

# INTRODUCING A DIFFERENTIAL APPROACH ON REPARATION



## ¿Why the need for a differential approach?

- Heterogeneity in the universe of victims : types of victimization, attention needs and expectations for reparation.
  - Victims can be individual or collective subjects: afrocolombian or indigenous communities.
  - Disproportionate impact of the conflict



# Disproportionate impact of conflict: risks and affectations



## Gender

### **Sexual violence**

### **Forced displacement**

Exploitation or slavery

Forced recruitment of their children (boys and girls)

Risks derived from the contact or relationships with members of IAG

Risks derived from their participation in social organizations.

### **Dispossession of their land and property.**

Risks derived from the murder or disappearance of their economic provider.

Extraordinary charges/burdens.

Food insecurity

## Age

### **Sexual violence**

### **Forced displacement**

### **Forced recruitment**

Exploitation or slavery

Extraordinary charges/burdens

Affectation by mines or UXOs

Damage on specific property

Orphans

Psychosocial impact

Food insecurity

Health, education and recreation – derived from forced displacement

### **Capacity of participation and organization**

Risks regarding the exercise of their rights as citizens

## Ethnicity

Uprooting

### **Forced displacement**

Sexual violence

Physical and cultural extermination

Loss of ancestral territory

Confinement

Access to social services

Food insecurity

Mobility

# Differential populations, subjects of special protection

CNRR

- **Constitution**
  - Women (art. 43),
  - Boys and girls (art. 44),
  - Elderly (art. 46)
  - People with disabilities (art. 47)
  - Indigenous and AfroColombian populations (art. 63)
- **Laws and Jurisprudence**
  - **International Standards appropriated in Colombian Law**

## Sentence T-025/ 2004

Follow-up Court Decisions (Auto):  
092 and 251/2008. 004, 005 and  
006/2009



# ¿ What does the CNRR understand by CNRR Differential Approach?

Group of guidelines, measures and actions oriented towards human groups with particular characteristics, due to their **cultural, age, gender and physical condition diversity**.

It seeks to include the different perspectives *in the design, implementation, monitoring and evaluation of the strategic action lines* of plans, projects and programs, in a way that benefits equally children, women, population with disabilities, ethnic groups, etc.

# Gender and Reparation



Cuando viviamos en la finca eramos felices por que nuestra familia estaba completa. Pero cuando la violencia nos toco, nos descompletaron la familia y todo cambio. En esa epoca mi esposo y mis hijos eramos muy unidos, y nunca pensamos que esta violencia nos fuera a tocar.

ahora vivimos o nos toco la ciudad y luchar solos, y en mi caso como familia pero sin mi esposo que era quien trabajaba en el campo, que ordeñaba, que trabajaba el ganado, quien cembra ya no estaba mas. pero lo mas triste fue que nuestra familia se desintegró.



# Why the need for Gender Based reparations?

- Women and forced displacement
- Sexual violence
- Particular affectations regarding property ownership
- Lack of knowledge of the women's affectations within the armed conflict.
- Need for training and sensitization strategies for victims and institutions
  - Stigmatization regarding sexual violence.
  - Lack of knowledge on specific affectations and the need for special protection of women and girls.





# Sexual violence

- SV as a part of large scale “operations” against civilian population.
- Individual and premeditated acts by members of illegal armed groups, as a strategy to induce fear in the population; retaliation against women accused of collaboration with the “enemy”; advance in territorial control; gathering information; etc.
- SV against women accused of having relations (real or not) with the “enemy”.
- SV against women and girls recruited by the illegal armed groups.
- SV against women members of civil society organizations and community leaders.
- Forced prostitution and sexual slavery.



