



**USAID**  
FROM THE AMERICAN PEOPLE

# ASSESSMENT OF USAID/COLOMBIA ASSISTANCE TO THE PUBLIC MINISTRY

**AUGUST 11, 2011**

This publication was produced for review by the United States Agency for International Development. It was prepared by David Kupferschmidt, Team Leader, for Management Systems International, with contributions from team members Dr. Jorge Santistevan, Ana Montes, and Carlos Otalora, and Technical Director Dr. Gwendolyn Bevis.

# ASSESSMENT OF USAID/COLOMBIA ASSISTANCE TO THE PUBLIC MINISTRY

Team Leader: David Kupferschmidt  
Team Members: Dr. Jorge Santistevan  
Ana Montes  
Carlos Otalora

Contracted under [514-O-00-11-00012-00]

[Assessment of USAID/Colombia Assistance to the Public Ministry]

## **DISCLAIMER**

This (report/publication) is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this report/publication are the sole responsibility of Management Systems International Inc. (MSI), under the terms of Contract No. 514-O-00-11-00012-00, and do not necessarily reflect the views of USAID or the United States Government.

# CONTENTS

- Acronyms and Abbreviations ..... 1**
- Executive Summary ..... 3**
  - Introduction and Overview of the Public Ministry ..... 3
  - USAID Assistance to the Public Ministry ..... 4
  - Impact of USAID Assistance..... 5
  - Recommendations..... 6
- 1. Introduction and Background ..... 12**
  - A. Purpose of Assessment ..... 12
  - B. Assessment Methodology ..... 12
  - C. Human Rights Situation in Colombia ..... 13
  - D. The Public Ministry in Colombia: Structure, Functions, Constitutional Context..... 20
    - Inspector General..... 20
    - National Human Rights Ombudsman ..... 21
    - Municipal Ombudsmen..... 25
  - E. Funds Appropriated by U.S. Congress for the Public Ministry’s Human Rights Activities ..... 27
  - F. USAID and Other Sources of External Support to the Public Ministry ..... 27
    - Other International Support ..... 29
- 2. Impact of USAID Programs to Strengthen the Public Ministry..... 30**
  - A. General Findings..... 30
  - B. Inspector General ..... 31
    - Implementation of activities ..... 31
    - Overall impact..... 34
    - Prevention ..... 35
    - Discipline..... 36
    - Judicial Intervention ..... 37
    - Victims ..... 38
  - C. National Ombudsman..... 39
    - The Early Warning System (SAT) and the Role of the Interinstitutional Commission on Early Warning (Spanish acronym CIAT) ..... 39
    - Victims ..... 41
  - D. Municipal Ombudsmen..... 43
- 3. Lessons Learned and Best Practices of USAID Assistance to the Public Ministry ..... 43**
- 4. Public Ministry Needs, and Recommendations for its Strengthening with USAID Assistance..... 45**
  - A. Inspector General ..... 45
  - B. National Ombudsman..... 47
  - C. Municipal Ombudsmen ..... 49
  - D. General Recommendation and Priorities ..... 50

**5. Indicators for Measuring Changes in the Human Rights Situation in Colombia  
and the Impact of USAID Assistance to the Public Ministry ..... 53**

**6. Conclusions..... 58**

**Annex – People Interviewed..... 60**

## ACRONYMS AND ABBREVIATIONS

AUC	<i>Autodefensas Unidas de Colombia</i> (United Self-Defense Forces of Colombia)
CIAT	<i>Comisión Interinstitucional de Alertas Tempranas</i> (Interinstitutional Commission on Early Warnings)
DAS	<i>Departamento Administrativo de Seguridad</i> (National Security Administrative Department)
DDR	Disarmament, Demobilization, and Reintegration
DHR	USAID Democracy and Human Rights Office
DNIE	<i>Dirección Nacional de Investigaciones Especiales</i> (Office of Special Investigations)
DR	USAID Demobilization & Reintegration Program
<i>Duplas</i>	<i>Duplas Psicojuridicas</i> (Pairs of psychologists and lawyers that provide legal and psychosocial support to victims)
ESAP	<i>Escuela Superior de Administración Pública</i> (School of Advanced Public Administration)
EU	European Union
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> (Revolutionary Armed Forces of Colombia)
FENALPER	<i>Federación Nacional de Personeros</i> (National Association of Municipal Ombudsmen)
FIU	Florida International University
G-3	Group of Three
G-5	Group of Five
G-24	Group of 24
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (German Development Service)
GOC	Government of Colombia
HRP	USAID Human Rights Program
IAHRC	Inter-American Commission on Human Rights
IDB	Inter-American Development Bank

IEMP	<i>Instituto de Estudios del Ministerio Público</i> (Institute of Studies of the Public Ministry)
IGO	Inspector General's Office ( <i>Procuraduría General de la Nación</i> )
ILO	International Labor Organization
INCLE	U.S. Department of State International Narcotics Control and Law Enforcement
INCODER	<i>Instituto Colombiano de Desarrollo Rural</i> (Institute of Rural Development in Colombia)
IOM	International Office of Migration
JRMP	USAID Justice Reform and Modernization Program
LGBT	Lesbian, Gay, Bisexual, and Transgender
MSI	Management Systems International
NGO	Non-Governmental Organization
OAS	Organization of American States
PLANEDH	<i>Plan Nacional de Educación en Derechos Humanos</i> (National Human Rights Education Plan)
PNC	<i>Plan Nacional de Consolidación</i> (National Consolidation Plan)
RGCP	USAID Regional Governance Consolidation Program
SAT	<i>Sistema de Alertas Tempranas</i> (Early Warning System)
SIDA	Swedish International Development Agency
UNDP	United Nations Development Programme
UNHCHR	United Nations Office of the High Commissioner on Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	U.S. Agency for International Development
USD	United States Dollar
USG	United States Government

# EXECUTIVE SUMMARY

## Introduction and Overview of the Public Ministry

Colombia is at a critical juncture in its history: the guerrilla groups have been pushed back; paramilitary groups have been demobilized; human rights indicators are showing improvement; Colombia's current President demonstrates a strong commitment to human rights; and, the country recently enacted its most ambitious attempt to resolve past injustices and diminish conflict, the Victims' and Land Restitution Law (Victims' Law). There has never been a more propitious time for USAID to support human rights in Colombia.

USAID contracted an international team of evaluators to conduct this review of USAID's efforts to strengthen the Colombian Public Ministry's human rights functions, identify lessons learned and best practices, and develop recommendations for future support.

The Public Ministry is an umbrella concept<sup>1</sup> comprising three autonomous institutions that monitor and control government officials and actions: the Inspector General, the National Ombudsman, and the municipal ombudsmen. As defined by Colombia's Constitution, these entities play leading roles in safeguarding and promoting human rights, protecting the public interest, and overseeing the conduct of public servants.

- The Inspector General (*Procurador General de la Nación*), charged with oversight of officials at all levels of government, is distinguished by having coercive, disciplinary powers. It is the oldest, most powerful and most institutionalized of the three institutions. With a staff of 3,500, it is a watchdog with teeth, with offices at the national level and in the capital of every department.
- The National Human Rights Ombudsman (*Defensoría del Pueblo*; a direct translation would be "Defender of the People") works exclusively to guarantee the promotion, enjoyment and dissemination of human rights; most of its budget goes toward providing legal services for indigents in courts. It can serve as a moral authority (if not a bully pulpit) and expert on human rights subjects if it chooses, but lacks coercive powers. It has offices in the capitals of all 32 departments, plus additional offices in Apartadó (Antioquia department) and Barrancabermeja (Santander department). It is a relatively new institution, created in 1991, and its budget is about one-tenth that of the Inspector General.
- The municipal ombudsmen (*personeros*<sup>2</sup>) are present in all but two out of Colombia's 1,104 municipalities;<sup>3</sup> they are agents of the Inspector General at the local level, perform

---

<sup>1</sup> There is no official with the title of Public Minister; the Inspector General serves as nominal head of the Public Ministry. Nor is there a headquarters, or physical location, of a Public Ministry.

<sup>2</sup> *Personero* is difficult to translate into an English equivalent, but we are using "municipal ombudsman." Municipal ombudsmen perform a broad range of government oversight, human rights and disciplinary functions established by the Constitution of Colombia and the law, and delegated by the Inspector General and National Ombudsman.

<sup>3</sup> For the number of municipal ombudsmen, see: National Association of Municipal Ombudsmen (Spanish acronym FENALPER) [http://www.fenalper.org/index.php?option=com\\_content&view=article&id=56&Itemid=69](http://www.fenalper.org/index.php?option=com_content&view=article&id=56&Itemid=69). For the number of municipalities, see: "San Pablo Norte Bolívar Se Convirtió en el Municipio 1104 de Colombia" RCN Radio, February 17, 2011,

some functions of a human rights ombudsman, and have a series of functions that extend beyond that role. While ostensibly under the direction of the Inspector General, municipal ombudsmen are chosen and funded by the municipality, and exercise a great degree of autonomy; there effectively is no central control of these offices, and they have little coordination with the National Ombudsman's or Inspector General's regional office. Municipal ombudsmen have a multitude of functions and responsibilities, most simply summarized as promoting and protecting human rights, monitoring and control of public servants, and protection of the common good.<sup>4</sup>

The Inspector General and the municipal ombudsmen, then, exercise a broad range of responsibilities in monitoring and controlling government, such as investigating corruption, in addition to defending human rights, and have disciplinary powers. The National Ombudsman, meanwhile, works only on human rights issues, and provides services to victims of human rights violations, while the majority of its budget goes toward legal representation for the indigent. The Inspector General and National Ombudsman are centralized networks with offices in the regions; the municipal ombudsmen answer to the municipality and lack central control or an effective national network.

Each of these complex institutions of the Public Ministry holds tremendous potential to protect human rights and sanction human rights violators.

### **USAID Assistance to the Public Ministry**

USAID's assistance to the Inspector General has sought to strengthen the Inspector General's preventive, disciplinary, and intervention functions on human rights and international humanitarian law issues. The overall goal has been to improve checks and balances between the Inspector General, as the Colombian independent oversight entity, and executive branch agencies. USAID assistance to the National Ombudsman has focused on enhancing its efforts to prevent human rights violations through the Early Warning System (Spanish acronym SAT), attention to and processing of complaints, and a Human Rights Moot Court Competition. USAID has also supported the Special Victims' Unit, including training of its personnel, and support for psycho-social assistance to victims.

In Fiscal Years 2008, 2009, and 2010, a total of approximately \$13.5 million was transferred from the State Department's International Narcotics Control and Law Enforcement (INCLE) account to USAID for support to the Inspector General and National Ombudsman. These INCLE funds were part of packages of assistance for Colombia defined by the earmarks in the Appropriations Acts.

---

[www.rcnradio.com/noticias/27-02-11/san-pablo-norte-bol-var-se-convirti-en-el-municipio-1104-de-colombia#ixzz1TMMxRc89](http://www.rcnradio.com/noticias/27-02-11/san-pablo-norte-bol-var-se-convirti-en-el-municipio-1104-de-colombia#ixzz1TMMxRc89); and <http://www.registraduria.gov.co/Informacion/noticia/28febrero2011.htm>.

There is a lag between the creation of a new municipality and a new municipal ombudsman's office; hence the discrepancy between the two numbers. Forty-five new municipalities have been created in the last 15 years; most are created by separating from existing municipalities. See: Yamit Palacio, "Así es la Paradoja de Municipios Nuevos y Ricos donde Reina la Pobreza," *El Tiempo*, July 17, 2011. [http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW\\_NOTA\\_INTERIOR-9935944.html](http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-9935944.html).

<sup>4</sup> See FENALPER website:

[http://www.fenalper.org/index.php?option=com\\_content&view=article&id=56&Itemid=69](http://www.fenalper.org/index.php?option=com_content&view=article&id=56&Itemid=69).

From these earmarks, USAID assistance to the Public Ministry was channeled through four programs, the foremost of which is the Human Rights Program (HRP), implemented by Management Sciences for Development (MSD). The objectives of this program are to prevent human rights violations; protect those whose rights are at risk of being violated; and increase the capacity of the government, state, and civil society to respond effectively to human rights violations after they occur; design, implement and monitor public policies; and advocate for human rights policies.

The other USAID programs with the Public Ministry are: the Demobilization & Reintegration Program (DR), implemented by the International Organization for Migration (IOM), intended to strengthen assistance to victims and support for Law 975, known as the Justice and Peace Law;<sup>5</sup> the Justice Reform and Modernization Program (JRMP), initially implemented by Florida International University (FIU), for the development of training programs for the Colombian Public Defenders Office; and the Regional Governance Consolidation Program (RGCP), implemented by Management Systems International (MSI), which worked with the Inspector General's office to increase its oversight of the effective usage of extractive industry royalties to increase access to health and education services and clean water<sup>6</sup>.

### **Impact of USAID Assistance**

USAID has provided an impressive range of well-targeted, timely and tailored support to the Inspector General's Office (IGO) and the National Ombudsman. Overall, our teams' interviews with dozens of people in Colombia revealed overwhelmingly positive reviews of USAID's efforts to support the Inspector General and National Ombudsman, and many interviewees regard USAID as the most important foreign aid institution in Colombia in the human rights field. Highlights of impact highlighted by interviewees include:

- Helping the Inspector General to better identify challenges it faced in the field of human rights and develop better approaches to their resolution through studies and diagnostics on issues including demobilization, child victims, and land.
- Donations of much-needed equipment that has strengthened the Inspector General's capacity to conduct investigations, and generate results more quickly.
- Encouraging greater attention to the human rights agenda of the Inspector General, enabling the institution to be more visible and encouraging the institution to make greater investments in appropriate human capital.
- Emphasizing the function of prevention in an institution that has been more oriented toward its disciplinary function, thereby encouraging greater balance within the institution between prevention, intervention and sanctions.

---

<sup>5</sup> The Justice and Peace Law (Law 975) of 2005 was intended to provide truth, reparations, and a measure of justice to victims of the continuing armed conflict. It offered leniency and public benefits to paramilitary members in exchange for an agreement to disarm, forfeit assets, and tell the truth about human rights abuses they committed.

<sup>6</sup> Second generation human rights - Economic, Social and Cultural rights - include the right of gender equality, the right to fair working terms and conditions, the right to adequate living standards, the right to be free from hunger, the right to education, and the right to be in 'the highest attainable standard of physical and mental health.

- Supporting the consolidation of spaces for interaction, dialogue and debate around sensitive issues concerning human rights.
- Facilitating exchanges of social, professional, academic and institutional knowledge around human rights, through the development of protocols, manuals and instructions.
- Established working groups that analyze controversial issues in the implementation of transitional justice and helped to generate more of an institutional culture of analysis.
- Greater awareness of international humanitarian law and of the extent to which the state is complying with the edicts of the Inter-American Court of Human Rights, through support for monitoring the Inter-American system of human rights and the opinions of the Inter-American Commission on Human Rights.
- Greater attention to special categories of victims, such as internally displaced persons, indigenous peoples and Afro-Colombians, as a result of an analytical study of situations declared unconstitutional by the Constitutional Court.
- A 150% increase in class actions by the Inspector General's Office as a result of training in class actions for the protection of collective rights.
- Greatly enhanced capacity in the National Ombudsman's office to assist victims through training and other support to the Public Defenders and *duplas*, teams of lawyers and psychologists.
- Greater capacity in the Public Ministry to influence government agencies in the formulation of public policies for the protection of human rights and monitoring compliance with them; for example, with regard to displaced populations, municipal development plans, and budget allocations.

Most of USAID's support for the National Ombudsman has gone to the SAT. Beginning in 2001, USAID provided around 98% of the funding for the SAT, including salaries and assistance in developing its monitoring methodology. Now USAID provides approximately 15% of the SAT's funds, indicating that it has been largely nationalized by the Colombian government – and without any apparent loss in effectiveness. The SAT remains a critical mechanism for preventing and identifying human rights violations, and SAT risk reports offer the most complete and current analysis of Colombia's current human rights situation.<sup>7</sup> USAID's assistance for the SAT offers a model of focused, innovative, sustainable assistance.

We found in many areas of USAID's work with the Public Ministry, however, that objective measurements of impact are lacking.

## Recommendations

Thus, moving forward, USAID's efforts need to address the difference between transitory assistance and sustained strengthening, and design activities whose impact will reverberate more strongly and sustainably throughout the institutions. Further strengthening of the Public Ministry will require strategic and sustained investment in improving these institutions' capacity to better measure and monitor human rights phenomena, and to train the beneficiaries' own staff to carry

---

<sup>7</sup> SAT risk reports have in the past not generally been made public, but this situation is changing according to SAT statistics shared with USAID.

out their functions in a more visible and effective manner. When laws and policies are not working as intended, these institutions also need to be encouraged to speak out and propose more realistic alternatives that can achieve better results in such areas as attention and restitution to victims, and the prevention of human rights violations.

Colombia is addressing its past, present and future human rights situation in the new law on Victims and Restitution of Lands (Victims' Law), which will create additional and enormous responsibilities for the Public Ministry and the GOC generally. This law promises restitution of land that was stolen or lost as a result of forced displacement, and approximately four million people could benefit. The Public Ministry institutions have not yet clearly defined their responsibilities in the implementation of this law, or roles vis à vis other GOC institutions, but primary tasks will include: a) identifying which victims are eligible for restitution, conducting outreach to them, and engaging them in the restitution process; b) confirming the boundaries of land from which victims were displaced; c) establishing processes for making restitution; d) monitoring these processes, and identifying problems such as undue delays and fraud; and, e) providing security to people resettled on their land.<sup>8</sup> The large scale of the law will likely strain the current capacity of the GOC, but much depends on the success with which Colombia implements this new law. Perhaps the best guarantor of its success is the Public Ministry, and USAID should support training, planning, analysis and other efforts to ensure the Public Ministry is able to take on its new responsibilities.

Based on the team's assessment of needs within the Public Ministry, we recommend prioritizing assistance to the National Ombudsman, along with a focus on sustainable institutional capacity building for the Inspector General's Office, and targeted assistance to improve coordination among municipal ombudsmen and between them and the other Public Ministry entities.

Specific recommendations by institution include:

**National Ombudsman:**

- USAID, along with other donors, should encourage the GOC to provide more funding for the National Ombudsman. In many instances, foreign aid is supplanting functions, such as paying salaries, which should be the responsibility of the GOC. By the same token USAID, along with other members of the G-24, should seek more cost-sharing with the GOC with regard to the National Ombudsman, particularly at the local level, including investment in their infrastructure.
- Technical assistance in budget planning, implementation and monitoring should be provided to ensure that the National Ombudsman spends its annual appropriation effectively.

---

<sup>8</sup> In 2010, nine leaders of displaced people were assassinated; the same number were killed in the first half of 2011; since 2002, more than 40 have been killed in total. See: <http://www.semana.com/nacion/no-cesan-crimenes-contra-lideres-desplazados/149991-3.aspx>. A list of leaders of displaced people assassinated between 2002 and 2011 is available from CODHES, an NGO focusing on displaced people: <http://www.codhes.org/>. For current statistics on a variety of human rights violations (not including killings of leaders of displaced people) nationally and by geographical department, see: <http://www.derechoshumanos.gov.co/Observatorio/Paginas/Observatorio.aspx>.

- Strategic planning for and training in the new Victims' Law, including: learning the contents of the law in order to properly monitor its implementation; defining needed capacity and corresponding budget; defining coordination within the Public Ministry and with other GOC institutions to assure the law's effective implementation; defining the roles of Public Ministry institutions in identifying and assisting victims; and, conducting outreach to victims.
- Greater attention to women's issues, especially sexual violence,<sup>9</sup> including training for psychologists and lawyers.
- Given the importance of the legal-institutional environment for improvements on the ground, we recommend that donors and the GOC devote more attention to building policy-related capacity – such as research, data collection, analysis, drafting, and review, as well as advocacy skills – to enable the Public Ministry to play an active, holistic role in the policy process.

