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Access to justice for women victims of violence in Colombia

The joint OECD-SIDA project includes a specific component on access to justice as a human right. Its objective is to build on and support the ongoing efforts of the Colombian government with regards to women's needs. This chapter highlights recent achievements in Colombia's justice sector regarding access to justice, with a special focus on women victims of violence. It also addresses challenges regarding women's access to formal and alternative dispute resolution mechanisms, considering the justice needs in Colombia and the institutional response in cases of violence against women. It provides solutions to enhance access to justice for all women, particularly in rural areas affected by internal conflict and including women victims of violence. In light of recommendations of the Accession report, recommendations are designed to assist with implementing Colombia's commitments under the UN 2030 Agenda for Sustainable Development, specifically SDG 16.3 on equal access to justice for all.

3.1. Access to justice as a pillar for inclusive growth and sustainable development

The rule of law is one of the foundational values of like-minded OECD member and partner countries. It is composed of the principles and procedures that ensure that all individuals are treated equally, and that governments act within their powers. But to be effective, the law must be accessible and delivered following good governance principles. Trust in the justice system is an important factor that determines whether or not people seek legal assistance, or take action at all. The OECD's work on trust in the justice system highlights that access to and satisfaction with justice services are important contributors to trust in government more broadly and help ensure executive accountability. Trust in the justice system also serves as the bedrock for successful implementation of all reforms and of economic and social development.

The UN 2030 Agenda includes an important commitment to promote the rule of law at the national and international levels, and to ensure equal access to justice for all (Sustainable Development Goal 16.3). Access to justice is seen as central to realising many of the other SDGs: it can enable individuals, communities and businesses to confront inequalities to help eradicate poverty, end hunger, guarantee gender equality and enforce labour and environmental standards, among others. The incorporation of these aspirational and global targets into national planning processes, policies and strategies is left to the discretion of governments. Colombia's outstanding approach integrates access to justice in both national and subnational planning, highlighting the importance and multidimensional character of this particular target.

Access to justice is also increasingly recognised as a critical dimension of inclusive growth and as a means for tackling inequality. The inability to access legal and justice services, as well as the need for legal aid and alternative dispute resolution (ADR) services, can be a result of, and contribute to, disadvantages and poverty. Legal problems are often experienced in conjunction with other social, economic and health issues, which can add to or exacerbate negative effects. For example, disputes with neighbours, the breakdown of relationships and other social problems can lead to legal action, while discrimination, harassment or injury at work can lead to social problems or add to those that already exist.

Domestic violence can impact the social, emotional and financial outcomes of those affected, particularly women and their families. Unresolved or unmet legal needs can lead to behavioural problems at home or, to a lesser degree, at school, to foster care for children or to child poverty if the sole caregiver loses the home. Decreased rates of domestic violence can bring broad benefits, such as the easing of poverty and reduced expenditure on emergency services and healthcare (OECD, 2016^[1]).

Consequently, the OECD emphasises the need to co-ordinate justice and social services, for instance under a restorative or outcome-based approach. This means addressing both people's justice needs and the accompanying social or health issues, such as domestic violence, drug and alcohol abuse, mental illness or juvenile delinquency. The OECD supports countries in elaborating problem-solving and community-based justice remedies and in delivering holistic solutions. The relevance of these approaches is exacerbated in the context of COVID-19, where women's legal needs and domestic violence are growing due to the health pandemic and its related economic crisis and lockdown measures.

3.1.1. Access to justice and violence against women

Access to justice is increasingly recognised as a critical dimension of tackling gender inequality. Lack of access to justice can impact the social, emotional, and financial situation of women and their families. Women are more prone to experiencing multiple and compound obstacles in accessing justice, which often include:

- Cost-related barriers (e.g. direct cost of services, fines, transportation, childcare).
- Structure related barriers (e.g. legalese, a lack of understanding of the justice system).
- Social barriers (e.g. judicial stereotypes, bias and discrimination).
- Specific barriers faced by at-risk groups (e.g. persons with disabilities, girls, migrants, ethnic minorities, linguistic minorities).

Women survivors of gendered violence are a particularly vulnerable at-risk group when interacting with the justice system. Specific barriers they face may include stigma, harassment, and revictimisation throughout the process. They also have multifaceted needs beyond the legal sphere that are often not addressed due to fragmented justice systems. As such, the creation of survivor-centred justice pathways, as well as the integration with services that remove these barriers, is vital. The OECD supports governments to approach the problem of violence against women from a survivor-centred perspective in order to improve responses to this type of violence (OECD 2019c).

3.1.2. Access to Justice: The Colombian context

Justice systems are one of the main interfaces between public administration and people. They provide citizens and businesses with recourse mechanisms to protect their rights, and to access opportunities and other public services.

In Colombia, in a post-conflict era, difficulties in accessing justice services, and issues such as gender-based violence, can impede reconciliation and generate new types of violence and social unrest. An underperforming justice system can perpetuate gender-based violence by motivating violent acts since both victims and perpetrators may distrust justice institutions and proceedings, justice representatives noted during interviews with the OECD. Guaranteeing equal access to justice for disadvantaged groups in Colombia – including women, in particular in rural areas affected by the internal conflict – is fundamental to ensuring a stable and lasting peace.

Equal access to justice is a well-recognised and important concept in Colombia. The National Development Plan (NDP) 2014-18 laid out a subnational approach to justice issues. It required the creation and implementation of a ten-year plan for justice, the creation of a rural justice model and the use of an Equal Access to Justice Index to measure progress. The current NDP (2018-22) sets the objective of improving access to justice through strategies such as strengthening local and rural justice models, empowering citizens on their rights and fully developing ADR methods. One of its main goals is to increase the satisfaction of legal needs from 40% to 50%, especially in rural areas.

The 2014-18 NDP, under Article 108, required national and subnational institutions dealing with justice matters to work together to create a plan to serve as ten-year a roadmap for promoting co-ordination, efficiency and modernisation in the administration of justice. Under this Ten-Year Justice Plan, institutions representing both formal justice mechanisms and out-of-court justice services/ADR mechanisms are to establish priorities and criteria for dispensing justice services, and for creating virtual and follow-up mechanisms to guarantee access to justice.

This plan is not only innovative in Colombia, but also in comparison to other OECD countries. First, it incorporates a systemic approach. Rather than restricting planning to the judicial branch and to formal justice systems, the Plan invites the government to include all actors of the justice system in its planning process: judicial and administrative, national and subnational. Second, it goes beyond the four-year outlook of most planning instruments in Colombia and is therefore more ambitious in its goals.

This systemic approach is helping national and subnational authorities to go beyond previous planning exercises by co-ordinating common goals. For example, integrated judicial services are now being delivered to communities in rural areas through mobile strategies.

Although the main objectives of the Ten-Year Justice Plan are included in the NDP 2018-22, there is only one article on the need to harmonise this Plan with national and local development plans. It remains to be seen whether this may imply difficulties in the Plan's implementation.

3.1.3. Access to justice as a fundamental right

Access to justice is recognised as a fundamental right in Colombia pursuant to its Constitution. Colombia is also a party to the International Covenant on Civil and Political Rights, which requires States Parties to ensure that individuals whose rights and freedoms are violated have access to an effective remedy (Article 2), and which recognises that representation and access to legal services are necessary for equal access to justice in both civil and criminal matters (UNHCR, 1966^[2]).

Fundamental rights in Colombia are protected through a mechanism called *Acción de Tutela*, which fast-tracks both redress for breaches of constitutional rights and access to fundamental public services such as public health, education, pensions and due process. According to the National Planning Department (DNP), 83% of the population knows about this mechanism, and 50% of the population considers it a favourable and effective tool.

The doctrine of “unconstitutional state of affairs” allows the Constitutional Court to intervene in issues affecting the fundamental rights of certain populations, for instance those displaced as a result of the armed conflict ([Ruling T-025 of 2004](#)). This doctrine obliges public authorities to set in motion all means to overcome such unconstitutional situations.

Since access to justice is a stand-alone fundamental right, the capacity of the justice system to address all justice problems is a necessary precondition to implement this right.

The Constitutional Court has ratified in numerous rulings the protection of women's rights, which have been incorporated into the Constitution through international treaties. Ruling T-967 of 2014 condenses legal standards regarding women's rights protections.

Tutelas could serve as a protective mechanism for tackling violence against women. The Constitutional Court has established the obligation of judges to interpret cases (for example, concerning family violence) according to the standards on protection of women's right against acts of violence (physical or psychological). In this sense, under certain circumstances, *Tutelas* could also serve as a mechanism against judicial decisions (except for other *tutelas*) that ignore standards in women's favour, causing them greater damage.

3.1.4. The Ten-Year Justice Plan (2017-27)

Colombia's Ten-Year Justice Plan is administered by an Interinstitutional Steering Committee chaired by the Ministry of Justice. Under Decree 979 of 2017, issued by the Ministry of Justice, the steering committee is charged with implementing the Ten-Year Justice Plan and co-ordinating entities and activities related to the Plan.¹

This committee is developing actions, such as national publicity campaigns, to promote the use of Alternative Dispute Resolution (ADR) mechanisms, such as conciliation or arbitration. It is also developing training on ADR mechanisms for actors in the justice system, strengthening the monitoring of work done by conciliators nationally and reinforcing the ADR information system, the OECD was told in response to the surveys developed for this project.

These actions have yet to yield sustained results in terms of access to justice. Broad publicity on the plan's process and milestone dates will be required to guarantee participation and a transparent procedure. It would also be beneficial for the plan to take a differentiated approach to multiple disadvantaged groups including women, indigenous communities, Afro-Colombians and Romani populations. In this regard, it is crucial to mention that indigenous jurisdiction co-exists with ordinary justice in Colombia.

3.1.5. Local justice systems

Local justice systems are a strategy for dialogue and co-ordination among representatives from the local community, local authorities, representatives from indigenous justice and representatives from formal and non-formal justice services. This strategy, which has been operating for more than ten years in some municipalities, is currently being promoted by the government to boost trust in justice institutions and to strengthen subnational capacities, as well as to promote justice services (notably ADR mechanisms), dialogue and peacebuilding.

According to the Ministry of Justice, there are currently 42 local justice systems, 35 of which were created by decree, ensuring their sustainability. There are plans to increase the number local justice systems to 134 by 2020. Work is underway to integrate the results of these local systems into the Ten-Year Justice Plan in order to replicate successful experiences.

Local justice systems provide an opportunity to improve co-ordination between indigenous and ordinary justice, especially at a subnational level. These systems could also serve as an important institutional co-ordination mechanism in Colombia's regions to create pathways for women who are victims of violence.

Box 3.1. Local justice systems in Putumayo and Chocó

Putumayo was one of the first departments to implement a strategy of rapid response to crime through local justice systems. These systems take account of the department's special characteristics, such as the presence of illegal armed groups and the dispersion of municipalities in its rural areas.

There are currently seven local justice systems in Putumayo. Its 12 indigenous groups include Paeces, Awás, Ingas, Kamentsas, Sionas, Coreguajes, Yanacónas, Muruis and Kofanes, with a population of around 36 000.

In 2017, Putumayo created a Regional Justice Committee to co-ordinate justice operators at the local level and serve as a link between national and subnational justice institutions in order to strengthen justice services in the region. The government also implemented a dialogue strategy including awareness-raising campaigns and training with indigenous authorities regarding investigations and rulings.

Chocó currently has seven local justice systems, in the municipalities of Bojayá, Condoto, Istmina, Medio Sanjuán Nóvita, Ríosucio and Unguía. According to the Ministry of Justice, these local justice systems are not yet sustainable and depend on international co-operation.

Sources: Ministry of Justice; OECD fact-finding mission, July 2019.

3.1.6. Legal assistance and legal aid framework

An overarching concern in the area of violence against women is the often-limited ability of survivors to access the justice system. Many issues of violence against women arise in the civil court system, where the victim will have to pay for a lawyer to represent her. Many women will be unable to do so and will either drop the case or attempt to represent themselves without the necessary legal knowledge. Even in criminal cases, where the state pays for a prosecution, a lack of funds can still hinder a survivor's ability to access justice. Many women who are mothers are unable to pay for childcare in order to be interviewed or to testify at trial. For others, a lack of transportation or ability to take time from work or school is prohibitive. If a survivor recants her allegation due to the complexity of an abusive relationship, or if she fails to adequately participate in the justice process, she herself can be charged with obstruction of justice (OECD 2019c).

As such, analysis of the Colombian legal aid framework should address possible barriers in survivors' access to justice. Efforts are needed to ensure that legal aid and legal assistance mechanisms are responsive to the needs of survivors.

Colombia's criminal justice system was reformed in 1991, when a prosecutorial system was adopted to replace the previous inquisitorial system. Under the new system, a national service of public lawyers (*Defensoría Pública*) was created within the Ombudsman's Office (*Defensor del Pueblo*) to provide legal aid to vulnerable populations, including women.

Today, the Ombudsman's Office and university legal-aid clinics offer free legal counsel to vulnerable populations. However, there are neither studies nor statistics on the legal assistance provided by the Ombudsman's Office. Further, the legal advice provided to vulnerable populations (women and ethnic groups) through legal aid is considered to be often misleading or inconsistent (La Rota, M.E. et al., 2014^[3]).

Under Colombian law, public defence services are to be provided in labour, civil and administrative cases (Article 2, Law 24 of 1992). However, the Ombudsman's Office currently offers free legal assistance only for criminal cases. In this regard, according to the research institute Dejusticia, the legal needs of deprived communities are so overwhelming that it is difficult for the Ombudsman's Office to address them fully (La Rota, M.E. et al., 2014^[3]).

One solution could be a rethink on the role and impact of pro bono work by private lawyers and university clinics. While some private lawyers provide pro bono services in Colombia, statistics on the nature and amount of these services are lacking. In contrast with other OECD countries, there is no obligation for private lawyers to accept cases pro bono, and there are no incentives for them to do so. Furthermore, Colombia has no Bar association or equivalent, which is detrimental to the freedom of defence, especially for vulnerable populations, according to an OECD public governance review conducted as part of Colombia's accession to the organisation.

3.1.7. Special framework for the autonomous indigenous justice system

The 1991 Colombian Constitution guarantees legal and cultural visibility and acknowledges indigenous identity by recognising the authority of indigenous groups within their territories, “in accordance with their own laws and procedures as long as these are not contrary to the Constitution and the laws of the Republic” (Article 246). The Constitution establishes that the law should set out the forms of co-ordination of this special jurisdiction with the national justice system. Furthermore, the Constitutional Court established the obligation to comply with the principle of ethnic and cultural diversity, which is to be harmonised with the Constitution (Defensoría del Pueblo, 2014^[4]).

The scope of the Special Indigenous Jurisdiction (*Jurisdicción Especial Indígena*) is not confined to criminal matters, but also includes administrative, environmental, education and health matters. Moreover, unlike the national justice system, which is built on common principles and leans towards homogenisation, many differences exist among indigenous jurisdictions (Gómez Valencia, 2015^[5]).

In practice, cases are solved by the main authority of each town hall (*Cabildo*), and the rulings must be respected by all, including the formal justice operators. Each *Cabildo* is provided with a secretary in charge of children's and women's issues.

Law 1257 of 2008 establishes that cases of family violence are also heard by the indigenous authorities when the events happen within the community. However, indigenous women interviewed by the OECD during fact-finding missions in Mocoa and Quibdó indicated that many of these cases are not punished. Furthermore, violence against women is not recognised by most indigenous authorities, especially psychological and economic violence. Indigenous women report they lack mechanisms for reporting these types of cases within their communities, as well as effective investigative and protection measures. They report that justice institutions deny them assistance in some cases on the grounds that they have their own indigenous jurisdictions.

The Constitutional Court has imposed limits on the legal competence of the Special Indigenous Jurisdiction with regard to due process, human life and personal integrity. Minimum guarantees must be complied with, including the principles of legality, impartiality, competency, publicity, presumption of innocence and proportionality of sanction (Defensoría del Pueblo, 2019^[6]).

The National Ombudsman recognises that indigenous jurisdictions have duly investigated and sanctioned cases of violence against women, in line with the above-mentioned principles and in co-ordination with the national justice system. One example is the Justice Assembly of the Nasa Indigenous community (*Resguardo de Tacueyó*, in Cauca), which sentenced Germán Antonio Osorio, alias “Sangre”, to 30 years imprisonment for the crime of femicide (Defensoría del Pueblo, 2019^[6]).

3.1.8. Colombia's geography as a factor in access to justice

Colombia's geography can make it challenging for citizens to access legal and justice services. Nearly 33% of the territory is mountainous due to the Andes range running down the centre of the country. The rest of Colombia is constituted of valleys, high plateaus and low plains. The country's regions – the Caribbean in the north, the Pacific in the west, the Andes in the centre, the Amazon in the south and the Oriental Plains in the east – are distinct and disconnected geographically from each other due to mountains and jungle. This topology restricts connectivity within the country (OECD, 2013^[7]).

Access to legal and justice services can be complicated by an individual's physical location and challenges such as limited access to transportation, the cost of travel, road conditions and the uneven distribution or limited range of services in certain areas. This is of particular significance for people living in rural and remote areas, who can be most exposed to legal problems and face particular difficulties in recognising and addressing them.

According to information provided to the OECD by the Justice Ministry, these geographical limitations are to be addressed via the redesign of entities in charge of co-ordination and by strengthening local justice systems, Justice Houses and civic coexistence centres in order to optimise judicial management capacity.

3.1.9. Transitional justice mechanisms in Colombia

The Victims and Land Restitution Law of 2011 enacted transitional justice measures, both pecuniary and symbolic, as part of a national programme to provide redress to victims of the armed conflict in every region of Colombia. It also created the following new institutions:

- a Victims Unit charged with providing reparations to people who have been victims of forced displacement, forced dispossession or abandonment of land, homicide, kidnapping, torture, forced disappearance, recruitment of children, anti-personnel landmines and sexual crimes during the internal armed conflict, as of 1 January 1985; and
- a Land Restitution Unit within the Ministry of Agriculture to process land restitution claims by people who wish to have their cases heard in court. This administrative process has been reinforced with an expeditious judicial process and a new jurisdiction, the Land Restitution Judges (*Jueces de Restitución de Tierras*). These judges are a rare institution in charge of restoring possession of land grabbed from farmers and other rural residents by illegal armed groups since 1991.

Because men are most often identified as sole land owners on land ownership certificates in rural areas, the Land Restitution Unit has sought to improve women's access to the restitution process through training on legal and livelihood issues and by granting personalised and expedited attention to women who present a restitution request. Women's right to own and recover land is duly noted on the forms provided for filing a land claim.

In 2017, following the peace accords with the FARC, the government established a Truth Commission, a Disappeared Persons Unit and a new Peace Jurisdiction (Congress of Colombia, 2017^[8]). The accords also called for actions to strengthen the existing reparations programme. These transitional justice measures aim to reinforce the rights of victims of the armed conflict, and the results of their implementation remain to be seen.

Importantly, the peace accords include a cross-cutting gender perspective. This is vital to ensuring that women's access to truth, justice and reparation is implemented in practice within the new transitional justice structure. It could be achieved, for example, through continuous gender-sensitive training. Research in Peru and Guatemala underscores the importance of gender-sensitive training for truth commissioners and interpreters, for the protection of victims and witnesses, and as support for those testifying (The Washington Post, 2016^[9]).

Overall, these reforms have produced important results by recognising and providing redress to victims of the armed conflict for the first time since the conflict began. There are, however, challenges at the subnational level relating to limited information systems (especially regarding land restitution), limited budget allocations and, often, low capacities of local institutions, notably local mediators (*Personeros Municipales*), according to an internal OECD working document prepared as part of Colombia's accession to the organisation. It is important for the Colombian government to find ways to address these challenges in the coming years in order to enable adequate and effective access to justice within the Colombian transitional justice model.

3.2. Building a continuum of justice services for women victims of violence in Colombia

3.2.1. The OECD four-step analytical framework

The OECD has developed a four-stage assessment framework for the design and delivery of appropriate legal and justice services that meet people's needs: *i*) identifying and measuring legal needs; *ii*) mapping legal needs; *iii*) designing people-centred legal and justice services; and *iv*) planning and delivering people-centred legal and justice services.

This framework provides a course of action for Colombia and other countries to implement initiatives in the legal and justice sector that are tailored to specific populations, taking into account the situation of vulnerable individuals, families and communities and those living in conditions of disadvantage. By contributing to the design of people-centred legal and justice services in a number of ways, the four stages can help to establish mechanisms that are sustainable and efficient in meeting the needs of women. This can result in socio-economic cost savings through the prevention of violence against women, including domestic violence, and other group-specific issues. Indeed, studies have found that the provision of legal services can have a positive effect on the emotional, financial and social wellbeing of women over time.

3.3. What are the needs? Identifying the justice needs of women victims of violence (Step 1)

3.3.1. Methods for measuring legal needs

There are different approaches and instruments for identifying and measuring legal needs in order to deliver effective access to justice. Three common people-centred approaches are administrative data from service providers, legal needs surveys and target studies.

Administrative data is data collected through monitoring and assessment by service providers and agencies as they interact with clients, for example in courts, tribunals, ADR mechanisms, community justice centres and legal aid centres. Legal needs surveys complement institution-generated or administrative data. These surveys investigate the subjective, user-centred experience of legal problems and focus on personal, organisational or shared problems and experiences (e.g. in communities or in specific vulnerable groups). They also provide a better understanding of when and how people turn to formal or non-formal justice options.

Targeted studies are a supplementary tool for gathering information on the legal needs and experiences of certain priority groups, such as older people (especially those in residential care), homeless people, prisoners, people with mental illness or intellectual disability, and people in remote indigenous communities. These groups may be overlooked in legal needs surveys and administrative datasets, as they often do not respond to surveys and do not use services.

These interrelated methodologies, when combined, can provide a comprehensive picture of legal needs and can assist in mapping the delivery of legal services to match supply and demand.

