



**USAID**  
DEL PUEBLO DE LOS ESTADOS  
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# Final Report

## Phase II

### Human Rights Program

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**FINAL REPORT**  
**PHASE II HUMAN RIGHTS PROGRAM**  
**OPERATED BY MANAGEMENT SCIENCES FOR DEVELOPMENT INC.**

This final report of Phase II of the Human Rights Program (HRPII) is submitted in compliance with Clause F.5 of contract number 514-C- 00 - 06-00304-00 signed between the United States Agency for International Development (USAID) and Management Sciences for Development, (MSD). MSD would like to thank USAID for having entrusted it to implement this program, which is very politically sensitive for the bilateral relations between the U.S. government and the Government of Colombia (GOC) and of great importance for upholding the human rights of the civilian population in Colombia.

The report contains the following sections:

1. Financial report and contract analysis.
2. Accomplishments, difficulties encountered in the implementation of the Program, and recommendations related to the intermediate results established in the contract.

Annex 1. List of IGO projects pending for implementation in Phase III of the Human Rights Program (HRPIII)

Annex 2. Acronyms

## **1 CONTRACT AND FINANCIAL ANALYSIS OF (HRPII)**

### **1.1 Duration**

Contract number 514-C-00-06-00304-00 between USAID and MSD was legalized on August 29, 2006 for a period of two years, i.e. to August 2008. After this date, USAID exercised three options periods that extended the project to August 2011, as follows:

- ✓ Period 1 August 29, 2008 to August 2, 2009
- ✓ Period 2 August 29, 2009 to August 28, 2010
- ✓ Period 3 August 29, 2010 to August 28, 2011

In August 2011, USAID granted a no-cost extension to HRPII, extending the period of performance to January 29, 2012. The final contract term was thus five years and five months.

### **1.2 Budget**

The contract was signed with a budget of US\$ 37,768,983. In 2008, USAID increased the budget by US\$ 1 million to include the new labor rights activity, which raised the total budget for HRPII to US\$ 38,768,983. The disaggregated budget was as follows:

CLINs	CONTRACT BUDGET
Total CLIN 1: Strengthening of national and local capacity for prevention of core Human Rights abuses	\$6.946.103
Total CLIN 2: Protection of Individuals and Communities	\$2.115.140
Total CLIN 3: Enhanced Capacity for Public Policies, Monitoring and Accountability	\$3.665.616
Total CLIN 4: Empowering Civil Society to Accompany Human Rights Strengthening Processes	\$6.162.814
Total CLIN 5: Promotion of Victims' Rights to Truth, Justice and Reparations	\$4.330.571
Total CLIN 6: Program Modifier (Rapid Response Mechanism)	\$488.574
Total CLIN 8: Management Costs	\$4.827.244
Total CLIN 9: Labor Union Program	\$889.935
<b>SUBTOTAL CLIN's</b>	<b>\$29.425.998</b>

Does not include G&A and Fixed Fee

Budget was distributed to beneficiary entities as follows:

Defensoría del Pueblo	\$3.322.224
Procuraduría General de la Nación	\$4.167.211
Mnisterio del Interior	\$3.379.133
Vicepresidencia de la República	\$2.246.775
Policia Nacional	\$466.954
Corte Constitucional	74441,5
Organizaciones de la sociedad civil.	\$10.541.198
PNUD	\$301.000
Comision Intersectorial de lucha contra la impunidad	\$99.817

Does not include G&A and Fixed Fee

Finally, the following table illustrates the distribution of resources by sector (State, Government, and Civil Society):

Entidades de Estado	\$7.563.876
Entidades de Gobierno	\$6.192.679
Sociedad Cvil	\$10.541.198
otros	\$301.000

Two budget realignments were performed to the HRPII. The first was in June 2008, to adjust the budget to compensate for the revaluation of the exchange rate and to accommodate the Congressional earmarks for the 2008 and 2009 fiscal years in the amount of US\$ 6.4 million for activities with the Inspector General's Office (IGO) and the Office of the National Ombudsman (NOO). These earmarks resulted in a reduction of the planned budget lines for all HRPII projects of approximately 15.5% of the total budget. These resources were reassigned primarily to the IGO.

Since it was not possible to execute all of the earmarked resources during the term of the contract, some of the projects with the IGO (see Annex 1) have been left for implementation during HRPIII.

The second realignment was performed through Amendment 14 to reprogram HRPII resources to cover expenditures through January 2012.

## 2. ACCOMPLISHMENTS, DIFFICULTIES ENCOUNTERED AND RECOMMENDATIONS TO USAID FOR EACH INTERMEDIATE RESULT OF THE PROGRAM

This section includes the results achieved by HRPII in terms of the Intermediate Results established in Section C of the contract, with emphasis on the difficulties encountered and recommendations for future activities. This report does not contain a detailed description of all the HRPII activities because these can be consulted in the quarterly reports and in the attached multimedia “Human Rights Program 2006-2012”.

### IR 2.1 IMPROVED PREVENTION OF CORE HUMAN RIGHTS ABUSES CLIN 1

The prevention component sought to strengthen the capacity of government institutions, control entities, civil society organizations and networks, councils of indigenous people (*cabildos*), and Afro-Colombian community councils to prevent violations of human rights and breaches of International Humanitarian Law (IHL).

As a general result of IR 2.1., GOC, control entities, and civil society organizations developed and improved their ability to prevent human rights abuses. Mechanisms were institutionalized through public policies or policy instruments, thus providing the country with mechanisms and systems to avoid or mitigate human rights violations resulting from the armed conflict or the arbitrary abuse of power.

#### 2.1.1 A more effective and fully coordinated sustainable Early Warning System, for use as a key tool in the prevention of massacres, forced displacements and other major human rights violations.

##### Early Warning System (SAT, Spanish acronym)

The SAT was established by the NOO (*Defensoría del Pueblo*) in May 2001 with USAID’s technical and financial assistance. It was created as a tool to monitor and assess the dynamics of the armed conflict. The SAT aims to identify possible human rights violations and breaches of IHL and provide risk reports to the GOC. During HRPII, the following results were achieved with regard to SAT:

- ✓ Conceptual and methodological adjustment of processes, procedures, and tools used by SAT, to improve capacity for analysis of the armed conflict; standardized criteria for assessment of threats and vulnerabilities and operations tailored to the evolving dynamics and realities of the armed conflict. The SAT approved this methodological adjustment in December 2011 and began applying it in January 2012.
- ✓ A total of 193 risk reports (IR) and 224 follow-up notes (NS) were issued during the five years of program implementation, which aimed to prevent human rights violations against the civilian population (see table below with list of IR and NS per year).

	2006	2007	2008	2009	2010	2011
IR	51	38	32	31	21	20
NS	38	52	39	35	30	30

Source: Early Warning System

- HRPII hired six national analysts from 2006 to 2007, and 22 regional analysts from 2006 to 2009<sup>1</sup> to undertake these early warning efforts. Funding of approximately 1,500 field missions enabled SAT analysts to travel to risk zones to gather information and issue risk reports and follow-up notes.
- ✓ HRPII supported an in-depth SAT planning process to define its mission, vision, objectives, strategies, and regional action plans. This ensured proper alignment of the organization's technical, operational, and human resources and improved SAT's capacity to prevent human rights violations. This strategic reorientation will be in force until June 2012.
- ✓ In terms of financial sustainability, over the past five years HRPII achieved the progressive reduction of SAT dependence on USAID cooperation funds by slowly increasing the allocation of GOC funds to SAT. In 2011, 85.6% of SAT expenses (see Table No. 1) were being covered by the Colombian State and, in 2012, 100% of staffing and operational costs will be funded with GOC resources.

Table No.1 Institutionalization of the Early Warning System

Año fiscal USAID	Presupuesto USAID en dólares	Presupuesto Defensoría del Pueblo en dólares	Presupuesto Total en dólares	Presupuesto USAID en pesos	Presupuesto Defensoría del Pueblo en pesos	Total presupuesto en pesos	Porcentaje del presupuesto anual asumido por la Defensoría del Pueblo	Porcentaje del presupuesto anual asumido por USAID
Año 1, agosto 29 2006 a sept 30 2007.	997.134	237.500	1.234.634	1.994.268.000	474.999.999	2.469.267.999	19,24	80,76
Año 2, oct 1 2007 a sept 30 2008.	896.095	250.000	1.146.095	1.792.190.000	500.000.000	2.292.190.000	21,81	78,19
Año 3 oct 1 2008 a sept 30 200.9	604986	325.000	929.986	1.209.972.000	650.000.000	1.859.972.000	34,95	65,05
Año 4 oct 1 2009 a sept 30 2010.	389.808	950.000	1.339.808	779.616.000	1.900.000.000	2.679.616.000	70,91	29,09
Año 5 oct.1 2010 a diciembre 2011	266.775	1.596.500	1.863.275	533.550.000	3.193.000.000	3.726.550.000	85,68	14,32

Source: National Ombudsman's Office

- ✓ The SAT budget approved by the GOC for 2012 will be used for hiring the national and regional analysis, the operative and technical support team, and some specialized consultancies. Resources will also be allocated for social and institutional outreach activities and monitoring by the national analysts. In this way, HRPII fully met the USAID goal of achieving the financial institutionalization of SAT.
- ✓ With regard to assigning SAT consultants to fulltime staff positions within the NOO, Decree 4629, issued in the framework of Law 1448 of 2011 in December 2011, established the creation of fulltime staff for the Delegate Ombudsman for Risk Assessment-SAT. This process will begin with the incorporation of 30 contractors as NOO staff; the remaining contractors will be incorporated in two subsequent phases in 2013. The post assignments will begin in February 2012 and will contribute to ensuring

<sup>1</sup> From October 1, 2008, the National Ombudsman's Office assumed the staffing costs of the national SAT team. From December 21, 2009, the National Ombudsman's Office assumed the cost of the regional SAT analysts.

the sustainability of SAT by incorporating this group of consultants as permanent staff members.

### Inter-sectoral Early Warning Commission (CIAT, Spanish acronym)

- ✓ HRPII provided technical assistance to the Ministry of Interior (MOI)<sup>2</sup> for the design of its normative framework through issuance of Decree 2862 of 2007 and of Decree 2780 of 2010 that replaces Decree 2862, which created and regulates the CIAT. The latter decree contains the recommendations of Constitutional Court Order 008 of 2009, which instructs CIAT to develop objective mechanisms and protocols to rule out unsubstantiated reported risks and, when appropriate, to provide timely, coordinated, and effective responses to risk reports and early warnings.
- ✓ In compliance with the instructions of the Constitutional Court, HRPII advised CIAT in the development of a new risk-assessment methodology which is currently undergoing pilot implementation. HRPII also provided training for CIAT staff on geographic and strategic risk assessment.
- ✓ With respect to the SAT risk reports and follow-up notes, during this five-year period, CIAT issued 195 early warnings. It is important to note that although some IR and NS were not declared early warnings, CIAT sent recommendations to local authorities to take appropriate action and monitor the situations mentioned in all warning reports.

	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
<b>Early Warnings</b>	30	51	38	21	20	35

- ✓ To provide operational assistance, until 2009 HRPII funded two analysts who monitored the implementation of the measures. To date, CIAT assumed the cost of these two analysts, and now has 10 analysts, seven under contract and three fulltime staff dedicated to monitoring the implementation of measures. This has strengthened the efforts of CIAT to ensure that local authorities take the appropriate response measures.
- ✓ Finally, to promote greater coordination between SAT and CIAT, HRPII supported the exchange of information regarding operations and work methodologies<sup>3</sup> between the two bodies. In addition by virtue of Decree 2780 the SAT is now being invited to participate in CIAT evaluation sessions and to attend monitoring meetings in the field.

### MSD recommendations regarding SAT-CIAT:

- ✓ Upon designation of a new National Ombudsman in August 2012, provide technical assistance to civil society to define the ideal profile for this position and lobby the relevant GOC entities to ensure that the new ombudsman is a person that has the highest ethical standards and technical expertise.

<sup>2</sup> Until August 2011, the Ministry of Interior and Justice was one single government entity with two different mission statements. On August 11, this Ministry was divided into two separate and autonomous ministries. This report will refer only to the Ministry of Interior.

