

# PROPOSALS FOR COMPREHENSIVE REFORM OF THE POLICE

We are a diverse group of civil society organizations, academics, victims of police violence and human rights groups in Colombia. In the context of our collaborative work, we arrived at the view that a set of minimum proposals on what comprehensive reform of the National Police should entail was needed. This document is the result of a workshop that took place on 18 and 19 May 2022 in the city of Bogotá and a subsequent process of discussion and co-creation in the following months.

We believe that a fundamental aspect of shaping and developing this process are the visions of diverse sectors of society, whose experiences inform their efforts to see emerge a peaceful and just country which guarantees respect for human rights when there are excesses in the exercise of power. The aim of the initiative to bring together civil society actors from different walks of life and with different interests was to gather diverse points of view on the possible changes that need to be made to ensure that police actions are conducted in a way that meets the needs of Colombian society, of peace building and of ensuring the population's dignity and respect for life.

Throughout the meeting, discussions focused on five principal aspects of police reform: (i) truth, justice and reparation for victims of police violence; (ii) inclusion and implementation of differential approaches in the policies and structure of the institution; (iii) structure and function of the police and the judicial police; (iv) police career paths and training, institutional doctrine, oversight and demilitarization mechanisms; and (v) citizen participation, oversight and external monitoring mechanisms. Each aspect was the subject of a roundtable discussion; participants circulated among these, enabling multiple voices and approaches to be heard and articulated in each of the roundtables.

Cross-cutting intersectional differential approaches informed the methodology and technical discussions during the workshop. The application of differential approaches recognizes the violence and historical injustices society inflicted on specific people and communities that are linked to characteristics such as ethnicity, gender, social class, political position, and religion, among others. In recognition of this, we are calling on institutions and society, especially the National Police, which is the focus of this document, to adopt concrete affirmative measures, both internal and in relation to society at large, to end the violence, ensure reparation for its impact, and guarantee non-repetition. Meanwhile, an intersectional approach helps identify when two or more simultaneous differential characteristics produce unequal experiences and, in a given historical, social and cultural context, disproportionately increase the burdens and violations inflicted on those with these characteristics. These concepts have already been developed in the jurisprudence, including T-141, a 2015 judgment by the Constitutional Court.

Both the workshop and the proposals contained in this document were devised and developed using the approaches outlined above and are the result of dialogue and active listening. Our aim is to promote the fulfilment of the state's obligations regarding the application of differential approaches in its decisions and actions; to advance recognition of the visions, knowledge and needs of the various groups in the country; and to ensure equality in guaranteeing the rights of all individuals and communities and non-discrimination. This document is being produced in the context of a general call by the organizations involved in its development for the role of the National Police as an institution to be revisited; for its resort to violent methods to be kept to the minimum possible, in line with and in compliance with protocols, laws, the Constitution and international human rights law on the basic principles on the use of force and lethal and less lethal weapons; and for social developments to be monitored to analyse its role and relevance in the state.

The following sets out a series of proposals on six issues that we consider to be especially sensitive and in need of police reform to limit and restrict violent, prohibitionist and interventionist actions by the National Police, ensure respect for human rights and which are derived from the current constitutional order, the civil power, and national and international human rights standards. These issues are: 1. National Police doctrine and demilitarization; 2. National Police general structure and functions; 3. Police recruitment, training, and promotion; 4. Use of force by members of the National Police; 5. Monitoring mechanisms of police actions and citizen oversight; and 6. Truth, justice, and reparation for police violence.

A large part of the proposals put forward here will require profound regulatory and institutional change. This document is, therefore, a call to the Colombian state, including the national government, the Congress of the Republic and other actors involved, to make a full and meaningful commitment to reform the National Police. It is also an appeal to ensure the broad, meaningful, and effective participation of civil society, especially victims of police violence, in devising and implementing any institutional initiative that seeks to transform the National Police.