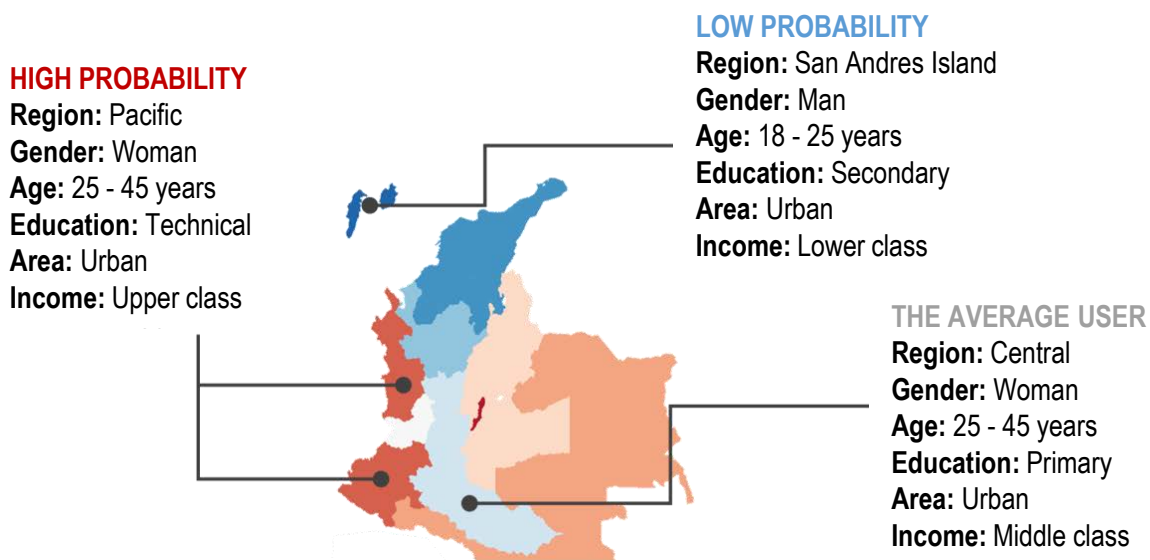
3.3.2. Measuring legal needs in Colombia

An objective of the 2014-18 National Development Plan was the measurement and identification of legal needs. A “Legal Needs Survey” was therefore included in a Quality of Life Survey conducted by the National Department of Statistics and the Department of National Planning in 2016 (DNP, 2016_[10]). This Legal Needs Survey, and the subsequent development of an Effective Access to Justice Index, are examples of good practice.

The Legal Needs Survey reached more than 60 000 Colombian citizens in 22 700 households. Its purpose was to identify the types of legal problems that men and women encounter and the paths they take to resolve these problems. Based on the results of the survey, the DNP was able to establish a profile of the average person declaring a legal problem in each of the territories.

These profiles vary across regions. For example, individuals with the greatest likelihood of reporting legal needs in the Pacific region are urban, upper class, technically educated women aged 25-45, while in the Central region, the average user of the justice system is an urban, middle-class woman with a primary education aged 25-45 (Figure 3.1).

Figure 3.1. Legal needs across Colombia’s regions



Note: A probit model was used for the estimation of the average probability of each profile.

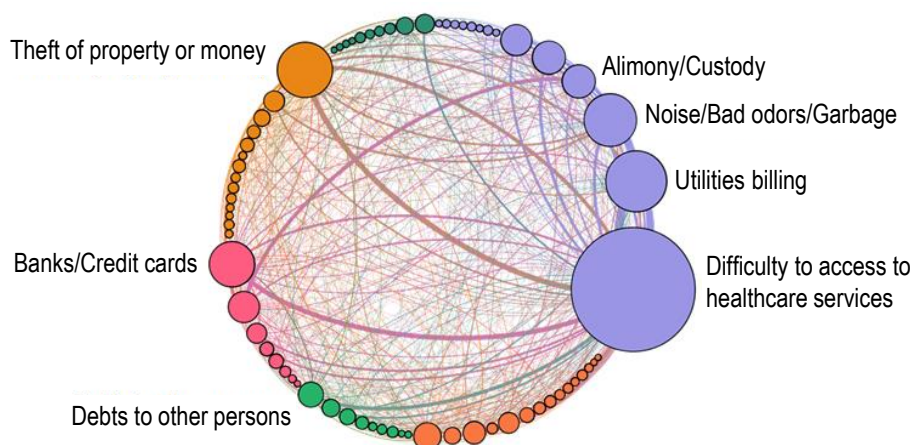
Source: (DNP, 2016_[10]), *Necesidades Jurídicas en Colombia*, <https://www.dnp.gov.co/programas/justicia-seguridad-y-gobierno/Documents/NecesidadesJuridicasenColombia.pdf>.

The Legal Needs Survey of 2016 indicates that fewer than half of the general population reported experiencing a legal problem over a four-year period. However, legal problems were more prevalent in marginalised populations: almost two-thirds of those living in extreme poverty and 60% of the disabled population reported legal problems. The survey showed that the probability of an individual reporting a legal need increased according to level of education, with a likelihood of 6.6% among those with no education, 10.4% of among those with a technical education and 11.8% among those with a professional education. This appears to indicate a link between education and legal empowerment. The hypothesis

being that those with higher levels of education and income, particularly in developing countries, are more likely to be empowered to seek redress for their legal problems.

Legal needs surveys in general have found that legal problems often co-exist and overlap, forming a cluster of legal needs. Legal needs clusters provide a more intricate picture of the way needs interact and of the interplay between different problems. In this regard, the DNP has undertaken cluster analysis of the 2016 Legal Needs Survey results (Figure 3.2). In it, the size of the coloured circles describes the legal needs: the larger the circle, the higher amount of people declaring to have that legal need. On the other hand, the colour of each circle describes the cluster of each legal need:

Figure 3.2. Legal needs clusters



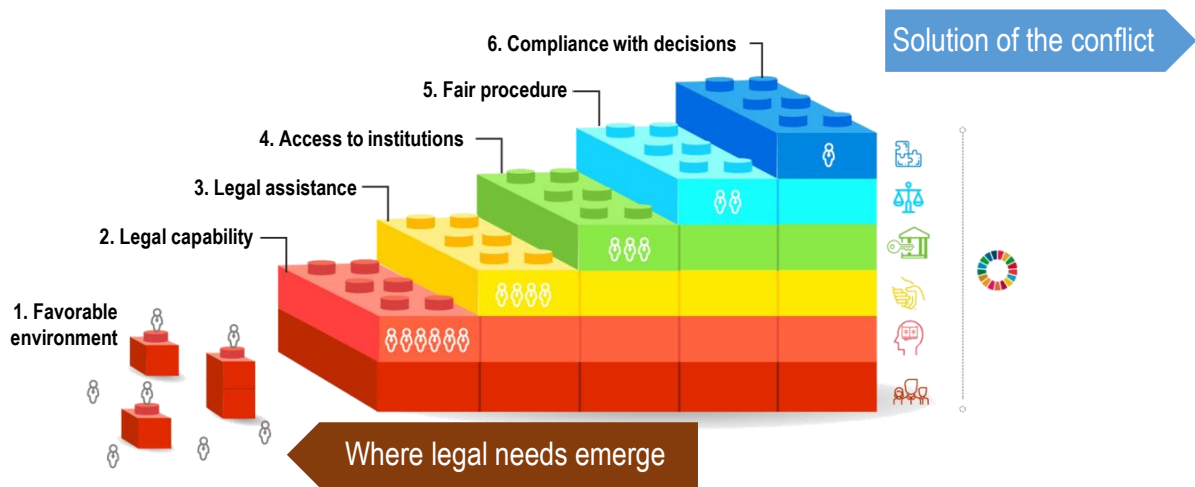
Source: (DNP, 2016^[10]), *Necesidades Jurídicas en Colombia*, <https://www.dnp.gov.co/programas/justicia-seguridad-y-gobierno/Documents/NecesidadesJuridicasenColombia.pdf>.

Being a woman and being in extreme poverty, increase women's vulnerability regarding their legal needs and their chances to access justice institutions to meet their needs. The case is even worse for poor women with disabilities (mental or physical). In sum, the lack of access to justice intensifies gender disparities.

3.3.3. The Effective Access to Justice Index

The DNP used the results of the Legal Needs Survey, together with administrative data and results from a 2015 Political Culture Survey, to build an "Effective Access to Justice Index" (DNP, 2017^[11]). The index scored each of Colombia's regions on six dimensions: *i*) favourable context (internet coverage, information means, geographical access); *ii*) legal capability (access to public information, human rights promotion, knowledge of both the law and available pathways for victims); *iii*) legal assistance (legal aid, public defence, pro bono cases); *iv*) access to justice institutions (citizen perception of justice services, territorial distribution of justice services, efficiency of justice institutions); *v*) fair procedure (trust building, adequate responses to citizens, rule of law); and *vi*) compliance with decisions (enforced judicial decisions). This is illustrated in Figure 3.3.

Figure 3.3. Dimensions of the Effective Access to Justice Index



Source: DNP presentation to an OECD roundtable, 2018.

Each of the six dimensions was made up of four indicators. For example, legal capability was scored based on access to public information, basic knowledge about rights, knowledge about pathways to justice and funds invested in raising awareness about rights. Ten of the 24 indicators were calculated using results from the legal component of the 2016 Quality of Life Survey.

Overview of regional performance

The index helps to measure and compare the capacity of Colombia's regions and departments to provide effective access to justice. It is a first step towards guaranteeing greater access to fair, impartial, efficient and timely justice across Colombia.

The DNP's analysis of the Effective Access to Justice Index indicates that effective access to justice is greatest in departments with higher economic development (Figure 3.4). The department with the highest legal empowerment score was Quindio, while the department with the lowest score was Amazonas.

Figure 3.4. Departmental ranking in terms of access to justice

Position	Department	Points
1	Quindío	6.47
2	Norte de Santander	5.96
3	Risaralda	5.94
4	San Andrés	5.94
5	Bogotá	5.93
6	Santander	5.90
7	Cundinamarca	5.86
8	Huila	5.77
9	Meta	5.77
10	Boyacá	5.71
11	Caldas	5.69
12	Tolima	5.6
13	Valle	5.48
14	Antioquia	5.47
15	Atlántico	5.12

Position	Department	Points
16	Caquetá	5.08
Total		5.04
17	Bolívar	4.80
18	Córdoba	4.67
19	Sucre	4.61
20	Cesar	4.54
21	Arauca	4.51
22	Magdalena	4.44
23	La Guajira	4.37
24	Casanare	4.19
25	Cauca	3.98
26	Putumayo	3.84
27	Nariño	3.70
28	Chocó	3.58
29	Amazonas	3.19

Source: Table provided by DNP in 2018.

Note: The technique used for the measuring scale was the MinMax, which gives a score of 10 points to the department with highest legal empowerment and 0 points to the department with the minimum legal empowerment.

One of the barriers to accessing justice can be a lack of education or understanding of individual rights and legal processes. Across Colombia's departments, the results of the Effective Access to Justice Index were especially low in the "access to institutions" and "legal capability" dimensions.

Legal capability, or legal empowerment, is a process by which strategies are deployed to increase the capacity of people to understand and use the law. It spans a wide range of initiatives, from public education to paralegal programmes and public-financed mediation. Legal education, in particular, when delivered in a way that has practical application, can help disadvantaged groups grow in confidence to protect their legal rights and claim benefits.

Comparative analysis of regional performance

The Colombian capital, Bogotá, obtained the highest scores in three dimensions: favourable environment, legal capability and legal assistance. Yet Bogotá's score was among the lowest in the other three dimensions; this is due mostly to generally negative perceptions of the Colombian judicial system among citizens in the capital.

The department of Antioquia scored highest in the access to institutions dimension, as its indicator on distribution of institutional services had the highest score, followed by the indicator on the number of decisions or agreements reached. As for the dimension of fair procedure, the department of Amazonas scored highest based on the indicator on respect for due process. In the dimension of compliance with decisions, San Andrés scored highest.

To compare departments with similar levels of development, the DNP used a classification of departmental and municipal typologies from its Sustainable Territorial Development Division. This document is based on the challenge for planning and implementing public policies due to differences among the departments in terms of institutional capacities, social and cultural contexts, etc. With this in mind, the departments were classified into three development environments and six typologies (Figure 3.5).

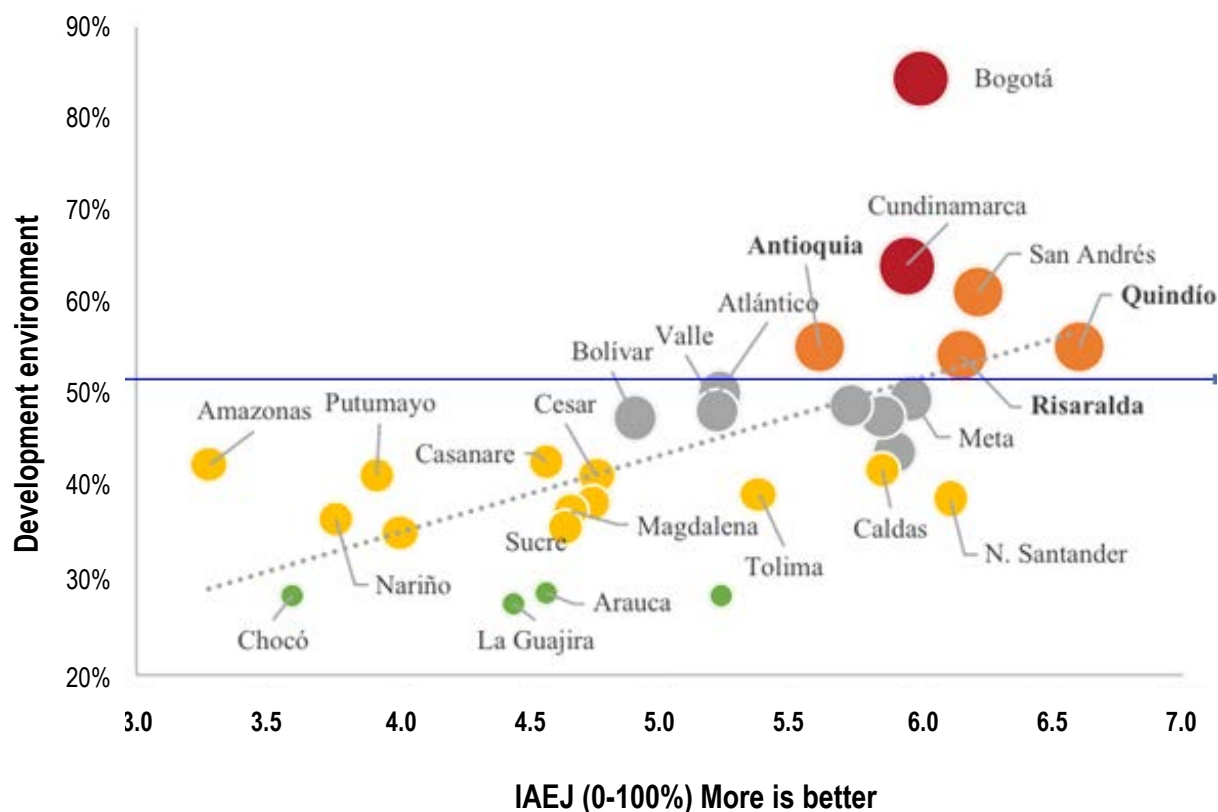
Figure 3.5. Classification of departmental typologies by development environment

	Departmental typology	Development environment
	A	Robust
	B	Robust
	C	Intermediate
	D	Intermediate
	E	Early

Source: DNP, Sustainable Territorial Development Division, 2018.

Based on this classification, the index results were analysed to establish the dimensions or variables with best and worst performance for each departmental group. The relation between the index and the classification of the development environments is shown in Figure 3.6.

Figure 3.6. Access to Justice Index results by departmental development environment

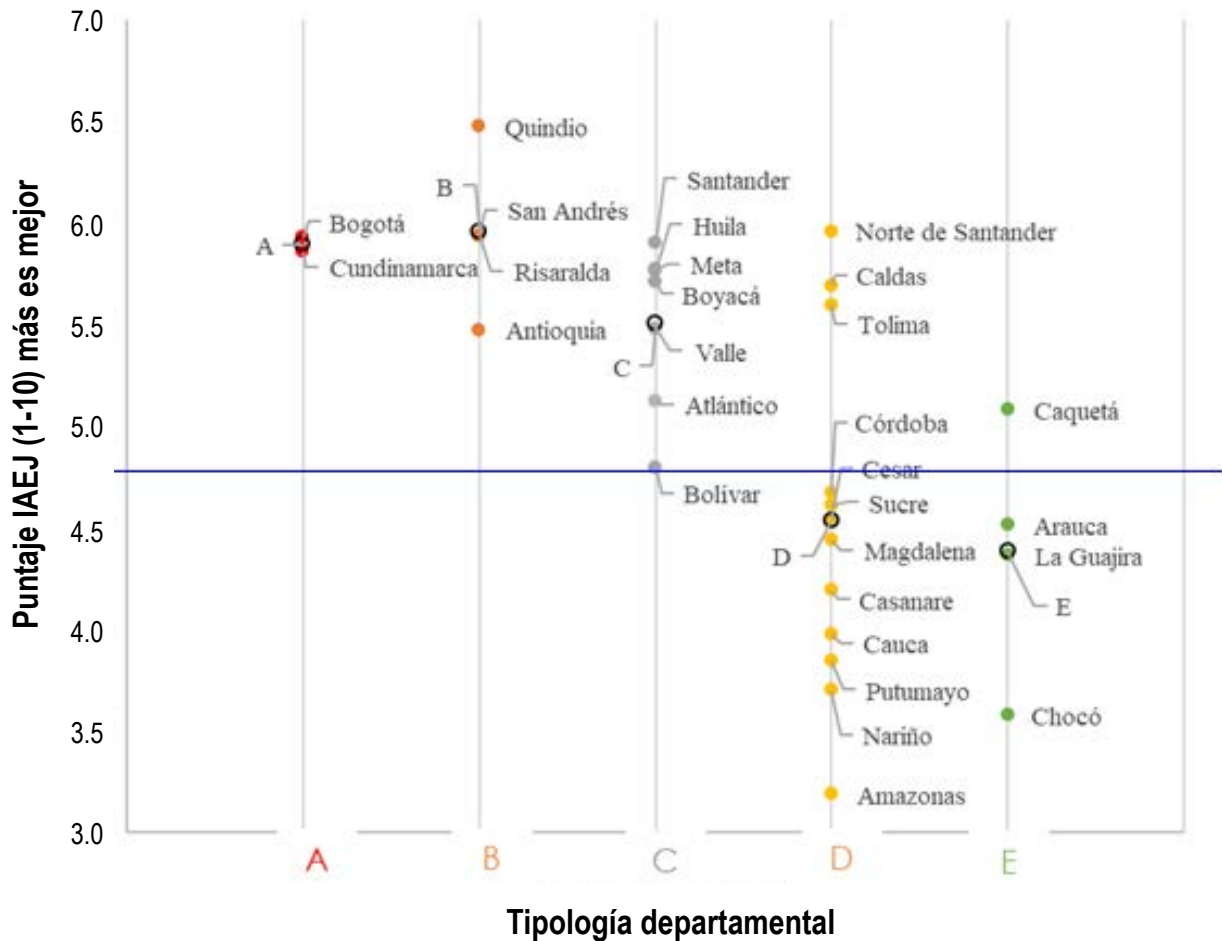


Source: Provided by DNP, 2018. The horizontal axis represents the Access to Justice Index, hence a higher number represents a better position in the Index; the vertical one the level of development of each department. Departments are also colour coded in accordance with Figure 3.6 above.

The departmental typologies were calculated based on six components: *i*) urban-regional dimension; *ii*) quality of life; *iii*) economic development; *iv*) environmental development; *v*) institutional development; and *vi*) security. The first dimension included both the size and the distribution of the population in the territory; the quality of life dimension used the results of the Multidimensional Poverty Index; the economic development dimension was focused on the contribution to national GDP and internet and revenue coverage; the environmental component included the number of hectares of forests; the institutional dimension included fiscal performance and compliance with legal requirements; and the security dimension included homicide and robbery rates.

Figure 3.7 shows the index score obtained by the departments, grouped according to their typology. It can be seen, for example, that although Quindío falls under typology B, it performed better in the index than Bogotá and Cundinamarca, which fall under typology A. Similarly, La Guajira falls under typology E yet has a higher index than five departments assigned typology D.

Figure 3.7. Departmental results of the index per environment per departmental typology



Note: The letters in the horizontal axis represent the average of the typology. The vertical axis represents the departmental score on the Access to Justice Index.

Source: Provided by DNP, 2018.

An analysis that compares the performance of the departments within their respective development environments must be made to understand which factors promote access to justice in territories that have similar conditions or resources in each of the environments: robust (typologies A and B), intermediate (typologies C and D) and early (typology E).

Box 3.2. Development and access to justice in Putumayo and Chocó

The Effective Access to Justice Index revealed that Colombia's departments with higher economic development do best at guaranteeing effective access to justice.

Putumayo's overall score on the index is 3.84, making it number 26 among 29 regions. Putumayo was typed by the DNP as having a Low-Intermediate Development Environment. Its index score exposes both its low rate of economic development and the limited access of its citizens to justice.

Chocó's overall index score is 3.58, making it number 28 among 29 regions. Chocó was typed by the DNP as having the lowest level of development (Early Development Environment). Again, its index score exposes the link between economic development and access to justice.

Source: DNP, 2018.

Developing a gender dimension

While the results of the Legal Needs Survey are disaggregated by gender, the Effective Access to Justice Index lacks a gender dimension. Disaggregating data – extrapolating specific data from collective data, dividing it and breaking it down – is considered important for describing the specific needs and experiences of vulnerable populations, such as women victims of violence. It helps to explore unseen trends, identify vulnerabilities, expose challenges and pinpoint successful strategies and policies.

