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"THIS IS A PRIMARY OBLIGATING DOCUMENT THAT IS NOT PURSUANT TO A HANDBOOK 3 PROJECT AGREEMENT"

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

September 28, 1994

Dr. Francisco Eguiguren  
Director Ejecutivo  
Comisión Andina de Juristas  
Los Sauces 285  
San Isidro

Subject: Grant No. 527-0352-G-00-4338-00

Dear Dr. Eguiguren:

Pursuant to the authority contained in the Foreign Assistance Act of 1961, as amended, the United States Agency for International Development (hereinafter referred to as "USAID" or "Grantor") hereby grants to the Comision Andina de Juristas (herein after referred to as "CAJ" or "Grantee"), the sum of \$125,000 to provide support for the design and implementation of the new Office of the Ombudsman (Defensor del Pueblo in Peru), as described in the Schedule of this Grant and the Attachment 2, entitled "Program Description."

This Grant is effective and obligation is made as of the date of this letter and shall apply to commitments made by the Grantee in furtherance of program objectives during the period beginning with the effective date and ending July 31, 1995.

This Grant is made to the CAJ, on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment 1, entitled the Schedule, Attachment 2, entitled "Program Description," Attachment 3, entitled "Standard Provisions," and Attachment 4, entitled "Restrictions on Lobbying," which have been agreed to by your organization.

Please sign all six copies of this letter to acknowledge your receipt of the Grant, and return five copies to the Grant Officer.

Sincerely yours,

George A. Wachtenheim  
Director

**Attachments:**

1. Schedule
2. Program Description
3. Standard Provisions
4. Special Provisions entitled "Restrictions on Lobbying"

**ACKNOWLEDGED:**

Comisión Andina de Juristas

**BY:**

  
\_\_\_\_\_  
Francisco Eguiguren  
Executive Director

**Title:**

**Date:**

September 29, 1994  
\_\_\_\_\_

**FISCAL DATA**

**Allocation:**

**Appropriation: 72-113/41037**

**Budget Plan Code: LES3-94-25527-KG13**

**PIO/T No.: 527-0352-3-40078**

**Total Estimated Amount: \$125,000**

**Total Obligated Amount: \$125,000**

**Funding Source: USAID/Peru**

## SCHEDULE

### A. Purpose of Grant

The purpose of this Grant is: (1) to promote the passage of the Ombudsman law in Congress and (2) to support its institutional implementation process, as more specifically described in Attachment 2 to this Grant entitled "Program Description."

### B. Period of Grant

1. The effective date of this Grant is the date of the cover letter. The estimated completion date of this Grant is July 31, 1995.

### C. Amount of Grant and Payment

1. USAID hereby obligates the amount of \$125,000 for purposes of this Grant.

2. Payment shall be made to the Grantee in accordance with procedures set forth in Attachment 3 - Optional Standard Provision No. 1, entitled "Payment Periodic Advance."

### D. Financial Plan

The following is the Grant Budget, including local cost financing items, as authorized. Revisions to this budget shall be made in accordance with Mandatory Standard Provision of this Grant, entitled "Revision of Grant Budget."

