



El futuro
es de todos

Unidad para la atención
y reparación integral
a las víctimas

LAW 1448 OF 2011:

**PERSPECTIVES ON
THE SATISFACTION OF
THE RIGHTS OF
VICTIMS
ABROAD**



NORWEGIAN
REFUGEE COUNCIL



LAW 1448 OF 2011: PERSPECTIVES ON THE SATISFACTION OF THE RIGHTS OF VICTIMS ABROAD

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- and to those who work

to make visible and guarantee the rights of the victims who emigrated from Colombia for reasons associated with the internal armed conflict.

The perspectives presented in this work aim to

shed light on new paths,

as well as to build bridges to strengthen

the public policy for victims abroad.

**LAW 1448 OF 2011: PERSPECTIVES ON THE
SATISFACTION OF THE RIGHTS OF VICTIMS ABROAD**

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INTRODUCTION



Law 1448 of 2011 is conceived as an instrument aimed, on the one hand, at recognizing the existence of the victims of the internal armed conflict in Colombia and on the other, at establishing a set of measures that will allow them to effectively access their rights to truth, justice and reparation while at the same time providing guarantees of non-repetition.

According to the Law and as analyzed by various sectors of society, this population includes Colombian citizens both within and outside the Colombian territory. Considering that more than nine years have passed since this public policy was first implemented, the purpose of this document is to provide an objective assessment of its effects and challenges, focusing on the population of victims abroad.

By examining different perspectives, the aim of this document is to contribute technical, quantitative and qualitative elements that will enable the development of mechanisms to strengthen the State's capacity to fulfil its duty to provide comprehensive reparations to the victims of the internal armed conflict. Achieving this objective in a social and political transitional context requires consideration specifically of the individual and collective situation of people who have emigrated from the country as victims of the armed conflict or as a direct result of it.


For practical purposes, this consideration will adjust to the scope and limitations of this population in terms of their access to support, assistance and comprehensive reparation as stipulated by law.

All branches of the State and civil society, starting with victims' representatives and organizations, were until the end of last year discussing how the Victims and Land Restitution Law should be extended and for how long.¹ Therefore, making this assessment at this time represents an opportunity to incorporate elements into the discussion that shed light on how measures and mechanisms contemplated by the law can and should be strengthened to allow



for victims' effective access to rights, including the rights of individuals who, in addition to their condition as victims, face migration challenges.

In addition to being a duty of the State under both the Colombian Political Constitution and international law, working towards this goal is a matter of public interest. Indeed, it is an essential step in any prospect of building peace, as emphasized in the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*.

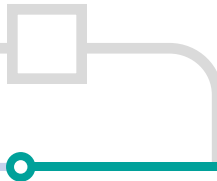


This document will be developed in four parts. The first chapter analyzes the context and main aspects of the legal and institutional framework that underlie the Colombian State's response to victims abroad. It then describes the current model of support, assistance and comprehensive reparation for victims abroad. Finally, it looks into international laws on and definitions of refuge and asylum in the light of the public policy on victims.

The second chapter focuses on presenting information found in the Single Registry of Victims (RUV), based on statements² given by victims abroad received from various consulates around the world. This information includes trends in statements, the socio-demographic composition of victims and the victimizing events they have suffered.

The third chapter offers mainly a qualitative view of the scope, limitations and opportunities for strengthening the policy on support, assistance and comprehensive reparation. Its aim is to present various points of view that contribute to a critical reflection on the opportunities for improvement in joint actions between the State and its citizens to achieve greater fulfillment of the rights of victims abroad.

The final chapter draws conclusions that encourage reflection on public policy and decision-making, with a view to improving existing mechanisms to support, assist, and provide reparation to victims abroad.³

- 
- 1** By the time this document was published in its English version, Congress had confirmed the extension for ten years of Law 1448 of 2011 – Victims and Land Restitution Law. The analysis, insights and courses of action presented in this document remain valid considering that they deal with the ongoing implementation and improvement of public policy, based on existing legislation, such as the aforementioned law and the 2016 *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*.
 - 2** A statement refers to an individual's process of submitting an application to the Colombian government to be registered as a victim.
 - 3** New footnotes and explanations have been added throughout the English version of this document, published in 2021, with updated information on the progress made in terms of support, assistance, and comprehensive reparation of victims abroad.



This assessment is prepared under the assumption that its validity and impact depend on bringing together multiple sources and voices that allow for a more complete and balanced evaluation of the current public policy for victim support, assistance and comprehensive reparation. Accordingly, this document incorporates official information, analyses from oversight bodies, academic sources, and information from international, non-governmental and civil society organizations. It also includes interviews conducted with victims, leaders of victims' organizations abroad, and public officials.⁴

With the aim of maintaining this balance, this document has been prepared by the Unit for Support and Comprehensive Reparation of Victims (Unit for Victims) and the Norwegian Refugee Council (NRC). This joint effort guarantees an institutional voice in collaboration with one of the main non-governmental allies abroad.

This analysis has been prepared to be read by the general public, thereby contributing to the visibility and recognition of a population that has historically been affected by the internal armed conflict. It aims to address some of the essential debates surrounding victims abroad, with a view to providing insights and elements that will enable different social sectors to work towards the satisfaction of the rights of victims abroad.

⁴ For this assessment, eight victims of the armed conflict, all of them leaders or members of victims' organizations or other human rights organizations, were interviewed. These interviews took place with victims in Argentina, the United States, Sweden, Canada, Venezuela, Spain, Ecuador and Colombia. Additionally, interviews were held with the Group for the Support of Victims Abroad of the Unit for Victims, the Helpdesk for Victims Abroad, a division of the Internal Work Group Responsible for Providing Assistance to Colombian nationals, attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Colombian Ministry of Foreign Affairs, and with consuls, vice-consuls or advisors of the consulates in Panama City, Miami, Pennsylvania, Montreal, San Jose de Costa Rica, Esmeraldas, Ontario and Valencia.



Along with this assessment, the public is invited to read the characterization analysis titled Victims Abroad: A Profile (2020), a document that has also been prepared jointly by the Unit for Victims and the Norwegian Refugee Council. Said document is based on work carried out over three years, focusing on identifying the main characteristics and drawing up a profile of the population of victims who have emigrated from the country. Its purpose is to better understand the dynamics and needs of this population, in order to inform measures and mechanisms that support the strengthening of public policy and the actions of humanitarian and international cooperation agencies in this area.







Chapter





**NATIONAL AND
INTERNATIONAL
CONTEXT**



1. BASIS OF THE POLICY ON VICTIMS ABROAD



Any assessment of public policy in Colombia regarding the victims of the armed conflict who have migrated abroad must first define the term "victims abroad" and, second, must describe the elements of the current institutional structure that have been put in place to provide support for this population.

Law 1448 of 2011—Victims and Land Restitution Law—sets forth in its article 3:

For purposes of this law, victims shall be defined as persons who, individually or collectively, have suffered damages from acts occurring on or after January 1, 1985, as a result of violations of international humanitarian law or serious and deliberate violations of international human rights law, within the context of the internal armed conflict⁵ (Congress of the Republic of Colombia, 2011).

This definition applies to all victims of the armed conflict, regardless of their current geographical location, as a result of the above-mentioned violations and transgressions.





Specifically, articles 66, 149 and 204 of the law make explicit reference to victims who are outside the national territory, in the following terms:

- **Article 66, paragraph 2:** The Special Administrative Unit for Support and Comprehensive Reparation of Victims must regulate the procedure to “guarantee that the victims of forced displacement who are outside the national territory as a result of the violations referred to in Article 3 of this law are included in return and relocation programs.”
- **Article 149, item j:** identifies as one of the guarantees of non-repetition the "dissemination of information on the rights of victims abroad".
- **Article 204:** states that the National Government, through the Ministry of Foreign Affairs, "shall ensure that the victims covered under this Law who are outside the country are informed and given appropriate guidance on their rights and available resources and remedies."⁶

Based on these stipulations, the law includes individuals who are outside the country or are based abroad⁷ as victims of the internal armed conflict; it also recognizes that there are victims of forced displacement, whose emigration could be a consequence of the violations indicated in Article 3 of the law and, therefore, they should be included in return and relocation programs with assistance by the Colombian government.

- ⁵ The article continues to define the term, by specifying: "Victims are also the spouse, permanent opposite- or same-sex partner, and family members in the first degree of consanguinity or adoptive relationship of the direct victim, when the latter has been killed or is missing. In the absence of these relationships, individuals in the second degree of ascending consanguinity will be considered victims."
- ⁶ This article also references Article 30 (Principle of communication), which states that "The State, through the different entities to which responsibilities are assigned in relation to the measures contemplated in this law, shall promote effective communication mechanisms, intended for victims. These mechanisms shall provide information and guidance to victims about their rights and available resources and remedies, as well as the legal and administrative measures and pathways through which they can exercise their rights."
- ⁷ The distinction between "being outside the country" or "being based abroad" is emphasized, considering that there are victims whose stay outside the country may be temporary, whereas others intend to remain abroad. Regardless of this temporality, Colombian citizens who have been victims of the armed conflict are entitled to the rights recognized by the Law in a transitional justice framework, that is, in a scenario in which the objective is to overcome the effects of the armed conflict with guarantees afforded to the victims.



From this perspective, the term "victims abroad," in the context of Law 1448 of 2011, specifically refers to persons who suffered violations of international humanitarian law or serious and deliberate violations of human rights under international law during the internal armed conflict and, as a consequence, left the country or are living abroad.

Furthermore, Article 5.1.3.5 of the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*,⁸ signed by the Colombian Government and the FARC-EP in November 2016, states that in order to strengthen the program that acknowledges and provides reparations for victims abroad, "including refugees and exiles who have been victimized by the conflict," plans for 'assisted and supported return' must necessarily be put in place.

In this case, the definition of 'victims abroad' also includes individuals who are refugees and exiles, specifically as a result of the armed conflict. As will be discussed below, refuge and exile are terms that have political and legal meanings and implications that merit in depth analysis.

For now, under Colombian legislation—represented by Law 1448 of 2011 and the *Final Agreement*—the legal definition of victims who have been displaced abroad refers to persons who have suffered human rights and International Humanitarian Law (IHL) violations during the conflict, and are located outside the national territory; additionally, the definition establishes a link to refugees and exiles.

The term "victims abroad," however, includes both the population that has become refugee or has received other international protection due to the armed conflict and the thousands of people who have left Colombia and relocated in at least 43 countries around the world for similar reasons. This population has also faced the challenges of emigration, such as leaving behind emotional ties and life projects, sorting out their migratory status in the countries of destination, searching for

dignified conditions to live and to configure new forms of identity and relationship with the country of destination and with Colombia,⁹ among other characteristics (National Center for Historical Memory—CNMH—, 2018).

Based on all of the above, the elements that define the structure of the policy covering victims abroad today are those that arise mainly from the two regulatory frameworks mentioned above.¹⁰

The specific objective of the Victims and Land Restitution Law is to establish a set of measures

that benefit the victims of the violations contemplated in Article 3, within a transitional justice framework. These measures are intended to facilitate the effective satisfaction of victims' rights to truth, justice and reparation with a guarantee of non-repetition.

Additionally, the scope of the law, according to its Article 2, is to regulate "humanitarian aid, support, assistance and reparation of victims, [...] with tools that



said victims can use to reclaim their dignity and assume their full citizenship." Therefore, both in its objective and scope, the law covers all victims of the armed conflict, regardless of their geographical location.

It is within this framework, specifically, that the analysis in this document is situated. Its purpose is to evaluate the scope and limitations of the support, assistance and comprehensive reparation measures for victims of the armed conflict, provided by the National System for Support and Comprehensive Reparation of Victims (or SNARIV for its acronym in Spanish), as well as to analyze whether these measures have been successful in satisfying the

rights of the population of victims abroad. The *Final Agreement* recognizes the search for truth, justice and reparation for the victims of the armed conflict as an essential component of peacebuilding, and therefore creates the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Repetition (or SIVJRNR for its acronym in Spanish).

The SNARIV and the SIVJRNR can be seen as two complementary systems; therefore, the analysis presented in the following sections of this document will refer to both. The objective of this document, however, is to delve deeper into the former, particularly from the perspective of the competencies of the Unit for Support and Comprehensive Reparation of Victims (Unit for Victims),¹¹ as coordinator of the SNARIV.

8 This article refers to the "Collective processes to facilitate the return of displaced persons and reparation for victims abroad."

9 To find out more about these ideas, refer to *Victims of the Colombian armed conflict abroad: a profile* (Unit for Victims and Norwegian Refugee Council, 2020), *El exilio colombiano: huellas del conflicto armado más allá de las fronteras* (National Center for Historical Memory, 2018), and *Entre la guerra y la paz: los lugares de la diáspora colombiana* (Iranzo and Loudior, 2018).

10 These regulatory frameworks are in turn predicated on International Human Rights Law, International Humanitarian Law and the Colombian Political Constitution. Law 1448 of 2011 incorporates previous regulations such as Law 387 of 1997 on forced displacement, Law 418 of 2007, Decree 1290 of 2008 and Law 975 of 2005 - Justice and Peace Law.

11 Although there are other public policy instruments that also have an impact on victims abroad, the objective of this first section of the assessment has been, on the one hand, to define the term 'victims abroad' based on Colombian legislation and, on the other hand, to outline the main legal bases that will serve as grounds for the analysis.

2. APPLICATION OF THE SUPPORT, ASSISTANCE AND COMPREHENSIVE REPARATION MODEL ABROAD

In general, the application of support, assistance and comprehensive reparation measures for victims relies on all the State institutions that make up the SNARIV and on public and private organizations; under this scenario, the participation of victims plays a central role.

The specific objective of the measures, which are of a transitional nature, is "[...] to help victims overcome their suffering and, as far as possible, to restore the rights that have been violated" (Article 9, Law 1448).

Guidance for the application of these measures to victims who are abroad is particularly provided through articles 66 (paragraph 2), 149 (item j), and 204 of the aforementioned law, mainly with regard to communication, support and inclusion in return processes.

This guidance not only emphasizes that communicating the rights of victims abroad is a part of guaranteeing non-repetition, but it also serves as a statement of commitment by the government, through the Ministry of Foreign Affairs of Colombia, that victims will receive the necessary information and orientation about their rights and the recourse available to them. Furthermore, these



regulations designate the Unit for Victims as the institution in charge of including victims of forced displacement located abroad in the return plans.

Additionally, in terms of regulations, the application of support measures for victims abroad is governed by Chapter 3 of Decree 1084 of 2015.¹² The Paragraph of Article 2.2.2.3.1, on requesting the registration of victims of the armed conflict, states that "Colombian victims domiciled abroad, (sic) may submit their request to the embassy or consulate of the country where they are located."¹³

Based on the above foundations, the model under analysis has been gradually built over nine years, seeking to adapt and adhere to the realities and demands of implementation outside the Co-

lombian territory. The social, political and legal conditions abroad are subject to the respective State's sovereignty, which naturally implies strong limitations on the scope of action of Colombian institutions.

It is clear that although the Victims and Land Restitution Law is of general application, explicit regulations regarding individuals outside the country are narrower or more limited. For obvious reasons and despite vigorous efforts, this situation affects the reach of institutional action for the satisfaction of the rights of this population.

From an institutional standpoint, the implementation of the mechanisms for satisfying the rights of victims located abroad has been led by the Unit for Victims in collaboration with the Ministry of Foreign Affairs, while also respecting the autonomy and specific processes of other SNARIV institutions, such as the Land Restitution Unit, and making use of tools and alliances that allow the Colombian State a greater range of action abroad.

12 This decree incorporated the content of Decree 4800 of 2011. Although there are three decrees that address the differential approach—Decree Law 4633 of 2011 (on indigenous populations), Decree Law 4634 of 2011 (on the Roma population) and Decree Law 4635 of 2011 (on the black/Afro-Colombian/Raizal/Palenquero populations)—none of them refer to victims abroad.

13 Said paragraph also adds, "In countries where there is no representation of the Colombian State, they may go to the nearest country that has Colombian diplomatic representation. In this case, the diplomatic representation in question must forward the request to the Special Administrative Unit for Support and Comprehensive Reparation of Victims, within eight (8) days as of the receipt of the request."

The following is a descriptive summary of the mechanisms provided for in the current model of support, assistance and comprehensive reparation measures for victims that are applicable to victims abroad.



Through Colombian consulates, victims abroad can make a statement of the victimizing events they suffered¹⁴ and request their inclusion in the RUV, which is a necessary step to ensure the effectiveness of several measures described below. Legal remedies may be sought in the event of a rejection of the request for inclusion.¹⁵

Registration-request for inclusion in the RUV

These are aimed at providing face-to-face guidance to the affected population abroad, mainly through the Ministry of Foreign Affairs. Victim support sessions are held sporadically, organized by the Unit for Victims and the Ministry of Foreign Affairs. Service fairs are sometimes held for Colombians under the Ministry's Colombia Nos Une (Colombia Brings us Together) program. Virtual support is also available, as well as support by post and by telephone, through the channels put in place by the Unit for Victims and the Ministry of Foreign Affairs.



Support measures



Once included in the RUV, the person can request a copy or rectification of a Colombian vital record, identity card or citizenship card. Men between 18 and 49 years of age may request the issuance of their military passbook. These procedures are free of charge one time only.

Assistance measures

Additionally, victims abroad (as well as other Colombian citizens outside the country) may buy a home or improve their home in Colombia through the National Savings Fund; the same is true of the National Learning Service (SENA virtual training program, which is available to all Colombians, including victims abroad.¹⁶



Reparation measures

Administrative compensation is a reparation measure that seeks to compensate victims financially for the damage suffered. This procedure is carried out through the Unit for Victims.



For other lines of reparation, such as land restitution, victims of dispossession and forced abandonment of land since 1991 may submit a request for restitution to the Land Restitution Unit (or URT for its acronym in Spanish) by following a specific process with that institution.

Symbolic measures for the satisfaction of rights have also been taken into account as a form of reparation. These measures include: commemorative acts, such as making April 9 the National Day of Remembrance and Solidarity with the Victims of the Armed Conflict; exemption from compulsory military service; and access to psychosocial support through the Emotional Recovery Strategy of the Unit for Victims, a measure currently available mainly within Colombian territory.¹⁷

The implementation of non-repetition guarantees is one of the backbones of the Victims and Land Restitution Law. In its Article 149, this provision lists several actions that must contribute as a whole to the non-repetition of the events suffered. These actions include “the public and complete dissemination of the truth” (item b). Furthermore, item j underlines the importance of communicating information on victims' rights abroad.

Individuals included in the Single Registry of Victims (RUV), who wish to return to the country, may submit their request for return to the consulates, the Unit for Victims or, if they are in Colombian territory, at the victim service centers.



Support towards return

victims abroad can influence public policy through the election of two representatives to the National Body for Effective Participation of Victims (or MNPEV for its acronym in Spanish) or by sending proposals directly to said MNPEV.¹⁸



Participation

Individuals must cover the costs of their transportation to Colombia as well as their accommodation once they are within the national territory. However, after their arrival they may seek humanitarian assistance, support for their transportation to the final place of return or relocation, or inclusion in Special Support Schemes (these three measures are available for victims of forced displacement), and social, economic and cultural offers available in the territories of return.

14 The victimizing events considered for registration in the RUV are the following: terrorist acts/attacks/combat, confrontation/harassment, threats, crimes against sexual integrity and freedom in the context of the armed conflict, forced disappearance, forced recruitment of children and adolescents by armed groups, forced displacement, homicide-massacre, land mines, unexploded munitions and improvised explosive devices, kidnapping, torture, forced recruitment of children and adolescents by armed groups, dispossession and/or forced abandonment of movable and immovable property, and personal physical and psychological injuries.

15 For legal advice to file an appeal against a decision made by the Unit for Victims regarding the inclusion or non-inclusion in the RUV, victims can contact the Office of the Inspector General of the Republic or the Office of the Ombudsperson, for assistance in preparing the legal appeal to which they are entitled.

16 Other assistance measures that focus on socio-economic stability and access to social, economic and cultural rights, are currently only available or applicable in the national territory. This situation arises because certain measures depend on the jurisdiction of Colombian regional agencies and institutions and are subject to the limitations in their scope of action outside their jurisdiction or the national territory. These limitations will be discussed in more detail in Chapter III of this document, given that it is one of the main areas with significant room for improvement in terms of the satisfaction of victims' rights abroad.

17 By the time of publication of the English translation of this document, the Unit for Victims had begun an extension of the scope of the Emotional Recovery Strategy in order to reach victims abroad.

18 Resolution 01281 of 2016. The extent of participation will be discussed in further detail in Chapter III.



Considering the specific objectives of the measures defined by law as well as the importance of ensuring conditions that facilitate effective registration, participation and return processes, Chapter III of this document will analyze the specific characteristics, meanings and nuances that impact the satisfaction of victims' rights abroad, in relation to Colombian public policy.