The use of disaggregated data is critical for policy makers to verify the effectiveness of public services and modify those services based on the needs of vulnerable groups. The 2030 Agenda for Sustainable Development sets accessible, timely and reliable disaggregation of data as an overarching priority for effectively implementing the SDGs and turning its “Leave No One Behind” imperative into reality. In this context, when legal and justice services are designed using evidence-based measures of the legal needs of women, they can facilitate greater equality and inclusion. The usefulness of gender-disaggregated data to ensure evidence-based planning and delivery of justice and legal services will be discussed further under Step 4 below.

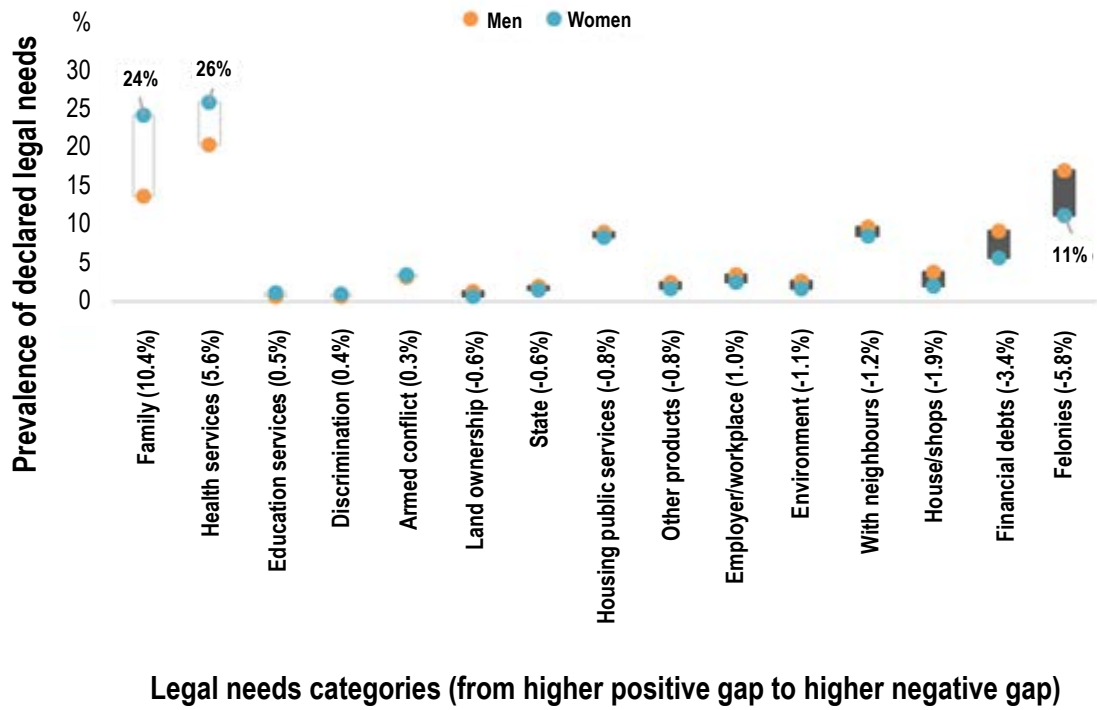
3.3.4. Women's justice needs in Colombia

The Legal Needs Survey revealed that the legal needs of Colombia's men and women were most prevalent in three areas: healthcare (23.4% overall, and 26% among women), family (19.4% overall, and 24% among women) and crime (13.9%, and 11% among women). Family problems in Colombia include child custody, divorce, inheritance, violence and sexual abuse, and paternity/maternity, according to information provided by the DNP to the OECD.

Although the survey results do not provide detail on cases of violence against women (i.e. what type of violence), they suggest that sexual violence is a main issue with respect to the healthcare system and criminal legal needs. Women in Colombia are subjected to violent contexts: according to Dejusticia, the most common serious offenses suffered by women in Colombia are sexual violence, domestic violence and the failure of a partner to provide maintenance (La Rota, M.E. et al., 2014^[3]).

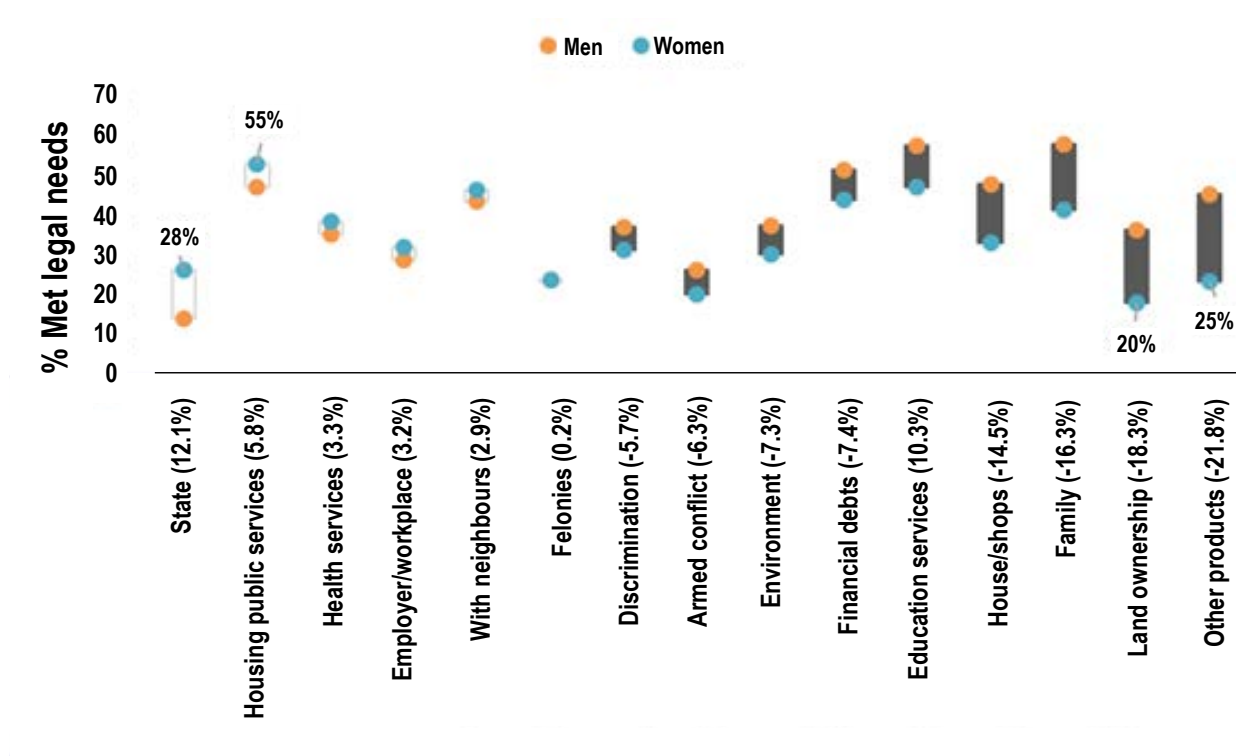
More women than men declare legal needs related to family matters (prevalence gap of 10.4%), and their satisfaction rate in terms of these needs being met is far lower than men's (Figure 3.8) and Figure 3.9). There is also a big gap regarding issues related to land; more women than men said their needs were unmet on these issues, according to information provided to the OECD by the DNP.

Figure 3.8. Types of legal needs by gender



Source: Provided by DNP, 2017.

Figure 3.9. Satisfaction gap in terms of legal needs being met



Legal needs categories (from higher positive gap to higher negative gap)

Source: Provided by DNP, 2018.

Healthcare issues were mostly related to quality of health services and access to the health system, while family matters were mainly to do with custody and alimony, divorce and, to a lesser extent, sexual abuse (reported by more women than men). The criminal issues reported related to property, money and sexual violence (reported by more women than men).

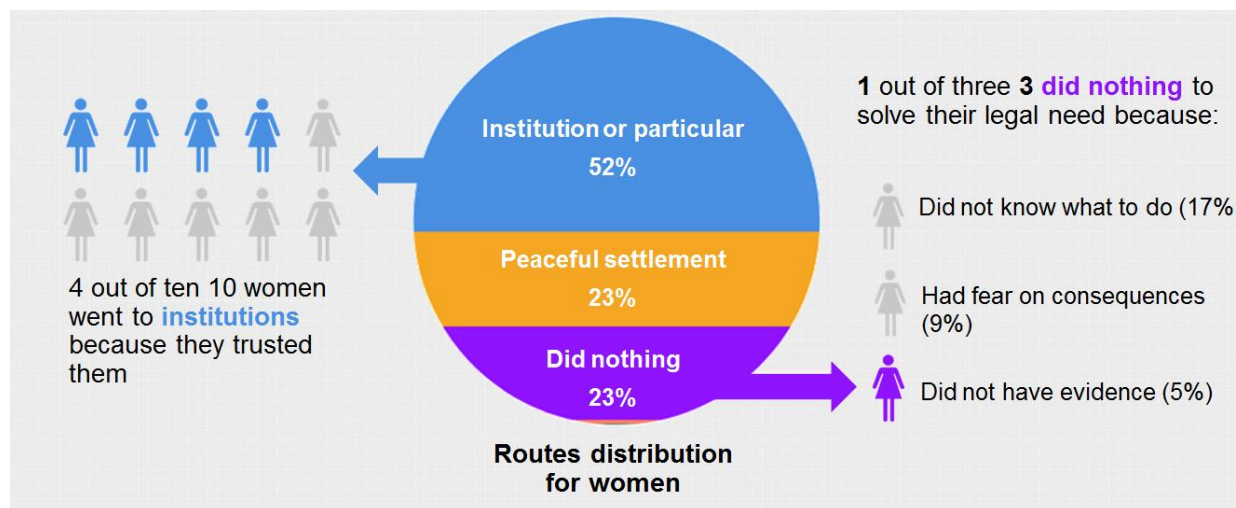
3.3.5. Women's justice experiences in Colombia

According to the 2016 Legal Needs Survey, one-third of women having a conflict decide to do nothing to meet their legal needs. They cite various reasons: they consider that procedures take too long (29.2%); they consider that the problem is not too serious (19.1%); they do not know what to do (17%); or they fear reprisals (9%) (DNP, 2016_[10]).

In comparison, in a legal needs survey conducted by Dejusticia in 2013, two-thirds of the people consulted did not go before the authorities to meet their needs.² Women in the general population group who did seek to take legal measures said this was because: the problem was not too serious (26%); procedures take too long (18.1%); they preferred to seek a peaceful solution to their conflicts (14.5%); they feared reprisals (8.7%); or they did not know what to do (7.7%). (La Rota, Lalinde and Uprimny, 2013_[12]).

The 2013 Dejusticia survey also found that women in the general population group knew less than men about their fundamental rights and the existence of judicial mechanisms and organisations that provide justice services (La Rota, Lalinde and Uprimny, 2013_[12]).

Figure 3.10. What Colombian women do to meet their legal needs



Source: (DANE, 2016_[13]), National Quality of Life Survey, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/calidad-de-vida-ecv>.

In terms of how their legal problems affected them, 57% of the women who reported a legal need described the problem as severe, while 49% of men said the same, according to information provided to the OECD by the DNP. Concerning legal needs related to the armed conflict, 92% of women who reported such a need said the problem was severe, while 83% of men said the same. Discrimination problems also affected women more severely: 66% of women found such problems particularly severe, while just 32% of men said the same. Although on average women found their problems more severe, there were not significant differences by gender in the proportion of legal needs that were met. Women declared that 40% of their legal needs had been met, and men 42%.

In another finding, women were 8.37% more likely than men to seek legal assistance, according to information provided to the OECD by the DNP. Some 80% of women's needs were handled by 10 institutions (among a list of 27). As shown in Table 3.3, women were more likely than men to turn to district attorneys (public prosecutors) or Family Commissariats (*Comisariías de Familia*), and less likely than men to go to police inspectors or lawyers.

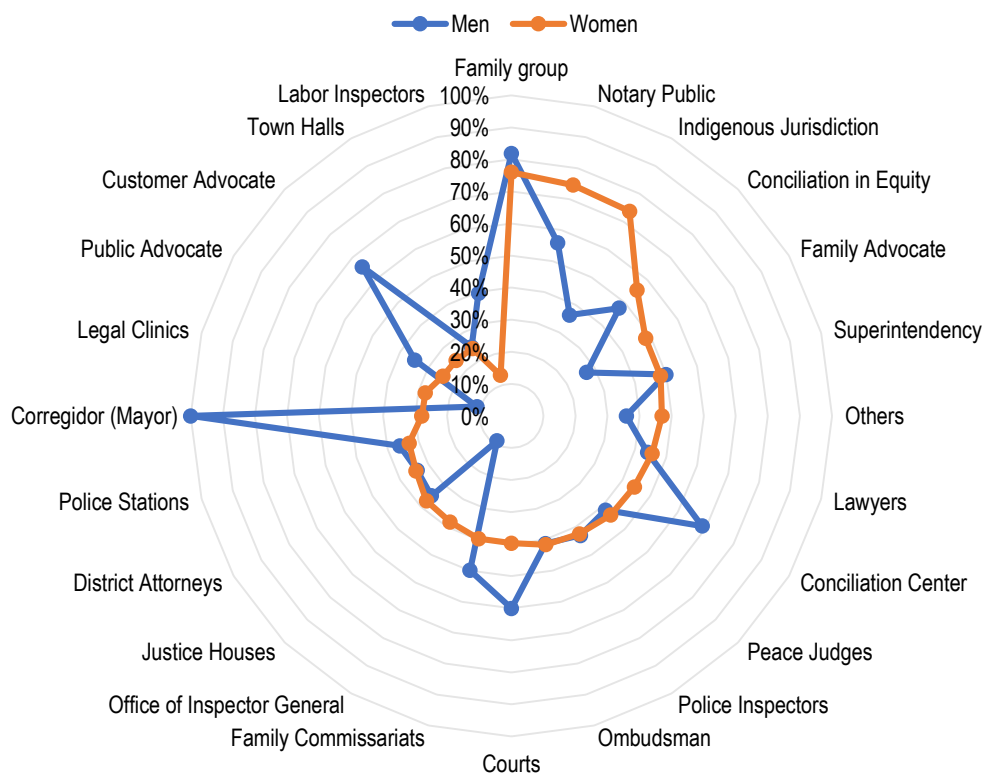
Table 3.1. Types of legal assistance sought by Colombian men and women

Type of assistance	Men	Women
District Attorneys	16.91%	20.06%
Family Commissariats	5.23%	14.76%
Others	13.93%	11.91%
Police Inspectors	12.55%	7.47%
Lawyers	9.97%	6.05%
Public Advocate	2.23%	4.84%
Family Advocate	2.74%	4.59%
Ombudsman	4.52%	4.49%
Justice Houses	1.89%	4.31%
Courts	6.57%	4.07%
Total	76%	82%

Source: (DNP, 2016_[10]), *Necesidades Jurídicas en Colombia*, <https://www.dnp.gov.co/programas/justicia-seguridad-y-gobierno/Documents/NecesidadesJuridicasenColombia.pdf>.

With regard to whether or not their legal needs were met, women's level of satisfaction was highest when they consulted their own family (76%). Men's satisfaction with family consultation was still higher (82%), but men's highest level of satisfaction came when they consulted the mayor (Figure 3.11). Women reported less satisfaction than men with 12 out of 27 types of legal assistance. The widest negative gaps concerned consultations with the mayor (-72%), consumer advocate (-41%) and labour inspector (-27%).

Figure 3.11. Satisfaction that needs were met by type of assistance sought



Source: Provided by DNP, 2017

The proportion of women who took no action to solve their legal problem was smaller than the proportion of men by 1.75%. For 17% of women and 14% of men who took no action, this was because they did not know what to do. Among women stating a reason for their non-action, 61% who had a problem related to the armed conflict said it was for fear reprisals; 92% who had a problem related to workplace said it was because they feared the consequences or did not know what to do; and 57% who had a problem related to educational services said it was because they did not know what to do (DNP, 2016_[10]).

In terms of problem resolution among those who did seek legal assistance, 48% of women and 44% of men said that an agreement or decision had been reached. The category of legal needs where decisions or agreements were reached most often was family problems (59%), while the problem was solved least often with issues of discrimination (15%) (DNP, 2016_[10]).

At the moment of the survey, 46% of women's problems had not been solved, and this rose to 84% with problems related to discrimination. The legal need with the widest negative gap between women and men was also discrimination (-70%). A full 71% of women and 70% of men had not obtained legal advice or representation to attend to their legal needs.

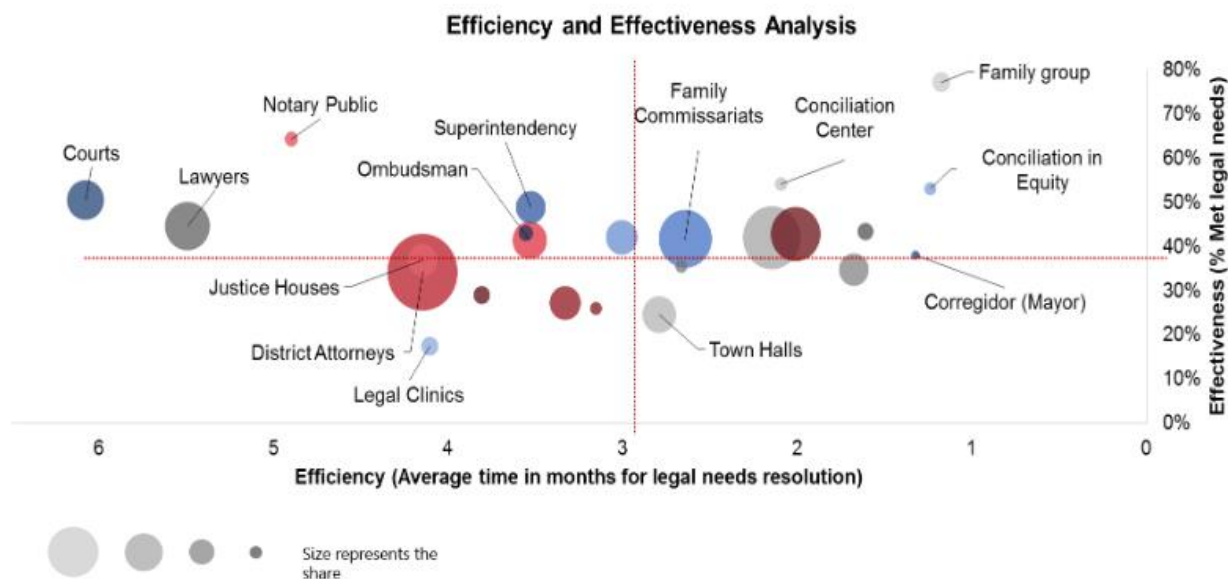
Taking geography into account when considering the level of satisfaction with resolution of a legal problem, the northern department of César reported the widest gap between men and women (with more women than men unsatisfied with the solution to their specific legal need), followed by Caquetá in the south, Chocó in the west and Bogotá (DNP, 2016_[10]).

Women's decisions on seeking legal assistance are also affected by their perceptions regarding the effectiveness and efficiency of justice institutions. In the 2016 Quality of Life Survey, Family Commissariats (family police services) were perceived as the most efficient justice institution in terms of the time in months that it takes to meet the user's needs, followed by conciliators, indigenous jurisdiction bodies and police inspectors (Figure 3.12).

With the results of the Legal Needs Survey 2016, it was possible to build a map of effectiveness and efficiency for 27 judicial and administrative operators in Colombia (providing justice services in different justice pathways), based exclusively on citizens' experience in getting through justice pathways to try to solve their particular legal need. The institution's ability to respond in a timely manner to the requirements of the citizen is considered as the efficiency, while the effectiveness was represented in the percentage of citizens who said that their problems had been resolved after attending that institution (Figure 3.11).

In the upper right quadrant are the justice operators – formal, administrative or private – which, according to citizens, are more effective and efficient than the national average when it comes to solve their needs. For example, an institution such as conciliation centres, an alternative justice resolution method, respond to legal needs more effectively and efficiently than others located closer to the average. On the other hand, justice operators such as Justice Houses, took longer to solve the citizens needs, who were at the same time unsatisfied with this operator in regard to solving their need.

Figure 3.12. Perceptions regarding the efficiency of justice institutions



Note: Average problem resolution time: 3 months. % NJS National total Average = 40%

Source: (DNP, 2017_[11]), *Indice de Acceso Efectivo a la Justicia*, <http://dnpsig.maps.arcgis.com/apps/Cascade/index.html?appid=b92a7ab2fe6f4a06a6aec88581d6873e>.

3.3.6. The legal needs of women who experience violence

Policy responses to tackle violence against women should account for the unique and intersecting legal needs faced by survivors, which are often intertwined with complex emotions about their abuse and/or abusers (OECD, forthcoming^[14]). Survivors often face great difficulty addressing all of the simultaneous problems arising from the violence they have faced. For example, a survivor may be involved in a criminal case because the state charged her intimate partner with assault. She might also have been charged with assault under a dual-charging system for allegations of domestic violence. She might simultaneously be involved in divorce proceedings and/or child custody proceedings in a civil court. She might also be seeking protective orders against her partner, attempting to secure sole access to the marital home, or seeking paid time off due to being a victim of violence. Many of these proceedings will be addressed in separate forums with multiple lawyers, and over the course of months. These legal issues are complex and difficult to address on their own. When multiple proceedings are intertwined, many, if not all, of the legal needs of survivors can easily fail to be addressed. (OECD, forthcoming^[14]).

A study conducted in 2015 by Colombia's High Presidential Council for Women's Equality looked in depth into the problem of violence against women. This research, titled *Second Measurement Study of Social and Institutional Tolerance of Violence Against Women*, included interviews with women who had been victims of violence. Of the adult women victims surveyed, 69% said they had told someone about the act of violence. However, those who spoke up mainly discussed it only with members of their family (71%); just 14% spoke about it with the police (High Presidential Council for Women's Equality, 2015^[15]).

