



Strengthening Ecuadorian Justice Project

SECOND QUARTERLY REPORT for

Award Period June 2010 – June 2013

Report for the period October 1, 2010 – December 31, 2010

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Background

In June 2010, the United States Agency for International Development (USAID) awarded Cooperative Agreement No. AID-518-A-10-00002, the Strengthening Ecuadorian Justice Project (SEJP), to the East-West Management Institute (EWMI).

EWMI-SEJP is expected to result in a more effective criminal justice system that lowers the number and length of pre-trial detentions, provides speedier public hearings, and fosters the timely and fair adjudication of cases. It will expand access to justice in Ecuador by strengthening the institutional capacity of the Public Defender's Office (PDO), and providing technical assistance to legal aid clinics. EWMI-SEJP will increase citizen oversight of justice reform by managing a small grants program for NGOs, which will support efforts to monitor justice sector reforms and promote knowledge concerning citizens' rights. EWMI-SEJP also plans to enhance the transparency of the judiciary by strengthening the capacity of the Judicial Council's Disciplinary and Control Unit (Disciplinary Unit) to function effectively under reformed laws and regulations.

The following is submitted as the Second Quarterly Report under SEJP for the reporting period: October 1, 2010 – December 31, 2010.

Component 1: More Effective Application of Criminal Justice

EWMI-SEJP seeks to improve the effectiveness of the criminal justice system through streamlining practices and procedures to overcome chronic delays.

Significant Results, Accomplishments, Activities

- Assessment/Diagnóstico. In order to obtain buy-in from local counterparts, it is important we obtain the proper authorizations for the Project's work, particularly with regard to the assessment/*diagnóstico*. To that end, the Project Director and Component One Coordinator conducted several meetings with high-level officials, including the Attorney General, the Provincial Attorney for Pichincha, and the Director of the PDO. Similar meetings were held with individuals specifically designated by the high-level authorities to work with the Project, as shown in the following chart:

Institution	Designee	Title
Attorney General's Office	Washington Pesántez	Attorney General
Provincial Attorney for Pichincha's Office	Marco Freire	Provincial Attorney for Pichincha
Provincial Attorney for Pichincha's Office	Fabiola Gaona	Hearings Coordinator
PDO	Ernesto Pazmiño	Director of the PDO

- The assessment/*diagnóstico* of the application of alternative procedures (*salidas alternativas, vías de descongestiónamiento, juicios rápidos and*

calificación de flagrancia), the principle activity under Component One, began in October 2010.

- The team began by coordinating with criminal judges and prosecutor's offices, from where the data was to be collected, as well as with select public defenders to define the methodology for collecting data. The team coordinated with the judges of the four *juzgados de garantías* in Quito; the prosecutors of the four *Unidades Descentralizadas de la Fiscalía* and seven prosecutors of the *Unidad de Soluciones Rápidas de la Dirección de Atención Integral (DAI)* and; the Public Defenders of *flagrancia* and of *legalidad and investigación*.
- Five templates for data recollection were then designed to fit the needs of the assessment/*diagnóstico*.
 - Cases ending by *vía de depuración* were separated out as a specific statistical sample by the expert statistical consultants, due to the determination that the universe of research was too large.
 - For the other four subjects of interest, 100% of cases were reviewed.
- A team of interns was formed to collect the data. The team was comprised of law students of the highest levels of study from different universities (PUCE, UDLA and Central University).
 - The students were trained on November 8, 2010
 - The interns began working on November 10, 2010 and finished in December 17, 2010
- The assessment/*diagnóstico* leaders began processing the data on December 21, 2010, establishing the schedule for interviews with justice sector operators in order to validate the information collected (interviews scheduled for January 2011).

Key Issues and Challenges

In order to ensure sustainability of Project activities during this time of transition in Ecuador's justice sector, it is necessary to work with all three levels of authorities: high-level authorities, provincial authorities, and officers of the justice sector. Although this requires a larger investment of EWMI-SEJP staff time, we consider it integral to the success and sustainability of Project activities.

