

# Why are the displaced people victims?

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**To understand that displaced persons are victims of the conflict implies that they must be included as beneficiaries of the State policies regarding reparation for victims. When this happens, it will be possible to speak about the end of one the most critical situations of the humanitarian crisis in Colombia.**

The last few years have seen an increase in the public awareness of forced displacement in Colombia; it is now common to read articles and hear discussions about the number of people that are forced to flee their homes to save their lives each day, about their needs, and about how scarce the resources are to assist them.

Yet there is only a vague understanding of the suffering of those who are thrown out of their lands, of the immediate and future impact of displacement in their lives and the lives of their children, and a very narrow understanding of what it means to a displaced person to be a victim. Their situation is generally thought of as a problem of poverty or even as a voluntary decision of looking for better opportunities in the cities. There are many people who still do not realize that displaced persons did not displace voluntarily but were forced to do so by grave violations of their human rights, violations that often continue even after their displacement. They do not understand that displaced persons are the largest group of victims of this country's conflict.

Forced displacement is a crime according both to Colombian national law and to international law; it is a war crime and a crime against humanity. It is also the result of the State's inability to adequately protect all

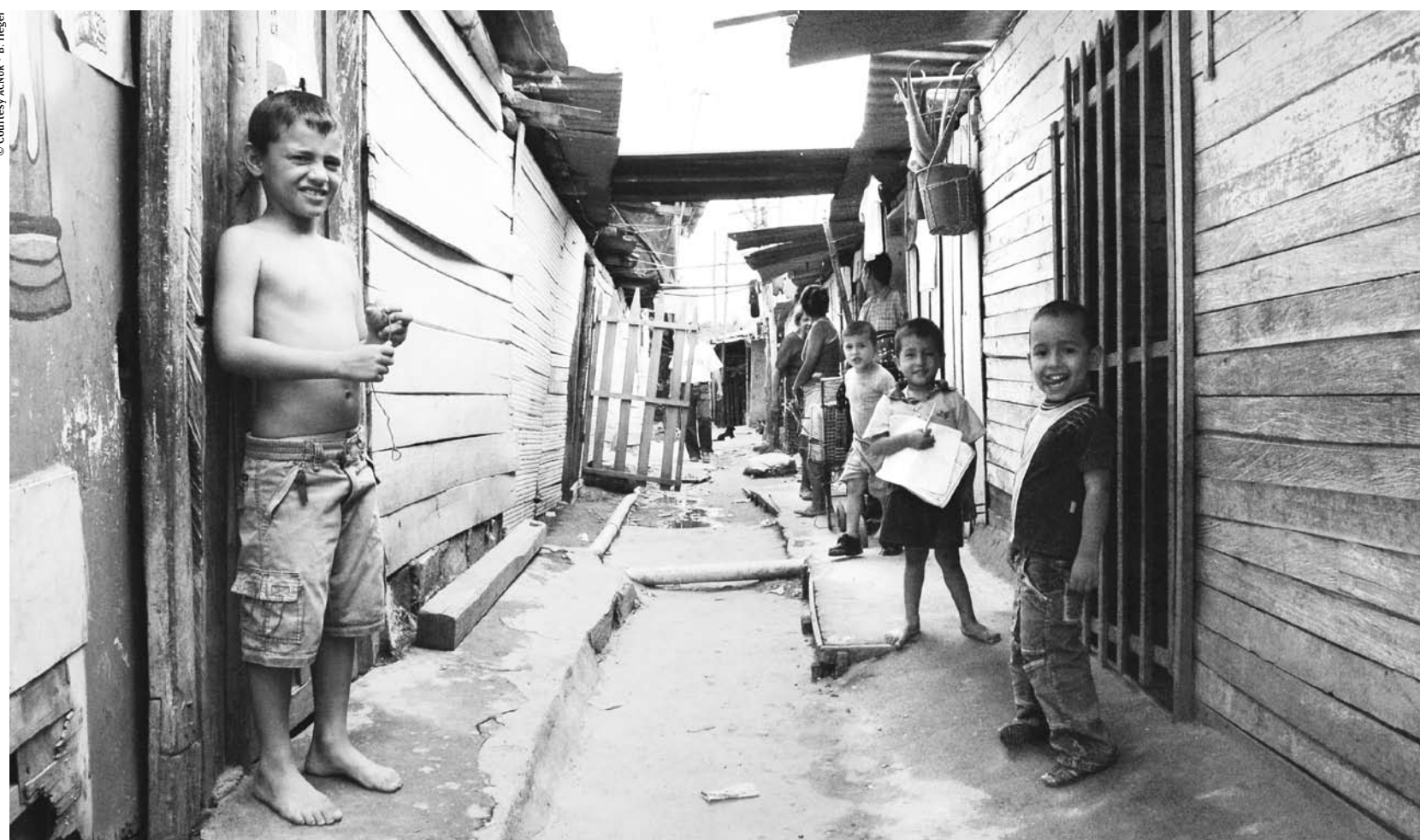
of its citizens, thereby preventing their forced displacement. It is massive because of the number of victims; systematic, because of the continuity of its execution over time; complex, given the multiple violations of civil, political, economical, social and cultural rights it involves; and ongoing since only the full restoration of rights puts an end to it.