**Grant Budget (US\$000)**

ELEMENTS	PHASE I		PHASE II		TOTAL	
	US\$	LOCAL CURRENCY	US\$	LOCAL CURRENCY	US\$	LOCAL CURRENCY
<b>I. SALARIES</b>	<b>2,400</b>	<b>17,000</b>	<b>2,400</b>	<b>46,000</b>	<b>4,800</b>	<b>63,000</b>
- Project Director (\$3,000 x 10 months)	--	9,000	--	21,000	--	30,000
- Project Specialist (\$2,000 x 10 months)	--	6,000	--	14,000	--	20,000
- Project Assistant (\$1,000 x 7 months)	--	--	--	7,000	--	7,000
- Local Consultants (3 x \$200 x 1 month)	--	2,000	--	4,000	--	6,000
- International Consultants (4 x \$200 x 5 days)	2,400	--	2,400	--	4,800	--
<b>II. TRAVEL AND PERDIEM</b>	<b>5,325</b>	<b>--</b>	<b>5,325</b>	<b>--</b>	<b>10,650</b>	<b>--</b>
- International Travel (4 air tickets)	1,600	--	1,600	--	3,200	--
- Per Diem in Lima (4 x \$211 x 8 days)	3,400	--	3,400	--	6,800	--
- Other Travel Expenses (airport taxes and taxis)	325	--	325	--	650	--
<b>III. TRAINING AND DIFFUSION</b>	<b>--</b>	<b>5,550</b>	<b>--</b>	<b>14,000</b>	<b>--</b>	<b>19,550</b>
- Forum (material costs, supplies, photocopies, etc.)	--	4,150	--	--	--	4,150
- One Workshop expenses	--	--	--	1,600	--	1,600
- Cost of Trainers (4 x \$150 x 3 days)	--	900	--	900	--	1,800
- Other Training Costs	--	500	--	500	--	1,000
- Publicity Journalist advisory (\$2,000) Mass media contracts (\$8,000) Journalists meetings (\$1,000)	--	--	--	11,000	--	11,000
<b>IV. EQUIPMENT (*)</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>19,000</b>	<b>--</b>	<b>19,000</b>
- Office equipment	--	--	--	7,000	--	7,000
- Computer equipment and software	--	--	--	12,000	--	12,000
<b>V. OPERATING EXPENSES</b>	<b>--</b>	<b>2,000</b>	<b>--</b>	<b>6,000</b>	<b>--</b>	<b>8,000</b>
- Secretarial support, administrative support, telephone and fax service, office space, etc.	--	2,000	--	6,000	--	8,000
<b>GRAND TOTAL</b>	<b>7,725</b>	<b>24,550</b>	<b>7,725</b>	<b>85,000</b>	<b>15,450</b>	<b>109,550</b>

(\*) To be delivered directly to the Office of the Ombudsman.

4

E. Reporting Requirements

1. Financial Reporting

a. Financial reporting requirements shall be in accordance with the Optional Standard Provision of this Grant entitled "Payment Periodic Advance" as shown in Attachment 4.

b. The original and two copies of all financial reports shall be submitted to USAID/Peru, Office of the Controller, Larrabure y Unanue 110, Lima 1, Peru.

2. Monthly Progress Reports

CAJ will provide USAID/Peru with monthly progress reports in Spanish during the life of the Grant, describing in detail achievements, problems encountered, and changes made or recommended during the reporting period. In addition, USAID will be fully informed through meetings and/or written reports of any unanticipated developments in the execution of the project.

3. Completion Report

Two (2) copies of a final report, in Spanish, will be submitted prior to the completion date of the project. An English summary of the report's conclusions must also be submitted at the same time.

4. Financial Reviews

In lieu of an audit, Financial Analysts from USAID/Peru Controller's Office will conduct periodic financial reviews of the Grant.

F. Special Provisions

1. As set forth in Attachment 3, all Mandatory Standard Provisions for Non-U.S. Non-governmental Grantees apply to this Grant. Applicable Optional Standard Provisions are indicated on the Checklist.

2. To assist in the implementation of the project, USAID from time to time will issue implementation letters furnishing additional information on requirements regarding matters stated in this Grant. Such letters shall not modify the terms of the Grant.

3. The USAID Project Officer is authorized to issue all approval documents which can clearly and reasonably be considered within the terms of this Grant as written.

G. Title to Property

Title to equipment purchased under this Grant will be disposed of by transferring it to the Office of the Ombudsman.

H. Authorized Geographic Code

The Authorized Geographic Code under this Grant shall be the United States (000) and Peru (subject to Standard Provision on Local Cost Financing).

