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EVALUATION OF USAID HUMAN RIGHTS PROGRAM IN COLOMBIA FINAL REPORT

JANUARY 2009

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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

| | |
|---|-----------|
| SUMMARY | 1 |
| of the Evaluation and Objectives of the Human Rights Program | 2 |
| observations and recommendations | 2 |
| 3 | |
| 4 | |
| , Justice and Reparations..... | 4 |
| Society5 | |
| . INTRODUCTION | 8 |
| of the Evaluation..... | 8 |
| and Methodology..... | 9 |
| Changing Context and Challenging Environment of Human Rights in Colombia | 11 |
| . HUMAN RIGHTS PROGRAM, Phase II (2006-2011) | 14 |
| 16 | |
| 16 | |
| Rights Public Policy | 16 |
| Civil Society Organizations | 17 |
| Victims’ Rights to Truth, Justice and Reparations | 17 |
| of the Evaluation and Analysis | 17 |
| the Program | 18 |
| and Afro-Colombian Communities | 19 |
| . EVALUATION FINDINGS..... | 19 |
| Area 1: Strengthen National and Local Capacity to Prevent Human Rights Violations..... | 19 |
| Warning System - Inter-Institutional Committee for Early Warning (CIAT)..... | 20 |
| the System Works | 22 |
| Benchmarks, Accomplishments during Phase II (2006-2008) | 23 |
| to Refocus..... | 25 |
| Rights Program of the National Police..... | 27 |
| Area 2: Strengthen Government’s Capacity to Protect Individuals and Communities from Human Rights Violations | 29 |
| 30 | |
| Benchmarks (Protection)..... | 31 |
| (Protection) | 32 |
| (Decentralization)..... | 34 |

| | |
|--|-----------|
| (Preventive Security)..... | 34 |
| to Refocus..... | 35 |
| -At-Risk Project..... | 36 |
| Area 3: Formulating Human Rights Public Policies..... | 41 |
| Benchmarks..... | 42 |
| 44 | |
| to Refocus..... | 44 |
| 45 | |
| Area 4: Empowering Civil Society to Accompany the Processes of Strengthening Human Rights..... | 45 |
| Benchmarks..... | 46 |
| 47 | |
| to Refocus..... | 47 |
| Labor Component..... | 48 |
| Area 5: Promotion of the Rights of Victims to Truth, Justice and Reparations..... | 49 |
| Benchmarks..... | 50 |
| to Refocus..... | 52 |
| Summary of Other Donor Support regarding Victims’ Access to Truth, Justice and Reparations..... | 53 |
| area of HRP Support: Direct funding to the Special Office in Colombia of the United Nations High Commissioner for Human Rights..... | 54 |
| . RECOMMENDATIONS..... | 55 |
| Recommendations..... | 55 |
| – Prevention Program (Early Warning System)..... | 56 |
| – Protection Program (General)..... | 57 |
| – Protection Program (Communities-at-Risk Project)..... | 57 |
| – Public Policies and Truth, Justice and Reparations..... | 58 |
| – Civil Society..... | 59 |
| – New Labor component..... | 60 |

ABBREVIATIONS

| | |
|---------|--|
| AUC | Unified Self-Defense Forces of Colombia <i>Autodefensas Unidas de Colombia</i> |
| CIAT | Inter-Institutional Committee on Early Warnings <i>Comité Inter-Institucional de Alertas Tempranas</i> |
| CIJUS | Center for Social-Juridical Research <i>Centro de Investigaciones Sociojurídicas</i> |
| CINEP | Center for Research and Popular Education <i>Centro de Investigación y Educación Popular</i> |
| CNRR | National Commission for Reparation and Reconciliation <i>Comisión Nacional para la Reparación y Reconciliación</i> |
| CRER | Commission of Risk Evaluation and Regulations <i>Comité de Reglamentación y Evaluación de Riesgos</i> |
| CSO | Civil Society Organization <i>Organización de Sociedad Civil</i> |
| CTI | Technical Investigation Unit <i>Cuerpo Técnico de Investigaciones</i> |
| DAS | Administrative Department for Security <i>Departamento Administrativo de Seguridad</i> |
| DDR | Demobilization and Reintegration <i>Desmovilización y Re-integración</i> |
| ELN | National Liberation Army <i>Ejército de Liberación Nacional</i> |
| EQUITAS | Colombian Interdisciplinary Team for Forensic Work and Psychosocial Services <i>Equipo Colombiano Interdisciplinario de Trabajo Forense y Servicios Psicosociales</i> |
| ESAP | National School of Public Administration <i>Escuela Nacional de Administración Pública</i> |
| EWS | Early Warning System <i>Sistema de Alertas Tempranas (SAT)</i> |
| FARC | Revolutionary Armed Forces of Colombia <i>Fuerzas Armadas Revolucionarios de Colombia</i> |
| FIU | Florida International University <i>Universidad Internacional de Florida</i> |
| FUCLA | Claretian University Foundation <i>Fundacion Universitaria Claretiana</i> |
| GDP | Gross Domestic Product <i>Producto Interior Bruto</i> |
| GOC | Government of Colombia <i>Gobierno de Colombia</i> |
| IGO | Inspector General's Office <i>Oficina de la Procuraduría General de la Nación de Colombia (PGN)</i> |
| HR | Human Rights <i>Derechos Humanos</i> |
| HRO | Human Rights Ombudsman's Office <i>Defensoría del Pueblo</i> |
| HRP | Human Rights Program <i>Programa de Derechos Humanos</i> |

| | |
|----------|---|
| ICITAP | International Criminal Investigative Training Assistance Program <i>Programa de Apoyo para el Entrenamiento Internacional Criminal Investigativo</i> |
| IDP | Internally Displaced Person <i>Desplazados Internos</i> |
| IOM | International Organization for Migration <i>Organización Internacional para las Migraciones</i> |
| IHL | International Humanitarian Law <i>Derecho Internacional Humanitario</i> |
| MAPP/OAS | Mission to Support the Peace Process in Colombia/ Organization of American States <i>Misión de Apoyo al Proceso de Paz/ Organización de Estados Americanos</i> |
| MIJ | Ministry of Interior and Justice <i>Ministerio del Interior y de Justicia</i> |
| MSD | Management Sciences for Development |
| NGOs | Nongovernmental Organizations <i>Organizaciones No Gubernamentales</i> |
| NSP | National Search Plan <i>Plan Nacional de Búsqueda</i> |
| OAS | Organization of American States |
| OCHA | Office for the Coordination of Humanitarian Assistance <i>Oficina para la Coordinación del Apoyo Humanitario</i> |
| OEA | <i>Organización de los Estados Americanos</i> |
| OHCHR | Office of the High Commissioner of the United Nations for Human Rights <i>Oficina del Alto Comisionado para los Derechos Humanos de las Naciones Unidas</i> |
| OPDAT | Office of Overseas Prosecutorial Development, Assistance and Training, Department of Justice <i>Desarrollo Procurador al Extranjero, Apoyo y Entrenamiento</i> |
| PACR | Communities-at-Risk Project <i>Programa de Atención a Comunidades en Riesgo</i> |
| PLANEDH | National Human Rights Education Plan <i>Plan Nacional de Educación en Derechos Humanos</i> |
| PNA | National Plan of Action <i>Plan Nacional de Acción</i> |
| PPHR | Presidential Program on Human Rights and International Humanitarian Law <i>Programa Presidencial de Derechos Humanos y Derecho Internacional Humanitario</i> |
| PSP | Preventive Security Project <i>Proyecto de Seguridad Preventiva</i> |
| RIP | Rapid Impact Project <i>Proyecto de Impacto Rápido</i> |
| UNDP | United Nations Development Program <i>Programa de las Naciones Unidas para el Desarrollo</i> |
| UNHCHR | United Nations High Commissioner for Human Rights |
| OACNUDH | <i>Alto Comisionado de las Naciones Unidas para los Derechos Humanos</i> |
| USAID | United States Agency for International Development <i>Agencia de los Estados Unidos para el Desarrollo Internacional</i> |
| USG | United States Government <i>Gobierno de los Estados Unidos</i> |

EXECUTIVE SUMMARY

Over the past nine years, USAID has developed the largest and most consequential U.S. human rights program in the world as part of the U.S. assistance program known as Plan Colombia. The program was developed and implemented with the input and participation of human rights activists, academics, Colombian authorities and a broad and diverse cross-section of Colombian civil society. It was designed to prevent human rights violations, protect vulnerable groups and communities, and increase the capacity of state agencies and civil society organizations to confront human rights challenges. In 2006, USAID launched a second phase of the program, expanding the program to reflect the changing circumstances of the conflict on the ground, most notably, the country's enhanced security policies and the government's unprecedented program of demobilizing more than thirty thousand paramilitary forces.

The new focus continues and in many cases expands and deepens the work begun in Phase I in the areas of prevention, protection and assistance to state, government and civil society institutions and also has put into place a strategy to "nationalize" these efforts through greater Colombian responsibility in financing, integration and implementation of specific program goals. Phase II has also expanded into new areas such as assisting the government, state agencies, civil society and victims' groups in the search for truth, accountability and justice after decades of conflict. Moreover, the program is poised to launch a few major new initiatives, including: (1) working with labor unions to increase their organizational capacity, effectiveness and societal outreach as part of a comprehensive effort to stem the violence directed against unionists; (2) assisting civil society groups to monitor implementation of the Ministry of Defense's recently enacted human rights policy, a program that is being instituted with the cooperation of the Ministry of Defense; and (3) increased assistance to the Inspector General's Office (*Procuraduría General de la Nación*, "IGO"), an independent state control agency charged with overseeing the conduct of state officials

Since 2002, there has been general improvement in public order, violent crimes, citizen security and the fight against illegal armed groups in Colombia. Homicide rates have been cut in half and kidnappings and massacres have declined significantly. The United States has assisted Colombia in these efforts through a variety of justice, governance, security and other aid programs and rightfully lauds these improvements. Yet despite progress in citizen security and public order, and despite major reductions in several categories of human rights violations, the situation of human rights in Colombia remains challenging. Forced internal displacements, extrajudicial killings, disappearances, sexual violence as a tactic of war, illegal seeding of landmines, and other violations continue at unacceptably high rates.

Focus Groups conducted by the Evaluation Team in four different regions of the country¹ reveal that there is a widespread perception among human rights leaders, civil society organizations, NGOs and victims' associations—both among those with an affiliation with the Human Rights Program and those who have no affiliation—that the human rights situation has deteriorated in their region during the past year. At the same time, many national and local level officials emphasized progress and a dramatic reduction of violations since 2002. All of the research, interviews and focus group results reveal the extraordinary complexity of the situation and a great contrast of views. As is evident from the focus groups, the USAID Human Rights Program in 2008 operates in an environment that remains challenging. The U.S. assistance program has helped civil society actors better respond, has helped protect victims, and has increased the state's capacity to prevent some violations as well as to alert key authorities before they are committed. Overall, the capacity of the state and civil society to confront the human rights crisis is greater, and the U.S. Human Rights Program has greatly contributed to this improvement. At the same time, the conflict remains fluid. Geographical regions of crisis change, as do modalities of violations and the relative strength of specific actors.

PURPOSE OF THE EVALUATION AND OBJECTIVES OF THE HUMAN RIGHTS PROGRAM

The purpose of the evaluation is to assess the progress of USAID's Human Rights Program and to offer recommendations to increase its impact and effectiveness. The stated objectives of the program are to:

- Strengthen national and local capacity for prevention of human rights abuses.
- Improve government capacity to protect individuals and communities at risk.
- Enhance GOC, State and civil society capacity to design, develop and monitor human rights public policies.
- Strengthen civil society's role and capacity to promote public policy, dialogue, and accountability.
- Promote victims' rights to truth, justice, and reparations.

USAID has developed specific projects to carry out these objectives in all of these areas, which the Evaluation Team systematically reviewed.

GENERAL OBSERVATIONS AND RECOMMENDATIONS

The Human Rights Program should keep the same program goals, which are clear and attuned to the situation at present. However, it needs to work to develop an overall strategy that is flexible enough to adapt to a constantly changing human rights environment that will ensure that the projects being implemented are contributing to the specific and general goals of the program.

¹ Focus groups were conducted in: Medellín (North Central), Sincelejo (Atlantic Coast region), Quibdó (Pacific Coast region) and Popayán (Southwest) as well as in Bogotá.

To help monitor the impact of its activities, the program should develop indicators, parallel to the program benchmarks, which would attempt to measure the overall dynamic of the violations in the areas of the program's focus. Indicators would be designed around the major human rights violations identified in this report (forced displacement, sexual violence, extra-judicial killings, etc.). This work could be done with current USAID partners such as CINEP, the Vice President's Office, and the Human Rights Ombudsman's office. Each of these institutions, representing civil society, the GOC and an independent state agency respectively, already gather and analyze data on many of these types of human rights violations. At present, the benchmarks measure the increased capacity among state, government and civil society counterparts but do not measure the impact of the project on the victim population as a whole.

Specific observations and recommendations regarding the program components include the following:

Prevention

The centerpiece of the prevention program is Colombia's Early Warning System (EWS), designed to prevent massive and systematic violations of human rights and international humanitarian law (IHL)². It is run by the Human Rights Ombudsman Office, which provides risk reports. An Inter-Institutional Committee for Early Warning (CIAT), consisting of key governmental and state agencies, is charged with verifying and developing a response to the EWS's risk reports. Although the different sectors within the international community have been developing early warning systems for refugee crises, humanitarian assistance and natural disasters, there is no system in the world that resembles Colombia's Human Rights Early Warning System for human rights violations.

Data indicate that the system has a high degree of success in alerting and preventing massive violations. With adjustments it could serve as a model for other conflict situations. Nevertheless there are shortcomings and it potentially could be more effective. Recommendations include: the need for an improved methodology; more systematic archiving of documents and work products that could one day be used for historical research and judicial processes holding perpetrators accountable; and most importantly, the need to develop more effective and rapid response mechanisms by the CIAT. It is also recommended that CIAT develop greater humanitarian response measures to both make the intervention more effective as well as to ease the burden placed on the military and police. Finally, Risk Reports issued by the Human Rights Ombudsman should be made public and should also be made available specifically to such international humanitarian actors

² International Humanitarian Law (IHL) is the body of international law designed to protect civilian populations during the course of an armed conflict. The primary framework establishing IHL is found in the four Geneva Conventions of 1949 and their Additional Protocols. Protocol II of 1977 explicitly extended the protections of IHL to situations of internal armed conflicts. A key element of IHL is that it applies to both state and non-state actors, whereas human rights law, whose foundation is the Universal Declaration of Human Rights and its two covenants focuses on state accountability and responsibility. IHL thus is a vital instrument to hold all violators accountable, and in Colombia is the basis of much of the work of the Human Rights Ombudsman's office and the Presidential Program on Human Rights and International Humanitarian Law, run by the Colombian Vice President.

as UN Office of Humanitarian Assistance and its Humanitarian Situation Room in Bogotá, as well as other humanitarian actors.

Protection

The Colombian Constitutional Court has declared, and the GOC has recognized, that the Colombian state has an obligation to prevent violations as well as provide protection for those at risk. USAID has worked closely with the Ministry of Interior and Justice to develop an effective protection program. The GOC has now almost completely assumed the costs and responsibilities. However, there are still important reforms that need to be made, particularly relating to the work of differential risk evaluations for different sectors, including indigenous people, Afro-Colombians, women and others.

There is widespread recognition that there are limits to any protection strategy. The existing program needs to be strengthened and improved, but the future direction will need to be oriented toward developing a comprehensive *prevention* program. The HRP at present supports a program called Communities-at-Risk (PACR) that works with vulnerable communities in 10 regions of the country. This program has developed specific prevention strategies, including contingency planning and other instruments. However the program has been fraught with administrative, technical, and bureaucratic difficulties.

The Evaluation Team recommends that the Communities-at-Risk Program be replaced and incorporated into a more comprehensive prevention program. The new program should fully incorporate the successful practices and programs developed over the last two years with the PACR, such as contingency plans and potential coordination with the Early Warning System. Yet the new program will need to be designed with clear lines of institutional and bureaucratic authority, under the direction of one designated agency, so as to avoid the institutional inertia that has beset the current program. The new program should be the result of extensive consultation with all of the involved agencies at the national and regional levels with the goal of developing an integrated state prevention strategy.

Truth, Justice and Reparations

USAID provides most of its support for victims through a new victims' program implemented by USAID's demobilization and reintegration (DR) office. The victims' work under the Human Rights Program complements the larger victims' initiatives undertaken by the DR office, with the International Organization of Migration (IOM) as the main implementer.

Although, the HRP is not the primary USAID program working in this area, its assistance is critical, particularly relating to victims rights, and if well focused, the HRP can effectively complement the work of USAID's demobilization and reintegration program. Its main contribution can and should be to provide a steady focus on the rights of victims by strengthening the capacity of civil society organizations to assist victims.

Civil Society

By mid-2008, the Human Rights Program had awarded 43 grants to civil society organizations to work on issues in the areas of public policy; human rights advocacy; monitoring of the human rights situation; institutional strengthening of human rights organizations and networks, including indigenous and community councils; and efforts to combat impunity. In July 2008, the program received an additional 102 proposals to consider for the upcoming year.

This program component increased the number of HRP counterparts and opened up dialogue with many civil society organizations, including groups of vulnerable populations (indigenous, Afro-Colombians, women, victims and, to a lesser extent, persons with disabilities). The program has worked to improve capabilities in such aspects as planning, management, and administration of resources. To this end, MSD provided initial training and, later, focused on strengthening local capacity through institutional accompaniment and knowledge transfer on specific issues.

Progress is clearly visible in proposals made by women's organizations for human rights policy reform. Increased capacity for policy development and articulation, organizational management, and fiscal controls were also clearly evident through the review of documentation related to the small grants program, interviews, and site visits to CSOs in Antioquia, Chocó and Cauca. In visits to these regions, the team also observed the participation of civil society organizations in the formulation of local development plans, particularly in Chocó and in Cauca. In eastern Antioquia, the team spoke with groups engaged in specialized studies on public policies in the area of restoration of patrimonial rights of the victims, particularly the right to land.

It is recommended that USAID continue to coordinate networks among their own grant recipients, partners, and allies, both at a national and a regional level. USAID should also continue to build on—and more visibly support—existing regional networks among state agencies, local governments and civil society counterparts, such as the experiences with the *Mesa de Riesgo* (Risk Forum) in Cauca, *Mesa Departamental de Desplazamiento* (Departmental Forum on Displacement) in Chocó, and a large number of local human rights committees. It should also work with CSOs more strategically, using its grant program and other civil society initiatives to further specific HRP program goals relating to the violation of “first generation human rights.”³

Developing a New Labor Component within USAID's Human Rights Program

³ The concept of “first generation rights” is often used to delineate the core rights outlined in the Universal Declaration of Human Rights, most notably in Article 3 that refer to “the right to life, liberty and security of person,” as well as political and civil rights outlined in the International Covenant on Civil and Political Rights. “Second generation rights” often refer to those rights enumerated in the International Covenant on Economic, Social and Cultural Rights. So-called “third generation rights,” around which there is little consensus, refers to newer rights discussed in key international treaties on the environment, development and other such issues.

The best approach to address the issue of violence against unionists is to focus on strengthening unions and union activity and increase public awareness of the crucial role of labor within a democratic society. At present, union activity has little institutional support in Colombia. From a comparative perspective, union rights and supportive legislation are weak, and union members live with a degree of threats and intimidation rarely found in other countries.

In response to this issue, the state has taken measures to protect at-risk union members, primarily through two programs: (1) a special Protection Program for union members within the MIJ's Protection Program and; (2) the creation of a specialized unit of prosecutors in the Attorney General's office (*Fiscalía General de la Nación*.)

These are important steps and should be continued and strengthened through existing USAID programs. Their impact, however, will be greatly augmented through a concerted effort by labor activists and their allies to promote union rights as an essential democratic right, within a more general right of association. We believe that these types of effort can help reduce violence against unionists.

The new HRP labor component should therefore focus on the following issues and activities:

- Forums with business, specialized interest groups, GOC, State Entities, universities and labor (blue collar and white collar, unionized and not unionized) on the protection and promotion of workers and unions and on the right to free association.
- Workshops, seminars and programs with the union sector on recent developments in labor across the globe, including trends toward transnational organizing.
- Special programs working with business and trade associations on labor and union rights in a globalized economy and democratic society.

USAID should develop these initiatives using principles and recommendations approved by the International Labor Organization. The new labor project should be situated within the Human Rights Program's civil society program component, yet should also be cross-cutting and integrated with the areas of protection, prevention and public policies.

USAID's Human Rights Program is among the most important initiatives of the United States in Colombia. This evaluation underscores the program's accomplishments and limits. It also provides recommendations that, if implemented, could contribute to greater effectiveness, and, it is hoped, an even more enduring impact on the situation of human rights in Colombia.

I. INTRODUCTION

Over the past nine years, USAID has developed the largest and most consequential U.S. human rights program in the world as part of the U.S. assistance program known as Plan Colombia. The program was developed and implemented with the input and participation of human rights activists, academics, Colombian authorities and a broad and diverse cross-section of Colombian civil society. It was designed to prevent human rights violations, protect vulnerable groups and communities, and increase the capacity of state agencies and civil society organizations to confront human rights challenges. In 2006, USAID launched a second phase of the program, expanding the program to reflect the changing circumstances of the conflict on the ground, most notably, the country's enhanced security policies and the government's unprecedented program of demobilizing more than thirty thousand paramilitary forces.

