

# HUMAN RIGHTS EDUCATION AND JUSTICE IN EQUITY: TOWARDS A NECESSARY ARTICULATION IN THE RESOLUTION OF COMMUNITY CONFLICTS IN COLOMBIA

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## Summary

Justice in equity is configured as an alternative dispute resolution mechanism that allows communities to manage their differences through dialogue and mutual recognition. However, in Colombia, equity conciliators have received poor training in human rights education (HRE), which limits their ability to address community issues from a social justice and rights-guaranteeing approach. This study analyzes the relationship between human rights education and conciliation in equity, in order to demonstrate the need to articulate both areas to strengthen the administration of community justice. Using a qualitative and documentary methodology, regulatory frameworks, public policies, and previous research on the human rights training of equity conciliators in Colombia were reviewed. The results suggest that the absence of training in HRE not only affects the legitimacy of justice in equity, but also perpetuates discriminatory practices and limits access to justice mechanisms for vulnerable populations. It is concluded that it is essential to integrate human rights education into the training programs of conciliators in equity, in order to guarantee inclusive and effective community justice.

**Keywords:** justice in equity, human rights education, community conciliation, conflict resolution.

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## INTRODUCTION

Justice in equity has been recognized in Colombia as an alternative dispute resolution mechanism that allows communities to manage disputes autonomously, through dialogue and agreement. This model of community justice is especially relevant in contexts where access to formal justice is limited, providing populations with tools to resolve daily conflicts without resorting to traditional judicial instances. However, despite its potential to strengthen coexistence and social cohesion, justice in equity faces significant challenges, among which the absence of structured training in human rights education (HRE) for equity conciliators stands out. This lack limits their ability to apply principles of equity and inclusion in mediation processes, which can lead to decisions that perpetuate structural inequalities within communities. Human rights education is a fundamental component of social justice and the building of a democratic society. The United Nations (UN), through the World Program for Human Rights Education, has indicated that human rights training must be present in all educational settings and in the training of justice operators, including those who exercise functions in non-formal spaces for conflict resolution. In the Colombian context, the National Plan for Human Rights Education (PLANEDH) has highlighted the need to strengthen the training of community actors in this area, in order to ensure that the principles of equality, non-discrimination and access to justice are effectively applied in all instances of mediation and conciliation.

From a theoretical perspective, the relationship between justice in equity and human rights education can be approached from different approaches. First, John Rawls' (1971) theory of justice states that equity should be the guiding principle of all forms of justice, which implies that decisions made in equitable conciliation processes should guarantee equal rights and opportunities for all parties involved. In this sense, a solid training in human rights is essential for equity conciliators to be able to apply criteria of distributive justice and avoid decisions that reproduce asymmetrical power relations within communities.

From a more applied perspective, restorative justice, developed by authors such as Zehr (2002), proposes that conflict resolution mechanisms should go beyond normative application and focus on the reparation of damage and the restoration of community ties. This model of justice is based on principles of dialogue, mutual recognition and active participation of the parties, which coincides with the objectives of conciliation in equity. However, for this approach to be truly effective, conciliators need to have conceptual and methodological tools that enable them to understand and apply human rights in their mediation processes.

Another relevant theoretical framework is the capabilities approach of Amartya Sen and Martha Nussbaum, which argues that justice should be evaluated in terms of the real opportunities that people have to develop their capacities and exercise their rights. From this perspective, conciliation in equity must not only guarantee the resolution of conflicts in a peaceful manner, but must also contribute to the elimination of structural barriers that limit the exercise of rights in community contexts. Human rights training enables conciliators to take a broader view of justice, recognizing pre-existing inequalities and seeking solutions that favor historically excluded sectors.

Despite the importance of these theoretical frameworks, in practice, human rights education has been a neglected dimension in the training programs of conciliators in equity in Colombia. An analysis of the curricular content of the training programmes shows that the training has focused mainly on procedural aspects of conciliation, leaving aside essential elements such as the recognition of fundamental rights, the gender perspective and the differential approach in the administration of community justice. This lack of comprehensive training can lead equity conciliators to make decisions based on cultural norms or traditional practices that, in some cases, may conflict with human rights principles, thus reproducing situations of discrimination and exclusion.

In this context, the objective of this study is to analyze the relationship between human rights education and justice in equity in Colombia, in order to demonstrate the need to articulate both areas to strengthen the administration of community justice. Through a qualitative and documentary methodology, regulatory frameworks, public policies and previous studies on the human rights training of equity conciliators in the country are reviewed. It seeks to understand how the absence of training in HRE impacts conciliatory practice and what strategies can be implemented to ensure a more inclusive and effective community justice.

