Gender Equality in Colombia

ACCESS TO JUSTICE AND POLITICS AT THE LOCAL LEVEL

OECD

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Foreword

This report assesses women's access to justice and women's political participation in parliament, local councils and civil society organisations at national and subnational level in Colombia. It examines existing legal, political and institutional frameworks in order to better understanding of successes, challenges and implementation gaps in the government's pursuit of access to justice and gender-equality.

The findings of this report are of particular relevance in the context of the COVID-19 pandemic, which has widened structural inequalities in an unprecedented manner In Colombia, as well as globally, violence against women is on the rise under lockdown measures and movement restrictions. For example, the Colombian Observatory for Women has analysed the behaviour of calls received to the national hotline for women facing violence and found an increase of 150% in calls reporting cases of domestic violence during the period of confinement (March 25 to June 25) in relation to the report for the same period last year. The crisis has also highlighted the role played by gender-balanced leadership in ensuring gender-sensitive government policies and responses to the crisis, addressing the impact of the pandemic on women, and promoting inclusive recovery. The findings and analyses presented in this report thus can inform policies related to Colombia's exit and recovery from the COVID-19 crisis.

This report was prepared within the framework of a four-year co-operative project between the Government of Colombia and to OECD to promote institutional efficiency and sound public governance in Colombia. It addresses two of the six technical project components: i) supporting Colombia to enhance women's political participation, and ii) access to justice as a human right and the impact of justice service delivery at the local level in Colombia, with specific emphasis on gender-equality issues, in particular for women victims of violence.

The project's ultimate aim is to support inclusive growth and bring Colombia closer to OECD countries by providing actionable solutions to help Colombia design and deliver effective, responsive policies and services to citizens and businesses in all regions of the country, including enhancing the strategic agility of the Colombian state in the post-conflict era. Cross-cutting issues such as gender equality, access to justice and human rights are integrated in the implementation of all components of this project, in line with growing awareness that integrating gender-impact analyses in the public policy process contributes to inclusive economic growth and lower levels of inequality.

The project is funded by the Swedish International Development Agency (SIDA) in accordance with the agency's objectives to foster democratic governance, strengthen environmental policy making, enhance peace and security through citizen participation, guarantee human rights, strengthen democracy and increase the capacity to govern.

The project is part of OECD work on access to justice, which promotes people-centred access to justice by focusing on citizens' experience and legal needs and how they link to other inclusive growth determinants, such as health, education, employment, housing, etc. It also builds on the OECD Gender Initiative, including the 2013 OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship, and the 2015 OECD Recommendation on Gender Equality in Public Life.

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This OECD Report is published by the Public Governance Directorate of the OECD under the guidance of Marcos Bonturi, Director for Public Governance, Janos Bertok, Acting Director for Public Governance and overall supervision of Tatyana Teplova, Senior Counsellor for Gender, Justice and Inclusiveness and Head of Policy Coherence for Sustainable Development Goals Division. The Report is published as part of the project “Fostering institutional efficiency and public-governance effectiveness in Colombia as strategic enablers to sustain inclusive growth and bring Colombia closer to the OECD" supported by the Swedish International Development Cooperation Agency. The project is led by Adam Ostry, Head of Unit, Public Governance Reviews and Senior Policy Analyst.

The Report was overseen by Tatyana Teplova. The component on access to justice was coordinated by Chloe Lelievre (Policy Analyst), Martyna Wanat (Policy Analyst), and María Pascual Dapena (Policy Analyst). The component on gender equality was coordinated by Pinar Guven (Policy Analyst), Public Governance Directorate, OECD. The Report was primarily authored by Alejandra Saffon, OECD’s in-country consultant. The OECD thanks Amy Coetzee, Gamze Igrioglu and Meeta Tarani for their contributions. Cicely Dupont-Nivore provided administrative support and Patricia Marcelino provided coordination support. Mary Bortin provided editorial support. Adem Kocaman laid out and produced the report.

The OECD is grateful for the counsel provided by experts at Government of Colombia including authorities from the National Planning Department, the High Presidential Advisor for Women’s Equal, the Ministry of Justice (particularly the Formal Justice and Alternative Dispute Resolution Divisions). The Report also benefitted from the views of experts at the Local Governments of Chocó, Quibdó, Putumayo, and Mocoa.

The OECD extends special thanks to the peer-reviewers, Lara Ferguson Vázquez de Parga, Technical Advisor, INMUJER, Spain, and Mariela Puga, Regional Coordinator of the National Direction of Access to Justice in the Ministry of Justice and Human Rights of Argentina, who dedicated their time and expertise to conducting the assessment alongside the OECD team, as well as for providing inputs for this Report. The OECD is also grateful to the peers Socorro Prous, SG for General Affairs and Coordination, Secretariat of State for Public Function-Ministry of Finance and Public Function, Spain and Celia Marin, Magistrate of the Superior Court of Justice of Mexico City, Mexico for their time, expertise and insights during the fact-finding missions to Bogotá and Mocoa.

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Reader's guide

This report assesses the current landscape of women's access to justice in Colombia and women's political participation in parliament, local councils and civil society organisations at a national and subnational level. It reviews the existing legal, policy and institutional frameworks that promote women's access to justice and political participation, including international commitments and key national legislation, and assesses the successes, challenges and gaps in the implementation of access to justice and gender-equality objectives within the government's current policy-making frameworks and processes. The drafting of this report was finished by October 2019, date after which it was revised and edited. Therefore, information on some of the most recent events are not included (i.e. 2019´s local elections results).

The aim of the report is to evaluate current policies and practices in Colombia and to determine possible future strategy and policy directions for promoting women's political participation and women's access to justice, particularly at subnational levels, with a focus on women who are victims of violence. It offers user-centric approaches to the analysis of access to justice and political participation at subnational levels, including a multidimensional empowerment continuum that combines legal and political empowerment. The report builds on existing initiatives and good practices in Colombia, and highlights efforts of the central government to co-ordinate actions and policies with departments and municipalities.

The research for this report involved OECD fact-finding missions to two of Colombia's 32 departments, Putumayo and Chocó, where the aftermath of the internal armed conflict and the presence of large indigenous populations make women's political participation and access to justice all the more complex. The report also provides examples from different countries – especially from Spain and Argentina, as the Peer Reviewers – to showcase different approaches regarding policy issues on women´s political participation and access to justice.

Methodology

This report applies an assessment framework developed by the OECD that is based on data collected through different tools and mechanisms: a review of key documents, such as those produced by the OECD's Public Governance Committee during Colombia's accession process to the organisation; field observations and discussions; and desk research. It builds on the framework of good governance elements as presented in the draft OECD document "Strengthening Public Governance Approaches to Eliminating Violence Against Women: Towards an Overview of Elements of Good Practice." This work benefited from peer expertise provided by Mexico and Argentina as well as Spain.

In 2017, at the beginning of the project, surveys on women's political participation and access to justice were sent to Colombian entities and organisations at a national and subnational level. These were inspired by the standards and principles enshrined in the 2015 OECD Recommendation on Gender Equality in Public Life and the 2016 OECD Survey on Gender Sensitive Electoral and Legislative Practices. They were also built on the experiences and practices of OECD member and partner countries in the area of women's political participation and gender-sensitive lawmaking, as well as on the country context of Colombia.

The ten surveys on political participation were tailored to their recipients: the National Planning Department; the High Presidential Advisor for Women's Equality; the National Ombuds Office; the Electoral Council; the National Civil Registry; political parties; civil organisations; the Departmental Assemblies of Putumayo and Choco; the Municipal Councils of these departments' capitals, Mocoa and Quibdó; and the Ombuds Offices of Mocoa and Quibdó. Likewise, the four surveys on women's access to justice were tailored to their recipients: bodies of the central administration; subnational bodies; justice providers; and non-governmental organisations.

The OECD then carried out two fact-finding missions to Colombia, in November 2017 and July 2019. Research was conducted in Mocoa during the first mission, and in Mocoa and Quibdó during the second. The purpose of these missions was to assess the situation regarding the participation of women in political life and women's access to justice, especially for women victims of violence. The missions also aimed to assess the impact of current institutions and participation mechanisms at the national and subnational levels in both areas.

Specifically, at the national level, this involved meetings with stakeholders including the National Electoral Council (CNE), Attorney General's Office, National Ombudsman, Ministry of Justice, High Presidential Council for Women's Equality, Department of National Planning (DNP) and the National Gender Commission for the Judicial Branch.

At the subnational level, meetings were held in Putumayo with the Office of the Governor, the Office of the Mayor of Mocoa, the Mocoa Municipal Council, local judges, Justice House representatives, the Regional Ombudsman (*Defensor del Pueblo Regional*), the Local Ombudsman (*Personero*), local prosecutors (*Fiscalías locales*), local lawyers, the Police Inspector, representatives of women's organisations, and candidates to the Mocoa City Council. In Chocó, meetings were held with the mayor of Quibdó and his secretaries, the Gender liaison in the Governor's Office, other key departmental secretaries, local judges, the Family Welfare Institute, regional and local ombudsmen, police inspectors, the Family Commissioner (*Comisario de Familia*), representatives from the Victims Unit and the Land Restitution Unit, local prosecutors, the Institute of Forensic Medicine, representatives from Quibdó's Municipal Council and Chocó's Assembly, and representatives of women's organisations.

Together, the assessment and the fact-finding missions aimed to shape a vision of a gender-responsive political and electoral system in Colombia, with a specific focus on women's access to politics in the local communities, and to assess women's efficient and effective access to justice at a local level.

Executive summary

Colombia has made major strides in the past two decades towards designing and delivering policies that foster gender equality. It has ratified all international treaties on women's rights, and has updated its laws to reflect those commitments. Colombia's Quota Law of 2000 establishes that women must hold at least 30% of top decision-making positions in the public administration, while its Electoral Reform Law of 2011 stipulates that women must represent at least 30% of the candidates on party lists in elections. Colombia produced a National Policy on Gender Equality in 2013. Moreover, the National Development Plan 2018-22 includes a chapter on women's rights based on three dimensions: economic, political and physical integrity, including violence against women. The country is currently implementing a ten-year plan to improve access to justice that is helping national and subnational authorities co-ordinate common goals, including the protection of women's rights.

Nonetheless, obstacles continue to hinder women's political participation and access to justice at the local level. This report considers Colombia's progress on gender equality in these two areas, with a particular focus on access to justice for women who are survivors of violence. It finds that social attitudes and uneven application of laws still act as barriers to women's political and legal empowerment, along with socio-economic factors including the recently ended internal armed conflict.

In the aftermath of decades of fighting, Colombia has one of the highest proportions of displaced people in the world. The majority of the displaced are women and children, many of them from the country's large indigenous population. To address this situation, Colombia has implemented measures to ensure gender equality in land restitution and to guarantee that victims of the conflict will not be victimised again. However, some regions are better served than others in terms of the distribution of judges, courts and tribunals, and Colombia's geography can make access to justice challenging.

Overall, in the post-conflict era, the report finds that Colombia's efforts to foster gender equality at the national level are not always reflected at local levels, such as in the departments of Putumayo and Chocó, which are examined in detail. In terms of women's political participation, gaps remain between official policies and their implementation at both the national and subnational levels. Challenges include enforcing compliance with the Quota Law, ensuring equal access to campaign resources and the media, and promoting women's inclusion by facilitating work-life balance.

Equal access to justice can be hampered in Colombia by factors ranging from limited availability of legal and justice services in some regions to lack of knowledge among women about their rights or the pathways to justice, especially among victims of violence. Under the Ten-Year Justice Plan, Colombia is working to strengthen co-ordination between formal and informal justice services, and between the national justice system and indigenous jurisdictions. It has established various forms of alternative dispute resolution as an alternative to legal confrontation. However, the country lacks a comprehensive system that integrates information from the spectrum of formal and informal justice services, with reliable data that is disaggregated by gender. A lack of reliable data can produce inaccurate indicators on access to justice for women, and can result in weak programmes and policies to protect them, especially women who are victims of violence.

Given the interaction among the legal, political and socioeconomic dimensions of women's empowerment, the report proposes an "empowerment continuum" based on the interlinkages between empowerment and participation of women. The report also builds on the OECD's draft framework on strengthening whole-of-government approaches for tackling violence against women, highlight the role of good governance in this field.

Based on these findings, the report makes the following recommendations:

- **Incorporate the gender perspective** across the systems and processes of the national and subnational governments through gender mainstreaming across all levels of the government. Gender mainstreaming tools and mechanisms such as gender impact analysis and gender budgeting could be formalised in government institutions and processes in conjunction with enhanced resource co-ordination, capacity-building and training for staff, and accountability and oversight mechanisms in order to fully integrate the gender equality perspective in governance.
- **Strengthen sanctions for non-compliance** with the Quota Law and the Electoral Reform law. Disadvantages faced by women candidates could be reduced by enhancing the accountability of the campaign financing process, assessing the gender-disaggregated impact of political financing regulations and enforcing equal access to media. Given the role of the National Electoral Council in ensuring free and fair elections, increasing its budget and political independence, and strengthening its regional outreach, could enhance women's political participation.
- **Support public campaigns to break down gender stereotypes and foster positive perceptions of women in politics**. To increase public awareness of women's rights, advisory councils on gender equality could be created in municipalities. The National Electoral Council and the National Civil Registry should be encouraged to record cases of violence against women, in particular women candidates and social leaders. Targeted legal and policy frameworks could address barriers faced by indigenous and Afro-Colombian women in the exercise of their political rights.
- **Strengthen co-ordination to align justice services** between the national and subnational levels, and strengthen the relationship between the courts, mechanisms for alternative dispute resolution and community justice options to promote a culture of conciliation. A holistic rethink of the role and impact of different justice providers, including pro bono work by private lawyers and university clinics, could improve access to justice, as could the use of monitoring and evaluation in justice service planning. An integrated information system on all justice services, with gender-disaggregated data, would allow policy makers to improve access to justice for women. Expanding the reach of Mobile Justice Units and Mobile Victims Units, especially in rural areas, would also be helpful to women.
- **Conduct publicity campaigns on the available pathways to justice** for women, and strengthen the investigation of cases of violence against women, especially social leaders. Forensic medical examiners and local prosecutors should be available in all local Justice Houses to guarantee adequate attention to women victims of violence. Judges should be trained in gender issues, and institutions dealing with cases of violence against women should be monitored for compliance with the law. Activities aimed at educating women in the laws and mechanisms that protect their rights should be continued, especially for women in rural areas and from indigenous and Afro-Colombian communities.

1 Overview of gender equality in Colombia

This chapter presents a succinct overview of the status of gender equality in Colombia. It explores the policy and legal instruments as well as existing barriers and gaps in attaining gender equality. It briefly maps factors that affect women's empowerment at the national and local levels, such as access to education and employment, violence against women, problems faced by the indigenous populations and the internal armed conflict in selected regions. Based on a multidimensional understanding of women's empowerment, it proposes an empowerment continuum to enhance women's access to justice and politics at the local level.

1.1. Current status of gender equality in Colombia

The OECD promotes gender equality as a key enabler of inclusive growth and national well-being (OECD, 2016[1]). In particular, the equal participation of women and men in decision-making positions in public institutions is inherent to their perception as legitimate, representative and trustworthy. Inclusion must take account of intersecting factors such as gender identity, race, age, socio-economic background and minority status, among others. Political empowerment is also essential for democratic governance; this relates to citizens' legal rights to vote, express their opinions, run for elected office and exercise these rights without facing discrimination.

Colombia has made important strides in gender equality over the past two decades. It rose to a ranking of 22nd out of 153 countries in the World Economic Forum's 2020 Global Gender Gap Index, up from 40th out of 149 countries in 2018 (World Economic Forum, 2020[2]). In particular, Colombia has adopted a robust normative system that protects women's rights, and legislation requiring that women candidates comprise at least 30% of party electoral lists. This Quota Law has been a crucial enabler for higher representation of women in public institutions. In March 2013, the Colombian government approved a National Policy on Gender Equality (CONPES 161) that aims to co-ordinate efforts across the whole-of-government to guarantee women's equality and non-discrimination. In 2010, Colombia became the first country formally to acknowledge the economic contribution of unpaid care work with the passage of a law (Law 1413 of 2010) mandating time-use surveys to account for the care economy and women's invisible contribution to national accounts (OECD, 2017[3]). The National Development Plan 2018-22 includes an entire chapter on women's rights based on three dimensions: the economic, the political and the dimension regarding physical integrity, which includes violence against women.

Despite these achievements, Colombia still faces challenges on the path to gender equality and the social and economic empowerment of women and girls. Advances are needed in the effective implementation, enforcement and evaluation of relevant gender equality policies, laws and government programmes, particularly at the local level. The ability to embed a gender perspective within routine government decision making also needs enhancement. There is scope to make political financing regulations more gender responsive and to introduce incentives for political parties to allocate resources to support female candidates. Other barriers to overcome include increased flows of illegal financing, vote buying, political violence and violence against social leaders.

In terms of access to justice, Colombia has made important advances in its efforts to measure and map the legal needs of its population through the use of a comprehensive legal needs survey. This approach has been strengthened through the development of an Effective Access to Justice Index, an example of best practice, designed to locate regions of greatest need and assist with measuring the effectiveness of justice initiatives. However, there is room for improvement in Colombia's design, planning and delivery of justice services, at both the national and subnational levels. A more consistent focus is needed on the barriers women face when accessing justice, especially women who are victims of violence. In addition, greater co-ordination, such as unified information systems, is required among the multiple and often disconnected actors in the national and subnational justice systems.

Addressing these gaps and realising effective change on the ground requires all national and regional actors in Colombia to share collective responsibility via strengthened mandates, capacities and resources. This means not only strengthening the inclusiveness of public policies and justice institutions, but also fundamentally reshaping gender stereotypes and attitudes: at home, at school, in workplaces and in public spaces. Integrated and long-term efforts are needed at both the policy and civil society levels. The OECD-SIDA Co-operation Joint Work Plan aims to support this by fostering collaboration among stakeholders to enhance the effective and efficient use of existing resources – by breaking down barriers to access and delivery, and by identifying opportunities to consolidate and streamline government services.

Initiatives to promote gender equality, described below, have been introduced by local authorities at the departmental and municipal level (i.e. governors and mayors), taking into account the constitutional principle of territorial autonomy (Article 1, Colombian Constitution). Moving forward, reforms at the departmental and municipal levels should be accompanied by reforms at the national level in a holistic and systematic manner. This approach forms the basis for several recommendations presented in this report. Capacity-building activities outlined in the "women's political participation" and "access to justice" streams of the OECD-SIDA Co-operation Joint Work Plan are set within a framework of collaborative and linked departmental/municipal and national action to improve the coherence and sustainability of future policies and programmes.

Further efforts to raise awareness of gender equality within political parties, public institutions and society, and to tackle gender stereotypes, enhance legal empowerment and strengthen institutional gender mechanisms, could help to create the space for women from diverse backgrounds to access decision-making posts, including in politics.

1.2. A snapshot of socio-economic factors underpinning gender inequalities

Women's rights in Colombia have evolved gradually since the early 20th century. Measures taken to combat gender discrimination and gender-based violence include the ratification of international norms, the adoption of a robust normative system and the creation of a National Policy for Gender Equality (Box 1.1).

Box 1.1. Colombia's international and national commitments on women's rights

Colombia has signed and ratified all international treaties and instruments on human rights and rights for women, including the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and its Facultative Protocol (1999); the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994); and the Rome Statute of the International Criminal Court (1998). Colombia has also adopted laws and public policies aiming to promote gender equality and to guarantee women's rights. For instance, Law 1257 of 2008 dictates norms to raise awareness of women's rights and to prevent and sanction all types of violence and discrimination against women.

The National Development Plan 2012-14 mandated the development of a national policy on gender equality (Articles 77 and 179), to be led by the Office of the Presidential Advisor for Gender Equality (CPEM). In dialogue with civil society, the government thus produced a policy document, CONPES 161 of 2013, with general guidelines on a National Policy for Gender Equality (CONPES, 2013[4]).[1] This policy document addressed important challenges facing women in Colombia, such as challenges concerning women's rights vis-à-vis the justice system. It included a Plan to ensure women the right to a life free from violence and created a committee for co-ordinating actions among institutions, led by the Presidential Advisor for Gender Equality.

The National Development Plan 2018-22 includes a chapter on women's rights, "Pact for Women's Equality", based on three dimensions: the economic dimension (overcoming poverty, the care economy, inequality in the workplace); the political dimension (women in positions of power and decision making) and the physical integrity dimension (violence and sexual and reproductive rights). The pact's policy lines are:

- strengthening the gender institutional framework for women in Colombia
- education and economic empowerment for eliminating gender gaps at work
- a commitment to articulation and co-responsibility in the care economy
- women's political participation
- promotion of sexual and reproductive rights
- women's right to a life free of violence
- rural women as agents of transformation
- equity for women in peacebuilding.

Stereotypes and discrimination still limit women's and girls' choices and outcomes in Colombia, as they do throughout the world. Many factors drive these inequalities. As in many other countries, women in Colombia participate in unpaid work, including housework and family care, at greater rates than men do – 7.23 hours per day on average, compared to 3.10 hours per day for men – and these hours in unpaid work restrict time that can be spent in the labour market (DANE, 2018[5]). This is the case despite the fact that Colombia was the first country formally to acknowledge the economic contribution of unpaid care work (OECD, 2017[3]).

An important factor affecting women in Colombia has been the civil armed conflict of recent decades. More than 8.8 million people have been registered as victims of the armed conflict. The majority are victims of forced displacement, and about 80% of the internally displaced are women and children (Verdad Abierta, 2016[6]). Colombia has one the highest proportions of displaced persons in the world: as of June 2019, 7 513 774 were registered as internally displaced (Unidad de Víctimas, 2019[7]). Of these, 87% are from rural areas (Norwegian Refugee Council and Internal Displacement Monitoring Centre, 2016[8]). Furthermore, 15.8% of the women displaced because of the armed conflict have stated that they were also victims of sexual violence. Women belonging to indigenous and Afro-Colombian communities have been most affected by the armed conflict, with 51.6% indigenous women and 40.7% of Afro-Colombian women

declared to be victims of the conflict. Of these, 59% of the indigenous women and 62.7% of the Afro-Colombian women were displaced (Defensoría del Pueblo, 2019[9]).

To respond to this urgent matter, the Victims and Land Restitution Law (Law 1448 of 2011) implemented measures to ensure gender equality when women are displaced from their land (Box 1.2). Additionally, in 2013 the National Council on Economic and Social Policy issued detailed policy guidelines (CONPES 3784) regarding the rights of women victims of the armed conflict.

Box 1.2. The National Reparation Programme

Law 1448 of 2011 sets out "measures for the provision of attention, assistance and reparation to the victims of the internal armed conflict". The measures apply to victims of forced displacement, homicide, kidnapping, torture, forced disappearance, recruitment of children, anti-personnel landmines and sexual crimes during the internal armed conflict, starting from January 1, 1985.

The Reparation Programme, implemented by the Unit for Victims' Attention and Reparation, has evolved from plan for humanitarian support and assistance to a system of economic compensation, land restitution, rehabilitation, satisfaction and guarantees that victims will not be victimised again.

The law also includes "special provisions for women and children survivors of human rights abuses, and those targeted because of their perceived sexual orientation; and the recognition of the importance of protection measures for victims returning to lands that are restored to them."

Source: (Amnesty International, 2012[10]), *Colombia: The Victims and Land Restitution Law*, http://www.refworld.org/pdfid/4f99029f2.pdf.

Box 1.3. Context of the armed conflict in Putumayo

The southern department of Putumayo is a coca-growing region and this has made it a conflict zone between guerrillas and the army. Putumayo's 13 municipalities have traditionally been grouped into three subregions, High, Middle and Low Putumayo, according to their geography, their economic production and the presence both of state institutions and armed groups.

Most coca plantations are located in Low Putumayo, which shares a border with Ecuador. This zone constitutes a strategic corridor for drug trafficking and thus has seen a strong presence of illicit armed groups. In 2000, a large proportion of Colombia's coca plantations (40%) were located in Putumayo, with 87% of these in Low Putumayo.

