

## DISABILITY SITUATIONS OF VICTIMS FROM A PUBLIC SERVICE PERSPECTIVE

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**Abstract**-The Colombian state through its different decentralized bodies, it's into the advance of the rehabilitation process of the victims of the armed conflict that are in disability conditions and that demand special treatment. A lot of them haven't received the necessary and not even psychological rehabilitation. The municipality of Monteria permanently receives victims of the armed conflict that are in disability situation, without covering the basic needs for all of them, reason why there are reclamations that come from material topics until psychological topics. There are not enough attention To this problematic and neither projection in call of mechanisms that allow give these persons the basic services, resetting their rights in totality.

**Key words:** victims of armed conflict, disability situation, social exclusion and unsatisfied services.

### INTRODUCTION

The topic investigated was the right to rehabilitation of the victims of the armed conflict. This social phenomenon implies reflecting on a complex problem where it is pertinent to adopt a theory that allows explaining their situation as the need for rehabilitation in line with the purposes of law and public policies within a Social State of Law. In this sense, John Rawls' theory of justice was adopted in the research, focused on distributive justice of social character that proposes the need to reach the greatest number of people possible to achieve the maximum social benefits.

Another relevant aspect is the moment of the so-called post-conflict and transitional justice after the Havana agreement, insofar as it was considered a possible overcoming of the phase of arduous tension, although not its extinction and with it the possibility for the State to reinvest and redistribute wealth to the greatest number of people who have suffered directly or indirectly from the effects of the conflict and who deserve special consideration. This can be considered as the necessary context to make public policies possible. In accordance with the above, there is no doubt that the Colombian armed conflict deserves special treatment and a global planning policy that obeys local and national guidelines articulated and facilitated by international cooperation at all social levels. Talking about human dignity is an obligatory route in these issues. It implies considering many factors among which are overcoming extreme poverty conditions, improving the living conditions of people in vulnerable situations and guaranteeing human rights to people in need of special protection, among others. This situation is analyzed from a broad context under the human perspectives for the mere fact of being victims of the conflict, regardless of whether their disability is derived from the conflict or not in attention to the north of human dignity.

The problem is to establish what is the level of satisfaction of the victims of the armed conflict residing in Monteria regarding public services? The analysis and data collection techniques applied were based on the criteria contained in the international convention for persons with disabilities, taking as legal parameters the international commitment of the Colombian State regarding public services (United Nations, 2006).



Finally, the working hypothesis is that the municipal administration of Monteria has implemented in the provision of public services some rehabilitation instruments in favor of persons with disabilities, but these means have not been sufficient.

### THEORETICAL REFERENCES

The reflections and arguments of this work are based on John Rawls' theory of justice (Rawls, 2006) complemented by Niklas Luhmann's thinking on the general theory of social systems and his criteria on the aspect of social inclusion and exclusion that he applies to the effects of unsatisfied basic needs and the development of programs regarding the phenomenon of social differentiation (Luhmann, 2006).

The international and state paradigm of social inclusion has not been developed in a comprehensive manner in matters of psychological rehabilitation and reparation. This statement is easily demonstrated when reviewing the levels of poverty in Latin America, the Caribbean, Colombia and Monteria, according to the DANE report (National Administrative Department of Statistics, 2012), which register lamentable statistical data. The SDGs, especially those related to social inclusion, have not been implemented, particularly with the disabled population, victims of the armed conflict, who demand greater state investment in public services.

In this sense, the global policies for reducing hunger and poverty promoted by FAO have not been sufficient in Latin America and the Caribbean. It is also true that there is a clear policy that seeks to mitigate the effects of conflicts, as explained at the World Summit in June 2002 (Food and Agriculture Organization of the United Nations, 2002), but these are still long term policies, including the 2022 Annual Meetings on shortages of essential life products: the human cost of the food and fuel crisis requires rethinking public policies in line with the transition to sustainable development in favor of human rights.

With regard to phenomena such as the violation of human rights, the panorama is bleak, especially in continents such as Africa, Asia and Latin America, where the greatest number of belts of human misery and vulnerability are concentrated. This global tragedy, the result of aggressive colonization policies and global perspectives of capital accumulation economy, demands a change of approach and a transformation from all levels in order to break its causes. Thus, for example, violence against women has forced international meetings, conferences and conventions to reduce its accelerated global growth. In Beijing, a summit was held with great success. Likewise, meetings have been held in all latitudes to promote the defense and guarantee of human rights, but these international methodologies have not been sufficient (United Nations, 1995). In this point, so wide of touching, as it is the human rights, it is a priority factor at world level. States, where armed conflicts are widespread, require international intervention to guide through economic policies of expenditure and investment in defense and social security in order to mitigate the phenomenon.

