

Administrative repair to the victims of the armed conflict in Colombia: A fundamental right without warranties

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Abstract - Through this article, it is intended to show how the Colombian State has been carrying out public policies against the integral reparation to the victims of the armed conflict in Colombia, especially to the reparation or administrative compensation; but with the obstacles for its materialization. For this purpose, the concept of integral reparation to the victims of the conflict will be analyzed from the parameters of the international and national juridical instruments, then the emphasis will be on administrative reparation as a fundamental and necessary right to achieve the overcoming of victim status. The people affected by the armed conflict in Colombia will finally examine the problems that this measure of reparation presents in its implementation, taking into account both the legislation, the decrees and the resolutions issued by the Unit for Comprehensive Care and Reparation for victims. – (UARIV, by its acronym in Spanish) - like the writs and pronouncements of the Constitutional Court that deal with these rights.

Key Words: Administrative Reparation, Fundamental Right, Victims, Armed Conflict, Integral Repair, Efficiency.

1. Introduction

The Colombian State is in a non-international armed conflict, approximately more than 50 years with Guerrilla groups. This conflict has led to multiple violent actions that transgress rights recognized in international treaties, such as International Humanitarian Law and Human Rights.

This conflict has spread in many areas of the country, with an emphasis on the rural area, the peasants being deeply affected and, therefore, limiting the agrarian development of the country. This internal armed conflict has manifested itself in massacres, tortures, forced displacement, etc., events never referenced in our republican history, where the people affected have been conferred recognition as victims and, consequently, legal provisions have been created where they grant them rights of a fundamental and / or constitutional nature, these rights must be protected effectively by the State. By virtue of this, the legal figure called Integral Reparation of Victims emerges.

The national legislation has established a specific legal framework for victims of the armed conflict,

an example of which are the law of justice and peace, Decree 1290 of 2008 (repealed), Law 1448 of 2011, Decree 4800 of 2011 and Decree 3011 of 2013 among others. Also counting on a recent resolution issued by the UARIV: Resolution 01958 of 2018, then the Constitutional Court has also pronounced against the situation of the displaced population victims of the internal armed conflict, like the rest of victims for different victimizing facts, as in the judgment T-025 of 2004.

In short, the Colombian State has been formally protecting the rights of the population victim of the conflict and proposing policies, programs and plans in order to help overcome this condition, but above all, trying to comply with the guarantee of non-repetition. From 1997 to the present, issues have been regulated in response to this situation that directly violates the guarantees enshrined in International Humanitarian Law (IHL) and International Human Rights Law (IHRL).

Formally, the Colombian State has complied so far with what is called COMPREHENSIVE REPAIR to the victims on the occasion of the Internal Armed Conflict; but as we will see later, this situation is far

from reality. In other words, from paper to reality, inefficiency is what makes the difference.

2. Problem Formulation

2.1 Comprehensive reparation, from the parameters of national and international legal instruments

The concept of reparation is undoubtedly attributable to the administrative or public function of a State (Case of the La Rochela Massacre v. Colombia., 2007), since it is the State's responsibility to repair the damages caused by the act or omission of its agents, have caused harm to citizens, and more if these damages caused widespread or systematic violation of Human Rights and the rules of International Law of Human Rights, as stated by the non-profit organization The International Center for Justice Transitional:

States have a legal duty to recognize and respond to widespread or systematic violations of human rights in those cases in which their official action or inaction implies their responsibility. The reparations initiatives try to deal with the damages caused by these violations. They can be compensatory measures for the losses suffered, and thus help overcome some of the consequences of the abuses. They can also be oriented to the future, providing rehabilitation and a better life for the victims, as well as helping to change the underlying causes of the violations. The reparations publicly proclaim that the victims have rights and, because of the violation of the same, they must be compensated. (ICTJ, s.f.)

Taking into account the definition of "Repair", (RAE, the royal academy of Spanish s.f.).