### **Inspector General:**

- Work with the Public Ministry's Institute for Studies (Spanish acronym IEMP) to further develop its capacity to provide on-going human rights and international humanitarian law trainings for all members of the Inspector General's Office.
- Support technical assistance regarding the new Victims' Law and its application by the Inspector General's Office. The application of this ambitious law assumes expanded capacity on the part of the Inspector General, so technical assistance in this area is urgently needed. Depending on the specification of various ministries' responsibilities under the law, including those of the Public Ministry, topics might include strategic planning, how to operationalize eligibility under the law, how to make processes accessible to victims, and monitoring tools.
- Technical assistance to improve the monitoring of Inspector General's Office institutional results, efficiency and effectiveness, including changes in performance, in cooperation with the Delegate for Evaluation and Monitoring of Public Policies, and the IEMP.

### **Early Warning System:**

- Seek to expand the number of regional analysts of the SAT, and ensure they have access to transportation as needed. Interviewees most commonly identified expanding the capacity of the SAT, including the mobility of its analysts, as key factors that would facilitate its effectiveness.
- Provide assistance to develop better monitoring of government implementation of security measures in response to SAT warnings. Publication of the Reports should be accompanied by an effort to develop an online mapping system that allows easy visualization via the internet of human rights threats and violations.

---

<sup>9</sup> A report by funded by Oxfam and the Dutch government surveyed 407 municipalities with a presence of the armed forces, guerrillas, paramilitaries, and other armed actors, and estimates that between 2001-2009 approximately 17% of women were victims of sexual violence and 3.4% were raped. Almost half the rapes were perpetrated by a family member. See: "Campaign Rape and other Violence: Sexual Violence against Women in the context of the Colombian armed conflict 2001-2009," January 2011.

## Municipal Ombudsmen:

- While the IEMP is already charged with training municipal ombudsmen at the beginning of their term, there is a need for more continuous training in their human rights functions, especially with regard to attention to victims and the new Victims' Law. Training should target conflict regions and those with higher proportions of indigenous and Afro-Colombians.
- The quality and effectiveness of municipal ombudsmen varies greatly according to the skills of their officials, political will, and threats of violence.<sup>10</sup> The Inspector General does not collect information regarding their performance, and the information generated by individual municipal ombudsmen is superficial. More information is needed regarding how municipal ombudsmen actually perform their human rights functions, and how they could better do so, particularly in light of their multiple functions. This requires, in the first instance, a diagnostic by the Inspector General, as well as a system for on-going monitoring.
- There is a need to strengthen the network of municipal ombudsmen, with the objective of making them more active and effective human rights agents. This could be accomplished through the National Association of Municipal Ombudsmen (Spanish acronym FENALPER), which at present is weakly funded, but is showing ambitions in providing regional trainings.
- USAID could assist the Inspector General and National Ombudsman, in conjunction with the municipal ombudsmen, to develop a strategy to create greater synergies between these institutions with regard to human rights, and develop protocols for better collaboration.
- USAID should support the Public Ministry to develop a strategy for the fulfillment of the municipal ombudsmen's roles under the new Victims' Law, in conjunction with the Inspector General and the National Ombudsman.

---

<sup>10</sup>FENALPER estimates that around 10% of Municipal Ombudsmen have been threatened. See: <http://www.personeriabogota.gov.co/?idcategoria=4113>. See also: "Personeros, en la mira de los Violentos," *El Periódico*, Aug. 3, 2010. <http://elperiodico.com.co/newperiod/index.php?modulo=articulos&accion=verArticulo&id=883>.

Other general recommendations include the following:

- Monitoring and evaluation related to human rights in Colombia needs improvement at multiple levels: USAID projects, Public Ministry effectiveness, and the overall human rights situation. Indicators and evaluations that measure impact should be applied to all USAID and Public Ministry activities, beginning with baseline studies where needed. In particular, there need to be more serious attempts to measure gains in knowledge and practical skills through objective pre- and post-tests of trainees. More broadly, USAID should consider supporting efforts to improve measurement of the human rights situation, including by creating a “human rights index” that would give different weights to violations composing a “basket” of typical human rights violations, or at a minimum, development of a single site where Colombia’s disparate collections of statistics regarding human rights violations and violent crime are assembled.
- USAID and its partners should develop project time horizons of several years rather than one, and sequence projects so that fewer subjects are addressed each year, but are addressed in a more thorough and institution-wide fashion. The Public Ministry should also be viewed more holistically with an eye to its functioning that way in the future. In particular, projects should be conducted across divisions within institutions and across institutions within the Public Ministry whenever possible and appropriate.
- With regard to regional and substantive priorities, work with victims should emphasize women and children. Supporting victims’ groups, like local associations of victims, helps victims gain a new identity as social actors. While indicators are lacking, sexual violence appears to be widespread. USAID should also focus additional support on consolidation zones,<sup>11</sup> as well as on urban areas where there are high rates of forced displacement and crime.
- Donor coordination can be much improved with regard to assistance to the Public Ministry. It would improve aid effectiveness, and might also, for example, help in the process of generating greater cost sharing on the part of the GOC. Mechanisms could include a revived “Friends of the National Ombudsman,” the G-24 and sub-groups, and specialized task forces. The United States and a few close allies can also encourage these institutions to vigorously promote the strengthening of human rights policies and attention to victims.

Colombia appears to be gaining momentum in the improvement of its human rights situation. There currently is a great opportunity for the United States to support further improvements

---

<sup>11</sup> Faced with the difficulty of governing territory under illegal armed groups’ influence, the U.S. and Colombian governments around four years ago adopted a model called “Integrated Action” or “Consolidation.” Several small, historically ungoverned regions of the country have been chosen as targets for a phased, coordinated “hold and build” effort. An agency in Colombia’s office of the Presidency, the Center for Coordination of Integrated Action (CCAI), coordinates military efforts to establish security conditions in these territories, followed by civilian efforts to introduce governmental services. The objective is to consolidate these once violent, lawless zones into national civic and economic life, and implies a “civilian surge” and decreasing emphasis on military solutions. See: “Stabilization And Development: Lessons Of Colombia’s ‘Consolidation’ Model,” by Abigail Poe and Adam Isacson, Center for International Policy, April 2011.

given the orientation of the presidential administrations in Washington and Bogota. The Public Ministry plays a key role in assuring the Colombian state's effectiveness and efficiency and its support for human rights. As President Santos recognizes, the battle against guerrillas, paramilitaries and organized crime requires greater emphasis on integrating human rights into state security and economic policies. An improved human rights situation will set in motion a virtuous cycle of investment and support for economic growth. Investment in the Public Ministry can have multiplier effects in other Colombian institutions through its functions of monitoring, prevention and discipline. Improvements in the Public Ministry are likely to pay for themselves in improved government functioning and attention to human rights, reduced corruption, and reduced human rights threats. As part of a holistic package of aid to assist Colombia, strengthening the Public Ministry should remain a central focus of USAID's support to Colombia.

# I. INTRODUCTION AND BACKGROUND

## A. Purpose of Assessment

Colombia is at a critical juncture in its history: the guerrilla groups have been pushed back; paramilitary groups have been demobilized; human rights indicators are showing improvement; Colombia's current President demonstrates a strong commitment to human rights; and, the country recently enacted its most ambitious attempt to resolve past injustices and diminish conflict, the Victims' and Land Restitution Law (Victims' Law). There has never been a more propitious time for USAID to support human rights in Colombia.

The purpose of this assignment was to conduct a review of USAID's efforts to strengthen Colombia's Public Ministry, comprising the Inspector General, National Human Rights Ombudsman, and municipal ombudsmen. This review is intended to assess impact, identify lessons learned and best practices, and develop recommendations for future support. The primary audience for this assessment is USAID/Colombia's Democracy and Human Rights (DHR) Office and USAID/Colombia's Mission Director.

## B. Assessment Methodology

This assessment drew on three main sources of data:

- a) Review of documents, including project and government documents, newspaper articles, and papers analyzing various facets of Colombia, and in particular the human rights situation.
- b) Two days of preliminary interviews in Washington, D.C. with representatives of the U.S. State Department, USAID and non-profit organizations, and academics.
- c) Interviews in Colombia with approximately 167 people in Bogotá, Medellín, Cali, Villavicencio, Sincelejo and Monteria, representing an array of experts and officials in governmental, international, national, regional, local and non-governmental institutions.

The assessment team developed a questionnaire, adaptable to the various categories of interviewees that was reviewed and approved by USAID. The team then spent an average of two hours in each interview, allowing time to examine critical topics from different angles, and to triangulate information from different sources. The evaluation team recognized the possible bias in interviewees working directly for the contractors, and, to a lesser degree, those employed by beneficiary institutions. Although the latter sometimes were reluctant to be critical (for fear their division, or the institution, might lose aid), they proved responsive to requests for suggestions on how to improve activities, which helped to highlight possible deficiencies. In addition, interviewees were promised confidentiality, which assisted the delivery of frank and factual information. Fieldwork was conducted over three weeks, from April 25 to May 13, 2011.

The assessment team consisted of four consultants:

David Kupferschmidt served as Team Leader. He has 15 years of experience working on governance and human rights projects for USAID, intergovernmental institutions, and non-governmental organizations (NGOs), including serving as a Senior USAID Democracy Fellow at

the Inter-American Institute for Human Rights, and as the Executive Director of the David Rockefeller Center for Latin American Studies at Harvard University. He holds masters degree from the Fletcher School of Law and Diplomacy, and a J.D. from the University of California at Berkeley Law School.

Ana Montes served as Colombia's National Director of Public Prosecutions for the Attorney General's Office, and was the Research Director for the National Security Administrative Department (DAS). She also worked for Colombia's National Directorate of Criminal Investigation, and the National Office of the Judiciary at the Ministry of Justice. Ms. Montes has extensive experience as a consultant to USAID, the Inter-American Development Bank and other donors on strengthening the justice sector. She holds a law degree from the Universidad Libre de Colombia, a Specialization in Penal Sciences and Criminology from the Universidad Nacional de Colombia, and a Specialization in Public Administration from the Advanced School for Public Administration (Spanish acronym ESAP).

Dr. Jorge Santistevan was Peru's first Human Rights Ombudsman. He has since served in Peru and throughout the region as a senior advisor on human rights, legal reform, democracy and good governance to governments, NGOs, and multi-lateral organizations, including the Inter-American Development Bank (IDB) and Organization of the American States (OAS). He teaches constitutional law and human rights, and holds a Doctor of Law degree from the Pontificia Universidad Católica del Perú.

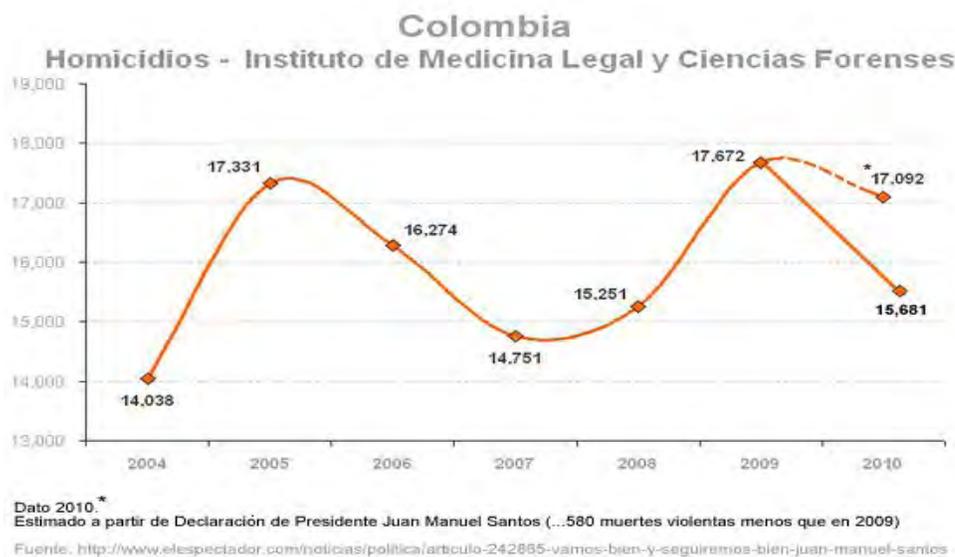
Carlos Otalora is a political scientist specializing in theory and practice of armed conflict resolution. He is an expert on armed conflict, transitional justice processes, disarmament, demobilization, and reintegration programs (DDR). He holds a Masters in Political Science from the Universidad Nacional de Colombia, a Specialization in Resolution Armed Conflict from the Universidad de los Andes, and a bachelors of law degree from the Universidad Nacional de Colombia.

## **C. Human Rights Situation in Colombia**

The situation of human rights and humanitarian law in Colombia is improving, but continues to be complex. We provide here selected current statistics and trends to illustrate the situation confronting the Public Ministry.

On the one hand, Colombia's high levels of inequality and impunity contribute to common crime and violence. Institutional efforts to improve the situation are confronted by persistent violence coming from illegal armed groups linked to drug trafficking and other organized crime, and sometimes to elements of the security forces (police and military). Colombia thus remains one of the world's most violent countries, although homicides have dropped significantly from the years 1998 – 2002, when Colombia was the world leader in this category. In 2010, homicides occurred at a rate of 32 per 100,000 inhabitants, while a decade earlier the rate was closer to 70. Between 2004 and 2010, a period that coincided with the demobilization of paramilitaries, the homicide rate has oscillated:

## Homicides



Within Latin America, Honduras currently has the highest homicide rate (77 per 100,000 inhabitants), while Chile has the lowest (1.3 per 100,000). Colombia is adjacent to the most violent region in the world, Central America. El Salvador and Guatemala are bloodier now than they were during their civil wars in the 1980s, which raises a red flag for Colombia as it seeks to become a post-conflict country: post-conflict can mean more violence. In 2009, 87% of homicides in Colombia were classified as “without information,”<sup>12</sup> author unknown, which highlights the problem of impunity in Colombia: murderers are rarely caught and, when they are, rarely convicted.

Colombia continues to have one of the highest rates of forced disappearances in the world.<sup>13</sup> Over the past three decades, the U.N. estimates that 57,000 people have disappeared, of which 15,600 are recorded as forced disappearances, with 27,000 current investigations regarding possible forced disappearances.<sup>14</sup> Colombia has made advances in registering the disappeared, but the legal framework could be much better applied.<sup>15</sup>

Amnesty International recently concluded in its 2010 report on Colombia: —The internal armed conflict continued to have devastating consequences on the civilian population, with indigenous communities particularly hard hit. All the warring parties – including the security forces,

---

<sup>12</sup> Of all homicides in 2009, 3% (535 cases) were at the hands of the armed forces and police, while 2% (358 cases) were by guerrilla groups. —Homicidios en Colombia crecen 16.2%,” *Semana*, May 4, 2010.  
<http://www.semana.com/nacion/homicidios-colombia-crecen-162/138457-3.aspx>.

<sup>13</sup> —Breaking the Silence: In Search of Colombia’s Disappeared,” Lisa Haugaard and Kelly Nicholls, Latin America Working Group and U.S. Office on Colombia, December 2010.

<sup>14</sup> One-third of forced disappearances are estimated to have taken place in two cities: Medellín and Villavicencio. See: <http://colombiareports.com/colombia-news/news/15088-2-cities-account-for-40-of-forced-displacement-cases-un.html>.

<sup>15</sup> —Little attention has been paid to disappearances in Colombia. This may be simply because the death toll from assassinations, massacres, criminal murders, and battlefield casualties— where there are bodies—is so high that disappearances have remained out of focus.” —Breaking the Silence,” *op. cit.*, p. 3.

guerrilla groups and paramilitary groups – were responsible for serious human rights abuses and violations of international humanitarian law.”<sup>16</sup>

### Homicides of Indigenous People (per year)



Fuente: Observatorio del Programa Presidencial de DH y DIH, Vicepresidencia de la República.  
Procesado: Observatorio del Programa Presidencial de DH y DIH, Vicepresidencia de la República.  
Datos extraídos del Sistema IDH. Última fecha de actualización Mayo 31 de 2010

The reach of violent organized crime groups, which include demobilized paramilitaries, extends into government and state. Around 30% of Colombia’s last Congress (which ended in 2010) was investigated for links to paramilitaries.<sup>17</sup> Virtually all paramilitary and illegal armed organizations fund their operations with narcotics and organized crime; a former paramilitary leader estimated that 70% of paramilitary’s finances came from drug trafficking. The efforts of Colombia’s Congress to recognize and rid itself of paramilitary influence are a positive sign that the country’s institutions can, given sufficient political will, purge state and government of such illegal influence.<sup>18</sup> However, according to the government, murders of mayors and political candidates increased 400% in the past year, with regional elections scheduled in October 2011. Twenty candidates participating in the October 2011 local elections have been murdered so far, a 36% increase over the 2007 elections.<sup>19</sup> The U.S. State Department reports that in 2010 political killings remained an –extremely serious problem.”<sup>20</sup>

<sup>16</sup> Amnesty International, “Annual Report: Colombia 2010,” <http://www.amnesty.org/en/region/colombia/report-2010>.

<sup>17</sup> *Ibid.*

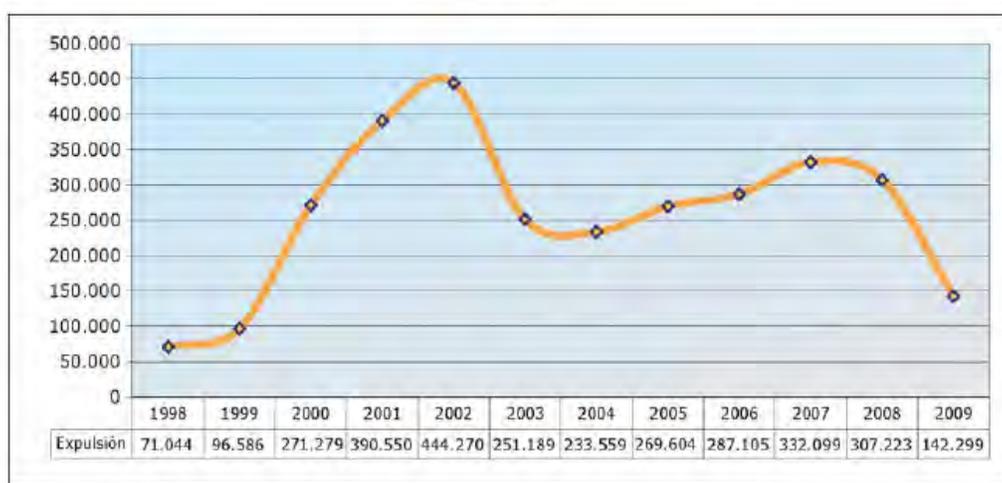
<sup>18</sup> Human Rights Watch investigates the rise of illegal, armed groups following paramilitary demobilization. See: “Paramilitaries’ Heirs: The New Face of Violence in Colombia,” Human Rights Watch, February 3, 2010, which states: “The Colombian government and some analysts label the successor groups as ‘emerging criminal gangs at the service of drug trafficking’ (*bandas criminales emergentes* or BACRIM), insisting that the successor groups are something new and very different from the paramilitaries. Other experts and many residents view them as a continuation of the AUC, or a new generation of paramilitaries.”

<sup>19</sup> According to the Colombian NGO Misión de Observación Electoral: “The violence has taken place mainly in the departments of Antioquia (29%), Valle (8%), Arauca (6%) and Norte de Santander (4%).” The primary reasons it gives for the violence: 1) illegal groups and mafias seeking to stop candidates from participating in the election; 2) groups of common delinquents seeking to control territory; 3) in some municipalities, the political violence is

Forced displacement remains one of Colombia's biggest challenges, and the country has one of the highest rates of internal displacement in the world, which speaks to multiple threats faced by vulnerable populations, most often in rural areas but also in cities.<sup>21</sup> The number of displaced people in Colombia is estimated to range between 3.6 million to 5.2 million. The statistics regarding forced displacements vary between governmental and non-governmental estimates; in 2010, the government agency for the displaced, Social Action, estimated the number of people displaced that year to be 100,000, while the Consultancy for Human Rights and Displacement (Spanish acronym CODHES), an NGO, provided the figure of 280,000.

