



Evaluation of Integral Reparations Measures in Colombia

Executive Summary

October 2015

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EXECUTIVE SUMMARY

This report presents the results of a study conducted on the efforts of Colombia's Unit for Comprehensive Attention and Reparation of Victims (Unidad para la Atención y Reparación Integral a las Víctimas) to implement comprehensive reparations measures called for in Law 1448 of 2011: compensation, rehabilitation, restitution, satisfaction, and guarantees of non-repetition.¹ This evaluation was requested by the Victims Unit (VU) and supported by USAID funding, through a subcontract from Management Systems International (Evaluation and Analysis for Learning, contract no. AID-514-C-13-00003) with the Carr Center. The evaluation includes three components: 1) a global benchmarking study comparing the Colombian program to other reparation programs around the world; 2) an institutional analysis of the VU's reparation and coordination functions; and 3) an examination of the implementation of reparation measures by the VU from the perspective of its beneficiaries, and more broadly, the general population. The evaluation of the reparations function of the Victims Unit seeks to better understand its implementation and highlight opportunities for improvement.²

The VU was created in 2011 to formulate, implement and coordinate public policies at national and regional levels with respect to comprehensive victims' reparations. Part of its mandate is to coordinate various public and private entities grouped under the National System for Attention and Comprehensive Reparation of Victims (SNARIV – Sistema Nacional de Atención y Reparación Integral a las Víctimas). The VU did not have the luxury of developing its services on a small scale, adapting and perfecting them from the tests of everyday experience before creating the institutional capacity needed for scale-up. Indeed, it has had to design, construct, drive and navigate its vehicle at the same time. A visionary piece of legislation defined a broad set of beneficiaries, a requirement of finding and registering those victims, and a set of benefits to which they were entitled. These requirements were further defined by Presidential Decrees and rulings of the Constitutional Court. Each of these was also groundbreaking in the conception of society's commitment to repair the harm of 50 years of civil war, but they also expanded the expectations of what this fledgling institution should do, without,

¹ The purpose of Law 1448 is "is to establish a set of judicial, administrative, social, and economic measures, both individual and collective, to benefit the victims [who individually or collectively have suffered harm for events that occurred as of January 1, 1985, as a result of violations of international humanitarian law or of grave and manifest violations of international human rights law provisions, which occurred as part of the internal armed conflict] within a framework of transitional justice, that make possible the effective enjoyment of their rights to truth, justice, and reparation with guarantees of non-repetition."

² Because the provision of reparations has not been randomized and because no baseline evaluation was conducted, this is not an impact evaluation of the Unit's reparations function. We do, however, seek here to draw conclusions about associations between the Unit's work and the observable variables captured in our quantitative and qualitative data.

however, the strategic guidance and the necessary tools that would allow it to prioritize and achieve its mandate.

The leaders within the Unit are also visionary, strongly mission-driven, and highly knowledgeable of the dynamics of victimization and victims' organizations. They are both professional and entrepreneurial. Many of these characteristics are highly valued in modern organizational theory because they facilitate more effective processes of governance. But these strengths are not completely balanced with deep institutional experience that could aid the effectiveness of the VU. Indeed, the VU's operational problem has been compounded by an expanding set of needs identified and reparations proposed, across both geography and program scope. This ambitious mandate has contributed to the rising expectations of victims—and their disappointment with the government when its lofty goals remain unmet. The VU has nonetheless made very significant progress and has succeeded where many other national reparations programs failed to deliver reparations programs both widely and quickly.

Throughout the report, we stress these two simultaneous aspects of the Colombia reparations program: the admirable vision and comprehensiveness of the reparations program and the huge challenges Colombia faces in order to deliver integral reparations to so many people. For example, the Victims' Unit has already compensated a large number of individuals in a relatively short period of time. In this sense, the VU has been very efficient in delivering compensation to victims compared to other programs around the world. However, for operational reasons and because of the scale of the reparations challenge in Colombia, this positive perspective is not always shared. From the point of view of the great majority of victims – the approximately 90% who are not yet repaired – the process seems anything but efficient.

Even at a rate of compensation that is high relative to that in other countries, the VU will not complete compensation for victims before the end of the law in 2021. Either they will have to extend the end of the law beyond that date or they will have to increase their rate in order to compensate everyone, or both. At the same time, the victims' registry continues to grow.

