



THE CASE OF

Houses of Justice

COMMUNITY JUSTICE SERVICES

March 2022

Key facts and figures



Year of establishment

1995



Scope of service/
Type of justice
problems addressed

**Family, neighbour, crime,
money, public services**



Geographical scope

**Country-wide
(Colombia)**



Legal entity

**Part of the
government**



Regulatory
embeddedness

Part of the government



Number of cases
resolved

20 million



Costs of services
for citizens
(average and range)

None

Introduction

The United States Agency for International Development (USAID) implemented several programmes in Latin America and the Caribbean region to promote rule of law and democracy in the last decade of the 20th century. One such programme was the Casas de Justicia programme in Colombia that was implemented in 1995. *Casa de Justicia* is a multi-door, community dispute resolution centre with an objective of meeting justice needs of low income communities. It was launched as a pilot project in two large low-income neighbourhoods in Bogotá (Ciudad Bolívar) and Cali (Aguablanca). Later, the program expanded into 158 venues(1) in 132 municipalities throughout the country. The main objectives of the programme are:

- To divert cases away from the judicial system by providing alternative dispute resolution systems (ADR) through multi-door courthouses.
- To reduce conflicts in society by enhancing access to justice for marginalised communities.

Multiple reasons make this program interesting for this issue brief: (i) Its long duration (25+ years). (ii) The program's large scale in terms of both geographical reach and number of users—between 70 and 80% of the general public in Colombia knows of the program (La Rota, p. 174; DeJusticia, P. 78). (iii) Its focus on underserved populations—*Casas de Justicia* are located mostly in low-income neighbourhoods throughout the country. (iv) The program's diverse settings of implementation (given large socio-economic and cultural differences across Colombian regions(2), as well as its multiple justice delivery goals and available services across cities, which enable comparison of service models within one general framework. And finally, (v) the availability of data about the program.

Program description

The World Bank's comprehensive review of access to justice in Colombia describes the program as follows (Varela and Pearsons, p. 175):

- ” *The casas de justicia are multi agency venues that provide information on rights, legal advice, and conflict resolution services. A variety of conciliation options are offered, together with administrative and some formal justice services (Decree 1447 of 2000). Since 1995, the Ministry of the Interior and Justice, with support from USAID, has constructed a system of casas de justicia comprising some 81 houses [158 as of Oct. 2020]. Originally designed for cities with populations in excess of 100,000, casas de justicia provide rapid solutions to everyday interpersonal disputes and neighbourhood conflicts. Other issues they address include personal identity verification, domestic and sexual violence, and criminal cases of lesser gravity. Services for displaced populations are also provided, and matters of institutional abuse are considered.*

The purpose of the casas de justicia is to facilitate “one-stop” access to legal help for poor people in marginalised or conflictive neighbourhoods, and to promote peaceful-dispute resolution and social cohesion. Although they vary in design, casas de justicia incorporate local prosecutors, public defenders, municipal human rights officers, municipal neighbourhood affairs units, comisarías de familia, legal aid specialists, social workers, and psychologists in a variety of conciliation services. Many justice houses also include other entities such as nongovernmental women's organisations, youth mediation services, children's playrooms, and university law clinics, and personnel such as forensic doctors, community police officers, and representatives for ethnic-communities.

Casas de justicia eliminate or reduce common access barriers and bring justice closer to the people, both physically and culturally. Procedures are free of charge, easy to arrange, and informal. Legal representation (having a

lawyer present) is not required. Disputes are resolved in a timely manner. However, the sustainability of the houses is dependent on the continued participation of various institutions from the justice sector, some of which have insufficient staff to assign to small town projects; municipal political will to assume justice and conflict resolution commitments; and municipal budgets for justice services. Unfortunately, all of these factors are compounded when justice houses are located in small, war-torn areas.

