

VICTIMS ISSUES

A MONTHLY REVIEW

MARCH 2016

1. BACKGROUND

On June 10, 2011, President Santos signed into effect the Victims and Land Restitution Law (Law 1448). Over the next ten 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 March 2016, 7,957,219 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (80%).⁽¹⁾

2. KEY DEVELOPMENTS

DECREE LAYS OUT INSTITUTIONS' RESPONSIBILITIES FOR VICTIMS' POLICIES IN 2016

The Joint Responsibility Strategy regulates efforts across different levels of government to design and implement policies for victims. In March, Resolution 289 was signed by the Ministry of the Interior and the Victims Unit establishing how the strategy will operate in 2016. Per the resolution, mayors' and governors' offices will incorporate victims' policies in Development Plans, and once these plans have been approved, they will have a month to design a four-year Local Development Plan (PAT). Moreover, they have until the end of August and September, respectively, to identify the needs of victims in their areas and define 2017 commitments.⁽²⁾

UN HIGH COMMISSION ON HUMAN RIGHTS PRESENTS REPORT ON COLOMBIA

The report on 2015 celebrates advances of GOC and FARC negotiations, while also highlighting the need to overcome enormous gaps to ensure human rights in rural and urban zones. It recommends increasing participatory processes with civil society, stressing the need to promote the inclusion of women, indigenous people, and Afro Colombians, confront paramilitary successor groups for regional security, and protect human rights archives, preventing their destruction so that they can be used in peacebuilding processes.⁽³⁾

3. PEACE PROCESS

FORMAL PEACE NEGOTIATIONS WITH ELN BEGIN

Following 25 months of exploratory talks, a formal peace process with the National Liberation Army (ELN) was announced. ELN leader Antonio García and GOC negotiator Frank Pearl signed a six-point negotiating agenda (participation in society, democracy for peace, transformations for peace, victims, end of conflict, and implementing accords). Talks will begin in May and will be held in Venezuela, Chile, Ecuador, Cuba, and Brazil, which – together with Norway – will be guarantors.⁽⁴⁾ The ELN has about 1,500 fighters and began its uprising in the 1960s. While the FARC has a top-down structure, the ELN “prides itself on having a more participatory leadership and sees itself as a resistance movement.”⁽⁵⁾ It is a welcome announcement for those who have insisted that peace accords with FARC alone would be incomplete. As a prelude to talks, the ELN had recently increased attacks and kidnappings nationwide. “They launched a military campaign to show they are still alive...They are not a huge force but they showed they can still be disruptive.”⁽⁶⁾

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Resolution 289 establishes the following criteria to regulate subsidiarity and concurrence in 2016: regional entities' capacity, dynamics of conflict, victims' conditions, and information available from regional entities.

The National Victims Participation Roundtable established its 2016 work plan, emphasizing land, income generation, victims' political participation, peace education, and inclusive approaches.⁽⁴⁾

“Processes with FARC and ELN are distinct but the end of conflict is one...This will be the end of guerillas, and we will be able to concentrate [on being] the free, normal, modern, just, and inclusive country that we can and must be. Today we advance...towards the definitive end of armed conflict in Colombia,” stated Santos.⁽⁷⁾

1. Victims Unit National Information Network, 3/1/2016, <http://rni.unidadvictimas.gov.co/>.
 2. “Se expidió decreto que define...,” UARIV, 3/22/2016, <http://bit.ly/1pHqZ4W>.
 3. “Informe anual del Alto Comisionado...,” UN, 3/15/2016, <http://bit.ly/1XrhIsn>.
 4. “ELN: ¡Por Fin!,” Semana, 4/2/2016, <http://bit.ly/1SJKmAX>.

5. “Colombia starts peace talks with ELN...,” Guardian, 3/30/2016, <http://bit.ly/1UCNfd2>.
 6. Ibid.
 7. “Alocución del Presidente Juan Manuel Santos sobre el acuerdo de diálogos para la paz entre el Gobierno Nacional y el ELN,” Presidencia, March 30, 2016, <http://bit.ly/1UWsmJT>.