## **1. THE NATIONAL POLICE MUST BE DEMILITARIZED AND THEIR DOCTRINE REPLACED**

In order to demilitarize the National Police, its doctrine must be replaced by a fundamental and strict premise of fulfilling its constitutional functions as a civilian institution that carries out its duties in the context of a pluralist society. This requires profound changes in the understanding of the mission and objectives of the institution so that discriminatory practices of profiling, stigmatization, and persecution of sectors of the population that question the actions of state institutions and governments are eradicated from its structures, since it is these that give rise to perspectives in which some citizens are posited as the enemy who must be eliminated. The demilitarization of the National Police requires jettisoning the logic of the internal enemy; eradicating racism, classism, negative perceptions of the poor, machismo, homophobia, transphobia and privileging certain private interests, as well as subordinating the prioritization

of order and security to the protection of coexistence, the human rights of the population and guarantees that impunity will not be the response to violations of these.

We propose that the *raison d'être* of the institution be the concrete guarantee of human rights and human dignity through the peaceful resolution of conflicts rather than the abstract protection of public order and national security or the state. This proposal serves both the aim of the Colombian state, related to respecting, guaranteeing and protecting human rights, as well as of those the Constitution assigns to the National Police in Article 218, namely maintaining the necessary conditions for the exercise of public rights and freedoms and ensuring that the inhabitants of Colombia live together in peace.

**1.1.** Move away from a policing model based on surveillance to one based on dialogue, guaranteeing rights and service to all people, open to civil society participation and oversight and jettisoning the logic of the internal enemy and the stigmatization and criminalization of different or alternative opinions and expressions. This implies taking all necessary measures to clearly differentiate the functions assigned to the National Police from those of other institutions, especially those of the Military Forces.

**1.2.** Change the way the National Police operates and move towards conduct that is civilian in character and subject to a sliding scale as regards the use of force, conforms to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Guidance on Less-Lethal Weapons in Law Enforcement, and is in line with applicable international human rights standards. This necessarily requires eliminating from the conduct of the National Police the setting of service objectives such as casualties in armed confrontations, as well as the number of people apprehended, prosecuted, and captured. Instead, objectives should be measured by indicators based on specific coexistence agreements reached, on the positive effects of interventions, on the guarantee of human rights of all and on the effective resolution of conflicts.

**1.3.** Change the *modus operandi* of state intelligence away from one based on the notion of national security and defence and towards the use intelligence resources in order to ensure respect for the human rights of all individuals, with citizen security as the ultimate goal of implementation. Achieving that aim and the protection of specific and verifiable interests is a necessary condition for its legitimacy.

**1.4.** Assign the management of intelligence functions to a civilian institution other than the National Police and ensure all activities are subject to independent, civilian, and strict judicial control. In all cases in which members of the National Police participate in intelligence activities, they must be subordinate to the intelligence or judicial investigation authorities.

**1.5.** Include within the institution's mission, as essential and principal elements of police activity, the principles of responsibility and acting as guarantors of rights. Disciplinary and due obedience orders must be interpreted in accordance with the civilian character of the National Police and be clearly subordinate to its obligation to respect, protect and fulfil human rights.

**1.6.** Create processes and spaces for direct dialogue between the National Police and individuals and communities to identify their needs, generate convening spaces with guarantees of autonomy and restore confidence in the state.

## **2. THE OVERALL STRUCTURE AND FUNCTIONS OF THE NATIONAL POLICE MUST BE ADAPTED TO THE NEW POLICE MODEL**

Comprehensive police reform must take into account the functional model of the National Police, since it influences its relations with people, the maintenance of public order, institutional structure and monitoring of police performance and the indicators to evaluate it. We propose that, based on the premise of demilitarization and the guarantee of human rights as central to the institution's mission, the police model to be implemented should recognize police action as the manifestation of a public service that is provided on the basis of the consent of individuals and communities, and derived from a fundamental basis of fulfilling the functions and obligations that the Constitution assigns to the National Police.

This requires changes in the overall structure and functions assigned to the National Police, as well as a review of the distribution of functions allocated to it and other institutions to avoid delays in furthering the goal of eliminating the militarization of the police.

**2.1.** Move the National Police out of the Ministry of National Defence, in line with the recommendations set out here. In general, the National Police's positioning in the institutional organigram and state structure should reflect the fact that it is a civilian institution.

**2.2.** Change the configuration of the existing police hierarchy towards a clear, defined, and public chain of command, which reflects the needs of the service, the specific nature of each police duty and the accountability required of a public institution. In order to achieve this, we recommend the following:

**2.2.1.** Design the structure of the police hierarchy to underscore the civilian nature of its component parts, including its General Directorate.