1. tr. Fix something that is broken or broken. 2. tr. Amend, correct or remedy. 3. tr. Remedy, satisfy the offended. 4. tr. Oppose a defense against the coup, to get rid of it. 5. tr. Remedy or prevent damage or injury. 6. tr. Restore strength, encouragement or vigor. 7. tr. Said of a dump: Give the last hand to his work to remove the defects that comes out of the mold. 8. intr. Look carefully, notice, something. 9. intr. Attend, consider or reflect. 10. intr. Stop, stop or stop in one part. 11. Prnl. Contain or report. (Bold out of text)

As we observe, three concepts or definitions are striking, which the end of the statement is given by the ICTJ. For "Repairing" in a context of violence, is nothing more than achieving a great measure of satisfaction to the victims arising from the acts or omissions that occurred in those war confrontations. A repair must remedy the damage caused by trying to compensate those damages that usually leave permanent sequels, whether physical or moral. And without a doubt, it is about amending or correcting the situation of defenselessness and vulnerability to which the victim is exposed.

In this regard, (GARCIA RAMIREZ, 1999) states that:

The unlawful conduct generates a legal injury - in addition to injuries of another order - that must be repaired with justice, opportunity and sufficiency. This is the "litmus test" for a tutelary property system. Where there is a violation without sanction or damage without reparation, the law enters into a crisis, not only as an instrument to resolve certain litigation, but as a method to resolve them all, that is, to ensure peace with justice. Quoted in (CECILIA BRUNO, 2013)

The Colombian State is not a stranger precisely to find a way to "repair" the victims. It is known worldwide that the different governments of Colombia have been carrying out strategies to seek stable and lasting peace with the belligerent groups outside the law. In these forms of "peace" an agreement was established, in principle with the United Self-Defense Forces of Colombia, (AUC, by its acronym in Spanish) which was led under the mandate of former President Álvaro Uribe Vélez, who, through the Law of Justice and Peace or Law 975 of 2004 The demobilization of a number of "paramilitaries" was achieved, in other words, the dismantling of the structures of the armed groups. It is from this process and especially from the law 975 of 2004, where the victims begin to make visible, it begins to speak of justice, truth and reparation; Transitional justice and reparation to victims.

The reparation that this law brings, considers it as a right and an integral reparation. This is established in the eighth article: "Article 8 °. Right to repair. The right of victims to reparation includes actions that favor restitution, compensation, rehabilitation, satisfaction; and the guarantees of non-repetition of

behaviors. "For this reason, the concept of reparation, more than being a measure, is first and foremost a right of the victims.

That reparation that for the first time considered a law, in a historical moment, did not give guarantees of being real and effective, since it had to be repaired to the victim in the criminal process that was filed. Well it seems to manifest the same law in Article 23:

Article 23. Comprehensive reparation incident. In the same hearing in which the Chamber of the Superior Court of the corresponding judicial District declares the legality of the acceptance of charges, prior, express request of the victim, or of the prosecutor of the case, or of the Public Prosecutor's Office at the request of the magistrate. The speaker shall immediately open the incident of integral reparation of the damages caused by the criminal conduct and shall call a public hearing within the following five (5) days. Said hearing will begin with the intervention of the victim or his legal representative or legal counsel, to express in a concrete manner the form of reparation that he intends, and indicate the evidence that will be used to substantiate his claims.

The foregoing made it clear that, if the criminal process was not carried out to those responsible for the human rights violations against the victims, the economic reparation could not be made, and that was to revictimize the victim, having to face his victim aggressor at times. But it was a crucial moment to start thinking about the victims and that has been important in recent years.

However, under international parameters, the Inter-American Commission on Human Rights, in a report prepared in response to the on-site visit to the Colombian State, expressed its concern when analyzing the effectiveness of Law 795 of 2004, one of the concerns It revolved around the reparation of the victims, arguing that eight years have passed and there is no reparation, truth and effective justice, but rather a high level of impunity.

The IACHR has followed up and analyzed the different obstacles as shortcomings in the implementation of the Justice and Peace Law,

among which the excessive delay of the procedures is highlighted; the extradition of the top paramilitary leaders without due prioritization of obtaining truth, justice and reparation; limitations on the participation of victims; difficulties in reparation; and the enactment of laws that offer the demobilized a series of additional benefits to those already contemplated in the Justice and Peace Law; among others . (IACHR, 2013)

Also, the IACHR in the same report sent to the Colombian State stated: "The Commission, like other international human rights bodies, reiterates that serious violations of human rights and violations of IHL lead victims to seek redress, and that it cannot be confused with humanitarian aid or the satisfaction of other needs." Page 198. Numeral 464. It means, then, that the Commission, like other international bodies, sees Reparation as a right of victims. In this concept of reparation, the Commission emphasizes an element that goes hand in hand with reparations and is the effectiveness of them.

