

# VICTIMS ISSUES

## A MONTHLY REVIEW

AUGUST 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, 7,558,854 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (79.6%).<sup>(1)</sup>

### 2. KEY DEVELOPMENTS

#### USD 10.6 BILLION MISSING TO GUARANTEE VICTIMS' RIGHTS

The second report released by the Victims Law's Monitoring Commission, formed by the Attorney's Office, the Ombudsman's Office, the Comptroller's Office and victims' representatives, warned that there is a USD 10.6 billion shortage to secure victims' right to social compensation and housing. The Comptroller's Office proposed revising the Victims Law's financial plan and extending it beyond 2021 (when it is currently scheduled to expire), citing the lack of resources for the restitution of housing and financial compensations.<sup>(2)</sup>

The report states that no strategy has been designed to collectively protect victims from ethnic groups (11.3% of all registered victims), and that no Collective Comprehensive Reparation Plan for ethnic communities has been approved or implemented. Its summary is available here: <http://bit.ly/1g7TeE5>.

### 3. PEACE PROCESS

#### GOVERNMENT WEIGHS ALTERNATIVES TO FORMALIZE PEACE

As peace talks advance, the question remains how to formalize eventual peace agreements. President Santos proposed creating a special legislative commission for peace that would be responsible for implementing agreements reached in Havana. However, some have raised doubts regarding the proposal's constitutional viability and whether it would be taking on a role belonging to Congress itself. Others have voiced concerns over whether the special commission would replace popular endorsement. In response, the GoC insisted that agreements will be popularly endorsed. Colombia's Constitution contemplates various procedures for societal endorsement, including a plebiscite, popular consultation, or referendum; the specific measure that will be used has not yet been agreed upon.<sup>(7)</sup>

#### GOC AND FARC CONTINUE TO DE-ESCALATE CONFLICT

The cease-fire announced by FARC mid-July, which was originally schedule to last one month, was extended, this time with no end date proclaimed. According to the Resource Center for Conflict Analysis (CERAC) Director Jorge Restrepo, the results of the first month of the new cease-fire have been "extraordinary." During its first 22 days, there was only one violating action by the FARC and three more being verified.<sup>(4)</sup>

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**"Reality surpassed any estimation we had to finance the Victims Law in 2011. Back then, the estimated number of victims was 4 million and today it's 7.3 million," explained Paula Gaviria, Director of the Victims Unit. Of these, 5.8 million are recipients of reparations measures.**<sup>(3)</sup>

**"The special commission is one of many ideas that have been proposed to accelerate agreements, but must be agreed upon with the FARC," stated President Santos.**<sup>(6)</sup>

**Bilateral measures to de-escalate the conflict have been demonstrated in the last month by nearly non-existent violence by FARC or by the Armed Forces against the guerrilla group.**<sup>(5)</sup>

1. Data from the National Information Network (RNI), Victims Unit, through Sept. 1, 2015. This number refers to the historic total of victims. <http://rni.unidadvictimas.gov.co/?q=v-reportes>.  
 2. "Según el Informe Anual de Seguimiento a la Ley de Víctimas: Faltan \$33,6 billones para garantizar derechos..." Contraloría General de la Nación, August 27, 2015, <http://bit.ly/1Uz1iHh>.  
 3. "Faltan \$ 33,6 billones para reparar a víctimas," El Tiempo, August 23, 2015, <http://bit.ly/1Nwx5Og>.  
 4. "Las FARC mantienen tregua unilateral," Semana, August 20, 2015, <http://bit.ly/1frKYhO>.  
 5. "Sexto reporte: Monitoreo semanal de medidas de desescalamiento del Conflicto Armado Interno en Colombia," CERAC, Sept. 8, 2015, <http://bit.ly/1Q3GUkA>.  
 6. "El 'congresito' de Santos, una idea que da vueltas," El Espectador, Aug. 12, 2015, <http://bit.ly/1ODJiyi>.  
 7. "Congresito y referendación, Gobierno busca opciones para formalizar la paz," Ambito Juridico, Aug. 19, 2015, <http://bit.ly/1UEb7gK>.

