

# Justice Fair Play Initiative:

## The key to improving justice delivery in Colombia



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## ADRIENNE ARSHT LATIN AMERICA CENTER

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Cover: Facade of the Palace of Justice in the main square of Bogota, Colombia with the caption “Colombians, weapons gave you independence, laws will give you freedom.” Shutterstock/Simon Mayer

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*“This new report by the Atlantic Council and the Javeriana University team offers a detailed examination on the current state of play of the Colombian justice system. Using original survey data and interviews, the study highlights access to justice as a critical component of democracy. A critical factor in development is economic growth, and that requires investment which benefits from justice, transparency, and adherence to the rule of law. Colombia’s competitiveness and future is brighter as access to justice grows for all.”*

**Stephen Donehoo**

Managing Partner, McLarty Associates

*“The policy recommendations in this report aim to enhance efficiency and case resolution within the Colombian justice system. An accessible, effective, and equitable justice system fosters an environment conducive to investment, economic growth, job creation, and poverty reduction.”*

**Jorge Guzman**

Nonresident Senior Fellow, Adrienne Arsht Latin America Center, Atlantic Council;  
Senior Counselor, Board of Executive Directors, Office of Colombia and Peru,  
Inter- American Development Bank (IDB)

*“This timely and deeply researched report exposes another one of Colombia’s many paradoxes: although it has perhaps the most legalistic society in the hemisphere, the justice system is widely seen as incapable of delivering consistent and reliable results. The report’s authors suggest specific, concrete, and practical policy recommendations to improve justice delivery. As the report notes, a credible and efficient justice system is key to a thriving democracy, and this report will be a key resource for those committed to justice reform.”*

**Kevin Whitaker**

Nonresident Senior Fellow, Adrienne Arsht Latin America Center, Atlantic Council;  
Former US Ambassador to Colombia, US Department of State



## Foreword

**A**n effective and fair justice system is the cornerstone of any democracy. At a time when democracies around the world are under siege, and as the US government grapples with a changing geopolitical landscape in the Western Hemisphere, an important but often overlooked issue is the imperative for effective and equal access to justice. This extends beyond merely addressing barriers to entering the justice system to include the actual experiences of those who seek justice and the obstacles they face in that process.

In Colombia, efforts at judicial reform should focus on providing the necessary resources and support for legal cases until their conclusion. Not doing so risks perpetuating an inefficient and overcrowded system affecting the country's institutional strength and rule of law. The stakes are high. As a top US security and economic partner in South America, the success or failure of Colombia's justice system has ramifications that go beyond its borders. To begin addressing these gaps, it is imperative to understand and define the right to access justice as an action that extends beyond the initiation of legal cases and focuses instead on ensuring greater efficiency and case completion. This comprehensive understanding of access is essential for addressing the multifaceted challenges faced by individuals and companies within Colombia's justice system.

More than 93 percent of people in Colombia believe that the duration of proceedings is a fundamental problem for justice in Colombia, and 43 percent say the main reason that they refrain from approaching the justice system to resolve disputes is that the system takes too long to resolve them, followed by lack of trust in the institutions (31 percent) and too many stages (15 percent).

This report presents a condensed version of the main findings and policy recommendations of the Justice Fair Play Project. Developed in partnership with Pontificia Universidad Javeriana, the project aims to bridge the knowledge gap concerning the private sector's perceptions (large, medium, small, and micro-sized companies) and experiences of the Colombian justice system. As a result, the report outlines the following four main findings: demands for justice are rising, placing strain on the system across the board and affecting the justice system's efficiency and delivery; concerns over access to justice differ across

company sizes, but not across sectors of the economy; "tutela actions" (a writ for the protection of constitutional rights) and alternative justice mechanisms, such as "conciliation" and arbitration, receive the highest approval rates to access justice, while superintendencies (regulatory and oversight agencies) receive the least favorable responses; and there are concerns about judicial corruption and threats to judicial independence and impartiality.

The significance of our findings goes beyond their implications for the Colombian private sector. Ultimately, if the Colombian and foreign private-sector actors consulted for this report—who generally have better information and understanding of the Colombian justice system—feel that they face significant obstacles to accessing justice, this has significant ramifications for the Colombian population as a whole. If justice is out of reach for the private sector, it will be even less accessible for the average Colombian citizen.

### Why invest in the Colombian Justice system?

For the United States, investing in a more effective and equal justice system in Colombia is crucial for several reasons. First, Colombia's stability directly impacts the stability of the entire region. A better-functioning justice system helps combat organized crime, drug trafficking, and insurgency, which are not only domestic issues but also regional concerns. It is also essential for prosecuting drug traffickers, dismantling drug cartels, and disrupting the drug trade. Finally, a reliable justice system is critical for creating an environment conducive to investment, economic growth, and prosperity. It enhances legal certainty, protects property rights, and facilitates commercial dispute resolution. By promoting economic development in Colombia, the United States can strengthen bilateral commercial ties and support the growth of what historically has been a key ally in the region—all of which can only be possible if gaps in the administration of justice in Colombia are addressed.

The lack of efficiency in Colombia's justice system has significant implications for the future of foreign investment, which is essential for spurring economic growth. In 2023, investment in Colombia decreased by nearly 25 percent.<sup>1</sup> Historically more than 29 percent of the country's foreign direct investment (FDI) has come from US companies.<sup>2</sup> Although the decrease in investment is not directly

1 Nelson Bocanegra, "Focus: Colombia Policy Lurches Chill Investment, Risk Economic Growth," Reuters, March 21, 2024, <https://www.reuters.com/markets/colombia-policy-lurches-chill-investment-risk-economic-growth-2024-03-21/>.

2 Juliana Trujillo Velasquez, "Tras UN Alza de 220%, Inversión Extranjera de EE.UU. Significó 29,2% Del Total DE 2022," *Diario La República*, April 3, 2023, <https://www.larepublica.co/economia/ee-uu-significo-29-2-de-la-inversion-extranjera-directa-en-2022-aumento-220-5-3584413>.

attributable to inefficiencies in Colombia's justice system, unresolved issues could lead foreign companies to seek more streamlined processes in other countries. Despite significant US investment aimed at strengthening the rule of law in Colombia—a result of a long-standing partnership to reinforce democratic principles and economic prosperity—this issue continues to affect companies of all sizes, with smaller companies facing greater difficulties. Both the judicial system and the parallel system of justice, administered

by administrative authorities with jurisdictional functions, grapple with issues related to efficiency and integrity, though the specific concerns vary. This nuanced understanding of the challenges in each sector is crucial for developing targeted and effective reforms, ultimately leading to a more equitable and functional justice system.

**Jason Marczak, Vice President and Senior Director,  
Adrienne Arsht Latin America Center, Atlantic Council**

# Introduction

**A**ccess to justice is a crucial component of the rule of law and the defense of democracy. A robust judicial system ensures that laws are applied fairly and equitably, strengthens confidence in institutions, protects rights, and promotes transparency and accountability, which are essential for democratic stability and economic development.<sup>3</sup> An accessible justicial system acts as a safeguard against increasing global threats to democracy.<sup>4</sup> Access to justice for businesses and the general Colombian population is vital to ensure both fairness and economic efficiency. When businesses can resolve disputes quickly and fairly, uncertainty is reduced, fostering a favorable investment climate and sustainable economic development.

This research, based on a holistic and integrated approach, involves two key elements: a thorough understanding of access to justice and a comprehensive view of the justice system. The first element implies that effective access to justice extends beyond the initial approach to legal systems; it encompasses both the entry point and the ongoing journey within the system. The right to access justice is fully realized when it results in a prompt, comprehensive, and enforceable solution. This understanding of access to justice is essential for addressing the multifaceted challenges faced by individuals and corporations in Colombia.

Building on this thorough understanding of access to justice, this research sheds light on the problems faced by actors within the system, which affect companies of all sizes and citizens alike, regardless of their socioeconomic status. It explores the procedural journey, revealing systemic issues and managerial barriers embedded in the justice system. Forty-four percent of respondents expressed

medium to high concerns about judicial corruption and threats to judicial independence and impartiality.

