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TRANSPARENCY PROJECT IN GUATEMALA

YEAR 4 WORK PLAN

(OCTOBER 2012 - SEPTEMBER 2013)

August 2012

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ACRONYMS AND ABBREVIATIONS

ACU	Anticorruption Unit
AFU	Administrative Felonies Unit
AGO	Attorney General's Office
CEG	Centro de Estudios de Guatemala
CGO	Controller General's Office
CICIG	International Commission against Impunity in Guatemala
COTR	Contracting Officer's Technical Representative
CSO	Civil Society Organization
DGO	Democracy and Governance Office
FOIL	Freedom of Information Law
GoG	Government of Guatemala
IACC	Inter-American Convention Against Corruption
IFES	International Foundation for Electoral Systems
IR	Intermediate Result
IRES	International Research and Exchanges Board
LLR	Lower-Level Result
LOU	Letter of Understanding
MESICIC	Committee of Experts of the Follow-up Mechanism
MSME	Micro, Small, and Medium Enterprise
PTI	<i>Proyecto de Transparencia e Integridad</i> (Transparency and Integrity Project)
RRF	Rapid Response Fund
SUB-IR	Sub Intermediate Result
UAI	<i>Unidad de Acceso a la Información</i> (Public Information Units)
UNCAC	United Nations Convention Against Corruption
USAID	United States Agency for International Development
VP	Vice President

RESUMEN EJECUTIVO

El Proyecto de Transparencia e Integridad (PTI) de USAID/Guatemala, ejecutado por Tetra Tech ARD según contrato No. DFD-I-00-08-00067-00, orden de trabajo No. DFD-I-02-08-00067-00, un esfuerzo inicial de dos años, que ha sido extendido por un periodo adicional para ser ejecutado hasta marzo del 2014. El monto total del contrato ha sido incrementado y asciende a \$8,692,314.87.

El cuarto año de implementación del Proyecto de Transparencia e Integridad cuenta con un periodo de ejecución de 12 meses, iniciando el 1 de octubre del 2012 y finalizando el 31 de Septiembre del 2013.

El objetivo principal del PTI es el de apoyar el fortalecimiento de la gobernabilidad democrática en Guatemala, contribuyendo con la lucha contra la corrupción y mejoramiento de los sistemas de transparencia en el país.

El PTI continuará apoyando esfuerzos a fin de: incrementar la demanda por la transparencia por parte de la Sociedad Civil (Organizaciones de la Sociedad Civil, Medios de Comunicación y Sector Privado), fortalecer la capacidad de instituciones clave de gobierno a fin de promover un sector público más transparente y responsable (oferta), fortalecer a los órganos de control en el combate a la corrupción y esfuerzos de incidencia a favor de la aprobación una reforma a la Ley Electoral y de Partidos Políticos para fortalecer el marco regulatorio en materia de Financiamiento de la Política.

A continuación presentamos datos respecto a la coyuntura política que atraviesa el país a fin de contextualizar el ámbito dentro del cual se enmarca el cuarto año del Proyecto de Transparencia e Integridad.

Escena Política

A la fecha de este escrito, se cumplen los primeros siete meses de la nueva administración gubernamental. Dentro de los aspectos más relevantes que han marcado este periodo, se pueden mencionar: una reforma fiscal que no aumentó la capacidad del Gobierno para generar ingresos, la formación de fuerzas de tarea para combatir formas de crimen que afectan a los ciudadanos, el anuncio de una propuesta de reforma constitucional y el fracaso de aprobación de la iniciativa de ley contra la corrupción.

Durante la actual administración han sido variadas las referencias al compromiso que se desea asumir para transparentar la gestión, pero eso dista mucho de ser realidad, ya que por más que se pregona la transparencia y auto fiscalización dentro del Organismo Ejecutivo pareciera que esta no es percibida por la población. Ello quizá obedezca a que buena parte de esas dudas se fundamenta en hechos concretos que crean más sombras que luces, por ejemplo la forma como se hacen muchas de las adquisiciones del Estado.

Una evidencia de cómo las adquisiciones del Estado han sido desvirtuadas es el uso del portal Guatecompras, que desde su instauración ha venido en franco deterioro y cada gobernante ha tolerado que sean menos los concursos de adquisiciones del Estado; además, la mayoría se hace con la evidente intención de establecer ciertos requisitos casuísticos, por lo que se les da una duración tan limitada que la sospecha lógica es que tales adquisiciones tienen dedicatoria.

El informe del Índice Latinoamericano de Transparencia Presupuestaria 2011 (ILTP), presentado en junio, posiciona a Guatemala dentro de los países menos transparentes.

Esta evaluación surge de la percepción y análisis de 79 expertos y usuarios de información presupuestaria de la región, que evaluaron variables como confianza en la información, capacidad y efectividad en la labor que realizan las distintas contralorías de Cuentas, impacto del gasto y cambios en el presupuesto, y lejos de mejorar, nuestro país también se anota un retroceso en ese rubro.

A la fecha, dos ministros, Francisco Arredondo y Efraín Medina, se vieron involucrados en las denunciadas relacionadas a negociaciones de medicinas y fertilizantes, respectivamente. La presión culminó con la sorpresiva y tempranera renuncia del ministro de Salud, Francisco Arredondo, que fuera aceptada por el presidente Pérez Molina.

Adicionalmente, esta administración enfrenta denuncias y señalamientos constantes contra el Fondo Nacional para la Paz (FONAPAZ) por las anomalías en la adquisición de bienes.

A esto se le suma las contrataciones multimillonarias de dragados otorgados por el Ministerio de Comunicaciones Infraestructura y Vivienda (CIV), siendo éstas en el tipo de obra más propenso a la corrupción. El Fondo de Solidaridad Social (FSS), un fideicomiso operado por CIV, organizó un concurso en el que presuntamente se utilizaron empresas como fachada para simular la competencia entre los oferentes, resultante de dicho proceso se adjudicó un contrato por Q199.9 millones para la ampliación y pavimentación de 35 kilómetros de la red vial en el sur de Huehuetenango, convirtiéndose en el proyecto de infraestructura más caro contratado por el Estado en lo que va de 2012.

El escándalo de presunta corrupción más reciente, tiene por protagonista a la Empresa Portuaria Quetzal (EPQ), quien por medio de su subinterventor, otorga en usufructo por 25 años un terreno del Puerto Quetzal a la entidad Terminal de Contenedores Quetzal, S.A. (TCQ), asociada con la firma española Grup Maritim TCB, para la construcción y operación de una nueva terminal especializada de contenedores en Puerto Quetzal. El Puerto Quetzal es el puerto más importante de Guatemala es, propiedad del Estado, administrado por Empresa Portuaria Quetzal. La opacidad, la celeridad y los indicios de arreglos previos, levantan cuestionamientos serios, incluso de los cuadros más altos de las esferas del Gobierno, respecto la existencia de prácticas corruptas en dicha transacción, desatando una polémica a nivel de opinión pública, sobre todo porque no fue el resultado de un proceso de licitación.

A la fecha, la Secretaría de Control y Transparencia (SECYT), constituida el 14 de febrero 2012, mediante Acuerdo Gubernativo, bajo el mandato de la Vicepresidenta de la República, carece de reglamentación y de los recursos necesarios para cumplir con sus objetivos, incluso muy poco definidos por el Acuerdo Gubernativo de su creación. Contra las expectativas generadas, poco o nada ha incidido en restar opacidad al actuar del Poder Ejecutivo. Dicha instancia, tiene el gran desafío por delante de demostrar su efectividad en el control de la corrupción a través de la instauración medidas preventivas a la interno del Ejecutivo y procesamiento respectivo de presuntos casos de corrupción ante los entes competentes para dicho efecto.

La más reciente encuesta de la Asociación de Investigaciones y Estudios Sociales (ASIES), en la que destaca que el 89 por ciento de las empresas encuestadas reclama leyes de transparencia y el cumplimiento de regulaciones de calidad del gasto público, puesto que ello sería lo más congruente con la actualización tributaria, que hipotéticamente debió representar más ingresos para el Estado, pero ello no servirá de nada si continúan las fugas, los sobrepagos y la falta de auténtica competencia.

El mes de agosto da inició con el segundo periodo legislativo del año de la séptima legislatura del Congreso. La llegada de 90 nuevos diputados a esta legislatura no ha sido suficiente para que los viejos vicios del transfuguismo y el abuso de la figura de la

interpelación, entre otras malas prácticas añejas, quedaran relegadas por debajo de una atrasada agenda de legislación, fiscalización y representatividad. La nueva configuración de fuerzas en el Congreso resultó fortaleciendo a las bancadas del Partido Patriota y de Libertad Democrática Renovada, que se posicionaron como las dos más influyentes por su número de integrantes, con 58 y 24 curules, respectivamente.

El 12 de marzo, el presidente de Guatemala, Otto Pérez, presentó al Congreso un paquete de once leyes orientadas a endurecer los controles en el manejo de fondos públicos y a combatir diversas formas de corrupción, como el contrabando. El paquete consiste en la modificación de siete leyes existentes y la creación de otras cuatro, enfocadas en mejorar la fiscalización de los fondos públicos, para lo cual se dan lineamientos básicos acerca de cómo ejecutarlos.

