



Strengthening Ecuadorian Justice Project

FINAL REPORT

June 2010 – January 2014

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Executive Summary

On June 14, 2010, the East - West Management Institute, Inc. (EWMI), a US-based not-for-profit organization, signed Cooperative Agreement AID 518-A-10-00002 with the United States Agency for International Development (USAID) to implement the Strengthening Ecuadorian Justice Project (SEJP), which concluded on January 31, 2014. The following summarizes SEJP's most important results, which contributed to improving the functioning of Ecuador's criminal justice system, improved access to justice for Ecuador's most vulnerable persons, and promoted citizen participation in justice reform in Ecuador.

Improvements to the Criminal Justice System

The criminal justice system in Ecuador, as in many countries in the region, is criticized for its extended and complex procedures, an over-reliance on pre-trial detention, and the failure to use new and alternative methods for resolving cases. SEJP sought to address these concerns by supporting the increased use of Special Proceedings and Alternative Procedures in the early stages of the criminal procedures in Ecuadorian courts. Special Proceedings include Abbreviated and Simplified Proceedings that can be used to resolve low-penalty crimes through a fast and effective process; Alternative Procedures may include Reparation Agreements, Conditional Suspension of Procedure or other forms of alternative resolution. The application of these techniques can result in a faster resolution of cases, providing a timely and effective response to the victim, decreasing pre-trial detention, and creating an environment for the consensual resolution of minor cases, leading to greater public confidence in the system and a reduction in impunity.

In order to standardize and encourage the use of Alternative Procedures and Special Proceedings, EWMI supported the development and mandatory nationwide application of two public policies. One obligated judicial officers to apply Alternative Procedures and Special Proceedings in cases of low-penalty crimes and provided the protocols needed to define the role of each justice sector operator (judge, prosecutor, defense attorney) in the process. The second defined the *Flagrancia* Unit as a forum for resolving cases of low complexity, and established a management model for the *Flagrancia* Unit. EWMI then trained justice sector operators on how to apply these mechanisms, organizing 51 workshops in Quito and Guayaquil that trained 699 judges, prosecutors, public defenders and legal aid lawyers, among others.

The courts where EWMI worked (in Quito and Guayaquil) demonstrated dramatically improved results:

- The number of cases resolved through these mechanisms in the *Flagrancia* Unit of Quito increased from 16 in November 2010 to 87 cases in July 2011.
- By applying Abbreviated Proceedings in the Quito *Flagrancia* Unit, case resolution time dropped from almost one year (305 days) to a single day.

- In the Quito *Garantías* courts, whereas it previously took an average of 73 days to resolve a case, that time was reduced to 39 days when Alternative Procedures were used.
- In the *Flagrancia* Unit of Guayaquil, of the 15 cases resolved through Abbreviated Proceedings, 11 were resolved in one day when the proceeding was applied during the Qualification Hearing. For the 4 remaining cases, the average resolution time was 27 days. This is a significant decrease from the average of 338 days observed during an initial assessment.
- During an initial assessment, EWMI observed that it took an average of 653 days to resolve non-*flagrante* cases in Guayaquil. Subsequently, 88% of the cases in the Tribunals were resolved through Abbreviated Proceedings in an average of 204 days.

These results meant that victims obtained justice sooner, fewer defendants were held in pre-trial detention, and trust in the criminal justice system increased. The innovations that EWMI introduced to the courts in Quito and Guayaquil are inexpensive, replicable, and sustainable, and if maintained and extended throughout the country would constitute a significant improvement to the administration of criminal justice in Ecuador.

Improved Access to Justice by Vulnerable Groups of the Population

To ensure that all Ecuadorians receive the protection of the law, EWMI worked to improve the quality of legal services and increase access to justice by vulnerable groups of the population by increasing the capacity of the Public Defenders' Office (PDO) and legal aid clinics. With technical assistance from the program, the PDO improved its case management system, optimizing the computer system registry, the treatment and monitoring of cases handled by the state agency, and generating more user-friendly information. Additionally, EWMI developed recommendations for the improved strategic planning and management of the Defender's Office. Additional results included the training of numerous defense attorneys on Alternative Procedures and Special Proceedings under component 1, above, and the strengthening of legal aid clinics, described under component 3, below.

Strengthened Citizen Participation in Justice Reform

CSOs can play an important role in advocating for and ensuring the implementation of judicial reforms. As such, under the third component of the project, SEJP's objective was to support and promote the participation of civil society in judicial reform. Key activities included:

Improving media coverage of the justice sector: EWMI awarded a grant to the International Centre for Advanced Studies in Communications for Latin America (CIESPAL) to implement a project that included a training program for journalists and communications specialists from justice sector institutions on the advantages of the application of Special Proceedings and Alternative Procedures, as well as on the rights of the individual and due process. CIESPAL also developed a guide for journalists on Special Proceedings and Alternative Procedures,

(Journalists' Guide to Special Proceedings and Alternative Procedures) that provides journalists with information and guidelines for covering judicial topics.

Supporting civil society organizations (CSOs) representing vulnerable groups, combatting human trafficking, increasing environmental protection, and promoting transparency and effectiveness in the justice system: EWMI provided support to seven grantees to implement projects related to legal matters in areas such as domestic violence, environment protection, LGBTI rights, and trafficking-in-persons. Examples of activities included training paralegals on environmental law in many regions, training Ombudsman staff on environmental issues, training Ombudsman on LGBTI rights, analyzing trafficking cases in two high risk provinces, and raising awareness concerning domestic violence. As part of the support, EWMI worked with the seven organizations funded through the Small Grants Fund to strengthen their organizational capacity in two areas: effective lobbying and tax / financial aspects. Through this activity EWMI trained 35 CSO personnel.

Legal aid clinics supported through the implementation of a new management model: EWMI developed a legal services management model that incorporated policies that improve services, such as introducing a rights and gender approach to the analysis of cases, improving case management and improving the quality of care provided to clients. EWMI targeted its assistance to three legal aid clinics that were ready to adopt the management model: (1) the Legal Aid Clinic of La Pontificia Universidad Católica del Ecuador (PUCE), whose law students assist clients in different legal areas; (2) the legal services of Caritas Arquidiocesana de Quito; and (3) Confraternidad Carcelaria - Guayas, an NGO that relies provides legal assistance to prison detainees in Guayaquil. During the project implementation period, the three legal services organizations supported by SEJP took on a total of 464 cases, which provided a good opportunity to analyze the implementation of the management model and monitor the quality of service provided. In addition, EWMI produced and distributed 500 copies of a manual, A Guide for Strengthening Legal Services: How to Improve the Quality of Legal Services, a practical guide that provides technical concepts and tools to implement a management model tailored to the particularities of legal centers, whether at universities or CSOs, to improve the delivery of their legal services.

Recommendations and Lessons Learned

- a) **Working with different levels within the justice institutions helps to ensure sustainable results.** Because of the ongoing process of judicial reform in Ecuador, authorities and key personnel changed frequently. To ensure that our reform and capacity building efforts were sustainable, EWMI found that a good strategy was to include middle managers as counterparts. They were able to continue the process even when their directors were replaced.
- b) **Inter-agency work provides an overview of the role of operators in justice.** Training workshops that included officials from various courts improved personal relationships among staff. The various stages of training become opportunities to coordinate among actors and enabled them – in addition to expanding their knowledge and acquiring skills – to resolve certain difficulties collectively, improving their techniques and creating dialogue and trust among the different institutions. During the Program, each of the operators (prosecutors, public defenders and judges), in accordance with their different roles, realized that the mission of the justice system is to provide solutions to users, providing appropriate and quality resolution to criminal conflict, regardless of the responsibility each person has in the process.
- c) **Flexibility in the work plan was necessary to meet program objectives.** As previously indicated, the program was implemented in a continuously changing environment. EWMI had to not only adapt to new partners but to the prioritization of new policies. EWMI was able to redefine strategies, priorities and activities to contribute to and/or support the judicial reforms without changing the program’s overall objectives.
- d) **Collaborative work between the public sector and the program implementer creates ownership in the process.** Collaboration among public officials and the EWMI program team was crucial, since it created a sense of ownership for our counterparts with regard to the new practices, processes, or acquired knowledge, allowing serious and continuing commitment to the program goals.
- e) **To improve a practice or process, priority should be given to generating hard data focused on the issues.** Collecting baseline statistical data from the courts, generally not available, built EWMI’s credibility and demonstrated that the reforms supported real change in results.
- f) **Work focused on a few cities resulted in deeper impact.** EWMI was able to train over 80% of the criminal justice officials in Quito and Guayaquil.
- g) **Engaging university students in the development of research contributed to their pre-professional development.** EWMI worked with 34 students from various universities in Quito and Guayaquil in the collection of data for the rapid assessment and the execution of the subsequent monitoring activity. The inclusion of the students was an important training

experience for the students that allowed them to learn in-situ about the dynamics of the administration of justice.

- h) The in situ monitoring of justice operators allowed EWMI to evaluate the impact of training on their daily work.** In order to test the impact of judicial operator training on the quality of user service, EWMI attended and observed hearings, and was able to observe firsthand the impact of the training.
- i) The "learning by doing" training methodology applied by EWMI and teams of trainers from various countries (Ecuador, Chile, Argentina, Colombia and the United States), ensured excellence in the workshops.** EWMI and its trainers implemented this methodology through simulation of hearings, recorded on video to provide each judicial official with feedback both collectively and individually. The outcomes achieved reaffirmed that the "learning by doing" methodology was indeed successful in enabling study of theory, doctrine and analysis of comparative law; and the resolution of actual cases in practice.
- j) NGOs require additional capacity strengthening.** While implementing the Program, EWMI noted that the legal services organizations that were a resource on some issues, if not disappeared, had been weakened because key people at the NGOs no longer worked there, and therefore efficiency, effectiveness and analysis that characterized these institutions no longer existed. EWMI believes that capacity building activities targeting NGOs should include the whole team and not just upper management in order to avoid these situations.

Final Report: Full Findings

June 2010 - January 2014

Background

A. Program Objective

Ecuador's justice system has operated poorly for many years and has failed to earn public confidence. It is often perceived as corrupt and ineffective. EWMI's Strengthening Ecuadorian Justice Project sought to address these issues and strengthen the effectiveness, fairness, and transparency of Ecuadorian justice by providing support in key areas and providing guidance on the implementation of recent judicial reforms. Specifically SEJP aimed to:

1. To improve the application of the criminal justice system;
2. To increase and improve access to justice by vulnerable groups of the population; and
3. To promote citizen participation in justice reform.

SEJP originally included four components: 1) More Effective Application of Criminal Justice; 2) Expanded Access to Justice; 3) Increased Citizen Oversight of Justice Reform; and 4) Enhanced Transparency in the Judiciary. Component 4 was to consist largely of technical assistance to the Judicial Council (Consejo de la Judicatura), but a May 2011 popular referendum resulted in the Judicial Council being replaced by a Transitional Judicial Council (Consejo Transitorio de la Judicatura), charged with restructuring the judiciary within 18 months. In the same year, USAID/Ecuador's Democracy and Governance budget was reduced. As a result, USAID/Ecuador restructured SEJP to eliminate Component 4 and decrease activities under Component 3 in support of subgrants to local civil society organizations (CSOs). These changes were memorialized in Amendment 2 to the SEJP CA, dated January 27, 2012. On March 25, 2013, EWMI and USAID signed Amendment 3 to the CA, reinstating some of the funds intended for the subgrant program under Component 3 and extending the term of the project to January 31, 2014.

B. Country Context: A Time of Transition for the Ecuadorian Justice Sector

SEJP's work began by coordinating with the transitional authorities in the Prosecutor's Office, the Judicial Council, and the Public Defender's Office, each of which approved SEJP's proposed work through the Consultative Council. As noted above, in May 2011 Ecuadorian voters approved various measures including abolishing the Consultative Council and establishing the Transitional Judicial Council (Consejo Transitorio de la Judicatura), charged with restructuring the judiciary within 18 months. In July of that year SEJP began meeting with the Transitional Judicial Council to discuss the achievements and the future of the project, and in November 2011, EWMI and the Transitional Judicial Council signed an agreement for cooperation that remained in effect until June 2013.

During this time, an evaluation and new selection process for Justice Operators began, which lasted between 6 to 8 months. A new Attorney General was selected in July 2011, while a new Public Defender was not named until August 2012. Finally, the new members of the Judicial Council took their place on January 2013. The concomitant changes in policies, institutional dynamics, and personnel affected project implementation.

As an additional challenge, the timing for the selection process for each institution was different. Some authorities and officials were appointed to permanent positions, while others were designated as “transitional” appointments. The EWMI team faced these challenges and the changing situation by:

- 1) Presenting the project to each new authority, as many times as necessary;
- 2) Presenting the project to the new officers designated as counterparts; and
- 3) Adjusting priorities, schedules and activities to adhere to the new requirements and priorities of each institution.

Despite these challenges, the Strengthening Ecuadorian Justice Project achieved significant results.

Component One: More Effective Application of Criminal Justice

The reform of the criminal justice system has been the main focus of the justice sector reform process in Latin America since the 1980s. Most countries have undertaken reforms to modernize their criminal systems by adopting new criminal codes and criminal procedure codes, changing their systems from the traditional inquisitorial or written procedures model to the accusatory or adversarial model based on oral proceedings and public trials.

Ecuador was not an exception to this movement, and in 2000, a mixed accusatory, adversarial Criminal Procedure Code (CPC), incorporating oral trials, was approved. Over the years, several reforms (in January 2000 and March 2009) have been promulgated which have moved the system more towards the accusatory model. Among these was the introduction of a new case handling model to streamline the processing of *flagrancia* cases.

Constitutional amendments in 2008 brought some important new reforms to the criminal justice system. Article 11.9 establishes that the State can be held liable for arbitrary detention, judicial misconduct or errors, unjustifiable delay or inadequacy in the administration of justice, and for violations of due process. Article 75 ensures free access to the legal system, as well as the right to an impartial and efficient judicial resolution of conflicts. The newly enacted Organic Code of the Judicial Function (Código Orgánico de la Función Judicial) builds on these constitutional reforms.

In light of these reforms, the overall objective of component one was to support the building of a more effective criminal justice system by promoting new management models for the justice system, greater application of Alternative Procedures to resolve conflict, and greater application of Special Proceedings to achieve greater transparency, efficiency and effectiveness in the administration of justice.

Promoting greater application of Special Proceeding and Alternative Procedures in the early stages of the criminal process to resolve low-penalty crime is essential to building a more effective criminal justice system. The use of these legal tools will lower impunity, provide a more timely response to victims, allow judges to sentence non-complex cases through a more agile process, and save human and financial resources that could be better used to address more serious and complex cases.

These mechanisms were introduced in the March 24, 2009 Criminal Procedure Code reform. The amended legislation specifically included both Alternative Procedures: Reparation Agreement and Conditional Suspension of Procedure, as well as Special Proceedings: Simplified Procedure and Abbreviated Procedure. Abbreviated Procedure had been included in the Criminal Procedure Code since 2001; however, the 2009 reform further modified its procedures.

