ISN 29954

PD-ABJ-169

A.I.D. EVALUATION SUMMARY - PART I

1. BEFORE FILLING OUT THIS FORM, READ THE ATTACHED INSTRUCTIONS
2. USE LETTER QUALITY TYPE, NOT "DOT MATRIX" TYPE

IDENTIFICATION DATA

A. Reporting A.I.D. Unit:

Mission or AID/W Office USAID/HONDURAS

(ES# FY94-4A)

B. Was Evaluation Scheduled In Current FY Annual Evaluation Plan?

Yes ☐ Slipped ☒ Ad Hoc ☐

Evaluation Plan Submission Date: FY 94 Q 2

C. Evaluation Timing

Interim ☒ Final ☐ Ex Post ☐ Other ☐

D. Activity or Activities Evaluated (List the following information for project(s) or program(s) evaluated. If not applicable, list title and date of the evaluation report.)

Project No.	Project /Program Title	First PROAG or Equivalent (FY)	Most Recent PACD (Mo/Yr)	Planned LOP Cost (000)	Amount Obligated to Date (000)
522-0296	Strengthening Democratic Institutions (SDI) - Component I Administration of Justice. * Totals for Component I include only T.A. and Commodities. Does not include Project Management costs.	1987	8/95	*$6,492	*$5,193
	Note: Total SDI Planned LOP Cost:	$21,800; Amount Obligated to Date $19,900			

ACTIONS

E. Action Decisions Approved By Mission or AID/W Office Director

Action(s) Required	Name of Officer Responsible for Action	Date Action to be Completed
Component I - Administration of Justice		
1. Give highest priority to encouraging and facilitating Court's effective implementation of Judicial Career Law.	COURT ELeonard	Ongoing
2. Complete a study to evaluate the experimental Justice of the Peace program.	COURT KOtto	Completed
3. Complete a study to evaluate the Public Defenders program.	COURT KOtto	Completed
4. Submit Legislation for Public Defenders to the Honduran Government.	COURT KOtto	Completed
5. Conduct a workshop on the depolitization of the judiciary.	USAID/GU ELeonard	Ongoing
6. Complete a study (or studies) to review female participation in the Judiciary and the problems women have in obtaining justice.	USAID CPerez	Sept. 1994

(Attach extra sheet if necessary)

APPROVALS

F. Date Of Mission Or AID/W Office Review Of Evaluation: (Month) (Day) (Year)

G. Approvals of Evaluation Summary And Action Decisions:

	Project/Program Officer	Representative of Borrower/Grantee	Evaluation Officer	Mission or AID/W Office Director
Name (Typed)	Emily C. Leonard EMILY C. LEONARD		LORRAINE SIMARD CARMEN ZAMBRANA	MARSHALL D. BROWN
Signature			Lorraine Simard	
Date	8/3/94		8/11/94	

ABSTRACT

H. Evaluation Abstract (Do not exceed the space provided)

The goal of the Strengthening Democratic Institutions (SDI) (522-0296) Project is to strengthen Honduran democracy. The purpose is to improve the capability of key democratic institutions, improve local political leadership, and increase the knowledge and participation of the Honduran populace in the democratic process. Administration of Justice (AOJ) is Component I of this project, the objective of which is to strengthen the court system, making it more efficient and responsive to the Honduran populace in matters concerning civil and criminal justice and better able to execute its functions as a mediator of intragovernmental conflicts. This component was initially implemented primarily by Georgetown University (GU) and four subcontractors, then directly by USAID. The midterm evaluation (8/87-9/90) was conducted by a Development Associates, Inc. team on the basis of: a review of project documents; interviews with project personnel in Honduras and Washington, D.C. and others conversant with the project, and regional justice organizations in Costa Rica, the Latin American Institute of the United Nations for the Prevention of Crime and Treatment of Delinquents (ILANUD), and the Regional Administration of Justice Office (RAJO). The purpose of the evaluation was to measure progress made, examine design validity, and provide guidance for midcourse adjustments.

