

# VICTIMS ISSUES

## A MONTHLY REVIEW

FEBRUARY 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. According to the most recent data available, there are 6,996,539 victims of the armed conflict registered with the government of Colombia (GoC), primarily victims of internal displacement (86%).\*

## 2. KEY DEVELOPMENTS

### HISTORIC COMMISSION ON THE ARMED CONFLICT PRESENTS RESULTS

In Havana the diverse twelve-member Commission on the Conflict and Victims presented its much awaited 800-page report analyzing the multiple factors and conditions that have facilitated the conflict. The report highlighted the importance of carrying out long overdue social reforms and the important role played by land disputes in the development of the conflict. It also noted that reintegration will be vital to consolidate the post-conflict and that the conflict has had enormous regional differences, while stressing the overwhelming impact of all actors involved - including the state and the armed forces - on the civilian population.<sup>(1)</sup>

### WASHINGTON NAMES SPECIAL ENVOY TO COLOMBIAN PEACE PROCESS

President Obama named Bernard Aronson, former U.S. assistant secretary of state for Inter-American Affairs, as special envoy to Colombian peace talks. Secretary of State John Kerry stated that the United States has the "responsibility to do what it can in order to help Colombia to achieve that peace."<sup>(3)</sup> Kerry stated that this move is the result of a direct request from President Santos, and the Washington Office on Latin America reports that "U.S. support for the talks is likely to take a qualitative leap forwards," reflecting the importance of events in 2014, including Santos's reelection, the success of FARC's ceasefire and steps to de-escalate the conflict.<sup>(4)</sup> Both FARC and government negotiators hailed the naming of Aronson, an experienced negotiator with experience in Latin America. Aronson, who has already made his first visit to Havana, stated "Peace can only be made by Colombians themselves," continuing "We have no blueprint made in Washington to offer. We will not take a place at the negotiating table, but we can push, prod, cajole and calify and help wherever we can."<sup>(5)</sup>

### THE COSTS OF PEACE: INTERNATIONAL SUPPORT

Discussions on ensuring funding for the peace and reparation process in Colombia have taken center stage in the current. International donors are "keeping an eye on progress and — in the case a deal is signed — are prepared to roll out assistance."<sup>(7)</sup> Multiple international funds have already been confirmed, including from the German government, the Spanish government and the World Bank. For its part, FARC proposed the creation of a victims' reparation fund worth 3% of the Colombia's Gross Domestic Product, funded by eventual reductions in military budget, compensations from the United States and other international donations.<sup>(8)</sup>

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**"This war is archaic, useless, expensive and has no future," Eduardo Pizarro, one of the Historic Commission's two rapporteurs.<sup>(2)</sup>**

**"President Obama has come to the conclusion that while significant obstacles remain, a negotiated peace in Colombia is absolutely worth pursuing and absolutely worth assisting if we are able," Secretary of State John Kerry told reporters.<sup>(6)</sup>**

**Following the signing of a peace agreement, there will be "significant new needs for spending," and the international community will play a vital role bolstering the post-conflict.<sup>(9)</sup>**

\* Unidad para las Víctimas, February 1, 2014, <http://rni.unidadvictimas.gov.co/?q=v-reportes>. 5. Ibid.

1. "10 conclusiones del..." Reconciliación Colombia, Feb. 10, 2015, <http://goo.gl/T72k1O>. 2. "U.S. names special envoy to Colombian peace process." 7. "As Colombia anticipates peace deal, donors..." Devex, Feb. 6, 2015, <http://goo.gl/aC97uL>. 1  
3. "¿Cuándo empezó esta guerra?" Semana, Feb. 14, 2015, <http://goo.gl/FcZgN6>. 4. "U.S. names special envoy to Colomb..." Reuters, Feb. 20, 2015, <http://goo.gl/Ewq2sr>. 8. "Farc proponen que fondo de repara..." El Espectador, Feb. 4, 2015, <http://goo.gl/PxgaFv>.  
4. "What Does the New U.S. Special Envoy...?" Wola, Feb. 24, 2015, <http://goo.gl/VxQ8mr>. 9. "As Colombia anticipates peace deal, donors prepare to roll out assistance."

