

**TWENTY-FIFTH REPORT OF THE SECRETARY GENERAL TO THE PERMANENT
COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA
(MAPP/OAS)**

The following report is presented pursuant to resolution CP/RES. 859 (1397/04), in which the Permanent Council of the Organization of American States (OAS) asks the Secretary General to periodically report on the work of the Mission to Support the Peace Process in Colombia, hereinafter MAPP/OAS or the Mission.

The mandate of the MAPP/OAS issues from the agreement signed by the Government of the Republic of Colombia and the General Secretariat of the OAS, hereinafter GS/OAS, on January 23, 2004, as well as from Permanent Council resolution CP/RES.859 (1397/04), adopted on February 6, 2004. This mandate has been broadened and extended seven times;¹ most recently, it was extended to December 31, 2021.

Every day, the MAPP/OAS works to support peacebuilding in Colombia. It does so directly in the territories that are most affected by the internal armed conflict, by supporting communities; public institutions; indigenous authorities; black communities; social, civil, and women's organizations; religious communities; security forces; victims of the armed conflict; human rights defenders; community leaders; and ex-combatants, at the municipal, departmental, and national levels.

The Mission's work is based on interacting with stakeholders, supporting local processes, and monitoring the perceptions, dynamics, and impacts associated with the implementation of peace policies, through a fluid exchange based on the trust built by the Mission over the years (which makes it easier to obtain strategic information that meets criteria of trustworthiness² and triangulation³), outreach among communities and institutions, and a high level of proactive advocacy.

The information set forth in this report corresponds to the findings made by the GS/OAS through the MAPP/OAS as a result of its work monitoring and supporting peacebuilding efforts in Colombia from September 1, 2017, to July 31, 2018. Some events that took place outside that timeframe are also discussed.

Pursuant to resolution CP/RES. 859 (1397/04) numbered paragraph 3, the MAPP/OAS consults the Inter-American Commission on Human Rights (IACHR) prior to the publication hereof, in order to hear its observations on the functions for which it is responsible, and for the two OAS authorities to work together and share information.⁴

The support of the international community is vital in enabling the MAPP/OAS to perform the activities in its mandate. The GS/OAS therefore wishes to thank the donors and friends of the MAPP/OAS, especially the Basket Fund countries—Germany, Canada, Spain, the United States, the Netherlands, and the United Kingdom—whose political and financial support make the Mission's operations possible. The GS/OAS is also grateful for the contributions made

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1. The mandate was broadened and extended through the signing of additional protocols to the initial agreement, on January 15, 2007; January 19, 2010; December 23, 2010; October 3, 2013; December 15, 2014; September 27, 2016; and December 19, 2017.
 2. Backed by the information provided by two or more diverse, pluralistic sources.
 3. Backed by diverse, pluralistic, and credible sources and evidence.
 4. This report presents a detailed analysis of the Mission's monitoring and support work. It also covers topics and concerns identified by the Inter-American Commission on Human Rights (IACHR) in its monitoring of the overall human rights situation and discussed in Chapter V of its 2017 Annual Report, "Follow-up to recommendations made by the IACHR in its report Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia." [IACHR, Truth, Justice and Reparation report (2013)].

by Korea, Norway, Sweden, Switzerland, Turkey, and the European Union, as well as the Spanish Agency for International Development Cooperation (AECID), the German Agency for International Cooperation (GIZ), the United States Agency for International Development (USAID), and the Swedish International Development Cooperation Agency (SIDA).

From September 1, 2017, to July 31, 2018, the MAPP/OAS carried out a total of 1,836 field missions, of which 1,432 involved monitoring and the remaining 404, support activities. These missions were conducted in 941 populated areas in 213 municipalities of 23 of the country's departments. These populated areas included municipal capitals, townships, villages, indigenous reserves, and community councils.

I. GENERAL CONSIDERATIONS

The GS/OAS would like to especially thank former president Juan Manuel Santos for all of the support and backing he provided for the correct execution of MAPP/OAS operations, and for always respecting the Mission's independence and autonomy. This appreciation extends to the authorities and civil servants with whom the Mission engaged in enduring interaction and collaboration.

The Mission likewise salutes the current President of the Republic of Colombia, Iván Duque Márquez, and his entire team, and voices and reiterates the Organization's commitment to continue to support peacebuilding through its experience, territorial deployment, and capacities developed over more than 14 years of uninterrupted work.

The GS/OAS has verified that significant progress has been made on highly important issues for building and consolidating peace in Colombia. As emphasized in prior reports, the disarmament and disappearance of the FARC-EP as an illegal armed actor is a highly significant achievement that marks a turning point in the country's history; today, Colombia has one more political party and one fewer illegal armed actor, which adds stock to the country's democratic capital and gives true meaning to the peace process.

In this context, increased demand has been observed for channels for dialogue among organizations and social movements with the national government. This dynamic coincides with the launch of forums for dialogue established as part of the peace processes put forward firstly with the FARC-EP and then with the Ejército de Liberación Nacional [National Liberation Army] (ELN), demonstrating that the de-escalation of armed actions is paving the way for public debate, participative democracy, and various ways of raising awareness about social issues.

In that regard, the strengthening of the Colombian State's response and the role and positioning achieved by social organizations through the use of democratic tools for citizen participation are of particular note, and they demonstrate how civil society's relationship with government structures has matured. We encourage the Colombian State to continue along the path of democratic dialogue, not only by establishing and attending forums for dialogue, but also by fulfilling the resultant commitments and agreements, and guaranteeing, in a timely fashion, the rights its citizens are due.

The institutional infrastructure of peace in Colombia is now upheld by new regulations, including constitutional reforms, laws, and decrees on legislative procedures, reintegration, security guarantees, victims' rights, social and rural development, agencies and forums for participation, institutional mechanisms, and political arenas for actors in the conflict. Of note are the creation of the Comprehensive System for Truth, Justice, Reparation, and Non-repetition and the launch of the Commission for Clarification of the Truth, Coexistence, and Non-repetition, as well as the Search Unit for Persons Gone Missing in the Context of and due to the Armed Conflict, and the Special Jurisdiction for Peace. In addition to the notable

improvements in the State's entry to the territories most affected by the conflict, valuable progress has been made on humanitarian demining.

The GS/OAS highlights the various measures designed to mitigate the risks faced by leaders and communities in the territories. Of note is the creation of the comprehensive program for the security and protection of communities, organizations, social leaders, and human rights defenders, as well as the measures designed to improve compliance with the Community Action Organization security guarantees, through the creation of the Security Committee.

Likewise, the MAPP/OAS applauds the drive to identify and characterize the risk to parties to collective redress cases, such as community councils, indigenous reserves, and social organizations located in complex territories throughout Colombia, as well as the efforts made by the Office of the Prosecutor General to investigate, pursue, and effectively prosecute the perpetrators of harm to social leaders, by defining methodologies for investigating and prosecuting such cases.

The GS/OAS highlights the actions initiated by the national government to extend the justice system to areas where the FARC-EP previously had a presence, as well as the coordination of the ordinary and indigenous justice systems through the actions taken by the competent bodies of justice.

Along these same lines, the MAPP/OAS extols the recent issuing of Law 1908, which seeks to break up large criminal organizations that operate nationally and internationally, by strengthening regulations and mechanisms against them and establishing a special procedure for all the organized armed groups that wish to submit to the justice system. Appropriately regulating and implementing legislation will be fundamental in order to gradually overcome the obstacles that have allowed the internal armed conflict to persist.

The GS/OAS stresses that the process of land restitution and re-establishment of territorial rights: (i) makes a positive contribution to dignifying victims, since it is an ideal tool for partially satisfying the rights to truth, justice, and redress; (ii) paves the way for various public institutions to offer government services; (iii) promotes reconciliation through victims' return to and the economic revival of the territories, and fosters the peaceful handling of tensions that arise before, during, or after implementation of the restitution processes; and lastly, (iv) builds territorial peace.

Similarly, the Colombian legal system has notably strong legislation and case law in line with international standards on land restitution. These accumulated regulations will surely serve as a pilot exercise of justice, providing starting points and experiences for the future agricultural jurisdiction, which will be critical to resolving the historical conflict over land use and ownership in the Colombian rural sector and to fulfilling the commitments taken on by the Colombian State in the *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, signed with the FARC-EP, hereinafter the Final Agreement.

The existence of strong institutions, deployed in much of the territory and with experience in the administrative and judicial stages of restitution, has made it possible to: (i) complete the "sweep" of former intervention zones, especially in the north; (ii) begin interventions in new areas, especially in the southeast; and (iii) announce the completion of the administrative step for 71% of the requests authorized by the Ministry of Defense, or 55.15% of all of the land restitution requests submitted.

With regard to the implementation of processes and strategies for the structural transformation of the countryside, especially in the rural sector, the GS/OAS welcomes the application of established pathways and methodologies for constructing and implementing the Territory-Focused Development Programs (PDET). These programs have had a "bottom-up" methodology, according to which the first dialogue was rural, the next municipal, and finally

regional, resulting in the signing of more than 30 community and municipal pacts and progress on specifying over six Territorial Transformation Action Plans (PATR), in various places around the country.

The GS/OAS recognizes the significance of the implementation of this citizen participation mechanism, which has made it possible to establish dialogue among social leaders, members of the communities, and government institutions, thus paving the way for the community to participate in identifying opportunities and problems, with a view to decision-making and the true transformation of all of the territories.

Despite the associated achievements, the GS/OAS has observed diverse challenges arising in the peace process. The context and the various elements involved in the spirals of violence continue to respond to complex dynamics like illegal economies, notably drug trafficking, extortion, smuggling, and criminal mining. The enormous funds involved in these economies fuel the conflict and represent a serious challenge to stabilizing the territories.

The implementation stage is threatened by the presence of illegal armed groups and guerrilla dissidents in the territories. Among demobilized combatants, there is fear over the murders of ex-combatants and members of their families. Furthermore, there have been difficulties in preparing and implementing key programs for the post-conflict period such as the National Illegal Crop Substitution Program (PNIS), and the Small Community Infrastructures (PIC) have not yielded the expected impacts.

What is more, reintegration of the former guerrilla soldiers has become a significant challenge for the State. Few productive projects have been developed to guarantee a livelihood for the demobilized individuals who were in the Transitory Rural Settlement Zones for Normalization (*Zonas Veredales Transitorias*, ZVTN), now Territorial Training and Reintegration Areas (*Espacios Territoriales de Capacitación y Reincorporación*, ETCR), and who, due to questions of security and complaints of abandonment, have left them, hampering economic and collective reintegration.

The situation of vulnerability facing leaders and human rights defenders also persists. Acts of violence against this population show no sign of stopping. These acts are perpetrated by various players, such as the organized armed groups, dissidents, and criminal gangs seeking to eliminate or restrict social leaders' participation in politics, their defense of their land restitution rights and the environment, and their participation in the illegal crop substitution programs.

The GS/OAS calls for directing attention to the dynamics associated with the presence and actions of illegal armed actors on the borders; to the adverse impacts on the communities; the risks to which recipients of special constitutional protection are subjected, especially girls, boys, adolescents, women, and individuals belonging to indigenous communities and populations; and to socioeconomic conditions and the difficulties accessing basic services, among other issues. In this context, it is very important to take into account that each border subregion has its own particular problems, contexts, and elements that set it apart from the others.

In order to achieve the long-awaited territorial peace, the GS/OAS encourages the government to address various deficiencies in its institutional presence (services, infrastructure, education, and social inclusion, etc.) in the remotest, most underserved regions, with the aim of promoting local development and decreasing the attraction and skills of the armed groups that feed off of these deficiencies. That said, the national government's peace policies must also be properly aligned with local realities and dynamics. Activities must be designed to include priority care for victims and ethnic groups and collectives, and their approaches must include differential, territorial perspectives.

In addition, at this critical stage of the peace process, it is ever more evident that specific, prioritized decisions must be made on key issues, such as the reintegration policy; the security of ex-combatants and program participants; the continuity of the execution of Final Agreement regulations; the prosecution of perpetrators of crimes; the full recognition of and redress for victims; and political will for the peace process. Solid planning that takes into account the lessons learned for the future is also necessary. If these elements are achieved, there will be hope for peace and a clear path to reconciliation in Colombia. The international community is ready to continue supporting all of these efforts.

In consideration of the foregoing, the GS/OAS deems it relevant to include in this report an assessment of the achievements considered to promote peacebuilding that were identified during the period in question, as well as the principal remaining challenges and obstacles. The aims of this are to conclude the reports on actions under the outgoing government and to contextualize the perceptions of threats and challenges to peace, as a benchmark that will be useful for the incoming government led by President Iván Duque.