Likewise, the Commission has maintained that the principle that should guide the implementation of reparations for human rights violations is that of effectiveness, both in the sense of achieving full compliance with the measure, and in taking due account of the needs of The beneficiaries. Pg 197. Numeral 463

It is striking that, when talking about repairs, a concept of measures is also mentioned. This concept of measures is nothing more than tools or strategies that the State implements in order to be able to satisfactorily repair the victims. Measures that should not be confused with humanitarian aid, as has already been noted. The IACHR has evaluated the reparations in a generic way since the beginning of its sentences, this implying that within this genre there are many "species" of reparation that are commonly referred to as "measures". This generic value that is related to reparations refers to those multiple forms that the State has the obligation to compensate or avoid damages to victims in an internal armed conflict. The above is nothing more than an Integral Repair.

In the case of the Colombian State, the concept of integral reparation has been adopted and has tended to establish all measures of possible reparations.

This is observed, when the same Colombian State, in its observations on the draft report submitted by the IACHR (which has been analyzed in the previous paragraphs) stated: "the integrity of the reparation" can be understood as "The coherence between the different measures of compensation, restitution, satisfaction, rehabilitation and guarantees of non-repetition"

2.2 The reparation affected by the american convention on human rights and the inter-american court

The American Convention on Human Rights (ACHR or CONVENTION) is one of the fundamental regional instruments for countries that belong to the Organization of American States (OAS) and have ratified it, as well as its two bodies that oversee the compliance with the rights contained in the ACHR. The Inter-American Court and the IACHR are the organs that control, monitor and comply with those rights before the States parties.

The ACH in its article 63 numeral 1 refers to the concept of reparation, since it establishes almost that it warns the State to repair the injured party as much as possible, guaranteeing to the maximum the enjoyment and enjoyment of their rights, consequently, also if it gives place, make indemnified. Let's see:

Article 63. 1. When it decides that there was a violation of a right or freedom protected in this Convention, the Court shall provide that the injured party be guaranteed the enjoyment of his right or freedom that has been violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the violation of those rights be repaired and that a just compensation be paid to the injured party. (OAS, 1969)

It can be interpreted that since the postulate of Article 63 of the ACHR, the IACHR has ample power to raise the forms and what measures of reparation the State must make in relation to the victims. It is inferred that the ACHR indicts a responsibility of the States in repairing the damages caused to the victims, whether by act or omission, in the understanding that it is the duty and obligation

of the States Parties to ensure the protection, guarantee, enjoyment and effectiveness of the Rights and Freedoms contemplated in said Convention of which it is a part. As a result of this situation, the Inter-American Court has expressed several interpretations on the subject of "REPARATIONS". "When an illicit act attributable to a State occurs, international responsibility arises from it for violation of an international standard. On the occasion of this responsibility, a new legal relationship arises for the State, consisting of the obligation to make reparation. "(I / A Court HR, 1998)

In certain jurisprudences, the IACHR has maintained that on several occasions the reparation must be pecuniary. This indicates, reparation is not synonymous with compensation, but is part of the measures to be taken and this occurs precisely when the violated right cannot be redressed, that is, to leave it as it was. This happens according to the Court when it comes to the right to life as an example: "Because" restitutio in integrum "is not possible in case of violation of the right to life, it is necessary to look for alternative forms of reparation in favor of family members and dependent on the victims, such as pecuniary compensation."(I / A Court HR, 1996)

In the Case of Garrido and Baigorria v. Argentina, the IACHR defines in a simple and brief way what reparation is:

Reparation is the generic term that includes the different ways in which a State can face the international responsibility it has incurred. The specific ways of repairing vary according to the injury produced: it may consist of the restitutio in integrum of the affected rights, in a medical treatment to recover the physical health of the injured person, in the obligation of the State to annul certain administrative measures, in the return of the honor or dignity that were illegitimately removed, in the payment of compensation, etc.