Recognizing its importance, the subject of migration as a result of the armed conflict will be specifically addressed below. Despite giving it a prominent place, this document will not attempt to delve into the details of migration as such, an exercise that would require multidisciplinary analyses, such as those available in studies on the subject.¹⁹



3. MIGRATION, REFUGE AND VICTIMS

Colombia has experienced multiple waves of migration that, according to some authors, have been driven by two main factors: the economy (due to several crises) and the violence caused by internal armed conflict.

According to Sanchez (2018), there have been four main periods of migratory flows: the first wave, between the 1960s and 1970s, was primarily motivated by the search for economic opportunities. An important aspect of the second wave, during the 1980s, was the boom in psychotropic substances and drug trafficking; the third wave, from 1995 to 2000, came down to social, economic and political factors, along with the intensification of the armed conflict and the accompanying violence; and the fourth wave, which began in 2003, coincided with the



unveiling of new Colombian security policies.²⁰

As identified by the Unit for Victims and the Norwegian Refugee Council (2020) in their research to characterize victims abroad, many of the victims emigrated less than a year, or between one to two years, after the victimizing events. Whilst certain periods of increased conflict have led to periods of heavier migratory flows, emigration as a result of this cause, in general, has continued.²¹

When discussing International and regional instruments that provide guidelines to protect human rights in contexts of violence or other situations that

threaten people's lives and integrity, it is crucial to consider the concept of refuge, defined as seeking protection in a country other than one's home country or country of residence.

The central pillars of 'refuge' are the 1951 Geneva Convention and its 1967 Protocol. According to Article 1 of the Convention, a refugee is a person who

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

Although the Convention initially limited the definition of a refugee to somebody who met the above characteristics as a result of events that occurred before January 1, 1951, after the protocol was put in place, the definition expanded to include events occurring beyond this date. In the Inter-American context, the 1984 Cartagena Declaration on Refugees further advanced the definition of refuge. Since this Declaration, in the Latin American context anyone who has fled his/her home country because their life, safety or freedom have been threatened

- 19** Recommended reading on the subject-matter includes the book in Spanish titled *Entre la guerra y la paz: los lugares de la diáspora colombiana* (Between War and Peace: Places of the Colombian Diaspora) (2018), quoted in different parts of this document, on the implications of the transnational migration context for the victims of the armed conflict. The sociological, legal and historical approach brings together ideas that contribute to the general debate on the topic from an academic standpoint. The profile on victims abroad that complements this assessment, published by the Unit for Victims and the Norwegian Refugee Council, also provides details on the migration context of the population.
- 20** See also Chapter I of the document, "*Victims of the Colombian armed conflict abroad: a profile*" (2020), where other factors are presented that have similarly influenced the dynamics of Colombian migration flows, according to other authors.
- 21** According to the characterization analysis, based on a sample of 2,612 victims, 67 % of people left the country less than one year, or between one to two years after the victimizing event. It was found that 22 % of people had been living abroad for between one to two years, or less than one year, demonstrating that emigration due to the armed conflict has not yet stopped, despite not being at peak intensity level compared to other moments in Colombian history.

by generalized violence, foreign aggression, internal conflicts, massive human rights violations or other circumstances that have seriously disturbed public order is also considered a refugee.²²

Thus, since the 1980s, the region has broadened its criteria for recognized causes of significant migratory flows of people seeking to protect their lives and dignity, taking into account distinctive political, legal and social factors. The Cartagena Declaration, which is still valid today, has also made it possible to grant refuge to groups of people and not just individuals (which, in contrast, is more limited within the framework of the Geneva Convention).

One of the reasons a host State can revoke formal refugee status is if the circumstances that originally brought about the seeking of protection have changed, and people's lives are no longer in danger in their country of origin.

Considering that Colombia is still going through a transition in terms of its peace process, and that people's safety and integrity must be ensured above all else, the Victims and Land Restitution Law makes it clear that its support and reparations policy, despite implying contact with the Colombian State, cannot hamper in any shape or form the protection of those who have availed themselves of the protection of another State.

In this context, with the understanding that there are two different legal frameworks to be considered – one of reparation (Law 1448, 2011) and the other of protection (international refugee law) – it is essential to dig deeper into the connection between refugees and victims of armed conflict. This is particularly relevant when evaluating to what extent the rights of victims are being upheld abroad, in terms of recognition and visibility.

Before the Single Registry of Victims was created, based on Law 1448, the only known data that could provide an insight into the number of people who had emigrated from Colombia as a result of various causes, including violence, the armed conflict, and threats on their lives, was the data reported by the United Nations High Commissioner for Refugees (UNHCR), which oscillated over a period of ten years, from a total of 552,001 (data from 2007) to 189,454 (data from 2019) Colombian refugees worldwide.²³



Since the creation of the Single Registry of Victims (RUV) and the implementation of defined mechanisms by the Unit for Victims and the Ministry of Foreign Affairs for the taking of witness statements abroad, over the course of nine years (up until December 31, 2019), 25,386 victims of the armed conflict,²⁴ characterized as such according to Article 3 of Law 1448, have been identified abroad. Whilst the quantifying of refugees and the official registration of victims are not the same thing, it is important to contextualize this issue.

On the one hand, even when there is a connection between these two groups, the quantifying of refugees is based on different normative frameworks, which in practical terms means there are different assessment criteria at play. A variety of individual circumstances mean that not all victims who have emigrated are refugees, and not all refugees are, in turn, victims of the internal armed conflict.

On the other hand, there are structural factors that make it difficult to determine the exact nature of the connection between the two groups and to accurately quantify both groups.²⁵ The fear of revealing one's identity, and a lack of knowledge surrounding victim and refugee rights are just some of the factors that deter people from approaching institutions, meaning they are not counted in official government statistics.

- 22** Presentation of International and Inter-American Instruments for the Protection of Refugee Rights (UNHCR Colombia, February 12, 2020). See also the Cartagena Declaration, Conclusions and Recommendations, III, third (1984) - in Spanish.
- 23** This data count includes people who have applied for and been granted formal refugee status from the host State, as well as people who are in a refugee-like state (people who must be physically protected by the host State, even if they do not enjoy all the rights that accompany formal refugee status, solely because they have emigrated for the reasons outlined in the respective international and regional regulations). See UNHCR Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons (2007) and UNHCR Global Trends: Forced Displacement (2018).
- 24** The most recent available data (as of December 31, 2020) show that the number of victims abroad registered in the RUV had risen to 25,805.
- 25** One of these structural factors is the fact that countries do not have standardized systems to assess the number of refugees, asylum seekers and those in refugee-like situations living in their country. Additionally, since the concept of refuge implies the taking of protective measures, States often keep this information confidential.

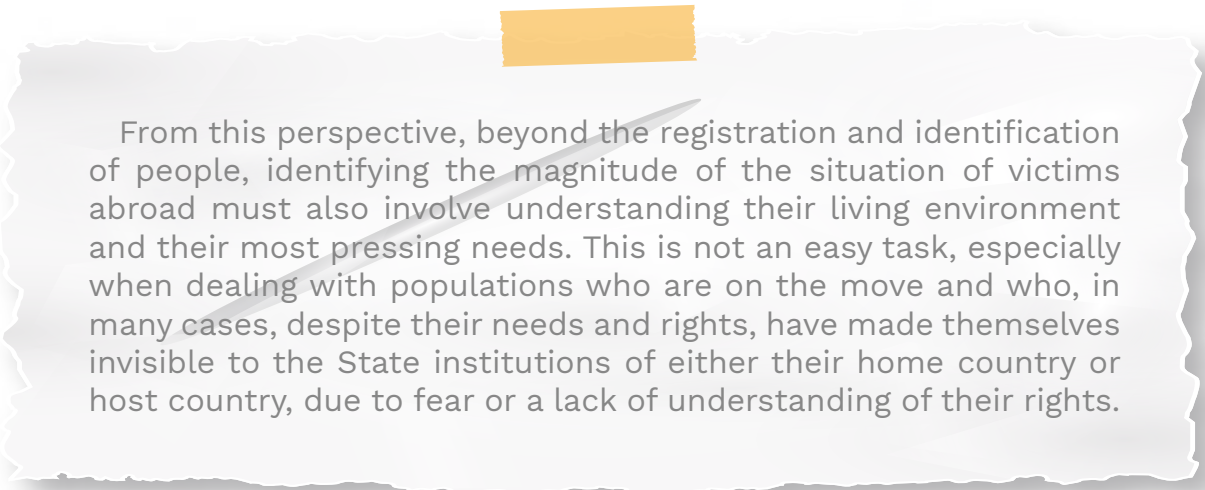
The characterization analysis carried out by the Unit for Victims and the Norwegian Refugee Council (2020), based on first-hand information gathered from those who self-identify as victims of the armed conflict, found that **86 %** of people requested to be included in the Single Registry of Victims and **74 %** had sought refuge or another form of international protection at some point in the country they were located.²⁶

Whilst this is only an indication of the extent to which these two groups are linked, nevertheless, this information brings to light a new consideration that is useful not only for future studies on the issue, but also for guiding institutional and academic efforts as they try to discern, in the most realistic way possible, the magnitude of the emigration of Colombian citizens as a consequence of the internal armed conflict.

Another crucial element to take into account when evaluating the impact of public policy on victims abroad is the living conditions surrounding emigration. As previously mentioned, upon

leaving their home country, people are faced with a series of situations that impact their quality of life. These situations include defining immigration status, looking for work, housing and education, accessing health services and, in general, adjusting to their new surroundings and the opportunities available in their host country.

However, the ease or difficulty with which this adjustment process is managed depends not only on the migration policies of the host country, and the host country's political and economic situation, but also on other considerations such as employment opportunities and requirements and access to other economic, social and cultural rights.



From this perspective, beyond the registration and identification of people, identifying the magnitude of the situation of victims abroad must also involve understanding their living environment and their most pressing needs. This is not an easy task, especially when dealing with populations who are on the move and who, in many cases, despite their needs and rights, have made themselves invisible to the State institutions of either their home country or host country, due to fear or a lack of understanding of their rights.

One of the principal objectives of Law 1448 is to help victims overcome the vulnerabilities caused by the conflict, so that they can lead a dignified life with full enjoyment of their civil rights. This makes the findings of the characterization analysis carried out by the Unit for Victims and the



Norwegian Refugee Council particularly important, as these highlight which living conditions provided by particular States allow for a more effective implementation of the policies of support, assistance and comprehensive reparation of victims abroad.²⁷

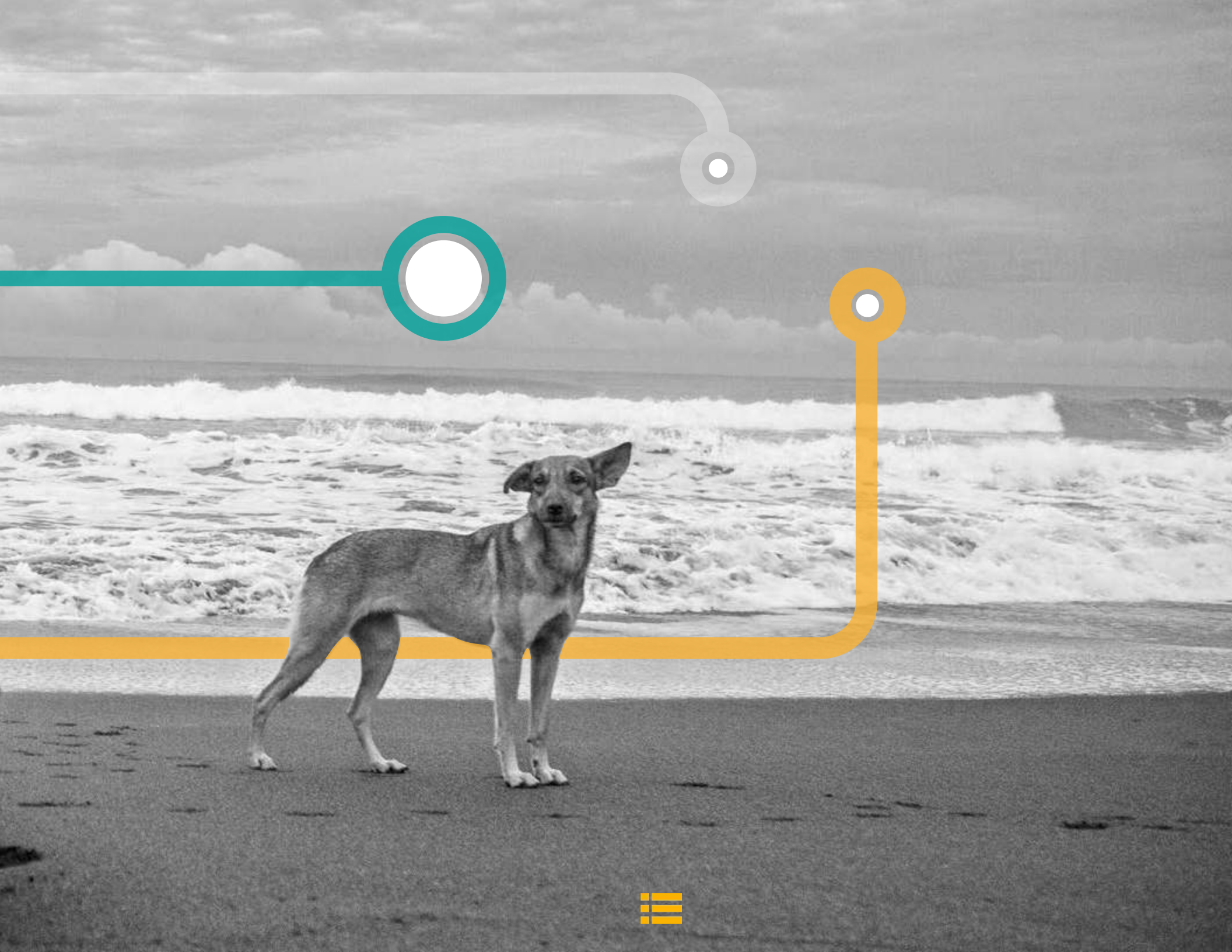
In addition to the references that can be found throughout this document regarding these characterization study findings, the next section will present an overview of the official data that the State has been able to collect regarding the victim population living abroad, through the Single Registry of Victims. This data highlights and contributes to social awareness regarding the victims of the armed conflict.



26 These percentages are calculated based on the responses of 2,612 people surveyed in eight countries. The sum of the percentages is more than 100 % because some of the people requesting to be included in the Single Registry of Victims are, at the same time, seeking asylum or another form of international protection.

27 The National Center for Historical Memory (2018), in reference to an IOM report (2016), points out that, according to the IOM's Global Migration Data Analysis Center, the data surrounding the scale of migratory movements does not shed light on "the current state of migrants, their reasons for leaving their countries, the skills migrants have, the scale of irregular migration and the impact of migration policies and their programs". From this perspective, the profile carried out by the Unit for Victims and the NRC from 2017 to 2019, published in 2020, seeks to pose these kinds of questions that go beyond the numerical figures with regards to migration flows and migrant populations.







Chapter





**SINGLE
REGISTRY
OF VICTIMS
(RUV)**

Detailed below are the trends observed in the statements received from abroad, the sociodemographic composition and the geographic distribution of Colombian victims and the victimizing events experienced by them, according to the information found in the Single Registry of Victims (RUV).

1. TRENDS IN THE STATEMENTS RECEIVED FROM ABROAD



- Between 2012 and December 31, 2019, the Colombian State received a total of 13,129 statements from victims of the armed conflict living abroad; these statements were given at consulates located around the world.²⁸

- 65.5 % of the statements came from Latin American and Caribbean countries; 20.2 % came from North America; 13.5 %, came from Europe; 0.7 % came from Asia, Oceania and Africa combined.

- From the statements received and evaluated by the Unit for Victims, 25,386 individuals were added to the Single Registry of Victims, representing 70.4 % of the current population living abroad who might possibly qualify for inclusion in the Registry, based on the applications submitted.²⁹

Throughout the first six years, there was an almost constant increase in requests to be added to the Registry, with notable peaks in 2015 and 2017, when 20.3 % and 33.6 % of all requests were received, respectively.



From an institutional point of view, there were several decisive factors that generated this increase in requests during the first few years, when the dissemination of the law and the collection of statements from victims abroad was only just beginning.

One such factor was the Unit for Victims' creation of an online application for taking statements from consulates, as well as their coordination with the Ministry of Foreign Affairs. As a result, face-to-face victim support sessions were held, providing institutions with an opportunity to get closer to people, give them guidance and take their statements.

These measures were backed up by dissemination campaigns that were particularly prominent during the aforementioned peak years, due to the fact that these years coincided with the lapsing of some of the time frames provided by the law.³⁰

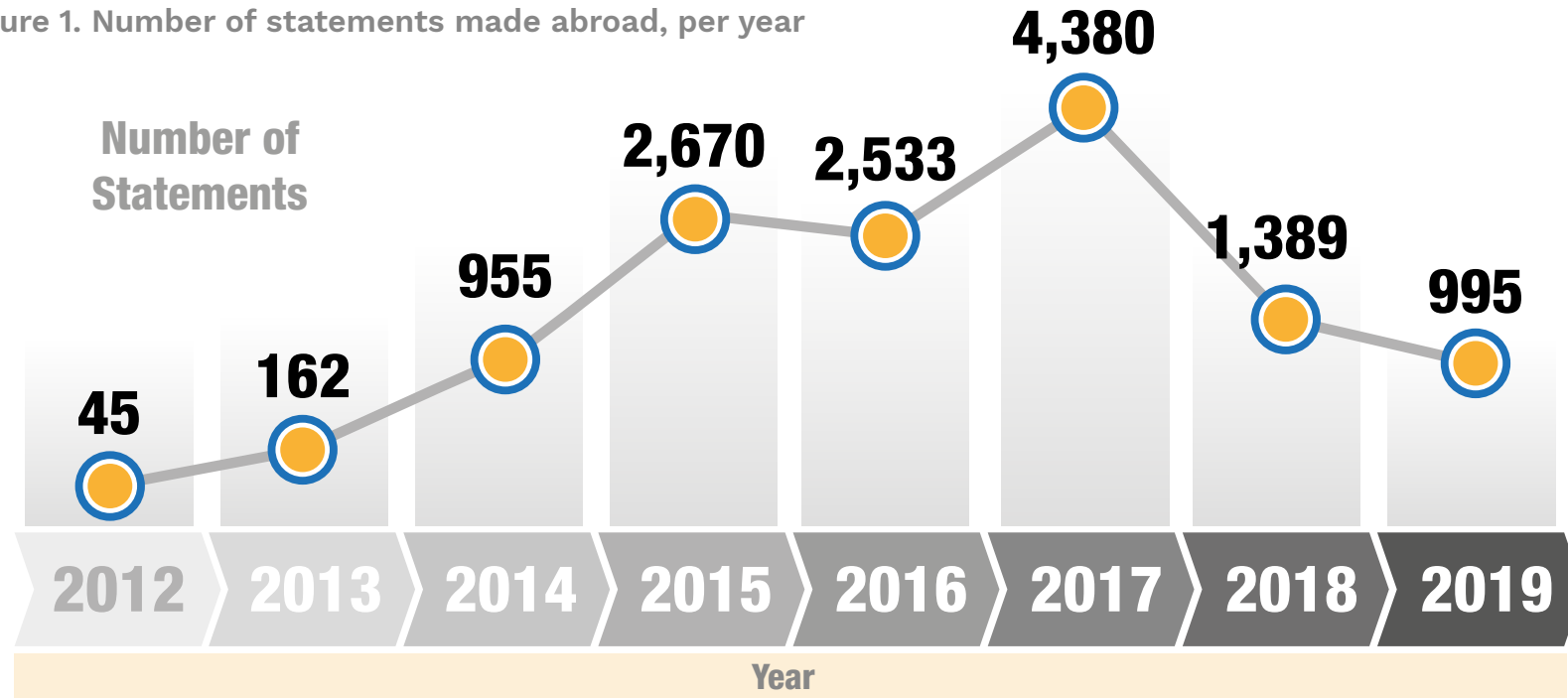
28 Of the 122 consulates and consular offices around the world, victims made statements in approximately 94 of them, across 43 countries.

29 Over the aforementioned time period, 36,081 people were identified who would possibly qualify for inclusion in the RUV due to the victimizing events and other pieces of information they reported in their statements (it should be noted that single statements may contain information about more than one potential victim of the armed conflict). Based on the Unit for Victims' evaluation to determine which events met the requirements of Article 3 of Law 1448 and the specificities of the relevant regulatory framework, 70.4 % of people did and 29.6 % did not qualify for inclusion. This registration behavior is comparable to that of the national context.