II. ACTIONS TAKEN BY THE COLOMBIAN STATE TO CONSOLIDATE AND IMPLEMENT THE PEACE POLICY

1. Security conditions, adverse impacts, and social unrest

With regard to security conditions in the territories, the GS/OAS highlights the launch of various strategies by the Colombian State, in particular by the military and the national police, in the territories most impacted by the internal armed conflict. The GS/OAS especially recognizes the progress made under the Horus Plan, which is part of the Victoria Plus Strategic Plan; both strategies increase the visibility of law enforcement personnel and strengthen their presence in the remotest territories.

The MAPP/OAS has noted the efforts made by various military and police units to put these kinds of strategies into motion, by maximizing the human and technical resources used to perform other tasks, like protecting oil infrastructure or eradicating illegal crops. The GS/OAS also welcomes the progress made by the National Army on matters of humanitarian demining, in municipalities of the Valle del Cauca, Nariño, Putumayo, Caquetá, Chocó, Guaviare, and Meta.

The work being performed by the Police Unit for Peacebuilding (UNIPPEP) is also noteworthy. The GS/OAS has observed that the maintenance of the police stations near the Territorial Training and Reintegration Areas (ETCR) has helped to not only generate a positive perception of security conditions in those areas, but also to build the population's trust of the authorities. The communities in these areas have recognized that the deployed personnel are well prepared, knowledgeable of the context, and willing to improve their relationship with the population.

These efforts to stabilize security conditions in the territories are complemented by the guarantees that can be offered regarding the security and protection of social leaders. In this regard, the GS/OAS highlights the Ministry of the Interior's issuing of Decree 660 of 2018, which adopts measures to protect social leaders and communities in the territories. The GS/OAS likewise welcomes the push to identify and characterize the risks to collective parties, such as community councils, indigenous reserves, and social organizations, located in complex territories throughout Colombia.

Furthermore, with regard to the investigation, pursuit, and effective prosecution of the perpetrators of harm to social leaders, the GS/OAS highlights the efforts made by the Office of the Prosecutor General to clarify the harm done, by defining methodologies for investigating the cases. In particular, the GS/OAS recognizes the emphasis placed on the methodologies for

guaranteeing the rights of human rights defenders, which include investigation and prosecution strategies, set down in Directive 002 of 2017, among others. It also applauds the work done by the Office in connection with the National Commission on Security Guarantees, to align actions to relieve the harm done to persons and communities involved in peacebuilding and implementing the Agreements.

With regard to the dynamics of border territories, in terms of security conditions as well as of the impacts of the immigration from Venezuela resulting from that country's political, social, and economic crisis, the GS/OAS welcomes the creation of the Unified Command Post, which will provide comprehensive services and facilitate interinstitutional coordination. The GS/OAS also welcomes the appointment of a Venezuela Border Manager.

In terms of addressing and managing social unrest in the territories, the Observatory of the Center for Social Dialogue, Early Warnings, and Conflict Resolution of the Government of Colombia (CEDISCO) reports that in 2017, there were 813 social-unrest-related events, of which 38% were rallies and demonstrations; and that from January to July 2018, there were approximately 2,700, 60% of which were associated with social movements. These figures may result from the de-escalation of armed actions, which is paving the way for public debate and diverse forms of raising awareness of social problems, like movements, marches, sit-ins, town councils, etc.

Lastly, the GS/OAS recognizes the progress made by the Colombian government on implementing the Comprehensive National Illegal Crop Substitution Program (PNIS), reflected in the figure of 77,659 families registered by the Illegal Crop Substitution Division (DSCI) as of August 2018. However, it warns of a significant gap between this figure and the number of families that, in the same time period, did in fact receive technical assistance (29,552) and have food security (6,623). This discrepancy is associated with program implementation issues, which in addition to hampering the program's progress, promote the emergence of social conflicts.

2. Justice systems in the territories and legal security

The GS/OAS acknowledges the efforts made by the Colombian State to strengthen the administration of justice and improve the population's effective access thereto. It welcomes such initiatives as the justice sector's coming to the territories, especially to rural villages, townships, and police inspection divisions in around 20 of the country's municipalities where the FARC-EP guerrilla group has a presence. The justice systems have made inroads mainly through mobile events in rural communities, as well as through the installation of physical branches of institutions generally only found in urban centers, and through processes to strengthen informal mechanisms of justice as well as the mobile events.⁵ Some of the municipalities where these processes have been reported are Apartadó, Dabeiba and Valdivia (Antioquia); Fortul and Tame (Arauca); El Doncello, El Paujil, Puerto Rico, La Montañita, Cartagena del Chairá, and Solano (Caquetá); Puerto Asís and San Miguel (Putumayo); Tuluá (Valle del Cauca); Puerto Concordia (Meta); and all of the municipalities in the department of Guaviare, among others.

Progress has been made on coordinating the different territorial levels for the mobile events, resulting in high levels of attendance and participation from inhabitants of villages, townships, and police inspection divisions; around 200 to 300 hundred individuals typically participate in each event. This type of initiative gained momentum in many of the municipalities of the department of Caquetá, where a first phase of the process was already completed and where the GS/OAS expects follow-up and further activities to be held.

5. The mobile events take place at Justice Houses (in the municipalities that have them); in other municipalities they are held through national government programs like the Local Justice Systems strategy or even through the departmental governments themselves.

Specifically, with regard to the permanent installation of physical branches of justice institutions, notable progress was made in the second half of 2017 on the installation of physical branches of the Office of the Prosecutor General in municipalities where previously there were none, including the municipalities of Miraflores, Calamar, and El Retorno in the department of Guaviare.

Progress has also been observed on the establishment of transitional justice legal tools as well as important elements that contribute to building a criminal justice policy for the post-conflict period.

The GS/OAS highlights the first Special Jurisdiction for Peace (JEP) hearings, victims' organizations' receipt of the first reports, the JEP's presence in the territory through 18 regional offices, the preparation of the Guide to Submitting Reports to the JEP, the publication of the prioritization criteria to be used by the Recognition Division, and the presentation of the first Office of the Prosecutor General reports to the JEP.

The GS/OAS also applauds Point 4 of the Final Agreement, "Solution to the Illicit Drugs Problem." The GS/OAS notes the efforts contained in Draft Law 097, presented by the national government to the Congress of the Republic in an attempt to resolve the legal situation of small-scale growers.⁶ However, the GS/OAS considers that some of the points may reveal a lack of awareness of rural circumstances and realities, which are affected by constant changes in the illegal, social, and economic dynamics.

The GS/OAS also applauds the issuing of Law 1908 of 2018, "strengthening the investigation and prosecution of criminal organizations and adopting measures to submit them to justice." This law seeks to establish special conditions for submitting organized armed groups to justice and accommodating them, provides for conceptually differentiating and separating organized crime groups and organized armed groups, strengthens the prosecutor's investigative tools for crimes committed by criminal organizations, and establishes a special collective procedure for organized armed groups.

The GS/OAS recognizes that progress has already been made on regulating the first stage of the submission to justice process, through Decree 1455 of 2018, which makes it possible to start approaching groups and holding talks among the organized armed groups and the Colombian government.

With regard to prison and penitentiary conditions in post-conflict and transitional justice contexts, the GS/OAS commends the progress on the human rights of prisoners made by the Colombian State through the creation of the Guide to the Use of Force in the Penitentiary and Prison System, through Resolution 192 of 2018. For the first time, restrictions on penal officers and guards are clearly, precisely established, on the basis of certain principles included in various international regulations on the deprivation of liberty, to prevent situations of cruel and inhuman treatment and cases of torture.

The GS/OAS also notes the installment of increased prison capacity, with infrastructure intended to be respectful of the prisoners' dignity. Progress has also been made on the construction of the agricultural colony in the municipality of Yarumal, Antioquia, which is designed to promote the resocialization process.

In terms of interjurisdictional coordination and alignment, the GS/OAS commends the jurisprudence developed by the Constitutional Court with a view to establishing guidelines for resolving jurisdictional conflicts between the Special Indigenous Justice System (JEI) and the ordinary justice system, as well as the work performed by the Higher Council of the Judiciary (CSJ) to develop a policy for coordinating the two jurisdictions. These efforts serve as a precedent for coordination with the Transitional Justice System.

6. The 2017-2027 Ten-Year Plan proposes regulating the criminal treatment of weak links in the drug trafficking chain.

The CSJ gave continuity to the National Commission for the Coordination of the National Judicial System and the Special Indigenous Jurisdiction (COCOIN)⁷ in the first half of 2018, arranging a work plan that includes the discussion and viability of issues like the Draft Coordination Law; the legislative instrument that makes it possible to regulate detention conditions for the indigenous population; the inclusion of the differential ethnic approach in the Ten-Year Justice Plan; and the handling of various forms of violence against indigenous adolescents, girls, boys, and women. The GS/OAS, through the MAPP/OAS, continues to support and back these entities nationally and fosters their continuation and expansion in the region. The MAPP/OAS held two sessions of the COCOIN, on May 31-June 1 and July 12-13.

In addition, the GS/OAS emphasizes that with the jurisprudential changes made in the past five years,⁸ the concept of prison for members of indigenous communities has progressed and transformed. The GS/OAS praises the work performed by the National Penitentiary Institute (INPEC) to validate the correctional resocialization centers in the indigenous territories. The INPEC's position has been flexible, in that it has accepted the lack of bars and locks, and in general, the more open incarceration systems, incompatible with the Western concept of prison. The GS/OAS encourages the INPEC and other agencies to continue giving precedence to ethnically differentiated resocialization over Western concepts thereof.

3. Public policy on victims, participation, and territorial peace

The GS/OAS applauds the Colombian State for decisively consolidating the launch of the public policy on land restitution and the re-establishment of territorial rights in the country's south and southeast, especially in territories where the former armed FARC-EP was historically present, and where intervention would not have been possible due to the continuity of the armed conflict. The GS/OAS observed that the Land Restitution Unit (URT), through a "sweep" strategy,⁹ managed to close intervention zones¹⁰ in which the administrative stage had been completed, so as to strategically redirect its technical and financial efforts to the new intervention zones.¹¹ It likewise notes the application of measures to guarantee that rulings are handed down in land restitution and/or re-establishment of territorial rights cases, in order to resolve the legal situation of the plots and territories involved.

With regard to the implementation of processes and strategies for rural and economic transformation for peace, the GS/OAS commends the application of established pathways and methodologies for building and implementing the Territory-Focused Development Programs (PDET), recognizing the plans previously drawn up by the communities, as well as the possibility for representatives of all of the villages, communities of neighboring municipalities, and local institutions to participate in the meetings set up by the Territorial Renovation Agency (ART).

The GS/OAS also values the importance of the implementation of citizen participation mechanisms, which make it possible to establish dialogue among social leaders, members of the communities, and government institutions, paving the way for the communities to participate in identifying opportunities and problems, with a view to decision-making in all of the territories.

Likewise, in terms of citizen participation, the MAPP/OAS has supported and fostered the strengthening of the gender and women's human rights agendas in the territorial peace and in the Discussion Commission of the Government of Colombia and the ELN. In this context, the

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7. Standing body for dialogue, consensus building, planning, and follow-up on the judicial branch public policies on JEI matters.
 8. Decisions T-921 of 2013 and T-208 of 2015 of the Constitutional Court of the Republic of Colombia.
 9. Strategy 20-15 of the URT, which establishes the objective of handing down decisions on all the existing requests for restitution in eight regions of the country.
 10. Norte del Meta, Putumayo, Norte de Santander, Magdalena, Córdoba, Cesar, Bolívar, Cundinamarca.
 11. Eastern Meta, Huila, Tolima, Caquetá, zones of Cauca, Casanare, Guaviare, and Vichada.

GS/OAS applauds how, during this period, both delegations were open to establishing channels for dialogue and the direct participation of organized women's groups, at the Havana talks. The dialogue/workshop held on this past May 18 by the plenary of the delegations with the platforms Juntanza de Mujeres and Cumbre de Mujeres y Paz, is especially noteworthy.

At this event, the platforms provided political/legal tools for understanding and analyzing the women's rights approach in the negotiation process. Based on learning about the agreement with the FARC-EP, they offered political and technical inputs to leverage participation in the Commission and advocated for consideration of the creation of a gender mechanism within the process. At the territorial level, the GS/OAS recognizes the revival and expansion of the local,¹² subregional, and nationally networked mobilization of women organized around the negotiations and implementation of the Final Agreement.

With regard to the collective redress processes, the GS/OAS recognizes the efforts made by the Colombian State through the Unit for Support and Comprehensive Redress of Victims (UARIV) to publicly announce the overall parameters for the Collective Redress Program, with the objective of ensuring implementation of Law 1448 of 2011, as well as the Final Agreement's recognition of the importance of collective redress to territorial peace.

