

VICTIMS ISSUES

A MONTHLY REVIEW

OCTOBER 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 October 2014, 6,941,505 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (85.9%).

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2. KEY DEVELOPMENTS

FOUR DELEGATIONS OF VICTIMS HAVE PARTICIPATED IN PEACE TALKS

To date four groups of victims have travelled to Cuba to participate in the peace talks between FARC and the GoC, for a total of 48 victims directly involved in the process. For the first time, a former member of the Colombian armed forces who was kidnapped (General Luis Mendieta) and a journalist were included in the delegations. The latter is Jinneth Bedoya an editor from the newspaper El Tiempo who has been advocating against gender based violence since going public with her kidnap, torture and sexual abuse in 2000. Also for the first time, an imprisoned member of FARC, Tulio Murillo, was included in the group representing victims of the State through a video message sent from jail. FARC criticized the GoC for not allowing Murillo to travel to Cuba. The fourth visit completed another cycle of the conversations, to be resumed on November 18. A final group of 12 victims will visit Cuba as part of victims' direct participation in the peace process.⁽¹⁾

The fourth group of victims called for sexual violence within the conflict to be recognized as a crime against humanity, requested protection for the 60 victims who will participate in the peace talks, as some of them have already received death threats and demanded that the negotiating teams do not leave the talks until an agreement is reached.

"COLOMBIA IS A GLOBAL LEADER IN VICTIMS REPARATIONS": SANTOS

President Juan Manuel Santos highlighted Colombia's victims' policy during the ceremony of 600 victims who graduated in marketing, sales and advertisement in Pereira. Based on research by Harvard University (see Institutional advances), Santos stated that Colombia leads victims' reparation worldwide, aiming to repair over six million registered victims, corresponding to nearly 14% of the country's total population. To date and still with an internal armed, Colombia has repaired 426,000 victims, stated Santos.⁽²⁾

FOUR BILLION DOLLARS FOR VICTIMS REPARATIONS IN 2015

Minister of the Interior Juan Fernando Cristo announced that the budget for victims in 2015 will be nearly USD four billion, representing a 12% increase compared to the 2014 budget.⁽³⁾ In the first three years of the Victims Law's implementation (2012-2014) the GoC has invested nearly USD 10.5 billion. The National Planning Department (DNP) Director Simón Gaviria stated that the budget for victims has increased 97% between 2010 and 2015.⁽⁴⁾

1. "Piden que violencia sexual sea crimen de lesa humanidad", *Semana*, November 3, 2014, <http://www.semana.com/nacion/articulo/victimas-piden-que-violencia-sexual-sea-delito-de-lesa-humanidad/407917-3>.

2. "Palabras del Presidente Juan Manuel Santos en la graduación de bachilleres y técnicos de la Ruta de Empleo para Víctimas del Conflicto en Pereira", *Presidencia de la República de Colombia*, October 22, 2014,

http://wp.presidencia.gov.co/Noticias/2014/Octubre/Paginas/20141022_13-Palabras-Presidente-Santos-graduacion-bachilleres-tecnicos-Ruta-Empleo-para-Victimas.aspx.