# Women and Property: dispossession and abandonment



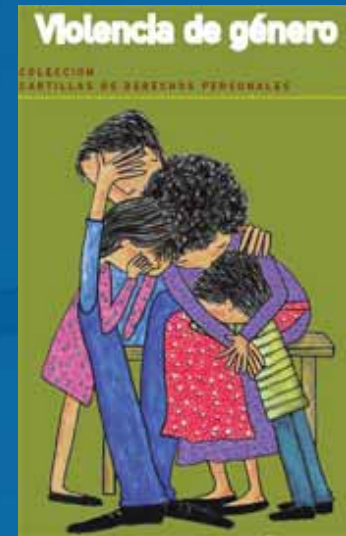
- ⇒ Sensitization on women and property in two of the pilot projects for property restitution.
- ⇒ Regional and local awareness raising sessions in the property restitution workshops with victims and institutions
- ⇒ Development of a survey tool to identify access barriers to property restitution for women.
- ⇒ Accompaniment in the discussion and joint construction of the property restitution program.
- ⇒ Support in the construction of information material for institutions.

# Women and forced displacement

- ⇒ Within the framework of Court Decision 092/2008, participation in the design of a program for the guarantee of the rights of IDP women as victims of armed conflict, to truth, justice, reparation and guarantees of non repetition.
- ⇒ Participation in interinstitutional working groups, technical support during discussions, etc.
- ⇒ Production of recommendations on this program to the government.
- ⇒ Raising awareness on women and forced displacement in the department of Chocó.

# Main CNRR Achievements

- ☑ Orientation and awareness raising processes with institutions
  - ☑ General Prosecutor's Office; Justice and Peace Magistrates; Justice Superior Council; CNRR; local and regional institutions
  - ☑ Orientation and empowerment processes of women victims and promotion of leadership processes among them.
  
- ☑ Booklet on Gender Based Violence: used for training and sensitization.
  
- ☑ Production of the Handbook on Case Documentation and Counseling for Women Victims of Gender Based Violence in the armed conflict.
  
- ☑ Documentation of cases of sexual violence within the pilot collective reparation projects, and referral to the General Prosecutor's Office for investigation.





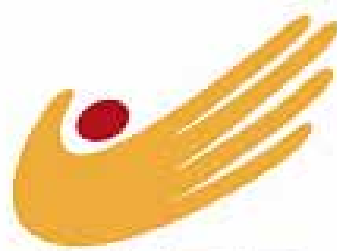
# Main CNRR Achievements

✓ Appropriation of the differential approach in proposals for integral reparation:

- ✓ Property restitution program
- ✓ Public policy document on reparation and attention
- ✓ Collective reparation proposals
- ✓ Political incidence: including the differential gender approach in the production of local, regional and national policies on forced displacement and reparation.
- ✓ Reconstruction of historical memory processes – research lines and reports.







**CNRR**

Comisión Nacional de  
Reparación y Reconciliación  
[www.carr.org.co](http://www.carr.org.co)



# Children and armed conflict



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# Children and armed conflict

## Context

Between November 1999 and December 31, 2009, the Colombian Family Welfare Institute has given assistance to 4.191 children and teenagers in their Specialized Attention Program. Of these, 2.363 belonged to the AUC, 611 to the ELN, 69 to emerging criminal bands, among others.

Source: ICBF Colombia

The average age for recruitment went: from 13.8 years in 2001 to 12.8 in 2005.

Source: Defensoría del Pueblo



83,7% of the children and teenagers affirmed that their participation in the illegal armed groups had been voluntary.