## PROGRAM DESCRIPTION

### A. Background

The 1993 Constitution (Articles 161 and 162) incorporates the Office of the Ombudsman as an autonomous institution, whose head will be elected for a five-year term through a two-thirds vote in Congress. The Ombudsman will be responsible for "defending the fundamental and constitutional rights of man and community, and for assuring that the government meets its duties, and that public services are delivered to the citizenry." The Ombudsman lacks decision-making authority; rather, his role is an advisory one: conducting investigations, writing and publishing reports, and recommending the ceasing of any actions that may endanger human rights. The Office is one of "legal persuader," and thus its success depends much on the prestige and public recognition of its director. It is therefore indispensable that the Ombudsman have access to the press and other mass media.

According to the new Constitution, a law will be required to implement the Office of Ombudsman on a national level. As a result, a bill establishing the Office of Ombudsman was proposed by Congressman Carlos Ferrero Costa and published in the official newspaper on January 10, 1994. After being debated in "Public Audience" convened by the Justice Committee of the Congress (in which the Andean Commission of Jurists participated), the text was approved in Committee on April 14, 1994. It is currently awaiting discussion before the entire Congress. The bill was modeled after Spanish law 3/1981, establishing Spain's version of the Office of Ombudsman.

While this bill represents a sound legislative effort, the bill does not specify such key aspects of the Office of the Ombudsman as the structure of the institution to be created. This and other aspects of the institution remain to be defined.

Therefore, an adequate legal basis, organizational structure, and budgetary requirements, based both on the current national situation and the experiences in other countries in Latin America and Europe with similar institutions, remains to be designed before Peru's Office of the Ombudsman can be properly implemented and become operational.

The Justice Sector Support Project has this as one of its most important activities in support of the protection of human rights in Peru.

1

**B. Purpose of the Grant**

The purpose of the Grant is to promote the passage of implementing legislation for the Office of the Ombudsman in Congress and to support the process of implementation of the Office of the Ombudsman.

**C. Project Implementation and Institutional Responsibilities**

**1. Responsibility of CAJ**

The CAJ will have primary responsibility for implementing the project and will provide specialized technical assistance in Constitutional Law and Human Rights to implement the following activities:

**1. First Stage (three months):**

a. Generate favorable public opinion among the various sectors of the population regarding the need for legislation to implement the Office of the Ombudsman, with the goal of putting the issue on the political agenda. Promote Congress' designation of someone who meets predetermined requirements (prestige, independence, and a commitment to the protection of human rights) to fill the position.

b. Emphasize the need for Congress to approve and perfect the law proposed by the Democratic Constituent Congress' Justice Commission. To this end, gain the support of various public opinion-shaping elements: the media, certain congressional representatives, the Lima Bar Association, and other experts on the subject.

**Specific tasks involved in this stage are as follows:**

**1. Publish and distribute an informational brochure emphasizing the need to draft legislation implementing the Office of the Ombudsman.**

**2. Carry out a mass media information campaign to highlight the importance of establishing the Office of the Ombudsman. Among other activities, it will include: articles by experts, public service announcements, interviews, press conferences, meetings with journalists, etc.**

**3. Develop workshops to analyze the proposed legislation.**

**4. Draft a document in which the proposed legislation is analyzed and which provides proposals for its reform for the benefit of the general population.**

5. Stage a public debate to discuss the proposed legislation and obtain feedback from different sectors. In the case that the proposed law is approved, the event will be used to analyze and disseminate the content of the legislation.

6. Publish results of the event.

7. Lobby congressional representatives of diverse political backgrounds as well as other elements that shape public opinion to ensure support for the bill.

## **2. Second Stage (seven months)**

Provide technical assistance to the Ombudsman's Office in order to support its institutional building process after the law is passed, and USAID has notified the Andean Commission of Jurists in writing to proceed with this second stage. For this purpose, the CAJ will seek the collaboration of the Instituto Interamericano de Derechos Humanos (IIDH). Collaboration of the IIDH may also be required during the first stage.

