

Barriers that Victims Have and Their Relationship with Ethnographic Factors

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Abstract: The victims of the national internal armed conflict have been recognized by the Colombian State as a special protection group, for which various mechanisms have been established that seek to guarantee the effective enjoyment of the rights of truth, justice, reparation and non-repetition; mechanisms that are conceived by some social sectors and groups of victims of the armed conflict as insufficient to guarantee their rights.

The spaces of effective participation of victims in political scenarios, has allowed the visibility of the nonconformity related to the processes that allow the integral reparation, where the lack of effective response by the institutionality is conceived as inefficient actions that generate are victimization and do not allow the barriers that the victims encounter from everyday life to find the guarantee of their rights, which must be conceived recognizing the multidimensional factors and the differential approach, in order to give answers from the lived realities and not from the realities thought of by those who project affirmative actions in favor of said population group. The research project "The barriers that victims have to access the mechanisms that guarantee the effective enjoyment of their rights" had as objective to recognize the factors that are established as obstacles in the processes of integral reparation and overcoming of the facts of which they were victims in the context of the national internal armed conflict. The process started by identifying the ethnographic components that characterize the group of victims with which they worked and the barriers they consider from their experiences impede the effective enjoyment of their rights, for which, they also sought to recognize those rights that are most violated and the incidence with which they are affected, allowing an analysis of the multidimensional causes that impede access to the effective enjoyment of rights by the victims of the armed conflict.

Key - Words: Victims, rights, access barriers, revictimization, internal armed conflict, peace process.

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1. Introduction

The 9 of April of 1948 was determining for the beginning of the national internal armed conflict that confronted Colombia, with the assassination of the liberal leader and aspiring to the Presidency of the Republic Jorge Eliécer Gaitán, occurred in different regions of the country facts of violence between conservatives and liberals, which, added to the polarization that began in the 1930s with the reforms of political, economic and social modernization proposed by the liberal party, liberal and communist groups formed peasant self-defense groups, which in 1966 were transformed into the Revolutionary Armed Forces of Colombia (FARC, by its acronyms in Spanish), later there was the creation in 1964 of the National Liberation Army (ELN, by its acronyms in Spanish), formed by former liberal guerrillas, trade union movements, and middle class students and academics (González, S / F).

The University Movement April 19, the People's Liberation Army (EPL), the Revolutionary People's Army (ERP by its acronyms in Spanish), the United Self-Defense Forces of Colombia (AUC by its acronyms in Spanish), the Peasant Self-Defense Forces of Córdoba and Urabá (ACCU, by its acronyms in Spanish) and the Emerging Criminal Bands (BACRIM, by its acronyms in Spanish), are some of the illegal armed groups that have emerged in the history of Colombia and have permeated the reality of the country from their actions; some of these groups have begun demobilization processes and others still operate in some regions of the country (Suarez, S / F).

After the government of Colombian President Álvaro Uribe Vélez, who with his coalition opposes the victims' law and through the Minister of Finance, declares it unfeasible, considering that it "gave the same treatment to state agents and terrorists" (Mejía and Valdivia, 2011), is in the government of former President Juan Manuel Santos Calderón and by a speech by the then liberal senator Juan Fernando Cristo, who in 2011, was approved by the Congress of the Republic of Colombia, the Law 1448 known as the law of victims. In spite of the achievement obtained for the victims of the country, at that time there were criticisms from other political groups, particularly the left, who tried to modify some of the articles,

with the argument of being a law that was considered "weak and with scope. the extremely limited" (Lozano, 2011) even though in an ambivalent position the leftist senator Iván Cepeda of the political party Polo Democrático (public servant and victim) considered that it was "a good law", exalting the political will of President Santos (Lozano, 2011).

Law 1448 of 2011, or Law on Victims and Land Restitution, recognizes as victims those persons who have suffered damages individually or collectively as a result of the national internal armed conflict, as of January 1, 1985, the year in which founded the Patriotic Union political movement, with demobilized persons of several guerrillas and victims of the genocide, of which the Colombian State was condemned by the participation of State agents, paramilitary groups and dark forces, in the murder of two presidential candidates and several leaders of said movement, recognizing as persons with the right to enter the land restitution process, those persons who have lost, as of January 1, 1991, the lands they exploited or possessed.

