The Humanitarian Crisis in Colombia
CAUSED BY THE ARMED CONFLICT

International Humanitarian Organizations with a permanent presence in
Colombia: Position Paper

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Preface:

This document has been prepared to provide information about the consequences of the humanitarian crisis in Colombia, and point out the gaps in protection and needs in humanitarian assistance of millions of Colombians who are victims of the armed conflict.

The present document is an update of the common positioning paper published in 2011 by the signatory International Organizations, and deals with official figures, trends, and new aspects in the humanitarian situation in 2011 and the first half of 2012.
Colombia is a country of contrasts. In 2011 and the first half of 2012, Colombian security forces obtained important results in the internal armed conflict. However, during the same period, numerous violations of human rights and of International Humanitarian Law were reported. As the Colombian Government made progress in peace negotiations with the FARC guerrilla group, the impacts of the conflict on civilians increased.\(^2\)

Furthermore, while Colombia shows improved economic indicators, the country ranks 88\(^{th}\) in the United Nations Human Development Index\(^3\) as a result of inequality.

The most complex and protracted humanitarian crisis in America persists in Colombia. The country has the largest number of internally displaced persons in the world.\(^4\) The actors in the Colombian conflict, one of the oldest in the world, are organized armed groups and Colombian security forces. All of these have been, and are, the cause of the displacement of between 3.9\(^5\) and 5.4\(^6\) million people, according to sources. This means that, of a total population of over 45 million Colombians,\(^7\) about 1 in 10 have been displaced, a clear indicator on the armed conflict and the challenges in protecting civilians.

Among other elements, this internal conflict is composed of ideological struggles, drug trafficking, and territorial dispossession. The humanitarian crisis has taken on a regional dimension, spreading outside the borders of Colombia, and causing a large flow of people in need of international protection to neighbouring countries such as Ecuador, Venezuela, and Panama.

Within the context of the Colombian armed conflict, in addition to forced displacement, which in 2011 increased by 7.1% year-on-year, there is a high rate of murder of civilians. Other violations and breaches of Human Rights and International Humanitarian Law taking place in this context are: the recruitment of children; sexual violence; the use of antipersonnel mines; confinement; the murder of the leaders of the displaced population; increasing mass displacement; threats; and the murder of defenders of human rights and trade unionists. In this context of degradation, there is a need for active protection, prevention, and humanitarian assistance under the principles of humanity, neutrality, impartiality, and independence.

**Civilians in the conflict**

*Reconfiguration of armed groups:* an intensification of the activities of all illegal armed groups in the late nineties was followed by a dynamic offensive on the part of the Colombian military forces and a process of demobilization of paramilitaries, which ended in 2006 with registered confessions to at least 161,758 homicides.\(^8\) However, the actions of postdemobilization groups continue to affect sectors of the population. The number of members of these armed groups continues to increase,\(^9\) as well as their impact on the civilian population. They exert territorial, social, economic, and political control in some regions, and commit human rights violations and breaches of international humanitarian law, including massacres, threats, sexual violence, targeted killings, armed blockades, and massive displacement.

Moreover, the military offensive and a significant increase in the number of Colombian security forces combatants have taken the confrontation to populated rural areas in territories controlled by illegal armed groups. As a result of this pressure, guerrillas have retreated to more defensible locations, reorganizing their strategies of resistance and combat, increasing both their attacks on the security forces, and the use of improvised explosive devices.
As a result of these shifts, the conflict is currently configured along three main corridors:

1. **A northern horizontal axis**, connecting the north of the department of Chocó (Pacific coast) with the department of Norte de Santander (on the border with Venezuela). This northern corridor crosses: Urabá; the municipalities located in the Nudo de Paramillo in northern Antioquia and Cordoba; the lower Cauca basin; the south of Bolivar; and part of Santander.

The other two corridors are outer axes in more remote areas:

2. **The Pacific axis**, from the border with Ecuador to the borders of Panama, where there is currently concern about the situation in the departments of Cauca and Putumayo; and

3. **The Eastern axis**, covering the extensive departments of Arauca, Casanare, Vichada, Meta, and Guaviare.¹⁰

These disputed zones are largely inaccessible areas with natural riches or mining potential in their subsoil, highly attractive to agribusiness and energy-producing enterprises. Some examples are to be found in the departments of Antioquia, Chocó, Nariño, Norte de Santander, Putumayo, and Valle de Cauca, where strategic zones have been defined and prioritized by the Ministry of Mines and Energy and the National Hydrocarbons Agency for exploration and exploitation.¹¹ Moreover, in many of these regions, there are drug-related economies (production, processing, transport areas).¹² Areas of economic interest and abundant natural resources generally coincide with the corridors in which the conflict is taking place: an example is the case of Arauca, where the exploitation of hydrocarbons and the ‘bicentenary’ pipeline (*Oleoducto Bicentenario*) coincide with zones of armed conflict. Furthermore, inaccessibility, and the Civil State’s weak presence in these territories make them suitable corridors for illegal activities, while residents are subject to the highest vulnerability rates in the country. In these areas there is frequent displacement within the same administrative districts, which sometimes is neither recorded, nor given adequate humanitarian response.

