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# ACCESS TO JUSTICE ACTIVITY

QUARTERLY TECHNICAL REPORT  
October 1 – December 31, 2014

January 30, 2015

This publication was produced for review by the United States Agency for International Development. It was prepared by Checchi and Company Consulting, Inc.

# **ACCESS TO JUSTICE ACTIVITY**

**Contract No. AID-514-C-13-00001**

## **QUARTERLY TECHNICAL REPORT**

***(October 1 – December 31, 2014)***

**Prepared by:**

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**January 30, 2015**

### **DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# TABLE OF CONTENTS

LIST OF ACRONYMS .....	i
EXECUTIVE SUMMARY .....	iii
1.0 POLICY ISSUES.....	1
1.1    BROAD CONSULTATION WITH STAKEHOLDERS.....	1
1.2    COORDINATION WITH OTHER DONORS, USAID PROJECTS AND USG AGENCIES.....	1
2.0 REGIONAL ASPECTS.....	2
2.1    SUMMARY OF ACTIVITIES AND ACHIEVEMENTS .....	2
3.0 COMPONENT ACTIVITIES .....	5
3.1    COMPONENT ONE – JUSTICE HOUSES AND ADR.....	5
3.2    COMPONENT TWO – GENDER.....	10
3.3    COMPONENT THREE – JUSTICE REFORM.....	13
4.0 COMMUNICATIONS .....	19

# LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
AGO	Colombian Attorney General’s Office ( <i>Fiscalía General de la Nación</i> )
AJA	Access to Justice Activity (or the “Project”)
ANSPE	National Program for the Elimination of Extreme Poverty ( <i>Agencia Nacional para la Superación de la Pobreza Extrema</i> )
CAPIV	Victims’ Attention Center ( <i>Centro de Atención Penal Integral a Víctimas</i> )
CECAR	<i>Corporación Universitaria del Caribe</i>
CEJ	Corporation for Excellence in Justice ( <i>Corporación Excelencia en la Justicia</i> )
CISPA	Inter-Institutional Commission for the Criminal Accusatory System ( <i>Comisión Interinstitucional de Seguimiento al Sistema Penal Acusatorio</i> )
CPC	Criminal Procedure Code
CNMH	National Center for Historical Memory ( <i>Centro Nacional de Memoria Histórica</i> )
CSDI	Colombia Strategic Development Initiative
CZ	Consolidation Zone
DADR	Alternative Dispute Resolution Directorate of the Ministry of Justice and Law ( <i>Dirección de Mecanismos Alternativos de Solución de Conflictos</i> )
EC	Equity Conciliator
FARC	Revolutionary Armed Forces of Colombia ( <i>Fuerzas Armadas Revolucionarias de Colombia</i> )
GBV	Gender-Based Violence
ISO	International Organization for Standardization
JH	Justice House
LJC	Local Justice Coordinating Committees
LJS	Local Justice System
LR	Land Restitution
LRC	Land Restitution Courts
LRO	Land Restitution Observatory

LRT	Land Restitution Tribunals
MICE	Methodology to Implement the Community Conciliation
MJL	Ministry of Justice and Law ( <i>Ministerio de la Justicia y del Derecho</i> )
MOU	Memorandum of Understanding
NGC	National Gender Commission of the Judicial Branch ( <i>Comisión Nacional de Género de la Rama Judicial</i> )
NPJH	National Program for Justice Houses
NUSCJ	National University's School for Community Justice
PACE	Contact Center for Equity Conciliation
SAVU	Attorney General's Office Sub-Directorate for Attention to Victims and Users
SICJWEB	Justice House Web-Based Information System
SPA	Criminal Accusatory System ( <i>Sistema Penal Acusatorio</i> )
UACT	Special Administrative Unit for Territorial Consolidation ( <i>Unidad Administrativa Especial para la Consolidación Territorial</i> )
UARIV	National Unit for the Comprehensive Assistance and Reparation of Victims ( <i>Unidad para la Atención y Reparación Integral a las Víctimas</i> )
USAID	United States Agency for International Development
USP	University Strategic Partner

# EXECUTIVE SUMMARY

This quarter marks the beginning of the third year of the Access to Justice Activity (AJA or Project), a four-year program funded by the United States Agency for International Development (USAID) and implemented by Checchi and Company Consulting, Inc. This quarterly performance report covers the period from October 1, 2014 through December 31, 2014. During this quarter, the AJA opened its seventh office in Santander de Quilichao.

In Component One, Justice Houses (JHs) and Alternative Dispute Resolution (ADR), the AJA continued to support the exit strategy designed to wind down USAID financial support for the National Program for Justice Houses (NPJH). Colombia's NPJH is now largely sustainable, and all AJA support for JHs is expected to end by July 31, 2015. As part of the JH Exit Strategy, the Project evaluated JHs according to the Justice House and Sustainability Development Index. The Project found that eight JHs were fully sustainable and could thus graduate from USAID assistance. For those JHs still receiving assistance, the AJA helped implement a web-based case tracking system. By the end of this reporting period, seventeen out of twenty-four JHs had the system installed and functioning.

Also under Component One, the AJA provided support to the National University's School for Community Justice (NUSCJ) in carrying out the Methodology to Implement the Community Conciliation Process (MICE) in thirteen municipalities. In addition, the AJA began a pilot project to strengthen the National Agency for Overcoming Extreme Poverty (ANSPE) in its efforts to provide access to justice for victims of the armed conflict living in free housing developments in Chaparral.