There have also been illicit crops in most municipalities of Middle Putumayo, where Mocoa is located. This subregion has been exposed to the armed conflict since 2005, when fighting began there between the FARC (Revolutionary Armed Forces of Colombia) guerrilla movement and the army. In contrast, High Putumayo, a zone with extensive stockbreeding and no coca plantations, has been less exposed to armed conflict than the other subregions.

All of the various armed groups that fought in the area, from guerrillas to paramilitaries, were linked to drug cartels or were themselves coca producers and/or dealers. FARC guerrillas had a strong presence in the department from 1991 to 1998, which continued until the Peace Agreement of 2016.

Source: (National Historical Memory Centre, 2012[11]), *El Placer: Mujeres, Coca y Guerra en el Bajo Putumayo (El Placer: Women, Coca and War in Low Putumayo)*, http://www.centrodememoriahistorica.gov.co/descargas/informes2012/el_placer.pdf.

Box 1.4. Context of the armed conflict in Chocó

Chocó's key strategic location, with access to the Pacific and the Atlantic oceans and borders with Panama and three other departments, fostered drug trafficking and the growing of illegal crops during the armed conflict. Illegal mining, in most cases linked to illegal armed groups, also generated violence in in this department.

FARC guerrillas were present in the department from the 1980s until the Peace Accords took effect in 2017. Since then, areas controlled by the FARC have been reoccupied by other illegal armed groups, such as the *Autodefensas Gaitanistas* and the ELN (National Liberation Army). During the 1990s, paramilitary groups like the AUC were also present in Chocó, moving in from the departments of Antioquia and Valle del Cauca.

Sources: (IOM, 2015[12]), *Chocó: Una paz estable, duradera y sensible a niños, niñas, adolescentes y jóvenes,* https://repository.oim.org.co/bitstream/handle/20.500.11788/1638/86.5.%20COL-OIM%200218%20V5%20Choco.pdf?sequence=9&isAllowed=y.

1.2.1. Violence against women in Colombia

While women were particularly affected during the country's 60-year internal armed conflict, many women in Colombia also experience violence in everyday life, e.g. within their households.

Stereotypes, discrimination and socio-economic conditions have a direct impact on violence against women in Colombia (defined by Law 1257 of 2008). This violence takes various forms: against women in the family (domestic violence and marital rape), in the community (sexual violence, trafficking and feminicide[2]) and with respect to women's reproductive rights. The armed conflict exacerbated the situation, with numerous cases of violence against women (notably against internally displaced women) perpetrated by the state and illegal armed groups (World Organisation Against Torture, 2003[13]). In Colombia the security of women and girls deteriorated as a result of the armed conflict and the use of social control and sexual violence by illegal armed groups, according to a study by the Inter-American Commission on Human Rights (OAS, 2006[14]). The study noted that violence against women is used as a "strategy of war" by the actors of armed conflicts in their fight to control communities and territories. There has yet to be a full accounting of sexual violence against women during the internal armed conflict in Colombia, with official figures and reparations for the victims. Entities such as the Attorney General's Office have an important role to play, especially in investigating this issue as a systematic practice within the armed conflict (Defensoría del Pueblo, 2019[9]).

Reports indicate that indigenous and Afro-Colombian women still experience multiple forms of discrimination despite their inclusion in the Final Peace Agreement.[3] One report, *Indigenous Women and Colombia's Peace Process*, found these women to be facing political, economic and cultural discrimination (Salamanca et al., 2017[15]).

Indigenous and Afro-Colombia women were disproportionately victims of sexual violence and internal displacement during the armed conflict. They were also disproportionately killed: out of 3 445 cases of murder of indigenous and Afro-Colombian individuals, 65.5% of the victims were women (UN Women, 2018[16]). Yet there are few analyses of the conflict through the combined lenses of gender, ethnicity and territoriality (Tovar-Restrepo and Irazábal, 2013[17]).

Domestic and international stakeholders stress the need take both collective indigenous rights and individual women's rights into account in order to achieve an effective political settlement at both the national and subnational levels (Salamanca et al., 2017[15]).

Colombia has enacted many laws in recent years to address violence against women, yet the figures are still alarming. In 2018, 47 feminicides and 50 attempted feminicides were reported; in more than 50% of these cases, the aggressor was the husband or partner. According to the Colombian Institute of Forensic Medicine, 23 798 cases of sexual violence were reported in 2017, 85% of them against women (an increase of 11.2% over 2016). In three-quarters of these cases, the aggressor lived in the same household as the victim.

The Attorney General's Office has made significant efforts to address the issue, for example by issuing internal guidelines in 2016 and 2017 to assume during investigations that sexual violence occurred because the victim was a woman. Yet more efforts are needed to investigate a great number of cases of sexual violence against women (Defensoría del Pueblo, 2019[9]). Furthermore, different data on women victims of violence are reported by different institutions (the Attorney General's Office, the Institute of Forensic Medicine), illustrating the need for a unified information system in Colombia regarding sexual violence.

Although in countries with internal armed conflict, violence against women is exacerbated, most countries in the world face this problematic. In fact, in a 2016 survey of countries adhering to the OECD Gender Recommendations, 21 of the 37 governments listed violence against women as one of the three most urgent gender equality issues in their respective countries (OECD, forthcoming[18]).

The OECD has identified three critical pillars to strengthen whole-of-government approaches to ending violence against women: Systems, Culture and Accountability and Enforcement. Colombia has notably made efforts within the Systems pillar, creating structures and systems to respond to violence against women, including holistic laws and policies addressing multiple forms of violence against women and gender inequality, and clear identification of the roles and responsibilities of governmental actors and relevant stakeholders in the implementation of these strategies. Yet, there is still space to improve in the Culture pillar regarding the survivor-centric culture surrounding responses to violence against women (i.e. capacity-building and co-ordination efforts and funding necessities such as shelters). Developments could also be done in the Accountability and Enforcement pillar regarding improving women´s victims of violence access to justice, particularly strengthening the pathways. This is further explained in Chapter 3 of this document (OECD, forthcoming[18]).

Box 1.5. Forthcoming OECD Framework for Strenghtening Whole-of-government Approaches to Eliminating Violence Against Women

The draft OECD framework on "Strengthening Public Governance Approaches to Eliminating Violence Against Women: Towards an Overview of Elements of Good Practice" identifies governance elements based on good practices that are conceptualised into three overarching categories, or pillars.

Pillar I - "Systems" highlights the need for states to create structures and systems to adequately respond to VAW. Key governance elements include the creation of a whole-of-government VAW framework, holistic laws and policies addressing multiple forms of VAW and gender inequality, and clear identification of the roles and responsibilities of governmental actors and relevant stakeholders in the implementation of VAW strategies.

Pillar II - "Culture" revolves around creating a survivor-centric culture surrounding responses to VAW through capacity-building and co-ordination efforts. Key governance elements include facilitating access to justice for survivors, training actors who will directly engage with survivors, facilitating coordinated community and inter-ministerial responses, funding necessities such as shelters and VAW programming, and engaging men and boys in challenging toxic and misogynistic thoughts and actions that lead to VAW.

Pillar III - "Accountability and Enforcement" is centred on the theme of responsibility. In this context, accountability refers not only to bringing to justice those individuals who perpetrate VAW but also to the government holding itself to account for its actions and inactions regarding VAW. Key governance elements could include criminalising VAW and enforcing punishment for perpetrators, developing internal and external accountability mechanisms that monitor the progress of VAW policies and the framework itself, and including mechanisms to review murders involving VAW in order to address preventable failings and inadequate responses.

Intersectionality: Women in indigenous or Afro-Colombian communities

A significant characteristic of Colombia is its ethnic diversity. Around 90 indigenous populations coexist in the country and within the wider population: 10.6% are of African descent, 3.4% are indigenous and fewer than 0.2% are Romani (Bushnell and Hudson, 2010[19]).

The intersection of ethnic diversity and gender inequality is an important consideration when designing policies and programmes for citizens, as affirmative action and progressive efforts should take a holistic view of the different elements that impact how different citizens access and use state services and how they are represented and perceived in public life.

Box 1.6. Selected measures and commitments by the Colombian Government to prevent and address violence against women in the context of the COVID-19 pandemic

1. Sixty-five buildings were recently set up to be suitable as shelters for women at high risk of violence.
2. The Ministry of Health committed to transfer 14 billion pesos to subnational governments in order to guarantee that women victims of violence, at high risk of femicide, have shelter and food for themselves and their children, during the period of time determined by a family commissioner or a judge.
3. A control and monitoring body were launched to provide immediate response to high-risk violence against women cases, identified through the Line 155, and other reporting channels. The National Police and the Presidential Advisor for Gender Equality are part of this body.
4. The National Security Council is committed to monitor cases of gender violence to prevent and penalise femicides as well as domestic and sexual violence against women and girls.
5. Artificial intelligence technology is leveraged to create an online platform for the prevention and monitoring of cases of violence against women. The platform is housed in the Colombian Observatory for Women of the Presidential Advisor for Gender Equality. It will connect all the information systems reporting on cases regarding women victims of violence. It is expected that this platform will serve to optimise the online identification and prosecution of offenders.
6. To improve the efficiency and effectiveness in the response to women victims of violence, the telephone lines to report violence related cases will be unified. A large national service line will be created.
7. The Government has committed to issue a decree to formalise various mechanisms for the prevention of violence against women and guaranteeing care services for victims of violence. This instrument will be coordinated by the Vice President, through the Presidential Advisor for Gender Equality. National entities together with the departmental and municipal committees, would be part of this mechanism to solve bottlenecks regarding cases of violence against women. Likewise, a national public campaign is planned to be launched to break down gender stereotypes and prevent violence against women.
8. Under the leadership of the Ministry of Justice, a bill is scheduled to be filed before the Congress to strengthen Family Commissariats (*Comisarías de Familia*).
9. Implementation of protocols by the Ministry of Education to prevent and respond with care services in cases of sexual violence.
10. Program implemented by the Ministry of Labour and the Ministry of Commerce, together with regional governments, to promote economic opportunities for women victims of violence, securing their autonomy and breaking the cycle of violence.

Source: Information provided by the Government of Colombia, 2 July 2020

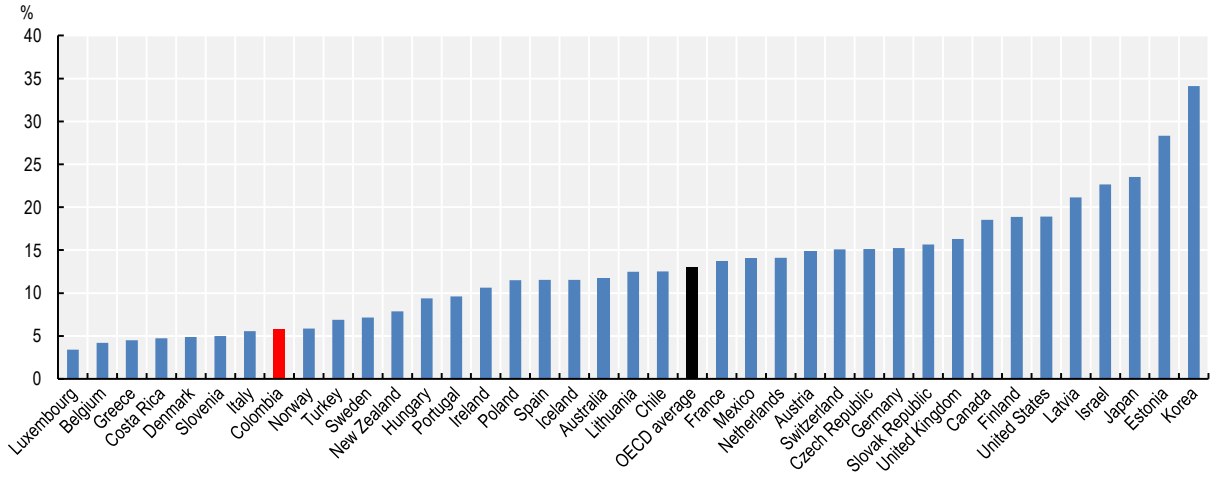
1.3. Access to education and employment opportunities

More women than men are enrolled in higher education in Colombia, in line with the pattern across the OECD, with women making up 52% of the student population. However, only 22% of Colombians aged 25 to 64 have attained a tertiary degree (OECD, 2016[20]). This is in line with other Latin American countries, but it is 13% below the OECD average. If current patterns are maintained, only 16% of young adults in Colombia are expected to graduate from a bachelor or equivalent programme in their lifetime, compared to an OECD average of 38% (OECD, 2016[20]).

The gender gap in employment and labour force participation is showing some signs of closing in Colombia, with positive trends over the last couple of decades. The gender gap in labour force participation rates (15- to 64-year-olds) has fallen by roughly a fifth since the turn of the century, from 29 percentage points (p.p.) in 2001 to 22 p.p. in 2019 (OECD, n.d.[21]). The gender employment gap has fallen by a similar amount over the same period. Much of this decline has been driven by growth in female labour participation: Colombia's female labour force participation rate (15- to 64-year-olds) increased from 57% in 2001 to 62% in 2019, and now sits only slightly lower than the OECD-wide female participation rate (65%) (OECD, n.d.[21]). Moreover, in comparison to many other OECD countries, Colombia also has a relatively narrow gender pay gap (Figure 1.1): in 2018, the pay gap in Colombia stood at 6%, or about half the OECD average (13%) (OECD, n.d.[22]), although to some extent this may be driven by Colombia's lower than average female participation rate and a "selecting out" of women with lower potential market earnings (OECD, n.d.[22]).

Figure 1.1. Women worldwide earn less than men

Gender gap in median earnings, full-time employees, 2018 or latest



Note: The gender wage gap is unadjusted, and is calculated as the difference between the median earnings of men and of women relative to the median earnings of men. Estimates of earnings used in the calculations refer to gross earnings of full-time wage and salary workers. However, this definition may slightly vary from one country to another; see the OECD Employment Database (http://www.oecd.org/employment/emp/onlineoecdemploymentdatabase.htm) and the individual country metadata data available in OECD.Stat (http://stats.oecd.org/index.aspx?queryid=64160) for more detail. Data for Estonia, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Slovenia, Spain, Turkey, refer to 2014, for France, Hungary, Iceland, and Italy refer to 2016, and for Belgium and Chile to 2017.
Source: OECD Family Database, http://www.oecd.org/els/family/database.htm.

However, there are still many challenges for women in the Colombian labour market. As just one example, the unemployment rate continues to be much higher for women than for men in Colombia, and this trend does not appear to be changing. In 2019, the unemployment for women in Colombia stood at 14.1% - much higher than the rate for men (8.3%) and the OECD-wide figure for women (5.7%) (OECD, n.d.[21]). Barriers to equal access to employment opportunities, finance and land rights in Colombia are a significant obstacle for women's social and economic advancement, and this has subsequent impacts on their ability to access political opportunities.

Although all countries of the Latin American region provide men and women with equal rights to access financial services, significant gender gaps remain in practice. In Colombia, for example, a World Bank study in 2014 found that only 34% of women over the age of 15 held an account at a financial institution, compared to 43% of men (OECD, 2017[23]). Female-headed households in Colombia have the highest rates of poverty, even more so in rural areas (UN Women, 2016[24]). It is also more common in rural areas for men to appear as land owners on land ownership certificates, a result of persistent gender stereotypes (CONPES, 2013[4]).

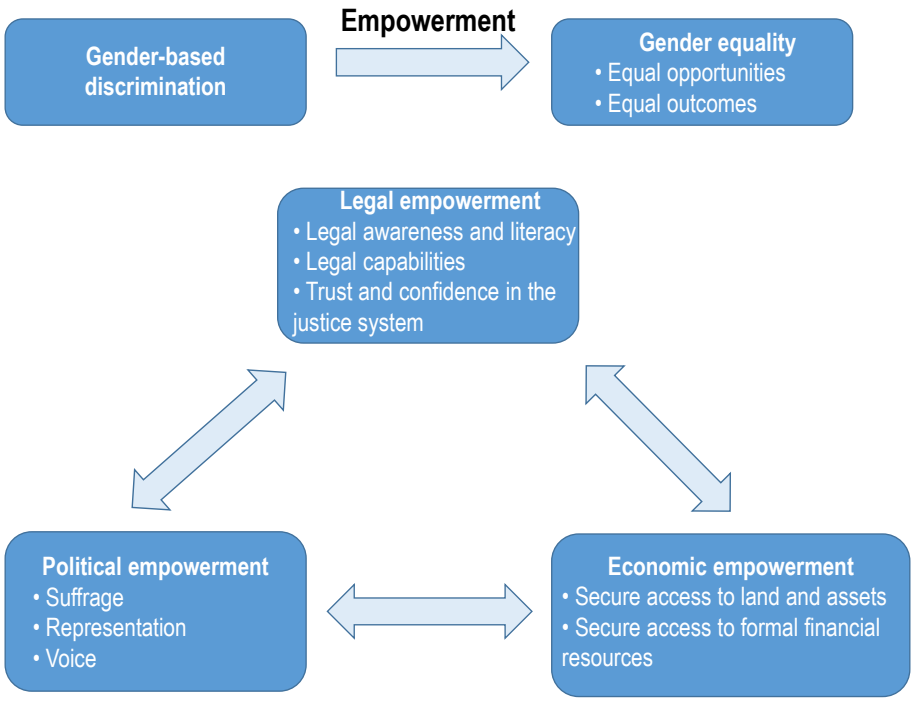
Furthermore, women are in charge of care and domestic activities in 96% of female-headed households. This has a socio-economic impact, as these women are overworked and unable to earn a greater income (Defensoría del Pueblo, 2019[9]).

1.4. Political participation and access to justice: Towards an empowerment continuum

Women's empowerment is a multidimensional dynamic. It encompasses a wide spectrum of processes and interventions in various dimensions, including the legal, political, socio-economic and financial dimensions. Understanding the interaction between these dimensions would help to create an empowerment continuum that comprehensively enhances the ability of women to manage their own lives – through improved access to education, employment, entrepreneurship, justice and leadership. There are direct and indirect links between empowerment, equal opportunities and participation. For instance, limited legal capability, civic literacy and legal empowerment can impede equal access to opportunities and services, and can hinder the ability of people to exercise their rights effectively.

The connection between empowerment and participation (the "empowerment continuum") is highlighted in the literature on the subject: without meaningful empowerment, participation can be reduced to a token exercise (or even a way of maintaining existing power relations), and empowerment can be shallow or empty without genuine participation (Pettit, 2012[25]). There is also growing recognition that social and legal empowerment affects the positive perception and acceptance of women in public life and their engagement in political activities. A government needs to reflect society in order to be efficient and effective in delivering public services to a socially, ethnically, culturally and economically diverse society, such as Colombia's. To this end, legal empowerment would seem to articulate and catalyse a two-way relation between political participation and access to justice; in this way, they are self-reinforcing (Figure 1.2).

Figure 1.2. The multidimensional nature of empowerment



Source: (Centre for Economic and Business Research, 2008[26]), Economic Empowerment of Women, https://www.oecd.org/derec/denmark/42211306.pdf.

There is substantive evidence that having more women in politics and in public decision-making roles has a positive social and economic impact, such as reduced corruption, new research has concluded. In 2018, a cross-country analysis of more than 125 countries found that corruption is lower in countries where a greater share of parliamentarians are women (Virginia Tech, 2018[27]). The study found that women's representation in local politics is important, too: in Europe, the likelihood of having to bribe is lower in regions with a greater representation of women in local-level politics. Research by Transparency International also shows that corruption, clientelism and political networking have a negative impact on the proportion of women elected to local councils, further reducing opportunities for women's political participation (Transparency International, 2016[28]).

Effective access to justice can, in turn, ensure that the social and political rights of women are upheld and secured, and that threats to these rights (freedom of speech, assembly, the right to run for election or hold political office) can be prevented or challenged through legal means. Legal empowerment is about strengthening the capacity of all people to exercise their rights, either as individuals or as members of a community. Increased and enhanced access to justice strengthens gender-equality efforts by giving them legal backing, justification and recourse.

The OECD's work on access to justice aims to develop common criteria about "what works" to ensure equal access to justice and contribute to inclusive growth, sustainable development and individual and community well-being. It identifies empowerment as one criteria for people-centred service delivery. Legal and justice services build empowerment through strategies that increase legal awareness, legal literacy, legal capability, trust and confidence in the justice system – and this applies not only to women.

Understanding the women's empowerment continuum requires a thorough assessment of how women position themselves and are perceived within the political, legal, economic, social and cultural contexts. In Colombia, women represent 51% of the total population, yet they continue to face specific challenges and represent a vulnerable population group. This report highlights some of these challenges and provides recommendations for change.

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Notes

[1] CONPES documents are documents approved by the National Council on Economic and Social Policy (*Consejo Nacional de Política Económica y Social*, or CONPES), the executive branch's Cabinet committee on economic and social policy. They are an expression of the government's policy intention and do not constitute formal legal instruments.

[2] Law 1761 of 2015, which defined femicide as a crime, is considered an important milestone. It made the killing of women or girls because of their gender punishable by up to 41 years in prison.

[3] The agreement sets an international standard and includes gender-responsive provisions for indigenous women within the peace process.

2 Women's political participation in Colombia

This chapter evaluates women's political participation in Colombia within the framework of the 2015 OECD Recommendation of the Council on Gender Equality in Public Life. It assesses the current landscape of women's political participation in the national parliament and in local councils at the national and subnational levels, specifically in the departments of Putumayo and Chocó, and in their municipalities of Mocoa and Quibdó. The chapter discusses the existing legal and policy frameworks and institutional mechanisms for promoting gender equality in political participation. It offers an assessment of key achievements, challenges and gaps in the implementation of gender-equality objectives within government decision-making frameworks and processes, namely in relation to women's political participation.

2.1. Introduction

The inclusion and engagement of women from diverse backgrounds in political roles is an essential element of a robust, diverse and representative public sector. Designing gender-sensitive political and governance systems can promote women's access to decision making and contribute to the inclusion of a wide range of voices, experiences and ideas in the policy-making process. A number of studies have shown that women's access to public leadership contributes to a more collaborative political environment, and OECD research shows that inequality tends to be lower in countries with a greater share of women in legislatures (OECD, 2016[1]). Further, women's inclusion in executive government – as ministers, for example – tends to correlate with public confidence in national governments (OECD, 2018[2]), although social, economic and cultural factors have a large influence on differences in levels of trust in government across countries.

2.2. Constitutional and administrative landscape

Colombia is one of the oldest democracies in the Latin American region. Legislative powers are vested in a bicameral national Congress, which consists of a 102-seat Senate and 166-seat House of Representatives. Members of both houses are elected by popular vote to serve four-year terms, and the country's president also has a four-year term. Powers are distributed among the legislative, executive and judicial branches of government, framed by a congressional system of checks and balances. In a participative process in 1991, Colombia issued its new Political Constitution, recognising itself as a social state based on the rule of law. The constitution upholds and protects basic human rights and recognises racial and ethnic diversity and gender equality (UNDP, 2012[3]).

Colombia is divided territorially into 32 departments (*departamentos*) and a capital district (*distrito capital*). Each department has a governor (*gobernador*) and a departmental assembly (*asamblea departamental*). Departments are further divided into municipalities (*municipio*), administered by a popularly elected municipal council (*concejo municipal*) and led by a mayor *(alcalde).* Governors and mayors are elected for a four-year term (ColombiaInfo, 2015[4]).