The new focus continues and in many cases expands and deepens the work begun in Phase I in the areas of prevention, protection and assistance to state, government and civil society institutions and also has put into place a strategy to "nationalize" these efforts through greater Colombian responsibility in financing, integration and implementation of specific program goals. Phase II has also expanded into new areas such as assisting the government, state agencies, civil society and victims' groups in the search for truth, accountability and justice after decades of conflict. Moreover, the program is poised to launch a few major new initiatives, including: (1) working with labor unions to increase their organizational capacity, effectiveness and societal outreach as part of a comprehensive effort to stem the violence directed against unionists; (2) assisting civil society groups to monitor implementation of the Ministry of Defense's recently enacted human rights policy for the armed forces, a program that is being instituted with the cooperation of the Ministry of Defense; and (3) increased assistance to the Inspector General's Office (*Procuraduría General de la Nación*, "IGO"), an independent state control agency charged with overseeing the conduct of state officials.

The report describes the objectives of the evaluation, the methodology used, and the conditions under which—and the context in which—the USAID Human Rights Program ("HRP") operates. It then offers conclusions and recommendations.

PURPOSE OF THE EVALUATION

Just over two years into Phase II of the Human Rights Program, USAID considered it timely and important to conduct an interim evaluation. The purpose of the evaluation is to assess the progress of the program and to offer recommendations to increase its impact and effectiveness. The program is implemented by Management Sciences for Development ("MSD"), in partnership with various civil society organizations, the Government of Colombia ("GOC"), and Colombian state institutions ("State Entities") tasked with

independent oversight responsibility for human rights, including the IGO and the Human Rights Ombudsman's office (*Defensoría del Pueblo*, "HRO").⁴

More specifically, and according to the Terms of Reference, the objectives of the evaluation are to:

- Evaluate the progress made by MSD and its civil society partners, the GOC, and the State Entities vis-à-vis the program benchmarks, the requirements of the contract between MSD and USAID, and the Letters of Understanding signed between USAID and the GOC and between USAID and the State Entities;
- Evaluate the impact of the activities implemented during the first two years of Phase II of the program, along with the coordination among the project partners and coordination with other USAID, USG and other donor programs;
- Evaluate the sustainability of the program with respect to the "nationalization" or "Colombianization" of the program;
- Evaluate the cost-effectiveness of the program;
- Assess the performance monitoring systems in place and make recommendations for more effective means of verifying results;
- Provide recommendations for any changes in approach, activities, or other means to maximize the effectiveness of the program for USAID, MSD, GOC counterparts, and civil society organizations.

APPROACH AND METHODOLOGY

The approach and method for this evaluation closely follow the suggested approach outlined in the Terms of Reference. Accordingly, the observations, analysis, conclusions and recommendations are based on:

- The study of a large number of documents, including but not limited to, the following: Plan Colombia documents, USAID/Colombia 2006-2008 Strategy, USAID/Colombia Operational Plan, Human Rights Program Contract and Program Summaries, Human Rights Program Work plans (Years 1 and 2), Human Rights Program Quarterly Reports including financial reports, other Human Rights Program reports, Work plans of key implementing partners; Benchmarks in Letters of Understanding between USAID and Colombian

⁴ In Colombia, the social science distinction between "government" and "state" is part of everyday usage. In this report, Government of Colombia ("GOC") refers to the President's Office and to agencies under the control and authority of the Executive Branch. The State Entities are independent oversight bodies, not subject to Executive control, and include the Inspector General and the Human Rights Ombudsman. (Together these latter two institutions form part of what in Colombia is called the "Public Ministry (*Ministerio Público*), see Appendix).

Government and State Entities, MSI Evaluation of Colombia's Early Warning System, "Nationalization" Framework, Human Rights Program publications, reports from Human Rights Consultative Meetings in Bogota and Washington, DC, and reports and analysis developed by Colombian and US nongovernmental organizations. For a more complete list of documents reviewed and consulted, see Appendix F.

- More than a hundred interviews in Bogotá, Medellín, Eastern Antioquia, Cauca, Quibdo (Chocó) and Montería (Córdoba) with USAID; MSD; other USG officials, civil society leaders; GOC officials; state functionaries and senior officials; beneficiaries; implementing partners; HRP grantees; community leaders; victims' groups, other donor organizations and international organizations resident in Colombia; and academics. For a more complete list, see Appendix A.
- Focus groups and workshops with civil society leaders, NGOs and local officials in Bogotá and Popayan (Cauca). Regions were selected based on (1) the extent of HRP investment, (2) the diversity of human rights situations and programs, (3) the type of activities/stakeholders being evaluated, and (4) special circumstances, such as regions where the human rights situation is particularly critical and/or is a special focus of the HRP.

In analyzing effectiveness and impact for each project or activity, both at the national and regional levels, the Evaluation Team used multiple sources, never relying on a single source of information (what some methodological approaches refer to as "triangulation.") Secondary sources were checked against primary sources and almost always verified and cross-checked in multiple interviews.

Nevertheless, there is necessarily a subjective component to any evaluation that relies predominantly, though not exclusively, on qualitative analyses. In this case, the Evaluation Team has deep and long experience working on issues of human rights in Colombia and was thus able to assess and contextualize the qualitative and quantitative data in ways that, given the complexity of the Colombian situation, would have been more difficult for a less experienced team. The team leader, Marc Chernick, is a political scientist with three decades of academic research and international consulting experience on issues of human rights and conflict resolution in Colombia. Senior advisor, Jaume Guardans, is a Spanish human rights lawyer who has lived and worked in Colombia for over a decade and who has broad experience assessing human rights programs in such diverse conflict and postconflict zones as Bosnia and Congo. The other team members were Julia Bustamante, a Colombian human rights lawyer, and Nesdy Espitia, a Colombian social scientist and consultant experienced in working with Colombian NGOs and evaluating civil society initiatives. There are no known biases among the evaluators; they have broad yet diverse experiences and backgrounds that only partially overlap. What they share is a strong commitment to the idea of respecting and promoting human rights and internation-

al humanitarian law, particularly in the context of Colombia's difficult and complex political and social environment.

THE CHANGING CONTEXT AND CHALLENGING ENVIRONMENT OF HUMAN RIGHTS IN COLOMBIA

Since 2002, there has been general improvement in public order, violent crimes, citizen security and the fight against illegal armed groups in Colombia. Homicide rates have been cut in half, and kidnappings and massacres have declined significantly. The United States has assisted Colombia in these efforts through a variety of justice, governance, and other aid programs and rightfully lauds these improvements. Moreover, in the wake of a failed peace process from 1998 to 2002, the Colombian government, with U.S. assistance, began a multipronged program—Plan Patrióta—aimed at seriously weakening the FARC, ELN and other illegal armed groups. By all accounts, the FARC has been pushed back from strategic strongholds in the eastern mountains, near Bogotá. After six years the units protecting the top leadership were penetrated, leading to the deaths of two senior FARC commanders, the first such military successes in more than 40 years.

Yet despite progress in citizen security and public order, and despite major reductions in several categories of human rights violations, the situation of human rights in Colombia remains challenging. Forced internal displacements, extrajudicial killings, disappearances, sexual violence as an act of war, illegal seeding of landmines, and other violations continue at unacceptably high rates, as the Colombian government's own data as well as those of national and international human rights organizations confirm. In 2007, there were more IDPs in Colombia than anywhere else in the world, according to the United Nations High Commission for Refugees.⁵ And even as violence against trade unionists has declined in recent years, Colombia remains the most dangerous country in the world for union members.⁶ (See Appendix C.)

Who is responsible for these violations? Determining authorship is a difficult and imprecise task, and many human rights organizations and the Colombian government simply

⁵ In October 2008, Amnesty International reported that there were 270,000 victims of forced displacement in the first six months of 2008, a 41 percent increase from 2007. Amnesty International, *Colombia: 'Leave us in peace!' Targeting civilians in Colombia's internal armed conflict*.

<http://www.amnestyusa.org/document.php?lang=e&id=ENGAMR230232008>. *Acción Social*, the government agency responsible for attending the needs of IDP's places this number at 184,655 for the first 11 months of 2008. Its figures also show that 288,770 persons identified themselves to authorities in this period.

⁶ See International Trade Union Confederation, *Annual Survey of Violations of Trade Union Rights*, <http://survey08.ituc-csi.org/survey.php?IDContinent=2&IDCountry=COL&Lang=EN>. The Escuela Nacional Sindical, a Colombian labor-affiliated NGO, cites 39 unionists assassinated in 2007, down from 72 during the preceding year.

http://www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/cuaderno_20ENS_Ing.pdf.

The Ministry of Social Protection recorded 26 murders of union leaders or members, 18 of whom were teachers. The Human Rights Observatory of the Vice President's office cites 17 cases in the first six months of 2007 and 25 during the first six months of 2008.

http://www.derechoshumanos.gov.co/observatorio_de_DDHH/documentos/Indicadores/obs_indicadores_jun2008.pdf

decline to make broad generalizations. Sifting through the reports of organizations that do attempt to attribute cause and authorship only underscores the great complexity of the situation. The UNHCHR's special office in Colombia, in its annual report for 2008, concluded:

Figures on forced displacement in 2007 reveal that incidents were provoked mainly by attacks on the civilian population by FARC-EP and the ELN, by clashes between these two groups, or by clashes between these groups and law enforcement agencies... Also, in certain areas displacement was related to the presence of illegal crops, or to pressure exerted by illegal armed groups, or gangs engaged in the growing of illegal crops and drug-trafficking, or as the effect of aerial spraying.

Concerning trade unionists, the UNHCHR noted, "A number of murders and death threats against trade unionists denounced to the office in Colombia in 2007 were attributed to members of the FARC-EP, to new illegal armed groups, or to unidentified persons."⁷ The UNHCHR also noted the persistence of extrajudicial executions attributed to members of the security forces, especially members of the Army.⁸ In analyzing data on extrajudicial executions and forced disappearances, the Colombian Commission of Jurists ("CCJ"), a human rights group affiliated the International Commission of Jurists in Geneva, concluded: "In terms of responsibility of violations that occurred between July 2002 and June 2006... 14.17 percent were perpetrated directly by state agents, 60.9 percent were committed by paramilitary forces, and 24.83 percent were committed by guerrilla forces."⁹

Focus groups conducted by the Evaluation Team in four different regions of the country reveal that there is a widespread *perception* among human rights leaders, civil society organizations, NGOs and victims' associations—both among those with an affiliation with the Human Rights Program and those who have no affiliation—that the human rights situation has deteriorated in their region during the past year. This information is anecdotal. However it provides a good sense of the extraordinary difficulty and challenges that human rights defenders and NGOs face on the ground:

In Sincelejo, participants asserted that all of the violations listed above were present in the Atlantic Coast region. In one area, Montes de Maria, they stated that part of what was driving the conflict was the introduction of large-scale agricultural projects (*macrocultivos*) that have been replacing the traditional economy, as well as expropriation due to fo-reclosures and the massive purchase of land. They stated that "the apparent calm of a

⁷ *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, February 29, 2008, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G08/110/41/PDF/G0811041.pdf?OpenElement>, paragraphs 52-55, and 64-67.

⁸ *Ibid*, paragraph 21.

⁹ Colombian Commission of Jurists, *Colombia 2002-2006: Situation regarding human rights and humanitarian law* (Bogotá 2007), available at http://www.coljuristas.org/documentos/documentos_pag/CCJ%20Ingles.pdf at 2.

postconflict situation does not exist” and that there has been a process of rearming throughout the region.

Asked to elaborate, one focus group participant stated, “In terms of forced displacement, there has been a change of attitude of the armed actors. Forced displacement continues, only now displacement is occurring individually” instead involving entire communities at once, as in the past.

In Medellín, a participant noted that there “is systematic violation of human rights by all the armed actors, illegal and legal, often with complicity or because of negligence of the authorities. The civilian population often does not know its rights... and there is a fear to denounce violation because of lack of trust in the authorities.” In Popayán, the assembled group of civil society leaders focused mostly on the violence against indigenous peoples and civil society leaders. They reported extrajudicial killings, stigmatizing of activists and leaders, the forced displacement of indigenous peoples and communities from their lands, and “unfulfilled agreements” made with the government.¹⁰ In Quibdó (Chocó), the group asserted that there has been systematic violation of human rights during the past six years which has led to a weakening of civil society organizations, including Afro-Colombian and indigenous organizations. In some cases, these organizations have been unable to function and have disbanded.

When asked what has improved, everywhere the groups asserted that today there is greater awareness of human rights and a better understanding of how to denounce violations, despite the stigmatization and violence against human rights defenders. The presence of international organizations and international assistance programs such as those of USAID makes this work more possible by providing financing, networking, skills training, and legitimacy. In all regions and in general, the work of the IGO and the Human Rights Ombudsman Office was valued, along with the work of their representative at the municipal level, the *personero*. In some cases, the work of municipal and region governments also received praise. Many programs within the portfolio of the HRP, including those involving protection, early warning, civil society grants, or assistance in uncovering truth, were also singled out for praise. Other programs received criticism and suggestions for improvement. These issues are discussed in the body of the report below.

As is evident from these short excerpts from the focus groups, the USAID Human Rights Program operates in an environment that remains challenging. The U.S. assistance program has helped civil society actors better respond, has helped protect victims, and has increased the state’s capacity to prevent some violations as well as to alert key authorities before they are committed. Overall, the capacity of the state and civil society to confront the human rights crisis is greater, and the U.S. Human Rights Program has greatly contri-

¹⁰ The week before the team’s visit, an indigenous leader had been murdered. A day after the team left, on October 12, 2008, some 10,000 indigenous protesters blocked the Pan America highway to bring attention to the violence they claimed was being directed against them. The protest turned violent, leading to the deaths of two protester and approximately 90 wounded, including several members of the security forces. After marching to Cali to meet with President Uribe, the protesters then began a march to Bogotá that lasted several weeks, crossing two ranges of the Andes, finally arriving in the capital on November 24th.

buted to this improvement. The conflict remains fluid, however. Geographical regions of crisis change, as do modalities of violations and the relative strength of specific actors. The HRP must therefore continually strive to adapt to changing circumstances and to increase its overall effectiveness to prevent violations.

Human rights and international humanitarian law are not contested concepts in Colombia. Successive governments have signaled a clear commitment to respect human rights, and Colombia has signed practically all relevant international human rights and international humanitarian law treaties.¹¹ Moreover, Colombia's Constitutional Court has been bold and forceful in its rulings, demanding that state authorities adhere to international treaty obligations and expressly stating that international law takes precedence over national law. Specific rulings have addressed such issues as landmines, forced displacement, land confiscation, forced disappearances, sexual violence as an act of war, extrajudicial killings and torture. There is little ambiguity in this regard. See Appendix D.

USAID designed the Human Rights Program to assist the Colombian government to meet its own stated human rights commitments, while also strengthening civil society's role in public policy advocacy and human rights accountability. In several letters of understanding between USAID and collaborating institutions, such as the Ministry of Interior and Justice, the National Police, the Human Rights Ombudsman's Office, and the Inspector General's Office, the Colombian government has expressly welcomed this assistance and recognized the need to develop the specific human rights and IHL programs discussed in this report.

II. HUMAN RIGHTS PROGRAM, Phase II (2006-2011)

With the conclusion of Phase I, USAID/Colombia conducted broad-based consultations with governmental and civil society organizations, both in Colombia and in Washington, to obtain recommendations and feedback to guide the design of the next phase of the program.

Key objectives and programs of Phase I included:

- **Prevention:** One of the most significant programs in the area of prevention was the creation of an Early Warning System operated by the Human Rights Ombudsman Office (*Defensoría del Pueblo*) and present in most areas of conflict in the national territory, designed to alert authorities of imminent, ongoing, or potential human rights violations;
- **Response:** The program worked to develop an Inter-Institutional capacity at the highest levels of government to analyze risk analyses provided by the Ear-

¹¹ Major treaties signed and ratified by Colombia include the Universal Declaration of Human Rights, the Covenant on Civil and Political rights, the American Convention on Human Rights, the Geneva Conventions including the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), and the Rome Statute establishing the International Criminal Court (1998). See Appendix .

ly Warning System and then to emit an Early Warning to local and regional authorities accompanied by a series of recommendations, leading to the creation of CIAT (*Comité Inter-Institucional de Alertas Tempranas*, or Inter-Institutional Committee for Early Warnings);

- **Institutional Capacity:** The program worked to develop institutional capacity to confront human rights violations. It focused on the strengthening of state entities charged with overseeing the Presidential Program on Human Rights (including the Vice Presidency, the Ministry of Interior and Justice, the National Police, and civil society organizations at the national and local level;
- **Protection:** The program established an individual protection program run by the Ministry of Interior and Justice for human rights workers, defenders, and community and social leaders. It also developed the Communities-at-Risk Program, which was designed to create contingency plans and provide protection for communities living with a high risk of violence, including Afro-Colombian and indigenous communities.
- In Phase II, 2006-2011, the program aims to:
 - Consolidate, strengthen, and expand programs and achievements begun in Phase I while reforming those programs that proved to be less effective;
 - “Nationalize or “Colombianize” the programs—that is, to ensure GOC financial and political commitments to institutionalize and carry out many of the programs initiated in Phase I and Phase II.;
 - Promote greater balance in the support provided to state entities (such as the IGO and Human Rights Ombudsman Office), the GOC (such as the Vice Presidency, National Police and the Human Rights Directorate of the Ministry of Interior and Justice), and civil society organizations;
 - Promote more effective and transparent public policies relating to human rights with increased monitoring and accountability through work with both state and civil society institutions;
 - Place a greater emphasis on Afro-Colombian, indigenous populations, and women who have been affected by the armed conflict;
 - Develop a component related to the Justice and Peace Law and the search for truth, justice and reparations and the protection of fundamental rights affected by the internal armed conflict.

In addition, USAID has sought to build in regular consultations with national and international NGOs in Bogotá and Washington, DC, while more actively seeking to work with international allies. USAID also began to provide direct support to the Special Office in Colombia of the United Nations High Commissioner for Human Rights.

Phase II has opened up new initiatives in each of the areas that continue from Phase I. These include:

Prevention

- Assistance to Human Rights Unit of the National Police.
- Expanded public awareness of the Constitutional Court's decision relating human rights and international human rights law.
- Institutionalization of the Inter-Institutional Committee on Early Warnings (CIAT) charged with responding quickly and effectively to risk reports issued by the Early Warning System. Previously this had been an ad hoc committee.
- Greater coverage of the Early Warning System.

Protection

- Continued support for the Ministry of Interior and Justice (MIJ) protection program: 4,618 at-risk individuals were provided protection from 2001-2007 (122 in Phase II); 114 sites were provided hard protection, including armored walls and secure doorways, from 2001-2007 (30 in Phase II); 1,367 at-risk persons (trade unionists, journalists, political candidates and civil society leaders) benefitted from preventive security measures from 2001-2007 (1,131 in Phase II); 44 MIJ officials were prepared to be trainers on preventive security strategies in Phase II; and a mass communication campaign was implemented to orient political candidates on preventive security issues.
- Further development of the Communities-at-Risk Program, which by 2008 was operating in 10 regions that included 49 communities at risk of violence, including the development of strategic plans for protecting at-risk communities through contingency planning, training of local officials and communities in prevention strategies, and protection of vulnerable groups, rapid response projects to address principal risk factors, and psychosocial assistance.

Human Rights Public Policy

- Work with national and local officials to incorporate human rights policies in local development plans.
- Support for civil society organizations participation in the formulation of municipal development plans in the Caribbean and Pacific coasts, Antioquia, Santander and other areas.
- Support the Office of the Inspector General and the Attorney General's office (*Fiscalía General*) efforts to fight impunity.
- Development of a communications campaign to urge election candidates and voters to incorporate human rights issues in their platforms.
- Workshops (16) at the regional level to orient candidates on human rights public policy.
- Work with government and civil society organizations in an effort to find common ground on a National Human Rights Action Plan.

Strengthening Civil Society Organizations

- Award of 43 grants to civil society organizations by mid-2008 to work on issues in public policy; human rights advocacy; monitoring of the human rights situation; institutional strengthening of human rights organizations and networks, including indigenous and community councils; and efforts to combat impunity.

Promoting Victims' Rights to Truth, Justice and Reparations

- Training of a total of 210 National and Regional inspectors in the Inspector General's Office (*Procuraduría General*), 160 in their Justice and Peace Unit, on international human rights standards, particularly related to sexual crimes and crimes against minors, and on international standards of truth, justice and reparation.
- Development of procedures for victims' assistance and trained, as of August 2008, 540 regional officers and public defenders in the Human Rights Ombudsman's (*Defensoría del Pueblo*) Justice and Peace Unit on legal assistance and representation of victims.
- Training of 107 prosecutors and assistants in the Attorney General's (*Fiscalía General*) Justice and Peace Unit on victims' rights to truth, justice and reparations.
- Creation of a civil society network (15 organizations) that has provided legal and psychosocial assistance to 4307 victims.
- Training of 240 lawyers and civil society advocates on legal representation of and assistance to victims, serving a total of 600 victims for 2008.

Phase II is also more national in its geographic scope, placing emphasis on populations most affected by violence and internal conflict, both in marginalized urban sectors and rural, high-conflict zones.

OVERVIEW OF THE EVALUATION AND ANALYSIS

The Human Rights Program is well administered and has, in general, met most of its specific benchmarks and targets. Yet, despite improvements in some areas, the situation of human rights remains critical. The program's efforts to strengthen GOC and civil society prevention and protection measures, advocacy and public policy have not been able to stop the ongoing violations of human rights by illegal armed actors as well as, in some cases, by state actors as well.

Of course, no foreign assistance program can dramatically improve human rights by itself. There are too many variables beyond the control of state, civil society and international actors. What the program can do is to assist each of these sectors enhance its capacity to confront the challenges of human rights violations amid the changing landscape of a multifaceted and complex internal conflict.

As discussed in the recommendation section below, there is a need to more tightly orient the program to address the ongoing crisis, which is a crisis of “first generation rights” – involving the most egregious abuses, such as forced disappearances, forced displacement, massacres, extrajudicial killings, and sexual violence as a tactic of war – and to more closely monitor the program impact on the situation.

