

Thematic Protection Group



Advocacy Paper of Protection Cluster Colombia

Violence by non-State armed groups in urban areas in Colombia from the perspective of citizen security

I. The problem: urban areas affected by violence

According to estimates by the national government, 50% of the 5,632,062 internally displaced persons in Colombia has reached 27 urban centers¹. Despite the fact that there are no statistics to demonstrate how much of the displaced population persists in the cities, in view of the low level of return, it is assumed that the vast majority of them seek their local integration in urban settings. At the same time, the human rights of the displaced population and other residents in urban centers have been affected, first, by the failure at the national, departmental and municipal levels of some of the State's obligations to respect, protect and guarantee the rights; secondly, by the actions of non-State armed groups, whether traditional parties of the armed conflict or armed groups that emerged following the demobilization of the AUC, which the government calls "criminal gangs", or other local armed organizations and criminal groups. In its annual report, the International Committee of the Red Cross (ICRC)² warns about the plight of 39 cities in 14 departments in which the agency has documented 207 violations of international humanitarian law and international human rights law. Situations such as Cali and Buenaventura exemplify these issues.³

The nature and dynamics of urban violence differs from one urban center to another. Urban centers such as Buenaventura, in particular, have experienced an increase in the intensity of fighting and violence, now visible at national and international level. In pursue of their strategy of social and territorial control, search for illegal income and appropriation of legal income, the armed groups that emerged after the demobilization of paramilitary groups and other local armed groups stand as the non-State actor that most directly impacts the rights of

¹ Unit for Comprehensive Care and Reparation for Victims (UARIV), National Information Network, <http://rni.unidadvictimas.gov.co/?q=v-reportes> 1 May 2014.

² International Committee of the Red Cross (ICRC), "Humanitarian Situation: Activities 2013 and outlook 2014", <http://www.icrc.org/spa/assets/files/2014/04-09-colombia-annual-report-2013-full-version.pdf>, March 2014.

³ For example, in face of the dynamics of violence in the city of Cali, according to the Risk Report from the office of the Ombudsman on Santiago de Cali N° 002-14 of 4 February 2014, approximately 250,000 people located in different municipalities are at risk, particularly children and teenagers, who face extreme vulnerability. Another example is the port of Buenaventura, where armed confrontation between non-State armed groups is ongoing since no armed group has achieved territorial dominance. This urban confrontation between "Urabeños" and "La Empresa" increased when both groups were reinforced by the so-called *Gaitanistas* and *Chocoanos*, who are fighters from the departments of Chocó, Antioquia, Córdoba, Valle (Cali and Palmira). According to the Office of the Ombudsman (Sixth at Risk Report N° 032 of 2008, issued on 31 January 2014), 94% of Buenaventura's population, more than 400,000 people, is at risk of human rights violations.

people living in urban areas.⁴ Human rights abuses committed by these armed groups include murder; extreme physical violence; enforced disappearances; threats to life and physical integrity; gender-based violence, especially sexual violence or other violence against women, young women and girls; use of boys, girls and teenagers in armed groups; extortion; kidnapping and limitations on humanitarian access. These actions cause forced displacement of persons and families; prevent durable solutions and sometimes may be regarded as confinement for the extent of the isolation and deprivation of goods and services. The population's vulnerability and restrictions on the achievement of solutions exacerbate the serious deficiencies in housing, utilities, infrastructure and income generation already faced by the population in these urban areas. These settlements are corridors for smuggling of goods and drug trafficking in large and small scale. In recent years the intra-urban displacement phenomenon has grown steadily,⁵ and the illegal armed groups that emerged after the demobilization of paramilitary organizations are at the top of the list of actors responsible for victimizing civilians.⁶

It is noticeable the vacuum represented by the failure of the Colombian State to comply its obligations related to human rights such as the provision of citizen security in many of these areas. Efforts to reverse the lasting effects of State neglect remain insufficient. In Buenaventura in early 2014, for example, United Nations-Human Rights documented that several key local authorities did not recognize 132 homicides occurred there in 2012 and 162 the following year. The institutional efforts to fight impunity were inadequate: ten prosecutors were in charge to process 1,200 methodological investigation plans opened in late 2013 and the Technical Investigation Corps (CTI) had just one investigator dedicated to forensics. The logistic resources for research were insufficient; there were delays in the identification of victims by the lack of a local forensic lab and there were no specific operations against criminal organizations. Other challenges include: I) weak institutional coordination; II) low participation of institutions – with the exception of the police (SIJIN) – in the search for missing persons; III) deficiencies in the provision of assistance and shelter to victims; lack of previous consultation in housing projects; IV) low quality of education and limited options for young people; V) invisibility of sexual violence; and VI) low presence of police in high risk neighborhoods. Monitoring of public expenditure was inadequate,

⁴ Human Rights Watch visited Buenaventura's urban center in November 2013 to investigate the causes of widespread displacement there. The NGO warned that entire neighborhoods of the city were under the domination of two powerful paramilitary successor groups known as *Urabeños* and *La Empresa*, that restrict the citizens movement, recruit children, extort traders and are usually involved in aberrant acts of violence against anyone who stands to their interests. Between 2003 and 2006, right-wing paramilitary organizations participated in a demobilization process that had serious flaws and many members remained active in newly armed groups. The NGO emphasizes that these new groups have basically replaced old paramilitary organizations in different regions and carry out similar activities, such as drug trafficking, often with some of the old members. Human Rights Watch, "The Crisis in Buenaventura: Disappearances, dismemberment and displacement in Colombia's main port on the Pacific", 2014.

⁵ For example, from January 2012 to June 2014, 41 mass displacement movements in urban contexts were registered (events are classified into intra-urban displacement and urban displacement between different cities) that affected 15.000 people approximately. Buenaventura and Medellín concentrated 74% of displacements. According to the Report of the Ombudsman (*Personería*) of Medellín on the situation of human rights in that city in 2013, there were 6.004 victims of intra-urban forced displacement, including three massive intra-urban displacements and two massive displacements in municipalities. For more information about displacements in Bogotá and Quibdó in Cúcuta, see CODHES, "Intra-urban Forced Displacement and Durable Solutions", 2014.

⁶ *El Espectador*, "Criminal gangs, responsible for most human rights violations in Colombia," 26 March 2014, <http://www.elespectador.com/noticias/judicial/bacrim-responsables-de-mayoria-de-violaciones-de-ddhh-c-articulo-483096>; Inter-American Commission on Human Rights, "Truth, justice and reparation: fourth report on the situation of human rights in Colombia," OEA/Ser.L/V/II, document 49/13, 31 December 2013.

including on the issue of care for victims of forced displacement. The private sector was not adequately involved in finding solutions to generate sustainable employment or the fight against corruption. In this case, it is commendable that the government announced a response plan for Buenaventura on 8 March 2014 to address the situation already reported by the Ombudsman, UNHCR and the United Nations-Human Rights in 2012. However, citizen oversight and participation, and transparent accountability are necessary for the plan to be effective; Buenaventura is just a single example out of many.

In general, there is a public mistrust of the population towards the authorities and a general ambiance of helplessness in light of the constant attacks committed by the new paramilitary groups.⁷ In these specific environments, the victims' distrust towards the institutions is an issue, either by the absence of effective, transparent and purposeful responses to systematic violations to the rights of people living in neighborhoods that suffer the domain of non-State armed groups, by the fear that local governments could be infiltrated or co-opted by these illegal armed groups, or the generalized impunity in many areas of the country. Many victims are afraid to report the abuse suffered and opt for insufficient self-protection strategies such as seeking support in their relatives' homes. In this sense it is clear that some of the displaced population living in the urban areas has no measures of general satisfaction, guarantees of non-repetition and protection⁸. It is worth to highlight that this trend seems to be changing since the Constitutional Court issued its Order N° 119 in 2013, and the adjustments made in the Unit for Comprehensive Care and Reparation for Victims (UARIV). The coordinated work between UNHCR and the Sub-Directorate General notices a change in terms of the number of cases in which the entry register is based on displacement situations, in urban violence situations and in the degree of inclusion of data in the register.

This is where it becomes necessary to think about how to respond to the challenges of protection – in humanitarian language – and how to promote and strengthen the compliance of State responsibilities under international human rights standards. Doing so requires a multidimensional perspective of human mobility taking into consideration the actors who operate in the context of expulsion, transit and reception, and additional causes of generalized violence.

In line with its protection strategy⁹ and its mandate to promote respect, protection and guarantee of human rights in humanitarian action, the Protection Cluster gives priority to identify protection risks and gaps in the State's response to violence in urban areas, to clarify the applicability of the protection legal frameworks and obligations of duty bearers, to promote comprehensive responses based on the international human rights law and international humanitarian law, and to propose coordinated action between the Humanitarian Country Team and the United Nations System. In this regard, it is essential to enhance the activation and effectiveness of existing national, regional and local mechanisms and processes related to citizen security.

⁷ In some cases the public or NGO reports indicate alleged links between these groups and State agents. See for example Human Rights Watch, "The Crisis in Buenaventura: Disappearances, dismemberment and displacement in Colombia's main port on the Pacific," 2014.

⁸ CODHES, "Intra-urban Forced Displacement and Durable Solutions", 2014.

⁹ The protection strategy prioritizes four objectives: a) to promote mitigation to specific risks of boys, girls and women, and action against mines; b) to respond to the humanitarian needs of displaced populations and communities affected by the conflict by strengthening the protection response; c) to influence the agendas of government at the national, departmental and municipal level as well as the donors, making visible the impact of the conflict and the humanitarian needs; d) protection is central to the humanitarian action of all actors and coordination mechanisms in the humanitarian coordination architecture.

II. Legal frameworks applicable to situations of human rights abuses committed by non-State armed groups

The abuses against human rights committed by non-State armed groups cause numerous victims, restrictions to mobility, displacement inside Colombia, and displacement towards other countries. Therefore, it should be clarified the applicability of the protection frameworks to the protection needs of victims of violence in urban areas. In the Colombian case are applicable:

- **National law** (direct obligations to the State authorities, which also includes the recognition of traditional authorities and non-State actors): It is noteworthy that Colombia's Constitutional Court stated in its Order N° 119 of 2013¹⁰ that people displaced by groups created after the demobilization process “have the fundamental right to be recognized as displaced population through the registration and, thereby, to achieve access to emergency humanitarian aid, access to economic stabilization plans and return, resettlement or relocation programs, through an urgent treatment, preferential, different and unique provided by public authorities in an attempt to ensure their protection and assistance needs”, considering that “the non-inclusion decision involves the violation of innumerable fundamental rights.” In the same judgment the Court emphasized “it is immaterial whether the displacement presents on the occasion of the armed conflict, the quality of the actor or its way to operate.”
- **International human rights law, international customary law and “soft” law** (direct obligations to respect, protect and guarantee for the State authorities and of respect for other actors): The State must ensure citizen security based on a series of rights defined by international instruments for the protection of human rights and by the Inter-American Commission on Human Rights. Furthermore, the application of human rights principles to the public performance is required, including participation, accountability, equality and non-discrimination. It is noteworthy that State authorities have negative duties of abstention and respect, as well as positive obligations associated with protection, prevention and non-repetition measures.¹¹ It should be recalled that even in internal armed conflicts still applies the international human rights law. The IHRL and IHL are not mutually exclusive but complementary and reinforcing.¹²
- **Guiding Principles on Internal Displacement** (direct obligations for State authorities and non-State actors): The vast majority of internal displacement situations caused by the violence in urban areas are within the scope of application of the Principles, or because it is about internal displacement caused by “generalized violence situations” or “human rights violations.” It should be noted that the list of reasons for displacement enshrined in the Principles is not exhaustive.

¹⁰ Constitutional Court, Special Chamber for the Monitoring of Sentence T-025 of 2004 and its compliance orders, Order N° 119 of 2013, 24 June 2013.

¹¹ Inter-American Commission on Human Rights, “Report on Citizen Security and Human Rights,” 2009.

¹² See United Nations-Human Rights, “International Legal Protection of Human Rights During Armed Conflict,” 2011, available in Spanish on the website:

http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict_SP.pdf

- **International humanitarian law (IHL):** According to the international jurisprudence,¹³ the IHL applies to armed conflicts that take place in the territory of a State when there is a protracted armed conflict (“intensity of the conflict”) between the governmental authorities and organized armed groups that have a “minimum level of organization” or between such groups. For the applicability of IHL, the motivation of organized groups in a situation of armed violence is not a criterion for determining the existence of an armed conflict.

To distinguish between an armed conflict within the meaning of Article 3, common to the four Geneva Conventions, and less severe forms of violence, such as internal disturbances and tensions, riots or acts of banditry, the situation must reach a certain confrontation threshold. The intensity of conflict is measured by various criteria such as “number of victims” and the “displacement of the civilian population.”¹⁴

Moreover, non-State armed groups involved in the conflict should be considered “parties to the conflict” if they have a minimum organization which is measured by criteria such as “the existence of a minimum structure of hierarchy and discipline among the people who make up the armed organization,” “the ability to plan, prepare and conduct hostilities or typically military operations,” “the ability to recruit and train combatants,” “the ability to obtain, transport and distribute all kind of weapons” and the existence of internal rules.”¹⁵

Although, according to analytical reports¹⁶, groups such as “*Los Urabeños*” created after the demobilization process of 2005 have an organizational structure that would allow the material application of IHL, the fact that other non-State armed groups have not reached yet the “minimum level of organization” means that the dynamics of violence within most urban contexts is still below the requirements to activate the IHL. In addition, the confrontations between *Los Urabeños* and parties to the armed conflict have not reached the intensity required by the IHL. The existence of many of these groups comes from the failed application of appropriate standards in the effective demobilization and the dismantling of armed and economic paramilitary structures. In the case of *Rastrojos*, *Los Urabeños*, and *Águilas Negras*, for example, regardless of their structure changes and fragmentation, it is not about the spontaneous emergence of armed criminal groups, but the use of previous armed structures with political support and the infiltration in different

¹³ See for example *Prosecutor v. Tadić, Case N° IT-94-1-AR72*, Decision on Defence Motion for Interlocutory Appeal on Jurisdiction, 70 (International Tribunal for the former Yugoslavia, 2 October 1995).

¹⁴ *Prosecutor v. Boškoski and Tarčulovski, Case N° IT-04-82-T*, Judgment, 175 (International Tribunal for the former Yugoslavia, 10 July 2008); Conflict Prevention and Peace Forum, Humanitarian Responses to Non-Conventional Violence in Central America and Mexico, Antigua, Guatemala, 9 April 2014. The other criteria are “the existence of typically military actions by conflicting parties in different time periods,” “the collective nature of the hostilities,” “diversity and variety of hostilities,” “the increase of military operations over a set period of time,” “carrying out such military operations in different parts of the national territory,” “control of the territory by a non-State armed group,” “the increase of hostilities in a specific area of the territory,” “the ability to plan their strategies and tactics on the battlefield,” “the nature of the means and methods used for warfare,” “distribution and movement of weapons by the different parties to the armed conflict,” “the possibility that these different military operations can be continued” and “the increase and mobilization of members of the conflicting parties in certain areas.”

¹⁵ Additional Protocol II to the Geneva Conventions; ICTY, *The Prosecutor v. Fatmir Limaj*, Judgment, IT-03-66-T, 30 November 2005, paragraphs 94-134; ICTY, *The Prosecutor v Slobodan Milošević*, Case N° IT-02-54-T, Decision on Motion for Judgment of Acquittal, 16 June 2004.

¹⁶ See for example The Office of the Prosecutor (International Criminal Court), “Report on Preliminary Examination Activities 2013”, pp. 29-37.

sectors of administration, economics and politics, which have allowed them to continue displaying control of large areas within the country. Furthermore, paramilitaries and guerrillas in Colombia for decades have been devoted to illegal activities such as drug trafficking, without ceasing participating in the internal armed conflict while they have formally existed; that's why the eventual implementation of the IHL, if it becomes necessary, is oriented in addition to their structures and motivations, to their humanitarian impact.

From a humanitarian perspective, in any case, the non-State armed groups are covered by International Human Rights Law and the Guiding Principles on Internal Displacement, in which are taken into account both situations of armed conflict and generalized violence, the latter being the qualification that the Colombian Constitutional Court has been giving to address the impact of the actions of such groups.¹⁷

In the asylum countries that receive applicants fleeing violence in urban areas are applicable:

- **National law** (e.g. laws/decrees on refugees and complementary protection, migration law and the indigenous customary law where applicable);
- **International human rights law, customary international law and “soft” law** (e.g. International Covenant on Civil and Political Rights, American Convention on Human Rights: access to asylum, principle of *non-refoulement*, etc.); and
- **International refugee law** (Convention Relating to the Status of Refugees of 1951 that establishes among others the principle of *non-refoulement* and the principle of non-penalization for irregular entry, Cartagena Declaration of 1984).

According to UNHCR,¹⁸ victims of human rights abuses committed by organized criminal groups, can be considered as refugees when they have: (i) well-founded fear of persecution by such groups, (ii) for reasons of political opinion, (iii) membership of a particular social group, (iv) or are unable or, owing to such fear, are unwilling to avail themselves of the protection of their country of nationality.

Considering that the non-State armed groups can generate non-compliance by the action or omission of duties of the State agents through direct links of collaboration, corruption, or coercion, objecting to their activities would amount to a critical opinion of the methods and policies of those in power and therefore may constitute a real or imputed political opinion within the meaning of the definition of individual refugee enshrined in the 1951 Convention.

Likewise, people who are opposed to the group methods such as forced recruitment, or families of individuals associated to the groups, or opposed to the groups, can belong to a “particular social group” and therefore qualify for refugee status.

The Cartagena Declaration of 1984 expands the refugee definition contained in the 1951 Convention, including persons who have fled their country (...) *because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed*

¹⁷ Among others, see: Constitutional Court, Order N° 119 (2013). Sentence T – 06 of 2014.

¹⁸ UNHCR, “Guidance Note on Refugee Claims Relating to Victims of Gangs,” 2010.

public order. According to experts,¹⁹ “generalized violence” includes situations characterized by such indiscriminate and widespread violence that affects large groups of people. According to the Inter-American Commission on Human Rights,²⁰ “generalized violence” is characterized, among others, by the number of violent incidents as well as a high number of victims; the existing violence inflicts severe suffering on the population; violence is manifested in the most atrocious ways, including massacres, torture, mutilation, cruel, inhuman and degrading treatment, kidnappings and disappearances; performing acts of violence which frequently are intended to cause terror, and finally, to create such a situation that people have no choice but to flee the affected area. When violence emanates from non-State agents the authorities cannot control them effectively; the level and extent of violence is such that the normal functioning of society is severely affected. According to UNHCR,²¹ people fleeing generalized violence in Colombia, may be eligible for refugee status within the Cartagena Declaration framework.

III. Concept of citizen security: The State guarantees and protects all human rights

In line with the Inter-American Commission on Human Rights, the concept of citizen security is meant as a situation in which people can live free from threats caused by violence and crime, and the State has the necessary means to respect, protect and fulfill human rights when directly threatened.²² Citizen security is related to the interrelated presence of multiple actors, conditions and factors. Among them: the structure of government and society; governmental policies and programs; the enforcement of civil, political, cultural, economic, and social rights; and the regional and international scene. Citizen security is threatened when the State fails to fulfill its role of providing protection against crime and social violence, which interrupts the basic relationship between rulers and rights-holders – women, men, girls, boys and children. The situation is exacerbated when in addition to non-State armed groups, the State has been charged directly as suspect for violations to the human rights of its citizens; in the Colombian case, for alleged acts and omissions.²³

Positive obligations taken over by the Colombian State require a public policy on citizen security that addresses as a priority the operation of an efficient institutional structure to ensure the population’s effective exercise of human rights related to the prevention, the control of violence and crime, the immediate responses to human rights abuses, and solutions for people displaced by violence. A citizen security policy takes as a priority the rights to life, to personal integrity, to liberty and to individual security, to procedural safeguards and judicial protection, to privacy and the protection of honor and dignity, to freedom of expression, freedom of assembly and association and to participate in issues of public

¹⁹ UNHCR, Expert Meetings, Interpretation of the extended refugee definition in the 1984 Cartagena Declaration,” Montevideo, Uruguay, 15-16 October 2013.

²⁰ See for example, Inter-American Commission on Human Rights (IACHR), “Violence and discrimination against women in the armed conflict in Colombia” (Chapter II, “The armed conflict in Colombia and its impact on women”), OAS/Ser.L/V/II. Document 67, 18 October 2006.

²¹ UNHCR, “Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Colombia”, 2010.

²² Inter-American Commission on Human Rights, “Report on Citizen Security and Human Rights”, OEA/Ser.L/V/II, document 57, 31 December 2009.

²³ Fifty processes and 134 formal complaints have been submitted to the Inter-American Human Rights System against Colombia, several of them with conviction sentences due to direct actions of State forces and others together with paramilitary groups. Inter-American Court of Human Rights, Contentious Cases: <http://www.corteidh.or.cr/index.php/16-juris/22-casos-contenciosos> and “International justice has opened 50 cases against Colombia: government”, *Semana* magazine, 29 August 2011.

interest.

According to the Inter-American Commission, a public policy on citizen security and response pathways should address the different dimensions of the problems that cause crime and violence, and therefore, it is necessary that their actions lead to a comprehensive approach. In other words, they must be (1) comprehensive (by systematically covering human rights as a whole), (2) cross-sectorial (by engaging actions, plans and budgets of different State actors); (3) participatory (by permanent intervention of the people involved and the need for citizens to participate in the solution); (4) universal (by its coverage without exclusion or discrimination of any kind), and (5) intergovernmental (by engaging institutions of central and local governments).

The governmental strategy must involve different areas of the State's institutionalism: from judicial-policing control system to measures of social prevention, community prevention and protection or situational that must be performed by education, health or employment entities, among others, engaging also national and local governments.²⁴

It is important to remember that the impact of different types of violence in urban and rural areas is not the same in the lives of women, young girls, children and adolescents. Therefore, the comprehensive and differential approach towards the problem implies that public policy and routes of response should tackle the protection risks and the specific needs of these people in a holistically manner. Additionally, the holistic responses should consider different forms of gender violence, which also include direct attacks against the LGBT population,²⁵ and phenomena such as domestic violence and violence against women, including domestic violence as one of the causes of violence in urban areas.

IV. Gaps in the State's response

The Protection Cluster believes that despite the mandate of the *Alta Consejería para la Seguridad Ciudadana y la Convivencia* (High Council for Citizen Security and Coexistence) of giving a more comprehensive strategic vision to the topic, the State response to generalized violence in urban areas often remains disjointed and limited.

First, the political system has delegated citizen security to its security forces, police and justice. These actors make decisions about the safety of people and their property based primarily on their own interests, independently of other public policies, without adequate oversight by the citizenry. As a result, interventions often are "actions with harm", victimizing once again the affected population, particularly women, children and teenagers.

Second, the public sector has not yet recognized the full extent of the disproportionate impact of urban violence in children and adolescents, and the Afro-Colombian and indigenous populations. It should be stressed out the lack of analysis of official figures on violence,

²⁴ "The preventive area includes responsibilities that are beyond the competence assigned to the judicial system and the police. Based on the definition of public policy adopted, this area includes the non-punitive measures that other state agencies must implement (within both the central government and local governments) working in partnership with civil society organizations, private enterprise and the media. These are social, communitarian and situational measures whose purpose is to influence the enabling factors of social, cultural, economic, environmental or urban risk factors, among others, that contribute to higher rates of violence and crime," Inter-American Commission on Human Rights, "Report on Citizen Security and Human Rights", 2009, paragraph 58, pp. 25:

<http://www.cidh.org/countryrep/seguridad/seguridadiv.sp.htm>

²⁵ Lesbian, gay, bisexual, transgender and intersex persons.

disaggregated by age, gender and ethnicity, the crossing of variables, the analysis from a gender perspective and above all, that the partial information is taken as a reference in public policy making. Another difficulty is that the government does not have data collection capacity, for example in rural areas and for certain crimes such as sexual violence.

Third, comprehensive public policies lack of quality and integrity and their implementation fails to develop, simultaneously, specific actions and strategic plans at the operational, regulatory and preventive level. The public sector, particularly at the municipal level and more specifically in municipalities of categories 5 and 6, currently has an insufficient institutional capacity of design, implementation and accountability of the actions included in the plans and programs that make public policy on citizen security. Furthermore, the public sector does not have the adequate human, economic and technical resources. Often the State has no permanent institutional presence in the most affected areas by urban violence. It is also important to mention the exogenous and contextual factors that limit the State's response such as access restrictions, or that are associated to the urban violence increase, such as the proliferation of small and light weapons, youth unemployment and school dropout.

Fourth, government interventions are not based on systematic coordination between central, national, local and traditional authorities (as well as between different government entities) despite the existence of mechanisms and procedures for doing so.

Fifth, it is necessary that the government review the way that public policies are conceived and designed in terms of rights and particularly the way that the indicators of Effective Enjoyment of Rights are being implemented. The government's approach is often considered as of welfare, reactive and short-term oriented. The response routes of the government do not cover human rights systematically as a whole and are not inter-sectorial. The recruitment and use of children by armed groups are possible to the extent that children and young people living in marginal areas of cities do not find appropriate educational, cultural and recreational opportunities and their parents cannot find employment opportunities neither.²⁶ The lack of environments with protection safeguards where young people can exercise their citizenship under appropriate conditions according to their gender, age and sexual orientation; the lack of provision of basic services and the image of children and teenagers as "offenders requiring prosecution, restriction of the exercise of their rights and curfews" encourage, promote and channel the violence against them and enables their involvement in illegal activities.

Furthermore the interventions have focused on local issues, ignoring the departmental, regional and national aspects and contexts.

Finally, it is worth noting the lack of participation of affected populations in the design of public policies and response routes on consideration of a differential approach that guarantees a response to different populations or victims of these situations of generalized violence. Public and transparent accountability from the authorities to the affected right-holders is considered a fundamental tool to achieve durable solutions.

There is a need for responses designed taking into account the different environments rather than individual subsidies. There is also a need to recognize and strengthen the communities' self-protection mechanisms.

V. Conclusions and role of the Humanitarian Country Team and the Protection Cluster

²⁶ CODHES, "Intra-urban Forced Displacement and Durable Solutions", 2014.

In conclusion, the Protection Cluster considers that

- While the violence in several urban areas of Colombia meets the criteria of “generalized violence” as defined by the Inter-American Commission on Human Rights, most urban contexts suffer multiple forms of violence caused by non-State armed groups in a more invisible manner. This shows the need to review the image of the urban centers as safe areas, unlike the rural world where armed conflict traditionally has elapsed.
- First, national authorities and, in a complementary manner, the humanitarian actors must respond to the protection needs of victims of violence through comprehensive strategies with a differential approach based on the international human rights law, international humanitarian law and the Guiding Principles on Internal Displacement. The State has a clear and immediate obligation to develop the necessary capabilities to carry out intelligence, investigations, and arrests among other actions against non-State armed groups that generate violence.
- Also, from a humanitarian and human rights perspective, all non-State armed groups are bound to respect the international human rights law and the Guiding Principles on Internal Displacement at all times.

To address these problems, the Protection Cluster recommends the following actions:

- Considering that a possible signing of a peace agreement between the government and the FARC would conclude hostilities, but not necessarily the other existing forms of violence caused by armed groups that emerged after the demobilization of the paramilitary groups, in relation to the new scenario we recommend to consistently use the term “post-agreement” instead of “post-conflict.” We also recommend using the term “armed groups” (including those that emerged after the demobilization of paramilitary groups) instead of “criminal gangs” (BACRIM) with respect to non-State actors who are responsible for violations of human rights and displacement.
- The United Nations humanitarian agencies and others should improve their understanding of urban issues in its many expressions and their different impacts on the population, increase their presence in affected urban contexts and design, within the framework of the protection thematic groups and local humanitarian teams, coordinated protection and humanitarian assistance strategies with differential approach to promote that the State as a whole meets its responsibilities based on the international human rights law, and the Guiding Principles on Internal Displacement. The coordination and articulation of international humanitarian actors and others with national, regional, departmental and local authorities must be strengthened after an assessment of the existing institutions.
- The Humanitarian Coordinator, the Humanitarian Country Team and the United Nations System should visualize the new dynamics of violence, promote the applicability of international protection frameworks (human rights, Guiding Principles on Internal Displacement, IHL, UN Security Council Resolutions)²⁷ and base their interventions on the concept of “citizen security”, including the focus on human rights

²⁷ See for example Resolution 1325/2000 on women, peace and security.

and sustainable solutions.

- Humanitarian actors should promote an unbiased response from the authorities that considers the humanitarian and protection needs regardless of the nature of the perpetrator.
- The Humanitarian Coordinator, the Humanitarian Country Team and the United Nations System should promote the design, implementation, monitoring, evaluation and public accountability with the government of inter-institutional comprehensive public policies and solutions, to address the causes of violence and not only its humanitarian expressions. This is especially relevant considering that an eventual dismantling of the FARC-EP and/or massive demobilization of guerrillas, and a likely reduction in the military, can increase the levels of violence and insecurity and the number of individuals involved in organized and common crime – even the children and teenagers that will be detached from guerrillas could be recruited again by demobilized groups– and facilitate the reconfiguration and strengthening of new illegal armed groups.
- Given the multidimensional causes of urban violence, the coordination among actors of development, of human rights and the humanitarian agencies must be deepened to generate comprehensive responses to the problem and from a differential approach. These actors should assist the national, regional, departmental and local authorities to design and implement comprehensive responses and strengthen government skills through technical cooperation, advice and resources, based on their different mandates in a coordinated and complementary manner.
- Direct interventions of humanitarian agencies and international organizations in urban settings should contribute to increasing the will, knowledge and skills relevant to the authorities to assume their role of respect, protection and assurance as well as self-protection capabilities and the demand of rights of affected communities. Likewise, all humanitarian programming should help reduce threats and vulnerabilities. In accordance with the IASC Guidelines on the centrality of protection in the humanitarian action and those for the interventions against gender-based violence in humanitarian settings, the projects must apply a rights-based approach, a gender approach and a differential approach to ensure an “action without harm,” and integrate the principles of participation, accountability, equality and non-discrimination by the Colombian authorities and the United Nations.
- The Protection Cluster requests the HCT, its Humanitarian Coordinator and the group of donor members, the allotment of emergency response resources (CERF-ERF) and other donors’ own resources to address these situations of generalized violence.
- The Protection Cluster requests the UN Interagency Information Managing Working Group (in coordination with clusters) to strengthen the means, mechanisms and information tools to achieve a more thorough and systematic monitoring of these situations of generalized violence in urban areas.

Protection Cluster - Colombia, September 2014

Annexes

NOTE: The data included in these tables correspond to the information reported by the Colombian Ministry for Social Prosperity (DPS) [It is uncertain whether or not the data has been included in the register], two events reported by other sources (UNHCR Field Offices and press,) and events reported in the crosschecking session with UARIV and OCHA.

DEPARTMENTAL FIGURES OF MASSIVE DISPLACEMENTS IN URBAN CONTEXTS				
DEPARTAMENTO	2012	2013	2014	TOTAL
VALLE DEL CAUCA	8	9	5	22
ANTIOQUIA	4	4		8
CAUCA	2	1		3
LA GUAJIRA	2			2
NORTE DE SANTANDER	1		1	2
CAQUETA		1		1
CHOCO		1		1
CUNDIMARCA	1			1
PUTUMAYO	1			1
TOTAL	19	16	6	41

SOURCE: UNHCR CONTRAST UARIV

MUNICIPAL FIGURES OF MASSIVE DISPLACEMENTS IN URBAN CONTEXTS					
DEPARTMENT	MUNICIPALITY	2012	2013	2014	TOTAL
VALLE DEL CAUCA	BUENAVENTURA	8	9	5	22
ANTIOQUIA	MEDELLIN	4	4		8
CAUCA	GUAPI	1	1		2
LA GUAJIRA	MAICAO	2			2
CAQUETA	MILAN		1		1
CAUCA	TIMBIQUI	1			1
CHOCO	SIPI		1		1
CUNDIMARCA	SOACHA	1			1
NORTE DE SANTANDER	EL TARRA	1			1
NORTE DE SANTANDER	SAN CALIXTO			1	1
PUTUMAYO	SAN MIGUEL	1			1
TOTAL		19	16	6	41

SOURCE: UNHCR CONTRAST UARIV

NOTE: The data included in these tables correspond to the information reported by the Colombian Ministry for Social Prosperity (DPS) [It is uncertain whether or not the data has been included in the register], two events reported by other sources (UNHCR Field Offices and press) and other events reported in the crosschecking session with UARIV and OCHA.

MASSIVE DISPLACEMENTS (2012,2013 JANUARY-DECEMBER) (2014 JANUARY-JUNE)										
MONTH	YEAR	DEPARTMENT	MUNICIPALITY	EXPULSION	RECEPTION	TYPE	NO. OF AFFECTED FAMILIES	CAUSE	ACTOR	POPULATION
JANUARY	2012	CUNDINAMARCA	SOACHA	ALTOS DE LA FLORIDA	SOACHA	U-U	16	HOMICIDES	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
JANUARY	2012	LA GUAJIRA	MAICAO	VILLA DIANA	CP. MAICAO	U-U	26	ARMED ACTIONS	POST-DEMobilISATION GROUP	OTHERS
FEBRUARY	2012	NORTE DE SANTANDER	EL TARRA	MOTILANDIA / VILLANUEVA Y COMUNEROS NEIGHBORHOODS	INTRA-URBAN	U-U	265	HARASSMENT	-	PEASANTS
FEBRUARY	2012	CAUCA	GUIPI	BARRIO SANTA MONICA	INTRA-URBAN	U-U	64	THREATS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
MARCH	2012	CAUCA	TIMBIQUI	CALLE DEL PUERLO	INTRA-URBAN	U-U	11	ARMED ACTIONS	FARC	AFRO-DESCENDANTS
MARCH	2012	PUTUMAYO	SAN MIGUEL	URBAN	INTRA-URBAN	U-U	11	MAP	FARC	INDIGENOUS
APRIL	2012	ANTIOQUIA	MEDELLIN	SECTOR PAN DE AZÚCAR – VILLA HERMOSA	INTRA-URBAN	U-U	18	THREATS / INTIMIDATION	POST-DEMobilISATION GROUP	PEASANTS
MAY	2012	LA GUAJIRA	MAICAO	VICTORIA Y LA MAJAYURA	INTRA-URBAN	U-U	26	COMBAT	FARC	PEASANTS
JUNE	2012	ANTIOQUIA	MEDELLIN	CABILDO CHIKARIWAK –CAMPO VALDEZ NEIGHBORHOOD	ALBERGUE BARRIO LAURELES	U-U	14	THREATS / INTIMIDATION	POST-DEMobilISATION GROUP	INDIGENOUS
OCTOBER	2012	ANTIOQUIA	MEDELLIN	BARRIO MARÍA CANO	INTRA-URBAN	U-U	14	THREATS / INTIMIDATION	FARC	OTHERS
OCTOBER	2012	VALLE DEL CAUCA	BUENAVENTURA	BELLAVISTA (PAMPALUNDA) COMMUNE 8	INTRA-URBAN	U-U	62	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
OCTOBER	2012	VALLE DEL CAUCA	BUENAVENTURA	CARMELITA – COMMUNE 9	INTRA-URBAN	U-U	111	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
OCTOBER	2012	VALLE DEL CAUCA	BUENAVENTURA	SEIS DE ENERO – COMMUNE 9	INTRA-URBAN	U-U	163	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
OCTOBER	2012	VALLE DEL CAUCA	BUENAVENTURA	JUAN XXIII – COMMUNE 7	INTRA-URBAN	U-U	639	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2012	VALLE DEL CAUCA	BUENAVENTURA	CALLE MUNICIPAL	INTRA-URBAN	U-U	26	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2012	VALLE DEL CAUCA	BUENAVENTURA	SAN LUIS	INTRA-URBAN	U-U	23	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2012	VALLE DEL CAUCA	BUENAVENTURA	BARRIO 6 DE ENERO	INTRA-URBAN	U-U	118	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2012	VALLE DEL CAUCA	BUENAVENTURA	SANTA CRUZ	INTRA-URBAN	U-U	249	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2012	ANTIOQUIA	MEDELLIN	COMMUNE 8 EXFUERZOS DE PAZ	INTRA-URBAN	U-U	22	THREATS	POST-DEMobilISATION GROUP	OTHERS
JANUARY	2013	ANTIOQUIA	MEDELLIN	COMMUNE 8 LA SIERRA	INTRA-URBAN	U-U	13	THREATS	DEMobilISATION GROUP	INDIGENOUS
JANUARY	2013	VALLE DEL CAUCA	BUENAVENTURA	BUENAVENTURA	BOGOTA	MU-D	12	MASSACRE	POST-DEMobilISATION GROUP	OTHERS
JANUARY	2013	ANTIOQUIA	MEDELLIN	NEIGHBORHOODS BLENICITO CORAZÓN, JUAN XXIII AND EL SOCORRO IN COMMUNE 13	INTRA-URBAN	U-U	30	COMBAT	POST-DEMobilISATION GROUP	OTHERS
FEBRUARY	2013	VALLE DEL CAUCA	BUENAVENTURA	LA PLAYITA / PUENTE LOS NAVEROS	INTRA-URBAN	U-U	153	THREATS - COMBAT	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
MAY	2013	ANTIOQUIA	MEDELLIN	SAN GABRIEL SAN CRISTOBAL	INTRA-URBAN	U-U	19	COMBAT	POST-DEMobilISATION GROUP	OTHERS
JUNE	2013	CAUCA	GUIPI	NEIGHBORHOODS: TEMUJY SANSON EL CARMENS PENITENTE	PUERTO CALL OLIMPICO, PUEBLITO AND SANTA MONICA	U-U	228	COMBAT – HARASSMENTS	FARC	AFRO-COLOMBIANS - INDIGENOUS
JUNE	2013	CAQUETA	MILAN	SAN ANTONIO GETUCHA	INTRA-URBAN	U-U	40	HARASSMENTS – THREATS	FARC	PEASANTS
JUNE	2013	CHOCO	SIPI	URBAN CENTER	ITSMINA	U-U	94	ATTACKS	ELN	AFRO-COLOMBIANS
JUNE	2013	VALLE DEL CAUCA	BUENAVENTURA	MIRAMAR NEIGHBORHOOD	INTRA-URBAN	U-U	26	THREATS	POST-DEMobilISATION GROUP	AFRO-COLOMBIANS
NOVEMBER	2013	VALLE DEL CAUCA	BUENAVENTURA	VIENTO LIBRE (COMMUNE 2)	INTRA-URBAN	U-U	1304	COMBAT - HOMICIDE	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2013	VALLE DEL CAUCA	BUENAVENTURA	LA PLAYITA (COMMUNE 2)	INTRA-URBAN	U-U		COMBAT - HOMICIDE	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2013	VALLE DEL CAUCA	BUENAVENTURA	PIEDRAS CANTAN	INTRA-URBAN	U-U		COMBAT - HOMICIDE	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2013	VALLE DEL CAUCA	BUENAVENTURA	PIEDRAS CANTAN	INTRA-URBAN	U-U		COMBAT - HOMICIDE	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
NOVEMBER	2013	VALLE DEL CAUCA	BUENAVENTURA	ALBERTO LLERAS CAMARGO (COMMUNE 3)	INTRA-URBAN	U-U		COMBAT - HOMICIDE	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
DECEMBER	2013	VALLE DEL CAUCA	BUENAVENTURA	VISTA HERMOSA NEIGHBORHOOD	INTRA-URBAN	U-U	12	COMBAT - HOMICIDE	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
DECEMBER	2013	ANTIOQUIA	MEDELLIN	NUEVOS CONQUISTADORES NEIGHBORHOOD IN COMMUNE 13	INTRA-URBAN	U-U	10	HOMICIDE - INTIMIDATIONS	POST-DEMobilISATION GROUP	OTHERS
JANUARY	2014	VALLE DEL CAUCA	BUENAVENTURA	SAN JOSÉ NEIGHBORHOOD, COMMUNE 4	INTRA-URBAN	U-U	66	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
JANUARY	2014	VALLE DEL CAUCA	BUENAVENTURA	SAN JOSÉ NEIGHBORHOOD	INTRA-URBAN	U-U	29	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
JANUARY	2014	VALLE DEL CAUCA	BUENAVENTURA	(SAN CIPRIANO) CORDOBA SAN CIPRIANO COMMUNITY COUNCIL	INTRA-URBAN	U-U	14	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
FEBRUARY	2014	VALLE DEL CAUCA	BUENAVENTURA	SAN CIPRIANO	INTRA-URBAN	U-U	11	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
MARCH	2014	VALLE DEL CAUCA	BUENAVENTURA	PIEDRAS CANTAN NEIGHBORHOOD COMMUNE 4	INTRA-URBAN	U-U	35	ARMED ACTIONS	POST-DEMobilISATION GROUP	AFRO-DESCENDANTS
APRIL	2014	NORTE DE SANTANDER	SAN CALIXTO	GUARAMITO NEIGHBORHOOD	INTRA-URBAN	U-U	25	ARMED ACTIONS	FARC/ELN	PEASANTS

SOURCE: UNHCR CONTRAST UARIV

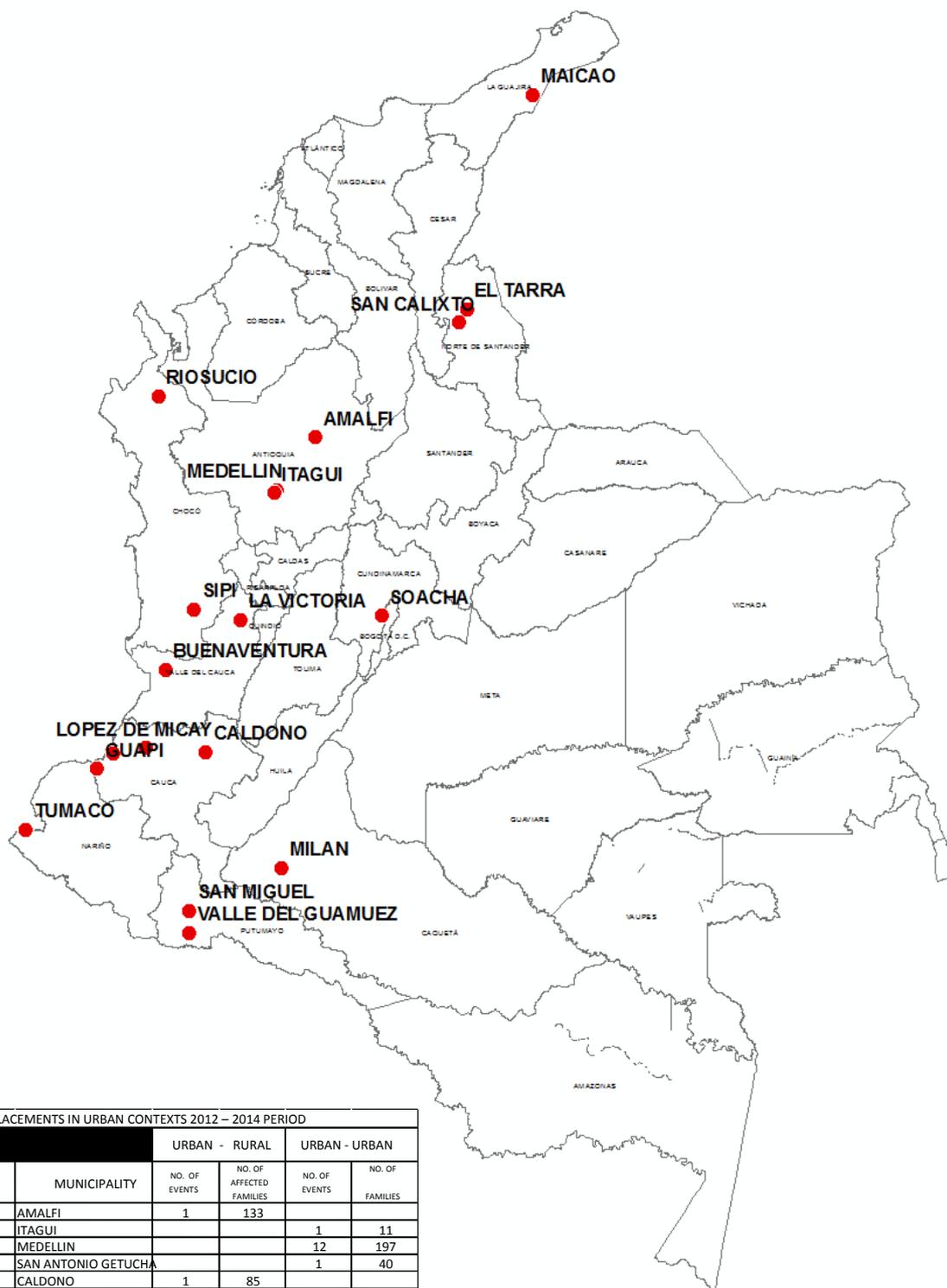
Reception: Municipalities that concentrate 50% of the consolidated reception between 1985-2014 (Source: rni.unidadvictimas as of 1 May 2014)

MUNICIPALITIES THAT CONCENTRATE 50% OF CONSOLIDAD RECEPTION FROM 1985 TO 2014					
TOP	DEPARTMENT	MUNICIPALITY	TYPE OF EVENT	TOTAL	%
1	BOGOTA, D.C.	BOGOTA, D.C.	PEOPLE RECEIVED	443775	8%
2	ANTIOQUIA	MEDELLIN	PEOPLE RECEIVED	358085	6%
3	MAGDALENA	SANTA MARTA	PEOPLE RECEIVED	182632	3%
4	VALLE DEL CAUCA	BUENAVENTURA	PEOPLE RECEIVED	123311	2%
5	SUCRE	SINCELEJO	PEOPLE RECEIVED	120874	2%
6	VALLE DEL CAUCA	CALI	PEOPLE RECEIVED	120412	2%
7	CESAR	VALLEDUPAR	PEOPLE RECEIVED	108207	2%
8	BOLIVAR	CARTAGENA	PEOPLE RECEIVED	101522	2%
9	CAQUETA	FLORENCIA	PEOPLE RECEIVED	97982	2%
10	META	VILLAVICENCIO	PEOPLE RECEIVED	96467	2%
11	ATLANTICO	BARRANQUILLA	PEOPLE RECEIVED	93373	2%
12	ANTIOQUIA	TURBO	PEOPLE RECEIVED	91615	2%
13	CAUCA	POPAYAN	PEOPLE RECEIVED	88569	2%
14	CORDOBA	MONTERIA	PEOPLE RECEIVED	85076	1%
15	CHOCO	QUIBDO	PEOPLE RECEIVED	77057	1%
16	NORTE DE SANTANDER	CUCUTA	PEOPLE RECEIVED	76925	1%
17	NARIÑO	SAN ANDRES DE TUMACO	PEOPLE RECEIVED	76336	1%
18	TOLIMA	IBAGUE	PEOPLE RECEIVED	72030	1%
19	ANTIOQUIA	APARTADO	PEOPLE RECEIVED	66429	1%
20	SANTANDER	BUCARAMANGA	PEOPLE RECEIVED	57441	1%
21	HUILA	NEIVA	PEOPLE RECEIVED	56086	1%
22	NARIÑO	PASTO	PEOPLE RECEIVED	55461	1%
23	ATLANTICO	SOLEDAD	PEOPLE RECEIVED	54541	1%
24	SANTANDER	BARRANCABERMEJA	PEOPLE RECEIVED	52675	1%
25	LA GUAJIRA	RIOHACHA	PEOPLE RECEIVED	51944	1%
26	CUNDINAMARCA	SOACHA	PEOPLE RECEIVED	46390	1%
27	BOLIVAR	EL CARMEN DE BOLIVAR	PEOPLE RECEIVED	45908	1%

SOURCE: <http://rni.unidadvictimas.gov.co/?q=v-reportes> CUTOFF 1 MAYO DE 2014

POPULATION CENTERS

URBAN VIOLENCE AND MASSIVE DISPLACEMENTS



MASSIVE DISPLACEMENTS IN URBAN CONTEXTS 2012 – 2014 PERIOD					
DEPARTMENT	MUNICIPALITY	URBAN - RURAL		URBAN - URBAN	
		NO. OF EVENTS	NO. OF AFFECTED FAMILIES	NO. OF EVENTS	NO. OF FAMILIES
ANTIOQUIA	AMALFI	1	133		
ANTIOQUIA	ITAGUI			1	11
ANTIOQUIA	MEDELLIN			12	197
CAQUETA	SAN ANTONIO GETUCHA			1	40
CAUCA	CALDONO	1	85		
CAUCA	GUAPI			2	292
CAUCA	LOPEZ DE MICAY	1	25		
CAUCA	TIMBIQUI			1	11
CHOCO	RIOSUCIO			1	15
CHOCO	SIPI			1	94
CUNDIMARCA	SOACHA			1	16
LA GUAJIRA	MAICAO			2	52
NARIÑO	TUMACO			1	16
NORTE DE SANTANDER	EL TARRA			1	265
NORTE DE SANTANDER	SAN CALIXTO			2	74
PUTUMAYO	SAN MIGUEL			1	11
PUTUMAYO	VALLE DEL GUAMUEZ	1	16		
VALLE DEL CAUCA	BUENAVENTURA			23	3111
VALLE DEL CAUCA	LA VICTORIA			1	11