2.3 The different forms of reparation according to the jurisprudence of the inter-american court.

The IACHR, when dealing with the issue of reparations in its judgments, has left evidence that there are various ways of repairing (NASH ROJA,

2009) the victim, without having to be only through compensation or pecuniary. In this way, measures of reparations have been established such as: Materials, Non-Materials and other measures that have nothing to do with pecuniary matters, but that help the satisfaction and enjoyment of the rights of the victim of the crime or infraction of the rules of human rights.

- The restitutio in integrum of the rights affected,
- In a medical treatment to recover the physical health of the injured person,
- The obligation of the State to cancel certain administrative measures,
- In the return of the honor or dignity that were illegitimately removed,
- In the payment of compensation.
- The reparation can also have the character of measures tending to avoid the repetition of the harmful acts
- Cessation of the violation
- Material Repairs: Emerging Damage and Loss of Profit
- Intangible damage: according to (I / A Court HR, 2002), "Intangible damage can include both the suffering and the afflictions caused to direct victims and their relatives, the impairment of very significant values for people, as well as alterations of a character not pecuniary, in the conditions of existence of the victim or his family.

2.4 The doctrine.

(VAN BOVEN, 1993) "Developed a draft of basic principles and guidelines on reparations for victims of flagrant violations of human rights, which established the following species of the reparation genre: a) restitution; b) compensation; c) rehabilitation; d) satisfaction and guarantees of non-repetition."(Quoted in CECILIA BRUNO, Romina, 2013) p.40

(RODRIGUEZ RESCIA) The term "compensation" referred to, in the strict technical sense, represents only one form of reparation; being the latter, the correct generic term to refer to any means of compensation, compensation, restitution, rehabilitation or satisfaction, which seems to be the meaning and scope of the said numeral. P. 678

In the previous paragraph, we observe how Rodríguez makes a simple classification of the repair measures, categorizing them as follows: 1). of compensation, 2). compensation, 3). restitution, 4). rehabilitation or satisfaction.

3. Problem Solution

3.1 The repair of the victims of the armed conflict in the colombian state.

Reparation is one of the measures contemplated in the different laws and decrees issued by the Colombian State, regarding the victims of the armed conflict. It is a measure and a fundamental right for the victims, it is contemplated in the rights to the truth, justice, reparation and guarantees of non-repetition.

From the legislative part one of the laws that took into account for the first time the concept of victims is the law 795 of 2005 or law of justice and peace. A law that is born to legal life in order to regulate an alternative or transitional justice, seek national reconciliation and prosecute those responsible for serious violations of human rights or crimes against humanity. It was a crucial moment for the country to seek the reincorporation of the AUC and groups outside the law, a law that focused more on the dismantling of these groups; but he had the initiative to make the victims more visible. Very similar to the aforementioned, it is affirmed by the investigative work carried out by the National University of Colombia through the Department of Social Work, Program of Initiatives for Peace and Coexistence – (PIUPC, by its acronym in Spanish) coordinated by the teacher Martha Nubia Bello in its introductory part:

One of the most recent and important initiatives has been the Justice and Peace Law or Law 975 of 2005, which, although it was not a law of victims, but an attempt to negotiate with paramilitary groups, created a special institutional framework to guarantee the rights of these to truth, justice and reparation (UNIVERSIDAD NACIONAL DE COLOMBIA, 2012)

Within this law, the way to repair the victims was contemplated; but this reparation was not administrative, but incidental, that is to say, a "mini or small process was to be carried out so that the victims could demand reparation" that means that

when carrying out a "small" process, it was because there was a bigger process. This "big" process was nothing more than the criminal trial that was being carried out against the most responsible and ringleaders of violations of human rights and crimes against humanity in the context of the armed conflict. It was precisely within the criminal process that the victims through their agent or representative had to file the reparation incident.

At first glance, this repair was a limitation, because if a process was not started, the victims would hardly be repaired by incident. That is why Law 795 of 2005 had that flaw when it came to seeking to meet the needs of the victims. It was not possible to claim a single reparation, that is, to present the victims with judicial reparation as the only option. In many cases, the victim did not even know to obtain the right to the truth, because the criminal proceedings were very slow, it was not possible to impute to all and, therefore, there was no guarantee of reparation.