The GS/OAS likewise acknowledges the UARIV's institutional efforts to progressively synchronize the adaptation to the Collective Redress Program, given the demands entailed in effectively incorporating the sexual orientation and diverse gender identity perspective. Of particular note are the actions designed to overcome the challenges of the initial dialogue with the LGBT Committee from Medellín's Commune 8, resulting in the joint signing of the diagnostic assessment of collective damages in July of this year.

Lastly, the GS/OAS welcomes this significant advancement and urges the State of Colombia to decidedly continue to prepare, approve, and implement the Collective Redress Plan. It also encourages the parties and, in particular, the UARIV, to focus their efforts on guarantees of non-repetition for LGBT victims. These measures could bring about transformative redress and counteract the collective worldviews that condemn ways of doing and being that do not fall within social norms on gender and sexuality. These worldviews are recognized in case law and in the victims' redress policy as factors that produce and propagate prejudice-based discrimination and violence.

III. PERCEPTIONS OF THE PRINCIPLE THREATS AND CHALLENGES TO PEACE

1. Security conditions, adverse impacts, and social unrest

1.1. Security conditions in the territories

1.1.1. Presence and actions of illegal armed actors

The GS/OAS, while acknowledging the strategies developed by the Ministry of Defense to bring down the various illegal armed actors present in the territories and counteract their actions, continues to warn about their reshaping and their dynamics of territorial expansion and consolidation. Furthermore, the ambitious aims of plans like the Horus Plan, could exceed the true capacities of the military units deployed in the territories.

The Mission continues to identify three different types of organized armed groups (GAO), according to the profiles of their leaders, their structures, and the territorial

12. In June, after the national dialogue initiative "Juntanza de Mujeres Connected with Peace," more than 2,700 women from 400 organizations in 12 territories acted as active parties in peacebuilding and were able to dialogue with the delegations.

dynamics of their actions. The prevailing type has the emblematic hierarchical, hegemonic structure, as is the case with the Clan del Golfo,¹³ despite the actions taken by law enforcement and the Office of the Prosecutor General to weaken the senior members of this illegal armed group, Dayro Antonio Úsuga, aka Otoniel, is still known as the top leader. Although the group's territorial deployment appears increasingly fragmented, there are still regional coordinators. It has both strategies to avoid confrontation and the capacity to execute armed actions with other illegal armed groups, depending on its economic interest in the zone and the agreements that can be reached.

There are also Los Pelusos or the Ejército Popular de Liberación (EPL), whose most emblematic leaders were lost in clashes with law enforcement (for example, alias Megateo in 2015 and alias Inglaterra in 2017), or captured (like alias David León in 2016). The group no longer has a nationally recognized figure operating as the top leader. Nevertheless, it has managed to expand territorially, especially in southern Cesar, the department of Cauca, and the region of Catatumbo in Norte de Santander. In the latter territory, the group has had armed clashes with the ELN.

Third is the case of Los Puntilleros, whose leaders were also the targets of law enforcement action; consequently, it does not have a nationally recognized leader. The group appears to be broken into two factions: the Libertadores del Vichada and the Bloque Meta. It continues to revert to criminal activities, especially in the departments of Meta and Vichada, and does not have a major interest in expanding its territorial control, although it has gained strength in the territories and in its illegal activities through partnerships with other illegal armed groups.

It appears to the GS/OAS that the residual organized armed groups (GAOR), or FARC-EP dissidents, continue to maintain some of their past patterns of action. The group's interest in conserving the image of continuity with the FARC-EP is expressed in its similar ways of operating, political messages, names of blocs, and numbering of fronts, just like the guerilla group. This dynamic has been observed in departments like Meta, Guaviare, and Caquetá. The GS/OAS also has information about this GAOR's expansion from southern Caquetá department towards Putumayo department, with the purpose of consolidating its presence on the Putumayo and San Miguel rivers, as well as on the border strip with Ecuador.

On the other hand, the armed group's dynamics in the southwestern area of the country are more complex. In particular, in the Nariño Pacific coast region, the actions appear to involve structures with different origins that do not necessarily seek to establish continuity with the FARC-EP, or were not even recognized by the FARC-EP as part of the illegal armed group for inclusion in the peace process. The main effect of this has been highly volatile interactions with other illegal armed actors, leading to significant humanitarian impacts in the region, principally mass forced displacements and confinements. Furthermore, it appears that in order to consolidate economic objectives, they make maximum use of the former armed group's knowledge of military strategy, routes, and networks. The strongest evidence of this has been seen in the departments of Cauca, Antioquia, Norte de Santander, and Arauca, among others.

Despite the differences in the groups' territorial dynamics, the GS/OAS does not rule out the possibility that they could merge, not under a single command, but rather by coordinating and organizing their illegal activities; or they could make nonaggression pacts with each other to share territories and control criminal economies.

13. The Mission recognizes that this is the Colombian government's name for this armed group. However, the group itself uses the name Autodefensas Gaitanistas de Colombia, which is also how it is referred to in the territories.

That said, during the period covered by this report, the armed dynamics of the Ejército de Liberación Nacional (ELN) reached a turning point with the national, provisional, and bilateral cessation of hostilities and ceasefire (CFHBTN) that this guerilla group and the Colombian government decided to implement between October 9, 2017, and January 9, 2018. The GS/OAS observed that the ELN cut back on some of its actions in the territories, mainly the ones involving attacks on oil infrastructures, which had been frequent in Norte de Santander, Arauca, and Nariño throughout 2018.

Nevertheless, the ELN did engage in some actions that directly affected the civil population. For example, indigenous families in the rural area of Alto Baudó in Chocó were forcibly displaced due to ELN threats against them. In this municipality, the ELN has sought to have a “low profile” presence, pressuring the communities to demand an increase in the presence of law enforcement personnel so as to contain the arrival of the Clan del Golfo or any other illegal armed actor in the territory. Another case that directly affected the civilian population was the massacre that took place in November 2017 in the village of Pueblo Nuevo in the municipality of Magüí Payán (Nariño), in which 13 people who the ELN identified as members of the illegal armed group Guerrillas Unidas del Pacífico (GUP) were killed, affecting members of the village’s Manos Amigas community council. After the conclusion of the CFHBTN, the GS/OAS observed a series of selective homicides, kidnappings, and attacks on law enforcement personnel, principally in the departments of Bolívar, Arauca, Chocó, and Norte de Santander.

With regard to the ELN’s relations with the armed organizations identified by the national government as residual FARC-EP groups, the GS/OAS also observes various logics that respond to the specific dynamics and interests of each region. For example, the MAPP/OAS learned of some ELN disputes with the Frente Oliver Sinisterra, made up of FARC-EP dissidents and former combatants, in the municipalities of Ricaurte and Cumbal in the department of Nariño, from January to March 2018, as well as with a group that calls itself Resistencia Campesina in Magüí Payán. On the other hand, no disputes or clashes have been observed as of yet in the municipalities of Arauca and Saravena in the department of Arauca, where a group made up of former members of the FARC-EP has been forming and will share ELN territorial zones of influence. The feeling is that this dynamic has occurred because the residual group’s interest focuses on the region’s economic systems, like smuggling and extortion, as opposed to the political work that the ELN has historically done in the area.

1.1.2. Harm to communities and social leaders

Despite the State’s actions to prevent and protect social leaders, human rights defenders, and community representatives, the GS/OAS continues to be concerned about the persistence of adverse impacts on this population. Such harm continues to occur in diverse territorial contexts, is identified as multicausal,¹⁴ and is induced by various actors (which may be illegal and in some cases, involve the State). The leaders closest to the rural communities continue to be more affected by all types of violent actions. The capacities of institutions in these territories to respond to this issue with prevention and protection, differs from their capacities in urban areas.

It has been impossible to establish a national trend or pattern to the violence. However, according to the GS/OAS, the implementation of aspects of the Final Agreement has generated risks for the work and exercise of leaders.

One such risky scenario has developed in the places where the illegal armed groups are being reshaped or where they are fighting for territorial control. In these cases, it appears that social leaders are stigmatized upon being labeled “enemy” collaborators, or they are pressured

14. See the 23rd Half-Yearly Report, in which the Mission mentions the following common threats in this hypothesis: (i) a leader’s report of an armed group moving into the area; (ii) administrative oversight or assertion of rights and defense of the territory; (iii) work involving education for peace; (iv) the creation of new representative spaces and/or movements; and (v) reports on the dynamics and effects of illegal economies.

by the illegal armed actors to raise awareness of their movement into or control of the territory, in order to increase the presence of institutions and thereby limit the incursion of rival groups.

Another type of scenario develops when social leaders promote projects to eliminate the area's dependence on an illegal economy and that simultaneously involve the arrival of institutions. This occurs above all with leaders who support the implementation of the PNIS and PDET.¹⁵

A third type of situation occurs in places where there is a certain territorial consolidation among different illegal armed groups. The harm brought to the social leaders reaffirms these groups' control, according to the logic of harming those who challenge the illegal authority that has been imposed. The aims of such attacks on social leaders are to modify the rules of coexistence, to prohibit the communities' participation in certain activities and projects, and to exploit the leaders, making them into messengers for the illegal armed group.

Likewise, in areas where the social leaders manage to enforce certain rules of coexistence and establish oversight due to the exit of an illegal armed actor and a weak institutional presence, risk factors are created and they end up being accused and attacked.

The GS/OAS understands that the leaders most affected by this type of risk are those who participate in community action organizations. From January 1, 2016, to September 20, 2017, 176 instances of harm to leaders were registered. These included mass and individual threats, attacks, disappearances, forced displacement, homicides, and robberies, reported directly by members of the community organizations located throughout the country. In 2016, 129 incidents were reported, and in the part of 2017 that was analyzed, there were 47 cases.¹⁶ In 2018, the acts of harm to the community action organizations continued, with 57 more acts¹⁷ being registered.

Lastly, the GS/OAS has noted that some cases of harm involve intolerance or organizational disputes, and that rarely, the harm done to leaders is linked to their private lives and not their leadership roles.

In short, leaders in the territories are sought out by institutions, for implementing local initiatives and programs; by communities, for representation; and by illegal armed actors, who wish to control their leadership actions. These situations end up producing violent dynamics against them. Consequently, the communities have started to note that "*being a leader is seen as risky*," which has led to decreased numbers of traditional leaders in the communities, creating radical agenda changes, mass resignations, an increased lack of trust for participation in government projects, and organizational disputes.

With regard to the investigation, pursuit, and effective prosecution of the perpetrators of harm to social leaders, the GS/OAS highlights the progress made on establishing investigation guidelines. In the implementation of these methodologies, efforts have been made to establish the contexts and identify the patterns that could be associated with the harm to leaders, whether of macrocrime, for example drug-related activity and illegal mining, or victimization, such as could be the case with land restitution and illegal crop substitution. However, many investigations focus only on the individual cases, meaning they tend to isolate situations, contexts, structural factors in the territories, and the local dynamics of violence. Such investigations may identify the alleged perpetrators but not the masterminds or criminal group behind it, nor do they produce crosscutting analyses of the *modus operandi*.

15. Such scenarios have been monitored in Guaviare, Caquetá, Meta, Cauca, Nariño, Norte de Santander, Antioquia, and Putumayo.

16. MAPP/OAS direct source, special report on guarantees of non-repetition and community action.

17. Community Action Confederation public statement.

The GS/OAS thus feels that rigorously developing and aligning the established investigative measures¹⁸ will make it possible to not only more deeply clarify these situations but also to take preventive measures. Likewise, action should be taken within the Prosecutor's Office to clearly articulate the investigation methodologies and to continue to disseminate them throughout the institution.

There appear to be many positions of leadership held by victims. However, especially when these positions are held by ethnic authorities who work to defend their indigenous and Afro-Colombian communities against the encroachment of illegal armed groups, it becomes more difficult to determine the motives behind the attacks. This leads to poor results in terms of prosecuting the direct perpetrators and masterminds behind the threats and homicides committed against the leaders.

It is therefore worrisome that the Mission's monitoring work has shown the GS/OAS that the protective measures adopted by the UNP for traditional ethnic authorities who have been threatened¹⁹ as a result of their advocacy for restitution for the communities have not effectively prevented or mitigated the risk. This is because the measures that continue to be adopted do not account for the geographic characteristics of the territories and/or the particularities of the protected individuals. The GS/OAS thus urges the Colombian State to incorporate the differential ethnic approach and the Afro-Colombian and indigenous ethnic groups' own worldviews on their security and territories. Furthermore, complaints are still being made about the length of time spent on analyzing the cases, the types of measures awarded, and the cutbacks in the protection systems.

