# The Victims' Law in Colombia – a result of transnational advocacy work for the rights of the victims?

# **Abstract**

This is a case study that aims to explain the adoption of the Victims' Law by investigating the transnational advocacy networks' work for the rights of the victims of the armed conflict in Colombia. Theories of transnational advocacy networks and opportunity structures are applied in order to understand the long term advocacy work for the victims' rights, but also to explain their influence on the legislative period. Interviews were made in Bogotá, Colombia, with different actors of these networks such as national and international advocacy activists. The material reveals that, through their politics, the victims' advocacy networks have succeeded in putting the situation and the rights of the victims on the political agenda, which has led to the adoption of the law. It also affirms that the pressure on the state from international actors is essential for the advocacy work's achievements. Furthermore, the results show that, due to the complex conflict and the hostile relationship between the state and the advocacy networks, domestic structures in Colombia limit the impact of advocacy work. Since the national victims' networks did not influence the law as much as they desired, they are critical to the prospects of the Victim's Law.

*Key words*: Transnational advocacy networks, NGOs, victims' movement, the Victims' Law, Colombia, political opportunity structures.

Words: 9997

# Acknowledgements

I am eternally grateful for the inspiration, knowledge and hope that the interviewees and the victims' advocacy activists gave me during my field study in Colombia. I also would like to thank my contact person Nina Volmer for the guidance on field and all the others that helped me out with interviews and practical things in Bogotá. Special thanks to SIDA and the Political science department at Lund University for making this study possible. I also would like to thank friends and family for the support, of correcting and commenting, during the work with this study.

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# **Abbreviations**

FARC - Fuerzas Armada Revolucionarios de Colombia - The Revolutionary Armed Forces of Colombia

HRW - Human Rights Watch

ICTJ - The International Center for Transitional Justice

IDMC - Internal Displacement Monitoring Centre

IDP - Internally displaced person

IHL - International humanitarian law

INGO - The International Non-governmental Organization

NGO – Non-governmental Organization

MOVICE - Movimiento Nacional de Víctimas de Crimines del Estado - The National Movement of Victims of Crimes of the State

UN - United Nations

UNHCR - United Nations High Commissioner for Refugees

# 1 Introduction

The history of Colombia has been lined by conflicts and violence, and has left one of the highest numbers of internally displaced persons (IDPs)<sup>1</sup> in the world. The current conflict has its origins in a war of resources, primarily of land, between two guerrilla-groups; the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), the illegal armed groups<sup>2</sup> and the national army (Tate 2007:36ff). There have been several judicial initiatives to manage and to end the conflict during the years; one of them is the Justice and Peace Law in 2005, with the main purpose to disarm the paramilitary. There is also Law 387, which was executed to handle the humanitarian crisis of internal displacement. None of these intents have succeeded with their objectives.

"The only right the victims of this country have is to be re-victimized" (A farmer in Caquetá cited in MOVICE 2010). This quote illustrates the marginalization of the victims of the internal armed conflict in Colombia as well as the public discourse and lack of politics handling the situation. This could be changing; a step closer to redress the rights of the Colombian victims has been taken. In June 2011 the new law called the Victims' Law was adopted, with the purpose to compensate the victims of the armed conflict and restitute land to the IDPs.

No-one knows how many victims there are in Colombia, but it is evident that there are millions of them<sup>4</sup>. The victims consist mostly of the rural or urban poor, where the indigenous and Afro-Colombian groups are overrepresented (Amnesty 2011). There is a broad variety of organizations and movements advocating the rights of the victims, in Colombia as well as globally. In this study, such actors will be referred to as transnational advocacy networks, defined by Keck and Sikkink (1998) as a broad transnational network advocating the rights of a special object. The aim of the study is thus to understand and evaluate the transnational advocacy networks' work for the victims of the Colombian conflict.

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<sup>&</sup>lt;sup>1</sup> An IDP is a person that has to leave its home by force, because it is in danger of conflict or human rights violations. But in difference from a refugee it does not cross its country border (IDMC).

<sup>&</sup>lt;sup>2</sup> Before called paramilitary groups or the United Self-Defense Forces of Colombia (AUC).

<sup>&</sup>lt;sup>3</sup> Re-victimization is a term used by MOVICE (Movimiento de victimas de crimenes del estado) which show on the situation of the victims in Colombia. MOVICE explains the concept as *re* refers to a repetition of victimization of the same victim, which is common in Colombia, and victimization refers to the stigma the victims experience in contact with public institutions (MOVICE 2010:13)

<sup>&</sup>lt;sup>4</sup> There are 3.6 - 5.2 millions IDPs in Colombia, the first number is counted by the government and the other is from an independent organization CODHES (IDMC 1).

## 1.1 Aim and research question

The work for the rights of the victims of the armed conflict in Colombia goes back many years. It has been led by human rights organizations, social and victims' movements. But the victims exposed to the situation have often been neglected and sometimes even denied by the Colombian state and government. Government officials have acted as if neither any victims, nor an armed conflict exists in the country.

There are several investigations of the transnational human rights advocacy in Colombia (Tate 2007; Brysk 2009; Marín 2009), however the victims' advocacy networks have been modestly documented in the academic sphere and are only mentioned as a parenthesis in the frames of human rights activism. This makes this study, important as I perceive the victims' advocacy networks have become an increasingly important movement in Colombia over the last years.

Keck, Sikkink and Donelly establish that the transnational advocacy networks represent an important and refined influence on states regarding human rights (1997; 2002:227). According to Kaldor, these networks have a significant influence on the norms in global politics (2004:130). Colombia is an interesting case because, despite being seen as a democratic state, the transnational advocacy networks have not succeeded in realizing a human rights reform as in other Andean countries, thus the human rights violations continue (Brysk 2009:38). But significant achievements have been made by the victims' advocacy in using international norms to impact national legislation. The last example is the Victims' Law, a law that for the first time recognizes the great majority of the victims of the armed conflict in Colombia and aims to compensate them. The Victims' Law was welcomed by the international community. According to the UN-coordinator in Colombia: "...this advanced legislation is supported by the United Nations..." (Moro 2011). But what do the transnational advocacy networks think of the process which in the law was created? How have they perceived their own role in that process?

The question of the study is thus:

What importance did the transnational advocacy networks' work have for the rights of the victims and for the creation of the Victims' Law?

The research question implies the hypothesis that the networks advocating the rights of the victims has influenced the political agenda and promoted the work with the law, leading to its adoption by the government in June 2011. Is it then possible to explain the adoption and the outcome of the Victims' Law as a result of the pressure and work for the victims' rights by the transnational victims' advocacy networks? What are the characteristics of the victims' advocacy networks in Colombia and what methods have been used in their work? I will use Keck and Sikkinks' theory of transnational advocacy networks to evaluate and understand the research theme (1998). In this way I also intend to explain the

international actors' influence in the transnational work for the rights of the victims in Colombia. Hence this is a case of transnational advocacy networks' work and their influence on national legislation and politics.

## 1.2 The Victims' Law

Here I will shortly introduce the Victims' Law and its supposed function. Law 1448, the Victims' Law, is introduced with these words:"It dictates measures of attention, assistance and integral compensation to the victims of the armed internal conflict and it dictates others provisions." (Law 1448:1).

The Victims' Law aims to compensate, repair and rehabilitate the victims of the armed conflict in Colombia, physically as well as psychologically. The law is made in a transitional justice framework meaning that is based on a post-conflict scenario. It is an extensive law that includes the creation of new state organs, registration systems and major changes in state system to handle the victims' situation. It purposes to restitute millions of hectares of land to the millions of IDPs in the country. The reparation of the victims will be done by administrative material compensation, not judicial, meaning that the victims cannot claim judicial denunciations within the framework of the law, but only receive compensation in form of money or restitution of land. The law includes humanitarian aid for the affected in emergency. It also contains a documentation of the violations that will serve as symbolic reparation often called historic memory<sup>6</sup>. The law seeks to fulfill the rights of the victims to truth, justice, reparation and the guarantee of no repetition of the violation (CNRR).

