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# USAID/MEXICO'S JUSTICE AND SECURITY PROGRAM QUARTERLY PROGRESS REPORT QUARTER II - FY2010 (JANUARY 1 - MARCH 31, 2010)

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# USAID/MEXICO'S JUSTICE AND SECURITY PROGRAM

## QUARTERLY PROGRESS REPORT QUARTER II - FY2010 (JANUARY I - MARCH 31, 2010)



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**Management Systems International**  
**Corporate Offices**  
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# CONTENTS

- Acronyms.....ii**
- Program Overview and Highlights ..... 1**
  - Component 1: Federal and State Level Implementation of Criminal Justice Reforms..... 1
  - Component 2: Justice Sector and Civil Society Organizations Promotion of Human Rights..... 1
- Detailed Results Per Subcomponent ..... 3**
  - Sub-Component 1.1: Adherence to Mexican Federal Constitutional Reforms ..... 3
  - Sub-Component 1.2: Institution Building and Rule of Law ..... 5
  - Sub-Component 1.3: Judicial Exchanges..... 6
  - Sub-Component 1.4: Pre-Trial Case Resolution Alternatives ..... 8
  - Sub-Component 1.5: Continuing Police Education..... 10
  - Sub-Component 2.1: Protect, Prosecute and Prevent Trafficking in Persons ..... 12
  - Sub-Component 2.2: Victim Restitution ..... 14
  - Sub-Component 2.3: Human Rights Training for Police, Prosecutors and Other Officials..... 15
  - Sub-Component 2.4: Support for Human Rights NGOs ..... 16
  - Sub-Component 2.5: Support for Citizen Participation Councils..... 17

## ACRONYMS

|           |                                                                                                                                                                                    |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ANCPC     | National Association of Councils for Civic Participation/Asociación Nacional de Consejos de Participación Cívica, A.C.                                                             |
| CEDH      | State Human Rights Commission/ Centro Nacional de Derechos Humanos                                                                                                                 |
| CNDH      | National Human Rights Commission/ Comisión Nacional de Derechos Humanos                                                                                                            |
| CPC       | Citizen Participation Councils                                                                                                                                                     |
| CSO       | Civil Society Organization                                                                                                                                                         |
| FEVIMTRA  | Specialized Prosecuting Unit for Crimes Committed Against Women and Human Trafficking/ Fiscalía Especializada para los Delitos de Violencia contra las Mujeres y Trata de Personas |
| GOM       | Government of Mexico                                                                                                                                                               |
| IACA      | International Association for Court Administration                                                                                                                                 |
| ICE       | United States Immigration and Customs Enforcement                                                                                                                                  |
| IFAI      | Federal Institute for Access to Public Information/ Instituto Federal de Acceso a la Información Pública                                                                           |
| INACIPE   | National Institute for Penal Sciences/Instituto Nacional de Ciencias Penales                                                                                                       |
| INDESOL   | Instituto Nacional de Desarrollo Social/National Institute of Social Development                                                                                                   |
| INSYDE    | Institute for Security and Democracy/ Instituto para la Seguridad y la Democracia                                                                                                  |
| MSI       | Management Systems International                                                                                                                                                   |
| NGO       | Non-Government Organizations                                                                                                                                                       |
| NITA      | National Institute for Trial Advocacy                                                                                                                                              |
| PGR       | Attorney General of the Republic/ Procuraduría General de la Republica                                                                                                             |
| PGJ       | Attorney General of Justice/ Procuraduría General de Justicia                                                                                                                      |
| REINTEGRA | Mexican Foundation for the Social Reintegration/ Fundación Mexicana de Reintegración Social REINTEGRA A.C                                                                          |
| RENACE    | RENACE Non Governmental Organization                                                                                                                                               |
| SECTEC    | Technical Secretariat of the Criminal Justice Implementation Commission                                                                                                            |
| SSP       | Secretary of Public Security/ Secretaría de Seguridad Pública                                                                                                                      |
| TIP       | Trafficking in Persons                                                                                                                                                             |
| TOT       | Trainer of Trainers                                                                                                                                                                |
| UNAM      | Universidad Nacional Autonoma de Mexico                                                                                                                                            |
| UNODC     | United Nations Office on Drugs and Crime                                                                                                                                           |
| USAID     | United States Agency for International Development                                                                                                                                 |

## PROGRAM OVERVIEW AND HIGHLIGHTS

The United State Agency for International Development's (USAID's) Mexico Justice and Security Program (hereinafter referred to as "the Program") is the third USAID-funded initiative of its kind in support of the Merida Initiative. The Merida Initiative is a bilateral cooperative program between Mexico and the United States intended to improve the justice system, professionalize law enforcement, and reduce human trafficking and human rights abuses.

The Program is working to increase public oversight through policy reforms, specialized training, technical assistance, public outreach, exposure to successful strategies and programs and collaboration with Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs). Ultimately, these efforts will help bring Mexico in line with the global standards set forth in the U.N. and Inter-American Conventions in support of justice reforms and against corruption.

The Program supports the Government of Mexico (GOM) in two key areas: the Federal and State Level Implementation of Criminal Justice Reforms and Justice Sector and Civil Society Organizations Promotion of Human Rights. At the end of the quarter, the Program assumed full control of the project from the incumbent, and has already achieved tremendous success under these two components during the reporting period. Below are a few highlights during the January – March 2010 quarter with greater details provided in the following section:

### COMPONENT 1: FEDERAL AND STATE LEVEL IMPLEMENTATION OF CRIMINAL JUSTICE REFORMS

- 230 articles of the preliminary draft of the new federal criminal procedures code reviewed and revised
- 634 justice sector personnel trained to perform their functions for the Constitutional justice reforms and criminal procedure codes
- Five alternative justice centers created, thus achieving the annual target in just three months
- 27 alternative justice centers strengthened through trainings, workshops, and educational exchanges