Furthermore, according to Prosecutor's Office statistics, a high percentage of cases entering the criminal procedural system constitute minor crimes that could be solved through the use of these alternative mechanisms during the initial stages of the criminal process. Thus, those crimes entering the *Flagrancia* Unit could be resolved in one hearing at that stage, thereby converting the *flagrancia* qualification hearing into an important place to resolve cases entirely, while still complying with the law.

In this context, activities and results obtained in relation to Objective 1 were as follows:

QUITO

RESULT: IDENTIFICATION AND SUCCESSFUL IMPLEMENTATION OF PROCEDURES FOR SHORTENING OR ELIMINATING SUPERFLUOUS STEPS IN THE HANDLING OF CRIMINAL MATTERS IN FLAGRANCIA CASES, AND OTHER CRIMINAL GARANTIAS COURTS, TO SOLVE LESSER CRIMINAL OFFENSES THROUGH ALTERNATIVE PROCEDURES AND SPECIAL PROCEEDINGS.

EWMI found it essential to have hard and current data on the application of Special Proceedings and Alternative Procedures to identify areas that needed to be strengthened, especially as the criminal justice sector institutions did not have this information.

A. Rapid Assessment in Quito

EWMI conducted a rapid assessment (*diagnóstico*) to identify the current practices, obstacles, and advances that exist in the functioning of the criminal justice system, with particular focus on the implementation of Special Proceedings and Alternative Procedures. The rapid assessment, "**APPLICATION OF SPECIAL PROCEEDINGS AND ALTERNATIVE PROCEDURES IN QUITO**" was carried out from November 2010 to February 2011. EWMI collected data from the State Attorney General, Criminal-Law *Garantias* Courts, and the Public Defenders' Office, all institutions in which cases are segmented by resolution type. Through the review of records and the observation of hearings, EWMI collected data which made it possible to perform quantitative and qualitative analysis.

1) Methodology

During the assessment, EWMI reviewed cases that were resolved by Special Proceedings or Alternative Procedures from April 2009 to September 2010. The criteria used to determine the review period for cases was the March 24, 2009 publication of the Criminal Procedure Code reform in the Official Gazette, which incorporated new procedural elements: Reparation Agreements between the victim and the accused and Conditional Suspension of Procedures. The same Criminal Procedure Code reforms also included changes to existing processes for Abbreviated Proceedings and created the new Simplified Proceedings.

The team reviewed files from four Criminal-law *Garantias* Courts (Juzgados de Garantias Penales) (3rd, 13th, 15th and 18th); from ten Specialized Units of Rapid Solutions of the Attorney General's Office; as well as four Units of Rapid Solutions-CEJ of the Attorney General's Office, which are decentralized units in peripheral areas of the city: Attorney General's Office of the South, known as "Quitumbe Equity and Justice Center"; the Attorney General's Office of Calderón -"Carapungo Center for Equality and Justice"; Attorney General's Office of La Prensa Avenue -"La Delicia Center for Equality and Justice"; and the Attorney General's Office of Cumandá -"Center for Equity and Justice Tres Manueles".

To complement the information collected from the files, the EWMI team also observed all of the hearings carried out in The *Flagrancia* Unit of Quito between November 9th and 23rd of 2010, as well as all of the Alternative Procedure (alternative sentencing) hearings in all of the criminal courts of Quito during the month from November 9, 2010 to December 9, 2010.

The information obtained was also supplemented with 30 interviews with judicial officers (authorities, judges, prosecutors, public defenders, administrative and court officials and the Attorney General's Office.) To further refine and validate the information, EWMI held several meetings with over 20 operators, with whom the main problems limiting the application of these mechanisms were identified. Finally, the results of this baseline rapid assessment were endorsed by the authorities of the justice system.

2) Rapid Assessment Research Team

The rapid assessment was performed by a team of 20 law students in their last year of study from local universities¹, a statistician, a mathematician and the EWMI team which was made up of national and international consultants.

3) Rapid Assessment Results

The data collected during the assessment established the following:

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| <p>a. During the assessment period 16 cases in the <i>Flagrancia</i> Unit were resolved through Alternative Procedures, although all of them were resolved by Reparation Agreements. None were resolved via Conditional Suspension of Procedure or Abbreviated Proceedings.</p> |
| <p>b. Of the 35,049 cases admitted in Pichincha in 2010, less than 1.5% were resolved by Alternative Procedures. The application rate for Special Proceedings did not reach 1%.</p> |
| <p>c. After reviewing all of the records in the Attorney General Units and the Criminal-Law <i>Garantias</i> Courts for the 18 month period, April 2009 – September 2010, EWMI found that 221 cases were resolved by Alternative Procedures: 88 Reparation Agreements and 133 Conditional Suspension of Procedure.</p> |

¹ The law students were from the following universities: Central del Ecuador, PUCE (Pontificia Universidad Catolica del Ecuador, and UDLA (Universidad de las Americas)

- d. The majority of Alternative Procedures were used for the following types of cases: 53% - Crimes against property; 14% crimes against persons; 5% crimes against the security of the state (usually unauthorized possession of firearms.)
- e. When observing the hearings in 15 Criminal-law *Garantias* Courts resolved by Special Proceedings or Alternative Procedures from November 10 to December 9, 2010, EWMI found that of the 60 hearings scheduled, only 30 were held and were resolved as follows: 7 Reparation Agreements, 16 Conditional Suspension of Procedure, 3 Abbreviated Proceeding Admissibility Hearings.
- f. For the entire period (April 2009 – September 2010) Abbreviated Proceedings were applied for 8 cases, and Simplified Proceedings were only applied once.
- g. The average time to resolve cases through Alternative Procedures was 73 days. The average for Abbreviated Proceedings was 305 days.

4) Assessment Conclusions

The rapid assessment provided EWMI with information needed to identify the areas within the criminal justice system institutions that needed strengthening. The principal conclusions were:

- a. Policies to prioritize the use of special procedures and alternative outlets did not exist.
- b. There was little application of these mechanisms.
- c. There was no uniformity of criteria, the application depends on the judge or prosecutor.
- d. There were no guidelines (protocols) to guide the actions of prosecutors, judges and defenders, or organize and expedite the process.
- e. Knowledge about these alternative mechanisms was limited.
- f. Not all of the judicial institutions had management models based on the new criminal justice system.
- g. The *Flagrancia* Unit was not being used as a place to resolve cases, even though such is permitted, but only as a place to review certain procedural matters, such as the legality of detention.

In January 2011, EWMI presented the results and conclusions of the *diagnostico* to the highest authorities of the justice sector and the criminal justice operators in order to work together to address the shortcomings identified.

RESULT: IMPROVED APPLICATION OF SPECIAL PROCEEDINGS AND ALTERNATIVE PROCEDURES FOR NON-COMPLEX CRIMES.

Based on the information gathered in the rapid assessment, EWMI found that not only are alternative case resolution methods being underutilized, but in the few cases in which they are

being applied, it is not in a timely manner. Cases that could be resolved in one day, if they were *flagrancia* cases, were taking months to be resolved. One characteristic of the Special Proceedings and Alternative Procedures is that they can be applied in the early stages of the procedures when applied to minor crimes, and the investigation is not complex. Furthermore, if the crimes are *flagrancia* matters, the *flagrancia* qualification hearing is where it should be resolved. For this reason, EWMI prioritized working with the *Flagrancia* Unit in Quito, as described below.

A. Improved *Flagrancia* Unit of Quito and Criminal-law *Garantias* Courts

Based on the information obtained in the rapid assessment, EWMI worked with justice operators to prepare a Work Plan (Annex 1) beginning in February 2011 to overcome the problems and constraints identified, to strengthen the *flagrancia* unit and to achieve an increase in the use of these alternative mechanisms in ordinary criminal actions. Actions taken to implement the Work Plan were:

1) Approval of the Work Plan

On February 15, 2011, during a session of the Plenary of the Advisory Council, the EWMI Program Director presented the Work Plan, including the steps that would allow the implementation of the Inter-institutional Management Model for the application of Alternative Procedures and Special Proceeding and would convert the *Flagrancia* Unit into an instance of case resolution. The Council approved the Work Plan the same day and the Secretariat of the Advisory Council issued the corresponding official letter on March 12, 2011.

2) Integration of Work Teams

EWMI integrated work teams with Justice Operators of for the preparation of technical documents, needed to implement the Plan.

3) Inter-agency Meetings

EWMI coordinated inter-institutional meetings that allowed improved coordination in order to resolve low-penalty crime in a faster way. These meetings were held not only during the preparation of technical documents, but also during the trainings, so as to standardize criteria, to strengthen best practices, to provide a correct interpretation to the rules and, above all, to internalize the benefits of solving minor cases in the early stages of the legal process, using these procedural simplification or alternative sentencing methods.

4) Inter-institutional Policies

From February 23, 2011 until the end of March of the same year, EWMI worked with judges, public defenders, and prosecutors to develop instructional inter-institutional policies, which would promote the use of Special Proceedings and Alternative Procedures in the early stages of the criminal process, giving greater importance to the *Flagrancia* Unit, as an instance for case resolution.

Two protocols were obtained; one obligating justice operators to apply Special Proceedings and Alternative Procedures in cases of low penalty crimes; and, the second, defining the Flagrancy Unit as a forum where cases could be resolved.

These documents were submitted to the authorities of the Advisory Council of Justice², who after making final modifications issued two mandatory nationwide public policies. **Policy No. 1** on the prioritization of the application of special procedures and alternative solutions; and **Policy No. 2** on the inter-institutional coordination to transform the Flagrancy Unit into a forum to resolve minor cases, by applying Special Proceedings and Alternative Procedures (Annex 2).

These inter-institutional cooperation policies were debated and finally approved at the meeting of the Advisory Council, on May 3, 2011. They were subsequently published in the Official Gazette.

Additionally, EWMI collaborated on other technical documents. These documents were delivered to the judicial institutions and afterwards to the Ministry of Justice, since they were conducting a management model for the Flagrancy Unit. These were:

- Document for the application of Pre-trial measures (Annex 3).
- Proposal for management of “NN” cases, or unknown offender, for the Office of the Attorney General. (Annex 4).
- Proposal on scheduling hearings for the Criminal-law *Garantias* Courts (Annex 5).
- Administrative Protocol for the Flagrancy Unit (Annex 6).
- Project for monitoring and compliance of the conditions in cases in which the judge orders Conditional Suspension of Procedure or Reparation Agreement (Annex 7).
- Proposal for the Attorney General’s Decentralized Units (Annex 8).
- Architectural design for the *Flagrancia* Unit according to a new management model (Annex 9).

5) Equipment Delivery to the *Flagrancia* Unit – Quito

EWMI delivered equipment to Quito's *Flagrancia* Unit so as to strengthen their oral proceedings capacity, improve user services and increase transparency. Among this equipment were (i) a server to file and save audio recordings of hearings, (ii) a recording system for verbatim recording in the courts, (iii) screens to publicly display hearing schedules, (iv) computers, (v) printers, and (vi) furniture. (Annex 10: Agreement with the Judicial Council and the General Prosecutor’s Office).

6) Communications Plan

One of the fundamental issues that became evident during the implementation of the project

² The members of the Advisory Council were: the Attorney General, the President of the National Court of Justice, the Director of the Judiciary Council, and the National Public Defender.

was the lack of knowledge that citizens had regarding the advantages of the application of these alternative mechanisms and about the procedures followed in the *Flagrancia* Unit of Quito, as a forum for resolving cases. To address this issue, EWMI developed a communications plan that outlined the preparation of informational products that were developed in consultation with justice operators. In this way, the following materials were produced:

- An animated Video (DVD) about the management model of the *Flagrancia* Unit as a Unit of Immediate Solutions (UIS). It should be noted that this is the name that is recorded in the Official Gazette in which the "Policies for the Application of Alternative Procedures and Special Procedures" were published.
- Three radio spots on the settlement of low-penalty cases through the application of special proceedings and alternative procedures.
- One thousand informative leaflets, cartoon type, easy to understand by the public in general, on "Rapid and Fair Solutions for the Victim".
- One television spot (30 seconds).

The program delivered these products to the Transitional Judicial Council and to the Ministry of Justice. It was expected that these materials would be approved by the Council before launching a campaign for their dissemination. Due to operational issues and changes of activities within that institution, EWMI never received a response (Annex 11: Informational Leaflets).

Another activity that was carried out to complement this dissemination work was to fund CIESPAL, through the Program's Small Grants Fund, in a project to train journalists covering judicial sources, and judicial institution communications coordinators, on the following topics:

- Communication, Democracy and Citizenship
- Press Coverage of Special Proceedings and Alternative Procedures
- Strategic Institutional Communication

This activity's results are described in Component 3 of this report.

7) Training of Judicial Officials

Even though almost a decade has passed since Ecuador incorporated oral proceedings into the criminal process, during the *diagnostico*, SEJP found a lack of training and prioritization of oral litigation for trial hearings in alternative procedures and special proceeding. In order to improve the use and efficiency of oral proceedings and the application of alternative procedures and special proceedings, EWMI designed and executed interactive training programs for judicial officials (Judges, Prosecutors, Public Defenders)³, and legal aid lawyers, from April 2011 to June 2012, with an emphasis on the city of Quito.

³ The trainings were aimed at Prosecutors of *Flagrancia* Units and from the Units of Rapid Solutions and Decentralized units of the Prosecutors' Office; Public Defenders of the *Flagrancia* and of Legality and Research program; and Judges from the *Flagrancia* and Criminal *Garantias* Courts of the province of Pichincha.

Trainings covered the following topics:

- Tools for mediation and negotiation in criminal law.
- Oral litigation abilities and skills in for the implementation of alternative procedures and special proceedings.
- Strengthening negotiation skills and capabilities for pre-trial hearings.
- Familiarity with the new inter-institutional policies that prioritize the implementation of special proceedings and alternative procedures and the resolution of cases in the *Flagrancia* Unit.

The majority of training sessions were hosted in the city of Quito and Guayaquil, but there were others that took place in the cities of Manta (26 people trained), and Portoviejo (30 people trained).

The trainers were professionals from Ecuador, the United States, Colombia, Chile and Argentina.

B. Follow-up on Completion of the Approved Work Plan and Monitoring

The purpose of this activity was to follow-up on the fulfillment of objectives in the work plan and carry out an in situ monitoring of judicial operators to determine if the activities outlined in the work plan had an impact on the quality of service provided to users of the justice system when dealing with crimes of low complexity.

1) Specific Objectives of Follow-up Monitoring

- a) Monitor the hearings in the *Flagrancia* Unit and in the Criminal-law *Garantias* Courts of the city of Quito to verify whether the quality of information generated at these hearings improved.
- b) Determine whether there had been an increase in the number of cases ended by Special Proceedings and Alternative Procedures in the *Flagrancia* Unit.
- c) Determine if the 4 courts that worked with EWMI had an increase in the use of Special Proceedings and Alternative Procedures.
- d) Determine if there was a reduction in case resolution time when Special Proceedings and Alternative Procedures were used, using the findings of the rapid assessment in Quito as a base line.

2) Methodology

Two field researchers (two senior students – one from the Faculty of Jurisprudence from the Catholic University of Quito and the other from the University of the Americas) and the team from EWMI attended all the hearings that were conducted in the *Flagrancia* Unit of Quito and in the Courts (No. 3, 9, 15 and 18) during period between July 5 and August 5, 2011.

