

## Colombian Constitutional Court, Award 177 of 2005

**Republic of Colombia  
Constitutional Court  
Third Review Chamber**

Award n° 177 of 2005

-Orders issued by the Court-

### **“The Third Review Chamber of the Constitutional Court (...)**

DECIDES:

**First.-** To **DECLARE** that, in spite of the advances made until the moment, the unconstitutional state of affairs in the situation of the displaced population which was declared in decision T-025 of 2004 has not yet been overcome, and that it is necessary to advance in an accelerated and sustained manner *“in the correction of the inconsistency between the seriousness of the affectation of the constitutionally recognized and legally developed rights, on the one hand, and the volume of resources which is effectively destined at the territorial level to secure the effective enjoyment of such rights, and the territorial institutional capacity to implement the corresponding constitutional and legal mandates, on the other”*.

**Second.-** To **ORDER** the Minister of the Interior and Justice, within the sphere of his jurisdiction, in accordance with his expertise and on the grounds of the higher or lower level of response to the needs of the displaced population that actually exists in each entity, to design, implement and promptly apply a strategy for the promotion and coordination of the national and territorial efforts, which can effectively lead to the assumption of higher budgetary and administrative efforts by the territorial entities for assisting the displaced

population and the effective guarantee of their rights, for which purpose he must carry out the following actions, within the terms pointed out below:

1. To carry out, within the term of one month starting on the moment this Award is communicated, an evaluation of the current situation of territorial entities' commitment to assisting the displaced population, in such a way that it is possible to know, in regards to each one of the territorial entities, (i) the current situation of the displaced population located in every municipality and department, and the existing risks of increases in displacement, (ii) the evolution of the budget that was assigned and effectively spent by the different territorial entities for the specific assistance of the displaced population, not of the vulnerable population in general, (iii) the assistance infrastructure and coordinating mechanisms which are in place in each territorial entity; (iv) the specificities of the displaced population located in each territorial entity, with special attention to indigenous peoples and Afro-Colombian population, and to peasants who are unable to provide for their own subsistence, (v) the assistance priorities at the territorial level, which may be different in each entity, (vi) the factors which have borne a negative impact upon the effective budgetary and administrative commitment of each territorial entity, as well as the mechanisms applied to introduce corrective measures, and (vii) the evolution of the results which have been achieved in order to bridge the gap between that which has been promised and that which has been effectively attained to advance, in each territorial entity, in the resolution of the unconstitutional state of affairs. These assessments must be based on indicators that are to be compatible with those designed by the other entities who were issued orders in the two other Awards adopted by the Court on this same date. A second evaluation must be carried out within six (6) months, counted from the moment this Award is communicated; and a third evaluation is to be carried out twelve (12) months after the communication of the present Award.

2. Design, implement and promptly apply, within the maximum term of two months, counted from the moment this Award is communicated, a strategy to coordinate the budgetary and administrative efforts at the national and territorial levels, which can allow it to know (i) what is the situation of the displaced population at the territorial level; (ii) what is the amount of local resources that each territorial entity has available to assist the displaced population; (iii) what is the displaced population's demand for assistance at the territorial level and what

are the assistance priorities in each entity; (iv) what is the offer of services at the local level; (v) what infrastructure is available at the territorial level to adequately safeguard the rights of the displaced population; (vi) what is the dimension of the territorial efforts already undertaken, and the difference between them and what is actually required; (vii) the manner in which the national and territorial efforts complement each other; and (viii) which coordination mechanisms tend to produce the expected results, and which ones don't.

3. Design, implement and promptly apply, within a maximum term of two months counted from the moment this Award is communicated, a strategy to promote higher budgetary and administrative efforts at the territorial and national levels for assisting the displaced population, which includes (i) results indicators that can make it possible to determine whether advances are being made or not in the resolution of the unconstitutional state of affairs; and (ii) positive and negative stimuli for those entities that advance, lag behind or incur in retrogressions.

4. Design, within the maximum term of two months counted from the moment this Award is communicated, specific goals at the short, medium and long term for the promotion and coordination strategies, and establish a time table which makes it possible to permanently follow up the actions that are carried out.

5. Design, within the maximum term of two months counted from the moment this Award is communicated, a periodical evaluation mechanism which makes it possible to introduce the necessary adjustments to the designed strategy, in such a way that corrective measures can be adopted whenever retrogressions or delays take place in the defined goals.

6. Design and implement, within the maximum term of two months counted from the moment this Award is communicated, specific inter-institutional coordination mechanisms and instruments between the national level and the territorial entities, which can ensure the deployment of an adequate and timely complementary action, in such a way that the effective enjoyment of the displaced population's rights is guaranteed.

7. Make a periodical dissemination of adequate, comprehensible and accessible information for the displaced population about the way in which the territorial entities are working on the

improvement of the assistance to the displaced population, as well as on the advances made, the difficulties they have encountered and the corrective measures adopted to secure the effective enjoyment of the displaced population's rights at the territorial level.

8. Adopt and promptly apply, within the maximum term of two months counted from the moment this Award is communicated, a strategy to guarantee the timely and effective participation of the organizations of displaced population at the territorial level, in the different coordinating bodies, as well as in the process of design and implementation of the promotion and coordination strategies undertaken to comply with the orders issued in decision number three of judgment T-025 of 2004.

9. Submit monthly reports to the Constitutional Court, the *Procuraduría General de la Nación* and the Public Ombudsman, and the human rights and displaced population organizations that took part in the information hearing held on June 29, 2005, about the advances made in this process. The *Procuraduría General de la Nación* and the Public Ombudsman, within the sphere of their jurisdiction, shall inform the Constitutional Court about their conclusions on the way in which the orders issued in this Award have been fulfilled.

**Third.- COMMUNICATE** the content of the present Award to the President of the Republic, in order for him to adopt the decisions.”