USAID/MEXICO

JUSTICE AND SECURITY PROGRAM

QUARTERLY REPORT – APRIL-JUNE 2011

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JUSTICE AND SECURITY PROGRAM
PRELIMINARY REPORT –JUNE 2011

Management Systems International
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600 Water Street, SW
Washington, DC 20024

Contracted under ENGAGE IQC DFD-I-00-08-00072-00 Task Order No. 05

Pursuant to Section D of the Task Order Contract

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Acronyms

AG	Attorney General
AJCs	Alternative Justice Centers
AJMs	Alternative Justice Mechanisms
ANCPC	National Association of Citizen Participation Councils
AFI	Federal Investigation Agency
CEJA	Justice Studies Center of the Americas
CENEVAL	National Evaluation Center for Higher Education
CIDE	Centre for Economic Research and Teaching
CNDH	National Human Rights Commission
CONSEGU	National Committee for Citizen Participation in Public Safety
CONATRIB	National Commission of the State Supreme Court
CONAVIM	National Commission for the Prevention and Eradication of Violence against Women
CONSEGU	National Committee for Citizen Participation in Public Safety
CPCs	Citizen Participation Councils
CPC-PGR	Citizen Participation Council of the Federal Attorney General's Office
CSOs	Civil Society Organizations
DIF	Integral Family Development
FEVIMTRA	Special Prosecutor for Violent Crimes against Women and Trafficking in Persons
GoM	Government of Mexico
HR	Human Rights
ICESI	Citizen Institute for Insecurity
ILCE	Latin-American Institute for Educational Communication
INACEPI	National Institute of Criminal Science
INCLE	International Narcotics Control and Law Enforcement
INDESOL	National Institute of Social Development
INEGI	National Institute for Statistics and Geography
INMUJERES	National Women's Institute
INSYDE	National Institute for Security and Democracy
ITESM	Monterrey Technological Institute of Advanced Studies
MSI	Management Systems International
NAS	Narcotics Affairs Section
NGOs	Non-Government Organizations
OSI	Open Society Institute
OTN	Oral Trials Network (*Red de Juicios Orales, La Red*)
PGJ	State Attorney General's Office
PGR	Federal Attorney General's Office
RENACE	Name of a Civil Society Organization
RFTOP	Request for Task Order Proposals
SETEC	Technical Secretariat of the Criminal Justice Implementation Commission
SEDESOL	Secretary of Social Development

SEJAP	State System of Alternative Justice Centers
SEP	Secretary of Public Education
SIDUE	State Secretary of Infrastructure and Urban Development
SIEDO	Office of the Deputy Attorney General for Special Investigations and Organized Crime
SIJUPE	Executive Commission for the Nuevo Leon Criminal Justice Reform
SOPs	Standard Operating Procedures
SSP	Secretary of Public safety
TA	Technical Assistance
TiP	Trafficking in Persons
ToT	Trainer of Trainers
TSJ	State Supreme Court
UAVID	Victims' Assistance Unit
UAEM	Autonomous University of Morelos
UEITMO	Special Unit for Research on Child Trafficking, Undocumented and Organ Trafficking
UMECA	Precautionary Measures Unit for Juveniles
UNAM	National Autonomous University of Mexico
UANL	Autonomous University of Nuevo Leon
UNODC	United Nations' Office on Drugs and Crime
USAID	United States Agency for International Development
WHO	World Health Organization

Executive Summary

This quarterly progress report is broken into three main sections. The first provides a Program overview and highlights per component. The second section details progress related to performance measures. The third section includes Program management issues and the financial report. For detailed information of Program activities disaggregated per state and sub-component, please refer to Annex I.

Quarter three (Q3), fiscal year (FY) 2011 was a time of implementation for the Program. The Program received new guidance and strategic direction from USAID and responded to the Mission's Request for Task Order Proposals (RFTOP). At the time of this report's submission, final approval of the amendment (RFTOP) and of proposed new indicators submitted in late June is pending.

This quarter, a total of 126 technical activities took place. Of them, 32 were technical assistance, 24 sessions to gather data, and develop or disseminate information related to the reform, 21 were grantee monitoring, 21 were trainings or coaching sessions, 20 were coordination working sessions, four were CSO capacity building sessions, and four activities focused on presenting and participating in conferences and forums. Of notable mention this quarter, the Program is pleased to report the following:

Component 1 – Federal and State Level Implementation of Criminal Justice Reforms

Adherence to the Mexican Federal Constitutional Reforms

- ✓ On May 26, 2011, the Nuevo Leon Criminal Procedure Code was unanimously approved by the State Congress. The culmination of more than 11 months of work, this Code will provide a plan for the implementation of the criminal justice reform. Review mechanisms have begun to be established, and USAID will continue providing technical assistance to implementing partners and the Governor´s office to develop indicators that measure progress in reform implementation. More information on this result can be found in the Nuevo Leon section or in the more detailed success story in **Annex II**.

- ✓ Organized the Third Forum Commemorating the Constitutional Reforms of 2008 along with a coalition of Civil Society Organizations including the Oral Trials Network (*Red de Juicios Orales*), the RENACE Institute (a non-governmental organization promoting transparency in the justice sector), and *México SOS* (Mexico Observation System for Citizen Safety), with the participation of the highest levels officials from all three branches of government. During the Forum, judges, prosecutors, governors, lower and upper house members and political party leaders engaged constructively with journalists, civil society representatives, academic experts and opinion leaders in identifying challenges and opportunities for the reform, representing a major step in advancing government-civil society collaboration, as well as increasing the capacity of CSOs to promote and monitor the reform.

- ✓ To strengthen relationships and improve coordination with government counterparts, six meetings were held between USAID and the Technical Secretariat for the Criminal Justice Reform Implementation (*Secretaría del Consejo de Coordinación para la Implementación del Sistema de*

Justicia Penal, SETEC) to discuss collaboration regarding curricula, training courses, capacity building, development of standard operating procedures and future joint activities. During this time, the Program shared several key documents, including: A summary of achievements, with regards to legislation, institution building and work with Civil Society Organizations (CSOs), as well as a comparative table of USAID and SETEC products, which was used to identify points of collaboration to avoid duplication of efforts. These meetings formed the base from which to provide technical assistance to SETEC and promote collaboration for more efficient implementation of the reform.

- ✓ Advancing its goal of assisting states to enact legislation in-line with the constitutional reform, this quarter USAID completed three chapters of the "how-to" legislative guide for drafting Criminal Procedure Codes that comply with Mexican constitutional reforms and international best practices. Chapters on Exclusionary Rules of Procedural Acts, Parties to the Proceedings and Evidence were completed during this reporting period. This guide will provide legislators with tools to increase their capacity to promote the enactment or amendment of laws in accordance with the constitution and will be disseminated among the relevant policy makers in states beginning the reform process.

Institution Building and Rule of Law

- ✓ With a focus on strengthening justice sector institutions and key operators' ability to implement the criminal justice reform, this quarter, USAID successfully completed four knowledge products[1] including: i) Competency profiles for five types of justice sector operators; ii) Coordination protocols between prosecutors and investigative police; iii) A training impact evaluation methodology; and iv) Diagnostic and action plan for the state of Tamaulipas.

- ✓ Completed competency profiles (defined as desired requirements, experience and criteria of justice sector operators) that are in-line with the new criminal justice system. Throughout the end of May and the month of June, competency profiles were developed and completed for judges, public defenders, prosecutors, mediators and directors of victims' assistance centers which detail the functions, tasks and required skills for these justice sector operators. These profiles are crucial for justice operators to fully understand their jobs and increase efficiency and effectiveness.

- ✓ Finalized the protocols to improve the coordination between prosecutors and investigative police that work in State Attorneys General Offices of the Program's target states. The objective of the protocols is to increase coordination for greater efficiency and transparency between justice sector operators and serve as a foundation for advanced joint trainings.

- ✓ Completed the training impact evaluation methodology, which marks the first step to enable the Program to measure the impact of training in terms of on-the-job performance change in trainees. Based on Level Three of the Kirkpatrick model, this model continues to be the most widely used method for training evaluation. A timeline for all related activities, including selecting a control group, administering pilot tests, gathering data and reporting on the results of the evaluation has

[1] All completed knowledge products will be available as of July 5, 2011.

been scheduled.

- ✓ Completed a diagnostic and action plan for the state of Tamaulipas. This included an assessment of the political and institutional variables which influence the criminal justice implementation process. The work plan proposes to provide technical assistance to the state congress to draft a Criminal Procedure Code, as well as providing training and technical assistance to the state SETEC to increase their capacity to coordinate reform implementation activities.

Judicial Exchanges

- ✓ A total of 286 justice sector operators (justices, judges, prosecutors, public defenders, investigative police, forensic experts and mediators) out of an annual target of 7,000 were trained in Q3. Of them, 138 were women and 148 were men. These individuals from 15 states, including Baja California, Nuevo Leon, Morelos, Oaxaca and Chihuahua, have received various types of training including on: preliminary, initial, and intermediate hearings, litigation, the role of the defense in the new criminal justice system and directing and issuing rulings in initial hearings.

Pre-Trial Case Resolution Alternatives

- ✓ Completed the development of competency profiles for mediators to ensure they are prepared to act in accordance with the new criminal justice system. Competency profiles include the desired requirements, experience and criteria of justice sector operators and are used for targeted training, recruitment and institution building.

- ✓ Conducted an evaluation of 12 Alternative Justice Centers in the state of Morelos. Based on the extensive data gathered, USAID will develop an institutional strengthening plan in Q4 that includes recommendations for the areas that need improvement. Also conducted an evaluation to seven centers of the State Systems of Alternative Justice (SEJAP) in Baja California. Findings gleaned from the assessment visits show that infrastructure and supplies of the centers are sufficient and the working relationship among the centers is good. There is an opportunity for improvement in mediator training programs related to knowledge of alternative justice theory and for the improvement of mediation skills; however it was found that mediators who had received training were much better equipped to explain the theory and practice of mediation. The above-mentioned competency profile will be used to design an improved mediator training program.

- ✓ Delivered two important trainings during Q3, empowering members of civil society to promote the implementation of the reform and alternative justice mechanisms. One of the trainings was to law professors in Baja California and the other was with CSO representatives in Oaxaca. The first involved professors participating with the dual purpose of increasing knowledge of new criminal procedures within the new criminal justice system and explaining the benefits of alternative resolution mechanisms which can be used to ease congestion of the courts and is more cost effective than traditional court proceedings. The latter was a 140-hour certificate course for 20 CSO participants and mediators on alternative justice mechanisms in Oaxaca.

- ✓ Following the opening of the Pre-trial Services Unit for Juveniles, UMECA (acronym in Spanish), in

Morelos in January 2011, the first unit of its kind in Latin America, ongoing technical assistance has been provided for its continual improvement. During this period, the Program assisted with the development of a proposal and budget with a request for funding.

- ✓ Overall, the Program worked to strengthen 26 Alternative Justice Centers this quarter.

Component 2 – Justice Sector and Civil Society Organizations Promotion of Human Rights

Victim Restitution

- ✓ A key training this quarter included a train-the-trainer course for 55 staff from Women's Justice Centers in 14 states, conducted in Chihuahua.

- ✓ Conducted an evaluation of the Nuevo Leon Family Justice Center and, using the information gathered, undertook development of an institutional strengthening plan to ensure greater efficiency and higher quality of care.

- ✓ Continued development of the Oaxaca Victims' Assistance Unit model along with providing legislative technical assistance to the Oaxaca State Congress concerning the rights of victims of crime in accordance with the criminal justice reform.

- ✓ Completed the development of competency profiles for mediators to ensure they are prepared to act in accordance with the new criminal justice system. Competency profiles include the desired requirements, experience and criteria of justice sector operators and are used for targeted training, recruitment and institution building.

Human Rights Training for Police, Prosecutors & Other Officials

- ✓ Contributing to capacity-building in Human Rights for justice system operators, USAID signed the Memorandum of Understanding (MoU) between stakeholders for the establishment of a Human Rights Master's Certificate program for 300 federal Secretariat for Public Safety (SSP, acronym in Spanish) officers at the Latin-American Institute for Educational Communication (ILCE, acronym in Spanish). The expected start date is August 2011.

Support for Human Rights NGOs

- ✓ Facilitated the delivery of a workshop for 22 civil society representatives from Chihuahua on "Citizen Circles", a methodology that involves working with a group of people to achieve social cohesion, in order for them to engage in improving an aspect of their community for the common good.

- ✓ Monitored 20 Program grantees working on human rights, trafficking in persons, social cohesion and security and justice.

- ✓ Provided technical assistance to civil society organizations such as the RENACE Institute (a non-governmental organization promoting transparency in the justice sector), *Sistema de Observacion*

para la Seguridad Ciudadana (México SOS, acronym in Spanish) and the Oral Trials Network (OTN), among others, which are committed to and deeply involved in advocating for the new criminal justice system.

Support for Citizen Participation Councils

- ✓ The National Association of Citizen Participation Councils (ANCPC), a standard grant recipient, conducted a number of key activities and visits to promote and strengthen citizen participation, create effective networks among citizens and influence public policies towards an improved standard of living; all in an effort to develop an effective, sustainable process for receiving, addressing and resolving citizen complaints. In order to increase the institutional capacity and the breadth of their network, the ANCPC conducted several visits during this quarter to engage with other CSOs and mobilize stakeholders to participate in the State Security Dialogues. Regarding citizen complaints, the ANCPC continued administering the website www.notedejes.com.mx and has been successful in channeling complaints to the proper authorities.

- ✓ ANCPC continues to collaborate with the Ministry of the Interior on State Security Dialogues, which are being promoted by the National Public Security System (NPSS) with the objectives to: i) to strengthen the capacity of organized civil society in dialogue with the government; ii) ensure transparency among civil society and the government; and iii) follow up on agreements arising out of such events.

Planned activities for Quarter Four

Related to the enactment and passage of legislation

- ✓ Continue the development of a "how-to" guide for drafting a New Criminal Procedure Code, completing three chapters in Q4.
- ✓ Continue the development of a legislative "how-to" guide for drafting Victims' Assistance Laws.
- ✓ Provide technical assistance to the state SETEC of Nuevo Leon in the drafting of secondary legislation.
- ✓ Provide technical assistance to the state of Tamaulipas in the drafting of the Criminal Procedure Code.
- ✓ Provide technical assistance to help establish the state of Oaxaca's Criminal Justice Reform Implementation Commission and its Technical Secretariat.
- ✓ Provide technical assistance to the state of Puebla for the creation of a Criminal Justice Reform Implementation Commission.
- ✓ Provide technical assistance for the state SETECs of Nuevo Leon, Morelos, Baja California, Hidalgo, Durango and Chihuahua regarding structural reorganization.

Related to capacity building of Justice Institutions and Operators

- ✓ Complete protocols for risk evaluation and supervision for adult pre-trial services for the state of Baja California.
- ✓ Develop a program to implement pre-trial services for adults in the state of Morelos.
- ✓ Complete institutional strengthening plans for the Alternative Justice Centers of Morelos and Baja California and implement the training phase of the Plan.
- ✓ Set up committee to identify variables and methodology to carry out a perception survey on the criminal justice system.

- ✓ Recruit and hire team that will support SETEC´s data collection on the indicators that monitor the implementation of the reform.
- ✓ Carry out dissemination in target states of the five state reports on the study that monitored the reform implementation.
- ✓ Complete adaptation of the manual on "How to Create a Women's Justice Center" in collaboration with the Family Justice Center of San Diego to the Mexico context.
- ✓ Develop a "How-to" guide and protocols for victims' assistance centers that can be used by all target states and tailored to specific state needs.
- ✓ Develop a pre- and post-training impact evaluation pilot.
- ✓ Train more than 2,000 justice system operators through 83 training courses in the states of Baja California, Chihuahua, Hidalgo, Morelos, Nuevo Leon and Oaxaca.

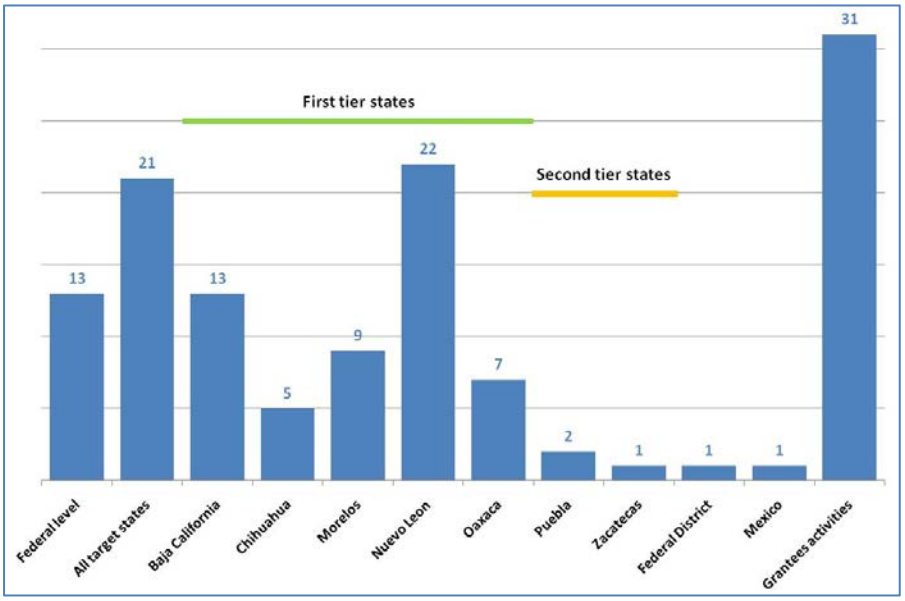
Related to CSOs and Journalists

- ✓ Monitor CPC-PGR projects in the states of Chihuahua, Nuevo Leon, Oaxaca, Quintana Roo, Hidalgo and Chiapas.
- ✓ Train five journalists in each of the seven target states.
- ✓ Provide technical assistance to the RENACE Institute, the Council for Civic Institutions of Nuevo Leon (CCINLAC), and the Oral Trials Network on how to monitor the reform

Program Overview

The graph below shows the number of events disaggregated by state. The state with the highest number of activities during Q3 was Nuevo Leon with 22, followed by 13 activities in Baja California. In Baja California, activities carried out related to five sub-components (Adherence to the Mexican Federal Constitutional Reforms, Institution Building, Judicial Exchanges, Pre-trial Conflict Resolution and Victim Restitution), while in Morelos activities were implemented under three sub-components. This demonstrates that in Q3, the Program worked in a targeted manner to focus on state-specific needs. In the Federal District, the Program worked largely in grantee monitoring activities. For detailed information of Program activities disaggregated per state and sub-component, please refer to Annex I.