<sup>3</sup> On May 26 and 27, 2010 a workshop on adjustments to the CIAT methodology was held in the municipality of Chinauta in Cundinamarca Department. The SAT director and analysts participated in this event and discussed the elements and criteria for establishing risk levels in response to the risk reports and follow-up notes issued by the SAT.

- ✓ Support the new strategic reorientation of the entity for the period 2012-2016, ensuring that SAT maintains its position of leadership in the entity's prevention strategies and that it coordinates its work with other NOO delegates and with external prevention mechanisms, such as the local prevention roundtables.
- ✓ Continue providing resources to the SAT for training and updating its staff, adjusting its methodologies and management procedures, updating its technological system, etc., and organize a donors meeting to request additional funding for the System.
- ✓ Develop an integrated management control system in accordance with the processes and procedures designed to improve the timely issuance of the reports.
- ✓ Since, notwithstanding all the technical and political efforts, it was not possible to achieve the publication of the risk reports, follow-up notes and early warnings, promote monitoring of the System by the Inspector General's Office (IGO) and civil society to ensure its transparency.
- ✓ Within the framework of the public policy on prevention being designed by the MOI, guarantee the coordination of the work carried out by SAT with the local prevention roundtables. This will allow entities at the national and local levels to make objective assessments of risk and adopt effective measures to protect the civilian population.

### **2.1.2 Improved inter-institutional coordination among Colombian Executive branch (GOC) and other national public sector (State) human right entities to prevent human rights abuses and breaches to International Humanitarian Law.**

This intermediate result was achieved through two projects: "Attention to Communities at Risk-PACR" and "Local Prevention Plans".

The first project was implemented as a result of an inter-institutional partnership between the MOI, the Office of the Vice President, the NOO, the Presidential Agency for Social Action and International Cooperation (*Acción Social*), and the IGO. It was implemented in 10 areas of the country with minimal state presence, including 72 high-risk rural communities undergoing confrontation between illegal armed actors.

The results of this project were the following:

- ✓ 72 communities have local prevention plans and contingency plans.
- ✓ Methodologies for collective risk assessment and for the design of prevention and contingency plans, designed and validated.
- ✓ Community education model on risk management, designed.
- ✓ Methodology for coordination between civilian authorities and control entities to prevent human rights violations and breaches of IHL and protect the civilian population, designed and applied.
- ✓ Consensus-building and coordination of prevention and protection measures between public authorities and communities at risk.

After the project was evaluated in 2008 by the Regional Inspector General (RIG), USAID/HRPII decided to terminate this project for the following reasons: the use of significant technical

resources and staff in highly focalized regions, disregarding the neighboring municipalities or villages with similar problems; lack of resources to implement the actions established in the prevention and contingency plans; and lack of coordination between civilian and military authorities.

HRPII then began a new project called “Local Prevention Plans”, implemented by the MOI and the Presidential Human Rights Program (PHRP), which built on both the positive and negative results of the Attention to Communities at Risk project. Its aim was to strengthen the capacities of local authorities and CSOs to prevent human rights violations and breaches of IHL. This was accomplished through the formulation of local prevention plans at the departmental and municipal level.

The following significant results were achieved:

- ✓ Adjustment of the methodologies produced by the PACR for designing plans to prevent human rights violations and breaches of IHL.
- ✓ Formulation of 60 local prevention plans in nine departments. This facilitated the analysis of conflict dynamics in each area, identification of illegal armed groups’ strategic interests, and development of prevention mechanisms to address detected risks. Authorities and civil society representatives are applying the developed methodologies in their respective areas.
- ✓ Design of a methodological roadmap to identify risks and prevention measures for women leaders and organizations of displaced women, in compliance with Constitutional Court Order 092 of 2008. Upon conclusion of this exercise, the leaders of the organizations received training in the use of the roadmap.
- ✓ Application of a strategy to prevent violations of the rights to life, liberty, and personal integrity of leaders and people involved in land restitution processes. The overall strategy includes both the government’s “Shock Plan” and the strategy for implementation of the Victims’ and Land Restitution Law (Law 1448 of 2011).

Through this new initiative, HRPII was able to: broaden the scope of the project activities at the municipal and departmental levels; increase awareness among local authorities about their responsibilities to prevent human rights abuses; leverage resources from other government and international cooperation sources to implement actions deriving from the prevention and contingency plans; and create spaces for dialogue, called Local Prevention Roundtables, between civilian authorities and public security forces in each zone.

### **2.1.3 Development of civil society capacity to detect and participate in prevention of human rights abuses and in public policy dialogue**

HRPII awarded grants to NGOs and social organizations aimed at strengthening the capacity of their teams and communities to perform risk diagnostics and manage risk, design prevention and protection plans, petition public authorities for prevention and protection measures, develop mechanisms for prevention of land theft and protection of property in cases of ethnic communities, and establish measures to prevent forced recruitment of young people.

The communities that received technical assistance are located in the 60 municipalities that developed prevention and contingency plans, mentioned above. HRPII also implemented a special plan to strengthen prevention capacities in the Afro-Colombian Pacific Coast communities in the following regions: Alto Mira y Frontera, Río Tablón Dulce, Río Tablón

Salado, Río Gualajo, and Imbilpí del Carmen and strengthen the community councils of the Southern Pacific region – Recompas, the Council for the Integrated Development of Black Communities in the Western Mountains of Nariño (*Consejo para el Desarrollo Integral de Comunidades Negras de la Cordillera Occidental de Nariño* - COPDICONC), six associated community councils in Tumaco, Nariño Department, the Process of Black Communities - PCN, and residents of Buenaventura (Valle), and Buenos Aires and Suárez (Cauca).

The results were: increased community capacities for analysis and risk assessment; development of diagnostic reports about violence on collective lands; and formulation of community prevention plans presented to municipal and departmental authorities to establish preventive support and protection measures for the communities.

Grants were awarded to social organizations to carry out specific prevention activities for the following population groups: transgender people, students and professors, Afro-Colombian and indigenous communities, journalists, and women:

<b>Organization</b>	<b>Population</b>	<b>Result</b>
Santamaría Fundación	Trans Population	Improved capacity to analyze and manage risks and to adopt prevention and protection measures for the organization. Production of a protection manual for trans women. Establishment of a Trans Population Rights Observatory. Dialogue with civil and police authorities for the processing of complaints and protection demands from this population. Implementation of a legal program for monitoring judicial investigations of abuses and crimes committed against trans women in Cali.
Universidad Nacional	Prevention and Protection for the University Community	Strengthening of the protection and coexistence program at the <i>Universidad Nacional</i> , which improved its relationship with SAT, the MOI's protection program, and the Office of the Secretary of the District Government. As a result of this project, the protocols for detection and management of risks faced by university community members were modified, prevention measures in response to the threat climate were adopted, and support was given to people facing threats and harassment by providing them assistance to move to other regions and to protect their lives and personal integrity.
Christian Youth Association	Prevention of Recruitment	Creation of a network of young people and parents, as well as a Community Ombudsman's Office that, in coordination with local administrative agencies, mediated disputes, provided advice about human rights, and engaged in actions to prevent crises and intervene as required to prevent the forced recruitment of young people by illegal armed groups.
Project Counseling Service (PCS)	Afro-Colombian communities	Assisting the communities of Curvaradó and Jiguamiandó in Chocó Department to pursue litigation, dialogue, and advocacy in defense of collective territories. PCS monitored the enforcement of Constitutional Court Order 448 of May 2010 in order to ensure the implementation of processes for land restitution to these communities. Together with observers from international humanitarian agencies, it supported the communities in carrying out the census ordered by the Constitutional Court and implemented by the MOI. PCS also contributed to a report characterizing the territory.
<i>Corporación</i>	Cofán Community	Persuaded the Ministry of Defense to suspend construction of

<b>Organization</b>	<b>Population</b>	<b>Result</b>
<i>Visión Renacer</i>		a base for a military battalion adjacent to the community's territory and initiated a dialogue to i) determine the proposed project's potential impact on the community and ii) find a way in which the project could be continued. With HRPII financial support, <i>Corporación Visión Renacer</i> strengthened the community's capacity to engage in a dialogue with the Ministry of Defense. It hired Universidad Javeriana to conduct studies of the socioeconomic and cultural impacts of the battalion's base construction. The parties continue the dialogue process, and construction has not yet resumed.
The North-South Institute	Preventing Mining's Impact on Ethnic Communities	HRPII provided financial support to a project of the North-South Institute of Canada, the Indigenous Council of the Cañamomo Lomapieta Reserve, and the PCN providing training on prior, free, and informed consultation and consent. The environmental, social, economic and cultural impacts of mining and energy production on this reservation were analyzed, a dialogue was initiated among ethnic communities, public officials, and businesses, and consent tools were produced for ethnic communities.
Freedom of the Press Foundation (FLIP) and Media for Peace (MPP)	Prevention of Violence against Journalists.	To analyze the impact of violence against journalists and on journalistic practices and self-censorship in various regions of the country, FLIP and MPP, with HRPII support, undertook a participatory investigation with journalists and public officials. It examined the risks faced by journalists as well as self-censorship encountered in the local media in Caquetá, Cauca, Chocó, Córdoba, Nariño, Norte de Santander, and Valle del Cauca Departments.  The investigation identified some of the causes of self-censorship. These include threats, pressure, and assaults against journalists by legal and illegal actors, as well as lack of trust in the authorities, and the absence of journalistic independence. The investigation also defined guidelines for journalists and communication media executives on mitigation or reduction of these risks.
Fundación Yankala	Indigenous communities in el Tambo, Cauca	<i>Fundación Yankala</i> brought together municipal social organizations which advocated that a Committee for the Defense, Protection and Promotion of Human Rights be established under Municipal Council Agreement 024 of 2010. CSOs now participate in the committee, which serves as an advisory and decision-making body with powers to make policies and take actions to protect human rights and prevent human rights violations and breaches of IHL.
<b>Association of Women Meat Producers (ASOMUPCAR)</b>		ASOMUPCAR promoted the creation of the municipality's Human Rights Commission under the Municipal Council Agreement of April 2008. Government agencies and CSOs also participate in this committee. ASOMUPCAR promoted the participation of Community Action Boards and local administrators in oversight of municipal policies related to community rights.

MSD recommends: Continue to support local and community prevention processes, given that they have shown to be extremely effective in achieving greater consistency between the real risk situations in the field and the measures adopted by local authorities. However, it is also necessary to strengthen the engagement of control entities, such as IGO and NOO, in

monitoring compliance with the obligations of each entity in the implementation of the local prevention plans.

#### 2.1.4 Enhanced Capacity of State to oversee GOC prevention activities.

HRPII provided technical and financial assistance to strengthen the IGO's preventive functions through the design of "preventive monitoring" methodologies and protocols and the training of over 436 IGO officials on the practical application of these instruments.

Once the IGO staff had been trained on the use of the "preventive action" protocols and methodologies, HRPII provided resources for monitoring the following government policies:

- ✓ State policy on historical memory and protection of archives.
- ✓ National reparations policy.
- ✓ Attention to victims' policy.
- ✓ Legal and administrative benefits for demobilized people policy.
- ✓ Justice and Peace policy, with particular emphasis on the attention to the Afro-Colombian and indigenous populations, people with diverse sexual orientation, the prison population, and victims.
- ✓ Policy for attention to cases of human rights violations brought before international human rights supervisory bodies.
- ✓ Compliance with the recommendations of international human rights supervisory bodies.
- ✓ The human rights situation in Meta.
- ✓ Compliance by the GOC of Constitutional Court Orders 004 and 005 of 2009 regarding protection of indigenous peoples and Afro-Colombian communities.
- ✓ Diagnosis of the capacity of the IGO to monitor the implementation of public policies on attention to the displaced population.

The relevant findings of this "preventive monitoring work" of the public policies, mentioned above, were published together with recommendations to the GOC for making the necessary adjustments to these policies. HRPIII should monitor the application by the GOC of the recommendations made by the IGO on matters of prevention.

