

**STRATEGIC NEEDS ANALYSIS
OF THE JUDICIAL BRANCH
AIMED AT STRENGTHENING
THE WORK WITH INTERNATIONAL
COOPERATION FOR THE
JUSTICE SECTOR
IN COLOMBIA**



Creating a Culture of Justice
International Development Law Organization



Rama Judicial
Consejo Superior de la Judicatura
República de Colombia

**EXECUTIVE
SUMMARY**
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Acronyms and abbreviations

Term/concept	Abbreviation
Agencia Presidencial de Cooperación Internacional de Colombia <i>(Colombian Presidential Agency for International Cooperation)</i>	APC
Alternative Dispute Resolution Mechanisms	ADRM
Consejo Superior de la Judicatura <i>(Higher Council of the Judiciary)</i>	CSdelaJ
Escuela Judicial Rodrigo Lara Bonilla <i>(Rodrigo Lara Bonilla Judicial School)</i>	EJRLB
Estrategia Nacional de Cooperación Internacional <i>(National International Cooperation Strategy)</i>	ENCI
Human rights-based approach	HRBA
International Development Cooperation	IDC
International Development Law Organization	IDLO
Modelo de Arquitectura Empresarial, el Sistema Integrado de Gestión y Control de la Calidad y el Medio Ambiente <i>(Enterprise Architecture Model, Integrated Quality and Environmental Management and Control System)</i>	Sigma
Official Development Assistance	ODA
Organization for Economic Cooperation and Development	OECD
Plan Estratégico de Transformación Digital <i>(Strategic Digital Transformation Plan)</i>	PETD
Plan Nacional de Desarrollo <i>(National Development Plan)</i>	PND
Plan-do-check-act	PDCA (ISO, 2015)
Sustainable Development Goals	SDG

Introduction

This document forms the executive summary to the final report on the strategic needs analysis of the Judicial Branch aimed at strengthening its work with international cooperation. This analysis was carried out between May 2021 and August 2022 by the Higher Council of the Judiciary of Colombia (CSdelaj), with support from the International Development Law Organization (IDLO). Its aim is to set out a strategy for engagement with international development cooperation (IDC) and progress towards achieving its mission objectives.

This study was designed as an initial exercise to advance CSdelaj's intended objective of defining a strategy for the Judicial Branch's relationship with international cooperation. The participatory methodology that was applied in the analysis, the conclusions, the findings and recommendations all therefore form a solid basis on which to establish such a strategy.

As a result of this exercise, 20 needs were identified, organized around the targets of Sustainable Development Goal 16 and considered from a people-centred approach to justice. In addition, the logic of an organizational process map was incorporated into the analysis with the aim of identifying the processes that need to be considered in order to meet these needs, from the perspective of the most representative stakeholders: officials working in the Judicial Branch and users of justice services.

This summary is divided into five parts: the first considers the methodological details; the second presents the intervention logic; the third describes the main findings; the fourth sets out the conclusions; and the fifth offers recommendations.

IDLO is grateful for CSdelaj's ongoing support, especially that of the Institutional and International Liaison Office, which provided constant assistance throughout this exercise, both in the management and scheduling of interviews as well as in sending out the virtual questionnaire and obtaining documents of interest for the study. We are also grateful for the presence of the Director of the Office and his team in the interviews, thereby strengthening the legitimacy of the study and the role of the CSdelaj in defining a strategy for the Judicial Branch's relationship with international cooperation.

Methodology

The results of this study are based on a strategic analysis of primary and secondary data on the needs of the Judiciary. Firstly, a documentary review was carried out of previous studies and assessments conducted by the Judicial Branch, the national government, academia and civil society organizations, all of which identified gaps in access to and guarantees of the right to prompt and effective justice, in addition to a review of the day-to-day plans, policies and reports of the CSdelaj. Alongside this, IDC information relevant to strengthening of the administration of justice in Colombia was analysed in order to identify the main development cooperation agencies active in the country, the initiatives supported by them in relation to the justice sector, the projects being implemented and their relevance to the sector's priorities.

In addition, 22 in-depth interviews were conducted with key actors, a virtual questionnaire was completed by 739 officials of the Judicial Branch and 31 users of court offices, and two focus groups were held with representatives of academia, civil society organizations and non-governmental organizations. The results were, in turn, presented to and validated by the presidency of the CSdelaj and the judges who served as its presidents during the last two terms.

In order to define the proposed cooperation map for the Judicial Branch, a review of secondary sources was conducted, searching and reading institutional websites¹ and the international cooperation instruments of the main actors in Colombia.² This information was processed and synthesized into a matrix in which the data was organized by type of actor identified.³ The

¹ Such as diplomatic representations in Colombia, ministries of foreign affairs, international cooperation agencies, international organizations and non-governmental actors.

² Such as agreements, framework cooperation programmes, cooperation strategy papers, justice sector projects and so on.

³ Classification of actors: multilateral actors, bilateral actors, multi-donor post-conflict funds, non-governmental actors and the private sector, South-South and triangular cooperation actors and decentralized cooperation actors.

information was then ordered according to the cooperation instruments of each actor, their thematic priorities, and the number of cooperation projects completed or ongoing that were related to areas of interest to the Judicial Branch. Finally, using this information, a traffic light system was constructed to identify the degree of affinity between each international actor's cooperation priorities of and those of the justice sector and/or needs of the Judicial Branch.

The collection and analysis of the information was guided by the following questions:

- (i) How should the concept of the Judicial Branch's needs be understood within the provision of high-quality justice services for all?
- (ii) Which of the Judicial Branch's needs have already been identified (by the Judicial Branch itself or by other institutional or non-state actors)?
- (iii) What new needs can be identified from this study?
- (iv) What specific challenges can be identified in the provision of justice services to women and other subjects of special constitutional protection?
- (v) What role can international cooperation play in addressing the needs of the Judicial Branch and what aspects should be prioritized?
- (vi) Can cases of good practice be identified in the Judiciary such that strategies for cooperation and exchanges of experience can be formulated?

One key element of the analysis and organization of information involved cross-referencing the priorities of the Judicial Branch – in terms of needs – with the SDG 16 targets, which are aimed at strengthening the justice sector. This exercise of “translating” needs into SDG language was considered relevant for international cooperation actors and may be very useful for the CSdelaj when defining a strategic relationship strategy.

Intervention logic

For the purposes of this analysis, the Judicial Branch is understood in the terms set out in the Statute on the Administration of Justice in Colombia (Law 270 of 1996). In turn, for the purposes of focusing on the CSdelaJ, priority was given in this study to officials from the different jurisdictions, noting, however, that in subsequent exercises, the Attorney General's Office and other actors with jurisdictional functions should also be considered.