### Forced Displacements (per year)

Desplazamiento forzado (por expulsión) a nivel nacional  
1998 - 2009<sup>194</sup>



Fuente: Sipod - Acción Social  
Procesado: Observatorio del Programa Presidencial de DH y DIH, Vicepresidencia de la República.  
Datos extraídos del Sipod. Última actualización 30 de abril de 2010.

While the conflict with guerillas has moderated and paramilitary groups officially have been demobilized, now there is a high risk of rising violence between organized crime groups seeking to control territory, resources, local governments, and people. There is a land rush -- and land grabs -- in consolidation zones, former conflict zones, which often are as yet unconsolidated by the state. As conflict declines in these zones, land values increase along with threats of forced displacements by organized crime, which may seize the land and sell it to agro-industrial interests or oil and mining companies. According to one staff member of the Inspector General's Office, mafiosos tell peasants that "either they will sell the land or their widow will sell it."

---

attributable to the process of land restitution that is being carried out by the national government. See: [http://www.moe.org.co/webmoe/index.php?option=com\\_content&view=article&id=286:la-violencia-politica-en-el-periodo-pre-electoral&catid=41:top-headlines&Itemid=97](http://www.moe.org.co/webmoe/index.php?option=com_content&view=article&id=286:la-violencia-politica-en-el-periodo-pre-electoral&catid=41:top-headlines&Itemid=97).

<sup>20</sup> U.S. State Department, "2010 Human Rights Reports: Colombia," p .2.

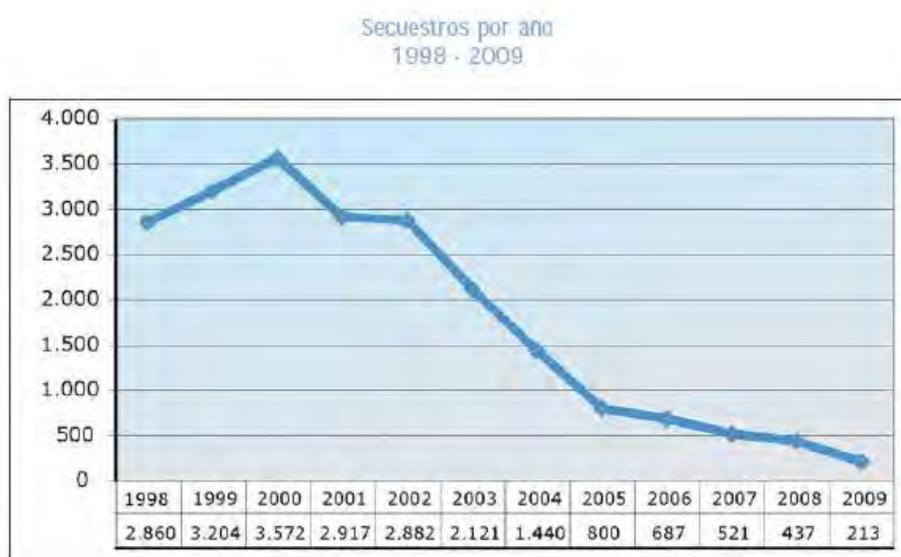
<sup>21</sup> Colombian Commission of Jurists, "Despojo de tierras campesinas y vulneración de los territorios ancestrales," July 2011. [http://www.coljuristas.org/documentos/libros\\_e\\_informes/despojo\\_de\\_tierras\\_campesinas.html](http://www.coljuristas.org/documentos/libros_e_informes/despojo_de_tierras_campesinas.html).

Indigenous people and Afro-Colombians in rural areas increasingly are the target of this kind of violence.

Human rights violations remain sufficiently widespread in Colombia as to place the country in Chapter IV (together with Venezuela, Cuba and Honduras) of the Inter-American Human Rights Report submitted to the OAS General Assembly, which contains the situation of countries of special concern to the Inter-American Commission on Human Rights (IAHRC). In the region, only Haiti (Chapter V) is considered by the IAHRC to have a worse human rights situation.

On the other hand, significant progress with regard to human rights and violence is also being made in the country, as the charts below illustrate.<sup>22</sup> In 2004, the government of Colombia claimed for the first time in recent Colombian history, a state presence in all of the country's 1,104 municipalities (county seats). Between 2002 and 2008, coinciding with the demobilization of paramilitaries, Colombia saw a decrease in homicides by 44% and kidnappings by 88%, and attacks on the country's infrastructure by 60%.<sup>23</sup> Extrajudicial executions<sup>24</sup> have declined significantly since 2008 owing to steps taken by the government.<sup>25</sup>

### Kidnappings (per year)



Fuente: ondelibertad  
Procesado: Observatorio del Programa Presidencial de DH y DIH, Vicepresidencia de la República

<sup>22</sup> See <http://www.derechoshumanos.gov.co/Observatorio/Paginas/Observatorio.aspx> for the government's current statistics. Most categories of human rights violations show improvement; among the categories that show deterioration over the same period last year are murders of indigenous people, victims of massacres, and kidnappings.

<sup>23</sup> <http://www.state.gov/r/pa/ei/bgn/35754.htm>.

<sup>24</sup> The relevant statutory definition under Colombian law includes only homicides of protected persons. The U.N. Rapporteur on Extrajudicial Executions includes killings by the security forces, guerrillas, paramilitaries and other armed non-State actors. Partly as a result of differing definitions, statistics vary.

<sup>25</sup> *Ibid.*

## Victims of Massacres (per year)



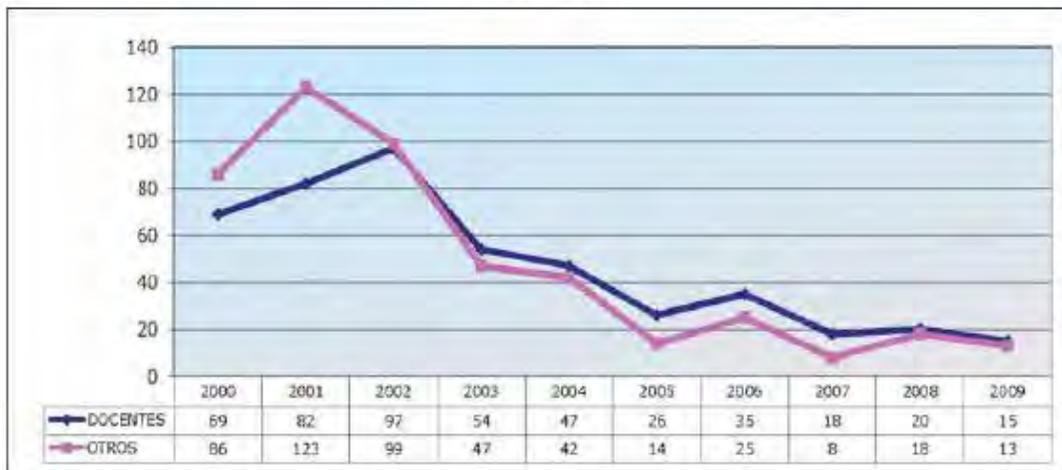
Fuente: Cic, Policía Nacional

Procesado: Observatorio del Programa Presidencial de DH y DIH, Vicepresidencia de la República

Datos extraídos del sistema IDH. Última fecha de actualización 30 de abril de 2010

## Homicides of Union Members (per year)

Homicidios de docentes sindicalizados y sindicalistas de otros sectores  
2000-2009



Fuente: Ministerio de la Protección Social

Procesado: Observatorio del Programa Presidencial de DH y DIH, Vicepresidencia de la República

Datos extraídos del sistema IDH. Última fecha de actualización 30 de abril de 2010

Colombia has one of the most sophisticated legal cultures and frameworks in Latin America. The Constitutional Court is an example for the entire continent. The application and understanding of human rights and international humanitarian law instruments, at an abstract level, are highly developed. Few countries now match Colombia's level of publication, jurisprudence and public rhetoric (including within military and police circles) in the human rights field. Similarly, there are many NGOs with high academic standards and commitment. The intensity of commitment to

human rights in Colombia by many people, in private and public organizations, is exemplary. Many interviewees noted that there is a distinct improvement in the government's rhetoric regarding human rights under the administration of President Juan Manuel Santos, who took office in August 2010 after serving as Colombia's Minister of Defense.

Colombia is addressing its past, present and future human rights situation in the new Victims and Land Restitution Law (known as the Victims' Law). This law implies a huge investment in greater capacity and efficiency of institutions dealing with human rights, including the Public Ministry. Colombia's bounty of minerals, ores and oil stimulate conflict, and the struggle for land is considered a root cause of the ongoing war. The Colombian government estimates that almost 17 million acres of land have been stolen by armed groups involved in the country's civil conflict over the past 25 years.<sup>26</sup> The Victims' Law, which President Juan Manuel Santos signed on June 10, 2011, aims over the next ten years to compensate around four million Colombians who have been victims of the civil conflict over the past 25 years, and who have lost land since 1991. The law is historic in its scale and intention to eliminate root causes of the conflict, by restoring up to 16 million acres of (an area the size of West Virginia) taken from peasants.<sup>27</sup> Attempts to return land to rightful owners could well stimulate attacks against returnees, however.

President Santos has said that implementation of the law is a top challenge for his administration, but its large scale will likely strain the current capacity of the GOC. In particular, it will create major additional responsibilities for the Public Ministry which is expected to play a key role in its implementation.<sup>28</sup> The Public Ministry institutions have not yet clearly defined their responsibilities in the implementation of this law, but primary tasks will include defining how Public Ministry institutions will interact with other GOC institutions in: a) identifying which victims are eligible for restitution, conducting outreach to them, and engaging them in the restitution process; b) confirming the boundaries of land from which they were displaced; c) establishing processes for making restitution; d) monitoring these processes, and identifying problems such as undue delays and fraud; and, importantly, e) providing security to people resettled on their land.<sup>29</sup> Much depends on the success with which Colombia implements this new law, and perhaps the best guarantor of its success is the Public Ministry. Vigilance and intervention by the Public Ministry will be essential to the success of this process, along with coordination with the military and police in resettlement.

While many challenges remain, Colombia is moving in a positive direction with regard to human rights, and there is great opportunity and momentum now for Colombia to make continued progress in this arena.

---

<sup>26</sup> <http://www.bbc.co.uk/news/world-latin-america-13591860>.

<sup>27</sup> Darcy Crowe, —Colombia Tries to Heal Wounds of Long War,” *The Wall Street Journal*, July 7, 2011, p. A10: The new law will seek to return (4)and that was stolen by paramilitary death squads and powerful regional bosses who threatened and sometimes massacred entire rural communities to force them off their farms over the past two decades...”

<sup>28</sup> *Ibid.*

<sup>29</sup> In 2010, nine leaders of displaced people were assassinated. Since 2002, more than 40 have been killed. See: <http://www.semana.com/nacion/no-cesan-crime-nes-contra-lideres-desplazados/149991-3.aspx>.

## D. The Public Ministry in Colombia: Structure, Functions, Constitutional Context

Colombia's Public Ministry is an umbrella concept encompassing three institutions: the largely autonomous National Human Rights Ombudsman (or National Ombudsman), the Inspector General, and the municipal ombudsmen. The municipal ombudsmen have functions as control entities at the local level as well as human rights ombudsmen. The Public Ministry comprises Colombia's three entities of control, but it is not a prosecutor, and is not comparable to other public ministries in Latin America or that of Spain. Colombia's Inspector General, for example, can intervene in judicial processes. There are practically no divisions within the Public Ministry that span the three component institutions, except for one: the Institute of Studies of the Public Ministry, which includes a training division that trains personnel from the Public Ministry's three component institutions.

To date USAID technical assistance has focused primarily on the Inspector General and secondarily on the National Ombudsman, with very little assistance for the municipal ombudsmen. The three largely autonomous institutions of the Public Ministry and their functions are summarized as follows:

### Inspector General

The Inspector General is a control entity and disciplinary authority of the state, and represents citizens before the state. Its purpose is to monitor compliance with the Constitution and the laws, promote the protection of the fundamental rights of citizens, protect human rights, and ensure the state's effectiveness. In response to the eternal question of who guards the guardians and holds them accountable, at the top of the list in Colombia would be the Inspector General, particularly as it may exercise "preferential power", meaning it can intervene in the disciplinary cases against officials, displacing the Attorney General.

The Inspector General has wide-ranging powers given its standing to investigate, sanction and depose officials for malfeasance including human rights violations and corruption. It also has discretionary "preferential power" to assume administrative and disciplinary control over civil or military government institutions, and to bring cases to court, as well as to intervene in judicial processes to secure respect for the rule of law.

The Inspector General holds an unusual amount of power. For example, the Inspector General recently suspended the mayor of Bogota – following an investigation, but not a trial – on grounds relating to corruption. The Inspector General's Office does not accuse the mayor of benefitting from demonstrated corruption in his administration; rather, he is accused of tolerating it. His alleged malfeasance is that of omission, not the commission of a crime, which may set an interesting legal precedent.

The Inspector General's Office has three general functions with regard to governmental oversight: preventive, disciplinary and judicial intervention:

**1. Prevention:** The Inspector General's Office monitors the actions of public officials and takes notice of violations of human rights and international humanitarian law. The human rights functions are exercised primarily through the Delegates for Preventive Human Rights, and Discipline for the Defense of Human Rights.

**2. Disciplinary:** The Inspector General's Office investigates and rules on the conduct of public officials, including those who have violated human rights or international humanitarian law. In the context of the armed conflict, it investigates actions or omissions of officials when such acts or omissions cause death, injury, forced disappearance, or crimes. The Inspector General may open a disciplinary investigation or let the Office of Internal Control of the Military take action on the case. Through its Disciplinary Delegate, the Inspector General's Office exercises the authority to revoke disciplinary decisions issued by the Internal Disciplinary Control offices.

**3. Judicial intervention:** The Inspector General's Office may intervene in judicial proceedings largely as it sees fit, which is a subject generating considerable debate. As a party to the proceedings, or as a special intervener, the Inspector General's Office may intervene in proceedings before the Constitutional Court, administrative courts, military, criminal, civil, labor, environmental and agricultural trials, and other administrative and police in processes related to violations of human rights and international humanitarian law. It is estimated that the Inspector General's Office intervenes in around 10% of such cases.

The chief Inspector General is selected by the Senate every four years from among three candidates respectively presented by the Supreme Court, the State Council, and the President. Many interviewees describe this as being a political selection process that has allowed critics to question the autonomy of the Inspector General. This selection process also offers opportunity to civil society to promote its preferred candidates, however, and to lobby for their nomination. Many interviewees described the Inspector General's Office as being rather centralized, suggesting that the leadership of this institution is a key variable in its effectiveness.

The incumbent Inspector General is gaining a reputation for fighting corruption. In 2009 he claimed that 48,000 officials were under investigation for corruption, and that he planned to pursue –emblematic” cases.<sup>30</sup> More recently, he claimed that 500 officials across the country are under investigation, including 14 governors and more than 100 mayors.<sup>31</sup> The majority of human rights groups interviewed encourage the Inspector General to aggressively pursue more emblematic cases regarding human rights, such as the illegal wiretapping of citizens and killings of civilians.

Unlike the National Ombudsman, the Inspector General is an old institution, established in 1830, and has 3,500 staff across the country.

## **National Human Rights Ombudsman**

The National Human Rights Ombudsman is a national spokesperson for human rights, and channels citizens' complaints against the State for violations thereof. It is more a pulpit of persuasion and conscience than a coercive power. Its main functions are the prevention, protection and defense of human rights (it includes public defenders that represent indigent

---

<sup>30</sup> –More than 48,000 Officials Investigated for Corruption,” Colombia Reports, Sept. 15, 2009: <http://colombiareports.com/colombia-news/news/5928-inspector-general-reveals-more-than-48-thousand-officials-being-investigated-for-corruption.html>.

<sup>31</sup> –Inspector General Announces that this year he will make Exemplary Decisions,” *El Tiempo*: <http://m.eltiempo.com/colombia/el-procurador-anuncio-que-este-ano-tomara-decisiones-ejemplarizantes/7699638/1/home>.

citizens in judicial processes); and the promotion of respect for human rights, including by educating people and officials on human rights and international humanitarian law.

According to the Constitution of Colombia, the National Ombudsman has a broad mandate to "ensure the promotion, exercise and dissemination of human rights," and its functions include:

**1. Promotion of human rights and dissemination of human rights information.** This function includes guiding and instructing the citizens of Colombia in the exercise and defense of their rights before the competent authorities or private entities; disseminating human rights information and recommending policies for teaching human rights.

**2. Habeas corpus.** The Ombudsman can invoke the right of habeas corpus and interpose actions of *tutela* without prejudice to the rights of those concerned. A *tutela* is a constitutional remedy to guarantee that citizens' fundamental rights will be protected; a *tutela* action may take place when a fundamental right has been threatened by the action or omission of a public authority or, in exceptional cases, private individuals.

**3. Public defense.** The Colombian Public Defender's Office is located within the structure of the Ombudsman.

**4. Policy and advocacy.** The Ombudsman can "bring popular actions on issues related to its competence," and submit draft legislation. It also submits reports to Congress on the performance of the office's duties.

The National Ombudsman's role is essentially that of a human rights watchdog, transmitter, teacher, alarm and overseer, but it has little coercive power beyond that which it may harness through publicity. Its power comes from having moral authority and a voice, if it chooses to make its voice heard. The National Ombudsman can issue recommendations to relevant authorities and individuals regarding potential or actual threats or violations of human rights. It is meant to be accessible to people with human rights complaints. It also provides limited psychological and legal help to victims of human rights violations, and guides citizens in making human rights complaints. The National Ombudsman can carry out diagnostics on different aspects of human rights issues and situations, and file constitutional actions in defense of fundamental rights. It can also seek to ensure that private organizations abstain from violating rights.

The National Ombudsman was created in 1991. Constitutionally, it is under the direction of the Inspector General. In practice, it is an autonomous institution and the Inspector General rarely if ever intervenes in its functions and management. Each of these institutions issues its own annual report<sup>32</sup> which hardly mention the other institution, highlighting the independence, and lack of interaction, between them. The National Ombudsman is present in all departments. Its accessibility, commitment to human rights, and close work with communities has earned it high levels of credibility and respect. Many interviewees stated that this institution is deprived of funding.

---

<sup>32</sup> The Inspector General's 2009 Annual Report mentions the National Ombudsman approximately four times, largely with regard to training activities or events attended by personnel from both institutions. Meanwhile, the National Ombudsman's 513-page annual 2009 report mentions the Inspector General's Office around eight times.

The head of the National Ombudsman's office is elected by the House of Representatives every four years from a list submitted by the President of the Republic. Authority within the institution is concentrated in its chief executive, the *Defensor del Pueblo*, and many of the leading positions within the National Ombudsman's office are then assigned by the *Defensor*. As with the Inspector General, there is a political dimension to the selection process for the National Ombudsman, and the institution is considered to be somewhat centralized. Thus, much of the moral weight and effectiveness of this institution relies on how well and actively the head of the institution makes pronouncements, and applies his or her powers of moral persuasion in defense of human rights.

The National Ombudsman has four Directorates (*Direcciones Nacionales*), and eight Delegates (*Delegados*) that deal with specialized subjects. The Directorates are:

- Attention to and processing of complaints;
- Promotion and dissemination of human rights;
- Resources and judicial actions; and
- National Public Defender System.

The eight Delegates serve as the spearheads on the following human rights issues:

- Rights of children, youth and women;
- Constitutional and legal affairs;
- Collective rights and the environment;
- Indigenous and ethnic minorities;
- Criminal and penal policy;
- Monitoring of public policies on human rights;
- Risk assessment of civilian population as a result of armed conflict (including the Early Warning System); and
- Communication.

