

VICTIMS ISSUES A MONTHLY REVIEW

AUGUST 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 August 2016, 8,131,269 victims were registered with the government of Colombia (GOC), primarily victims of internal displacement (80.1%).⁽¹⁾

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2. KEY DEVELOPMENTS

COURT DECLARES ADVANCES GUARANTEEING DISPLACEMENT VICTIMS' RIGHTS

In 2004, Colombia's Constitutional Court declared the basic rights of forced displacement victims were not being met. Now, twelve years later, the court released a decree recognizing government progress, including guaranteeing their right to three components: registration, participation, and land restitution. Eleven other components have yet to be completely guaranteed, of which four are half met, four are ranked low, and two are unmet (land protection and income generation). The registration component was met thanks to cutting edge information systems that increase available information sources by over 400% and connect over 87% of all sub-national institutions in the country. Moreover, victims are now able to actively participate to a similar degree as the general population, thanks to a national participation protocol and victims participation roundtables established around the country at the municipal, departmental, and national levels.

The government now has a single registry with information on over 70% of displacement victims. It has also evaluated over 90% of all requests to be included in the registry, thereby ensuring victims' ability to access attention, assistance and reparation.

THE HUMANITARIAN IMPACTS OF THE NEW DYNAMICS OF CONFLICT

A report presented by the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the Institute of Studies on Conflict and Humanitarian Action states that continued individual displacement and extortion are signs of new violent dynamics by post-mobilization groups.⁽²⁾ In the postaccord period, particularly as criminal groups move into spaces left behind by FARC as the group demobilizes, violence will evolve place in areas where the state has historically been absent. Increasing threats and attacks against human rights defenders are particularly worrisome (see In the Field). What can be done in the face of the so-called "new violence"? Recommendations include strengthening state presence and improving monitoring systems to track evolving dynamics, among others. The report is available by clicking here: <http://bit.ly/2dbGoVT>.

According to OCHA, 923 people were displaced in the Catatumbo region in late July and early August because of confrontations between the military and different illegal armed groups.⁽³⁾

INTERNATIONAL DAY FOR FORCED DISAPPEARANCE

On August 30, Colombia commemorated International Day for Forced Disappearance with ceremonies and events held around the country. Marking the date, the ICRC released a report noting that there is no information on 70% of victims and significant challenges are posed by the lack of a centralized database on forced disappearance caused by the armed conflict.⁽⁴⁾

On August 30, victims' relatives symbolically planted themselves as trees at the lot where the National Museum of Memory will be built, as part of a memory initiative also carried out in Medellín.⁽⁵⁾

1. Victims Unit National Information Network (RNI), through July 1, 2016. <http://rni.unidadvictimas.gov.co/>.
 2. "The humanitarian impact of the new dynamics...", NOREF, Aug. 19, 2016, <http://bit.ly/2dbGoVT>.
 3. "Combates dejan más de 900 desplazados en Norte de Santander," Semana, Aug. 15, 2016, <http://bit.ly/2aRz6lO>.
 4. "No hay rastro del 70% de los desaparecidos en Colombia," El País, Aug. 31, 2016, <http://bit.ly/2bVe5LV>.
 5. "Colombia no se preocupa por sus desaparecidos," Semana, Aug. 30, 2016, <http://bit.ly/2bRRp1E>.

3. PEACE PROCESS

FINAL PEACE ACCORD REACHED IN HAVANA

On August 24, GOC and FARC negotiators announced that they had reached a final agreement, bringing an end to four years of public peace talks. The announcement was greeted by congratulations from around the world, including from U.S. President Barack Obama. Under the accords, FARC will demobilize and reintegrate into society, a process that will be verified by the UN and other organizations. Ex-combatants could participate in elections as a political party as early as 2018. While many celebrate the accord, others find it contentious. Least popular are its transitional justice and alternative sentencing mechanisms, participation spaces for ex-combatants, and social programs for demobilizing ex-combatants.⁽⁶⁾

AS THE REFERENDUM NEARS, “YES” AND “NO” CAMPAIGNS TAKE CENTER STAGE

On October 2, a national referendum will be held on the peace accords. The question voters will respond to is “Do you support the final agreement to end the conflict and build a lasting and stable peace?”⁽⁸⁾. The question itself has proven controversial in Colombia’s polarized political climate, including for even mentioning the word “peace.” Ex-President Uribe has dedicated himself to the “No” campaign, traveling across the country to dissuade citizens from voting for peace and calling the agreement a surrender to “‘Castro-chavismo’ (which it is not).”⁽⁹⁾ The “Yes” campaign has also been extremely active, both by private citizens and the government itself, which cleared civil servants to publically campaign for the referendum. The government has also been active preparing logistics for the vote around the country, including actions to avoid electoral fraud.⁽¹⁰⁾