The situations of risk, the communities' perceptions of the inefficiency of the authorities' prosecution of the perpetrators of the acts, as well as the true capacities for protecting the leaders, have given rise to fear in the territories over continuing to engage in processes of participation and the administration of their needs and demands, such as rights for their communities and municipalities, and in particular, in participation in dialogues with the ELN. In the same way, the drawing power and capacity for institutional dialogue of the organizational processes in which the investigated individuals are involved have greatly decreased. According to some leaders consulted, there have been notably fewer participants at meetings.

In addition to the attacks on social leaders and community representatives, the MAPP/OAS has detected that in departments like Antioquia, Arauca, Bolívar, Caquetá, Casanare, Cauca, Chocó, Meta, Nariño, Norte de Santander, Putumayo, and Valle del Cauca, harm is increasingly being done to individuals who were members of the FARC-EP, and some of their family members have been threatened, followed, stigmatized, displaced, recruited, attacked, and assassinated.

The individuals affected are known to have had various types of ties to the FARC-EP guerrilla group: as former combatants; as "common" combatants or members of the armed troops; as FARC-EP guerrilla militiamen; as activists in the FARC political party; and lastly, as family members of any of these. Due to their presence in the territories, it has been found that the populations that most report harm are the "common" combatants, militiamen, and to a lesser degree, family members.

18. This refers to more effectively coordinating Directives 001 (contexts and patterns), 002 (investigation and association of cases), and 011 (investigation of threats and the idea of defenders).

19. The increase in attacks against parties seeking land restitution is concentrated in zones like the subregion of Urabá and the Nariño Pacific coastal area, and in general, in the areas where illegal armed forces, associated with the armed conflict and criminal incomes from illegal mining, illegal crops, and drug trafficking, are being reshaped.

1.2. Main scenarios of social unrest

The GS/OAS has observed that most of the social unrest in the country occurs in rural areas, with access to land and territories being the most conflictive issue seen in the municipalities monitored by the MAPP/OAS. These conflicts are over issues like the expectation of a comprehensive rural reform, and in particular, land titling processes for small-scale campesinos; the recognition of campesinos as subjects of rights and their inclusion in the 2018 census; land-use planning through projects like the campesino reserve zones (ZRC) and the campesino agricultural territories (TCA); and the presence of the State in rural areas, establishing access ways, productive connections, lower input prices, economic support, and a full range of institutional offerings that will enable access to basic goods and services, ensuring rural subsistence.

In this same sphere, the GS/OAS has likewise seen an increase in ethnic/territorial conflicts, due to the lack of clarity over land ownership and property combined with Afro and indigenous groups' push for the recognition, incorporation, and sanitation of their collective territories, which overlap and compete with the interests of the campesino population settled in collective territories. The campesino populations settled in national natural parks, forest reserve zones, and paramos also have trouble getting their territorial rights recognized, given the irregular status of their ownership and working of the land.

In connection with these scenarios of social conflict, the Pacific region appears to have had the highest number of social mobilization actions, from civilian movements formed and strengthened in earlier years, as in Quibdó (Chocó) and Buenaventura (Valle del Cauca), to social movements that have emerged in the present day, such as in Tumaco (Nariño). One common factor among them is the communities' and organizations' demands for access to basic services like sanitation, electricity, health and education services, and access to land and river communication routes.

It bears noting that, with a view to fostering strategies for social dialogue, in 2017 and 2018 the MAPP/OAS and the Presidency of the Republic together held ten awareness-raising events for civil servants and social leaders. These events were designed to build capacity for analyzing, processing, and managing social conflicts, and were geared towards preventive management, the establishment of collaborative dialogue, and the transformation of social conflicts into opportunities for dialogue, participation, and advocacy with the local and national governments.

1.2.1. Impacts of the public policy on reducing illegal crops

Tensions in the territories have increased over the illegal crop reduction policy, which is a hot-button issue for social conflict, given its territorial, social, and economic impacts and transformations. The program's beneficiary population—families who live exclusively off of growing coca—resides in areas with high rates of vulnerability and unmet basic needs, and hopes for comprehensive answers to the complex issues in the territories where illegal crops are grown. These communities' expectations mainly center on land access, titling, and formalization. The local institutions and communities perceive this issue to be one of the principal obstacles to the progress of the PNIS.

Although the GS/OAS has highlighted the Government's efforts to provide legal security to the communities that plant illegal crops, with the presentation of Draft Law 197 of 2018, as mentioned above, elements defined therein, such as the average hectares reported by the families involved, have exacerbated the communities' distrust in State actions and have negatively affected the progress of the PNIS.

Furthermore, the communities are concerned about the lack of clarity over the explicit inclusion in the differentiated criminal treatment of other roles involved in the first stage of

production, such as pickers and crop-associated individuals like cooks, caregivers, etc.²⁰ However, it is notable that Article 4 of the draft law includes sharecroppers as beneficiaries, especially considering the lack of land formalization in Colombia. The GS/OAS welcomes the elimination of the registers of criminal records provided for in the draft law, and pushes for the benefits in the law to be extended to other types of primary penalties, such as fines, and to accessory penalties, such as the restriction on exercising the right to vote, etc.

Another specific element stands out in the draft law's definition of small-scale growers, which includes growers who have up to 1.78 hectares of coca plantations, while the agreements were being signed based on the premise of 3.8 hectares. Given this difference, it is unclear what will happen with the individuals who have more than 1.7 hectares and have already signed a substitution agreement with the Crop Substitution Division.²¹ The communities' distrust of the government's actions is consequently on the rise, which negatively impacts implementation of the PNIS.

Compounding this, the PNIS methodology does not include a special procedure for meeting the economic, cultural, and social needs of rural territories and communities, and in particular, of the indigenous and Afro-descendent populations. Ethnic communities continue to sign agreements similar to the ones used with campesino communities, but these agreements do not take into account the different worldviews, the collective outlook, or the ethnic/territorial and ancestral authorities.

In the territories where the PNIS is moving forward, implementation has been uneven, and there have been lags between the delivery of the Immediate Assistance Plan and the hiring of technical assistance for launching the productive projects. Combined with the effective failure to include pickers as beneficiaries, this has started to cause socioeconomic crises in the territories where coca is the main source of livelihood, in some cases forcing the population to move in search of new ways to survive, or to replant.

In general, the gender approach is incorporated, but is limited to recommending or encouraging female representation of the family units involved in the PNIS, to ensure these women would be the ones to receive the benefits and administer the resources. In this respect, the design and implementation of the PNIS has not addressed the different roles played by men and women in connection with illegal crops, as in the case of the women involved in preparing foods, commonly known as "cooks."

It is important for the legal framework to address the differential impact from a gender and human rights perspective, with a view to the true and potential damage that can occur as a result of situations like the imprisonment of women for illegal-crop-related crimes, and to their effects on the families and on society overall. The imprisonment of mothers should be considered only as a last resort; alternatives and measures that do not include the deprivation of freedom should be sought for crimes that are motivated by poverty, violence, and coercion. Other population groups, such as the elderly, should also be considered within a differential framework, due to their vulnerability, broadly exposed through judicial procedure, meaning that it is important to bring back the preferential treatment they received under the prior draft law.

20. Although it is understood that the parties that would benefit from the differentiated penal treatment are those that are currently engaged in the behaviors described in Article 375 of the Criminal Code, these definitions should be clearly fleshed out and described in the law to prevent the ambiguous interpretation and application of the precepts set down in the Criminal Code.

21. This change in land areas responds to the economic relationship between the product and the grower's own or the nuclear family's subsistence. However, this position is seen to be a far cry from the rural context, considering that in Colombia's remotest regions the cost of accessing goods and services is very high, surpassing minimum wage and, therefore, the area of cropland that would allow a family to subsist is larger than the 1.7 hectares proposed in the draft law. Some insist that the stipulated area should vary depending on the quality of the land.

Furthermore, there are illegal armed actors who oppose or are involved in the voluntary substitution strategy. In addition to revitalizing the drug trafficking economy, these actors harm leaders and communities through social control, restrictions on the voluntary eradication work, calls to break the commitments taken on with the PNIS, and even through blocking the entry of institutional services associated with the illegal crop reduction policy.

Although the National Army has taken a position of nonconfrontation with the communities opposing the law-enforcement-led process of forced eradication, in the final months of 2017 some incidents of violence between the communities and law enforcement were reported. Compared to the first half of 2017, there were fewer cases of confrontation between law enforcement and the communities opposing eradication, but the impact thereof remains, in terms of fomenting distrust and, to a certain extent, rejection of the presence of institutions in this work. However, the GS/OAS highlights the role taken on by law enforcement to help the beneficiary communities with their voluntary substitution work, through the PNIS assisted eradication modality.

1.3. Principal dynamics in border zones and their impacts on the communities²²

Since 2015, and due to the economic, political, and social crisis in Venezuela, mass immigration of Venezuelans to Colombia has increased, impacting and changing the territorial dynamics in the destination communities. The majority of the population coming from Venezuela has been shown to be travelling informally, without having applied for documentation. Most of these people are seeking to get to areas where they can find services and employment, which explains the perception that they mostly head to urban areas.

The GS/OAS has identified the existence of various migratory flows to Colombia. The first is of Colombian nationals who had previously immigrated to Venezuela in search of better job opportunities, and in the context of the current crisis, decided to return to Colombia with their Venezuelan “mixed” families. The second flow is of Venezuelan families that, just like the prior group, come to Colombia in search of better opportunities, and depending on their economic capacities, seek to settle there or continue on to Ecuador, Peru, or other countries in South America. Last is the “*pendulum*” population, mostly Venezuelans and some Colombian-Venezuelans, who live in Venezuela and come to Colombia on a daily or weekly basis looking for any kind of work, to then return to Venezuela with their earnings and thereby bear the family expenses.

The following are among the principal impacts monitored by the MAPP/OAS in the Colombia/Venezuela border zones: problems accessing services, due to the high demand and scarce installed capacity, which in some cases leads to xenophobic and discriminatory sentiments; increased job informality and unequal competition between Colombians and foreigners; highly risky and highly vulnerable situations for Venezuelans, especially where illegal armed actors are present and where transnational illegal economies, principally drug trafficking and smuggling, have developed; institutional irregularities in services for the foreign population, above all healthcare and measures for the groups that should receive special protection, resulting from a lack of knowledge on regulations or procedure; and lastly, increased crime, especially in urban areas.

With regard to perceptions of Colombian State actions, the GS/OAS observed that measures like the Administrative Registry of Venezuelan Migrants (RAMV) are not seen to have yielded the positive impacts expected for some Venezuelans living in this border strip; it was noted that the results of these measures would not be seen in the short or medium term due to the change of government in Colombia, and specifically, that the registry did not solve

22. This report prioritizes the dynamics on the Colombia/Venezuela and Colombia/Ecuador borders, due to the obvious impact of the humanitarian crisis of the Venezuelan migration and the security conditions that have arisen due to the presence of FARC-EP dissident GAOR on the latter.

critical problems for the immigrants, such as legalizing their stay in Colombia or formalizing their access to services like healthcare, education, food, employment, or housing.

Two dynamics were identified on the Colombia/Ecuador border zone. The first involves the populated areas where the authorized border crossings are located. There, the arrival of Venezuelan immigrants has caused the same impact as in the Colombia/Venezuela border zones, noted above. The second dynamic has to do with the border zones located on the San Miguel and Mataje rivers, where the development of illegal economies and the presence of illegal groups have limited the migratory flows, which are mostly associated with family issues and the quest to access healthcare.

As a result of the Ecuadorian government's decision to militarize the border, the Colombian communities have noted the collateral effects of increased stigmatization against them by Ecuadorian law enforcement and communities; increased violence by illegal groups in border areas, in an effort to enhance their social control and prevent "informants;" increased clashes between illegal groups and the armed forces of both countries; and lastly, increased restrictions on the movement of communities and the flow of trade.

2. Administration of justice in the territories and legal security

The GS/OAS has identified three main persistent challenges to consolidating the justice sector in the territories: barriers to accessing formal justice; negative perceptions of the justice sector's performance; and the existence of de facto justice systems.

The principal barriers to accessing the formal justice system are especially concentrated in sparsely populated rural areas, where the institutional presence is limited, incipient, or nonexistent. These areas typically do not have institutions where the populations can handle their justice-related needs, meaning that in order to do so they need to make costly trips. For economically vulnerable individuals, this is a huge burden. In other areas where some justice institutions may be present, many people do not turn to them, out of fear of retaliation from illegal armed actors in the territory, or because they distrust the justice system. The GS/OAS observed this in the subregions Norte and Bajo Cauca (Antioquia), the department of Arauca, southern Bolívar, southern Córdoba, and in certain areas of Caquetá, Cesar, Guaviare, Meta, Nariño, and Putumayo.