Graph 1. Activities per state



From September 2009 to June 2011, the cumulative number of trainees is 18,759 persons, as shown below in Table 1. The state indicates where the trainees are working, however does not always correspond to the state where the training was conducted. Although during Q3 the Program trained individuals outside of the target and second tier states, this has not resulted in additional financial expenditures (e.g., travel, accommodation, etc). These expenses were not assumed by the Program.

Table 1 presents disaggregated data for FY 2010 and the first three quarters of FY 2011. In line with TraiNet classification, from the 18,759 persons indicated, 7,945 correspond to **workshops** carried out by the Program, 1,161 correspond to **tailored programs** (coaching sessions, certificate courses, train-the-trainer, e-learning), 448 to **study tours**, 5,662 to **other academic** trainings, and 3,543 correspond to **conferences** funded or organized by the Program (conferences, seminars, forums, debate tables). In Q3 the Program trained 696 individuals, including 286 justice sector operators in 15 states, including all priority states and other states from which the Mexican government sent officials to participate in Program trainings. The remaining 410 individuals trained included journalists, and academics, SCO representatives and non-judicial public officials (many from the Third Forum Commemorating the 2008 Constitutional reform).

Table 1. Cumulative and quarter 3 training data

State	Sept 2009-Sept 2010	Oct 2010-Mar 2011	Apr-Jun 2011	Total
Federal level	**867**	**134**	**45**	**1,046**
Target states	**6,822**	**2,693**	**262**	**9,777**
Baja California	2,853	354	34	**3,241**
Chihuahua	131	48	20	**199**
Durango	375	295		**670**
Hidalgo	1,446	56	6	**1,508**
Morelos	521	317	33	**871**
Nuevo Leon	541	550	144	**1,235**
Oaxaca	955	1,073	25	**2,053**
Second tier states	**768**	**38**	**4**	**810**
Puebla	293	25	3	**321**
Queretaro	117	9	1	**127**
Zacatecas	358	4		**362**
Phase out states	**5,486**	**1,255**	**385**	**7,126**
Aguascalientes	180	1	4	**185**
Baja California Sur	6	1		**7**
Campeche	9	4	4	**17**
Chiapas	117	7	3	**127**
Coahuila	65	167	1	**233**
Colima	10	3		**13**
Federal District	2,614	701	294	**3,609**
Guanajuato	1,269	2		**1,271**
Guerrero	15	1	8	**24**
Jalisco	496	7	2	**505**
Mexico state	37	116	57	**210**
Michoacan	246	39	2	**287**
Nayarit	58			**58**
Quintana Roo	54	47		**101**
San Luis Potosi	44	71	2	**117**
Sinaloa	18	27	1	**46**
Sonora	18	12		**30**
Tabasco	137	36		**173**
Tamaulipas	57	6	2	**65**
Tlaxcala	8	2	5	**15**
Veracruz	22	3		**25**
Yucatan	6	2		**8**
Total general	**13,943**	**4,120**	**696**	**18,759**

The map below shows the number of trainees per state in Q3. The largest numbers of participants have been trained in the Federal District (294) followed by Nuevo Leon (144), and Chihuahua (57).

Map 1.Trainees per state and sub-component

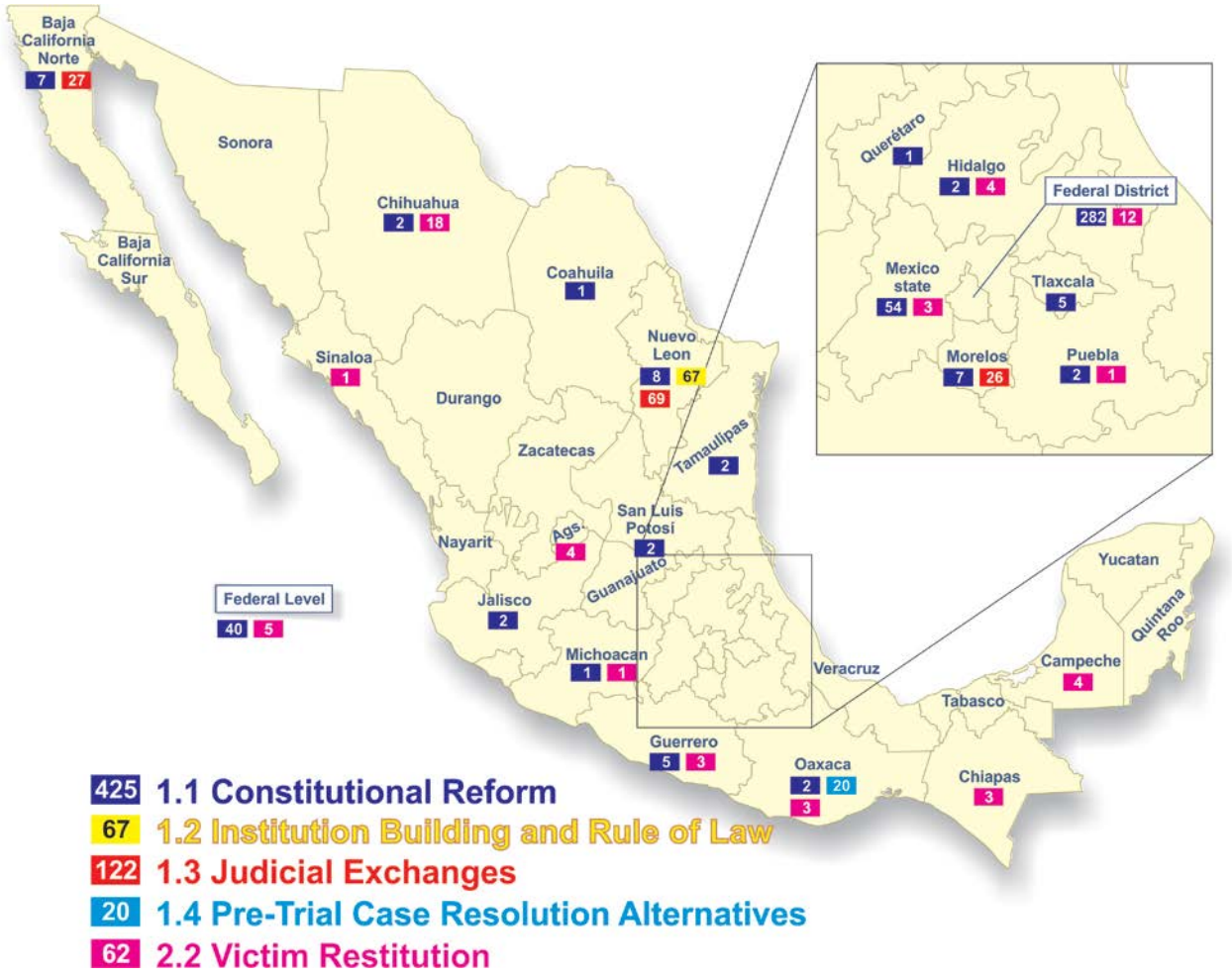


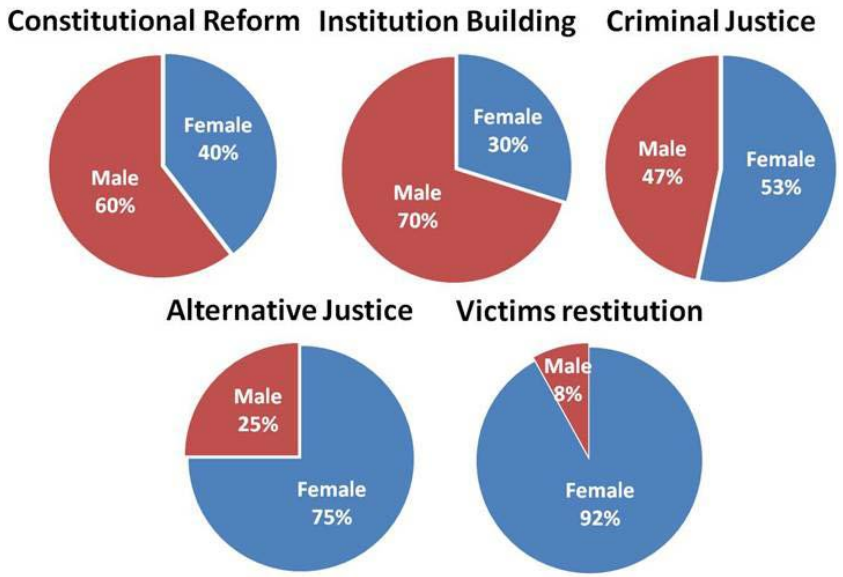
Table 2 below outlines the number and type of activities carried out per sub-component during Q3. The Program carried out most of the activities in Criminal Justice (23%), followed by CSOs (20%) and Constitutional Reform (17%). Monitoring activities include visits to grantees to ensure compliance with project deliverables and field work study to monitor the implementation of the criminal justice reforms.

Table 2. Q3 Activities per Sub-Component

Sub-component	Trainings	Technical assistance	Coordination Working Sessions	Dissemination of information	CSO capacity building	Total
Constitutional Reform		14	2	7		**23**
Institution Building	3	7				**10**
Criminal Justice	13	6	6	1	3	**29**
Alternative Justice	3	5	3	2		**13**
Victim Restitution	1	13	1			**15**
CSOs	1		2	2	20	**25**
CPCs		2	6	1	2	**11**
Total	**21**	**47**	**20**	**13**	**25**	**126**

The gender disaggregation by sub-component, as shown in graph 2 below, reflects the composition of the agencies and beneficiaries of the trainings in Mexico. For example, the majority of trainees in Alternative Justice (75%) and Victims Restitution (92%) were women. Surprisingly, in contrast with Q2, the category of Criminal Justice (53%) had more women than men during this quarter. Across the Program sub-components, on average 58% of trainees were female.

Graph 2. Gender disaggregation by sub-component



Overall Achievements According to Performance Measures

Described below is the progress made on the Program´s quarterly reported performance measure results.

COMPONENT I – Support the implementation of the criminal justice reform at the federal and state levels while strengthening transparency and accountability issues.

Sub-component 1.2 – Institution Building and Rule of Law

At least two CSOs monitoring justice sector personnel for corruption, efficient case handling and grievance handling

As stated in the Annual report for FY 2010, Program activities have no impact on this indicator. While it is not impossible to say that as a result of Program efforts, there would be an increase in the number of CSOs monitoring justice sector personnel for corruption, efficient case handling and grievance handling, the Program has no direct effect over this indicator. The Program has submitted a new set of performance measures as part of the response to the Request for Task Order Proposals. The Mission's response to these proposed indicators is pending. The Program considers that this indicator will better measure Program impact related to Institution Building.

At least 7,000 state and federal justice institutions trained to prevent, detect, punish and eradicate corruption.

Related to anti-corruption training numbers (1.2), in previous practice, the Program would have accounted for anti-corruption modules in various training courses. However, based on guidance from the Mission in December 2010, the Program has been instructed to not count by modules. As such, training courses with anti-corruption modules have been accounted for under 1.3, as the majority of the modules relate to the new criminal justice system.

Sub-component 1.3 – Judicial Exchanges

At least 7,000 justice sector personnel trained to perform their functions per the constitutional justice reforms and criminal procedure codes

Program efforts related to this indicator were conducted during Q3 through training a total of 286 justice sector operators (justices, judges, prosecutors, public defenders, investigative police, forensic experts and mediators) out of an annual target of 7,000 were trained in Q3. Of them, 138 were women and 148 were men. These individuals from 15 states, including Baja California, Nuevo Leon, Morelos, Oaxaca and Chihuahua, have received various types of training including on: preliminary, initial, and intermediate hearings, litigation, the role of the defense in the new criminal justice system and directing and issuing rulings in initial hearings.

Sub-component 1.4 – Pre-Trial services and Alternative Case Resolution

At least two alternative justice centers strengthened

Program efforts related to this indicator were conducted during Q3 through training of mediators, conciliators and staff who notify whether alternative justice mechanisms apply to a case and evaluation visits, during Q3, the Program strengthened 19 Alternative Justice Centers (AJCs) in Baja California, and Morelos. The evaluation visits conducted at the Alternative Justice Centers in Baja California and Morelos will result in the development of an institutional strengthening plan, thus increasing the effectiveness and quality of care at the Centers.

At least six alternative justice centers created

As reported in the FY 2010 Annual Report, this indicator was met through the creation of 12 Alternative Justice Centers created with Program support in the states of Baja California, Hidalgo, Tabasco and Zacatecas. No Program activities were carried out in Q3 that apply to this indicator.

Sub-component 1.5 – Continuing Police Education

At least 3,500 police will have earned certificates in improved, transparent administrative functions, reporting, and other capabilities to reduce corruption

Per the request of the Mission, no FY 2010 funds are being used to fund police activities. However, since September 2010, the Program has trained 1,327 investigative police in crime scene investigation, police administration, anti-corruption, Human Rights, coordination with prosecutors and the functions of the investigative police in new criminal justice system.

More than 500 police will have their basic education level (GED equivalent) certificates

Per the request of the Mission, no FY 2010 funds are being used to fund police activities.

COMPONENT II – Strengthen justice sector institutions ability to reduce violent and organized crime without violating human rights and strengthen civil society

Sub-component 2.1- Protect, Prosecute, and Prevent Trafficking in Persons

At least two local jurisdictions that implement state legislation concerning TiP, are consistent with the new federal law against human trafficking

Per the request of the Mission, no Program activities were carried out in Q3 that apply to this indicator. However, as reported in the FY 2010 Annual Report this indicator has been met through technical assistance provided on issues of human trafficking (TiP) that led to the passing of TiP legislation in Sinaloa and Nuevo Leon consistent with the new federal law.

At minimum four jurisdictions' – in strategic geographic areas – law enforcement agencies will be trained to identify and provide services to the victims of TiP and other serious crimes.

As reported in the FY 2010 Annual Report the Program has exceeded the goal of this indicator. To meet this indicator, trainings were conducted in target states including Baja California, Chihuahua, Nuevo Leon, Hidalgo, Oaxaca and Tamaulipas. In addition, in Q3 USAID delivered a workshop to 21 investigative police from the State Attorney General´s Office of Nuevo Leon on interview techniques. Among other tools, this course provided them with the skills needed to conduct interviews with victims according to the new criminal justice system with a focus on protecting human rights.

Two jurisdictions that partner with NGOs or CSOs to conduct information campaigns against trafficking.

As reported in the FY 2010 Annual Report this indicator has been met. The states of Jalisco, Tamaulipas, Nayarit, Baja California and Baja California Sur organized and partnered with CSOs to conduct information campaigns against TiP. In addition, the Program has carried out work through grantee projects in Quintana Roo, Oaxaca and Chiapas. Progress by grantees in Quintana Roo is described below:

Fundación de Apoyo Infantil, Q.R.

Comprehensive project to prevent trafficking in persons focused on the children of Quintana Roo

In Q3, the Child Support Foundation (*Fundación de Apoyo Infantil Q.R.*) implemented teaching strategies with a recreational, thoughtful and artistic approach to develop self-caring competencies in order to decrease vulnerability of trafficking in persons (TiP) in 11 Quintana Roo communities. USAID made unannounced visits to three schools associated with the Child Support Foundation and spoke with directors and teachers about the project. They also spoke with children at the Community Development Center in Region 236 about their opinions of the program. The grantees were asked to verify compliance with grant agreements through standard Program monitoring and evaluation forms. The organization also received technical assistance regarding strategic planning and future programmatic activities. It was found that the Child Support Foundation had complied satisfactorily with the agreement. During this quarter, the Foundation trained 1350 children regarding the prevention of trafficking. In addition, they trained 650 children using fun, recreational activities, such as theater to raise awareness about trafficking in persons.

Universidad Tecnológica de Cancún, A.C.

Proposal for Prevention of Trafficking in Minors for sexual exploitation in Cancun and Rivera Maya (Muncipalities of Benito Juarez and Solidaridad)

As part of the second monitoring visit to the Technological University of Cancun, USAID met with the director and the coordinator of the project there to discuss the activities being conducted. The University was asked to verify compliance with grant agreements through standard Program monitoring and evaluation forms and was also provided with technical assistance regarding strategic planning and future programmatic activities. During Q3, the Technological University completed a manual on how to prevent trafficking of persons among adolescents. They will be sharing this manual (complemented by trainings) with schools for them to implement.

At least five federal or state departments conduct information campaigns against TiP

As reported in the FY 2010 Annual Report the Program has exceeded the goal of this indicator. As of Q3, ten states (Aguascalientes, Nayarit, Baja California, Jalisco, Tamaulipas, Puebla, Nuevo Leon, Oaxaca, Tabasco, and Chiapas) have led sensitization campaigns sponsored by the Program.

Two victim service-related NGOs will be trained to identify and provide services to the victims of TiP and other serious crimes.

Program efforts related to this indicator were conducted during Q3, through three Program grantees who continue working on projects related to TiP awareness. *Casa de las Mercedes* is working to protect and assist children and youth victims of TiP. *Casa Alianza's* project aims to protect youth and children who are victims of TiP and have experienced social abandonment. *Fundación Infantia* aims to socially integrate victims of TiP and to assist them in re-entering the workforce. In addition to this work, these three organizations will be delivering comprehensive trainings to other NGOs regarding treatment of victims and prevention mechanism.

At least 1,500 justice sector personnel trained to investigate TiP cases and other serious crimes.

As reported in the FY 2010 Annual Report this indicator has been met and thus far, the Program has reached 70% of the 2011 goals. In addition, 240 justice sector actors were trained this quarter in a series of workshops on the prevention and investigation of torture and the protection of torture victims through a Program grantee:

- ✓ A series of workshops directed at public officials and titled, "Prevention and investigation of torture under the new criminal justice system," were coordinated by the NGO Program grantee Mexican Commission for Defense and the Promotion of Human Rights (*Comisión Mexicana de Defensa y Promoción de los Derechos Humanos*). The organization's mission is to train officials who are directly involved with investigating cases of torture and protection of victims. Four workshops were conducted over two weeks, with each workshop having approximately 60 participants and lasting six hours.

