

RI BULLETIN

A POWERFUL VOICE FOR HUMANITARIAN ACTION

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Contacts: Mamie Mutchler and Andrea Lari
ri@refugeesinternational.org or 202.828.0110

Colombia: Respect the Rights of Displaced Persons

In Colombia thousands of people displaced by violence in the country are returning to their homes too soon. In the areas where they have fled to seek safety they are unable to find adequate economic opportunities and social services. The government has not been able to guarantee rights to basic necessities in places of refuge, despite the prevalence of legislation and court decisions in favor of the rights of the displaced. Displaced Colombians are thus left with an impossible choice between safety and economic survival. Under Colombian and international humanitarian law, the government is responsible for ensuring that displaced persons can have both.

Many of the displaced are returning within the first weeks or months of the initial displacement, with very few guarantees of safety or even a change in the conditions that forced them to leave their homes in the first place. According to the Office of the UN High Commissioner for Refugees (UNHCR) in Colombia, the government of Colombia is pursuing a strategy of encouraging returns of populations without guaranteeing that the return is voluntary and can be conducted safely. In the past two years over 14,000 families returned to their homes, the vast majority during so-called “massive return” processes. These actual returns represent 15.7% of the displaced registered within the national system. The government is calling for the return of a total of 30,000 families between 2003 and 2006. Many displaced, however, are returning without state intervention, and as such are unaccounted for in the statistics.

Promoting returns without due regard for the safety and voluntary nature of the decision violates the rights of Colombians caught in the civil conflict to seek safety through displacement. Under Principle 15 of the United Nations Guiding Principles on Internal Displacement, displaced persons “have the right to seek safety in another part of the country” and have “the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.”

In Colombia these rights are being compromised primarily through the failure to provide adequate protection and assistance to the displaced in areas of refuge. Refugees International spoke to internally displaced persons who had returned to their village, despite continued fears for their safety, because their living conditions were untenable. “In Urabá [a province on the Atlantic Coast] we had suffered a lot. Girls turned to prostitution. Families broke up. Members of the community were still being killed by armed actors. There was no employment, no education for children and no food. People lived in hunger and misery in shacks.”

Another community emphasized that the lack of employment opportunities and the inability to pay for schooling were luring teenage children and young adults into the armed conflict through recruitment by illegal armed actors. Many parents had decided it was better to return to their farms in the midst of conflict and give their children an economic future. “We do not want our children to work for illegal armed groups. But how can we prevent them from doing this, if we cannot afford to send them to school, and they have no way of finding employment? Our only option is to try to return to our lands where we can make a living.”

Under Colombian law and international principles, the State has a responsibility to protect its citizens from displacement, but when it fails to do this it has the minimum duty to provide safety and humanitarian assistance to those forced to abandon their homes due to violence. Under Law 387 for the Displaced in Colombia, displaced persons who have been deprived of their homes by an act or failure of the State have the right to have their situation redressed by the State. This means that they are entitled to humanitarian assistance and retain their rights even following displacement until they have successfully returned or been resettled. In practice, however, only 30% of the displaced from 2004 actually received government assistance according to an independent non-governmental organization, Consultancy for Human Rights and Displacement (Codhes). The government's own figures differ only slightly, indicating that 38% of registered internally displaced persons received emergency humanitarian assistance between 1994 and 2004.

Even those who do receive assistance are often entitled to only three months of food aid, shelter and emergency health care. After this period, which can be extended a further three months, most displaced persons are left to fend for themselves in a totally new environment. Considering that in 85% of cases displacement in Colombia lasts for years, six months of assistance does not go very far. RI interviewed many displaced persons who could not afford to pay electricity bills, or did not have access to running water. Many had not been able to make the adjustment from a rural to urban environment. Their skills as farmers and agricultural laborers were not transferable to urban settings.

Those that have decided to return to their homes because of lack of assistance in areas of refuge live in fear of the conflict, and in some cases face ongoing killings in their communities. RI recently spoke with a returned community leader of Saiza in Cordoba, in the Paramillo National Park area. Individuals within the community had been targeted by illegal armed actors even after returning, but the community has persevered. "We are no longer afraid of death. We have been displaced multiple times by massacres carried out by all sides of this conflict. We have nothing left to lose, except our fear." While the community supports the presence of the military base in the mountain near their valley, and hopes for the best from the process of demobilization of the paramilitary, they point out that the area in which they live remains a contested zone by all of the armed groups. As such the community has to strive to be autonomous in the midst of the conflict. "We cannot refuse the demands of the armed actors to sell to them when we have no ability to defend ourselves in the face of guns. But we can explain that we will not take sides in this conflict, and we will refuse to grow coca or allow our children to be recruited by illegal armed actors."

The communities who do return request accompaniment from international and national NGOs, as well as the presence of civilian authorities, such as the national ombudsman, to activate early warning systems in the event of incursions by armed actors. "Accompaniment is the key for us. Without the ears and eyes of national and international NGOs, the community is completely alone."

Therefore Refugees International recommends that:

- The government of Colombia implement the Law 387 for the displaced and the recent court decision T-025, to better provide social services including housing, education, medical care, career training, and livelihoods projects, and to provide direct humanitarian assistance to all internally displaced persons;
- The government of Colombia and in particular the agency for the displaced, the Social Solidarity Network, work more closely with committee representatives of displaced communities to understand the needs of the displaced and to work to implement agreements for their welfare. The Social Solidarity Network should, as a minimum, ensure that all displaced persons are registered, and receive basic entitlements;
- The government of Colombia work directly with UNHCR to ensure that returns are carried out in a voluntary manner, while ensuring the safety and dignity of those returning. Government

sponsored returns should only be to areas which are fully under government control, and are not subject to the conflict;

- The government of Colombia increase the presence of civilian authorities in rural areas and implement early warning systems in rural villages to ensure the safety of civilians. The office of the Ombudsman when based in rural areas can help communities document human rights abuses and seek to redress abuses through legal channels;
- UNHCR and the UN Office for the Coordination of Humanitarian Affairs further develop their field presence and protection work in rural areas, particularly work involving accompaniment of displaced persons back to their homes, increasing access to humanitarian assistance, and advocacy on behalf of returnees;
- International and national NGOs increase accompaniment work for returning communities. The displaced have stated that the presence of witnesses in their community serves as a protection from the impacts of the conflict.

Advocates Mamie Mutchler and Andrea Lari traveled to Colombia for three weeks in January and February to assess the situation for internally displaced persons there.