The reparation to the victims of the armed conflict in Colombia, within the framework of Law 975 of 2005 was established fundamentally in the judicial sphere, that is, only until the person responsible for the event was known and a sentence was pronounced against him, was it possible to establish the measures of effective reparation for the damage caused, which should be taken against the victim. Taking into account the figures presented by the Attorney General's Office and the National Commission of Reparation and Reconciliation (CNRR, by its acronym in Spanish) regarding the status of the Justice and Peace process for 2007, approximately 80% of the victims had no known victimizer and, therefore, could not access the reparation. (UNIVERSIDAD NACIONAL DE COLOMBIA, *ibid.*)

That situation that was presented with the law of Justice and Peace, forced that a proposal be made to the government for the creation of another form or measure of repairing the victims financially. Three years later, the enactment of Law 795 of 2005 issued a regulatory decree "DECREE 1290 of 2008" (by which the individual reparation program is created administratively for victims of armed groups organized outside the law, under the principle of solidarity and the residual obligation that the State

has to repair (UNIVERSIDAD NACIONAL DE COLOMBIA, *ibid.*)

For the first time in Colombia, INDIVIDUAL ADMINISTRATIVE REPAIR appears. The Administrative Reparation measures under this decree are according to article 4:

Types of administrative reparation measures. For the purposes of this program, the Committee of Administrative Reparations will recognize and order the execution, in each particular case, of the following measures of reparation, which will be of obligatory compliance on the part of the different organisms of the State:

- Joint and several compensation;
- Restitution;
- Rehabilitation;
- Satisfaction measures;
- Guarantees of non-repetition of criminal behavior.

For a large sector, the measures of Administrative Reparation contemplated by decree 1290 of 2008, did not conform to the parameters of international bodies in relation to Human Rights. Thus, the Collective of Lawyers "JOSE ALVEAR RESTREPO" considered the following:

In accordance with the parameters established by the United Nations Organization in the report on the updating of the principles for the fight against impunity, a program of administrative reparations must be complete "in the sense that all the beneficiaries must coincide with the set of victims "must also include a broad category of offenses to be repaired, as a condition for sustainability of the program and must include judicial remedies, otherwise," there is a danger that the benefits distributed may be seen as the currency with which the State tries to buy the silence or the acquiescence of the victims and their families. " However, in decree 1290 of 2008 the previous conditions were not contemplated by the Uribe government. (COLLECTIVE OF LAWYERS "JOSE ALVEAR RESTREPO", 2008)

In the same sense, this Collective of Lawyers stated that the range of human rights to be compensated by this administrative channel was restricted, since it was limited to only five rights

contemplated in the international human rights instruments:

The individual administrative reparation program will cover human rights to life, physical integrity, physical and mental health, individual freedom and sexual freedom. That is to say, the catalog of rights susceptible of administrative reparation is reduced to five human rights, which leaves aside rights violations such as due process, dignity, honor, good name, freedom of thought, association trade union, political rights, self-determination of peoples, equality, work, food, health, education, etc. The government forgets, for example, that extrajudicial executions and enforced disappearances have served not only to physically eliminate political and social leaders and human rights defenders, but also to destroy the organizational processes of those sectors of civil society they oppose an unjust and excluding political regime. Ibid.

3.2. Law 1448 of 2011

(MINISTRY OF THE INTERIOR AND OF JUSTICE, 2011) This Law is part of the transitional justice proposal that the country has been developing since 2005, it is a pillar of President Santos's government program and it is presented as a result of multiple debates and rigorous discussions both by social organizations, political parties, civil society and the National Government and by the Congress of the Republic in due process of approval. In addition, the National Government exhibits the Victims Law as an implementation and positioning of a public policy oriented to the integral reparation of the victims of the internal armed conflict in Colombia, the strengthening of the judicial and administrative scaffolding, the generation of conditions promotes the achievement of peace and national reconciliation. (Cited by (Bello A., and others, 2012)).