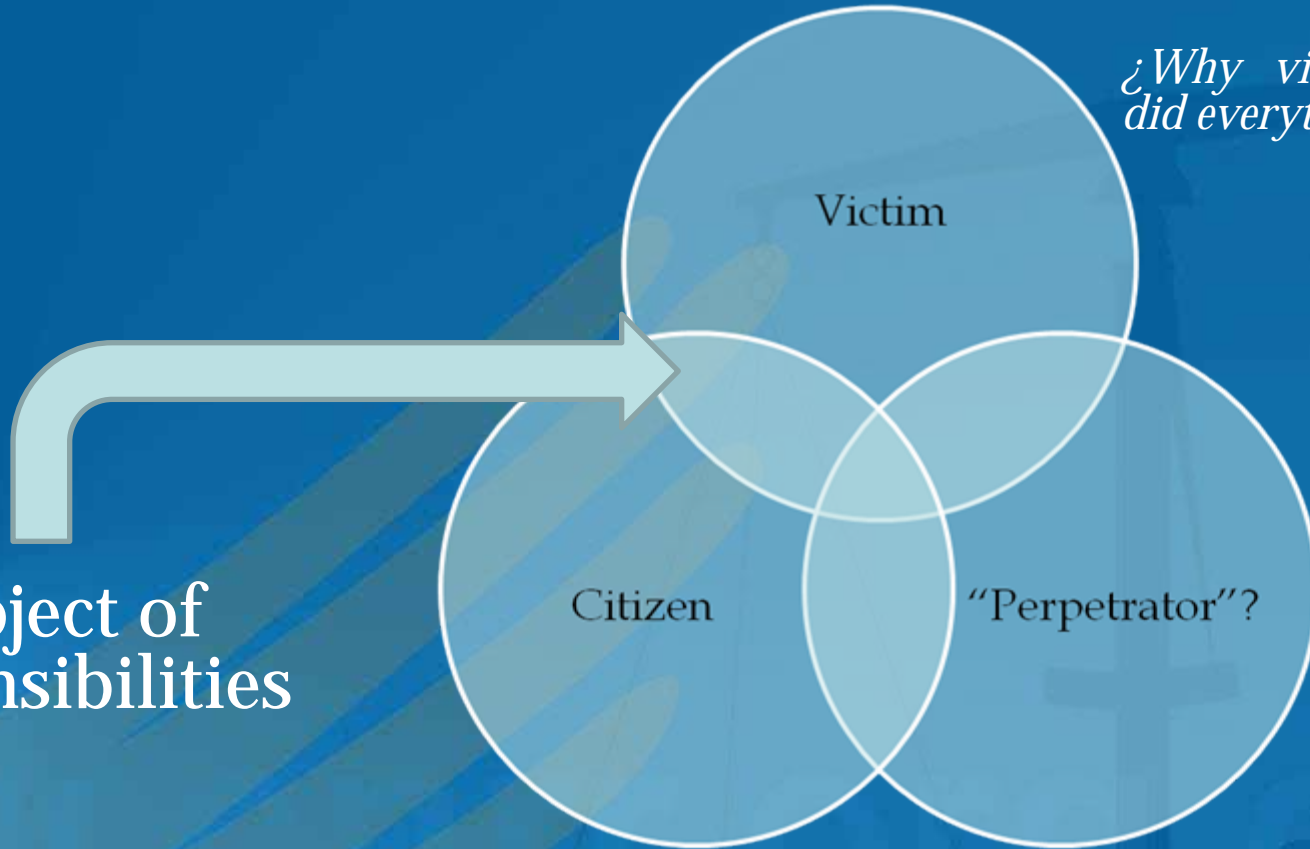
Source: Defensoría del Pueblo. Survey of 525 children between August and September 2005.