En las últimas semanas ha venido cobrando fuerza una corriente dinámica y positiva de diversos sectores de la sociedad, en el sentido de demandar del Congreso de la República la aprobación de leyes que promuevan auténticamente la lucha contra la corrupción, uno de los mayores males que afecta a las instituciones del Estado y a gran parte del sector empresarial con los que hacen negocios. Esto a raíz que se ha visto una falta de voluntad de parte de los diputados para aprobar la legislación necesaria, principalmente la Ley Anticorrupción, a través de la cual se pretende tipificar el Enriquecimiento Ilícito, un delito que está contemplado en la mayoría de países del mundo, pero que en Guatemala ha quedado fuera del Código Procesal Penal. A la fecha, el Congreso tiene pendiente continuar con el abordaje serio de la legislación tendiente a incrementar la transparencia en el que hacer público, así como en aquella que coadyuve el combate de la corrupción.

El 25 de abril la Comisión de Asuntos Electorales del Congreso inició el debate para reformar la Ley Electoral y de Partidos Políticos que está vigente. La Comisión de Asuntos Electorales del Congreso realizó la reunión e invitó a los Magistrados del Tribunal Supremo Electoral, representantes de la sociedad civil, representantes de la academia, miembros de partidos políticos, entre otros. Magistrados del Tribunal Supremo Electoral (TSE) propusieron que se integren dos iniciativas que están en el Congreso y una propuesta que presentarán en los próximos días. El financiamiento a los partidos políticos, la creación de los delitos electorales, la creación del Instituto Electoral, ajustar el número de diputados, el uso de los medios de comunicación; la reducción del tiempo que duren las campañas electorales, la publicación de encuestas, las cuotas de poder, la votación uninominal y la distinción de la potestad del Tribunal Supremo Electoral representan los diez cambios que ya están incluidos en la propuesta y que ya han empezado a ser “negociados”.

El 27 de agosto, el presidente de Guatemala, Otto Pérez Molina, presentó al Congreso de la República el proyecto para reformar 35 de los 280 artículos de la Constitución, con el objetivo de modernizar el Estado a partir de los siguientes cuatro ejes: Transparencia, Seguridad y justicia, Reglas para la actividad política y Fortalecimiento fiscal del Estado. Entre otras propuestas, dicho anteproyecto busca modificar el sistema político del país por medio de la reducción del número de diputados, de 158 que hay en la actualidad a 140, lo cual implica la redistribución de distritos electorales.

Según la legislación guatemalteca, la Constitución del país puede ser reformada por dos terceras partes de los diputados del Congreso, es decir con el voto favorable de 105 de los 158 escaños. Se estima que para aprobar las modificaciones, el Gobierno cuenta con el apoyo de sus 63 diputados y 25 aliados, por lo que le faltarían, como mínimo, otros 17 para alcanzar los 105 votos necesarios para aprobar las enmiendas. De ser aprobadas las reformas, las mismas deberán ser ratificadas por la población mediante una consulta popular que deberá ser convocada por el Tribunal Supremo Electoral, a petición del Parlamento.

Diputados, analistas políticos, representantes de Organizaciones de la Sociedad Civil, el Sector Privado coinciden, por separado, en que, antes de discutir la forma y el fondo de la propuesta de reformas constitucionales, deben efectuarse cambios a la Ley Electoral y de Partidos Políticos.

En el Congreso ambos temas se discuten de manera paralela. En la Comisión de Legislación y Puntos Constitucionales mantiene audiencias con diversos sectores para escuchar sus planteamientos sobre reformas constitucionales, y en la de Asuntos Electorales se llevan a cabo foros semanales para discutir modificaciones a la reglamentación electoral.

El gobierno de Guatemala se encuentra ante la presión de redoblar los esfuerzos para prevenir la violencia, investigar, procesar y castigar a los responsables de actos criminales a fin de devolver a la ciudadanía la confianza en las instituciones encargadas de la seguridad y la justicia. La intervención del estado guatemalteco para mitigar los efectos de la delincuencia y el crimen organizado sobre los procesos e instituciones públicos será especialmente crítica, pues estos actores encuentran en esta coyuntura una oportunidad para infiltrarse aún más en la institucionalidad del país mediante financiamientos a candidaturas y generación de miedo a través de la violencia.

Dentro del sistema de justicia se cuestiona la capacidad y eficacia del Ministerio Público, encargado de la investigación y de la persecución penal. La Fiscalía de Sección contra la Corrupción ha fracasado con procesos de alto impacto, incluyendo el caso del ex presidente Alfonso Portillo y de sus ex ministros de Defensa y Finanzas Públicas, acusados de corrupción, el caso de Gloria Torres y sus hijas (hermana y sobrinas de la ex primera dama Sandra Torres), y el del ex Fiscal General de la República, Carlos de León Argueta. Estas derrotas han contribuido a aumentar la percepción de que los delitos de corrupción no son castigados en Guatemala.

La Contraloría General de Cuentas, por su parte muestra los mismos signos de debilidad institucional que el Ministerio Público. Como ente encargado de la fiscalización externa de la cantidad y calidad del gasto público, es la primera en advertir malos manejos del erario público, circunstancia que la obliga a denunciarlos al Ministerio Público, entidad que las rechaza en un porcentaje que ronda el 90%.

El Ministerio Público y la Contraloría General de Cuentas, dos entes del estado Guatemalteco clave, con responsabilidades en materia de control de la corrupción, se encuentran ante la necesidad urgente de trabajar en conjunto en la lucha contra la corrupción y su impunidad.

El Congreso de la República deberá priorizar avances de la agenda legislativa en materia de Transparencia y lucha contra la corrupción. En ese contexto, se pondrá a prueba la voluntad política del liderazgo del Ministerio Público y la Contraloría General de Cuentas para fortalecer a sus cuadros internos dentro de un proceso de mejora institucional necesario para avanzar en el cumplimiento de sus funciones. En la medida en que se expongan y persigan casos de corrupción, el perfil y credibilidad de éstos entes de control aumentará.

En resumen, la situación descrita denota un contexto político, económico y social lleno de desafíos. Los temas de transparencia y anticorrupción probablemente seguirán en la agenda pública. Tras el rápido desgaste que ha tenido la presente administración de Gobierno, se prevé que incremente la demanda por la Transparencia y lucha contra la corrupción.

El presente documento incluye la descripción de las actividades y tareas que el PTI

desarrollará durante el cuarto año. Este plan de trabajo toma en cuenta el contexto político que comprende grandes desafíos e incertidumbres institucionales. Respectivamente, el PTI, en estrecha coordinación con USAID, evaluará periódicamente los desafíos y oportunidades a fin de ajustar, cuando sea necesario, lo planificado para la consecución de resultados previstos.

Adicionalmente, se presenta el Plan de Capacitación (Sección 6.0). Dicho instrumento determina las prioridades de enseñanza-aprendizaje que el PTI implementará para la consecución de sus metas programadas en materia de capacitación que incluye a por lo menos 1000 personas, representantes de organizaciones de la sociedad civil, y 150 funcionarios públicos.

La estrategia de implementación del PTI que se detalla a continuación, se desarrolla a partir del análisis del contexto descrito, tomando en cuenta los desafíos y oportunidades, previsibles, que surgen durante el período de este plan de trabajo.

ESTRATEGIA DE IMPLEMENTACIÓN

A continuación se presenta los rasgos más relevantes que componen la estrategia de implementación, por SUB IR y LLR, para el Año 4 del proyecto.

Durante el cuarto año de implementación el Proyecto de Transparencia e Integridad en Guatemala, se pretende dar continuidad a los esfuerzos emprendidos durante los años de ejecución previos a fin de asegurar la sostenibilidad de las acciones iniciadas, promover nuevas oportunidades de intervención y responder a coyunturas estratégicas.

De tal manera, el PTI proveerá asistencia técnica y apoyo a las Organizaciones de Sociedad Civil (OSC/ONG, medios de comunicación y el sector privado) a fin de incrementar la demanda por la Transparencia. De la misma manera, seguirá fortaleciendo al Organismo Ejecutivo y Órganos de Control (Congreso de la República, Ministerio Público y a la Contraloría General de Cuentas).

Al Organismo Ejecutivo a fin de incrementar su capacidad de implementar y supervisar medidas de transparencia y anticorrupción. A los Órganos de Control a fin de incrementar sus capacidades para investigar y controlar la corrupción, incluyendo el mejoramiento del marco normativo/legislativo en la materia.

El PTI priorizará su intervención en aquellas áreas donde la inversión de los recursos del proyecto genere un mayor impacto. Por lo que el PTI continuará interactuando con los actores involucrados en la promoción de la transparencia y combate a la corrupción desde sus cuatro, distintos pero complementarios, ejes estratégicos.

Adicionalmente, el Proyecto continuará implementando esfuerzos de coordinación con otros proyectos y/o donantes que apoyan iniciativas/áreas afines a las anteriormente descritas. Este acercamiento busca evitar la duplicación de esfuerzos y permitirá, en la medida de lo posible, el apalancamiento de fondos adicionales para la implementación de actividades.