One of these overwhelming situations with human effects has been related to people with disabilities due to their potential approach to revictimization. They are victims of the armed conflict and have not received timely support from the Colombian state. They are left with a panorama of extreme sadness and a desolate role of the State. It is true that there is a wide range of regulations in this regard that have been developed and that the states have committed themselves to expand their application in their jurisdictions, but the levels of rehabilitation and reparation achieved are still insufficient because the above issues continue to add to new problems that must also be addressed immediately by the state to overcome the tension between the formal and the real.

At present there are enough legal tools that recognize the Human Rights of persons with disabilities, but the processes of application of the regulations reflect a lamentable panorama since they do not manage to implement the guarantees completely.

The principles of public international law serve as a formal legal paradigm to promote and overcome the weaknesses generated with the phenomenon of the situation of disability at a general level, because through international cooperation the causes generating the increase of the phenomenon can be controlled. In this way, an international instrument is the international



convention for persons with disabilities, which Colombia adopted and subscribed, becoming an obligatory norm to improve their conditions. To the above international provision, other international and national provisions are added, especially those contained in the political constitution and the law of victims, which are articulated with rulings issued by the Constitutional Court that ratify the importance of guaranteeing these human rights.

One way of guaranteeing rights is the compliance that the judicial authorities such as the Constitutional Court imprints in its decisions. Thus, in sentence C-458/15, it proposes the need to change the social language of the discourse regarding the concept of disability to facilitate the construction of a friendly environment and human cordiality (Constitutional Court, 2015).

In spite of the above, these decisions are shown in the formal field and little in the material field that attacks the central problem of the efficient provision of services by the Colombian State. They do not directly solve the unsatisfied basic needs of the population victims of the armed conflict who are in a situation of disability. These norms are shown as a palliative of grammatical sensitization within a harsh legal and social context while what is proclaimed on the side of the victims is that they need more presence and support from the State in the face of their crude and real human situation of vulnerability. This is how in sentence T-269 of 2016, the Constitutional Court, protects rights that allow better mobility and access to persons with disabilities and that serve to open spaces for dialogue and discussion in the face of the countless unmet basic needs of this population:

The constitutional recognition of a differentiated treatment finds support in the Political Charter and in the need to guarantee the principle of equality with respect to those persons who are in fact in different conditions that require special support for the integral and full development of their capacities and potentialities. In concrete terms, this has been translated into the guarantee of access to physical space, whatever its nature, as a way to ensure their effective inclusion in society. As it is a programmatic benefit, its enforceability is not immediate, but it assumes in the meantime the existence of even a plan that gradually guarantees the protection of the rights under tension. (Constitutional Court, Sentencia, T-269, 2016).

The above legal position, moves the discussion from the formal to the real, from the abstract to the concrete, thus overcoming for the case of the aforementioned tutelage the legal necessity that even allows opening the fact as a precedent. Faced with these hypotheses: similar cases are observed in capital cities where there are no sidewalks or special access for people with disabilities enough, which transfers the obligation to the territorial entities in the need to invest in public works, but in the case of Monteria, progress was made with the programmatic concept of friendly city especially in the downtown area where there are some special sidewalks for people with this type of mobility difficulty situation. However, the program has suffered a stagnation with the new municipal administration that did not continue to expand the process and urban development (Monteria, 2017) but has not done so in the different neighborhoods where the phenomenon persists.

The struggle of people with disabilities has found a good ally from the political charter of 1991, with the pronouncements of the Constitutional Court given in compliance with the active role as guarantor of fundamental rights. In this way, we can mention some pronouncements since the entry into force of the 1991 Charter in Colombia, issued by the Constitutional Court, which with its role as guarantor has allowed the realization of some rights:

T-401 of 1992, T-159-1993, T-430-1994, T-446-1994, T-288-1995, T-065-1996, T-396-1996, T-060-1997, T-378-1997, T- 920-2000, C-410-2001, C-128-2002, C-246-2002, T-067-2002, C-401-2003, C-478-2003, T-519-2003, T-951-2003, C-156-2004, C-174-2004. C-991-2004, T-397-2004, T-443-2004, T-1095-2004, C-381-2005, T-078-2005, T-309-2005, T-1278-2005, C-076-2006, C-896-2006, C-989-2006, T-068-2006, T-090-2006, T-157-2006, T-221-2006, T-513-2006, T-518-2006, T-816-2006, T-063-2007, T-170-2007, T-454-2007, T-487-2007, T-631-2007, T-816-2007, T-879-2007, T-988-2007, C-1152-2008, T-434-2008, T-449-2008, T-655-2008, T-657-2008, T-818-2008, A-006-2009, C-640-2009, C-804-2009, C-650-2009, T-885-2009, C-293-2010, T-185-2010, T-340-2010, T-574-2010, T-693-2010, T-1035-2010, C-438-2011, T-824-2011, T-479-2011, T-608-2011, T-810-2011, T-973-2011,



C-536-2012, C-589-2012, C-605-2012, C-606-2012, C-744-2012, C-765-2012, T-063-2012, T-285-2012, T-372-2012, T-750<sup>a</sup>-2012, 933-2013, C-131-2014, C-313-2014, C-368-2014, T-026-2014, T-108<sup>a</sup>-2014, T-192-2014, T-270-2014, C-021 OF 2015. (Ministry of Justice and Law, 2016), however it is reiterated that legal relief is still formal because the social needs of new demands for public services persist mainly in cities such as Monteria that receives many migrants displaced by conflicts and that increases phenomena such as unemployment in the city and the region.

The normative system contains norms related to the problems of persons with disabilities. For example, Law 1346 of 2009 approved and adopted the Convention on the Rights of Persons with Disabilities and Law 1618 of 2013 established the Statute for Persons with Disabilities, which aims to guarantee and ensure the effective exercise of the rights of persons with disabilities, which in turn must be articulated with other laws such as 1346 of 2009 (Congreso de la Republica, 2013).

In this sense, the bases and concrete instruments have been laid to allow the creation of environments that facilitate the guarantees of the victims, as well as the mobility of the inhabitants through the definition of criteria that help to solve in practice conceptual difficulties related to the need to invest in works that contribute to improve the mobility of persons with disabilities (Congreso de la Republica, 2013).

The National Government, through the Ministry of Social Protection, has regulated some aspects that seek to develop actions aimed at benefiting the disabled population through subsidies, regulated through Decree 1355 of 2008, which in turn regulates Law 1155 of 2007, establishing specific parameters or levels or percentages of measurement higher by 50% in accordance with the Single Manual for the Classification of Disability (Ministry of Social Protection, 2008). Likewise, Decree 2065 of 2008 regulates the coverage, the type of subsidy and the modality of assistance to these persons, thus laying the foundations for legal subsidies (Ministry of Social Protection, 2008).

Consistent with the above, Law 1448 of 2011, the Victims Law, enshrines instruments to promote the rights to rehabilitation and comprehensive reparation of the victims of the conflict. Despite this, they have not been sufficient to overcome the basic needs of the affected population because it obeys the need for an effective macro policy, but at least they are established as mechanisms to demand and regulate rights in the stage of restoration of rights. In this way, the concept of victim, the principles that regulate them, their rights, reparation measures, procedures, compensation, rehabilitation measures, satisfaction measures, guarantees, institutionalization of the processes, registry of victims and systems in general are established as an opening to their guarantees, which is not enough (Congress of the Republic, 2011).

All these normative instruments allow for the existence of formal elements that must be guaranteed and ensured for the protection of this population for humanitarian reasons derived from socio-political and economic conflicts in the region that the population has had to assume in its condition of vulnerability. Being a victim of the conflict and being in a condition of vulnerability increases the possibilities of re-victimization when the supply of services is not satisfied despite international aid and cooperation.

In this sense, according to the Dane report (2021), it reflects the occupation margin compared between Cordoba and Monteria, which allows us to portray the current situation in the context of economic and social development. With respect to the manufacturing industry between 2018 and 2019 of 11.9% and 9.6% respectively which indicates a similar behavior at the municipal and departmental level but this margin decreased in growth and passed in 2019 to 10.6% and 9.3% respectively decreasing the gap, but lowering the growth. With respect to other sectors of relevance for this work such as public administration and defense, education and human health care, a behavior for 2018 of 8% participation for the Department and 15.4% is shown, accrediting greater participation in the municipal jurisdiction for that period, but it is still low with respect to the demand for public services. For 2019, the Dane (2021) reflects a growth of 8.9 and 16.1 percentage growth in participation of the entities compared to the previous year. The sectors that show the most growth and participation are trade and repair of vehicles and other branches comprising: Agriculture, livestock, hunting, forestry and fishing; Mining and quarrying; Electricity, gas, steam and water supply, by 30 and 2.5% share in 2018 and 30% and 2.3 share in 2019. Based on



the above, the need to expand the supply of services both in the Department and in Monteria to all its inhabitants and especially to the victims of the armed conflict in order to overcome the conditions of social backwardness is affirmed (Departamento Nacional de Estadística, 2021).