Women's reluctance to speak up about violence was found to be particularly strong in the context of the armed conflict, due to fear of reprisals. Other reasons why female victims did not report crimes of violence to the authorities included lack of support (only 20% said they had received this support), acceptance of the violence or feelings of shame. When they did report such crimes to the police, the study found, they were often revictimised – belittled or misled by officers who provided them with inaccurate information. Furthermore, women public officials in the country's municipalities, and even those in charge of women's issues, were found to be unaware of legislation regarding women's rights (High Presidential Council for Women's Equality, 2015^[15]).

The study also found that, among women victims of violence, only 52% had sought help from competent authorities of any kind. The bodies most solicited were the police (12%), local prosecutors (5%) and Family Commissariats (3%). Women victims of violence reported that the institutions that most helped resolve their situations were Justice Houses (73%), hospitals (66%) and legal medical examiners (50%). It is relevant to mention in this regard that, under law 1142 of 2007, cases of violence against women may be brought only before an official institution and not before non-formal bodies such as Conciliators in Equity.

3.4. Where are the needs? Mapping the justice needs of women victims of violence (Step 2)

Mapping the specific needs and experiences of women victims of violence in Colombia is a crucial exercise for identifying and meeting their legal needs. Mapping allows for a better understanding of their needs in different contexts and informs effective policy making in the justice and legal sector. Mapping may be undertaken in various ways, including via legal needs surveys, by "journey mapping" and by mapping the location of existing local and justice services.

3.4.1. Identifying and mapping legal needs at the subregional level

Data from legal needs surveys represent one of the most important foundations for mapping. The Legal Needs Survey undertaken by Colombia on the regional level in 2016 encompassed a wide variety of needs (not exclusive to women’s legal needs). However, the survey presented no data pertaining to smaller geographic entities at subregional levels.

Identifying legal needs in greater detail at regional and sub-regional levels within jurisdictions is important to obtain detailed information and capture the variations in women’s needs in specific contexts and areas. However, surveys for smaller geographic entities are not usually provided, possibly because smaller sample sizes are unlikely to have sufficient respondents for a representative estimate of small-scale demographic groups and geographic entities.

Various mechanisms can be used to overcome this difficulty. One is the use of other sources of data, such as official social, economic and demographic data and administrative data. Such tools could provide Colombian policy makers with sufficient insight into the needs of women in specific geographic areas for effective service delivery in response to violence against women.

Applying data analytic methods to data from legal needs surveys could generate deeper insights. For example, Colombia is using network analysis to understand legal needs clustering in order to have a more realistic representation of the variety and interconnectedness of problems faced by women.

The Geographic Information System (GIS) for spatial analysis of data is another useful tool. GIS can be used to overlay multiple levels of data in order to visualise overlaps and gaps and to spot patterns. For example, data on legal needs and legal services can be overlaid with data on women victims of violence and reports of domestic violence to develop a more comprehensive picture of the links between legal needs, wider social issues and the gaps in addressing them.

Colombia may want to consider gathering data from different institutional sources for this purpose. Sensitive data, including from hospitals, emergency rooms, police and battered women’s shelters, will need to be treated taking into account privacy safeguards. Data that could be sought includes, for example:

- addresses of clients seeking assistance from legal aid programmes for domestic violence problems
- data from law enforcement agencies on the location of emergency calls involving domestic violence
- data on the neighbourhoods of clients of battered women’s shelters
- data from hospitals and emergency rooms on the locations of domestic violence victims
- data on locations of those seeking restraining orders from the court system
- federal government census data from a particular neighbourhood, e.g. economic indicators, minorities, unemployment, and age distributions
- data from regional assessor offices on land zoning, property valuations and tax delinquencies (Defensoría del Pueblo, 2019^[6]).

3.4.2. Journey mapping of pathways to justice

An important people-centred method for gathering data is “journey mapping” of legal needs. This methodology tracks the pathways to justice used by individuals, families or small businesses to address legal problems, and/or the pathways established by various services and agencies for this purpose. The approach, which is temporal rather than geographic, takes into account various levels of justice systems and journeys based on a legal problem.

There are general guidelines at a national level for pathways regarding women victims of domestic and sexual violence, with three sets of measures: *i)* prevention measures; *ii)* care and assistance measures; and *iii)* protection measures. Different entities are in charge of implementing each set of measures, with the justice sector in charge of protection, as shown in Table 3.2. Pathways for protection measures integrate the same justice services at the subnational level, but their order within the pathway varies depending on the department or municipality.

Table 3.2. Entities in charge of measures for women victims of violence

Prevention measures	Care and assistance measures	Protection measures
Ministry of Education	Health sector (companies providing health care services and health officials in departments and municipalities), in charge of providing victims of domestic and sexual violence with shelters and leading the implementation of policies aiming to guarantee the right to health to all citizens within their respective territories.	<i>Comisarias de Familia</i> (Family Commissariats services)
Ministry of Information Technologies and Communications	National police, in charge of measuring risks and implementing protection measures	Judges (municipal civil affairs judges, municipal comprehensive judges, supervisory judges (<i>Juez de Control de Garantías</i>).
Ministry of Health and Social Protection		<i>Fiscalía</i> (public prosecutor)
		Indigenous jurisdictions

Source: (Defensoría del Pueblo, 2019^[6]).

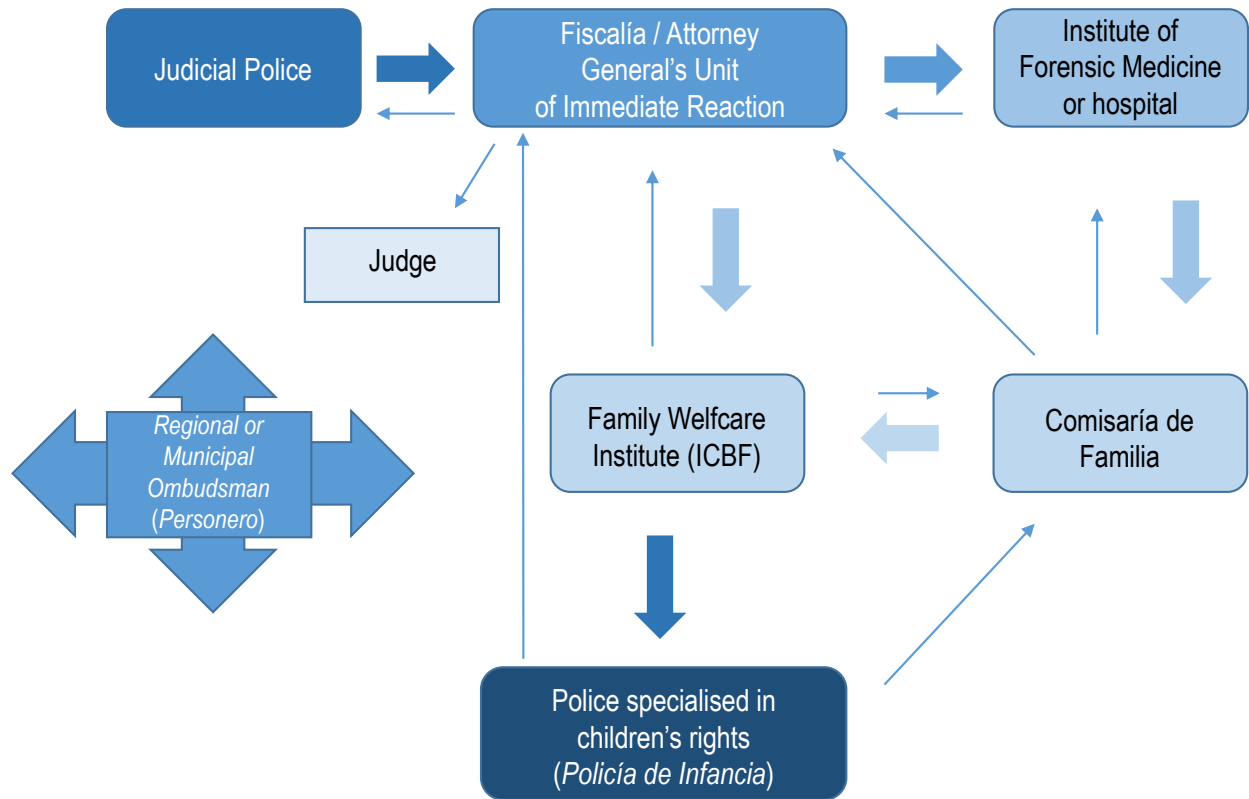
Women victims of violence in Colombia still face challenges on seeking to enter pathways to justice. Overall, the challenges concern limits on access to justice, while others have to do with the pathways themselves. Challenges may arise due to misunderstanding of the pathways (for example, confusing pathways for women victims of violence with pathways for victims of the armed conflict). Others may arise when police officers are untrained or insensitive to the problem, when women have insufficient psychological support, when they do not know how to enter the pathways, etc. It is relevant to mention that research has demonstrated that uncoordinated responses and institutional fragmentation may not only result in a failure to address violence against women but may also generate secondary victimisation. A fulsome, whole-of-government approach is essential to combating this problematic (OECD, forthcoming^[14]).

In the Colombian context, significant limitation regarding care and assistance measures, which are mainly the responsibility of the health sector, is a lack of shelters to provide immediate protection for women victims of domestic and sexual violence, especially when the perpetrator lives with the victim. This jeopardises the victim's physical and emotional integrity (Defensoría del Pueblo, 2019^[6]). In this regard it is relevant to mention that, under law 1257 of 2008 (which established care and assistance measures for women victims of violence), women who are in risk of suffering from acts of violence within their households should be provided with food, shelter and health services while they remain at risk.

Other limitations have to do with the effectiveness, pertinence and monitoring of protection measures (undertaken mostly by Family Commissariats), according to information provided to the OECD by local stakeholders in the interviews which took place during the missions to Mocoa and Quibdó. These weaknesses are linked to the limitations inherent to the *Comisarias* (lack of resources, lack of information systems and work overload). However, protection measures undertaken by the police (such as sporadic rounds around the house) are also insufficient or ineffective in many cases. Furthermore, women who have experienced violence are at higher risk when presenting their complaint to the authorities (particularly when the aggressor is the partner), and thus are especially vulnerable in this context when they are not provided with effective protection measures (Defensoría del Pueblo, 2019^[6]).

In Chocó, challenges faced by women victims of violence have to do with the fact that pathways have not yet been adopted in some municipalities. According to a Chocó government report on gender policy, some entities are not interested in working within the specified pathways to justice, and around 70% of women in Chocó do not use the pathways that do exist, mostly because they are unaware of their rights (Government of Chocó, 2018_[16]). Challenges also have to do with the limitations of entities within the pathway. For example, the municipality of Quibdó designed a project to build a shelter for women victims of violence, but there are still no resources to implement this initiative, the OECD fact-finding mission to Quibdó was told by the mayor’s office.

Figure 3.13. Pathways for women victims of violence in Mocoa, Putumayo, Chocó and Quibdó



Explanation of each institution of Figure 3.13.: This is a general flow chart with the most common institutions in pathways for women victims of violence at municipal and departmental levels in Colombia.

Judicial Police

- Receives the case and files the complaint before *Fiscalía*
- Implements protection measures when required

Fiscalía/URI (and in cases regarding sexual violence, Women's Care Centres)

- receives the complaint from the Judicial Police, directly for the victim, or takes ex officio action when finding out about the case
- forwards the case to the Family Welfare Institute (ICBF) when the victim is a child or an adolescent (under 18)
- asks the Institute of Forensic Medicine for expert opinion and clinical assessment
- undertakes protection measures (some are implemented by the police)
- initiates the criminal investigation and informs the victims about their rights and legal actions

unlike in many other municipalities in Colombia, there is no Attorney General's Unit of Immediate Reaction (URI) in Mocoa. These units are in charge of receiving complaints 24/7, and urgent cases are passed along directly to local prosecutors and judicial police. Quibdó does have a URI.

Institute of Forensic Medicine

- Conducts the clinical assessment
- Supports and trains some hospitals to serve as medical experts in cases regarding sexual violence
- Forwards results to the *fiscalía* and *comisaría de familia*.

Comisaría de Familia

- Receives the case directly from the victim and orientates her/him to follow the pathway
- Informs victims about their rights
- Verifies if the victim is a child and, if so, forwards the case to the icbf
- Undertakes protection measures
- Offers psychological assistance to the victim in a crisis situation
- Forwards the case to the *fiscalía*
- Forwards the case to hospitals in case of emergency and to the institute of forensic medicine for clinical assessment.

Ombudsman Office and Municipal Ombudsman (Personero)

- Informs the victims about their rights and of legal actions
- Forwards the case to the *fiscalía* and/or *comisaría de familia*
- Makes sure the pathway works in all cases and makes recommendations to institutions if needed
- Promotes human rights.

Family Welfare Institute (ICBF)/Family Defenders

- Receives the case when the victim is a child or adolescent.
- Verifies whether the rights of the child/adolescent are being violated
- Gives immediate care and psychological attention when needed
- Forwards the case to the *fiscalía* or *comisaría de familia* if there is need of protection measures (if the situation is critical, the icbf can undertake provisional emergency measures)
- Monitors the implementation of protection measures
- Represents children and adolescents in court when needed

- Family defenders (*defensores de familia*) are attached to the ICBF; they decide on cases when a child is a victim of violence. In some cases, Family Defenders can represent the child before a judge, when his/her parents are not present.

Police specialised in children's rights (Policía de Infancia)

- Forward the case to the competent entities (*Fiscalía* and *Comisaría de Familia*)
- Implement protection measures when required
- Provide support to victims to follow the pathway
- Inform victims about their rights

Judges

- Hear the case in court
- Decide on the case
- Approve protection measures

3.4.3. Service location mapping

Another methodology for mapping legal needs is to locate legal and justice services geographically. Service location mapping helps determine whether geographic areas are well equipped with specific types of services (legal or non-legal, publicly funded or pro bono support, etc.). While limited in scope, this relatively simple mapping provides a snapshot of regional variations (particularly urban/rural divisions) and is a useful starting point for a more contextualised assessment of legal needs.

The DNP has applied this methodology to develop maps representing the geographic distribution of formal and informal civil legal services across regions in Colombia.

Formal justice services

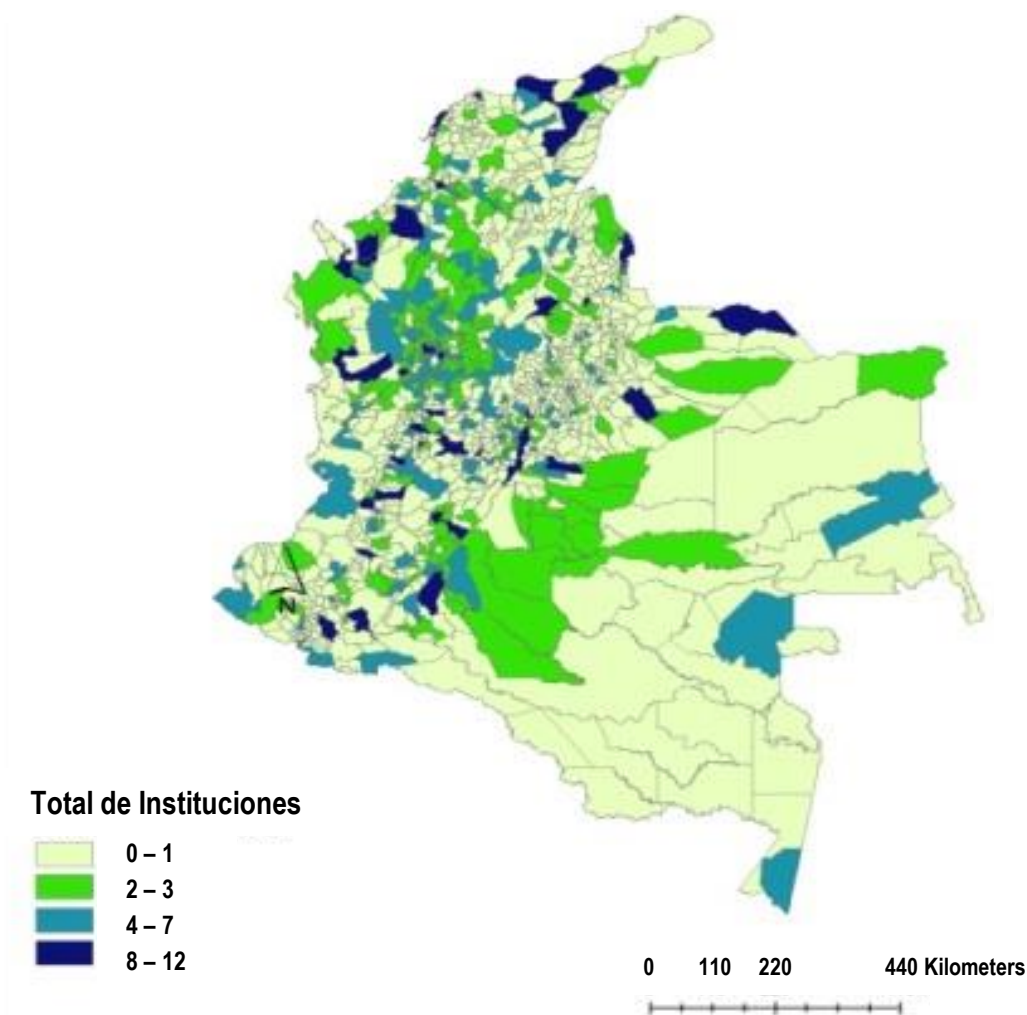
Formal justice services, such as courts and tribunals, are public services that are principally maintained and funded by public authorities. The DNP has mapped such services across Colombia, providing a glimpse into geographic discrepancies in the distribution of services.

Judicial operators

This map from the DNP shows that, in many areas of Colombia, there is one or no formal judicial operator (judges, prosecutors and forensic analysts).

Figure 3.14. Distribution of formal justice services across Colombia

Local judges, local prosecutors and forensic analysts

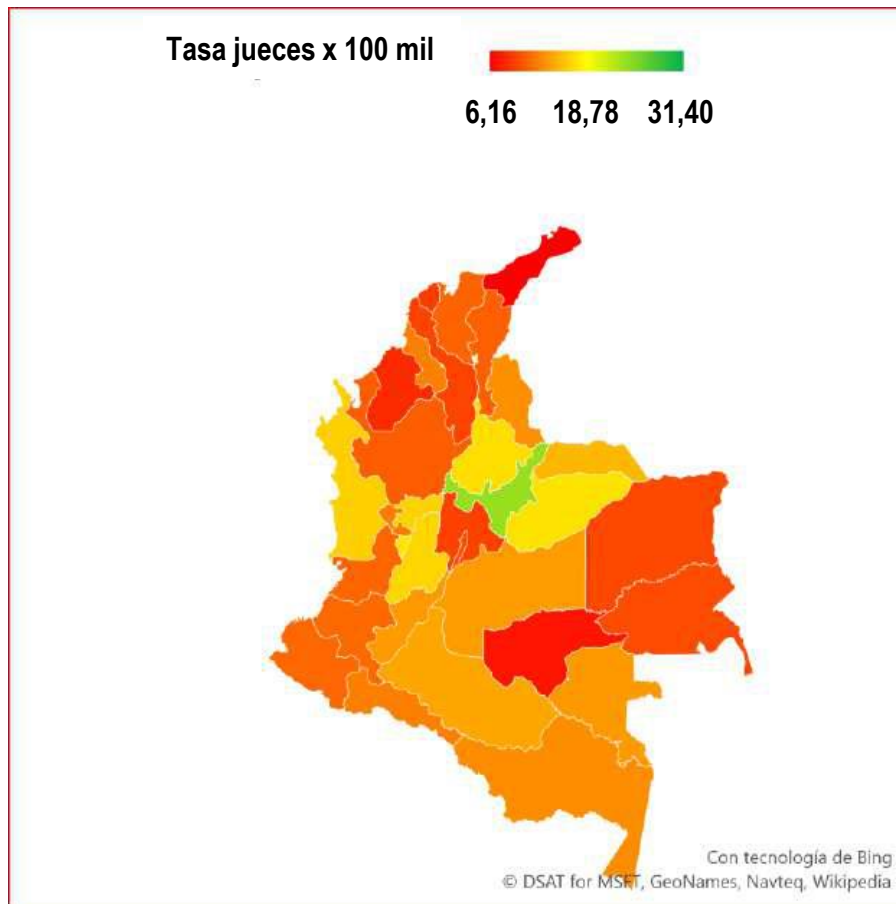


Source: Provided by DNP (2017), <http://dnpsig.maps.arcgis.com/apps/webappviewer/index.html?id=b3f238a410c4461ab5ff8d5eabe1451d>.

Judges

A map of the distribution of judges across Colombia shows that some areas are far better served than others. There are about 20 judges per 100 000 inhabitants in the Boyacá region, and around 6 judges per 100 000 inhabitants in Guaviare.

Figure 3.15. Judges across Colombia (per 100 000 inhabitants)



Source: Provided by DNP (2017), <http://dnpsig.maps.arcgis.com/apps/webappviewer/index.html?id=b3f238a410c4461ab5ff8d5eabe1451d>.

Colombia's 1 103 municipalities counted 4 663 judges as of September 2018, according to the Superior Council of the Judiciary. Yet the number of judges varies depending on the population of each judicial district. For example, there are 234 judges in Antioquia, while in Putumayo there are only 39, the OECD fact-finding mission to Colombia was told.

Judges in all regions of Colombia are continuously trained on gender issues and cases regarding violence against women (mostly by the Superior Council of the Judiciary and the Gender Commission of the Judicial Branch). However, according to the National Ombuds Office, judges still need to strengthen the gender perspective in their rulings. In cases of family violence, they sometimes rule as if men and women were under the same conditions (Defensoría del Pueblo, 2019^[6]).

