

ATTACHMENT A

USAID/COLOMBIA

Request for Information (RFI)

Human Rights and Access to Justice for Migrants Activity Concept Paper

I. JUSTIFICATION

The Venezuelan migrant and Colombian returnee community face significant human rights risks in Colombia, including challenges in accessing human rights and justice services. Venezuelan migrants and Colombian returnees are more vulnerable to having their human rights violated due to: 1) lack of understanding about their rights and access to services; 2) irregular migratory status; 3) unfamiliarity with the Colombian armed conflict and institutions; and 4) increased rate of multidimensional poverty. These factors are further exacerbated by institutional and societal xenophobia against migrants and returnees.

Venezuelan migrants and Colombian returnees are at greater risk of falling victims of forced displacement and recruitment, forced disappearance, sexual and labor exploitation, gender-based violence (GBV), and trafficking in persons (TIP). According to the *Consultoría para los Derechos Humanos y el Desplazamiento* (CODHES), between 2018 and December 2020 the Ombudsman's Office issued 38 early human rights alerts related to the Venezuelan migrant population.¹ The majority of these early alerts were related to serious human rights violations like forced recruitment of youth by armed groups, human trafficking for sexual and labor exploitation, and extortion. Moreover, these early alerts evidenced that women and youth migrants are at disproportionate risk of human rights violations, particularly TIP. Migrants and Colombian returnees are also vulnerable to forced displacement. In 2020, there were 1,097 cases of forced displacement of Venezuelan migrants in Norte de Santander, 50 cases in the Valle del Cauca, and 28 cases in La Guajira.² In 2021, CODHES documented 33 cases of forced recruitment of youth, 1,650 cases of forced displacement, and 2,319 cases of sexual violence. This illustrates the stark reality that migrants and returnees face in Colombia.³

In addition to being at increased risk of human rights violations, Venezuelan migrants and Colombian returnees also face greater challenges in reporting these violations and receiving justice support in Colombia. Even before Colombia started to receive migrants from Venezuela, the country's justice system was overwhelmed. According to 2021 data, there are only 11.6 judges per 100,000 inhabitants, while the Organisation for Economic Co-operation and Development (OECD) recommends that countries have at least 65 judges per 100,000 habitants.⁴ There is also an existent and substantial case backlog in the justice system, and the number of new cases registered in Colombia increases approximately 20 percent

¹ https://codhes.files.wordpress.com/2021/07/20210622_-bci_96_fnl-1.pdf

² https://codhes.files.wordpress.com/2021/07/20210622_-bci_96_fnl-1.pdf

³ https://codhes.files.wordpress.com/2021/07/20210622_-bci_96_fnl-1.pdf

⁴ https://codhes.files.wordpress.com/2021/07/20210622_-bci_96_fnl-1.pdf

annually. Demand for justice services has been escalating due to increased insecurity and in the context of migration from Venezuela.

In order to successfully integrate Venezuelan migrants and Colombian returnees into Colombian society, these communities need to be able to identify and report cases of human rights violations. Furthermore, human rights and justice institutions need to understand and address the barriers that prevent migrants and returnees from accessing their services, and be better equipped to prevent and respond to migrant human rights violations when they occur.

II. PURPOSE

The Human Rights and Access to Justice Activity aims to address ongoing and grave human rights violations and access to justice barriers among migrant, returnee, and receptor communities across capital cities throughout Colombia. For this Activity, grave human rights violations include TIP, GBV, forced recruitment, and sexual and labor exploitation.

III. DEVELOPMENT HYPOTHESIS:

IF community, public, and private actors in Colombia have an improved awareness of human rights as it relates to migrants, and access to human rights and justice services increases, THEN migrants and returnees' vulnerabilities will be mitigated and their security will be enhanced, allowing them to more effectively integrate into Colombian society.

IV. RESULTS FRAMEWORK

Objective 1: Improved awareness of human rights as it relates to migrants.	Objective 2: Increased provision of human rights and justice services for the target population.
IR 1.1: Local human rights and justice institutions understand their responsibilities related to migrants.	IR 2.1: Local human rights and justice institutions integrate migrant rights into public policies.
IR 1.2: Migrant and Colombian returnees understand and assert their rights and responsibilities.	IR 2.2: Local human rights and justice institutions have increased capacity to provide services.

Objective 1: Improved awareness of human rights as it relates to migrants.