In accordance with article 5 of Decree 1290 of 2008 "by which the Individual Reparation Program is created by administrative means for Victims of Armed Groups Organized to the Margin of the Law", the homicide, forced disappearance and kidnapping, the personal and psychological injuries that produce permanent disability, personal and psychological injuries that do not cause permanent disability, torture, crimes against freedom and sexual integrity, illegal recruitment of minors and forced displacement, are adopted by law 1448 of 2011 as a referent of the facts by which the persons could have been victims of the national internal armed conflict, as registered by the National Information Registry page of the Unit for Integral Attention and Reparation to the Victims.

According to the report of the Victims Unit, 8,760,290 victims of the armed conflict are registered in Colombia, of which 538,976 correspond to the department of Valle del Cauca and 32,222 to the municipality of Tuluá, as of October 1, 2018, which It is necessary that an approach be made that recognizes the conditions that these people have had (individually and collectively) to access the mechanisms that guarantee them the effective enjoyment of their rights, which was the premise of research in the processes Developed from the Faculty of Legal and Humanistic Sciences of the Unidad Central del

Valle del Cauca (UCEVA, by its acronyms in Spanish)

2. Methodology

Taking the research question as a reference: What are the barriers that victims have to access the mechanisms that guarantee the effective enjoyment of their rights? a process of collation and information gathering is carried out as a reference source for the analysis, which had several moments.

In the first place, a group of experts on the subject was selected, taking as an initial selection indicator the participation of people who lead the victims' processes, a group that is regulated by Resolution 0388 of May 10, 2013 issued by the Unit's Office. Comprehensive Care and Reparation for Victims (UARIV, by its acronyms in Spanish): "by which the Protocol of Effective Participation of the Victims of Armed Conflict is adopted", another of the indicators to be taken into account is that within the group of experts the persons who did not participate of the municipal victims' table, were in their case representatives of some organization of victims or leader of the same.

Once the profile of the experts was selected, a focus group was formed, seeking from the use of descriptive techniques, obtaining as much information as possible, all from the individual and collective experiences of each of the participants, to which, once this information was transcribed, the indicators that led to the instrument of approach by consensus technique were created.

The second moment of the information gathering process took place, once the calculation and the frequency analysis of the experts' answers were done, which allowed establishing evaluation indicators, proceeding to make the application of the survey referenced by the method Delphi.

The Delphi method, as an instrument that allows exploring the values and thinking of a group of people, is relevant to obtain statistics from the approach of a group, allowing the "Analysis and understanding of complex realities" (Reguant and Torrado, 2016). They refer Reguant and Torrado (2016) report that this method, even when it has characteristics of quantitative processes, has the power to evaluate thoughts, personal positions and

social scenarios, among others, that contribute to enrich qualitative research; thus facilitating the collection of information that would allow identifying the barriers that victims have to access the mechanisms that guarantee them the effective enjoyment of their rights, from the relevance of the lived experiences of people who are part of this population group. In the case of the consensus process, 23 people were victims of the national internal armed conflict, keeping the selection indicators mentioned for the group.

The feedback was raised as the third and last moment of the information gathering process, once the results of the survey were reviewed, they were analyzed identifying the values of higher incidence and frequency in the consensus, favoring the reflection that would allow a greater understanding from the positions and perspectives that from the knowledge and the individual experiences, gave place to assign value to each one of the proposed indicators (García-Ruiz and Lena-Acebo, 2018).

3. Results

The internal internal armed conflict in Colombia had as a foundation, as well as all forms of violence, the exercise of power relations, which articulates in two founding elements: the other that turns out to be on whom the power is exercised and the panorama that the action implies in terms of reactions, actions, inventions and results (Carassale and Vitale, S / F), of which, those today recognized as victims were the most affected and those who expect from the State and society a series of actions reparative based on the facts lived.

