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FINAL REPORT

INTERIM EVALUATON OF THE REGIONAL ADMINISTRATION OF JUSTICE REPORT

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June, 1988

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EXECUTIVE SUMMARY

The Regional Administration of Justice Project was authorized by the Bureau of Latin America and Caribbean (LAC) of the Agency for International Development (A.I.D.) in March 1985 for a life of project period (LOP) of five years. As expanded in 1986, it provides $11.8 million of Economic Support Funds (ESF) "to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of national justice systems in the region with major emphasis on criminal justice system improvement." The Project provides funds to the Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD), a UN-related organization, so that ILANUD can provide training, technical assistance and analytical assistance to national organizations important to the operation of the criminal justice sector and improve its own institutional capability to provide such assistance. The Project also provides funds to Florida International University (FIU) so that it can provide technical assistance and advice to ILANUD in the conduct of ILANUD's responsibilities under the Project. Finally, the Project supports the operation of A.I.D.'s Regional Administration of Justice Office (RAJO) in Costa Rica which is the project manager and the source of technical advice and guidance for the A.I.D. Missions in those countries in which the Project is active. LAC Office of Democratic Initiatives (LAC/DI), formerly Administration of Justice and Democratic Development (LAC/AJDD), provides overall policy guidance and direction in the Project. The Project is focussed on the core countries of Costa Rica, the Dominican Republic, El Salvador, Guatemala and Honduras. Panama had been included as a core country, but dropped out of the program because of political reasons. The Project also provides modest support for participation in ILANUD's training program by representatives of the democratic countries of South America.

This is the report of the first external evaluation of the operation of the Regional Project. As a mid-term evaluation its purpose is to assess the progress which has been made; identify problems needing attention; and make recommendations for corrective actions. The evaluation also is to address specific questions concerning the operation of ILANUD and the prospects for achieving the purposes and impact sought through the Project. The evaluation is not an audit. That is to be performed separately by an independent audit firm contracted with Project funds.

The evaluation was conducted by a four person team provided by Checchi and Company Consulting, Inc. under an Indefinite Quantity Contract. The methodology used in the evaluation basically was that of interviewing persons who had participated in the activities of the Project or were involved or

knowledgeable about those activities and the problems facing the operation of the criminal justice systems of the countries participating in the Project. A selection of persons who attended ILANUD's training events also completed questionnaires concerning their experience. Members of the team visited all the core countries (except Panama), and the leader of the team also visited Bolivia, Ecuador, Peru and Uruguay. All together interviews were held with 372 persons. Of that number 184 persons submitted completed questionnaires. The field data collection took place during the period mid-January to mid-April 1988. The draft report was submitted for review in mid-May 1988.

The Report of the evaluation consists of this main volume and its annexes. Among those annexes are separate reports on the operation of the Project in the nine countries visited during the data collection phase. Those country reports give further information to justify the conclusions reached in the main report, and contain conclusions and recommendations which are specific to the particular countries. The main report sets forth 21 major conclusions (see part V). 46 recommendations for action are included both at the end of the discussions of the topics to which they pertain and as part of a prioritized list in part VI.

The 27 questions contained in the Scope of Work are addre ed in the course of the discussions of the topics to which they pertain. However, the report does not attempt to address the question of what should be the appropriate indicators of progress toward the Project's goal "to foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries which will increase popular confidence in the fair and impartial application of law, and will support democratic institutions." Making progress on that goal is highly dependent on factors other than the Project, and any measurements would have to be country specific to have any realism or utility. Neither the Missions nor the Project's institutions had given enough thought to the topi to make it possible to arrive at any conclusions in the time available for the field data collection. This should be a task performed in conjunction with the preparation of the bilateral action programs.

The Project is a complicated and ambitious undertaking. It involves a very substantial institutional building effort with an international organization and, to a lesser degree, with various national institutions; training and technical assistance activities taking place to one degree or another in 11 countries; coordination among AID/W, a regional office and 10 A.I.D. Missions and field offices; and the provision of long and short term technical assistance by a U.S. university. The subject matter of improving the criminal justice system is new to most persons in A.I.D., and its political sensitivity is presumed to be high. All these factors call for caution and a measured pace.

However, the political interest of the USG in the topic calls for action and results.

The Project has made significant progress during the first three years of its life. It is operating in all the target countries. ILANUD has doubled its staff, and taken important steps to improve its capacity to handle A.I.D. funds and to meet the very large increase in program responsibility which it assumed under the Project. By the end of 1988 ILANUD will have exceeded the target of the number of persons to be trained under the Project, and substantially complied with the magnitude of technical assistance called for and will have supplied all the core countries with the basic criminal justice libraries provided for under the Project. Also by mid-1988 six country judicial sector assessments will have been completed, and national workshops held to discuss them and what might be done to address the problems identified in them. National Commissions of representatives of the national institutions key to the operation of the criminal justice system have been established in all the core countries except El Salvador whose institution is distinct. All but one of the core countries and three of the South American countries have undertaken or have under planning bilateral action programs to improve the operation of the criminal justice systems.

However, there also have been significant shortfalls from what was anticipated in the Project's design, and there are important problems that need to be addressed during the remaining LOP. ILANUD's major technical assistance program has fallen behind schedule, and needs attention; and its program of providing technical assistance and advice in response to national requests lacks focus and clear impact. The National Commissions remain weak organizations which need greater and more extended assistance than was planned. The Sector Assessments have not been used to prepare sector strategies or programs, and without additional investments will not become widely known or kept current--thereby failing to fulfill their potential. ILANUD's training program lacks any follow-up mechanism to support and utilize the efforts of its ex-trainees; it has no evaluation system; it is not focussed as much on national problems and national conditions as most trainees would like; it is not coordinated with the training efforts of others such as that of the International Criminal Investigative Training Assistance Program (ICITAP) of the U.S. Department of Justice or the Harvard Law School Project in Guatemala. The bilateral action programs o the A.I.D. Missions have not relied as much on the experience and institutions of the Regional Project's design as had been expected. In part this is because the Project did not achieve a good system of coordination among the participating A.I.D. entities; and, in part, because of the overwhelming amount of responsibility placed on RAJO by both the design of the Project and the circumstances facing its implementation.

The main challenge facing the Project during the remaining LOP is the need to further strengthen ILANUD as an institution. Generalizing, one might say that ILANUD's program activity has gotten ahead of its management capability. Most of the issues and problems facing ILANUD are connected with strategy, policy, planning, evaluation, institutional role setting, the definition of the organizational roles of its staff members and the forging of client relationships. FIU's assistance to ILANUD on these aspects needs to be increased and improved. The magnitude and nature of the effort will depend on whether or not the scope of the Project is expanded to include South America in all of its activities and whether ILANUD is made the channel for that expansion. However, whether or not that expansion takes place, the Project will need to adjust its assistance to ILANUD to correspond to what A.I.D. believes should be ILANUD's long term role in the bilateral action programs in the region. Unless A.I.D. makes a conscious effort to include ILANUD in the implementation of those bilateral programs it is unlikely that ILANUD will be able to sustain the level of activities it will have achieved under the Project, and for ILANUD to be able to participate in the implementation of action programs it will continue to need support from A.I.D. for its institutional improvement. In view of this need it would seem advisable for the Project to continue to support FIU's assistance to ILANUD for the remaining LOP.

It seems likely that the Project will be able to achieve its minimum purposes by the end of the current LOP. That is: ILANUD will have been improved; Sector Assessments will have ben completed and action programs undertaken in the core countries; a large number of persons active in the sector will have been exposed to ILANUD's training and as a result have had their interest in improving the operation of the sector heightened; and some experience will have been gained in programs addressing the major, common problems involving judicial statistics, the organization of juridical information and the administration of courts. However, it is unlikely that any significant impact on the actual operation of the institutions in the sector or on the public's perception of the fairness of the criminal justice system will have taken place--much less as a result of the Regional Project. Furthermore, ILANUD is unlikely to have reached the level of competence and funding apart from the Regional Project which will permit it to sustain the level of activity achieved under the Project.

More will need to be done. The issue will be whether to rely solely on bilaterally funded national action programs or to continue to fund regional efforts as well. A full discussion of the pros and cons of that issue is beyond the parameters of this evaluation. However, there do seem to be several convincing reasons to continue to have regional activities and to support

regional institutions (particularly ILANUD). One, some Missions may conclude that aspects of the reform of the criminal justice system are not well handled bilaterally, and will want to use an international organization to deal with them. Two, A.I.D. will have invested a significant amount of resources in improving ILANUD and creating a capacity on ILANUD's part to provide training and technical services. An additional investment to direct that capacity to other dimensions of the problem (e.g. processes for handling drug dealing, utilization of traditional, informal systems of dealing with crime, public perception and education) would seem to be a good use of the prior investment. Three, an expansion of the full range of the project to South America would be easier if a regional organizations were able to be an effective channel for it. Four, while the important problems are rooted in national conditions and will need national solutions, there is sufficient commonality among the legal systems and cultural conditions of many of the region's countries that people want to know what experience their counterparts in other countries are having. This desire offers an opportunity to introduce new ideas through regional events and activities. In a field in which A.I.D.'s own experience is limited, this flexibility is important. Five, without the presence of ILANUD there will be a tendency for A.I.D. to rely only on U.S. institutions to carry out the programs it will support in improving the operation of the criminal justice system. This could lead to the problems which were so troublesome for A.I.D.'s earlier Law and Development programs.

I. BACKGROUND AND METHODOLOGY OF THE EVALUATION

A. The Project

The Regional Administration of Justice Project (Project Number 596-0133) for Latin America and the Caribbean was authorized on March 20, 1985 for a five-year life of project funding for $10 million. The Regional Project's purpose is "to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical, and legal performance of national justice systems with major emphasis on criminal justice system improvement." The Project Paper targeted five countries -- Costa Rica, Dominican Republic, El Salvador, Honduras, and Panama (dropped later). It included a $9.5 million grant to the Latin American Institute for the Prevention of Crime and Treatment of the Offender (ILANUD) for training, advisory services, institutional support, extension facility, and evaluation and audits. An additional $500,000 was set aside for grants to U.S. institutions. At the time of the Project's design, A.I.D. was financing a related bilateral project in El Salvador with a total life of project cost of $9 million. The Regional Project was to support this and other, future bilateral efforts.

The Project was amended on May 1, 1986 to increase total life of project (LOP) funding from $10 million to $12.27 million. The additional monies were to be used to incorporate Guatemala into the Project ($1.145 million); to enable ILANUD to provide training for justice sector personnel in Bolivia, Colombia, Ecuador, Peru, Uruguay, and Venezuela ($505,000); to fund an A.I.D. Regional Administration of Justice Office in Costa Rica (RAJO) ($425,000); and to provide for contingencies ($195,000). As amended, the Regional Project covers support for: (i) the operations of ILANUD; (ii) technical assistance to ILANUD from Florida International University (FIU) pursuant to a Cooperative Agreement between FIU and A.I.D.; (iii) technical assistance, training, and financial assistance from ILANUD to justice sector institutions in Costa Rica, Honduras, Guatemala, El Salvador, Panama (later dropped), and the Dominican Republic (collectively referred to as the "core countries"); (iv) training assistance through ILANUD to Bolivia, Colombia, Ecuador, Peru, Uruguay, and Venezuela; and (v) the cost of maintaining the Regional Administration of Justice Office (RAJO) in Costa Rica and the Resident Coordinators in the USAID Missions in other participating Central American and Caribbean countries except for El Salvador. The Project also supports activities of the Inter-American Institute for Human Rights and of various U.S.-based organizations active in legal work in Latin America. The life of the Project runs through the first quarter of March 31, 1990.

The Conditions Precedent to disbursements were met in May 1985. The key advisors from FIU arrived in Costa Rica to take up their duties in July 1985. Most of the rest of 1985 was spent in organizing the operations of FIU in Costa Rica and in augmenting and organizing the staff of ILANUD to meet the very large increase in the scope and size of its operations under the project. By early 1986, implementation of activities under the project began on a substantial scale.

B. Nature of the Mid-Term Evaluation

Pursuant to the A.I.D. Indefinite Quantity Contract PDC-0085-I-00-5097-00 (Delivery Order Number 21), Checchi and Company Consulting, Inc. of 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036, was contracted to conduct the Mid-Term Evaluation of the Regional Administration of Justice Project (Project No. 597-0002). The evaluation covers the period from the design of the Project through the first quarter of FY 1988. The Scope of Work and its amendment are set forth in Annex 1.

The objectives of the mid-term evaluation are to: (a) identify, to the extent possible, quantifiable indicators of progress toward improving the fairness, independence, accessibility, and efficiency of Latin America judicial systems; (b) assess whether political conditions in the region have been or are conducive to project success; (c) provide recommendations to A.I.D. in defining what is and what should be the relationship between the Project and a series of bilateral Administration of Justice projects in the participating countries; (d) assess the progress of ILANUD in becoming a self-sufficient and substantial source of technical expertise in the improvement of the administration of justice; and (e) assess the effectiveness of the Project in conducting training programs providing technical assistance, and the provision of certain commodities

The evaluation was carried out by a four-person team: an evaluation specialist who served as team leader (John Oleson); a training evaluation specialist (Hunter Fitzgerald); a law specialist (Enrique Dahl); and a social science researcher (John Thomas). Mr. Oleson and Mr. Fitzgerald have had extensive experience both as A.I.D. direct hire employees and subsequently, as independent evaluators of A.I.D. activities. Mr. Dahl is an Argentine trained lawyer with experience in teaching and in the private practice of law with a focus on international, comparative law

C. Methodology of the Evaluation

The primary method of data collection for the evaluation was through interviews with officers of participating governments, ILANUD, and A.I.D., supplemented by site visits, the use of questionnaires, and a review of project documentation. The

timing and sequence of information gathering activities were left to the discretion of the evaluation team, subject to the constraints of the evaluation budget. The work was accomplished during the period January 20-April 15, 1988. All together the evaluation team consulted with 372 persons (see Chart 1 on the next page) and analyzed 184 questionnaires. Annex 2 provides a list of the documents consulted. Annex 3 provides a list of the persons interviewed in Washington. Lists of the persons interviewed in each country are given as appendices to the country annexes.

The evaluation team identified a representative sample of participants in the Project's training programs, and developed a questionnaire designed to provide the team with a basis on which to evaluate the effectiveness of ILANUD's training programs. Copies of the questionnaire in Spanish and English are given in Annex 4. Follow-up efforts were made to ensure the highest possible response rate. The contract did not provide resources to interview officials or ex-participants outside the capital areas. The methodology and draft questionnaire were reviewed with ILANUD's Training Department and with RAJO. Serious consideration was given to the possibility of mailing the questionnaires to all ex-participants, but that approach was not adopted since it would have been difficult to control in Latin America. Therefore, our sample was not completely representative.

The team visited all of the countries which have participated in the Project except for Panama, Colombia, and Venezuela. In each country team members interviewed the A.I.D. Mission Director or his representative, A.I.D. staff with responsibility for the administration of justice program, the Resident Coordinator, members of the National Commissions, supreme court justices, judges from appellate courts and courts of first instance, prosecutors and public defenders and other representatives of the host government with a policy-making role with respect to justice systems or with direct involvement with the Project. Team members also sought out selected private citizens who had professional contact with the justice systems in each country, such as members of the bar associations and professors of law.

The evaluation team visited the following Central American and Caribbean core countries for approximately five workdays each (Saturdays were used for travel): Costa Rica, Dominican Republic, El Salvador, Honduras (except the team leader who, at A.I.D./W's request, visited Peru), and Guatemala. The team leader visited each of the following South American countries for approximately four days each: Bolivia, Ecuador, Peru, and Uruguay. The team spent several days interviewing persons in Washington who were involved in or knowledgeable about the Project.

REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Chart 1 : Summary of Persons Contacted and Interviewed During the Evaluation

Number Contacted by Level

		USG			Implementing Agents			Courts					Other Justice Entities									Other Government						Non-Government				
	Country	U.S. Embassy	USAID	OIS	FIU	ILANUD	Project Coordinating Office	Agrarian Court	Lower Court Judges	Lower Court Staff	Supreme Court Judges	Supreme Court Staff	Attorney General	Bailiffs	Institute of Criminology	Judicial School	Ministry of Justice	National Commission	Prosecutors	Public Defenders	Public Ministry	CORELESAL	Department of Interior	Executive Branch	Legislative Branch	Social Welfare Department	Statistics Office	Bar Association & Private Practice	PUD & Others	UNDP	Universities	TOTALS
Central America and Caribbean	Costa Rica		4		8	14			14		3	1	1		2	3	1	2		7	7				1	2	8	1			2	81
	Dominican Republic	2	4	1	7				6		1	2		5							3	4						9			4	52
	El Salvador		3						20	1	5	5									8							1				43
	Guatemala	1	5						4	23	1	4						1			4		1		1			7				52
	Honduras		4						7	4	1	13					1	6			4							3			8	51
South America	Bolivia	1	6						12	3	3		1										2		1						1	33
	Ecuador		3						3			3													1							10
	Peru		4				3	1	6		5					2					7								2		2	32
	Uruguay	1	1						3		3								1	6				1						2		18
	TOTALS	5	34	1	15	14	3	1	75	31	22	28	2	9	2	5	2	9	1	16	33	4	3	1	4	2	8	21	2	2	17	372

The team visited Costa Rica three times. The purpose of the first trip was to gather data and interview the personnel of the Project's implementing organizations -- RAJO, FIU and ILANUD. The purpose of the second trip was to review the Costa Rican national activities and the operations of ILANUD in Costa Rica. The third visit was to discuss the draft report with ILANUD, FIU and RAJO. Comments and suggestions made at that time were taken into consideration in preparing the final report.

D. Previous Assessments and Evaluations

There have been two previous assessments or evaluations of activities involved in or related to the Project. Their content was taken into account in this evaluation.

1. "Report of Review of Operations and Prospects of Regional Administration of Justice Project, A.I.D. Project No. 597-002," prepared by John Oleson, August 1987.

Mr. Oleson was contracted in March 1987 by FIU to conduct an internal review in Costa Rica of the progress being made under the Regional Project. The focus of the review was on the institutional capability and needs of ILANUD. No travel outside Costa Rica was included. The author reviewed both administrative and program accomplishments. He identified six major issues or problems facing the Project. The report included 29 recommendations based on the findings and conclusions reached during the review. It also included suggestions for planning for the Project's first, external evaluation.

2. "Evaluation of the El Salvador Judicial Reform Project," author - Arthur Mudge, January 1988.

In the latter part of 1987, USAID/San Salvador contracted for an evaluation of its bilateral Administration of Justice Project by Arthur Mudge. The evaluation covered: (i) background material, (ii) the special investigation unit and forensic unit; (iii) the judicial protection unit, (iv) the legislative revisory commission, (iv) and judicial administration and training. The report also covered project management and special issues.

As explained later in our report, the El Salvador Bilateral Justice Project differs significantly from the Regional Project. Thus, the evaluation report was not directly relevant to the topics of this evaluation. However, it provided good background for our visit to El Salvador. Furthermore, the report did observe that the judicial administration and training components of the bilateral project had been slow in starting; and suggested that the A.I.D. Mission pursue further the utility of regional programs to supplement the current bilateral project in addressing the needs of the judicial sector.

II. DESCRIPTION OF PROJECT AND ROLE OF PARTIES

The following is a schematic presentation of the Regional Project. It is provided to assist the reader in understanding the analysis and comments which follow. For a complete understanding of the composition and mechanisms of this complicated project it is necessary to read the Project Paper prepared by A.I.D. in Washington in February 1985 and its amendment of May 1986. The Project was undertaken with strong encouragement from the Department of State. It was considered to be an important part of the U.S. Government's overall strategy in Central America and the Caribbean. The expansion of the Project's training activities to the South American democracies in 1986 also was encouraged by the Department of State which follows the progress of the Project's implementation more closely than is usual with A.I.D. activities.

The original Project Paper was prepared with the extensive assistance of the persons who are now the chief of RAJO and the Senior Advisor of FIU's technical assistance team to ILANUD. Although further analyses of problems and the gathering of data are important parts of the Regional Project itself, the authors of the Project Paper concluded that their own understanding of the problems facing the operation of the criminal justice systems of Central American and the Caribbean was sufficient to enable A.I.D. to make the basic project design decisions. That understanding was based on their prior academic work on the topics, the recommendations of the National Bipartisan Commission on Central America, and on the experience which A.I.D. had had in the late 1960s and early 1970s in working on projects in Law and Development in several Latin American countries.

A. Goal, Purpose and Strategy of the Project

The goal of the Project is "to foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries which will increase popular confidence in the fair and impartial application of law, and will support democratic institutions." The purpose of the Project is "to strengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical and legal performance of national justice systems in the region with major emphasis on criminal justice system improvement." The Project is an effort to prepare the institutions and to gather the information and experience on key issues which will permit follow-on action programs to achieve sustained improvement in the operation of the criminal justice systems of the target countries.

Several major decisions underlie the strategy adopted to carry out the effort. First, it was concluded that, at least in the beginning of the effort, it would be better if the US

Government did not deal directly with national governments and legal institutions on topics related to the reform of legal systems. This conclusion was based on the experience which A.I.D. had had in the earlier Law and Development projects and on the advice of current observers of Latin American views. It was thought better to work through a public or private organization which would be seen as not being an agent of the political interests of the USG. Second, it was decided to confine the scope of the Project to the Spanish speaking countries with a civil law tradition. The Dominican Republic was included despite the fact that its legal tradition is more French than Spanish because of its common language with Central America. A separate project was prepared to deal with the countries following the English legal traditions. Third, it was decided that the central institution through which the USG would work would be ILANUD which is a United Nations organization. It has a reputation in Central America for being apolitical. Furthermore, it is the only organization, public or private, in Latin America which has had experience in working on criminal justice issues in the context of the Latin American legal systems. Fourth, it was concluded that ILANUD should not just be a channel for using A.I.D. funds in favor of national activities or the collection of data, but should be strengthened so that it could continue to foster the improvement of the operation of the criminal justice systems in the region after the completion of the current Project. Fifth, the expansion of the coverage of the Project to South America was to be gradual. At first the Project would provide only modest amounts of training. The possibility of expanding the scope of attention to include the other components of the Project at some future time was left open.

B. Major Components of the Project

This subpart provides a sketch of the activities to be carried out under the Project. The expected outputs and the measures of progress toward the achievement of the Project's purposes are given in part D below.

1. Institutional Strengthening of ILANUD

ILANUD traditionally had been an organization which ran training programs and sponsored research on topics concerning criminal justice and the control of delinquency. Its budget was the equivalent of $200,000 - $300,000 per year. Under the Project ILANUD was to be responsible for administering the bulk of the Project funds. Furthermore it was to expand the scope and magnitude of its training program and its analytical work (through the Sector Assessments), add a sizable technical assistance effort in the core countries, and help establish new, national institutions.

To meet the responsibilities of those tasks, ILANUD had to double the size of its staff and handle financial resources at a level eight times greater than before. The Project was to supply ILANUD with funds and with technical assistance from FIU to increase the size of its staff; analyze its administrative weaknesses; take measures to correct those weaknesses; establish program planning and evaluation systems; and prepare and implement a strategy to increase and diversify its sources of funding so that it could continue to carry forward programs of a similar nature after the current Project had been completed.

2. Creation and Development of National Commissions

The strategy of the Project included the fostering of cooperation among, and the coordination of, the efforts of the organizations important to the operation of the criminal justice sectors in the core countries. The mechanism to be used for that was the creation and support of National Commissions in each core country that would be composed of representatives of those organizations. ILANUD was tasked with bringing about the establishment of those National Commissions, and was provided with Project funds to help support their operation until other sources of funding could be arranged. The National Commissions also were to be the vehicles through which the national organizations active in the criminal justice sector could request assistance from ILANUD and through which ILANUD could organize its activities in the core countries.

3. Preparation and Utilization of Justice Sector Assessments

The main mechanism for gathering the data to support future action programs was to be the Sector Assessment to be performed in each of the core countries. ILANUD/FIU was to coordinate the effort that was to be carried out by groups of professionals in each country who were paid with Project funds. The effort was to be carried out under the auspices of the National Commissions. Technical advice for the assessments would be provided by FIU, and the USAID Mission in each core country would participate through Resident Coordinators who were their contract employees paid with Project funds. The assessment report containing the data gathered and the analyses made would be the basis of a national workshop for all organizations and persons important to the operation of the criminal justice sector. The workshops would reach conclusions as to what were the major problems facing the sector and what actions might be taken to address those problems. Follow-on action programs would be encouraged to carry out those actions.

4. Technical Assistance from ILANUD

The Project was to create in ILANUD the capacity to provide technical assistance to national institutions. FIU was to assist ILANUD in the effort.

Pilot Projects

Pilot efforts in the collection and use of judicial statistics, in the organization and utilization of information on legislation, judicial decisions and judicial writing, and in the improvement of administrative processes of criminal courts were to constitute one of the main technical assistance programs. The experience and information generated by these pilot efforts were to be discussed in workshops to be held by ILANUD at both the national and the regional level. ILANUD was to encourage the utilization of that information in national action programs.

National Requests

Another main program under ILANUD's technical assistance program was to be responding to particular requests from the organizations of the core countries. The requests could be for help with whatever needs those organizations identified. However, they were to be presented to ILANUD by the National Commissions as part of yearly operations plans which would justify their importance and explain their probable impact. It was projected that the requests would include assistance in designing training materials and organizing courses at the national level. ILANUD was to organize a network of experts who could be called upon to help it meet the requests.

Libraries and Document Center

In order to make more accessible information about criminal law and procedures, the Project provided ILANUD with funds to purchase basic legal books and periodicals to donate to the key institution (usually the Supreme Court) in each of the core countries. The Project also provided funds for ILANUD to expand the holdings of its Documentation Center on Latin American criminal law and procedures and to plan for the introduction of new systems to enable users throughout the core countries to receive copies of the documents and publications on request.

5. Training Assistance from ILANUD

Under the Project ILANUD was to expand both the size and the scope of its training program. The types of training modalities to be used are set forth in Chart 2 on the following page. The training was to be provided both at regional events to be held at ILANUD's home office and in other countries to which

representatives of several countries would be invited as well as at national level events to be held in participating countries to which only local persons would be invited. The training program was to be prepared on the basis of training needs assessments to be carried out by ILANUD in each participating country. FIU was to help ILANUD both with the conduct of the needs assessments and the training program itself.

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Chart 2: ILANUD Training Delivery Modalities

Activity	Length	Level of Participant	Regional	National	Purpose
Course	2 weeks or more	Varies	X	X	Provide, broaden and update knowledge
Colloquium	2-3 days	Policymakers	X	X	Discussion
Meeting	2-3 days	Varies	X	X	Train or analyze specific problem(s)
Post-Graduate Law Scholarship, University of Costa Rica	1 year	Mid to upper level judicial personnel	X		Learn penal or agrarian law
Seminar	3 days - 1 week	Varies	X	X	Participants arrive at conclusions & recommendations
Study Tour	1-2 weeks	Policymakers	X	X	Observe other penal justice systems & make comparisons and recommendations
Workshop	1 week or more	Varies	X	X	Develop skills to undertake activity, assume new duties

According to the Project Paper, in the early stages of the Project the training was to be focused on "changing the attitudes on the roles of the judiciary in developing democratic societies, and on providing a thorough grounding in criminal law procedures. Thereafter, more sophisticated court management skills involving court planning, delay reduction, court information systems, and budgeting and financial management concepts can slowly be integrated into the national justice systems." The training program also was to develop "a cadre of national trainers and change agents who can, with some support, repeat the training in their home countries." With the addition of the South American countries to the Project, ILANUD was to include their representatives in its courses.

6. Preparation of Action Programs

The Project includes a small amount of funding for ILANUD to provide financial support to activities at the national level apart from training and technical assistance. The principal way in which the Project was to support national action programs was for ILANUD to provide assistance in the design of bilateral projects to carry forward those action programs that were to be based on the Sector Assessment and follow-on national workshops. Funding to implement the bilateral projects was to come from some other source.

7. Roles of the Parties

ILANUD is the main implementing agent for the Project. It handles the bulk of the Project funds pursuant to a Project Agreement with A.I.D. FIU is the main agent for providing technical assistance to ILANUD and to the national organizations on behalf of ILANUD. It receives funds directly from A.I.D. under a Cooperative Agreement. RAJO is the project manager; and it handles directly the operation of the graduate, long term training provided by the National University in Costa Rica. RAJO is attached to USAID/San Jose which provides financial and administrative services to the Project and overall supervision to RAJO. LAC/DI provides overall policy guidance to RAJO and the USAID Missions in countries in which there are activities supported by the Project. These various USAID Missions provide guidance to RAJO, ILANUD and FIU concerning local conditions, and have the right to object to any proposed Project activities in their countries. There is no formal mechanism to coordinate the views and actions of these parties. However, in Washington the implementation of the Project is followed by an interagency committee chaired by the Department of State.

8. Organization of ILANUD

The organization of ILANUD has evolved during the course of the conduct of the Project. Originally, the Director General

directly supervised divisions concerned with training (which administered all the training programs), administration and finances (which also conducted the activities of providing libraries to the core countries, advisory services (which contained the major, common technical assistance programs) and the extension division (which worked with the national commissions, and the Resident Coordinators and arranged technical and training support in response to national requests). Later a Director of Operations was appointed to coordinate the various activities under the Project; a new Controller was appointed, given a staff and made to report directly to the Director General. An Advisory Committee to the Director was created and a new division of International Cooperation was also created to handle the raising of funds and the presenting of ILANUD's work and capability for service. Finally, responsibility for all technical assistance was placed in the Division of Advisory Services.

The discussion of the Project which follows in this report is organized by major Project component rather than by the divisions within ILANUD. As a result, the level of effort of some of these divisions may appear to be understated. This is particularly true of the Division of Extension Services which plays a role in the guidance and support of national commissions and Resident Coordinators, the choosing of trainees and of national level courses, the providing of technical assistance in response to national requests and the overall relationships between ILANUD and the various participating countries.

9. Grants to Other International and U.S. Institutions

The Project includes $500,000 to support activities proposed by other U.S. and international organizations which are "relevant to the Project goals." However, those grants are not part of this evaluation.

C Financing of the Project

The original life of project funding authorized in 1985 was $10.0 million. In 1986, an additional $2.27 million was authorized to include Guatemala as a core country, to provide for the participation of six South American countries in the training program of ILANUD and to support the operation of RAJO. The life of project funding for the Regional Project as discussed in this evaluation is $11.8 million: $9.5 for the original core program, $1.7 for the addition of Guatemala to the core program, and $505,000 for the participation of the South American countries.

The Project's overall budget consists of the following major elements:

Institutional Support	$2.098 million
Training Program	$2,057 " "
Technical Assistance and Extension Services	$1.888 " "
Advisory Services of which FIU agreement	$5.290 " " ($2.847)
Auditing and Evaluation	$ .200 " "
Contingency and Inflation	$ .255 " "

D. Projected Outputs and Measures of Progress

1. Strengthening of ILANUD

The Project Paper states the following as being the objectively verifiable indicators of progress or outputs for the institutional development of ILANUD:

-- "ILANUD administrative structure reorganized to implement Project"

-- "new offices, divisions established and staffed, AID commodity assistance provided for start-up"

-- "formal long term strategic plan developed ....within one year"

-- "contributions of continuing financial or other material support committed to by last year of Project"

These indicators were not quantified or further elaborated. The extent to which they have been met is discussed in part III A below. In brief, all except the last have been met although further work on their quality is called for.

The major need for further clarification and quantification relates to the level of financial support which ILANUD should be seeking by the last year of the Project. (Originally this would have been by March 1989. However, RAJO is considering seeking a two year extension of the Project). At present ILANUD appears to have adopted the suggestion that it seek reliable sources of contributions in order to support the five major areas of focus identified in the Institutional Development Plan while addressing the four areas of lesser priority identified in that Plan only through support for specific activities. However, ILANUD has not yet worked out what that approach will mean in quantified terms. (See part III A below for a further discussion of this topic).

Furthermore, the extent to which ILANUD will try to participate (or be effective in participating) in the implementation of bilateral action programs in the core countries and in South America is not yet clear. Until that aspect is clarified it does not seem practical to make projections of what are likely to be the level of funds available to ILANUD over the next five years apart from the support to be made available from this Project. Given this very large unknown factor and the lack of cost analysis in ILANUD's budgeting, it really is not yet possible to arrive at reliable projections of what level of Program activity is likely to be sustainable in the long term. That is a major, unresolved issue facing ILANUD.

2. National Commissions

The Project Paper states the following as being the objectively verifiable indicators of progress or outputs for the establishment of National Commissions in the core countries:

-- "commissions established as permanent government organs in each country"

-- "funding for staffs and periodic travel to ILANUD provided as necessary"

The discussion in the Project Paper indicates that the purpose of these National Commissions includes advising ILANUD, providing national representation in ILANUD's decision making and facilitating the relationship between ILANUD and the national political and technical leaders. The Project Paper did not include any quantification of the indicators or outputs.

The extent to which these outputs and indicators have been achieved is discussed in part III B below. In short, National Commissions exist in all the core countries (except El Salvador) and receive support from ILANUD; however, the Commissions have not played as important a role in the operation of the Project as had been anticipated; and most of them still suffer from important weaknesses. Given the situation, it could be helpful to establish some additional progress indicators. They might be:

i) Evidence that the National Commissions are meeting regularly and that they have reached concrete decisions on problems facing the sector;

ii) The existence of staffs dedicated to and directed by the National Commissions and paid for by funds from sources likely to continue into the future. The numbers of staff members would vary from Commission to Commission depending on its approach and local arrangements. However, at least one senior staff member should be available full time to the Commission, and

some system established which would give the Commission access to the types of advisors and experts who are needed to address the issues brought before the Commission;

iii) The production by the National Commissions of a strategy addressing the problems of the criminal justice sector over a five year period which identifies the organizations which would be involved in carrying forward the major steps of the strategy and the probable sources of funding for those steps.

3. Sector Assessments

The Project Paper states the following are the objectively verifiable indicators of progress or outputs concerning sector assessments:

"six sector assessment reports completed within first two years of the Project"

The Project will have produced six sector assessment reports and the corresponding national workshops by mid-1988. Three were produced during the first two years of the Project, and three during the third. The process and the nature and quality of the assessments are discussed in part III C below.

No additional progress indicators appear to be necessary concerning the production of the assessments. However, it would be useful to establish some progress indicators concerning the use to which the assessments are put. They might be:

i) a system for assuring that the data collected for the assessments is kept current so that the assessments themselves can be updated periodically;

ii) national workshops to discuss particular topics highlighted in the assessments;

iii) regional workshops to discuss common topics which the various assessments have treated, and to compare the suggestions for action on them that have come out of the national workshops; and

iv) the production of sector strategies or long term programs based on the assessments.

4. Technical Assistance

The Project Paper states the following as being the objectively verifiable indicators of progress or outputs for the advisory services/technical assistance activities:

- "six Resident Program Coordinators hired (one per participant country)";

- "pilot project developed in criminal justice statistics in each participating country after ILANUD review of sector assessment";

- "improved national capacity to collect and use appropriate statistics in justice system management";

- "model system for region in reporting of legislation and jurisprudence with automated data base, classification system and method for inexpensive distribution of information";

- "workshops conducted in each country on model system";

- "implementation of model system in three countries during the life of project";

- "ILANUD develops basic core, collection list for criminal justice and court administration libraries";

- "ILANUD and AID select central library in each country to receive core collection;"

- "ILANUD develops central bibliographic data base and makes available to users in region";

- "ILANUD compiles data base of experts available for technical assistance services to Project activities";

- "54 technical assistance assignments carried out";

- "19 discrete national activities funded region-wide within 30 months to three years."

The Project Paper and subsequent documentation does not provide further quantification for these measures of progress and outputs. A discussion of the extent to which those outputs and measures of progress have been met is given in III D below. In short: (i) the Resident Program Coordinators have been hired but their performance has been limited by unresolved issues facing the Project; (ii) pilot projects/models have been developed for the collection and use of judicial statistics and for the reporting and distribution of information on legislation and jurisprudence; but the development of these pilot projects/models has not been based on completed Sector Assessments; workshops on these activities have not yet been held in most of the participating countries; and there has been very limited implementation and impact; (iii) the libraries, in large, have been provided to the participating countries; but there is no system

in place for measuring their utility; (iv) the central bibliographic data base exists in ILANUD's home office, but is not well known or used much; (v) the number of technical assistance assignments and discrete national activities projected are likely to be met, but their impact is unclear.

This report makes several recommendations concerning the technical assistance activities of ILANUD. The core of those recommendations is that ILANUD should: define better the activity in improved court administration which informally has been added to the Project; pay increased attention to the implementation of the major technical programs it has undertaken; and adapt greater focus in the kinds of technical assistance which it will provide in response to particular, national requests. Additional measures of progress would be decided on as part of carrying those recommendations.

5. Training Assistance

The following Chart 3 presents the training outputs adopted in the Project's design.

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Chart 3: Summary of Planned Training Component Outputs

	Type of Activity	Project Paper Projected Outputs Units	Project Paper Projected Outputs Trainees	Amended Project Paper Outputs Units	Amended Project Paper Outputs Trainees
Short-Term	Workshops and Seminars	20	300	20	572
Short-Term	Short Courses	12	250	12	474
Short-Term	Study Tours	45	45	54	54
Long-Term	University of Costa Rica 1 Year Non-Degree Post-Graduate Program	N.A.	32	N.A.	38
Long-Term	New Learning Modules	2	N.A.	8	N.A.
	OUTPUT TOTALS	79	627	94	1138

Those targets will have been met by the end of 1988. However, we think that it would not be prudent to attempt to establish new LOP targets now since ILANUD first needs to rethink the focus of its program.

Two of the major recommendations for training center on planning and evaluation. As ILANUD improves these two crucial areas of its program the validity of course subject matter should come under closer internal ILANUD scrutiny and appropriate course content improvements should be instituted. As noted in other sections of this report, responsiveness to local situations and needs is important.

In the meantime, the Training Department is establishing a yearly program consistent with the budget levels available, suggestions from the Technical Assistance Department, and meetings held in San Jose, Costa Rica with host country representatives from participating countries. The following numerical indicators were developed with ILANUD and the FIU advisers for a yearly program of reasonable size given the current training strategy. Obviously, these planning factors can vary from year to year; therefore, indicators for training probably should be adjusted on a continual basis.

(1) Regional Training Activities

(a) Criminal Process. One annual course for 37 people per year three each from five Central American and Caribbean countries and two each from six South American countries.

(b) Prosecutors. Two bi-annual courses for 37 people every other year (same country distribution as (a) above).

(c) Special or Pre-project Training. One or two annual activities for 20-30 individuals each.

(d) Technical Assistance for ILANUD Project Areas. Three annual courses for 18-20 people each in the following: court administration, statistics, and computerization of jurisprudence and legislation.

(2) National Training Activities (Core Countries)

Five annual courses per participating country with approximately 30 in each of the following categories:

(a) Supreme Court Judges

(b) Superior Court Judges

(c) Justices of the Peace

(d) Court of the First Instance Judges

(e) Public Defenders

(f) Fiscales (District Attorneys or Prosecutors)

(g) Human Rights and Ethics (also included in all courses (a) - (f)

(3) National Itinerant Courses for South America (Bolivia, Colombia, Ecuador, Peru, Uruguay, and Venezuela)

Three activities for 40 individuals each in three countries in the same categories as in (2) above.

(4) Development of National Capabilities in Each Country for Each of the Following Areas:

(a) Training

(b) Evaluation of Training

(c) Follow up

(d) Material Development and Production

(5) ILANUD Training Department Indicators

(a) Complete two training manuals annually in two subject areas.

(b) Complete two new courses annually.

(c) Complete two new instructors' guides annually.

In addition to the yearly level of courses, ILANUD now recognizes the need to conduct its own, continuing evaluation and follow-up studies. Thus, it has agreed to:

- develop an end-of-activity evaluation procedure and an evaluative instrument to assess each training program in terms of level of instruction, course content, logistics, etc.;

- develop continuing follow-up, tracer studies, and information gathering; and

- recruit and contract a professional evaluator who will be a Subdirector in the Department beginning in May of 1988.

The yearly targets of ILANUD's Training Department for the development of national capabilities tend to be overly optimistic. As the Department proceeds with the implementation of this evaluation system ILANUD with FIU technical assistance, should develop more realistic and time/phased for host-country infrastructure development plans.

6. Preparation of Action Programs

The Project Paper states the following as being the objectively verifiable indicators of progress or outputs for the preparation of bilateral action programs:

- "Bilateral Project Papers completed for each participant country as appropriate within 12 weeks after completion of sector assessments"

- "TA in project design provided as requested."

The extent to which these indicators have been met is discussed in part III G below. In short, bilateral project papers have been completed in Honduras, and are scheduled to be completed in Costa Rica and Guatemala by the end of FY 1988. (Panama has dropped out of the program, and El Salvador already had a bilateral activity underway). Only in Guatemala is it likely that the Project Paper will have been completed within 12 weeks of the completion of the sector assessment. To date ILANUD as an institution has not provided technical assistance to any of the design efforts. However, representatives of FIU and RAJO have done so.

III. PROGRESS AND PROBLEMS

A. Institutional Strengthening of ILANUD

1. General Management and Policy Guidance

The Regional Project has placed a severe strain on ILANUD's overall management as well as the particular aspects of its management which are discussed below. To generalize, one might say that ILANUD's program activity has gotten ahead of its management capability. Most of the issues and problems facing ILANUD are connected with strategy, policy, planning, evaluation, institutional role setting, the definition of the organizational roles of its staff, and the forging of client relationships.

ILANUD has taken steps to improve the management of the Project and of itself. It appointed the current Director of Operations to coordinate ILANUD's work on the Regional Project and its relations with RAJO and USAID/San Jose. It took the important anticipatory and corrective actions discussed in the following parts of this report. Its Controller is beginning to act to assure compliance by the staff with the regulations of ILANUD and A.I.D. concerning the Project. Naturally enough he began by focusing on the fiscal aspects. Then in late 1987, ILANUD inaugurated an Advisory Council composed of 15 internationally known persons knowledgeable in the areas of ILANUD's activities. The members were appointed for periods of two years by the Director General of ILANUD who will call them into session every two years, or more often if necessary. Between meetings, a permanent commission of five of the members will be available to advise and assist the Director General.

Recognizing that the burden on the Director General remains excessive, ILANUD intends to create a new position of Executive Director to assist the Director General to meet that burden. The recruitment and subsequent contracting for that position with someone well experienced in the management of large organizations will be of particular importance. Ideally, the person would also be able to share with the Director General the responsibility of representing ILANUD with organizations receiving ILANUD's support or services and with potential contributors to ILANUD's activities. However, his primary role would be overseeing the implementation of various management reforms and undertakings necessary to achieve the purpose of the Regional Project and ILANUD's long-term viability.

Director of Operations

The appointment of an Executive Director should make more manageable the position of the Director of Operations who has accumulated more responsibilities than it is reasonable to expect him to be able to meet. Some of this burden also will be

relieved by the creation of the new Office of International Cooperation and the appointment of an experienced director of the overall technical assistance program. However, the Director of Operations continues to face a large share of the responsibility for the overall management of ILANUD, and he has primary responsibility for several of the aspects of management which need attention.

The 1987 Assessment contracted by FIU pointed out that the coordination of the various divisions of ILANUD needed to be improved, and made some suggestions on steps which might be taken to do so. Some of those steps have been accomplished--including weekly meetings with individual division heads to reach decisions on outstanding problems and undertaking a schedule for the preparation of yearly operations, plans and budgets. However, there are still complaints within ILANUD about a lack of contact among the various operating offices, and work is still needed on following the system for the preparation of workplans and budgets that encourages feedback and discussions between central management and the operating divisions while producing results in a timely way. Should the Director of Operations retain responsibility for the analytical, planning and evaluation work which is called for elsewhere in this report, his office will need additional staff. (A person with experience in planning with the GOCR has been hired recently, but it is not yet clear whether this will be sufficient.) In any event, there is a need to define better the scope of this position in relation to that of others, and to clarify his authority to make decisions on behalf of management.

Supervision of Field Activities

ILANUD is a highly centralized organization not accustomed to delegating authority. Its conduct of program activities in the participating countries reflects that fact. As well as the fact that local institutions often lack the capacity to assume responsibility for the use of Project funds or for making decisions on Project activities. The handling of funds and all operating decisions are made in San Jose, and all activities (whether they be courses or technical assistance) are carried out largely through the periodic visits of representatives of ILANUD to the participating countries. Each of the major technical assistance activities has been run more or less independently of the others. The extension services division has fostered the preparation of national operations plans, and tried to respond to particular requests for assistance (be they for training or technical advice), but seemed to do so without close or consistent coordination with the personnel operating the training and major technical assistance activities. All these offices are maintaining direct contacts with national institutions involved

in their activities. Overall supervision of the field activities has been sporadic.

In providing for the creation and support of Resident Coordinators, the Project provided a potential way for ILANUD to unify and supervise its activities in the countries in which these persons are present. However, Resident Coordinators have not been used in that way. Although the costs of the Resident Coordinators are paid by the Regional Project, in fact they have been chosen and contracted by the USAID Missions. The Missions see them as their employees, and expect them to follow the Mission's guidance and to place the Mission's work and priorities first. Where the Missions and ILANUD see the local situation differently (such as in the Dominican Republic) or when the Resident Coordinator has attempted to act independently of the Mission's supervision (such as in Honduras), the arrangement has led to conflict over the performance of the Resident Coordinator. Moreover, even when there is no conflict. ILANUD has ceased thinking of the Resident Coordinators as its representatives. It does not delegate authority to them or use them for the supervision of its activities.

The design of the Project anticipates that the Resident Coordinators will be transferred to bilateral funding as national action programs are undertaken. Obviously, that would leave ILANUD with no in-country representatives if it relied on the Resident Coordinators to be its main channel of relations with the national institutions and for supervision of its ongoing national activities. This approach of the Project's design may have assumed that there would not be any further activities by ILANUD apart from the bilaterally funded ones, or it may have assumed that the National Commissions and their staffs eventually could serve as the only contact that ILANUD would need to carry out its relations with the countries. Either assumption seems to be wrong. Experience in both core countries without Resident Coordinators--El Salvador and Costa Rica--indicates that there is a need for someone, other than persons representing the national institutions, to devote time to the relationship of the Regional Project to the national efforts. Furthermore, in several countries, persons in the judicial sector who were receiving or trying to get ILANUD's assistance expressed the desire to have closer access to ILANUD than was being provided by the Resident Coordinators.

The problems of achieving the appropriate level of field representation and supervision of activities will be significantly increased if ILANUD becomes more active outside the core countries--most probably in South America. Those countries do not have Resident Coordinators or National Commissions. Furthermore, the distances from ILANUD headquarters in Costa Rica are so much greater that the attempt to direct all significant activity with home office personnel and to retain all authority

there will likely prove to be a major impediment to conducting the program. However, the alternative of establishing a South American regional office or a series of country offices also presents problems and challenges which ILANUD, as it is now organized, would be very hard pressed to meet. Addressing the many considerations that would need to be taken into account in reaching such decisions is beyond the scope of this evaluation. However, what does seem clear is that ILANUD and the Project first should address the need for a better system of relationships between ILANUD and national organizations and supervision of ILANUD's ongoing activities in the core countries before undertaking an expansion of the program in South America.

2. Planning and Programming

During the first two years of the Project, ILANUD was largely occupied with adjusting its administrative and management systems to meet the immediate demands of the Regional Project. Beginning in mid-1987, in response both to the observations of others and to its own experiences, ILANUD began to pay more attention to improving its capacity to program its resources and to plan for the longer run.

The 1987 Assessment contracted by FIU concluded that ILANUD was devoting insufficient attention to and had little capacity for planning and programing; that no staff members had been assigned to these tasks; that ILANUD had not developed the long-term plan called for in the Project Paper nor had it drawn up guidelines or standards to help its managers develop their programs and budgets; and that the Project was under-estimating the need for assistance to ILANUD in these areas. The Assessment recommended that ILANUD begin the planning process by clarifying its long-term role and focus. In August 1987, FIU (with Project funds) provided the services of a consultant to assist ILANUD to draw up a strategy for its long-term development. The consultant's report was used as the basis for an in-house workshop of ILANUD's personnel and FAJO to discuss the composition of such a strategy. The results of that workshop were used by ILANUD in October 1987 to produce the Institutional Development Plan 1988-1992. The Plan was approved by the ILANUD's Advisory Council at its first meeting that month.

Long-Term Plan

Although the five-year Institutional Development Plan is a useful beginning for the planning process, the Plan as developed presents several important problems from the point of view of the Regional Project:

(1) The Plan asserts that ILANUD's long-term focus is to be on five primary and four secondary subjects. The primary subjects are: prison systems and

alternatives to imprisonment, prevention and treatment of juvenile delinquency; agrarian justice; the criminal justice system with emphasis on due process and the equal application of the law, and the organization and administration of the judicial sector. Only the last two subjects are part of the current scope of the Regional Project. Although, in fact, it also has supported some activities in agrarian justice. The secondary subjects are: protection of the cultural heritage and environment, alternative mechanism for settling disputes, the illegal use and trafficking in drugs, and consolidation and use of constitutional guaranties. Only the last subject is within the scope of the current Project.

(2) The Plan asserts that ILANUD will follow the principle of fostering horizontal cooperation among all the countries of Latin America and the institutions concerned with its subjects of focus. However, it does not address how ILANUD would relate to all those countries and institutions; and, in particular, whether it would need to have offices in locations other than Costa Rica. Furthermore, the Plan gives no indication that ILANUD will seek to provide services to or have a role in the formulation and conduct of national action programs.

(3) The Plan makes no mention of the key institutions of the Regional Project such as National Commissions, Regional Coordinators, and Sector Assessments; and the specific activities mentioned in the Plan do not include those currently being carried out under the Regional Project.

(4) The Plan does not include quantification of its long-term objectives.

(5) The Plan does not present a strategy for its own institutional improvement, such as staff development and the diversification of financing sources.

The last two problems are being addressed by additional work under the Project. However, the first three problems raise a question as to the degree to which ILANUD sees its future as being identified with the scope of the Regional Project and related national programs. There is a question of the capacity of ILANUD to address areas outside the focus of the Regional Project and still achieve the desired level of accomplishment within the Project's areas; and there is a question of what A.I.D. expects ILANUD to be able to do for national action

programs. This expectation is still not clarified. Until it is, ILANUD's planning is not likely to be as supportive of the purposes of the Regional Project as it should be.

Annual Programming/Budgeting

ILANUD's programming of its resources is performed in the context of preparing the yearly budget. The process is conducted by the Director of Operations and by the Chief of the Administrative Department. It uses submissions from the operating offices, and is to include discussions with those offices to assure that their proposals are congruent with ILANUD's overall objectives for the year, and that adjustments and changes to the proposals are well understood. The system has been improved over the year, but does not yet work entirely satisfactorily. Guidelines for the preparation of the program proposals and the accompanying budgets--to assure their compatibility with the Project's implementation plan--are given, but not formally in writing; and the pressures of time and the heavy travel schedule of key personnel (especially in the Department of Training) limit the amount of interaction between the operating offices and central management. Thus there has not been as good an understanding between those parts of ILANUD as there should be. As a result the plans of the operating divisions have not been specific on yearly targets nor have they been judged by established criteria. Moreover, the justification for the size and composition of the budget is not as strong as it should be, and this has contributed to difficulties in obtaining its prompt approval by A.I.D.

The 1988 Workplan and Budget process still had those weaknesses. It did not reflect a clear relationship to the Project's overall Implementation/Financial Plan and lacked full justification for the increases sought in part because the participating countries did not supply all the information in a timely way. A.I.D. required that the budget be redone. During approximately two months ILANUD received financial support from A.I.D. at the level of 1987 rather than at the level commensurate with the plans for 1988. Clearly, ILANUD and the Project need to continue to work on improving ILANUD's planning and programming process. ILANUD recognizes this, and its 1988 Workplan calls for several steps to do so. They include: hiring a planning professional to assist the Director of Operations, requesting FIU to provide an institutional development advisor to ILANUD, and achieving more concrete definitions of its institutional development strategy. The first step has been taken.

ILANUD does not seem concerned that it should focus its program planning to permit it to achieve a more effective utilization of its resources. In contrast, in various discussions of the Project activities elsewhere in this report, it has been observed that ILANUD appears to be trying to do too many different things, some of which may not be of high priority t

the accomplishment of the main purposes of the Regional Project. (For instance, in the 1988 Workplan, ILANUD indicates that it will undertake new activities in the field of environmental law and continue its activities in agrarian justice.) The yearly planning process should give more attention to the relationship between program focus and resources.

3. Monitoring and Evaluation

ILANUD has not yet developed a system for monitoring and evaluating its activities. This is a significant shortfall from the expectations of the Project's design which called for ILANUD to prepare yearly evaluations of the progress of the Project beginning in 1986, and from the current project implementation plan which calls for evaluations to be conducted by ILANUD in the first quarter of each year beginning in 1987.

The lack of such a system has had significant, negative consequences for ILANUD's performance under the Project. For instance, as discussed under III.E. below, the lack of follow-up with ex-participants has contributed to ILANUD's not having adjusted the nature and content of its courses better to meet local desires and not having supported and utilized those ex-participants in furtherance of the overall purposes of the Project. The lack of a monitoring system probably contributed to the slow response by ILANUD to the implementation problems in the major technical assistance activities. The absence of an evaluation effort has contributed to ILANUD's relatively weak performance in planning and programming. (Reciprocally, that weak performance has not provided a strong base for an evaluation effort.)

There have been several factors contributing to this situation. One, the original design for the evaluation component of the Project was so complicated that it had to be abandoned. Two, under the Project FIU was to provide assistance to ILANUD to create an evaluation system, but it has not done so. The 1987 Assessment contracted by FIU included suggestions on setting up such a system and preparing for the first external evaluation of the Project; but that Assessment was not part of an ongoing effort to install an evaluation system in ILANUD; and in any event its suggestions were not followed. Three, the Project has not sought reporting from ILANUD of a nature which would require ILANUD to organize an evaluation system or a problem-oriented monitoring system. Four, the focus of both ILANUD and RAJO has been on getting activities underway and solving the more immediate administrative problems facing the Project. They consider evaluation to be of secondary importance, and think that they are so close to the various activities of the Project that a formal monitoring system is likely to uncover little not already

known. Fifth, and most important, mounting a monitoring and evaluation system is not easy.

ILANUD recently appointed an additional staff member who has had experience in planning with the GOCR. However, neither the Institutional Development Plan nor the 1988 Workplan mention an evaluation effort. To some extent this current external evaluation will provide the Project with information which should have been collected under a monitoring and evaluation system operating for ILANUD and RAJO. However, by the nature of this external evaluation, it will not generate the baseline data desirable for preparing for the final and impact evaluations; nor, obviously, will it keep the managers of the Project abreast of future developments. Only an ongoing system will do that.

The sector assessments provide a wealth of material for creating baseline data, and the Project's components (including the National Commissions, Resident Coordinators, the participating Missions, and the staff of ILANUD) provide the elements for an integrated system. However, the system needs to be created. Even if an institutional development advisor is provided by FIU the effort is not likely to be successful unless ILANUD and RAJO give importance to it.

4. Personnel, Growth, and Management

As a result of the Regional Project, ILANUD has undergone mammoth changes in the size and organization of its personnel. (A list of the current personnel of ILANUD is given in Annex 5.) ILANUD has doubled the size of its staff. It located the people and obtained A.I.D.'s approval of them and their conditions of work. It has conducted studies of its own organization. With the help of consultants, it has produced manuals governing its operations and the standards of performance of its positions. It has issued new descriptions for all its positions, and conducted a review of the appropriate salary levels for them. It has replaced or added key personnel--e.g., a new Controller, a Director of Operations, and a professional fund raiser. It has shifted responsibilities among its personnel to achieve better results. For instance, the accounting staff now reports to the Controller rather than to the Administrative Division, and the new Office of International Cooperation has taken on some of the tasks informally handled by the Director General and the Director of Operations.

Despite the magnitude of the effort and the important changes and improvements which ILANUD has introduced in its personnel system, there remain important problems to be addressed. A brief discussion of those problems follows.

a. Functional Descriptions and Delegations of Authority

ILANUD does not have functional statements for each of its major offices. Furthermore, the position descriptions do not indicate what matters are to be decided at what levels and with what concurrences. Observers of ILANUD agree that there is little delegation of authority with most matters somehow being put before the Director General, and that this situation contributes to the perception expressed by many within and outside ILANUD that decision making takes too long and/or is not predictable or always the result of agreed procedures. The 1987 Assessment contracted by FIU recommended that priority be given to defining for the staff what their respective areas of authority are to be and what procedures are to be followed in exercising that authority, and that the system adopted should reserve as little as possible for the Director General to decide so that he can focus on broader issues and institutional relationships without holding up day-to-day decisions needed to coordinate and carry out the programs already approved as part of the yearly planning. The Director of Operations is working on this. The efforts should be brought to a conclusion.

b. Need for Additional Key Personnel

Although ILANUD's staff has more than doubled under the Project, there is need for additional key personnel. These needs are mentioned in the discussions of the various aspects of ILANUD's operations elsewhere in this report. They consist of: an Executive Director, at least one additional professional person for the training division, an experienced computer analyst to direct all aspects of ILANUD's utilization and work in computerization; and possibly a recruitment specialist. Should ILANUD decide to create branches or other offices in South America additional personnel would be needed. In its 1988 Workplan, ILANUD recognizes the need for some of these additional, key positions. However, it does recognize that with the possible exception of a recruitment specialist, they are all needed. It is important that progress be made in this effort promptly.

The suggestion was made with some frequency by observers of ILANUD that it would improve its usefulness if it had more technical advisors on its own staff who could respond promptly and competently to the technical and organization problems confronting the effort to improve the operation of the justice sectors throughout the region. It may not be feasible to expand the full-time staff of ILANUD sufficiently to be able to supply that kind of assistance. However, ILANUD is supposed to have access to a network of such advisors to perform that function. ILANUD asserts that it has an extensive network of advisors in the traditional areas which it addresses, and that any problems

in its being responsive are due either to limit on budget availabilities or to requests for new areas (such as court administration) which are not yet developed. To the extent that ILANUD becomes involved in the preparation and conduct of national action programs the demands on the network system will increase. In addressing this need, ILANUD could explore using the network to provide analytical and programming assistance as well as technical advisors. The importance and scope of the tasks suggest that ILANUD should have an experienced person in charge of the networking with authority to address all aspects of the system--e.g., techniques of identifying available experts, terms of work and compensation, focus and scope of assistance to be provided, supervision and evaluation of performance.

c. Composition and Training of Staff

Traditionally ILANUD has been staffed largely by Costa Rican nationals who were employees on detail from the Government of Costa Rica. Promotion usually has been from within the organization. In-service training of staff has not been provided. Despite the large increase in the size of the staff and the broadening of its program responsibilities brought about by the Regional Project, the nature and composition of ILANUD's staff has not changed significantly. The professional staff members overwhelmingly are Costa Rican nationals; only one member of the entire staff involved with the Project is not Costa Rican. There are few experienced lawyers on the staff. Only two of the staff members have received in-service training, specifically attendance at the development seminar in Brattleboro, Vermont, supported by Project funds.

The makeup of ILANUD's staff is causing two major problems. The first problem is that many view ILANUD as being a Costa Rican rather than an international organization, and this leads to some resistance to its advice and utilization by persons who view the Costa Rican system as not being germane to their own situation. This sentiment is more pronounced in Central America than elsewhere. The second problem is that the combination of promotion from within and a lack of an in-service training program does not produce as experienced a staff as is needed to meet the expanding responsibilities of the organization. On occasion, ILANUD has gone beyond its own staff to recruit for key positions. However, it has no system in place for recruiting to fill vacancies that may occur or positions which are added to the organization; and it has no policy as to when a position should be filled by an already experienced person from outside the organization or by someone from within the organization who is given the requisite training. ILANUD has no in-service training plan or program at all; however, it has charged a new member of the Department of Trainbing with responsibility for preparing one. The improvement in the quality of ILANUD's performance over the long-term will be limited if these two problems are not satisfactorily addressed.

5. Fiscal Procedures and Financial Analysis

One of the major tasks facing ILANUD in meeting its responsibilities under the Regional Project was the need to modify its accounting and fiscal control systems to respond to the demands both of A.I.D. and of the greatly increased level of funds available to it under the Project. The process of adjustment was not been easy, nor was it accomplished promptly. The Project's design underestimated the difficulties; the local assistance contracted to help ILANUD was not as useful as it should have been; RAJO and USAID/San José did not provide the degree of guidance and assistance that was necessary until after problems arose in the preparation of vouchers by ILANUD. Eventually, important steps were taken. ILANUD changed its Controller, and USAID/San Jose provided help through the services of a financial analyst paid by the Project. These steps, and the experience gained through addressing the difficulties, led to significant improvements in the operation of the ILANUD's fiscal procedures. USAID/ San Jose is now satisfied with the accounting practices followed by ILANUD. An independent audit by a local associate of a U.S. accounting firm was being conducted of ILANUD's use of Project funds.

However, there are still important problems facing this aspect of ILANUD's operations. First, there is a lack of timeliness and need for further improvement in the process of preparing the yearly budget. This is discussed in (2) above. Furthermore, actual expenditures appear to vary very significantly from budget projections. This has led to longer pipelines in some cases. The Office of the Controller of the Mission in Costa Rica would like even greater involvement of ILANUD's Controller and his staff in the preparation and review of the budget.

Second, there are complaints from Missions and national institutions that ILANUD is slow in providing funding for activities in their countries or even information about what has been or will be budgeted for these activities. In part, these complaints reflect the fact that ILANUD does not usually provide annual budget projections against which national institutions can plan, but rather provides support for particular activities after they have been reviewed and accepted. In part they reflect the highly centralized system of ILANUD in which all decisions on funding and authorizations for funding are taken in the central office. (This aspect is discussed in III A 1 above.) In part, the complaints probably reflect the delays in decision-making by ILANUD's activity managers. They also may reflect a backlog of documentation for review in the office of USAID or of the Controller. However, the Controller of ILANUD is confident that there has been no backlog of documentation for review in his office for nearly a year and that any delay in providing funds

would have been the result of ILANUD's illiquidity because of lack of reimbursement by A.I.D. Furthermore, ILANUD complains that it still does not understand the standards used by A.I.D. in determining the extent of reimbursements to be made.

Third, there is not yet in place in ILANUD a capability to analyze the cost/benefit relationships of ILANUD's activities; and budgets are not prepared in a way that permits the identification of costs by country. The operating divisions have not utilized the existing information provided monthly by the Controller, or offers to prepare modifications to their programs or to assess their utility. The introduction of the use of computers in ILANUD's work did not include their use for this type of analysis.

The resolution of the problems mentioned are important both to the conduct of the Regional Project during the rest of its implementation and to strengthening ILANUD's capacity to operate a substantial assistance program over the long-term. The Regional Project should be paying attention to their resolution.

At present, it does not have concrete plans to do so. ILANUD would welcome continued assistance and a closer relationship with the Controller of USAID/San José, but that office sees its responsibility as being one of only reviewing vouchers and budget presentations. FIU does not have advisors versed in these matters. The use of local consulting services for financial improvements has not been very successful in the past. This topic might well be addressed as part of any long-term relationship which is established to assist in the fuller use of computer technology. ILANUD will need to upgrade its financial staff as well.

6. Fundraising and Marketing

The Project's design includes the objective of ILANUD's ability to generate the resources necessary for it to continue to operate in support of programs for the improvement of the criminal justice sector after the completion of the current Project. During the first two and a half years of the Project, ILANUD did not have a program or a strategy, for fundraising and for marketing its services to potential users. Its fundraising efforts were limited to continuing efforts to get its member governments to meet their modest financial quotas and to visits by the Director General to potential supporters of activities outside the scope of the Project. ILANUD's efforts to explain its capabilities were limited to presentations in connection with training courses and to courtesy calls by its Director General and the Director of Operations on the Missions and some of the national institutions participating in the Regional Project. These presentations and visits did not include or result in concrete proposals from ILANUD to provide services to the

organizations. Although it offered to assist ILANUD in making contacts with potential private and public donors in the United States, FIU did not provide any technical assistance to ILANUD to prepare a fundraising and marketing program. The result has been that ILANUD remains overwhelmingly dependent on the resources of the Project for its operations, and that it remains an organization that responds to requests rather than one which generates demand for its services.

During the past few months, ILANUD has taken some measures to address this impediment to its institutional development. It created a new Office of International Cooperation whose responsibilities include raising financial resources. It recruited a Costa Rican national experienced in fundraising to head the office, and transferred to the office the member of the existing staff who had been responsible for public relations. The office is in the early stages of preparing statements concerning the strategy to be followed in its work and informational brochures to be used in presenting ILANUD's case to potential donors. In addition, the Director General has made contacts with the UNDP, the OAS, West Germany, Italy, Japan, Spain and at least one U.S. foundation concerning concrete proposals for funding.

Apart from the various difficulties which arise with any new undertaking, ILANUD's effort to mount an active fundraising and marketing program faces some important problems. First, the relationship between the new Office of International Cooperation and the other divisions of ILANUD will need further clarification. This will be particularly so vis-a-vis the Director of Operations and the division of extension. Their responsibilities now appear to overlap to an important degree. Second, while the new Office of International Cooperation recognizes that ILANUD will need to be active in presenting proposals to potential donors and purchasers of services (e.g., USAID Missions) and that it cannot realistically expect to try to do so in all countries and on all topics currently falling within the scope of ILANUD's (or the Project's) concern, the office has not yet made choices on what the focus will be. Such choices are difficult and imply the prior adoption of an overall strategy (not just a marketing strategy) for ILANUD. Thus, the fundraising and marketing effort is dependent on the quality of ILANUD's planning. Third, in the absence of a highly focused institutional development plan, there will be great temptation to seek funds wherever they may be, and this can easily lead to a further dispersion (if not actual dilution) of ILANUD's efforts. Fourth, the plans do not appear to include conducting an analysis of the potential demand for ILANUD's services on a reimbursable basis. Without such an analysis, it would seem to be difficult to prepare a marketing strategy. Fifth, any fundraising and marketing strategy will be fundamentally influenced by whether or not ILANUD seeks to become significantly more active in South America and whether or not an attempt to become more active includes the opening of an office

in South America. In turn, that decision depends on the attitude of A.I.D. toward supporting programs in the justice sector in South America more actively. Sixth, contacts with potential donors so far have been in terms of particular activities but not of contributions for general or overhead expenses. Seventh, there are differences in emphasis among FIU, RAJO and various persons in ILANUD as to the appropriate approaches to be taken in marketing ILANUD as an institution. The possibility of seeking some sort of endowment to meet those expenses has been mentioned, but no concrete proposals have yet been undertaken.

Although the above-listed problems are formidable, they are not insuperable. ILANUD has the potential to overcome them. Two major steps could be taken which would make greater the probability of success. One step would be for A.I.D. to be clearer with ILANUD on what its plans are for supporting the improvement of criminal justice throughout the region beyond the time and scope of the current Regional Project and what role it seeks for ILANUD in those plans. At present, A.I.D.'s attitude seems to be that it is ILANUD's responsibility to determine both what will be the future demand for services from A.I.D.-supported programs and to position itself to be able to show that it can supply those services better than anyone else. Obviously, there is much to be said for that approach from the point of view of fostering the independence of ILANUD and preserving competition in the procurement of services for A.I.D. activities in the future. However, the approach does not maximize the benefits of the resources being invested in ILANUD's development nor seek as much symbiosis between the regional and bilateral efforts as would be possible. It would seem reasonable for A.I.D. at a minimum to give preferential status to ILANUD in providing assistance for, and in the actual operation of, training activities and activities to improve the collection and organization of judicial statistics and juridical information (such as laws, decrees, regulations, court opinions, and academic writing). With further support from A.I.D. and effort on ILANUD's part, it also would be reasonable to give such preference to ILANUD in providing assistance for the improvement of the administrative procedures of court systems and, perhaps, for specific analytical assignments.

The second major step that could be taken would be for ILANUD to associate itself with other organizations in joint ventures to provide services to potential users -- most importantly, A.I.D. In the near term, ILANUD is likely to remain weak in important aspects of its institutional capability (e.g., planning, proposal writing, networking, utilization of sophisticated computer applications) and will not have gained enough familiarity with the needs and workings of potential donors to be comfortable in dealing with them on a commercial or semi-commercial basis. Advisors can be of some help to ILANUD on those aspects. However, a potential purchaser of ILANUD's services is not likely to be impressed by a proposal whose execution depends

on ILANUD's receiving continuing advice from a donor. It is likely to be more impressed by a proposal which includes as part of the arrangement the expertise and services of an organization which complements ILANUD's strengths and weaknesses.

7. Problems and Recommendations

Problem 1: Key positions necessary for the accomplishment of the Project's purposes have either not yet been filled. They are: an Executive Director, an experienced computer programmer/ analyst, and a personnel network administrator.

Recommendation 1: The positions listed above should be established and filled as soon as possible.

Problem 2: The scope of responsibilities and the authority of the position of the Director of Operations are not clear. The workload of the position is too heavy, and will become worse if increased attention to planning, evaluation and analysis are continued as part of its responsibility.

Recommendation 2: The position of the Director of Operations should be evaluated in terms of the changes which have been introduced into ILANUD's operations and which will be introduced as a result of this evaluation and other suggestions. The staff supporting this position should be increased or some of the duties of the position assigned elsewhere.

Problem 3: The Institutional Development Plan of ILANUD calls for it to focus on a range of subject matter much of which fall outside the scope of the Project, and does not include institutional development targets as such or quantification of the objectives to be sought.

Recommendation 3: ILANUD should refine the Institutional Development Plan in order to give greater priority to activities necessary for the achievement of the objectives of the Regional Project and to introduce quantification of progress toward its program and institutional objectives.

Problem 4: There should be more contact among the operating divisions in the preparation and implementation of the activities of training, technical assistance and responses to particular national requests in order to achieve greater reinforcement among the activities.

Recommendation 4: ILANUD should reinforce its efforts to coordinate the operation of the various divisions and modify its programming to emphasize the inter-relationship of its differing programs. Integrated yearly workplans should be developed for the whole organization and be discussed by all

offices of the organization. The yearly budget preparation should leave sufficient time for such discussions and for feedback between the staff of the operating divisions and the central management.

Problem 5: The yearly workplans and budgets do not consistently include specific actions to be taken and quantified targets to be met. The budget presentations do not permit judging the real cost of the various types of programs or the level of resources being devoted to particular participating countries.

Recommendation 5: ILANUD should revise its workplan and budgeting process to incorporate budgeting by program, to provide data in full and actual costs of each program. The revision should be done with the advice and assistance of an experienced program financial analyst.

Problem 6: ILANUD has not undertaken an internal evaluation of its conduct of the Project nor has it prepared a system to collect the information on which to base such an evaluation. Furthermore, it has no system for judging the effectiveness of its activities--in fact, it has no follow-up system at all.

Recommendation 6: ILANUD should give priority to the creation of an evaluation system and the collection of data necessary to produce the evaluations required by the Project. The Project should provide the resources necessary to assist ILANUD to accomplish this task. ILANUD should seek consultant advice as is necessary to set up the system, and should use the permanent services of a person experienced in planning and evaluation to maintain it and adopt it to future developments and activities.

Problem 7: ILANUD does not have a system for monitoring the implementation of its activities which provides the information and problem focus necessary for management to take prompt corrective actions.

Recommendation 7: ILANUD should revise its monitoring system to rely less on the personal travel of its general management officials and RAJO to provide the basis for decisions on implementation problems. It should modify its internal reports to emphasize the reporting of problems and add the staff (e.g., coordinator of technical assistance and additional personnel for training) necessary for it to provide closer involvement in and control of its activities.

Problem 8: ILANUD has not completed the functional statements of its various offices nor addressed the degree to which authority is to be delegated formally to key positions. Authority continues to be highly centralized in top management.

Recommendation 8: In conjunction with the completion of position descriptions and the clarification of the roles of the key staff members, ILANUD should systematically review and put in writing the authority of those positions to act for management and to indicate what procedures and concurrences are to be followed in exercising that authority.

Problem 9: ILANUD continues to be staffed overwhelmingly with Costa Rican nationals, and recruitment for persons to fill positions of increased responsibility often is limited to the current staff of ILANUD.

Recommendation 9: ILANUD should organize a recruitment system which places emphasis on identifying and hiring experienced professional persons from all the countries participating in its programs.

Problem 10: ILANUD does not have a program for the in-service training of its staff. The need is particularly great for more experience in planning, monitoring and cost/benefit analysis. To the extent that ILANUD continues to promote from within the lack of such a program is particularly serious.

Recommendation 10: ILANUD should conduct an analysis of the needs of its staff for training to fulfill the responsibilities of their current positions, and it should prepare a program to provide that training. No member of the staff should be promoted to a position of greater or changed responsibility unless the in-service training program can provide him or her with the necessary training within the first six months of his undertaking the position.

Problem 11: ILANUD is a highly centralized organization in which all decisions concerning activities are made at the home office and activities themselves are conducted largely through visits to their sites by representatives of the home office. Resident Coordinators have not been used effectively as either local representatives of ILANUD or as implementors or even monitors of ILANUD's activities in the field. Over centralization is contributing to the problems of implementation confronting the Project.

Recommendation 11: ILANUD should reassess the wisdom of continuing with its centralized system of implementation. It should consider delegating some decisions and reshape control of some funding to USAID Missions, National Commissions and local representatives when those entities are both willing and able to meet the responsibilities. It should reassess the utility of Resident Coordinators as local representatives. RAJO should assist ILANUD in this reassessment and consider the use of Project resources to assist ILANUD in establishing alternative local representation.

B. Creation and Utilization of National Commissions

This discussion concerns the National Commissions as they have operated in the core countries. There also are coordinating bodies in Peru and Uruguay. For discussion of them see the respective country annexes.

1. Choice and Nature of Membership

There are National Commissions operating to some extent in all the core countries of the Project. Although the exact composition of the Commissions varies from country to country, generally they are made up of representative of the major institutions involved in the operation of the criminal justice sector: the Supreme Court, the Ministry of Justice, the prosecutor's office, and the organization overseeing the operation of the police. Some countries also have representatives of the law schools, the legislature, and the executive branch. The persons composing the Commissions are chosen by the organizations which they represent. They usually are persons of considerable stature since one of the purposes of having the Commission is to get influential persons involved in the effort. The leadership in organizing the Commission usually has been with the Supreme Court whose representative serves as the chairman of the Commission. However, FIU and ILANUD have been active in prodding and assisting the Supreme Courts in this effort.

The role of the National Commissions varies from country to country. In El Salvador it is to prepare proposals to modify laws involved in various problems of interest to the society and the USG. In the rest of the core countries the Commission is focused on the problems of the operation of the criminal justice system; but the Commissions' scope includes all aspects of that system, not just the preparation of proposals for modifications to the law. In none of the countries has the National Commission assumed, or been granted, the power to make decisions -- either for any of its member organizations or for the judicial branch as a whole. Technically the National Commissions are forums for discussion and for achieving mutual support. Some members of the Commissions see themselves as advisors of the Supreme Court which rules the sector while others see themselves as members of a body which eventually will have a voice independent even of the Supreme Court and could evolve into a forum for decision making.

2. Operations of the National Commissions

It has taken longer to get the National Commissions organized than was anticipated by the Project's design. Indeed, the National Commission in Guatemala was formed in late 1987; and that in the Dominican Republic, although formed earlier, is not yet fully operational.

Whatever the long range potential for independence of the National Commissions, the current fact is that except in Costa Rica (and perhaps in Honduras), the National Commissions are dependent on and obviously subordinate to the Supreme Court. Their office space is in the Supreme Court, and they rely on the Supreme Court's personnel to provide them with services. In the case of Costa Rica it is ILANUD -- itself a beneficiary of support from the judicial branch -- which provides the office space and staff support to the National Commission.

In Guatemala and the Dominican Republic, the National Commissions have not yet met regularly or conducted their business in an organized way. There is considerable discontent among the members about the ways the Commissions are run, and in some cases the members are considering withdrawing from the Commissions. In Costa Rica and Honduras early problems of a similar nature largely were overcome with the appointment of an executive secretary to the Commission in Costa Rica and of an energetic chairman of the Commission in Honduras. The Commission in El Salvador has had cohesion and orderliness for some time since it has had staff resources of its own from the start.

From the experience so far it would seem that having its own staff and its own office is of importance to the proper functioning of a National Commission. Anticipating this, the Project included some funds for supporting the work of the Commissions until such time as they could obtain support elsewhere (including under any bilateral action programs which were undertaken). All National Commissions have not taken advantage of this possibility, and only in Costa Rica does any real effort to seek long term funding appear to be underway. Thus it would seem to be important to the Project that the key institutions in the sector -- and especially the Supreme Courts -- be brought to understand the usefulness of a well organized National Commission and of obtaining funding for their operation from sources which will contribute to their long term independence.

4. Importance and Utility

a. Conduct of Sector Assessments

In most countries the Sector Assessments have been conducted pursuant to scopes and procedures at least nominally approved by the National Commissions or the Supreme Courts, and the workshops conducted to discuss the Assessments have been organized in their name. (For a discussion of the process see C below). However, usually the National Commissions have had little to do with the actual work. Indeed, in the Dominican Republic and Guatemala, where assessments were underway during the visit of the evaluation team, several members of the National Commissions did

not seem to remember that there was an assessment underway. Other members of the Commissions were better informed, and in some countries individual members of the National Commission actually participated in the work.

Whether the National Commissions will have a more active role in follow up activities to the sector assessments remains to be seen. The experience so far is not reassuring. No National Commission has made a serious effort to prepare a long-term plan or sector strategy based on the assessment or to institute a mechanism for seeing that the information in the assessment is kept up-to-date. Only in Costa Rica has the National Commission begun to discuss ways in which the existence and content could be made better know and more extensively used.

b. Preparation of Yearly Training and Technical Assistance Programs

As discussed in D and E below, all the National Commissions (except that in El Salvador) have presented yearly operating plans to ILANUD. In the case of Guatemala and the Dominican Republic the yearly plan is really not the product of the National Commission, but rather of the staff of the Supreme Court and the Resident Coordinator. The quality of these yearly plans varies, but basically they have been lists of activities which the National Commissions want to have financed. There has been little justification or priorization. Again, the National Commissions which appear to be taking this responsibility most seriously are those in Costa Rica and Honduras.

c. Preparation of National Activities

The National Commissions have not prepared action plans for carrying out integrated programs for the sector. The Missions which have bilateral action programs underway or in preparation have consulted with the National Commissions; but, except to some extent in El Salvador, they have not relied on them for analyses or for direction for those programs. The Missions are using their own personnel, especially the Resident Coordinators, consultants, and advice from FIU and RAJO. In Costa Rica the Executive Director of the National Commission has been very active in preparing an activity to be implemented by the Procuraduria which probably will form part of the bilateral action program, and the National Commission is aware of and approves that inclusion. However, even in Costa Rica the Mission is not relying on the National Commission to any great extent to prepare or justify the program.

d. Conclusion

The National Commissions have not yet shown themselves to be able to fulfill the role which the Project envisaged for them. It is unlikely that the Commissions will be able to meet that role unless much more attention and support is given to them by the Regional Project or by the national action programs. They will need resources to have their own staffs or access to experts to assist them in performing the analytical and evaluative work required. They will need to acquire a self-image that is not completely dependent on the Supreme Court. To achieve that they most likely will need both the financial and policy support of the national action programs. Whether the probability of achievement of this level of performance by the National Commissions is great enough to justify such support is a decision to be made on a country-by-country basis. In some countries it may well be wiser to devote resources to strengthening ILANUD's ability to work directly with key national institutions and seek coordination on an ad hoc basis as problems present themselves.