According to the Law 1448 the victims are persons that individually or collectively have been suffering violations of the international humanitarian law (IHL) or the norms of international human rights, after the first of January 1985, as a result of the internal armed conflict in Colombia. Close relatives of the immediate victims are also entitled to compensation (Law 2011:1448, article 3).

In this chapter the research dilemma, its context and the Victims' Law have been introduced which leads to the next chapter where the theoretical framework will be presented to give further understanding of the topic.

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<sup>&</sup>lt;sup>5</sup> *International* is used in the thesis to describe actors that are international through the Colombian activist' perspective. Meaning actors that are active in advocacy work in or outside Colombia but have a foreign or international organization. Examples such as a Swedish NGO working in Colombia or Amnesty working with a special issue regarding the Colombian situation.

<sup>&</sup>lt;sup>6</sup> Symbolic reparation and historic memory signifies the acceptance, respect and tribute of the victims. It consists in collect and document the violations occurred to not forget them or deny them. It will consist in a Centre of Historic memory, a archive and a national day for the victims inter alia (articles 141-148 Law 1448).

# 2 Theoretical perspectives on transnational advocacy networks and domestic characteristics

In this chapter the theoretical perspectives on the case will be presented. The theory on transnational advocacy network will be applied to explain the victims' advocacy networks' influence on the official debate and pressure on the state regarding the situation and rights of the victims, as well as to understand the relation between this work and the adoption of the Victims' Law. This theory is outlined in *Activists beyond borders* by Keck and Sikkink. The perspective on transnational advocacy networks is complemented with how the domestic characteristics affect the work of transnational advocacy networks. Here I will look at the concept of *political opportunity structures*.

Keck and Sikkink identify some of the main actors in this concept as: international Non-governmental organizations (INGOs) and national NGOs, domestic social movements, foundations, the media, religious communities, academics, labor unions, and parts of intergovernmental organizations and parts of governments and parliaments (1998:9). Out of these actors I will concentrate on NGOs as I see them as the most influential actors representing the victims in Colombia. Moreover, Keck and Sikkink identify the NGOs and INGOs as the most essential actors in transnational advocacy networks, because they establish new ideas, put them on the agenda, and pressure their target actors for change (1998:9). The target actor in this case is the Colombian government. Non-governmental organizations (NGOs) are independent organizations that are not state-related. Their core organization consists of professionals and they often receive official funding from governments and private actors.

There is a broad spectrum of civil society organizations advocating the rights of the victims. There are both INGOs active in Colombia who work with issues regarding human rights, victims, IDPs or aid (UNHCR 2007:11), and those who continually visit the country (Marín 2009:80ff). There is also a wide-range of Colombian organizations working for the victims, among others the human rights NGOs, social movements and organizations of victims. Furthermore, the United Nations (UN), foreign state actors such as embassies and parliamentarians are active in the victim-issue. The transnational perspective is thus necessary in order to fully understand the transnational nuances in Colombian politics.

The transnational activism in Colombia is of great importance because of the polarized relation between the national advocacy organizations, the state, the government and the infected national debate (Brysk 2009). Therefore, the boomerang pattern by Keck and Sikkink (1998:12f), stating that when communication between the civil society and the state is blocked, the advocacy

networks turn to the international scene to present their claims instead, leading to that the international community putting pressure on the Colombian state, is appropriate in this context.

The transnational advocacy networks can impact politics by providing new information and set agendas forcing states and international organizations to take new positions, change institutional procedures and policies. By provoking the media's attention on an issue, networks can impact on the political debate. They can pressure states to sign and support international conventions. Networks can force states to respond to their claims by changing procedures and policies regarding the issue. This can further give opportunities for the networks to impose political change by monitoring the fulfillment of these new policies (1998:25f).

### 2.1.1 The politics of transnational advocacy networks

Keck and Sikkink explain the work of the transnational advocacy networks with four types of politics; *information politics*, *symbolic politics*, *leverage politics* and *accountability politics*.

Information politics is crucial for networks, since producing technical and credible information make the networks legitimate players in society and politics. The NGOs can generate information that otherwise would not be available and make the voices of groups that normally would not receive any attention heard (1998:18).

The networks can affect politics by providing alternative sources of information. But only providing facts do not necessarily promote public action or sentiment. Therefore, NGOs and social movements frame the information with testimonies, to get a face and a victim of the crime denounced. Testimonies and symbols are important tools to mobilize and motivate people to make a political change. Keck and Sikkink mean that a successful framing must identify the happening as not being unconscious or neutral, it has to recognize the guilty actor and suggest a possible and reliable solution of the problem (1998:18ff).

Symbolic politics is similar to the framing in information politics. It consists in presenting symbolic events or making certain events symbolic. This is a way of spreading and making the information of a case more accessible to the broader public (1998:22).

Leverage politics is a method of influencing the target actor by putting pressure on a more powerful organization than the own, which puts pressure on the targeted actor in turn. Leverage politics often concerns "mobilization of shame" where the advocacy networks publicize and reveal the arbitrary behavior of the target actor before the international community (Keck & Sikkink 1998: 23; Tate 2007:9,187). But it is also important for an NGO to prove its independency and mobilize its own supporters and to affect the public opinion through media activity (1998:23f).

Accountability politics means holding the target actor responsible for living up to a taken policy. An important task of the NGOs and the social movements is to influence the targeted actor in its policy and statements of issues using for

example *leverage politics*. An example of this is to pressure a state to sign an international convention and then to evaluate its fulfillment on the basis of those norms. *Accountability politics* can also involve accomplishment of national laws and politics (1998:24f).

### 2.1.2 Domestic characteristics

Keck and Sikkink also state that in order to understand a social movement it is important to to gain a comprehension of its surrounding domestic characteristics (1998:7). Based on the declaration of the human rights, the state is responsible for protecting the rights of its citizens. Some organizations see the Colombian state as a co-worker, while others consider it ultimately responsible for the victims' situation and a violator of human rights. Therefore, while it is the state that creates the framework within which the networks can perform their work, it is also their target actor. According to Brysk, many scientists agree that transnational influence on domestic politics is affected by the national characteristics and institutions (2002:11).

I will later present four antecedents to the Victims' Law that gave more opportunity to the networks' work of the victims' rights, but in order to understand these better I will present the concept of *political opportunity structure*. The *opportunity structure* provides a significant perspective on the domestic characteristics and social movements. This is an approach which tries to explain the existence and development of social movements by looking at the state system (Tarrow 1996:49). Tarrow sees *opportunity structures*, in contrast to the traditional view above, as positive or negative communication from political actors including informal ones, which can strengthen or obstruct the politics of the social movement (1996:54). An *opportunity structure* for a social movement can be an "opening up of political access", the support of influential actors, political changes in which actors gain terrain in leading the country, and divisions in the elite (1996:54ff)<sup>7</sup>.

In this chapter the theory of the politics of the transnational advocacy networks and the importance that domestic characteristics has for its outcomes, have been presented. In the next part the methodology will be introduced.

<sup>&</sup>lt;sup>7</sup> All of these will not have space in the thesis.

# 3 Methodology

# 3.1 Case study and field work

This is an explanatory case study that aims to analyze the causes behind the Victims' Law. George and Bennet define the case study as a detailed investigation of a historical important event where you try different explanations or develop explanations of that case (2005:5), in this case, the adoption of the Victims' Law. This is a *disciplined configurative case study*, meaning that already existing theories will be applied on the case (2005:75).