3) Results of the Follow-up Monitoring

At the *Flagrancia* Unit, EWMI was present during 311 hearings, of which 41 cases were resolved by Reparation Agreements, 38 by Conditional Suspense of Procedures and 8 by Abbreviated Proceedings.

If we make a comparison with the results obtained in the assessment made in the Flagrancy Unit, we observe a significant increase in the application of alternative procedures and abbreviated procedures. Of the 16 cases studied in the rapid assessment, all were solved by Reparation agreements. In the follow-up monitoring period, Reparation Agreements were applied in 41 cases. Conditional Suspension of Procedure was used in 38 cases whereas it had not been used at all during the assessment period. Abbreviated Proceedings were not used during the assessment period, but in the follow-up we noted that it was applied in 8 cases, and all judgments were reached in a single day.

An increase was also registered in relation to the results achieved during the observation of hearings in the 15 Criminal-law *Garantias* Courts. Of the 26 cases that were resolved via these three methods (without considering the extinction hearings or the revocation of Conditional Suspense of Procedure), an increase of 38 cases was measured in the follow-up monitoring.

Previously, 30 cases were resolved in 15 courts. During the follow-up EWMI found that of the 38 cases that were resolved using Alternative Procedures, more than half (53%) of the cases were resolved in the 4 courts working with the program.

During the follow-up monitoring of the application of Special Proceedings and Alternative Procedures, it was apparent that the time needed to resolve cases via these methods decreased considerably. During the period of the initial rapid assessment, it took an average of 73 days to resolve *flagrancia* criminal cases when an alternative procedure was applied. During the follow-up period, it took an average of 1 day. The average for non-*flagrancia* crimes went from 73 days to 39 days. For Abbreviated Procedures, from the *flagrancia* qualification hearing to the admissibility and judgment phases of the procedure, the time went from 305 days to 1 day if the crime was *flagrancia* and to 54 days if it was not.

EWMI found that cases were resolved more quickly in the Quito Criminal-law *Garantías* courts during the follow-up monitoring period. Whereas it took an average of 73 days to resolve a case during the initial assessment period, the average resolution time was 39 days when Alternative Procedures were used during the period of July 5, 2011 to August 5, 2011.

COOPERATION AGREEMENT WITH THE TRANSITIONAL JUDICIAL COUNCIL

It should be noted, that although the work plan as described above was approved by the Consultative Council and implementation had begun, in May 2011, a referendum was approved

to abolish the Consultative Council. It established the Transitional Judicial Council that would carry out the process for appointing new members.

EWMI presented the progress of the work that it had been doing to the Transitional Judicial Council. As a result, in November 2011, EWMI signed a cooperation agreement with the Transitional Judicial Council which was valid until June 2013. It is important to note that in the last meeting with the Transitional Judicial Council, on June 12, 2012, in which EWMI presented the most recent progress on the implementation of the activities outlined in the agreement, EWMI was asked to focus their work only on Special Proceedings, in Guayaquil. EWMI submitted the final report for the Council to the new authorities of the Judicial Council in May 2013.

GUAYAQUIL

According to Attorney General Office statistics, of all of the cases entering the criminal justice system in Ecuador, more than 60% enter through Pichincha and Guayas: more than half of all of the cases in the penal system are processed in these two districts.

For this reason, the Transitional Judicial Council found it essential that EWMI work in the capitals of the two provinces, Quito and Guayaquil. So, having achieved positive results for a year and a half in Quito, EWMI began operations in Guayaquil.

RESULT: IDENTIFICATION AND SUCCESSFUL IMPLEMENTATION OF PROCEDURES FOR SHORTENING OR ELIMINATING SUPERFLUOUS STEPS IN THE HANDLING OF CRIMINAL CASES IN FLAGRANCIA CASES, AND OTHER CRIMINAL GARANTIAS COURTS, TO SOLVE LESSER CRIMINAL OFFENSES THROUGH ALTERNATIVE PROCEDURES AND SPECIAL PROCEEDINGS.

A. Rapid Assessment in Guayaquil

While EWMI had diagnostic results and knew the legal reality in terms of the use of Special Proceedings and Alternative Procedures in Quito, the dynamics in the city of Guayaquil were different, so EWMI began the work of conducting a new rapid assessment there, **“DIAGNOSTIC OF THE APPLICATION OF SPECIAL PROCEEDINGS IN GUAYAQUIL”**. The purpose of carrying out the rapid assessment was to identify the particularities in the implementation of Special Proceedings and Alternative Procedures in Guayaquil, information that we would use, as in Quito, to pinpoint the areas to be strengthened to increase the use of these mechanisms, and decreased resolution time.

As a first step, on March 21, 2012 EWMI presented the methodology of the rapid assessment to the justice authorities of Guayaquil to obtain authorization to start work.

Methodology

From April 23, 2012 to May 23, 2012, EWMI worked with 15 students⁴ to carry out the following activities:

- Observe hearings in the two *Flagrancia* Units in Guayaquil (*Policia Judicial* and *Cuartel Modelo*) and in the 17 Criminal-Law *Garantias* Courts.
- Review the files of cases that ended through the application of Alternative Procedures in units of the Attorney General's Office (18 rapid solutions units and 9 citizen heritage and decentralized units) for the period between February 2011 and February 2012.
- Review of files for cases resolved through the application of Special Proceedings in the 12 Criminal-law Tribunals for the same period referenced above.
- Interview 44 justice operators to validate the information collected.

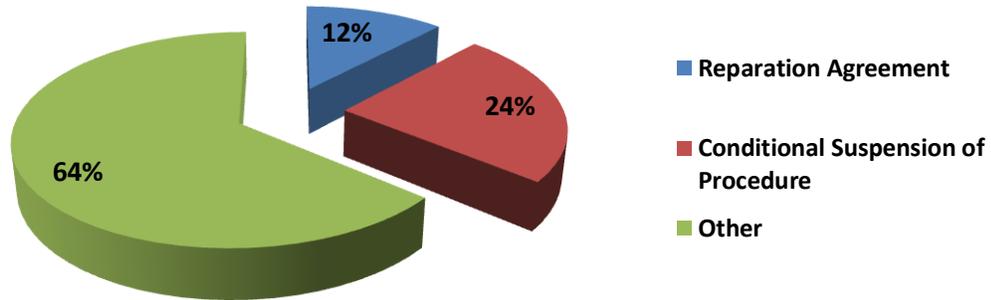
1) Results of the Rapid Assessment - Guayaquil

The principal results from Guayaquil were:

- a) The following results were obtained from the two *flagrancia* units: In the Judicial Police Unit (*Policia Judicial*), 284 hearings were held during the month of observation. Alternative Procedures were applied in 7 cases. No cases were resolved via Special Proceedings. In the *flagrancia* unit located in the *Cuartel Modelo*, no cases were resolved using these mechanisms.
- b) Regarding the hearings in the 17 Criminal-law *Garantias* Courts, EWMI attended 108 hearings, of which 39 were ended by Alternative Procedures, as shown in the following chart. Of these hearings, 62% correspond to crimes against property and 85% were flagrante. This information is very important when we calculate the time involved to resolve these cases.

⁴ The 15 students were in there last year of the Jurisprudence Faculty at Santiago University of Guayaquil.

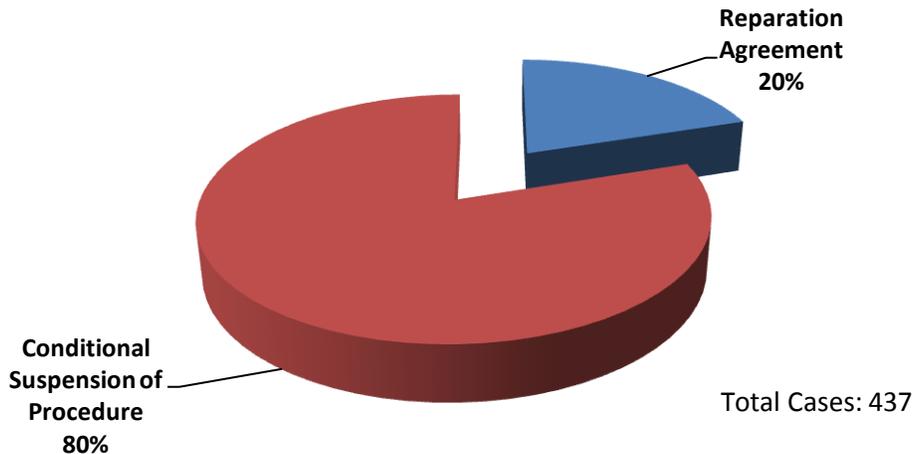
Hearings Ended by Alternative Procedures Criminal Law Garantias Courts - Guayaquil



Total Hearings: 108

- c) When reviewing the Specialized Units of the Attorney General’s Office, as in the methodology above, of the 437 cases that ended through an Alternative Procedure, Conditional Suspension of Procedure was used in 349 cases and Reparation Agreement was used in 87 cases.

Cases Resolved through Alternative Procedures Specialized Units of the Attorney General's Office



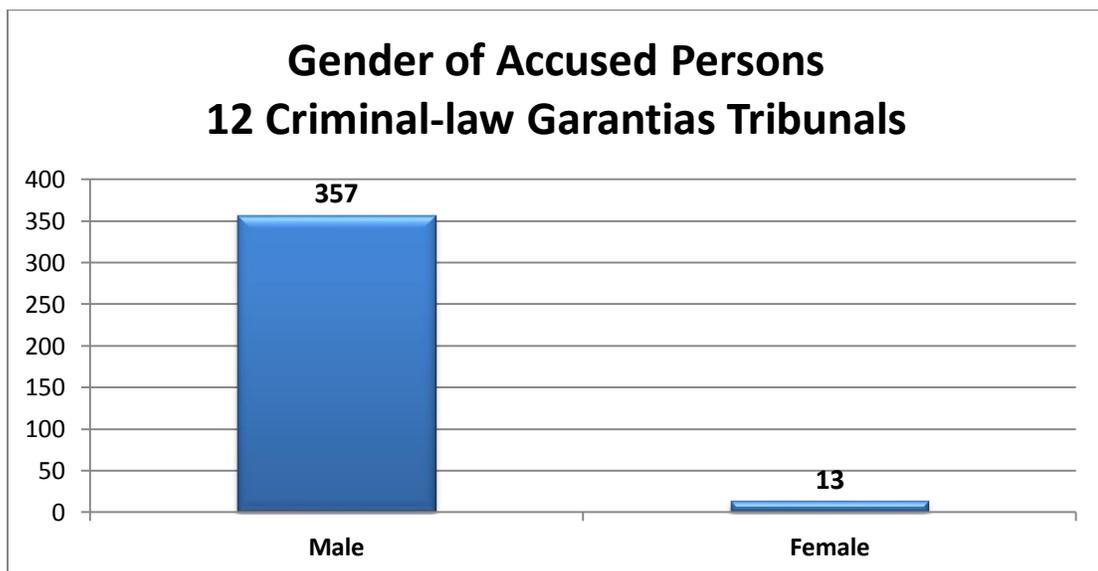
Total Cases: 437

- d) It took up to 60 days resolve a case for a *flagrancia* crime when Alternative Procedures were used, as stated in the chart below.



When the crimes were not *flagrancia*, it took an average of 182 days to resolve a case.

- e) In the period defined for the rapid assessment, 370 cases were resolved via Abbreviated Proceedings in the 12 Criminal-law *Garantias* Tribunals.



- f) The average time to resolve these cases via Abbreviated Proceedings in the Tribunals was 338 days. None of the cases in the Criminal-law *Garantias* Courts were resolved by Abbreviated Proceedings.

- g) Simplified Proceedings were only applied for one case during the investigation period, the reason being that the operators lacked the necessary training on the subject.
- h) Training for the operators had been focused on trial hearings, so certain shortcomings in the oral litigation skills and abilities were evident in pre-trial hearings.
- i) Among the judicial operators, there had not been a real understanding of the advantages of using Special Proceedings and Alternative Procedures.

THE PRINCIPAL CONCLUSION OF THE RAPID ASSESSMENT WAS THE NEED TO PROVIDE PRACTICAL AND THEORETICAL TRAINING TO THE JUDICIAL OPERATORS ON THE APPLICATION OF THESE MECHANISMS AS EVIDENCED BY THE SHORTCOMINGS IN THE USE OF SPECIAL PROCEEDINGS AND ALTERNATIVE PROCEDURES.

RESULT: IMPROVED APPLICATION OF SPECIAL PROCEEDINGS FOR FLAGRANCIA CRIMES AND NON-FLAGRANCIA CRIMES

Based on the facts gathered from the rapid assessment in Guayaquil, EWMI structured a Work Plan centered on a Training Program for judicial operators. The plan differed from the Quito plan which included elements other than training: the development of inter-institutional policies and equipment donation, among other activities.

A. Improve the Application of Special Proceedings in Guayaquil

EWMI presented the results of the rapid assessment along with a Work Plan that focused primarily on training justice operators in order not only to strengthen human capacity but also, and just like in Quito, to improve inter-institutional coordination, facilitate spaces where cases can be analyzed, criteria standardized, ideas and opinions exchanged with national and international peers, and eradicate inadequate practices.

The training plan covered more than 300 judicial operators of Guayaquil and also included 10 legal aid lawyers, 10 Judicial Police advisors, and 10 university professors.

The principal subjects were:

- 1) Special Proceedings: abbreviated and simplified
- 2) Oral Litigation in pre-trial hearings
- 3) Oral Litigation in trial hearings

The trainers were from Colombia, Chile, Argentina and the United States. Training began in September 2012 and was completed in the first quarter of 2013.

B. Follow-up on Completion of the Approved Work Plan and Monitoring in

Guayaquil

In January 2013, EWMI began activities to follow-up on the fulfillment of objectives in the work plan and conduct an in situ monitoring of judicial operators to determine whether the activities outlined in the work plan had an impact on the quality of service provided to the users of the justice system when dealing with crimes of low complexity, specifically looking to determine if there was an increase in the application of special proceeding, and/or a decrease in the time required to terminate cases through these procedures, and an improvement in the quality of the hearings.

1) Methodology

The monitoring period was between January 14 and April 15, 2013.

The main activities performed by the EWMI team were:

- a) Data Collection from 17 Courts, 11 Tribunals⁵ and the Integrated Justice Unit of Cuartel Modelo from October 1, 2012 to April 15, 2013,
- b) Observation of hearings at 11 Criminal-law *Garantias* Tribunals for 15 days at each Tribunal.
- c) Observation of hearings in the Criminal-law *Garantias* Courts No. 2 and 19, which are the ones where this procedure has been mostly applied.

2) Results

In the initial rapid assessment performed by EWMI in the 12 Criminal-law *Garantias* Tribunals, during the 12 month period from January 31, 2011 to February 29, 2012, EWMI calculated that there were 296 hearings that were resolved by Abbreviated Proceedings and only 1 by Simplified Proceedings. In terms of the number of prosecuted persons, there were 370 processed with Abbreviated Proceedings and 1 with Simplified Proceedings. It should be noted that Special Proceedings were not used in the in the Criminal-law *Garantias* Courts or in the *Flagrancia* Unit.