Sub-component 2.2 – Victim Restitution

At least 2,500 justice sector personnel are trained in TIP to handle victims of serious crimes, including torture and TiP

As reported in the FY 2010 Annual Report this indicator has been met through trainees from Baja California, Campeche, Hidalgo, Morelos, Nuevo Leon, Oaxaca, Puebla, and Tabasco, among others. In addition, the Program efforts related to this indicator conducted during Q3 as described above under sub-component 2.1, in a series of workshops directed at public officials regarding the prevention and investigation of torture were conducted through Program grantee, Mexican Commission for Defense and the Promotion of Human Rights. This resulted in approximately 240 justice sector operators being trained on ways to prevent torture and handle torture victims.

At least two Victim Assistance Centers are created and/or strengthened to deal with victims of TIP, torture, and other serious crimes.

Program efforts related to this indicator were conducted during Q3 through the creation of the Victim Assistance Center in Chihuahua in collaboration with the Comisión Nacional para Prevenir y Erradicar la Violencia contra las Mujeres (CONAVIM, acronym in Spanish) in March 2011. The Program complemented this work and has met this indicator by strengthening the Victim Assistance Center in Oaxaca through sustained and consistent training and technical assistance since 2010.

Efforts regarding this indicator continue and include:

- ✓ USAID is in the process of tailoring an English-language manual titled, "How to Create a Family Justice Center" to the Mexican context. Specifically, USAID is providing comments and expert feedback on the manual, which was originally developed by the National Family Justice Center Alliance of San Diego (NFJCA), and is awaiting contributions and observations by the National Commission to Prevent and Eradicate Violence against Women (CONAVIM). This manual will be used to strengthen Women's Justice Centers in Chihuahua, Baja California, Hidalgo, and Campeche and other states upon the creation of new centers.

- ✓ During the last three months, USAID completed an outline for a "how-to" guide that will provide standard operating procedures (SOP's) to assist victims in accordance with the New Criminal Justice System. This tool will be used by Victims' Assistance Units in all target states once complete. The guide will include elements needed for a comprehensive approach to victims' assistance, such as legislation, public policies, protocols and assistance models.

- ✓ USAID is also developing a standard victims' assistance model. This model is being tested in an Oaxaca pilot program at the Victims' Assistance Unit (UAVID) of the State Attorney General (PGJ, acronym in Spanish). UAVID operates on the premises of the PGJ and provides legal counseling, as well as medical and psychological assistance to victims. The model, which includes manuals, standard operating procedures and information materials, is being tailored to meet Oaxaca UAVID needs. This model will document best practices and lessons learned from Oaxaca and will be adapted to fit other state-specific needs.

- ✓ From May 31 - June 3, 2011, USAID conducted a train-the-trainer (ToT) course in Chihuahua for 55 officials from 14 states who will be responsible for operating Women's Justice Centers at the state level. Participants included women's justice center directors, staff from the Secretariat of Public Safety, Public Defenders' Office, women's groups, and staff who work in female victims' assistance.

Sub-component 2.3 –Human Rights and alternative resolution mechanisms

At least 300 justice sector officials trained in the new code of criminal procedures, constitutional reforms and alternative case resolution mechanisms within the context of HR

As reported in the FY 2010 Annual Report this indicator has been met through trainings in the Federal District, Durango, Zacatecas and Morelos. Program efforts related to this indicator were conducted

during Q3 through creating the opportunity to train more justice sector officials in the criminal justice reform within the context of human rights.

- ✓ On June 7, 2011 in the Federal District, USAID signed the agreement with the Secretariat for Public Safety (SSP) for the development of a Master's Certificate Program in Human Rights and Security within the framework of the criminal justice reform. The Latin American Institute of Educational Communication (*Instituto Latinoamericano de la Comunicación Educativa*) will design, implement (including curriculum and training) and evaluate (including participant assessment and certification) the program, which will train approximately 300 SSP officials in the promotion of and respect for human rights. Graduates of this program are expected to apply their learning to the design, implementation and evaluation of public policies related to public safety and human rights. This program aims to increase the knowledge of SSP officials regarding the complexities and challenges human rights issues within the police sector and build their capacity to uphold Mexican and international human rights laws and standards. The start date for the program is scheduled for August 1, 2011.

Sub-component 2.4 – Support for Human Rights NGOs

No less than 300 HR NGO and CSO staff, volunteers, and/or members trained in the new code of criminal procedures, the constitutional reforms, and alternative case resolution mechanisms (mediation, conciliation and restorative justice) within the context of HR

As reported in the FY 2010 Annual Report this indicator has been met through trainings in the Federal District, Chihuahua, Morelos, Nuevo Leon, Oaxaca, and Baja California, among others. Program efforts related to this indicator were conducted during Q3 in Oaxaca, where 10 CSO representatives were trained in alternative justice mechanism and conflict resolution within the context of human rights.

Sub-component 2.5 - Support for Citizen Participation Councils

As this report is written, the Program has submitted a new set of performance measures as part of the response to the Request for Task Order Proposals (RFTOP) and awaits Mission feedback. The proposed metrics will measure Program impact more effectively as related to Citizen Participation Councils.

At least three jurisdictions where CPCs have increased outreach and public awareness of police performance.

Program efforts related to this indicator were conducted during Q3 in collaboration with the ANCPC through:

1) The design of a social mobilization strategy for violence prevention and citizen empowerment through art and sport, and strengthening institutions to better respond to citizen needs; and 2) the implementation of a joint program in at least 7 states to educate and involve citizens in fighting crime and assisting victims through the creation of State Stakeholder Groups. The Program envisions reporting on concrete results related to this indicator by Q4 FY 2011.

At least three CPCs with strengthened operations to receive, analyze and track citizens complaints regarding corruption and abuse.

Program efforts related to this indicator were conducted during Q3 through:

1) Improving the CPC-PGR's Center for Reporting Crimes (CRC) , which encourages Mexican citizens to report crimes, and in doing so, works to trigger high-impact cultural changes that promote an environment of justice, security and legality while providing a direct link between citizens and government. Furthermore, the CRC puts a particular emphasis on reporting cases of corruption and authority abuse.
2) Since November 2009, the National Association of Citizen Participation Councils (ANCPC) has been receiving citizen complaints through the website www.notedejes.com.mx which the Program supports. The ANCPC has been submitting the reports to the corresponding authorities in an effort to develop a system that will properly track government actions and complaints. During Q3, the process was improved to better serve citizens and respond to their needs and issues. Upon receiving a complaint (which can be registered as confidential or with contact information), administrators of the website submit it to the Attorney General's Office (PGR, acronym in Spanish), where it is reviewed and channeled to the corresponding institution or branch office.
3) Strengthening Citizen Leaders within the CPC-PGR through workshops, round tables, debates, informational materials and electronic resources, among other tools. This project will first provide leadership training and capacity building and then from the initial group of trainees, the project will select a group to continue with a second round of training to learn about citizen monitoring and observation of the reform, thus multiplying the effect of the project.

At least three jurisdictions with CPCs strengthened to actively represent citizens' interests by keeping the public informed, addressing grievances, following cases or overseeing justice functions of the PGR

Program efforts related to this indicator were conducted during Q3 through consistent Program technical assistance to the CPC-PRG and the ANCPC in the planning and implementation of the above projects: Improving the CPC-PGR's Center for Reporting Crimes (CRC), Citizen Complaint website www.notedejes.com.mx, and the Strengthening Citizen Leaders within the CPC-PGR. All of these projects serve to inform the public, address citizen complaints and provide monitoring of government agencies.

Quarterly Highlights

Component 1 – Federal and State Level Implementation of Criminal Justice Reforms

Adherence to the Mexican Federal Constitutional Reforms

- ✓ Following 11 months of technical assistance provided by USAID to the Executive Commission for the Nuevo Leon Criminal Justice Reform (SIJUPE, acronym in Spanish), civil society organizations, and committees from the State Congress, on May 26, 2011, the Criminal Procedure Code of Nuevo Leon was approved unanimously. The implementation of the code will be done gradually and by type of crime; that is, there will be in incremental approach every year, whereby new types of crimes will be added. An annual review mechanism will be established, where the Governor, in consultation with SIJUPE, the State Treasury, the Judiciary and the State Attorney General, will evaluate the effectiveness and pace of the implementation by crime type, in order to consider adding other types of crimes. USAID will continue providing technical assistance to SIJUPE and the Governor´s office to develop indicators that measure progress in reform implementation.

- ✓ From May 4-5, 2011, the Third Forum Commemorating the Constitutional Reforms of 2008 took place in Mexico City. USAID along with a coalition of civil society organizations including the Oral Trial Network (*Red de Juicios Orales*), the RENACE Institute (a non-governmental organization promoting transparency in the justice sector), and *México SOS* (Mexico Observation System for Citizen Safety), organized the event, with the participation of the highest level officials from all three branches of government. For the first time the forum approach was centered on implementation strategy and tactics rather than academic analysis of the criminal justice reform. This event brought together 407 justice sector actors (female, 148; male, 259) from across Mexico, and participants had the opportunity to discuss the content of the draft Federal Criminal Procedure Code. During the Forum, judges, prosecutors, governors, lower and upper house members and political party leaders engaged constructively with journalists, civil society representatives, academic experts and opinion leaders in identifying challenges and opportunities for the reform.

- ✓ Over the course of Q3, six meetings were held between USAID and the Technical Secretariat for the Criminal Justice Reform Implementation (*Secretaría del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal,* SETEC) to discuss collaboration regarding curricula, training courses, capacity building, protocol development and joint activities. During this time, the Program shared several key documents, including: A summary of achievements and technical assistance already provided, and a comparative table of USAID and SETEC products, which was used to identify points of collaboration and reduce duplication of efforts. Other issues raised include:
  - SETEC requested Program collaboration to develop a national information system;
  - USAID will provide SETEC with competency profiles for justice sector operators before July 2011;
  - A plan to collaborate on the development of investigation protocols, incorporating SETEC´s terms of reference and identified experts;
  - Providing technical assistance via the University of San Diego for a perception survey to measure satisfaction among users of criminal justice services to evaluate the impact of the reform; and,

- Financial support of this survey.

Institution Building and Rule of Law

- ✓ USAID completed competency profiles (defined as desired requirements, experience and criteria of justice sector operators) that are in line with the new criminal justice system. Throughout the end of May and the month of June, competency profiles were developed for judges, public defenders, prosecutors, investigative police, which detail the functions, tasks and required skills for these justice sector operators. Competency profiles were completed by the end of June 2011 as set in the Q2 work plan. USAID will share these competency profiles with SETEC in order to distribute and use them with state SETEC commissions. Based on the competency profiles, USAID and SETEC will develop a strategic training plan for justice sector operators to strengthen their skills to perform under an adversarial justice system, as well as to recruit new operators.

- ✓ USAID finalized the protocols to improve the coordination between prosecutors and investigative police that work in State Attorneys General Offices of the Program's target states. The objective is to streamline the criminal investigation process through increased collaboration between justice sector officials in compliance with the new criminal justice system. The following actions were undertaken in the development of these protocols: i) Identification of activities carried out solely by investigative police; ii) Review of the Criminal Procedure Codes of Baja California, Chihuahua, Durango and Morelos to compare tasks carried out independently by investigative police and the activities prosecutors request of them; iii) Review of the Criminal Procedure Codes of Baja California, Chihuahua, Durango and Morelos to identify communication channels used by investigative police and prosecutors; and, iv) Development of communication protocols to be used by the investigative police and the Prosecutor´s Office.

- ✓ In Q3, USAID completed three chapters of a "how-to" legislative guide for drafting Criminal Procedure Codes that comply with Mexican constitutional reforms and international best practices. This guide will provide legislators with tools to increase their capacity to promote the enactment or amendment of laws in accordance with the constitution. Chapters on Nullity of Procedural Acts, Procedural Subjects and evidence were developed and reviewed during this reporting period. When complete, the guide will include an overview of the reformed constitutional framework, as well as an account of the regulations made through legislation passed in Mexico, best practices in comparative law, lessons learned, program recommendations for the regulation of specific institutes, and regulation options. The guide will be disseminated among the relevant policy makers in states beginning the reform process.

Judicial Exchanges

- ✓ A total of 286 justice sector operators (justices, judges, prosecutors, public defenders, investigative police, forensic experts and mediators) out of an annual target of 7,000 were trained in Q3. Of them, 138 were women and 148 were men. These individuals from 15 states, including Baja California, Nuevo Leon, Morelos, Oaxaca and Chihuahua, have received various types of training including on: preliminary, initial, and intermediate hearings, litigation, the role of the defense in the new criminal justice system and directing and issuing rulings in initial hearings.

Pre-Trial Case Resolution Alternatives

- ✓ USAID completed the development of competency profiles for directors of victims' assistance centers and mediators to ensure they are prepared to act in accordance with the new criminal justice system. Since many roles changed under the passage of the reform, defining and delineating responsibilities is an important step in building strong institutions that function in an efficient, transparent and effective manner. Competency profiles include the desired requirements, experience and criteria of justice sector operators and are used for targeted training, recruitment and institution building.

- ✓ USAID conducted an evaluation visit to the Alternative Justice Center in Cuernavaca, Morelos. As part of the visit, the following activities were carried out: knowledge surveys to mediators, as well as evaluation surveys with center officials regarding work environment and with users regarding service quality. The Program assessed several factors, including: the physical infrastructure of the Center, the work environment, the alternative justice mechanisms employed by the mediators, the satisfaction of both direct users (individuals receiving services), and indirect users (prosecutors, investigative police and the Attorney General's Office). Additionally, USAID received evaluations of the mediators from their supervisors. Based on the extensive data gathered, USAID will develop an institutional strengthening plan in Q4 that includes recommendations for the areas that need improvement.

- ✓ USAID also conducted an evaluation to seven centers of the State Systems of Alternative Justice (SEJAP) in Baja California. The objectives of this assessment were to: analyze the overall performance and service delivery of seven SEJAP Centers in Mexicali, Baja California; to seek out best practices that can be shared with other states; and to identify opportunities to improve resource allocation. Findings gleaned from the assessment visits show that infrastructure and supplies of the centers are sufficient and the working relationship among the centers is good. There is an opportunity for improvement in mediator training programs related to knowledge of alternative justice theory and for the improvement of mediation skills; however it was found that mediators who had received training were much better equipped to explain the theory and practice of mediation. Recommendations include recruiting more men to work as mediators, training intake staff on alternative justice mechanisms, and providing mediators with small groups for supervision needs and to avoid burn-out. The recommendations will be presented to the State Attorney General.

- ✓ USAID conducted an orientation seminar for 35 staff of the Baja California Alternative Justice Center. The purpose of this training was for staff of the Attorney General's Office (which houses the Alternative Justice Center) to learn how to identify which cases should be referred to the Center versus being sent along the traditional course of action. In addition, staff tasked with notifying accused parties that a case has been recommended for alternative justice mechanisms (AJMs), were trained on the process (such as mediation, win-win solutions and negotiation) in order to better explain the benefits of AJMs. This continued focus on professionalization demonstrates a commitment by staff and administrators to build capacity and improve efficiency in the workplace. The five-day course covered many themes, including: hierarchy of needs theory and its relationship to conflict resolution; types and elements of communication and ways of interpreting different styles; and principles and stages of mediation, including introduction, narrative, identifying themes, evaluating options, negotiating and reaching agreements.

Topics such as cycles of violence, resolving family disputes and restorative justice were also discussed with participants.

- ✓ USAID conducted a train-the-trainer (ToT) course in Chihuahua for 55 officials from 14 states who will be responsible for operating Women's Justice Centers at the state level. Participants included women's justice center directors, staff from the Secretariat of Public Safety, Public Defenders' Office, women's groups, and staff who work in female victims' assistance. The event opened with comments from the Director of the National Commission to Prevent and Eradicate Violence against Women (*Comisión Nacional para Prevenir y Erradicar la Violencia contra las Mujeres*, CONAVIM) and was followed by presentations by the Family Justice Center Alliance. Over the course of the three days, participants learned about the CONAVIM model, the services provided by justice centers, and the implementation process, which begins with the intake interview and uses technology to monitor users once they have left the Center. A number of USAID staff delivered presentations on the responsibility of public defenders to work closely with justice centers, results-based management, and the development of indicators to monitor and evaluate results and impact. USAID administered pre- and post-training evaluations to measure participants' knowledge about women's justice centers, the services offered and the logistics involved in their implementation.

- ✓ USAID delivered a workshop for 22 law professors in Mexicali, Baja California on alternative justice mechanisms. Each university offering a law program in Baja California was invited to send two professors to the workshop. Participating universities included: *Universidad del Valle de México*, Professional Development University (UNIDEP, acronym in Spanish), Iberoamericana University, Technological University of Baja California, Central University of Tijuana and the Judicial Institute of Baja California. This workshop had the dual purpose of instructing professors on teaching techniques related to the new criminal justice system, including (i) criminal procedure, (ii) oral litigation techniques and (iii) alternative resolution mechanisms, as well as advising in the redesign of undergraduate programs to improve the incorporation of subject matter related to the new criminal justice system into the curriculum.

- ✓ As the Open Society Institute (OSI) continues to be a key partner in promoting pre-trial services, USAID held a planning and coordination working session with them. After jointly reviewing the Memorandum of Understanding (MoU) regarding cooperation in the creation and implementation of pre-trial services units in target states, the discussion focused on Morelos, where the pre-trial services unit is seeking to consolidate and expand to include adults as well. Different means of generating a cooperative agreement between the Government of Mexico and private entities was also discussed, and it was decided that the MoU will be adjusted to include concrete collaborative activities. In addition, the Program collaborated with the OSI to develop a course curriculum for justice sector actors working in the Pre-trial Services Unit for Juveniles (UMECA) of Morelos, in order to strengthen UMECA´s performance. USAID has scheduled to deliver the course in Q4 and share the curriculum with UMECA, ensuring training sustainability in the future.

- ✓ Following the opening of the Pre-trial Services Unit for Juveniles (UMECA) of Morelos in February 2011, USAID conducted a monitoring visit to gather data and evaluate the functioning of the Unit. Obstacles identified during the visit included a lack of resources to provide proper monitoring of juveniles, limited

coordination with government agencies and inadequate public information on the services provided by UMECA. Agreements were made with the director of the state Public Defenders' Office to increase cooperation and coordination. UMECA has signed an agreement with various human-rights-focused non-governmental organizations to conduct an information seminar on the scope of their responsibilities and ways to monitor alternative justice mechanisms. In addition, UMECA requested USAID assistance in the development of a proposal and budget that will then be submitted to the state's Reform Implementation Commission along with a funding request. The technical assistance not only helped UMECA complete these specific documents, it also built the internal capacity of the Unit overall.