Specific tasks involved in this stage are as follows:

1. Create a bank of information about other countries, especially in Latin America, where an Ombudsman or similar office has been established. The information should be gathered and presented in a manner that will facilitate a comparison of potential models for the design and implementation of Peru's Office of the Ombudsman.

2. Create an inventory of needs, and determine priorities, for the implementation of the Office of the Ombudsman, considering a gradual implementation of the responsibilities of the Ombudsman, including:

a. Define requirements and priorities for the implementation of the Office of the Ombudsman in the areas of infrastructure, organizational structures, as well as in procedural, personnel, financial management, and other necessary administrative fields.

b. Draft a document that synthesizes these priorities, and select the cities where the Ombudsman should be made operational on an initial, pilot basis.

3. Design basic norms and regulations to govern the structure of the Office of the Ombudsman, and design the positions required to fill that structure. The regulations should contain, at a minimum, the following:

a. Organizational diagrams of the Office of the Ombudsman, at both the national and local levels.

b. The responsibilities of each administrative sub-division.

c. A list of positions and job descriptions that also detail the minimum requirements for each position.

4. Create a system to receive, process, and resolve complaints, providing, among other things, the grounds for filing a complaint, a model of the proper format for filing a complaint, and a diagram illustrating the steps involved in the flow of a complaint through to its resolution.

5. Design and develop a training program for personnel of the Office of the Ombudsmen that encompasses, among other things, an outline of a training program for personnel (course descriptions, syllabi, training methods and personnel), and a list of the type and quantity of materials needed for instruction.

6. Purchase and installation of equipment in the Office of the Ombudsman.

7. Develop an outreach program to diffuse the Ombudsman role and to execute a publicity campaign on its functions and access mechanism to the population.

## **2. USAID Project Monitoring and Management**

The Office of Democratic Initiatives and Training (ODIT) will assume overall responsibility for project management within USAID/Peru. Specific implementation responsibilities will be assigned to an experienced officer to be hired under a Personal Services Contract directly by USAID. The primary responsibility of the Project Officer will be to ensure that project activities conform to USAID regulations and interests and purpose of the Grant.

## **3. Financial Management**

Prior to disbursement of funds under the Grant, the CAJ will submit for USAID/Peru approval an expenditure schedule by budget elements.

**MANDATORY AND OPTIONAL STANDARD PROVISIONS**  
(Appendix 4C, USAID Handbook 13)

The following Mandatory and Optional Standard Provisions for Non-U.S. Non-Governmental Grantees in effect as of the effective date of this Grant are incorporated herein by reference with full force and effect as though fully set forth herein:

**A. Mandatory Standard Provisions**

- |  |                 |
|--|-----------------|
| 1. Allowable Costs   | (June 1993)     |
| 2. Accounting, Audit, and Records                          | (October 1992)  |
| 3. Refunds   | (June 1993)     |
| 4. Revision of Grant Budget                                | (June 1993)     |
| 5. Termination and Suspension                              | (June 1993)     |
| 6. Disputes  | (June 1993)     |
| 7. Ineligible Countries                                    | (May 1986)      |
| 8. Debarment, Suspension, and Other Responsibility Matters | (March 1989)    |
| 9. U.S. Officials not to Benefit                           | (November 1985) |
| 10. Nonliability   | (November 1985) |
| 11. Amendment  | (November 1985) |
| 12. Notices  | (November 1985) |
| 13. Metric System of Measurement                           | (August 1992)   |

**B. Optional Standard Provisions**

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|--|-------------|
| 1. Payment - Periodic Advance                    | (June 1993) |
| 3. Air Travel and Transportation                 | (June 1993) |
| 4. Ocean Shipment of Goods                       | (June 1993) |
| 5. Procurement of Goods and Services             | (June 1993) |
| 6. AID Eligibility Rules for Goods and Services  | (June 1993) |
| 8. Local Cost Financing                          | (June 1993) |
| 17. Title To and Use of Property (Grantee Title) | (May 1986)  |