Áreas temáticas de intervención	Proyectos / Donantes pre identificados
Sociedad Civil	Programa de Naciones Unidas para el Desarrollo (PNUD) Proyecto de Sociedad Civil (PASOC)
Sector Privado	Banco Interamericano de Desarrollo
Iniciativas pro Transparencia Organismo Ejecutivo	Programa de Naciones Unidas para el Desarrollo (PNUD) Oficina de Naciones Unidas contra la Droga y el Delito (ONUDD)
Producción Legislativa	Comisión Internacional contra la Impunidad en Guatemala (CICIG)
Iniciativas Anticorrupción Ministerio Público	Comisión Internacional contra la Impunidad en Guatemala (CICIG) Oficina de Naciones Unidas contra la Droga y el Delito (ONUDD)
Iniciativas Anticorrupción Contraloría General de Cuentas	Banco Mundial
Reforma Electoral	Instituto Nacional Demócrata (NDI)

1) **Bajo el SUB-IR 2.1 “Ciudadanos mejor informados y capaces de ejercer procesos de auditoría social y lucha contra la corrupción”.** El PTI continuará promoviendo el fortalecimiento de la demanda por la transparencia desde la sociedad civil organizada. A través de este componente se busca generar una ciudadanía más informada y activa en la lucha contra la corrupción, fortalecer a organizaciones de la sociedad civil para desarrollar procesos de auditoría social, promover un sector privado más activo y sensible en la importancia de la transparencia y lucha contra la corrupción, así como fortalecer el papel de los medios de comunicación para exponer la corrupción a través del periodismo investigativo.

- **LLR 2.1.1: “Incrementar y fortalecer la participación de Organizaciones de la Sociedad Civil en procesos de auditoría social de funcionarios y recursos públicos”.** A través del programa de sub-donaciones, el PTI promoverá la participación de Organizaciones de la Sociedad Civil en aquellas intervenciones a favor de la transparencia y lucha contra la corrupción. Asimismo, fomentará la generación alianzas / coaliciones que permitan la promoción de una agenda conjunta de cara a la demanda por la transparencia y lucha contra la corrupción. El PTI, continuará implementando el programa de capacitación dirigido a representantes de organizaciones de la sociedad civil, a fin de ampliar la base de personas y organizaciones que conocen y utilizan la ley de acceso a la información pública como herramienta para la realización de ejercicios de auditoría social. Adicionalmente, el PTI continuará proporcionando asistencia técnica a las Organizaciones de Sociedad Civil en la preparación de propuestas de proyectos a ser financiados, a través del programa de sub-donaciones, con fondos de USAID, así como en incrementar sus capacidades técnicas, financieras y administrativas requeridas para la implementación (gestión) de las donaciones otorgadas, en cumplimiento de las regulaciones de USAID.
- **LLR 2.1.2: “Un sector privado más activo y comprometido con la lucha contra la corrupción”.** El sector privado ha estado históricamente distanciado de liderar iniciativas anticorrupción en Guatemala, lo cual ha sido confirmado por el PTI durante la ejecución del periodo base del proyecto. Aun cuando a la fecha de preparación de este documento, el PTI no ha concluido el diagnóstico para identificar los puntos de agenda que existen en común entre los diversos agrupamientos del sector privado y del sector público en materia de promoción de la transparencia y control de la corrupción, que incluye la generación las recomendaciones necesarias a manera de crear mayores sinergias entre ambos sectores en el abordaje de la lucha anticorrupción, cuenta con la suficiente información para prever la realización

de actividades que promueven la transparencia en alianza con el Sector Privado, incluyendo pero no limitado a la realización de actividades de sensibilización con el objeto de propiciar el abordaje de temas relacionados a la transparencia y lucha contra la corrupción.

- **LLR 2.1.3: “Medios de comunicación publican información de alta calidad a fin de controlar la corrupción y promover la rendición de cuentas”.** Durante el 4 año de implementación del Proyecto, el PTI continuará con la implementación del curso de capacitación en Transparencia y Periodismo Investigativo, dirigido a periodistas, que tiene por objetivo incrementar el conocimiento sustantivo en materia de transparencia y lucha contra la corrupción, así como en las técnicas para el desarrollo de periodismo investigativo y periodismo asistido por computadora con el fin de exponer casos de corrupción. A partir de las conclusiones, recomendaciones y lecciones aprendidas que surjan de este primer ejercicio, el PTI diseñará e Implementará una segunda fase de capacitación en Periodismo Investigativo a fin incrementar la capacidad de los medios de comunicación en la realización de periodismo investigativo para exponer casos de corrupción. Adicionalmente el PTI estará pendiente de las ventas de oportunidad que se den para realizar actividades de sensibilización (conferencias, foros, talleres, etc.), a fin de propiciar el abordaje de temas relacionados a la transparencia y lucha contra la corrupción con los medios de comunicación, con el fin de mantener dichos temas en la agenda de la opinión pública.

2) **Bajo el SUB IR 2.2 “Instituciones del Organismo Ejecutivo fortalecidas y con mayor capacidad de implementar y supervisar medidas anticorrupción.** Bajo este componente, el PTI continuará proveyendo asistencia técnica y apoyo a las Unidades de Información Pública del Organismo Ejecutivo a fin de fortalecer sus capacidades en implementar y aplicar la Ley de Acceso a la Información Pública. Adicionalmente apoyará con especial énfasis a la Secretaria de Control y Transparencia (SECYT) en el diseño e implementación de medidas pro transparencia y anticorrupción, incluyendo pero no limitado al fortalecimiento de su mecanismo para el tratamiento de denuncias de corrupción, así como acciones de cara al cumplimiento de las Convenciones Internacionales contra la Corrupción por parte del estado de Guatemala. El PTI se mantendrá flexible a fin de ajustar su intervención en esta área según sea requerido.

- **LLR 2.2.1 “Ley de Acceso a la Información Pública ampliamente diseminada ya implementada por el Organismo Ejecutivo y otras instituciones nacionales”.** EL PTI desarrollará e implementará un Plan de Fortalecimiento de las UIP para el año 2012-2013, que incluya, pero no se limite a: 1) El diseño e implementación de mecanismos institucionales que faciliten en el análisis y resolución de solicitudes de información; y 2) Asistencia técnica en la implementación de los mecanismos diseñados. Asimismo, a fin de cerrar el ciclo en materia de capacitación y dejar capacidad instalada dentro de la institucionalidad pública, el PTI diseñará un programa de capacitación sobre Acceso a la Información Pública, con el objeto de que sea adoptado e implementado por el Instituto Nacional de Administración Pública (INAP) y/o la Procuraduría de Derechos Humanos (PDH), entes con responsabilidades en la materia.

Con el objetivo de evaluar la implementación de la Ley de Acceso a la Información Pública para el Organismo Ejecutivo, el PTI el PTI elaborará un documento con la sistematización del proceso de implementación de la Ley de Acceso a la Información Pública en Guatemala, que documente el proceso de aprobación de la ley, luces y sombras del proceso de implementación, las experiencias y casos paradigmáticos desde el punto de vista de la oferta y demanda del Acceso de la Información, así como las lecciones aprendidas. Adicionalmente, a fin de presentar un medición independiente, se ejecutará el Índice de Acceso a la Información Pública para el

Organismo Ejecutivo, a través de la Organización de Sociedad Civil, Acción Ciudadana, capítulo nacional de Transparencia Internacional.

- **LLR 2.2.2 “Apoyar la entidad nacional anticorrupción provista y la implementación de medidas anticorrupción clave”.** El PTI promoverá el desarrollo e implementación de medidas de anticorrupción dentro del Organismo Ejecutivo. Para dicho efecto, centrará sus esfuerzos en brindar asistencia técnica a la Secretaría de Control y Transparencia en el desarrollo de una Política Nacional Anticorrupción. Adicionalmente, apoyará a la Secretaría de Control y Transparencia en el cumplimiento de los compromisos asumidos por el Gobierno de Guatemala a través de la iniciativa “Sociedad de Gobierno Abierto”. A fin de poder profundizar el apoyo y asistencia técnica a la Secretaría de Control y Transparencia se diseñará un programa de asesoría técnica in situ.
 - **LLR 2.2.3 “Tratados Internacionales Anticorrupción diseminados e implementados por el Gobierno de Guatemala”.** El PTI continuará apoyando los esfuerzos del Gobierno de Guatemala en cumplir con los tratados internacionales de anticorrupción, para dicho efecto desarrollará actividades de capacitación para al menos 150 funcionarios públicos en los temas de anticorrupción específicamente derivados de los tratados internacionales en la materia. De manera complementaria, brindará asistencia técnica y apoyo a los mecanismos interinstitucionales conformados para dar seguimiento a la implementación de las convenciones internacionales contra la corrupción.
 - **LLR 2.2.4 “Mecanismos de recepción de denuncias de corrupción establecidos y funcionando dentro de instituciones clave del Gobierno de Guatemala”.** Durante el año recién transcurrido, el PTI confirmó el interés del Gobierno de Guatemala en fortalecer los mecanismos establecidos para la recepción de denuncias de corrupción. La estrategia de implementación focalizará esfuerzos del PTI en la consecución de esta actividad a realizarse a través de la Secretaría de Control y Transparencia y no de manera directa como se había previsto anteriormente. Esto a razón que desde la instauración de la nueva administración, este tema ha pasado a ser el “protagonista” de las iniciativas pro transparencia y de lucha contra la corrupción lideradas por la Vicepresidenta de la República, quien a la vez dirige la Secretaría de Control y Transparencia. El PTI ha validado con las máximas autoridades de la SECYT el desarrollo e implementación de un programa de asistencia técnica que incluye creación de dos protocolos: el primero dirigido a funcionarios públicos en general sobre el cómo denunciar presuntos actos de corrupción; y el segundo, dirigido al personal de la Secretaría de Control y Transparencia de cómo recibir y tramitar denuncias de presuntos actos de corrupción, tomando en cuenta las atribuciones de ley para dicho efecto.
- 3) **Bajo el SUB IR 2.3 “Fomento de un rol más activo de los Órganos de Control”.** Bajo este componente, el PTI enfoca sus acciones de asistencia técnica a fin de fortalecer al Congreso de la República, el Ministerio Público y la Contraloría General de Cuentas con el objetivo de que éstos Órganos de Control incrementen su capacidad y efectividad en controlar la corrupción, según sus funciones constitucionales. Las actividades planteadas para fortalecer al Ministerio Público y a la Contraloría General de Cuentas han quedado previamente validadas y, de esa cuenta, incluidas en las Cartas de Entendimiento suscritas respectivamente, incluyendo la asistencia en la preparación de protocolos o instrucciones de comunicación y actuación entre el Ministerio Público y la Contraloría General de Cuentas en materia de la promoción de la transparencia y combate a la corrupción, que potencien la labor de cada órgano, como consecuencia de su actuación coordinada, redundando en el logros de los objetivos de organización del Estado.