The logic of intervention for this exercise was guided by three considerations. First, the people-centred approach to justice as a central criterion for analysis and identification of needs. Second, Sustainable Development Goal 16 as a key reference with which to contextualize and interpret the branch's own needs in relation to the 2030 Agenda. Third, the incorporation of the logic of an organizational process map aimed at identifying the processes that need to be considered in order to meet the needs identified from the perspective of the most representative stakeholders: officials of the Judicial Branch and users of justice services.

The concept of 'people-centred justice' was a central criterion in the analysis. According to the Organization for Economic Cooperation and Development (OECD), people-centred justice means that the provision of justice should be inclusive and serve the interests of all individuals, groups and communities. It implies, in turn, that justice reform should not focus merely on institutional improvements but on interpreting and ensuring the satisfaction of citizens' demands, from a human rights-based approach. According to the same international body, people-centred justice involves a number of characteristics, including an empirical understanding of the legal needs and capacities of those who require justice and a prioritization of the most vulnerable. It must be accessible, preventive and timely; it must be appropriate to each person's situation and responsive to local circumstances; it must empower and create capacity in people; it must form part of a comprehensive

system of State services; it must be based on outcomes and fair procedures; it must be effective and continuously improving through evaluations.⁴

In turn, the Sustainable Development Goals (SDGs) – in particular SDG 16: “Peace, justice and strong institutions” – formed a framework for the analysis conducted in this study. Justice is a common thread that links the 17 Sustainable Development Goals and, in turn, is something that enables their achievement.⁵ In particular, the IDC needs of the Judicial Branch were analysed in light of the following targets: 16.3: “Promote the rule of law and ensure access to justice”; 16.5: “Reduce corruption and bribery”; 16.6: “Effective, accountable and transparent institutions”; 16.7: “Responsive, inclusive and representative decision-making” and 16.A: “Strong institutions to prevent violence and combat terrorism and crime”.⁶

Finally, this research exercise took as its reference a conventional organizational process map (ISO 9001:2015 quality standard), it being understood that, to satisfy the expectations of the most relevant branch stakeholders, namely the users of justice services (broadly: people who approach the jurisdiction to resolve a conflict as intervening parties, attorneys, bar associations, legal clinics, the Public Prosecutor’s Office, the Public Defender’s office, the media, think tanks, academia) and the officials working within the Judicial Branch, optimal performance needs to be maintained and this, in turn, requires monitoring results and identifying gaps and corresponding action plans to address them.

Starting from the idea of a process map as reference for the analysis also meant that it was possible to visualize international development cooperation as a system whereby inputs can be generated for the branch’s support, strategic and operational processes, prioritizing the 2030 Agenda and, in particular, SDG 16 as a framework for international analysis. This will require

⁴ OECD, *OECD criteria for people-centred design and delivery of legal and justice services*. <https://www.oecd.org/governance/global-roundtables-access-to-justice/oecd-criteria-for-people-centred-design-and-delivery-of-legal-and-justice-services.pdf>

⁵ See the “Justice for All” Task Force on Justice Report https://www.justice.sdg16.plus/_files/ugd/90b3d6_1656bf93a96a4f35a3625f7c0e5a2f9d.pdf and IDLO SDG 16 Conference <https://www.idlo.int/SDG16Conference2021>

⁶ United Nations, Goal 16: “Peace, justice and strong institutions”, Sustainable Development Goals. <https://www.un.org/sustainabledevelopment/peace-justice/>.

a gradual understanding of what comprises the “value chain” of the Judicial Branch, in the light of the different regional and gender approaches adopted for this study, because this is where the needs of the branch will be strategically identified and key actors to be contacted can be defined.

Potential outputs from these types of processes going into the IDC system can also be visualized. This may be in the form of *exchanges of experience*,⁷ South-South cooperation or triangular cooperation, for example.

What these flows between the IDC system and the Judiciary, in the form of inputs and outputs, are intended to show is that the Judiciary is not only a recipient of IDC but also a potential provider. This study believes that, as far as international cooperation is concerned, meeting the branch’s needs and achieving its mission objectives does not take place in one direction alone but rather in a reciprocal manner. Taking a proactive position within the IDC system can enrich and generate multiple benefits for the branch and thus enhance the processes that enable it to meet its needs.

The key question asked during the data collection phase was aimed at identifying needs. In terms of demand, it revolved around i) levels of proximity/contact with the justice sector, ii) challenges in accessing justice, iii) satisfaction with justice services, iv) confidence in the institutional framework and v) main recommendations. Under the intervention logic outlined above, the branch’s needs were analysed, contextualized, problematized, updated, complemented and projected. The analysis conducted will thus form the basis for a strategic planning exercise for the Judiciary, which will gradually design a map of international cooperation for the Judicial Branch in Colombia.

⁷ According to the APC glossary, exchanges of experience are “sets of actions that have resulted in outcomes from which lessons can be drawn that may or may not be useful for development in a given context, in the hope that these actions can be replicated or adapted to similar contexts. The challenge is for these experiences to be documented and made available to all so that South-South and triangular cooperation projects can be implemented.”

Main findings

As a result of the collection and analysis of information in this research, 20 needs were identified for the Judicial Branch in Colombia. These needs were contrasted with the SDG 16 targets in order to put them into context and interpret the branch's own needs in relation to the 2030 Agenda. To this end, five categories were defined, all related to SDG 16 targets that respond to the justice sector. Some needs could have been organized into more than one category since they are functional to the fulfilment of more than one SDG 16 target. However, for this analysis they were placed in the category with the closest or most direct relationship to the respective goal. The needs of the Colombian Judicial Branch, contrasted with the five SDG 16 categories, can be seen in Table 1.

Figure 1 illustrates the overall map of the 20 needs of the Judiciary, categorized into the five SDG 16 targets of interest, each represented by a colour and in a size relative to the number of interviews that mentioned that need. The needs that appear larger are those that were most relevant to the key stakeholders interviewed.

The most relevant needs are those aimed at meeting target 16.6: “Effective, accountable and transparent institutions”. The information obtained both through the desk review and the interviews with key actors shows the significance of issues related to digital transformation (14 interviews mentioned this need), how to connect justice services with users (16), issues related to the organizational improvement of the Judiciary (13), and the need to address the backlog in court cases (10). Meeting this set of needs would enable the judicial apparatus to better connect with users and be better placed to respond to citizens' demands.