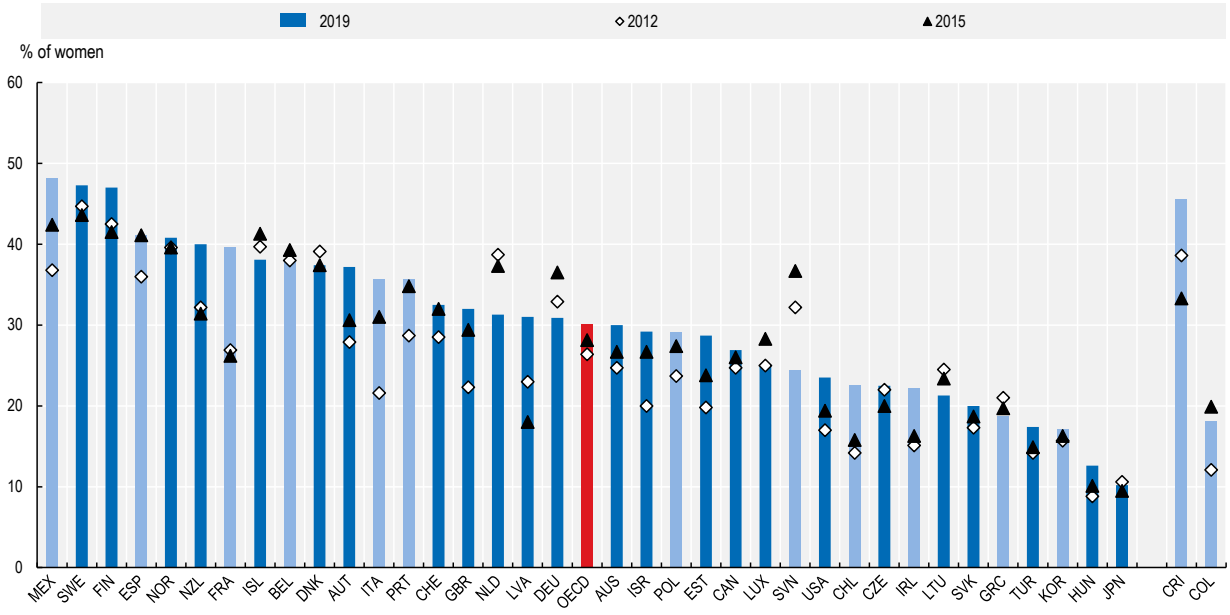
2.3. Participation in parliament and the executive branch

Political parties are key institutions in the political debate and for fostering inclusive participation in electoral processes and political leadership. Their efforts to create a level playing field for female and male candidates are critical to ensuring fair representation and the participation of women in politics. Representation of women across Colombia's political parties currently varies from 0% to 44.4% (UN Women/UNDP, 2018[5]).

Women at present hold 21% of seats in the Senate (including two senators from the FARC political party[1]) and 18.7% in the House of Representatives (IPU, 2019[6]). Two decades ago (1998-2002), women's participation stood at 13.4% and 11.8%, respectively (IPU, 2019[6]). Current representation of women in the lower house of Colombia's Parliament is lower than the OECD average of just over 30% Figure 2.1. At the subnational level, 12.2% of mayors and 17.9% of municipal councillors are women; and at the departmental level, women comprise 15.6% of governors and 17% of departmental deputies. This low representation persists despite incentives for support of women candidates under the electoral reform law of 2011.

Figure 2.1. Gender equality in parliament, 2012, 2015 and 2019

Lower or single house of Parliament

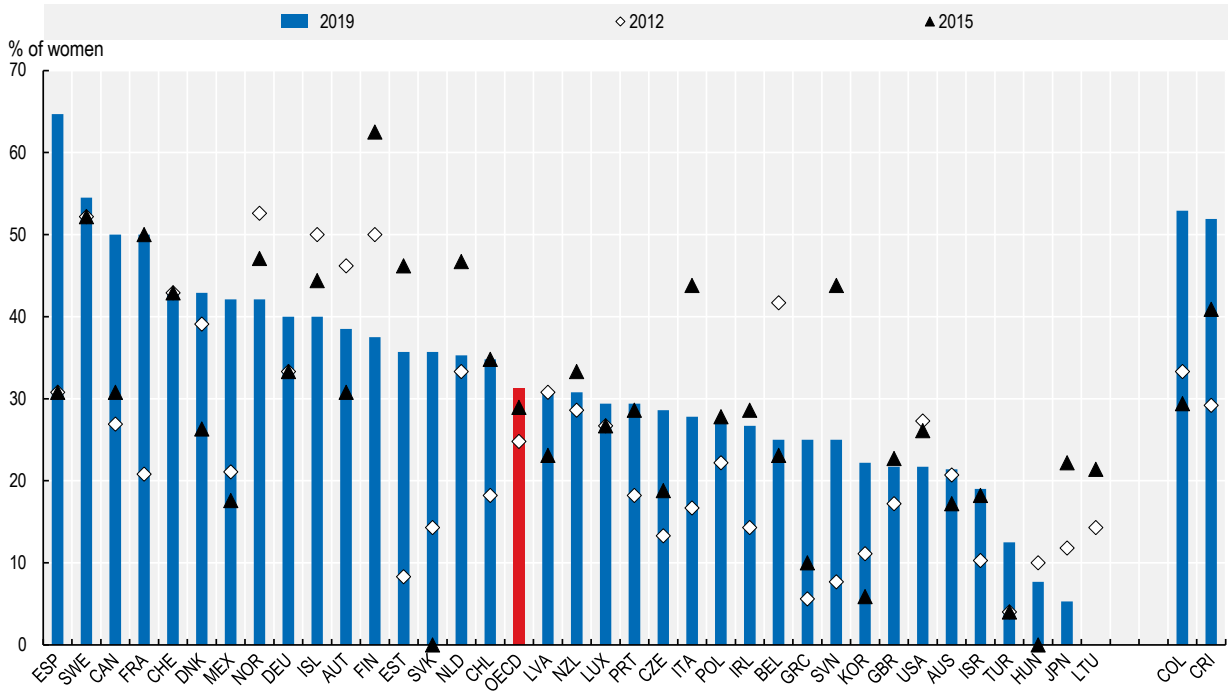


Note: Bars in light blue represent countries with lower or single house of parliaments with legislated candidate quotas as of April 2019. Data refer to the share of women parliamentarians recorded as of 1 January 2019, 1 December 2015 and 31 October 2012. Percentages represent the number of women parliamentarians as a share of total filled seats.
Source: (OECD, 2019[7]), *Government at a Glance 2019*, https://doi.org/10.1787/8ccf5c38-en.

In the national executive branch, women's representation in the presidential cabinet is 36% at the senior decision-making level and 40% at lower decision-making levels (DPA, 2017[8]). In fact, Colombia has a greater proportion of women at the top decision-making level in central government than the OECD average.

At the ministry level, women's representation in upper management positions is increasing. In 2018, a woman vice president was elected for the first time, and a woman was appointed to head the Ministry of Home Affairs. Yet gender imbalances persist in decision-making positions. A woman has never led the Ministry of Finance or the Bank of the Republic (Central Bank), and there has never been a female president of Colombia. This trend is similar in many OECD countries.

Figure 2.2. Gender equality in ministerial positions, 2012, 2015 and 2019



Source: (OECD, 2019[7]), *Government at a Glance 2019*, https://doi.org/10.1787/8ccf5c38-en.

2.4. Participation in local government: Departmental level

This section on local government and those that follow will focus on two of Colombia's 32 departments: Putumayo and Chocó. These departments were chosen for this study as they were prioritized by the National Government (2014-2018) as post conflict areas in need of interventions aiming to strengthen subnational capacities.

Women's political representation in Putumayo is increasing, suggesting shifting perceptions of women in politics and leadership and the potential for an improvement in gender balance in public life. There have been two notable two political changes.

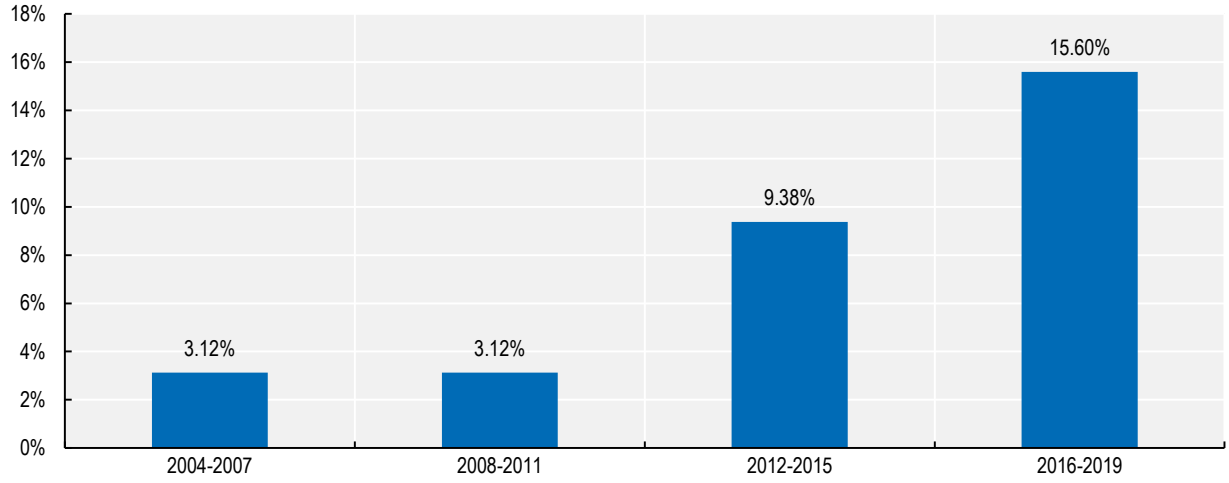
First, in 2015 the department of Putumayo elected its first female governor, who won with 45% of the vote (ColombiaCom, 2015[9]). The election of this governor, who is a member of a coalition between the Green Party and the U Party, presents an opportunity to promote women's political participation and is a visual reminder of the value of diversity in decision-making positions.

Second, Putumayo's Departmental Assembly, elected in 2015, has a female majority, with six women among its 11 members. The 37 women who stood as candidates for the assembly won 38.9% of the vote, and one of the six women elected received 15 346 votes, the most of any candidate (Alianza de Mujeres Tejedoras de Vida-Putumayo, 2015[10]).

No women were elected in 2015 for Chocó´s 11-member Departmental Assembly (yet, one woman had a seat in 2016 after the death of one of the Assembly members), however seven of Chocó's 30 municipalities elected a woman as mayor in 2015. This gives Chocó the third highest percentage of elected women mayors among Colombia's departments, after Vaupés and Córdoba (Government of Chocó, 2018[11]).

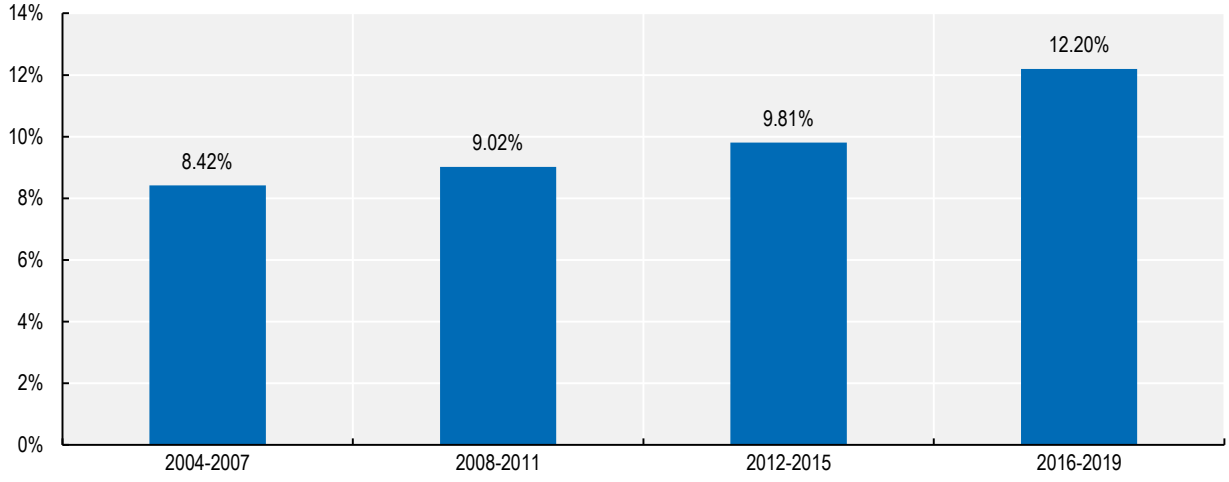
However, while women's representation in politics at the subnational level is increasing, progress is needed to meet the minimum of 30% required under the Quota Law. In local elections in 2015, 15.6% of the governors elected were women, up from 9.4% in 2011 Figure 2.3. Similarly, as shown in Figure 2.4, 12.2% of the mayors elected in 2015 were women, up from 9.8% four years earlier (UN Women, 2016[12]). Since Colombia's popular vote system was established in 1991, 13 departments, or 40%, have elected women as governors (UN Women, 2016[12]).

Figure 2.3. Percentage of women governors elected in Colombia since 2004



Source: (UN Women, 2016[12]), La Implementación del Sistema de Cuotas Electorales y Su Impacto en la Participación Política de las Mujeres en las Elecciones Locales de 2015, http://masmujeresmasdemocracia.mininterior.gov.co/sites/default/files/Implementaci%C3%B3n_Sistema%20de%20Cuotas%20y%20participacion%20P_elecciones%20locales%202015.pdf.

Figure 2.4. Percentage of women mayors elected in Colombia since 2004

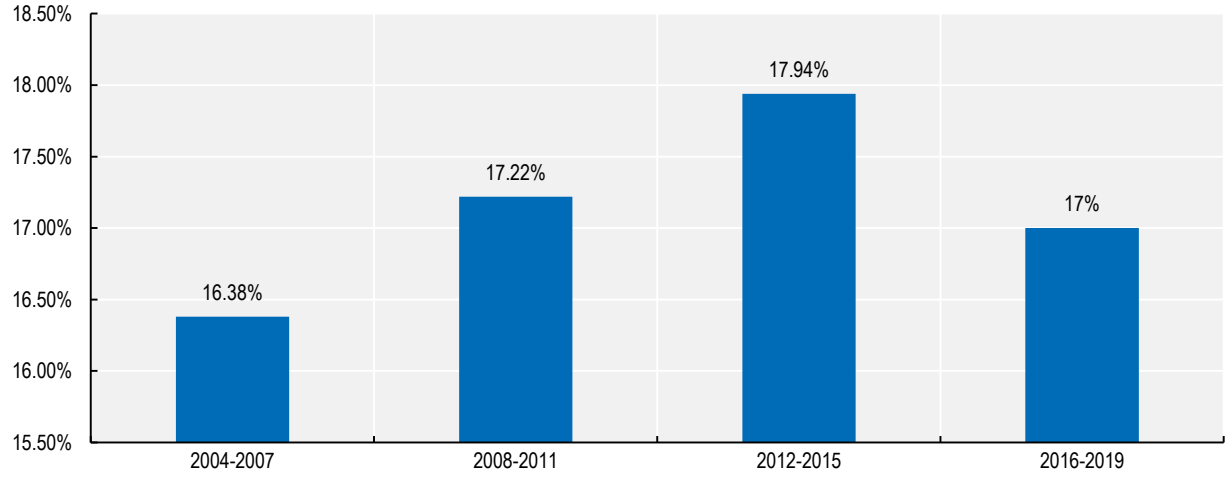


Source: (UN Women, 2016[12]), La Implementación del Sistema de Cuotas Electorales y Su Impacto en la Participación Política de las Mujeres en las Elecciones Locales de 2015, http://masmujeresmasdemocracia.mininterior.gov.co/sites/default/files/Implementaci%C3%B3n_Sistema%20de%20Cuotas%20y%20participacion%20P_elecciones%20locales%202015.pdf.

At the departmental level across Colombia as a whole, women represent 38% of public officers at the top decision-making level and 41% at other levels. In 2017, three departments had averages lower than 30% at the top decision-making level: Sucre, Magdalena and Caldas (DPA, 2017[8]).

Across different departmental assemblies, women hold 17% of the seats, with 70 women elected in 2015 (Figure 2.5). This was a decrease from 2011, when 74 women were elected to assembly seats. In 2015, only five department assemblies had female representation of more than 35%: Putumayo, Meta, Valle del Cauca, Sucre and Atlántico (UN Women, 2016[12]).

Figure 2.5. Percentage of women elected to department assemblies Colombia since 2004

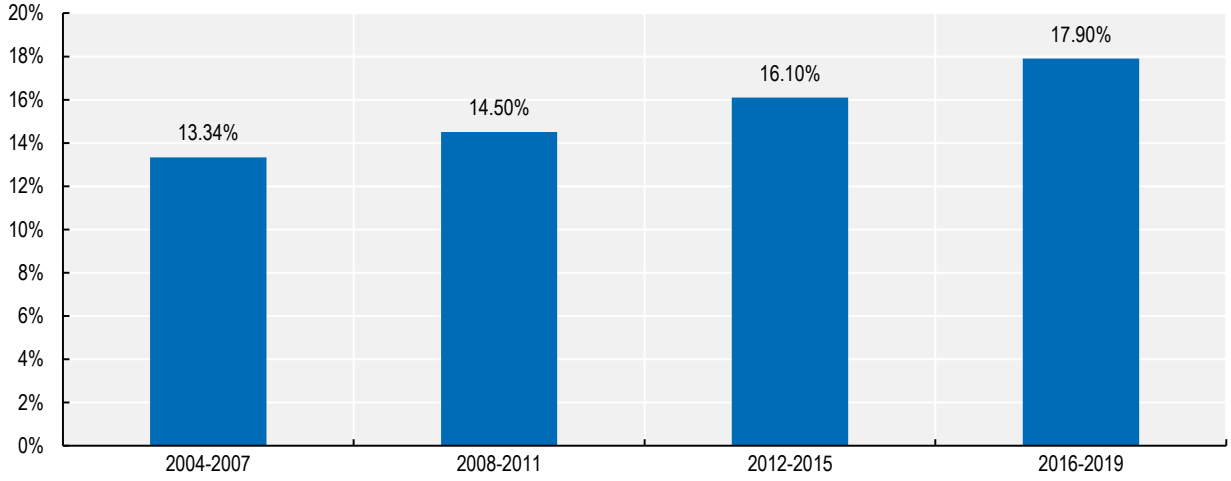


Source: (UN Women, 2016[12]), La Implementación del Sistema de Cuotas Electorales y Su Impacto en la Participación Política de las Mujeres en las Elecciones Locales de 2015, http://masmujeresmasdemocracia.mininterior.gov.co/sites/default/files/Implementaci%C3%B3n_Sistema%20de%20Cuotas%20y%20participacion%20P_elecciones%20locales%202015.pdf.

2.5. Participation in local government: Municipality level

The representation of women on Colombia's municipal councils has increased over the last four elections (UN Women, 2016[12]). In 2019, women held 17.9% of the seats. Yet despite this progress, the level of women's representation remains low (Figure 2.6).

Figure 2.6. Percentage of women elected to Colombia's municipal councils since 2004



Source: (UN Women, 2016[12]), La Implementación del Sistema de Cuotas Electorales y Su Impacto en la Participación Política de las Mujeres en las Elecciones Locales de 2015, http://masmujeresmasdemocracia.mininterior.gov.co/sites/default/files/Implementaci%C3%B3n_Sistema%20de%20Cuotas%20y%20participacion%20P_elecciones%20locales%202015.pdf.

Across municipalities, women represent 40% of the top-level public officers and 50% of officers at other levels (DPA, 2017[8]). In 2017, women's average representation at top decision-making levels was lower than 30% in four city governments (Bogotá, Tunja, Mocoa and Monteria). Sanctions for non-compliance with the Quota Law do not appear to be enforced on subnational governments. This has at times been the case on repeated occasions. Examples include the Bogotá departmental elections and Tunja municipal elections in 2016 and 2017 (DPA, 2017[8]).

In Putumayo, the Mocoa's municipal council elected in 2015 counted only one woman among its 13 councillors (Municipality of Mocoa, n.d.[13]). This indicates that voting attitudes still heavily favour male candidates. Likewise in Chocó, women received 12.66% of the vote in the 2015 elections for municipal councils. The municipalities where women were best represented are San José del Palmar (55.5%), Bahía Solano (44.4%), Bojayá (44.4%) and Medio Baudó (36.36%) (Government of Chocó, 2018[11]).

2.5.1. Women's participation in elections for local governments 2020-24

Looking ahead to elections due in 2020, women candidates registered with the electoral authorities were: for governor, 21 out of 176 candidates (11.9%); for mayor, 781 of 5 187 candidates (15%); for departmental assemblies, 1 321 of 3 583 candidates (36.8%); and for municipal councils, 35 855 of 95 487 candidates (37.5%).

As mentioned in this report, until the 2015 local elections, women's representation in politics at a subnational level in Colombia had an increasing trend. However, recent local elections (2019) results show a decrease in the number of women elected both for major and governor positions compared to the 2015 elections. According to the (Colombian NGO Corporación Sisma Mujer, 2019[14]), the number of women elected as governors in the 2019 local elections is 60% less than those elected in the 2015 local elections, only 2 out of 32 Governors offices are currently led by women governors. At a municipal level, there is a drop of around 3% in the number of women elected as mayors in the 2019 local elections compared to those elected in 2015. An important development has been the election of the first woman mayor in Bogota. In addition, for the first time, an indigenous woman was elected as mayor for the municipality of Silvia, Cauca. According to figures provided by the Office of the Presidential Advisor for Gender Equality, 74 women were elected as deputies for all the 32 Departmental Assemblies in the 2019 while 68 were elected

in 2015, showing a slight increase of women´s participation in these institutions. In the 2015 elections 1900 women were elected for Municipal Councils, whereas 2092 were elected to hold this position in the 2019 elections, also indicating an improvement. However, these numbers remain low considering the total number of elected candidates: 12063 for Municipal Councils and 418 for Departmental Assemblies.

2.6. An overview of barriers to women's equal access to politics

Social attitudes towards women's political participation, as well as structural barriers and broad institutional factors, continue to disadvantage women electoral candidates in Colombia. Colombian women who have sought to participate in political and public life identified specific barriers during OECD in-country meetings. The challenges related to women's political participation at both the departmental and municipal levels, and these barriers were both general and country specific.

Another issue is that violence against female leaders of social movements remains widespread (Netherlands Institute for Multiparty Democracy, 2016[15]). This limits women's ability to participate freely and actively in public life. Many OECD countries have taken action to combat gender-based harassment and violence against women in politics and public life (Box 2.1).

Box 2.1. Parliamentary responses to gender-based harassment across OECD countries

Parliaments across OECD countries have addressed different forms of gender-based harassment through policies, codes of conduct or specific resolutions.

- The Canadian Senate has adopted a Policy on Prevention and Resolution of Harassment in the Workplace that applies to all members and staff.
- In Mexico, parliamentary members or staff who experience harassment can file a complaint with the Bureau of the Senate, which in turn co-ordinates with judicial units to redress such incidents.
- The parliaments of Slovenia, Sweden and Luxembourg have adopted provisions on sexual harassment, and the Swedish and Luxembourg parliaments include grievance procedures for redress as well as policy provisions to protect the rights of members of the LGBTQ community.
- Sweden has also adopted gender-related provisions governing cyber-bullying and use of social media.

Source: (OECD, 2018[16]), *OECD Toolkit on Mainstreaming and Implementing Gender Equality,* OECD Paris, https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf.

2.6.1. Violence against women social leaders in Colombia

Violence against leaders of social movements in Colombia is on the rise, and it affects both men and women. These include threats, attacks and murder by different armed groups. This situation has worsened considerably during the past few years. Since the 2016 peace agreement between the FARC and the national government (as well as a breakdown in dialogue between ELN guerrillas and the government in 2018), new armed groups have taken control of territories previously dominated by the FARC. This helps to explain why the security situation has deteriorated for social leaders, especially for those advocating for land restitution, coca crop substitution and environmental causes (Semana, 2019[17]).

From February 2016 to August 2018, 343 social leaders were killed in Colombia, including 12 in Putumayo and 17 in Chocó (Defensoría del Pueblo, 2018[18]). Electoral campaign periods present a heightened threat to social leaders. In 2018, 40% of the murders of social leaders occurred from May to August, when campaigns and elections took place for Congress, vice president and president of the republic (Defensoría del Pueblo, 2018[18]).

Women are particularly affected: According to the figures shared by the Office of the Presidential Advisor for Gender Equality, until 2019, 6 out of 10 women candidates have been victims of violence. According to the National Ombuds Office, many of the cases took place in the departments of Cauca, Arauca, Antioquia and Norte de Santander, and around 10% in the departments of Putumayo, Caquetá, Nariño, Tolima, Casanare and Boyacá. According to women interviewed by the OECD during the Advisory Sessions in Mocoa (July 2019), this issue is of special concern, as 14 women leaders were killed in Putumayo between January and March 2019.

2.6.2. Stereotypes and other barriers to women's equality

Gender inequalities – which often stem from deep-rooted and normative gender beliefs, such as women as primary caregivers – are also embedded in political, economic and social structures, the OECD heard during interviews in Colombia. These stereotypes may generate internal barriers for women and members of marginalised groups to participate in political life and top-level decision making, thus reinforcing existing gender roles.

