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COLOMBIA

Improved government response yet to have impact for IDPs

Colombia's government, led since 2010 by President Juan Manuel Santos, has changed its discourse in favour of those who have suffered human rights violations due the conflict and violence within the country. However, it is yet to translate this into effective action to protect the rights of Colombia's internally displaced people (IDPs) and other victims of conflict. Displacement has continued in 2011 at the same rate as in previous years, as have attacks on IDPs and human rights activists. IDPs continue to have only limited access to the basic necessities of life.

As a result, in October 2011 the Constitutional Court upheld its 2004 ruling that the government's response to internal displacement amounted to an "unconstitutional state of affairs." The Court ordered the government to adopt a wide range of measures, and report on their implementation and outcomes.

The Observatory on Human Rights and Displacement (Consultoría para los Derechos Humanos y el Desplazamiento or CODHES), the leading NGO monitoring displacement in Colombia, released figures in September 2011 showing that some 89,000 people were displaced during the first half of the year. As on previous occasions, CODHES's figures differ greatly from those of the government. According to Acción Social, the agency responsible for IDPs, 44,000 people were registered as displaced during the first half of 2011.

The departments most affected by displacement in 2011 were Antioquia, Nariño, Cauca, Valle del Cauca and Córdoba. According to different sources, between 36 and 50 mass displacement events, predominantly in those departments, together displaced between 13,000 and 18,000 people.

Secondary legislation is in the process of being drafted and approved to regulate the implementation of the so-called "victims' law" adopted in 2011 to provide redress to victims of conflict including IDPs. In December, a financing plan was adopted with \$500 million (COP 6 billion) set aside in next year's national budget to support its implementation.

Civil society organisations have identified a number of problems with the victims' law, including in the property restitution section, and a number of constitutional challenges have been filed against certain articles. Furthermore, Afro-Colombian communities have reported that they have not been effectively consulted in the processes to adopt and implement the law, a right which the Constitutional Court has confirmed.

Following the wettest rainy season in 40 years, 2011 has brought double the average rainfall. The second rainy season of 2011 which began in September has hit Colombia's Pacific, Caribbean and Andean regions hard. The number of people displaced is not known, but according to the National System for Disaster Prevention and Response, as many as 100,000 people lost their homes between September and November.

General map of Colombia



Source: University of Texas
 More maps are available at www.internal-displacement.org

Context and causes of displacement

Colombia's government, led since 2010 by President Juan Manuel Santos, has changed its discourse in favour of those who have suffered human rights violations due to the conflict and violence within the country ([WOLA/USOC](#), 2011). However, it is yet to translate this into effective action to protect the rights of Colombia's internally displaced people (IDPs). Displacement has continued in 2011 at the same rate as in previous years, as have attacks on IDPs and human rights activists. IDPs continue to have only limited access to the basic necessities of life.

As a result, in October 2011 the Constitutional Court upheld its 2004 ruling that the government's failure to address the situation of the internally displaced population, combined with their precarious situation, amounted to a generalised violation of their human rights, creating an unconstitutional situation. The court, adding to over 100 previous rulings and orders since 2004, told the government to adopt a wide range of measures to resolve this (Constitutional Court, 2011).

In June, the government passed legislation which has become known as "the victims' law", which aims to compensate an estimated four million victims of the internal conflict. It includes provisions for the restitution of property to IDPs. The ongoing implementation of the Constitutional Court's rulings and the victim's law are discussed further below in the section on "National response".

In October, a trade agreement signed by the United States and Colombia in 2006 came into force after it was ratified by the US Congress. Afro-Colombian and indigenous organisations strongly opposed the agreement, as their communities continued to be affected by violence and displacement linked to large-scale commercial projects that would benefit from the agreement ([ONIC](#), [PCN](#), 2011). Unions, human rights activists

and leaders of organisations representing IDPs demanded that the Colombian government improve its human rights record prior to ratification in Washington, but the agreement nevertheless went forward (WOLA, USOC, [CIJP](#), 2011).

The government has continued to implement its democratic security plan. The plan has improved security according to some measures such as the country's murder rate, but not others. The number of massacres rose from 17 during the first half of 2010 to 22 during the corresponding period of 2011 ([CODHES](#), 2011). The national plan for territorial consolidation, a cornerstone of the democratic security plan, has had mixed results. Security in some areas, such as Montes de María and La Macarena, has improved substantially, but of the 100 municipalities with the highest rates of displacement in 2011, 32 were municipalities where the plan had been implemented (CODHES, 2011).