Because of these unique characteristics of the Colombia reparations programs, at current levels of funding and staffing, the VU does not have the operational capacity to deliver all forms of reparations concurrently or within the law's timetable. The VU will need to prioritize clearly the types of reparations that should be provided first. We believe that the VU needs to strategically prioritize the "who, what and how" of its reparations policy. Empirically informed and clear priorities will help the VU effectively invest in the institutions and programs necessary to bring about desired outcomes.

This report provides empirical input to the VU and the Colombian government as they make hard decisions about priorities and trade-offs. First, our data on other

reparations programs around the world provide a useful source of information about international reparation norms and practices. Second, our institutional analysis provides information about what the VU has already done and how it can build upon past effective action and correct some mistakes. Third, our qualitative and quantitative data collection on victims' and citizens' perceptions offers their views about the best way to prioritize. Although these sources do not provide all the information necessary to fully define the VU's priorities going forward, they do provide critical inputs to the VU from a comparative perspective, through institutional analysis, and from the views of key stakeholders.

Component One: Global comparative benchmarking

We begin the evaluation with benchmarking, by comparing Colombia's laws, institutions, and results to date with other reparations programs around the world. More specifically, the report compares the Colombian reparations program with 45 other reparations policies in 31 other transitional countries in the world. We follow with a more in-depth comparison of the Colombia program with policies in a reference group of reparations policies in five other countries: Guatemala, Indonesia, Peru, South Africa, and Morocco. The global comparison draws on the reparations dataset from our Transitional Justice Research Collaborative (TJRC) funded by the US National Science Foundation (NSF).³ Using these data, we present some entirely new analyses in order to relate those policies to the Colombia case in a manner that may prove interesting and useful to the VU in its efforts to strengthen the Colombian model in the future.

The first point that emerges in our global comparison is that the scope of victims the Colombian reparations program aims to serve is far broader and larger than any other reparations program, in both absolute terms and relative to population size. The VU uses a larger list of victimizing acts than any other country in our database. The Colombian registry (Unitary Victims' Registry, or RUV, for its Spanish initials) now includes more than 12.7% of the current population of Colombia;⁴ none of the other programs have registered or repaired more than 1% of their populations, although both Peru and Morocco may benefit somewhat more than 1% of their populations through collective reparations. This enormous difference

³ The data presented in this report are partially based on research supported by the National Science Foundation "Alternative Accountabilities for Human Rights Violations." Any opinions, findings, and conclusions or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the National Science Foundation.

⁴ As of May 31, 2015, the RUV included a total of 7,438,023 victims (Source: Oficina Asesora de Planeación, included in the full report as Annex B) of which the VU considers 6,154,640 "reparable": persons for whom the RUV contains identity data and contact information that has been confirmed. The population assumed for this calculation is 48,290,723 (Departamento Administrativo Nacional de Estadísticas, National Administrative Statistics Department), August 2015.) In order not to inflate perceptions, we utilize the conservative figure of reparable victims to estimate the percentage, and as a reference point throughout the full report.

between the Colombia program and the other reparations programs is largely the result of the decision in Colombia to include displaced people in the reparations program, combined with the huge size of the displaced population in the country. Colombia is now the country with the second highest number of internally displaced persons (IDPs) in the world, after Syria. No other single country in the world is trying to deal with a displaced population of this size. If displaced people were not included in the Colombia program, the size of the registered victims would be approximately 2% of the population, still twice the size of other large reparations programs, but much more in line with the other large and complete programs in the database.

Because of the age and composition of the RUV, which integrates four previous lists of victims, the actual number of victims from the registry that can be reached is smaller than the over 7 million in the registry. Preliminary evaluation by the Victims Unit places the total number of victims currently capable of receiving support under Ley 1448 at closer to 6.1 million persons, a number of whom have already received reparations. Even with this adjustment, in terms of scale, the Colombian reparations program is of historic proportions.

As part of the global comparison, we present two new scales (the “2C” Score and the “Comprehensive Scorecard”) to assess the coverage, complexity, and comprehensiveness of different national reparation programs around the world. Within the 2C Score, “Completeness” refers to the ability of the policy to cover the full set of potential beneficiaries, and “Complexity” refers to the range of benefits a policy offers to address past harms. Using the 2C Score, we find that the Colombian reparations program is one of six programs in the world that reach the top score in terms of levels of completeness and complexity.