5. Problems and Recommendations

Problem 1: The National Commissions have not achieved the level of performance that was expected, and for them to do so will require substantially more material and policy support than was anticipated in the original Project design.

Recommendation 1: RAJO and ILANUD should review the prospects of the National Commissions in each participating country to form a judgment as to whether it seems reasonable to expect the National Commission to assume the responsibilities envisaged for it in the Project's design. If they conclude that there are reasonable prospects they should discuss with the relevant A.I.D. Missions how the additional support that is necessary is to be provided.

C. Conduct and Utilization of Sector Assessments

To date Sector Assessments have been completed in Panama, Costa Rica, Honduras, Guatemala and El Salvador. The Assessment in the Dominican Republic should be completed in June 1988. In addition, A.I.D. Missions in Ecuador, Peru, and Uruguay have had tentative conversations with FIU concerning the possibility of that organization's conducting a judicial sector study in their respective countries. However, the limitations on FIU's time and of funding, and a failure to reach agreement on the scope and approach to these studies have prevented action being taken on them.

1. Methodology and Organization of the Effort

The concept of the design of the Project was that FIU and ILANUD would conduct the sector assessments in the core countries. Since the design of the Project made other activities dependent on the completion of the sector assessments, RAJO and FIU were under considerable pressure to see that the sector assessments were completed expeditiously. Furthermore, the FIU senior advisor was to have the principal responsibility for the accomplishment and quality of the sector assessments, and he was to complete his tour of duty in mid-1987. (This was later extended to mid-1988). All these factors led to FIU's having direct responsibility for the organization and conduct of the sector assessments. ILANUD provided its name to the effort, but little else.

The methodology for the sector assessments was prepared by FIU. The approach was based on several conclusions. First, the assessments were to be focused on the criminal justice sector, but they were not to be limited just to the court system. They were to address the performance and needs of all the major institutions and groups involved in the operation of the criminal justice sector -- e.g. the courts, the police, the executive branch personnel such as prosecutors, the legislatures, the associations of lawyers, the law schools. The goal was to provide a comprehensive view of all the relevant factors. Second, the assessment was to be conducted in a way that emphasized that it was a national not a foreign effort. Thus the assessment was to be conducted under the guidance, or at least approval, of either the National Commission or the Supreme Court which would accept responsibility for approving the workplan and topics to be covered; and the persons conducting the work were to be nationals of the country involved. The use of foreign experts (and especially North American ones) was to be minimized. Third, since there was little reliable data available, the process would have to generate basic data on the issues, and among the issues were the attitudes toward the sector's problems which were held

by the various participants -- e.g. judges, prosecutors, lawyers, government officials. That meant that survey instruments would have to be devised and used. Fourth, the assessment would not make recommendations, but rather present facts on which others would make recommendations. Fifth, the assessment was to be circulated in draft among the key institutions and persons involved in the operation of the criminal justice sector, and a workshop organized to discuss the draft and to try to reach recommendations for action based on the workshop.

In general this methodology was followed. There were two major exceptions. One was that the National Commissions and the Supreme Courts did not provide as much guidance as had been anticipated. Indeed, in Guatemala and the Dominican Republic members of those organizations did not seem to be aware in any substantial way of what was being done on the assessments. This did not seem to have caused any lasting difficulties. (The case of Panama is not included here because this evaluation did not include that complicated national situation within its scope). The other exception was the case of El Salvador in which the assessment was not of the broad, comprehensive nature followed in the other countries. There the purpose was to identify the needs for administrative improvements in the operation of the court system and to provide the Mission with guidance, information and recommendations on which it and the Salvadoran institutions involved in the bilateral project could build concrete activities to improve that administration.

Achieving agreement on the scope of each assessment among the local institutions, the Missions, and FIU was not always smooth since there were issues of sensitivity to be resolved -- e.g. the extent to which police forces should be analyzed -- and since the degree to which Missions wanted to be involved in the planning varied. The process for accomplishing the assessments took longer than was anticipated in the original design of the Project, but that design was not realistic. Still, the end result is that within three years of undertaking the Project, FIU will have organized and completed five comprehensive sector assessments and the study in El Salvador. This is a very major accomplishment which represents an immense amount of work on the part of FIU. Indeed, to date it is one of the major accomplishments of the Project.

The major gap in the methodology is that it does not provide a mechanism for keeping current the information gathered. Its main failing as applied has been that it did not train the staff of ILANUD in the methods and techniques so that ILANUD could organize and conduct future studies or activities to keep the existing assessments current.

2. Nature and Quality of the Information and Analysis

Each of the sector assessments consists of several volumes covering various aspects of the operation of the criminal justice system and the nature and performance of the institutions involved in that system. The material was prepared and published in Spanish. The Summary volume written by the FIU coordinator of the activity is in both Spanish and English. As would be expected of an effort which covers so many institutions and topics and in which so many persons we e involved, the quality of the work and even the approach (e.g. the relative weight of the use of primary vs. secondary data sources and the relative weight of description vs. analysis) varies considerably. Also, as might be expected, the overall quality of the work improved with each assessment.

There are a few criticisms of the assessments that are heard with some frequency. First is that they are so large and crammed with so much material (not all of which is of clear importance) that they discourage people from reading them. Second is that the assessments do not provide enough information on any one topic to be the basis of project activities. More study is required before such activities can be justified or prepared. Third, is that the assessments do not reach any conclusions or provide a prioritization of problems so that they leave the reader up in the air as to what it is important to do next. Fourth, is that particular topics have not received the attention they deserve (these change from place to place and with the person commenting). While these criticisms are not invalid, in a large part they reflect expectations that were not part of the methodology adopted. The assessments were not intended to make choices or to provide the basis by themselves for the formation of action programs and project activities. Then too, the assessments were intended to be reference documents. Readers would use the summary volumes to orient themselves and the rest of the volumes to pursue particular topics of interest for further information and analysis. Certainly the assessments present information which otherwise would not be available.

3. Utilization of Assessments

The main use to which the assessments have been put to date is that of forming the basis for the national workshops that were organized to achieve consensus on the priority actions which should be taken to meet the problems identified in them. Such workshops, financed with Project funds, have been held in Cost Rica, Honduras, and Guatemala. A member of the evaluation team observed the workshop held in Guatemala.

The workshops were widely attended, and the assessments and the problems they identified were discussed. There is near universal approval of the idea of the workshops, and agreement

that they helped highlight the work and conclusions of the assessments. However, there have been shortcomings noted in the workshops. Key persons for the sector did not always attend. (For instance, in Costa Rica no representatives of several of the police forces attended). Many attendees had not read the assessments carefully beforehand. The duration of the workshops was too short to permit as full a discussion of the topics as would be desirable. The consensus achieved on the problems to be addressed was too general and unprioritized to be useful, and no action plans came out of the meetings. Lastly, and most important, the degree of practical followup to the workshops is dependent on the initiative of the National Commissions which have their own weaknesses. (It should be pointed out that the National Commission in Costa Rica is planning to invite a wide selection of the institutions and key persons of the sector to review the state of the sector one year after the original workshop was held.)

Another use to which the assessments have been put has been as a source of inspiration and information to National Commissions and A.I.D. Missions in preparing their own proposals for activities. To some extent all the Missions in the countries with completed assessments have used them as reference documents and as indicators of areas needing attention. However, in no case was the assessment in itself the major factor in bringing the Mission to undertake the preparation of an action program, and in most cases the basic ideas for the Mission's program arose at least parallel if not prior to the conclusion of the assessment. It would seem that the assessments were used more as doublechecks on Mission ideas and sources of background information. Of course, those are valuable uses. Furthermore, Missions also now have available to them the experience of the national professionals who participated with FIU in the preparation of the assessments. On balance, one could conclude that although the assessments have not been used as much as was anticipated in the Projects design, they have been useful.

Another use for the assessments is to provide information and to stimulate interest in the topic of criminal justice on the part of a wider public than participated in the workshops. This does not seem to be occurring. The assessments are not well known among the public in the core countries. Furthermore, their content is not known to US institutions and individuals with an interest in, or even a program responsibility for, activities related to the sector. The Project has no plan to promote the wider dissemination and discussion of the assessments. There is discussion in the National Commission of Costa Rica of holding workshops on individual topics dealt with in the assessment to generate both interest and ideas for dealing with the problem identified. However, concrete plans for such workshops have not been prepared, and similar ideas were not being discussed in other countries. Neither FIU or ILANUD have plans to organize

regional meetings to discuss the process, the content or the further use of the assessments. Thus the potential of the assessments for stimulating discussion and being used as a data base by the general public is not likely to be realized.

4. Problems and Recommendations

Problem 1: The methodology for the preparation of the Sector Assessments did not include a mechanism for keeping current the information gathered.

Recommendation 1: ILANUD and FIU should consider preparing a proposal for the Missions in the core countries to assist them in creating a system for the periodic updating of the information in the sector assessments. Alternatively, they should prepare a proposal to add resources to the Regional Project to create and maintain such systems.

Problem 2: The existence and content of the sector assessments are not widely known either in the core countries or among interested institutions and persons in the United States and other potential sources of assistance.

Recommendation 2: As part of its institutional development planning, ILANUD should include activities aimed at getting the content of the assessments more widely known. These activities could include publishing and distributing the summary volumes, preparing and publishing comparisons of the situations and problems facing the major problems as evidenced in the various core countries, and organizing regional workshops for both core countries and others to discuss the experience gained through the assessment process and how that experience can be used in further analytic work. LAC should consider providing support to U.S. institutions or persons who may be interested in using the sector assessments to promote better understanding of the problems facing the criminal justice sectors in the region.

D. Technical Assistance from ILANUD

ILANUD has made progress in becoming known in the core countries as a source for technical assistance. This is particularly true concerning the organization and use of judicial statistics and juridical information. ILANUD's potential for becoming a center of excellence on those topics is good. However, the technical assistance program of ILANUD has been slower in getting underway than was anticipated in the Project design. Activities on the major, common problems have been undertaken or are in the process of being undertaken without waiting for results or experience from the pilot activities, and ways of assuring that the various activities are to benefit from each others' experience have not been created. Requests from participating countries for technical assistance have not been presented as part of coherent, prioritized yearly plans; and there have been delays in responses by ILANUD to these requests.

ILANUD's monitoring and supervision of the implementation of the technical assistance program needs improvement. One problem is that until recently ILANUD has not had a single person in charge of its technical assistance programs. Each major common problem is directed by a different person; and the responses to requests for other types of technical assistance have been handled by the Extension Division. Another is that ILANUD has not prepared a concrete time-table of expected accomplishments in the pilot efforts or adopted a clear focus for its work with national requests. Finally, ILANUD has had difficulties in dealing with the topic of computerization which is central to three of the major technical assistance areas -- judicial statistics, compilation of juridical documentation and court administration.

1. Pilot and Common Programs

a. Judicial Statistics

The original pilot activity got off to a slow start. The agreement between ILANUD and the Supreme Court of the Dominican Republic was not signed until April 1986. At the time of this evaluation the Project was still not fully underway. The physical facilities to be supplied by the Supreme Court were approximately 80% complete, and the Supreme Court had hired the additional staff for its Department of Statistics which were called for under the agreement. However, an Advisory Council to guide the effort had not been appointed. More important, ILANUD and the Supreme Court had not reached agreement on the type of computer which would be purchased or on the type of software to be used. In the meantime, the staff of the Department of Statistics is compiling information manually. In an effort to move this activity forward, ILANUD, with Project funds, con-

tracted for a review of the activity in March 1988 by a team of two computer consultants associated with A.I.D. Then in May, 1988 agreement was reached between ILANUD and the Supreme Court in the equipment and software to be used.

After its inclusion in the Regional Project in 1986, Guatemala requested to become the site of another activity on judicial statistics. ILANUD agreed. However, the only steps which have been taken so far have been ILANUD's support of the judicial statistics system and its needs by a person involved in a similar effort in Costa Rica, and the review of those needs by the computer consultant team mentioned above. In the other core countries, ILANUD has not had, nor does it plan to have, consistent work on this topic. However, work is being carried out by the countries themselves to varying extents, and they have now and then requested help from ILANUD. In theory, these countries are waiting for the results of the ILANUD experience in the Dominican Republic and Guatemala before undertaking full-fledged programs. In fact, the other countries appear to be going forward on their own. The Costa Rican Supreme Court has its own computer facility, and consults with ILANUD on various aspects as is needed. ILANUD will be sponsoring some related training for Costa Rica. Honduras has its own effort which ILANUD has assisted by helping it finance the acquisition of a computer and some training in the United States. In El Salvador, there is an effort which is eligible for assistance under the bilateral program already operating there, and it has little contact with ILANUD's regional effort.

There already has been some impact from the Regional Project's effort on judicial statistics. ILANUD's courses and its discussions with key institutions in the judicial sector of the countries has stimulated further interest in the topic -- especially given the knowledge that ILANUD would probably be more responsive to requests for assistance in this area than in others -- and thus more work is being done manually on organizing statistics data. This in turn has led to a few changes in the operation of the court systems. Then too, several action programs under preparation (Costa Rica and Guatemala) or near implementation (Honduras) have included work on this topic for support knowing that ILANUD is active as well.

The activity has lagged for several reasons. One is that the overall relations between ILANUD/RAJO and the Mission in the Dominican Republic have not been conducive to coordinated action. Another is that ILANUD does not have much expertise in computerization, and FIU's assistance to it re computerization was focused on ILANUD's own internal needs. Because of the accelerating pace at which action programs are being prepared, the judicial statistics effort of the Regional Project as originally conceived is running the danger of being overtaken by events. ILANUD has taken steps to meet this situation one being appoint-

ing a new director of the activity. However, if the Regional Project is not going to be left behind by events, ILANUD will have to pay close attention to this activity.

b. Compilation of Juridical Documents

The original pilot activity was undertaken in Costa Rica with the Supreme Court. It focuses on the organization and retrieval of judicial decisions. The activity has taken longer than expected to get underway. The Project has supported the completion of a legal thesaurus and the training in its use for the technical personnel of the court as well as from other core countries. However, the computer to be supplied by the Supreme Court has not yet arrived and the software to be supplied by ILANUD is not yet chosen. At the same time the Attorney General's office of Costa Rica has prepared a proposal for a project to organize information on current legislation, and that proposal is likely to be included in the bilateral action program. The professional Costa Rican employee of ILANUD who oversees the regional pilot activity participated in the commission which prepared the proposal for the Attorney General.

After its inclusion in the Regional Project, Guatemala requested to become the site of another activity on the compilation of juridical documents -- with the focus being on information concerning legislation. ILANUD agreed. A team of four professional employees of the Supreme Court is compiling the information manually while waiting for the arrival of the computer equipment and software financed by ILANUD. This effort is likely to be included in the bilateral action program.

The other core countries have only marginal activities underway. Honduras has one non-legal librarian working part-time on manually preparing an index to the Gaceta Judicial for the years 1950-1988. Later a lawyer is to be hired to prepare summaries of the legal decisions reported. The work is not geared to eventual computerization. However, ILANUD did train representatives of the Supreme Court and of the National University in the use of the thesaurus and that training could be utilized in the future. Although there is no activity under the Regional Project taking place in the Dominican Republic, the office of the President of the country is undertaking with counterpart funds an activity to organize information on existing legislation, and may be asking for ILANUD's cooperation. El Salvador does not yet have an activity on this topic.

Since the utilization of computer technology is so central to the accomplishment of this common activity, ILANUD had the team of computer consultants mentioned above review it. The team made several technical recommendations, and cautioned against the uniform use of certain software which had been developed in Colombia and tentatively chosen by ILANUD for use in this

activity in all countries. The report highlighted both the importance of ILANUD's making sophisticated judgments on computer equipment and software which take into account local conditions and the need for ILANUD to make those decisions in a timely way. In response to those recommendations ILANUD will no longer seek uniformaity in the use of equipment and software.

If ILANUD can respond promptly to the suggestions in the report from the computer consultant team, this common technical assistance can prove to a useful regional approach. The pilot efforts are somewhat further along than are those of the judicial statistics activity, and the non-pilot activity countries are not yet so involved in their own computer-based efforts in this field. However, the bilateral action programs in Costa Rica and Guatemala are very likely to include support for this type of effort, and other countries may well pick up on it as well. (For instance, the Mission in Peru asked ILANUD to conduct a workshop on the techniques of creating a computerized system for the organization and retrieval of juridical information.) Thus, it is important that ILANUD seek to energize its implementation of this activity.

c. Libraries and Document Center

(1) Libraries

There is no pilot program for the library project. All the core countries received bibliographic material, and their librarians were trained more or less simultaneously. The rationale for this approach was that libraries required basically the same supply of books, and that this could be done for every country without having to single out one with which to experiment. The training of librarians, due to their small numbers, could also be done in a short time with minumum problems.

The activity started in June 1985. It is supposed to last until September 1988. Each country has entered an agreement with ILANUD. All agreements are quite similar in that they outline the rights and duties of each side, and called on the recipients to provide suitable space and to maintain the periodicals current for several years. A master set of basic legal reference materials was compiled in the field of criminal justice and court administration. This list was prepared with help from international experts, and it was submitted to each of the countries so that they could review it and suggest alterations or adjustments. Despite the desire of some countries for a wider selection of materials, the basic libraries remained focussed on 6,000 selections on criminal law and procedures.

In Honduras two libraries were donated, one to the Supr Court and another one to the law school of the biggest state university. The Supreme Court already had a library of its o

The law school had no library at all; students used a relatively small collection of law books available at the university's central library. El Salvador received three libraries. One functions in the Supreme Court in San Salvador, a second is in Santa Ana, and the third in San Miguel. The Dominican Republic, Guatemala and Costa Rica received one library each. The libraries are placed in the respective Supreme Court buildings. There is still a percentage of books that has not yet been delivered to the participating libraries. However, according to the agreements signed, there are a few months to go still before the time elapses. The problems encountered by ILANUD relate more to practical difficulties than to structural roadblocks. One of these practical difficulties was finding book dealers in Latin America able to market large numbers of books and a great variety of titles.

ILANUD has also trained librarians as part of the program. All those who were interviewed expressed satisfaction with the courses they had received.

As a general rule, all the libraries are being well used and the catalogues are in order. The readers have access to books that, were it not for the donations, would be out of their reach. However, in Guatemala, although the inauguration of the donation had taken place, between 30% to 50% of the books received from ILANUD were still packed and no urgency was shown to shelving them. There was no catalogue available to readers. Instead of a catalogue for the original publications housed by the library, a list of books, consisting of a few typed and stapled pages, was offered. The shelves ran parallel to the windows, wasting light and making it more difficult to read book titles and reference numbers. Then, too, in Honduras, the library building of the Supreme Court was closed to the public, being still under construction. (According to ILANUD, by May 1988 the problems with the libraries in Guatemala and Honduras had been corrected.)

The impact attained by this program can only be assumed. Neither ILANUD nor the recipients have any system for trying to measure it. In general, the libraries visited -- and some were visited more than once -- seemed to be in use. One might hope that people were finding use for what they read.

(2) The Document Center

The Data Base Information and Assistance Activity, as it is officially called--and more colloquially known as Data Base or the Document Center (which is housed at the ILANUD headquarters in San Jose, Costa Rica), has developed into an institution that collects and distributes books and computerized information which are not available in other countries. From this point of view, the Document Center operates as a super-library. As such it has the potential to promote and aid learning by scholars, inform

legislators interested in specific topics, and facilitate research. However, relatively few people know about or use the service of the Document Center. Sophisticated and computerized libraries are not current in Latin America, and Latin Americans do not usually think it viable to request and obtain information from other countries. Then too, universities and law schools in the United States and Europe, would be the natural users of the Center; but Latin American universities are institutions little inclined to research and to original and critical publishing. Furthermore, Latin American legislators rely more on improvisation than on scientific studies. If this activity is to have impact, changes in the system will be needed to give a higher profile to the Document Center. For instance, the libraries donated by ILANUD could include displays inviting enquiries and consultations, and payment for its services in local currencies could be facilitated.

d. Court Administration

The original Project design did not include a specific activity in court administration. The need for such an activity became clearer as experience was gained through the operation of the various Project components. The basic idea is that the judiciary needs to be managed in a modern and effective way. Unlike the United States, the idea of court management does not exist in Latin America. Judges usually take upon themselves administrative tasks for which they are ill prepared. If the basic idea is clear enough, the way in which this activity is to be carried out is not. There are some documents describing what should be done. However, these documents are quite vague. It is still unknown whether there will be a pilot activity in one or more countries, or whether there will be activity throughout the region simultaneously. The role of computerization is assumed to be key, but not yet defined. The possibility of merging the activity has been merged with that of judicial statistics but they are operated separately.

In the meantime some activities on the topic have been undertaken. A workshop was held in September 1987 in Guatemala. It was well received by the participants, and a paper will be published shortly with the results. In November 1987 an ILANUD representative presented a paper in Guatemala on court management which focused on standardizing the routines of criminal courts. Finally, a study trip to the U.S. for supreme court presidents (or other justices in their place) was organized so that they might acquire a first-hand impression on court management as it is practiced in Puerto Rico and in Washington, D.C. Representatives of the core countries as well as from Colombia, Venezuela, Bolivia and Peru participated.

Clearly there is a lot of interest in the topic of the improvement of the administration of the court systems and a

large demand for assistance in creating and carrying forward programs to address the topic. Obviously, local conditions vary from country to country, and thus the actual programs to be undertaken would vary as well. However, if ILANUD is going to play a useful role in the effort, it will have to develop an approach (not necessarily a model) and a roster of persons able to be of assistance. Without that ILANUD is not likely to be called on by Missions to be of assistance in bilateral action programs or even get beyond being the sponsor of some consciousness-raising activities.

2. National Requests

The Project includes funds to permit ILANUD to respond to requests for technical assistance apart from the pilot, common problem efforts described above. This support was to cover the period before national action programs were undertaken. The support was to meet needs to be established by the National Commissions, and the requests to be part of the annual operating plans to be pre ed by those Commissions. ILANUD's extension division and Re nt Coordinators were to be the channel through which these national requests are reviewed and conducted.

The program has been quite active. It has provided over 1,250 consultant days of service. All of the core countries have been making requests, and ILANUD has been supporting on the average ten activities per year per country. (The program has been less active in El Salvador than elsewhere because of the nature of the program in El Salvador and because ILANUD and the Salvadoran institutions have not been able to agree on a program due in part to the lack of a good working relationship discussed in other parts of this report.) The requests cover a variety of activities -- e.g., financing the study of laws to be reformed; preparing manuals for the use of justices of the peace; supporting some national level training activities not within the usual program of the Department of Training; assisting with topics comprising ILANUD's common problems program in countries not chosen as the sites of these pilot activities.

Although active, the program suffers from several important weaknesses. First, the annual operating plans have not been coherent plans but more lists of activities without prioritization. This is the result of the weakness in the capability of most National Commissions to plan and prepare proposals. Second, effective National Commissions have not existed in the Dominican Republic and in Guatemala, and the annual programs have been prepared by the staff of the Supreme Court alone. Third, ILANUD has not been providing National Commissions or, in their absence, the lead national institutions with information on what level of resources they can count on from ILANUD in preparing their requests, but rather providing support for particular activities once they have been reviewed and approved. Fourth, there is no

information or any system for gathering information on what is being accomplished as a result of the various activities supported. (This is a reflection of the lackof an overall evaluation system.) Fifth, ILANUD has not had the budget or access to experts in various fields which would permit it to be as readily responsive to requests as people would like.

The original design of the Project anticipates that this program will cease to operate once the core countries have undertaken bilateral action programs. That may turn out not to be desirable. If the Project were to undertake a fuller program in the South American countries, it is likely that there will be a demand for technical assistance on various problems not within the major, common problems being addressed by ILANUD; and, should ILANUD become actively involved in the implementation of some of the action programs in core countries, it may well have to provide continuing technical assistance apart form those major, common problems. Thus, it would be advisable for ILANUD to reassess the operation of this program to see how it could be made more effective. Certainly, some focus will be called for since ILANUD cannot respond to all types of requests successfully. It probably would be advisable not to continue to attempt to have annual operational plans to provide the justification and focus for the effort since that approach has been unsuccessful in the past. However any system needs to avoid the danger of improvisation. A closer linkage with the training program would be desirable. The reassessment should consider whether ILANUD should include in its focus, assistance in addressing the problems of how the courts are to handle cases involving drug trafficking and terrorism since there appears to be a strong demand for assistance on those topics. The Assessment would have to take into account the difficulties presented to ILANUD by these topics which are highly political, subject to strong extra-technical pressures and enormous in their magnitude.

3. Problems and Recommendations

Problem 1: The implementation of the major, common technical assistance programs has been substantially delayed. ILANUD has taken recent steps to address this problem including the appointment of a Director for the Division of Technical Assistance and Advisory Services.

Recommendation 1: ILANUD should appoint an experienced computer specialist to assist in carrying forward the judicial statistics and juridical information activities.

Problem 2: The delay in the implementation of the major, common problem technical assistance program is reducing its utility to the national action programs under preparation.

Recommendation 2: Since ILANUD now has had experience with the judicial statistics and juridical information activities and since these topics are of interest to most national programs, it would be useful for ILANUD to organize workshops periodically to review that experience with representatives of interested institutions in the various countries -- both core and in South America.

Problem 3: The proposed major, common problem of the improvement of judicial administration is not yet well defined. ILANUD does not have a concrete program to offer to countries interested in this topic.

Recommendation 3: FIU and ILANUD should prepare a statement of ILANUD's strategy for providing assistance on this topic.

Problem 4: The Document Center is not getting the degree of use which was anticipated in the Project's design.

Recommendation 4: ILANUD should review the cost/benefit relationship of this activity. The review should take account of the increased costs that it will be necessary to incur to bring the existence of this facility to the attention of potential users and of the investment which will be necessary to allow for practical and expeditious retrieval of information from the Center by persons and institutions throughout the region.

Problem 5: The program for providing technical assistance in response to particular national requests suffers several serious weaknesses that need attention if the program is to be continued beyond the time in which the core countries undertake national action activities.

Recommendation 5: RAJO, ILANUD and FIU should reassess the operation of this program to determine whether its continuation is a priority for ILANUD and the Project; and, if it is, how best to address the weaknesses identified.

Problem 6: Many countries are interested in receiving help in preparing and carrying forward modifications to judicial procedures to permit them to deal more effectively with crimes arising from drug trafficking and terrorism.

Recommendation 6: As part of the reassessment of the operation of the program of providing assistance in response to national requests, RAJO, ILANUD and FIU should determine the extent to which ILANUD should include in its focus the problems of judicial handling of crimes arising from drug trafficking and terrorism.

E. Training

We interviewed 184 ex-participants, mainly from the capital city areas. The evaluation instrument (See Annex 4.) developed by the evaluation team was utilized as well. The total ex-participant sample consisted of the levels of persons from the countries depicted in Chart 4 on the following page. The responses of the 184 ex-participants who returned their questionnaires are summarized in the discussion of the evaluative areas which follow. For a complete tabulation of responses and transcripts of the ex-participants' comments, please refer to the individual country annexes.

Although the completed questionnaires were an important source for forming judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials, and interviews with ex-participants who did not complete the questionnaires. In general, possibly because of the ex-participants' culturally determined respect for instructors and for training, we found the questionnaires' written comments to be more positive than we should have expected from the interviews and other sources. Our own conclusions are less optimistic regarding the probable lasting impact of the training and ILANUD's role to date as a catalyst for improving the justice systems.

The sample for this evaluation was limited, and included ex-trainees from a variety of regional and national activities; thus, the ex-participants' comments under a particular question may seem unorganized and at times even contradictory. Nevertheless, the evaluation pulled together all of the diversified findings in reaching conclusions or judgments. It should be remembered that this is the first attempt to gather opinions about the training program. ILANUD has not prepared a data base of evaluative information for the administration of justice training program. In fact, ILANUD has no evaluation system or plans to create one. In that respect it should be noted that the Training Department has never been as fully staffed as planned; and the emphasis always has been on action -- on training participants. Annual plans have included specific objectives that could be considered as self-evaluative benchmarks. However, in actual practice an organized self-evaluation was not conducted, and human resources were targeted on implementing the large and complex training programs.

Even though the plans called for human resource development of the Training Department's staff, the Department's management asserts that with the pressures to get participants trained it was not feasible to attempt in-service training to any significant degree since most of the key players were traveling and,

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Chart 3 : Summary Table of Ex-Participants Completing Qustionnaires

PROFESSION/AFFILIATION

	Attorney General	Bailiff	Commission Member	Court Administrative Staff	Criminology Institute	Judge (Mid-level)	Judge (Upper-level)	Justice of the Peace	Lawyer (private-practice)	Legislator	Ministry of the Interior	Prosecutor	Public Defender	Public Ministry	Publisher of Judicial Review	Social Worker	Supreme Court Staff Employee	University Professor	USAID Employee	NATIONAL TOTALS
Bolivia				2		4		1			1	1	1		1			1		12
Costa Rica					2	5	5					1	1	2		3		1		26
Dominican Republic	1	2				5	1	2	6			2					1		1	20
Ecuador						2	4			1										7
El Salvador			2	3		6	3	12	1	1		3	1							32
Guatemala						8	1	8				3				1	9		1	31
Honduras				7		2	1			1		2						4		24
Peru	1					5	1					4						1		12
Uruguay				1		3	1			1		1	6							13
TOTALS BY PROFESSION	2	9	2	13	2	40	17	23	7	4	1	17	9	2	1	4	10	7	2	184

GRAND TOTAL

in many cases, administering actual training programs. As dedicated as they are, such a small group can only be expected to accomplish so much. However, it is shortsighted not to have an in-service training program for an organization facing expansion in the scope of its responsibilities, that ILANUD does.

1. Size And Nature of Training Provided

In II B (5) above, a description is given of the types of training ILANUD provides regionally, nationally, and on a long-term basis. II D (5) provides the output targets in training adopted by the Project. Chart 5 on the following page demonstrates that 3,159 persons from Central America and the Caribbean, and 381 persons from South America will have been trained by ILANUD project sponsored activities by the close of calendar year 1988. Of that grand total of 3,638 persons, 588 will have participated in regional activities and 3,050 in national level activities. Charts 5 and 6 demonstrate that ILANUD has extended beyond the parameters of coverage envisioned in the Project Paper. This was made possible by using other funding sources.

a. Regional Courses

ILANUD's Training Department considers regional training to be designed for the most influential and motivated individuals in the justice systems. The training is to provide the "cutting edge," high level and state-of-the-art information. The original, and subsequently amended, Project Paper called for more than 500 policymakers and upper-level judicial personnel to receive this type of training. ILANUD has met this target. Chart 6, which depicts both project funded and non project funded training, on the following page sets forth the distribution of the participants by country of origin and by 17 curricula areas. Of the 588 persons trained, 366 have come from the core Project countries and 176 have come from South American countries.

b. National Training Activities

The number of ILANUD-sponsored national-level training programs far exceeded planned outputs. Twenty-two different types of national training programs will have trained 3,050 participants by the end of 1988. 2,790 of the participants have come from the Project's core countries. All of the 221 South Americans attended one type of course -- on a modern, mixed penal justice system. Chart 7 summarizes ILANUD-sponsored national level training programs. It should be noted that national levels training in Nicaragua was funded by the Ford Foundation.

REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Chart 5 : Summary of ILANUD-Sponsored Courses

1985 - 1988

Numbers of Participants

	COUNTRIES OF ORIGIN	REGIONAL ACTIVITIES	NATIONAL ACTIVITIES	COUNTRY TOTALS	TOTALS
CENTRAL AMERICA and CARIBBEAN	Costa Rica	102	635	737	3,235
	* Cuba	6	0	6	
	Dominican Republic	75	649	724	
	El Salvador	[illegible]	286	334	
	Guatemala	[illegible]	568	631	
	* Haiti	1	0	1	
	Honduras	52	655	707	
	* Mexico	8	0	8	
	* Nicaragua	25	36	61	
	Panama	26	0	26	
SOUTH AMERICA	* Argentina	4	0	4	403
	Bolivia	7	94	101	
	* Brazil	7	0	7	
	* Chile	6	0	6	
	Colombia	16	0	16	
	Ecuador	37	50	87	
	* Paraguay	5	0	5	
	Peru	44	38	82	
	Uruguay	28	39	67	
	Venezuela	28	0	28	
TOTALS		588	3050	3638	

* Non-project funding and sponsorship under the supervision of one of the following: UNDP, OAS, Ford Foundation, and the Defense Fund for Children International

REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Chart 6: ILANUD-Sponsored Regional Courses

1985 - 1988

Numbers of Participants

COUNTRIES OF ORIGIN		Agrarian Law and Justice	Control of Non-Conventional Offenders	Court Administration	Criminal Justice and Judicial Statistics	Criminal Justice in Latin America	Criminal Process Systems	Environmental Protection Laws	Human Rights and Juvenile Justice	Judicial Thesaurus	Judicial Training Needs	Judicial Training Institutions in the U.S.	Legislators and Judicial Reform	Mixed Modern Justice Systems	Organization of the Public Ministry	Penal Science and Penitentiary Systems	Public Defenders	Role and Authority of Judges	NATIONAL TOTALS
CENTRAL AMERICA and CARIBBEAN	Costa Rica	8	6	5	[illegible]	9	3	5	4	5	2		6	3	3	5	29	2	102
	* Cuba		2						4										6
	Dominican Republic	4	4	11	9		11	4	5	6	1	3	6		3		5	3	75
	El Salvador	3	4	8	6	4	6	4	2		2		2		4		3		48
	Guatemala	3		11	6		3	4	4	2	2	3	6	3	3		6	7	63
	* Haiti															1			1
	Honduras	2	4	5	7	4	7		4	1	2		6		4		2	4	52
	* Mexico			7					1										8
	* Nicaragua	3	1	2	2		2		5					3	2	2	2	1	25
	Panama	2	4		1					1			3	2	3	9		1	26
SOUTH AMERICA	* Argentina								1							2		1	4
	Bolivia		4			2				1									7
	* Brazil								6									1	7
	* Chile								6										6
	Colombia	2	1	2			2		2	1	3			3					16
	Ecuador	2		4	3		10		4		8	2	3				1		37
	* Paraguay								4							1			5
	Peru	2		17	2		3		5		8		3				4		44
	Uruguay			2		1			19		2			2		2			28
	Venezuela	16		2					2		1			1		2		4	28
TOTALS BY SUBJECT AREAS		47	30	76	43	20	47	17	78	17	31	8	35	17	22	24	52	24	588

* Non-project funding and sponsorship under the supervision of one of the following: UNDP, OAS, Ford Foundation, and the Defense Fund for Children International

REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Chart 7: ILANUD-Sponsored National Courses

1985 - 1988

Numbers of Participants

	COUNTRIES OF ORIGIN	Agrarian Law	Bailiffs	Case Preparation for Prosecutors	Court Administration	Criminal Code Revision	Criminal Court Judges	Criminal Execution	Criminal Process Law	Environmental Law	Human Rights	Judicial Career Law	Judicial Legislation	Judicial Training	Justices of the Peace	Juvenile Court Judges	Manual for Justices of the Peace	Modern Mixed Penal System	Public Ministry	Sector Assessment Review	Training in Judicial Planning	Training for Lawyers	Victimology	NATIONAL TOTALS
CENTRAL AMERICA and CARIBBEAN	Costa Rica	69			222			32	16	61			70	37						40	30	25	33	635
	Dominican Republic		184		30	20	35							20	200		35	50	75					649
	El Salvador														236			50						286
	Guatemala			76	70						50				93	189		50				40		568
	Honduras			30			100					441		4			30	50						655
	* Nicaragua										36													36
SOUTH AMERICA	Bolivia																	94						94
	Ecuador																	50						50
	Peru																	38						38
	Uruguay																	39						39
TOTALS BY SUBJECT AREAS		69	184	106	322	20	135	32	16	61	86	441	70	61	529	189	65	421	75	40	30	65	33	3050 GRAND TOTAL

* Non-project funded (Ford Foundation)

c. Long-Term Training

Three long-term training programs were planned under the Project. They are an undergraduate program in criminal justice administration in Costa Rica; a post-graduate program at the National Autonomous University of Honduras; and a non-degree, post-graduate program in criminal and agrarian law at the National University of Costa Rica. The first two programs were not implemented because they were found not feasible after further study and data analysis.

The University of Cost Rica's two-year, non-degree, post-graduate program was planned for 38 attorneys. It will meet its numerical target. The program is handled jointly through ILANUD and RAJO working directly with the University and the national institutions which send the participants. The program is well executed, but some problems exist. They are:

-- Guatemalan candidates were at a disadvantage in seeking admission to the program because their undergraduate grading is stricter than that of other countries.

-- Many of the attendees want to get a degree.

-- Many of the graduates have encountered difficulties in utilizing their training when they return home.

-- A significant number of the graduates have left employment in the justice system.

2. Cost of Training Provided

It is difficult to analyze ILANUD's training costs. Each year the Training Department submits a budget, but cost breakdowns are not given by country. Furthermore, that information was not available in the records of the Department. Of course, ILANUD's budget funds are a matter of record, but the Training Department usually does not utilize the complete budgeted amount, but "turns back" unexpended funds. Furthermore, it keeps no record of the funds actually expended for each training activity. In part this is due to the fact that the Extension Division is responsible for the budgeting of most national level courses and to the practice in ILANUD of having the Administrative Services Division prepare the actual budget figures. A more informative budgeting and costing system will have to be adopted if ILANUD is to be able to analyze its own training costs.

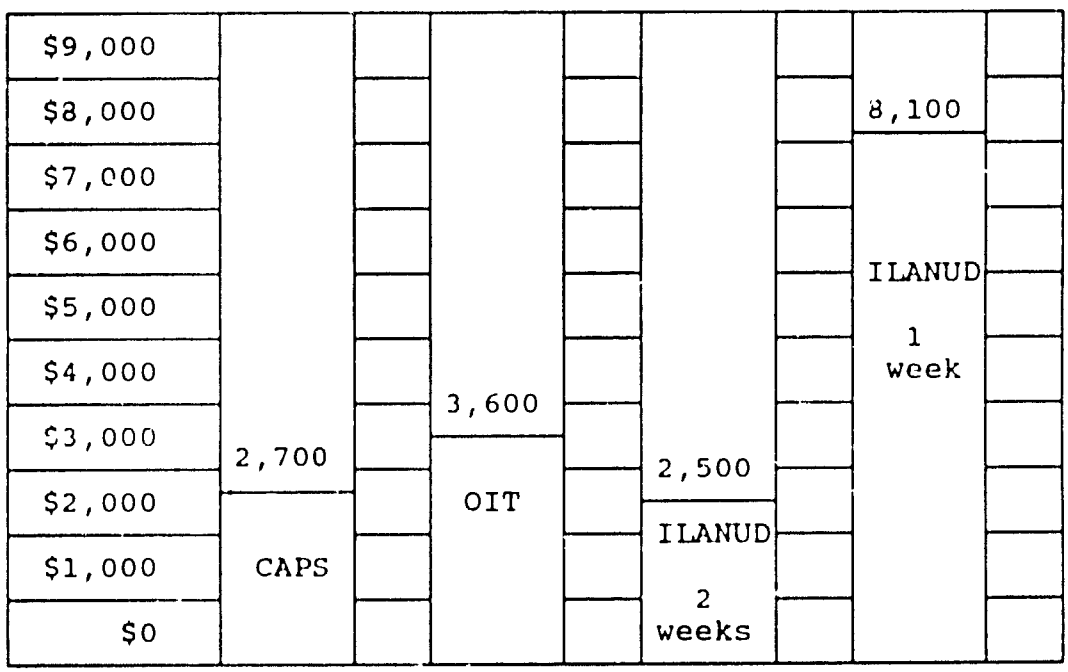
Another difficulty in analyzing ILANUD's training costs is that it is impossible to compare ILANUD's costs with similar programs with any reliability since ILANUD does not utilize the Training Cost Breakdown Structure (TCBS) which LAC/DR/EST adopted to make more accurate and meaningful cost comparisons. ILANUD's

costs for overhead, administration, curriculum design, and preparation of instructional materials are not fully taken into account. If A.I.D. desires more reliable cost comparison figures, the TCBS system could be adopted by ILANUD.

Despite these difficulties we reviewed what information was available regarding the training costs. For example, two two-week regional activities slated for implementation in Costa Rica were budgeted at $53,400 each with about six Costa Ricans and 27 persons from other countries attending. Another one-week regional program outside Costa Rica was budgeted for $54,000 for 25 trainees. The comparison with other types of training is shown in Chart 8 below:

REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Chart 8: Regional Per Month Cost Comparisons
ILANUD and Other Programs



It is not surprising that ILANUD's shorter (one-week) course outside of Costa Rica is more expensive ($8,100 per person-month) when compared to the longer (two-week) ILANUD courses in Costa Rica ($2,500 per person-month), since ILANUD's staff incurred travel and per diem expenses in organizing and conducting it. The two-week ILANUD course compares favorably with similar courses sponsored by A.I.D.'s International Office of Training (OIT) and A.I.D.'s Central American Peace Scholarship Program (CAPS) -- $2,500 (ILANUD), $3,600 (OIT), and $2,700 (CAPS). Nevertheless, as noted above, these comparisons are flawed since the bases for reporting costs among these training programs are not consistent.

Similarly, there is not adequate data to make accurate cost comparisons between ILANUD's national-level courses and other A.I.D.-sponsored in-country or national-level training programs. The FIU Training Advisor informed us that national courses of three-day duration are budgeted at $7,500 for 35-40 participants. However, due to the basic differences in accounting and budgeting systems, meaningful comparisons with other programs are not possible.

3. Importance of Training Provided and Relationship to Other Project Components

a. Focus of Courses

Based on meetings with A.I.D. Mission and host-country justice sector officials in nine countries, we conclude that there is a general consensus that ILANUD's training is important and can help meet the needs of the justice system. There is widespread appreciation of the opportunity to meet and exchange ideas with persons from other countries and to have the benefit of the view of eminent professors and practionaires; and there is widespread recognition that the courses have heightened respect for human rights and increased people's enthusiasm for introducing reforms. However, there were important concerns expressed by the interviewers. One is that the development of adequate human resources at the lower levels of the system and for support staff is of prime importance, and ILANUD's focus has not given that aspect sufficient importance. Another is that ILANUD's courses do not pay enough attention to applying general principles or reform ideas to national conditions. This is particularly so regarding the regional and itinerant courses. Although ILANUD has involved local officials in preparing and used local officials in giving national level courses there is a desire that even those courses be given a more local content by focusing more on national problems. In short, there is a desire for more practical, results-oriented programs.

ILANUD has a long track record of providing regional courses; this is its current strongest training capability.

However, regional activities cost significantly more than national level programs, where there are less travel, staff, and per diem expenses; and a majority of ex-participants and many other interviewees suggested that ILANUD increase the number and length of national level courses so that more persons can benefit from them, and so that more time and emphasis can be placed on local issues and problems. ILANUD needs to reassess its national regional training mix. As part of that reassessment ILANUD needs to establish firmer priorities and program limits in accord with its resources and capabilities. For instance it is not clear that it is a priority for ILANUD to be sponsoring work in agrarian and environmental law.

b. Relationship to Other Program Components

We did find examples of inter-component support between training and the other project components. For example, we observed cooperation between ILANUD's work on legal libraries, curriculum and manual development, for justices of peace, and for the modern mixed penal system course. However, these collaborative efforts still are not the rule.

In Central America and the Dominican Republic, we were unable to identify a planned written strategy to tie all training activities to other ILANUD project components. In the South American countries, we found key people in the justice systems who were not even aware of ILANUD activities apart from training. ILANUD should devote more time and effort to planning and evaluating all its project components. Part of the planning effort should be targeted at more deliberate and programmed inter-relationships among them.

4. Quality of Training

Most participants who answered the questionnaire reported that the course content met their expectations. The majority said that the courses furthered their professional growth and that of their colleagues; and most clearly understood the specific and general course objectives. However, based on our analysis and all of the other information we gathered, our conclusions were not as optimistic as the ex-participants' views of ILANUD training. In many instances basic justice systems are flawed and have glaring deficiencies. Short, intensive training programs -- even those that are well-done -- cannot be relied upon as the only or major solution to reforming the administration of justice. Furthermore, there were sufficient expressions of a desire for different types of training that we have to question the reality of the high degree of expressed satisfaction.

a. Materials

The great majority of the ex-participants asserted that the instructional materials provided were in accord with the level and content of the training activity. We also observed repre

sentatives of organizations in participating countries working in San Jose with ILANUD to develop instructional materials for courses that were to be conducted in their respective countries. Furthermore, we were told that ILANUD contributed significantly to the development of materials for the introduction of a new Honduran penal code and of manuals for justices of the peace in Guatemala. The concerned officials had a very positive impression of ILANUD's training materials. The main criticism of the course materials concerned the lack of local content and the desire to have more materials supplied both during the course and afterward. Comments were made that it would be useful to have the text of all the presentations made during the courses -- both those of the ILANUD instructors and of the participants who were requested to present information concerning their ideas or conditions in their own countries.

One of ILANUD's goals has been to produce self-instructional modules (programmed learning) slide/sound shows, and video cassettes. We found some progress being made in these areas. We observed experts from other countries in San Jose developing the manuals, and ILANUD staff were in the process of designing what are considered to be relatively high quality specialized materials. It was evident that there were increased resources for and interest in producing quality instructional aids. From an educational point of view, the materials looked appropriate; but such technology has to be judged on whether or not it actually assists the learning process. Since the training program has not been systematically evaluated by ILANUD, only educated guesses can be made about the effectiveness of the production so far.

As more and more bilateral projects are conceived and approved, the role of ILANUD as a leader in producing instructional materials will become crucial. There are no other appropriate institutions doing this type of task. ILANUD also sees its role as one of helping countries develop training infrastructure which would be capable of developing materials locally.

Based on ex-participant responses on questionnaires, inspection of instructional materials in ILANUD files, and discussions with instructors and other interested parties, we concluded that ILANUD's instructional materials were adequate for the level and content of the activities. However we were disappointed that so few video cassettes, slide/sound shows, and films were being utilized. ILANUD's budget does not identify funds for the preparation of such materials. That approach

appears to favor the giving of more courses over the preparation of materials.

b. Preparation of Instructors

Most of the ex-participants who responded to the questionnaire said that the instructors were well qualified; had the required experience; and were adequately prepared. ILANUD and its instructors enjoy a relatively high professional reputation in Latin America according to the majority of legal professionals interviewed. In fact, countries look to ILANUD's staff and instructors for information, guidance and leadership. The critical comments which were made were that some of the instructors were not knowledgeable enough about conditions in the region or in the country in which the course was being given, and thus tended to present a model based on theory or conditions not clearly relevant to the situation facing the participants. Related to that comment were ones that the instructor (or the course planners) did not provide enough time for discussion.

Relying on all of the data gathered and observations made, we agree that the instructors were academically well qualified and generally well prepared. However, we think that ILANUD needs to tighten up its planning process for each course, particularly at the national level, to insure that each party (including instructors) understands his/her responsibilities; has adequate preparation time; and is fully cognizant of the local situation and special needs. This implies longer courses and fuller use of local instructors, which in turn would mean higher actual costs for improved training programs.

c. Selection Process

ILANUD does not exert a strong leadership role in the selection process. Most candidates are named by their sponsoring organizations. Applications are reviewed by the ILANUD Training Department staff, but only occasionally are candidates rejected and/or replaced. In a general way, course announcements describe the type of persons to be trained, but actual selection criteria have not been developed. In countries which have them, Resident Coordinators were involved in the recruitment and in the selection processes, but their role was more administrative than substantive. ILANUD is reluctant to question the judgement of the Supreme Court which usually are responsible for the final choices.

A few Missions object that ILANUD did not consult with them on the selection of persons to be trained (El Salvador being most adamant on this while ILANUD asserts that it usually did consult on the selection), but most Missions appeared to be content with the current process. However, as bilateral programs get underway their attitude is more likely to be that of the El Salvador

Mission in that they will insist upon approval rights of all candidates.

5. Impact Achieved to Date

a. Work of Participants

Most ex-participants considered ILANUD's Administration of Justice courses to be useful, and reported some changes in their own performance. Respondents said that they and their co-workers were meeting their own specific responsibilities better. It was evident that ILANUD's human rights training was having some impact in how individuals viewed their own roles in the Administration of Justice, and most thought that they were more responsible as individuals. However, respondents were seldom able to give concrete responses to questions such as "Exactly how or in what ways has your work performance changed for the better?" or "Which problems and/or attitudes?" Thus it seems quite possible that they had been giving answers they believed to be "correct" or what the evaluators or ILANUD wanted to hear.

Wherever we observed an impact or change which could be attributed to ILANUD training, it is reported in the individual country annexes to this report. However, as a general conclusion, we could not identify any fundamental or substantial changes in the administration of justice systems resulting from ILANUD's training programs. This is not surprising given the many obstacles (apart from a need for training) facing the accomplishment of change. Indeed, there is quite a lot of frustration among the ex-participants at their inability to achieve more impact in their work.

b. Spread Effect

Quite a few ex-participants state that informally and on their own initiative they were passing on information to co-workers, subordinates, university students, and in a more limited way, to members of the community. However, nowhere did we find planned or programmed activities to achieve spread effect or formal courses started as a result of ILANUD's training. ILANUD has not included preparations for conducting such spread effect activities in its courses, and has not offered special courses for the training of trainers. Indeed, ILANUD has no system for keeping in touch with its ex-participants and encouraging and helping them to organize courses and other events to spread the content of ILANUD's training more widely.

6. Future Plans

In each of the nine country annexes of this report, future plans for training are presented. Chart 9 on the following page depicts the number of participants planned for 1988 by country

and type of activity (regional and national). This represents a significant undertaking for the remainder of 1988. It is noted in the El Salvador Country Annex that the Salvadoran ILANUD-assisted training activites will decrease in the future since the GOES plans to do most in-country training by itself under the bilateral project without much input from ILANUD.

There is no long range plan for the training programs. ILANUD has a global general activity plan, but training programs are planned and budgeted only annually. ILANUD needs to reassess how it is planning and implementing its training efforts. That reassessment would address the topics of program focus, integration of training with other program activities, inclusion of efforts to achieve a spread effect, the institutionalization of a follow-up procedure to support and utilize ex-participants, and the creation of a system to evaluate the performance of the program. ILANUD's staff and its advisors are hard working, a results-oriented group committed to "getting the job done." At the same time this strength can be a source of weakness since careful planning has not been given a high priority.

REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Chart 9: Summary of ILANUD-Sponsored Training Programs Planned for 1988

Numbers of Participants

	COUNTRIES OF ORIGIN	REGIONAL ACTIVITIES	NATIONAL ACTIVITIES	COUNTRY TOTALS	TOTALS
CENTRAL AMERICA and CARIBBEAN	Costa Rica	28	347	375	1,834
	Dominican Republic	75	430	505	
	El Salvador	17	50	67	
	Guatemala	25	236	261	
	Honduras	12	614	626	
SOUTH AMERICA	Bolivia	15	-	15	256
	Colombia	15	50	65	
	Ecuador	15	50	65	
	Peru	31	-	31	
	Uruguay	15	-	15	
	Venezuela	15	50	65	
TOTALS		263	1,827	2,090	

7. Problems and Recommendations

We have summarized the recommendations in two groupings: institution-wide and country-specific. The latter are more fully discussed in the country annexes.

a. Institution-wide

Problem 1: ILANUD has no strategy or plan to evaluate its training program. Therefore, ILANUD is not aware of many deficiencies or areas where training activities can be improved.

Recommendation 1: ILANUD should institute an ongoing evaluation of all its training activities.

Problem 2: Measurement of learning in ILANUD courses has been limited to an end-of-course student opinion-gathering instrument. There has been no actual testing. No one knows what the participants have learned.

Recommendation 2: A pre- and post-examination evaluation process should be introduced in all ILANUD-sponsored training activities.

Problem 3: There is no planned participant follow-up. Participant rosters were out-of-date and course results and recommendations were not systematically distributed as promised.

Recommendation 3: ILANUD should create and budget for a participant follow-up plan which includes all participating countries. Follow-up activities could include:

-- Systematic publication and distribution of course results and/or recommendations

-- Formation of an alumni association

-- Annual updating of participant information

-- Refresher courses

Problem 4: Even though there is some informal spread effect from ILANUD's training, there is no plan and program to foster that effect.

Recommendation 4: ILANUD should develop and implement a formal spread effect initiative for all its training. Such a program could include:

-- Selection of key persons for regional courses who

agree to transmit their new knowledge to their compatriots when they return.

-- Selection for national training of only nationals who agree to and plan to train co-workers and subordinates.

-- Inclusion of a "training of trainers" module in all training activities.

-- Financial support and technical advice to assist in organizing and carrying out courses and workshops by ex-participants.

Problem 5: There is a greater demand for national level courses than ILANUD is meeting. This problem appears in all the countries except in El Salvador.

Recommendation 5: ILANUD should shift the composition of its training program toward courses, seminars and workshops focused on local conditions and problems.

Problem 6: Generally, ILANUD has a positive image in most countries. However, in South America its operations and capabilities are not known in any depth. There is a desire to have ILANUD assist in providing courses geared to conditions and problems confronting local conditions and to have ILANUD assist in establishing training centers in some countries that would provide continuous and comprehensive training to persons in the justice sector. The attitudes of most South Americans appear in general to be open to external advice.

Recommendation 6: ILANUD, RAJO and FIU should improve and increase the flow of information about ILANUD to participating countries, particularly in South America, and consider creating a capacity to assist in the formation and strengthening of national training systems.

Problem 7: With the exception of two countries, we found responsibility for planning and conducting training to be disspersed across ministries. Having various entities providing training leads many times to a lack of coordination.

Recommendation 7: ILANUD should encourage National Commissions to assume a more aggressive role as coordinators of training for the justice sector. Its Resident National Coordinators could provide support.

Problem 8: There is concern that special procedures and training may be necessary to confront the handling of drug traffickers and terrorists. Many interviewees brought up the

topic on their own initiative. It involves all countries to some degree, and is of grave concern in Bolivia, Peru, and El Salvador.

> Recommendation 8: ILANUD, RAJO, and LAC/DI should consider making this one of the topics of focus of its training. This would require increased staff and resources from the Project.

Problem 9: ILANUD's training program has not paid much attention to its own performance and how it might be improved.

> Recommendation 9: The ILANUD Training Department should devote more resources to planning, self-evaluation, program evaluation, and the in-service training of its staff. This implies the need to take time from actual training programs to devote to program administration, and possibly the need for additional or different types of professionals on the staff. This recommendation should be carried out in coordination with the effort to improve ILANUD's overall planning and evaluation.

Problem 10: ILANUD is not maintaining cost figures for its training program in a way which permits it to judge the cost effectiveness of the program. The Training Department is relying on what it budgets as if they were actual costs, and cost figures are not kept by each activity for different countries. Furthermore, ILANUD budgets for training programs cannot be compared accurately because ILANUD's budgeting processes do not allocate general expenses to particular programs and are different from A.I.D./LAC's budgeting system for training.

> Recommendation 10: ILANUD's Training Department should modify its current cost accounting system to develop and implement a system which includes regular quarterly reports by country and actual costs as well as budget projections. It should consider organizing its data so that they can be utilized to compare ILANUD's costs with those of similar programs.

Problem 11: Current, common practice calls for professional instructional materials developers to know and use computers. ILANUD has a working computer system in place, but only one computer is designated for the Training Department. This is insufficient for the development of high-level professional instructional materials.

> Recommendation 11: As part of a general reassessment of its computer needs, ILANUD should conduct a survey of the computer needs of the Training Department.

Based on this study, ILANUD should purchase and install the needed computer equipment and software.

Problem 12: In our conversations we frequently heard that corruption is rampant throughout all levels of the justice system. Comments were particularly strong in Bolivia and the Dominican Republic.

Recommendation 12: ILANUD should consider developing an ethics training module for inclusion in all ILANUD courses similar to its current practice for human rights instruction. The evaluators are not so naive as to believe these units will cure a basic problem, but they could help.

b. Country Specific

i. Costa Rica

Problem 13: The Resident Coordinators in other countries play an important role in national level training programs. In Costa Rica there is no Resident Coordinator since it was thought that the presence of RAJO and ILANUD in Costa Rica would permit them to meet the usual responsibilities of that position. However those entities have other major responsibilities, and can only partially cover national Costa Rican training programs.

Recommendation 13: Recruit a Costa Rican professional to coordinate the Costa Rican national level programs.

ii. Dominican Republic

Problem 14: In the Dominican Republic there has been a controversy over the training of bailiffs. RAJO has concluded there have been too many courses for bailiffs who are seen to be mainly summons servers. On the other hand, the predominant view in our interviews with USAID and GODR officials was that bailiffs should receive more training as they are the persons whose actions determine the pace and security of the judicial process.

Recommendation 14: A policy decision needs to be reached on the future of bailiff training. This could be done after the national seminar to evaluate bailiff training scheduled for later in 1988.

iii. El Salvador

Problem 15: Local GOES coordination of training programs, whether or not sponsored by ILANUD, is lacking. There is no focal point to assure that a wide variety of training is re ly needed.

Recommendation 15: ILANUD's staff and the USAID Project Coordinator should work with GOES officials to remedy this situation.

Problem 16: In El Salvador most training is conducted by GOES without significant input from ILANUD. There are also problems between ILANUD and the Mission regarding reimbursement for past training costs.

Recommendation 16: An effort should be made to work out the differences between the GOES, ILANUD, RAJO, and the Mission. Such a settlement should include a clearer role for ILANUD in the training assistance activity.

iv. Guatemala

Problem 17: In Guatemala the National Commission has not taken an aggressive or effective role in coordinating a number of different justice-related training activities in-country. There are to be major ILANUD training programs, the U.S. Justice Department program, and the Harvard Law School project (all operating more or less independently). Even the ILANUD program is fragmented by having to deal individually with each justice sector institution (Supreme Court, Public Ministry, Attorney General, etc.).

Recommendation 17: USAID/Guatemala, in its upcoming policy dialogues with the GOG, should begin to address this critical area. The Mission may wish to consider a condition precedent for the upcoming bilateral project such as requiring some type of Guatemalan training coordinating unit which encompasses all these diverse programs.

F. Technical Assistance from FIU

Under the Project's design FIU was to provide the services of both long term and short term advisors to ILANUD. The quality of FIU's assistance has been very high. The two long term advisors who have been resident in Costa Rica since mid-1985 are exceptionally well qualified and effective. Both are bilingual, professionally well prepared and conscientious. However, FIU has had difficulty in providing the full amount of assistance expected, and it has had to leave unattended some important aspects of ILANUD's operations.

1. Nature and Quality of Assistance to ILANUD's Training Program

FIU has provided an excellent Training Advisor who is professionally qualified; has a variety of U.S. and overseas experiences in A.I.D.-related programs; is fluent in the Spanish language; and works very productively with ILANUD counterparts and a variety of host country and A.I.D. officials. He is well liked and respected by his colleagues for his leadership and professional contributions to ILANUD. The FIU Training Advisor works hard; travels extensively, and cheerily endures the hardships imposed by his vagabond existence. This FIU Advisor received only general guidance and minimum day to day supervision from the FIU Senior Advisor.

The FIU Training Advisor has played a key role in the success of the ILANUD training program. (Other FIU advisors provided a limited amount of technical assistance on an ad hoc basis for a few of ILANUD's training programs.) However, the FIU Training Advisor, like others associated with ILANUD activities, overextends himself and attempts to accomplish too much. He should set and follow priorities more carefully, and budget his time and skills so as to accomplish maximum results. He should concentrate more on assisting ILANUD to improve the overall management of the Training Assessment. This, in time, implies devoting less time for travel away from headquarters and a decreased role in the implementation of training programs. Furthermore, he should provide leadership and guidance in assuming that the areas identified needing improvement in this evaluation are addressed. For example, he should work closely with his ILANUD counterparts in the areas of planning, evaluation, follow-up, budgeting, spread-effect, reporting and cost effectiveness. In order to accomplish all of the above, supplementary and specialized additional (probably part-time) technical assistance may be required which implies possible increased costs to the Project.

The ILANUD Training Advisor's functions and the roles he plays are important to the Project and future bilateral project

development and implementation in the region. ILANUD will continue to need such assistance. Unfortunately, the future association of the current Training Advisor with the Project is in doubt due to the prolonged contract extension negotiations between RAJO and FIU.

2. Nature and Quality of Assistance to ILANUD's Technical Assistance Programs

In the original design of the Project it was planned that FIU would provide the assistance of a long term advisor to ILANUD to work on its advisory assistance and technical assistance programs. The person originally identified to provide this assistance was absorbed by ILANUD to work on other aspects of the program. FIU did not seek a full time replacement for this person. Rather it decided to provide short term, periodic assistance as required while having its resident Senior Advisor give overall guidance to this aspect of ILANUD's program. In retrospect, that decision probably was an error since FIU's Senior Advisor has been so involved in coordinating the conduct of the sector assessments that he has been unable to pay much attention to this aspect of the Project.

3. Role in Sector Assessments

FIU's assistance has been indispensible to the accomplishment of the sector assessments called for in the Project's design. As discussed in C above, FIU became the primary vehicle for organizing and carrying out the effort; and FIU's Senior Advisor personally was at the center of this work for over two years. He evidenced tireless dedication, an ability to inspire his immediate staff to emulate that dedication, and a capacity for organizing and directing the efforts of hundreds of professional people throughout the core countries. His forceful personality and determination to get the work done as close to the scheduled dates as possible did lead him to neglect to consult with the Missions from time to time. However, all have come to recognize that without the FIU Senior Advisor this aspect of the Project could not have been achieved--much less achieved well.

4. Role in the Institutional Development of ILANUD

In the original design of the Project, the main responsibility of the Senior Advisor of FIU was to be the institutional development of ILANUD. He brought to that task both extensive academic and practical experience in public administration and past experience working with ILANUD. Consequently, he came to understand thoroughly all the details of ILANUD's operations and its staff; was well accepted by ILANUD, and became intimately involved in the operation (including administration) of ILANUD. Indeed, in response to circumstances

on occasion he even assumed actual direction of elements of ILANUD's organization. Together with RAJO he attended the weekly staff meetings of ILANUD, and participated with the Director of ILANUD in policy discussions concerning both the Project and ILANUD's own institutional purposes. He became much more than a technical advisor. The relationship between FIU and ILANUD more resembled that of a joint venture.

The Senior Advisor was personally responsible for introducing and helping ILANUD to use computers in its operations. Together with RAJO he was important to bringing about many of the changes and improvements in ILANUD's operation which were discussed in A above. However, the Senior Advisor has not been able to pay as much personal attention to ILANUD's institutional development as originally was expected. Too many other demands were made on his time. The absence of a long term advisor for the advisory services and technical assistance activities of ILANUD placed a heavier burden on the Senior Advisor, and the demands of coordinating the sector assessment process proved in itself to be nearly a full time task. Unfortunately FIU's attempt to meet the needs of institutional development with supplementary, short term advisory assistance was not sufficient. FIU recognizes that this was the case, but asserts that it did what it could given the financial and time constraints and the difficulties encountered. (For instance, despite two campaigns to find a suitable long term advisor in institutional development it was unable to do so.) In any event, this aspect of FIU's responsibilities continues to need attention.

5. Future Plans

The current agreement between FIU and A.I.D. runs out on June 30, 1988. RAJO, ILANUD and FIU agree that it should be extended. In August 1987 FIU presented a proposal to do so through December 1988 with funds currently available in the Project, and from then through March 1990 with funds to be added to the Project. The essence of the proposal is that the Senior Advisor would return to FIU's home campus and provide half of his time overseeing the operation of the FIU/AID agreement and half providing specific technical advisory services to ILANUD through trips to Costa Rica. The Training Advisor and an Institutional Development Advisor to be recruited would remain full time in Costa Rica. This proposal had not been acted on at the time of this evaluation. RAJO had preferred to include FIU's proposal with its own proposal for extending the overall Project from 1990 to 1992 and to include the funds for the extension of FIU in the new budget which RAJO was preparing for the proposed extension of the overall Project. ILANUD was considering what it thought should be the exact nature of the future relationship between itself and FIU.

Given the previously expressed conclusions on training and on ILANUD's institutional development, it clearly would be desirable for ILANUD to continue to have the full-time services of advisors in those fields. Whether the part time services of a project coordinator at FIU's home office will be sufficient to meet the other demands of the Project is not clear. In part, of course, that depends on what ILANUD's role is going to be in the conduct of the bilateral action programs and whether or not the Project and ILANUD are going to become more active in South America. A large role in the bilateral programs and a geographical expansion of the project would mean that ILANUD would definitely need additional help. That would raise the question as to whether that help would best come through a traditional technical assistance contract relationship or through a more commercial one. There are pros and cons for both--including the extent to which A.I.D. would be willing to provide financial support to ILANUD to have a commercial relationship with another organization. Because of the near termination date of the current FIU-A.I.D. agreement and the unsettling effect on the program of not having a formalized contract extension, the first steps now would seem to be to decide what is the minimum involvement of FIU necessary over the next year and to take the contractual steps necessary to achieve that. The question of a more extensive involvement by FIU and the nature of that involvement could then be considered once A.I.D. has reached its conclusion on the nature of the Project's future activities in South America and of ILANUD's probable involvement in those countries as well as in the action programs of the core countries.

6. Recommendations

Problem 1: Because of other demands on the time of FIU's resident advisors and the problem of recruiting, FIU's assistance to the technical assistance program of ILANUD and to its institutional development has been less than is desirable.

Recommendation 1: As part of the extension of FIU's current contract it should present a strategy for assisting in the further improvement of ILANUD as an institution and as a provider of technical assistance and advisory services.

Problem 2: The nature and type of assistance needed by ILANUD over the longer term will depend on the role it takes in the conduct of the bilateral action programs and on A.I.D.'s expectations of ILANUD's participation in any expansion of the Project's activities in South America.

Recommendation 2: Before proceeding to an extension of the Project and of FIU's cooperative agreement beyond a year, RAJO and LAC/DI should conclude a strategy for the Project's future activities in South America.

G. Preparation of Bilateral Action Programs

1. Attitude of USAID Missions

There is a variety of attitudes among the Missions on whether or not and with what urgency to undertake bilaterally-funded action programs for the improvement of the operation of the criminal justice sectors in their respective countries. Some countries already have such programs under implementation (El Salvador, Peru and Uruguay) or in active preparation (Bolivia, Costa Rica, Guatemala, Honduras) while the Dominican Republic and Ecuador remain unconvinced of the wisdom of undertaking bilateral action programs at all. The variety of attitudes responds to the different perceptions of the Embassy and Mission personnel of the feasibility of addressing the problems of the sector in the face of local political and administrative conditions and to the degree to which they think that the Department of State and AID/W give importance to their paying attention to the sector. Given the turnover in policy level officials in the Department of State and, until recently, the relative lack of involvement of the LAC Bureau in field-level discussions on the topic, it is understandable that the Missions were not clear on the degree to which work in this sector was considered to be a priority of AID/W. Furthermore, in a situation in which judgments of feasibility and priority depend on political factors as well as technical ones, it is not surprising that the views of individual policy level officials in the field have had great weight. For instance, the reluctance of the current Ambassador to the Dominican Republic and of the former Mission Director in Costa Rica have been fundamental to the very cautious pace at which those two Missions have approached a decision to prepare a bilateral action program, whereas the attitude of the former Mission Director in Peru and current Mission Director in Honduras were fundamental to the relative speed at which those two Missions moved into bilateral program activity.

The decisions of a majority of the A.I.D. Missions as to whether or not to undertake bilaterally funded action programs for the improvement of the operation of the criminal justice sector do not seem to depend in any significant degree on the experience or on the operation of the Regional Project and its institutions. In some cases, action programs were undertaken either before the Regional Project got underway or with very little reference to, or contact with, the Regional Project and its institutions. Examples of this would be El Salvador, Honduras, Peru, and Uruguay. In the case of the Dominican Republic, the decisions of the Mission to delay a decision as to whether or not to undertake a bilateral action program until after the completion of the Sector Assessment is due more to its desire to have more time to sort out the local pros and cons than to a desire to rely on the experience of the Regional Project. Only in the cases of Bolivia, Costa Rica, and Guatemala does it

seem that the Missions are timing their preparations to take advantage of the experience and work being performed under the Regional Project.

This does not imply that the Missions do not or will not find the Regional Project, its experience and its institutions to be of value to them. Indeed, given the fact that Missions do not have experience or personnel with the technical background needed to work in the criminal justice sector, the Missions are likely to turn to the Regional Project and its institutions for help. It only indicates that the attitudes of the Missions toward undertaking bilateral action programs are being shaped more by local conditions, their perception of the expectations of Washington and the attitudes of individual Mission Directors and Ambassadors than they are by the operation of the Regional Project. Thus the expectation of the Project Paper that the Regional Project would be the catalyst for such bilateral action programs has not been realized. Still, the Regional Project is likely to be of assistance to Missions which for other reasons have decided to become active in this sector.

2. State of Preparation of Bilateral Action Programs and Future Plans

Three Missions -- El Salvador, Peru, and Uruguay -- already have begun the implementation of bilateral action programs. All the programs are experiencing difficulties and delays. The program in Uruguay is being recast, and that in Peru may have to be modified as well. The aspect of the program in El Salvador concerning improvements in the administration of the court system has been in suspension while RAJO, the Mission, and the Salvadoran institutions discuss their differences concerning the content of the judicial assessment prepared by FIU. It is likely that the Missions in Peru and Uruguay will seek to use RAJO and the institutions and the experience of the Regional Project to assist them in recasting their action programs. Unless there is a change in the relationship between RAJO and the Mission in El Salvador, it is unlikely that that Mission will use the Regional Project in its future planning.

In Honduras, the Mission has completed a Project Paper and is preparing to begin implementation by requesting proposals from contractors to carry out the activities. The action program was prepared before the completion of the Sector Assessment funded by the Regional Project. It was designed without the participation of RAJO and without the prepared action of a long-term strategy for the sector program. The role of the National Commission in the preparation of the program was minimal.

Three Missions -- Bolivia, Costa Rica, and Guatemala -- are in the process of preparing Project Papers to support bilaterally funded action programs to improve the operation of the justice

sectors in their countries. They all plan to build on and use the experience and institutions of the Regional Project in their own efforts. RAJO has been involved in their preparations. In the case of Costa Rica and Guatemala, the projects will utilize the findings and information provided by the sector assessments conducted by FIU under the Regional Project. However, in neither case has the Mission or anyone else developed a long-term strategy or sector program from those assessments. The Missions are moving directly from the Assessment to project activities. In the case of Costa Rica, the process will have taken nearly two years since the completion of the Sector Assessment rather than the six months projected in the Project Paper for the Regional Project. In Bolivia, no assessment has been conducted, and the Mission is relying on its own review of the needs of the sector while considering the inclusion of additional analyses as a project-funded activity. Although National Commissions exist in both Costa Rica and Guatemala, they have not played an important role so far in the design of the proposed action programs. There is no National Commission in Bolivia.

Two Missions -- Dominican Republic and Ecuador -- have no current plans to prepare bilateral action programs. Ecuador was awaiting the results of the May 1988 Presidential elections before even thinking about the topic; and the Dominican Republic Mission is waiting for the completion of the Sector Assessment (scheduled for June 1988), but in fact it has important reservations about becoming active at all.

The Regional Project has had utility for the planning of bilateral action programs. This is due more to the people available through RAJO, FIU and ILANUD than to any results from the operation of the Regional Project. Still, five Missions are consciously relying on, or probably willing to rely on, the Regional Project to help in the design or redesign of their programs. Given an improvement in the relationships with RAJO and the regional institutions, the Missions in El Salvador and the Dominican Republic also might rely on the Regional Project for assistance in shaping their programs.

The degree of influence and the quality of the support which RAJO and the regional institutions are having re Mission planning is less clear. The programs of the Missions do appear to follow the approach of the Regional Project in addressing the needs for training, better administrative procedures, and organization of judicial information. However, the regional organizations have not been able to develop long-term plans or sector strategies with the Missions (indeed, they hardly have tried to do so). Except in the case of Costa Rica, which is the site of the regional organization, the amount of time they have spent with the Missions has been fairly small. For instance, in the case of Bolivia, a representative of RAJO spent five days assisting in the preparation of the Project Paper while two representatives of

FIU spent a total of approximately three weeks assisting with the latter. In the case of Guatemala, the degree of involvement is likely to be less. Time spent in assisting the other Missions with their preparations has been even less.

The demand for assistance from the Missions for design, redesign, and implementation of bilateral action programs is likely to grow and to do so even as the field presence of FIU is reduced and the responsiblities of RAJO are increased. The structure of the Regional Project will be strained in trying to meet all these demands. This is discussed further in Part I below.

3. Involvement of ILANUD

To date, ILANUD has not played a significant role in the preparation of the Missions' bilateral action programs. The sector assessments have been produced by FIU working with national groups of professionals that it organized for the purpose of performing the work. The National Commissions, which are being assisted by ILANUD, have not been key to the Missions' preparatory work. The Resident Coordinators have been involved as as employees of the Missions rather than as representatives of ILANUD. ILANUD has not been kept informed of the tentative plans of the Missions even in places such as Bolivia, Costa Rica, and Guatemala in which consideration is being given to ILANUD's playing an important role in the implementation of the action program. Only in the case of Uruguay has ILANUD directly helped a Mission in its redesign effort.

The reasons for this lack of involvement are several. First, ILANUD's strength does not lie in programming and the formulation of strategy. People do not think of it as a resource for those purposes. Second, RAJO has been maintaining most of the contacts with the Missions on behalf of the Regional Project, and RAJO is skeptical that ILANUD can meet the other responsibilities of the Regional Project if it also attempts to provide program and planning assistance to Missions. Third, in several cases the preparation of the Missions' action programs has proceeded without reference to any of the activities or institutions of the Retional Project. Fourth, the degree to which the Regional Project's design expects ILANUD to become involved in the preparation of national action programs is unclear; and ILANUD has not taken the initiative to present itself to the Missions as being ready to work with them.

The question of the appropriate role for ILANUD in the preparation of the national action programs has been under consideration for nearly a year. The 1987 assessment contracted by FIU recommended that LAC, RAJO, and ILANUD consult with the Missions on the possibility of using ILANUD. This was not done.

4. Problems and Recommendations

Problem 1: The Missions are not clear concerning the importance which AID/W assigns to work on improving the administration of justice.

Recommendation 1: LAC/DI should make clearer to the Missions the degree of importance which is attached to seeking opportunities to work toward the improvement of the operation of the justice sector. Representatives from Washington should participate more actively in the conduct of the Project.

Problem 2: The institutions and experience of the Regional Project are not being used in the preparation of national action programs to the extent expected or possible.

Recommendation 2: LAC/DI should clarify for the Missions the extent to which they should be looking to RAJO and the Regional Project for assistance in planning and meeting the design and implementation problems that will arise under the bilaterally-funded action programs. That clarification should include providing information concerning the capability of LAC/DI, RAJO, FIU and ILANUD to supply particular types of assistance.

Problem 3: Missions do not have a strong sense of participating in a regional effort, and are not well informed about each others' efforts and experiences.

Recommendation 3: LAC/DI and RAJO should organize a regional meeting of representatives of the Missions with programs in implementation or planning for the justice sector to discuss their experiences and to make a systematic presentation on the current progress being made under the Regional Project. The meeting also could be used to describe what assistance the Missions might be able to get from that Project and its institutions.

Problem 4: ILANUD's potential for use in bilateral programs is not being utilized fully.

Recommendation 4: As part of its institutional development strategy, ILANUD should include a program for making its services available to Missions in the preparation and implementation of their bilateral action programs. This program should be given priority since it is a likely earner of significant revenue for the institution.

H. Policy Dialogue

1. Experience to Date

There has been very little formal policy dialogue concerning the sector and its problems between A.I.D. (either LAC or the Missions) and the governments of the countries in which the Regional Project is active. In the Dominican Republic and Ecuador this is the result of the reluctance of the Missions to become involved in the subject matter under current conditions. However, in most cases the lack of policy dialogue has been the result of the Missions' not yet being involved in action programs and not feeling responsible for the operation of the Regional Project's activities in their respective countries. Furthermore, the sector assessment process, whose aim is to bring local institutions and the government to decide upon priorities for action and to identify needed policy changes, has not been conducive to the involvement of the Missions. Indeed, in emphasizing local decision-making, that process actively discourages even the appearance of involvement by representatives of the Missions or LAC. In those Missions with action programs underway there has been considerable discussion and negotiation between the Missions and the governments; but in the case of Uruguay and Peru, it has been focused on the way in which the project should be organized and implemented. In the case of El Salvador it has been focused on aspects of the action program that are beyond the scope of concern of the Regional Project.

Although there have been extensive contacts between RAJO and ILANUD and the institutions and key individuals in the various countries participating in the Regional Project, these contacts have been focused on gaining an understanding of the local situation and forming judgments concerning the potential for improving the performance of the criminal justice sector and not on encouraging particular changes in government policy or in the operation of the criminal justice sector and its institutions. Furthermore, given the demands on the time of RAJO and ILANUD, neither has been able to maintain continuing contacts with institutions of the participating countries in South America.

For FY 1987-88, the Action Plan covering the Regional Project asserts under each major project element that policy dialogue will be carried out in support of the effort. However nownere does it state specifically which office will do what with whom to achieve what interim policy dialogue goals. There have not been formal discussions or reviews by LAC/DI or RAJO with the Missions concerning the implementation of this aspect of the Regional Projects nor has there been any discussion of how ILANUD might be used to carry forward particular policy objectives in the various countries Undoubtedly these aspects of the Regional Project have been discussed informally by the various parties,

but no formal policy dialogue strategy has been developed from such discussions.

2. Future Plans

As indicated in G above, several of the Missions have used persons from the institutions involved in the Regional Project (i.e., RAJO, FIU, ILANUD, and LAC/DI) to assist them in various aspects of the preparation of their action programs. Thus, there have been discussions among them of the ways in which the action programs could achieve the overall purposes also being served by the Regional Project. However, the Project Identification Documents (PIDs) prepared so far for the action programs do not include either specific policy agenda or strategies for the utilization of policy dialogue in the future. There is no plan among the parties to carry forward a common policy agenda or a statement of how each of the parties might assist in carrying forward the policy agenda of any particular national program. Furthermore, there are no mechanisms in place to produce such a plan.

The 1987 assessment contracted by FIU suggested that RAJO and LAC/DI consult with the A.I.D. Missions in countries completing sector assessments in order to adopt strategies for conducting a policy dialogue that would forward the purposes of both the national and regional programs. That has not been done; nor are there plans to do so.

3. Problems and Recommendations

Problem 1: The institutions of the Regional Project have not identified a policy agenda, either by country or regionwide, to further the purposes of the Regional Project nor have they cooperated with Missions to prepare and carry forward the policy agenda for the national action programs.

