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<b>Award Recipient</b>	Dejusticia
<b>Addressed to:</b>	Yu-chien Lee Secretary/Project Manager Tang Prize Selection Committee for Rule of Law Rol Team < <a href="mailto:rol@tang-prize.org">rol@tang-prize.org</a> >
<b>Period</b>	21 Oct, 2021 – 30 June, 2023
<b>Report date</b>	July 31, 2023

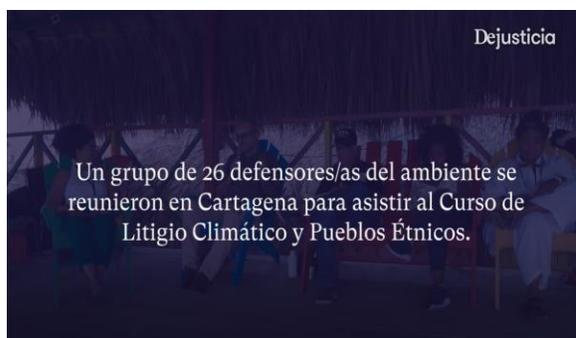
## Overarching objectives for the work

Dejusticia's research grant proposal for the Tang Prize was presented on two different components that contributed to the development of the rule of law:

- (i) Research on inequality and human rights and
- (ii) Commemoration of the 30th's Anniversary of the Colombian Political Constitution.

In our April 2022 Report, we reported extensively on these two issues. In this report we will present a brief account of those achievements, and we want to give you a deeper insight on the last activity that took place with the support of the Tang Prize.

After your generous no-cost extension and the use of the remaining funds, Dejusticia carried out the Climate Change and Ethnic Peoples' Strategic Litigation Course. This Course was possible thanks to the support of the Tang Prize, the Ford Foundation and the Faculty of Human Sciences of the University of Cartagena, Colombia.



In [this link](#) you can watch a short video on the Course

## Climate Change and Ethnic Peoples' Strategic Litigation Course

*Human rights must play an important role in the fight against climate change. The communities must be at the center of this fight.*

With this premise, Diana Esther Guzmán, director of Dejusticia, inaugurated the Course on Climate Litigation and Ethnic Peoples, which took place in Cartagena, Colombia from May 31<sup>th</sup> to June 2<sup>nd</sup>, 2023. For three days, the University of Cartagena hosted 26 defenders of the environment and ethnic people's rights from different corners of the country. Through theoretical classes, practical workshops and panel discussions with local leaders, they acquired tools to use litigation to serve their communities.



*Diana Esther Guzmán, director of Dejusticia, inaugurated the Course.*

These were some of the lessons learned from the Strategic Litigation Course organized annually by Dejusticia, in its 2023 version on climate change and ethnic people's rights.

## 1. The essence of strategic litigation:

The objective of strategic litigation is to seek progressive structural changes, favorable to fundamental rights, especially of vulnerable populations. This was explained in the opening session by Rodrigo Uprimny, senior researcher and co-founder of Dejusticia. He added that strategic litigation (also called high impact litigation) seeks to reach a favorable judicial decision with an impact on public policies. To achieve this, litigants must rely on other strategies, beside the legal: communication, advocacy and social mobilization. All these factors differentiate strategic litigation from the work carried out by legal offices and this implies rejecting some cases that do not have the potential for impact beyond the single case.



*Rodrigo Uprimny presented the characteristics and particularities of strategic litigation.*

*Strategic litigation makes sense when it is articulated with social actors. This prevents legal actions from substituting social mobilization.*

## 2. In strategic litigation, the sole legal approach is not enough

Strategic litigation makes sense when it is articulated with social actors. The solution of complex social problems cannot be solved by legal formulas alone, but requires different perspectives that push social transformations. The broadening of social dialogue also prevents lawyers from replacing social mobilization. In addition, this ensures that more social actors receive, feel identified with and demand compliance with judicial decisions, explained

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Rodrigo Uprimny. Diana Guzmán agrees on this: *the law by itself cannot change realities, but it can accompany robust social processes to transform those realities.*

An example of this was the campaign to prevent fracking in Colombia, which brought together dozens of social organizations in the country in the Alianza Colombia Libre de Fracking. According to lecturer Natalia Ordúz, an independent researcher, *the campaign against fracking began as a local fight against extractivism, however, it quickly became a national concern. This case involved land rights claims but also climate justice issues. In this opportunity, the awareness and education campaign on what fracking was and the effects of fracking was very important.*

### **3. Planning the legal strategy**

When planning strategic litigation, it is essential to design a legal strategy. The first step is to study the alternatives offered by the law to remedy the injustices detected by the communities and reflect on their potential, expectations, risks and challenges.