Financing strategy

Developing a sustainable financial model is essential to maintain consistency in the quality of services delivered. Casa de Justicia receives funds from several channels. It continues to receive support from USAID. It has secured partnerships with the legal clinics of local universities and local chambers of commerce, to provide in-site conciliation and legal advice services to users. Municipalities that host the houses of justice are also required to contribute to it but evidence indicates that they do not prioritise it.

Similarly, various governmental agencies that implement the programme participate in it voluntarily. As a result, there is a lack of consistency in their contributions to the programme. This leads to situations in which, as one of the officers involved told us, “if there is coffee one day, sugar may be missing” (figuratively speaking). Since the primary target of the Houses of Justice are marginalised communities, all services are provided free-of-charge—user contributions are not present.

Despite securing stable public-private partnerships and receiving support from bilateral aid agencies, *Casas de Justicia* faces a shortfall in funds due to inconsistency in municipal and administrative support.

Monitoring outcomes and implementing evidence-based solutions

Evidence indicates that Case de Justicia has not used outcome monitoring to improve the interventions of the programme as a whole, nor introduced evidence-based interventions. Organisations such as DeJusticia, USAID, Ministerio de Justicia and Colprensa have conducted assessments of the programme and there is some anecdotal evidence and general surveys on user satisfaction. However, multiple studies (Casas de Justicia de Medellin; DeJusticia; USAID; Programa Nacional de Casas de Justicia y Convivencia Ciudadana) indicate that the programme’s information system is deficient and not generally used. Each house captures data on cases coming in, but very little information is available on whether disputes were actually solved.

The lack of proper outcome monitoring prevents evidence-based adjustment of services—since neither the houses nor the individual agencies regularly follow situations of conflict over time, they do not know whether, how and to what extent, a particular justice situation evolves into a downward spiral of conflict that ultimately leads to violence. Moreover, the weaknesses that the existing studies identified have not been addressed.

The programme has also remained essentially unchanged since its formalisation under Decree 1477 of 2000. Instead of basing decisions on careful, evidence-based determination of needs and results in the community, decisions on resource allocation, prioritisation of cases, and expansion and reduction of services (through the construction of new houses or through adding or removing agencies involved in existing ones), are made on the basis of purely bureaucratic considerations or on the good intentions of government officers (DeJusticia; Lina Buchely et al).

Impact

In terms of dispute resolution rate, a few studies suggest that about 50% of disputes are resolved at the *Casas de Justicia*. Comparing the performance of the programme to that of the alternative - the formal court system - anecdotal evidence and general surveys on user satisfaction suggest that *Casas de Justicia* is generally regarded as better. The program's informal approach (without the need for a lawyer) makes it generally faster than the court system, and in those Houses where there are courts (e.g., small claims courts at Ciudad Bolivar), some evidence suggests that proceedings are handled more efficiently and speedily than in regular courts. Some studies have found the program's significant influence on shaping social representations of justice among target communities, with meaningful impacts on dispute resolution practices (Navarro Carrascal and Diafeiria).

Anecdotal evidence collected in this research in several houses across the country, suggest that while some users left the house with a sense of having received an answer to their needs, others felt that the authorities "did more to confuse them than to actually help them". Even so, it is difficult to ascertain the programme's impact in a holistic way, given the absence of a proper outcome monitoring system and weaknesses in the programme's existing data collection and analysis system.

Furthermore, the uneven participation among diverse agencies across houses around the country and unequal commitment from local authorities, makes it extremely difficult to assess whether existing data on justice delivery at the houses of justice are nothing more than "people listened to" (or case files moved from one desk to the other without real impact on people's lives), as Bucheli, Solano and Recalde suggest, or whether these figures effectively represent over 20 million justice needs actually met, as the Ministry of Justice claims.

According to Bucheli, Solano and Recalde's thorough analysis of the Casa de Justicia in Aguablanca, Cali (one of the two original pilot projects, which has been in operation for over 25 years), the Casa de Justicia serves the purpose for the government to demonstrate that it is doing something while in reality it is doing little more than numbing the pain, without really curing the underlying injury. The authors state that while many people are listened to, very few are actually served with meaningful solutions. Thus, they suggest that this House is little more than a listening device or support group, not a real solution to justice needs. Other authors are even more critical of the program, suggesting that it may have actually help to keep gross human rights violations hidden, under the cover of the do-it-yourself justice template of the houses of justice.