## UNITED STATES DEMONSTRATES INTEREST IN SUPPORTING PEACE PROCESS

Washington recently made two significant shows of support for ongoing negotiations in Havana. First, 65 Congresspeople sent a letter to Secretary of State John Kerry and Special Envoy Bernard Aronson urging them to convey the importance of agreements reflecting the needs of vulnerable sectors of society that have been most affected by the conflict and historically excluded from decision-making. Encouraging reparations, justice, and non-repetition, the letter stresses the need to end “Colombia’s long and tragic history of impunity.”<sup>(8)</sup> Second, Ambassador Kevin Whitaker facilitated an unprecedented meeting between former President Álvaro Uribe and Chief GoC Negotiator, Humberto de la Calle, at the Ambassador’s residence, opening a space for dialogue on the peace process between the government and the opposition. While few details are known, the parties are said to have discussed security, measures to endorse peace agreements, and disarmament, among other topics, in hopes of reducing tensions and polarization.<sup>(9)</sup>

“We emphasize the direct engagement and involvement of women, Afro-Colombians, Indigenous Peoples, campesino organizations and the internally displaced ... We also urge that the rights and needs of victims take the center stage,” states a letter by 65 U.S. Congresspeople.<sup>(10)</sup>

## 4. DIVERSITY MAINSTREAMING

### INTERNATIONAL YOUTH DAY HIGHLIGHTS THEIR IMPORTANCE IN PEACE-BUILDING

August 12 marked International Youth Day, whose key issue this year was Civic Participation. In Colombia, the Victims Unit held regional encounters in Cúcuta, Popayán, Pasto, and Medellín to teach youth about their rights and promote the implementation of the child and adolescent participation protocol. Victims Unit Director Paula Gaviria emphasized the importance of repairing children, adolescents, and youths to ensure future generations of adults who are more committed to peace.<sup>(11)</sup>

“I need you, I need youth to get excited about the peace process, to become spokespersons, protagonists, agitators of peace,” stated President Santos on International Youth Day.<sup>(12)</sup>

### WALKING FOR FEMALE VICTIMS OF SEXUAL VIOLENCE

As part of the campaign “It is not time to be silent,” six symbolic returns will be carried out in locations of Colombia that have struggled with GBV. On August 22, the first symbolic return walk was held from Carmen de Bolívar to El Salado in the Montes de María region, affected by massacres, violations, and GBV for over 15 years.<sup>(13)</sup>

Victims will symbolically walk to areas racked by sexual and gender violence in Bolívar, Meta, Cauca, La Guajira, Norte de Santander, and Putumayo.<sup>(14)</sup>

## 5. A VIEW FROM THE FIELD

### COLOMBIA AND VENEZUELA: BORDER AND REFUGEE CRISIS

Following an incident in which three Venezuelan soldiers and a civilian were injured by smugglers on the Venezuelan side of the border, on August 20 Venezuelan President Nicolás Maduro ordered the closure of the border near the town of Cucuta and declared a state of emergency in various provinces. Maduro denounced the presence of Colombian paramilitary and smuggling groups along the border, which take advantage of subsidized products and exacerbate the shortages that Venezuela suffers. The decision allowed officials to search homes without a warrant and resulted in the deportation of over 1,000 Colombians, and of thousands more who have returned to Colombia out of fear of deportations.<sup>(15)</sup>

It is estimated that over 18,000 individuals have returned to Colombia through the border departments of Norte de Santander, La Guajira, Arauca, and Vichada. Many of them were victims of the armed conflict who were forced to flee to Venezuela.<sup>(16)</sup>

### 69 HUMAN RIGHTS ACTIVISTS KILLED IN COLOMBIA IN 2015: UN

United Nations resident coordinator in Colombia Fabrizio Hochschild informed that 69 human rights activists and community leaders have been killed in 2015. This is twice the number registered in 2014. “That means the trend is on track to double, and that is a very major, very unfortunate setback in terms of protecting social leaders and community leaders,” expressed Mr. Hochschild, who also explained that local leaders from the left and from Afro-Colombian communities in the Pacific region are among the most threatened.<sup>(17)</sup>

On August 3, social leader Genaro García was killed in Tumaco. Weeks later, FARC recognized and apologized for his killing.<sup>(18)</sup>

8. Letter from the Congress of the United States. August 3, 2015. <http://1.usa.gov/1gaKZYh>.

9. “Así fue la cita entre Álvaro Uribe y...,” El Tiempo, Sept. 13, 2015, <http://bit.ly/1K9F2TP>.