The Public Defender system is administered by the National Ombudsman, providing the indigent with free legal representation. This function consumes approximately 75% of the Ombudsman's budget. Public defenders represent not only indigent defendants in criminal cases; they also represent both victims of human rights violations and former paramilitaries accused of perpetrating those human rights violations, which many interviewees found to be controversial.<sup>33</sup>

Notwithstanding the National Ombudsman's reportedly strained finances, many of the Delegates and their functionaries maintain a reputation for having a strong commitment to serving victims and improving Colombia's human rights situations, with particular praise accorded to the Early Warning System.

The Early Warning System, known as the SAT (*Sistema de Alertas Tempranas*), is a key function of the National Ombudsman. It operates a national network of analysts that produce risk

---

<sup>33</sup> A number of interviewees proposed moving the public defender function out of the National Ombudsman's office into the judicial system.

reports and follow-up reports regarding probabilities and incidents of armed conflict by illegal armed actors that place civilians in danger of massive human rights violations. The SAT risk reports make recommendations to authorities regarding actions to prevent and mitigate these risks.

There are three types of risk reports: 1) Imminent risk (which can be issued by the National Ombudsman without review and verification by the Interinstitutional Commission on Early Warnings (Spanish acronym CIAT), implying a high probability of conflict; 2) circumstantial risk, which can be focused (affecting one municipality) or of medium scope (affecting more than one municipality); and, 3) structural risk, which identifies and analyzes the development and dynamics of armed conflict in a region or sub-region of the country.<sup>34</sup> After an initial risk report is issued, the situation is monitored and follow-up reports may be issued. Risk reports generally are not directly issued to the competent authorities, such as the police or military, except in the case of imminent risks. Rather, they must first pass an evaluation and verification review by the CIAT, based at the Ministry of the Interior and Justice, which decides whether or not to disseminate an early warning; regardless of whether an early warning is issued, the CIAT in response to the risk reports coordinates actions of national, regional or local authorities toward avoiding, controlling or mitigating the announced risk, and to provide the necessary protection to the communities involved.<sup>35</sup> The CIAT is comprised of representatives from various ministries and governmental agencies: Interior, Defense, Military Forces, National Police, the Presidential Program for Human Rights, and the Presidential Agency for Social Action and International Cooperation. Decisions are taken by majority vote. Permanent invitations to attend CIAT review sessions are issued to specific high-ranking representatives from other institutions, including the SAT Delegate at the National Ombudsman, and the Preventive Delegate for Human Rights at the Inspector General. The Administrative Department for Security (Spanish acronym DAS) was removed from the CIAT in 2010.<sup>36</sup>

The objectives of the SAT include:

- Promote policies and strategies to prevent massive violations of human rights, protect the civilian population, and mitigate the damages suffered by communities as a result of armed conflict by illegal armed actors.
- Promote humanitarian intervention by the state, social solidarity, and the creation of spaces and attitudes that promote the political settlement of internal armed conflict.
- Monitor the dynamics of armed conflict on regional and local levels, including the types of violence and control used by armed groups against civilians.
- Warn authorities about the possible occurrence of massive violations of human rights and breaches of international humanitarian law, in order to deter, mitigate or overcome such risk.

---

<sup>34</sup> –Decimoséptimo Informe del Defensor del Pueblo de Colombia al Congreso de la República Enero - Diciembre de 2009,” p. 195.

<sup>35</sup> The nine steps of the CIAT’s review process are detailed in a Ministry of Interior and of Justice document: –Procedimiento Evaluación Informes de Riesgo y/o Notas de Seguimiento – CIAT,” Código: AN-GT-P-02, Versión:01, Nov. 11, 2010.

<sup>36</sup> See Decree 2780 of 2010:

[http://www.icbf.gov.co/transparencia/derechobienestar/decreto/decreto\\_2780\\_2010.html](http://www.icbf.gov.co/transparencia/derechobienestar/decreto/decreto_2780_2010.html).

- Develop policy guidelines to allow the National Ombudsman to intervene effectively in preventing massive violations of human rights in the armed conflict.
- Promote and coordinate improvement in the effectiveness of preventive actions.
- Support the formulation of public policy to guarantee and protect fundamental rights of the civilian population from the consequences of armed conflict.
- Develop and disseminate reports and research to support government action and to contribute to the formulation of public policy in preventing human rights violations.

## Municipal Ombudsmen

Municipal ombudsmen (*personeros municipales*) have broad authority reflecting the functions of both inspectors general and human rights ombudsmen. They are appointed by municipal councils and paid by the municipality. The Inspector General's Office is constitutionally charged with overseeing their work, but in large part they perform their activities within the framework of the municipality. Municipal ombudsmen were established by decree in 1986, and in 1991 the Constitution included municipal ombudsmen as part of the Public Ministry. In 1994, Law 196 established the administrative design of the municipal ombudsmen as entities with budgetary and administrative autonomy.

Municipal ombudsmen's general responsibilities include protection of human rights or promotion of international humanitarian law.<sup>37</sup> They serve as: agents of the Inspector General's Office; human rights defenders and ombudsmen; watchdogs of the public treasury; participants in alternative means of dispute resolution, particularly extrajudicial conciliation; and protectors of collective rights and the environment. The law that created municipal ombudsmen (Law 136, Art. 178) identifies 23 general functions, but several interviewees said that they have close to 1,000 specific functions in overseeing local government, and that various laws at national and municipal level keep adding to these functions.

Their specific responsibilities include (but are not limited to):

- Lodging popular actions in court to claim damages caused by a crime when the interests of the community have been affected;
- Disseminating human rights information, and instructing citizens in the exercise of their rights before the competent authorities;
- Cooperating in the development of policies proposed by the National Ombudsman at the municipal level;
- Filing, by delegation of the National Ombudsman, constitutional remedies (*tutela*) in the name of any person that requests so, or who is in a situation of defenselessness;
- Defending collective interests, especially with regard to the environment, by filing or intervening in judicial actions and constitutional remedies before the authorities;
- Overseeing the participation of professional, civic, community, labor and other nongovernmental associations in their participation in and oversight of municipal public services;

---

<sup>37</sup> –*El Personero Municipal y la Protección de los Derechos Humanos y la Población Civil,*” Programa Presidencial de Derechos Humanos y DIH – Vicepresidencia De La Republica, Bogotá, enero de 2009. (<http://www.derechoshumanos.gov.co/Prensa/Dest.>)

- Supporting and collaborating with the National Director for Care and Processing of Complaints (*Directora Nacional de Atención y Trámite de Quejas*) of the National Ombudsman's office; and
- Promoting the creation and operation of the citizens' and community watchdogs (*veedurías ciudadanas o comunitarias*).<sup>38</sup>

With regard to human rights matters in particular, the municipal ombudsmen may perform the following functions:

- Receive and handle complaints regarding threats or infringements of human rights, political liberties and social guarantees;
- Request from pertinent authorities the necessary information regarding these threats;
- Obtain information from the competent authorities about detentions, retentions, searches, or other acts that may limit or restrict the liberty of persons and the motivation and places where they take place;
- Inform authorities about any fact that may come to their knowledge with the purpose of implementing corrective actions and sanctions that may be applicable; and
- Present an annual report, including recommendations, to the municipality.<sup>39</sup>

Given the presence of municipal ombudsmen in all but two of the municipalities of Colombia, they often are the first stop for citizens seeking services or making complaints. Municipal ombudsmen are supposed to help keep public institutions accountable, but many interviewees noted that their close relations to city councilmen and mayors may impede their independence and activism, especially in municipalities under pressure from illegal armed groups.<sup>40</sup> According to FENALPER, around 10% of municipal ombudsmen have been threatened for their activities, and there are cases of municipal ombudsmen being killed or disappearing.<sup>[x] 41</sup>

The largest cities have well-funded municipal ombudsmen, but those in smaller municipalities may have strained finances.<sup>42</sup> Many municipal ombudsmen have little or no human rights training when they take office, and some interviewees suggested that a majority lack a university degree, although the team could not confirm this. A number of interviewees remarked that there

---

<sup>38</sup> *Ibid*, p. 22.

<sup>39</sup> *Ibid*, p. 23.

<sup>40</sup> The Municipal Ombudsman's office usually is in the same building as that of the Mayor.

<sup>41</sup> In a press release of early 2011, the President of FENALPER stated, "We have more than 100 Municipal Ombudsmen that have been threatened, more than 10% of the Municipal Ombudsmen in the country." The release also states that 100 were threatened in 2008, 96 in 2009, and close to 100 in 2010. In addition, in the last few years, municipal ombudsmen were assassinated in Nariño, Segovia and departments of the Atlantic Coast, while one disappeared from Valle. See: <http://www.personeriabogota.gov.co/index.php?idcategoria=4113>. See also: "Personeros, en la mira de los Violentos," *El Periódico*, Aug. 3, 2010.

<http://elperiodico.com.co/newperiod/index.php?modulo=articulos&accion=verArticulo&id=883>.

<sup>42</sup> See: *Ley 617 de 2000* (Law 617 of 2000) that defines budget for different categories (by size) of municipalities. The budgets for Municipal Ombudsmen of larger municipalities are defined as a percentage, ranging from 1.6% to 2.2%, of freely destined municipal income (*ingresos corrientes de libre destinación*); smaller municipalities define budgets as a multiple of the current minimum salary. For a more detailed explanation of the formulation of Municipal Ombudsmen's budgets, see:

[http://www.minhacienda.gov.co/portal/pls/portal/PORtal.wwsbr\\_imt\\_services.GenericView?p\\_docname=97601.DOC&p\\_type=DOC&p\\_viewservice=VAHWSTH&p\\_searchstring=](http://www.minhacienda.gov.co/portal/pls/portal/PORtal.wwsbr_imt_services.GenericView?p_docname=97601.DOC&p_type=DOC&p_viewservice=VAHWSTH&p_searchstring=).

is great variation in how municipal ombudsmen perform their roles, with some being much more effective and visible than others. While individual municipal ombudsmen provide in their annual reports some statistics regarding their performance, such as the number of complaints received, there are few effective indicators regarding their work, and it is difficult to make comparisons between them.

As yet, there is little in the way of a network, central coordination or measurement of results for municipal ombudsmen. In 2010, the National Federation of Municipal Ombudsmen (Spanish acronym FENALPER) organized the first meeting of its Executive Committee of Municipal Ombudsmen.<sup>43</sup> Interviewees suggested that the FENALPER works most closely with Bogotá's municipal ombudsman (where there is an "Office of Municipal Ombudsmen," which forms the technical secretariat of FENALPER), and is not yet recognized as a sole and legitimate voice of all municipal ombudsmen in Colombia.

## **E. Funds Appropriated by U.S. Congress for the Public Ministry's Human Rights Activities**

In Fiscal Years 2008, 2009, and 2010, a total of approximately \$13.5 million was transferred from the State Department's International Narcotics Control and Law Enforcement (INCLE) account to USAID for support to the Inspector General and the National Ombudsman. These INCLE funds were parts of packages of assistance for Colombia defined by earmarks in the U.S. congressional appropriations acts. The amount of funds for the Inspector General and the Ombudsman were defined in the Appropriations Act for 2008 and the Conference Reports for 2009 and 2010.

The amount of funding appropriated to the Inspector General and National Ombudsman from these earmarks has been declining. In 2008 about \$5 million was designated, with 60% of this amount going to support the Inspector General. In 2009 the earmarks totaled \$4.5 million, with 78% of this amount going to the Inspector General. In 2010 the amount earmarked for these two institutions was approximately \$4 million. Meanwhile, total funds earmarked for Colombia in both 2008 and 2009 was \$545 million, while in 2010 the figure was \$522 million.

## **F. USAID and Other Sources of External Support to the Public Ministry**

USAID assistance to the Public Ministry using earmark funds was channeled primarily through the Human Rights Program. This program, and the others, may be summarized as follows:

### **Human Rights Program (HRP)**

- Implementer: Management Sciences for Development (MSD).
- Beneficiaries: Inspector General and National Ombudsman.

---

<sup>43</sup>This conference took place in Neiva with the participation of a significant number of officers from the Public Ministry. <http://www.diariodehuila.com/noticias/5403>.

- Objectives: prevent human rights violations; protect those whose rights are at risk of being violated; increase the capacity of the government, state, and civil society to respond effectively to human rights violations after they occur.
- Budgets for activities with Inspector General: 2008 \$2.98 million; 2009 \$3 million, 2010 \$2.5 million.
- Budgets for activities with National Ombudsman: 2008 \$1 million; 2009 \$.5 million; 2010 \$1 million.

HRP, which also executes programs beyond the Public Ministry, is USAID's largest human rights program. USAID's assistance to the Inspector General has sought to strengthen the Inspector General's preventive, disciplinary, and intervention functions on human rights and international humanitarian law issues. The overall goal has been to strengthen checks and balances between the Inspector General, as the Colombian independent oversight entity, and executive branch agencies.

HRP assistance to the National Ombudsman has focused on strengthening its efforts to prevent human rights violations through the Early Warning System, and attention to and processing of complaints. HRP has also supported the Special Victims' Unit, including training of its personnel and assistance related to psycho-social support for victims, and sponsored inter-university legal advocacy competitions on human rights subjects.

Through the IEMP, the HRP has recently started to provide limited assistance, primarily training to municipal ombudsmen.

### **Demobilization and Reintegration Program (DR)**

- Implementer: International Organization for Migration (IOM).
- Beneficiary: National Ombudsman.
- Objective: Support the National Ombudsman's efforts to strengthen assistance to victims.
- Budgets for activities with Inspector General: 2008 \$0; 2009 \$200,000; 2010 \$500,000.
- Budgets for activities with National Ombudsman: 2008 \$479,000; 2009 \$500,000; 2010 \$0.

### **Justice Reform and Modernization Program (JRMP)**

- Implementer: Florida International University (FIU), 2006 - 2010
- Beneficiary: Public Defender's Office of the National Ombudsman.
- Objective: Support the development of training programs for public defenders.
- Budgets for activities with National Ombudsman: 2008 \$505,000; 2009 \$0; 2010 \$0.

### **Regional Governance Consolidation Program (RGCP)**

- Implementer: Management Systems International (MSI).
- Beneficiary: Inspector General.

- Objective: Provide assistance to the Inspector General to increase its oversight of the effective usage of extractive industry royalties to increase access to health and education services and clean water.
- Budgets for activities with Inspector General: 2008 \$0; 2009 \$300,000; 2010 \$0.

### **Other International Support**

USAID was one of approximately 15 foreign donors, and by far the largest, to the Inspector General in 2010, which had a budget of approximately USD \$184 million in 2010. Of approximately 68 ongoing projects of foreign cooperation with the Inspector General in 2010, almost half of those were being implemented with USAID funds.

Other leading donors to the Inspector General, National Ombudsman and municipal ombudsmen include various agencies of the United Nations, especially the United Nations Development Programme (UNDP), the United Nations Children’s Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR). The European Union and some individual European countries also implement projects and provide support.

The participation of the German Aid Agency (German acronym GIZ) and IOM with the Inspector General and National Ombudsman is noteworthy in that they supply personnel -- consultants who work within the headquarters and some regional offices of the two institutions. GIZ has a strategic focus on strengthening these institutions by increasing their management and strategic planning skills, while the Swedish International Development Agency (SIDA) focuses on transitional justice issues. Interviewees generally did not believe there was duplication of efforts by donors. Given the many needs of the beneficiary institutions, there is plenty to do. What may be lacking is better coordination of strategies, projects, lobbying, and sharing of information between donors. The offices of international coordination at the Inspector General and National Ombudsman, and their comptrollers, maintain charts identifying foreign assistance, but these are not made public and are not always up to date. These charts do offer a good tool for assisting coordination and avoiding duplication of projects among different donors, however.

Some mechanisms for coordination exist. Two are the G-24<sup>44</sup> and the "Friends of the National Ombudsman," although neither is as active as they were in the past. The G-24 working group, which was founded by 24 donor countries in 2003 via the London Declaration<sup>45</sup> and includes USAID, has a mission to guide international funds for peace, human rights and democracy in Colombia. A main thrust of this group is promoting Colombia’s compliance with recommendations for international human rights protection, which come primarily from the U.N. High Commissioner for Human Rights.<sup>46</sup>

---

<sup>44</sup> The G-24 is composed of: the United States, Canada, Belgium, Denmark, Spain, France, Great Britain, Ireland, Norway, Netherlands, Portugal, Germany, Sweden, Switzerland, Argentina, Brazil, Chile, Mexico, the European Commission, Japan, UN agencies, the IMF, World Bank, and the Inter-American Development Bank. The UNDP is the Technical Secretary of the G-24.

<sup>45</sup> A donors’ meeting on Colombia was held in London in July 2003, which generated the ‘London Declaration’, signed by 24 members of the international community (G-24), marking a watershed in international relations with Colombia by linking international cooperation to respect for human rights and a negotiated solution to the conflict.

<sup>46</sup> See, for example: <http://www.international.gc.ca/cip-pic/features-manchettes/colombia-colombie/g-24.aspx?lang=eng>.

## 2. IMPACT OF USAID PROGRAMS TO STRENGTHEN THE PUBLIC MINISTRY

### A. General Findings

USAID, through its contractors, implemented an impressive variety of projects with the Inspector General and National Ombudsman. We identify four general types of cooperation (although not all apply to all three branches of the Public Ministry): (1) production of analytical documents like reports and diagnostics; (2) training, often on the topic addressed by the document produced; (3) donation of equipment; and, (4) direct financial assistance in the form of, for example, payments of salaries (in the case of the National Ombudsman's *duplas*), and monitoring costs and insurance (for SAT analysts).

Our interviews and review of evaluations by activity participants suggest that USAID's projects with the Public Ministry responded closely to real institutional needs, and were enthusiastically received, suggesting a positive impact. However, we found that objective measurements of impact are lacking.

Institutional strengthening suggests a more systematic, scalable and sustainable enhancement of knowledge, skills, capacity and performance, and this is where many of the projects fall short. They were insufficiently focused on developing the institutions' abilities to conduct activities themselves. Members of the Special Investigations Unit were interviewed regarding the impact of equipment donated by USAID; they claimed that it accelerated the pace of investigations, but could not provide objective data to confirm this. Direct financial assistance supports service provision, by paying salaries and other expenses such as mobile phone service and insurance; as long as these funds flow, the institution capacity is enlarged. But, as some interviewees suggested, such direct foreign assistance supplants what the GOC should be providing, and does not necessarily produce sustainable capacity-building results.

We also found that, in the case of the Inspector General, support may have been too dispersed, contributing to slow implementation and poor follow up in terms of systematizing and evaluating impact. Support for the National Ombudsman was more targeted, including continued strengthening – and nationalization – of the Early Warning System, although it also included paying the salaries of *duplas* (pairs of psychologists and lawyers that attend to victims).

Measurements of the impact of technical assistance to the Public Ministry are hindered by a lack of indicators and performance measurements within these institutions. The annual reports of these institutions include some cursory self-evaluations, or tallies of, for example, the number of complaints received, that do not provide helpful measurements of performance.<sup>47</sup> Before USAID can seek to measure the impact of its assistance to these institutions, it would be helpful for the institutions themselves to develop and systematize measurements of their own performance.

---

<sup>47</sup> See, for example, p. 125 of the Inspector General's 2009 annual report (*Informe de Gestión 2009*). An evaluation of internal systems of control indicates a 100% advance in all 28 categories of internal controls.

## B. Inspector General

### Implementation of activities

**Documents.** Many of HRP's projects with the Inspector General follow a model whereby an external consultant is contracted by HRP to write a report, and then trainings are conducted on the same subject as the report, but without leaving training modules or curricula that could be used in future trainings. Typically, the reports offer in-depth analysis, and recommendations or guidelines regarding the subjects they address. Regarding the reports, we conclude they are professionally done and informative. Interviewees remarked that they were produced in close cooperation with, and reviewed by, staff of the Delegates, and proved to be of high utility in guiding their actions.