Regarding the work of the IGO, MSD recommends:

- ✓ To strengthen the municipal *personerías* and regional *defensorías*, which are also part of the Public Ministry, allocate to them some of the future funds earmarked for the IGO. The IGO does not have the capacity to execute all of the funds provided and the *personerías* are the weakest institutions within this Ministry.
- ✓ Support the IGO in implementing projects that were not executed during HRPII, especially the projects aimed at "monitoring the Ministry of *Defense's* comprehensive human rights policy" and to "strengthening the role of the IGO in the application of the new intelligence law". These projects are crucial for upholding the human rights of the civilian population, in general, and particularly of human rights defenders.
- ✓ Strengthen the relationship between the preventive and disciplinary functions of the IGO. This will ensure that cases of negligence or unjustified omission, which are detected in the preventive stage, have disciplinary consequences. To date this connection has not been established.
- ✓ Formulate a system of indicators that allow the IGO to know the level of effectiveness of its preventive actions.
- ✓ Support the IGO in formulating new hiring policies that will open the door to professionals in fields other than law.

### 2.1.5 Improved outreach/education programs on human rights and International Humanitarian Law for public officials, control and oversight entities and vulnerable groups.

HRPII provided support to different projects seeking to promote a culture of human rights within Colombian society, and particularly among public officials and social leaders, with the following results:

#### **National Education Plan on Human Rights (*Plan Nacional de Educación en Derechos Humanos* - PLANEDH)**

With the support of HRPII, the Ministry of Education, the PHRP, and the NOO jointly developed the PLANEDH as a policy instrument establishing principles, strategies, and actions that will guide human rights education in Colombia, in both the formal and non-formal settings. The Minister of Education announced that this instrument will be approved by the GOC by decree in February 2012.

MSD recommends: It is very important that in Phase III USAID provide technical assistance to departmental and municipal education secretariats to ensure the proper implementation of PLANEDH in schools and to the NOO for training of regional staff on the implementation of the model curriculum for non-formal settings.

#### **Strengthening the Constitutional Justice Observatory**

In the interest of disseminating the Constitutional Court's jurisprudence and thus promoting a culture of respect for human rights and support for the work of public officials, and social organizations, HRPII supported the Ombudsman Justice Observatory in:

- ✓ Designing a brochure explaining the Observatory's work.
- ✓ Revising and adjusting the methodology of analyzing constitutional jurisprudence.
- ✓ Training of the Ombudsman's staff on analysis of constitutional jurisprudence.
- ✓ Publishing "*Fifteen Years of Constitutional Jurisprudence*". This report includes an analysis of Constitutional Court jurisprudence between March 1992 and February 2007, as well as the entire body of jurisprudence of the Inter-American Court of Human Rights from the date of its establishment in 1979 until February 2007.

MSD recommends: that HRPIII or the USAID Access to Justice Program continue to support the Observatory, so that it may disseminate the decisions of the Constitutional Court as a mandatory point of reference for judges, prosecutors, defenders and litigating attorneys involved in cases of human rights violations.

#### **Human Rights Moot Court Competition**

During HRPII, five annual competitions were organized. The hypothetical cases for the five annual competitions dealt with the following topics: i) The rights of women and children in the context of domestic and sexual violence; ii) The rights to truth, justice, and reparations for victims; iii) The rights of indigenous peoples with regard to approval and implementation of megaprojects on their ancestral lands; iv) The rights of children to a family structure and their right not to be separated from their families when their parents are a same-sex couple; and v) Freedom of association and the right to organize unions where workers have been hired under the work cooperative modality.

Since 2007, this event has been included as part of the National Ombudsman's work on human rights promotion and was institutionalized within the entity during HRPII.

Through this moot court competition, HRPII contributed to the creation of spaces for human rights study and reflection, and the development of courses, research and publications on this topic in the 295 participating universities, and has motivated the professional orientation of students towards the area of defense of human rights and IHL.

MSD recommends: USAID programs continue the Moot Court Competition, which has earned a serious reputation in the academic sector, by increasing the pool of sponsors, promoting the participation of disciplines other than law in the competition, and including among the prizes internships in human rights organizations and entities, in order to encourage students to seek a career in this area.

### **Training of Public Officials and Members of Social Organizations on mechanisms and systems for protection of human rights:**

HRPII considered it imperative that public officials and social organization leaders learn more about the protection mechanisms developed under the Inter-American human rights system, in order to include international standards in the formulation of public policies and in litigation.

To this end, the following three projects were funded:

- i) The participation of 15 state officials and CSO members in the Summer Course on Human Rights, IHL and Protection Mechanisms, and the Inter-American System at American University in Washington D.C.
- ii) A specialized course (*diplomado*) at Universidad Sergio Arboleda called "Course on Human Rights and IHL, with emphasis on the Inter-American System". Course participants were from the MOI Human Rights Office, the National Police Human Rights Office, the PHRP, the IGO, the National Ombudsman's Office, the National Human Rights and Justice and Peace Offices of the AGO, the *Colectivo de Abogados Luis Carlos Pérez*, *Corporación Nacional*, and the *Asociación pro Desarrollo de Familias en el Sur Occidente de Barranquilla* (APRODEFA).
- iii) Eight (8) scholarships to human rights defenders to study a master's degree in litigation before international bodies at Universidad Santo Tomás. Participants documented cases of human rights violations and monitored the progress of criminal investigations. The aim was to evaluate the feasibility of promoting litigation of these cases before the Inter-American Court of Human Rights. Recipients are members of *Abogados Sin Fronteras*, *Proceso de Comunidades Negras (PCN)*, *Red de Consejos Comunitarios del Pacífico Sur (Recompas)*, *Familiares Colombia*, *Humanidad Vigente*, *Corporación Vida y Dignidad*, *Movimiento Campesino de Cajibío*, and *Corporación Jurídica Yira Castro*.

### **Promotion of a Human Rights Culture in Business Practices**

HRPII, in association with the German Technical Cooperation Agency (GIZ), the High Commissioner for Refugees (UNHCR), the United Nations Agency on Drugs and Crime (UNODC), and the Global Compact Local Network, and with the support of its subcontractor Trust for the Americas, developed a business and human rights program aimed at integrating promotion and respect for human rights into companies' operations. As a result, a virtual and on-site course on "Corporate social responsibility and human rights in business" was offered in 2008 in Atlántico, Caldas, Cauca, Cesar, Risaralda, Santander, and Valle Departments with the participation of company executives, trade association officials, and university professors.

In 2010, the second version was offered, following a training of trainers exercise. Professors were drawn from the *Tecnológica de Pereira*, *Tecnológica del Norte*, *Tecnológica de Caldas*, and Francisco de Paula Santander universities, the family compensation funds (*Cajas de Compensación Familiar*) of Cauca (Comfacauca), Norte de Santander (Comfanorte), Valle (Comfandi), and Santander (Cajasan), the Network of Universities of César (Reducesar), and the Corporate Social Responsibility School of Valle. These academic centers now have the capacity to replicate the virtual course with businesses in each of their regions. In order to ensure the sustainability of the program, responsibility for the course was transferred to the Global Compact Local Network.

In addition, HRP II provided financial and technical support to the Mining and Energy Committee for Human Rights (*Comité Minero Energético para los Derechos Humanos - CME*) to incorporate the Voluntary Principles on Security and Human Rights into the operations of member mining and energy sector companies. The CME also initiated a dialogue with CSOs on their perceptions of member companies' work with regard to security and human rights, and to receive feedback on the methodologies they use to perform human rights risk assessments.

MSD recommends: USAID programs continue this work with the business sector, which contributes to preventing human rights violations in the companies' areas of influence. Continue support to the Global Compact Local Network in Colombia for the development of new training modules on topics such as prior consultation, due diligence in the study of investment projects, and union rights.

#### **Promotion of a Human Rights Culture with Social Organizations**

HRP II awarded grants to three social organizations for the implementation of projects related to the promotion and culture of human rights.

<b>Organization</b>	<b>Population</b>	<b>Results</b>
Unión Temporal Juhepalu	Youth population	Creation and strengthening of a culture of respect for human rights among young people and consolidated youth organizations in the municipalities of Pereira and Dos Quebradas in Risaralda Department.
Fundación Teatro La Baranda	Children	Production of the play "Pataplin rataplán todos contra el maltrato" by the Fundación Teatro La Baranda. The play depicts different forms of violence against children and women and highlights the need to prevent this phenomenon.
<b>Fundación Esperanza</b>	Women	Increased public awareness with regard to the problem of human trafficking and sexual and commercial exploitation of children and adolescents. This initiative was conducted in Bucaramanga, Santander Department, and Armenia, Quindío Department, through media campaigns. The foundation produced educational materials for use in education, consciousness-raising, and prevention.

#### **2.1.6 Other Institutions with preventive functions, such as the National Police, are strengthened**

HRP II worked to strengthen the National Police's human rights focus on its planning, training, and internal regulation functions, in order to improve the respect and guarantee of human rights

by members of the force. The primary results of the work with the National Police are the following:

*Institutional strengthening:*

- ✓ A comprehensive human rights management model and strategic plan was developed. This led to successful incorporation of human rights into its various institutional processes. The plan includes the mission, vision, strategic lines of work, actions, responsible parties, times, processes, procedures, and a monitoring and evaluation system.
- ✓ The Human Rights Office (previously known as the Human Rights Group of the National Police) was restructured. Regional human rights coordination functions were established and national-regional coordination was strengthened.
- ✓ Equipment was donated to the Human Rights Office and its regional offices to improve the response capacity of the National Police.

*Police training:*

- ✓ A cycle of eight educational courses on human rights was offered to police instructors and to officers in charge of regional human rights offices. These courses included classroom and virtual segments and included topics related to project design, the nature and basis of human rights, international protection systems, public policies, and specially protected groups. The courses were held in Bogotá, Barranquilla, Fusagasugá, Manizales, Medellín, Tuluá, and Villavicencio.

*Relationships with the communities:*

- ✓ HPRII promoted dialogue processes between police and CSOs to enable the adoption of prevention, protection and investigation measures. Numerous meetings were held to collect information about the human rights situation, identify problems, and determine the prevention and protection needs of human rights defenders.
- ✓ In addition, spaces were created for dialogue between the Police and organizations that work for the human rights of the LGBT community in Bogotá, Barrancabermeja, Barranquilla, Bucaramanga, Cali, Pasto, Pereira, and Medellín where the participants identified risks and problems faced by these communities. As a result, Directive 058 of April 2, 2009 was issued, extended by Permanent Directive 006 of February 24, 2010, which obligates the Police to respect and protect LGBT communities.
- ✓ An International Meeting on Successful Experiences in Relations between the Police and LGBT Communities was held in September 2010. It was organized by the National Police, *Colombia Diversa*, and the Embassy of Sweden, with the technical and financial support of HRP. The meeting featured speakers from the Police and organizations from Sweden, Great Britain, and Colombia. The well-attended event included, of course, members of the police and representatives of LGBT organizations.

*Control of the use of force and firearms:*

- ✓ A compilation was made of national and international laws and jurisprudence on the use of force and firearms, and an analysis of complaints submitted to the IGO, the AGO, the NOO, and the National Police regarding undue, overreaching, or abusive use of force or firearms by the Police.
- ✓ As a result of this diagnosis, a manual was designed that establishes procedures for the use of force and firearms, establishment of criteria, guidelines and procedural rules, and definition of an operational and tactical doctrine for the use of force and firearms.
- ✓ In addition, a virtual course was designed that integrates theory, regulatory guidance, methods, and practices regarding the use of force and firearms. This course was

developed in coordination with the National Directorate of Education of the National Police (DINAE) and will be implemented in 2012 with the Metropolitan Police Force of Bogota, MEBOG, and the Anti-Riot Group, ESMAD.

MSD recommends: USAID direct future assistance to the National Police to strengthen its capacity to inspect, oversee and monitor the application of the principles on use of force and firearms. Also development of new virtual training modules on topics such as prevention of arbitrary detentions, torture, and relationship with groups entitled to special constitutional protection, such as indigenous people, Afro-Colombians, children, among others.

### **2.1.7 A more responsive human rights public policy on prevention is issued and implemented base on nationally and regionally vetted policy development processes.**

The design of a public policy for prevention of human rights violations was prioritized by HRPII. However, this initiative did not advance during the Uribe administration because the GOC was convinced that its Democratic Security policy itself constituted a policy for prevention of human rights violations. According to the GOC, once the demobilization of paramilitary groups was achieved and the guerrilla groups were defeated in the so-called consolidation zones, the monopoly of the use of force by the State would guarantee the rights of the civilian population.