ORIENTING THE PROGRAM

As designed, USAID’s human rights strategy is multipronged and works with civil society groups, NGOs, GOC and state entities. Phase II has sought to better balance this relationship. For the most part, it has succeeded. The more balanced program positions USAID to more effectively use its good offices to promote dialogue and, where possible, consensus among the various sectors.

Consensus has thus far proved particularly challenging as there continues to be great tension and animosity between the government and the most prominent national-level human rights NGOs. This has been particularly evident in the frustrating experience of trying to forge a consensus on a National Human Rights Action Plan, an effort mandated by the United Nations 16 years ago as an exercise in consensus building among government and civil society actors. Developing this plan through the consultative mechanisms originally envisaged has been a major goal in both Phase I and during the first two years of Phase II. USAID has (so far unsuccessfully) attempted to bridge differences. The goal is worthy. USAID has considerable legitimacy among the multiple groups within the human rights community representing both sides. It is well-positioned to convene forums attended by diverse and representatives groups and is able to promote avenues of dialogue. USAID should continue to play this role but at present will of necessity need to lower expectations.

Finally, the program needs to build in greater flexibility. During the first two years of Phase II, from 2006 to 2008, the country witnessed the massive paramilitary demobilization followed by the subsequent proliferation of illegal armed groups. The experience demonstrates that the conflict remains quite dynamic; actors mobilize and demobilize; types of violations change, new regions are affected while violations in others diminish. The program needs to be constructed in such as ways as to be able to adapt to such changing circumstances.

To do this, the program should develop a set of indicators, parallel to the program benchmarks, which attempt to measure the overall dynamics of human rights violations in Colombia. Presently, the program measures specific performance and capacity benchmarks for state, government and civil society counterparts. The indicators we propose would *also* measure the situation of the target population.

Several institutions closely associated with the program, including the Human Rights Ombudsman’s office, CINEP, and the Vice President’s office, collect data relating to political violence, the armed conflict, and violations of HR and IHL, but these institutions are not currently tasked with supplying data to the program to be used as objective indicators. MSD, too, has an in-house capacity to monitor areas of the conflict. All of these

institutions should be charged with systematically tracking human rights violations within their areas of competence. Where feasible and appropriate, they could also be asked to conduct surveys among the victim populations.

Such an effort would provide a systematic, objective and in-house monitoring of the central dynamics of the conflict as well as the evolution of the situation of human rights in the country. It will reveal areas that are being neglected, that appear impervious to progress, as well as underscore areas and regions where the human rights situation is improving. This analysis should then be used to review and if necessary adjust the basic objectives and projects of the program. These ideas will be discussed further in the recommendations.

INDIGENOUS AND AFRO-COLOMBIAN COMMUNITIES

Most of the components of the Human Rights Program include, in some capacity, indigenous and Afro-Colombian populations that have been disproportionately represented within the larger victim population. As it develops integrated programs for vulnerable populations, USAID needs to conduct more systematic assessments on the human rights situations and needs of Afro-Colombian and indigenous populations. Thought should be given to developing special civil society programs such as is currently being developed for labor unions. The program has already begun to move in this direction. Seeing that many Caribbean and Pacific Afro-Colombian and indigenous organizations from the Caribbean and Pacific Coasts lacked enough capacity to participate in the grants program available for civil society, the program initiated a series of training programs to redress the issue. This approach should be more systematically incorporated into MSD's basic programming.

III. EVALUATION FINDINGS

PROGRAM AREA I: STRENGTHEN NATIONAL AND LOCAL CAPACITY TO PREVENT HUMAN RIGHTS VIOLATIONS

Strategic objective: Strengthen the capacity of the state, government and civil society to prevent violation of fundamental rights by improving the ability to evaluate and monitor emerging risks; implement and improve inter-institutional mechanisms for prevention; prepare contingency action plans that are viable; and disseminate this information rapidly and cost-effectively.

The HRP's prevention strategy consists of support to programs representing multifaceted strategies of prevention. The principal programs are:

- *Human Rights Ombudsman's Early Warning System (EWS)*, an innovative warning system designed to analyze imminent, gathering and structural threats of major human rights violations.
- *Inter-Institutional Committee for Early Warning (CIAT)*, an intergovernmental committee designed to provide a response mechanism to the EWS analysis of threats and potential violations. The CIAT is composed of representatives

of the Vice Presidency, Ministry of Defense, DAS (the state intelligence agency), *Acción Social* (the presidential program that provides assistance to IDPs), and the Ministry of Interior and Justice.

- Work with National Police's Human Rights Unit to integrate human rights into the training, operations and community outreach programs of the Colombian National Police.
- Other programs including support to the Human Rights Ombudsman for several projects, specifically the development and promotion of a National Human Rights Education Plan and the establishment in the HRO of an *Observatorio de Justicia Constitucional* (Constitutional Jurisprudence Watch) that makes available on-line compilations of Constitutional Court sentences dealing with fundamental rights. The *Observatorio* analyzes and categorizes rulings around specific constitutional issues: 12 themes relate to individuals subject to special protections such as children, ethnic minorities, or the internally displaced, and six themes are based on basic rights such as *habeas corpus* or the right to petition.¹²

Early Warning System - Inter-Institutional Committee for Early Warning (CIAT)

The centerpiece of the prevention program is Colombia's Early Warning System designed to prevent massive and systematic violations of human rights and international humanitarian law (IHL). Although internationally there is a growing experience of early warning systems for refugee crises, humanitarian assistance and natural disasters, as well as data collection and methodologies to monitor and provide early warnings for potential ethno-political conflict and genocide, there is no system in the world that resembles Colombia's Human Rights Early Warning System. The more developed early warning methodologies elsewhere involve NGOs and international agencies that periodically collect data and monitor events within the conflict or crisis areas.¹³ Colombia's Early Warning System is uniquely designed to prevent massive human rights violations; it is the only such system involving armed conflict that is run by the state amid the conflict rather than by an NGO or international organization.

The EWS is housed in, and is in the process of being institutionalized within, the Ombudsman's Office. It deploys an extensive team of analysts, in Bogotá and in the field, who collect and analyze data and then submit risk assessments to national authorities, ideally in real time. Its uniqueness relative to other experiences across the globe helps explain both its great potential and many of its shortcomings.

Since its initial implementation in 2001 as part of the first phase of the Human Rights Program, the EWS has successfully prevented many violations by analyzing the conflict at the local and regional levels, anticipating threats, alerting the appropriate authorities

¹² Rulings and analysis are available at: http://www.defensoria.org/?_s=oic&_es=0&_a=0. The site also makes available relevant rulings from the Inter-American Court of Human Rights.

¹³ Alex Austin, *Early Warning and The Field: A Cargo Cult Science?* (2004) http://www.berghof-handbook.net/uploads/download/austin_handbook.pdf

and implementing protective measures. According to its own assessments, in some years up to 50 percent or more of alerted violations are prevented, or at least the violations did not subsequently occur. Yet the Evaluation Team found multiple weaknesses throughout the system involving methodologies, coordination, and, at times, issues of political will and politicization. Many of these issues were identified in an evaluation of EWS-CIAT in 2004. These flaws need to be addressed, without further delay. All of these issues are discussed below.

Despite its problems, Colombia early warning system has extraordinary potential to avert major human rights violations, as demonstrated by its early successes. If its flaws are corrected, it can serve as a model for other parts of the world, though at present it is little known outside of Colombia.

Map 1
Coverage of the Early Warning System

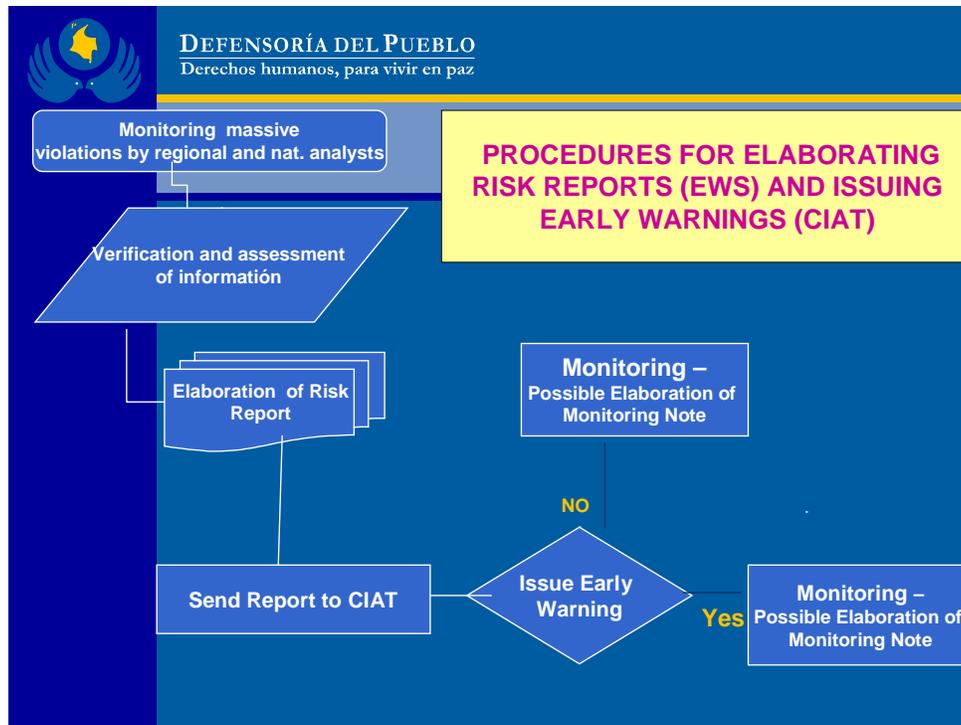


How the System Works

The EWS now has 22 regional offices and analysts (see above Map) answering to a team of six national analysts, all led by a Delegate Human Rights Ombudsman for Early Warning. The 22 regional analysts monitor conditions on the ground, together with the national analysts based in Bogotá. The entire system follows the procedures and paths of decision outlined below: regional and national analysts assess risk, and the Human Rights Ombudsman issues a Risk Report and sends it to the Inter-Institutional Committee on Early Warning (CIAT).

There are three categories of Risk Reports: (1) imminent, (2) gathering, and (3) structural. When risks are viewed to be imminent, then the EWS bypasses the CIAT and directly communicates with local authorities. Gathering Risks are sent to the CIAT for analysis and action. Structural Risk Reports are long-term studies of specific regions identifying

structural risk factors and early preventative measures that might be taken. The latter is a new category and has only recently been incorporated into the regular operation of the system. Once the EWS sends a Risk Report to the CIAT, national and regional analysts continue to monitor the situation. If conditions worsen or change, the EWS issues a Monitoring Note on the situation and sends it to the CIAT for further action. It is possible that the EWS will issue a Risk Report and several follow-up Monitoring Notes before CIAT elects to issue an Early Warning.



Once CIAT receives a Risk Report, CIAT members are asked to verify risk reports through their own institutional channels before the next meeting of the Committee. If there are pending reports, the Committee meets once a week to deliberate and make a decision on how to respond to the Risk Report and whether to issue an Early Warning. Regardless of the decision, the CIAT sends recommendations to local officials on how to address either the Risk Report or Early Warning.

Meeting Benchmarks, Accomplishments during Phase II (2006-2008)

Institutionalization

Two major goals of Phase II are to institutionalize both the EWS and CIAT and to hand over responsibility to the GOC. Since 2006, integration of the EWS into the Human Rights Ombudsman’s Office has improved, and the CIAT was established as an inter-institutional committee by decree. This decree regulated the functions of the CIAT, which included the adoption of protocols and procedures for its operations. Previously, CIAT operated as an ad hoc committee without legal standing. The decree called for the Com-

mittee to be composed of representatives from the highest levels of government, though in practice the agency heads send relatively junior officials.

From 2001 until new arrangements began in 2008, USAID assumed almost all of the costs of the program. Beginning on October 1, 2008, the Ombudsman agreed to assume 50 percent of the costs for the EWS, which will continue until September 30, 2009. The following fiscal year (Oct 2009 - Sept 2010), this budgetary responsibility will rise to 70 percent. The schedule for nationalization or *Colombianization* of the program thus represents an important step toward institutionalization.

Some have argued that the GOC's move to assume greater institutional responsibility was spurred by a ruling of the Constitutional Court (T-719 of 2004) that specifically held the government responsible for preventing human rights violations and for protecting the civilian population.¹⁴ Although this ruling was not related specifically to the EWS, it did bring renewed focus on the EWS because the Court ruling obligated the state to do everything in its power to assess risk and to prevent violations. Several other rulings and laws that reiterated the state's obligations reinforced this ruling. The Justice and Peace Law of 2005, for example, states that "there can be no repetition of violent acts" and officially mandates "programs to prevent human rights violations as a fundamental right."¹⁵ Another ruling states that governors and mayors will be held directly accountable for massive human rights violations that result from their "actions or omissions."¹⁶ Collectively these sentences and laws have created a strong legal and constitutional foundation for the work of the EWS and CIAT.

Standardizing Methodologies

The work of both the EWS and CIAT has been hampered by a lack of a consistent methodology for assessment and response. Until recently, the two components of the system had not developed systematic criteria or uniformity on what constitutes a gathering risk, or on how to assess specific violations, such as forced displacement or acts of terror. MSD contracted consultants to develop standardized methodologies; one consultant

¹⁴ See Constitutional Court sentence T 719 of 2004, which says that "when a person's ... fundamental rights, such as life or personal integrity are threatened, the state must act to prevent the harm from materializing; such action can only be preceded by a particular understanding of the diverse risk factors that surround the individual." CIAT and which mandated that, "Governors and Mayors should urgently heed the recommendations and early warnings issued by the national government, especially the Ministry of Interior and Justice, which attempt to prevent and address situations of risks that alter public order and could lead to possible violations of human rights and international humanitarian law.

¹⁵ Law 975 of 2005. A subsequent law, 1151 de 2007 authorizing the National Developing Plan 2006-2011, explicitly called for the strengthening of the Early Warning System and the CIAT and mandated that, "Governors and Mayors must urgently heed the recommendations and early warnings issued by the national government, especially the Ministry of Interior and Justice, which attempt to prevent and address situations of risk that alter public order and could lead to possible violations of human rights and international humanitarian law."

¹⁶ Decree 2862 of 2007 states that that the "Delegate Ombudsman for the Evaluation of Risk as a Consequence of the Armed Conflict should institute a national system of prevention of massive violations as a result of the armed conflict." It then goes onto say that "governors and mayors must adapt preventive measures, according to their competence, administrative capacity, and available resources or will be held accountable for their actions as a result of their actions or omissions."

works with the CIAT and two others work with the EWS. Previous consultants compellingly documented the methodological weaknesses in the EWS, explored methodologies used in other Early Warning Systems, and suggested ways in which some of the international discussion could be used to inform the work in Colombia.¹⁷ Their work was used to help develop terms of reference for contracting new consultants. When this work is completed, it should greatly increase the efficacy of the SAT. At present, the effectiveness of the SAT rests on the ability of regional analysts to identify and alert gathering and ongoing threats. Yet without a common methodology, analysts are left to develop their own criteria as to what constitutes a violation, what constitutes a gathering threat, and what is the threshold for different levels of reporting and follow-up. The result is uneven reporting across regions which weakens the authority of many of the Risk Reports and often leads the CIAT to downplay the analysis.

The CIAT, which operates in the more politicized environment of an intergovernmental committee that is composed of government and security officials, also needs to have a more systematic way to verify incoming Risk Reports. There is a need to define criteria for when Early Warnings should be issued. Once this decision is made, the CIAT must have at its disposal a broader range of responses and recommendations that can be associated with different classes of violations, threats and risks. The criteria and methodology used by both the EWS and the CIAT, when fully developed, will also need to be harmonized.

Creating Information Systems

MSD is currently working with both the EWS and the CIAT to upgrade technology and information services. A private, secure information system accessible only to the members of CIAT is being developed (*Sistema Informativo CIAT* or SICIAT). A parallel system uniting the 22 regional and national analysts was also designed (SISAT) but encountered more difficulties, in part because some of the regional offices lack connections to the Internet. This is a problem that the Human Rights Ombudsman must resolve to facilitate the implementation of a viable information system.

Need to Refocus

EWS-CIAT

The system operates in the context of an internal armed conflict that is geographically dynamic and whose central actors have evolved. When the EWS-CIAT began in 2001, the conflict witnessed a rapid expansion of paramilitary activity, steady aggression by guerrilla forces against civilian and military targets, and the increasing deployment of relatively large military units. By 2008, guerrilla forces were weakened and had largely been pushed back from the country's major cities. Large-scale military operations by guerrilla fronts had dramatically diminished and were replaced by more traditional guerrilla tactics that involve smaller, more mobile and less identifiable units. At the same time, paramilitaries went through a period of demobilization followed by the emergence

¹⁷Michael Reed Hurtado and Harvey Danilo Suárez Morales, "Informe de Valoración de las metodologías de trabajo aplicadas en el sistema de alertas tempranas (SAT) de la Defensoría del Pueblo," unpublished, 2007.

of new, illegal armed groups. In many cases, these groups operate with similar tactics and commit similar types of human rights violations as their predecessors.

The Early Warning System has great strengths, but there are also weaknesses. The *Defensoría* or Ombudsman Office is an independent control agency of the state and part of what in Colombia is called the Public Ministry (see Appendix E). Yet despite the Ombudsman's formal independence, the EWS was designed principally to warn of violations by nonstate actors and can only indirectly signal potential violations by state actors. In cases involving the state, the proper course of action is to directly alert the Inspector General's Office (*Procuraduría General de la Nación*), which investigates and take disciplinary action if necessary; this channel is not well-developed, however. The IGO is not well integrated into the actions of the EWS and does not participate in the deliberations of the CIAT.

Infractions and violations by state actors are even more problematic at the level of the CIAT. CIAT members are drawn from the government and security forces of the state (Ministry of Defense, DAS, Vice Presidents Office, Minister of Interior and Justice and *Acción Social*). Only the Ministry of Defense and *Acción Social* have an extensive network in the field. All members but particularly DAS and the Ministry of Defense are reluctant to issues warnings that they view as a negative reflection on the state and/or its ability to maintain public order, especially if the situation may involve the actions of state actors.¹⁸ As such, both the EWS and the CIAT are not designed to adequately address violations from state actors. This represents a serious shortcoming compared with the types of early warning methodologies in other conflict situations in other countries, under which all actors—state and nonstate—are monitored, and all potential and actual violations are considered.

CIAT

From the outset, there has been a lack of coordination and integration between the two component parts of the system: the EWS in the Ombudsman office and the CIAT. The CIAT often minimizes the events cited in the Risk Reports issued by the EWS, especially when its members cannot confirm the Reports' findings or when its members are divided over their contents. Members reported and the Evaluation Team observed that there is an established dynamic of alliances and divisions among the five members of the CIAT. A review of voting patterns at the level of CIAT will confirm this observation. There are two votes that are more or less open to issuing an Early Warning if the situation merits: the Ministry of Interior and Justice and the Vice President's Office. On the other side, DAS and Ministry of Defense rarely see a need to issue an early warning. In recent years, the swing vote has been held by *Acción Social*. When they ally with the other two civilian agencies, CIAT is able to respond more forcefully. When they withhold their vote, it is

¹⁸ Interviews with CIAT members, SAT analysts, and local level officials responsible for receiving the recommendations of CIAT when Risk Reports and Early Warnings are emitted (September –October 2008).

rare that an early warning will be issued. Some maneuvering seems to go on before meetings.¹⁹

Even when the Vice President's Office, *Acción Social* and the MIJ concur and an Early Warning is issued, analyses and recommendations have, until now, been principally weighted toward security and public order concerns, reflecting the strong presence of the Ministry of Defense (Army and Police) and DAS on the committee. In other words, despite the presence of the civilian agencies on the CIAT, there exists a substantial gulf between the Human Rights and International Humanitarian Law orientation of the Ombudsman's office and the public order and security orientation of the CIAT. While the Human Rights Ombudsman issues Risk Reports within the context of IHL, the CIAT principally provides responses within the framework of maintaining public order and pursuing the wider security strategy of the government.

These two spheres of public policy are not the same. A Human Rights and IHL focus seeks to protect the civilian population from the ravages of the armed conflict; a security focus seeks to implement a set of military and police strategies to maintain public order. The EWS was originally conceived as an instrument of the former. There are many other state programs designed to ensure the efficacy of democratic security and public order. The separate realms of public policy can—and should—be complementary. To be credible, however, an Early Warning Strategy for massive and systematic human rights violation must stand alone.

Indeed, military and police officials often complain that the Early Warnings divert them from their essential responsibilities and that they do not have the resources or manpower to protect every community. The concern reflects the fact that in the response function of the system, too much weight has been placed on the shoulders of the police and military and too little attention has been placed on other forms of state response. Though some security measures will almost always be necessary, other responses include establishing a broader civilian state presence within the at-risk communities, emergency assistance, state investment, or support for international or NGO assistance.

Human Rights Program of the National Police

In 2007, the USAID HRP began an ambitious project of working with the Colombian National Police as an integral part of its human rights protection program. Key objectives were to: (1) assist the Police in developing a comprehensive human rights strategy at the national and departmental levels; (2) adjust the Police's internal norms for the use of force and firearms to meet international standards; (3) increase the capacity of the Human Rights offices at National Police headquarters and in each of the 32 Departments in the country; and (4) implement a regular program of consultations with civil society organizations.

¹⁹ These observations on the voting patterns and alliances of the five CIAT members is based on interviews with CIAT members, with staff of the CIAT technical secretariat housed in the MIJ, with CIAT consultants, and with others who have had ample opportunity to observe the process over a period of time.

About the National Police

The Colombian National Police is a centralized force, responsible for policing all 32 Departments and 1,119 municipalities. There are no local or regional police forces in Colombia. The National Police is on the frontline in terms of citizen security, prevention of human rights violations and maintaining public order.