In terms of the population's negative perceptions and distrust of the formal justice system and its performance, the main challenges were identified to be the limited capacities for exercising specialized functions, due to the lack of judicial police forces and institutions that perform case-related work like forensic medicine; the poor state of the physical offices and lack of supporting material; the scarce IT support infrastructure, such as informational platforms and the logistical setups for online hearings; weak interinstitutional coordination and organization; insufficient or poorly trained staff, especially at the courts, prosecutor's offices, and police stations, leading to slow processing and gridlock.²³ This finding was observed in many of the MAPP/OAS priority areas in departments like Antioquia, Bolívar, Caquetá, Chocó, Guaviare, Meta, Nariño, Norte de Santander, and Putumayo, revealing that it is a widespread rather than local issue.

It should also be noted that security conditions represent another significant barrier to the performance of justice sector institutions: the illegal armed groups prohibit the communities from contacting the authorities, or exert strict control over the territory, making the National Army unable to guarantee the security and integrity of civil servants. Likewise, on occasion,

23. Another significant finding was that the communities' ties to informal and illegal economies curb their access to the formal justice system; they express fear that if they turn to institutions, they could be prosecuted. This is particularly relevant for PNIS zones and areas with illegal or informal mining.

individuals in the communities, immersed in the culture of violence due to the armed conflict, have been known to threaten civil servants when they hand down sanctions or warnings against them. These dynamics were detected in Mapiripán and Puerto Concordia (Meta), Orito (Putumayo), Miraflores and El Retorno (Guaviare), El Carmen, Convención, and Teorama (Norte de Santander), Segovia and Remedios (Antioquia), Barbacoas (Nariño), and Sácama (Casanare).

The GS/OAS underscores that the constant prosecutions of community representatives constitute another factor that negatively impacts the communities' perceptions of the formal justice system, as they give rise to the narrative that justice is more often applied to the communities and their leaders than to the illegal actors who perpetrate violence.

Some communities feel that there is a double standard in judicial investigations, since on the one hand, social leaders are quickly and decisively detained, but on the other, the cases brought due to threats and murders, especially of JAC chairs, do not move forward in a similar fashion.²⁴

There is also the perception in the territories that the bodies of evidence are not strong enough. Criticism is made to the effect that photo lineups are conducted with ID photos rather than recent ones, that telephone calls are not shown in context, and that the principal testimonies are from demobilized persons who may not be altogether impartial, given that they will receive benefits for their statements. It is also highly difficult for the defenders to obtain evidence in the detainees' hometowns, due to the presence of organized armed groups and organized criminal groups.

Another aspect shaping up to be a challenge to the consolidation of the justice sector in the territories is the existence of de facto justice systems. The GS/OAS has noted that these systems develop when the legal order is supplanted by illegal actors, who become security and justice providers in zones where the State's presence is weak and insufficient. They manage to be legitimated and accepted by the population, which considers itself vulnerable.²⁵ This legitimacy is strengthened insofar as the de facto application of these justice systems disregards the rights of the accused and provides "visible and beneficial results" for the communities. In most cases, the populations appear to be supportive of these systems, since they are quicker and more efficient, while the formal system is seen as slow and inefficient, especially in prosecuting aggressors.

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24. The GS/OAS has observed that, in general, the INPEC's lack of resources causes delays in judicial proceedings, because the detained individuals are not transferred on time for the hearings. Furthermore, in some cases it is difficult to conduct mass proceedings, since the adversarial system of criminal justice is not designed for cases involving so many people, and agreeing on a defense for more than 10 people thus becomes highly complicated. These two factors, added to the backlog in the specialized criminal courts, have meant that some cases are concluded because the statute of limitations has passed and not because a substantive decision has been made on the matter. This has led to the negative perception that investigations neither provide true legal security nor allow the State to fulfill its duty to investigate and judge. Furthermore, many of the detainees are sent to places far away from the prosecutor's offices that are investigating their cases, or from their hometowns. This makes it harder to hold hearings, leads to significant expenses and delays for the investigating bodies, and is difficult for the detainees and their family members.
 25. The GS/OAS has seen that these systems can develop in different ways, depending on the characteristics of each territory. In some zones, the illegal groups continue to act as security, justice, and conflict-resolution service providers, taking advantage of the institutional weakness and the way some populations accept them. The GS/OAS has also observed cases in which, in areas that the FARC-EP have left, certain people in communities decide of their own accord to turn to other armed actors to guarantee security and justice in the power vacuum. This reveals the aforementioned deeply rooted social ideas that support the excessive use of force to guarantee security and justice.

The GS/OAS has found that the most influential groups applying de facto justice systems in the territories are the ELN, the Autodefensas Gaitanistas de Colombia, and the FARC-EP dissident residual armed groups. The ELN has managed to establish its justice systems in zones like Chocó, the northern subregion of Antioquia, southern Bolívar, Arauca, northern Casanare, and in areas of the departments of Cauca, Nariño, and Norte de Santander. The Autodefensas Gaitanistas de Colombia, moreover, have a powerful influence on aspects of justice and social regulation in zones like the subregion of Bajo Cauca (Antioquia), southern Córdoba, certain zones of the department of Chocó,²⁶ and more recently, in the department of Meta. The GS/OAS has noted that recently, the justice systems of former FARC-EP residual groups have progressively expanded, and are currently found in many distinct territories, for example: Antioquia, Arauca, Caquetá, Cauca, Guaviare, Meta, Nariño, Valle del Cauca, and Putumayo. The Ejército Popular de Liberación also has an influence on these types of systems, but that influence is currently limited to the region of Catatumbo. It has not yet shown signs of expansion to other areas.

The GS/OAS would like to reiterate that the decades-long conflict has produced violent constructs that today underpin the existence and proliferation of this type of justice system. This occurs in some cases in which the territories have been left with a justice and power vacuum, as neither institutions nor armed groups have moved in, or because even if one or the other has, the populations do not perceive them to guarantee security or justice. The GS/OAS has learned of events that prove the existence of this phenomenon in various territories, principally in rural zones, especially those where the FARC-EP used to have an influence. Justice then takes the form of punishments meted out by the community itself, revenge, and the constant settling of scores as a way to resolve conflicts. This situation has been observed in the following municipalities, among others: Santa Rosa del Sur (Bolívar), El Paujil, San Vicente del Caguán, San José del Fragua, El Doncello (Caquetá), La Macarena and Puerto Concordia (Meta), Curumaní (Cesar), Anorí (Antioquia), Florida (Valle del Cauca), and Piamonte (Cauca).

2.1. Implementation of transitional justice judicial tools

2.1.1. *Special Jurisdiction for Peace (JEP)*

Since 2004, the MAPP/OAS has been supporting and monitoring the design and application of transitional justice tools in Colombia. Along those lines, the GS/OAS reiterates that the application of diverse measures, in a comprehensive, aligned way, is a fundamental contribution to building peace in the country. Colombia has made efforts to consolidate a consistent, responsible transitional justice system, adhering to principles based on respect for human rights and international humanitarian law. The MAPP/OAS therefore considers it important to see the transitional justice truth, justice, redress, and non-repetition components holistically, and to not approach these mechanisms in isolation.

The GS/OAS also considers it important to always keep in mind the principle of the victims' centrality to the process, and therefore calls on the Colombian State to guarantee victims' effective access to justice. The GS/OAS calls for implementing all the mechanisms necessary to ensure victims can enjoy their procedural rights, such as requesting that material and physical evidence be exhibited for viewing and study. That said, the decision that civilian third parties will enter the JEP voluntarily may be a vector for impunity. The way the relationships were formed among political, social, and economic groups and armed actors must be clarified within the JEP, to motivate these individuals to enter the JEP. Along the same lines,

26. The Mission considers it important to highlight the case of the municipality of San José del Palmar in the department of Chocó, where the ELN has gained such tight control of the regulatory and justice system that it issued regulations in rural zones over the political campaign for the legislative elections to be held this year. These regulations set "taxes" for political advertising, as well as for accessing campaign and candidate areas.

it is fundamental to strengthen the ordinary justice system in order to uncover the liability of civilian third parties, so that these cases will not go unpunished.

Although an extremely maximalist justice system is not viable, victims' rights must not differ depending on the type of aggressor or whether or not the victims are affiliated with an organization. The Colombian State must therefore have all of the measures necessary to fulfill the rights of all victims, even when those victims are not in organizations. While the grounds for requesting that the reports be submitted by organizations are understood, it is important to protect the rights of individuals who have not yet joined organizations and to develop strategies for promoting their membership and the submission of reports. The GS/OAS further recommends that a clear mechanism be established to make it possible for victims whose cases are not prioritized to challenge those decisions, as was established to some extent in ruling C-579 of 2016. Likewise, under no circumstances may the Colombian State transfer its obligation to investigate, judge, and prosecute human rights violations to victims and organizations.

Significantly, the Investigation and Accusation Unit may hear cases of victims who did not join organizations to submit reports, or whose cases were not prioritized, and/or the ordinary justice system should be strengthened to provide a rapid, effective response. This would involve broadening justice services in the territories and creating channels of communication between the JEP and the ordinary justice system. The ordinary justice system must also be strengthened to establish suitable channels for communication regarding cases of civilian third-party perpetrators. Circles cannot be closed if certain actions are potentially left unpunished.

The GS/OAS considers that the JEP regulations of the JEP's own penalties must provide greater clarity on victims' participation in the various procedural stages in which the imposition of the penalty will be discussed. Victims' rights to justice could be eroded if the rules of the game on their participation in developing, implementing, and following up are not clearly established. It is equally important to remember that the restorative character of justice should be advocated throughout the procedure and jurisdiction (except in unrecognized cases), and should take form in a procedure that prioritizes the reconstruction of the social fabric as a measure to build stable, long-lasting peace.

The GS/OAS has found there to be significant confusion and a lack of understanding in the territories about what the JEP is; it has observed gaps in knowledge about its reach and its aim of prosecuting the leading perpetrators and revealing the true scale of the armed conflict. The GS/OAS has also found weaknesses in social organizations' and human rights defenders' technical capacities for submitting reports to the JEP. Accordingly, it appreciates that the Recognition of Truth and Responsibility Division has established the possibility of receiving oral reports and reports in the dialects of indigenous, Roma, Afro, and Palenquera communities. However, there continues to be a perception of obstacles due to the type of information that the reports must contain in order for the cases to be prioritized.

The GS/OAS considers the JEP's attempts to reach the territories to be positive, but insists that its presence must be significantly strengthened, that there be more forums for the judiciary to converse with the communities, and that hearings be held in zones that have been particularly impacted by the armed conflict. The GS/OAS is aware of the logistical, administrative, and financial difficulties of implementing the JEP, and likewise warns about the large number of cases to be heard, the complexity thereof, and in certain circumstances, the lack of legal information.

It therefore pushes for the use of suitable information-processing mechanisms, technological means for searching files in real time and comparing past information. The GS/OAS recommends evaluating the possibility of decentralizing the JEP proceedings, since the experiences of other systems like the Justice and Peace system lead to the conclusion that the proximity of judicial officers increases confidence in the system and fosters greater participation. It is also essential to establish forums for coordination among institutions, with the

ordinary justice system as well as with the other components of the Comprehensive System for Truth, Justice, Reparation, and Non-repetition (SIVJRNR) and competent bodies.

The GS/OAS insists that the lessons learned from Justice and Peace be applied in the JEP, especially with regard to identifying contexts, macrocrime patterns, and the top-level perpetrators, since this has improved the legal, social, and historical understanding of many actions and dynamics. It also pushes for the assessment of other ways of investigating and building the cases, for example, based on the dynamics of macrovictimization within the logic of territorial patterns.²⁷ Lastly, the GS/OAS is aware that the JEP will face new challenges when it is applied, and that faults, gaps, a lack of definition, and errors will be found and must be resolved through the State and not according to specific interests.

With that in mind, the MAPP/OAS has launched the system for supporting and monitoring the implementation of the Special Jurisdiction for Peace, which includes a judicial monitoring component as well as the analysis of categories based on information gathered from the communities and the victims, in order to recommend territoriality-based strategies for judicial review. The MAPP/OAS has also begun a process of supporting and monitoring victims' access based on strengthening the capacities for submitting reports. It is initially providing this support on the Pacific coast of Nariño, in the Urabá Antioquia region, and in the Darién Chocó region. It also started information-gathering activities, to improve the approach to the JEP's own penalties once the Court hands down the guilty verdicts.