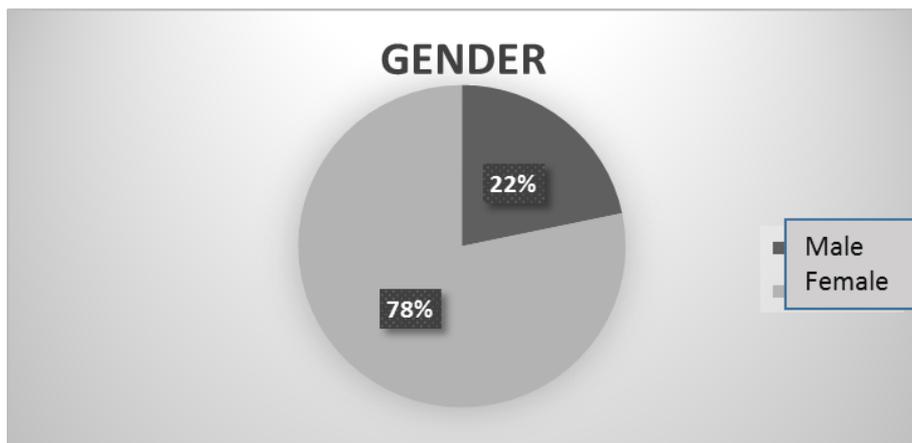
The particular conditions that in the victims have generated loss of life or some suffering, due to this case of the national internal armed conflict, need to be addressed based on three fundamental components of reparation framed in the physical, financial and emotional, trying the reduction of suffering and the individual or collective recovery (Pearson, S / F), is thus, the clash between the expectations that are

generated in the reparation process, with the real capacities of the institutionality to respond to the emerging needs in the process, they mean then a secondary victimization according to Gutiérrez, et al, 2009, it is related to economic, social, psychological and legal factors, which constitute

barriers that prevent the effective enjoyment of rights.

Understand that the armed conflict caused the violation of the fundamental rights enshrined in Title 2, Chapter 1 of the Political Constitution of Colombia, which are also proportional to the protection of Human Rights from the constitutional legal norm in the country, requires from the perspective of differential approach, which implies a recognition of the particular

conditions of the actors according to their own characteristics, related to certain cases and the cruelty with which their rights have been violated in war periods, to determine fundamental aspects from where it is supposed they must be repaired comprehensively (Tole, 2006).

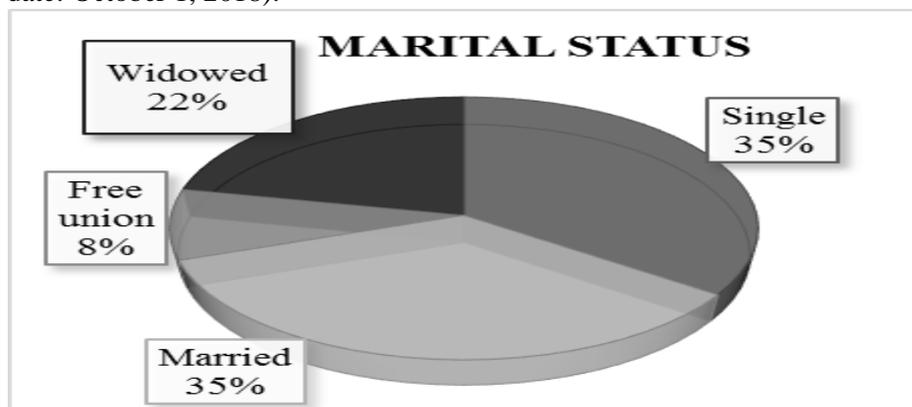


Graph 1. Sex / gender characterization of the information instrument from the Delphi method, for the research project: The barriers that victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

According to the data obtained in the process, it is proper to understand the particularities of the population group, for which, as identified in graph 1, there is a marked prevalence of women's subscription (78%) compared to men (22%), in the recognized in the administrative processes of reparation and recognition of victims, allow an adequate analysis of the data obtained. (Cut-off date: October 1, 2018).