Administratively, the National Police is located within the Ministry of Defense and, perhaps more than any other state institution, has a physical presence in almost all areas of the national territory. This fact alone places the institution at the center of the armed conflict. Police officers are often the sole state representatives in conflict zones. During the 1990s when guerrilla groups had sufficient forces to temporarily take over entire towns and even small cities, the police would often be the only line of defense and received the greatest number of casualties compared with soldiers and other members of the security forces. This has abated somewhat in recent years, though the police today still represent 40-50 percent of the security forces killed in combat or assassinated as a result of the armed conflict.²⁰

Given these facts, assisting the National Police with a national human rights strategy has the potential to substantially increase the state's ability to protect the civilian population and prevent human rights violations.

Meeting Benchmarks

USAID's program with the National Police is relatively new. Yet the early signs are encouraging. At the time of our visit we observed the following accomplishments:

- A draft Strategic Plan for human rights had been completed.
- Two prominent international consultants, Susana Villarán, a former Commissioner of the Inter-American Commission of Human Rights, and Iván González, former prosecutor general for the Supreme Court of Justice, were contracted to prepare a report on international norms for the use of force and firearms and the adaptation of these standards for Colombia's National Police Force. Their findings had already begun to be incorporated in police training manuals and training programs at the time of our visit.
- Meetings have been held with civil society leaders in six regions across the country often led by Brigadier General Guillermo Aranda Leal, the Inspector General of the National Police, and other senior officials. This police initiative complements a program begun by the Early Warning System to convene local forums for protection (*mesas locales de prevención*) that bring together civil society groups, the Human Rights Ombudsman office, and local authorities, including the police.

²⁰ Ministerio de Defensa, Logros de la política de consolidación de defensa y seguridad democrática http://www.mindefensa.gov.co/descargas2/anexos/5625_Logros_de_la_Politica_de_Consolidacion_de_Defensa_y_Seguridad_Democratica_-_Power_point.ppt, p. 61

- A review of curricula for basic police training (*Escuela de Formación Policial*) incorporating human rights has been completed. As General Aranda, the Inspector General, stated in an interview with the Evaluation Team, “The goal is to fully integrate a human rights policy in the day-to-day operations and into all areas of police training and not have the human rights curricula simply be an additional course that stands apart from other areas of police training.”

It is of course too early to determine the success of these programs in an Interim Evaluation. Nevertheless, the commitment of senior commanders of the National Police impressed the Evaluation Team. This factor alone may be the most determinative one. According to statistics provided by the Police Inspector General’s Office, preliminary judicial investigations opened against members of the police have steadily declined in recent years, a trend beginning before USAID’s assistance was instituted. These trends reflect the seriousness of the senior leadership of the police and underscore their commitment to work with USAID to instill a genuine culture of human rights within the institution.

**Policía Nacional
Inspección General**

Human rights workers, journalists, academics, union leaders and many others continue to be threatened in Colombia as a result of the country's enduring and multipolar armed conflict. Indigenous and Afro-Colombian leaders and communities, many located in some of the most violent and conflict-prone areas of the country, have been targeted and are particularly vulnerable. Women leaders also find themselves under threat. Hundreds of individuals from these sectors continue to organize, protest and advocate for their interests and for greater pluralism and human rights. Each year, hundreds of individuals disappear or are assassinated, and hundreds of thousands are internally displaced from their homes. Without adequate protection for vulnerable individuals and communities, many social movements will be effectively silenced—through death, intimidation or involuntary exile—as the conflict continues.

Programs

Strengthening the Ministry of Interior and Justice's Protection Program

A limited strategy to physically protect selected civil society leaders was first put into place by the GOC in mid-1997. Phase I of the HRP sought to expand this program to better protect human rights advocates and union leaders and to diversify its coverage to include journalists, humanitarian relief workers, professors, threatened political leaders, and others. The strategy was two-pronged: the provision of "soft" protection (e.g., communication devices, emergency assistance services, relocation, and transportation services for those under threat) or hard protection (e.g., radio communications networks, bulletproof vests, armored protection of headquarters, armed bodyguards and armored vehicles) depending on the level of threat. For each vulnerable group, the MIJ has created a Commission of Risk Evaluation and Regulations (CRER) to analyze and address specific risks in the targeted population. Each CRER includes public authorities charged with protection, such as the National Police and DAS, oversight agencies such as Inspector's General Office, and representatives of the beneficiaries. The Protection Program is designed to address an already dangerous situation.

Phase II is oriented toward increasing the effectiveness and building the capacity of the program through training of personnel, development of strategic plans, monitoring, development of databases, development of cautionary and provisional measures, and expanding the program scope to include IDPs and victims recognized under the Justice and Peace Law.

Preventive Security Program, Self-Protection, and Decentralization

The MIJ's Human Rights Program has also initiated, with the assistance of USAID, a Preventive Security Project (PSP), aimed at providing training in prevention and self-protection among vulnerable groups. At the outset, this program was aimed particularly at labor leaders and IDPs in three regions, Valle de Cauca, Caquetá and Tolima. As of December 2007, the program had trained a total of 1,367 (1,131 in Phase II) at-risk persons (trade unionists, journalists, political candidates and civil society leaders) on preventive security measures, prepared 17 MIJ officials to be trainers on preventive security strategies, and implemented a mass communication campaign to orient political candidates on preventive security issues.

USAID is also working with the MIJ to decentralize the program and consolidate it at the Departmental and Municipal levels. The Decentralization Program aims to include a human rights perspective in every Development Plan at the department level and to implement protective and preventive measures at the regional and local levels.

The Communities-at-Risk Project (Programa de Atención a Comunidades en Riesgo - PACR)

The Communities-at-Risk Project is discussed at length below.

Meeting Benchmarks (Protection)

In Phase I of HRP, there was a considerable amount of financial assistance given to the Protection Program of the MIJ, to strengthen its operations and improve its institutional capacity.

In Phase II, and building upon the lessons learned in Phase I, the program has focused on improving GOC ability to protect individuals. The protection program has therefore evolved from financing operational capabilities and specific protection measures for individuals to giving mainly technical support for improving procedures, redesigning methodologies, and adjusting approaches to protection. As such, the benchmarks established for this program were met and include completing an assessment of processes and procedures, as well as the issuance of two decrees that extended the scope of the Protection Program to include IDPs and victims under the Justice and Peace Law. As of December 2007, the MIJ Protection Program had protected 4,618 (122 in Phase II) at-risk individuals and provided hard protection (including armored walls and secure doorways) to 114 (30 in Phase II) sites.

There have been delays with the selection of the consultants needed to redesign the Protection Program as a whole, however. The consultant who will prepare the recommendations for the renewed Protection Program for Victims under Law 975 has only recently been hired, even though his conclusions need to be ready by December [2008], according to rulings by the Constitutional Court.

With respect to the regional strengthening of the MIJ's Protection Program, the activities were aimed at developing methodologies to elaborate prevention and protection plans at the local level (*departamentos* and *municipios*). Currently these actions are only in an experimental phase. At the regional and local levels, the program is being built from scratch and is relying on lessons learned from a previous, parallel project (PACR). This is a reasonable strategy, maximizing the impact of the HRP in different areas without duplicating efforts.

The PSP promises to strengthen MIJ's Human Rights Unit in developing preventive mechanisms with its targeted population. Benchmarks for PSP have almost entirely been fulfilled. The program has trained 17 officials of the Human Rights Unit of MIJ to become trainers on preventive security. Training has also been provided to members of targeted populations with the objective that they will multiply such training within their

communities, and a media strategy to promote self-protection awareness for candidates during the 2007 local and regional elections was designed and implemented.

Impact (Protection)

The main impact of USAID's cooperation for MIJ's Protection Program took place during Phase I, when USAID's level of financial support was relatively high. In Phase II, consistent with the Human Rights Program's Colombianization strategy, USAID's financial role has decreased as MIJ undertook considerable efforts to assume the financial burden of the program. Today, USAID contributes 6 percent of the annual \$35 million budget of the Protection Program.

During the last two years, however, MSD undertook a critical technical cooperation role, designing procedures and methodologies for the Program. Differential approaches were designed according to the needs of the targeted populations and a cross-sectional gender perspective was introduced in accordance with the Constitutional Court's rulings. In particular, MSD provides direct technical assistance to the Protection Program for Internally Displaced Populations, which has its own staff. It should be noted that the CRERs have in general maintained an open and transparent relationship with participants, public entities and representatives of the beneficiaries. The Commissions have been willing to compromise and reach fair agreements on protective measures on a case-by-case basis. Nonetheless, as is discussed below, some further adjustments to the program are still necessary to address the specific circumstances of IDP's who are members of minority ethnic groups.

Adjustments also need to be made to take into account the requirements established by the Constitutional Court for victims under the Justice and Peace Law. MSD plans to hire a consultant to provide technical assistance in this area. The Inspector's General Office is currently preparing a document to be presented to the MIJ outlining the applicable changes to the law, jurisprudence and applicable doctrine, for these victims.

Continued difficulties with the program include:

- In practice, the program is often slow and unreliable. The *Level of Risk and Threat Study*, which is required to grant protective measures, continues to be beset by unnecessary, and sometimes fatal, delays, due to requirements such as the mandatory risk evaluations. In practical terms, this means that protective measures are granted long after they are requested, three months on average.
- Public officials in charge of program admission are sometimes ill-prepared to make the life and death decisions confronting them, and there are many complaints concerning the often wide disconnect between the results of the risk study and the real situation of the victims. Officials often have an insufficient understanding of the specific threats and risks facing target populations. In most cases they have had only limited exposure to or contact with the targeted communities themselves. In some cases, the way in which the study is con-

ducted is itself threatening or at least fails to acknowledge the specific needs of the victim. When asked about this, several experts expressed their doubts and opposition to the way this tool is being used, saying that generally the risk study classifies a situation as one of “minimum risk,” and thus, no protective measures are adopted. When no protective measures are adopted, human rights organizations often will step in and adopt their own measures to protect the threatened person’s life. The Program has made an effort to expedite the procedure by locating personnel in its own headquarters from DAS and the National Police dedicated exclusively to this matter. It needs to be underscored that the Constitutional Court developed the concept of constitutional risk presumption, permitting IDPs access to temporary protective measures while risk studies take place.

- As part of its technical cooperation and in accordance with its objective to adjust the processes and procedures of the Strategic Plan of the Human Rights Unit of MIJ, MSD plans to undertake a thorough evaluation of the risk studies to determine if all the appropriate variables involved are being considered.²¹ Within this same review of the Human Rights Unit, the specific criteria of each CRER will need to be evaluated. To achieve this goal, it is crucial that a differential approach is incorporated, not only based on gender, or according to what the Constitutional Court has mandated, but also according to the differences among all the different populations on which the Program focuses. This will respond to the continued requests from different social sectors about the need to take into account each population’s customs, beliefs and needs before adopting protective measures.
- The issue of a differential approach has particular relevance in the case of protective measures for indigenous and Afro-Colombian communities. Indeed, there is a great disarticulation between human rights entities, specifically MIJ’s Human Rights Unit and MIJ’s Indigenous Affairs and Afro-Colombian Affairs Units. These entities are not systematically incorporated into the process of granting individual protective measures to persons of different ethnic origin and are only occasionally invited to CRER meetings. They do not participate permanently and consistently in the CRER for internally displaced population, although there are many cases of displaced indigenous and Afro-Colombians that request protection. This is a matter that needs to be reviewed in detail, as discussed in the recommendations section of this report.
- MIJ’S Indigenous Affairs and Afro-Colombian Affairs Units work closely with the communities involved herein. The differential approach will need to be developed with their direct participation. Examples of differential protection measures include recognition of the communities’ cultural customs, consideration of the timing and scheduling, respect in many cases for attachment

²¹ An evaluation of this kind would only be able to produce recommendations given the fact that it involves different agencies that are not USAID’s counterparts on HRP. However, it would be a rather useful input for the Protection Program and would likely be appreciated by members of the different CRER.

to land (which means that relocation is not always an option), or taking into account an individual's role within the community before adopting measures. Hierarchy and beliefs must often be taken into account and respected. Experience has shown that protective measures that fail to take into account these kinds of issues in certain communities will often be ignored or inadequately used.

Tercerización

The GOC has recent begun to outsource protective services to private contractors, a process known in Spanish as *tercerización*. This is a GOC decision, yet many people involved in this program have expressed concern about it. Protected individuals were not always comfortable with state bodyguards drawn largely from DAS. They are uncertain what new risks, if any, will be incurred when this program advances. Although the HRP has no plans to work with the privatization of this program, it will be important to monitor the program's effects.

Impact (Decentralization)

At the regional and local levels, there is a very little awareness of the Government's Protection Program. This may be because the Project is working initially on training at the local level as well as using mechanisms developed by other USAID's initiatives, particularly the Communities-at-Risk Project. Although USAID's cooperation with the Protection Program has been generally successful, there still are many difficulties to overcome. It is essential that the regional program start smoothly with minor activities and evolve as it demonstrates results. These might include working with risk groups to help them assess their situation clearly and to make them better aware of risk. General workshops on self-protection would be helpful, as would be specific training on human rights and IHL. In a later phase, regions should design their own protective measures. Such a strategy will allow sufficient time to fix some of the problems at the national level before implementing them at the regional level.

Impact (Preventive Security)

Despite meeting its established benchmarks, the preventative security program's impact is still quite limited and isolated. The impact of the activities of training of trainers for civil society needs to be measured from the perspective of lessons learned. The Protection Program, with MSD support, needs to create a program of self-protection that generates enough interest to produce a multiplier effect.

During the last election, an advertising campaign was introduced that focused on self-protection measures for candidates. Neither MSD nor MIJ provided data that would have allowed the Evaluation Team to evaluate the success of the program in preventing violence against candidates. The initial campaign was limited. Nevertheless, the idea appears promising, and we would recommend that it be revisited.

MSD's primary input to the protection program today is technical assistance in developing methodologies and procedures that respond to changing protection needs. In that

sense, many of the goals of Phase I have been achieved. Yet there is a limit to how far the protection program can be expanded. Currently, the Protection Program is operating at the full extent of its capacity.

Need to Refocus

HRP's protection objective for Phase II has evolved toward a greater emphasis on developing new preventative tools and has largely handed over to the GOC its constitutional obligations to protect vulnerable individuals.

Yet this evolution should not circumvent the great need—essentially technical—to redesign and adjust many of the established protection procedures, including greater incorporation of a gender perspective and the application of a differential approach reflecting beneficiaries' needs. MSD has hired a consultant to specifically design the differential approach measures, including a gender perspective, taking into account the Constitutional Court ruling requiring such a differential approach be applied.

Sustainability

MIJ has demonstrated its commitment to institutionalizing a protection program by progressively assuming the financial burden that was once largely covered by USAID/MSD. Today USAID provides only a small amount of financial support. MIJ has consistently increased both budget and personnel to meet the program needs. It is clear that the Human Rights Unit has the requisite political support to sustain this financial commitment.

Nevertheless, a thorough review of MIJ's Human Rights Directorate is needed. Although the Protection Program has been relatively successful, it is also true that protection requests continue to increase, underscoring how serious the human rights situation continues to be in Colombia. There are simply not enough staff members to keep up with demand. As such, MIJ is forced to address only the most urgent or imminent cases. The Human Rights Unit will likely need to be redesigned to allow it to also focus on longer term goals, such as the development and implementation of a comprehensive prevention strategy that will need to be developed alongside of the protection program, gradually increasing resources toward prevention while trying to save resources previously dedicated to protection.

Cost-Effectiveness

Through the *Colombianización* (nationalization) process there is no doubt that USAID's investment on the Protection Program has obtained the expected results to justify the cooperation. Indeed, the great investment made during Phase I can be viewed today as installed capacity that was assumed almost entirely by the Government. The current cooperation has specific technical purposes that need to continue as they have demonstrated their utility and benefits to the ongoing evolution of the program.

Performance Measurement Systems

The Protection Program does not have an independent performance measurement mechanism. The Commissions of Risk Evaluation and Regulations (CRERs) follow up on

cases where protective measures were granted. However, the work of the assessors is not evaluated, and it is thus not possible to identify systematically where adjustments are needed.

Communities-At-Risk Project

The Communities-at-Risk Project (*Programa de Atención a Comunidades en Riesgo*, “PACR”) is an inter-institutional initiative designed to address the needs of communities that are particularly vulnerable to attack and human rights violations due to their location, geographical isolation, a limited state presence, the significant presence of illegal armed groups, and often the presence of illicit crops. The aim of the program is to design prevention and protection strategies built from the communities’ own experiences. The project seeks to strengthen state capacity in these areas and work with the communities to minimize risk through development of effective public policies. The program supports 10 regions and 49 specific at-risk communities through an inter-institutional working group. The Presidential Program for Human Rights and IHL, led by the Vice President’s Office, administers five of the regions, and MIJ administers the remaining five. Activities include contingency planning to prepare the community to deal with emergency and threat situations, training of local officials and communities in prevention strategies and protection of vulnerable groups, rapid response projects to address principal risk factors, and psycho-social assistance.

Meeting Benchmarks

The Communities-at-Risk Project (PACR) has faced many difficulties since its inception which are discussed below. As such, meeting benchmarks has been particularly difficult. The greatest barrier has been the division of responsibilities among two lead agencies, with key support to be provided by a host of cooperating agencies.

In HRP Phase I, PACR designed several tools establishing frameworks for planning and implementing methodologies for prevention. Results from this phase include documents outlining each participating agency’s roles and responsibilities, parameters for selecting eligible communities, baseline and structural analyses of at-risk communities, Rapid Risk Diagnosis, workshops on institutional strengthening, and Action Plans on prevention and protection.

As originally envisaged, the Human Rights Ombudsman Office’s was to design and administer the training programs for promoting prevention and protection in these communities. However, the Ombudsman did not have sufficient funds to develop a special methodology for populations with literacy difficulties, and the training was not provided. The Human Rights Ombudsman’s office has not allocated any resources to PACR, although it has provided some training through its participation in workshops for creating contingency plans.

The assessment of self-protection experiences for communities (Benchmark 2) has not been undertaken by the Ombudsman’s Office due to operational difficulties. Nevertheless, some exchange of experiences between regions has occurred.

The technical abilities to train civilian authorities and control agencies in the regions were provided during the first stage of PACR to all targeted regions. A second phase of training was postponed due to the changing of local authorities following elections in October 2007. Later, once the contents are designed, ESAP (*Escuela Nacional de Administración Pública*) will conduct training on MIJ's areas under PACR.

PACR has been included in the government's National Development Plan, with financial appropriations made by some of the participating entities. Additionally, PACR had been included in the deliberations for elaborating the Human Rights National Action Plan, discussed in the next section on Public Policies. However, institutionalization of the program has made only limited headway.

The MIJ has begun developing Action Plans for at-risk communities according to the proposed benchmark. The second institutional partner, the Vice President's Office, however, has decided to follow its own implementation model and has also elected to directly assume the cost of personnel for the project.

Probably the most significant achievement of PACR to date is the design and implementation of contingency plans and the provision of technical training. Thus far, communities have validated the methodology designed by MSD and the Colombian Red Cross (*Cruz Roja Colombiana*) for creating these plans and the benchmark of 50 percent of communities developing contingency plans by mid-2008 have been met. The contingency plans were largely developed due to the cooperation from regional agencies and the efforts of the program's inter-institutional Technical Committee, which was founded at the program's inception. Additionally, a psycho-social assistance model for PACR's targeted communities has been developed by MSD's consultants. A framework agreement is in place for this assistance to be provided by the Ministry of Social Protection, though as of yet the implementation of this program has been delayed.

The creation of three prevention forums (*mesas de prevención*) in PACR's targeted areas is still pending due to inter-institutional struggles and lack of guidelines. Moreover, its expected coordination with the Ombudsman's Early Warning System has not yet occurred.

Finally, Rapid Impact Projects (RIPs) have been implemented as prevention and protection mechanisms with some financial contribution from local agencies. These projects, which are designed by the communities, emerged as a by-product of PACR's Action Plans. They cover a wide range of community needs in areas such as health, food, leadership training, networking and strengthening of local institutions. Many RIPs have been designed and implemented or are ready to be implemented with the technical assistance from MSD.

Impact – Communities-at-Risk (PACR)

Since its design PACR has had only a limited impact, primarily because it is focused on small, targeted communities in specific, high conflict regions of the country. Nevertheless, according to the data collected, beneficiaries have a positive perception of the pro-

gram and appreciate the state's attempts to address their security and safety. The most successful aspects of this program have been community-designed human rights' prevention strategies, particularly contingency plans.

As such, at the local level where the program has been implemented, PACR is recognized—within its small radius of action—as a valuable tool for developing prevention mechanisms and methodologies for those communities. Moreover, community members and external actors alike greatly appreciate and recognize the specific actions that PACR undertakes to raise the protection standards of the Communities-at-Risk, known as Rapid Impact Projects. This perception, however, can also be attributed to the fact that these communities have long been neglected and have had only minimal, or no, presence of state institutions until the advent of PACR.

PACR has been able to develop prevention methodologies and agreement mechanisms with targeted communities through the development of an institutional presence in the regions. However, its work under Rapid Impact Projects has been isolated and is not part of an integral and comprehensive prevention strategy that goes beyond local communities.

There is a Political Committee and a Technical Committee that operates PACR. In both instances, representatives of MIJ's Human Rights Unit, the Presidential Social Action Agency (*Acción Social*), the Vice President's Human Rights and IHL Program, the Human Rights Ombudsman, and Inspector General's Office participate. As indicated, in 10 regions of the country, 49 communities had been targeted; five of the regions are managed by MIJ and the remaining five by Vice-president's Human Rights Program, both with local representatives. In addition, the Human Rights Ombudsman has delegates in the regions for PACR, paid by MSD.

At the outset of the program, it was thought that the division of responsibility would better facilitate the program's implementation, yet the division has turned out to be unmanageable. Currently, a continuing, internal struggle between the participating institutions threatens PACR. The information collected leads us to conclude that the Presidential Program of Human Rights (PPHR) and *Acción Social* are not working with the rest of the institutions and have developed a PACR strategy on their own, without articulating it with the rest of the participating institutions. MSD is no longer financing any personnel in the Presidential Program or *Acción Social* for the project and has no recent record of their activities within PACR.