2.1.2. Special Indigenous Jurisdiction (JEI)

The GS/OAS reiterates the sacred principle enshrined in the American Declaration on the Rights of Indigenous Peoples, among other instruments: the collective right of indigenous peoples to resolve their conflicts according to a regime of regulations and procedures that they have developed based on their own worldviews.²⁸

The GS/OAS reiterates that the need for coordination among the JEI, the national justice system, and the transitional justice systems, is even more pressing at the current time, in which the Special Jurisdiction for Peace is being implemented as a resource for achieving truth, justice, redress, and non-repetition for thousands of victims of the armed conflict, including indigenous peoples who have been adversely impacted.

As previously noted, coordinating the JEI and the JEP is a major challenge. Responsible coordination is necessary in order to provide comprehensive solutions to a host of situations and conflicts, to prevent double jeopardy for indigenous parties, to recognize and repair the collective damages that the armed conflict has brought on indigenous peoples, to ensure the return and reintegration of indigenous ex-guerrilla soldiers in their communities in a way that does not cause them or the communities trauma, etc.

The Colombian State and the indigenous organizations have not yet been able to agree on a document that will make it possible to enact the Coordination Law, pending since 1991, when it was established in Article 246 of the national constitution with the objective of clearly establishing the mechanisms for the ordinary jurisdiction and special indigenous jurisdiction to come together, work together, and resolve disputes. The GS/OAS appreciates that the CSJ

27. There are many aspects that can be analyzed to strengthen this position, such as the movements of the aggressors over the years of the conflict, commander changes, and the simultaneous presence of multiple armed actors in the same territory. These aspects will complicate prosecution, hence the proposals under this territorial logic have various methodologies, like the "arc of history," among others.

28. The GS/OAS similarly recalls that the existence and validity of the Special Indigenous Jurisdiction (JEI) is confirmed in the Political Constitution of 1991, as a reflection of Colombia's multiethnic and multicultural character.

convened the 4th national meeting of the JEI,²⁹ as the most inclusive venue for interjurisdictional coordination.

Together with the JEP Ethnic Committee, the MAPP/OAS has started a process to provide technical support for the guidelines to a protocol for the interaction between the JEP and JEI. Similarly, and taking into account the restorative nature of the indigenous justice system,³⁰ the MAPP/OAS is collecting various indigenous peoples' experiences with restorative justice, to incorporate them into the JEP's judicial procedure.³¹

The GS/OAS considers the coordination with the new transitional justice mechanism to represent an opportunity to raise awareness and strengthen indigenous peoples' own justice systems, and feels it should accompany the coordination efforts being made with the ordinary justice system. The objective is for the three systems to coalesce and exercise their jurisdictions in a coordinated, effective way, helping to decrease rates of impunity and clashes between jurisdictions, and to responsibly dispel the perception of indigenous justice as a lax system that does not effectively punish perpetrators, used as an excuse to avoid criminal liability.

The GS/OAS calls on the State bodies and indigenous authorities to work together so as to strengthen government processes and their own indigenous justice system, with a view to reducing impunity; establishing internal regulations for the indigenous peoples; furthering indigenous correctional centers so that community offenders are not sent to ordinary prisons; strengthening and expanding the processes and mechanisms of coordination that already exist in some regions of the country, in order to make them more upright and to establish dialogue and reconciliation processes among the indigenous and judicial authorities according to a multicultural worldview that makes it possible to resolve potential conflicts of authority over the coordination criteria.

2.1.3. Construction of a criminal policy for the post-conflict period

The GS/OAS considers the dismantling of criminal organizations and finances through the justice system to be an especially important factor in building peace, improving communities' perceptions of institutions, and consolidating the social and democratic rule of law. Accordingly, it considers it important to reevaluate the current prohibitionist, punitive criminal policy, given that, particularly with regard to matters of drugs, it has adversely impacted the weakest links of the chain and the territories most affected by violence.³² For the GS/OAS, it is important that the change in the criminal and prison policy be geared towards dismantling criminal networks and organizations and providing social, economic, and peace policies for the most vulnerable communities.

The efficacy of this criminal policy should not be measured by the punitive results that may result from institutional actions, but rather by the improvement in living conditions in the affected communities and the decrease in offenses linked to organized crime. The work of completely dismantling multinational crime groups must be a joint effort stemming from a multiregional political commitment, as the lynchpin for sharing information and experiences and reducing the presence of these crime groups. The efforts to pursue and dismantle these

29. Held November 31 and December 1, 2017, with MAPP/OAS support.

30. A type of justice that, unlike retributive justice, does not seek punishment but rather the restoration of victims' rights and the healing of the victims as well as the perpetrators of the crimes.

31. The Embera Chamí, Yagua, Kokama, Tikuna, Nasa, Yanakona, Wayuú, Arhuaco, Wiwa, Kankuamo, Kogui, Inga, and Camëntsa peoples.

32. The communities feel that the institutional apparatus does not provide social, economic, or peace policies, but rather only punitive measures. Oftentimes the people who are incarcerated are the heads of their households, meaning that the family unit is left with no livelihood whatsoever. Furthermore, pursuing the weakest links, like the Terrorism Support Networks (RAT) or the growers, does not help to truly dismantle criminal networks.

networks' economic and political ties, as well as their criminal finances, must also be strengthened.

Accordingly, the GS/OAS considers it important to take the following aspects into account: the prosecution of perpetrators of harm to community representatives, which must be efficient and proportional to the decisions made in prosecutions of social leaders; a consistent drug policy that includes special criminal treatments for the weakest links in the drug trafficking chain; and mechanisms for accommodating the organized criminal groups and organized armed groups and submitting them to justice.

With regard to the investigation, pursuit, and effective prosecution of the perpetrators of harm to social leaders, beyond the challenges already described with regard to the investigation methodologies in the territories, the GS/OAS has observed that the institutions and the communities do not share the same concept of prosecution, which keeps the perception of impunity alive. While the government bodies consider effective prosecution to mean identifying the alleged perpetrator,³³ many communities understand justice in terms of the social dimension of the crime, and seek to restore the social ties that were damaged by the criminal action. The GS/OAS has collected community perceptions, especially in Cauca and Chocó, where there is an insistence that justice also must entail reparation and truth measures, and guarantees of non-repetition.³⁴

The perception that justice officials are biased or have been coopted, like the application of de facto justice systems, is a factor that negatively impacts the communities' relationships with the prosecutor's office, for clarifying the damage done. Therefore, the GS/OAS applauds the efforts made by the Office of the Prosecutor General to reach out to the populations in the remotest territories in order to explain the extent of their competencies, what their roles are, and how they can work together to effectively prosecute perpetrators and, where applicable, dismantle criminal organizations. The work done to this end by the prosecutor's office in Cauca is noteworthy; it is one of the institutions that is most highly viewed by the communities in the department.

These processes suffer from the justice system's structural problems. It is difficult to hold hearings, among other reasons, due to the failure to transfer the detainees or because not all parties attend; in addition, the collection of evidence in the territories is complicated by the distances to remote sites, as well as the security situations there and the persistence of a culture of "nonreporting." The GS/OAS congratulates the Office of the Prosecutor General for seeking solutions to these issues, with elements like drones that make it possible for forensic doctors to guide rural doctors by satellite to perform autopsies in the territories, and pushes for replication of these efforts.

In the consolidation of justice proceedings, the GS/OAS recommends taking into account the true context of the territories where the organizations commit their crimes; the structure of the organizations, which are very different from crime pyramids; knowledge of the social foundations and support networks; modus operandi; and forms of community outreach. The process of subjecting groups to justice has three phases: collective outreach, prosecution, and enforcement of the penalty. This process requires certain determinations and clarifications³⁵ that were not provided for by law, which could lead to issues and difficulties in enforcement. The GS/OAS recognizes that progress has already been made on regulation of the first phase, through Decree 1455 of 2018, which makes it possible to start approaching groups and holding talks among the organized armed groups and the Colombian government.

33. Without the need for a conviction.

34. The GS/OAS thus insists, as in the twenty-fourth report, that the victims' rights to truth, justice, redress, and non-repetition, must be clearly recognized and satisfied in these cases and not only in transitional contexts.

35. For example: victims' participation, special social reintegration programs, special detention conditions in agricultural colonies, etc.

Victims' access to truth and comprehensive redress must be guaranteed within this ordinary criminal system. Accordingly, the GS/OAS calls for reviewing the regulations in force on redress, in order to adapt them to the special situations and contexts of the victims of these groups. The UARIV and URT may provide institutional leadership for suits on the enforceability of rights. Likewise, procedural safeguards must be established to guarantee the victims' participation. The prosecutor's office may approach the territories under a setup similar to Justice and Peace, with forms on acts attributable to these groups and with the participation of local institutions. It will also be important to establish pathways for psychosocial support and protection, considering the victims' participation in the process and the harm that could come to them as a consequence thereof.

For resocialization behind bars to be effective, it must take into account the role played by the incarcerated members of the organizations, as well as the types of victimization, in defining the appropriate penitentiary treatment. The Justice and Peace experience in educational modules on civics, culture of lawfulness, and psychosocial support, has been fundamental during the sentence and the return to society. The assigned penitentiary treatment must include training activities and the development of skills and abilities for post-release employability, so that after the prison term, the released individuals will have the resources to legally support themselves and their families. The GS/OAS also considers it important to develop and regulate all aspects of the special reintegration programs.

Taking into account that the criminal organizations operate for economic purposes, as revealed by their use and employment of material goods, the laws against money laundering and on forfeiture³⁶ demonstrate that a policy against criminal organizations cannot be developed without consideration of the economic roots of the issue, and they similarly prove that the investigations must address treasury/tax aspects.

The GS/OAS feels that a timely investigation should be conducted of the goods held by these individuals, for an effective forfeiture process; this will entail a thorough review of their laundering of assets and their assets abroad. It is also important to ensure that the Fund for Rehabilitation, Social Investment, and the Fight against Organized Crime (FRISCO) appropriately safeguards these goods, with the purpose of later returning them to the victims. The forfeiture and anti-money-laundering laws must extend beyond the national borders and account for the transnational nature of the issue. Therefore, the GS/OAS recommends establishing timely forums for international legal cooperation.

2.2. Prison and penitentiary conditions in transitional justice contexts

The GS/OAS has noted the progress made towards reshaping the concept of punishment and committing to new content in the resocialization and reintegration programs as a result of the ongoing and upcoming transitional justice processes. In the period covered by this report, the MAPP/OAS has monitored 30 detention centers,³⁷ giving it the opportunity to, first of all,

36. Law 1708 of 2014 and Law 1849 of 2017.

37. High and Medium Security Penitentiary and High Security Prison Facility (EPAMSCAS-Cómbita Boyacá); Bogotá Metropolitan Penitentiary and Prison Complex (COMEB-Bogotá, Cundinamarca); Acacias Medium Security Penitentiary and Prison Facility (EPMSC-Acacias); Yopal Penitentiary and Prison Facility (EPC-Yopal); Cali Medium Security Penitentiary and Prison Facility (EPMSC-Cali); Jamundí Penitentiary and Prison Complex (COJAM-Jamundí); High and Medium Security Penitentiary and High Security Prison Facility (EPAMSCAS-Palmira); Valledupar Medium Security Penitentiary and Prison Facility (EPMSC-Valledupar); Valledupar High and Medium Security Penitentiary and High Security Prison Facility (EPAMSCAS-Valledupar), Cúcuta Penitentiary and Prison Complex (COCUC-Cúcuta); Medellín Medium Security Penitentiary and Prison Facility (EPMSC-Medellín); Istmina Medium Security Penitentiary and Prison Facility (EPMSC-Istmina); Mocoa Medium Security Penitentiary and Prison Facility (EPMSC-Mocoa); Arauca Medium Security

raise awareness of certain overall situations afflicting Colombian jails, already discussed in prior reports. Second, it was able to positively influence the cases that, due to their humanitarian nature, required direct intervention. Lastly, it issued recommendations on structuring the prison policy.

The GS/OAS is aware of the unconstitutional state of affairs in Colombian prisons, which undoubtedly violates the human rights of the detainees. The problems that have arisen continue unchanged: high rates of overcrowding, issues in accessing health services, the precarious and dilapidated physical infrastructure, insufficient human resources, excessive use of force, lack of a gender and differential approach in the prison policy, and flaws in the resocialization plans, among other more minor problems. The GS/OAS recognizes the actions taken by the Colombian State to overcome the prison crisis;³⁸ however, many challenges remain. The unconstitutional state of affairs persists and as of now no clear progress has been made on truly decreasing the level of overcrowding. The rate of overcrowding is currently 46.6%.³⁹

In its support work, the MAPP/OAS is promoting two spaces in the department of Chocó, of interest to the prison issue. First, it convened a roundtable on humanitarian relief at the EPMSC Quibdó, attended by various regional entities. Several meetings were held, resulting in a fiscal and economic commitment from the municipal governments of the department of Chocó, to mitigate and address some of the most pressing issues. Second, it has been promoting a prison observatory in the department of Chocó, whose objective is to support interinstitutional coordination, allowing the competent bodies to efficiently and suitably address problems that arise.