Elections to appoint mayors and departmental governors were also held in October 2011. According to one observer, the run-up to the vote was marked by hundreds of acts of political violence, particularly in departments with high levels of internal displacement ([Misión de Observación Electoral](#), 2011).

Displacement figures and patterns

The Observatory on Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* or CODHES), the leading NGO monitoring displacement in Colombia, released figures at the end of September 2011 showing that some 89,000 people were displaced during the first half of 2011. Its report found levels of displacement unchanged from the previous year (CODHES, 2011).

As on previous occasions, CODHES's figures differ greatly from those of the government. According to *Acción Social*, the agency responsible for IDPs,

44,000 people were registered as displaced during the first half of 2011. Since CODHES began monitoring in 1985, it has counted 5.2 million displaced people. The government's total is 3.6 million since it started counting in 2000. CODHES estimates that 34 per cent of the country's IDPs are not officially registered, and that 25 per cent of applications for IDP status are turned down (CODHES, 2011).

Information on the breakdown of the internally displaced population by age and sex was included in IDMC's September 2011 update. No further detailed information has since been made available.

Various parties continued to cause displacement in 2011, including new paramilitary groups that had emerged following the demobilisation of their predecessors from 2003 to 2006; guerrilla groups including the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* or FARC) and the National Liberation Army (*Ejército de Liberación Nacional* or ELN); and the Colombian security forces.

In 2010, countless paramilitary groups, the most notorious being *Las Aguilas Negras*, *Los Rastrojos* and *Los Machos*, were operating in all the country's departments (Nuevo Arco Iris, 2010). In 2011, they were, for the first time, responsible for the highest number of mass displacements (which the Civil Society Monitoring Commission defines as displacements when ten families, or around 40 people, flee together from a single threat). These displacements were caused by clashes among paramilitary groups or between them and the armed forces. Despite the widespread presence and impact of new paramilitary groups, the government has yet to acknowledge them as such, referring to them only as "criminal bands". As a result of this, victims of these groups have not benefited from protection schemes in place for victims of conflict, notably the victims' law.

Locations of displacement

The Pacific coast departments of Antioquia,

Nariño, Cauca, Valle del Cauca and Córdoba continued to experience the highest numbers of new IDPs during the first six months of 2011, according to figures by both Acción Social and CODHES.

The departments registering the most new IDPs were Antioquia, Bogotá (Capital District) and Nariño. Antioquia was the department with the highest expulsion and arrival rates, and the department's principal city of Medellín alone received some 15,000 IDPs, significantly more than Bogotá, which received 11,000. Nariño received 9,600, Valle del Cauca 4,400, Cauca 2,960 and Córdoba 2,850.

The fact that some departments and municipalities are both places of origin and arrival for IDPs may be explained by their size, and their containing both areas where armed groups operate and safer urban, semi-urban or rural areas. The municipality of Anori in Antioquia, for example, has large numbers of both new displacements and receptions.

According to CODHES, 25,000 of the people displaced during the first six months of 2011 fled municipalities included in the national plan for territorial consolidation. Of the 100 municipalities with the highest levels of displacement, 32 were municipalities where the plan was implemented, a slight decrease from 2010, when the figure was 44 (CODHES, 2010). This differs only slightly from Acción Social's figure of 23,000 and shows that, even though the largest portion of the plan's funding went to the armed forces, illegal groups were still operating in those areas and continuing to force people from their homes.

Mass displacements

Mass displacement continued to be widespread in the first half of 2011, the result of armed clashes between all parties to the conflict. According to CODHES, 18,000 people were displaced in 36 mass displacements. This compares with Acción Social's figure of 13,000 people displaced in 46

mass displacements ([Acción Social](#), 2011), and the UN Office for the Coordination of Humanitarian Affairs (OCHA)'s figure of 17,000 people displaced in 50 mass displacements ([OCHA](#), 2011). As previously, indigenous and Afro-Colombian populations tended to be disproportionately affected by these displacement events.