**2.2.2.** Change and simplify the personnel structure of the National Police in order to move away from a military organizational logic and position the civilian

notion of public service as a starting point. This should not preclude the existence of a clear, defined, and public chain of command in all the institution's actions.

**2.2.3.** Ensure the effective inclusion in the National Police chain of command of mayors and governors as the primary police authorities and those who issue orders through the respective commanders. The aim of this is to contribute to realizing the mandates of coordination and subsidiarity in cases of concurrent national government and local government jurisdiction on issues such as those of guaranteeing coexistence and public order.

**2.3.** Redesign the organizational structure and the territorial presence model to reflect the civilian nature of the National Police as an institution. In order to achieve this, we recommend the following:

**2.3.1.** Structure the institution according to the functions and specialities required to provide a proper police service. This would be achieved through the restructuring of police subdivisions differentiated by speciality, driven by and properly underpinned by constitutional provisions governing police activity and service.

**2.3.2.** Promote stability in the territorial deployment of the National Police and its members. The presence of the National Police on a permanent and stable basis should aim at facilitating relations with communities, promoting awareness of local problems and accountability. Such stability must be sensitive to the needs of the service, changes in the context in which it is operating and avoid the institution being co-opted by criminal elements.

**2.3.3.** Evaluate the configuration of the territorial presence of the National Police in the country and how it corresponds to existing departmental, district and local territorial entities.

**2.3.4.** Ensure that a transitional regime is in place for the implementation of the new overall structure of the National Police that includes bringing new people into the institution and addressing their integration with those already there.

**2.4.** Evaluate the overall diagram of National Police functions and, if necessary, reorganize it. In order to achieve this, we recommend re-evaluating some internal structures and sub-structures, taking into account the orientation of the institution, its civilian character and its autonomy and independence from the Military Forces:

**2.4.1.** Reform the Intelligence Directorate of the National Police (Dirección de Inteligencia de la Policía Nacional, DIPOL) and thoroughly review the surveillance and crime prevention functions of the National Police in order to move towards their deconcentration or administration by independent bodies and their subordination to intelligence or judicial investigation authorities other than the National Police.

**2.4.2.** The Criminal Investigation Directorate (Dirección de Investigación Criminal, DIJIN), which acts as judicial police through its branches (SIJIN), should be wholly under the authority of the Attorney General's Office and carry out its functions within the framework of investigations in accordance with current regulations on criminal procedure. All this is within the context of normative, regulatory and institutional reforms that allow the real and effective implementation of due diligence protocols for the investigation, prosecution and punishment of human rights violations attributable to state agents.

**2.4.3.** Evaluate the role of the National Police in the general organigram of institutions that determine and develop the criminal justice policy of the Colombian state. Police actions in this regard, including those in implementing police procedure, must be framed within the principles of balance and harmonious collaboration with the other institutions involved and be free from discriminatory practices such as racial profiling and other forms of criminalization of historically excluded or marginalized groups in society.

**2.4.4.** Establish strict National Police accountability mechanisms in accordance with subpoenas and corrective measures drawn from the National Code of Security and Citizen Coexistence. This should include: i) the requirement for the person imposing a subpoena to provide arguments and the burden of evidence; ii) the implementation of supervisory and monitoring schemes (disciplinary and criminal) on police activities that have consequences for those who exercise their authority arbitrarily; and iii) the review and revision of the grounds for imposing subpoenas to reduce their ambiguity and arbitrary use. Quota-based models and quantitative benchmarks for fulfilling subpoena targets should also be eliminated.

### **3. POLICE RECRUITMENT, TRAINING AND PROMOTION MUST BE MEANS TO ENSURE HUMAN RIGHTS**

In order to make possible changes to the police doctrine, the process of recruitment, training and promotion of members National Police needs to be reformed. A civilian model, based on guaranteeing people's rights and coexistence must have as its fundamental basis opening up the recruitment, training and promotion of the people who make up or will make up the National

Police, as well as the embedding in police actions human rights standards and the fight against racism, classism, machismo and the favouring of private interests.

To achieve this objective, interventions are needed at all stages of the shaping of National Police personnel and their training. That is why we propose changes in recruitment and in training, as well as promotion within the police.