In Component Two, Gender, the AJA continued efforts to advance the work of the National Gender Commission (NGC). The AJA provided support for the Eleventh National Roundtable on Gender held in Medellín, as well as the presentation of the United Nations Population Fund's publication "*Documentación del Cambio.*" To support the implementation of an inter-institutional strategy to reduce impunity in gender-based violence (GBV) cases, the AJA helped the Attorney General's Office (AGO) hold a strategic planning session for its National Sub-Directorate for Victims and Users (SAVU). Additionally, the AJA monitored the advances made by *SISMA Mujer* in the preparation of a report with recommendations for the AGO to define its Sexual Violence Protocol. The AJA provided support for a workshop on judicial investigation techniques for sexual violence cases within the armed conflict. Also this quarter, the Project made great advances in the campaign "*Sin Mi Puño con Mi Letra.*" The first of two planned campaigns was carried out on November 25 in the municipalities of El Carmen de Bolívar, Ovejas and San Onofre in the Montes de María region.

Regarding Component Three, Justice Reform, the AJA continued to make important advances in strengthening the specialized land restitution jurisdiction. The AJA continued to provide support for the five National Thematic Committees and the implementation of Quality Management Systems for the Land Restitution Courts and Tribunals. During this reporting period, the AJA also continued to support the implementation of the Criminal Procedure Code (CPC), particularly through support to Inter-Institutional Commission for the Criminal Accusatory System (CISPA). Finally, the AJA continued to promote the relationship among CISPA, the Local Justice Coordinating Committees (LJCs) and University Strategic Partners (USPs) in the implementation of the CPC at an operational level in Consolidation Zones (CZs).

The AJA's regional offices, in coordination with the Ministry of Justice and Law (MJL) and the Special Administrative Unit for Territorial Consolidation (UACT), continued to provide support to 28 existing LJsCs. The Project helped these LJsCs finalize their 2015 action plans and prioritize initiatives for improving justice services in their territories, as well as provided training on the formulation of projects. During this quarter, one additional Committee was created in the municipality of Tierralta, for a total of 29 LJsCs. The Project also continued outreach efforts to disseminate assessments on barriers to access to justice for Local Justice Systems (LJS) in La Macarena and Montes de María regions. This quarter the AJA carried out three justice brigades which provided services to 459 people. Furthermore, to increase coverage of legal assistance and counseling for vulnerable citizens, the Project helped design virtual legal clinics in Colombia Strategic Development Initiative (CSDI) regions using the government's Digital Kiosk program in the municipality of Tumaco. The Project also continued outreach efforts to disseminate assessments on barriers to access to justice for LJsCs among partners, regional advisors, and operators.

# I.0 POLICY ISSUES

## I.1 BROAD CONSULTATION WITH STAKEHOLDERS

During the reporting period, the Access to Justice Activity continued to consult extensively with its government counterparts, non-governmental stakeholders, other USAID projects, and donor agencies regarding each of the AJA components and the CSDI regions. Two examples include:

- The AJA formed partnerships with the companies *Empresas Públicas de Medellín* and *Hidroituango* to support Project activities in three mountain municipalities (Ituango, Briceño and Valdivia). Additionally, these companies will support local justice systems in municipalities currently not supported by the Project (Toledo and Yarumal San Andrés de Cuerquia). This partnership gives the Project to greater credibility in its activities, and helps spread the justice model to other areas of the country.
- The AJA worked through its partnership with ANSPE to provide access to justice trainings to co-managers of the *Red Unidos* program in ten municipalities in Bajo Cauca Antioqueño (approximately 20 co-managers per municipality). ANSPE, in conjunction with the local UACT partners and AJA regional teams, will provide permanent support and follow-up on activities carried out by Local Justice Committees.

## I.2 COORDINATION WITH OTHER DONORS, USAID PROJECTS AND USG AGENCIES

The AJA continued to coordinate closely with other USAID implementers in program areas. For example, the AJA conducted joint activities with the USAID Human Rights Program on the International Day for the Elimination of Violence against Women. Additionally, the two projects jointly sponsored the Childhood and Adolescence Roundtable in Caucasia and the Subcommittee on Gender and Family in Tumaco.

# 2.0 REGIONAL ASPECTS

## 2.1 SUMMARY OF ACTIVITIES AND ACHIEVEMENTS

This quarter, the AJA's regional teams in Bajo Cauca, Tumaco, Montes de María, Southern Tolima, La Macarena, and Southern Córdoba worked with various strategic partners and the UACT territorial offices to address barriers to access to justice and ensure the sustainability of AJA initiatives.

At the end of November, the AJA began program activities in a seventh region, Santander de Quilichao. In this region, the AJA decided to focus on the Local Justice System in an effort to enhance coordination among the official (state), indigenous, Afro-Colombian and community justice systems as a means of improving access to justice for the different ethnic groups.

Some of the challenges faced by the AJA in the regions include:

- Illegally armed groups in Tierralta Córdoba are pressuring territorial and justice entities to refrain from addressing issues such as sexual violence and justice system efficiency, and there is fear of violent reprisals.
- The armed conflict intensified during November, especially in Southern Tolima and in several municipalities in Bajo Cauca and La Macarena. Increased violence also prevented the deployment of a Mobile Justice House Brigades into rural Tumaco.
- Limited access to rural areas remains a principal challenge in overcoming barriers to access to justice.
- Impunity rates continue to be high for crimes of sexual violence.