Institute of Forensic Medicine

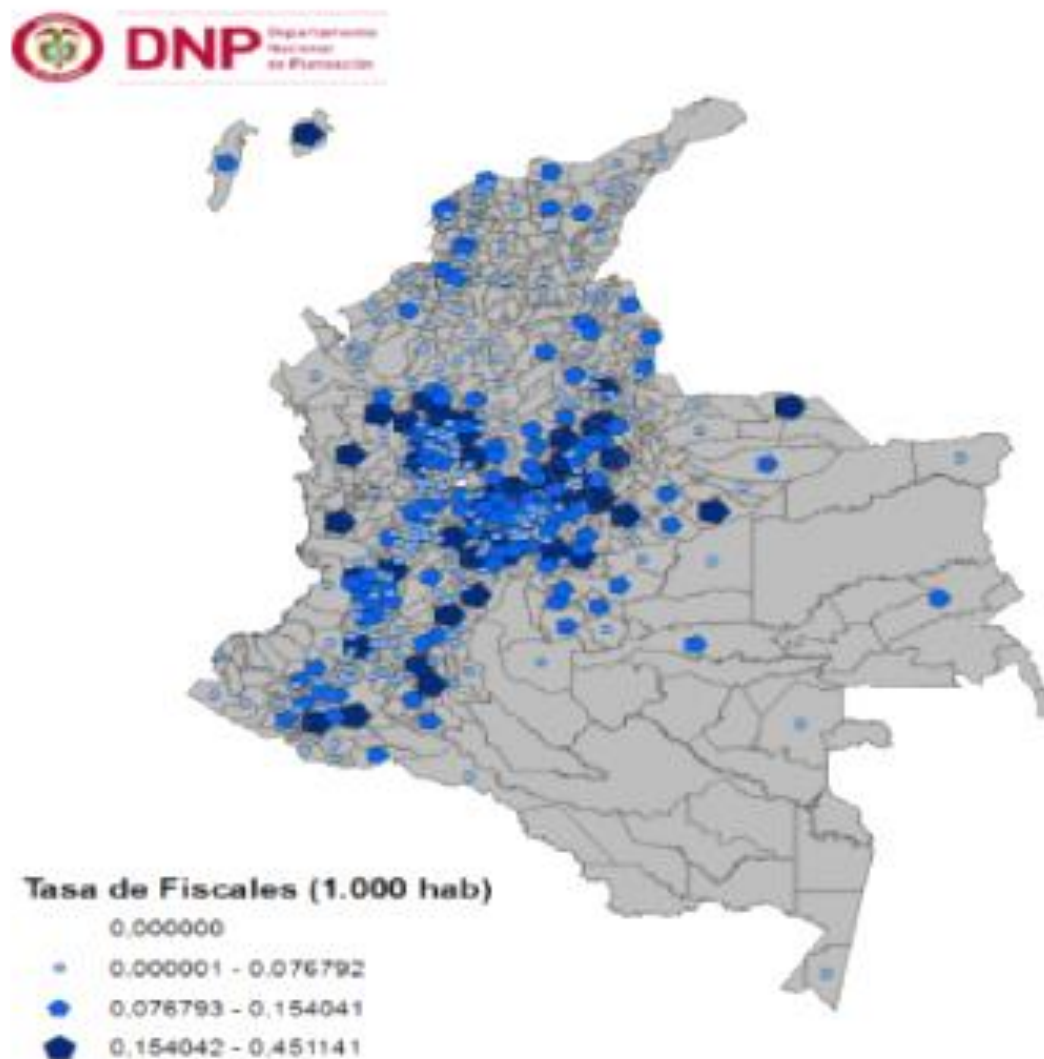
The Institute of Forensic Medicine provides scientific and technical assistance and supports the administration of justice in Colombia. However, the institute is not present in all parts of the national territory. Although it seeks to train hospitals to perform the clinical assessment in cases of sexual violence, there are still some regions, especially in rural and remote areas, with no clinical assessment services in these cases, making it difficult to obtain evidence, the OECD fact-finding mission was told. This is indeed the case for rural areas in Putumayo and Chocó. The Institute of Forensic Medicine has only five representatives in Chocó, all of them located in Quibdó, the OECD fact-finding mission was told.

Local Prosecutors

The role of local prosecutors in cases of violence against women is to investigate cases of sexual violence, homicide, femicide, domestic violence and personal injury. They also determine protection measures.

The map below highlights important disparities in the distribution of prosecutors across Colombia (Figure 3.16). They are concentrated mainly in the western part of the country, with few or zero prosecutors per 1 000 inhabitants in the eastern part.

Figure 3.16. Distribution of prosecutors across Colombia (per 1 000 inhabitants)



Source: Provided by DNP (2017), <http://dnpsig.maps.arcgis.com/apps/webappviewer/index.html?id=b3f238a410c4461ab5ff8d5eabe1451d>.

OECD interviews and research in Colombia indicate that economic and human resources may be insufficient for investigative activities. The Judicial Police have limited staff to cover the entire territory, according to the Justice Ministry. This has a direct impact on women's rights, including effective access to justice. In Putumayo, for example, the Public Prosecutor's office in Mocoa has no Unit of Immediate Reaction (URI) in charge of receiving complaints 24/7. This means that urgent cases are brought directly before local prosecutors and judicial police, the OECD fact-finding mission was told. In the department of Choco, Quibdó has one URI.

Municipal Ombudsman and the Regional Ombudsman's Office

In Colombia, *the Personero Municipal* (similar to a Municipal Ombudsman) mediates human rights issues at the local level. *Personeros* are part of the Public Ministry, along with National Ombudsmen and the Inspector General (*Procurador*).

Municipal Ombudsmen have a wide range of responsibilities. They issue recommendations on policies and in individual administrative law cases, and lodge judicial requests for the protection of constitutional rights (*tutelas*). They must also guarantee the fundamental rights of communities and the right to participate in relevant decision-making forums.

The Regional Ombudsman represents the National Ombudsman in each region of the country. His or her purpose is to promote and protect human rights and international humanitarian law in Colombia. The Office of the Regional Ombudsman (*Defensoría del Pueblo*) includes the public defenders system, which offers legal aid to vulnerable populations.

However, there are limits to the legal assistance that can be provided in some departments due to scarce human and economic resources, and the lack of an informed citizenry. The challenge is amplified in the current post-conflict context.

In Putumayo, the greatest support for women victims of violence is the office of the Municipal Ombudsman, which delivers legal aid free of charge to vulnerable populations. The Regional Ombudsman, who is also a conciliator pursuant to the law, plays an important role in implementing alternative dispute resolution (ADR) mechanisms, thus preventing cases from going all the way through judicial processes. Yet the fact of assuming two roles at once could create conflicts of interest and represents an additional workload for this office.

Police inspectors

Police inspectors were created in 1991 and are regulated by law. Their main function is to co-ordinate justice services and to mediate between citizens and justice institutions to respond to the needs of the citizenry. Only mayors are authorised to appoint police inspectors, and each mayor is required to appoint at least one.

In Putumayo, Mocoa has only one police inspector, which limits this important role across the territory of the municipality, the OECD fact-finding mission was told. There are 13 police inspectors in the other 12 municipalities of the department (Colón, Orito, Puerto Asís, Puerto Caicedo, Puerto Guzmán, Puerto Luguízamo, Sibundoy, San Francisco, San Miguel, Santiago, Valle del Guamuez and Villagarzón).

Although police inspectors are not officially part of the system of pathways to justice for women victims of violence, they support local governments in some municipalities in developing prevention measures with the community to raise awareness about violence against women. This is the case in Quibdó, the OECD fact-finding mission was told.

Family Commissariats

Family Commissariats (*Comisariías de Familia*), which are present in nearly every municipality of Colombia, **receive about 70% of cases related to violence against women**. The Family Commissariats were created under law 1098 of 2006 with the purpose of protecting children's rights and resolving cases of family violence. These entities must collaborate with other organs, such as the Family Welfare Institute (ICBF), and are to work with an interdisciplinary team (psychologist, doctor, social worker) that is determined by the local council (local legislative authorities). Local Councils determine the number of Family Commissariats within their jurisdiction; the head of the Family Commissariat is appointed by the mayor.

The *Comisariás* are one of the most important justice institutions within the pathways for protecting women victims of violence. In practice, however, lack of resources and their heavy workload can make it hard for them to respond adequately to women's needs. This especially concerns needs for psychological assistance, such as in cases of family or sexual violence, local government stakeholders told the OECD. In some municipalities, *Comisariás* do not work with an interdisciplinary team or can consist of just one officer. Furthermore, *Comisariás* lack proper information systems in some municipalities, including Quibdó. This limits information on which type of cases of violence against women and children are received and how they are managed by this institution, including protection measures.

In this regard, Colombia has worked since 2015 to strengthen the Family Commissariats. For example, the Ministry of Justice and the Presidential Advisor for Gender Equality (CPEM) have created standards that homogenise the gender-based violence services offered by *Comisariás* across all 32 departments of the country. However, there is still work to be done with local governments to achieve this goal, according to an internal OECD working document prepared as part of Colombia's accession to the organisation.

Another limitation that can affect the efficiency and effectiveness of the *Comisariás* is that, although they should certainly be monitored and evaluated, they currently report to numerous authorities (Mayor's Office, Justice Ministry and the Colombian Family Welfare Institute), hampering the development of global policies and monitoring mechanisms.

Informal justice services

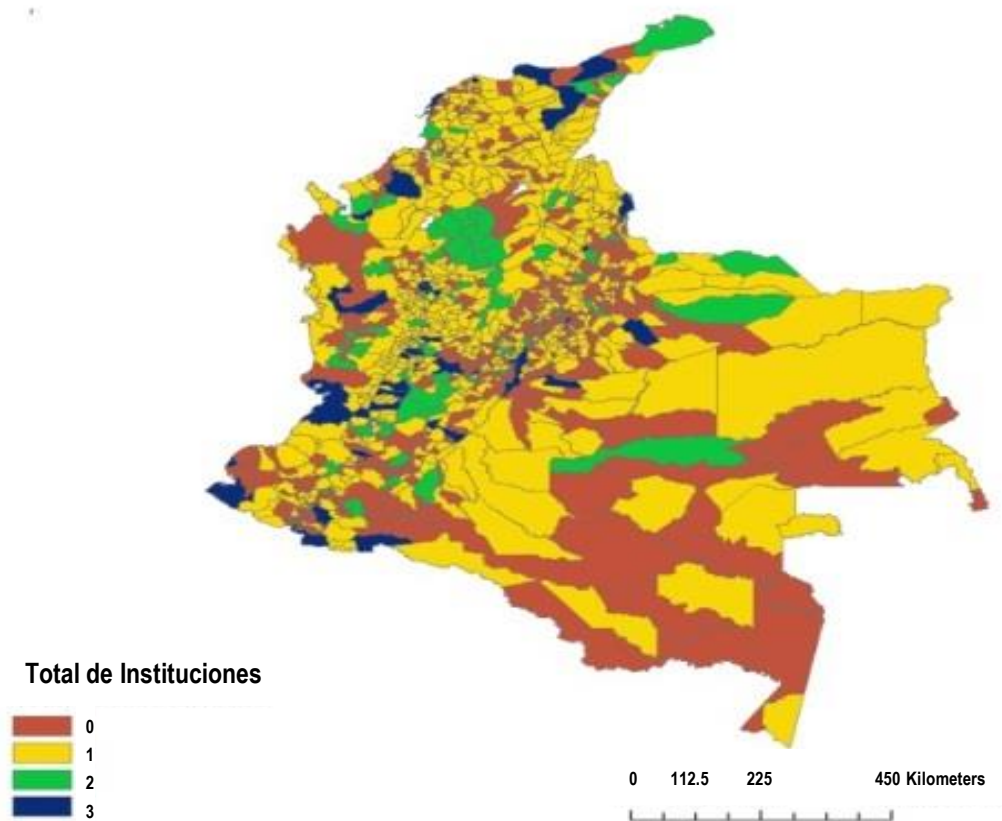
Unlike formal justice services, informal justice services are not provided or primarily maintained by public institutions. As non-state mechanisms, informal justice services are provided at the initiative of private persons. However, they complement formal justice institutions and play a significant role in delivering justice in both rural and urban areas.

Informal ADR mechanisms

There has been a significant increase in Colombia in the number and type of mechanisms for alternative dispute resolution (ADR), such as Justice Houses, conciliation centres and notaries, but these entities are mainly concentrated in principal towns and cities. Many rural municipalities, particularly in the southeast of the country, lack ADR mechanisms (Figure 3.17).

Figure 3.17. Distribution of informal justice institutions in Colombia

Justice Houses, conciliation centres and notaries



Source: Provided by DNP (2018), <http://dnpsig.maps.arcgis.com/apps/webappviewer/index.html?id=b3f238a410c4461ab5ff8d5eabe1451d>.

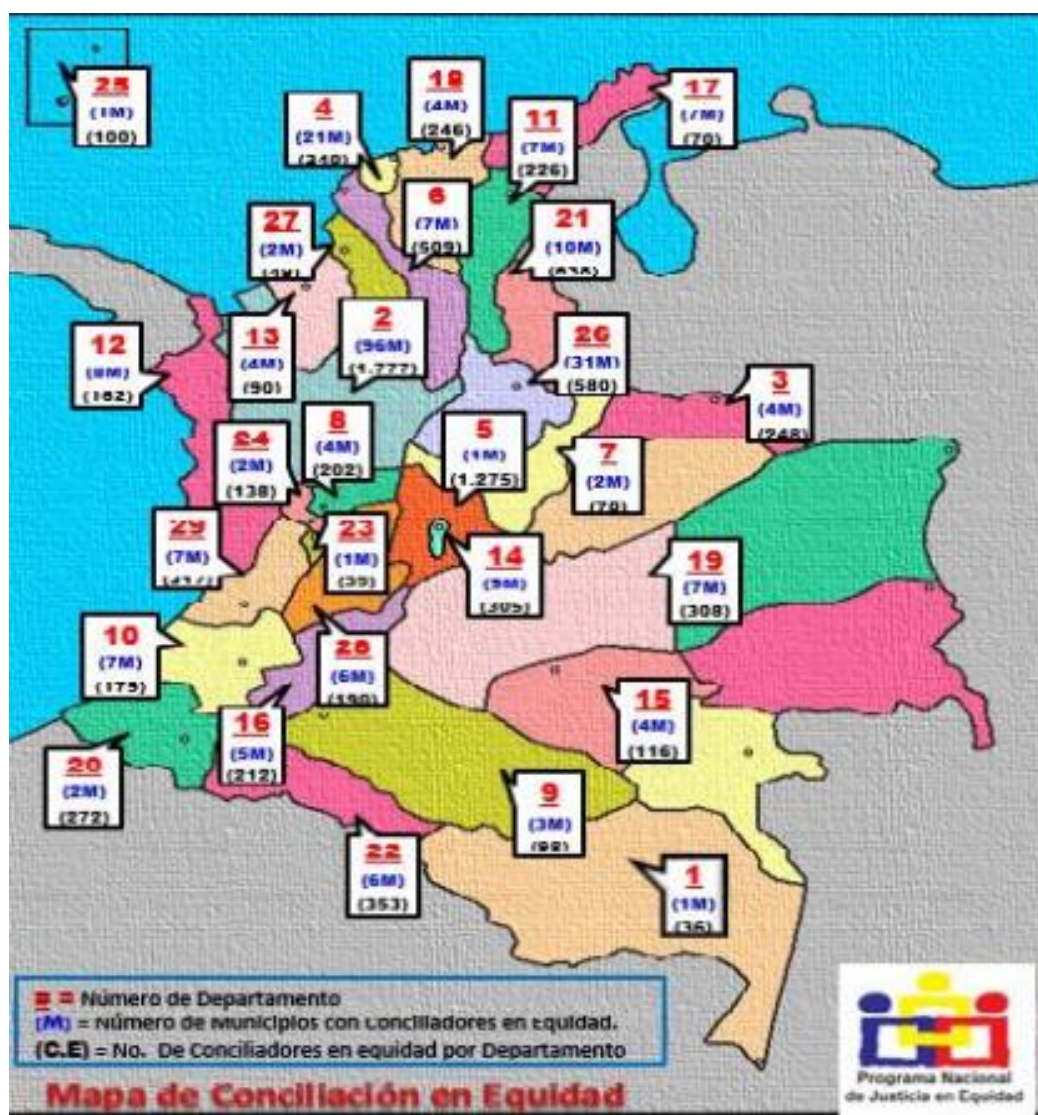
Conciliation in Equity

Colombia's system of Conciliation in Equity is a community-based form of alternative dispute resolution in which community members are called on to help resolve the disputes of other members of the community.³ Conciliation in Equity is often the most suitable mechanism for cases like disputes between neighbours or matters related to property boundaries. However, cases of violence against women are not within the scope of Conciliation in Equity's mandate.

Conciliators in Equity, who do not necessarily have a legal background, are recommended by members of their community to assume the position. The municipality must meet certain criteria to benefit from this ADR mechanism. Conciliation in Equity could be usefully expanded to regions where no other ADR mechanisms are available. Conciliators in Equity could also play an important role in Colombia's current process of territorial peacebuilding by helping to resolve the kind of disputes that could escalate the conflict or result in hostilities.

However, there have been reports of confusion among citizens regarding the difference between Conciliation in Equity and another Colombian ADR mechanism, Conciliation in Law, according to an internal OECD working document prepared as part of Colombia's accession to the organisation. Other issues include a lack of incentives for community leaders to serve as equity conciliators, and a lack of information and training.

Figure 3.18. Distribution of Conciliators in Equity across Colombia



Source: Provided by the Ministry of Justice, 2018.

Conciliation in Law

Among the various alternative dispute resolution methods that are available in Colombia, conciliation has become the most popular because it provides prompt and effective means for dispute settlement at a relatively low cost (Varela and Pearson, 2013_[17]). According to an internal OECD working document prepared as part of Colombia's accession to the organisation, Conciliation in Law was developed through norms as an alternative dispute resolution method that can be used in civil, criminal labour, administrative and family matters as opposed to Conciliation in Equity. This progress obeyed two main objectives; the first one responded to the challenge of judicial congestion and the second one was to strengthen and empower ADR mechanisms. This process can take place both in court (judicial) and out of the court (extra-judicial) with the intervention of a certified conciliator.

The number of persons using conciliation in law increased considerably from 2016 to 2017, and men used this ADR mechanism more than women over that period (Table 3.3). As with Conciliation in Equity, under law 1142 of 2007 **cases regarding violence against women cannot be conciliated.**

Table 3.3. Use of conciliation in law (by gender)

Year	2016	2017
Women	41 360	51 281
Men	44 676	58 881
TOTAL	88 052	112 179

Source: Ministry of Justice, 2018.

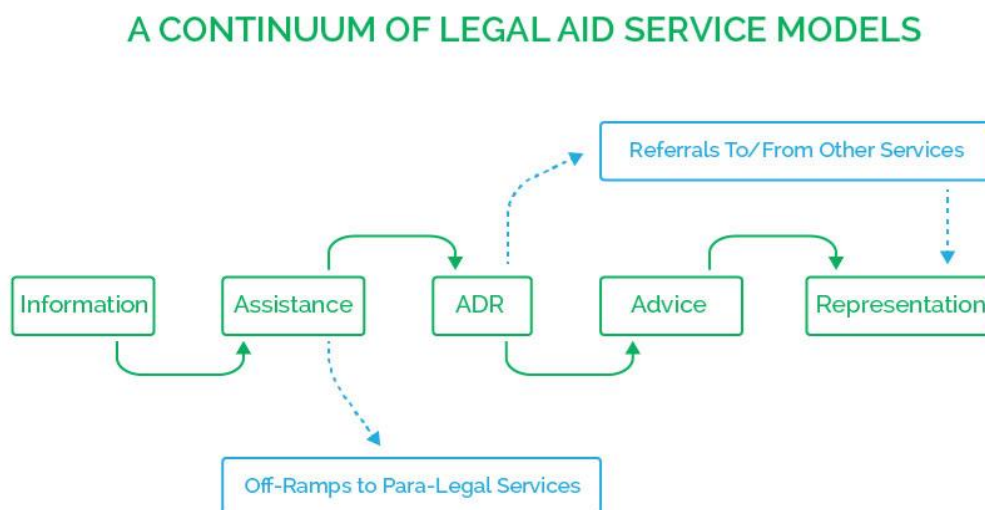
3.5. How to meet needs? Designing justice services for women victims of violence (Step 3)

The third step in the process of building justice services responsive to women’s needs is designing people-centred services based on the legal needs that have been identified, measured and mapped. Legal needs surveys provide profound insights into the subjective experiences of people faced with justiciable problems and into the impact of failing to meet corresponding legal needs. This section provides concrete models and comprehensive frameworks for effective implementation of people-focused legal and justice services.

3.5.1. A continuum of legal services

The concept of people-focused access to legal and justice interventions is best viewed as a continuum of legal and justice services. This continuum encompasses a wide spectrum of processes and procedures, recognising that effective dispute resolution can take place through various pathways and through a range of service providers. The continuum concept envisions a graduated model from least interventionist, such as the passive provision of legal information, to various forms of legal assistance, to partial or limited forms of legal representation, to full representation in ADR processes, non-judicial forums and judicial forums (Figure 3.19).

