

VICTIMS ISSUES

A MONTHLY REVIEW

MAY 2013

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 Historical Memory Center, to collect and develop historical memory of the conflict, and (3) the Land Restitution Unit, to implement the restitution component. As of April 30, 2013, 5,565,609 victims are registered with the government of Colombia, primarily victims of internal displacement (81%).

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2. KEY DEVELOPMENTS

VICTIMS OF ILLEGAL ARMED GROUPS (BACRIM) TO RECEIVE VICTIMS LAW'S BENEFITS: CONSTITUTIONAL COURT

On May 17, the Colombian Constitutional Court ruled victims of BACRIM (illegal armed groups that emerged after paramilitary demobilizations, officially estimated at 4,000 members with a significant presence in Nariño and Antioquia) can receive benefits granted by the Victims Law⁽¹⁾. The Victims Law originally established reparations for victims of guerrilla groups, paramilitary groups or Colombia's military within the internal conflict.

BACRIM are officially estimated at 4,000 members

UNIONS START COLLECTIVE REPARATION PROCESS

After a year of conversations, on May 6 the Victims Unit, Ministry of Labor and workers' unions agreed on a collective reparation process for union members affected by the internal conflict. On May 29 the above actors, together with the Historical Memory Center, signed an agreement on **five specific reparation measures** (participating in the collective process will not preclude individual reparations)⁽²⁾. Next steps include designing the reparation route, methodology and timeframe.

Unions Reparations Measures

1. Create union historical memory initiatives
2. Guarantee union sustainability
3. Adjust public policy
4. Assess damage
5. Implement anti-stigma campaigns

VICTIMS PARTICIPATION PROTOCOL SIGNED AND READY FOR DISSEMINATION

On May 11, Victims Unit Director Paula Gaviria signed the Victims Participation Protocol to guide victims' participation under the Law⁽³⁾.

"The protocol respects the autonomy of victims' organizations, strengthens the participation of women and youth, creates specific protocols for ethnic groups and guarantees the participation of special needs and LGBTI populations".

Gabriel Bustamante, Victims Unit

The protocol was previously discussed with victims in regional forums and is now being presented regionally to victims and Municipal and Regional Ombudsmen offices to clarify responsibilities in guaranteeing, facilitating and assisting victims' participation.

1. "Victims Law must include criminal bands' victims", *El Tiempo*, May 17, 2013, http://www.eltiempo.com/justicia/ley-de-victimas-debe-cobijar-a-afectados-por-bacrim_12806141-4

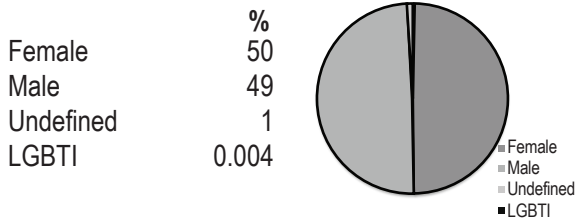
2. "Union Movement Reparation", *Historical Memory Center*, May 29, 2013, <http://www.centrodememoriahistorica.gov.co/index.php/noticias/1423-reparacion-para-el-movimiento-sindical>

3. "Victims Protocol Approved", *El Nuevo Siglo*, Mayo 14, 2013, <http://www.elnuevosiglo.com.co/articulos/5-2013-aprobado-protocolo-de-v%C3%ADctimas.html>; The online version of the protocol is available at: http://www.unidadvictimas.gov.co/images/docs/RESOLUCION_0388_DE_10_DE_MAYO_DE_2013.pdf

3. PROGRESS REPORT*

REGISTERED INDIVIDUALS: 5,565,609⁽⁴⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION



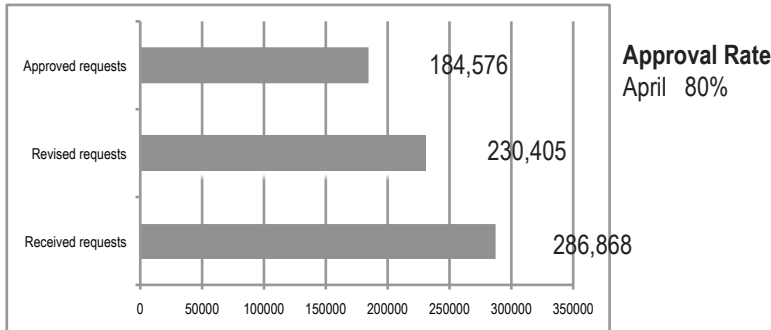
VICTIMS LOCATION⁽⁵⁾ (TOP FIVE)

	%
1. Antioquia	18
2. Bogotá	7.0
3. Valle del Cauca	5.5
4. Magdalena	5.4
5. Cesar	4.4

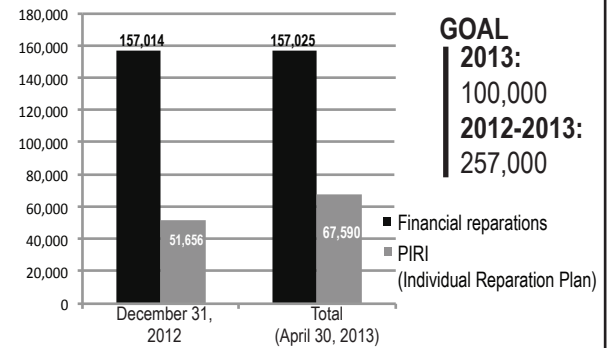
VICTIMIZING ACTS: 6,453,000⁽⁶⁾

	%
Displacement	81
Homicide/Massacre	11
Abandoned/seized lands	2.3
Disappearance	1.5
Threats	1.0

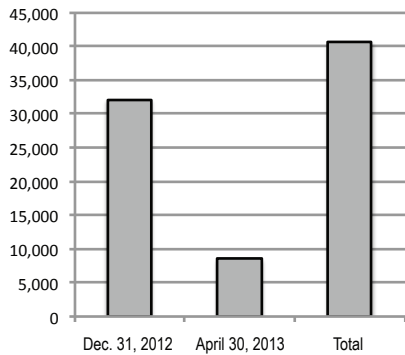
DECLARATIONS⁽⁷⁾



FINANCIAL REPARATIONS / PIRI⁽⁸⁾



HUMANITARIAN AID: HOUSEHOLDS⁽⁹⁾



	#	COP
2012	32,104	15,357,000,000
April 2013	8,505	4,945,000,000
Total	40,609	20,303,000,000

SERVICES PROVIDED⁽¹⁰⁾

REGIONAL PRESENCE

Assistance points	88
Regional offices	20

INDIVIDUALS ASSISTED IN ASSISTANCE POINTS

Total	2,814,299
Female	68%
Male	32%

REQUESTS IN ASSISTANCE POINTS

Humanitarian aid	67%
Other	13%
Registry	11%
Information	9%

REFERRALS TO THE MINISTRY OF HEALTH⁽¹¹⁾

Service	Non-ethnic	Ethnic	Total
Psychosocial	13,300	1,507	14,807
Mental health	1,845	257	2,102
Physical health	2,346	118	2,464
Total	13,675	5,698	19,373

COLLECTIVE REPARATION PROCESSES⁽¹²⁾

Processes with a formal agreement signed	66
Regions with highest number of processes:	
Chocó (11), Bolívar (6) and Córdoba (6)	

*Source: Victims Unit. April 30, 2013.

4. Official estimate of victims in the country.

5. Based on registry location.

6. Based on the registry of victimizing acts.

7. Based on the Single Declaration Format (FUD).

8. Number of individuals who received financial compensation (total: COP 912,621,000); PIRI: Individual Reparation Plan.

9. Humanitarian missions and aid include emergency kits, food assistance and health, education and shelter services.

10. Victims Unit's service provision coverage.

11. Based on a victim's condition the Psychosocial Team refers them to the Ministry of Health for services. Source: Victims Unit's Psychosocial Team.