30 According to Article 155, victims had four years starting from 2011 to declare the events that occurred prior to this date, and two years to declare any events that occurred afterwards. Any events that might not have been reported during the periods established in Law 1448 could, and still can, be reported citing force majeure reasons that may have prevented the person from making their statement within the established timeframe. As will be detailed later, two resolutions were passed which gave victims abroad more time to come forward, which is why 2015 and 2017 were important years in terms of the lapsing of the first terms.



Figure 1. Number of statements made abroad, per year



Source - National Information Network for Victim Support and Reparations Source - National Information Network for Support and Reparation of Victims (RNI for its acronym in Spanish)³¹

Based on: 13,129 statements.

From 2012 to December 31, 2019.³²

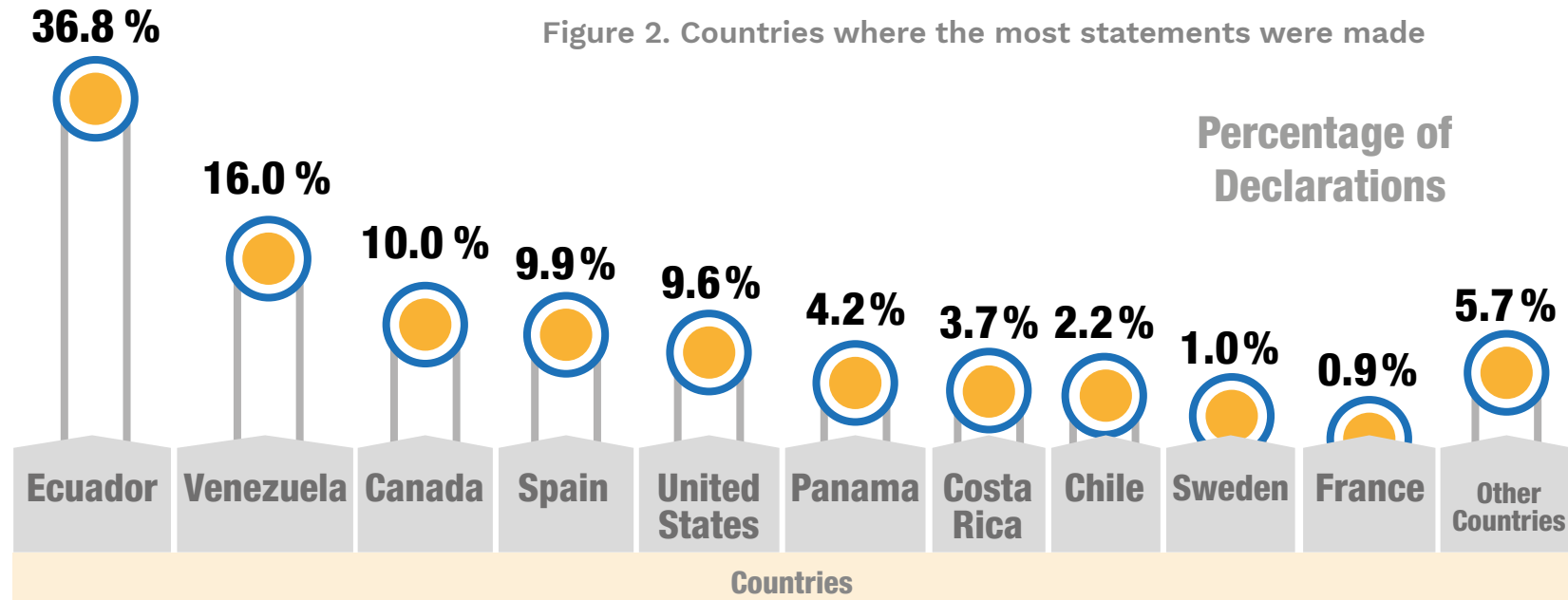
Despite the aforementioned wide-ranging geographic distribution, almost 95 % of statements came from ten specific countries. From the highest to the lowest number of statements, these countries are Ecuador, Venezuela, Canada, Spain, United States, Panama, Costa Rica, Chile, Sweden and Brazil.

The concentration of statements shows that these countries are the most popular emigration choices for the majority of the victims of the armed conflict, motivated mainly by the search for safety and security, but also a variety of other factors specific to each country, such as proximity to Colombia, the existence of support networks and the possibility of being granted refugee status.³³

Within the aforementioned countries, 80 % of statements came from nine countries and 21 cities, including Esmeraldas, Quito, Nueva Loja, Guayaquil and Tulcan in Ecuador; Montreal, Calgary and Toronto in Canada; and Barinas, Maracaibo and Caracas in Venezuela.

Therefore, for certain consulates, especially those located in the 21 cities that account for 80 % of all statements, it is important to have a number of trained personnel who can respond to the needs of the victim population and guide them, informing them as to which legal and public policy measures they can access.

Figure 2. Countries where the most statements were made



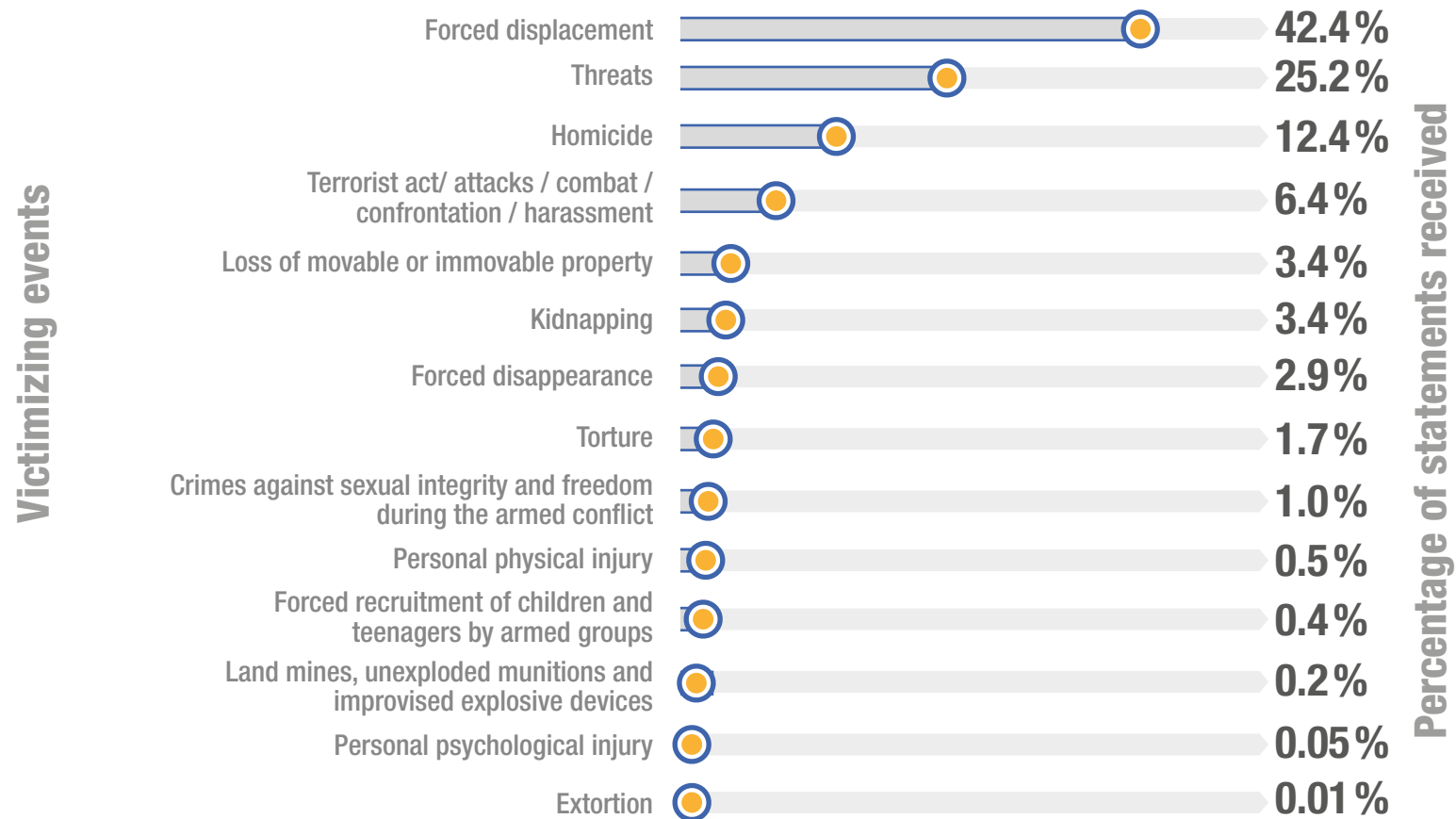
Source - National Information Network for Victim Support and Reparations (RNI)
Based on: 13,129 statements.

- 31** The National Information Network for Victim Support and Reparations (RNI) is the official source of information that, according to Article 153 of the Law, “will be the instrument that provides rapid and efficient information to the National System for Support and Comprehensive Reparation of Victims, regarding the violations detailed in Article 3 of this law, both nationally and regionally..”
- 32** Although the taking of statements in Colombia and abroad continues for as long as this law is in force, for the purposes of this analysis, December 31, 2019 was established as the cut-off date.
- 33** According to the profile carried out by the Unit for Victims and the Norwegian Refugee Council (2020), in Ecuador, Venezuela and Panama, the most common reason for emigration was the country’s proximity to Colombia; in Canada, the most common reason was the possibility of gaining refugee status; in the United States, safety and security was paramount; and in Spain, Costa Rica and Chile, the combination of security and the presence of family and friends support networks was particularly important. There is no such information available with regards to Sweden and France.



With regard to the victimizing events detailed in the statements,³⁴ it was found that 42.4 % of victims reported forced displacement, 25.2 % reported threats and 12.4 % reported homicide. Within the national context, forced displacement is also the most commonly reported victimizing event. However, there is an inverted trend concerning homicide and threats. This supports the identified relationship between emigration and victims seeking to protect their lives and integrity.

Figure 3. Victimizing events according to statements received from abroad



Source - National Information Network for Support and Reparation of Victims (RNI)
Based on: 71,549 victimizing events reported, within a total of 13,129 statements.

2. VICTIMS INCLUDED IN THE RUV

- Of the 25,386 individuals included in the RUV,³⁵ 82 % are recognized as victims of forced displacement; the second and third most commonly reported victimizing events are threats and homicide, respectively.³⁶

- Two out of every ten people included in the Registry have reported more than one victimizing event.

All of this is explored in greater detail below.

34 Individual statements may include more than one victimizing event, or one victimizing event that occurred more than once. However, this analysis takes only the first mention of any victimizing event into account. The objective is to discover which events are associated with victims' statements; the number of times these events occurred is to be examined later.

35 Of the 25,386 individuals included in the RUV, 96.5 % (24,522 people) are direct victims and 11.3 % (2,881 people) are indirect victims. The sum of these two groups is greater than the total number of individuals included in the RUV because 7.8 % of people are both direct and indirect victims. Indirect victims are only included if they have reported forced disappearance or homicide.

36 Furthermore, there are over 3,000 victims of the armed conflict who first submitted their applications to be included in the Registry between 2011 and 2019 in Colombia, and updated their information at some point while living abroad. Of this group, according to data from the RNI, 15 % made another statement after having left the country, which suggests that they were victimized again.

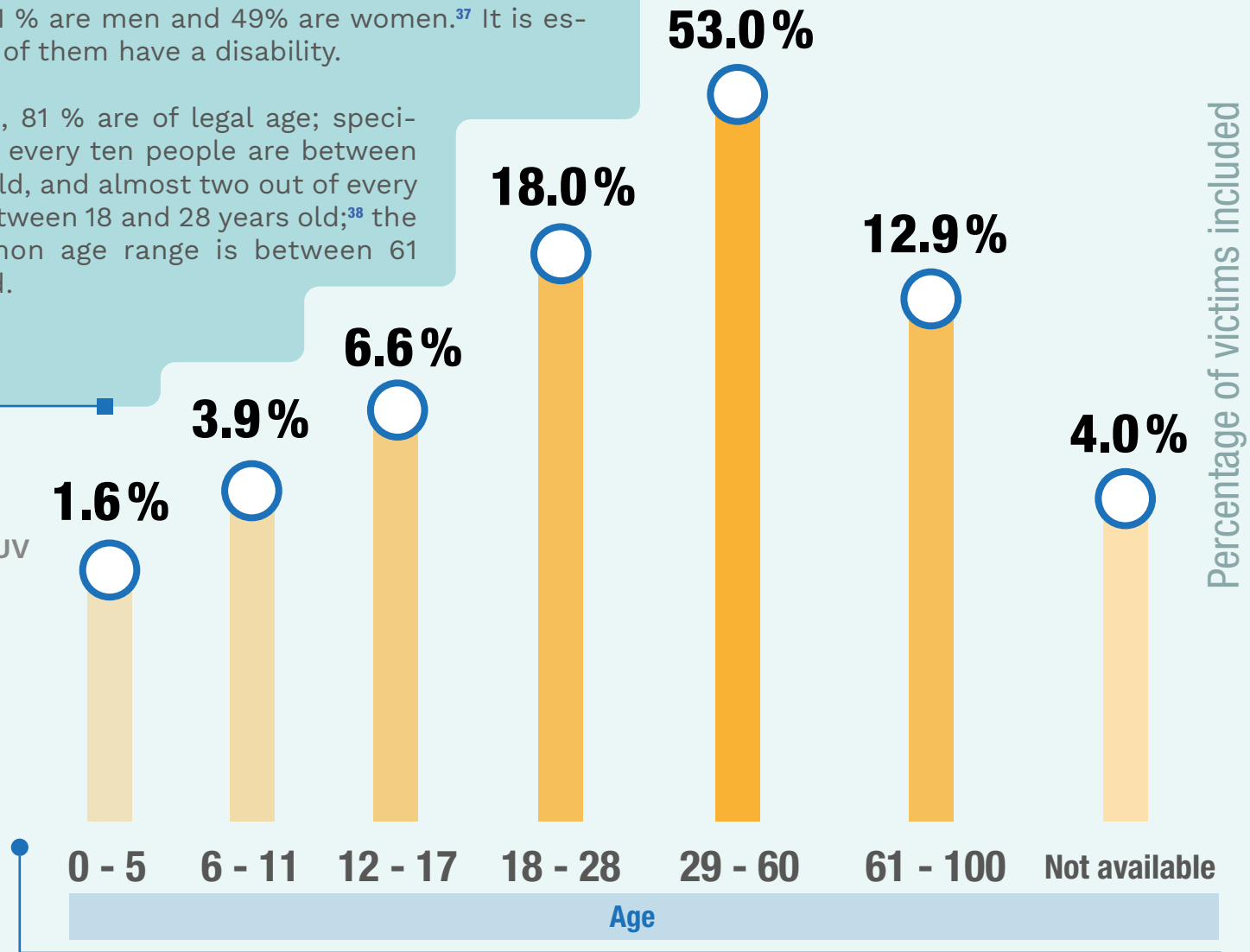


Sociodemographic Composition

Of the 25,386 individuals included in the RUV, identified as victims abroad, 51 % are men and 49% are women.³⁷ It is estimated that 11 % of them have a disability.

In terms of age, 81 % are of legal age; specifically, five out of every ten people are between 29 and 60 years old, and almost two out of every ten people are between 18 and 28 years old;³⁸ the next most common age range is between 61 and 100 years old.

Figure 4.
Current age of victims abroad included in the RUV



Source - National Information Network for Support and Reparation of Victims (RNI)
Based on: 25,386 individuals included in the RUV up until December 31, 2019.

CURRENT AGE

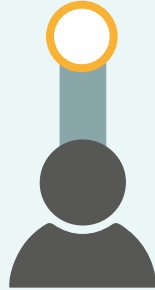
Percentage of victims included according to ethnic group

85.7%



None

11.1%



Black or Afro-Colombian

2.9%



Indigenous

0.1%



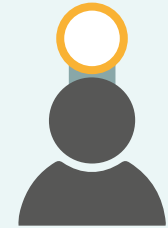
Raizal people from San Andres and Providencia

0.1%



Palenquero

0.1%



Roma Gypsies

ETHNIC GROUP

Figure 5. Victim identification by ethnic group

Additionally, 11% of the victim population identifies as black, mixed race (mulatto), or Afro-Colombian, and 3% as indigenous. Many of the victims who identify as part of an ethnic group are living in Ecuador, Chile and Panama, according to the findings of the profile conducted by the Unit for Victims and the Norwegian Refugee Council (2020).

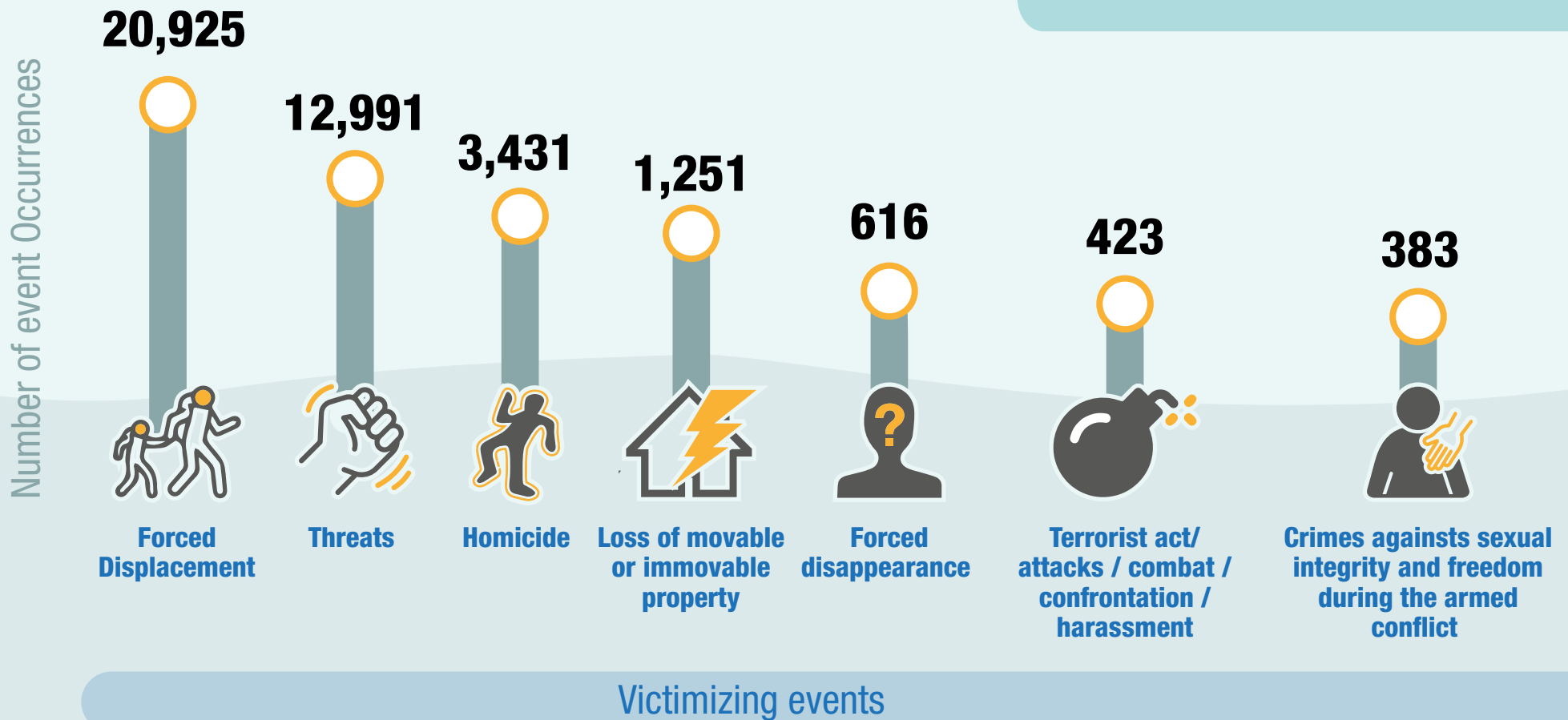
Source - National Information Network for Support and Comprehensive Reparation of Victims (RNI)
Based on: 25,386 individuals included in the RUV.

37 According to the available information, 0.28 % of the victim population identifies as lesbian, gay, bisexual, transexual or intersexual (LGBTI). However, these figures are not necessarily representative, since there is some conceptual confusion surrounding the categorization of LGBTI, as it mixes variables of sex with gender identity and sexual orientation.

38 The profile carried out by the Unit for Victims and the Norwegian Refugee Council has helped to identify that the victims within these age ranges have mostly completed primary and secondary (up to early years of high-school) education, and that the main difficulty they have faced in their host countries is a lack of economic opportunities, among other significant findings.