The major findings and conclusions are:

* The Court has not implemented the 1980 Judicial Career Law. USAID/Honduras needs to meet with high level officials to obtain a commitment to establishing career service in the Judiciary.

* An experimental program assigning new law graduates as Justices of the Peace and a Public Defender program have been successful.

* Project implementation lagged because of contracting delays and staffing problems.

* The assumptions and planned outputs of this component remain valid.

The evaluators noted the following Lessons:

* The three main components of the SDI Project (Administration of Justice, Congress, and National Elections Tribunal/National Registry of Persons) are sufficiently different that they should have been separate projects.

* More systematic regional sharing of information about programs and actions being taken would be of great assistance to deal with fairly common problems and issues in the process of strengthening democratic processes.

* Given A.I.D.'s inexperience with this type of project, it would have been advisable to use more outside experts in the design and implementation of such projects. A multi disciplinary advisory committee should follow project progress and participate in deliberations on important project decisions.

COSTS

I. Evaluation Costs

1. Evaluation Team Name	Affiliation	Contract Number OR TDY Person Days	Contract Cost OR TDY Cost (U.S. $)	Source of Funds
	Development Associates Inc.		*	
James L. Roush	Team Leader	39	21,619	Project
Mitchell Seligson	Lat.Am.Specialist	26	14,598	522-0296
James Rowles	Legal Specialist	26	14,598	
Joseph Alessandro	Training Specialist	26	12,805	
Carlos Ferro	Procurement Specialist	11	4,811	

* Costs are for entire project.

2. Mission/Office Professional Staff Person-Days (Estimate) 80

3. Borrower/Grantee Professional Staff Person-Days (Estimate) 12

SUMMARY

J. Summary of Evaluation Findings, Conclusions and Recommendations (Try not to exceed the three (3) pages provided)
Address the following items:

- Purpose of evaluation and methodology used
- Purpose of activity(ies) evaluated
- Findings and conclusions (relate to questions)
- Principal recommendations
- Lessons learned

Mission or Office:	Date This Summary Prepared:	Title And Date Of Full Evaluation Report: Strengthening Democratic Institutions Project. Component I Administration of Justice. January 29, 1991.
USAID/HONDURAS	JULY, 1994	

1. PROJECT PURPOSE

Civilian rule returned to Honduras in the 1980s after an extended period of military dictatorship. Thus, in 1987 when the Strengthening Democratic Institutions (SDI) Project was designed, the democratic process was incipient and key support institutions were extremely fragile. The project purpose was "to improve the capability of key democratic institutions (the Judiciary, the Congress, and the National Elections Tribunal/National Registry of Persons), develop local leadership, and increase the knowledge and participation of the Honduran populace in the democratic process". Administration of Justice (AOJ) is Component I of this project, the objective of which is to strengthen the court system, making it more efficient and responsive to the Honduran populace in matters concerning civil and criminal justice and better able to execute its functions as a mediator of intragovernmental conflicts. Initial priority in the AOJ Component was given to three tasks: (a) implementing a professional judicial career service; (b) strengthening the Judiciary's administrative structure; and (c) instituting a major training program to support the career service. However, in the Action Plan for 1994-1995; the focus became combatting corruption.

2. PURPOSE OF THE EVALUATION AND METHODOLOGY USED

The purpose of the midterm evaluation was to assess accomplishments to date against the planned outputs, analyze problems and constraints, analyze the continuing validity of the logical framework, and provide guidance for midcourse adjustments. This evaluation (8/87-9/90) was conducted by a Development Associates, Inc. team on the basis of: a review of project documents; interviews with project personnel (Court and National Commission for Judicial Reform), others conversant with the project in AID/Washington and USAID/Honduras, regional justice organizations in Costa Rica, Georgetown University, and its subcontractors, Consortium for Services to Latin America (CSLA) and Clapp and Mayne (CM).