A common critique regarding case studies is that they are not sufficiently scientific but according to Teorell and Svensson, the difference between a case study and storytelling is that a theoretical framework is applied in the case study, which makes the case generalizable (2007:236ff). Many political scientists only recognize comparative studies as an adequate study method, but Esaisson et al claim that an inside case study is often a comparison in itself and therefore satisfactory. In this case, a comparison of time is applied (2007:121). That is, the identification of historical events that have made the adoption of the law possible.

In order to understand the process leading up to the Victims' Law, I have been inspired by George and Bennets' method of process-tracing. Process-tracing is to explain a historical process by mapping the sequence of events in detail and to identify the causal mechanisms that lead to the outcome (Cited in Esaiasson et al 2007:144f). In this case I have mainly used the method as a way of categorizing the historical process and its important actors. I have also, throughout the research material identified, four historically important circumstances that changed the political environment for the victims' advocacy networks. These events could be understood as *formative moments*, which are important moments that have had significance for the outcome (Esaiasson et al 2007:145). Due to time and space limitations, the purpose of this study has thus been to explain the major events leading up to the Victim's Law, rather than tracing the details of the same.

This study was performed as a field investigation in Bogotá, Colombia<sup>8</sup>. It has followed the ethical guidelines presented by the Swedish Research Council (Teorell & Svensson 2007:21). An appropriate way to investigate historic processes is to interview persons involved (Esaiasson et al. 2007:147).

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<sup>&</sup>lt;sup>8</sup> The study was financiered by SIDA's Minor Field Study program and was conducted in December 2011 to January 2012.

### 3.2 Interviews

The interviews were conducted in Bogotá with persons working for NGOs, a trade union, INGOs, UN, an embassy and two secretaries of Congressmen<sup>9</sup>. The majority of the organizations represented form parts of bigger networks as MOVICE, international networks or platforms. I tried to cover as many different groups as possible in the Colombian society through diverse interviewees. Some of the organizations represent a particular group in the society. NGO 6 is a women network, NGO 1 represents the Afro-Colombian communities and NGO 7 was specialized on indigenous victims. 17 persons were interviewed in total, out of which seven were men and ten were women<sup>10</sup>. The majority of the interviews have been with employees in the organizations, not the directors. This give a perspective that favors groups that normally do not get documented in the academic world (Blee & Taylor 2002: 93f).

The interviewees are presented anonymously in the text because it makes the interviewee more confident (Esaiasson 2007:290). The anonymity can be a problem in the analysis, as you have to present material without revealing the identity of the interviewee (2007:290). In this case, anonymity was preferable since those engaged in the civil society in Colombia are often threatened (OIDHACO).

There are different interview methods. The structure of the interview is important and can influence the result. I have made semi-structured interviews which means that you have an interview plan with pre-planned questions or topics, but you leave space for unplanned follow-up questions and new directions of the dialogue (Teorell & Svensson 2007:89). This method opens up for new perspectives and spontaneous themes. This method spontaneously opens up for new themes and perspectives; it is commonly used in social movement's research, and suitable for investigating diverse networks that have not been fully documented before (Blee & Taylor 2002:93). According to Blee and Taylor, a common problem when conducting semi-structured interviews with activists is not to make them speak, but rather to direct the interview so as to gain just the information that you are looking for (2002:99). This is a dilemma I experienced as well, which resulted in more material, thus more work, with the analysis. I believe that semi structured interviews is a suitable method because it can provide a further understanding of the context of the case.

I made a mapping of organizations and persons of interest for the study to interview. In the end, however, the *snowball selection* method became my main way to get in contact with the interviewees. *Snowball selection* is a method where you ask your interviewees if they know someone that could be useful for the study, and then the next person knows someone that knows someone etcetera (Esaiasson 2007:216). In collecting the material, my contact person at The Swedish Fellowship of Reconciliation in Bogotá has helped me with various

9 For a detailed presentation see the list of interviews.

<sup>10</sup> The greater number of women is partly because of that the group interview were made with four women.

contacts, I have also been assisted by the Swedish embassy and many interviewees have facilitated my search for further interviews.

The main topics in the interviews have been;

- the historical process leading to the Victims' Law with a focus on important events and actors
- the work of the organization and advocacy networks in the process
- the influence on the process of the law by the advocacy networks
- the methods/tools used by the networks to influence
- the role of the state and the government
- the successes of the influence work
- the changes in the discourse regarding the victims
- the contributions of the international community in transnational advocacy networks
- the fight for the victims' rights and the process of the law
- how could the progressive judicial work in Colombia be explained?

Each interview is unique in structure and perspective, influenced both by the situation and, due to the semi-structured approach; the interviewee has had possibility to influence the interview.

The interviews are mostly conducted in Spanish and I am responsible for the translation. Conducting interviews in another language than your mother tongue means that there is a risk for misunderstandings. My Spanish level is good and after a time in Colombia I learned the dialect and its different expressions. The interviews have, with the interviewees' permission, been recorded in order to avoid linguistic misunderstandings.

As the victims' advocacy networks is my main study object, their view on the process will be the main perspective also regarding the politics of public institutions and the government.

# 4 Historical background

### 4.1.1 The historical background of the Victims' Law

The Victims' Law was initiated by a few liberal senators and presented before the congress in 2008, during the presidency of Álvaro Uribe<sup>11</sup>. Throughout the year of 2008, the civil society managed to pressure the congress to carry out public hearings where the civil society could present their opinion and proposals (CCAJAR 2010:16). Numerous interviewees told me that the consultation of the victims' networks was more comprehensive at that time, and that about 14 public hearings were made (NGO 3; Congress secretary 2; UN worker). Some of the proposals that the networks presented during the hearings got included in the project of the law, but the government opposed the project of the law as it did not accept the existence of victims violated by agents of the state<sup>12</sup> (CCAJAR 2010:16). Another argument has been that the law was not economically sustainable (UN worker). Therefore, was the initiative of the Victims' Law ended, during the presidency of Uribe (CCAJAR 2010:17).

During the election campaign of President Juan Manuel Santos, he promised that the issue of land would be an important question for the government and that he would initiate a law of reparation and restitution of land (la Silla vacía 2010; Semana 2010). On the 27th of September in 2010, the Victims' Law was adopted as a "project of law" by the then elected President Santos and the representatives of his party (Social Party National Unity). In December the same year, the law was approved by the Chamber of Representatives, and the victims of the agents of the state were included. In April of 2011 the law got approved by the Senate and the year from when the victims will be compensated changed from 1991 to 1985, but the year of restitution of land remained 1991. In May, the law got the final approval in the debates in the Congress, and the existence of an armed conflict in the country was acknowledged (la Silla vacia 2011). On the 10th of June 2011 Santos signed Law 1448, the Victims' Law, with the general secretary of UN present during the ceremony (Monroy 2011).

The Congress secretary 2 said that the work with the law during Uribe's presidency was very difficult due to a stronger opposition against it. When Santos became president and changed the discourse from Uribe's, showing interest for the project of the law, many were surprised.

A difference between the two Victims' Law projects is the timing. The first project was initiated in 2008, just three years after the launch of the Justice and

<sup>11</sup> Álvaro Uribe was president (independent former liberal) from 2002-2010 in Colombia (ne.se).

<sup>&</sup>lt;sup>12</sup> Victims of crimes committed by agents of the state are a group of victims that have been violated by the army or actors that have connections with the state like paramilitary groups. This is a controversial group in Colombia as they point out the state as a perpetrator. MOVICE is an organization representing this group of victims.

Peace Law. When the work of the current Victims' Law begun, the victims' networks had another three years of activism and the country had a new president.

# 4.1.2 The history of the victims' and human rights advocacy work in Colombia

"I believe that the evolution of the victims' possibilities, to appear and to be recognized for their rights, refers back to the beginning of the human rights movement in Colombia." (NGO 1). With these words, one of the interviewees started telling the history of the human rights work in Colombia. She has been working with human rights in Colombia since 1976 (NGO 1).