The obligations assumed by the Colombian State through Law 1346 of 2009, such as, among others, the adoption of legislative, administrative and other measures to enforce the rights of persons with disabilities, policies, promotion programs, refraining from acts or practices incompatible with the convention, non-discrimination, promoting research, investment in technologies, facilitating mobility, access, support, service priorities, training, education, adoption of economic resources in collaboration and international cooperation, in favor of children, women, and other persons in vulnerable situations, impose a rosary of a series of obligations, facilitate mobilities, access, support, service priorities, training, education, adoption of economic resources in collaboration and international cooperation, in favor of children, women, and other persons in vulnerable situations impose a series of unsatisfied obligations that need to be implemented as soon as possible for the development and protection of human rights (United Nations, 2006).

In Colombia, the Ministry of Social Protection was split through Law 1444 of 2011, with the purpose of strengthening the different functions of health and labor as pillars for development, but these public policies require actions that have not been implemented throughout the national territory; rather, the constant is the eventual intervention with programs that are usually suspended with each change of government (Congress of the Republic, 2011).

In the process of applying instruments related to the measurement of the criteria used to obtain the information, the opinion of the respondents and interviewees revolved around the following principles of the convention:

Respect for the inherent dignity of the human being. Individual autonomy, including the freedom to make one's own decisions and the independence of persons. Non-discrimination. Full and effective participation and inclusion in society. Respect for difference and acceptance of persons with disabilities as part of human diversity and the human condition. Equality of opportunity. Accessibility. Equality between men and women. Respect for the evolving capacities of children with disabilities and their right to preserve their identity (United Nations, 2006).

In addition to the above, the analysis is based on the analysis of concepts that revolve around central themes that are developed globally by the international convention, such as: Concept of victim, situation of disability, institutional support, discrimination, program linkage, municipal aid, institutional pedagogy, benefits, labor activity, access or mobility, information or communication, limitations to their freedom, situation of torture, exploitation, support mobility, violation of privacy, right to family, educational support, ease of access to education, affiliation to the health system, EPS attention, benefit from rehabilitation program, participation in politics, support in cultural events, in such a way that allowed to determine levels of unsatisfied public services that allow to review the conditions of basic necessities of life of the surveyed population.

The theory of public services of French origin has left its mark in our country as a protectionist state and the Welfare State based on Keynes' theory, modified with the neoliberal tendencies towards privatization of public services. In spite of this, there are still aspects that continue to be the responsibility and obligation of the nation through programs that obey the execution of the development plan. The binding dialogues of the current president Gustavo Petro, who intends a greater participation in the processes of construction of the law of the Plan, means a return to the need to give participatory spaces to the whole community. These open dialogues are an initial instance to approach the need to recognize the need to satisfy the supply of public services that allow the State to support the recovery of the social fabric of a sector in need of prompt solutions. Among the elements of innovation in relation to other plans are the elaboration of development plans for children by the Ministry of National Education; moderation and rapporteurship of the social movements and communities of the territories; presentation of cultural samples in each regional dialogue; translation of the national development plan for people with visual and hearing disabilities; translation of the national development plan in the most representative languages, which helps to create a pleasant social climate (Fundación Paz y reconciliación, 2022).





Patterns of unsatisfied basic needs are highly elevated in Monteria with a population revictimized by the armed conflict and in a situation of disability that requires prompt intervention by the State through entities such as the Municipality, Department and the Colombian Nation itself. With the help of other national and international entities, it is possible to promote the improvement of public services in an associated manner to speed up the rehabilitation process of the population, as well as to promote programs that tend to provide psychological treatment to the victims, thus contributing to psychological rehabilitation.

The expansion of coverage in the municipality of public services assigned with priority to the population that is a victim of the armed conflict and in a situation of disability would be an evident application of a distributive justice model that will allow overcoming in part the social exclusion generated by the impact of the armed conflict.

The current situation according to the Dane report (2021) reflects relatively favorable conditions for the Municipality of Monteria in relation to other municipalities, especially those in the south of the Department. In this way, the electric energy service shows a coverage of 98.6% in the capital city, 86.4% for water supply, 67.8% for sewage, 78.1% for gas, 81.3% for garbage collection service and finally 38.8% for internet service, but these results must always be contrasted with reality because they are percentages compared to a national average and when analyzed with reality, a crude and difficult context is found (Departamento Nacional de Estadística, 2021).