Between 2006 and 2009, however, HRPII worked independently on a study of the State's obligations to prevent human rights violations in accordance with the international commitments of the Colombian government and the jurisprudence of the Constitutional Court and of the Inter-American Court of Human Rights. HRPII produced the following studies on the causes of serious human rights violations with the purpose of developing prevention strategies to address these causes:

- ✓ Prevention of forced disappearance.
- ✓ Prevention of extrajudicial executions.
- ✓ Prevention of violations of human rights and breaches of IHL by the armed forces in the context of legitimate military operations.
- ✓ Prevention of forced displacement.

Once the studies were concluded, between 2010 and 2011 MSD proceeded to design a guide for the formulation of a public policy on prevention. This guide was presented, together with Universidad Los Andes, to the Constitutional Court as part of an amicus curiae brief which served as input for the Court to monitor the implementation of the Court Orders resulting from Decision T-025, which declared an unconstitutional state of affairs in matters of forced displacement. It was also presented to the new Santos administration as input for the formulation of its prevention policies.

After the creation of the new Vice Ministry for Participation and Equal Rights, MSD provided support to the Vice Ministry for the formulation of a policy which should be approved in mid-2012.

MSD recommends: USAID continue assistance to the GOC to support this important initiative during HRPIII, through assistance for the design and implementation of this policy and to strengthen the technical leadership of the Vice Ministry and the capacity of local authorities to implement the policy.

## **IR 2.2 INCREASED PROTECTION AGAINST HUMAN RIGHTS ABUSES. CLIN 2**

HRPII strengthened the ability of the Human Rights Office of the MOI and its Protection Program to protect the rights to life, integrity, liberty, and security of individuals and groups at extraordinary or extreme risk.

The activities undertaken in the Protection Component achieved the following results:

- ✓ Established protection programs for victims involved in Law 975 proceedings and adjusted Protection Program for Displaced People.
- ✓ Design of standardized methodology for individual risk assessments and training on the use of this instrument.
- ✓ Design of the MOI National Protection Unit, approved through Decrees 4065 and 4066 of October 31, 2011.
- ✓ MOI protection programs fully (100%) funded by GOC, including staffing costs and protection measures.

### **2.2.1 Improved protection of the most vulnerable individuals by strengthening a functioning, transparent and secure system for identifying, registering and providing effective protection to individuals under the protection program.**

#### **Safeguarding Information**

HRPII strengthened the Human Rights Office's documentation center, including the definition and adoption of measures to protect verbal, digital, and physical information. The new measures are consistent with legal standards for safeguarding information in public entities. HRPII also assisted the MOI in conducting an evaluation of information security conditions, design of security protocols, and security training of staff.

#### **Risk Assessment Methodology**

MSD supported the MOI in developing standardized risk assessment and risk study instruments, in collaboration with the MOI, the DAS (*Departamento Administrativo de Seguridad* - Administrative Security Department), and the National Police. This tool will be used by the new National Protection Unit to analyze specific threats, vulnerabilities, and risks faced by persons requesting protection.

HRPII also supported the development of a methodology to assess the effectiveness, timeliness, and suitability of the protection measures, including a battery of indicators and information collection tools. HRPII applied this methodology in a representative sample of municipalities. Information resulting from this pilot exercise informed a plan to improve the protection program, ensuring the provision of timely protection measures that address real risks and meet the particular needs of the program's beneficiaries.

### **2.2.2 Focus on vulnerable groups such as women, political and social leaders subject to high threats, human rights defenders, journalists, labor union leaders, human rights NGOs, ethnic groups, etc.**

#### **Provision of Protective Measures**

In the first two years HRPII provided support for 281 temporary relocations (for 122 beneficiaries), 30 security upgrades and armoring of offices (to protect political leaders, NGOs and union members).

The following table shows how, after 2008, the GOC began funding almost 100% of the protection measures from the national budget, enabling HRPII to focus on strengthening the methodologies and instruments for risk assessment and evaluation of protective measures, and assisting in the strategic reorientation of the Protection Office.

COMPARATIVO INVERSIÓN USAID Y GOC EN PROGRAMAS DE PROTECCIÓN

Vigencia	Presupuesto Nacional - GOC-	% GOC	INVERSIÓN USAID	% USAID	TOTAL
2006	30.140.580	96,79%	1.001.205	3,21%	31.141.785
2007	36.043.307	98,51%	544.920	1,49%	36.588.227
2008	41.984.178	98,52%	630.709	1,48%	42.614.887
2009	52.132.832	99,34%	345.092	0,66%	52.477.924
2010	76.139.559	99,65%	270.707	0,35%	76.410.266
<b>Total</b>	<b>236.440.455</b>		<b>2.792.633</b>		<b>239.233.088</b>

### Design of Specific Protection Programs

HRPII supported the MOI Human Rights Office in the design of two specific protection programs:

- i. *Displaced Persons*: Decree 1740 of 2010 incorporates special procedures to put into effect the constitutional presumption of risk for the displaced population. It establishes steps to provide or obtain protection, and assigns responsibility for protection of the displaced population to territorial officials.
- ii. *Victims and Witnesses Covered by the Justice and Peace Law (Law 975 of 2005)*: Decree 1737 of 2010 delegates the responsibility for protecting this population to the Attorney General and to the National Police. The MOI serves as the Executive Secretariat of the protection program and is responsible for defining protection guidelines, monitoring implementation, and providing technical assistance to territorial officials.

### Preventive Security Strategy

HRPII supported the development of security measures to prevent human rights violations and the design of practical self-protection tools. These instruments inform protection program beneficiaries on how to modify their habits, control information, and thus more adequately manage risk. In addition, beneficiaries leveraged their training on preventive security and personal risk management by sharing it with their peers.

The following activities were supported by HRPII:

- ✓ Preventive security workshops addressed to 3,935 union members and officers, displaced people, and victims and witnesses covered under the Justice and Peace Law. The workshop participants received practical tools to identify and adequately manage risks.

**Cuadro de talleres de seguridad preventiva y participantes – fase básica:**

Año	ASISTENCIA TÉCNICA Y FINANCIERA DE USAID		ASISTENCIA TÉCNICA DE USAID Y RECURSOS FINANCIEROS DEL MIJ		TOTAL	
	No. talleres	No total de participantes	No. talleres	No total de participantes	No. talleres	No total de participantes
Año 1 (Sept 1 2006 - sept 30 de 2007)	11	389	0	0	11	389
Año 2 (Octubre 1 de 2007 - septiembre 30 de 2008)	13	635	9	339	22	974
Año 3 (Octubre 1 de 2008 a Septiembre 30 de 2009)	7	196	14	522	21	718
Año 4 (Octubre 1 de 2009 a Septiembre 30 de 2010)	17	644	5	217	22	861
Año 5 (Octubre 1 de 2010 a Julio 15 de 2010)	0	0	18	993	18	993
<b>TOTAL</b>	<b>48</b>	<b>1864</b>	<b>46</b>	<b>2071</b>	<b>94</b>	<b>3935</b>

- ✓ Production and distribution of a booklet called “*Manage Information and Control Risks*”.
- ✓ Training of trainers for public officials from the MOI’s Human Rights Office, leaders of the National Roundtable for Strengthening Organizations of Displaced People, and leaders and representatives of victims and witnesses under the Justice and Peace Law. This activity sought to institutionalize the project and build capacity within the Ministry and among leaders to pass on knowledge about self-protection issues to their communities.
- ✓ Communications campaign directed at candidates in the 2007 and 2011 departmental and local elections. HRPII sought to raise awareness among candidates of the importance of adopting self-protection measures to reduce their vulnerability to threats. This campaign included a television commercial, radio spots, and an informational brochure.

### 2.2.3 Institutional strengthening of civil society partners in implementation of their own protection projects.

#### Support to Social Organizations – Development of Security Protocols for Unions

HRPII contributed to the participatory development of security protocols for the regional offices of the General Labor Confederation (*Confederación General del Trabajo – CGT*) and the Colombian Workers Confederation (*Confederación de Trabajadores de Colombia – CTC*). The protocols included procedures for:

- ✓ Access to union offices by outsiders.
- ✓ Handling of physical, electronic, and telephone information.
- ✓ Reporting of investigations and incidents.
- ✓ Protection of individuals.
- ✓ Reducing risk during travel.

### 2.2.4 Public policy on protection issued and effectively implemented .....

#### Adjustments to Decree 1740

HRPII provided technical assistance to the MOI for adjusting Decree 1740 and issuing Decree 4912 of 2011, which organized the Program for Prevention and Protection of the rights to life, liberty, integrity and security of individuals, groups and communities of the MOI and the National Protection Unit. The principal elements of this Decree are:

- ✓ Regulations of both the protection and prevention programs for individuals, groups and communities.

- ✓ Consolidation of all protection programs into one sole entity, except for the Program for Protection of Victims and Witnesses of Law 975 of 2005 and the AGOs Program for Protection and Assistance to Victims and Witnesses and Parties that intervene in Criminal Proceedings.
- ✓ Incorporates the principles of complementarity, concurrence, subsidiarity, timeliness, suitability, and effectiveness into the prevention and protection strategies.
- ✓ Defines the target population and the process of accreditation, and includes new target population groups, such as attorneys-in-fact or forensic specialists that participate in judicial or disciplinary proceedings in cases of human rights violations or breaches of IHL; teachers, in accordance with the provisions of Ministry of Education Resolution 1240 of 2010; religious authorities; and increases protection for public officials.
- ✓ Defines risk, risk factors, and levels of risk.
- ✓ Defines the attributes of the entities and bodies that participate in the prevention and protection strategies, even including the governor's and mayor's offices, and defines the mechanisms for coordination with the Public Ministry.
- ✓ Identifies and defines the prevention and protection measures in accordance to the level of risk and opens the possibility to adopt measures with a differential focus.

### **Creation of the National Protection Unit:**

One of the most significant achievements of HRPII was the approval of the National Protection Unit, through Decrees 4065 and 4066 of October 31, 2011, which aim to coordinate and implement protection services to those individuals and groups that the GOC establishes are at extraordinary or extreme risk due to their political, public, social, humanitarian, or cultural situation, ethnicity, gender, or their condition as victim, as a displaced person or group, or as human rights activist.

This unit groups together most of the existing protection programs and thus unifies methodologies, procedures, and protection measures, and maximizes the use of state resources. The only protection program which will remain outside of the responsibility of this unit is the one managed by the AGO.

MSD recommends: USAID continue assistance to the GOC to support this new Unit during HRPIII, by providing training to the Unit staff, information equipment, management tools, support to its strategic orientation, and assistance in disseminating its services to the beneficiary populations.

#### **2.2.5 Strengthened coordination among civil society and local officials in designing and providing protection for communities at risk and other at risk populations.**

On one hand, HRPII implemented the "Attention to Communities at Risk" project, mentioned in section 2.1.3 and, on the other, HRPII helped leaders of *Recompas*, the Community Council of *Alto Mira y Frontera*, *Nasa Kitek Kiwe* and *Cococauca* to request protective measures from the MOI's Protection Program, to monitor compliance with precautionary measures granted by the Inter-American Commission on Human Rights, and to develop roundtables to evaluate the risks faced by community leaders.

MSD recommends: USAID should continue assistance to GOC to provide guidance to the communities and population groups on the methodologies for individual and group risk assessment, and access to State protection programs, and take political action to ensure that the demands of some of these groups are heard.

## **IR 2.3 STRENGTHENED RESPONSE TO HUMAN RIGHTS ABUSES CLIN 3**

HRPII's Response Component strengthened the capacity of the GOC, State agencies, and CSOs to formulate public policy for protection of human rights, prevention of human rights violations, and to ensure active monitoring of policy implementation.

HRPII support to government and State institutions and civil society achieved the following results:

- ✓ Drafting of the human rights sections of the GOC's National Development Plans for 2006-2010 and 2010-2014. The latter includes the commitment of the Santos government to develop the following policies: National Action Plan on Human Rights and IHL, National Human Rights System, and Policy for Prevention of Human Rights Violations and Breaches of IHL.
- ✓ Design of 11 Departmental Development Plans, between 2006 and 2010, which included a human rights component.
- ✓ Development of the Human Rights Observatory of the Office of the Vice President, considered the most important source of information on human rights violations and breaches of IHL in the country and, as such, is the premier reference source for public policy making on human rights.
- ✓ Design of the National System of Human Rights structure.
- ✓ Over 27 social organizations increased their knowledge and capacity for advocacy, design, and monitoring of public policy.