Human rights and justice institutions in Colombia are largely unfamiliar with the disproportionate effects of human rights violations on Venezuelan migrants and Colombian returnees. For example, newly arrived migrants and Colombian returnees are more vulnerable to becoming victims of GBV, TIP, sexual exploitation, and forced displacement. This is illustrated by the fact that Colombia's Ombudsman's Office issued 18 early warning alerts related to sexual violence against migrant women and youth between 2018 and 2020.⁵ Moreover, illicit armed actors prey on the dire social and economic needs of migrants and returnees. To address these challenges, Objective 1 will focus on ensuring that community, public, and private actors: 1) adequately identify human rights violations in migrant, returnee, and receptor communities; and 2) effectively fulfill their roles and responsibilities regarding human rights. This Objective will also seek to engage the private sector to develop a business case to further advocate and promote human rights for migrants, returnees, and receptor communities.

Target 1: A minimum of 30 percent of public sector officials and 50 percent of migrant and Colombian returnees have an improved awareness of their roles and responsibilities.

IR 1.1: Local human rights and justice institutions understand their responsibilities related to migrants.

Municipal and departmental human rights and justice institutions, like the Attorney General and the Prosecutor's Offices, are familiar with common human rights violations in their territories. However, these institutions do not acknowledge that migrants' legal status in Colombia can place them at increased risk of human rights violations, and cause them to be disproportionately impacted by certain human rights violations, like TIP and forced recruitment. Many institutions are also unaware that Temporary Protected Status (TPS) gives migrants rights under Colombia's human rights protection and justice systems. As such, municipal and departmental human rights and justice institutions need to be made aware of: 1) migrants' vulnerability to human rights violations; 2) the types of human rights violations that migrants face; and 3) institutional roles and responsibilities to address migrant human rights violations. For example, migrant women and girls face increased risk of being sexually exploited due to their economic vulnerability and the hypersexualization of migrant women. Human rights and justice institutions need to understand migrant women's risks, and respectfully, effectively, and efficiently prevent, protect and respond to such human rights victims. Efforts under this IR should also seek to engage the private sector to reinforce its role in protecting migrant employees and consumers' human rights.

IR 1.2: Migrant and Colombian returnees understand and assert their rights and responsibilities.

Venezuelans that migrate to Colombia often arrive with little to no knowledge of Colombia's history of armed conflict or its ongoing challenges related to drug and human trafficking. As a result, these migrants do not know how to navigate regional insecurity, and are not aware of their increased vulnerability to armed and illicit groups. Migrant and Colombian returnees' high levels of vulnerability and mistrust in

⁵https://drive.google.com/file/d/1e93cqQomJxy5IXNlcS_QBM3Pmm6SApwZ/view?usp=share_link

government institutions are further exacerbated by their lack of knowledge about their most basic rights and the Colombian justice system, including public ministry organizations. For example, the majority of migrants that report human rights violations only report such incidents to the police, but they do not report human rights violations to other authorities.⁶ Therefore, it is reasonable to assume that migrants and returnees are unfamiliar with their rights and with the human rights and justice actors and services that they can access, like Colombian justice houses. Similarly, Venezuelan migrants are unaware of local laws and their responsibility to adhere to these laws. For example, between 2021 and 2022 many migrants did not know that they could request TPS, and did not prioritize regularizing their migratory status in Colombia.⁷

Objective 2: Increased provision of human rights and justice services for the target population.

Colombia's human rights and justice system is overwhelmed and demand for human rights and justice services has only increased in the context of migration from Venezuela. For example, between 2015 and 2020, 2,319 Venezuelan migrants reported being victims of sexual violence and were entitled to justice services in Colombia.⁸ Moreover, prior to the wave of migration from Venezuela, Colombia had not experienced mass migration inflows. As a result, the majority of municipal, departmental, and national public policies do not include a migrant focus or effectively address migrants' needs. To tackle these challenges, Objective 2 will assist human rights and justice institutions to: 1) integrate migrant rights into municipal and departmental public policies; and 2) provide human rights and justice services to migrant, returnee, and receptor communities. Depending on the level of centralization of the human rights and justice institution that this activity works with, efforts under this Objective may also be scaled-up to engage national level institutions.

Target 2: Local human rights and justice systems show a 35 percent improvement in capacity to provide services.

IR 2.1: Local human rights and justice institutions integrate migrant rights into public policies.