Plans for Next Quarter

- The team will conduct interviews with justice sector operators to validate the information collected in the assessment/*diagnóstico*
- The team will host a workshop with justice sector operators to present the results of the assessment/*diagnóstico* and validate the information collected
- The team will work with international consultants and justice sector operators to define target areas moving forward

- A workplan for the design and implementation of an interinstitutional management model (Prosecutor's Office, PDO and *flagrancia* and *garantías* judges) will be drafted by the team
- The Project will provide technical training to justice sector operators on oral litigation in pre-trial hearings and criminal mediation
- The Project will implement and monitor the interinstitutional management model

Component 2: Expanded Access to Justice

On October 20, 2010, the PDO became an autonomous public institution. The current National Director and operating structure will remain in place. The activities planned under Component 2 of the Project, which essentially focuses on strengthening the PDO in Ecuador, were designed to function within the current operating structure's framework.

Significant Results, Accomplishments, Activities

- Public Defender's Office. The first meeting between key personnel of the PDO, including the Director of the PDO, and Project staff was held on October 29, 2010 (see Attachment 1). Project staff presented the SEJP Year One Workplan, emphasizing activities under Component 2, at the meeting. In addition to presenting the SEJP Year One Workplan, the meeting also addressed the following issues: identifying areas of the PDO in need of support; outlining PDO expectations with regard to planned activities; setting the date for an upcoming meeting to discuss the assessment/*diagnóstico* of the PDO; selection of key personnel to work with Project staff.
- Collaborating with the PDO and Universidad San Francisco de Quito (USFQ). USFQ is an important counterpart for Component 2 activities. The draft subaward to USFQ was finalized in December and will be signed in January 2011.
 - Project staff presented the SEJP Year One Workplan to USFQ, and tasks, activities, and anticipated results were defined for the EWMI-SEJP team, PDO, and USFQ. An agreement was made that the Project would provide support in the following areas: administrative and technical support to the PDO; design and implementation of an evaluation system for public defenders (neither the Judicial Council nor the PDO currently have a formal evaluation system for public defenders); design a monitoring and evaluation system for legal clinics, specifically regarding statistics of legal cases and case management, and; training for public defenders.
 - Following the agreement, the Scope of Work for USFQ activities was revised (see Attachment 2). A first draft of the work methodology was developed, and the expected results established. The PDO reported that technical assistance is needed to implement some of the activities to be supported by the Project. For example, the PDO does not have an evaluation system in place to monitor the quality of performance of public defenders. Project staff will determine the best way to establish an evaluation system-

possibly using a local consultant, as USFQ does not have the technical capacity to accomplish this activity.

- Strengthening of Legal Aid Services of CSOs. USFQ will coordinate this activity. The PDO submitted to USFQ and EWMI an updated document including a list of all the Law Schools registered in Ecuador, which will be very useful in developing the database of legal clinics of CSOs and law schools.
 - The EWMI-SEJP team was invited to be a member of a network of CSOs, organized in 2010, focused on developing and presenting proposals regarding the regulation and evaluation of PDO legal clinics. This is a great opportunity for the Project to support the PDO while providing an opportunity to get feedback from users of the legal services.

Key Issues and Challenges

We believe that now that the PDO is an autonomous public institution, work under Component 2 will be easier for the Project, as stability of the Director of the PDO and the technical team ensures sustainability of our work. It is necessary to note, however, that this may change with the designation of a new Director of the PDO. The selection process for a new Director of the PDO will begin next year.