Recommendation 1: LAC/DI should review with RAJO the Regional Project's strategy for undertaking policy dialogue in support of the purposes of the Project. If a core policy agenda can be identified, RAJO should discuss it with Missions active in the sector to determine how the agenda of the Project can assist, and itself be served by, their national programs. Priority should be given to countries in which a sector assessment has been completed. The results of the effort should be formalized and become part of the documentation of the Regional Project.

I. Guidance and Monitoring by A.I.D.

1. Nature and Magnitude of the Role of RAJO

RAJO is the central institution of the Regional Project. It has four major responsibilities. First, it provides both substantive and managerial support and oversight for the Regional Project's operations in the 12 countries that have been involved in the Project at one time or another. These responsibilities include: (i) maintaining liaison with the Embassies and Missions as well as the local institutions participating in the Regional Project; (ii) explaining the nature and importance of the regional activities to them; and (iii) obtaining the cooperation and assistance of the Missions and the national institutions in carrying out those activities, as well as assuring that ILANUD meets its responsibilities for those activities. Second, RAJO is responsible for achieving the institutional development of ILANUD. This involves both guiding the performance of FIU as the technical assistance advisor to ILANUD and providing advice and guidance directly to ILANUD. Third, RAJO is responsible to LAC/DI for the overall conduct of the field activities of the Project and, to an extent not clearly defined, for the administrative performance by the various entities involved in the Project. Fourth, RAJO provides both technical advice and program guidance to Missions in the preparation of their action programs. Lastly, the Mission in Costa Rica has used RAJO as its own technical office for the preparation of its potential bilateral action program. The involvement and the degree of impact which RAJO has had in performing these major responsibilities varies substantially. Most of RAJO's attention has been put on the first three major responsibilities with the fourth taking on importance during the past year.

In assessing the performance of RAJO, it must be remembered that the office consists of only one experienced professional employee, one administrative assistant, and one secretary. All are contract employees of A.I.D. Although a lawyer with experience in both the Department of Justice and private law firms, the professional contract employee had never worked with A.I.D. before undertaking his current assignment. (Unless otherwise specified in the following discussion, RAJO refers to the experienced professional employee.) It should also be pointed out that, as indicated below, the guidance and support which RAJO received both from the Mission in Costa Rica and from LAC were not as active as had been anticipated in the design of the Regional Project; and that to a very large extent RAJO operated on its own in carrying forward the Regional Project's activities.

a. Operational Oversight

Under RAJO's direction, the Project has had considerable success in getting its activities underway in the countries targeted. Clearly there are problems. In Panama (which was not included in this evaluation), the Project's activities had to be abandoned because of adverse political reactions. As indicated previously, there have been significant delays in the operation of the major technical assistance activities of the Project, and issues that still need to be addressed. In the case of the Dominican Republic and El Salvador, there are bilateral problems that need to be addressed in both the training and the technical assistance programs of the Project. However, training activities have taken place in all participating countries; and the basic structure of the Project is in place and functioning to some degree in all the core countries.

RAJO has forged an unusually close working relationship with ILANUD and FIU. Indeed, the relationship is so close that people in the Missions and the national institutions often do not distinguish among them with RAJO being considered the spokesman for them all. The closeness of this relationship and the dynamism of the RAJO representative probably have contributed to some of the image problems of ILANUD discussed below; but on balance, they have been a very great asset for the Project and its activities.

The relationships between RAJO and the various Missions has been less close and less productive. In the case of the South American countries, the relationships have been slight and, until recently in Bolivia and Uruguay, of little importance. In the case of the Dominican Republic and El Salvador, the relationships have not been good and need attention. In the other three countries, the relationships have been positive. The country annexes discuss the nature of these relationships in more detail.

Some of the difficulties have arisen because of a lack of clarity concerning the degree of responsibility of the Missions for the conduct of the activities of the Regional Project in their respective countries and some from the relative inexperience of RAJO, FIU and ILANUD with the mores and rationale of A.I.D. procedures--such as clearances for country visits by all Project personnel and the need for including Missions in regional operations to the degree which they deem to be necessary. In part the difficulties have been due to the differing priorities of the Missions and RAJO and heightened by the fact that the Missions and the Regional Project share the services of the Resident Coordinators.

LAC/DI was not very active in trying to resolve the differences which arose. They were resolved by the passage of time and adjustment among the parties as best they could. The

process has left some sour memories. Such memories might be more quickly dissipated and future misunderstandings minimized if there were more frequent meetings of RAJO, LAC/DI, and the representatives of the Missions involved in Project activities. No such meeting has been held since January 1987, and the suggestion to hold such meetings regularly was made in many of the Missions that were visited in the course of this evaluation.

b. Institutional Development of ILANUD

RAJO has been key to the Project's efforts to develop ILANUD as an institution. The office has met its responsibilities through the oversight of the operation of the technical assistance contract with FIU, the separate provision of advisors on particular matters (such as financial management) and personal involvement in the operation and decision making of ILANUD. While there are serious problems facing ILANUD, considerable progress has been made. The changes required to be adopted by ILANUD have not been easy ones; and FIU was not able to provide as much assistance to ILANUD's institutional development as was anticipated in the Project's design. It is unlikely that the changes would have been accomplished without the active support and pressure exerted by RAJO.

As mentioned previously, RAJO forged a close and productive working relationship with FIU and ILANUD which has continued to the present. In the case of ILANUD, RAJO is viewed not just as an advisor or as the liaison with A.I.D., but also as a guide and mentor. This relationship is undoubtedly of great value to the Project. However, it has led to some difficulties as employees of ILANUD have turned to RAJO for support for their own positions within the organization and even for recommendations that can be cited as decisions binding on the organization. The involvement of RAJO in the operations of ILANUD also has led both ILANUD and RAJO to consider RAJO to be a natural spokesman for ILANUD even in situations in which it might be better for ILANUD to act directly for itself. Over the past year, RAJO has been conscious of the dangers of the office's intimate involvement in the operations of ILANUD and of the great amount of time which such involvement requires (at the expense of meeting the other responsibilities under the Project), and it has tried to take a more distant role in encouraging ILANUD's institutional development. That shift in approach has been noted within ILANUD, and commented on favorably. However, the demands of resolving administrative and other problems facing ILANUD and the Project have continued to require the active involvement of RAJO, and the limited travel budget of ILANUD makes using RAJO as ILANUD's spokesman with the A.I.D. Missions very tempting. These conditions, plus the now established acceptance of RAJO's involvement, have made the shift less pronounced than would be ideal for the development of ILANUD.

c. Administrative Supervision and Reporting

In addition to providing guidance and oversight for the conduct of the substance of the Project's activities in the participating countries, RAJO has at least residual responsibility for the administrative performance of the organizations involved in the Project. The Mission in Costa Rica is providing administrative support to the Project, including the financial reviews of proposed budgets and vouchers submitted by ILANUD and FIU. However, RAJO has had to be actively involved in this aspect of the Project as well. There were several reasons for this. First, the design of the Project was too optimistic as to how fast and how easily ILANUD could master and respond to the various procurement and accounting rules and procedures of A.I.D. Second, the assistance contracted from a local accounting firm for ILANUD was not focused enough on the practical aspects of the problems facing the administration of the Project funds. Third, the capacity of several people involved in ILANUD's financial and administrative procedures turned out to be less than what was needed; and personnel changes--including the hiring of a new Controller--had to be instituted. Fourth, the competing demands on the time of the Mission in Costa Rica made it difficult for it to respond to the very substantial demands for assistance from an entity new to A.I.D. work that was involved in a regional project for which the Mission did not have substantive responsibility. Unfortunately, while there was a need for a very active project manager to assist ILANUD in facing this situation, RAJO's staff consisted of persons with no previous experience with A.I.D. Thus they were learning themselves while trying to guide ILANUD.

It is not surprising that a number of problems arose on the administrative front. Steps were taken in response to those problems. Perhaps the most important one was the use of funds from the Project to hire another professional employee for the Office of the Controller of the Mission. That employee worked with ILANUD to help it understand and follow A.I.D. procedures. As a result of that assistance and the hiring of a new Controller for itself, ILANUD was able to achieve a system of accounting and vouchering acceptable to A.I.D. However, the quality of preparation of ILANUD's budget continues to need improvement. Indeed, the deficiencies in that budget resulted in an interference in the flow of disbursements under the Project as recently as the beginning of 1988. Thus, although the amount of time RAJO must devote to administrative matters has declined, it is still significant. Furthermore, should RAJO become the project manager for a bilateral Costa Rica activity in the justice sector, the amount of time which the office will have to devote to administrative matters is likely to increase.

The written instruments used by RAJO to exercise its supervisory and reporting responsibilities have not served their purpose well. The Project Implementation Letters (PIL's) did not

provide as much guidance as was required by ILANUD to meet the requirements of A.I.D. Many problems were handled by personal contact, and the results noted in a PIL; but little lasting written guidance was given. RAJO does not receive status reports on the Project from the Missions or the national institutions involved in the Project. The reports prepared by FIU for RAJO and by RAJO for LAC usually have been submitted well after the end of the period covered. Furthermore, the reports are largely listings of occurrences. They do not present problems and discuss remedial actions taken or under consideration. Perhaps in part because of their nature, the reports are not used as the basis for periodic reviews of the implementation of the Project, nor is feedback given by the recipients. The 1977 assessment contracted by FIU suggested that the reporting system for the Project be revised so that it would better serve the purpose of the Project. No action has been taken on that suggestion.

d. Advice to National Action Programs

As discussed in G above, RAJO has provided advice and assistance to several Missions in the preparation of their action programs. In the early stages of the Regional Project, this aspect of RAJO's responsibly did not appear to require significant amounts of time. The action program in El Salvador began before RAJO was organized as an effective office, and several other national action programs (in Peru, Uruguay and Honduras) were undertaken without any participation by RAJO. However, the difficulties faced by those programs and their lack of connection with the Regional Project highlighted the desirability for RAJO's participation in the preparation of national programs while the pace of preparation of action programs increased steadily and significantly as the sector assessments were completed in the core countries. At present, this aspect of RAJO's responsibilities has become of major importance.

RAJO wants to be of assistance to all the Missions involved in programs in the justice sector because the office has useful experience to provide and because it is important to assure the compatibility of the activities of the Regional and National Projects. RAJO has taken the initiative to bring its views before Missions even when they were not solicited, and has been successful in referring Missions to sources of assistance in their preparation. The problem is that RAJO does not have the time fully to carry out its intentions. This time constraint is likely to get worse. Although action programs will have been undertaken in all the core countries (except the Dominican Republic) by the end of FY 1988, there is likely to be a large amount of redesign work to be done in those countries as well as in the countries of South America which have begun programs of this nature. Furthermore, the efforts to incorporate El Salvador into a cooperative relationship with the Regional Project and to

assist Ecuador and the Dominican Republic to develop programs will require significant amounts of time. Then too, there are likely to be a large number of implementation problems for which the technical background and program experience of RAJO will be useful. Unless A.I.D. looks to some other office to provide backstopping and advice to Missions in the conduct of action programs in the justice sector, it would seem to be necessary to increase the capacity of RAJO to meet that responsibility. At least one additional professional position would be needed. (This does not take into account the requirements that may be assumed by RAJO if its chief becomes the project manager for a bilateral action program in Costa Rica.)

We understand from informal comments that A.I.D. is considering adding an additional professional position to RAJO while also assigning to RAJO responsibility for all democratic initiatives (e.g., improvements in the legislatures, support for the electoral process, work with human rights organizations) throughout the region similar to RAJO's current responsibilities for the improvement in the operation of the criminal justice sector. It seems to us that this combined action would result in RAJO's having even less time to devote to the many needs of the Regional Project.

e. Conclusions

On balance, RAJO has been very positive for the Project and its activities. The professional chief of the office is uncommonly well prepared for his technical responsibilities; is extremely dedicated and hard working; and has gained the confidence and cooperation of most of the organizations and Missions involved in the Project. The major problems facing the meeting of RAJO's responsibilities of oversight at present are the lack of clarity on the role the Missions are to play in supporting Project activities in their respective countries and the demands on the time of RAJO which are now greater than it is reasonable to expect RAJO to be able to meet. Of secondary importance, but still of consequence, is that RAJO has not developed a useful system of reporting on the Project's activities or of providing written guidance for those activities. Thus to understand what is happening in a country, it is necessary to travel to the country.

2. Nature and Level of Support from USAID/San Jose

Under the design of the Project, the A.I.D. Mission in Costa Rica is to provide administrative support and financial services to the Project. The support is to include assistance on general implementation matters. The Mission also is to provide oversight to the operation of RAJO whose chief reports to and is evaluated by the Deputy Mission Director. The support and oversight from the Mission has been especially necessary because of the

inexperience of RAJO's personnel with A.I.D. procedures and requirements.

The amount and difficulty of the required support proved to be larger than expected at the time the Project was designed. The reasons for that were discussed in (1) above. Although it would have been better had the Mission provided a higher level of support to the Project earlier, by 1987 the Mission was responding to the administrative and financial difficulties facing the operation of the Project. The hiring with Project funds of an additional financial analyst for the Office of the Controller was key to this improved support. After ILANUD's capability to meet the requirements of A.I.D. for voucher reviews had been improved, the financial analyst was given duties for other projects in the Mission's portfolio as well as continuing responsibility for the review of submissions from ILANUD. This undoubtedly makes sense from the point of view of the overall workload of the Mission; however, it probably is not in the best interests of the Regional Project which is providing the funds to pay for the analyst's services. ILANUD could still use assistance on matters such as improving its budgeting, and RAJO could use assistance in preparing cost estimates for program modifications and for contracting purposes. Both could use assistance in analyzing the cost/benefit relationships of the activities being supported by the Regional Project. RAJO still takes an unusually long time to accomplish administrative and financial steps involved in the implementation of the Project. It needs more support to improve that aspect of its performance. The full-time services of the financial analyst would seem to be justified in order to provide such support.

The Mission provides very limited oversight to the operation of RAJO. The Mission's personnel are occupied with a large and complex program of its own, and it has no expertise or experience in the justice sector apart from that of RAJO. Furthermore, many of the Project's activities take place in countries other than Costa Rica that are outside the A.I.D. jurisdiction of the Mission; and LAC has not formally charged the Mission with responsibility for the substantive operation of the Regional Project. Thus, the Mission has no clear charge, no in-house expertise, and not much incentive to become involved in the substance of the Regional Project. The result is that RAJO has operated largely independently. This has not been an important problem given the professional competence of the chief of RAJO. However, it does place even greater importance on the role of LAC/DI in the operation of the Project.

3. Role of LAC/DI

Under the design of the Project, LAC/DI provides backstopping and overall guidance to RAJO and the Missions that are active in the justice sector. Given the nature of RAJO's

relationship with the Mission in Costa Rica, LA/DI has been the main source of oversight and guidance for RAJO as well as assistance to it in dealing with issues which arise in the conduct of the Regional Project in countries other than Costa Rica.

LAC/DI's participation in the implementation of the Regional Project has been less than anticipated in the design of the Project. More participation would have been desirable. Representatives of that office have visited ILANUD, RAJO, and the participating countries only infrequently. There have been frequent consultations between RAJO and LAC/DI by telephone, but there have not been periodic or formal reviews of the progress and problems facing the Project; and there has been little written feedback to RAJO or the Mission on the reports. The office has not been active in resolving issues that have arisen between RAJO and Missions concerning the implementation of the Project. The reasons for this are several. First, LAC/DI has been leanly staffed. The chief of the office is also responsible for activities throughout the region concerning all aspects of fostering the development and strengthening of democratic institutions. There is one relatively junior contract employee assigned to the Regional Project. Furthermore, during the past year both the office chief and the person assigned to the Regional Project have been changed. Second, LAC/DI's budget has not included funds for extensive travel. Third, the design of the Project is ambiguous on the respective roles of the Mission in Costa Rica and LAC/DI in providing guidance and supervision to RAJO. Fourth, LAC/DI has had neither the funds nor a system to provide short-term assistance on technical or program matters to Missions which might request it. Thus it has had little to offer.

In the recent past LAC/DI has been assessing the current ordering of responsibilities under the Regional Project. That reassessment has included the possibility of supporting the opening of an office by ILANUD in South America and mechanisms for providing technical assistance to Missions on request either directly or through RAJO. This assessment has been part of an effort directed at carrying out a decision by LAC to treat the fostering of democratic institutions (including improvements in the operation of the criminal justice systems) as a long-term activity of A.I.D. That undertaking, of course, raises concerns and issues beyond those of the Regional Project. However, since the implementation of the Regional Project is one of the most concrete expressions of LAC's efforts on this topic, it might well give preference to addressing the issues facing the Project.

4. Problems and Recommendations

Problem 1: The magnitude of the responsibilities facing RAJO under the Project are more than it is reasonable to expect it to

meet as it is currently staffed. The degree of the problem depends on the expectation of the level of assistance which RAJO is to provide to Missions in the preparation and implementation of their bilateral action programs and on A.I.D.'s plans for increasing the level of activities of the Regional Project in South America.

> Recommendation 1: At least one additional professional employee should be added to the current staff of RAJO to meet its responsibilities as currently understood. If RAJO is to become the source of assistance to Missions in resolving implementation problems and the Regional Project is modified to become more active in South America, further increases in the staff of RAJO will be necessary.

Problem 2: ILANUD will continue to need support and encouragement in its institutional development and is likely to need further assistance in meeting A.I.D. requirements if it becomes involved in bilateral programs in countries outside Costa Rica. RAJO needs assistance to complete in a timely way many of the administrative tasks and Project-related analyses confronting it.

> Recommendation 2: RAJO and USAID/San Jose should review their current arrangements for administrative and financial services support for the Project to determine what are ILANUD's and RAJO's current and likely future needs. At a minimum, the full-time services of the financial analyst funded by the Project should be provided.

Problem 3: The relationships between RAJO and the Missions in El Salvador and the Dominican Republic need to be improved.

> Recommendation 3: LAC/DI should meet with representatives of RAJO and the Missions to discuss what actions each of the parties may need to take in order to achieve more positive relationships.

Problem 4: There are no regular, periodic meetings of the representatives of the Missions and RAJO to discuss the Project and exchange experiences. There is a desire on the part of many Missions for such meetings. They could be especially helpful given the newness of this type of activity for most A.I.D. personnel and the need for clarifying expectations which may have been distorted by the way in which the Project was originally developed and implemented.

> Recommendation 4: LAC/DI should organize at least yearly meetings of representatives of the Missions involved in the justice sector with RAJO and itself to discuss the progress of the Regional Project and the bilateral activities underway.

Problem 5: The reporting system operating in the Project does not provide information useful in determining what are the issues facing the Project or what is being done about them. The reports are not the basis for feedback or guidance.

Recommendation 5: LAC/DI and RAJO should revise the current reporting system used in the Project to make it useful for the participants.

Problem 6: LAC/DI is not providing the degree of guidance and assistance to RAJO and the Missions that is desirable.

Recommendation 6: LAC/DI should seek the level of staffing and funding that will permit it to provide technical and other types of backstopping to Missions either directly or through RAJO and to organize and attend periodic review sessions in the field of the implementation of the Project. LAC/DI and USAID/San Jose should clarify to what extent the latter is expected to provide oversight to the substantive work of RAJO.

IV. PROBABLE IMPACT OF THE PROJECT

Attitude of the General Public and Key Sector Persons

The evaluation concluded that the general public in both core and South American countries is not aware of the Project, and that there is no evidence that any activities under the Project have had an impact on the perceptions of the public concerning the fairness or efficiency of the operation of the justice systems. ILANUD's staff has discussed the feasibility of mass education campaigns utilizing radio, television, and the school systems to reach the general public with more information about the justice system. However, general public education has not been given high priority by ILANUD or the cooperating governments. This situation is not likely to change during the life of this Project.

In the core countries, high level host country officials and ILANUD ex-participants know something about the overall program, but this knowledge often is quite superficial. In South America only a few key justice sector persons had knowledge of ILANUD's or the Project's full program. However, ILANUD's training activities were known to them and thought of as an important source to help improve South American justice systems.

The most important impact of the Project so far on the thought of the ex-participants and key sector persons is that they are more conscious of the importance of the operation of the criminal justice sector to the quality of public life and the observance of human rights. They now want to do more. The challenge facing the Project is how to assist in turning this heightened awareness and desire into practical activities. Without introducing the substantial changes discussed elsewhere in this evaluation report, the Project is not likely to achieve that impact.

Statute and Role of ILANUD

The Project already has had substantial impact on the operations of ILANUD. In the remaining two years of the original LOP there should be further institutional impact achieved, and by the end of current LOP ILANUD may have become a basically different organization. However, that will require that the actions recommended in this report be taken. Even then, it is not clear that ILANUD will be able to sustain the level of its activities beyond the LOP. Whether that is possible will depend in large part on the role which ILANUD comes to play in the bilateral action programs being prepared in both the core countries and in South America. Unfortunately, ILANUD's institutional development has been relatively slower than has the pace of preparation of the bilateral action programs, and ILANUD may be left behind. Thus for ILANUD to have a good chance at long term sustainability

A.I.D. probably will have to continue its institution support and assist ILANUD in obtaining a significant role in the bilateral action programs.

Changes in the Operation of Key Sector Institutions and Legal Procedures

So far the Project has not resulted in any significant changes in the operation of key institutions or in any procedures being followed in the justice sectors. Of course, it really is too early to expect such changes to have occurred. Certainly the potential for such changes is present in the operation of the Project. The major technical assistance programs could well lead to changes in operations; the Sector Assessments could be used extensively in organizing and supporting reform movements; the courses could be modified so that they not only raise the consciousness of key sector people, but also give them concrete ideas and some support for implementing these ideas in the context of their own countries. However, obstacles to reform in the justice sectors are quite great. Even if ILANUD is successful in carrying out all those activities and making the changes recommended in this report to improve their impact and utility, it seems unlikely that the potential of the activities of the Regional Project will be realized without programs which address the other obstacles facing reform. Such programs are most likely to arise from the bilateral action programs.

Level and Nature of Follow-on National Activities

The number of Missions undertaking bilateral action programs is impressive. The role of the Regional Project in that achievement is mixed. As indicated previously, the decisions of A.I.D. Missions to undertake bilateral action programs in the criminal justice sector in general have not been the result of the operation of the Regional Project. However, persons associated with the Regional Project increasingly are involved in preparing those bilateral action programs and the experience of the Regional Project is being used by some of the Missions in forming and justifying the nature of these programs. To achieve the full potential impact of the Regional Project there should be a system for bringing the on-going experience and capability of the Regional Project and its institutions into the refinement and implementation of the bilateral programs. One way would be for the bilateral programs to utilize the services of ILANUD. Another would be for the AID/DI and RAJO to arrange periodic meetings of the Missions active in the sector to review the experience of the Regional Project and what it has to offer and to foster an attitude of being part of a region-wide effort.

V. MAJOR CONCLUSIONS

1. The Regional Project as designed is a useful beginning to a long-term effort by A.I.D. to assist in improving the operation of the justice sectors in the countries of the region. It gives proper attention to both institution building and the collection of information. However, the design of the Project underestimated the difficulty of achieving the institutional and programmatic changes required of ILANUD; did not make adequate provision for the preparation of sector strategies and programs based on the sector assessments; and did not create a clear distribution of responsibilities or a coordination system among the A.I.D. entities participating in the Project.

2. ILANUD has made very significant progress in responding to the responsibilities it was given by the Project. However, it still faces important institutional problems. It needs to add key staff; improve its internal coordination; adopt cost analysis and budgeting on a program basis; institute a system for planning and evaluation; and actively market its services and raise funds from sources other than the Project. ILANUD will need continued assistance to meet these problems.

3. RAJO has had an effective project manager in the face of many difficulties. However, he has been asked to assume too many responsibilities, and thus has been unable to meet them all in a timely way. Given the complicated nature of the Project, the wide geographic scope of the Project and its probable continued growth both in size and scope, there should be at least one more professional employee assigned to RAJO.

4. FIU has provided long term advisors of very high quality, and has had a significant and positive impact on ILANUD's training program and on the production of the Sector Assessments. However, FIU has not been able to provide a long term advisor to ILANUD's technical assistance program, and has not been able to pay as much attention as is necessary to the strengthening of ILANUD as an institution. FIU and ILANUD have a positive relationship which should be extended in some form. Any extension should give priority attention to addressing the institutional weaknesses of ILANUD.

5. LAC/DI has not been as involved in the conduct of the Project as would have been desireable. It should provide closer program guidance to RAJO and more support to RAJO in resolving issues which arise with the participating Missions. It should instill a greater sense of involvement on the part of those Missions in the regional effort, and offer more assistance to them in carrying forward the bilateral action programs. However, to become more active LAC/DI will need additional resources.

6. ILANUD is raising expectations among representatives of various national institutions in the South American countries participating in the training activities under the Project that ILANUD will become more active in South America--even to the extent of opening branches there. There is receptivity--especially on the part of Bolivia and Uruguay--for such increased participation. However, the other aspects of the Project are not well known in South America; and the analytical work accomplished or planned in South America is much less thorough than has been the case in the core countries.

7. Further progress on strengthening ILANUD as an institution and formulating a long term strategy for it is largely dependent on clarification of A.I.D.'s intentions concerning the use of ILANUD's services in the implementation of bilateral action programs and the level and scope of activities that A.I.D. is planning for the countries of South America. Should ILANUD be expected to participate in the implementation of action programs in the core countries and provide as full a range of services in South America as it has been providing in the core countries, it will need to undertake very significant additional changes in the way it is organized and the manner in which it has been providing those services.

8. Although National Commissions have been established in all the core countries (except El Salvador) as called for in the Project's design, in general they are still weak institutions. To become effective they will need greater independence from the Supreme Courts, their own staffs, secure sources of funding and continued support and encouragement from both ILANUD and the respective A.I.D. Missions. Otherwise the National Commissions are likely to wither away.

9. The establishment of Resident Coordinators in the A.I.D. Missions has been important to the operation of the Regional Project and to the preparation of bilateral action programs in some countries. However, they have not well served the purpose of being ILANUD's local representatives. A different arrangement is needed for that function.

10. The completion of the six sector assessments has been a major achievement of the Project. They have had influence on the thinking of some of the Missions in the core countries, and have the potential to be the basis for additional programming. However, the manner in which the assessments were conducted did not provide ILANUD, as an institution, with the training and experience needed for it to be able to carry on similar analytical work in the future; and no provision has been made for keeping the information gathered current. Furthermore, the existence and nature of the assessments is not widely known; and thus there is danger that their use will not live up to their potential.

11. ILANUD's major technical assistance activities have fallen behind schedule and need attention. The lack of a long term advisor and of a senior ILANUD person in overall charge of the activities has contributed to the problem. The importance of computerization of the major activities and ILANUD's lack of sophistication in the use of computers have also been factors.

12. The importance of improved administration of the courts has become clearer as the Project has accumulated experience, and the addition of a major technical assistance program to address that topic is important. However, ILANUD, FIU and RAJO have not yet firmly conceptualized an approach to the problem or undertaken to implement a package of actions to meet it.

13. Although ILANUD has had an active program of responding to individual requests for technical assistance from national organizations, the program's impact is not clear; and it lacks focus. National Commissions have not provided yearly operational plans of a quality which would provide that focus. The program needs to be reassessed if it is to be continued beyond the time when the core countries undertake their bilateral action programs.

14. ILANUD's training program will far exceed the expectations of the Project's design as to the numbers of people trained, and it is the activity for which ILANUD is best known and respected. However, the training program is weak in several important respects. It has no evaluation system in operation or in planning. It does not test for the impact that it has had on the trainees--either of their grasp of the subject matter or of the use to which they have put what they have learned. Indeed, it has no follow-up at all with persons after they have been trained. It does not make sufficient use of non-written materials, and does not entirely satisfy the trainees' desire for reference material to take with them. Most important, it has not undertaken consciously to foster the spread of knowledge through either the training of trainers or the support of the ex-trainees' efforts to share their knowledge and attitudes with co-workers and students.

15. There is a widespread desire for ILANUD's training program to focus more on problems of local importance and to present topics in its regional and itinerant courses in ways which emphasize the local conditions in which those topics must be addressed. Connected to that desire is the opinion that many of ILANUD's training events are too short to permit adequate discussion--and in particular discussion of the individual national situations.

16. ILANUD's training program operates without sufficient contact with the other activities of ILANUD and without being

able to provide follow-on assistance to the trainees as they may introduce reforms in their own systems based on the training received from ILANUD.

17. ILANUD's training program is not coordinated with the training being provided by ICITAP to members of the police, prosecutors and investigating judges.

18. The Regional Project has not been the mechanism for formal policy dialogues with the governments of the core countries on steps to improve the operation of the justice sector. Its potential for that purpose is not being realized.

19. All the Missions in the core countries except for Panama (which dropped out of the program for political reasons) and the Dominican Republic have national action activities either underway or in planning. The work of the Regional Project and its institutions has not been as important to the undertaking of those bilateral programs as had been anticipated. However, the potential for mutual support is great, and efforts need to be made to realize it. In order to realize that potential it will be necessary to improve the working relationship between RAJO/ILANUD and the Missions in El Salvador and the Dominican Republic.

20. There is very little evidence that the Regional Project has had impact on the actual operation of the institutions of the justice sector in the participating countries or on the attitudes of the public toward the fairness of justice. The general view of informed members of the justice sectors is that the impact is not likely to be achieved without substantial and comprehensive support from elsewhere. The problems are too great to expect consciousness-raising or small amounts of technical advice to be enough to overcome them. If the Regional Project is to have significant and lasting impact it is likely to be the impact achieved through the bilateral action programs.

21. Implementation of the Project was made more difficult by the relative unfamiliarity of RAJO with A.I.D. regulations and procedures and by reason of LAC/DI's not having anticipated and made USAID/San Jose aware of the amount of administrative support which RAJO and ILANUD would need in order to comply with A.I.D.'s requirements.

VI. RECOMMENDATIONS FOR ACTION

The following is a list of the recommendations for action made in this report. As required by the Scope of Work, the recommendations below are listed in order of descending priority. However, that order is a rather arbitrary one since the recommendations involve six major Project components and the actions of four major organizations. The last three recommendations concern activities pertaining only to a particular country. Additional recommendations of that nature are contained in the annexes pertaining to the country programs.

1. ILANUD should establish and fill as soon as possible the following key positions: Executive Director, an additional professional for the Training Department, an experienced computer programmer/analyst, and a personnel network administrator. In so doing it should seek to increase the number of non-Costa Rican nationals on its staff.

2. At least one additional professional employee should be added to the current staff of RAJO to meet its responsibilities as currently understood. If RAJO is to become the source of assistance to Missions in resolving implementation problems and if the Regional Project is modified to become more active in South America, further increases in the staff of RAJO will be necessary.

3. LAC/DI should seek the level of staffing and funding that will permit it to provide technical and other types of backstopping to Missions either directly or through RAJO and to organize and attend periodic review sessions of the implementation of the Project.

4. ILANUD should give priority to the creation of an evaluation system and the collection of data necessary to produce the evaluations required by the Project. ILANUD should seek consultant advice as is necessary to set up the system, and should use the permanent services of a person experienced in planning and evaluation to maintain it and adopt it to future developments and activities.

5. ILANUD should institute an ongoing evaluation of all its training activities. A pre- and post-training examination process should be introduced in all ILANUD-sponsored training activities.

6. The ILANUD Training Department should devote more resources to planning, self-evaluation, program evaluation and the in-service training of its staff. This implies the need to take time from actual training programs to devote to program administration, and possibly the need for additional or different types of professionals on the staff.

7. ILANUD should take further steps to energize the implementation of the major technical assistance programs. It should appoint an experienced computer specialist to assist in carrying forward the judicial statistics and juridical information activities.

8. ILANUD should shift the composition of its training program toward courses, seminars and workshops focused on local conditions and problems.

9. RAJO, ILANUD and FIU should reassess the operation of the program to provide technical assistance in response to national requests to determine whether its continuation is a priority for ILANUD and the Project; and, if it is, how best to address the weaknesses identified in that program in this report. Greater subject matter focus should be sought.

10. ILANUD should reinforce its efforts to coordinate the operation of the various divisions and modify its programing to emphasize the inter-relationship of its differing programs. Integrated, yearly workplans should be developed for the whole organization, and should be discussed by all offices of the organization. The yearly budget preparation should leave sufficient time for such discussions and for feedback among staff of the operating divisions and the central management.

11. In conjunction with the completion of the position descriptions and the clarification of the roles of the key staff members, ILANUD should systematically review and put in writing what is to be the authority of those positions to act for management and to indicate what procedures and concurrences are to be followed in exercising the authority.

12. ILANUD should refine its Institutional Development Plan in order to give greater priority to activities necessary for the achievement of the objectives of the Regional Project and to introduce consistent quantification in the measures of progress toward its program and institutional objectives.

13. ILANUD should reassess the wisdom of continuing with its centralized system of implementation. It should consider delegating some decisions and perhaps the control of some funding to USAID Missions, National Commissions and local representatives when there entities are both willing and able to meet the responsibilities. RAJO should assist ILANUD in this reassessment and consider the use of Project resources to assist ILANUD in establishing alternative local representation. This should be accomplished before any expansion of ILANUD's operations in South America is undertaken.

14. RAJO and ILANUD should review the prospects of the National Commissions in each participating country to form a judgment as to whether it seems reasonable to expect the National Commissions to assume the responsibilities envisaged for them in the Project's design. If it is concluded that there are reasonable prospects they should discuss with the relevant A.I.D. Mission how the additional support which is necessary is to be provided.

15. LAC/DI should make clearer to the Missions the degree of importance which is attached to their seeking opportunities to work toward the improvement of the operation of the justice sector. Representatives from LAC/DI should participate more actively in the conduct of the Project.

16. LAC/DI and USAID/San Jose should clarify to what extent the latter is expected to provide oversight to the substantative work of RAJO.

17. LAC/DI should organize at least yearly meetings of representatives of the Missions involved in the justice sector with RAJO and itself to discuss the progress of the Regional Project and the bilateral activities underway.

18. LAC/DI should review with RAJO the Regional Project's strategy for undertaking policy dialogue in support of the purposes of the Project. If a core policy agenda can be identified, RAJO should discuss it with Missions active in the sector to determine how the agenda of the Project can assist, and itself be served by, the national programs. Priority should be given to countries in which a sector assessment has been completed. The results of the effort should be formalized and become a part of the documentation of the Regional Project.

19. ILANUD should develop and implement a formal spread-effect initiative for all its training programs. Such a program could include: the selection of key persons for regional courses who agree to transmit their knowledge to their compatriots, the selection for national training of only nationals who agree to and plan to train co-workers, the inclusion of a training of trainers module in all training activities, and financial support and technical advice to assist in organizing and carrying out courses and workshops by ex-participants.

20. ILANUD should create a participant follow-up plan which includes all countries participating in the Project. Follow-up activities could include: the systematic publication and distribution of course results and/or recommendations; the formation of an alumni association; annual updating of participant information in ILANUD's files; refresher courses for ex-participants.

21. As part of its institutional development strategy ILANUD should include a program for making its services available to Missions in the preparation and implementation of their bilateral action programs.

22. LAC/DI should clarify with the Missions the extent to which they should be looking to RAJO and the Regional Project for assistance in planning and meeting the design and implementation problems which will arise under the bilaterally-funded action programs. That clarification should include providing information concerning the capability of LAC/DI, RAJO and ILANUD to supply particular types of assistance.

23. As part of its institutional development planning, ILANUD should include activities aimed at getting the content of the Sector Assessments more widely known. Those activities could include publishing and distributing the summary volumes, preparing and publishing comparisons of the situations and problems facing the major problems as evidenced in the various core countries, and organizing regional workshops for both core countries and others to discuss the experience gained through the assessment process and how that experience can be used in further analytic work.

24. ILANUD and FIU should consider preparing a proposal for the Missions in the core countries to assist them in creating systems for the periodic updating of the information in the sector assessments. Alternatively, ILANUD and FIU should prepare a proposal to use resources of the Regional Project to create and maintain such systems.

25. As part of its proposal for an extension of its Cooperative Agreement with A.I.D. FIU should present a strategy for assisting in the further improvement of ILANUD as an institution and as a provider of technical assistance and advisory services.

26. Before proceeding with an extension of the Project and of FIU's Cooperative Agreement beyond a year, RAJO and LAC/DI should conclude a strategy for the Project's future activities in South America.

27. FIU and ILANUD should prepare a statement of ILANUD's strategy for carrying out the technical assistance activity concerned with the improvement in the administration of courts.

28. ILANUD and RAJO should encourage the National Commissions to assume a more aggressive role as coordinators of training for the justice sector. Resident Coordinators could provide support.

29. Since ILANUD now has had experience with the judicial statistics and juridical information activities and since these topics are of interest to most national programs, it would be useful for ILANUD to organize workshops periodically to review that experience with representatives of interested institutions in the various countries--both core and in South America.

30. ILANUD should revise its monitoring system to rely less on the personal travel of its general management officials and RAJO. It should modify its internal reports to emphasize the reporting of problems, and add the staff (e.g. coordinator of technical assistance necessary for it to provide closer control of its activities.

31. LAC/DI and RAJO should revise the reporting system currently used in the Project to make it useful for understanding and taking action on implementation problems.

32. ILANUD should revise its workplan and budgeting process to incorporate budgeting-by-program and to provide data in full on actual costs of each program. This revision should be done with the advice and assistance of an experienced program-financial analyst.

33. ILANUD's Training Department should modify its current cost accounting system to develop and implement a system which includes quarterly reports by country and actual costs as well as budget projections.

34. ILANUD should organize a recruitment system which places emphasis on identifying and hiring professional persons from all the countries participating in its program.

35. ILANUD should evaluate the position of the Director of Operation in terms of the changes which have been introduced into ILANUD's operation and which will be introduced as a result of this evaluation and other suggestions. The staff reporting to this position should be increased or some of the duties of the position assigned elsewhere.

36. RAJO and USAID/San Jose should review their current arrangements for administrative and financial services support for the Project to determine what are ILANUD's and RAJO's current and likely future needs. At a minimum, the full-time services of the financial analyst funded by the Project should be provided.

37. ILANUD should conduct an analysis of the needs of its staff for training to fulfill the responsibilities of their current positions, and it should prepare a program to provide that training. No member of the staff should be promoted to a position of greater or changed responsibility unless the in-service training program can provide him or her with the

necessary training within the first six months of his undertaking the duties of the position.

38. ILANUD should conduct a survey of the computer needs of the Training Department with a focus on the utility of computers in the preparation of instructional material.

39. ILANUD, RAJO and FIU should strengthen and increase the flow of information about ILANUD to participating countries, particularly in South America.

40. ILANUD should consider developing an ethics training module for inclusion in all ILANUD courses similar to its current practice for human rights instruction.

41. As part of the reassessment of the operation of the program of providing assistance in response to national requests, RAJO, ILANUD and FIU should determine the extent to which ILANUD should include in its focus the problems of the judicial handling of crimes arising from drug trafficking and terrorism.

42. ILANUD should review the cost/benefit relationships of its Documentation Center. The review should take account of the increased costs which will be necessary to bring the existence of this facility to the attention of the potential users and of the investment which will be necessary to make practical and expeditious the retrieval of information from the Documentation Center by persons and institutions throughout the region.

43. LAC should consider providing support to U.S. institutions or persons who may be interested in using the sector assessments to promote better understanding of the problems facing the criminal justice sectors in the region.

44. LAC/DI should meet with RAJO and representatives of the Missions in El Salvador and in the Dominican Republic to discuss what actions each of the parties may need to take in order to achieve more positive relationships between RAJO and those Missions.

45. ILANUD, RAJO, USAID/San Salvador should discuss what steps need to be taken to involve ILANUD's training capabilities more usefully in the training programs being supported by the bilateral action program in El Salvador.

46. RAJO or USAID/San Jose together with ILANUD should recruit a Cost Rican professional to meet the responsibilities of a Resident Coordinator.

Annex 1

SCOPE OF WORK OF EVALUATION

ARTICLE I - TITLE

Evaluation of the Regional Administrative of Justice Project.

(Project No. 597-0002).

ARTICLE II - OBJECTIVE

Prepare an evaluation of the Regional Administration of Justice Project in the five project areas listed below:

1. Identify, to the extent possible, quantifiable indicators of progress toward improving the fairness, independence, accessibility, and efficiency of Latin America judicial systems.

2. Assess whether political conditions in the region have been or are conducive to Project success.

3. Provide recommendations to A.I.D. in defining what is and what should be the relationship between the Project and a series of bilateral Administration of Justice projects in the participating countries.

4. Assess the progress of ILANUD in becoming a self sufficient and substantial source of technical expertise in the improvement of the administration of justice.

5. Assess the effectiveness of the Project in conducting training programs, providing technical assistance, and the provision of certain commodities.

ARTICLE III - STATEMENT OF WORK

The evaluation team should include the following members:

1) an evaluation specialist, fluent in Spanish, who will serve as team leader and be responsible for preparation of the final report;

2) a training specialist with at least level 3 Spanish language ability;

3) a law specialist with expertise in Latin American legal systems and fluency in Spanish; and

4) a court management specialist, preferably with Spanish language ability.

It is anticipated that the primary method of data collection for the evaluation will be through interviews with officers of participating governments, ILANUD and A.I.D., supplemented by site inspections, questionnaires and a review of project documentation. The timing and sequence of information gathering activities will be left to the discretion of the evaluation team, subject to the constraints of the evaluation budget. See attachment number 5, Tentative Evaluation Schedule.

Interviews in Washington, D.C., should include the Director of the Office of Democratic Initiatives within the LAC Bureau of countries, relevant members of the State Legal Adviser's Office, and the director of the Justice Department's International Criminal Investigative Training Assistance Program.

The team should visit each of the participating countries. Within each country, team members should interview the A.I.D. Mission Director, A.I.D. staff with responsibility for the administration of justice program, the AOJ Resident Coordinator, the members of the National Commission, judges from both appellate courts and courts of first instance, and other representatives of the host governments with a policy-making role with respect to justice systems or with direct involvement with the Project. Team members also should seek out selected private citizens who have professional contact with the justice systems in each country, such as members of the private bar and professors of law.

In Costa Rica in particular, team members should interview the Regional Administration of Justice Officer, members of the Florida International University team which is providing technical assistance to ILANUD, the Director of ILANUD, and a representative sample of the ILANUD staff involved in each component of te Project. In the Dominican Republic specifically, team members should interview those with primary responsibility for the pilot project in judicial statistics.

Site-inspections should at a minimum include visits to the courts of each participating country, the ILANUD headquarters in Costa Rica, and the site of the pilot projects in Costa Rica and the Dominican Republic.

The team should identify a representative sample of participants in project training programs and provide them with a questionnaire designed to provide the team with a basis on which to evaluate the effectiveness of ILANUD training programs. Follow-up efforts should be made to ensure the highest possible response rate in order to minimize the possibility that the sample will be skewed by self-selection of respondents.

The evaluation should address the following questions:

1. What are appropriate indicators of progress toward the Project's goal of promoting independent, fair, accessible and efficient judicial systems in participating countries?

2. Based on those indicators, what progress does the Project appear to have made during its first two years?

3. Do the governments (including the executive, legislative and judicial branches) of the participating countries appear to have sufficient political commitment to the Project to ensure at least reasonable success?

4. What actions, if any, could the Project appropriately take to encourage the political commitment of host governments?

5. What should be the relationship between the Project and the Bilateral administration of justice projects?

6. Are the National Commissions and Resident Coordinators able to ensure coordination between the bilateral projects and the country-specific activities of the Project?

7. Is the Project conducting any activities which should be managed as part of the bilateral project?

8. Have the bilateral projects been designed to complement the Regional Project?

9. Is there appropriate coordination between the Project and the activities of the International Crimanal Investigative Training Assistance Program of the U.S. Department of Justice?

10. What level of activity does ILANUD hope to maintain following the termination of the Project?

11. What, if any, progress has ILANUD made toward ensuring that it will have sufficient resources to maintain that level of activity once the Project has ended?

12. What additional steps, if any, should the Project take to assist ILANUD in becomming self-sufficient?

13. How useful is the Project's training component? Specifically,

    a) Do training programs appear to reflect the priorities of participating countries?

    b) Is the training at the proper level considering the education of the participants and the resources available in their own countries?

    c) Are the instructors and teaching techniques effective?

    d) Have participants in the training courses been able to put their new knowledge and skills to use?

    e) Are there improvements in the performance of the judicial systems of participating countries that can be attributed to Project-sponsored training?

    f) What changes, if any, should be made in the training program?

14. Are the judicial sector assessments regarded by knowledgeable observers as accurate?

15. Have the judicial sector assessments been used in designing bilateral projects?

16. Do the sector assessments provide a baseline from which future progress in improving the administration of justice can be measured?

17. How successful are the pilot projects in the Dominican Republic (judicial statistics) and Costa Rica (computerized jurisprudence compilation)?

18. Are the pilot projects improving measurably the independence, fairness, accessibility of efficiency of the Dominican and Costa Rican judical systems?

19. What efforts have been made to facilitate adaptation of these pilot projects to other participating countries?

20. Is the court administration technical assistance program improving measurable the independence, fairness, accessibility or efficiency of the judicial systems of the participating countries?

21. Do ILANUD's technical assistance capabilities reflect the needs and priorities of the participating governments?

22. What other areas of technical expertise should ILANUD be developing?

23. What changes, if any, should be made in the Project's technical assistance component?

24. How effective has A.I.D. (AID/W and Missions) management been in a) monitoring, b) financial oversight, c) coordination with A.I.D., ILANUD and participating governments, d) reporting, and e) problem resolution?

25. Is the Project adequately funded?

26. Could the Project absorb additional funds and, if so, what benefits would flow from such funding?

27. How, and how successfully, does the Project fit into each A.I.D. Mission's overall strategy?

ARTICLE IV - REPORTS

Reports:

1. A draft report should be submitted to USAID/Costa Rica within 30 days of the completion of data collection and a final report with twenty (20) copies to AID/Washington within thirty (30) days of reciept of A.I.D. comments on the draft report. Two copies of the final report will also be submitted to the Contracting Officer, M/SER/OP/OS/LAC, Room 1500, 1100 Wilson Blvd., Arlington, VA 22209. It is anticipated that the entire evaluation team will work together, if possible, to ensure that their collective experience is brought into the evaluation process. The report will be prepared in English and should contain the following sections:

   Basic Project Identification Data Sheet;

   Executive Summary: Should not exceed five pages, single-spaced. It should state the development objectives of the Project, the purpose of the evaluation, the study method, summary of findings, conclusions and recommendations, development impact, and lessons learned about the design and implementation of development projects related to the administration of justice. The recommendations should be limited in number, presented in priority order, and be clearly actionable by A.I.D. or ILANUD;

A paginated Table of Contents;

Body of the Report: The body of the report should not exceed fifty (50) pages, single-spaced, although detailed discussions of methodological or technical issues may be placed in the appendices. The body should include a discussion of 1) the purpose the evaluation and the questions which it addresses; 2) any previous evaluation(s) reviewed with a brief description of conclusions and recommendations made in the earlier reports, and what use was made of the previous evaluation(s) in their review of the Project; 3) the economic, political and social context of the Project; 4) the evidence and findings of the evaluation with respect to the questions addressed; 5) conclusions drawn from the findings; 6) the Project's lessons learned, describing the causal relationship factors that proved critical to Project success or failure, including necessary political, policy, economic, social and bureaucratic preconditions within the participating countries and A.I.D. It should also include a discussion of the techniques or approaches which proved most effective or had to be changed and why, as well as the lessons learned relating to replicability and sustainability; 7) recommendations based on the findings and conclusions, stated as actions to be taken to improve Project performance as appropriate. All recommendations should be substantiated by the factual findings of the evaluation. When appropriate, alternative recommendations for A.I.D. to consider also should be presented. The recommendations should be presented in a separate section of the report and should be listed in order of priority; and 8) a separate section on the development impact of the Project, particularly for end-of-project or ex-post evaluations. This section should clearly present the development benefits resulting from the Project.

Appendices: The report is to include the following appendices:

a) The evaluation scope of work:

b) a list of documents consulted;

c) a list of agencies and individuals consulted;

d) if deemed necessary by the team, a brief summary of study methodology; and

e) if deemed necessary by the team, any supplementary technical material too lengthy for inclusion in the body of the report.

2. A.I.D. Evaluation Summary Form

Immediately following presentation of the final report, contractor should submit to USAID/Costa Rica an A.I.D. Evaluation Summary Form completed in draft. Mission will finalize the Form and distribute the required copies.

ARTICLE V - TECHNICAL DIRECTIONS

Technical Directions during the performance of this delivery order will be provided by the Regional Administration of Justice Project Manager, Mr. Carl Cira, Pursuant to Article F 3 of Contract No. PDC-0085-I-00-6097-00.

ARTICLED VI - TERM OF PERFORMANCE

A. The effective date of this delivery order is January 20, 1988, and the estimated completion date is May 18, 1988.

B. Subject to the ceiling price established in this delivery order, and with prior written approval of the Project Manager (See Block No. 5 on the Cover Page), Contractor is authorized to extend the estimated completion date, provided that such extension does not cause the elapsed time for completion of the work, including the furnishing of all deliverables, to extend beyond 30 calendar days from the original estimated completion date. The contractor shall attach a copy of the Project Manager's approval for any extension of the term of this Delivery Order to the final voucher submitted for payment.

C. It is the Contractor's responsibility to ensure that Project Manager-approved adjustments to the original estimated completion date do not result in costs incurred which exceed the ceiling price of this delivery order. Under no circumstances shall such adjustments authorize the Contractor to be paid any sum in excess of the ceiling price.

D. Adjustments which will cause the elapsed time for completion of the work to exceed the original estimated completion date by more than 30 calendar days must be approved <u>in advance</u> by the Contracting Officer.

ARTICLE VII - WORK DAYS ORDERED

A.

Functional Labor Categories	Work Days Ordered
Evaluation Research	81
Mangement Analyst	70
Operations Researcher	67
Social Sciences Reseacher	24

B. Subject to the ceiling price established in this delivery order and the prior written approval of the Project Manager, the Contractor is authorized to adjust the number of work days actually employed in the performance of the work by each position specified in this order. The contractor shall attach a copy of the Project Manager's approval to the final voucher submitted for payment.

C. It is the Contractor's responsibility to ensure that Project Manager-approved adjustments to the workdays ordered for each functional labor category do not result in costs incurred which exceed the ceiling price of this delivery order. Under no circumstances shall such adjustments authorize the Contractor to be paid any sum in excess of the ceiling price.

ARTICLE VIII - CEILING PRICE

The Contractor will not be paid any sum in excess of the ceiling price.

ARTICLE IX - USE OF GOVERNMENT FACILITIES OR PERSONNEL

A. The Contractor and any employee or consultant of the Contractor is prohibited from using U.S. Government facilities (such as office space or equipment) or U.S. Government clerical or technical personnel in the performance of the services specified in the Contract, unless the use of Government facilities or personnel is specifically authorized in the Contract, or is authorized in advance, in writing, by the Contracting Officer.

B. If, at any time, it is determined that the Contractor, or any of its employees or consultants, have used U.S. Government facilities or personnel without authorization, then the amount payable under the Contract shall be reduced by an amount equal to the value of the U.S. Government facilities or personnel used by the Contractor, as determined by the Contracting Officer.

C. If the parties fail to agree on an adjustment made pursuant to this clause, it shall be considered a "dispute" and shall be dealt with under the terms of the "Disputes' clause of the Contract.

ARTICLE X - EMERGENCY LOCATOR INFORMATION

The Contractor agrees to provide the following information to the Mission Administrative Officer on or before the arrival in the host country of every authorized contract employee or consultant:

A. The individual's full name, home address and telephone number.

B. The name and number of the contract, and whether the individual is an employee or consultant.

C. The Contractor's name, home office address and telephone number, including any after-hours emergency number(s), and the name of the Contractor's home office staff member having administrative responsibility for the Contract.

D. The name, address and telephone number(s) of each individual's next of kin.

E. Any special instructions pertaining to emergency situations such as power of attorney designees or alternate contact persons.

ARTICLE XI - LOGISTIC SUPPORT

None

ARTICLE XII - ACCESS TO CLASSIFIED INFORMATION

The Contractor will not have access to classified information.

ARTICLE XIII - DUTY POST

The Duty Post for this delivery order will be Costa Rica, with TDY travel to Guatemala, Honduras, El Salvador, Dominican Republic, Ecaudor, Bolivia, and Uruguay.

ARTICLE XIV - WORK WEEK

The Contractor is authorized up to a 6-day work week with no premium pay.

Annex 2

LIST OF DOCUMENTS CONSULTED

LIST OF DOCUMENTS CONSULTED

The documents utilized during the evaluation are organized by major source and numbered consecutively below:

I. A.I.D.

1. Central America Regional Project Paper, Regional Administration of Justice, 597-0002, 597-00133.

2. Central America Regional Project Paper, Regional Administration of Justice, 597-0642 (Amendment #1), May 1986.

3. Project Grant Agreement between ILANUD and AID of March 22, 1985 as amended on September 30, 1985; February 19, 1986; and August 14, 1986.

4. Cooperative Agreement between A.I.D. and FIU of July 8, 1985 as amended on July 25, 1985.

5. Semi-Annual RAJO Reports through September 30, 1987.

II. ILANUD

3. ILANUD Evaluation Results Summaries for 23 paricipants. Costa Rican National Agrarian Jurisdiction. 13 pages (Spanish).

4. ILANUD Course File Approximately 300 pages. Includes instructors' report, internal memos, course outline (justification, general objective, specific objectives, contents, 10 instructional units, methodologies for each unit, training schedules for each unit, 4-page bibliography and project outputs), Student Report Individual, group report for the course, and other documents related to the course (mostly in Spanish).

5. ILANUD Training Division Progress Report 1985-1986. January 1987, pages not numbered (Spanish).

6. ILANUD Activity Progress Report, 1985-1988 (Spanish).

7. ILANUD Hand-Outs for Planning Meeting with Dominican Republic Officials:

- 50 activity list for 1988 all ILANUD training.
- 8 course outlines for Dominican Republic 1988 course in ILANUD format (all in Spanish)

8. ILANUD, Information Bulletin (Boletin Informativo), (Spanish), Nos. 9, 10 and 11, Four pages each.

9. ILANUD Course Brochures -6 (Spanish).

10. ILANUD Training Forms (all Spanish). ILANUD Participant Course Evaluation Form; Participant Course Evaluation Form; Guide on How to Prepare Curriculum Vitae; Guide on How to Prepare a Program; Application Forms - Long; Application Form - for Short Courses; Medical Certificate; Scholarship Application Form, 3 pages.

11. ILANUD Memo, John Heldwig, Past and Future Training Activities by Year, # days, # of participatns. 10 pages (English)

12. ILANUD: Training Department Activities, 1985-1986, January 1987 (Spanish).

13. ILANUD: 1988 Training Department Activity Program (Spanish).

14. ILANUD: Final Report, Institutional Development Plan. Includes: Scope of Work; General Policies of the ILANUD Institutional Development Plan: Institutional Development Plan Profile; Proposed Methodology to Finish the Institutional Development Plan; Terms of Reference for a Long Term Institutional Development Advisor, August 1987. Prepared by Richard Grisiom, Florida International University, prepared in annex form, approximately 80 pages.

15. ILANUD Activities Report (Informe de Actividades) 1985-1987, October 1987 (prepared in Spanish).

16. ILANUD Institutional Development Plan 1988-1992, October 1987.

17. Chronogram of ILANUD Activities during 1988:

- Extension Division/Dominican Republic
- Extension Division/Honduras
- Extension Division/Guatemala
- Extension Division/Costa Rica

18. Extension Department 1987 Activities Report dated January 12, 1988.

19. ILANUD Judicial Power Independence Bibliography, 1988.

20. Draft Plan of Action of Office of International Cooperation (in Spanish).

III. FIU (Florida International University - Includes Sector Assessments

21. Salas, Luis, Modifications Sought in the Cooperation Agreement Between Florida International University and A.I.D., No. LAC 0133-A-505-00, August 10, 1987, 44 pages (English).

22. Oleson, John R., "Report of Review and Prospects of Regional Administration of Justice Project, A.I.D. Project No. 597-0002," August 1987, 43 pages (English.

23. Final Report (Spanish), September 1986, 324 pages.

24. Executive Summary Final Report (Spanish) October 1986.

25. Annex #1, Administration of Justice Bibliography (Spanish), 426 pages, October 1986.

26. Annex #4, Report Prepared for the Sectoral Study of Costa Rican Justice (Spanish), 233 pages, August 1986.

27. Annex #5, Report on the Interinstitutional Meeting Held to Analyze the Sector Study Results (Spanish), January 1987, 59 pages.

B. El Salvador Sector Assessment (3 volumes)

28. Executive Summary El Salvador Sector Assessment: Court Administration, 64 pages, October 1987 (English).

29. Analysis of the Judicial Organ in El Salvador, 170 pages, September 1987 (Spanish).

30. Annexes to #28 above, 261 pages, September 1987 (Spanish).

C. Guatemala Sector Assessment (3 volumes)

31. The Administration of Penal Justice in Guatemala, March 1988, 232 pages (Spanish) with 2 annexes 301 pages, March 1988 (Spanish).

32. Executive Summary of #30 above, 27 pages, December 1986 (English).

33. Four Working Documents from an April Workshop held in Antigua, Guatemala to Review the Sector Assessment, 10 pages, April 1988.

D. Honduras Sector Assessment (6 volumes)

34. Description and Analysis of the Justice Sector in Honduras, 223 pages, May 1987 (Spanish).

35. Executive Summary of #33 above, 36 pages, May 1987 (Spanish)

36. Executive Summary of #33 above, 25 pages, February 1987 (English).

37 Annex #1 - Bibliography Study, 149 pages, May 1987 (Spanish).

38. Annex #2 - Methodology Report about Field Studies, 337 pages, May 1987 (Spanish).

39. Annex #3 - Economic Report on Honduran Justice, 149 pages, May 1987 (Spanish).

IV. Reference Works

40. Rodriquez-Llobet, Javier, Annotated Criminal Code Proceedings, Costa Rica, 1987 (Spanish).

41. Judicial Sciences Magazine (Revista de Ciencias Juridicas) (various volumes), Facultad de Derecho, Universidad de Costa Rica, 1986-1987 (Spanish).

V. Country Specific References

A. Costa Rica

42. Library Agreement between ILANUD and the Costa Rican Supreme Court.

43. Bibliography List of Materials Provided by ILANUD.

44. Costa Rican National Plan, ILANUD Extension Division, 1988.

45. Gueron, Joseph, Progress Report on Juridical Information Project (draft, in Spanish).

B. Dominican Republic

46. Decree 3347 of the Dominican Republic Executive, September 29, 1985, concerning judicial independence (Spanish).

47. ILANUD Extension Division National Plan for the Dominican Republic, 1988 (Spanish).

48. Library Agreement between ILANUD and the Dominican Supreme Court, April 1986.

49. Report on Criminal Justice Workshop held in Santo Domingo, 1986 (Spanish).

50. 1986 Agreement Between ILANUD and the Dominican Supreme Court (Spanish).

51. October 15, 1987 Dominican Supreme Court Circular on Criminal Justice (Spanish).

52. Judicial Independence Decree 3347 Issued by the Executive Branch of GODR (Spanish).

53. November 16, 1987 Memorandum on Sector Assessment by USAID/Santo Domingo/EHRD (English).

54. 1986 ILANUD/Supreme Court Agreement on Administration of Justice Improvement (Spanish).

55. ILANUD 1988 National Program for the Dominican Republic.

C. El Salvador

56. Mudge, Arthur, Draft Final Interim Evaluation of Salvadoran Bilateral Administration of Justice Project, 1988 (English).

57. Library Agreement between ILANUD and the Salvadoran Supreme Court, 1987 (Spanish)

D. Guatemala

58. U.S. Agency for International Development, Guatemala. FY 1988-1989, Action Plan, April 1987 (English).

59. Harvard Guatemala Law Project, Suggested Implementation Plan, not dated (English).

60. USAID/Guatemala Progress Report on Democratization (English).

61. Library Agreement between ILANUD and the Guatemalan Supreme Court, 1987 (Spanish).

62. Guatemalan National Commission Minutes, 12/3/87 (Spanish).

63. Memorandum of Understanding Between the Supreme Court of Guatemala and USAID/Guatemala, 12/19/86 (English).

64. 1988 National Plan for Guatemala prepared by ILANUD.

65. Derbes, Edgardo, Progress Report on Juridical Information Project (draft, in Spanish).

E. Honduras

66. October 14, 1987 USAID/Tegucigalpa Memorandum of Understanding for a Bilateral Project (English).

67. 1988 ILANUD Extension Division National Plan for Honduras (Spanish).

68. Derbes, Edgardo, Progress Report on Juridical Information Project (draft, in Spanish).

Annex 3

LIST OF PERSONS INTERVIEWED IN THE UNITED STATES

Annex 3

LIST OF PERSONS INTERVIEWED IN UNITED STATES

ALVAREZ, Jose E.; AID/LAC/DI, Attorney

ARMSTRONG, Faye; U.S. State Department, Officer

HAYMOND, Philip; Professor, Harvard Law School

KESSLER, Judd; Interamerican Bar Association

KRISKOVICH, David; Justice Department, ICITAP Director

MAXWELL, Debbie; Justice Department, ICITAP staff member

NICHOLSON, Ronald; AID/LAC/CAP, Deputy Director

PARKER, Norma; AID/LAC/DI, Office Director

VANDEVELDE, Kenneth; AID/LAC/DI, Attorney (departed USG Service)

Annex 4

TRAINING EVALUATION INSTRUMENTS DEVELOPED BY THE CONTRACTOR

EVALUATION INSTRUMENTS

A. Evaluation Questionnaire Used in Evaluation--Spanish Version

ILANUD

DEPARTAMENTO DE CAPACITACION

EVALUACION DE ACTIVIDADES DE CAPACITACION

El propósito de este formulario es conocer su opinión y recomendaciones respecto de las actividades de ILANUD en las cuales Ud. participo. La informacion que Ud. nos brinde será absolutamente confidencial y servirá para mejorar nuestras actividades. Le rogamos contestar con la mayor objetividad y franqueza.

No es imprescindible contestar a todas las preguntas. Responda solamente aquellas que sepa.

Apellido: _____ _____

Nombre: _____

Nacionalidad: _____

Profesión: _____

Cargo actual: _____

Estudios realizados. Indique solamente el grado mas alto obtenido:

Primaria ( ) Secundaria ( ) Universidad ( ) Otros ( )

Nombre del Curso: _____

Nacional ( ) Regional ( )

Fechas: _____ Lugar: _____

I.- CONTENIDO DE LA ACTIVIDAD (Curso, Seminario, Simposio, Taller, Gira de Estudios)

1.-¿Respondió el contenido del curso a sus expectativas?

2.-¿Sirvió el curso para mejorar su rendimiento profesional y el de sus colegas? Si_____ No_____
En caso negativo, por favor explique el motivo:_____

_____

_____

3.-¿Entendió claramente los objetivos generales y específicos de la actividad? En caso negativo, por que?

4.- El material didactico suministrado, fue acorde al contenido y nivel de la actividad?

II. CALIDAD DE ENSEÑANZA

1. Cree Ud que el equipo docente:
a) Estaba bien capacitado _____

b) Tenía la experiencia requerida --------

c) Estaba adecuadamente preparado --------

En caso negativo, por favor especifique

_____

_____

_____

2. Se alcanzaron los objetivos especificos y generales? En caso negativo, por favor especifique

_____

_____

_____

3. Especifique cual fué su nivel de aprovechamiento

_____

_____

_____

4. Que sugerencias haria Ud para mejorar el curso? (Metodología, contenido, duracion, participación, formato, docentes, etc...)

_____

_____

_____

_____

III. UTILIZACION E IMPACTO

1. Considera Ud que los cursos de Administración de Justicia han sido útiles?

_____

_____

_____

2. Las actividades de capacitacion impartidas por ILANUD, han logrado un cambio en el sistema judicial de su pais? En caso afirmativo, explique la naturaleza del cambio.

_____

_____

_____

3. En que medida ha aplicado Ud los conocimientos adquiridos durante cursos de Derechos Humanos?

4. En qué medida la capacitación recibida por Ud ha modificado su trabajo y sus responsabilidades?

5. Como ha aprovechado, en su cargo y funciones, los conocimientos adquiridos durante la capacitación? Especifique

6. Que otros beneficios ha recibido Ud como resultado de los cursos?

7. Que beneficios derivados de los cursos ha podido Ud percibir en su lugar de trabajo, la comunidad y respecto de sus subordinados?

8. Cuales son sus recomendaciones para que la Comisión Nacional designada en su país pueda cimentar mejor sus logros a nivel nacional y regional dentro del Programa para el Mejoramiento de la Administración de Justicia? Especifique.

IV. EFECTO MULTIPLICADOR

1. Ha tenido Ud oportunidad de transmitir los conocimientos adquiridos a otras personas en su lugar de trabajo o en su comunidad? Especifique como y a quienes

_____

_____

_____

2. Qué tipo de resultados ha obtenido Ud al transmitir tales conocimientos? Especifique

_____

_____

_____

3. Qué recomendaciones haría Ud para que los beneficios del programa de capacitación alcancen la mayor cantidad de gente posible?

_____

_____

_____

V. SEGUIMIENTO

1. Qué tipo de contactos o comunicaciones se ha desarrollado entre ILANUD, Ud, compañeros de curso o instructores. Especifique

_____

_____

_____

2. Qué sugeriría Ud para mejorar el seguimiento de este programa.

_____

_____

_____

VI. RECLUTAMIENTO Y SELECCION

1. De que manera fue Ud seleccionado?

_____

_____

_____

2. Que cambios sugeriria Ud para mejorar el proceso de reclutamiento y seleccion de participantes en estas actividades? Especifique

_____

_____

_____

VII. NECESIDADES PARTICULARES DE CAPACITACION

1. Que otras necesidades de entrenamiento profesional tiene Ud Especifique.

_____

_____

_____

VIII. PROGRAMA DE ENTRENAMIENTO PARA OTRAS PERSONAS

1. Dentro del Poder Judicial, que otro personal necesita capacitarse en Administracion de Justicia. Especifique (grupos, nivel, materia, tipo de actividad, lugar: Nacional y regional)

_____

_____

_____

IX. OTROS

1. De que otra forma cree Ud que ILANUD y el Poder Judicial en su pais pueden mejorar el sistema de administracion de justicia.

_____

_____

2. Que otros comentarios, observaciones y/o recomendaciones haría Ud?

EVALUATION INSTRUMENTS

B. Evaluation Questionnaire Used in Evaluation--English Version

I. Content of the Activity

1. Did the course content meet your expectations?

2. Did the course serve your and your colleagues professional growth?

3. Did you clearly understand the specific and general course objectives?

4. Were the instructional materials in accord with the level and content of the activity?

II. Quality of Instruction

1. Do you believe that the instructors:

a. were well qualified?

b. had the required experience?

c. were adquately prepared?

2. Were the specific and general objectives met?

3. Specify your level of utilization.

4. What suggestions would you make to improve the course?

III. Utilization and Impact

1. Do you consider that the Administration of Justice courses have been useful?

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how.

3. How have you applied your new knowledge about human rights?

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

5. How have you used your new knowledge in your job and functions?

6. What other benefits did you get from the course?

7. What benefits derived from the course have you seen in your workplace, the community, and in your subordinates?

8. What are your recommendations to your National Commission in your country to improve the justice system?

IV. Multiplier Effect

1. Have you had opportunity to transmit your new knowledge to other persons in your work or community? Specify.

2. What type of results have you had in passing on such information? Specify.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

V. Follow-up

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

2. What would you suggest to have better follow-up in this program?

VI. Recruitment

1. How were you selected?

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

VII. Individual Training Needs

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

VIII. Training Program for Others

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

IX. Others

1. In what other way can ILANUD and the justice power in your country improve the administration of the justice system?

2. What other comments, observations, and/or recommendation. ould you have?

EVALUATION INSTRUMENTS

C. Training Evaluation Questions for Use in Other Interviews

MEMO

TO: John Oleson
Enrique Dahl

FROM: Hunter Fitzgerald

DATE: February 5, 1988

SUBJ: Evaluation of ILANUD Adminstration of Justice Programs

As you interview A.I.D., host country, and ILANUD officials we need to get a reaction on what these persons feel, know, and suggest regarding ILANUD training activities.

I have developed the following questions for you to cover with your interviewees. The questions are organized in the same nine evaluative categories we have for returned trainees. However, an introduction section for more general questions comes first.

I. INTRODUCTORY OR OPENING QUESTIONS

1. What do you know about ILANUD? Specify.

2. What do you know about ILANUD's training activities?

3. What is your overall opinion of ILANUD's training activities.

4. What do you think other peoples' opinions are about ILANUD's training activities?

II. COURSE CONTENT (If the interviewee knows the program)

1. Is the ILANUD training program course content appropriate to your country's needs for an improved justice system?

2. Does ILANUD prepare and distribute professional level instructional materials?

III. QUALITY OF INSTRUCTION

1. What can you tell me about the quality of the instructors and the ILANUD training activities?

IV. IMPACT

1. What impact has the ILANUD training program had on the justice system in your country? regionally?

V. RECRUITMENT AND SELECTION

1. Do you know how ILANUD recruits and selects its trainees?

2. Who else in the judicial system needs ILANUD training? Specify type.

VI. GENERAL

1. How else could ILANUD and the judicial powers improve the administration of justice system?

2. Do you have any other observations or recommendations?

Annex 5

LIST OF EMPLOYEES OF ILANUD

INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE
APARTADO 10071
CABLE ILANUD
SAN JOSE, COSTA RICA
TELEFONO: 21-3886

LIST OF ILANUD EMPLOYEES

FUNCIONARIOS DEL ILANUD

Enero 88

NOMBRE	FECHA DE INGRESO	CEDULA	PUESTO
Acuña Fernández Carlos	1-12-80	1-244-774	Mensajero
Arce Carvajal Oscar	1-8-85	4-109-385	Coordinador de Area
Avila Cortés Carlos	4-8-86	1-434-929	Técnico Especializado 3
Brenes Bonilla Sonia Ma.	16-9-78	1-329-632	Coordinadora de Area
Carranza Lucero Elías D.	16-8-79	111-082671	Subdirector
Coto Martén Fernando	15-7-82	1-404-548	Técnico Especializado 1
Chacón Acuña Isabel	16-11-87	1-255-388	Técnico Profesional 3
Chavarría Quesada Juan Luis	1-11-85	1-333-082	Director de Personal
Chirino Sánchez E. Alfredo	10-7-84	1-623-155	Técnico Especializado 1
Delgado Rodríguez Sonia Ma.	4-6-87	1-485-507	Técnico Especializado 3
Delgado Sancho Eugenia	1-11-85	4-101-054	Técnico Especializado 2
Escalante Castro Jenny	1-11-85	1-458-568	Secretaria Ejecutiva
Espinoza Leal Jenny	1-10-79	4-101-259	Subdirectora de Area
Flores de la F. Lourdes	21-7-80	1-505-628	Directora del CEDO
Flores Portilla Isabel	15-1-77	1-175-695	Conserje
Garita Vílchez Ana Isabel	1-2-79	4-108-144	Directora de Proyecto
González Madriz Emilia	1-10-77	1-446-349	Coordinadora de Area •
Gutiérrez González Ana Lorena	16-10-87	3-291-183	Recepcionista
Jiménez Esquivel Marielos	1-7-81	1-513-704	Documentalista 2
Jiménez Mora Norman	1-12-86	1-717-118	Conserje
Jiménez Rojas Elka	1-11-85	1-512-827	Secretaria Ejecutiva
Jiménez Zúñiga María Cecilia	1-6-80	1-453-021	Periodista
Lachner Trejos Luis	1-3-77	3-127-775	Director de Proyecto
Li Chan Rosita	1-4-83	6-141-454	Documentalista 2
López Cortés Norma Helena	15-5-78	6-105-137	Asistente Técnico 1
Méndez Jiménez Ana Lucía	1-10-85	1-489-447	Levantadora de Textos
Meza Durán Luis Alberto	15-11-82	1-576-765	Asistente Técnico 2
Monge Arroyo Rigoberto	17-4-86	2-305-228	Técnico Especializado 1

INSTITUTO LATINOAMERICANO DE NACIONES UNIDAS PARA LA PREVENCION DEL DELITO Y TRATAMIENTO DEL DELINCUENTE
APARTADO 10071
CABLE: ILANUD
SAN JOSE, COSTA RICA
TELEFONO: 21-3886

NOMBRE	FECHA DE INGRESO	CEDULA	PUESTO
Montero Bulgarelli Ana G.	1-10-75	1-487-993	Asistente Técnico 1
Montero Castro Jorge Arturo	1-6-75	1-164-757	Director General
Montero Salas Ana Virginia	1-11-85	4-142-510	Secretaria Ejecutiva
Montero Villalobos Juan C.	1-10-87	1-592-297	Técnico Especializado 2
Montiel Espinoza Grace	24-11-77	6-129-045	Secretaria Ejecutiva
Montoya Chaves Olman	1-3-87	1-384-598	Contralor
Mora Mora Brírida	10-6-85	1-529-283	Secretaria Ejecutiva
Murillo Vargas Bernald	16-10-87	1-609-797	Conserje
Navarro Solano Sonia	16-10-79	1-422-671	Directora de Proyecto
Núñez Alvarado Sara E.	16-8-86	2-340-545	Oficinista
Núñez Portuguez Carlos I.	1-10-85	3-200-392	Trabajador Miscelánco
Pascua Vargas Alba M.	1-10-81	1-498-209	Secretaria Ejecutiva
Pascual Gil Teresa	16-10-87	14238-47	Técnico Profesional 3
Peña Silverio Teresa	1-4-86	826418(P)	Coordinadora de Area
Portilla Elizondo Rodrigo	15-6-74	7-053-782	Trabajador de Public. 1
Ramírez Vargas Javier	10-2-79	1-371-749	Chofer
Rivera Cordero Carlos Iván	16-9-87	1-795-413	Digitador
Rodríguez Valverde Gerardo	16-5-87	1-461-142	Técnico Especializado 2
Saborío Jenkins José F.	16-9-85	2-383-460	Técnico Especializado 1
Solano Cruz Maribel	1-2-83	1-558-710	Recepcionista
Sotomayor Villanea Nora	4-1-86	6-091-489	Técnico Especializado 2
Trejos Hernández Mercedes G.	1-2-87	1-705-168	Técnico Especializado 1
Ugalde Piedra Olga Marta	1-5-87	1-412-1244	Secretaria Ejecutiva
Ulate Alvarado Carlos Luis	16-6-85	4-096-579	Contador
Ulate Chacón Ricardo	1-6-81	2-331-107	Director de Operaciones
Umaña Guevara Rose Marie	16-11-85	1-514-884	Secretaria Ejecutiva
Woodbridge González Ronald	1-9-85	1-370-227	Asistente Director General
Zumbado Rodríguez Aurea	16-11-85	4-118-699	Técnico Especializado 2

Annex 6

COUNTRY ANNEX - COSTA RICA

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 6 - Costa Rica

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

Prepared by:

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June 1988

Annex 6

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Annex 6

Country Annex

COSTA RICA

I. INTRODUCTION

The Costa Rican national program to improve the administration of penal justice has some advantages over programs in other core countries. An elected democratic government with a history of a relatively well-functioning criminal justice system provides a higher level of performance on which to build. The main Project istitutions are located in Costa Rica: A.I.D.'s Regional Administration of Justice Officer (RAJO), the project manager; the Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD), the main implementing agency; and Florida International University (FIU), the main source of technical assistance. On the other hand, since A.I.D.-sponsored legal reform projects for Costa Rica in the seventies were not considered to have been successful, some key A.I.D. managers were reluctant to have a renewed judicial reform effort undertaken in Costa Rica. On balance, the ambience for national judicial reform in Costa Rica has been positive because the Costa Ricans consider themselves leaders in justice in Central America and have responded enthusiastically after experiencing some initial project growing pains.

This Annex for Costa Rica reviews some of the major activities planned and accomplished by the Regional Project in Costa Rica, and the guidance and monitoring by A.I.D. The major problems facing those activities are identified. Recommendations particular to Costa Rica are included. General recommendations applicable to all countries are included in the main volume of the report; they are not included in this annex. Two appendices, which list the persons contacted in Costa Rica and the complete questionnaire tabulations and transcripts, are included.

II. ACTIVITIES PLANNED AND ACCOMPLISHED

A. Creation and Utilization of the National Commission

1. Purpose and Nature of Membership

The purpose of the National Commission, as in other countries participating in the Project, is to provide a mechanism for gaining the support and guidance of key institutions for the

operation of the Project and for national action programs. The Costa Rican Commission was established by executive decree in late 1985. In 1987, the number of members was increased from five to seven. Its membership now consists of two representatives of the Supreme Court and a representative of the Ministry of Justice, the Procuraduria, the Bar Association, the National Assembly, and the University of Costa Rica's Law Faculty. The GOCR has issued the decree giving the National Commission permanent status. The present Commission is divided into subcommissions, formed by members interested in the same topics. This system of subcommissions seeks to assure that all members have an active interest in the topics discussed.

2. Operations of the National Commission

Until early 1987 the operation of Costa Rica's National Commission did not vary significantly from those of the other core countries. It met irregularly, and did not provide significant leadership to the justice sector. Some of its members questioned its utility. The Sector Assessment, which was discussed at a national workshop in early 1987, recommended the creation of an Executive Secretariat for the National Commission. As a result, with financial assistance from ILANUD, the National Commission in May 1987 hired the part-time services of an Executive Coordinator and the full-time services of an assistant to enable it to carry forward its work of fostering improvements in the sector and in particular carrying forward the recommendations of the Workshop. Since the appointment of the present Executive Director, the work of the National Commission has become more orderly and focused. It meets at least once a month. Its key members are now willing, even enthusiastic, participants in its deliberations.

The National Commission currently acts as a stimulator of project proposals from existing entities of the government and a broker of the proposals with sources of potential financing both internal and external. It has not yet achieved significant experience in this effort. To meet the responsibilities of the role assigned to it, the National Commission will have to increase the analytical capability of its staff either by expanding its size or by entering arrangements with other entities to provide it with the necessary support. Assistance to the National Commission in this effort is to be part of the bilateral action program being prepared.

For 1988 ILANUD has funded the operations of the Costa Rican Commission. ILANUD also provides an office for the Commission in its own headquarters, as well as other services such as free electricity and secretarial services. The strategy of the Executive Director is to seek funding for the work of the National Commission from the GOCR beginning in the 1989 national budget. This is a major challenge. The effort is to be part of the objective of the bilateral action program.