### **2.3.1 Enhance human rights public policy formulation and implementation**

#### **Strategic reorientation:**

HRPII carried out the strategic reorientation of the two entities in charge of formulating public policies, namely the MOI Human Rights Office and the PHRP, establishing the following functions:

#### *Responsibilities of the Presidential Program:*

- ✓ Coordinate the National Human Rights System, implementation of the human rights and IHL components of the National Development Plan, and develop public policies on human rights to promote comprehensive and well-ordered state actions to prevent violations of human rights and IHL.
- ✓ Promote social dialogue that fosters more trusting relations between civil society and the State in order to protect human rights and enforce IHL.
- ✓ Lead and guide the national human rights and IHL information system to ensure timely, truthful, and centralized provision and disclosure of information about the State's human rights activities.

#### *Responsibilities of the MOI Human Rights Office:*

- ✓ Formulate public policies and design norms: through the diagnosis of human rights and IHL-related problems, formulate alternative public policy proposals and design normative instruments that uphold the policies.
- ✓ Monitor the implementation of the policies and suggest any necessary adjustments.
- ✓ Provide guidance to national authorities on the implementation of the public policy and to local authorities on the inclusion of human rights in their public agendas.

- ✓ Take action to prevent the risk of human rights violations by identifying risks, formulating prevention and contingency plans, and implementing the corresponding activities in these plans.

This reorientation will help avoid the overlap of competencies and optimize sector resources. Previously, the two entities had the same functions and divided the country into 16 departments each, which created distortions and differences in the resources invested for the implementation of policies at the local level.

MSD recommends: USAID during HRPIII closely monitor the implementation of these strategic plans and provide support to the two programs, especially the PHRP, which has a new director who began in January 2012 and will be in charge of implementing the National Human Rights System, the focal point for the organization of the entire sector.

### **Human Rights and IHL Observatory**

HRPII provided technical and financial assistance to the Human Rights and IHL Observatory of the PHRP in 2006 and 2007 as a critical input for the formulation of public policies on the basis of national statistics on the principal human rights violations committed. The following results were achieved:

- ✓ Incorporation of the following variables into the homicide and massacre databases: work of victims, particularly if they were union members, journalists, teachers, etc.; gender and age; and ethnicity.
- ✓ Information about the forced displacement of indigenous, Raizal, Afro-Colombian, and Gypsy communities was consolidated with the support of the *Acción Social*.
- ✓ Investigation of homicides in Colombia.
- ✓ Development of diagnoses for six Departments: Amazonas, Arauca, Bolívar, Guainía, Norte de Santander, and Vaupés, and update of 32 departmental diagnoses.
- ✓ Production of digital bulletins on electoral and women's rights.

MSD recommends: Although HRPII is currently not providing funding for the Observatory USAID should continue the support of this project. Through HRPI and HRPII USAID provided approximately two million dollars for the Observatory, which is the only official source of information on human rights in the country.

### **National Human Rights and IHL Action Plan**

The National Human Rights and IHL Action Plan (NAP) stems from Colombia's international commitments under the United Nations 1993 Vienna Declaration and Program of Action. HRPII provided technical and financial support to the PHRP for developing and formulating a State proposal for a human rights action plan that includes five central themes: Human rights culture and citizenship; life, liberty and integrity; fight against discrimination; economic, social and cultural rights; and access to justice and the fight against impunity.

In October 2009, HRPII presented the edited version of the draft national human rights action plan to the PHRP as well as a methodology for national and regional dissemination and consultation of the plan. However, once the Santos administration was elected, the Vice President decided to begin the formulation of a new public policy on human rights, initiating a nationwide consultation process in 2011 and 2012, the results of which will be presented in December 2012. MSD hopes that the draft NAP produced in 2009 will be used by the GOC as input for the design of this new policy proposal.

MSD recommends: USAID continue assistance to GOC to support this policy formulation initiative. The follow-on program should seek to effectively influence the process so that the contents of the previous policy, which fully comply with international human rights standards, are incorporated into the new policy.

### **Decentralization of Human Rights Public Policies 2008- 2011**

HRP II provided technical and financial support to the MOI and the PHRP for the formulation of Departmental development plans with a human rights focus for the Departments of Antioquia, Bolívar, Caquetá, Cauca, Chocó, Córdoba, Meta, Nariño, Putumayo, Sucre, and Tolima.

The plans addressed programs to enable the authorities to adopt progressive measures and provide the means to satisfy minimum essential civil, political, economic, social, cultural, collective, and environmental rights. The prioritized measures guarantee attention to those entitled to special protection such as children, women, ethnic groups, religious minorities, sexual minorities, the displaced, victims of violence, the disabled, older adults, and the poor.

HRP II also supported the systematization of the results of the decentralization strategy and made recommendations for modification of the strategy. The following evaluations were performed:

- ✓ Conceptual analysis of the decentralization strategy.
- ✓ Legal analysis of the decentralization strategy with respect to human rights.
- ✓ Evaluation of the strategy to decentralize and regionalize public policy on human rights.

This evaluation was presented to the MOI for use in the design of the 2012-2015 plans.

### **Departmental and Municipal Government Plans 2012 -2015**

HRP II, in coordination with the USAID Access to Justice Program and with the National Democratic Institute (NDI), developed a series of workshops for candidates in the 2011 elections, public officials, and members of social organizations. These workshops dealt with political marketing, electoral transparency, and the design of government plans that address human rights and justice issues. Some 660 people in the municipalities of Buenaventura, Carmen de Bolívar, Guapi, Pasto, Popayán, San Onofre, Tumaco, and Villavicencio attended. Participants included mayoral and council candidates, campaign advisors, public officials, and members of social organizations from the surrounding municipalities.

Given the State's responsibility to respect, guarantee, and protect human rights, HRP II emphasized that these rights are central to the formulation of government plans and development plans. HRP II thus laid the groundwork for the incorporation of human rights into 2012 development plans.

MSD recommends: To ensure that not all of the progress made during the sensitization phase is lost, USAID prioritize assistance to this activity once the contract for HRP III is signed. This work is of crucial importance because elements that are not in the development plans will most likely not receive funding. The new development plans should be completed by March 30, 2012.

### **Comprehensive Human Rights System**

Following the initiative of President Juan Manuel Santos to create the National Human Rights System, HRP II provided technical support to the MOI and the PHRP in the design and formulation of Decree 4100 of November 2, 2011. This Decree establishes the National Human Rights and IHL System and modifies the Inter-Sectoral Human Rights and IHL Commission.

The system seeks to coordinate the actions of national and regional entities to promote respect for and guarantee human rights and the application of IHL. The System will be responsible for the design, implementation, evaluation, and monitoring of the national policy on human rights and IHL and the design and consolidation of sectoral public policies with a differential rights focus. The PHRP will be responsible for promoting the effective implementation of the System and of the thematic working groups.

MSD recommends: USAID continue assistance to the GOC to support the development and implementation of the System in HRPIII. This initiative will reduce the difficulties in coordinating the different entities responsible for the implementation of policies for prevention, protection, response, guarantee, fight against impunity and equality. This support could consist primarily in developing technical inputs for the formulation of the policies comprising each programmatic area of the System.

### **Public Policy Course on Human Rights and Prevention**

Under an agreement with the Superior School for Public Administration (ESAP) and the MOI, HRPII designed and implemented a course to enhance the ability of local and departmental public officials to incorporate a human rights focus in the design, implementation, and evaluation of public policies.

The course, taken by 833 public officials, emphasized the obligations of the Colombian State to prevent human rights violations and included the following modules: Human Rights; Public Policies; Individuals entitled to special constitutional protection; Prevention and risk management; and Public policy focus on human rights.

### **2.3.2 Strengthened civil society capacity for responding to and monitoring human rights abuses, programs and public policies on Human Rights**

#### **Public Policy Training**

To strengthen the capacity of CSOs to develop proposals and influence policy formulation, HRPII sponsored courses on public policy and human rights on the Pacific and Caribbean coasts. These courses emphasized the use of practical tools to promote participation of social organizations in decision-making related to national public policies.

Five versions of the course were given on the Pacific Coast with the cooperation of Claretian University Foundation (FUCLA) and the participation of Afro-Colombian, indigenous, social, and women's organizations located in the Pacific Coast municipalities of Tumaco (Nariño), Guapi (Cauca), Buenaventura (Valle), and Quibdó and Riosucio (Chocó).

On the Caribbean Coast, a course was given in association with the ESAP, with the participation of members of Afro-Colombian, indigenous, women's and social organizations. Participants came from the municipalities of Carmen de Bolívar and Cartagena (Bolívar) and Barranquilla and Luruaco (Atlántico).

Following these courses, the participating organizations in each locality signed a citizens' agenda for advocacy of local public policies.

### **Creation of networks and public policy advocacy at the local level**

HRPII promoted coordinated work among social organizations to develop advocacy strategies about human rights and public policies. This work encouraged participating social leaders to establish networking agreements, thus enabling them to influence development plans through presentation of public policy proposals.

Following are some of the activities carried out:

- ✓ In conjunction with the Office of the UNHCHR, HRPII encouraged CSOs to participate in formulating 2008-2011 municipal development plans with a human rights focus in the municipalities of Riosucio (Caldas), San Francisco, Angelópolis, and Bello (Antioquia), and Girón, Rionegro, and Piedecuestras (Santander).
- ✓ In Cartagena, social organizations prepared proposals on ethnic rights and gender equity which they presented to the Regional Planning Council, and they actively participated in the formulation of the municipal development plan.
- ✓ In El Carmen de Bolívar, the Association for Dignified Life and Solidarity (ASVIDAS) helped create the Municipal Platform of Social Organizations. The organizations' collective efforts resulted in a process for promoting the inclusion of programs to guarantee economic, social, and cultural rights in the municipality's 2008-2011 development plan. This Platform developed a human rights action plan for 2009-2010 which included public policy monitoring of human rights in that municipality and in the Montes de María region.
- ✓ Fundación Sumapaz assisted local leaders and actors in the participatory construction of a human rights action plan in District 3 of Medellín. The plan, which was coordinated with the district's local development plan, will continue in effect until 2016.
- ✓ In the municipalities of Casabianca, Falán, Palocabildo, and Villahermosa (Tolima), the Tolima Corporation for Development and Peace (TOLIPAZ) trained and sensitized members of the community and public officials. The aim was to encourage their participation in formulation, implementation, monitoring, and evaluation of development plans and public policies which focus on human rights.
- ✓ In the municipality of Tiquisio in southern Bolívar Department, Corporación Cedescol, in association with the municipal parish and the National Network of Initiatives for Peace and against War (REDEPAZ), engaged in training and citizen mobilization activities. These efforts were designed to encourage the participation of social and community organizations in initiating a local constituent process that incorporates citizen proposals. Some proposals were included in the 2008-2011 municipal development plan.
- ✓ HRPII supported public forums with the mayoral candidates in Buenaventura, Guapi, and Tumaco. At these forums, social organizations presented proposals for inclusion in the candidates' government plans, and the candidates had an opportunity to express their opinions about these proposals. As a result, participating candidates signed commitments to include the social organizations' proposals in their government plans.

### **Public policy advocacy of social organizations at the national level**

#### **Fundación Social: Legislative Observatory**

Fundación Social implemented a Legislative Observatory to monitor Colombian Congressional legislative debates on the following initiatives: Victims' Law; extrajudicial executions and intelligence and counterintelligence law, and the law that grants benefits to demobilized persons who were not tried under the Justice and Peace Law.

#### **Fundación País Libre: Public Policy against Kidnapping**

Based on the results of a study financed by HRPII, Fundación País Libre published *Brechas y propuestas de las políticas públicas contra el secuestro* (Anti-Kidnapping Public Policy: Gaps and Proposals). The study examines public policies against kidnapping over the last 12 years

and presents a series of recommendations for the GOC, and especially to the Ministry of Defense, including: Publicizing information and statistics about kidnappings for the period 1998-2010; creating a system for analyzing the phenomenon and establishing policy monitoring indicators; monitoring the efficiency of criminal investigations; and promoting policy oversight by the politically active population.