Plans for Next Quarter

- A workshop to develop the PDO Strategic Plan 2011-2013, which will address the needs of the PDO, will be held with the PDO January 20-21, 2011 (see Attachment 3). Key personnel from the PDO have actively participated in the design of the methodology and agenda for the event. The Component 2 Coordinator has held several coordination meetings in anticipation of the workshop.
- The assessment/*diagnóstico* of the PDO, including identifying areas in need of technical assistance, support, and a review of its Strategic Plan, will conclude next quarter.
- The Project will design a database of CSO and law school legal clinics in the main cities of Ecuador.
- Four legal clinics to receive technical assistance during the first year of the Project will be identified. The Project will work jointly with PDO delegates to select the legal clinics. USAID will be informed of the selection results.
- The Project will establish criteria to implement a management model in coordination with the legal clinics and PDO.
- The Project will provide technical support to PDO's monitoring and evaluation of legal services, based on information gathered during the assessment/*diagnóstico* with regard to the PDO's existing monitoring and evaluation of legal services.
- The Project will assess hiring a local consultant to design and implement an evaluation system for public defenders.
- The Project will hold a workshop in January 2011 to support the work of the network of CSOs, focused on developing and presenting proposals regarding the regulation and evaluation of PDO legal clinics.

Component 3: Increased Citizen Oversight of Justice Reform

EWMI-SEJP will partner with local organizations to increase citizen oversight of justice reforms and to promote a better understanding of these reforms by citizens. Key initiatives will include: technical assistance and training to CSOs working in the justice sector; the establishment of a Small Grants Program to support efforts to monitor justice sector reforms and promote knowledge concerning citizens' rights; the application of methods by CSOs to evaluate the criminal justice system, and; a publication of high quality technical studies covering the justice sector.

Significant Results, Accomplishments, Activities

- Collaborating with Participación Ciudadana. The subaward to Participación Ciudadana (PC) was signed on November 10, 2010. Project staff held a meeting with PC Executive Director Ruth Hidalgo and the Coordinator of the Justice Network (*Red de Justicia*) in Quito to define the scope and objective of each subaward activity on December 2, 2010.
 - Component 3 Coordinator developed the first draft of PC's operational plan to implement Component 3 activities. This draft was based on the agreements made with PC staff, taking into consideration the time available to implement planned activities for this fiscal year (ending September 30, 2011).
- Justice Network. Project staff organized a meeting with eight NGO members of the Justice Network from Guayaquil on November 26, 2010 to present the Project and set a date for a workshop to kickoff the reactivation of the Justice Network. The NGOs expressed positive interest in reactivating the Justice Network, and agreed to meet again in January 2011. The participating NGOs are:
 1. Fundación María Aguaré
 2. Confraternidad Carcelaria
 3. Comité Permanente por la Defensa de los Derechos Humanos, CDH
 4. Pastoral de Movilidad Humana
 5. Facultad de Derecho de la Universidad Espíritu Santo, UESS
 6. Facultad de Derecho de la Universidad de Guayaquil
 7. CEPAM, Guayaquil
 8. Consejo de la Unidad Afro ecuatoriana en Guayas
- Small Grants Program. The Component 3 Coordinator developed the Small Grants Program Guide for the implementation of CSO projects. The Guide, in Spanish and English, complete with thirteen attachments of guidelines, matrixes, and templates, was sent to the EWMI Home Office and USAID for review and approval.
 - A draft of the brochure for CSOs outlining the Small Grants Program was developed in coordination with the Communications Director.

Key Issues and Challenges

The designation process for new national control authorities, including some in the judicial sector (specifically the Consejo de Participación Ciudadana y Control Social (CPCCS)), gives CSOs the opportunity to work together and actively participate by providing constructive input in the selection process. CSO capacity building and the establishment of

internal procedures and a communications strategy for the Justice Network, are critical for the dissemination of Justice Network activities and its advocacy on various issues.

Plans for Next Quarter

- The Project will advertise a call for proposals for the Small Grants Program, including proposal due dates and evaluation dates through the end of the fiscal year. Brochures will be sent to members of a database of CSOs working in justice sector and will be available for the public at EWMI's office. The Project's webpage will include complete information on the Small Grants Program, including all attachments, annexes, and templates available for download. Additionally, training sessions for CSOs on project planning and monitoring will be held both in Quito and Guayaquil. The first Evaluation Committee meeting will be held in March 2011.
- The Project will coordinate a training workshop in March with an international expert to define guidelines for justice sector metrics. These will be based on the results of the assessment/*diagnóstico* conducted under Component 1 and comparative regional and international best practices. The workshop will be held with the members of the Justice Network in Quito.
- The Project will coordinate with PC and the Justice Network to establish a concrete methodology for the oversight processes (*veedurías*). Terms of Reference will be developed for an expert to conduct a social audit, focusing on two oversight processes, the selection of members of the Judicial Council and the selection of the Director of the PDO. A format to present oversight reports will be drafted and sent to the Justice Network for review.
- The Project will coordinate all the activities planned through the end of the fiscal year with the Coordinator of the Justice Network in Quito. Two workshops are planned for next quarter, one to establish concrete oversight methodology to be applied by all Justice Network CSOs, and one to establish internal and external communications strategies for the dissemination of Justice Network activities.