NGO 1 explains that the Colombian advocacy work started with the urgent issues of torture and political prisoners in the 1970s. In the 1980s, forced disappearances, homicides and forced displacements begun. The first human rights organizations arose as social movements and started to work on these issues. During that time the economic, political and judicial resources where limited, but in 1991, with the creation of the new constitution, the situation improved (confirmed by Tate 2007:72ff). Another interviewee explains the history of the victims as a natural consequence of increased violence in Colombia. He sees the development of public politics as an evident answer to the situation with escalated number of victims, impossible to go unseen (Embassy worker).

In the mid-1980s the forced displacement started to get systematic, and in 1991 the first forum of internal displacement took place in the Congress (NGO 1). This resulted in the invitation of the Representative of the UN Secretary-General on IDPs, Francis Deng. Years later, in 1997, the principles of Deng concerning internally displacement<sup>13</sup> turned into Law 387 of IDPs in Colombia (Fadnes & Horst 2009:113f).

During the 1980s and 1990s many local human rights groups were created. Victims, trade unions, members of social movements, indigenous people and farmers claimed their rights (NGO 1). Some NGOs started lobbying towards UN in Geneva, informing them about violations against human rights in Colombia (Tate 2007:199ff). In 1997 this led to the opening of the first office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia (UN).

During Uribe's presidency the social environment got harder, the violence of the paramilitary as well as their presence in official politics increased (Hylton 2006:109f; HRW 2012:1). The relationship between the national civil society and the state got further polarized because of President Uribe's hostile politics (NGO 3), which complicated the situation of the human rights networks in Colombia. The human rights activists are often a target of violence (Tate 2007:154ff) and during the last decade the political violence has worsened in Colombia (2007:306).

The continuing work of the human rights organizations had resulted in small achievements in adopting norms for the rights of the victims. During this work the

<sup>&</sup>lt;sup>13</sup> GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT (UNHCR 1998).

Colombian state was absent, and the concern for the victims was the concern of the advocacy networks (NGO 1).

In this section, the history of the study objects has been presented in order to gain a further understanding of the following analysis.

# 5 Analysis

The analysis will be structured into two phases of the transnational advocacy networks' work; the first one represents the long term fight for the rights of the victims and the second the legislative period of the Victims' Law. Most attention is paid to the first phase where the advocacy work has achieved the most. It is organized according to four historical circumstances that are identified through the material as important antecedents of the Victims' Law. These are the Colombian Constitution (INGO 1; NGO 1; Embassy worker), the judicial system for IDPs (NGO 1, 2 Congress secretary 1), the Justice and Peace Law (NGO 1, 3, 5; INGO 2; Congress secretary 1, 2; UN worker) and the support from the international community to the Colombian advocacy networks (all interviews affirm this in some way). In the theory chapter, the politics of the advocacy networks, the influence of the domestic characteristics and the opportunity structures are presented. I will apply these on the case of the Colombian victims' advocacy networks' activism. I will end the analysis with the section of "Colombian characteristics and the limitations of the advocacy work", where the difficulties of the networks are discussed.

# 5.1 Phase 1: The transnational advocacy work for the rights of the victims

### 5.1.1 The Colombian Constitution

The constitution of 1991 was negotiated between a popular coalition of guerrillas that laid down their weapons, social movements and the traditional political parties (Tate 2007:129). It resulted in a text regarded as one of the most progressive constitutions in the world (Hylton 2006:1). The following components of the Constitution gave the advocacy networks new and improved tools in their work for the rights of the victims; The Constitution expanded the protection of human rights in the national arena (Tate 2007:61,129). It also recognized the victims to a larger extent than before, according to one interviewee (Embassy worker). New legal agencies and tools were created such as the Human Rights Ombudsman's office, Attorney general, Inspector General and the *tutela*<sup>14</sup> (Tate

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<sup>&</sup>lt;sup>14</sup> *Tutela* is a denunciation that any citizen can make if they feel that its rights have been violated by any public authority and it has to be handled in 10 days (Fadnes & Horst 2009: 114).

2007:61)<sup>15</sup>. Moreover the Constitutional Court was formed, which facilitated the claim of the rights of the most marginalized in Colombia through sentences where their rights have been justified (Wilson 2009:71f).

The new rights and agencies facilitate the *accountability politics*, especially through legal measures by the advocacy networks. Many NGOs supporting the victims in Colombia have lawyers that consult or lead cases. One interviewee explains the importance of judicial tools in the Colombian advocacy work as: "The Colombian human rights organizations have been pioneers in Latin America of the systematic, permanent and continuity use [of judicial tools] through tutelas, penal denunciations and international litigation." <sup>16</sup> (NGO 1).

Bearing the above events in mind, the Constitution can be seen as the starting point for the development of the human right laws and the judicial activism such as Law 387 and the following sentence T025. According to one interviewee: "It is definitely in the end of the 1990s when the first institutional and judicial mechanisms of the public politics are created for the victims and their reconciliation." (Embassy worker).

The Constitution also gives priority in domestic law to signed international conventions (UNHCR, 1997), which means that if Colombia signs a convention it automatically becomes part of the Constitution (Linton 2006:146). One interviewee states: "[The Constitution]... gives a great space for lawyers with good technical knowledge in international law and human rights on all levels, both in the judicial system ... but also in the civil society, which make progressive judicial processes possible" (INGO 1).

The Constitution could be understood as an *opportunity structure*, as it creates new tools and a favorable institutional environment for claiming the victims' rights in Colombia. In this way, it creates an opportunity for the "opening up of political access"; as the social movements are allowed to partake in the negotiations of the Constitution, this favors the public attitude regarding them. Tarrow writes that a fully open or closed society does not encourage advocacy work, and that a mix of closed and open opportunity is rather what creates activism (1996:49). The creation of the Constitution was an opening in an otherwise closed society for advocacy networks.

The Constitution facilitates *leverage politics* by the national advocacy networks through the Constitutional Court and International norms which are used to put further powerful pressure on the state. The Constitution changed the context for the victims' advocacy work and created more tools for human rights work and *accountability politics*. This improved the prospects of the advocacy work for the Colombian victims as there was an increase in possible methods of denunciation (Sp. *denuncia*)<sup>17</sup> and a more comprehensive set of general rights emerged.

<sup>&</sup>lt;sup>15</sup> The translations are taken from the same source.

<sup>&</sup>lt;sup>16</sup> International litigation means simply the use of international law.

<sup>&</sup>lt;sup>17</sup> Tate uses *denuncia* instead of denunciation and explains it as "public reporting of wrongs to spur social action" (2007:5).

### 5.1.2 The IDP system and the following sentence T025

The IDPs are the most numerous groups of victims in Colombia<sup>18</sup> and highly visible in their humanitarian crisis. After Law 387 of assistance to the IDPs was ruled, *accountability politics* were used by the IDPs advocacy networks in order to secure the state's fulfillment of the law. The government's neglect of the IDPs has been condemned through reports, *denuncias* and judicial activism and it resulted in the sentence T025 by the Constitutional Court in 2004. Sentence T025 declared that the government did not fulfill its responsibilities towards the IDPs regarding Law 387, wherefore the government was stated as unconstitutional and required to improve (Fadnes & Horst 2009:114).<sup>19</sup>

Numerous *tutelas* influenced the Constitutional Court's recognition and attention of the humanitarian crisis of the IDPs in Colombia (2009:114). Constitutional Court and that Sentence T025 is often used as a norm of standards for IDP rights by the advocacy networks are two examples of *leverage politics*. Numerous interviewees consider the above event and the fight for the rights of the IDPs as important antecedents of the Victim' Law (NGO 1, 2; Embassy worker). Because of the advocacy work for the IDPs, the politics and rulings of the Constitutional Court visualized the situation of this group of victims and their rights were put on the political agenda.