# CNRR and former child soldiers

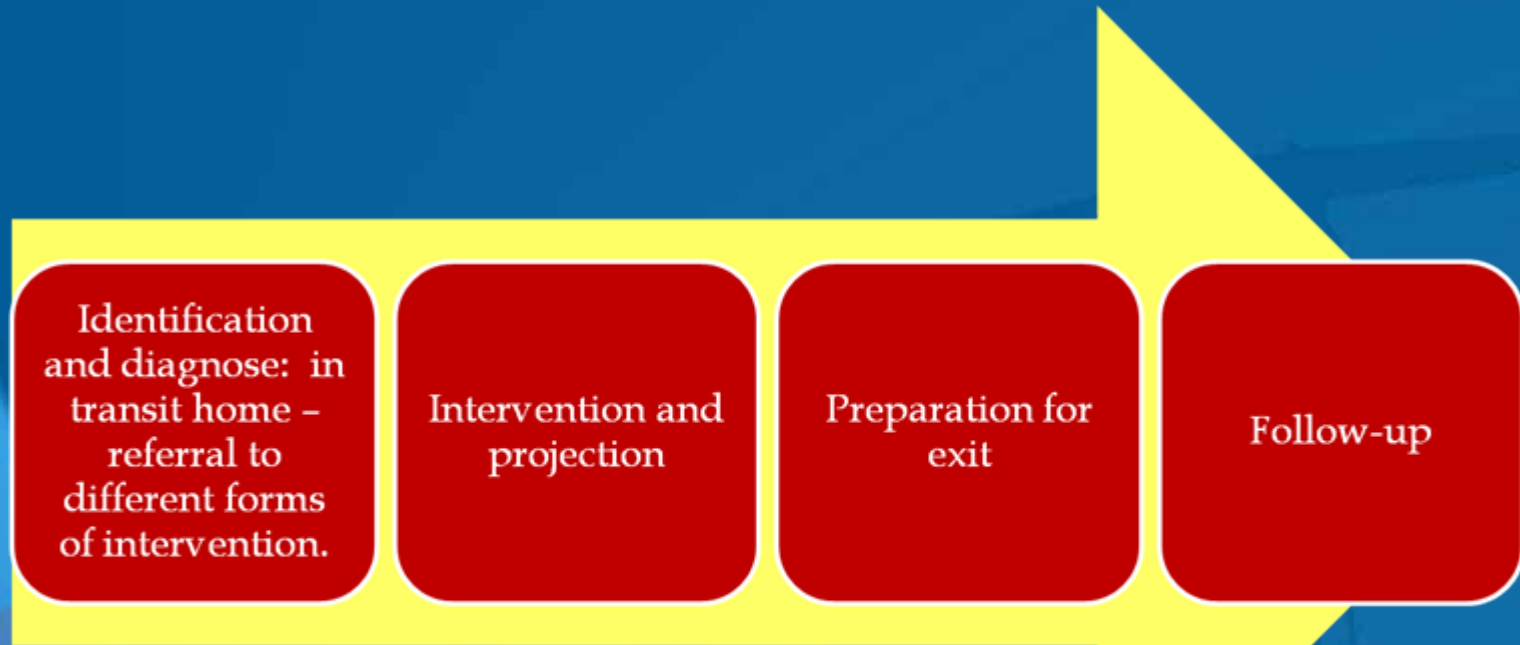
*“Since I was young, I saw myself as a “paraco”*

*¿Why victims, if we did everything wrong?*

Subject of responsibilities



# Brief overview of the Colombian attention model



Source: ICBF Colombia

Intervention at the individual, family and social levels



# Children and armed conflict

Children as victims :  
IDP  
Forced Recruitment  
Sexual Abuse

Recommendations for integral reparation of IDP children. Proposals on the follow-up of Court decision (Auto) 251 on IDP children.

Children as subject of special protection, by the fact of being children

Pedagogical work towards reconciliation.