Victimizing events, frequency and years of occurrence

Figure 6. Occurrence of victimizing events

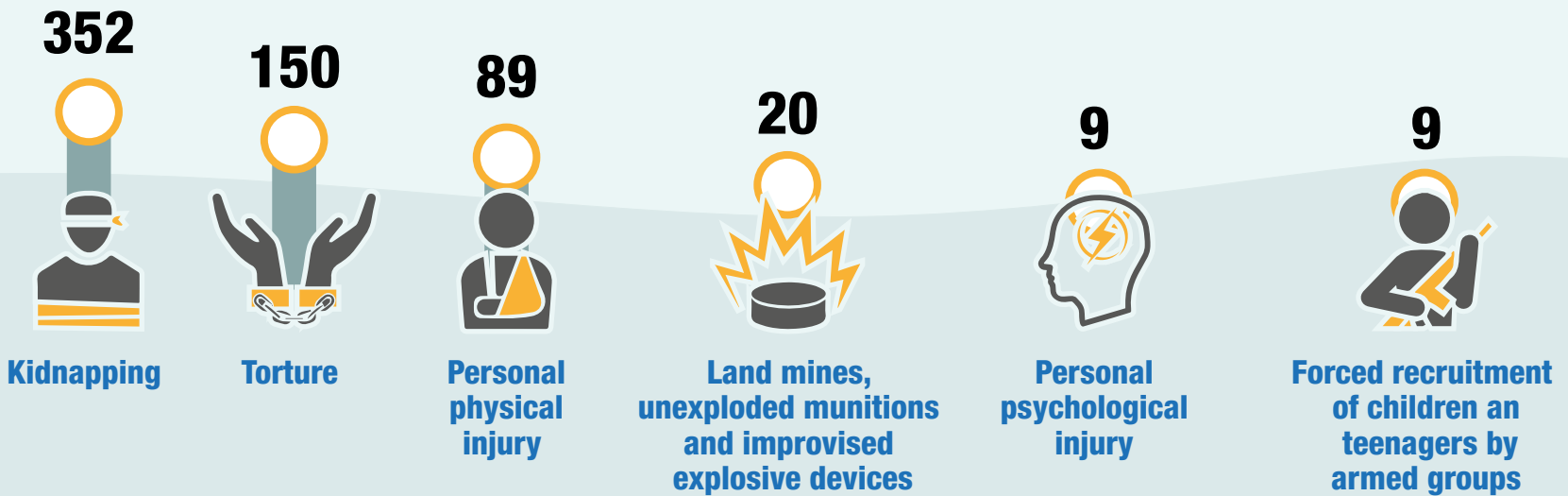


The magnitude of the conflict is reflected in the number of victimizing events experienced by victims, which amounts to 40,649 among the 25,386 individuals included in the RUV. Based on this information, 20,925 incidences

Source - National Information Network for Support and Reparation of Victims (RNI)

Based on: 40,649 victimizing events included in the RUV (this accounts for the number of times a specific form of victimization occurred).

of forced displacement were reported, along with 12,991 threats and 3,431 homicides, by victims who made their statements abroad. These figures thus demonstrate how certain individuals have faced more than one victimizing event, or the same victimizing event multiple times, at different moments.



Victimizing events



Significant peaks in the occurrence of the aforementioned victimizing events can be identified towards the end of the 20th century and the beginning of the 21st century, which coincides with periods of intensification of the armed conflict.

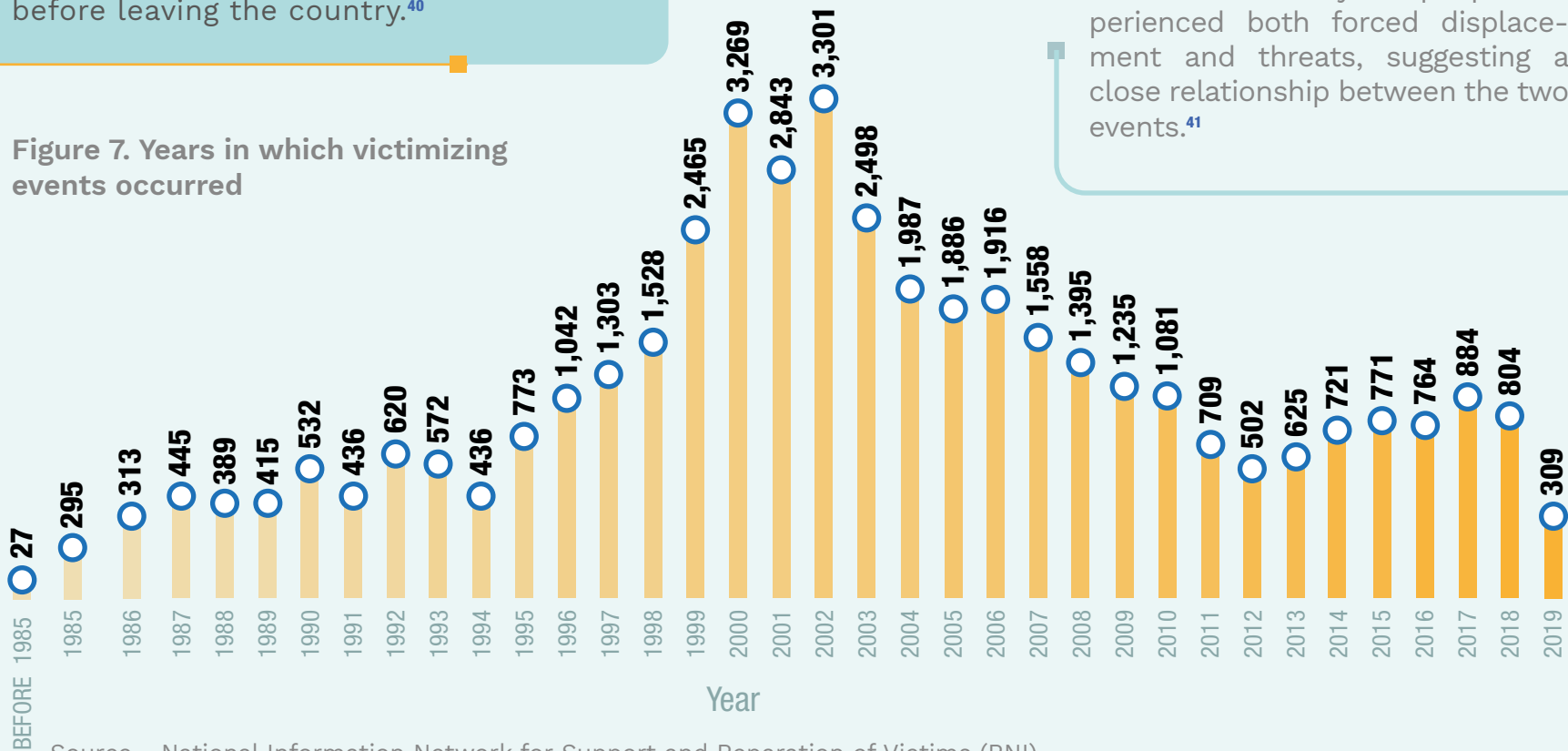
When looking at the occurrence of these victimizing events, one can see that 82 % of all victims included in the RUV experienced forced displacement; of this 82 %, approximately two in every ten people endured more than one experience of forced displacement.³⁹ According to the profile prepared by the Unit for Victims and the Norwegian Refugee Council (2020), many of the victims had been internally displaced before leaving the country.⁴⁰

Additionally, 51 % of the victims included in the RUV experienced threats; of this 51 %, one in every ten people endured multiple threats.

Five out of every ten people experienced both forced displacement and threats, suggesting a close relationship between the two events.⁴¹

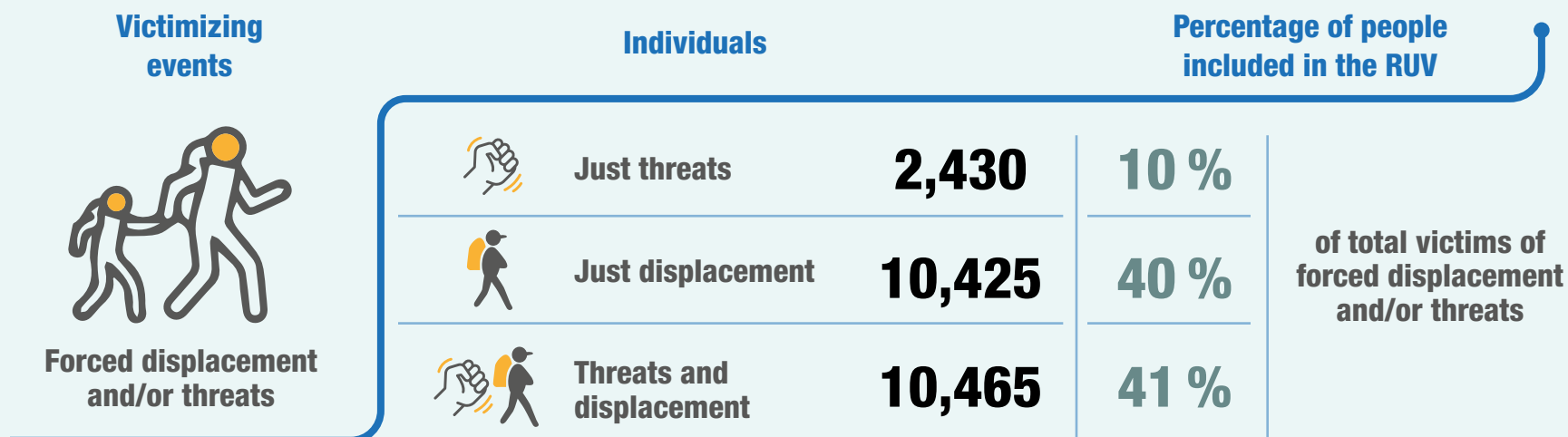
Number of Times Victimized Events Occurred

Figure 7. Years in which victimizing events occurred



Source - National Information Network for Support and Reparation of Victims (RNI)
Based on: 40,649 victimizing events (number of times victimizing events occurred)

Figure 8. Relationship between forced displacement and threats, based on information provided by victims abroad, included in the RUV



Source - National Information Network for Support and Reparation of Victims (RNI)

Based on: Statements from 25,386 people. However, this table does not include individuals who experienced victimizing events other than displacement or threats; this is why the percentages do not add up to 100 %.

When reviewing statements from the ten most common host countries, forced displacement was found to be the most frequent victimizing event experienced by victims in each country apart from the United States, in which threats were the most common.⁴²

39 Of the 25,386 victims abroad included in the RUV, 20,890 experienced forced displacement, of which 16 % endured this more than once. These displacements may have occurred within the same city (intra-urban displacement), within the same department (between municipalities) or between different departments.

40 According to the findings of the characterization analysis, 68 % of the 2,612 people interviewed for said study indicated that they had experienced at least one incidence of internal displacement before leaving the country.

41 Law 387 of 1997, Article 1: Forced Displaced Person “[...] a person who has been forced to migrate within the national territory, abandoning their place of residence or regular economic activities because their life, physical integrity, safety or personal freedom has been violated or directly threatened...”

42 Additionally, of the 25,386 victims included in the RUV, 11 % are indirect victims of the armed conflict; of these, 85 % are indirect victims of homicide and 15% are indirect victims of forced disappearance. When looking at the aforementioned top ten host countries and examining the regional statistics, the highest number of indirect victims of forced disappearance are shown to be in Europe.

Statistics based on the Single Registry of Victims (RUV) give a basic overview of the context in which victims suffered human rights or International Humanitarian Law violations, according to the statements given by victims abroad. These statistics do not include data concerning recognized victims in Colombia who left the country after being included in the RUV.

As mentioned in the previous chapter, and as will be analyzed in the next, it is possible that not all victims abroad have been counted and recognized by the RUV; nevertheless, this is the Colombian Government's official source for counting individuals who have been affected by the internal armed conflict, in order to offer them support, assistance and reparation measures, programs and projects.

In the next chapter, we will further explore the implications of victim recognition for those victims abroad, as well as examine effective access to rights and other components detailed in the Victims and Land Restitution Law as part of the process of comprehensive reparation.







»»

Chapter 3





SCOPE, CHALLENGES AND OPPORTUNITIES TO STRENGTHEN THE POLICY ON VICTIMS ABROAD



1. REFLECTIONS ON THE REGISTRATION OF VICTIMS ABROAD

The Single Registry of Victims (RUV, for its acronym in Spanish) is the Colombian State's mechanism for registering the victims of the internal armed conflict. Regarding the scope, challenges and opportunities of improvement vis-à-vis this component of the public policy abroad, the assessment must be made on two fronts: first, does the registry accurately reflect the number of victims of the armed conflict who were forced to emigrate? Second, how effective has the taking of statements abroad been?

As mentioned in previous chapters, the statements taken in all consulates around the world between 2012 and December 31, 2019 have allowed for the inclusion of 25,386 victims abroad into the RUV. The fact that the Colombian State currently has access to the data of thousands of people who have had to emigrate because or in the context of the armed conflict, constitutes a significant milestone towards its goal to shed light on the effects of the conflict beyond its borders. It has also paved the way for the comprehensive reparation of individuals entitled to rights under Colombian law, which is simultaneously a cornerstone for peacebuilding.

In addition to collecting data on the gender, age, ethnic group and countries of destination of the victims of the armed conflict—information that is pivotal to the application of the public policy—the Registry also serves as a source of information that contributes to a better understanding of the dynamics of the armed conflict, a conflict that has tormented the Colombian population throughout different eras of the country's history.

The statements given by the victims have made it possible to confirm that forced displacement is the victimizing event that has had the most serious impact on Colombian citizens. This event has affected millions of individuals who were forced to move within the territory, and thousands who saw leaving the country as the only option to protect their lives and safeguard their integrity or that of their family members.

The statements made abroad have further uncovered that five out of every ten victims have endured both threats and forced displacement, showing a close link between both events, and reaffirming the adverse conditions under which many Colombians were forced to emigrate.

Said statements made abroad involve other victimizing events under the framework of the Victims and Land Restitution Law, such as homicide, forced disappearance, loss of movable or immovable property, crimes against freedom and sexual inviolability, kidnapping and forced recruitment of children and adolescents. These have all shed light on the broad range of human rights violations endured by Colombians as a result of the violence.



Despite the importance of the RUV and the taking of statements abroad to acknowledge the situation of victims of the armed conflict who are living abroad, multiple sectors have expressed their concern on what they have identified as a legal gap of Law 1448 and its regulatory decrees. Said gap refers to the fact that forced displacement beyond borders has not been recognized as a specific form of victimization, but instead has been grouped with displacement within the country prior to the emigration process.

The sources consulted⁴³ agree that recognizing “cross-border displacement or forced migration as a self-standing victimizing event is essential to understand the type and magnitude of the damages that are clearly subject

to reparations. This, however, is a legal gap in Colombia» (CODHES, 2017, p. 23 - in Spanish).

Paragraph 2 of Article 60 of Law 1448 reinforces the definition of forced displacement that has been applied as of the issuance of Law 387 of 1997. It states that “a victim of forced displacement is any person that has been forced to migrate within the national territory.” Furthermore, jurisprudence encompasses Decision T-227 / 1997 issued by the Constitutional Court, which states that “the coercion that makes it necessary for them to move as well as remaining within the borders of their own country” are the two elements that characterize internal displacement victims.⁴⁴

In this context, certain sources have criticized the regulatory framework in place by pointing out that leaving the country as a result of the conflict must be expressly recognized. Indeed, this has specific implications linked to exile or uprooting experiences,⁴⁵ that are not acknowledged in any other event, and it involves exposure to new vulnerabilities in the process of seeking protection in another country, among other challenges. According to Baigorria & Arrieta (2018), “[n]o other type of victimizing event encompasses, in a strict sense, international forced displacement” (p. 85 – in Spanish).

Settling this disagreement concerning the recognition of the victims of the armed conflict who have left the country, as well as obtaining greater conceptual clarity of Colombian regulations in order to identify the conditions inherent in displacement abroad, must be the goal of policy reforms. This will enable the full reparation of victims and a greater consonance of Law 1448 with the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, which includes exiles and refugees from the armed conflict as part of the victims abroad.



Iranzo & Loudior (2018) provide insights into reconciling the languages that have fueled the social debate regarding the victims of the “Colombian diaspora.”

“‘Exiles,’ ‘refugees,’ ‘forced migrants,’ ‘victims abroad,’ ‘cross-border forced displaced population’ are debated terms and concepts due to their semantic margins as well as their political recognition within the country’s transition context. Their strained use in peace-related discourse by multiple agents in the process highlights the need to step back and analyze the concepts at play in order to achieve understanding” (p. 17 - in Spanish).

The authors’ analysis points out that in institutional language, victims abroad and refugees are the most relevant because they are directly linked to the existing regulatory framework;⁴⁶ However, other terms also have value in that they are linked to other forms of recognition and

because they help understand the “paths of the diaspora” (p. 18 – in Spanish).⁴⁷

This context underlines the importance of reevaluating the scope and the social and legal implications of the official language with which part of the armed conflict’s victims have been recognized. Nevertheless, the Unit for Victims, when assessing the statements made abroad, has applied criteria that favor a broader understanding of forced

43 Refer to *Cruzando la frontera: Memorias del Éxodo hacia Venezuela. El caso del Río Arauca* (National Center for Historical Memory, 2015); *Víctimas en el exterior, población exiliada y refugiada: Garantías para los derechos en el marco de la implementación del acuerdo de paz entre el gobierno de Colombia y las Farc-Ep*. Incidence Paper No. 10 (Consultancy for Human Rights and Displacement -CODHES, 2017); *Entre la guerra y la paz: los lugares de la diáspora colombiana*, (Iranzo and Loudior, 2018); Comprehensive Participation Process. Ministry of the Interior. Group of Internal Public Policy Coordination for the Armed Conflict’s Victims (2017).

44 This, along with Article 1 of Law 387 of 1997 and, under international law, the Guiding Principles on Internal Displacement and Article 17 of Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-international Armed Conflicts, constitute the regulatory framework used by the Government of Colombia to assess the inclusion of forced displacement victims in the Single Registry of Victims.

45 “Uprooting means losing all your belongings, letting go of everything you love, of the everyday spaces you have built piece by piece, from a family, social and work perspective” (Association of Refugees, Exiles and Migrant Women, 2019, p. 38 - in Spanish).

46 In addition to Law 1448 and the Final Agreement, this regulatory framework is also related to International Refugee Law, which includes the Geneva Convention of 1951 and its 1967 Protocol, as well as the Cartagena Declaration of 1984.

47 As for the practical implications of the official language, Iranzo & Loudior point out that the peace model (including Law 1448 of 2011 as one of its regulatory instruments), “loses part of its meaning when trying to integrate the diaspora, thus creating political and judicial issues” that must be addressed and approached in a transitional scenario. The authors claim that the right to reparation is one of the aspects affected by the foregoing, since the laws of Colombia do not specifically recognize crossing the border as victimization *per se*.

displacement. As mentioned by CODHES (2017), the Unit for Victims applies the following concepts when evaluating statements received from abroad:


“movements within the so-called invisible borders or the displacement of binational peoples [...],” “movements to another State resulting from asylum or refugee applications or other similar status [...],” “movements due to safety reasons: these occur whenever the person is in imminent danger and the only way to safeguard their life is by migrating to another country [...],” and “cross-border displacement which is characterized, in most cases, by displacements in transit” (p. 23 and p. 24 - in Spanish).

This has meant that most of the people making these statements from abroad have been included in the RUV, based on this victimizing event. This assessment, in line with the laws in force, has also detected that displacement abroad is usually preceded by at least one internal displacement, and in certain cases, two or more internal displacements, as confirmed in the profile conducted by the Unit for Victims and the Norwegian Refugee Council.⁴⁸

Beyond the challenges linked to recognition allowed by the current regulatory framework, when it comes to the magnitude of victims abroad, both the report mentioned above and other analyses containing records of moving populations admit that there is no figure encompassing the entire universe of people who have crossed the borders of their country in order to safeguard their life. Mistrust in institutions, the fear of suffering victimizing events again or the lack of awareness of their rights are all factors that have influenced victims into deciding not to reach out to institutions. Specifically, regarding individuals who have sought refuge abroad, Sanchez (2018) states: “The fear of being deported and the lack of awareness of their rights have made part of this population invisible” (p. 53 - in Spanish).


In the Colombian context the profile confirms that even though a significant number of victims have given their statements to the Colombian State, almost two out of every ten victims have refrained from doing so, mainly for lack of information or fear. From this perspective, the RUV has managed to shed some light on part of the universe of victims abroad. However, due to factors mentioned above, it cannot fully reflect the entire population of victims that have emigrated.⁴⁹

Another statistic that serves as a significant point of reference regarding the magnitude of victims of the armed conflict is the one issued each year by the United Nations High Commissioner for Refugees



(UNHCR) on Colombian refugees. As previously indicated, according to the latest report in 2019, the number of Colombian refugees worldwide was estimated at 189,454.

Although there is a difference between the latter and the figures of the Single Registry of Victims, it is important to look at these figures within their context, as argued in this report and in the profile prepared by the Unit for Victims and the NRC. In other words, it must be understood that each figure is reached according to the regulatory framework applicable for each case. Considering the different causes that could lead to refugee status (Cartagena Declaration of 1984), not all of the armed conflict's victims abroad are refugees, and not all Colombian refugees are victims of the armed conflict.



48 Of the 2,161 victims interviewed who were subjected to forced displacement, 68 % declared that they had suffered internal displacement prior to leaving Colombia; furthermore, the displacements took place in one or more municipalities in Colombia (Unit for Victims and Norwegian Refugee Council, 2020).

49 As stated also by the victims interviewed for this report, there are personal reasons that lead a person to refrain from giving a statement, such as their own interpretation of the meaning of reparations.

On the effectiveness of taking statements abroad:

Notwithstanding the scope defined above, the taking of statements abroad has met with multiple challenges. According to the 20th Report to Congress by the Office of the Ombudsperson in 2013, in late 2012 (the year in which the registration of victims began) the procedures for taking statements abroad were unclear.

Indeed, as confirmed by members of the Group for the Support of Victims Abroad of the Unit for Victims, and the Helpdesk for Victims Abroad of the Internal Work Group Responsible for Providing Assistance to Colombian Nationals attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Ministry of Foreign Affairs, there was an initial delay in defining the mechanisms to take statements, and there were certain limitations that hindered the dissemination of the law and inter-institutional coordination.

These challenges were gradually addressed by Colombian institutions, achieving a significant increase in the taking of statements abroad between 2012 and 2015, which may be partially explained by the training provided by the Unit for Victims to all consulates, in coordination with the Ministry of Foreign Affairs, to provide information to the officials responsible for support, assistance and comprehensive reparation of the victims abroad, as well as in the use of the digital application that was adapted to make the statement online.⁵⁰

These actions were bolstered by communication strategies to disseminate Law 1448 abroad. Said strategies combined the use of traditional media with face-to-face sessions, which were possible thanks to the annual commemoration held on April 9 – National Day of Remembrance and Solidarity with the Victims of the Conflict – the citizen fairs organized by the consulates, and the support sessions coordinated by the Unit for Victims and the Ministry of Foreign Affairs in different countries.⁵¹ The above also made 2017 the year



with highest number of statements made abroad, as of the creation of this process (see Figure 1. Number of statements made abroad, per year).⁵²

Since then, the number of statements given abroad has been steadily decreasing. The consular agents interviewed for this assessment explain that even though people keep coming to make their statements, currently most of the queries they receive have to do with victims who are following up on their compensation process, and in some cases, land restitution processes.

Furthermore, and considering that most of the statements received have involved events that took place prior to 2011, the officials of the Group for the Support of Victims

Abroad of the Unit for Victims have estimated that the number of requests made abroad to be included in the RUV will remain stable, if the country's circumstances stay the same.

Even though the State's concrete actions have allowed tackling a few of the difficulties that initially affected the effectiveness of taking statements abroad, the interviews conducted for this report as well as the findings of the profile that resulted from the characterization analysis suggest that there is still much work to be done towards building trust, as well as consolidating assertive and timely forms of communication between institutions and victims.⁵³



- 50** Initially the statements were made in writing and sent via diplomatic bag to Colombia for their corresponding assessment by the Unit for Victims. The transition towards online statements in the first half of 2013 boosted the effectiveness of taking statements, as reflected in the number of statements and confirmed by the officers of the mentioned entities. As stated in Chapter II herein, the online application for making statements abroad was adapted by the Unit for Victims from the online application used to take statements locally.
- 51** The face-to-face victim support sessions were created in 2015 as an initiative of the Unit for Victims and the Norwegian Refugee Council, in coordination with the Ministry of Foreign Affairs, to facilitate making statements abroad. One of the criteria used to organize the sessions was that they take place in locations other than the consulates so that the administration may reach areas that are more accessible to the victims, different from the location of the consulates. However, and in accordance with the law, only consular agents can take the statements.
- 52** Regarding the peak figures in 2015 and 2017, it is also important to refer to Circular Letter 0008 dated May 19, 2015, whereby the Unit for Victims recognizes “the factual circumstances” affecting the initial taking of statements abroad. This is why, under the principle of equality, the deadline for making statements in Consulates “for events that transpired between January 1, 1985 and June 10, 2011 (the date of enactment of Law 1448 of 2011) was set four (4) years as of June 10, 2013. In other words, the statements had to be made before June 10, 2017. As for victimizing events that took place after June 10, 2011, the deadline to make the statements in Consulates would be two (2) years from the occurrence of the events, provided that the event occurred after June 10, 2013. It should be clarified that if the event occurred between June 10, 2011 and June 10, 2013, the 2-year period will be counted as of June 10, 2013.” Furthermore, the victims who failed to make their statements before said deadlines, according to Article 155 of Law 1448, can still make their statements explaining the force majeure reasons that prevented them from making their statement earlier.
- 53** Some victims interviewed said that although they had positive experiences in some consulates, in others the officials did not provide accurate information or their attitude did not make victims feel respected, which failed to instill the trust they needed to make their statement. Furthermore, regarding communications, the profile on victims abroad found that most of the surveyed victims were aware that making the statements was part of the process in order to gain access to support, assistance and reparation measures. However, five out of every ten victims surveyed who had not issued their statement said that they had not done so because they were not aware of this possibility.

2. THE COLOMBIAN STATE ABROAD AND ITS DIALOGUE WITH CITIZENS

Although the law states that the Ministry of Foreign Affairs is responsible for providing support and guidance to its citizens abroad, it has been observed over the nine years of implementation of the law that in order to achieve a more effective, coherent and dignified dialogue with the victims, inter-institutional participation and coordination are essential.

One of the main obstacles preventing access to the measures of Law 1448 is the lack of dissemination of clear and accurate information regarding said law and the absence of a pathway or a public and official protocol guiding the way in which the victims can effectively benefit from the reparation measures therein contained.

This was expressed by the Colombian Commission of Jurists in 2013 in their presentation on the status of the implementation of the Victims Law, two years after its enactment.⁵⁴

From an institutional perspective, one of the attempts at bridging the gap in communication has been by creating pathways for victim support defined by the Unit for Victims in coordination with the Ministry of Foreign Affairs. This ensures that both the victims and the institutions involved are aware of the measures to which victims abroad are entitled and the procedure to be followed.

Furthermore, the joint and internal trainings have sought to better prepare the officials in both procedural aspects and sensitization in their approach to working with victims of the armed conflict. As mentioned by the Helpdesk for Victims Abroad



attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Ministry of Foreign Affairs,⁵⁵ the current onboarding plan for agents appointed as external staff of the Ministry includes a component that focuses on these aspects.

Likewise, the Unit for Victims has organized annual training sessions over the last five years in all 120 consulates worldwide. In 2019 it set up an online course with a view to reinforcing the knowledge of officers abroad and facilitating their access to information concerning the pathway for victim support.⁵⁶

All of the above has helped build trust, but despite these efforts, there is still room for improvement.⁵⁷ The victims interviewed for this report have different opinions on the support they have received by institutions: while some point out the evident improvement in

the clarity of the information and the treatment afforded to the victims, others state that greater sensitivity is still needed.

The engagement of specialized personnel by certain consulates to work with the victims, e.g. social workers, psychologists or human rights specialists, has been one of the good practices that has made institutional response more effective. In the concrete cases of the consulates in Tulcan, Esmeraldas and Quito (Ecuador), San Jose de Costa Rica (Costa Rica), New York (U.S.A.), and Barcelona and Valencia (Spain),⁵⁸

54 This same commission expressed their concern regarding the fact that the victims had the burden of having to search for themselves the implications that the law could have on their legal migration status. The Colombian State has made a point of communicating, in its orientations to victims abroad, that because the Victims and Land Restitution Law encompasses a reparation policy, it should not affect the protection provided by another State, considering that such protection is part of the legal framework that international refugee law defines.

55 The interview took place on December 4, 2019.

56 Some of the sources consulted have pointed to staff turnover at consulates as an element that has affected the consistency in the communications with the victims. In this context the training sessions and support tools created to facilitate the agents' training and transition processes become relevant.

57 Throughout the second semester of 2020 further improvement was made thanks to different projects that were carried out on issues that affect victims' well-being and local integration in host countries. Thanks to a joint effort that brought together nine consulates in seven countries, the Unit for Victims and the non-governmental organization RET Americas, these projects focused on topics ranging from capacity building for victims (i.e. language training) to emotional recovery processes.

58 Sources within the Helpdesk for Victims Abroad attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Ministry of Foreign Affairs have stated that the engagement of counselors was intended to take place in 2020 in Tulcan, Esmeraldas, Nueva Loja and Quito (Ecuador); San José de Costa Rica, New York (U.S.A.), Montreal (Canada), Valencia, Madrid and Barcelona (Spain) and Maracaibo, Caracas and Barinas (Venezuela). Although the Ministry does not have a consulate in the latter, it provides other professional services to support Colombian nationals.

their staff now includes victim counselors. In other cases, consulates have engaged social workers whose tasks include providing support to the victims.⁵⁹

One operational aspect that also influences the quality of the support provided is the level of efficiency in the exchange of information among institutions. Consulates, in addition to taking statements and forwarding the notices issued by the Unit for Victims to the victims, must also handle daily consultations and queries that cannot be answered quickly simply because they do not possess the relevant information.⁶⁰ Therefore, this area represents an opportunity for improvement in the tools that will help consulates inform the victims of their ongoing processes with the Unit for Victims and the Land Restitution Unit.⁶¹

Finally, the interviews conducted to prepare this report frequently indicated how important it is for the victims to feel that they are being heard and taken into account, and that agents have a collaborative attitude rather than simply trying to complete a procedure. Likewise, that there be an openness towards proposals that may accomplish a greater rapprochement of the Colombian State to the victims regardless of their geographical location.⁶²

In all of the foregoing contexts, victim support may be interpreted as a dialogue that involves multiple institutions and participants, and its effect is pivotal towards bridging the communication gaps that have affected the scope of the public policy on victims abroad.



3. QUALITY OF LIFE: ECONOMIC, SOCIAL AND CULTURAL RIGHTS BEYOND BORDERS

From the perspective of the assistance measures defined in Law 1448, the main limitation to their application abroad is that the Colombian State can only provide said assistance within its own territory. Under the principle of co-responsibility enshrined in the law, local regional entities and national Ministries are

- 59** In terms of public policy, these findings show that consulates require ongoing support in their sensitization and preparedness processes for working with citizens from populations that require special care. This is the case of the victims of the armed conflict, which include diverse individuals and groups in terms of ethnicity, race, gender, sexual orientation and level of education, among others. This support requires consistent and constant resources, such as those supplied by the Ministry's investment project since 2015 for engaging staff and organizing activities that permit consulates to continue strengthening trust in their dialogue with victims.
- 60** As mentioned by a few agents of the Ministry's external staff, many victims are forced to travel long distances to personally visit the consulates in search of a concrete answer on the status of their processes. However, consulates do not currently have direct access to that information and must wait for the response of the institutions responsible for said processes.
- 61** The creation of specialized groups focused on providing support to victims abroad has also been one of the good institutional practices that has bolstered the exchange of information and monitoring of processes and procedures.
- 62** Some of the women leaders interviewed stated that during events such as the National Day of Remembrance and Solidarity with the Victims of the Conflict, or even in matters relating to providing victim support, and based on their experience with victims' organizations, they have submitted proposals to the consulates. In this regard they stated that even if their proposals are not always feasible, they at least expect the institutions to take them into account and be willing to hear them out.

accountable for providing the services that will be conducive to the socioeconomic stabilization of the victims.

Due to the foregoing, the State's assistance measures in place for Colombian victims of the armed conflict abroad are mainly: issuing the national identity card or a copy of the identity document⁶³ and the military passbook for men between the ages 18 and 49 who require it, free of charge only once. There are also other services, such as the organization of online education courses and aid towards purchasing a house in Colombia, even while living abroad.⁶⁴

The measures intend to facilitate access to the documentation needed so that a citizen abroad may carry out different procedures, train for a job or secure a house in Colombia as part of their life project.⁶⁵ However, the reality of the living conditions abroad reveals the importance of implementing and strengthening public policy mechanisms that will help the Colombian State carry out more concrete actions vis-à-vis the aid given to victims abroad to improve their quality of life.

According to the profile prepared by the Unit for Victims and the Norwegian Refugee Council, eight out of ten people have difficulties in their host country mainly due to a lack of economic opportunities.⁶⁶ Some of the reasons for these difficulties include the lack of proper documentation or other requirements, as well as discrimination against Colombian immigrants.

According to the findings of said characterization analysis, a significant percentage of unemployed individuals or individuals with informal employment in their host countries only completed primary or secondary (up to early years of high school) education; this was observed in most of the cases analyzed.⁶⁷ The difficulties in finding employment contrast with their situation prior to leaving the country, in which 43 % were independent workers and 24 % were formally employed.

Considering that the goals of the assistance measures set in Law 1448 mean to help victims overcome the vulnerability conditions caused by the armed conflict and ensure the full enjoyment of their citizenship rights, providing education towards employment stands out as a major opportunity in terms of public policy actions to be implemented by the Colombian State in favor of the victims abroad.



In more structural terms, State policies on refugees establish that even though the act of seeking refugee status in another country could constitute a separation from the State of origin (from where they migrated), said State may still endeavor to ensure the welfare of its citizens.

By definition, refugee status means breaking the bond between the person and the State initially responsible for their protection. This, however, does not prevent said State from recognizing certain rights or even redressing the persons and groups who were forced to flee the territory... Therefore, in light of their inability to fully protect them, it is reasonable for the country of origin of the refugees to cooperate with the countries that are hosting them by allocating resources for their subsistence and developing joint plans to improve their quality of life (Sanchez, 2018, p. 67 - in Spanish).

The leaders of a few victims' organizations consulted agree with this position. According to them, although it is understandable that the Co-

lombian institutions responsible for ensuring people's safety and social welfare are restricted when it comes to providing these services abroad, it is important that the political agenda foster cooperation between States and with other entities to assist and secure the victims' welfare.

- 63** Despite this, the passport is the most suitable identification document for these individuals once they are abroad. Victims have not been exempted from paying for the issuance of this document.
- 64** These measures are laid out in the official document titled *Orientaciones generales para los colombianos víctimas que están en el exterior* (General Guidelines for Colombian Victims Abroad) (Unit for Victims, 2020 - in Spanish). It is important to underline that the assistance given for the last two aspects (online education and purchase of housing) were conceived for all Colombian citizens abroad, including victims.
- 65** Based on the interviews conducted with the victims, evidently, these assistance measures need greater dissemination. Moreover, Colombian institutions have procedures that need to be reinforced as well, in terms of clarifying how the victims of the armed conflict may access them. This means fine-tuning inter-institutional coordination and adapting online platforms, for instance, that will allow for clear communications and greater expediency in the procedures carried out abroad. Although there is also a segment of the population that does not have the means and the possibilities of making online queries and consultations, it would help the consulates to be able to rely on concrete information from the websites of institutions responsible for providing specific assistance to the victims, thus making it possible for the consulate to provide proper guidance. The National Army is one of the entities that, at the time of drafting this document, was adapting its website to enable the issuance of the military passbook abroad.
- 66** 83 % of the 2,612 victims interviewed to prepare the profile declared having difficulties engaging in an economic activity. Furthermore, nine out of every ten people reported living with insufficient resources.
- 67** Among individuals who declared being unemployed or employed under informal conditions, 68 % had completed primary or secondary (up to the first years of high school) education.

Victims' leaders and academic sources consulted agree that this is paramount, especially when dealing with people living in more vulnerable contexts, especially on the borders between Colombia and neighboring countries⁶⁸ such as Ecuador, Venezuela, and Panamá.

In addition to the precarious socioeconomic situation of many of those who were forced to emigrate, most of them find themselves unable to fully exercise their fundamental rights due to stigmatization or mistrust towards them. This was pointed out by Sanchez, quoting CODHES 2011:

The rapid increase of this population, along with the link established between their presence and the rising conflicts in border areas, has led to discriminatory actions that hinder their effective access to rights such as healthcare, dignified jobs and suitable housing (Sanchez, 2018, p. 53 - in Spanish).

In addition to employment, a few sources emphasize that the services most needed by the victims abroad are healthcare, housing and education.⁶⁹ Based on the profile prepared by the Unit for Victims and the Norwegian Refugee Council, it was observed that the population, with more or less difficulty, has gained access to the first two services in their host countries.⁷⁰

In the first case, the fact that two out of the ten people interviewed stated having no access to healthcare is a significant red flag regarding their access to a fundamental right in their host country. This, in addition to the fact that five out of ten people declared having difficulties to access housing, in particular due to the lack of eco-

nomical resources, only confirms some of the risks faced by this population.

As for education, the characterization analysis found that seven out of ten people are not currently studying.⁷¹ Considering that most of the analyzed population had completed no more than secondary education (up to the first years of high school) prior to leaving the country and that they are in the productive age group, the low level of studies they continue to have in their host country shows the educational gap that may be affecting their access to employment, and therefore to better living conditions.

This situation is aggravated for individuals whose migration status is irregular. According to the profile, seven out of ten individuals surveyed formalized their migration status, either



temporarily or permanently. Among these, 74 % had applied for asylum in their host country, half of which had already been granted refugee status and others were still waiting.⁷²

Bringing some of these characteristics to the forefront, along with certain contributions made by scholars, allows identifying which aspects are susceptible to public policy decisions that will help improve the living conditions of victims abroad.

Although access to healthcare and, in general, to social, economic and cultural rights abroad mainly relies on the guarantees provided by the host countries, it is important that the Colombian State continue to adjust its own mechanisms in order to broaden its scope of action. Indeed, this will allow for greater equality in the application of the assistance measures of Law 1448 of 2011.

- 68** As mentioned by the different sources, the victim population that has emigrated abroad is a heterogeneous population, most of which is located in neighboring countries; those who are living in bordering countries encounter specific difficulties. Whenever they do not formally apply for refugee status, whether due to fear of being deported or to other complications, this prevents them from being fully protected.
- 69** This was one of the conclusions of the Comprehensive Participation Process after the signing of the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, according to the Group of Internal Public Policy Coordination for the Armed Conflict's Victims of the Ministry of the Interior (May 2017).
- 70** 77 % of the 2,612 people surveyed live in a house or apartment, 19 % in a single room, and 4 % in tenement houses. 77 % also stated having healthcare coverage.
- 71** Those who are studying are mostly individuals who already had higher education-level studies prior to leaving Colombia.
- 72** Ideally, obtaining refugee status translates into a better chance to access education, housing, healthcare and employment under the same conditions as those afforded to the citizens of the host country, or at least under the same conditions as Colombian nationals whose migration status has been solved. However, for individuals who have not formally applied for asylum and are not covered under any other formal status, their irregular migration status interferes with their access to rights and exposes them to situations that endanger their life and integrity.

Support networks and sources of assistance

Humanitarian assistance provided by the Colombian State is specifically granted to the victims of forced displacement. As with other assistance measures, these are only granted within the national territory.⁷³

Based on the foregoing, this section will analyze alternatives available to individuals and families who were forced to emigrate and find themselves in diverse vulnerability conditions requiring humanitarian assistance and support; it will also lay out what the information available suggests concerning the strengthening of public policies in this area.

According to the profile prepared by the Unit for Victims and the Norwegian Refugee Council (2020), three out of ten citizens abroad have received assistance in their host country. The aid they have received as immigrants and victims of the Colombian armed conflict mainly comes from NGOs, international organizations and local governments, in that order.



In cases in which people have been aided by the local government, said aid has been given in greater proportion to those who have a refugee status or a limited stay visa, but considerably less to those who do not have leave to remain. This highlights the importance of organizations involved in humanitarian work in this area.⁷⁴

It is also worth noting that along with the aid received from the above-mentioned sources, different forms of social organization have also channeled aid. Although the profile showed low levels of social organization,⁷⁵ there are victims who play a role in this regard mainly through religious and human rights organizations and charities.⁷⁶

Moreover, there are support networks created by organizations of victims abroad, which work and cooperate with other humanitarian organizations to meet some of the basic needs of those who require it the most.⁷⁷ The leaders interviewed in Ecuador, Venezuela, Argentina, and the United States spoke of these activities, which are especially necessary for individuals who have not formalized their migration status.

- 73** This measure is included in the return process assisted by the State. Its application, for the victims of forced displacement who have requested said assistance, entails the following: “if necessary, the Unit for Victims will procure humanitarian aid, either in cash or in kind. This temporary measure seeks to provide the minimum subsistence elements they are lacking upon their return to Colombia, in terms of temporary accommodation and food” (Unit for Victims, Guidelines for Colombian Victims regarding Law 1448 of 2011 and its implementation abroad, 2020 – in Spanish).
- 74** From a perspective of fulfilling minimum food and accommodation needs, humanitarian aid has been key, especially for a population with limited socioeconomic capabilities, namely people in host countries that face institutional and economic limitations. This is the case in Colombia’s borders, although it also occurs in other countries in the region. In this context, the participation of NGOs or international organizations is essential to bridge institutional gaps or limitations, both in the host country and in the country they were forced to leave – in this case, Colombia.
- 75** 12 % of the 2,612 people surveyed for the profile on victims abroad were associated to some type of social organization abroad.
- 76** This means that among the victims there are people actively participating to provide assistance to those in need. The interviews with the victims show that the type of activism in which they are involved is usually focused on helping other victims or other Colombians with specific needs in their process of adapting to and integrating into the host country.
- 77** As for the support networks made up of closer circles, such as friends, families and other acquaintances, the findings of the characterization analysis show that almost six out of every ten people declare being able to recur to someone in their city of residence. On the other hand, two out of every ten people stated having no one to turn to for help.

Even though the Colombian State has not defined specific mechanisms for providing humanitarian assistance or aid abroad, it has not been completely absent. The interviews show that certain consulates, considering the array of wants and vulnerabilities displayed by Colombians in their jurisdiction, have looked for ways to forge alliances with humanitarian organizations that may assist those in need. The agents of the Unit for Victims and the Ministry of Foreign Affairs have seen these realities during the sessions held for providing victim support and have therefore appealed to organizations in a position to help.⁷⁸



In terms of public policy, all of the above underlines that although the Colombian State currently does not have mechanisms⁷⁹ in place to broaden the scope of the measures to provide assistance for victims abroad, the reality is that there are many Colombians with multiple wants and vulnerabilities, which means that their subsistence, dignity and integrity are at risk.

There is therefore no doubt as to the importance of forging alliances abroad between the State and different entities in order for it to provide assistance to those who need it. Maintaining a constant, open dialogue with victims', nonprofit and international organizations is a step in the right direction, which must be fostered and reinforced.



4. PUBLIC HEALTH: THE IMPORTANCE OF PSYCHOSOCIAL AWARENESS

Enduring human rights violations, such as forced displacement, forced disappearance, kidnapping, homicide, sexual violence, and persecution due to sexual orientation, political opinion, or race, has had serious consequences on the mental and emotional health of those affected. According to testimonials of the victims interviewed for this report, people find ways to cope, survive and overcome these experiences. However, this does not justify turning a blind eye to the fact that the path they must travel is full of hardship and will have an impact on many aspects of their life.⁸⁰

78 This aid has strongly focused on psychosocial more than on socioeconomic support, which has had a positive impact despite the limitations that come with short-term assistance. For instance, the international nonprofit organization HIAS has been an important player in the support network for Colombians victims of the armed conflict who are living abroad in neighboring countries. As this report will explain later on, psychosocial support is a priority and is essential to the victims.

79 Although the infrastructure for providing aid abroad is not in place as it is in Colombia, progress has been made in some respects. For example, in 2020, through an alliance between the Unit for Victims and the Norwegian Refugee Council, both entities provided humanitarian aid to victims abroad who were in an increased situation of vulnerability due to the Covid-19 pandemic. This help reached victims in Ecuador and Panamá, two of the countries where most needs were identified.

80 During the interviews with victims in different countries, as well as with the officials of the Helpdesk for Victims Abroad attached to the Directorate for Migratory and Consular Affairs and Citizen Services and with the external staff of the Colombian Ministry of Foreign Affairs, the interviewees frequently mentioned the need for psychosocial support abroad.



The profile conducted by the Unit for Victims and the Norwegian Refugee Council confirms the extent of the need for support in this area. The report found that almost nine out of ten people stated that psychosocial damage was one of the greatest damages suffered because of the armed conflict.⁸¹ Despite this being the case, it was also observed that most of the victims have not received any type of support in their host country.⁸²

Concerning the identified need, besides the challenges or traumas linked to their experiences, the emotional difficulties linked to emigration were also identified, such as exile, uprooting, breaking-off or fragmentation of family and affective bonds,⁸³ uncertainty surrounding their life project and adapting to a new context.

“The processes that victims have had to go through in leaving the country act as both the causal and the emotional link between the violence of the armed conflict and the exile of Colombians” (National Center for Historical Memory - CNMH, 2018, p. 43 - in Spanish). Along with the foregoing, the report also describes fear as a common denominator in the story of migrants seeking to protect their life abroad. Their feelings of insecurity, anxiety and even hope are all intermingled in their journey to unknown territory.

As stated by the Association of Refugees, Exiles and Migrant Women (2019),⁸⁴

Uprooting is experienced in exile. When you are forced to leave your home to protect your life and that of your family, the family and social fabric is broken, a fabric that has been woven over a lifetime (p. 80 - in Spanish).

Having identified this context, the institutional agents and leaders of victims' organizations interviewed point out that although there are countries who have healthcare services that are available to migrants, the professionals providing the psychosocial support are not trained to tackle emotions relating to victims' experiences in the armed conflict; therefore, they cannot provide proper support to those who need it the most.⁸⁵

With regard to these needs and challenges pertaining to psychosocial support and comprehensive healthcare for victims abroad, Colombian public policy currently lacks systematized mechanisms

to cover this population. Indeed, institutional competencies, mainly of the Ministry of Health, are limited to the national territory. Despite this limitation, “the psychosocial team of the Unit for Victims has provided psychosocial accompaniment to victims abroad

over the phone, albeit as a focalized support activity and not as a rehabilitation measure” (Codhes, 2017, p. 49 - in Spanish).

The consulates of Colombia in many countries around the world have also implemented their own actions. According to the Helpdesk for Victims Abroad attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Ministry of Foreign Affairs, the consulates in Quito, Esmeraldas, Paris, Mexico, New York and Barcelona have taken on an active role in providing support and assistance to the victims of the armed conflict from a psychosocial perspective. Their agents have identified needs and forged alliances or allocated part of their resources to engage social workers and professionals in this field.⁸⁶ This psychosocial accompaniment, according to the interviewed agents, has been important not only in terms of individual sessions or group workshops, but also before and after taking statements.⁸⁷

- 81** Based on a sample of 2,612 victims interviewed in eight countries, 86 % identified psychosocial damage as the main damage inflicted by the conflict.
- 82** Among the few people (671 people) who declared having received psychosocial support from any foreign organization or institution, those who received more support either hold formal refugee status or are under some protection measure in the host country (35 %); furthermore, most of them are women (65 %).
- 83** The efforts of the Association have mostly centered on building peace and achieving the recognition of women victims of the Colombian armed conflict who were forced to move beyond borders (communiqué dated August 2, 2017, addressed to the Special Instance to Guarantee a Gender Approach in the Implementation of the *Final Agreement*). The Association was created in 2004 by women with different profiles who share a social and human rights goal. They are represented in different regions worldwide. Visit: <http://colectivaexiliorefugio.org/rompiendo-el-silencio-desde-el-exilio/>.
- 84** Among the victims surveyed for this report, 84 % also mentioned that one of the main damages inflicted by the conflict was the damage to family and social bonds.
- 85** According to a few testimonials, some people are given medication, but the true source of their grievance remains unresolved, therefore their conditions persist.
- 86** As explained by the Helpdesk for Victims Abroad attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Ministry of Foreign Affairs, the psychosocial accompaniment provided by some consulates consists of both individual and group support. It applies comprehensive support criteria centered on identifying the tools needed by individuals to overcome their situation of vulnerability. In group contexts, psychosocial support has included applying a differential approach, which has included work sessions held with youth groups.
- 87** One of the victims interviewed for this report mentioned that the experience of describing the events that occurred comes with a strong emotional burden and, as in this case, people tend to minimize or even omit part of the events because of the difficulties in trying to put into words what has happened to them. Feeling that they are in a safe environment and relying on psychologists and social workers who are duly prepared to assist in the taking of statements is an important part of the process.

During the victim support sessions held in different countries, the Unit for Victims and the Ministry of Foreign Affairs have engaged professionals from the Unit's psychosocial team and called on NGOs specializing in this area,⁸⁸ to ensure having trained personnel available to provide support during these sessions, as frequently as possible. Although these initiatives to provide some degree of psychosocial accompaniment cannot be considered solid structural efforts to tackle rehabilitation and overall healthcare needs of the victims of the armed conflict, they can be understood as attempts to temporarily cover certain specific needs.

In this context, the testimonials of leaders and agents interviewed for this assessment show that victims' organizations, NGOs specializing in human rights, and healthcare and social workers abroad have been instrumental in assisting the armed conflict's victims abroad in their mental and emotional health recovery processes.

Some of the interviewed victims have stated that their organizations have held individual psychosocial sessions and workshops led by psychologists and social workers, during which common healing processes are begun and common grievances are addressed, despite victims being a heterogeneous population.

Psychosocial support is very important. We realized that in the workshop we attended. [...] Even though some people have not spoken about their situation for over ten years, some people have been hit very hard. After the workshop ended, many of them felt as if they had come out as different people, more positive. We all believe that we are alone in our experience and it is overwhelming, but when you hear other people's stories [there is a better chance] to heal the wounds (testimonial of one of the interviewed victims who has been living in Canada for the last 16 years).

The foregoing experiences show that psychosocial support and comprehensive healthcare currently do not have sufficient reach abroad, despite being essential rehabilitation components enshrined in Law 1448 of 2011.

In terms of strengthening public policy on victims abroad, there are significant needs vis-à-vis the mental and emotional recovery of victims who have endured different forms of violence, in addition to the challenges that come with migration.⁸⁹

To strengthen the State's actions in the area, the Ministry of Foreign Affairs and the Unit for Victims have implemented psychosocial support methods whose value is recognizable, albeit with a moderate scope. Based on the needs identified, the Unit for Victims is creating a plan to provide the emotional recovery component abroad via the Group-based Emotional Recovery Strategy, and the exploration of online mechanisms to provide individual psychosocial support.⁹⁰

Based on this analysis, such a plan becomes a major step in recognizing and fulfilling some of the needs of the victims abroad in the area of mental and emotional health. The examples presented reiterate the importance of continuing and supporting the good practices of some of the consulates, which have incorporated psychosocial support into their work plans.⁹¹

88 HIAS is one of the most active organizations in the provision of psychosocial support in neighboring countries.

89 As precedent, a study was conducted in 2018 by the Norwegian Refugee Council, the Unit for Victims and *Corporación Centro de Atención Psicosocial (CAPS)* in San Lorenzo, Ecuador, which identified different ways in which the overall health of the armed conflict's victims was affected and proposed different actions to tackle these issues. Among them, helping people use their skills and capabilities became pivotal towards empowering them and allowing them to regain their independence.

90 By the time of publication of the English version of this document, the Unit for Victims and its ally RET Americas had supported a project led by Ecos de Colombia, a victims' organization in Costa Rica, in which the Unit's Group-based Emotional Recovery Strategy was implemented. Additionally, four psychologists from the Unit for Victims provided individual psychosocial support sessions remotely, reaching 104 people in 14 countries between October and December 2020.

91 Finally, there is significant room for improvement in terms of research into and understanding of the psychosocial and other healthcare conditions created by the conflict. On the topic of reaching a better understanding of the armed conflict's impact on health, refer to the document in Spanish titled *Consecuencias del conflicto armado en la salud en Colombia (Health Consequences of the Armed Conflict in Colombia)*. Technical report 9/2017 published by the Ministry of Health, the National Health Institute and the National Health Observatory (2017).





5. COMPENSATION:

Two of the most representative reparation measures in tangible terms are compensation and land restitution. Both of them may be granted to victims abroad, albeit under specific parameters.⁹² Gaining access to these measures requires that victims expressly submit an application to initiate a process with each of the relevant institutions.⁹³ In this respect, this section of the report analyzes the achievements to date in the implementation of compensation measures, formal and substantial challenges, and available opportunities for improvement.⁹⁴

One of the first issues recognized is that the population expecting administrative compensation is of a heterogeneous nature. Although some of them have applied for compensation because they deem it an important reparation by the State, there are others who choose to ignore it. Furthermore, some seek this reparation to fulfil their immediate needs and to restart their life project.


This was stated by some of the victims' leaders interviewed, who mentioned cases in which people did not make the statement because they believe that no economic measure can repair the damages inflicted, or others in which a person solely declares with the purpose of gaining access to any of the administrative reparation measures described herein, especially that of compensation.

Regarding the current dimension and relevance of these reparation measures for victims abroad, a few sources said that:

AN ONGOING CHALLENGE

With respect to the reparation measures per se enshrined in Law 1448, compensation is the main measure established by the authorities to be granted to the victims abroad, whether or not they return to the country (Colombian Commission of Jurists, 2013).

Regarding victims abroad who need international protection, land restitution is a chance to recover the lands that were usurped from or abandoned by them, but also a means to develop their life project in the place where they are (Colombian Commission of Jurists and Norwegian Refugee Council, 2012).



Based on the figures reported by the Office of the Deputy Director for Individual Reparation of the Unit for Victims, the State has compensated close to 3,000 victims abroad since 2013, representing an investment of more than twenty-one billion Colombian pesos;⁹⁵ individuals who have been granted the compensation represent 12 % of the universe of victims that may apply for compensation from among the victims abroad included in the RUV as of December 31, 2019. Its behavior being similar to the cases of compensation for victims registered locally, this reparation measure for the entire armed conflict victim population is an ongoing public policy challenge.

Among the years during which this measure has been applied abroad, 2016 and 2018 stand out as showing an increase in the granting of compensation to victims abroad. This is a result of them becoming one of the prioritized populations included in Resolution 090 of 2015 issued by the Unit for Victims.⁹⁶

However, as of December 31, 2019, the granting of compensation to victims abroad had decreased because of the new parameters laid out in Resolution 1049 of 2019 issued by the Unit for Victims. These parameters limited the prioritization of the application of this measure to victims of the armed conflict in "situation of manifest emergency or extreme vulnerability," specifically, victims included in the RUV aged 74 or over; persons with orphan, catastrophic, disastrous or costly diseases; and persons with disabilities.⁹⁷

- 92** The victimizing events that may be subject to administrative compensation are: murder, forced disappearance, kidnapping, injuries that led to permanent disability, injuries that led to temporary disability, forced recruitment of minors, crimes against sexual freedom and integrity, including children conceived as a consequence of sexual violence in the context of the armed conflict, torture or inhumane or degrading treatment and forced displacement related to the armed conflict.
- 93** In the specific case of administrative compensation, which lies within the jurisdiction of the Unit for Victims, the above-mentioned document states that once the applicant has filled out the application form and submitted it via email, "the Unit for Victims will have no more than 30 business days to provide a response, indicating the details recorded and whether or not the documentation received was complete. If it was not complete, the applicant must be informed of the documents missing so they may be sent via email. Once the documentation is complete, the administrative compensation application will be filed. The Unit for Victims will assess the case within the next 120 business days and provide a definitive answer informing the applicant whether or not they are entitled to administrative compensation" (2019).
- 94** The diagnosis will mainly center on the administrative compensation measure, which is under the jurisdiction of the Unit for Victims, co-author of this assessment. As for land restitution, the subject will be addressed in a general manner, since it falls under the jurisdiction of the Land Restitution Unit.
- 95** By the end of 2020, the State had compensated 4,000 victims abroad, representing an investment of more than twenty-seven billion Colombian pesos over the course of eight years.
- 96** Between 2016 and 2018 an annual average of 730 individuals were compensated, compared to the annual average of 223 people compensated between 2013 and 2015.
- 97** Despite the trend seen in 2019, by the end of 2020, the Unit for Victims had reported the highest number of annual compensations abroad (close to 1,000 in a year) since 2013, the year in which this measure first reached victims located in other countries. This increase was mainly due to two factors: improved administrative efficiency and an ongoing, close attention to cases involving victims abroad.



In the case of victims abroad, challenges in the application of this reparation measure are also linked to the pathways for accessing resources, exchange rate differences, communication timeliness and accuracy, difficulties in relaxing certain requirements, the consistency and efficiency of procedures, and the mechanisms to collect the resources in the host countries.

With respect to the pathways to access resources, the mediation of banks tends to be a hindrance. As stated by the Colombian Commission of Jurists in 2013, “the rate of access to bank accounts and financial entities in general is quite low” among victims abroad, mainly due to the lack of documentation required by the banks to acquire financial products.

This usually affects individuals whose migration status is irregular, according to CODHES (2017),⁹⁸ and to the agents and victims interviewed. Furthermore, once the compensation has been granted there have been cases in which the grantee claims the sum to which he or she was entitled resulted significantly less due to exchange rate fluctuations.

In terms of communication and starting the processes, the secondary sources consulted, especially the agents who usually provide support to the victims, have stated that the main challenge is providing clear and timely information to the victims, which in turn is linked to the consistency and efficiency of said processes.

As stated by CODHES, “victims abroad [...] have encountered serious difficulties when trying to obtain information on the status of their process, a situation that leads to uncertainty, and sometimes, false expectations” (2017, p. 48 - in Spanish). During victim support sessions and at the consulates, there are often people who attend in search of answers to their compensation or land restitution processes.

One of the processes that has affected victims abroad is the issuance of medical certificates confirming that the applicants suffer any of the health conditions applicable in order to be given priority in the compensation process. After detecting that obtaining medical certificates abroad that met Colombian administrative standards had become a bur-

den to the victims abroad, the Unit issued a document in April 2019 that relaxed this process, so that the victims could submit certificates according to the standards set at their host countries.

From a communication and credibility perspective, people's demands for accurate information to enable them to make short, medium and long-term plans constitutes the main concern of the compensation processes. As indicated by both the agents of the Ministry of Foreign Affairs and the victims' leaders, beyond the practical importance of giving them access to compensation

measures, communications regarding their processes are pivotal towards providing them dignified treatment and generating clear expectations.

In a structural sense, addressing challenges in the granting of compensation is a matter of planning and budgetary management. In the short-term, and despite existing difficulties, State institutions and agents have also implemented good practices.

Once more, with respect to pathways to access compensation resources, on the date of publication of this report the Unit for Victims was working on involving financial intermediaries, other than banks, that can also receive resources, with a view to overcoming this hurdle in certain cases;⁹⁹ There are even special cases in which the people have traveled to Colombia to collect their compensation and later returned abroad.¹⁰⁰

98 According to the profile conducted by the Unit for Victims and the Norwegian Refugee Council (2020), 78 % of the 2,612 victims surveyed for this report have formalized their migration status (including permanent resident status, limited stay visas, refugee status or any other international protection measure, and citizenship). This means that beyond the migration status there are other factors, potentially cost-related, which also influence a person's possibility to open and keep a bank account.

99 In 2020 the Unit for Victims modified the mechanism for paying the compensation abroad by introducing the wire transfer via Acciones y Valores, a Western Union operator. This alternative eliminates the requirement of a bank account, which had become a hurdle in victims' access to this reparation measure.

100 In this regard, and considering the type of challenges described, the Unit for Victims relaxed other criteria for the payment of the compensation to victims abroad, such as depositing the sums to different family members in a single account or allowing to withdraw the compensation from both foreign and national accounts.

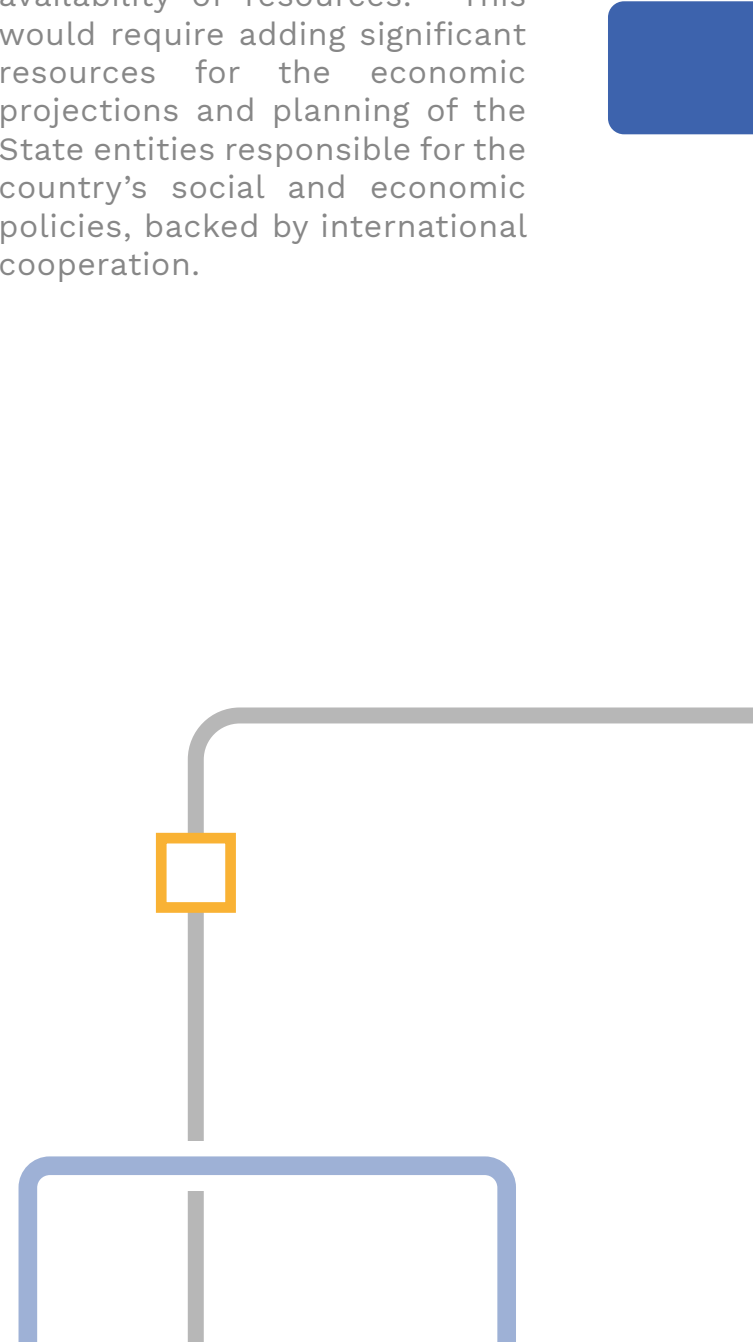
Concerning communications and the consistency and efficiency of the processes, the members of the Helpdesk for Victims Abroad attached to the Directorate for Migratory and Consular Affairs and Citizen Services of the Ministry of Foreign Affairs have stated that they seek to implement support improvements after each victim support session. They highlighted above everything else the importance of inter-institutional presence during said victim support sessions because this would contribute to providing material information, better suited to the competencies of each institution, whether related to compensation or to land restitutions processes.¹⁰¹

Additionally, in 2019 the Unit for Victims implemented a system to follow up on all the processes filed or reviewed during said victim support sessions, as well as those received through alternate assistance channels (written, online and telephone). This has fostered expediency in the exchange of information among institutions,¹⁰² and provided rapid solutions to process issues, which in turn has led to substantial responses to individuals whose cases were reviewed during said sessions or forwarded to the Unit using other means.

The search for alternatives to free the victims of procedural burdens that have affected the delivery of the compensation abroad is a major breakthrough in strengthening the scope of the public policy. Likewise, following up on compensation cases and the proper operation of the communications channels between the Unit for Victims and the Ministry of Foreign Affairs has proven to be essential to the resolution or advancement of the cases, or at least to provide clear and timely information to the victims.

Nevertheless, as previously mentioned, the indicators show that in terms of resources, there is still much work to do towards consolidating the public policy's framework. Even though the criteria used to grant administrative compensation aim to provide equal treatment to all victims of the armed conflict, it is clear that the structural

issue that would ensure a better implementation of this measure would be the improved availability of resources.¹⁰³ This would require adding significant resources for the economic projections and planning of the State entities responsible for the country's social and economic policies, backed by international cooperation.



6. MEMORY, TRUTH AND RECONCILIATION



In his book *Desterrados* (Molano, 2001), the sociologist and journalist Alfredo Molano narrates the stories of Colombian men and women who have experienced violence and forced displacement in multiple dimensions, both within and outside of the country.

These people, who have survived family members, friends and fellow community members whose own lives have been cut short by violence, are the bearers of memory. As Osiris, one of the book's characters, points out, "Perhaps it would be better for us not to tell our story, but if we don't tell it and talk about it, our dead will be dead forever." (Molano, 2001, p. 158 - in Spanish). As one of the victims' leaders interviewed for this assessment also points out, "A gallery of memories, of memories that are alive, is always essential."

Literature, art and other forms of cultural expression have been significant in the construction of memory, to capture and exhibit moments, and pave the way for individual and collective reflection. In Colombia's case, in addition to literary works such as Molano's, memory-

- 101** According to the Helpdesk, the victim support sessions, attended by both the Unit for Victims and the Land Restitution Unit, have been of great importance because they have enabled communicating the information most needed by the victims regarding their compensation and land restitution processes.
- 102** The Ministry of Foreign Affairs and the Unit for Victims have set up groups for the assistance of victims abroad within each entity to enable these exchanges.
- 103** In terms of the long-term vision for public policy, some victims' leaders have warned about the care that must be taken in terms of preserving, at least, the measures that are already available, and avoiding decisions to the detriment of the victims.



themed exhibitions such as Fragmentos (Fragments) by Doris Salcedo, and El testigo (The Witness) by Jesús Abad Colorado have called upon citizens to remember and to discover the experiences of others.

These memory exercises create space for personal encounters, dialogue based on reflection and recognition of events that have occurred. They allow for sharing, in as much as memory permits, some of the pain these individuals and communities have suffered, in order to build peace and strive for the non-repetition of these events. Memory, therefore, has a central role to play in social transformation and in transitional justice processes.

As the above examples suggest, memory exercises can take place in multiple contexts and are experienced in many different ways. As part of a public reparation policy, encouraging and promoting historical memory exercises is an act of symbolic reparation towards victims of the armed conflict.

From this perspective, one of the most important public events is the commemoration of April 9 as the National Day of Remembrance and Solidarity with Victims of the Armed Conflict, a date which is honored by Colombian consulates around the world.

Additionally, through its studies, publications and other initiatives such as workshops, the National Center for Historical Memory has played a central role. Currently, the Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission), which is part of the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (SIVJRNR), is also playing a pivotal role, collecting testimonials that aid understanding of the conflict through victims' voices.



Just as, within Colombia, there are multiple memory initiatives being promoted by both local entities (for example, the Memory, Peace and Reconciliation Center in Bogota) and victims' organizations, there are also multiple memory initiatives going on abroad, organized by consulates, victims' organizations, leaders and groups around the world.

Based on the interviews conducted for this study, concrete actions are being taken with regard to symbolic reparation for victims abroad. However, it is clear that there is still a long way to go in recognizing the effects of the armed conflict on the li-

ves of those who have experienced forced displacement beyond Colombia's borders.

A study carried out by the National Center for Historical Memory (CNMH), titled "*El exilio colombiano: huellas del conflicto armado más allá de las fronteras*" (The Colombian Exile: Remnants of the Armed Conflict Beyond the Borders) highlights the importance of shedding light on the memories of those who have left the country, to "recognize the different forms of violence and persecution experienced, the groups of people who have fallen victim to them and the reasons for their forced displacement" (CNMH, 2018, p. 49 - in Spanish).

From this perspective, memory exercises focusing on the individual pathways taken by victims who have emigrated abroad are extremely important: "[The] heterogeneity of memories, experiences, motives and interests within victims' testimonials makes it difficult to understand this mass exile from the viewpoint of one specific time or place" (p. 26-27 - in Spanish).

In this way, building memory means recognizing the common factors whilst also understanding the diverse experiences of victims, in terms of the victimizing events they have gone through, their departure, the process of seeking protection elsewhere, integration into their host country and their prospects of returning.

Interviews carried out with the Ministry of Foreign Affairs and various consulates show that the organization of activities around April 9 has been key to enhancing the dialogue between victims and the State.¹⁰⁴ Members of the Helpdesk for Victims Abroad attached to the Directorate for Migratory and Consular Affairs and Citizen

¹⁰⁴ One such example is the peace laboratories that have been set up in Esmeraldas, Ecuador, as an act of memory.

Services of the Ministry of Foreign Affairs point out that memory-related activities have become more and more important, creating valuable reconciliation and dialogue opportunities between the State, victims, and Colombian citizens in general.

Leaders of victims' organizations report that these spaces have indeed been valuable in helping to bring together Colombian citizens; however, they also point out that attendance for these activities is sometimes low, and that, at times, their suggestions or opinions with regard to particular memory-related or experience-sharing exercises have not been fully taken into account.

The above-mentioned testimonials indicate just how important it is for victims to be heard and to work together with the State on initiatives on memory. In particular, listening to victims' statements and involving them in a joint construction of memory can lead to deeper, more conciliatory memory exercises. Nevertheless, all memory exercises, however profound, are valuable in highlighting different points of view and experiences, to pave the way towards dialogue or even just personal reflection.

In terms of the coordination between the National System for Support and Comprehensive Reparation of Victims (SNARIV) and the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Repetition (SIVJRN), both systems' structures suggest the

ability to combine their expertise on the construction of memory and the search for truth, to work towards reparation. Cooperation between these two systems is essential to provide the necessary spaces for victims to tell their stories of external migration due to the armed conflict.

In 2019, the collected testimonials suggested that memory exercises carried out in previous years with the National Center for Historical Memory (an institution that is part of the SNA-RIV) for the victim population living abroad had lost momentum. However, it was perceived that Colombia's Truth Commission was offering new opportunities for victims to tell their



stories and be fully recognized as victims of the armed conflict living abroad.

Despite the different scopes of the above-mentioned organizations, more cooperation between them would be a positive step towards piecing together the memories of victims abroad and

understanding the effects of the armed conflict beyond Colombian borders.

In order to strengthen the integration and reconstruction of the social fabric affected by the war and forced displacement, awareness programs should be launched, coupled with education and dissemination regarding the impact of forced migration on territories, communities and the people who flee, promoting social awareness geared towards non-repetition (REVICPAZ, 2018).



7. THE VOICES OF THE VICTIMS ABROAD

People who have migrated abroad for causes related to the internal armed conflict not only have lived through a plurality of experiences, but have also organized themselves in different ways to tell their stories, ensure that the events they have suffered are made visible, and influence public policy on victims.

This section looks into the scope and challenges victims face when trying to express their voices abroad through official channels, such as the National Body for Effective Participation of Victims (MNPEV),¹⁰⁵ and into experiences such as the Comprehensive Participation Process derived from the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, as well as other mechanisms victims have set in motion to make their causes visible.

With regard to the MNPEV, with the issuance of Resolution 01281 of 2016 the Unit for Victims modified the Protocol for the Effective Participation of Victims of the Armed Conflict. This Resolution officially paved the way for the creation of victims' organizations abroad giving victims representation for the first time at the National Body for Effective Participation of Victims and obtaining support from an organization dedicated to defending their rights.

The resolution defined two seats for victims abroad, which, based on an established election process, have been occupied by delegates from Venezuela and Ecuador (2017) and Venezuela and Spain (2019). Progress in this area has materialized in organizational processes that have grown in different regions where victims are located. Between the two election periods there has been an increase in both the number of registered victims' organizations and the number of countries from which they participate; in 2017 there were 186 organizations from 18 countries and this figure went up to 329 organizations from 20 countries in 2019.

The registration of organizations and the appointment of their representatives is done through the consulates (with technical support offered by the Unit for Victims and the Office of the Ombudsperson, in terms of organizing and preparing for elections). This has led to a greater rapprochement between victims' organizations and the State, which in turn has helped to reduce some of the dialogue obstacles.



The adaptation of the participation protocol to include victims abroad has meant substantial progress considering that, for the first time, the population of victims who have emigrated from the country is represented on the National Body for Effective Participation of Victims (MNPEV). This representation in the MNPEV is proportionally greater than that of minority populations in Colombia (such as those based on gender and sexual orientation, ethnic group or disability).

Since the drafting of the law, this participation component has been the official mechanism for victims to have a say in the follow-up, design and implementation of public policy on victim support, assistance and reparation. However, it also lagged behind a few years in its adaptation for implementation outside Colombian territory.

To strengthen the representation of the different regions of the world where the victims are located, in 2019 the Unit for Victims issued Resolution 00250, which, while maintaining the two seats on the National Body for Effective Participation of Victims, modified the electoral process with the objective of balancing the representation of countries and regions according to the number of victims registered in the RUV.¹⁰⁶

Despite its progress, this participation mechanism, as far as victims abroad are concerned, shows that there is still room for improvement, in terms of the flow of information, communication channels and, in some cases, the scope of representation possible according to the issues that concern victims in each region.

This is corroborated by the Sixth Report on the Implementation of the Victims and Land Restitution Law, 2018-2019, presented to Congress by the Commission for Follow-up and Monitoring of the Implementation of Law 1448 of 2011, dated August 16, 2019, which states:

105 This official mechanism of participation is defined by articles 192, 193 and 194 of the Victims and Land Restitution Law.

106 Each country with 10% or more of the victim population according to the RUV has the right to send one delegate; countries with 1% to 9.99% of the victim population registered abroad according to the RUV, have the right to send two delegates among all of them; countries with less than 1% of the victim population registered abroad, according to the RUV, have the right to send one delegate among all of them (see Guidelines for Colombian Victims regarding Law 1448 of 2011 and its implementation abroad, 2020). Under this election model, organizations elect eight delegates who subsequently elect the two representatives to the National Body for Effective Participation of Victims

Regarding the participation of two representatives of Colombian victims in the MNPEV, the victims' organizations have pointed out that no expeditious means or suitable tool has been created, through which the organizations can be kept informed of the progress and status of public policy for victims in the country (Commission for Follow-up and Monitoring the Implementation of Law 1448, 2019, p. 242 - in Spanish).

Some of the victims interviewed for this document point out that while having seats in the National Body for Effective Participation of Victims is an important step in guaranteeing the right to participation, alternative spaces in different regions of the world are also necessary, in order for victims to have a place where they may discuss issues that affect them. In these spaces, in addition to following up on policy, they could channel their proposals for strengthening public action.

Some victims also state that in order for the MNPEV to be a more suitable space for its purpose, it is important to prevent it from becoming politicized. In fact, it is necessary to seek a space where the victims can bring clear proposals for the improvement of the conditions of the entire population, regardless of whether they are living outside or inside the country.

Along the same line of the objectives mentioned above, between June 27 and 29, 2018 the Unit for Victims, in cooperation with the Norwegian Refugee Council, organized in Lima, Peru the Meeting of Victims Abroad for the Strengthening of Participation and Impact on Public Policy, which was attended by representatives of victims' organizations from 17 countries and delegates from state institutions and international organizations as well as civil society.

The meeting included participation by technical experts who could contribute to the ideas and the structuring of proposals by victims in different areas of the policy. Concerns such as those mentioned above regarding representation in the MNPEV were presented, and the meeting highlighted the importance of considering participation as more than just a mechanism, and instead to see it as the diverse voices of the victims and their contribution to the Comprehensive System for Truth, Justice, Reparation and Guarantees of Non-Repetition (SIVJRNR).



[...] the challenge we face now is telling the stories that will make victims abroad visible, in a way that ensures the inclusion of the diversity of the victims, and that allows for negotiation. These stories will also help Colombian society through its mourning process (taken from the report of the meeting).

From this same perspective, in 2017 the national Government, together with non-governmental organizations, such as CODHES, gathered in Quito, Ecuador, with victims abroad. The Comprehensive Participation Process was launched in this gathering as one of the components of the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*.

Other spaces for participation organized by the Unit for Victims and the Norwegian Refugee Council include the workshop on strengthening victims' organizations in Europe, held in 2018 in Barcelona, Spain, with the participation of representatives of victims' organizations in that country, as well as from six other countries in the region. The High Presidential Council for Human Rights and the Office of the Ombudsperson were also involved in the meeting. Furthermore, the workshop on strengthening victims' organizations in the United States and Canada was held the same year in Newark, New Jersey.¹⁰⁷

In addition to channeling victims' voices through research and through different mechanisms aimed at including their experiences in the country's historical memory, their voices are also heard through their efforts to have an impact in their host countries. Indeed, many have found international spaces where they can make their stories visible, seek recognition and participate in policies that contribute to generating greater well-being for the immigrant population.

As one of the leaders interviewed stated, an important cause in Sweden has been to make visible the situation of those who have suffered from forced disappearance and those who have survived it. Recalling what she experienced in Colombia, the interviewee points out, "we struggled enormously trying to explain [forced] disappearance." This is a struggle that has continued abroad through marches and other symbolic acts.

107 Additionally, throughout the second half of 2020, the Unit for Victims, in alliance with the non-governmental organization RET Americas, supported 11 projects by victims' organizations in Spain, the United States, Argentina, Uruguay, Canada, Sweden, Ecuador, Costa Rica and Mexico. Said support focused on strengthening victims' grass-roots initiatives on topics ranging from communications to psychosocial support and artistic formation, all of which were significant in terms of symbolic reparation.

Another example comes from Canada, where one of the leaders interviewed said that they have organized themselves to advocate before the Canadian government public policies that recognize the situation and needs of many migrants, including Colombians who have been victims of the armed conflict and have sought protection in Canada.

The forms of activism abroad are many and merit particular attention beyond the scope of this document. Nevertheless, there are victims' organizations and forums - some made up exclusively by individuals of Colombian nationality and others by an intercultural group of people - through which the victims express themselves and support causes that concern them, in pursuit of fully exercising their rights and satisfying their needs.¹⁰⁸

Finally, the participation sought by victims abroad not only has to do with issues that concern them as a population that has emigrated, but also as a population that has a vested interest in achieving a lasting peace and development in Colombia.¹⁰⁹ One of the victims interviewed for this document comments: "the evolution of the media has allowed us to participate in a more active role in Colombian initiatives."

In line with this vision, the current representatives to the National Body for Effective Participation of Victims corroborate that, although they represent victims abroad, they often participate in causes related to victims living within the Colombian territory.

The above analysis argues that the voices of victims abroad are expressed both in national and international contexts and platforms. From a public policy point of view, in addition to looking at participation as different forms of expression, actions in the future should focus on providing tools to articulate existing participation mechanisms.



8. RETURN PROSPECTS: EXPECTATIONS, POSSIBILITIES AND REALITIES

For victims of the armed conflict but also for people who emigrate for other reasons, leaving the country is an experience marked by expectations and the uncertainty of an eventual return. In the case of people who have left out of a pressing need to protect their lives and integrity, this uncertainty plays an important role in their migration experience.

"Many people who emigrate plan on returning; it is their dream. More often than not, this dream is postponed or is never achieved" (Discursos de colombianos refugiados en Ecuador [Accounts given by Colombian refugees living in Ecuador], 2017, p. 5 - in Spanish).

108 Some examples are the Swedish Movement of Victims - Multicultural Organization for Integration and Human Rights (or OMIDH for its acronym in Spanish) which is an organization made up of Latin American people, mostly Colombians, who seek to promote the integration of the immigrant population—mainly in Sweden—, preserve their own cultural identity and work for the defense and respect of human rights (visit <http://www.omidh.org/about-us.html>); the International Forum of Victims, founded in 2013 with the objective of contributing, from an understanding of exile and emigration, to the implementation of the *Final Agreement* and the consolidation of peace. It emphasizes comprehensive reparation and a dignified return of the victims of the armed conflict (visit web.facebook.com/pg/forointernacionaldevictimias/); and RevicPaz Lac, a network of organizations of refugees, exiles and/or victims of the Colombian armed conflict located in Latin American and Caribbean countries (Visit <https://web.facebook.com/Revicpaz.Lac/>). These are just a few examples to illustrate the type of organizations and networks that have been created to advocate different victim-related causes from abroad. As noted above, there are hundreds of victims' organizations distributed around the globe.

109 "Faced with the impossibility of a physical return, many have tried to return in a symbolic sense, through their participation in different areas that enables them to reconstruct their relationship with Colombia" (National Center for Historical Memory, 2018, p.46 - in Spanish).



The National Center for Historical Memory (CNMH) has also shown that: "Exile, which begins with an unwanted journey, involves constant uncertainty with respect to possibilities, as well as a longing to return to the abandoned country" (CNMH, 2018, p. 45 - in Spanish).

In this context, it is necessary to present a general overview of the return possibilities that people have, including security issues in the country and mechanisms available under the public policy on victim support, assistance, and comprehensive reparation, complemented by other instruments that have emerged after Law 1448 was passed.

As established by national and international regulations (and reaffirmed by agreements of political will such as the Global Compact on Refugees), any return prospect stems from the voluntariness of those who intend to return under conditions of dignity and safety.¹¹⁰

Therefore, when looking into return prospects of people who have had to emigrate for different causes related to the armed conflict, it is important to recognize, first, that most individuals who leave expect to return, but in practice there is a great distance between expectations and reality.

The return mechanisms provided in Law 1448 include the provision of humanitarian assistance,¹¹¹ support for the transport of people, furniture and belongings within the national territory and the potential activation of a Special Support Scheme, targeting productive projects and undertakings of victims who have returned.¹¹² However, one of the current challenges is that there is no support for relocation in Colombia from abroad, which would be necessary to ensure equal treatment of victims of forced displacement, regardless of the geographical location from which they return.




As a complement to the above, the return process for individuals with recognized refugee status has the potential to activate alternative support mechanisms that rely on international agencies such as UNHCR or sometimes even on countries that receive refugees. In the international context, the viability of the return process is part of the goals and lasting solutions being sought to address the refugee situation. The Global Compact on Refugees points out:

While facilitating voluntary repatriation is first and foremost the responsibility of the countries of origin towards their people, the international community as a whole is ready to provide aid, in particular to ensure sustainable repatriation (UN, 2018, p. 40 - in Spanish).

The foregoing indicates that providing the mechanisms to enable the return of individuals who have emigrated in search of protection, in this case victims of the Colombian armed conflict, is a duty of the

national authorities of the country of origin, but one that relies heavily on international support, both in terms of principles and of recognizing the important role that international cooperation plays in this context.

- 110** Although the objective of safety translates into promoting organized transnational mobility, cases of involuntary returns, such as those of victims and refugees who have returned from Venezuela, require particular attention. Involuntary returns require a rapid response by the State and sometimes the involvement of human rights institutions is necessary. The Office of the Ombudsperson has pointed out: "The Delegate for Victim Support and Guidance implemented a strategy of specialized assistance for victims, with teams of professionals, at the national and regional levels, in order to strengthen and contribute to the stabilization of the humanitarian crisis of deportation of Colombian nationals" (Delegate Ombudsperson, Accountability. 2012-2016).
- 111** Humanitarian assistance applies only to victims of forced displacement and consists of the delivery of up to three payments per year, which in total are equal to about 1.5 times the current monthly legal minimum salary. Although there are cases where the support procedure has flowed and has effectively reached people, humanitarian assistance for returnees does not always occur expeditiously. Some interviewees expressed that the fact that the assistance is activated only once the person has entered Colombian territory means that a few people are left without assistance for some time, considering that processing times often exceed people's urgent needs. It is therefore important to strengthen communication channels between the Ministry of Foreign Affairs, the Unit for Victims, and regional institutions in order to ensure timely and effective humanitarian aid.
- 112** The Unit for Victims provides an allowance for the internal transfer of people, furniture, and belongings in cases where people are going to a municipality with a favorable safety status. This allowance consists of a single cash payment of 1.5 times the monthly legal minimum salary in force. Furthermore, to activate the Special Support Schemes (or EEA for the acronym in Spanish), the Unit for Victims first carries out an assessment of the victims who have reported their return, to validate the productive activities in which the individuals intend to engage. After confirming the feasibility of the projects or undertakings, the Unit for Victims activates support aimed at strengthening these projects or undertakings.



In addition to the return component of Law 1448, Law 1565 of 2012¹¹³ addresses “solidary return” as a public policy promoted by the country for all Colombian nationals living abroad, including victims of the armed conflict.

This policy has been further regulated by Decrees 1000 of 2013 and 1288 of 2018 and seeks to establish mechanisms and assign the corresponding institutional responsibilities to render return processes effective, particularly those contemplated by the law. Moreover, the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace* not only recognizes victims who emigrated from the country because of the armed conflict, but also paves the way for their reparation through assisted and supported return (Final Agreement, point 5.1.3.5).

However, the overall assessment of the effects of the above-mentioned instruments indicates that there are significant discrepancies between the mechanisms in paper and practice.

Inter-institutional mechanisms and coordination must therefore be strengthened, particularly regarding socio-economic stabilization, paying special attention to the needs of the population that has returned from abroad.

Consequently, institutions that have direct contact with victims abroad play a central role, but so do those that are responsible, at a regional level, for activating services and for having an up-to-date assessment of the safety status in different municipalities of the country.

The safety situation in many municipalities around the country shows that guarantees are not in place and that, more than other issues, safety strongly influences people's intentions to return.





According to the characterization analysis conducted by the Unit for Victims and the Norwegian Refugee Council (2020), about two out of every ten victims abroad intend to return to the country. This low figure is maintained even though a significant part of the population experiences difficulties in their host countries, particularly of an economic nature. The profile also shows that, among victims who do not intend to return, the main reason is the fear of being victimized once again.

Another factor that contributes to the low return rates is the time spent abroad. When victims have lived abroad for long periods, it becomes more difficult for them to return, if they have established families or life projects. The profile also indicates that about five out of ten people have lived abroad for ten years or more.

This combination of factors means that individuals who intend to return to Colombia after seeking protection abroad make up a minority. As Sanchez (2018) points out, "the few studies carried out reveal that the great majority [of people] do not wish to return to Colombia" (p. 55 - in Spanish).

According to the profile, the strongest motivations for an eventual return to the country are: joining their families, the safety that people believe could come with the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, and a general longing to return to their land. Among those who do intend to return in the near future, the analysis showed that the municipalities to which they would return vary (three out of ten said they would return to the municipalities where they used to live and two out of ten would return to their place of birth).

For a period of nine years until December 31, 2019, the Unit for Victims, in coordination with the Ministry of Foreign Affairs and regional entities, had assisted 1,781 people in their return to Colombia.¹¹⁴

113 In its Article 2, this law states that the victims of the internal armed conflict must demonstrate that they have lived abroad for the past three years, and must submit a written request indicating their desire to return to Colombia and to avail themselves of the benefits of the law.

114 This figure only reflects people who provided information in order to apply for assistance, but does not necessarily reflect family members who returned with them. According to the National Information Network for Victim Support and Reparations, there are more than 5,000 people among the registered victims abroad who may have returned to the country at some point, considering that some have updated their contact information showing Colombia as the most recent location. What is certain is that approximately 30 % of those counted above have actually returned. This is confirmed by the fact that they have accessed the socioeconomic stabilization offer of their regions. In all other cases, updated details regarding location may be a result of temporary visits or procedure requirements.



The five main countries from which people have returned are Venezuela (57 %), followed by Ecuador, Spain, Chile and Canada. Although people have resettled in 236 municipalities in the country, most have remained in ten of them,¹¹⁵ including Cucuta, Ipiales, Arauca and Villa del Rosario, which are located close to the border with other countries

Interestingly, except for Cali and Bogotá, the return locations are not strongly linked to locations from which victims left the country.¹¹⁶ Among individuals who have received institutional support in their return process, 40 % have accessed the State's offer of socio-economic assistance; among this population, 23 % have received psychosocial assistance, 10 % have accessed return programs such as an allowance for productive projects, and 10 % have received housing subsidies.¹¹⁷

For three years (2017 to 2019), the Unit for Victims has implemented Special Support Schemes for households of people returning from abroad, which support self-sustaining income-generating projects. During these three years, 114 households were given support.

Once they have reached Colombian soil, victims have the right to access support, assistance and comprehensive reparation measures provided under the law. As mentioned above, in addition to receiving guidance, victims of forced displacement can benefit from humanitarian aid. They can also receive assistance in moving to the final settlement municipality and initial referrals to the health and education offer upon arrival.



Based on the considerations and findings presented above, public policy could be strengthened by the following opportunities for improvement:



Articulating return mechanisms and clearly defining institutional responsibilities



Increasing coordination with consulates and international humanitarian agents to facilitate an assisted return



Reinforcing participation of regional entities in the assistance and activation of the offer for victims who have returned from abroad



Offering incentives for mobility (such as State assistance in transportation from abroad)



Consolidating international alliances that contribute to the execution of the above processes



Generating safety guarantees in the country, which implies structural work around the consolidation of peace

115 55 % of the returnees who received institutional assistance returned to the following ten municipalities, in descending order: Cucuta (207 people), Valledupar (160 people), Bogota (130 people), La Paz (69 people), Arauca (65 people), Ipiales (54 people), Pasto (44 people), Cali (44 people) and Villa del Rosario (42 people).

116 Bogota, Cali, Medellin, Buenaventura and San Andres de Tumaco are among the main municipalities of departure from the country, based on the information provided by the victims surveyed for the characterization analysis conducted by the Unit for Victims and the Norwegian Refugee Council (2020). Furthermore, according to data from the Single Registry of Victims available for 2019, Tibu, Cucuta, Arauca, Valledupar and Buenaventura were the main municipalities from which victims of the conflict had to flee.

117 This assessment highlights the components of the State's offer that have been accessed the most by victims who have received institutional assistance in their return to Colombia, based on information provided by the National Information Network.







CONCLUSIONS

The search for peace in Colombia has been marked by fundamental principles such as the recognition and dignity of the victims of the internal armed conflict.

To this end, Law 1448 of 2011 - the Victims and Land Restitution Law - brings together previous relevant regulations and sets the guidelines for a public policy that, through a set of support, assistance, and comprehensive reparation measures, must ensure that victims receive reparation, assistance in overcoming the vulnerabilities that the conflict has caused, and support in their path to fully exercise their rights as citizens.

The purpose of this document, as well as of the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, has been to present an analysis of the scope and limitations of Colombian public policy vis-à-vis the satisfaction of the rights of the thousands of victims of the armed conflict who have migrated abroad.

By December 31, 2019, 25,386 people had been included in the Single Registry of Victims, after receiving their statements from consulates in 43 countries around the world. This registration mechanism abroad, made possible by Law 1448, is a first step in the Colombian Government's recognition of the consequences of the armed conflict and its connection with emigration.

In the course of this analysis based on various sources (institutional, academic, legal, non-governmental, victims and victims' organizations) it became clear that, even despite significant and unprecedented achievements for the country, there are some fundamental areas that require attention and

reinforcement in order to achieve greater satisfaction of the rights of victims who have emigrated as a result or in the context of the armed conflict.

For the Unit for Victims as an agency of the Colombian Government and coordinator of the National System for Support and Comprehensive Reparation of Victims (SNARIV), presenting this report in coordination with the Norwegian Refugee Council, a humanitarian non-governmental organization, means providing insight that, from an objective and technical perspective, can guide public policy decisions and international cooperation, prioritizing comprehensive reparation and the well-being of victims abroad.

Recognition

From a historical perspective, it is highly valuable that as a result of the Victims and Land Restitution Law, the Single Registry of Victims (RUV) has now identified 25,386 victims¹¹⁸ of the armed conflict who migrated abroad as a consequence of or for reasons associated with the internal armed conflict. From

the point of view of public action, over the past nine years this registry has made it possible to provide support, assistance and reparation measures to thousands of victims abroad and to make this population's hardship visible.

In spite of the above, one of the main challenges that persists today is recognizing under the current regulatory framework the victimization that people have suffered for the reasons laid out in article 3 of Law 1448 and the resulting emigration. This document collects the perspectives of different agents who have delved into the implications of this recognition under current legislation. They have also identified specific challenges inherent in forced migration abroad as a consequence of or for reasons associated with the conflict.

Although Colombian emigration has historically been a result of various factors, there is sufficient evidence to prove that the departure of the victims of the armed conflict has been largely linked to the search for safety and protection of their lives and integrity. This evidence must be taken into account in the process of recognizing violations of human rights and international humanitarian law for victims who migrate.

Indeed, 82 % of the victims included in the RUV are victims of forced displacement.¹¹⁹ This is the event that has most affected Colombians who have suffered the direct impacts of the conflict. What is more, its ramifications have been seen not only in the interior of the country, but also in the emigration of thousands of Colombians.



From a normative point of view, there is a need to align the concepts that define, name and recognize the exit from the country as a consequence of the armed conflict. Under Colombian law and jurisprudence, forced displacement is recognized as an event that has only occurred within the country. Therefore, in the context of Law 1448 of 2011 and its regulatory framework, displacement is not recognized directly beyond Colombian borders.

118 This was the number of victims registered in the RUV as of December 31, 2019, the reference date primarily used in this assessment when first published in Spanish in September 2020. However, the most recent available data (as of December 31, 2020) show that the number of victims abroad registered in the RUV had risen to 25,805.

119 As shown in the profile prepared by the Unit for Victims and the Norwegian Refugee Council (2020), a high percentage of victims suffered forced displacement internally before leaving the country.

However, in 2016, the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace* paved the way for such an alignment by incorporating the recognition of refugees and exiles due to the armed conflict, as individuals entitled to comprehensive reparation.¹²⁰

In this sense, the recognition by the State of victims abroad should take into account both the conditions that led them to leave the country

as well as the differential impact that assistance and reparation measures must have outside Colombian territory, particularly for persons in need of international protection.



Recognizing the victims of the armed conflict abroad also means opening a social dialogue around the effects of the armed conflict beyond Colombian borders. Forms of expression and research that contribute to the construction of historical memory as well as the stories of victims abroad are fundamental to weaving together the tapestry of truth and should be approached with a sense of priority. The heterogeneous nature of this population must therefore be looked at in greater depth. It is important to recognize experiences based on different trajectories (departure, arrival and return prospects), as well as current conditions, needs and expectations.

In this regard, by collecting testimonials from victims abroad, the Commission for the Clarification of Truth, Coexistence and Non-Repetition (Truth Commission) is playing an important role in the historical vindication of victims who have endured the hardships of migration associated with the armed conflict. Actions such as this one aimed at building memory, peace and reconciliation must be coordinated with the other initiatives of the State, to effectively have a positive impact on victims.




Mechanisms to implement public policy abroad, overcome vulnerabilities and achieve comprehensive reparation

One of the main challenges when implementing public policy related to victims abroad has been the adaptation of mechanisms that allow Colombian institutions to act beyond the country's territory.

Part of the difficulty has been a lack of clear guidelines that steer the actions of institutions under the framework of Law 1448 of 2011. Such guidelines are necessary for the application of measu-

res other than taking statements (led by the Ministry of Foreign Affairs), the inclusion of victims in return plans (coordinated by the Unit for Victims), and facilitating reparation procedures, such as administrative compensation and land restitution.



The absence of guidelines for areas such as assistance towards socioeconomic stabilization, addressing health and psychological effects of the conflict, or responding to humanitarian crises has limited the scope of the public policy related to victims abroad. In view of these procedural difficulties and formal gaps, one of the main opportunities for strengthening public policy lies in creating guidelines that will enable the institutions of the National System for Support and Comprehensive Reparation of Victims (SNARIV), in a coordinated manner, to extend their reach to victims abroad.

120 These two concepts (refugees and exiles) that describe the status of many people who have emigrated as a consequence of the armed conflict, need to be aligned with the scope of the Victims and Land Restitution Law.

Migration policies, the socio-economic context, and the application of international refugee law are factors that have influenced the integration of victims abroad into the local health, housing, education and employment systems in their host countries. Recognizing this context, the profile prepared by the Unit for Victims and the Norwegian Refugee Council 2020 (based on a characterization analysis carried out in eight of the ten countries with the highest concentration of victims of the armed conflict and Colombian refugees), has made it possible to identify needs that are affecting the quality of life of a high percentage of the victim population living abroad.



A fundamental measure to mitigate the damages caused by the armed conflict is laying the groundwork for emotional recovery. This document has shown that, although the majority of the population of victims abroad has suffered psychosocial effects, these have remained unaddressed to a large extent. Emotional rehabilitation is a necessary reparation measure and should therefore be available as a State offer to victims abroad. In this sense, any action aimed at improving the quality of life of victims abroad must start from the recognition of the damage caused by the armed conflict and the need to contribute to an emotional recovery.

Expanding the scope of assistance measures for victims abroad therefore stands out as an opportunity to strengthen public policy. This could be achieved through actions that seek to address the main needs affecting quality of life. In cases where victims abroad choose to remain in the host countries, these actions must be aimed at consolidating their processes to achieve socio-economic stability and local integration.

On the other hand, in terms of compensation as an administrative reparation measure, the main challenge abroad has been its delivery to victims through financial entities, to which victims do not always have access or whose transaction costs become an excessive burden. Although the Unit for Victims has made gradual progress towards relaxing certain procedures to allow victims abroad to access the compensation measures regardless of their geographical location, there is still a long way to go in this respect.

This document has explained that consolidating alliances is one of the best practices that has led to effective results for institutions such as the Unit for Victims and the Ministry of Foreign Affairs, because it allows them to broaden the scope of assistance and support to victims abroad. To continue on this path, it is necessary to strengthen inter-institutional dialogue involving the governments of the host countries, international cooperation, non-governmental organizations and Colombian institutions involved in victim assistance policies.

In general, although taking statements and offering guidance outside the national territory should remain the first obligation towards victims abroad, this document shows that efforts also need to be directed towards coordinating actions that guarantee access to assistance measures for victims abroad and their emotional recovery, as well as towards the resolution of compensation and land restitution processes.

A comprehensive return policy


Leaving the country has been shown to present considerable challenges to the victims, including their adaptation and integration into a new context. However, returning to the country, even if it means returning to the place of origin, also involves a process of adaptation and community integration that requires particular attention from both national and local public institutions.

Although this has been recognized in and incorporated into the Victims and Land Restitution Law as well as the body of regulations on institutional support that should be granted in repatriation processes of victims abroad, the experience and lessons learned after nine years of implementation of the public policy indicate that the-

re is still a gap between return expectations and the policies in practice.

There is no doubt that communication between institutions that play a central role in coordinating returns (Unit for Victims, Ministry of Foreign Affairs, humanitarian agencies, and local authorities) is essential to ensure the effectiveness of actions aimed at providing support and accomplishing an organized return process for the greatest number of victims who wish to return.





The nine-year track-record of the Unit for Victims has proven that when the return process has enjoyed institutional support, victims have had greater success in accessing socio-economic stabilization offers. As an example, victims who have benefited from Special Support Schemes have received aid and support for their productive undertakings and projects upon their return.

Furthermore, victims who have sought and accepted institutional assistance and offers have had greater access to housing subsidies and psychosocial assistance programs. This is a clear illustration of the importance of focusing


efforts on the areas of greatest demand by victims, especially to ensure the satisfaction of rights of the returnees with the greatest needs, and for whom public assistance is essential in their reintegration process and their well-being.

Regarding the municipalities of return, although the 1,781 cases of assisted return have shown that people relocate to different municipalities, the fact that four of the main ones are in border areas points to the importance of strengthening institutional support at the border both for the victims who arrive but also in terms of preparation measures to receive returnees.¹²¹

In terms of planning, it should be noted that according to the profile prepared by the Unit for Victims and the Norwegian Refugee Council, corroborated by academic analyses and global trends in similar contexts, the intention to return of those who have migrated in search of protection is low. Although people experience difficulties in their host countries, safety is their main motivation not only to stay where they are, but also to consider, as a second option, resettlement in a third country. The fear of being victimized again is the main reason for their decision not to return.



However, victims who migrated abroad have also described a longing to one day be reunited with their families, and to re-establish their ties to the land. The signing of the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace* also means, for many, the hope that there will soon be sufficient guarantees of safety that will make their return possible.



In a structural sense, it is essential that conditions be established to ease Colombians' transition from living abroad as migrants as a result of the armed conflict to returning to their home country, if they so wish. To this end, peacebuilding must be understood as the ultimate measure to guarantee the non-repetition of events and the comprehensive reparation of lives that were drastically altered by violence. Indeed, most people have lived with a yearning to be able to return to their home country without the fear of re-living the violence that drove them to emigrate in the first place.

121 Additionally, the areas around the Colombian border are where in the past there have been incidents of involuntary returns from host countries.



FINAL THOUGHTS



This document has been prepared as a dialogue between the different positions, reservations and arguments around the scope and limitations of the public policy derived from the Victims and Land Restitution Law in satisfying the rights of victims who have migrated abroad. This assessment has therefore taken information from official sources and has looked at the practical application of the normative framework. Evidence has also been collected from multiple agents who have studied the implications of the armed conflict on forced migration abroad.

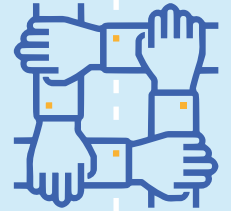


It is clear that one of the difficulties in implementing public policy has been historical invisibility. However, in addition to the efforts of multiple sectors—starting with the victims themselves—to make their stories and their situation as migrants visible in the context of the armed conflict, there have also been important institutional advances through the Single Registry of Victims and the actions aimed at making victims abroad more visible.





By giving greater visibility to victims abroad and understanding migratory contexts as well as the scope of International Refugee Law, it becomes feasible to align a policy of reparation with greater clarity and thus to develop better and more solid resources, guidelines and mechanisms that will extend the reach of support, assistance, and comprehensive reparation measures. This will ensure the satisfaction of rights of victims abroad and will serve as solid ground to enhance public policy.



In this search, the involvement and participation of victims' organizations, scholars, humanitarian organizations, international agencies and public institutions is and will continue to be fundamental. Achieving greater effectiveness in public policies related to victims abroad not only requires institutional adjustments but also a reflection on national and international normative developments. Ultimately, this will guarantee the rights of Colombians who had to emigrate because of or for reasons related to the armed conflict.



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