Next, using the 2C Score and the presence of internal armed conflict, we identified five policies in countries that make up Colombia’s reference group. The entire reference group--Guatemala, Indonesia, Peru, South Africa, and Morocco--is then used to benchmark Colombia’s policy across a wider range of important dimensions such as types of harms covered, eligibility criteria, and victim differentiation. We call this analysis the “Comprehensive Scorecard.” Using this comprehensive scorecard, we find that the Colombian reparations policies are the broadest and most comprehensive in the world in terms of types of harm, eligibility, and forms of reparation. This speaks to the ambition and the vision of Colombia’s law and the VU and the state-of-the-art program currently underway in Colombia. Colombia includes all possible injury types (e.g. physical, emotional, economic, and fundamental rights), and strives not just to repair tangible harms but to restore victims to full citizenship. As admirable as these aspirations are in principle, in practice they may introduce uncertainty and the possibility of constant task-expansion into an already massive reparations challenge.

Colombia also differs from all other countries in its open eligibility process – which continues to be “open” due to the ongoing nature of the conflict and transition. In

the context of the size of the already known victim pool and the ongoing nature of the conflict, Colombia has made the unprecedented choice to set wide limits on when and for how long victims can register for monetary benefits. The RUV is now closed for victims whose victimizing acts occurred before 2013, but it remains open for those who are victimized after that date. While this dramatically reduces barriers for victims – and follows some international guidelines of not imposing burdensome limits on victims for registration – the long window makes it more difficult to estimate the eventual total number of victims. It also creates organizational problems because the VU, as an entity, must increase its capacity to cover the needs of its growing constituency.

Finally, focusing on differentiation, Colombia and Morocco have the only policies that define classes of victims and compensate differently based on those classifications. Although Peru, Guatemala, South Africa and Indonesia at various times tried to differentiate among classes of victims and develop targeted benefits schemes, each policy eventually settled on either very narrow compensation ranges (e.g. South Africa and Guatemala), or distributed lump-sum payments (e.g. Peru), or halted individual reparations completely and instead focused on collective reparations (e.g. Indonesia). These decisions were made for different economic and political reasons, but the take-away point is that almost every program that tried to define different classes of victims and compensate based on those classes was eventually overwhelmed economically or administratively by the effort and felt obliged to return to less differentiated solutions. To date, however, the Colombian program has managed to provide differentiated reparations for a significant number of victims.

It has been difficult for other large and complex reparations program to implement and comply with their goals. Given the ambitious nature of the Colombia program and its massive and unprecedented size, such implementation and compliance challenges are also in evidence. The implementation of the Colombian program is discussed below in Component Two, but a few comments on implementation in comparative context are relevant here.

First, the very existence and work of the RUV in Colombia is in and of itself an accomplishment. Two of the other cases – Indonesia and Morocco – do not even have registries, and Guatemala and South Africa had lists from their Truth Commissions, but not full-fledged registries. Of the reference group, only Peru has a registry. We recognize that the establishment of the RUV is one key stage of implementation of the reparations program in Colombia.

Second, the Victims Unit has already compensated a large number of individuals in a relatively short period of time: over 500,000 victims have been compensated in less than four years. In this sense, the VU has been very efficient in delivering compensation to victims compared to other cases in our database. None of the other reference group countries has compensated so many individuals. Only Indonesia approaches this number, but it has done so only through collective

reparations that have both direct and indirect beneficiaries. Not only has the VU compensated more victims, but it has done so in a relatively short period of time. This is another significant measure of success that deserves recognition.

But if we compare this to the total size of the pool of victims, Colombia still faces a huge task to provide reparations for the individuals in the registry. Using the more realistic figure provided by the Victims Unit of 6.1 million “reparable” victims as of May 2015, Colombia has compensated just 8.1% of the victims it needs to repair. Again, we highlight that the VU faces a massive scale-up challenge. In this context prioritization of what it must do first is essential.

Finally, Colombia also has the goal of providing collective reparations for communities and groups. Peru, Morocco and especially Indonesia have had certain successes in implementing collective reparations. Colombia has begun to offer a multitude of programs and services to victims through collective reparations – including, for example, the Entrelazando program which focuses on collective rehabilitation and is considered a measure of satisfaction – with some degree of success. Nevertheless, it is still too early to compare Colombia’s achievements in this type of reparation with those of other countries who have been doing this work for years. This is one area where the VU could learn from reparations programs elsewhere in the world. While there are no obvious “best practices,” they do show how countries with far fewer victims have made difficult decisions and how results there were not necessarily satisfactory.