4. A VIEW FROM THE FIELD

VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS CONTINUES

According to the most recent report by the NGO Somos Defensores, during the first six months of 2016, 314 acts of aggression against human rights defenders were reported. Indigenous Afro-Colombian, community, and rural leaders and advocates continue to be the principal targets. 74% of the acts of aggression were individual threats, 11% were homicides, 7% were attacks, and 8% were other types of aggression. Violence is up compared to the end of 2015 and every five days a human rights defender is killed.⁽¹²⁾ In 2015 and 2016, the top three locations in terms of threats and attacks are: 1. Bogotá, 2. Valle de Cauca, and 3. Cauca.

CONCERNS ABOUT THE POST-CONFLICT ON THE PACIFIC COAST

While local leaders on the Pacific Coast, a region severely affected by the armed conflict, are ready to build peace, many are concerned about evolving dynamics of criminality and drug trafficking in the post-conflict. To address the most pressing problems, strong alliances and better communication between levels of government are needed. An example came in August when the mayors of Policarpa and Tumaco (Nariño) and El Candon (Cauca) told media that the national government only told them they would host transition zones for the FARC one day before the news became public, limiting their ability to prepare their messages to their communities.⁽¹⁴⁾

5. INCLUSIVE APPROACHES

MINORS TO LEAVE FARC’S RANKS WITH IOM AND UNICEF SUPPORT

The GOC and FARC agreed on protocols to begin exiting minors from the guerrilla’s ranks in September. UNICEF will receive the minors with support from the IOM. The ICRC and delegates from social organizations will transport the children and adolescents from FARC camps to processing centers where minors’ health will be evaluated and their identity will be verified. A technical committee will prepare periodic reports on the process to re-establish minors’ rights.⁽¹⁶⁾

“...Just as the U.S. has been Colombia’s partner in a time of war, we will be Colombia’s partner in waging peace,” said President Obama.⁽⁷⁾

2,000 electoral observers will be on hand for the referendum, primarily in the 249 municipalities considered at risk of electoral fraud (up from 204 during 2015 local elections).⁽¹¹⁾

In 2014 violence against female human rights defenders represented 19% of all acts of aggression. This increased 2015 to 35% and 49% during the first half of 2016.⁽¹³⁾

In general, leaders from the Pacific Coast support peace, with one expressing “When you hear people who are going to vote No, you wonder if they’ve really lived close to conflict.”⁽¹⁵⁾

FARC has said that there are 21 minors in their ranks, while the government estimates the number could be closer to 170.⁽¹⁷⁾

6. “Ending a half-century of war,” *The Economist*, Aug. 27, 2016, <http://econ.st/2c0jMJh>.

7. “Statement by the President...,” *The White House*, Aug. 25, 2016, <http://bit.ly/2caJPzP>.

8. “Esta es la pregunta que se hará a los...,” *El Espectador*, Aug 30, 2016, <http://bit.ly/2bOYFv1>.

9. “Ending a half-century of war,” *The Economist*, Aug. 27, 2016, <http://econ.st/2c0jMJh>.

10. “Gobierno insiste en que...,” *El Universal*, Sept. 7, 2016, <http://bit.ly/2bUsiGf>.

11. “Mapas Riesgo Electoral 2016: Plebiscito,” MOE, September 2016, <http://bit.ly/2czgg7k>.

12. “¿Este es el fin? Informe...” *Somos Defensores*, 2016, <http://bit.ly/2co9r7q>.

13. *Ibid.*

14. “En video: Al Pacifico le...,” *Semana*, August, 2016, <http://bit.ly/2cyRdjD>.