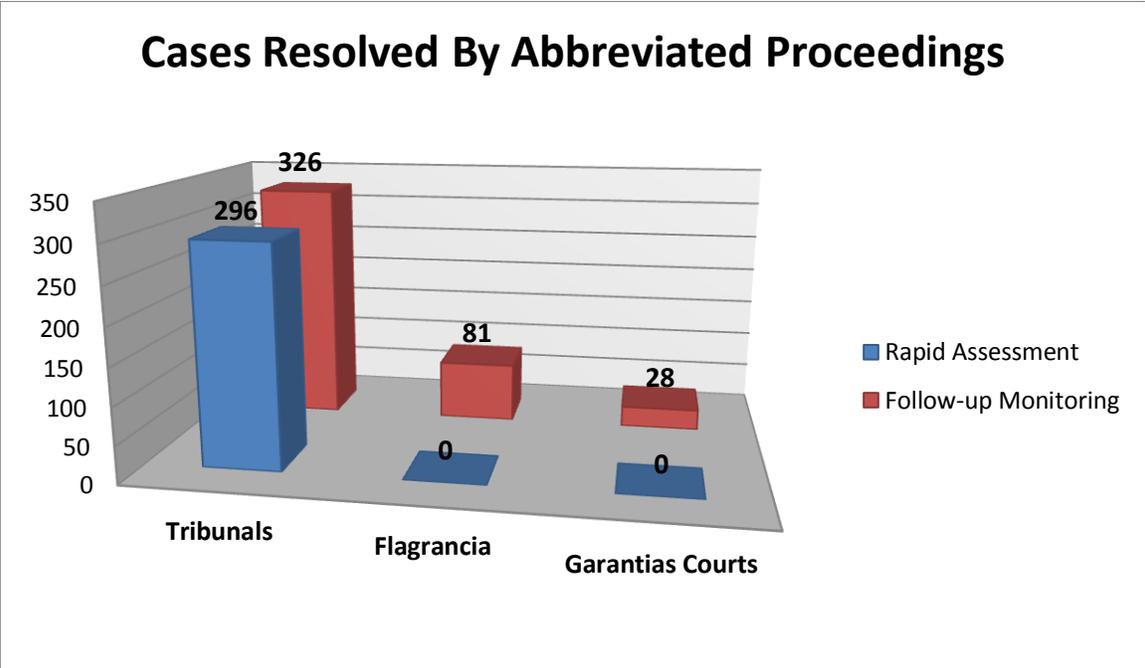
In Contrast, according to the facts obtained in the follow-up monitoring, carried out from October 1, 2012 to April 15, 2013 (6.5 months); Abbreviated Proceedings were applied in 392 cases allowing 465 defendants to resolve their cases through this simplified process. Furthermore, Simplified Proceedings were applied in 2 cases, affecting 4 prosecuted persons.

EWMI also observed that following our training programs, the application of Special Proceedings in Guayaquil no longer only occurred only in the Criminal-law *Garantias* Tribunals, but were also being used in the Criminal-law *Garantias* Courts and in the *Flagrancia* Unit (Unidad Integrada de Justicia Cuartel Modelo).

⁵ It should be noted that there are 12 Criminal-Law *Garantias* Tribunals in Guayaquil, but with the creation of the Integrated Justice Unit, a Tribunal went to that unit.

As noted above, the collection of data for April ended on the 15th with 15 days remaining in the month following the monitoring period. In order to determine the percentage of growth in implementing Abbreviated Proceedings to resolve cases, the mechanism most commonly used, the data for April was completed by doubling the number of cases and prosecuted persons that were obtained through the first half, assuming that at least this number would be reached in the second half. Therefore, the grand total by April 30 is calculated at 435 cases and 518 prosecuted persons. Thus, we find that the percentage increase in the application of these special procedures reaches 151%, i.e., more than double of cases recorded as baseline in the initial assessment.

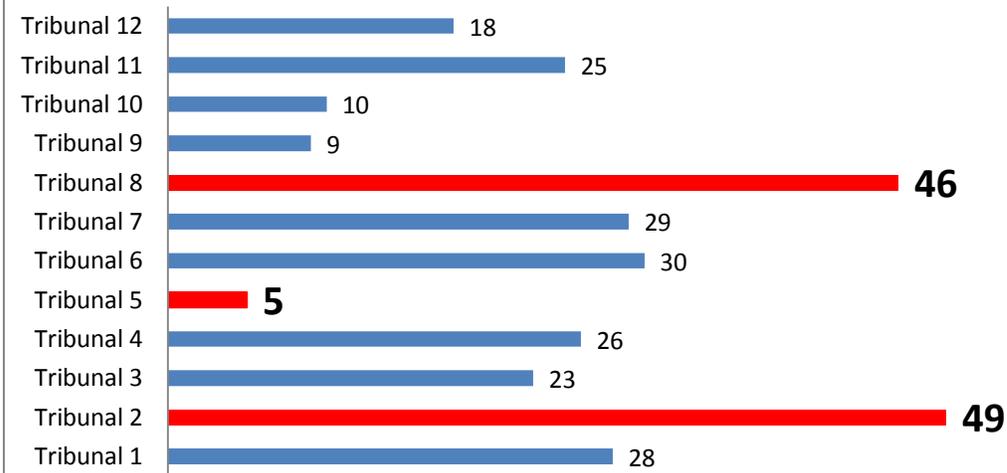
Furthermore, the increase in the number of prosecuted persons in Guayaquil sentenced by Abbreviated Proceedings during the follow-up monitoring period was over twice (140%) more than the base line recorded during the rapid assessment period.



CRIMINAL-LAW GARANTIAS TRIBUNALS

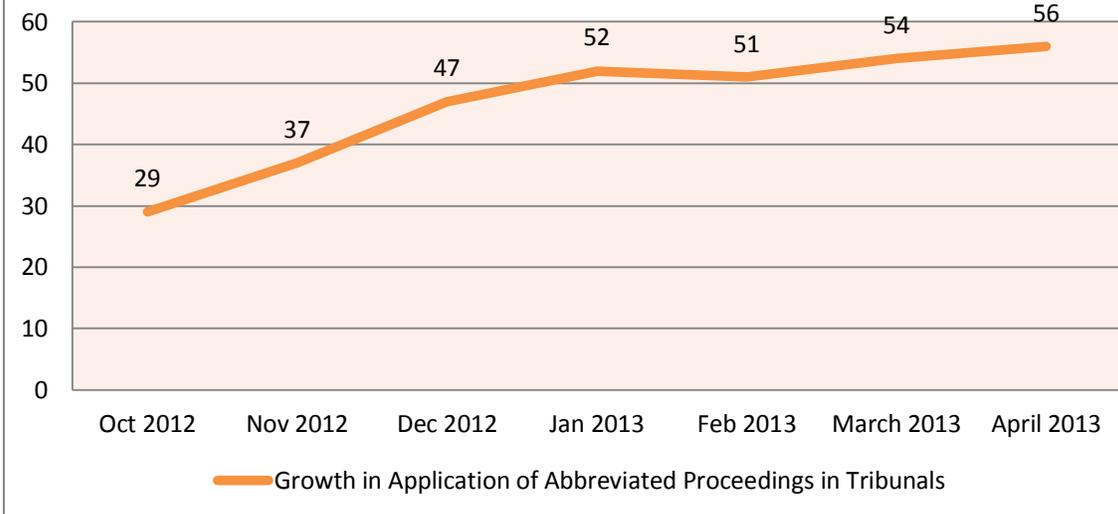
It is interesting to note that from October 2012 until 15 April 2013, the 8th and 2nd Courts had the highest rates of application for abbreviated proceedings, 46 and 49 cases, respectively. The Fifth Court applied the method least frequently at only in 5 cases.

Application of Abbreviated Proceedings in the Tribunals



Also, there EWMI noted a significant growth in the implementation of the abbreviated process, increasing month to month, as can be seen in the chart below:

Growth in Application of Abbreviated Proceedings in Tribunals



Although the data is very encouraging, it should be stressed that it would be optimal if cases meeting the criteria for alternative proceedings did not reach the tribunals, but instead were concluded by special proceedings or alternative procedures in the initial stages of the legal process. As these cases involve low-penalty crime, many of them do not require a long and complex investigation, but on the contrary, an initial investigation by the prosecutor may yield

sufficient evidence to substantiate the facts imputed to the accused. This good practice would have direct impact on the response the Penal System provides to the public and would be a quick and timely.

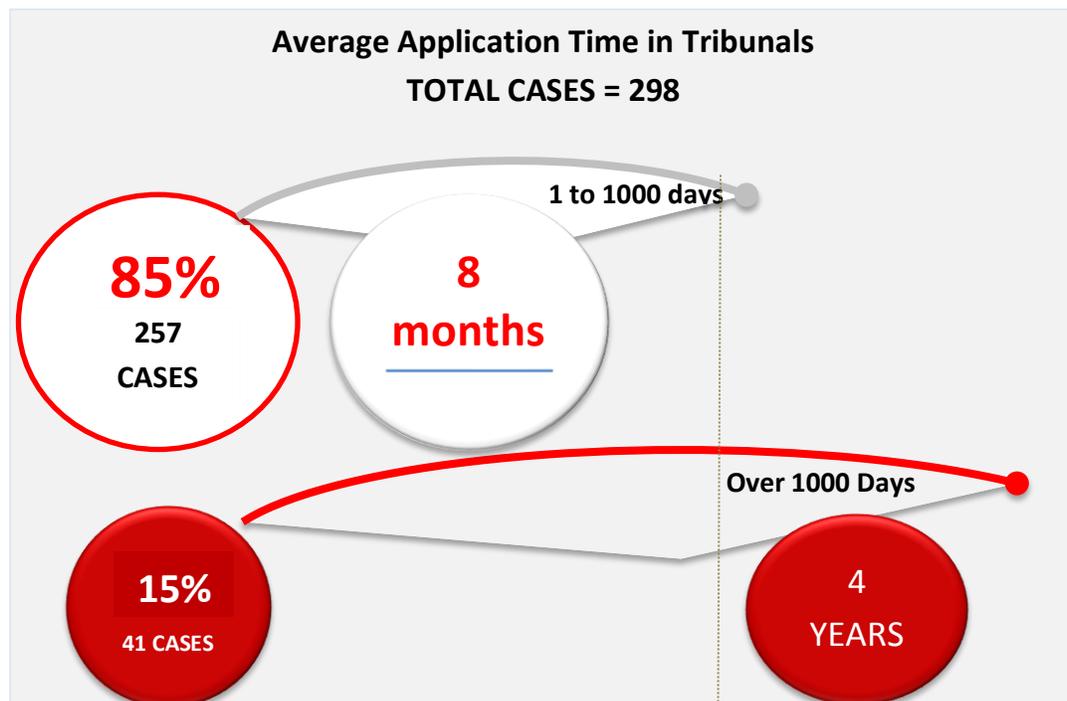
CASE PROCESSING TIME FOR CRIMINAL-LAW *GARANTIAS* TRIBUNALS

First, before starting with the analysis of information, it should be noted that in order to avoid misrepresenting the results with respect to application time of procedures, cases were classified into two groups: cases that took more than 1000 days that are concluded by Abbreviated Proceedings, and cases that took less than 1000 days, and then an average was obtained in each group.

Secondly, the main consequence of the cases that are resolved in the Criminal-law *Garantias* Tribunals is the excessive length of time, even those that are resolved in less than 1000 days, since it takes twice as long when compared to the resolution of cases in a Criminal-law *Garantias* Courts.

Analyzing all of the cases encountered during the follow-up monitoring, i.e., October 2012 to April 2013, the following facts were obtained:

- 85% of all cases are completed in less than 1000 days, the average time being 8 months. This time is not justified given the nature of the low-complexity crime of the cases, as noted above.
- It takes an average of four years to resolve the remaining 15 % of cases, cases that could be resolved in one day if processed through the *flagrancia* unit, or 30 days maximum, if entered with complaint in the Prosecutor’s Office.



CRIMINAL-LAW GARANTIAS COURTS

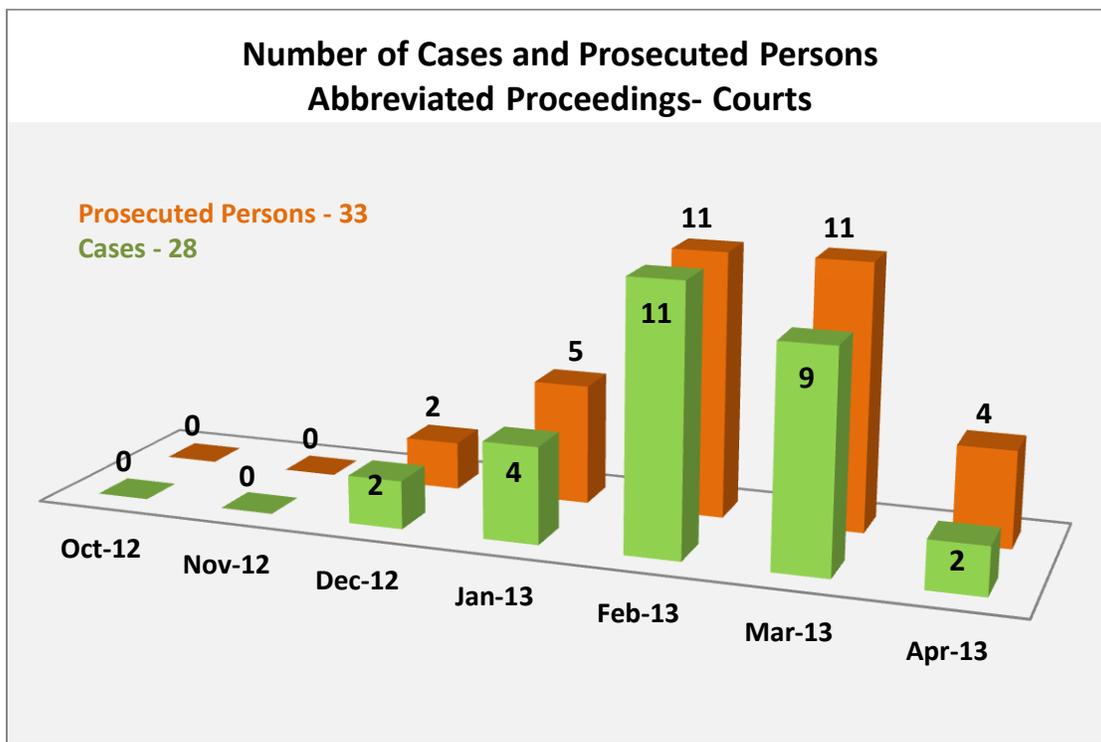
According to the rapid assessment conducted by the program, in the period from January 31, 2011 to February 29, 2012, no cases in Criminal-law *Garantias* Courts were substantiated or sentenced by an Abbreviated Proceeding.

One of the main causes of this result is the lack of operator training on these issues and on the different criteria as to the jurisdiction of the judge of the Criminal-law *Garantias* courts, including as to sentencing (under article 225 paragraph 5 of the Organic Code of the Judiciary).

Subsequently, the program initiated a training program, providing space where not only abilities and oral litigation skills are developed, especially in the area of special procedures, but also different issues and concerns of the operators are analyzed. One of them was the jurisdiction of the Criminal-law *Garantias* Court for sentencing.