3. Importance and Utility

a. Conduct and Utilization of Sector Assessments

The Costa Rican National Commission collaborated with the FIU Sector Assessment team. Some Commission members also participated personally in the work on the Assessment. The National Commission helped organize the workshop to consider the Assessment. However, the National Commission was not a major actor in the preparation of the Assessment, and has not used it to produce a long range plan for meeting the needs of the justice sector nor to set priorities to govern the preparation of such a plan.

b. Preparation of Yearly Training and Technical Assistance Programs

The National Commission has not produced yearly programs for technical assistance and training. However, it has made requests to ILANUD for assistance as described in B and C below. It also has produced a workplan for the period July-December 1987, which consists of: (i) conducting several short seminars on key topics; (ii) publishing the recommendations of the National Judicial Congress of 1985 and the Costa Rican Judicial Bibliography; (iii) obtaining permanence for its activity by obtaining a new decree setting forth its structure and purposes and recognition by the GOCR of financial responsibility for the National Commission by including its support in the budget; and (iv) promoting two longer term activities. The first of those activities is creating a capacity in the Judicial School for the training of judges, public prosecutors, and public defenders both at the entrance level and through in-service training. The second is the organizing and keeping current of a system for determining what is currently valid legislation. The National Commission intends to obtain the approval of the Supreme Court for the activity with the Judicial School and an executive degree declaring the legislative activity to be of national interest.

The National Commission would like to have greater independence from ILANUD in the use of resources. It complains that it is hard to get information from ILANUD on what kind of resources are available, and thinks it could handle A.I.D. funds directly.

c. Preparation of Action Programs

The National Commission as a group is not involved in or aware of the Mission's preparation of a bilateral action program, nor does it know what kind of activities are being supported in other countries. (However, the Executive Director has been involved in some aspects of the preparation of the bilateral

program). This non-involvement at least in part reflects the failure of the National Commission to develop its own plan. In fact, the National Commission's listing of activities it would like supported includes some not involved in the plans for the bilateral action program -- e.g., support for the reform of legal education, creation of mobile libraries for lawyers, and attention to the needs of the penitentiary system.

4. Problems and Recommendations

Problem 1: The Commission has not achieved a capacity to prepare an integrated sectorwide plan of action.

Recommendation 1: RAJO and the Mission should consider providing the National Commission with the support necessary for it to undertake the preparation of a sectorwide plan.

Problem 2: The National Commission is not involved in the preparations of the bilateral action project and would like a more direct funding relation to A.I.D.

Recommendation 2: The Mission should reinforce the role of the National Commission in the preparation and conduct of its project.

B. Technical Assistance from ILANUD

The technical assistance program of ILANUD in Costa Rica has not made the progress which was anticipated. The pilot project in the compilation of documents is at least a year behind schedule. The effort in Judicial Administration is not yet organized. Prioritization among the national requests remains weak. The preparation of the bilateral action program should be used to consolidate the program.

1. Pilot and Common Programs

a. Judicial Statistics

ILANUD is not providing assistance to Costa Rica for its program to improve the collection and organization of statistics in the operation of the judicial sector. That program has been operated for some years by the Costa Rican Supreme Court which has supplied its own computer for this activity.

Costa Rican officials expressed disappointment that ILANUD's pilot program in statistics in the Dominican Republic has not produced results sooner which might benefit the Costa Rican project. Furthermore, there appears to have been no effort made by ILANUD to draw upon the Costa Rican experience in the planning and execution of its pilot project in the Dominican Republic.

b. Compilation of Juridical Documents

Under the Regional Project, Costa Rica is the site of the pilot project to organize and make available court decisions. The activity is being conducted with the Supreme Court. The director of the project for ILANUD, is exercising general oversight. She also is being relied on to be sure that the actions of the Supreme Court, the National University and the Procuraduria are being coordinated.

ILANUD is finishing the first phase of the project, the consolidation period or "etapa preinformatica." It has trained technicians and completed a legal thesaurus which will provide a point of entry to the whole system of jurisprudence through the use of key words. The thesaurus standardizes the linguistic variations now current in the legal terminology of the countries in the region. However, the activity has been delayed for about a year. The most important reason for the delay is that ILANUD has been awaiting the arrival of an IBM 9370 computer, already acquired in a public bid, so that training of the Supreme Court staff may proceed. At the invitation of RAJO, two computer experts reviewed the status of the effort in March, 1988. They found that the Costa Rican judiciary has a strong data base capability which makes the prospect of success for the project quite high. The consultants recommended the use of data base software developed by UNESCO, rather than the software developed in Colombia which had been the plan.

c. Libraries/Document Center

i. Libraries

ILANUD and the Costa Rican Supreme Court signed an agreement under which ILANUD was to deliver a basic library of materials in criminal law. The Supreme Court obliged itself to keep the periodic titles in the collection current for a period of 10 years. The library consists of approximately 6,000 titles, including multi-volume collections. The collection is kept in the Supreme Court's library. The books are well kept, professionally catalogued and indexed. There is a staff of four, two of whom provide services to the public. The library operates on a "closed-shelf" system under which the reader has access only to a catalogue and a librarian fetches and delivers the books as requested. According to its director, the library received from 70 to 100 such requests for consultations each day.

ii. Document Center

The Document Center is a central library in ILANUD's headquarters in Costa Rica. It operates as a super-library, from which libraries and individuals can request bibliographical

information or data searches on computer printouts. There are about 12,000 specialized documents in the collection as well as 450 periodical titles. The Center's purpose is to enable judges and other judicial personnel to be more knowledgeable and informed about the law. Its success depends on the use made of it by its intended clientele. The biggest problem facing the Center now is that its existence and services are not widely known among those justice sector personnel who could best make use of it.

The personnel of the Document Center claimed a high level of patronage for the library but judicial sector officials were less optimistic. During visits by a member of the evaluation team the library was almost empty. There are only a few desks at which patrons could read. Of course, the Center was not designed to be a consultative library. Rather, most inquiries are handled by mail at present.

d. Judicial Administration

The topic of judicial administration as such was not included in the original Project Paper. It is still in development. Although no specific activities have been carried out in Costa Rica, representatives did attend a regional workshop in Guatemala in September 1987 and a study trip to the United States in April 1988. The concept of the potential activity is unclear as it stands now. There needs to be a clearer indication of the steps to be taken.

2. National Requests

In addition to the assistance outlined above, ILANUD has provided the following assistance in response to requests from Costa Rica:

-providing audiovisual equipment to the Judicial School,

-providing basic equipment to the judicial branch,

-supporting a study of the rights of the defendent in penal procedings,

-supporting the undertakings of a study of alternative methods of conflict resolution.

All in all ILANUD provided some 158 consultant days of assistance.

The National Commission's proposed program for 1988 consists of:

-- Donation of a computer to the Office of Public Defenders

-- Study trip to U.S. judicial schools

-- Support for the improvement of the Judicial School of the Supreme Court

-- Systematization of current legislation in the Procuraduria General

-- Support for setting up a planning system for the Supreme Court

-- Improvement to legal education and information through specialized research facilities

-- Continued support for the National Commission.

-- Writing and publishing a booklet on The Rights of the Accused in Criminal Proceedings.

Some, but not all, of these activities are to be part of the bilateral action program. They are not integrated into a sector program, and they are not prioritized.

ILANUD's Costa Rican counterparts in general praised it for its supportiveness. However, there were expressions of disappointment that ILANUD could not provide more assistance; and, as mentioned above, the National Commission would prefer to deal directly with A.I.D. to get resources.

3. Problems and Recommendations

Problem: Both technical assistance activities involving computerization have fallen behind schedule.

Recommendation: The report of the computer consultants should be used to reach an expedited decision on the various aspects of the activities which need resolution.

C. Training

1. Size and Nature of Training Provided

As with the overall program, the size and nature of the training program for the Costa Rican training program has been determined on an annual basis. Since the National Commission has an Executive Secretariat, planning for the Costa Rican training program has improved because of more careful reviews and planning. However, Costa Rica's 1988 plan was the last one finalized for ILANUD's Training Department. ILANUD's planning process for training activities is discussed in the main narrative of this final report. Observations, conclusions, and recommendations for improved planning are set forth there.

Training costs are discussed in detail in the text of the Final Report including average budget levels and the ILANUD Training Department's observations on actual training costs. The ILANUD Training Department did not have reports or summaries of training costs by individual countries. We were unable to compare Costa Rican ILANUD training costs with comparable outside training. However, we did find ILANUD's budgeted and average actual training costs to be reasonable and in some cases lower than other institutions.

As noted in the main body of this Final Report, ILANUD's training activities have far exceeded original targets in the Project Paper, which were not shown in country terms. In Costa Rica, a large number of persons (737) associated with the justice system have and will have by the end of 1988 received training in 22 regional and 21 national training programs. By the end of 1988, 84 days of national training will have been provided to 635 persons from the judicial system. Furthermore, at least 102 judicial system personnel will have been given 174 days of regional training activities by the close of 1988.

Costa Rican participation has remained relatively constant throughout the project, and current ILANUD plans for regional training remain about the same for 1988. Costa Rican 1988 planned attendance is 347 which will account for over half of the 635 trained during the project period. The 1988 program is varied for different levels of the system.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in Costa Rica through the end of 1988.

COSTA RICAN PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN REGIONAL ACTIVITIES

Training Activities	# Days	# Participants from Costa Rica
Activities Completed		
1. Regional Course: Criminal Justice in L.A. ILANUD, San Jose, Costa Rica, September 2-27, 1985.	20	9
2. Regional Course: Control of Non-Conventional Delinquency, ILANUD, Costa Rica, October 7-31, 1985.	20	6

Training Activities	# Days	# Participants from Costa Rica
3. Regional Seminar: Upgrading of Administration of Justice for Legislators, Antigua, Guatemala, March 19-21, 1986.	3	3
4. Regional Course: Public Defenders, ILANUD, Costa Rica, April 7-25, 1986.	15	25
5. Regional Seminar: Independence of Judges and Lawyers, IIDH, Costa Rica, April 21-25, 1986.	5	2
6. Regional Workshop: Revision of Juridical Thesaurus, ILANUD, Costa Rica, June 11-14, 196.	4	5
7. Regional Workshop: Criminal Justice Statistics, Hotel Santo Domingo, Dominican Republic, June 25-27, 1986.	3	1
8. Regional Course: Organization and Operation of the Public Ministry. Hotel Honduras Maya, Tegucigalpa, July 14-25, 1986.	10	3
9. Regional Course: Agrarian Justice in Central America and Dominican Republic, ILANUD, Costa Rica, March 30-April 10, 1987.	10	8
10. Regional Seminar: Human Rights and the Administration of Juvenile Justice, ILANUD, Costa Rica, May 4-14, 1987.	10	4
11. Regional Course: Modern Mixed System, Quito, Ecuador, June 22 to July 4, 1987.	10	3
12. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	2

Training Activities	# Days	# Participants from Costa Rica
13. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	3
Regional Completed Subtotals:	125	74
Planned 1988 Regional Training Activities		
14. Regional Study Tour: Court Administration in Puerto Rico and USA, April 11-22, 1988.	10	1
15. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	5	2
16. Regional Seminar: Environmental Protection Laws and Legislation, Santo Domingo, Dominican Republic, June 5-8, 1988.	3	5
17. Regional Workshop: Training of Human Resources for the Judiciary Participants from Central America/ Caribbean, ILANUD, Costa Rica, June 20-24, 1988.	5	2
18. Regional Course: Public Defense, ILANUD, Costa Rica, August 15-26, 1988.	10	4
19. Regional Seminar: Role of Legislator in Upgrading Justice, ILANUD, Costa Rica, October 5-7, 1988.	3	3
20. Regional Workshop: Juridical Information, Guatemala City, Guatemala, October 17-21, 1988.	5	3
21. Regional Workshop: Judicial Statistics, Santo Domingo, Dominican Republic, October 24-26, 1988.	3	3

22. Regional Seminar: Alternatives to Prison, Tegucigalpa, Honduras, November 14-18, 1988.	5	5
Regional Planned Subtotals:	49	28
Regional Totals:	174	102

COSTA RICAN PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN NATIONAL ACTIVITIES

Training Activities	# Days	# Participants from Costa Rica
National Activities Completed		
1. Study Tour: Emilia Vargas, Legal Advisor to Costa Rican Social Adaptation Agency visits USA prisons, August 10-29, 1986.	15	1
2. National Seminar: Victomology, ILANUD, Costa Rica, November 19-25, 1986.	5	33
3. National Symposium: Review of Sector Assessment. Hotel Cariari, Costa Rica, January 9-10, 1987.	2	40
4. National Seminar: Environmental Law, Costa Rica Perez Zeledon: October 22-24, 1987. San José: November 10-12, 1987.	3	61
5. National Seminar: Colloquium on Criminal Execution, ILANUD, Costa Rica, November 6-7, 1987.	2	32
6. National Seminar: The New Agrarian Law, Costa Rica. Liberia: November 11-13, 1987. Perez Zeledon: December 2-4, 1987. Limon: December 9-11, 1987.	3	69

Training Activities	# Days	# Participants from Costa Ric
7. National Seminar: Criminal Process Law, Costa Rica, Puntarenas, November 26-28, 1987.	3	16
8. Study Tour: Judicial Training Institutions in Puerto Rico and USA; participants from Costa Rica, February 7-20, 1988	10	6
9. National Seminar: Colloquium on Judicial Training, ILANUD, Costa Rica, February 1988.	1	30
National Completed Subtotals:	44	288
National Activities Planned for 1988		
10. National Seminar: Colloquium on Judicial Legislation, Costa Rica, March 18, 1988.	1	40
11. Regional Study Tour: Court Administration in Puerto Rico and USA, April 11-22, 1988	10	12
12. National Seminar: Court Administration, Costa Rica, April 26-29, 1988.	3	30
13. National Seminar: Court Administration for Court Secretaries, Costa Rica, May 4-6, 1988.	3	30
14. National Seminar: Court Administration Law Project, Costa Rica, June 1-3, 1988.	3	30
15. National Seminar: Court Administration for Judges and Clerks, Costa Rica, July 27-29, 1988.	3	30
16. National Seminar: Training in Planning for Court Administration, Costa Rica, August 24-26, 1988.	3	30
17. National Seminar: Rationalization of Lawyer Education, Costa Rica, September 8-9, 1988.	2	25

Training Activities	# Days	# Participants from Costa Rica
18. National Seminar: Training in Judicial Planning, ILANUD, Costa Rica, September 28-30, 1988.	3	30
19. National Seminar: Evaluation of Court Administration, Costa Rica, October 12-14, 1988.	3	30
20. National Seminar: Court Administration for Court Secretaries, Costa Rica, October 30 to November 2, 1988.	3	30
21. National Seminar: Legislative Law Project Discussion, Costa Rica, November 23-25, 1988.	3	30
National Planned Subtotals:	40	347
National Completed & Planned Totals:	84	635

2. Importance of Training Provided and Relationship to Other Project Components

In our meetings with Mission and Costa Rican justice sector officials, the general consensus was that the ILANUD training is important and is filling specific needs of the justice system. We found that the development of adequate human resources at the lower levels of the system and for support staff was a primary concern. For example, the training of lower level justices and justice support staff was given high priority by Costa Rican officials.

We found some relationships between the training provided and other Project components. However, we were unable to identify a planned strategy to tie all training activities to other Project components. As noted in the main text's conclusions and recommendations, ILANUD probably should devote much more time and effort to planning and evaluating all Project components. Part of the planning efforts should be targeted at more deliberate and programmed inter-relationships between all Project components.

Costa Rica does not have a full-time, local hire professional to represent the Mission's interests in the Project. Moreover, a national coordinator was not assigned as in the other Central American and Caribbean countries. Various persons such as RAJO, the new half time Executive Secretary of the National Commission,

and Florida International University staff- have all partially filled gaps. However, comparing the Costa Rican program with Honduras and Guatemala, where there are effective locally contracted coordinators, we found significant differences in the levels of communications between the GOCR, ILANUD, and the Mission. We concluded the addition of such a country-level coordinator would be an improvement in the Costa Rican program.

3. Quality of Training

Apart from a significant number of interviews with key personalities in the justice system we interviewed ex-participants, mainly from the capital area. The ILANUD evaluation instrument (see Annex #4 of Main Report) developed by the evaluation team was utilized. The ex-participant sample of 26 consisted of the levels of persons listed below:

Category	No. of Participants Interviewed
Upper-level judge	5
Mid-level judge	5
Public Ministry	2
Criminology Institute	2
Social Worker	3
University professor	1
Public defender	3
Prosecutor	5
TOTAL:	26

For the 26 ex-participants interviewed, their responses are summarized below of the evaluative areas which follow. For a complete tabulation of responses and transcript of comments given by ex-participants, please see Appendix # 2 of this Country Annex.

Although the questionnaire was one of the main vehicles for forming judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and

instructors, reviews of course materials, interviews with ex-participants who did not complete the questionnaires, etc. It should be noted that we found the questionnaire results and comments to be more positive than what we learned from other sources, possibly because of Costa Rican's tendency to respect instructors and education/training. Comments tended to vary greatly because of the sample interviewed but do reveal same trends. These tended to be less optimistic regarding lasting positive impact, long-term effects, and ILANUD's role as a catalyst to improve Costa Rica's justice system.

The evaluators did not find any data base of evaluative information prepared by ILANUD for the Costa Rica training program. The sample for this evaluation was limited and included ex-trainees from a variety of regional and national activities, thus, the comments under a particular question may seem unorganized and at times even contradictory. Nevertheless, the evaluation pulled together all of the diversified findings in reaching conclusions or judgments.

a. Materials

Twenty-three of the 26 ex-participants interviewed reported that the instructional materials were in accord with the level and content of the activity. In the San José ILANUD Training Department, we observed various training technicians developing materials for particular courses. These materials were on target and of a professional nature. The Department does plan to develop a limited amount of materials each year according to the Annual Plans reviewed. The Extension and Training Departments cooperate in the development of instructional materials.

Based on ex-participant responses, inspection of instructional materials in ILANUD files, and discussions with instructors and other interested parties, we concluded that ILANUD instructional materials were adequate for the level and content of the activities, but we were disappointed that so few video cassettes, slide/sound shows, and films were being utilized.

We asked the FIU Training Department Advisor about the apparent lack of video tapes, which could lend themselves very well to certain law courses, i.e., actual or dramatized case presentations, and sound/slide presentations. He reported there was a budgetary problem on preparing professional level video tapes which are expensive. Furthermore, the Department had not been fully staffed until recently, and the strong emphasis on producing courses and actual training had taken priority over the production of instructional materials. However, when the ILANUD instructional materials are compared with what is normally made available in Latin American law training institutions, ILANUD earns much higher marks. At a minimum, ILANUD provides what is basic for each undertaking. Nevertheless, ILANUD does have the

human and financial resources to emerge as the Latin American leader in the production of instructional materials for criminal justice.

As one reviews the comments and observations of the Costa Ricans interviewed, the general impression is that the ILANUD training has been a positive and beneficial factor to the justice system in Costa Rica, which some experts consider to be the foremost of Central American. The courses met the trainees' expectations, stimulated professional growth, and had clear, specific and general objectives which most participants understood. The majority (23 of 26) said both types of objectives were met, but were lukewarm in their ratings of instructors which were more critical. The general consensus among non-participants interviewed was that what ILANUD was doing in training was needed and was being done very well. Again, many persons emphasized training more people as a possible solution to fundamental problems which require reform, improvements and change. We caution that for some training is seen unrealistically as the panacea to cure all evils.

b. Preparation of Instructors

ILANUD generally selects and uses qualified and experienced instructors. However, ILANUD could spend more time and resources on each course by insuring that instructors start work before the course begins in order to have sufficient time to prepare for lectures and work groups and to develop appropriate instructional materials. Clear guidelines for each course have to be established as to who is responsible for each aspect of training, and when they are due, etc. These shortfalls should be addressed in an improved planning process which is a major recommendation of this report.

Relying on all of the data gathered and observations made, the evaluation agreed with ex-trainees that in Costa Rica instructors were academically well qualified, and generally well prepared. However, we did observe that ILANUD needs to tighten up its planning process for each course at the national level to insure each party (including instructors) understands his/her responsibilities, has adequate organized activity preparation time, and is fully cognizant of the local situation and special Costa Rican needs. Even though we heard criticisms about lack of knowledge of the local situations, participants placed high value on hearing from "name" people.

c. Views of Participants

The majority of ex-participants viewed their ILANUD training as a very positive experience. For most, the specific and general objectives were met, and those who answered (24) said they are

using what they learned in the course. These same ex-trainees provided a wide spectrum of suggestions on how to improve the training activities which should prove useful to ILANUD's Training Department for future planning.

Based on our analysis, and all of the other information we gathered, our conclusions were not as optimistic as the Costa Rican ex-participants' views of ILANUD training. In Costa Rica, the basic justice system needs to be improved and has deficiencies. Short, intensive and, in this case, probably well-done courses, are not the only or major solution to reforming the administration of justice.

The evaluation found that interviewees said there appears to be instances of improvement in individuals' attitudes, awareness of problems, and personal work performance. Nevertheless, when we sought concrete evidence of such improvements, by asking questions such as - "Exactly how or in what ways has your work performance changed for the better?" Or "Which problems and/or attitudes?" The follow-up responses remained vague leading one to believe that possibly persons were responding with answers they believed to be "correct" or what the evaluators or ILANUD wanted to hear.

d. Selection Process

ILANUD does not exert a leadership role in the selection process. It was found that most candidates are named by their sponsoring organization, and applications are reviewed by the ILANUD Training Department staff. Only occasionally are candidates rejected and/or replaced. In a general way, course announcements describe the type of persons to be trained, but, to our knowledge, actual selection criteria have not been developed. In Costa Rica, the Mission Project Manager did not express concern that USAID was not involved in the process.

4. Impact Achieved To Date

In terms of responses to the questionnaires, only one Costa Rican trainee said the administration of justice course has not been useful. Most of the positive respondents (24) reported that ILANUD courses had improved their own work which in turn might improve the system. They did not note or identify any reportable changes in the system except such things as better awareness of human rights, changed mentalities, the importance of having trained personnel in the system, a desire to learn more, etc.

As noted above in sub-section 3 c. (Views of Participants), the evaluators had some reservations about the positive impacts claimed by ex-participants. Our judgments or conclusions reached are based on a variety of sources which we describe in the evaluation's methodology. In short, although we found the Costa Rican criminal justice system to be the best in Central America,

we could not verify any basic changes in the administration of justice as a result of ILANUD's training programs.

a. Work of Participants

Most participants reported they were using the information they learned to provide what they say is an improved work product and are more personally responsible. Furthermore, in Costa Rica they report a higher appreciation and attention to human rights than before the courses. At least two ex-participants attributed recent promotions to their ILANUD training. Costa Rican ILANUD alumni seem to have a keener awareness of the deficiencies of the system and some have begun to articulate how it can be improved.

In Costa Rica, we concluded that there are some positive instances of activities or changes, such as the increased interest and support for the Supreme Court's Judicial School and a better thought-out training effort due to an improved functioning National Commission. However, we could not verify fundamental changes in the administration of Justice in Costa Rica as a result of ILANUD's training activities.

b. Spread Effect

As in the other countries visited, ILANUD does not have a planned and programmed spread or multiplier effect. We found no conclusive proof of any significant number of formal training programs being organized and carried out by ex-ILANUD participants. Nevertheless, 18 ex-participants informally, and on their own initiative are passing on their knowledge to a variety of persons such as co-workers, subordinates, other judges, prosecutors, university students, and the general community. The same people were positive about the results of their information sharing, and said such dissemination has been good for the system. However, the evaluators were not as optimistic about multiplier effect since it was not planned. The Training Department Advisor told us a training of trainers module is being contemplated for calendar year 1988.

c. Support of the Other Project Components

In reviewing the files and in discussions with ILANUD personnel, we did see cases of direct support by training of the other Project components. This was due in part to the fact that ILANUD's headquarters is in San José's Justice Center, and the players are in closer proximity. However, we did not find a well articulated plan regarding inter-project support. There is an ILANUD Annual Plan of Activities which lists events and types of actions; but it does not present a unified panorama of ILANUD's complex program, nor did we encounter useful reports or summaries in this area.

5. Future Plans

ILANUD is only planning on an annual basis for training, It is done in late December and early January of each year. For the remainder of 1988, ILANUD plans to have 49 days of regional training for 28 Costa Rican participants and 40 days of national training for 347 justice sector employees. With the improved National Commission and its Executive Secretary, the planning of training improved considerably this year with more focus on the supported and sponsored projects of the Commission. The evaluation team attended one of the Commission's weekly meetings where the training activities were reviewed and explained.

6. Problems and Recommendations

The problems and recommendations common to ILANUD's training activities in all the core countries are covered in the main volume of this report. In addition, there is a problem particular to Costa Rica.

Problem - The national coordinators in other countries play an important role especially in national level training programs. In Costa Rica, there was no national coordinator named since it was thought that RAJO, FIU, and now the Commission's part-time Executive Director, could fill these functions. We do not agree with this since the persons mentioned have too many other major responsibilities, and can only partially cover national Costa Rican programs.

Recommendation - Recruit and name a Costa Rican law professional to the Mission's staff to coordinate Costa Rican national level programs.

D. Preparation of Action Programs

1. State of Preparation of Bilateral Program and Future Plans

The Mission is preparing a bilaterally funded action program to begin in late FY 1988. With the help of contracted personnel the Mission prepared a Concepts Paper in August 1987 and a PID in March 1988. It plans to prepare a Project Paper during May and June of 1988. In preparing the bilateral program the Mission has relied heavily on the experience of RAJO and the work of the regional Project. The analytical base for the preparation was the Sector Assessment conducted by FIU and a team of Costa Rican experts. The Assessment was conducted between January and September of 1986. It was reviewed in January 1987 at a meeting of representatives of institutions and persons active in the criminal justice sector. No sector plan was prepared. However, ideas for activities to be funded bilaterally were obtained from

both the National Commission and its Executive Director, and conversations were held directly with the Costa Rican institutions which would be involved in the bilateral project.

The tentative proposals for the bilateral project are: (i) to support the National Commission to become a sector planning, coordinating and evaluation institution; (ii) to assist the Judicial School of the Supreme Court to provide training for new and in-service judges as well as for administrative personnel of the judicial power; and (iii) to assist in the preparation and implementation of a system (probably located in the Procuraduria General) to analyze past and current legislation to determine what is currently valid and to install a computerized system for keeping that information current and providing it to users. All these proposals reflect the thought and build on activities undertaken under the Regional Project. Although the Assessment emphasized the importance of rationalizing the structure and improving the performance of the various police forces the Mission decided not to pursue those topics because of their special sensitivity under the statutes governing A.I.D.'s assistance. However, the Mission is giving some consideration to assisting in the conduct of Costa Rica's penitentiary system.

The delay between the completion of the Assessment and the preparation of the Project Paper reflects mainly the attitude of the previous Mission Director who was opposed to undertaking bilateral activities in this sector in view of the difficulties which a program in law and development had caused the USG in Costa Rica in the early 1970's, and, to a lesser extent, to the competing demands on the time of the Mission's project development office and of RAJO. The competition for the time of the latter was particularly important since, in contrast to other participating countries, the Mission did not have a Resident Coordinator on its own staff; rather it relied on RAJO to provide it with the technical, programming and procedural support required to prepare bilateral activities. The reasonableness of this arrangement was questioned and discussed on several occasions, but it was never changed.

2. The Involvement of ILANUD

ILANUD has not been directly involved with the Mission in the preparation of the Mission's plans for bilateral activities. However, because of the dual role of RAJO as manager of the Regional Project involving ILANUD and as the Mission's key person in the preparation of a bilateral program, ILANUD's capabilities and potential utility for the bilateral program are being kept in mind. Indeed, the Mission tentatively is planning to use ILANUD extensively in the conduct of its bilateral activities. This would make much sense since ILANUD is located in Costa Rica and since the training of judicial personnel and the installation of a system for organizing and keeping current legislation are both

activities with which ILANUD has had considerable experience. Indeed, ILANUD already is working with the Costa Rican Supreme Court under the Regional Project to organize a system for providing access to Court decisions, and has a representative on the commission which has prepared the proposal for a system to organize and provide access to legislation.

There is a question as to the capacity of ILANUD to undertake responsibility for the implementation of bilateral activities given the difficulties it has had in meeting the administrative and other responsibilities of the Regional Project. However, as discussed in the main body of this report, ILANUD has made significant progress on meeting the problems connected with the conduct of the Regional Project, and there would seem to be no better place than Costa Rica for testing its capability to assume additional responsibilities. If, indeed, ILANUD is to be used it would be wise to include it more directly in the planning for the bilateral activities which the Mission is undertaking. ILANUD would welcome the chance to be so included.

3. Conclusions and Recommendations

After a relatively slow start the Mission is proceeding to mount a significant bilateral activity in support of the improvement in the administration of criminal justice in Costa Rica. It is relying heavily in its planning on RAJO and the experience of the regional Project. It probably will utilize ILANUD to carry out much of the bilateral activity. Thus in Costa Rica the regional Project is serving its intended purpose of stimulating and helping Missions to become active in this field. The conditions for utilizing ILANUD appear to be optimum in Costa Rica, and thus that possibility should be implemented as completely as possible.

Recommendation: ILANUD should become involved in the preparation of the Project Paper for the action program.

E. Policy Dialogue

1. Experience to Date

The Mission has not conducted a formal policy dialogue with the Government of Costa Rica. The stage of preparation of the bilateral activities has not required such discussions nor has the implementation of the Regional Project's activities. Of course RAJO, together with ILANUD, has had numerous conversations with Costa Rican institutions concerning the implementation of regional activities. However, those conversations have not had as a purpose changing policies or introducing significant modifications in the structure or operations of the institutions.

2. Future Plans

In its preparation of bilateral activities the Mission has not yet identified the concrete policy issues it will need to address with the GOCR, nor has it considered how such issues will be handled. In particular, it has not yet considered the extent to which such issues will be addressed by ILANUD (should ILANUD participate in the activities) and to what extent they will be addressed directly by RAJO or other Mission personnel. This should change as the Mission works on the Project Paper. Even in Costa Rica -- which is considered further advanced than other Central American countries in the conduct of its judicial responsibilities -- there will be significant issues. However, they should be manageable; and the Mission will have the advantage of the presence in Costa Rica of both ILANUD and RAJO to assist it in analyzing and pursuing the strategy which it adopts. The main step to be taken is for the Mission consciously to accept that an improvement in judicial administration forms an important part of its objectives.

3. Conclusions and Recommendations

Until now the improvement of the administration of justice has not been included in the policy dialogue of the Mission. If there is to be successful bilateral activity in that sector this situation will have to change.

Recommendation: The Mission should address how it plans to carry forward such a dialogue. It should explore with ILANUD what role the latter might play in the effort.

III. Guidance and Monitoring by A.I.D.

A. Roles of the Parties

The basic assignments of responsibilities under the Regional Project have been followed in Costa Rica. AID/W provides overall guidance and backstopping for the conduct of the Project's activities. ILANUD and FIU are the main implementing agents under the Project including almost all the procurement of goods and services for use in the Project's activities. The Mission provides guidance to RAJO, ILANUD and FIU concerning local conditions, and has the right to object to any proposed activities in-country under the Regional Project. However, there are two major differences in the roles of the parties in Costa Rica. First, there is no Resident Coordinator in the Mission paid for by Project funds as in other countries nor is there any other USAID employee assigned the tasks performed by the Resident Coordinator in other countries. Those responsibilities have fallen on RAJO.

Second, since RAJO is attached to the Costa Rica Mission and housed in it and since ILANUD is physically located in Costa Rica, the Mission has some responsibility for the conduct of both those offices in carrying out the Regional Project. The definition and exercise of that responsibility has proved to be troublesome.

According to the Project Paper the Mission is to provide financial and administrative support to the Project. The steps taken to meet these responsibilities are discussed in the main body of this report. In the early stages of implementation of the Project RAJO and the Mission overestimated the progress which ILANUD could make in meeting its new fiscal and administrative responsibilities, and underestimated the degree of attention and assistance which the Mission would have to give to RAJO, and especially to ILANUD, for the latter successfully to meet those responsibilities. As the difficulty of the situation became clearer it was decided to finance another financial analyst for the Mission's Office of the Controller with Project funds to assist it in dealing with the additional responsibilities, and RAJO began to devote large amounts of its time and leverage with ILANUD to achieving the changes needed to meet those responsibilities. This aspect of the evolution of the Project, together with recommendations for the future, are provided in the main body of this report.

The degree and nature of the responsibility of the Mission for the overall conduct of the Regional Project is not entirely clear. RAJO reports to the Deputy Director of the Mission as well as to the Office of Democratic Development in LAC for guidance. However, the other demands on the time of the Deputy Mission Director -- as well as the somewhat specialized and, above all, the regional dimension of the responsibilities of RAJO -- have made it difficult (even improbable) that his guidance to the Regional Project could be either detailed or definitive. In fact, RAJO is very largely an independent office in making decisions concerning the conduct of the Regional Project. This aspect of the Project is discussed further in the main body of this report.

Although the dual relationship (re both regional and bilateral activities and responsibilities) among ILANUD, RAJO and the Mission has led to some problems, it also minimizes the delays and misunderstandings which have arisen among the Missions, RAJO and ILANUD in other countries because of the absence of knowledgeable and empowered representatives of the latter two organizations in those countries. The shared relationship helps to assure that any bilateral program will utilize and, in turn, support the Regional Project. It also has made it less of a problem that, as in other countries, the parties relate to each other largely through verbal communication. Still, even in Costa Rica it would be helpful if there were regular, formal reviews between RAJO, ILANUD and the Mission on progress of regionally funded activities in Costa Rica as well as on the progress being

made in the Regional Project as a whole. It would also be helpful should representatives of AID/W attend those sessions.

B. Relationship Among the Parties

In the first year and a half of operations of the Regional Project there was some tension among the parties. That aspect of the Project is discussed in the main body of this report. In addition there was tension arising from the decision of the Mission Director that the Mission would not become active bilaterally in the improvement of the administration of justice and from his fear that the regional activities of RAJO somehow would bring about that involvement. Both of those factors now seem to have abated, and relationships among RAJO and the Mission appear to be good. In addition, a more open dialogue between the Mission and AID/W on the conduct of the Regional Project has begun which in turn has had a positive influence on the relationships governing the preparation of possible activities.

C. Conclusions and Recommendations

The relationship between RAJO, FIU and ILANUD are extraordinarily close and quite positive in the conduct of the Regional Project overall. The relationship between RAJO and the Mission on the preparation of bilateral activities are now good; however, the role of ILANUD in the preparation and the future conduct of such activities needs clarification. It would be helpful to have periodic, formal reviews of progress by RAJO, ILANUD and the Mission together with a representative of AID/W on those occasions in which major issues appear to have arisen in the conduct of the Regional Project.

Recommendation: As the Mission undertakes bilateral activities it should create a position to assist it meeting its responsibilities under that program. It should not plan to rely entirely on RAJO for that support since RAJO will have more than it can do in continuing to work on the Regional Project throughout the hemisphere.

Appendix #1

PERSONS INTERVIEWED IN COSTA RICA

ILANUD

ARCE, Oscar; Director of the Extension Division

AURONE, Laurito; Director of the Judicial Library of C.R.

BRAVES, Sonia; Director of Bibliographic Materials Project

CHACON, Isabel; Head Office of International Cooperation

FLORES, Lourdes; Director of Data Base Project

GARITA, Ana; Director of the Project on Legislative Judicial Reporting System

LACHNER, Louis; Director of the Project on Criminal Justice Statistic System

LI CHAN, Rosita; Documentalist of the Judicial Library and Assistant to the Bibliographic Project

MONTERO CASTRO, Jorge; General Director

MONTOYA, Olman; Controler

MUELLER, Katherine; PAHO Consultant/Staff (ILANUD job applicant)

PEÑA, Teresa; Director of Training Department

ULATE, Ricardo; Director of Operations

WOODBRIDGE, Ronald; Deputy Director of International Cooperation

FIU

SALAS, Luis; Chief of Party

HELWIG, John; ILANUD Training Advisor

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

MEMBERS OF THE SUPREME COURT

CATACORA GONZALES, Manuel Severo; Supreme Court Judge

CERVANTES, Miguel; Supreme Court Judge

HAWED, Mario; Supreme Court Judge

SUPREME COURT STAFF

*AGUIRRE AGUIRRE, Maria Justina; National Director of Judicial Services

MEMBERS OF LOWER COURTS

*ARIAS CESPEDES, Ligia María; Instructional Court Judge

BIAGGI GOMEZ, Julio Enrique; Lower Court Judge

*CRUZ CASTRO, Fernando; Criminal Lower Court Judge

*ESTRADA, Ana Rocío; First Criminal Judge

*FONSECA MONTOYA, Oscar; Superior Court Judge

*GARBANZO GARBANZO, Noidy Maria; Juvenile Court Judge

MATOS DE LA PAENA, Manuel Ruperto; Superior Court Judge

*MORA DIAZ, Alcides; Lower Court Judge

PELAEZ, Edmundo; Lower Court Judge

*REDONDO GUTIERREZ, Carlos Luis; Superior Court Judge

RODRIGUEZ MEDRANO, Alejandro; Superior Court Judge

*ROJAS ARAYA, Juan Diego; Third Criminal Judge

*RUDIN RUPHUY, Zeidy; Superior Court Judge

SAN MARTIN CASTRO, Cesar Eugenio; Lower Court Judge

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

PUBLIC MINISTRY

*AGUILAR MORA, Carmen Eugenia; Prosecutor

*ALVARADO SOTO, Carlos Francisco; Prosecutor

*ARAYA VEGA, Eduardo; Director of the Public Ministry

KATZ UNGAR, Catalina; Prosecutor

NOLASCO CHAVARRIA, Jose Aresio; Legal Advisor

*RIVERA MONGE, Armando Augusto; Prosecutor

*SEGURA ROMAN, Jorge O.; Sub-Director of the Public Ministry

SOLANO, Luis; Attorney General

PUBLIC DEFENDERS

*BARQUERO BOGANTES, William; Public Defender

CASTELLANOS AREOLA, Jose Fernando; Director of the Public Defender Department

*FERRANDINO TACSAN, Alvaro; Sub-Director of the Public Defender Department

*JIMENEZ PADILLA, María del Rocio; Public Defender

*TAYLOR, Enriquez Sonia; Public Defender

VAZQUEZ CABRERA, Angel Luis; Administrative Assistant

*ZELENDO, Marya; Public Defender

NATIONAL INSTITUTE OF CRIMINOLOGY

*MANOS MARTINEZ, Federico; Director of the Institute of Criminology

*OBANDO MELENDES, Alexandro; Member of the Institute of Criminology

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

NATIONAL COMMISSION

ARGUEDAS, Carlos M.; Executy Secretary

GUILLON, Vanesa; Assistant

SOCIAL WELFARE DEPARTMENT

*CORDOBA ESPINOZA, Cecilia; Director of Social Wefare, Criminology Department

*MOLINA BRENES, Manuel Antonio; National Director of the Sociology Department

JUDICIAL SCHOOL

ARROYO ALVAREZ, Wilberth; Director of the Judicial School

REMULA GUERRERO, Fernando; Secretary of the Judicial School

UMAÑA QUESADA, Gilbert; Judicial School Assistant

UNIVERSITIES

*CASTRO FERNANDEZ, Juan Diego; Profesor of Criminal Law, U.A.C.A.

VAN DER LAAT, Bernardo: Dean of the School of Law, U.A.C.A.

PRIVATE PRACTICE

*LI SINCHING LI SING, Virginia; Criminology Consultant

CORELESA (El Salvador)

ARRIETA GALLEGOS, Manuel; Member of the Revisory Commission for Salvadorian Legislation from El Salvador on Temporary Duty in Costa Rica

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

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USAID

AGUILERA ORTIZ, Carmen Aida; Regional Project Coordinator/Guatemala

CIRA, Carl; RAJO (project Manager)

MINISTRY OF JUSTICE

PAULINO MORA, Luis; Ministry

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

Appendix 2

COMPLETE TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	23
Negative	1
Not answered	2

Comments: Very interesting, especially comparing our judicial system. It fulfilled my expectations. Yes, but in Costa Rica we have a better system. Yes, especially ILANUD's course on criminology. Helped clarify certain points. Excellent but too short. Yes, what I expected. Well done. My expectations were satisfied (2 people said this). Yes, especially getting to know white collar crime. Only in part (2 people), too much theory and not enough practice. Too short to learn everything.

2. Did the course serve your and your colleagues' professional growth?

Positive	23
Negative	1
Not answered	2

Comments: I cannot transmit what I learned but personally I learned new things. I cannot answer for others but yes for me.

3. Did you clearly understand the specific and general course objectives?

Positive	24
Negative	0
Not answered	2

Comments: Yes, I understood our objective is to change the participant's ideas about justice. They were proposed and analyzed. Yes, I understood them (7 people said this). Part of what we learned does not relate to our work.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	23
Negative	2
Not answered	1

Comments: We needed more photocopies of all the speeches to study later. Was done according to our institute's needs but need more audio-visual material. Not for everyone because it was too difficult. Too much to cover. Certainly. Correct. Excellent. Yes, but too much to cover in the course. Some.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

   a. were well qualified?

Positive	21
Negative	0
Not answered	5

   b. had the required experience?

Positive	13
Negative	3
Not answered	10

   c. were adequately prepared?

Positive	12
Negative	2
Not answered	12

Comments: As a Latin I was aware some of the instructors, such as Dr. O'Donnel, who did not have a command of Spanish, but we had other good teachers such as Dr. Carranga.

2. Were the specific and general objectives met?

Positive	23
Negative	1
Not answered	2

Comments: Partially because I remember many participants were poorly prepared intellectually. I do not think so, since I have not put into practice what I learned. It attained its objectives (3 people said this) 50% because we need more training in the same subjects. Yes, but we lacked time to cover material (2 people).

3. Specify your level of utilization.

Positive	24
Negative	0
Not answered	2

Comments: Mostly personal but I have not applied what I learned. I got a deeper understanding of some of the subjects (2 people said this). It is doubtful that all we learned will be put into practice. Better awareness of social affairs and criminology. 90%. I learned things I did not know principally awareness of the problems. Good (4 people). 100%. Great. Maximum and I started some new research. Excellent.

4. What suggestions would you make to improve the course?

Not answered	2

Comments: Base training on daily work situations (2 people said this). Select participants who are really interested and have experience. Time too short to cover everything (3 people). Better to have judges and teachers from our university participate more because future personnel is under their control. Make sure training is only given to persons who will remain in the system. Course outline should be distributed prior to workshop. Have relation to actual jobs. I analyzed and took a deeper view of justice. We all benefited. Choose people according to their education. Make courses longer in order to cover subjects (10 people). Give more participation to foreigners. Improve teaching methods - the last days of course we were tired because they worked us too hard. Offer the courses again and have students evaluate benefits they received. More participation and emphasize investigation. Better instructors with less theory and more practice. Daily schedules were too long making us too tired to benefit (2 people). More information prior to actual course.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	24
Negative	1
Not answered	1

Comments: I do not know. I have not had the opportunity to participate. Made me think about my daily work which before I did mechanically. I have used some of it in my job. Yes, it improved the judicial system. Makes the trainee be more aware. Depends on the country - they vary. Certainly (2 people said this). Have more often for more people. Has served the prosecutor's office. Better to have courses of criticism. Due to them, I am better informed.

2. **Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?**

Positive	15
Negative	8
Not answered	3

Comments: The modern mixed penal process is already in Costa Rica, thus no changes. The system here is already good. I do not think so. Yes, because the judicial worker has more knowledge about other systems. Teaching was geared to learning our own deficiencies and guided us to improve. Yes, a better administration of justice. I think so. I cannot answer this question. Personally, I wanted to learn about prosecution, but the system has not changed. I think the ILANUD training activities are important to the Costa Rican justice system. I do not think there has been a formal change in the system, but people in it have changed their mentality. Covered new information not previously discussed. Improved work performance by ILANUD trained personnel. In part, we are trying to clarify some penal laws. In Costa Rica, the prison system has a better awareness of human rights. The workshop by ILANUD was important. I have no opinion because I am a public defender. No.

3. How have you applied your new knowledge about human rights?

Not answered	0

Comments: In the prison system as a judge where I apply human rights knowledge. I have incorporated it in my work as a university professor. I have more interest in prisoners' rights. Learned about this in other countries. I had no such course (14 people said this). Aware that people have to be respected. I have defined protection for the family and society (2 people). I am more sensitive about problems I did not know before. Human rights are the basis of the judicial process. Unreadable comment. I have a broader vision about my work. I have passed my knowledge to others and protest when human rights are ignored.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered	3

Comments: Only professionally. I have had a promotion and now have more responsibilities. More aware of my job responsibilities (2 persons said this). I understand criminal justice better in my country and I am doing a better.

work. I desire to do more investig ion. I am more conscious and motivated somewhat. ere has been improvement. Improve my performance as a public defender. I acquired a broader view of justice and I apply justice better. I have a better understanding of the accused problems. I have an improved awareness of the country's socio-economic problems which have caused increased delinquency. None (3 people). I realize the problems of how you deal with petty crime. Non-readable comment. I was promoted. I see options more clearly. Has made me aware of investigations and I have learned subjects I did not know such as human rights. In my work, I have gone to my superiors and told them how to improve the jail system. The ILANUD courses have caused some jail system reform. No great change, responsibilities are the same, but I impart justice in an improved way.

5. How have you used your new knowledge in your job and functions?

Not answered 0

Comments: By training co-workers and subordinates (2 people said this). I make lawyers be more precise in presenting their cases. Giving importance to solutions of problems for groups of people. Sharing my knowledge with others. As a judge, I am doing a better job. The courses were very motivating. I apply what I learned in court. Everyday by being more analytical about the crimes I deal with. Made me more mature as a judge. In many ways, especially in my cases I deal with in the system. I have more information for problem solving. I handle administrative details better. Yes, in my work. I assimilated what I learned. I have a better foundation for dealing with court cases. Better knowledge of human rights. Increased my job knowledge and those I judge. I learned more about white collar crime. Learning and comparing other penal systems. Learning more about modern mixed law systems. I received a promotion. Unreadable comment. At the beginning and at the end of the year, I have to summarize and evaluate my work, and I used what I learned from Professor Pichardo Arlete on legislation and administration.

6. What other benefits did you get from the course?

Not answered 2

Comments: None (2 people said this). Amplified my cultural knowledge of comparative law. The workshop let me see legislative deficiencies in some Latin American countries. Better preparation for my work and classes I teach in the University. I have made my co-workers more conscious of our

work. We need more economic help. In my teaching with my university students. Interchange of ideas and projects with people from other countries. I continued ties with ILANUD. Better knowledge of other countries. I have learned new things which I share with university faculty students. Interchange of criminology ideas and materials (4 people). Better work relations. I received a raise. I have been able to see virtues and faults in our and other penal systems. I have a better view of how penal laws are in Latin America. I was motivated to continue study of workshop subjects. Gives participants self-confidence on the job.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered 4

Comments: In my court, I have written a summary about my work; I am more conscientious with my co-workers, and completed two preliminary investigations with co-workers' support. One comment did not make sense. In the institution where I work I have shared my knowledge with others. More confidence in myself and co-workers has developed. It has increased interest among co-workers, university students, and the community. I am more critical of myself and more responsible on the job. Has made people in the system want to do a better job. Everyone has received benefits. I found that few criminal investigations are complete. I have more information and documentation available. People in my work want more knowledge which I have given them. I cannot answer, but some co-workers have changed. There is resistance to change. Sometimes changes do not mean progress. Where I work I have shared my knowledge for the benefit of others. More credibility and confidence when we try new programs. Relative, some co-workers do not want to change. In my work, sometimes, with my subordinates.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered 7

Comments: Give the program more publicity from ILANUD about the courses and their results because other professionals will be willing to pay at least part of the training costs. Form a model group to demonstrate what was taught in the workshop. Give more opportunities to employees in the penal system in national and regional courses. Reinforce the judicial police Make sure that the 4,000 Costa Rican lawyers are aware of ILANUD's training program. Increase the number of court employees trained. Have judges participate

more in these workshops. Better instructors and publication of course results at the national level. Have a special training bureau in the Public Ministry. Give more practice than theory. Form projects to share workshop knowledge acquired. Form mechanisms to criticize penal system. Choose people who make political and legislative decisions. Change the laws. All justice employees should be trained and have them turn in papers of what learned, then analyze them, and give results to all participants. Assure that trainees apply what they learn. The Commission should arrange follow-up meetings which they have never done. Any judge should not start work without being trained at least three months.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or Community? Specify.

Not answered	1
Negative	5

Comments: Yes, to co-workers in juvenile justice. Yes, to Commission members, and I shared it with co-workers, university students and others who come to the court. Yes, with co-workers and other university professors. I have written articles at the university and have been influenced in my decisions. In my work, at the university, but not in the community. Yes, I shared my knowledge with subordinates in small courses and meetings, and I have given courses in the university attended by the community. Yes, participating in a round table discussions and other academic functions. Yes, for example in higher level decisions in training for penal system. In my work, no, but I have taught it in the university. Yes, with co-workers and subordinates (5 people said this). Yes, in the Judicial School. It is a daily matter with co-workers. Yes, in the Criminology Institute. Yes, at the university, to co-workers, and sometimes with other judges. In meetings with co-workers who have not attended ILANUD courses. I have been able to pass my knowledge on to others.

2. What type of results have you had in passing on such information? Specify.

Not answered	7
Negative	7
Positive	18

Comments: Very good, because we reached a better coordination between different levels. I prepared a manual on how to do the job. It has made me more aware about

expediting trials for the prisoners' benefit. Positive, but the bureaucracy does not want change. Very little, I see no interest at the professional and community levels. There is a lot of interest with university students and in the community where I try to share information. Positive results, especially when working on petty crime issues. Positive results with law students. Personal satisfaction. In the court improving how functionaries are aware of their responsibilities. Better comprehension and interest in all matters. Positive (3 people said this). Peoples' mentalities are changing to the positive. Some pragmatic changes. Great interest and willingness to discuss workshop subjects (2 people). I have observed a more professional conduct in justice. Very positive.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	5

Comments: Select participants better. Have two follow-up workshops for participants. On the surface, everything is fine but there is resistance to change. Give courses to a wider audience. Have ILANUD drop criminal law and do other subject areas for the public, universities, and the community. More general themes with possibilities to continue studies. Increase and publicize the program. Give full and half scholarships. Have participants cover part of their expenses. Ask ILANUD to train more trainers (2 people said this). Give more courses for more people and have experts who are more permanent. Have student exchanges between countries. More publicity of program outside the capital (2 people). Have workshops outside the capital (2 people). More publications and meetings. Unreadable comment. Have more courses more often (2 people). Have programs dealing with criminal law in the universities (2 people). More national level courses. Combine judicial, administrative, and legislative officials in courses.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	1
Negative	4
Positive	21

Comment: Very little, just letters from classmates on a isolated basis. Sometimes consultants come from Costa Rica. None (2 people said this). It depends on each participant

because ILANUD does have mechanisms established which are satisfactory. I meet with some of my Costa Rican classmates periodically and I maintain correspondence with foreigners who attended the course. In courses or meetings here given by ILANUD. Interchange of experiences with others. With ILANUD by letter which keeps me informed by its publications and letters with classmates. With the ILANUD Bulletin they send me but it is not enough, because it only talks about events, and nothing about the course. We continue maintaining communications and friendships. Periodically with ILANUD which sends me information about its publications. Good relationships have been developed between instructors and my classmates. ILANUD's publications, Bulletin, and consultations with ILANUD experts. With some instructors, for example, Ana Gavita and I have good communications since the course; she gave us good advice in the course we just finished, and she sent us a friendly letter. I get information from ILANUD and their experts help us as well as classmates in other countries. Classmates via letters. Very little but I receive some of ILANUD's materials (2 people). Mail and materials exchange with classmates and instructors. Weak and only occasionally. Pamphlets from ILANUD and I was invited to give an ILANUD-sponsored conference in El Salvador. Little with ILANUD but some with classmates.

2. What would you suggest to have better follow-up in this program?

Negative	2
Not answered	4

Comments: Continue having conferences and assign ex-participants to do research. Establish follow-up courses (6 people said this). Have a letter to ex-participants. One meeting a year of ex-trainees where they can evaluate results (5 people). More communication among participants. Give more economic help to ILANUD so they can give more courses. Have small courses (fewer people) and keep continual contact. Invitations to attend academic events. Add other courses. Very difficult, but make objectives more realistic. Have more meetings to exchange ideas. Evaluate results.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered	0

Comments: Named by the Public Ministry. I do not know (2 people said this). Personal invitation (4 people).

Nominated (8 people said this). Lottery (2 people). By competition (2 people). By the Court for Minors. As a participant and instructor (2 people). By the Social Ministry. Nominated by the Public Ministry.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	2
Not answered	4

Comments: I do not know (2 people said this). Publicize the courses and select more people. Unreadable comment. All judicial officials should receive courses (3 people). Select people more carefully according to position, experience and education (3 people). Make sure people will continue in the job after the course. Make the process more strict. In regard to the Penitentiary School select their instructors first. Conduct a needs study for each group. Select motivated people. In Costa Rica the General Direction of Social Adaptation should select people (2 people). Depends on the course you are offering but there should be minimum requirements established. It could be improved by selecting by preparation, interest, and intellectual ability. More publicity about the courses in different countries.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered	4

Comments: None. Oral communication (2 people said this). New material in criminal law via conferences and round tables. Short-term talks and seminars. Refresher penal process courses. Professional training is always needed and I need criminal law and jurisprudence. Needs survey of judges, prosecutors, defenders, and support staff. More courses on human rights. Courses about white collar crime, customs law, municipal law, and public administration. Many penal law courses, investigation techniques, jail rights, and courses outside Costa Rica. Criminology and penal law process. Help in seeking outside resources. Organizational methodology for the penal system. Human rights, jail systems, and procedures in other countries. In many areas especially criminology (2 people). Juvenile delinquency in other countries.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered 4

Comments: I do not know. People who work for us (2 people said this). Everyone in the penal system (4 people). Court clerks and stenographers. Administrative and investigative police (2 people). People who work in courts need training in writing, spelling and public relations. Principally student interns (2 people). Human rights for police. Comment did not make sense. Prosecutors and public defenders. For all levels of the judicial power. Penal personnel where I work at a national and regional level. Court clerks and interns. A.I.D. should pay more attention to penal systems. Public Ministry employees and public defenders. Police, university law students, and policy makers. In Costa Rica, it is imperative to give officials guidance about juveniles who are apprehended.

IX. OTHER

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 5

Comments: Improve coordination between institutions, legislation and do evaluations of the program. Continue workshops and review what we learned. More studies in depth about our legislation. Better control of judicial power and attitude changes. Continual evaluations and knowledge of their results. Review our penal code which has unfair laws especially those dealing with human rights. Select more capable people to do their jobs. Make people aware of their responsibilities and give people a broader view of justice. The courses were good but are not always put into practice, and they are forgotten. Better incentives, salaries, better personnel, and higher capability of personnel. Train judges to be more socially conscious. Have judges visit penal centers and see the reality. Publish improved books for law professionals. Give more scholarships. Continue courses and make a yearly evaluation of the penal system. Show the problems to those who impart justice. Continually evaluate the justice system. Stimulate judges to learn more. Have meetings and publications. I do not know ILANUD's role with our justice system, but it appears good. In our case, the work has been evident because our investigations have been faulty and we have tried to make corrections.

2. What other comments, observations, and/or recommendation would you have?

Not answered 15

Comments: Note: three people wrote more than one page. ILANUD should continue assisting because it is improving the justice system. Everything about ILANUD is basic in three ways: (1) training, (2) investigation, and (3) documentation. Important for ILANUD to give specific courses in penal justice in the universities (2 people said this). Publish and distribute evaluations completed about the justice system and do not be afraid to report negative findings. ILANUD should facilitate follow-up meetings to analyze what was taught and find results. ILANUD has given people the opportunity to improve. ILANUD's work is excellent but could do more for the general public on preventing crime. More economic help to ILANUD so they can continue offering workshops based on prevention of crime. Be able to purchase all types of teaching materials and have more space. ILANUD should use local people in sector studies because when they use outsiders what is concluded does not reflect our reality. They (the sector studies) should be distributed and the recommendations put forth should be evaluated. ILANUD should give participants more opportunities to suggest ideas and opinions and have ILANUD respond. For example, our group of trainees was neglected and forgotten thus losing resources. ILANUD courses are good and helpful.

Annex 7

COUNTRY ANNEX - THE DOMINICAN REPUBLIC

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 7 - Dominican Republic

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

Annex 7

COUNTRY ANNEX - THE DOMINICAN REPUBLIC

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Country Annex
DOMINICAN REPUBLIC

I. INTRODUCTION

The Regional Project in the Dominican Republic has been carried out more slowly than has been the case in the other core countries. This has been the result of several factors. The more important ones have been: (i) the concern on the part of the Embassy and the A.I.D. Mission that the activities of the Regional Project not give the appearance that the USG was leading the way to action programs ahead of the Dominican readiness to undertake action programs; (ii) the greater distance between the Dominican Republic and ILANUD's home office than is the case of the other core countries; and (iii) the failure of ILANUD/RAJO and the A.I.D. Mission to develop smooth working relationships. In addition, there has been concern expressed by both the Embassy/Mission and by RAJO/FIU as to whether the Regional Project can be as useful to the Dominican criminal justice system as in the other core countries, given the system's different legal tradition and the considerable level of corruption into which it has fallen.

This Annex for the Dominican Republic reviews some of the major activities planned and accomplished by the Regional Project in the Dominican Republic, and the guidance and monitoring by A.I.D. The major problems facing these activities are identified. Recommendations particular to the Dominican Republic are included. General recommendations applicable to all countries are included in the main volume of the report; they are not included in this annex. Two appendices, which list the persons contacted in the Dominican Republic, and complete questionnaire tabulations and a transcript are included.

II. ACTIVITIES PLANNED AND ACCOMPLISHED

A. Creation and Utilization of the National Commission

1. Nature and Operation of the National Commission

The National Commission was formed in December 1984 by people representing the key institutions of the criminal justice system. Its President is the Chief Justice of the Supreme Court. Other members represent the national university, the Bar Association, and the Ministry of Justice. As in other countries, the Commission's role is individually and collectively to lend prestige and influence to facilitate the tasks leading to improvement of the justice sector. However, the members do not have a clear understanding of what is expected of them.

The Commission does not meet regularly, but only on the call of its President. Its members do not interact smoothly. The members are very busy people whose work is elsewhere. Both members and non-members of the Commission see it operating as a body that reacts to events rather than shaping them. The National Commission does not have its own staff or resources. It relies on the Supreme Court for both. The President of the National Commission considers that support to be adequate for the Commission's needs. The absence of its own staff is an impediment to the National Commission's taking a more forceful role under the Project. The Regional Project does have resources to support the National Commission's acquisition of basic equipment and the services of a secretary for six months.

2. Importance and Utility of the National Commission

The Sector Assessment of the Dominican Republic was underway at the time of the visit of the evaluation team. The National Commission has not had a significant role in the planning and conduct of the Assessment. Indeed, the work of the team conducting the Assessment was not well known to the members of the Commission. Some had forgotten its existence until reminded of the survey forms that they had completed for the use of the assessment team.

The National Commission does not plan training and technical assistance activities. That work is done by the Resident Coordinator and the staff of the Supreme Court. However, the National Commission has given an opinion to ILANUD on the type of courses that would be useful. Furthermore, there are three major national activities underway in which the National Commission has been involved: (1) constitutional reform, (2) court reorganization, and (3) development of a judicial career. To promote these three activities, ILANUD and the Dominican Supreme Court signed an agreement in April 1986 pursuant to which ILANUD donated $9,600 to be used exclusively in hiring national experts to prepare draft laws on constitutional reform, court organization, and judicial career. The Commission responded to the drafts of constitutional amendments prepared by the staff of the Supreme Court with financial assistance from ILANUD. Other efforts to prepare an action program are awaiting the completion of the Sector Assessment.

3. Problem and Recommendation

Problem: The National Commission is not fulfilling the purposes set forth in the Project Paper.

Recommendation: The National Commission should recruit its own staff, and the clarification of its role should be given priority in any action program to be developed as an outcome of the Sector Assessment.

B. Technical Assistance from ILANUD

The technical assistance program of ILANUD in the Dominican Republic has not made the progress that was anticipated. The pilot project in judicial statistics is substantially behind schedule, and major decisions concerning it have not yet been taken. Prioritization among the national requests remains weak.

1. Pilot and Common Programs

a. Judicial Statistics

One of the two ILANUD-sponsored pilot programs in Judicial Statistics is in the Dominican Republic. The program is conducted under an agreement between ILANUD and the Dominican Supreme Court. Under this agreement ILANUD is to:

a) Establish a judicial-statistical data system, suitable to the specific needs of the Dominican Republic in the area of criminal law. The system would serve as a model applicable to other countries in the region.

b) Hire, according to specifications to be released later, a staff of up to five people who will manage the system. The director will be appointed for 18 months, two assistants for 12 months, and two clerks for six months.

c) Provide a computer and peripherals suitable to the needs of the activity. (This computer equipment is to remain the property of the Supreme Court if it discharges all of its duties under the agreement).

d) Provide furniture in support of the project's activities.

For its part, the Supreme Court is to:

a) Facilitate the use of physical space and of furniture to complement the ILANUD donations.

b) Assume the salary obligations of the activities' staff once funding for this purpose from ILANUD ceases.

c) Allow ILANUD to utilize the experience gained from the pilot activity in order to further the related programs in other countries.

d) Cooperate with ILANUD's goal of promoting statistical studies and operations in the region.

e) Create an advisory committee composed of representatives of several interested organizations. This committee is to be in charge of directing the technical part of the activity.

The agreement was to have lasted for two years, lapsing on April 15, 1988. However, it is renewable automatically for similar periods as long as neither of the parties gives three months' advance notice of intent to withdraw.

The activity is under the direction of Mr. Rafael Camilo Amarante. The staff consists of four technicians and a secretary. They are all presently working in borrowed offices, two rooms a short distance apart from one another. The new building, to be used exclusively for the Supreme Court's Statistics Department in which this activity is located, is approximately 80% finished. The space to be used by the activity gives the impression of being somewhat small for the required tasks. Apart from the delay in completing the physical facility, the advisory committee mentioned above has not yet been instituted.

Presently the Department of Statistics is processing about 3,000 forms per month sent by all the courts in the country. The processing is done manually because the computer to be supplied by ILANUD has not yet arrived. Indeed, the software system to be used and the type of computer to be used have not been decided on. ILANUD's project Director recommended an IBM system 36, but people who were interviewed in the Dominican Republic did not agree with this choice since that IBM model has been discontinued. Recently a team of technical experts contracted by RAJO examined this activity and recommended a different computer system than the one presently under consideration.

ILANUD has not exercised strong leadership in this activity. A specific schedule of achievement should be set up that would detect any additional delays as they occur. It was the absence of milestones that allowed delays to go by unnoticed for so long.

b. Compilation of Juridical Documents

The Dominican Republic may host an activity on this topic, but at the time of the evaluation there was only a draft agreement in preparation. No activities will be undertaken until the formal agreement is completed and signed. Meanwhile the A.I.D. Mission agreed to use counterpart funds to support an effort by the Office of the President to systematize the ordering and retrieval of information on legislation. After some discussion it has been agreed in principle that ILANUD's technical advice will be sought to assure the compatibility of that effort with any similar activity undertaken by the Supreme Court.

c. Libraries/Document Center

In 1986 the Dominican Republic signed a two year agreement with ILANUD for a library program that runs until April 15, 1988. This agreement is similar to those signed by ILANUD with other countries. The library has been delivered by ILANUD. It is housed in the Supreme Court building. The books are well kept, and the library is well attended. There were always people reading during the occasions on which the evaluation team members visited it. The atmosphere was one of peaceful work and productivity. The librarian was competent and cooperative.

As in most of the region, the ILANUD-sponsored Document Center is almost unknown in the Dominican Republic. The general public and even justice sector personnel are not aware of its existence nor of what services they can obtain from it.

d. Judicial Administration

The Judicial Administration program remains in the planning stage. The only tangible action so far is that a study of the Supreme Court's archival system has been undertaken in order to develop a proposal for assistance from ILANUD.

2. National Requests

In addition to the assistance outlined above, ILANUD has provided the following technical assistance in response to requests from the Dominican Republic:

- -- assistance in preparing a draft reform of the Constitution and of the organic law of the judicial branch and a draft law for a judicial career,
- -- provision of basic equipment to the Supreme Court,
- -- support of a workshop by the National Lawyers Association on the role of it's women lawyers,
- -- support for an International Congress agrarian law orgainzed by the University Santiago Marie de Hostos,
- -- organization of a visit by judicial staff to the courts in Puerto Rico.

All in all, ILANUD has provided some 429 consultant days of assistance.

The Dominican Republic made the following requests, which include both technical assistance and training components for 1988:

-- Assistance in the revision of the code of Criminal Procedure.

-- Training for justices of the peace in the Southwest, North, Central, and Eastern regions.

-- Training for attorneys in the Ministry of Justice

-- Assistance in drafting of a procedural manual for justices of the peace.

-- Assistance in drafting of a manual for administrative procedure.

-- Workshop for court clerks of Santo Domingo.

-- Assistance in improving judicial archives.

-- Support for programs of the judicial school.

-- Support for the National Commission.

-- Support for the Resident Coordinator's office.

The staff of the Supreme Court also mentioned that it would like help in establishing a judicial career system.

3. Responsiveness and Impact

Apart from the obvious failing in relation to the judicial statistics project, it is hard to judge ILANUD's responsiveness since the requests from the Dominican Republic are not prioritized or integrated into an overall plan. However, there does seem to be a general feeling that ILANUD tries to be helpful, but is impeded by administrative problems. Specific complaints were made by the Supreme Court about ILANUD's not responding to its interest in having a judicial school.

So far, only the judicial statistics and the library programs have become operational in the Dominican Republic. Both have had some impact. The statistical program has been helpful in identifying the workloads and backlogs under which the courts are operating. Delays can now be quantified according to court, region, and time of year. The availability of this new source of information on court operations led to a circular order by the Chief Justice in October 1987 that Saturdays be instituted as working days in order to reduce the backlogs that the statistical studies had revealed. In the case of the library program one can

expect that the books donated by ILANUD now will lead to a greater dissemination of knowledge about the law.

4. Problems and Recommendations

Problem 1: The Judicial Statistics activity is being delayed by ILANUD's not making a decision on the choice of computer equipment and programs to be used.

Recommendation 1: ILANUD should use the recent report of computer consultants to purchase and make available the necessary equipment.

Problem 2: The Office of the President, with A.I.D. financial help, is undertaking a project to codify and computerize existing legislation.

Recommendation 2: The Mission and ILANUD should provide assistance to the Office of the President to assure the compatibility of its effort with those of the Regional Project.

Problem 3: The components of the yearly request for assistance form ILANUD are not prioritized nor do they constitute an integrated program.

Recommendation 3: ILANUD should work with the Resident Coordinator and the National Committee to achieve a more coherent program of assistance.

C. Training

1. Size and Nature of Training Provided

As with the overall program, the size and nature of the training program for the Dominican Republic has been determined on an annual basis. ILANUD's planning process for training activities is discussed in the main narrative of this final report. Observations, conclusions and recommendations for improved planning are set forth.

The evaluator responsible for assessing training attended a four-hour meeting in San José, Costa Rica at which two staff members from the Dominican Supreme Court, the Dominican Resident Coordinator and ILANUD's staff carefully reviewed and revised the 1988 training schedule proposed for the Dominican Republic. Further time (about four additional hours) was set aside for the Dominicans to review and suggest changes for course objectives and content. They also provided information regarding suitable Dominican instructors for the programs. Even though this review was costly, it was worthwhile in terms of assuring a significant host-country input and making it more of a Dominican program.

As noted in the main body of this Final Report, ILANUD training activities have far exceeded original targets in the Project Paper, which were not shown by country. In the Dominican Republic a large number of persons (724) associated with the justice system will have received training in 26 regional and 15 national training programs by the end of 1988. The scope and size of the Dominican program are justified since a bilateral project is not planned during 1988.

Forty-four days of national training will have been provided to 649 persons from the judicial system. Furthermore, at least 75 judicial system personnel will have been given 107 days of regional training activities by the end of 1988.

Training costs, including budgeted amounts and ILANUD's observations on actual costs, are discussed in detail in the text of the Final Report. The ILANUD Training Department did not have reports or summaries of training costs by individual countries. We were unable to compare ILANUD's training costs in the Dominican Republic with comparable outside training. However, we did find ILANUD's budgeted and average actual training costs to be reasonable and in some cases lower than those of other institutions.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in the Dominican Republic through the end of 1988.

DOMINICAN REPUBLIC PARTICIPANTS IN REGIONAL ACTIVITIES BY NO. OF DAYS AND ACTIVITY

Training Activity	# Days	# Participants from Dominican Republic
Regional Training Activities Completed		
1. Regional Course: Control of Non-Conventional Delinquency ILANUD, Costa Rica, October 7 to 31, 1985.	20	4
2. Regional Seminar: Upgrading of the Administration of Justice for Legislators. Antigua, Guatemala, March 19-21, 1986.	3	4
3. Regional Course: Function and institutionalization of Agrarian Justice	11	4
4. Regional Course: Public Defenders. ILANUD, Costa Rica, April 7-25, 1986.	15	2
5. Regional Workshop: Revision of Juridical Thesaurus. ILANUD, Costa Rica, June 11-14, 1986.	4	6
6. Regional Workshop: Criminal Justice Statistics, Hotel Santo Domingo, Dominican Republic, June 25-27, 1986.	3	4
7. Regional Course: Organization and Operation of the Public Ministry. Hotel Honduras Maya, Tegucigalpa, July 14-25, 1986.	10	3
8. Regional Symposium: Function of Costa Rican Judicial Power. San Jose, Costa Rica	3	3
9. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	6

Training Activity	# Days	# Participants from Dominican Republic
10. Regional Seminar: Human Rights and the Administration of Juvenile Justice. ILANUD, Costa Rica, May 4-14, 1987.	10	2
11. Regional Course: Criminal Process System. Quito, Ecuador, June 22 to July 4, 1987	10	3
12. Regional Workshop: Court Administration. Guatemala City, Guatemala, September 21-25, 1987.	5	2
13. Study Tour: Dominican Republic Court Officials visit Puerto Rico to study Court Administration, October 27-31, 1987.	4	6
14. Study Tour: Criminal Process Reform in Argentina, Buenos Aires, Cordoba, November 2-15, 1987.	10	2
15. Regional Seminar: Human Rights for the Child and Minors, Mexico D.F.	5	3
Regional Completed Subtotals:	123	54
* Regional Project Activities Planned (1988)		
16. Study Tour: Administration of U.S. and Puerto Rican courts	11	1
17. Workshop: Court Administration, Lima, Peru.	5	2 (or 3)
18. Seminar: Environmental Protection, Dominican Republic.	4	4 (or 5)

* Data on number of Dominicans scheduled to attend Regional Workshops are estimates based on an even distribution of participants from the countries invited.

Training Activities	# Days	# Participants from Dominican Republic
19. Graduate Course: Specialization in Criminal Science, Madrid, Spain.	10	Undetermined
20. Study Tour: Judicial Training in the United States	12	3
21. Workshop: Human Resources training for Judicial Representatives, San Jose, Costa Rica.	5	1 (or 2)
22. Course: Public Defense, San Jose, Costa Rica.	12	3
23. Seminar: Legislation Role in Improving Justice, San Jose, Costa Rica.	3	2
24. Seminar: Judicial Information, Guatemala.	4	2
25. Workshop: Judicial Statistics, Dominican Republic.	3	3
26. Seminar: Prison Alternatives, Honduras.	5	undetermined
Regional Planned Subtotals:	74	21
Completed and Planned Regional and National Totals:	197	75

DOMINICAN REPUBLIC PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN NATIONAL ACTIVITIES

	Training Activity	# Days	# Participants from Dominican Republic
	National Training Completed		
1.	National Seminar: Alguaciles (Bailiffs) Central Bank, Dominican Republic, October 16-18, 1986.	3	46
2.	National Seminar: Alguaciles (Bailiffs), Santiago de los Caballeros, Dominican Republic, March 5-7, 1987.	3	49
3.	National Seminar: Alguaciles (Bailiffs), Dominican Republic. Barahona, July 16-18, 1987. San Pedro de Macoris, July 20-22, 1987.	3	89
4.	National Seminar: Criminal Court Judges, Santo Domingo, Dominican Republic, September 3-5, 1987.	3	35
	National Completed Subtotals:	12	219
	National Training Planned for 1988		
5.	National Seminar: Justices of the Peace, Southwest Region, San Juan de la Maguana, Dominican Republic, April 6-8, 1988.	3	30
6.	National Seminar: Justices of the Peace, Northeast Region, San Pedro de Macoris, Dominican Republic, April 11-13, 1988.	3	30
7.	National Seminar: Justices of the Peace, Northern Region, Montecristic, Dominican Republic, April 14-16, 1988.	3	30
8.	National Seminar: Public Ministry, Santo Domingo, Dominican Republic, August 13-15, 1988.	3	40

Training Activity	# Days	# Participants from Dominican Republic
9. National Workshop: Court Administration for Court Secretaries, Santo Domingo, Dominican Republic, August 16-17, 1988.	2	30
10. National Symposium: Evaluation of Alguaciles Training.	1	20
11. National Course: Modern Mixed Criminal Processing, Santo Domingo, Dominican Republic.	4	50
12. National Seminar: Representatives of the Public Ministry, Santo Domingo.	3	35
13. National Workshop: Revision of the Criminal Code Procedures, Santo Domingo, Dominican Republic.	2	20
14. National Seminar: Justices of the Peace Manual.	2	35
15. National Seminar: Justices of the Peace, Dominican Republic.	6	110
National Planned Subtotals:	32	430
Completed and Planned National Training Totals:	44	649

2. Importance of Training Provided and Relationship to Other Project Components

In our meetings with Mission and Dominican justice sector officials, the general consensus was that the ILANUD training could be important and could fill specific needs of the justice system. We found that the development of adequate human resources at the lower levels of the system and for support staff was a primary concern. For example, GODR and USAID/Santo Domingo officials gave high priority to the training of justices of the peace and alguaciles (bailiffs).

We found some relationships between the training provided and other Project components. As noted in the main text's conclusions and recommendations, ILANUD should devote more time and effort to planning and evaluating all Project components. Part of the planning efforts should be targeted at more conscious and programmed inter-relationships among all Project components. In the Dominican Republic we were unable to identify a planned strategy to tie all training activities to other project components.

A variety of factors adversely affected planning in and for the Dominican Republic. The Embassy and the Mission were not advocates for the Regional Project nor are they yet in favor of developing a bilateral justice project. We observed that coordination and working relationships among the actors at times were strained and counterproductive for an atmosphere conducive to the planning and implementing of difficult and complex programs.

3. Quality of Training

Apart from a significant number of interviews with key personalities in the justice system, we interviewed 28 ex-participants, mainly from the capital area, Santo Domingo. The ILANUD evaluation instrument (see Annex 4) developed by the evaluation team was utilized. The ex-participant sample consisted of the levels of persons listed below:

Category	Number Interviewed
Upper-level judge	1
Mid-level judge	5
Supreme court staff employees	1
Justice of the peace	2
Bailiff (Alguacile)	9
USAID employee	1
Prosecutor	2
Attorney general	1
* Private Practice	6
TOTAL:	28

* Most of those interviewed who are now in private practice were GODR employees when trained. They left the government when the new President was elected. Personnel turn-over in the Dominican Republic due to politics is a serious concern.

The responses of the 28 Dominican ex-participants interviewed are summarized below in the evaluative areas which follow. For a complete tabulation of responses and transcript of comments given by ex-participants, please see Appendix 2 of this Country Annex.

Although the questionnaire was one of the main vehicles for forming any judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials, interviews with ex-participants who did not complete the questionnaires, etc. In general, possibly because of the Dominicans' tendency to respect instructors and education/training, we found the questionnaire results and comments to be more positive than we learned from other sources. Comments tended to vary greatly because of the sample interviewed, but they do reveal same trends. They tended to be less optimistic regarding lasting positive impact, long-term effects, and ILANUD's role as a catalyst to improve the Dominican Republic's justice system.

As noted in the problems and recommendations section, the evaluators did not encounter any data base of evaluative information prepared by ILANUD for the Dominican Republic training program. The sample for this evaluation was limited and included ex-trainees from a variety of regional and national activities. Thus, the comments under a particular question may seem unorganized and at times even contradictory. Nevertheless, the evaluation pulled together all of the diversified findings and other sources in reaching conclusions or judgments.

a. Materials

All the Dominicans interviewed responded that ILANUD instructional materials were in accord with the level and content of the activities they attended. There were some negative comments and suggestions in some remarks in the question about how to improve the course. One person said, "I did not like the way materials were prepared and distributed."

b. Preparation of Instructors

Dominicans gave their ILANUD's instructors high ratings. Of 26 responding all said their instructors were well qualified; 22 of 24 felt them to have had the required experience; and, 19 of 21 reported that their teachers were adequately prepared. Participants also suggested that ILANUD make sure that instructors really "know the local Dominican situation" before assigning them to teach there. Even though we heard such criticism about lack of local situation knowledge, participants placed high value on hearing from "name people" and on traveling to other countries to exchange ideas at the international level.

Relying on all of the data gathered and observations made, the evaluation agreed with ex-trainees that in the Dominican Republic instructors were academically well qualified and generally well prepared. However, we did observe that ILANUD needs to tighten up its planning process for each course at the national level to insure that each party (including instructors)

understands its responsibilities, has adequate preparation time, and is fully cognizant of the local Dominican situation and special needs. This implies longer courses and fuller use of local instructors, which in turn could mean higher actual costs for improved training programs.

c. Views of Participants

Every participant who answered reported that the course content met his or her expectations; all said that the course served their and their colleagues' professional growth; and everyone clearly understood the specific and general course objectives.

In terms of instructional quality, 23 of 27 respondents felt the specific and general course objectives were met, and 25 who responded said they were utilizing the material learned. In the Dominican Republic as in other countries, a large number of respondents gave the opinion that the courses were too short for what was to be covered.

d. Selection Process

ILANUD does not exert a leadership role in the selection process. It was found that most candidates are named by their sponsoring organization and applications are reviewed by the ILANUD Training Department staff. Only occasionally are candidates rejected and/or replaced. In a general way, course announcements describe the type of persons to be trained, but, to our knowledge, actual selection criteria have not been developed. In the Dominican Republic, the Mission Project Coordinator appeared to be active in the selection process.

4. Impact Achieved To Date

a. Work of Participants

Most ex-participants (27 of 28) considered the administration justice courses to be useful, and 17 of 25 reported changes in the judicial system in the Dominican Republic. Comments reported that individual and co-workers were doing their specific responsibilities better, but there have been no fundamental changes in the system. It was evident that ILANUD's human rights training was having some impact at least in how individuals viewed their own roles in the administration of justice. Actual responsibilities and jobs were not dramatically affected, but most Dominicans felt that they were more responsible as individuals and were actually improving their work. However, when queried further, the Dominicans could not explain exactly how they had changed.

Based on our analysis and all of the other information we gathered, our conclusions were not as optimistic as the Dominican ex-participants' views of ILANUD training impact. When the basic system is unjust and has obvious deficiencies, short-intensive, and this case, probably well-done courses, are not the only or major solution to reforming the Dominicans' administration of justice. The evaluation concluded that, according to ex-trainees, there appears to be some perceived instances of improvement in individuals' attitudes, awareness of problems, and personal work performance. As noted above, we were unable to verify these changes even verbally. In conclusion, we could not verify any fundamental or basic changes of the administration of justice system.

b. Spread Affect

The evaluation found no planned or programmed spread effect nor formal courses started as a result of ILANUD training in the Dominican Republic justice training program. We found no conclusive proof of any significant number of formal training programs being organized and carried out by ex-ILANUD participants. As in other countries, individuals informally and on their own initiative were passing on information to co-workers, subordinates, university students, and in a more limited way to members of the community.

c. Support of the Other Project Components

Within the Dominican Republic, we did not find a comprehensive plan for inter-relationships of the various ILANUD project components.