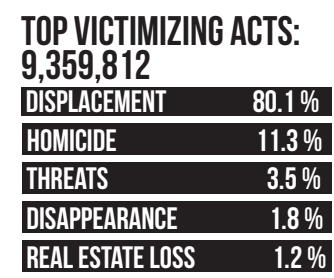
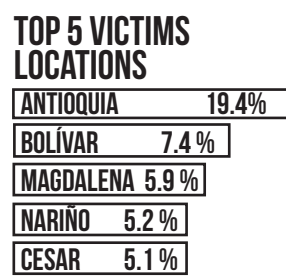
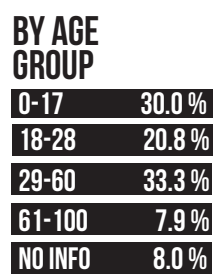
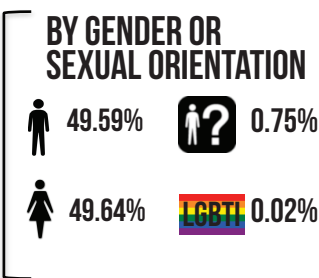
15. *Ibid.*

16. “OIM se suma a la Unicef...,” *El Tiempo*, Sept. 6, 2016, <http://bit.ly/2cwWmvl>.

17. *Ibid.*

6. PROGRESS REPORT*

8,131,269
REGISTERED VICTIMS
16.9%
OF TOTAL
POPULATION

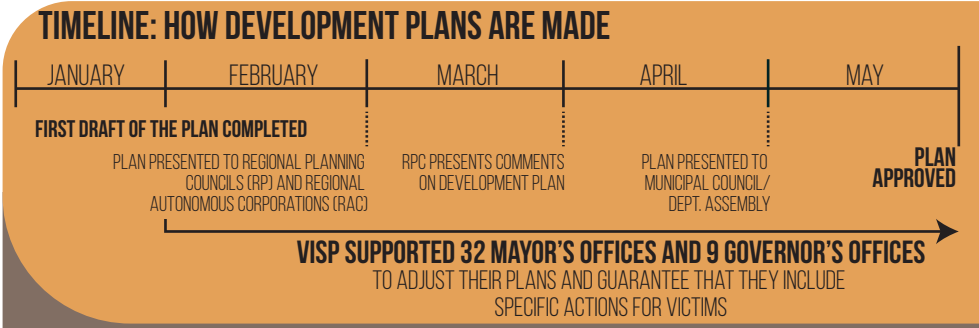


GUARANTEEING THE INCLUSION OF VICTIMS IN REGIONAL DEVELOPMENT PLANS

What are development plans?
Tool to guide actions (including programs, projects, and goals) during mayors' and governors' four year terms

NEW MAYORS & GOVERNORS TOOK OFFICE ON JANUARY 1, 2016 FOR THE 2016-19 PERIOD.
VISP worked with incoming governments for 6+ months to ensure development plans include **SPECIFIC** policies & budget lines for victims and inclusive approaches for **ethnicity & gender**

In the past, most plans **did not include** components for victims
(In part because they were approved before the Victims Law took effect)
hindering decentralization of victims' attention and reparation.



DIVERSITY INCLUSION

Specific support was provided to mayors and governors in 10 municipalities and 10 departments to include actions for **Afro Colombians, indigenous, women & LGBTI** in development plans

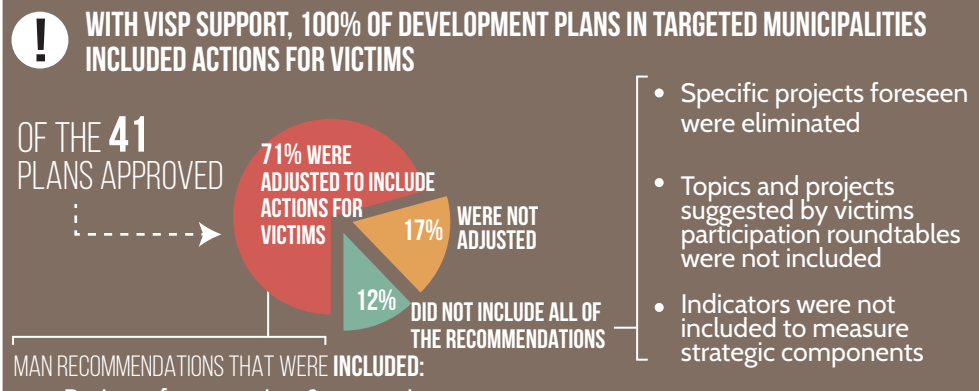
- OVER **US \$21 MILLION** FOR AFRO-COLOMBIANS AND INDIGENOUS
- OVER **US \$17 MILLION** FOR WOMEN AND/OR LGBTI

35 PROPOSALS FOR LGBTI in 6 municipalities' development plans (Florencia, Cartagena, Montería, Riohacha, Pasto & Popayán)

VISP provided **TRAINING AND TECHNICAL ASSISTANCE** to mayor's and governor's offices to raise awareness about the importance of inclusion and promote actions for **GENDER AND ETHNICITY** in development plans

Some plans included victims, ethnicity and gender in a single budget line, while in others these topics are cross-cutting.