Protection issues facing IDPs

In October 2011, the Constitutional Court stated that "despite progress made in the enjoyment [by IDPs] of certain rights, overall data on the enjoyment of rights and on the effectiveness of changes made [by the government] to improve institutional, coordination and budgeting capacities do not show that systematic progress has been made towards the enjoyment of all rights by IDPs and towards the overcoming of the conditions that prompted the ruling [of 2004]." ([Constitutional Court](#), 2011, IDMC translation)

Indicators used by the Court, gathered by the government and civil society organisations at its request ([Government of Colombia](#), 2010 and 2011; [Comisión de Seguimiento](#), 2010), showed that access to certain rights, particularly housing, income and emergency assistance, remained precarious in 2011, with, at best, ten per cent of IDPs fully enjoying them ([IDMC](#), 2011).

Physical security

Most IDPs fled threats to their physical security from the various armed groups, including open hostilities, threats, forced recruitment, and landmines. In most cases, displacement to urban areas results in improved security. However, politically active IDPs, acting as leaders of internally displaced communities, have been increasingly unsafe. Politically-motivated murders of IDPs increased, with 42 recorded during the first eight months of 2011, compared with 40 during the whole of 2010 ([CCJ](#), 2011). These killings were concentrated in the departments of Córdoba,

Antioquia, Tolima, Bolívar, Cauca, and Risaralda, each of which saw a notable rise in the prevalence of politically-motivated murders generally ([CCJ](#), 2011). According to the NGO Somos Defensores, 29 "human rights defenders" were assassinated in the first five months of 2011 throughout the country, and there were a further 116 acts of aggression against them (Programa [Somos Defensores](#), 2011).

Situation of internally displaced women and vulnerable households

This section focuses on the situation of internally displaced women following new information; other protection issues which continue to face the internally displaced population as a whole are discussed in the relevant sections of the full profile.

It has been widely documented that displacement in Colombia, as elsewhere, has a particularly damaging impact on women. The Constitutional Court drew on a wide range of information from government, civil society and international agencies to identify 18 specific ways in which displacement affects women, including by increasing the risks of sexual violence, labour exploitation (which affects women disproportionately as more of them work in unprotected informal sectors such as domestic work) and loss of land. This is of particular concern, given that 48 per cent of IDPs are female, and 47 per cent of displaced families are headed by women (Constitutional Court, 2007).

A 2011 study by Profamilia, a reproductive health NGO, provided valuable data on the situation of internally displaced women and households, as well as that of other vulnerable women. Its findings, based on surveys carried out since 2001, showed some positive outcomes. The number of vulnerable households with access to electricity, water and sanitation had increased; more IDPs were affiliated to the public health system; access to education had improved; illiteracy rates had declined; and more women were working, albeit predominantly in informal labour markets. These findings echo those of other recent civil

society and government surveys (Profamilia, 2001, 2005, and 2011; Comisión de Seguimiento, 2010; Government of Colombia, 2010).

Reproductive health has also improved. Advances include more women using contraceptives, greater awareness about HIV, and more women getting prenatal checkups. Profamilia partially credits government programmes and the greater reach of the public health care system for these improvements ([Profamilia](#), 2011).

While the survey did not differentiate between internally displaced and other vulnerable women, it found that the two groups combined fared worse than other women of the same age as reported in the government's national health survey. On one important indicator of vulnerability, teenage pregnancy, the Profamilia survey found that 35 per cent of vulnerable women aged between 15 and 19 had been pregnant at least once, compared with the national average of 20 per cent. The women it surveyed were also far more likely to suffer physical, psychological and sexual abuse (Profamilia, 2011).

National response

In its 2011 ruling, the Constitutional Court set deadlines for the government to reporting on a range of issues, including the strengthening of institutions, budgeting, prevention of displacement, physical security and protection of IDPs at risk, inadequate official registration procedures and IDPs' participation in decision-making (Constitutional Court, 2011).

The court stated that one of the main reasons behind its ruling was the fact that progress towards reforming the National System for the Attention to the Displaced Population (*Sistema Nacional de Atención Integral a la Población Desplazada* or SNAIPD) has been very limited. SNAIPD is coordinated by *Acción Social* and com-

prises all 27 government ministries and agencies with a mandate to work on displacement. The Court found that greater leadership and discipline were needed to secure effective commitments from the agencies involved.

In addition to SNAIPD's role, which is focused specifically on IDPs, long-term support for IDPs is provided through Red UNIDOS (formerly *Red JUNTOS*), a government programme charged with addressing extreme poverty. Its declared purpose is to provide coherent social protection and to accompany beneficiaries over time, including through a social work programme. IDPs involved sign a "co-responsibility agreement" stating their intention to engage with the social workers and to be jointly responsible for their own development ([Red UNIDOS a](#), 2011). IDPs have expressed concern that by joining the Red UNIDOS programme, they would lose access to the humanitarian assistance their status entitles them to; however this is not the case ([Red UNIDOS b](#), 2011).