The trainees completed Diploma Training of Trainers (TOT) in theoretical and practical skills and techniques for alternative justice resolution, from the four states of Zacatecas, Oaxaca, Baja California, and Hidalgo in theoretical and practical skills. Following the course, six of 20 participants are now trained to lead the Diploma course and will be employed by the Program for future courses

### COMPONENT 2: JUSTICE SECTOR AND CIVIL SOCIETY ORGANIZATIONS PROMOTION OF HUMAN RIGHTS

- First Trafficking in Persons (TIPs) case successfully sentenced
- Facilitated close bi-national collaboration on TIPs investigations, prosecutions and victim assistance
- Trained more than 100 participants in the 120 hour Diploma TIPs course for federal Attorney General of the Republic (PGR), National Human Rights Commission (CNDH) officials, Oaxaca Attorney General of Justice (PGJ) and State Human Rights Commission (CEDH) officials
- Trained 106 representatives of NGOs on how to design projects to receive a grant from the program

During the reporting period, USAID requested the Program's assistance to address the escalating violence in Juarez City. Following meetings held in Juarez and El Paso in January and February of 2010, Mexico and the United States have developed a joint pilot program in support of Mexico's efforts tackle the rising violence in Juarez City and reestablish peace and stability in the community. This pilot initiative supports the GOM's plan for Juarez through training, equipment, professional exchanges, and information sharing. In response, the Program was asked to develop an emergency response plan to provide services. Although still in the planning stages, the Program has recommended a dual approach to the implementation of activities in Juarez, which are linked to the objectives of the Merida Initiative. The aim will be to strengthen technical and investigative capacity of police while providing them with safety tactics and basic investigative skills. Similar types of training and technical assistance to judges and prosecutors will focus principally on prosecuting and trying high-profile and complex cases. Institutional assistance will be complemented to focus on NGOs/CSOs and work within communities in a broad variety of rule of law-related issues, principally those involved with building strong and resilient communities.

# DETAILED RESULTS PER SUBCOMPONENT

## SUB-COMPONENT I.I: ADHERENCE TO MEXICAN FEDERAL CONSTITUTIONAL REFORMS

### I. Context

The Mexican Congress demonstrated its strong support for the federal government's adherence to the federal constitutional reforms through its appropriation of \$500 million Mexican Pesos to the Technical Secretariat of the Criminal Justice Implementation Commission (SECTEC) to fund its operations and activities in support of federal and state governments' implementation of the criminal justice reforms for the 2010 fiscal year. This support will provide the SECTEC with the resources to complement the Program's training and technical assistance activities in support of the federal criminal justice reforms.

Although the Federal government enacted the justice reforms in 2007, many aspects of its implementation are not yet in place, such as the adoption in many states and at the federal level of new Criminal Procedure Codes and training of police, prosecutors, public defenders, defense attorneys and judges in the rules and procedures of the new criminal justice system. SECTEC has requested the assistance of the Program in defining a path for implementation of the justice reforms.

In 2006, work began on the drafting of the new criminal procedures code in Mexico, the basis of the reform. The Program has been working extensively in collaboration with SECTEC on reviewing and finalizing the draft.

### 2. Results

Significant progress has been achieved this quarter in supporting the implementation of the criminal justice reforms. For example, through an exchange of letters between the Governor of Nuevo Leon and USAID/Mexico, the State of Nuevo Leon formally requested technical assistance and activities to support implementation of the Constitutional reforms in the state. The state of Nuevo Leon has been an innovator in the adoption of oral trials in Mexico, having assumed this system prior to the enactment of the federal Constitutional reforms. However, Nuevo Leon's oral trial system applied solely to minor crimes. Now, Nuevo Leon is expanding this system to its entire criminal justice system with the support of the Program. In response, the Program has opened an office in Monterrey, Nuevo Leon as a base for its activities in the state.

In addition, the program has successfully reviewed and revised 230 articles of the preliminary draft of the new criminal procedures code in collaboration with SECTEC and other academics. The Program is on track to complete the review of the draft by the end of the year. Additional results achieved this quarter include:

- Initiated Oral Litigation training of trainers program with National Institute for Penal Sciences (INACIPE), the institution responsible for the training of all federal prosecutors in Mexico

#### PARTICIPANTS PRAISE THE JUSTICE AND SECURITY PROGRAM WORKSHOPS

In numerous anonymous evaluations of the Justice and Security Program's trainings, participants have provided positive feedback on the themes, instructors, and relevancy of the course. Below are a few highlights from trainings this quarter:

"The themes and information on how to communicate information was excellent."

*-Training in Arrests and Arrest reporting*

"What I liked best about the course was the instructor's experience and knowledge on the topic."

*-Training in the Oral Adversarial System*

- Formed a group of researchers for monitoring and evaluation of the extent and success of reform implementation in the States of Chihuahua, Oaxaca, Morelos and Zacatecas. The Program anticipates training this team during the April – June 2010 quarter
- Began the development of a training program for future implementers of the new criminal justice system in Hidalgo
- Planning a large forum to commemorate the 2nd anniversary of constitutional reform. This will be used as an opportunity to discuss the advancements of the implementation process and call attention to the necessary steps to complete implementation of the reform. In addition, it will be an opportunity to incorporate other actors, including CSOs, and raise awareness and build consensus around the reforms

The program prepared an overall development plan for training and technical assistance to state police that focuses on supporting drafting of internal procedures and regulations as a means of sustaining skills learned in training. The police team also initiated meetings with the Secretaria de Seguridad Publica (SSP).

### **3. Challenges and Lessons Learned**

The number of qualified trainers is severely limited, as few prosecutors, judges, public defenders, and police have experience in the new system. Moreover, many justice officials are unable to dedicate the amount of time required to complete the training courses. The program is actively addressing this challenge with its TOT courses, the development of standardized training manuals and curricula, and through the use of distance learning programs. Activities and challenges this quarter have reinforced the importance of developing trainings that will have a sustained benefit to the participants and a multiplier effect through the community. In the coming quarter, the program is developing initiatives to standardize trainings as well as develop a cadre of trainers to broaden the reach of the program.