Of interest to this assessment is the degree to which these reports were read by the beneficiary institutions and recommendations were adopted, the extent to which information contributed to the strengthening of the institution, and the degree of efficiency with which these projects were implemented. The assessment team notes that it did not find evidence of attempts to: (1) measure the actual dissemination of most of the documents; (2) evaluate the content and quality of these documents; (3) evaluate the impact of these reports; and, (4) actively seek targeted or general dissemination beyond submission of the final report to the most relevant Delegate within the Public Ministry.

We do not take issue with the subject matter or content of the reports and documents, as indicated. Our general review suggests they are thorough, detailed and informative, appropriate for the leadership of the respective delegates to which they are addressed, and deemed as highly useful by a great majority of relevant interviewees. However, we question whether there was sufficient effort to broaden the audience of these documents to multiple delegates and their staff, as well as to other delegates and agencies working on the same subjects.

Further, as the reports at times are dense and lengthy, they should contain executive summaries. The impression given is that the primary objective regarding reports is their production, with insufficient attention paid to how these reports are absorbed, used or disseminated. Part of the problem is that consultants external to the institutions were in most cases responsible for producing the reports, without sufficient engagement at the dissemination stage by staff of the relevant delegations, or by the Public Ministry's Institute of Studies.

Efficiency of project implementation is linked to potential impact and strengthening. Many projects, most of which are of modest size (with budgets of \$50,000 - \$150,000), took more than a year to execute, which appears to be too slow given the projects' size and content. Interviewees suggested that activities regarding international humanitarian law were prone to duplication by other institutions, and that it is not necessary, for example, to develop new materials on the subject of Colombia's implementation of Inter-American Court decisions when there exists a considerable amount of literature on the subject. In addition, we express concern that the Institute of Studies of the Public Ministry (Spanish acronym IEMP) is being bypassed on most projects containing research and training. The IEMP is the only unit among Public Ministry divisions that is expressly dedicated to serving the entire Ministry, and thus holds great potential to provide services across the three institutions.

**Training.** Evaluations summarized by HRP in its activity reports and our interviews indicate that the trainings were highly regarded and well received by participants. The primary complaint of interviewees was that they were hungry for more training. A common concern among interviewees was that trainings should be longer, less theoretical and more practical, that is, have greater application to their daily work. Some interviewees questioned why the Inspector General's in-house Network of Trainers, consisting of active senior-level personnel, was not engaged in the trainings, which would strengthen the institution's members' capacity to train their colleagues.

Most training evaluations ask trainees to self-evaluate their gains in knowledge. While these evaluations show that participants believe they experienced substantial increases in knowledge, they generally lack more objective measurements that could be made via testing. One exception was a training regarding international humanitarian law where the evaluation included a before and after survey that posed six basic questions regarding international humanitarian law. From interviews and a review of evaluations, participants almost universally give very high marks to the trainings in terms of content, trainers, and their gains in knowledge. This suggests that trainings are indeed well tailored to the needs of the institutions, and are highly appreciated by the participants.

A fundamental omission of the trainings is that they failed to build the Public Ministry's own capacity to conduct trainings in the future, which would strengthen the Public Ministry by allowing it to multiply the impact of such training, and make it sustainable in the future. The trainings offered generally were one-off events, and the trainings generally did not:

- Include delivery to the Public Ministry of a training module consisting of a curricula or training materials;
- Adopt a strategy of training Public Ministry personnel to train their own people;
- Seek to determine how many people should be trained and to what degree, by conducting or using baseline surveys of prior knowledge and needs;
- Seek to measure knowledge gained, both at the end of a training and, preferably, one year later;
- Seek to systematically share knowledge between Delegates and other institutions within the Public Ministry; or
- Seek to systematically coordinate with the Public Ministry's own training unit, contained within the Institute for Studies.

In sum, our interviews lead us to conclude that HRP's trainings were useful and well done, and that the next step in their development would be to make these trainings scalable across the different institutions, across regions, thereby providing sustainable platforms to strengthen the Inspector General.

**Equipment.** Regarding donations of equipment, most of this type of assistance went to the Inspector General's Unit for Special Investigations, which received approximately \$625,000 worth of equipment, which can be categorized as specialized forensic equipment and non-specialized equipment. The specialized equipment includes forensic investigation equipment,

mobile evidence collection kits, and a ballistic comparison microscope. The non-specialized equipment includes video cameras, voice recorders, a four-wheel drive vehicle, computers, software, cameras, and mobile phones with service. The Disciplinary Delegate for Human Rights also received approximately \$19,000 in computer equipment and software. Interviews with users from the Unit for Special Investigations indicate that the equipment allows greater efficiency and precision in collecting and analyzing evidence, and greater capacity for conducting field investigations. However, there was no systematic attempt to determine impact.

In the case of the Unit for Special Investigations, it is clear that the quality and efficiency of their work depends on having specialized equipment, and our interviews revealed cumbersome and slow procurement processes within the Inspector General. USAID's assistance helped to advance the speed with which the Inspector General could gear up to conduct more scientific and professional investigations.

**Direct financial assistance.** No direct financial assistance was provided to the Inspector General.

**Overall implementation.** Of the 44 HRP projects conducted between 2006 and 2011, 38 were implemented for the Inspector General. Projects generally addressed key topics that were in line with both USAID and Public Ministry priorities and strategies,<sup>48</sup> and relevant to beneficiary institutions and their divisions. The projects often responded to proposals submitted by the beneficiary institutions following approval by the heads of the respective institutions.

The HRP projects with the Inspector General were directed to the following Delegations and Units, with the number of projects addressed to them in parentheses:

- Delegate for Prevention in Human Rights and Ethnic Affairs (15)
- Delegate for Environmental and Agrarian Affairs and the Delegate for Prevention, as above (3 joint projects)
- Delegate for Labor and Social Security Affairs (7)
- Delegate for Civilian Affairs (1)
- Disciplinary Delegate for the Defense of Human Rights (4)
- Special Investigations Unit (4 projects, three of which were procurements of equipment)
- Delegate for Criminal Affairs (3)
- Delegate before the State Council (1)

The Preventive Delegate received by far the most HRP projects – 15 – while the runner up, the Delegate for Labor and Social Security Affairs, received seven. The six other delegates or units receiving support did not have more than four projects with the HRP. Three of the projects were conducted jointly with more than one Delegate at a time. A large number of HRP projects are being implemented with the Inspector General's Delegate for Prevention in Human Rights and Ethnic Affairs, and some of these could have been shared more widely among other Delegates

---

<sup>48</sup> Needs, priorities, plans and actions of both the Inspector General and the National Ombudsman are summarized in their annual reports, available on their web sites, which are recommended for further reading.

and members of the National Ombudsman's Office. For example, a project to strengthen the Inspector General's Office in its capacity as state agent before international bodies and as guarantor of human rights in Colombia included training for 40 members of the Inspector General's Office, when this topic would be useful for many more in the Public Ministry. It is central to the work of the Inspector General's Office of International Instances, for one, which is charged with monitoring the application of international humanitarian law in Colombia, and to that of the National Ombudsman.

Several interviewees said that the multitude of projects may have contributed to delays. Some attributed the delays to problems within USAID having to do with contracting consultants; another reason may be the sheer number of projects being implemented at the same time. Some interviewees suggested that too much USAID money flowed too quickly into the Inspector General's Office. We disagree; the issue is not the amount of money flowing, but the skill with which it is managed to strengthen the institution. The large number of HRP projects implemented with the Inspector General demonstrates a high degree of ambition, but may also illustrate the need to not try to respond to every need, or seek to satisfy every disparate request for a publication or training.

### **Overall impact**

The main impact of support USAID to the Inspector General's Office of Colombia has been the construction of knowledge for the fulfillment of its preventive, disciplinary and judicial intervention functions in human rights and international humanitarian law. Our interviews suggested that USAID's projects had the following beneficial impacts:

- Helped the Inspector General to better identify challenges it faced in the field of human rights through studies and diagnostics.
- Increased investigative capacity and speed through donations of specialized technical equipment and equipment to facilitate field investigations.
- Encouraged greater attention to the human rights agenda of the Inspector General, which arguably enabled the institution to be more visible and encouraged the institution to make greater investments in appropriate human capital.
- Emphasized the function of prevention in an institution that has been more oriented toward the disciplinary function, thereby encouraging greater balance within the institution between prevention, intervention and sanctions.
- At the national level, it has achieved consolidation of spaces for interaction, dialogue and permanent debate around sensitive issues concerning human rights.
- Permitted exchanges of social, academic and institutional knowledge.
- Developed protocols, manuals and instructions on prevention.
- Various studies of demobilization and reintegration helped develop more practical approaches, and helped to identify successes and failures.
- Research on the situation of children and the forced recruitment of minors helped to raise the profile of these issues.
- Research on land, for example, helped to identify subsequent tasks for the Inspector General, and raised awareness regarding their impending responsibilities with regard to the new Law on Victims and Restitution.

- Working groups that analyze controversial issues in the implementation of transitional justice, and the Justice and Peace Law. This also helped to generate more of an institutional culture of analysis.
- Greater awareness of international human rights standards through support for monitoring the Inter-American system of human rights and the opinions of the Inter-American Commission on Human Rights, and supervision of the implementation of precautionary protection measures. In addition, there is greater awareness of the degree to which the state is complying with the edicts of the Inter-American Court, although some interviewees suggested that there remains an alarming lack of knowledge regarding the integration of international law into national norms.
- The analytical study of situations declared unconstitutional by the Constitutional Court was claimed by the Inspector General to have generated greater attention to special categories of victims, such as displaced persons, indigenous peoples and Afro-Colombians. Projects also helped to develop instruments for public servants and representatives to help guide and evaluate the implementation of its orders.
- Development of a protocol for monitoring local authorities.
- Donations of equipment that allowed the Unit for Special Investigations to reduce its reliance on external investigative bodies and gave greater independence to the Inspector General's investigations.
- The Inspector General claimed that training in class actions for the protection of collective rights resulted in a 150% increase in class actions by the Inspector General's Office.
- Greater capacity generated in the Public Ministry to influence government agencies in the formulation of public policies for the protection of human rights, and monitoring compliance with them; for example, the plan to address the displaced population, municipal development plans, and budget allocations. Similarly, the policy of protection is being integrated into the National Development Plan. Hence, the institution appears to have become more active in pressing for policy change.

## Prevention

Prevention was a significant focus of USAID projects with the Inspector General, many of which were directed to the Delegate for Human Rights and Ethnic Affairs. The effectiveness of preventive actions is notoriously difficult to measure; how does one know when a human rights violation has been prevented? And the team found a lack of clarity as to which projects constituted "prevention." Nevertheless some projects, or elements of projects, that are relatively clearly oriented to prevention include:

- Study of national and international norms that underpin policies for protection of witnesses. This may be classified as a preventive project as protecting witnesses helps to put criminals in jail, ideally before they can re-offend.
- Assistance to the National Action Plan on Human Rights. If such a plan does indeed come to fruition and enhances protection of human rights, then it may be considered a preventive project.
- A media campaign to improve the public perception of unions.
- Monitoring of state compliance with Constitutional Court Directives on protection of human rights defenders.

- Assessing the knowledge of Inspector General officials responsible for protecting the rights of indigenous and Afro-Colombian populations.
- Reintegration assistance to demobilized paramilitaries.

In general, we find the projects to be highly relevant and oriented toward leading issues concerning the prevention of human rights violations, although it is difficult to reach conclusions about results in the absence of objective indicators of impact.

## Discipline

Eight HRP projects were specifically oriented toward strengthening the disciplinary function of the Inspector General, and were clearly related to its disciplinary functions. These activities include:

- Defining the disciplinary responsibilities of the Inspector General in cases of serious human rights violations and breaches of international humanitarian law.
- Updating and expanding the practical evidence guide for disciplinary investigations of human rights violations and breaches of international humanitarian law in conformity with advances in national and international norms.
- Training for Inspector General officials in investigations of serious human rights violations.
- Development of a judicial police manual.
- Procurement of equipment for evidence collection, computer equipment, and other items previously described.

The assistance provided for the disciplinary functions is notable for its practicality: equipment, manuals, and training focused on investigations for the Office of Special Investigations (DNIE or *Dirección Nacional de Investigaciones Especiales*).

Interviewees suggested that USAID's assistance improved the quality of disciplinary investigations by generating more scientific proofs, and that these improvements raised the DNIE's higher profile within the Inspector General. Where it previously had been regarded more as an instructor in disciplinary processes, the DNIE now says it is seen as a vital participant in the process of providing evidence, and helping to bridge technical field research and legal research. It also claims that USAID's assistance furthered its role as the technical investigative body for the Preventive Delegate for Human Rights. Previously, the Inspector General relied to a greater degree on other investigative organizations to collect physical evidence and information; now, the Inspector General's investigations have a greater and necessary independence.

USAID's assistance has also provided equipment and knowledge that facilitates investigations in conflict zones. These projects, interviewees claimed, allowed the Inspector General to become more conscious that the investigation of cases of human rights violations and disciplinary investigations require technical and forensic support.

The DNIE also claims that USAID's support has facilitated a dramatic reduction in the duration of disciplinary proceedings. According to the DNIE, technical investigation reports previously required approximately seven months to produce. Now, the Disciplinary IGs say they receive

reports in approximately one month, allowing judicial decisions to be issued more rapidly. According to DNIE comments, this is due at least in part to the greater sense of professionalism felt by the DNIE team which has contributed to greater teamwork and planning that has in turn diminished the time of investigations. We were not able to independently verify this estimate, and note that the DNIE, as with most institutions in the Public Ministry, requires assistance in establishing better monitoring and tracking statistics. This should be a high priority for future USAID work with the Inspector General.

## **Judicial Intervention**

Projects to strengthen the Inspector General's capacity to intervene in judicial proceedings appear well chosen and focused on when and how to intervene, understanding that the Inspector General cannot intervene in all cases. Five projects were identified as being directly related to the judicial intervention function; three were implemented with the Delegate for Criminal Affairs, and one with the Delegate for the State Council, although the trainings were aimed at a broad range of Inspector General staff. These projects, summarized, include:

- Training for Inspector General judicial staff, or inspectors, in intervention in criminal proceedings related to human rights violations.
- Working groups to discuss judicial intervention in criminal and military justice systems, with the aim of formulating recommendations for improvements.
- Training on international humanitarian law and the Inter-American system of human rights.
- Training on intervention in constitutional actions for the protection of collective and individual rights.

According to our interviews, these projects gave staff additional knowledge and skills for intervening in different types of cases, and helped them to focus on the key issue, given limited resources, of when to intervene. We have remarked on the evidence regarding the high quality of the trainings and their enthusiastic reception by beneficiaries, as well as on the lack of effort to make such trainings systematic. In addition, interviewees affirmed that HRP provided a valuable function in creating working groups that engaged the staff of the Inspector General in making recommendations (rather than relying on recommendations from without). As there were no evaluations that sought to measure the results of the working groups, however, the team relied on the observations of multiple interviewees for this finding.

Overall, we believe that USAID's assistance was well targeted and has had a positive impact. We note the attention given to greater rigor in the selection of cases to be addressed by the Disciplinary Delegate, which is based on an understanding of the relative severity of different violations of human rights and international humanitarian law breaches. Cases assumed by the Inspector General's Office should be based on established criteria and not on an employee's subjective assessment. However, greater emphasis needs to be placed on emblematic, highly publicized cases where the Inspector General can help to illustrate the principles of a state of law.

The Inspector General is involved in processes related to the Justice and Peace Law by supporting the reparations process, and USAID has provided users with better knowledge of that

law. There is good inter-institutional coordination to track impunity in the cases of demobilized illegal armed actors, but the number of reparations actually made to victims remains extremely low.

Judicial intervention is somewhat controversial. Some people outside the Inspector General believe that it can interfere with more than assist judicial proceedings, and that the intervention function is not needed now that Colombia is using the accusatorial system of justice, which allows defendants an attorney. Others believe that such intervention is essential given mistrust of the Attorney General's Office. As judicial intervention is unlikely to end in the near future, it is an appropriate objective to seek to ensure that it enhances justice; projects that encourage greater discrimination regarding when and how to intervene are constructive. Yet the question remains as to whether the funds invested in judicial intervention are more urgently needed elsewhere, where they can have a greater impact on the human rights work of the Inspector General.

## **Victims**

Of the four topics considered here, victims receive the greatest amount of attention in terms of the number of projects. The rich variety of projects addresses many aspects and types of victims, and in particular people who have been forcibly displaced, ethnic minorities, sexual minorities, prisoners, women and children.

Projects include:

- Evaluation of the protection program for victims and witnesses under the Justice and Peace Law.
- Analysis and development of a plan regarding preservation of historical memory and the protection of archives.
- Evaluation of policies to protect the rights of female victims of armed conflict, and training for 60 employees on those policies.
- Analysis of assistance programs for victims of the conflict, and tools to evaluate victim assistance programs.
- Supporting representation of victims in cases of collective reparations for victims.

Victims usually are the product of the absence or failure of preventive measures, and it is understood that they are at risk of being re-victimized, for example in cases where they seek to recover land from which they have been displaced.

USAID's support has assisted the development of rigorous analyses of the status of institutional compliance with judgments and orders of the Constitutional Court regarding the protection of human rights of the displaced and other victims. Reports were sent to the Court regarding compliance with the mandates of the Court, and to remedy what the Court labeled as an "unconstitutional state of affairs" with regard to victims. Since 2005, the Inspector General defined a model for monitoring and evaluation of public policy with specific indicators derived from norms and decisions of the Constitutional Court.

The impact of USAID support regarding victims has been evident in the development of protocols for the care of victims and referral to the competent body for the satisfaction of their rights. Protocols have also been developed to monitor state compliance with its obligations

regarding victims of forced displacement. USAID supported the creation of a road map for reparations to victims that allows victims to demand their rights to truth, justice and reparation. The integrated model of care and reparations has helped to coordinate the work of different institutions: the Inspector General, Attorney General, National Ombudsman, and Social Action. Support has also helped to prioritize geographical areas for state action.

The USAID-supported study on displaced Afro-Colombians, many of whom go to the coasts and construct homes on stilts, has helped to clarify the situation of this population, which lacks public services and employment opportunities. USAID has also supported policies to return these groups to their original homes.

### **C. National Ombudsman**

HRP has implemented seven projects with the National Ombudsman between 2006 and 2010, the most prominent of which is assistance to the Early Warning System (SAT), which alerts authorities to impending conflict and possible massive violations of human rights through its field investigations and issuance of risk reports and monitoring notes. We focus a proportionate amount of attention on the SAT, which received \$2.5 million in the past five years. The cost of the other six projects implemented between 2006 and 2011 totaled approximately \$900,000.

Funding from USAID helped to strengthen the National Ombudsman in the following ways:

- Establish a significant and permanent presence in all departments.
- Provide comprehensive support to communities and victims in most regions.
- Gain high levels of credibility.
- Commitment among staff to advocacy and the promotion of human rights, and high levels of staff knowledge and motivation.
- Important linkages and cooperation with other public authorities, civil and military, and communities.
- Capacity to report to, and advise, communities in relation to human rights and international humanitarian law.
- Ability to conduct humanitarian interventions in high-risk areas.

#### **The Early Warning System (SAT) and the Role of the Interinstitutional Commission on Early Warning (Spanish acronym CIAT)**

The Early Warning System's national network to monitor and warn of possible human rights violations is an important preventive measure. USAID has provided key strategic support to the SAT by assisting the creation of a strategic plan, refining its methodology, monitoring costs and paying the costs of insurance and mobile phones for regional analysts. This assistance has strengthened the SAT by improving its methodology and strategy, and helping it to grow to cover all regions. USAID's share of funding to SAT has declined from 98% to around 15%, with the rest financed by the GOC. Hence, there has been a longer-term strategy to develop the SAT and wean the institution off of U.S. funding. Interviewees within SAT and other institutions concur that the SAT has increased its numbers of analysts, and suggest that reports have gained in methodological rigor, accuracy, comprehensiveness and utility. In addition, relevant interviewees stated that USAID's precise direct financial assistance has facilitated the

communications and security of the analysts. Our conclusion is that USAID's support to the SAT has indeed strengthened it.