## KOFI ANNAN SUPPORTS PEACE PROCESS, SPEAKS TO TRUTH AND JUSTICE

Former United Nations Secretary General Kofi Annan traveled to Bogotá and Havana to support the peace process, meeting with key actors. In Bogotá, Annan spoke in an event on truth commissions, stating “Establishing peace is a project to mobilize all sectors of society,” stressing the importance of trust, inclusivity and the voices of victims. Also participating, President Santos stated “it’s not about creating a truth commission because we have to or because it’s an international standard, but rather because it is really useful for our transition process.”<sup>(10)</sup>

## IN 2014 THE INTENSITY OF THE CONFLICT IN COLOMBIA REDUCED

According the Fundación Paz y Reconciliación, since peace talks between the GoC and FARC began, 9,000 victims have been avoided by the ongoing negotiations and the intensity of the conflict has decreased 40%. Concerns remain regarding increased activity by the ELN. Moving forward, Somos Defensores stressed the importance of territorializing policies, including the National Development Plan, to the local level to ensure that Colombia doesn’t abandon its most vulnerable municipalities.<sup>(12)</sup>

# 3. PEACE PROCESS

## DEBATE ON TRANSITIONAL JUSTICE CONTINUES

Public discussion on transitional justice continued following former President Cesar Gaviria’s proposal for “transitional justice for all” including not just guerrillas and soldiers, but also politicians, businesspeople, landowners, and civilian officials, to confess their involvement in the most serious human rights abuses committed during the conflict. FARC, human rights NGO’s, President Santos and left leaders as Senator Iván Cepeda echoed his statements. However, High Commissioner for Peace, Sergio Jaramillo, stated that what comes not imply an exchange of impunity as public opinion interpreted the proposal, and peace will depend on whether there are reasonable agreements on justice, victims, weapons verification, security conditions and a joint desire to bring the agreements in the regions.<sup>(14)</sup>

## VICTIMS DELEGATIONS THAT TRAVELED TO HAVANA DENOUNCE THREATS AND INTIMIDATION

The 60 victims’ representatives who participated in peace talks between Colombia’s government and FARC in Havana held a national victims meeting in Bogotá from February 18-20. Victims reaffirmed their support to the peace process and demanded increased attention and protection measures in response to death threats they received following their participation. Nilson Liz, a representative of rural communities in Cauca, denounced that following his trip to Cuba, unknown assailants murdered his 17 years old son. Additionally, in mid-February armed groups issued death treats against Mayerlí Angarita, leader of the female victims collective “Narrar para Vivir” (Tell to Live) from Bolívar, who will be part of the next delegation of gender experts to travel to Havana and who was victim of an attack in 2012.<sup>(16)</sup>

## FARC VOWS TO STOP RECRUITING YOUTH UNDER 17

Speaking in Havana on the UN’s International Day Against the Use of Child Soldiers, FARC negotiators pledged to stop recruiting child soldiers. Chief negotiator Ivan Marquez stated that “The FARC has decided from now on not to incorporate minors under 17 years of age and expresses the wish to soon reach a peace accord with social justice.” Government negotiator Humberto de la Calle called the move “a step in the right direction.” Reports show that FARC has forcibly recruited more than 13,000 minors over the last fifty years. Among all armed groups, 10 children are forcibly recruited each month.<sup>(18)</sup>

# 4. A VIEW FROM THE FIELD

## FUNCTIONAL REHABILITATION FOR VICTIMS

As of February 2015, the National Information Network reports 160,459 victims with disabilities, however specialized services for persons with disabilities who are also victims are limited.<sup>(20)</sup> To address this issue, IOM is working with health services providers and hospitals in four departments to define guidelines, develop strategies and provide functional rehabilitation at the regional level.

**“We will not sign an agreement only to see it overturned in the courts,” stated President Santos.**<sup>(11)</sup>

**Forced displacement has decreased 57%, while levels of extortion, attacks against petroleum industry infrastructure and particular goods have increased.**<sup>(13)</sup>

**“For the guerrillas, zero jail. No peace process in the world has ended with the insurgency’s leaders behind bars,” stated Iván Márquez FARC’s chief negotiator.**<sup>(15)</sup>

**On average in 2014, two human rights defenders were attacked every 24 hours and one was killed every seven days. During 2014, 626 were victims of aggression, the most in a single year since 2002.**<sup>(17)</sup>

**The Colombian Family Welfare Institute (ICBF) has attended to more than 5,000 disengaged children and adolescents from armed groups since 1999.**<sup>(19)</sup>

10. Foro Semana, Bogotá, Feb. 25, 2015.

11. Ibid.

12. “En el 2014 se redujo intensidad...,” Semana, Feb. 25, 2015, <http://goo.gl/QXZVR2>.

13. Ibid

14. “Justicia transicional para todos,” El Tiempo, Feb. 15, 2015, <http://goo.gl/9CW4Ji>. “No podemos dejar pasar...,” Revista Semana, Feb. 25, 2015, <http://goo.gl/V48VMW>.