5. Future Plans

The Mission does not have current plans for a bilateral justice project on the drawing boards. Therefore, the Dominican Republic will have to depend on ILANUD to cover most of its national training needs, unless the GODR decides to fund such training on its own. For 1988, eleven regional training programs for 74 days are planned for 21 Dominicans. In 1988, eleven national level activities are scheduled for 32 days for 430 Dominican participants.

6. Problems and Recommendations

The problems and recommendations common to ILANUD's training activities in all the core countries are covered in the main volume of this report. In addition, there are three problems particular to the Dominican Republic.

a. Problem 1 - A high percentage of ILANUD trainees have left the justice system due to politics since each time the

GODR changes, everyone is automatically fired. This problem is pervasive throughout the GODR.

Recommendation 1 - This situation needs to be addressed in any bilateral action plan which is undertaken.

b. Problem 2 - In our conversations with ex-participants and others we heard continually that corruption is rampant throughout all levels of the justice system.

Recommendation 2 - ILANUD should consider developing a strong ethics training module for inclusion in all Dominican Republic ILANUD courses, similar to its current practice for human rights instruction in all courses. The evaluators are not so naive as to believe these units will cure a basic problem, but they may help somewhat.

c. Problem 3 - There is a strong controversy over the training of bailiffs. RAJO thinks that too many courses have been given to bailiffs who according to RAJO, are mainly summons servers; and thus resources are being wasted. On the other hand, the predominant view in our interviews with USAID and GODR officials was that bailiffs should receive more training.

Recommendation 3 - A national seminar to evaluate bailiff (alguacile) training is scheduled for 1988. When the results are known, a policy decision needs to be reached on the future of bailiff (alguacile) training.

D. Preparation of Action Programs

1. State of Preparation of Bilateral Program and Future Plans

The Mission has not given much thought to what action programs it might encourage or support for the reform of the criminal justice system. This is the result of several factors. First, the work on the Sector Assessment is still underway. Second, as discussed above, the National Commission has not achieved a significant role in or the ability to generate and sponsor proposals for activities. It is under the domination of the President of the Supreme Court who appears to be mainly interested in the forming of a judicial school under the direction of the Court. Third, the Ambassador and the Mission Director have concluded that the USG should not try to push its own views--or be seen as trying to push its own views; but rather they should follow the lead of the GODR on this topic. They are skeptical that the current political situation in the country is propitious for an effort to reform the conduct of the criminal

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justice system especially given the widespread corruption which has infected that system and the degree to which the executive dominates the judicial branch. Indeed, the earlier attempt by RAJO to encourage the Mission to commit itself to use the Sector Assessment as a basis for future action programs was one of the factors leading to the long delay in the Assessment's being undertaken. Fourth, because of the factors discussed elsewhere in this report, the working relationships between the Mission and RAJO/FIU have not been good; and thus the latter have not been able to be as effective advisors to the Mission in its consideration of possible future programs as they have in other countries. Fifth, the Mission is concerned about the increase in its own workload and the call on its budget that would result from undertaking additional activities, and thus it intends to be very conservative in undertaking any additional activities.

As a result of these factors the Mission is not planning to consider any action activities during the remainder of FY 1988. After it has reviewed the Sector Assessment being prepared by FIU and the Dominican team, the Mission will review the overall situation. However, the Mission does not plan to reach any conclusions until the new Ambassador has had a chance to become acquainted with the issues. Thus, it is not likely that there will be any serious consideration given to the preparation of a bilaterally funded activity until the fall of 1988.

2. Involvement of ILANUD

To date ILANUD has had no involvement with the Mission in discussions concerning possible future action programs. The main reason is that the Mission has not wanted to discuss such possible activities because of the reasons described above. In addition, it has been RAJO and FIU which have taken the lead in discussing the future and the conduct of the Sector Assessment with the Mission.

ILANUD has had considerable contact with the Mission and the Supreme Court on the conduct of the regional training and technical assistance programs. As a result of those contacts, the Mission and the Supreme Court are aware of ILANUD and its capabilities. They see ILANUD as in need of strengthening in its planning and administration which have been taxed by the rapid growth experienced in response to the demands of the regional Project, and they recommend that ILANUD devote more attention to improving its communications with local institutions and understanding their needs. They criticize the slowness of ILANUD's procurement procedures and other decision making, and the Supreme Court staff would like to see the Resident Coordinator given more authority by ILANUD so that he could take actions on its behalf in order to accelerate implementation.

Despite its views that ILANUD needs further strengthening, the Mission has taken the position that any bilaterally funded activities in the administration of criminal justice in the Dominican Republic should be prepared and implemented by ILANUD, and that A.I.D. (presumably through the Regional Project) should do what is necessary for ILANUD to perform those tasks. Neither RAJO nor LAC/DI has accepted that approach as feasible. Perhaps because of that ILANUD has not been encouraged to prepare a proposal for the Mission concerning its interest in or capability for preparing and implementing activities to carry out a national effort with A.I.D. assistance. The issue has been put aside until the Sector Assessment is completed.

3. Conclusion and Recommendations

The most serious obstacle to the preparation of activities to build on the regional Project is the lack of a good working relationship between the Mission and RAJO (and secondarily with FIU and ILANUD). Of course, there are serious circumstances hindering the prospects for activities in this field. There do not yet seem to be enough key institutions and persons in the Dominican Republic who support a significant reform of the administration of criminal justice, and ILANUD's capability to carry out an entire country program is questionable. However, these important topics are not likely to be dealt with until the Mission and RAJO begin to work cooperatively. Thus, achieving that kind of relationship should be the first role of business. (See further discussion in Section III B below.)

E. Policy Dialogue

1. Experience to Date

There has been no formal policy dialogue between representatives of the USG and the GODR on the reform of the criminal justice system or the activities being carried out under the Regional Project. Both the Ambassador and the Mission Director place greater importance on other issues-- especially on various aspects of the management of the economy; and they are skeptical that conditions are ripe for obtaining results from any policy dialogue undertaken on the administration of criminal justice. Furthermore, as stated above, the Ambassador is concerned that the USG not get ahead of the GODR on the topic, and thus he has not been in favor of representatives of the USG seeking to exert influence on the GODR.

There have been discussions between RAJO and the Supreme Court and other local institutions involved in the administration of criminal justice, but these have been for gathering views and information and preparing the operation of the training and technical assistance activities of the Regional Project. They have not sought to bring about changes in the operation of the

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justice system and its institutions. Similarly, the activity of the Resident Coordinator has been largely limited to facilitating the operation of those training and technical assistance activities. Indeed, despite his being paid with A.I.D. funds and being under the supervision of the Mission, the Resident Coordinator has been instructed not to present himself as a representative of the USG.

2. Future Plans

Currently there are no plans for the conduct of a policy dialogue with the GODR on this topic. The relative importance assigned to it by the Ambassador and the Mission Director is the same as before. They see the need to identify steps which the GODR should take to indicate that it, in fact, is interested in moving forward in improving the criminal justice system; but they do not think that A.I.D. should seek to influence the GODR to take those steps. Furthermore, the Mission Director doubts that the level of resources likely to be devoted to the topic will provide the Mission with useful leverage for such a dialogue.

3. Conclusions and Recommendations

The lack of a policy dialogue to date has not had a significant, adverse effect on the conduct of the Regional Project although the technical assistance activities of ILANUD might have been implemented more expeditiously if the Mission had been willing to address the problems more openly. However, it is difficult to imagine that any future action program would have much chance of success without being supported by some conscious policy dialogue. This is especially so given the difficult circumstances facing any reform effort in the Dominican Republic. Even if ILANUD becomes the major, or exclusive, implementing agent for an action program, it is likely to need support from local institutions and the GODR from time to time. It would seem better for the Mission to be involved in providing that support rather than leaving the task to RAJO or A.I.D./W.

III. Guidance and Monitoring by A.I.D.

A. Roles of the Parties

The basic assignments of responsibilities under the Regional Project have been followed in the Dominican Republic. A.I.D./W provides overall guidance and backstopping support for the Project's activities. RAJO is the office responsible for the conduct of the Project's activities. ILANUD and FIU are the main implementing agents of the activities, including almost all the procurement of goods and services for use by the Project's activities. The Mission provides guidance to RAJO, ILANUD and FIU concerning local conditions, and has the right to object to

any proposed activities in country under the Regional Project. The degree to which the Mission also has responsibility for assisting in the implementation of the regionally funded activities is not clear. However, the Regional Project finances the salary of the Resident Coordinator who is employed by the Mission to assist it and ILANUD in meeting their respective responsibilities. The Resident Coordinator, who is a former judge, reports to the Chief of the Human Resources Division, who spends approximately 10% of her time on the Project.

The parties have related to each other largely through verbal communications--both by telephone and through occasional visits to the Dominican Republic by representatives of RAJO, ILANUD and FIU. Representatives of A.I.D./W have not visited the Mission to observe or discuss the operation of the Project's activities. There are periodic written reports by the Mission and the Embassy to the interagency group in Washington which oversees this and other projects involved in the fostering of democratic development. However, the purpose of these reports appears to be to provide information for the record. They have not been used as the basis for addressing problems or for project monitoring.

B. Relations Among the Parties

The relationships among the parties have not been good. There appear to have been several reasons for this. First, the Mission believed that the regional activities in the Dominican Republic had been forced on it by A.I.D./W and RAJO. It questioned whether the local conditions made it appropriate for the Dominican Republic to participate in the Project. The Mission did not participate in the preparation of the Regional Project, and concluded that its advice and guidance had been ignored.

Second, the Embassy and the Mission maintained that RAJO, FIU and ILANUD needed to obtain clearances before sending representatives to the Dominican Republic in connection with the activities funded by the Regional Project, and should inform the Mission beforehand what they planned to do with local institutions with which the Project was working. RAJO, FIU and ILANUD did not accept that position; and, in fact, they often did not seek advance clearance for the visits of their representatives. At present, RAJO accepts the need to obtain prior clearance for visits of its representatives, but does not accept the right of the Mission to dictate how it will conduct its relations with the local institutions.

Third, RAJO and FIU concluded that the Mission was not being supportive of the activities which they were charged to carry out under the Regional Project. They saw their own ability to meet the expectations of A.I.D./W being undercut by the attitude of the Mission.

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Fourth, it has not been possible for the Resident Coordinator to satisfy his two masters--the Mission and ILANUD. His task was made extremely difficult because of the differing views of the Mission and of RAJO/ILANUD on the degree of action which was appropriate in support of the implementation of the activities being funded by the Regional Project.

Fifth, LAC/DI did not attempt to resolve the conflict.

The relationships among the parties appear to have improved somewhat during the past several months. However, there is still underlying tension; and there is still no clear agreement on the extent and manner to which the Mission will be involved in determining the way in which the regional activities are conducted.

C. Conclusions and Recommendations

There is need to achieve a clearer understanding of the degree to which the Mission is to be active in the implementation of the Project's activities in the Dominican Republic and a more harmonious working relationship between the Mission and RAJO/-FIU/ILANUD. That effort should include a clarification of expectations in the work of the Resident Coordinator. RAJO/-FIU/ILANUD will have to convince the Mission that they will respect the Mission's and the Embassy's judgments on the acceptability of their planned actions in the Dominican Republic while the Mission will have to recognize that RAJO/FIU/ILANUD have responsibilities to LAC/DI for the conduct of the Regional Project as well expertise on the topic which merits respect. The Mission has suggested that more frequent meetings of RAJO, LAC/DI and representatives of the Missions involved in the project would be useful. (The last one which took place was in early 1987, and none are currently planned). RAJO and the Mission should meet to discuss how their working relationships can be impoved. LAC/DI could assist by organizing and participating in that discussion. If possible, the discussion should be held prior to the preparation of the draft sector assessment since that event is the key to possible future action programs, and is likely to be seen as a signal of the approach to the sector's problems that will be followed by the USG.

Appendix #1

PERSONS INTERVIEWED IN DOMINICAN REPUBLIC

U.S. EMBASSY

WILSON, Arlen; Political Counselor

USAID

ARMSTRONG, Larry; Capital Projects Office

CHRISTIANSEN-WAGNER, Toni; Chief of Human Resources Division

*GONZALEZ PEREZ, Ramon Oracio; Resident Coordinator

STUKEL, Thomas; Mission Director

FIU

BERGES DREYFUS, Maximo; Sector Assessment Consultant

CASTELLAN, Victor José; Sector Assessment Consultant

LOPEZ PEREIRA, Adriano; Sector Assessment Consultant

PEREZ MEMEN, Fernando; Sector Assessment Consultant

PINA TORIBIO, Cesar Ramon; Sector Assessment Consultant

RIVERA, Tirsa; Sector Assessment Consultant

SALAS, Luis; Chief of Party (also interviewed in Costa Rica)

MEMBERS OF THE SUPREME COURT

CONTIN AYBAR, Nestor; Chief Justice of the Supreme Court

SUPREME COURT STAFF

DIAZ DE SACHEZ, Sonia; Secretary to the Supreme Court

PEREZ DE VANDERHORST, Mildred; Secretary to the Supreme Court

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

MEMBERS OF LOWER COURTS

*CEDEÑO PIMENTEL, Adanela; Judge, First Penal Court

*CESA DELGADO, Juana; Justice of the Peace

*HERRERA CARBUCCIA, Olga Venecia; Justice of the Peace

*LAMARCHE ALIES, Colomba M.; Justice of the Peace

*MELLIARD DE PEREIRA, Bienvenida Virginia; Justice of the Peace

VARGAS, Somnia; Penal Court Judge

PUBLIC MINISTRY

*BURGOS, Lena; Assistant to the Attorney General

CADENA MOQUETE, Francisco; Assistant to the Attorney General

NUÑEZ PEREZ, Pura Luz; Attorney General

LEGISLATIVE BRANCH

RINCON MOJICA, Freddy; National Senator

STATISTICS OFFICE

ACOSTA, Pedro; Member of the Statistics Office

ARACELIZ, Peralta; Member of the Statistics Office

CABRERA, Roberto; Member of the Statistics Office

CAMILO AMARANTE, Rafael; Director of the Statistics Office

GONZALEZ PEREZ, Ramon Horacio; Regional Coordinator of Statistics

JAVIER, Steban; Member of the Statistics Office

ORTIZ, Francisco; Member of the Statistics Office

SOLIS, Clara; Member of the Statistics Office

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

BAILIFFS

GUZMAN, Jesús Armando; Bailiff

*MARTE, Jesús; Bailiff

*MARTINEZ RODRIGUEZ, Miguel E.; Bailiff

PEREZ, Antonio; Bailiff

*PRANDY GERALDINO, Rosendo do Alberto; Bailiff

REINOSO RICHARDO, Pedro Pablo; Bailiff

ROJAS SALOMON, Luis Mariano; Bailiff

*SOTO GUERRERO, José Maria; Bailiff

*TAVERAZ G., Fracisco A.; Bailiff

BAR ASSOCIATION

VALLEJO, Rafael; Attorney and President of the Bar Association

PRIVATE PRACTICE

*ACOSTA SENA, Olga Virgina; Attorney

ANDUJAR, Sócrates; Attorney

*CASTILLO, Isabel; Attorney

FINCH, James; Attorney

GARCIA DE PEÑA, Luis V.; Attorney

*MARIANO MATOS, Milagros; Attorney

*PEREZ GOMEZ, José; Attorney

*VICHEZ GONZALEZ, Luis Bienvenido; Attorney

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

UNIVERSITIES

ADUJAR, Socrates; Ex-participant of a Postgraduate Course in Agrarian Law at the University of Costa Rica(UCR)

ALBURQUERQUE, Rafael; Dean of the School of Law, Autonomous University of Santo Domingo(UASD)

CASTILLO, Isabel; Ex-participant of a Postgraduate Course in Penal Sciences at the University of Costa Rica

TAVAREZ, Froilan; Professor at the Autonomous University of Santo Domingo(UASD)

USIS

MOYER, Lissette; Cultural Attache

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

Appendix 2

COMPLETE TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Yes	26
No	0
Not answered	2

Comments: I started learning more on my own initiative after the course. It helped clarify social and moral issues regarding an improved justice system. The course was objective and treated practical aspects of my job. Yes, but only in part. I only attended part of the course. Part of the workshop reaffirmed the state of the country's justice system. It covered a variety of Latin American countries. Partially. Totally.

2. Did the course serve your and your colleagues' professional growth?

Yes	27
No	0
Not answered	1

Comments: My personal benefit was very positive but my co-workers need to apply what was taught. It is very affirmative. It served to broaden my learning but not in application because our laws are different. I learned a lot that a First Instance Judge can apply.

3. Did you clearly understand the specific and general course objectives?

Positive	27
Negative	0
Not answered	1

Comments: Yes, in most aspects (2 people). Clearly. Perfectly (2 people). One comment unreadable. I understood them.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	23
Negative	0
Not answered	1

Comments: Starting with the course I have learned more. All of the course content was in the materials presented. In a precise manner in each component. Yes, very well.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

   a. were well qualified?

Positive	26
Negative	0
Not answered	2

   b. had the required experience?

Positive	22
Negative	2
Not answered	4

   c. were adequately prepared?

Positive	19
Negative	2
Not answered	3

Comments: I voted no because this was the first such course and no one had such experience. Nothing negative excellent - "Profesor Zeledon." The teacher is excellent with the advantage he is a specialist in his area. I think the persons utilized should have had experience in the subjects taught in our society and judicial system.

2. Were the specific and general objectives met?

Positive	23
Negative	4
Not answered	1

Comments: Not totally, because the improvement of lower level bailiffs was missing. In the main, yes, but there are still holes in the justice system which have not been covered. Yes, I reached the specific objectives because I gained more knowledge in my field. For the most part yes, because they covered theory and cleared up other things. Doubts existed and they were not all met but the objectives were met. The experience gained has to be complemented with legislative modifications. In part, because time was not sufficient to really finish the course content. No, I

believe there were many opinions and contradictions in the small groups. No, it was not met in total because they did not adapt to our system. Yes, but there should be more study or at least do it more often. Amply.

3. Specify your level of utilization.

Positive	25
Negative	0
Not answered	3

Comments: The level of utilization was effective because they clarified many specifics that we didn't know. I am continuing my studies to learn more about the judicial system. It was broad and I got an understanding that I didn't have but I haven't used it. This course was very useful in some things. I was very satisfied with the course and so were my classmates. I learned a lot about practice and what judges say is not sacred and I got to know my colleagues. It was good for the needs of the class. I had the opportunity to learn about laws, their application, and how to use them with the justice of the peace. Unreadable comment. I learned new things about judicial statistics. I have used the course in practice. Very good. Excellent. Very good. The course was excellent and is pertinent to agrarian problems in our country. Very good. Very good if you take into account the differences with our current legislation. Very good. Very important. Even though I said the objectives were not met, there were useful experiences at the group level. Total. It reaffirmed my knowledge about judicial investigation. Grade - A. 80% (good). Good. I learned the situation of the rights of minors and children.

4. What suggestions would you make to improve the course?

Not answered	5

Comments: Include persons from other levels of my job (bailiffs) (2 people said this). Increase the amount of training for all judicial personnel. Repeat the course but with more time (3 people). More time and in more detail for certain subjects. Make it cover more of the subject. I don't have any suggestions - format was very good. Make the course least one month. Make sure all participants are in the subject area taught. Make sure the instructors really know the subject for the local situation. The post graduate course should lead to a degree. Course was fine. I didn't like the way the materials were prepared and distributed. Make sure the content corresponds to the objectives. Overall, the course was good but some of the instructors were weak. More participation of students, make sure

content is relative to our situation, and more time to cover the materials. Stress investigation more. More courses are needed for our country. More time.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	27
Negative	1
Not answered	0

Comments: Yes. Many benefited who did not know the judicial norms in general. I consider that these courses for bailiffs in justice administration have been useful for those who understood and wanted to improve. No, because they have trained these people and then after training have not followed up. Clearly, even more when you cover the point about "liberty." Yes, it will help those who serve in it. Yes, in my case and for many of my classmates, I understand they are creating a consciousness of how justice functions. They have been very useful and given many functionaries the opportunity to better themselves. Yes, in order to have a better administration of justice. Maybe more than necessary. We believe the same should be applied to our profession to have more participation. They are very useful if we had more opportunity to apply them here. A lot. Very useful. To a certain point, but in justice administration, there exist outside elements which influence said administration. Very useful. Unreadable comment. Excellent. Yes, absolutely. Extremely useful.

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	17
Negative	8
Not answered	3

Comments: Yes, because the errors committed by justice administrators have decreased a little. The people know the judicial area better. Naturally, because there is a more scientific understanding because of the course. There has been a change in the system because ILANUD's objectives are to change the system. Fewer knowledge (lack of) errors are being committed. It varies from person to person and from court to court. It has improved in part because of what people have learned (4 people). It is getting better with more attention to prisoners. There is a better administration and a better respect for citizens' rights on the part

of course participants. I think ILANUD's training is having a positive effect on our justice system. More trained judicial personnel is bettering the professionalization of personnel. No, because fundamental changes are needed in our Constitution which would be difficult. Hasn't reached what was expected and desired but some improvements have happened. The training of bailiffs has improved the system. We believe ILANUD should give more emphasis on the agrarian area. Yes, but the real situation has problems. Too early to answer. No, because of the difference in judicial procedures. No, our problems are not just lack of training - it's the situation here. The judges are better trained. No, because there have only been a few courses, but those who have attended have benefited. Yes, in the Public Ministry we have tried to apply our learning.

3. How have you applied your new knowledge about human rights?

Not answered 9

Comments: People deserve to be treated decently. Unreadable comment. I am more careful. I apply it in my presentation of summons. I have applied it in my personal way of treating people. I have always agreed with what ILANUD is teaching and try to treat people with respect. I have talked to my co-workers about insuring peoples' human rights. Unreadable comment. I apply my knowledge in my consultations. I am using it in my profession and as a teacher It is important and I use it in my work with people. In many ways, especially in exercising my profession. 30% to 40%. I have applied in different occasions. I don't always take what the policy report says as fact. Whenever I can and with co-workers. Approximately 40%. I am finishing a pre-project to modify the legal system.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered

Comments: my responsibilities have increased. I am doing more studies because of my new knowledge. Unreadable comment. No change. My responsibilities have not changed but I am more committed to them now. I am developing teaching materials for my university classes which I teach. 90%. I understand my responsibilities better. I am making better investigations than before. I try to apply what I learned. In the breadth of my understanding. I am more dedicated to my responsibilities. More respect for human rights. I have entered law school as a teacher. I am working in an area outside the course content. I have

changed how I see things. About 25%. None. I am more interested in doing good investigations. With my new concepts I have tried to change old notions about justice (penitentiaries, criminology). I have a better perspective to answer questions about laws. Unreadable comment.

5. How have you used your new knowledge in your job and functions?

Not answered 7

Comments: To the maximum. In doing my work I have more confidence. My work is now more accurate. I use the knowledge gained in practice now. I give better service making the court's work advance. I have used what I learned in my university studies. I am more sure of myself because of what I learned. I have more ability to do my work. I have used what I learned about statistics in my dealings with the Supreme Court. I am using my knowledge learned daily. In teaching university classes. I left my job and only use what I learned in teaching university classes. I am using what I learned about human rights in my work. The results of the course were presented to high level Dominican officials. My use has been personal because the GODominican Republic does not recognize such training. Not too much because our situation here is very different. Not much. Putting into practice what I learned. Non-readable comment. I have used what I learned with co-workers. We have applied what we learned when possible. Made recommendations to higher officials.

6. What other benefits did you get from the course?

Not answered 10

Comments: I learned other knowledge which was not part of the formal course. It inspired me to go to law school. Other people seek me out to do work. Friendships with the instructors and classmates (5 people said this). Wider view of the judicial system. Understand prisoners better. Integration of our course into Dominican justice. Better professional preparation. On the contrary, totally frustrated with our own reality. We are writing a book on agrarian law reform. A higher consciousness. Knowing the rules which can be applied to minors. Broadened my knowledge of other systems and judges. Putting it into practice on my job. Better knowledge, we are functioning better.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered 14

Comments: One receives benefits but worries about being fired. Not too many. Having more influence in justice. More effective in my work. Unreadable comment. Very little, we need to modify our legislation. Better cooperation with defense lawyers. Many benefits. We have given lectures - we are going to speak in the National Library February 25, 1988. None, except the satisfaction of being able to understand and help from another angle. Better human relations. Statistics that explain criminal matters in each jurisdiction. Unreadable comment. Having a clear view of our functions. Realization that a more efficient system will help solve social problems.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered

Comments: We recommend that national level personnel be trained periodically (9 people said this). Have follow-up courses. Publish the results of each course (3 people). Get the justice system out of politics. Get better people in the justice system. Form an association or club of ex-participants (2 people). Congress should name members of the Public Ministry. More contact with ex-participants. Being an optimist, and taking into account our situation, think the results of the courses improve judges, lawyers, bailiffs, etc. Our structure is a problem. Be more functional, have more promotion and modifications, and practical applications (2 people). Need to rotate judges as in Costa Rica or other countries. Improve judges' economic situation and improve the courts physically.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or Community? Specify.

Not answered 4
Negative 4

Comments: Yes, verbally to co-workers, lawyers and other people (3 people). No, I haven't had contact in this way. Yes, during practical investigations. To my employees and prisoners in order to accelerate the legal process.

Unreadable comment. During my university teaching. To my students and other university professors (5 people). No. Yes, to my colleagues in a general way (2 people). Yes, to various persons working in the system. Yes, I have talked to other bailiffs about what I learned. I have oriented all of the other bailiffs in my court (7 people). Yes, giving university classes. As Attorney General I can explain the laws and system better.

2. What type of results have you had in passing on such information? Specify.

Not answered	7
Negative	2
Positive	19

Comments: Reaching the people who work for me is difficult because of low ability and lack of seriousness. There is a need to change the laws (2 people). Excellent. A better understanding of our situation - what we can do and be. I have better interviews with the guilty parties. I have been satisfied with my new knowledge. That people understand the need to better or improve the justice system. Very good. Very positive - our law schools do not know agrarian law. Acceptance but with some skepticism. Better treatment of children. I am teaching other persons with more experience. Everyone has learned more. I have given orientation to people who seek it. People understand their functions better. More personal satisfaction. It answered a lot of questions.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	6

Comments: Should give the courses to more judges. Make the courses more national for each country. Provide some of the instructional materials to more people who cannot attend the courses. Have a larger training program for more people (4 people). More training for individuals not in the courts. Have follow-up activities for graduates. Improve the selection of participants. Plan courses by level of function for more people. Do more often. Give more courses for judges in rural areas. Train all at all levels (2 people). Train all justice sector people. Get the GODR to participate more. Hold courses on weekends so as not to interfere with the justice system. Lengthen courses. Put a justice system training institute in our country. Have graduates give classes.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	6
Negative	11
Positive	11

Comment: I have organized ILANUD courses and exchanged postcards. Only with my co-workers. I receive the ILANUD magazine (3 people). Contact with classmates only from Ecuador and Panama. With the University of Costa Rica Law School's faculty. Contact with classmates (5 people). None (4 people). Contact with ILANUD instructors. None after the courses. I always keep in touch with ILANUD personnel. Very little but there should be contact. Only with my instructor. I am continually in contact with ILANUD and my classmates.

2. What would you suggest to have better follow-up in this program?

Not answered	5

Comments: Have additional courses for the same trainers to strengthen persons as they apply their knowledge. More contact with ex-trainers. Continue the courses (4 people). Better communication between the graduates and program coordinators (5 people). Other courses for judges. More training for judges in Costa Rica. There should be a local training institute. ILANUD should be present and develop these courses for the GODR. This program is fabulous but should not be a part of the Supreme Court which is too political. The program should be periodically evaluated to assess results. Unreadable comment (2 people). ILANUD should keep in contact with ex-trainees. Form a club for ILANUD graduates.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered	2

Comments: Supreme Court selected me (10 people). The Attorney General selected me (5 people). A.I.D. scholarship. Because of my experience in defending human rights. Recommended by the Senate (2 people). I volunteered.

Direct selection (2 people). Accidentally I received an invitation from the President of the Supreme Court. Unreadable comment. The University nominated me.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	4
Not answered	3

Comments: Select people who have a future in the system. I don't know how it was done. Have an open competition (4 people). Publicize the courses and open to more people. Have the Supreme Court select the people. Don't let the authorities select the people. Let the authorities select the people. Select by job and level. Establish a selection committee. Select by test. They are doing it correctly now (2 people).

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered	14

Comments: Labor law. Administration. Criminal procedures and jails. Court administration. Law. Sentencing prisoners. Latin American judicial systems. Expansion of judicial systems. Many - any training available. Many - but I need criminology most. Human rights and criminal law. Whatever is given. Application of criminal law. I think these should be a legal training school.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered	5

Comments: Prosecutors and their deputies. Everyone (11 people). Judges and administration personnel. Court secretaries in regional and national courses (4 people). All new personnel. Bailiffs (alguaciles) who work in the jails (2 people). All administrative personnel (2 people). Unreadable comment.

IX. OTHER

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 5

Comments: Training and improving capacity (5 people) a lot of courses. Maintaining a close relationship (3 people). Need to train police. Working in a combined way training and orienting personnel (2 people). Training personnel. Establishing a personnel system (civil service). Unreadable comment. Expanding to other legal fields. Training investigators. Reforming the justice system itself. ILANUD is doing what it can but the Supreme Court has to face a lot of bad situations in our country. Change the system for selecting judges. Give more new courses. None, because their relationship is excellent.

2. What other comments, observations, and/or recommendation would you have?

Not answered 11

Comments: The course and technical assistance are favorable to the administration of justice and should be continued and amplified. It is necessary to maintain and deepen the existing relations between ILANUD and the judicial power. ILANUD should not cancel courses after they are announced. The bailiffs (alguaciles) are blamed for the bad justice system, but it is the whole system that is bad. In our unstable country the judicial and executive branches should be separated. They should look at the basic problems that we have in our system. No civil service, etc. Support a continuing academic level of training in the universities. Give more courses. Promote real communication between graduates and ILANUD, continuing education, and follow-up. More activities and money should be spent on local/national activities. Select better people as students. Make the training address more our local situation. Unreadable comment. More and longer courses. More direct contact by ILANUD in the country. Raise the salaries of bailiffs (alguaciles).

Annex 8

COUNTRY ANNEX - EL SALVADOR

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 8 - El Salvador

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

Annex 8

COUNTRY ANNEX - EL SALVADOR

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COUNTRY ANNEX - EL SALVADOR

I. INTRODUCTION

In contrast to other core countries, El Salvador already had a bilateral Judicial Reform project in place when the Regional Administration of Justice Project was developed. The Salvadoran bilateral program was in response to a series of highly publicized and politically motivated murders and miscarriages of justice in El Salvador. The original Regional Project Paper stated that the Regional Project would respond to identified needs in the Salvadoran justice system with the services to be reimbursed from the bilateral Salvadoran project. During the course of the evaluation, we examined how this arrangement is proceeding.

This Annex reviews some of the major activities planned and accomplished by the Regional Project in El Salvador and the guidance and monitoring of that Project by A.I.D. The major problems facing these activities are identified. Recommendations particular to El Salvador are included. General recommendations applicable to all countries are included in the main volume of this report; they are not included in this annex. Two appendices, which list the persons contacted in El Salvador and complete questionnaire tabulations and transcripts, are included.

II. ACTIVITIES PLANNED AND ACCOMPLISHED

A. Creation and Utilization of National Commissions

There is no national commission in El Salvador in the same sense that there is in the other countries of Central America. The closest body in function to those other national commissions is the Comision Revisora de la Legislacion Salvadorena (CORELESAL) which was created in 1985. It consists of two Supreme Court magistrates, a representative of the Fiscalia, a representative of the Procuraduria, a representative of the Ministry of Justice, a representative of the Ministry of Defense and Public Safety, two representatives of the Bar Association, one representative of the Law School, and one executive secretary appointed by the President of the Republic. In total, there are ten members.

The purpose of CORELESAL is to prepare proposals for modifying current legislation. It is not to act as a coordinating mechanism for the Regional Project or for general improvements to the administration of justice. CORELESAL members are a cohesive group, and they take their jobs seriously. They have their own offices. They meet regularly. The 1987 evaluation of the bilateral project in El Salvador discusses the operation of CORELESAL, and makes recommendations for improving its performance.

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ILANUD does not support CORELESAL. Funds for that purpose come from the bilateral agreement between El Salvador and A.I.D. There is no effective coordination between the Regional and bilateral Projects to deal with or plan for the future of CORELESAL. It does not participate in preparing requests to ILANUD for technical assistance or training. However, CORELESAL was involved in the assessment of the administrative needs of the court system conducted by FIU. The Deputy Director of the study was a staff member of CORELESAL. A technical committee -- composed of the President of the Supreme Court, the Executive Director of CORELESAL, the Mission's Project Manager, and the study team supervisors -- was formed. Periodic reports were rendered to this committee by the study team, and they were advised of the progress of the study. Additionally, the committee participated in all hiring decisions, and CORELESAL interviewed all applicants even prior to their review by FIU. Unfortunately, a dispute arose between CORELESAL and FIU and RAJO over the adequacy of the report. No action plan has yet been produced as a result of the assessment.

B. Technical Assistance from ILANUD

The Regional Project does not have an effective technical assistance program in El Salvador. The absence of collaboration between the regional and bilateral A.I.D. programs is the main impediment to improving the situation.

1. Pilot and Common Programs

El Salvador is not the site of any of the pilot projects being supported by the Regional Project. Interaction between the efforts of the Salvadoran judiciary and the Regional Project has been slight. The situation is detrimental to both the Regional Project and the A.I.D.'s bilateral effort in El Salvador.

a. Judicial Statistics

El Salvador has had a statistical program of its own for some years. At present, the courts send data to the statistics department at the Supreme Court by filling out forms. The Supreme Court wants to modernize the system. ILANUD sent an expert to train the Court's personnel. However, the Salvadorans complain that ILANUD's expert did not stay long enough. They would like to have the assistance of such an expert for six months. Alternatively, one or two Salvadorans might be trained abroad in a statistical center, and then coach their Salvadoran colleagues. A representative of the Supreme Court plans to visit Costa Rica to discuss what approach could be taken. This will be an opportunity for ILANUD to establish a more positive relationship with the Court.

b. Compilation of Documents

El Salvador has no program to organize and make available juridical information. There are no plans for such a program at present. The Salvadoran Supreme court did support a study on the volume and nature of the data handled by the judiciary which was prepared by a local consulting firm. The study recommended several procedures and options for computerization and micro-filming of information. However the report does not appear to be a thorough study, and does not address the topic of the organization and utilization of legislation and judicial decisions. Although El Salvador has made no specific requests of ILANUD for help on the topic, the President of the Supreme Court appears open to such assistance; and, in fact, he plans to visit ILANUD in Costa Rica to learn more about what ILANUD may have to offer. As in the matter of help in judicial statistics, this would be a good occasion to draw El Salvador more into the operation of the Regional Project.

c. Libraries/Document Center

i. Libraries

Under the Regional Project El Salvador received three donated libraries -- one for San Salvador, one for San Miguel, and the third for Santa Ana. Each library consisted of the same 6,000 titles offered to all of the Project-supported libraries in the region. It is estimated by the local staff that only 50 percent of the ILANUD books have arrived; however, under the agreement ILANUD still has several months to complete the donation. Further, local people complained that ILANUD's representatives, who went to El Salvador to train personnel in cataloging and other library techniques, did not stay long enough to do a good job.

The library in San Salvador is housed in the Supreme Court building. However, the library's existence and availability to the public is not well known. The Salvadorans complained that the books received were overwhelmingly on criminal law, while they needed a greater variety of subjects. This criticism reflects the desire of the Salvadorans for more material yet ILANUD's focus has always been on criminal law, and it always was intended that the libraries were to have a criminal law focus.

ii. Document Center

The Document Center is little known in El Salvador. However, CORELESAL is aware of its existence; and it uses its services five or six times a year. CORELESAL has a favorable opinion of the Center.

d. Judicial Administration

The Supreme Court has taken an interest in updating its system of court management, and has placed one of its employees in charge of the efforts. The Court commissioned a local consulting company to produce a report assessing the situation and suggesting steps to follow. Apart from the assessment performed by FIU, ILANUD has not provided any technical assistance to El Salvador on this effort. However, court administration is one of the main components of the proposed bilateral program.

2. National Requests

Apart from training and the technical assistance described above, there have been no formal national requests for assistance from the Regional Project. This reflects the estranged relations between the bilateral and regional programs in El Salvador. On that score, it should be noted that both the A.I.D. Mission and the Salvador organizations offered serious criticisms of ILANUD's technical assistance program. These criticisms include the assertion that ILANUD advisors do not stay long enough to be effective or have an attitude which prevents their understanding and dealing effectively with local conditions. Indeed, many Salvadorans accuse ILANUD of not caring about El Salvador's needs, and of treating the country with apathy, if not conscious avoidance. On the other side, ILANUD asserts that the Salvadoran organizations have not presented their requests in a formal, orderly way which would permit ILANUD to plan to meet them. Rather, ILANUD is expected to adjust its own plans to serve Salvadoran requests on short notice. Furthermore, ILANUD emphasizes the failure of the Salvador institutions and the A.I.D. Mission to prepare any annual plans.

3. Problems and Recommendations

Problem 1: The Salvadoran institutions active in the justice sector and the bilateral program are not utilizing the information and technical advice available from the institutions of the Regional Project. This is due in part to the strained relations between the national and regional institutions.

Recommendation 1: LAC/DI should use its good offices to organize a discussion of the problems which exist between the bilateral and regional programs.

Problem 2: There is no annual plan for the utilization of technical assistance from ILANUD in part because no national institution is charged with preparing one.

Recommendation 2: FAJO and the Mission should consider requesting CORELESAL to assume responsibility for preparing an annual plan.

C. Training

1. Size and Nature of Training Provided

As with the overall program, the size and nature of the training program for El Salvador has been determined on an annual basis. ILANUD's planning process for training activities is discussed in the main narrative of this final report. Observations, conclusions, and recommendations for improved planning are set forth.

Training costs are discussed in detail in the text of the final report including budgeted average levels and observations by the ILANUD Training Department on actual costs. The ILANUD Training Department did not have reports or summaries of training costs by individual countries. We were unable to compare El Salvador training costs with outside comparable training. However, we did find ILANUD's budgeted and average actual training costs to be reasonable and in some cases lower than those of other institutions.

ILANUD usually has been reimbursed for any training conducted for El Salvador out of that country's bilateral justice project. Some reluctance on the part of Salvadoran officials to utilize such reimbursable ILANUD training services was observed during our stay in this country.

As noted in the main body of this Final Report, ILANUD training activities have far exceeded original targets in the Project Paper, which were not shown by country. In El Salvador, by the end of 1988, 334 persons associated with the justice system will have by the end of 1988 received training in 16 regional and two national ILANUD training programs. Six days of national training will have been provided 286 persons from the judicial system. Furthermore, at least 48 judicial system personnel will have been given 137 days of regional training activities by the end of 1988.

El Salvador's participation has remained relatively constant throughout the project, and current ILANUD plans for regional training remain about the same for 1988. However, in 1987 at the national level a large number (236) justices of the peace were trained while only 50 individuals are planned for a 1988 Modern Mixed Penal System. However, the latter activity will be at a different level, both theoretically and by type of participant. It is difficult to determine which type of training is more important. Still, clearly there will be a significant decrease in the numerical size of national programs conducted by ILANUD.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in El Salvador through the end of 1988.

SALVADORAN PARTICIPANTS BY NO. OF DAYS
AND TRAINING ACTIVITY IN REGIONAL PROGRAMS

Training Activities	# Days	# Participants from El Salvado
Activities Completed		
1. Regional Course: Criminal Justice in L.A. ILANUD, San Jose, Costa Rica, September 2-27, 1985	20	4
2. Regional Course: Control of Non-Conventional Delinquency. ILANUD, Costa Rica, October 7-31, 1985.	20	4
3. Regional Workshop: Criminal Justice Statistics, Hotel Santo Domingo, Dominican Republic, June 25-27, 1986.	3	4
4. Regional Course: Organization and Operation of the Public Ministry. Hotel Honduras Maya, Tegucigalpa, July 14-25, 1986.	10	4
5. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	3
6. Regional Course: Agrarian Justice in Central America and Dominican Republic. ILANUD, Costa Rica, March 30-April 10, 1987.	10	3
7. Regional Seminar: Human Rights and the Administration of Juvenile Justice, ILANUD, Costa Rica, May 4-14, 1987.	10	2

Training Activities	# Days	# Participants from El Salvador
8. Regional Course: Criminal Process System, Quito, Ecuador, June 22 to July 4, 1987.	10	3
9. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	4
Regional Completed Subtotals:	98	31
Planned ILANUD 1988 Activities		
10. Regional Study Tour: Court Administration in the U.S. and Puerto Rico, April 11-22, 1988.	11	2
11. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	5	2
12. Regional Seminar: Environmental Protection, Dominican Republic, June 5-8, 1988.	4	4
13. Regional Workshop: Training Human Resources for Judicial Representatives, ILANUD, June 20-24, 1988.	5	2
14. Regional Course: Public Defense, ILANUD, Costa Rica, August 15-26, 1988.	6	3
15. Regional Seminar: The Legislator's Role in Improving the Administration of Justice, ILANUD, Costa Rica, October 5-7, 1988.	3	2
16. Regional Seminar: Justice Information, Guatemala, October 17-21, 1988.	5	2
Regional Planned Subtotals:	39	17
REGIONAL TOTALS:	1[illegible]	48

SALVADORAN PARTICIPANTS BY NO. OF DAYS AND
ACTIVITY IN NATIONAL ACTIVITIES

Training Activities	# Days	# Participants from El Salvador
Activities Completed		
1. National Seminar: Justices of the Peace, San Salvador, Santa Ana, and San Miguel, Summer of 1987.	3	236
National Completed Subtotals:	3	236
ILANUD Activities Planned for 1988		
2. National Course: Modern Mixed Penal System, San Salvador, November 23-25, 1988	3	50
National Planned Subtotals:	3	50
NATIONAL TOTALS:	6	286

Note: An early 1988 planning document showed five national training activities planned for 1988, but the final ILANUD Plan did not show these activities as programmed.

2. Importance of Training Provided and Relationship to Other Project Components

In our meetings with Mission and Salvadoran justice sector officials, the general consensus was that the ILANUD training is important and is filling specific needs of the justice system. We found that the development of adequate human resources at the lower levels of the system and for support staff was a primary concern. For example, the training of justices of the peace and administrative support staff was given high priority by Salvadoran and USAID/San Salvador officials.

We found few relationships between the training provided and other Project components. In El Salvador, we were unable to identify a planned strategy to tie all training activities to other Project components. In fact, negative factors or perceptions, and a lack of trust appeared to be limiting cooperation between ILANUD and Salvadoran entities. As noted in the main text's conclusions and recommendations, ILANUD should devote more

time and effort to planning and evaluating all Project components. Part of the planning efforts should be targeted at more deliberate and programmed inter-relationships between all Project components. In the area of training justice personnel ILANUD could be a valuable and continuing resource for justice sector training needed in El Salvador.

3. Quality of Training

Apart from a significant number of interviews with key personalities in the justice system we interviewed 32 ex-participants, mainly from the capital area. The ILANUD evaluation instrument (See Annex 4) developed by the evaluation team was utilized. The ex-participant sample consisted of the levels of persons listed below:

Category	No. of Participants Interviewed
Upper-level judge	3
Mid-level judge	6
Court staff	3
Prosecutor	3
Legislator	1
Public defenders	1
Justice of the peace	12
Commission member	2
Private practice	1
Total:	32

For the 32 ex-participants interviewed, their responses are summarized below in the evaluative areas which follow. For a complete tabulation of responses and transcripts of written comments given by ex-participants please refer to Appendix 2.

Although the questionnaire was one of the main vehicles for forming judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials, interviews with ex-participants

who did not complete the questionnaires, etc. In general, possibly because of Salvadorans' tendency to respect instructors and education/training, we found the questionnaire results and comments to be more positive than we learned from other sources. Questionnaire comments tended to vary greatly because of the sample interviewed, but they do reveal some trends. These tended to be less optimistic regarding lasting positive impact, long-term effects, and ILANUD's role as a catalyst to improve El Salvador's justice system.

As noted at the end of this section, the evaluators did not encounter any data base of evaluative information prepared by ILANUD for the El Salvador training program. The sample for this evaluation was limited and included ex-trainees from a variety of regional and national activities, thus the comments under a particular question may seem unorganized and at times even contradictory. Nevertheless, the evaluation pulled together all of the diversified findings and other sources in reaching conclusions or judgments.

a. Materials

The majority of the Salvadorans questioned (31 out of 32) answered that the ILANUD instructional materials were in accord with the level and content of the activity. It is interesting to note the one negative comment was "No, in terms of the activity, but they have been useful and were well done." The Supreme Court, on its own, is planning to conduct the same course ILANUD conducted for judges. They plan to use most of ILANUD's materials for their own course.

Based on ex-participant responses, inspection of instructional materials in ILANUD files, and discussions with instructors and other interested parties, we concluded that ILANUD's instructional materials were adequate for the level and content of the activities, but we were disappointed that so few video cassettes, slide/sound shows, and films were being utilized.

b. Preparation of Instructors

All the Salvadorans (27) who answered said the instructors were well qualified; had the required experience; and were adequately prepared. In other conversations with GOES officials and ex-participants the nationalistic problem arose about instructors, especially in regard to "Ticos" (Costa Ricans) who attempted to impose their ideas and did not understand the local situation. Even though we heard criticisms about lack of knowledge of the local situation, participants placed high value on hearing from "name people."

Relying on all of the data gathered and observations made, the evaluation agreed with ex-trainees that in El Salvador

instructors were academically well qualified, and generally well prepared. However, we did observe that ILANUD needs to tighten up its planning process for each course at the national level to insure that each party (including instructors) understands its responsibilities, has adequate organized activity preparation time, and is fully cognizant of the local situation and special needs. This implies longer courses, fuller use of local instructors which, in turn, could mean higher actual costs for improved training programs.

c. Views of Participants

Most Salvadorans (30 out of 32) felt the course content met their expectations; served their own professional growth and that of their colleagues; and provided clearly understood general and specific objectives. The majority (26 out of 28) responded that general and specific course objectives were met. 31 individuals cited positive utilization. As in other countries, the Salvadorans who attended national level courses were of the opinion that the courses were too short to cover the important information.

Based on our analysis and all of the other information we gathered, our conclusions were not as optimistic as the Salvadoran ex-participants' views of ILANUD training. When the basic system is not just and has such glaring deficiencies, short-intensive, and in this case, probably well-done courses are not the only or major solution to reforming the administration of justice. The evaluation concluded that there certainly appears to be instances of improvement in individuals' attitudes, awareness of problems, and personal work performance. However, we could not verify any fundamental or basic changes of the administration of justice system.

d. Selection Process

ILANUD does not exert a leadership role in the selection process. It was found that most candidates are named by their sponsoring organization and applications are reviewed by the ILANUD Training Department staff. Only occasionally are candidates rejected and/or replaced. In a general way, course announcements do describe the type of persons to be trained, but actual selection criteria, to our knowledge, have not been developed. In El Salvador, the ex-Mission Project Manager expressed concern that the USAID was not involved in the selection process since the training was to be funded bilaterally.

4. Impact Achieved To-Date

a. Work of Participants

All Salvadoran respondents reported that administration of

justice courses have been useful. These same individuals commented that most utilization has taken place on the job, and that effects which are positive have been limited to local situations. Other than higher awareness and better job performance, the evaluation could not detect any reforms or changes in the Salvadoran system.

The Salvadoran justice personnel appear to have a higher awareness of human rights' problems and said they are improving in this area. This may well be a start, but any real progress in this area is probably doubtful as long as the military, paramilitary, and police remain involved in the justice process in El Salvador.

After reviewing what Salvadoran trainees related about how they use their training, the general climate, at least where ILANUD graduates are concerned, is somewhat more positive. One could ask whether it was worthwhile in terms of the time and resources spent. The interviewer was told by a justice of the peace after the session of formal questions, that "before the course I assumed all accused persons to be guilty. Now I read the evidence and ask questions before judging the case." Even though only one judge was concerned, there was a positive impact, especially for those accused who come before her court.

Taking all of the diverse data analyzed into account, the evaluation's conclusions about the impact on ex-participants' work is not as positive as the above scenario depicts. First, even in post-questionnaire interviews scarce evidence could be presented to corroborate the behavioral changes individuals professed about human rights, being more responsible on the job, or doing improved work.

b. Spread Effect

The evaluation found no planned or programmed spread effect nor formal courses started as a result of ILANUD training in the El Salvador justice training program. We found no evidence of any significant number of formal training programs being organized and carried out by ex-ILANUD participants. As in other countries, individuals informally and on their own initiative were passing on information to co-workers, subordinates, university students, and in a more limited way to members of the community. Furthermore, we found no evidence in El Salvador that the GOES is planning to utilize ILANUD in its national training program.

c. Support of the Other Project Components

We found no evidence of a planned or sustained mutual support of the different Project components. The Salvadoran Commission does not function as envisioned in the Project Paper, and there are serious implementation constraints for training in El

Salvador, as described in other sections of this evaluation.

5. Future Plans

The Supreme Court of El Salvador has formed a Training Section, and plans to begin its own training program for personnel in the court system. Unfortunately, persons outside the courts' control such as prosecutors, public defenders, and university professors are not included. We were unable to locate or obtain a copy of a written training plan for what the Court proposes for the future. Again, the capabilities developed under the Regional Project could and should be utilized in El Salvador to plan and implement training.

For 1988, ILANUD has planned to include 17 Salvadorans in '9 days of eight regional training courses and has programmed a three-day national course on the Modern Mixed Penal System for 50 Salvadorans. This is a significant decrease in ILANUD's involvement in El Salvador.

6. Problems and Recommendations

The problems and recommendations common to ILANUD's training activities in all the core countries are covered in the main volume of this report. In addition, there are two problems particular to El Salvador.

Problem 1 - In El Salvador, most training will be accomplished by the GOES without significant ILANUD inputs. There are also problems regarding reimbursable training costs.

> Recommendation 1 - The evaluation is recommending in other sections an effort to work out the differences between the GOES, RAJO and the Mission. Such a settlement should include a clearer role for ILANUD in terms of training assistance and utilizing the experience and resources that ILANUD has developed as a result of the Regional Administration of Justice Project in the training programs the GOES plans to do itself.

Problem 2 - Local GOES coordination of training programs, whether or not sponsored by ILANUD, is lacking. There is no focal point to assure that a wide-variety of training is really needed and makes sense.

> Recommendation 2 - ILANUD staff and the USAID Project Coordinator should work with GOES officials to remedy this situation. CORELESAL might be considered to assume more of a real coordination role in training activities.

D. Preparation of Action Programs

1. State of Preparation of Bilateral Program and Future Plans

The A.I.D. Mission undertook a bilaterally funded action program in El Salvador before the Regional Project got underway. The program was broader than improving the administration of the criminal justice system. It included the creation of armed protection for judges, assistance to special investigations, and a system for studying and proposing the revision of laws of interest to the overall U.S. assistance program. The Project Paper for the Regional Project asserted that it would support the bilateral program already underway, but the paper was not specific as to how this would be done except for stating that persons from El Salvador would participate in regional training events and receive technical assistance as might be financed with funds from the bilateral program. The extent to which that has occurred was discussed above.

The only bilateral activity whose preparation has been undertaken since the Regional Project got underway is one for the improvement in the administration of the courts. The first step taken was in mid-July 1987 when FIU conducted an assessment of the needs of that court system and made proposals for concrete activities to meet those needs. The assessment has not yet been used. Indeed, it is still the subject of controversy among the interested parties. The Legislative Reform Commission asserts that the assessment is weak in several aspects (e.g., engineering not done for appropriate sites, budgets not detailed enough, training needs not well identified) and that FIU has not responded to its comments on the draft report. FIU asserts that the criticisms are not valid, and that in any event the assessment was done for the Supreme Court not for the Legislative Reform Commission. The Mission seeks a way to reconcile the parties and move forward to implement some of the recommendations of the assessment. RAJO is critical of the Mission for not dealing with what it sees as largely inappropriate assertions by the Salvadoran parties. The net result is deadlock.

2. Involvement of ILANUD

ILANUD has not been involved in the Mission's planning of its action programs. As indicated above, the bulk of the action program was put together prior to the Regional Project's getting underway, and the additional activity under preparation has been handled by FIU. It is unlikely that the Mission will turn to ILANUD for assistance in preparing an action program since ILANUD does not enjoy a high reputation either with the Mission or with the Salvadoran institutions operating in the criminal justice sector. There appear to be several reasons for this situation.

First, there is some resentment that El Salvador must use bilateral funds to participate in regional activities run by ILANUD whereas the participation of other countries is paid for completely with regional funds. This seems to be a feeling held more strongly by the Mission than by the Salvadoran institutions.

Second, there is a lot of criticism of a lack of responsiveness on ILANUD's part to past requests for technical assistance. There are various perspectives on the reasons for this perceived lack of responsiveness. ILANUD asserts that it has never received an orderly request for assistance (much less a yearly operating plan) from the Mission or the Salvadoran institutions that would permit it to plan a technical assistance program. The Mission asserts that it has made known to ILANUD the needs of the Salvadoran institutions active in the bilateral program, and that ILANUD's lack of response probably is due to its "growing pains." ILANUD's potential for providing technical assistance is not entirely disregarded by the Salvadorans since the President of the Supreme Court plans to visit Costa Rica to observe the technical assistance tivity on judicial information which is being carried out there. However, there is no doubt that the general attitude toward ILANUD is not positive.

Third, there is the perception that ILANUD is not interested in learning the views of the Salvadoran institutions as to their needs. Persons expressing this opinion cited the lack of discussions between ILANUD and Salvadoran institutions, the failure of ILANUD's planning to include programs for Salvador as it does for other Central American countries, and the failure of ILANUD to demonstrate its capabilities to the Salvadoran institutions and to seek their participation in its programs.

Fourth, there appears to be a significant feeling that ILANUD does not adjust its approach and advice to Salvadoran conditions, but rather pushes Costa Rican models and is somewhat "preachy." A contrast was drawn between ILANUD and CAPEL (the organization located in Costa Rica which provides advice and assistance re election procedures) in which the latter is more acceptable. CAPEL is considered to be less dominated by Costa Rican nationals.

Fifth, there are outstanding differences between ILANUD and the Mission concerning reimbursement to ILANUD for travel and other expenses which lead each to be critical of the other's attention to fiscal and administrative procedures.

Some of the negative reputation of ILANUD may be due to the strained working relationships between RAJO and the Mission and the Salvadoran institutions who have some awareness of ILANUD. Some of the negative reputation may be not entirely fair. However, it exists.

3. Conclusions and Recommendations

The Regional Project has not been a catalyst for or even a significant supporter of the bilateral action program. Unless a major improvement is achieved in the way that ILANUD and the Project are viewed by the Mission and the Salvadoran institutions involved in the sector, it is not likely that ILANUD or the Regional Project will become significant factors in the future action program. At best the Mission now sees ILANUD as a possible competitor for providing services for particular bilaterally determined activities. Substantial effort on the part of all the parties and, most probably, the active intervention of A.I.D./W will be required to change this situation.

E. Policy Dialogue

1. Experience to Date

There has been a major policy dialogue between the USG and the GOES on topics concerning the administration of the criminal justice system. However, that dialogue has focused on the bilateral action program and the prosecution of several cases of particular interest to the USG. It has dealt much less with the aspects of the criminal justice system that are the subject of the Regional Project or such broad concerns as establishing a judicial career. Important topics that have not been addressed by policy dialogue or adequate program support were identified in the January 1988 Evaluation of the Salvador Judicial Reform Project.

There have been some discussions between the representatives of RAJO and of the Salvadoran institutions involved in the bilateral activities or participants in ILANUD sponsored activities. However, these contacts have been infrequent, and were not aimed at carrying forward a policy dialogue or discussions about reform programs. The Mission has preferred that RAJO not become involved in such discussions.

2. Future Plans

There do not appear to be any concrete plans for the future involvement of ILANUD or RAJO in a policy dialogue with the GOES or the major institutions of the criminal justice sector. The 1987 Judicial Assessment and the regional activities provide a basis for such involvement, but the current views of the Mission concerning ILANUD and RAJO would appear to make such involvement unlikely.

3. Conclusions and Recommendations

The Regional Project has not and is not likely to be involved in a policy dialogue on criminal justice matters in El Salvador. One should not make recommendations to seek to have it become so

involved unless the relationships between the Mission and ILANUD and RAJO first change substantially.

III. GUIDANCE AND MONITORING BY A.I.D.

A. Role of the Parties

In theory the role of the parties is that set forth in the Project Paper and followed in the other countries participating in the Regional Project. LAC/DI provides overall guidance and backstopping for the conduct of the Project's activities. RAJO is the office responsible for the conduct of those activities. ILANUD and FIU are the main implementing agents under the Project including almost all the procurement of goods and services for use in the Project's activities. The Mission provides guidance to RAJO, ILANUD and FIU concerning local conditions, and has the right to object to any proposed activities in-country under the Project. The main differences in formal arrangements in El Salvador are that there is no National Commission to sponsor and organize the participation of the various sector entities in the Project, and there is no Resident Coordinator to help the Mission and ILANUD carry out their responsibilities. Rather a direct-hire employee of the Mission, who is the Project Manager for its bilateral Project, has been the liaison between ILANUD and RAJO and the Mission. Until recently, the person who was the Project Manager did not have legal training or much experience as a manager of projects.

In practice the role of the parties has been significantly different in El Salvador with the Mission playing a much more dominant role than elsewhere. In part, this reflects the different circumstances -- bilateral activities having gotten underway before the regional ones and the fact that bilateral funds are used to finance much of the regional activities related to El Salvador. In part, it reflects the attitude of the Mission that it should be the exclusive channel for ILANUD and RAJO to deal with Salvadoran institutions active in the sector -- an attitude which reflects both the different circumstances mentioned previously; the desire by the Mission to use all the leverage arising from A.I.D.-sponsored programs for the Mission's priorities; and, probably, the feeling on the part of the Mission that the local circumstances are so difficult and its workload so heavy that it does not want additional external actors complicating its life through independent actions or programs. The result is that the burden of implementation on the Mission's Project Manager is greater than in other countries, and the success of the regional Project's efforts is much more dependent on the capacity and willingness of the Mission's Project Manager.

As in other countries, the parties have related to each other largely through verbal communications -- both by telephone and through occasional visits to El Salvador by representatives of

RAJO, ILANUD and FIU. Representatives of A.I.D./W have not visited the Mission to observe or discuss the operation of the Regional Project's activities (which have been very few in fact), and do not appear to have played a significant role in the conduc of those activities. There are no formal reports among the parties or regular sessions to discuss progress and problems unde the Project.

B. Relationships Among the Parties

Relationships among the parties have not been good. This wa due in part to the circumstances described above. Of particular importance were the differing emphases of the regional and the bilateral programs and the highly politicized and dangerous local conditions. However, the strained relations also were due to conflicts in style and personalities between the Mission and RAJO and between ILANUD and CORELESAL. The parties appeared to doubt each other's willingness to cooperate. The recent changes in the Mission's personnel responsible for the administration of justice activities and the overall supervision of the program of which it forms a part, and the understanding existing as a result of previous working relationships between those new persons and RAJO could provide an opportunity to improve those personal relationships. Unfortunately, there is not much evidence that that is occurring, and the underlying forces leading to conflict seem to be unchanged.

C. Conclusions and Recommendations

The state of relationships among the parties is detrimental to the accomplishment of the Regional Project's objectives and should be changed. While recognizing that the Mission is ultimately responsible for decisions concerning activities carrie out in the country, and that it must deal with the perceptions (right or wrong) of the Salvadoran institutions with which it works, it does not seem to serve the Mission's own purposes not t utilize ILANUD and the Regional Project in its own effort to improve the administration of justice. Rather, the Mission shoul be active in seeking to determine how the regional effort could b used. Conversely, given the importance of El Salvador to the USG's strategy for the area, RAJO and ILANUD should be prepared t devote more than the usual amount of time and effort to accommodate the needs and opinions of the bilateral effort in that country. A start could be made in the resolution of the conflict over the content of the Assessment of the Judicial Administration. It could be followed by seeking agreement on what role ILANUD should play in the conduct of the Mission's strategy and the implementation of its activities. Coming to useful conclusions i important. However, even more important is that both sides make an effort to accommodate each other's needs and understand (and i possible agree to) the reason for the outcome. LAC/DI should consider itself responsible for helping this to happen. Periodic

formal reviews among the Mission, A.I.D./W and RAJO could help achieve a new relationship and help to keep it positive.

> Recommendation: LAC/DI should assist RAJO and USAID/El Salvador in arranging a discussion among themselves and with ILANUD and the key Salvadoran institutions to clarify and resolve outstanding differences and plan a fuller use of the institutions of the Regional Project in the bilateral action program.

Appendix #1

PERSONS INTERVIEWED IN EL SALVADOR

USAID

FIGUEREDO, Roberto; Mission Project Manager (prior)

KITSON, Robert; General Development Officer

LECCE, Gail; Mission Project Manager (newly assigned)

MEMBERS OF THE SUPREME COURT

*CARDENA, Jose Samuel; Supreme Court Justice

*GARAY, Ricardo Alfonso; Supreme Court Justice

GUERRERO, Francisco Jose; Chief Justice of the Supreme Court

REYES SANTOS, Luis; Supreme Court Justice

*SANCHEZ CERNA, Homero Armando; Supreme Court Justice

SUPREME COURT STAFF

AMAYA, Ana Delma; Supreme Court Librarian

LOPEZ DE MALERA, Elvira; Secretary to the Supreme Court

MORENO, Salvador Ernesto; Chief Statistics Department

*RIVERA GUZMAN, Ernesto Vidal; Secretary General of the Supreme Court

ROSALES, Franklyn; Director of Court Administration

MEMBERS OF LOWER COURTS

*ALVANRENZA, Lesica; Justice of the Peace

*CALDERON DE LANGLAIS, Emilia Elizabeth; Justice of the Peace

*CASTRO, Rafael Arnoldo; Justice of the Peace, District of Santa Ana

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

*DUARTE ELFARO, Francisco Antonio; Justice of the Peace, District of Olocuilte

*ESTRADA MONTERROSA, Wilfred; Justice of the Peace, San Salvador

*FORTIN HUEZO, Rosa Maria: Justice of the Peace, San Salvador

*GOCHEZ CASTRO DE PAZ, Rosario; Justice of the Peace

*GONZALEZ ROMERO, Daniel; Justice of the Peace, San Salvador

*MARTINEZ RODRIGUEZ, Ana Victoria del Rosario; Justice of the Peace, District of Delgado

*MARTINEZ RODRIGUEZ, Luis Hernan; Justice of the Peace, San Salvador

*MATA ELIAS, Juan Armando; Justice of the Peace

*MELARA ARTIGA, Vilma Adela; Justice of the Peace

*MORATAYA BOLANOS, Franklyn David; Justice of the Peace

*NAVARRO CRUZ, Ruben Alberto; Justice of the Peace

*NOLASCO GUERRA, Carlos Mario; Justice of the Peace, San Salvador

*RODRIGUEZ AVELAR, Lorina; Justice of the Peace, Colón

*RODRIGUEZ DIAZ, Oscar; Judge, Penal Court

SAYES, Isaac; Justice of the Peace

VILLEDA FIGUEROA, Luis Antonio; Judge, Criminal Appeals Court

*ZELAYA ARAUJO, René Sigfrido; Justice of the Peace

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

LOWER COURT STAFF

FLORES, Francisco Miguel; Director of the Santa Ana Law Library

PUBLIC MINISTRY

*GIRON FLORES, Roberto; Attorney General

*LEMUS CEA, José Ricardo; Chief of Planning

*TURCIOS MELENDEZ, Manuel Edgardo; Coordinator

*ZELAYA LARREYNAGA, Ricardo Marcial; Prosecutor

*ZELAYA SANDOVAL, Victor Manuel; Chief of the Prosecutor Department

*ZURA FUNES, Luzgardo Antonio; Chief of the Criminal Prosecution Division, Attorney General Office

CORELESAL(Salvadorian Legislation Development Coordinators)

*ARRIETA GALLEGOS, Manuel; Member of CORELESAL

CRIOLLO, Ernesto; General Secretary, CORELESAL

*FLORES MENJIVAR, Hugo; Member of CORELESAL

*TINETTI, José Albino; Member of CORELESAL

PRIVATE PRACTICE

*NOLASCO CHAVARRIA, José Aresio; Lawyer

PUBLIC DEFENDERS

CARDONA HERRERA, Manuel Francisco; Chief of Public Defenders

*ROMERO CORDERO, Leonel; Coordinator, Public Defender

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

Appendix 2

TABULATION AND TRANSCRIPTS OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	30
Negative	2
Not answered	0

Comments: Only in part because they did not reach the objective of modernizing the Court's Statistics Office. No, they tried to do too much and too fast. Unfortunately I could not attend the entire course. Effectively, since elementary judicial situations were clarified in the process. It responded to the needs of the Central Americans who attended the course. The instructors were very explicit in their presentations. In some ways, but it was too short and they only superficially covered the subject matter. Yes, because they covered relevant and practical material necessary for a judge's work. It responded because it clarified the penal process. Yes, the content was in accord with our judicial system and the Salvadoran professors were excellent. Yes, for the most part. Yes, it was done in a practical manner, I could observe new techniques which we could use in our justice system (2 people said this). Everything, except what the speakers said about legislation. Yes, because they developed what was planned. It was very beneficial and I received important knowledge. Yes, and we are applying what we learned here. Affirmative, the experience was very beneficial. Yes, very eloquent. In some ways it responded to my expectations, but the program was too long and was somewhat superficial. It satisfied what I wanted to know about the penal law process. We were given general information because of the short time period.

2. Did the course serve your and your colleagues' professional growth?

Positive	31
Negative	0
Not answered	0

Comments: The positive was that it clarified many doubts that exist in the judicial system. For me yes, the course motivated people to do a better job in the judicial system. Yes, with the knowledge acquired I have oriented my Department better which has influenced my colleagues also. We

obtained good information, but our personnel needs more training.

3. Did you clearly understand the specific and general course objectives?

Positive	28
Negative	0
Not answered	3

Comments: I clearly understood the general and specific objectives (3 people said this). Everything except the speech by the Minister from the Italian Public Ministry. Needed more on traffic laws. I understood them, but it is a shame we have not applied them all.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	31
Negative	1
Not answered	0

Comments: No, in terms of the activity but they have been useful and were well done. All the material was related to the subject. Adequate and sufficient (7 people). Yes, the minimum necessary was given. I think yes, but there should have been more instructional materials. It was better than we expected. Correct. Yes, but it was handed out too late. There were not enough (copies) of materials for all the judges (2 people). In general terms, yes, nothing seemed missing. Could have had more. Very good. They gave us books and a bibliography before the course. They did not distribute all materials at the proper time. Pass out reading materials 10-15 days before the course. The materials were high level.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

a. were well qualified?

Positive	27
Negative	0
Not answered	5

b. had the required experience?

Positive	28
Negative	0
Not answered	4

c. were adequately prepared?

Positive	27
Negative	0
Not answered	5

Comments: Very good experienced instructors. I answered no, because I did not get to know the instructors personally. The majority of the instructors appeared to be experienced and capable. Not all of the teachers had prepared completely, especially the Salvadorans.

2. Were the specific and general objectives met?

Positive	26
Negative	2
Not answered	4

Comments: Yes, because it introduced new system of control for the judicial system which should facilitate better administration. In most cases, they were met in a superior way, and more than we expected. They met the general objectives, but it is really hard to reach specific objectives because of our complex system. Yes, depending on the personal interest of each participant. Yes, but they needed to review this at the end of the course. Yes, it was a select group. Yes, we received very valuable information. They did a good comparison of public ministries for different countries. They completed all objectives (2 people). Only in part, there should have been more in jurisprudence. I think so. The course was a little too general. Yes, we received information and analyses on the modern mixed penal process and the organization of Latin American penal systems. Not completely, should give the course with more intensity. Not totally, because of the reduced time.

3. Specify your level of utilization.

Positive	31
Negative	0
Not answered	1

Comments: I would say very good because I was motivated by the course, and I now study my cases better. It was beneficial because it clarified criteria, and possibly will correct many errors. Optimum in terms of knowledge and experience. It caused me to study the subjects taught. I have applied the theory in my university teaching and the practical to my daily work. I got a maximum benefit from the course (3 people). What we learned will improve justice. 100%. Optimum (2 people). My level of utilization has been medium

- I would have liked more practical knowledge and less theory. I am using what I learned from the seminar to put order in the legal process. Very well. My knowledge is wider for an improved justice system. Very well, because of the newness of the course. I am using the information in the reorganization of the Attorney General's organization making it more realistic . I had the opportunity to compare other penal legislation with our own. I increased my knowledge about the correct application and interpretation of the criminal institutions. Very high level (2 people). Maximum. 70%. Good personally, but the court needs to prepare the human element that will manage judicial statistics. I now know other Latin American penal systems. The materials given were fantastic and I am using them personally and in my work. The information can be applied to our system. They covered a lot of practical themes and some new ones which will be useful. Maximum, to make sure I am a better professional. Maximum for the justice system in our medium. Need more information on traffic law which is a major problem in El Salvador.

4. What suggestions would you make to improve the course?

Not answered	1

Comments: Make the course longer (3 people). Send the final report to each country. Send us more information. Better instructional materials. Change some teachers. Expand content and lengthen course (16 people). Lengthen course (5 people). More content. Cover more of the country. Make it more practical and repeat in six months. Improve participation and instructional materials (2 people). Distribute course results. Have follow-up courses. Have courses in other countries where they do it better (administer justice better). More profound content (2 people). More teaching materials and expand the hours of class time. Give courses according to participant's qualifications and level of education. More homogenous group participation in a longer course.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	31
Negative	0
Not answered	1

Comments: Yes, because before offering the course, they found out what was necessary. Clarified ideas on administration of justice. Yes, information about availability of

courses should be more extensive. Very good, but inform Supreme Court who did well and people should keep jobs not only because of friendship or politics. It awakened my curiosity on how to impart justice. It teaches justice without government interference. Should be given more often in separate courses. Very useful. You can fulfill justice more consciously and you learn more about legislation. We will apply what we learned in our jobs. Yes, because our country has not paid attention to the administration of justice. It helps us impart justice in a better way. They taught me where justice administration stands. We were taught human rights which are fundamental to the administration of justice. Help us develop ourselves within the system. I learned what the true work of the justice of the peace should be. Especially for my fellow judges who did not have much knowledge about our laws. Gave us appreciation of human rights so that we will be able to give our knowledge to others (2 people).

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	26
Negative	6
Not answered	0

Comments: Not yet, but interest has been awakened (some influence). No, but it could be attained in the near future. Not yet, but the training has helped some lower level judges. We have had some changes, but I do not know if ILANUD training caused them. Not really, but they have tried to reduce the number of non-convicted prisoners. No, because there are very few scholarships for those judges who impart justice. Change takes place when you make an inspection and judgments are clearer. Yes, many legal reforms in the system, especially in human rights. Yes, the judges are more aware of our fellow judges. Most improvement has been in places where the judges are not trained people. Judges are now more aware of their responsibilities and are imparting better justice now (2 people). People in the system are more aware of their duties. More comparison of laws is now taking place. Absolute changes no, but they have made people aware of our country's situation and a desire to improve. In principal yes, but I have not made an evaluation to measure any change. They have awakened interest and tried to improve the system. Yes, we created CORELESAL, which is reviewing legislation (2 people). We have had more cooperation and opinions regarding the revision of the system. Yes, giving better professional training (2 people). Due to the training, judicial workers are doing a better job. ILANUD participation has been limited and has not resulted in change. The few people who attended know how to apply

reduce the number of non-convicted prisoners. No, because there are very few scholarships for those judges who impart justice. Change takes place when you make an inspection and judgments are clearer. Yes, many legal reforms in the system, especially in human rights. Yes, the judges are more aware of our fellow judges. Most improvement has been in places where the judges are not trained people. Judges are now more aware of their responsibilities and are imparting better justice now (2 people). People in the system are more aware of their duties. More comparison of laws is now taking place. Absolute changes no, but they have made people aware of our country's situation and a desire to improve. In principal yes, but I have not made an evaluation to measure any change. They have awakened interest and tried to improve the system. Yes, we created CORELESAL, which is reviewing legislation (2 people). We have had more cooperation and opinions regarding the revision of the system. Yes, giving better professional training (2 people). Due to the training, judicial workers are doing a better job. ILANUD participation has been limited and has not resulted in change. The few people who attended know how to apply justice the right way. Better awareness by judges of their responsibilities and laws (2 people). In my case, I understood the importance of a justice of the peace. Too short of a time has elapsed, but it will change. We have several Projects for legislation such as reforming the judicial policy and court organization. Some profound changes - intellectually and morally.

3. How have you applied your new knowledge about human rights?

Not answered 11

Comments: Solving cases according to the law. As supervisor I apply human rights to all people when we have had military interventions. None. Has made me more aware of my responsibilities in this area. In any way I can, but my knowledge was prior and the ILANUD courses confirmed my principles. We have always applied human rights and the workshop reinforced our applications. It has reaffirmed my beliefs about same. The administration of justice needs a lot in its moral aspect. We have not had human rights problems, and if we have had them, it is an exception. My knowledge and capacity to solve the problems in my town have been increased. Has made me more aware of my job to impart justice. Judges' work is better. Unreadable comment. I now know the accused is not automatically guilty until proven so. I give talks to the community and have given other workshops. I have a more direct approach with people. I did not take any human rights instruction given by ILANUD (3 people said this). The first opportunity I had. Making the law process beneficial to the

accused. Better attention to cases. In imparting justice, I take into consideration the person involved.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered 1

Comments: Very much, within the small resources we have, we will benefit society. It has helped me organize my department as Chief of Public Defenders emphasizing to my co-workers the meaning of criminal justice. Helped me in my work and I accept my responsibilities more seriously. Has made me see the justice problems and their solutions which were taught in the workshop. Improved my work. Judgments under my jurisdiction are improved. Help solve problems when they arise. Better application of laws. Give justice where it is supposed to be given and not leave cases unjudged. It has not been applied because I am in an administrative office. Increasing my knowledge and awareness of my responsibilities. Made me suspect criminal investigations but did not change my work. Maximum, I have done my work more efficiently and I have increased my responsibilities. Awareness of the importance of good administration for any judicial system improvement. Very much (2 people said this). As a judge I have asked other judges to help people in jail by giving them justice. No, but at the end of this year, a revision will be made of judges' work. I am conscious of the inefficiency of our legislation and I am trying to help my co-workers obtain better justice. What I learned improved my work. One non-understandable comment. Gave new knowledge of our responsibilities. Positive, but I cannot measure it. Shorten the length of criminal cases, and carry out the laws. I have a better knowledge of law application and I am aware of others' rights. I know what to do when a problem arises (2 people said this). Apply the law correctly and doing it in the shortest time possible.

5. How have you used your new knowledge in your job and functions?

Not answered 3

Comments: Better professionals' dedication. Organizing talks about the workshop such as human rights and guaranties and how a judge should act. Making sure that judges follow the correct laws (2 people said this). As much as I can in the studies of CORELESAL. Made me sure of my knowledge for the benefit of others. Sharing my knowledge and the course with my subordinates and giving better community service (4 people said this). Awareness of myself in front of criminals and the need to make fast and more just decisions. I do my

work better (2 people said this). Put the course conclusions to use in my institution. Sharing my opinions and knowledge with other prosecutors. Some administrative procedures have been introduced in an experimental court Project. Making others aware of what I learned. Stress unjudged cases and unsentenced persons (2 people said this). I taught courses for other judges here. It has made me more humane in my work as judge. Unreadable comment. Awakened many uncertainties but was beneficial to my work in the court. I apply the law more liberally. All the time without even knowing it. When I go on an inspection gathering evidence, I do a better job. I am applying justice better (2 people said this). Improved work and sharing knowledge with co-workers.

6. What other benefits did you get from the course?

Not answered 6

Comments: Interest in knowledge of teaching law in other countries and what can be used in our system. Got to know San José, other students and professionals. Better appreciation of my job (3 people said this). I now make better judgments. Interchange with other organizations and invitations to attend other workshops. We have made improvements in our work and the workshop was worth it. None. Better knowledge in criminal process and administration. Sharing my knowledge in my work. I am applying my new information in my job. It cleared up some doubts I had on judicial procedures. Made me more aware of my work. Friendship with people from other countries and learning about their laws (5 people). I had a promotion. I contacted people who have started judicial reform Projects. Personal satisfaction. Made legal interpretation easier for me (3 people said this). More knowledge of the modern mixed judicial system and a desire to study more. I apply justice better. An improved knowledge and clarification of laws. It made me a better person and permitted me to understand the law better.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered

Comments: Improved relationships with co-workers and I inspire more confidence in those who come to me as a judge. More support to the Department, levels of justice have improved, as well as awareness of public defense. I am more assured and self-confident (2 people said this). Greater respect in general. Improvement in my work (2 people said this). Help subordinates more (4 people said this). Assertiveness in applying the law. I have no direct

of the curriculum in our schools. Have this type of workshop on a permanent basis (4 people said this). Keep judges of the peace longer. Have annual evaluations of the justice system by judges. Reevaluate our legislation and have better prepared current and future judges. Make all personnel attend courses annually (2 people said this). Listen to our recommendations after the course. Commission members should be well qualified. Better social awareness. Give people resources to do their work. Form working groups to deal with crime in all phases. Have more ILANUD courses. Review penal law and analyze our laws and apply justice more severely. Continue the agreement which gives money to the Commission. Increase the Commission's budget. Introduce classes for court staff. Establish a judicial school. I do not think we have a National Commission for ILANUD programs. A better relationship with those who have doubts about specific subjects in criminal justice. Training for all criminal justice employees. Make workshop longer and broader. Inform judges of any changes in the law. Give workshops more often. Do studies and give practical recommendations about the system. Continue course with adequate time.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or Community? Specify.

Not answered	0
Negative	2

Comments: Only in my university teaching (4 people). To my co-workers (20 people said this). No, where I work they have not given a workshop. Indirectly to defense lawyers. Passed out copies of course materials (2 people said this). With CORELESAL I sent a summary of the course results. In the workshops given by the courts (2 people). Not much has been done in judicial statistics but this year, we will start in a limited way. Unreadable comment I have written a report and circulated it. To my friends. Yes, by giving talks.

