional entities and 4,900 users access these systems and share information.⁽²⁰⁾

“Information speaks to us about human beings. It is not a matter of numbers or figures, but of key inputs to understand the dimensions of the conflict in Colombia, and the needs and conditions of victims,” expressed Christina Davis for USAID\Colombia.

National Center for Historical Memory (CNMH)

NEW REPORT ON VIOLENCE AGAINST JOURNALISTS IN COLOMBIA (1977 – 2015)

The CNMH released a new historical memory report on violence against journalists since 1977. According to the report, 152 journalists were murdered from 1977 to August 2015, mostly from local radio stations and newspapers. The report seeks to explain mechanisms and consequences of violence against journalists, emphasizing how this violence not only targets journalists but information itself.⁽²¹⁾ The report is available here: <http://bit.ly/1Pxl3n>.

“Impunity has sent a despicable message to society and especially to violent groups: murdering journalists brings no consequences to perpetrators,” reads the report’s introduction.

9. FURTHER READING

30 YEARS AFTER THE PALACE OF JUSTICE: DEMANDING JUSTICE AND TRUTH

The CNMH released a set of articles, photos, and videos on the taking of the Palace of Justice by M-19 guerrillas on November 7, 1985. A documentary “The Siege” by the International Commission for Transitional Justice marks 30 years since the attack.⁽²²⁾

WITH PEACE NEAR, DEBATE GROWS OVER COLOMBIA'S DRAFT

An AP article discusses what will become of Colombia’s mandatory draft as conflict draws to an end.⁽²³⁾

18. “Investigación de la Defensoría revela panorama de violencia contra la población LGBTI en el marco del conflicto,” Defensoría del Pueblo, November 24, 2015, <http://bit.ly/1XWp6QO>.

19. “Las Farc-Ep al Pueblo de Bojayá,” Paz-FARC, December 7, <http://bit.ly/1ORgGEr>.

20. “Sistemas de información para la reparación a las víctimas,” OIM, November 12, 2015, <http://bit.ly/1SmNwMb>.

21. “Nuevo informe: La violencia contra periodistas en Colombia (1977 – 2015),” CNMH, November 25, 2015, <http://bit.ly/1SkXFwW>.

22. “30 años del Palacio de Justicia,” CNMH, November 2015, <http://bit.ly/1NSKcr7>; “La Toma,” ICTJ, <http://bit.ly/1QPKXoF>.

23. “With peace near, debate grows over Colombia’s draft,” November 30, 2015, <http://bit.ly/1PWapZn>.