Moreover, there has been a complete lack of political input and guidance from the Political Committee, which has not met since its creation. The result has been that PACR has been operating according to the subjective criteria of each institution. In practice, this means that PACR currently depends on personal rather than institutional commitments. The involvement of MSD has been a key element to prevent the project's complete collapse. Given the fact that members of the Technical Committee lack decision-making and financial authority, many actions are limited or require extraordinary involvement by MSD.

The lack of political guidance for PACR also limits the possibilities of incorporating other agencies in responding to community demands. Prevention and protection plans designed under PACR require other entities' commitment, even if they do not participate permanently in PACR. This is also true regarding local agencies' actions that are participating without adequate national-level political guidance.

The Inspector General's Office, as a member of PACR, has called attention to these difficulties many times. It considers the implementation framework involving three governmental institutions to be seriously flawed; the framework makes it extremely difficult to reach agreements and undertake concerted actions with the participating communities. This institutional reality limits the ability of the IGO to provide oversight and follow up. The Inspector General's Office has submitted a proposal to MSD calling for a reevaluation of PACR as a whole.

The lead agencies charged with implementing the Communities-at-Risk program do not share the same view of the project; each one has approached it differently. Decision-making difficulties are limiting the impact of a project that was originally designed as an experiment to move away from a sole reliance on protection strategies. The links with the Early Warning System, which should exist as a crucial prevention mechanism, have not been developed due to internal struggles within PACR. Unfortunately, PACR today has generated more questions than answers and has not been able to consolidate strategically GOC's human rights agenda. It needs to be underscored that important tools have been developed from the PACR project that could and should be used in the development of a comprehensive prevention strategy. The most important of these tools are the contingency plans and the experience developed by state actors working with these communities.

Need to Refocus

The GOC needs to redesign the Communities-at-Risk Project within a broader, more comprehensive prevention strategy with the support of USAID, MSD and its USG counterparts, integrating other prevention initiatives such as the EWS and the Self-Protection program as well as the programs and methodologies developed so far under PACR. MSD's role in this issue will be critical in providing technical assistance to develop a broader, more comprehensive prevention strategy. Ultimately, prevention is the best way to protect because the GOC cannot provide bodyguards for every individual at risk. This does not mean that protection should be left unattended, nor does it mean that at-risk communities should be denied further support. Rather the successful tools developed within the PACR, such as the contingency plans, should be used as key inputs to the development of a comprehensive protection strategy, which could still benefit the current communities. Transition from PACR to the new prevention strategy needs to be acknowledged; this means that targeted communities have to maintain the benefits, such as access to the Rapid Impact Projects (which provides specific and rapid assistance targeted specifically to the communities' needs), until a new strategy is implemented.

Sustainability

Political sustainability of PACR is provided by the decree that established it²² and also by its inclusion in the National Development Plan 2006-2010. Its plans have been disseminated to all elected mayors and governors under the Decentralization Plan, and human rights and prevention plans should be considered in all regional and local development plans.

As to strategic sustainability, MIJ and the PPHR had already incorporated PACR into their institutional action plans. There is an adequate reporting system within different areas in each agency that works on the project.

Financially, PACR is registered both by MIJ and PPHR in the National Planning Department's Projects Registry, with specific financial resources dedicated to it. MIJ is progressively assuming the financial burden of its consultants in the regions. PPHR has been doing so since January 2008.

According to MSD, for activities that are still pending, it is necessary to evaluate the consultants in the regions as well as the commitment level of PACR's beneficiaries with respect to its sustainability. This review must be done within the context of redesigning the whole Project within a more integral and comprehensive strategy.

As an inter-institutional strategy of intervention, PACR needs clear direction, which has not been present so far. This absence of clear guidance is the most critical limitation on its sustainability.

Practical difficulties, such as the separate strategies pursued by the MIJ and the PPHR, and lack of political input into the PACR from high ranking officials call into question the GOC's willingness to sustain the program without USAID's cooperation and MSD's implementation support. Several sources indicated that MSD's role has been critical in the continuance of PACR and the convening of Technical Committee meetings. MSD has been a key facilitator in all phases of the project and has participated in coordinating and undertaking concrete activities for PACR, such as in the development of contingency plans.

As the program moves to develop a more comprehensive prevention strategy, it should work toward gathering all the preventive initiatives that currently exist (e.g., regional forums, committees, and community-based prevention programs implemented by other donors). Then it should be determined which programs, specific prevention tools, and strategies have shown results and which efforts can and should be duplicated. At the same, a clear implementing strategy should be developed with clear lines of authority. Designing such a comprehensive strategy is beyond the capacity of the Evaluation Team. A designated agency, likely the MIJ, should take the lead in this task, with strong technical assistance from MSD.

²² Decree 250 of 2005.

Cost-Effectiveness

PACR needs to be redesigned because many factors are preventing it from properly functioning. The investment to date, however, should not be considered a waste of time or resources. PACR has developed many important tools and methodologies that will serve as valuable inputs in developing a new prevention strategy.

The fact that PACR has been able to bring institutions and communities together to work on common goals is in itself a great achievement that makes the cooperation worthwhile thus far. However, PACR cannot continue in current form. In the next phase, emphasis must be placed on taking advantage of the tools that already exist and the abilities and experiences that have been developed and then redirecting them toward a more robust and comprehensive national prevention strategy. With respect to the idea of community prevention, the new program would be more than a pilot program, which is what the PACR essentially is. The new strategy should be designed from the outset as a national program that could be implemented in a wide-array of communities that meet basic selection criteria, likely similar to the one's used with the PACR.

Performance Measurement Systems

PACR's difficulties are largely due to the fact that a monitoring system to assess its performance and follow up of its activities, strategies, initiatives and agenda was never created. The fact that public officials at the technical level have had to agree on all the procedures and actions of PACR has indefinitely delayed the realization of concrete results. Therefore, it is important to incorporate in the new prevention strategy a permanent monitoring system or mechanism to track the project performance as a whole, and of each institution that might have responsibilities under it. This will not prevent a role from oversight agencies such as Inspector General and the Human Rights Ombudsman.

PROGRAM AREA 3: FORMULATING HUMAN RIGHTS PUBLIC POLICIES

Strategic objective: Strengthen state, government and civil society entities at the national, departmental and municipal levels so that they can formulate and implement public policies in human rights oriented to prevent, protect and safeguard human rights in the most vulnerable populations.

The primary objectives and projects in this component seek to achieve the following:

- Work with state entities, the GOC and civil society organizations to help them collectively formulate a National Action Plan for Human Rights and International Humanitarian Law (PNA) through a process of dialogue and consensus. The GOC committed itself to developing such a plan through broad consultation and agreement at the United Nations-organized Second World Conference on Human Rights held in Vienna in 1993.
- Decentralize human rights public policy to incorporate a human rights perspective into municipal and departmental plans. This entails working closely with the MIJ

and the Presidential Program for Human Rights and International Humanitarian (PPHR) Law, administered by the Vice President.

- Strengthen the disciplinary role of the IGO in the field of Human Rights and International Humanitarian Law. This has been done through multiple efforts to clarify the IGO's role in the (disciplinary) supervision of security forces with respect to compliance with the norms of Human Rights and International Humanitarian Law.
- Support the fight against impunity through the establishment of guidelines for prosecutors (*procuradores judiciales penales*) tasked with supervising due process in criminal cases related to violations of Human Rights or International Humanitarian Law. In the same vein, the program also supports the establishment of guidelines to ensure that human rights violations are tried in civilian courts as mandated by the Constitutional Court and are not improperly referred to military courts.

Meeting Benchmarks

National Action Plan for Human Rights and International Humanitarian Law.

Important advances in the formulation of national human rights policy have been made during the preparation of the National Action Plan for Human Rights and International Humanitarian Law. This can be seen in the elaboration of documents, the inclusion of regional inputs, and the formulation of a common methodology designed to seek compromise and consensus with the major human rights organizations in civil society. On the other hand, beyond some early proposals and consultations, no advances have been made in finding common ground between the government and civil society. Discussions have broken down amid mutual recriminations, with the government continually accusing the human rights organizations of supporting a subversive agenda, and with civil society organizations accusing the government of advancing the agenda of paramilitarism. Both sides clearly need to lower their rhetoric. At the time of the evaluation, this had not yet happened and did not appear to be on the horizon.

In some areas, considerable progress was made in the original draft document, particularly those sections concerning the cluster of economic, social and cultural rights, the fight against all forms of discrimination, and the recognition of identity.

The most contentious issues, however, revolve around the cluster of rights in the original draft document of the PNA that relate to life, liberty and security of person. At issue, according to the CSOs, has been an unwillingness by the GOC to address directly or to specifically describe certain key human rights violations such as extra-judicial executions, forced disappearances, arbitrary arrests, targeted killings, freedom of expression, and freedom of affiliation; all of these violations are regularly registered in national and international human rights reports. They point out that the Special Office in Colombia of the United Nations High Commissioner for Human Rights repeatedly and explicitly has made recommendations to the GOC in its annual reports on the need to eradicate, pre-

vent, investigate, punish and make public the situations concerning these violations in Colombia.

Decentralization

In many regions, municipal and departmental development plans have begun to place greater emphasis on incorporating a human rights perspective, demonstrating clear signs of progress toward meeting the program's basic objectives. Here, as also happened with the Communities-at Risk program described in the previous section, implementation was divided between the MIJ and PPHR. Both institutions have dedicated human and financial resources toward this effort. However, the Evaluation Team observed that the MIJ has gradually acquired more experience and effectiveness in promoting this initiative than the PPHR. It is more involved in the 18 departments where it has responsibility. Both MIJ and PPHR are committed to integrating the decentralization initiative with the development of the National Action Plan. However, in the regions where the MIJ has taken the lead, it is better able work with regional or municipal human rights plans independent of the difficulties encountered. The PPHR appears to be slower and its work is more closely tied to the advance of the PNA. We believe that it would be advisable to make the MIJ the lead agency for this program.

Although there has been significant progress in incorporating human rights planning at the departmental and municipal levels, the achievements are nevertheless still quite modest. The MIJ and PPHR should make an effort to technically evaluate national, departmental and municipal teams responsible for the decentralization programs. In doing so, they should look at such issues as the content and application of international standards, the design of public policies and sector plans, and budget planning.

Observatory of Human Rights

Another initiative within this component has been USAID's support to the Human Rights Observatory in the PPHR, a program initiated in Phase I. The Human Rights Observatory tracks human rights violations, conducts regional and issue analyses relating to human rights and IHL and makes all of its findings available on its website. In January 2008, the PPHR began assuming complete responsibility for this program, including support for personnel and the provision of technical and financial support. In part, this is an example of successful *Colombianization* of the program. However, it also came about, in part, over differences in human rights reporting and criticisms from human rights and civil society organizations. The Observatory ignores certain categories of human rights violations, does not attribute responsibility, and also downplays state involvement in violations. Although these criticisms have merit, and the HRP chose to redirect its funding, it also should be noted that the Observatory has become a very important reference point for researchers and analysts, providing sophisticated maps relating to the armed conflict as well as usable and official data on many key categories of violations.

In sum, the objectives established for the first two years of this program component were realistic in terms of the need to strengthen GOC agencies in the design of human rights

policy. The efforts to facilitate greater dialogue and consensus between the GOC and civil society organizations should continue. There are obviously limits to what USAID can do here. Nevertheless, the HRP has earned credibility with both the GOC and civil society. USAID and MSD are able to talk with GOC and civil society organizations as well as convene forums where all sides will attend. They should continue to work with all sides to narrow differences and ease tensions.

Impact

The HRP has fostered greater awareness of human rights issues as a central part of public policy at all levels of government. Among the more positive consequences thus far have been the initiatives for dialogue and consultation between CSOs and local governments concerning human rights issues effecting special population groups. Such dialogue was facilitated through the provision of grants to seven CSOs, as well through initiatives begun in 25 municipalities throughout the country in coordination with the Special Office in Colombia of the UNHCHR. Nevertheless, there is insufficient communication and coordination between these initiatives at the local level and human rights public policy at the national and regional levels.

In its work with the IGO, the HRP will soon end an important phase dedicated to the preparation of concept documents and training of IGO staff in preventive, disciplinary and judicial skills to confront Human Rights and IHL violations by police and military officials. This phase has achieved its objectives; the training has taken place and the concept documents have been developed. It now needs to be followed up with a complex and longer-lasting effort to effectively put this training and conceptual orientation into practice.

In general, the greatest barrier to progress in consolidating effective public policy in human rights, especially in advancing the National Action Plan, remains the deep mistrust and skepticism on the part of CSOs toward GOC initiatives. In multiple interviews and focus groups, it became clear that this distrust results from the threats, intimidation, and violence that continues to be directed against human rights defenders and other civilian targets. Again, these are factors that USAID cannot control, though the program can continually raise awareness of the problem and to the extent that accusations of state involvement are correct, can continue to work to strengthen the capacity of the IGO to address the situation of state actors.

Need to Refocus

The GOC, with HRP support, should continue to define strategies for HR public policy formulation at both the national and regional levels. Moreover, there is a pressing need to work in areas that represent both high risks and institutional weaknesses. However, in order to successfully promote a process of formulating public policy through dialogue between civil society and local governments, there must be at least the minimum enabling social and political conditions and enough local capacity within the CSOs. Otherwise, one runs the risk of pursuing multiple initiatives with little impact. The program would like to work with some CSOs that were judged to have inadequate technical capacity to

fully engage in process of public advocacy. The HRP should provide systematic technical assistance and expertise to these CSOs so that their voices can be better incorporated into public policy debates. The HRP does attempt to provide such assistance; the question becomes one of resources. Fostering stronger networks of CSOs (discussed in the next section) and having more developed national-level CSOs “mentor” regional and local organizations, are two ways to strengthen this assistance.

With regard to the IGO training, one of the major challenges of the new phase will be whether it can be implemented nationwide, especially in rural regions, since Human Rights and IHL crimes are largely, though not exclusively, committed in the countryside. To achieve such a goal, the program will need to overcome strong centripetal inertia. Those with training will need to be deployed where the need is greatest, implementing already-developed methods and concepts. As a start, this could be done on a pilot basis, selecting departments by using criteria such as numbers of complaints and perhaps intensity of the conflict, or alternatively focusing on certain categories of violations.

Sustainability

Of the multiple projects in this component, the most problematic have been the support of the PNA and the decentralization initiatives administered by the Vice President’s office and the MIJ. Both of these institutions have been assigned responsibilities in human rights, yet there is often great difficulty in coordinating their efforts. It is recommended that in relation to their involvement with the HRP, the Presidential Program for Human Rights should focus its role in the design of GOC human rights policy and continue to take the lead role in the formulation of the PNA, while the Ministry of Interior and Justice should center its role on decentralization and implementation. Such a recommendation builds on the basic functions and institutional capacities of the two institutions. The PPHR is tasked with orienting the government and state’s general human rights policies, whereas the MIJ is responsible for implementing these policies at a national and departmental level. To fully implement this recommendation, the MIJ would need greater institutional capacity to be able to ensure a more complete national coverage. Taking the lead would facilitate the implementation of the decentralization policy. Moreover, the MIJ is well positioned to coordinate its human rights public policies at the local level with governors, mayors and other local authorities, in coordination with officials from the PPHR.

PROGRAM AREA 4: EMPOWERING CIVIL SOCIETY TO ACCOMPANY THE PROCESSES OF STRENGTHENING HUMAN RIGHTS

Strategic Objective: Strengthen the capacity of civil society networks and organizations to develop actions to prevent human rights violations and infractions of International Humanitarian Law, protection of populations at risk, and reparation of victims through accompaniment and support of vulnerable populations, dialogue with the State, and intervention in the formulation, monitoring and evaluation of public policies.

By mid-2008, the Human Rights Program had awarded 43 grants to civil society organizations to work on issues in the areas of public policy; human rights advocacy; monitoring of the human rights situation; institutional strengthening of human rights organiza-

tions and networks, including indigenous and community councils; and efforts to combat impunity. In July 2008, the program received an additional 102 proposals to consider for the upcoming year.

Meeting Benchmarks

In general terms, objectives and outcomes set out in the agreements of cooperation have been met. This component increased the number of HRP counterparts and opened up dialogue with many CSOs, including groups of vulnerable populations (indigenous, Afro-Colombians, women, victims and, to a lesser extent, persons with disabilities). The program has worked to improve capabilities in such aspects as planning, management and administration of resources. To this end, MSD provided initial training and, later, focused on strengthening local capacity through institutional accompaniment and knowledge transfer on specific issues.

Progress is clearly visible in proposals made by women's organizations for human rights policy reform. Increased capacity for policy development and articulation, organizational management, and fiscal controls were also clearly evident through the review of documentation related to the small grants program, interviews, and site visits to CSOs in Antioquia, Chocó and Cauca. In visits to these regions, we also found support and participation of sectors of civil society in the formulation of local development plans, particularly in Chocó and in Cauca. In eastern Antioquia, we talked with groups engaged in specialized studies on public policies in the area of restoration of patrimonial rights to victims, particularly the right to land.

The team also talked with groups monitoring the situation of human rights and the peace process within the scope of the Justice and Peace Law. It is here that civil society initiatives stand out, particularly from those groups that provide psycho-social and judicial assistance to victims (see next section on the rights of victims to truth, justice and reparations).

The team also witnessed some fledgling developments in the area of nontraditional rights, which involves such issues as corruption, human trafficking, corporate social responsibility, independent media and persons with disabilities. These issues and actions, however, have not been well articulated in relation to fundamental rights and the central aims of the program.

In terms of management and timely operation of the grants program, some delays are evident (an average of 2 months) in meeting goals and completing approved activities. Also, delays are evident in processes and procedures in the management of resources, specifically in disbursements and the signature of agreements by MSD. These results indicate that the established benchmarks, results, and timelines for the first two years of the program were realistic. Future benchmarks need to prioritize inter-institutional coordination and the strengthening and creation of formal and informal networks around the protection of human rights and the prevention of violations.

Impact

The HRP's civil society activities have had a modest impact, given their broad objectives to strengthen civil society capacity to promote public policy, dialogue and accountability. There has been significant progress in strengthening the capacity of civil society to promote public policy, but conditions for meaningful dialogue on human rights among CSOs, state institutions and the GOC do not yet exist and discussions on accountability thus far have not had a significant impact.

Positive effects of the civil society initiatives include: the strengthening of civil society organizations among vulnerable populations, particularly regarding the monitoring of systematic human rights violations; the construction of legislative agendas by sector; bolstering the will for dialogue with local government among certain local CSOs (as the team documented in its visits to Quibdó, Medellín, Popayán and Montería); and the legitimacy and trust that the Human Rights Ombudsman, the *Personero* and the state control agencies in general have gained among CSOs at the local and regional levels.

The process of consultations between USAID and CSOs, grassroots groups and victims' organizations has also been particularly successful. This has built goodwill for USAID and has enhanced the legitimacy of the entire program.

At the same time, among the broad range of CSOs in the regions the team visited, most which do not receive HRP support, there is little understanding and a general lack of visibility of the HRP. The Human Rights Program was often confused with other USAID and USG programs and had a much lower profile than programs of other international organizations (other embassies, United Nations programs, cooperation agencies, other donors, etc.).

Need to Refocus

There is a need to better focus the grants program to match grant recipient agendas, skills and needs with the Human Rights Program's primary objectives. At present, the distribution of grants is too diffuse, which dilutes the program's focus and impact. Similarly, the number of initiatives supported by the grant program hinders the process of monitoring and tracking projects, and thus it is not always possible to identify the contribution that each of these initiatives gives both to the area of civil society and to the program as a whole.

As such, it is recommended that the grants program focus on a few key thematic issues, such as:

- Fundamental rights (life, freedom, dignity, equality, security/protection, integrity).
- Truth, justice, reparations.
- Violence against Afro-Colombian and indigenous people.
- Sexual violence.

- Human Rights advocacy and public policy, accountability and documentation of cases.
- Landmines.

Issues such as corruption, human trafficking, reconciliation, and people with disabilities do not match the criteria suggested above, and therefore we recommend that grants in such areas be discontinued. Moreover, in a given year, the program should prioritize its initiatives and encourage grant proposals that fit program priorities.

Management of the small grants program needs to be streamlined to avoid, where possible, delays in disbursements and signing of agreements. Currently there have been delays in disbursements and in the signing of agreements that have led to an average delay in starting up projects of between two and three months. This administrative confusion and delay has weakened the impact of the program. Additionally, grant recipients have indicated that they have had difficulties in understanding the necessary administrative procedures that might expedite the process and consider them complicated and cumbersome. All of this makes it difficult to write-up the required reports, especially at the level required by USAID and MSD.

In order to avoid these delays, it is recommended that the reporting cycles be revised in ways that simplify the administrative requirements.

Additionally, MSD should consider assigning a fulltime person fulltime to work with the grantees in meeting their reporting and accounting requirements. This person should be familiar with both the procedures and requirements of USAID as well as MSD. S/he would also serve as a bridge for all administrative issues among the grant recipients, MSD and USAID. In this capacity, the person would:

- Review and simplify, as much as possible, the project requirements throughout the grant cycle.
- Design guidelines that serve a pedagogic function that can be easily understood and applied by all eligible civil society organizations, some with limited experience working with international donors and particularly with USAID.
- Establish a profile of the administrative capacity of each grantee that receives a civil society grant from USAID and design a follow-up plan to monitor its administration, accounting and application.

To better facilitate the distribution of funds, it is suggested that different types of grants be awarded with different requirements, following such criteria as: relevance to the program's objectives, financial needs of the CSO applicant, need for rapid response for small initiatives, and strengthening local capacity.