**3.1.** Change the process by which people join and are retained in the police to align it with the new police model. In order to achieve this, we recommend the following:

**3.1.1.** Carry out a full audit of current members of the National Police that looks at their sociodemographic characteristics and ideas about the function of the police; their reasons for joining the institution; as well as the personal, family and community circumstances surrounding how they discharge their duties in the National Police, among others.

**3.1.2.** Implement psychosocial assessment mechanisms for people who want to join. This assessment must be external and independent of the National Police and must be applied periodically to all those in the institution. The assessment must include an analysis of political bias or prejudices based on gender identity, sexual orientation, race, ethnicity, religion or socioeconomic origin that put at risk the rights of other members of the police or the public. Psychosocial assessment should be carried out by suitably qualified professional personnel and appropriate safeguards should be put in place to avoid violations of people's right to privacy and to ensure that discriminatory criteria are not applied.

**3.1.3.** Reform the requirements for the recruitment and retention of National Police personnel through the implementation of a regime that identifies shortcomings in capabilities or incompatibilities with existing best practices of transparency, the prevention of corruption and the highest human rights standards. This is in order to prevent the entry and/or retention in the institution of people who have ongoing investigations for gross violations of human rights or sanctions for acts of corruption.

**3.1.4.** Ensure the implementation of rules on parity in the selection processes for National Police personnel.

**3.2.** Change the training process for people who are or will be members of the National Police to bring it into line with the new police doctrine. In order to achieve this, we recommend the following:

**3.2.1.** Redefine the educational role of the National Police's National Directorate of Schools, based on a recognition that practical police experience is a necessary but not sufficient basis for a thorough training of National Police personnel within the new police model. This necessarily involves bolstering training staff teams and training programmes in interdisciplinary, humanistic and diversity issues.

**3.2.2.** Design and implement a training plan prior to that of the National Police on public service, the constitutional model and the Colombian political system and the rights that everyone has, in accordance with applicable human rights standards.

**3.2.3.** Establish, on a permanent basis, an education programme on human rights and on the practical application of differential and intersectional approaches in police activities, with an emphasis on the new demilitarized police model, focused on dialogue, guaranteeing rights, service to citizens and combating all forms of discrimination.

**3.2.4.** Publish the training plans of police academies, their approaches, graduation indicators, qualifications and any other aspect related to police training that is in the public interest.

**3.2.5.** Include in the training process evaluation mechanisms, monitoring of the training process, feedback and continuing training for members of the National Police, as well as adherence to human rights standards and protocols to respect and guarantee them on the ground.

**3.2.6.** Ensure plurality and diversity in the composition of training and teaching teams in the National Police. Those in charge of these tasks should not be exclusively members of the institution and should include independent researchers with expertise in policing, human rights and differential approaches, such ethnic-racial and gender perspectives, among others.

**3.3.** Change the policing profession and modify the model of promotion within the National Police to bring it into line with the new police model. In order to achieve this, we recommend the following:

**3.3.1.** Ensure access to decision-making bodies within the new structure of the National Police so that factors such as gender identity, sexual orientation, race, ethnicity, religion or socioeconomic origin do not determine promotion and/or retention in the institution.



**3.3.2.** Change the model of promotion and access to decision-making bodies within the new structure of the National Police based on the principles of transparency, meritocracy, and accountability. To this end, the current promotion procedure must be modified and the role of the Congress of the Republic in approving or rejecting national government proposals on this should be abolished. The Congress of the Republic must maintain its role of political oversight in relation to the National Police's exercise of the functions assigned to it.

**3.3.3.** Constantly review the performance evaluation criteria of members of the National Police. Their definition and monitoring must be carried out by independent and autonomous entities, in consultation with the corresponding departmental, district and/or local authorities, including ethnic-territorial peoples and communities.

**3.3.4.** Promote the retention of the members of the National Police in their chosen area of specialization or to which they were assigned.

**3.4.** Strengthen guarantees of job stability for members of the National Police and restrict the discretionary right of retirement. This should be done without impacting the possibility of making decisions regarding allegations of human rights violations within the framework of due process. Any decision regarding the policing profession must have adequate external, public, and transparent monitoring.

## **4. THE USE OF FORCE BY MEMBERS OF THE NATIONAL POLICE MUST CONFORM TO HUMAN RIGHTS STANDARDS IN A CONTEXT OF DEMILITARIZATION**

Militarization as a police doctrine emphasizes the use of force as one of the defining characteristics of the activity of institutions such as the National Police. The move towards a way of acting and operating centred on the civilian character of a National Police and focused on human rights and coexistence requires rationalizing and subjecting to scrutiny institutionalized practices on use of force and amending them to bring them into line with human rights standards.