Component Two: Institutional analysis

Component Two examines two central VU responsibilities: 1) the delivery of a set of reparations measures, specifically indemnification of individuals and collective reparations, while also providing guidance and support to the reparations projects of other Federal agencies; and 2) the coordination of the SNARIV, the interagency task force of 39 governmental units and 13 allied organizations that have pieces of the reparation puzzle by national legislation and Presidential Decrees.

The most fundamental need we found within the VU was to strategize and prioritize its work. Both in reviewing documents and when interviewing staff, the evaluation team found a great deal of creativity and commitment to developing new ideas of how their responsibility to victims could best be fulfilled. But the capacity to identify and propose all of the possible solutions to a problem is not equivalent to a strategy. Strategizing is the discipline of reducing the horizon of possible actions to those which are most likely to achieve goals. It is a set of decisions about targets and objectives, tactics, what to do and what not to do; and opportune timing to improve management and results.

The need for strategic discipline shows up repeatedly in the model of planning used within the VU. The Colombian National Planning Council, (CONPES – Consejo

Nacional de Política Económica y Social) in its CONPES Document 3726 of 2012 (National Plan for Attention and Reparation of Victims, Plan Nacional de Atención y Reparación a las Víctimas) establishes a specific set of measurable goals for the VU. Five of the eight CONPES goals are requirements to make plans rather than to produce specific outcomes. This focuses the VU on drafting plans as documents rather than actionable measures to produce results. Planning processes need to drive specific outcomes with the resources available to do so. Strategic planning determines which of those outcomes are most important to achieve given the ever-present limit on resources. Plans which do not fulfill these steps are institutionally dangerous: they waste scarce leadership time to no purpose and can set up unfulfilled expectations that damage the institution's reputation and authority.

CONPES established an overall goal of direct and differentiated compensation for 916,356 victims from acts other than displacement between 2011 and 2021. This was an ambitious target. The VU compensation program met 98% of its milestone goal for compensation of victims by the end of 2014, and was well over its goals for the compensation of children and adolescent victims and those transitioning to adulthood. The evaluation studied whether the VU could meet the ambitious CONPES goal for 2021. In the first three months of 2015, the VU compensated approximately 21,000 victims. We conclude that with no major changes in its staffing levels dedicated to this task, the VU appears capable of processing about 100,000 compensation payments per year.

But since 82% of the victims registered in the national registry are victims of displacement (about five million persons⁵), the VU has a much more difficult institutional challenge to address. Completing their compensation within the time period mandated by the legislation would mean that this task must be undertaken over only the next six years, or at a rate of approximately 820,000 displaced persons compensated per year, or 229,000 families.⁶ This would require approximately seven times the current institutional capacity of the VU dedicated to this purpose. No doubt, the VU has learned how to accomplish the task of compensation and will be able to bring down the institutional costs per person to deliver these services with improved efficiencies. Yet this task must be recognized as monumental, both for the VU and for the government as a whole.

While the VU has delivered compensation successfully to some individuals, it has been less successful meeting its goals on the delivery of collective reparations. The CONPES established a goal of creating 280 collective reparations plans for

⁵ This figure, as with the others used in this document and in the full report, is based on information provided by the VU as of May 31, 2015. Please see Annex B to the full report for details. All percentages in the report assume the denominator of approximately 6.1 million reparable victims, rather than the full list of 7.4 million in the RUV.

⁶ The source of this figure is also the data provided by the VU, and their estimate of 3.61 persons per family among the displaced population.

geographically- and socially-based communities among which 140 are plans for ethnic communities, but did not establish goals for the actual delivery of such reparations. The VU created only 88 plans by the end of 2014 for community groups (31% of its intermediate goal), one of which is a plan for ethnic groups (less than 1% of its goal).

There were various benefits of the planning process. VU staff reported that their work in creating plans with communities led to very moving conversations, drawing them closer to the lives of the victims, and motivating the staff. In the Component Three qualitative research, collective subjects cited their recognition as victims, and the respectful treatment received, as important achievements of this collective reparation planning process. So, a set of tactical improvements emerged that allowed the section to develop plans that also built strong relationships and motivation within the VU and between the VU and the communities.

No plans have been completed and, even within the 88 collective reparations plans written, only some of the reparation measures have been implemented, most of these from among the *Entrelazando* psychosocial attention activities. Their projected costs are enormous and must deeply involve the other GoC entities assigned to carry out reparation measures. As a result, the evaluation team urges the VU to reconceptualize its methods and purposes of planning within communities for collective reparations.