2. What type of results have you had in passing on such information? Specify.

Not answered	4
Negative	1
Positive	27

Comments: I do not know, some employees are indifferent to justice in our court; they are too sensitive to social status and material things. Quite good. Positive results. Not great results, only limited to telling authorities they should have more training. A faster and more efficient

justice in my court. I have passed my interest in humanizing justice thus making it more credible. Positive, mostly in unifying criteria, but it is difficult because each judge changes the system. Improved my work (2 people said this). Investigations are written better. Clarified ideas about laws and procedures. Knowledge learned has been accepted and applied in the legal process (2 people). Personnel has been motivated and more aware of human rights (3 people). None. My subordinate now have more information on how to expedite justice. We are now paying more attention to the public. Positive results. New knowledge in justice administration. My co-workers now give their opinions to judges about what I have told them. Very good, we have taken advantage of the information. Satisfactory, judges are more aware of difficulties and others are learning what was given in the workshops. I incorporated what was in the workshop in CORELESAL's work. I am more critical of myself and I have more knowledge. I try to solve justice problems in the best and most timely basis. Knowledge of crimes and how justice is applied in other countries. It made people more knowledgeable and responsible.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered 1

Comments: Make people respect the law and institutions and make justice more humanitarian. Divide workshops into separate groups so everyone can attend. Continue workshops, written communications, and provide information by mail. Have ILANUD request information from each institution about who needs more training. Give the training based on each country's needs and capabilities. Make and improve court inspections. Share program with more judges and make them aware of their responsibilities. Teach personnel to improve their work in the system. Give training to all court personnel (3 people said this). Unreadable comment. ILANUD should give courses in El Salvador to all justice personnel. Invite all countries interested to workshops. It should be compulsory to be trained. Broaden training programs. Have more pre-workshop information so as to select the people who will benefit the most. Have more people trained in statistics, computers, and provide more economic help. Start a statistics school. Continue regional workshops. Give pamphlets on human rights and train judicial employees. Have a permanent training institute with financial support. Include courses in the university. Notify about the availability of training earlier. Have the workshops more often (2 people said this). Classify by groups so more people can attend. Better selection of participants who will train others (2 people said this). Also include part-time

justice employees. There were not enough people from each country in my regional workshop.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	4
Negative	13
Positive	15

Comment: None, there has been no opportunity and letters and communications come late here. With classmates (2 people said this). There should be a central participant register so we can make contact. I have received no mail from ILANUD - I do not know what happened. I have only received ILANUD's bulletin and pamphlets (2 people said this). Between classmates and instructors. Regrettably, none (4 people said this). Almost none. None, this is the first one. Some friendships (4 people). Only the Supreme Court receives course results. Very little, only ILANUD's bulletin (2 people). We need up-to-date information. I keep in touch with classmates from other countries. Our Commission keeps in touch with ILANUD and its instructors. A more direct communication has developed.

2. What would you suggest to have better follow-up in this program?

Not answered	3

Comments: Keep us continually informed so we can attend workshops which we will pay. More ILANUD contact and more invitations to attend courses. More courses in other countries. Form a group of ex-students so they can continue to keep up training and interest (2 people said this). Meetings, bulletins, and mailings (2 people said this). Follow-up courses to reinforce what we learned. Continue workshops (3 people said this). Do it each year. ILANUD should ask each country how training is being applied in each country (3 people said this). ILANUD should send us bulletins. More constant communication with ILANUD. Have a national ILANUD office here. Better interchanges with ILANUD staff. Have courses for law enforcement personnel. Evaluate each activity. More direct contact with ILANUD. I have no knowledge of ILANUD. Continue ILANUD technical assistance and give workshops more often in our country. Find results of workshop and inform us (2 people). Establish a training department. Establish an ex-student association.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered	3

Comments: By the President of the Court (18 people said this). Because I was the Chief of Public Defenders. I work in CORELESAL (3 people said this). I was assigned because of my job (2 people). By the Attorney General (2 people). I do not know.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	4
Not answered	4

Comments: Separate people by ability level (2 people). Select people who are in the field. Send invitations to other associations such as the Bar Association, etc. Give a test to qualify. Give only to those who will benefit and according to their education. Select educated and experienced people. Classify courses according to ability levels. Have judges make selections. It was done correctly. Select according to educational level or give different workshops. Select from judges. Be sure those selected will continue in their work. I do not know the selection process (2 people). More emphasis on technical selection. Have follow-up courses to increase interest. Select responsible people who want to improve themselves. Be sure candidates know what will be taught. The Supreme Court should select candidates (for those who need training most). Consider individual abilities. I suggest no change, it was fine. None. Give prior notification to heads of institutions in order to make better selections. Select people who are worthy. Select people capable of learning.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered	9

Comments: More contact with investigation experts. Traffic law. Criminology course. Administration, planning, and making studies. Technical training. Forensic investigations (3 people). Other countries' legislation. Anywhere, I would learn. Civil law. Penal law and criminology at a regional level. Court administration (5 people said this). Criminal

process (2 people). Penitentiary studies and law (2 people). Criminology and investigations.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered 2

Comments: Court staff (because most are first year law students) (8 people said this). Judges and court staffs (4 people). Public defenders, judges, and court clerks. All national level personnel (3 people). Court clerks (5 people said this). File clerks and for new employees. Judicial auditors. Judges and magistrates. Judges of the Peace (3 people). All Central American judges. Coroners (2 people). Prosecutors in criminology. The judicial police.

IX. OTHERS

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 2

Comments: In addition to training we need economic assistance. Have ILANUD help justice coordinate courses and increase enrollment. Better communication with ILANUD, more workshops, and more courses in penal law. Send more information from ILANUD. OK up to now but could have more people attend. Evaluate the results of each course. Give more national level courses. Constant communication. Publish a course's results faster. Interchanges and meetings in other countries. Equipment for investigations. ILANUD should make suggestions for changes in criminal law. Create law libraries. Continue ILANUD activities in justice. Continue justice reform with help from ILANUD and CORELESAL. Improve relationships. ILANUD could increase help by giving more workshops. Economic autonomy for national justice to give its own workshops and equipment for courts (2 people said this). Prepare teachers to teach courses in the university. National level training and have more bibliographic material. Have a special commission to coordinate with ILANUD. Justice personnel should have more intra-relationships. Raising human rights' awareness for court personnel. More national level courses for more people in justice (3 people said this). Send experts to other countries. Have more comparative legislative courses.

2. What other comments, observations, and/or recommendation would you have?

Not answered 12

Comments: Judges should be responsible to their country and not take advantage of their positions. ILANUD should invite us more to their courses. Two U.S. criminologists did not attend our workshop and I am sorry for that. Better equipment. Have more frequent workshops. We should receive more published material. Stress more human rights. Have more contact with attorney general and more course invitations. Have participants write a paper on what they learned and share it with others. Have ILANUD offer courses so that countries can select what they want. Make courses more specific to attendees' needs. Have ILANUD send more written materials. Better physical facilities. More personal knowledge about justice administration and have more ILANUD work in El Salvador. Have meetings of ex-workshop students. Have these workshops two or three times a year and include all law branches with more time to learn. Help rural judges and judges of the peace who do not have access to resources. Give jobs to more capable people. Conduct workshops more often for people of same educational level. It shows a clear desire to obtain more information on improving justice. Was an excellent course (2 people said this).

Annex 9

COUNTRY ANNEX - GUATEMALA

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 9 - Guatemala

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

COUNTRY ANNEX - GUATEMALA

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Country Annex
GUATEMALA

I. INTRODUCTION

Guatemala was not included in the original project design. With the advent of an elected democratic government, the original Project was amended in 1986 to include Guatemala for a program similar in magnitude to those of other core countries. The current atmosphere in Guatemala appears to be favorable to improve the operations of the criminal justice system; and the U.S. Ambassador is an advocate for activities under the Regional Project and the development of a bilateral activity.

This Annex for Guatemala details some of the major activities planned and accomplished under the Regional Project in Guatemala and the guidance and monitoring by A.I.D. The major problems facing these activities are identified. Recommendations particular to Guatemala are included. General recommendations applicable to all countries are included in the main volume of the report; they are not included in this Annex. Two appendices, which list the persons contacted in Guatemala and complete questionnaire tabulations and transcripts, are included.

II. ACTIVITIES PLANNED AND ACCOMPLISHED

A. Creation and Utilization of the National Commission

1. Nature and Operation of the National Commission

The Guatemalan National Commission was created in October 1987 over a year after Guatemala was included in the Regional Project. The decree establishes that the Commission is formed by representatives of Congress, the Supreme Court, the Ministry of Justice, the Prosecutor's Office, the Bar Association, and the national law schools. The Commission's President is the Chief Justice of the Supreme Court.

The decree states that the Commission's purposes are:

a. to determine the priorities of the justice sector for a possible collaboration with ILANUD;

b. to identify the methods for improvement of the administration of justice in Guatemala; and

c. to establish common grounds for the necessary changes in the sector.

However, the members of the Commission do not seem to have a clear idea of its purpose. Some see it as merely an advisory group to the Supreme Court. Others see it at least potentially as an independent body to give guidance to, or even make decisions about, the various organizations involved in the justice sector.

The National Commission is dominated by its President. It is not well organized. It reacts to events rather than taking the initiative. It does not meet regularly. Indeed, it had not met at all during the three months preceding the evaluation. It does not have its own office or staff, having to rely on the Supreme Court for the staff support that it has. Some members are openly critical of its operations. The level of support being supplied by the Supreme Court to the National Commission is adequate given the level of activities. However, that level of activities is not sufficient for the National Commission to fulfill its role under the Project. It needs its own staff for that to be possible.

2. Importance and Utility

The Guatemalan Commission was established three months after the Sector Assessment was underway. Since the Commission was formed so late, it did not play a role in the preparation for or the conduct of that assessment. Indeed, some members of the Commission were not even clear as to the purpose or state of implementation of the assessment. The National Commission was not effective in organizing the workshop to review the assessment and FIU had to bring considerable pressure on the Supreme Court shortly before the workshop was to occur to assure that it was attended by an appropriate selection of people. It is too soon after the workshop to expect the Commission to have prepared a plan or strategy based on it.

The National Commission has not yet prepared any training or technical assistance programs -- or even lists of requests. All such requests have been ad hoc, and most have been generated by the staff of the Supreme Court. However, the National Commission did give an opinion on some of the courses that ILANUD proposed. The National Commission has not been involved in the preparation of the PID for the Mission's Bilateral Project.

3. Problems and Recommendations

Problem 1: The National Commission has not yet achieved a useful role under the Project.

Recommendation 1: An executive secretary to the National Commission should be appointed as in Costa Rica. Perhaps a system of subcommissions could be set up according to areas of interest to employ better the time of the busy Commission members.

B. Technical Assistance from ILANUD

Because of its late inclusion in the Regional Project and the continuing relative weakness of its National Commission, Guatemala's participation in the Regional Project's technical assistance program has not been commensurate with its importance or potential. That situation is now changing, and the bilateral action program now under preparation will provide additional resources to complement the current technical assistance effort.

1. Pilot and Common Programs

Guatemala is the site of two of the Regional Project's pilot activities. It also will participate in the development of the judicial administration effort being mounted under the Regional Project.

a. Judicial Statistics

The Dominican Republic is the site of the Regional Project's pilot program in judicial statistics. However, in response to a strong request from the Supreme Court of Guatemala, ILANUD has agreed to undertake an effort in Guatemala as well. It sent the Director of Statistics for the Costa Rican judiciary to consult with the Guatemalans and to prepare a "Diagnostic Study of the Judicial Statistics in the Republic of Guatemala." The paper was well received. During the Guatemalan Workshop of April 8-9, 1988 at which the Sector Assessment was discussed, Guatemala presented a document giving a statistical overview of caseloads handled by courts nationwide. Without ILANUD's help, a study of such characteristics would have been impossible to produce. The Project also provided the services of two computer experts in March 1988 to review the state of preparations of the activity and make recommendations for going forward.

It is not clear whether this activity will be pursued under the Regional Project or the bilateral action program or what, if any, relation it is to have with the pilot project in the Dominican Republic.

b. Compilation of Juridical Documents

ILANUD's original pilot project in the systematic compilation of juridical information was in Costa Rica. Guatemala was added at the request of the Supreme Court after Guatemala had been added to the Project. The activity will focus on preparing a statutory index.

The current Guatemalan Compilation of Documents program is based at CENALEX in the Supreme Court. A team of three people, working under the direction of Dr. Josefina Coutino, is conducting

this pilot activity. Presently the information is being processed manually. Every day the Official Gazette is consulted, classified, and the product transferred to a special set of cards. When the computers arrive all this data will have to be entered. Although this is making the best of a bad situation, it is obvious that the delay in choosing and delivering the computer system has hindered the progress of this activity. Given the resources available, Guatemala is doing about as well as possible.

The team of two computer consultants mentioned above also reviewed the preparations for this activity. They made several technical recommendations including that a smaller computer should be chosen than the one indicated in the draft procurement specifications and that a qualified consultant should be appointed to develop a system analysis especially suited for the required specification documents. They also concluded that the implementation of this program in Guatemala would take from 5 to 10 years. If it appears that it will indeed take 5 to 10 years to install the system envisioned in the consultant's report, a more streamlined system ought to be considered that can be made operational sooner. It also would be desirable that the system finally chosen be compatible with those of other countries in the region, allowing for a future interconnection of national systems.

c. Library/Document Center

Guatemala's Supreme Court has had a library since the beginning of the century. The library was never treated seriously, and it became more a depository for books than a working library. In January 1988 the library moved from its original place in the basement to the premises it presently occupies on the second floor of the Supreme Court building. The ILANUD standard library donation had arrived before this evaluation was conducted and the library was officially inaugurated during the course of our visit to Guatemala, but from 30 to 50 percent of the books in the donation were still packed. There were other problems as well. The library shelves were badly placed, against the sunlight, making it difficult to read the names of the books. Although ILANUD cards had been received, they were not available for consultation.

The library needs greater attention. An additional person has been approved for work there. However, it does not seem to be a question of how many people are employed, but rather of the attitude toward the way a library should be utilized. A modern system should be introduced, if possible, allowing readers access to the shelves. A card catalog must be made available to the readers.

The Documentation Center in ILANUD is not being used by Guatemalans to any noticable degree.

d. Judicial Administration

ILANUD's proposal for a new action program in judicial administration is not in final form. Tentatively Guatemala and Costa Rica are the countries in which ILANUD will conduct the pilot projects. Consideration is being given to merging the activity in judicial statistics into the new program. Except for the visit of the two computer experts mentioned above and the participation of representatives of the court system in a recent observation trip to the U.S., nothing concrete on this topic has taken place in Guatemala.

2. National Requests

In addition to the assistance outlined above, ILANUD has provided the following assistance in response to requests from Guatemala:

-assisting in preparing manual of procedures for the justices of the peace,

-consulting with Constitutional Court on the organization and functioning of its system,

-providing basic equipment to the judicial branch,

-assisting in a study of how to assign judges to replace the judicial aspecs to the work of mayors,

-assisting universities in preparing common agrarian law,

-consulting with the Supreme Court over proper program to improve the investigative capacity of jueces de instruccion.

All in all, ILANUD provided some 321 consultant days of assistance.

Guatemala prepares a list of requests to ILANUD every year. To date, the list has been prepared by an officer of the Supreme Court since the National Commission has not become operational enough to do so. No prioritization is given to the requests yet.

In some cases, ILANUD could have responded sooner. For instance, some books that were requested months ago for the Constitutional Court have not arrived. Then too, there are interests to which ILANUD has yet to respond -- e.g. creation of the judicial school, training and equipment of fiscales (prosecutors), actualization of various libraries, support for the university's system of "bufets populares." However, since Guatemala has not yet prepared an integrated, prioritized plan of operations under the Project it is difficult for ILANUD to judge and act on these requests.

3. Problems and Recommendations

Problem 1: The relationship between technical assistance activities in Guatemala and the operation of the original pilot activities in other countries is not clear.

Recommendation 1: In taking steps to deliver its technical assistance in Guatemala, ILANUD should take into account the plans for the bilateral action program of A.I.D. and the ways in which activities in Guatemala will benefit from and be part of similar technical assistance in the original pilot countries.

Problem 2: There is no national plan or yearly prioritized requests for technical assistance and training to ILANUD.

Recommendation 2: If the National Commission cannot produce the necessary yearly plan, ILANUD should consider leaving technical assistance to be handled only through the bilateral action program.

C. Training

1. Size and Nature of Training Provided

As with the overall program, the size and nature of the training program for Guatemala is being determined on an annual basis since Guatemala was added to the Regional Administration of Justice Project in May of 1986. ILANUD's planning process for training activities is discussed in the main narrative of this final report. Observations, conclusions, and recommendations for improved planning are set forth.

Training costs are discussed in detail in the text of the Final Report, including budgeted average levels and observations by the ILANUD Training Department on actual costs. The ILANUD Training Department did not have reports or summaries of training costs by individual countries. We were unable to compare Guatemala training costs with outside comparable training. However, we did find ILANUD's budgeted and average actual training costs to be reasonable and in some cases lower than other institutions.

As noted in the main body of this Final Report, ILANUD training activities have far exceeded original targets in the Project Paper, which were shown in global terms. In Guatemala, 631 persons associated with the justice system will have by the received training in 22 regional and in 10 national training programs by the end of 1988. Twenty-five days of national training will have been given to 568 persons from the judicial system. At least 63 judicial system personnel will have been

given 155 days of regional training activities by the end of 1988.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in the Guatemala program through the end of 1988.

GUATEMALAN PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN REGIONAL ACTIVITIES

Training Activities	# Days	# Participants from Guatemala
Activities Completed		
1. Regional Seminar: Minors' and Children's Human Rights before the Justice System, ILANUD, Costa Rica, May 4-14, 1987.	11	2
2. Regional Course: Modern Mixed Penal Process System in Contemporary Latin America, Quito, Ecuador, June 22-July 4, 1987.	13	5
3. Regional Symposium: The Judicial Power Function in Costa Rica, ILANUD, Costa Rica, June 16-20, 1986.	5	3
4. Regional Seminar: Minors' and Children's Human Rights before the Justice System, Mexico, D.F., November 26-30, 1987.	5	2
5. Regional Meeting: The Independence of Latin American Judges, Santo Domingo, Dominican Republic, April 20-26, 1986.	7	4
6. Regional Course: Public Defenders, ILANUD, Costa Rica, April 7-25, 1986.	15	2
7. Regional Seminar: Upgrading of Administration of Justice for Legislators, Antigua, Guatemala, March 19-21, 1986.	3	3
8. Regional Workshop: Revision of Juridical Thesaurus, ILANUD, Costa Rica, June 11-14, 1986.	4	2

Training Activities	# Days	# Participants from Guatemala
9. Regional Workshop: Criminal Justice Statistics, Hotel Santo Domingo, Dominican Republic, June 25-27, 1986.	3	2
10. Regional Course: Organization and Operation of the Public Ministry. Hotel Honduras Maya, Tegucigalpa, July 14-25, 1986.	10	3
11. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	3
12. Regional Course: Agrarian Justice in Central America and Dominican Republic, ILANUD, Costa Rica, March 30-April 10, 1987.	10	3
13. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	6
Sub-Totals:	101	38
Planned Activities for 1988		
14. Regional Study Tour: Court Administration in Puerto Rico and U.S.A., April 11-22, 1988.	10	3
15. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	5	2
16. Regional Seminar: Environmental Protection Laws and Legislation, Santo Domingo, Dominican Republic, June 5-8, 1988.	3	4
17. Regional Workshop: Training of Human Resources for Judiciary Participants from Central America/ Caribbean, ILANUD, Costa Rica, June 20-24, 1988.	5	2

Training Activities	# Days	# Participants from Guatemala
18. Study Tour: Judicial Training Institutions in U.S.A. Participants from Dominican Republic, Honduras and Guatemala, July 25 to August 5, 1988.	10	3
19. Regional Course: Public Defense, ILANUD, Costa Rica, August 8-19, 1988.	10	3
20. Regional Seminar: Role of the Legislator in Upgrading Justice, ILANUD, Costa Rica, October 5-7, 1988.	3	3
21. Regional Workshop: Juridical Information, Guatemala City, Guatemala, October 17-21, 1988.	5	2
22. Regional Workshop: Judicial Statistics, Santo Domingo, Dominican Republic, October 24-26, 1988.	3	2
Sub-Totals:	54	25
Guatemala Regional Grand Totals:	155	63

GUATEMALAN PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN NATIONAL ACTIVITIES

Training Activities	# Days	# Participants from Guatemala
Activities Completed		
1. National Seminar: Justice of Peace and JP Court Officials, Supreme Court, Guatemala, February 6-8, 1987.	3	72
2. National Seminar: Justices of Peace, Quetzaltenango, Guatemala, September 17-19, 1987.	3	21

3.	National Seminar: Juvenile Court Judges, Guatemala, December 2-16, 1987 (four to three-day seminars)	3	189
4.	National Seminar: Human Rights, Guatemala City, Guatemala, February 15-17, 1988.	3	50
	Sub-Totals:	12	332
	Planned Activities for 1988		
5.	National Seminar: "Case Preparation" for Prosecutors, Guatemala City, Guatemala, March 9-11, 1988.	3	36
6.	National Course: Modern Mixed Penal Procedures (Itinerant Course), Guatemala City (Judges & Prosecutors), March 16-18, 1988.	3	50
7.	National Seminar: "Case Preparation" for Judges in Northeast Region, Guatemala, May 4-6, 1988.	3	40
8.	National Seminar: Court Administration for Court Secretaries, Guatemala City, Guatemala, May 11-13, 1988.	3	40
9.	National Symposium: Judicial Action for Lawyers (Bar Association), Guatemala City, Guatemala, May 17, 1988.	1	40
10.	National Seminar: Court Administration for Court Secretaries, Guatemala City, Guatemala, October 24-26, 1988.	3	30
	Sub-Totals:	16	236
	National Grand Totals:	28	568

2. Importance of Training Provided and Relationship to Other Project Components

In our meetings with Mission and Guatemalan justice sector officials, the general consensus was that the ILANUD training is important and is filling specific needs of the justice system. We found that the development of adequate human resources at the lower levels of the system and for support staff was a primary concern. For example, the training of justices of the peace and justice administrative staff was given high priority by Guatemalan and USAID/Guatemala officials.

In 1987 38 persons attended 13 regional programs and 25 participants are planned for nine activities for the remainder of Calendar year 1988. At the national level a total of 568 persons will have been trained by the end of 1988.

Guatemala's participation in the ILANUD Regional Project has remained relatively constant since it entered the Project in 1986. We judge this to be a justified level of effort and the Guatemalan justice system has the absorbative capacity for such an undertaking.

We found some relationships between the training provided and other Project components. However, there does not seem to be a strategy tying training activities to other Project components. As noted in the main text's conclusions and recommendations, ILANUD should devote more time and effort to planning and evaluating all Project components. Part of the planning efforts should be targeted at more conscious and programmed inter-relationships among the Project components.

3. Quality of Training

Apart from a significant number of interviews with key personalities in the justice system we interviewed 31 ex-participants, mainly from the capital area. The ILANUD evaluation instrument (see Annex 4) developed by the evaluation team was utilized. The ex-participant sample consisted of the levels of persons listed below:

Category	No. of Participants Interviewed
Upper-level judge	1
Mid-level judge	8
Supreme Court staff employee	9
Justice of the Peace	8

USAID employee	1
Social worker	1
Prosecutor	3
Total:	31

For the 31 ex-participants interviewed responses are summarized below in the evaluative areas which follow. For a complete tabulation of responses and a transcript of ex-participants' comments, please see Appendix 2 of this Country Annex.

Although the questionnaire was one of the main vehicles for forming any judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials, interviews with ex-participants who did not complete the questionnaires, etc. In general, possibly because of Guatemalans' tendency to respect instructors and education/training, we found the questionnaire results and comments to be more positive than we learned from other sources. Comments tended to vary greatly because of the sample interviewed, but they do reveal same trends. They tended to be less optimistic regarding lasting positive impact, long-term effects, and ILANUD's role as a proven catalyst to improve Guatemala's justice system.

As noted in problems and recommendations, the evaluators did not encounter any data base of evaluative information prepared by ILANUD for the Guatemala training program. The sample for this evaluation was limited, and included ex-trainees from a variety of regional and national activities; thus, the comments under a particular question may seem unorganized and at times even contradictory. Nevertheless, the evaluation pulled together all of the diversified findings in reaching conclusions or judgments for Guatemala.

a. Materials

The majority of materials for instructional purposes in Guatemala have been prepared by the instructors using already published books and articles, photocopied hand-outs written by the instructor, and a limited amount of instructional materials actually prepared by ILANUD. The Training Department is cognizant of the need to prepare more and better instructional materials and plans to emphasize this area. For example, one Guatemalan official had just returned from ILANUD where she had developed an operations manual for rural Guatemalan judges. Also, it is an

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area where the Extension Division has provided support and inputs and could even do more. This is especially true where "packaged" courses need to be adapted fully to each specific country for national level training.

Based on responses from ex-participants, inspection of instructional materials in Mission and ILANUD files, discussions with instructors and other interested parties and on-site observations of a National ILANUD Human Rights Seminar, we concluded that ILANUD instructional materials were adequate for the level and content of the activities in Guatemala; but we were disappointed that so few video cassettes, slide/sound shows, programmed instructional materials, and films were being utilized.

b. Preparation of Instructors

The ex-participants interviewed felt that most ILANUD professors are academically prepared and had enough experience to provide instruction. Some felt the course leaders were lacking in knowledge of and sensitivity to the Guatemalan national situation, and should have spent more time in-country prior to the course. In Guatemala, only five of the interviewees said the instructors were not adequately prepared-mostly for the reasons given above. In Guatemala, about half of those questioned did not think the specific and general course objectives were met due to a wide variety of reasons. Even though we heard criticisms about lack of knowledge about the local situation, participants placed high values on hearing from "name people" and traveling to other countries for international exchanges of ideas. There were some complaints that Costa Rican instructors are too aggressive and self-satisfied.

Relying on all of the data gathered and observations made, the evaluation agreed with ex-trainees that, in Guatemala, instructors were academically well qualified and generally well prepared. However, we did observe that ILANUD needs to tighten up its planning process for each course at the national level to insure that each party (including instructors) understands its responsibilities, has adequate preparation time, and is fully cognizant of the local situation and special needs. This implies possibly longer courses, fuller and longer use of local instructors, which in turn would mean higher actual costs for improved training programs.

c. Views of Participants

We found the majority of ex-participants we interviewed to be positive about ILANUD's training, and generally they recommended longer courses for more people at the national level. A common complaint of ex-participants about ILANUD training was that the quantity of subject matter was excessive for the time allocated. However, this could also be viewed as a positive comment since

ILANUD courses are highly professional, contain the required subject content, and more than fully occupy each participant's time. Even when ex-trainees expressed negative opinions about their instruction, they usually had something positive to add on at least some benefit.

Based on our analysis and all of the other information we gathered, our conclusions were not as optimistic as the Guatemala ex-participants' views of ILANUD training. When it is a common opinion that the basic justice system is unjust and has so many deficiencies, short intensive, and probably well-done courses are not the only or the major solution to reforming the administratio of justice.

d. Selection Process

ILANUD does not exert a leadership role in the selection process. It was found that most candidates are named by their sponsoring organization and applications are reviewed by the ILANUD Training Department staff. Only occasionally are candidates rejected and/or replaced. In a general way, course announcements describe this type of persons to be trained; but, to our knowledge, actual selection criteria have not been developed. In Guatemala, the Resident Coordinator was an active in the selection process.

4. Impact Achieved To Date

Probably in Guatemala the most important impact achieved to date has been an increased awareness of the problem facing the administration of justice in Guatemala. Guatemala became a financed part of the regional project only in May of 1986, and so it is premature to expect any basic changes in the system at this juncture.

Nevertheless some of the more general impacts observed were:

- An increased interest in improving and changing the system of justice.
- A desire on the part of sector leaders to develop an A.I.D. bilateral project.
- A high level of motivation to attend ILANUD training courses, especially where travel is involved and the opportunity to have international exchanges of ideas.
- An increased awareness of the justice system's shortcomings and the need to reform.

a. Work of Participants

The majority of ex-participants (28 of 31) felt that their ILANUD training was useful. Only 21 of the 31 queried said that the training activities had caused a change in Guatemala's justice system, and most of these changes were in the manner in which each individual trained carried out his or her responsibilities.

Most of the returned participants said they applied what they learned in ILANUD courses when they went back to their work place and/or community. It is interesting to note that most of the Guatemalans said when they returned to work they were motivated to improve their performances and truly carry out their responsibilities. However, here and in other impacts reported by ex-trainees, we had difficulty when we tried to pin them or others down on "what changes?," "what do you do differently?" The responses given to these queries were usually vague and far from concrete. There were a significant number of very positive comments and some crucial to real justice such as "I no longer limit prisoners to answering yes and no, but letting them clarify what happened."

Taking all of the diverse data analyzed into account, the evaluation's conclusions about the impact on ex-participants' work is not as positive as the above scenario might suggest. First, even in post-questionnaire interviews, scarce evidence could be presented to corroborate the behavioral changes individuals professed about human rights, more responsibility on the job, and doing improve work. At times, we felt the Guatemalans were giving what they considered to be "correct" answers or what they guessed ILANUD or the evaluators wanted to read or hear.

b. Spread Effect

As already reported, one of ILANUD's training program's faults is that it lacks a carefully planned multiplier effect Guatemala is no exception. We found little evidence of any significant number of formal training programs being organized and carried out by ex-participants. However, when interviewed or questioned, a large percentage of ILANUD trained Guatemalans reported that on a very informal basis, they had passed on their knowledge to others - co-workers, supervisors, other judges, university students, and to a lesser-degree to the community at large.

c. Support of the Other Components

Both the Training and Extension Departments report that they cooperate with one another and in Guatemala we did encounter some mutual support between them such as in the first three national

courses already completed: the Justice of the Peace and Justice of the Peace Court Staff Seminar, the Justice of the Peace Seminar, and the Juvenile Court Judges National Seminar. However, we did not find a written plan or strategy statement which could be utilized for comparing planned inputs with actual products for those events.

5. Future Plans

While the evaluation team was in Guatemala the Mission was in the process of completing a PID for a bilateral administration of justice project for which ILANUD would like to provide services and assistance. The Mission has scheduled project paper preparation for the bilateral project for early summer 1988. The Mission is considering using ILANUD to assist in the planning and implementation of a major training component of the Project.

6. Problems and Recommendations

The problems and recommendations common to ILANUD's training activities in all the core countries are covered in the main volume of the report. In addition, there is one problem particular to Guatemala.

Problem - The National Commission has not taken an aggressive role in Guatemala to coordinate a number of different justice-related training activities in-country, e.g., there are ILANUD training programs, the U.S. Justice Department program, and the Harvard Law School project (all operating more or less independently). Even the ILANUD program is fragmented by having to deal individually with each justice sector institution (Supreme Court, Public Ministry, Attorney General, etc.).

Recommendation -- USAID/Guatemala should address this problem. The Mission may wish to consider a condition precedent for the bilateral project such as requiring some type of Guatemalan training coordinating unit.

D. Preparation of Action Programs

1. State of Preparation of Bilateral Program and Future Plans

The Mission is preparing a bilaterally funded action program to begin in late FY 1988. It has included the program in its Action Plan; was preparing a PID for review in April; and plans to complete a Project Paper during the early summer. The Mission's planning for the action program so far has been based on its own conversations with representatives of local institutions (mainly the Supreme Court) and with RAJO and FIU and on its understanding of the strategy on which the Regional Project is based. It intends to utilize the results of the Sector Assessment scheduled

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for completion in late February and for review at a national workshop in early April. The completion of complimentary analyses and the final preparation of the action program is to be done by the Mission itself--with the help of contracted advisors; but it also will consult with RAJO and FIU in the process.

The Mission is taking an active approach to preparing and carrying forward a program to support the reform of the operation of the criminal justice system. There are several reasons for this. First, the conditions in Guatemala appear to be favorable to the effort. An elected, civilian government is well into its third year in office; and the performance of the economy has improved. The overall level of A.I.D. activity in Guatemala is growing, and there does not appear to be great resistance on the part of Guatemalans to the involvement of the USG in activities of this nature. Second, the Ambassador and the Mission Director are in favor of including attention to the needs of the criminal justice sector in the A.I.D. program. Third, the Mission has considerable self-confidence so that it is willing to tackle new problems.

There are, of course, some risks in the active stance of the Mission. Its timing may mean that it will be deciding on and beginning to implement an action program before a national consensus has been developed by the Guatemalan institutions as to what needs to be done, and before there are results (or much experience) from the technical assistance activities of the Regional Project to be utilized in its planning. Furthermore, the demands on the Mission's staff to carry out the program may prove more than it anticipates. However, the Mission is aware of these risks; appears to be intent on forming a realistic program; and is open to involvement with the Regional Project's experience and to coordinating with its activities. The main issues which appear to face the bilateral action program are: (i) the nature of the integration into its scope of the substantial police training program of the U.S. Department of Justice and of the training programs for judges under the Harvard Law School grant; (ii) the mechanism to assume the mutual reinforcing of the regional and bilaterally funded activities; (iii) the need for an adaptation of the proposed reform activities to take account of the informal justice systems of the non-Spanish speaking population; and (iv) the probable absence of an overall national consensus on priorities and a sector program approach prior to the undertaking of the action program itself.

2. Involvement of ILANUD

ILANUD has not been involved actively with the Mission in preparing the bilateral action program. The Resident Coordinator in Guatemala has been so involved, but that has been as a Mission employee rather than as a representative of ILANUD. Nevertheless, ILANUD and its capabilities are being kept in mind as the Mission

plans its future activities. As mentioned above, the Mission is positively disposed to coordinate closely its own programs with those of the Regional Project whose main implementing agent is ILANUD. The representative of RAJO who is participating in the Mission's discussions of its plans is intimately familiar with ILANUD and its capabilities. The representatives of local institutions seem to have a favorable view of ILANUD, and both the Ambassador and the Mission Director find it to be responsive. Thus, although the planning of the future activities is still in an early stage, it would seem likely that the Mission will seek to utilize ILANUD in the conduct of its action program.

3. Conclusions

Although it was not the sole, or even primary, reason for the Mission's interest in undertaking a bilateral action program, the existence and operation of the Regional Project has been an important factor in stimulating that interest. Furthermore, it appears likely that the experience of the Regional Project and its on-going activities will be used by the Mission in the preparation and conduct of the bilateral program. Thus, in the case of Guatemala, the methodology of the Regional Project seems to be operating successfully. Of course, all parties will need to work consciously to assure that the bilateral and regional activities reinforce each other.

E. Policy Dialogue

1. Experience to Date

There has been no formal policy dialogue between the USG and the GOG or local institutions on the topic of the reform of the administration of criminal justice or concerning the activities being carried out under the Regional Project. This is basically due to the stage of these activities. The potential, bilateral action program is still in the early stages of preparation; and the regional activities are proceeding sufficiently well so as not to require the intervention of the Mission.

During their visits to the country, representatives of FIU, ILANUD and RAJO have had discussions with representatives of local institutions in the preparation and conduct of activities being financed by the Regional Project, and the Resident Coordinator has had fairly continuous contact with those activities. However, the contacts have not been used to seek changes in policies or significant modifications to administrative procedures.

2. Future Plans

At present, there are no concrete plans for the conduct of a policy dialogue with the GOG on the reform of the criminal justice system. This is likely to change. The conduct of the workshop to

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review the Sector Assessment and the need to define priorities for an action program have put greater importance on institutionalizing the Guatemalan consideration of the issues involved in the reform of the system--either through giving focus and capacity to the National Commission or otherwise. The magnitude of the activities being planned (including those of the Department of Justice, the Harvard Law School, the regional project and a bilateral action program) will be significant enough to call for a supporting policy agenda, and the Ambassador and the Mission Director place sufficient importance on efforts in this sector to make them willing to include the topic on their own agenda for discussions. However, achieving a coordinated approach by all the potential actors to a policy agenda for reform of the sector will not be simple. The Ambassador's interagency committee will play a key role in this effort.

3. Conclusions and Recommendation

The Regional Project has not been involved in policy dialogue and does not have plans to do so. However, through the Sector Assessment it is helping prepare the way for such a dialogue in the future. Both the regional program and the bilateral program would do well to begin to work on a common agenda as soon as possible.

> Recommendation: RAJO and USAID/Guatemala should seek to develop a common policy agenda for use in the bilateral action program and by the institutions involved in the Regional Project.

III. GUIDANCE AND MONITORING BY A.I.D.

A. Roles of the Parties

The basic assignments of responsibilities under the Regional Project have been followed in Guatemala. A.I.D./W provides overall guidance and backstopping for the conduct of the Project's activities. RAJO is the office responsible for conducting those activities. ILANUD and FIU are the main implementing agents under the Project including the procurement of almost all goods and services for use in the Project's activities. The Mission provides guidance to RAJO, ILANUD and FIU concerning local conditions, and has the right to object to any proposed activities in-country under the Regional Project. The degree to which the Mission also has responsibility for assisting in the implementation of the regionally funded activities is not clear, but the Mission has taken an active interest in their conduct.

The Regional Project finances the salary of the Resident Coordinator who is employed by the Mission to assist it and ILANUD in meeting their respective responsibilities. The Resident Coordinator, who is a trained lawyer, reports to the Deputy Chief

of the Program Office, and has access to both the Mission Director and the Ambassador. She is seen by local persons as representing both ILANUD and the Mission depending on the matter at hand. The dual function does not seem to cause confusion. However, there were some expressions of a desire for ILANUD to have a more formal representative in country--someone who could make decisions for ILANUD rather than just convey messages. In part, these comments reflect the centralization of all authority over the regional activities in RAJO and in ILANUD's home office. In part, they probably reflect a situation in which the demands on the Resident Coordinator are excessive. The scope of these demands is indicated by the facts that: no annual plan for the training or technical assistance activities of ILANUD in Guatemala has yet been done; the National Commission has no staff, and does not function sufficiently to be relied on for programming and other purposes; and the person on the staff of the Supreme Court who is charged with working with ILANUD has many competing duties that prevent her from devoting as much time as is needed to the program. (There is a proposal that that person be given an assistant, but this has not yet taken place). Finally, the Mission itself is undertaking an active bilateral program which will rely on the Resident Coordinator for much of its guidance.

The parties have related to each other largely through verbal communications--both by telephone and through occasional visits to Guatemala by representatives of RAJO, ILANUD and FIU. The frequency of these visits has increased since work was begun on the Sector Assessment and on preparations for the bilateral activities. However, representatives of A.I.D./W have not visited the Mission to observe or discuss the operation of the regional Project's activities, and do not appear to have played a significant role in the conduct of the Project. There are no formal reports among the parties or regular sessions to discuss progress and problems under the Project.

B. Relationships Among the Parties

In the first year of the Project's activities in Guatemala, there were strains between RAJO/FIU and the Mission. The Mission office responsible for the activity was impatient with the rate at which the regional activities (and especially preparations for the conduct of the Sector Assessment) were taking place, and with what it considered to be the difficulties of getting information on the funds available under the Regional Project for use in Guatemala. That office also wanted to be kept more informed as to what the representatives of RAJO and ILANUD were doing with the local institutions involved in the Project. Those initial strains largely have been overcome as the regional activities have taken better hold and with the addition of the Resident Coordinator to the Mission's staff in April of 1987. At present, the Ambassador and the Mission Director are satisfied with the relationships with RAJO, and the Mission office responsible for the activity agrees

that it is getting better information and cooperation. The Resident Coordinator is quite positive concerning the advice which she receives from RAJO.

Although the relationships among the parties appear to be good at the present, the participants seem to agree that the structure of the Project itself creates some problems. The most important aspects appear to be the highly centralized nature of RAJO's control over the use of Project funds and of ILANUD's decision making and the ambiguity concerning the responsibility of the Missions for the successful implementation of the regional activities in their countries.

Although not formally part of the Regional Project, the activities of the Department of Justice and of the Harvard Law School are important to the sector. The Embassy and the Mission are in contact with both institutions and are seeking to incorporate their activities into plans for the action program. However, apart from some very informal contacts, there do not appear to be continuing relationships or exchanges of information among these institutions and RAJO, FIU and ILANUD. This is a weakness which should be addressed during the development of the bilateral project paper.

C. Conclusions and Recommendations

Despite initial strains and some continuing difficulties arising from the Project's structure and the workload undertaken by the Mission, the guidance and monitoring by A.I.D. seems to have been adequate and the working relationships achieved among the parties to have been good. However, the challenge to those working relationships will increase very substantially as the Regional Project's technical assistance program takes greater hold, the Mission's action program is adopted and implemented, and the activities of the Department of Justice and of the Harvard Law School expand as currently planned. If the Mission is to assume responsibility for assuring that all those efforts are coordinated, it will have to address how it should be organized to meet those responsibilities. If RAJO and A.I.D./W are to have substantive participation in the conduct of the action program, a more formal reporting and review system would help.

Recommendation: In preparing its action program USAID/Guatemala needs to pay particular attention to how it will organize itself to carry out the program and to how the activities of all the parties active in the justice sector (e.g., RAJO, Department of Justice (ICITAP), Harvard Law School and the Mission) are to coordinate their efforts to achieve the greatest impact.

Appendix #1

PERSONS INTERVIEWED IN GUATEMALA

U.S. EMBASSY

MICHELS, James H.; U.S. Ambassador

USAID

CAUTERUCCI, Anthony J.; Mission Director

WHITE, Paul; Deputy Mission Director

KELLERMAN, Thomas A.; Deputy Program Officer

*AGUILERA ORTIZ, Carmen Aida; Regional Coordinator

BURKE, Richard; Program Officer

FIU

ALVARADO, Ricardo; Sector Assessment Deputy Director

POINTEVAN, Rene; Sector Assessment Director

POLANCO, Carlos A.; Sector Assessment Administrator

MEMBERS OF THE SUPREME COURT

VAZQUEZ MARTINEZ, Edmundo; Chief Justice of the Supreme Court

SUPREME COURT STAFF

KRAUSE, Karl; Human Resources Directo , Supreme Court

LUNA CASTELLANOS, Carlos Alberto; Librarian, Supreme Court

RODRIGUEZ MOSCOSO, Leticia; Supreme Court Secretary

URETA, Sandra; Training Director, Supreme Court

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

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MEMBERS OF THE LOWER COURT

*ALFARO GARCIA, Quomino Humberto; Justice of the Peace, Penal Branch

*GARCIA GUILLERMO, Miguel angel; Justice of the Peace, Penal Branch

*PALMA CHACON, Otto Fernando; Justice of the Peace, Penal Branch

*VILLATORO ESCOBAR, Osmondo; Justice of the Peace, Penal Branch

LOWER COURT STAFF

*ALVAREZ RUIZ, Saú Orlando; Second Official of the Court

*ANDRADE PEREIRA, Leonel Estuardo; Official of the Court

*CARRANZA DORANTES, Jorge Rafael; Third Official of the Court

*CATELLANOS JOHNSTON, Edgar René; Secretary of the Court

*CERMANO MARROQUIN, Homero Adolfo, Official of the Court

*CHOCOOJ PINEDA, Oscar Enrique; Secretary of the Court

*ESCABEDO OROZCO, Oscar Roberto; Third Official of the Court

*FUNES ENRIQUEZ, Victor Manolo; Secretary of the Court

*GARCIA DE ESTRADA, Maria Rosalva; Second Official of the Court

*GOMEZ OXCAQUIC, Carlos Gainez; Secretary of the Court

*GONZALEZ CABRERA, Luis Armando; Secretary of the Court

*HERNANDEZ, Maria Elena; Administrative Assistant, Office of Programing

*HERRERA SOLARES, Marwin Eduardo; Official of the Court

*MENDOZA BATRES, Rubén; Official of the Court

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

*MENJIVAR LORENZANA, José Mario; Official of the Court

*MORA HERWING, Hugo Leobardo; Director of Purchases, Judicial Branch

*OCHOA MENDEZ, Milton Eleazar; Court Deputy

*OSORIO GUZMAN, Julio David; Court Deputy

*PEREZ GIORDANI, Guisela Elizabeth; Court Deputy

*PEREZ MULLER, Rossana Lucrecia; Court Deputy

*PEREZ ORDOÑEZ, Edith Marielena; Sub-Director of the Information Services

*RUIZ MORENO, Diana Carolina; Official of the Court

*VALLADARES, Jorge Luis; First Official of the Court

PUBLIC MINISTRY

*CASTELLANOS ARRESLA, José Fernando; Head of the Justice Branch in the Public Ministry

*KATZ UNGAR, Catalina; Prosecutor

PALENCIA LAINFIESTA, Mario; Attorney General

*VASQUEZ CABRERA, Angel Luis; Assistant

BAR ASSOCIATION

CADELA RAMILA, Ramon; Deputy Secretary

GARCIA GOMEZ, Manuel; Secretary

GARCIA RIVERA, Edgar; Board Member

ORTIZ MOSCOSO, Arnoldo; President

QUINOÑEZ DE GALVEZ, Alma; Board Member

(*)Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

RIVAS SANCHEZ, Oscar; Vice President

SAENZ JUAREZ, Luis; Board Member

LEGISLATIVE BRANCH

CANCINOS, Luis Eduardo; Representative, Congress

DEPARTMENT OF THE INTERIOR

CORDON Y CORDON, Luis; Vice Ministro de Gobernación (Director of the Police)

NATIONAL COMMISSION

BONILLA MARTINEZ, Fernando; National Commission Member

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

Appendix 2

COMPLETE TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	25
Negative	5
Not answered	1

Comments: In part yes, because of some of my doubts were answered, but in part, no, because they did not clear up all my questions. Positively, in terms of analysis, practical application, and objectives for the administration of justice. Yes, because they analyzed the beginning of court procedures that justices of the peace carry out. Truthfully, not completely, because they did not relate the criteria to practice. Mostly, but I still have some questions. Not much. Yes, now I understand the work of justices of the peace. The content of the program responded to our basic work. To a great extent because the general standards of duties was explained in relation to judges of the peace. Yes, but not totally, they should give more activities of this type. No, because the course was not long enough, and they were discussing a new way to do things. The information given was not broad enough. It broadened my knowledge in part, I believe they should cover other areas. They covered the course content, but did not finish all of the necessary information. Definitely, I learned how to improve the technology of investigations. Really! For the most part it broadened my knowledge which I will use in my job as a judge. We had the opportunity to review ideas about the functioning of justice in Guatemala and compared it with other countries that participated.

2. Did the course serve your and your colleagues' professional growth?

Positive	28
Negative	3
Not answered	0

Comments: It was only a review of what I already knew. The time was really too short to learn anything. In this case I think that the course given by ILANUD helped improve my professional competence and attitudes about my work.

3. Did you clearly understand the specific and general course objectives?

Positive	28
Negative	2
Not answered	1

Comments: No, they were focused on a general level and were not dealt with in depth. It was not planned well and it was too short to reach its objectives. Unreadable comment. I understood them perfectly and clearly. To improve the personnel in the commission of justice. They were understandable. The objectives were clear and they were focused on the activity. They were clear but they did not cover everything. I understood the objectives clearly. They were clear. I understood them. I understood the general and specific objectives well and they have tended to better my work. Yes, but there was a lack of time to cover the entire subject. In the majority. The course should be longer so as to have a wider focus.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	28
Negative	3
Not answered	0

Comments: They did not give materials in accord with the activity. No. No, I only received the course outline, but did not receive any materials during the course and the materials were important. I think so, but it was based on the laws. The material was very important for illustrating the activity covered and it caused one to want to study more and investigate the subject. Perfect. Yes, but they could have given more materials for practice. It was in accord with the points covered at the time. For the course covered, yes. They should have given more written material. I think it was sufficient, but it was not used totally. Yes, but they could have given more material on some of the subjects covered. The teaching materials given were adequate. For me it was enough, but they could have given more. Sufficient for my job. It was effective at the necessary level, especially the statistics and charts, but they could give more.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

   a. were well qualified?

Positive	22
Negative	3
Not answered	6

   b. had the required experience?

Positive	22
Negative	3
Not answered	6

   c. were adequately prepared?

Positive	21
Negative	5
Not answered	5

Comments: When I talked to one of the instructors he expressed doubts about how justice is carried out in our country and I assumed that the instructors should know more about our justice system before coming to Guatemala. There were some problems in relation to equipment and time but the instructors were qualified. Unreadable comment. The instructors were not adequately prepared because they could not answer all of our questions and were not able to adequately project their knowledge. The people in charge of the classes did not have sufficient instructional materials for the course. The instructional team should have been in Guatemala before they gave the course. I answered the question C no, because the professors did not know our local Guatemalan situation; however, they were qualified and experienced. One of the teachers was brilliant but could not teach.

2. Were the specific and general objectives met?

Positive	9
Negative	11
Not answered	1

Comments: No, possibly because of the short time in which the course was given, and because of the interruptions of the participants talking about the administrative problems they have. Unreadable comment. They did not reach the objectives totally because of the short time in which the course was given and because they saved time for the preparation of judges of the peaces' manual. No, each judge in the course has his own way and practice of carrying out

justice. The time was too short to accomplish the objectives (2 people). No, because the rules have been changed where I work. They reached the objectives but there were some prior discrepancies among the instructors. They should have planned the course better in advance. I think in part. I do not think so, because it was a general course. By my criteria, yes. Yes, I think they met them, and I will do a better job in administering justice. Yes, they met them. They were met for our situation. They met some. They met the objectives and the course was very important in relation to the work being done by the participants. For the most part. Yes, because they left us models and guides for application in carrying out the administration of justice.

3. Specify your level of utilization.

Positive	28
Negative	3
Not answered	0

Comments: 100% (4 people). 100% has been related to work in my court. Minimal. Personally, it was a little too theoretical, and I could have used more knowledge and experience about actual cases; however, it was beneficial. Optimum. It was beneficial, it gave me a wider vision about the experiences I have obtained in different positions. A lot, it gave me the opportunity to express my doubts and reach conclusions. It was not too beneficial for me, but it did review some things I already knew. 70% beneficial. Regular, everything focused on the general level but was not very profound. It was only a test to measure the level of each official, but it was good for judges. I consider that I benefited the maximum from what I received in the course. It was 90% beneficial. It was good because it served to review knowledge we already knew. I obtained a high level of benefit. I understood the level and degree of the judicial statistics project in the Dominican Republic. Unreadable comment. Medium. It answered some of our questions that come up during our work. I learned some new techniques about using the material. It was of maximum benefit, especially that related to beginning the penal process. For me it was a review of the use of laws, clarification of doubts, and interchange of standards. I received a lot of information about preparing and beginning court cases. I benefited from the course because the knowledge learned is being put into practice. I consider it good, especially in practice for preparing court cases and I have applied a wider and better investigative technique in concrete cases. Regular, because they cleared up certain doubts, but three days were too short to change certain judges. My benefit level was very high, since a complete

panorama of the project was presented, and it was magnificent to meet people responsible for justice from other countries.

4. What suggestions would you make to improve the course?

Not answered 0

Comments: Unreadable comment. More concrete content with highly prepared instructors to give the course for a longer time. It covered very interesting subjects, but was too short. More time. Probably the same people should have follow-up courses with more practical training. In the first place, make the course longer, and in the second place, train everyone involved in the justice process. That the duration of seminar or course be no less than one month, with a larger number of people responsible for the administration of justice. It really was a well developed plan, and I think it is not necessary to change it, because it met the requirements of a course of this nature. A better methodology and that the instructors should be practitioners in what they teach. Other people such as justices of the peace and other judges should be invited to the course and what was learned should be passed on to others. They should give more courses regularly. The course should be longer, have sufficient materials, with a change in methodology. Train instructors who know the subject, give the course for a longer period, and give more local courses. A higher percentage of practice, because the course was too theoretical. The activities should be given for a longer period and repeated in the future. Longer duration. I think the course could be longer with more written material. Make sure that the theoretical aspects are complemented with practical exercises. Invite more people to training and have the courses more frequently. I think the most important thing is to increase the amount of time in order to learn the maximum amount possible. I think there should be more time, more materials, and possibly films about the content of the course. That the materials should be given to everyone on an equal basis, and that all judges should be treated the same. The course should be longer with a more participatory methodology. They should be more frequent for those areas outside of the capital. The course should be longer and made available for a larger part of the prosecutors in each country. Study the course content to make sure that it can be completed in three days since prosecutors have to work during the week. To better the course, they need to lengthen it and increase its content. They should try to give it in different parts of the country, give a better orientation, and more practical lessons. Give more workshops. Give longer courses outside

of the capital and observe actual concrete cases. The course should be longer with more time for small groups which would be beneficial to answer questions and cover other points. None.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	28
Negative	3
Not answered	0

Comments: No, only with more information. No. Any course, no matter how simple, which trains personnel is useful. We have never had the opportunity to receive this interesting course. It has helped improve our knowledge about how we live in this country. Yes, definitely. Yes, they have been useful because in some cases it has been determined that some people who have received it have responded to the course objectives, and in cases where this has not happened, it was the fault of the person. Yes, but I think they should not be given so isolated. This course improves the employee's work. They have been useful. For improving general knowledge. Yes, because of them we are finding better trained personnel. Yes, but they should be more practical. They have been useful because they have given an orientation that we did not have before. I believe they are useful because they are unifying standards, and this will improve the administration of justice. I think they are useful, and each of the participants has learned the course content. I think they will help in part. They have been useful for a better administration of justice for those who have received the courses and they are now better qualified. Yes, from the point of view of a prosecutor, an improvement in the quality and legal technology of a good number of judges has improved and this is true even though their support personnel remain in the usual seas of work. Yes, they have been useful. Yes, they have been very useful and more courses should be introduced for all law fields. They are important and useful to improve each participant in his work functions. Useful and very necessary in the administration of justice, which should be up-to-date in everything concerning criminal investigations.

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive:	21
Negative:	9
Not answered	1

Comments: It has been minimal because more training is needed. I do not think there has been change, nevertheless, it has helped us see some things from a different point of view. No, none, it is a project that will only give results with time. No, because we are working with the same procedures as before. Until now, no. No, some changes have been made only in what we were doing before. None. It consisted of expanding in a small part theory and practice which we were doing every day. A total change, perhaps no, but yes, a modification in the way we are doing our work, taking into account what we learned in the course, and our personal attitudes were modified. They have benefited the judicial system in a positive way. A manual for judges of the peace for all of the country was distributed. The people who have received these courses now are better qualified in judicial matters. There is a new interest from judges about applying better techniques and improving themselves. Yes, the investment is long and short term; I think it is an investment which is less vulnerable to change. Yes, in the court where I work; I no longer limit prisoners to answering questions yes and no, and now I let them clarify what happened. Yes, for people in criminal justice who now have a better orientation about modern justice systems. From my point of view it has improved the judicial system even though I believe there are some changes needed such as systematization. Effectively, the system is more functional within the current laws and with the reforms. Based on the comments of my classmates, I have heard that a positive change has been made. I feel I cannot give an opinion because I do not know ILANUD's other courses. Yes, changes in the administration and control of the courts. Yes, there has been change because there is a better understanding about the system in most of the justice system. Yes, they reaffirmed knowledge and new experiences were acquired. It will make us investigate and study for a change from our traditional courts. In some cases they have completed the plans developed, but I consider this an arduous task and difficult, given the idiosyncracies of our country, which have slowed change before. Perhaps a big change no, but a help to better judicial activities in more practical ways. Yes, in the sense that the investigations are better and we now have a way of getting better evidence from the courses. They have given more optimism and

knowledge about how the administration of justice should function; I hope it will improve soon.

3. How have you applied your new knowledge about human rights?

Not answered 6

Comments: I believe well, because I have tried to acquire more information by means of my own practice and from other people. Fortunately I have been lucky in receiving more information from different institutions and this has helped me in my work in the court. For my general knowledge. Political and others; additionally a better quality of life. One measure could be taking interest in understanding such things as the penal process. In my dealings with other people. With personnel and in practice. I think that each person should apply what he learned positively. In most of my work. None, it was only general knowledge. I can say totally. In each case I review I have applied that which is relevant about human rights In my work. Applying the truth to justice. Taking into account the reasons and circumstances of each case for each prisoner and according to the circumstances I look for the legality of the process and require the courts to respect the rights of the prisoner. I have not applied what I learned. Daily, because of the nature of my job we work with hundreds of people daily in a more just and kind manner. 100%. Quite a bit as a justice of peace where I work. The course I attended did not have human rights in it. Whenever possible. In my daily work and in my personal way of administering justice. I have applied it as much as possible. Somewhat. First, in dealing with the public, and second, in personal satisfaction in doing my work well. Subjectively, demonstrating a real interest in protecting human rights and objectively, protecting human rights in each concrete case which are being presented continually.

4. In what ways have your responsibilities or job changed as a result of your ILANUD training?

Not answered 3

Comments: The training has had influence in my work and responsibilities in giving me a broader vision in resolving cases submitted to me. My job responsibilities have not increased, but as an individual I am more responsible in carrying out my duties. I am carrying out my work better technically. I am giving better service to the public as a result of the knowledge I learned in the course. I am doing my work more conscientiously. In a small part because what I learned I knew before. Not much because my work is the

same as always. I have changed in the sense that now I try to investigate the evidence given to the court. My work is changed in the sense that I investigate things more. I am doing my job and responsibilities better. A great deal. My responsibilities are the same, but I am doing my job better. I am trying to apply what I have learned. 100%, it strengthened my knowledge as a lawyer. My job and responsibilities have not changed, but I try to use what I learned in the course at work. In the sense that I am doing my work with more caution and competence. I have always been responsible but not because of the course. I have tried to incorporate what I learned in the criminal process as a prosecutor. Not too much, but I think my work is better now. Most of the things I studied I use daily in my work. I only attended one course. I have not had the opportunity to use my experiences directly. I am doing better investigations. We have reorganized our court and are using the knowledge. The training was of academic help and it has made my work easier in practice. None, the things I learned have not contributed to my job or responsibilities.

5. How have you used your new knowledge in your job and functions?

Not answered 1

Comments: Applying them to the different court cases which I have to investigate in accord with police practice. I have applied them in a practical situation. I use them daily in my work. I learned I was making some errors, but I no longer make the same ones. I have a better education and am carrying out my functions more positively. I am doing my job better technically and studiously. I have been putting in practice the suggestions made in the course. They have been a great help and they have given me more knowledge, thus I am able to apply what I have learned in my job. I try to use what I learned in my job and my work is more concrete and complete. Clarification of doubts and an understanding of problems that need to be solved. Until now I have not had the opportunity to apply my knowledge because I have not been given any concrete cases in this ministry. Totally, I have tried to use the scientific investigation knowledge in crimes and cases. Applying the different procedures and with personnel. Not at all. Better determination of the legal principles and the functions that correspond to the Public Ministry in the penal process; and also Guatemalan legislation. None, it was more information for judges of the peace. Personally, with the community where I work, in my social contacts, and what I learned has been effectively applied to cases. More scientific understanding as a human and I am a better judge. In order

to understand others in their positive and negative aspects. Instructing personnel that justice should be applied quickly and deliberately for all people. Actually I am now in another job where I cannot use what I learned. Daily in my work. I am working in a more technical way now, and I try to improve my work each day. In questioning prisoners. Knowledge of the law, better technical level and more understanding of prisoners. Better awareness of the laws in my daily work. It is serving to better our work. I am putting into practice what I learned. My work is better organized with more investigations about penal cases, and I have a better understanding about preparing cases.

6. What other benefits did you get from the course?

Not answered 4

Comments: I received new knowledge. I have a better global appreciation of the problems affecting justice. None (2 persons). I received up-to-date information and directives and a better technical knowledge. I have been able to teach myself about current judicial procedures. None, it just reviewed what I knew. Only personal benefits, but I think the professional environment has benefited because I know about other activities related to my profession. I am better prepared to carry out my job and work through the legal process in our country. I have a higher interest about my work and the justice system. Personally I have a better knowledge about law and the justice system. A better legal comprehension that before was not clear. The opportunity to attend the course which had not been offered before. Review knowledge which I had received in the university and better my work. A better knowledge of preparing court cases. What is necessary to apply the law better, and what we need to do in investigations. A better understanding of the responsibilities they have delegated to us. Practically nothing, only in oral presentations. I have better human relations and more knowledge now. All types of interchange with colleagues. Better knowledge of the field. More self-assurance. More experience in knowing and applying the law. Only general information and the knowledge that ILANUD exists. Revitalization of my desire to learn and the betterment of judicial personnel. Better personal capacity in information about judicial personnel, methodology, etc. A broader view of work, interchange of experiences, and knowing my classmates.

7. What benefits from the course have you seen in your work place, the community, and in your subordinates?

Not answered 7

Comments: The majority of colleagues who took the course are being benefited. Unreadable comment. The system is more effective and agile in processes. None (3 persons). It has awakened an interest in my subordinates about participating in such activities. It has improved my own ideas about the prosecuting process. People in my work place are interested in similar training. I think my subordinates are treating the public better after I talked to them about what I learned in the course. I gained more knowledge. The officials and clerks are coordinating better in doing their work. It has served them in orienting others and giving them the important parts of what I learned. They know more now. It depends on the personality of the person who received the course: there is an element that has a conscience in doing its work - I think with my subordinates we have had good results. The community relation aspects of our court have improved. Principally it has been that in my work place there was a lack of protection for the criminal. We are involved in more activities outside the court. Most of my benefits were personal. The judges who attended my course are now more skeptical about the accusations and want more investigation. A more conscientious work. Better development of work, better technical work, and a better treatment of individuals and improved compliance with responsibilities. The inter-relationships with co-workers has improved. I have better communication with and understanding of my subordinates; better attention to and understanding of the public. We are trying to be more responsible and do our work in a dedicated way under the law. Better applied justice, more humanism for the community, and a better understanding of my subordinates.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered 4

Comments: They could also give the courses in departments because they need them the same as we do. Continue this type of training and at the same time do evaluations in order to stimulate work. This course should be given to all judges and their staffs in all of the country. The course conclusions should be printed and distributed throughout the Republic. There should be scholarships, courses, and more training courses; apply what has been learned directly in the field. Have diverse courses given to all personnel periodically. Put in practice the content of the program. Courses for justices of the peace should be more frequent and also for the staffs of the same courts. Give more courses at the national level about many subjects in criminal justice in order to obtain a more immediate

improvement in the administration of justice. Have meetings for judges, secretaries, and other personnel in the courts in order to exchange experiences. Periodically organize courses and seminars. Publish and distribute the conclusions of each course. Perhaps not only give academic and technical courses, but also give social consciousness programs individually to those of us who work in the administration of justice. Try to update the administration of justice by means of relations with other countries in order to change and improve the system. Make the courses more intense, with a longer duration for the whole country. More frequent courses, and have an ILANUD administrative office. Improved preparation for the bureaucracies in charge of legislation and justice. Continue all types of training in this area. Give more extensive courses in the interior of the country. Unreadable comment. More participation of the Commission with the supervisors of courts. The Commission focus on the possibility of improving court supervision. Continue training with more practical programs for all levels. Have the whole country participate in this program (2 persons). Program this type of event more frequently and invite people who are directly concerned with the problems. The courses should not be so short with such extensive content and should be given at different levels in the penal system. Change the penal laws and give the ILANUD programs at all levels. That personnel be selected by examination. The training should be continual. Investigate the training needs of personnel and develop a program. Distribute more appropriate materials related to the courses and plan more courses. Besides continuing this type of course and workshop, try to sensitize the people who have received these benefits that they become preoccupied with putting their experiences into practice.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or community? Specify.

Not answered	2
Negative	4

Comments: Naturally, I have given my knowledge to the community and tried to better human relations. Yes, to some co-workers in the town where I live. Unreadable comment. In talks with my co-workers and other law professionals. Yes, I have tried to transmit my knowledge to co-workers and university students. Yes, in the court with other lawyers. No (three persons). Yes, to my subordinates in my work place. At work with my subordinates and by loaning materials to others. As general information to my co-

workers. It has been personal. To new personnel who come to the court. Yes, in conferences. In the application of justice, you have to inform people who intervene in the process about the work that we do in a concrete form. Yes, contacting other people who are in my work. In the court and to university law students. I have explained what I learned in the course to co-workers and other students. Yes, when I contacted the resident coordinator I was able to help him begin his work. Yes, verbally to the Chief of Human Resources and to the Chief of Judicial Statistics. Only to my co-workers and my student interns. Whenever I can, to court officials who do not have knowledge about criminal investigations. I have transmitted what I learned to the people working in my court. Yes, I have talked to the people I work with and also to elements of the National Police. In personnel meetings in my work place. Yes, sometimes verbally and other times by giving the course materials to be reproduced by students, my assistant and other interested persons in my profession. Not in my actual work. Especially to other officials, law student interns, and in some ways to the public or persons interested in law.

2. What type of results have you had in passing on such information? Specify.

Not answered	1
Negative	2
Positive	28

Comments: Personally nothing, but I consider that I have helped the justice system improve. Very positive, each time persons are taught by me, I think they get the message. Very good, now that we have worked well in bettering justice. Very important themes have been covered. They are helpful since some persons learn knowledge that they did not have before, when they did not have the opportunity to attend the course (2 people said this). Positive. Not only did subordinates learn they are practicing what they were taught. Better collaboration with subordinates and better team work. A more general acceptance of ILANUD because of the studies in Guatemala. Unreadable comment. In the work accomplished. Reach the point where people understand the development of the penal process. Good results. They receive the value of being prepared to administer justice. They ask me questions about what they do not know. Excellent, they have developed very well. They have been motivated to implement computerized projects on judicial statistics and they are working on them. I am satisfied that I have been able to teach what I learned to others. I have taught about the quality of public work submitted and the importance of knowing the law. Good results with everyone. They have been effective, certain ideas they had

have been changed, even some have been corrected or expanded. Good, as long as it is applied objectively and constantly in the work place. None.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	1

Comments: Perhaps more publicity. Raising consciousness nationally about the program is indispensible. Publicize the program to the general public. Expand the opportunities to participate. Teach the subjects in the University. Invite everyone from agriculture to attend agrarian law courses. Send representatives from each court to the activities and transmit information to everyone in each court jurisdiction. Lengthen the courses and invite larger numbers of people for each theme. Make courses more intense even though of short duration in order to have better coverage. All prosecutors should benefit. Inform people about the program by radio, T.V. and newspapers about the nature of human rights (2 people said this). Repeat the activities for new groups of people. Begin to train more throughout the Republic for better coverage and results. Give more mass media coverage. Give the same course more frequently throughout Guatemala (2 people). Give the courses to all personnel in a broader and more efficient manner. Prepare administrators. Give the courses in Guatemala City and in the Departments. Give more documents and films about cases. Stimulate them. Give a final examination so as to evaluate learning. Cover the interior of the country. Give courses more often and use free days. Be aware of participants' workload and excessive responsibilities. Only give courses to justices of the peace. Select the best graduates to give courses to others in Guatemala. Systematically train different levels of people in the justice system. Give the courses locally, taking into account our legislation and its deficiencies, and the character of our institutions. Use video cassettes to repeat the courses for those who could not attend. Give out the information nationally and then have courses all over the country.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	3
Negative	6
Positive	22

Comments: No contact with ILANUD personnel after the course. Very little contact but some opinion exchanges with classmates. At the professional level only. Letters, but the postal system here is a problem. Only with classmates (2 people). Consultations with other participants. Very little, only informal contacts. With ILANUD when the Coordinator is absent. Only in relation to work. Letters between institutions. Between my university and ILANUD. I have seen communications between ILANUD and my classmates. In work. No other contact. None since the course (2 people). With classmates only (3 people). With classmates and instructors (6 people). Some with ILANUD.

2. What would you suggest to have better follow-up in this program?

Not answered 2

Comments: Make the program continual (7 people). Give courses more often for more people nationwide (7 people). Put more actual practice in the activity. Check or evaluate to see if officials are using what they learned. Give more information. Let us ask questions and get answers by mail. Plan dates and content better. The people in charge should be more sociable. More courses. More time in each course in order to learn the subject (2 people). Awaken more interest so that people think the information is important. Establish a definitive regional and national training system. Have more contact between ILANUD and ex-participants regarding criminal justice. Program new courses about improving work habits. Depends on each person -- it is up to each individual to maintain contact with ILANUD. Program by interrelated phases -- theory, practice, and objective.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered 1

Comments: Invited by the Supreme or other Court (20 people). Invited by the Attorney General (3 people). Invited by ILANUD (2 people). I had to go. In a general way. Invited by the Public Ministry. Randomly. I was the course coordinator.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	7
Not answered	6

Comments: None. Only give it in groups in order to have more time. Make the course more general and bring in more people from all over Guatemala. More people should be trained who work in penal law (3 people). It was perfect and we were well taken care of during the course. Make sure the participants will be staying in the system. Make it obligatory for those who work in the system (3 people). They have done it adequately. Only for persons who have real interest. Give the opportunity to more personnel (3 people). Recruit people who have not had training. Select by academic level and actual job (3 people). Do not change. By adding other groups of personnel such as law students. In this case, none. Select more by job specialty. Select the best personnel from each court.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered	10

Comments: Criminal investigation. Courses in criminology, ballistics and investigation. Learn more languages (2 people). Develop professional aptitudes. Above all, criminal investigation following up what I learned. Investigations and how to manage groups. Comparative criminology. Modern criminology techniques and penal science. Other branches of law. Courses about human rights. Constitutional law courses. Law interpretation (2 people). Human relations. Project development and oral process in penal law. Comparative law (2 people). We all need more training for our field, work, and profession. Practical training. Follow-up courses on what I attended. Public speaking courses.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered	3

Comments: Judges and court staffs (9 persons). Court staffs (3 persons). National and regional training at all levels (8 people). Social workers at the national level. All police personnel. People outside Guatemala City. Public Ministry staff. Include law students. Mayors. Criminal investigators. Judges of the Peace (5 people). Security.

IX. OTHER

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 3

Comments: Select people who know the subject, are experienced, and who give stability to the judicial system. Need to sensitize trainees to procedures, terms of reference, and established procedures since many authorities do things on a whim. Work on the problem of corruption of personnel. Give programs to our university law faculties. Do this work with other international law organizations. They should orient and train judicial personnel so they form trained institutions. Give continual seminars, workshops, and courses in different places (8 people said this). Unreadable comment. Make the programs given have more fluidity and continuity. Give courses to police throughout the country. Prepare technical and administrative personnel for their work. Give a more intensive, coordinated, and flexible program for improved decision making. Give more courses to the National Police. Give courses to all judicial employees. Need to change the judicial system in Guatemala. Train more personnel. Provide follow up training. Putting into practice what is taught (2 people). Use ILANUD to help improve the judicial system. Implement courses with modern equipment and instructors. Truly giving importance to the law and its application in society.

2. What other comments, observations, and/or recommendations would you have?

Not answered 8

Comments: The courses should be given more often with more content for those who work in and can apply what they learn in the justice system. Give the courses more often and make their content more profound and provide more written materials. Invite more experienced professionals who can impart their knowledge and views. There needs to be an institution of primary instruction. ILANUD should give foreign scholarships. The course really helped us learn

more in our criminal justice area (2 people said this). Give courses more often and give out more written materials. Keep the best technicians continually informed. Continue and expand relations between ILANUD and ex-trainees. Have follow up courses. Some of the material presented by the instructors is of doubtful utility here in our justice system (he gave four examples). Develop more written and audio-visual materials. Create a Guatemalan training institution like ILANUD. More emphasis on local legal problems. More continual contact by ILANUD with justice personnel. The course was interesting and gave us an opportunity to discuss our problems. Time was short and more materials should be distributed. The MOE should give a national course about crime and criminal justice using mass media. Give more courses. Make the activities less general and more specific to our country. I believe ILANUD has worked very well, and the desire of ILANUD and the people, who give the courses to improve and provide other types of services, is noteworthy. My contacts with these people have always been excellent and the high quality of ILANUD professionals is evident. Give English courses to justice sector personnel. More work in legal terminology. Put more controls on those who make judicial decisions poorly because of corruption or negligence. ILANUD's work is admirable and should be continued at a higher level. Continue the seminars so as to improve coverage and use of the information (4 people). Give the courses for longer periods of time to more appropriate local people. None. Somehow motivate trainees to see the importance of the course and to use what they learn.

A review of the summary of questionnaires provides a fairly clear general picture of what participants' opinions were about ILANUD training. In addition to the ex-participant questionnaire (see Annex 4 A-B), a survey instrument (see Annex 4C) was developed for other interviews with non-participants we conducted during the evaluation. This was developed so that personalities key to the project could provide their concepts regarding ILANUD training programs. These on-site Guatemalan interviews were coupled with a review of the headquarters operation in San José and limited observations of actual training programs in operation in order to provide a base on which to form judgments.

Overall we found the quality of training to be average or above with some excellent courses, all of which have had a positive impact on Guatemala's justice system. However, we identified a tendency of ILANUD and host countries to over-rely on training to solve fundamental structural and real operational shortcomings by offering a short course, seminar, or workshop. For example, one of the evaluators observed a human rights seminar that was being held while the team was in Guatemala. The seminar was well organized for 50 participants and definitely was

valuable. Nevertheless, the Guatemalan human rights problems for indigenous populations was not dealt with forthrightly, and in other interviews with ex-Guatemalan trainees the subject was minimized as not being a really serious problem. Spanish-speaking officials are quite sensitive to the subject and have a tendency to avoid it. Quite often you hear "everyone in the system needs ILANUD courses." Rather than correct the flaws in their system (a difficult task in Guatemala), people in the system look to ILANUD for a "magic bullet" training cure-all.

Annex 10

COUNTRY ANNEX - HONDURAS

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 10 - Honduras

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

Annex 10

COUNTRY ANNEX - HONDURAS

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Annex 10

Country Annex

HONDURAS

I. INTRODUCTION

This Annex for Honduras reviews some of the major activities planned and accomplished under the Regional Project in Honduras and the guidance and monitoring by A.I.D. The major problems facing those activities are identified. Recommendations particular to Honduras are included. General recommendations applicable to all the core countries are included in the main volume of the report; they are not included in this annex. Two appendices, which list the persons contacted in Honduras and complete questionnaire tabulations and transcripts, are included.

II. Activities Planned and Accomplished

A. Creation and Utilization of the National Commission

1. Nature and Operation of the National Commission

The Honduran National Commission was established by executive decree in late 1985. There are six members representing the Supreme Court, the Ministry of Justice, the Procuraduria (prosecutor's office), the Bar Association, the Ministry of Planning, and the University of Honduras Law Faculty.

The Justice Sector Assessment for Honduras, which was published in February 1987, criticized the National Commission for the infrequency of its meetings and the failure of its higher-ranking officials to participate actively in its activities. Fortunately, this is no longer the case. The Commission meets once a week on a regular basis, and also schedules emergency meetings when necessary. One member of the evaluation team attended a regular meeting of the Commission. Each component of the Honduran justice sector was represented by members knowledgeable about their fields. The members were enthusiastic about carrying out their responsibilities and formed a cohesive group dedicated to working hard to meet them.

The Honduran Commission properly understands its role. The members are aware that they are in a position to influence the legal future of the country. Moreover, the Supreme Court is receptive to the work of the Commission and cooperates with it. It should be noted, however, that the membership of the Supreme

Court is due to change; and there can be no guarantee that the new magistrates will be as sympathetic towards legal reform as the present ones. This has given a sense of urgency to the work of the Commission.

The Supreme Court provides office space for the Commission, and some in-kind staff support. The Commission also receives support from ILANUD similar to that of its counterparts in other countries. The Honduran Commission was generally satisfied with its level of funding from ILANUD. However, it would like to receive some additional funding to hire a local expert who could draft proposed legislation on short notice. This would enable the Commission to expedite the process of presenting legal reform projects to the appropriate authorities.

2. Problems and Recommendations

Problem: The Honduras National Commission has expressed discontent with the relatively few ILANUD sponsored events which have taken place in Honduras and with ILANUD's substitution of its priorities for those of the Commission.

Recommendation: RAJO and a representative of ILANUD should meet with the National Commission as a group to discuss these complaints. As part of that discussion they should address the problem raised in the discussion of Technical Assistance below.

B. Technical Assistance from ILANUD

Honduras is not the site of any of the pilot activities of the Regional Project. However, in response to national requests ILANUD is providing some assistance in all the pilot activity areas. The Hondurans complain that they have not received a fair share of the Regional Project's attention.

1. Judicial Statistics

Honduras has had its own statistical program since 1980. The Statistical Department of the Supreme Court consists of two spacious rooms; it has a staff of four people. The work is done in an orderly and responsible fashion. The forms filled in by the various criminal courts are tabulated and processed manually. ILANUD has supplied an IBM PC-XT computer and training in computer science in the United States for the director of the Statistical Department. However, since the software for the computer has not arrived, the computer cannot be used. At the arrangement of RAJO, two computer experts visited Honduras recently to assess the needs of statistical activities already underway. They made several recommendations for the activity.

Meanwhile, all work in the Statistical Office continues to be done manually and the program has had some impact even without computer capabilities. Statistical information revealed that one court in Tegucigalpa was overworked. When four new courts were created in 1987, one of these was given the same rank and jurisdiction as the overworked court to help with its backlog of cases. Furthermore, Honduran legal institutions have adopted the statistical forms developed by ILANUD. This should facilitate the changeover to computerized recordkeeping when the complete system is operational.

2. Compilation of Juridical Documents

Honduras has undertaken its own project to index the issues of the Gaceta Judicial for the years 1950-1988. The index will provide a key to legal decisions, legal writings, and legislation. Work began in December 1987. So far the years 1959 and 1966-88 have been completed. At this stage the indexing involves a collection of data that is typed onto index cards. Later an attorney is to be hired to summarize the legal decisions. The cards will also be useful as teaching materials in the proposed judicial school.

The slow progress is attributable to the fact that there is only one person assigned to the task who is working on a part-time basis, four hours per day. He is paid from ILANUD funds on a three month contract that has been extended. He is a librarian, but without a legal or computer background. Despite his industry and good will, additional resources will be needed if the project is to advance promptly.

3. Libraries/Document Center

ILANUD has donated two book collections to Honduras. One is in the library at the Supreme Court and the other has been given to the Law School of the National University. Honduran officials complained about the focus of the donated volumes on criminal law; they would have liked to have had a collection of titles in different aspects of the law. Yet ILANUD has always intended that the donations should stand as criminal law libraries rather than serving as collections of more general legal materials.

So far, about 50 percent of the books promised by ILANUD to the Supreme Court have been delivered. The agreement allows ILANUD until June 1989 to complete the delivery. Once this has happened, the library will have three times the books it had previously. ILANUD's donation has already stimulated a rearrangement of the existing library, the development of a modern system of classification for the books, and other general improvements. The director of the library was a participant in an ILANUD course where she learned techniques of bibliographic classification. The library now has a second person working in

it as assistant to the director. However the library is not yet open to the public.

The second library donated by ILANUD is at the Law School o the National University of Honduras (UNAH). In this case, there was no pre-existing library. The Law School library is a bit smaller and more modest than the Supreme Court library, but it i still a comfortable place in which to work. A member of the evaluation team visited the premises twice. The facility was nearly full with readers utilizing the collection. About 80 percent of the books promised by ILANUD have arrived at the Law School library. The remainder are due in by June 1989. Clearly the donation has already had a significant impact in providing the working materials for a new research facility that is being heavily patronized. The library staff had a very good opinion o ILANUD.