The contribution of this research lies in its contribution to the debate on the existing gaps in the training of conciliators in equity and in the formulation of proposals to integrate human rights education into these processes. It is hoped that the findings of this study will serve as an input for the design of public policies aimed at strengthening justice in equity in Colombia, ensuring that community mediation processes are truly inclusive and respectful of the fundamental rights of all people.

## METHODOLOGY

This study was developed under a qualitative and documentary approach, based on action research, with the purpose of analyzing the relationship between human rights education (HRE) and justice in equity in Colombia. Action research allows not only to understand a problem in a specific context, but also to generate proposals for improvement that can be applied in the training of conciliators in equity. In this sense, the study not only seeks to describe the lack of human rights training in training programs for conciliators, but also to provide pedagogical and normative alternatives that favor a more inclusive conciliatory practice based on principles of equity and social justice.

The population under study is made up of equity conciliators in Colombia, whose role has been promoted by the Ministry of Justice and Law as part of alternative dispute resolution mechanisms. The selection of this group responds to the need to evaluate the training they receive in human rights and how this training – or lack thereof – impacts mediation and conciliation processes in communities.

The methodological process was structured in three interdependent phases:

1. Document review phase: An analysis of regulatory frameworks, public policies and previous studies on work-life balance in equity in Colombia was carried out. Documents issued by government entities such as the Ministry of Justice and Law, as well as academic publications on community justice and human rights education, were reviewed.

2. Analysis phase of current training in equity conciliation: Training programs aimed at equity conciliators in different regions of the country were studied. The contents addressed in these programs were identified and the extent to which they include training in human rights, a gender approach, and an equity perspective in conflict resolution was evaluated.
3. Phase of identification of gaps and formulation of proposals: Based on the findings obtained in the first two phases, a critical analysis of the gaps in the training of conciliators in equity in relation to human rights was carried out. Based on this information, pedagogical strategies were proposed that could be incorporated into training programs to improve conciliation practice and ensure more equitable conflict resolution processes.

Data collection was carried out through a documentary analysis of primary and secondary sources. Regulations such as Law 497 of 1999, which establishes the legal framework for conciliation in equity in Colombia, were reviewed, as well as national human rights education plans and training guides for conciliators. Studies on the effectiveness of conciliation in equity and its impact on access to justice in vulnerable communities were also analyzed.

For the analysis of the information, the content analysis technique was used, in order to identify patterns and trends in the training of conciliators in equity in Colombia. The information was categorized into three main thematic axes:

- Coverage of human rights education in the training of equity conciliators.
- Equity and gender perspective approach in training programs.
- Impact of the absence of human rights training on conciliation practice.

The content analysis made it possible to recognize the key elements that need to be strengthened in the training of conciliators in equity and to establish a diagnosis of the current limitations in the application of human rights principles in community conciliation processes.

The findings obtained from this study provide inputs for the formulation of recommendations aimed at governmental and academic institutions, with the purpose of improving the training of conciliators in equity in Colombia. The inclusion of human rights education in these programmes is critical to ensure that conflict resolution processes are truly fair, inclusive and respectful of the fundamental rights of all people involved.

## RESULTS

The findings of this study show the insufficient integration of human rights education (HRE) in the training programs of conciliators in equity in Colombia, which limits the effectiveness of conciliation as a mechanism for resolving community conflicts. Through documentary and content analysis, gaps were identified in the training of conciliators on fundamental issues such as access to justice, the gender approach and the protection of vulnerable groups. The lack of these elements in the training of conciliators can lead to biased interpretations of fairness and perpetuate conflict resolution practices that do not consider the fundamental principles of human rights.

### Coverage of human rights education in the training of equity conciliators

The analysis of the training programs in conciliation in equity showed that human rights education is approached superficially or as a complementary component, without a clear curricular structure that guarantees its appropriation by conciliators. Although human rights training modules have been implemented in some regions, they are not mandatory or standardized in training plans. It was identified that the training focuses mainly on the procedural aspects of conciliation, leaving aside the application of principles of equity and social justice in conflict resolution.

Table 1 presents a summary of the level of inclusion of human rights education in equity conciliator training programs in Colombia, based on a review of official documents and training guides.

Table 1 *Level of inclusion of human rights education in the training of equity conciliators*

Training Element in HRE	Presence in Programs (%)
General principles of human rights	35%
Differential approach and gender equity	20%
Protection of vulnerable groups	18%
Access to justice from a rights-based perspective	25%
Practical application of human rights in conciliation	15%

As noted in the table, less than 40 per cent of training programmes include essential elements of human rights education, reflecting a significant gap in training conciliators and ensuring an inclusive justice approach.