15. “Para los guerrilleros cero cárcel...” Revista Semana, Feb. 23, 2015, <http://goo.gl/etnQW0>.

16. “Amenazan a miembro de delegac...,” El Espectador, Feb. 27, 2015, <http://goo.gl/PWxCc8>.”

17. “La Divina Comedia,” Programa Somos Defensores, Feb. 18, 2015, <http://goo.gl/bsskXY>.

18. “Colombia’s FARC vows to stop recruiting child...,” AFP, Feb. 13, 2015, <http://goo.gl/bgpy9q>.

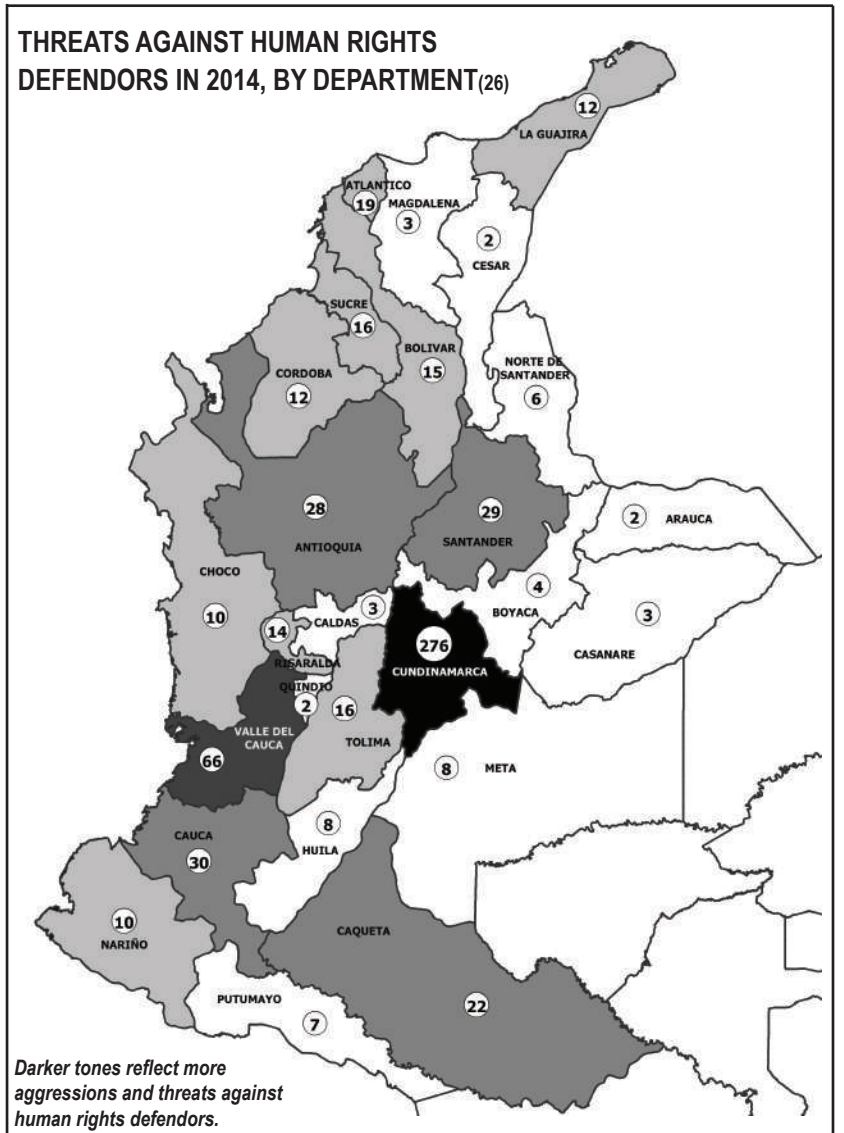
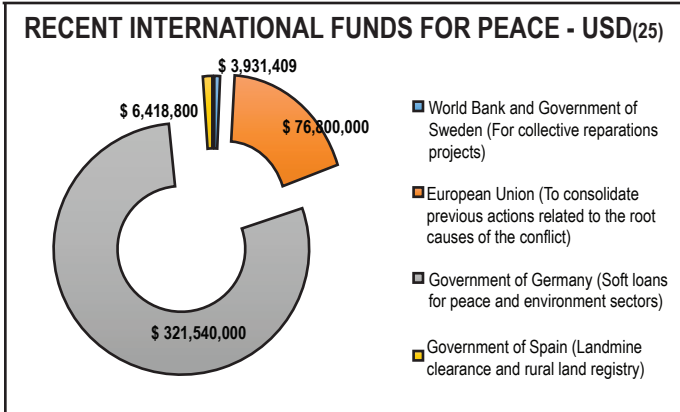
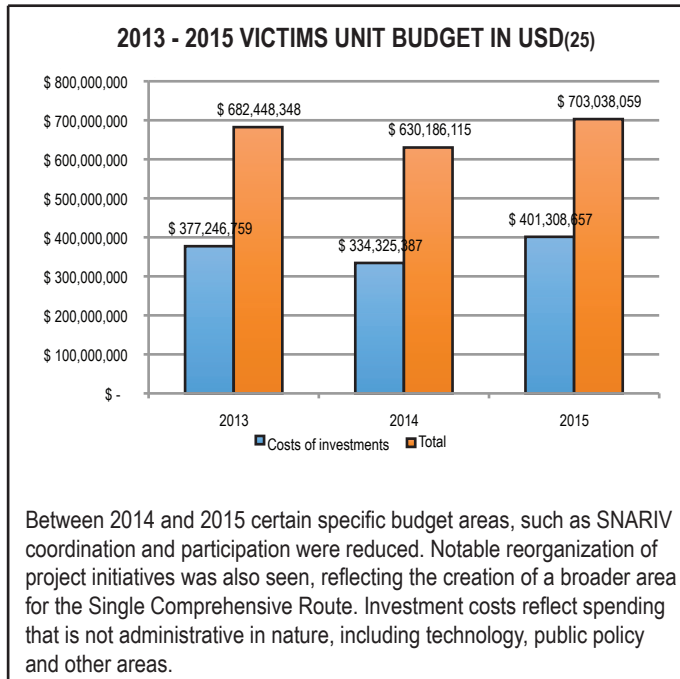
19. “Más de 5000 niños desmovilizados han...,” Blu Radio, Feb. 13, 2015. <http://goo.gl/DSZf9n>.