According to international standards and principles, all displaced persons have the right to truth, justice and comprehensive reparation for the losses and damages caused by their displacement. Such reparation should include restitution (including restitution of goods), indemnification for the damages caused, rehabilitation (including medical and psychological assistance), actions of general satisfaction (including acts of symbolic reparation) and the guarantee of non-repetition of the causes of displacement.

## What are the implications of being a victim?

Forced displacement impacts every part of its victims' lives. Being a victim of displacement means losing your home, land, employment, means for survival and possibilities for participating in politics, as well

A great part of the displaced population have settled in the poor areas of big cities.



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Boys and girls are the main victims of displacement in Colombia.

as your children's access to education. It also means losing the relatives and friends that you were forced to leave behind, the loss of community networks, an increased exposure to disease, social marginalization, and an increased likelihood of falling victim to other crimes, particularly torture and sexual violence. In the case of Afro-Colombian and indigenous communities, forced displacement can threaten the very survival of their cultures.

Colombia is recognized internationally for its advanced legislation to protect displaced people's rights and for having a comprehensive system to respond to their needs. Nevertheless, much of the state's response still does not treat displaced persons as the victims that they are.

Treating displaced people as victims means, for example, that State policies for preventing displacement and for protecting and assisting the displaced should be aimed at the comprehensive reparation of their rights, including guaranteeing their rights to truth, justice, reparation and non-repetition of the events that caused the displacement. It also means that society as a whole, including the international community, should develop specific programs to respond to the differential needs of these victims and to help them access justice.

Both the Inter-American Court of Human Rights and the Colombia's Procurator General's office are clear that neither emergency humanitarian assistance nor the state's regular assistance programmes should be understood as reparation mechanisms. This is because they respond to the State's obligation to assist persons who it had failed to protect; they are not instruments for the reparation of the damages and losses caused by the failure to protect its citizens.

If displaced persons are seen as victims and therefore as subjects of reparation, access to land, for example, cannot be interpreted in terms of access to subsidies, but rather should be seen as part of the indemnification that victims of displacement are entitled to in respect

of the land that they abandoned, if their original property cannot be restituted.

## The year of the displaced people's rights

Restoring the rights of displaced persons is one of the most complex challenges faced by the Colombian State in the ongoing process of reconciliation and reparation. Ten years after the adoption of Law 387/1997 (the pioneering Colombian legislation that recognizes displaced persons status as victims and their rights), and with 2007 being declared the year of displaced people's rights by the Catholic Church, national and international NGOs and UN agencies in Colombia, it is important to recognize all the rights that displaced persons possess. As mentioned above, these include the rights to truth, justice and reparation, given not only the gravity of the human rights violations that displaced persons have suffered, but also the fact that they are the biggest group of victims of the Colombian armed conflict.

2007 is the chance for all of us to look beyond the detail of individual government programmes and

to understand that the key for displaced persons is restoring their effective enjoyment of all their rights. A rights-based approach to the problem should foster the development of individual and collective reparation programmes, avoiding discriminating between different groups of victims and preventing victims of displacement from being treated differently from other classes of victims. It would also provide a benchmark against which the State's capacities to guarantee these rights can be analyzed and mechanisms to overcome these gaps identified.

This rights-based approach, which is consistent with international norms but above all with the Colombian law, would allow displaced persons to demand that their rights are respected and would help guarantee the protection of their lives and personal integrity against

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possible risks and threats from those who committed the displacement. It is crucial to give them legal and psychosocial assistance, clear routes for access to justice according to their differential needs, support in the process of reclaiming their rights and to strengthen organizations that represent their interests.

Only when there is complete awareness that displaced persons are victims, will the process to restore their rights gain the urgency it deserves. When this happens, and when conditions have been guaranteed to prevent new displacements, it will be time to discuss the cessation of one of the most serious manifestations of the humanitarian crisis in this country, one that is, at the moment, the most serious in the Western Hemisphere. ▀