In greater detail, some of USAID's contributions to the strengthening of the SAT include:

- USAID contributed to the consolidation, institutionalization and strengthening of the SAT as a mechanism for monitoring and tracking the situation of human rights and humanitarian law in Colombia.
- USAID provided strategic support to the SAT by assisting the creation of a strategic plan, and improving the methodological framework and criteria that go into issuing early warning reports. SAT analysts receive periodic trainings and participate in reviews of methodology that help to maintain the respect accorded to its early warning reports. USAID has promoted the construction of standards for high levels of technical knowledge on the part of SAT analysts.
- USAID opened spaces for dialogue between the SAT and the CIAT.
- USAID has supported efforts to ensure adequate government resources to operate the SAT, and these have met with some success. The number of regional SAT analysts increased from 13 in 2006 to 22 by the end of 2007, and now there are 25 regional analysts, covering 25 regions, and five national analysts.<sup>49</sup> Mobility is essential to conducting field research, however, and the analysts still lack vehicles for this purpose.
- All interviewees, including members of the security sector, praised the quality of SAT reports. They are comprehensive and accurate. Analysts have ongoing contact with communities, and the fieldwork appears systematic and rigorous. Consequently, the SAT serves as a voice for communities and victims in the process of documenting the human rights situation in Colombia.
- The SAT is capable of working throughout Colombia thanks to the fact that the National Ombudsman is permitted to operate without limitation even in conflict areas. As Human Rights Watch stated in a report on paramilitary successor groups: "Often, the regional analysts for the SAT are the first and almost the only civilian state officials traveling to remote regions when there is a humanitarian crisis, threats against the civilian population, or other human rights problems."<sup>50</sup>
- The actions of the SAT impel authorities to assume their responsibilities in defending rights more actively.

In the SAT, USAID has created, in collaboration with the GOC, a successful model that could be replicated in other countries. USAID was the first donor, initially covering 98% of the SAT's costs when it was started in 2001. USAID's support – both financial and political -- has undoubtedly made this institution stronger.

Challenges remain, however, including relations with the CIAT. As noted in the introduction to this report, there are three types of risk reports (imminent, circumstantial, or structural), depending on the nature of the risk and the measures or recommendations required for mitigation. Imminent risk reports are communicated directly from the SAT to local authorities for immediate action. Circumstantial and structural risk reports go to the CIAT, which has a

---

<sup>49</sup> Interview with the Director of the SAT, Jorge Calero.

<sup>50</sup> Human Rights Watch, "Paramilitaries' Heirs: The New Face of Violence in Colombia," February 2010, p. 111.

week to evaluate and verify the information in the report, and determine whether to issue a warning or provide recommendations instead. If the CIAT issues a warning, it confirms the SAT's perception and characterization of the level of potential human rights violation. In many cases, the CIAT does not issue warnings, meaning that it disagrees with the SAT regarding the existence or severity of threats. If the CIAT does not issue a warning, the SAT will nonetheless continue to monitor the situation and may issue follow-up reports. The CIAT makes recommendations regarding the provision of security to populations in areas of conflict based on the information in the SAT reports, and monitors the implementation of recommended actions.<sup>51</sup>

There are criticisms that the CIAT has been reluctant to issue early warnings, and that the CIAT limits the independence of SAT.<sup>52</sup> Based on recent statistics, however, this situation appears to be changing. According to a source in the Ministry of Interior, the SAT in 2010 produced 42 reports and the CIAT issued 22 warnings. As of June 2011, the SAT has issued 17 reports and the CIAT has issued 17 warnings. One explanation offered for this sudden change is that it is an election year and authorities, including CIAT, are responding in a more cautious manner to prevent election-related violence. Political will to issue early warnings may also be increasing under President Santos. To take one example, a sixth follow-up report for the department of Cordoba was issued on April 11, 2011. The original risk report was issued five years ago, on February 9, 2006. This 18-page report shows the process by which indigenous communities are being ripped from their land, as gangs of up to 100 armed men invade their communities and commit murder, rape and robbery. The CIAT issued a warning in response to the third follow-up report for this area and three subsequent follow-up reports between 2008 and 2011, including the most recent.

SAT risk reports may provide the best factual and current illustration of the type of human rights challenges that Colombia faces. Fortunately, the percent of reports published appears to be increasing: 41% of the reports were made public in 2009, 63% in 2010, and 74% in 2011. It is hoped that this trend continues, and that the speed with which reports are issued also increases.

## Victims

The National Ombudsman offers attention to victims and by this process recognizes their status as victims. The attention to, and services for, victims by the National Ombudsman is one element in a strategy of the Colombian state to gain legitimacy and credibility. In the complex human rights apparatus of Colombia, the National Ombudsman is positioned to play a critical role not only in seeking to provide some forms of rehabilitation to victims, but also to help rehabilitate the image of the state by serving victims.

USAID support has included the following:

- Providing training and financial support to the pairs of psychologists and lawyers (*duplas psicojuridicas* or *duplas*) that provide legal and psychosocial support to victims.

---

<sup>51</sup> See Decree 2780 of 2010, which updates the composition, responsibilities and procedures of the CIAT.

<sup>52</sup> See Capítulo 3: “El debilitamiento de la independencia del Sistema de Alertas Tempranas ha influido negativamente en la prevención del desplazamiento forzado” of the “VI Informe de seguimiento a la aplicación en Colombia de las recomendaciones del Representante Especial del Secretario General de las Naciones Unidas para los derechos humanos de las personas internamente desplazadas,” Comisión Colombiana de Juristas, February 2011.

- Engaging law students in human rights through support of an annual moot court competition regarding human rights.
- Providing training to the National Ombudsman's Constitutional Justice Observatory, which included implementing a methodology to analyze Constitutional Court rulings, and dissemination of the Observatory's first report on 17 years of Constitutional Court jurisprudence regarding vulnerable groups.
- Supporting the Ombudsman's participation in the creation and implementation of the National Human Rights Education Plan (Spanish acronym PLANEDH).
- Providing support to the National Search Commission for Missing Persons (*Comisión Nacional de Búsqueda de Personas Desaparecidas*)<sup>53</sup> by providing strategic planning assistance, training and equipment; and by providing training for families of victims and promoting their participation in legal processes.
- Public defenders have received training support, including the development of a national facility in Bogota dedicated to their training. Public defenders are representing more victims in court proceedings, and have gained access to the testimony of demobilized paramilitaries, allowing questioning by victims regarding confessions of crimes or allowing them to ask questions regarding crimes not mentioned in their testimony.

Widespread victimization resulting from the conflict, and its collateral effects on families, has created matters of public policy that cannot be adjudicated: the psychological states of individuals and communities where murder and sexual violence have not been uncommon. In recognition of this situation, the National Ombudsman provides limited counseling through the *duplas*, composed of a psychologist and a lawyer, who meet with victims on a walk-in basis.

USAID has provided important support for victims by paying the salaries of approximately a dozen *duplas*, and supporting orientation workshops with victims. While this support clearly helped the National Ombudsman perform its counseling and orientation functions, and expanded its capacity, performance indicators are oriented toward counting the number of workshops and participants and the number of people seen by the *duplas*, making assessments of the impact of this assistance difficult.

The psycho-legal pairs are highly understaffed. For example, in the whole of Antioquia province, there are only two pairs, one of which may be travelling outside the province's capital, Medellin, at any given time. In Cali the only existing *dupla* has no means to travel outside the city to provide services to conflict areas near Cali, such as Buenaventura. Given the scant human resources for this service, the attention victims receive is cursory, typically 15 minutes with each professional. Victims can return for appointments as frequently as they wish, however, and this contact represents the first step in a victim's long journey toward legal, economic and psychological recovery. Often, it is their first contact with either a lawyer or a psychologist.

An innovative program with strategic value is the annual moot court competition, conducted by the National Ombudsman's office, among university law schools on human rights topics. The moot court competition serves to pique the interest of students in human rights and develop their

---

<sup>53</sup> The National Search Commission for Missing Persons was created by Law 589 in 2000 to support and promote investigations of forced disappearances. See: <http://www.comisiondebusqueda.com/index.php>.

knowledge of the subject. It thus promotes the study of human rights and its incorporation into the curricula of institutions of higher education, at both undergraduate and graduate levels. More than 70 law schools have participated in recent competitions.

Through the Justice and Reform Modernization Program, USAID provided support to the system of public defenders within the National Ombudsman during a period of rapid growth in this institution. In 2006 when this program began, there were 1,646 public defenders throughout the country, compared to 2,765 at the conclusion of this program. Our interviews suggest that USAID has played a critical and timely role in strengthening the public defender system by helping to revise its operational plan, establishing a training system accompanied by training materials, and helping to establish a training school for public defenders in Bogota. According to a UN study, as of 2004 public defenders were able to provide representation to only five percent of all criminal defendants; by 2009 the National Ombudsman was able to report that public defenders appeared in nearly 70 percent of all criminal cases. Results are less conclusive in other areas. Projects with the National Ombudsman concerning the reception of and attention to petitions provide statistics regarding the numbers of complaints, counseling provided and requests attended to, but do not provide clear data on trends or impact.

## **D. Municipal Ombudsmen**

Municipal ombudsmen, which constitute a branch of the Inspector General at the municipal level, have a presence in 1,102 of the 1,104 municipalities of Colombia. The IEMP provides training to all municipal ombudsmen following their election by municipal councils to a four-year term. USAID has provided a modest degree of support for training of municipal ombudsmen, and provided support for a recent conference developed by the IEMP, but has not to date provided targeted or direct financial support to municipal ombudsmen or their representative organization, FENALPER, which is a voluntary organization that municipal ombudsmen may choose to join.

## **3. LESSONS LEARNED AND BEST PRACTICES OF USAID ASSISTANCE TO THE PUBLIC MINISTRY**

From the many interviews conducted within government and among external stakeholders and civil society, a number of best practices and lessons learned may be drawn that could improve the support that USAID provides to strengthen the Public Ministry.

Among the best practices:

- USAID's role in the creation, expansion, maintenance and improvement of the SAT highlights how foreign aid can support innovation within an institution. In this instance, USAID helped to create a sub-institution that fills a crucial gap in information collection and warnings regarding human rights violations.
- A common complaint about foreign assistance is that it is insufficiently demand-driven, but this does not apply in the case of USAID's work with the Public Ministry. High levels of consultation with beneficiary organizations and demand-driven assistance mark this effort. As a result, USAID's assistance has been responsive to needs identified by

beneficiaries, and USAID is viewed as a prized collaborator. Moreover, projects with the Public Ministry have addressed important and timely issues.

- USAID has made solid efforts to effectively consult civil society and governmental actors, helping it to gain high levels of confidence among non-profit and governmental actors regarding human rights.

Among the lessons learned are:

- USAID assistance should be more strategic, more coordinated, and less cyclical. There are perceptions within the target institutions that the contribution of USAID is oriented to “fashionable” issues, and that it reflects the ability of individual delegates to attract projects to their division, rather than focusing on the strategic lines of action of the institution. Requests for assistance arrive piecemeal, and there is insufficient scrutiny of the requests and how they will sustainably strengthen the institution.
- Existing skills within the institutions should be better exploited, particularly with regard to training, to ensure that results are sustainable. The Inspector General, in particular, has substantial capacity and has made strong advances in its process of modernization. However, project developers often seem unaware of these capabilities and do not take them into account. For example, trainings are organized with the individual delegates, and conducted by external consultants, generally without the involvement of the IEMP and its training division. The IEMP is used more as a logistical support rather than the body responsible for formulating and implementing training plans for the entire Public Ministry. In addition, the Inspector General has an existing Trainers Network composed of experienced people within the institution, who have practical experience with the subjects at hand.
- Training and other assistance should be designed in such a way that it reaches personnel at the regional level and local level, particularly in areas experiencing high rates of human rights abuses.
- There should be more coordination with other donors. The Inspector General receives support from several international donors -- sometimes regarding the same theme, such as victims or children, and/or for similar activities -- that is not coordinated. There is limited effort to join forces and exercise complementarities.
- Greater coordination and more joint activities should be encouraged between the Inspector General and National Ombudsman, to make the concept of the Public Ministry more of a reality, and generate some measure of unity of action and procedures.
- Some procedures need to be more agile. A number of projects have been delayed, owing to what a number of interviewees said were slow processes within USAID to approve the contracts of consultants.
- Projects need better indicators to track results and impact.
- Policies themselves need indicators of results, and support levels should reflect those results. Support for implementation of policies that are achieving few results requires re-examination and a change of course. For example, if the objective of individual land restitution under the 2005 Justice and Peace Law is not achieving results after a decent interval, the policy would need to be re-examined. The Inspector General and National Ombudsman are institutions that can investigate policy implementation and promote policy alternatives.

## **4. PUBLIC MINISTRY NEEDS, AND RECOMMENDATIONS FOR ITS STRENGTHENING WITH USAID ASSISTANCE**

### **A. Inspector General**

#### **1. Training in Human Rights Law and International Humanitarian Law**

Inspector General staff generally have good educational qualifications for their posts (most are lawyers), but interviewees stated that many lack a background in human rights law and international humanitarian law. Particularly at the regional level, many Inspector General's Office staff have little knowledge of the international human rights system or how international human rights treaties must be integrated into national law. A number of interviewees in the Inspector General's Office said that ignorance of human rights law and international humanitarian law presented obstacles to their work.

Recommendations:

- Working with the IEMP to assist further development of its capacity to provide on-going human rights and international humanitarian law trainings for all members of the Inspector General's Office.
- Consider providing support to, and at a minimum maintaining close contact with, the Academic Council of the Public Ministry. The Council is headed by the IEMP, and comprises the Inspector General, the National Ombudsman and FENALPER. It is charged with reviewing and approving academic activities and publications of the IEMP. The Council has targeted as priorities for 2011: development of performance measurements; implementation of quality control mechanisms and strengthening of the network of trainers; creation of a network of state schools as an instrument of inter-institutional coordination; and the use of technology, including intranet and teleconferences, for mass trainings.
- Support training on the new Victims' Law and its application by the Inspector General's Office. The application of this ambitious law could prove a watershed in Colombia's history, but could also result in disappointment if it is not well implemented. The new law assumes expanded capacity on the part of the Inspector General, so technical assistance is urgently needed in how to: a) formulate a strategy for the Inspector General's role in implementation of the Victims' Law; b) identify which victims are eligible for restitution, and engage them in the restitution process; c) structure processes for making restitution; d) monitor these processes, and identify problems such as undue delays and fraud; and, importantly, e) monitor and assure security to people resettled on their land.
- Staff should be tested on their knowledge before and after trainings, and the test data collected.

#### **2. Performance Indicators**

The Inspector General's annual report reviews its actions, but not its impact. There is a need to develop and apply indicators of impact to the work of the Inspector General's Office.

We recommend that USAID provide technical assistance to improve the monitoring of institutional results, efficiency and effectiveness of the Inspector General's Office, including changes in performance, in cooperation with the IEMP and the Inspector General's Office's own internal control divisions.

### **3. Information Systems**

The information systems of the Inspector General's Office need updating, and record keeping of cases in process needs improvement.

Updating information systems and equipment would require a very substantial investment likely beyond USAID's reach. However, USAID could provide technical assistance to identify how the information systems and record keeping could be improved, sharing experiences from other countries where USAID works.

### **4. Victims' Law**

This new law will impose large demands on the Inspector General, some of which remain to be defined. Many interviewees suggest that the Inspector General's Office does not have the funding or capacity to meet these new obligations, but monitoring, supervision and intervention in the land restitution process will play a critical part in whether this law succeeds or fails.

Recommendations:

- Review and help develop plans, and estimate needed capacity, for the Inspector General's Office to play a successful role in facilitating implementation of the Victims' Law.
- Begin staff training in the content of the law as described above.

### **5. Coordination with Municipal Ombudsmen**

Municipal ombudsmen operate almost entirely independently of the Inspector General's Office, except for the training provided to the former by the IEMP. While functionally under the direction of the Inspector General, the municipal ombudsmen lack coordination among themselves and with the other institutions of the Public Ministry. FENALPER, which has been organized voluntarily, represents the beginnings of intra-group coordination, and the IEMP provides trainings for incoming municipal ombudsmen, but much more is needed in this area.

Recommendations:

- Assistance with strategic planning, involving both bodies, is needed to determine how these institutions could leverage each other's work. The IEMP could constitute a channel for further integration with the Inspector General's Office.
- FENALPER would benefit from organizational capacity building to act as both a representative of member concerns and as a source of technical support and training for members.

## 6. Historical Memory

The preservation of historical memory is an important function of the Inspector General. Although the tools for scanning documents, and the techniques for digital archiving, are not necessarily expensive, digital archiving can be labor-intensive.

USAID could offer assistance to develop alliances between the Public Ministry, universities and perhaps a private sector IT company like Google (which seeks to create a global on-line library) in order to rescue and preserve files constituting historical memory. Emphasis should initially be placed on developing practical and decentralized plans for pilot projects to scan and digitize historical memory documents; these pilot projects would help to determine procedures and costs for implementing such activity on a broader scale.

## B. National Ombudsman

### 1. Political Support and Funding

Multiple interviewees and site visits indicate that the National Ombudsman needs, above all, better budget planning and support. The National Ombudsman's office received an appropriation of approximately USD \$9 million in 2009, of which it spent 85% that year, suggesting that better financial planning is needed. The unspent 2009 funds represented more than twice the value of support provided by the international community to the National Ombudsman. Additional funding is also needed, for example, to pay salaries. SAT analysts who must visit zones of conflict also lack vehicles, a situation that greatly inhibits their mobility.

Recommendations:

- USAID, along with other donors, should encourage the GOC to provide more funding for the National Ombudsman. In many instances, foreign aid is supplanting functions, such as paying salaries that should be the responsibility of the GOC. By the same token USAID, along with other members of the G-24, should seek more cost-sharing with the GOC with regard to the National Ombudsman, particularly at the local level, including investment in their infrastructure.
- "Soft" support from the international community would contribute to the effort to increase funding. The "Group of Friends of the National Ombudsman" should be re-established, for example, to enhance the relevance of the institution in international circles as well as in the sphere of domestic public opinion. The Ombudsman said he would be pleased to see its revival.
- Technical assistance in budget planning, implementation and monitoring should be provided to ensure that the National Ombudsman spends its annual appropriation effectively.

## **2. Attention to Forcibly Displaced People**

In some departments of Colombia, like Antioquia, forced displacements constitute 80% of the complaints lodged with the National Ombudsman. The gravity of this phenomenon in Colombia, and the opportunity to generate resolution through the new Victims' Law, calls for a concerted effort to prepare personnel to implement this law.

As with the Inspector General's Office, we recommend training in the new Victims' Law; these trainings should be coordinated where appropriate with other parts of the Public Ministry.

## **3. Women**

While there is a Delegate for Women, Children and Youth, there are few resources and attention specifically directed toward women. Many interviewees said that sexual violence against women is an overlooked problem, that there are few clinics skilled in dealing with victims of sexual violence, and that training is needed for psychologists and lawyers to better address women's issues. Victims' associations are often composed of and led by women, yet these associations receive little support or training.

USAID should lobby for greater attention by the National Ombudsman to women's issues, and develop more projects focused on the needs of women, including training for psychologists and lawyers.

## **4. Greater Capacity for Development of Public Policy**

The National Ombudsman still has limited capacity to review the laws and policies on which they should be the leading moral authority.

Given the importance of the legal-institutional environment for improvements on the ground, we recommend that USAID and the GOC devote more attention to building policy-related capacity – such as research, data collection, analysis, drafting, and review, as well as advocacy skills – to enable the Ministry to play an active, holistic role in the policy process.