- ✓ Overall, the Program worked to strengthen 26 Alternative Justice Centers this quarter. For a full list of the Centers strengthened, refer to Annex IV.

Component 2 – Justice Sector and Civil Society Organizations Promotion of Human Rights

Victim Restitution

- ✓ A key training this quarter included: 1) Train-the-Trainer course for 55 staff from Women's Justice Centers in 14 states and conducted in Chihuahua.

- ✓ Protocols were developed and an evaluation visit was conducted at the Nuevo Leon Family Justice Center to ensure greater efficiency and higher quality of care.

- ✓ Development of the Oaxaca Victims' Assistance Unit model continued along with providing legislative technical assistance to the Oaxaca State Congress concerning the rights of victims of crime in accordance with the criminal justice reform.

Human Rights Training for Police, Prosecutors & Other Officials

- ✓ Signed the Memorandum of Understanding for the establishment of a Human Rights Master's Certificate program for federal Secretariat for Public Safety (SSP) officers at the Latin-American Institute for Educational Communication (ILCE). The expected start date is August 2011.

Support for Human Rights NGOs

- ✓ Monitored 25 Program grantees working on human rights, trafficking in persons, social cohesion and security and justice.

- ✓ Provided targeted technical assistance for 15 Program grantees on financial reporting guidelines in Ciudad Juarez, Chihuahua.

- ✓ USAID worked with non-governmental organizations (NGOs), including the RENACE Institute in Nuevo Leon, to establish indicators that will monitor reform implementation. Performance indicators are a useful tool to measure the progress or setbacks of the criminal justice reform. In addition, the exercise of identifying indicators assists NGOs to obtain relevant, accurate, and valid information.

- ✓ USAID attended the opening of a two-week workshop series entitled: "Prevention and Investigation

of Torture under the New Criminal Justice System". The workshops were coordinated by Program grantee, the Mexican Commission for the Defense and Promotion of Human Rights (*Comisión Mexicana de Defensa y Promoción de los Derechos Humanos*), whose mission is to train officials directly involved with investigating cases of torture and protection of victims.

Support for Citizen Participation Councils

- ✓ The National Association of Citizen Participation Councils (ANCPC), a standard grant recipient, carried out a number of key activities this quarter: Developed an outreach strategy and traveled to Baja California, Durango, Hidalgo, Morelos and Nuevo Leon to meet with CSO stakeholders and government officials, promoted the Safe Communities Project (as defined by the World Health Organization and the CISALVA Institute of Cali, Colombia) in Hidalgo by disseminating information and application forms, and regarding citizen complaints, the ANCPC continued administering the website www.notedejes.com.mx and has been successful in channeling complaints to the proper authorities

- ✓ ANCPC has also been collaborating with the Ministry of the Interior on State Security Dialogues, which are being promoted by the National Public Security System (NPSS) with the objectives to: i) to strengthen the capacity of organized civil society in dialogue with the government; ii) ensure transparency among civil society and the government; and iii) follow up on agreements arising out of such events. The schedule for upcoming State Security Dialogues is below:

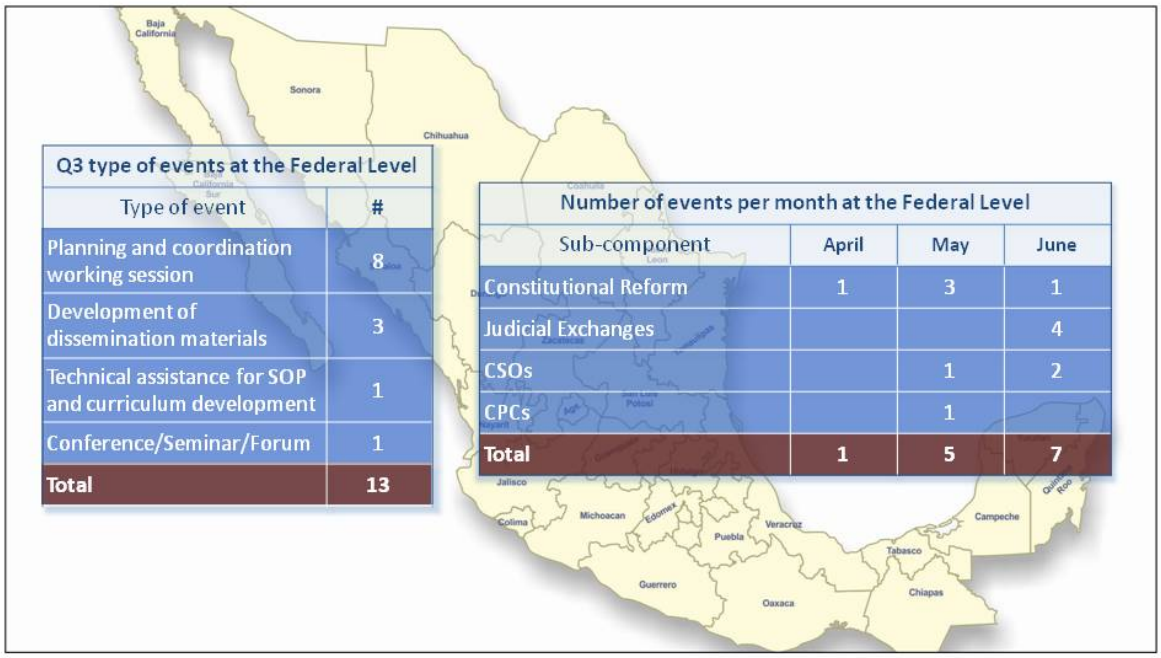
Tier 1 States	Date of Security Dialogue
Baja California	August 18, 2011
Durango	August 25, 2011
Morelos	August 31, 2011
Chihuahua	September 8, 2011
Nuevo Leon	September 23, 2011
Oaxaca	September 29, 2011
Hidalgo	October 6, 2011

- ✓ During the third quarter (Q3) of fiscal year (FY) 2011, USAID continued providing technical assistance and guidance to CPC-PGR officials for the development and approval of four project proposals that aim to promote citizen involvement in fighting crime and/or identifying inefficiencies, corruption or abuse. The projects include:

  - Strengthening the CPC-PGR Center for Reporting Crimes to Increase Transparency and Combat Corruption;
  - Forming Citizen Leaders for the Implementation of the Criminal Justice Reform with the result being the formation of two citizen observation groups (includes CPC-PGR board members, journalists and the National Federation of Parents Association);
  - *Ciudad Posible Sí:* A Culture of Legality and Justice for Public Schools in Ciudad Juarez, and
  - *Leer para Narrar* (Reading to Tell Stories), which seeks to disseminate information on the new criminal justice system in rural areas of Oaxaca.

Annex I. Detailed Program activities per state and sub-component

Federal Level



Q3 type of events at the Federal Level

Type of event	#
Planning and coordination working session	8
Development of dissemination materials	3
Technical assistance for SOP and curriculum development	1
Conference/Seminar/Forum	1
Total	**13**

Number of events per month at the Federal Level

Sub-component	April	May	June
Constitutional Reform	1	3	1
Judicial Exchanges			4
CSOs		1	2
CPCs		1	
Total	**1**	**5**	**7**

During Q3, the Program carried out a total of 13 activities at the federal level related to four sub-components of the Program: Constitutional reform, judicial exchanges, CSOs and CPCs. Below are selected highlights of federal level activities.

1.1 - Adherence to the Mexican Federal Constitutional Reforms

Over the last quarter, six meetings were held between USAID and the Technical Secretariat for the Criminal Justice Reform Implementation (*Secretaría del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal,* SETEC). In May, the Program and SETEC met to further coordination on the development of outcome indicators to monitor the reform. The variables best suited for this purpose, such as type of crime, prison population, and the number of oral trials that take place, were proposed by the Program. In addition, the Program provided SETEC with an account of Program achievements and planned activities. In June, they discussed collaboration regarding curricula, training courses, capacity building, protocol development and joint activities. During this time, the Program shared several key documents, including: A summary of achievements and technical assistance already provided and a comparative table of USAID and SETEC products, which was used to identify points of collaboration and reduce duplication of efforts. Other issues raised include:

- SETEC requested Program collaboration to develop a national information system;
- USAID will provide SETEC with competency profiles for justice sector operators in July 2011;
- A plan to collaborate on the development of investigation protocols, incorporating SETEC´s terms of reference and identified experts;

- The provision of technical assistance via the University of San Diego for a SETEC survey to measure satisfaction among users of criminal justice services to evaluate the impact of the reform; and,
- Financial support of the survey.

1.3 – Judicial Exchanges

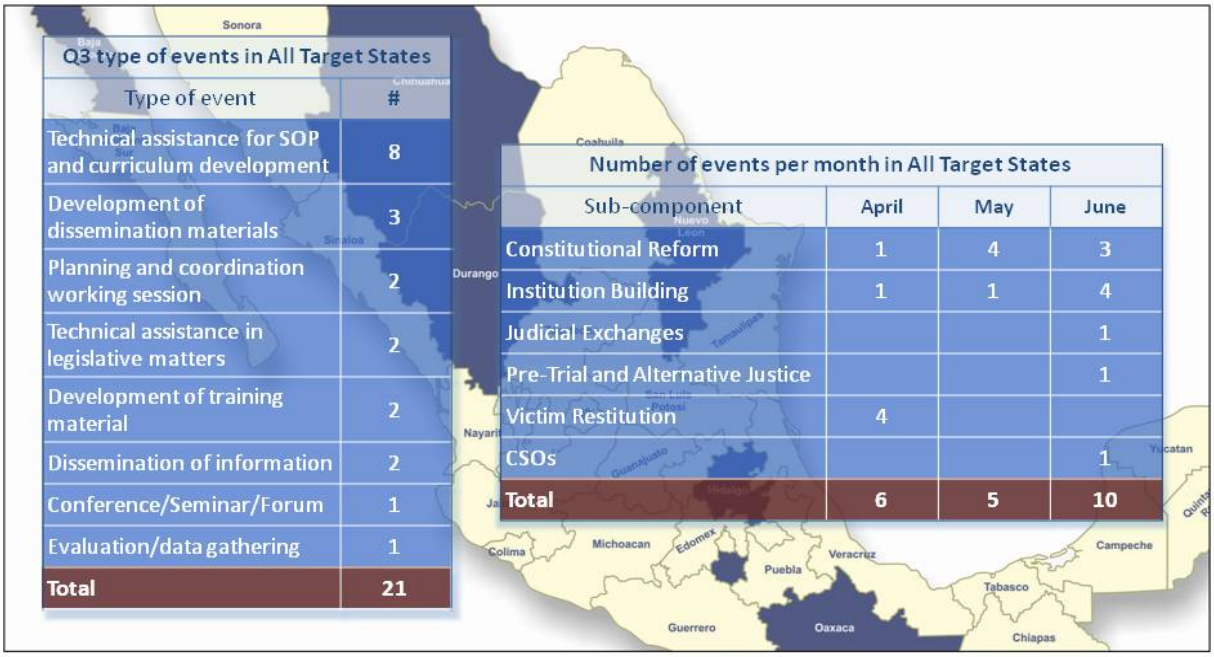
In June, USAID met with the Federal Public Defenders' Office in the Federal District to discuss collaboration on trainings and capacity building. Discussions took place on the levels and types of trainings that are needed and those that the Program can deliver, including train-the-trainer courses. As a next step, USAID will share a menu of courses designed specifically for public defenders, as well as information on upcoming relevant trainings including individualized coaching sessions.

2.5 – Citizen Participation Councils

Over the last quarter, USAID provided technical assistance to the Citizen Participation Council of the Federal Attorney General's Office (CPC-PGR) officials in the development of four project proposals that aim to promote citizen involvement in fighting crime and/or identifying inefficiencies or abuse with concrete activities. The four projects include: Strengthening Citizen Leaders for the Implementation of the Criminal Justice Reform; Strengthening of CPC-PGR Centers for Reporting Crimes-Increase Transparency and Combat Corruption; *Ciudad Posible Sí*, a culture of legality and justice for public schools in Ciudad Juarez; and *Leer para Narrar* (Reading to Tell Stories).

The final proposals for these projects were reviewed in June, and the Program drafted a Memorandum of Understanding (MoU), which contains all of the financial, administrative and technical details for the projects managed by the CPC-PGR. The MoU has been shared with all parties for comments and recommendations before the final version is signed early August.

All Target States



Q3 type of events in All Target States

Type of event	#
Technical assistance for SOP and curriculum development	8
Development of dissemination materials	3
Planning and coordination working session	2
Technical assistance in legislative matters	2
Development of training material	2
Dissemination of information	2
Conference/Seminar/Forum	1
Evaluation/data gathering	1
Total	**21**

Number of events per month in All Target States

Sub-component	April	May	June
Constitutional Reform	1	4	3
Institution Building	1	1	4
Judicial Exchanges			1
Pre-Trial and Alternative Justice			1
Victim Restitution	4		
CSOs			1
Total	**6**	**5**	**10**

If a Program activity involves three target states or more, it is categorized as an "All target state" activity. During Q3, the Program carried out a total of 21 activities that benefit all target states. Activities were related to constitutional reform, institution building, judicial exchanges, alternative justice, victim restitution, and CSOs.

1.1 - Adherence to the Mexican Federal Constitutional Reforms

In April, USAID attended the second meeting of "Perceptions and Realities of the Mexican Criminal Justice System Reform", organized by the McArthur Foundation and the Open Society Institute. The objective of this second meeting was to present the preliminary results of the USAID field study that monitored the implementation of the reform. Several notable results obtained in the field study include:

- Based on data from the Secretariat of Public Safety, the Program estimates that during the last three years, 30,000 people have avoided prison terms through precautionary measures in the six states where the new system is operating.

- Congestion in the criminal justice system has been lessened through the use of alternative justice mechanisms, increasing the number of cases resolved and reducing impunity.

- The other hypothesis that resources would be "freed" up within the system and redirected toward prosecuting more violent crimes was not noted in the same way. While impunity for crimes of murder has decreased in the states of Mexico, Zacatecas and Oaxaca, Chihuahua continues to experience a high number of cases and half their sentences are for petty theft. At this point USAID is emphasizing best practices in research management models for impact cases and violence, as well as for crimes with mixed jurisdiction (federal and state).

In addition, a strategic proposal was presented on how to analyze the reform and the actions that should be carried out in the short- and medium-terms. USAID was invited to participate in a workgroup to coordinate efforts in developing indicators to monitor progress of the reform and best practices.

USAID, along with a coalition of civil society organizations including the Oral Trials Network, the RENACE Institute and *México SOS*, organized this event held on May 4-5, 2011 in the Federal District that was attended by the highest level officials from all three branches of government. For the first time, the forum approach centered on implementation strategy and tactics rather than academic analysis of the criminal justice reform. This event brought together 407 justice sector actors (148 females and 259 males) from across Mexico, and participants had the opportunity to discuss the content of the draft federal Criminal Procedure Code. During the Forum, judges, prosecutors, governors, lower and upper house members and political party leaders engaged constructively with journalists, civil society representatives, academic experts and opinion leaders in identifying challenges and opportunities for the reform. President Felipe Calderon inaugurated the forum at Los Pinos, his official residence, and stressed the importance of strengthening key justice sector institutions such as Prosecutors' Offices and police forces. He highlighted the need to train personnel who will operate under the new criminal justice system and expressed his commitment to introducing the draft Federal Criminal Procedure Code to the Congress during the fall congressional session. As a result of the success of the Third Forum, the Oral Trials Network capacity to impact political will and public opinion and to work constructively with the GoM was greatly enhanced. Lessons learned following the Forum included:

- It is necessary that the Federal Executive Branch incorporate the Criminal Justice in its Public Safety policies. This will bring better results in both the administration of justice and human rights.
- It is necessary that the Federal Criminal Procedure Code establish mechanisms for a large number of cases to be handled efficiently and with a focus on human rights.
- Information dissemination tools, such as the documentary film, "Presumed Guilty" (*Presunto Culpable*), are useful for citizens to raise issues and advocate for more transparency, due process and other oral system principles before government and justice sector institutions.
- Before implementation can begin, justice sector personnel need to be trained and oral trial facilities need to be put in place.
- In order for more effective implementation of the reform at the state level, political parties and other civil society players need to coordinate efforts.

1.2 – Institution Building and Rule of Law

Over the last quarter, USAID completed competency profiles (defined as desired requirements, experience and criteria of justice sector operators) that comply with the new criminal justice system. Throughout Q3, competency profiles were developed for judges, public defenders, prosecutors, investigative police, directors of victims' assistance units, and mediators which detail the functions, tasks and required skills for these justice sector operators. Over the course of the three months, the Program analyzed the description of operator duties, identified the tasks required to carry out these duties, and

ordered tasks according to their level of complexity to identify training needs. Competency profiles were completed by the end of June 2011 in compliance with Program deliverables.

Also during Q3, USAID developed and finalized the protocols to improve coordination between prosecutors and investigative police that work in State Attorneys General Offices of the Program's target states. The objective is to streamline the criminal investigation process through increased collaboration between justice sector officials in compliance with the new criminal justice system. The following actions were undertaken in the development of these protocols: i) Identification of activities carried out solely by investigative police; ii) Review of the Criminal Procedure Codes of Baja California, Chihuahua, Durango and Morelos to compare tasks carried out independently by investigative police and the activities prosecutors request of them; iii) Review of the Criminal Procedure Codes of Baja California, Chihuahua, Durango and Morelos to identify communication channels used by investigative police and prosecutors; and, iv) Development of communication protocols to be used by investigative police and the Prosecutor´s Office.

In Q3, USAID began drafting a "how-to" guide on preparing different chapters of a new Criminal Procedure Code that are in accordance with Mexican constitutional reforms and international best practices. This guide will provide legislators with tools to increase their capacity to promote the enactment or amendment of laws in accordance with the constitution.

At the close of the quarter, USAID had completed three chapters out of 17:

- Nullity of Procedural Acts
- Procedural Subjects
- Evidence

When complete, the guide will include an overview of the reformed constitutional framework, as well as an account of the regulations made through legislation passed in Mexico, best practices in comparative law, lessons learned, Program recommendations for the regulation of specific institutes, and regulation options. The guide will be disseminated among relevant policy makers in states beginning the reform process.