Thus, in December the first sentences through Abbreviated Proceedings became evident in 2 cases, and from that month, the usage started increasing. However, in the last month of the monitoring (April) the number of cases decreased.

Each month showed an increase in the number of cases concluded by Abbreviated Proceedings. For the first half of April this mechanism was applied in only 1 case, with 2 prosecuted persons. It is assumed that, by the end of the month at least 2 cases would be resolved impacting 4 processed persons. The data is included in the following chart. Thus, as noted below, in 7 months the proceedings were applied in 28 cases, where there were 33 defendants.



When inquiring with justice officials on the diminution of cases completed by this method, it was found that, in their opinion, generally, cases admitted for Flagrancy no longer refer to them but are resolved in the same unit (Integrated Unit Justice headquarters Model). If indeed this is the case, the only thing is that would validate that the Unit is fulfilling one of its goals for which it was created, which is plausible.

CASE PROCESSING TIME FOR CRIMINAL-LAW GARANTIAS COURTS

The average time it takes to resolve a case in the Criminal-Law *Garantias* Courts in Guayaquil is 5 months, as evidenced by the following chart:

AVERAGE TIMES – <i>Garantias</i> Courts					
	FIRST PERIOD OCT, NOV, DEC. 2012	SECOND PERIOD JAN 2013	THIRD PERIOD FEB 2013	FOURTH PERIOD MAR 2013	FIFTH PERIOD APR 2013
NUMBER OF CASES	2	4	11	9	2
AVERAGE TIME	124	155	149	192	162
AVERAGE FOR ALL PERIODS	156 DAYS/5 MONTHS				

CUARTEL MODELO INTEGRATED UNIT OF JUSTICE (FLAGRANCIA UNIT)

The following information corresponds to the eight judges of the *Garantias* Courts and the 9th Criminal-law *Garantias* Tribunal that as of December 2012 became part of this Unit that was implemented in the city of Guayaquil on December 21, 2012. In this section we will refer to the unit simply as the *Flagrancia* Unit.

When EWMI completed the Rapid Assessment in Guayaquil, EWMI noted that Special Proceedings were not applied in this location because according to the opinion of the operators interviewed, the *Flagrancia* judge does not have the jurisdiction to do so.

Precisely for this reason, the training carefully analyzed the jurisdiction of the judge who is a Judge of Criminal-law *Garantias* Court since they created these units, they were appointed by a resolution of the Judicial Council who extended their jurisdiction⁶. According to the Organic Code for the Judiciary, Article 225, paragraph 5, it is the responsibility of the Judge of Criminal-law *Garantias* Court to substantiate and sentence cases of abbreviated proceedings when requested.

⁶ Resolution 037-2010. Extension of the jurisdiction of the Criminal-law *Garantías* Courts. Art. 1. Extension of the jurisdiction of Twenty-sixth, Twenty-seventh, Twenty-eighth and Twenty-ninth Courts of Guayas, located in the city of Guayaquil, to meet and resolve the legal status of persons deprived of their liberty, whether the detention is by court order, either for *flagrancia* crimes, or arbitrary detention, both on ordinary days, and holidays: also, to hear and decide requests for urgent actions identified in Articles 35 and 210 of the CPP.

Moreover, for low penalty crime, i.e. those with a maximum punishment of up to 5 years of imprisonment, the *Flagrancia* qualification hearing and at the filing of charges are the stages at which Abbreviated Procedure should be applied and the case terminated.

Notably, two factors that have contributed to the increase of cases solved by this unit are:

1. Implementation Unit and Integrated Justice from December 21; and
2. EWMI's training program reached over 50 % of operators who work in the Unit. The training events covered issues such as: oral litigation skills, and advantages in implementing these procedures.

APPLICATION OF SPECIAL PROCEEDINGS IN CUARTEL MODELO INTEGRATED UNIT OF JUSTICE (FLAGRANCIA UNIT)

During the 7 months of the follow-up monitoring Special Proceedings (Abbreviated Proceedings and Simplified Proceedings) were used in 84 cases, affecting 109 prosecuted persons.

As stated earlier in the report, during the period covered by the initial rapid assessment EWMI only recorded 1 case concluded by Simplified Procedure. In the 7 months corresponding to the follow-up monitoring, EWMI recorded 3 cases concluded by Simplified Proceedings which shows that its implementation is still low, as in the other instances (courts) where Simplified Proceedings had not been applied in any case.

CASE PROCESSING TIME FOR THE CUARTEL MODELO INTEGRATED UNIT OF JUSTICE (FLAGRANCIA UNIT)

There is a concern regarding the completion time for cases in this unit because, although 58% of the 81 cases were resolved in one day, which is optimal, in the remaining 42% of cases the average time was 47 days.

When consulting the operators about this trend, it came out that there has been decrease in the application of these procedures in the *Flagrancia* Qualification Hearing and they are being resolved in the Criminal Tribunals. Non-complex cases should be concluded at the first hearing, since, one of the consequences of not doing so in this instance is that the cases are log jammed at the intermediate stage and, perforce, to be concluded in court, the reason why cases resolution times increase.

CHANGES REQUESTED BY THE COUNCIL OF THE JUDICIARY

It should be noted that the April 15, 2013, in the meeting with the President of the Judicial Council and spokesperson, Doctor Nestor Arbito, it was recommended that the training should not be conducted in Guayaquil but in other cities that have had no opportunity be trained.

Based on this statement from the Judicial Council, EWMI delivered several training plans according to the requirements of several officers designated as partners of the program. Unfortunately, EWMI never could coordinate with the Council and could not carry out these

activities. Instead, the final oral litigation trainings were performed in the city of Ibarra: 2 workshops for 32 lawyers in private practice, graduates and law students. Consultants from the ACESSO Project at the University of California led the workshops.

Summary of Component One Results

1. Publication of two inter-institutional policies in the Official Gazette. In order to standardize and encourage the use of Alternative Procedures and Special Proceedings, EWMI supported the development and mandatory application nationwide of two public policies.

1. No institutional or inter-institutional policies in place to prioritize Special Proceedings or Alternative Procedures

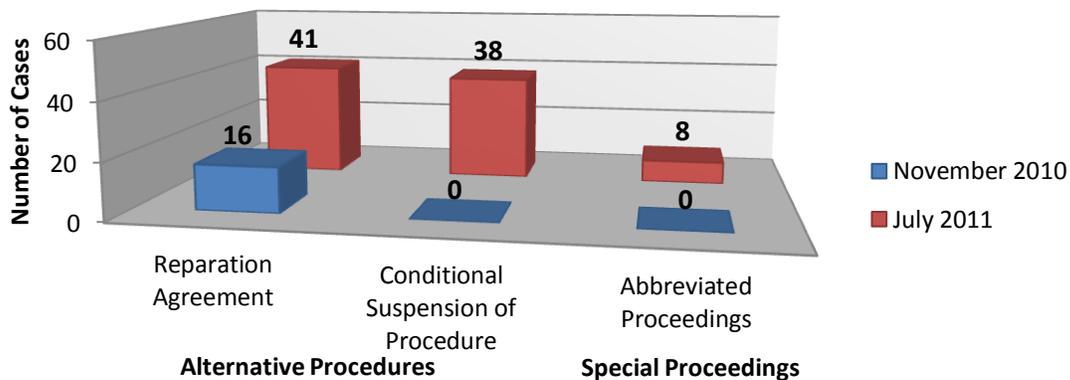
1.A. Ratification of mandatory national policy (Official Regulation 468, dated June 13, 2011) regarding the application of Alternative Procedures and Special Proceedings.

1.B. Mandatory application of national policy (Official Regulation 468, dated June 13, 2011) that defines the *Flagrancia* Unit as a forum for resolving cases for crimes of low complexity.

BEFORE
AFTER

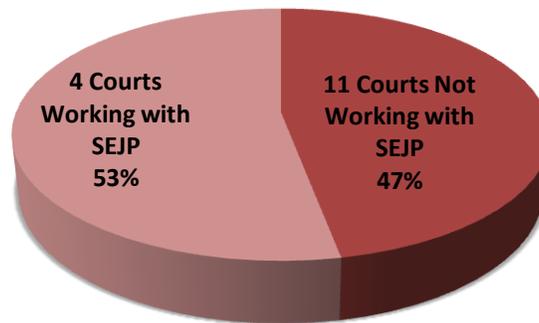
2. Increased Application of Alternative Procedures and Special Proceedings. The number cases of resolved through these mechanisms in the *Flagrancia* Unit of Quito increased from 16 cases that were applied in November 2010, to 87 cases in July 2011.

Application of Alternative Procedures and Special Proceedings in the Quito *Flagrancia* Unit

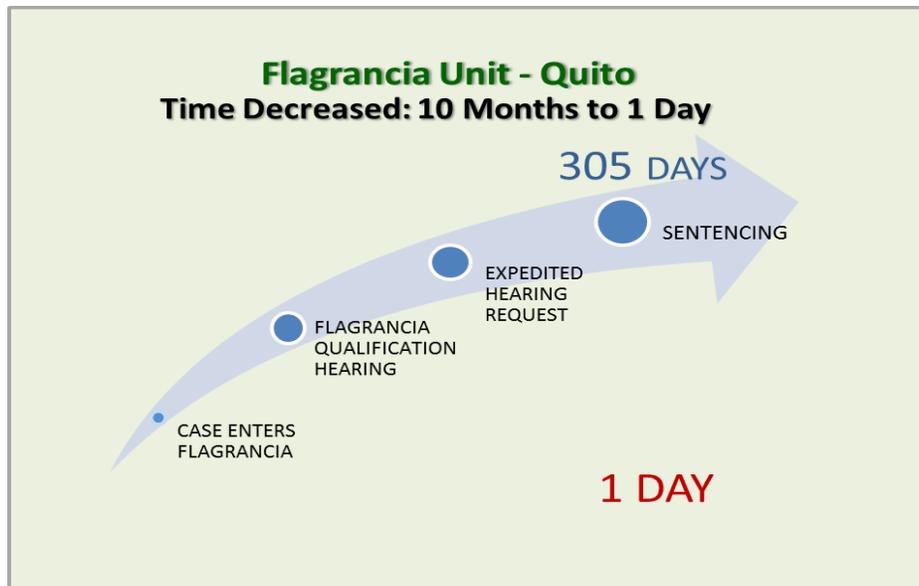


3. A greater number of cases resolved through Special Proceedings and Alternative Procedures in the Criminal Law *Garantías* Courts in Quito. During the initial rapid assessment period, 15 courts resolved 30 cases through Alternative Procedures or Special Proceedings. In the follow-up monitoring to measure the impact of the program’s training efforts, EWMI found that 38 cases were resolved via these mechanisms for the period between July 5, 2011 and August 5, 2011. Of those 38 cases, more than half (58%) were resolved at the 4 courts involved with SEJP’s capacity building efforts.

Cases Resolved through Alternative Procedures



4. Shorter application time in the Quito *Flagrancia* Unit. By applying Abbreviated Proceedings in the Quito *Flagrancia* Unit, case resolution time dropped from almost one year (305 days) to a single (1) day.

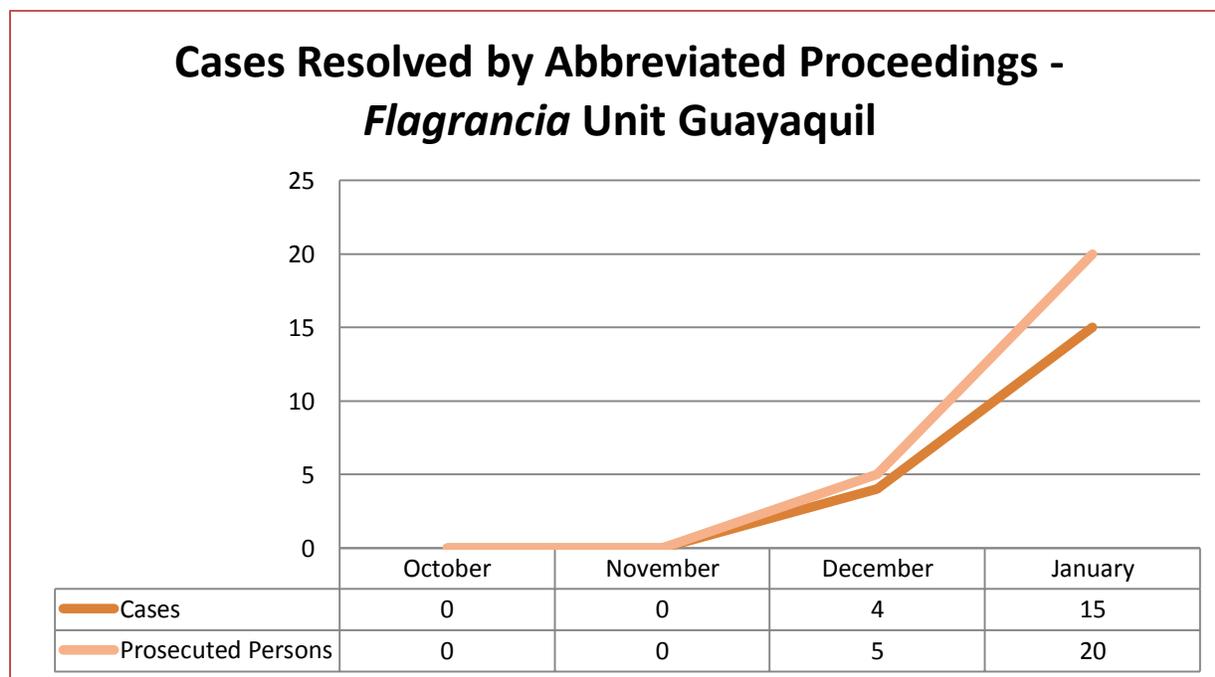


5. Shorter application time in the Quito Criminal-law *Garantías* Courts. EWMI found that cases were resolved more quickly in the Quito Criminal-law *Garantías* courts during the follow-up monitoring period. Whereas it took an average of 73 days to resolve a case during the initial assessment period, the average resolution time was 39 days when Alternative Procedures were used during the period of July 5, 2011 to August 5, 2011.

Criminal Law *Garantías* Courts



6. Increase in cases resolved through Abbreviated Proceedings in Guayaquil. According to the initial diagnostic conducted by EWMI, no cases were resolved in the *Flagrancia* Unit of Guayaquil through Alternative Procedures or Special Proceedings during the time period assessed. During the follow-up monitoring period, EWMI recorded 4 cases in December of 2012 that were resolved through Abbreviated Proceedings and 15 cases in January of 2013.



7. Decrease in case resolution time in the *Flagrancia* Unit of Guayaquil. During the follow-up monitoring period, EWMI observed greater speed and efficiency in the resolution of cases in the *Flagrancia* Unit of Guayaquil. Of the 15 cases resolved through Abbreviated Proceedings,

11 were resolved in 1 day when the proceeding was applied during the Qualification Hearing. For the 4 remaining cases, the average resolution time was 27 days. This is a significant decrease from the average 338 observed in the initial assessment period.