Figure 3.19. Building a people-focused continuum of legal aid service models

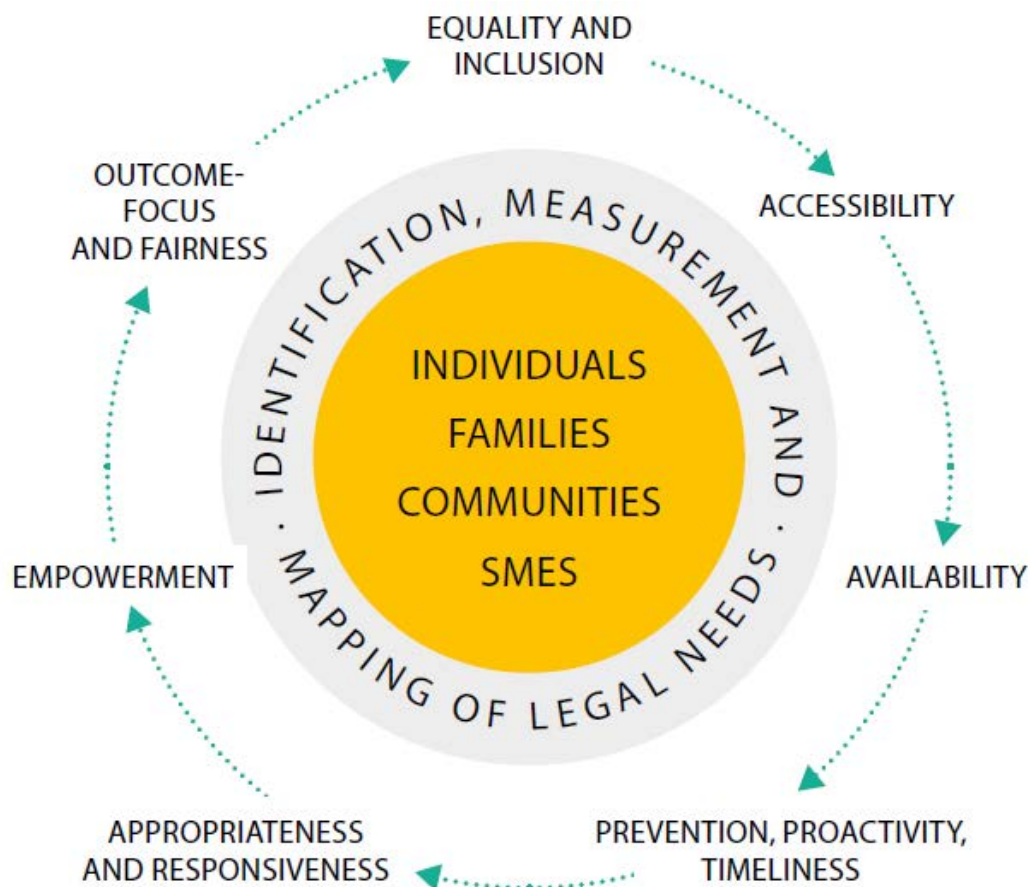


Source: Adapted from (Currie, 2009^[18]), “The Legal Problems of Everyday Life”, in Sandefur (ed.), *Access to Justice: Sociology of Crime Law and Deviance* [https://www.emerald.com/insight/content/doi/10.1108/S1521-6136\(2009\)0000012017/full/html](https://www.emerald.com/insight/content/doi/10.1108/S1521-6136(2009)0000012017/full/html).

3.5.2. Criteria for the design of people-centred legal and justice services

Based on lessons derived from people-centred service delivery, access to justice principles and indicators, and promising practices in OECD member and partner countries, we have identified seven criteria for the design of people-centred legal and justice services: *i)* equality and inclusion; *ii)* accessibility; *iii)* availability; *iv)* prevention, proactivity and timeliness; *v)* appropriateness and responsiveness; *vi)* empowerment; and *vii)* outcome-focus and fairness.

Figure 3.20. Criteria for a continuum of legal services



The criteria are meant to guide the policy development process. With respect to women, four criteria are particularly relevant: equality and inclusion; accessibility; prevention, proactivity and timeliness; and empowerment. To address the gender-specific barriers identified in this section, legal and justice services should be designed to respond to the specific access needs of women, especially those who suffer from social and economic disadvantage or are otherwise marginalised or vulnerable.

Equality and inclusion

Besides guaranteeing equal access to justice, legal and justice services can be designed to serve greater societal objectives, such as inclusive growth, poverty reduction, equality, inclusion and sustainable development. The objective is to address broader issues that may be the cause of specific legal problems by paying particular attention to the experiences of marginalised and vulnerable groups when designing services.

Women are more prone to experiencing multiple and compound obstacles in accessing justice. Such obstacles may include socio-economic barriers, such as fear and shame, lack of knowledge of laws and procedures, economic dependence, care duties and/or the gendered impact of austerity measures, as well as legal and procedural barriers, such as lengthy and costly procedures, discriminatory practices and judicial stereotypes, according to a representative of the Council of Europe who addressed an OECD roundtable held in connection with this report.

Adopting a gender-sensitive perspective when designing services can help to tackle these gender inequalities and deliver solutions that go beyond simply providing legal assistance.

This gender-sensitive perspective should be integrated in the whole justice system, from drafting legislation to enforcing judgments and collecting data. Beyond reducing inequalities, enhancing access to justice for women could also improve the quality of the justice system and the performance of the public sector as a whole. Gender-gap analysis can provide important insights of great relevance for all types of diversities by providing an overview of the most common barriers to access to justice faced by marginalised and vulnerable groups, pinpointing their specific legal needs and experiences and promoting effective solutions.

Consider the following good practices with regard to equality and inclusion: setting priorities based on needs assessments of vulnerable groups; outreach services; culturally appropriate services; legal and justice resources available in a range of accessible formats.

Gender-responsive and diverse justice institutions

Gender equality in accessing justice is also impaired by legal and justice system personnel at all levels who have biased attitudes and behaviour towards women, and through stereotyping and discriminatory practices. These forms of discrimination are often not intentional and can occur without awareness of the negative impact it causes, thus active steps may need to be taken to overcome them. Ensuring gender sensitivity of legal and justice services involves increased gender balance, training, improved data collection and diversity in legal and justice sectors.

Enhancing gender diversity in justice institutions helps to maintain public confidence; reduces barriers to women's access to justice, such as stigma associated with reporting violence and abuse; and ensures a more balanced approach to enforcing the law. Thus, increasing gender balance on high court benches helps to preserve the legitimacy of the courts as representative of the societies that they serve and enables courts to understand the real-world implications of their rulings. A higher presence of women could help to ensure the implementation and safeguarding of equality rights. Courts that operate free of gender bias or other forms of discriminatory practices can be powerful drivers of social change. The same could apply to a higher presence of women in institutes of forensic medicine and of women public defenders/lawyers.

In a whole-of-government approach, Colombia's national Quota Law, requiring that women be appointed to 30% of public administration positions, also applies to the judiciary. Figures reveal that there is generally compliance with the Quota Law in this branch of government, but there is still progress to be made.

In 2017, 36% of senior positions and 24% of other positions within Colombia's judiciary were occupied by women (DPA, 2017^[19]). However, although most high court positions are assigned through lists of three (on which at least one candidate must be a woman, as per the Quota Law), no more than ten women have worked as magistrates in Colombia's Constitutional Court, and only one woman has been Attorney General since 1991. This reveals a gap in implementation of the Quota Law and a lack of its enforcement.

Over the past ten years, the National Gender Commission for the Judicial Branch (CNGRJ) has taken an active approach towards promoting gender equality, including through academic and training activities with male and female justice operators, policy-making activities and follow-up mechanisms. It has also compiled 860 judicial decisions regarding gender equality and is promoting these decisions as judicial precedent, aiming to sensitise judges and transform gender stereotypes and social norms around, the OECD was told by the Gender Commission during its 2017 fact-finding mission.

Accessibility

Many economic, structural, institutional and cultural factors can hinder access to justice:

- cost-related barriers (direct cost of services, fines, time, transportation)
- structure-related barriers (formality and legal language, views of justice, court buildings and court personnel)
- social barriers (lack of information, perceptions of bias)
- specific barriers faced by at-risk groups (women, younger persons, older persons, migrants, ethnic minorities, linguistic minorities, persons with disabilities).

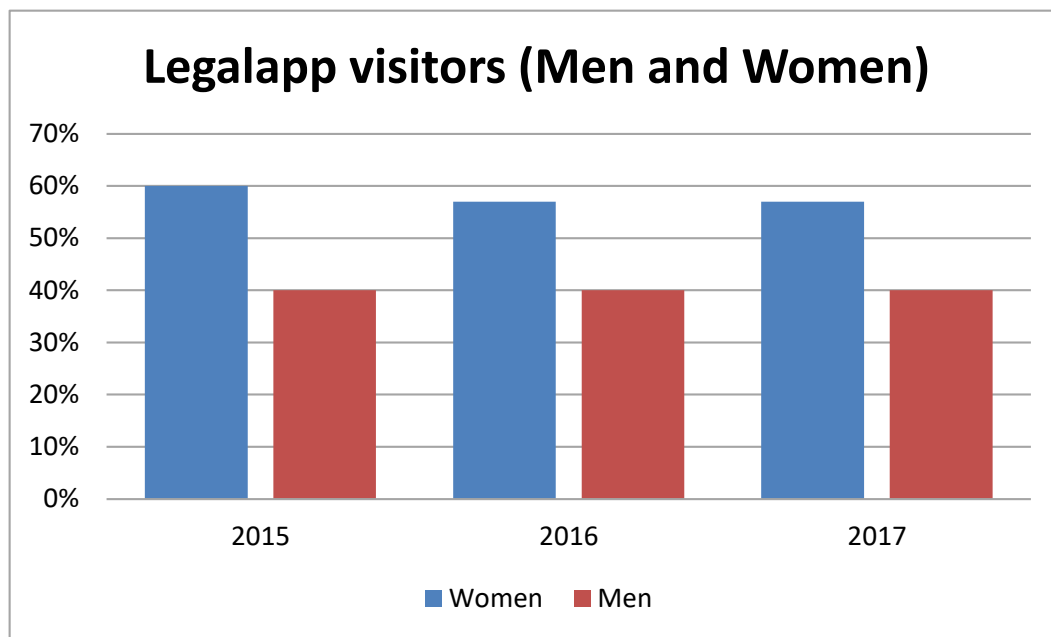
People-centred legal and justice services should actively seek to overcome such common constraints. To provide adequate solutions, it is crucial to identify and understand barriers from the user's perspective.

Good practices to promote accessibility include: sensitive use of information and communications technology (ICT); programmes to overcome accessibility barriers faced by at-risk groups; simplified legal language and procedures; reforming the substantive law to facilitate legal clarity; civic engagement; and co-design of services (OECD, 2019^[20]).

Enhancing accessibility through technology

ICT is increasingly perceived as key to breaking physical access barriers to justice. It seeks to automate existing processes, enhance their efficiency, create new pathways and solutions, and provide direct access to legal and justice services. The most commonly identified ICT initiatives are: interactive web initiatives; integrated legal assistance services; online dispute resolution and telephone-based ADR services; use of technology in courts and tribunals; and online one-stop shops for government services.

Colombia's Justice Ministry offers an online search engine called LegalApp to help people navigate among justice services (Justice Ministry of Colombia, n.d.^[21]). The tool guides people on what to do in relation to a legal problem, the authority or institution with competence to deal with their problem and the location of that institution in their municipality. Between 2015 and 2017, more women than men used this application (Figure 3.21). According to information provided to the OECD by the Justice Ministry, most women consult the application about their rights in relation to their partners or with questions about cases of violence or domestic conflict. However, most women in some regions of Colombia, such as Putumayo, are unaware of the existence of this tool, the OECD fact-finding mission to Mocoa was told.

Figure 3.21. Use of Legalapp by gender (2015-17)

Source: Justice Ministry (2018), information for the OECD.

Another initiative, introduced by the Presidential Advisor for Gender Equality, is a free-of-charge telephone number (155) that guides women who are victims of violence by offering counselling and by informing them of the different routes and possible judicial actions. This telephone line is answered 24/7 by the National Police and has reported around 1 million calls since it was launched in 2013, according to an internal OECD working document prepared as part of Colombia's accession to the organisation.

Implementation of ICT requires careful planning to ensure that such solutions do not create or reinforce existing barriers to equal justice, and to ensure access to the technology and reliable bandwidth. Based on the principles of people-centred service design, population-specific circumstances must be considered, such as level of technological literacy or access to the Internet. In certain areas, service providers may need to use low-tech solutions to deliver effective legal and justice services.

Geographical accessibility of services in Colombia

While physical access to justice is improving in Colombia, it remains uneven across the country due to geographical characteristics and the internal conflict. More than 50% of Colombia's municipalities are directly affected by the armed conflict, according to an internal OECD working document prepared as part of Colombia's accession to the organisation. The OECD recognised in Colombia's accession process to the organisation that this has led to an uneven presence of state institutions across the country and an uneven delivery of public services across all regions. As noted in the OECD Public Governance Scan on Colombia, the country lacks integrated policy approaches supporting territorial development and faces weaknesses in strategic planning processes (OECD, 2019^[22]).

Maps, like those presented in the Step 2 of the assessment framework, can provide important insights into the accessibility of services in Colombia. They feature the geographical deployment of services across the country, showing their concentration in the most developed and populated areas. At present, large swathes of Colombia continue to lack prosecutorial services, especially in the southeast.

As noted above, ADR mechanisms such as Justice Houses, conciliators and notaries are also mainly concentrated in principal towns and cities, and are lacking in many rural municipalities (see Figure 3.16). The concentration of informal justice institutions corresponds with findings from the Effective Access to Justice Index (DNP, 2017^[11]). South-eastern areas, where the provision of informal services is limited, have lower scores on the legal empowerment, access to services and legal assistance dimensions of the index. However, these low scores may also reflect natural inaccessibility due to geographical features and climate conditions in certain areas.

The 2014-18 National Development Plan contained initiatives to address this issue. Resources were allocated for the Justice Ministry to offer these services in more municipalities. For instance, the NDP stipulated that the number of municipalities with Conciliators in Equity was to rise from 24 to 40 by 2018 (DNP, 2014^[23]), and this target was met, according to information provided to the OECD by the Justice Ministry. The new NDP (2018-22) also calls for ADR mechanisms to be strengthened in order to improve access to justice, without specifying a target.

Justice Houses

Colombia's Justice Houses provide citizens in marginalised or conflict-ridden neighbourhoods with one-stop access to free legal assistance. Created to eliminate or reduce common access barriers and bring justice closer to the people, Justice Houses help to promote peaceful dispute resolution and social cohesion.

Although they vary in design, Justice Houses are usually staffed by a range of justice operators, including local prosecutors, public defenders, municipal human rights officers, *Comisarías de Familia*, legal aid specialists, social workers and psychologists. Many Justice Houses also include other entities such as non-governmental women's organisations, youth mediation services, children's playrooms, university law clinics and personnel such as forensic doctors, community police officers or inspectors, and representatives from ethnic communities.

There are disparities in the availability and sustainability of Justice House services across the country. The participation of different national and local justice institutions in Justice Houses is not mandatory, and therefore justice operators are not equally present in all Justice Houses. This can have a self-reinforcing effect. For instance, the Forensic Analysis Office is the first institution that is to serve a victim of sexual violence. The absence of representatives from the Forensic Analysis Office therefore limits the assistance that can be provided by other entities within the Justice House, and this can be particularly detrimental to women victims of sexual violence.

Funding is a challenge for the sustainability of Justice Houses in Colombia. Although the Ministry of Justice co-ordinates the Justice Houses programme nationally, municipal governments play a crucial role in administering the houses and guaranteeing their budget. Therefore, each Justice House depends on the local bureaucratic, political and financial capacity for its existence. In September 2011, for example, 58% of municipalities with Justice Houses did not include them in their local development plans, and 46% did not include them in their annual investment plans, leaving them without a source of financing (García, M. et al., 2015^[24]).

The Justice House programme also lacks a reliable and co-ordinated information system, as local and national authorities do not update the current information system for Justice Houses, Justice Ministry sources said. This means that national planners are deprived of critical data, such as the types of cases that Justice Houses deal with regularly.

Box 3.3. Mocoa's Justice House

One of Putumayo's two Justice Houses is located in Mocoa. It promotes the use of ADR mechanisms as well as the active participation of the community in conflict resolution, encouraging peaceful coexistence. OECD interviews and research in Colombia indicate that Mocoa's Justice House is perceived by the population as a centre of guidance, reference and attention that facilitates access to justice services, both formal and informal.

The presence of a local prosecutor in Mocoa's Justice House has been relevant in cases regarding violence against women. The Justice House carries out important tasks such as:

- delivering psychological and social support to victims of domestic violence
- providing lectures on prevention of family violence and strengthening family ties
- promoting prevention campaigns on family violence, child sexual abuse, pregnancy at an early age and consumption of psychoactive substances.

Mocoa's Justice House lacks presence of certain important institutions, however, such as the Colombian Institute of Family Welfare (ICBF) and the Forensic Analysis Office.

The Mocoa Justice House provides outreach via mobile justice services that allow citizens in different municipalities to file a complaint, receive legal assistance and orientation, and consult the progress of their cases. According to the Justice Ministry, these mobile justice services were sent to municipalities of Putumayo 46 times in 2015.

Mocoa's current mayor has demonstrated a commitment to supporting and sustaining the Justice House in order to provide comprehensive care and enhance access to legal and justice services for the local population. Institutions within the Justice House have declared their intention to facilitate better exchange of information among each other to improve the co-ordination of available services.

Colombia has two mobile programmes focused on increasing access to justice services in remote and isolated municipalities: the Mobile Justice House (*Casa de Justicia Móvil*) and the Mobile Victims Unit (*Unidad Móvil para la Atención y Orientación a Víctimas del Conflicto Armado*).

The Mobile Victims Unit (MVU) began operating in 2012, with the main purpose of expanding the reach of institutions in charge of providing justice services to victims of the internal armed conflict (Justice Ministry, National Ombudsman, Victims' Unit). The MVU reduces barriers to access to justice by reaching out to remote areas of the country (Gonsebatt, G.P., 2018^[25]). In this regard, the MVU facilitates the inscription of victims of the armed conflict in the Victim's Register by helping them file their complaints before delegates of the Ombudsman; victims must be included in this register to apply for reparation. Through services provided by the MVU, citizens also receive legal assistance and judicial orientation and can check on the progress of their cases.

The Mobile Justice House (MJH) started operating in 2013 on the initiative of the Justice Ministry. Its original mandate was to serve the needs of marginalised and vulnerable populations, especially victims of the armed conflict (Gonsebatt, G.P., 2018^[25]). In practice, the MJH offers solutions to everyday disputes through the services of most of the institutions present in Justice Houses, although the MJH offers mostly non-formal justice services such as conciliation.

The use of mobile units may be an effective short-term strategy to cover a large number of remote and isolated municipalities where institutional presence is weak and where victims of the armed conflict are present (Gonsebatt, G.P., 2018^[25]).

MVU and MJH outreach services have been actively used in Chocó and Putumayo. In Chocó, 743 people benefited from MJH services in 2018 (in the municipalities of Quibdó, Tado, Istmina and Condoto), while 794 people, mostly women, used the services of the MVU, according to information provided by the Justice Ministry. In Putumayo, 2 813 people, mostly women, used the services of the MVU from 2013 to 2018, according to the Justice Ministry. However, local women's organisations in Mocoa told the OECD fact-finding mission that women in rural and remote areas of the department were still unable to access any kind of justice service.

Prevention, proactivity and timeliness

People-focused legal and justice services should be proactive, aiming to intervene at an early stage to prevent legal problems from developing or escalating and to provide timely resolution. This requires a systematic move away from overreliance on formal dispute resolution mechanisms and a move towards addressing underlying causes. Prevention is also about being proactive and timely in the assistance that is provided to vulnerable or marginalised populations. Failure in this regard may significantly reinforce existing problems or burden other areas of life.

The following good practices could be considered to ensure that services are preventative, proactive and timely: proactive outreach; hospital-based legal advice programmes (medical-legal partnerships); improved co-ordination between legal information and advice services; adapting entry points to the justice system to the needs of marginalised groups (using trusted intermediaries in communities); enhanced capacity for diagnosis, triaging and referral; problem-solving courts; systemic advocacy to bring about broad changes to a system and to make positive change for a whole group of people/society; and justice institutions with systemic/preventative mandates (OECD, 2019^[20]). The actions undertaken in this category focus on research, statistical analysis, media campaigns, and targeted messaging for individuals at risk of perpetrating or becoming a victim of this type of violence. Data should be gathered not only from research and surveys, but also from front-line workers who interact with survivors, such as healthcare and other service providers, police officers, and neighbor watches (OECD, forthcoming^[14]). Some examples of countries that have undertaken national surveys as a prevention for Violence Against Women can be found in Box 3.4.

Box 3.4. National Surveys as Prevention

In **Canada**, *Women and Gender Equality Canada* and *Statistics Canada* have conducted three national surveys on unique aspects of VAW between 2018-2020: (i) the Survey on Safety in Public and Private Spaces, which gave a broad overview of public perceptions of VAW; (ii) the Survey on Individual Safety in the Postsecondary Student Population, which examined the specific violence faced university students; and (iii) the Survey on Sexual Misconduct in the Workplace, taking place in 2020 (Government of Canada, 2019^[26]).

In **Spain** every four years, the Spanish government conducts a “Macro Survey on Violence Against Women”. The survey asks thousands of women detailed questions about their experiences with physical, sexual, psychological, and financial violence (Government of Spain, 2019^[27]).

Finally in the **Australian Government** conducted “The 2016 Personal Safety Survey” to measure the prevalence of VAW in Australia. In 2017, the Australian government also conducted the “National Community Attitudes towards Violence Against Women”.

Source: (OECD, forthcoming^[14]).

As reported in Colombia’s 2016 Legal Needs Survey and the 2017 Effective Access to Justice Index, the country’s most reported legal need had to do with healthcare. In order to address this issue, Colombia’s authorities have started developing medical-legal partnerships, with funds being acquired to launch the first pilot in Bogotá, the DNP told the OECD. Given that health problems can be both a cause and a consequence of unmet legal needs, this project seeks to integrate health services with legal counsel and representation.

Box 3.5. A crime prevention programme for adolescents in Putumayo

In 2017, Putumayo began implementing Future Colombia, an anti-crime programme created by the Attorney General’s Office. The programme is addressed to adolescents with the purpose of preventing crime by identifying risks and meeting community needs.

While the results are still pending in Putumayo, this programme has achieved positive outcomes in terms of crime prevention in other departments of Colombia, with trained youngsters replicating what they have learned within their communities.