Related barriers include difficult access to affordable care services and limited measures on work-life balance. For example, party meetings and other political events often run until late in the evening, discouraging women with young children from participating. Together, these barriers can reinforce the challenge of balancing work and private life. Sweden offers a good-practice example of a gender-sensitive parliament, while other OECD countries offer practical solutions for increasing women's engagement and opportunities in political life (Box 2.2).

Box 2.2. Gender equality for legislators in Sweden and other OECD countries

Sweden's parliamentary gender action plans have succeeded in making the country's parliament more responsive to the needs of women and men, including by introducing subsidised child care, the ability to take parental leave without resigning and standardisation of working hours and sessions.

The parliament's first Gender Equality Action Plan (2006-10) was developed based on the findings of an internal survey conducted by the Speaker's Reference Group on Gender Equality Issues. The survey revealed that, despite significant gains towards gender equality, women parliamentarians still faced significant challenges in advancing their careers and receiving the same level of respect as their male counterparts.

A document entitled "Fifteen Proposals for Gender Equality in Parliament", based on the survey results, formed the basis of the parliament's first formal gender action plan. A gender-equality plan is now adopted for each legislative session, and the parliament's secretary-general is responsible for ensuring that there is reporting on the results achieved and the challenges remaining. The plan pinpoints areas in which gender inequity persists and identifies concrete actions to address these within a specified time period by specific actors.

Parliaments in several OECD member states have adopted family-friendly provisions to promote work-life balance. The Danish parliament does not allow voting after 7 p.m., while Sweden's parliament tries to avoid evening voting as well as votes held on Mondays and Fridays. The Australian House of Representatives allows proxy voting for women who are breastfeeding when a vote is called. A number of parliaments have established crèche or childcare facilities. The Swedish and German parliaments provide crèche facilities for all parliamentary members and staff.

In Spain, legislation was amended under the 2007 Gender Equality Act to provide maternity and paternity leave for elected officials, and to allow remote voting in certain plenary sessions in cases of pregnancy, maternity of paternity issues or serious illness, duly justified and authorised by the Chamber Bureau.

Source: (OECD, 2018[16]), *OECD Toolkit on Mainstreaming and Implementing Gender Equality,* OECD Paris, https://www.oecd.org/gov/toolkit-for-mainstreaming-and-implementing-gender-equality.pdf.

2.6.3. Barriers to women's equality within political parties

Colombia has seen progress on the issue of funding and promoting women's political presence: political parties are required to use 15% of their permanent subsidies for the promotion of training and research and the effective inclusion of women, ethnic minorities and young people. However, an absence of legal controls over the use of these funds to promote female leadership has weakened the impact of this measure. The funds have been allocated, for example, for the administration of party offices, the purchase of flowers and the celebration of Mother's Day (Netherlands Institute for Multiparty Democracy, 2016[15]).

As in many other countries, female candidates in Colombia often face challenges in receiving equitable financial backing from their political parties. Accurate information is limited about the real level of election expenses and the sources of campaign funding. An information gap on the implementation of regulations limits opportunities for oversight and accountability, and can complicate efforts to level the playing field among candidates. Former senators and political representatives recognise in interviews that investing more and better resources in training emerging female leaders, and making funding available to women during campaigns (initiatives similar to Emily's List in the United States), could have an important impact on increasing women's political participation (Netherlands Institute for Multiparty Democracy, 2016[15]).

Box 2.3. Spain: Analyses and data on the implementation of balanced presence of women and men in elections

Since the approval of the Equality Law in 2007, the General Directorate of Internal Policy of the Spanish Ministry of Home Affairs, carries out analyses with detailed data on the impact of compulsory compliance with the principle of balanced presence of women and men in candidate lists in national, local and European Parliament elections. The first analysis was published after the 2007 local elections, which took place after the entry into force of the Law. They are available (in Spanish) at the webpage of the Spanish Ministry of Home Affairs.

Source: (Government of Spain, n.d.[19]), http://www.interior.gob.es/web/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/elecciones-y-partidos-politicos.

The uneven implementation of the Quota Law, and the fact that sanctions are limited for non-compliance in electoral processes, can also serve as a structural barrier for women's political participation. There are no mandatory quotas within political parties' internal structures. Key elements of elections – such as candidate selection procedures, financial support and career progression and promotion, all of which can have a fundamental impact on women's advancement in public life – are often conducted outside the reach of quota regulations and other government efforts to improve gender equality in politics. Further, the OECD has assessed that there is not always a strong state institutional presence in rural and regional parts of Colombia, which can limit the implementation of policies intended to support equal access to politics and can increase the challenges faced by women in subnational elections.

Box 2.4. Spain's approach to monitoring the impact of its gender law on elections

Under Spain's Gender Equality Law, adopted in 2007, the government carries out detailed analyses on the impact of compulsory compliance with the principle of balanced presence of women and men in candidate lists in national, local and European Parliament elections. The analyses, with detailed gender-balance data, are carried out by the Interior Ministry's General Directorate of Internal Policy and are published on the ministry's website. They show, for example, that women's representation as candidates in European Parliament elections rose to 17% in 2009 from 13% in 2004, and that women won 36% of Spain's 52 seats in that body in 2009, up from 33% in 2004.

Source: (Interior Ministry of Spain, n.d.[20]), http://www.interior.gob.es/web/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/elecciones-y-partidos-politicos.

2.7. Legal and policy frameworks to promote gender equality in political participation

Over the past two decades, Colombia has demonstrated its commitment to gender equality. As of 2015, it had ratified all international treaties on equal rights for women and gender equality, many of which are part of the body of constitutional rules (under CONPES 161 of 2013). However, although Colombia has taken steps to adapt and reform its legal and policy framework to support women's political participation, there is scope for further progress in the legal and policy frameworks and their effective implementation and monitoring, especially at a local level.

The 2015 OECD Recommendation on Gender Equality in Public Life, (GEPL Recommendation) highlights that achieving gender equality requires:

- committed leadership
- effective institutional frameworks
- resources
- tools
- gender mainstreaming across levels of governments.

It underlines that a whole-of government approach, supported by effective institutions and policy frameworks, is essential to ensure that gender equality efforts are sustainable. In light of the GEPL Recommendation (OECD, 2016[21]), this section will examine legal frameworks, national strategies, action plans and institutional arrangements for gender equality, namely in political participation.

2.8. National level frameworks for gender equality

Colombia has instituted a range of laws, regulations and public policies on gender equality at the national level. These include: 1) a Quota Law for women's representation in public administration (including an electoral reform law that applies to political party electoral lists); 2) the National Development Plan 2018-22, which includes a specific policy line on women's political participation; 3) a National Policy for Gender Equality; 4) a nationwide campaign strategy for improving women's representation in politics; and 5) several gender equality programmes.

2.8.1. Quota Law

The Colombian government enacted national affirmative action for gender equality primarily to improve women's participation in public administration. The Quota Law (Law 581 of 2000) establishes the participation of women in at least 30% of the top decision-making positions in public administration.

Eleven years after the adoption of this legislation, the Electoral Reform Law (Law 1475 of 2011) introduced the Quota Law for candidacies to political bodies (city councils, assemblies and management committees). It established that political party lists for the election of five seats or more should include at least 30% of candidates of each gender. This law also sets out organisational and operational rules for political parties and electoral processes, making it mandatory to present at least 30% of women as candidates to public bodies.

The Electoral Reform Law also provides incentives for the support of women candidates. It grants political parties and movements an additional 5% funding for the election of women candidates, and also requires political parties to invest 15% of the permanent state funding they receive into research and training activities for the inclusion of women, young people and ethnic minorities in the parties' internal bodies.

While the Quota Law led to an increase in the percentage of women elected in the last national and departmental elections, the political representation of women at all levels continues to fall markedly short of the 30% set out in the law. This points to a gap between the policy set out in the law and its implementation and enforcement in practice. A more targeted and robust commitment would help to deliver gender equality outcomes, accompanied by adequate governance systems and processes.

As for the Electoral Reform Law, if parties do not meet the required 30% of women on candidates list, the list's inscription is revoked. The law stipulates that the statutes and regulations of political parties must include dispositions guaranteeing women's right to equality in the inscription and selection of candidates (Article 4). Compliance and follow-up of the law's implementation is the responsibility of the Department for Public Administration, the Inspector General and the National Ombudsman.

Spain offers an interesting example of legislation to promote gender parity in political parties. Compared to Colombia, Spain mandates a higher percentage of women candidates on party lists and imposes effective sanctions for non-compliance (Box 2.5).

Box 2.5. Spain's approach to gender balance in electoral politics

Spain's law for effective equality between women and men (Organic Law 3/2007 of 22 March 2007) amended the General Election Regime Law (Government of Spain, 2007[22]). It mandates parties to have a balanced presence of women and men, with no fewer than 40% and no more than 60% of candidates of each sex, in the lists of candidates for election to: the lower house of parliament, municipal and island councils, the legislative assemblies of the Autonomous Communities, such as Catalonia and the Basque Country, and the European Parliament.

The measure is designed to prevent abuse by political parties: the 40/60 proportion must be respected not only in electoral lists as a whole but also for every five positions within each list. This requirement prevents parties from indulging in bad practices such as relegating the 40% of female candidates to the bottom of the list, thereby placing many of them in unwinnable positions. This is particularly important in proportional election systems with closed and blocked party lists, as in Spain.

The law establishes effective sanctions: electoral lists that do not fulfil the quota requirements are withdrawn by electoral officials.

This amendment has contributed to increasing the political presence of women in Spain's elected bodies. In the last general elections, held on 10 November 2019, women were elected to 44% of the seats in the Congress of Deputies and 38.87 % of the seats in the Senate. In the parliaments of the Autonomous Communities, women were elected to a high of 46% of seats.

This progress also can be observed at a local level, where the proportion of women councillors and mayors has grown in a sustained manner, with 40% women councillors and 21% of women mayors elected in 2019.

Source: (European Institute for Gender, n.d.[23]), "Spain: Electoral practices that work", http://eige.europa.eu/gender-mainstreaming/good-practices/spain/electoral-quotas-work.

Certain barriers prevent full realisation of the objectives of Colombia's Quota Law. For example, fewer than half of the departments (14 out of 32) are entitled to five seats or more in the National Assembly, which reduces the possibility of reaching 30% in the electoral processes as a whole. An assessment of compliance with the Quota Law, supported by the Spanish Agency for International Co-operation (AECID), highlighted that implementation varies across the public administration. For example, public management positions are not subject to the law (UNDP, 2012[3]).

The National Electoral Council does not appear to have the mandate to exercise systematic control or review how Colombia's political parties spend the funding received from the state. Further, application of the Quota Law is uneven in sectors that face challenges in complying with its standards at top decision-making levels. Examples include the Department of Housing (women's representation of 12% in 2015, 18% in 2016, and 11% in 2017) and the Department of Intelligence, which reported zero women's representation in 2015, 2016 and 2017 (DPA, 2017[8]). The two sectors with greatest women's representation at top decision-making levels in 2017 were the Department of Public Administration and the Social Inclusion and Reconciliation Sector, while the sector with the highest representation of women at the next level of decision-making was the Sports Sector, with 67% of women's representation in (Casas-Zamora and Falguera, 2016[24]).

The Department of Public Administration aims to systematically follow up through an annual report on compliance with the Quota Law by the executive, legislative and the judicial branches, and by other national and subnational entities. This should encourage transparency by publicising women's representation in public office every year, both at a national and a subnational level.

Although the Quota Law does not stipulate a gender quota for party membership, some political parties have voluntarily adopted regulations for an internal gender quota. Parties like MIRA, the Conservative Party, the Liberal Party, the Alternative Democratic Pole Party and the U Party have incorporated women's right to equality in politics into their statutes and regulations. Some, including the Green Alliance Party, the Alternative Democratic Pole Party and the Patriotic Union Party, have voluntarily adopted regulations on a gender quota inside the parties (DPA, 2017[8]).

Colombia's electoral system does not require political parties to alternate men and women candidates on their electoral lists – a practice known as the "zipper system", or vertical parity. This means that political parties can place women candidates at the bottom of their lists and still fulfil the 30% requirement. Research by UN Women revealed that, in the 2015 elections for departmental assemblies, most of the 1 259 women candidates were positioned at the end (40%) or in the middle (33%) of electoral lists, while 27% were placed higher (UN Women, 2016[12]).

Box 2.6. Colombia's electoral system of open and closed lists

Under Colombia's electoral system, which was reformed in 2003, political parties may present candidates on two types of lists:

- the **closed list**, where the electorate votes for a political party as a whole. Each party determines the order of candidates on its list, with those positioned highest the most likely to be elected. Voters thus have no influence on which candidates are elected.
- the **open list**, where the electorate votes for a political party as a whole, but where voters have the right to choose their preferred candidate on the list. After the election, the list is reorganised to take account of this Preferential Vote (*Voto Preferente*). Voters thus have an influence on which candidates are elected.

In both cases (open and closed lists), seats are apportioned via an "electoral quotient" (*Cifra Repartidora*) of total votes received by a party divided by the total number of seats.

A political and electoral reform debated in the Colombian Congress in 2018 contained measures to increase the chances for women to be elected, including elimination of the Preferential Vote and introduction of the "zipper system". Unfortunately, according to a document provided by the CNE, this reform failed in the conciliation stage between the two chambers.

However, the Statute of Opposition (Law 1909 of 2018), which establishes the rights of opposition parties, contains dispositions that favour women, such as a gender equality principle and the right of alternation in party management positions. This law also includes an obligation to define protection measures for women candidates.

The 2015 reform of the Constitution implicitly recognises the need to reinforce the gender quota and foster women's political participation. The reform, carried out under the Balance of Powers Reform Act (Legislative Act No. 2 of 2015), establishes three main principles: *parity*, requiring that 50% of the members of political participation spaces be women; *universality*, meaning that the Quota Law must be applied in all government institutions and ministries; and *alternation*, requiring political parties to list electoral candidates in alternating gender order. The regulation of this act could boost women's political participation and opportunities for engagement.

There is scope for parliament to strengthen implementation of the parity principle through regulations. The Inspector General's Office could follow up via better monitoring of compliance with the Quota Law and sanctions for non-compliance. To boost gender-sensitive policy making by parliament, this could potentially be championed by the Legal Commission for Women´s Equality (*Comisión Legal para la Equidad de la Mujer).*

2.8.2. Sanctions for non-compliance with the Quota Law

Article 4 of the Quota Law concerns compliance with the law's provisions for women to hold at least 30% of the decision-making positions in public administration. However, the wording of the article is vague. Non-compliance by a public entity is to be sanctioned with a 30-day suspension from office, and removal from office if the conduct persists – but the article does not state precisely who is to be held liable, and this is viewed as a vacuum in the law. Some guidance has been provided by the Constitutional Court, which indicates that the person to be sanctioned is the public officer who made the non-complying appointment (Sentence C-371/2000).

The Department of Public Administration monitors implementation of Article 4, submitting its findings each year to the Inspector General's Office, which is in charge of reporting and sanctioning non-compliant entities. However, the Quota Law does not specify which entity is to follow up on implementing the other provisions of the law, such as women's access to professional development. This leaves a gap in terms of oversight and enforcement. There also appear to be limited mechanisms for ensuring compliance with the law in practice. This could generate a sense of impunity and discourage women from participating in politics or aiming for public office.

The High Presidential Council for Women's Equality has emphasised the role of the Observatory for Women and Political Participation in following up on the Quota Law and informing the public about it (UNDP, 2012[3]). The observatory could benefit from increased resources and legal reinforcement for implementing additional follow-up mechanisms together with the Inspector General's Office, the OECD was told in December 2017 by the Presidential Advisor for Gender Equality. Promoting compliance with the Quota Law – for example, by establishing active mechanisms like the campaign "More Women, More Democracy" and by encouraging the role of civil society as a systematic monitor – could help to ensure the law's effective implementation.

2.8.3. Financing for political campaigns

Colombia has taken steps to develop a legal framework that would guarantee equitable electoral conditions, protect the rights of vulnerable populations and control the influence of campaign funding from questionable sources. In general, legal provisions have tried to catch up with changing realities on the ground within Colombia's political context, including illegally financed campaigns (Casas-Zamora and Falguera, 2016[24]). Yet many challenges remain, especially regarding the implementation of effective sanctions and the oversight of political finance.

A study on Colombia's upper-management decision makers by the United Nations Development Programme found that a number of ministerial-level officials are members of a "social elite group" (UNDP, 2012[3]). Campaign funding in Colombia can be private or public, and in 2014 elections for Congress, private funds represented 70% of the total cost of the campaigns (Casas-Zamora and Falguera, 2016[24]).

According to International IDEA and the Netherlands Institute for Multiparty Democracy, electoral candidates in Colombia enjoy fundraising opportunities if they have the support of a political group or the advantages of incumbency. Emerging female leaders can thus face more complex financial limitations than women already on the inside lane of Colombian politics (Guzmán Rodríguez and Prieto Dávil, 2014[25]).

OECD interviews and research in Colombia indicate that candidates at a subnational level, especially those on open lists, rarely find campaign funding support from their parties, partly because the parties' financial structure is weaker in the regions (Casas-Zamora and Falguera, 2016[24]). Furthermore, OECD interviews indicate that while there are indications that political parties allocate resources according to the perceived electoral viability of individual candidates, information on the allocation of funds within political parties is limited.

Law 1475 of 2011 requires that 5% of state funding for political parties be distributed as an incentive for those that gain seats for women candidates. However, the law does not say how these resources should be spent. Furthermore, as there is a voting threshold that parties must reach in order to obtain seats and maintain their legal status *(Personería Jurídica),* Law 1475 of 2011 also contains incentives for parties that have gained seats in the previous election (to Congress, departmental assemblies and municipal councils).

These incentives are considerably higher than those for having women elected. For instance, parties that won more that 3% of the seats in the previous election to Congress receive 15% of state funding for the next election. This means that parties may find it more advantageous to focus on obtaining seats and votes than on guaranteeing that women are effectively elected.

This law also requires every party and political movement to allocate at least 15% of the state funding they receive to training activities for increasing political participation among women, ethnic groups and young people. However, stakeholders indicate that the parties often have difficulties distributing this percentage in fair proportions among those groups. Additionally, as parties are not required to report on the training activities, it can be challenging to oversee the use of this funding and whether it actually increases inclusiveness and gender equality. The sanction framework for non-compliance with this requirement also needs to be clarified.

Regarding the oversight of financial dispositions, only a handful of investigations were initiated by the National Electoral Council (CNE) after the 2014 legislative elections, despite low levels of compliance with campaign finance regulations by parties and candidates. This is possibly due to structural and internal barriers, which will be further discussed below.

The "Cuentas Claras" (Clear Accounts) mechanism

Like other Latin American countries, Colombia has achieved a robust and sophisticated normative system on public and private funding assigned to political activity. Limits for general spending are precisely defined both by the law and by the CNE. Transparency rules are less precise, combining annual financial reports by the parties with electoral reports that are due only after the election. However, campaign finance reports are publicly accessible, and increasingly available, through the mandatory use of the *Cuentas Claras* digital application, an official mechanism for accountability launched by the CNE in the 2010 parliamentary elections (Casas-Zamora and Falguera, 2016[24]).

The *Cuentas Claras* mechanism aims to increase accountability by facilitating access to information on campaign funding. In the 2014 legislative elections, 93% of candidates used *Cuentas Claras* to report their sources of funding and expenses, and this was considered to mark important progress (Casas-Zamora and Falguera, 2016[24]). Yet there is still scope to improve the accuracy of information about total election spending and the transparency of campaign funding.

2.8.4. Regulations on media access

Colombia's regulations on access to the media appear to be comprehensive, granting candidates and parties access to both state-owned and private-sector media channels on radio and television during the three-month official campaign period. Moreover, media slots are allocated by ballot to secure impartiality. Yet while the law is rigorous, stakeholders reported in interviews that practices appear to be more lax in this regard, especially at the local level.

As for media access for opposition parties, the Statute of Opposition (Law 1909 of 2018) sets out their rights, such as 30 minutes each month on national and regional television and radio, and a national television slot after every presidential speech.

Law 1475 of 2011 establishes sanctions for parties that do not comply with the requirements on media access, from loss of public funding and loss of access to state-owned media to a prohibition on registering candidates. In practice, however, private media conglomerates can lower their advertising rates for specific candidates or parties, creating inequalities during campaigns.

In Colombia's electoral system, as in many other countries, individual access to media is as important for electoral success as access to money and networks. Presidential candidates are entitled during the campaign to two minutes per day per television broadcaster (private and state-owned) and four minutes per day per radio broadcaster (private and state-owned). Additionally, candidates, parties and significant groups of citizens are entitled to free advertising on state-owned and private media for two months prior to the election (Law 1475 of 2011, Article 35).

Despite these regulations, stakeholders reported in interviews that political parties and candidates often look for private media options. The financial resources required make this option unavailable to some candidates, which can create unequal access to media for women and other underrepresented groups. There appear to be no estimates about the use of paid electoral advertising by women candidates. Research carried out by a local NGO, the Electoral Observation Mission *(Misión de Observación Electora)*, in the wake of the 2014 congressional and presidential elections found that women were underrepresented in the news coverage (Casas-Zamora and Falguera, 2016[24]). Paradoxically, the proportion of coverage allocated to women, including coverage of gender issues, decreased in 2014 despite implementation of Quota Law.

Colombia might benefit from strengthening implementation and monitoring measures for media regulations on political campaigning. Sweden offers a useful example in this regard. According to a Sustainable Governance Indicators (SGI) analysis, all candidates and all parties in Sweden "have equal opportunity of access to the national media and other means of communication." It adds that equality among political candidates in terms of their access to media is to a large extent safeguarded by the public service rules of Swedish public television and radio (SGI, 2017[26]).

2.8.5. National gender strategies and public policies

National Policy for Gender Equality

The Colombian government – specifically, the High Presidential Council for Women's Equality (CPEM) – published guidelines in 2013 for a national policy on gender equality, with broad input from civil society and groups representative of the diversity of women in Colombia. These guidelines were then approved by the National Social and Economic Policy Council (CONPES) as an official National Policy for Gender Equality. The policy, CONPES 161, set out six priority themes for addressing areas where Colombian women face discrimination: *i)* peacebuilding and cultural transformation; *ii)* economic independence and access to work; *iii)* participation in public life and decision making; *iv)* health and sexual and reproductive rights; *v)* gender equality in education; and *vi)* a comprehensive plan to secure women a life free of violence.

In 2017, in line with Colombia's commitment to an open government, CONPES 161 became the first public policy evaluated through a participatory approach. It was also the first results-oriented evaluation of a national gender equality policy led by the National Planning Department. In comments to the OECD, the CPEM indicated that the evaluation would be used as an input for the second Action Plan for CONPES 161; the first action plan expired in December 2016.

As mentioned previously, the National Development Plan 2018-22 introduced a chapter on women's rights, the "Pact for Women's Equality", with policy lines that are similar to those of CONPES 161: strengthening institutions to promote women's rights; education and economic empowerment for women; women's political participation; women's right to a life free of violence; rural women as agents of transformation; and equity for women in peacebuilding.

More Women More Democracy

A strategy to increase the political participation of women, "More Women More Democracy", was introduced during Colombia's 2018 legislative election campaign. The strategy aims to promote women's leadership, inclusion and political participation in electoral processes. Within its framework, a virtual site offers tools to improve training, provide information and support the participation of female party candidates and civil society organisations (Interior Ministry of Colombia, n.d.[27]).

This campaign was launched with the signing of a "Pact for Peace and the Inclusion of Women in the Electoral Process". The pact was signed by the Ministry of the Interior, the High Presidential Council for Women's Equality, the Presidency of the Senate, the Chamber of Representatives, and the Legal Commission for Women in Congress, along with representatives of Colombian's political parties and movements.

"More Women More Democracy" evolved from earlier initiatives. In 2005, political party leaders were invited to sign a "Pact for the Effective Inclusion of Women in Politics" and to strengthen female candidacies through political training, funding and communication strategies. This led to the introduction, in elections of March 2006, of a "More Women More Politics" campaign. However, its impact was not immediately evident: indeed, women's representation in Congress decreased, to 8.4% in 2006 from 12.6% in 2002. This led to an overhaul and rebranding of the campaign (DPA, 2017[8]).