In addition, the reform process is extremely complex with many different actors who have their own interpretations of the reform. The Program is exploring ways to build consensus among the various actors in the implementation of the reform including ways to incorporate the legislative and judicial branch as well as CSOs. To face these challenges the program will be hosting workshops, seminars, and sharing experiences from other countries.

### **4. Planned Activities/Programmatic Trends**

Among the activities planned for the coming quarter will be the continued reviewing and revising of the draft of the new federal criminal procedure code in collaboration with SECTEC and representatives of academic institutions. In addition, the program will provide technical assistance to judges, prosecutors, and public defenders for the first cases under the new system in the state of Durango. The program will continue its trainings by initiating training in the state of Oaxaca for new prosecutors on the new criminal code and conduct advanced training for prosecutors having previously completed the course. Below are additional planned activities:

- Provide support through training and mentorship during the first cases in Mexicali, Baja California as the state implements the new law May 4
- Work with the PGR on the development of a standardized curriculum for training prosecutors in the new criminal justice system across the country. A proposal of standardized curriculum will be presented for approval to the National Conference of Attorney Generals on May 15, 2010
- Begin work with PGR on a training of trainers program for 40 federal prosecutors

- Commemorate the second anniversary of the constitutional reform with a two day event. The event will be held in collaboration with the network of oral trials and justice reform to discuss the progress of the constitutional reform at the state and federal level

## **SUB-COMPONENT I.2: INSTITUTION BUILDING AND RULE OF LAW**

### **I. Context**

Mexico is currently ranked 89th of 180 countries in terms of perceived corruption, according to Transparency International's Corruption Perception Index, ascending 17 slots<sup>1</sup>. On a scale of 0 to 10, with 10 meaning the least corrupt and 0 meaning the most corrupt, Mexico scored 3.3. These results indicate that Mexico is perceived as highly corrupt and that corruption is getting worse relative to other countries.

However, Mexico has no legislation specifically designed to combat corruption that includes mechanisms to prevent, detect, sanction and eradicate corruption by autonomous organizations inside of governmental agencies and institutions that have the power to investigate corruption. Neither are there public policies to prevent and combat corruption within the justice sector.

In October 2009, Senator Fernando Elizondo presented the first legislative initiative to combat corruption. This initiative proposes that citizens that file formal complaints against corrupt public servants not be prosecuted for having offered bribes to the public servant. While somewhat counterintuitive, this initiative would correct a significant disincentive to reporting corruption: citizens often feel obligated to pay a bribe to public officials to receive government services, but if the citizen files a complaint against the public servant that received the bribe, the citizen is an accomplice subject to prosecution. The legislative initiative also would create an autonomous agency charged with combating corruption.

One relatively recent anti-corruption measure is the General Law for the National Public Security System which requires all justice sector institutions in Mexico, including federal and state police, attorney general's offices, prosecutors and public magistrates, to administer controls including polygraph tests, socioeconomic studies, and drug and alcohol test to all candidates for positions at these institutions. This measure will help to prevent future corruption in Mexico's justice sector.

### **2. Results**

The Program currently is negotiating with INSYDE, one of Mexico's most prominent NGOs working on justice and security issues, for a diagnostic study on police accountability, and development of standard accreditation and certification standards for police, based on results of the study.

The Program is analyzing international standards on corruption in public institutions to evaluate how they can best be implemented within Mexico's criminal justice and public security sectors. The Program is also reviewing the legislation used in other countries to propose necessary legislative changes required to prevent, detect, sanction and eradicate corruption within public security institutions and the criminal justice sector.

### **3. Challenges and Lessons Learned**

The program is in the early stages of implementation under this component, but is currently developing the framework for implementation.

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<sup>1</sup> In 2008 Mexico ranked 72nd on the same index.

#### **4. Planned Activities/Programmatic Trends**

Draft legislative initiatives for public safety and criminal justice institutions that include legal mechanisms to prevent, detect, sanction and eradicate corruption

Support federal, state and municipal governments in the drafting and implementation of institutional policies and procedures to combat corruption

Design and develop software that provides reliable, accurate, public information on criminal justice investigations, prosecutions and judicial decisions

Collaborate with INSYDE in diagnostic studies of the States of Nuevo Leon and Baja California Secretary of Public Safety police forces and provide police certifications based on international standards

Collaborate with Transparency International to analyze perceptions of corruption in public safety and criminal justice institutions and identify possible causes of such corruption

Collaborate with the ANPCP, (Asociación Nacional de Consejos de Participación Cívica, A.C.) to: (i) sensitize Mexicans on the importance of active citizen participation; (ii) institutionalize an effective and sustainable process to receive, address, follow-up and solve citizen complaints; (iii) strengthen citizen participation to combat crime, corruption abuse of authority; regain citizen trust in government and justice sector operators; and create a collaborating network among all CPCs

Collaborate with Partners for Democratic Change to assess and deliver a strategic plan for local capacity building. Partners for Democratic Change will conduct an assessment of the current Citizen Participation Councils and their potential national organizational structure in Mexico for the purposes of designing a future technical assistance strategy

Collaborate with CSOs on monitoring justice sector personnel for human rights abuses, corruption, efficiency and handling of complaints

### **SUB-COMPONENT I.3: JUDICIAL EXCHANGES**

#### **I. Context**

The number of judges and public magistrates that need to be retrained under the new criminal justice sector is overwhelming. Few in Mexico have the experience or knowledge to retrain judges and public magistrates in the oral litigation skills, courtroom procedures and judicial decision methodology required by oral trials. Given the significant numbers needing retraining and the few qualified to do such training, innovative training methodologies are required. Such training methodologies include e-learning, distance learning, video courses and written training manuals and modules that can be used by facilitators trained by the program. In addition, professional exchanges and exposure to programs in other settings is a valuable learning tool to share experiences and promote best practices.