The CONPES goals require the VU to create plans both for individuals and for communities. That requirement places the value on the existence of a plan, not its outcomes. But planning is the process of negotiating between what is desired and what is possible to do. In practice, the process seems to have been divorced from the reality of resource constraints. The result is therefore not a realistic plan that includes due consideration of available resources and their institutional sources.

The experience of the collective reparations plan shows the importance of strategizing. Public resources are always scarce, which means prioritizing among all possibilities to achieve that which we most need, define tactics, and impose a timetable.

In the process of envisioning collective reparations, it was not emphasized to the communities that they should learn the discipline of prioritizing their needs. Rather, they produced expansive matrices of needs with which the SNARIV institutions were not necessarily on board. By understanding their own most essential priorities, communities could best leverage their scarce political capital to achieve them, rather than see others decide which services on their list might be provided for them. Everyone has to make choices or have them made by others. A community that learns to make its priorities clear also learns to be the agent of its own destiny.

While the community processes might have temporarily increased the legitimacy of the VU in the eyes of community members, this will turn to disappointment and disillusionment if results are not commensurate with their raised expectations. Overly expansive lists of needs can raise the concern of the broader community that must pay for the services, whereas a prioritized set of needs may garner broader political support. For both of these constituencies, the VU lost an initial opportunity to manage expectations, but it is not too late to engage in these prioritizing processes with communities in the future.

Maintaining the political consensus to mobilize the necessary resources and the collaboration of governmental programs and ministries lies with President Santos and the legislative leadership that initiated the vision. As the designated leader of the overall program for victims, the VU also carries a practical responsibility to nurture and increase the political and social consensus that created the ambitious victims' reparation program. The VU must work strategically to sustain the political will to fulfill the promises made to the nation.

The VU is embedded in a complicated social system comprised of victims, government entities and processes, and citizens. The preferences of these constituencies are often in conflict, putting the VU in the challenging and undesirable position of having to expend significant resources trying to seek acceptable compromises. The VU must evolve its current strategies and tactics so that it can transform the current social system in which it is embedded from one of resistance to one of collective mobilization.

The VU helps to sustain the credibility of the national project by creating a strong narrative of the impact of the systemic violence on Colombian communities and the needs of victims to become fully active citizens. But this is not sufficient to maintain, much less build, the national public consensus. The VU needs to monitor fault lines in the consensus that may undermine the credibility of the VU and of the victims. A number of such fault lines were evident from the evaluation and should be identified and discussed. These include:

- The number of victims and the nature of their victimization
- The National Registry of Victims (RUV)
- The boundaries between the stages of support afforded to victims by the designated categories of assistance, attention, and reparations.
- The operational programs and necessary measures, in particular, that build a predictable and reliable path from victimhood to survivorship.
- The competition for resources between victims and a highly vulnerable population of the impoverished.
- The question of what sectors of Colombian society are obligated to fund the reparations of victims.
- The uncertain impact of judicial interventions.
- The management and efficiency of the Victims Unit itself.

- The leadership and strategic capacity of the Unit.

The VU does not have the ability to affect some of these fault lines, but in some areas within their control, such as the National Registry for Victims (RUV), the management of the VU itself and its operational programs, they can make changes that will enhance the legitimacy of their enterprise.

With regard to the RUV, we recommend that a random sample audit should be carried out on each of the databases. Such an audit will serve multiple purposes. If there is a problem with fraud, a statistical study of the data base can provide a rough estimate of its dimensions. Should those dimensions warrant, a random sample audit of those registered can both verify the dimensions of any problem, as well as recommend changes of practice in the registration process to diminish its impact.

The Harvard research team believes that such an audit would find a still smaller group of “reparable” victims, who are available for services, because of the decay of the information in the registries. An audit will allow the Victims Unit and the new CONPES to base their goals and budgets on a more probable list of victims that takes into account the decay of databases and the simple inability to contact many who are in the registry.

Second, resources should be invested to combine the datasets into one national registry. Information collected about the needs of victims by other agencies and by the Victims’ Unit PAARI system should be integrated into the RUV so that it can better serve the needs of other agencies for planning and tracking services and for the improved management by the Victims Unit and the Presidency. Access to good data is essential for coordinated action and accountability.