Source: Attorney General’s Office, 2017.

Empowerment

Legal and justice services should be designed to empower people to participate meaningfully in the justice system and to build their capabilities to manage their own legal needs. Empowerment can be achieved through numerous strategies and initiatives that increase legal awareness, literacy and capability, and trust and confidence in the justice system. Empowerment focuses on preventing legal problems and disputes and helping to build resilience through post-resolution follow-up and support.

Consider the following good practices to achieve empowerment: making legal information available in a range of formats; using ICT to deliver legal information and skills; legal awareness initiatives; building legal literacy and legal capabilities through self-help and guided help; employing legal health strategies that encourage people to manage their legal affairs to prevent problems; legal health checklists; simplifying justice services to make them more user friendly; culturally appropriate services; post-resolution support; and follow up that builds resilience.

Particular attention should be paid to culturally appropriate justice services that could significantly empower indigenous communities and advance access to justice. This approach in service design involves understanding and respecting culturally different groups in the population by tailoring legal and justice services to accommodate cultural differences in justice-related values, attitudes and traditions. Cultural appropriateness is a key element of delivering quality access to justice for all.

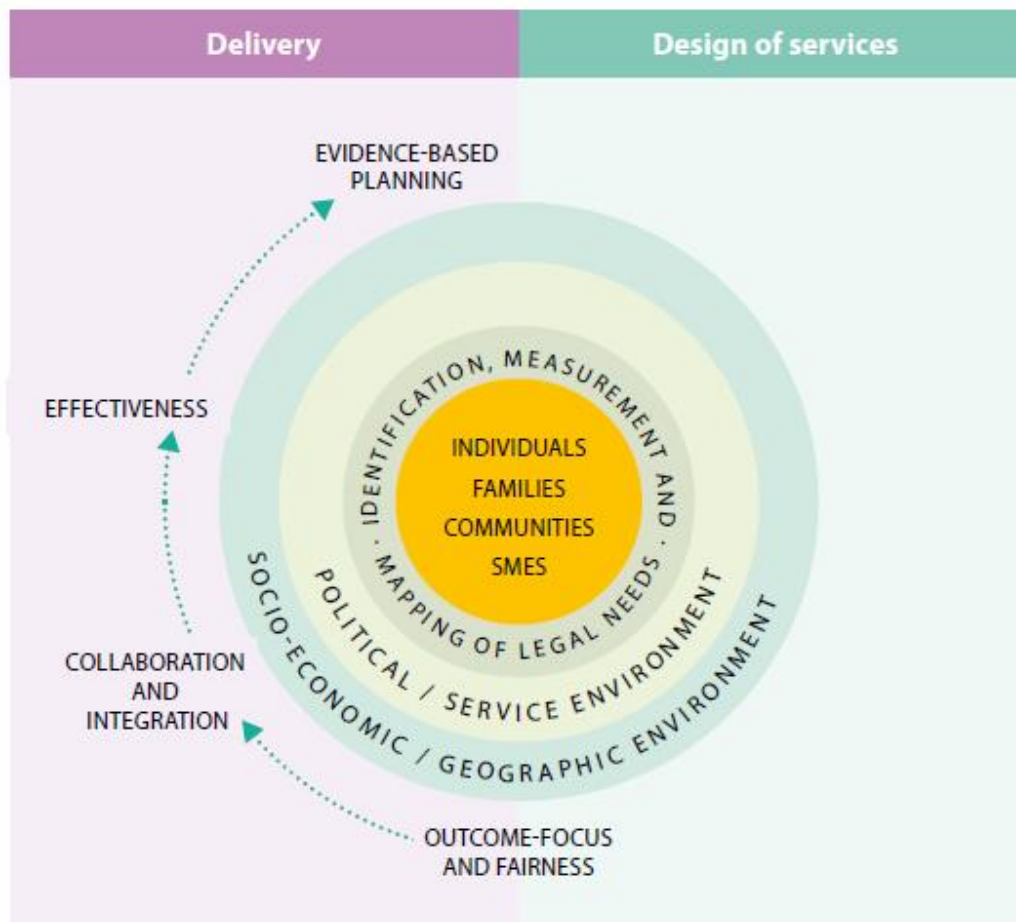
The Colombian government, through Decree 2369 of 2015, created the National Office for Rural Women. The main purpose of this office, which is within the Ministry of Agriculture, is to design and evaluate policies, plans and projects that favour rural women, in co-ordination with other national and subnational entities (Office of Rural Women, n.d.^[28]). According to the Department of National Planning, this office has achieved a close working relationship with rural women's organisations working for women's rights in 23 departments of the country.

In another initiative, a Fund for Rural Women, also under the Ministry of Agriculture, was set up by Colombia's Congress under Law 731 of 2002. This fund was created to help empower rural women by supporting plans, programmes and projects that incorporate these women and that support their economic and political rights. Law 731 also establishes the creation of special credits for rural women and the equal participation of women in subnational decision-making bodies, such as Territorial Planning Councils or Community Councils.

3.6. Where to meet needs? Delivering justice services to women victims of violence (Step 4)

The OECD has identified four criteria for delivering people-centred justice and legal services that work: *i*) outcome focus and fairness; *ii*) collaboration and integration; *iii*) effectiveness and *iv*) evidence-based planning.

Figure 3.22. Planning and delivering people-centred justice



Source: OECD elaboration.

3.6.1. Evidence-based planning

Generating insights from data at the macro and micro levels

A systematic planning process begins with mapping the needs of the target population against the availability of existing legal service infrastructure. Mapping can involve the use of administrative data, such as the demographic profiles of clients using tribunal services or legal aid. But there can be gaps in the administrative data that is collected. For example, Colombia's Ombudsman's Office does not generate statistics on the legal assistance that it provides, and there is no systematic capture of data on private lawyers and law firms that provide pro bono services. When collected robustly and consistently across the range of services offered, administrative data can be used in conjunction with legal needs data to pinpoint locations of over or under provision of services.

Mapping can be undertaken at the macro and micro levels. At the macro level, this could involve plotting the location of service facilities and the types of services delivered in a region against the areas of greatest legal need. Colombia's Access to Justice Index does precisely that at the regional level, combining administrative data with indicators extracted from the 2016 Legal Needs Survey. For example, it combines people's assessment of the quality of legal operators with the number of judicial hearings postponed in order to generate an indicator on procedural fairness. This allows comparison across regions by identifying the widest gaps and specific barriers in each region.

As the OECD recognised in Colombia's accession process to the organisation, both the Legal Needs Survey and the Index constitute a positive approach to tackling regional disparities in order to improve access to justice, if followed by appropriate planning and delivery of legal and justice services. Hence it would be important to continue, and to strengthen, the alignment between the data and service processes of the DNP and the Administrative Department of National Statistics. In this regard, the Index is a good practice as a public policy tool that will streamline the process of planning (organisation, distribution and investment of resources).

However, analysis at the regional level can sometimes mask intraregional disparities and differences that hinder the effectiveness of interventions. Micro data, or data collected at the local and even individual level, is useful in this context. Colombia's Legal Needs Survey covered the regional level; to go further, there may be the potential to use existing proxy indicators of legal need, as opposed to the direct indicators provided by legal needs surveys. Most legal needs surveys find that some demographic groups are more prone to experiencing legal problems, for example the unemployed and those living in social housing. Census and other related data that capture such demographic indicators can be used to locate pockets of legal need within regions.

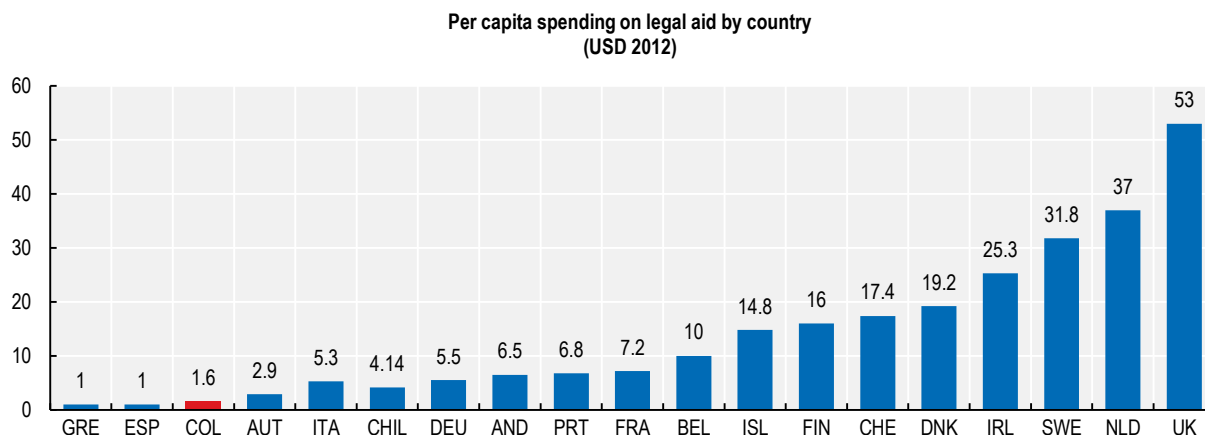
Applying a vulnerability-based and gender lens to service planning and delivery

It is also crucial to have a gender perspective in the overall planning framework, not only with regard to access to justice, but also in relation to how women access the system of justice governance. In this context, it is important that data be disaggregated by gender to ensure that women-specific needs are not overlooked and that interventions are targeted effectively. Disaggregated data is also useful to advance our understanding of the relationship between equal access to justice, gender equality, inclusive growth and sustainable development.

There are currently several gaps in the available gender-specific data, in particular on case outcomes, attrition (in cases other than rape), women's participation in justice policy design and the position of women in the justice profession. There are ways and means of overcoming these gaps – for example, by correlating the geographic location of courts with the availability of means of public transportation for women, and by contextualising quantitative data with more qualitative research (OECD, 2017^[29]).

While the data from Colombia's Legal Needs Survey can be disaggregated by sex, its Access to Justice Index does not have an in-built gender perspective. Incorporating such a dimension would assist with the implementation of the national and local development plans, in particular the component that seeks to address violence against women.

Finally, one of the key identified barriers to accessing justice, especially for vulnerable populations and particularly with regard to civil legal claims, is resources. Although Colombia has taken initiatives to improve legal aid, for example by increasing the number of public defenders, its investment in legal aid remains low compared to other OECD countries (Figure 3.23). In addition, free legal assistance programmes currently offered by the Ombudsman's Office focus on criminal cases. More investment in legal aid could be useful, for instance to strengthen or even restructure the Ombudsman's Office based on the actual needs of the population, and notably women, especially given the post-conflict setting, where additional public defenders are required.

Figure 3.23. Investment in legal aid in selected countries

Source: DNP, based on data from (CEPEJ, 2014^[30]), European Judicial Systems, Edition 2014 (2012 data): Efficiency and quality of justice, <https://rm.coe.int/european-judicial-systems-edition-2014-2012-data-efficiency-and-qualit/1680785d95>.

Looking ahead, Colombia would benefit from developing criteria to assess the need for legal aid and evaluate the adequacy of the current budget allocated to legal aid, focusing on both criminal and civil justice needs. Those legal needs tend to combine, which is especially relevant for women victims of violence. This could be achieved in a number of ways: by using data from the 2016 Legal Needs Survey, identifying the legal needs of small to medium-size enterprises, monitoring the quality and delivery of existing publicly funded legal services, and developing quality standards for legal aid service delivery in consultation with relevant stakeholders.

Sharing evidence to inform planning

To facilitate better and more streamlined evidence-based planning in Colombia, it would be beneficial for the DNP to share on a regular and consistent basis the most updated results of the Access to Justice Index with other entities, for example the Ministry of Justice, Victims Unit, Land Restitution Unit and Superior Council of the Judiciary. These entities are best placed to use this data to address the needs of their target populations rapidly and effectively. Additionally, it is important to establish how the results of the Index will be integrated in other information systems related to subnational capacities.

3.6.2. Collaboration and integration

Legal needs surveys have found that people can experience legal problems that require access to a range of public services, not just legal and justice services. However, the legal and justice system can be fragmented, designed to focus on the specific type of legal problem or eligibility criteria rather than on the client's needs. This can act as a barrier to justice, as people can be required to access several services in order to resolve their problems.

Legal and justiciable problems tend to cluster and can combine with other social, economic, health or employment issues. Family violence can burden many areas of a woman's life or reinforce existing problems – physical and mental health, alcohol or drug use, lack of employment opportunities and other contributors to feelings of lack of personal safety and security. The delivery of people-centred justice systems should therefore be guided by principles of collaboration and integration across service providers. In short, any meaningful response to violence against women requires strong collaborations of organisations within the justice system as well as sound working relationships with external organisations (OECD, forthcoming^[14]).

A way to promote such integration is by designing and publishing specific guidance on multi-agency collaboration. Information sharing among institutions is an essential element to addressing violence against women. Oftentimes, inter-agency information sharing practices face legal and privacy concerns, as personal information may be privileged. In this sense, agencies involved should create consensual, legal, and efficient means of sharing information to avoid this shortcoming. A good practice example is the Communication Framework developed by the Welsh Government, which outlines methods and requirements for sharing information among relevant actors. The Communications Framework was designed in order to foster long-term engagement and consultation strategies for relevant stakeholders (Welsh Government, 2017^[31]).

One-stop, integrated services

One stop services imply the co-location of critical services so that users can have access to all the services they need, both legal and non-legal, in an integrated manner and place that avoids having to attend to several different institutions and reliving their trauma time after time when visiting each stakeholder of their justice journey. This helps ensure services reflect the needs of the populations they are serving and are survivor-centred.

An example of a one stop service approach is the “Family Justice Centre” model from Northern Ireland. These centres co-locate services for individuals to address multiple needs, including legal, medical, and various social services. Another example is the “Sunflower Centre” model from South Korea. Sunflower Centres are integrated support institutions that offer victims of sexual violence counselling, medical care, assistance with case investigations, and access to legal assistance (OECD, forthcoming^[14]). In Colombia, Justice Houses are a good example of an integrated service institution.

Box 3.6. Bodies that combat violence against women in Putumayo and Chocó

Mocoa and Quibdó have bodies at the municipal and regional level that are responsible for combating violence against women (alongside entities in the pathways to justice for women victims of violence). This demonstrates a strong commitment to tackling gender-based violence and promoting gender equality.

In Mocoa, the *Comisaria de Familia*, together with Mocoa’s Secretary of Government, has activated a Municipal Committee for Women and Gender (Decree 00147 of 2016), with the purpose of addressing issues related to victims of violence based on gender, in particular victims of domestic violence and victims of the armed conflict.

The Municipal Committee to Prevent Sexual Abuse and Violence against Women has been working on modifying the support system for women victims of violence by co-ordinating relevant institutions.

Putumayo’s Regional Justice Committee was created in 2017 (under the Decree 305), within the department’s Local Justice Systems, with the purpose of co-ordinating all justice operators at the local level and serving as a liaison among national and subnational justice institutions in order to strengthen justice services in the region, the OECD fact-finding mission was told.

However, according to women’s social organisations that took part in OECD Advisory Sessions in Putumayo in July 2019, justice entities in the pathways sometimes do not participate in these subnational committees, hampering institutional co-ordination and reliable and unified information systems.

In Chocó, Quibdó has an Intersectorial Committee that allows all of the justice institutions in the pathway of assistance for women victims of violence to share data on violence against women and improve co-ordination among themselves.

Co-ordination between the national and local justice system

Local Justice Systems, described above, have been operational for more than ten years in some areas of Colombia. They are intended to serve as a forum for dialogue among community representatives, local authorities, indigenous justice and formal and non-formal justice services.

The government is seeking to boost support for Local Justice Systems in order to promote co-ordination between indigenous justice and ordinary justice, especially at the subnational level, according to Justice Ministry officials interviewed by the OECD. This strategy is designed to increase trust in justice institutions, to strengthen subnational capacities and to promote justice services (notably ADR mechanisms) in territories.

Local Justice Systems could potentially also serve as an important co-ordination mechanism for issues regarding violence against women.

In addition, in 2016 the DNP developed a Planning Toolbox to enable Colombia's mayors to create comprehensive territorial plans for justice and citizens' security and coexistence. This toolbox has up-to-date information regarding justice capacity, formal and informal justice services (including Justice Houses) and crime rates in specific territories.

Co-ordination between the national justice system and indigenous jurisdictions

As mentioned above, the Colombian Constitution of 1991 provided for legal and cultural visibility for indigenous communities and acknowledged the indigenous identity by recognising the jurisdictional functions of indigenous authorities within their territories "in accordance with their own laws and procedures as long as these are not contrary to the Constitution and the laws of the Republic" (Article 246). This article adds that the law will establish "the forms of co-ordination of this special jurisdiction with the national justice system". Based on this provision, the Constitutional Court later established the obligation to comply with the principle of ethnic and cultural diversity, which must be simultaneously harmonised with the Constitution (Defensoría del Pueblo, 2014^[4]).

However, there have been difficulties concerning the overlap of jurisdictions and co-ordination between ordinary justice institutions and indigenous judicial authorities, the OECD fact-finding mission to Colombia was told, and these difficulties make it harder to address victims' rights and needs. To address this issue, the government and the judicial branch developed a programme to support co-ordination regarding the operational needs of indigenous judicial authorities and adapted a regulatory framework (Arbeláez de Tobón, 2004^[32]).

In this context, specific criteria are needed to ensure efficient inter-jurisdictional co-ordination. According to Herinaldy Gómez Valencia, a specialist on indigenous justice at the University of Cauca, these criteria could include: *i)* complying with inter-jurisdictional common principles that will foster interculturality; *ii)* guaranteeing co-ordination capacity on both the indigenous and non-indigenous sides; *iii)* fostering new forms of jurisdictional exchange; and *iv)* guaranteeing constant protection and promotion of the right of indigenous peoples to cultural and ethnic diversity (Gómez Valencia, 2015^[5]).

Box 3.7. Dialogue on indigenous jurisdiction in Putumayo

The national government began implementing a strategy of dialogue between ordinary and indigenous jurisdictions in Putumayo in 2016, the OECD fact-finding mission to the area was told. The strategy includes sensitisation campaigns and training with indigenous authorities regarding investigations and rulings, mostly in cases where women and children are involved.

Source: OECD fact-finding mission, November 2017.

Integrating information technology systems

The government is currently implementing an Information System on Conciliation, Arbitrage and Friendly Composition (SICAAC) to enable institutions dealing with ADR mechanisms to gather data about conciliation and arbitrage (i.e. arbitrage and conciliation in law). However, this system does not include information on Justice Houses, Conciliation in Equity, *Comisariías de Familia*, local ombuds persons or out-of-court services delivered by administrative bodies handling issues like consumers' rights, enterprise restructuring, intellectual property rights, etc. Limited exchange of data also hampers co-ordination among these mechanisms.

Additionally, in 2015 the national government created an interinstitutional mechanism to build a Co-ordinated Information System on Cases of Violence based on Gender (SIVIGE). This mechanism, composed of the Ministry of Justice, Ministry of Health, Colombian Institute of Forensic Medicine, National Statistics Department and the Presidential Advisor for Gender Equality, has identified and developed indicators to begin collecting information from relevant national institutions.

Although investment in technologies and information systems has grown during the past few years in Colombia, and though efforts are being made to improve information systems, existing systems seem to still be uncoordinated and disconnected (OECD, 2019^[22]). In particular, they do not produce reliable data on violence against women, and the results of the implementation of the SIVIGE system are still to be seen. A lack of reliable and official data on women victims of violence and on how these cases are addressed can produce inaccurate indicators on access to justice for women, and weak policies and programmes to protect this subset of the population (OECD, 2019^[22]).

There is a need for a comprehensive system that integrates information from the spectrum of formal and informal justice services, for example from the Attorney General's Office, the Superior Council of the Judiciary, the Ministry of Justice and the DNP. Such a system should include information on justice needs, judicial actors, prosecutorial data and the application of ADR mechanisms. When regularly updated with reliable data that is disaggregated by gender, it would go a long way towards enhancing efficiency, legitimacy and trust in judicial processes.

3.6.3. Effectiveness

Implementing a people-focused perspective into justice service delivery could involve thinking outside the box and trying new, untested initiatives. To ensure that interventions are actually effective and meeting their intended outcomes, monitoring and evaluation practices must be integrated into service delivery.

Although there is no consensus regarding what is effective in the context of access to justice, from a people-focused perspective it is about delivering the right mix of services to the right individuals, families and communities in the right location at the right time. Effectiveness can be measured by the level of client satisfaction with the quality of the service and the outcomes achieved both for the individual and for broader society.

Measuring effectiveness

There are many ways of measuring the effectiveness of a particular intervention. These include cost-benefit analysis (CBA), cost-effectiveness analysis, impact evaluations, programme evaluations and justice pathways evaluations.

CBA is a commonly applied measurement tool to compare two or more policy options in terms of the total expected cost and total expected benefit of each. The result is useful in deciding how best to allocate limited resources in order to achieve the maximum net benefit. Both costs and benefits include not only monetary figures, but also other negative or positive consequences that can be quantified. Cost-effectiveness analysis compares the relative costs and effects or outcomes of two or more policy options. Resources are allocated on the basis of which option achieves the most favourable outcomes or the greatest quantity of required outcomes at a fixed cost.

Another developing field in measuring the effectiveness of access to justice interventions is the use of empirical methods to understand what works. This might involve follow-up with clients in the form of satisfaction surveys to understand how helpful the service was, or running a randomised control trial to isolate the impact of a particular legal assistance service.

Although all local entities have their own monitoring and evaluation mechanisms, these could be reinforced under unified strategies/criteria that bolster results-based budgeting and link the budgeting framework more effectively to municipal and departmental development plans. This would allow decision makers to readily measure the impact of spending decisions against the achievement of outcomes-based results identified in the local development plans, thus supporting more effective strategic planning over time (OECD, 2019^[22]). For example, although Mobile Justice Houses have improved trust in justice institutions and expanded access to justice, their impact is limited in important ways, according to Justice Ministry officials interviewed by the OECD. The Mobile Justice Houses are only active for a few days each year and are only located in one zone, possibly due to a lack of resources. When impact is put at the forefront of planning activities, interventions can be adequately resourced to ensure effectiveness.

