

VICTIMS ISSUES

A MONTHLY REVIEW

MAY 2016

1. BACKGROUND

On June 10, 2011, President Juan Manuel 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 April 2016, 7,999,663 victims were registered with the government of Colombia (GOC), primarily victims of internal displacement (80%).⁽¹⁾

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2. KEY DEVELOPMENTS

FIVE YEARS IN: ADVANCES AND CHALLENGES IN THE IMPLEMENTATION OF THE VICTIMS LAW

June 10, 2016 marks the halfway point in the ten-year window to implement the Victims Law. Over the last five years, Colombia has worked to guarantee victims' right to comprehensive reparation in the midst of ongoing conflict. Over 590,000 financial reparation transfers have been made to victims, and the Victims Psychosocial and Comprehensive Health Program (PAPSIVI) has provided attention to over 183,000 people.⁽²⁾ Victims are now more conscious of their rights and have the resources to influence decision-making spaces at the local and national levels. However, many challenges lie ahead, including budgetary issues, a registry that continues to expand (and which passed the eight million mark this month), and the presence of criminal groups in vulnerable areas. Moreover, according to CODHES, the human rights and displacement consultancy, despite the peace process displacement continued to expand in Colombia in 2015. 225,842 cases of displacement were registered in 2015, a 9% increase as compared to 2014. Colombia is the country with the most IDPs in the world.⁽³⁾

“It has to be remembered that just a few years ago, the word victim wasn’t even included in the panorama. The law has also helped victims to recognize their rights and fight to achieve them,” affirmed Alan Jara, who recently took office as the new director of the Victims Unit.⁽⁴⁾

RURAL DEVELOPMENT, FIRST ITEM ON THE TABLE FOR THE EU’S POST-CONFLICT FUND

The GOC through its Ministry of Post-Conflict has an ambitious rapid response strategy investment plan to build rural infrastructure and develop work opportunities. According to Rafael Pardo, Minister of Post-Conflict, small investments will be carried out in historically marginalized municipalities, so that populations can feel the impacts of peace as quickly as possible.⁽⁴⁾ Understanding the need for a rapid response, the EU carried out an initial transfer of 575 million Euros to target projects for sustainable agriculture, protecting natural resources, humanitarian demining, and pedagogy for peace (including social dialogues and peace projects for community radio). Measures are foreseen for the short and medium term, including technical assistance, grants, and loans.⁽⁵⁾

According to Eamon Gilmore, the EU’s envoy to the peace process, the 575 million Euros being provided will cover needs identified by GOC rapid response strategy for the post-conflict once peace has been reached, namely rural development.⁽⁶⁾

1. Victims Unit National Information Network (RNI), through June 1, 2016. <http://rni.unidadvictimas.gov.co/>.

2. “Cinco años de la ley de víctimas: Colombia camina hacia la paz,” Victims Unit, <http://bit.ly/21kKsod>.

3. “A pesar de avances en proceso de paz, desplazamiento crece en Colombia,” El Espectador, June 7, 2016, <http://bit.ly/24yEdhi>.

4. “Cinco años de la ley de víctimas: Colombia camina hacia la paz,” Victims Unit, <http://bit.ly/21kKsod>.

5. “Desarrollo rural, primera inversión del posconflicto,” El Espectador, June 9, 2016, <http://bit.ly/1tuU4Cx>.

6. Ibid.

3. PEACE PROCESS

FARC AND GOC AGREE ON ROADMAP FOR CHILD SOLDIERS TO EXIT CAMPS

Good winds keep blowing in from Havana. Negotiators agreed upon the roadmap to disengage minors under 18 years old from the FARC's ranks, prioritizing children under 15. The process will be a confidence-building measure, and like the humanitarian demining process being carried out in various regions of the country, the disengagement of minors will be progressively implemented before peace is signed. The parties agreed to request accompaniment from UNICEF and IOM. The agreement includes a special reintegration program to ensure minors ability to rejoin society. These minors will be treated as victims of war and pardoned where permitted by Colombian law.⁽⁷⁾

FARC is internally reviewing the number of child soldiers in its ranks. The Colombian Minister of Defense said that the FARC would release 170 children, but the group later said it would release between 20 and 25.⁽⁸⁾

PEACE WITH FARC KEEPS GETTING CLOSER: AGREEMENT REACHED FOR LEGAL STABILITY OF PEACE ACCORDS

Negotiators announced an agreement to legally safeguard the final accord and ensure its introduction into the legal system, burying what had been an ongoing obstacle: FARC's demand for a constituent assembly. The agreement has four parts. First, an article will be added to the penultimate debate on the Legislative Act for Peace, giving "special humanitarian accord" status to all regulations from the peace process. Second, the accord will be included in the Constitution. Third, to facilitate steps to make the accord into law, all laws that have to do with peace will have two privileges: express status in Congress and "automatic and unique" control by the Constitutional Court. Fourth, added security will be given by the UN Security Council.⁽⁹⁾

As negotiators get closer to peace, citizens do too. National Consultancy Center⁽¹⁰⁾ and Datexco⁽¹¹⁾ surveys show: 75% are personally interested in the accord, 68% would vote in the plebiscite, and 57% would vote yes (15% increase compared to April).