The second element is the comprehensive view of the Colombian justice system. Such a view requires data collection regarding the three routes of access to justice in Colombia, all different in nature: the judicial branch; administrative officials with jurisdictional functions; and individual entities that have the right to administer justice, such as conciliators and arbitrators.

The Colombian constitutional system allows the congress to delegate certain judicial powers to specific administrative authorities including superintendencies (regulatory agencies) of industry and commerce, finance, corporations, and health; police inspectors; and family commissariats, among others. However, it is worth noting that administrative authorities' judicial power excludes criminal prosecutions and proceedings.<sup>5</sup> When administrative authorities exercise jurisdictional functions through resolutions, they act as judges rather than as administrative entities. Individuals can choose, preemptively, whether to approach judicial-branch judges or superintendencies judges with jurisdictional functions to resolve their disputes.

This report seeks to identify public policy recommendations that can enhance the efficiency and equity of the justice system through a holistic and integrated approach. Tackling access to justice during the process is crucial not only for the private sector, which relies on the justice system to protect its interests, but also for the broader Colombian society. This will ensure that justice is accessible and equitable for all.

3 Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge, UK: Cambridge University Press, 2004), <https://books.google.com/books?hl=en&lr=&id=p4CReF67hzQC&oi=fnd&pg=PA1&dq=On+the+Rule+of+Law:+History,+Politics,+Theory&ots>.

4 "2020 Corruption Perceptions Index—Explore the Results," Transparency.org, 2020, <https://www.transparency.org/en/cpi/2020>.

5 Pursuant to Article 116 of the Colombian Constitution and Article 24 of the General Code of Procedure, some administrative authorities exercise jurisdictional functions, which are exceptional, must deal with precise matters, and must be duly attributed to them by law.



# Research methodology

This report uses a diverse set of research methods and designs to triangulate data from the following sources.

- **Surveys:** Two surveys were conducted to collect the private sector’s perceptions and experiences of accessing justice in Colombia. The first was a pilot survey with thirty companies, most of them large, in collaboration with the Cámara de Comercio Colombiano Americana (AmCham) (Colombian American Chamber of Commerce). The second was a representative sample of 301 large, medium, small, and micro-sized enterprises, conducted by the Centro Nacional de Consultoría (CNC) (National Center for Consulting).

**Table 1: Distribution of Companies Surveyed in 2023**

Distribution of companies by sector of the economy			
Services	Commerce	Industry and construction	Other
42%	23%	19%	16%
Distribution of companies by company size			
Micro	Small	Medium	Large
28%	28%	34%	10%

Most surveys were conducted via telephone, while a few were held online and on premises. The sampling process involved a random selection of the 301 companies collecting information on 1) Characterization of companies and informants who respond to the instrument, 2) Questions on general perception of performance of justice institutions in Colombia, 3) Questions about their experiences in specific judicial and administrative processes. The sample size achieved a 95-percent confidence level with a margin of error of 5 percent. The following table shows the distribution of companies based on company size and economic sector.

Beyond questions about the general perception of the justice system, the survey also included specific queries for companies that had engaged with judicial or administrative bodies to resolve disputes in the past five years. Twenty-nine percent of the total sample (eighty-eight companies) reported resorting to judicial authorities. Nineteen percent of the total sample (fifty-six companies) reported engaging with administrative authorities.

- **Interviews:** Researchers spoke with seventeen strategic actors from the judicial system, administrative justice-delivery agencies, and public policy actors involved in the delivery of justice at various levels. These interviews were conducted to facilitate understanding of the challenges and opportunities facing the judicial and administrative delivery of justice in Colombia.
- **Literature review:** Researchers conducted a comprehensive literature review and analysis from existing studies. The full report, with conclusions and recommendations derived from these studies, is available online.
- **Workshops and small roundtables:** Two peer review sessions were held at the Atlantic Council in Washington, DC, with leading global experts on access to justice, aimed at vetting and guiding the development of the project’s methodology and findings. Two more workshops were held with private sector leaders and legal experts in Bogota, with the same objective, in collaboration with the Colombian American Chamber of Commerce. In addition, two strategy sessions were held with the Atlantic Council’s US-Colombia Advisory Group.<sup>6</sup>

Data shown in this report were collected between July 2023 and February 2024. A more detailed description of the methodology is included in the full report, available on the website.

<sup>6</sup> The Atlantic Council’s US-Colombia Advisory Council, with Senators Ben Cardin (D-MD) and Bill Hagerty (R-TN) as honorary co-chairs, is a nonpartisan, binational, and multi-sectoral group committed to advancing a whole-of-society approach to addressing the most vital policy issues facing the US-Colombia relationship—with a recognition of the broader implications for bilateral interests across the region more broadly.

# Key findings

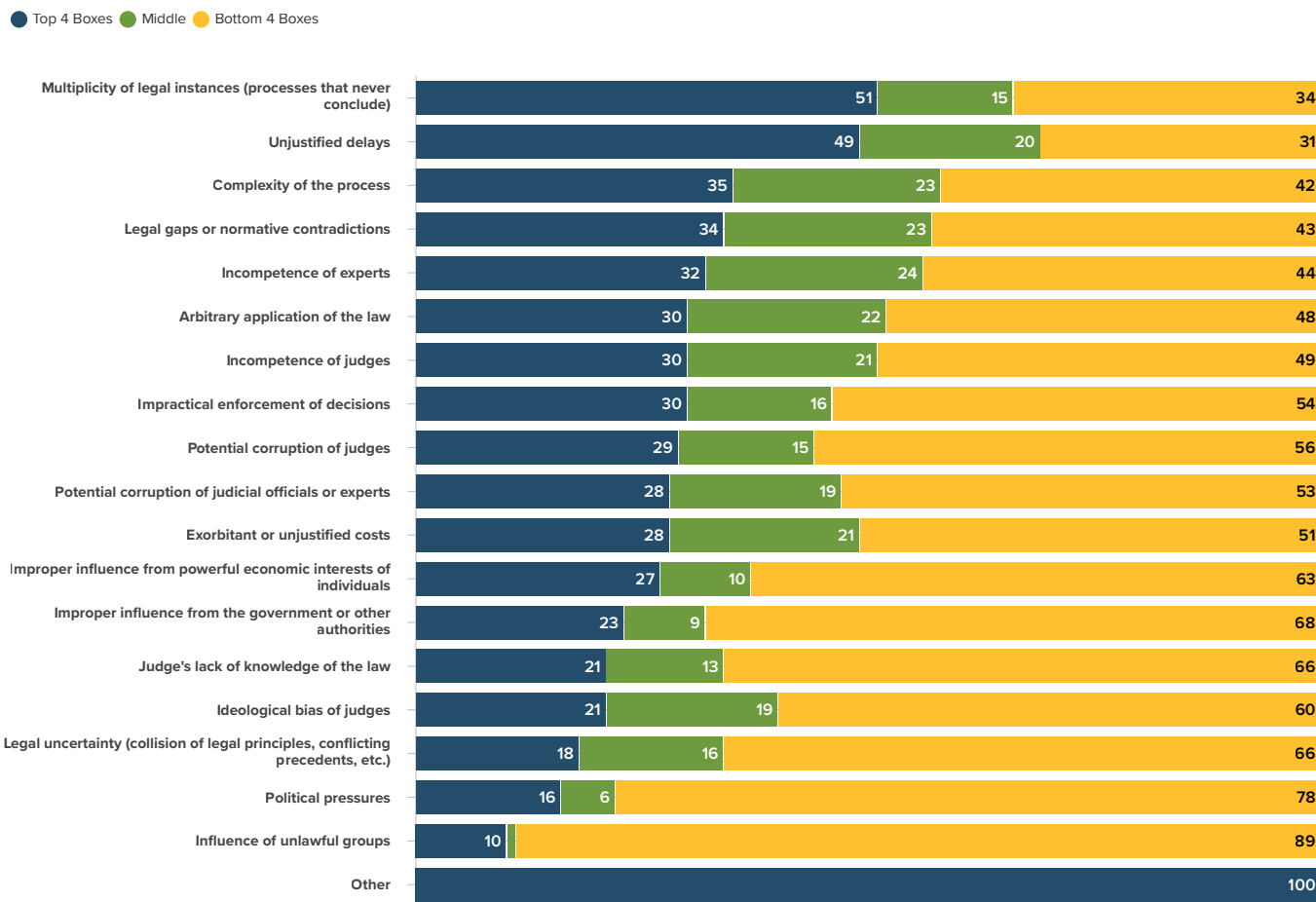
## 1. Demands for justice are increasing, resulting in added pressure on the system as a whole and highlighting systemic and managerial issues and inefficiencies.