#### **Fundación para al Libertad de Prensa, FLIP: Freedom of the Press**

The Freedom of the Press Foundation (FLIP) and the Media for Peace Corporation (MPP) produced *País lejano y silenciado: autocensura y prácticas periodísticas en el periodismo regional* (Distant and Silent Country: Self-Censorship and Journalistic Practices in Regional Journalism), with funding from HRP. The report identifies the existence of self-censorship by journalists as a consequence of the risk of violence they face. It analyzes the impact of journalistic practices on increasing or reducing risks faced by regional journalists, and formulates recommendations for the authorities.

#### **CODHES: Public Policy for Preventing Displacement**

Based on an analysis of public policies, CODHES published *Desenraizar el desplazamiento: Ajustes a la política pública de prevención y protección frente al desplazamiento forzado* (Uprooting Displacement: Changes in Public Policy for the Prevention of, and Protection from, Forced Displacement). This report recommends the inclusion of five strategic lines of action for preventing the displacement of Afro-Colombian and indigenous communities:

- ✓ Protection of their cultural identities and freedom to exercise their own forms of government.
- ✓ Respect for their traditions and customs and support for their continuity and survival.
- ✓ Guarantees for the full exercise of their rights to participate and for prior, free, and informed consultation and consent.
- ✓ Protection of their right to their own forms of development and support for the formulation and execution of their own life plans.
- ✓ Guarantees of their rights to collective ownership and use of their territories, including restitution of, and compensation for, said territories.

#### **Gender and Sexual Diversity Policies**

##### **National Women's Network**

The National Women's Network developed a proposal for a public policy on gender to be discussed during the formulation of the National Human Rights and IHL Action Plan. The final document was discussed with the national coordinating body of women's organizations that form part of the Alliance of Social and Related Organizations and with the team that promoted the action plan.

##### **Center for Comprehensive Resources for the Family**

In the municipalities of Apartadó, Caramanta, Don Matías, Jardín, Puerto Nare, Sabanalarga, San Carlos, Segovia, and the metropolitan area of Medellín (Antioquia), the Center for Comprehensive Resources for the Family (CERFAMI) provided training and assistance to women's organizations for the inclusion of women's issues in the 2008-2011 development plans. The following results were achieved: Creation and strengthening of nine women's networks, one in each municipality; design and implementation of nine action plans for the promotion of rights and the prevention of violence against women; and creation of PRODEMUJER, a departmental network for promotion, protection, and defense of women's human rights.

### **Observatory on Gender Democracy and Human Rights**

The Observatory and the League of Displaced Women (LMD) ran a project for advocacy and monitoring of public policies related to forced displacement in the municipality of Turbaco (Bolívar) and achieved the following results: Creation of thematic roundtables for public policy monitoring; formulation of the Comprehensive Plan of Attention to the Displaced Population (PIU); implementation of the Municipal Committee for Attention to the Displaced Population and creation of a citizen oversight committee called “Transparent Turbaco”; presentation to the AGO of 110 cases of violations of women’s human rights; and a Constitutional Court decision to protect the right of access to public information based on a ruling against a municipal administration that had appealed a *tutela*.

### **Fundein**

Fundein promoted a process to strengthen the participation of women’s organizations in the definition of public policies in the municipalities of Fusagasugá, Granada, and Silvania (Cundinamarca). As a result, women and gender policies were adopted in these municipalities, their implementation monitored, and accountability hearings were conducted with administrative authorities. In addition, agreements were signed between women’s organizations and mayoral and municipal council candidates, which contained commitments to allocate resources for the implementation of these policies during the 2012-2015 period.

### **Limpal**

In Villavicencio (Meta), a displaced women’s organization from the community of Ciudad Porfía received training on human rights and public policies from LIMPAL. This project published a book with the life stories of women in the community, produced a diagnosis of the situation of displaced women, and established an action plan for defense and promotion of women’s rights in this region.

### **Asomupcar**

In Florencia (Caquetá), the Association of Women Meat Producers promoted the creation of a Municipal Human Rights Roundtable. It also participated in monitoring of the 2008-2011 Municipal Development Plan. The Association engaged in a permanent dialogue with the municipal administration on the human rights proposals included in said plan, and also held an accountability forum.

### **Colombia Diversa**

HRPII supported the advocacy strategy of the LGBT organization Colombia Diversa to promote strategic litigation to secure recognition of adoption, marital, and property rights for same-sex couples. This strategy was implemented through the filing of *tutelas* and Constitutional Court cases challenging the constitutionality of laws that discriminate on the basis of sexual orientation. As a result of its advocacy, Colombia Diversa obtained recognition of the rights of same-sex couples through the issuance of Constitutional Court decisions.

In addition, Colombia Diversa, with several organizations from the LGBT community, participated in drafting the report “*Route for Formulation of National Public Policy which Fully Guarantees the Rights of LGBTI People and their Organizations in Colombia*”. This report was presented to the Vice President and the MOI.

### **Santamaría Fundación**

The Santamaría Foundation, with the support of Colombia Diversa, conducted an analysis of the status of the human rights of trans women in Santiago de Cali, and implemented a legal program for monitoring complaints of human rights violations.

### **Public Policies Focusing on Ethnicity**

The National Conference of Afro-Colombian Organizations (CNOA) and the PCN jointly prepared a proposal calling for recognition and inclusion of the rights of Afro-Colombian communities in the National Human Rights and IHL Action Plan. The document was presented to social organizations in the formulation of the Afro-Colombian plan within the framework of the formulation of the 2010-2014 National Development Plan.

Community councils in Afro-Colombian communities in the municipalities of Juan de Acosta, Luruaco, Repelón, Santa Lucía, and Suan (Atlántico) analyzed the public policies and plans related to Afro-Colombians in each of their municipalities. This analysis led to development of various civil society proposals to resolve the problems faced by Afro-descendant communities.

The community in the Jambaló Reservation incorporated general guidelines for the community life plan in the 2008-2011 Municipal Development Plan. These guidelines were based on an evaluation of the progress and difficulties related to human rights and development policies implemented by the council and mayor's office over the last 20 years.

### **Monitoring the Human Rights Situation**

HRP II supported monitoring of the human rights situation across the country through case documentation, strengthening of local human rights observatories, and publication of reports. It coordinated monitoring processes with formulation of recommendations and public policy advocacy when information about cases analyzed revealed repeated human rights violations.

HRP II supported a meeting of the National Network of Human Rights Data Banks and the Center for Research and Popular Education (CINEP) on their efforts to assist and strengthen the 18 regional and local human rights data banks and observatories that make up the network. These efforts included training in the use of software and guidance in the application of CINEP's conceptual framework for the human rights and political violence data banks. Financial support to regional and local data banks and observatories was also provided.

MSD recommends: Continue assistance to the GOC during HRP III on the construction of social and community organization networks to influence public policies, which will build their capacity for interlocution with State entities. HRP III should also facilitate spaces for dialogue with local and national authorities and strengthen the capacity of social organizations to monitor public policies on human rights.

#### **2.3.3 Support State efforts to combat impunity**

This intermediate result goes beyond the scope of the mandate of HRP II, because the judicial sector, comprising the AGO, judicial investigation entities, the public defense system, and the judiciary are supported directly by other Embassy agencies, such as ICITAP and OPDAT, and by the USAID Access to Justice Program.

Given the scope, HRP II developed projects to strengthen the intervention and disciplinary functions of the IGO in cases of human rights violations, and provided specific training to prosecutors, in coordination with OPDAT as follows.

### **Judicial intervention functions of the IGO:**

- ✓ Established parameters for ensuring that investigations of human rights violations allegedly committed by members of public security forces are undertaken by the ordinary justice system and are not sent to the military courts.
- ✓ Established 11 working groups of judicial inspectors, at the regional level, to standardize procedures and to strengthen the capacity of the Public Ministry. This enabled the Public Ministry to intervene in criminal proceedings stemming from serious human rights violations and breaches of IHL.
- ✓ Between 2008 and 2010, HRP II carried out two training cycles for IGO officials to improve the intervention of the Public Ministry, specifically in criminal proceedings related to human rights violations and breaches of IHL that are carried out in the ordinary justice system and in military courts.
- ✓ Training in 2010 for Level I and II judicial inspectors who intervene in the administrative jurisdiction, judicial assistants, and advisors in the regional and national IGO offices, and inspector delegates. This training covered class actions, nullity, *tutelas*, etc. Through this training, HRP II strengthened the professional capacity of IGO officials in the application of these judicial remedies against violations of individual, collective, and environmental rights.

### **Disciplinary function of the IGO**

The Inspector Delegate for the Defense of Human Rights and the National Special Investigations Office worked to strengthen the capacity of the IGO to investigate and impose sanctions in disciplinary cases related to human rights violations.

- ✓ Resolution of Jurisdiction in Disciplinary Matters Related to Serious Human Rights Violations: to reduce the backlog of disciplinary investigations, HRP II sponsored the development of resolution 456 of 2008 which established criteria for deciding which cases should be investigated and sanctioned exclusively by the Disciplinary Inspector Delegate for the Defense of Human Rights, and which fall under the jurisdiction of other IGO offices.
- ✓ Practical Evidence Guide: HRP II supported the updating and adjustment of the Practical Evidence Guide in Disciplinary Cases Involving Human Rights Violations and Breaches of International Humanitarian Law in accordance with national and supranational norms and jurisprudence.
- ✓ Judicial Police Manual: HRP II contributed to the drafting of a judicial police manual that contains constitutional and legal precepts as well as the functions of the control entity and the administrative and jurisdictional powers of the relevant offices.
- ✓ Donation of State-of-the-Art Equipment: HRP II strengthened the National Special Investigations Office investigative capacity by providing the following state-of-the-art equipment to facilitate the search, collection, and analysis of evidence: Office equipment including computers, printers, photocopier; mobile forensic unit, a ballistic comparison microscope, three-dimensional models of the human body, and evidence search and collection kits; audiovisual equipment including video, still cameras, and recorders; hardware and software including hard disk recorders, hard drives, and forensic investigation software; and personal safety equipment including bullet-proof vests, and cell phones

- ✓ Training of public officials who have disciplinary functions: This training involved analysis of hypothetical cases based on real-life situations which required application of Resolution 456 of 2008 and the Practical Evidence Guide for Disciplinary Investigations of Human Rights Violations and Breaches of IHL. Training was also provided on investigative techniques and on the Istanbul and Minnesota protocols.

### **Technical Assistance to the AGO**

HRPII, in conjunction with DOJ, conducted three cycles of training for 539 public officials (prosecutors, assistants, and investigators) on topics such as: the Constitution and the international human rights treaties ratified by Colombia, international human rights law and the Inter-American System for protection of human rights, international criminal law, crimes against humanity, war crimes, chains of command, responsibility of the superior and group responsibility, systemic crime, specific criminal structures, victims' rights, forced disappearance in international human rights law and domestic law, typification, elements and characteristics of forced disappearance in international human rights law and domestic law, concurrence of forced disappearance with other types of crimes, and urgent search mechanisms.

## **2.4 Strengthen Civil Society Organizations Component**

The contract describes IR 2.4 as follows *“The formation of effective civil society coalitions and Public/Private Partnerships for Human Rights is considered a key component of each of the three areas in prevention, protection and response, and as such, indicators and illustrative activities are thoroughly integrated into all of the program’s components”*.

For this reason, the CSO projects supported by HRPII in the areas of Prevention, Public Policy, Protection and Victims are included in other chapters of this report and this Component includes only two projects:

- ✓ Strengthening Management Capacities of Civil Society Organizations
- ✓ Consultations with Civil Society Organizations

### **Strengthening Management Capacity of CSOs**

To improve the administrative and financial capacity of CSOs and networks of social organizations HRPII, through Trust for the Americas, lent support to the following activities:

- ✓ “Management and Administration of Social Projects” course for social organizations in Buenaventura, Guapi, Quibdó, Riosucio, and Tumaco.
- ✓ Training and technical assistance to Pacific Coast organizations on project formulation using the logical framework methodology.
- ✓ Formulation of social development projects submitted at three regional donor meetings attended by CSOs and international cooperation agencies.
- ✓ Mini-grants of \$5,000 or less awarded to 17 Afro-Colombian community councils and two women’s organizations in Buenaventura, Quibdó, and Tumaco to strengthen the administrative, accounting, and financial capacity of grantees. Grantees used proceeds to purchase equipment and adjust internal regulations.
- ✓ Advice and support on project implementation to recipients of mini-grants.