The AJA held meetings with municipal justice operators to define priority actions to overcome access to justice barriers and to address the principal needs of each municipality. As a result of these meetings, various activities have been held, including legal and psycho-social brigades and trainings for justice operators meant to build local institutional capacity in justice themes. Additionally, the Project worked in 30 municipalities to implement Local Justice Committees (LJCs), which bring together justice operators and territorial authorities in an effort to strengthen public policy.

Through AJA assistance, and despite the aforementioned challenges, municipal justice operators discussed common concerns about barriers to access to justice and are working together to propose activities to improve justice services. The AJA's strategic partner *Fundación Ideas para la Paz* (FIP) interviewed local justice operators and identified primary barriers in each municipality. Common barriers include weak local public policies, limited resources to provide justice services, and a lack of support for justice operators to carry out their own initiatives. The documents produced by FIP will be used to help the LJsCs prioritize activities in response to the barriers identified.

In addition, the Project provided governor and mayoral offices with specialized assistance on budgets and territorial management in order to include LJC projects in local development plans. All of the municipal development plans, with the exception of Santander de Quilichao, now have a project that addresses institutional gaps and initiatives related to judicial service offerings. In all, 29 projects have been defined, although some are still pending certification by the mayoral offices. This demonstrates that mayors are receptive to funding justice projects. Although resources allocated still need to be confirmed, they vary from high amounts in regions such as La Macarena, and more limited amounts in places like Montes de María. However, progress has been made toward the sustainability of the project's activities by placing the issue of access to justice on the territorial entities' public agendas.

The AJA helped restructure justice-focused advisory boards and technical committees in Meta and Tolima in order to strengthen the presence of the departmental government. These committees serve as mechanisms to monitor Project activities with the governors' offices and sectional justice entities. Also, the AJA expanded its dialogue with entities such as the Sectional Directorate of Prosecutors, the Sectional Gender Committees and the Sectional Councils of the Judiciary. The Project shared with these committees its third-year work plan and discussed areas where the AJA could provide the municipalities with support. In Southern Córdoba, the AJA helped create the Regional Committee on Access to Justice, with participation from all of the department's justice institutions. This demonstrates their commitment to the Project and to maintaining a dialogue with local authorities.

Additionally, the AJA continued to support coordination between the traditional indigenous and Afro-Colombian justice systems and the ordinary justice system, including their recognition by the Local Justice Systems. Related activities included:

- The AJA hosted workshops on protocols to coordinate Afro, indigenous and official justice systems: one in Southern Córdoba and the other in Montes de María. These workshops were promoted by the Sectional Justice Councils, the Directorate of Prosecutors and indigenous reserve authorities. These workshops have resulted in

mutual recognition of the value and competencies of the different justice systems, as well as a willingness among all actors to work together in this coordination effort.

- The Local Justice Committee in Tarazá met with authorities from the nine indigenous councils to discuss and approve the manual on indigenous conduct and coexistence, as well as public policies that affect ethnic groups. As a result of this initiative, a workshop was held with authorities from other councils in order to exchange experiences.
- A workshop was held in Tumaco with the Afro-Colombian community councils and *Red de Consejos Comunitarios del Pacífico Sur* to validate a grant proposal for a project to promote coordination with the traditional justice system, in the context of the LJC. The University of Nariño, one of the AJA's strategic partners, presented a session on the "Administration of Justice with a Regional Focus," in which authorities of the different justice systems discussed a differential ethnic approach in the Local Justice System.

All of the municipalities, without exception, insisted on the need to strengthen institutional capacities to reduce impunity for gender based violence through the provision of training and assistance in particular cases. All of the territories also expressed their interest in creating or strengthening territorial networks of women, men and professionals that can more closely observe actual and potential attention to these cases.

# 3.0 COMPONENT ACTIVITIES

## 3.1 COMPONENT ONE – JUSTICE HOUSES AND ADR

### 3.1.1 Promote greater access to justice at the community level by establishing and strengthening JHs

#### Support existing JHs via the JH exit strategy

The AJA provided support to JHs in the preparation of 2015 budgets, including helping JHs coordinate with municipal governments to receive funding for justice related projects. The JHs in the Cauca region and the San Onofre JH were particularly active in this endeavor. The JHs in Putumayo also made specific requests to the local authorities. The impact of these efforts will be seen in the municipal budgets to be approved for 2015.

During the previous quarter, the AJA gathered information from 22 JHs for the JH Development and Sustainability Index. According to this data, eight JHs received a score of 61-80 points, which demonstrates that they have “well-established sustainability” and can thus graduate from AJA assistance. The eight JHs to graduate this quarter are located in Santander de Quilichao, Puerto Tejada, Villavicencio, San Onofre, Montería, Pasto, Anorí and Cauca.

Index data also helped the AJA identify specific topics and JHs that require further Project support in order to achieve sustainability. The AJA will supporting the remaining 14 JHs with the following: i) strengthening their relations with the community, including launching mobile JHs to extend the JH services to rural areas; ii) improving JH recognition and achieving greater support from municipal and state authorities; and iii) using the JH information system, particularly to produce periodic reports.

#### Design and support innovative and strategic interventions by JHs for the post-conflict period

As the peace talks with the Revolutionary Armed Forces of Colombia (FARC) gain momentum, Colombia has begun to discuss the actions necessary to deal with the new challenges of a post-conflict period. In October the AJA began discussions with the Alternative Dispute Resolution Directorate of the Ministry of Justice and Law (DADR) on the role of JHs following the peace talks.