- **LLR 2.3.1 “Promoción de un marco regulatorio y legislación ad hoc para combatir la corrupción desde el Congreso de la República en cumplimiento de su función fiscalizadora”.** El PTI promoverá la producción legislativa a favor de la transparencia y anticorrupción en el Congreso de la República. Para dicho efecto brindará asistencia técnica a las Comisiones Extraordinaria Nacional por la Transparencia, Probidad, Comisión Extraordinaria de Reformas al Sector Justicia, de Legislación y Puntos Constitucionales y Extraordinaria para la Recaudación Fiscal, en el desarrollo de sus funciones de evaluación, dictamen, propuesta y acompañamiento (tutela) de la producción legislativa en materia de transparencia y anticorrupción. Adicionalmente, el PTI estará preparado para prestar asistencia técnica a la Comisión de Legislación y Puntos Constitucionales, en el análisis del proyecto de reforma de la Constitución Política de la República presentada y promovida por el Organismo Ejecutivo.

De manera similar, el PTI continuará apoyando el fortalecimiento Institucional del Congreso de la República a través de la prestación de asistencia técnica que se traduzca en el desarrollo e implementación de medidas de transparencia / anticorrupción a lo interno del Organismo Legislativo.

Adicionalmente, apoyará los mecanismos de asistencia técnica e intercambio de información recíproco entre países, enmarcados en las Convenciones Internacionales contra la Corrupción suscritas por Guatemala (CICC y CNUCC), incluyendo pero no limitado a: la organización de conferencias y seminarios regionales a fin de fomentar el desarrollo e implementación de mecanismos para la prevención, detección, investigación y combate de la corrupción.

- **LLR 2.3.2 “Mecanismos para la persecución de casos de corrupción establecidos y funcionando en la Fiscalía Anticorrupción del Ministerio Público.”** El PTI fortalecerá las fiscalías anticorrupción del Ministerio Público, para lo cual desarrollará e implementará un programa de asistencia técnica y capacitación, tomando como referencia el estudio y seguimiento de casos preseleccionados y proponer acciones para mejorar la gestión de la Fiscalía contra la Corrupción de acuerdo a las Convenciones internacionales contra la corrupción y delincuencia organizada, suscritas por el Estado de Guatemala y la legislación nacional, y las normas, principios y procedimientos que rigen la persecución penal. Asimismo, desarrollará e implementará mecanismos de fortalecimiento institucional que procedan de las recomendaciones generadas de los procesos de capacitación, seguimiento de casos y asistencia técnica, incluyendo pero no limitado a: (a) diseño de un protocolo mínimo de investigación criminal en casos de corrupción, (b) desarrollo de una propuesta de un modelo de organización y funcionamiento de la Fiscalía y (c) el diseño e implementación de mejoras al Sistema Informático de Control de Gestión de Casos del Ministerio Público (SICOMP).
- **LLR 2.3.3 “La Contraloría General mejora su desempeño en áreas seleccionadas de intervención”.** Desarrollar e implementar un programa de asistencia técnica y capacitación, con el propósito de mejorar la gestión jurídica procesal de la CGC, de acuerdo con la Constitución, las Convenciones internacionales contra la corrupción suscritas por el Estado de Guatemala y la legislación nacional, a fin de incrementar su capacidad institucional. En ese sentido se desarrollará e implementará un programa de asistencia técnica y capacitación dirigido a los funcionarios que integran la Dirección de Asuntos Jurídicos y personal de auditoría seleccionado por la misma Dirección, para mejorar la gestión jurídica procesal de la CGC, especialmente en las siguientes materias: Derecho Constitucional y mandatos institucionales, Teoría del Delito aplicada a hechos de corrupción, Proceso penal con

énfasis en la etapa preparatoria, Teoría de la Prueba. Consecuentemente, se brindará asistencia para el desarrollo e implementación de mecanismos de transparencia y anticorrupción que procedan del programa de asistencia técnica y capacitación proporcionada por el proyecto, incluyendo aquellas tendientes al fortalecimiento institucional, que procedan de las recomendaciones generadas de los procesos de asistencia técnica y capacitación, que se circunscribirá a asistir técnicamente en la formulación de denuncias ante el Ministerio Público, así como en la formulación de demandas ante el Tribunal de Cuentas.

- 4) **Bajo el SUB IR 2.4 “Sistema transparente de Financiamiento de Partidos Políticos establecido y funcionando”** Tras la definición que hiciera USAID en el primer semestre del 2012 respecto a la coordinación de sus contratistas/proyectos para facilitar e iniciar un diálogo a través del Foro Permanente de Partidos Políticos a fin de sensibilizar y recoger insumos necesarios para la preparación de una reforma a la Ley Electoral y de Partidos Políticos, al PTI le fue asignado apoyar la incidencia a través de organizaciones de la sociedad civil para socializar y fomentar el diálogo público referente a las propuestas y con énfasis en los siguientes puntos: el financiamiento de partidos políticos con más transparencia y el fortalecimiento de las capacidades de fiscalización y sanción del Tribunal Supremo Electoral.

Consecuentemente, el PTI apoyó dos iniciativas de Organizaciones de la Sociedad Civil con el objeto incidir en el proceso de reforma electoral en mención, convocado por la Comisión Específica de Asuntos Electorales del Congreso. La primera de ellas a cargo de Acción Ciudadana (AC) en representación de la Convergencia Nacional por la Reforma Política (CONAREP). La segunda a cargo de la Universidad Rafael Landívar (URL) en representación del consorcio URL-USAC-ASIES. Ambos esfuerzos se constituyen en los dos grupos más fuertes de sociedad civil organizada en la materia y que de manera apropiada impulsan las reformas sobre el financiamiento de los partidos políticos y el fortalecimiento de las capacidades de fiscalización de este financiamiento del TSE.

A la fecha en la que se hace esta planificación, la Comisión Específica de Asuntos Electorales del Congreso se encuentra todavía preparando el proyecto de reformas a la Ley Electoral y de Partidos Político.

A partir del escenario anteriormente expuesto, para el año 4, el PTI pretende fortalecer la capacidad de las Organizaciones de la Sociedad Civil para la promoción e incidencia a favor de una reforma a la Ley Electoral y de Partidos Políticos. Específicamente, el PTI prestará asistencia técnica y apoyo de actividades de incidencia de las Organizaciones de la Sociedad Civil para la promoción e incidencia de los temas relacionados con en el control y financiamiento de los Partidos Políticos y demás Órganos Electorales en el proceso de reforma a la Ley Electoral y de Partidos Políticos.

Las acciones a emprender bajo este componente se harán en estrecha coordinación con otros contratistas/proyectos de USAID.

1.0 INTRODUCTION

The USAID/Guatemala Transparency and Integrity Project (PTI) is implemented by Tetra Tech under Contract No. DFD-I-00-08-00067-00 and Task Order. DFD-I-02-08-00067-00 as an initial two-year effort. USAID chose to exercise its option to extend the project for an additional period until March 2014 and increase the total contract ceiling amount to \$8,692,314.87.

The fourth year of the Transparency and Integrity Project is a 12-month implementation period scheduled to begin on October 1, 2012 and end on September 30, 2013.

PTI's principal objective is to strengthen democratic governance in Guatemala by contributing to efforts that combat corruption and support greater transparency in public administration.

The Project continues to provide specific assistance as follows:

On the demand side:

- Increase the demand for transparency on the part of civil society organizations (CSOs), which includes the media and the private sector

On the supply side:

- Strengthen the capacity of the key government institutions to promote a more transparent and responsive government;
- Strengthen the institutions responsible for oversight and control of public administration to curb corruption;
- Support advocacy efforts to promote reforms to the Law on Elections and Political Parties that will strengthen the regulatory framework regarding political party and campaign financing.

The following sections describe the current political context in which PTI is planning future activities for the fourth year of project implementation.