The transnational advocacy networks have, through *information politics*, been able to provide information about the IDP's situation in Colombia both globally and nationally. That this information would not be available without the investigation of NGOs is confirmed by the difference in the numbers of IDPs documented by the NGO CODHES and the official numbers produced by state (see note 18).

The UN worker explains that a change has taken place in the discourse from where the IDP has come to be referred to as a victim. Since the majority of the organizations of victims in Colombia are organizations of IDPs, this led to an heated debate about the IDPs, during the course of which other groups of victims became part of the agenda such as the forced disappeared and the sexually abused, which ultimately pressured the government to start a project for all victims of the conflict. He goes on to say that most of the IDPs are victims of other abuses as well, and therefore it is more logic to look at victims in general. With the new law, he believes that they will start identifying themselves as victims rather than IDPs (UN worker).

<sup>19</sup> The government has still not improved sufficient to withdraw the state of unconstitutional affairs (IDMC 3).

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<sup>&</sup>lt;sup>18</sup> There are between 3,600,000 (official state data) - 5,200,000 (Data by CODHES) IDPs in Colombia (IDMC

### 5.1.3 The Justice and Peace Law

"First there was a law that benefited the perpetrators, the Justice and Peace Law, a law of impunity<sup>20</sup>." (NGO 3). There have been various intents to demobilize and disarm the illegal armed groups in Colombia, which culminated in Law 975 of Justice and Peace (MOVICE 2010:34). It resulted in more than 30 000 "demobilized" paramilitaries but very few trials (HRW 2012). The law also includes the rights of truth, justice and reparation of the victims but these have not been fulfilled (CJA). On the 25th of July 2005, two days after the signing of the law, the important organization of victims, MOVICE, was founded (MOVICE 2010:11). The impunity and dissatisfaction with the accomplishment of the rights of the victims caused the advocacy networks of the victims to mobilize. "...the law of Justice and Peace did not give the truth as they said; it did not give reparations as it promised. So all that pressure and the declaration of the failure of the law was in that way one of the things that permitted that the Victims' Law was made." (NGO 5).

On the sixth of March in 2008, MOVICE arranged a demonstration for the rights of the victims of paramilitaries and agents of the state (NGO 3). This was one of the first moments where the victims of all violators were visible, not only the victims of FARC<sup>22</sup> (NGO 5). The demonstration gained wide support both in Colombian civil society and globally; from trade unions, 22 EU parliamentarians and The International Federation for Human Rights (FIDH) inter alia (MOVICE 2008). One interviewee commented on the effects of the demonstration: "The achievement was that the idea that there are victims in this country and that they have rights – rights that are not recognized - was promoted..." (NGO 3).

As it appears, many of the interviewees consider the demonstrations, mobilization, and lobbying that followed the Justice and Peace Law as events that put the right of the victims on the national agenda (NGO 1, 3, 5). In addition to this, the public hearings of the victims, in the implementation of the law, generated a new space for their voices to become heard. "The mobilization around the hearings of the victims and the hearings of truth were processes made together with the congress... where the victims gathered to tell what is really happening and to demand what they need from the state." (NGO 5). The hearings were also a way of connecting the conflict and the perpetrators to the victims; it made the conflict visible and real for more Colombians. The victims were not sufficiently included in the official hearings, however, wherefore the advocacy networks created hearings of their own, to collect information about the crimes and to spread the testimonies of the victims to the public (MOVICE 2008).

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<sup>&</sup>lt;sup>20</sup> "Impunity" means the impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims." (OHCHR 2005).

<sup>&</sup>lt;sup>21</sup> Many of the demobilized paramilitaries created new illegal armed groups (HRW 2012).

<sup>&</sup>lt;sup>22</sup> The victims of FARC have received more support of the state because of the security politics of the government where FARC is the main target.

In contrast to the Law 387, the Law 975 paid attention not only to the IDPs but also to a broader group of victims. In the *denuncia* of the Law 975 the victims' advocacy networks produced many reports of the law and its failure. The event also got global attention through INGOs<sup>23</sup>. This was a comprehensive work of *information politics* that put the issue of the victims and the impunity on the national and international political agenda, which created a stronger international pressure on Uribe's government.

The sixth of March in 2008 offers an example of *symbolic politics*. There were many symbolic characteristics of the demonstration such as carrying photos of the victims. The testimonies made by the victims and the perpetrators during the hearings gave a symbolic perspective on the *information politics* and facilitated to generate identification and feelings in the public. The Justice and Peace Law could be understood such as an *opportunity structure*, opening up an institutional space for the voices of the victims, however mostly for the crimes convicted against them. The failure of the law thus created a favorable environment for the mobilization of the advocacy networks for the victims' rights.

"... The Justice and Peace [Law] opened up a way of talking about victims..." (Congress secretary 2).

### 5.1.4 The international support to the Colombian advocacy networks

"They [the Colombian NGOs] are a pretty strong actor that has the possibility to pressure the government through the international community." (INGO 1).

The majority of the interviewees confirm the importance of the presence and support from the international community, and that it is favorable for the advocacy networks and the rights of the victims. The Colombian civil society organizations have established a work towards the international community, in addition to the Colombian state. This is because Colombian governments used to ignore the demands from the national advocacy networks, as well as it being accused of violating human rights and IHL (OIDACHO). "It [the cooperation with the international community] has been very close...in particular during the government of Uribe when the environment for human rights organizations and the civil society was very harsh. It was very difficult to become heard and the government was aggressive towards human rights communities. Thus these contacts were very important as political support but as well as an economic support, a majority of the human rights organizations are funded by the international community." (INGO 1).

These contacts are an example of the *boomerang pattern*, where the national advocacy networks turn to the international community to communicate their claims and to gain *leverage* for their pressure on the government.

The political support from the international community to the Colombian advocacy networks could be understood through the theories' *information*, *leverage*, *accountability politics* and *political opportunity structures*.

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<sup>&</sup>lt;sup>23</sup> See examples such as: (CJA, Amnesty 2005 & CCAJAR 2009).

Regarding the *information politics* many important international human rights organizations have produced a lot of reports on the situation of human rights and the victims in Colombia, work that was made possible because of the information produced by the Colombian organizations says INGO 1. Another interviewee stresses that these INGOs are famous and respected worldwide and that they have supported the national organizations' claims about human rights and victims gives [*leverage*] and legitimization to their claims on the Colombian government (NGO 4).

The harsh situation during Uribe's presidency regarding human rights and the armed conflict created an opportunity structure for the national advocacy networks to attract international pressure on the Colombian government. Because of the victims' situation, the politics of Uribe and the crimes committed by his government were in many ways obvious and possible to frame as human rights violations, wherefore it reached the international public. One example is the "parapolitical scandal" where 40 congressmen during Uribe's presidency were convicted for connections to paramilitary groups. Another example is the "false positives", the common name of civilians killed by the army to improve the statistics of killed guerilla combatants (HRW 2012). These and other crimes during Uribe put an international political pressure on the government and infected its international relations. Tarrow writes that a significant opportunity for social movements is the support of "influential allies" (1996:53), in this case the international community. The international monitoring and evaluation of these crimes through reports and political pressure have helped the national organizations in their accountability politics.

The current president Santos has changed the agenda into a more positive approach towards human rights and the civil society (Amnesty 2011). Santos has also cared more about Colombia's international relations (NYT 2011). Some interviewees indicate that this change is a result of the international pressure and Santos' will to improve the international image of Colombia, and that the Victims' Law is a significant part of this new discourse (NGO 4; Congress secretary 1). According to Keck and Sikkink, the image of a state is important in international politics (1998:29). One interviewee says: "One aim [in supporting the law] of the government is surely its image before the international community." (Union worker).

Despite the important support from the international community, it seems to be a dissension between the Colombian and the international actors regarding their approach towards the Colombian state. While the international actors are more positive towards the state, the current president and the Victims' Law, the Colombian NGOs have taken a more critical position. This could be a result of the international agencies' collaboration with the state besides the civil society.