ACTIONS INDICATORS BUDGET EARMARKS



EXAMPLES OF ACTIONS INCLUDED

- Strengthening Civil society Actors & raising Awareness
- Protective Environments For children
- Historical Memory Initiatives
- Attention to Landmine Victims
- Funeral costs For families & Psychosocial Support
- Inclusive Approaches
- Characterizing Victim Populations
- Collective Reparation & Returns
- Participation roundtable support

2012 - 2015 OVER US \$26 MILLION EARMARKED FOR VICTIMS

2016-2019 OVER US \$4.6 BILLION EARMARKED FOR VICTIMS

On average, plans earmarked 2.3% of their total available budget for 2016-19 for victims

Some plans Earmarked Even more:

- CIÉNAGA, MAGDALENA **27%**
- OVEJAS, SUCRE **23%**
- LA MONTAÑITA, CAQUETÁ **6%**

7. IN THE SPOTLIGHT

PEACE ACCORD WILL BE FORMALLY SIGNED ON SEPTEMBER 26

The peace accord between the Colombian government and the FARC will be signed in Cartagena on Monday, September 26, with the presence of numerous national and international leaders, including UN Secretary-General Ban Ki-Moon.⁽¹⁸⁾ Then, following the criteria agreed upon in the accords, on Sunday, October 2 at 5:00 p.m. FARC combatants will begin moving to temporary hamlet zones and camps where the demobilization and verification processes will take place.

8. INSTITUTIONAL ADVANCES

Victims Unit

VICTIMS UNIT REDUCES LEGAL CASES AGAINST IT BY 59%

The Victims Unit has struggled to control a waterfall of legal cases against it. Through “writs of protection,” citizens sue the entity, often because of delays to receive services. The backlog of cases challenges its ability to carry out its labors. About 700 new writs are received each day. New Director Alan Jara asked the Constitutional Court suspend the sanctions and is targeting backlog. In the two months since he took over, the Victims Unit has reduced the number of writs from 48,000 to 20,000.⁽¹⁹⁾

National Center for Historical Memory (CNMH)

VIRTUAL MEMORY MANAGERS NETWORK

“A network to speak loudly and make our territories hear us.” The CNMH launched a microsite of the Virtual Memory Managers Network with videos, texts, audio, and infographics on memory initiatives, available by clicking here: <http://bit.ly/2b89AM0>.

IMAGES FOR MEMORY

A photo exposition brings together 12 emblematic cases from the conflict, available by clicking here: <http://bit.ly/1O1uibr>.

INDIGENOUS COMMUNITIES: PHOTOGRAPHS AGAINST RACISM

To mark International Day of Indigenous Peoples on August 9, the CNMH released a series of photos of the Wiwa people that were recognized by the Spanish organization S.O.S. Against Racism, which can be seen by clicking here: <http://bit.ly/2bh7vxL>.

9. ADDITIONAL RESOURCES



LISTEN TO THE PEACE ACCORDS

Audio of the full text of the peace accords is available in Spanish by clicking here: <http://bit.ly/2bSZoaz>.



SOCIAL NETWORK FOR PEACE

A group of public servants has created a social network for community peace projects to help build lasting peace. It can be explored by clicking here: <http://bit.ly/2crYrYD>.



COLOMBIA'S FINAL STEPS TO THE END OF WAR

The latest International Crisis Group report on Colombia is available by clicking here: <http://bit.ly/2cfC486>.



“BROKEN STEPS” MILITARY SERVICE MEMBERS AFFECTED BY LANDMINES

This radio series by the National Center for Historical Memory tells the personal stories and challenges of members of the military who fell victim to landmines. It is available [in Spanish] on Soundcloud by clicking here: <http://bit.ly/2cTb56c>.

18. “La paz se firmará en Cartagena el 26 de septiembre,” *Semana*, Sept. 2, 2016, <http://bit.ly/2c758Sh>.

19. “La Unidad para las Víctimas logró reducir las tutelas en un 59%,” *El Universal*, Aug. 23, 2016, <http://bit.ly/2cn9Jko>.