DADR then included a panel discussion on this topic as part of the five regional seminars, organized by the MJL. A total of 397 officials participated in these discussions, including representatives from 101 JHs and 32 Peaceful Citizen Coexistence Centers. The AJA participated in this panel discussion along with the Transitional Justice Direction of the MJL and the Colombian Agency for Reintegration.

The first AJA regional workshop to identify and promote best practices in JHs for the post-conflict period was held in Cauca. Thirty people participated, including representatives from five JHs in Bajo Cauca Antioqueño, the National Unit for the Integral Assistance and Reparation of Victims (UARIV), the National Center for Historical Memory (CNMH), the Antioquia State Government Access to Justice Unit and Preparing for Peace Program, Antioquia University, and the AJA. The participating JHs shared that on average 60% of the requests for assistance come from victims of the armed conflict. This experience provided for a well-informed discussion and several issues



were identified for inter-institutional action. According to the impact evaluation, 84.6% of the JH staff present had not participated in previous activities with the UARIV, and 92% had not interacted with the CNMH. Additionally, 84.6% of the JH staff present had not had previous training in post-conflict or peace building. These statistics demonstrate that until now the JHs have had minimal interaction with/knowledge of key actors working on issues related to the armed conflict and post-conflict activities. The result of these workshops should be greater communication between the JHs and these entities, as well as more joint activities.

Other initiatives related to promoting JHs' post-conflict role include:

- *Differential response for Afro-Colombian victims of the armed conflict.* The AJA held a preliminary training with the Buenos Aires JH and ANSPE staff in order to improve their response to Afro-Colombian communities that fall victim to the armed conflict. Sixteen staff members participated in the training on December 18.
- *UARIV pilot project to promote child victims' emotional recovery.* The UARIV carried out a pilot project in Chaparral to promote emotional recovery in children. A UARIV psychologist met with a group of five girls and five boys between the ages of 6 and 12 on eight occasions over two-week intervals. The activities revolved around stories focused on issues that are

common among victims of the armed conflict. At the end of project, the psychologist reported that the activities had allowed the children to speak about their families' suffering and their feelings. She also emphasized how this had helped children and parents have conversations about the emotional impact of the conflict. The children's guardians had already participated in emotional recovery workshops. The UARIV will analyze the results of the pilot projects in order to determine if this methodology should continue.

- *Pending Subcontract with Corporación Día de la Niñez.* During this quarter, the AJA negotiated a subcontract with *Corporación Día de la Niñez* to provide attention to child victims of violence in Rioblanco, specifically as a result of the armed conflict, criminal conduct and family violence situations. In Chaparral, *Corporación Día de la Niñez* will carry out a similar project, working with children in a new housing development for victims of the armed conflict. By way of guided play and values-based activities, children in both projects will be able to reinforce their personal development and interpersonal relations and thereby improve their violence prevention life skills.

**Improving NPJH indicators, data collection and integrated data bases**

This quarter, the AJA continued to support the implementation of the Justice House Web-Based Information System (SICJWEB), which, once implemented, will be an important tool for reporting on citizens' access to justice or lack thereof. The AJA participated in five regional seminars, hosted by DADR, where the SICJWEB was once again a central topic. This year the MJL included the Citizens Peaceful Coexistence Centers in these seminars, as it proposes to use the same information system modules to collect data from these centers. This development poses new challenges for the information system.

Since the new Vice Minister is giving a high priority to improving SICJWEB, DADR will be pushed to improve the results obtained to date. A pilot project in the Chaparral JH will be a test of the MJL capacity to come up with solutions that avoid the connectivity limitations in Tolima and other regions.

**JHs Using SICJWEB in June and December, 2014**

<b>June 30, 2014</b>	<b>Total</b>	<b>Percent</b>	<b>December 31, 2014</b>	<b>Total</b>	<b>Percent</b>
23 AJA targeted JHs	17	73.9%	24 targeted JHs*	16	66.6%
60 MJL supported JHs	35	58.3%	76 MJL supported JHs**	38	50.0%

*\*The number of AJA targeted JHs increased when the Anorí JH in Antioquia was recognized by the MJL in the final quarter of 2014. In the number of JHs targeted by AJA, the Corinto JH was not included as it is not operational at present.*

*\*\*The number of MJL supported JHs grew when the JHs in Antioquia were all recognized in the final quarter of 2014. In the number of JHs supported by MJL, the San Andrés JH was not included as it is not operational at present.*

As presented in the table above, SICJWEB has not expanded as hoped to the majority of JHs in 2014. The reasons for slow expansion are credited to various factors, including local use of different JH information systems not linked to SICJWEB, lack of internet connection, and lack of stable staff. The AJA will work to address these issues in the coming quarter.

### **Increasing coverage of JHs outside urban areas**

Five mobile JHs were carried out this quarter with AJA support. These included four rural mobile JHs and one located in an urban site but targeted toward the neighboring rural population. The mobile JHs were carried out by the following JHs: Cáceres, Buenos Aires, Puerto Tejada, Tarazá and Tumaco. These outreach efforts provided services to 586 people who would otherwise have limited access to justice. Two additional mobile JHs were executed in Ataco in conjunction with the LJC.