ELN PROCESS COMPLICATED & DELAYED BY KIDNAPPINGS

Early in May, Colombian journalists Diego D'Pablos and Carlos Melo and (in a separate episode) Spanish journalist Salud Hernandez-Mora were kidnapped in the Catatumbo region near the Venezuela border, with ELN taking responsibility. Hernandez had been traveling in the region to do a story on the ELN. Upon the journalists' release, four and six days after they were kidnapped, respectively, President Santos celebrated the decision but reiterated that there would be no peace talks until ELN stops kidnapping once and for all⁽¹²⁾ The Attorney General's Office has said that it will impute charges against the ELN's leaders for the kidnappings.⁽¹³⁾ FARC, which is responsible for 37% of all kidnappings between 1970 and 2010, also came out against the kidnappings, with leader Timochenko writing on Twitter, "These practices must end forever in Colombia."⁽¹⁴⁾

"We will not begin negotiations until ELN releases everyone kidnapped and definitively stops this crime against humanity," said Santos.⁽¹⁵⁾ ELN said the act was a routine security retention.⁽¹⁶⁾

4. A VIEW FROM THE FIELD

ONLY 5% OF VICTIMS ABROAD HAVE ASKED FOR ASSISTANCE TO RETURN TO COLOMBIA

Of the 8,909 registered victims of the conflict living abroad (up 25% compared to October 2015), only 454 have expressed wanting to return. Of the victims who do want to return, most live in Ecuador (33%) and Venezuela (19%). Registering victims abroad is a challenge, and the Victims Unit acknowledges a sub-registry. Other entities have estimated between 350,000 (UNHCR) and 1,000,000 (Ombudsperson's Office) Colombians were exiled by the violence over the years. Given the challenges, the Victims Unit extended the registration deadline for victims abroad through June 19, 2017.⁽¹⁷⁾

According to the Victims Unit, the top three countries with the most registered victims abroad are Ecuador (917 victims, up 59% compared to Oct. 2015), Canada (886, up 30%), and the U.S. (827, up 18%).⁽¹⁸⁾

7. "Las FARC por fin aceptan sacar...", Semana, May 15, 2016, <http://bit.ly/1TIEHVA>.

8. "FARC says to be releasing no...", Colombia Reports, June 13, 2016, <http://bit.ly/21kVlqh>.

9. "El blindaje de la paz," Razón Pública, May 23, 2016, <http://bit.ly/1XV0ia3>.

10. "La paz sigue ganando adeptos," Razón Pública, June 6, 2016, <http://bit.ly/25Wmd6F>.

11. "Plebiscito para la paz toma...", El Tiempo, May 31, 2015, <http://bit.ly/25WguAK>.

12. "Las cinco cosas que revela...", Silla Vacía, May 27, 2016, <http://bit.ly/1Ubki8l>.

13. "Fiscalía imputará cargos a ELN...", Caracol, June 1, 2016, <http://bit.ly/1U4fX7f>.

14. "Las cinco cosas que revela...", Silla Vacía, May 27, 2016, <http://bit.ly/1Ubki8l>.

15. Ibid and "La retención de...", El Tiempo, May 28, 2016, <http://bit.ly/1U9KtHw>.

16. "El ELN canjea en...", El Mundo España, April 28, 2016, <http://bit.ly/1S5Hopr>.

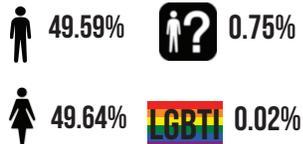
17. "Solo el 5 % de víctimas...", El Tiempo, May 30, 2016, <http://bit.ly/1TS5Ro3>.