In addition, the needs aimed at fulfilling target 16.3: “Rule of law and access to justice” were the second most significant. Within the desk review, this group of needs showed itself to be important through the high level of documentation on these issues. The interviews highlighted the need to provide regionally differentiated justice, improve the physical infrastructure of justice services and reduce the deficit in the justice supply. This set of needs

Table 1. Cross-referencing of the needs of the Colombian Judicial Branch with SDG 16 targets
SDG 16 and the needs of the Judicial Branch

SDG 16	Rule of law and access to justice (16.3)	Reduce corruption and bribery (16.5)	Effective, accountable and transparent institutions (16.6)	Inclusive decision-making (16.7)	Strong institutions to prevent violence and crime (16.A)
Needs of the Judicial Branch	<ul style="list-style-type: none"> • Provide regionally differentiated justice to reduce territorial gaps. • Improve the physical infrastructure of justice services. • Reduce the justice supply deficit. • Implement gender mainstreaming in justice services. • Balance the private market for justice (lawyers). • Legal development of a balance of powers and functions. • Define links between bodies, processes and institutions. 	<ul style="list-style-type: none"> • Take anti-corruption and transparency measures. 	<ul style="list-style-type: none"> • Bring justice services closer to citizens. • Digital transformation of justice services. • Organizational improvement of the Judicial Branch. • Backlog in court cases. • Human talent development. • Refinement of the measures implemented due to Covid-19 for the long-term functioning of the Branch. • Budgetary autonomy. • Improve working conditions in the justice services. 	<ul style="list-style-type: none"> • Conceptualization of justice as a public service. • Connecting academia with the needs of the Judiciary. 	<ul style="list-style-type: none"> • Strengthen education in the use of rights protection instruments. • Continue improving coordination with the Special Indigenous Jurisdiction..

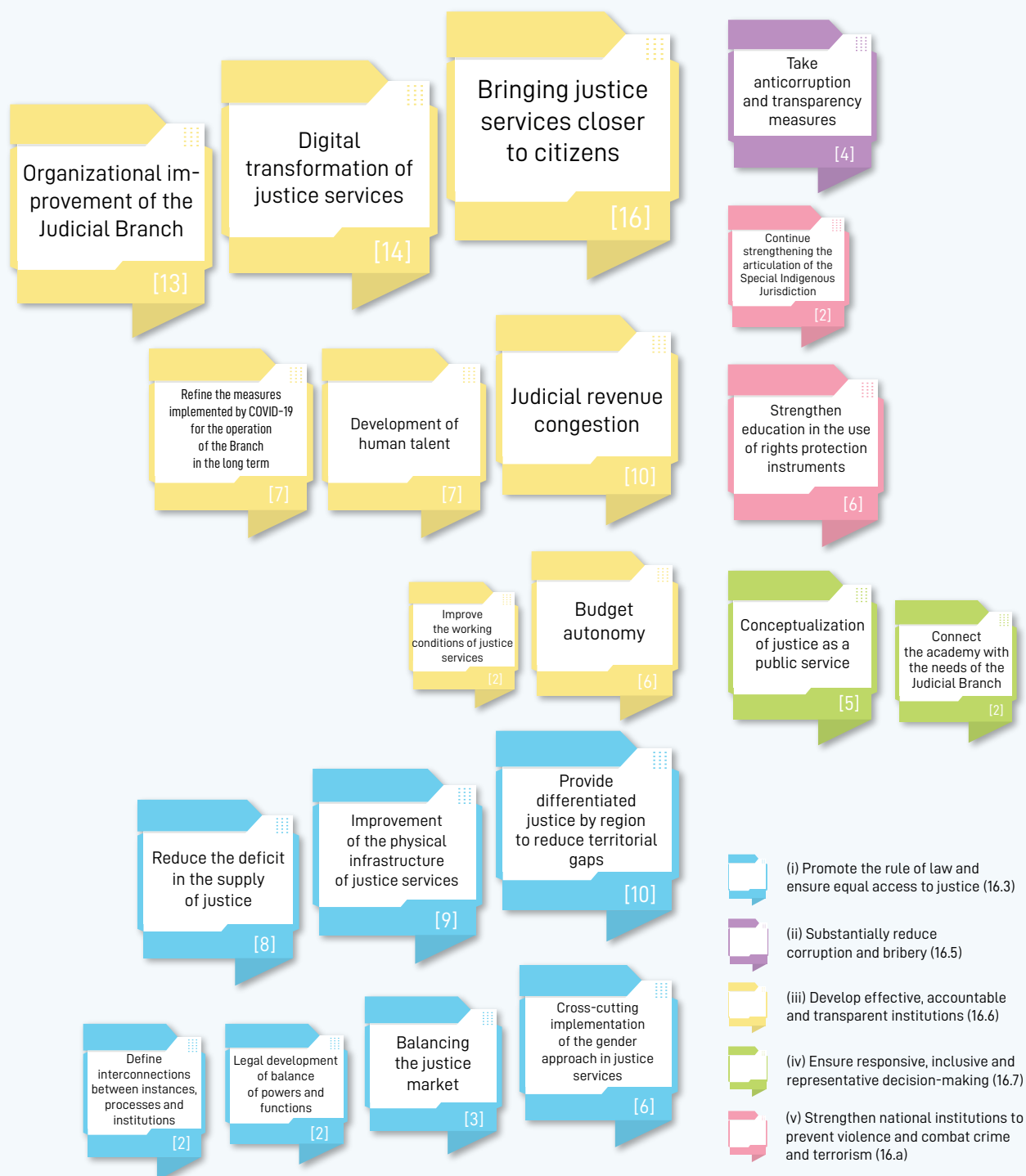
Source: Own compilation (2022).

can be considered as the most longstanding which forms the structural requirements of justice provision, much of which requires the use of public policy instruments for its fulfilment.

In the case of target 16.5: “Reduce corruption and bribery”, this will be achieved by meeting the need for anti-corruption and transparency measures. Likewise, target 16.7: “Inclusive actions” can be achieved by improving the conceptualization of justice as a public service and by connecting the academic sector to the needs of the branch.