Political Scenario

Public officials elected last November are currently completing their first seven months in office. Some of the salient aspects from the brief period the new administration has been in office include: fiscal reforms that have had very limited impact on actual revenue collection to increase public investment; task forces set up to combat the escalation of organized crime and its effect on the citizenry; a major proposal made by the Executive Branch to reform the constitution, and the reluctance to pass bills designed to combat corruption.

Despite the fact that the current administration has stressed the importance it places on its repeated commitments to transparently manage the affairs of the state, it has fallen far short of meeting expectations. Notwithstanding its statements to the contrary in favor of increasing transparency and holding the government to high standards of accountability within the Executive Branch, it would appear that these efforts are not widely perceived by the general public. This might be attributable to recent incidents that appear to be more shrouded in secrecy than open and transparent, as has so often happened in the past regarding public procurement and contracting.

To illustrate this point, government procurement processes in Guatemala were much more transparent shortly following the creation of the *Guatecompras*, the public procurement and

contracting portal. From those auspicious beginnings, however, the system has been manipulated, mismanaged, and abused to the point that each subsequent administration has become more and more tolerant of loopholes and cronyism in awarding government contracts and following procurement processes. Furthermore, it now appears that requests for bids or proposals are being written to exclude all offers except those which are favored by the powers in office.

The 2011 Latin American Index of Budget Transparency published in June ranked Guatemala as one of the least transparent countries. The score is based on the perceptions and analysis of 79 experts and users of budgetary data in the region who assess variables ranging from the reliability of information and capacity and effectiveness among comptroller generals to the impact on public investment and variations in national budgets. Instead of showing improvements, Guatemala has slipped further down in the rankings.

To date, two of the cabinet ministers appointed as President Perez took office, Francisco Arredondo in Health and Efrain Medina in Agriculture, were suspected of involvement in questionable negotiations regarding the procurement of medications and fertilizer, respectively. Public pressure led to the sudden and very early resignation of Francisco Arredondo from the Ministry of Health, which was promptly accepted by President Perez. Furthermore, the Perez administration is facing allegations and media pressure regarding the National Peace Fund's (FONAPAZ in Spanish) anomalous procurement of goods.

This situation is further exacerbated by the multimillion dollar contracts for dredging services signed by the Ministry of Communications, Infrastructure and Housing (CIV in Spanish), which is one of the types of public investment most susceptible to corruption. The Social Solidarity Fund (FSS in Spanish) is a trust fund run by the CIV and is currently suspected of tendering bids to shadow companies set up to create the appearance of open and competitive bidding. The process resulted in a GTQ199.9 million contract awarded to expand and pave 35 kilometers of highway in the southern district of Huehuetenango - the most expensive infrastructure project that the state has contracted in 2012.

The latest corruption scandal to hit the press involves the Quetzal Port Authority (EPQ in Spanish). In this case, the government-appointed deputy administrator/comptroller granted a 25-year concession on the use of EPQ land to a third party –Quetzal Container Terminal, Inc. (*Terminal de Contenedores Quetzal, S.A. -TCQ*), a subsidiary of the Spanish conglomerate, TCB Maritime Group. The land concession will be used to build and operate a new terminal for containers within the facility. This is Guatemala's most important port; government-owned and operated by the Quetzal Port Authority. The lack of transparency, abbreviated time-frame and appearances of mismanagement raised serious suspicions of corruption at the very highest levels of government. Intense public outcry and media attention has continued to date, with most of the emphasis on the fact that the process was neither openly nor transparently competed.

Furthermore, the Secretariat for Control and Transparency (SECYT in Spanish) was established by government decree on February 14, 2012 to report directly to the Vice President of Guatemala. Despite the high level of operations, SECYT lacks the internal regulations and resources to meet its objectives, which are themselves very vaguely worded in the original decree. Although expectations have been high, there has been little to no progress on lifting the veil over questionable government operations in the Executive. SECYT faces an enormous challenge in proving it can curb corruption and install preventive measures within the Executive Branch as well as affect criminal prosecution of alleged corruption through the proper channels.

The latest survey results put out by the Association for Social Investigation and Research (ASIES in Spanish) revealed that 89% of the companies that responded to the survey

demanded increased transparency legislation and compliance with the regulations governing quality control in public investment. The companies described this as a prerequisite condition in the wake of tax reform efforts, hypothetically expected to increase funds for the state. Any increase in revenue, they indicate, would be for naught unless overpricing and questionable competitive practices are eliminated.

In addition, August marked the beginning of the second legislative session of the year for the National Congress. The arrival of 90 new members of Congress following the 2011 national elections has not been enough to shake off the bad habits deeply entrenched in the legislature with members switching party affiliation without a second thought, endless filibustering and other detrimental practices that do nothing more than delay progress on legitimate legislative agenda items, oversight efforts and representation of constituents as mandated. The new political alliances in Congress strengthen the party currently in government (*Partido Patriota*) and the opposition (*Libertad Democratica Renovada*), which are now the two most influential factions with 58 and 24 seats, respectively.

On March 12, Guatemalan President Perez submitted a package of 11 bills to Congress designed to strengthen horizontal controls in public administration and to combat various types of corruption such as contraband and smuggling. The legislative proposal would modify seven existing laws and create four additional pieces of legislation to increase oversight of public spending and provide basic guidelines for implementation.

Over the past few weeks there has been a swell of public opinion representing diverse segments of society in favor of demanding Congress to approve legislation that would authentically curb corruption. Corruption is increasingly perceived as one of the greatest ills plaguing state institutions to the extent that it is also corroding private enterprise doing business with the government. The outcry is increasing as the public perceives the lack of political will among members of Congress to pass the required legislation, particularly the law criminalizing illicit enrichment. This is considered a crime in most of the countries in the world, but in Guatemala it remains excluded from the Criminal Process Code. To date, Congress is still stalling on taking the bill to the floor and seriously pushing for a vote to actually pass legislation that would effectively increase transparency in public administration and further the efforts to curb corruption at all levels of government.

On April 25, the Congressional Committee for Electoral Affairs began assessing the current reforms to the Law on Elections and Political Parties. The Committee organized a meeting and invited magistrates from the Supreme Electoral Tribunal (TSE in Spanish), civil society representatives, academics, political party representatives and others to attend. The TSE magistrates made a suggestion to combine two bills currently on the floor with a third about to be debated. The three bills encompass political party financing, the description of electoral crimes and the establishment of an electoral institute, as well as provisions to adjust the number of members elected to Congress, aspects pertaining to campaigning in the media, the length of time allotted for campaigns prior to elections, political survey results, distribution of power, a uninominal voting system and independent powers for the TSE. These items represent a total of 10 important changes as described in the proposal and are soon to be negotiated.

Furthermore, President Perez submitted a final version of his proposal to Congress on August 27 to reform 35 of the 280 articles that make up the Guatemalan constitution. The reforms are intended to modernize the state along the following four cross-cutting themes:

1. transparency
2. security and justice
3. regulating political activity
4. fiscal strengthening of the state

Among other items, the proposal seeks to modify the country's political system by reducing the number of representatives in Congress from the current total of 158 to 140, a move that would also imply redrawing election district lines.

Current legislation in Guatemala dictates that the Constitution can be modified with a two-thirds vote in Congress –105 of the 158 possible votes. Projections are that the current administration could count on favorable votes from the party's 63 members in Congress, along with 25 allies which would require the President to lobby for the approval of an additional 17 congressional members to get the 105 total votes needed to pass the reform package. Should the package pass, the reforms would have to be ratified through a general referendum called for by the TSE at the behest of Congress.

Pundits, members of Congress, CSO representatives and the private sector all coincide within their own spheres of influence that prior to debating the structure and content of the proposed constitutional reforms, change should be first instigated by amending the Law on Elections and Political Parties.

Within the Legislature, both items are being debated simultaneously. The Congressional Committee on Legislation and Constitutional Issues is conducting hearings with various stakeholders to hear testimony on constitutional reform and the Committee for Electoral Affairs is holding weekly sessions to discuss reforms to election regulations.

Also, sectors within the justice system have questioned the Public Ministry's capacity and effectiveness to investigate and prosecute serious crime. The Prosecutor Unit against Corruption has failed to move forward with the investigation process and/or make convictions in a number of high impact cases, including the case against former president Alfonso Portillo and two of his former ministers for Defense and Public Finance. These former officials were indicted on charges of corruption. Further, Gloria Torres and her daughters (sister and nieces of the former first lady, Sandra Torres) along with the former Attorney General, Carlos de Leon, have also been indicted, but prosecutors were unable to convict them. The lack of successful criminal prosecution has had an impact on deepening the perception that crimes of corruption in Guatemala continue to be treated with impunity.

Similarly, the Office of the Comptroller General (CGC in Spanish) also shows signs of institutional weakness. As the agency responsible for external oversight of the quantity and quality of public expenditures, it should be the first to detect mismanagement of public funds, to then, in turn, file an allegation with the Public Ministry. Although the CGC, in effect, files reports of corruption with the Public Ministry, the latter rejects about 90% of the cases the CGC manages to file.

These two key institutions, the Public Ministry and the CGC, bear the responsibility of providing horizontal controls to curb corruption, yet both face an urgent need to join efforts to wage a more effective battle against corruption and impunity.

Furthermore, the National Congress must place a higher priority on making progress on the legislative agenda regarding transparency and the fight against corruption. Framed in this context, the Public Ministry and the CGC will be put to the test regarding the political will required to strengthen their capacities and build up the institutions sufficiently to comply with their important mandates and carry out their duties. To the extent that more cases of corruption are exposed and prosecuted, the reputation and credibility of these key institutions will benefit proportionately.