"More Women More Democracy" was run through the Ministry of the Interior and the High Presidential Council for Women's Equality; the International Co-operation Gender Table also participated in its development. Commitments included among others electoral training for women to foster their effective participation in the political process; training and skills development programmes for new candidates; and instituting practices that promote equal access to electoral campaign resources for both female and male candidates.

Moving forward, there is scope for addressing the remaining structural barriers that impede the participation of women in political life, comprehensively and from a long-term perspective. For example, following national and subnational meetings, the need for measures that facilitate the work-life balance was identified as a key element for women's inclusion in political life. During the launch of the "More Women More Democracy" campaign, the president of the Congress proposed the development of a gender-sensitive infrastructure, through an interparliamentary study and action plan, to improve working conditions for women and men inside the chamber. Specific policies could include the implementation of work-life balance reconciliation policies that set specific times during which meetings can be held to accommodate working parents. Inclusive strategies could also be created to facilitate the participation of legislators who cannot attend debates in person, for reasons of pregnancy or maternity, in order to combat discrimination against women candidates based on their prospective absence during these periods.

These efforts could be complemented by strengthening institutional mechanisms, such as the National Electoral Council and the High Presidential Council for Women's Equality. It would also be beneficial to raise awareness and educate the public about the damage caused by gender stereotypes and how such stereotypes negatively impact both women and men. The use of information campaigns to influence a change in public behaviour and attitudes was demonstrated in Sweden through a communication strategy to combat male dominance in politics and improve social perceptions of women in politics and public life (Box 2.7).

Box 2.7. Sweden's approach to combatting male dominance in politics

Sweden has conducted a nationwide campaign to inform political parties and other organisations about male "domination techniques" and strategies to combat them. Domination techniques are defined as strategies of social manipulation and domination through which a dominant group maintains its power and privilege. Men may use domination techniques to assert themselves, for instance by treating women as invisible, ridiculing them, withholding information and so on.

Actions to address and counter male domination in Sweden have involved the use of role play, films and exercises. This has stimulated wide debate on women's representation in politics and has facilitated discussions in schools, workplaces, municipalities and political parties. The creative employment of such innovative awareness-raising tools is essential for making initiatives visible and popular. Sweden's National Federation of Social Democratic Women also produced a *Power Handbook*, which advises women on how to resist male dominance techniques and to obtain, keep and utilise power.

These strategies to combat male domination and promote balanced decision making have been elaborated and used over many years, and have proved to be effective. They have been spilled over from politics to other areas, like the workplace and education.

Why does this approach represent good practice and how does it advance women in politics?

- It addresses masculine domination techniques and the theory of male power in an innovative way.
- It creatively employs a variety of awareness-raising and training tools (films, plays, exercises, social media, etc.).
- It is rooted in a gender-mainstreaming framework.
- The materials and tools produced have been used extensively across Europe and around the world.
- The model is very transferable and adaptable to different contexts.

Source: (European Institute for Gender Equality, 2016[28]), *Advancing gender equality in political decision-making: Good Practices,* http://eige.europa.eu/sites/default/files/documents/mh0415104enn_0.pdf.

2.9. Departmental level frameworks for gender equality

2.9.1. Putumayo's policy on gender equality

The Department of Putumayo's gender policy was adopted in late 2017. It is officially titled "Public Policy on Gender Equity and Equality for Women of Putumayo: Dignity, Recognition and Territory 2017-27" (herein referred to as the Putumayo Gender Policy). Its purpose is to complement the National Policy for Gender Equality with a regional perspective (Government of Putumayo, 2017[29]). The policy describes the multiple causes of women's low political participation and explains that they are due to a range of personal, social, political and economic factors, as well as the rules of the electoral system and the internal functioning of the political parties themselves. It defines guidelines, strategies and goals that the department should follow in order to guarantee rights for all women in Putumayo.

The Putumayo Gender Policy has eight objectives, one of which, Objective 4, relates specifically to women's political participation. Objective 4 calls for designing initiatives that favour the training and political empowerment of women in their territories to enhance their participation in decision making and high-level positions. These initiatives should further the implementation of gender-sensitive strategic agendas and interests. Section 3.6, on women's empowerment, outlines a strategy for "institutional strengthening, women's empowerment and capacity building for active participation and access to power" (Government of Putumayo, 2017[29]).

The Putumayo Gender Policy serves as a development and evaluation tool for public policy and includes cross-sectoral strategies, work areas and lines of action, such as Line of Action 1: "Prevention, care and punishment of all forms of violence against women and girls." It encourages the department to reduce gaps between men and women in an effort to overcome historical inequalities and gender stereotypes.

At the time of drafting this assessment, Putumayo was governed by a woman, and the OECD fact-finding mission in December 2017 was told that this seems to have helped foster the introduction of gender-related public policy at the departmental level, in line with the mandate of the National Development Plan. For instance, the launch of participatory budgets includes a budget line for rural women and actions for the political participation of women.

On-the-ground interviews in Mocoa suggested that the gender-balanced composition of the Putumayo Assembly also contributed to the inclusion of gender equality issues in its agenda.

Moving forward, incorporating Putumayo Gender Policy into the department's Territorial Development Plan and allocating it with a specific budget could help to ensure its sustainability and continued prioritisation and the establishment of a robust institutional structure. To ensure a holistic response to gender-equality needs, this could be complemented by promoting spaces for dialogue and capacity building, in collaboration with women's associations, to promote and highlight women's inclusion and participation in the Department's political life.

Box 2.8. Community consultation in developing Putumayo's gender policy

A grassroots women's organisation in Putumayo conducted a two-year exercise to adapt Colombia's National Policy for Gender Equality to women's needs within the department. To achieve the goal of forging an inclusive policy, the consultation involved women from across the department, including local farmers, indigenous and Afro-Colombian women, and representatives of civil society organisations.

The organisation, the Alliance of Women Weavers of Life (*Tejedoras de Vida*), carried out this participatory process before presenting the policy to the department.

The resulting Putumayo Gender Policy is one of the few public policies built and implemented by a grassroots women's organisation, or perhaps the first such policy. During its development, roundtable discussions were held in Putumayo's 13 municipalities and its rural districts, with the participation of more than 1 500 women of all ethnic groups. Thematic and institutional roundtables were also held for awareness and capacity building.

Source: OECD interviews during the December 2017 fact-finding mission.

Putumayo's departmental development plan

Putumayo's Departmental Development Plan (2016-19) was enacted in 2017. The plan, which aims to develop a comprehensive vision of the leading political, social, environmental and economic issues in the department, incorporates the concepts of gender and human rights in the department's development work. Roundtable discussions involving both women and men were conducted in all municipalities to inform this plan (Electoral Observation Mission, 2018[30]).

One of the plan's objectives is to eradicate gender-based violence by developing sustainable public policies, improving gender balance in political participation, promoting women's access to and participation in the labour force, and acknowledging the role of both parents at home. The plan also acknowledges the important role women play in peacebuilding scenarios within the post-conflict context.

The plan includes a "Women and Gender Equity Programme", which aims to contribute to the prevention of gender violence and the promotion of gender equality through economic and legal empowerment, and to encourage women's participation in decision-making contexts. The plan also includes a programme called "Rural Women for Land Transformation", which aims to promote the inclusion of women in the development of the agricultural sector.

With its gender-sensitive approach to policy making at a local level, Putumayo's Departmental Development Plan represents an important step in the inclusion of gender considerations across levels of government. The importance of national support to facilitate local-level initiatives was evident in the creation of this plan, which was developed with the support of the High Presidential Council for Women's Equality.

Promoting the creation of interterritorial networks at a departmental level could enhance valuable collaboration with civil society, through representatives of women's associations, with greater implementation in the respective territories. The results of the work of the interterritorial network could inform the agenda to be developed by the "More Women, More Democracy" programme.

Box 2.9. Spain's approach to co-ordination on gender policy

Spain's "Sector Conference on Equality" provides an example of co-ordination between national and regional bodies on gender-equality policy. The conference deliberates and co-operates to attain the highest possible level of consistency and effectiveness in the determination and implementation of the different policies defined by the General State Administration, on the one hand, and Spain's Autonomous Communities, on the other. This takes place through the exchange of views and joint examination of problems that may arise, as well as actions to address and solve them.

The tasks of the conference include: setting the co-operation framework; harmonising technical criteria, exchanging information and statistical data; serving as an information channel on current and pending legislation, plans and programmes on gender equality; participating in the elaboration, development and follow-up of state plans and programmes to implement equality policies; determining the distribution criteria for budgetary credits to the Autonomous Communities and following up of the use of those credits; informing the Autonomous Communities on international treaties and actions on gender policy; and co-ordinating national studies, surveys, research or campaigns on gender policy.

2.9.2. Chocó's policy on gender equality

The Public Policy on Gender Equality for Women of Chocó, adopted in 2018, aims to complement the National Policy for Gender Equality with a regional perspective. Its main goal is to guarantee the rights of women in the department, acknowledging their particularities (e.g. ethnic and cultural factors), with the purpose of contributing to the elimination of inequality, discrimination, and exclusion.

Chocó's Gender Policy has seven core topics, one related to women's political participation and another to violence against women. For each topic there is a diagnosis of the current situation. There is no specific timeline for the policy. It is implemented by T topics a ten-year Action Plan that serves as a development and evaluation tool for public policy on gender, with guidelines, strategies, goals and timelines. It depends on the will of the governor in office effectively comply with the policy.

The objective related to violence against women proposes actions, such as workshops, to disseminate prevention measures; train and sensitises public officers in order to improve women's' access to justice; create shelters for women victims of violence; and design, strengthen and disseminate other pathways for women victims of violence.

Local women's civil organisations and leaders play an important role in raising awareness about the main barriers to women's political participation and the need for action. The direct intervention of women's organisations in the design of public policies in Chocó is evidenced in Ordinance 013 of 2011, through which an Inter-institutional Committee to design and implement the gender policy was created (Government of Chocó, 2018[11]).

Follow-up and monitoring of implementation of Chocó's gender policy (the Action Plan) is to be carried out by the gender mechanism within the Secretary of Integration and by the Secretary of Planning and Ethnic Development in the Governor's Office (Government of Chocó, 2018[11]).[2]

Box 2.10. Community consultation in developing Chocó's gender policy

In the aim of creating an inclusive gender policy, Chocó's departmental administration formed an Interinstitutional Committee in 2014 to design and implement the policy.

Community consultations were held in order to draft the policy document. Nine workshops took place, with 186 women from all municipalities of Chocó, and discussion groups were organised in Quibdó with more than 100 participants, including victims of the armed conflict, and men, girls and LGBT representatives. In addition, 233 surveys and 13 interviews took place with public officers in order to complement the policy with their views.

The Interinstitutional Committee is integrated by the Governor's Office, local institutions in charge of protecting and guaranteeing women's rights and representatives of civil society.

Source: (Government of Chocó, 2018[11]), "Política Pública de Equidad de Género para las Mujeres Chocoanas" (Public Policy on Gender Equality for the Women of Chocó), https://choco.micolombiadigital.gov.co/sites/choco/content/files/000154/7674_politica-publica-de-equidad-de-genero-para-las-mujeres-chocoanascorrec-2019.pdf.

Chocó's departmental development plan

The Departmental Development Plan for Chocó (2016-19), "Opportunities for all Subregions", includes the design and implementation of the Public Policy on Gender Equality for Women in Chocó through six projects. These include: *i)* making and implementing a Departmental Plan for promoting and encouraging women's' rights (Law 581 of 2000); *ii)* including in the Public Policy the peace agendas and the mandate of the First Congress of Indigenous Women; *iii)* strengthening indigenous women's' political participation and leadership; *iv)* implementing actions to favour women's right' to health, education, culture and peace; *v)* creating and implementing a secretary in charge of gender issues within the Governor's Office; and *vi)* creating and implementing an Observatory to protect women's' human rights (Government of Chocó, 2018[11]).

Although resources were allocated for most of these projects, there were no resources for the creation of a secretariat in charge of gender issues within the Governor's Office, pointing to limited alignment Office. This reflects a gap between public policy (Secretary of Planning) and budget (Treasury Secretary). Furthermore, according to the High Presidential Council for Women's Equality, and as evidenced by the OECD's fact-finding mission in Quibdó in July 2019, although the liaison in charge of gender issues within Choco's Governor's' Office has been proactive and engaged with women's' rights, one person is not sufficient to implement the women's empowerment agenda effectively within the department (Government of Chocó, 2018[11]).

Box 2.11. Spain's approach to economic empowerment of rural women

Spain's Ministry of Equality has taken action for women in rural areas through an initiative called "More Women Better Companies", in which agri-food co-operatives agree to work to promote the balanced presence of women and men in decision-making positions and on their executive boards over a four-year period.

The ministry, through the Institute of Women and for Equal Opportunities, provides to provide high-level training, such as mentoring or coaching for rural women or implements awareness-raising programmes for senior managers. Under this initiative, collaboration agreements have been signed with 22 agro-food co-operatives and associations of co-operatives, including Agri-Food Co-operatives Spain.

2.10. Municipal level frameworks for gender equality

Important steps have been taken in Putumayo to improve women's political participation at the municipal level. The municipality of Mocoa's Gender Public Policy and Local Development Plan with Gender Perspective are examples of public policies aiming to incorporate women's rights and relying on women's participation at the local level. The Municipal Council of Mocoa has also created a Gender and Women's' Committee working on lines of action to empower women economically.

Although the concept of women's advisory councils does yet not appear to be well embedded in Mocoa, the mayor has expressed his willingness to work on gender policies and to establish a Women's Advisory Council at the local level. The members of the current municipal council have reaffirmed their commitment to gender issues and are adopting measures to prevent violence against women through advertising campaigns.

The Government Plan of the Mayor's Office of Mocoa 2016-19, “Time for Renewal, Peace and Equity”, includes a priority line on the promotion, formulation and consolidation of long-term public policies for the benefit of women and gender equity. However, beyond general objectives, there is no development of this line of action. To improve the political participation and representation of women, an Action Plan could be developed to build on the commitment by identifying, guiding and monitoring activities and action items for realising gender equality. The proposed Women's Advisory Council could be the appropriate mechanism to provide technical and programmatic support and ensure that the work of the Gender Equality Advisory Office is focused on closing identified gender and implementation gaps. Synergies can be strengthened with Municipal Council boards, where women have a leading presence, and with women’s associations, establishing collaboration lines and permanent participation instruments in the design and implementation of the municipality’s public policies.

Important steps have also been taken at the municipal level in Chocó to improve women’s’ political participation. Quibdó’s Development Plan 2016-19, “Route Q… We Keep Moving Towards Peace” (*Ruta Q… Seguimos Avanzando hacia la Paz*) includes a programme for women (*Mujeres inteligentes y amorosas, Mujeres MIA’s)* aimed at implementing the National Policy on Gender Equality at a municipal level. This programme includes four projects, each with a set of targets and indicators, on empowering women’s’ leadership and roles to promote peace and ethnic and cultural identity. One of the projects also aims to reduce the gap between urban and rural socio-economic conditions for women in Quibdó by promoting work opportunities for women outside the urban core of the city. According to municipal authorities in Quibdó interviewed during the OECD fact-finding mission in July 2019, one of the main issues faced by women in the municipality is informal employment, which does not seem to be explicitly addressed by the Municipal Development Plan.

Box 2.12. Local-level gender equality initiatives in Spain

Spain offers interesting examples of local-level initiatives to promote gender equality. A project called "Work-Life Balance at the Local Level" was carried out by the Institute for Women and Equal Opportunities (IWEO) from 2008-15 within the framework of the "Gender Equality and Work-Life Balance" programme. It was co-funded by the European Economic Area Funds and in collaboration with the Spanish Federation of Municipalities and Provinces (FEMP) and the Norwegian Association of Local and Regional Authorities. The purpose of the project was to support an exchange of good practices between Spain and Norway and to draw up local plans for the reconciliation of personal, family and work life, and the equal sharing of family responsibilities (work-life balance plans) in a series of Norwegian and Spanish municipalities.

The result of the first phase of the project (2008-11) was the publication of a "Guide of Best Practices" for family work-life balance in local bodies in Spain and Norway. One of the main conclusions of this phase was the need to "externalise" the work-life balance plans, so that not just local governments, but also the parties involved, participated in their preparation and implementation, particularly social partners (labour and management), educational institutions and residents in general.

In the project's second phase, work-life balance plans were developed in 12 locations in Spain and three in Norway, with a comprehensive perspective involving social partners from each location from the beginning of the process. The design, development and implementation of plans therefore stemmed from a participatory-process, resulting in a better performance by all parties involved.

In a separate initiative, a "Collaboration Agreement" between the IWEO and the FEMP, signed on an annual basis, aims to foster gender mainstreaming in local public policies through a call for grants to promote work-life balance and equal sharing of family and domestic responsibilities, equality in employment and women's empowerment, paying special attention to women who live in remote and rural areas. In the framework of this collaboration, a guide on work-life balance at a local level was elaborated, including good practices (FEMP, n.d.[31]).

Source: (FEMP, n.d.[31]), *Conciliando Desde lo Local: Exportamos Experiencias*, http://femp.femp.es/files/566-2020-archivo/MANUAL%20BBPP_Conciliando%20desde%20lo%20local_Exportamos%20experiencias.pdf.

2.11. Institutional design to promote women's political participation

2.11.1. Electoral management and oversight bodies

National Electoral Council

Colombia's National Electoral Council *(Consejo Nacional Electoral, CNE)*, the country's highest electoral authority, was created by the Constitution of 1991. It oversees the electoral process as well as political parties and political movements, and monitors their activities, such as publicity and marketing, in order to guarantee fair conditions for the opposition and minorities. The Councils resources are assigned by Congress to the National Civil Registry. Its members, nine magistrates, are chosen by the Congress. At present, only one of the magistrates are women.

The CNE also supervises the financing of political campaigns and guarantees the right of citizens to participate in democratic elections. It counts the votes and determines the winners of every election. The Council is also responsible for sanctioning parties that do not comply with the requirement that women candidates comprise 30% of party electoral lists.[3] In September 2015, for example, the CNE's sanctioning

power was used to revoke 166 lists, from 11 political parties, that did not comply with the gender quota for the 2015 election of governors and mayors. (El Tiempo, 2018[32]). However, the CNE recently decided that lists comprised only of women for the 2019 elections for local governments will not be revoked (CNE, 2019[33]). The Council has also made important efforts to train electoral bodies on gender issues and on making violence against visible.

OECD interviews and research in Colombia indicate that there is scope to strengthen the CNE's resource base and administrative capacity. First, limited administrative capacity seems to pose a challenge for comprehensive monitoring of political parties and movements by the Council. Parties are expected to provide information on how they spend their resources, the number of women in their management bodies and the composition of their candidate lists. Implementation of these commitments is not yet fully and systematically reviewed by CNE, beyond ensuring that the electoral lists include 30% of women.

Second, under Colombia's system for candidate selection and the funding of electoral campaigns, prospective candidates are required to pay for their nomination by political parties. This situation, which limits participation to those with sufficient financial resources, has been identified by representatives of the departmental assemblies of Putumayo and Chocó, and by female candidates to the Mocoa and Quibdó city councils in previous elections, as one of the factors limiting the participation of women in political life.

Various steps could act as a catalyst for further promoting gender equality in electoral processes: strengthening the CNE's budgetary and political independence; creating regional offices; improving the Council's resources and capacities; and increasing the Council's technical instruments and administrative capacity for monitoring gender issues during elections. Another policy option could be the creation of a Gender Office within the Council, with its own staff and budget. This would facilitate the monitoring of both the compliance of political parties with their obligations and the evaluation of electoral results.

National Commission for the Co-ordination and Follow-Up of Elections

In 2013, the Ministry of the Interior created a National Commission for the Co-ordination and Follow-Up of Elections law (Decree 1421 of 2013). Entities on the commission include the Ministries of Interior, Defence and Foreign Affairs, the Presidential Secretariat for Transparency, the Armed Forces, the National Ombudsman and the National Prosecutor. The commission's purpose is to ensure and guarantee the electoral process, to protect political parties' rights and to ensure party compliance with the law.

The commission's office in charge of dealing with complaints by citizens regarding electoral procedures is called the Unit for Immediate Reception to Guarantee Electoral Transparency (*Unidad de Recepción Inmediata para la Transparencia Electoral)*. In theory, this initiative promotes co-ordination among institutions and encourages transparent electoral procedures. In practice, however, citizens who took part in an OECD political participation survey in 2017 suggest that the commission may face operational challenges and that limited public information is available regarding the complaints.

In this respect, the commission could consider publishing periodic reports on complaints received through its electoral transparency unit, especially those regarding women's rights and the rights of other minority populations.

2.11.2. National Civil Registry

The National Civil Registry is responsible for organising and processing vote tallies and election results, and for identifying all Colombian voters by regulating the distribution of identity documentation for each citizen. Women represent 24% of the registry's officials but hold none of the top level (DPA, 2017[8]).

To ensure that vulnerable and displaced populations, and communities at risk, are able to register, the Colombian government has run a civil registration programme over the last eight years through the National Civil Registry's Unit for Vulnerable Populations (Opción Legal, 2013[34]).

However, the difficulty of obtaining identity documents due to the civil conflict remains an important obstacle for women's participation in political and social movements. This is particularly the case of women from Afro-Colombian and indigenous communities and women living in rural areas, especially those affected by the armed conflict (Opción Legal, 2013[34]).

Moving forward, the CNE and the National Civil Registry could strengthen their information systems by systematically collecting, using and disseminating gender-disaggregated data. The CNE and the registry should be encouraged to record cases of violence against women candidates and others (social leaders and candidates). The National Commission for the Co-ordination and Follow-Up of Elections could report these cases through its Unit for Immediate Reception to Guarantee Electoral Transparency. The government and the CNE could consider additional oversight mechanisms, that provide field data, to complement and substantiate the results obtained through the *Cuentas Claras* mechanism.

2.11.3. High Presidential Council for Women's Equality

The national institution in charge of gender policies in Colombia is the High Presidential Council for Women's Equality (*Consejeria Presidencial para la Equidad de la Mujer)*. This is a special unit located in the Office of the Presidency. The High Presidential Council for Women's Equality promotes strategies for the advancement of equality between men and women, including:

- promoting the incorporation of a gender perspective in the formulation, management and monitoring of policies, plans and programmes in national and territorial public entities
- establishing follow-up mechanisms to comply with domestic legislation and international treaties and conventions related to women's' equity and gender mainstreaming.
- promoting the regulation of laws aimed at achieving equity for women.

A challenge faced by the council concerns amount of states presence at subnational levels and whether regulations at the central level can compel local levels to adopt national policies and comply with restrictions. There is scope to strengthen the structure and budget of the High Presidential Council for Women's Equality in order to boost policy and programme delivery. While the council's links to the Office of the Presidency gives it a solid mandate, having its own budget and strengthened human resources could increase its impact at the local level.

2.11.4. Civil society organisations working on gender equality

At the departmental level, civil society organisations (CSOs) working on gender equality and women's' empowerment in Putumayo and Chocó provide important support for women in public office and in popularly elected bodies. These women's social organisations are fundamental in shining a spotlight on the social problems related to gender equality in the departments. Historically, these groups have worked mainly on political participation, human rights, development and environment. The growing dialogue between local authorities and CSOs to meet the needs of the territories is a notable achievement.

Civil grassroots organisations open the possibility of diversifying traditional political methods. One example is the Women Weavers of Life (*Alianza de Mujeres Tejedoras de Vida*), which, as noted above, helped to forge Putumayo's public gender policy. AA leading social organisation of women in Putumayo, the alliance brings together more than 30 organisations throughout the department, with more than 3 000 women leaders (Alianza de Mujeres Tejedoras de Vida, n.d.[35]). By creating a strong and collective voice and opportunities for collaboration, it has become an important platform for promoting women's rights and preventing gender-based violence. The alliance works to train local women and women's organisations, and to bring crimes committed against women into public discussion. Its strong communication links with subnational institutions facilitate institutional responses, according to representatives of civil society interviewed by the OECD in Mocoa in December 2017.