*Indigenous and Afro-Colombian populations*: a large part of the territories that make up the collective properties of Afro-Colombian and indigenous communities are being affected in this context of reconfiguration and redeployment. The collective property rights of these communities have a constitutional basis, and the communities themselves are thus administrators of extensive territories. For example, Afro-Colombian community territories amount to over 5 million hectares.

The Colombian Ombudsman¹³ (*Defensoría del Pueblo*) notes that the practice of forced displacement as a strategy of deterritorialization of indigenous and Afro-Colombian communities has intensified. This implies their being affected as both collective and individual subjects of rights.

One of the most representative aspects in the dynamics of forced displacement in Colombia during 2011 was the increasing number of members of the Afro-Colombian population who suffered expulsion from their territories. While 24,378 Afro-Colombians were displaced in 2010, in 2011 the number increased to 34,851, according to the Colombian Department of Social Prosperity (DPS), a government agency. The current situation of forced displacement in the departments of Cauca and Chocó is of particular concern.
In addition, Afro-Colombian communities are those most affected in Colombia by confinement,\textsuperscript{14} an action used as a strategy for achieving social control and the positioning of illegal armed actors.

While, in 2011, the number of indigenous people displaced declined in comparison to the previous year (from 5,724 to 4,961, according to figures from DPS), the indigenous community faced an increase in violence amid confrontations, including: occupation of and attacks on schools and civilian homes; violation of the fundamental right to prior and informed consultation; illegal occupation of indigenous territory; the use of landmines; lack of recognition of indigenous authorities; forced displacement; sexual violence; child recruitment; arbitrary arrests; threats; disappearances; and the murder of indigenous community members. This trend continued in 2011 and through the first half of 2012. For example, during the first six months of 2012, there were seven mass displacements in Chocó, which affected 2,125\textsuperscript{18} people.

**Territorial control:** at a certain stage in internal conflicts, illegal armed groups seek to exercise territorial control. This happens in both urban and rural settings, and is common in the Colombian conflict. In their retreat, guerrilla groups have intensified the use of defence mechanisms such as guerrilla warfare tactics, the use of snipers, and anti-personnel mines (APM). The proliferation of APM and unexploded ordnance (UXO) in access roads and fields, along with other forms of pressure, limits the right of the population to free movement and affects people’s food security and access to humanitarian assistance and State services.

**Forced dispossession of land:** The armed conflict, killings, threats of violence and other factors that have contributed to the humanitarian crisis, take place against an essentially territorial background involving: military control; dispute over drug cultivation and trafficking areas; large-scale forced dispossession of land, which is one of the main causes of displacement; and other forms of human rights violations and breaches of International Humanitarian Law. Without taking collectively held territories into account, Colombians have been forcibly dispossessed of over 6.6 million acres, an area nearly twice the size of Belgium.\textsuperscript{16} To act on the structural factors, the present Colombian Government passed a law on victims and restitution (*Ley 1448 de 2011*) intended to provide opportunities for attention to and reparation of the victims.

In this scenario, the number of deaths due to the conflict is substantial. The magnitude of the phenomenon was evident in the Report of the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston, on March 31, 2010. The report, using official data, establishes that, for the period 2002 to May 2009, nearly 200,000 murders were committed by illegal armed groups (guerrillas, paramilitaries, criminal bands) and other unidentified authors.

For their part, over the same period, Colombian security forces report over 17,000 deaths of ‘guerrillas and criminals’. Particularly serious are the extrajudicial killings of civilians (commonly referred to as “false positives”) committed by regular army units, which are then presented as the deaths in combat of members of illegal armed groups. Amid a great disparity in figures, in May 2009, the Colombian Public Prosecutor (*Fiscalía*) was investigating 1,708 murders of civilians allegedly committed by State agents outside of combat. The report concludes that this practice is encouraged by the pressure to show results in the fight against the guerrillas, and has occurred throughout the country, perpetrated by many different military units. The Special Rapporteur considered that the repeated and systematic nature of this practice rules out the possibility of its having occurred as isolated cases.
Forced displacement

How many: to 31 December 2011, the official record shows a cumulative 3,943,509 people forced from their homes. In the period 2002-2011, the average rate of annual displacement rose to 0.6 per cent of the current Colombian population. With rates of return at 1 per cent, the number of IDPs represents between 8 and 11 per cent of the total population.

Causes and dynamics: all armed groups, without exception, are responsible for forced displacement. Although the causes remain the same, some trends have changed since 1997, from which year official records are available. For example, mass forced displacements - an extreme self-protection mechanism employed by populations after massacres, combats, or threats - persist in disturbing numbers. While in 2010, a total of 58 mass displacements were reported, in 2011 there were 83 events, according to official government figures submitted by DPS. This represents a year on year increase of 43%. In the departments where it operates, the ICRC reported a 52% increase in mass displacements in 2011. The departments with the largest numbers were Antioquia, Cauca, Nariño, Cordoba, Antioquia, Chocó and Valle del Cauca. This situation remains worrying: nine mass displacements occurred in Nariño alone in the first half of 2012. According to information from the Integrated System for Humanitarian Information developed by OCHA Colombia, during 2011 a total of 3,100 people (791 families) were registered as displaced. During the first half of 2012 alone, 2,257 people (508 families) have been displaced, equivalent to 72% of the number of people displaced during the whole preceding year.