**4.1.** Frame the use of force by members of the National Police in the context of compliance with international human rights standards and national rules and regulations. The use of force must be guided by the principles of legality, necessity, proportionality, accountability and non-discrimination. In order to achieve this, we recommend the following:

**4.1.1.** Ensure that the regulation of the use of force and weapons does not depend on decision-making bodies within the National Police, but on the Congress of the Republic and that the regulation is discussed widely, publicly, and transparently with all sectors of society, especially with victims of police violence and groups in society with differential characteristics.

**4.1.2.** Ensure that all regulations on the use of force, both general and specific, explicitly comply with standards on differential approaches, equality, non-discrimination, and human rights.

**4.1.3.** Establish differentiated protocols for each less lethal weapon used by the National Police in everyday contexts and social protest. The National Police should actively publish and disseminate these protocols, their technical records, training plans and instruction on the use of each weapon and all the information it has related to the effects on the lives and health of people that could result from the appropriate or inappropriate use of weapons. The National Police should ensure it has independent and up-to-date studies on the effects of the less lethal weapons it uses and, in line with this proposal, take proactive steps to make them public.

**4.2.** Promote dialogue and consultation between the National Police, local authorities, and society on the implementation of protocols on the use of force. Prioritize the use of preventive, deterrent and corrective measures, rethink the police verbal procedures and ensure that the principles of autonomy of action and prompt, timely and effective response, in scope and content, render the use of force the exception.

**4.3.** Revise the use of the “transfer for protection” procedure by the National Police. In order to achieve this, we recommend the following:

**4.3.1.** Limit the use of the “transfer for protection” procedure to specific circumstances in which it is necessary to protect people’s lives or integrity and ensure it is used as a last resort and only to eliminate or mitigate risk without the arrest, detention, or deprivation of liberty of the person. Adequate support must be ensured from professionals who have appropriate training on eliminating or mitigating the risk to people’s lives and integrity.

**4.4.** Change the National Police’s approach to social protest and civil society mobilizations to bring it into line with the new framework for fulfilling the functions and objectives of the National Police. In order to achieve this, we recommend the following:

**4.4.1.** Implement the conflict prevention and resolution mechanisms provided for in Point 2 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace on guarantees regarding social protest.

**4.4.2.** Progressively dismantle the Mobile Riot Squad (Escuadrón Móvil Antidisturbios), creating and strengthening cross-cutting dialogue processes to address the possible impact of demonstrations and social protest. The initial policing of demonstrations and protests must be carried out by the territorial authorities and human rights institutions.

**4.4.3.** Suspend the use of kinetic impact munitions and chemical irritants until the National Police can satisfactorily certify, before the Congress of the Republic and with international verification, that its personnel are trained to use them correctly and that this training will be repeated and updated periodically. When the suspension is lifted, the use of any less lethal weapon shall comply with applicable international standards on the use of force. This suspension must not, under any circumstances, encourage the use of lethal weapons in contexts of protest and social mobilization.

**4.4.4.** Reduce the budgetary allocation associated with the purchase of firearms and less lethal weapons for National Police officials.

**4.4.5.** End the participation of the National Police in decision-making bodies on the implementation of protection measures for individuals and communities at risk, especially in the National Protection Unit. The involvement of the institution should be limited to the implementation of measures, where appropriate.

## **5. EFFECTIVE MECHANISMS MUST BE PUT IN PLACE TO MONITOR POLICE ACTIVITY AND STRENGTHEN CITIZEN OVERSIGHT**

The changes to the police model proposed here must be accompanied by a process of strengthening and guaranteeing the transparency and accountability of the National Police and its members. This requires rethinking the internal mechanisms for monitoring police operations as well as bolstering external monitoring, both by other state institutions and civil society. As posited above, reform of the National Police's policy of transparency and access to public information is required so that it includes as one of its aims promoting oversight and civil society monitoring of the institution's actions.