Likewise, two major civil organisations advocating for women's' rights in Chocó created and developed an initiative called "Schools for Political Training" that aims to facilitate and promote women's political participation. These organisations - the Chocó Women's Network (*Red Departamental de Mujeres Chocoanas*) and the Women's Peace Route (*Ruta Pacífica de Mujeres*) - have worked with the community and political parties to reinforce this initiative, according to representatives of civil society interviewed by the OECD in Quibdó in June 2019.

Community Action Boards (JACs) are strive to be the representative institutions of each community in Colombia. They are composed of residents of a determined area of the municipality who volunteer to work for the interests of the community. As non-profit social organisations, with legal capacity and independent budgets, the JACs are open to all citizens. They are therefore important in terms of women's political participation. Although there is no information regarding the proportion of women in JACs in Mocoa or in Putumayo as a whole, the community recognises this space as educational and politically inclusive. Community Action Boards in Mocoa communicate regularly with the local authorities (i.e. Justice House) in order to meet the needs of the community.

Community Action Boards could consider taking affirmative action to motivate women's' participation. Strengthening the links between civil society, local governments and international institutions could help to develop a holistic regional strategy for the strengthening and legal empowerment of women's' associations and the implementation of gender policy.

Local governments and international organisations could also play a key role in building bridges and highlighting opportunities for partnership among the existing civil organisations. Local governments could promote the creation of interterritorial networks at a departmental level focusing on the challenge of women's low participation in politics. Such networks would allow the exchange of experiences and good practices and the identification of priority actions, which could feed into the "More Women More Democracy" strategy. Relevant CSOs could also work on the design of proposals for changing the traditional method for funding political campaigns.

Box 2.13. Spain's initiative to give European funding a gender perspective

Spain's "Network of Policies of Equality Between Women and Men", created in 2009, is the country's main forum for analysis and debate aimed at improving the real and effective integration of the gender perspective in actions co-financed by European Structural and Investment Funds. It has become an essential tool for sharing experiences and good practices, designing pilot actions, conducting training and technical guidance, and improving collaboration among management leaders in general.

The network's permanent members are the bodies responsible for gender policy and for managing European funding within Spain's national administration, its Autonomous Communities and the European Commission. It is co-presided by the Institute of Women and for Equal Opportunities and the ministries responsible for the European Social Fund and the European Regional Development Fund.

Source: (Government of Spain, n.d.[36]), ¿Qué es la Red de Políticas de Egualidad?" ("What is the equality policy network?"), http://www.igualdadgenerofondoscomunitarios.es/.

Box 2.14. Colombia's platform for supporting rural women

The Colombian Platform for Rural Women, a collective body of 26 rural women's organisations linked to 840 grassroots organisations, has lobbied the Colombian Congress effectively for the establishment of an Office for Rural Women within the Ministry of Agriculture, and for the development of an explicit public policy for rural women under the 2014-18 National Development Plan (Article 232).

A member of one of the platform organisations was in fact appointed director of the Office for Rural Women, providing an opportunity for further positive influence of the national agenda and policies through a gender-sensitive lens.

Source: (Oxfam, 2017[37]), *Supporting Rural Women to Drive Peacebuilding Processes in Colombia,* https://reliefweb.int/sites/reliefweb.int/files/resources/cs-rural-women-colombia-100717-en.pdf.

Box 2.15. Spain's financial support for women's' organisations

Spain's Institute of Women and Equal Opportunities supports women's organisations and promotes their participation through its annual call for proposals for their infrastructure maintenance and operation. Organisations may also obtain financial resources to carry out projects for women through a call for grants funded out of the country's personal income tax.

Participation and communication between women's NGOs and the government takes place through the Women's Participation Council, a collegiate advisory body comprising nationwide women's associations and organisations, public administrations and social partners. It was created by Organic Law 3/2007 for the effective equality of women and men, and its functions, competences and composition are regulated in Royal Decree 1791/2009.

2.12. The way forward

The government of Colombia has taken steps towards achieving gender equality over the last two decades, from legal reforms, such as the introduction of the Quota Law and the Electoral Reform Law, to institutional reforms such as the establishment of a Gender Legal Committee in Congress and a High Presidential Council for Women's Equality. These efforts at the national level have not always been evenly reflected at local levels. There appear to be opportunities for increased policy coherence and co-ordination between the national government and the departments of Putumayo and Chocó and municipalities of Mocoa and Quibdó, specifically on the topic of women's political inclusion.

Despite government measures and efforts to improve women's political participation and access to opportunities to engage in public life, a number of barriers remain, many of which appear to stem from gaps between policies or laws and their implementation. Steps for closing these gaps include: strengthening the implementation of sanctions for non-compliance with the Quota Law; enhancing the accessibility and accountability of the campaign financing process, including by increasing the powers of the National Electoral Council; and supporting public campaigns to break down gender stereotypes and foster positive perceptions of women in politics. Taking action to close the gaps and ensure that policies and programmes are functioning as intended will be more efficient and effective with increased

co-operation among different levels of government, and with stakeholders such as CSOs and women's organisations.

The recommendations contained in this paper build on the Colombian government's ongoing efforts in the gender equality area. The OECD-SIDA Co-operation Joint Work Plan aims to provide a path forward on how to realise these recommendations and support the systematic and deliberate implementation of existing and new policy measures to enhance women's access to and participation in political life.

2.12.1. Public policy frameworks

Proposed actions for the national government

- **Strengthen implementation of the parity principle** established through the Balance of Powers Act. Legislation could be considered to operationalise this principle to ensure both vertical gender parity (alternating male and female candidate on electoral lists) and horizontal gender parity (across municipal electoral lists). This could be coupled with a revised role for the Inspector General's Office for more active engagement in monitoring compliance with the Quota Law and in sanctioning parties for non-compliance in order to enhance accountability.
- **Strengthen equal access to all media** for female and male political candidates, and work to remove gender imbalances in electoral media coverage. Collecting systematic data and information on the use of paid electoral advertising by men and women could be an important step.
- **Introduce further incentives for inclusiveness by political parties** in terms of female membership and leadership and for greater support of women candidates in their campaigns. It is important to ensure implementation of the requirement that political parties invest 15% of state funding to support research and training activities for the inclusion of women, young people and ethnic minorities in their internal bodies. Enhancing transparency and measuring the impact of such investments on increasing gender equality in political parties, and in politics more broadly, could also be beneficial.
- **Consider implementing a "Zipper System"** mandating the alternation of men and women on party electoral lists.
- **Assess the gender-differentiated impact of political financing regulations** namely the measures related to post-election reimbursement of expenses and the role of banks in providing credit to cover campaign expenses. It is important to work to mitigate the risk that such measures could disadvantage women running for political office who may have lower access to credit and personal finance.
- **Consider developing more active methods** to co-finance regional policies on gender equality, in line with the *OECD Public Governance Scan* on enhancing administrative capacity at the subnational level for better planning in Colombia (OECD, 2019[38]). This document recommends that the national government help improve the co-ordination of national and subnational development agendas by increasing investment in capacity building at the subnational level in order to strengthen the longer-term sustainability and effectiveness of regional development efforts.

Proposed actions for national, departmental and municipal governments

- **Continue addressing structural barriers** that impede women's participation in political life. A long-term perspective and comprehensive approach are needed, for example via measures that facilitate the work-life balance in elected office: meeting times can be set to accommodate working parents, and measures can facilitate the participation of people who cannot attend debates in person, specifically in the case of pregnancy or maternity. Measures to address structural barriers should include improved security for women leaders.

- **Strengthen integration of the gender policies of Putumayo and Chocó** into the Territorial Development Plan in the near future, and allocate them with an adequate budget that can help ensure their sustainability and continued prioritisation, in line with the *OECD Public Governance Scan* on Colombia (OECD, 2019[38]). This document, prepared within the framework of the joint OECD-SIDA co-operation project, recommends aligning national, departmental and municipal planning agendas to achieve development outcomes more effectively. To ensure a holistic response to gender equality needs, this can be complemented by promoting spaces for dialogue and capacity building among social organisations and public institutions, in collaboration with women's associations, to promote and highlight women's inclusion and participation in the political life of the departments.
- **Consider addressing the needs of indigenous and Afro-Colombian women** by developing targeted legal and policy frameworks that also address the barriers that hinder the exercise by these women of their political rights. The national government should also seek to enhance opportunities for dialogue between community leaders and government, and to establish additional guarantees to protect female leaders and candidates from acts of violence and discrimination.
- **Develop an Action Plan for the municipality of Mocoa** to help identify, guide and monitor activities for realising gender equality. This would build on the commitment of the Mocoa Mayor's Office to improve the political participation and representation of women. Advisory councils working on gender equality and women's' empowerment, as proposed below, could be the appropriate mechanism for providing technical and programmatic support.
- **Strengthen efforts to increase awareness about land rights** and to educate citizens, in particular rural women, about their restitution. Such government-led efforts, with in-depth and continuous political capacity building, could help to enhance women's exercise of their rights.

2.12.2. Institutional frameworks

Proposed actions for the national government

- **Bolster the High Presidential Council for Women's Equality** with strengthened institutional autonomy and capacity to increase the impact of gender equality policies and to offer ongoing technical assistance throughout the country.
- **Strengthen the National Electoral Council** with further budgetary and political independence given its central role in ensuring free and fair elections. It is important to expand the CNE's outreach to regions, for example through the creation of regional CNE offices; to enhance the CNE's resources and administrative capacities to act as a catalyst for promoting gender equality in electoral process; and to remove the existing gaps between the gender parity principle and its implementation.
- **Consider creating a Gender Equality Office** with its own staff and budget within the CNE. This would facilitate the monitoring of monitoring of political parties in terms of their compliance with their obligations, as well as the evaluation of their results. Adequate measures should be introduced in parallel to improve the gender balance among the magistrates who sit as members of the CNE.
- **Collect and disseminate gender-disaggregated data** to enhance the information systems of the CNE and National Civil Registry. This should take place on a systematic basis. To complement and substantiate the results obtained through the *Cuentas Claras* mechanism, the government and the CNE could consider additional oversight mechanisms that provide field data.

Proposed actions for national, departmental and municipal governments

- **Work to remove implicit and explicit gender bias within political parties** through awareness raising and training seminars on gender equality and women's' leadership. National, departmental and municipal governments should consider investing resources to measure the impact of such seminars. The use of innovative methods and deep-dive approaches, such as behavioural insights, can be considered to help remove gender bias in political parties.
- **Encourage the CNE and National Civil Registry to record cases of violence against women**, in particular women candidates and social leaders. The National Commission for the Co-ordination and Follow-Up of Elections could also report these cases through its Unit for Immediate Reception to Guarantee Electoral Transparency.
- **Promote the creation of inter-territorial networks** at the departmental level to enhance valuable collaboration with civil society via representatives of women's associations with greater presence in the territories. The results of the work of these interterritorial networks could feed into the agenda of the "More Women More Democracy" programme.
- **Consider strengthening synergies with Municipal Council boards**, where women have a leading presence, and with women's associations. Collaboration and instruments for permanent participation could be established in the design and implementation of the municipality's public policies.
- **Work together to integrate gender equality** across the systems and processes of the national government and local governments through gender mainstreaming, gender budgeting and enhanced resource co-ordination. Increasing the number of national institutions with appropriately trained staff and increasing the number of staff in charge of gender-related matters at the subnational level would also help achieve gender equality outcomes.
- **Foster the creation of Advisory Councils** on gender equality and women's empowerment in municipalities. This could help to ensure the implementation of gender policy, making it a government focus in all municipalities and ensuring that implementation reaches the ground level.
- **Continue developing training activities to address gender stereotypes** in co--operation with community members, and especially in schools. Women's organisations can play an important role by disseminating knowledge to a wider community.

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Notes

[1] Under the 2016 Peace Agreement between the FARC guerrilla movement and the national government, 10 seats in the Congress were assigned for members of the new FARC political party.

[2] Based on the Beijing+5 Political Declaration and Outcome Document (2000), the Colombian government has disposed that all departments and municipalities shall have a body in charge of gender issues. Departments and municipalities are to have a secretary in charge of gender issues or at least a division, programme or liaison with the Office of the Presidential Advisor for Gender Equality. In Chocó there is a liaison in charge of gender issues within the Secretary of Integration, while in the municipality of Quibdó there is a secretary in charge of gender issues.

[3] The Council of State has confirmed the competence of the CNE to revoke lists that do not comply with the gender quota (*Consejo de Estado, Sección Quinta*, 6 May 2013).

3 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, Awas, Ingas, Kamentsas, Sionas, Coreguajes, Yanaconas, 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 feminicide (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.

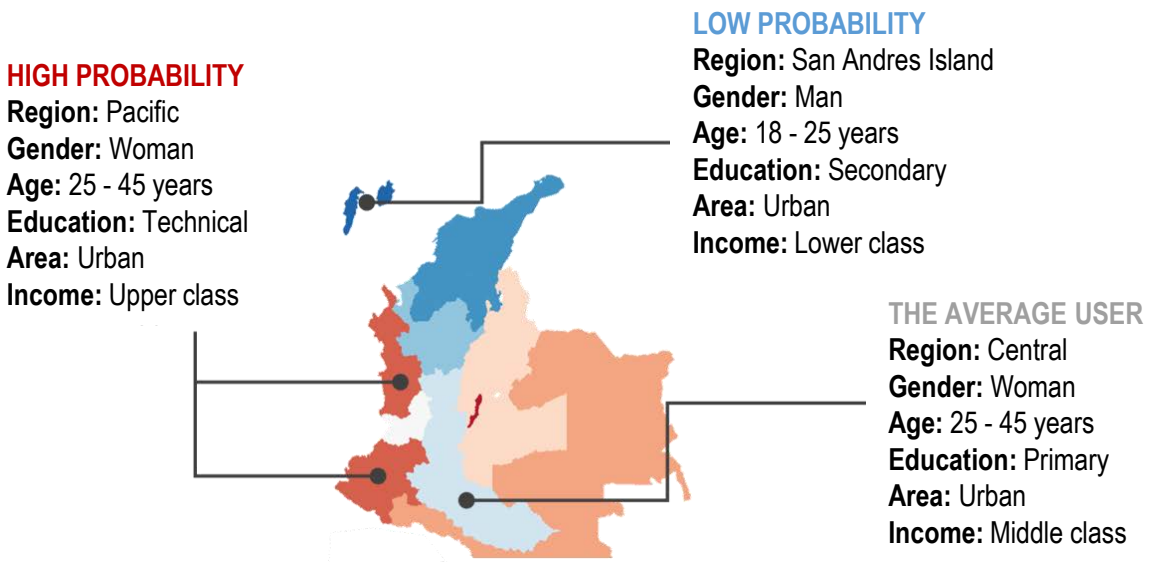
3.3.2. Measuring legal needs in Colombia

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



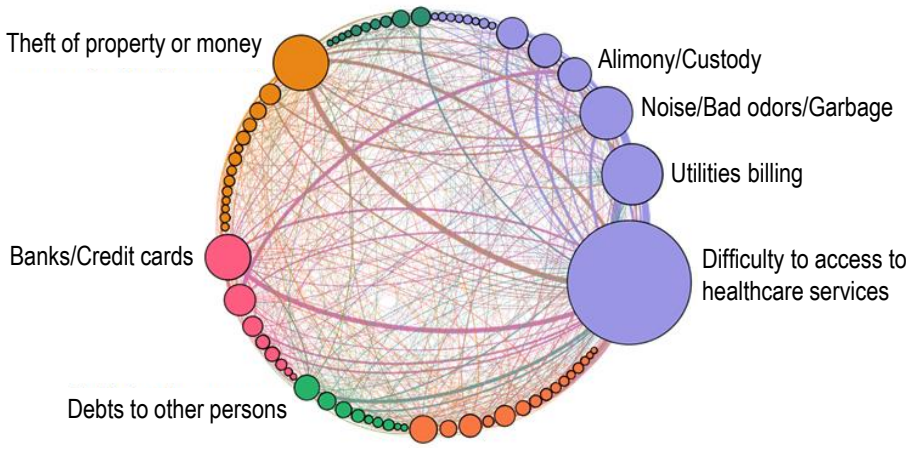
Note: A probit model was used for the estimation of the average probability of each profile.
Source: (DNP, 2016[10]), *Necesidades Jurídicas en Colombia*, https://www.dnp.gov.co/programas/justicia-seguridad-y-gobierno/Documents/NecesidadesJuriidicasenColombia.pdf.

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



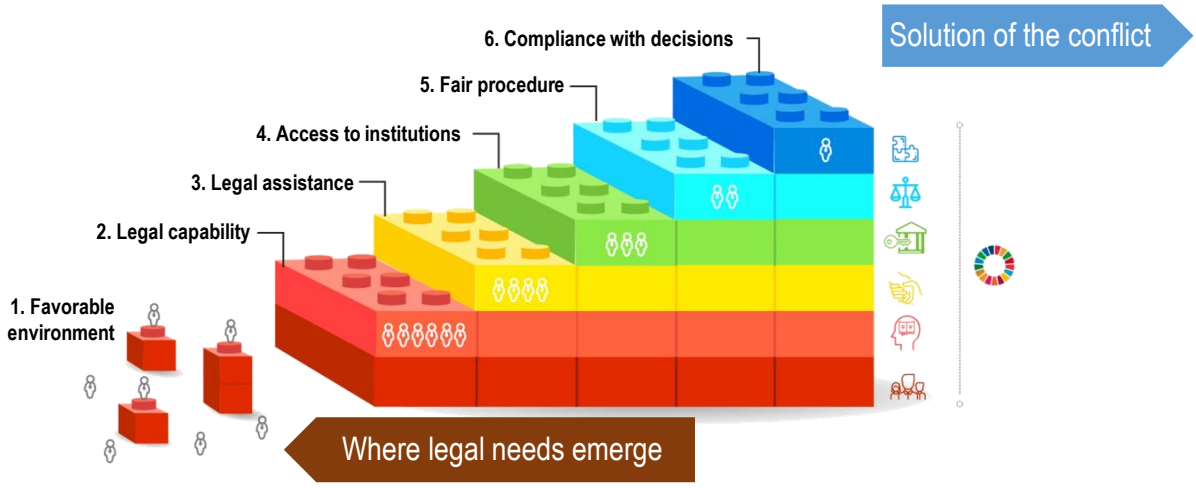
Source: (DNP, 2016[10]), *Necesidades Jurídicas en Colombia*, https://www.dnp.gov.co/programas/justicia-seguridad-y-gobierno/Documents/NecesidadesJuriidicasenColombia.pdf.

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
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).

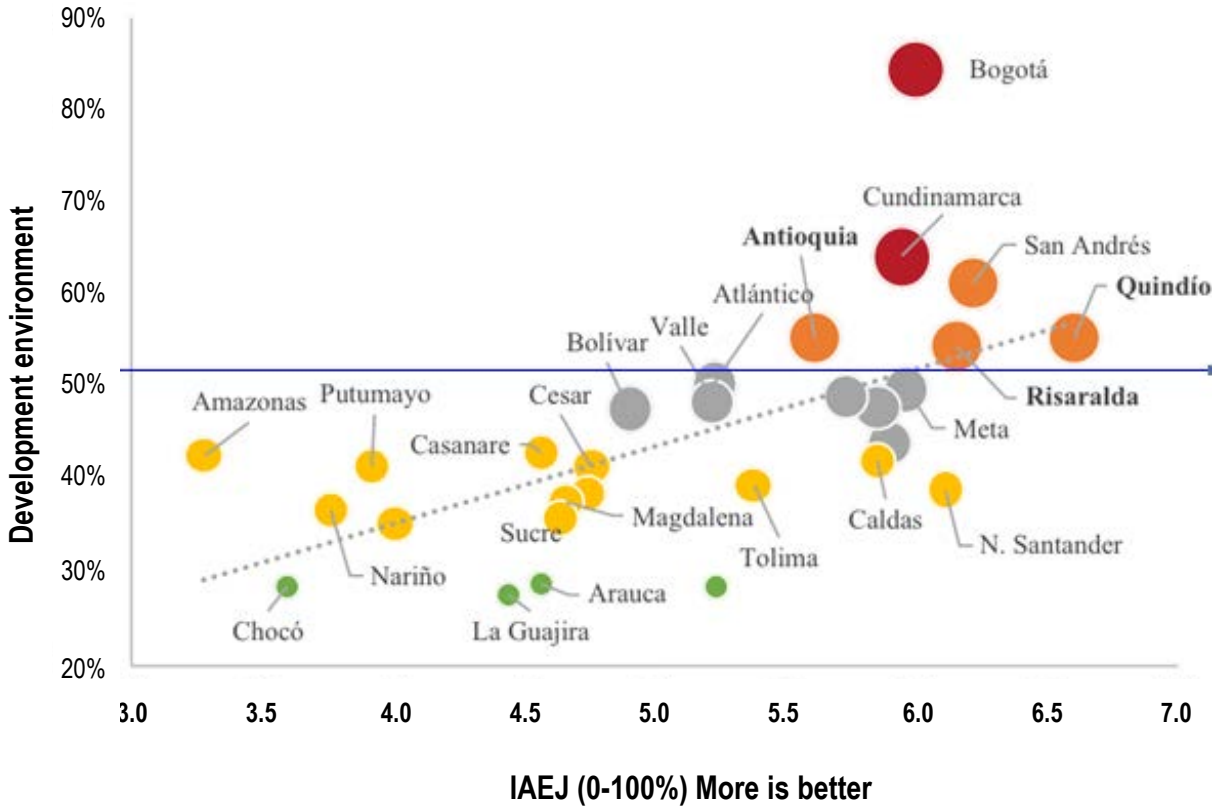
Figure 3.5. Classification of departmental typologies by development environment

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

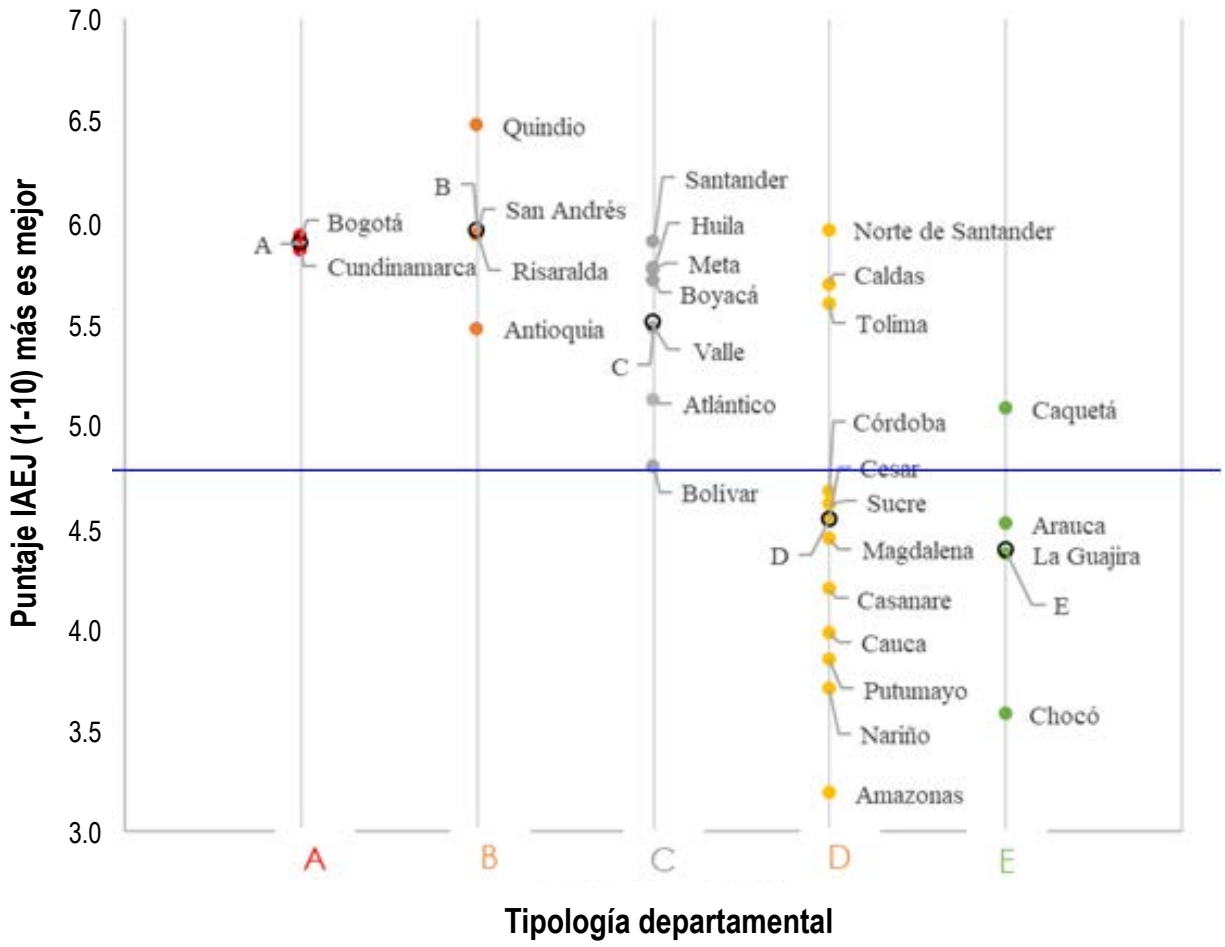


Source: Provided by DNP, 2018. The horizontal axis represents the Access to Justice Index, hence a higher number represents a better position in the Index; the vertical one the level of development of each department. Departments are also colour coded in accordance with Figure 3.6 above.