THE DEADLINE THAT WASN'T: PEACE NOT SIGNED ON MARCH 23

GOC and the FARC negotiators in Havana missed the self-imposed deadline to sign an accord by March 23.⁽⁸⁾ Both sides recently tamped down expectations as they struggled to reach agreements on End of Conflict points. President Santos, whose decision to send his brother Enrique to Havana to accelerate talks was met with mixed reactions,⁽⁹⁾ demanded “an exact date to complete disarming.”⁽¹⁰⁾ Herein lays the sticking point. For the GOC, cessation of arms must be complete, verified by the UN political mission, and destroy weapons. However, FARC argue that arms should be ceded gradually and stored without being destroyed, because security conditions have not been guaranteed and paramilitary successor groups have expanded.⁽¹¹⁾ According to an earlier interview with FARC negotiator Joaquín Gómez, “...one isn’t stupid enough to give up weapons just so they can kill him unarmed on the street.”⁽¹²⁾ Another impasse is the location of concentration zones. For the GOC, there should be maximum twelve located far from population centers, while FARC seem to demand a zone for each Front (64) located in areas of historic influence.⁽¹³⁾

The opposition, namely former President Uribe’s Democratic Center Party, seized on the moment to decry the peace process. Santos responded, “Peace is going to happen with or without Uribe, but I would prefer 1,000 times over that it is with him, that it is with everyone.”⁽¹⁴⁾

JOHN KERRY MEETS GOC AND FARC NEGOTIATORS IN HAVANA

On March 21, the U.S. Secretary of State held unprecedented closed-door meetings with negotiating teams from the GOC and FARC, which remains on the U.S. list of international terrorist organizations. GOC negotiator Humberto de la Calle said Kerry voiced U.S. commitment to help the security of demobilized rebels.⁽¹⁵⁾ For his part, President Obama thanked President Castro for his country’s support for the peace process. Obama also made news with his move to declassify American military, intelligence, and law enforcement records on Argentina’s “dirty war,” stating “Argentines have a right to know what really happened.”⁽¹⁶⁾ This move could have repercussions for Colombia, which faces future challenges in terms of its classified archives on the armed conflict. FARC has asked the GOC to declassify secret archives and also seeks reserved U.S. documents.

Kerry expressed encouragement that “end of conflict” issues are now front and center in the negotiations.”⁽¹⁶⁾ On its website, FARC wrote, “Mr. Kerry, we ask through you that the United States help stop paramilitary violence.”⁽¹⁷⁾

4. A VIEW FROM THE FIELD

NEW GROUP WILL PROTECT HUMAN RIGHTS ADVOCATES

In three weeks, 28 social leaders were killed in Colombia and 56 attacks were reported against human rights defenders. In an attempt to confront escalating violence against human rights defenders, the Ministry of the Interior announced the creation of a special group that will focus on protecting and researching these crimes. It will be made up multiple government institutions, as well as the UN, and five civil society representatives.⁽¹⁸⁾

Organizations including the Patriotic March met in Plaza de Bolívar in Bogotá to demand the creation of a “High Level Commission to Guarantee Non-Rep-etition” to address violence against social leaders.⁽¹⁹⁾

POST PEACE ACCORDS, 281 MUNICIPALITIES WOULD CONTINUE FACING RISKS

25.5% of municipalities would be especially vulnerable to violence post-accords due to criminal groups or the ELN, social conditions, illegal economies, and weak State presence. According to Leon Valencia, Director of the Fundación Paz y Reconciliación, “...the GOC should direct its actions, at least during the first 18 months, towards these high risk municipalities.”⁽²⁰⁾ To confront risks, military actions targeting crime and illegal economies must be complemented by government-led social and community projects.