participation spaces for the victims of the armed conflict. According to the

Report by differential focus for the gender issue of the National Information Network (RNI, by its acronyms in Spanish) of the Victims Unit, there are 4,170,856 women who have been recognized by the Unit as victims of the armed conflict in relation to 4,166. 054 men - information with a cut-off date of October 1, 2018-, it being proper to establish actions that from a gender perspective, also



Graph 2. Characterization Civil Status, research focus group: The barriers that victims have to

access the mechanisms that guarantee the effective enjoyment of their rights.

From the results obtained from the application of the instrument that sought to establish consensus, taking as a reference the Delphi method, in graph 2, the marital status of the people who participated is shown, it is evident that the percentage of married

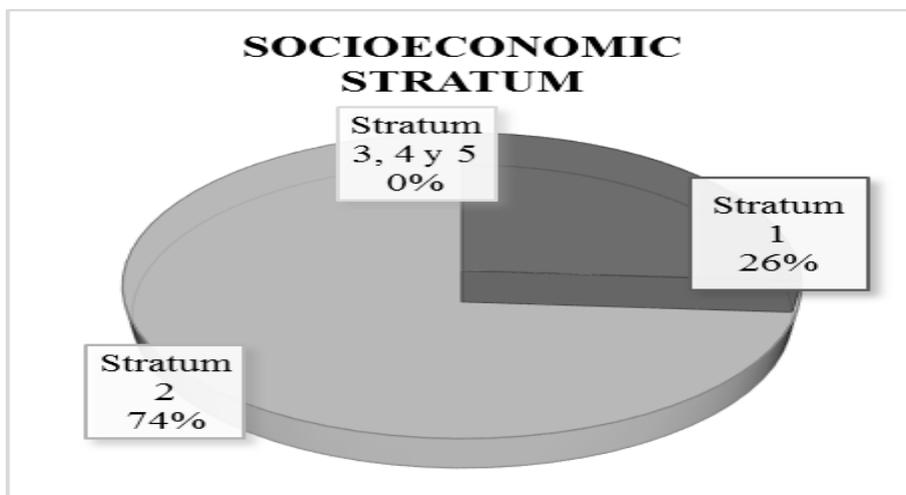
and single people are equivalent to 35% for each of the cases, followed by a 22% that represents widows and finally 8% are civilly established in free union.



Graph 3. Characterization of the place of residence, research focus group: The barriers that victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

The focus group with which the data collection process was made, as evidenced in graph 3, resides

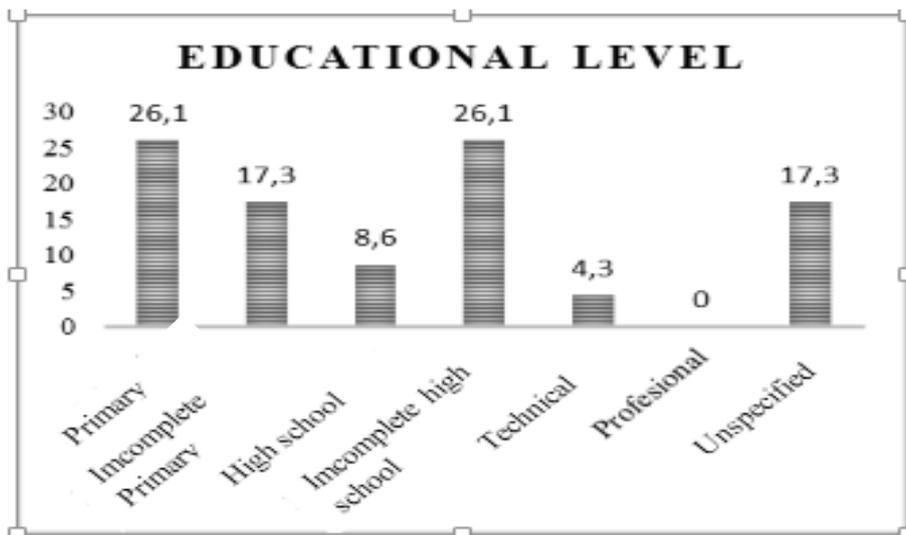
in the great majority in the urban area, with a prevalence of 74% in relation to the 26% that resides in the rural area, demonstrating in this way that the participation of the peasant population in the participation spaces for the victims of the armed conflict is really low, taking into account the other indicators presented below.