### **Consultations with Civil Society Organizations**

HRPII held seven consultations with national CSOs and five with human rights NGOs based in the United States. These sessions provided constructive feedback on the organizations’

perceptions of USAID programming and approach and fostered valuable discussions regarding USAID activities to strengthen government and State institutions and CSOs.

These consultations have become a permanent channel of communication between USAID and CSOs and are a model that could be duplicated by other USAID programs.

## **IR 2.5 PROMOTION OF VICTIMS' RIGHTS TO TRUTH, JUSTICE AND REPARATIONS**

During implementation of the Justice and Peace Law (Law 975 of 2005), HRP II provided technical and financial support to State agencies and CSOs promoting and defending the rights of victims to truth, justice and comprehensive reparations. This initiative was undertaken to:

- ✓ Develop the mechanisms and protocols of the control entities for attention to victims in the context of the new normative framework.
- ✓ Train public officials on said protocols to ensure proper attention to victims.
- ✓ Strengthen the capacity of victims and victims' organizations to participate actively in judicial and administrative processes.
- ✓ Monitor and evaluate public policies on the provision of comprehensive assistance and judicial representation to victims under both transitional and ordinary jurisdictions
- ✓ Promote mechanisms for coordination between State entities and social organizations to facilitate effective and rapid development of judicial, administrative, and social processes that benefit victims and foster presentation of proposals for improving the state's capacity to respond to the needs of victims.

HRP II provided support to the following projects:

### **Strengthening the National Ombudsman's Victims Attention Unit**

In accordance with Directive 008 of 2007 of the IGO and Resolutions 438 and 1113 of 2006 of the NOO, the National Ombudsman created the Victims Attention Unit, which is responsible for guiding and assisting victims in gaining access to the courts and to the judicial and administrative processes established under both Law 975 and the ordinary justice system.

HRP II provided technical support and financial assistance to the NOO, which contributed to the internal organization of the Unit by funding computer equipment for work in the field; development of victim attention, psycho-social, and legal protocols for joint work between the Unit for Attention to Victims and the Public Defense Unit; training of 1,081 officials on legal representation, victims' counseling, application of action protocols; and, finally, publication and dissemination of support materials for officials and victims.

### **Strengthening the National Search Commission**

HRP II supported the National Search Commission in:

- ✓ Development of the 2010 annual operating plan.
- ✓ Provision of office equipment for the Search Commission's technical secretary.
- ✓ Two training workshops for the Search Commission's operating team highlighting tools for self-care, attention to victims, and documentation of cases.
- ✓ Five training sessions for victims' families on search processes, activation of the urgent search mechanism, and legal actions to enforce victims' rights.

As a result of the above activities, the National Search Commission improved its technical and operative capacity and extended the coverage of its training sessions to regions with greater incidence of forced displacement, such as Antioquia, Atlántico, Bogotá, Casanare, and Nariño.

### **Strengthening the Inspector General's Office (IGO) Capacity to Attend Victims**

HRP II provided technical and financial assistance to the IGO for training personnel and developing: i) procedures for assisting victims, ii) action protocols on protection and restitution of assets, and iii) models for protection of historical memory archives. These measures served to increase the capacity of the IGO to provide adequate attention, guidance and support to victims.

**Training of Public Officials:** HRP II provided technical support for:

- ✓ Development of legal and regulatory foundations for processes to be implemented by agency officials for the preservation of records and recovery of memory.
- ✓ Recommendations to the State for the creation of a regional archive system.
- ✓ Development of guidelines and an action protocol for IGO officials for the protection of the right to truth, historical memory, and the protection of records.
- ✓ Strengthening of the IGO's central and regional archives through the design and construction of a non-judicial archive of the historical memory of the conflict in Colombia
- ✓ Development of an action protocol for the IGO on provision of comprehensive assistance to victims under the Justice and Peace Law.
- ✓ Design of a strategy for providing comprehensive attention to victims, including legal and psychosocial tools so as to encourage participation of victims in judicial and administrative processes.

HRP II supported training on all of the above for central, regional, and provincial IGO officials.

To promote and widely disseminate information about victims' rights, HRP II supported the IGO's production of a radio series called *Procurando la verdad* (Seeking the Truth). It was broadcast on 162 community and regional radio stations throughout the country. HRP II also designed and published a booklet about the basic concepts of the Justice and Peace Law for national and regional distribution.

**Comprehensive Reparations:** The illegal armed groups have used forced displacement as a tactic to expropriate lands, which has generated an avalanche of requests asking the State to protect property. It responded through the preventive and protective actions and interventions by the IGO, particularly by the Inspector Delegate for Environmental and Agricultural Affairs.

HRP II assisted these IGO efforts by supporting the following activities:

- ✓ Development of action protocols for agrarian judicial inspectors and action procedures for officials on the protection and restitution of property for victims who have suffered dispossession of their lands.
- ✓ Production of analyses of national and international law that support the decisions of IGO officials.
- ✓ Production of a publication on the right to comprehensive reparations, which provides a detailed analysis of the property restitution program.
- ✓ Review of i) current laws and regulations governing the private property of victims, and ii) compliance with Resolution 128 of 2008, through which the Inspector General assigns to competent authorities in the appropriate jurisdictions the obligation to pursue citizen requests for property protection.

To facilitate the process of learning the internal policies and action protocols described above, HRPII supported training of officials responsible for handling protection and restitution of property to victims. HRPII also conducted a training cycle with officials of the Public Ministry related to protection of abandoned property and territories and to the legal and regulatory framework governing these matters.

***Monitoring Public Policies that Provide Comprehensive Assistance to Victims***

HRPII provided technical and financial assistance to the IGO for the adoption of methodologies, protocols, and indicators to monitor and evaluate public policies that support victims' rights to truth, justice and reparations.

To this end, HRPII supported the creation of the IGO's Transitional Justice Observatory, which monitored the following policies:

- ✓ *Justice and Peace Law*. Formulation of a battery of indicators and a protocol for the legal and regulatory monitoring of the Justice and Peace Law and creation of a legal database to record and organize information resulting from the thematic and legal monitoring.
- ✓ *Victim and Witness Protection Program*. This evaluation used the above-mentioned battery of indicators to measure the impact and management of this protection program, its monitoring methodology, and the previously developed action guide. The report points to the need for modification of the risk assessment process, assignment of sufficient numbers of well-trained personnel, reorientation of the program in accordance with strategic planning criteria, and establishment of specific criteria for protecting victims and leaders who claim land rights.
- ✓ *Comprehensive Attention to Victims of the Armed Conflict*: Evaluation of the implementation of the pilot victims' assistance program, in Bucaramanga, Medellín, Santa Marta, and Valledupar. Based on the results of field visits a final report was drafted with recommendations.
- ✓ *Protection of the Rights of Women Victims of the Armed Conflict*: HRPII prepared a report with recommendations for strengthening policies related to protecting and assisting women victims of the armed conflict, and it provided the Inspector Delegate for Prevention on Human Rights and Ethnic Affairs with a protocol for IGO officials. The report was publicly presented and explained to officials of State agencies involved in implementing these policies, IGO officials in central and regional offices, and members of women's social organizations.

***Directive 012 of 2010 on Measures to Protect Human Rights Defenders***: Directive 012 of 2010 promotes policies designed to guarantee human rights defenders' abilities to perform their work without danger of intimidation or threats against them. HRPII supported the Inspector Delegate for Prevention on Human Rights and Ethnic Affairs in the design of tools for monitoring compliance with this Directive. It also prepared a report with recommendations which was presented and explained to IGO officials in the central office and to the state agencies responsible for this matter.

***Status of the Real Property of Victims of the Armed Conflict in Five Regions of the Country***: HRPII supported the efforts of the Inspector Delegate for Environmental and Agricultural Affairs to delve into conditions of ownership, possession, and tenancy of the property of victims of the armed conflict. Based on these efforts, recommendations were presented to officials responsible for resolving situations of dispossession.

Five regions of the country which have been especially affected by the land dispossession were selected as the focus of this work: Antioquia, Catatumbo, Meta, Montes de María, and Nariño.

MSD recommends: USAID continue assistance to the IGO in the creation of groups specializing in human rights in those regions that require systematic action due to the situation of armed conflict, displacement or higher levels of victimization. For example, in the regional offices of Arauca, Bolívar, Nariño, Norte de Santander, Quibdó, and Sucre.

### **Strengthening Organizations Which Promote Victims' Rights to Truth, Justice and Reparation**

**Grants:** HRP II provided technical and financial support 12 NGOs, as follows: Corporación Nación, Fundación Progresar; Corporación Compromiso, Fundación Dos Mundos, Unión Temporal Aprofif, Fundación Infancia Feliz, Asociación para el Desarrollo de Familias del Suroccidente de Barranquilla (APRODEFA), Alianza Iniciativa de Mujeres Colombianas por la Paz (IMP), Corporación Nuevo Arco Iris, Fundación País Libre, Corporación Labor Pública and Corporación Sisma Mujer. These NGOs provided victims with training, legal advice, psychosocial attention, case documentation services, and legal representation.

Beyond providing grants, HRP II promoted networking among these NGOs by holding meetings to exchange experiences, standardize protocols for provision of psychosocial and legal assistance, and discuss litigation strategies for mounting a proper legal defense of the rights of victims.

**Training:** With the cooperation of the Center for Socio-Legal Research of Universidad de los Andes (CIJUS), HRP II promoted a training cycle on the rights of victims under national and international law. This effort had a special emphasis on the Justice and Peace Law (Law 975 of 2005), other national laws, regulations, and international agreements; rights recognized by national and international jurisprudence; procedures established under the jurisdiction of the Justice and Peace Law for access by victims and documentation requirements for obtaining recognition of their status in proceedings; victims' participation in judicial hearings; administrative and judicial reparation measures prescribed in legislation and evidentiary requirements for obtaining reparations; and risks associated with claiming the rights of victims and procedures for requesting protection from the authorities.

This training was attended by members of victim assistance organizations, victims' organizations, and public defenders from Bogotá, Barranquilla, Bucaramanga, and Medellín, who shared their acquired knowledge with other victims' organizations so as to enable them to defend their own rights to truth, justice, and reparation. As a result, close to 50 local victims organizations and at least two networks of organizations were created.

**Legal and Administrative Representation:** HRP II supported social organizations in filing administrative and judicial actions in defense of the rights of victims to truth, justice and reparation, and also advised victims about participation in judicial hearings. The following judicial actions and administrative procedures received support: *tutelas*; rights of petition; access to judicial proceedings under the jurisdiction of the Justice and Peace Law; applications for administrative reparations; participation in the voluntary depositions (*versiones libres*) of the accused during special judicial hearings; preparation for preliminary arraignment hearings; protection of victims in cases of threats against their lives and personal integrity; filing of requests for declaration of absence due to forced disappearance; and collection of evidence of damages caused to victims, to be used in preparation of reparations hearings.

**Documentation of Cases:** With the support of HRP II, the Colombian Women's Peace Initiative Alliance (*Alianza Iniciativa de Mujeres Colombianas por la Paz - IMP*) and *Corporación Sisma Mujer* promoted documentation and litigation of cases of sexual violence to make judicial investigations in cases involving serious human rights violations more visible.

**Psychosocial Attention:** In the area of psychosocial attention, HRP II promoted collaboration between *Fundación Dos Mundos* and four local organizations (*Fundación Infancia Feliz*, *Corporación Nación*, *Corporación Compromiso* and *Corporación Labor Pública*) with more recent experience in the field. These organizations carried out the following activities to apply the protocols for this type of attention:

- ✓ Home visits to victims to learn about their family and community environments
- ✓ Gathering of information to characterize victims' family units
- ✓ Group workshops on the mental health effects of violence
- ✓ Workshops to train victims in the use of psychosocial tools for coping with the emotional effects of violence
- ✓ Psychological assessments to define requirements for personalized attention
- ✓ Personalized psychological assistance for those diagnosed as victims of especially traumatic events
- ✓ Psychosocial support for victims before and during their participation in judicial hearings to enable them to deal with the emotional effects caused by either a confession by the accused or silence on the part of the accused
- ✓ Psychological assessments for the preparation of expert reports on moral and psychological damage submitted as evidence in reparation hearings

**Litigation Strategy Clinics:** With the cooperation of expert criminal, civil and administrative litigators and the International Center for Transitional Justice (ICTJ), HRP II held periodic litigation strategy clinics and worked with lawyers and psychologists from HRP II-beneficiary organizations. These clinics had the following aims: Strengthening the procedural interventions of victims' lawyers; enhancing the knowledge of lawyers and psychologists about expert reports regarding tangible and intangible damages; and replicating the use of practical exercises to revise and strengthen organizations' litigation strategies and improvements in case documentation, evidence review, and in evaluation of litigation strategies.