In addition to its reparation program, the VU implements a program of humanitarian assistance to victims before they begin to receive reparations. No other country in our dataset conceptually or operationally includes intermediate or long-term humanitarian assistance under the umbrella of administrative reparations. The humanitarian assistance program absorbs a great deal of the VU budget but also requires scarce leadership and managerial time to guide it, explain it, fight for it, and administer it. In this sense, the humanitarian assistance program is a distraction for the small Victims Unit, whose unique perspective and skills might be better used to provide actual reparation. At the same time, however, Component Three research reveals that the boundaries between humanitarian assistance and reparations are hard for victims and the general population to understand. This implies a need to simplify the message to communicate more clearly with victims and with the general public.

The VU’s learning in the first years of actual operation demonstrate valuable experience for compensating and repairing victims across the country. The magnitude of the challenge and the resources allotted for this task demand strict costing and projections, cost-efficiency and cost-effectiveness analyses, to help

maximize impact. Nevertheless, the changing dynamic of the victim population will continue to have an impact on the potential for integral reparation for over six million victims.

It is therefore fundamental to come up with a more precise operational definition of what constitutes integral reparation, and to carry out a thorough review of the policy in current CONPES documents. This must include formulating and budgeting for compensating victims of displacement, as well as creating a more realistic timetable for complying with the policy objectives.

Component Three: Victims' and beneficiaries perspectives on reparations and the VU

The third component of the study examines the implementation of reparation measures by the VU from the perspective of its beneficiaries, and more broadly, the population in general. In order to achieve this objective, the study adopted a mixed-method approach combining individual and group interviews with key stakeholders and a randomized survey of 3,136 Colombian adults (18 and older). The survey utilized a comparative design focused on three groups among the population:

- The general population
- People registered as victims of the armed conflict
- People registered as victims of the armed conflict who have received compensation

The data collected for this study provide a rich and comprehensive resource for analyzing victims' perspectives about the VU's efforts to implement comprehensive reparations measures.

There were high levels of violence and victimhood among the individuals surveyed, even among the general population, 45% of the adults among the general population experienced some form conflict-related violence either directly or indirectly and 26% of the general population considered themselves victims of the armed conflict. Among registered and repaired victims, almost everyone reported having experienced direct forms of violence. Some 16% of the general population, 86% of the registered and 55% of the repaired respondents reported having been displaced at one point as a consequence of the armed conflict. Of those who reported displacement, a majority said they were still currently displaced: 63% among displaced in the general population, 87% among displaced in registered victims and 67% among displaced in repaired victims.

With respect to perception of harm, registered and repaired respondents described the harm they suffered overwhelmingly as psychological/mental or emotional (90% and 93%), but also as material/economic (78% and 62%), moral, which was defined in the survey as relating to "dignity" (56% and 64%), physical (46% and 51%) and social (41% and 41%). Respondents among the general

population who suffered some form of violence or self-identified as victims of the conflict also categorized their harm in the same order: psychological (65%), material (44%), moral (32%), physical (26%) and social (23%).

Although Law 1448 of 2011 embodies a complex definition of reparation involving compensation, rehabilitation, restitution, satisfaction, and guarantees of non-repetition, most survey respondents understood reparations as compensation: 52% among the general population, 58% among registered victims, and 67% among repaired victims. Interviews of victims from the qualitative study also often defined reparation as compensation, though a significant group discussed the importance of psychosocial rehabilitation, both among individual and collective subjects.

In the survey, 26% of the general population and 11% of registered victims defined reparations as the restitution of land and housing. The majority of general population, registered, and repaired victims responded that reparations should be given individually, while 17% of registered, 19% of repaired, and 29% of general population felt that reparations should be given collectively. Most respondents indicated that having some form of official recognition of victims was important to very important (general population 95%, registered victims 96%, and repaired victims 94%)⁷, and a majority also found it important to very important to establish memorials for what happened during the armed conflict (Pop. 63%, Reg. 67%, and Rep. 67%).

Two-thirds of the respondents in the general population (69%) indicated being aware of the existence of a State program providing reparations and assistance to victims of the armed conflict, compared to 81% among registered victims, and 88% among repaired victims. We are uncertain exactly how to interpret these numbers. On the one hand, it seems puzzling, in particular, that only 88% of repaired victims are aware of a state program of reparations! On the other hand, from the point of view of research on name recognition from other fields – either market research for firms or research for political campaigns – these numbers suggest that Colombian reparation program has received a relatively high level of awareness and name recognition in a rather short period of time. Nevertheless, lack of knowledge was cited as a frequent barrier to engagement in the declaration process.