***Mobile Justice House in Tumaco***

### **3.1.2 Promote greater access to justice at the community level by establishing and strengthening ADR mechanisms, outside of the context of JHs**

#### **Strengthening equity conciliation**

A key aspect of the MJL's strategy to promote equity conciliation in the municipalities is to identify local representatives to promote this important ADR mechanism. This requires a commitment from local governments to help identify and then support their respective representative. The AJA sub-contractor NUSCJ is working with 13 local representatives who will help create a direct link with the municipal authorities in promoting ECs, as well as facilitate local coordination for equity conciliation activities. As local representatives have been confirmed, the AJA has held two training sessions to clarify their role and prepare them for their tasks. Local representatives will be encouraged, with the AJA support, to promote frequent meetings among the equity conciliators (ECs) in order to form municipal-level networks and associations. As a first step, the AJA provided support to eight ECs from Lower Cauca Antioquia so that they could attend the National Congress for ECs and Justices

of the Peace in Buga, Valle; the central theme of the Congress was “ Conciliation: A Path Towards Reconciliation.”

### **Training equity conciliators (ECs)**

The NUSCJ has designed a special seminar for community and civil society leaders prior to nominating candidates to be trained as ECs. These seminars help educate these local leaders, including authorities of educational, religious, commercial, industrial and agricultural institutions, women’s groups, ethnic communities and municipalities, in the role of equity conciliation and what characteristics are necessary for good ECs.<sup>1</sup> It also helps foster community support for equity conciliation activities. This has been carried out in twelve municipalities, with approximately 400 participants. The National Program for Equity Conciliation will provide a final, complementary session to all of these municipal groups in 2015.

In order to build regional institution capacity, the AJA and the MJL have committed to supporting regional universities, namely Ibague University and *Corporación Universitaria del Caribe* (CECAR) in Sincelejo, so they can provide EC training and operational support. As part of the preparatory work, CECAR has conducted a survey of 50 of the 94 certified ECs to determine key characteristics regarding the ECs and their work in Ovejas, San Jacinto, San Onofre and El Carmen de Bolívar. Preliminary results show that 46 (92%) of the ECs interviewed are prepared to begin conciliation activities if they are supported. A first step has been taken by the Sucre State Government by establishing two Contact Centers for Equity Conciliation (PACEs): one in the San Onofre JH and a second in a rural area of Ovejas.

The AJA has held a refresher course for the ECs in Tumaco through a series of monthly meetings. The meetings have included training and discussion group exercises. On average, ten ECs participate in each meeting, the majority of whom are women. Also in Tumaco, the AJA supported five conciliation brigades in urban neighborhoods, further strengthening equity conciliation in the region.

### **Increased ADR links with JHs**

Existing relations between JHs and ECs is generally based on the provision of services by a small group of ECs in the JH. However, the JH should also promote options which facilitate EC training, promote participation in rural mobile JHs, provide filing facilities for conciliation agreements, and establish regular meetings to address common goals. Such activities are being encouraged by the AJA and the Santander de Quilichao and Puerto Tejada JHs.

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<sup>1</sup> Such a seminar is not considered appropriate in the indigenous community setting in Toribío. There a special agreement is being worked out with Nasa justice authorities.

## 3.2 COMPONENT TWO – GENDER

### 3.2.1 Assist CSJ in promoting gender equity within the judiciary and with users

The AJA supported the National Gender Commission of the Judicial Branch (NGC) in the organization of the Eleventh National Roundtable on Gender. The Roundtable included various panels with opportunities for questions and answers. Among other themes, participants received information on international standards for the protection of women's rights. Through these discussions, participants noted that current justice mechanisms fall short of providing full protection of women's rights and gender equality.



The president of the NGC concluded that violence against women is a public theme that concerns all people. Three hundred people participated in the event, including High Court Magistrates; judicial officials; national, departmental and municipal authorities; members of organizations dedicated to defending the rights of women, young people and women victims of violence; and international experts.

Additionally, the AJA supported the United Nations Population Fund's presentation on its publication "*Documentación del cambio,*" which summarizes the NGC's work in Colombia since its creation in 2008, and highlights how its work has contributed to improved access to justice.<sup>2</sup>

In order to promote greater consistency between first instance court decisions and high court gender jurisprudence, the Project has used the Corporation for Excellence in Justice's (CEJ) Gender Jurisprudence Evaluation Methodology to compile and evaluate decisions. During the first exercise in October 2014, the AJA evaluated 54 decisions issued in 2012 and 2013 that involved rape, child support, maternity leave, and maternal mortality. One of the findings was that the minimum standards of the gender perspective were correctly applied in only 5% of the decisions issued in 2013. This demonstrates a lack of incorporation of the gender perspective in the great majority of judicial actions, whether it be due to lack of knowledge of the relevant jurisprudence that protects women's rights, or the lack of value given to GBV cases.

<sup>2</sup> The video of the event can be viewed at: <http://youtube.com/6J4BFg9PSTA>. The event was held in New York City.

### **3.2.2 Support the implementation of an inter-institutional strategy to reduce impunity in GBV cases and increase civil society advocacy**

This quarter the AJA supported the AGO by coordinating a strategic planning session for the AGO's National Sub-Directorate for Attention to Victims and Users (SAVU). The AJA signed a service provision contract with *Maximizsar Equipo Consultor Ltda.* to develop a strategic planning workshop for the SAVU in order to plan an appropriate institutional response to victims of gender-based violence, as well as to vulnerable groups (women, children, adolescents, indigenous groups and Afro-Colombian communities). The design and implementation of the workshop has been developed, and the strategic planning sessions were conducted with all Sub-Directorate units and groups, including the *Futuro Colombia* program. A meeting was held with the Deputy Director to determine the progress of the workshops, and a coordination workshop will be held on January 22 and 23, 2015.