Regarding the dynamics of displacement, there is a tendency towards an increase, at individual or family level, of a population ‘experienced’ in living with war and risk, whose members largely anticipate, or actually undergo, further displacement: almost 15% of the total population registered as displaced are people who have been moved two or more times.

Most displacements currently correspond to five basic dynamics:

• In zones of intense armed confrontation the struggle for control of the civilian population has increased. In this context, the armed forces’ tactic of engaging civilians to supply information provokes suspicion and attempts to regain control from guerilla groups. This is often followed by abuse, threats and assassinations of the civilians trapped between the two sides; all of which may ultimately cause displacement.

• In drug producing and trafficking areas, the war against drugs, using aerial spraying and manual eradication of crops with military protection, leads to armed responses, alliances between illegal groups, and the use of landmines. Additionally, spraying has affected the food security of the civilian population living in these areas.

• In these zones and due to the absence of institutional actors, the dispute between paramilitary groups and guerrillas for the control of both territories and strategic corridors results in aggressions, combats, killings of civilians and displacements. Civilians are afraid to get caught in the crossfire or receive threats, so they flee as a means of protection.

• In areas traditionally controlled by paramilitary groups, which coincide with areas of large-scale investment and/or wealth in natural resources where today there is virtually no confrontation
between armed groups, former combatants or new recruits protect their territorial spoils by murder and threat, causing part of the current displacement.

- In urban areas displacement between neighbourhoods has increased alarmingly, through coercion, drug trafficking, and threats.

All of the above factors highlight the importance that land plays in the Colombian armed conflict. In fact, while some territories have remained free of confrontation, other departments and municipalities appear every year in the list of expulsions of displaced persons, such as: Antioquia (Caucasia, Cáceres, Anorí), Nariño (Tumaco, Barbacoas), Valle del Cauca (Buenaventura), Cauca (El Tambo, Argelia), Caquetá (Cartagena del Chairá, San Vicente del Caguán), Córdoba (Montelíbano, Tierra Alta, Puerto Libertador, Ayapel), Chocó (Quibdó, Medio Atrato), Putumayo (Puerto Asís), Meta (Vistahermosa), Norte de Santander (El Tarra), and Arauca (Tame).

To where: the displaced population has moved mainly to urban areas. Stigmatized or threatened in cities, displaced persons have generally tried to remain invisible among a receiving population of low socio-economic status. This type of settlement has been notable in cities such as Bogotá, Medellín, Cartagena, Tumaco, Cali, Buenaventura, Quibdó or Pasto. As a result, in Colombia, there are no major displacement camps, but a notorious urban footprint of silent mass settlement in municipal centres, where only 1 in 20 displaced persons live in decent housing.

Needs: it is important to note that the humanitarian crisis in Colombia has two interrelated perspectives: the need for protection for the civilian population affected by the conflict; and tangible needs in food, health, water, hygiene, sanitation, and shelter, among others.

Two thirds of the people displaced were members of the rural population (the rural population in 2005 was a quarter of the total population). These people had already suffered precarious access to public services in their areas of origin (22.3% without electricity, 82.2% without sewerage, 52.9% without running water), and their arrival in urban centres has in some cases tripled the population in a few years, posing serious challenges to local capacity for their reception. The latest verification of the situation of the registered population shows that they are the most vulnerable social group in the country. The percentage of IDPs living in poverty has increased from 50 per cent before displacement to 97 per cent afterwards, while the rate of IDPs living in absolute poverty has risen from 23 per cent to 77 per cent. A significant 78 per cent of IDP households have an income below the poverty line, which means that it is almost impossible for them to pay for basic services such as water or electricity. Equally alarming is the fact that more than 50 per cent of IDP households have reported physical hunger.

Recent statistics show that malnutrition is highly prevalent in departments affected by the conflict. For example, in Putumayo, 24% of children under 5 suffer chronic malnutrition, and an additional 38.9% are at risk of malnutrition.

Who: silently, the humanitarian crisis in Colombia threatens the future of a large part of its human capital. The average age of displaced persons is below 22, and 66% are under 25. Without doubt, one of the most vulnerable population groups is that of children, who are affected not only by humanitarian needs in assistance associated with displacement, but by the lack of opportunities to access protective spaces like schools. In this war, many children have witnessed the murder of their parents and family, and the destruction of their homes.
In contrast, older adults are the group most resistant to displacement, and a third of them are responsible for grandchildren or heads of households. Their vulnerability pattern includes factors such as precarious health, high rates of illiteracy, and situations of loneliness due to the breaking of family ties. HelpAge International notes that older people show a high resistance to migration because of their attachment to the land, high levels of illiteracy, which reach 45%, chronic diseases worsened by displacement, and limitations of vision, hearing, and mobility, which prevent them from performing routine activities. When displaced, up to 30% of older adults suffer from depression because of the culture shock of leaving their rural surroundings and losing their status as the family provider. Nevertheless, up to 22.5% are caregivers for grandchildren and 20% are the sole economic providers for the family. Unfortunately, these contributions are not recognized in emergency aid.