Fabián Mendoza and Edgar Valdeleón from the Litigation Area at Dejusticia, presented the parameters to identify these judicial scenarios. Among them, it is important to understand if the injustice arises directly from a legal norm or from an action or omission of a public authority or private corporation. In this way, the best legal route can be defined and the way in which the communities must prove the existence of the injustice before the courts.

*We must not only think about how to present the case to win, but also how the decisions are implemented to achieve the transformations we want.*

### **4. We shouldn't leave implementation to chance**

For Guzmán, director of Dejusticia, winning lawsuits is only the first step. That is why she recommends never leaving the implementation to chance and, although she recognizes the difficulty of determining if a structural sentence has been fulfilled, she assures that it is possible to analyze their direct and indirect effects. It is very challenging to measure implementation of structural sentences in terms of

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whether or not the rights have been guaranteed. In many cases, the implementation of these decisions can take years or even decades. Therefore, it is important to measure progress in compliance by considering methodologies that involve progressive compliance indicators.

*Winning a lawsuit in silence is just a partial victory.*

## 5. Communications are crucial

In parallel with the legal strategy, a communications strategy should be built. This component is key in adding citizen support to the cause that is driving the litigation, as explained by Marcela Madrid, a journalist from Dejusticia. For this reason, *winning a lawsuit in silence is a partial victory*, since without communications it will be difficult to pave the way for social change. Who do we want to reach? What will be the central messages? When is it appropriate to communicate? These are some of the questions that this strategy must answer and that the course participants asked themselves for their litigation.

*100% of the country's municipalities are at some type of risk due to climate change.*

## 6. Climate change and human rights

Laura Santacoloma, from Environmental Justice at Dejusticia, presented the panorama of risks that the Colombian territory is experiencing due to climate change: *100% of the country's municipalities are at some type of risk due to climate change* and the departments with the highest risk are San Andrés, Providencia and Santa Catalina; Guajira, Vaupés and Guainía. Despite the fact that a majority of the ethnic population lives in these places, international debates on the subject have revolved around scientific and technical approaches, but debates on human rights and justice are under construction.

## 7. Climate litigation needs other disciplines

Maryluz Barragán, deputy director of Dejusticia, detailed how strategic litigation can be used to protect human rights in the midst of the climate crisis. The

understanding of the climate crisis as an environmental phenomenon and its impacts on human rights requires an articulated effort of lawyers, climate scientists, anthropologists, sociologists, among others. If strategic litigation implies interdisciplinary action, climate litigation simply cannot exist without the collaboration of different disciplines.



*For 3 days, human rights defenders from all over the country met in Cartagena for our annual course on Strategic Litigation.*

## **8. The climate crisis puts cultural richness at risk**

The acceleration of the climate crisis is putting at risk what Wade Davis calls the "ethnosphere", which are the different possibilities of understanding the world: diversity, the possibility of dialogue between different cultures," said Paulo Bacca, Dejusticia's deputy director.



*Lorena González, social leader of the Wayuu people, was one of the participants.*

## 9. Women experience particular effects from climate change

Women, and particularly women belonging to ethnic groups, experience particular effects due to climate change. Kelis Moreno, from Ethnic-Racial Justice at Dejusticia, mentioned some of them: they are given less land and when they are given it is low-quality land, with risks of flooding; they suffer a greater burden before the changes for their traditional horticultural work and as water resources become scarce and they have traditionally been responsible for families' access to water, they have seen more difficulties.

## 10. The climate crisis leads to forced migration

One of the most devastating effects of climate change is forced migration. This was concluded by the Intergovernmental Panel on Climate Change (IPCC) in 1990: "Millions of people would have to be displaced because of the erosion of the coastline, coastal flooding and the damage to agriculture". This happens, as explained by Sergio Chaparro, from the International area of Dejusticia, because climate change makes climatic events more catastrophic, but also because of the impacts this causes on food security.

*Some litigation has aimed at protecting the rights of migrants due to climate causes, Chaparro said. For example, the case of the inhabitants of the Kiribati island, who requested climate refugee status, or that of Providencia after Hurricane Iota.*



### **From the design of an effective learning space to the execution of a successful workshop**

The course not only had very qualified professors, but also brought together activists and leaders from many regions and belonging to various ethnic groups in the country. From a large number of applications, the candidates were chosen not solely with the diversity of the group in mind, but above all based on the very high level of the proposals with which they applied, in which they presented their current work in defense of human rights, environmental protection and ethnic communities in Colombia.