In the long run, the strengthening of support schemes such as Red UNIDOS is fundamental in combating protracted displacement, as it gives IDPs and other vulnerable people access to long-term government support and helps them to take charge of their own processes to overcome the vulnerability associated with their displacement.

The victims' law

The victim's law, which was passed in June 2011, has begun to move slowly towards implementation. On 1 December, a financing plan was adopted, with \$500 million (COP 6 billion) set aside in the 2012 national budget. The amount to be spent on property restitution was, however, not specified ([El Espectador](#), 2011). The plan also obliges national government agencies to set aside resources in their 2012 budgets for its implementation.

Secondary legislation is in the process of being drafted and approved to regulate the implementation of the law. According to a congressional com-

mission created to monitor its implementation, the proposed legislation establishes a timeline for each of the institutions that will play a role and creates a mechanism by which victims can make comments and suggestions. The commission has also highlighted, however, that the text has a number of flaws, including the fact that it does not mention all of the institutions involved; that further measures are needed to guarantee victims' participation; and that it lacks specific mechanisms to provide assistance ([Comisión de Seguimiento Implementación de la Ley 1448](#), 2011).

Civil society organisations have identified a number of problems with the legislation, including the property restitution section, and a number of constitutional challenges have been filed against certain articles of the law ([INDEPAZ](#), 2011). In addition, Afro-Colombian communities have reported that they have not been effectively consulted in the processes to adopt and implement the law, a right which the Constitutional Court has confirmed ([WOLA](#), 2011, [UN OHCHR](#), 2010).

While these legal discussions take place, the process is already being threatened. 21 land restitution advocates have been assassinated in the past year, half the number killed between 2003 and 2010 (USOC, 2011). This surge in violence, which is likely to increase as implementation gathers pace, is an indicator of the strength of opposition to the law. The government has offered rewards to those who come forward with information that might lead to the capture of people threatening advocates of land restitution ([El Tiempo](#), 2011).

Local authorities play a primary role in responding to displacement. For example, the victims' law and its property restitution element can only realistically be implemented with their participation and collaboration. However, reports have linked newly-elected officials to armed groups resisting land restitution ([Verdad Abierta](#), 2011). As implementation of the victims' law begins in 2012, significant efforts will be required at all

levels of government, including local government, to ensure that the process is not derailed. Six of the newly elected governors and a few new mayors have made a commitment to facilitate the implementation of the law during their tenure by signing a "pact for the victims" that was promoted by a group of NGOs ([CODHES](#), 2011).

Displacement caused by natural disasters

The 2010 rainy season was the wettest in 40 years, and 2011 also brought double the average rainfall, leading the government to declare a state of emergency in April ([BBC](#), 2011). The second rainy season of 2011, which began in September, has hit Colombia's Pacific, Caribbean and Andean regions hard. During this two-year period, *la Niña*, a meteorological phenomenon caused by lower sea surface temperatures in the Pacific, has made regional weather patterns more extreme.

Flooding and landslides affected some 400,000 people between September and November ([SNAIPD](#), 2011; [OCHA](#), 2011). The number of people displaced is not known, but according to the National System for Disaster Prevention and Response, as many as 100,000 people lost their homes in the same period.

As previously, the floods and landslides have affected departments already facing conflict and violence. In Chocó, Norte de Santander and Cesar they have forced thousands of people to seek temporary refuge. In Chocó, some 200 houses, most of them belonging to Afro-Colombian and indigenous people, were destroyed during the first month of the rainy season. The conditions also made it more difficult for humanitarian organisations to maintain access to IDPs ([UN OCHA](#), 2011).

The overwhelming impact of the 2010 rainy season combined with ongoing inadequacies in the response ([Refugees International](#), 2011) cast

doubt on the ability to cope with the needs of people currently affected. The government reportedly set aside \$850 million (COP 1.65 trillion) to prevent or reduce the risk of disasters during the 2011 rainy season. But only ten per cent of the projects thus funded had been completed by December 2011 ([The Economist](#), 2011).

Note: This is a summary of IDMC's internal displacement profile on Colombia. The full profile is available online [here](#).

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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