10. Letter from the Congress of the United States. August 3, 2015. <http://1.usa.gov/1gaKZYh>.

11. “Por la paz de los jóvenes víctimas del...” Victims Unit, Aug. 12, 2015, <http://bit.ly/1JYOxAc>.

12. “Presidente invita a los jóvenes...” Colombia Joven, Aug. 12, 2015, <http://bit.ly/1Q1X51N>.

13. “Los caminos de la violencia sexual en...” CNMH, Aug. 20, 2015, <http://bit.ly/1L4sUry>.

14. Ibid.

15. “Colombia ‘to reunite families in Venezuela...” BBC, Aug. 31, 2015, <http://bbc.in/1VNnxjB>.

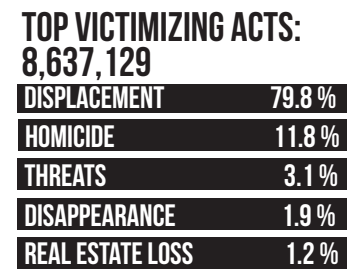
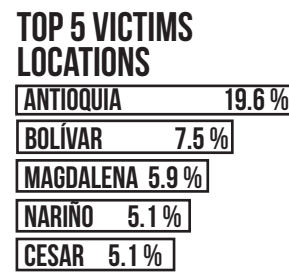
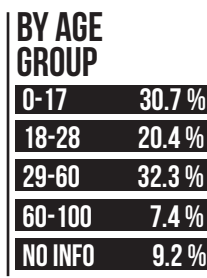
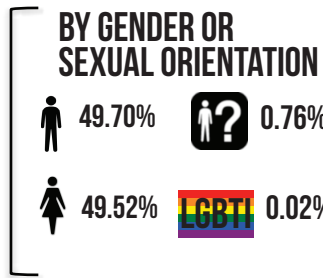
16. “OCHA: Unas 18.000 personas han regresado...” UN, Sept. 8, 2015, <http://bit.ly/1JV3bzN>.

17. “Colombia: 69 Activists Killed Year to Date,” Telesur, Aug. 20, 2015, <http://bit.ly/1KE7eni>.

18. “Lo bueno y lo malo de que las Farc...” La Silla Vacía, Aug. 24, 2015, <http://bit.ly/1NS2JD3>.

## 6. PROGRESS REPORT\*

**7,558,854**  
**REGISTERED VICTIMS**  
15.8%  
OF TOTAL  
POPULATION



# DISABILITY in COLOMBIA

According to the World Bank and the WHO\*



**15%**

of the world's population has some kind of disability

According to the 2005 population census



**6.3%**

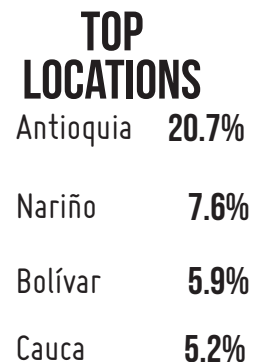
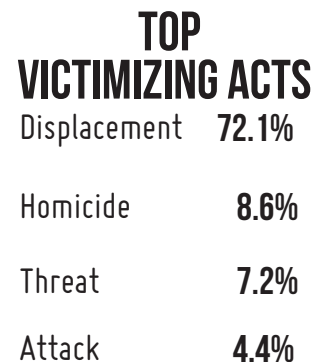
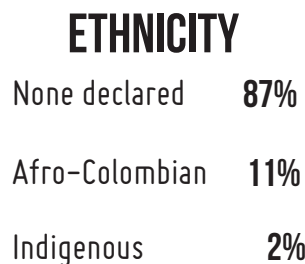
of Colombia's population has some kind of disability

Approx.  
**2,624,898**  
individuals in Colombia have a disability

**1,178,703**  
individuals are registered in the Registry to Locate and Characterize People with Disabilities (RLCPD)

## VICTIMS with DISABILITIES

**178,093**  
**REGISTERED VICTIMS WITH DISABILITIES**



Sources:  
Victims Unit, National Information Network, Sept. 1, 2015, <http://rni.unidadvictimas.gov.co/?q=node/107>.  
"Cómo ser un líder influyente e incluyente", Ministry of Health, Victims Unit, USAID and IOM, 2015, pages 11-12, <http://bit.ly/1EmJ5zm>.  
\*WHO: World Health Organization.