Component 4: Enhanced Transparency in the Judiciary

EWMI-SEJP aims to improve transparency and public confidence in the courts by strengthening the capacity of the Judicial Council. This component, to be implemented in the project's first two years, will include an assessment that will result in: recommendations on how the Disciplinary Unit can function more effectively; technical assistance in drafting internal regulations; and improved collection and use of statistical data.

Significant Results, Accomplishments, Activities

- Development of Methodology for Assessment of Disciplinary Unit. Project staff held meetings with the Coordinators of the Disciplinary Units in Quito and in Guayaquil to introduce Sonya Smith, a *pro bono* consultant from California's Commission of Judicial Performance, and to collect information about the work and efficiency of the Disciplinary Unit. A meeting was held in Quito on December 14, 2010 with Dr. Rodrigo Aulestia and in Guayaquil on December 16, 2010 with Ab.

Fernando Yaver. Both meetings provided valuable information on the Disciplinary Unit. Project staff worked with Ms. Smith to compile the information needed to complete the assessment. Ms. Smith mailed the assessment to the Project office December 23, 2010.

Key Issues and Challenges

The members of the Judicial Council are going through a period of transition, and will soon be replaced. Therefore, activities under this component should be executed when the new members are selected, to ensure viable implementation and sustainability.

Plans for Next Quarter

- Perform an assessment/*diagnóstico* of the Disciplinary System

Administration

Significant Results, Accomplishments, Activities

- Staffing. María Lorena Ponce Hernández joined the EWMI-SEJP team as Component 3 Coordinator in November. The interview and selection process for the position of Administrative Assistant began in November and was completed in December; Clara Moreira was selected and will begin in January 2011.
- Communications. The following activities were completed during the reporting period, as per the EWMI-SEJP Strategic Communications Plan:
 - Daily media monitoring- a newsletter was sent each day to counterparts, judicial authorities, key individuals at USAID and other agencies of the American Embassy, as requested by USAID
 - SEJP Newsletter- a newsletter detailing the achievements and progress of the SEJP team was regularly sent to the EWMI Home Office
 - Documents and publications- component coordinators were supported with preparation of documents and publications
 - Small Grants Program Guide- editing and design of the draft Small Grants Program guide was completed
 - Presentations- various meeting presentations were designed and edited for content
 - Logo- the logo was designed and will be used for presentation templates, workshops, EWMI-SEJP staff identification cards, etc.
 - Public relations- the Communications Team continued documenting Project activities and meetings with consultants
 - Website and newsletter- Design and planning for the project website began this quarter, as well as the design of the Project's quarterly newsletter.
- Workplan. EWMI resubmitted both the revised Year One Workplan and revised Monitoring & Evaluation Plan on October 15, 2010, incorporating feedback

received from USAID. EWMI received approval of the revised Year One Workplan from USAID on December 16, 2010.

Key Issues and Challenges

The status of our application for registration remains unchanged since the submission of the First Quarterly Report. EWMI's application remains at the Ministry of Foreign Affairs. The Secretaria Técnica de Cooperación Internacional (SETECI) and the Ministry of Foreign Affairs have kept us informed through our local attorney. We have been informed that our application is positively viewed and only awaits signature, however it remains to be seen when the signature process will move forward.

Plans for Next Quarter

- The following staff positions will be filled in the Third Quarter: Systems and Process Engineer, Criminal Attorney, Driver/Messenger