2.2 –Victim Restitution

To complement the "how-to" guide for drafting Criminal Procedure Code legislation, USAID is in the process of modifying an English-language manual titled, "How to Create a Women's Justice Center" to the Mexican context. USAID is providing comments and feedback on the manual, which was originally developed by the National Family Justice Center Alliance of San Diego (NFJCA), and is awaiting contributions and observations by the National Commission to Prevent and Eradicate Violence against Women (CONAVIM). This manual will be used in Women's Justice Centers in Chihuahua, Baja California, Hidalgo, and Campeche among others. USAID and CONAVIM agreed that the content of the manual needs to be adjusted to fit Mexico's current context, recognizing the importance of comprehensive care to female crime victims. NFJCA's agenda and methodology will be adapted to include: How to develop a

Women's Justice Center in Mexico; basic information on gender-based violence; and key training methodologies. CONAVIM will submit its proposal regarding additions to the manual, which will be reviewed by USAID and forwarded to the NFJCA for consideration.

Continuing work with victims' assistance, during Q3, USAID completed an outline for a "how-to" guide to provide standard operating procedures (SOP's) in assisting victims in accordance with the new criminal justice system. Once complete, this tool will be used by Victims' Assistance Units in all target states. The guide will include elements needed for a comprehensive approach to victims' assistance, such as legislation, public policies, protocols and assistance models. The outline is the first step in gathering information and data for the manual which will be completed in three phases during October 2011-June 2012. Additionally, USAID finalized the curricula for training personnel working in victims' assistance. Local trainers can use this tailored curricula to provide trainings in state specific contexts. The competency profiles developed this quarter will contribute to developing a coordinated training plan.

USAID is also developing a standard victims' assistance model. This model is being tested in an Oaxaca pilot program[2] at the Victims' Assistance Unit (UAVID) of the State Attorney General (PGJ, acronym in Spanish). UAVID operates on the grounds of the PGJ and provides legal counseling, as well as medical and psychological assistance to victims. The model, which includes manuals, standard operating procedures and information materials, is being tailored to meet Oaxaca UAVID needs. This model will document best practices and lessons learned from Oaxaca and will be adapted to fit other state-specific needs.

2.4 –Support for Human Rights NGOs and CSOs

In May, USAID participated in a civil society organization event titled, "Citizen Forum for a Common Security and Justice Agenda" in the Federal District. The forum was held at the Iberoamericana University and organized by the National Citizen Watchdog Association (*Observatorio Nacional Ciudadano de Seguridad y Justicia*), the Centre for Economic Research and Teaching (CIDE, acronym in Spanish), *Mexico SOS* and the American Bar Association. It sought to develop a working agenda for CSOs on justice and security. Topics discussed by the three panels included: Alternative strategies to improve security policies; strategies to decrease violence through crime policy; and strategies to break the cycle of impunity. USAID delivered a presentation on the results of the field study that monitored the implementation of the criminal justice reform. The presentation focused on impunity and the fight against serious crimes in the states where the reform is being implemented. There was consensus among participants that the indicators developed and used by the Program to monitor the reform should become a model.

2.5 –Support for Citizen Participation Councils

USAID has been providing technical assistance to the Citizen Participation Council of the Federal Attorney General's Office (CPC-PGR) to develop several project proposals for funding consideration. USAID initially reviewed nine proposals and provided comments on each to CPC-PGR. After various

[2] See related section under "Oaxaca" for further details.

meetings and technical assistance sessions, four projects were selected. The Memorandum of Understanding (MoU) has been drafted and sent to all parties for review.

To build the institutional capacity of the ANCPC, various outreach activities were conducted during this reporting period. Strengthening and gaining new local affiliates to form State Stakeholder Groups is a key component of the ANCPC and was carried out this quarter in Baja California, Durango, Hidalgo, Morelos and Nuevo Leon. In order to build a network that encompasses diverse CSOs and provides capacity building to local organizations, the ANCPC shared information with stakeholders in each of these states. Contacts were made through a database of CSOs that was created in Q3 and shared with the Program. Highlights from outreach regarding State Stakeholder Groups are included below:

Baja California: Collaborating closely with the state-level CPC-PGRs is a priority for the ANCPC and thus, two meetings were held with the president of the Baja California CPC-PGR to discuss the creation of a State Stakeholder group titled, "We are much more" *(SOMOS MAS)*. To engage relevant CSO members, the ANCPC, along with the CPC-PGR, met with and invited the Tijuana Iberoamericana University, Drugs Abuse Resistance Education (DARE) Mexico, the Tijuana Food Bank and the Citizen Council for Transparency and Combating Corruption, among others, to join the board of the newly created *SOMOS MAS* network. Along with offering to serve on the board, the above organizations also committed to disseminating information regarding the project and to invite other CSOs to join the network.

Durango: In April, the ANCPC participated in an oath-taking ceremony of the State Citizen Council of Durango. It was agreed that the ANCPC will work jointly with the State CPC-PGR of Durango to implement the ANCPC project "Durango: We are much more" (*Somos Más Durango*). In addition, conversations were held with several CSOs regarding joining the *Somos Mas Durango* network, and it was agreed that follow-up meetings will take place in the following quarters.

Hidalgo: Prior to holding meetings, the ANCPC undertook a state stakeholder analysis to fully understand the political environment and engage strategically. Following that, in May, the ANCPC held several sessions with CSOs to generate interest and collaboration in the creation of the network, "Hidalgo: We are much more" (*Somos Más Hidalgo*). Meetings were held with the president of the state-level CPC-PGR, along with two organizations: one that works in the prevention of youth violence and another that works in the prevention and care of those affected by or infected with the HIV virus. Both organizations were invited to join the network.

Morelos: During this reporting period**,** the ANCPC met with the Morelos CPC-PGR board members to present them with a proposed project related to public safety and crime prevention. The project has been put on hold due to fear of risks to personal and family safety.

Nuevo Leon: Contact was made with several CSOs including the association, With Networks We Can Do More (*En Red Hacemos Mas)*, which agreed to join the Nuevo Leon State Stakeholder Group and work in close collaboration to implement ANCPC projects throughout the state. The ANCPC followed up by inviting other organizations that form part of the network to join the Stakeholder Group. It was agreed to jointly design a work plan that will be monitored during ANCPC visits to the CSO network in Nuevo

Leon.

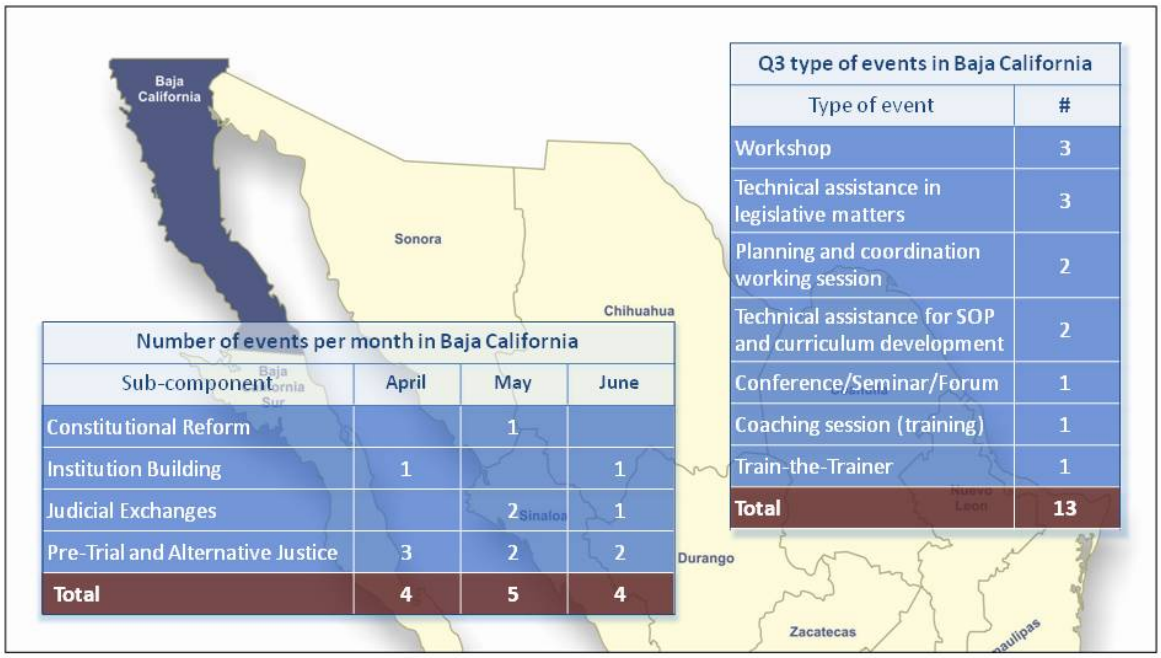
In collaboration with the Ministry of the Interior, the ANCPC has been working on creating a series of State Security Dialogues. The dialogues, which will be promoted by the National Public Security System (SNSP, acronym in Spanish) and implemented by the ANCPC, are scheduled to occur in the seven Program priority states. The State Security Dialogues aim to: i) Strengthen the capacity of organized civil society in dialogue with the government; ii) Ensure transparency among civil society and government; and iii) Follow up on agreements arising from the dialogues. The ANCPC will coordinate and collaborate with the state-level CPC-PGRs to implement the dialogues. During the third quarter, the governors of Baja California and Hidalgo were invited to participate in the dialogues that will take place in Q4, as were relevant CSO stakeholders, such as *SOMOS MAS* in Baja California and the Arturo Herrera Cabanas foundation in Hidalgo. In June, the ANCPC developed a strategy and methodology for conducting dialogues on security in the priority states. In the strategy, dialogue is defined as an engagement of civil society with state authorities through roundtable discussions, committee formation and other actions taken by civil society to develop proposals and recommendations.

The methodology to implement the dialogues will include a stakeholder analysis of each state, mapping of CSOs with the goal of creating state-level networks and strategic alliances with relevant government actors. The calendar below details the dialogue schedule:

Tier 1 States	Date of Security Dialogue
Baja California	August 18, 2011
Durango	August 25, 2011
Morelos	August 31, 2011
Chihuahua	September 8, 2011
Nuevo Leon	September 23, 2011
Oaxaca	September 29, 2011
Hidalgo	October 6, 2011

Target States

Baja California



Number of events per month in Baja California

Sub-component	April	May	June
Constitutional Reform		1	
Institution Building	1		1
Judicial Exchanges		2	1
Pre-Trial and Alternative Justice	3	2	2
Total	4	5	4

Q3 type of events in Baja California

Type of event	#
Workshop	3
Technical assistance in legislative matters	3
Planning and coordination working session	2
Technical assistance for SOP and curriculum development	2
Conference/Seminar/Forum	1
Coaching session (training)	1
Train-the-Trainer	1
Total	13

CONTEXT

The state continues to have a serious problem with violence, although the actual total crime rate (issued by INEGI surveys) and the reported rate generally show a slight reduction of 10%. The trend of homicides rose by 64%, but at a slower pace than the national average and homicides related to organized crime fell by almost 20%. Murders in 2010 are down by 15% from 2008. In 2008, 11.8% of the country's homicides were committed in Baja California, but in 2010, this indicator fell to 4%. The Federal Government uses these figures as an example of a state in which society and government are reversing the trend of criminality (Alejandro Poiré, Technical Secretary of National Security Council).

In the last two months of 2010 there was a decrease in murders committed. Last year, the state was rated second on insecurity and violence, and it is expected that it probably will fall to 4th or 6th place in 2011. Some 88% of homicides in the state were committed in Tijuana, while in Mexicali there was only one; this helps the implementation of the new model in the judicial district of Mexicali. The remaining serious crimes reported decreased by approximately 8%.[3] Some 27.9% of victims in Baja California, which is the state with the second highest complaint rate, reported crimes to the authorities - almost double the national average (14.8%). This is a good indicator, since a higher proportion of complaints is usually due to increased confidence in the authorities. The perception of insecurity among the state's population fell by more than 15%.

[3] The reduction in the available figures is of 18% but this is without the figure for December 2010, which represents about 10% of the annual incidence, so conservative adjustment is made in the analysis.

On the performance index *Mexico Evalúa A.C.*, Baja California was ranked last among Mexican states. The increase in homicides was not offset by the ability of prosecutors' investigation, and impunity for homicides rose from 74% in 2008 to 85% in 2009. Areas for improvement include increasing the effectiveness of law enforcement and the prison system, as well as the protection of human rights. Program actions have contributed to improvement in police performance, prosecution, decongestion of the areas of investigation as the new system is being implemented, and prison decongestion as recorded during 2010.

Legislative Context

The state has approved the new Criminal Procedure Code in accordance with the Constitutional Reform of 2008, but it still needs to be brought in-line with international human rights instruments. Baja California started reform implementation in August 2010 and has approved the following legislation: The Attorney General of Justice Act, Alternative Justice Act, Public Defenders Act, Public Safety Act, Law on the Enforcement of Penalties and the Judicial Branch Act.

SUMMARY RESULTS ACHIEVED

In Baja California, the Program delivered a total of 13 events in Q3 related to constitutional reform, institution building, judicial exchanges and alternative justice. Below we present the highlights.

1.2 - Institution Building and Rule of Law

During Q3, USAID and the National Institute for Security and Democracy (INSYDE) assessed progress on the implementation of standard operating procedures (SOPs) in the Secretary of Public Safety (SSP) in Baja California. SSP demonstrated their commitment to implement SOPs by establishing deadlines to submit detailed work plans. USAID and INSYDE will conduct the final evaluation in July 2011.

1.3 - Judicial Exchanges

In Q3, USAID trained court administrators, judges and public defenders in Baja California on the new criminal justice system. During May, USAID provided technical assistance to four court administrators in Mexicali to improve the efficiency of the judicial process and overall case management. Discussions were held regarding developing indicators to evaluate the judicial process and generating statistical reports. Topics included the distribution and rotation of hearings amongst judges, ensuring work balance and improving services to those who enter the courtroom.

In addition, in May, USAID conducted a feedback and coaching session for ten judges. The judges discussed practices, experiences, legal criteria and how situations are presented during hearings within the new criminal justice system. A number of commitments were made during the coaching sessions, such as: The reconsideration of previously-denied compensation agreements, ways for the defense to request a search warrant and the correct forms required to request a content review of a judicial ruling.

In June in Mexicali, USAID conducted a train-the-trainer (ToT) course on intermediate hearings for nine public defenders. Participants learned about precautionary measures, how to accuse a defendant of

committing a crime, and the role of intermediate hearings as part of the judicial process. In addition, trainees also learned how to conduct workshops in their local institutions and provide feedback to future participants.

1.4 - Pre-Trial Case Resolution Alternatives

In Q3, USAID conducted an evaluation to seven centers of the State Systems of Alternative Justice (SEJAP) in Baja California. The objectives of this assessment were to: analyze the overall performance and service delivery of seven SEJAP Centers in Mexicali, Baja California; to seek out best practices that can be shared with other states; and to identify opportunities to improve resource allocation. Findings gleaned from the assessment visits show that infrastructure and supplies of the centers are sufficient and the working relationship among the centers is good. There is an opportunity for improvement in mediator training programs related to knowledge of alternative justice theory and for the improvement of mediation skills. However it was found that mediators who had received training were much better equipped to explain the theory and practice of mediation. Recommendations include recruiting more men to work as mediators, training intake staff on alternative justice mechanisms, and providing mediators with small groups for supervision needs and to avoid burn-out. The recommendations will be presented to the State Attorney General.

In addition, USAID conducted an orientation seminar for 35 staff of the Baja California Alternative Justice Center. The purpose of this training was for staff of the Attorney General's Office (which houses the Alternative Justice Center) to learn how to identify which cases should be referred to the Center versus being sent along the traditional course of action. In addition, staff tasked with notifying accused parties that a case has been recommended for alternative justice mechanisms (AJMs), were trained on the process (such as mediation, win-win solutions and negotiation) in order to better explain the benefits of AJMs. This continued focus on professionalization demonstrates a commitment by staff and administrators to build capacity and improve efficiency in the workplace. The five-day course covered many themes, including: hierarchy of needs theory and its relationship to conflict resolution; types and elements of communication and ways of interpreting different styles; and principles and stages of mediation, including introduction, narrative, identifying themes, evaluating options, negotiating and reaching agreements. Topics such as cycles of violence, resolving family disputes and restorative justice were also discussed with participants.

USAID participated in the first National Conference on Youth and Mediation in Baja California. The Program delivered a presentation titled: “The Role of Youth in the Construction of Peace” to 349 university students. Attendees also included the State Attorney General of Baja California, the Director of the State System of Alternative Justice and a restorative justice consultant. The objective of the conference was to recognize the importance of youth as agents of change, able to promote a cultural transformation towards justice, freedom, and equality and to increase tolerance by imparting skills on conflict resolution through dialogue, negotiation and mediation. As a result of the conference, the youth network United for Peace in Baja California was created.

USAID delivered a workshop for 22 law professors in Mexicali, Baja California on alternative justice mechanisms. Each university offering a law program in Baja California was invited to send two professors to the workshop. Participating universities included: Universidad del Valle de México, Professional Development University (UNIDEP, acronym in Spanish), Iberoamericana University, Technological University of Baja California, Central University of Tijuana and the Judicial Institute of Baja California. This workshop had the dual purpose of instructing professors on teaching techniques related to the new criminal justice system, including (i) criminal procedure, (ii) oral litigation techniques and (iii) alternative resolution mechanisms, as well as advising in the redesign of undergraduate programs to improve the incorporation of subject matter related to the new criminal justice system into the curriculum.