## 7. IN THE SPOTLIGHT

### OCTOBER 25: LOCAL ELECTIONS

On October 25, Colombians will elect governors, mayors, departmental and municipal councilmembers for 2016-2020. New officials will be key to continue implementing the Victims Law and possible peace agreements between FARC and the GoC at the local level. According to the Mission of Electoral Observation (MOE) elections in 204 municipalities are at risk due to the presence of illegal armed groups or possible fraudulent schemes. Cauca, with ten municipalities, concentrates the highest number of municipalities at risk. The Ombudsperson's Office established that 268 municipalities have electoral risks.<sup>(19)</sup>

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

#### MAP OF AVAILABLE INSTITUTIONAL OFFER COMPLETED

The Victims Unit now has a map that provides information on the plans, programs, projects, and specific actions provided by national and regional-level entities that are part of the National Victims Attention and Comprehensive Reparation System (SNARIV). The map shows offer from the Banco Agrario, the Ministry of Health, the National Learning Service, the Universidad Nacional, and others.<sup>(20)</sup>

### Ministry of Health and Social Protection and the Victims Unit

#### DISABILITY COMMUNICATION CAMPAIGN LAUNCHED

The Victims Unit, the Ministry of Health, USAID, and IOM launched a campaign to foster the registration and awareness of registering people with disabilities in national information systems. The campaign covering 10 departments and 32 municipalities seeks to eliminate stigmas related to disability in Colombia through printed and digital communicative materials and citizen mobilization activities.<sup>(22)</sup>

### National Center for Historical Memory (CNMH)

#### WINNER OF NATIONAL MUSEUM OF MEMORY'S DESIGN CONTEST CHOSEN

Following jury deliberation, the proposal "Between the Earth and the Sky" by the firms MGP Arquitectura & Urbanismo from Colombia and Estudio Entresitio from Spain was unanimously chosen as the winner of the International Public Contest for the National Museum of Memory's Architectural Design. The jury stated that the winners proposed a series of ample exposition rooms and terraces that will allow visitors to feel the energy of the city and enjoy the mountainous surroundings, using transparent and highly permeable structures. The winners will receive USD 245,000 and a quota of USD 1.2 million to develop the project's design.<sup>(21)</sup>

### Ministry of the Interior

#### AGREEMENT SIGNED TO DECENTRALIZE VICTIMS' POLICIES

IOM and the Ministry of the Interior signed a cooperation agreement to unite forces to strengthen the institutional capacity of regional entities for the decentralization of policies for conflict victims to the local level. The current agreement is through the end of 2015.

## 9. FURTHER READING

### UNITED NATIONS: HUMANITARIAN SITUATION IN COLOMBIA HAS IMPROVED

According to a UN report on the nature of the armed conflict from 2012 through June 2015, the period in which peace talks with the FARC have been developed, "the victimization of civilians and the humanitarian impact of the conflict has decreased," as well as massive displacements.<sup>(23)</sup>

### THE GOOD AND BAD OF FARC'S RECOGNITION OF KILLING GENARO GARCÍA

Article by La Silla Vacía analyzing the consequences of the FARC negotiating team's public recognition that in the Pacific region guerrillas from its Mobile Column Daniel Aldana killed Afro-Colombian leader Genaro García.<sup>(24)</sup>

### PATHS TO MEMORY

Toolbox created by the CNMH with IOM and USAID support providing victims and their organizations with information on processes and projects being developed by the CNMH's different mission areas.<sup>(25)</sup>

19. "¿Cuáles son los 59 municipios en "riesgo extremo" por fraude electoral?", Semana, Sept. 8, 2015, <http://bit.ly/1ENobJP>.

20. "Mapa de oferta," Victims Unit, Aug. 2015, <http://bit.ly/1DDI0Uw>.

21. "ABC sobre el diseño ganador del Museo Nacional de la Memoria," CNMH, Aug. 15, 2015, <http://bit.ly/1UJe9uT>.

22. "Se lanza oficialmente la campaña por el registro de la discapacidad en Colombia," OIM, Aug. 27, 2015, <http://bit.ly/1EZEttB>.

23. "Situación humanitaria del conflicto armado ha mejorado: ONU," El Espectador, Aug. 19, 2015, <http://bit.ly/1K8ARvm>.

24. "Lo bueno y lo malo de que las Farc acepten que mataron a Genaro García," La Silla Vacía, Aug. 24, 2015, <http://bit.ly/1NS2JD3>.

25. "Caminos para la memoria," CNMH, Aug. 2015, <http://bit.ly/1lyTCpi>.