12. Source: Victims Unit's Collective Reparation Office.

4. DIFFERENTIAL APPROACH

NATIONAL MEETING OF WOMEN VICTIMS AND HUMAN RIGHTS ORGANIZATIONS

On May 6 through 8, the Victims Unit organized a national meeting of women victims and women’s rights organizations in Bogotá. Nearly 200 women from around the country participated. A session was held where participants shared stories and created a “box of memories” to express their sufferings, hopes and dreams. The boxes were displayed throughout the meeting along with winning entries of the Women and Photography contest, organized by the Victims Unit with USAID/IOM technical support.

The meeting was attended by Victims Unit Director Paula Gaviria and Interior Ministry’s Protection Unit Director Andrés Villamizar, representatives of the Ministry of Justice and the Attorney General’s Office. The latter institution announced it will create a victims office to strengthen victim’s access to judicial processes. The Victims’ Participation Protocol was also presented to encourage women to participate in the municipal, regional and national roundtables.

Regarding the meeting a participant expressed, “it has been good because you learn about your own rights, you slowly stop feeling afraid and are therefore less easily fooled”.

SEXUAL VIOLENCE VICTIMS SERVICES PILOT IN QUIBDÓ (CHOCÓ)

On May 9, the Victims Unit presented the psychosocial attention strategy and reparation route for women victims of gender and sexual violence in Quibdó. The pilot will support: remodeling Quibdó’s House of Justice and training its staff, adapting and implementing an information campaign in local schools on sexual and reproductive rights and, in conjunction with local leaders, identify and guide victims to services.

Supported by USAID/IOM/Chemonics, the project was designed as a service provision model for sexual violence victims to be replicated nationally.

5. PEACE PROCESS

PEACE PROCESS REGIONAL ROUNDTABLES FOCUS ON VICTIMS

On May 6, the second series of regional roundtables was launched in Bogotá to collect victims’ opinions on their rights and access to truth to be submitted to the GOC/FARC negotiations in Havana, Cuba. The roundtables, an initiative of the Congressional Peace Commission with UN support, began in October 2012 with a series focusing on agrarian reform.

Four of the 10 regional meetings on victims’ issues planned have been held in Rionegro (Antioquia), Villavicencio (Meta), Valledupar (Cesar) and Montería (Córdoba). Attendees included victims’ organizations, Congress members, GOC institutions and international agencies. The presence of the private sector and trade unions is still lacking. Salient demands include⁽¹³⁾:

- *Instate a **truth commission** to recover historical memory with national and regional chapters and a differential approach
- *Strengthen and assure sustainability for the **Reparations Fund**
- *Improve **judicial system** efficiency and reinvigorate the fight against impunity
- *Provide a **voice** at the negotiating table for civil society
- *Assure a potential agreement considers **regional differences**

- *Provide **protection measures** in a post-conflict scenario to local populations
- *FARC and GOC should provide **lists of civilian casualties**
- *Guarantee **housing** for all victims
- ***Truth over international justice**: extradite illegal armed group leaders only after they confess all of their crimes and return those already extradited with pending crimes to confess

13. Source: UNDP; “Victims proposals in Los Llanos”, *El Espectador*, May 17, 2013, <http://www.elespectador.com/noticias/paz/articulo-422681-propuestas-de-victimas-de-los-llanos>

6. IN THE SPOTLIGHT

PSYCHOSOCIAL AND INTEGRAL HEALTH PROGRAM (PAPSIVI)

To implement PAPSIVI at the local level the Ministry of Health established 122 interdisciplinary teams. Once teams are trained PAPSIVI will be implemented.

PAPSIVI has two basic components

- (1) Psychosocial attention
- (2) Physical and mental health services

7. A VIEW FROM THE FIELD

BOJAYÁ COMMEMORATES ELEVENTH ANNIVERSARY OF MASSACRE

The community of Bojayá (Chocó) commemorated the 11th anniversary of the May 2, 2002 massacre with a silent march, a religious ceremony and cultural acts to honor the nearly 90 victims who died in the crossfire between FARC and paramilitary groups. National and regional institutions did not attend⁽¹⁴⁾.