**Recruitment of children**

*Forced recruitment of minors:* in Colombia, a mixture of lack of opportunities, attraction, and coercion have characterized the routine and sustained practice of this grave violation of International Humanitarian Law by illegal armed groups. There is a high variation in the figures, because groups conceal the practice of recruitment of minors. For example, during the demobilization of AUC paramilitary combatants, 63 children surrendered, against 17,581 adults; in practice, this probably left a large number of children unprotected. Today, postdemobilization groups continue to recruit children. For their part, the FARC guerrilla group systematically and forcibly recruit children from their homes, public places, and even educational spaces. Forced recruitment has become a major cause of the displacement of families, who move in order to protect their children.

**The average age of recruitment decreased from 13.8 years in 2002 to 11.8 years in 2009, according to the Office of the High Commissioner for Human Rights in Colombia.**

The report of the Secretary-General on ‘Children and the armed conflict in Colombia’ of March 2012 (S/2012/171) shows a trend towards worsening of the humanitarian situation of the civilian population, and the involvement of children in the following: combat activities (killing and exposure to death and injury); activities for tactical support of combatants (guard duty, training, intelligence, transport, and collection and disposal of corpses); support activities for the satisfaction of basic needs of the combatants (care of the sick, cleaning, and maintenance tasks); and, in the case of young girls and women, sexual exploitation (rape, forced reproductive planning, enslavement, sexual exploitation, forced prostitution, sexual abuse, forced pregnancy, forced abortion, and the spread of sexually transmitted diseases).

Many Colombian children live within the war on a daily basis, far from the benefits of economic growth, immersed in a social context without opportunities, without the presence of the State, or even of State civil services. In these contexts, combatants are presented as symbols of prestige and power, and wielding a weapon means a rise in the social ladder. Information gaps on child recruitment prevent measurement and monitoring and, to an even greater degree, thwart the implementation of preventive actions, as indicated in the Watchlist report: ‘No one to trust: children and armed conflict in Colombia’, April 2012.

**Sexual and gender-based violence**

The use of sexual violence as a weapon of war in Colombia, as it occurred in Sierra Leone or is occurring in the Democratic Republic of Congo has gradually emerged from the silence surrounding
it. The most serious studies once again show a degraded conflict which concentrates its most perverse effects on civilians. The Special Representative of the Secretary General on Sexual Violence in Conflict chose Colombia as one of seven countries for priority attention, in response to reported cases of sexual violence related to the conflict, due to the seriousness of the situation, and in the light of a description of the situation as an ‘unreported and unnoticed’ phenomenon.27

The Oxfam document, ‘First Survey of Prevalence: Sexual violence against women in the context of the Colombian armed conflict, 2001-2009’, shows the severity of the problem by its high prevalence. In the 407 municipalities where security forces, guerrilla, and paramilitaries are present, 17.58% of women have been victims of sexual violence. During the nine-year research period covered by the document, 489,687 women were direct victims of some form of sexual violence: an annual average of 54,410 cases, or 149 daily, and 6 hourly. From the above, it can be inferred that sexual violence is a common and frequent practice in the context of armed conflict, and therefore can be described as generalized in accordance with international law.28

It is estimated that 2 out of 10 displaced women are escaping from this crime,29 which pursues them even after displacement; more than half of the women surveyed had suffered some form of physical abuse and more than a third had been forced by strangers to have sexual relations.30

The war has exacerbated, multiplied, and extended crimes of sexual and gender-based violence. Sexual violence occurred in at least nine of the cruelest massacres committed by paramilitaries. The alerts of the Colombian Ombudsman (Defensoría del Pueblo) include the risk of this kind of crime with growing frequency. The testimonies collected in the most recent reports narrate an array of horrors that the Colombian Constitutional Court has gathered together in one of its rulings.31 The ruling identifies, in the context of the internal armed conflict, ten risks to which displaced women are exposed because they are female and which are not shared by men: sexual violence, exploitation, and abuse standing out among them. Along with these risks, different forms of sexual violence were identified, which notably include those that are part of deliberate strategies of war such as: intimidation of civilians; retaliation against women or against family members and neighbours; offensives in control of territory or resources; information gathering; or coercion for different purposes.

Mines and Unexploded Munitions

Magnitude of the threat: the Colombian Vice Presidency noted that 63.4% of Colombian municipalities recorded mine (APM) and unexploded munitions contamination. The Colombian casualty rate from these devices is one of the highest in the world, with well over a thousand new victims in both 2005 and 2006.32 According to statistics from the Presidential Programme for Comprehensive Action against Antipersonnel Mines (PAICMA), a total of 538 anti-personnel mine victims were reported in Colombia in 2011, an average of more than one victim per day.