The ICTJ provided the legal teams with updated information about the decisions of the Justice and Peace Tribunals, the Supreme Court, and the Constitutional Court and promoted the practical use of this information for preparation of litigation arguments.

**Investigation of Land Disputes:** HRP II supported CIJUS in conducting an investigation of new land dispute cases in the Departments of Chocó, Cauca, Córdoba, La Guajira, Meta, Nariño, and Putumayo. These were cases in which the rights of peasant farmers and indigenous and Afro-Colombian communities had been adversely affected as a consequence of economic projects interwoven with acts of violence. The CIJUS study presents recommendations for the development of a land policy that encourages the participation of communities in decisions that affect them, ensures coordination among state agencies and policies, and defines land protection and restitution policies.

**Forensic Anthropology Projects to Identify Victims:** To address a key aspect of the phenomenon of forced disappearances, HRP II provided grants to two forensic anthropology organizations, *Corporación Equipo Colombiano Interdisciplinario de Trabajo Forense y*

*Asistencia Psicosocial – EQUITAS and Equipo Colombiano de Investigación Antropológica Forense - ECIAF.*

The project implemented with EQUITAS held an advanced course on forensic anthropology and a case study field exercise of skeletal remains buried in the cemetery in Rionegro, Antioquia Department. The project also provided equipment for the EQUITAS mobile laboratory and for the forensic anthropology laboratory at the Universidad de Antioquia. As a result of the field work carried out in the Rionegro cemetery, a document on best practices for handling unidentified remains buried in cemeteries was prepared.

The project with ECIAF provided training to 27 social and victims' organizations and human rights NGOs in Antioquia, Bogotá, Cauca, Huila, Putumayo, and Valle on the use of forensic anthropology tools for exhuming remains of persons presumed to have been victims of forced disappearances. The project sought to improve the participation of victims and their organizations in the different stages of the search and identification process for disappeared persons.

### **Public Policy Advocacy and Formulation of Public Policies Related to Victims' Rights**

***Corporación Sisma Mujer.*** Based on its experience with strategic litigation in cases of sexual violence against women, the organization analyzed obstacles to access to justice impeding the effective fulfillment of women's rights. This analysis was presented to the National Roundtable on Women and Gender for the purpose of promoting advocacy. *Corporación Sisma Mujer* also developed a proposal for comprehensive reparations for women victims of violence, co-authored the third report on monitoring of implementation of Order 092 of 2008, and contributed to the drafting of reports on violence against women presented to the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons and to the UN Special Rapporteur on Human Rights Defenders.

***National Roundtable of Afro-Colombian Organizations:*** The Roundtable received support from HRPII, IOM, the Spanish Agency for International Development Cooperation (AECID), the National Commission for Reparation and Reconciliation (CNRR), and the Mission to Support the Peace Process in Colombia of the OAS (MAPP/OEA) for the formulation of a proposed decree-law for reparations to victims from ethnic communities, in conformity with Article 205 of the Victims and Land Restitution Law (Law 1448 of 2011). This initiative is the reference point for the consultation process that the GOC must carry out prior to enactment of this law.

***Fundación Social:*** With HRPII support, *Fundación Social* implemented a Legislative Observatory to monitor debates in the Colombian Congress on bills that impact human rights. Such bills included the Victims' Law, for example. (For more information on the work of this Foundation, please see the IR 2.3 section above.)

***Support for Participation of Victims' Organizations in Hearings of the Inter-American Commission on Human Rights (IACHR):*** HRPII provided financial support to enable members of social and human rights organizations to participate in hearings held by the Inter-American Human Rights Commission in Washington, D.C. Members of the PCN, *Corporación Reiniciar*, the Women's Association of Las Independencias of Medellín, the Unitary Confederation of Workers (*Central Unitaria de Trabajadores - CUT*), the Regional Council of Indigenous People of Caldas (*Consejo Regional Indígena de Caldas CRIDEC*), and Colombia Diversa participated in hearings related to the human rights situation in Colombia.

## IR 2.6 ENHANCE RESPECT FOR LABOR RIGHTS AND UNIONS

This component promoted recognition and respect for the rights and work of unionists among public officials and the general public, and helped prevent violence against union activities and union leaders.

HRP II provided technical and financial assistance to the following projects:

### **Public Information and Dissemination**

***Perception Study on the Work of Unions:*** HRP II funded a public perception study on the work of unions. The purpose was to establish a baseline for the design of a communications strategy to improve the public image of union members and reduce the existing stigma against union activities. During the study, HRP II conducted 1,200 telephone interviews in Bogotá, Barranquilla, Barrancabermeja, Cali, and Medellín, organized 10 focus groups with journalists, company directors, and unionists, and conducted five in-depth interviews with union members and journalists.

The results of this study were presented to the leadership of the three labor confederations. This information about the public opinion of their work will assist labor unions in deciding what actions to take to improve the lines of communication with the population, and these results also served to design the communications campaign mentioned below.

***Inspector General's Office Campaign on Labor Rights and Union Freedoms:*** HRP II helped increase public awareness on how the work of labor unions and activists contributes to strengthening democracy and the rule of law, by providing technical support to the IGO for the design and dissemination of a communications campaign to promote workers' and union rights.

The campaign consisted of one TV and two radio spots, a poster, and an internet banner. The slogan for this campaign was "*To support the work of unionists is to defend our rights*". The message highlights the efforts of unions to vindicate the right of all Colombians to labor contracts, union freedoms, fair salary, and social dialogue, among others.

As a result of an agreement between the IGO and the National Television Commission (*Comisión Nacional de Televisión - CNTV*), the TV spot aired on 14 channels around the country for a period of four months. The radio spots were broadcast for three months during the news program on 33 regional stations owned by Caracol Radio, and for a two-month period on the radio programs of the Open and At-Distance National University and Jorge Tadeo Lozano University. A total of 9,000 posters were distributed to national and regional government and State entities and institutions, CSOs, companies, unions, trade associations, and public and private universities. It was also posted in four Transmilenio stations in Bogotá for six weeks. Finally, the banner was published on the web sites of entities and institutions including the Office of the Vice President, IGO, National Ombudsman's Office, CGT, CTC, CUT, National Union School (*Escuela Nacional Sindical - ENS*), National Business Association of Colombia (*Asociación Nacional de Empresarios - ANDI*), and HRP II.

***Support for Strengthening the Communication Offices of the CGT and CTC:*** CGT and CTC received an HRP II grant to strengthen their communication offices. Proceeds were used to update video, audio, and computer equipment, redesign internal and external communication strategies—including web site upgrades and activating social networks such as Twitter and Facebook—as well as training communications staff and union spokespersons on handling the media, producing press releases, preparing interviews, and holding press conferences. The

communications office of the ENS and well-known print, TV, and radio journalists participated in the trainings.

***National Union School Information Agenda on Labor and Union Issues:*** ENS received an HRPII grant to create an information agenda on labor and union issues for the media. It conducted short studies of the coverage of labor and union issues by 13 print, radio, and TV outlets. Based on these studies, ENS prepared conclusions and recommendations for the media on good and bad practices for covering labor issues.

In addition, ENS organized several focus groups, role-playing sessions, and in-depth interviews with the participation of union leaders, union activists, business leaders, academics, journalists, and public communications experts. These meetings provided inputs for the formulation of a media agenda on labor and union issues.

### **Investigation of Violence against Union Members**

HRPII supported a United Nations Development Programme (UNDP) initiative to encourage *rapprochement* and dialogue between government, business, labor, and civil society on issues related to violence against union members.

Six research centers produced studies on the relationship between violence against unionized workers and the evolution of the workers protest movement, prosecution of crimes against workers, aspects of the anti-union culture, and effectiveness of policies to prevent attacks and violence against unions and union leaders. A final report with the results of these six investigations is being prepared by UNDP.

### **Fight against Impunity**

This project carried out a review and updating of the information contained in the database of anti-union violence cases that have been presented to the International Labor Organization (ILO) in the context of Case 1787, allowing the Inter-Institutional Human Rights Commission to direct its efforts towards supporting specific cases of violence against union members. Recommendations were made to improve the capacity of prosecutors and judges in charge of anti-union violence cases to investigate and issue rulings.

In addition, and in coordination with the US Department of Justice and the Inter-Institutional Human Rights Commission, HRPII conducted two training workshops for prosecutors, investigators, judges, and judicial assistants in charge of cases of violence against union members. Topics included a review of international labor standards, historical perspectives of the labor movement, Inter-American system standards for investigation and sanctions, crimes against humanity, war crimes, crimes against union freedoms, chains of command, responsibilities of the superior and group responsibility, and systemic crimes. The training enhanced the knowledge of participants and strengthened their ability to investigate and sanction violence against union members.

Finally, CGT and CTC received HRPII grants to document cases of anti-union violence. CGT reviewed, updated, and monitored the status of judicial investigations in 56 cases of violence against CGT members. Based on the information gathered, CGT intends to work with the Inter-Institutional Workers Human Rights Committee to promote the criminal investigation of these cases, as warranted. Similarly, CTC documented 45 cases of violence against their members.

## ANNEX 1

### PROYECTOS DE PROCURADURIA QUE PASAN A LA TERCERA FASE

Proyecto	Earmark	Contraparte	Presupuesto aprobado por USAID
Programa nacional de formación para personeros y personeras municipales en temas relacionados con las funciones constitucionales y legales que ejercen como integrantes del Ministerio Público.	FY09	Instituto de Estudios del Ministerio Público (IEMP).	\$ 201.800
Fortalecimiento de la gestión preventiva y disciplinaria de la Procuraduría General de la Nación en materia de protección de los derechos humanos de la población afrocolombiana asentada en zonas costeras. Segunda fase.	FY09	Procuraduría Delegada para Asuntos Civiles.	\$ 111.300
Apoyo al fortalecimiento de la gestión preventiva y disciplinaria de la Procuraduría en la región de los Montes de María.	FY09	Procuraduría Delegada Preventiva en materia de Derechos Humanos y Asuntos Étnicos.	\$ 124.160
Seguimiento y evaluación a las políticas públicas de prevención contra la discriminación de la población en situación de discapacidad.	FY09	Procuraduría Delegada para la Infancia, la Adolescencia y la Familia.	\$ 95.000
Fortalecimiento de la Dirección de Investigaciones Especiales a través de la adquisición de tecnología y técnica para la investigación.	FY09	Dirección de Investigaciones Especiales.	\$ 202.369
Catalogación de archivos de derechos humanos y Derecho Internacional Humanitario de la Procuraduría.	FY09	Procuraduría Delegada Preventiva en materia de Derechos Humanos y Asuntos Étnicos.	\$ 100.000
Seguimiento y evaluación a la política integral de derechos humanos y Derecho Internacional Humanitario del Ministerio de Defensa	FY8	Procuraduría Delegada Preventiva para Derechos Humanos y Asuntos Étnicos.	\$ 123.337
<b>TOTAL</b>			<b>\$ 957.966</b>

## ANNEX 2

### Acronyms

AGO	Attorney General's Office
CIAT	Inter-sectoral Early Warning Commission
CNP	Colombian National Police
CTC	Colombian Workers Confederation
CTG	General Labor Confederation
CUT	Unitary Workers Confederation of Colombia
GOC	Government of Colombia
ESAP	Superior School for Public Administration
HRPII	Human Rights Program Phase II
IGO	Inspector General's Office
IHL	International Humanitarian Law
ILO	International Labor Organization
MOI	Ministry of Interior
NOO	National Ombudsman's Office
PACR	Attention to Communities at Risk Project
PHRP	Presidential Human Rights Program
PLANEDH	National Education Plan on Human Rights
PNC	Colombian National Police
SAT	Early Warning System
UNHCHR	United Nations High Commissioner for Human Rights