Colombia’s justice system is at capacity. Every year, more cases enter the system than are finalized. Between 1996 and 2022, the Colombian population grew by 39 percent (from 37 million to 52 million), while the demand for justice (as measured by the number

of cases filed) per one hundred thousand inhabitants doubled (from 2,600 to 5,200). In practice, this meant that the number of cases filed per day grew by 258 percent, and the number of cases that entered the system grew by 172 percent. Although the number of incoming cases has had a relatively constant increase during the past decade, data on outgoing cases show that the different jurisdictions conclude fewer cases every year than the number that are filed. This trend results in a backlog of cases that must be decided,

**Figure 1: Obstacles to effective access to justice after resorting to judicial authorities**  
Scores from 1 to 10

Question asked in survey to companies (question 310): “What level of impact have the following obstacles had in limiting your effective access to justice? Please mark your responses on a scale of 1 to 10, where 1 represents the least impact and 10 represents the greatest impact on the unfavorable outcome. Keep in mind I am not asking whether your company won or lost the lawsuit. What I am interested in is understanding why you felt your company had been denied proper administration of justice in that case, or that justice did not function adequately.”

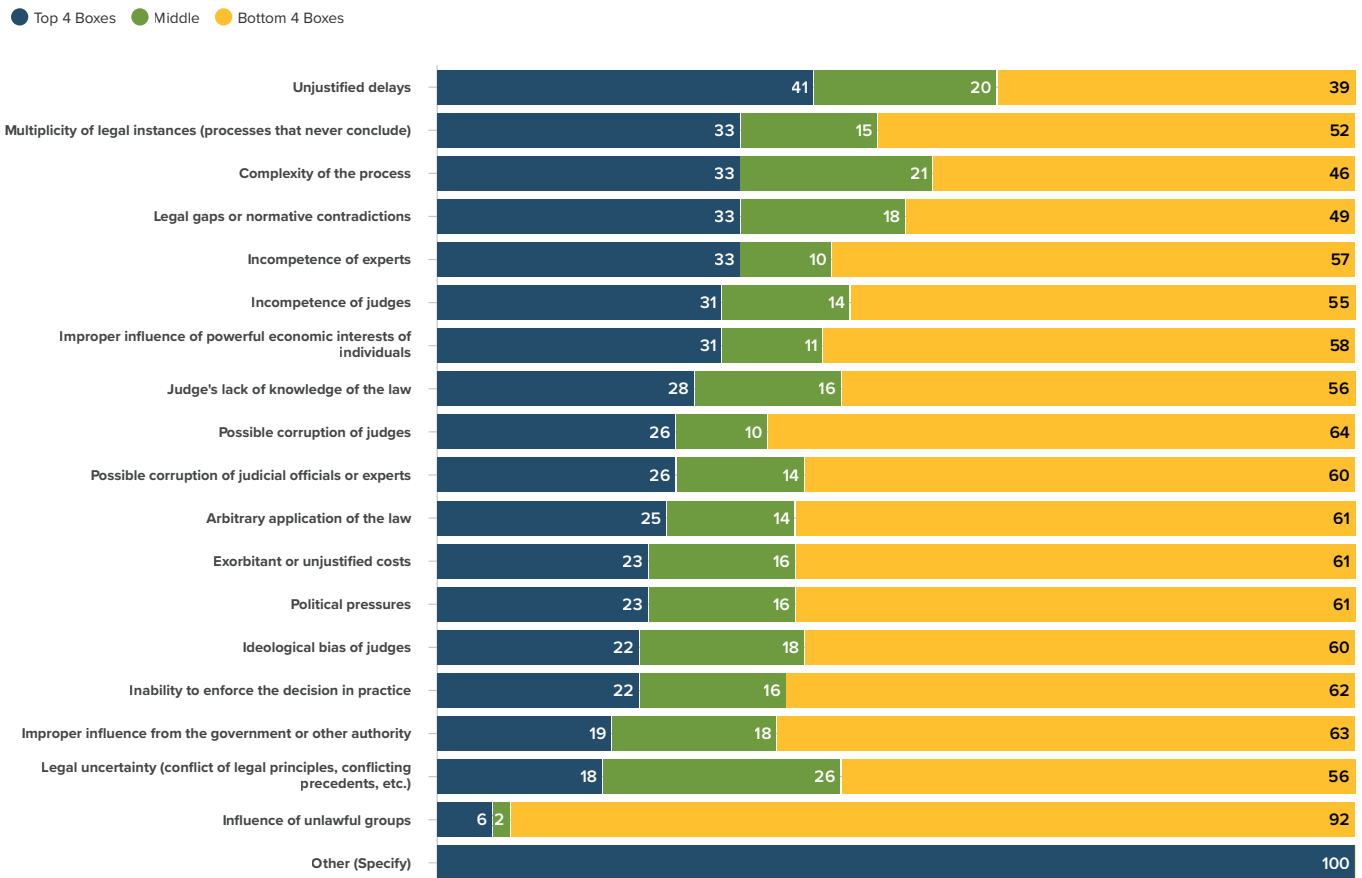


Total surveyed 88

Source: Pontificia Universidad Javeriana and Atlantic Council, Survey of companies on justice in Colombia, 2023.

**Figure 2: Obstacles to effective access to justice after resorting to administrative authorities**  
Scores from 1 to 10

Question asked in survey to companies (question 318): “What level of impact have the following obstacles had in limiting your effective access to justice? Please mark your responses on a scale of 1 to 10, where 1 represents the least impact and 10 represents the greatest impact on the unfavorable outcome. Keep in mind I am not asking whether your company won or lost the lawsuit. What I am interested in is understanding why you felt your company had been denied proper administration of justice in that case, or that justice did not function adequately.”



Total respondents: 56

Source: Pontificia Universidad Javeriana and Atlantic Council, Survey of companies on justice in Colombia, 2023.

which means an increase in workload for judges in the justice system.

Delays permeate the system, affecting small, medium, and large companies.<sup>7</sup> When companies were asked about the obstacles limiting effective access to justice when dealing with judicial authorities, the number of legal processes that never concluded scored as the highest obstacle, with 51 percent of companies

ranking it as their top obstacle and 15 percent ranking it as a medium level obstacle.

Similarly, when asked about the obstacles limiting effective access to justice when resorting to administrative authorities, interviewees ranked unjustified delays as the biggest obstacle. Forty-one percent of companies ranked it as the top obstacle and 20 percent ranked it as a medium-level obstacle.