New Labor Component

The new labor project should be situated within the civil society program. Following the work of the consultants contracted by MSD, the evaluation team concurs that the best ap-

proach is to focus on strengthening unions and union activity and increase public awareness of the crucial role of labor within a democratic society. At present, union activity has little institutional support in Colombia. From a comparative perspective, union rights and supportive legislation are weak, and union members live with a degree of threats and intimidation rarely found in other countries.

In response to this issue, the state has taken measures to protect at-risk union members, primarily through two programs: (1) a special Protection Program for union members within the MIJ's Protection Program and; (2) the creation of a specialized unit of prosecutors in the Attorney General's office (*Fiscalía General de la Nación*.)

These are important steps. Their impact will be greatly augmented through a concerted effort by labor sectors and their allies to promote union rights as an essential democratic right within a more general right of association. We believe that these types of effort can help reduce violence leveled against unionists.

The labor component should therefore focus on the following issues:

- Forums should be held with the participation of business, specialized interest groups, GOC, State Entities, universities and labor (blue collar and white collar, unionized and not unionized) on the protection and promotion of workers and unions and on the right to free association.
- Workshops, seminars and programs should be conducted with the union sector on recent developments in labor across the globe, including trends toward transnational organizing.
- Special programs working with business and trade associations on labor and union rights in a globalized economy and democratic society.

PROGRAM AREA 5: PROMOTION OF THE RIGHTS OF VICTIMS TO TRUTH, JUSTICE AND REPARATIONS

Strategic Objective: To strengthen the capacity of state entities that have responsibilities for guaranteeing the rights of victims to justice, truth and reparations according to the Justice and Peace Law; and to assist victims and their organizations so that they can actively participate and have an impact on administrative, judicial and any other decisions that affect them, and so that they can follow and monitor justice and peace policies, with the goal of formulating policies to improve them.

Human Rights and IHL crimes vary depending on the specific moment of history, country, region and province. This is the case in Colombia. Unlike other cases of transitional justice, truth seeking and reparation, the conflict is ongoing and continues to threaten large sectors of the Colombian population.

USAID provides most of its support for victims through a new victims program implemented by USAID's demobilization and reintegration (DR) office. The victims work un-

der the Human Rights Program complements the larger initiatives undertaken by the DR office, with IOM as the main implementer.

To support victims' search for truth and justice—to assist them in discovering what happened, where and why—it is necessary to enhance their ability to research their own cases. Phase II has provided support to NGOs and CSOs to facilitate this. This critical and timely aid should, if possible, be expanded.

Nevertheless, the research and documentation of crimes needs to come first and foremost from the state itself, and, above all, from the Prosecutor General's Office (*Fiscal General de la Nación*). The amount of work required of the prosecutors is enormous. The U.S. is already providing this institution with considerable resources. It receives government-to-government assistance (which goes directly to the national budget to improve infrastructure, etc.) and assistance from the Justice Department (OPDAT/ ICITAP). Within the Human Rights Program, USAID is providing training for prosecutors to increase their skills and make them aware of their responsibilities toward victims in Human Rights and IHL cases.

Meeting Benchmarks

Project: Strengthening the Inspector General's Office to protect the rights of victims.

A major objective of this component is to strengthen the ability of the Inspector General's Office to protect the rights of victims through the elaboration of protocols and documents. The Justice and Peace law mandated this role to the IGO. The HRP has sub-divided this into three main activities: (1) truth, memory and documentation; (2) comprehensive attention to the victims; and (3) mechanisms for civil society participation.

The first phase of the truth, memory and documentation activity consisted of the establishment of an institutional policy on the matter, together with a protocol of action. The implementation of both consists of collecting documentation that, while not necessarily useful for the judicial process, is important for keeping a record of atrocities that have occurred. The storage and preservation of the files is not done in the IGO but within specialized institutions. A first pilot phase will be conducted with the District Archive of Bogotá. The activity has not had a major delay. The second activity, "Comprehensive Attention to the Victims," was structured with a manual and a protocol that was later used in the training foreseen in the following project.

Project: Training the different branches of the IGO that may have contact with the victims.

The focus of training for different branches of the IGO has been threefold: (1) international standards of protection of victims' rights; (2) basic knowledge of victims' problems and reactions to provide the required sensibility and to better prepare legal support; and (3) training on the OIM system of property registration.²³ The Ombudsman has carried out similar work. Consistent with the objectives of the Justice and Peace Law, this activity will help improve the state's capacity to respond to the needs of victims.

²³ In Spanish, this is the *Registro Unico de Predios* RUP, or Unified Land Registry.

Project: Adjusting the protocols of the IGO's work in rural areas and establishing institutional policy on property protection

The documents related to adjusting the protocols of IGO's work in rural areas and establishing institutional policy on property protection had not yet been released at time of the Evaluation team's visit, though they were expected to be soon available. This work will guide actions related to property protection with respect to the issue of reparations and toward the prevention of forced displacement. This work is critical, should continue, and should also be disseminated through workshops and training programs for IGO officials in the field.

Project: Strengthening the Ombudsman's capabilities to give advice to victims in the framework of the Justice and Peace Law.

This project has resulted in the elaboration of a protocol to help orient the Human Rights Ombudsman better meet the needs of victims and to accompany them in the judicial process. This activity has been the basis of a program involving "comprehensive attention to the victims" related to the Justice and Peace Law that may receive financial support from USAID's demobilization and reinsertion program.

The HRO has also provided training to its professional staff to familiarize them with: (1) the Justice and Peace Law and its rules; (2) the rights of victims, especially victims of sexual crimes committed against minors and women; (3) international standards of reparation for different crimes, in line with the definitions provided by the CNRR; (4) mechanisms of property restitution; and (5) psychosocial support to victims. At present, 200 officials in this office have been trained.

The HRO, however, does not have a strong presence in rural areas where the victims are mainly located. This project will greatly depend on the capacity to provide greater training for *personeros*, the representatives of the Public Ministry (Human Rights Ombudsman's Office and Inspector General's Office) at the municipal level (see Appendix E).

Project: Civil society support to the victims to access truth, justice and reparation.

As a central part of the activity on civil society support to victims, the Human Rights Program conducted workshops with NGOs working with victims. These workshops familiarized NGOs with the Justice and Peace Law and the principles and processes for accessing reparations. The evaluation mission visited several NGOs that attended such programs; many credited the workshops for creating capacity and disseminating knowledge in this area. This work was led and carried out by CIJUS, a research center at the University of Los Andes.²⁴

The need for this training is great. NGO's and victims' strive to provided diverse assistance to victims. They try to orient and support them in search for truth, reparations and justice. But many of them do not have the resources to fully accompany them throughout the legal process. The general perception is that the work that is done is quite good, but

²⁴ http://cijus.uniandes.edu.co/proyectos/cd_justicia/cd_justicia.html

that there are too few NGOs dealing with victims and that all together there are many victims left unassisted.

Victims also have the possibility of receiving administrative, as well as judicial, reparations. The latter is only possible for those considered victims of the crimes judged under the Justice and Peace Law. However, documenting their cases often entails considerable expense, making it difficult for NGO's and victims associations to provide adequate assistance.

Project: Support for EQUITAS and access to truth and reparations

Reparations for IHL and human rights crimes are symbolic. No compensation or reparation can correct the injustice for crimes that are often unimaginable. Nevertheless, there are three major issues related to reparation in Colombia: (1) economic compensation; (2) land recovery; and (3) most importantly, recovery of remains by relatives.

Problems persist that affect the victims' ability to qualify for the (symbolic) reparation of recovering the bodies of family members. First, the opening of mass graves does not imply identification of those found there. Second, the proper management and storage of bodies or parts of bodies is essential to guarantee identification in later stages and is not always guaranteed. Third, good preservation of the unidentified bodies is also of key importance to increase the likelihood of possible identification in the years to come.

The Human Rights Program is currently addressing these issues by providing support to EQUITAS, an NGO that has a key role in identifying the weaknesses of the current system and raising the standards. Support for public institutions in this regard is provided by DOJ programs and USG forensic labs and assistance.

Need to Refocus

There are several areas where this component could provide additional assistance to strengthen its impact and its ability to assist victims. Given the existence of a separate USAID program plus other USG agencies dedicated to working in this area, the HRP should more fully orient its work to supporting civil society initiative related to peace, justice and reparations on behalf of victims. The program supporting civil society has delivered the most results and should be strengthened, particularly those programs designed to accompany victims, teach them about their rights, help them exercise such rights, and provide psycho-social and legal assistance. This CSO support should be coordinated with other international assistance in order to increase the size, expertise and number of civil society organizations dealing with victims.

Programs in the public sector should be more strategically-focused since other USG and USAID programs are already involved. Key programs to support would be: the executive secretariat of the Search Commission for Missing Persons, the implementation of the National Search Plan (NSP), and the National Registry of Disappeared Persons (National Register). The purpose of the NSP is to determine who is missing, what happened to them and where they might be located. If used properly, it could assist in determining the

scale and patterns of forced disappearances, including which population groups are victims of forced disappearances, the circumstances and socio-political context in which disappearances occur, the motives for such criminal acts, information regarding potential perpetrators, and whether state actors were involved.

The purpose of the National Registry is threefold: (1) to serve as a technical tool to assist public authorities in the creation of policies to prevent forced disappearances; (2) to serve as an effective technical tool for judicial and other institutions to access information relevant to the search for and identification of disappeared persons; and (3) to provide civil society and victims' organizations with information to advocate to the relevant authorities for policies to prevent and/or respond to acts of forced disappearance.

Brief Summary of Other Donor Support regarding Victims' Access to Truth, Justice and Reparations

Since the massive demobilization programs in 2005-6, the international community has paid much attention to the issue of victims' access to truth, justice and reparations. Key programs include the following:

- UNDP is spearheading a basket fund on transitional justice with the participation of many European countries. In addition, the European Commission is about to launch a program on transitional justice. These two are mainly dedicated to support victims' access to truth, justice and reconciliation.
- OAS/MAPP is focused on supporting demobilization and reintegration. OAS/MAPP representatives also accompany victims in the judicial process and coordinate (with the prosecutor) sessions to inform victims in rural areas of their rights. In addition, they work with the *personeros* and municipal officers in the field.
- The World Bank is supporting *Acción Social* in a project *Programa de Protección de Activos* (Asset Protection) that helps in the registration of land and assets in rural and poor areas. The program has a system that helps prevent the transmission of property in areas where forced displacement has taken place.

There is a need for greater dialogue and coordination among donors in this area to ensure that the major challenges for victims are confronted and overcome.

The tasks ahead are enormous and developments in the situation of human rights are ongoing. Each day, the number of victims increases and their geographic concentration shifts. Ongoing and future international assistance should be closely coordinated with Colombia's public institutions and civil society organizations. Developing a strategic plan in a situation where needs are constantly changing is not easy. If the current model continues, however, the risk will remain that efforts will be concentrated where the institutions have their national and regional bases rather than where the victims reside. Programs need to obtain better access to the countryside where the majority of victims live.

ADDITIONAL AREA OF HRP SUPPORT: DIRECT FUNDING TO THE SPECIAL OFFICE IN COLOMBIA OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

In 2005, the GOC was on the verge of shutting down the Office of the United Nations High Commissioner for Human Rights in Colombia due to confrontations with its representative. Nonetheless, UNHCHR survived the crisis and remains an important and critical voice on the situation of human rights in Colombia.

The GOC often denies the existence of an armed conflict even though the enduring dynamic of Colombia's violence is palpable for communities and victims. It is therefore even more essential that an authoritative, neutral international actor attempt to publicly hold the government accountable, while shedding light on the violations of all actors.

The Special Office in Colombia has developed various activities to promote respect for human rights in the country. It receives complaints, maintains a permanent dialogue with agencies and civil society representatives, gives technical assistance, promotes and disseminates respect for human rights, and conducts follow up to the recommendations that it presents in its Annual Report.

Yet for almost a year the United Nations has not appointed a permanent representative of the High Commissioner for the Special Office in Colombia, during which time the Office has been headed by a deputy. The selection of the permanent representative has been postponed several times due to the qualifications required in a newly designed profile for the job. This affects the Office's political relevance and ability to act.

In 2007, USAID awarded a grant to UNHCHR. The grant supports UNHCHR/Colombia activities that compliment USAID programs. On occasion, the two programs have come together on issues such as decentralization (for regional development plans), to work with the Global Compact in Corporate Social Responsibility, and to work with other UN agencies. For USAID, UNHCHR at times can open doors that are sometimes closed to the United States.

Until 2006, cooperation funds for Colombia's UNHCHR Office were sent to Geneva, where they were included in the general budget of the agency and then distributed among the field offices around the world. Each office prepared a report for USAID regarding the manner in which funds were used. Beginning in 2006, and pursuant to the Colombia Office's request, USAID decentralized the cooperation and directly sent the funds to Bogotá. Over time, this option generated an administrative difficulty because Colombia's UNHCHR could not directly access the funds and had to work with the UNDP. These difficulties place some strain on the cooperation.

Nevertheless, USAID's cooperation with UNHCHR in Colombia is crucial and necessary. The UN brings a highly-credible, respected, and independent voice to the issue of human rights in Colombia. UNHCHR assessments shape international assistance programs to Colombia as well as bilateral relations with several key countries.

Given the fact that cooperation with the UNHCHR Office is important for both parties, everything possible must be done to overcome the UN's administrative obstacles. After discussions with the UNHCHR Office in Colombia, the Evaluation team recommends returning to the original mechanism of sending the funds to Geneva. Although USAID would prefer to give the grants directly to the Office in Bogotá, it seems that the UN's lack of flexibility will not allow this to happen in a way that makes the cooperation useful for both USAID and UNHCHR. On the other hand, given the flexibility that USAID has shown, it might be able to send the funds to Geneva, with some sort of a prior arrangement to forward them to the Office in Colombia.

One of the issues complicating the proposed solution is that funds forwarded from Geneva can be used for regular expenses of the Colombia Office, as well as for special activities. If the funds are sent directly to the Office, however, they can only be used for special projects.

USAID's cooperation with UNHCHR in Colombia is generous. It would be advisable to restore the option of using USAID funding for the Office's ongoing expenses, particularly staff payroll. The Office's staff is its most valuable resource. Indeed, at present, the Office faces budget difficulties because of an ongoing reorganization to provide funding for other field offices around the world.

The Office informed the evaluation team that if USAID channels cooperation through Geneva, it could be conditioned both regarding specific countries and for specific projects. Otherwise, the funds might be rendered as a global sum to be distributed among different Offices all over the world.

IV. RECOMMENDATIONS

GENERAL RECOMMENDATIONS

1. Strategy

The program lacks an overall strategy that is flexible enough to adapt to a constantly changing human rights environment and that will also ensure the projects being implemented are contributing to the specific and overall goals of the program. To inform the strategy, USAID should convene a series of annual workshops with the primary stakeholders, including the GOC, state entities, civil society organizations including human rights and victims' groups, and in some cases other donors. The strategy should not replace the current goals but rather should better integrate all of them and adjust projects according to need and effectiveness in meeting objectives.

2. Indicators

A set of indicators should be developed, parallel to the program benchmarks, that better monitor the ongoing human rights situation. Indicators would be designed around the major human rights violations identified in this report (forced displacement, sexual violence, etc.) At present, the benchmarks measure increased capacity among state, government and civil society counterparts, but do not measure the impact of the project on the victim

population as a whole. The indicators we propose, therefore, do not replace the existing benchmarks; they would complement them. *A note of caution:* These indicators should not be used as indicators of success or failure of the program, since there are too many uncontrolled variables. Rather they should be used as a compass to make adjustments and rethink programs.

RECOMMENDATIONS – PREVENTION PROGRAM (EARLY WARNING SYSTEM)

3. Early Warning System

- a. The EWS needs to standardize definitions, categories and methodologies following acceptable international norms, while recognizing the great complexity and fluidity of the boundaries between armed conflict and crime in the Colombian case.
- b. The EWS is on the front lines of the conflict and is present in almost all regions. Although there is a documentation center and data specialist, at present EWS has no formal archive. Data need to be better organized and archived, as records will be essential for historical research on the conflict and for efforts to hold violators accountable.
- c. All Risk Reports should be public documents available and accessible to all concerned citizens and national and international actors. CIAT, if it so chooses, could maintain the confidentiality of its responses and recommendations, but the decision to convert a Risk Report into an Early Warning should be publicized.
- d. All Risk Reports should be sent, following a first delivery to CIAT, directly to the United Nations OCHA's Humanitarian Situation Room, to ACNUR, and to a select group of humanitarian agencies and NGOs for their evaluation. These organizations should be encouraged to verify the information and to work with CIAT and local officials in developing a rapid, nonmilitary and complementary response.
- e. The Ombudsman should automatically send copies of the Risk Report to the Inspector General's Office so that this control branch is fully informed of human rights and IHL violations in conflict zones that might involve state actors. Similarly, the IGO should be kept fully apprised of CIAT's issuance of Early Warnings and recommendations for state authorities to act in conflict zones.

4. Inter-Institutional Committee for Early Warning (CIAT)

- a. The EWS and CIAT must function as a more integrated and responsive system, using common methodologies of assessment and evaluations. The director of the EWS, as representative of the Human Rights Ombudsman, should be present at each meeting of the CIAT.
- b. CIAT needs to develop a set of protocols and criteria for determining when Risk Reports should be elevated to Early Warnings.

- c. The issuance of an Early Warning by CIAT should carry a great sense of urgency and should compel local decision-makers to prioritize specific security and civilian response measures to address the situation.
- d. The decision to forward a Risk Report to governors and mayors, without issuing an Early Warning, should be viewed with equal urgency. However, the response mechanism would be able to allow for a slightly longer time frame, which would permit local authorities to develop more coherent, integrated and enduring responses.

RECOMMENDATIONS – PROTECTION PROGRAM (GENERAL)

5. MIJ Human Rights Directorate

MIJ's Human Rights Directorate needs strengthening, particularly at the level of staffing, if it is to continue meeting the demands placed on the Protection Program as well as to address other critical programs and objectives, including decentralization, preventive security, and ultimately a new, comprehensive prevention strategy to be developed as a successor to the Communities-at Risk program. At present, the staff and resources of Human Rights Units are almost fully dedicated to the Protection Program, yet there is a pressing need to develop new initiatives. In the short term, USAID should consider providing substantially more infrastructural, logistical and personnel support to this unit so that it will be able to meet the demands and needs being placed upon it. From the outset, there should be an agreement between USAID and the MIJ to set a quick timetable for "Colombianization" to transfer financial responsibility to the GOC after two years.

6. MIJ's Human Rights Unit

MIJ's Human Rights Unit is currently scheduled for review. The HRP should provide technical assistance to this process, particularly with respect to the Protection Program. The review provides an opportunity to help rethink protection and prevention strategies and also to examine areas where problems have arisen, such as the difficulties with the *Level of Risk and Threat Study* and the differential approaches to gender, ethnic and other populations.²⁵ Given the HRP's serious commitment to a differential approach on human rights issues, the MIJ's Indigenous and Afro-Colombian Units should be better integrated with MIJ's Human Rights Unit.

RECOMMENDATIONS – PROTECTION PROGRAM (COMMUNITIES-AT-RISK PROJECT)

7. Replace Communities-at-Risk Project (PACR)

The Communities-at-Risk project needs to be reconsidered and replaced with a comprehensive prevention program and should be designed to avoid the institutional inertia and divided responsibilities that have beset the current program. The PACR should continue to operate at the regional level while the broader strategy is developed and implemented.

²⁵ It would be useful to take into consideration the document that contains the results of a thorough evaluation of the Protection Program, undertaken on 2002 by consultants under ILO's auspices: "*Evaluación del Programa de Protección a Testigos y Personas Amenazadas del Ministerio del Interior*", Bogotá, D.C., August 2nd, 2002 (document supplied by MSD, no further reference available).

To this effect, it would be advisable to establish a single governmental agency as the coordinator during the transition. That agency should be MIJ's Human Rights Unit since it is already working to keep the program going despite serious difficulties.

8. Developing a Comprehensive Prevention Program

The new strategy should incorporate all the positive aspects of PACR, such as contingency planning, preparedness training, and GOC-local consultations and coordination. The new program should be coordinated from the beginning with the Early Warning System, CIAT, the Self-Protection Program, and other established prevention programs, such as those being developed by National Police for the prevention of human rights violations of protected individuals and vulnerable communities. The Vice President's office should be fully engaged, and ideally all relevant agencies and senior officials should reach a consensus on the new strategy.

RECOMMENDATIONS – PUBLIC POLICIES AND TRUTH, JUSTICE AND REPARATIONS

9. Focus on Civil Society Support for Victims

The HRP should focus its program relating to truth, justice and reparations on its work with civil society organizations that assist victims. The program should choose a few NGOs and/or universities with which to work with the promise of relatively long mandates to create greater continuity and to develop core capacities and deep expertise in this area. The partners would be in charge of providing capacity-building support to community associations in all the relevant geographical areas where the victims are concentrated, as well as related to the relevant topics (psychological assistance, legal assistance, documentation assistance, etc.).

10. Funding for Access to Justice Programs

There is a general consensus that supporting civil society actors is a key step in guaranteeing victim's access to truth, justice and reparation. Yet it is also believed that it is difficult for victims' associations to provide professional and sustainable support to victims since they heavily depend on external funding. USAID should consider replicating in Colombia an experience used in Pakistan to provide long-lasting financial sources for access to justice programs.²⁶ This initiative would consist of creating an endowment to support civil society initiatives that assist victims in their search for truth, justice and reparation. The fund would have a legal personality on its own and would be managed by a board that might include, for example, representatives of USAID, the contractor in charge of the USAID Human Rights Program, the university community, and the human rights associations. For the endowment to produce sufficient annual revenue, the initial contribution would have to be at least \$5 million. (This would require a special endowment fundraising effort appealing to foundations, other donors and individuals with some seed money provided by USAID. It also could be created using innovative financial mechanisms such as debt for investment swaps.) A separate financial board, different from the governing board mentioned above, would be in charge of overseeing the investment portfolio. This

²⁶ A few years ago the Asian development Bank gave a grant of 350 million dollars to Pakistan to implement an ambitious justice reform program. Out of this money 25 million were given as endowment fund to invest and use its revenue for soft reform projects.

initiative could ensure the “Colombianization” of the USAID’S civil society programs and support the professionalization of key CSOs, benefiting sustainable human rights programs in Colombia.