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To ensure that the course offered useful and relevant practical tools for the work of participants, Escuela D -Dejusticia's school in human rights practice- together with the instructors designed a methodology in which theoretical sessions were combined with practical exercises focused on the experiences of participants. In addition, we designed exercises to facilitate the exchange among participants of the strategies and approaches they have used in their work, in order to take advantage of the experiences of those who took part in the course and promote the exchange of knowledge.

In the course evaluations, 100% of the participants said that they would recommend the course, that it had been useful for their professional practice and that both the methodology and the facilitators had been excellent. Ninety-four percent also said they were satisfied with the logistics of the course, which is a considerable achievement in view of the fact that the logistics involved transportations from very remote areas and making accommodations for people with very diverse needs.

## Research and publication of Human Rights for Socioeconomic Equality Series



Design by Elizabeth Builes.

### Addressing Inequality

From 2020 we put a spotlight on poverty and inequality. As a result, we launched a [book collection](#) on the subject. The project contributes with theoretical and empirical reflections on the relationship between poverty, socio-economic inequality and human rights and explores how inequality affects the fulfillment of human rights and how human rights can be used to fight against inequality. We combined the different thematic areas of Dejusticia on the issues of poverty and malnutrition among indigenous peoples; violence against women drug-users; air quality inequalities in cities; education apartheid and inequality of internet access.

The collection was developed under the editorial direction of former Dejusticia director, Vivian Newman and current director, Diana Esther Guzmán, who led the discussions and focused the initiatives of team members.

The series is comprised by 7 volumes:

[Territorio Wayúu: entre distancias y ausencias. Pobreza alimentaria, malnutrición y acceso a agua potable en los entornos escolares de Uribia](#)



Dejusticia

The grave human rights situation of Wayuu (Indigenous community) children in the Upper and Middle Guajira led the Inter-American Commission on Human Rights to order interim measures in 2015 and the Constitutional Court of Colombia to declare an Unconstitutional State of Affairs in 2017. Although there is no doubt that La Guajira is one of the territories with the highest rates of poverty and inequality in the country, knowledge about how this reality is manifested in the most dispersed territories of the municipality of Uribia and how it affects their conditions of access to water and food is limited.

[Mujeres, calle y prohibición: Cuidado y violencia a los dos lados del Otún](#)



Lameride Dejusticia

This book explores the implications of using drugs and being a woman in contexts of economic vulnerability in Pereira and Dosquebradas (Risaralda, Colombia), mainly from the networks served by harm reduction programs in those cities. Drug policies and the female experience with drug use are met with institutional misogyny, thus exacerbating adverse health and general living conditions. Based on the accounts of 54 women who use various illegal drugs, this book discusses the experiences of drug use initiation, the structural living conditions, the cycles of violence they have faced, sexual health and reproductive agency, maternity, the role of harm reduction in their rights and the search for treatment.

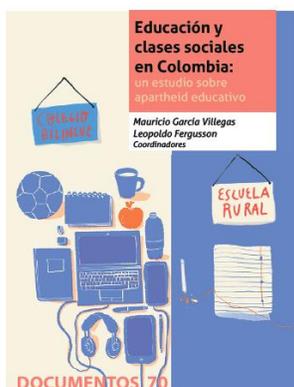
[La desigualdad que respiramos. Políticas de calidad del aire, pobreza y desigualdad en Bogotá, 2010-2020](#)



Dejusticia

Poor air quality has become a recurring problem in the main and medium-sized cities in Colombia. Considering the unplanned urban expansion processes and other elements that have led to spatial inequality in cities, exposure to air pollution is interwoven with other aspects of socioeconomic inequality in cities. This research proposes an environmental justice assessment methodology for air quality policies and strategies. As a decontamination plan is not effectively implemented, inequality is magnified by socioeconomic variables and poor air quality exposure.

[Educación y clases sociales en Colombia: un estudio sobre apartheid educativo.](#)



Dejusticia

Education in Colombia is strongly influenced by social class. Children of high-income parents' usually study in schools that offer good quality education; in contrast, children of middle-income and low-income parents' study in schools that offer a lower-quality education, and in some cases, especially when it comes to farmers, of poor quality. In global terms, this separation exists and is equivalent to a condition of segregation that we call educational apartheid. This book studies this segregation from its historical origin and provides analyses that show how, from early childhood through university education, a system of segregation is consolidated.

