

5.8. Effectiveness and access to justice/courts

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Sources described access to justice as limited,1164F912 particularly for victims of GBV, former FARC-EP combatants, indigenous and Afro-descent groups, 165913 and LGBTIQ people.914 Also, citizen confidence in the judiciary is impacted by corruption, lack of efficiency, and 'limited territorial operability'.1166915 Corruption continued to be reported, and especially affected the defence and security sectors, while administrative corruption in the judicial sector was a problem.916 Lack of institutional coordination, limited state presence and discriminatory treatment of victims limited access to justice, as well as lack of implementation of existing laws and judgments meant to protect victims.917 According to DeJusticia, there are four main challenges to the judiciary during the reference period for this report, which continue from previous EUAA reporting: congestion, corruption, gaps between legal services supply and demand, and institutional mis-adjustments to attend to particular crimes.[918] Over the past ten years, the 'judicial congestion rate' (the percentage of delayed cases not yet dealt with by the judiciary) have increased from 31.5 % in 2013 to 47.7-53.2 % between 2020-2024.919 Often criminal complaints that are reported are either backlogged, dismissed, or encounter difficulties in the trial phase; consequently, of the 1.87 million criminal reports entered into the system from citizen complaints, formal complaints and through urgent investigations, 93 % of active cases remain stuck at the preliminary investigation stage, without progression to trial, indicating that justice is limited in practice and reporting crimes does not reliably lead to investigation, trial, and adjudication.920

ICRC also remarked that, due to frequent changes in territorial control by armed and criminal groups, their unpredictable behaviour limited the ability of victims to access state and humanitarian assistance.921

The Conflict Analyst explained that, during the past several years, the institutions of the state involved in protection and justice have remained 'quite stable' and have not experienced significant backsliding; however, the worsening issue is the lack of resources, as funding linked to the 2016 FARC-EP Peace Agreement has shrunk, and is affecting the capacity of these institutions across the board.922 The analyst noted that the Victims Unit is 'in crisis', being underfunded, under-resourced, and over-subscribed; leaving communities to perceive it as 'very unresponsive'.923 According to interlocutors interviewed by OFPRA in 2024, while some institutions appear to avoid problems of corruption, such as the JEP or the Office of the Ombudsperson, it nonetheless remains a recurring problem within certain state structures. In

this regard, the UNP appears to be particularly criticised, while the Office of the Ombudsperson remains the most trusted of the institutions.924 The Conflict Analyst noted that changes in leadership at the Office of the Ombudsperson have 'reinvigorated the institution significantly' and is perceived as 'very credible' in the countryside by communities.925 OFPRA notes that these dysfunctions should not obscure the concrete actions successfully carried out by the institutions, however, they have as a corollary, a lack of trust among the population, who often doubt their efficiency.926 Thus, various interlocutors told OFPRA of a 'generalised mistrust' which concerns all social strata, maintained by 'a feeling of almost total impunity' in the country because 'complaints lead nowhere.'927

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