In March new threats and attacks were reported against journalists, professors, social leaders, and leftist activists in Cauca. Three social leaders were killed.⁽²¹⁾

RECONCILIATION WILL AWARD BEST PEACE INITIATIVES IN COLOMBIA

“RECON Peace in Movement,” an initiative by the National Ombudsperson’s Federation with broad inter-institutional support, received over 400 peacebuilding initiatives by Colombians. In March, online voters selected finalists in different categories (cultural practices, environment, education, technology and communication, and job creation), and then chose top initiatives.⁽²²⁾

The top five RECON initiatives were presented in Cali on April 8 and will receive USD 1,700 in seed capital.

8. “Farc peace...,” Guardian, 3/24/2016, <http://bit.ly/22pdkeO>.

9. “Los nudos...,” Sila Vacía, 4/11/2016, <http://bit.ly/1oRjK94>.

10. “Gobierno...,” Blu Radio, 3/28/2016, <http://bit.ly/1Xrj2eK>.

11. “Zonas...,” Razon Publica, 4/4/2016, <http://bit.ly/1XlimaV>.

12. “No...,” La Nacion, 5/31/2015, <http://bit.ly/1SbPfbR>.

13. “Zonas...,” Razon Publica, 4/4/2016, <http://bit.ly/1XlimaV>.

14. “La paz...,” Caracol, 3/12/2016, <http://bit.ly/1QUiHgy>.

15. “John...,” Guardian, 3/22/2016, <http://bit.ly/1SedMJR>.

16. “Macri...,” Espectador, 3/23/2016, <http://bit.ly/1SZlfvF>.

17. “Secretary...,” USA, 3/21/2016, <http://1.usa.gov/1qKIP8E>.

18. “Nuevo...,” Espectador, 3/22/2016, <http://bit.ly/1RyS8Dj>.

19. “Marcha...,” Marcha Patriótica, 3/19/2016, <http://bit.ly/1YpT3Vg>.

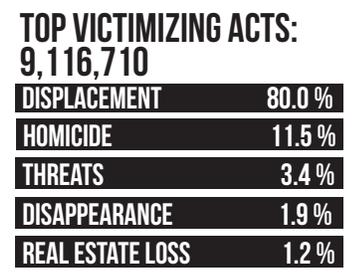
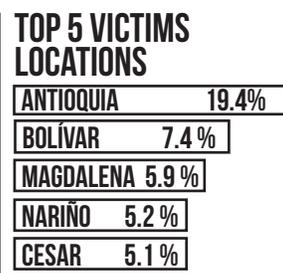
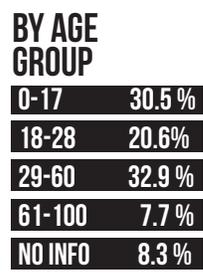
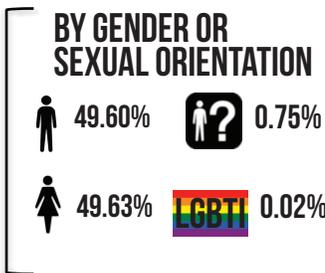
20. “Así...,” Colombiano, 3/22/2016, <http://bit.ly/1RwQuM>.

21. “Nuevas...,” Espectador, 3/29/2016, <http://bit.ly/1RXEMR1>.

22. “Recon...,” Espectador, 3/22/2016, <http://bit.ly/1MkyXKW>.

5. PROGRESS REPORT*

7,957,219
REGISTERED VICTIMS
16.6%
OF TOTAL POPULATION



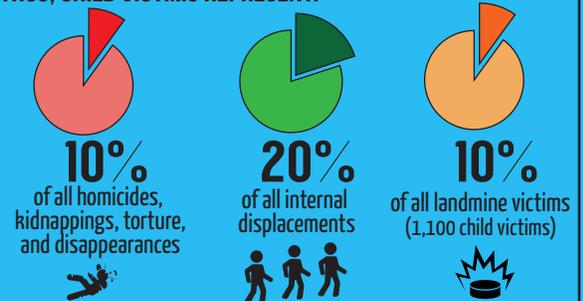
COLOMBIA | CHILDREN & CONFLICT

For over 50 years, the armed conflict has had a distinct and particularly severe impact on children and adolescents. Progress Report takes a look at this issue.**