Also in Q3, USAID held a follow-up meeting with the legal advisor of the Baja California Probation Unit (*Asesor jurídico de la unidad de vigilancia y seguimiento de medidas judiciales*) to discuss the status of pre-trial services implementation and to design strategies to accelerate the implementation process. Despite the existence of a regulatory framework for pre-trial services, the need to gain political support for implementation continues. To achieve this, USAID continued working with two key allies of the reform: *México SOS* (the Mexico Observation System for Citizen Safety) and the Open Society Institute (OSI) to engage the Secretary of Public Safety. It was determined that the *México SOS* representative in Baja California will lobby the State Attorney General and the Secretary of Public Safety to gain political support and continue working on the implementation of pre-trial services.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Challenge

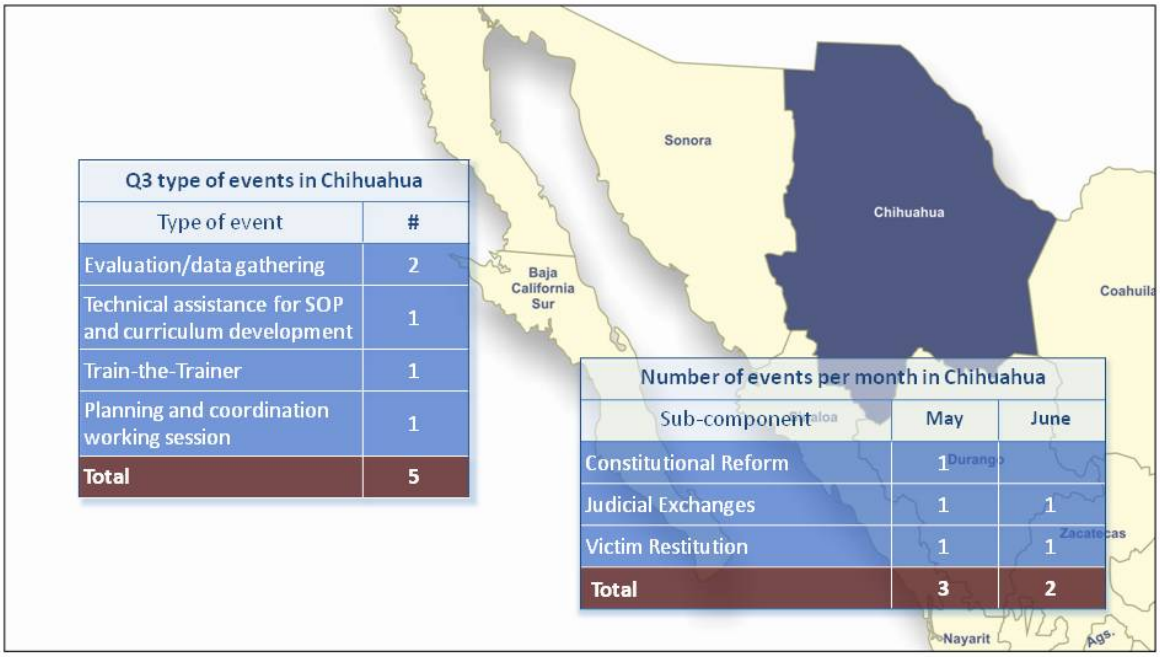
The government that approved the reform suffered an electoral setback in the midterm elections (elections of deputies and mayors). There is a majority political party of opposition in Congress. There have been attacks by the media on the system in some cases.

Opportunities

The governor, who has led the reform and has maintained reform implementation as a political priority, has three years remaining in his term. The governor has built a solid institutional framework that will facilitate successful reform implementation. Government counterparts in the State are highly motivated and look favorably on Program support.

There is a close working relationship between USAID programs and several state agencies, including the three state branches.

Chihuahua



Q3 type of events in Chihuahua	
Type of event	#
Evaluation/data gathering	2
Technical assistance for SOP and curriculum development	1
Train-the-Trainer	1
Planning and coordination working session	1
Total	**5**

Number of events per month in Chihuahua		
Sub-component	May	June
Constitutional Reform	1	
Judicial Exchanges	1	1
Victim Restitution	1	1
Total	**3**	**2**

CONTEXT

The violence in Chihuahua continues to steadily increase. Despite a slight reduction from the previous year, public perception of insecurity within the state is the highest in the country (78.8% believe that crime has increased in the municipality where they live). Chihuahua tops the index of insecurity and violence in *México Evalúa AC*. One of every three homicides in Mexico is committed in Chihuahua and one in five homicides is committed in Ciudad Juarez. In Chihuahua there were 4,246 homicides. Homicides per 100 thousand inhabitants in the state reached 140, one of the most violent regions in the world. The remaining serious crimes (the most violent and severe) also doubled.

This context of violence and poor coordination with the Federal Government to increase institutional responsiveness to investigate and punish the most violent crimes generated a remarkable increase in the impunity of homicide, which rose from 79% to 94% between 2008 and 2009 (the substantial rising trend in the number of killings suggests that there will be an increase in impunity during 2010). Among the few positive data points that can be highlighted, Chihuahua has a report rate that is higher than the national average. One in three crimes is reported. On the other hand, the Chihuahua authorities appear to be reducing the flow of information to the public, because in its preliminary figures for November 2010 they reported 3,514 killings across the state (that is less than the number of homicides reported by the presidency of the Republic[4]), and the information sent by the authorities of that state to INEGI regarding performance on important variables such as health research are reported as "unavailable".

Despite the monumental challenge, the performance index ranks Chihuahua 13th among the 32 states. The deterioration of some variables such as impunity can significantly drop the states position in this

[4] This inconsistency may also be due to the position of local authorities who say that homicides are under federal jurisdiction, which would imply that the authority will only consider as local responsibility murder not related to organized crime; despite the fact that before the rise in homicides intentional killings in Chihuahua was about 750 homicides.

index. In law enforcement there is a good assessment because the new process model can decongest the courts and reduce prosecution and general impunity. There are also good indicators with regards to Human Rights in the area of sentencing (e.g., pre-trial detention, judicial error, among others). It is vital to increase the responsiveness in order to reverse the progress of the impunity in the killing, as it is violence and the presence of organized crime that are the main curse of the state.

Legislative Context

The state approved a new Criminal Procedure Code in accordance with the Constitutional Reform of 2008. However it needs to be brought in-line with international instruments and the Constitution itself, because it has undergone two major counter-reforms that go against the principles of the Mexican Constitution. Complementary legislation in effect includes: The Attorney General of Justice Act, Alternative Justice Act, Witness Protection Law, Public Defenders Act, Public Safety Act, Law on the Enforcement of Penalties and the Judicial Branch Act. The state governor sent a new bill to state congress to reform several aspects of the accusatorial system, juvenile law, criminal law, and witness protection law that were promoted by former State Attorney.

SUMMARY RESULTS ACHIEVED

Five activities were held in Chihuahua during Q3 related to constitutional reform, judicial exchanges and victim restitution. Program highlights are described below.

1.1 - Adherence to the Mexican Federal Constitutional Reforms

USAID conducted a validation seminar in Chihuahua, Chihuahua, to verify the results of the field study that monitored the implementation of the criminal justice reform with local experts. The seminar provided the opportunity for accurate information to be gathered to complement and enrich the report. Eleven participants attended, including the director of the Alternative Justice Center, judges, public defenders, and officials from the state Implementation Commission (State SETEC) charged with implementing the criminal justice reform. In general, Chihuahua's report contained all the necessary information. Following feedback provided during the validation seminar, the final state report was completed in June 2011 and will be published in early July.

1.3 – Judicial Exchanges

In Q3, USAID met with various justice sector operators from the Supreme Court of Chihuahua, the Governor's office and the Reform Implementation Commission of Chihuahua to discuss institutional strengthening. The representative from the Supreme Court expressed that the reform has not been properly explained to the public, creating the need for a public awareness campaign. The Governor's office representative called for a review of past judicial reform efforts with a results-oriented framework, thereby working towards generating consensus on ways to move forward with corrective actions. The Implementation Commission representative described the urgent need to design and implement a "reform of the counter-reform" program (the counter-reform initiative that has been suggested by the state Congress).

2.2 – Victim Restitution

In May, USAID evaluated victims' assistance models in Chihuahua, specifically the Chihuahua Women's Institute, through an assessment of their protocols, assistance paths and the general services manual. It was agreed that the Women's Institute will develop a flow chart on victims' assistance process along with other documents to be submitted for review by the Chihuahua Department of Internal Affairs.

As a follow up to the evaluation described above, USAID conducted a train-the-trainer (ToT) course in Chihuahua for 55 officials from 14 states who will be responsible for operating Women's Justice Centers at the state level. Participants included women's justice center directors, staff from the Secretariat of Public Safety, Public Defenders' Office, women's groups, and staff who work in female victims' assistance. The event opened with comments from the Director of the National Commission to Prevent and Eradicate Violence against Women (*Comisión Nacional para Prevenir y Erradicar la Violencia contra las Mujeres*, CONAVIM) and was followed by presentations by the Family Justice Center Alliance. Over the course of the three days, participants learned about the CONAVIM model, the services provided by justice centers, and the implementation process, which begins with the intake interview and uses technology to monitor users once they have left the Center. A number of USAID staff delivered presentations on the responsibility of public defenders to collaborate with justice centers, results-based management, and the development of indicators to monitor and evaluate results and impact. USAID administered pre- and post-training evaluations to measure participants' knowledge about women's justice centers, the services offered and the logistics involved in their implementation.

2.4 - Support for Human Rights NGOs

In June, USAID conducted an information session on financial reporting for 15 Program grantees in Ciudad Juarez, Chihuahua. The objective of the visit and the session was to ensure grantees gain skills on transparent and proper financial reporting. Twenty-four individuals from the 15 different grantee organizations attended the session and showed great interest in the information provided. The session was highly participatory, with attendees asking many questions in order to resolve any doubts on the subject. Participants reiterated that through the session, they had gained a better understanding of the reporting and financial requirements.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Lessons Learned

The socio-political analysis of the reform in Chihuahua must be made from a wider perspective. Attacks on the reform allow the federal government to deflect the criticism that it is receiving due to increasing violence in the state.

Challenges

There is a high level of violence in Chihuahua. This atmosphere of violence and lynching has led to a bias against defendants' rights and due process. Public reaction has been very strong; many have rejected the new system and the law in general – demonstrated by several lynching deaths of offenders in

communities near Ciudad Juarez. Civil society in Ciudad Juarez is active and continues to fight to reclaim the city. They are highly organized within the city, but not elsewhere.

The most influential newspaper, "*El Heraldo de Chihuahua*", praises the oral trials principles of publicity and transparency, and uses them to detect and monitor the failure of justice sector operators. However, this and other newspapers have reported that the system is too soft on criminals, which leads to impunity.

There is a general trend against the reform led by the Governor, the State Attorney General, State Congress and a certain portion of civil society. The governor has announced a new series of counter-reforms that he will submit to Congress. These are under discussion within its cabinet and are likely to happen. The political will is very strong to reverse the reform. Most of the attacks on the reform come from the Chihuahua Attorney General who has gained a lot of power, considering that he is responsible for police, prisons, law enforcement, in addition to his functions as Attorney General.

Durango

CONTEXT

During 2010, homicides in Durango increased by 10%. This can be compared with homicide rates in states such as Tamaulipas, which saw an increase of over 120% and Chihuahua, Sinaloa and Morelos that almost doubled. The indicators of violence remain high given the increase between 2008 and 2009 (over 100%). Using preliminary homicide data for Durango up to November 2010, there is approximately a four time increase in the number of intentional homicides registered in that state as compared to 2007.

Durango has the third highest murder rate in the country (63 per 100,000 inhabitants), after Chihuahua and Sinaloa. Serious crimes have almost doubled, and the public perception of increased insecurity has risen, which explains why it has climbed to the third least safe state in the country. The only positive trends to report are that 1) there has been a reduction in public perception related to the belief that the crime rate has increased, and 2) that the number of crimes reported is higher than the national average.

The ability of authorities to respond to the demands of criminal justice was limited during 2008 (29 of 32 on the performance index), only 5% of investigations were actually concluded, and prosecution authorities are overall rated worst than the police. The monitoring of the reform should look for evidence on the changing trends in capacity for local institutions to manage and respond to crimes.

Legislative Context

Durango has approved the New Criminal Procedure Code in accordance with the Constitutional Reform of 2008, but requires harmonization. Complementary legislation in force includes: the Attorney General of Justice Act, the Alternative Justice Ace, Public Defenders Act, Public Safety Act, and the Judicial Branch Act.

SUMMARY RESULTS ACHIEVED

Due to security concerns, USAID requested that the Program cease all activities in the state of Durango until further notice, thus no activities were conducted during Q3.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Challenges

Gomez Palacio is the next region where the entry-into-force of the reform is needed. However, the situation of extreme violence in the city (conflict among drug cartels, Zetas, Chapo Guzman, and Juarez), has led the government to indefinitely postpone the legislation's entry–into-force in the region.

Negative media attention on the new criminal justice system has begun, particularly due to the increasing impunity in vehicles theft.

Opportunities

Durango investigative agencies are well prepared; they have a high level of training and responded well to the training program. There is a citizen participation council that is fairly active in monitoring security and has potential to be a good observer of the justice system.

Durango has a new governor, who has come from the Federal level and has supported the reform in the state. He is willing to implement the new criminal justice reforms. However, the Program must meet with him to evaluate his real engagement. The newly elected State Congress is also favorable to the ruling party, but an analysis of the new Congress must be carried out to determine what the trend is.

In the Supreme Court, there is a will to implement the reform. Bar associations have also supported the reform process and have shown interest.

Hidalgo

CONTEXT

In 2007, homicides in Hidalgo grew by almost 50%. Since 2007, however, incidence of homicides has been decreasing. Although homicides have doubled, the state is well below the national average with five murders per 100,000 inhabitants.

Because there has been a downward trend in insecurity, there has also been a reduction in pressure to advance the reform implementation process. Serious crimes and public perceptions of insecurity have decreased. Unreported crimes are slightly higher (80.1%) than the national average (77.9%), however the state is among those with low crime rates.

While impunity for murders increased (from 46% to 61%), it remains well below the national average (81%); in the proportion of investigations actually completed it is virtually the same as the national average (20.6% and 21%, respectively). Therefore, this is a good context for the implementation of the reform.

Legislative Context

Hidalgo approved a new Criminal Procedure Code in February 2011. Secondary legislation has also been approved.

SUMMARY RESULTS ACHIEVED

The Program did not conduct any activities in Hidalgo in Q3, but is due to restart activities in Q4.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Challenges

Gubernatorial elections were held in 2010 which resulted in a post-election conflict that was resolved in favor of the PRI. The transition of power occurred in April 2011. This has created uncertainty for the Program regarding the definition and implementation of the Program.

The State Attorney is against the new criminal justice system and has refused any assistance in implementing the reform.

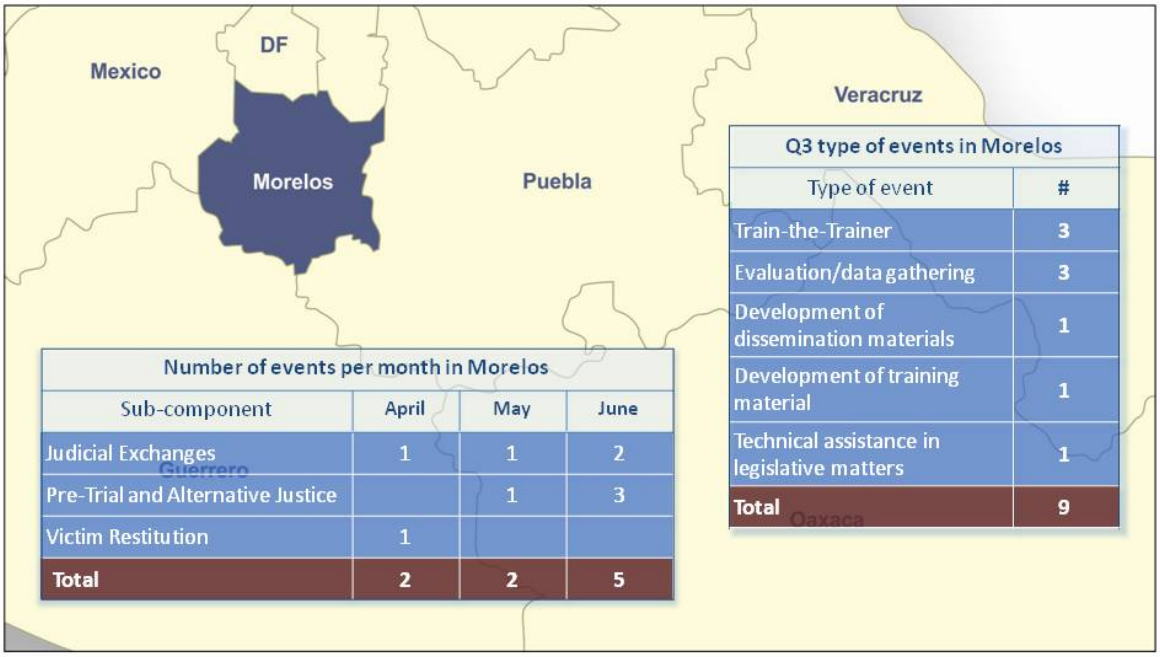
Opportunities

The federal technical secretary earmarked funds in the 2011 budget for the implementation of the reform in Hidalgo.

Although there has not been much public promotion of the reform, both private and public universities with law programs are drafting proposals to reform professional development programs according to the new criminal justice system. They already offer degrees and courses in the subject.

The current governor has a high desire to promote the reform. The governor-elect took the issue of reform as part of his political platform and is seen as an ally. The State Supreme Court has provided leadership and expressed interest in its implementation.

Morelos



Q3 type of events in Morelos

Type of event	#
Train-the-Trainer	3
Evaluation/data gathering	3
Development of dissemination materials	1
Development of training material	1
Technical assistance in legislative matters	1
Total	9

Number of events per month in Morelos

Sub-component	April	May	June
Judicial Exchanges	1	1	2
Pre-Trial and Alternative Justice		1	3
Victim Restitution	1		
Total	2	2	5

CONTEXT

The number of homicides in Morelos has quadrupled in three years. Homicides have shot up (almost 60% of total homicides). The perception of insecurity has increased: 67.4% of respondents said they felt unsafe in their town, and 60.9% felt that crime increased. Indicators of violence and the presence of organized crime made this among the top five insecure states.

There is a misperception of reform in the media. The attack is the result of errors made in the State Attorney General's Office. There is a perception of a "revolving door" in the system. The ruling party lost its majority in the legislature in the last elections.

Legislative Context

The state has approved the new Criminal Procedure Code in accordance with the Constitutional Reform of 2008, but it is not completely in-line with international standards. There are meetings amongst the three branches of government to prepare an amendment to the State Criminal Procedure Code. Secondary legislation includes: Attorney General of Justice Act, Alternative Justice Act, Public Defenders Act, Public Safety Act, Judicial Branch Act, and Juvenile Justice Law.

SUMMARY RESULTS ACHIEVED

In Q3, the Program carried out nine activities in Morelos related to judicial exchanges, alternative justice, and victim restitution. Highlights are below.