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.

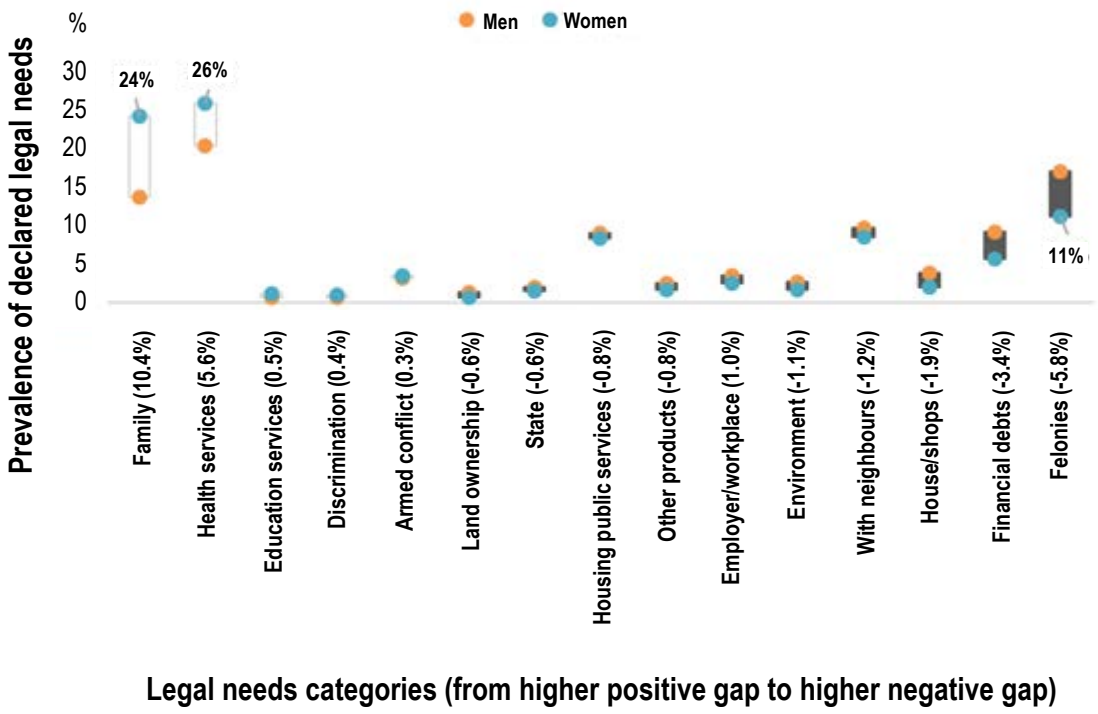
3.3.4. Women's justice needs in Colombia

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]).

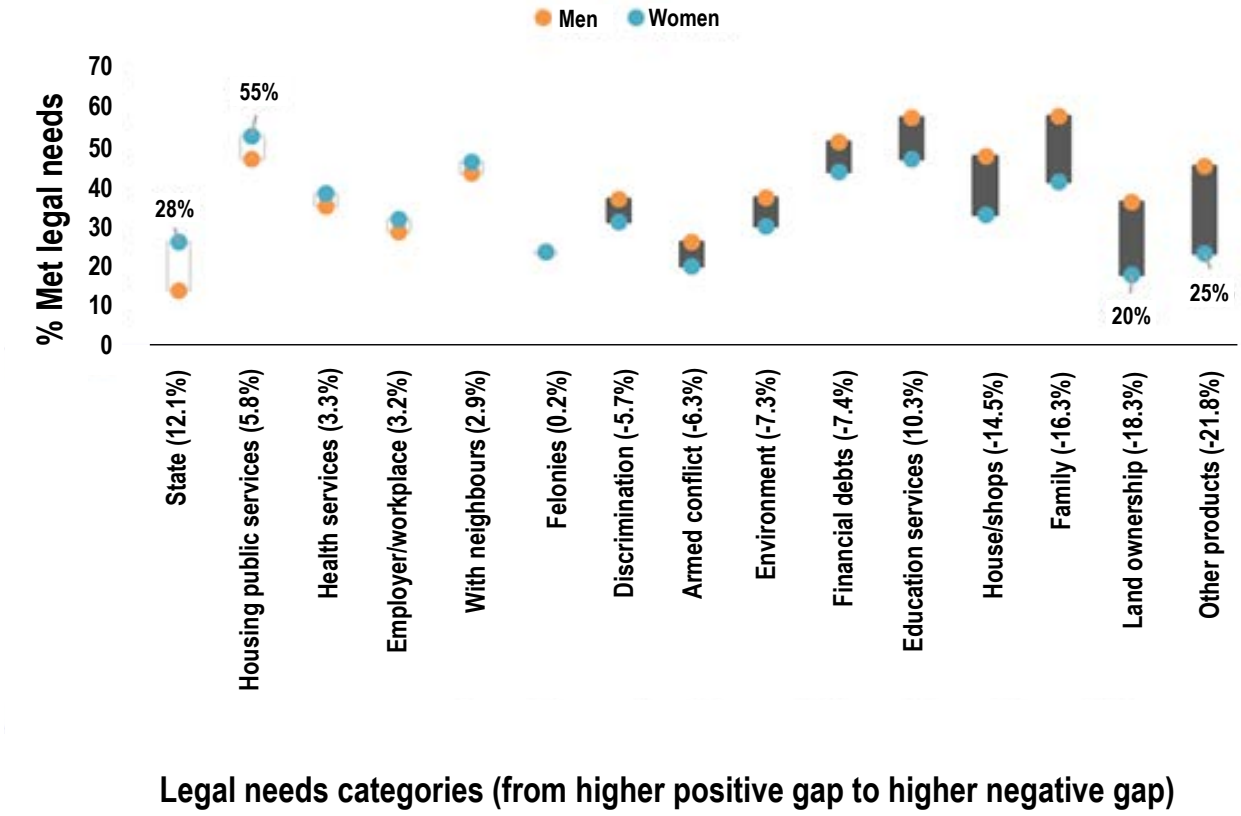
More women than men declare legal needs related to family matters (prevalence gap of 10.4%), and their satisfaction rate in terms of these needs being met is far lower than men's (Figure 3.8) and Figure 3.9). There is also a big gap regarding issues related to land; more women than men said their needs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



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).

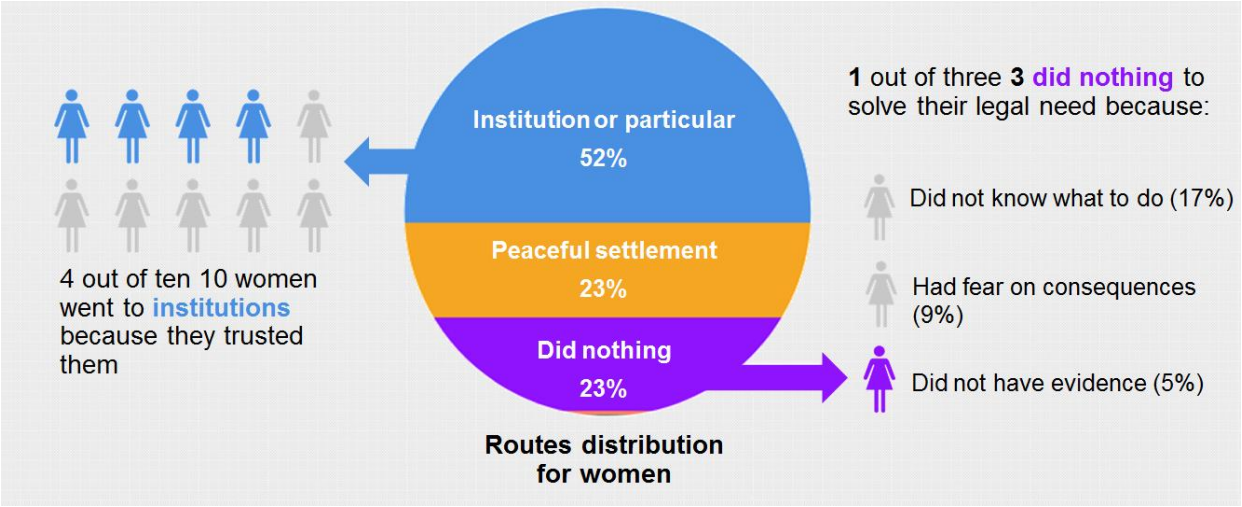
3.3.5. Women's justice experiences in Colombia

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 (*Comisarías de Familia*), and less likely than men to go to police inspectors or lawyers.

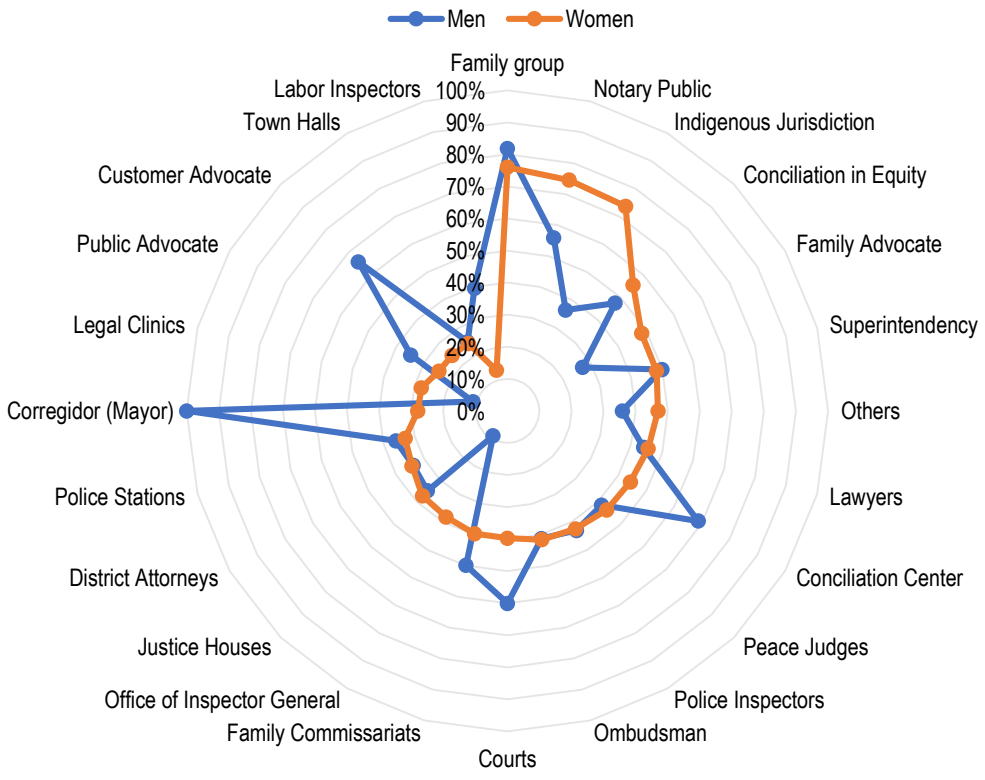
Table 3.1. Types of legal assistance sought by Colombian men and women

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/NecesidadesJuriidicasenColombia.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.

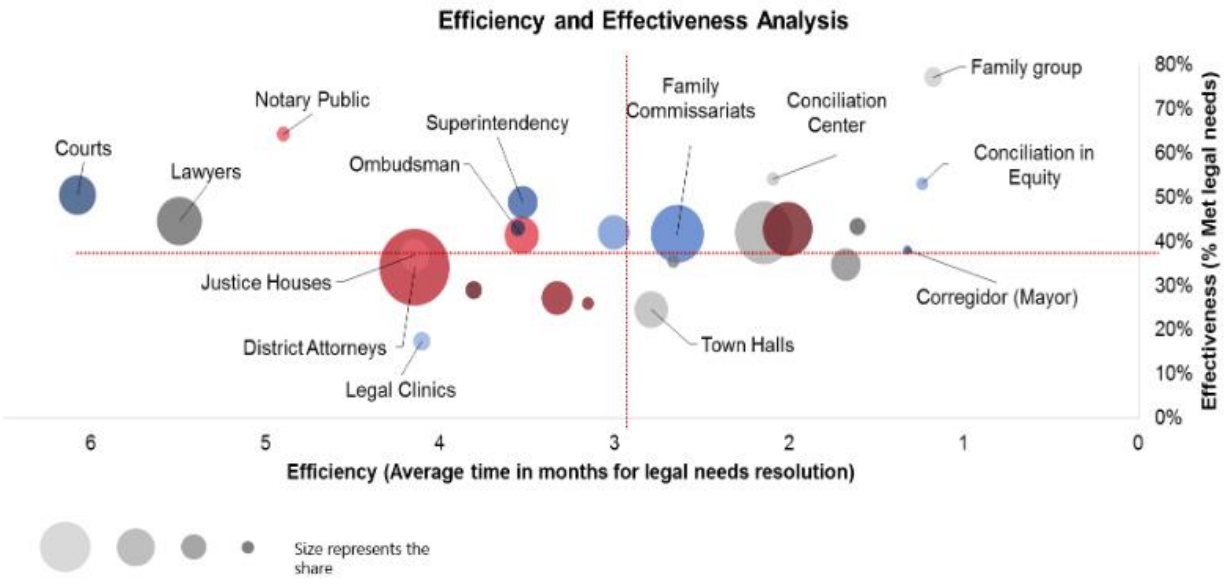
Taking geography into account when considering the level of satisfaction with resolution of a legal problem, the northern department of César reported the widest gap between men and women (with more women than men unsatisfied with the solution to their specific legal need), followed by by Caquetá in 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 that 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 difficultly 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 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.	*Comisarías de Familia* (Family Commisariats 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 (*Juez de Control de Garantías*).
Ministry of Health and Social Protection		*Fiscalía* (public prosecutor)
		Indigenous jurisdictions

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

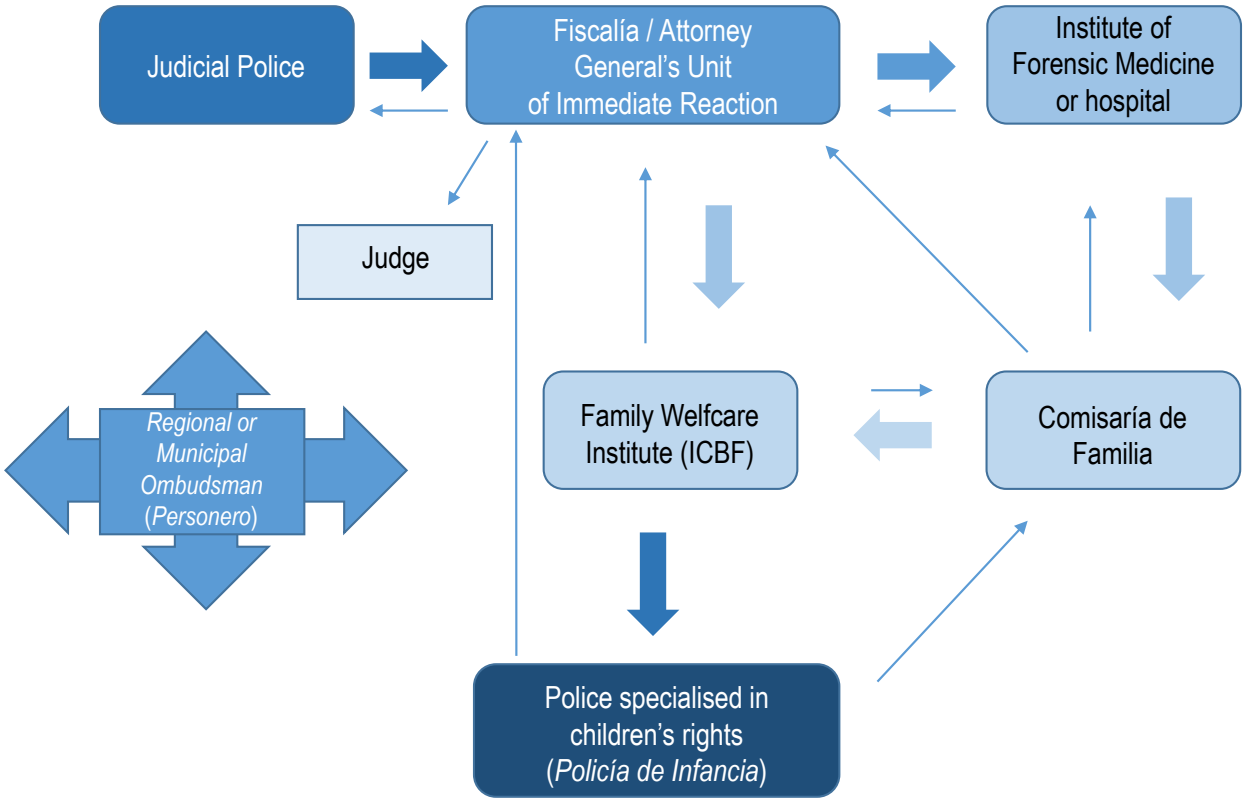
Women victims of violence in Colombia still face challenges on seeking to enter pathways to justice. Overall, the challenges concern limits on access to justice, while others have to do with the pathways themselves. Challenges may arise due to misunderstanding of the pathways (for example, confusing 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 *Comisarías* (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

nlike 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 in 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

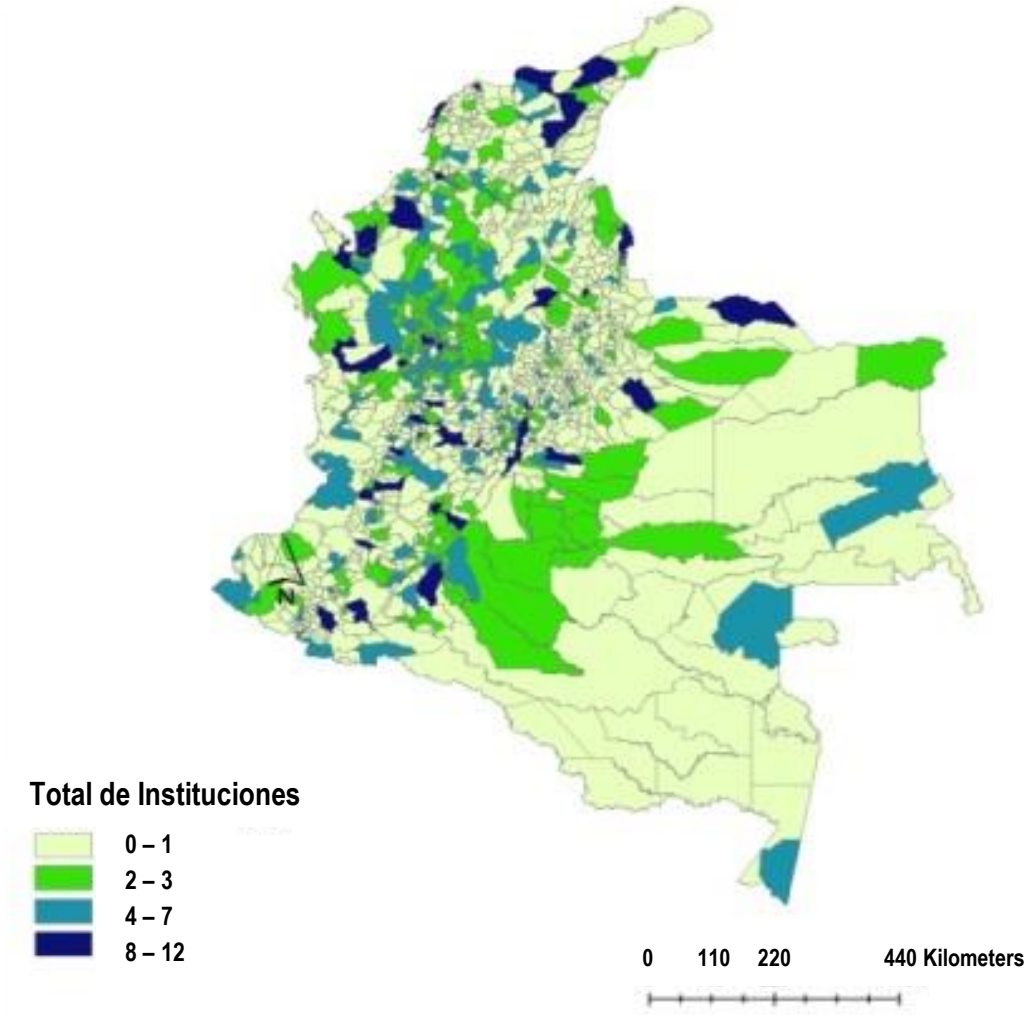
Formal justice services, such as courts and tribunals, are public services that are principally maintained and funded by public authorities. The DNP has mapped such services across Colombia, providing a glimpse into geographic discrepancies in the distribution of services.

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

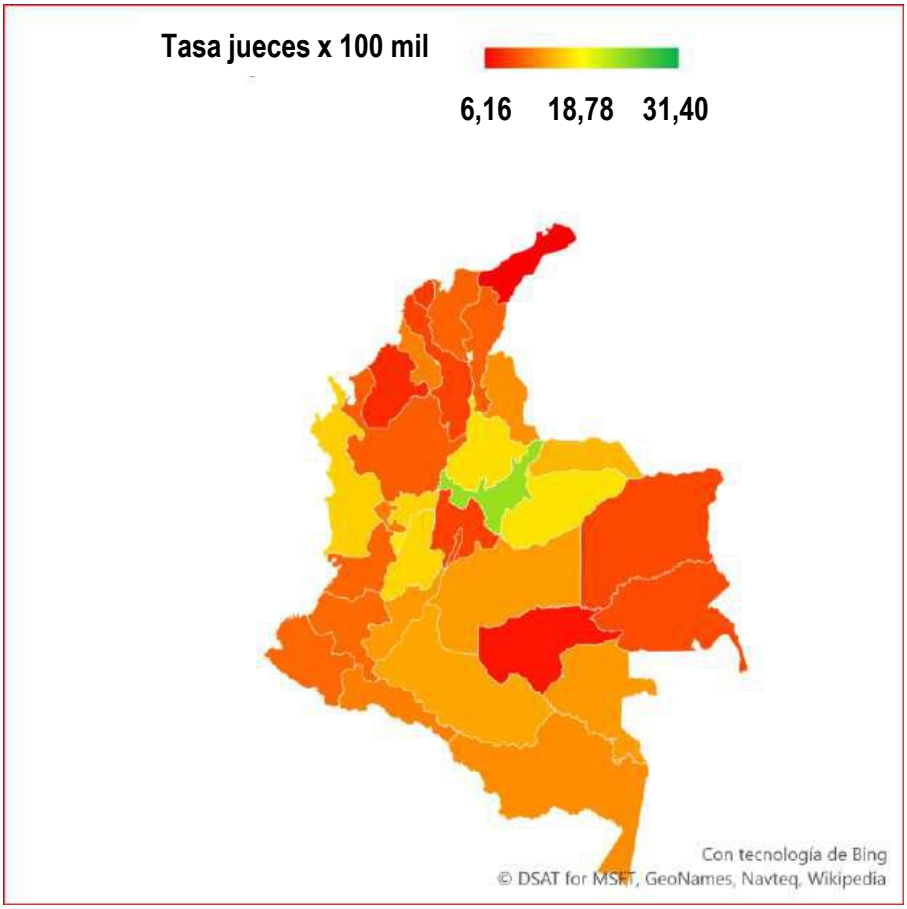


Source: Provided by DNP (2017), http://dnpsig.maps.arcgis.com/apps/webappviewer/index.html?id=b3f238a410c4461ab5ff8d5eabe1451d.