Graph 4. Socio-economic stratum of the research focus group: The barriers that victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

Graph 4, which represents the results in relation to the socio-economic stratum, shows that 72% of the people who participated in the sample reside in a stratum 2, in relation to 26% who reside in a

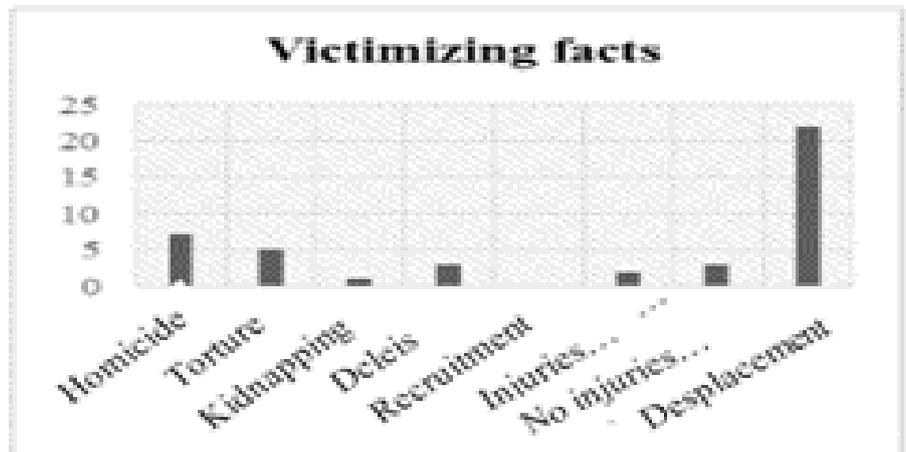
stratum 1, in comparison with a 0% resident in strata 3, 4 and 5 respectively; which means that active participation by victims' representatives in advocacy spaces is part of the low or poor strata considered and that people from the middle and upper strata, where they are also victims of the armed conflict, do not establish a representative participation.



Graph 5. Level of educational training of the research focus group: The barriers that victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

In total, 78.1% of the people who participated in the collection of information, has as a maximum level of education the full secondary, of which, as specified in the same graph, a percentage of 26% of the participants state that they carried out studies of primary and incomplete secondary, 17.3% have an

incomplete primary education level and 8.6% completed their secondary studies, the data also show that 4.3% have technical studies and 17.3% do not specify their level of study, of which it is deduced that there is a level of illiteracy, understanding at the time of the inquiry they do not know the levels of educational training that exist, however it is appropriate to consider that the aforementioned answer that does not account for the level of training, can also be a factor related to variables strange inside the research process.



Characterization of the victimizing facts of which the people of the research focus group were victims: The barriers that the victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

Graph 6. shows that the victimizing events did not occur in isolation and in many cases people were victims of several of these, thus, it can be shown that followed by the homicide that represents 30.4% as a fact of which the victims were victims. People who participated