1.1 - Adherence to the Mexican Federal Constitutional Reforms

In Q3, the Program´s Mexican research team and the Center for Justice Studies of the Americas (CEJA)

analyzed and provided comments on the Morelos state report from the field study which monitored the implementation of the criminal justice reform in Morelos. It was determined that there were inconsistencies in the data provided by the State Attorney General's Office. Additional data will be gathered to correct the observations and will be incorporated into the state report. CEJA is reviewing the report to verify and ensure both quantitative and qualitative validity, and the final report is scheduled to be completed in Q4.

1.3 – Judicial Exchanges

During Q3, USAID delivered three train-the-trainer (ToT) courses in Morelos. In April, USAID conducted a ToT for 10 judges from the Morelos State Supreme Court. It focused on directing and issuing rulings during initial hearings and provided future trainers of judges with the necessary competencies for the appropriate direction and resolution of initial hearings.

Secondly, USAID delivered an oral trial litigation ToT course in Cuernavaca, Morelos for ten public defenders from the State Public Defenders' Office. Topics included the National Institute for Trial Advocacy (NITA) methodology and techniques, witness examinations, objections, the use of evidence, and opening and closing statements.

Finally, USAID delivered a ToT course in Cuernavaca, Morelos for six judges to build their capacity to train others on how to manage and direct initial hearings. Coordinated with the Training Institute of the Judicial Branch of Morelos, this collaborative course created a strong foundation from which to implement sustainable and comprehensive reform.

USAID also met with the Executive Secretary of the Criminal Justice Reform Implementation Commission of Morelos' state SETEC and agreed that trainings will be scheduled for Commission staff, in addition to a train-the-trainer (ToT) course for investigative police.

1.4 – Pre-Trial Case Resolution Alternatives

As the Open Society Institute (OSI) continues to be a key partner in promoting pre-trial services, USAID held a planning and coordination working session with them. After jointly reviewing the Memorandum of Understanding (MoU) regarding cooperation in the creation and implementation of pre-trial services units in target states, the discussion focused on Morelos, where the pre-trial services unit is seeking to consolidate and expand to include adults as well. Different means of generating a cooperative agreement between the Government of Mexico and private entities was also discussed, and it was decided that the MoU will be adjusted to include concrete collaborative activities. In addition, the Program collaborated with the OSI to develop a course curriculum for justice sector actors working in the Pre-trial Services Unit for Juveniles (UMECA) of Morelos, in order to strengthen UMECA´s performance. USAID has scheduled to deliver the course in Q4 and share the curriculum with UMECA, ensuring training sustainability in the future.

Following the opening of the Pre-trial Services Unit for Juveniles (UMECA) of Morelos in February 2011, USAID conducted a monitoring visit to gather data and evaluate the functioning of the Unit. Obstacles identified during the visit included a lack of resources to provide proper monitoring of juveniles, limited coordination with government agencies and inadequate public information on the services provided by UMECA. Agreements were made with the director of the state Public Defenders' Office to increase cooperation and coordination. UMECA has signed an agreement with various human-rights-focused non-governmental organizations to conduct an information seminar on the scope of their responsibilities and ways to monitor alternative justice mechanisms. In addition, UMECA requested USAID assistance in the development of a proposal and budget that will then be submitted to the state's Reform Implementation Commission along with a funding request. The technical assistance not only helped UMECA complete these specific documents, it also built the internal capacity of the Unit overall.

2.2 – Victim Restitution

USAID met with the Executive Secretary Liaison for Criminal Justice Affairs and Deputy Legal Secretary of the state of Morelos to discuss the creation of a legislative framework for victims' rights. USAID prepared a draft and submitted it to state counterparts. Approval of the draft from the State Attorney General of Justice of Morelos is pending.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Challenges

There is not enough support to foster reform. Although the reform is approved, it will only advance in 2012. The State Attorney General is against the reform and insists on presenting counter-reforms.

The implementation of the reform has been delayed by a lack of training and resources. A decree is going to be approved to postpone the implementation of the third and final phase of implementation in the state (in the judicial district of Jojutla which is in the south of the State) until 2012.

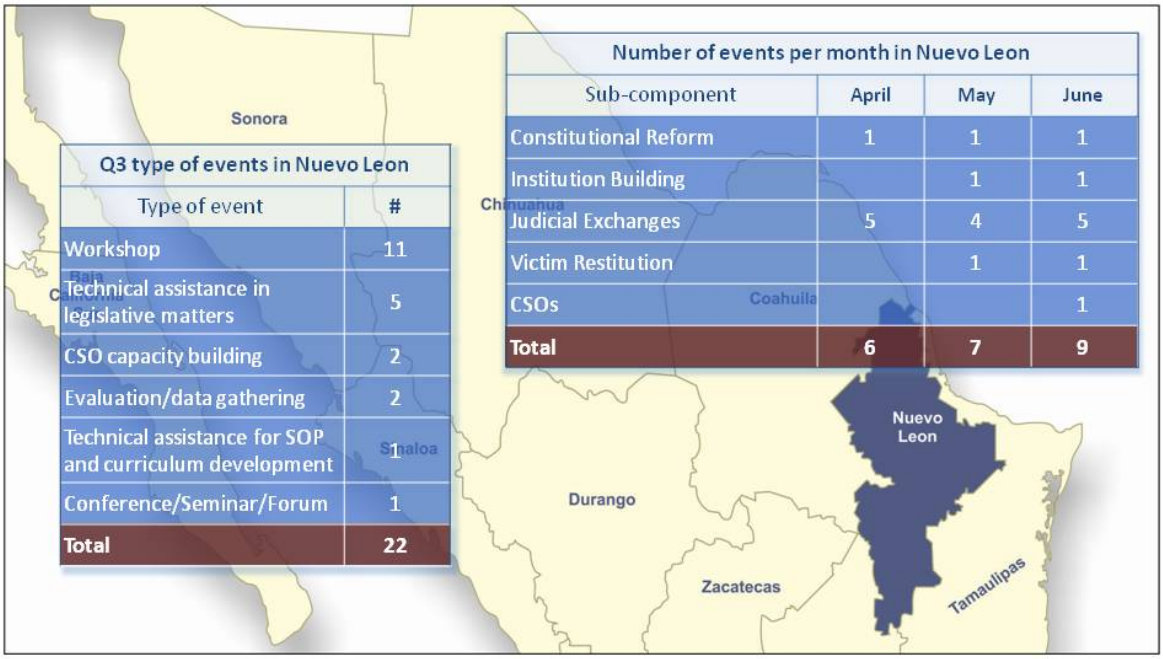
There is conflict between cartels (cartel Sinaloa, cartel South Pacific). In the last six months, violence has increased significantly due to the conflict between these two cartels, although due to the death and capture of leaders of these groups, violence has decreased.

A significant portion of the Morelos population is made up of tourists, which limits the role of civil society. As such, civil society in Morelos is not organized and does not express views about the role of justice.

Opportunities

CSOs are active in the area of human rights. The state bar association and the State Judiciary are putting up a hard fight again counter-reforms.

Nuevo Leon



Q3 type of events in Nuevo Leon	
Type of event	#
Workshop	11
Technical assistance in legislative matters	5
CSO capacity building	2
Evaluation/data gathering	2
Technical assistance for SOP and curriculum development	1
Conference/Seminar/Forum	1
Total	22

Number of events per month in Nuevo Leon			
Sub-component	April	May	June
Constitutional Reform	1	1	1
Institution Building		1	1
Judicial Exchanges	5	4	5
Victim Restitution		1	1
CSOs			1
Total	6	7	9

CONTEXT

Although this state had not been among the ten most insecure and violent in the country, it is possible that the increase in homicides in 2010 will make it move up on this indicator. Murders have almost tripled and homicides (which were kept below 2 per 100 thousand inhabitants) have increased five-fold. In addition, other manifestations of organized crime such as so-called "*narcobloqueos*", have brought Nuevo Leon in the national news.

There has been an increase of approximately 15% in serious crimes and the perception of insecurity has increased to where 64.7% of Nuevo Leon citizens perceive insecurity in their municipality; the perception of increased crime had declined slightly but remains at 63.8%. The proportion of crimes not reported declined and is just below the national average at 76.7%. With figures prior to 2010, the criminal system had good performance indicators (the sixth of the country), at the same time the impunity in murders (54% in Nuevo León) was almost half of the national impunity rate (81%), although for this year there is the challenge of investigating nearly triple the murders committed in 2009.

INEGI annual figures report that there is a 22% rate of effective investigation resolution, but according to reports of the attorney's office, the effectiveness is 69%. The assessment of law enforcement and prosecution is low. The big challenge is maintaining the institutional response to the escalation of violence experienced in 2010.

Legislative Context

The state has approved their new Criminal Procedure Code which will be implemented not by region but by type of crime. Enforcement is going to take place in four phases, starting in 2012 and concluding in 2016. The Domestic Violence Prevention and Treatment Law is the only secondary legislation approved. The rest of the secondary law has not yet been approved.

SUMMARY RESULTS ACHIEVED

The Program conducted 22 activities in Nuevo Leon between April and June and included activities related to constitutional reform, institution building, judicial exchange, victim restitution and CSOs.

1.1 - Adherence to the Mexican Federal Constitutional Reforms

Following 11 months of technical assistance provided by USAID to the Executive Commission for the Nuevo Leon Criminal Justice Reform (SIJUPE, acronym in Spanish), civil society organizations, and committees from the State Congress, on May 26, 2011, the Criminal Procedure Code of Nuevo Leon was approved unanimously. The implementation of the code will be done gradually and by type of crime; that is, there will be in incremental approach every year, whereby new types of crimes will be added. An annual review mechanism will be established, where the Governor, in consultation with SIJUPE, the State Treasury, the Judiciary and the State Attorney General, will evaluate the effectiveness and pace of the implementation by crime type, in order to consider adding other types of crimes. USAID will continue providing technical assistance to SIJUPE and the Governor´s office to develop indicators that measure progress in reform implementation.

Four workshops were held in Nuevo Leon during the month of May. A total of 52 justice sector officials were trained (judges, prosecutors, public defenders and investigative police officers). Workshops were delivered to: 12 prosecutors from the State Attorney General´s Office on litigation for intermediate hearings; 20 investigative police from the State Attorney General´s Office on interview techniques; nine judges from the State Supreme Court of Nuevo Leon on conducting and issuing rulings during preliminary hearings; and ten public defenders from the Public Defender's Office of Nuevo Leon on the new criminal justice system, appropriate defense during negotiations and plea bargaining, restorative justice agreements and pre-trial diversion.

1.3 - Judicial Exchanges

During Q3, workshops were delivered to:

- Nine judges from the State Supreme Court on delivering decisions in preliminary hearings. This workshop provided judges with the necessary skills for the appropriate delivery of judgments in hearings, including: i) the request for search warrants, ii) the request to obtain samples from the defendant, and iii) the victim's request for an appeal as to why the defendant was not brought before a judge, which is submitted to the Office of the Attorney General.
- 10 public defenders from the State Public Defenders' Office to provide them with the skills needed to appropriately handle litigation during an intermediate hearing. The following themes were covered in the workshop: Response to the accusation, objections, and evaluating evidence. Mock hearing workshops were also carried out.
- 12 prosecutors from the State Attorney Generals' Office. The workshop provided prosecutors with the competencies needed to appropriately handle litigation in initial hearings such as detention´s legal justification, formulating charges, probable cause, and provisional remedies.
- 20 investigative police in Monterrey, Nuevo Leon on ways to coordinate criminal investigations in compliance with the new criminal justice system. The workshop consisted of case studies

where participants learned how to prepare a crime scene for investigation, preserve and process evidence, and complete the necessary forms to ensure that the judicial process moves forward.

Additionally, USAID conducted the first-ever joint advanced workshop for prosecutors and investigative police on crime scene investigations and the criminal justice reform in Monterrey, in collaboration with the Professional Training Institute of the State Attorney General's Office. Twenty-four prosecutors and investigative police participated in the workshop, which focused on themes including the protection of evidence at crime scenes, supporting forensic experts and working with witnesses and defendants. The training included the use of real world case studies and videos and emphasized coordination between investigative police and prosecutors throughout the judicial process. The workshop provides training in the skills needed for investigations and contributes to the full implementation of the reformed justice system. The Director of the Training Institute of the State Attorney General´s Office expressed his thanks in writing for this training and requested that USAID schedule training for another group during the second half of 2011.

2.2 - Victim Restitution

During Q3, USAID met with the Nuevo Leon Family Justice Center (FJC), the Guidance, Protection and Support Center for Victims of Crime (COPAVIDE, acronym in Spanish) and the Public Defenders' Office. The objective of the meeting was to review the activities performed by the Public Defender's Office at the Center in order to obtain information and clarify doubts related to victims' assistance standard operating procedures (SOPs) for the Family Justice Center.

As follow-up, USAID reviewed data collected from the Nuevo Leon Family Justice Center in order to develop a set of draft protocols. The FJC´s mission is to provide assistance to victims based on comprehensive, interdisciplinary and interagency collaboration and coordination in a single facility. The objectives of the FJC are to defend victims' rights during the criminal justice process, to resolve the physical and psycho-emotional harm caused by crime, provide security and protection to victims, and resolve problems related to victimization. The protocols cover the following main themes:

- Interdisciplinary and interagency services to be provided to victims;
- Profiles, mandates and services provided to victims by internal partners (State Attorney General Office, State Secretaries of Social Development, Health, Public Education and Public Safety, Family Assistance Center, State Institute for Women, Public Defenders' Office, Federal Attorney General Office); and
- General victims' assistance guidelines.

2.4 –Support for Human Rights NGOs

Following 11 months of technical assistance by USAID to the Executive Commission for the Nuevo Leon Criminal Justice Reform (SIJUPE, acronym in Spanish), civil society organizations, and State Congressional committees, the Criminal Procedure Code of Nuevo Leon was approved unanimously on May 26, 2011. During this reporting period, USAID provided technical assistance to the SIJUPE and together they

reviewed the Criminal Procedure Code proposal prepared by the State Supreme Court and provided recommendations for necessary amendments to ensure that the draft was in-line with the new criminal justice system. This Committee is comprised of officials from the State Judiciary, the Public Defenders' Office, the State Attorney General's Office, the non-governmental organization the RENACE Institute, and the Faculty of Law of the Autonomous University of Nuevo Leon. In May 2011, USAID efforts increased following the submission of a draft Code by the Governor to the State Congress. The draft bill contained the majority of recommendations provided by USAID, but did not include those related to exclusionary rules, and certain arrest procedures, among others. Although they were in agreement with most of the content of the bill, the Oral Trials Network, the RENACE Institute, the Civic Council of Institutions of Nuevo Leon (CCINLAC) and other NGOs did not endorse it, because the implementation would be carried out by type of crime and not by region. In addition, USAID held several working sessions independently with the RENACE Institute regarding the drafting of the new Criminal Procedure Code and continues to work closely with the organization regarding amendments needed for the approved Code.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Challenges

There is a severe climate of insecurity related to organized crime, which has exposed weakness and gaps in state security particularly related to organization and operation of public security institutions.

The organized crime attacks against civil society in the past year (2010 Guadalupe bomb, and a shooting in a crowded Morelos Street one afternoon that killed an innocent young lady) have alarmed residents. During 2011 there have been several homicides by organized crime. This has generated a sense of outrage and an urgent need for change, but there is not much clarity about what changes are needed. This feeling of indignation has also put pressure on the government to improve security and justice.

Opportunities

The CSO-driven national reform process began in Nuevo León with the CSO RENACE, chaired by Ernesto Canales, who is also one of the leaders of the Oral Trials Network. The new criminal justice system, although applies only to certain crimes and has not changed in a comprehensive manner, has been generally well-received in society.

Nuevo Leon has a strong and participatory civil society. In addition, the private sector and universities have considerable influence on government decisions.

The *El Norte* newspaper of the "Reforma" group has great influence, particularly with the government, and is a staunch ally of reform.

Since the killing of two students at ITESM, an educational institution with considerable influence on government, the decision was made to follow up on certain commitments to public safety and criminal justice. Likewise, the CCINLAC, a council which brings together social and business organizations, signed an agreement in December 2010 with the governor to monitor the progress of reforms in public safety

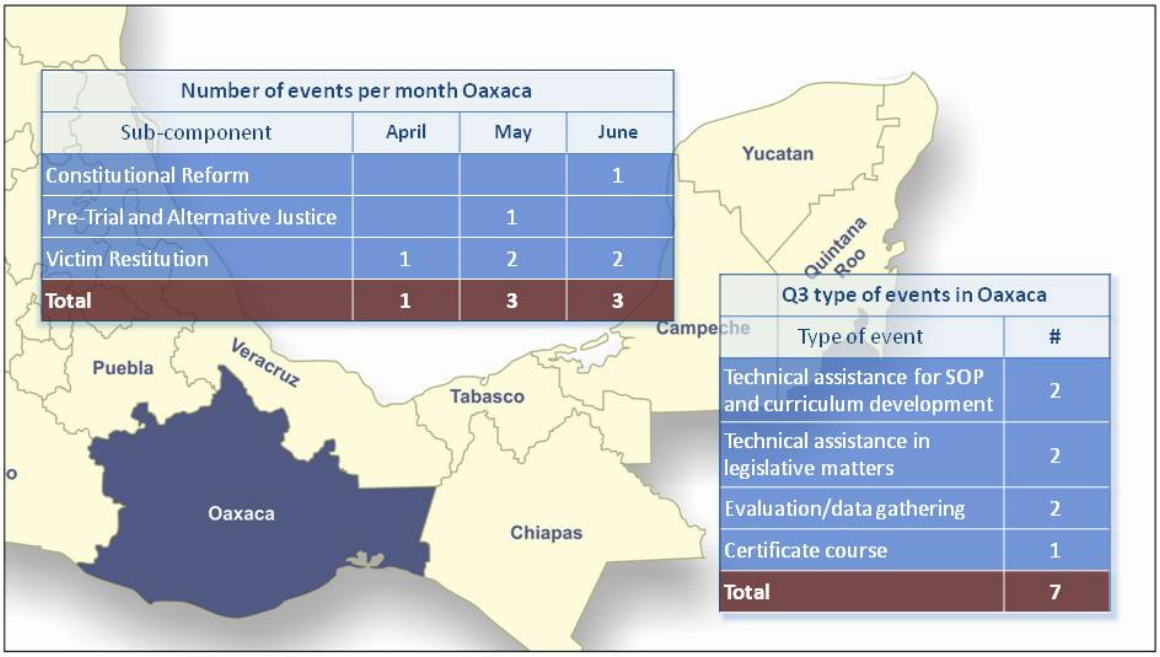
and criminal justice.