3. FINDINGS AND CONCLUSIONS

Overall, Project implementation lagged because of contracting delays and staffing problems. The AOJ Component is very important in terms of the goals of the overall SDI Project and although the level of achievement against project plans has been low, it seems likely that project outputs will be realized by the end of the project (August 31, 1995).

(a) Judicial Career Service: Neither of the two Conditions Precedent nor the Covenant in the Memorandum of Understanding (MOU) relating to the career law have been fulfilled. There is no evidence that this issue had been brought to high levels of the Government of Honduras (GOH); thus, it is not clear whether there is a political will to carry out what appears to be the single most important action under the project to strengthen democratic principles and create public confidence in the three counterpart organizations. However, the new government is committed to judicial reform. The Career Law was put into force in March 1992 and is being implemented in cooperation with the Congress.

In relation to the Justice of the Peace Program, the experimental program has been successful, most of the 81 law school graduates participating in this program have been retained as Justices of the Peace or promoted. However, there has been no evaluation of the program. There is a need for diagnostic and analytical work to be done with respect to administrative tasks, legal provisions, efficiency of administrative procedures and others.

One of the most significant achievements of the project has been the successful establishment of a Public Defenders Program in Tegucigalpa and San Pedro Sula. Furthermore, this program should be extended to the interior of the country. A study of this program called for in the MOU has not been carried out. A Public Defender law has not yet been passed.

(b) Strengthening the Judiciary's Administrative Structure: A study on the subject has been developed by the Contractor. It provides a solid basis for future collaboration between GU and the Court in the area of administrative organization. However, the organizational and administrative reforms at the Court should not be permitted to obscure the primary objective of achieving full implementation of career judicial service. Active communication between GU and the Court is now proceeding apace.

(c) Training Program to Support the Career Service: No technical training for permanent staff of the support offices has taken place. Two international observation visits have been carried out. One long-term graduate level fellowship has been given.

The Latin American Institute of the United Nations for Crime Prevention and Treatment of Criminals (ILANUD) is in charge of the legal training while CSLA is responsible for the administrative training. Legal training has been well received, a manual for use by Justices of the Peace has been developed as well as a training needs assessment. Administrative training has not been as well received. CSLA has had less direct contact with Court officials and trainees. The first group of trainers were selected without any specific criteria (the second group were more carefully selected), and less data is available on the type of administrative training that is needed, because administrative reorganization has been lagging. There is no system for ensuring that the trainers get more training or experience -- or that they are used. The CSLA consultants made no evaluation of the trainers' teaching competency. There is a need for more analytical work on the working conditions of the Justices of the Peace and Judges of First Instance and on the application of the provisions of the Code of Criminal Procedure to provide a basis for detailed curriculum design of training programs.

There appears to be little contact between the organization providing the training under the project, CSLA, and the principal clients -- Court officials -- and others working in the judicial training -- the Judicial School and ILANUD. The Contractor's training role needs to be reviewed. There is a need for greater coordination between CSLA, the Judicial School, and ILANUD. Support to this Program should increase substantially as project implementation accelerates.

(d) Public Information Program: The project has not implemented the two mass media campaigns planned, and has not hired a permanent Public Information Officer as called for in the MOU.

(e) Project Design Validity: The basic design assumptions that achievement of the outputs specified in the Project Paper (PP) will result in a more effective and more responsive Judiciary appear valid. The cost effectiveness of the project will be significantly less than projected in the PP. Even so, based on the assumptions in the PP, the activity would be economically justifiable. The indicator at the purpose level of a "reduction in time for court case processing" seems inadequate of and by itself as an indicator of improvement in the administration of justice. The USAID/Honduras management structure and contractual arrangements for implementation of the project were not appropriate given the magnitude of the activities. The institutional analysis of the Judiciary in the PP remains valid. The general thesis in the recurrent cost analysis in the PP for the Judiciary is valid: a budget allocation of 3% should adequately cover all the increased recurrent costs implicit in project activity.