Judges

A map of the distribution of judges across Colombia shows that some areas 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

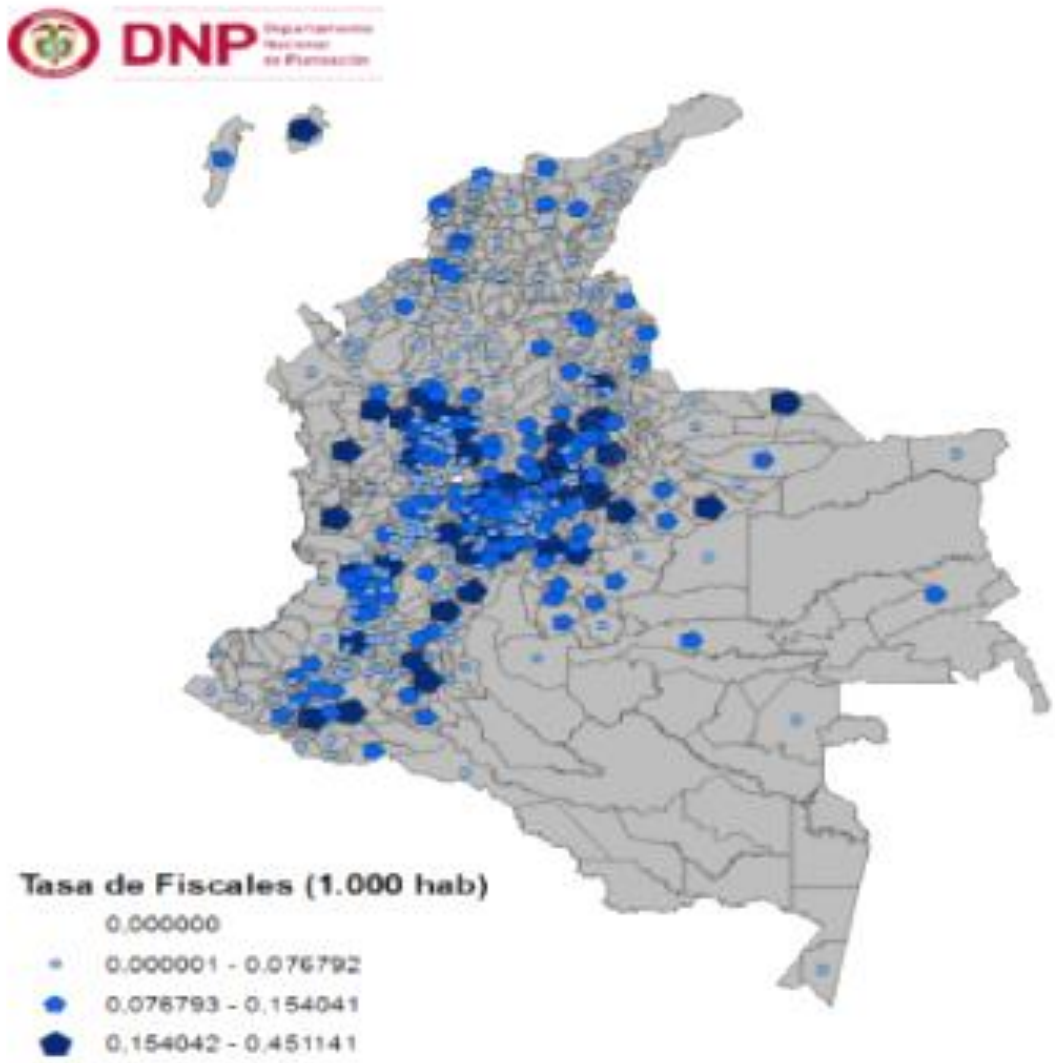
The Institute of Forensic Medicine provides scientific and technical assistance and supports the administration of justice in Colombia. However, the institute is not present in all parts of the national territory. Although it seeks to train hospitals to perform the clinical assessment in cases of sexual 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 (t*utelas*). 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 (*Comisarías 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 *Comisarías* 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, *Comisarías* do not work with an interdisciplinary team or can consist of just one officer. Furthermore, *Comisarías* 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 *Comisarías* 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 *Comisarías* 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

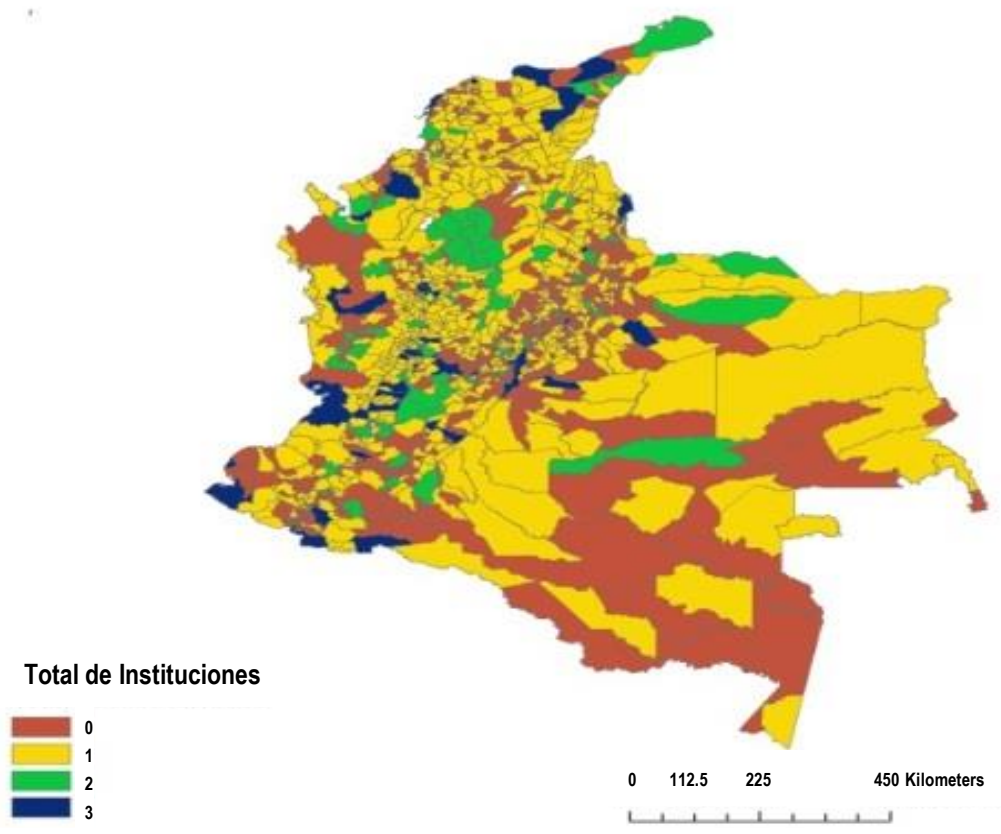
Unlike formal justice services, informal justice services are not provided or primarily maintained by public institutions. As non-state mechanisms, informal justice services are provided at the initiative of private persons. However, they complement formal justice institutions and play a significant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

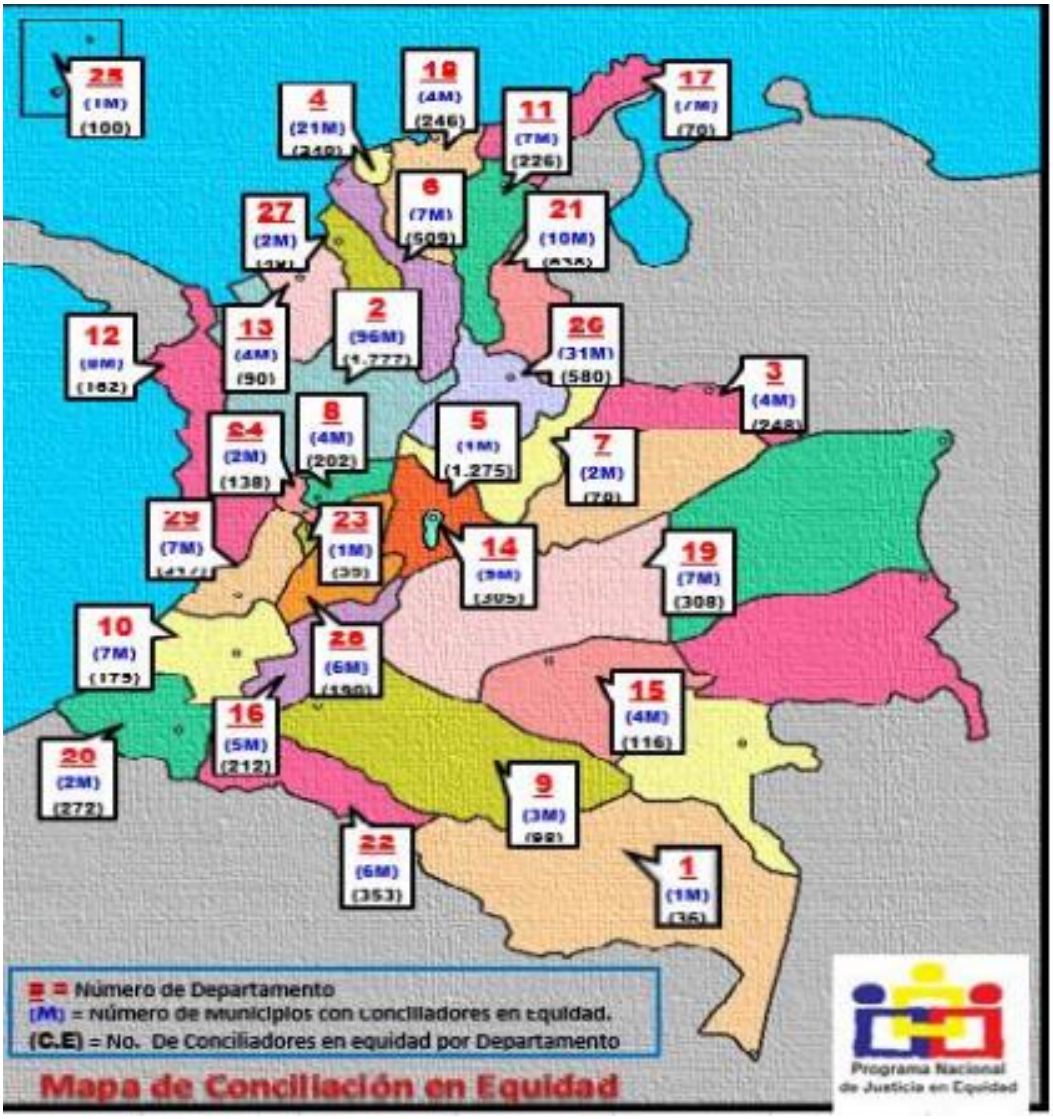
Conciliation in Equity

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.

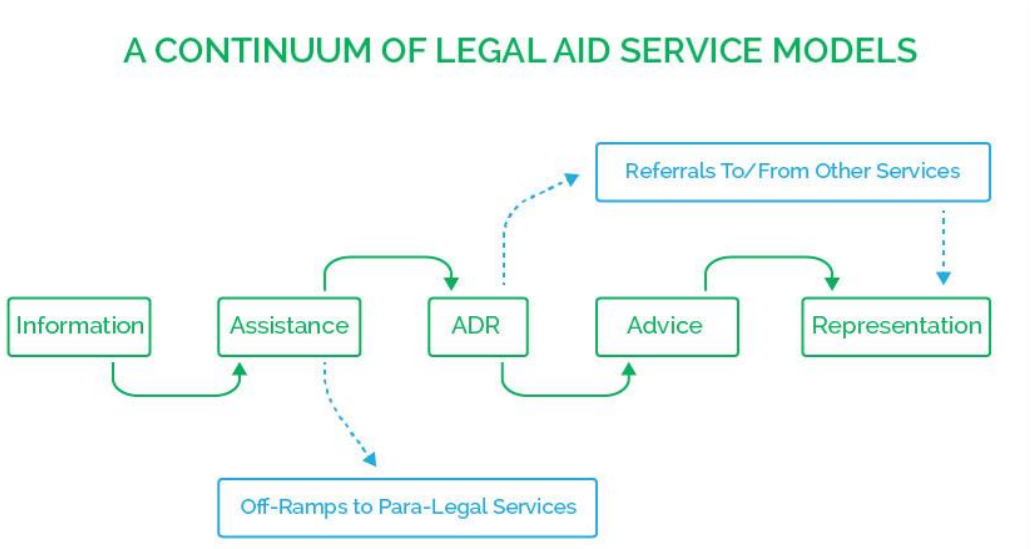
3.5. How to meet needs? Designing justice services for women victims of violence (Step 3)

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

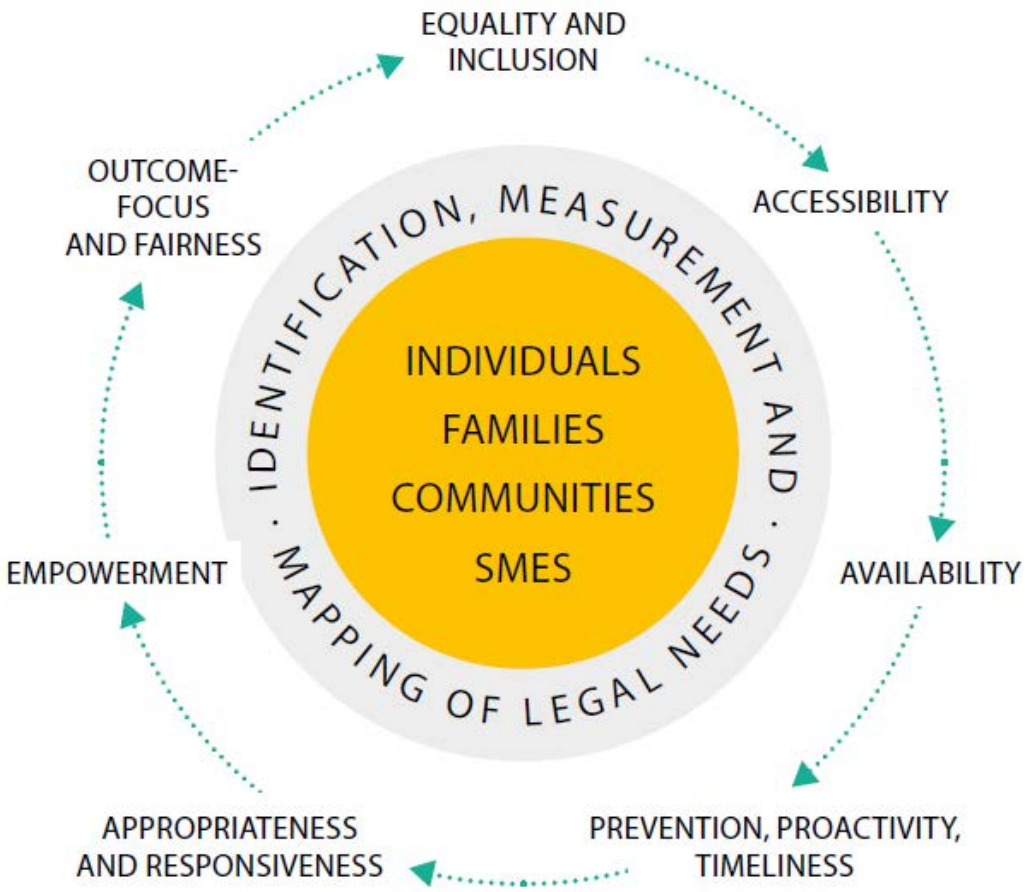


Source: Adapted from (Currie, 2009[18]), "The Legal Problems of Everyday Life", in Sandefur (ed.), *Access to Justice: Sociology of Crime Law and Deviance* https://www.emerald.com/insight/content/doi/10.1108/S1521-6136(2009)0000012017/full/html.

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.

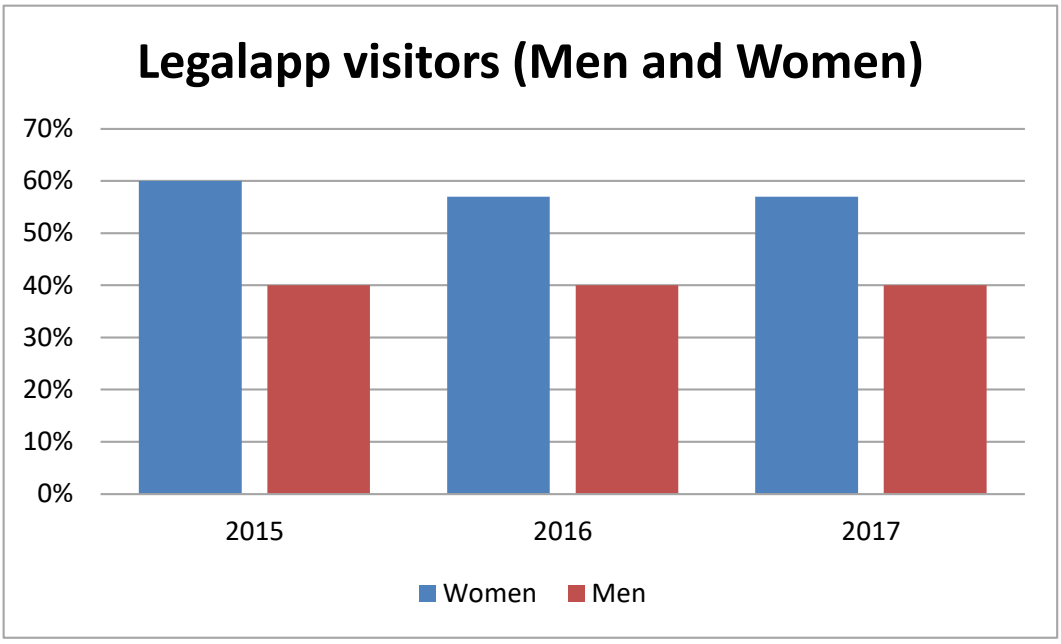
Good practices to promote accessibility include: sensitive use of information and communications technology (ICT); programmes to overcome accessibility barriers faced by at-risk groups; simplified legal language and procedures; reforming the substantive law to facilitate legal clarity; civic engagement; 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 Movil 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.

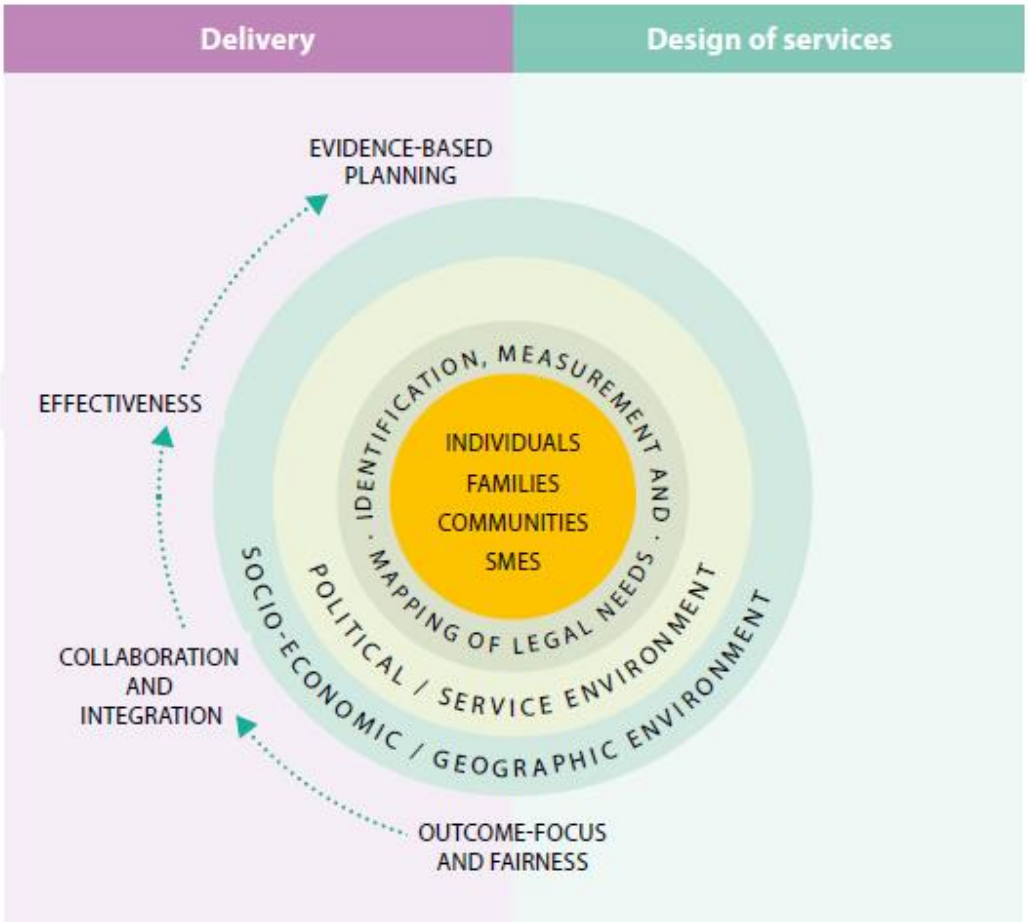
The Colombian government, through Decree 2369 of 2015, created the National Office for Rural Women. The main purpose of this office, which is within the Ministry of Agriculture, is to design and evaluate policies, plans and projects that favour rural women, in co-ordination with other national and subnational 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

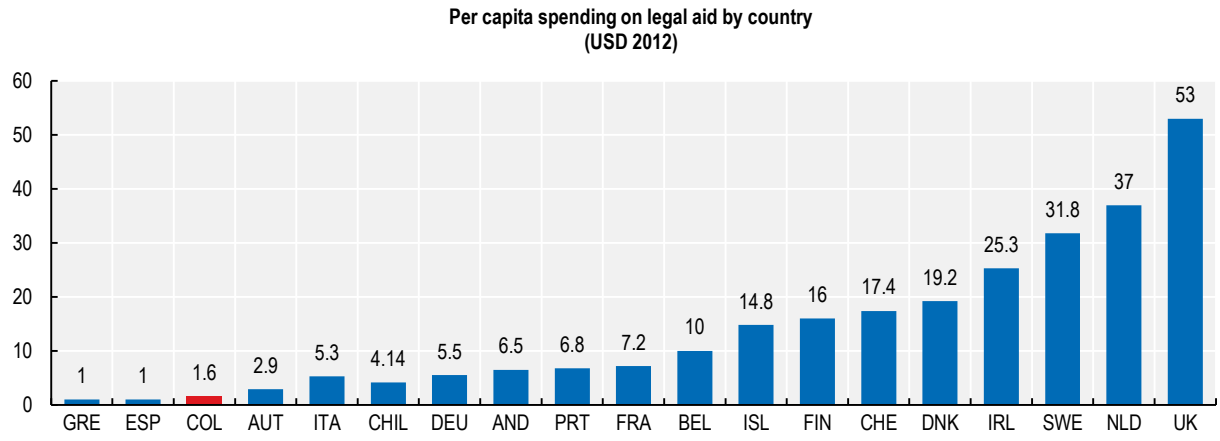
It is also crucial to have a gender perspective in the overall planning framework, not only with regard to access to justice, but also in relation to how women access the system of justice governance. In this context, it is important that data be disaggregated by gender to ensure that women-specific 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, *Comisarías 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 pf 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 *Comisarías 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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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.

Gender Equality in Colombia

ACCESS TO JUSTICE AND POLITICS AT THE LOCAL LEVEL

This report assesses women's access to justice and women's political participation in parliament, local councils and civil society organisations in Colombia. It examines existing legal, political and institutional frameworks in order to better understand successes, challenges and implementation gaps in the government's pursuit of access to justice and gender equality. The report also offers examples of different approaches in OECD member and partner countries to support Colombia in closing gender gaps. Based on this analysis, the report proposes actionable solutions to help Colombia design and deliver policies that effectively promote women's political participation and access to justice, including for survivors of gender based violence.

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