Improvised mines and explosive devices are an inexpensive and effective means of halting or striking security forces. Easily movable, mines can be entered into new areas, and are undetectable for the armed forces and the civilian population. As a result of combats and bombing, some zones are also contaminated by unexploded munitions.

Effects: according to official figures (PAICMA), during the period January 1990 - June 2012, there were a total of 9,933 victims of APM and unexploded munitions. Of these, 38% (3,765) were
civilians and 62% (6,168) were members of the security forces. Between January and June 2012, there were a total of 262 victims, 45% (119) civilian and 55% (143) military. The planting of mines in coca growing areas in response to manual eradication is notorious; fields and roads are contaminated as a defensive protection or in retreat. An example of this is the considerable increase in mined areas in 2012 in Putumayo, as a result of which, from January to June, there were 27 victims, 17 of them minors. It is estimated that, between 1990 and August 2009, 752 of the victims of APM and unexploded munitions were children, 176 of whom lost their lives.33

Limitation of movement: affected communities are thus limited in their movements. In many cases, access to crop cultivation areas, water sources, schools, or health services is hindered for years, and in other more drastic cases, the exit and entry of populations is impeded. Some of these situations have been a notorious fact of life in the department of Nariño in recent years. In practice, fear also blocks the provision of services and assistance. Communities are thus isolated or imprisoned in their own territory, town, or village.

Confinement

Concept: A phenomenon seemingly opposed to displacement, but in reality closely linked to it, confinement contributes considerably to the humanitarian crisis in Colombia. Confinement consists of restriction of mobility and restricted access to people and their goods. This is a direct consequence of an armed group taking control of a territory and subsequently restricting the movement of the population. In many cases it limits or impedes access to the area for public institutions and humanitarian organizations. Although the existence of this practice, prohibited by IHL, has been recognized by official bodies, no specific regulation exists to care for those affected. Nor is any specific pattern length identified in its definition. OCHA, along with several international humanitarian NGOs, have carried out an exercise in the identification of patterns of confinement and the construction of risk indicators.

Those affected: indigenous and Afro-Colombian communities are those most affected by confinement. Documentation and mapping of reported confinements show that 80% of the events occur in rural areas, and 89% of victims are economically productive persons.

In January 2012, in the department of Norte de Santander, about 800 displaced persons were confined in the urban area of El Tarra (Catatumbo), due to FARC attacks with explosive devices and roadblocks along the main roads. In situations such as these, there are concerns about food shortages, and access to health services. Children not attending school are in danger, because of the risk of forced recruitment. There have been situations of confinement involving communities such as the Nacorá indigenous community in Chocó; the Jiw or Guayaberos of Guaviare and southern Meta; or the Awá population in Nariño.

In regions such as the south of the department of Córdoba, restrictions placed by armed actors against the population leaving the region are mirrored in restrictions in access for civil servants (health, education, child care) to rural areas.

Marked effects on the needs of the civilian population occur in food security and access to health care. Both the laying of mines in crop fields and limitations or blocks on the transport of food are practices that particularly affect the food security of the most remote communities. The other critical effect in contexts of confinement and general violence is in access to health care, which is exacerbated in communities that have historically had irregular or no health care, as noted by one
 Médecins Sans Frontières report. According to HelpAge International, some 66% of the adult members of the Afro-Colombian population living in a situation of confinement in the rural zones of the municipalities of Tumaco and Barbacoas in Nariño are not affiliated to the health system, clearly demonstrating the need of this population group for humanitarian assistance.

The Victims and Land Restitution Act
(Ley 1448 de 2011- Ley de Víctimas)

One of the factors that bring further complexity to this context of humanitarian crisis is the control exercised by illegal armed groups over land and territory for economic or strategic military purposes. Significant expanses of lands and territory have been taken from the small-scale farmer population or from ethnic minorities who, as a result, today find themselves in a state of displacement.

After long debates, a law on victims and land restitution (Ley 1448 de 2011) incorporated legal mechanisms and ordered the expeditious creation of judicial entities oriented towards the effective resolution of processes of restoration and recovery of the land rights of victims. The context of violence and plunder in reference and the institutional response created to deal with it shed light on the motives behind the all-out war which the appropriators of the land and the riches of the soil have declared against those who try to claim their rights and recover their property. This aspect represents one of the points of major concern in the process of implementation of the Act. From 2007 to 2010, 1,499 displaced people were killed in Colombia. In 2009 alone, the recorded number of murders of displaced people was 553, an increase of 52% on 2007 figures, and of 74% on those reported in 2008. Of the accumulated figure to 2010, and according to the monitoring carried out by UNHCR on murders of members of the displaced population, 15% of these are related to land reclamation processes.

While the new law on victims constitutes an unprecedented regulation on care, protection, and compensation of victims of the armed conflict in Colombia, it must be recognized that its implementation has so far failed to cause a significant positive institutional impact, inasmuch as it has not yet been put into practice at national and territorial level by Colombian entities. This has damaging consequences for the living conditions of the population affected in their fundamental rights, a result of the institutional incapacity to generate responses within the framework outlined, starting from basic access through registration as a gateway to the set of benefits that the law envisions.