The Program will utilize a training of trainer's strategy as well as innovative training methods, such as those mentioned above, to support the Program's goals. The Program will also pursue alliances, collaborative agreements, subcontracts and seek synergies with other organizations that provide litigation training.

There is increasing awareness for the need for standardized training and practical knowledge for officials working in the justice sector. Currently, many training programs offered focus on the theoretical skills leaving many students without the practical knowledge to implement the new procedures. However, the Program is taking advantage of the use of judicial exchanges to bridge this gap and share the experiences of experts from countries throughout the region.

## 2. Results

The Judicial Exchanges component has maintained a very active training schedule this quarter. In collaboration with NITA, the Program trained 45 lawyers in the first part of a two part course on Oral Trial Litigation skills. Participants came from across the country to attend the course, including from the states of Durango, Hidalgo, Nuevo Leon, Queretaro, Sonora and Yucatan. The course provided lawyers with the skills to become eligible to train others (TOT) in oral litigation. In addition, the Program has been working on drafting a TOT curriculum for federal prosecutors in the PGR.

The Program also participated in a judicial exchange to Canada. The Chief of Party of the Program accompanied a group of Mexican judges on a study tour to Canada, organized by the International Association of Court Administrators (IACA). During this trip, the judges participated in forums with Canadian judges and court officials. The group also met with a member of the Canadian Supreme Court to discuss judicial reforms and oral trials.

Additional results this quarter include:

- Trained a total of 634 justice sector personnel to perform their functions for the Constitutional justice reforms and criminal procedure codes
- 40 INACIPE instructors were trained (TOT) in the workshop, “Oral Litigation Training Methodologies”
- Trained 113 justice sector officials (judicial, prosecutor and public defender candidates) on applying and interpreting the new State of Hidalgo Criminal Procedures Code
- Trained 30 criminal justice officials in a workshop, Introduction to the New Criminal Justice System for Preventative Police in Hidalgo
- Trained 28 judicial candidates in Mexicali, Baja California on sentencing and appraisal of evidence

## 3. Challenges and Lessons Learned

A challenge for this program is finding enough qualified trainers to meet the demand. Through the successful implementation of our TOT programs, the Program is working toward alleviating this challenge.



### EDUCATIONAL EXCHANGES AND BEST PRACTICES

The Program supports educational exchanges to share and learn from others experiences and programs. This quarter, the Program sent staff members from the Villahermosa Alternative Justice Center to Baja California to learn about the work the center was doing there to inform implementation of their own center. Mario Alberto Dueñas Zentella participated in this exchange. “We had the opportunity to visit the Alternative Justice Center in Mexicali, Tijuana and Puebla Valley, which allowed us to understand how to develop our center in Villahermosa. I want to express our complete appreciation for the positive experience which would not have been possible without the Program.”

## 4. Planned Activities/Programmatic Trends

The Program will continue trainings for justice sector personnel to perform their functions under the new justice reforms. In addition, the program will begin designing standardized curricula for training of trainers for federal and state-level prosecutors. A priority will be to continue training trainers and plans are already underway to continue a TOT course in oral litigation.

## SUB-COMPONENT I.4: PRE-TRIAL CASE RESOLUTION ALTERNATIVES

### I. Context

A key component of improving the efficiency and access of the criminal justice system is through pre-trial case resolution alternatives. These services can include plea bargaining, mediation, conciliation, and restorative justice. Until recently, these tools were unavailable to Mexico's federal and state criminal courts and justice sector personnel have limited experience in applying these types of tools. Pre-trial case resolution requires specialized skills in the judicial system for an objective and impartial investigation of the risks of flight, to the community, or to witnesses and victims, posed by those accused of crimes. One way of enhancing these capabilities is through the creation of specialized pre-trial service departments within existing justice sector institutions. These departments should be responsible for supervising all precautionary measures other than pretrial detention. Examples of such measures are electronic monitoring, bail, or release on personal recognizance.

"Pretrial Services" is a relatively new concept in Mexico and many states lack the necessary laws and regulations to implement them. The Program has begun work at the federal and state level implementation of criminal justice reforms and has supported the creation and strengthening of alternative justice centers throughout the country to meet the growing need for pretrial and alternative justice services. With the establishment of Alternative Justice Centers throughout the country, there will be a reduction in backlog and congestion by allowing court resources to target higher priority crime cases, and will, in many cases, offer a process and resolution that is seen as more effective or just by both parties of a conflict. The Program is working in close collaboration with the Open Society Institute.



### SPOTLIGHT ON THE CENTER FOR RESTORATIVE JUSTICE IN OAXACA

"The Center would not exist without the support of the Program," commented Lorena Perez Morgan, Head of the Restorative Justice Department at the Center for Restorative Justice in Oaxaca City, Oaxaca. The Program has been assisting the center in various ways, including providing trainings and advisory services as well as financial support. For example, this quarter, the program provided trainings to mediators and facilitators to improve their capacity to handle the cases they encounter. In addition, the program has organized site visits to other centers in the country to share experience and best practices.

The center manages between 135 and 220 new cases every month, either through court referrals or on a voluntary basis. In addition, the center has five offices in neighboring towns. The magnitude of the center's caseload demonstrates the increasing awareness about the importance of alternative dispute resolution. These centers reduce the burden of courts, impose lower costs than litigation and result in more efficient and favorable solutions for the parties involved. The center has been operating for three years and has a staff of 15 working in three areas of alternative dispute resolution: mediation, reconciliation, and restoration.

## 2. Results

The Program inaugurated its activities in alternative and restorative justice in January with an active calendar of training activities. In just a few short months, the Program has achieved several successes in the areas of pretrial case resolution alternatives.