#### METHODOLOGY

The results obtained from the application of the survey instruments and interviews regarding unsatisfied public services show a panorama of needs that empirically the respondents portray as subjects of the war process. From their perspective, they consider that this status not only allows them to request, but also to demand compliance from the state through institutionalized programs such as those of the municipality's Victims Unit. Likewise, most of the people surveyed recognize that they are still in a state of disability because it is a permanent situation, although some of them have already overcome this situation being a dynamic phenomenon, but several of them ratify the lack of institutional support.

The criterion of institutional support is the focus of this book chapter since it refers to the majority of respondents who expressed being in a context of helplessness and not being linked to any institutional program, which reflects an absence of communication and social projection of the entities that have this function on behalf of the State.

Similarly, the medium mobility expressed by the respondents and which projects them to new means of labor access that circumstantially would help them in consideration that they all express not having limitations in their personal freedom, sexual freedom or situation of having been subjected to torture that would place them within a process of revictimization but which for the case is positive, although it increases the unsatisfied basic needs.

Another aspect identified refers to the support given for mobility, whose public service should be accompanied by other public policies that allow expanding the network of support and services throughout the city, and regarding the criterion of education, it is shown as an aspect that still needs to be promoted institutionally and that shows divided opinions without eliminating the need to improve schools and the quality of education. Regarding education, especially the criterion of educational support, the results are negative in relation to the rehabilitation process because all respondents indicated the lack of efficiency and achievement of the purposes of the victims' law as a process articulated with education.

However, the situation of affiliation to the EPS or health system, at least indicates a minimum degree of social coverage. It is clear that in general terms and according to the survey, the population is in a special situation that merits additional treatment, such as recreation and sports, where the role of the State is important.

From the questionnaire applied, the main perspectives of the population with disabilities due to the armed conflict who also reside in Monteria and whose perspective on the provision of public services and their needs are taken into account in an article recently published in the law journal



of the Universidad del Norte, entitled "Situation of disability of the victims of the armed conflict residing in Montería". These criteria are taken into account, but directed from the approach of public services (Negrete E. , 2022).

For the development of the chapter, some criteria from the research article by Negrete (2022) were used since it applies to the particular topic and leaves as a result on the point of institutional support that one person admitted having received support. Six (6) people confirmed not having received support. Another does not know or does not answer. This situation of lack of institutional support to vulnerable population responds to the lack of effective and systematic public policies that the state must modify in order to overcome the existing gap with the victim population and with the population that being a victim is also in a situation of disability. The phenomenon demands a greater effort on the part of the state and social sector entities. The level of dissatisfaction exceeds 70% and the victims demand more institutional support.

Regarding the criterion of discrimination, in Negrete (2022) of the surveyed population, two (2) people said they had been discriminated against, six (6) people said they had not. Here the public service that is compromised is that of security and justice, since the Convention on Human Rights and the Convention on Persons with Disabilities statutes that Colombia adopted allow to demand that the right to equality and non-discrimination of all persons be guaranteed: in this sense it is a general guarantee that the State must assume in any sense.

The criterion to take into account is the education service based on the question of having received institutional pedagogy from the municipality of Montería. The survey shows that two (2) people said that they had received it and six (6) that they had not, so it is evident that the education sector has many dimensions and the way in which the administration offers its services through the Secretary of Education is essential to facilitate dialogue and communication so that the greatest number of vulnerable people receive support through courses or training programs.

The result is discouraging and also requires intervention in this aspect since the instrument of pedagogy and sensitization of the population allows facilitating the implementation of public policies. If we add to the above the rules and foundations of Decree 1075 of 2015, the failure of the state to support the process of education of this population is more clearly understood. In this way, Article 2.3.5.5.2.2.1. of the aforementioned decree establishes the obligation to promote by the Ministry an efficient and timely educational service to the population in a situation of disability and within which are the victims of the armed conflict but the level of coverage has not been exceeded because hardly these people manage to have the means to advance these studies. Then the commitment revolves around: access to educational service, permanence, records of histories of people with disabilities, intersectoral program of development and assistance for the families of children, adolescents and young people with disabilities, detecting cases of disability by the administration of the educational establishment which through a simple review can be verified by its non-compliance (Presidency of the Republic, 2015).