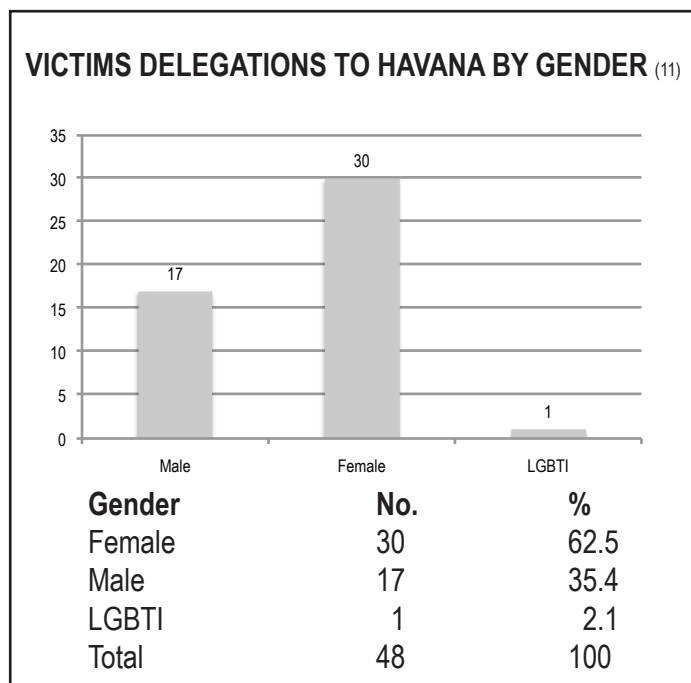
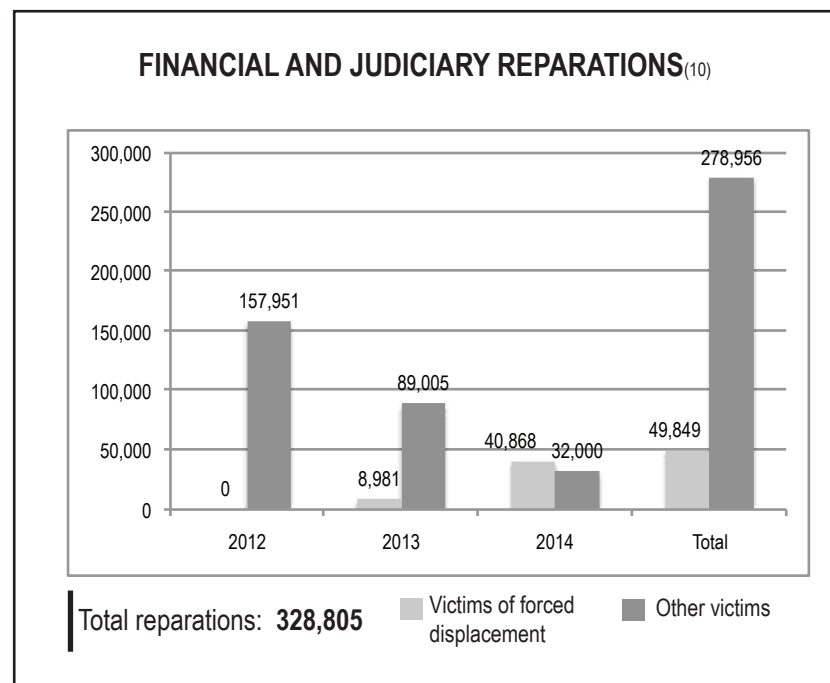
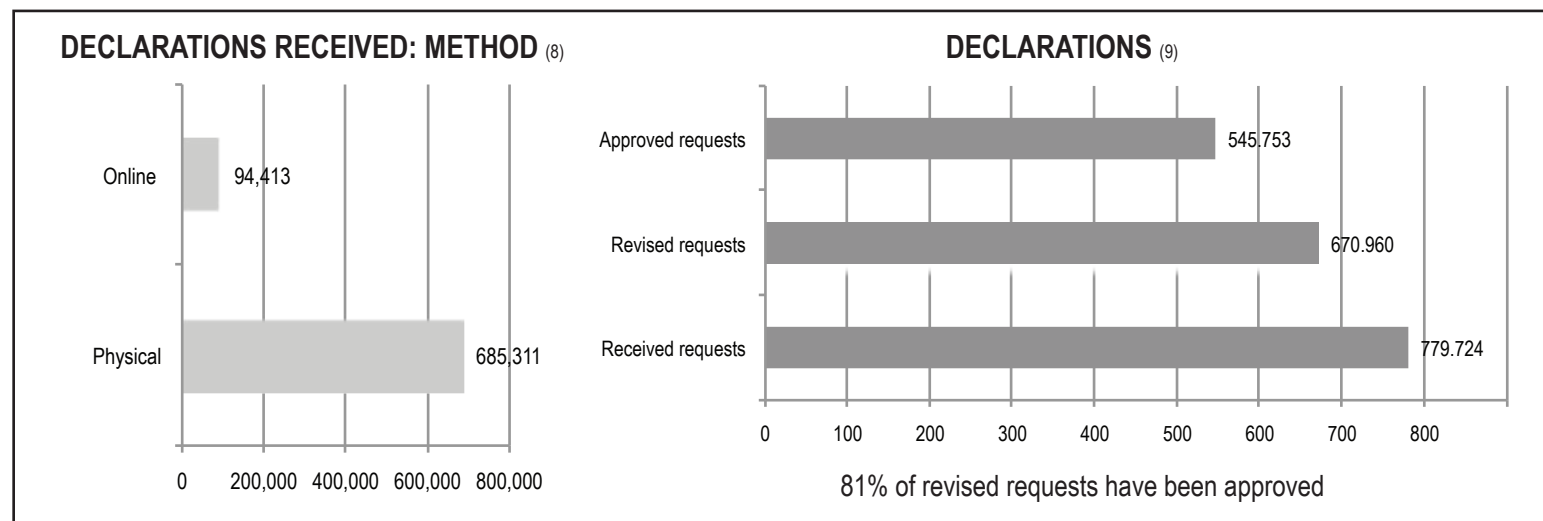
3. "Para 2015 se destinarán 8 billones de pesos para reparación a víctimas", *El Tiempo*, October 29, 2014, <http://www.eltiempo.com/politica/gobierno/recursos-para-reparacion-a-victimas-en-2015/14763755>.