This quarter, the Program has been working extensively on pretrial services in the three states of Baja California, Durango and Morelos, including drafting the legislation to implement pretrial services in those states. This is a significant victory considering pretrial services are new and often misunderstood. In Morelos, the Program drafted the regulation on pretrial services and procedures manual for the State of Morelos and is implementing pretrial services for juveniles in the state in partnership with Open Society Institute.

The Program has also advised on draft legislation to create and regulate the pretrial services for the States of Baja California and Durango. Also, in Durango, the program drafted legislative reform of the Public Security Law of the State to permit a pre-trial services department and presented a seminar on pretrial services for nearly 100 people to promote and provide info on services and benefits for establishing pretrial services in Durango.

In just three months, the Program has exceeded annual targets established for creating and strengthening alternative justice centers. During the January – March period, the program supported the creation of five new alternative justice centers in the states of Baja California, Zacatecas, and Hidalgo, thus exceeding the target for the year in just three months. Similarly, the program has strengthened 27 centers in Baja California, Oaxaca, Zacatecas, Hidalgo, DF and Durango through extensive trainings and technical and financial assistance. Additional highlights include the following:

- Conducted a seminar with judges, prosecutors and public defenders to explain their role in pretrial services, as well as the intention and benefits of implementing a pretrial system. Participants included University staff, officials from the executive branch and members of the correctional system.
- Conducted a site visit to Montgomery County, Maryland to learn about their pretrial services and the innovative risk assessment tool and methods to evaluate the system
- Visited the Anne E. Casey foundation to learn about their juvenile program. This visit informed the work conducted in Morelos, including the evaluation tool for risk assessment, operations manual and training program which will be implemented in the next quarter
- Trained 270 facilitators in restorative justice in eight states
- Completed Diploma TOT in theoretical and practical skills and techniques for alternative justice resolution, from the four states of Zacatecas, Oaxaca, Baja California, and Hidalgo in theoretical and practical skills. Following the course, six of 20 participants are now trained to lead the Diploma course and will be employed by the Program for future courses
- Completed a mentorship program for the opening of a new center in Villahermosa. The Program has been assisting to plan, determine costs, budgets, staffing needs, and training for the new center. Three staff members from Villahermosa spent three days at the Mexicali center to share experiences and learn the operations of the center to tailor it to the needs of their state

## 3. Challenges and Lessons Learned

Although the Program has encountered few challenges in this area, there remains some resistance to pretrial services in communities given the lack of exposure to such services and the general public concern with security. The program is increasing awareness about these activities and implementation through its support

to alternative justice centers. Communities are increasingly taking advantage of these systems and finding the outcomes from mediation and conciliation to be more efficient and favorable to traditional court processes.

#### **4. Planned Activities/Programmatic Trends**

In the previous quarter, the program worked extensively with the state of Baja California to draft the legislation for pretrial services. However, in this quarter, the state has requested assistance in altering their plan for pretrial services to introduce pretrial services into the correctional system. In the April-June reporting period, the program will begin work with the State of Baja California to redraft the pretrial services legislation.

Additional activities planned for the next quarter include:

- Development of a database for centralized and standardized data collection for the alternative justice centers
- Study and observation tour to Pennsylvania to sensitize federal and state officials on the topic of Restorative Justice
- Initiate training for pretrial services staff in Morelos, Baja California and potentially Durango
- Attend an international forum in Tijuana which serves as a platform of collaboration for four attorney generals to reach and sign agreements on alternative case resolution
- Introduce trainings into Juarez City. The trainings will build the capacity of CSOs to work with communities to address conflict

### **SUB-COMPONENT I.5: CONTINUING POLICE EDUCATION**

#### **I. Context**

In 2009, the GOM enacted the General Law for the National Public Safety System requiring all preventive police officers to have completed a high school education or its equivalent (*preparatoria* or its equivalent) and all police investigators to have completed a bachelor's degree or its equivalent (*licenciatura* or its equivalent). It also requires all police forces to apply background checks, such as drug and alcohol testing, socioeconomic studies, and polygraph exams, to all new recruits and provide recruits with basic training. The law also requires that all police maintain updated background investigations, periodic re-testing and training in order to remain on their police force.

The National Public Safety Academy is charged with establishing training programs and guidelines for basic training courses to be used by police forces throughout the country as well as to provide guidelines and courses for police continuing education.

#### **2. Results**

In late January, USAID approved recruitment for the Program's Police Technical Advisor to manage and implement activities under the subcomponent. Since then, the Program has been arranging meetings, developing an overall plan for project activities, and has initiated training. The Team has also coordinated activities with other local and US agencies to meet the objectives of this subcomponent.

The Program is simultaneously working at the state and federal levels. At the state level, the Program has met with PGJ in the states of Hidalgo, Nuevo Leon, Baja California, Chihuahua and Durango to discuss the plans and intentions of the programs and how it can assist them in developing standard operating procedures. Trainings also began this quarter with a workshop for 96 state security agents, including nine women, in a

workshop on the new criminal justice system in Hidalgo. The provided preventative police officers with basic knowledge of the new criminal justice system, the role and responsibilities of the police under the new system, as well as topics related to police-community relations, human rights, and anti-corruption. To ensure harmonization required by the constitution, the program will also share materials with federal agencies and state to state as they developed. In addition, the Program is working in collaboration with INSYDE on a pilot initiative in the states of Nuevo Leon and Baja California.

Under the police plan, police team members are supporting establishments of two working groups in each state where the project works. Staff is facilitating biweekly meetings with each group. One working group addresses institutional strengthening: internal policies and regulations, as well as certification and accreditation standards. The other group deals with academic development, focusing specifically on developing four levels of training: revised basic recruit training (that incorporates elements of the reform, human rights, ethics, and practical training), in-service (refresher) training, specialized investigative training, and supervisory training. The Program is also addressing the need for procedural harmonization by linking trainings to procedures and agency certification standards. In addition, it seeks to define stages within the career of police to establish standards for recruitment, promotions, disciplinary protocols and dismissal. Many countries have developed such criteria which will be evaluated for replication in Mexico.