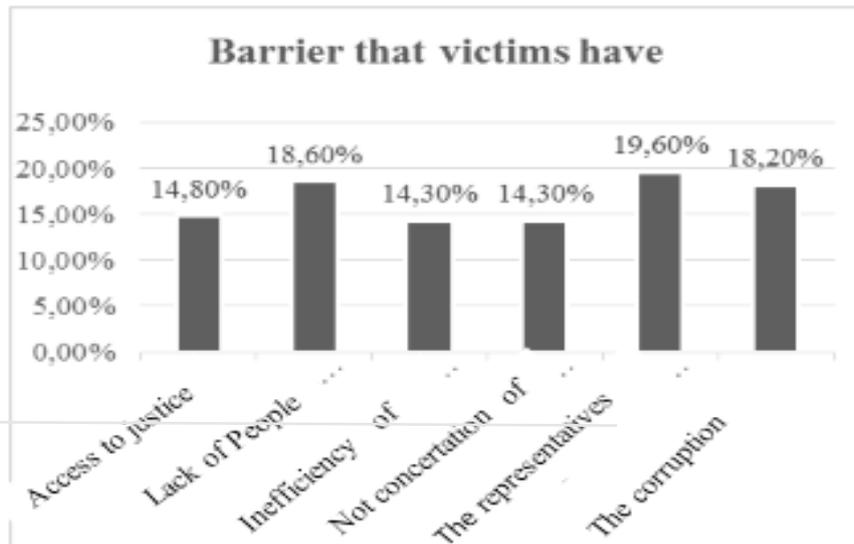
in the sample, 95.6% of the total, were also victims of forced displacement, followed by torture with 21.7%, crimes against freedom and sexual and reproductive integrity 13 %, (DCLEIS, by its acronym in Spanish)injuries that did not cause disability 13% and injuries that caused disability 8.6%. It is important to point out that in the sample there is no evidence of participation of victims of forced recruitment, a victimizing fact that has a seat at the municipal victims' table.



Graph 7. Consensus of the guarantee of rights of the victims, results of the investigation: The barriers that the victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

The consensus in relation to the rights that the victims consider to have the greatest guarantee are represented in graph 7, with the right to health

being 20%, which the participants consider to be the greatest guarantee for the victims of the armed conflict, followed by the right to privacy. With 18%, education 17% and information with 14%, according to the consensus it is established that the rights with less guarantee for the victims of the armed conflict are the right to equality 12%, to dignity 11% and due process represented by 8%.



Graph 8. Consensus of the barriers that the victims have, results of the investigation: The barriers that the victims have to access the mechanisms that guarantee the effective enjoyment of their rights.

Graph 8. shows the barriers that identify the victims that prevent them from accessing the mechanisms that guarantee the effective enjoyment of their rights. On the one hand, the highest percentages

represent the barriers that are most easily overcome, characterized in the relationships of the representatives of the victims in the contexts of participation with 19.6%, followed by the lack of trained people to care for the victims 18.6% and corruption 18%. On the other hand, the barriers considered by the participants with the highest incidence that prevent access to the effective enjoyment of rights were related in the graph with

the lowest percentages, where the inefficiency of the Victims Unit and the lack of concertation of plans with the victims they represent 14.3% each, followed by the possibility of accessing justice with 14.8%. It is important to note that the indicators were constructed with the selected focus group of experts.

4. Analysis

The barriers that victims have had to access the mechanisms that guarantee them the effective enjoyment of their rights have been recognized at different times in the history of the country, even before the law of victims was promoted, which in fact it arises as a manifest need for complaints made in the absence of a response from the State for the care and protection of victims, among which the ruling T-025 of 2004, of the Constitutional Court:

"In view of this multiplicity of constitutional rights affected by the displacement, and taking into account the aforementioned circumstances of special weakness, vulnerability and defenselessness in which the displaced find themselves, constitutional jurisprudence has emphasized that these have, in general terms, a right to urgently receive preferential treatment from the State. "

Situation that is verified again by the Constitutional Court from the Follow-up Order 219 of the year 2011, where it is considered that there are still unconstitutional things to guarantee the rights of the displaced population in the country, leaving in clear the need for the law 1448 of 2011.

Thus, it is shown that the victims of both the illegal groups that have survived in the country, as well as armed forces of the State and the so-called dark forces, have had to face various barriers that have arisen in the struggle for the recognition of their own status as victims of the conflict, thus generating factors of vulnerability, before the invisibilization of which, in many cases have led to revictimization (Cadavid, 2014).