The AJA also has helped coordinate an inter-institutional Memorandum of Understanding (MOU) with the Ministry of Justice, the National Ombudsman's Office, the UARIV and the AGO, with the aim of expanding access to justice to victims of sexual violence both within and outside of the armed conflict. It is expected that the MOU will be signed next quarter.

Furthermore, during this reporting period the AJA continued to monitor advances made in the exclusion of Marco Tulio Perez, alias "El Oso," from the Justice and Peace process for failing to confess acts of GBV. The Supreme Court of Justice is still studying the defendant's appeal of the exclusion decision.

The AJA's strategic partner *SISMA Mujer* finalized a report that provides recommendations to the AGO to help define its Sexual Violence Protocol. The review and validation of the report was underway as of December 31, 2014. According to Juliana Bazzani, a public policy official with the AGO, this process has been historic for the AGO because it is the first time that it has worked with civil society in producing a protocol to investigate a particular type of crime. The AJA expects that the document will inform the development of the AGO's Sexual Violence Protocol.

The AJA also provided support for a workshop on judicial investigation techniques for sexual violence cases within the armed conflict. This event was held in Bogotá on December 16 and 17, and had 45 participants, including prosecutors from the AJA-targeted regions of Tumaco, Córdoba, La Macarena, and Bajo Cauca. According to a prosecutor from Tumaco, "*this training provided many aspects that will help us with our duties, especially in our area, where the armed conflict is ongoing and where many sexual crimes are committed. It is very good because it will enable us to better plan the*



**Workshop on judicial investigation techniques for sexual violence cases within the armed conflict.**

*investigations and activities of the sectional office, even more so now that we will have a victims' attention center."* The prosecutors from the AJA-targeted regions who participated in the workshop are also part of the Local Justice Committees supported by the AJA.

At the local level, the AJA made advances in the bidding process for the creation of a Victims' Attention Center (CAPIV) in Tumaco, which is expected to be inaugurated in February 2015.

This CAPIV is particularly important

given that Tumaco has very high rates of GBV and impunity. A recent report indicates that the number of GBV crimes in Tumaco has increased by 20% over the past year. Physical abuse of women and minors and domestic violence are the most frequent forms of GBV. The AJA also advanced in its efforts to create CAPIVs in Chaparral and Caucasia. Both options are currently being evaluated by the AGO at the national level to determine the availability of space and personnel.

In an effort to strengthen civil society advocacy for GBV cases, the AJA updated a map of women's organizations in the regions where the Project has a presence. The map is based on lists of women's organizations that operate in the targeted areas. Through this exercise, the AJA found that organizations that work for the benefit of women are active in all of the AJA's zones of intervention, although the lists do not always specify the types of service provided by the various organizations. Of the organizations for which a purpose was indicated, not all are focused on issues of rights and access to justice for women victims of gender-based violence. The AJA plans to provide assistance to these organizations so that they may promote educational activities to increase awareness of the legal framework related to gender issues, including rights.

### 3.2.3 Promote educational activities to raise citizen awareness of the legal framework related to gender

During this quarter, the Project made great advances with the campaign “*Sin Mi Puño con Mi Letra.*” The first of two planned campaigns was carried out on November 25 in the municipalities of El Carmen de Bolívar, Ovejas and San Onofre in the Montes de María region. The residents of these municipalities, beginning with the mayors, signed a “no aggression against women pact” in celebration of the International Day for the Elimination of Violence against Women. Adults and children participated in the event and outreach material, including banners, posters, and a pamphlet on Law 1257 of 2008, highlighted the importance of not committing violence against women. The second campaign will



be carried out on March 8 in Southern Tolima, Northern Cauca and again in Montes de María.

## 3.3 COMPONENT THREE – JUSTICE REFORM

### 3.3.1 Strengthened Land Restitution Courts (LRCs) and Land Restitution Tribunals (LRTs)

The AJA provided technical assistance to the LRCs and LRTs to help them identify the main obstacles in the land restitution process. According to an analysis of five studies recently carried out on Land Restitution, the main problems faced by the LRCs and LRTs are:

- *Second land occupants:* including their treatment, how they are identified and how decisions are made. It is worth noting that sometimes second occupants find themselves in a situation that is more precarious than that of the victims claiming their land.
- *Historical Memory and Land Restitution:* types of sentences issued in an effort to preserve historical memory, construction of the truth and the judicial stages.
- *Equity in Justice:* In particular gender and ethnic perspectives are not being applied.
- *Micro-focalization and safety:* Seventy percent of land restitution cases are bottled-up because the regions where the land parcels are located have not been “micro-

focalized”, a process through which smaller geographical areas (i.e. cities, villages, townships) located within larger land divisions are identified and registered in the Registry of Dispossessed and Forcibly Abandoned Lands. In addition, if the land has been adjudicated, executing the sentence has serious safety implications for judges and magistrates.

- *El Sistema Nacional de Atención y Reparación Integral a las Víctimas and inter-institutional coordination*: Administrative and judicial institutions can take more than seven months to respond to the LRCs and LRTs on matters such as taxes, land titles and other information required to move forward in emitting sentences for those cases.
- *Quality and effectiveness of land restitution sentences*: Many sentences are not clear.
- *Post-sentencing activities*: In particular, there is a lack of follow-up to ensure the enforcement of judgments.<sup>3</sup>

Additionally, the National Land Restitution Observatory (LRO), which is supported by the AJA and administered by the CEJ, presented its findings on the LRCs and LRTs December 31, 2014. The Observatory reported additional difficulties faced in the land restitution process, including: 1) lack of inter-institutional coordination, 2) land surveying issues, 3) temporality of Law 1448 of 2011, 4) processing times, and 5) the lack of guarantees of no repetition.

To help the LRCs and LRTs overcome these obstacles, the LRO results were shared with the Regional Technical Committees of the Land Restitution Observatory, created by the AJA this quarter in Macarena, Montes de Maria, Tolima and Bajo Cauca. The role of these committees is to monitor the judicial phase of the land restitution process and adopt preventive and corrective measures based on alerts and recommendations made by the LRO, without having to turn to national offices.

The AJA supported five National Thematic Committees that focus on improving security, technology, procedures, training, and inter-institutional coordination. These committees provide Land Restitution Judges and Magistrates with a forum to identify problems and propose solutions for the aforementioned obstacles. Some of the most notable Committee initiatives during this reporting period include the following:

- The design of protocols to file land restitution claims in ordinary and ethnic territories;
- The establishment of guidelines to secure access to land for judicial officials;
- The creation of job descriptions for system managers;

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<sup>3</sup> The five studies analyzed were carried out by the following: 1. The Land Restitution and Property Rights Observatory of Universidad del Rosario, 2. The CEJ, 3. *Forjando Futuros*, 4. The Judicial Branch consultancy of Sergio Roldán, and 5. *Razón Pública*, the website of the Colombian think tank *De Justicia*.

- The replica of the “zero paper” case through the creation of a process manual and glossary that outlines how the AJA-supported system should be used by all LR courts and tribunals;
- The design of an information security plan (analysis of assets, documents, manuals, processes and information management);
- The review of 17 training modules that can provide valuable information to LR judges; and
- Approval of 2015 work plans for each Committee.

In addition, the Quality Management Committee monitored processes under the Quality Management System implemented in Carmen de Bolívar and Cartagena in 2014, and applied corrective measures as necessary. It is expected that International Organization for Standardization (ISO) 9001:2008 certification will be achieved in both jurisdictions by April 2015. The court administration model designed in Carmen de Bolívar and Chaparral has proven so successful that the National Thematic Committees have implemented processes to standardize inter-institutional coordination, security, gender and ethnic focuses and the use of zero-paper cases into all LR courts and tribunals.

As previously mentioned, post-sentencing activities, particularly the enforcement of judgments, have become a concern for the LR courts and tribunals. For example, of the 710 sentences emitted in 2014, only 83,000 parcels have been effectively turned over to the victims. It should be noted that 50,000 of these 83,000 parcels were the subject of a single judgment in favor of the Embera community in Chocó, and the remaining 33,000 were delivered to peasants. To overcome this barrier, the AJA, with support from its regional strategic partners, conducted studies in Villavicencio and Sincelejo to identify the obstacles for the execution of sentences in those regions. Results of the study are presented below:

- Sincelejo: the inability to identify the parcels’ owners and lack of support from the entities that should be provide this information (i.e. the *Instituto Geográfico Agustín Codazzi*); the appearance of new actors in the judicial stage of the proceedings that in many cases requires the prolongation of the proceedings; and the lack of availability of information from government entities, such as *the Instituto Colombiano de Desarrollo Rural*, that would facilitate the issuance of judgments.
- Villavicencio: problems regarding security and public order, as well as the lack of micro-focalization of the properties.

These findings were shared with the National Thematic Committees and will become a critical input for their Guidelines for Executing and Monitoring Sentences.

### **3.3.2 Support for continued implementation of the Criminal Procedure Code (CPC)**

During this reporting period, the AJA continued to support the implementation of the Criminal Procedure Code, particularly through the provision of support to CISPAs. The AJA supported CISPAs through four main activities. First, the AJA helped prepare a report that shows the results of the CPC over its ten years of implementation. Report findings will be published in book format and will be shared with judicial actors in order to propose policy changes, if required.

Second, the AJA supported the periodic update of CISPAs' website through its partnership with CEJ. Updates included information on jurisprudence, regulatory changes, and best practices related to the implementation of the CPC. By monitoring CPC implementation, CISPAs have helped identify legal gaps, inconsistencies in jurisprudence and operating problems. These issues were debated in regional forums in Tumaco and Ibagué, and resulted in recommendations for the proposed CPC reform that is currently promoted by the AGO, MJL and the CSJ.

The third activity promoted by the AJA was an effort to promote equity in justice. Following AJA suggestions, CISPAs agreed to include indicators in its methodology that report on the progress made by the CPC in mainstreaming gender and processing times for cases that include disadvantaged populations and/or GBV.

Finally, the AJA continued to promote the relationship among CISPAs, the Local Justice Committees and USPs in the implementation of the CPC in Consolidation Zones. During this quarter, the AJA proposed coordination mechanisms that include the exchange of information about the Criminal Accusatory System (SPA) in the municipalities that have LJsCs, the collection of weekly or annual qualitative information to be delivered to the CISPAs, analysis of this information by the LJsCs, and LJC participation in the CISPAs' roundtable of experts in order to review challenges, lessons learned and good practices, among other things.

### **3.3.3 Promote local justice reform, including court administration reform**

AJA regional offices, in coordination with MJL and the UACT, continue to provide support to 28 existing LJsCs. During this quarter, one additional Committee (for a total of 29) was created in the municipality of Tierralta, where the initiative was well received despite serious security problems. The AJA was unable to create the LJC in Valencia due to security reasons, even though preliminary meetings were held with local and indigenous justice authorities.



**LJC meeting in Tierralta, Southern Córdoba.**

During this quarter, the 28 existing LJs completed the design of their 2015 action plans, in which they prioritized initiatives for improving justice services in their territories. The LJC in Planadas in Southern Tolima made an interesting proposal for the development of thematic legal brigades with a focus on domestic violence, which is a recurring issue in the region's municipalities. The AJA is studying the possibility of conducting thematic brigades that respond to the specific needs of the populations.

The Project continued outreach efforts to disseminate assessments on barriers to access to justice for LJs in La Macarena and Montes de María regions. Report findings were shared with the Project's Advisory Boards and the LJs. Major findings in the two regions include:

- Montes de María: the high impact of the armed conflict on the capacity of local administrations to comply with the objectives of the decentralization policy; the need to improve institutional capacity, governance and legitimacy; the negative effects on community leadership; vigilante justice; the community's lack of confidence in its ability to access justice services; and the lack of coordination among justice institutions.
- La Macarena: adverse conditions for the legitimation of local governments, such as the preexistence of the land dispossession area, the presence of the FARC, and the continuation of the armed conflict in the region; parallel justice that is perceived as closer and more effective than official legal means, with greater capacity for social control; the community's lack of trust in the justice system; unfavorable conditions for accessing justice in rural areas due to the presence of illegal groups; difficulties in inter-institutional coordination; and inefficiencies in the operation of the justice system.

During this quarter, justice operators from Tumaco started a diploma course on public policy and local justice, human rights, and the CPC, led by the University of Nariño. The course has a duration of 120 hours and was designed specifically to strengthen the Local Justice Committees, improve regional justice services and help eliminate barriers to access to justice in the region. According to one of the participating judges, *"These training sessions help to humanize the administration of justice by bringing people together to discuss the challenges and difficulties and enabling*

*them to see people as human beings and not as cases or files.*” Similar diploma courses will be carried out in the Bajo Cauca, Montes de Maria and Sur de Cordoba regions.

The AJA carried out surveys on 28 LJC members in order to evaluate how they are perceived in their regions and how effective they have overcome the barriers to access to justice. Results showed that the majority (75%) of the LJC members consider that the LJS is an important instrument to strengthen justice in the CZs and to improve the capacity of the operators to function more effectively and efficiently. Additionally, the results showed that the majority (92%) of the LJC members believe that the LJC members have strengthened inter-institutional coordination to mitigate barriers to access to justice.

The LJS continued to decentralize its services by launching the first-ever mobile justice legal clinic and psychosocial brigades in rural areas. This quarter a total of three brigades were conducted, providing services to 459 people.

Furthermore, to increase coverage of legal assistance and counseling for particularly vulnerable citizen, the AJA helped design virtual legal clinics in CSDI regions using the government’s Digital Kiosk program.<sup>4</sup> By May 2015, a total of 21 municipalities will have access to the Virtual Legal Clinics supported by the AJA through its strategic partners (Universidad de Medellín, Santo Tomás, Ibagué, UniSinú, CECAR, and Nariño). To date, the AJA has one Virtual Legal Clinic in operation in the municipality of Tumaco, which is accessible through two digital kiosks.



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<sup>4</sup> This effort was carried out in partnership with the UACT, the Ministry of Information Technology and Communications (MITC), and the Project’s USPs in Medellín, Ibagué, Villavicencio, Montería, Montes de María and Nariño.

# 4.0 COMMUNICATIONS

During this quarter, the AJA held a number of events aimed at increasing public awareness of justice issues, particularly as they relate to women's rights. In November, the AJA supported activities to commemorate the International Day for the Elimination of Violence against Women. The events took place in Southern Córdoba, La Macarena, Bajo Cauca and Tumaco, and helped raise awareness about women's rights and related access to justice mechanisms. Additionally, the AJA held four events to foster dialogue and create institutional commitments to enhance access to just for women. These included the Eleventh National Gender Conference of the National High Courts of Justice; a workshop titled "Judicial investigation techniques with a differential perspective for sexual violence;" the signing of an inter-institutional MOU to expand and improve access to justice for victims of sexual violence; and a panel on "Equity and Gender Justice: the Colombian Case."

The AJA assisted in the design of two communication strategies: the first supports the Justice House in San Onofre and highlights the work carried out by Equity Conciliators in the four municipalities of the Montes de María region. The strategy also raises awareness about the services provided by the San Onofre Justice House. The second communication plan supports the work of the Justice House in Bajo Cauca, and includes both internal and external strategies. This plan has already improved the Justice House staff's internal communications, teamwork, client services, and ability to resolve disputes.

The AJA also assisted in the production of radio spots for Project related activities. The AJA worked with the Diocese of Montelíbano, *Humanizar* in Montes de María and the University of Medellín in Bajo Cauca to develop radio promotions for the legal services brigades, as well as the *Sin mi Puño y con mi Letra* campaign. The AJA also helped to arrange an agreement with UACT for the broadcast of free radio spots announcing the activities of the region's Local Justice Committees on the mobile radio station of the National Police in Bajo Cauca municipalities.

Finally, the AJA offered a second workshop to journalists in La Macarena. The workshop focused on Local and Regional Justice Systems, and will help journalists communicate justice issues more effectively.

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