At the Federal level, the Program is working with Secretary of Public Security (SSP) and Universidad Nacional Autonoma de Mexico (UNAM) on the development of an online Masters Degree program. The process of vetting candidates for this program is underway and the course is expected to begin in August for an estimated 300 students. The project has provided input to the curriculum, particularly with a view to inclusion of elements pertaining to police management and administration, and human rights. Once modules are developed, the program could expand this work to a Bachelors degree program.

At the request of SSP, the Program conducted a literature search for documents and articles related to human rights, including UN protocols and the Istanbul Protocol. Copies of the requested documents were provided via a CD and the project has offered to work with them to extract relevant elements that they may want to apply to their own standard operating procedures and trainings. A biweekly meeting with SSP to discuss progress has been established.

### **3. Challenges and Lessons Learned**

With increasing levels of crime and violence, Mexico has focused attention on improving public security. This emphasis on public security has meant that many police supervisors feel they cannot afford to remove police personnel for days or weeks at a time in order to receive training in elements of reform, anti corruption, or human rights. Given the context, many in the police force are seeking more investigative and technical training. In an effort to address this challenge, the Program has set up meetings with police officials on instituting a training of trainers to lessen the affect of police absences. In addition, the Program is exploring the use of an online or distance learning module. Moreover, the development of a standardized curriculum, as well as standard policies and procedures will ensure practical and technical skills are taught in conjunction with anticorruption and human rights modules, as well as a module on the specific legal authorities, for a comprehensive training program.

### **4. Planned Activities/Programmatic Trends**

The Program has a full schedule of activities planned for the coming quarter beginning with the expansion of the first phase of training into additional states and providing more advanced technical training. It is also beginning the process of developing manuals based on models developed by INSYDE as well as models from abroad. The Program has already scheduled meetings with the federal PGR to discuss areas for collaboration and trainings with prosecutors. Additional activities planned include:

- Begin collaboration with United States Government law enforcement agencies to support tailoring of training to Mexican laws, linkage of specialized training courses to internal policies and inclusion into the specialized investigative training programs within the Academies

Work with the training working group (academy development) to revise the new recruit program to contain elements of new reform and include practical skills training

Introduce a variation of human rights training entitled "Human Dignity for Police Training"

Conduct analysis to identify specific legal lines of authority for all police entities (e.g., the scopes and limits of each policing institution) to integrate into the training and policy development

Work on exchange program to the United States to conduct training in forensic laboratories for crime analysis

## SUB-COMPONENT 2.1: PROTECT, PROSECUTE AND PREVENT TRAFFICKING IN PERSONS

### I. Context

Mexico is a large source, transit, and destination country for persons trafficked for the purposes of commercial sexual exploitation and forced labor. The GOM has demonstrated its commitment to combating this crime through comprehensive anti-trafficking legislation and providing financial resources for victim shelters. In November 2007, the GOM passed comprehensive Anti-Trafficking legislation at the federal level intended to prevent, combat and punish human trafficking and to provide assistance and protection to the victims of this crime. At the federal level, the focus has been on prevention as well as the creation of an inter-agency committee responsible for implementing a national program to prevent trafficking in persons and protect victims.

Another positive step in supporting the prevention, punishment and eradication of human trafficking was the creation of the Specialized Prosecuting Unit of Crimes committed against women and human trafficking (FEVIMTRA) attached to the Attorney General's Office in 2008.

Although the law was approved through federal Congress, in Mexico's federalist system, state governments investigate and prosecute trafficking activity at the local level and states have to modify local laws to incorporate the crime of human trafficking. Although 25 States have revised their criminal laws to incorporate anti-trafficking legislation, this has created discordance among state laws which will make it difficult to efficiently combat the crime. The Program will support the GOM to determine how the lack of homogeneity in the criminal classification of trafficking in persons in each state may create a situation of impunity for the crime. This in turn will influence federalizing the law and harmonizing the codes among the states.

#### USAID/MEXICO JUSTICE AND SECURITY PROGRAM SUPPORTS MEXICO IN FIRST ANTI- TRAFFICKING IN PERSONS CONVICTION

On January 19, 2010, the Program's technical assistance activities for the prosecution of perpetrators of trafficking in persons achieved a significant victory. In a first for Mexico, a trafficker in persons was convicted for the crime and sentenced to ten years in prison. The Program's Senior Trafficking in Persons Advisor, Gabriela Saavedra, had been following the case closely and worked extensively with the federal and state authorities on the case. This victory was realized through the Program's extensive technical assistance and guidance. In addition, the Program has provided ongoing assistance for victims of this crime.

In addition, there have been many public and private institutions developing prevention, awareness and diffusion strategies to raise awareness among key stakeholders including national and state security agents, justice sector officials, migration agents and human rights activists. The following public institutions have

developed awareness strategies and training courses at the federal level: the General Attorney's Office, the SSP, the National Migration Institute, the National Women's Institute, the DIF (National System for Family Integral Development), and the National Human Rights Commission, among others.

## 2. Results

In addition to the program's significant victory this quarter supporting Mexico's first conviction against human trafficking, the Program completed two 120 hour diploma courses in Mexico City and Oaxaca, Oaxaca. The purpose of the training course entitled "Human Trafficking and Access to Justice," was to provide participants with the tools to prevent, detect and persecute human trafficking as well as to identify, assist and protect the victims of the crime. More than 100 people participated in the course including public servants from federal, state and municipal public institutions, students, NGOs members, and members of unions. Professors from across Latin America provided instruction and also helped raise awareness on issues of human trafficking through round table discussions, conferences and talks.

In addition, the Program has been actively working with several State Congresses on reforming and implementing anti-trafficking laws. The program provided technical assistance to these states to build capacity and initiate modifications to promote laws against human trafficking. Moreover, the program sent invitations to several states along with informational materials and handbooks to local congressmen to generate interest in anti-trafficking law reform and received an overwhelming response.