8. Decrease in case resolution time for Non-Flagrante cases in Guayaquil. EWMI observed that during the initial assessment period (January 2011 to February 2012), it took an average of 653 days to resolve non-*flagrante* cases in Guayaquil. Subsequently, according to our follow-up activity, by December 2012 88% of the cases in the Tribunals were resolved through Abbreviated Proceedings in an average of 204 days; and in January 2013, 92% of the cases in the Tribunals were resolved through Abbreviated Proceedings in an average of 232 days.

9. Improved local capacity. Building the capacity of key justice sector operators provides an important basis for sustainable reform. EWMI trained a total of **699 people** under component 1: justice operators, judges, prosecutors, public defenders, legal aid lawyers, and journalists, among others. (Annex 12: List of Participants)

Capacity Building		
Component	Number of Workshops	Number of Participants
1	51	699



10. Published informative and specialized materials. One of the main reasons why Special Proceedings and Alternative Procedures were not applied by judicial operators was the lack of knowledge and awareness of these tools and their advantages in criminal conflict resolution. EWMI determined that it would be useful to create reference tools and guides that would be available after the close of the project. Based on the information gathered during the implementation of SEJP, EWMI published and distributed the following publications:

Publications	Total Number of Direct Beneficiaries
Manual for the Application of Special Proceedings and Alternative Procedures: Quick and Effective Solutions to Criminal Conflict	2000
Special Proceedings and Oral Litigation Manual	1000
Total	3000



Component Two: Expand and Improve Access to Justice

One of the objectives of the Program was to expand and improve access to justice since it does not make sense to have a legal framework if there are no effective mechanisms to address rights violations.

EWMI considered it essential to strengthen two areas: the state, through the National Public Defender, and civil society through free legal services of Universities, Churches or other NGOs.

The 2008 Constitution of Ecuador included a mandate to create a Public Defenders' Office as an autonomous institution and also included the obligation of the legal services of civil society to be registered and accredited by the Public Defender to ensure quality service.

RESULT: CAPACITY OF THE PUBLIC DEFENDERS' OFFICE STRENGTHED

In Ecuador, the Public Defenders' Office (PDO) is an autonomous judicial institution. Therefore, it was important for the program to give technical support to this organization, taking into account that their mandate covered not only criminal cases, but also some civil matters, and would be extended. PDO needs included an automated case tracking system, an updated strategic plan, additional training of public defenders, and exchanges of experience and information with other public defenders in Latin American, especially those from countries where the Public Defender was relatively new.

A. Needs Assessment of the Public Defenders' Office (PDO)

On October 20, 2010, the PDO began its work as an autonomous institution of the judicial power with the constitutional obligation of sponsoring cases in all legal areas and not just in the criminal area – as it had been doing since August 2007. As such, it was established as a “Unidad Transitoria de Gestion de la Defensoria Pùblica Penal” (Transitional Management Unit of the Public Criminal Defense), a governmental institution part of the Presidency of the Republic and also of the Ministry of Justice.

These changes involved the review and feedback of its strategic plan taking into account the new coverage that this institution would provide. On January 20 and 21, 2011, EWMI supported a workshop in Quito on the “Redefinition of the Strategic Plan of the Public Defenders' Office for the period 2011-2013.” The workshop was aimed at incorporating the views of PDO officials nationwide. Thirty five people participated in this event, including the National Public Defender, Area Directors and Provincial Coordinators of the largest cities in the country such as Guayaquil and Cuenca, among others (Annex 13: List of Participants).

Additionally, in November 2011, SEJP retained Dr. Paula Vial⁷, a Chilean lawyer who was Chile's National Public Defender until July 2011. The objective of the consultancy was to review, analyze, and above all to make recommendations on the changes needed so as to achieve, according to good practices in the region, proper functioning of the PDO in Ecuador. The legal protocol of the PDO was reviewed and PDO plans were analyzed in depth. On this basis, and after a workshop held November 22 - 25, with 12 participants from the Public Defenders' Office, including personnel from the Planning Area and advisers of the Directorate General. As a result, recommendations were made on strategic planning and overall management of the PDO. In particular, these included:

- Development of quality standards for the defense.
- Development and strengthening of functional areas within the PDO.
- Establishment of an internal working methodology for the management team.
- Organization of the judicial proceeding of the defense by areas (criminal and social).
- Establishment of a system for selection of advocates (and staff in general, as support employees also require skills in the legal areas) according to specialty.
- Quantification of demand for defense services in the different subjects that the Defense Office must assume, according to the law.
- Definition of an optimal load per lawyer, as a way of measuring efficiency at work.
- Regulation of the processes developed by the PDO, establishing the steps, timelines and details in each one of the areas.

In addition, defense standards were analyzed through the definition of concepts, structure, relevant information, and others related to them. On this basis, the PDO prepared a proposal on basic standards for public defenders. (Annex 14: Recommendations).

B. Technical Assistance on How to Handle Cases

On April 6, 2011, the National Director of the PDO formally requested technical support from EWMI so as to improve their case management through the development of its computer system, which would allow operational systematization and management improvement in the legal area as well as in handling and follow-up of cases.

Given the technical characteristics of the support requested, EWMI issued a request for proposals to five national companies specializing in this subject. On April 15, the Technical

⁷ In coordination with the authorities of the PDO of Ecuador, EWMI established contacts within the National Public Defenders' Office of Chile. It was decided that learning from the Chilean experience would be useful as it was relatively new, the Public Defender Office in Chile was created in 2001, and because of the cultural similarity the two countries. The Public Defender Paula Vial was National Public Advocate from July 2008 to July 2011.

Committee composed of EWMI-SEJP personnel, and officials from the PDO (Directorate Adviser and Director of the Department of Informatics and Statistics) met to review proposals and selected Logic Studio S.A., which obtained the highest rating to assist on this matter.

On this basis, 100 hours of theoretical training was conducted from June 4 to July 4, 2011, with the participation of technical personnel of the information technology area of the PDO, plus the support given through practical exercises carried out by the participants. The objective was to improve registration, management and follow-up of cases and the reports at the national level, through the advanced training given to staff on methodologies and tools for development of information technology.

As a consequence of the positive results obtained, on July 11, the PDO requested SEJP to increase the hours of training (by 40 hours), in order to study in depth “report generation”. The Program considered that such training was essential to complete the computer improvement for handling of cases. The training was carried out between August and September, and participants that attended were both from the technical staff of the IT department as well as from the managerial areas of the PDO.

C. Training of Public Defenders

EWMI provided training to the Public Defenders of the cities of Quito and Guayaquil starting in 2011 and ending in April 2013, as reported in detail under Component No. 1.

D. Regulations for the Accreditation by the PDO of Legal Services Providers

The Ecuadorian Constitution requires the PDO to register and accredit legal services providers of both NGOs and Universities in order to ensure quality of care. Moreover, all universities that have a Faculty of Law are obligated to offer free legal services to the community. To this end, the PDO needed to develop regulations to implement these requirements.

In addition, the Constitution and the Organic Code obligate law students to complete internships and pre internships, an area where the Judicial Council needed to develop regulations.

EWMI decided to develop these standards in conjunction with the Legal Services Network of Universities, which would later need to apply them. (The Legal Services’ Network of Universities in Ecuador began in September 2010, as an initiative of the Catholic University of Quito, to interact with the PDO in the processes of accreditation and monitoring the provision of legal services).

Starting in November 2010, EWMI organized meetings of the Network of Legal Services with directors of the legal services, deans of law schools and students, which continued throughout 2011 and 2012. These meetings consisted of discussions and feedback regarding the PDO regulation of the legal services provided by universities and CSOs. EWMI, besides giving technical and logistic support at the meetings, enabled the Network to approach the PDO to

negotiate a regulation on accreditation. A preliminary meeting was held on January 28, 2011, between the PDO and the legal services providers, with representatives from 8 organizations attending. As a result, a draft proposal on the regulation for accreditation and evaluation of legal services was developed. EWMI and the Catholic University of Quito organized monthly workshops about this preliminary document, for the ongoing review of the draft regulation, with increasing numbers of representatives from legal services and law faculties participating each month.

Following universities are members of the network:

- 1) Universidad de las Américas
- 2) Universidad Técnica Particular de Loja
- 3) Universidad Alfredo Pérez Guerrero
- 4) Universidad del Pacífico
- 5) Universidad Católica de Cuenca
- 6) Universidad Metropolitana
- 7) Universidad Cristiana Latinoamericana
- 8) Universidad Autónoma de Quito
- 9) Universidad Dos Hemisferios
- 10) Universidad San Francisco de Quito
- 11) Universidad Internacional SEK
- 12) Pontificia Universidad Católica del Ecuador

The Regulations on Free Legal Clinics, reflecting the input of the Network, were issued by the PDO on May 30, 2013.

During 2011 and 2012 EWMI also gave support to the Network in reviewing the Regulation of Professional Practices and Internships for Law students. This regulation was prepared by the Judicial Council and seeks to coordinate and monitor the practices of law students, as established in the Constitution and the Organic Code of the Judicial Power. The Judicial Council incorporated all the observations made by EWMI and on October 14, 2011 held a workshop with the participation of 17 representatives from the universities and 3 representatives of the Judicial Council. In this event, the document was reviewed and an analysis was made, based on the real needs of universities and students.

In January 2012 another workshop addressed the integral revision of the text of the Regulation of Professional Practices and Internships for Law Students and Graduates of Law. As a result, the Judicial Council included observations made within the official document. On February 14, 2012, the General Director of the Judicial Council informed the Coordinator of the Network of Legal Centers that the Judicial Council had reviewed the document sent by the Network and that the observations would be incorporated.

Subsequently, on April 17, 2012, a workshop was held where the work that was made by the Network was discussed in relation to the rules of accreditation of legal centers and of professional practices and internships for law students.

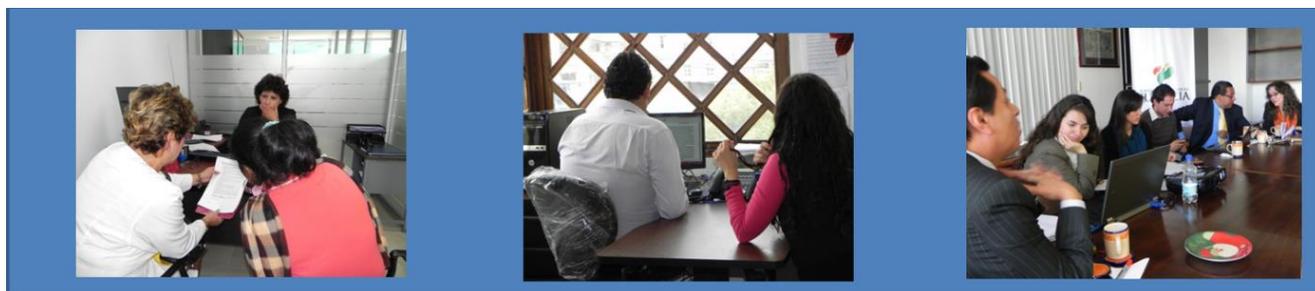
As a result of the work of the Network with the Judicial Council, on January 17, 2013, on the Official Gazette No. 873 the Regulation for Pre-Professional Practice of Graduates from the Faculties of Jurisprudence was published. This document contains the contributions and remarks made by the Network of Centers of Legal Services Assistance of the Universities, developed with the technical support of EWMI. On April 14, 2012 a last meeting of the network was held for the final revision of the regulation to verify that the work done was reflected in the official rules. (Annex 15: Regulation for Pre-Professional Practice of Graduates from the Faculties of Jurisprudence).

Summary of Component Two Results

1. The Public Defenders' Office has redefined **Institutional Strategic Plan**.
2. The PDO has recommendations and an implementation plan for fundamental topics: personnel selection, indicators for the evaluation of public defenders, among others.
3. The PDO received support in the development of software for: case in-take, case follow-up and the generation of reports.



4. Publication of the Regulation of Professional Practices and Internships for Law Students and Graduates of Law. On January 17, 2013, the Official Gazette No. 873 was published with the Regulation of Professional Practices and Internships for Law Students and Graduates of Law, which contained contributions and remarks made by the Network of Legal Services Assistance of the Universities, developed with the technical support of EWMI.



5. Improved local capacity. Building the capacity of PDO staff is a key element to creating sustainable reform. Under component 2, EWMI trained a total of **130 people**.

Capacity Building		
Component	Number of Workshops	Number of Participants
2	11	130

Component Three: Increased Citizen Participation in Justice Reform

EWMI identified three areas of work to promote the participation of civil society in justice reform. The first was to support a competitive grants program to fund civil society projects on issues of justice, which resulted in EWMI funding eight projects. The second was to inform the public about the benefits of solving criminal cases for non-complex crimes using Special Proceedings and Alternative Procedures. The third was to strengthen three legal services organizations through the design and implementation of a management model that will improve the quality of legal services provided to service users.

RESULT: JUDICIAL REFORM EFFORTS ARE SUPPORTED THROUGH STRENGTHENED CIVIL SOCIETY ORGANIZATIONS

EWMI designed and implemented a Small Grants Fund to finance civil society projects on justice related issues. In May 2011, EWMI had to scale back this activity because of a decrease in the USAID budget. In the first stage, EWMI only funded a project proposed by the International Center for Advanced Studies in Communication for Latin America (CIESPAL) to implement the project, "Communications training for actors who build, process and disseminate information on Alternative Procedures and Special Proceedings." USAID subsequently (in 2013) increased by EWMI's budget by \$345,000 USD, allowing EWMI to implement a second phase and fund seven more organizations.

A. Small Grants Fund

In the second phase of the Small Grants Fund, EWMI financed seven projects presented by local organizations, giving priority to the following topics and groups defined with USAID: domestic violence, trafficking in persons, environment and LGBTI groups (lesbian, gay, bisexual, transsexual, and intersex).

Given the short amount of time to execute the projects (5 months, with grant agreements signed in July 2013 and projects ending November 30 2013), EWMI did not issue an open request for proposals, but rather contacted a short list of organizations working in these areas. The selection criteria were as follows:

- NGOs with recognized experience and knowledge in one of the priority subjects;
- The funding would be used to support current or planned projects, which the new funds would strengthen or extend; and
- NGOs with the capacity to start the implementation of the projects immediately.

Once the short list was compiled:

- a. Direct invitations were sent to the organizations for their participation in the Fund. Rules and forms for presentation of proposals were included.

- b. Organizations were trained on the presentation of proposals. Two workshops were held: in Quito on April 17 and in Guayaquil on April 19, 2013. The methodology of the Small Grants Fund was presented at these events and formats for budgetary and technical presentation of the projects were reviewed. In addition, EWMI addressed all concerns that the representatives of the organizations had.
- c. Proposals and supporting documents were received at EWMI offices, by the May 13, 2013 deadline.
- d. As stated within the Rules of the Small Grants Fund, on May 16 proposals were sent to the members of the Project Evaluation Committee, integrated by EWMI's Director in Ecuador, USAID representatives and a representative from EWMI's home office.
- e. On May 23, 2013 the Project Evaluation Committee met for the review and approval of the proposals submitted to the Small Grants Fund. The team reviewed technical proposals from eight organizations, but only 7 were approved.