COMPENSATIONS TO VICTIMS IN ARAUCA

Following the court ruling to provide reparations (average: COP 17 million) to victims of Bloque Vencedores –a paramilitary group– the Victims Unit has compensated 99% of 247 individuals in Tame and Arauca. The Victims Unit provides financial management workshops to victims and the Historical Memory Center offers workshops to local authorities and victims to support symbolic and collective reparation measures, which include creating a memorial and biographies of victims⁽¹⁵⁾.

MASSIVE URBAN DISPLACEMENT IN MEDELLIN

At least 50 families were forced to abandon their homes in La Loma in Medellín (Antioquia) due to threats from illegal armed groups. Local authorities recently became aware of the silent displacement in May, which was presumably catalyzed by the killing of two young men in March and fear of forced recruitment by illegal groups⁽¹⁶⁾. The Medellín Mayor's Office's Victims Unit has helped nearly 30 families return by providing psychological and food assistance and increased police presence. UNHCR's Director of International Protection, Volker Türk, warned about the new urban displacement driven by illegal armed groups linked to drug trafficking in Colombia's main cities (specifically Buenaventura, Tumaco, Soacha and Medellín). According to UNHCR estimates, in 2013 internally displaced persons will number between 130-140 thousand - similar to 2012. However, massive displacements have increased: as of April, 2013, 47 massive displacements were registered compared with 58 in the entire previous year⁽¹⁷⁾.

8. FURTHER READING

DRUG TRAFFICKING:

PARAMILITARY AND ILLEGAL ARMED GROUPS' MAIN OBJECTIVE

Camilo Echandía positively correlates the historical presence of illegal armed groups and drug trafficking. The main interest of paramilitaries in the past - as well as illegal armed groups in the present - is the drug trade⁽¹⁸⁾.

MINING IN COLOMBIA AND INSTITUTIONAL ADJUSTMENT

Over the last twenty years mining and oil sectors in Colombia have boomed. New research by the Comptroller's Office and renowned researcher Luis Jorge Garay shows how this economic transformation was not followed by an institutional transformation capable of facing the extractive sector's impacts, including induced migration and forced displacement⁽¹⁹⁾.

14. "11 years after, Bojayá still abandoned with its massacre", *Territorio Chocoano*, May 3, 2013, <http://www.territoriochocoano.com/secciones/regional/2348-11-anos-despues-a-bojaya-la-dejaron-sola-con-su-masacre.html>

15. "Compensations in Arauca are historic: Reparation Funds", *Victims Unit*, May 23, 2013, <http://www.unidadvictimas.gov.co/index.php/component/content/article/79-noticias/611-indemnizaciones-a-victimas-del-bloque-vencedores-de-arauca-es-historica-fondo-de-reparaciones>; "CMH advances complying Bloque Vencedores ruling", *Historical Memory Center* May 21, 2013, <http://www.centrodememoriahistorica.gov.co/index.php/noticias/1364-el-centro-nacional-de-memoria-historica-avanza-en-el-cumplimiento-de-la-sentencia-al-bloque-vencedores-de-arauca-de-las-auc>

16. "Displacements came from time ago", *El Mundo*, May 15, 2013, http://www.elmundo.com/portal/noticias/derechos_humanos/desplazamiento_venia_de_mucho_tiempo_atras.php

17. "Warnings around urban displacement in Colombia", *El Espectador*, May 29, 2013, <http://www.elespectador.com/noticias/politica/articulo-424667-alertan-sobre-un-nuevo-desplazamiento-forzado-intaurbano-colomb>

18. Camilo Echandía Castilla, *Narcotráfico: génesis de los paramilitares y herencia de bandas criminales [Drug trafficking: paramilitaries' origins and criminal gangs' heritage]*, Fundación Ideas para la Paz (FIP), January 2013, http://www.ideaspaz.org/images/Info%2019%20dimensiones%20geograficas_final%20web.pdf

19. Luis Jorge Garay (editor), "Minería en Colombia. Fundamentos para superar el modelo extractivista [Mining in Colombia: Foundations to surpass the extraction model]", Treasury Inspector's Office, 2013, <http://www.rebelion.org/docs/167838.pdf>