

## Colombia: durable solutions for the forcibly displaced

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**Colombia has a sophisticated body of law and a wealth of experience in the development of policies for the forcibly displaced. However, numerous obstacles stand in the way of attaining permanent solutions to displacement.**

In late 2016 the peace agreement between the government and FARC-EP<sup>1</sup> was finally signed. According to official figures, the war has left 8,405,265 victims, 80% of whom have been internally displaced, while 20% have been victims of other types of abuses such as attacks, homicides, threats or forced disappearances.<sup>2</sup> In addition, according to UNHCR, the UN Refugee Agency, about 340,000 Colombians have sought asylum abroad.

### The rights of victims

Various policies introduced in Colombia over the last 20 years, relating to displacement, offer examples of good practice that could be relevant to other countries in the region.

Firstly, Law 387 of 1997 laid down for the first time the basic principles underpinning the State's treatment of displaced people. In essence, this law recognises forced displacement as a significant and critical problem deserving priority attention by the State.

Secondly, Constitutional Court Judgment T-025 of 2004 orders national and regional entities to address the basic needs of displaced persons and any violations of their fundamental rights such as access to health, work or housing. This judgment sees forced displacement as a structural problem which needs to be addressed in an integrated way. For this reason, the authorities in all places hosting displaced people – that is, not only national-level authorities – are required to promote strategies for addressing the impacts of displacement. Follow-up policies have set guidelines for both national and local authorities relating to, for example, the need to allocate adequate resources for displaced populations, to recognise the particular vulnerabilities of women, children, adolescents and young adults

in situations of displacement, and to take into account the impact of displacement on indigenous peoples, people of African descent and persons with disabilities.

Thirdly, Law 1448 of 2011 (the Victims and Land Restitution Law) enables victims of the armed conflict to receive assistance and reparation. This recognises victims' right to access truth and justice, and establishes concrete reparation measures including a programme of restitution so that victims of forced displacement and dispossession can reclaim the lands they have lost.

### Policy shortcomings

In spite of these important developments, implementation has been fragile. The living conditions of victims have not improved as expected; further unrest in certain locations is hindering provision of assistance, rebuilding and reparation; and the lack of funding is only too evident.

Policies have focused more on provision of welfare, rather than on enabling people to develop strategies for addressing vulnerability and moving towards self-sufficiency. According to Colombia's Monitoring Commission<sup>3</sup>, in 2016 the income levels of 97.6% of victims were still below the poverty line, and thousands of victims still do not have access to essential medical services, good psychosocial care, educational opportunities or a decent home. Furthermore, by 2015, the funds available under the reparation fund were reduced, thereby diminishing the fund's capacity for supporting reparation.

With regard to Colombians abroad, the Victims Unit has registered only 10,652 people from 42 countries. Many more nationals abroad are not getting access to assistance and reparation – their right as Colombian citizens. Many of them are not officially

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recognised as refugees and are in an irregular situation in their host countries.

### The challenges ahead

*"I am still displaced and suffering... My family and I are still struggling."*<sup>4</sup>

There are a number of concrete actions needed if there are to be more effective durable solutions for Colombia's displaced people.

Efforts must continue to identify and protect those who have not yet been registered in the Colombian Registry of Victims, especially in rural areas that are difficult to access. The authorities need to raise people's awareness of how to be included in the registry and how to participate in Victims' Panels (whether in Colombia or abroad). Local institutions need greater capacity building and finances in order to be able to address the needs of victims. Although there is a normative framework<sup>5</sup> that provides for the participation of victims, their participation in the consultative and decision-making processes has not been fully guaranteed and promoted.

The government needs to introduce measures to dismantle paramilitaries and local armed groups and to finalise a peace agreement with the ELN<sup>6</sup>. The ongoing presence of these armed actors continues to generate hundreds of victims daily, and poses a particular problem for the inhabitants of the port of Buenaventura and the Department of Chocó in the Colombian Pacific corridor. At the same time, the government needs to introduce protection schemes and security guarantees for social leaders and human rights defenders, who continue to be targeted.

The government also needs to recognise – and legislate for – the scale of forced displacement associated with large-scale development projects, illicit economies (including illegal mining) and environmental impacts.



A mobile registration unit in Colombia issues ID cards to IDPs so that they can access government aid.

Finally, these changes will only be effective if they go hand-in-hand with a change in the political culture which is currently rooted in a system whereby regional capitals receive greater attention at the expense of more remote areas and which currently is too reliant on corruption and patronage. A substantial change in the understanding of the roles and responsibilities of national and regional entities is essential if Colombia is to become a country free of conflict.

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1. Revolutionary Armed Forces of Colombia – People's Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo)
2. <http://rni.unidadvictimas.gov.co/RUV>
3. Comisión de Seguimiento y Monitoreo a la implementación de la Ley 1448 de 2011 Ley de Víctimas y Restitución de Tierras
4. Testimony provided by JRS Colombia.
5. Article 28 and 192 of Law 1448 of 2011, Article 17, Decree 4802 of 2011, Decree 790 of 2012, Resolution 0388 of 10th May 2013, and Resolution 1281 of 2016.
6. National Liberation Army (Ejército de Liberación Nacional)