4. National Requests

In addition to the assistance provided to the Honduras on the major common problems outlined above, ILANUD has provided the following assistance in response to requests from Honduras:

- sponsorship of a visit by a professor from the national university to the Judicial School of Costa Rica,
- assistance to the national university in obtaining information from various Latin American universities on criminal justice procedures,
- provision of basic equipment to the Supreme Court,
- assistance to the Supreme Court in preparing draft regulations for the Law of Judicial Careers,
- assistance for the revision of the project to reform the law governing the organization of the courts,
- assistance for producing a manual of procedures for justices of the peace.

All in all, ILANUD provided some 330 consultant days of assistance.

C. Training

1. Size and Nature of Training Provided

As with the overall program, the size and nature of the training program for Honduras is being determined on an annual basis. ILANUD's planning process for training activities is discussed in the main narrative of this final report.

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Observations, conclusions, and recommendations for improved planning are set forth. Representatives of the Honduran National Commission were invited to San José for a 1988 planning meeting, and the GOH sent the rest of the Commission to the meeting which assured a significant host-country input and a truly of a Honduran program.

Training costs are discussed in the text of the final report. The ILANUD Training Department did not have reports or summaries of training costs by individual countries. We were unable to compare ILANUD training costs in Honduras with comparable outside training nor with ILANUD training costs in other countries. However, we did find ILANUD's budgeted and average actual training costs to be reasonable and in some cases lower than other institutions.

As noted in the main body of this Final Report, ILANUD training activities have far exceeded original targets in the Project Paper, which were shown in global terms. In the Honduras Program, a large number of persons (707) associated with the justice system will have received training in 22 regional and 9 national training programs by the end of 1988.

Twenty-nine days of national training will have been provided to 655 persons from the judicial system. Furthermore, at least 52 judicial system personnel will have been given 185 days of regional training activities by the end of 1988. Overall 214 days of training have been given which excludes those Hondurans who finished one year post graduate programs in Costa Rica.

The Hondurans would have liked to have been given more training activities from ILANUD. Partly as a result, Honduran participation will increase significantly in the Project. Naturally, 41 attended a Judicial Career Law Seminar in 1987 and 614 individuals are planned for eight 1988 national activities. This will be a significant increase in Honduran national programs conducted by ILANUD. Current ILANUD plans for Honduran regional training remain about the same for 1988. These programs will present a wide variety of content for different levels of the system.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in Honduras through the end of 1988.

HONDURAS PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN REGIONAL TRAINING ACTIVITIES

Training Activity	# Days	# Participants from Honduras
Activities Completed		
1. Regional Course: Formal Control of Non-conventional Delinquency, October 7-31, 1985, ILANUD, Costa Rica.	25	4
2. Regional Course: Criminal Justice in L.A. ILANUD, San Jose, Costa Rica, September 2-27, 1985.	20	4
3. Regional Seminar: Upgrading of Adminstration of Justice for Legislators, Antigua, Guatemala, March 19-21, 1986	3	4
4. Regional Course: Public Defenders. ILANUD, Costa Rica, April 7-25, 1986.	15	2
5. Regional Workshop: Revision of Juridical Thesaurus. ILANUD, Costa Rica, June 11-14, 1986.	4	1
6. Regional Workshop: Criminal Justice Statistics, Hotel Santo Domingo, Dominican Republic, June 25-27, 1986.	3	2
7. Regional Course: Organization and Operation of the Public Ministry. Hotel Honduras Maya, Tegucigalpa, July 14-25, 1986.	10	4
8. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	2
9. Regional Course: Agrarian Justice in Central America and Dominican Republic. ILANUD, Costa Rica, March 30-April 10, 1987.	10	2

Training Activity	# Days	# Participants from Honduras
10. Regional Seminar: Human Rights and the Administration of Juvenile Justice. ILANUD, Costa Rica, May 4-14, 1987.	10	2
11. Regional Course: Criminal Process System, Quito, Ecuador, June 22 to July 4, 1987.	10	3
12. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	2
13. Study Tour: Criminal Process Reform in Argentina, Buenos Aires, Cordoba, November 2-15, 1987.	10	2
14. Regional Seminar: Human Rights of the Minor and Child before Juvenile Justice, Mexico, D.F., November 26-30, 1987.	5	2
15. Regional Symposium: The Functioning Judicial Power in Costa Rica, ILANUD, Costa Rica, June 16-20, 1986.	5	4
Regional Completed Subtotals:	145	40
Planned Activities for 1988		
16. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	4	3
17. Regional Superior Course: Criminal Science, Madrid, Spain, June 6-15, 1988.	9	Undetermined
18. Regional Workshop: Training Human Resources for Judicial Representatives, Costa Rica, June 20-24, 1988.	4	2
19. Regional Course: Public Defense, ILANUD, Costa Rica, August 15-26, 1988	11	Undetermined
20. Regional Seminar: The Legislator's Role in Improving the Administration of Justice, October 5-7, 1988.	4	2

Training Activities	# Days	# Participants from Honduras
21. Regional Seminar: Justice Information, Guatemala City, Guatemala, October 17-21, 1988.	4	2
22. Regional Workshop: Judicial Statistics, Santo Domingo, D.R., October 24-26, 1988.	4	3
Regional Planned Subtotals:	40	12
Regional Completed and Planned Totals:	185	52

Note: The 1988 Plan for ILANUD training did not allocate participants by country for three regional activities. Hondurans could be invited to these two courses, possibly 5 or 6 individuals in total.

HONDURAS PARTICIPANTS BY NO. OF DAYS AND ACTIVITY IN NATIONAL TRAINING ACTIVITIES

Training Activities	# Days	# Participants from Honduras
Activity Completed		
1. National Seminar: Judicial Career Law, Honduras, August 27 to 28, 1987.	2	41
Activities Planned for 1988		
2. National Workshop: Justice of Peace Manual, Tegucigalpa, Honduras, February 24-26, 1988	3	30
3. National Seminar: "Primeras Diligencias" for Prosecutors, Tegucigalpa, Honduras, March 16-18, 1988	3	30

Training Activities	# Days	# Participants from Honduras
4. National Seminar: Dissemination of Judicial Career Law, Tegucigalpa, Honduras, March 18, 1988.	1	200
5. National Seminar: Dissemination of Judicial Career Law, San Pedro Sula, Honduras, March 21, 1988.	1	200
6. National Course: Modern Mixed Penal Procedures (Itinerant Course), Tegucigalpa, Honduras, March 23-25, 1988.	3	50
7. National Seminar: Penal Judges, San Pedro Sula, Honduras, May 4-6, 1988.	3	50
8. National Seminar: Penal Judges, Tegucigalpa, Honduras, May 11-13, 1988.	3	50
9. Study Tour: Judicial Training Institutions in U.S.A. Participants from Dominican Republic, Honduras and Guatemala, July 25 to August 5, 1988.	10	4
National Planned Subtotals:	27	614
National Completed and Planned Totals:	29	655

2. Importance of Training Provided and Relationship to Other Project Components

In our meetings with Mission and Honduran justice sector officials, the general consensus was that the ILANUD training is important and is filling specific needs of the justice system. We found that the development of adequate human resources at the lower levels of the system and for support staff was a primary concern. For example, the training of justices of the peace and administrative staff was given high priority by Honduran and USAID/Honduras officials.

We found some relationships between the training provided and other Project components. However, there is not a planned,

written strategy to tie all training activities to other ILANUD Project components. As noted in the main text's conclusions and recommendations, ILANUD probably should devote more time and effort to planning and evaluating all Project components. Part of the planning efforts should be targeted at more deliberate and programmed inter-relationships among all Project components.

3. Quality of Training

Apart from a significant number of interviews with key personalities in the justice system, we interviewed 24 ex-participants, mainly from the capital area. The ILANUD evaluation instrument (see Appendix 4, Main Report) developed by the evaluation team was utilized. The ex-participant sample of 24 consisted of the levels of persons listed below:

Category	# of Participants Interviewed
Upper-level judge	1
Mid-level judge	9
Court staff employee	7
Prosecutor	2
University professor	4
Legislator	1
TOTAL:	**24**

For the 24 ex-participants interviewed, the responses are summarized below in the evaluative areas which follow. For a complete tabulation of responses and a transcript of ex-participants' comments, please refer to Appendix 2 of this Annex.

Although the questionnaire was one of the main vehicles for forming any judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials, interviews with ex-participants who did not complete the questionnaires, etc. In general, possibly because of Hondurans' tendency to respect instructors and educational/training, we found the questionnaire results and comments to be more positive than we learned from other sources. Comments tended to vary greatly because of the sample interviewed, but they do reveal same trends. We tend to be less optimistic regarding lasting positive impact, long-term

effects, and ILANUD's role as a catalyst to improve the Honduran justice system.

The evaluators did not encounter any data base of evaluative information prepared by ILANUD for the onduras training program. The sample for this evaluation was limited and included ex-trainees from a variety of regional and national activities, thus, the comments under a particular question may seem unorganized and at times even contradictory. Nevertheless, the evaluation pulled together all of the diversified findings in reaching conclusions or judgments.

a. Materials

All of the ex-participants who responded in Honduras answered that the instructional materials provided were in accord with the level and content of the activity. We also observed two Hondurans working in San Jose for ILANUD developing instructional materials for courses that were to be conducted in Honduras. ILANUD also had significant inputs into the development of materials for the introduction of a new Honduran penal code. We understand that technicians from the Extension Department also collaborate successfully in these undertakings. Not only were ex-participants laudatory, but the other officials interviewed also had a very positive impression of ILANUD training materials.

Based on Honduran ex-participant responses, inspection of instructional materials in ILANUD files, and discussions with instructors and other interested parties, we concluded that ILANUD's instructional materials were adequate for the level and content of the activities; but we were disappointed that so few video cassettes, slide/sound shows, and films were being utilized.

b. Preparation of Instructors

With the exception of one individual, all of the Honduran ex-participants who responded said the instructors were well qualified, had the required experience, and were adequately prepared. ILANUD and its instructors enjoy a relatively high professional reputation in Honduras according to the majority of legal professionals interviewed in Tegucigalpa. In fact, the Hondurans look to ILANUD staff and instructors for information, guidance and leadership.

Relying on all of the data gathered and observations made, the evaluation agreed with ex-trainees that in Honduras instructors were academically well qualified, and generally well prepared. However, we did observe that ILANUD needs to tighten up its planning process for each course, particularly at the national level, to insure each party (including instructors) understands his/her responsibilities, has adequate preparation time, and is fully cognizant of the local situation and special needs. This

implies possible increased costs since paid instructional time will need to be increased. Even though Hondurans were concerned about the local situation, they placed high value on hearing from "name" experts and on having the opportunity for international level interchanges.

c. Views of Participants

All responding ex-participants reported that their training program met their expectations. Eighteen of the 24 questioned said that the course served their and their colleagues' professional growth. Finally, all respondents clearly understood general and specific objectives.

In terms of the quality of instruction 19 out of 20 responding felt the specific and general course objectives had been met. The one negative comment was because the participant felt the "oral procedures" he learned could not be implemented in Honduras. Most participants felt that their level of utilization of the material learned was high.

Based on our analysis, and all of the other information we gathered in Honduras, our conclusions were not as optimistic as the Honduran ex-participants' views of ILANUD training. When the basic system is flawed and has glaring deficiencies, short-intensive, and in this case, probably well-done courses, are not the only or major solution to reforming the administration of justice.

d. Selection Process

ILANUD does not exert a leadership role in the selection process It was found that most candidates are named by their sponsor g organization and applications are reviewed by the ILANUD raining Department staff. Only occasionally are candidates rejected and/or replaced. In a general way, course announcements describe the type of persons to be trained, but, to our knowledge, actual selection criteria have not been developed. In Honduras, the Resident Coordinator appeared to be active in the selection process.

4. Impact Achieved To Date

a. Work of Participants

All Honduran ex-trainees responding felt the administration of justice courses have been useful. Most said that ILANUD training had caused a change in the Honduran judicial system and had effected an increased awareness of and respect for human rights on their part.

An underlying theme in student comments is that they applied what they learned in ILANUD training when possible, and were improving in their work. Nevertheless, when we attempted to find concrete evidence of such improvements, by asking questions such as - "Exactly how or in what ways has your work performance changed for the better? or "Which problems and/or attitudes?" The follow-up responses remained vague leading one to believe that persons possibly were responding with answers they believed to be "correct" or what the evaluators or ILANUD wanted to hear. As noted above, the evaluators had some reservations about the positive impacts implied by ex-participants. Thus, any judgments or conclusions reached are based on a variety of sources which we describe in the evaluation's methodology.

We found there had been important events or changes in Honduras. Some of these were:

- The introduction of a judicial career.
- Providing the newly revised penal code to rural judges by distributing copies and holding workshops.
- Developing a manual based on the new codes for justices of the peace.

We could not conclude that these changes resulted from ILANUD's training programs, but ILANUD's training has been a contributing factor. Although positive, these improvements (some not fully accepted or funded) are only a beginning for what is needed in Honduras.

b. Spread Effect

The questionnaires from ex-participants reveal that there has been some spread effect from the ILANUD training. Six persons have transmited what they learned to university students, and four individuals informally and on their own initiative were teaching others in their work. However, we found no evidence of any significant number of formal training programs being organized and carried out by ex-ILANUD Honduran participants. ILANUD has no written plan or program to implement a spread effect in Honduras.

c. Support of the Other Project Components

ILANUD provided training to the Supreme Court's librarian, who felt the course she attended was directly related to and beneficial to the library project. Additionally, statistics project personnel were trained under the ILANUD-sponsored program, but their skills have not been put to use yet. There is no planned or sustained mutual support among the different components of the Regional Project.

5. Future Plans

We were unable to find an overall Honduran training plan. I should be a part of the bilateral justice project that the Missic has approved. The National Commission will support the Honduran Judicial System School which will be housed in the newly constructed Supreme Court building. Through the bilateral projec and ILANUD's technical assistance this training facility could have a very positive impact on the administration of justice in Honduras.

6. Problems Encountered and Recommendations

The problems and recommendations common to ILANUD's trainin activities in all the core countries are covered in the main volume of this report. In addition, there is a problem particula to Honduras.

Problem - Training needs and programs are dispersed among various ministries which at times leads to a lack of coordination.

Recommendation - The National Commission should assume a more aggressive role as a focal point for coordination of the justice sector. ILANUD's technical assistance experts and the Resident Coordinator could provide support.

D. Preparation of Action Programs

1. State of Preparation o' Bilateral Program and Future Plans

The Mission has prepared a bilaterally funded, three-component project to begin late in 1988. The team met with the USAID/Tegucigalpa technicians responsible for the bilateral Project Paper preparation. We were told that the Mission had signed a $100,000 U.S. pre-project activities agreement with the Honduran Supreme Court on August 12, 1987. The Mission has also issued a Request for Proposals for implementation of the Project's activities.

Based on oral information in meetings with A.I.D. and ILANUI officials, we learned that one component of the bilateral project is designated for the improvement of the administration of justice system. Part of the project focuses on the Judicial Career Law which was enacted in 1980, but not implemented. The Mission plans to use ILANUD to assist in the development of an intern program for 28 law school graduates, selected competitively, who will be assigned as justices of the peace. This is a major reform from

the old system. The project also includes a computerized statistics sub-component and a public information element.

2. Involvement of ILANUD

ILANUD was not substantively involved in the bilateral project development process. However, the Resident Coordinator and representatives of LAC/DI were involved in the intensive review process. The Mission staff reported that representatives from RAJ and FIU attended a concept meeting for the bilateral project that was held in Florida, but their subsequent contributions were not as significant as those of LAC/DI which sent a person to Honduras to assist in project development.

The Mission is very positive about the bilateral project and using an international organization such as ILANUD to assist in implementing the new activities. While the evaluation team was in Honduras, a group of ILANUD managers, including the Director General of ILANUD, met with key Mission staff, including the USAID/Mission Director to discuss both the regional and bilateral projects.

3. Problems and Recommendations

Problem: Honduras has been the most active of the core countries in preparing action programs. However its use of ILANUD and the Sector Assessment has been relatively late in the process of preparing that program.

Recommendation: ILANUD should be encouraged to pursue with the Mission the submission of a proposal to participate in the bilateral action program.

E. Policy Dialogue

1. Experience to Date

Since the Regional Project has no pilot or other major activities operating in Honduras there has been little occasion for the Project's institutions to engage in policy dialogue with the Government of Honduras. However, the Mission has conducted such formal policy dialogues in the development of the Honduran bilateral project. In fact, one of the evaluators was invited to attend a meeting with the USAID/Tegucigalpa Project Manager and a key Honduran legislator. This turned out to be a policy-level meeting regarding future legislation key to the bilateral activity. Furthermore, we found that the Resident Coordinator was conducting policy dialogues with criminal justice sector officials.

2. Future Plans

In its preparation of bilateral activities, the Mission identified the policy issues it is addressing with the GOH, and is considering how such issues will be handled. The extent to which such issues will be addressed by ILANUD and the extent to which they will be addressed by RAJO or other Mission personnel still needs to be decided.

III. Guidance and Monitoring by A.I.D.

A. Roles of the Parties

The basic assignment of responsibilities under the Regional Project has been followed in Honduras. AID/W provides overall guidance and backstopping for the conduct of the Project's activities. The Mission staff responsible for the administration of criminal justice activities commended LAC/DI for its superior backstopping in the development of the bilateral project. ILANUD and FIU are the main implementing agents under the Project, including almost all the procurement of goods and services for use in the Project's activities. The Mission provides guidance to RAJO, ILANUD, and FIU concerning local conditions; it has the right to object to any proposed activities in-country under the Regional Project. There is a Resident Coordinator in the Mission paid for by Project funds as in other core countries. In Honduras, the Resident Coordinator, who is a trained lawyer, has assumed a leadership role in the Project, and has been active in the majority of implementation activities.

B. Relationship Among the Parties

In the first year and a half of operations of the Regional Project, there was some tension among the parties. That aspect of the Project is discussed in the main body of this report. In addition, there was tension arising from the unclear role given to the Resident Coordinator who in the beginning responded more to ILANUD than to the Mission. Subsequently, the Resident Coordinator's role was clarified, and the working relationships improved. Additionally, there were difficulties between RAJO and FIU and the Mission similar to those in other countries. We concluded that the majority of these preliminary misunderstandings had been resolved. However, RAJO's role in providing advice and guidance to the Mission action program is not yet as settled as would be advisable.

C. Problems and Recommendations

Problem: The relationship between the Regional Project and the bilateral action program is not yet clear.

Recommendation: The role of ILANUD and RAJO in the conduct of bilateral activities and their relationship to the activities of the Regional Project's institutions should be clarified early in the implementation of the bilateral action program.

Appendix #1

PERSONS INTERVIEWED IN HONDURAS

USAID

BOGRAN, Roberto; Resident Coordinator

LANDAU, Edward; Project Development Officer, USAID/Honduras

MARTIN, Richard; Education Officer, USAID/Honduras

MURPHY, Robert; Project Manager, USAID/Honduras

MEMBERS OF THE SUPREME COURT

JIMENEZ CASTRO, Salomon; Chief Justice of the Supreme Court

SUPREME COURT STAFF

*CASCO VARELA, Danilo Roberto; Personnel Assistant, Department of Personnel

CENTENO, Marta; Statistics Clerk

*DIAZ DEL VALLE RIVERA, Daniel Arturo; General Auditor

DONAIRE DE RAUDALES, Dina; Assistant Librarian, Supreme Court

*GODOY CERRATO, Luis Conrado; Estimate Analyst

GUERRERO, Ana Concepcion; Director of the Library of the Supreme Court

*GUERRERO MCNEIL, Eva Maria; Chief, Department of Statistics

*HERNANDEZ MATUTE, Juan Carlos; Supreme Court Clerk

MATUTE DE SIERRA, Vilma; Executive Secretary, Supreme Court

*ROMERO VALLE, Ana Concepcion; Chief of the Library of the Supreme Court

*VASQUEZ GIRON, Juan Bautista; Chief of Personnel

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

YADIRA, Aparicio; Assistant to the Department of Statistics

*ZELAYA, Maria Mercedes; Chief, Department of Administrative Services

MEMBERS OF LOWER COURTS

*FORTIN PAVON, Hector Efrain; President of the First Court of Appeals

*GALVEZ MADRID, Justo Abel; Magistrate of the First Court of Appeals

*GUZMAN ZUNIGA, Mario Alberto; Magistrate/Properties

*JUARES DE RIVEIRO, Ana Rutilia; Juvenile Judge

*MEJIA BANEGOR, Atilio; Substitute Magistrate

*MURILLO GONZALEZ, Juan Roberto; Magistrate of the First Court of Appeals

*VELASQUEZ MEDINA DI REDONDO, Luz; President of the Labor Court of Appeals

LOWER COURT STAFF

*CANALES GIRBAL, José Manuel; Court Clerk

FERNANDEZ GUZMAN, José; Representative of the Department of Courts

*MEJIA PORTILLO, Eidelman; Civil Court Clerk

*URBINA PINEDA, Nora Suyapa; Court Clerk

MINISTRY OF GOVERNMENT AND JUSTICE

HUESO PENALBA, Rumaldo; Minister of the Government and Justice Ministry

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

NATIONAL COMMISSION

CALIX FIGUEROA, Jose Ramon; Member of the National Commission

CENATO, Hector Martin; Member of the National Commission

*GOMEZ, Leon Adolfo; Member of the National Commission, Former Dean of the Law School of UNAH

PERDOMO PAREDES, Roberto; Member of the National Commission

RIVERA, Miguel Angel; Member of the National Commission

SALAZAR MADRID, Jose Antonio; Member of the National Commission

PUBLIC MINISTRY

CEPEDA, Ruben; Attorney General

GOMEZ, Carlos; County Attorney

*RAMOS SANCHEZ, Rigoberto Armando; Prosecutor

*URTECHO LOPEZ, Armando; Judicial Investigator

ALVARADO C., Manuel Enrique; Vice Dean of the Faculty of Law at UNAH (National Autonomous University of Honduras)

*ALVARADO REINA, Gonzalo Camilo; Professor, UNAH

ESPINOSA, Hugo Orlando; Librarian, UNAH

*MARTINEZ SUAZO, Jesus Manuel; Professor, UNAH

MUGIERA LANDIZABAL, Maria Alejandra; Law Librarian, UNAH

PALACIOS MOYA; Director of the Institute of Investigations, School of Law, UNAH

PEREZ CALDAZO, Guillermo; Dean of the School of Law, UNAH and President of the Honduras Bar Association

*RUBI ENRIQUE, Hector Manuel; Professor at UNAH

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

PRIVATE PRACTICE

FORTIN PAVON, Hector Efran; Lawyer

*GOMEZ, Carlos; Lawyer

GOMEZ, Leon Adolfo; Lawyer

(*) Ex-participants who completed ILANUD evaluation questionnaire developed by the contractor

Appendix 2

COMPLETE TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	19
Negative	0
Not answered	5

Comments: They taught us important knowledge for the development of our work. Yes, and we were able to look at problems. Fulfilled my professional ambitions. Helped my country. Better offers to attend conferences. I assessed administration in other countries. There was improvement. It reached its objectives in most respects. We reached conclusions after an analysis of justice. We can organize our library. Certainly. Acquired general knowledge on the use of microcomputers. Now I am aware of our rules for justice career. It broadened my knowledge (2 people). Good experience and knowledge, clarified doubts I had.

2. Did the course serve your and your colleagues's professional growth?

Positive	18
Negative	2
Not answered	2

Comments: Were taught about penal code and new recommendations were made.

3. Did you clearly understand the specific and general course objectives?

Positive	20
Negative:	0
Not answered:	4

Comments: Was clear (7 people). It helps us now that we have computers.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	20
Negative	0
Not answered:	4

Comments: Always on time. Done accordingly to context (5 people). Did the best. Can be used as a reference. Was good and could be used in a post graduate course.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

   a. were well qualified?

Positive	18
Negative	0
Not answered	6

   b. had the required experience?

Positive	18
Negative	0
Not answered	6

   c. were adequately prepared?

Positive	20
Negative	1
Not answered	3

Comments: I did not know the law career outline. I did not know the penal code. Lack of experience in Honduras makes it difficult.

2. Were the specific and general objectives met?

Positive	19
Negative	1
Not answered	5

Comments: Not all especially that related to oral procedures because it is difficult to implement in Honduras. I acquired knowledge. Reached by the end of the course. (4 people) Yes, but many lost their jobs after the course due to politics. Yes, but each country will need reforms. Yes, computer information was given but we need practice. Most assimilated by most participants.

3. Specify your level of utilization.

Negative	1
Not answered	3

Comments: 95%. High. Good (2 people). Maximum (2 people). Medium. It prepared judges of peace well. Learned about and how to improve Honduran justice. We have not used because course did not cover administrative matters. Positive because I learned what we need to do to improve. Broadening of knowledge (2 people). Learned judicial statistics. 90% improvement. Very good. Fair. Improved knowledge. I have used what I learned. 100% because I will use in my job. Excellent.

4. What suggestions would you make to improve the course?

Not answered	6

Comments: Better if national. Teach methodology (4 people). Improve instruction techniques. Include in course Latin American comparative law. Post graduate courses should have corporate law. Lengthen course (2 people). More participation of people in administrative jobs. Course was too difficult. Give course more often and longer (2 people). More participation. Use more equipment. More practical instruction. Assign people to courses by personnel classification. Time too short.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	21
Negative	0
Not answered:	3

Comments: Useful. They are good. Makes us participate. Modern knowledge received (2 people). See our own problems in justice. Justices of the peace were given new criminal code. Positive application both material and real. Indispensible for knowledge and understanding objectives for administration of justice (2 people). Yes in the courts. Very. Yes for judges. Useful because we did not have the penal code.

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	18
Negative	0
Not answered	6

Comments: A change in ideas but the system has not changed (2 people). A higher level of consciousness in the judicial

functionaries (5 people). More willingness to deal with the system. Laws were proposed for a judicial career. Many of the participants will be fired. Not yet, but it is a start. Judges have more and use more knowledge. Not a total change but some. Some changes. Created better judges of the peace. Now people know they need changed in the system. Law career very important. People talk a lot about ILANUD projects. Too early to say. ILANUD is helping us.

3. How have you applied your new knowledge about human rights?

Not answered 11

Comments: Mainly through academic teaching, newspaper articles, and considering the human being. Spread human rights as applied in other countries. Have given conferences on the subject. Knowledge of life, ownership, and free expression. Better understanding of our country. In my work. In agrarian reform classes I give. In my law practice Better judgments. Improved my work because I understand human rights better. Applied to legislation. I did not receive this course. We formed an association. Positive but you cannot do much in Honduras.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered 7

Comments: I am doing my job better. I am using the ideas in effecting judicial reform (2 people). Given me more knowledge and I learned about world cultural problems. In my university teaching and conferences I attend (2 people). Better respect to others in my work. Maximum. We are studying criminology in Honduras. Made my performance improve. Knowledge of other countries. None. More knowledge in criminology. Give better attention to professional work. Certainly. Now I look for more information.

5. How have you used your new knowledge in your job and functions?

Not answered 8

Comments: In nothing. Applying them as Supreme Court Clerk. More objective about justice. Better application of our laws. We now have more paper work in the Superior Court and I handle it better. I use this current knowledge in my university teaching and as a judge. Update my knowledge. Improvement of my work. Better knowledge of human rights (3

people). Teaching other people how to judge. Making my work more technical. I have studied but nothing has been done. Great importance because we learned what we did not know before. Using in courts and at the university.

6. What other benefits did you get from the course?

Not answered 14

Comments: I was named a full time professor in the Law Faculty. Interest in human beings. None, but as a professional I am interested in justice. It has been beneficial. Opened the doors to enter the university. Got a promotion. More sure of my knowledge and more self-confident. Better knowledge and meeting new people. Better professional preparation.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered 11

Comments: None. I have a good knowledge of our justice system. The human rights course for minors has helped me deal with the problems. Acquired good working relationships with my classmates. Better cooperation toward a better system. Improving the subject of penal law. Sharing information. Better concept of work habits. Unreadable comment. Importance of judicial statistics. Learned about my field which is not taught in Honduras. Better understanding of human rights.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered 6

Comments: Continue project until we attain better justice in Honduras. More budget. Have judicial policy. Introduce a civil service for justice. What has been accomplished is great. Give courses in all Honduras to improve judicial employees. Meetings with high level justice officials to exchange views. Put the ideas in practice as soon as possible in Honduras. Do more programming and do not interrupt the system. Stress the judicial reform. Keep graduates in their jobs. Improve the judicial system. Have a judicial school. Create a judicial career. Give judges more opportunities to attend job-related training. Select better people for the judicial system. In Honduras the Commission is doing a good job. Give courses to all levels.

Work towards improving the administration of justice and give more authority and support to the Commission. Put into practice what is taught in the course. More support from ILANUD.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or community? Specify.

Not answered	9
Negative	1

Comments: In the university law classes I teach (6 people). In my work (4 people). I published newspaper and journal articles on what I learned. I have given conferences to poor people about the justice system. In prison to people who have not been sentenced. In national seminars. Not until now, but in the future I will. I'm writing a paper on what I learned.

2. What type of results have you had in passing on such information? Specify.

Not answered	13
Negative	0
Positive	11

Comments: There is an awareness of justice for children. People understand it is necessary to improve Honduran justice (3 people). Awareness and acknowledgement by students of ILANUD. Need more active student participation. Continue ILANUD's program. Good results where I work. All results have been positive. Great interest because necessary in Honduras.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	7

Comments: Make groups more homogenous. Teach instructors to work with different levels. Lengthen courses. Other subjects. Give courses to all judicial personnel with no restrictions (3 people). Have courses more often (3 people). Program more national courses for the whole country (3 people). More interest from judicial authorities. Publicize courses more. Plan to have graduates take courses in other countries. Teach more human rights. Prepare courses so graduates can teach others (2

people). Continue courses. Use more technical personnel in Honduras.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Positive	17
Negative	0
Not answered	7

Comments: Communications from people who continually visit ILANUD and through its publications. Exchange of mail by classmates. Form small groups of lawyers to study and recommend changes. More contact by writing and publishing bulletins and ILANUD visits. ILANUD has a good relationship. Improve coordination of classes. With other classmates from other countries. ILANUD only mails bulletins. We have kept in touch with ILANUD (2 people). Not much with ILANUD or the instructors. Only between classmates. Up to now, but I just started a new job. With ILANUD by mail (2 people). Almost nothing.

2. What would you suggest to have better follow-up in this program?

Not answered: 5

Comments: Keep up legal science, increase training, and train justice leaders. More questionnaires and papers evaluating the work. Continue courses (5 people). Adequate and good. In statistics, ILANUD needs to keep more contact with Honduras. Continue program permanently with higher pay (2 people). Lengthening and increasing number of seminars. More publicity on results. Give courses more often. More economic help to the Commission. New courses. Involve legislative and executive branches of government more.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered 4

Comments: Because I was qualified. By a Deputy. By the Supreme Court (8 people). By the Law School (2 people). I applied and was selected (5 people). I was selected by ILANUD (2 people).

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Not answered 10

Comments: Should select people from all levels of justice without prejudice. Should be only for university students. Evaluate people who want to attend. Select good people. Be knowledgeable, young, and have experience. Continue in work without lay-offs. Current job should relate to course directly. The willingness and aptitudes of applicants. Give a test. Select by competition. More publicity and let more people apply. Assess actual training needs.

Unreadable comment. Choose people who know law. Select people who can study.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered 17

Comments: Specific knowledge on investigations (2 people). More cultural knowledge and international courses related to children. Computer programming to develop more advanced systems. Doctorate in penal law. Administration. Penal law (2 people). Get graduate degree (2 people).

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered 5

Comments: All levels of justice employees in the system (12 people). Many persons in the law faculty. Justices of the Peace. Court clerks. All judges. Prosecutors. Administrative personnel. Include civil law studies also.

IX. OTHER

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 4

Comments: Better stability and salaries for employees. Fulfill ILANUD's project objectives. Should help and finance the combination of the new legal career program (2 people). Issue rules to be applied to the judicial power. Help in forming judicial police. What is being done is enough to improve the system (2 people). Create new projects in different areas such as Public Ministry, judicial policy, etc. Improve the penal system. Provide money to give judicial employees raises. Work together honestly and systematically forever. Continue basic instruction. Training on penal investigations. New courses and seminars. Raise awareness of functionaries. Make judges attend seminars. Stabilize jobs of employees. Do the judicial career. Would be positive and give better results.

2. What other comments, observations, and/or recommendation would you have?

Not answered 8

Comments: Was a very accepted project and I hope they continue meeting their objectives. Interesting project which we needed a lot. Should continue (3 people). Convenient that you continue to keep up interest. Make officials acquire more technical knowledge. Make judicial system independent. Continue working with justices of the peace. Only give post graduate courses until better justice administration is in place. Supply courses with court cases. Continue the same as now (2 people). Keeping working in Honduras. Thanks to ILANUD we have changed justice in Honduras like giving medicine to an ill person. We should try to give justice to 70% of the people. Include agrarian justice. Judges have to be responsible. Increase the number of seminars. Work with prisoners or give rehabilitation of criminals. Share agrarian law information with the public. Stress administration and computerization to control a poor system. Improve and share academic knowledge. Even though the courses are short, we learn a lot and have used the knowledge. Lengthen courses. Suggest broaden the statistics curriculum.

Annex 11

COUNTRY ANNEX - BOLIVIA

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 11 - Bolivia

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

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COUNTRY ANNEX - BOLIVIA

I. BACKGROUND OF PROJECT'S ACTIVITIES IN BOLIVIA

In January 1987 a representative of the Mission attended the meeting of Resident Coordinators of the Regional Administration of Justice Project (Regional Project) which was held in San Jose, Costa Rica. She returned with considerable enthusiasm for the topic of improving the performance of the criminal justice system. With encouragement from the Regional Administration of Justice Office (RAJO) and the Office of Democratic Initiatives in A.I.D./W (LAC/DI), she undertook to generate interest in that topic among other members of the Mission. As a result of those efforts and of the interest which the new Mission Director brought to the topic, the Mission decided to undertake some preliminary analytic work. At the suggestion of RAJO, it engaged the services of a contractor who had been involved in the preparation of the Project Paper for the Regional Project. The Mission also contracted with a Bolivian national well versed in the political life of the country. The two contractors prepared a Concept Paper in October 1987 which the Mission then used as the basis for preparing a PID in January 1988. The PID called for a five to six year project of approximately $7.0 million to address the needs of the criminal justice system and of improvements in the operation of the legislative branch and of the electoral court. As part of the process the Mission gathered considerable information concerning the judicial system in Bolivia, and initiated contacts with key people in both the judicial and executive branches of government involved in the administration of criminal justice.

Coincidentally with this work ILANUD held a national level course on the modern, mixed penal system in Sucre. During the course, representatives of ILANUD (including the Executive Director) met with members of the Bolivian judiciary to discuss possible future programs. Those discussions included the suggestion by the Bolivians that ILANUD establish a permanent training center in Sucre from which it could supply training support to all the countries in South America.

II. ACTIVITIES PLANNED AND ACCOMPLISHED

Since the only activity funded by the Regional Project in which Bolivians have participated is the training provided by ILANUD, this Annex is focused on that aspect of the Project.

A. Size and Nature of Training Provided

The size and nature of the program for Bolivia has been determined on an annual basis since Bolivia was added to the

Regional Project in May 1986. In the absence of a National Commission in Bolivia, ILANUD's planning is done on a nearly unilateral basis. However, in mid-1986 ILANUD did conduct a regional meeting to ascertain South American training needs.

As noted in the main body of this Report, ILANUD training activities have far exceeded the original targets in the Project Paper, which were shown in global terms. In Bolivia, 83 persons associated with the justice system will have received training in 14 regional and one national training program by the end of 1988. The two tables which follow summarize the scope and size of ILANUD-sponsored training in the Bolivia program through the end of 1988.

BOLIVIAN PARTICIPANTS IN REGIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activities	# Days	# Participants from Bolivia
Activities Completed		
1. Regional Course: Formal Control of Non-Conventional Delinquency, ILANUD, Costa Rica, October 7-31, 1985.	25	1
2. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	2
3. Regional Symposium: Training Needs for 6 South American Nations. Hotel Honduras Maya, July 14-16 and ILANUD, Costa Rica, July 17-19, 1986.	5	2
4. Regional Workshop: Training Programs for Model Judges, Requirements, and Difficulties, ILANUD, April 28-30, 1987.	3	1
5. Regional Courses: Institutionalization and Function of Agrarian Justice in Latin America, Caracas, Venezuela, November 23-December 4, 1987.	12	3

Training Activities	# Days	# Participants from Bolivia
6. Regional Seminar: Human Rights and the Administration of Juvenile Justice, ILANUD, Costa Rica, May 4-14, 1987.	10	2
7. Regional Seminar: Training and Investigation about Human Rights of Minors and the Child in Latin American Justice, May 4-14, 1987.	11	2
8. Regional Course: Modern Mixed Penal Process in Contemporary Latin American Society, Ecuador, June 22-July 4, 1987.	10	3
9. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	2
Regional Completed Subtotals:	91	18
Activities Planned for 1988		
10. Regional Study Tour: Court Administration in the U.S. and Puerto Rico, April 11-22, 1988.	11	1
11. Subregional Seminar: Minor's and Children's Human Rights before the Administration of Juvenile Justice, Colombia, April 18-22, 1988.	4	3
12. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	4	2
13. Regional Workshop: Training Human Resources for Judicial Representatives, Quito, Ecuador, September 5-9, 1988.	4	3 (approx.)
14. Regional Workshop: The Role of the Legislator in Improving the Administration of Justice, ILANUD, Costa Rica, October 5-7, 1988.	3	3

Training Activities	# Days	# Participants from Bolivia
15. Regional Seminar: Judicial Information, Guatemala City, Guatemala, October 17-21, 1988.	5	3
Regional Planned Subtotals:	31	15
Regional Completed and Planned Totals:	122	33

Note: There were two other 1988 regional training activities in ILANUD's 1988 Plan to which some Bolivian participants could be invited, but the Plan did not specify numbers for countries.

BOLIVIAN PARTICIPANTS IN NATIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activities	# Days	# Participants from Bolivia
Completed 1987 National Activities		
National Course: Modern Mixed Penal Process (Itinerant Course), Sucre, Bolivia	4	50
Planned 1988 National Activities		
None found in ILANUD Training Activities Program.		

B. Importance of Training Provided and Relationship to Other Project Components

Since there are no other ILANUD or Mission-financed activities currently underway in Bolivia concerning the operation of the justice sector, it is not possible to gauge the importance of the courses being offered against those needs. The absence of any needs analysis or sector assessment makes any judgment difficult. However, in our meetings with Mission and Bolivian justice sector officials, the general consensus was that the ILANUD training is important, and is filling some needs of the

justice system. There also were comments that ILANUD's courses should include the topics of responses to drug trafficking, improvements in the penitentiary system and non-criminal justice procedures.

C. Quality of Training

Apart from a number of interviews with key personalities in the justice system we interviewed 25 ex-participants, mainly from the cities of La Paz and Sucre. The ILANUD evaluation instrument (See Annex 4 to the main volume) developed by the evaluation team was utilized. Twelve of the Bolivian ex-participants also returned completed questionnaires. They consisted of the levels of persons listed below:

Category	No. of Participants Interviewed
Mid-level judge	4
Justice of the peace	1
Court administrative staff	2
Ministry of the Interior	1
University professor	1
Public defender	1
Prosecutor	1
Publisher of judicial review	1
TOTAL:	12

For the 12 Bolivian ex-participants, their responses are summarized in the evaluative areas which follow. Please refer to Appendix 2 of this Country Annex for a complete tabulation of ex-participant responses and transcripts of their comments.

The sample population included both attendees at the regional and national level courses; thus, the opinions reported in Appendix 2 reflect a mixture of both experiences. These circumstances somewhat limit the utility of the responses to the questionnaires. However, it should be remembered that there is no existing system by which ILANUD, RAJO or the A.I.D. Mission

evaluate the courses and other training events supported by the Regional Project; and that this current evaluation is the first attempt to obtain information concerning the opinions of the participants and the actions taken by those participants as a result of their training. Furthermore, although the questionnaire was an important vehicle for forming judgments on the evaluation areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials and interviews with ex-participants who did not complete the questionnaires. These other sources are of even greater importance considering that the ratings given in the questionnaires were overwhelmingly positive -- much more so than were the comments provided orally or than might be expected from the written comments provided in various parts of the questionnaires. The observations which follow are based on information from all those sources.

1. Materials

There was not as much criticism of the lack of written materials in connection with the regional courses as was usual in other countries. However, there was criticism of their lack in the national level course held in Sucre.

2. Preparation of Instructors

The ex-participants had a favorable view of the quality of the preparation of the instructors. As in other countries, most of the ex-participants were impressed with the credentials of the lecturers who were used in the regional courses although one senior judge thought a few of the lecturers were not experienced enough given the high level of the attendees. There was more criticism of the national level course with suggestions that more time needed to be devoted by the instructors to understanding local conditions, that greater use should be made of local judges as instructors in the courses, and that the courses should be lengthened to permit a more thorough discussion of their themes. The observation was made that the advocacy of a process more dependent on oral procedures overlooked the fact that the Bolivian judiciary is quite corrupt, and that oral processes are more easily subject to corrupt influences. (Whether or not that is true is questionable of course; but the comment was that the issue needed to be faced.) It is likely that these criticisms were based mainly on the desire to have national level courses aimed at local issues and immediate problems. For instance, there were several suggestions that the most acute need for training was to promote the proper understanding and application of the various legal codes that had been enacted over the past ten years.

The desire for better preparation for instructors tended to merge with the idea that ILANUD should establish a training

center in Sucre. Perhaps this could be accomplished in connection with the new University of the Andes that is to open in the near future under sponsorship of the Andean Pact. The main attraction for the Bolivians of having such a center in Sucre appears to be that it would enable ILANUD to provide an extended program of courses for Bolivian personnel. Many more members of the justice sector could be trained; that training could be achieved through a series of related courses rather than limited to a short, somewhat theoretically-oriented course; and, above all, the program could be geared to local conditions and needs by instructors who had time to become thoroughly conversant with local conditions.

3. Selection Process

The selection of participants is made by the relevant Bolivian institutions at the invitation of ILANUD. For judges the invitation goes to the Supreme Court, but the actual selection is made by the various associations (colegios) of judges. No formal screening process is used, and there are no qualifying tests or formally stated standards to be met. Except in the case of persons attending the regional course on agrarian law, the A.I.D. Mission did not participate in the selection process. There is some dissatisfaction with the selection process within the Ministry of Interior, Migration and Justice in terms of the persons who were chosen to attend the regional courses on agrarian law and on the model penitentiary system. However, the main dissatisfaction expressed was that more people have not been able to participate in the courses.

D. Impact Achieved to Date

1. Work of the Participants

As in other countries, the ex-participants of the regional courses often mention favorably the opportunity to have an exchange of experiences and ideas with persons from other countries even though some asserted that in general the South Americans appear to be more advanced than the Central Americans. The ex-participants said that the courses contributed to their own personal growth with an emphasis on the raising of consciousness on the issues treated. However, it seems difficult for the ex-participants to point to concrete examples of changes in the ways they or the system in fact work differently as a result of the information and attitudes obtained from the courses. Often this lack of concrete impact is attributed to the difficulties of local working conditions, such as scarce resources (both low salaries and poor infrastructure) or the need for more personnel to be trained before the critical mass needed for reform is reached. The perceived need for training includes police investigators as well as other judges.

There also were repeated references to the tension that exists in Bolivia between the judicial branch on one side and the executive and legislative branches on the other over the issue of the alleged corruption of the judiciary. The Ministry of Interior, Migration and Justice has accused several members of the Supreme Court of corruption, and the judiciary committees of the legislature reportedly are about to propose their removal from office as well as the removal of a significant number of lower court judges. The Bar Association supports a massive replacement of the existing judges. The President of the Supreme Court has resigned. Members of the judiciary are counterattacking by accusing the executive and the legislature of seeking to remove judges in order to destroy the independence of the judiciary and of wanting to replace current judges with persons of their own political groupings. Clearly, there is turmoil in the justice sector which would make any reform effort difficult.

2. Spread Effect

As in other countries the ex-participants assert that they have shared with their colleagues the ideas and information obtained in the ILANUD-sponsored courses; however, there are no organized courses or seminars to carry out that sharing. None of the ex-participants received any training (either during or after the courses) to help them be effective multipliers of the information and attitudes set forth in the courses; and no materials were supplied to them subsequent to the courses to assist them in any such efforts. There was comment that by now ILANUD must have learned a great deal from having conducted courses in so many countries and from having representatives of all Latin America participate in its various events; and, thus that it would seem to be time for ILANUD to draw conclusions from its experience and share those conclusions with the ex-participants and their sponsoring institutions.

As in other countries, the ex-participants have not had subsequent contact with ILANUD, and have not received any publication of the conclusions of the courses. The ex-participants would welcome continuing contact and assistance. Indeed, that is one of the reasons that the idea of ILANUD's opening a training center and/or an office in Sucre seems to have such appeal.

E. Future Plans

As indicated in (A) above, ILANUD estimates that approximately 15 participants from Bolivia will participate in regional courses during 1988. This would be down from 18

participants in 1987. There are no current plans for ILANUD to sponsor a national level course in 1988. ILANUD's plans have not been discussed with the A.I.D. Mission nor, apparently, with representative of the Bolivian judicial system. However, as mentioned previously, there have been tentative discussions among the Bolivian Supreme Court, the A.I.D. Mission and ILANUD of the idea of ILANUD's helping in the creating and running of a training center in Sucre. Although Bolivian expectations of ILANUD's establishing a presence in Sucre do not seem to be as strong and concrete as are the Uruguayan expectations that ILANUD will establish a presence in Uruguay, they are there.

F. Conclusions and Recommendations

ILANUD has a positive image in Bolivia. However, its operations and capabilities are not known in any depth. There is a desire to have ILANUD assist in providing courses geared to conditions and problems confronting Bolivian conditions and to have ILANUD assist in establishing a training center which would provide continuous and comprehensive training to persons in the justice sector. The Bolivian attitude appears to be open to external advice in general.

For general recommendations concerning training under the Project see the main volume of this report. There is one problem on training particular to Bolivia .

Problem: ILANUD has no plans to continue providing national level courses in Bolivia. This will disappoint the expectations of the Bolivians, and probably will result in the positive effects of the 1987 national level course being dissipated.

Recommendation: ILANUD should seek to provide a series of national level courses in Bolivia that will build on the 1987 course--both in the numbers of persons covered and in the variety of topics to be covered. If possible these courses should be integrated into the bilateral action program being prepared.

III. PREPARATION OF ACTION PROGRAMS

A. State of Preparation of Bilateral Program and Future Plans

In January 1988, A.I.D./W approved the PID submitted by the Mission for a project which includes, among other initiatives, $3.3 million for improving the performance of the criminal justice system. The project would include: establishing a career system for judges, prosecutors and public defenders; creating a training center in Sucre for the personnel of the justice sector, probably through an institutional arrangement with ILANUD;

creating libraries and resource centers in the major Bolivian cities; strengthening the administrative operations of the judicial system; improving the information management systems of the justice sector institutions, including computerization of information on legislation and court decisions; and assisting the Bar Association to improve its legal aid services and its ability to participate in decisions concerning the staffing and running of the justice system.

There are a considerable number of important issues and difficulties facing the proposed project. Many were raised by RAJO in a cable to the Mission in late March. At the time of this evaluation, the Mission was preparing a Project Paper to cover the proposed activity. The analytical work was being assisted by the contractors who had prepared the Concept Paper, a contractor with experience in the administrative practices of U.S. courts, the senior professional of RAJO, two representatives of FIU, and a representative of A.I.D./W. The Mission plans to obligate the project during FY 1988. Both the Embassy and the Mission assign importance to undertaking the project, and plan to include its needs in their respective policy agendas for discussion with the GOB. The Mission Director is prepared to assign a Mission employee full time as Project Manager to the activity.

B. Involvement of ILANUD

The Mission tentatively has planned to utilize ILANUD as the key implementing agent for the training component of the bilateral project, and it views favorably the idea of ILANUD's establishing a permanent training center in Bolivia. As mentioned previously, this idea already has been the subject of discussion among ILANUD's Executive Director, the Mission and the Supreme Court. Other components of the proposed Project might also be appropriate for ILANUD's participation although such participation would raise important questions concerning ILANUD's capacity to meet the responsibilities involved.

ILANUD as an institution has not been directly involved in the preparation of the Mission's action program for Bolivia. The representatives of RAJO and FIU know ILANUD well, and can provide the Mission with information and perspective about its capabilities. Nevertheless, it would seem that if ILANUD is to have an important role in the project, it should be directly involved in discussions concerning the organization and structure of the project.

C. Conclusions and Recommendations

The Mission is planning an ambitious action program. Persons involved in the activities of the Regional Project have contributed to the Mission's decision to go forward, and have

helped shape the Mission's thinking. However, the bilateral action program is not built directly on the activities of the Regional Project nor does it depend substantially on the results or activities of that Project. The closest linkage between the Regional Project and the proposed action program is the planned use of ILANUD to carry out the training component of that program. However, ILANUD has not been involved in the planning for the bilateral program.

For general recommendations concerning the Project see the main volume of this report. There are two problems particular to Bolivia:

Problem 1: There is some expectation among representatives of the Bolivian judiciary that ILANUD will assist in creating a permanent training facility in Sucre. The Mission appears to support the idea. However, ILANUD has not analyzed this possibility.

> Recommendation 1: At an early time ILANUD should come to a reasoned judgment concerning establishing a permanent training activity in Sucre and clarify its intentions with the Bolivian officials.

Problem 2: The Mission is planning to use ILANUD as an implementing agent for important aspects of its bilateral action program now under preparation, but representatives of ILANUD have not been directly involved in the discussions and preparation of that program.

> Recommendation 2: The Mission should seek to become familiar with the overall program and capability of ILANUD and involve it more directly in discussions of future bilateral activities.

IV. GUIDANCE AND MONITORING BY A.I.D.

A. Role of the Parties

Until recently there has not been sustained interaction among the various parties in the Regional Project. The Mission has not been involved in the planning of ILANUD's courses or in the choice of Bolivians to attend them. There have been no technical assistance or analytical activities in Bolivia supported by the Regional Project. There has been no need for the Mission or Embassy to assist the operation of the Project in Bolivia, nor for representatives of A.I.D./W or RAJO to address problems in Bolivia. ILANUD personnel visited Bolivia only in connection with the conduct of the national level itinerant course in late 1987. A representative of RAJO visited Bolivia during the preparation of the Concept Paper for the bilateral

action program, but undertook an active role vis-a-vis that program only in the past month. Thus, the nature of the Regional Project's activities in Bolivia did not require a definition of the role of the parties or the accommodation of their respective interests and points of view. The absence of formal, periodic reporting among the parties has not been a problem.

The situation is now changing rapidly and substantially. Since the Mission is preparing an action program which is likely to include ILANUD as a major implementing agency and will be seeking to tap the experience and resources of the Regional Project, the relationship among the parties will need to be discussed and clarified. In the process, it will be important th the Mission be clear as to what are the Regional Project's expectations and plans for the roles of the Project's main organizations (ILANUD, RAJO, FIU), and what support A.I.D. plans to provide to those organizations to help meet those expectations. For a fuller discussion of this topic, see the main body of this report.

B. Relations Among the Parties

Relationships among the parties are good. The Mission values the advice of RAJO, and is favorably impressed by what it knows of ILANUD and FIU. RAJO is now addressing more attention to the needs of the Mission; and, together with FIU, is helping the Mission to prepare its bilateral action program. However, there appear to be different emphases and approaches appearing among the parties -- as most overtly indicated by RAJO's comments on the PID. The parties will have the opportunity to discuss and accommodate those differences during the preparation of the Project Paper on which they are working. The atmosphere for reaching an accommodation seems to be favorable.

C. Conclusions and Recommendations

The Regional Project in Bolivia to date has been of limited consequence. Its main function has been to give informal advice to the Mission and to make Bolivians aware of the existence and utility of ILANUD's training programs. The Mission and the Bolivians have responded positively, and are now seeking a substantial increase in the involvement of the Project's institutions in action programs in Bolivia. Adjustments will have to be made in the organization and focus of the Regional Project if it is to respond to the opportunities being presented.

Problem: The organization of the Project is highly centralized. ILANUD, FIU and RAJO all concentrate decision-making and most substantive action in one or two people. In South America the Project has no national representatives or coordinating institutions such as it does in the core countries.

Thus the Project is unlikely to be able to support and manage an expansion of its operations in South America without substantial modifications to its organization.

> Recommendation: As part of the consideration as to whether to propose an expansion of the Project's scope in South America, ILANUD and RAJO should discuss the limits on their own organizations' ability to manage that expansion. The discussion should include the possibility of using a delegation or division of authority to resolve the difficulty.

Appendix 1

PERSONS INTERVIEWED

U.S. Embassy

Mr. James Cason, Political Officer and Acting DCB

USAID

Mr. Reginal Van Raalte, Mission Director
Mr. Edward Kadunc, Chief Project Development Officer
Mr. Walter Guevara, Contract Consultant
Ms. Sonia Aranibar, Project Director, Office of Planning
Mr. Harland Hopgood, Contract Consultant
Mr. John Helwig, Contract Consultant of FIU

Supreme Court

* Dr. Jose Deckler Morales, Minister
* Dr. Hugo Salvatierra Oporto, Minister
* Dr. Adolfo Vera del Carpio, Director of Library and Publications

Ministry of Interior, Migration and Justice

Dr. Luis Alberto Alipaz, Sub-Minister for Justice
* Dr. Daird Moscoso Ruiz, Secretary General

Office of the Attorney General

* Dr. Antonio Gutierrez Torricos, Attorney General

Judges and Prosecutors in La Paz

* Dr. Julio Iturralde Perales, Judge of Superior Court
* Dr. Ruben Flores Paredes, Supervising Judge of Superior Court
* Dr. Luis Gomez Argote, Judge "departido"
* Dr. Fernando Oblitas Mendoza, Judge "departido"

Judges, Prosecutors and Defenders in Sucre

* Dr. Walter Aldayuz Duran, Judge
* Dr. Mario Luisa Torres Bernal, Public Defender
* Dr. German Torrez Arce, Judge
* Dr. Norah Toro Delgadillo, Judge
* Dr. Norah Poppe Uriona, Prosecutor
* Dr. Teresa Rosquellos Fernandez, Public Defender
* Dr. Juan Penarafiel Condori, Public Defender

Judges in Cochabamba

* Dra. Amanda Arriaron, Member Superior Court
* Dr. Oscar Crespo Soliz, Member Superior Court
* Dr. Alberto Arellano, Judge "departido"
* Dr. Federico Velasco, Judge "de instruccion"

Administrative Personnel

* Sra. Eva Mendizabal Barrenecha, Director of Judicial Personnel, Sucre
* Sr. Jose Dairla Zarate, Director of Lawyers Roster, Sucre
* Sra. Wilma Poppe Entrambasagues, Director Superior/ Lawyers, Sucre

Legislature

* Sr. Alfredo Cuellar Vargas, Senator

University

* Sr. Remo di Natale, Professor, La Paz

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* attended ILANUD course.

Appendix 2

TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	9
Negative	1
Not answered	1

Comments: Yes, because it gave current information about the modern mixed penal procedures. Yes, by the educational explanation of the dogmatic penal procedure, by the way the course was organized and the cooperation of the trainees. It responded effectively. In the past, yes. Yes, because it tried to unify Law Procedures that are unique. I did not find anything new. Yes. Yes, with the suggestion of providing texts for consulting or a bibliography. Yes, fully because it illustrated and introduced us to modern mixed penal procedures. Fully.

2 Did the course serve your and your colleagues' professional growth?

Positive	10
Negative	1
Not answered	0

Comments: No, because the Judicial Penal System of Bolivia is already modern.

3. Did you clearly understand the specific and general course objectives?

Positive	7
Negative	0
Not answered	4

Comments: Yes, the objectives that the question is referring to were understood. Yes, because the objectives presented were addressed to the professional lawyer and the specifics to Bolivian judges. I understood perfectly. Yes, it tried to humanize the treatment of human beings. Yes, I understood the specific and general objectives. Perfectly.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	5
Negative	5
Not answered	1

Comments: Yes. Yes, the necessary material was given in accord with the content and goals of the course. With the exception of a very interesting video, the course or seminar lacked instructional material. The instructional material was not very well presented and even less so at the seminar. No, there was no bibliography. There was no instructional material provided. There was no instructional material; it was necessary. Such material was not provided. All the materials were in accordance with the level and objectives of the course, and even today we can use it as a text to consult. Excellent.

II. QUALITY OF INSTRUCTION

1. Do you believe th the instructors:

a. were well qualified?

Positive	10
Negative	0
Not answered	1

b. had the required experience?

Positive	10
Negative	0
Not answered	1

c. were adequately prepared?

Positive	10
Negative	0
Not answered	1

Comments: It is suggested that the educational preparations be closer to the reality and characteristics of the country. They were some of the best instructors on the continent.

2. Were the specific and general objectives met?

Positive	8
Negative	2
Not answered	1

Comments: To be truthful, this question must be answered in a positive way, because the objectives proposed by

ILANUD were accomplished in full. Yes, even more if you take into account that, at the level of Bolivian Judicial Power, this was one of the first experiences of specific studies. They were reached in a general way. The general objectives, yes. They were not reached because of the lack of time and the time was short. Nothing new. Yes, because somehow this system will be used in the Bolivian Penal Procedure, wit the difference of not counting with the "juries." The objectives of the course were fully reached.

3. Specify your level of utilization.

Positive	10
Negative	0
Not answered	1

Comments: Very good. In the conclusion that can be reached, it is easy to say that the level of utilization was eminently good, in more than 20 hours of conversations, dissertations and debates. Normal. Good (4 people). It helped me remember something I learned before. Best (2 people).

4. What suggestions would you make to improve the course?

Not answered	1

Comments: In general, I think that the courses are good from every viewpoint. (Unreadable from this point on). That the duration of this course be prolonged and that the conclusions be spread to reach everyone of the people concerned. A larger duration of time and greater participation of the trainees. It is convenient to introduce group dynamics. Greater duration and participation; the teachers must be prepared in accordance with our legislation or else qualify a judge so he can teach. The duration of time should be prolonged and more participation from the teachers is needed. The courses must be of greater duration; the professors must be theoretical, practical, experienced in the administration of justice, and have a profound knowledge of law. A duration of approximately ten days, with a more profound context and adequate understanding of the legislation of the country in which the course is being presented. Context: to be more practical. Duration: extend the duration, so it would give an opportunity to a greater number of speculations, discussions and unity of criteria through to conclusions. Professors: they should be more knowledgeable about the problems of the nation. I would like the duration of the course to be extended, with broader discussions and the publication and diffusion of the conclusions.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	10
Negative	1
Not answered	0

Comments: I think they are the best; they give you the opportunity of enhancing the norm of practical application. Yes, definitively. Yes, useful in the form of intellectual proficiency and practical matters for each one of the participants. Yes, they were useful as a plan for the future. Relatively, because it failed to give those courses to the Bolivian Police Force that takes care of the first transmissions and furthermore to the Judicial Technical Police because they are not capable and conscientious about their jobs. For some it has been very useful, especially for those who have little experience. They have not been accomplished.

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	2
Negative	9
Not answered	0

Comments: I do not think it is possible to give you a full answer. However, the influence they can have is evident. There was no change at all, because for it you would need the introduction of reforms at the legislative level. Probably yes, in respect to the judicial functionaries that participated in the event; but, in the judicial system of all the country, it seems impracticable on account of its limitations. They have managed to motivate change, but they cannot materialize it, because for change, the courses are needed at the Parliamentary level. No, because you would have to change the codes of law, (rest of answer unreadable). They have been adequate for the actual current legislation. No, however in the case of the judges in penal material, yes, because now they try to bring into consideration the individuality of the offender. It has left an impact, yes, in the future it can be the basis for change, or at least improvement of the actual system. No. Bolivia, because of the gravity of its crisis and its narco-traffic, it does not allow partial improvement.

3. How have you applied your new knowledge about human rights?

Not answered 5

Comments: In all its affairs and relations, the Government has to exercise respect for human rights. In accordance with our possibilities and limitations, we have tried to apply the knowledge acquired. I have applied it to my own humanization, that undoubtedly has been influenced by the concepts and ideas expressed in the seminar. In the functions I carry out as a judge. In regard to my colleagues' defense. Just simply, in my dialogue in the university.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered 3

Comments: I can say in a big way and with great success. It has been determined that procedures will gain fluency and dynamism. The responsibilities inherent in the jurisdictional function. In the best way. To evaluate the judges. In the flexibility of the procedures; (unreadable from this point on). In the human applications of the Penal Law. Quality in the jury procedures, speed in the procedure of reintegrating convicts into society. Not in any way because right now I am fully engaged in agrarian activity.

5. How have you used your new knowledge in your job and functions?

Not answered 4

Comments: Within the Bolivian people's own limitations, to liberate the prosecuted, with a clear idea of reintegration into society. Greater humanization; acceleration of procedures and professional responsibility. Bettering conditions in prisons and particularly with respect to the inmates. According to the case, the judge that is taking the courses can appreciate its application. In the application of the different stages of the Penal System. You have a more human conception of the prosecuted, with faster jury procedures, and with the fundamental point being his (the criminal's) rehabilitation.

6. **What other benefits did you get from the course?**

Not answered 7

Comments: A more human vision of the Penal System confronted by repressive currents that are still present in totalitarian regimes. Social and intellectual interchange with the judges from other districts of the country. I was motivated to talk with my colleagues, Magistrates and the press. A more human view of the prisoner and more respect for his rights.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered 5

Comments: I hope that from the time the ILANUD seminar ends, the procedures would speed up and will not delay justice anymore. The benefit that the Third Judge of the Party in the Penal System of Bolivia has been able to acquire actual knowledge about this expertise. A good acceptance of the commentaries given at the seminar. They have not been evaluated yet, (unreadable from this point on). Greater consideration and meditation. It is necessary that the support personnel and the Ministry of Public Affairs be aware of the new procedures.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered 2

Comments: It is not up to us to resolve this question. To continue to have seminars, symposiums, etc.; legislative reform; judicial reform. They should study the modification of the Penal System, introducing the jury. To unify judicial standards with respect to Conditional Liberties. To unify standards with respect to the parole system, inside or outside the jail. The improvement of the Administration of Justice, not only at the levels of judges, officials, and the judicial police but also all the staff in the tribunal. The implementation of the Judicial Technical Police. Prepare more seminars at a regional level as in the national level. Courses or seminars of a greater duration, and to promote and conduct similar events in all of Latin America. Greater coordination and tracking of the personnel participation in the courses.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or Community? Specify.

Not answered	2
Negative	0

Comments: This movement is automatic; it happens at all moments and with the whole staff. To my colleagues, lawyers and my staff, in some way. Yes, to some of my colleagues. However, the problem of divulging knowledge acquired through books still exists. Preferably, I transmitted the knowledge to the personnel in the court of justice. To my colleagues and to the press. To my colleagues, explaining to them the importance of having a humane outlook. To my colleagues that did not attend the courses. In my community, through the press. The objectives and scope of the courses have been explained to my colleagues, lawyers and staff. In university's dialogues.

2. What type of results have you had in passing on such information? Specify.

Not answered	3
Negative	0

Comments: (Unreadable comment). Greater verbal communications, dynamic procedures and reintegration of the convict into society. Interest exists on the part of jurists, lawyers and students in enlarging their knowledge through seminars and courses. There was a result in accepting the modification of penal procedures. Motivation in the themes discussed. Sensitivity towards the convicts. Some take it into account not only because of the economics of it, but also because of the humane aspect. Favorable. People that have no relation with the judicial field get to know the terminology as well as the procedures. There exists better coordination at the job and quickness in the transmissions of procedures.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	1
Unreadable comments	1

Comments: Conduct the greatest number of courses possible. To organize annual or periodical seminars, workshops and/or

colloquia to elevate the level of knowledge of judges and magistrates. The publication of all the conclusions arrived at in the special seminars. The distribution of a specialized bibliography. Conduct seminars, panels or specific conferences on a continual basis. Bring about a tracking of the participants. Create a Social Judicial - Penal System of Communications. Periodically there should be courses, and they should be publicized through all the means known. Utilize all the media of communications massively. To realize more frequently this type of action (unreadable from this point on). National courses.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	2
Negative	8
Positive	1

Comment: Interchange of documents; mail exchanges; and human relations. Not one single contact. Since my interview with Mr. Waltzer Guevara and Mr. John Oleson, not one. An exchange of juridical information, with my companions, and some instructors. With ILANUD it was not possible because I do not have their address. Not one (4 people). No relationship exists with ILANUD; it would be desirable to have one. Unreadable comment.

2. What would you suggest to have better follow-up in this program?

Not answered	2

Comments: To keep in contact, especially with new publications. Greater information from ILANUD and other specialized technical organizations. Publicize the "follow up" and/or communicate it to whomever is interested. Continual visits from the officials of ILANUD. A specific and a general evaluation of the participants. That they (the programs) have greater direction; that its context be a national one; that bibliography be given. A new course and exchange of opinions during and after the courses. Periodically prepare seminars, conferences, etc. Exchange of correspondence, bibliographic materials and attendance at courses in different countries. To facilitate more personnel to teach. Better exchange of information and courses of (unreadable) to all the personnel who work in the administration of justice. An informative bulletin from ILANUD.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered	0
Unreadable comment	1

Comments: By the designation of the Supreme Court of Justice of La Paz (Bolivia). By a democratic election in the organization of judges of La Paz, Bolivia. I assisted as an individual, by the information provided by the School of Judges. At the level of defendant of this profession at the stage of instruction. My desire for self-improvement. Because I work in the court system and I showed interest. Because of a job well done. As a functionary of the Supreme Court. I acted as the course's secretary. By designation of the School of Judges from my district. By an invitation that originated in Caracas.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	0
Not answered	2
Unreadable comment	1

Comments: I think that the actual process is good. Not one. Maybe to oblige and offer a point system. In many opportunities the professionals attend this course on a voluntary basis. To invite Penal Law professionals. Greater publicity for the presentation of the seminars. I think that the actual process is good. A greater selection of personnel from the districts, like La Paz, Cochabamba and Santa Cruz. Consultation with previous participants from the courses.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered	4

Comments: To enhance my previous knowledge and intensify my understanding of human rights. Periodical information and analysis. Constitutional rights. I want to know about the Penal Justice Unit and the Penitentiary System. To modernize the functions of my work and become competent in the handling of computers, for a better control and follow-

up of my cases. To receive bibliography, to compare jurisprudence law, to visit other courts in Latin America. Greater bibliography, analysis of information and better exchange with ILANUD.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered	3

Comments: The support personnel, the Public Ministry and the Judicial Police. The support personnel. All the judicial personnel, in the Secretariat Administration and archives. Furthermore, it would be better if the assistants were law students. Train the support personnel and the members of the Judicial Police. The Public Ministry. National courses for the support personnel, the Public Ministry and the Judicial Police.

IX. OTHERS

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered	2
Unreadable comment	1

Comments: With a more fluid exchange of information. Publication and exchange of specialized texts. To facilitate the completion of the change of infrastructure, for example; the building housing judicial authority must be established in one single center. Construction of penitentiaries. To promote true judicial independence and to try to preserve the law of the profession. An exchange of knowledge and experiences. With the cooperation that they are giving, with infrastructure, and if possible, with economic assistance. With the type of stuff that was realized in Sucre. The justice power in Bolivia will only change with a total change of the country.

2. What other comments, observations, and/or recommendation would you have?

Not answered	2
Unreadable comment	1

Comments: Congratulations and many thanks to ILANUD, for

the important job that they accomplish as a service to the Latin American community. Not one. To proceed with the follow-up as the only way to get results. Congratulations to ILANUD and its board of directors, for their preoccupation with Latin America's and the Caribbean's problems in the Penal System. There is a lot to do. To grant scholarships to the countries that have greater experience and efficiency in the administration of justice. In the courses, seminars and others, give to the participants talks or conferences by the instructors. Because of the lack of time I have not been able to finish this questionnaire. Due to my job I offer my support and services to ILANUD. I reiterate the need for more information (unreadable from this point on).

Annex 12

COUNTRY ANNEX - ECUADOR

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 12 - Ecuador

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

COUNTRY ANNEX - ECUADOR

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COUNTRY ANNEX - ECUADOR

I. BACKGROUND OF THE PROJECT'S ACTIVITIES IN ECUADOR

Although it has had little contact with the Regional Administration of Justice Project, the USAID Mission in Ecuador has been interested in undertaking activities to improve the system of criminal justice in Ecuador. It undertook discussions with the Bar Association on the possibility of expanding the Association's public defenders program and with the Supreme Court on organizing an assessment of the needs of the judicial branch of government. Neither effort bore fruit. The latter reached the stage of the preparation of a draft agreement, and informal contact was made with FIU about the possibility of its conducting the assessment. However, one of the judges of the Supreme Court (who represented a party of the left) objected to several clauses in the draft agreement and to the idea of the USG's becoming involved in the justice sector. The attempt was dropped.

In mid-1987 the Mission's responsibility for any activity in the field was transferred from the Program Office to the newly arrived Regional Legal Advisor. The Mission at present has abandoned any plans to pursue activities in the field. It is waiting to see what will be the results of the upcoming election for President since the seriousness with which any reform effort is taken is likely to depend on the outcome of the election. There appears to be an intention of using ILANUD as an implementing agent should the Mission eventually decide to undertake a bilaterally-funded program. ILANUD does have a good reputation among the persons interviewed although very few had more than a superficial knowledge of it and its capabilities.

The Mission has had little contact with ILANUD and RAJO or the Regional Administration of Justice Project. It does not contribute to the planning of either office. Indeed, the Mission did not know the content of the 1988 plans of either office or even that those plans included holding a regional course in Ecuador in September. The Mission is not usually part of the process by which the Regional Project (through ILANUD) chooses the persons to attend the training courses. Indeed, it was unclear that there were any funds from the Regional Project available to send Ecuadoreans to regional courses in the future. Rather ILANUD maintains direct contacts with Ecuadorean institutions. Furthermore, neither the Mission nor the Ecuadorean institutions have sought technical assistance from ILANUD, nor were they aware that ILANUD had technical assistance activities underway in Central American and the Dominican Republic.

Because the only activity funded by the Regional Project in which Ecuadoreans have participated is the training provided by ILANUD, the rest of this Annex deals only with that aspect of the project. However, we should note that several of the persons interviewed took the initiative to suggest that the Regional Project should seek to provide ideas and advice to Ecuador on how the criminal justice system and its administration could be modified in order to deal more effectively with the problems of drug-dealing and terrorism.

II. ILANUD'S TRAINING PROGRAM

A. Size and Nature of Training Provided

The size and nature of the training program for Ecuador have been determined by ILANUD on an annual basis since Ecuador was added to the Regional Project in May 1986. In the absence of a National Commission in Ecuador, ILANUD's planning is done on a nearly unilateral basis. However, in mid-1986 ILANUD did conduct a regional meeting to ascertain South American training needs, and a representative of ILANUD's training division did visit Ecuador to speak with Ecuadorean institutions about their needs. However, no systematic needs survey has been conducted, and no attempt has been made at joint planning.

As noted in the main body of this Report, ILANUD's training activities have far exceeded the original targets in the Project Paper, which were shown in global (not country) terms. In Ecuador by the end of 1988, 85 persons associated with the justice system will have received training in 14 regional and one national training courses. Four days of national training were provided to 50 persons from the judicial system; and at least 35 judicial system personnel will have been given 89 days of regional training activities.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in the Ecuador program through the end of 1988.

ECUADOREAN PARTICIPANTS IN REGIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activities	# Days	# Participants from Ecuador
Activities Completed		
1. Regional Course: Public Defenders, ILANUD, Costa Rica, April 7-25, 1986.	15	1

Training Activities	# Days	# Participants from Ecuador
2. Regional Symposium: Training Needs for 6 South American Nations. Hotel Honduras Maya, July 14-16 and ILANUD, Costa Rica, July 17-19, 1986.	5	5
3. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	2
4. Regional Seminar: Human Rights and the Administration of Juvenile Justice, ILANUD, Costa Rica, May 4-14, 1987.	10	1
5. Regional Course: Criminal Process System, Quito, Ecuador, June 22 to July 4, 1987.	10	8
6. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	1
7. Regional Course: Institutionalization and Function of Agrarian Justice in Latin America, Caracas, Venezuela, November 23-December 4, 1987	12	2
8. Regional Workshop: Model Judges Training - Requirements and Difficulties, ILANUD, April 28-30, 1987.	3	2
Regional Completed Subtotals:	58	20
Activities Planned for 1988		
9. Regional Study Tour: Court Administration in the U.S. and Puerto Rico, April 11-22, 1988.	11	1
10. Subregional Seminar: Minor's and Children's Human Rights before the Administration of Juvenile Justice, Colombia, April 18-22, 1988.	4	3

Training Activities	# Days	# Participants from Ecuador
11. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	4	2
12. Regional Workshop: Training Human Resources for Judicial Representatives, Quito, Ecuador, September 5-9, 1988.	4	3 (approx.)
13. Regional Workshop: The Role of the Legislator in Improving the Administration of Justice, ILANUD, Costa Rica, October 5-7, 1988.	3	3
14. Regional Seminar: Judicial Information, Guatemala City, Guatemala, October 17-21, 1988.	5	3
Regional Planned Subtotals:	31	15
Regional Completed and Planned Totals:	89	35

Note: There were two other 1988 regional training activities in ILANUD's 1988 Plan, to which some Ecuadorean participants could be invited, but the Plan did not specify numbers for countries.

ECUADOREAN PARTICIPANTS IN NATIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activity	# Days	# Participants from Ecuador
National Course: Modern Mixed Penal Process (Itinerant Course), Quito, Ecuador, September 13-16, 1987.	4	50

Note: No national courses were found in planning schedules for 1988.

B. Importance of Training Provided and Relationship to Other Project Components

Since there are no other ILANUD or Mission financed activities active or currently planned for Ecuador concerning the administration of justice, it is not possible to gauge the importance of the courses being offered against their needs. Furthermore, the absence of any needs analysis or sector assessment makes any judgment difficult. However, in our meetings with the Ecuadorean justice sector officials the general consensus was that the ILANUD training is important, and is filling some of the needs of the justice system. There is a desire for more training. Suggestions for the nature of that training are given below.

C. Quality of Training

Apart from interviews with key personalities in the justice system we interviewed seven ex-participants, mainly from the capital. The ILANUD evaluation instrument (see Appendix 4 of the main volume) developed by the evaluation team was utilized. The ex-participant sample consisted of the levels of persons listed below:

Category	# of Participants Interviewed
Upper-level judge	4
Mid-level judge	2
Legislator	1
	7

The responses of the seven ex-participants interviewed are included in the evaluative areas which follow. For a complete tabulation of responses and transcripts of written comments given by ex-participants, please refer to Appendix 2 of this annex.

Because of the limits of time and resources available for the conduct of this evaluation and the unavailability of the ex-participants from the Ministerio Publico (Public Ministry), the sample population used was small and limited to those persons living in the capital. Furthermore, it included both attendees at the regional and national level courses; thus the opinions reported in Appendix 2 reflect a mixture of both experiences. Although these circumstances somewhat limit the utility of the

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responses to the questionnaire, it should be remembered that there is no existing system by which ILANUD, RAJO or the Mission evaluates the courses and other training events supported by the Regional Project, and that this current evaluation is the first attempt to obtain information concerning the opinions of the participants and the actions taken by those participants as a result of their training. Furthermore, although the questionnaire was an important vehicle for forming judgments on the evaluative areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials, and interviews with ex-participants who did not complete the questionnaires. These sources are of even greater importance considering that the ratings given in the questionnaires were overwhelmingly positive -- much more so than were the comments provided orally or than might be expected from the written comments provided in various parts of the questionnaire. The observations which follow are based on information from all those sources.

1. Materials

All the participants considered the instructional materials to be in accord with the level and content of the activities. Satisfaction was expressed with the magnitude and nature of the materials distributed during the various courses. (These were mainly copies of published articles, penal codes and other background material on the themes being discussed.) Although no materials were distributed in anticipation of the courses, that did not seem to present a problem for the participants. Nor did they think that the limited use of non-written materials (video cassettes, slide/sound shows and films) was a failing. What suggestions or criticisms there were concerned the perceived need for additional and different types of courses rather than the materials used in those courses which had been given.

2. Preparation of Instructors

The participants also had a favorable view of the quality of the preparation of the instructors. Indeed, there were many expressions of satisfaction at being able to hear from renowned, international legal scholars. However, several participants were of the view that it was not possible to cover the topics thoroughly enough--which they attributed to the limits of time rather than to any lack of preparation of the instructors. A few of the more senior participants found the style of the instructors to be too didactic for the level of preparation of the attendees. However, the most repeated critical observation had to do with the focus of the course content. The essence of the concern was the degree to which the courses failed to reflect local problems and local conditions. Some attendees at the regional courses commented that the presentations were based too much on the "model" chosen by the instructor (often that of Costa Rica) rather

than on a composite of the overall Latin American experience. Attendees at the national level course observed that the presentation of the course appeared to assume that one would have an active public defender system which is highly unlikely to be the case in Ecuador. The criticism was not limited to that one aspect, but was aimed at the need for more focus on the local situation and what might be done about that situation in a practical way in the foreseeable future.

3. Selection Process

The selection of participants is made by the relevant Ecuadorean institutions (e.g., Supreme Court, Bar Association, Legislature) at the invitation of ILANUD. No formal screening process is used. The A.I.D. office does not participate, and there is no qualifying test or formally stated standards to be met. There does not seem to be any significant dissatisfaction on anyone's part with this situation. What dissatisfaction there is is focused on the desire that more people obtain the benefit of the ILANUD-sponsored courses. Often this leads to the suggestion that ILANUD place more attention on courses at the national level (or even the local level) to reach more of the "working" members of the justice system.

D. Impact Achieved to Date

1. Work of Participants

Almost all the participants assert that the courses have been of utility to them in their work. In focusing on the regional courses ex-participants and other observers often mention favorably the opportunity to have an exchange of experiences and ideas with persons from other countries and on their own personal growth with an emphasis on the raising of consciousness on the themes treated. However, it seems difficult for the ex-participants to point to concrete examples of the information and attitudes obtained from the courses. Often this lack of concrete impact is attributed to the difficulty of local working conditions (e.g., scarce resources, the need for many others to be trained before a critical mass for change is reached) or of the need for further advice and support from ILANUD in any effort to introduce concrete changes in the system. This last view was expressed by persons both low and high in the judicial system. Perhaps the most concrete example of impact of the courses was the project undertaken by an ex-participant in the course on Agrarian Justice who was preparing a modification to Ecuadorean law on that subject matter based at least partially on his experience in the course.

2. Spread Effect

The ex-participants assert that they have shared with their colleges and their students the ideas and information obtained in

the ILANUD-sponsored courses. However, there are no organized courses or seminars to carry out that sharing; and the sharing appears to be of a heightened concern for human rights rather than of any particular modifications to current processes. None of the ex-participants received any training (either during or after the courses) to help them be effective multipliers of the information and attitudes set forth in the courses; and no materials were supplied to them subsequent to the course to assist them in any such effort. There was disappointment that ILANUD had not distributed written texts of all the presentations made during the courses and of the conclusions and suggestions reached during the courses despite the understanding by the participants that it was going to do so. Such material would be of use in any effort (formal or informal) to spread the word.