The Program has also been working in close collaboration with United States Immigration and Customs Enforcement (ICE) on the implementation of this subcomponent. For example, ICE officials contributed to the diploma course by sharing their experience combating human trafficking along the border in Mexico and El Paso, Texas. Additional results include:

- First TIPs case successfully sentenced
- Harmonization of state and federal law on TIP
- Trained more than 100 participants in the 120 hour Diploma TIPs course for federal Attorney General of the Republic (PGR), National Human Rights Commission (CNDH) officials, Oaxaca Attorney General of Justice (PGJ) and State Human Rights Commission (CEDH) officials
- Providing technical assistance to states on drafting new anti-trafficking laws
- Conducted a forum for Analysis of Criminal Law on Trafficking in Persons jointly organized with the Chamber of Deputies, through the Special Commission for Combating Trafficking in Persons. Approximately 200 people attended, including Federal and State representatives
- Extensive planning and preparation for the launch of the Blue Heart Campaign to combat human trafficking in coordination with United Nations Office on Drugs and Crime (UNODC)

## 3. Challenges and Lessons Learned

The greatest challenge facing the Program's work to Protect, Prosecute and Prevent Trafficking in Persons has been the lack of general knowledge on human trafficking and the effect it poses to society. Many members of the community, as well as within the government, are unaware of the effects of this crime on society. For example, most people think of trafficking in terms of sexual exploitation, but many men are trafficked every year for work. Over the past few months, the Program has worked with the Office of Labor Affairs to raise awareness on the significance of labor trafficking. Although the government has been very cooperative with the Program, there is still much to be done to ensure that government agencies take the necessary steps to effectively combat this crime. The Program is making significant progress to address this

challenge with the preparation for the April launch of the international Blue Heart Campaign to increase understanding on this issue and affect change.

#### **4. Planned Activities/Programmatic trends**

- Launch of the Blue Heart campaign with UNODC. As part of the Blue Heart campaign, the Program will conduct a training for the media on the issue of human trafficking, as well as an International Colloquium on the topic
- Investigative and research techniques for combating child sexual exploitation crimes in collaboration with ICE and the US Department of Justice
- Conduct national awareness campaign with CNDH
- Continue working with State governments on reforms

## **SUB-COMPONENT 2.2: VICTIM RESTITUTION**

### **I. Context**

Mexico currently has six shelters to care for victims of human trafficking and is in the process of inaugurating more. Five of the shelters are civil society initiatives and the other one was created by FEVIMTRA. The shelters have designed an intervention model for victims of human trafficking focusing specifically on the physical and psychological recovery. In addition they have begun providing legal and psychiatric intervention to assist victims in regaining their self-esteem, independence and identity for reintegration into society.

This is one area in which the GOM and civil society have worked in close collaboration and shared dialogue on anti-human trafficking strategies, victim awareness and public policies. The Program is supporting the efforts of the GOM and civil society to provide victims with information, referrals, and counseling through ongoing technical assistance.

### **2. Results**

The Program has provided technical assistance to the GOM through training and advisory services.

- Trained more than 450 justice sector officials to handle victims of serious crimes
- Planned for the Blue Heart Campaign which will raise awareness on human trafficking and the victims of the crime
- Provided advice to Assistant Attorney General for Special Investigations and Organized Crime on the placement of victims in shelters

### **3. Challenges and Lessons Learned**

The topic has been well received in agencies with which the Program has been working. In this sense, the challenge is to continue our work and increase the number of institutions the Program cooperates with in the fight against crime and promoting victim services.

### **4. Planned Activities/Programmatic Trends**

Planned activities under this subcomponent largely mirror those of the subcomponent 2.1 as many of the courses and strategies pursued not only aim to protect and prevent trafficking, but to ensure that victims of this crime receive appropriate services and compensation. The synergy between the two subcomponents

ensures that courses and activities include a holistic approach to the trafficking issue. Additional activities planned during the April – June 2010 quarter include the expansion of activities into Juarez, Chihuahua, a course entitled “Research and Techniques to Combat Child Sexual Exploitation,” which includes topics on assisting victims of the crime, continued work strengthening victims shelters and additional trainings on how to handle victims of serious crimes for justice sector officials.

## **SUB-COMPONENT 2.3: HUMAN RIGHTS TRAINING FOR POLICE, PROSECUTORS AND OTHER OFFICIALS**

### **1. Context**

The constitutional reform established new rules for the detention of persons and the rules on how to prosecute criminal cases before judges. In addition, the constitutional reform has a human rights component that is crosscutting through all the subcomponents of the Program. Law enforcement officials are facing great challenges in addressing rising crime and unrest as well as adhering to the constitutional reform and human rights standards. The human rights training for police, prosecutors and other officials will be specifically designed to meet the needs of law enforcement officials and ensure they are in compliance with human rights laws.

### **2. Results**

In the absence of the Police Technical Advisor for much of the quarter, the Program has just begun a full schedule of activities late this quarter. Prior to this, the Program provided general training of officials responsible for enforcing human rights protections (to include tools and maps in order to identify best practices on human rights). This quarter, the Program has begun training for officials responsible for enforcing the law in the field of human rights and has begun to generate training tools and maps in order to identify best practices on human rights. Additional highlights from this quarter are outlined below:

- Development of Cross-Training Program in Human Rights for PGR.
- Courses to officials of the Human Rights Commissions of States on Constitutional Reform and the New Code of Criminal Procedure (Durango and DF)
- Began development for a Masters Program in coordination with UNAM and SSP to train police officers in human rights. This includes reviewing program content and the development of a dossier on training manuals including UN standards, resolutions and declarations.