Equity and gender perspective in training programmes

One of the most relevant findings of the study is the scarce presence of a gender perspective in equity conciliation programs, which directly impacts the way in which conflicts are resolved in communities where women and other vulnerable groups face situations of discrimination and violence. Although policies have been developed in Colombia to incorporate the gender approach in the administration of justice, these have not translated into effective training for conciliators in equity. In some cases, the lack of gender training has led conciliators to reproduce stereotypes and cultural norms that reinforce inequality, rather than contributing to its eradication.

The documentary analysis revealed that cases of domestic violence and conflicts due to gender discrimination are not always treated from a human rights perspective within the conciliation in equity. In some cases, conciliators may promote agreements that perpetuate the violation of rights instead of ensuring a fair solution for the parties involved. This limitation highlights the urgent need to integrate an equity approach in the training of conciliators, ensuring that conciliation processes are effective tools for access to justice for vulnerable populations.

**Impact of the absence of human rights training on conciliation practice**

The lack of training in human rights education has direct consequences on the conciliatory practice of equity. Some of the effects identified include:

- **Reproduction of structural inequalities:** In the absence of human rights training, conciliators may base their decisions on cultural norms or customs that do not guarantee fairness or justice for all parties involved.
- **Limitations in the guarantee of access to justice:** The absence of a human rights approach in conciliation in equity can generate rulings that favor sectors with greater power within the community, affecting the right of access to justice of vulnerable populations.
- **Lack of tools to address conflicts with a differential approach:** Equity conciliators must address cases involving populations with specific needs and rights, such as indigenous communities, Afro-descendants, and the LGBTIQ+ population. Without adequate human rights training, it is difficult to ensure that these groups are treated fairly in mediation processes.

In general terms, the results obtained reflect that human rights education is a critical component that should be incorporated in a mandatory manner in the training of equity conciliators in Colombia. The inclusion of these contents would strengthen the administration of community justice, guaranteeing that conflict resolution processes are developed under principles of equity, inclusion and respect for fundamental rights.

## DISCUSSION

The findings of this study show that the absence of structured training in human rights education (HRE) within the training programs for equity conciliators in Colombia limits the exercise of community justice based on principles of equity, inclusion, and effective access to justice. From a theoretical perspective, these results are aligned with the postulates of social justice, restorative approaches and capacity theory, which state that conflict resolution mechanisms must guarantee the protection of fundamental rights and the equal participation of all parties involved.

From Rawls' (1971) social justice approach, equity in conflict resolution must ensure that all members of a community can access justice on an equal footing, especially those who have historically been marginalized or excluded. However, the data obtained in this study show that, in the absence of training in HRE, equity conciliators can reproduce discriminatory practices that affect vulnerable populations, such as women, indigenous communities, and people in situations of displacement. This limitation implies that the principles of impartiality and equity, fundamental for conciliation in equity, can be compromised in daily practice.

From the perspective of restorative justice, Zehr (2002) argues that conflict resolution processes must go beyond simple mediation between the parties, promoting the reparation of damage and the transformation of social relations within the community. In this sense, conciliation in equity represents an opportunity to strengthen community cohesion and guarantee solutions that respect the fundamental rights of those involved. However, a lack of human rights training prevents equity conciliators from adopting effective restorative approaches, which can lead to solutions that, rather than reducing inequalities, perpetuate them. Amartya Sen and Martha Nussbaum's theory of capabilities reinforces this idea by arguing that justice should be evaluated not only in terms of normativity, but also in terms of the actual opportunities that people have to exercise their rights. In the case of conciliation in equity, this means that conciliators must be trained to recognize the structural inequalities that affect the parties involved and propose solutions that promote the development of individual and collective capacities. Without human rights training, conciliators lack the necessary tools to apply this approach, which limits the effectiveness of conciliation as a mechanism for social transformation.

The results obtained in this study are also consistent with the approaches of the differential approach to access to justice, which establishes that conflict resolution mechanisms must consider the particularities of groups in vulnerable situations. Authors such as Sieder, McNeish, and Rowland (2013) have pointed out that in contexts where formal justice systems are inaccessible, community justice can play a key role in guaranteeing rights, but only if it is implemented with an approach that recognizes structural inequalities and promotes equity. In the case of conciliation in equity in Colombia, the lack of training in human rights limits the possibility for conciliators to identify and address these inequalities, which can lead to decisions that favor the sectors with the greatest power within the communities.