Municipal and departmental public policies directed at the migrant populations have been nascent at best and non-existent at worst. Although cities with high concentrations of migrants and returnees, like Medellin and Bogota, have taken steps to improve their public policies over the past few years, no city has successfully rolled out exhaustive policies to date. For example, every major migrant receptor city should have a functional Integrate Center, a one-stop-shop center that provides comprehensive services to the migrant, Colombian returnee, and receptor communities. Integrate Centers should facilitate community access to human rights and justice services, and work in coordination with justice houses. Migrant receptor cities should also have a migration roundtable, a space that ensures migrant issues are prioritized and effectively coordinated. By 2023, the nine cities with the largest migrant populations will

⁶ https://datastudio.google.com/u/0/reporting/9f9fb013-1833-4aaa-b996-73031dc0af08/page/p_xztfiyzzqc

⁷ <https://ccd.kujakuja.com/es/graph>

⁸ https://codhes.files.wordpress.com/2021/07/20210622_-bci_96_fnl-1.pdf

have both an Integrate Center and migration roundtable, largely due to USAID's support over the past several years.⁹ However, these cities still need support to develop and implement comprehensive migration policies and ensure human rights protection and justice services are effectively delivered to complement the Integrate Centers and migration roundtables.

IR 2.2: Local human rights and justice institutions have increased capacity to provide services.

Human rights and justice institutions in Colombia do not have the time, financial, or staff resources needed to respond to human rights violations in an efficient and effective manner. Demand for human rights and justice resources is even higher in communities where the influx of migrants has resulted in a general increase of demand on public goods and services, including justice. Since 2018, the number of formal legal complaints, called *acciones de tutelas* in Spanish, submitted by the Venezuelan community has more than tripled.¹⁰ This is a telltale sign that the need for justice services is increasing and that the justice system is being saturated with requests. Moreover, it is reasonable to assume that, once migrants and Colombian returnees better understand their rights and responsibilities, the demand for human rights and justice services will further increase. As such, human rights and justice institutions need to strengthen their capacities now to respond to heightened demand for their services. Efforts under this IR should also seek to engage private sector funded legal services for migrants and returnees.

V. GEOGRAPHY AND POPULATION TARGETING

This activity will prioritize work in urban areas with the highest number of migrants and Colombian returnees, and in border regions with significant risks and cases of human rights violations. These areas include: Barranquilla, Bogota, Bucaramanga, Cali, Cartagena, Cucuta, Medellin, Riohacha, Santa Marta, and northern and southern border regions, like Paraguachón and Ipiales. However, these regions may change depending on how the migration situation in Colombia evolves, and based on fluctuating mixed migration flows.

In addition to accounting for the regions with the highest number of migrants and Colombian returnees, areas where this activity works will also be determined using the following criteria: 1) number of cases of grave human rights violations among migrant and returnee communities; 2) number of cases of grave violations of human rights among youth and women; 3) low levels of response to grave human rights violations among migrants and Colombian returnee; and 4) existing legal and physical infrastructure needed to respond to grave human rights violations among migrants and Colombian returnees.

VI. GUIDING PRINCIPLES

A. Diversity, Equity, and Inclusion

⁹ The nine cities with the highest levels of migration are: Bogota, Medellin, Cali, Cartagena, Bucaramanga, Barranquilla, Santa Marta, Riohacha/Maicao, and Cucuta.

¹⁰ ENCUESTA INVAMER POLL (MEDICIÓN 129) DE JULIO DE 2021.

Inclusion and equity are foundational principles of USAID and are integral in reaching our development goals. To effectively address ongoing human rights violations and access to justice barriers among migrant, returnee, and receptor communities throughout Colombia, this activity will use a social inclusion approach. This approach includes, but is not limited to, issues of: 1) gender equality and female empowerment; 2) the advancement of persons with disabilities; 3) racial equity; 4) the inclusion of lesbian, gay, bisexual, transgender, queer and intersex persons (LGBTQIA+); and 5) the empowerment of youth. To this end, the activity will promote human rights as it relates to migrants and using an intersectional approach that recognizes the differential needs and barriers faced by migrants in their diversity. The activity will also promote justice service access among migrant, returnee, and receptor communities, with a particular focus on improving women, youth, afro and indigenous, persons with disabilities, and LGBTQIA+ access to human rights and justice services. Offerors must apply the principles of “Do No Harm” and “do nothing about them without them” when working with marginalized groups. Staff must also implement safeguarding measures to ensure that its efforts do not put any individual or marginalized group at increased risk of harm and consult with marginalized groups to understand their needs and priorities.