4. "Presupuesto para víctimas aumentará 12% entre 2014 y 2015", *DNP*, September 10, 2014, <https://www.dnp.gov.co/Paginas/presupuesto-para-victimas-aumentara-12-entre-2014-y-2015.aspx>.

3. PROGRESS REPORT*

REGISTERED INDIVIDUALS: 6,941,505 (14.5% of total population) ⁽⁵⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION		VICTIMS BY AGE GROUP		TOP FIVE VICTIMS LOCATIONS ⁽⁶⁾		TOP VICTIMIZING ACTS: 8,060,723 ⁽⁷⁾	
	%		%		%		%
Male	49.6	0-17	31.1	1. Antioquia	19.7	1. Displacement	80.0
Female	49.5	18-26	17.1	2. Bolívar	7.3	2. Homicide/Massacre	12.2
Undefined	0.8	27-60	34.5	3. Magdalena	5.9	3. Threats	2.5
LGBTI	0.01	61-100	6.9	4. Nariño	5.1	4. Disappearance	1.9
		Without info	10.4	5. Cesar / Valle del Cauca	4.9	5. Loss of property	1.1



*Source: Victims Unit, September 30, 2014; Victims Registry information obtained from the Victims Unit's National Information Network, October 1, 2014, <http://mi.unidadvictimas.gov.co>

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

6. Based on registry location.

7. Based on the registry of victimizing acts; homicide and disappearance include indirect victims.

8. Victims declarations can be submitted physically or online. Approved requests are included in the Victims Single Registry (RUV).

9. Based on the Single Declaration Format (FUD). Cumulative total of declarations received, September 2014.

10. Number of reparation transfers sent.

11. A total of four delegations of 12 victims have visited Havana to participate in the peace talks between GoC and FARC; Source: www.co.undp.org

4. PEACE PROCESS

FARC ASSUMES RESPONSIBILITY FOR VICTIMS OF THE ARMED CONFLICT

During peace talks in Havana, FARC recognized that it has “affected civilians in different moments and circumstances throughout the conflict.”⁽¹²⁾ A missive from the group stated that their actions have “generated greater and additional impacts” on the civilian population in Colombia during the 50 years of the conflict. However, the group also stated that at no point during the conflict was the civilian population the direct target of their actions. The GoC has called for a more categorical recognition of responsibility by the FARC.

Recently, FARC also called for recognition of the responsibility of the United States in the Colombian conflict, given the “imposition of geopolitical and economic interests [and] the national security doctrine.”⁽¹³⁾

SANTOS IN EUROPE LOOKING FOR SUPPORT FOR PEACE

On November 4, President Santos visited the European Parliament (EP) as part of his tour of Europe to garner political and financial support for peace talks with the FARC. Speaking to the EP, Santos stated “Europe has shown the world that it’s possible to leave war behind and build peace. Now it’s Colombia’s turn.”⁽¹⁴⁾ EP President Martin Schulz voiced his support, stating that the Colombian model “perhaps could serve as a model for reconciliation” for other conflicts around the world. The German Credit Bank for Reconstruction and Development announced that it will support the peace process and “concrete reforms to apply the Colombian peace agenda” with a USD 100 million loan. The bank voiced that eliminating conflict is “an important contribution to [Colombia’s] economic and political stabilization.”⁽¹⁵⁾