**5.1.** Implement a policy of transparency and public access to information that encourages and facilitates oversight by civil society of police actions. In order to achieve this, we recommend the following:

**5.1.1.** Adopt measures for the accurate and full identification of members of the National Police. This includes having visible identification insignia on all the garments and uniforms they wear, as well as giving precise instructions so that identification is not obscured in any way during a police operation. The National Police must have a clear and detailed record of its personnel, the weapons assigned and where they are deployed and collaborate with the judicial and disciplinary authorities when necessary to access this information in the context of criminal, disciplinary or other investigations.

**5.1.2.** Design, implement and make public a database of weapons, ammunition and equipment acquired by the National Police, detailing at least the type, model and number of weapons, ammunition and equipment acquired, the contracts agreed for this purpose and the allocation of each of these weapons or this equipment in real time. Likewise, the database must have the functionality to enable tracking the use of weapons and equipment acquired over time.

**5.1.3.** Prohibit the use of firearms, bladed weapons and other tools beyond those provided by the National Police to all officers in the context of their functions and initiate thorough investigations of those police officers who have made use of such items.

**5.1.4.** The entire National Police policy of transparency and access to public information, including the two databases proposed here, must be created with the participation of civil society organizations, and constantly assessed for updating and adaptation to the circumstances of the service and the country.

**5.1.5.** Design and implement mechanisms and methodologies for collecting in a standardized manner cases of violence committed by members of the National Police by differential categories to end the existing statistical invisibility of these cases. The process of collecting and standardizing information must be carried out by the institution, recognizing, and including the information collected by civil society organizations that carry out monitoring and defend human rights, guaranteeing their autonomy.

**5.2.** Devise and implement a model of disciplinary oversight of police activity that has a human rights focus and is informed by the new concept of the police institution. In order to achieve this, we recommend the following:

**5.2.1.** The General Inspectorate of the National Police should be completely autonomous and independent of the leadership of the institution, and be

responsible, without prejudice to the powers of other state bodies, for the function of internal discipline. The seriousness of possible disciplinary offences should be a criterion for determining whether another state body assumes jurisdiction to conduct the disciplinary investigation.

**5.2.2.** Guarantee that members of the National Police who are the subject of indictments for human rights violations, either due to their actions or omissions, will face disciplinary suspensions or dismissal from the service.

**5.2.3.** Reactivate the post of National Commissioner of Police, who should be in charge of receiving and processing complaints from the public against the National Police and its members.

**5.3.** Create a Permanent Public Citizens' Police Monitoring Commission. This commission must be independent, receive public funding and have technical, budgetary, and administrative autonomy. Its creation and regulation should be governed by a participatory, broad, and transparent consultation process. The commission must include individuals designated by human rights organizations and the movement of victims of police violence, relevant entities, and human rights institutions. It must have, at a minimum, the following functions and characteristics:

**5.3.1.** Provide ongoing feedback to the National Police on the fulfilment of its constitutional and legal objectives and functions, as well as on its members' good and bad practices in the context of police activity, including a permanent dialogue on the use of force by the National Police.

**5.3.2.** Monitor compliance with standards derived from the application of differential approaches, such as ethnicity-race and gender, in police activity.

**5.3.3.** Heed the disciplinary institutions when it seeks to hold to account, through disciplinary investigations, individuals who are members of the National Police. To this end, members of the commission must be ensured full access to the relevant information.

**5.3.4.** Ensure there is follow up on the implementation by the National Police of the policy of transparency and access to public information about police conduct.

**5.4.** Encourage the participation of civil society in the oversight and monitoring of police conduct in Colombia. In order to achieve this, we recommend the following:

**5.4.1.** Ensure the participation of civil society and at least one international human rights body in all Institutional Command Posts set up by the President of the Republic, governors and mayors on matters related to the provision of police services or where members of the institution play a role.

**5.4.2.** Create mechanisms for civil society oversight, monitoring, scrutiny, and participation in identifying, recognizing, and addressing violence attributable to police officers based on differential categories.

**5.4.3.** Create and implement spaces where the methods adopted for resolving conflicts and injustices arising from differential violence have, in all cases, the prior, free, and informed consent of the rightsholders whose rights have been violated.

## **6. THE RIGHTS OF VICTIMS OF POLICE VIOLENCE TO TRUTH, JUSTICE AND REPARATION MUST BE GUARANTEED**

The militarized model under which the National Police has historically operated leaves a legacy of human rights violations that cannot be ignored, especially when it is shrouded in a blanket of widespread impunity. Any comprehensive police reform must have at its core the rights of all people, including victims of police violence, their families, loved ones and communities.