It is then, understanding the underlying dynamics in the processes related to the guarantee of the rights of the victims of the armed conflict in Colombia, which sought to address from the experiences of the victims themselves, the experiences that have been determinant as barriers to access allow access to mechanisms that

guarantee the effective enjoyment of their rights, identifying from the proposed research method the incidence according to the experiences lived by that population group; Thus, the following is intended to account for the relationships that exist between sociodemographic conditions and the barriers that may be encountered.

Women in the armed conflict have been direct victims of the acts committed against themselves and indirectly because of the death, displacement, kidnapping and other events that could have generated victimization, and they have had to transform in the displacement scenarios in its great majority, its realities and roles, which in many of the coming cases of rural areas, were framed in a patriarchal dynamic that delegated its functions to the care of the home and domestic affairs (Cadavid, 2014). In this way, attitudes towards care and the opening of spaces for participation, after a conflict that was marked by machismo, has allowed for greater incidence and political participation on their part.

While the civil status of the participants, it is important to understand the dynamics with which these people have, in turn, the formation of affective bonds involves the consolidation of support networks, which allow reducing the vulnerability factors and mitigate the events stressors from daily experiences and from memory, it is important that these support networks are established from the contextual, functional and structural, as perspectives that allow the support that supposes have their reason for being (Fernández, 2005).

Bearing in mind that the armed conflict had its greatest incidence in the rural area and that the greatest impact of the same was the peasant population, recognizing that most of the people who are part of the representative sample for the research process, that its They are referring to leadership in spaces of participation for the guarantee of the rights of victims, reside in the urban area, it means that the return to the places from where they were displaced, has been a factor of reparation and that the processes of Adaptation to new models of relationships and contexts subsequent to the armed conflict, has changed the cosmo vision and the individual and collective dynamics of these groups in relation to their roots or places of origin. Is the return an innocuous action and the metropolitan places become spaces of identification, where the concept of origin is transformed and is conceived as a resurgence

subsequent to the trauma generated by the armed conflict ?, is a questioning that can give rise to new investigations.

Thus, according to those shown in Graph 4, the people who participate exercise leadership on behalf of the victims of the armed conflict, are mostly inhabitants in social contexts considered limited in economic development, which may mean a relationship with the so-called pitfalls of poverty, where the "neighborhood effects" cause unfavorable derivations of poverty, which also generates the vicissitude to overcome this condition (Galvis and Meisel, 2010).

The low level of education on the part of the representatives or of the visible victims in the processes represents in itself a barrier, not only individually for the possibilities that education in terms of social inclusion allows, but also in the collectives, who may have a representativeness that although it is certain is sustained by the empowerment that these people have acquired in relation to their rights and the mechanisms that guarantee them, the educational factor can mean a structural failure in the processes.

Has the context of the war been determinant for the low schooling of the victims, or on the contrary, the absence of the State that allowed the war itself, reflects the lack of study opportunities it has had for the people of rural areas, who When they reach urban contexts do they face inequality in terms of educational opportunities compared to those who have always belonged to the urban area? It would be another interesting question to resolve, of course, much more philosophical than the one previously raised.

In comparison to the graph I corresponding to the sex-gender characterization, with the graph V referring to the level of educational training; It is evident that low schooling is not an issue that is only related to the people who represent leadership in the spaces of participation and representativeness of the victims, but it is also a transverse issue to the gender approach, which makes it necessary that the approach of Rights guarantee processes have a perspective of multidimensional recognition.

The facts for which the people who participated in the sample of the investigation process were victims, show that most of them coincide in the fact of displacement, reiterating that the armed conflict occurred mainly in the countryside, which generated migration of the population peasant to the cities. If you compare the graph VI related to

the characterization of victimizing facts, with graph III corresponding to the characterization of the place of residence, it can be concluded that even though most of the people who participated in the process are originally from the field, they have constituted new forms of roles and relationships in the cities, perhaps the return after forced displacement means returning to a physical space where, due to the same conditions of events, the support networks that were available before the victimization or the security conditions continue to be the same, or it may be the case that the lived transformations do not allow for the identification and sense of belonging with the original context that has been resignified to spaces with emotional burdens framed in pain or simply consider that the field is still a dangerous space where they would be vulnerable to new facts of victimization. Will the victims return at some point to their place of origin as a reparation initiative, or have the transformations that they experienced changed their perspectives definitively in the face of the field and the lifestyle that this context means? A new question that can be asked.