The organizations, with which cooperative agreements were signed by EWMI on the first week of July, were:

- 1) CEDA- Centro Ecuatoriano de Derecho Ambiental**
- 2) ECOLEX - Corporación de Gestión y Derecho Ambiental**
- 3) SEDEFA - Sociedad Ecuatoriana de Derecho Forestal**
- 4) FUNDACIÓN ALAS DE COLIBRÍ**
- 5) CORPORACIÓN KIMIRINA**
- 6) ASOCIACIÓN SILUETA X, and**
- 7) FUNDACIÓN MARIA GUARE**

From August 2013 onwards and until the completion of the projects, monthly follow-up meetings with the coordinators and technical teams were carried out in order to monitor and supervise activities jointly.

The organizations fulfilled their objectives. There was continuous feedback on the work in legal areas, and EWMI reviewed all of the technical documents that the organizations developed. In addition, all financial concerns that were raised during the execution of the projects were solved by working jointly among the technical, administrative and financial areas within the organizations.

Below is a summary of the projects implemented by the grantees:

Grantee: ECOLEX - Corporation of Environmental Management and Law

Project: Strengthening Environmental Justice in Ecuador

Objectives: Strengthen environmental justice in Ecuador by promoting citizen participation in the application of the rules that govern environmental justice and forming a paralegal group knowledgeable in the area of environmental law that can provide legal support to their local communities.

Results: Provided environmental law training and continuing education to paralegals in the Costa, Sierra, and Amazon regions; Produced and broadcasted 3 radio spots advertising the "Green Line" program (open telephone line available for advice and reports on environmental matters); Received and processed advice requested by the community through the project "Green Line".

Grantee: SEDEFA - Ecuadorian Forestry Law Society

Project: Strengthening of Institutional Capacity for the Promotion and Protection of Natural and Environmental Rights: Natural Rights Training for Officers of the Ombudsman's Office of Ecuador.

Objectives: Contribute to the promotion and protection of national environmental rights by building the communication and institutional capacities of the Ombudsmans' office.

Results: Designed a methodological guide on Environmental Training for the Ombudsmans' Office; Strengthened the institutional capacity of the Ombudsmans' Office Staff in the promotion and protection of the Rights of Nature and Environment. (Trained 120 Ombudsman officials nationwide.)

Grantee: KIMIRINA CORPORACION

Project: Empowering the Citizen Rights of the LGBTI Population

Objectives: Expand and improve access to justice for LGBTI groups with focus on the transgender population.

Results: Designed training course on LGBTI Rights for Ombudsman's staff (5 leaflets prepared as workshop material); Provided leaders of LGBTI organizations and grassroots groups with information regarding the legal framework that guarantees their rights.

Grantee: FUNDACION ALAS DE COLIBRI

Project: Assessment of the Situation Regarding Legal Procedures for the Crime of Trafficking in Persons that Have Been Pursued per the Current Constitution of Ecuador in the

Province of Imbabura – Ibarra, Otavalo, Cotacachi and Antonio Ante, and in the Province of Santo Domingo de Los Tsáchilas.

Objectives: Improve the responsiveness of the justice system to crimes involving Trafficking-in-Persons through the legal analysis of cases registered in the provinces of Imbabura and Santa Domingo de los Tsáchilas.

Results: Provided assessment, analysis and recommendations on the legal situation of prosecuted trafficking in persons cases in five counties of two provinces in Ecuador (Imbabura and Santo Domingo de los Tsáchilas)

Grantee: **SILUETA X ASSOCIATION**

Project: LGBTI Citizens Oversight Committee on Justice and Human Rights

Objectives: Raise awareness about the problem of access to justice for LGBTI groups, by documenting cases of rights violations, hate crimes and discrimination against members of the LGLBTI population; Identifying best practices in judicial proceedings related to LGBTI groups; and Developing a campaign under the National Campaign "Time for Equality."

Results: Researched, prepared, and published a report (1) analyzing the handling of 18 emblematic cases of LGBTI rights violations and (2) providing best practices of judicial proceedings in relation to these violations; designed and produced two commercials regarding respect of LGBTI groups, within the framework of the "It Is Time for Equality" national campaign. The LGBTI Access to Justice and Human Rights in Ecuador Report can be found at: <http://siluetax.files.wordpress.com/2012/06/informe-del-acceso-a-la-justicia-y-derechos-humanos-de-los-tilgb-glbti-lgbti-orientacic3b3n-sexual-e-identidad-de-gc3a9nero-en-el-ecuador-2010-al-2013.pdf>

Grantee: **CEDA - Ecuadorian Environmental Law Center**

Project: Promoting Environmental Citizen Participation through the Right of Access to Justice and Effective Judicial Protection

Objectives: Promote access to justice and build legal capacity in the area of Environmental Law, with a focus on Quito and the Galapagos.

Results: Published a legal document on the right to access to jurisdiction and effective judicial protection in environmental matters; Implemented Environmental Law training program for law students residing in Galapagos.

Grantee: **MARIA GUARE FOUNDATION**

Project: Building and Strengthening of a Network to Prevent Domestic Violence in the *Bastión Popular* Area of Guayaquil

Objectives: Build and strengthen a community Family Support Network in the Bastion Popular sector of Guayaquil, in order to ensure access to justice for victims of domestic violence.

Results: Conducted workshops and prepared 5 training leaflets to raise awareness on the issue of domestic violence among local authorities, inter-agency government leaders, NGOs and leaders of Bastión Popular; Created a community family-support network integrated by 35 representatives of Bastión Popular; Continually monitored and supported the HIV support network. (Annex 16: Domestic Violence Leaflets)

RESULT: CAPACITY OF AT LEAST 3 CIVIL SOCIETY ORGANIZATIONS STRENGTHENED

Given the short period of the grants, EWMI focused on capacity strengthening in two areas: effective lobbying and tax / financial aspects.

A. Assistance to Targeted Local Organizations

In this activity EWMI worked with the seven organizations funded by the Small Grants Fund to strengthen their organizational capacity either by the application of USAID'S Organizational Capacity Assessment (OCA) tool, or through visits and meetings with EWMI's team.

Two workshops on the application of the OCA were implemented in September 2013: with SEDEFA on September 9 and with Alas de Colibrí on September 24. EWMI's entire staff participated in both workshops. After the OCA was applied, a plan of action was immediately established, with concrete activities defined to address weaknesses within each organization. The OCA was not completed with other organizations because USAID indicated that it would be supporting another project to strengthen NGOs that would cover this activity.

Taking into account monitoring meetings and the results found in the OCA workshops, two areas of weakness were defined in the partner organizations. Based on these, two strategic trainings were defined: 1) in the administrative-financial area, on which a workshop was given on system of taxation, management of the RUC, and NGOs duties and accounting obligations in general; and 2) in the technical area, on effective lobbying, so that organizations learn and understand the current political and social environment in Ecuador, as well as proper steps to be taken to achieve their planned objectives. The goal for these workshops was to train the leaders of the organizations to be more effective spokespersons for their causes. These workshops were held in Quito on December 2 and 3 (Annex 17: Participant List).

RESULT: CITIZENS ARE BETTER INFORMED ON CRIMINAL JUSTICE REFORMS IN TARGETED CITIES

EWMI designed an information campaign about the advantages of implementing Alternative Procedures and Special Proceedings, as the Quito rapid assessment identified the need to share the benefits with citizens as they could benefit from their use. Furthermore, communicators

and journalists required information to promote true and factual reporting and coverage on these topics.

A. Inform Citizenry about Judicial Reform Process

In year one of the project, EWMI designed a public awareness campaign on the benefits of Special Proceedings and Alternative Procedures as detailed in Component 1 of this report. Additionally, in September 2011, EWMI provided a grant to a local NGO, CIESPAL, to implement a project entitled "Communications training for actors who build, process and disseminate information on Alternative Procedures and Special Proceedings."

The objective of the project presented by CIESPAL, was to spread information regarding the advantages and benefits of Alternative Procedures and Special Proceedings to communication coordinators from justice sector institutions and to journalists covering judicial information in the media. To this end, CIESPAL developed a methodological approach that sought to provide communication training to actors who build, process and disseminate information on Alternative Procedures and Special Proceedings. This resulted in the completion of 5 training workshops and the development of a guide for journalists on special procedures and alternative outlets.

Activities developed:

Activity 1: Design and Validation of the Academic and Methodological Proposal for the Training of Judicial Officers, Institutional Communication Coordinators and Journalists on Alternative Procedures and Special Proceedings.

This activity encompassed developing a comprehensive rights-based approach training process for communication coordinators from justice sector institutions and journalists on legal issues and, in particular, Alternative Procedures and Special Proceedings. It included a communications and legal approach.

Activity 2: Training for Justice Operators, Institutional Communication Coordinators, and Journalists on Alternative Procedures and Special Proceedings.

Five training workshops were conducted on the following topics:

- a. Alternative Procedures and Special Proceedings: Communication, Democracy and Citizenship (Quito) for Journalists and Communication Coordinators.
- b. Media Coverage of Alternative Procedures and Special Proceedings for journalists. (Quito)
- c. Media Coverage of Alternative Procedures and Special Proceedings for journalists (Guayaquil).

- d. Communication strategies for the treatment of Alternative Procedures and Special Proceedings I and II for communications and outreach coordinators of justice institutions.

Activity 3: Monitoring and evaluation (M & E) of the training process.

As part of the work proposal presented by CIESPAL, it was decided to conduct a monitoring and evaluation of the training process. This monitoring and evaluation involved reviewing news stories regarding the judiciary, police and safety that appeared in the following newspapers: EL Universo, Expreso and La Hora, for the weeks July 1 to 8 and August 12 to 19, 2012, three months after completion of the training workshops. The purpose of this exercise was to establish whether the training programs introduced some positive changes towards a rights approach of coverage. The study covered 48 editions and 347 and informative pieces. After some modifications and adjustments, CIESPAL delivered the final report in August 2013. Some of the key findings of the monitoring process were:

- 1) Just a little more than half of the articles published in the legal sections of the media analyzed dealt with crimes and their prosecution. The remaining articles only covered the crimes, or were not related to legal issues. It is an interesting fact insofar as it shows that it seems that, for the press, greater attention is given to news related to crimes than to those that report the subsequent judicial processes.
- 2) Most of the stories produced related to major crimes, which reflected the view that minor crimes are not newsworthy.
- 3) In the same line of thinking, major crimes such as homicides or various kinds of criminality, are presented as cases that are not taken to court for various reasons.
- 4) Regarding approaches, one positive result found was that over 24% of the articles incorporated a rights approach; only a little more 3% took a paternalistic approach. In the half of the data that included judicial information, a concern to highlight and protect rights was observed.
- 5) Equally encouraging are the data on the coverage of information. Of the total of "judicialized" news items - i.e. in which information about judicial proceedings are covered and not just crimes - over 78% presume innocence, demonstrating an adequate handling of the information. Also 66% of the articles are respectful of the dignity of victims and accused. Finally, in 70% of "judicialized" notes proper use of legal terminology and of differentiation of the procedural stages is present.

Activity 4: Guidelines for Journalists on Alternative Procedures and Special Proceedings.

This document was developed based on the experience gained during the training process aimed at journalists. As a final product, 300 copies of the Journalists' Guide on Special Proceedings and Alternative Procedures were printed in November 2013. A copy of the guide can be found at:

http://www.ciespal.net/ciespal/images/docu/2013/pdf/131031Folleto_EWMI_CIESPAL_Manuales_Didacticos.pdf

RESULT: AT LEAST 3 CSO LEGAL AID CLINICS PROVIDE IMPROVED SERVICES

As the Constitutional standard, legal services must be registered and accredited by the PDO. The accreditation is supposed to require that these facilities meet quality standards. EWMI considered it important to develop standards and introduce them on a pilot basis for future replication, even if such standards had not yet been defined by the PDO.

A. Management Model for Legal Aid Clinics

Between January and March 2011, EWMI defined criteria for the selection of three legal service organizations with which EWMI would design and implement a management model that would improve the quality of care and quality standards.

EWMI contacted 51 organizations and universities: 25 in Quito and 26 in Guayaquil, to learn about the work of their legal services and their areas of service. Based on this research, starting in April of the same year, 4 legal services were selected, which met the criteria established by EWMI on applicability, sustainability, technical staff and program conditions:

- 1) **Application:** That is, that they provide legal advisory services and sponsorship in criminal matters. They may be services or legal centers and/or legal services of universities and NGOs from civil society.
- 2) **Sustainability of the proposal:** that there is sustainability in regards to continuity once EWMI's support ends.
- 3) **Staff:** Maintain minimal staff on a permanent basis, for the activities planned within the proposals.
- 4) **Conditions:** Organizations must abide by EWMI's conditions regarding technical support and funding.

Thus, after a rigorous analysis, 4 legal services were identified:

- 1) Universidad Católica del Ecuador, Quito
- 2) Universidad Cristiana Latinoamericana, Quito
- 3) Cáritas Arquidiocesana, Quito
- 4) Confraternidad Carcelaria, Guayaquil

On August 31, 2011, the Christian Latin American University (Universidad Cristiana Latinoamericana), informed EWMI that it would not continue in the Project due to the fact that the highest authorities of the university could not assume obligations required by EWMI to be part of this strengthening project.

The main activities carried out with the legal service providers were as follows:

Assessment of Legal Services: The first step in working with the selected legal services was to assess the current status of the organizations for the design of a management model. The assessment aimed to identify internal processes within legal centers, based on findings, and to design a management model that allows improving the quality of the service provided on defense, sponsorship and legal advice. In addition, it looked for identification and application of quality standards.

The second step, based on the assessment, was to present and validate the assessment with directors and technical teams of the legal clinics. To achieve this, EWMI held a workshop on July 7 and 8, 2011, with the legal service organizations' work teams. At this event, the participants reviewed and validated the inputs and information collected in the assessment.

Technical assistance for the design and implementation of a Management Model for Legal Services: Based on the assessment, the structure and parameters for a management model were designed. This approach had to be flexible and easily adaptable to the different legal services. The idea of the model was to rationalize resources and standardize processes and procedures for entities and organizations in charge of legal services.

EWMI also defined the need to continue providing technical assistance to develop this management model's specific processes.⁸

The processes of this Model were defined and discussed during these visits and meetings, and counted with the guarantee of the technical teams for the implementation of the model in each legal service.

The management model has three processes that are essential:

- 1) Customer service
- 2) Case management
- 3) Evaluation of the functioning the legal service

The three legal services supported by EWMI have developed the processes of the Management Model, in addition to reviewing and preparing their institutional policies; this as an added value within institutional strengthening.

Implementation plan for the Model in each organization: The program, taking into account their respective internal dynamics, developed an implementation plan for the Model for each organization. This began a process of close collaboration with each organization. Periodic working meetings with the technical teams were conducted in each of the three organizations, which contributed to validating and improving the model and the plans for implementation.

⁸ When referring to management model we are talking of concepts, general ideas, systems and tools that allow them to carry out the necessary actions to achieve their objective, which is: provide quality legal assistance to people with limited economic resources and priority groups facilitating access to justice.

One challenge was the recognition that none of the services included a performance-indicators system or instruments to assess the quality of interventions. EWMI, in a participatory manner, accordingly assisted in developing standards of quality, goals and indicators.