Target 16.A: “Strong institutions to prevent violence and crime” covers two needs: that of improving education in the use of rights protection instruments and that of continuing to strengthen the Special Indigenous Jurisdiction. Overall, achieving this target will ensure a capacity to deliver justice

Figure 1. Relevance of needs, as identified by key stakeholders in the Judicial Branch



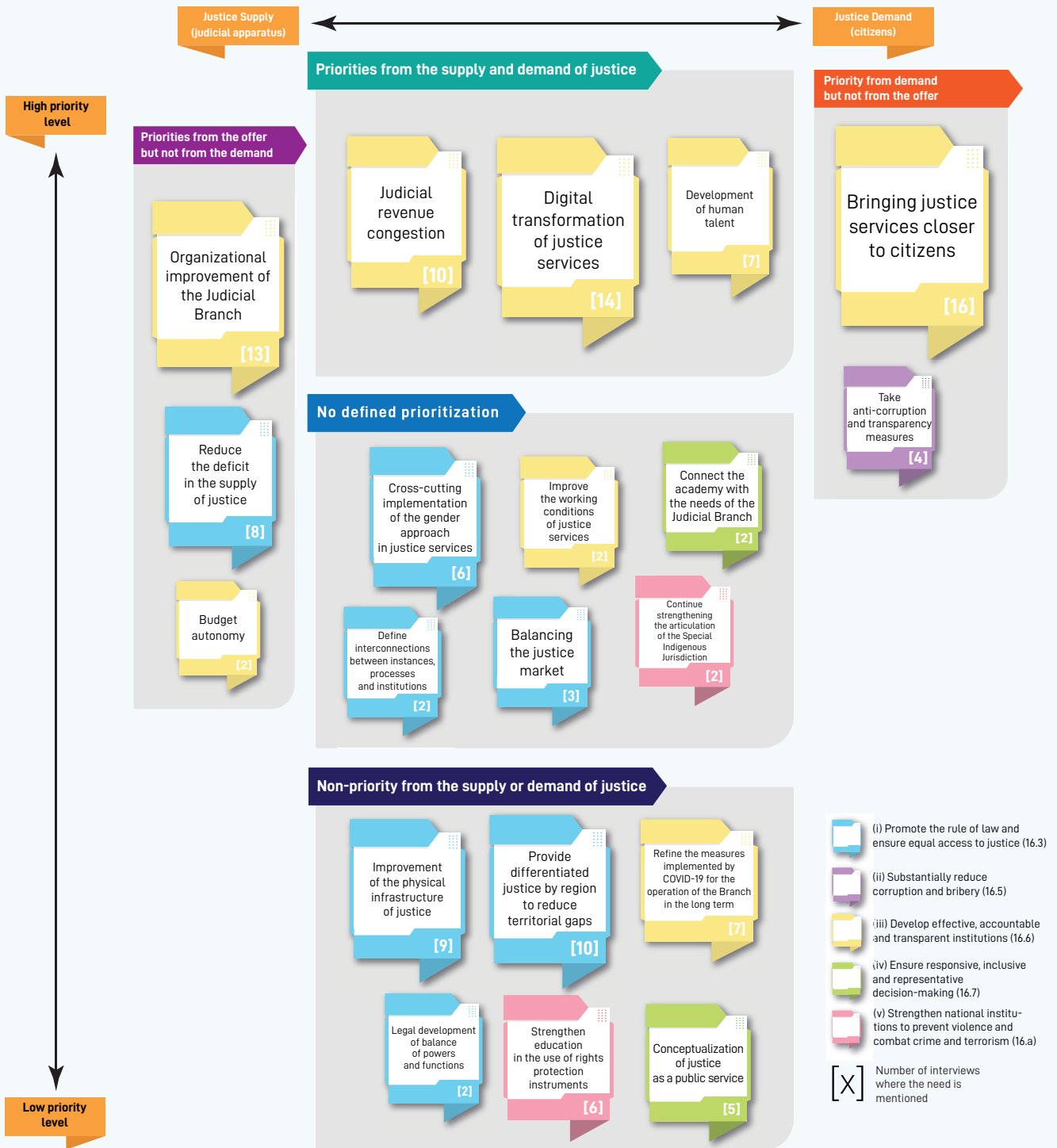
Source: Own compilation (2022).

indiscriminately and will increase access to justice for important population groups in the Colombian context, such as Indigenous communities.

In addition to the number of times a need was mentioned in the interviews, it was also possible to deepen the analysis according to the level of urgency or order of priority the respondents recognized to a need in the online questionnaire. Users were thus able to choose the five most and five least urgent needs and, by doing so, assessed the order of importance of the needs both from the supply of and demand for justice. Figure 2 shows Figure 1 adjusted according to importance to the supply of and demand for justice.

In this second figure, the importance of the needs to meet to fulfil target 16.6 (yellow) is very clear, as most of these are at the top of the diagram. In addition, it can be seen that three of the needs that have to be met to fulfil target 16.3 (blue) have been given a low priority, as they are found in the bottom part of the diagram. In addition, the needs on the left are those that were classified as priorities for the judicial apparatus but not for justice users; the needs on the right are those that were prioritized by justice users but not by the judicial apparatus. This makes sense given the interests of both parties: it is in the interests of the judicial apparatus to invest in improving the organization of the branch, to have budgetary autonomy and to reduce the deficit in the supply of justice, while it is in the interests of the users to have a better approach to justice services and to have better anti-corruption and transparency measures in place.

Figure 2. Relevance of needs, as identified by key stakeholders in the Judiciary, adjusted with quantitative data



Source: Own compilation (2022).

Map of international cooperation for the Judicial Branch

Colombia has an institutional architecture and counts with instruments with which it seeks to link and coordinate national institutions in the context of international cooperation. The Colombian Presidential Agency for International Cooperation (APC-Colombia) is responsible for steering international cooperation and its objective is to “manage, guide and technically coordinate public, private, technical and financial non-reimbursable international cooperation received and granted by the country, as well as to execute, administer and support the channelling and execution of international cooperation resources, programmes and projects, in accordance with the objectives of foreign policy and the National Development Plan”.⁸ Together with the Ministry of Foreign Affairs and the National Planning Department, it was also responsible for producing the National for International Cooperation Strategy (ENCI) 2019-2022, which aims to “steer the management of the international cooperation that Colombia grants and receives towards its development priorities, responding to the country’s challenges and opportunities in the international arena”.⁹

It is also important to consider the institutional structure that surrounds the 2030 Agenda. Decree 280 of 2015 created the High-Level Inter-Institutional Commission for the preparation and effective implementation of the Development Agenda, with the purpose of “implementing the SDGs through public policies, plans, actions and programmes, with forward planning, and monitoring, follow-up and evaluation of these goals and their

⁸ Colombian Presidential Agency for International Cooperation, APC-Colombia. <https://www.apccolombia.gov.co/Quienes-somos>.

⁹ APC (2021), ENCI 2019-2022. National Strategy for International Cooperation. <https://www.apccolombia.gov.co/sites/default/files/2021-01/Documento%20ENCI%20espan%CC%83ol.pdf>.

respective targets”.¹⁰ The task of chairing the Commission was assigned to the National Planning Department.

Moreover, building a map of international cooperation for the Judicial Branch requires an understanding of Colombia’s position in the universe of international cooperation, as this will enable the branch to design a relationship that is relevant to its needs and coherent and realistic in terms of the country’s current position. While Colombia has traditionally been a recipient of Official Development Assistance (ODA), its dynamism within the international cooperation system and its recent accession to the OECD (2018) have significantly changed the country’s role as an IDC actor. According to the ENCI 2018–2022, Colombia’s membership of the OECD “is a fact that makes it difficult to argue the need to continue receiving this type of international cooperation from donors through traditional modalities”.¹¹ Indeed, the flow of ODA has fallen from USD 663 million in 2017 to USD 313 million, according to APC figures.¹²

This significant reduction has made it necessary to rethink Colombia’s role as an international cooperation actor and to consider how to deal with the decline in flows of ODA, which continues to be important for the country. In the words of the ENCI, “national and territorial actors need to change their vision of international cooperation and focus not only on requesting traditional ODA but also on identifying other international cooperation modalities, as well as good management practices that can be shared with other countries”.¹³

¹⁰ Presidency of the Republic, Decree 280 of 18 February 2015, “Creating the High Level Inter-Institutional Commission for the preparation and effective implementation of the Post-2015 Development Agenda and its Sustainable Development Goals (SDGs)”.

¹¹ *Ibid.*, p. 33.

¹² *Idem.*

¹³ *Idem.*

Alongside this situation, Colombia has in recent years consolidated its position as a provider of South-South¹⁴ and triangular cooperation.¹⁵ Under the APC's leadership, it has built tools with which to identify, systematize and consolidate the good practices of the national and regional entities that form part of Colombia's South-South Cooperation Supply Portfolio.¹⁶ This means that Colombia is not exclusively a recipient country but neither is it exclusively a donor country, which has led to it being referred to as a "dual" country.

Given this context of "dual" country, it is important to take into account modalities and actors other than those traditionally considered partners when drawing up the preliminary map of international cooperation with the Judicial Branch. This study therefore primarily conducted a review of traditional actors and instruments of cooperation such as bilateral "North-South" and multilateral cooperation but also undertook a (non-exhaustive) review of international cooperation strategies and offers in relation to South-South cooperation (largely technical plus exchanges of experience and good practices) with countries of the "global South", decentralized cooperation (between sub-national entities) and non-governmental cooperation.

After reviewing and analysing 13 cooperation instruments of multilateral actors, 18 cooperation instruments of bilateral actors and the 4 post-conflict funds, it was found that 16 of them have a high degree of affinity with the needs of the Judicial Branch, either because of the current priorities of the

¹⁴ APC defines South-South cooperation as "a cooperation modality by which two developing countries exchange resources or experiences. In this exchange, there is no conditionality and the dialogue takes place on equal terms. Costs are borne on a shared basis, although not necessarily in equal shares. Countries share the roles of provider (the one providing the main financial, technical and human resources) and recipient" (Colombian Presidential Agency for International Cooperation, APC-Colombia, Cooperación Sur-Sur. <https://www.apccolombia.gov.co/cooperacion-sur-sur>).

¹⁵ APC defines triangular cooperation as "a type of mixed international cooperation that combines traditional or vertical cooperation (North-South) with South-South cooperation (SSC) with the aim of benefiting a third developing country" (Colombian Presidential Agency for International Cooperation, APC-Colombia, Cooperación Triangular. <https://www.apccolombia.gov.co/cooperacion-triangular>).

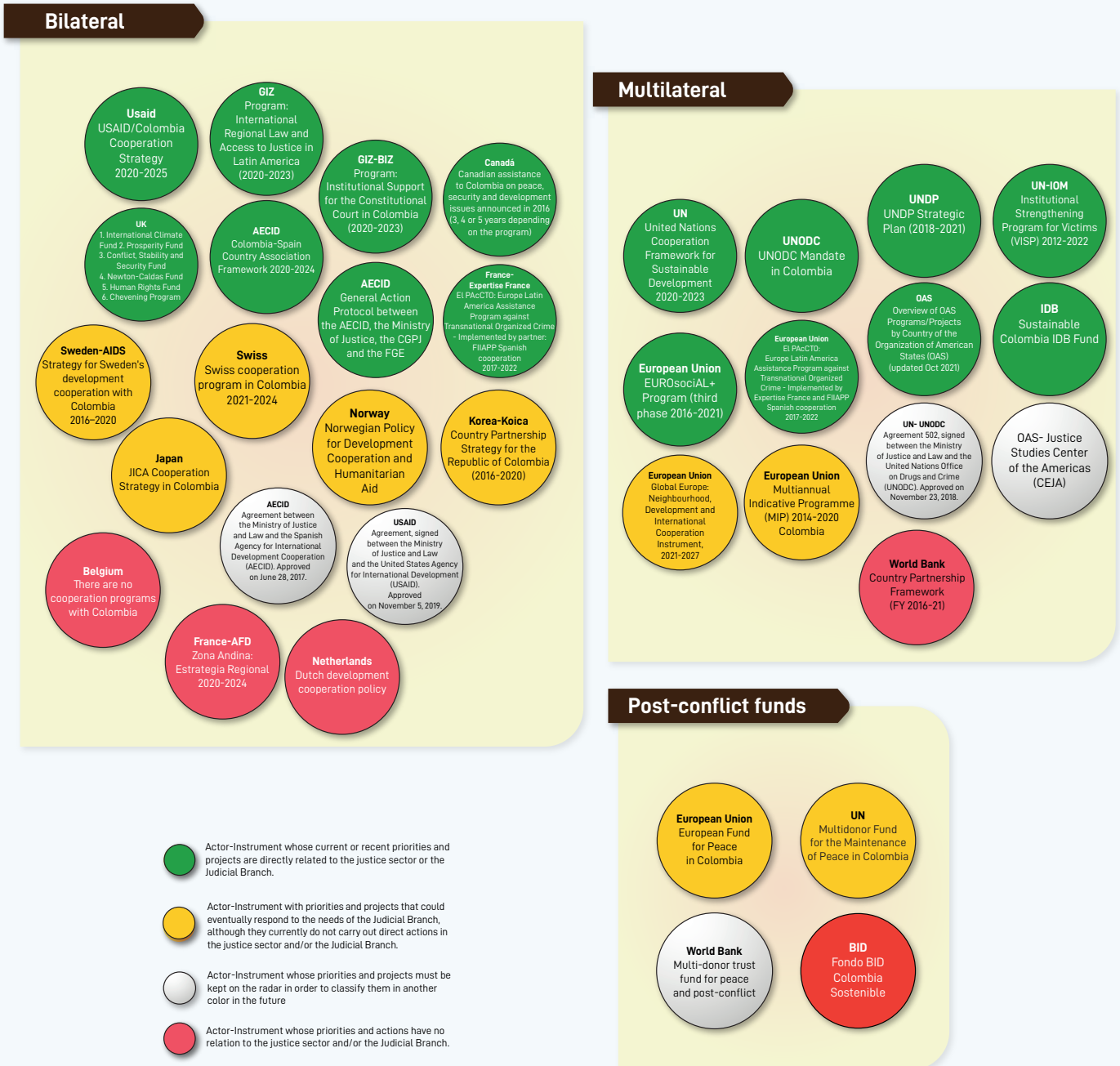
¹⁶ Colombian Presidential Agency for International Cooperation, APC-Colombia (<https://www.apccolombia.gov.co/sites/default/files/2021-06/Portafolio%20sobre%20blanco.pdf>).

actors in question or because they have implemented past or current projects with justice sector-related objectives (see Figure 3). Nine of them do not have a direct relationship with the justice sector but could still be potential partners for the branch as a link was observed between the actor's priorities and the needs of the Judiciary. Such is the case of Norway, for example, whose thematic priorities focus on education, health, climate change, private sector development, humanitarian aid, etc., but which has also mainstreamed the theme of women's rights and gender equality throughout its international cooperation policy.

In line with the ENCI's recommendation to identify international cooperation modalities other than the demand for ODA through traditional channels, five South-South and triangular cooperation instruments, four decentralized cooperation instruments and 10 instruments of non-governmental actors were also analysed. It should be noted that this review was a preliminary exercise as these modalities involve a large number of actors that cannot be fully covered in the context of this study. Even so, it is interesting to begin to discover the potential there may be in the Judiciary approaching this type of actor.

As noted in the first section of the document, a traffic light system was created to identify the degree of affinity between the cooperation priorities of each international actor and the justice sector and/or needs of the Judiciary (see Figure 3).

Figure 3. Map of cooperation



Source: Own compilation (2022).

Conclusions

This study recognizes the effort made by Colombian institutions in identifying gaps in access to and guarantees of the right to prompt and effective justice. Indeed, the needs presented here are, for the most part, those that have already been highlighted in previous studies and assessments conducted by the Judicial Branch, the national government, academia and other organizations whose missions include promoting the rule of law and strengthening the justice sector.

As a result of the collection and analysis of information in this research, 20 needs were identified for the Judicial Branch in Colombia. These needs were contrasted with the SDG 16 targets in order to put them into context and interpret the branch's own needs in relation to the 2030 Agenda and a people-centred approach to justice. In addition, the needs analysis was addressed from the perspective of the most representative stakeholders: officials working in the Judicial Branch and users of justice services. The logic of an organizational process map was also incorporated into the analysis with the aim of identifying the processes that need to be considered in order to meet these needs, which are closely related to the effective enjoyment of human rights.

This study was designed as an initial exercise to advance CSdelaj's intended objective of defining a strategy for the Judicial Branch's relationship with international cooperation. The participatory methodology applied for the analysis, conclusions, findings and recommendations are therefore a solid basis for the definition of such a strategy.

During the information gathering and analysis phases, it became evident that the Judiciary could be more active in strategically defining its relationship with international cooperation actors, a task that has historically fallen to the national government. The APC is the agency responsible for directing and guiding this relationship and it can be seen that the justice sector, although forming part of the ENCI, has not been clearly represented by actors other than the Ministry of Justice and Law. The need was therefore identified for the branch to have a liaison person responsible for communication and

high-level relations with the APC, the national government as a whole and with international cooperation actors, without jeopardizing its autonomy and independence as a branch of public power.

Throughout this needs assessment, an attempt has been made to understand not only the Judicial Branch's needs but also its possible contributions to other partners or allies in the justice sector in other countries. Nonetheless, the requirement to identify needs (demand) is still much more immediate than that of identifying good practices or lessons learned that could be "exportable" from the practice of the Colombian Judiciary. The trend in the interviews and the virtual questionnaire was very markedly towards identifying "needs" and gaps, whether in access, quality, timeliness, legitimacy, organizational capacity or others.

This meant that cases or examples of practice that might form part of what the Judicial Branch is able to identify as good practice were only rarely raised. Some of the good practices identified that could provide opportunities for exchanges of experience, South-South or triangular cooperation were: the Colombian experience and lessons learned in the implementation of oral proceedings in the criminal jurisdiction, recent structural reforms in contentious-administrative matters, and the impact and relevance of constitutional actions such as protection (*tutela*) in terms of material solutions to human rights problems and bringing justice closer to citizens.

Demonstrating the flows between the IDC system and the Judiciary in the form of inputs and outputs on an organizational process map enabled us to consider the branch not only as a recipient of IDC but also as a potential provider. This study understands that, as far as international cooperation is concerned, meeting the branch's needs and achieving its mission objectives does not take place in one direction alone but rather in a reciprocal manner. Adopting a proactive position within the IDC system could, in this regard, enrich and generate multiple benefits for the branch and thus enhance the processes that will enable it to meet its own needs.

In terms of needs, resolving the so-called "court backlog", the importance of digitizing justice and of developing the human talent of the Judicial Branch were the three most recurrent and priority needs identified by those interviewed and those who filled out the virtual questionnaire.

In terms of the need to reduce the backlog in court offices, the importance of allocating more of the national budget to the justice sector, and

especially ensuring the availability of more robust work teams, was mentioned frequently during the interviews. It is striking that little mention was made of the importance of strengthening alternative dispute resolution (ADR) and local justice systems, which have been shown to be highly efficient in reducing the backlog in the courts.

The digitization of justice and concepts such as the so-called “electronic dossier” are, in turn, also ways of solving other needs such as reducing the regional gaps in access to justice and the functioning of justice. These are “multi-purpose” issues which, in addition to speeding up court processes, can guarantee access to information and transparency and close gaps in access to justice, especially in areas far from urban centres.

During the in-depth interviews it became evident that, with digitization, a better load sharing would be possible between court offices; indeed, some of the offices are not in high demand and could take on cases from other jurisdictions.

Strengthening the judicial profession as a career and the development of human talent is a priority need. The kind of human talent development that would be appropriate, in terms of skills, capacities and knowledge, needs to be considered in some depth. It was pointed out that positions/roles such as “clerk” and “scribe” really need to be reviewed given the changes occurring due to digitization and advances in automation globally. This review should look into ensuring a transition or diversification of jobs for people who may find themselves shut out of the job market.

In contrast, during some interviews with high court judges, the possibility of court offices hiring non-legal professionals was thought worthy of consideration given that a level of interdisciplinarity is increasingly required for the analysis of some cases; also, as a potential alternative, the hiring of professionals with a background in communications was mentioned, to ensure better communication with justice users and citizens (something that was almost unanimously identified as an important gap between the Judicial Branch and citizens).


Closing regional gaps in access to and functioning of justice is essential to achieving a people-centred approach to justice. During the in-depth interviews with magistrates and judges, constant reference was made to the importance of the CSdelaj continuing to work to close the infrastructure and capacity gaps between Bogotá and other cities and municipalities.

The pandemic has had effects that have already been documented internationally in terms of increased demand for justice in cases of domestic violence – especially gender-based violence –, breach of contract due to a party's inability to pay, redundancies due to the closure or restructuring of companies, and so on. However, our engagement with judicial officials and other relevant actors showed that the pandemic also resulted in an increased use of the virtual environment with the result that citizens were brought closer to the court offices and there were even improvements in procedural times.

“Anti-corruption and transparency measures” was the third most important need for users of justice services who responded to the online questionnaire, while it was the eighth most important for justice officials. This could be interpreted as creating a distance between these actors but, through various interviews with high court judges, it became clear that judicial integrity is a highly valuable asset and that certain actions entail a risk for the legitimacy, honour and credibility of the Judiciary. Transparency and actions aimed at fighting corruption in the justice sector in general and in the Judicial Branch in particular should therefore be included as inputs for the process map and these will require strategic exchanges with international cooperation actors.

During the in-depth interviews, judges and magistrates were constantly concerned at the lack of recognition of their work and, especially, at the role played by the media, often misinforming public opinion about court decisions or procedural technicalities. This study revealed a clear gap between the perception and the reality of the work of justice officials and operators, their results and their day-to-day efforts to cope with the overwhelming demand for justice. This suggests there is a lack of communication and strategic engagement with one particular key stakeholder group: the media.

Throughout our research into potential international cooperation partners for the Judiciary, it became evident that donors generally have a territorial vision of development. A significant proportion of the actions and projects implemented in the country are aimed at strengthening the regions, at the community level, through social organizations and local authorities. It can be deduced that this responds, in part, to the emphasis the country has placed on the development needs of those territories hardest hit by the armed conflict and the PDET (Development Programmes with a Territorial Approach) municipalities. One example of this perspective is USAID's 2017-2021 Sustainable Peace Program, which focused on strengthening access to



justice for communities located in the territories most affected by the armed conflict. Countries such as Canada and Spain likewise give priority to initiatives aimed at the development of territorial peace, the implementation of a new rural justice system and access to justice, especially in the PDET municipalities.

Recommendations

- ◆ Draw up a strategy for the Judicial Branch's relationship with international development cooperation that is able to guide dialogue and decision-making on technical assistance needs. Under the leadership of the CSdelaj and using criteria of participation, harmonious collaboration, sustainability and complementarity between cooperating partners, together with exchange of experiences and knowledge, the entities of the national and local Judicial Branch are making coordinated progress in their relationship with IDC such that the actions being undertaken have a positive impact on the administration of justice, implementation of the 2030 Agenda and, thus, the social rule of law.

The strategy needs to establish measurable outcomes and monitoring indicators, based on the needs of the justice system and its users, and these need to be coordinated with institutional instruments, guidelines and policies such as the Sectoral Development Plan (under construction 2023-2026), the Strategic Plan for Digital Transformation (PETD), the Enterprise Architecture Model, the Integrated Quality and Environmental Management and Control System (Sigcma), and the open justice, gender and accountability policies. In addition, the strategy needs to ensure mainstreaming of human rights-based, territorial and differential approaches.

When developing the strategy, we suggest building on the findings of this study and replicating the methodological approach applied, which combines both the concept of “people-centred justice” as the core of the needs analysis, and the Sustainable Development Goals, in particular SDG 16: “Peace, justice and strong institutions” (it being understood that justice is a common thread that links all 17 SDGs and, in turn, enables their achievement), as well as a conventional organizational process map (ISO 9001:2015 quality standard), enabling gaps to be identified, outcomes to be monitored and corresponding action plans to be established.

- ◆ Coordinate and organize with the national government so that the Higher Council of the Judiciary (CSdelaj) can act on behalf of the Judicial Branch as an agent of cooperation and a strategic ally in institutional scenarios where there is a *rapprochement* with international cooperation and work is being done on justice issues. In this regard, it is suggested that, through the Office of Institutional Liaison and International Affairs, the CSdelaj should participate in the process of formulating the National International Cooperation Strategy (ENCI), under the responsibility of the Presidential Cooperation Agency (APC), so that the needs of the branch are emphasized and operationalized through international cooperation over the coming four years. To this end, it is suggested that the CSdelaj should move forward in the discussion and production of a strategy that will position the Judicial Branch as both a recipient and a provider of cooperation. This will guide its participation in the dialogues and when defining the international cooperation and technical assistance.
- ◆ Diversify the sources of funding for cooperation. Given the decline in Official Development Assistance to middle-income countries such as Colombia, it is recommended that other avenues be explored that provide international cooperation through South-South (between countries with similar levels of development) or decentralized (between sub-national entities such as municipalities, departments, regions, etc.) modalities, non-governmental organizations and even the private sector.
- ◆ In terms of decentralized cooperation, it is suggested that approaches be explored with umbrella organizations of sub-national entities such as the European Platform of Local and Regional Authorities for Development (Platforma), the *Confederación de Fondos de Cooperación y Solidaridad Internacional* [Confederation of International Cooperation and Solidarity Funds], Cités Unies France, etc. It is recommended that follow-up be given to the work carried out by APC to consolidate information on decentralized cooperation throughout the country.

We also recommend further exploring the possibility of building public-private alliances with the business sector in order to address the specific needs of the territories, especially those where an institutional presence is more limited. On this topic, see the *Guía para el diseño y puesta en marcha de alianzas público-privadas en asuntos de justicia* [Guide

for the design and implementation of public-private partnerships in justice issues], published by USAID and Fundación Ideas para la Paz.¹⁷ Follow-up also needs to be given to the macro-round that the APC has implemented, in partnership with the Association of Family and Business Foundations (AFE).

- ◆ Consolidate the Judicial Branch as a provider of technical cooperation. For this, it will be necessary to identify, systematize and document the good practices that different actors of the Judicial Branch have developed in order to produce a database of offers of cooperation at the national, regional and international levels. A review of the possibilities offered by South-South and triangular cooperation is recommended, initially with potential partners in the region through instruments such as the Joint (“Comixtas”) Cooperation Commissions and led by the Ministry of Foreign Affairs and the APC.
- ◆ It will be important for the Higher Council of the Judiciary to strengthen the initiatives and platforms already existing among judicial actors. It is recommended that the CSdelaJ strengthens the links already created with platforms such as the Global Judicial Integrity Network, to which the *Comisión Nacional de Disciplina Judicial* [National Commission on Judicial Discipline] belongs, as it is a space for exchanging experiences, tools and practical guides on anti-corruption measures and transparency in the justice sector, sponsored by the United Nations Office on Drugs and Crime (UNODC).
- ◆ It is also important to highlight the experience of the Rodrigo Lara Bonilla Judicial School and the Higher Council of the Judiciary with the Quality and Environmental Management System for the Judicial Branch, an experience that is spearheading the way in Latin American countries.¹⁸
- ◆ Strengthen communication with cooperation actors in order to educate and inform on the administration of justice, its relevance, functioning,

¹⁷ USAID, *Guía para el diseño y puesta en marcha de alianzas público-privadas en asuntos de justicia*, November 2020. https://pdf.usaid.gov/pdf_docs/PAOOX97G.pdf.

¹⁸ It is significant that, in recognition of this work and with the aim of sharing this successful experience with other judiciaries, the CSdelaJ was (through Judge Martha Olano) this year elected President of the Ibero-American Judicial Summit's Commission on Quality in Justice.

diversity, impact and links to achieving the Sustainable Development Goals nationally and locally. As noted, justice is a common thread that links the 17 SDGs and, in turn, is something that enables them to be achieved. This will allow for expanded entry points for development cooperation and technical assistance focused on strengthening justice and the rule of law.

- ◆ Raise awareness and document the benefits of investing in justice. It has been shown that spending on people-centred justice can generate a high return on investment (High-Level Taskforce on Justice, 2019).
- ◆ In line with the initial findings of this study (see Figure 3), an initial stage of outreach is recommended in relation to those international cooperation actors whose agenda includes issues that have a bearing on the branch's needs. Among the bilateral actors identified were AECID, Canada, GIZ, USAID, the United Kingdom, and France Expertise. In terms of multilateral actors, the focus could initially be on UNDP, UNODC, IOM, IDB, OAS and the EU's EUROsocial and EL PacCto programmes.

It is notable that the Higher Council of the Judiciary has been building an increasingly strong relationship with multilateral banks (World Bank and IDB). A loan is thus currently being implemented through the IDB to support the process of digital transformation and modernization of the justice system. A review of the inventory of cooperation issues currently underway within the CSdelaJ is also suggested in order to complement the cooperation agenda analysis conducted by this study.

- ◆ Reinforce the perspective of strengthening the justice system from the local level, alongside a broader strategy of meeting the needs of the Judiciary nationally, in order to build an international cooperation route for the Judicial Branch. This will make it possible to link the branch's needs with the priorities of potential international partners who, as mentioned above, have shown an interest in implementing actions that will result in the development and strengthening of the territories.
- ◆ Incorporate human rights-based, gender, territorial and differential approaches when establishing the strategy with cooperation. A people-centred approach to justice involves a different understanding of how justice services are provided. It is essential in this regard to target the cooperation strategy on implementing public policies that effectively focus on guaranteeing rights, based on the legal conflicts and

needs of citizens. It is important to note that environmental protection, a gender perspective, quality, and the modernization and digital transformation of justice are all issues that cut across the analysis of cooperation strategies.

- ◆ Establish and support cooperation networks between regions in order to improve the exchange of knowledge and good practices between court districts. These networks can contribute to resolving asymmetries in terms of capacity in the country's court offices (administrative or logistical, for example), and can boost the branch's gradual efforts to close these asymmetries.
- ◆ The digitization of the justice sector and, specifically, of the Judicial Branch, needs to result in a rethink of the current distribution of roles and functions in court offices. There were repeated calls from a number of judicial officials to reconsider their geographical and jurisdictional distribution, not only because this could result in more efficiency but also because it would ensure a more balanced distribution of workloads in line with public demand. With digitization, it is possible for a judge to hear cases from other jurisdictions. It could also be an opportunity to reduce the risk of corruption, as judges who do not have a physical presence in the territory where they are adjudicating a case are less exposed to undue pressure.
- ◆ In line with the recommendations of the Ten-Year Justice Plan, validated by the actors with whom we were able to dialogue during this study, a rethink of the way in which policies deal with the backlog of cases is advisable, by generating incentives for judges' productivity and creating rules whereby procedural times are complied with.
- ◆ Strengthen dialogue and relationships with those demanding justice services and with actors who form part of the dynamics of administering justice and the functioning of the branch, such as litigants, legal clinics, plaintiffs or defendants, researchers, teachers, and so on. The CSdelaj and the court offices are responsible for disseminating and educating the public about the branch, its tasks and its possibilities for intervention and conflict resolution.
- ◆ Identifying justice needs also involves recognizing other dispute resolution mechanisms outside of the judicial process. Any progress that Colombia makes in terms of alternative dispute resolution mechanisms

(ADR) and the effective functioning of local justice is progress that will also benefit the Judicial Branch, as there will be less demand and, therefore, fewer incoming cases. The role of the Ministry of Justice and Law in strengthening the Formal Justice and ADR directorates is therefore of vital importance.

- ◆ Strategically strengthen cooperation between the CSdelaj, the Rodrigo Lara Bonilla Judicial School and academia. This alliance is strategic in creating a desirable profile for the judicial officials and operators of the future. The strengthening of competences, skills and the ethical direction of the judicial function, as well as linking into current global agendas, such as combating climate change; just transitions; environmental law; artificial intelligence, big data and the fourth industrial revolution; gender demands for women and LGBTI people; business and human rights; migration and so on, will all form part of the judicial training of the future. It is particularly important to continue implementing the Judicial Training Plan 2021, which includes the topics noted in this recommendation.
- ◆ Pedagogy and bringing justice closer to citizens were among the needs prioritized during this study. Simpler, less technical communication is part of the role of judges in relation to stakeholders in the Judiciary. The recommendation is to generate an exchange of good practices, such as those identified in the newly-founded *Comisión Nacional de Disciplina Judicial* [National Commission for Judicial Discipline], whose presidency has issued a message that much shorter judgements should be handed down, even setting limits as to the number of pages.
- ◆ Related to the above, this study recommends widening the multi-stakeholder discussion on the role of judges in relation to society at large and whether they should communicate exclusively through their rulings or whether additional skills, such as “strategic communication”, are required. There is an ongoing debate as to whether judicial officers should speak in the media to explain their rulings to the public. A more in-depth discussion is needed, including a risk management analysis, aimed at reducing the lack of knowledge among the media and general public as to what a judicial officer can and cannot do.

**Strategic needs analysis of the judicial branch
aimed at strengthening the work with international
cooperation for the justice sector in Colombia
EXECUTIVE SUMMARY**

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