11. Support to National Commission for Missing Persons

To support victims’ access to truth, the program should support the Technical Secretary of the National Commission for Missing Persons. At present, the protocols, manuals, guidelines and even a pilot project are already there. What is now needed is: (i) more leverage (political will) and resources to implement widespread training and assistance to all officials responsible for feeding information to the National Registry of Missing Persons in each district and region of the country; and (ii) the capacity to analyze and follow up on information from the National Registry, in short, to implement the National Plan.

12. Strengthen IGO Capacity to Support Victims

To support victims’ rights to reparation, it is important to continue and expand the work, which the current project has begun, of strengthening IGO capacity to address victims’ property claims.

13. Media Strategy

Media campaigns could encourage the participation of victims in the judicial process (not only related to the Justice and Peace Law) and enhance the fight against impunity. These campaigns would be focused on honoring the court system and the importance of denouncing violations of human rights and IHL.

RECOMMENDATIONS – CIVIL SOCIETY

The area of civil society should be viewed as strategic and critical for the success of the USAID Human Rights Program, since in practice it is cross-cutting and supports other areas of the program. To consolidate this area of the program, there is a need to foster and empower coalitions, synergies and networks that can strengthen the sector and influence human rights public policy.

14. Coordination of Grant Partners and Existing Regional Networks

USAID and MSD should continue to coordinate networks among their own grant recipients, partners and allies, both at a national and a regional level. It also should continue to build on—and more visibly support—existing regional networks among state agencies, local governments and civil society counterparts, such as the experiences with the *Mesa de Riesgo* (Risk Forum)²⁷ in Cauca, *Mesa Departamental de Desplazamiento* (Departmental Forum on Displacement) in Chocó, and a large number of local human rights committees.

²⁷ This consultative forum was launched by civil society and victims’ group inviting local and national officials as well as NGOs and international agencies to meet regularly to assess and confront the upsurge in human rights violations that began to plague Cauca in the last year.

15. Streamlining Grants Program Management

The administration of the grants program needs to be streamlined to avoid, where possible, delays in disbursements and signing of agreements. This administrative confusion and delay has weakened the impact of the program. There is a need to better focus the grants program to match grant recipient agendas, skills and needs with the Human Rights Program's primary objectives. At present, the distribution of grants is too diffuse, which dilutes the program's focus and impact. We recommend that the grants program focus on a preselected set of key thematic issues in each annual cycle related to the specific goals of the program.

RECOMMENDATIONS – NEW LABOR COMPONENT

16. Strengthen Unions and Increase Public Awareness

The best approach to address the violence against unionists, beyond the existing protection programs administered by the MIJ, is to focus on strengthening unions and union activity and increasing public awareness of the crucial role of labor within a democratic society.

The labor component should therefore focus on the following issues:

- a. Forums with the participation of business, specialized interest groups, GOC, State Entities, universities and labor (blue collar and white collar, unionized and not unionized) on the protection and promotion of workers and unions and on the right to free association.
- b. Workshops and seminars with union sectors on recent developments in labor across the globe, including trends toward transnational organizing.
- c. Special programs working with business and trade associations on labor and union rights in a globalized economy and democratic society.

17. Situate the New Labor Project within the Civil Society Program

The new labor project should be situated within the HRP's civil society program. It should be cross-cutting and integrated with the areas of protection, prevention and public policies.

APPENDICES

- A. List of Persons Interviewed: Organized Alphabetically and By Region
- B. Graph of Percentage of Violations of Specific Categories of International Humanitarian Law
- C. Percentage of Violations of Specific Categories of International Humanitarian Law reported by the Human Rights Ombudsman Office
- D. Comparative Data on Human Rights
- E. Colombia's International Treaty Obligations and Constitutional Rulings Related to Human Rights and IHL
- F. Justice Sector Chart
- G. Selected Bibliography

Appendix A: List of Persons Interviewed

1. General Guillermo Aranda, Inspector General, Colombia National Police
2. Inmaculada Arnaez, Human Rights and Justice, Spanish Agency for International Cooperation (AECID)
3. Ileana Baca, Manager, IDP Program, USAID
4. Rafael Barrios Mendivil, Human rights lawyer, Corporación Colectivo de Abogados José Alvear Restrepo
5. Juan Carlos Botero, Government Coordinator, MSD
6. Patricia Buriticá, Alianza Iniciativa Mujeres Colombianas para la Paz (IMP)
7. Rafael Bustamante, Director, Human Rights Unit, Ministry of Interior
8. Jorge Enrique Calero, Delegate Ombudsman for the Evaluation of Risk to the Civilian Population as a Consequence of the Armed Conflict; Director, Early Warning System, Defensoría del Pueblo
9. Carlos Camargo, Coordinator, Human Rights Unit, Fiscalía General de la Nación
10. Ángela Cerón, Human rights defender
11. Maria Paula, COBO, Project Manager, Human Rights Program, USAID-Colombia
12. Tomás Concha, Vice Ddirector of the Human Rights Program, Vice Presidency of Colombia.
13. Carlos Cortés, Director, Fundación Libertad de Prensa
14. John, Creamer, Political Officer, United States Embassy
15. Jorge Cubides, Director, Inter-Institutional Group for Human Rights and Delegate to the Search Commission for Missing Persons, Fiscalía General de la Nación
16. Gloria Florez, Director, Corporación Minga-Liga Internacional de Mujeres para América Latina (Limpal Colombia)
17. Olga Lucia Gaitán, Coordinator for State initiatives, MSD
18. Iván Mauricio Gaitán, Officer, United Nations Office for the Coordination of Humanitarian Affairs
19. Fernando Gaitán Peña, Director of Statistics and Indicators, Early Warning System, *Defensoría del Pueblo*
20. Gustavo Gallón, Director, Colombian Commission of Jurists
21. Lucia Garcia, Deputy Chief of Party, MSD
22. Birgit Gerstenberg, United Nations High Commission for Human Rights
23. Natalia, Gómez, Specialist in Rural Development, World Bank
24. Gloria Gómez, Director, Association of Relatives of the Disappeared
25. Luís Gonzalez, Director, Justice and Peace Unit, Fiscalía General de la Nación
26. Liliana Guzman, Coordinator for IDP population, Protection Program, Ministry of Interior and Justice
27. José Manuel Hernandez, National Analyst, Early Warning System Defensoría del Pueblo.
28. Mauricio Hernandez Mondragón, Director, Promotion and Dissemination for Human Rights, Defensoría del Pueblo
29. Nubia Herrera, Director, Procuraduría Judicial, Procuraduría General de la Nación

30. Karin Kuhfeldt Salazar, Defensora Delegada para asuntos constitucionales, Defensoría del Pueblo
31. Camilo Leguizamó, Coordinator, Desmobilización and Reinsertion Program, Organization for International Migration
32. Patricia Linares, Director, Human Rights and Prevention, Procuraduría General de la Nación
33. Milburn Line, Chief of Party, MSD
34. Patricia Luna, Program for Promotion and Dissemination for Victims Rights, Defensoría del Pueblo
35. Régulo Madero, Commissioner, National Commission for Reparation and Reconciliation
36. Natalia Mayrga, Advisor, National Commission for Reparation and Reconciliation
37. Juan Diego Mendez Larrañaga, Technical Secretary, CIAT
38. Susana Morales, National Analyst, Early Warning System, Defensoría del Pueblo
39. Maria Camila Moreno, Program Officer, Swedish Development Agency (SIDA) Swedish Embassy
40. Sandra Moreno Peña, National Analyst, Early Warning System, Defensoría del Pueblo.
41. Pastor Elias Murillo, Director for Afro-Colombian, Raizal y Palenquera Affairs, Ministry of Interior and Justice
42. (Major) Juan Carlos Nieto, Colombian Army, Representative of the Ministry of Defense in CIAT
43. Sofia Nordenmalh, External Relations Unit, Mission to Support the Colombian Peace Process, OAS, (MAPP-OEA).
44. Rikard Nordgen, Coordinator External Relations Unit, Mission to Support the Colombian Peace Process, OAS (MAPP-OEA).
45. Stephen, Pelliccia, Senior Advisor, Democracy and Governance Programs, USAID/Colombia
46. Ricardo Penaranda, Professor, Institute of Political Studies and International Relations, National University of Colombia, Consultant for Early Warning System
47. Andrés Orlando Peña, Advisor, Pilot Project Casanare
48. Yolanda Pinto, Senator of the Republic
49. Jaime
, Civil Society Coordinator, MSD
50. Susan Reichle, Director, USAID-Colombia
51. Alejandra Rey Anaya, Advisor for Human Rights and International Humanitarian Law, Indigenous Affairs, Ministry of Interior and Justice
52. Carlos Rodriguez, Advisor, CUT-CTC Labor Confederation
53. Claudia Rojas, National Analyst, Early Warning System, Defensoría del Pueblo.
54. Adriana Rosas, Advisor, Delegate Ombudsman For Public Affairs, Defensoría del Pueblo
55. Marcela Sanchez, Director, Colombia Diversa
56. Virna Santos, U.S. Attorney, U.S. Department of Justice, OPDAT
57. Francisco Santos, Vice President of the Republic
58. Ricardo Serrano, Corporación Salud Pública

59. Harvey, Suarez, International Consultant, contracted to review Early Warning System
60. Martha Lucia Suarez, Field Representative, Proyecto Piloto de Casanare
61. Sonia Tellez, Disciplinary Director for Human Rights, Procuraduría General de la Nación
62. Jene Thomas, Director, Democracy and Governance Programs, USAID-Colombia
63. Pilar Velasquez GALLEGO, National Analyst, Early warning System, Defensoría del Pueblo.
64. Fernando White, Representative of the Vice President in CIAT
65. Gloria Florez, Director, Corporación Minga-Liga Internacional de Mujeres para América Latina (Limpal Colombia)
66. Kimberly Stanton, Director, Project Counseling Service
67. Haakon Jacob Rothing, Director, Norwegian Refugee Council – Colombia

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68. Ignacio Arango, Universidad Autónoma de Medellín
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70. Santiago Arteaga Abad, Coordinator, Regional Unit for Human Rights, Fiscalía General de la Nación
71. Jesús Balvin, Director, Strategy, Instituto Popular de Capacitación IPC
72. Benjamin, Cardona, Conciudadana
73. Blanca Nubia Carvajal, Procuradora Regional de Antioquia, Procuraduría General de la Nación, Regional Antioquia
74. Jorge William Castaño Usuga, Personería Municipal, Municipio Don Matias
75. Martha Ligia Correa Rojo, Corporación Casa de la Mujer Trabajadora, Don Matías
76. Maria Clara Espinosa Botero, Comisaría, Don Matías
77. Max Yury, Gil, Advisor, Permanent Unit for Human Rights, Personería de Medellín
78. Maria Isabel Lopez Velez, Secretary for Gender Equality, Governor's Office of Antioquia
79. Luz Amparo Mejia, Corporación Madres de la Candelaria-Linea Fundadora
80. Margarita Maria Melguizo Botero, President, City Council, Don Matías
81. Beatriz Montoya, Conciudadanía
82. Hector Eduardo Moreno, Coordinator, Unity for Justice and Peace, Fiscalía Regional de Antioquia
83. Roberto, Moreno Bedoya, Defensoría del Pueblo
84. Bertha Elizabeth, Muñoz, IMP
85. Diana Girlesa, Muñoz López, Councilman, Don Matías
86. Marcela, Peña Correa, Don Matías
87. Martha Peña, Presidente, Instituto Popular de Capacitación-IPC
88. Rocio Pineda, Secretary for Women's Equality, Mayor's Office, Medellín
89. Edilia, Rodriguez, Executive, Cerfami
90. Jose Luciano Sanin Vasquez, General Coordinator, Escuela Nacional Sindical
91. Diego Sierra, Universidad Autónoma de Medellín

92. Diego Velasquez, Representative for Attention to Communities at Risk, Governor's Office, Antioquia

QUIBDO (CHOCÓ)

93. Departmental Network of Chocoana Women (Red Departamental de Mujeres Chocoanas)
94. Jhon Francis Abadia, Personero Municipal, Quibdó
95. Patricia Cortez, Director, Office of Participation, Mayor's Office of Quibdó
96. Esterlin Londoño, Priest, Diocese of Quibdó
97. William Palomeque, Official, Mayor's Office of Quibdó

MONTERÍA (CÓRDOBA)

98. Francisco. Maceo, Territorial Coordinator, Acción Social, Governor's Office, Córdoba
99. Amparo Rivera, Procuradora Provincial for Communities at Risk, Procuraduría General de la Nación
100. Gloria Carolina Rojas, Regional Analyst for Córdoba and Sucre, Early Warning System, Defensoría del Pueblo
101. Sandra Susana Tamayo, Communities at Risk Project, Governor's Office, Montería

POPAYAN, TIMBIO AND TAMBO (CAUCA)

102. Miguel Antonio Agredo de Jesús, Secretary of Government, El Tambo, Cauca
103. Hugo Ferney Bolaños, Mayor, El Tambo, Cauca
104. Víctor, Melendez, Regional Ombudsman, Defensoría del Pueblo, Cauca
105. Marleny Munoz Diaz, Asociación de Desplazados, El Tambo
106. Mario Ordoñez, Director, Human Rights, Secretary of Government, Governor's Office of Cauca
107. Cielo Ordoñez, Acción Social, Governor's Office, Cauca
108. Mauricio Redondo Valencia, Regional Analyst, Early Warning System, Defensoría del Pueblo
109. Sebastián Silva Irragori, Secretary of Government, Governor's Office, Cauca
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6. Diego Velasquez, Coordinator, MIJ-PAC
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8. Nazly Jimenez, Madres de la Candelaria
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16. Liyineh Andrade, Lawyer, Alianza Iniciativa de Mujeres Colombianas por la Paz, IMP - Antioquia
17. Luz Amparo Mejia Garcia, Legal Representative, Corporación Madres de La Candelaria
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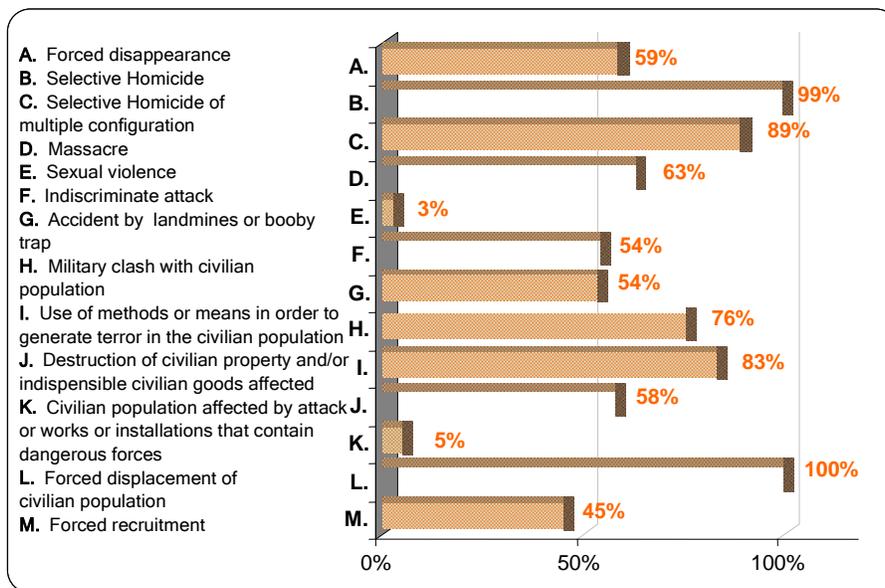
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5. Mercedes Mendez Munoz, Coordinación Departamental de Mujeres
6. Marylen Serna SalinaS, Movimiento Campesino de Cajibío
7. Francisco Bustamante Diaz, Asociación MINGA
8. Licinia Collazos Yule, Cabildo Indígena Kitek Kiwe
9. Leonilde Mestizoipia, Cabildo Indígena Kitek Kiwe
10. Bertulto Solate Idrobo, Anthoc, Cauca

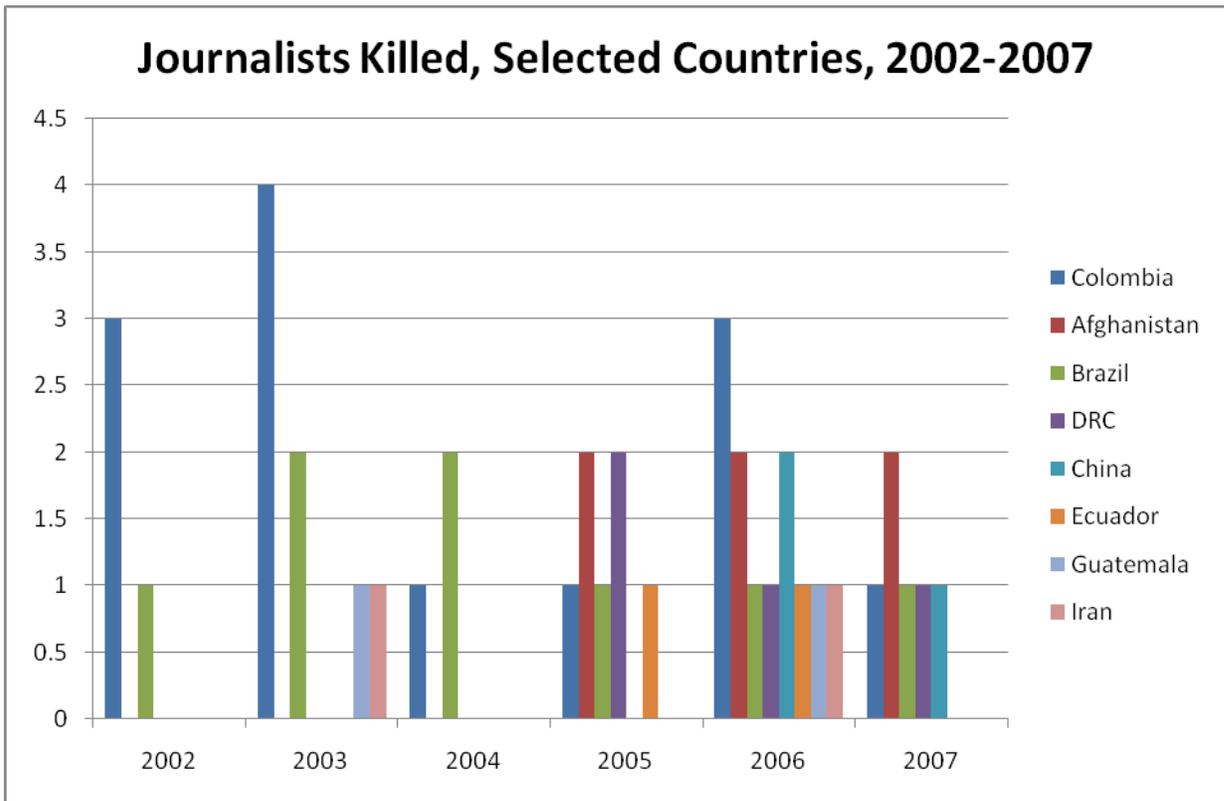
Appendix B:

Percentage of Violations of Specific Categories of International Humanitarian Law

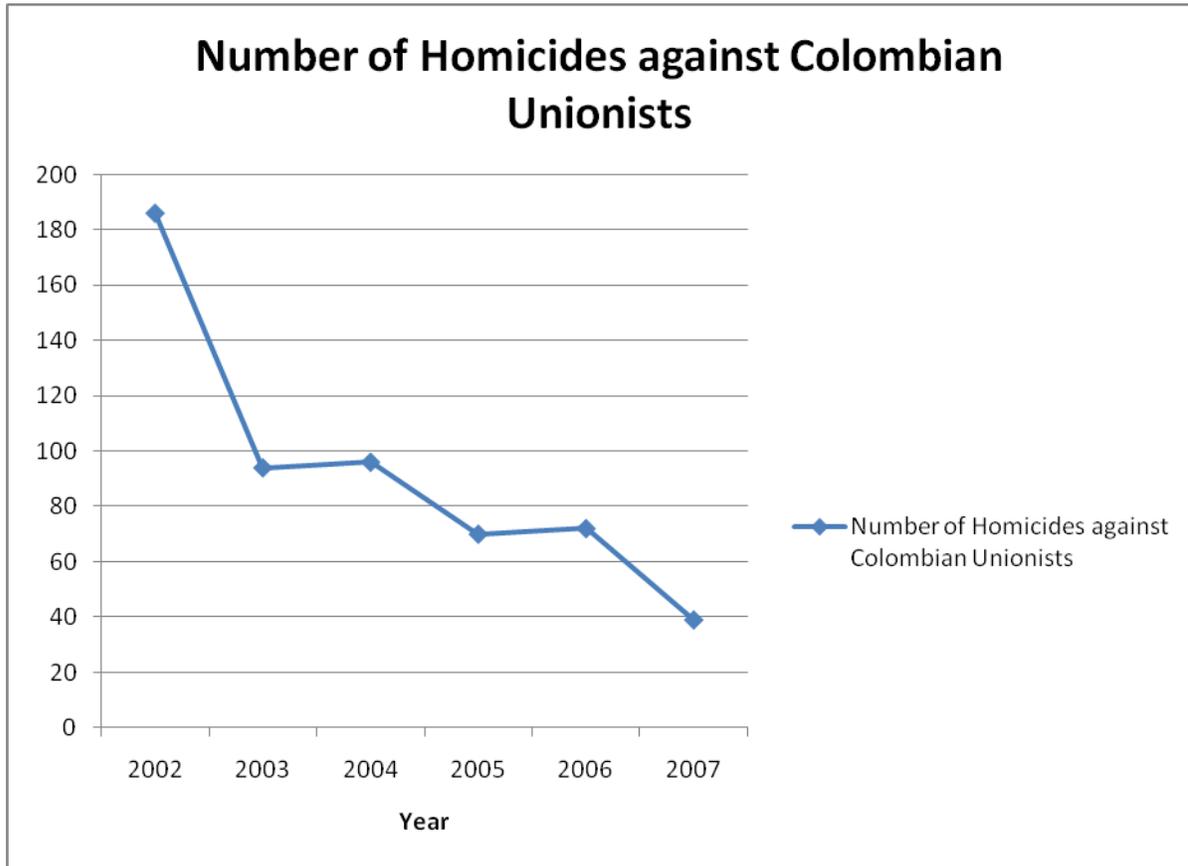
Percentage of Violations of Specific Categories of International Humanitarian Law reported in each Risk Report (*Informes de Riesgo*) or Monitoring Notes (*Notas de Seguimiento*) issued by the Human Rights Ombudsman Office (2005-2008)