[Desigualdades digitales. Aproximación sociojurídica al acceso a Internet en Colombia](#)



Dejusticia

This book addresses the phenomenon of access to new digital technologies and the digital divide. First, we ask about economic inequality in accessing and using these technologies. Next, we focus on Internet access, understood as a space where people interact and exercise rights. Should Internet access be recognized as a right? What would be the content of this right? The book aims to shed light on these and other questions by

reviewing the concept of the digital divide and some arguments about the legal characterization of Internet access.

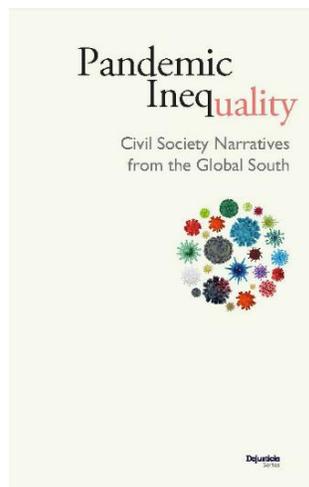
## [Renta básica feminista: de la utopía a la necesidad urgente](#)



In this book, we present a theoretical and practical proposal to promote a basic feminist income in Colombia. In an attempt to reconcile the ideal and the possible, we discuss some ideas for mitigating long-term inequalities, many of them exacerbated by the crises we have experienced in recent years. In addition, we emphasize that the basic income should not be an isolated and stand-alone policy but part of a comprehensive welfare system that addresses women's needs, especially those most vulnerable. In a landscape of growing and intensifying crisis, basic income is no longer seen as a utopia but as a necessary solution to the constraints of our times.

## [La desigualdad pandémica. Relatos de la sociedad civil del sur global](#)

### [Pandemic inequality: Civil society narratives from the global south](#)



How can we think of the COVID-19 pandemic through inequality? What does this analysis look like when written from Lahore or Abuja and not from London or San Francisco? This book explores these questions through narratives written by young human rights defenders from the Global South, from Nigeria and the Philippines to India and Chile. They write about the latent structural inequalities that the pandemic has exacerbated, exposed or repressed and those that have broken the already limited trust in government, the private sector and social organizations as well as the resilience strategies and creative social organization that helped confront the pandemic around the world.

## Constitution 30th Anniversary Media Special



In 2021 Dejusticia joined the 1991 Constitution's 30th-anniversary commemoration by highlighting social and institutional real constitutional changes as well as pending promises with a multimedia package. We created a website [La Constitución de la gente: 30 años de una Carta que evoluciona](#) [The People's Constitution: 30 years of an evolving Chart] with materials on the constitutional development during the last three decades targeting a young audience, featuring social movements, institutions and academia. The site includes six chronicles, seven articles, five podcasts, one reference [library](#) and an open access [course for young people](#).

We produced a series of podcasts [La carta viva](#) with the voices of social leaders telling their own experiences on advancing their causes thanks to the progressive bill of rights the 1991 Constitution brought. They are available in Spanish here:

- (i) [Pelar la montaña como se pelan papas](#) on resistance to gold mining;
- (ii) [Quitarse la máscara](#) on LGBTIQ rights to no discrimination;
- (iii) [Protestar para resistir la historia](#) on indigenous resistance to land grabbing since 1492;
- (iv) [Libertad de uso personal](#) on decriminalization of drug minimum dose after a 1994 historical ruling of the Constitutional Court and
- (v) [El archivo secreto](#) on Freedom of expression with the story of a Journalist looking for evidence on the Church' sexual abuses.

As part of the multimedia package, we also included two chronicles: [Un machete para habitar la tierra](#) on the campesino struggle for recognition and [Pasajeras de un mismo viaje](#) with memories of struggles and life stories of many women.

## General performance report

	USD	COP
PROJECT TOTAL	\$116,549	\$458,784.649
TOTAL RECEIVED (After Taxes)	\$95,806	\$377,131.932
TOTAL COMMITTED	\$95,806	\$377,131.932
AMOUNT TO SPEND	\$0	\$0

	USD	COP
<b>Objective 1</b>		
Series publishing costs	\$15,423	\$ 60,712.414
Staff	\$19,079	\$ 75,102.813
Overhead	\$9,830	\$ 38,694.934
<b>Objective 2</b>		
Communications costs	\$18,463	\$72,676.210
Staff	\$19,078	\$ 75,098.877
Overhead	\$9,869	\$ 16,000.000
<b>Total</b>	<b>\$95,806</b>	<b>\$377,131.932</b>