Understand that the victims of the armed conflict are subjects of special protection of the State, requires a thorough analysis that evidences from the lived experiences of these people, what are the mechanisms that are established to guarantee the effective access and enjoyment of their rights, of that In this way, Graph 7 shows how rights with lower prevalence, according to the participants' perception, are framed in the dignity of the human being, understanding that the principle of equality conceives dignity as an inherent factor to the human being, establishing in this way a close relationship between both rights (Islas, 2013).

The social, economic and political transformations that the victims have suffered and the processes of adaptation that derive from them, make it necessary to think about the rights of the victims as a subjective factor that meets the real needs from the differential component, access to health, education and privacy conceived as the focal group as the rights with the greatest guarantee, are guaranteed for the general population based on the functionality of a general guarantor system, however the rights that the participants considered least affected are guaranteed by the victims , are framed in particularities of the condition of victim.

The due process as the right that the victims perceive has less guarantee, compared with the other data related in the graphs, does it mean a

transversal factor that is related to the low educational level and to the concept of gender framed socially in inequitable processes, or on the contrary, it responds to a factor of ineffectiveness of the system to guarantee the same?, important questioning this one.

The right to dignity considered in the sample as one of the least guaranteed access by victims, compared to the data related in Graph 4, suggests that the participation of leaders in areas of incidence of victims correlated with people who cohabit in low socioeconomic strata, responds to the need to search for equality guarantee, not only to the population in general, but to other victims that are part of the middle and upper socio-economic strata, which could assume their position from the economic development and from the perspective of the factors of the poverty traps, do not participate in said processes of incidence and become unviable in them, a situation that contrasted with Graph 5, is evident in the lack of opportunities to access education, even though in Graph 7, education is one of the rights that has the greatest guarantee of access by the victims.

Taking into account the data related in Graph 8, it can be identified that the indicators that are related to the leadership and representativeness of the victims, had a consensus value of greater favorability, a situation that is hardly logical when the consensus tool of the Delphi method applied to people who exercise leadership on behalf of victims in different social contexts, however, that the indicators of representativeness of victims, trained personnel for care and corruption, means that in the first exercise of consensus for research, It evidenced contradictions between the different leaderships that are exercised on behalf of the victims.

In Graph 8, it can also be identified as the most difficult barriers to be overcome by the victims, they are related to the capacity of institutional response, where access to justice, the inefficiency of the unit of victims and the non-agreement of Plans with the victims, mean the biggest obstacles that are found in the processes of guaranteeing the effective enjoyment of rights.

In relation to the results, it could be inferred that leadership is framed by a feature proportional to the lack of opportunities, where such actions can be not only a space for political participation and representativeness, but also means, in some way, the search for new and better opportunities from the

individual to the collective, where the leadership itself is established in relation to institutionality from the experiences of conflict, is it then the resolution of conflicts from the conflict mechanisms learned and exercised for participation?

Finally, the lack of opportunities has contributed to the fact that the victim label is an effective mechanism to make visible some sectors for which the condition of victim is not exclusive, adopting as a point of reference the traumatic events experienced for effective participation, where the victim label positions cosmovision models that are biased to these events and does not allow social recognition and self-recognition, from the propoitive label of survivors, necessary to overcome the emotional damage caused.

The process allows us to conclude that the barriers faced by the victims of the armed conflict to access the mechanisms that guarantee the effective enjoyment of their rights, is closely related to ethnographic conditions, where the rights and the guarantee thereof are related not only with the capacity of response of the state and the mechanisms that are established to guarantee them, but also has a correlation with factors related to opportunities and elements of vulnerability that exhort a real look from the multidimensional perspective.

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