Additionally, EWMI delivered equipment and furniture in order to improve the quality of attention to users and provide of better work spaces to legal services staff. In the month of October 2012, all equipment and furniture were delivered to each one of the legal services.

Similarly, EWMI gave support in the design and production of communication and outreach materials needed to disseminate information regarding the services provided by the organizations.

In sum, EWMI support covered:

- A situational assessment of the organizations.
- Design of the Management Model.
- Implementation of the Model and modifications according to each organization.
- Training to lawyers on oral litigation.
- Legal Services provided on sponsorship and advice.
- Provision of equipment and furniture provided.
- Design and preparation of communication products.
- Preparation of the Manual for Legal Services.

B. Manuals and Training Programs

In addition to the publications already mentioned in Component 1, EWMI prepared a manual entitled, "Guide for Strengthening Legal Services: How to Improve the Quality of Legal Services", with a circulation of 500 copies. The guide aims to provide concepts and technical tools to help legal institutions, both university organizations and civil society organization implement a management model to improve their management and work quality standards.

C. Support CSO Dialogue with Justice Institutions

EWMI supported the efforts of CSOs, including legal services organizations, in their dialogue with public institutions on key justice issues; specifically in the case of the Network of Legal Services with the Public Defenders' Office.

Summary of Component 3 Results

1. 85 journalists and communications coordinators trained.



Media Participants:

El Comercio
El Universo - Guayaquil
Expreso Quito y Guayaquil
El Telégrafo
La Hora de Quito y Sto.
Domingo
El Heraldo de Ambato,

Radio Colón,
Radio de la Asamblea Nacional
Radio Municipal
Radio Latacunga

Agencia Andes,
Teleamazonas,
RTU
Ecuador TV
Televisora de la
Universidad Técnica
del Norte UTV

85 JOURNALISTS AND COMMUNICATIONS COORDINATORS TRAINED

- ✓ **25 Journalists and Judicial Communication Coordinators** from Quito, Guayaquil, Santo Domingo, Ambato and Latacunga that cover judicial issues. Workshop: “**Comunicación, Democracia y Ciudadanía**”
- ✓ **36 Journalists from Quito and Guayaquil** that cover judicial issues. Workshop: “**Press Coverage of Special Proceedings and Alternative Procedures**”, led by recognized legal journalist from Mexico.
- ✓ **24 Communication and Outreach Coordinators** from judicial institutions: Attorney General, Judicial Council of Pichincha, Prosecutor of Pichincha; and Officials of the Judicial Police, Judicial Council of Transition. Workshop “**Strategic Institutional Communications I and II**”



2. 464 cases effectively handled by the three legal services organization strengthened by EWMI.

- **Donation of Furniture and Equipment** to legal services organizations: Pontifica Universidad Católica del Ecuador (PUCE), Cáritas de Quito y Confraternidad Carcelaria de Guayaquil



Confraternidad Carcelaria de Guayaquil



PUCE Legal Services

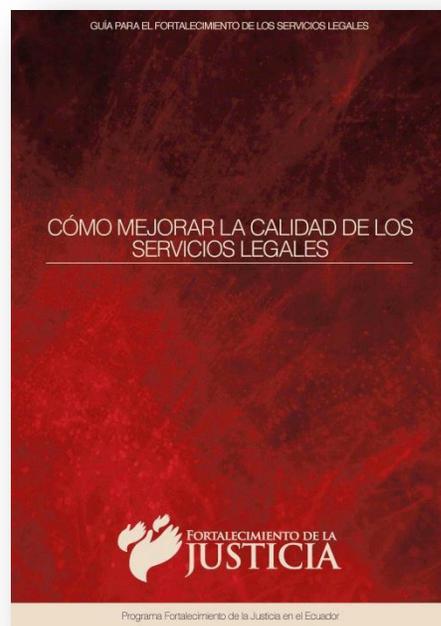


Cáritas Arquidiocesana Legal Clinic

3. Publication of Journalists' Guide to Special Proceedings and Alternative Procedures (Paper) and Guide for Strengthening Legal Services (Manual).

EWMI Grantee, CIESPAL, published a paper, Journalists' Guide to Special Proceedings and Alternative Procedures, to provide journalists with a reference tool when covering certain judicial procedures.

EWMI published a Guide for Strengthening Legal Services: How to Improve the Quality of Legal Services, a practical guide that aims to provide concepts and technical tools to help legal institutions, both university organizations and civil society organization implement a management model to improve their management and work quality standards.



5. Supported projects implemented by civil society organizations (CSOs) that aimed to improve access to justice by vulnerable groups and promote transparency and effectiveness in the justice system.

Grantee Organization	City	Project Name	Grant Amount	Project Objective	Results
CEDA Ecuadorian Environmental Law Center	Quito	Promoting Environmental Citizen Participation through the Right of Access to Justice and Effective Judicial Protection	\$40,000	Promote access to justice and build legal capacity in the area of Environmental Law, with a focus on Quito and the Galapagos.	*Published a legal document on the right to access to jurisdiction and effective judicial protection in environmental matters. *Implemented Environmental Law training program for law students residing in Galapagos.
ECOLEX Corporation of Environmental Management and Law	Quito	Strengthening Environmental Justice in Ecuador	\$39,500	Strengthen environmental justice in Ecuador by promoting citizen participation in the application of the rules that govern environmental justice and forming a paralegal group knowledgeable in the area of environmental law that can provide legal support to their local communities.	*Provided environmental law training and continuing education to paralegals in the Costa, Sierra, and Amazon regions. *Produced and broadcasted 3 radio spots advertising the “Green Line” program (open telephone line available for advice and reports on environmental matters) *Received and processed advice requested by the community through the project "Green Line".
SEDEFA Ecuadorian Forestry Law Society	Quito	Strengthening of Institutional Capacity for the Promotion and Protection of Natural and Environmental Rights: Natural Rights Training for Officers of the Ombudsman’s Office of Ecuador.	\$43,530	Contribute to the promotion and protection of national environmental rights by building the communication and institutional capacities of the Ombudsman’s office.	*Designed a methodological guide on Environmental Training for the Ombudsman’s Office. *Strengthened the institutional capacity of the Ombudsman’s Office Staff in the promotion and protection of the Rights of Nature and Environment. (Trained 120 Ombudsman officials nationwide.)
KIMIRINA CORPORACION	Quito	Empowering the Citizen Rights of the LGBTI Population	\$40,075.34	Expand and improve access to justice for LGBTI groups with focus on the transgender population.	*Designed training course on LGBTI Rights for Ombudsman staff. (5 leaflets prepared as workshop material.) *Provided leaders of LGBTI organizations and grassroots groups with information regarding the legal framework that guarantees their rights.

Grantee Organization	City	Project Name	Grant Amount	Project Objective	Results
FUNDACION ALAS DE COLIBRI	Quito	Assessment of the Situation Regarding Legal Procedures for the Crime of Trafficking in Persons that Have Been Pursued Per the Current Constitution of Ecuador in the Province of Imbabura – Ibarra, Otavalo, Cotacachi and Antonio Ante Districts, and in the Province of Santo Domingo de Los Tsáchilas, Santo Domingo District	\$29,459.55	Improve the responsiveness of the justice system to crimes involving Trafficking-in-Persons through the legal analysis of cases registered in the provinces of Imbabura and Santa Domingo.	*Provided assessment, analysis and recommendations on the legal situation of prosecuted trafficking in persons cases in five counties of two provinces in Ecuador (Imbabura and Santo Domingo de los Tsáchilas)
SILUETA X ASSOCIATION	Guayaquil	LGBTI Citizens Oversight Committee on Justice and Human Rights	\$38,200	Raise awareness about the problem of access to justice for LGBTI groups, by documenting cases of rights violations, hate crimes and discrimination against members of the LGLBTI population; Identifying best practices in judicial proceedings related to LGBTI groups; and Developing a campaign under the National Campaign "Time for Equality."	*Researched, prepared, and published a report of emblematic cases and best practices of judicial proceedings in relation to the violation of LGBTI rights *Designed and developed two commercials regarding respect of LGBTI groups, within the framework of the "It Is Time for Equality" national campaign.
MARIA GUARE FOUNDATION	Guayaquil	Building and Strengthening of a Network to Prevent Domestic Violence in the <i>Bastión Popular</i> Area of Guayaquil	\$37,644.80	Build and strengthen a community Family Support Network in the Bastion Popular sector of Guayaquil, in order to ensure access to justice for victims of domestic violence.	*Conducted workshops and prepared 5 training leaflets to raise awareness on the issue of domestic violence among local authorities, inter-agency government leaders, NGOs and leaders of Bastión Popular. *Created a community family-support network integrated by 35 representatives of Bastión Popular. *Continually monitored and supported the HIV support network.

Communications

Communications was a cross-cutting area of work for SEJP, the main objective of which was to give effective support for the implementation of the three program components on the basis of a strategic communication plan prepared in September 2010. The following are the primary activities and products in this area:

MEDIA MONITORING:

- 696 electronic daily bulletins summarizing articles that were published in major national media relating to justice.
- 290 readers of the electronic bulletins which included: authorities, operators (public defenders, judges and prosecutors) and justice officials from Quito and Guayaquil, civil society organizations, key people at USAID and the Embassy of the United States, communicators from justice institutions, journalists covering the law enforcement sources and people related to EWMI's program.

PROGRAM INFORMATIONAL MATERIALS:

- 6 Magazines/Informative Bulletins that circulated in: April and November 2011; June and October 2012; and March and July 2013.
- 9 Graphic Report on Activities (3 in 2010; 5 in 2011; and 1 in 2012). These graphic reports were addressed to EWMI, USAID and the institutions involved in the specific issues, and were of immediate dissemination. These were produced in English and Spanish.

COMMUNICATION ACTIVITIES FOR THE COMPONENTS:

COMPONENT 1:

- Information Campaign on Alternative Procedures and Special Proceedings: 3 radio spots, 1 spot for television and 1 graphic informative brochure on the application of these procedural mechanisms. Media plan for the dissemination of the campaign and public relations activities for its broadcasting. Products were tested through focus groups.
- Image and communication proposal for the UNISI (Inter-Institution Unit of Immediate Solution, which would operate in the Flagrancy Unit). Educational video of the new UNISI and the application of Alternative Procedures and Special Proceedings. Signage plan. Video was aimed at users of this instance.
- Editing, production and design of 4 reports on the assessments and monitoring in Quito and Guayaquil of the application of Alternative Procedures and Special Proceedings. Support in the preparation of statistical tables and design of documents.
- Editing and production of the Manual "Fast and Effective Solutions to Criminal Conflict" in its printed and multimedia versions.
- Editing and production of the Manual on "Special Proceedings and Oral litigation".

COMPONENT 2:

- Development of the workshop "Promotion of Legal Services" aimed at managers and person responsible for the communication of the Legal Services at the Catholic University PUCE, Caritas Diocesana and Confraternidad Carcelaria of Guayaquil. The workshop objectives were to: identify the weaknesses in communication of the organizations that were found in the assessment made for Component No. 2; and to outline a communication plan to strengthen the criminal-law area of each one of these services. Number of participants: 7 people.

COMPONENT 3:

- Gave advice to the organizations that received Small Grants funding, on the implementation of USAID's branding and marking requirements.
- Production of the institutional brochure for Caritas Arquidiocesana's Legal Service. (Annex 18)
- Creation of the corporate image of the Confraternidad Carcelaria of Guayaquil which included stationery design, writing and production of the institutional brochure (Annex 19), and an English and Spanish version of a video of the Confraternidad Carcelaria of Guayaquil.

MEDIA MANAGEMENT

Justice in Ecuador has always been a delicate matter, even more when it encompasses the work of non-state organizations, such as under SEJP. For this reason, the external communication policy did not try to generate a high profile to influence public opinion. However, the positioning of the subject of Alternative Procedures and Special Proceedings with the authorities and justice officials, as well as the training of journalists through the agreement with CIESPAL, generated interest in some media such as the newspapers el diario Hoy, La Hora and Expreso from Guayaquil, which disseminated notes on the subject and others about EWMI's activities.

List of Annexes

ANNEX 1. Work Plan and approval of Work Plan

ANNEX 2. Published inter-institutional policies: **Policy 1 (Política 001/2011)** (prioritizing the application of Alternative Procedures and Special Proceedings in cases of low-penalty crimes) **Policy 2 (Política 002/2011)** (defining the *Flagrancia* Unit as a forum for resolving cases for crimes of low complexity); and corrections

ANNEX 3. Document for the application of Pre-trial measures

ANNEX 4. Proposal for management of “NN” cases, or unknown offender, for the Office of the Attorney General

ANNEX 5. Proposal on scheduling hearings for the Criminal-law *Garantias* Courts

ANNEX 6. Administrative Protocol for the Flagrancy Unit

ANNEX 7. Project for monitoring and compliance of the conditions in cases in which the judge orders Conditional Suspension of Procedure or Reparation Agreement

ANNEX 8. Proposal for the Attorney General’s Decentralized Units.

ANNEX 9. Architectural design for the *Flagrancia* Unit according to a new management model

ANNEX 10. Agreement with the Judicial Council and the General Prosecutor’s Office.

ANNEX 11. Communication materials regarding Special Proceedings and Alternative Procedures

ANNEX 12. List of participants at SEJP Component 1 trainings and meetings

ANNEX 13. List of participants at SEJP Component 2 trainings

ANNEX 14. Recommendations for PDO

ANNEX 15. Regulation for Pre-Professional Practice of Graduates from the Faculties of Jurisprudence.

ANNEX 16. Informational brochures on domestic violence (FUNDACIÓN MARÍA GUARE)

ANNEX 17. List of participants at SEJP Component 3 trainings

ANNEX 18. Institutional brochure for Caritas Arquidiocesana’s Legal Service

ANNEX 19. Confraternidad Carcelaria of Guayaquil Institutional brochure

Referenced Publications Previously Submitted to USAID

- Special Proceedings and Oral Litigation, Quito, November, 2013.
- Manual for the Application of Special Proceedings and Alternative Procedures: Quick and Effective Solutions to Criminal Conflict, Quito, October, 2013.
- Guide for Strengthening Legal Services: How to Improve the Quality of Legal Services, Quito, May, 2012.
- Report: LGBTI Access to Justice and Human Rights in Ecuador 2010-2013 (Silueta X)
Can be found at: <http://siluetax.files.wordpress.com/2012/06/informe-del-acceso-a-la-justicia-y-derechos-humanos-de-los-tilgb-glbti-lgbti-orientac3b3n-sexual-e-identidad-de-gc3a9nero-en-el-ecuador-2010-al-2013.pdf>
- Report: Effective Environmental Protection: The Ecuadorian Case (CEDA)
- Journalists’ Guide to Special Proceedings and Alterative Procedures (CIESPAL)
Can be found at:
http://www.ciespal.net/ciespal/images/docu/2013/pdf/131031Folleto_EWMI_CIESPAL_Manuales_Didacticos.pdf

Estimated Component Costs

Component	Total Expenses*
More Effective Application of Criminal Justice	\$ 1,543,721
Expanded Access to Justice	\$ 837,761
Increased Citizen Oversight of Justice Reform	\$ 822,889
Enhanced Transparency in the Judiciary	\$ 88,476

*Pending final financial review