Among respondents in the general population with knowledge of the victims' law and the VU, media was the main source of knowledge (77% for the victims' law, 78% for the VU). In comparison, 40% or less of the registered and repaired victims

⁷ The three subsamples in the survey research (general population, registered victims, and repaired victims, are abbreviated in text and figures as Pop., Reg., and Rep., respectively. This set of abbreviations is used throughout the text, in the order here presented, unless otherwise noted. Further information is given on the sample in Component Three and in the annexes of the full report.

had heard about the victims' law and the VU through the media. Rather, information most frequently came from friends, family members, and neighbors.

With regard to the registration process, two-thirds of respondents among registered and repaired victims declared personally for themselves (65% and 63%) while the rest reported that a household member declared for the whole household (e.g. for displaced families). Among the general population respondents who declared, 61% declared as a family. Virtually all respondents across groups presented their declaration at the Personería, the Defensoría, or Procuraduría. Among general population respondents who declared, 95% reported having declared at one of these three institutions. Among the registered and repaired respondents, 83% and 77%, respectively, indicated they presented their declaration at one of these three, again with the majority having declared at the Personería. Just over 10% of the repaired, and 6% of the registered, however, also named Accion Social, a defunct predecessor of the VU, when asked where they presented their declaration. Some reportedly declared at the local Attorney General's office (Fiscalía) (Pop. 5%, Reg. 4%, and Rep. 6%). Respondents were nevertheless uncertain about where they were actually registered. Many cited the VU's predecessor, "Accion Social" (Pop. 18%, Reg. 34%, and Rep. 50%), the Ministerio Público (Public Ministry) (Pop. 17%, Reg. 36%, and Rep. 29%), the Victims' Unit (Pop. 29%, Reg. 24%, and Rep. 24%) and the Attorney General (Fiscalía) (Pop. 12%, Reg. 6%, and Rep. 11%). Such diversity highlights that victims interviewed in this study have had diverse experiences of the declaration and reparation processes and have different understandings of the various institutions and organizations that have been involved over the years.

Component 3 research assessed victims' perceptions of their right to participate in the formulation, implementation and monitoring of the state's victims' policies. The vast majority of respondents in each group did not participate in such processes (Pop. 96%, Reg. 92%, and Rep. 89%), generally because they were not aware of opportunities to participate. A minority of the respondents thought that the state had provided opportunities to individuals for such participation (Pop. 24%, Reg. 33%, and Rep. 32%), and a third thought the state had provided space for victims' organizations to participate in the formulation, implementation or monitoring of the state's victims' policies (Pop. 33%, Reg. 34%, and Rep. 33%). In focus groups and interviews, victims who had participated in victims' roundtables at municipal, departmental and national levels asserted that victims had learned to be more vocal in demanding the rights outlined in the Victims Law.

The survey results suggest that VU outreach efforts and information campaigns should continue. Around 90% of registered and repaired victims have not participated in the victims' tables, most commonly because they did not know of these opportunities. Only a third believe that the GoC has created spaces for such participation. Outreach should seek better ways to engage victims and victims groups who have so far not been able to engage meaningfully in the formulation, implementation and monitoring of victims' policies. One challenge will be to reach

out to victims who may rely on friends and family as their main source of information. The outreach strategy should also fully address the issue of victims' recognition of any measures as forms of reparation, including humanitarian or other forms of assistance, and should guarantee that beneficiaries of reparation know and understand the meaning of such support. Furthermore, these campaigns should be based on the VU's explicit theories of how reparations are supposed to repair: through feelings of recognition by the State? through feelings of justice? through alleviation of the actual harms suffered? The data suggest that the reparations measures are performing to varying degrees against these benchmarks, with less positive results about their ultimate integral or transformative reparatory effect.

We have argued above that it is essential that the VU prioritize more clearly which tasks it will undertake first. The survey supports this call for clear prioritization and clear communication about priorities. In qualitative interviews respondents noted that they felt the State's current system of prioritizing victims for reparation was random or based on luck. Two-thirds or more of the three sampled populations said that those most in need should be prioritized (Pop. 68%, Reg. 70%, Rep. 66%). There was also support among the three populations, especially repaired victims, for a "first-in-first-out" scenario (Pop. 10%, Reg. 12%, and Rep. 19%). There was some support for a system of prioritization based on the victimizing act (Pop. 16%, Reg. 17%, and Rep. 13%). Still, the clear preference was for a system of prioritization based on need, which we note is not currently followed by the VU. The respondents did not define clearly what they meant by need, and such definitions might vary greatly. Nevertheless, there is genuine support for the idea that the VU should prioritize based on need.