REGISTERED VICTIMS
2,337,813
CHILDREN AND ADOLESCENTS
How old are they?
0-5: 491,341
6-11: 846,942
12-17: 999,530

THAT IS TO SAY... **1/3** OF ALL VICTIMS ARE CHILDREN & ADOLESCENTS
According to the Victims Unit, since 1985:
2,300,000 displaced
73,000 threatened
45,000 killed
8,000 disappeared

THUS, CHILD VICTIMS REPRESENT:



* Since 2013, over 250,000 children have been affected by the conflict, and about 6,000 children have been displaced each month

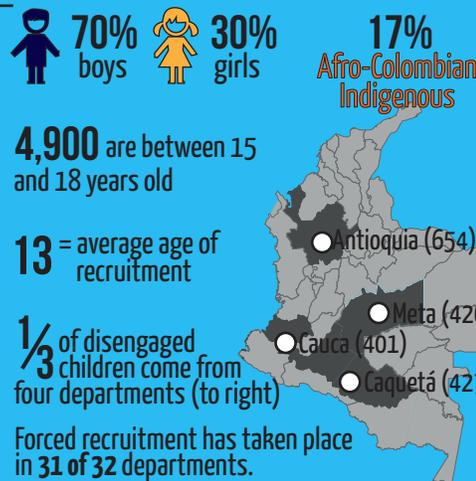
\$ **59,117** CHILDREN & ADOLESCENTS have received financial compensations [10% of total compensations by Victims Unit

FORCED RECRUITMENT

Since 1999, about **6,000** minors have disengaged. **80%** escaped from armed groups and **20%** were liberated

1,000+ children have been recruited in the last 3 years

60% of disengaged children are from FARC
18% from paramilitaries
16% from ELN
3% from criminal groups (Bacrim)
3% Other/unknown



* Forced recruitment is one of the 12 human rights violations covered by the Victims Law

HOW DO CHILD VICTIMS RECEIVE COMPENSATIONS?
To ensure child and adolescent victims' decision-making power, financial trustees in banks receive the financial compensations delivered by the Victims Unit to under-age victims. Once they are 18, victims can claim their compensations.

AFRO-COLOMBIAN & INDIGENOUS CHILDREN have been especially vulnerable to conflict, representing:
12% of internally displaced persons
15% of sexual violence survivors
17% of people tortured



CHILDREN & PEACE February 2015 FARC declared that it would stop recruiting minors under 17 years of age.

June 2015 "Jugándole a La Paz" (Playing for Peace): Initiative by Victims Unit, Colombian Family Welfare Institute (ICBF), the High Commissioner for Peace and IOM. 80 minors between 10 and 14 constructed proposals to send to peace talks in Havana.

February 2016 Decision by Colombia's Constitutional Court (C-069/16) modifies Article 190 of the Victims Law. Now all children recruited by illegal armed groups - including by criminal groups and unknown groups - will receive assistance and reparation under the Victims Law.

February 22, 2016 FARC hands over the first minor from their ranks - a 15 year old boy who had been with the guerrilla for 11 months.

It is estimated that **20%** of current FARC combatants (about 1,440 to 1,560) are minors. It is important to ensure GOC capacities to provide assistance and reintegration for these minors once they disengage. Re-recruitment by criminal groups (as was seen in Guatemala and El Salvador, for example) must also be avoided.



*Data from the National Information Network (RNI), Victims Unit, through March 1, 2016.

**Sources: UNICEF "La infancia en los tiempos de guerra" <http://bit.ly/22rVw80>. Victims Unit. Disengagement from armed groups and current FARC minor combatants from the ICBF through IOM CHS and RPR programs.