In conclusion, the support from the international actors to the victims' advocacy networks has had a significant impact by legitimizing and emphasizing their claims in the Colombian politics.

# 5.2 Phase 2: The legislative process of the Victims' Law

After years of advocacy work for the recognition of the rights of the victims and after the four antecedents discussed above, the Victims' Law was adopted as a project of law by president Santos on the 27 of September in 2010. During the legislative process of the actual Victims' Law the advocacy work has been different since the law, already was an adopted project. Their main task was no longer to push the government to take action, but rather to influence the legislative process so that the outcome would be as advantageous as possible for the victims.

Throughout the legislative process, there were eight consultations around the country offered by the Congress, where the victims and their organizations were invited to participate (NGO 3, 4). I have not found any official documentation on these consultations, only on the consultations performed during the first law project, but Article 36 of Law 1448 guarantees the communication with the victims about their possible participation and information of the process of the law.

"Something that has hurt is the non-participation of the victims before and after the law." (NGO 4). The Colombian advocacy networks do not think that there has been sufficient participation from their organizations in the legislative process, and along with the victims, they do not feel that their proposals and comments have been taken into account (INGO 1; NGO 3, 5). This is confirmed in communications of MOVICE and organizations of IDPs were they express their disappointment over not been guaranteed participation in the process of the Victims' Law (2011; CODHES 2011). One interviewee sees the official consultations that were executed more like meetings where the Congress have informed about the law but the participation of the victims was limited (NGO 3). Another interviewee says: "For the situation of the victims and their education level the spaces [consultations] were not adapted for the victims." (NGO 4). The interviewee of NGO 3 points out that the government was in such a rush when making the law, that they did not have time for consultation. The actual Victims' Law was initiated after Santos started his presidency in September 2010, and was signed in June the following year.

Apart from the official consultations, there have been other occasions for the participation of the civil society but they have been driven by the organizations themselves not by invitation from the Congress or the government (NGOs 1 & 3). The victims' advocacy networks have worked hard to influence the law, by lobbying and meeting with the congressmen. They have produced article proposals, and presented their opinions in forums, debates etcetera and they have questioned parts of the law and its effects (NGO 2). Moreover, after the law was adopted, the victims' organizations have made complaints of unconstitutionality in front of the Constitutional Court (INGO 1; NGO 2). The demands were made on the grounds that the law does not include: compensation of lost goods like house,

cattle and tools etcetera, and that the law does not restitute people that does not have judicial proof of their properties inter alia (MOVICE 2012).

One major indication on the unwillingness of the government to consult the civil society in the legislative process of the Victims' Law is that the government "forgot" to consult the minority groups in the country; the Afro-Colombian population, the indigenous groups and the Romani people (INGO 1; NGO 1, 7). Colombia signed the UN convention on the rights of indigenous peoples and the convention 169 of the International Labor Organization (ILO), which states that the state has to consult any new law with every group that could be affected by it (NGO 1). A special article was created in the law, allowing the president six months to handle the consultation (INGO 1). The pre-consultation process has received a lot of critique from these populations for being undemocratic, lacking transparency and, according to the Afro-Colombian group in particular, the representatives consulted did not represent the respective communities (INGO 1, 2; NGO 1, 7).

The interviewee of INGO 1 explains the international actors' role in the legislative process as close to all international agencies in Colombia as the UN have some part working regarding the Victims' Law. A common contribution is to sponsor forums which inform the victims about the law (INGO 2). INGO 1 offers technical support and strategic methods for the public organs such as the advocacy networks. They organize seminars providing international knowledge on the issue, and they offer "neutral land" where the national victim's organizations can discuss these questions (INGO 1). Moreover the UN has funded spaces and forums, including public hearings for the victims where they can express their opinions and wishes about the law (Congress secretary 2).

Another INGO say: "The motive behind [our organization] has been that the international norms<sup>24</sup> for the IDPs should not be excluded and fortunately they got included in the law." But later he admits that: "The IDPs in this moment have a vacuum in their rights regarding the issue of reparation of house and the economic compensation." (INGO 2). The Congress secretary 1 paints a different picture of the international actors in the Victims' Law process:

ICTJ<sup>25</sup>, Amnesty and HRW made some comments from time to time, but when we needed them the most they were not there. The UN made some commentaries but I perceived them as very weak and diplomatic. UNHCR did a lot regarding the issue of restitution but what they said is not public... Thus, although one knows that they have a critical position you do not know what they say to the government.

This quote demonstrates the complexity of transnational cooperation and the lack of transparency in the UN and their collaboration with the Colombian state.

In general, the tactics of transnational advocacy networks as described by Keck and Sikkink corresponds with the Colombian case of activism for the rights of the victims, but the policy work during the legislation of the law changes the situation because of the already existing initiatives of the Congress. During the legislative process of the Victims' Law, the advocacy networks published their

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<sup>&</sup>lt;sup>24</sup>Such as "Guiding principles of internal displacement" (UNHCR 1998).

<sup>&</sup>lt;sup>25</sup> The International Center for Transitional Justice.

comments, proposals and critiques regarding almost every article in the law, but the big debates have concerned the dates from where to count the law and who to define as a victim (INGO 1). There has also be substantial critique regarding the way that transnational justice is framed in the law, with the advocacy networks pointing out that it does not correspond with reality (NGO 5). "We are not in post-conflict." (NGO 6). Moreover, many organizations mean that the continuing conflict will make the restitution of land impossible (NGO 5).

Many of the interviewees see the adoption of the law as a response of a long advocacy work for the rights of the victims of the armed conflict, although the Colombian NGO-workers are very critical to the Victims' Law and its prospects and do not see the law as an outcome of their claims and proposals. The lobbying and the activism during the legislative process resulted in some achievements however; first and foremost, the recognition of the victims' existence is one of the biggest successes of the movement of the victims since it has been denied many times before; secondly the inclusion and the acceptance of the victims of agents of the state (Congress secretary 2); the acknowledgement that an armed conflict exists in Colombia (NGO 2); the date of 1985, from which the victims are counted, is both a loss and a gain. Many victims' advocacy networks consider the date too late, but in comparison to 1991, the initially proposed date, it is certainly a gain. There have certainly been many other affirmative changes in the law text, but these have been some of the most important debates during the process. As we have seen, the victims' networks have encountered many obstacles along the way, and these will be discussed furthermore below.

# 5.3 Colombian characteristics and the limitations of the advocacy work

On the whole, the theory of Keck and Sikkink is applicable to the victim's transnational advocacy networks in Colombia, but a human rights reform has not occurred. The domestic characteristics of Colombia are limiting the networks' work in various ways, which may be why the law did not turn out as the victims' advocacy networks required.

According to Brysk, the victims of the conflict in Colombia are hard to fit in a human rights narrative, and some types of victims are easier to provoke medial and political attention than others. Moreover Keck and Sikkkink indicate that "acute bodily harm to innocent victims" is the most identifiable abuse of human right abuses (cited by Brysk 2009:43). They also stress that a short "causal story" to establish that the perpetrator is guilty is important for a human rights campaign (Keck & Sikkink 1998:27). This is difficult in the Colombian case where the perpetrators belong to a blurry scene of non-state or state perpetrators (Brysk 2009:43), and could be a problem when to mobilize internationally and conceive support from leverage actors. That Colombia is regarded as a democracy also

complicates the networks' international *leverage politics* for a human rights reform, as it is easier to mobilize international support for a reform in dictator states (2009:42).

The national advocacy networks produce technical and legitimate information, which Keck and Sikkink describe as their most important task. It is hard for the networks to reach out with this information, however, because of the medial report of violations in Colombia, national as global, as crimes or terrorism instead of human rights violations (Brysk 2009:44). Even though, the media is an important tool of distribution for the networks. An NGO-worker describes the difficulty for victims to make their voice heard: "The media does not listen to the victims ... when they interviewed about the Victims' Law they always interviewed the congress members not the victims." (NGO 3). Another interviewee mentions that they have a pro-victim media strategy to make the media monitoring more in favor of the victims (NGO 4).