The Governor has expressed his intention to start reform implementation by 2012. The implementation commission has been established. The main institutions for the implementation of this change: the Secretary for Public Safety and the Prosecutor are preparing for the transition to the new criminal justice system. The government is relatively new and needs to gain legitimacy with civil society, especially on the issue of security and criminal justice. Congress is made up of a majority of members of the PRI, the party of the Governor.

The Program believes that Congress or the congressional majority will support the governor in any initiative related to this issue, however increasing political will in the Attorney Generals' Office will be necessary.

The Supreme Court also supports the reform of the justice system.

Oaxaca



Number of events per month Oaxaca

Sub-component	April	May	June
Constitutional Reform			1
Pre-Trial and Alternative Justice		1	
Victim Restitution	1	2	2
Total	1	3	3

Q3 type of events in Oaxaca

Type of event	#
Technical assistance for SOP and curriculum development	2
Technical assistance in legislative matters	2
Evaluation/data gathering	2
Certificate course	1
Total	7

CONTEXT

Just two decades ago this was the most violent state in the country with up to 50 homicides per 100,000 inhabitants in 1999; today it shows a downward trend in this crime, as well as other serious crimes.

Serious crimes fell by just over 20%, and 39% of respondents believe that the incidence of crime is increasing. Although the proportion of unreported crimes has dropped, it is still a high figure at 83.7%. This decrease in the incidence of crime should reflect an improved capacity to investigate, prosecute and punish crimes because the state has considerable lags in this area, below the national average (20 of the 32 states), and it only effectively solves 14% of investigations (national average is 21%).

Impunity for murder has declined (81.7%), but is still high and just above the national average. Above the national average, 19.7% of Oaxacans surveyed said they greatly trust local police, and 66.6% said they perceived the willingness of local police to help society. As the reform progresses in the five remaining regions there should also be perceptions of improved performance.

Legislative Context

The state has approved the new Criminal Procedure Code in accordance with the Constitutional Reform of 2008, but requires harmonization. Complementary legislation in Oaxaca includes the Public Safety Act and the Judicial Branch Act.

SUMMARY RESULTS ACHIEVED

Seven activities were carried out in Oaxaca this quarter related to three of the Program's sub-components: constitutional reform, alternative justice and victim restitution.

1.1 - Adherence to the Mexican Federal Constitutional Reforms

During Q3, the Program´s Mexican research team and the Center for Justice Studies of the Americas (CEJA, acronym in Spanish) analyzed and provided comments on reports from the field study that monitored the implementation of the criminal justice reform in Oaxaca. It was determined that information from the Public Defender's Office was not sufficient. To compensate, USAID conducted two validation seminars in Oaxaca, Oaxaca to discuss the results of the field study and collect the pending data. The first seminar was held with justice sector officials from the State Attorney General's Office. Discussions related to the empirical evidence collected and the main results from the field study. The seminar participants provided feedback and additional information for the report. The second seminar was held with members of the Judiciary, as well as representatives from the Attorney's Office for Indigenous Rights, who provided insightful feedback for the report. It was determined that the report was consistent with the data provided by the government agencies, and the final report was approved. The information gathered allowed for an enriched final version of the report, which was completed in June 2011 and will be published and disseminated in July.

1.4- Pre-Trial Case Resolution Alternatives

In Q3, USAID delivered a 140-hour certificate course on alternative justice mechanisms within the new criminal justice system in Oaxaca. The 20 participants represented civil society organizations including: the Support Center for Street Children (*Centro de Apoyo al Niño de la Calle),* the Oaxacan Academy of Gender Studies and Human Rights; and Women United on Gender, Equality and Vindication (*MUGER)*. Mediators from the Restorative Justice Center of the State Attorney General's Office and the Mediation Center of the State Supreme Court also attended. The objective of the certificate course was to train participants in conflict resolution, alternative justice mechanisms, mediation and restorative justice. This was the first time the Program conducted training on alternative justice mechanisms with civil society organizations (CSOs) through the certificate course offered in Oaxaca. Civil society organizations are key partners in disseminating information on the benefits of alternative justice mechanisms and more

specifically in assisting communities in conflict resolution. The interest demonstrated by CSOs in learning about alternative justice mechanisms and their commitment to playing a role in the criminal justice reform, particularly with respect to reducing violence, were factors that contributed to the success of the course. More information on the certificate course is highlighted in the success story at the conclusion of this section.

2.2 - Victim Restitution

During this quarter, USAID provided technical assistance to the Legislative Council of the Honor and Justice Commission of the State Congress of Oaxaca and drafted recommendations for a victims' assistance law in Oaxaca, in accordance with the constitutional reform. The recommendations outline the items that should be included in the law, such as the minimum rights, the responsibilities of the State Attorney General, and the creation of a fund to compensate victims. Following up on that work, in June, USAID conducted a third technical assistance visit prior to the introduction of the victims' assistance law to the state Congress.

Also in Q3, USAID began developing a pilot victims' assistance model to be used by the Victims' Assistance Unit (UAVID, acronym in Spanish) of the States Attorney General (PGJ, acronym in Spanish) in Oaxaca, which will later be adapted as a tool for all target states. UAVID operates on the premises of the PJG and provides legal counseling, as well as medical and psychological assistance to victims. This unit was designed, developed and opened on November 27, 2010 using the recommendations and technical assistance provided by USAID. USAID provided technical assistance to members of the Attorney General's Office of Oaxaca with the objective of implementing a sustainable victims´ assistance model. The model which includes manuals, standard operating procedures, and information materials is being tailored to meet Oaxaca UAVID needs. In mid-June, the draft model was presented to the Oaxaca PGJ Deputy Attorney General for Victims' Assistance, who is expected to review and provide comments in July. During this meeting, a strategy was also discussed on how to incorporate the implementation of Women's Justice Centers into the legislative reform. To advance on this strategy, a meeting was scheduled in early July to present the proposal for legislative reform regarding victims to the State Secretary, in order to then submit it to Congress.

2.4 –Support to Human Rights NGOs and CSOs

In the month of June, in Oaxaca, Oaxaca, USAID conducted a monitoring visit to Entrepreneurial Solutions and *Aves de un Tiempo*, two organizations collaborating in the development of a women's leadership program to reduce trafficking in persons. Technical assistance was provided by USAID to both organizations, with a focus on reporting guidelines, work plan development and mechanisms to ensure coordination. With *Aves de un Tiempo*, discussions covered reporting, creating an activity timeline, and the grant agreement requirements. Technical assistance with Entrepreneurial Solutions included identifying the target audience of programs, staff monitoring, and monthly report preparation. It was agreed that in a follow-up visit, the Program will discuss financial reporting guidelines.

OPPORTUNITIES, CHALLENGES AND LESSONS LEARNED

Challenges
For budgetary reasons, Oaxaca has constantly delayed advancing the reform in rural regions such as the Coast and Central Valley.

60% of the population of Oaxaca is indigenous, and many of them are governed by a system of customs and traditions.

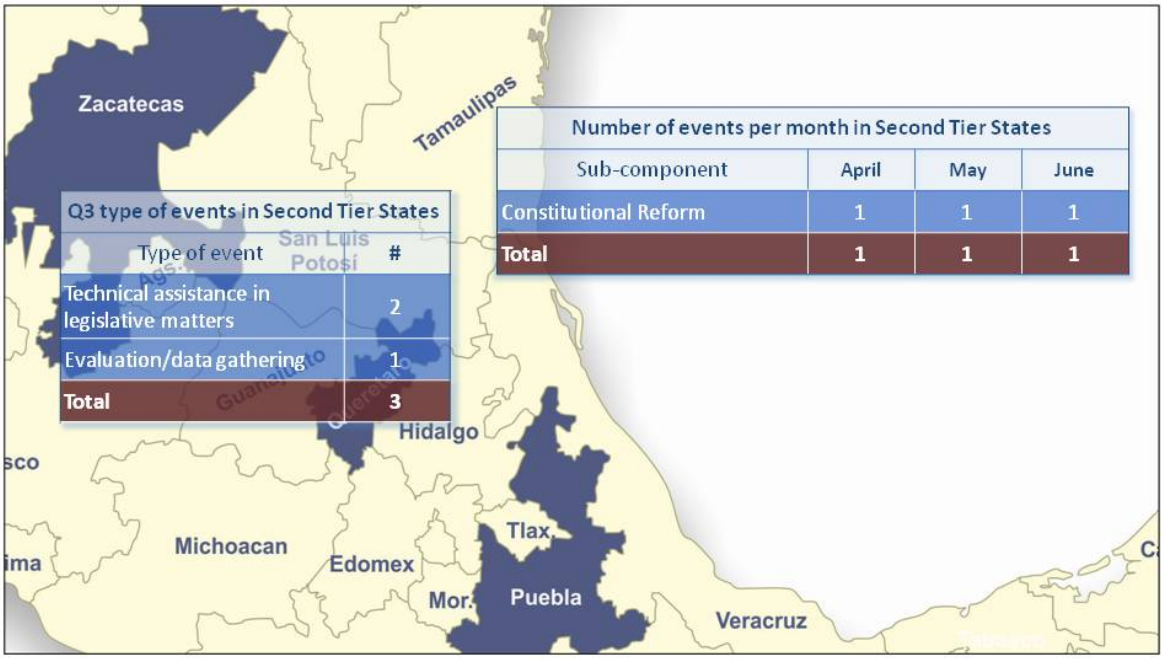
Opportunities
For the first time in 80 years in Oaxaca there is a different party from the PRI. There are high expectations that the new government will lead an implementation of the criminal procedure reform in a more organized and systematic manner.

Last December, the new governor took office and made a commitment to USAID to continue implementation of the reform and create an implementation commission. There is a majority in Congress favorable to the governor but it is nevertheless necessary to raise awareness of the reform.

Unlike what has happened in other states, the reform in Oaxaca has not been attacked with the same force by the media.

Political Will
There is political will, however it is important to take advantage of this change in government and to provide Program support as soon as possible, to maintain the enthusiasm and commitment to the reform.

Second-tier states



Three activities took place in the Program's second-tier states related to constitutional reform.

Puebla

1.1 –Adherence to the Mexican Constitution Reform

Since April, USAID has been reviewing the Criminal Procedure Code of Puebla per the request of the Puebla State Attorney General's Office (PGJ, acronym in Spanish). The Code was reviewed to determine if it is necessary to make amendments to the Constitutional reform. During this reporting period, USAID completed the report on the Criminal Procedure Code for Puebla, which includes a series of observations on the criminal procedures passed, as well as recommendations on the content of specific procedures. The observations cover two main topics: The adequacy of the Code with respect to the procedural model for an accusatory system, and the organization of the Code. The report evaluates various features of the Code such as: the definition of fundamental rights, written rulings, nullities and chain of custody, jurisdiction, special victims and sexual crimes, and police powers of investigation. The report concludes that Puebla's Code overall adopts the accusatory system, conforming to its principal characteristics. However, it suggests a revision based on the recommendations made, particularly regarding the investigation and arrest phases, which are considered to be lacking the necessary tools to conduct due diligence during investigations. The report was completed in June 2011, and the comments and recommendations will be delivered to the Puebla Attorney General's Office.

Zacatecas

1.1 –Adherence to the Mexican Constitution Reform

In Q3, USAID held meetings with the State Attorney General of Justice's Office and the State Supreme

Court of Zacatecas in order to obtain additional data on the implementation of the criminal justice reform, as part of the USAID-Center for Justice Studies of the Americas (CEJA) field study that is monitoring the implementation of the reform. Mexican researchers obtained more specific statistical data related to criminal allegations, intake of criminals by type of crime, number of cases completed by type and the most recent prison population numbers.

From the Prosecutor's Office, the research team collected information on their organizational structure and operations, as well as statistical data on personnel, training activities and performance evaluations.

USAID followed-up by carrying out two seminars to verify the findings and results of the field study that monitored the criminal justice reform implementation in Zacatecas. One seminar took place with officials from the Zacatecas State Attorney General's Office (PGJ, acronym in Spanish). The main recommendation was the need to adjust legislation and encourage victims' rights. The second seminar was conducted with the state judiciary and the Public Defenders' Office (PDO). Comments and observations were made to clarify various issues regarding the role of the Supervisory Judge (*Juez de Garantia*). During both seminars it was agreed that the PGJ, the state judiciary and the PDO would submit updated data to be included in the final version of the report. The information gathered in the seminars allowed for an enriched final version of the report, which was completed in June 2011 and will be published and disseminated in July per compliance with Program deliverables.

Monitoring activities and grantees activities

Q3 type of events for Program Grantees	
Type of event	#
Monitoring of grantees	21
Planning and coordination working session	6
Technical assistance for SOP and curriculum development	2
CSO capacity building	2
Total	**31**

This quarter, eight grantees finished their grant agreements with USAID.

Annex II. Success Stories

PROGRAM SUCCESS STORY IN NUEVO LEON:
CRIMINAL PROCEDURE CODE APPROVED

Following 11 months of technical assistance provided by USAID to the Executive Commission for the Nuevo Leon Criminal Justice Reform (SIJUPE, acronym in Spanish), civil society organizations, and State Congressional committees, the Criminal Procedure Code of Nuevo Leon was approved unanimously on May 26, 2011. The implementation of the Code will be done gradually and by type of crime, that is, there will be in incremental approach every year, whereby new types of crimes will be added. An annual review mechanism will also be established, whereby the Governor, in consultation with SIJUPE, the State Treasury, the Judiciary and the State Attorney General, will evaluate the effectiveness and pace of the implementation by crime type, in order to consider adding other types of crimes or to begin implementation by region. USAID will continue providing technical assistance to SIJUPE and the Governor´s office to develop indicators that measure progress in reform implementation.

Although the last amendment to the Nuevo Leon Code was on July 1, 2004, it only addressed misdemeanors and was viewed as more of a "pilot program" or a partial reform. Although Nuevo Leon was one of the first states to enact the CPC in line with the accusatory system of justice, it did not succeed in implementing it. However progress was made during this period in the areas of infrastructure, training and institutional assessments with USAID working closely with authorities on these themes.

The current technical assistance provided has spurred stakeholders to take concrete actions. Beginning in April 2010, the Program worked with the authorities in Nuevo Leon to complete the technical assessments needed for true legislative reforms. In June 2010, the Program commenced the provision of technical assistance on trafficking of persons legislation within the framework of the reform. SIJUPE convened stakeholders such as the State Attorney General, the Public Defender's Office, the RENACE Institute as well as judges, magistrates, and law professors to provide insight on issues not addressed by the reform.

During the months of March and April 2011, the Program provided recommendations on the modifications required for compliance with the Constitution and international standards. Specifically, USAID provided advice to the interagency sub-committee charged with reviewing the draft Code submitted by the State Supreme Court. Recommendations of the Code were made as well as guidance towards its implementation.

In May 2011, USAID efforts increased following the submission of a draft Code by the Governor to the

State Congress. The draft bill contained the majority of recommendations provided by USAID, but did not include those related to exclusionary rules, and certain arrest procedures, among others. Although they were in agreement with most of the content of the bill, the Oral Trials Network, the RENACE Institute, the Civic Council of Institutions of Nuevo Leon (CCINLAC) and other NGO's did not endorse it, as the implementation would be carried out by type of crime and not by region.

With the enactment of the Criminal Procedure Code in Nuevo Leon and Hidalgo, The Justice and Security Program has successfully assisted two target states to pass the criminal justice reform legislation needed to start comprehensive implementation. The passage of these bills marks a transformation in the way Nuevo Leon and Hidalgo address criminal justice reform.

PROGRAM SUCCESS STORY IN OAXACA: CERTIFICATE COURSE FOR CSOs AND MEDIATORS

With civil society organizations in Oaxaca not fully understanding the impact and benefits of the criminal justice reform and a lack of knowledge of Alternative Justice Mechanisms, USAID identified a need to increase knowledge and disseminate information on the reform. Taking this into account, during May and June, the Program conducted a 140-hour certificate course on Alternative Justice Mechanisms (AJMs) in Oaxaca, Oaxaca, successfully training civil society members on the new criminal justice system and pre-trial case resolution alternatives. The 20 participants, described by one as "an optimistic group of women and men, embarked on a path of no return with the firm purpose of contributing to the spread of this joint learning to all possible spaces," ("*un optimista grupo de mujeres y hombres emprendió un camino sin regreso, con la firme intención de contribuir a que esta labor de crecimiento se multiplique en todos los espacios posibles*") included representatives from CSOs such as the Support Center for Street Children (Centro de Apoyo al Niño de la Calle), the Oaxacan Academy of Gender Studies and Human Rights, and Women United on Gender, Equality and Vindication (MUGER), as well as mediators from the Restorative Justice Center of the State Attorney General's Office and the Mediation Center of the State Supreme Court. This certificate course effectively shared knowledge on conflict resolution, alternative justice mechanisms, mediation and restorative justice to its civil society participants. With this knowledge, the CSOs will be better prepared to inform citizens on AJMs and how to take advantage of alternative resolution services. By offering courses such as this one, USAID is effectively facilitating greater citizen participation in the new criminal justice system and empowering CSOs to take an active role in monitoring the reform implementation. The expectation following the training is that participants will promote both reform efforts and AJMs, as well as attend future trainings to increase monitoring and observation of the reform.

The course was divided into four main segments: conflict; tools of Alternative Justice Mechanisms; mediation; and restorative justice. Within these four sections, numerous topics were covered, including: Maslow's Hierarchy of Needs, the use of tools such as paraphrasing, active listening, empathy and reframing, the development of mediation in Mexico and mediation methods, the justice bifurcation theory and restorative justice processes. Participants' knowledge was assessed through the comparison of pre- and post-course tests. Each participant also wrote a short piece on what they took from the course and how it applied to their lives. The grades proved that the attendees were more knowledgeable of the criminal justice reform and the advantages of applying AJMs to alleviate court congestion. The

course was extremely well-received, as post-course evaluations highlighted the desire for more workshops of this kind that would be shared with more civil society community staff. In one of the evaluations, it was stated: “Opportunities such as this one are invaluable, and I am just one of the lucky individuals to participate in a life experience so gratifying. Thank you for all of the effort that went into making it possible to bring together this diversity of knowledge, teaching and beating hearts.”

Follow-up training will be offered in Q1 of 2012 to motivate participants to become active in the monitoring and promotion of the reform.