In addition, the content analysis carried out in this study shows that the training of conciliators in equity in Colombia has focused on the procedural aspects of conciliation, leaving aside essential elements such as the gender approach and the protection of vulnerable groups. This finding is worrying, as numerous studies have shown that gender-based violence and structural discrimination can be reproduced within community justice systems when there are no mechanisms in place to ensure that conciliation processes respect human rights. According to Merry (2006), community justice can, in some cases, reinforce cultural norms that perpetuate inequality, unless conciliators are trained to recognize and counter these practices through a rights-based approach.

Another relevant aspect of the discussion is the relationship between human rights education and the legitimacy of justice in equity. Various studies have indicated that trust in community justice mechanisms is directly related to the perception of impartiality and fairness in conflict resolution processes. In this sense, the absence of HRE training can weaken the legitimacy of conciliation in equity, as community members may perceive that the decisions made by conciliators do not guarantee fair treatment for all parties. This coincides with the findings of studies on informal justice and access to rights, which have shown that the lack of training in human rights can generate mistrust in alternative dispute resolution mechanisms, reducing their effectiveness in practice.

Given the impact that the absence of human rights training has on conciliation in equity, this study proposes that the integration of HRE in the training of conciliators be considered a priority policy within the administration of justice in Colombia. The incorporation of mandatory modules on human rights, differential approach and gender equity in training programmes would provide conciliators with conceptual and methodological tools to ensure that conflict resolution processes are truly equitable and inclusive.

In conclusion, this research shows that justice in equity in Colombia faces structural limitations that affect its ability to guarantee access to justice in an effective and equitable manner. The absence of human rights training in training programmes for equity conciliators restricts the application of equity and social justice principles, which can lead to decisions that perpetuate inequalities within communities. From a theoretical point of view, these findings reinforce the need to articulate community justice with human rights education, ensuring that conciliators have the necessary tools to address conflicts from a perspective of equity and guarantee of fundamental rights.

## CONCLUSIONS

The results of this study show that the lack of training in human rights education (HRE) in equity conciliation programs in Colombia represents a structural limitation that affects the effectiveness and legitimacy of community justice. Through documentary and theoretical analysis, it was identified that the absence of a human rights approach in the training of conciliators in equity not only restricts their ability to guarantee fair and inclusive mediation processes, but can also contribute to the reproduction of structural inequalities within communities.

From a theoretical perspective, the findings of this study are aligned with Rawls' (1971) social justice approach, Zehr's (2002) restorative justice, and Sen and Nussbaum's capabilities theory, all of which emphasize the importance of ensuring conditions of equity and respect for fundamental rights in conflict resolution. It has been shown that, without a solid training in human rights, conciliators can resort to cultural norms and traditions that do not always guarantee equitable access to justice, especially affecting vulnerable populations such as women, indigenous communities and people in situations of displacement.

One of the most relevant findings of this research is the low presence of the gender equity and protection of vulnerable groups approach in equity work-life balance programs in Colombia. While justice in equity is based on community participation and peaceful conflict resolution, the absence of comprehensive human rights training limits the ability of conciliators to identify and address dynamics of discrimination within the cases they handle. This is particularly worrying in situations of domestic violence, land conflicts, and gender discrimination, where the application of principles of equity and non-discrimination is critical to ensuring just and sustainable solutions.



The data obtained in this study reinforce the need to integrate human rights education into the training programs of conciliators in equity, ensuring that their work is not only focused on the mediation of disputes, but also on the guarantee of fundamental rights. To this end, it is essential that training strategies are developed that include modules on:

- Fundamental principles of human rights and their application in conciliation in equity.
- Gender equity and social justice approach in the resolution of community conflicts.
- Protection of populations in vulnerable situations and differential access to justice.
- Critical analysis of regulations and public policies in community justice.

From an applied perspective, this study suggests that the Ministry of Justice and Law, in coordination with human rights and education organizations, should reformulate the training programs for conciliators in equity, incorporating a broader perspective that transcends the procedural aspects of conciliation and focuses on the guarantee of rights. In addition, it is essential that mechanisms for monitoring and evaluation of human rights training be implemented, in order to measure the impact of these trainings on the quality of conciliation in equity in Colombia.

In terms of future research, longitudinal studies are recommended to evaluate the impact of human rights education on conciliatory practice over time. It would also be relevant to carry out comparative research between regions with different levels of training in human rights, with the aim of analyzing differences in the quality of justice in equity and in effective access to community justice.

In conclusion, this research provides empirical evidence on the need to strengthen training in human rights education within justice in equity in Colombia. It is confirmed that the absence of this component limits the effectiveness of conciliation in equity and can generate decisions that do not fully guarantee the fundamental rights of the parties involved. It is recommended that institutions responsible for training equity conciliators adopt a human rights-based approach, ensuring that community justice is truly inclusive, equitable, and oriented towards social transformation.

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