Appendix C: Human Rights Data

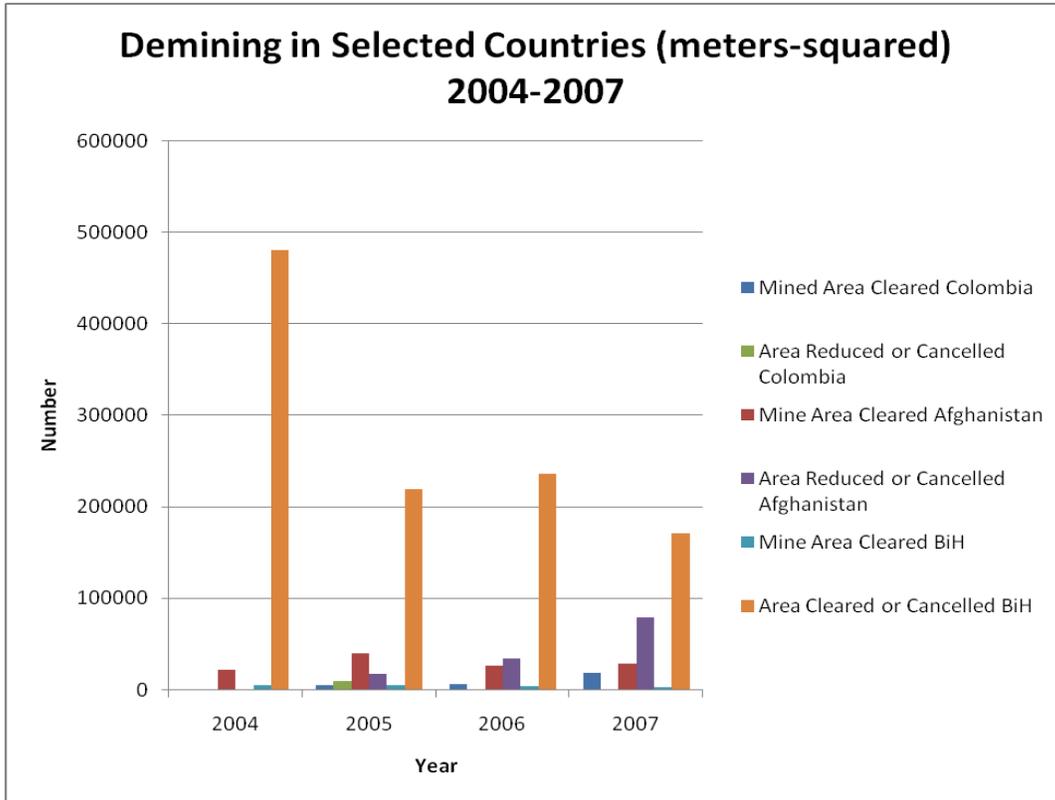


Source: Reporters without Borders, compiled from Annual Reports 2003-2008
[://www.rsf.org/rubrique.php3?id_rubrique=](http://www.rsf.org/rubrique.php3?id_rubrique=)

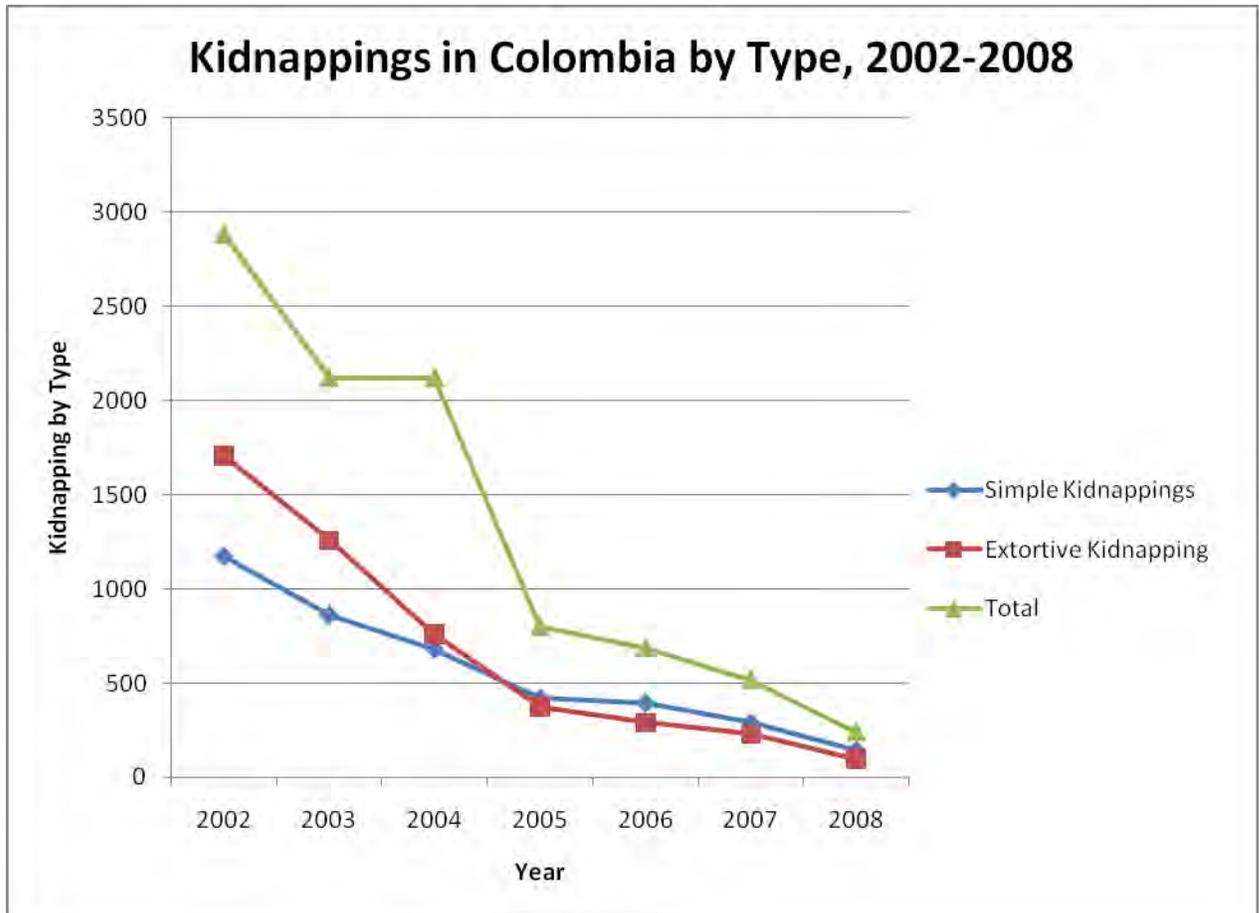


Source: Escuela Nacional Sindical

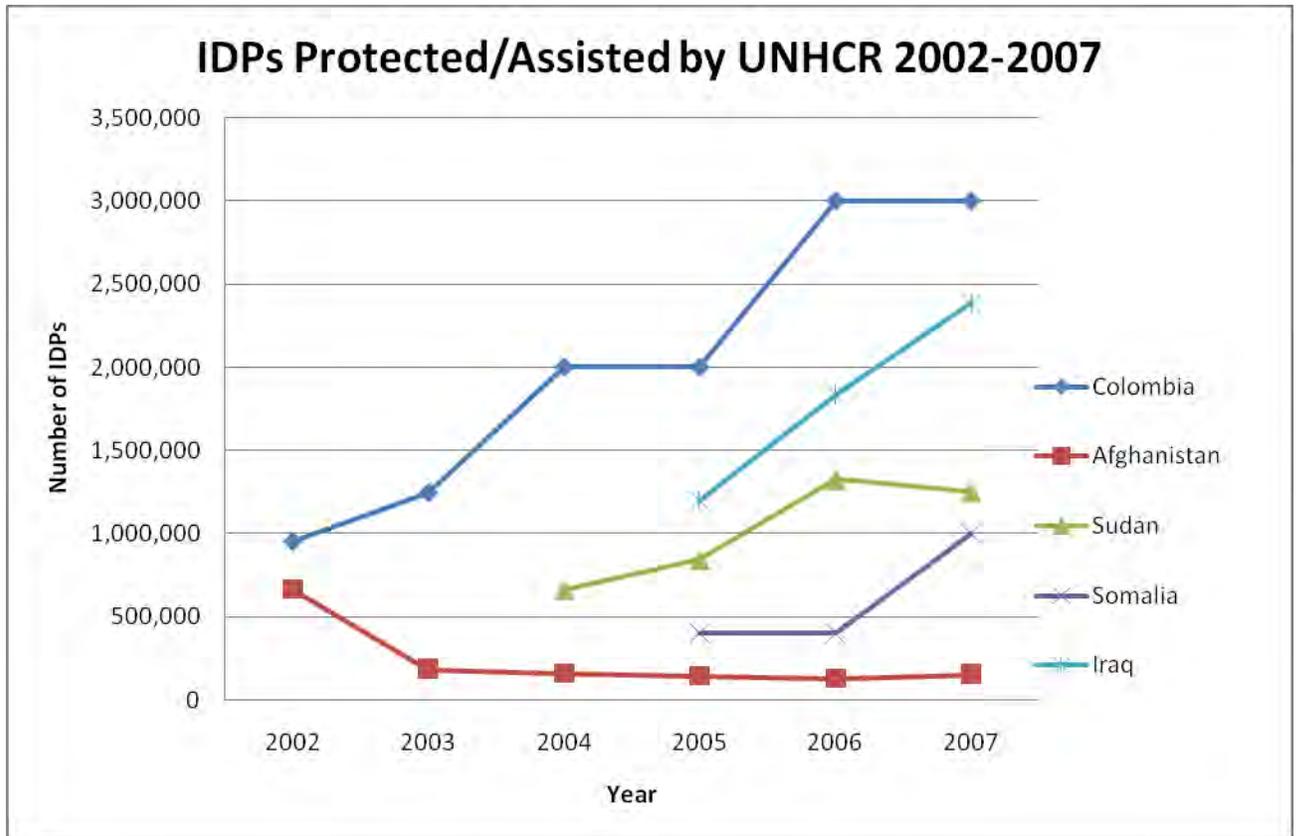
[://www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/cuaderno_20ENS_Ing.](http://www.ens.org.co/aa/img_upload/45bdec76fa6b8848acf029430d10bb5a/cuaderno_20ENS_Ing.)



Source: Landmine Monitor Graphs and 2008 Report
[://www.icbl.org/lm/2008/](http://www.icbl.org/lm/2008/)



Source: Fundacion Pais Libre, from Fuente Fondelibertad
[://www.paislibre.org/images/PDF2/estajun08.](http://www.paislibre.org/images/PDF2/estajun08)



Source: UNHCR Statistical Yearbook
[://www.unhcr.org/statistics/45c063a82](http://www.unhcr.org/statistics/45c063a82).

Appendix D:
Colombia's International Treaty Commitments and Constitutional Guarantees

Colombia has made a clear commitment to respect human rights. It has signed practically all relevant international human rights and International Humanitarian Law treaties, including, the Universal Declaration of Human Rights, the Covenant on Civil and Political rights, the American Convention on Human Rights, the Geneva Conventions including the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), and the Rome Statute establishing the International Criminal Court (1998). Moreover, Colombia's Constitutional Court has been bold and forceful in its rulings, demanding that state authorities adhere to international treaty obligations, expressly stating that international law takes precedent over national law.²⁸ In specific areas, there is little room for ambiguity, as Colombia's treaty obligations, legislation and Constitutional rulings make clear:

Landmines: Colombia was one of the original signatories of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997 Mine Ban Treaty). Before the historic passage of the treaty in Ottawa, Colombia had already passed national legislation committing the State to provide economic and social assistance for those injured by landmines.²⁹ The Mine Ban treaty was subsequently incorporated into national law.³⁰

Forced displacement and land confiscation: Colombia has signed the International Bill of Human Rights (which consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols), the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the UN Commission on Human Rights resolutions on housing and property restitution in the context of the return of refugees and internally displaced persons,³¹ on prohibition of forced evictions³², on the promotion and protection of human rights and the principles on housing and property restitution for refugees and displaced Persons as well as the explanatory notes on the Principles.³³

Nationally, the Constitutional Court has ordered the government to take the necessary steps needed to guarantee the right of restitution of property for Internally Displaced per-

²⁸ T-568 of 1999 and C-010 of 2000. The latter declares: "According to this jurisprudence, in a strict sense, human rights and international humanitarian law treaties ratified by Colombia as well as the jurisprudence of international organizations who are charged with interpreting those treaties are part of what is constitutional." ("De acuerdo con dicha jurisprudencia, del "bloque de constitucionalidad" en sentido estricto hacen parte tanto los tratados de derechos humanos y de derecho internacional humanitario ratificados por Colombia como la jurisprudencia de los órganos internacionales a cuyo cargo está la interpretación de esos tratados".)

²⁹ Law 318/1997.

³⁰ Law 554/ 2000.

³¹ UN Commission on Human Rights resolution 2003/109 of 2003.

³² UN Commission on Human Rights Resolution 2004/28 of 2004.

³³ UN Sub-commission on the Promotion and Protection of Human Rights and the Principles on Housing and Property Restitution for Refugees and Displaced Persons, Resolution 2005/21 of 2005.

sons in line with the UN referred principles.³⁴ The Constitutional Court has also endorsed emerging international norms on the State's obligation to protect its citizens from human rights violations.³⁵

Illegal detention, torture, ill treatment and forced disappearances: Colombia has subscribed to: the Geneva Conventions of 1949 (and the additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II of 1977),³⁶ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Inter-American Convention to prevent and punish torture (1985), the UN body of principles for the protection of all persons under any form of detention or imprisonment,³⁷ the Rome Statute of the International Criminal Court (ratified by Colombia in 2002), the Inter-American convention on Forced Disappearances of 1994 (ratified by Colombia the same year), and Article 12 of the Constitution and Law 589 of 2000 that condemns forced disappearance and torture. Additionally, Colombia's Constitutional Court's has specifically addressed ruled on the forced disappearances in relation to indigenous people.³⁸

Extrajudicial killings: Colombia has endorsed the United Nations General Assembly declaratory texts on the Protection of All Persons from Enforced Disappearance and the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions that urge the states to legislate in order to prevent such acts.³⁹ In compliance, Colombia directly outlawed these practices in its Criminal Code.⁴⁰ Further, Colombian Courts have moved to substantially limit the jurisdiction of the Military Courts in cases involving human rights violations committed by members of the Armed Forces and have expressly excluded extrajudicial killings from the Military Court's jurisdiction.⁴¹ After ignoring the ruling on extrajudicial killings for almost a decade, in 2005 the Armed Forces finally accepted the jurisdiction of civilian courts for these types of crimes.

Sexual Violence: Colombia formally endorsed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, sometimes described as an

³⁴ Constitutional Court Sentence T-821 of 2007. This decision built on Sentences T-025/2004 that underscored both the condition of victim of human rights violations for those persons that have been forcibly displaced as well as the government's obligation to provide special assistance.

³⁵ For emerging international norms to protect, see Patricia O'Brien, Under-Secretary-General for Legal Affairs, "'Responsibility to Protect': United Nations Torino Retreat 2008," *Int J Refugee Law*.2008; 20: 710-714. For Colombian court rulings and legislations, see Constitutional Court sentence T 719 of 2004, which states that "when a person's ... fundamental rights, such as life or personal integrity are threatened, the state must act to prevent the harm from materializing"; and Law 975 of 2005 (Justice and Peace law") which asserts "there can be no repetition of violent acts" and officially mandates "programs to prevent human rights violations as a fundamental right."

³⁶ Protocol II was recognized by Colombia through accession – the process by which states adhere to international treaties after the deadline for signatures has expired - following the passage of Law 171 on December 16, 1994.

³⁷ General Assembly resolution 43/173 of 1988.

³⁸ Sentence T-380/93.

³⁹ Resolution 44/162 of 1989

⁴⁰ Article 135 of the Colombian Criminal Code (*Código Penal*).

⁴¹ Sentence C-225 of 1995.

international bill of rights for women; the Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women, signed in Belém do Pará, Brazil in 1994; and UN Declaration for the Elimination of Violence against Women⁴²

Transitional Justice: Two laws frame the existing process of transitional justice in Colombia: the 2002 Public Order Law⁴³ and the 2005 Justice and Peace Law.⁴⁴ The former provides in effect an amnesty for individuals engaged in paramilitary or guerrilla activity or charged with organizing, supporting, or engaged in complementary activities, as long as the crimes do not rise to the level of crimes against humanity. In practice this covered most lower-ranking combatants as well as intermediate-level and senior commanders. The latter permits paramilitary or guerrilla leaders convicted of certain war crimes or crimes against humanity to receive lighter sentences in exchange for confessing all their crimes and forfeiting all illegally obtained assets.⁴⁵

In Colombia, human rights and international humanitarian law are not contested concepts. Colombia has fully accepted its constitutional and international obligations. The U.S. human rights program was designed to provide support and help build capacity in such a way as to assist the Colombian government to meet its own stated human rights commitments, while also strengthening civil society's role in public policy advocacy and human rights accountability. In several letters of understanding between USAID and collaborating institutions, such as the Ministry of Interior and Justice, the National Police, the Human Rights Ombudsman's Office, and the Inspector General's Office, the Colombian government has expressly welcomed this assistance and recognized the need to develop the specific human rights and IHL programs discussed in this report.

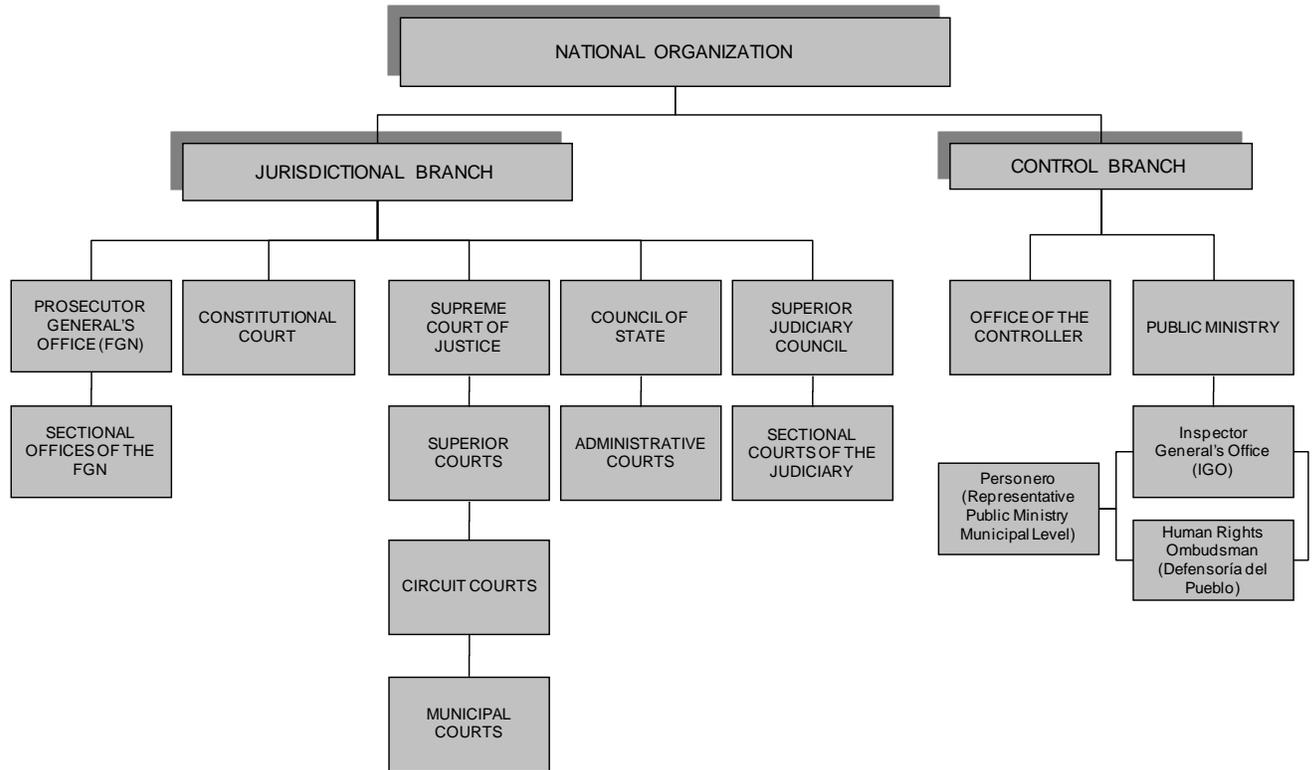
⁴² General Assembly Resolution 48/104 of 1993.

⁴³ Law 782 of 2002 (*Ley de Orden Público*)

⁴⁴ Law 975 of 2005 (*Ley de Justicia y Paz*).

⁴⁵ Interview with Rafael Barrios Mendivil, Human Rights Lawyer, Corporación Colectivo de Abogados José Alvear Restrepo.

Appendix E: Justice Sector Chart



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