In short, there appears to be no follow-up at all with the ex-participants--either by ILANUD, RAJO or A.I.D.

E. Future Plans

As indicated in (A) above, ILANUD estimates that approximately 15 participants from Ecuador will participate in regional courses during 1988. This would be down from 30 participants in such courses in 1987. In addition, ILANUD may repeat the national level course on the modern, mixed penal process. That has not yet been decided. ILANUD's plans have not been discussed with the Mission nor, apparently, with representatives of the Ecuadorean judicial system. This decline in attention to Ecuador reflects the competing demands on ILANUD's budget and the time of its professional staff.

F. Conclusions and Recommendations

ILANUD has a positive image in Ecuador, and its courses have been well received by Ecuadorean participants. There is a desire to have more ILANUD activity both through courses and through greater support for efforts to improve the criminal justice system. However, there is almost no evidence that the courses are having a practical impact on the conduct of the justice system in Ecuador. The main critical observation is that ILANUD should pay greater attention to local conditions and local problems in the courses which it offers. The lack of follow-up support or even contact between ILANUD and the participants undermines the possibility of achieving impact from the courses and ILANUD's ability to judge what is being achieved and what might be done better.

These problems are common to ILANUD's operations in all the countries participating in the project. For general recommendations concerning training under the project see the main volume of this report. In addition, there is a problem particular to Ecuador.

Problem: ILANUD is favorably but superficially known in Ecuador. Its potential utility will need to be further explained.

Recommendation: After the presidential elections are completed in Ecuador, ILANUD should approach the USAID Mission to determine what its plans are for activities concerning the administration of justice and to offer to appraise it and the institutions of the justice sector more fully concerning ILANUD's capabilities and its interest in working in Ecuador.

Appendix 1

PERSONS INTERVIEWED IN ECUADOR

USAID

Mr. Frank Almaguer, Mission Director

Mr. Alexander Newton, Regional Legal Advisor

Mr. Thomas Chapman, General Development Officer

Supreme Court

* Juan Agustin Quinde Burneo, Alternative President

* Jorge Fantoni, Member

* Kleva Manrique Teran, Member

Superior Court

* Jaime Chavez Yerovi, Member

Other Courts

* Carlos Agustin Carrion Aguitar, Judge

* Homero Fernando Gonzalez, Secretary

Congress

* Marco Arturo Morillo Villarreal, Congressman

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* Ex-participants of ILANUD's courses.

TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	7
Negative	0
Not answered	0

Comments: Especially concerning human rights. I learned what I expected (3 people). Of interest and value. Broadened my knowledge of penal system. Learned about other countries.

2. Did the course serve your and your colleagues' professional growth?

Positive	7
Negative	0
Not answered	0

Comments: -0-

3. Did you clearly understand the specific and general course objectives?

Positive	7
Negative	0
Not answered	0

Comments: Very clear. I understood very well - a Latin American penal system. Very well stated.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	7
Negative	0
Not answered	0

Comments: We were in accord with the level and content but should have been more general instruction on human rights. Yes, enough teaching was done (2 people). The course was conferences and analysis of the judicial system. We received sufficient materials.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

   a. were well qualified?

Positive	5
Negative	0
Not answered	2

   b. had the required experience?

Positive	6
Negative	0
Not answered	1

   c. were adequately prepared?

Positive	5
Negative	0
Not answered	2

Comments: Not much teaching, it was a meetings with authorities. Emphasis on the teaching limited learning in certain areas. Not all taught in course applied to Ecuador.

2. Were the specific and general objectives met?

Positive	7
Negative	0
Not answered	0

Comments: Yes, but we lacked time. They were reached (3 people). Valuable. It was good. The agrarian justice was specific and good.

3. Specify your level of utilization.

Positive	7
Negative	0
Not answered	0

Comments: I participated only. I captured the experience which our country would like to have. Excellent, it gave me academic knowledge and I met good people. I learned outside the classroom. My justice knowledge expanded. Excellent.

4. What suggestions would you make to improve the course?

Not answered: 1

Comments: The course should be planned according to length. Not enough time (3 people) to cover subject matter. The participants should know more about the course before it starts. Suggest continue workshops more often. The Guatemalans were good hosts. Should expand the types of laws covered. Use films on explaining judgment making.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	7
Negative	0
Not answered	0

Comments: More experience for us. Better knowledge and made comparison with others. In my country we need a better public defense. The course dealt with justice and it was useful. Useful and necessary.

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	4
Negative	1
Not answered	2

Comments: They have not made a change in our system because our laws have not been modified. ILANUD should have conclusions and distribute them at the close of each course. It is improving. Agrarian justice will probably improve. Certain influence. Brought up legal reforms such as having justices of the peace and judicial trained.

3. How have you applied your new knowledge about human rights?

Not answered	1

Comments: I respect human rights more in my job (3 people). As a Supreme Court judge I have improved. The courses would improve respect for human rights.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered	2

Comments: The instruction has made me be more careful when I pass judgement. It is a positive one and I try to do

better. Nothing worthwhile. I try to solve negative things now. I am a better judge.

5. How have you used your new knowledge in your job and functions?

Not answered

Comments: In the court I started a study on agrarian law. I have used my knowledge in my daily activities (2 people). More consideration for human rights. Information about other systems is useful for our system.

6. What other benefits did you get from the course?

Not answered 2

Comments: Significant personnel and professional experience gained. Have interchanged legal ideas with persons from other countries. Made friendships with all course attendees (2 people). Benefited me in my work as a judge and member of society.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates? Specify.

Not answered: 4

Comments: Awareness of human rights. I have gained more respect toward my superiors in the judicial system.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered 2

Comments: Should make sure law students in University have aptitude to become lawyers and honest judges. Have the government allocate 3 or 4% of the national budget to judicial system. Immediately conduct a study of the current horrendous jail situation in Ecuador. The Supreme Court created a Commission (but no recommendation given). ILANUD conclusions after a course should be transmitted to the Supreme Court for action. Opinions of academics do not have the same influence as ILANUD. I do not know about any Commission. Have a national agrarian justice course.

IV. MULTIPLIED EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or community? Specify.

Not answered	2
Negative	0

Comments: After returning I shared my knowledge with my court and also made a detailed report to the President of the Supreme Court. Yes, I have shared my information with other Supreme Court Justices about other Latin American systems (2 people). With my law students and other lawyers (2 people). I talk with people in my court.

2. What type of results have you had in passing on such information? Specify.

Not answered:	3
Negative:	0
Positive:	4

Comments: I passed on my knowledge with positive results in the Criminal Court. The other members of the court have approved defending human rights. I have created interest in my work place. There is more interest in human rights and changing the judicial system.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	0

Comments: Should do regional course in all countries served by ILANUD ensuring more people attend (2 people). ILANUD professors and national instructors should give national courses. Have a yearly program in each country for many groups using radio and T.V. More courses for judges. Have more space and participants for courses. Make seminars longer. ILANUD broaden programs.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	0
Negative	0
Positive	7

Comments: ILANUD continue sending me information via magazines and attending more courses. Interchange of books

about legal systems. Only socially (2 people). With mail from ILANUD and with classmates. I have exchanged ideas with my classmates about legislation. Should exchange ideas more.

2. What would you suggest to have better follow-up in this program?

Not answered 1

Comments: Course conclusions should be published and given to the Supreme Court and other countries. Continue more workshops regionally and nationally (3 people). In Ecuador, course should be given in at least 3 population centers. Permanent contact. Give ILANUD more economic aid to expand its program.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered 0

Comments: President of Supreme Court invited me (6 people). President of National Congress invited me (1 person). Quito Bar Association invited me.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Not answered 3

Comments: Select people responsible for the specific area where training is needed. Select more university professors and judges who want to teach. ILANUD workshops should be given only at national level which will reach more people. Current selection process is fine.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as a individual have? Specify.

Not answered 2

Comments: A tour of other countries to see their penal systems (2 people). I have attended five ILANUD seminars - no other needed. Courses in penal justice.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered 1

Comments: Invite heads of Departments of the Supreme Court. Keep the same level of people in each course in three Ecuadorean cities (3 people). Civil and labor law for judges. For all lower level judges in all of Ecuador (2 people). At all levels.

IX. OTHER

1. In what way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 0

Comments: Train hundreds of people nationally. Technical assistance for training of those in the law field. Select judges and clerks by competition. Create a judicial training school for all judges. Improve judicial administration. Give more workshops. Provide more pre- and in-service training.

2. What other comments, observations, and/or recommendation would you have?

Not answered 3

Comments: ILANUD continue regional courses and initiate national courses. Have more contact with Ecuadorean judicial system. I hope the program will be given more in Latin American countries, especially Ecuador, to improve the administration of justice. Make courses more specific.

Annex 13

COUNTRY ANNEX - PERU

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 13 - Peru

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

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June 1988

COUNTRY ANNEX - PERU

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COUNTRY ANNEX - PERU

I. BACKGROUND OF THE PROJECT'S ACTIVITIES IN PERU

In mid-1986, A.I.D. authorized a one-and-a-half year pilot project in support of the improvement of the Peruvian criminal justice sector. $1.0 million in ESF was to be used to assist 23 sub-activities. In mid-1987 the life of the project was extended through 1989, and another $850,000 in ESF added to it. The project was prepared by the Mission without contact with or reference to the Regional Project although the Mission did use information contained in the reports of visits which representatives of FIU had made to Peru in September 1984 and April 1986 at the Mission's request.

The focus of the project is on administrative and technical improvements. The strategy of the project called for the first phase to be devoted to the creation of a management/ coordinating mechanism and the preparation of an assessment of the criminal justice sector. The next phase was to be devoted to including other sector institutions (such as the Bar Association and the law schools) into the activities, creating a sector-wide planning and policy making body, introducing a national training program, computerizing the system for keeping judicial statistics, undertaking a legal services program for the low-income population and providing equipment and support to the provincial courts and the offices of the public prosecutors. The counterpart organizations forming the Commission to govern the project were the Supreme Court, the Ministry of Justice and the Office of Prosecutors (Fiscalia). A three-person Coordinating Office paid for by the project was created to administer the funds and to coordinate its activities. The office is staffed by two former officials with the Ministry of Justice and a non-lawyer with experience in budgeting and planning. A.I.D.'s project manager is a political scientist under contract to the Mission who works full time on the project.

The project has encountered numerous difficulties in its implementation, and progress on the project has been disappointing. There has been a complete turnover in the membership of the Commission; and, in fact, the Commission members have not related well among themselves or succeeded in making corporate decisions. The Coordinating Office has not been able to make the Commission effective; and, indeed, has suffered itself from considerable tension among its own members. The complicated nature of the project has made the task of coordination unusually difficult.

The bilateral project has not depended on the Regional Project for its planning or its execution. However, it has had contact with the organizations involved in the Regional Project, and is considering increasing those contacts and, perhaps, using those organizations to help in carrying forward the bilateral activities. Those contacts and ideas are further discussed in part III below. As in the case of the other countries of South America, the main contact which Peru has had with the Regional Project is through the training program of ILANUD. Thus, this Annex is focused on that aspect of the Regional Project.

II. ILANUD'S TRAINING PROGRAM

A. Size and Nature of Training Provided

The size and nature of the training program for Peru have been determined on an annual basis since Peru was added to the Regional Administration of Justice Project in May 1986. The training program is based on mid-1986 regional meetings conducted by ILANUD to ascertain the South America training needs and a visit to Peru by a representative of ILANUD's Training Division. However, there has been no formal assessment by the Mission or by ILANUD of the training needs of the justice sector in Peru nor discussions with the Mission of the proposed training plans. ILANUD's decisions on training are basically taken unilaterally.

As noted in the main body of this Report, ILANUD's training activities have far exceeded original targets in the Project Paper, which were shown in global terms. In Peru by the end of 1988, 84 persons associated with the justice system will have received training in 15 regional and one national training programs. ILANUD will have been provided 140 days of regional training to 46 persons from the judicial system. 38 judicial system personnel will have been given four days of national training. This level of training is substantially higher than that provided to Ecuador, Bolivia and Uruguay.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in the Peruvian program through the end of 1988.

PERUVIAN PARTICIPANTS IN REGIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activities	# Days	# Participants from Peru
Activities Completed		
1. Regional Symposium: Training Needs for 6 South American Nations. Hotel Honduras Maya, July 14-16 and ILANUD, Costa Rica, July 17-19, 1986.	5	3
2. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	2
3. Regional Seminar: Human Rights and the Administration of Juvenile Justice, ILANUD, Costa Rica, May 4-14, 1987.	10	2
4. Regional Course: Criminal Process System, Quito, Ecuador, June 22 to July 4, 1987.	10	3
5. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	2
6. Regional Workshop: Improving Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	1
7. Regional Course: Function and Institutionalization of Agrarian Law in Latin America, Caracas, Venezuela, November 23-December 4, 1987.	12	2
Regional Completed Subtotals:	52	15
Activities Planned for 1988		
8. Study Tour: Administration of Courts in the U.S. and Puerto Rico, April 11-22, 1988.	11	1

Training Activities	# Days	# Participants from Peru
9. Subregional Seminar: Human Rights of Minors and Children before the Administration of Juvenile Justice System, Colombia, April 18-22, 1988.	4	3
10. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988.	4	13
11. Regional Senior Course: Penal Science, Madrid, Spain, June 6-15, 1988.	45	Undetermined
12. Regional Course: Public Defense, ILANUD, Costa Rica, August 15-28, 1988.	13	4
3. Regional Workshop: Human Resource Training for Judicial Representatives, Quito, Ecuador, September 5-9, 1988.	4	5
14. Regional Seminar: The Legislator's Role in Improving the Justice System, ILANUD, Costa Rica, October 5-7, 1988.	3	3
15. Seminar: Judicial Information, Guatemala City, Guatemala, October 17-21, 1988.	4	2
Regional Planned Subtotals:	88	31
Regional Completed and Planned Totals:	140	46

Note: There were three other regional activities described in ILANUD's 1988 Training Activity Plan, to which some Peruvian participants could be invited, but the plan did not specify countries for these programs.

PERUVIAN PARTICIPANTS IN NATIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activity	# Days	# Participants from Peru
National Course: Modern Mixed Penal System, Lima, Peru, October 13-16, 1987.	4	38

Note: In the three ILANUD training scheduling documents reviewed we could find no other national courses programmed for Peru during the remainder of 1988.

B. Importance of Training Provided and Relationship to Other Project Components

In our meetings with Mission and Peruvian justice sector officials, the general consensus was that the ILANUD training is important and is serving some needs of the justice system. However, there is no indication that the nature and timing of the training program are planned to support the bilateral project activities; and, in the absence of a needs analysis or sector assessment, it is difficult to judge the importance of courses offered to Peruvian conditions. In view of the comments discussed in the following sections of this report, it seems that ILANUD's training program should be modified if it is to be of maximum utility to Peru's needs at this time. Among the specific topics mentioned as being of interest but not being addressed by ILANUD were: investigative techniques and special handling for drug and terrorism cases.

C. Quality of Training

Apart from a significant number of interviews with key personalities in the justice system, we interviewed 18 ex-participants, mainly from the capital area (See list in Appendix 1 of this annex). The ILANUD evaluation instrument (see Appendix 4 of the main volume) developed by the evaluation team was utilized. Twelve of the 18 ex-participants returned completed questionnaires; they consisted of the levels of persons listed below:

Category	No. of Participants
Upper-level judge	1
Mid-level judges	5
Prosecutors/Attorney Generals	5
University professor	1
Total:	12

The responses of the 12 ex-participants are summarized in the evaluative areas which follow. For a complete tabulation of responses and a transcript of comments given by the ex-participants, please refer to Appendix 2 of this Annex.

Because of the limits of time and resources available for the conduct of this evaluation, the sample population used was small and limited to those persons living in the capital. Furthermore, it included both attendees at the regional and national level courses; thus, the opinions reported in Appendix 2 reflect a mixture of both experiences. These circumstances somewhat limit the utility of the responses to the questionnaire. However, it should be remembered that there is no existing system by which ILANUD, RAJO or the A.I.D. Mission evaluates the courses and other training events supported by the Regional Project, and that this current evaluation is the first attempt to obtain information concerning the opinions of the participants and the actions taken by those participants as a result of their training. Furthermore, although the questionnaire was an important vehicle for forming judgments on the evaluation areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials and interviews with ex-participants who did not complete the questionnaires. These sources are of even greater importance considering that the ratings given in the questionnaires were overwhelmingly positive--much more so than were the comments provided orally or than might be expected from the written comments provided in various parts of the questionnaires. The observations which follow are based on information from all those countries.

1. Materials

There was a fair amount of criticism concerning the absence of written materials and the failure by ILANUD to supply the texts of all the presentations and to publish the conclusions reached in the courses. The criticism was more pronounced concerning the

national level course than for the regional courses. The use of video presentations was approved even by those who questioned the relevance to Peru of the substance of the material presented.

2. Preparation of Instructors

The ex-participants had a favorable view of the quality of the preparation of the instructors. As in other countries, the ex-participants were impressed with the credentials of the lecturers who were used. The most repeated critical observation had to do with a lack of understanding of local conditions. In the case of the regional courses, there was concern about Europeans not understanding Latin American conditions. In the case of the national course, the concern was with a lack of understanding of Peruvian conditions. In both, there was concern that ILANUD might be putting too much emphasis on presenting a "model." The essence of the concern was the degree to which the courses failed to reflect local problems and local conditions. The next most repeated criticism was that the courses were too short to cover the material--especially if the courses should try better to take into account local conditions and problems and to deal with them.

The thrust of these comments was not to fault the instructors in their preparation, but rather to request that courses be more directed at the specific problems and conditions facing the judicial sector in the country. Certainly, there was a demand for more courses so that more people could be trained.

3. Selection Process

The selection of participants is made by the relevant Peruvian institutions at the invitation of ILANUD. No formal screening process is used, and there are no qualifying tests or formally stated standards to be met. The A.I.D. Mission does not usually participate, and often the Coordinating Office does not either. This situation weakens the possibility of using the training under the Regional Project to support the purposes of the bilateral Project, and it fails to take advantage of the Mission's understanding of the local situation. Furthermore, this lack of coordination also has led to some confusion as to which project would pay for what regional training.

D. Impact Achieved to Date

1. Work of Participants

As in other countries, the ex-participants of the regional courses often mention favorably the opportunity to have an exchange of experiences and ideas with persons from other countries (even though they were from countries less advanced than Peru). They also saw positive effects on their own personal

growth with an emphasis on the raising of consciousness on the themes treated. In addition, the ex-participants saw the national level courses as a way to bring together judges, prosecutors and defenders to exchange views. They would like to see higher level judges (even Supreme Court judges) included as well.

However, the ex-participants could not point to concrete examples of changes in the ways they or the system in fact work as a result of the information and attitudes obtained from the courses. Often this lack of concrete impact is attributed to the difficulty of local working conditions such as scarce resources or the need for more personnel to be trained before the critical mass needed for reform is reached. There seems to be agreement that without follow-up and program support, it is unlikely that the training program will have an impact.

2. Spread Effect

The ex-participants assert that they have shared with their colleagues the ideas and information obtained in the ILANUD-sponsored courses. However, there are no organized courses or seminars to carry out that sharing. None of the ex-participants received any training (either during or after the courses) to help them be effective multipliers of the information and attitudes set forth in the courses; and no materials were supplied to them subsequent to the course to assist them in any such effort. There was disappointment that ILANUD had not distributed written texts of all the presentations made during the courses and of the conclusions and suggestions reached during the courses despite the understanding by the participants that ILANUD was going to do so. Such material would be of use in any effort (formal or informal) to spread the word. In fact, there appears to be no follow-up at all with the ex-participants--either by ILANUD, RAJO or the A.I.D. office.

The suggestion was made that Peruvian judges be trained in Costa Rica by ILANUD so that they could give courses in Peru on a continuous basis. The idea seems connected in people's mind with the possibility of creating a judicial school.

E. Future Plans

As indicated in (A) above, ILANUD estimates that approximately 31 participants from Peru will participate in regional courses during 1988. This would be up from the 15 participants in such courses in 1987. However, there are no current plans for ILANUD to sponsor a national level course in 1988. ILANUD's plans have not been discussed with the A.I.D. Mission nor, apparently, with representatives of the Peruvian Coordinating Office. The plans for the future training do not appear to be responding to the type of critical suggestions previously discussed.

F. Conclusions and Recommendations

ILANUD is favorably known to the higher levels of the Peruvian judicial system. Its training programs are valued, and people would like to have more of them. However, there is a strong opinion that the program needs to be more focused on local conditions and addressed to more immediate, local problems. There is an interest in providing training through local persons and institutions.

For general recommendations concerning training under the Project see the main volume of this report. There is one problem on training particular to Peru.

Problem: Key Peruvians in the justice sector want not only more local content in the courses provided by ILANUD but also the use of Peruvian judges in the courses and the creation of a local institution to carry out the courses for more people and on more aspects of the operation of the criminal justice system.

Recommendation: In preparing for its future work in Peru ILANUD should explore with the Mission and the Peruvian judicial sector representatives how Peruvian professionals could better be used in ILANUD's courses.

III. PREPARATION OF THE ACTION PROGRAM

A. State of Preparation of Bilateral Program and Future Plans

As described in part I above, the Mission undertook a complicated bilateral action program with little contact with the Regional Project and its institutions. The Mission's Project Manager attended the January 1987 meeting in Costa Rica of the Resident Coordinators under the Regional Project, and representatives of ILANUD came to Peru in October 1987 to give the national level course in the modern, mixed penal process. In addition, there have been a few attempts by the bilateral program to utilize the Regional Project's organizations. There were discussions with FIU about its conducting the sector assessment called for by the bilateral project, but agreement was not reached on the scope of the assessment or the source of funding. (In any event, FIU has been fully occupied in carrying out the sector assessments called for by the Regional Project staff.) According to the Mission, attempts to get ILANUD to provide advice to the technical activities of the bilateral program did not give results because ILANUD was too busy to be responsive. However, this situation is now changing to some degree. The training advisor of FIU to ILANUD will come to Peru for two weeks to give the Mission and others advice on how to organize the training activities of the bilateral program; and the Mission is sponsoring a workshop in

Peru in May 1988 at which ILANUD will present its experience in organizing information concerning laws and court decisions.

There is considerable skepticism as to the priority which the GOP--both the judicial and executive branches--give to the effort to improve the operation of the justice system, and the local political conditions do not appear to be easy to deal with. The magnitude of the problem and the size of the country compared with the resources being devoted to the effort also raise questions about the reasonableness of expecting significant results. However, at present the main task facing the Mission in its bilateral action program is the mundane one of achieving a more cooperative stance among the participating entities and finding practical ways of carrying forward the major elements of the program. It could be useful for the Mission to turn to the Regional Project and its institutions for advice and help in that effort.

B. Involvement of ILANUD

As indicated previously, ILANUD has had only limited commitment to the bilateral action program. Its training program has not been coordinated with the bilateral activities. It is seen by the Mission and those Peruvians who know it as being only a training institution. There appears to be a readiness on the part of Peruvians to accept the participation of an organization such as ILANUD in activities to improve the justice sector. However, if ILANUD is to have a larger role in the bilateral program, the Mission and the Peruvian authorities will have to become better acquainted with it.

C. Recommendation

Problem: ILANUD is not well known in Peru except as a source of training.

Recommendation: ILANUD should invite key persons from the criminal justice sector in Peru to visit its home office to become acquainted with its work and with its personnel.

IV. GUIDANCE AND MONITORING BY A.I.D.

A. Roles of the Parties

Until recently there has not been sustained interaction among the various parties of the project. The Mission has not been involved in the planning of ILANUD's courses or in the choice of Peruvians to attend them. There have been no technical assistance or analytical activities in Peru supported by the Project. There has been no need for the Mission or the Embassy to assist in the operation of the project in Peru nor for representatives of A.I.D./W or RAJO to address problems in Peru. ILANUD's personnel

visited Peru only in connection with the conduct of the national level itinerant course in late 1987. Thus, the nature of the Regional Project's activities in Peru did not require a definition of the role of the parties or the accommodation of their respective interests and points of view; and the absence of formal, periodic reporting among the parties has not been a problem.

B. Relationship Among the Parties

Relationships among the parties are good. The Project Manager is open to the advice of RAJO, and has a favorable (if not very informed) view of ILANUD and FIU. There are no direct relations between the Peruvian entities and RAJO or A.I.D./W. In fact, the program in Peru is largely ignored by those offices. Indeed, in our AID/W and San Jose briefings, the bilateral project was never mentioned; we actually learned about it during the site visit. Given the nature of the bilateral program and the importance of Peru, this would seem to be a mistake.

C. Recommendation

Problem: Peru has a complicated bilateral action program under implementation. However, ILANUD and the other Regional Project institutions are not being used in the conduct or in support of that action program to a significant extent.

Recommendation: RAJO, the Mission, and ILANUD should meet to determine in what ways ILANUD's on-going programs should be utilized in the action program and to what extent the other institutions of the Project (RAJO and FIU) could provide greater advice and support. Those discussions should include the possibility of obtaining assistance in refining the design of the current bilateral project to address the problems confronting its implementation.

Appendix 1

PERSONS INTERVIEWED IN PERU
BY JOHN R. OLESON

USAID

Donor Lion, Mission Director

William Rhodes, Director of Program Office

Mark Silverman, Director of Office of Development Resources

Linn Hammergren, Project Officer

Project Coordinating Office

Jose Gabriel del Castello, Director

Enrique Vasquez Lafarga, Executive Director

Grimaldo Guipttons Faccio, Planner

Members of the Supreme Court

* Dr. Hector Beltran, (former President of the SC)
* Dr. Issac Gamero
* Dr. Carlos Hermoza Moya
* Dr. Horacio Valladares

Dr. Guillermo Cabala Rossand

Lower Court Judges

* Dr. Manuel Matos de la Pena, Superior Court
* Dr. Julio Bioggi Gomez, Superior Court
* Dr. Alejandro Rodriguez Medrano, Superior Court
* Dr. Raquel Diaz Espinoza, Juzado de Instruccion
* Dr. Edmondo Pelaez Bardalez, Juzado de Instruccion
* Dr. Cesar San Martin Castro, Juzado de Instruccion

Agrarian Court

* Dr. Hugo Mancheyo, Member

Center of Training and Investigations of the Judicial Branch

Roberto Alvarez

Victor Prado

Public Ministry

Dr. Hugo Denegri, Attorney General

* Dr. Cesar Elegalde, Supreme Prosecutor (ex-Attorney General)

Dr. Pedro Mendez Jurodo, Supreme Prosecutor and Coordinator of Project for the Public Ministry

* Dr. Manuel Catacora, Supreme Prosecutor

* Dr. Julio Cesar Bonde Cabera, Superior Prosecutor

* Dr. Romeo Edgardo Varges, Prosecutor

* Dr. Ludgarda Tacuri Garcia de Hennings, Provincial Prosecutor

Catholic University, Faculty of Law

* Dr. Lorenzo Zolezzi, Department Chief

* Dr. Anibal Quiroga Leon, Professor

Ford Foundation, Andean Regional Office

Mr. Jeffrey Paryear, Representative

Newmann Foundation, Peru Office

Mr. Hans Jurgan-Brandt, Representative

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* Participant in ILANUD training or workshop.

Appendix 2

TABULATION AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	11
Negative	0
Not answered	1

Comments: Yes, but with some limitations.

2. Did the course serve your and your colleagues' professional growth?

Positive	9
Negative	2
Not answered	1

Comments: No, because you learned new processes in too short time (2 people).

3. Did you clearly understand the specific and general course objectives?

Positive	8
Negative	2
Not answered	2

Comments: Yes, because they were good teachers.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	7
Negative	4
Not answered	0

Comments: Materials were not handed out after each section for review. Should have had the materials before the course. Insufficient. Lacked elements from other countries. The materials given conformed to the course and the needs of the participants given to ILANUD before the course. It was high quality material. Good.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

   a. were well qualified?

Positive	10
Negative	0
Not answered	2

   b. had the required experience?

Positive	12
Negative	0
Not answered	0

   c. were adequately prepared?

Positive	9
Negative	0
Not answered	3

Comments: None.

2. Were the specific and general objectives met?

Positive	10
Negative	1
Not answered	1

Comments: Relatively (2 people). No, because of the limited time and too many students. Course should have been at another time and with different students. Only the general objectives were met.

3. Specify your level of utilization.

Positive	11
Negative	0
Not answered	1

Comments: Very good. Latin America needs a judicial school in Peru. I acknowledged social and political ideas are important for justice. Unreadable comment. I will try to use in my country. Very positive because I know Peruvian law better.

4. What suggestions would you make to improve the course?

Not answered	0

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Comments: Better participation of students (6 people). Have course in the morning and use slides. Have more experienced and specialized teachers. Longer time (4 people). Share ideas more. Make it 15 days Have drug trafficking and terrorism. Better outline before course. Stress country specific objectives.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	10
Negative	0
Not answered	2

Comments: Helps to improve our system. For better knowledge (2 people).

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	3
Negative	7
Not answered	2

Comments: Recently, we're changing our laws. Change in judges' attitudes and community attitudes in Peru are better. At least it has created interest.

3. How have you applied your new knowledge about human rights?

Not answered	1

Comments: Participated in courses and know more (3 people). Learned more about our constitution. Reaffirmed my knowledge in terms of Peru law (4 people). Unreadable comment. In my work and university teaching.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered	3

Comments: My belief in the judicial system is higher. In teaching law. More positive about human rights. Positive, but our system does not allow improvement. Better knowledge for my work (3 people). More critical of how things are done. Refreshed my attitudes about human rights. Positive, especially in these terrorist times.

5. How have you used your new knowledge in your job and functions?

Not answered 1

Comments: In questioning prisoners. Used my increased knowledge for my work (4 people). Developing criteria in my job. More interest in law. More sure of myself. Making judicial decisions in public meetings. Know the judicial reform better. Assuring citizen rights.

6. What other benefits did you get from the course?

Not answered 3

Comments: More interest in human rights. Better ability to understand crime problems. Better interpretation of the Constitution. More knowledge for my work. To know others in law (2 people). Positive. What is going on in other countries. Possible and actual nomination as a rural judge.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered 4

Comments: More personal responsibility. Increasing awareness of the system. At work see more interest by people. Knowledge of new laws. Better consideration. Better ability to solve cases within the law.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered 3

Comments: Have short course more often on Human Rights (2 people). Have courses on drug trafficking and terrorism. Dissemination to more people of course subject matter by conferences and cultural exchanges. Comparative law courses. Improve the laws and reinforce the Constitution. Study exceptions to the law. Stress beginning or lower level training for employees in the system. Institute a judicial training system. Train rural judges. Have a plan with clear objectives for the judicial system. Economic independence for judicial system. Give scholarships to people who will remain in the system. Have training and follow-up for a better judicial training system outside Supreme Court's control.

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or Community? Specify.

Not answered	0
Negative	0

Comments: I have taught some justices of the peace and my employees (3 people). I'm still doing it. I am teaching my co-workers and in the university (4 people). Yes, in conferences in the community.

2. What type of results have you had in passing on such information? Specify.

Not answered	0
Negative	0
Positive	11

Comments: Interest in participation. When applied they should give positive results to the administration of justice. Positive to my students and other people I know. Increased interest by subordinates. Being more careful in law analysis. Positive (4 people). More awareness in human rights. Increased interest by students. Mixed.

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	0

Comments: Increase number of people to be trained. Recruit more people and select better people. Give post graduate courses for judges. Include young judges and court clerks in courses. Distribute written policy knowledge to more people. Not clear. Better qualified personnel, publishing of text of courses and conferences and better work in publishing courses.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Not answered	5
Negative	1
Positive	5

Comment: Letters to people in course. Interchange of knowledge from other countries. Very good. None with

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ILANUD or instructors, but yes with classmates. Unreadable comment.

2. What would you suggest to have better follow-up in this program?

Not answered	1

Comments: Continue bringing teachers. Interchange of publications, scholarship for one year. Longer courses for more judges in smaller groups. More publications and information. Send out course conclusions and more published materials. Repeat courses. Diffusion of information. More publications from ILANUD.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered	0

Comments: By Supreme Court (3 people). I don't know, maybe because of my specialization (4 people). My boss named me. Attorney General named me (2 people). Nominated by the Dean of the Law School.

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	1
Not answered	3

Comments: Select by seniority. Select by job specialty. Give to all judges on a rotating basis. Everybody should receive training. Via knowledge. Select by competition. All judges should attend and include the provinces.

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered	3

Comments: At the administrative level. Seminars in other countries. None. Different courses in criminal law, criminology, and judicial and legal information. Rehabilitation and prevention of drug abuse. Attend more justice courses. Greater interchange.

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VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered 4

Comments: Court clerks (6 people). All in different specialties (2 people).

IX. OTHER

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 2

Comments: Creating a permanent training institute in Peru (2 people). Permanent courses. More inter-country scholarships or courses for judges (3 people). Material support. Constant evaluation of judges. Disseminate more information about the system. Carry out their responsibilities. More work on investigations.

2. What other comments, observations, and/or recommendation would you have?

Not answered 6

Comments: The instructors were good. Bigger room for course. More judge participation for more interchange of knowledge. This program will be important to reform of Peru's judicial system. Courses should be given as soon as possible to meet the needs of the system. We received criminal codes from other countries. Make course longer and include more specific subjects.

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Annex 14

COUNTRY ANNEX - URUGUAY

FINAL REPORT

INTERIM EVALUATION OF THE REGIONAL ADMINISTRATION OF JUSTICE PROJECT

Annex 14 - Uruguay

(Project #597-0002)

Prepared for:

USAID/Costa Rica

Contract Number:

PDC-0085-I-00-6097-00
Delivery Order Number 21

Prepared by:

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June 1988

Annex 14

COUNTRY ANNEX - URUGUAY

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COUNTRY ANNEX - URUGUAY

I. BACKGROUND OF THE PROJECT'S ACTIVITIES IN URUGUAY

Without contact with or reference to the Regional Project, in late 1986 the A.I.D. Representative undertook bilateral activities in support of the improvement of the operation of the criminal justice system. Using ESF funds he signed a Project Agreement with the Office of Planning and Budget of the President setting aside $100,000 to support a two-year effort aimed at achieving faster and fairer legal processes, introducing modern court management practices, improving legal research and improving the in-service training for judges, prosecutors and administrative personnel of the justice system. The project was to be advised by a Governing Council consisting of representatives of the Office of Planning and Budget of the Presidency, of the Supreme Court and of the Faculty of Law of the national university. The activities were to be organized by the local office of the United National Development Program (UNDP) which was to hire personnel with project funds as well as to supply the services of a senior international consultant. The UNDP office was chosen as the implementing agent because no Uruguayan organization seemed capable of undertaking the responsibility, and the Office of the A.I.D. Representative was too small to handle the work itself. Also the UNDP Representa-tive had an interest in becoming active in the sector, and it was thought that using the U.N. would reduce any potential political sensitivity to the USG's supporting work with the judicial system. A representative of the A.I.D./W's Office of Democratic Initiatives visited Uruguay and agreed to the use of the U.N. channel.

The scope of the project was extremely broad and ambitious. It included sector assessments, studies of codes and administrative systems, academic and in-service training, seminars, workshops, conferences, and technical assistance programs. However, before the feasibility of the project could be tested, it ran into serious difficulties in its organizing phase. The local office of the UNDP hired two Uruguay nationals with project funds to carry out its responsibilities. One of these persons was a young, dynamic and very well trained lawyer who took considerable initiative in trying to move the project forward. However, the members of the Governing Council in familiarizing themselves with the project's intentions became concerned that its implementation might be proceeding faster than was compatible with achieving consensus among the interested institutions of the sector. Tension arose and became centered on the issues of who in fact was to decide on the pace of the project and who was to

be in charge of it. The Governing Council considered itself to be in charge; was unwilling to have the lawyer employed by the UNDP take charge; and insisted on having an open competition for choosing the director of the project. The Embassy strongly favored making the young lawyer the director, and was very skeptical of the utility of having a Governing Council -- and especially one with a representative of the Faculty of Law which usually had been critical of USG policies in general. The Office of Planning and Budget was unable to resolve the problem, and the UNDP would not go forward until a resolution was achieved. After the passage of several months, the local A.I.D. office suspended the project in June 1987, and in September 1987 merged the project's funds into a larger, on-going training activity which runs until December 1990.

In October 1987 representatives of ILANUD were in Uruguay to give the course on the modern, mixed penal process. The A.I.D. Representative discussed the local situation with them. It was suggested that the utilization of ILANUD might offer a way out of the apparent impasse on the organization of the bilateral activity; and that, in the absence of conditions favoring the conduct of a full sector assessment, it might be worthwhile to have at least a review of the local situation performed by someone knowledgeable in the field. The result is described in part III below.

II. ACTIVITIES PLANNED AND ACCOMPLISHED

Since the only activity funded by the Regional Project in which Uruguayans have participated is the training provided by ILANUD, this Annex is focused on that aspect of the project.

A. Size and Nature of Training Provided

The size and nature of the training program for Uruguay has been determined on an annual basis since Uruguay was added to the Regional Administration of Justice Project in May 1986. In the absence of a National Commission in Uruguay, ILANUD's planning is done on a nearly unilateral basis. However, in mid-1986 ILANUD did conduct regional meetings to ascertain South American training needs.

As noted in the main body of this Report, ILANUD's training activities have far exceeded the original targets in the Project Paper, which were shown in global terms. By the end of 1988, 82 persons associated with the justice system will have received training in nine regional and in one national training programs. Four days of national training will have been provided to 39 persons from the Uruguayan judicial system, and at least 43 judicial system personnel will have been given 85 days of regional training activities.

The two tables which follow summarize the scope and size of ILANUD-sponsored training in the Uruguay program through the end of 1988.

URUGUAYAN PARTICIPANTS IN REGIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activities	# Days	# Participants from Uruguay
Activities Completed		
1. Regional Course: Criminal Process Systems in Latin America. Hotel Sheraton, Santo Domingo, Dominican Republic, September 29 to October 10, 1986.	10	2
2. Regional Symposium: Training Needs for 6 South American Nations. Hotel Honduras Maya, July 14-16 and ILANUD, Costa Rica, July 17-19, 1986.	5	1
3. Regional Workshop: Training Programs for Model Judges, Requirements, and Difficulties, ILANUD, April 28-30, 1987.	3	1
4. Regional Seminar: Human Rights and the Administration of Juvenile Justice, ILANUD, Costa Rica, May 4-14, 1987.	10	3
5. Regional Seminar: Training and Investigation about Human Rights of Minors and the Child in Latin American Justice, May 4-14, 1987.	11	16
6. Regional Course: Modern Mixed Penal Process in Contemporary Latin American Society, Ecuador, June 22-July 4, 1987.	10	3

Training Activities	# Days	# Participants from Uruguay
7. Regional Workshop: Court Administration, Guatemala City, Guatemala, September 21-25, 1987.	5	2
Regional Completed Subtotals:	54	28
Regional Activities Planned for 1988		
8. Regional Study Tour: Court Administration in the U.S. and Puerto Rico, April 11-22, 1988.	11	1
9. Subregional Seminar: Minor's and Children's Human Rights before the Administration of Juvenile Justice, Colombia, April 18-22, 1988.	4	3
10. Regional Workshop: Court Administration, Lima, Peru, May 23-27, 1988	4	2
11. Regional Workshop: Training Human Resources for Judicial Representatives, Quito, Ecuador, September 5-9, 1988.	4	3 (approx.)
12. Regional Workshop: The Role of the Legislator in Improving the Administration of Justice, ILANUD, Costa Rica, October 5-7, 1988.	3	3
13. Regional Seminar: Judicial Information, Guatemala City, Guatemala, October 17-21, 1988.	5	3
Regional Planned Subtotals:	31	15
Regional Completed and Planned Totals:	85	43

Note: There were two other 1988 regional training activities in ILANUD's 1988 Plan, to which some Uruguayan participants could be invited, but the Plan did not specify numbers for countries.

URUGUAYAN PARTICIPANTS IN NATIONAL ACTIVITIES
BY NO. OF DAYS AND ACTIVITY

Training Activities	# Days	# Participants from Uruguay
Completed 1987 National Activities		
National Course: Modern Mixed Penal Process (Itinerant Course), Montevideo, Uruguay, October 27-30, 1987.	4	39

Note: No national courses were found in ILANUD planning schedules for 1988.

B. Importance of Training Provided and Relationship to Other Project Components

Since there are no other ILANUD or Mission financed activities currently underway in Uruguay concerning the administraive of justice, it is not possible to gauge the importance of the courses being offered against their needs. The absence of any needs analysis or sector assessment makes any judgment difficult. However, in our meetings with Mission and Uruguayan justice sector officials, the general consensus was that the ILANUD training is important, and is filling some needs of the justice system. However, there were comments that ILANUD's courses did not pay enough attention to the administrative aspects of the justice system, and that it should be less focused on the criminal justice system. In part, these comments reflect the feeling that Uruguay is in less need of consciousness-raising than are the other Latin American countries.

C. Quality of Training

Apart from a number of interviews with key personalities in Uruguay's justice system, we interviewed 13 ex-participants, mainly from the capital area of Montevideo. The ILANUD evaluation instrument (see Appendix 4 of the main volume) developed by the evaluation team was utilized. The Uruguayan ex-participant sample of 13 consisted of the levels of persons listed below:

Category	No. of Participants
Upper-level judge	1
Mid-level judges	3
Court administrative staff	1
Legislative branch	1
Public defenders	6
Prosecutor	1
TOTAL:	13

For the 13 ex-participants interviewed, their responses are included in the evaluative areas which follow. For a complete tabulation of ex-participant responses and transcripts of comments, please refer to Appendix 2 of this Country Annex.

Because of the limits of time and resources available for the conduct of this evaluation, the sample population used was small and limited to those persons living in the capital. Furthermore, it included both attendees at the regional and national level courses; and thus, the opinions reported in Appendix 2 reflect a mixture of both experiences. These circumstances somewhat limit the utility of the responses to the questionnaire. However, it should be remembered that there is no existing system by which ILANUD, RAJO or the local A.I.D. office evaluate the courses and other training events supported by the Regional Project, and that this current evaluation is the first attempt to obtain information concerning the opinions of the participants and the actions taken by those participants as a result of their training. Furthermore, although the questionnaire was an important vehicle for forming judgments on the evaluation areas, there were other bases such as conversations with knowledgeable observers and instructors, reviews of course materials and interviews with ex-participants who did not complete the questionnaires. These sources are of even greater importance considering that the ratings given in the questionnaires were overwhelmingly positive -- much more so than were the comments provided orally or than might be expected from the written comments provided in various parts of the questionnaires. The observations which follow are based on information from all those sources.

In general, the Uruguayans are more critical of ILANUD's courses than are persons from other countries. This probably reflects their belief that their own system is more advanced than those of the other countries, and that they thus have less to learn from them or from ILANUD.

1. Materials

There was a fair amount of criticism concerning the absence of written materials and of the failure by ILANUD to supply the texts of all presentations and to publish the conclusions reached in the courses. The criticism was more pronounced concerning the national level course than for the regional courses. The use of video presentations was approved even by those who questioned the relevance to Uruguay of the substance of the material presented.

2. Preparation of Instructors

The ex-participants had a favorable view of the quality of the preparation of the instructors. As in other countries, the ex-participants were impressed with the credentials of the lecturers who were used. The most repeated critical observation had to do with the focus of the course content. The essence of the concern was the degree to which the courses failed to reflect local problems and local conditions. In contrast to other countries, the local conditions mentioned were ones which make Uruguay more advanced than the countries cited in the presentations. It was mentioned that Uruguay had well educated judges, no judicial corruption, a functioning public defender system, and nowhere near the delays in judicial process that prevailed in other countries -- including Costa Rica. There already are commissions looking at ways to reform procedures. Thus, the ex-participants often saw the presentations as being geared to situations not relevant to that of Uruguay. Furthermore, many of the public defenders questioned the desirability of relying as much on oral procedures as was proposed in the ILANUD courses. In their view that model gives too much advantage to the prosecutors in forcing time-pressed public defenders to conclude stages of the process whether or not it was in the best interests of the defendant to do so.

The thrust of these comments was not to fault the instructors in their preparation, but rather to request that courses be more directed at the specific problems and conditions facing the judicial sector in the country. In particular, there were expressions of interest in having ILANUD organize workshops on the issues facing the commissions working on the new codes of procedures.

3. Selection Process

The selection of participants is made by the relevant Uruguayan institutions (e.g., the President of the Supreme Court and the Attorney General) at the invitation of ILANUD. No formal screening process is used, and there are no qualifying tests or formally stated standards to be met. The A.I.D. office does not participate. There does not seem to be any significant dissatisfaction on anyone's part with this situation. What dissatisfaction there is is focused on the desire that more people obtain the benefit of the ILANUD-sponsored courses. This leads to the suggestion that ILANUD place more attention on courses at the national level (or even at the local level) to reach more of the "working" members of the justice system.

D. Impact Achieved to Date

1. Work of Participants

As in other countries, the ex-participants of the regional courses often mention favorably the opportunity to have an exchange of experiences and ideas with persons from other countries (even though they were from countries less advanced than Uruguay) and the impact on their own personal growth with an emphasis on the raising of consciousness on the themes treated. In addition, the ex-participants (mainly the public defenders) saw the national level course also as being a way to bring together judges, prosecutors and defenders to exchange views -- something that would not happen in the normal course of their professional life in Uruguay. However, the ex-participants had difficulty in pointing to concrete examples of changes in the ways they or the system in fact work as a result of the information and attitudes obtained from the courses. Often this lack of impact is attributed to the difficulty of local working conditions such as scarce resources or the need for more personnel to be trained before the critical mass needed for reform is reached.

Perhaps the most concrete example of impact of the courses was the statement by the public defenders that they now include in their arguments citations to constitutional provisions and international treaties concerning human rights, and their belief that their image with the judges has improved as a result of the ILANUD courses.

2. Spread Effect

The ex-participants assert that they have shared with their colleges the ideas and information obtained in the ILANUD-sponsored courses. However, there are no organized courses or seminars to carry out that sharing. None of the ex-participants received any training (either during or after the courses) to help them be effective multipliers of the information and

attitudes set forth in the courses; and no materials were supplied to them subsequent to the course to assist them in any such effort. There was disappointment that ILANUD had not distributed written texts of all the presentations made during the courses and of the conclusions and suggestions reached during the courses despite the understanding by the participants that it was going to do so. Such material would be of use in any effort (formal or informal) to spread the word. In fact, except for an invitation by ILANUD to the former participants in the 1987 regional course on administrative issues to take a study observation trip to the U.S. in 1988, there appears to be no follow-up at all with the ex-participants -- either by ILANUD, RAJO or the A.I.D. office.

E. Future Plans

As indicated in (A) above, ILANUD estimates that approximately 15 participants from Uruguay will participate in regional courses during 1988. This would be down from 28 participants in such courses in 1987. There are no current plans for ILANUD to sponsor a national level course in 1988. ILANUD's plans have not been discussed with the A.I.D. office nor, apparently, with representatives of the Uruguayan judicial system. This decline in attention to Uruguay undoubtedly reflects competing demands on ILANUD's budget and the time of its professional staff. However, it is likely to be disappointing to the Uruguayans whose expectations about the level of ILANUD activity in Uruguay have been substantially heightened as a result of conversations between ILANUD, the local A.I.D. office and the Supreme Court. Thus, a bilateral activity probably will have to include support for an expansion of ILANUD's plans for training in Uruguay.

F. Conclusions and Recommendations

ILANUD has a positive image in Uruguay, and Uruguayans appreciate the attention paid to them by being invited to attend ILANUD's courses. However, there is a strong belief that the Uruguayan justice system is better than the systems in other countries; and, thus, that courses geared to conditions in other countries are not appropriate for Uruguay. There is a desire to have ILANUD's assistance in providing courses and workshops which will address the concrete problems facing the Uruguayan justice system and particularly its administration and the efforts being made to reform the codes of procedures. There is an expectation on the part of Uruguayans that ILANUD will be increasing, not decreasing, the level of its training activities in Uruguay.

For general recommendations concerning training under the Project see the main volume of this report. There is one problem on training particular to Uruguay.

Problem: Uruguayans active in the criminal justice sector see their system as being further advanced than those of the other Latin American countries, and prefer to have courses gearned to their own conditions.

Recommendation: In preparing future courses for use in Uruguay or in including Uruguayans in regional courses, ILANUD should take into account the degree to which Uruguay has made progress beyond the usual level in Latin America. It also should consider including information about Uruguay as well as about Costa Rica when discussing systems worth emulating.

III. PREPARATION OF ACTION PROGRAMS

A. State of Preparation of Bilateral Program and Future Plans

The A.I.D. Representative would like to go forward with bilaterally funded activities despite the difficulties which beset the previous attempt to organize such activities. With the help of RAJO he arranged a five-day visit to Uruguay in December 1987 by Jesse Casaus, the Clerk of the U.S. District Court of New Mexico, to review the needs of the justice system. The senior professional of RAJO also participated in the review. Given the relatively advanced status of the Uruguay system of penal justice and the quality of the Uruguayan judiciary, their report recommended that a bilateral program be focused on improving the administration of the court's operations. It presents some specific, short, intermediate and long range suggestions including identifying additional studies of the needs of the various institutions involved in the justice system. The report also recommends the establishment of a National Commission of representatives of all the institutions involved in the operation of the justice system.

A copy of the report (except for the recommendation concerning the creation of a National Commission) was sent to the President of the Supreme Court in March 1988 with the suggestion that the recommendations be carried forward through a program administered by the local office of the UNDP. The President of the Supreme Court appears to be in favor of the idea. With that encouragement and at the suggestion of RAJO, the A.I.D. Representative requested ILANUD's help in working with the local UNDP office to prepare a project proposal which would embody the approach recommended in the Casaus report. The Director of Operations of ILANUD came to Uruguay for that purpose in March 1988. The project proposal calls for activities over two years using some $320,000. The funds would be transferred from A.I.D. to the UNDP to be administered pursuant to the standards and procedures of the UNDP. However, the implementing agents would be ILANUD and the Supreme Court. The purposes of the activity

would be to prepare manuals covering personnel, accounting and administrative systems for the courts, to train personnel to utilize the new manuals and procedures, and to install a statistics system for the courts and a system for organizing and making available the decisions of the courts. (These activities appear to be the same as the ones ILANUD is conducting in Central America and the Dominican Republic under the Regional Project.) A fuller assessment of the needs of the justice sector also would be undertaken.

Meanwhile the Office of Planning and Budget of the President continues to plan for the implementation of an activity along the lines of the original project described in part I above. It would provide $200,000 of GOU funds to the UNDP to administer in furtherance of that project which has been modified (with the help of the lawyer who had been employed by the UNDP to work on the original project) to take into account the refusal of A.I.D. to supply foreign exchanges as originally planned. The result of the modifications would be to eliminate the use of foreign advisors and the foreign training experience. The Office of Planning and Budget asserts that a director for the project has been chosen, and that the three members of the Governing Council are in agreement on the choice and on proceeding with the project as modified. However, the feasibility of proceeding without the support of A.I.D. is far from clear.

Thus, at present there appears to be active interest by A.I.D., the UNDP, ILANUD, the Supreme Court and the executive branch of the GOU in undertaking activities to support improvements in the operation of the justice system. However, there also appears to be considerable discrepancy among the parties as to how best to proceed.

B. Involvement of ILANUD

As indicated previously, ILANUD's connection with the proposed bilateral action program came about after there had been considerable discussion of it, and controversy had arisen among the parties. The attraction of using ILANUD to assist in carrying out those activities is in part based on the favorable (if superficial) opinion which Uruguayans in the justice sector have of ILANUD. However, in part it is based on the hope that, as a UN-related organization with a close relationship to A.I.D. through the Regional Project, ILANUD will be able to find a way to satisfy the contending views as to how a bilateral action program should go forward. These views involve more than shades of difference. For instance, one approach is to use ILANUD only as an administrative convenience without its having a role in the planning of the substance of the activities or in providing any external expertise. Another is to see ILANUD as bringing its full experience and access to its full program and roster of experts. Obviously the demands on ILANUD and the ways in which

it would respond to the situation would differ quite markedly depending on the role chosen.

The potential involvement of ILANUD in a bilateral action program in Uruguay is further complicated by the proposal that ILANUD open an office of some kind in South America better to meet the needs of the South American countries under the Regional Project -- and especially should that Regional Project be extended and the scope of activities provided by the Project in South America expanded. There appears to be an understanding among leading figures of the judicial sector in Uruguay that ILANUD has agreed in principle to open a regional office in Uruguay. The assertion is that such an agreement was reached during the visit of ILANUD's Executive Director during the course on the modern, mixed penal system; and that details are being worked out through the Costa Rican Ambassador to Uruguay. Regardless of the view that people have on what might be the role for ILANUD in a bilateral action program, they all favor the opening of a local ILANUD office. However, people were not able to describe in any detail what would be the nature and responsibility of the office.

C. Problem and Recommendation

Problem: The preparation of a bilateral action program in Uruguay appears to have reached a crossroads. Expectations have been raised on several fronts; conflicting views have developed and caused the original activities to be halted; a modified approach has been prepared. Both the modified approach and the expectations raised now include the participation of ILANUD in some way as an implementing agent of the activities. Yet clarifications as to intent and scope still need to be reached by the interested parties, and there are important differences in their views as to what the role should be for ILANUD. It is important that any participation by ILANUD in a bilateral program in Uruguay be consistent with: (i) ILANUD's capacity and willingness to take such steps as delegating the authority which would be necessary to meet the demands of its participation; (ii) its responsibilities to the accomplishment of the Regional Project; and (iii) A.I.D.'s expectations about ILANUD's role in the bilateral activities of other countries in South America.

Recommendation: A joint planning session should take place in the near future among RAJO, ILANUD and the A.I.D. Representative. That session should consider the degree of guidance and monitoring which will be expected of the local A.I.D. Representative and what should be the nature of ILANUD's role. LAC/DI should be consulted concerning the plans for the overall approach to the Project's future in South America.

IV. GUIDANCE AND MONITORING BY A.I.D.

A. Role of the Parties

Since Uruguay has been at the margin of the operation of the Regional Administration of Justice Project, the roles of the parties have been much less defined than is the case in Central America and in the Dominican Republic. Until recently their interaction has been slight. No analytical or technical assistance activities under the Regional Project took place in Uruguay, and ILANUD chose Uruguayans for its regional courses and organized the one national level course in Uruguay without the participation of the local A.I.D. office except for administrative support. The conduct of the training program as regards Uruguay did not present issues which required the intervention of either RAJO or A.I.D./W. A representative of A.I.D./W did visit Uruguay at the beginning of the A.I.D. Representative's efforts to promote bilateral activity, and approved the general approach being taken, and A.I.D./W did approve the use of A.I.D. funds for the bilateral activities. Then in late 1987, a representative of RAJO came to Uruguay to participate in a quick assessment of what the future focus of the bilateral effort might be. This latter visit was of importance since it led to a narrowing and refocusing of the scope of the proposed activities. Still, that participation has not been a catalyst for action; that role has been played by the A.I.D. Representative.

There is no formal reporting carried out among the parties, only communications concerning particular questions or events that occur. This is not surprising given the relatively small amount of interaction which has taken place among the parties and the limited role which the Regional Project has had in Uruguay. However, should the proposed bilateral activities in fact go forward and should ILANUD become active in their implementation, this situation will need to change.

B. Relations Among the Parties

Relations among the parties are good. The A.I.D. Representative appreciates and values the advice he has received from RAJO, and has a favorable opinion of ILANUD--based mainly on the assistance which ILANUD provided to the UNDP in preparing the current version of a bilateral project. The A.I.D. Representative is open to greater involvement by RAJO and ILANUD in Uruguay; indeed, he is in favor of ILANUD's placing in Uruguay any South American office it may open. In turn, RAJO now appears to be giving more attention to the needs of Uruguay for assistance with the senior professional having participated in the quick assessment performed in December 1987 and planning a follow-up visit in April 1988.

C. Conclusions and Recommendations

Although small, the level of involvement of RAJO and A.I.D./W in the activities of the Regional Project in Uruguay seem consistent with the role played by Uruguay in that Project. However, it would have been better had they been more active earlier in the preparation of the bilateral activities concerning the justice sector. They might have been helpful to the A.I.D. Representative in avoiding some of the problems encountered and to ILANUD in avoiding some of the raised expectations it now confronts. The circumstances facing the Regional Project and ILANUD at this time make the greater involvement of RAJO and A.I.D./W important.

Appendix 1

PERSONS INTERVIEWED IN URUGUAY

USAID

Mr. Paul Fritz, A.I.D. Representative

U.S. Embassy

Mr. Donald Sickles, Legal Attache

Supreme Court

Dr. Rafael Addigo Bruno, President

* Dr. Jacinta Balbela de Delgue, Minister (ex-President)

* Mr. Enrio Cadenazzi, Director of Administrative Services

United Nations Development Program

Sr. Alberto Sogit, Resident Representative

* Lic. Albaro Diaz de Medina, ex-contract employee for Administration of Justice Project

Office of Planning and Budget of the Office of the President

Dr. Elbio Chertok Sznajder, Sub-Director of Division International Cooperation

Judges

* Dr. Julio Cesar Chalar Vacchio, Penal Judge, Montevideo

* Dr. Eduardo Lombardi Escayola, Penal Judge, Montevideo

* Dr. Dardo Hamlet Preza Restuccia, Penal Judge, Montevideo

Public Defenders

* Lic. Bernardo Bueno Bueno, Montevideo

* Lica. Ines Martinez Moreira, Montevideo

* Lic. Guillermo Nin Farini, Montevideo

* Lic. Daneil Podesta, Montevideo

* Lic. Bernardino Pablo Real Zolessi, Montevideo

* Lica. Marion Angelica Sehabiaga Romano, Montevideo

Prosecutors

* Lic. Miguel Langon Cunarro, Montevideo

Lica. Ofelia Grezi

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* Ex-participants in ILANUD's courses.

TABULATIONS AND TRANSCRIPT OF COMMENTS GIVEN BY EX-PARTICIPANTS

I. CONTENT OF THE ACTIVITY

1. Did the course content meet your expectations?

Positive	12
Negative	0
Not answered	1

Comments: Yes (three persons). Yes, although it is possible to point out some deficiencies that affected the final results. Yes, because of the knowledge we have acquired about other countries, but ours also has much to say about success. (Unreadable comment). Mediocre, yes. To some expectations, yes. Yes. Maybe it lacked sufficient time to be able to establish a fluent dialogue. Fully. Basically yes, it related to a first course with a very wide theme. The primary thing to do is to bring together the problems that require specific studies. Yes, the primary points at the level of the Minister of Court and the principal administrative offices of the Judicial Power of Uruguay have never been carried out at the national level until now.

2. Did the course serve your and your colleagues' professional growth?

Positive	11
Negative	1
Not answered	1

Comments: (Unreadable comment). (Unreadable comment). It was positive as much as it permitted us to evaluate our own Positive Law, and it improved our activities (unreadable from this point on). (Unreadable comment). In my case I assisted as a listener; I was not directly involved.

3. Did you clearly understand the specific and general course objectives?

Positive	12
Negative	0
Not answered	1

Comments: Yes (eight persons). I understood perfectly the objectives of the course (unreadable from this point on). I thought I understood. In determining common problems and the exchange of experiences and solutions (unreadable from this point on). I believe so, the expositions were very clear.

4. Were the instructional materials in accord with the level and content of the activity?

Positive	3
Negative	9
Not answered	1

Comments: I do not use written material. (Unreadable from this point on). This material was not given. I did not receive teaching materials. The teaching materials was not supplied. (Unreadable from this point on). No. Yes (three persons). The teaching material was not supplied, (unreadable words) which would have been very useful to the participation. Yes, in the case of the course in San Jose - that is not the case with the other course which concerned fundamentally the lack of the foreign normalities; they can be examined comparatively and with their comments. I consider the material given insufficient. It seems to me that it would have been useful to have printed the statements of all the delegates and the conclusions of each delegation. The material was transmitted orally; the context of the training sessions I attended were appropriate to the level of the participants.

II. QUALITY OF INSTRUCTION

1. Do you believe that the instructors:

a. were well qualified?

Positive	10
Negative	0
Not answered	3

b. had the required experience?

Positive	9
Negative	0
Not answered	4

c. were adequately prepared?

Positive	9
Negative	0
Not answered	4

Comments: Many of the observations made by the foreign professors cannot be compared to the realities of our own legal system, (unreadable from this point on). We were dealing with a workshop, that is why we cannot strictly talk about a group of "instructors." The expertise of the participants and moderators was adequate.

2. Were the specific and general objectives met?

Positive	9
Negative	4
Not answered	0

Comments: Yes, they were effectively reached. I believe that the informational objectives were properly met. Information is one thing, the adaptation by each country of the experiences gained is another. Yes (three persons). Without a doubt, in the case of the courses presented in San José, they should have been followed by a detailed study of the special subject, the necessary action needed to prevent that special form of delinquency. Yes, they were met effectively. Yes, it is understood that the course pretended to publicize the Oral Procedures System; but, to say that it can contribute to clarify the procedure, I do not believe so. Probably they were note totally met because of the lack of time, although in a general way they tried to reach a good level. Average. The instructors were lacking knowledge. I believe so (unreadable from this point on). No. The lack of time during the courses (unreadable from this point on). To my knowledge, yes. Yes, they were very instructive

3. Specify your level of utilization.

Positive	12
Negative	0
Not answered	1

Comments: It does not suit me. I can affirm that it brought me a better sense of direction towards my job. Adequate. The most beneficial thing was to be able to share some experiences with people in the same line of business from other countries and to compare solutions to common problems. As a participant, I had the opportunity to hear different points of view and practical experiences that are connected to the reform of the Modern Judicial System. Generally, it was very satisfactory, primarily as a result of the excellent level (of education) of the instructors and the structure of the courses. I passed every section of the course. I went to all the classes and I participated in all the extra curricular activities as well as others that

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became available during the course. The possibility of comparing the Penal Procedure System of Uruguay with other penal procedures in Latin America. The best. A very good one, due to the fact that I was given access to information unknown until then at the national level. Good. (Unreadable comment). It was high (unreadable from this point on). The course created an example, unusual at a local level of dialogue between judges, prosecutors and counsel for the defense, tightening personal and intellectual bonds

4. What suggestions would you make to improve the course?

Not answered 1

Comments: In the methodology it seems to me that is necessary to limit of some text; the natural tendency of Latin Americans favors dispersion which is not advisable in courses of short duration; everything must be concrete to assure the participation of all the scholars. I believe the course to be adequate. The important thing would be to do a follow-up course, analyzing more specific subjects. In some cases, information only slightly touches the subject that is to be developed. In the two experiences I refer to, greater chance of time extension (unreadable from this point on). In regard to the course that I finished, I indicate that it should be shorter and with a more concentrated theme. Furthermore, there should have been greater participation from South American countries. That a publication be put together with the most important conclusions. The instructors should have a greater knowledge of law, a greater length of courses (unreadable from this point on). I would suggest as to the context, greater knowledge by the instructors of the real National Penal Law of Uruguay so as to be able to initiate a dialogue with the benefits of knowledge. Previous knowledge of the background of all the participants. Previous study of the comparative law of the participants. (Unreadable comment). An unlimited subscription; educational material given previously; workshops (before and after the course); the publication of the conferences and final conclusions; educators specialized in the material and the subject; and if he teaches Defense, he should be a defense lawyer. For subjects like treatise, there should be more time and make available greater opportunities for participation and debate. Unreadable comment.

III. UTILIZATION AND IMPACT

1. Do you consider that the Administration of Justice courses have been useful?

Positive	11
Negative	0
Not answered	2

Comments: Everything that contributes to knowledge is useful. Yes (6 persons). Very useful. Without a doubt, they have been useful. Without a doubt. Yes, it permitted a greater fellowship between judges, district attorney and defense lawyers.

2. Have the ILANUD training activities caused a change in your country's judicial system? If yes, explain how?

Positive	7
Negative	4
Not answered	2

Comments: Since 1985 my country has initiated a methodological change that it is very ambitious; the activities of ILANUD have contributed to the foundation of many realizations in the area of penal and minor procedures. I believe it has helped to create a conscience towards change. No (2 persons). No, although it would be reasonable to expect some changes in the view of future activities by ILANUD in Uruguay. We presented some suggestions to the Supreme Court. I believe not yet. Yes, they have attained a very important change in the judicial system of the country, as to the nature and above all the practice of daily law. Yes, greater participation by the Defense at the start of trial. Greater guarantee procedures for the prosecutor. (Unreadable comment). The judicial system still is the same, but, there is better interpretation and execution of some concepts that before were not performed. The course, in conclusion, has removed some concepts and created positive changes in the outlook of some judges, especially in the area of individual rights.

3. How have you applied your new knowledge about human rights?

Not answered	3

Comments: I have not attended courses in this subject, the Uruguayan experience is very vast, be it negative (already overcome) or positive. I did not attend. I did not attend specific courses about D.D.H.D., but the references given about this subject during the course seemed to me to enlighten the applications of practical law. Permanently. I have applied them in a very important way, in the fulfillment of my job in which human rights play a very important role. Utilizing the prevailing San José Pact of Costa Rica. (Unreadable comment). I have always applied the knowledge

after the course; I hope that my counterparts and the judges have understood and valued it the same way as I attempted to do. It has generated a desire for a more profound knowledge of the international tools, which can be found as a basis in the habitual use of the Penal Law. New knowledge was not acquired. In Uruguay, it is a national law that the San José Pact be enforced and applied.

4. In what ways have your responsibilities or jobs changed as a result of your ILANUD training?

Not answered 0

Comments: The course in Guatemala--the one I attended--it had a very technical context in the area of administration that has been very useful to evaluate the delimitation of competition in the jurisdictional and administrative field and the last one as an instrument of the first one. It was about a course of the big ways of politics. In my case, it helps to clarify the authority that has to be given to the office of the General Administrative Director, which I direct. I went as an observer (unreadable word), been able to evaluate that some of the solutions submitted in Latin America are far away from being ideal. In one way, the modification of prevailing views about the function of repressive regulation and its possibilities; in another way, the possibility of analyzing and expressing opinion about the projected legislative modification. Fundamentally, the training has led to my designation to integrate various Judicial Commissions of Power destined to create links with ILANUD, and to combine objectives of improvement of the Administration of Justice. It has contributed to the rise of the technical level of the activities, with a wider perspective of the reality of the penal procedures in Latin America. It has exaggerated the need for our assistance as Defense lawyers. In the way that it has increased my knowledge, and it has been very useful in my job and its responsibilities. In a very good way, especially at the start of the procedures. (Unreadable comment). (Unreadable comment). It has not done it. It has not changed my job or my responsibilities.

5. How have you used your new knowledge in your job and functions?

Not answered 1

Comments: It is already answered (question four). Moreover as I have expressed in the last question, I have profited form some concrete ideas that refer to solutions of specific problems. For example, statistical orientation. The experiences to which I was exposed to, permitted me to

complete my report about the comparative job of Judicial Reform. The same as the last answer. In my job as a judge, it has permitted me to develop a greatest critical feeling of the application of law, with a greater approximation to the value of justice. Presenting a report to the Supreme Court of Justice, contributing suggestions with respect to the organization of our penal procedures. It has revived human rights and the ways to defend them. I have made use of them by a better performance of my duties; I had access to knowledge that I possessed before but only in a less direct way. (Unreadable comment). Greater emphasis on the importance of the Defense (unreadable from this point on). Look at the answer in question 3. Broader knowledge through the foreign experiences obtained.

6. What other benefits did you get from the course?

Not answered 3

Comments: The guaranteeing of international solidarity. Personal relations with people that have the same duties as I do in other countries and the possibilities of exchange of information and documentation. The possibility of comparing and utilizing the experiences and points of view of foreign colleagues and of functionaries whose duties lay in other sections of the administration of justice. Fundamentally, more work and responsibilities. Personal contacts with colleagues from other countries constitutes a very rich experience. The fact of being able to compare law systems, methods and the genuine positive justice present in the countries that serve as a model to the course like Central America. A very important benefit, for someone who has never participated in a course of this nature, was the raising of the level of understanding about the systems of other countries. (Unreadable comment). A better dialogue and judicial understanding (unreadable from this point on). Not one.

7. What benefits derived from the course have you seen in your work place, the community, and in your subordinates?

Not answered 0

Comments: It is already answered, question four. Greater attention in dealing with the subjects considered in such courses, as a prolongation of the critical points of view developed. In general, I could observe a greater respect and consideration to my opinions that relate to themes of Penal Justice and Administration of Justice. Some of the experiences collected were to recur to in my sentences. A greater perception of the problems during penal procedures.

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(Unreadable comment). I have taken notice above of the benefits provided by these courses; also in a greater closeness between the magistrates and the district attorney with whom we work daily. A greater awareness for the respect of human rights, a greater zeal in pleading for the same. (Unreadable comment). For the community, the course was useful in securing a more hierarchical system of the Defense and closer to judicial reality. No. Not one.

8. What are your recommendations to your National Commission in your country to improve the justice system?

Not answered	4

Comments: I did not have any knowledge that a National Commission existed in Uruguay. I understand the usefulness of the specific program that refers to the administrative part of the Administration of Justice, for which a preliminary project realized by ILANUD already exists. A National Commission does not exist yet. In case of it being organized, its principle activity should be to train the agents in the Administration of Justice, to incorporate technology, and eventually, to be an information bureau for the elements of the justice system. To intensify and project to other sectors of the Administration of Justice this kind of experience. (First words unreadable) courses or simple exchange of ideas in respect to law, in which the Defense, judges and district attorneys would participate. (Unreadable comment). (Unreadable comment). The externalization of our Procedure Penal Law at the regional level; the exchange of attainments and procedures so that they would improve the Administration of Justice at a National and Regional level. (Unreadable comment).

IV. MULTIPLIER EFFECT

1. Have you had opportunity to transmit your new knowledge to other persons in your work or Community? Specify.

Positive	10
Negative	0
Not answered	3

Comments: Yes. At the agency I belong to, at the rank of President of the Corporation (year 1987). Yes, to the hierarchy that is linked to the head office. Yes, through my report to national authorities, foreigners and international organizations. Yes, to magistrates and students; (unreadable from this point on). Yes, although limited to my closer collaborators. Occasionally, participation in some conferences or seminars has permitted me to develop some of the themes that were dealt with during the course.

I have the daily opportunity of transmitting it to the university students, in my rank as a professor of Penal Law and Law Procedures. Yes, to my colleagues and functionaries that are devoted to judicial work. Yes, I have had the opportunity of sharing my knowledge at the university level in the University of the Republic in which I am an aspirant professor of Law. Yes, in talking with judges, defense lawyers and district attorneys. (Unreadable comment). To my companions; colleagues that were not able to go because of the limited number of places. Yes, they are part of a permanent dialogue and discussions with other defense lawyers and colleagues. (Unreadable comment).

2. What type of results have you had in passing on such information? Specify.

Positive	9
Negative	0
Not answered	4

Comments: We are in the middle of developing our administrative organization; its improvement depends exclusively on economic matters, which for the moment impedes concrete and effective solutions. A better comprehension of the objectives of the Head Office of Administration. The possible involvement of ILANUD in local jobs of judicial reform. Higher interest in the subjects, including the start of a chronological investigation by students. In general, when you talk about these subjects, you arouse an unease that generates positive discussions. A greater consciousness at the university level of the problem in the penal procedures and of the prosecuted. (Unreadable comment). Good, maybe very good, demonstrated by the interest of the students that had little or very little knowledge of these kinds of procedures. (Unreadable comment). (Unreadable comment). The enrichment of knowledge as a result of fruitful discussions with colleagues. (Unreadable comment).

3. What recommendations would you make so that the benefits of the training program reach the most people possible?

Not answered	3

Comments: The possibility of creating enough written material to hand out to all the people involved in the course. Obviously to extended them to more people, but also committing the ones that have taken the course to diffuse the information acquired. Enlarge the programs of publishing the worthy activities that are accomplished by ILANUD and extending them to other areas. The creation of

publications. An important recommendation would be to increase the teaching knowledge of the participants that have specialized in this field. I repeat: previous knowledge of the context, and if it is possible, of the record of the foreign participants. (Unreadable comment). A larger number of participants and publications before and after the course. Its publication and diffusion through special institutions. Greater diffusion of the results. To maintain contact and exchange of experiences after the course.

V. FOLLOW-UP

1. What type of contacts have developed between ILANUD, you, your classmates, and instructors? Specify.

Positive	7
Negative	5
Not answered	1

Comment: I have been in constant communication with the authorities of ILANUD. I am very interested in receiving written material, about penal procedures, that was promised to us. A trip to U.S.A. is foreseen for this month as a continuation of the course; we also maintain contact through letters. Contact through letters with all of them. None between classmates, (unreadable from this point on). With ILANUD I have frequent contacts; since 1986 my duty is to link judicial power with the institution; furthermore, I acted as coordinator of Mixed Modern Penal Procedures course, held in Montevideo in October 1987. I maintain fluent correspondence with classmates and professors, particularly with the ones from Argentina and Colombia. With the Director, Dr. Montero, we saw each other again in Montevideo. I also established contact through the mail with a minister of the Supreme Court of Justice of Costa Rica (he was present at the Convention in Quito), and with the representatives of the Dominican Republic. Not one yet. The Contacts or communications have been good, but, at a personal level, it was limited to those in attendance at the course; I wish that it would have been more than that. I would like to be more in contact with ILANUD, (unreadable from this point on). Not one. Not one. I have received a bulletin for years now, and it keeps me up-to-date with ILANUD. There is no other communication. Sometimes they send questionnaires like this one.

2. What would you suggest to have better follow-up in this program?

Not answered	4

Comments: To establish a permanent office in Uruguay. To bring about other events with more specific themes. (Unreadable comment). That the participants of the courses continue involvement in the activities of ILANUD, procuring encounters between past participants so as to be able to develop the subjects presented, with the assistance of the teaching department of the Institute. To increase the number of conventions and seminars, etc. New courses. I would suggest that it be presented more often and with the participation of other countries. To accomplish a previous study of the participants, to intensify the discussions, and to reduce the pretentious language n the dialogues. (Unreadable comment). Greater communication and contact with ILANUD.

VI. RECRUITMENT AND SELECTION

1. How were you selected?

Not answered	0

Comments: By service at the presidency of the Supreme Court of Justice (1987). The selection was made by the Supreme Court, but, the invitation already established that the highest functionary of the Department of Administration should attend. By the local office of USAID. (Unreadable comment). By designation of the Supreme Court of Justice (6 persons). By the Director of Public Defense. In account of the position I hold. Because of the position I occupy, (unreadable from this point on).

2. What changes would you suggest in order to improve the recruitment and selection process? Specify.

Negative	0
Not answered	3

Comments: I believe that the criterion followed by ILANUD should be maintained to require an opinion from the Supreme Court of Justice, which is better equipped to examine closely the legal qualifications of its magistrates, technical personnel and functionaries. For the moment, it would be convenient that the head offices of the institutions (Supreme Court of Justice, Public Ministry, etc.) be the ones to select the participants. To establish an outreach program for aspiring candidates, basing their selection on their education, occupation and attitude manifested. Give a greater chance to a larger number of technical personnel from all the branches of the Administration of Justice. I believe that the recruitment process was correct, although in the case of the course it would have been interesting to have had more participants from the

Criminal Defense Department. That an equilibrium be reached between the number of judges, prosecutors and defense lawyers. (Unreadable comment). To invite all the Penal Defenders, we are 12, and 7 were invited. I have no knowledge of the criterion used. (Unreadable comment).

VII. INDIVIDUAL TRAINING NEEDS

1. What other individual training needs do you as an individual have? Specify.

Not answered 1

Comments: It is to be considered that a career magistrate must direct all his efforts towards the expansion of his knowledge, especially in the enforcement of the law. Specific subjects in administration. In the area of judicial administration. (Unreadable comment). I am interested in subjects related to Penal Procedure; furthermore, as part of a commission that organizes post-graduate courses for judicial candidates, I have an interest in subjects related to Judicial Schools. I also have a particular interest in the subject of Judicial Penal Organization. More frequent assistance for conventions and seminars, like the ones organized by ILANUD, attention to the economic limitations imposed on me by public service, this is what impedes me from participating in many conventions of great interest to me. An exchange of knowledge. (Unreadable comment). Workshops. A larger number of seminars for particular specialties, including some at an international level, that would create frequent opportunities for dialogue and exchange. In the area of criminology, perfectionism and intensification.

VIII. TRAINING PROGRAM FOR OTHERS

1. Within the judicial power, what other personnel needs training in justice administration? Specify.

Not answered 2

Comments: In my country, the lawyer counselor in administrative matters and the heads of the four different administrative divisions in which the technical assessment takes place and the whole administrative organization of the Judicial Power, under the supervision of the Supreme Court of Justice. I can only give you my opinion of the administrative section; I believe regional courses for high officials to be useful, in subjects of political administration and national courses in subjects already specified. Administrative personnel not technical. Defense lawyers, the hierarchy of administrative services and all the

technical personnel. The district attorneys do not integrate the Judicial Power unless the Executive Power does, so obviously they are also suitable recipients of education; to develop courses, seminars, visits, etc., I estimate that depending on the subject, they can be at a national or regional level. Technical personnel from the Forensic Technical Institute; secretaries of judges and clerks. All of them. I believe that they should include the judges' secretaries and clerks. Clerks and administrative personnel, in civil and penal matters at a national level. Unreadable comment. Functionaries in charge of receiving penal and juvenile matters in Uruguay. In Uruguay, the district attorneys (Public Ministry) do not integrate Judicial Power.

IX. OTHERS

1. In what other way can ILANUD and the justice power in your country improve the administration of justice system?

Not answered 0

Comments: I estimate that the establishment of an information center is a priority. On this aspect nothing is concrete yet, except the efforts undertaken within our limited means; everything exists in a "project" stage. Through the project that was referred to in section III 8. (Comment N/A). (Unreadable comment). Fundamentally creating an organization at the highest level, with the purpose of organically structuring the present bonds that exist between them. Creating courses at a national and regional level. To promote the creation of courses and exchange of information. With a greater exchange of information. With courses and seminars and with a better organization of the Administration of Justice. (Unreadable comment). I recommend to judges, district attorneys and defense lawyers the communal task of improving the system. I really do not know the possibilities of the programs developed by ILANUD. (Unreadable comment).

2. What other comments, observations, and/or recommendation would you have?

Not answered 6

Comments: I consider that the establishment of a permanent office of ILANUD would contribute to the merging of the efforts of foreign and national technical personnel; the fact that it is taking place in the "field of action" as on the battleground facilitates the view of our efforts next to our possibilities; ILANUD can do a lot for us. Once more,

my opinion is that the institute should give more attention to the countries of South America, where it would be beneficial to establish a regional office which can be located in Uruguay. I would like to recommend the sending of publications, bulletins, etc. to those who participated in previous courses with the purpose of obtaining current information about the courses, and future and past activities of ILANUD. The interchange of knowledge that we can obtain is beneficial through ILANUD for a greater awareness of international law and at the same time human relations. I have said it before, that the courses be given frequently because since we attended the courses we have a greater interest in the subjects. To have more international seminars, so to be able to enrich our knowledge by learning from each other. (Unreadable comment).