(f) Impact on Women: The potential impact of the project on women was not discussed in the PP or the MOU, and the team found no indication that it had been considered during the implementation of the project up to mid-1990. In the evaluation scope of work, however, USAID asked the team to suggest mechanisms that could be incorporated into the project to measure the impact on women. The team found two issues related to women that should be of concern to USAID. One relates to the openness of the Judiciary to participation by women; the other to any special problems that women may have in obtaining justice under the law.

4. PRINCIPAL RECOMMENDATIONS

(a) USAID/Honduras needs to redefine the role of USAID/Honduras, the Contractor, and the USAID liaison officer;

(b) USAID/Honduras should give highest priority to encouraging and facilitating the Court's effective implementation of the Judicial Career Law;

(c) A workshop should be carried out to discuss the depoliticization of the Judiciary;

(d) A joint U.S.-Honduran study should be carried out to evaluate the experimental Justice of the Peace program;

(e) USAID should facilitate the early drafting and submission to the Congress of enabling legislation for Public Defenders;

(f) A workshop should be carried out to clarify roles and relationships of training institutions and develop a training plan;

(g) USAID should modify its project management approach and allow the contractor greater freedom;

(h) USAID should focus its attention on policy issues; and,

(i) USAID should carry out a series of studies to address WID issues.

For a complete list of recommendations, see Attachment II.

5. LESSONS LEARNED

* The three main components of the SDI Project (Administration of Justice, Congress, and Elections Tribunal/National Registry of Persons) are sufficiently different that they should have been separate projects; as a minimum, election support should be separate because its rigid time schedule causes it to take priority over everything else.

* More systematic regional sharing of information about programs and actions being taken would be of great assistance to deal with fairly common problems and issues in the process of strengthening democratic processes.

* Given A.I.D.'s inexperience with this type of project, it would have been advisable to use more outside experts in the design and implementation of such projects. A multi disciplinary advisory committee should follow project progress and participate in deliberations on important project decisions.

ATTACHMENTS

K. Attachments (List attachments submitted with this Evaluation Summary; always attach copy of full evaluation report, even if this was submitted earlier; attach studies, surveys, etc., from "ongoing" evaluation, if relevant to the evaluation report.)

Please note that the evaluation report titled Strengthening Democratic Institutions Project, I - Administration of Justice was forwarded to AID/W on July 18, 1991.

Attachment I: Outline of Basic Project Identification
Attachment II: Complete List of Recommendations
Attachment III: Evaluation Report

COMMENTS

L. Comments By Mission, AID/W Office and Borrower/Grantee On Full Report:

This evaluation needs to be considered within the historical context in which project implementation began. The August, 1987 signing of the Project Agreement was followed by an unusually complex contract negotiation process with the project's primary contractor. The Honduran presidential campaign was in full swing when the GU contract was finalized one and a half years later. As a result of the campaign, politics permeated the Supreme Court's decision-making process and thereby greatly hampered the implementation efforts of both USAID and GU in all areas of the project. After the elections, the controversy surrounding the naming of the President of the Supreme Court only further exacerbated delays caused by the change of administrations.

The evaluators were mistaken in their statement that there was no evidence of progress on career service in the three components. The success of an August, 1990 Workshop held in Valle de Angeles to finalize the organizational development plan would not have been possible without the political will of the Court to implement the judicial career law.

The Mission agreed with evaluators' comment that the indicator at the purpose level of a "reduction in time for court case processing" seems inadequate and is, therefore, using Consultoría Inter-Disciplinaria GALLUP (CID/GALLUP) polls to measure confidence in the judicial system, the new indicator.

The evaluators noted that no evaluation of the Justice of Peace program had been undertaken. Since this midterm evaluation, an evaluation of this program has been made.

Public information campaign activities were postponed to permit the Court additional time to prepare itself for the public's demand for justice services that is certain to arise from the campaigns. A public information officer, as called for in the Memorandum of Understanding, was appointed in 1992.