For many social groups that defend human rights, Colombian civil society, international organizations on human rights and the Victims of the Armed Conflict, they saw this law with good taste, it is a law that focuses more on the Victims and their rights, as in seeking a Transitional Justice to change from the war to a stable and lasting peace with one of the strongest guerrillas and transgressors of human rights in Colombia (the FARC-EP). The

(ICTJ, 2015) in its web portal made an article in which it related the following:

Among the various measures of transitional justice that Colombia has put in place in recent years to care for the victims, reparations have taken a central role. In 2011, Congress passed Law 1448, known as the Victims and Land Restitution Law, with the aim of providing comprehensive reparation to the victims of the conflict. This reparation was designed with the aim of overcoming the mere focus of economic compensation, which included other material measures such as providing psychosocial assistance, decent housing, or land restitution; but also symbolic measures, such as the establishment of the National Day of Memory and Solidarity with Victims, which has since been celebrated on April 9th. The Law generated many expectations among the victims and was presented as an instrument that sought to repair, but also to transform "the lives" and the situation of the victims.

The Reparation that is presented in the law 1448 of 2011 or law of victims, is more ample, because it lodges other measures of repairing different to the pecuniary one. According to the law 1448 of 2011, in its article 25 this reparation is treated as an exclusive right, to the victims of the armed conflict in Colombia because it states that:

"ARTICLE 25. RIGHT TO COMPREHENSIVE REPAIR. Victims have the right to be repaired in an adequate, differentiated, transformative and effective manner for the damage they have suffered as a result of the violations referred to in Article 3 of this Law. Reparation includes the measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, in its individual, collective, material, moral and symbolic dimensions. Each of these measures will be implemented in favor of the victim depending on the violation of their rights and the characteristics of the victimizing act. (CONGRESS OF THE REPUBLIC OF COLOMBIA, 2011)

After the issuance of law 1448 of 2001, the regulatory decree 4800 of 2011 was born to legal life, which have as their object: "Article 1. Object. The purpose of this decree is to establish the

mechanisms for the proper implementation of the measures of assistance, attention and integral reparation to the victims referred to in Article 3 of Law 1448 of 2011, for the realization of their constitutional rights. Decree to mark the route for victims to access different aid and humanitarian assistance as well as administrative compensation.

But all the happiness and happiness of Law 1448 and Decree 4800 of 2011 were going to face multiple obstacles for the materialization of the Administrative Reparation to the victims, it is precisely with regard to compensation. Well, the biggest problem facing the Colombian country is the financial part. The National budget is not enough to compensate in no time the amount of victims that have not yet been repaired.

From the debate on the draft of this law, it was seen that, if those inconveniences were not remedied, the materialization of those rights of reparation would create a social, fiscal and non-satisfaction problem for the Victims. The Democratic Pole's senator Iván Cepeda warned about this situation when the debates were hardly taking place for its promulgation:

"We have analyzed the 177 articles that make up the Project and we note that it has serious gaps in 91 of them. The main one is that reparation is subject to fiscal stability, that is, if there is money, and the other is that the State does not assume its responsibility for reparation, but works under the principle of solidarity," said Cepeda, who affirmed that his party, the alternative democratic pole (PDA, by its acronym in Spanish) would vote negatively on the Articulate if those gaps are not corrected throughout the process." (Agencia de Prensa IPC, 2010)

In a column of the newspaper *El Tiempo*, in commemoration of the victims' day, a special edition was held about the victim's law in relation to its implementation and effectiveness, as it were.

In 2016, the Constitutional Court ruled on the implementation of Law 1448, ensuring that in matters of compensation there were "protruding vacuums" and a medium and low compliance with urban and rural housing issues. According to the 2017 report of the commission of the implementation and monitoring of the law of victims (CIMLV, by its acronym in Spanish) the

problems in terms of compensation and housing persist, and add to them that "in recent months, the National Government adduces tax problems to meet social demands."

The budgetary problems, as the Follow-up Commission explained, are based on "the sharp fall in the international price of oil and other minerals", which generated a decrease in the Nation's fiscal revenues. To solve the crisis, the report continues, the government carried out a tax reform with which it promoted "categories such as fiscal sustainability, the fiscal rule or the reservation of the possible, in order to constrain social demands". (Parra, 2018)

The foregoing evidences that currently the Colombian State faces a great challenge in compensating the victims that seem to be more every day. The Unit for Comprehensive Care and Reparation for Victims (UARIV, by its acronym in Spanish). It has been entangled in the amount of requests for administrative compensation, since they do not have enough human resources to respond to all requests, and added to it cannot decide in depth about the date on which it could compensate a certain victim because it is subject to the annual budget that the executive is established. But the problem is further aggravated when the demand of victims in defenseless and vulnerable state comes before the judges of tutelage in order to force the UARIV to answer the rights of petitions and protect the rights that allegedly has systematically and generically violated this Unit, revictimizing this population even more. In these circumstances, they are evidenced in the declarations of the AURIV:

However, according to the UARIV and the national legal defense agency (ANDJE, by its acronym in Spanish) the lack of capacity to respond in a timely and adequate manner to the judicial requirements is of such magnitude that it exceeds the diligent actions of the executives of the entity. For this reason, they consider that the incidents of contempt and sanctions that the judges of guardianship resolve against the officials of the Unit objectively hold them responsible, without attending to the structural reasons that prevent compliance with the judicial terms.

According to the information provided, the UARIV currently does not have enough budget to pay the administrative compensation in favor of all

the applicants who meet the regulatory requirements to be prioritized; 232 much less, the National Government has the resources to attend to the rest of displaced persons who are entitled to compensation but who have not been prioritized.²³³ Additionally, the Unit itself is uncertain about the date on which the resources will be available For the payment of all compensatory measures (CONSTITUTIONAL COURT OF COLOMBIA, 2017)

Because the constitutional judges were ordering the Director of the UARIV to establish the date of payment of compensation to the victims, the Constitutional Court ruled on this situation.

At the moment of resolving the guardianship actions that claim the protection of the right of petition when it is related to the administrative compensation, the judges must grant the protection of the right of petition, once verified the fulfillment of the respective requirements of formal procedure and material, but they will provide that the UARIV has until December 31, 2017 to comply with the ruling in accordance with the order of priority that it adopts. Therefore, they will refrain from issuing orders related to economic recognition during that period.

Due to this order, the UARIV in its legal, constitutional and regulatory functions issued Resolution 01958 of 2018. Resolution that establishes the procedure for accessing the individual measure of administrative compensation. Here, too, a procedure was carried out, a route to prioritize victims of the conflict and pay administrative compensation.

The priority route is for victims in a situation of manifest emergency or extreme vulnerability: people over 74 years of age; people whose health provider company (EPS, by its acronym in Spanish). certify that they have orphan diseases, of a ruinous, catastrophic or high-cost type, or any other that produces difficulty in performance equal to or greater than 40%; and people whose EPS certifies a disability that produces difficulty in performance greater than or equal to 40%. In these cases, the Unit has up to 120 working days to review, update the information of the request and give an answer to it. Once approved, within the next 30 days they will be assigned the turn to receive compensation. To make the request an appointment is scheduled through the

national telephone line 01 8000 91 11 19 or in Bogotá 1-426 1111), (or at the nearest Service Point, the respective documentation is delivered and the pertinent forms are filled out. (UNIT FOR VICTIMS).

4. Conclusions

The Colombian State, undoubtedly seeks to advance in human rights issues, to end an internal armed conflict with all armed groups outside the law and thus overcome those acts of violence that have led a population to poverty, displacement and a humanitarian social crisis.

Attempts to repair the damage caused in the context of the armed conflict do not cease in the different governments, it is through state institutions, human rights groups and the same victims that are seeking to overcome the situation of war and reach stable and lasting peace.

The limitations suffered today by the rights of the victims are not only for the armed groups outside the law, but also for the structured systems of the State institutions, in the understanding that, in terms of administrative reparation, having the guarantees of satisfaction and to overcome any state of socio-economic defenselessness is subordinated to the National budget, which until now is still in crisis.

In order to effectively materialize the right to reparation and in particular the compensatory mediation, it is necessary to involve private companies that, based on their social responsibility with the country, under the principle of solidarity can agree on a pact to overcome the vulnerability of victims of the internal armed conflict in Colombia. With an agreement or solidary pact, the victim could be returned to be productive and help the economic development of the country through entrepreneurship programs, licit crops, science and technology, giving the opportunity to the population victim of this scourge (Conflict Armed), reach the dignified and current standard of living in the modern world.

The Colombian State must first of all carry out a public policy that in principle eliminates corruption, decongests the judicial process and monitors or controls compliance with the principles of public administration in order to establish a good functioning and thus fulfill the essential purposes of

the State contemplated in article 2 of the Constitution of Colombia of 1991.

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