2.2.1. Deprivation of liberty of members of the ELN and indigenous communities

The GS/OAS finds that the problems in the detention centers visited, such as access to health services, overcrowding, infrastructure, etc., directly impact individuals who have some type of relationship with or belong to the ELN. Since the correctional facilities do not implement any kind of differentiated treatment for such prisoners, they end up suffering the same unconstitutional living conditions found throughout the Colombian penitentiary and prison system. Only some of the 17 establishments visited where members of the ELN were detained⁴⁰ were not overcrowded.⁴¹

Penitentiary and Prison Facility (EPMSC-Arauca); Florencia Medium Security Penitentiary and Prison Facility (EPMSC-Florencia); Heliconias Penitentiary Facility (EP Heliconias); Ibagué Penitentiary and Prison Complex (COIBA); Espinal Medium Security Penitentiary and Prison Facility (EPMSC-Espinal), Buen Pastor de Bogotá Women's Prison (RM Bogotá); Medellín Penitentiary and Prison Complex (COPEP-Pedregal); Bucaramanga Women's Prison (RM Bucaramanga); Puerto Carreño Municipal Jail; Inírida Municipal Jail; Buenaventura Medium Security Penitentiary and Prison Facility (EPMSC-Buenaventura); Tumaco Medium Security Penitentiary and Prison Facility (EPMSC-Tumaco); Popayán High and Medium Security Penitentiary and High Security Prison Facility (EPAMSCAS-Popayán); Silvia Medium Security Penitentiary and Prison Facility (EPMSC-Silvia); Quibdó Medium Security Penitentiary and Prison Facility (EPMSC-Quibdó); Cauca Medium Security Penitentiary and Prison Facility (EPMSC-Cauca); Girón High and Medium Security Penitentiary and High Security Prison Facility (EPAMSCAS-Girón).

38. A) restorative justice program led by the Office of the Inspector General; b) incarcerated persons savings program for old-age led by the Ministry of Justice; c) United for Human Rights Contest led by INPEC.

39. INPEC statistical report - July 2018. Consult online:

<http://www.inpec.gov.co/web/guest/estadisticas/informes-y-boletines>.

40. In only 17 of the 30 detention centers visited by the Mission in the period covered by this report were there found to be members of or individuals associated with the ELN.

41. EPAMSCAS ERE Popayán, EPAMSCAS Cómbita, EPAMSCAS Girón, COIBA Ibagué.

With regard to the points addressed at the Discussion Commission between the national government and this illegal armed group, the GS/OAS, through the MAPP/OAS, has found that the incarcerated members of the ELN do not feel that the so-called “humanitarian relief” is being provided. They indicate that they had not begun to receive their respective medical treatments, that some individuals remained imprisoned in detention centers far from their families, and that the groups within the prisons had not been formed.

The GS/OAS has observed that overall, the security risks to these individuals inside the prisons are due to situations that naturally arise as a result of living with other prisoners and not exclusively because of their ties to the ELN. Furthermore, the GS/OAS has learned that there has been a break in communications between the ELN delegation and the imprisoned members of the ELN, who in many cases find out about advancements and setbacks through the mass media.

The indigenous persons detained in prisons administered by the Colombian State have come to those prisons through two different channels: one, the ordinary criminal justice system, and two, the Special Indigenous Jurisdiction. Consequently, the main challenge is to properly apply the ethnically differentiated resocialization during the execution of the sentences handed down by the indigenous authorities.

The GS/OAS has also found that certain problematic situations persist for members of indigenous communities who are incarcerated in State-administered prisons. These issues continue to be the lack of principles and criteria in the ethnicity-based prison treatment plans, the distance from their families and indigenous reservations, the blocking of traditional indigenous medicine and rituals for medical treatment, and the lack of courtyards exclusively for members of indigenous communities at some prison facilities.

3. Public policy on victims, participation, and territorial peace

3.1. Territorial impacts of the land restitution policy

The GS/OAS warns that, despite the institutional intervention in zones where the FARC-EP was historically present, the campesino population⁴² turns to former FARC-EP commanders to request “authorization” and to return to properties that were cleared or abandoned by the formerly armed group. Along these lines, the GS/OAS draws attention to initiatives that, with the objective of implementing housing or productive projects that will facilitate the reintegration of former FARC-EP combatants, entail legal transactions for renting or purchasing properties or territories claimed for land restitution or the re-establishment of territorial rights by ethnic communities that were victimized by the armed conflict.

The GS/OAS is concerned that the measures to relieve the overburdened justice system with regard to the public policy on land restitution will be temporary and annual. Such action would not alleviate the high levels of gridlock in the specialized land restitution jurisdiction: of the requests recorded in the Registry of Forcibly Cleared and Abandoned Lands submitted to the judges, only 32% (or 1 of every 3) have been decided.

It bears emphasizing that the land restitution judges and justices also have jurisdiction over the lawsuits for re-establishing the territorial rights of indigenous and Afro-Colombian communities victimized by adverse impacts on the territories related to underlying factors or aspects of the internal armed conflict. The GS/OAS is even more concerned about the legal

42. Municipality of Yondó (Antioquia), southern Santander department, the police inspection division of La Unión Peneya in the municipality of La Monaíta, the rural zone of Florencia, the area known as Yará in the municipality of San Vicente de Caguán, and the rest of the northern area of the department of Caquetá, as well as in the municipality of Uribe in the department of Meta.

gridlock facing these more complicated cases, since in the public policies' seven-year history, 32 precautionary measures and only 10 rulings have been issued, 5 of them during the period covered by this report. Rulings are pending in another 46 cases.

The MAPP/OAS has also monitored the limited level of compliance with the orders issued in the rulings and precautionary measures in favor of the indigenous and Afro-Colombian communities. It considers there to be three lingering challenges for the Colombian State: establishing security conditions and, therefore, guarantees of non-repetition in the collective territories; establishing a pathway to define the legal situation and how to effectively serve the campesino colony communities that have settled in the collective territories; and the rapid and effective implementation of orders issued in present and future rulings, fulfilling the ethnic communities' right to establish, with a differential approach, the measures for their territories and communities, especially in proceedings associated with infrastructure and energy mining megaprojects that affect the collective territories in question.

Lastly, the GS/OAS considers that the high rates of judicial gridlock and denials in the administrative phase mostly come down to, among other causes, the lack of an agricultural jurisdiction that would effectively resolve the conflicts over land use and ownership in Colombia. Implementation of the agricultural jurisdiction, combined with other measures like the multipurpose land registry and the plans for the social regulation of property, would positively impact the transformation of Colombian rural zones, facilitating the progress and sustainability of the public policies for peace, such as the land restitution policy.

3.2. Implementation of processes and strategies for rural and economic transformation for peace, emphasizing the PDET

The GS/OAS recognizes that one of the major challenges in developing the PDET is achieving local and national coordination of government institutions, supported by proactive participation, with proposals, reach, and consensus on the communities' urgent and strategic actions for achieving the socioeconomic transformation of territories where the principal problems continue to be the conflicts and actions of armed groups. The historical distrust felt in the communities most affected by the conflict is a latent threat for challenges like coordinating the various mechanisms implemented as strategies for rural and economic transformation for peace.

First of all, the GS/OAS considers that the institutions' budget allocations to programs and plans can represent an opportunity or an obstacle when it comes to implementing the PDET. A realistic budget, paired with transparent execution of the funds, could significantly boost trust and foster the desired socioeconomic development.

The GS/OAS considers coordination with other territorial plans, like the life plans and collective redress plans, to be one of the most troubling issues in the territories, since the ethnic groups stress that Agency for Territorial Renewal (ART) employees are unaware of their life and safeguard plans and fail to coordinate with indigenous leaders and representatives, meaning that the ethnic pathways for applying the ART methodology are not acknowledged.

With regard to the human and financial resources necessary for constructing the PDET, the communities feel that the ART professionals are unqualified to ensure clarity on issues like developing or proposing agricultural or productive projects, land-use planning, land formalization regulations, and the current situations of the campesino reserve zones and national natural parks, all of which are very important issues involved in constructing the PDET. Furthermore, there are not enough funds to implement and complete the prior consultation in ethnic territories.

Lastly, the Mission observes that the communities in the municipalities that were not included as PDET zones are displeased. These communities state that although they meet the

same criteria of high levels of conflict and economic and social distress, they will not benefit from the implementation of a tool that would offer them short- and medium- term solutions for addressing issues of land, social and economic conflicts, reparation for victims, etc.

3.3. Implementation of citizen participation mechanisms in planning community territorial development and territorial peace programs

In terms of the opportunities for and challenges to citizen participation for young people, the GS/OAS has observed that forums for youth citizen participation, established in Law 1885 of March 1, 2018, which amends and regulates Law 1622 of 2013, are weak or nonexistent. The main obstacle appears to be that young people have not taken ownership of these forums, since they do not believe they will afford them advocacy or true participation in public policy issues in their municipalities or departments.

Although young people often get together to play sports or engage in artistic endeavors, few seek out forums for civic education and participation. In Norte de Santander, however, unlike in most of the other territories, the Network of Young Agents for Peace (Joempaz) plays a leading role in providing education about the Final Agreement and has an interest in the processes put forward at the ELN Discussion Commission.

On the other hand, with regard to women's participation in the Mission's high-priority territories, the GS/OAS has observed that they engage in various forms of organization, which determine the potential of their collective actions. In many territories, women participate to a lesser degree and with a low level of effective representation. Gender-role-related obstacles to their participation continue to persist. Given these limitations, women tend to focus more on promoting small-scale production and less on advocacy in traditionally male associations like the Community Action Boards. However, in the territories with women's organizations working to defend their rights, female leaders appear to have a greater political influence on proposal development and decision-making within social and community participation.

The GS/OAS considers that in the negotiations as well as in the implementation of the Final Agreement, there remain obstacles to women's-rights-based social and political participation in the territories. Participation and representation gaps based on diverse factors have been identified among sectors of women. The most significant factors have to do with territoriality; peace policies that define women's participation as central (or not); for women involved in community action, the type of collective action that mobilizes them; the intersection of elements of discrimination and violence, such as ethnicity, age, sexual orientation, disability, socioeconomic status, etc., which hinder the exercise of rights; and the continuing action of illegal armed groups in their regions.

That said, with regard to the mechanisms for participation established in Law 1448 of 2011, the UARIV, the Office of the Ombudsman, and the municipal officials adhered to the process for electing representatives of the Victims' Organizations and Victims' Rights Defense Organizations at the municipal, departmental, and national levels for the Victims' Effective Participation Roundtables.⁴³

The GS/OAS notes that the challenges for the Victims' Roundtables center on aspects like how to improve advocacy on public policy implementation; improving the role of the Roundtable and its interaction with territorial bodies, victims' organizations, and institutions; overcoming difficulties in expeditiously reporting, monitoring, controlling, and punishing cases of alleged irregularities committed at the Roundtables; generating protocols for supporting third parties (international aid organizations and public policy operators) that square with the national lines of participation; developing guidelines that promote voters' anonymity and the use of

43. Designed for public policy advocacy on aspects like generating proposals for implementing the law and following up on it.

unified procedures, including the resolution of conflicts during elections; pushing for the inclusion of victims of the FARC-EP who have not been previously recognized as such; etc.

3.4. Implementation of collective redress processes

The Colombian State, through the UARIV, has proposed reforming the Collective Redress Program (PIRC) in order to effectively implement Law 1448 of 2011. Likewise, the Final Agreement established the importance of collective redress in the territorial peace model. The GS/OAS recognizes the public announcement of the general parameters for the PIRC as progress; these parameters establish processes for estimating costs, offering features for obtaining funds. However, the victims and parties to collective redress cases feel it is highly improbable that the PIRC will be solidified and implemented;⁴⁴ this perception is deepening given that implementation of the law has been taking place for seven years now.

In addition, for the GS/OAS, the development of the Collective Redress Observatory⁴⁵ is a step forward, as is the will of the parties to collective redress cases to have an agency for dialogue with the competent institutions. This Observatory monitors, from civil society, collective redress cases. The Colombian State continues to be challenged by the insufficient capacity for coordination among the SNARIV institutions; the unification of figures and allocation of budgets for executing the PIRC; providing effective descriptions of the parties to collective redress; and overcoming administrative challenges in hiring. The aspects that remain to be improved lead to victims' distrust and uncertainty, and cause rifts over expectations left unfulfilled due to delays and noncompliance by the Colombian institutions.