Although the evaluators were required to measure project implementation progress against the outputs called for in the Project Agreement, the Mission believes that allowances should have been made for unexpected political events that impeded project implementation.

The Mission does not agree with evaluator's comments that Project should have been three separate projects. This would have required a large increase in the American presence here and involved considerably more contract administrative processing and associated problems. Additionally, considering the "down time" in individual components, the use of three contractors would not have been cost-effective.

An additional lesson learned that came to light through this evaluation is that Democratic Initiatives projects need to be designed flexibly enough to allow project implementation to keep step with changes in the political environment.

Attachment I

BASIC PROJECT IDENTIFICATION DATA

1. Country: Honduras

2. Project Title: Strengthening Democratic Institutions
Component I - Administration of Justice

3. Project Number: 522-0296

4. Project Date:

   a. First Project Amendment: 8/10/87
   b. Final Obligation Date: FY94
   c. Most recent Project Assistance Completion Date (PACD): 8/31/95

5. Project Funding: US$21,800,000

   COMPONENT I - Administration of Justice Funding:

a.	USAID Bilateral Funding (grant and/or loan)	US$ 5,193,939
b.	Other Major Donors	US$
c.	Host Country Counterpart Funds	LPS15,314,240.77
	Total	US$

6. Mode of Implementation: USAID Direct Contracts with Georgetown University

7. Project Designers: USAID/Honduras and the Government of Honduras

8. Responsible Mission Officials:

   a. Mission Directors: John A. Sanbrailo (11/22/86 to 08/91)
   Marshall D. Brown (08/91 to present)

   b. Project Officers: Anthony Volbrecht (08/87-02/89)
   John Fasullo (02/89-5/89)
   Roberto Figueredo (05/89-11/90)
   Emily Leonard (11/90 to 11/92)
   Karen Otto (11/92 to 03/94)
   Emily Leonard (04/94 to present)

9. Previous Evaluations: None

ATTACHMENT II
SUMMARY OF EVALUATION
RECOMMENDATIONS AND MISSION RESPONSE

COMPONENT: I. ADMINISTRATION OF JUSTICE	COMPONENT: I. ADMINISTRATION OF JUSTICE
RECOMMENDATION	**MISSION RESPONSE**
A. Mid-Course Adjustments	**A. Mid-Course Adjustments**
1. USAID should give highest priority to encouraging and facilitating the Court's effective implementation of the Judicial ongoing Career Law, with the immediate focus of attention on insulating the Justices from politics.	Ongoing. A decree beginning implementation of the Judicial Career Law was issued in 1991. The contractor finished development of manuals, regulations and exams in 1992. The Court approved all manuals in 1993. Compliance has been excellent for about 20% of the workforce. USAID continues to push for full compliance by August 1995.
2. USAID should let the Court know that: a) A.I.D. considers this the most important element of the Judiciary component of the project; and b) USAID is unwilling to make significant contributions to other elements, let alone support any new ideas put forth in September workshop, until:	Ongoing. USAID has consistently expressed to the Court both, in formal communications and informally, the importance of successful, implementation and adherence of the Court to the Judicial Career Law in order for substantive USAID support to continue. USAID continues to push for full compliance by August 1995.
a. a detailed implementation plan has been prepared for implementing the law and action has been initiated in accordance therewith on a priority basis; and	Completed. The President of the Supreme Court declared the Judicial Career Law in effect as of March 1, 1991. Personnel and procedure manuals necessary to fully implement the law were not completed until 12/92 due to the time necessary to do a thorough job, not because of any reluctance on the part of the Court. Related Covenant is met.