Evidence on the program's effectiveness in rural areas remains disputed. A significant percentage of violence and crime in Colombia takes place in rural settings. Not only the drug and guerrilla conflicts are overwhelmingly rural, but according to Colombian's National Police (2019), many crimes are also more prevalent in rural areas, including burglary and kidnappings. It is unclear whether the gentle-hand approach to justice of the houses of justice model (which is largely centred around ADR options) is effective to address the most pressing justice needs of the rural population.

The capacity and effectiveness of administrative agencies and procedures to resolve disputes in rural settings, where the State presence in Colombia has been traditionally weak (García Villegas), is also limited—dispute resolution services in large segments of the country have been effectively delivered for decades by guerrilla and paramilitary groups. *Casas de Justicia* does not seem a viable option to address the most pressing injustice that people suffer in rural settings.

Finally, one highly popular component of the program's outreach efforts is the mobile Houses of Justice, where the various participating institutions deliver justice off site, at various neighbourhoods or in rural areas. Several experts consider this kind of program is extremely difficult to sustain under the current model and level of resources, and thus not effective. One expert called it "justicia golondrina" (swallow justice), after the bird that only comes from time to time, without leaving any meaningful footprint. Moreover, some suggest that it may be counterproductive, as it creates unreasonable expectations of access among the public that turn into frustration for lack of follow up.

Scaling

While assessments of the program diverge, the weight of the evidence indicates that the program has been generally effective in addressing the needs of the most vulnerable urban population. Overall, the most prevalent use of the *Casas de Justicia* program according to DeJusticia were in family disputes, criminal matters, document petitions, conflicts related to leases and public utilities, employment disputes among others (DeJusticia, p. 54).

According to the programme's national director at the Ministry of Justice (interview, October 8, 2020), with 158 venues(9) in 132 municipalities throughout the country, the program has reached about 70% of its target population. Given that about three quarters of Colombians live in these cities, in terms of reach, the program has been successful. According to the Colombian Ministry of Justice, central authority in charge of the general direction of the *Casas de Justicia* program, 15 to 20 million cases have been handled by this multi-door, community dispute resolution centres, from its foundation in 1995(3). (DeJusticia, p. 77-78; Ministerio de Justicia, 2013).

According to the Ministry of Justice, close to 50% of all petitions for conciliation or redress at the houses of justice during the year 2013, were filed by people belonging to the poorest sextile of the Colombian population ("estrato 1"), and another 45% by people belonging to the second and third lowest sextile (DeJusticia, p. 55-56), and this trend remains generally unchanged until today. This means that the program has overwhelmingly served the low- and middle-income urban population, as it was originally intended.

A critical element of this analysis is the justice delivery gap in the *Casas de Justicia* program: While the numbers vary across sources, it appears that the program is widely known and highly popular among the general public, but not really widely used. (Awareness 70-80% – Overall use 2%. Use among the poor: 10%.)⁽⁴⁾. Moreover, according to DeJusticia and La Rota, Lalinde and Upimny (2013, p. 107), by 2013 only 1.8% of the cases handled by any sort of administrative authorities were actually resolved by the *Casas de Justicia* program. This can be attributed to the lack of consistency of service delivery (independence of political winds at the national, regional and municipal level) and issues of financial sustainability. As a result, critics of the programme call it a highly institutionalised placebo which seeks to defuse neighbour grievances among marginalised communities rather than to actually resolve them (Bucheli, Solano and Recalde).