18. Ibid. Oct. 2015 info directly from Victims Unit.

4. PROGRESS REPORT*

8,040,748
REGISTERED VICTIMS
16.9%
OF TOTAL POPULATION

BY GENDER OR SEXUAL ORIENTATION



BY ETHNIC GROUP

OTHER	88.1%
AFRO-COLOMBIAN	9.2%
INDIGENOUS	2.3%
GITANO/ROM	0.4%

BY AGE GROUP

0-17	30.4%
18-28	20.7%
29-60	33.0%
61-100	7.8%
NO INFO	8.1%

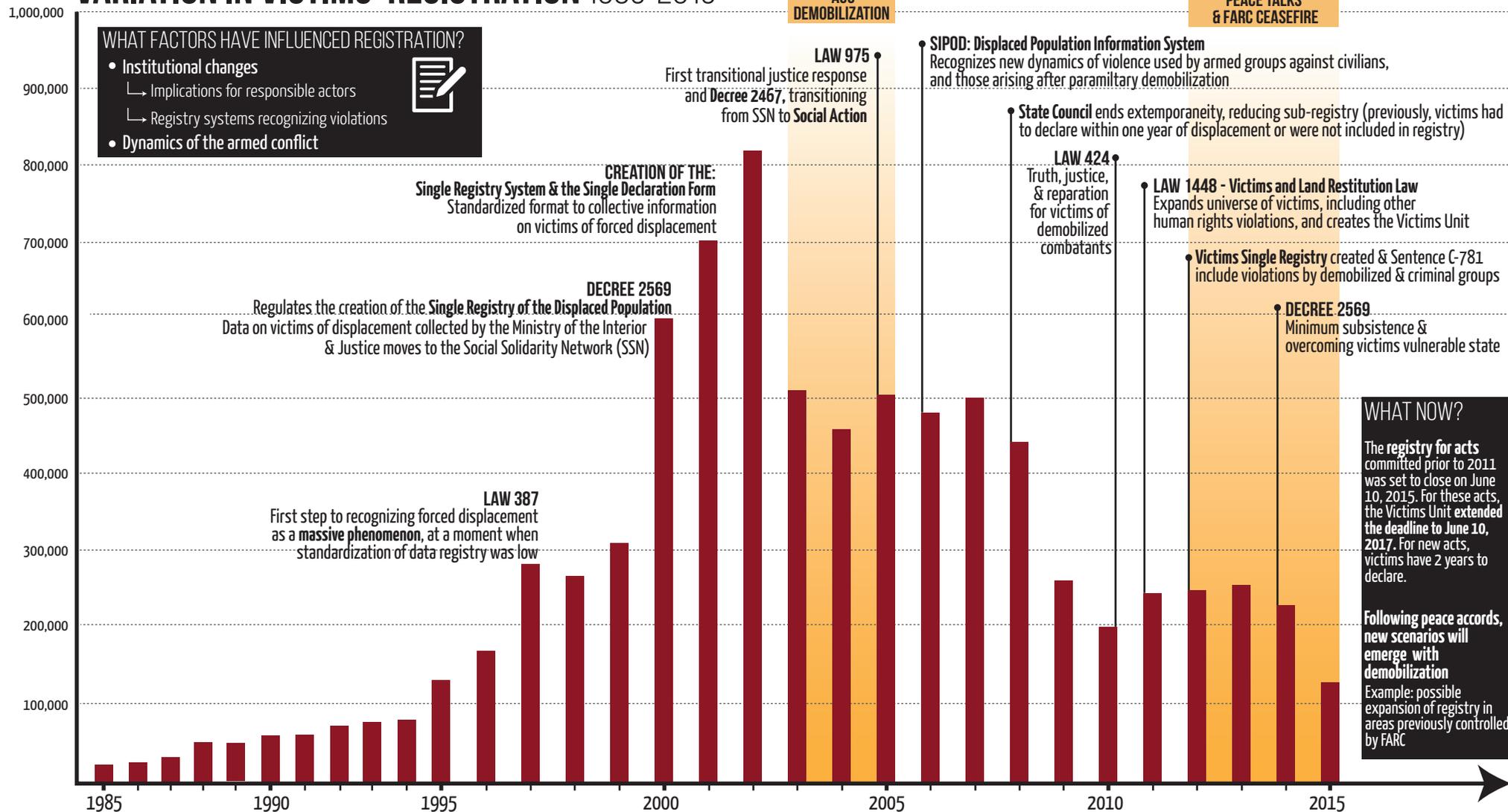
TOP 5 VICTIMS LOCATIONS

ANTIOQUIA	19.4%
BOLÍVAR	7.4%
MAGDALENA	5.9%
NARIÑO	5.2%
CESAR	5.1%

TOP VICTIMIZING ACTS:

DISPLACEMENT	80.1%
HOMICIDE	11.3%
THREATS	3.5%
DISAPPEARANCE	1.9%
REAL ESTATE LOSS	1.2%

VARIATION IN VICTIMS' REGISTRATION 1985-2015



*Sources: Victims Unit National Information Network (RNI), June 1, 2016; Victims Unit National Report on Forced Displacement in Colombia (2013); direct information from the Victims Unit.