## **5. Early Warning System**

As the Victims' Law is implemented, threats and attacks against resettled people could proliferate, creating even greater need for the on-the-ground monitoring that the SAT seeks to provide. Despite the progress it has made, the SAT still lacks capacity to monitor the government's fulfillment of its responsibilities in response to risk reports and early warnings. In addition, these reports need to be publicized so as to raise awareness regarding Colombia's human rights situation, and remind the government of its obligations when rights are threatened or violated.

Recommendations:

- Seek to expand the number of regional analysts of SAT, and ensure they have access to transportation as needed. Interviewees most commonly identified expanding the capacity of the SAT, including the mobility of its analysts, as key factors that would facilitate its effectiveness.
- Provide assistance to develop better monitoring of government implementation of security measures in response to SAT alerts.

- Publication of the risk reports should be accompanied by an effort to develop an online mapping system that allows easy visualization via the internet of human rights threats and violations, and when and where they are occurring. Such a map could even be updated in real time, similar to on-line crime maps available in the United States, using crowd-sourcing tools, some of which are offered free of charge.<sup>54</sup> As approximately 85% of Colombians have mobile phones, citizen participation in identifying human rights violations and risk situations is more possible than ever.

### C. Municipal Ombudsmen

Our team found that the effectiveness and focus on human rights varies greatly among municipal ombudsmen, with those in larger cities tending to be better equipped and staffed and more active in their human rights functions. Municipal ombudsmen are more likely to be threatened in smaller municipalities for seeking to address human rights abuses. Nevertheless, while the quality of their work may be highly uneven, municipal ombudsmen often are the first channel of state assistance that victims encounter. They therefore hold considerable potential as human rights agents. If municipal ombudsmen were better integrated into the Public Ministry and received more training in human rights, they could become more effective as defenders of human rights.

This institution presents a number of challenges for foreign assistance, however, that should be considered when designing any assistance: 1) there are 1,102 such offices in the country<sup>55</sup>, and each acts with considerable autonomy; 2) the municipal ombudsmen have a multiplicity of their functions; 3) there is little or no central coordination of municipal ombudsmen, and FENALPER as yet does not represent a strong organizing force; 4) they are often perceived to be political actors, given their selection by municipal councils and payment from mayoral budgets; and 5) there is a lack of information regarding municipal ombudsmen – their starting skill levels, what they are doing in their many locations, and what they are achieving. There is little monitoring of results beyond their annual reports, which provide limited information on how effectively they are defending human rights.

Recommendations:

- While the Public Ministry’s Institute of Studies already is charged with training municipal ombudsmen at the beginning of their term, there is a need for more continuous training in their human rights functions, especially with regard to attention to victims and the new Victims’ Law. It should be noted that FENALPER has conducted, in conjunction with the Municipal Ombudsman of Bogota, a regional two-day training, for the ombudsmen of 194 municipalities.<sup>56</sup> In general, municipal ombudsmen would benefit

<sup>54</sup> See: <http://www.usahidi.com/>.

<sup>55</sup> The team was informed that there were no municipal ombudsmen in 2 municipalities out of the 1104 municipalities in the country.

<sup>56</sup> –Se realiza primera capacitación regional en el Magdalena para Personeros de la Costa Caribe,” see: <http://www.personeriabogota.gov.co/?idcategoria=3668>. The training was co-organized by the –Office of Municipal Ombudsmen,” which is housed in the offices of the Municipal Ombudsman of Bogota, and seeks to represent, with FENALPER, other municipal ombudsmen.

from more basic training in human rights and international humanitarian law, along with specialized training focused, in particular, on land issues and rights of women. Training should target conflict regions and those with higher proportions of indigenous and Afro-Colombians.

- More information is needed regarding how municipal ombudsmen actually perform their human rights functions, and how they could better do so, particularly in light of their multiple functions. This requires, in the first instance, a diagnostic by the Inspector General, which is charged with oversight of municipal ombudsmen, perhaps in conjunction with FENALPER. In addition, there is a need to collect and aggregate data on the functions and performance of municipal ombudsmen on an on-going basis. Municipal ombudsmen currently lack generally accepted indicators of performance, which could help to make them more effective and accountable, and USAID is well placed to provide assistance in helping to develop such indicators.
- There is a need to strengthen the network of municipal ombudsmen, with the objective of making them more active and effective human rights agents. This could be accomplished through FENALPER, which at present is weakly funded, but is showing ambitions in providing regional trainings.
- USAID could assist the Inspector General and National Human Rights Ombudsman, in conjunction with the municipal ombudsmen, to develop a strategy to create greater synergies between these institutions with regard to human rights, and develop protocols for better collaboration. A strategic decision by the Public Ministry to incorporate municipal ombudsmen actively in its activities regarding human rights and international humanitarian law would: (a) help give priority to human rights over other many functions to be performed by the municipal ombudsmen; and (b) network them through training activities that provide knowledge and skills to prevent violations, assist victims of human rights violation, and sanction human rights violators.
- Municipal ombudsmen should play an important role in monitoring and facilitating the implementation of the new Victims' Law, as they often will be the relevant state actor closest to where restitution is taking place. USAID should support the Public Ministry to develop a strategy for municipal ombudsmen within this framework, in conjunction with the Inspector General and the National Ombudsman.

## **D. General Recommendation and Priorities**

### **1. Capacity-building for sustainability**

USAID assistance should be more strategically focused on capacity building and institutional strengthening. A new approach to training in particular is needed that seeks to make impacts more measurable and sustainable, and that allows for multiplier effects that leverage the transfer of knowledge and skills (as through trainings of the Public Ministry's own trainers) into the future. Existing technical capacity within the institutions, particularly within the Inspector General, should be better exploited.

For example, instead of one-time trainings lasting one to three days, there should be an emphasis on helping to train the Public Ministry's trainers through close collaboration with the IEMP and other possible strategic allies, such as universities and the Advanced School of Public Administration (Spanish acronym ESAP), which would generate sustainability for the transfer of

knowledge and skills. Instead of training 100 officials, training ten trainers in depth using training of trainer methodologies could amplify the number of trainees while strengthening institutional training capacity. Training assistance should include creation of training modules and appropriate training materials. USAID should seek particularly to enhance the capacity of the Inspector General's existing trainers' network, which is composed of people within the institution who have practical experience with the subjects at hand.

Assistance for analytical documents could also benefit from more attention to impact. In the first instance, proposals to produce analytical documents should be accompanied by due diligence to determine if a report or document has already been published on the topic being considered. Even more importantly, it is essential that documents and published reports created via projects receive the widest possible public dissemination, tapping at a minimum the web sites of the Inspector General, HRP's program web site, and various NGOs. These documents should be posted in ways that create forums discussion and feedback, both among experts and ordinary citizens.

## **2. Improved monitoring and evaluation**

Monitoring and evaluation related to human rights in Colombia needs improvement at multiple levels: USAID projects, Public Ministry effectiveness, and the overall human rights situation.

Indicators and evaluations that measure impact should be applied to all USAID and Public Ministry activities. This would begin with baseline studies where needed, taking into account the IEMP's work in this area. Measurement tools need to be developed in conjunction with the beneficiary institutions, especially the IEMP, which already has a demonstrated capacity for conducting assessments, and the National Ombudsman's Delegate for Monitoring and Evaluation of Public Policies for the Realization of Human Rights.

In particular, there need to be more serious attempts to measure gains in knowledge and practical skills. In the case of trainings, exams should be given to determine the baseline, followed by an exam at the end of the activity. Ideally, a similar exam and evaluation of the longer-term impact would be applied a year after the activity. Similarly, evaluations of documents and publications should be conducted one year after they are produced to determine how they were disseminated and used, and what impact they had.

More broadly, USAID should consider supporting efforts to improve measurement and analysis of the human rights situation, including by creating a "human rights index" that would give different weights to violations composing a "basket" of typical human rights violations. This would serve as a tool to measure changes in country's human rights situation, and could be useful comparing human rights situations internationally.<sup>57</sup> Even the aggregation of Colombia's disparate collections of statistics regarding human rights violations and violent crime into one location (such as web site), even if those statistics differ from source to source, would be highly useful. This would be a relatively low-cost project that could be implemented in conjunction with the suggested web site described under the SAT recommendations above.

---

<sup>57</sup> The National Planning Department's Municipal Performance Index that has become a standard against which to measure local government performance throughout the country serves as an example of what the GOC can do in tracking performance.

The human rights situation in Colombia would also benefit from greater visibility and greater citizen involvement in efforts to improve it. As described above, we recommend that human rights data and monitoring reports be brought online, in conjunction with the SAT.

### **3. Strategic design**

USAID and its partners should develop project time horizons of several years rather than one, and sequence projects so that fewer subjects are addressed each year, but are addressed in a more thorough and institution-wide fashion. There needs to be greater focus on generating impact nationally, without the distraction of many disparate small projects. A logical first step in sequenced aid would be to increase the capacity of the institutions to conduct trainings and to monitor the Ministry's institutional performance. Reducing the number of projects (while expanding their scope) may also help to reduce the delays that create additional complications.

The Public Ministry should also be viewed more holistically with an eye to its functioning that way in the future. In particular, projects should be conducted across divisions within institutions and across institutions within the Ministry whenever possible and appropriate. While some elements of the trainings need be tailored to the different institutions, there remains much common ground to cover (for example, with regard to the new Victims' Law).

### **4. Regional and substantive priorities**

Work with victims needs to emphasize women and children first. Supporting victims groups, such as local associations of victims, helps them gain a new identity as social actors. While indicators are lacking, sexual violence appears to be widespread. Better statistics need to be collected, and greater attention paid to this issue.

The Inspector General, along with municipal ombudsmen and the National Ombudsman, should exercise greater vigilance in consolidation zones, and USAID should focus additional support on these zones, as well as on urban areas where forced displacement and high crime rates are taking place.

There are many complaints that the displaced in consolidation zones are not being provided with appropriate conditions for their return. Problems include: little or no security in rural areas; lack of prior consultation with the communities being addressed; and investments favoring large landowners or businessmen, who can present obstacles to the return of forcibly displaced people, and sometimes incite violence against them. Greater attention needs to be paid to the reality of the consolidation zones, and more emphasis placed on measures to prevent further human rights violations in these areas.

### **5. Donor coordination**

The U.S. and a few close allies should engage more frequently with counterparts in the GOC to help ensure aid effectiveness in the area of human rights institution-building. Donor coordination would also help in the process of generating greater cost-sharing on the part of the GOC.

We have recommended the revival of the "Friends of the National Ombudsman" above. The G-24, meanwhile, is an important forum for discussion, and can help to identify common objectives, but it is too large to be agile and decisive. The preferable modus operandi would be for USAID to identify issues and discuss strategies with the G-24, and then move ahead with a

group of three to five other donors, a mini G-3 to G-5, to lead implementation of common strategies and lobbying.

USAID should also consider forming closer relationships with a select group of foreign donors, particularly the Swedish International Development Agency (SIDA), which brings to the table a reputation for a strong commitment to transitional justice – a key feature of the new Victims' Law, and GIZ, which specializes in strategy and building management capacity.

Finally, when we review the array of foreign donor projects with the Inspector General, we can see similar projects that are not coordinated. With modest funding, donors could help create a web site that keeps track of the various projects being implemented by the Public Ministry with international cooperation. It could also include indicators and results. Such a project might be housed with the international coordination offices at the Inspector General and National Ombudsman.

## **5. INDICATORS FOR MEASURING CHANGES IN THE HUMAN RIGHTS SITUATION IN COLOMBIA AND THE IMPACT OF USAID ASSISTANCE TO THE PUBLIC MINISTRY**

Indicators for measuring human rights phenomena are plentiful in Colombia, with many readily available on the Internet. Visual mapping of forced displacement is conducted by the UN Office of Humanitarian Affairs, and violent conflict and homicide are well-mapped by the Presidential Program's Observatory on Human Rights and international humanitarian law.<sup>58</sup>

Human rights indicators in Colombia suffer from a number of problems, however. These include:

- Indicators on human rights violations in Colombia are dispersed among various institutions, both governmental and non-governmental, with variations in similar indicators across sources. To take one example, Social Action, the presidential agency responsible for implementing the new Victims' Law, estimates the number of people displaced in 2010 to be 100,000, while CODHES, an NGO, offers the figure of 280,000. Similarly, the government generally estimates there currently are 4.1 million displaced people, while CODHES estimates there are closer to 5 million. State institutions can also differ substantially in their accounting among themselves. For example in 2010, the National Police counted 15,400 homicides, while the Institute of Legal Medicine, the forensics agency of the Prosecutor General, counted 16,400.
- Precise definitions of categories of human rights violations sometimes are lacking, accounting perhaps for some of the statistical variation among institutions. Attempts to count the number of people who disappear encounter the difficulty of defining when to

---

<sup>58</sup> <http://www.derechoshumanos.gov.co/Observatorio/Paginas/GeografiaConfrontacion.aspx>

categorize a person as disappeared or, if there is a lack of witnesses, or forcibly disappeared.

- Additional statistics and greater granularity of statistics are needed. Some violations lack statistics altogether, including torture, attacks against union leaders (except when they result in homicide), and stigmatization and persecution of human rights defenders. Other indicators that need development are impunity and due process. More attention needs to be paid to collecting statistics on sexual violence, which tends to be underreported, as well as threats and violence against human rights defenders. More effort should also be applied disaggregating categories of violations by gender, age, and by Afro-Colombian and indigenous groups.
- There is disagreement regarding the accuracy of human rights violations data sets. The most comprehensive set of statistics regarding violations of human rights may lie with the Human Rights Observatory of the Presidential Program for Human Rights, but some interviewees believed this set had credibility problems.
- Timelier updating of indicators would support improved human rights. Colombia might benefit from timely geographical mapping of violations along the lines of the “Compstat” system used by many police forces in the United States, for example. Compstat is a database of crime that allows police forces to identify criminal hot spots and allocate resources accordingly, in addition to holding police forces more accountable in preventing crimes and concluding investigations.<sup>59</sup>

Indicators regarding the performance of Public Ministry institutions are scant, by contrast. Public Ministry institutions currently do not maintain helpful statistics regarding their performance. The Annual Reports of the Inspector General, National Ombudsman and individual municipal ombudsmen provide statistics, but pay limited attention to results and efficiency. Often, the numbers of actions, cases, events and meetings are tallied, but these totals provide little insight into how effectively the institution is performing its work, or the obstacles that it faces. For example, a number of interviewees in the Public Ministry mentioned that officials sometimes are the subject of threats and violence, yet there are few reliable statistics regarding this phenomenon, even though, for example, several public defenders have been assassinated in Medellin recently.

Creating useful indicators to measure the performance of these institutions could promote greater accountability and motivate year-on-year improvements. Creating such a system will require a multi-year effort and constant reinforcement of a results-oriented institutional culture. The Academic Council of the Public Ministry, encompassing the Inspector General, National Ombudsman and FENALPER, and headed by the IEMP, has designated the creation of performance measurements as a priority for 2011.<sup>60</sup> This effort may represent a platform for effecting change across the Public Ministry institutions.

---

<sup>59</sup> For more on the use of Compstat (Computation Statistics) in policing, see for example: Magers, J.S. “Compstat: A new paradigm for policing or a repudiation of community policing?” *Journal of Contemporary Criminal Justice*, Vol. 20, No. 1:70-79, 2004.

<sup>60</sup> Informe de Gestión 2010, Procuraduría General de la Nación, p. 187.

A general indicator for the Public Ministry could include:<sup>61</sup>

- Proportion of complaints received that are investigated and adjudicated by human rights institutions, human rights ombudsmen or other mechanisms, and the proportion of these responded to effectively.

Given the functions of the Public Ministry, measures of impunity and due process would provide important information on progress in the state's role in protecting human rights. Statistics regarding reductions of impunity would need to focus largely on the number of cases regarding human rights violations that are concluded, particularly when government agents are accused of participation in such violations.

Indicators that relate to impunity could include:

- Number of homicides and life threatening crimes, per 100,000 persons in the population versus the number of convictions.
- Number of persons arrested, adjudicated, convicted or serving sentences for violent crimes (including homicide, rape, assault) per 100,000 persons in the population in the reporting period.
- Proportion of law enforcement officials (including police, military and State security force) trained in rules of conduct concerning proportional use of force, arrest, detention, interrogation or punishment.
- Proportion of law enforcement officials formally investigated for physical or non-physical abuse or crime in the reporting period.
- Proportion of formal investigations of law enforcement officials resulting in disciplinary actions or prosecution in the reporting period.
- Reported cases of arbitrary deprivation of life (e.g. as reported to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions).
- Proportion of persons with judicial functions (e.g. judges and prosecutors) formally investigated for breach of duty, irregularity, abuses (e.g. corruption).
- Proportion of formal investigations of persons with judicial functions resulting in disciplinary action or prosecution.

Measurements of due process are more difficult to come by, but could be derived from surveys of plaintiffs' perceptions of human rights cases, and measurements of investigations made, cases concluded, witness tampering, and effectiveness of witness protection.

Indicators relating to due process could include:

- Number of deaths in custody per 1,000 detained or imprisoned persons, by cause of death (e.g. illness, suicide, homicide)

---

<sup>61</sup> The following report offers the most complete source of human rights indicators, a number of which are suggested above: United Nations Office of the High Commissioner for Human Rights, "Report On Indicators For Promoting And Monitoring The Implementation Of Human Rights," HRI/MC/2008/3, June 6, 2008.

- Number of deaths in custody per 1,000 detained or imprisoned persons, by cause of death (e.g. illness, suicide, homicide)
- Reported cases of arbitrary deprivation of life (e.g. as reported to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions)
- Proportion of cases where pre-trial detention (before being brought before a court) exceeded the legally stipulated time limit in the reporting period
- Number of *habeas corpus* and similar petitions filed in courts in the reporting period
- Conviction rates for indigent defendants provided with legal representation as a proportion of conviction rates for defendants with lawyer of their own choice
- Reported cases of arbitrary detentions, including post-trial detentions (e.g. as reported to the UN Working Group on Arbitrary Detention) in the reporting period

Some specific indicators for the Inspector General could include:

Disciplinary:

- Number of disciplinary cases brought before the Inspector General, and proportion of investigations completed.
- Processing time for disciplinary proceedings.
- Number of cases in which technical evidence is presented by the Inspector General.

These indicators for the Inspector General should be disaggregated according to the following types of cases, which are closely related to the issues of due process and impunity:

- Members of the armed forces accused of human rights violations by action or omission, with subcategories for extrajudicial executions, assassinations, massacres, forced displacement, and forced disappearance.
- Public officials linked to paramilitaries or organized crime.
- Baseless prosecutions of human rights defenders.
- Public officials who make stigmatizing public allegations against human rights defenders and journalists.
- Public officials collaborating in forced displacement by illegally issuing land titles (a number of the Colombian Institute for Rural Development (Spanish acronym INCODER) officials are under investigation for this reason).

Judicial Intervention:

- Number of judicial interventions into land titling fraud, and the number that result in decisions being overturned.

The National Ombudsman:

- Number of cases of land restitution filed, and amount of land involved; number of decisions resulting in land restitution, and amount of land restored.
- Number of cases of collective reparations filed and completed, with what results.

Through the SAT:

- Visual map of reported incidents by type
- Violent incidents taking place after risk reports, and warnings, are issued.

Municipal ombudsmen:

- National, departmental and local statistics on the number of human rights actions taken, disaggregated by categories of violations.

USAID also seeks indicators that can measure its impact on strengthening of the Public Ministry. These will be challenging to develop given the number of variables, apart from USAID assistance, that can affect outcomes. The first step in measuring impact on strengthening would be to have reliable indicators regarding the performance of the Public Ministry institutions; without such, measuring the impact of assistance is difficult, and will rely on subjective estimates provided by members of beneficiary institutions. Once changes in institutional performance can be reliably measured, then attempts to measure the impact of assistance can be made. In the meantime, impacts such as increases in knowledge, for example, can be reliably measured by providing exams at the beginning and end of trainings, and some months beyond. Then, beneficiaries can be surveyed and asked to explain how this knowledge has improved their effectiveness and efficiency.