On a final note, the situation as described in previous paragraphs depicts a political, economic and social context ripe with challenges. The issues surrounding transparency and anti-corruption efforts will continue to show up on the public agenda. Despite the early wear

and tear on the current administration, conventional wisdom says that the demand for greater transparency will continue to increase and the public at large will increase demands for the government to open new fronts in the battle against corruption.

This document includes a description of the activities and tasks that PTI will carry out over the course of the fourth year of project implementation. The Work Plan factors in the political context as it is, full of great challenges and institutional uncertainties. To that end, PTI will coordinate closely with USAID to regularly and frequently re-assess the challenges and opportunities that present themselves in order to adjust the plan as necessary to obtain the expected results.

This document also includes the Training Plan (Section 6.0). The instrument is designed around the teaching/learning priorities that the project has identified in order to achieve program objectives and train at least 1,000 individuals representing civil society and 150 public officials.

The PTI implementation strategy was developed as a result of the contextual analysis described above and is presented in the next section. The strategy factors in the important challenges and unique opportunities the project has identified and foresees over the course of the upcoming period.

2.0 IMPLEMENTATION STRATEGY

The following section describes the salient aspects of the implementation strategy for each SUB IR and LLR in Year 4 of the life of the project.

Throughout the upcoming implementation period, the Transparency and Integrity Project (PTI) in Guatemala plans to continue to build on efforts from the first three years of the Project to ensure the sustainability of the activities the Project has spearheaded as well as to identify new opportunities for advancement and apply a strategic response to the context in flux.

More specifically, PTI plans to continue to provide technical assistance and support to civil society (including NGOs, CSOs, the media and the private sector) to increase the demand for transparency. In a similar fashion, the project will continue to make progress on its institutional strengthening activities for the Executive Branch and the horizontal control entities (i.e. Congress, the Public Ministry and the Office of the Comptroller General).

With the Executive Branch, the project seeks to increase capacity to implement and oversee transparency measures and anti-corruption efforts. With respect to the control entities, the project intends to increase their capacity to investigate and curb corruption, a move which also requires improvements to the legislative and regulatory framework.

PTI will place a high priority on activities designed for those areas in which project resources will have the greatest impact. To that end, PTI will continue to interact with the stakeholders that have taken ownership of efforts to promote transparency and fight corruption. For this purpose, the project is planning activities in four separate, but complementary, cross cutting areas.

Furthermore, the project will continue to coordinate its activities with other projects and/or donors working in similar or parallel areas. This close coordination will avoid duplication of efforts, and optimize, to every possible extent, any additional leverage that can be used by PTI during implementation.

Strategic Interventions	Previously Identified Projects / Donors
Civil Society	United Nations Development Program (UNDP) Civil Society Project (PASOC)
Private Sector	Inter American Development Bank (IDB)
Transparency Initiatives Executive Branch	United Nations Development Program (UNDP) United Nations Office on Drugs and Crime (UNODC)
Legislative Products	International Commission against Impunity in Guatemala (CICIG)
Anti-corruption Initiatives Public Ministry	International Commission against Impunity in Guatemala (CICIG) United Nations Office on Drugs and Crime (UNODC)
Anti-corruption Initiatives Office of the Comptroller General	The World Bank (WB)
Electoral Reform	National Democratic Institute (NDI)

1) **SUB-IR 2.1 Citizens Capable and Better Informed to Fight against Corruption:** PTI will continue to make efforts to foster an increased demand for transparency from within organized civil society. This component is designed to produce a more informed and active citizenry in waging the fight against corruption, strengthen civil society organizations to conduct social auditing processes and encourage a more active and responsive private sector aware of the importance of transparency and committed to curbing corruption, while simultaneously strengthening the role of the media to expose corruption through the use of investigative journalism.

- ***LLR 2.1.1: Increase and Strengthen Participation of Civil Society Organizations in Watchdog Activities and Provide Oversight to Public Authorities and Resources:*** PTI will use its small grants program to engage civil society organizations (CSOs) in social auditing and advocacy activities to foster transparency and curb corruption. Similarly, the project will encourage alliances and/or coalitions to promote a common agenda to support increased demand for transparency and make greater contributions to efforts to curb corruption. To this end, PTI will continue to implement a training program designed for CSO representatives in order to widen the pool of individuals and organizations that are familiar with, and apply, the law on access to public information as a tool to conduct social auditing. In addition, PTI will continue to provide CSOs with technical assistance to prepare project proposals that can be submitted for small grants or USAID financing and will, simultaneously, plan activities to increase technical, financial and administrative capacity as required to manage and implement grant awards in compliance with USAID regulations.
- ***LLR 2.1.2: Private Sector more active and committed with the fight against corruption:*** The private sector has been perceived historically as distancing itself from taking the lead on anti-corruption efforts in Guatemala --a fact PTI confirmed during the base period of the project. The task has been a difficult one and to date, PTI has yet to complete the diagnostic assessment to identify common agenda items among the various private sector groups to mesh with those of the public sector when it comes to transparency and curbing corruption. This assessment will outline a set of recommendations needed to create greater synergies among both sectors in fighting corruption. PTI currently has sufficient data and foresees the opportunity to plan activities that encourage transparency and joint efforts with the private sector in order to conduct activities in the short term to raise awareness and encourage open discussions around the issues of transparency and the fight against corruption.
- ***LLR 2.1.3: Mass Media publishes high quality information to control corruption and promote accountability:*** Over the course of Year 4 of the project, PTI plans to build on previous successes from the training course on transparency and investigative journalism which was designed for reporters, increasing their knowledge base regarding the issues surrounding transparency and the fight against corruption, as well as teaching techniques to carry out investigative journalism and computer-assisted reporting in efforts to expose cases of corruption. Based on the conclusions, lessons learned and recommendations produced during the initial 2012 phase of the Transparency and Investigative Journalism training course, the project will design and carry out phase two of an investigative journalism training program to build additional capacity within the media to conduct investigative reporting and expose corruption. Furthermore, PTI will be seeking windows of opportunity to conduct outreach activities (conferences, fora, workshops, etc.) that will further project efforts to bring the issues of transparency and anticorruption to the forefront in the media and keep them on the top of mind in public opinion.

2) **SUB IR 2.2 Key Executive Branch Institutions with increased capacity to oversee and implement anti-corruption measures:** This component includes PTI's continued technical assistance and support for the Access to Information Units (UAIs in Spanish) within the Executive Branch to strengthen their capacity to implement and apply the Law on Access to Public Information. In addition, the Project will place special emphasis on assisting the Secretariat for Control and Transparency (SECYT in Spanish) to design and implement measures to foster greater transparency and curb corruption. The assistance includes, but is not limited to strengthening mechanisms to receive and respond to complaints of corruption, as well as to take action in order to comply with the international conventions and treaties to which Guatemala is a member. PTI will remain very flexible and tailor activities to best meet the needs of the Secretariat.

- **LLR 2.2.1 Freedom of Information Law widely disseminated and implemented by the Executive Branch and other national institutions:** PTI will design and implement an institutional strengthening plan for the UAIs for the 2012-2013 period that includes, but is not limited to: 1) designing and implementing institutional mechanisms that assess and respond to requests for information, and 2) providing technical assistance as necessary to put said mechanisms into effect. Similarly, the project will seek to conclude the training cycle, ensuring sustainability and providing installed capacity within the public institutions with regards to access to public information. In order to do this the project will transfer the training program (for expansion and replication) to the appropriate agencies, such as the National Institute for Public Administration (INAP in Spanish) and/or to the Office of the Human Rights Ombudsman (PDH in Spanish).

To contribute to its objective of evaluating the implementation of the Law on Access to Public Information within the Executive Branch, PTI will draft a document describing the system and processes needed to implement the Law in Guatemala, as well as detailing the steps leading up to passage of the law, the highlights and challenges in implementing the law, experiences and landmark cases seen from the supply and demand perspective regarding access to public information, and lessons learned. In addition, the project will seek an objective and independent measurement when applying the Access to Public Information Index to the Executive Branch. The project will work through *Acción Ciudadana*, the local chapter of Transparency International to apply the Index.

- **LLR 2.2.2 Support to the National Anticorruption Entity provided and Key Anticorruption measures implemented:** PTI will promote continued development and implementation of anti-corruption measures within the Executive Branch. To this end, the project will sign an MOU with the Department of Control and Transparency that outlines support USAID will give to the Secretariat for Control and Transparency (SECYT) through PTI. PTI will also provide technical assistance to the SECYT to develop a national anti-corruption policy and will provide further support to SECYT in complying with commitments made by the GoG through the Open Government Partnership (OGP). These two objectives will be addressed by focusing on on-site technical assistance and support for SECYT. PTI will also fund the participation of select SECYT officials to attend international training workshops and events in order to expose them to international best practices.
- **LLR 2.2.3 International Anti-corruption Treaties disseminated and implementation by GoG strengthened:** PTI will also continue to support the GoG's efforts to comply with the international anti-corruption treaties and agreements by designing activities to train at least 150 officials on the subject. In a parallel and complementary effort, the project will provide technical assistance and support for the inter-institutional mechanisms that have been created to follow up on implementing

the international anti-corruption treaties.