Former child soldiers with a double condition: perpetrators – victims

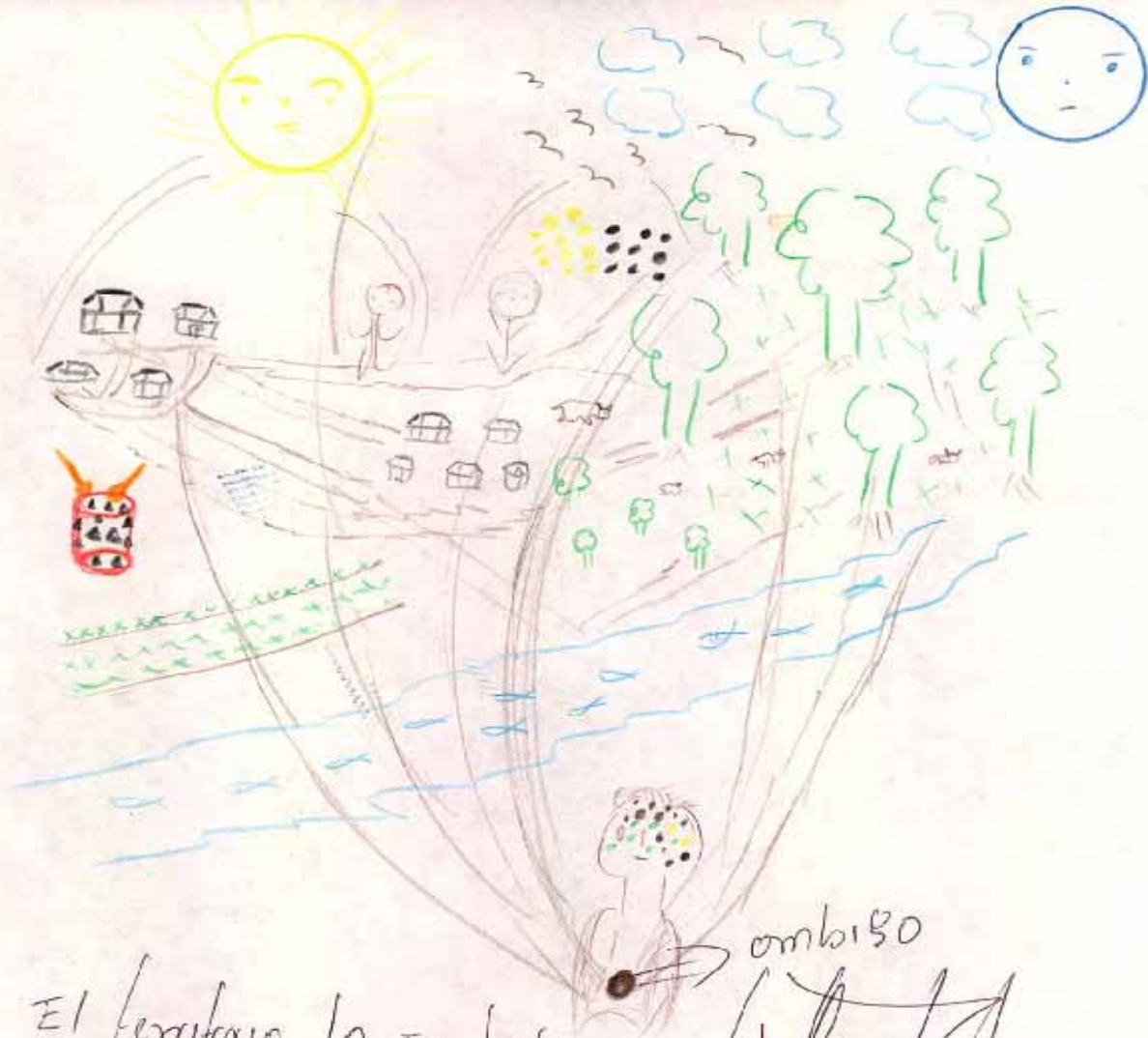
Recommendations on reparation and reintegration for former child soldiers, and their social responsibility as citizens

# Achievements and challenges

CNRR

- ☑ Ongoing project, in partnership with UNICEF: “Analysis on the participation of children and teenagers in the Justice and Peace process”: 5 regional workshops in view of discussing the obstacles for the guarantee of the rights of former child soldiers, and their contribution to the rights of the victims.
  - ☑ Synthesis of results in view of producing public policy recommendations for integral reparation of former child soldiers.
  - ☑ Advance in the construction of recommendations on integral reparation for children victims of internal displacement.
1. To contribute to strengthening the ICBF’s attention route, from interinstitutional spaces and discussions.
  2. Security for former child soldiers.
  3. Strengthening the awareness raising processes on child recruitment with the former combatants in prison: understanding the criminal dimensions of child recruitment / delivering information in the judicial process on child recruitment.
  4. Effectively affect the inclusion of public policy recommendations for IDP children.

**ETHNIC  
POPULATIONS:  
Indigenous and  
Afro Colombian  
Communities**



El territorio lo es todo.  
Nos permite ser y estar.  
Razón de ser.  
De Vida

Sin El No Somos Nada.

ombiso  
MARENO  
HÉCTOR DE CARABALI



# Achievements and challenges

CNRR

- Sensitization with Afro Colombian communities on truth, justice, reparation (judicial and administrative routes), reconciliation – Leaders and traditional authorities.
- Approach strategies with indigenous organizations, towards the construction of public policy recommendations on integral reparation for indigenous communities.
- Accompaniment to indigenous communities in return or relocation processes (Bahía Portete and Arhuaco communities). Positioning the issue in regional and local public agendas.
- Work with Afro Colombian communities on two pilot projects for collective reparation: Buenos Aires and Buenaventura.
- Sensitization on property restitution with Afro Colombian communities.