Another issue is that legal aid and advice provided to vulnerable populations, such as women and ethnic groups, continues to be challenging in terms of accuracy and consistency, according to stakeholders interviewed by the OECD.

Colombia could consider integrating the use of monitoring and evaluation processes in its justice service planning, from conception to implementation. At a minimum, this could include a cost-benefit or cost-effectiveness analysis of two or more options in the planning stages. This would ensure a clear focus on outcomes and impact, and a realistic appreciation of the resources required to achieve them.

Backlog of cases

The large and growing backlog of pending cases is a central issue in the Colombian judicial system. In the 20 years from 1993 to 2013, the number of new cases received grew by more than 2.5 million, from 748 049 new cases (1993) to 3 021 046 new cases (2013). Resolution of these cases is not keeping up with the inflow. In 2015, the Superior Council of the Judiciary reported 3 065 393 incoming cases and 2 973 244 outgoing cases.

Three factors may be considered as contributing to this increase. The first is simply the increased volume of new cases entering the judicial system each year over the past three decades, especially in regions with insufficient judges and/or prosecutors (La Rota, M.E. et al., 2014^[3]). The second is limited material and human resourcing of justice institutions. The third is perhaps the fast-tracked *Tutela* process, which prioritises cases involving fundamental rights and freedoms above others, according to an internal OECD working document prepared as part of Colombia's accession to the organisation.

A holistic rethink of the system, including the role and impact of different justice providers, would help advance solutions. For example, as mentioned above, it could be helpful to reconsider the role and impact of private lawyers and university clinics with regard to pro bono work.

In the long term, when introducing new justice initiatives, Colombia could take a broader, system-wide perspective on the effectiveness of a policy intervention and its known or unknown impacts, rather than focusing on the narrow objectives it is designed to achieve.

Box 3.8. Case-load challenges in Putumayo and Chocó

The delivery of justice can be challenging in Putumayo and Chocó due to a heavy case load and insufficient human resources.

Criminal, civil and family judges have been called upon in Mocoa to rule on cases related to violence against women. There is no specialisation: the same person acts as both supervisory judge (*Juez de Garantías*) and trial judge (*Juez de Conocimiento*).

In principle, these judges have different functions. The *Juez de Garantías* supervises the legality of the investigation and the adoption of judicial measures to protect victims and the community; the *Juez de Conocimiento* conducts the indictment hearing and the trial.

Currently, these judges handle cases both within and outside the context of the armed conflict, and the case load is burdensome. Judges in Mocoa received 6 434 claims in 2016 and 4 867 claims in 2017, not including *Tutelas*.

In Chocó, *Juez de Garantías* hear more than 50% of the cases regarding family violence against women, creating a backlog of cases.

Sources: Justice Ministry (2018), OECD fact-finding mission.

Ensuring accountability and monitoring compliance

Proposed approaches to violence against women should be adequately monitored. It is therefore important to develop and implement evaluation, measurement, and accountability mechanisms to collect data to regularly assess and report on the progress (see Box 3.9). Internal mechanisms may include parliamentary committees, ombudsmen offices, and internal audit institutions. External review mechanisms could include non-governmental organisations and expert advisory committees.

Measurement and evaluation frameworks differ depending on the country. For example, Sweden relies upon the National Centre for Knowledge on Men's Violence Against Women, an external, independent academic institution to conduct evaluations of its framework. In Spain, such evaluations are carried out by the State Observatory on Violence against Women, a body run by state officials (OECD 2019c).

In Colombia, since the enactment of Law 1257 of 2008, which covers violence against women, a series of committees and co-ordination groups have been created to monitor implementation of the law, among them the Interinstitutional Table to Eradicate Violence against Women and the Intersectorial Commission for implementation of the National Policy for Gender Equality. These committees are charged with setting deliverables for the different institutions dealing with cases of violence against women, and therefore improving access to justice for this population.

The committee in charge of monitoring the implementation of Law 1257, composed of the National Ombudsman's Office, the Inspector General's Office, CPEM and representatives of women's organisations, has promoted accountability by inviting ministers in charge of implementing this law to its sessions, according to information provided by the Justice Ministry.

Separately, autonomous regional subcommittees were created in 2013 in various municipalities, including Bogotá, Quibdó, Montería, Medellín, Cali, Popayán, Tumaco and Buenaventura. The purpose of these subcommittees is to promote the requirements of Law 1257, particularly concerning the rights of women victims of violence. Law 1257 requires that subnational governments include a chapter on violence against women in their development plans. Subcommittees are also charged with encouraging compliance with related existing plans and activities. While this is a positive step, compliance is not monitored and there are no established sanctions for local governments that do not comply.

Box 3.9. Mandatory Policy Review

Some examples of regions with mandatory policy reviews are as follows:

Australia: Australia provides an example of a country with a strong monitoring, reporting, and evaluation framework. The National Plan to Reduce Violence against Women and their Children 2010–2022 runs over 12 years. The Government tracks progress and reviews the National Plan every three years, and then incorporates changes, recommendations, and new insights into a new action plan. Australia is now on the fourth installment of its plan.

Wales: Welsh ministers must publish annual reports outlining the progress made towards achieving the objectives laid out in both the National Strategy and Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Source: OECD, 2019c.

Delivering training to boost effectiveness

Training is an important tool for overcoming gendered stereotypes within justice systems that can act as a barrier to access to justice for women and girls, and also for ensuring that laws and interventions are effectively implemented. Actors involved in the delivery of violence against women responses therefore need to receive sufficient training, guidance, and timely advice. It is particularly important that the actors who directly work with survivors of this type of violence receive up-to-date training on early detection and prevention. Trainings should be culturally and gender-sensitive and adequately supplied with necessary systems, equipment, and materials. Trainings should also be updated when there are changes and improvements to technology. Organisations should be sufficiently staffed in order to prevent burn-out and inadequate provision of services (OECD, forthcoming^[14]). An example of training that should be implemented for front-line health, social workers, and justice officers is a danger assessment. Danger assessments ask a range of questions regarding the type and intensity of abuse experienced by survivors. Questions pertain to issues such as weapon ownership, drug use, stalking behaviour, sexual assault, physical assault, and murder threats. The recognition of risk factors for violence against women by relevant actors has been found to be a vital in an attempt to prevent an escalation of violence and chance of death (OECD, forthcoming^[14]).

In Colombia, it has been observed that civil servants in the justice system receive limited training that is neither constant and nor in-depth. This risks undermining the quality of services and raises danger for women (Varela and Pearson, 2013^[17]). Government departments are taking steps towards rectifying this situation. The Attorney General's Office is currently developing a series of actions for preventing sexual violence and protecting its victims. The office informed the OECD that it is implementing an Institutional Plan for Sexual Violence, which includes an investigation protocol for prosecutors in the national territory and training activities with local prosecutors on the investigation protocol and on sexual violence. The Attorney General's Office also develops sessions and seminars with women victims in order to guide them and through the different routes and protocols.

In 2018, the Ministry of Justice implemented a training programme aimed at sensitising Family Commissariats and police inspectors on gender issues such as discrimination and stereotypes. According to information provided by the ministry, Family Commissariats and police inspectors from nine departments of the country took part in the 160-hour programme.

Box 3.10. Attorney General's Office and sexual violence cases

The Victims Subdivision of the Attorney General's Office (*Subdirección Nacional de Víctimas*) has begun to keep track of the number of sexual offence cases in order to follow up on the implementation of protocols of care for victims of sexual violence.

The Attorney General's Office has also published several guides and manuals regarding violence against women, including guidelines on care for victims of domestic violence, on children and adolescents, and on indigenous communities, and manuals for justice operators regarding domestic violence and sexual violence.

At the subnational level, the Attorney General's Office has created two types of centres to serve victims of family and sexual violence: the Care Centre for Women Victims of Domestic Violence (CAVIF) and the Care Centre for Victims of Sexual Violence (CAIVAS). These centres are not yet present in Mocoa, but are present in Quibdó.

The National Gender Commission for the Judicial Branch (CNGRJ) was created in 2008 by an agreement of the Superior Council of the Judiciary, with the aim of achieving gender parity within the judicial branch. In this sense, this Commission takes action to promote gender equality through academic and training activities, policy making and follow up mechanisms, among others. The Commission is composed of three representatives of the high courts, a representative of the Administrative Chamber of the Superior Council of the Judiciary and, a representative of the Disciplinary Chamber of the Superior Council of the Judiciary. The Commission has a president and sub-national bodies. The CNGRJ has been training and sensitising judges and justice operators in order to include a gender perspective in judicial decisions and to improve consideration of cases of violence against women.

The Presidential Advisor for Gender Equality (CPEM) has played an important role in sensitising the justice system concerning the rights of women victims of violence. An example is a training programme it conducted with the Justice Ministry, the Attorney General's Office and the Institute of Family Welfare. Working together, they have trained *Comisarías* staff on how to approach cases of gender-based violence, with the aim of increasing awareness and improving prevention. This training has been delivered in 12 municipalities in the departments of Chocó, Nariño and Cauca, according to information provided by the Justice Ministry.

The CPEM has also trained around 1 000 public officials in all 32 departments and in the mayor's offices of the 32 departmental capitals on co-ordinating actions in local development plans to promote gender equity, and on preventing and sanctioning violence against women. These actions include, for instance, strengthening the *Comisarías de Familia*, training women and women's organisations in political participation and social movements, and promoting peacebuilding and reconciliation, according to an OECD access to justice survey.

The CPEM and the Colombian Family Welfare Institute have also created and launched several communication strategies with the purpose of raising awareness about gender-based violence and of publicising the laws and actions that exist in this regard.

Box 3.11. Examples of countries that have implemented Specialised Training

United Kingdom: Specialised trainings and divisions pertaining to sexual assault are integrated into the police structure. Sexual assault victims are assigned a Sexual Offences Investigation Trained Officer to interact with the complainant in a sensitive, compassionate manner. Barristers and judges involved with cases of sexual assault must also complete training before being assigned to such cases.

Canada: The RCMP is currently designing new courses for police employees in 2019-2020, entitled "Cultural Awareness and Humility" and "Using a Trauma-Informed Approach." These courses will examine sexual assault myths and survivor rights, and provide guidance on how to respond to allegations of sexual assault in culturally and gender-sensitive ways.

Wales: Welsh ministers have created a statutory National Training Framework for professionals working with survivors of DV and sexual violence. The training ensures that professionals are adequately training to provide timely, effective responses to the needs of these survivors.

Source: OECD, 2019c.

3.7. The way forward

As has been outlined throughout this Chapter, access to justice can be an essential dimension of tackling gender inequality, since lack of access has been shown to negatively impact women's social, emotional, and financial situation. It has also been underscored that women are more likely to experience multiple barriers to accessing justice, a reality which exacerbated in the context of the COVID-19 crisis and its recovery phases. To enhance access to justice for all women, OECD supports countries in elaborating problem-solving and community-based justice remedies and in delivering holistic solutions.

Thus, this joint OECD-SIDA project is designed to support the ongoing efforts of the Colombian government concerning women's legal needs, and with its commitments to implement the UN 2030 Agenda for Sustainable Development and SDG 16.3 on equal access to justice for all. As such, the following recommendations build on Colombia's ongoing approach to integrate access to justice in both national and subnational planning, and places emphasis in the need to co-ordinate justice and social services by addressing women's legal needs together with their accompanying social or health issues. The recommendations also pose a specific focus on rural areas affected by conflict and women victims of violence.

3.7.1. Proposed actions for national entities

Public policy approach

- **Design and implement deep and comprehensive reforms** of all mechanisms and institutions supporting the rule of law, including the justice sector, alternative dispute resolution mechanisms, the prosecutorial services, the police and public security and other security and law enforcement and justice services.
- **Consider establishing a comprehensive justice sector policy** that encompasses both horizontal actors and multi-level governance dimensions to create a framework for various reform efforts and overcome resistance in their inception and implementation.
- **Consider strengthening prevention actions regarding violence against women**, especially from the Ministry of Education.
- **Continue promoting actions to transform stereotypes, gender roles and discrimination.**
- **Consider including in the Ten-Year Justice Plan** concrete strategies to improve access to justice for women, especially victims of violence. Ideally, the Plan would also take a differentiated approach towards women, indigenous communities (indigenous jurisdiction), Afro-Colombians and other potentially vulnerable populations.

Co-ordination

- **Strengthen co-ordination and communication channels** vertically across levels of government and horizontally among justice, security and non-justice stakeholders. This could support governance and policy continuity and enable alignment in justice reforms and services between the national and subnational levels.
- **Consider developing specific criteria to ensure efficient co-ordination** between ordinary jurisdictions and the special indigenous jurisdictions. These criteria could be based on fostering intercultural dialogue, guaranteeing co-ordination capacity, fostering jurisdictional exchange and guaranteeing the protection and promotion of indigenous rights to cultural and ethnic diversity.

Measurement and data

- **Consider conducting legal needs surveys** on the basis of smaller geographic entities. A more detailed subregional-level focus could be useful for effectively planning and delivering services for women. As an alternative to a survey, consider using proxy indicators such as official sources of social, economic and demographic data, administrative data, and other complementary and local data sources.
- **Consider building on the Equal Access to Justice Index** by encouraging and facilitating entities such as the Ministry of Justice, Victims Unit, Land Restitution Unit and Superior Council of the Judiciary to utilise the data to plan and deliver initiatives that address the needs of their target populations.
- **Consider adding a gender-specific score** to the various dimensions of the Equal Access to Justice Index. This is in order to monitor and address the justice needs of women specifically.
- **Consider creating a system that integrates all information on justice services**, both formal and non-formal. This includes information from the Attorney General's Office, Superior Council of the Judiciary, Ministry of Justice and DNP, as well as the location of judicial actors, judicial needs, prosecutorial data and the results of the application of ADR mechanisms. Ideally, such a system would be constantly updated with reliable data and, most importantly, data that are disaggregated by gender, especially on cases of violence against women.

- **Consider including** in the current Information System on Conciliation, Arbitrage and Friendly Composition information on Justice Houses, Conciliation in Equity, *Comisarías de Familia*, local ombuds persons or out-of-court services delivered by administrative bodies like the Superintendences. This would facilitate data exchange among these different, currently disconnected, entities.
- **Consider continuing to strengthen the *Comisarías de Familia*** in terms of human and administrative resources. This would facilitate the creation by these entities of an integrated information system, including on the victims they assist (men and women) and the cases in which they undertake protection measures.

Capacity and resources

- **Consider establishing an effective and streamlined multi-level governance system** to tackle access to justice. This could include specific efforts to target various capacity gaps at the subnational level and intraregional transfers to support the delivery of justice services, as the municipalities affected by the conflict have the biggest resource constraints and the largest needs, including justice.
- **Consider a coherent, co-ordinated and systematic approach to resourcing** at both the national and subnational levels for the existing initiatives addressing violence against women.
- **Consider a more even distribution of resources**, coverage and institutional capacity to serve vulnerable populations, such as women, indigenous communities and Afro-Colombians. This could include designing special routes for serving these populations and improving legal training for civil servants who work with these groups.
- **Encourage the Attorney General's Office and Superior Council of the Judiciary** to improve the presence of judges, prosecutors, judicial police and ombuds persons in all national territories.
- **Consider developing criteria to assess the need for legal aid and assistance**, and evaluate the adequacy of the current allocated budget, focusing on both criminal and civil justice needs. These legal needs tend to cluster, which is especially relevant for women victims of violence.
- **Consider strengthening the role of private lawyers and university clinics in pro bono work, and their incentives for undertaking this work.** Consider supporting the establishment of a bar association or equivalent institution.
- **Consider installing the women's care centres in Putumayo** to serve victims of family violence and sexual violence. This applies to the Care Centre for Women Victims of Domestic Violence (CAVIF) and the Care Centre for Victims of Sexual Violence (CAIVAS).
- **Continue efforts to train judges in gender issues** in order to bring them closer to the community and to prevent them from revictimising victims. Ideally, these training activities would also be conducted with the new magistrates of the recently created Peace Jurisdiction.
- **Consider establishing follow-up mechanisms to protection measures** undertaken by local *Fiscales* and judges.
- **Consider establishing and disseminating pathways for women victims of violence together with subnational entities**, considering the particularities of each context.
- **Consider strengthening and boosting investigations into violence against women**, especially social leaders.

3.7.2. Proposed actions for subnational entities

Public policy approach

- **Consider integrating the making and implementation of gender policies** in local development plans. Also consider integrating enough budget for the creation of departmental and municipal secretaries for women's issues, to improve and increase the number of *Comisarías de familia* and to **create public shelters for women victims of violence**.
- Consider integrating the results of the Equal Access to Justice Index into subnational information systems for service providers.
- **Consider adapting justice programmes, pathways and strategies**, especially with regard to women and to the special conditions and needs of Putumayo and Chocó and their populations, including on the basis of legal needs surveys.

Co-ordination

- **Take advantage of existing institutional mechanisms**, for example Local Justice Systems, for better co-ordination of the design and delivery of initiatives aimed at enhancing access to justice for women.

Capacity and resources

- Consider expanding the number, frequency and reach of Mobile Justice Services, especially in rural areas.
- Improve protection measures for women victims of violence so that they can overcome cultural barriers, especially after filing a complaint before the *Fiscalía*. The creation of public shelters should be a priority for local governments.
- Consider allocating resources to strengthen the interdisciplinary team of *Comisarías de Familia*.

Monitoring and evaluation

- **Encourage the Regional Ombudsman Office** to regularly monitor and follow up on women's effective access to justice and, in cases of women victims of violence, the effectiveness of protection measures. It is preferable that this assessment be made public.
- **Consider more gender-specific reporting from Justice Houses** in order to intervene effectively to address roadblocks in women's justice pathways. For example, Justice Houses could report on the number of cases in which a woman was involved, especially those involving violence against women, and the follow-up initiatives by Justice Houses or their mobile arm.

3.7.3. Proposed actions for both national and subnational entities

Public policy approach

- **Take a broader, system-wide perspective** on the effectiveness of a policy intervention and its known or unknown impacts when introducing new justice initiatives, rather than focusing on the narrow objectives it is designed to achieve.
- **Consider strengthening or even restructuring the Ombudsman Office** according to the actual needs of the population, especially in the regions most affected by the conflict where additional public defenders are required. Encourage the release of studies and statistics on the legal assistance provided by the Ombudsman Office.

- **Consider directing more attention and resources** towards developing and promoting a culture of dialogue and conciliation. Strengthen the relationship between courts, ADR mechanisms and community justice options, as well as co-ordination and information sharing among institutions and towards users.

Co-ordination

- **Increase dialogue and co-ordination among justice operators** at the national and subnational levels. This would particularly improve institutional responses in cases of violence against women.
- **Encourage the participation of representatives** from the Forensic Analysis Office and Local Prosecutors within all Justice Houses in order to guarantee adequate and effective attention to victims of sexual violence.

Measurement and data

- **Institute a system to collect robust and consistent administrative data** across the range of legal and justice services offered to enable macro- and micro-level mapping of justice needs and services to facilitate planning.

Capacity and resources

- **Better define the competences of the *Comisaría de Familia* and Justice Houses**, rationalise their reporting lines, improve their funding models and establish criteria for salaries and work contracts. Consider instituting monitoring mechanisms, creating obligations for updating information systems and developing guidelines for delivering services to women.
- **Continue co-ordinated efforts to implement training activities** aimed at educating and empowering women (mainly women from rural areas, Afro-Colombians and members of indigenous communities) and public officials (especially officials in the pathways for women victims of violence) in the existing laws and mechanisms that protect women's rights, especially women victims of violence. Women's organisations could also play an important role by replicating knowledge to a wider community. Training should also focus on measures, treatment and sanctions regarding aggressors in cases of violence against women.
- **Continue developing training activities in co-operation with community members**, especially in schools, in order to address gender stereotypes. Again, women's organisations can play an important role by replicating knowledge to a wider community.
- **Implement publicity campaigns on the pathways to justice**, especially regarding women victims of violence. Local administrations will benefit from this initiative.

Monitoring and evaluation

- **Consider integrating the use of monitoring and evaluation** in justice service planning from conception to implementation. Ideally, this would include a cost-benefit or cost-effectiveness analysis of two or more options in the planning stages. This will ensure a clear focus on outcomes and impact, and a realistic appreciation of the resources required to achieve them.
- **Consider introducing regular and consistent monitoring and evaluation** for activities aimed at increasing effectiveness, such as those undertaken by regional co-ordination subcommittees and training programmes.
- **Boost government mechanisms to monitor and evaluate** the work done by Conciliators in Equity.

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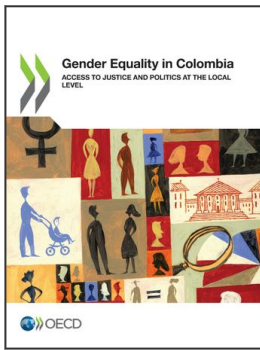
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Notes

¹ Other entities on this Committee are: the Attorney General; the Ombudsman; the General Prosecutor; the National Comptroller; the Director of the Forensic Medicine Institute; the Director of the National Planning Department; the President and Vice-President of the Administrative Chamber of the Superior Council of the Judiciary; and other two magistrates of that Chamber.

² The Dejusticia 2013 legal needs survey covered people in 14 cities of Colombia, categorised in three groups: general population, people in extreme poverty and people with disabilities.

³ Conciliation was developed beginning in 1991 as an ADR method that can be used in civil, criminal, labour, administrative and family matters. The main objectives were to ease judicial congestion and to strengthen ADR mechanisms. This process can be developed both in court (judicial) and out of court (extra-judicial) with the intervention of a certified conciliator.



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