The political environment is polarized and the victims' movement and the law have their opponents that try to obstruct the work. One recent example of this is how, after the law was ruled, various scandals occurred about false victims. Several INGOs fear that these scandals are invented by the opponents to discredit and complicate the work by the victims' advocacy networks (WOLA; Amnesty 2012).

The *accountability politics* are facilitated by the comprehensive human rights legal system in Colombia, but this advocacy work is limited by the state's ignorance of the same as well as the current impunity in the country. Two interviewees exemplify it this way when asked about the progressive judiciary in Colombia; "It is not the laws that are the problem, it is that no one follows them." (INGO 1). "We have a progressive [Constitutional] Court, but a government that ignores it..." (NGO 5).

The relationship between the NGOs, social movements and the state is very complicated in Colombia (INGO 1). Political engagement and human rights activism has a tradition of being affected to political violence (Tate 2007). During the presidency of Uribe, the official politics were directly aggressive towards the human rights organizations and the activists (INGO 1). Despite president Santos' new human rights agenda, the violence has continued until this day; many social movements' leaders have been killed and many victims, especially those trying to return to their land, are affected (Taula Colombia et al 2011). The new political agenda of president Santos could blurry the *human rights narrative* even more since he shows concern of human rights and a will to change the situation while the conflict and paramilitary structures continue. The complex conflict situation and the often hostile environment for the advocacy networks in Colombia are factors that further complicate the work of the advocacy networks.

# 6 Conclusion

The interviewees affirm that the Victims' Law would not exist without the work for the rights of the victims by the Colombian advocacy networks with the support from the international community. On the other hand, the victims' advocacy networks were not satisfactory included in or listened to during the legislative process, wherefore they are critical towards the law.

The Victims' transnational advocacy networks in Colombia show that these types of networks can influence national politics, by using the methods outlined by Keck and Sikkinks' *information, symbolic, leverage* and *accountability politics*. The study affirms the importance of the political pressure by the international community for the victims' advocacy work, although differences between the national and international organizations in their approach towards the government and its politics were revealed.

Despite the advocacy achievements, this study shows how national characteristics can limit this influence. The Colombian characteristics of being regarded as a democracy and the blurry scene of perpetrators in the conflict complicate the transnational advocacy work. Other national limitations are the complicated relationship between the state and the Colombian advocacy networks and the violence directed towards the victims' advocates.

The causes identified behind the Victims' Law and the victims' advocacy work are institutional reforms that have changed the institutional tools for the networks to claim the victims' rights. These events can be understood as *opportunity structures*, which the networks have used to attract attention to their claims, but this study also demonstrates that the discursive influence of the networks are important for them to reach their goals.

The victims' advocacy networks have succeeded in putting the rights and the situation of the Colombian victims on the political agenda, which has favored the prospects of the group's status as a political actor and forced the state to recognize their existence and rights. The transnational advocacy networks have, however, not been able to improve the situation of the Colombian victims to the extent that the activists desired. The critique of the law and the skepticism on its effects presented by the national victims' movement show how domestic characteristics can limit their achievements and that the transnational advocacy networks have a lot of work left to be done in defending and realizing the rights of the Colombian victims.

# 7 References

- Amnesty, 2005. "Justice and Peace Law will guarantee impunity for human rights abusers". http://www.amnesty.org/en/library/asset/AMR23/012/2005/en/a104b2fe-fa20-11dd-999c-47605d4edc46/amr230122005en.pdf, Download date: 2012-05-18.
- Amnesty, 2011. "Annual Report 2011, the state of the world's human rights Colombia". http://www.amnesty.org/en/region/colombia/report-2011. Download date: 2012-01-14.
- Amnesty, 2012. "The Human Rights Situation in Colombia: Amnesty International written statement to the 19th session of the UN Human Rights Council (27 February 23 March 2012)". http://www-secure.amnesty.org/en/library/asset/AMR23/007/2012/en/62a06f5f-0288-4389-ac6a-fb9e9b79667f/amr230072012en.pdf. Download date: 2012-05-04.
- Brysk, Alison (ed.), 2002. *Globalization and Human Rights*. University of California Press, Los Angeles.
- Brysk, Alison, 2009. "Comunicative actions and human rights in Colombia When words fail". *Colombia Internacional 69*, Bogota, p. 36-49.
- CCAJAR Corporación Colectivo de Abogados José Alvear Restrepo, 2009. "Sin Justicia y Sin Paz Verdad Fragmentada, Reparación Ausente". http://www.colectivodeabogados.org/IMG/pdf/JURIDICA\_BAJA-2.pdf. Download date: 2012-05-18
- CCAJAR Corporación Colectivo de Abogados José Alvear Restrepo, 2010. "Los derechos de las víctimas: Entre la Letra y la Realidad". Bogotá.
- CJA The Center for Justice and Accountability. "Colombia: The Justice and Peace Law". http://www.cja.org/article.php?id=863. Download date: 2012-04-30.
- CNRR La Comisión Nacional de Reparación y Reconciliación, "ABC Victims' Law". http://www.cnrr.org.co/new09/ley-victimas-tierras/index.html. Download date: 2012-01-1.
- CODHES Consultoría para los Derechos Humanos y el Desplazamiento, 2011. "Ley de víctimas: organizaciones de desplazados señalan falencias". http://www.codhes.org/index.php?option=com\_content&task=view&id=1021. Download date: 2012-05-07.
- Donnelly, Jack, 2002. "Human Rights, Globalization Flows and State Power". in Brysk Alison (ed), *Globalization and Human Rights*, University of California Press, Los Angeles.
- Esaiasson, Peter et al, 2011. *Metodpraktikan: Konsten att studera samhälle, individ och marknad.* Stockholm: Norstedts juridik. (3: d ed.).
- Fadnes, Ellen & Cindy Horst, 2009. "Responses to Internal Displacement in Colombia: Guided by What Principles?". *Refuge* 26(1) p. 111–120.

- George, Alexander L. & Andrew Bennett, 2005. Case Studies and Theory Development in the Social Sciences. Cambridge, Mass, The MIT Press.
- HRW Human Rights Watch, 2010. "Paramilitaries' Heirs The New Face of Violence in Colombia". http://www.hrw.org/sites/default/files/reports/colombia0210webwcover\_1.pdf. Download date: 2012-03-01.
- HRW Human Rights Watch, 2012. "Country Summary Colombia". http://www.hrw.org/world-report-2012/colombia. Download date: 2012-04-24.
- Hylton, Forest, 2006. The evil hour in Colombia. Verso, Edinburgh.
- IDMC Internal displacement monitoring centre. "Who is an IDP?". http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/985E40F60D95A6DF802 570BB005EE131?OpenDocument. Download date: 2012-05-18.
- IDMC 1 Internal displacement monitoring centre. "Current IDP figures". http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/A7E1B7BD752 8B329C12575E500525165?OpenDocument#expand). Download date: 2012-05-18.
- IDMC 3 Internal displacement monitoring centre, 2011. "Improved government response yet to have impact for IDPs". http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/4C851081FBE3FB10C 1257975005E685E/\$file/colombia-overview-Dect2011.pdf. Download date: 2012-05-18.
- Kaldor, Mary, 2003. *Global civil society: an answer to war*. Polity Press, Cambridge, USA.
- Linton, Magnus, 2006. *Americanos: ett reportage om Latinamerikas nya rebeller*. Atlas, Stockholm.
- Marín, Erli Margarita, 2009. "INTERNATIONAL NGOs AND HUMAN RIGHTS IN COLOMBIA a vigorous and unavoidable blow of civil society". *Colombia Internacional 69*, ene-jun 2009. Bogotá, p. 70 85.
- Monroy, Juan Carlos, 2011. "Ley de Víctimas se firmó con espaldarazo de ONU". El Colombiano, http://www.elcolombiano.com/BancoConocimiento/L/ley\_de\_victimas\_se\_fir mo\_con\_espaldarazo\_de\_onu/ley\_de\_victimas\_se\_firmo\_con\_espaldarazo\_de\_onu.asp. Download date: 2012-01-10
- Moro, Bruno (Coordinator of UN and represent for UNDP in Colombia), "Talking Points of the SEMINARIO LEY DE VÍCTIMAS Y RESTITUCIÓN DE TIERRAS". Bogotá, 19 de septiembre de 2011.
- MOVICE Movimiento de víctimas de crimines del estado, 2008. "Audiencias Ciudadanas por la verdad". http://www.movicespana.org/index.php?option=com\_content&view=article&id=333:audiencias-ciudadanas-por-la-verdad&catid=52:audiencia-publica. Download date: 2012-05-18.
- MOVICE Movimiento de víctimas de crimines del estado, 2008. "¡GRACIAS COLOMBIA POR MARCHAR UNIDA POR LOS DERECHOS DE LAS