20. RNI - Red Nacional de Información, Feb. 1, 2015, <http://goo.gl/kf7EIH>.

# 5. PROGRESS REPORT\*

REGISTERED INDIVIDUALS: 6,996,539 (14.7% of total population)<sup>(21)</sup>

VICTIMS BY GENDER OR SEXUAL ORIENTATION		VICTIMS BY AGE GROUP		TOP FIVE VICTIM LOCATIONS <sup>(22)</sup>		TOP FIVE VICTIMIZING ACTS: 8,194,452 <sup>(23)</sup>	
	%		%		%		%
Male	49.75	0-17	30.8	1. Antioquia	20.2	1. Displacement	79,8
Female	49.50	18-26	17.2	2. Bolívar	7.2	2. Homicide/Massacre	12,2
Undefined	0.74	27-60	34.9	3. Magdalena	5.8	3. Threats	2.7
LGBTI	.01	61-100	7.2	4. Nariño	5.4	4. Disappearance	2.0
		Without info	9.9	5. Cauca	4.9	5. Loss of property	1.2



Somos Defensores reports that 626 human rights defenders were victims of aggressions in 2014. Aggressions were registered in 27 departments. Bogotá D.C., Valle del Cauca, Cauca, Santander, Antioquia, Caquetá and Atlántico reported the most aggressions. Between 2013 and 2014, aggressions against social leaders and human rights activists increased by 71%, although homicides reduced 29% in the same period. There were no aggressions registered in the departments not included in the map above. While the majority of aggressions were against male human rights defenders (65% male vs. 35% female), there was a significant increase - 160% - in threats against female human rights defenders compared between 2013 and 2014 (85 and 221 cases, respectively)

\*Source: Directly reported by the Victims Unit through Feb. 2014; National Information Network (RNI) data from the Victims Unit through Feb. 1, 2015 is available at <http://mi.unidadvictimas.gov.co>.  
 21. Official estimate of victims in the country. Population: 47,661,787.  
 22. Based on registry location.  
 23. Based on registry of victimizing acts; homicide and disappearance include indirect victims.  
 24. Data from UARIV. Costs of investments includes sustainable long-term spending, including technology, communication, and SNARIV institution coordination.  
 25. Various news sources on these three funds; reported in USD.  
 26. Somos Defensores' 2014 report "The Divine Comedy."



## 6. IN THE SPOTLIGHT

### FIRST NATIONAL MEMORY MUSEUM MEETING BETWEEN CNMH AND SMITHSONION

The CNMH and the Smithsonian Institute will meet over a two-week period to develop plans for a National Memory Museum.