### **3. Challenges and Lessons Learned**

The Program’s activities are just getting into full swing this quarter and have thus far faced minimal challenges. The primary concern for implementation of human rights training foreseen by the program will be to mainstream the training for law enforcement officials. The challenge will be to institutionally change the training needs as seen by law enforcement officials. This challenge is already being addressed through numerous meetings and discussions with key stakeholders on the issue as well as developing partnerships and relationships with relevant parties; the Program is increasingly gaining support for this initiative.

### **4. Planned Activities/Programmatic Trends**

Trainings will begin in full force this quarter, as well as the development of the two year Masters Degree program for police officers in human rights.

## SUB-COMPONENT 2.4: SUPPORT FOR HUMAN RIGHTS NGOS

### I. Context

The implementation of the new criminal justice system has been supported by an important sector of civil society organizations focused on human rights. However, the foundation of organizations involved in the procedural reform must be extended. In addition, Mexico's NGO sector is still nascent with the majority of organizations in existence for just a few years. The federal government supports civil society organizations through the National Institute of Social Development (INDESOL), which is responsible for the Technical Secretariat of the Committee for promotion of activities of CSOs to combat poverty and social vulnerability. The institute works toward this goal through the implementation of a grant program for CSOs; however the institute works with very few human rights organizations and no organizations in the justice sector. In addition, funding is concentrated to organizations working in Mexico City and state funding that is directed for CSOs are not given to organizations active in the justice sector. As such, it is important that the Program promote justice oriented organizations and provide grants to organizations active in this sector.

### 2. Results

The Program has been actively supporting human rights NGOs to be actively engaged in the justice system during the January to March period. Significantly, the Program completed the draft Request for Applications (RFA) for approval to USAID and has provided extensive technical assistance to NGOs to build their capacity to submit successful applications for funding. In addition, the Program is facilitating improved coordination among and between justice sector NGOs in order to reduce the duplication of efforts and broaden the reach and impact of NGOs in this sector. For example, the Program facilitated a meeting with four justice sector NGOs working in Quintana Roo. During the meeting, the NGOs learned of the others existence and began to discuss ways they could collaborate in the future.

In addition, the Program has begun working with NGOs on the legal procedures to ensure the rights of people with disabilities. As part of this issue, the Program conducted a site visit to the US to attend a seminar comprised of legal scholars and international human rights NGOs concerned with the rights of disabled persons focused on access to justice for the disabled. In addition the Program is also reviewing existing laws and regulations on the issue of human rights of disabled persons in the justice sector.

Below are a few of the additional achievements from this quarter:

- Trained 106 representatives of NGOs on how to design projects to receive a grant from the program
- Trained 30 members of the State of Durango Human Rights Commission in the seminar, "The human rights components of procedural reform in Durango," in Durango.
- Contacted and maintain profiles for 70 NGOs and provide them with information on the grant making process
- Provided technical assistance to 30 NGOs to guide them through the proposal process
- Met with the Tecnológico de Monterrey (ITSEM) to develop a two pronged project to assist NGOs in successfully applying for funds

### 3. Challenges and Lessons Learned

As the reform seeks to create a more transparent, fair judiciary, many NGOs remain skeptical of some of its provisions. One such provision, known as *arraigo*, allows detention of organized crime suspects for up to 80 days without formal charges. The Program is addressing resistance by human rights organizations by

conducting fora and generating awareness on the human rights components of the reform, such as due process and public hearings.

In addition, many NGOs currently have limited capacity to design projects to the specifications requested by the donor. The Program aims to alleviate this challenge through additional targeted training to walk NGOs through the process of grant applications and ensure they meet donor requirements.

#### **4. Planned Activities/Programmatic Trends**

During the April to June quarter, the Program is planning the following activities:

- The publication of the RFA for grants to civil society organizations for human rights, justice and security, trafficking-in-persons and victims' assistance activities that support Program objectives. The grant competition will be in the April-May 2010 period with significant program resources dedicated to reviewing and evaluating the grant applications. It is expected that the grants will be awarded during the July-September 2010 quarter.
- Continue development and launch training with ITESM to assist NGOs in the proposal design and development process
- Plan and implement a training forum for NGO lawyers to litigate in the new system with a human rights perspective in states that have already implemented the reform in order for them to take on human rights cases in the new system
- Work with NGOs in Quintana Roo to facilitate collaboration among NGOs within the state and to develop their skills in program development
- Conduct a seminar to with NGOs in Mexico to present experiences from other countries on human rights in the justice sector for persons with disabilities

### **SUB-COMPONENT 2.5: SUPPORT FOR CITIZEN PARTICIPATION COUNCILS**

#### **I. Context**

The Program is supporting the GOM's ongoing transparency efforts of the PGR's Citizen Participation Councils (CPCs) to help design and institutionalize an effective, ongoing process for receiving, addressing and resolving citizen concerns and serve as an intermediary between civil society and the government. The CPC was established in 2002 and is composed of experts, individual citizens, and civil society representatives, including journalists, businesspeople, religious leaders, and members of NGOs. The council has several working groups including human rights, transparency and the fight against corruption, attention to federal crimes, lobbying, human development, attention to victims and state issues. The program will begin actively working with the CPCs to facilitate a watchdog function against abuse by authorities and promote citizen participation in combating crime.

#### **2. Results**

Although the program assumed the work of ROL II related to CPCs only in March, staff has supported activities to facilitate a smooth transition and establish a working relationship with CPCs during this quarter. The program's Chief of Party met with CPC Advisors in Nuevo Leon on February 11. The purpose of the meeting was to explain the work of the Program and to begin collaborative work with the CPC-Nuevo Leon and the Secretary of Public Safety.

### **3. Challenges and Lessons Learned**

As the program will begin actively working with the CPCs in the coming quarter, the program has not faced any significant challenges.

### **4. Planned Activities/Programmatic Trends**

In May, the program plans to meet with the various CPCs at the annual forum to commemorate the 2nd anniversary of the Federal Constitutional Criminal Justice reforms.