One of the most encouraging findings of the survey is that repaired victims, and to a lesser extent registered victims, tend to have more positive views about the State in general and the State's recognition and support to victims in particular. While no causal link can be established, the results are suggestive of some association between reparations and perception of the State. This association, however, could be stronger. The difference between repaired and registered respondents was still relatively small considering that repaired respondents had already benefitted from compensation. Furthermore, over half of repaired victims did not consider their compensation payments as a form of reparation and two-thirds said these payments had not delivered justice.

Data from the qualitative interviews suggest that collective victims lack confidence in the Colombian government at first contact, owing to the lack of prior positive state presence, or indeed any presence at all. However the early process steps tended to improve their confidence. At the same time, the process builds high expectations among collective victims. A majority of the communities and organizations praised the participatory nature of the development of the Integral Plan for Collective Reparation (PIRC – Plan Integral de Reparación Colectiva.) However, there are several complaints resulting from discrepancies

between wishes from the communities and the actual measures proposed in the plan, sometimes blamed on the lack of resources and on the lack of articulation of the response with other Government of Colombia (GOC) institutions.

Respondents in several communities expressed doubt that the VU can activate political will in the national, regional and municipal institutions responsible for various measures in their plans. However, one ultimate benefit from the collective process was that individual victims from among their memberships registered themselves with the RUV. Collective subjects in this study cited their recognition as victims, and the respectful treatment received, as important achievements. Since implementation is still in its infancy, and has only included symbolic and psychosocial measures to date, the efforts of the VU are not yet perceived to have affected economic stabilization or other goals of the reparation programs.

The VU should also take stock of the collective reparation program and improve its process with regard to timeliness, effectiveness, and adherence to the needs expressed by the collective subjects of reparation. Expectations from these victims are high and implementation will likely prove to be still more challenging, given bottlenecks with other actors in the SNARIV. Since the collective program is still in its infancy the VU still has opportunities to implement the collective reparation in ways that would contribute toward overcoming moral, emotional, and physical damages, and to socioeconomic stabilization and social cohesion. Component Two below offers some recommendations as to how this could be achieved.

The survey shows that victims' self-reported psychological needs appear as grave as their material needs, especially for indirect victims of homicide, who the VU has so far targeted for compensation. The compensation awards should therefore be accompanied by counseling and other measures to ensure that victims distinguish them from ordinary assistance and to maximize their reparatory effect. In addition, the VU should ensure follow-up and monitoring after compensations are given, especially in light of the finding that four-fifths of repaired victims responded that they were never or rarely followed by the VU. The VU should do more to ensure that recipients of compensation can take advantage of its financial accompaniment services, as a way to maximize the transformative potential of reparation compensation.

Conclusions

We conclude by highlighting the main themes present throughout this report: both the major accomplishments of the Colombian reparations program and the huge challenges Colombia faces in order to deliver integral reparations to so many people, and thus its need to prioritize clearly. Among its accomplishments, the Colombia process is now the cutting-edge of reparation programs worldwide and will be seen as a model for other countries in the future. But it also raises many possible challenges for the VU in terms of the size of the expectations such a

complex and complete policy generates, and the difficulty in meeting such expectations. In order to manage these challenges, the VU and the Colombian government must work to prioritize the delivery of reparations and strategize how to do so within the limits of available resources.

At the same time, the country of Colombia, through its elected officials, has made an impressive commitment to repairing victims, through Law 1448 of 2011 and through the creation, staffing, and funding the VU. The VU is an expression of a country-wide commitment to repair victims. For the VU to carry out its mission on behalf of the government and people of Colombia, it will need to continue to receive the necessary financial resources and political support. In order to provide such a massive and unprecedented number of reparations, the country needs to think about how to integrate reparations policy into its broader political economy.

In order to repair 12.7% of the Colombian population, the government as a whole will need to incorporate reparations policy into its macro-economic policy. In future years, reparations will need to be at the core of any discussion of political economy in Colombia. The financial resources necessary for the reparations program may need to come from additional sources. In order to fulfill its commitments to repair individuals and collectives harmed by conflict in Colombia, the country needs a legitimate social pact to carry out the ambitious program that has been launched. No amount of effort by the VU will be able to sustain this reparations program without the financial and political support from the government and from the society as a whole.