b. current hiring by the Court is being done on the basis of public announcements of openings, competition among candidates, and selection by an impartial selection process that ensures political affiliation is not an element of decision.	Ongoing. Hiring for more than 20% of Court employees is being done through competition and merit.
3. Assuming that a strengthening of "will" is needed, USAID should request a workshop to discuss the depoliticization of the Judiciary.	Not Accepted. Meetings with Senior court officers, the Association of Court Employees, and Congressional (political party) leadership have been part of an ongoing dialogue. A workshop is not planned.
4. USAID should encourage the Court to ask for a joint U.S.-Honduran study to evaluate the experimental Justice of the Peace Program and recommend its future. The study should also review the items identified in III.B.5.b. of the evaluation report.	Completed by G.U. and pertinent findings have been managed by the National Judicial Reform Commission from 1993 through early 1994.
5. USAID should facilitate the early drafting and submission to the Congress of enabling legislation for Public Defenders.	An amendment of The Law of Attributions and Organization of the Court which legally establishes the Public Defender Program has been drafted. New NJRC will review draft to submit to Court to propose to Congress.
B) **Training**	B) **Training**
1. USAID should propose that National Judicial Reform Commission (NJRC), with contractor support, or the contractor, following the completion of the study recommended above (A.4) hold a workshop, similar to the September 1990 one on judicial organization, which would focus on:	Ongoing. First workshop was completed on 4/91 and new activity was proposed in 2/94.

a. the relationship between administrative and legal training.	Completed on 4/91 by former Court and addressed with new Court leadership on 2/94, resulting in the Court agreeing to renew the Judicial Schools programs of instruction on these relationships.
b. the role of the Judicial School in all elements of judicial training and its relationships with ILANUD and USAID contractors; and	Completed on 4/91 with former Court and addressed again in 2/94.
c. the development of a plan for expanding and improving training in court administration and other areas of judicial operations not currently covered.	Completed on 4/91 with former Court and addressed again in 2/94.
2. The contractor should proceed with the purchase and delivery of the furniture of the Judicial School. This overdue procurement was agreed to before there were delinquencies in meeting the MOU Conditions Precedent.	Completed 2/91
3. Assuming that the contractor will have an expanded training role in the near future in both Components 1 and 2, USAID should authorize the contractor to add a full-time training coordinator position to its Honduras office.	Not accepted. This role was adequately fulfilled by the Chief of Party and project implementation manager for the Institutional Contractor.
C. <u>Project Management</u>	C. <u>Project Management</u>
1. Given the arrival of a new chief of party for the contractor and the positive working relations developed with members of the Court, USAID should modify its project management approach and allow the contractor greater freedom in dealing with the Court on a day-to-day basis on the implementation of approved work plan.	Completed 11/90.

2. Concurrent with the foregoing, USAID should focus its attention on policy issues (see A.above), routine project monitoring, and ensuring appropriate coordination of effort between bilateral and regionally funded activities.

Completed 11/90. The project management staffing pattern has been adjusted to permit more staff attention on policy issues and project monitoring. Coordination between bilateral and regionally funded activities has increased through more frequent communication among implementing Missions and Agencies.

D. <u>Impact on Women</u>

1. With regard to openness, USAID should arrange for a study to be funded under the project to (a) identify and assess the obstacles to female participation in the judiciary; (b) review the Career Judiciary Law and its enabling regulations for potential for discrimination.

D. <u>Impact on Women</u>

(a) Partially completed. Questionnaires from female judicial employees identifying and assessing obstacles to female participation have provided partial input. CID/Gallup polls and additional studies will be used to fully comply with recommendation. (b) Review of the Law by HRD/SP staff showed no discrimination.

2. Depending upon the results of the foregoing study, it may be appropriate to establish a monitoring mechanism to ensure compliance with provisions of the Honduran Constitution and the American Convention on Human Rights(to which Honduras is a party) to ensure compliance in hiring and promotion within the career judiciary.

Closed. There is ongoing monitoring by HRD/SP staff through periodic personnel reports from Court and independent sources of information.

3. Regarding justice under the law, a study should be undertaken to determine whether there are special problems that women have in obtaining justice that could be dealt with under the project. A particular area for review would be the system of family law and child support payments.	Ongoing. CID/Gallup polls and other studies will be done to determine such obstacles.