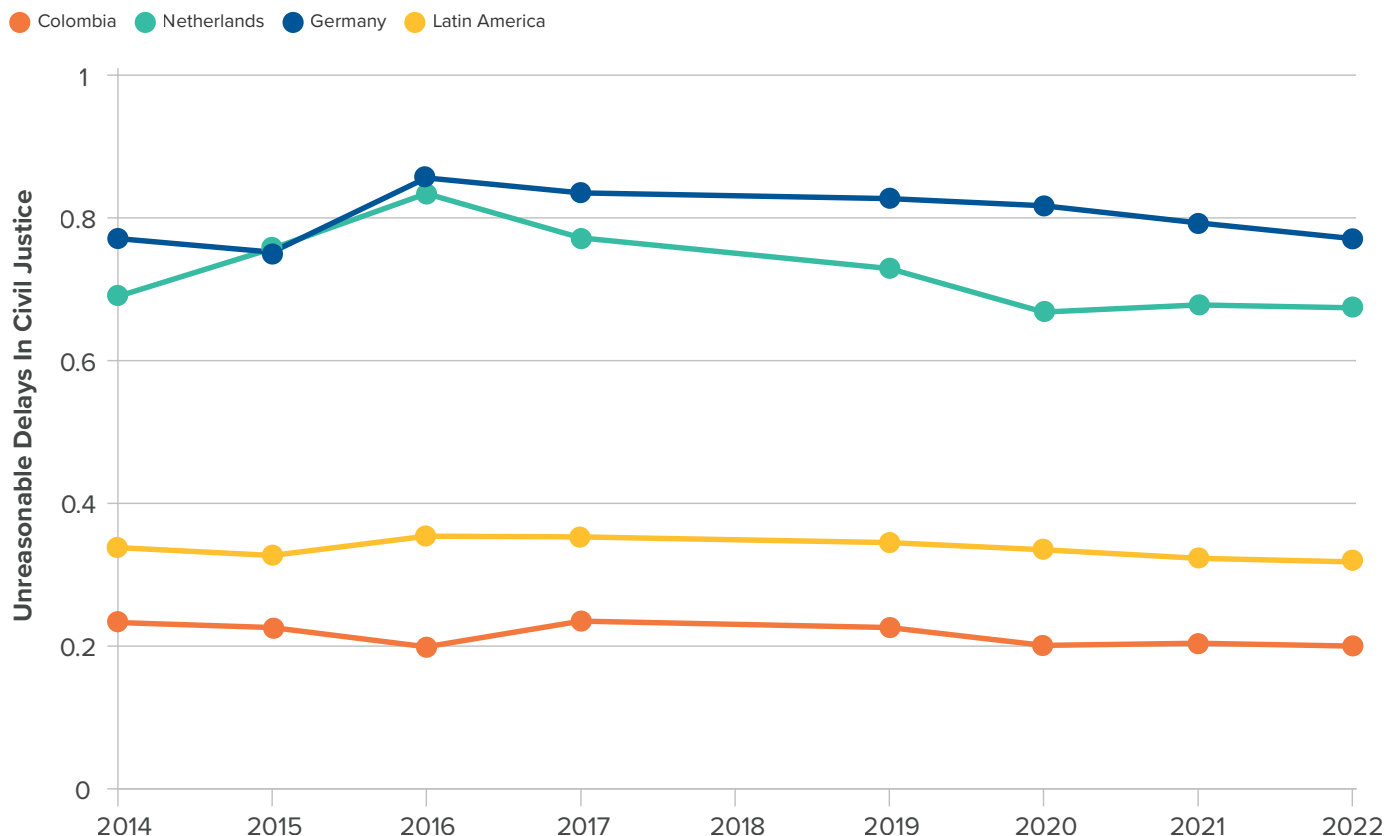
<sup>7</sup> Microenterprises account for 95.3 percent of the country's companies, small enterprises 3.5 percent, and medium and large enterprises 0.9 percent and 0.3 percent of the national total, respectively, according to a March 2023 report from the Office of Economic Studies of the Colombian Ministry of Commerce, Industry, and Tourism. Colombia registered 1.8 million active companies, of which 25 percent are located in Bogota, 13 percent in Antioquia, 9 percent in Valle del Cauca, and 7 percent in Cundinamarca. “Las Microempresas Fortalecen el Tejido Empresarial Colombiano,” Estado Colombiano, April 21, 2023, <https://www.mincit.gov.co/prensa/foto-noticias/microempresas-fortalecen-el-tejido-empresarial>.

Delays in concluding the decisions of judicial and administrative cases are a problem across the board. For all jurisdictions and types of disputes included in this study (both judicial and administrative proceedings), fewer than half of the companies surveyed fully or partially agreed that the duration of proceedings is reasonable. This finding is consistent with the study’s qualitative research component and existing cross-country data on unreasonable civil-justice delays from the World Justice Project (WJP). Colombian scores on timeliness of civil-justice delivery in the WJP Rule of Law Index are lower than those of both best-in-class nations (e.g., Germany or the Netherlands) and regional and income peers in Latin America (See Graph 1).

on whether judges sanction delaying tactics varied. Sixty-four percent of interviewees said judges do so for tutela actions, 60 percent for conciliation, 59 percent for arbitration, 57 percent for labor judges and judges in superintendencies, 56 percent for administrative judges and the Council of State, and 53 percent for both civil or commercial judges and labor inspectors. The survey findings highlight a critical need for ethical reform in the legal profession to ensure timely and fair justice.

Another concern in both administrative and judicial justice is the complexity of processes (Figures 1 and 2). Interviewees pointed out the procedural complexity and

**Graph 1: Comparing Unreasonable Delays in Civil Justice**



Source: The authors with data from World Justice Project (2022). Subfactor 7.5c Civil justice is not subject to unreasonable delays.

Interviewees pointed out that lawyers often use delaying tactics, and judges neither sanction them nor control the proceedings. Survey data revealed a mixed perception among participants regarding the enforcement of sanctions by judges against dilatory tactics in judicial and administrative mechanisms.<sup>8</sup> Agreement

lack of coordination between actors within the system. They highlighted that the intricate design of judicial and administrative processes is a significant efficiency problem. Interviewees perceived inefficiency as the most defining feature of the Colombian justice system, with limited potential for transformation and innovation.

<sup>8</sup> This refers to when a party to a lawsuit abuses the rules of procedure in order to delay the progress of legal proceedings.

An example of a program that has previously proven successful in helping alleviate some of these strains in Colombia was Casas de Justicia (Houses of Justice), a group of multi-door community dispute-resolution centers. Launched as a pilot project with the support of the US Agency for International Development (USAID) in two large low-income neighborhoods in Bogotá (Ciudad Bolívar) and Cali (Aguablanca) more than twenty-five years ago, the program has expanded into 158 communities in 132 municipalities across the country. Despite the program's limitations—which include poor interagency coordination, an unstable funding model, high employee turnover, and low participation of private entities in the program—it has become the reference point of justice for vast segments of the Colombian population, especially for marginalized communities across the country.<sup>9</sup>

## 2. Concerns about access to justice differ across company sizes, but not across sectors of the economy.

Small and large companies in Colombia showed significant variations in their perceptions of and experiences with justice delivery. However, such variations across different sectors of the economy (manufacturing and construction, services, commerce, etc.) were not found to be statistically significant, suggesting that companies have similar concerns across sectors, even as those concerns vary according to company size.

Microenterprises perceived the greatest obstacles in the judicial system, displaying both a higher average and broader variability in responses. This group expressed significant concerns regarding judicial corruption and the complexity of the process. On the other hand, larger companies appeared to face fewer challenges, likely due to their greater resources. Nevertheless, regardless of company size, the prolonged nature of legal proceedings and the system's complexity were universally recognized as the primary barriers to accessing justice in Colombia.

A similar pattern emerged on the administrative side. Medium-sized and microenterprises experienced greater difficulties, with medium-sized companies finding procedural complexities most challenging (with an average score of 6.29 out of ten), reporting

significantly higher concern than larger companies (3.86). Microenterprises and medium-sized companies again reported higher averages of concern about corruption and exorbitant costs. Conversely, larger companies reported fewer issues, reflecting a disparity that emphasizes smaller companies may face more significant hurdles in administrative settings. (See Figure 3.)

This finding has significant implications for inclusive economic growth across Colombia. When small and medium-sized enterprises (SMEs) encounter obstacles in judicial processes, they must devote their time and resources to resolving disputes over extended periods, rather than investing those resources in expanding their business operations to foster economic development and job creation.

## 3. Concerns about judicial corruption and threats to judicial independence and impartiality persist in Colombia.

In the decision-making process, judges may face pressure from judicial authorities, other government officials, or individuals with various interests.<sup>10</sup> The research explored the overall perception of corporations regarding judicial independence and impartiality through two questions about possible pressures on judges or decision-makers from hierarchical superiors and other external actors. More than half of the respondents perceived judges or decision-makers as capable of making decisions free from pressures from their hierarchical superiors. However, there were variations among different types of justice. Judges in tutela actions were perceived to have a higher level of autonomy (72 percent of interviewees strongly or somewhat agreed), followed by conciliators (68 percent), and arbitrators (67 percent). The latter two are individuals who administer justice. On the other hand, perceptions of labor, civil, commercial, and administrative judges were moderate, with just above 60 percent of interviewees agreeing that they are capable of making decisions free from hierarchical pressures. Additionally, judges from superintendencies were perceived as the least autonomous (56 percent). Data suggested that superintendencies, as administrative authorities with the function of administering justice, were seen as the decision-makers facing the highest hierarchical pressures.