5. IN THE SPOTLIGHT

NATIONAL VICTIMS ASSISTANCE AND REPARATION SYSTEM (SNARIV) ENCOUNTER TO ADDRESS STRATEGIES

On November 18, the institutions of the National Victims Assistance and Reparation System (SNARIV) will analyze the advances and challenges to implement public policies for prevention, protection, attention, assistance and comprehensive reparation for victims. The meeting seeks to encourage the inclusion of diversity mainstreaming guidelines in national and regional coordination and provide technical and thematic guidelines for the implementation of the Victims Law and the Land Restitution Law in 2015. USAID and IOM support this meeting.

6. A VIEW FROM THE FIELD

VICTIMS OF FARC MEET IN BOGOTA

On October 27, 1,500 victims of FARC met in Bogotá to discuss truth, justice, reparation and non-repetition guarantees issues in the forum “Colombia embraces victims of FARC”. Participants will present recommendations and demands to FARC regarding the peace process, including the requirement for a permanent representation of victims in the peace negotiations and the creation of the National Victims Federation to congregate and unify victims of FARC.⁽¹⁶⁾ Congresswoman Sofia Gaviria promoted the forum and recently recognized she declined an invitation to travel to Havana, due to her concerns on how victims have been selected to participate in the talks.⁽¹⁷⁾

UNITED NATIONS REPORTS CONFINEMENT OF 1,500 INDIGENOUS PERSONS IN CHOCÓ

The United Nations’ Humanitarian Affairs Coordination denounced the confinement of nearly 1,500 individuals from the Embera indigenous community in Chocó, which has been exacerbated by illegal armed groups. According to the UN, confinement occurs when a population’s freedom of movement is limited for a period greater than a week, including their access to goods or basic services such as education, health, water and sanitation. The Embera communities have stayed in their territories fearing possible attacks by an unidentified armed actor, and have suspended their agricultural activities, resulting in food insecurity.⁽¹⁸⁾

12. “Farc asumió su responsabilidad con las víctimas”, *El Espectador*, October 30, 2014, <http://www.elespectador.com/noticias/paz/farc-asumio-su-responsabilidad-victimas-articulo-524999>.

13. “Farc reconocen que en su accionar han afectado a población civil”, *El Tiempo*, October 30, 2014, <http://www.eltiempo.com/politica/proceso-de-paz/farc-reconocen-afectaron-a-la-poblacion-civil/14764956>

14. “Colombian president: It’s Colombia’s turn to leave war behind and build peace”, *European Parliament News*, November 4, 2014, <http://www.europarl.europa.eu/news/en/news-room/content/20141103STO77103/html/Columbian-president-It's-Colombia's-turn-to-leave-war-behind-and-build-peace>.

15. “Alemania anuncia crédito de US\$100 millones a Colombia para la paz”, *El Tiempo*, November 3, 2014, <http://www.eltiempo.com/politica/proceso-de-paz/alemania-anuncia-credito-de-us100-millones-a-colombia-para-la-paz/14782735>.

16. “Víctimas de Farc crean organización para tener más peso en el proceso de paz”, *CM&*, November 6, 2014, <http://www.cmi.com.co/victimas-de-farc-crean-organizacion-para-tener-mas-peso-en-el-proceso-de-paz/242288>

17. “Sofía Gaviria, la víctima de las Farc que rechazó viajar a Cuba”, *El Espectador*, November 7, 2014, <http://www.elespectador.com/noticias/politica/sofia-gaviria-victima-de-farc-rechazo-viajar-cuba-articulo-526402>

18. “Confinamiento de 1.500 indígenas se agudiza en Chocó”, *El Espectador*, October 29, 2014, <http://www.elespectador.com/noticias/nacional/confinamiento-de-1500-indigenas-se-agudiza-choco-onu-articulo-524974>

7. DIVERSITY MAINSTREAMING

IN BELGIUM, COLOMBIAN NGO PRESENTS STORIES OF WOMEN AFFECTED BY THE CONFLICT

The NGO “Red de Mariposas de Alas Nuevas Construyendo Futuro” presented the situation faced by women affected by the armed conflict in Buenaventura. One of the spokeswomen stated, “No woman is protected in Buenaventura, not by the GoC nor by laws”. During the encounter, the Norwegian Refugee Council presented the most recent report on the armed conflict in Colombia (see Further Reading).⁽¹⁹⁾