- **LLR 2.2.4 Mechanisms to pursue allegations of corruption established and working in key GoG institutions:** Over the course of the past year, PTI confirmed the interest of the GoG to strengthen the mechanisms in place to pursue allegations of corruption. The implementation strategy focuses on conducting this effort through SECYT rather than as an independent activity to be implemented throughout individual institutions, as had been previously foreseen. The change is attributed to the fact that once the Perez Administration took office, the issue took “center stage” among the transparency and anti-corruption efforts being spearheaded by the Vice President of Guatemala and SECYT reports directly to Vice President Baldetti. PTI has reviewed the change in direction with the highest-level authorities in SECYT to confirm and move forward on development and implementation of a technical assistance program based on creating two protocols: a) one for public officers/institutions on how to report suspected corruption, and b) a second one to guide SECYT on how to receive and process reports filed based on allegations of corruption using legislation and regulations currently in effect for the purpose.

3) SUB IR 2.3 a more active role of Key Oversight Entities promoted: This component includes PTI technical assistance activities designed to build capacity and increase effectiveness by strengthening the National Congress, the Public Ministry and the Office of the Comptroller General (CGC) in their role to control corruption in compliance with their constitutional mandates. The project has worked closely with the Public Ministry and the Office of the Comptroller General to validate the planned activities now documented in the respective letters of understanding signed with each institution. The activities include creating protocols or communication guidelines to coordinate efforts between the Public Ministry and the CGC in regard to promoting transparency and fighting corruption in such a way as to optimize the work of each entity as the result of increased cooperation, and lead to improved results in attaining the overall objectives of the state.

- **LLR 2.3.1 Regulatory framework and ad hoc legislation to combat corruption is promoted by the Congress in performing its oversight role:** PTI plans to promote efforts to pass legislation in the National Congress in favor of transparency and anti-corruption measures. To this end, the project will provide technical assistance to the Special National Committee for Transparency, Integrity and Judiciary Reform, Justice Sector and Constitutional Issues and the Special Committee for Tax Collection to better perform their duties regarding oversight, rulings, proposals and sponsorship of legislative products regarding transparency and anti-corruption. Furthermore, PTI is prepared to provide technical assistance to the Congressional Committee on Legislation and Constitutional Issues to analyze the bill on constitutional reforms recently submitted to Congress by President Perez.

The specific activities are part of a broader PTI approach to continue institutional strengthening efforts in Congress by providing technical assistance that translates into greater development and implementation of transparency measures and redoubled efforts to curb corruption within the legislature.

In coordination with USAID’s CEPPS Project and other implementing partners including NDI, the project will provide technical assistance to identify the legislative, political or administrative measures that could be applied to comply with the objectives of improving efficiency and transparency within the National Congress, produce proposals for legal, regulation or administrative order reforms within the National Congress, and develop an information management handbook on mechanisms to publicize legislative activity.

In addition, the project will provide technical assistance to develop and implement technology plans designed to increase levels of transparency and efficiency with the chamber of congress.

- ***LLR 2.3.2 Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General's Office:*** PTI plans to continue strengthening the anticorruption units in the Office of the Attorney General by implementing a technical assistance and training program based on the results of a diagnostic assessment and using pre-selected cases with recommendations for management improvements within the Anti-Corruption Prosecutor Unit as mandated by the Constitution. To support this effort, the project will also develop and implement institutional strengthening mechanisms that are the product of the recommendations revealed by the training process, case follow-up and technical assistance activities, including, but not limited to the following: a) designing a basic protocol for criminal investigation in cases of corruption; b) developing a proposal for an organizational and operational model for the Prosecutor Unit, c) designing and implementing improvements to the information management system (SICOMP) d) developing protocols for communication between the Public Ministry and the Office of the Comptroller General, and e) exposing officials from the Public Ministry to international best practices through events organized by Transparency International.
- ***LLR 2.3.3 Comptroller General improves its performance in selected areas of intervention*** The Project will develop and implement a training and technical assistance program to improve judiciary management within the CGC as mandated by the constitution and the international anti-corruption agreements and treaties to which Guatemala is a member, as well as by domestic legislation so as to increase institutional capacity. More specifically, the project will develop and implement a technical assistance and training program for public officials within the Legal Affairs Division and selected audit personnel to improve CGC capacity to manage criminal prosecution, particularly in the following areas: constitutional law and institutional mandates, crime theory applied to acts of corruption, and criminal prosecution with particular emphasis on case preparation and evidence theory. Upon completion, the project will provide technical assistance to develop and implement transparency and anti-corruption mechanisms, particularly those that promote institutional strengthening as described in the recommendations produced by the technical assistance and training programs. This covers technical assistance to file charges through the Public Ministry, as well as to file a suit in the Accounts Tribunal.

- 4) **SUB IR 2.4 A more transparent political party financing system established and working:** In response to directives provided by USAID during the first half of 2012 regarding the need to increase coordination among contractors and projects to facilitate and initiate dialogue through the Permanent Forum for Political Parties to raise awareness and gather input to draft modifications to reform the Law on Elections and Political Parties, PTI was assigned the task to support advocacy efforts through CSOs for public debate on this issue. Particular emphasis is placed on the following items: political party financing with greater transparency and with strengthened oversight and sanction capacity within the Supreme Electoral Tribunal (TSE in Spanish).

As a result, PTI supported two initiatives undertaken by CSOs for the purpose of generating advocacy on behalf of the electoral reform process as mentioned, and at the behest of the Congressional Committee for Electoral Affairs. The first of these initiatives was led by Acción Ciudadana (AC) representing a group of organizations known as the National Convergence for Political Reform (CONAREP). The second was led by Rafael Landivar University representing a consortium of three think-tank organizations, URL-

USAC-ASIES. Both initiatives reflect the two most powerful groups of organized civil society working on the subject and those most effective in promoting reform of political party financing regulations, as well as efforts to strengthen the oversight function exerted by TSE.

To date, the Congressional Committee on Electoral Affairs is still preparing draft reforms to the Law on Elections and Political Parties.

The project is poised to respond to the opportunities as they unfold within the scenario described above. In Year 4, PTI plans to build greater capacity within CSOs to promote and advocate in favor of reforms to the Law on Elections and Political Parties. To this end, PTI will provide technical assistance and support CSO interventions to raise awareness of the issues regarding controls on political party financing and on those pertaining to other electoral entities involved in the process to reform the referenced law.

PTI will coordinate closely with USAID's CEPPS project and other implementing partners including NDI, IRI and IFES regarding the activities described for this component.

3.0 WORK PLAN CHART

Sub-Intermediate Result (SUB IR) 2.1: Citizens Capable and Better Informed to Fight against Corruption:

Lower Level Result (LLR) 2.1.1: Increase and Strengthen Participation of Civil Society Organizations in Watchdog Activities and Provide Oversight to Public Authorities and Resources		FY 2013 (October 2012 – September 2013)											
Activities	Tasks	1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
<p>Activity 1: Continue supporting the participation of CSOs in transparency and anticorruption related activities.</p> <p>Indicators: Ten social auditing efforts are carried out with PTI support.</p> <p>Ten institutional changes are effected as a result of the social auditing efforts supported by the Project.</p> <p>Three CSOs receive assistance and/or support to implement projects/advocacy campaigns</p>	<p>Task 1: Promote the participation of CSOs through social audits and advocacy activities to foster transparency and the fight against corruption through grants. As part of the implementation strategy, the Project will appeal to a group of CSOs that have become PTI's strategic partners to present project profiles that take into account the demand for public information as a tool to conduct social audits and also reward both the design and implementation strategy that supports transparency and the fight against corruption. The remaining funds will be allocated to strategic projects based on pertinent evaluations and the national situation at the time. These include, but are not limited to: (a) Movimiento Pro-Justicia to monitor the elections of the Magistrates to the Supreme Court, (b) Acción Ciudadana to promote the passage of laws within the Executive Branch that support transparency and the fight against corruption. (Implementation Mechanism: Grants Component) (Responsible Party: María Alejandra Erazo, with the assistance of Silvia Montepeque and the Operations Manager).</p>												

	<p>Task 2: Encourage alliance building between CSOs and coalitions that promote transparency and the fight against corruption. (Implementation Mechanism: STTA – CCN and activities) (Responsible Party: María Alejandra Erazo).</p>	
	<p>Task 3: Implement transparency and anticorruption training activities designed for CSO representatives. Topics could include, but are not limited to the application of the Access to Information Law as a tool for social auditing. (Implementation Mechanism: STTA – CCN and activities) (Responsible Party: Ana Castro).</p>	
	<p>Task 4: Exposing members of CSOs to best practices and international experiences through funding their participation in recognized international courses and events, such as the International Conference of International Transparency, among others. (Implementation Mechanism: travel and activities) (Responsible Party: María Alejandra Erazo).</p>	
<p>Activity 2: Strengthen the capacity of CSOs that receive funding from the Project.</p>	<p>Task 1: Provide technical assistance to CSOs to develop grant proposals in order to increase their technical, financial, and administrative capacity required for implementing/managing grants in compliance with USAID regulations. (Implementation Mechanism: PTI technical assistance, STTA – CCN (Eva Sazo) and activities) (Responsible Party: María Alejandra Erazo, with assistance from Silvia Montepeque and the Operations Manager).</p>	