9 Juan Botero, "'Casas de Justicia' in Colombia," Hiil Justice Dashboard, 2021, <https://dashboard.hiil.org/publications/trend-report-2021-delivering-justice/case-study-casas-de-justicia-colombia/>.

10 Carolina Villadiego and Juan S. Hernandez, "Aproximación al Análisis de la Corrupción en la Rama Judicial Colombiana," Fedesarrollo, April 10, 2018, <https://www.repository.fedesarrollo.org.co/handle/11445/3547>.

**Figure 3: Obstacles limiting access to justice and administrative instances by company size**

	TOTAL	Size of the company					TOTAL	Size of the company			
		Micro	Medium	Small	Large			Micro	Medium	Small	Large
<b>Base (N): In the last 5 years, has your company been involved in disputes with other individuals, companies, or public entities of sufficient importance to resort to judicial instances?</b>	<b>88</b>	<b>22</b>	<b>27</b>	<b>22</b>	<b>17</b>	<b>Base (N): In the last 5 years, has your company been involved in disputes with other individuals, companies, or public entities of sufficient importance to resort to administrative instances?</b>	<b>56</b>	<b>14</b>	<b>16</b>	<b>12</b>	<b>14</b>
<b>Unjustified delays</b>						<b>Unjustified delays</b>					
[07-10] TOP FOUR BOXES	<b>49%</b>	68%	38%	55%	35%	[07-10] TOP FOUR BOXES	<b>41%</b>	57%	62%	20%	21%
[05-06] MEDIA	<b>20%</b>	5%	27%	27%	18%	[05-06] MEDIA	<b>20%</b>	14%	15%	20%	29%
[01-04] BOTTOM FOUR BOXES	<b>31%</b>	27%	35%	18%	47%	[01-04] BOTTOM FOUR BOXES	<b>39%</b>	29%	23%	60%	50%
<b>Multiplicity of legal instances (processes that never conclude)</b>						<b>Multiplicity of legal instances (processes that never conclude)</b>					
[07-10] TOP FOUR BOXES	<b>51%</b>	59%	42%	68%	29%	[07-10] TOP FOUR BOXES	<b>33%</b>	43%	57%	20%	7%
[05-06] MEDIA	<b>15%</b>	14%	27%	-	18%	[05-06] MEDIA	<b>15%</b>	21%	14%	-	21%
[01-04] BOTTOM FOUR BOXES	<b>34%</b>	27%	31%	32%	53%	[01-04] BOTTOM FOUR BOXES	<b>52%</b>	36%	29%	80%	72%
<b>Improper influence from powerful economic interests of individuals</b>						<b>Improper influence from powerful economic interests of individuals</b>					
[07-10] TOP FOUR BOXES	<b>27%</b>	47%	25%	23%	7%	[07-10] TOP FOUR BOXES	<b>31%</b>	54%	42%	30%	-
[05-06] MEDIA	<b>10%</b>	5%	17%	14%	-	[05-06] MEDIA	<b>11%</b>	8%	8%	10%	15%
[01-04] BOTTOM FOUR BOXES	<b>63%</b>	48%	58%	63%	93%	[01-04] BOTTOM FOUR BOXES	<b>58%</b>	38%	50%	60%	85%

Source: Pontificia Universidad Javeriana and Atlantic Council, Survey of companies on justice in Colombia, 2023.

These concerns are consistent with data from other sources. Colombia's National Administrative Department of Statistics' (DANE) 2019 report revealed that 59.1 percent of Colombians viewed corruption in the judicial branch as high or very high, a stark indicator of the public's lack of trust in legal institutions. This perception is echoed in the World Justice Project's 2023 figures, which ranked Colombia at 103rd out of 142 countries globally with a score of 0.38—on a scale with

zero being weakest and one being strongest—for the absence of corruption within the civil-justice system and at sixty-eighth with a score of 0.50 for being free of improper government influence. Furthermore, the Survey of Unmet Legal Needs highlighted that approximately 50 percent of respondents considered judges corrupt.<sup>11</sup>

Regarding whether judges decide cases without external pressures, perceptions varied across different types

11 Rodrigo Uprimny, et al., "Encuesta Nacional de Necesidades Jurídicas y Acceso a la Justicia Marco Conceptual y Metodológico," DeJusticia, 2012, [https://www.dejusticia.org/wp-content/uploads/2017/04/fi\\_name\\_recursos\\_619.pdf](https://www.dejusticia.org/wp-content/uploads/2017/04/fi_name_recursos_619.pdf).

of justice. Only 54 percent of interviewees perceived judges in superintendencies as being independent. Tutela actions have the highest perception of independence with 66 percent, followed by conciliation at 62 percent and arbitration at 58 percent. Judges in labor, civil, commercial, and administrative cases ranked in the middle. Notably, the perceived degree of freedom from external pressures was slightly lower than the perceived degree of freedom from pressures from higher-ranking superiors, indicating a greater concern about external influences on judges and decision-makers.

The survey also explored the extent to which six distinct categories of threats to judicial independence and impartiality impact access to justice for companies engaging with both judicial and administrative bodies. These categories include potential corruption among judges, possible corruption of judicial staff or expert witnesses, undue influence from the government or other authorities, political pressures, influence from unlawful groups, and undue influence from powerful economic interests or individuals. Forty-four percent of respondents who engaged with judicial channels reported encountering significant obstacles related to at least one of these six categories, while 43 percent of those seeking administrative remedies faced similar challenges. (See Tables 2 and 3.)

These results indicate various experiences with judicial independence and impartiality obstacles. Corruption among judges, judicial staff, and experts had moderate averages, but responses varied widely, reflecting diverse personal experiences or views. External

pressures, including governmental and economic influences, show a complex pattern of concern, with the influence of criminal groups noted as least significant. Overall, while these obstacles are recognized, the degree to which they are felt varies widely among individuals. This underscores the complexity of addressing these issues, given that the experiences and opinions of those affected vary significantly.

**4. Tutela actions (a writ for the protection of constitutional rights) and alternative justice mechanisms, such as conciliation and arbitration, receive the highest approval ratings in terms of access to justice, while superintendencies (regulatory and oversight agencies) receive the least favorable responses.**

Among the 301 surveyed companies, tutela actions were ranked as the timeliest path to justice, with 60 percent of companies either totally or mostly agreeing, followed by alternative dispute-resolution mechanisms such as conciliation (53 percent) and arbitration (52 percent). On the other hand, judicial mechanisms within the ordinary jurisdiction, including civil or commercial judges and labor judges, were perceived with less optimism. (Figure 3).

**a) Tutela/protection actions**

Given the prolonged procedural instances and unjustified process delays in Colombia's justice system, a constitutional mechanism such as the tutela

**Table 2: Obstacles to judicial independence and impartiality after resorting to judicial authorities**  
Measuring mean, median, and standard deviation (scores from 1 to 10)

Obstacle	Average (mean)	Median	Standard Deviation
Possible corruption of judicial officials or experts	4.07	4	3.27
Possible corruption of judges	4	2.5	3.33
Undue influence of powerful economic interests	3.78	1	3.55
Undue influence of the government or other authorities	3.64	1.5	3.42
Political pressures	2.81	1	2.98
Influence of groups outside the law	1.89	1	3.32

n:88

Source: Pontificia Universidad Javeriana and Atlantic Council, Survey of companies on justice in Colombia, 2023.

**Table 3: Obstacles to judicial independence and impartiality after resorting to administrative authorities**  
Measuring mean, median, and standard deviation (scores from 1 to 10)

Obstacle	Average (mean)	Median	Standard Deviation
Undue influence of powerful economic interests	4.26	2	3.75
Possible corruption of judicial officials or experts	4	2	3.55
Possible corruption of judges	3.77	2	3.45
Undue influence of the government or other authorities	3.69	2	3.08
Political pressures	3.63	2	3.16
Influence of groups outside the law	1.92	1	2.13

n:56

Source: Pontificia Universidad Javeriana and Atlantic Council, Survey of companies on justice in Colombia, 2023.

action—with its short procedural terms (ten days for the first instance and twenty days for the second) and clearly defined penalties—presents itself as an effective model for accessing justice from a timeliness perspective.<sup>12</sup> However, the number of contempt incidents due to noncompliance raises some doubts about the tutela action’s efficiency.<sup>13</sup> Additionally, some sectors question its fiscal impact and advocate for a more limited definition of the admissibility of tutela action in judicial rulings or its use as a third instance.<sup>14</sup>

#### **b) Alternative dispute-resolution (ADRs) mechanisms**

Conciliation and arbitration are the business sector’s second and third preferred paths to justice after tutela action. No other ADRs were considered in this study.

The Colombian private sector considers arbitration to be the most impartial and independent, and among the most effective and speedy path to justice. When asked about the transparent allocation of cases to judges or officials, 76 percent of interviewees either totally or mostly agree that this allocation is transparent. Similarly, when asked about the costs to access justice, the private sector

ranked arbitration as the second-best path to justice, with 64 percent of companies either totally or mostly agreeing that the costs are reasonable for obtaining legal advice. Overall, the private sector ranked arbitration as the third-best path to justice. Companies have an equally positive view of conciliation: this mechanism ranks first in the private sector’s perception of guaranteeing due process (76 percent of companies either totally or mostly agree that due process is guaranteed). Conciliation ranks third in terms of time and efficiency, and, most importantly, it is ranked overall as the second-best path to justice by the private sector. The question of whether these mechanisms are used as much as these findings suggest goes beyond the scope of this study. Qualitative evidence suggests that there is an opportunity to further promote the use of these mechanisms, particularly within the administrative jurisdiction.

#### **c) Superintendencies (regulatory/oversight agencies)**

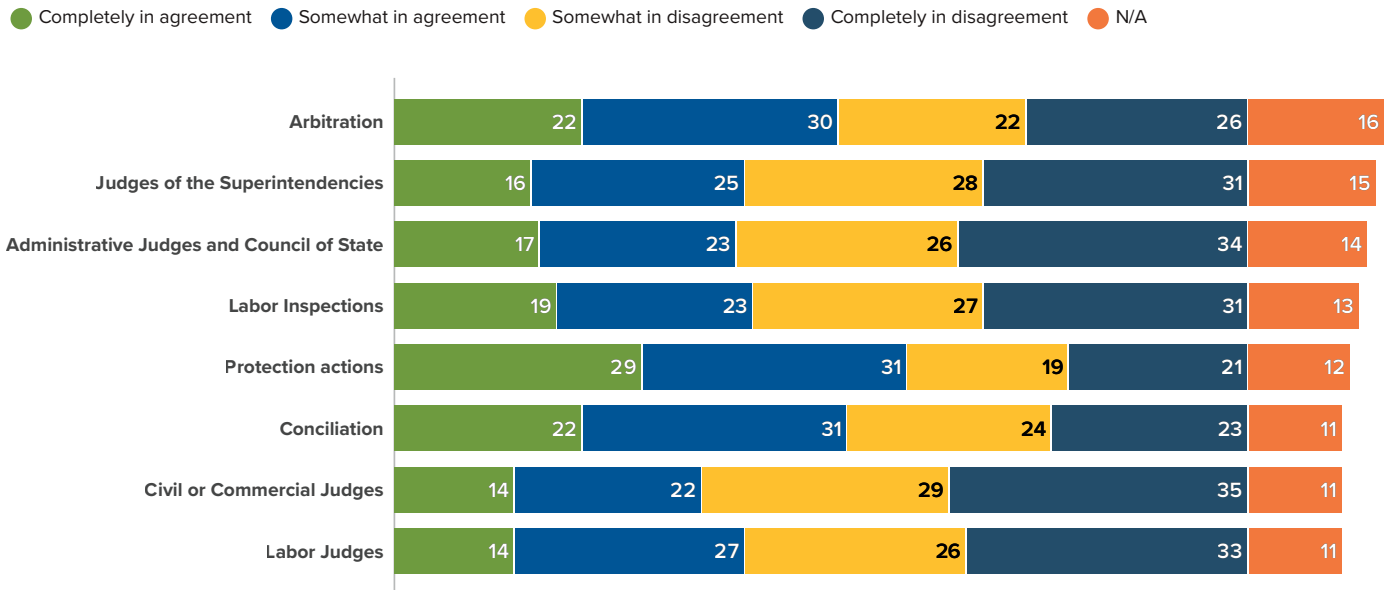
In practical terms, the jurisdictional functions assigned to administrative entities are intended to contribute to access to justice in Colombia. However, judges of the superintendencies are perceived slightly worse than their judicial counterparts.

<sup>12</sup> Colombian National Constitution, 1991, Article 86; Decree 2591 of 1991.

<sup>13</sup> “Caracterización de la Justicia Formal en Colombia y Elementos para la Construcción de una Agenda Estratégica para su Mejoramiento,” Corporación Excelencia en la Justicia, 2017, <https://cej.org.co/wp-content/uploads/2019/07/Caracterizaci%C3%B3n-de-la-justicia-formal-en-Colombia-y-elementos-para-la-construcci%C3%B3n-de-un-agenda-estrat%C3%A9gica-para-su-mejoramiento-1.pdf>.

<sup>14</sup> “Informe Nacional de Competitividad 2021–2022,” Consejo Privado de Competitividad, 2022, [https://compite.com.co/wp-content/uploads/2024/03/CPC\\_INC\\_2022\\_Resumen-ejecutivo.pdf](https://compite.com.co/wp-content/uploads/2024/03/CPC_INC_2022_Resumen-ejecutivo.pdf).



**Figure 4: Perception of procedural duration of different paths to justice**

Total surveyed: 301

Source: Pontificia Universidad Javeriana and Atlantic Council, Survey of companies on justice in Colombia, 2023.

While they are perceived to be more effective and faster in deciding cases and enforcing decisions, they perform on par or slightly below most judges in all other categories. In terms of judicial independence from hierarchical superiors and other sources, superintendencies perform worse than all

other paths to justice, and considerably below all judges (44 percent of companies either totally or mostly disagree that this path is free from this pressure). Critically, in terms of access to justice, it is the second-worst mechanism (34 percent of companies find it difficult to access this mechanism).

# Key policy recommendations

The following recommendations not only address the quantitative findings of this study (surveys of Colombian companies) but also findings from qualitative research conducted with judicial actors and experts.

## 1. Incorporate innovation and technology in the justice system.

To address systemic issues and managerial obstacles, enhancing the efficiency and accessibility of Colombia's justice system requires incorporating innovation and technology. Embracing modern technological solutions and innovative practices can streamline processes, improve case management, and better meet the needs of users, ultimately creating a more efficient, effective, and people-centered judicial system.

The Supreme Council of the Judiciary and other judicial and administrative authorities have already started to approach innovation in the delivery of justice through multidisciplinary and technology-driven methods. The Strategic Plan for the Digital Transformation of the Judicial Branch 2021–2025 includes strategies for implementing artificial intelligence (AI) tools in judicial management, such as chatbots, virtual assistants, and improvements in text search engines for judicial decisions, regulations, and documents. However, most of these initiatives are still in the pilot phase, and coordination across jurisdictions, the attorney general's office (Fiscalía General de la Nación), administrative authorities, and control organisms is limited. A comprehensive plan for justice innovation through technology, which incorporates the supply of justice services across agencies at various branches and levels of government, remains elusive. However, it can be advanced through the following actions.

### a) Consider incorporating regulated automated digital tools to enhance efficiency of the justice system.

Technologies like electronic case-management systems and robotic process automation (RPA) have proven effective in streamlining procedures, optimizing case management, and enhancing the overall efficiency of judicial administration. Moreover, AI offers additional benefits, such as predictive analysis, text mining, and resource allocation optimization. AI can also critically improve the application of legal precedents by analyzing

the consistency of court decisions and suggesting relevant precedents for specific cases, enhancing the coherence and reliability of judicial outcomes. However, the implementation of these technologies must be carefully managed to avoid biases and dehumanization, protect data security and privacy, and emphasize the importance of adopting ethical standards, best cybersecurity practices, and identity-management policies.

Advancing a balanced approach to using technological tools in the justice system requires a coordinated effort to adopt emerging technologies responsibly, enhancing efficiency without compromising ethical principles. This involves collaboration with academia to develop guidelines for ethical technology use in the judiciary. Moreover, updating law curricula to include technological competencies and ongoing digital training for judicial officials is essential to prepare for a digitalized judicial environment in the future.

### b) Foster multidisciplinary collaboration in the justice system.

To advance innovation, fostering multidisciplinary collaboration within the justice system is essential. Integrating knowledge from law, psychology, design, and management can effectively address the judicial system's efficiency challenges. Cross-training and workshops can enhance this collaboration, deepening mutual understanding and encouraging innovative approaches. Incorporating experts in engineering and management within the administration of justice systems, courts, and law offices is crucial for enhancing operational efficiency, strengthening resource management, and streamlining processes.

Furthermore, innovation within the judicial system can be fostered by creating platforms for dialogue and cooperation. Professionals from diverse disciplines, system users, and judicial officers can collaborate in spaces like hackathons, collaborative workshops, and joint research projects to share ideas and develop solutions together. Incentivizing judicial officials and other participants through recognition and reward programs can spur further involvement in improving the system. Judicial officials, who deal daily with the system's challenges, should play an important role in the



Incorporating innovation and technology in the Colombian justice system will help streamline processes and reduce case backlogs.  
Unsplash/Alexander Grey

innovation process. Their deep, practical insights are invaluable for developing relevant and effective solutions.

**c) Streamline judicial processes through use of ADR mechanisms.**

A multidisciplinary perspective is essential for reviewing and simplifying judicial processes. This involves analyzing current procedures to identify and eliminate redundancies or unnecessary complexities that hinder efficiency and access to justice,

and ultimately lead to clear and user-friendly processes. Processes can be streamlined in two ways. The first is by reducing cases requiring multiple instances for a final decision. The study's findings indicate private sector support for speedy proceedings like tutela actions and ADR mechanisms, and frustration with other lengthy and complex processes. This suggests the congress and the judiciary should reconsider jurisdictional thresholds and address the misuse of tutela actions as delay tactics in meritless cases. The private sector would likely support simplifying litigation processes.

While due process concerns from the legal profession and judiciary must be considered, they should be balanced against increasing demand for justice, growing backlogs, frustration over delays, and the success of simple tutela actions over the past three decades.

Second, procedural streamlining should occur at the interagency level to improve coordination between judicial and administrative proceedings across government branches and levels. For instance, a family dispute might involve multiple agencies and judges without coordination. The current system is supply driven (focused on judicial and administrative needs) rather than demand driven (considering end-user needs). The system discourages cross-branch cooperation, except in Houses of Justice, which to some degree use a user-centered design and effective triage system for simple disputes. However, even these houses face interagency coordination challenges.<sup>15</sup>

**d) Address backlogs and improve case management with the use of screening mechanisms.**

Despite a constant number of incoming cases over the past decade, data show that fewer cases are decided each year than are filed, leading to a backlog and increased workload.<sup>16</sup> Geographical variations in workload suggest the potential for reallocating certain types of cases regionally to improve efficiency.

Colombia currently lacks an effective screening mechanism to differentiate between meritorious and frivolous cases. Implementing a better triage system could enhance efficiency without sacrificing universal access to justice, particularly for those in need. Current unlimited access effectively limits practical access due to the system's inability to handle all cases promptly. The National Commission for Judicial Discipline should continue to refine standards to restrict and punish frivolous litigation.

Given that lack of resources is not the primary issue, and that costly arbitration enjoys high legitimacy among Colombian companies, there may be an opportunity to consider charging fees for certain disputes. That said, introducing or increasing court

or administrative fees for specific cases or users must be weighed carefully, as it risks further limiting the universal right to access justice, especially for vulnerable populations.

**2. Strengthen legitimacy and public trust in the justice system while addressing managerial challenges.**

Improving judicial governance is essential to addressing systemic issues, managerial hurdles, and threats to judicial independence and impartiality in Colombia. This requires enhancing performance indicators, optimizing judicial data management, increasing transparency, ensuring robust accountability, and reinforcing ethics and integrity within the justice system. These actions will help combat corruption, evaluate and improve justice services based on the achievement of social goals, and strengthen public trust in the justice system.

**a) Enhance justice system performance indicators.**

Indicator selection should align with the system's role and its objectives when resolving everyday conflicts faced by citizens by applying a more qualitative focus. However, official statistics and evaluations often emphasize procedural elements, with performance evaluations typically focusing on quantitative aspects, and frequently using procedural progress as a proxy.

More diverse indicators and measurement systems are essential to comprehensively assess the performance of justice services, evaluating not only efficiency but also access to justice and the fulfillment of its purpose and objectives. Performance-evaluation systems need to be based on these indicators and incorporate a variety of monitoring methods and data sources, such as administrative data, self-assessments, peer reviews, evaluations by superiors, and expert analyses.

**b) Improve judicial data and information systems.**

Comprehensive and accurate data for the justice system are essential at both national and subnational levels.<sup>17</sup> Currently, there is a lack of centralization, organization, and coherence of data that

15 Botero, "'Casas de Justicia' in Colombia."

16 "2022 Annual Report: 'Informe de Gestión Unidad de Auditoría,'" Supreme Council of the Judiciary, 2022, <https://cndj.gov.co/documents/3197284/136495393/Vig%2B2022.pdf/e69fa718-452e-944e-4589-6ab7c399cbf9>

17 "Caracterización de la Justicia Formal en Colombia y Elementos para la Construcción de una Agenda Estratégica para su Mejoramiento."

feeds into the justice system.<sup>18</sup> The lack of data organization significantly hinders transparency, efficiency, and its effective use to evaluate and improve the justice system.

To overcome these challenges, a unified reporting system should be established, and the National Judicial Statistics System should be modernized to ensure its independence and effectiveness.<sup>19</sup> It is also recommended that independent organizations such as universities conduct a thorough review of data collection and management practices to identify and remedy existing gaps, thus improving accessibility and uniformity in information and enhancing public trust in the judicial system.

### **c) Strengthen transparency and accountability.**

Judicial independence depends on levels of transparency and accountability. The high courts should embrace principles of good corporate governance and open government, and the judicial branch should meet optimal standards for open justice.<sup>20</sup> Judicial institutions must actively comply with the Transparency and Access to Information Law (Law 1712 of 2014). Notably, disaggregated performance data should be made publicly accessible to enhance transparency.

It is also critical to reinforce robust accountability mechanisms for judges and judicial representatives.<sup>21</sup> This entails strengthening the processes for early detection, investigation, prosecution, and sanctioning of judicial corruption. These mechanisms should not only encompass judges, magistrates, and staff, but also ensure that lawyers engaged in corrupt practices are effectively prosecuted. State representatives need to provide regular updates to the public about ongoing judicial corruption cases, ensuring that information is appropriate for the stage of the proceedings. Importantly, these measures must preserve judicial independence and maintain the integrity and fairness of the justice system.<sup>22</sup>

### **d) Strengthen ethics and integrity in the justice system.**

To reinforce social legitimacy, trust in the justice system, and the fight against judicial corruption, it is crucial to enhance the justice system's ethics and integrity from a holistic perspective. Data from the survey and interviews suggest that some actors within the legal profession lack a strong commitment to upholding the public interest and legal ethics, potentially leading to unethical practices and corruption that impact the justice system. This includes lawyers prolonging procedures with dilatory tactics, misusing judicial access mechanisms, and exploiting personal relationships with judicial representatives, which contributes to systemic inefficiencies and judicial corruption.

Addressing these challenges requires implementing educational and ethical reforms within the legal profession. Professional ethics training should be fundamental in every lawyer's education, from initial academic training at universities to continuous professional development. Law schools should focus on the professional responsibilities and societal roles of lawyers, encouraging ethical and humanistic perspectives that guide lawyers to serve the community effectively.<sup>23</sup> It is vital for universities to collaborate with regulatory bodies to set minimum educational standards aligned with ethical principles and public duties, ensuring legal education not only fulfills academic criteria but also promotes a strong ethical foundation and commitment to justice. Finally, to bolster ethics and integrity within the legal community, it is recommended that the Colombian justice system develop a comprehensive professional ethics code for lawyers by revising Law 1123 of 2007. This revision should emerge from a democratic dialogue that addresses the practice of the legal profession, its contemporary manifestations, and its ethical dimensions.

Despite formal legal and regulatory provisions for a stable, merit-based judicial career, a large

18 "Justicia Cómo Vamos: Percepción y Oferta del Sistema de Justicia en Colombia," Fundación Bolívar Davivienda, Corporación Excelencia en la Justicia, Fundación Corona, and Red de Ciudades Cómo Vamos, 2024, [https://redcomovamos.org/wp-content/uploads/2024/03/RDC\\_Informe\\_V6-Pliegos.pdf](https://redcomovamos.org/wp-content/uploads/2024/03/RDC_Informe_V6-Pliegos.pdf).

19 "Informe Nacional de Competitividad 2021–2022."

20 "Caracterización de la Justicia Formal en Colombia y Elementos para la Construcción de una Agenda Estratégica para su Mejoramiento"; "Justicia Cómo Vamos"; "Radiografía CEJ: Análisis de la Justicia en Colombia a Partir de las Cifras," Corporación Excelencia en la Justicia, 2022, <https://cej.org.co/wp-content/uploads/2022/03/RADIOGRAFIA-CEJ.pdf>.

21 "Informe Nacional de Competitividad 2021–2022."

22 Villadiego and Hernandez, "Aproximación al Análisis de la Corrupción en la Rama Judicial Colombiana."

23 "Radiografía CEJ."

percentage of judges, judicial officers, investigators, and prosecutors in Colombia are hired on a provisional basis. In the disciplinary jurisdiction, more than 60 percent of judicial officers are provisional.<sup>24</sup> Many spend decades working in this unstable situation. This provisional status means many judges and judicial officers serve at the discretion of their superiors, creating an environment less conducive to internal checks on corruption. The issue is particularly severe in the ordinary jurisdiction and the Fiscalía General de la Nación. It and the Supreme Court of Justice must address barriers to meritocratic selection of judges and personnel.

### 3. Increase the use of ADR mechanisms.

Survey data show that conciliation and arbitration achieved positive results in terms of effectiveness in dispute resolution, ensuring due process, reasonable procedure duration, and freedom from internal and external pressures in decision-making, among other factors. These types of ADR mechanisms can alleviate congestion in Colombia's justice system. This not only lightens the courts' workload but also promotes a culture of dialogue and negotiation, broadening participatory democracy and equitable conflict resolution.

Qualitative data indicated an opportunity to further encourage the use of these mechanisms, especially within the administrative jurisdiction. However, broader implementation of ADR faces challenges, such as adapting legal norms and shifting the country's prevalent litigious culture.

There are legal limitations in the current framework that hinder the effectiveness of ADR. For example, in arbitration, integration with the judicial system presents challenges, especially when judicial enforcement of arbitral awards is required, which can be a complex process. Also, there are restrictions on the types of disputes eligible for arbitration. For instance, in terms of labor law, it would be beneficial to review and reform

the legal framework to make mediation mandatory in certain types of labor disputes, strengthen protections for participants against retaliation, and ensure enforceability of mediation agreements.

Considering that ADR mechanisms represent significant innovations in the judicial system, their effective and broader implementation requires substantial cultural change within the legal community and broader society. Therefore, it is vital to incorporate insights from disciplines such as anthropology and psychology to understand behaviors within the justice system and to design strategies that achieve effective changes.

#### a) Implement ADR training programs.

Effective decision-making in internal claims and dispute management require thorough education on ADR options and their benefits. Implementing training programs for personnel involved in contract drafting and execution is crucial. Employing an ADR expert who is well-versed in proactive dispute tools and ADR services is crucial for effectively promoting ADR usage within the organization, incorporating these tools into contractual agreements, and spearheading educational initiatives.<sup>25</sup> Encouraging the use of ADR and integration of clauses about ADR in contracts and commercial agreements is important, given their efficiency and cost effectiveness.

#### b) Incentivize curricular and professional reforms.

Adapting law school curricula to emphasize ADR and to develop skills in negotiation and mediation is crucial, as is redefining professional success to value the ability to achieve beneficial solutions through ADR in addition to litigation victories.<sup>26</sup> To effectively promote the use of ADR among legal professionals and the general public, a comprehensive, multidisciplinary awareness strategy is essential. This strategy should draw on insights from communication, social psychology, anthropology, and behavioral economics.

24 "2022 Annual Report."

25 "Effective Conflict Management," International Chamber of Commerce, 2023, <https://iccwbo.org/new-report-and-guide-to-drive-thought-leadership-in-dispute-prevention-and-resolution/>.

26 "Informe Nacional de Competitividad 2021–2022."

## Conclusion

This research has highlighted access to justice as a fundamental pillar of the rule of law and a vital component of democracy. Through a detailed examination of Colombia's judicial landscape, particularly its impact on the private sector, we have underscored the importance of a robust judicial system. Such a system not only applies laws fairly and equitably, but also enhances confidence in institutions, safeguards rights, and fosters transparency and accountability. These qualities are indispensable for ensuring democratic stability and promoting economic growth.

The study demonstrates the crucial role of an accessible judicial system in countering global threats to democracy by enabling swift and fair dispute resolutions. This reduces uncertainty and creates an environment conducive to investment and sustainable economic development. Our findings depict access to justice as a dynamic journey within the legal framework, rather than merely an initial engagement. True access is achieved when outcomes are prompt, thorough, and enforceable. This holistic perspective is essential for addressing the complex challenges faced by both individuals and corporations in Colombia.

The study highlights several key insights into the state of Colombia's justice system. First, the increasing demand for justice is placing substantial pressure on the system, adversely affecting its efficiency and the delivery of services. Second, concerns over access to justice show significant variation across different company sizes, although they remain consistent across economic sectors. Third, there are concerns regarding judicial corruption and challenges to judicial independence and impartiality. Finally, alternative justice mechanisms in Colombia, such as tutela actions for the protection of constitutional rights, conciliation and arbitration, receive the highest approval rates for enhancing the access to justice.

This study underscores the pressing need for comprehensive administrative and judicial reforms in Colombia that extend beyond simply addressing entry barriers to include challenges encountered throughout the judicial process, particularly those affecting system efficiency and integrity. These reforms are crucial for combating systemic issues and managerial hurdles, and addressing the significant concerns regarding judicial corruption and threats to judicial independence and impartiality that were highlighted by a notable percentage of respondents.

To effectively tackle these challenges, the study recommends a holistic approach aimed at enhancing the

efficiency, accessibility, fairness, and ethical standards of the Colombian justice system. The key to this strategy is the integration of innovation and technology. There is a significant opportunity to streamline processes and improve case management through using modern technological solutions such as electronic case management systems, RPA, and AI. These technologies can offer predictive analysis, optimize resource allocation, and ensure the consistent application of legal precedents, enhancing the coherence and reliability of judicial outcomes.

Moreover, the study advocates for multidisciplinary collaboration to foster innovation within the judiciary. This involves not only integrating knowledge from law, psychology, design, and management, but also creating platforms for dialogue and cooperation, such as hackathons and joint research projects, which can catalyze the development of innovative solutions to judicial challenges. Addressing the backlog and case management inefficiencies through better triage systems and considering the implementation of court or administrative fees for specific cases can improve system efficiency without sacrificing access to justice, especially for vulnerable populations.

Judicial policies and reforms should address both the entry barriers to the justice system and the obstacles encountered during ongoing judicial processes that affect efficiency and integrity. Although current reforms often focus on entry points, our findings suggest a critical need to address the challenges within the system's processes.

Despite sustained efforts by the judiciary, the congress, and other actors to meet the growing demand for justice, it is uncertain whether Colombia invests sufficiently in justice at both the judicial and administrative levels. However, available cross-country data suggest that Colombia's expenditure on justice and its allocation of human resources are within reasonable ranges compared to countries at similar levels of economic development.

The extensive survey results and qualitative research conducted for this project highlight the need for further research and targeted actions to boost confidence in the accessibility, effectiveness, efficiency, independence, and impartiality of the Colombian justice system. By addressing the issues identified in this report, Colombia can strengthen public confidence in its justice system and uphold the principles of the rule of law, which are fundamental for the functioning of a democratic society and the protection of all citizens' rights, including those of the business community.

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