B. Environment and Climate Change

Interventions under this activity will be guided by [USAID’s Climate Strategy](#). This strategy outlines how USAID-funded actions should transform their workforce, operations, and policies to substantially reduce carbon emissions, adapt to the climate crisis, and promote equity and inclusion. With this in mind, Offerors must consider how climate change can undermine migrant and returnees’ physical and economic security, and how the secondary effects of climate change, like displacement, loss of livelihoods, and weakened government institutions, further individual’s vulnerability to human rights violations. Additionally, Offerors must evaluate and mitigate potential environmental impacts of its interventions during the planning process, especially those impacts related to migrants, returnees, and receptor communities living in environmentally precarious and/or informal communities.

C. Private Sector Engagement (PSE)

PSE is a strategic approach to planning and programming through which each USAID activity consults, strategizes, and collaborates with the private sector for greater scale, sustainability, and effectiveness of development.¹¹ The PSE umbrella concept includes public-private partnerships (PPPs).¹² Private sector partners bring special resources, expertise, technologies, capabilities, and other resources to the table that can augment the impact of USAID interventions when strategically aligned. Offerors must identify strategic long-lasting engagement with the private sector throughout the activity’s components, and applications should identify specific private sector partners who will accompany the project throughout implementation. USAID/Colombia has a team of PSE experts that can support this activity’s PSE efforts by facilitating connections, coordinating meetings, and providing support to construct the activity’s PSE Strategy. Offerors will ensure the contracting officer’s representative (COR) and/or member of the USAID

¹¹ See USAID’s [Private Sector Engagement Policy](#)

¹² USAID understands PPPs as an agreement or contract between USAID and a private-sector entity, or entities, in which both parties contribute resources.

PSE team will be present at high level meetings with potential private sector partners. Offerors will also seek partnerships related to digital tools and technology to support implementation of all activity components. Private sector actors engaged in this activity may include micro and small businesses, in addition to larger companies.

D. Regional Integration

This activity will build on its previous human rights and access to justice interventions. The activity will pursue regional integration opportunities with complementary USAID activities that target migrant, Colombian returnees, and receptor communities, like the Integra Activity, and activities that address issues related to gender and inclusion, like the Generating Equity Activity. To prevent duplication of efforts and to scale up best practices, the activity will also coordinate and collaborate with other USAID activities related to human rights and justice, namely the Human Rights for Peace Activity and the Inclusive Justice Activity. To support regional integration, the activity will participate in coordination and planning spaces organized by USAID/Colombia's Regional Integration team to ensure close coordination, facilitate integration, and avoid duplication of efforts with other USAID and/or donor activities.

E. Digital Innovation

Digital Innovation and the use of digital technology are highly encouraged to expand the impact of USAID activities. Taking balanced risks when investing in digital solutions is key. The rapidly evolving digital landscape requires a risk appetite when harnessing new technologies and innovations with a commitment to understand and minimize avoidable risks as we promote innovation. Venezuelan migrants and Colombian returnees in Colombia face a unique set of digital challenges, including the threat, real or perceived, of surveillance. Many will want to participate in Colombia's digital society and economy but may lack adequate identity documentation or economic capacity. Attention to the unique digital needs of migrants is part of the community-based development assistance. Addressing digital challenges requires, as a minimum, to take into account: 1) promoting or improving the digital literacy of the target population; 2) preventing or closing the digital divide experienced by migrants; and 3) working with beneficiaries and community, public, and private actors to improve the cybersecurity posture of the migrant community (e.g. digital hygiene).

F. Community Engagement

This activity will prioritize community engagement to develop and strengthen community trust among migrants, returnees, and receptor communities. The more effective state actors are at adequately addressing and responding to human rights violations among migrant, returnee, and receptor communities, the more trust will exist between state actors and these populations. Moreover, this activity will seek to ensure sustainability once the activity ends by engaging civil society organizations to further strengthen community engagement, collaboration, and gain reputational integrity and trust across the communities in which this activity will work.

G. Collaborating, Learning, and Adapting (CLA)

To foster ongoing CLA, this activity will document lessons learned and best practices, while incorporating pause-and-reflect sessions that allow for continued adaptation. This activity will share pertinent data and findings across the USAID Mission, with Colombian Government entities, the donor community, and civil society organizations that will allow for stronger interventions across our intended demographic and geographies.

H. Alignment

This activity will respond to the Special Objective in USAID/Colombia's Country Development Cooperation Strategy (CDCS), stability in areas impacted by migration from Venezuela. Specifically, this activity will support IR 4.1, strengthened public systems, by strengthening human rights and justice sector institutions to more adequately respond to human rights violations among the migrant, returnee, and receptor communities.

[END OF ATTACHMENT A]