Structural institutional barriers to access are evident, and begin with the very definition of the concept of victim contained in the Act, through which de facto discrimination is exercised against those victims of armed groups which are not officially recognized as being part of the conflict. Other factors limiting access to registration are ignorance on the part of the victims regarding the contents and purposes of the Act, and difficulties in travelling to points of attention.

The claims of the victims and access to effective reparations as indicators of compliance with the Act require the creation of conditions of security and real protection. The statistics revealed so far on violence against people claiming land rights, mostly IDP leaders, demonstrate the absence of policies, mechanisms, and strategies of protection commensurate with the magnitude of the risk, constituting a critical weakness in the institutional structure for reparation envisioned by the Act.
CHALLENGES: HUMANITARIAN CRISIS CAUSED BY THE ARMED CONFLICT

Framework of prevention, care, and protection

In the late 1990s, at the same time as Colombia adopted a policy for attention to the displaced population (1997), international humanitarian aid significantly intensified, with the first global humanitarian plan of the European Commission, and the beginning of the emergency relief programme of the International Committee of the Red Cross, among others. Later, in 2004, the Colombian Constitutional Court declared an unconstitutional state of affairs regarding the situation of displaced people, due to the inadequacy of the response of national and local authorities in ensuring effective enjoyment of rights. The Constitutional Court issued ruling T025\textsuperscript{56} to protect the rights of victims and ensure full use and enjoyment of rights for the displaced population. The support of a part of Colombian civil society and international agencies in this effort has enabled the construction of a substantial public policy, as well as a significant increase in the Colombian national budget for prevention, protection, and assistance for the displaced population.

Gaps in prevention and protection: Despite legislative progress, the humanitarian situation in the country continues to deteriorate. Since the Colombian Court ruling, between 2005 and 2011, the displacement of over 1,603,000 persons has been registered, among other violations of IHL. There exists a population which is neither protected nor attended. From a purely operational point of view, the Colombian public institutions responsible for protection and assistance experience technical problems in many cases. However, the difficulties of these entities are largely related to humanitarian access, an essential premise in overcoming fundamental gaps in protection and information, and relieving the isolation and deprivation suffered by civilians affected by the conflict.

The shift to a strategy known as ‘social recovery of territory’, which works specifically through military action, has had a direct negative impact on the civilian population. This military action involves an increase in Colombian army strength, such as that which has taken place in the department of Nariño, where the number of soldiers rose from 6,000 in 2008 to 20,000 in 2012. The most obvious effects of this strategy are its incapacity to prevent violations and abuses of the human rights of the civilian population and International Humanitarian Law, and failure to ensure full respect for the rights of the population. The actions of Colombian security forces in areas where there is a constant presence of illegal armed groups, a lack of institutions, and dependency of the population on illicit economies increase the risk for the civilian population. International organizations are concerned about the situation in the departments of Cauca, Putumayo, Norte de Santander, and Arauca, because of the exacerbation of the effects on the civilian population caused by the implementation of this Colombian Government strategy.

Loss of the principle of distinction and humanitarian access: a marked departure from the principle of distinction has blurred the essential condition of the civilian population, and therefore their protection under IHL. Instead of moving in the direction of ‘removing’ civilians from the war, a dynamic has been imposed which attempts to align society and communities around the military efforts of the parties. As regards humanitarian action, this contradicts all the operating principles that allow impartial and neutral access to victims, an essential premise of protection and assistance. This ‘humanitarian space’ consists, not only of freedom of access to the population affected by the conflict, but primarily, of guaranteed access for civilians to impartial and neutral aid, with the sole object of saving lives and alleviating suffering.
IMPORTANCE OF THE PRESENCE OF HUMANITARIAN ORGANIZATIONS

Coordination on humanitarian principles: with a budget considerably higher than that of international organizations, the Colombian State, not only in law, but because of its economic capacity, is the primary and fundamental entity responsible for prevention, protection, and assistance. However, in order to guarantee effective use and enjoyment of rights, compliance with the principle of distinction must be ensured, and humanitarian action must be differentiated from the assistance operations conducted by the military in implementing the policy known as ‘social recovery of territory’.

The space for the coordination of efforts with public entities, which some international humanitarian NGOs were practicing, founded on respect for International Humanitarian Law and humanitarian principles, was progressively closed due to the military strategy of territorial recovery. To orient public policy towards effective scenarios for the protection of the civilian population, a return to the route which respects International Humanitarian Law and provides space for humanitarian assistance and the protection of victims is imperative. Such respect certainly reinforces the legitimacy of the State, as established in a Presidential Directive of 2001, which echoes resolution 46/182 of the UN General Assembly.

The international humanitarian community has been operating in Colombia for a number of years. In many key areas of the conflict strongly occupied by armed actors, international humanitarian NGOs have managed over time to obtain and maintain a sustained presence, providing support for the most isolated populations in health, nutrition, education, livelihoods, shelter, water, and sanitation. Humanitarian organizations are in many cases the only actors who enter and remain in these areas, supplying impartial humanitarian assistance in vast areas or urban peripheries where government services are absent. These organizations provide special attention for the social plight of communities in the midst of conflict, and strengthen the capacity of leaders to keep their communities neutral in the war, negotiate a precarious respect, and defend rights.

The presence and assistance of humanitarian organizations, which in no case can guarantee the safety of communities, is a protective factor. The pillars of the sustained access of these organizations have been strict neutrality, impartiality, and independence. In many cases, Colombian public institutions gain access to supply services across the bridge provided by the international humanitarian organizations. This is possible due to three main factors: adherence to humanitarian norms, the logistical capacity to access affected populations, and the support of these communities for the humanitarian actions undertaken by the international actors.

Thus, while the conflict persists, the humanitarian situation in Colombia, often invisible, remains a serious crisis as regards protection. In this context, actions focused firmly on prevention, protection, and assistance for the flow of hundreds of thousands of displaced persons must be an urgent priority. While violations and abuse of rights, forced displacement, and other forms of suffering of the civilian population persist, humanitarian aid is still needed.

The presence of international organizations adhering to humanitarian principles is today the only opportunity for assistance and protection for hundreds of thousands of people who are confined, threatened, displaced, or refugees. Neutral, impartial, and independent humanitarian action is a necessity and an opportunity that must be respected by the Colombian State and supported by the international community.
GENERAL RECOMMENDATIONS

The role of organizations, institutions and donor nations is crucial in raising awareness on the humanitarian situation in Colombia as a forgotten crisis, as well as in renewing and emphasizing the observance of human rights, International Humanitarian Law, and humanitarian principles.

It is essential that all the actions taken should address the principal challenges faced by Colombian crisis: protection gaps and needs, invisibility, complexity and restriction of the humanitarian access.

The organizations which produced and signed this document recommend the following:

General Recommendations

The international community should remind the Colombian Government and the parties of the conflict of their obligation to respect and ensure the fulfilment of International Humanitarian Law and the humanitarian principles, thus allowing and facilitating access to humanitarian assistance to the civilian population in order to address the protection gaps and needs and to improve the coverage and assistance for victims. The humanitarian crisis faced by at least 10 per cent of the Colombian population requires an increased political attention and adequate financial and other resources from the international community to respond the humanitarian needs. Therefore the international community should urge the Colombian Government to strengthen the implementation of the Victims and Land Restitution Act (Ley 1448 de 2011), in response to the humanitarian crisis as well as to the protection gaps and needs that implementation of this law is generating for the local population.

Support actions should take the following into account:

a) humanitarian assistance with a differential approach to children, young people, women, and indigenous and elderly persons, who suffer disproportionately from the impact of armed conflict; and

b) the coordinated work of organizations and operators in the field in different areas of action (protection, food security, health, shelter, water, sanitation and hygiene, nutrition, psychosocial care and education), enabling integrated actions which improve the level and quality of life for the families and communities affected.

The international community should raise awareness on the humanitarian situation and respect for humanitarian principles and put it on the international agenda in the context of peace talks and ongoing generalized violence in order to ensure the capacity to respond to increased humanitarian needs following a worsened security situation and uncovered protection gaps and needs of the population.

The European Union and the Governments of other countries should:

• Raise awareness and promote the humanitarian situation in Colombia as a forgotten crisis onto the political agenda of the EU member – states that needs to be prioritized, as well as onto its mechanisms for international humanitarian aid and assistance.
Prioritize, within their cooperation strategies, humanitarian aid to the population affected by the armed conflict and natural disasters (IDPs, confined population, with a special emphasis on the most vulnerable groups such as Afro–Colombians, indigenous communities, woman, youth and older personas).

- Promote allocation of the resources of humanitarian actors and local institutions to address the gaps and needs of the people affected by the armed conflict.

- Define the geographic areas and priorities of their intervention based on humanitarian needs and the dynamics of the armed conflict.

- Evaluate the possibility of increasing economic resources to address current humanitarian needs, bearing in mind that this operation also covers the countries receiving Colombian refugees (Venezuela, Ecuador, Panama).

- Through the Delegation of the European Union to Colombia, influence the Colombian Government to strengthen implementation of the Victims and Land Restitution Act (Ley 1448 de 2011) in response to the humanitarian crisis, and respond to the gaps in protection that the implementation of this law is generating for the local population.

- Continue enabling humanitarian response for victims of the armed conflict, independent of the semantic characterization of the perpetrators and the setbacks in the definition of the concept of victim in the new law, both of which create a vacuum of protection for the victims of armed groups which are not officially recognized as forming part of the conflict.

- Maintain focus on the humanitarian situation and respect for humanitarian principles in the context of peace talks and ongoing hostilities in order to guarantee the adequate response to the increased humanitarian needs following a worsened security situation.

Due to the complex and prolonged crisis, promote the necessity of the availability and implementation of the funding mechanisms linking relief, rehabilitation and development (LRRD).

**The United Nations System in Colombia should call attention to the humanitarian crisis, and in particular:**

- The UN Secretary General and Member States of the Security Council should request reports on the humanitarian crisis in Colombia and respond to violations and breaches of International Humanitarian Law and International Human Rights Law.

- The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs (OCHA) should: monitor the risks facing the civilian population in Colombia; emphasize the obligations that parties involved in the conflict must meet to protect civilians under International Humanitarian Law; and communicate their observations to the Security Council and the UN Secretary General.
The Humanitarian Country Team should:

• Identify humanitarian needs and mobilize resources to provide timely humanitarian assistance when and where local and national capacities cannot respond to the needs caused by the armed conflict and natural disasters.

• Under the leadership of the Humanitarian Coordinator, in coordination with the International Committee of the Red Cross and maintaining the humanitarian principles of neutrality, impartiality, humanity and independence, strengthen ongoing and constructive dialogue with institutions of the Colombian State on the roles and mandates of the members of the Humanitarian Country Team, as well as the roles of Colombian civilian authorities and military forces in humanitarian response.

• Establish a common strategy before Colombian authorities to enable dialogue to safeguard neutral, impartial, and independent humanitarian action.

1 This document is an update of ‘The Humanitarian Crisis in Colombia Caused by the Internal Armed Conflict’, published in July 2011 by 15 humanitarian organizations: Norwegian Refugee Council, Fundación Plan, Oxfam, Mercy Corps, Civis, Diakonie Katastrophenhilfe, Project Counselling Service, Help Age International, War Child Holland, Médecins Sans Frontières France, the Lutheran World Federation, Save the Children, Solidaridad Internacional, Caritas Germany, and Hilfswerk Austria.

2 While, in the comparisons made in 2010-2011 by the Colombian government’s Observatory on Human Rights and International Humanitarian Law, some figures show positive results, the murder of indigenous people, APM/UXO events, and the number of mass displacements increased.


4 IDM Global Overview, 2011

5 Figures of the Colombian Department for Social Prosperity (Departamento de Prosperidad Social) for the displaced population to 31 December 2011.

6 CODHES (Consultancy for Human Rights and Displacement) document on the humanitarian crisis and displacement: Boletín No 79 ‘Desplazamiento creciente y crisis humanitaria invisibilizada: la situación en 2011’


9 Human Rights Watch, World Report 2012, p. 228


11 Resolution 0241/2012: the Colombian Ministry of Mines and Energy delimits and defines strategic mining areas for minerals determined as strategic in Resolution 18 0102, in order to identify and promote projects for strategic minerals in small, medium, and large scale operations.


13 Colombian ombudsman’s report: Defensoría del Pueblo, Informe de Seguimiento a la sentencia T-025 de 2004. p. 74

14 Ibidem, p. 75

15 According to information received by LWR, of the 2,125 reported displaced persons during 2012, it is known that 254 (55 families) were displaced from the indigenous community of Macedonia; 143 people of the Playa Alta Reserve (Quibdó) were affected; and an unknown number of people were affected by the displacement which occurred in San Antonio of Purré (Atrato).

16 Colombian Commission Monitoring Public Policy on Forced Displacement, Third National Verification Survey on the Rights of the Displaced Population, (Comisión de Seguimiento a la Política Pública sobre el Desplazamiento Forzado, III Encuesta Nacional...
‘Total area dispossessed or abandoned because of forced displacement in the period between 1980 and July 2010 was about 6.6 million hectares, excluding collective territories.’ p. 15.

Source: Departamento para la Prosperidad Social (DPS), to 31 December 2011

17 The Constitutional Court ordered the government to correct some of the grounds for exclusion from the Register, such as in cases of displacement by Government agents (aerial spraying or forced manual eradication), by paramilitary groups (the supposition of their disappearance through demobilization processes), or by drug trafficking bands, Order 011 of 2009.


21 Calculated from the Colombian National Statistics Department (DANE) 2005 census, accessed at:
http://www.dane.gov.co/censo/


29 ‘Sexual violence in Colombia: a weapon of war’ (‘La violencia sexual en Colombia, un arma de guerra’), 9 September, 2009, Intermón Oxfam p. 3, accessed December 2012 at: http://www.intermonoxfam.org/es/documentos/09/09/09/violencia-sexual-en-colombia-un-arma-de-guerra Note: these figures are not broken down according to gender because of a lack of data.


31 Colombian Constitutional Court ruling 092 of 2008

32 Taken from the website Programa Presidencial para la Acción Integral Contra Minas Antipersonales accessed December 2012 at: http://www.accioncontraminas.gov.co/Paginas/victimas.aspx

33 Ibidem: quoting the bulletin of the Campaña Colombiana contra Minas, ‘Colombia sin Minas’, (Colombian civil campaign against mines) November 2009, p.5

34 Report on health access: ‘Acceder a la salud es acceder a la Vida: 977 voces’, Médecins Sans Frontièes, November 2010

35 Colombian Act 387 of 2007 (Ley 387 de 2007)