To the question about benefits or recognition for merits and skills, three (3) people said that they have received them. Five (5) people stated that they have not received recognition. The theory of social recognition aims at making social tensions more flexible through effective communication using a friendly dialogue where institutions can grant certain benefits for a better interaction with communities, especially with those who really need the support or benefit (Negrete, 2022).

To the question related to current work activity and capacity to work, only two (2) people said that they were working. While five (5) people said no and one did not answer. Undoubtedly, labor activity and the possibility of employment goes hand in hand with the public policy of reducing the unemployment gap. The phenomena derived from the social conflict and that generate displacement increase the internal problem because more and more the receiving cities must assume a greater number of people who do not have a stable job and who do not receive support for entrepreneurship. In this sense, support for entrepreneurship will allow reducing unsatisfied basic needs if the state implements complementary policies to support these people. Likewise, the Dane in a report has reflected data that explains in detail the current situation of the Department of Córdoba and Montería (Departamento Nacional de Estadística, 2021).



To the question about access facilities and personal mobility. Five (5) people said they did and three (3) people said they did not (Negrete, 2022). Transportation is another service in which the demand for mobility continues to grow, since cities that had fewer inhabitants after the migration processes, as is the case of Monteria, must implement new routes and expand networks. In addition, it must be considered that the disabled population requires special and preferential treatment because they are vulnerable.

When asked about information and communication facilities, four (4) people said that they had received information and four (4) people said that they had not (Negrete, 2022).

The public information and communication service has been growing and the last Dane report (2021) indicates that internet communication is still showing a low level of coverage at the departmental level of 28.7%.

To the question about having suffered from limitations to personal freedom. Eight (8) people surveyed said that they have not had limitations on their right to freedom (Negrete, 2022). This is another aspect related to the security service that requires greater care since due to the incidence of illegal armed groups such as the Gulf Clan, certain limitations of locomotion are usually presented and in electoral processes there have been events of alteration of the freedom of the voter as a risk that persists correlated with the problems of public order.

To the question about torture suffered, one (1) person said yes, seven (7) said no (Negrete, 2022). It also corresponds to the public service of security and justice that has the judicial branch and intelligence agencies in charge therefore it is a matter of national order and the local police simply in the jurisdiction applies the policy of the national security order that the President and the Minister of Defense propose.

To the question about sexual exploitation and abuse, seven (7) people said no and one (1) person did not respond (Negrete, 2022). This is a matter that corresponds to the need to provide a public service of security and justice with equity in accordance with the operation of the judicial branch synchronized with the other branches for the control of sexual exploitation networks, which is an international phenomenon that requires an articulated intervention.

When asked about having received support for personal mobility, all of them said no (Negrete, 2022). This type of subsidy has not been implemented and for this a program appropriate to the context and subsidized by the nation and other entities is needed so that its coverage can be expanded without this implying a matter that has been intervened by the State at present.

To the question about the violation of the right to privacy. All the people said no (Negrete, 2022). This aspect is a human right that, in order to control it, a complaint must be filed so that an investigation can be initiated by the judicial authorities.

To the question regarding support for education, three (3) people, said yes, five (5) people said they did not receive support (Negrete, 2022).

This type of support complements the educational service provided by the Ministry of National Education and territorial entities and can be expanded to facilitate access and achieve greater educational coverage. For the criterion of participation of public administration and defense, education and human health care, in the city of Monteria, according to Dane (2021) there is 17.3%, which is higher than in the Department of Cordoba with 10.6% for all these services including education.

To the question about access to education and their personal condition. Three (3) people said yes and five (5) people said that they do not have access facilities to education (Negrete, 2022). This result is similar to the previous one and according to the Dane (2021) it demands a greater participation since for Monteria together with other public services it only reflects 17.6% of that participation and only one sector of those services is education (Departamento Nacional de Estadística, 2021).

To the question about affiliation to the health system. All people said that they are affiliated (Negrete, 2022). Then, the dynamics is similar to what was previously stated, insofar as we are facing a migrant and variable population that, due to new events, demands greater coverage of the subsidized health service, but as it is a national policy, it has been directed in a standardized way.





To the question about the quality of the EPS service. Seven (7) people said they received good service and one (1) said they have not received good service (Negrete, 2022).

This aspect becomes a concern for the health sector since not only should coverage be expanded as necessary, but also the service provided should accredit excellent quality for the right that is guaranteed.

It is part of the same health service that complements the care required for people who are particularly temporarily disabled and of which the victims of the armed conflict are no exception. Thus, they were asked about being a beneficiary of a rehabilitation or reparation program. All of them said no (Negrete, 2022).

As the result was a resounding no, it again raises the existence of dissatisfaction with the service, which is why this service should also be improved and expanded.

To the question about participation in cultural or sporting events. One (1) person said yes and the others said no (Negrete, 2022).

The results allow affirming that recreation and sports activities as well as education that go hand in hand should be reprogrammed and redesigned since the population is generally not linked to any educational establishment which distances them from the possibility of receiving these benefits and programs since according to the Dane (2021) 17 thousand people were benefited without indicating how many of them were displaced and disabled in Monteria.

Taking into account the DANE report (2021), there was a slight decrease in the manufacturing industry between 2020 and 2021, going from 7.8% to 7.7% of participation. This fact reflects a slight decrease that is possibly due to the Covid 19 phenomenon. The construction sector, which contributes not only to the economy in general but also to the unemployment rate, including informal jobs, shows a slight growth from 7.0 % to 7.8 %, indicating a positive element of development and participation. The trade and vehicle repair sector also shows a slight decrease for the same period, going from 25% to 23.8%, which in the same way it is possible that the pandemic has caused this slight decrease.

The accommodation and food service sector, where there is a lot of informality in the city of Monteria, shows for the DANE (2021) a decrease from 9.4% to 8.5%, which may also be due to the same cause. On the other hand, the transportation and storage sector shows a slight increase from 10.5% to 11.3% during the period. This increase does not indicate greater access to services for the displaced population and victims of the conflict, but rather a positive fluctuation compared to other productive sectors. The information and telecommunications sector, which should have increased in times of pandemic for the period 2020 and 2021, decreased from 1.5% to 1.1%. Another sector that showed an increase was the financial and insurance activities sector, which went from 1.4% to 1.8%, and in a context of marked uncertainty due to the Covid crisis, this behavior is logical. In Monteria, real estate activity stagnated and remained at 0.9% for both 2020 and 2021; the same happened with Professional, scientific, technical and administrative services activities, which remained at 5.1%. On the other hand, the activity Public administration and defense, education and human health care, reflected a slight increase from 16.5% to 17.3% and finally for the DANE (2021) the artistic, entertainment, recreation and other service activities showed a very slight decrease from 12.3% to 11.3%.

The above statistics show that the city of Monteria, despite the phenomenon of the pandemic, its productive sector was not so affected, although it does not show a relevant increase that would allow to affirm that it will soon overcome the economic crisis derived from the pandemic, especially in sectors such as real estate and financial and insurance activities where the displaced population has little incidence for its increase. While for the period January-December 2021 the DANE reflects a behavior of informally employed persons of 60.3% men of which 24.7% are young people and 57.2% women of which 36.4% are young people.

With respect to the inactive population, according to the Dane (2021), 17.2% is a population that is not studying, which corresponds to 41.6%, and 41.3% is not working in the home, so informality in the city of Monteria is high. Likewise, unemployment rates are higher in communes 1, 4 and 9. And facing the phenomenon of migration, especially Venezuelan, it is known that between 2020 and



2021 Monteria has received approximately a total of 1,046 people, which increases the level of unsatisfied basic needs in the capital.

Regarding micro-businesses, the sector that has had more activity is Agriculture, livestock, hunting, forestry and fishing where the participation of women and men is even, 38.1% for men and 38.4% for women.

Another aspect that has not been mentioned is the increase of the indigenous population outside the ethnic space according to the 2018 Dane census, as it goes from 68.85% to 82.41% demonstrating a larger population in the capital and with respect to street dwellers a total of 138 are registered of which 91.3% are men and 8, It is noteworthy that in the last five years, 7% of this percentage have attained higher education, another 14.9% have completed primary school, 21.9% have completed secondary school, 7.9% have completed secondary school, 17.5% have completed secondary technical school, and no teacher training students have been shown to be street dwellers. The condition of street inhabitant also reflects a problem derived from multiple factors where they are confused without the state tending to solve even this social problem but according to the Dane census (2021) none expressed as a cause derived from the armed conflict or displaced. The rate of perception of the population aged 15 years and older on insecurity in the city of Monteria is 29.3% where the extreme monetary incidence for 2021 was 13.5% and for 2020 the multidimensional poverty index was 28.7% for the Caribbean region and for Cordoba 31.8%, i.e. above the average for the region. Finally, the NBI and misery are mainly concentrated in communes 04, 03, 01 and 06 of Monteria where the NBI correspond to various criteria such as inadequate housing with 13.1%; inadequate services 1.6%; critical overcrowding 3.8%; school absenteeism, 1.6%; economic dependence 4.3%; NBI 18.8% and misery 4.5%.

All these figures and data from the Dane (2021) accredit the existence of a post-pandemic panorama that cannot be distant from public policies converging towards the fulfillment of the peace agreements and the vindication of the rights of persons with disabilities, because if there are difficulties for Colombian families due to the phenomena of the pandemic, the armed conflict and the energy and food production crisis at a global level, then the conditions of those displaced families and victims of the armed conflict who are also in conditions of disability are in greater difficulties, which merits institutional support and state intervention through the improvement of public services and the improvement of public services and victims of the armed conflict, the conditions of those displaced families and victims of the armed conflict who are also in conditions of disability are even more difficult, which merits institutional support and state intervention through the improvement of public services and the granting of guarantees for better living conditions to meet basic needs.

## CONCLUSIONS

The results obtained reflect an interesting treatment according to the perspectives of persons with disabilities who are also victims of the armed conflict and residents of Montería. Among the relevant results is that the majority admit their status as victims, since seven of the eight consider themselves as such. There is one person who is in a situation of disability with vision loss and hearing loss, in addition to not being able to speak, and corresponds to the no response registry (Negrete, 2022).

The concept of victim can be clarified with the help of legislation, doctrine and theories on victims at the international level. In this regard, the Victims Law 1448 of 2011, in its Article 3°, specifies the technical legal and even temporal meaning as a criterion of responsibility (Congress of the Republic, 2011).

The enjoyment of rights and access to education, mobility, subsidies, linkage to cultural programs, sports, educational programs, use of internet or Tics to facilitate aspects such as communication, education or training are rights that must be guaranteed and with greater reason to this revictimized population (Negrete, 2022).

The rights to access to education, coverage and other rights of persons with disabilities in the city of Monteria are not evidenced in the real context.



The rescue of rights of these people is always depending on the management of third parties for the defense of their rights and because they lack links to programs, associations, foundations or relationships with NGOs. These people are somehow isolated from a real process of inclusion and receipt of benefits for the defense of their rights.

In consideration of the great majority of victims that exist in Colombia, the Colombian State is not even in a position to promote the creation of a party that abandons the struggles and rights of the victims in Colombia towards the search for a dynamic and conscious political participation to rescue their rights through bills in order to apply an efficient distributive justice useful for the improvement of their living conditions that achieves in a real way the recognition of their rights.

In consideration of the above, an effective policy can seek to elaborate, in a participatory manner, educational, cultural and other projects that benefit in an integral and massive manner the entire population that is a victim of the armed conflict.

In Monteria, some roads have been built to facilitate the mobility of people and this urban development project has focused exclusively on the "friendly city" plan, mainly in the downtown area and to some extent in some universities such as the Universidad Cooperativa de Colombia, Monteria, where easy access has been designed for people with disabilities to achieve easy access, but it is necessary to expand the transit networks to facilitate these accesses and transfers.

The existence of a wide range of international, national and local regulations in terms of development plans such as the one advanced in the municipality of Monteria in a partial way is a start, but it does not reach the minimum level required, so there are unsatisfied basic needs aggravated by the social conflict.

In fact, in order to rescue and recognize the special needs that the population has and despite the constitutional and legal recognition, more institutional support and implementation of public policies aimed at expanding coverage and improving services to the population, which has had to resort to the use of effective procedural instruments such as tutelage actions are needed, which regulate and change public policies gradually, not only by judicial precedent, but also by the vision of both the legislator and the result of judicial pronouncements in general, and which show the social phenomenon that must be overcome in accordance with the international commitment established in the 2006 convention.

The granting of some subsidies and affiliations to the health system does not satisfy the population of victims of the armed conflict residing in Monteria who are in a situation of disability, since the complaints and claims deserve to be satisfied in order to achieve the rehabilitation and social inclusion of these people in accordance with the SDGs.

Finally, the reading of the phenomenon is the existence of a lack of coordination and implementation of public policies for comprehensive rehabilitation, as well as the partial attention to the reparation processes for victims. In this sense, it is necessary to review the processes by both international and national control bodies in order to fully implement support programs for the population and the growing mobile population that needs the restoration of their rights as a result of a strategic planning of the State so as not to generate the effects of the international responsibility of the Colombian State.

Finally, the involvement of the population in cultural and sports programs allows for a better resocialization and inclusion of the population, and also helps in the recovery of mental and psychological health, which are programs that should not remain on paper, but should be part of an ongoing policy for the benefit of the affected population.

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