A central core of the proposed reform must be to render an account of the causes of police violence, the circumstances in which it occurred and its consequences, taking into account the need to guarantee the victims' rights to truth, justice and reparation. The proposals presented here seek to contribute, with a view to non-repetition, to the implementation of mechanisms or measures to guarantee the rights of victims and reform of police practices to bring them into line with human rights standards. This should accelerate the protection of the rights of victims of human rights violations committed by the National Police.

**6.1.** Implement actions and mechanisms to guarantee the right to truth of victims of police violence in Colombia. We suggest implementing a model of establishing the truth regarding human rights violations committed by the National Police. Victims of police violence must be able to lead these processes and, for this purpose, have resources and tools for implementing differential, territorial and intersectional approaches within the context of a system of truth, justice, and reparation that links processes of judicial truth and social or dialogical truth. In order to achieve this, we recommend the following as a minimum:

**6.1.1.** Ensure there are adequate, effective, and easily accessible judicial and administrative remedies to clarify individual and institutional (command)

responsibilities for the harms caused by the disproportionate and differential use of force and other forms of police violence.

**6.2.** Implement actions and mechanisms to guarantee the right to justice of victims of police violence in Colombia. In order to achieve this, we recommend the following:

**6.2.1.** Investigate with due diligence human rights violations committed by the National Police as part of systemic crimes, especially in cases of massive, systematic, and differential police violence where patterns of violence should be identified and corresponding responsibilities determined, including those in the respective chains of command. To do this, the Attorney General's Office must create a specialized unit and allocate it sufficient resources and capacities to carry out its work.

**6.2.2.** Carry out institutional reforms of the ordinary justice system that guarantee the application of standards of investigation and punishment that recognize the widespread, serious, and systematic context of certain differential acts of violence, the nature of the differential, the grave and disproportionate nature of the harm inflicted on certain sectors and social, age, ethnic, racial and gender groups, as well as the existing patterns of violent behaviour by police officers in specific contexts such as social protest. To do this, there needs to be an investigation into the effectiveness of the mechanisms that have been proposed to address high-impact crime, informed by an intersectional approach.

**6.2.3.** End the practice of referring cases of human rights violations committed by members of the National Police to the military criminal jurisdiction. This requires at least the following measures:

**6.2.3.1.** Establish internal regulations that prevent jurisdictional clashes between the Attorney General's Office and the military criminal justice system over the investigation of cases of human rights violations committed by members of the National Police. In such cases, the ordinary jurisdiction must always prevail.

**6.2.3.2.** Ensure that the parameters, in terms of jurisprudence, on conflicts of jurisdiction regarding human rights violations committed by members of the National Police are robust and clear, in line with relevant international standards.

**6.2.3.3.** Advance constitutional reforms to remove the National Police from military criminal jurisdiction.

**6.3.** Implement actions and mechanisms to guarantee the right to reparation for individual and collective victims of police violence in Colombia. Any measure, mechanism or agreement on reparation must be concluded with the victims concerned. In order to achieve this, we recommend the following:

**6.3.1.** Eliminate the statute of limitation on direct reparation for cases of police violence.

**6.3.2.** The national government and the National Police must explicitly recognize human rights violations committed in the context of social protest, in the terms provided for in 2020 by the Judgment STC-7641 of the Civil Cassation Chamber of the Supreme Court of Justice. In future, in similar cases, the national government and the National Police should proactively seek avenues for accountability, public apologies, and redress for victims of police violence, always with prior consultation.

**6.3.3.** Implement systems that allow victims access en masse to reparation measures that include, among other things, administrative reparation programmes and specific offers of psychological, physical, and social rehabilitation for victims, spaces for compensation and moral reparation, management of requests for apologies and reforms, as well as the discharge and dismissal of member of the Police that constitute guarantees of non-repetition.

**6.3.4.** Ensure that victims of police violence can obtain redress, judicial or administrative, for harm caused by the disproportionate and differential use of force and other forms of police violence.

Thank you for your consideration and for taking the time to read, listen and enable the participation of civil society in decisions as important for the future of the country as police reform, we reiterate our willingness to respond to any requests for further clarification on the content of this document.

SIGNED: