

# Good Governance Update Colombia

53rd Session of the Public Governance  
Committee OECD



# Firm commitment to OECD standards

PUBLIC GOVERNANCE COMMITTEE INSTRUMENTS	POSITION
C(2012)86 - Principles for Public Governance of Public-Private Partnerships	Accepted
C(2010)16 - Principles for Transparency and Integrity in Lobbying	Accepted
C(2008)105 - Enhancing Integrity in Public Procurement	Accepted
C(2003)107 - Guidelines for Managing Conflict of Interest in the Public Service	Accepted
C(98)70/FINAL - Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service	Accepted
C(2014)17- Principles for Independent Fiscal Institutions	Accepted
C(2014)88 - Digital Government Strategies	Accepted
C/MIN(2014)8/FINAL OECD Recommendation on the Governance of Critical Risks	Accepted
C(2015)2 - Public Procurement	Accepted
C(2015)1 - Budgetary Governance	Accepted
C(2015)164 - Recommendation of the Council on Gender Equality in Public Life	Accepted

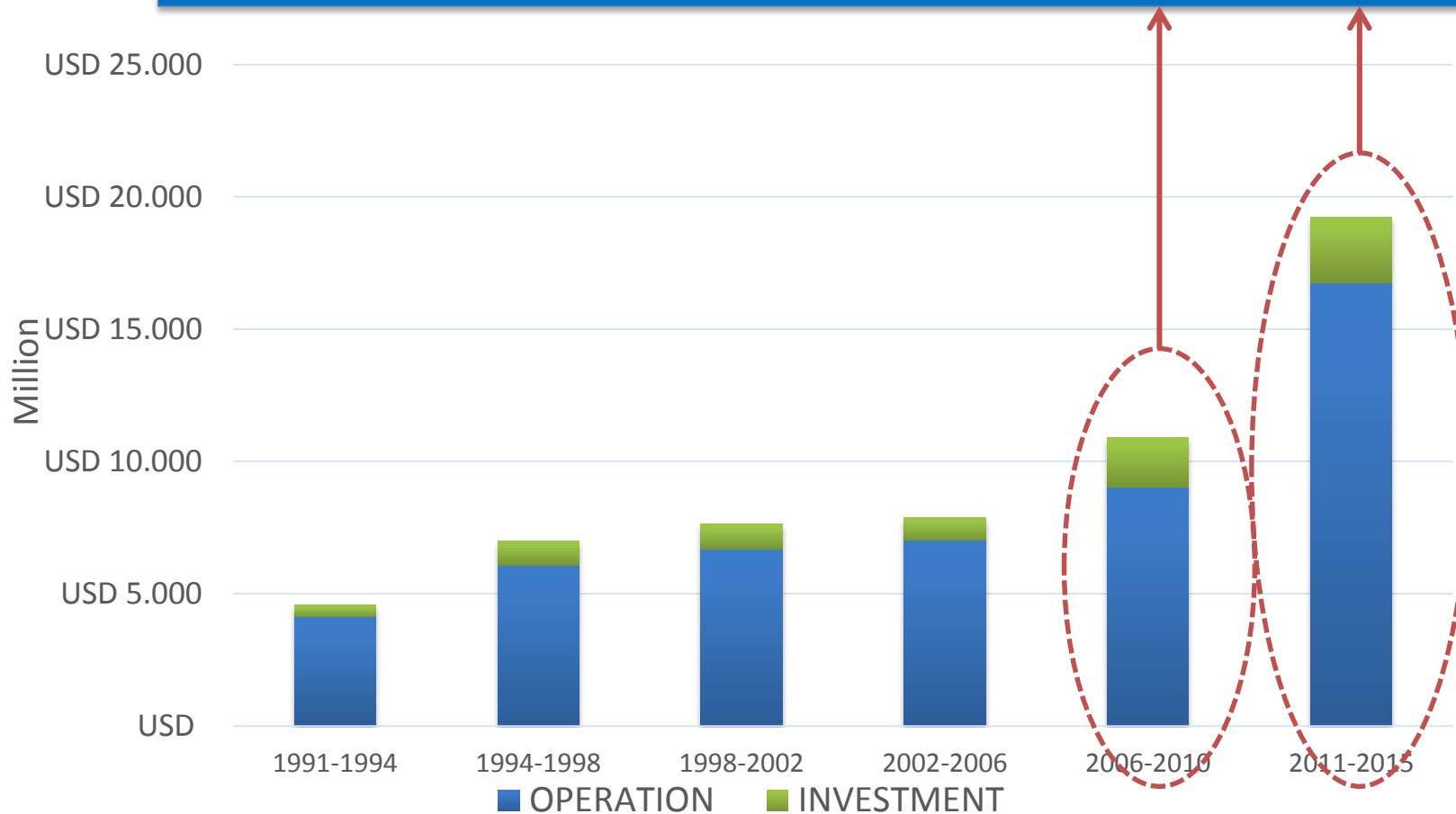


# Justice

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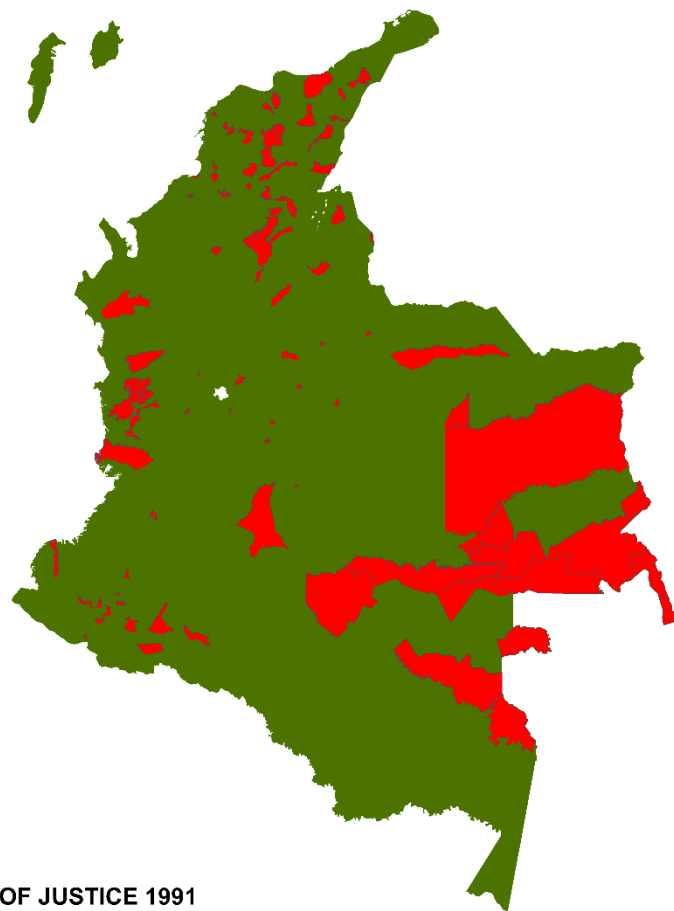
# Growing budget allocation

71% increase in budget allocation over the past four years



# Regional presence

## Increased coverage of the national territory



PRESENCE OF JUSTICE 1991

■ NO  
■ YES



PRESENCE OF JUSTICE 2015

■ NO  
■ YES



# Growing use of ADR

Largest settlement rate in the region (63%)



MASC 1991

None  
Conciliation Center

MASC 2014

None  
Justice Houses  
Conciliation Center  
Both

1991

31 conciliation centers

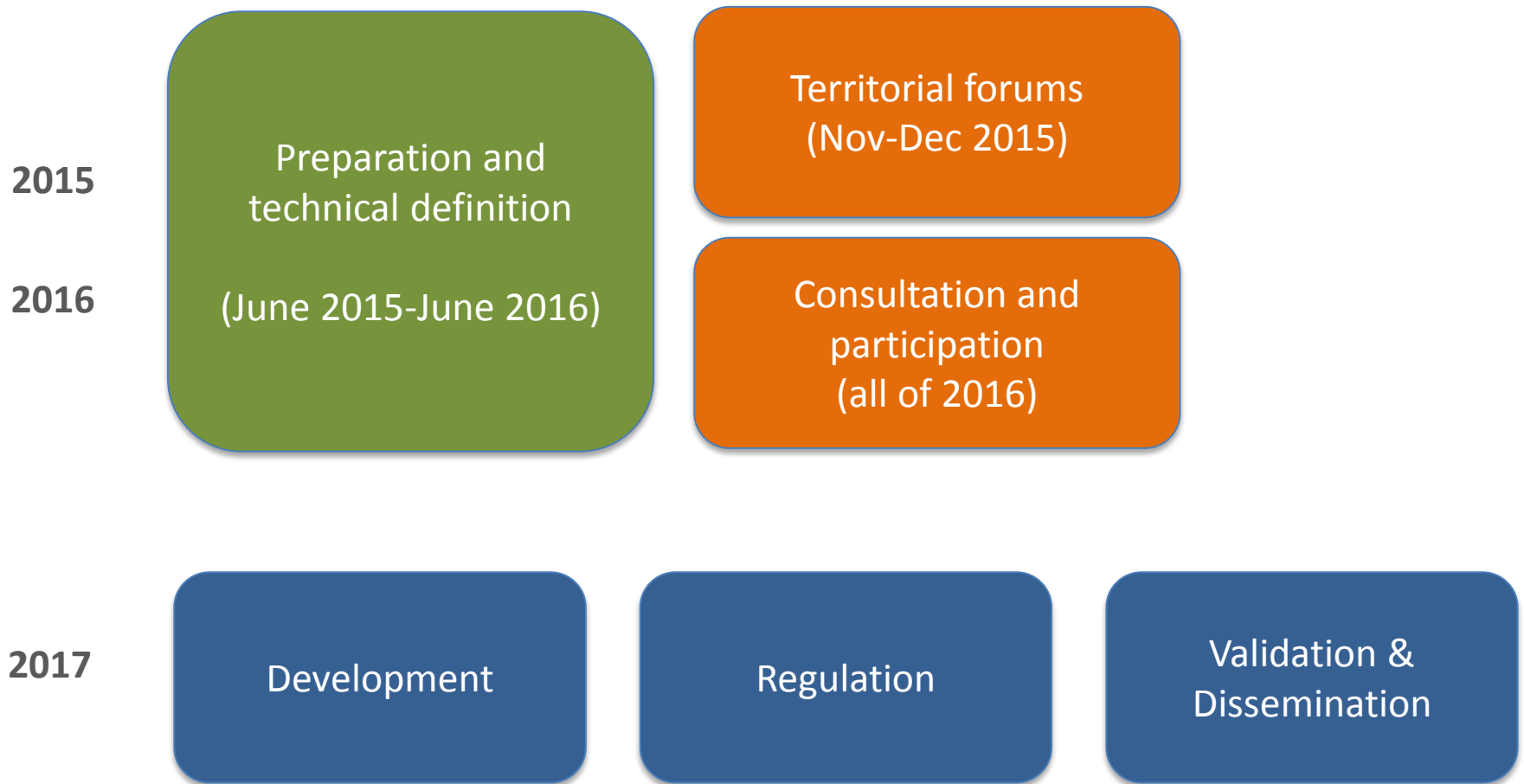
9 arbitration centers

2014

365 conciliation centers

115 arbitrator centers

# 1. Justice System Ten Year Plan: In the making



# 1. Justice System Ten Year Plan: Legal Needs Assessment



## Legal needs survey (results in March 2017)

- **9 regions**
- **48.000 surveys**
- **21.000 households**

**National / subnational representation  
Participation of indigenous and other  
minorities**

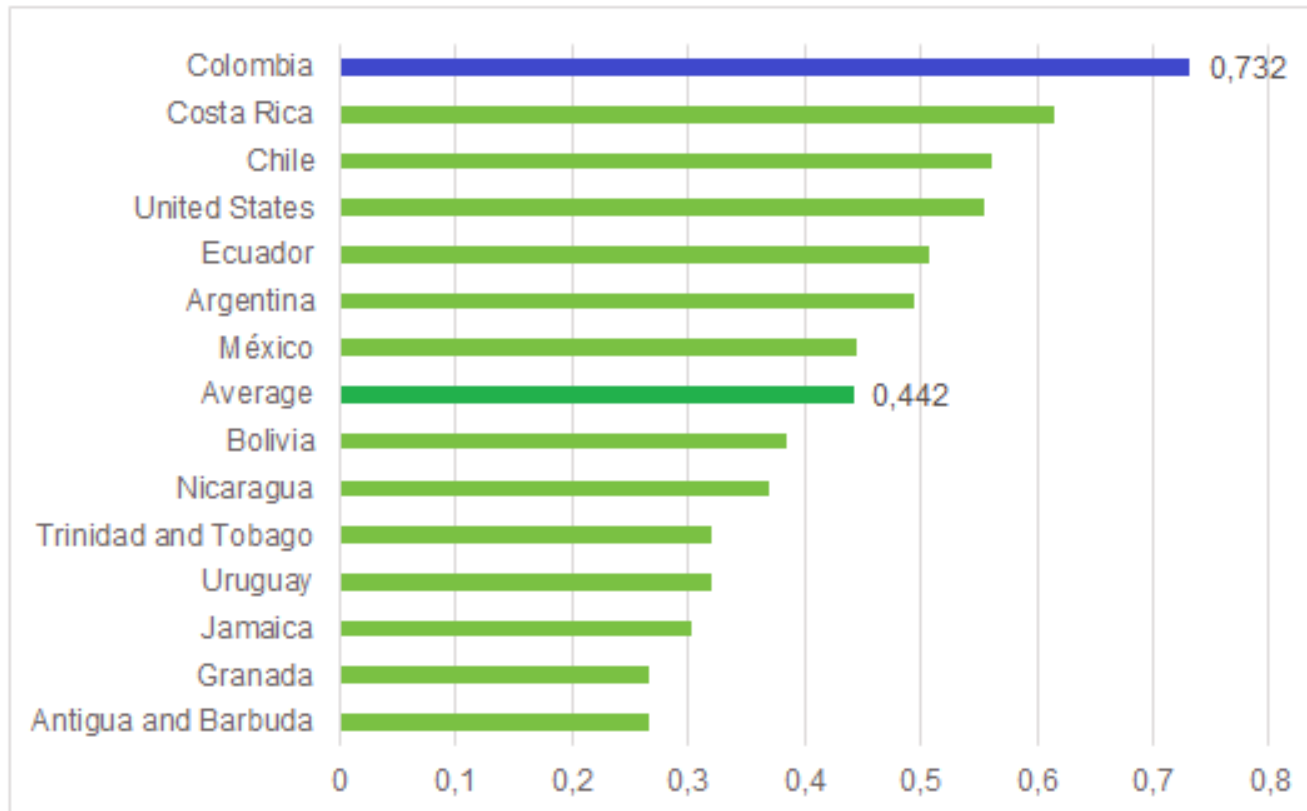




## 2. Information systems: good performance






Centro de Estudios de Justicia de las Américas  
Justice Studies Center of the Americas



**Colombia has the best  
ranking in America in  
Online Judicial  
Services Index**

## 2. Information systems: real time ADR data

- Ministry of Justice now monitors arbitration, conciliation and mediation in real time.
- Knows all incoming cases, total claims, awards rendered, settled cases.

**Gestión de Casos Conciliación**





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**Inicio / Gestión de casos / Lista de casos Conciliación**
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**Lista de casos de Conciliación**

Número expediente	Fecha radicación	Año	Tema	Tipo radicado	Estado	Acciones
0	24 de noviembre de 2015	CIVIL Y COMERCIAL	BENEFICIO	LAS DOS PARTES	En tramite	[icono] [icono] [icono] [icono]
7	24 de noviembre de 2015	FAMILIA	CUSTODIA Y RESCATE SOBRE MENORES E INCAPACES	LAS DOS PARTES	En tramite	[icono] [icono] [icono] [icono]
2	24 de noviembre de 2015	PEDAL	CALABRIA	LAS DOS PARTES	En tramite	[icono] [icono] [icono] [icono]
888	24 de noviembre de 2015	CIVIL Y COMERCIAL	INSOLUCENCIA ECONOMICA PERSONA NATURAL	LAS DOS PARTES	En tramite	[icono] [icono] [icono] [icono]
8	24 de noviembre de 2015	CIVIL Y COMERCIAL	ECONOMIA SOLIDARIA	LAS DOS PARTES	En tramite	[icono] [icono] [icono] [icono]
34	24 de noviembre de 2015	CIVIL Y COMERCIAL	INSOLUCENCIA ECONOMICA PERSONA NATURAL	LAS DOS PARTES	En tramite	[icono] [icono] [icono] [icono]
5	08 de noviembre de 2015	FAMILIA	OBLIGACIONES ALIMENTARIAS	SOLO UNA DE LAS PARTES	En tramite	[icono] [icono] [icono] [icono]
495	08 de noviembre de 2015	CIVIL Y COMERCIAL	BENEFICIO	SOLO UNA DE LAS PARTES	En tramite	[icono] [icono] [icono] [icono]
27027	28 de octubre de 2015	CIVIL Y COMERCIAL	CONTRATOS	SOLO UNA DE LAS PARTES	En tramite	[icono] [icono] [icono] [icono]
39454	28 de octubre de 2015	CIVIL Y COMERCIAL	COMPETENCIA JUDICIAL	SOLO UNA DE LAS PARTES	En tramite	[icono] [icono] [icono] [icono]

Página 1 de 4 (20 resultados)    [1] [2] [3] [4] [5]

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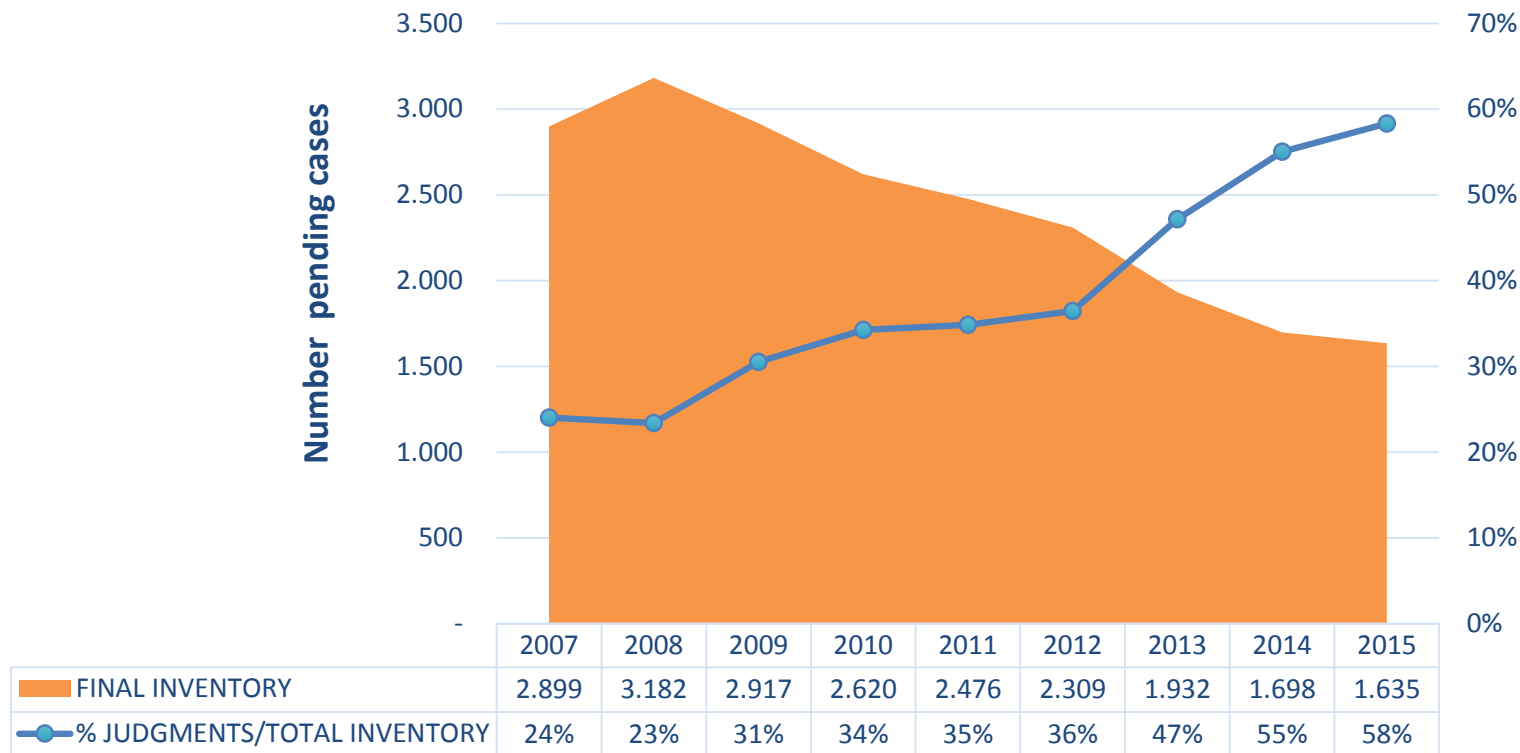
## 2. Progress in investigation strategies

### General Prosecutor Actions

- Directive with criteria to prioritize criminal cases (Directive 002 of December 9, 2015).
- Creation of the National Directory of Context Based Analysis formed with an interdisciplinary team
- Creation of multitask forces
- The report on the Colombian Action Plan of April 11, 2016 from the Department of Labor recognizes the progress of Colombia in reducing the actions against labor activist and highlighted the pending challenges that the government is addressing.



## 2. Diminishing backlog

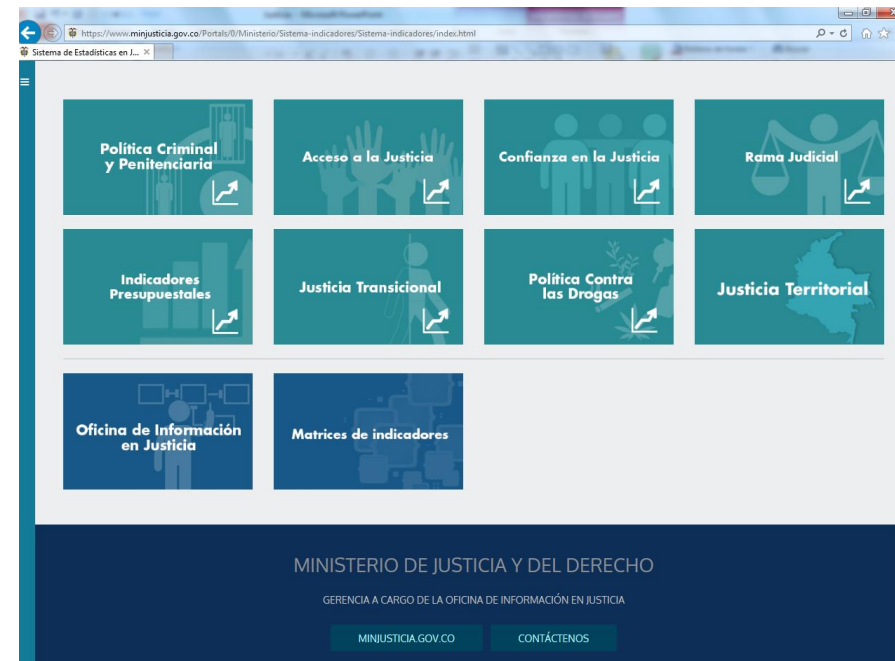


6 out of 10 pending cases solved through final ruling



## 2. Information systems: unifying information systems

- Seven dimensions for indicators (integrating 15 sources from 10 agencies ):
  - Criminal justice policy
  - Access to justice
  - Trust in justice
  - Judiciary
  - Budget
  - Transitional justice
  - Drug policy
- Real time monitoring of ADR usage



<http://bit.ly/1NaMm3s>

# 3. Restructuring and planning: balance of powers

**Constitution Amendment  
enacted on 2015**

- Change in the governance of the judicial system
- No revolving door for judges and controlling authorities
- New commission to investigate members of high courts and General Prosecutor (Fiscal)

**Bills under discussion  
before Congress**

## Statutory Law

- Duties/responsibilities of new agencies
- Access to judicial system data
- Revision of merit based judicial career

## Ordinary Law

- Duties/responsibilities of the new commission to investigate members of high courts and General Prosecutor (Fiscal)

**Challenges**

## Structuring and operation of new agencies

- Governance Council of the Judicial System
- General Manager of the Judicial System
- Disciplinary Commission



# 4. Territorial approach for justice



104 Justice Houses located at strategic locations with presence of:

- Judiciary (small claims court)
- Attorney General
- Legal Medicine
- Family Commissar
- Conciliator
- Public Defender
- Registrar
- Ministry of Labor
- Family Welfare Institute
- Police Inspector
- Local Ombudsman
- Office of Ethnic Affairs
- Office of Community Development



- 33 Regional Dialogues.



# Transparency and Integrity





## Legislation



Anti Bribery Law



Anti Smuggling Law



Whistle blower Bill



Lobbying Bill

## Transparency Law

- In 2015 Law 1712 of 2014 was regulated by means of:
  - Decree 1081 of 2015
  - Resolution 3564 of 2015 of the ICT Ministry
  - Decree 103 of 2015
  - Decree 2573 of 2015
- **11.880** public officials and other obligated parties trained
- **30** government agencies offered direct technical assistance
- **9** general guides and 1 additional guide for political parties issued as part of the implementation of the Law.



## National Moralization Commission

**OBSERVATORIO**  
TRANSPARENCIA Y ANTICORRUPCIÓN

Inicio de sesión   

El Observatorio | Observar | Educar | Dialogar | **Comisión Nacional de Moralización** | Comisiones Regionales de Moralización | Biblioteca

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## COMISIÓN NACIONAL DE MORALIZACIÓN



Máxima instancia de coordinación del Estado en materia de lucha contra la corrupción y promoción de la transparencia

La Comisión

Conozca los integrantes de la Comisión

Reglamento

Informes

Videos

Galería

Audio



Comisión Nacional de M...

[+] Videos

Abril 7

Calendario de Eventos

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ABRIL 2016

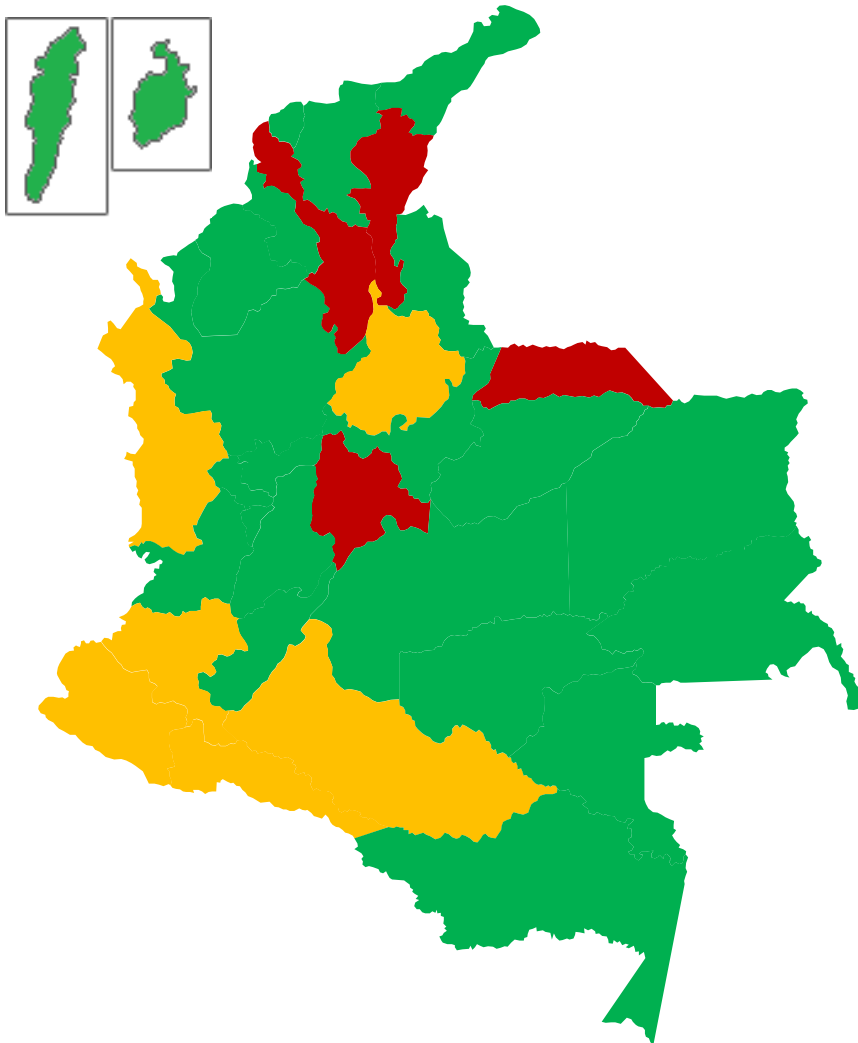
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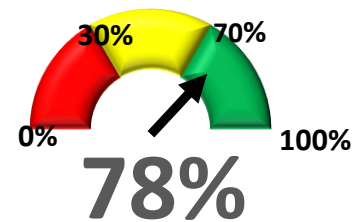
### Comisión Nacional de Moralización



## Progress of Regional Moralization Commissions



Second semester of 2015



## Task Force Agreement



La **Fiscalía General de la Nación**, con NIT. 800.152.783-2, representada en este acto por el doctor **EDUARDO MONTEALEGRE LYNETT**, mayor y vecino de Bogotá, identificado con cédula de ciudadanía 6.000.512, en su calidad de Fiscal General de la Nación, designado como tal, en sesión ordinaria de la Sala Plena de la Corte Suprema de Justicia del día 26 de marzo de 2012, según consta en el acta No. 13 y posesionado mediante acta No. 661 de 29 de marzo de 2012, expedida por la Presidencia de la República, debidamente facultado para celebrar el presente convenio, quien para todos los efectos de este documento, se llamará **La Fiscalía**; la **Procuraduría General de la Nación**, con NIT. 899.999.119-7, representada por la doctora **MARTHA ISABEL CASTAÑEDA CURVELO**, identificada con la cédula de ciudadanía 36.535.455, en su calidad de Procuradora General de la Nación (e), designada como tal, mediante Resolución No. 278 del 3 de Julio de 2015, quien para todos los efectos de este documento, se llamará **La Procuraduría**; la

## White elephants app



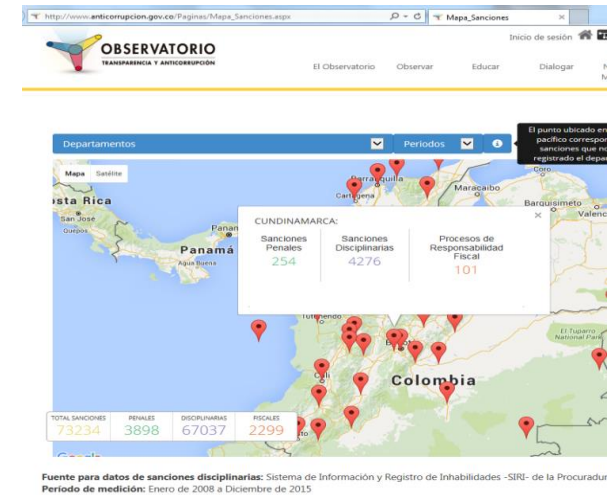
## Single window complaints



## Anti-corruption Observatory

Able to display information of corruption across the country.

Also contributes to increased awareness of the anticorruption efforts amongst civil society.



The Observatory has issued two important studies that helped the National Moralization Commission make policy decisions:

- Data on criminal prosecution and effective punishment of corruption.
- Data on performance of the Offices of the Regional Comptrollers.

# Subnational Administrative Capacity



# Plan to continue the integrated development approach

Territorial vision appropriated and incorporated by sectors

Long-term planning underlying an ongoing link between national and local development

Institutional local strengthening as a permanent program

Land use instruments updated and in use

Each sector has a territorial agenda linked to the general territorial vision under the structure given by the National Development Plan

Methodologies adopted at all levels to leverage place-based policies

Support to mayors and governors to develop their plans  
Regional presence of the Planning Department

Land use plans as tools for raising tax collection, have updated and accurate information and legal security of the land.  
Multipurpose cadaster strategy as a tool for policy making





Thank you