Integration with the formal justice system

Experts and researchers in the justice sector are increasingly recognising the importance of integrating the formal and informal justice system. In the case of Casa de Justicia, participation of the formal judicial branch remains relatively marginal

throughout the country today(5). While some of them (e.g., Ciudad Bolívar) include two small claims courts as part of the services offered, in most of *Casas de Justicia* the most common type of state agencies present are administrative agencies, mostly at the municipal level (e.g., the office of the municipal ombudsman; the Police Inspector or the community development office). Agencies at the national level such as work and labour inspectors from the Ministry of labour, a delegate of the National Registry office or the Instituto Colombiano de Bienestar Familiar (minors defence agency), are also commonly present. (Ministry of Justice, 2012, p. 12)(6).

Enabling environment

Cada de Justicia, being a government-led programme, received complete support from regulatory and financial systems at the time of its formation. They have become the default avenue for handling conflicts at low-income neighbourhoods throughout the country's urban centres. However, government-led status has not safeguarded the programme from shortfalls in funding and lack of inter-agency coordination. Interviews with senior officials and experts suggest that *Casas de Justicia* needs more support from regulatory systems in terms of planning and inter-agency coordination to improve service delivery and more funds and logistical support from the administration to expand into rural areas.

Critical success factors

- a. Consistent funding from bilateral aid agencies (USAID).
- b. Participation of private entities in the programme: Decree 1477 de 2000 provides that legal clinics of Law schools of all types of universities (public or

private) can participate in the services provided in the *Casas de Justicia*. The reason is that in Colombia, all law students are able to choose to participate in internship programs in order to develop working skills, and in many cases, these internship programs are mandatory for obtaining a law degree. Secondly, some local chambers of commerce offer ADR referral services at the houses.

Lessons learned

- a. Deficient coordination at the houses of justice. Individual officers from multiple agencies serve under the same roof, but they have little incentive to coordinate among them. Each employee has a different line of command outside the House—the House coordinator is not the boss of any of them. The House coordinator lacks authority to mandate coordination or to punish service delivery failure. For instance, there is virtually nothing the House coordinator can do if one day one of the officers simply do not show up at work at the House because this person was temporarily assigned by his/her agency's boss to do something else that day or week (or even month). Even in cases where the House coordinator "knows" that the worker is missing at the House because he/she is illegally conducting political campaigning at the neighbourhood for the current major or the political party, the House coordinator lacks any power to punish this behaviour (interviews with experts, confirmed by interviews with officers and direct observation).
- b. Lack of inter-agency coordination. Inter-agency coordination mechanisms created by the basic law governing the program (Decree 1477 of 2000), have systematically failed over the past two decades. While coordination is supposed to happen through regular inter-agency meetings at various levels (national, regional,

local, and at individual houses), these meetings are extremely rare (the top level coordination meeting has not taken place in several years), and there are no consequences for the agencies or for the individual officers for this deficiency.

- c. We witnessed a situation in one of the houses where an extremely competent CRI officer (triage person at the House's reception of information centre), one day was simply transferred without prior notice to another duty outside the house by this person's local government agency. As a consequence, the House's triage system was severely affected for several weeks, until a proper replacement could be found, and the contract signed.
- d. Employee turnover. High employee turnover makes capacity training and coordination less efficient and often frustrating to other officers involved.
- e. Lack of participation of private entities in the program: Other than partnerships with law students and local chambers of commerce, current regulations do not really foster other types of collaboration of the private sector in its development.

Methodology

Data for this case study comes from:

- A literature review including some high-quality assessments published as stand-alone books or in peer-reviewed journals; articles in periodicals; and some "grey literature" (unpublished academic papers and student dissertations).
- Official reports from the Colombian Ministry of Justice and other governmental bodies.
- Semi-structured phone interviews with high-ranking government officials as well as officers at Houses of Justice.
- Several visits to the largest and oldest house (Ciudad Bolívar in Bogotá) in 2019 and early 2020, and brief visits to other houses in 2019. Due to the COVID public health emergency, the Houses have been closed to the public for most of 2020, which impeded further fieldwork.

CASA DE JUSTICIA

This case has been developed by Juan Botero with suggestions from the Hiil team.

To learn more, read the [policy brief on Community Justice Services](#) or visit www.hiil.org and dashboard.hiil.org.