### SOUTH – SOUTH EXCHANGE OF REPARATION EXPERIENCES WITH THE VICTIMS UNIT

During the first week of May 2015 an international encounter will be held with countries that have experience implementing reparation processes. This encounter will include high-level panels, discussions, experience-sharing and a field visit to Valledupar.

### INTERNATIONAL SPORTS FOR DEVELOPMENT AND PEACE

An event supporting social inclusion and pace will take place on April 6, supported by Bogotá's Mayor's Office.

## 7. DIVERSITY MAINSTREAMING

### SANTOS PROMISES TO INCREASE DISCUSSION OF SEXUAL VIOLENCE IN HAVANA

Speaking in Cartagena, President Santos promised to prioritize the topic of sexual violence against women in Havana, responding to a petition by the Nobel Women's Organization, a group of eight female Nobel Prize Laureates. He made this proclamation in a meeting of the campaign "No es hora de callar" with two female Nobel Laureates, Jody Williams and Shirin Ebadi. In an article in El Espectador, Director of the Victims Unit Paula Gaviria stated "Sexual violence continues to be an underreported crime, but we have the institutions necessary to help reconstruct the life projects" of victims.<sup>(27)</sup>

**"Now it's time for all of us, you all in Colombia and us abroad, to comply with what was said here" and take steps to prevent sexual violence, stated Jody Williams.<sup>(28)</sup>**

### LGBTI COMMUNITY PARTICIPATES IN HAVANA

A second group of experts in topics related to gender attended dialogues in Havana, reflecting a growing presence and participation of this community among victims groups and in Colombia more broadly. According to Mauricio Albarracín, the Executive Director of Colombia Diversa, there are over 600 LGBTI victims openly registered, principally as a result of forced displacement along the Atlantic coast and in Antioquia. Albarracín stated, "All armed groups have committed human rights violations against the LGBTI community, establishing chauvinistic and patriarchal stereotypes." He stressed that the peace process and the post-conflict more broadly must guarantee LGBTI rights.<sup>(29)</sup>

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

### STRENGTHENING AND DIFFUSING THE VICTIMS UNIT'S INSTITUTIONAL RESPONSE CAPACITY

In the last three years, the Victims Unit responded to 2,819,419 petition rights and 252,906 writs, demanding huge amounts of time. An internal group was organized to streamline the process to respond to petition rights, judicial and constitutional actions and writs.

### VICTIMS UNIT EMITS RESOLUTION REGULATING THE OFFER MANAGEMENT GROUP

Through Resolution 0113 of 2015, reorganizing the Victims Units internal working groups.

### National Historical Memory Center

### ACTIVE MEMORY RESEARCH CENTER INAUGURATED IN MEDELLÍN

On February 26, the Active Memory Research Center (CRAM) was inaugurated as part of Medellín's Memory House Museum with the presence of USAID and local institutional actors. This space seeks to conserve, disseminate and share memory resources in an active manner, contributing to the community's understanding of the armed conflict.

## 9. FURTHER READING

### "THE HUMANITARIAN DIMENSION BEHIND THE PEACE AGREEMENTS"

IECAH report with proposals for the international community to contribute to Colombia's humanitarian scenario post-conflict.<sup>(30)</sup>

### "THE FARC, EXAGGERATED"

Article by Silla Vacía assessing validity of the statements made by the FARC in an interview given on the radio program Hora 20.<sup>(31)</sup>

### CAN TRUTH COMMISSIONS STRENGTHEN PEACE PROCESSES?

Now available in English and now in Spanish, this report by the ICTJ and the Kofi Annan Foundation discusses the role of truth commissions in the peace and reconciliation process.<sup>(32)</sup>

### RETRACING THE STEPS OF THE WAR

An interactive website by El Espectador on landmines with photos, timelines, the history of these devices in Colombia, the international legal framework and other information.<sup>(33)</sup>

27. "La violación como arma de guerra," El Espectador, Feb. 17, 2015, <http://goo.gl/x13McL>.

28. Ibid.

29. "Conflicto armado en Colombia ha...", Blu Radio, Feb. 11, 2015, <http://goo.gl/5Xp1bx>.

30. "La dimensión humanitaria tras los...", Sala Humanitaria.co, Feb. 2015, <http://goo.gl/oY72c5>.

31. "Las Farc, exageraditas," La Silla Vacía, Feb. 17, 2015, <http://goo.gl/ym2hKf>.

32. "Can Truth Commissions Strengthen" ICTJ/KAF, June 2014, <http://goo.gl/uwL3Gt>.

33. "Recogiendo Los Pasos De La Guerra," El Espectador, <http://goo.gl/k1ejY4>.