6. INCLUSIVE APPROACHES

IMPUNITY IN 97% OF CASES OF SEXUAL VIOLENCE CAUSED BY THE CONFLICT

According to a recent survey on sexual violence and the conflict, between 2001 and 2009, 489,687 women were victims of sexual violence. This means that each year, 54,410 women were victims of sexual violence, that is to say 149 each day and six each hour. Impunity continues in over 90% of court cases, due to an overloaded justice system, patriarchal attitudes by legal workers, intimidation, fear, and re-victimization.⁽¹⁹⁾ However, the registry of victims of sexual violence continues to increase (passing 14,473 as of May 2016), demonstrating that the invisibility of the crime is being addressed.⁽²⁰⁾

“[Victims] go to check [on their case] and the process hasn’t advanced...There need to be reasonable timelines,” Susana Rodríguez, delegate ombuds-person for women’s rights & gender, on Dignity Day for Victims of Sexual Violence on May 25.⁽²¹⁾

REGIONAL DEVELOPMENT PLANS INCLUDE LGBTI POLICIES

According to the organization Caribe Afirmativo, over 40% of mayors on the Caribbean coast and eastern Colombia included policies for LGBTI populations in their development plans. 71% of mayors said it’s important to include topics for LGBTI in governing plans, and 89% said that they would hire a LGBTI person in their cabinet. The majority of new local leaders in the region are willing and planning to carry out actions for LGBTI rights.⁽²²⁾

May 17 was International Day against Homophobia. Activities were held around Colombia, including the campaign Peace Without Homophobia.

7. IN THE SPOTLIGHT

COLOMBIA LIDER CEREMONIES

In late July, Colombia Líder will award best VISP experiences over the last several years with mayors and governors from targeted municipalities and departments.

CONSTITUTIONAL COURT TO REVIEW SUITS AGAINST VICTIMS UNIT

In response to a high volume of suits (“writs of protection”) against members of the Victims Unit’s staff because of institutional shortcomings in victims’ attention, assistance, and reparation, the Constitutional Court will review the nature of these cases.

DEVELOPMENT PLANS COMPLETED

Regional development plans are being completed around the country, in the next month specific analyses will be available on how victims’ issues were included across the board.

8. INSTITUTIONAL ADVANCES

Victims Unit

COLOMBIA PRESENTS “MINIMUM SUBSISTENCE MODEL” AT WORLD HUMANITARIAN SUMMIT

Outgoing director and new Presidential High Commissioner for Human Rights Paula Gaviria presented Colombia’s minimum subsistence model and advances in victims’ attention at the world humanitarian summit in Istanbul from May 23 to 24.

National Historical Memory Center

JUSTICE REPORT RELEASED

The CNMH presented the report, “The Right to Justice as a Guarantee of Non-Repetition,” which addresses victims’ experiences in the justice system over the last 30 years and denounces impunity. The report is available here: <http://bit.ly/1UzkFEg>.

9. ADDITIONAL RESOURCES

VICTIMS, IN THE ENTRY WAY TO JUSTICE

Opinion piece from Gonzalo Sánchez, the director of the CNMH. Negotiations in Havana show that justice is a problem that Colombia must address, as well as a special mechanism to find solutions to the armed conflict and guarantee non-repetition.⁽²³⁾

THE EVOLUTION OF IVÁN MÁRQUEZ

Comparative analysis of statements from the FARC negotiating team in 2012 and today, demonstrating the group’s evolution and the current proximity of peace.⁽²⁴⁾

WHO IS KILLING SOCIAL LEADERS IN COLOMBIA?

Article on trends of attacks on activists and social leaders at the local level. The article’s hypothesis that the rise of social leaders threatens traditional power structures is supported by the number of threats against these leaders during elections last year.⁽²⁵⁾

IN THE MINDS OF THE FARC

Video series interviewing members of the FARC on key issues, including cocaine production, finances, and kidnapping.⁽²⁶⁾

19. “Impunidad en el 97%...,” *Semana*, May 29, 2016, <http://bit.ly/1NYTBS6>.

20. Victims Unit National Information Network (RNI), through June 1, 2016.

21. “Exhortan a las víctimas...,” *El Tiempo*, May 26, 2016, <http://bit.ly/22rb2NB>

22. “Más del 40%...,” *Caribe afirmativo*, May 2016, <http://bit.ly/24PinGq>.

23. “Las víctimas en las...,” *El Espectador*, May 30, 2016, <http://bit.ly/1snDDag>.

24. “La evolución de Iván Márquez,” *La Silla Vacía*, May 13, 2016, <http://bit.ly/1U5ilFj>.

25. “¿Quién está matando...,” *Razón Pública*, April 25, 2016, <http://bit.ly/1QyC8tH>.

26. *Pacifista Colombia*, YouTube, June 2015, <http://bit.ly/1tn3rnO>.