CONFLICT CONTINUES TO PUT INDIGENOUS COMMUNITIES AT RISK

According to the Colombian Indigenous Organization (ONIC), in 2014, there have been 3,193 cases of violations of human rights and international humanitarian law in Colombia that have affected indigenous communities in the country, highlighting the ongoing nature of conflict and its impact on ethnic groups. Violations include cases of displacement, confinement, murders and threats, with the majority of cases occurring in Antioquia and Chocó.⁽²⁰⁾

8. INSTITUTIONAL ADVANCES

Victims Unit

HARVARD STUDY HIGHLIGHTS VICTIMS LAW BUT ADVERTISES POSSIBLE DIFFICULTIES

Portion one of an in-process study conducted by a Harvard University research team on the Victims Law and the Victims Unit highlights the historic nature and scale of the Law and reparation processes in Colombia, while also underscoring the challenges implied by the number of victims and scope of intended reparation policies.

National Center for Historical Memory (CNMH)

MEMORY WEEK AND INTERNATIONAL MEMORY PLACES AND MUSEUMS SEMINAR

The CNMH held various activities in support of the 7th Memory Week, from October 14 – 18, including a seminar on challenges and lessons learned to create memory locations and museums, which is part of the social construction of Colombia’s National Historical Memory Museum.

9. FURTHER READING

47% OF FARC MEMBERS WERE RECRUITED AS CHILDREN

A study conducted by the University Sergio Arboleda has revealed that roughly 47% of the estimated 8,000 current FARC members entered the armed group as minors. The group that conducted the research commented that “the topic of forced recruitment has various actors, but the actor that has numerically generated the most victims and about which there is the most information is the FARC”. Additional conclusions included that zones with illegal mining and illegal cultivation present the most forced recruitment, and there have been high levels of recruitment of indigenous children.⁽²¹⁾

GLOBAL OVERVIEW REPORT: INTERNAL DISPLACEMENT WORLDWIDE IN 2013

This report published by the Norwegian Refugee Council’s Internal Displacement Monitoring Center (IDMC) provides a comprehensive summary of displacement between January and December 2013, compiling data and discussing the causes and impacts of the phenomenon. IDMC estimates 33.3 million IDPs worldwide, citing 5.7 million from Colombia, that is to say, 17% of all IDPs globally.⁽²²⁾

SIX THESES ON THE RECENT EVOLUTION OF THE ARMED CONFLICT IN COLOMBIA

Produced by the Fundación Ideas para la Paz (FIP) with support from USAID and IOM, this report explains the recent dynamics of the conflict through six theses on its transformation in regions where the GoC maintains high impact military activities.⁽²³⁾

19. “ONG “Red de Mariposas” Colombia exponen secuelas mujeres afectadas conflicto”, *W Radio*, October 6, 2014, <http://www.wrдио.com.co/noticias/internacional/ong-quotred-de-mariposasquot-colombia-exponen-secuelas-mujeres-afectadas-conflicto/20141006/nota/2448987.aspx>.

20. “Pueblos indígenas siguen en riesgo por conflicto armado”, *El Mundo*, October 6, 2014, http://www.elmundo.com/portall/noticias/derechos_humanos/pueblos_indigenas_siguen_en_riesgo_por_conflicto_armado.php#.VFpAtvnF9qW.

21. “El 47 % de los integrantes de las FARC fue reclutado en la niñez”, *Semana*, October 29, 2014, <http://www.semana.com/nacion/articulo/el-47-de-los-integrantes-de-las-farc-fueron-reclutados-siendo-ninos/407422-3>.

22. “Global Overview 2014 People internally displaced by conflict and violence”, *Norwegian Refugee Council*, May 2014, <http://www.internal-displacement.org/assets/publications/2014/201405-global-overview-2014-en.pdf>

23. “Seis tesis sobre la evolución reciente del conflicto armado en Colombia”, *IOM*, 2014, <http://www.iom.org.co/publicaciones-iom/reconciliacion-y-reintegracion/3161-seis-tesis-sobre-la-evolucion-reciente-del-conflicto-armado-en-colombia.html>