6. INCLUSIVE APPROACHES

SEXUAL CRIMES: IMPUNITY CONTINUES

Of 630 cases of sexual violence followed-up on by the Constitutional Court, only 14 have been sentenced. While the Court issued a decree in 2008 recognizing that sexual violence takes place “habitually, broadly, systemically, and invisibly” in the armed conflict and called for judicial processes to be accelerated, impunity has persisted in 97% of cases.⁽²³⁾ Over 90 cases have been filed away and only 40% have identified aggressors. To complicate matters, there is no single body to investigate these crimes: those committed by the guerrilla are under the Attorney General’s Office’s Analysis and Context Unit, while those crimes by the Armed Forces and criminal groups are divided between different district attorney’s offices.⁽²⁴⁾

Sexual violence “victims’ access to justice depends on who their aggressor was,” and impunity is higher when the implicated aggressor is a member of the Armed Forces.⁽²⁵⁾

7. IN THE SPOTLIGHT

APRIL 9: VICTIMS DAY

Created by the Victims Law, National Day for Memory and Solidarity with Victims will be commemorated for the fifth time with activities and commemorations around the country and internationally on April 9, 2016.

COURT RULES THAT MEMBERS OF THE MILITARY CANNOT BE COMPENSATED BY THE VICTIMS LAW

In a vote of 6 to 3, the Constitutional Court ruled that members of the military affected by crimes against international humanitarian law “cannot be compensated under the Victims Law,” but receive reparation from their military institutions. Prior to the vote, Judge Alberto Rojas had argued that members of the Armed Forces who were kidnapped, retained, or injured by violations of international humanitarian law or war crimes should be allowed to receive the same benefits as civilian victims of the conflict.⁽²⁵⁾

8. INSTITUTIONAL ADVANCES

Victims Unit

IMPLEMENTATION OF CARE STRATEGY SUCCESSFULLY COMPLETED

From 2012 to 2016, USAID and IOM implemented a self-care, team care, and institutional care strategy with the Victims Unit. Skills-based care workshops were held regionally and nationally to increase knowledge of risks (802 public servants from 10 departments and 7 central teams were trained), an institutional care policy was developed to incorporate care strategies and socialized with 315 people, and a toolbox and hand-over trainings guarantee sustainability for years to come.

National Center for Historical Memory (CNMH)

SMITHSONIAN INSTITUTE AND CNMH EXCHANGE EXPERIENCES

As part of technical exchanges between the CNMH and the Smithsonian Institute for the construction of the National Museum of Memory, Smithsonian representatives travelled to Bogotá in March to participate in sessions on infrastructure, content design, and sustainability, visiting museums and the lot where the Museum of Memory will be built. A second visit will be held in April on content design and the Smithsonian will create a recommendations and best practices guide.

VICTIMS’ TESTIMONIES CAMPAIGN LAUNCHED

On April 7, the campaign #NoMoreViolence (#NoMásViolencia in Spanish) was launched by the CNMH, USAID and IOM. Well-known actors and public figures recreate victims’ testimonies to raise awareness of human rights violations produced by the armed conflict. The campaign is being diffused on social media, at events, and via inter-institutional and media relationships for broad impact. The first twelve testimonies recreated by actors are available here: <http://bit.ly/1RJUX1a>.

9. ADDITIONAL RESOURCES

WE ARE PART OF THE TRANSFORMATION, WE ARE PAPSIVI

Video on the Victims Psychosocial and Comprehensive Health Program for public servants and victims: <http://bit.ly/1pXUZJy>.

ECONOMIC AND SOCIAL COSTS OF CONFLICT IN COLOMBIA

Reports from the Universidad de los Andes on constructing a sustainable post-conflict. Available here: <http://bit.ly/25V7d6r>.

FEMALE RESISTANCE: WOMEN OF THE PATRIOTIC UNION (UP, in Spanish)

Testimonies documenting the diverse stories and struggles of female members of the UP, available here: <http://bit.ly/1UHylLp>.

23. “Delitos sexuales: persiste la impunidad,” Verdad Abierta, March 16, 2016, <http://bit.ly/254nTrl>.

24. Ibid.

25. Ibid.

26. “Militares no pueden ser indemnizados bajo Ley de Víctimas”: Corte,” El Tiempo, April 7, 2016, <http://bit.ly/1SDfcek>.