We have noted that indicators regarding the impact of projects have been lacking, and we also note that seeking measurements of impact requires a commitment of funding and time that often goes beyond the duration of an individual project. It may be worthwhile to allocate a certain percentage of project funds for this purpose, and to close projects only after a medium-term evaluation has been completed, assuming that a program is still in operation.

Given the recommendations for programming discussed above, suggested indicators of impact might include the following:

- Percentage of trainees using information drawn from training (for example on the Victims' Law)—as measured through percentage increase in actions taken in line with training (increased number of cases brought; increased number of successful actions taken etc.)
- Use by the Public Ministry of a monitoring and evaluation related to its key functions (progress might be captured in a milestone scale delineating – and enabling the tracking of steps in establishing the system, for example, from design, through adoption as a policy, staff training, application to a given percentage of activities, to use in evaluations and planning)
- Modified advocacy index applied to Ministry interventions with regard to policy formation
- Qualitative improvement of FENALPER organizational capacity to represent and train its members (qualitative index)
- Percent increase in actions taken to protect women's rights (e.g. property rights, domestic violence)
- Milestone scale for progress towards online map of rights violations
- Qualitative improvement of IEMP organizational capacity (qualitative index)

- Presence of baseline study of municipal ombudsmen used by the Public Ministry to track performance, and use of an M&E system by the Ministry to track the performance of municipal ombudsmen in particular (a milestone scale might be used as suggested above, but in this case related specifically to the Public Ministry's management of municipal ombudsmen)
- Development of a comprehensive human rights index and its application in measuring increased protection of human rights in each department

## 6. CONCLUSIONS

Colombia appears to be gaining momentum in the improvement of its human rights situation. There currently is a great opportunity for the United States to support further improvements given the orientation of the Presidential administrations in Washington and Bogota. The Public Ministry plays a key role in assuring the Colombian state's effectiveness and efficiency and its support for human rights. As President Santos recognizes, the battle against guerrillas, paramilitaries and organized crime requires greater emphasis on integrating human rights into state security and economic policies. An improved human rights situation will set in motion a virtuous cycle of investment and support economic growth.

Investment in the Public Ministry can have multiplier effects in other Colombian institutions through its functions of monitoring, prevention and discipline. Improvements in the Public Ministry are likely to pay for themselves in improved government functioning and attention to human rights, reduced corruption, and reduced human rights threats.

Colombia's government needs to make a stronger commitment to the Public Ministry, especially the National Ombudsman. USAID has at times taken over some of the Colombian government's responsibility for adequately funding these institutions. USAID should encourage the Colombian government to invest more funds in these institutions, and should consider making USAID support contingent to some degree on increased support by the Colombian government.

USAID has provided well-targeted support to the Public Ministry on critical topics. But moving forward USAID's efforts need to address the difference between transitory assistance and sustained strengthening, designing activities with impact that reverberates throughout the institution. The SAT is an excellent example of how USAID has strengthened the National Ombudsman as a watchdog and promoter of human rights in an innovative, focused, sustainable and strategic manner, even as USAID's share of funding for this institution has decreased. Support for public defenders has also helped to establish the physical and intellectual infrastructure for capacity building in the future.

Further strengthening of the Public Ministry will require strategic and sustained investment in improving these institutions' capacity to better measure and monitor human rights phenomena, and to train their own staff to carry out their functions in a more visible and effective manner. When policies are not working as intended, these institutions also need to be encouraged not only to speak out, but to propose more realistic alternatives that can achieve better results in such areas as attention and restitution to victims, and the prevention of human rights violations.

Colombia is addressing its past, present and future human rights situation in the new Victims' Law, which will create additional and enormous responsibilities for the Public Ministry. Much depends on the success with which Colombia implements this new law, and perhaps the best guarantor of its success is the Public Ministry. As part of a holistic package of aid to assist Colombia, strengthening the Public Ministry should remain a central focus of USAID's support to Colombia.

## **ANNEX – PEOPLE INTERVIEWED**

### **BOGOTA**

Inspector General's Office (*Procurador General de la Nación*)

**National Office of Special Investigations** (*Dirección Nacional De Investigaciones Especiales*)

Gabriel Quiñones, Director

David Molina, Advisor

**Institute of Studies of the Public Ministry** (*Instituto de Estudios del Ministerio Público*)

Christian José Mora Padilla, Director

Luis Alberto Ugueta, Advisor

Luis Enrique Martínez, Advisor

Carlos Humberto García, Director of Training

Camilo Valbuena

**Inspector Delegate for Prevention in Human Rights and Ethnic Affairs** (*Procuraduría Delegada Preventiva en Materia de Derechos Humanos y Asuntos Étnicos*)

Mario González Vargas, Inspector Delegate

Danilo Duran Valbuena, Coordinator of the Ethnic Affairs Group

Maria Ligia Mantilla Jaimes, Advisor

**Disciplinary Inspector Delegate for Defense of Human Rights** (*Procuraduría Delegada Disciplinario para la Defensa de los Derechos Humanos*)

Rafael Duran Mantilla, Inspector Delegate

Orlando Lancheros Duran, Advisor

Nicolás Romero Páez, Advisor

**Inspector Delegate for Environmental and Agrarian Affairs** (*Procuraduría Delegada para Asuntos Ambientales y Agrarios*)

Darío Amaya Navas, Inspector Delegate

David Durán, Advisor on Human Rights

**Inspector Delegate for Civil Affairs** (*Procuraduría Delegada para Asuntos Civiles*)

Edgar Sanabria Melo, Inspector Delegate

Derly Sofía Guerrero, Judicial Inspector

**Delegate Inspector for Labor Affairs and Social Security** (*Procuraduría Delegada para Asuntos del Trabajo y Seguridad Social*)

Dra. Diana Margarita Ojeda Visbal, Delegate Inspector

**Delegate Inspector before the Council of State** (*Procuraduría Delegada ante el Consejo De Estado*)

Roberto Serrato Valdez, Inspector Delegate

Carolina Velásquez, Advisor  
Luz Aurelia Puyo, Advisor

**Delegate Inspector in Penal Affairs** (*Procuraduría Delegada Para El Ministerio Público En Asuntos Penales*)

María Patricia Ariza Velasco, Inspector Delegate

**Judicial Delegate Inspector for Justice and Peace**

Hernando Aníbal Yovera

**Judicial Delegate Inspector**

Yolanda Sarmiento

**Delegate Inspector for Decentralization and Territorial Entities** (*Procuraduría Delegada para la Descentralización y las Entidades Territoriales*)

Carlos Augusto Meza Díaz, Inspector Delegate  
Juan Pablo Remolina, Advisor

**Office of International Affairs** (*Oficina De Asuntos Internacionales*)

Alejandra Perea, Advisor

**Grupo de Instancia Internacional**

Jorge Castillo

National Ombudsman's Office (*Defensoría Del Pueblo*)

Volmar Perez Ortiz, National Ombudsman (Defensor del Pueblo)

**Unit for Integrated Attention to Victims** (*Unidad de Atención Integral a Víctimas*)

Patricia Luna Paredes, Coordinator

**National Directorate for the Promotion and Dissemination of Human Rights** (*Dirección Nacional de Promoción y Divulgación de derechos Humanos*)

Hernando Toro, Director.

**Early Warning System** (*Sistema de Alertas Tempranas*)

Jorge Calero, Director  
Eduardo Estrada, Advisor

**Office of International Affairs** (*Oficina Asuntos Internacionales*)

Mario Calle, Head of Office

**School for Public Defenders**

Sandra Rodriguez Tarazona, Advisor on Planning and Training

**Delegate for the Rights of Children, Youth and Women**

Pilar Rueda Jimenez, Delegate

National Government

**Interinstitutional Commission for Early Warnings** (*Comisión Intersectoral de Alertas Tempranas, al Ministerio del Interior y Justicia*)

Eisleane Suarez

Martha Vanegas

**Ministry of the Interior and Justice, Protection Program** (*Ministerio del Interior y Justicia, Programa de Protección*)

Laura García, Advisor, *Office of International Affairs*

**Presidential Council for Human Rights** (*Consejería Presidencial para los Derechos Humanos*)

Dr. Tomas Concha, Director

**National Police**

General Orlando Páez Barón, Inspector General

Coronel John Henry Arango, Director, Office of Human Rights

**Presidential Agency for Social Action and International Cooperation**

David Turizo Pinzón, Advisor

**Armed Forces of Colombia**

Jorge Castillo, First Sergeant (retired), Urban Anti-Terrorist Special Forces

Non-Governmental Organizations

**Asociación MINGA**

Diana Sanchez

**Fundación Antonio Restrepo Barco**

Mario Gómez, Director

**Institute of Studies for the Promotion of Democracy, Human Rights and Social Development** (*Instituto de Estudios para la Promoción de la Democracia, los Derechos Humanos y el Desarrollo Social*)

Patricia Linares, Consultant

Nubia Herrera, Consultant

**Initiative of Women for Peace** (*Iniciativa de Mujeres por la Paz – IMP*)

Patricia Buriticá Céspedes, Director

**Colombia Commission of Jurists** (*Comisión Colombiana De Juristas*)  
Gustavo Gallón, Director

**Democratic Culture Foundation** (*Fundación Cultura Democrática*)  
Álvaro Villarraga Sarmiento, Director  
Neila Hernández, Investigator

**Ideas for Peace Foundation** (*Fundación Ideas para la Paz*)  
Juan Carlos Palou, Coordinator, Peace Area Coordinador  
Miguel Ortega, Advisor

**Network of Colombian Initiatives for Peace** (*Red de Iniciativas Colombianas por la Paz – Redepaz*)  
Ana Teresa Bernal, Director

**Corporación Nuevo Arco Iris**  
Ariel Fernando Ávila, Advisor

**Association of Families of the Detained and Disappeared** (*Asociación de Familiares de Detenidos-Desaparecidos - ASFADDES*)  
Gloria Gómez, Director

**Social Foundation** (*Fundación Social*)  
Paula Gaviria, Coordinator, Public Policy

**Long Live the Citizenry Corporation** (*Corporación Viva la Ciudadanía*)  
Antonio Madariaga

#### International and Foreign Organizations

**US Mission to Colombia/Bogotá**  
Paul Vaky, Director, Program of Reform of Justice Sector, Plan Colombia, U.S. Dept. of Justice  
Amanda Porter, Human Rights Office, U.S. Department of State

**USAID/Bogotá**  
Ken Yamashita, Mission Director  
Nadereh Lee, Deputy Mission Director  
Jene Thomas, Director of the Office of Democracy and Human Rights  
Michele Guttmann, Senior Legal Advisor  
Paula Cobo, Manager, Human Rights Program  
Andrea Guardo, Development Assistance Specialist, Human Rights Program  
Catalina Nossa, Monitoring and Evaluation Specialist  
Don Chisholm, Deputy Director, Office for Democracy and Human Rights

Stephanie Hilborn, Democracy Officer  
Diego Garcia, Demobilization and Reintegration Program

**Organization of American States**, Mission of Support to the Peace Process in Colombia  
Daniel Millares, Coordinator, Justice and Peace

**United Nations Office of the High Commission for Human Rights**  
Christian Salazar, Representative  
Jesus Pena, Security  
Margarita Uprimny

**International Office for Migration** (IDP Program implementing partner)  
Camilo Leguizamo, Program Coordinator  
Olga Alexandra Reboledo, Psychosocial Coordinator  
Juliana Betancourt, Monitor, SAME  
Maria Angela Mejia, Project Coordinator, National Commission for Reparations  
Angela Prias Trujillo

**European Union**  
Marcela Salazar Posada, Cooperation Official  
Manuel de Rivera Lamo de Espinosa, Cooperation Expert  
Asier Santillan Luzuriaga, Operational Section

**Management Sciences for Development** (Human Rights Program implementing partner)  
Lucia Garcia Giraldo, Director  
Ivette Altamar, Deputy Director  
Olga Lucia Gaitan, Team Leader of State Area.  
Hugo Pineda, Project Official, Rights of Victims  
Juan Felipe Ogliastri, Project Official, Rights of Victims

**Embassy of Sweden**  
Tommy Stromberg, Counselor, Foreign Ministry  
Sergio Arboleda, Program Official

**GIZ (German aid)**  
Elizabeth Katich, Management Advisor, Project to Strengthen the Rule of Law

**International Center for Transitional Justice**  
Michael Reed-Hurtado, Senior Associate and Head of Office

**Management Systems International** (Regional Governance Consolidation Program implementing partner)  
Marianne Menjivar, Director  
Mauricio Casafranco Vanegas, Sub-Director

## MEDELLIN

### **Regional Ombudsman for Antioquia**

Sandra María Rojas Manrique, *Defensora del Pueblo Regional*  
Roberto Armando Moreno Bedoya, Regional Analyst, Early Warning System  
Diana Carolina Zapata Lopez, Attorney, *Equipo de Duplas Psicojurídicas*  
Elba Aurora Martínez Ocampo, Psychologist, *Equipo de Duplas Psicojurídicas*  
Sergio Guzman, Attention to Displaced People  
Sandra Salazar, Community Defender  
Luis Fernando Barrera Restrepo, Public Defender, Judicial Representative of Victims,  
Law of Justice and Peace

### **Municipal Ombudsman of Medellin**

Dr. Jairo Herran, Municipal Ombudsman  
Ana Patricia Aristizabal G., Delegate Ombudswoman for Human Rights

### **Regional Inspector for Antioquia**

Francisco Javier Garcia, Penal Judicial Inspector  
Claudia Vallejo, Human Rights Coordinator

### **Corporacion Juridica Libertad**

Oscar Alberto Correa, lawyer  
Monica Sanchez, lawyer

### **United Nations Office for the Coordination of Humanitarian Affairs**

Rodolfo Zapata, Field Official

### **Government of Antioquia (*Gobernación de Antioquia*)**

Jorge Ignacio Castano, Peace Advisor

## CALI

### **National Ombudsman for Cali**

Andrés Santamaría, Regional Ombudsman  
Harrison Cuero Camas, Community Defender, Region of Valle Buenaventura – Pacific  
Catalina Balcázar, Regional Advisor for Displaced People  
Lenos Ramos Panchano, Regional Legal Advisor for Displaced People  
Liliana Patricia Bedoya, Regional Director for Care and Processing of Complaints,  
*Procesamiento de Quejas de la Defensoría Regional en Cali*  
Elisabeth Escobar, Regional Analyst, Early Warning System  
Gladys Marnenza, Psychologist, *Dupla Psico-Jurídica*  
Liliana Bedoya, Public Defender  
Hernando Ordóñez, Public Defender

**Inspector General for Cali**

Miguel Alfredo Ledesma Chavarro, Delegate Inspector in Penal Affairs II  
Aurora Martínez Arango, Administrative Judicial Delegate Inspector  
Mario Alberto Cardona, Unit for Criminal Investigations

**Fundación Guagua**

Delia Caicedo

**Fundación Santa María**

Pedro Lulio Pardo C., Director of Inter-institutional Processes

**Municipal Ombudsman of Yumbo**

Diana Milena Franco Atehartua, Municipal Ombudswoman  
Elizabeth Escobar, Assistant

**Municipal Ombudsman of Florida Valle**

Gladys Carmenza León Arredondo, Municipal Ombudswoman

**Paz y Convivencia**

Frangey Rendon, Manager, Departament of El Valle

**VILLAVICENCIO****National Ombudsman Office in Villavicencio** (Defensoría Del Pueblo De Villavicencio)

Eduardo González Pardo, Regional Ombudsman  
Margarita Bolívar, Regional Analyst for SAT  
Doris Ruiz, Community Defender  
Santiago Salazar, Community Defender  
María Del Pilar Muñoz Ramón, Dupla Psychologist

**Municipal Ombudsman**

Yineth Ladino Clavijo, Municipal Ombudswoman  
Ingrid Navas, Delegate for Human Rights

**Inspector General for Villavicencio** (*Procuraduría Regional Meta*)

Rafael Ignacio Neira, Regional Inspector General  
Dr. Antonio Pineda Bocanegra, Penal Judicial Inspector before Justice and Peace  
José Guillermo Mateus, Regional Director, Office of Special Investigations, Meta Section  
Ana María Navas  
Sandra Bravo

**Inspector General for Meta** (*Procuraduría Regional Meta*)

Dr. Freddy Miguel Joya Arguello, Regional Inspector General

**Reparations Commission of Meta** (*Comisión de Reparación del Meta*)  
Lucas Rodríguez

**Justice and Peace Prosecutor of Villavicencio** (*Fiscalía de Justicia y Paz de Villavicencio*)  
Dr. Javier Tamayo, Prosecutor

**United Nations Development Program** (*Programa de las Naciones Unidas Para el Desarrollo*)  
Alberto Moreno, Legal Advisor  
Rocío García, Delegate

**Humanitarian Roundtable of Villavicencio** (*Mesa Humanitaria De Villavicencio*)  
José Martínez  
José Luis Ramírez Berrio  
Graciela Barbosa  
Vicente Suarez  
Cecilia Lozano

## **SINCELEJO-SUCRE, MONTERÍA, CÓRDOBA**

### **Inspector General**

Jorge Álvarez, Provincial Inspector  
Libis Ibáñez Narváez, Director, Attention to Population in Situation of Displacement  
Wilson Andrés Germán Pérez, Official, Strategy and Threats  
Ramiro Nassif, Procurador Regional Córdoba, *Procuraduría General de la Nación*  
Efraín José Sánchez, Advisor, Regional Inspector General of Córdoba  
Margarita Sarmiento, Regional Inspector General of Sucre

**United Nations Office of the High Commissioner for Human Rights** (*Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos - OACNUDH*)  
Tomas Krszowsky, Human Rights Official

**Peace Bearers and National Roundtable of Displaced People** (*Portadores de Paz y Mesa Nacional de Desplazados*)  
Walter Villalba, Director

**Association of Displaced Afro-Colombians** (*Asociación de Desplazados Afrocolombianos*)  
Roberto Suárez, Legal Representative

**Field of Glory Organization of Sincelejo** (*Organización Campo de Gloria Municipio de Sincelejo*)  
Elkin Giovanni Urzolas Espejo, Director

**National Ombudsman**  
Oscar Herrera, Regional Ombudsman, Sucre

Ana Ojeda, Psychologist/*Dupla*, Unified Integral Care for Victims, Justice and Peace  
Diana Mesa, Advisor, Forced Displacement  
Juan Pablo Guayacán, SAT Regional Analyst, *Defensoría del Pueblo, Sucre y Córdoba*

## **WASHINGTON, DC**

### **USAID**

M. Eric Kite, LAC/RSD/DHR  
Naomi Roht-Arriaza, Senior Advisor on HR and Rule of Law  
Patricia Hunter, Democracy Officer, USAID/LAC

### **U.S. Department of State**

Barbara Williams, Colombia Desk Officer  
Steve Moody, Bureau of Democracy Human Rights and Labor

### **Latin America Working Group**

Lisa Haugaard, Executive Director

### **US Office on Colombia**

Kelly Nichols, Executive Director

### **International Crisis Group**

Mark Schneider, Senior Vice President

### **Human Rights Watch**

Maria McFarland, Deputy Washington Director

### **Georgetown University**

Marc Chernick, Visiting Associate Professor/ Director, Center for Latin American Studies

### **Washington College of Law, American University**

Prof. Diego Rodríguez-Pinzón, Co-Director, Academy on Human Rights  
and Humanitarian Law

### **U.S. Institute of Peace**

Virginia Bouvier

**USAID/Colombia**

American Embassy Bogota

Carrera 45 No. 24B – 27

Bogotá, DC – Colombia

Tel: (571) 315-0811

Fax: (571) 383-2318

[colombia.usaid.gov](http://colombia.usaid.gov)