IV. RECOMMENDATIONS

1. Security conditions, adverse impacts, and social unrest

1.1. Security conditions in the territories

1.1.1. Presence and actions of illegal armed actors

- a. To law enforcement, continue the work of publicizing strategies like the Horus Plan in the other intervention zones, through community outreach; the military forces are encouraged to provide follow up in the other intervention zones.
- b. Develop strategies that will make it possible to change the perception, held in some communities in territories with more complex security situations, that they are only sent uniformed officials with poor disciplinary track records.
- c. Analyze alternatives to deploying law enforcement personnel, to prevent the troops' proximity to populated areas from having a counterproductive effect on the communities' perceptions of security. For example, one possibility would be to install encampments and

44. Mapiripán and Piñalito (Meta), El Placer and El Tigre (Putumayo), La Gabarra (Norte de Santander), Vereda la Charrasquera (Guaviare), as well as in the ethnic territories like Misak (Cauca), Embera Chamí La Pradera (Caquetá), San José del Palmar (Chocó), Renacer Negro Community Council (Cauca), Cuti Embera Katíos Reserve (Chocó-Urabá), Alto Mira and Frontera Community Council (Nariño), Motilón Bari indigenous people (Norte de Santander), among others.

45. Developed by the Pontificia Universidad Javeriana and CODHES.

perform perimeter surveillance, maintaining basic communications with the area's local and community authorities.

- d. Review the organized armed group, organized criminal group, and residual organized armed group classifications, to optimize the strategies for neutralizing them. This will make it possible to analyze how these groups, for example Los Pelusos and Los Puntilleros, have been reshaped over the past few months.

1.1.2. *Harm to communities and social leaders*

- a. Increase the ongoing, comprehensive presence of the State, especially in the remotest areas being reshaped in violent ways, providing security guarantees for short- and long-term participation processes. Likewise, strengthen follow-up mechanisms for periodically updating risk maps with the communities and useful protection experiences in contexts where leaders are at high risk.
- b. To the Office of the Prosecutor General, improve coordination of the central and decentralized prosecutor's offices for investigating organized armed groups and organized criminal groups. The aim of this is to establish a more effective strategy for dismantling these groups, focused on the parameters of Directive 001 of 2012, which emphasizes pursuing the top leaders and establishing patterns and macrocontexts.
- c. To the Office of the Prosecutor General, develop a process for teaching, applying, and disseminating Directive 008 of 2016, on prosecution in connection with social protest.
- d. Implement technical committees for reviewing the cases, to include individuals from the communities or social organizations. Also, develop strategies and protocols to protect the identities of the complainants, to establish trust and recover the credibility of institutional and justice system actions.
- e. To the Ministry of Justice and Law and the Office of the Prosecutor General, make efforts to find alternatives to pretrial detention, considering the capacities of and high levels of overcrowding at the overburdened detention centers, the high costs of maintaining the detained individuals, and the impact on the communities and families.
- f. To the Ministry of Justice and Law, establish forums for dialogue among law enforcement, the prosecutor's office, and organizations, to build trust and transparency.
- g. To the Special Jurisdiction for Peace, move forward with an evaluation of all of the cases that could be considered to involve social protest, in order to make progress on potential out-of-court solutions, considering Article 37 of Law 1820 of 2016.
- h. To the UNP, coordinate with local authorities to implement preventive and protection measures in the territories; speed up risk evaluations to offer timely security plans; adjust and guarantee the effectiveness of the individual and collective protective measures, especially for traditional indigenous and Afro-Colombian authorities who have reported adverse impacts on their lives and integrity associated with their calls to restore territorial rights.

- i. To the Office of the Prosecutor General, make progress on investigating and prosecuting the masterminds and perpetrators of harm to leaders who promote or call for the fundamental right to land restitution or the re-establishment of territorial rights for indigenous or Afro-Colombian communities.

1.2. Social unrest

1.2.1. PNIS

- a. To the Colombian State, provide differential treatment to women and ethnic groups under the illegal crop reduction policy, addressing the informal nature of land ownership and territorial conflicts; determine how the differentiated penal treatment for small-scale growers will be developed legislatively; and guarantee access to social benefits for all crop-related roles in the production chain, as a subsistence economy.
- b. Establish strategies for security and for addressing criminal activity in the territories where the PNIS is being implemented, to prevent actions that could lead to risks and harm to the communities or hinder free and voluntary illegal crop substitution. The idea of this is to counteract the adverse impacts on the communities caused by the illegal armed groups (organized armed groups, organized criminal groups, ELN, and residual organized armed groups) that have an interest in controlling or benefiting economically from illegal crops and the territory overall.

1.3. Dynamics in border zones and their impacts on the communities

- a. Improve coordination between local and national bodies, in order to establish clear guidelines on how to handle the foreign population in Colombia, as well as the strategies and funds for doing so.
- b. With regard to the armed conflict activity taking place in the Ecuador border area, the GS/OAS recommends increasing the permanent presence of Colombian law enforcement and coordinating with the ethnic communities that live on the border strip, to prevent them from retaliation by the illegal armed actor due to militarization on the border.

2. Justice systems in the territories and legal security

- a. To the Ministries of the Interior and of Justice and the Law, coordinate work with leaders and Community Action Boards to train them on the pathways for access to formal and administrative justice.
- b. To the Ministry of Justice and Law, continue with the mobile institutional events that have been held, and expand them to more municipalities, since the communities themselves have found them to be very useful.
- c. To the Ministry of Justice and Law and the Ministry of Information and Communications Technologies, perform a diagnostic assessment of the current status of the virtual support platforms for legal proceedings, and evaluate possible measures for improving and updating them.

- d. To the Ministry of Justice and Law, the Office of the Prosecutor General, the Office of the Inspector General, and the Office of the Ombudsman, coordinate efforts to design and deploy strategies for raising the population's awareness of the need to move forward with just proceedings that guarantee the rights of all of the parties involved. This is because it is necessary to improve the population's attitude towards the Colombian legal system and reduce the images that legitimate rapid, arbitrary forms of delivering justice.
- e. To the Office of the Prosecutor General, increase the institutional presence in priority territories, in order to change the communities' perceptions that the armed groups are the only existing powers in their areas.
- f. To the Ministries of Justice and the Law and the Interior, improve relations with the Community Action Boards and support them, so as to take authority away from the highly influential forums coopted by the armed groups.

2.1. Implementation of transitional justice judicial tools

2.1.1. *Special Jurisdiction for Peace (JEP)*

- a. Establish a mechanism that makes it possible for the victims to speak out about the decisions on the priority of cases in the JEP.
- b. Strengthen the JEP Investigation and Accusation Unit to enable it to respond to the victims who are not involved in organizations and want to access the JEP.
- c. Prioritize the implementation of restorative measures in the JEP, in which the victims actively participate in such processes as designing, implementing, and monitoring the JEP's own penalties, based on the fundamental lynchpin of the JEP's work to repair the social fabric and build peace.
- d. Improve teaching and outreach on the JEP and the SIVJRNR in the territories most affected by the armed conflict.
- e. Strengthen the forums for dialogue and coordination among the JEP and other SIVJRNR mechanisms, as well as with Justice and Peace and the ordinary justice system.
- f. Strengthen the mechanisms for communication among the Judicial Secretariat and the ethnic authorities as special parties.

2.1.2. *Special Indigenous Jurisdiction (JEI)*

- a. To the Ministry of Justice and Law, Congress of the Republic, and Higher Council of the Judiciary, foster discussion of the Coordination Law and promote actions that make it possible to hold consultations with the people, and then to issue it.
- b. To the Higher Council of the Judiciary, continue supporting and establishing forums for coordination such as the ongoing Interjurisdictional Coordination Committee and the national gathering. It is also important to ensure that these forums are held in a decentralized way, meaning in the country's various regions, and to ensure the participation of the five indigenous macroregions.

- c. To the Ministry of Justice and Law and the Ministry of the Interior, continue working to strengthen indigenous peoples' own government and justice systems. The idea is for the indigenous communities' own institutions to be increasingly solid and able to face the challenges of interjurisdictionality and their own operation. Such strengthening necessarily entails guaranteeing economic resources and technical support for the communities.
- d. To the Ministry of Justice and the Law, study the possibility of subsidizing the development of the Special Indigenous Jurisdiction as an instrument of the formal justice system; indigenous peoples' lack of resources have made it impossible to ensure they can exercise their own justice systems in their areas.

2.1.3. Criminal policy for the post-conflict period

- a. To the Congress of the Republic, the Office of the Prosecutor General, the Office of the Inspector General, and the Ministry of Justice, appropriately include the victims of the organized armed groups in the prosecution process, guaranteeing their rights to truth, justice, reparation, and guarantees of non-repetition, as set forth in the recent Law 1908 of 2008.
- b. To the Office of the Prosecutor General, during the special process of subjecting the organized armed groups to justice, establish: a) the true context of the territories where these organizations commit their crimes, b) the true levels of victimization, c) the structure of these organizations, which are very different from crime pyramids, and d) knowledge of the social foundations and types of community outreach.
- c. To the Congress of the Republic, ensure the discussions involving differentiated criminal treatment for the weakest links in the drug trafficking chain include a territorial, differential approach.

2.2. Prison conditions

- a. To the INPEC and the Ministry of Justice, continue to prioritize ethnically differentiated resocialization over Western ideas of punishment.
- b. To the INPEC and the Ministry of Justice, move forward with studies and the necessary requirements for proposing special penitentiary treatment for all of the individuals who belonged to organized armed groups and other illegal groups, in the consideration that the circumstances of and reasons behind their criminal behavior derive from structural social problems.

3. Public policy on victims, participation, and territorial peace

3.1. Territorial impacts of the land restitution policy

- a. To the Colombian State, guarantee the financing of the implementation of the public policy on land restitution, especially the budget allocated for overcoming the current bottleneck at the specialized land restitution jurisdiction. Along these lines, the bodies that make up the SNARIV should have all of the human and financial resources that they need to quickly enforce the orders handed down in land restitution rulings,

especially orders to re-establish the territorial rights of indigenous and Afro-Colombian communities.

- b. Make progress on designing, establishing a budget, and launching the agricultural jurisdiction, as well as other measures like the multipurpose land registry and the plans for the social regulation of property. These measures should have a positive impact on transforming Colombia's rural areas by facilitating the progress and sustainability of the public policies for peace, such as the land restitution policy.

3.2. Implementation of processes and strategies for rural transformation, emphasizing the PDET

- a. To the Ministry of Hacienda, in preparing the 2019 national budget, take into account the adjusted financial resources for the PDET developed for implementation in the territories. This budget should include a special line for implementation in ethnic areas, which requires more funds due to the difficult access to indigenous reserves and community councils.
- b. To the Agency for Territorial Renewal (ART), guarantee education and training of employees on issues involved in land-use planning and national government programs and plans, to find ways and methods for efficiently coordinating development of the PDET.

3.3. Citizen participation in territorial peace

- a. To the Office of the Young Colombia National Youth System of the Presidency of the Republic and the departmental and municipal administrations, establish local youth platforms. Where such platforms already exist, strengthen their advocacy and true participation in public policy matters in their municipality or department, and offer them support for taking on leading roles in the Final Agreement teaching processes.
- b. To the Office of the High Commissioner for Peace, continue to further the gender and women's human rights agenda in the territorial peace, and in the potential discussion commission between the Government of Colombia and the ELN, increasing women's sectors' levels of participation and representation.
- c. To the Vice Ministry for Participation and Equality of Rights of the Ministry of the Interior and the departmental and municipal administrations, strengthen women's participation in advocacy in traditionally male associations like the Community Action Boards, and in other forums for participation, to enable the development of inclusive proposals and decision-making.
- d. Support the SIVJRNR entities so that they can widely publicize the mandate and the importance of participation.

3.4. Implementation of collective redress processes

- a. To the Office for Democracy, Citizen Participation, and Community Action of the Vice Ministry for Participation and Equality of Rights of

the Ministry of the Interior, strengthen follow-up on harm to the community action organizations, and push for prevention and the investigation and prosecution of the perpetrators through other Colombian institutions.

- b. To the Unit for Support and Comprehensive Redress of Victims, speed up the development, approval, and implementation of the collective redress plan for LGBTI victims of the case of the LGBT Committee of Medellín's Commune 8, as institutional progress towards effectively applying differential approaches.
- c. To the Public Ministry and the Unit for Support and Comprehensive Redress of Victims, implement actions to familiarize members of the Victims' Roundtables with Law 1448 of 2011 and Decrees 4633, 4634, and 4635, as well as the role of the Victims' Effective Participation Roundtables in aspects like developing proposals for implementing the law, following up on it, and influencing public policy.
- d. To the Government of Colombia, develop administrative and fiscal provisions that will allow for swift progress on collective redress.