- VÍCTIMAS DEL PARAMILITARISMO, LA PARAPOLÍTICA Y LOS CRÍMENES DE ESTADO!".
- http://www.colectivodeabogados.org/GRACIAS-COLOMBIA-POR-MARCHAR-UNIDA. Download date: 2012-01-16.
- MOVICE Movimiento de víctimas de crimines del estado, 2010. "La revictimización al MOVICE 5 años de lucha contra la impunidad 25 de julio 2005 a 25 de julio de 2010". Bogotá.
- MOVICE Movimiento de víctimas de crimines del estado, 2011. "COMUNICADO DEL MOVIMIENTO NACIONAL DE VÍCTIMAS DE CRÍMENES DE ESTADO". http://mesanacionaldevictimas.blogspot.se/2011/11/comunicado-del-
- MOVICE Movimiento de víctimas de crimines del estado, 2012. "Carta del MOVICE al presidente Juan Manuel Santos previa movilización del 6 de marzo".

movimiento-nacional-de.html. Download date: 2012-05-07.

- http://movimientodevictimas.org/index.php?option=com\_content&view=article&id=1207:carta-del-movice-al-presidente-juan-manuel-santos-previa-movilizacion-del-6-de-marzo&catid=50:6-de-marzo&Itemid=554. Download date: 2012-05-04.
- Ne.se Nationalencyklopedin. "Colombia", http://www.ne.se.ludwig.lub.lu.se/colombia/2002. Download date: 2012-5-20.
- NYT The New York Times, 2011. "Juan Manuel Santos". http://topics.nytimes.com/top/reference/timestopics/people/s/juan\_manuel\_santos/index.html. Download date: 2012-05-05.
- OHCHR United Nations High Commissioner for Human Rights, 1998. "GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT". http://www.unhcr.org/refworld/docid/3d4f95e11.html. Download date: 2012-05-18.
- OHCHR United Nations High Commissioner for Human Rights, 2005. "Updated Set of principles for the protection and promotion of human rights through action to combat impunity". http://derechos.org/nizkor/impu/principles.html. Download date: 2012-05-18
- OIDHACO The International Office for Human Rights Action on Colombia. http://www.oidhaco.org/?cat=11&title=Derechos+Humanos+en+Colombia&l ang=en. Download date: 2012-01-18.
- Republica de Colombia, 2011. The Victims' Law: *Nueva Ley de Victimas Ley 1448 de 2011*.
- Semana, 2010. "Discurso completo de posesión de Juan Manuel Santos".
- http://www.semana.com/politica/discurso-completo-posesion-juan-manuel-santos/142795-3.aspx. Download date: 2012-01-10.
- La Silla vacía, 2010. "Pasos para arreglar un tierrero: un abrebocas a la política de tierras de Juan Manuel Santos". http://www.lasillavacia.com/historia/16657. Download date: 2012-01-10.
- La Silla vacía, 2011. "¡Aprobada la Ley de Víctimas!". http://www.lasillavacia.com/historia/aprobada-la-ley-de-victimas-24894. Download date: 2012-01-10.

- Tarrow, Sidney, 1996. "States and opportunities: The political structuring of social movements", in McAdam, Doug & John D. McCarthy & Mayer N. Zald (ed.), Comparative perspectives on social movements Political opportunities, mobilizing structures and cultural framings. Cambridge University Press.
- Tate, Winifred, 2007. Counting the dead the Culture and Politics of Human Rights Activism in Colombia. University of California Press. Berkely & Los Angeles.
- Taula Colombia Taula Catalana per la Pau i els Drets Humans a Colòmbia, 2011. "300 days of the Santos Government: Fine words have not put a stop to human rights violations in Colombia". http://www.oidhaco.org/uploaded/content/category/1120051767.pdf. Download date: 2012-01-16.
- Teorell, Jan & Torsten Svensson, 2007. Att fråga och svara: Samhällsvetenskaplig metod. Malmö: Liber AB. (1.1 ed.).
- Wilson, Bruce M., 2009, "Institutional Reform and Rights Revolutions in Latin America: The Cases of Cost Rica and Colombia". *Journal of Politics in Latin America*, 1, 2, p. 59-85.
- WOLA Washington office on Latin America, 2011. "A human rights counteroffensive in Colombia". http://www.wola.org/commentary/a\_human\_rights\_counteroffensive\_in\_colombia. Download date: 2012-05-04.
- UN United Nations in Colombia. "Historia en Colombia". http://www.nacionesunidas.org.co/?apc=cc---6834-6834&x=4029&s=c. Download date: 2012-01-18.
- UN 1 United Nations in Colombia. "Organismos en Colombia". http://www.nacionesunidas.org.co/?apc=cc---4030-4030&x=6834&s=c. Download date: 2012-01-18,
- UNHCR The UN Refugee Agency, 1997. "Core document forming an integral part of the reports of states parties: Colombia. 1997-06-30. HRI/CORE/1/Add.56/Rev.1". http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a315ebc5b6f6701d802565620053 06ad?Opendocument. Download date: 2012-01-11.
- UNHCR The UN Refugee Agency, 2007. "Supplementary Appeal for IDPs in Colombia: Protection and durable solutions for IDPs in Colombia". http://www.unhcr.org/45dab3222.html. Download date: 2012-05-09.

### 7.1 List of Interviews

### **Congress workers**

- Congress secretary 1, a woman working for a leftist congressman engaged in the work of the law. Date: 2011-12-15
- Congress secretary 2, a woman working for a liberal congressman engaged in the work of the law. Date: 2012-01-18

### **INGO**

INGO 1, an international man working in an INGO of transitional justice. Date: 2011-12-06

INGO 2, a man working on an INGO working with refugees. Date: 2011-12-19

### **International institutions**

Embassy worker, a man working on an embassy, expert on Colombia and human rights: Date: 2012-01-26

UN worker, a man working on a UN organ. Date: 2012-01-27

#### National trade union

Union worker, a man working on a broad national union. Date: 2012-01-26

### **NGO** workers

NGO 1, a woman working for a NGO representing Afro-Colombians. The interviewee is also a scientist. Date: 2011-12-06

NGO 2, a man working on a NGO for peace. Date: 2011-12-07

NGO 3, a man working on a NGO working with IDPs. Date: 2012-01-09

NGO 4, a woman working on a NGO of development and democratic citizen activity. Date: 2012-01-20

NGO 5, a woman working on lawyer collective working with the victims' issue. Date: 2012-01-23

NGO 6, four women working in a women network for peace. Date: 2012-01-21

NGO 7, a woman working whit the indigenous communities on a think tank and NGO. Date: 2012-01-25