Lower Level Result (LLR) 2.1.2: Private Sector more active and committed with the fight against corruption												
Activities	Tasks	FY 2013 (October 2012 – September 2013)										
		1	2	3	4							
		O	N	D	J	F	M	A	M	J	J	A

Lower Level Result (LLR) 2.1.2: Private Sector more active and committed with the fight against corruption

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
<p>Activity 1: Engage the private sector's participation in implementing and/or funding projects aimed at curbing corruption and promoting transparency.</p> <p>Indicators: Five activities that promote transparency and are carried out in cooperation with the private sector.</p>	<p>Task 1: Activities in alliance with the private sector that promote transparency, such as awareness activities (conferences, forums, workshops, etc.) to address issues related to transparency and the fight against corruption, including but not limited to the restoration of the <i>Observatorio del Gasto Público</i>, an initiative (under evaluation) proposed by the Executive Directorate of CACIF. (Implementation Mechanism: STTA CCN, TCN and/or USN, International Conference Speakers ad honorem, Travel and/or Activities) (Responsible Party: María Alejandra Erazo).</p>												

Lower Level Result (LLR) 2.1.3: Mass Media publishes high quality information to control corruption and promote accountability

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
<p>Activity 1: Improve the capacity of media organizations to conduct investigative journalism.</p> <p>Indicator: Twenty-five articles/publications printed as a result of participation in training activities designed for journalists/media.</p>	<p>Task 1: Conclude the implementation of the training course in Transparency and Investigative Journalism, given to journalists in order to increase their knowledge in issues relating to transparency and the fight against corruption, such as the techniques for the development of investigative journalism and computer assisted journalism in an effort to expose corruption cases. (Implementation Mechanism: STTA CCN and TCN, Activities) (Responsible Party: Maria Alejandra Erazo).</p> <p>Task 2: Design and implement the second phase of the investigative journalism training to increase the</p>												

Lower Level Result (LLR) 2.1.3: Mass Media publishes high quality information to control corruption and promote accountability

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
	capacity of the media to carry out investigations to expose cases of corruption based on the conclusions, lessons learned, and recommendations from the Transparency and Investigative Journalism course implemented in 2012. As a preliminary step, the project will include activities/actions that strengthen the relationship between journalists with information sources including subject experts, CSOs, public officials and institutions. Additionally, this training will aim to develop, in close collaboration with government oversight bodies, relationships with mutual collaboration between journalists and public prosecutors from the Public Ministry, to develop the <i>noticia criminis</i> ¹ beginning with the journalists' investigation. (Implementation Mechanism: STTA -- CCN y TCN, Activities) (Responsible Party: Maria Alejandra Erazo).												
Activity 2: Support information exchange mechanism and outreach activities to mainstream transparency/anti corruption issues among the private sector, CSOs and government institutions and/or the general	Task 1: Implement outreach activities (conferences, fora, workshops, etc.) to promote increased attention in the media on issues pertaining to transparency and the fight against corruption and to ensure that the issues remain at the forefront of public opinion. (Implementation Mechanism: International Speakers ad honorem, Travel and Activities) (Responsible Party: María Alejandra Erazo).												

¹ **Noticia Criminis** is the technical term to describe the necessary legal conditions that triggers the activity of the criminal justice by the initiation of a criminal process. Either by a criminal complaint, a criminal private accusation (“querrela”) or a police investigation, the corresponding criminal jurisdiction receives formal notice of a crime being committed, which is considered “institutional information”, subject to the consequences and conditions of the criminal procedural law and capable of producing all legal consequences prescribed by the law. The concept of “Noticia criminis” has far more reaching legal effects than just the mere news of an event. (Fuente: GARRONE, José A., Diccionario Jurídico - Tomo III, Ed. LexisNexis, Buenos Aires, 2005, p. 462).

Lower Level Result (LLR) 2.1.3: Mass Media publishes high quality information to control corruption and promote accountability

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
public to optimize an integrated approach to the issues surrounding transparency and anti-corruption efforts.													

Sub-Intermediate Result (SUB IR) 2.2: Key Executive Branch Institutions with increased capacity to oversee and implement anti-corruption measures:

Lower Level Result (LLR) 2.2.1: Freedom of Information Law widely disseminated and implemented by the Executive Branch and other national institutions

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
<p>Activity 1: Strengthen Access to Information Units (UAs) of the Executive Branch and other national institutions.</p> <p>Indicators: Ten UAs receive technical assistance from the Project</p> <p>Three hundred days of training provided to public officials in the Executive Branch</p>	<p>Task 1: Design and implement an institutional strengthening plan for the UAs for the 2012-2013 period that includes, but is not limited to: 1) the design and implementation of institutional mechanisms that assess and respond to requests for information, and 2) provide technical assistance as necessary to put the mechanisms into effect. (Implementation Mechanism: STTA CCN, Activities) (Responsible Party: Ana Castro).</p> <p>Task 2: Develop and strengthen installed capacity within the public institutions regarding access to public information by transferring the training program (for expansion and replication) to the appropriate agencies, such as the National Institute for Public Administration (INAP in Spanish) and/or to the Office of the Human Rights Ombudsman (PDH in Spanish). Implementation Mechanism: Technical Assistance from PTI, STTA CCN) (Responsible Party: Ana Castro).</p>												

Lower Level Result (LLR) 2.2.1: Freedom of Information Law widely disseminated and implemented by the Executive Branch and other national institutions

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
Activity 2: Evaluate the Executive Branch's progress in implementing the Law on Access to Public Information. Indicators: Score on the Access to Public Information Index	Task 1: Apply the Access to Public Information Index to the Executive Branch. (Implementation Mechanism: subcontract to Acción Ciudadana) (Responsible Party: Ana Castro).												
	Task 2: Draft document describing the system and process to implement the Law on Access to Public Information in Guatemala, detailing the steps leading up to passage of the law, highlights and challenges in implementing the law, experiences and landmark cases seen from the perspective of supply and demand regarding access to public information, and lessons learned. (Implementation Mechanism: STTA CCN) (Responsible Party: Ana Castro).												

Lower Level Result (LLR) 2.2.2: Support to the National Anticorruption Entity provided and Key Anticorruption measures implemented

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
Activity 1: Promote continued development and implementation of anti-corruption measures within the Executive Branch. Indicator: Establish a national-level working group to spearhead design and implementation of policies for a national transparency	Task 1: Draft and sign an MOU with the Department of Control and Transparency that outlines the support USAID will give to the SECYT through PTI and the commitment to ensure the success of the actions to be undertaken. (Responsible Party: Roberto Menéndez, with assistance from Ana Castro).												
	Task 2: Provide technical assistance to the Department of Control and Transparency to develop a National Anticorruption Policy through two consultants -- one of them TCN who will design the strategy, taking into consideration similar experiences and the other CCN who can facilitate, accompany and systematize the implementation of the strategy. (Implementation Mechanism: Technical Assistance from PTI and STTA) (Responsible Party: PTI Staff and Ana Castro)												

Lower Level Result (LLR) 2.2.2: Support to the National Anticorruption Entity provided and Key Anticorruption measures implemented

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
and anti-corruption plan Eight anti-corruption measures implemented by the Executive Branch	Task 3: Support SECYT in complying with commitments assumed by the GoG through the Open Government Partnership (OGP) (Implementation Mechanism: Technical Assistance from the project and STTA) (Responsible Party: PTI Staff and Ana Castro)												
	Task 4: Provide on-site technical assistance to SECYT to design and implement measures to promote transparency and fight corruption within the Executive Branch. (Implementation Mechanism: Project Technical Assistance and Activities) (Responsible Party: Ana Castro).												
	Task 5: Expose SECYT officials responsible for promoting transparency and curbing corruption to best practices and international experience by financing their participation in international training workshops and events that include, but are not limited to, the conferences organized by Transparency International. (Implementation Mechanism: Travel - Activities) (Responsible Party: Ana Castro and María Alejandra Erazo).												

Lower Level Result (LLR) 2.2.3: International Anticorruption Treaties disseminated and implementation by GoG strengthened

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S

Lower Level Result (LLR) 2.2.3: International Anticorruption Treaties disseminated and implementation by GoG strengthened

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
<p>Activity 1: Promote GoG efforts to comply with International anticorruption treaties.</p> <p>Indicators: One hundred fifty public officials participate in training activities regarding their areas of expertise in complying with international treaties and conventions.</p> <p>Three hundred days of training received by public officials in the Executive Branch</p> <p>Indicator: Eight recommendations from the IACC Committee of Experts are adopted with support from the Project</p>	<p>Task 1: Train at least 150 (75F/75M) government officials on anti-corruption subjects specifically related to their duties pertaining to compliance with international anticorruption treaties. (Implementation Mechanism: Activities/Training) (Responsible Party: Ana Castro and PTI Staff).</p>												
	<p>Task 2: Provide technical assistance and support for the inter-institutional mechanisms established to follow up on implementing the international anti-corruption treaties. (Implementation Mechanism: Activities/Training) (Responsible Party: Ana Castro and PTI Staff).</p>												

Lower Level Result (LLR) 2.2.4: Mechanisms to pursue allegations of corruption established and working in key GoG institutions

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
<p>Activity 1: Work through SECYT to strengthen</p>	<p>Task 1: Use a technical assistance program to develop two protocols: a) for public officers/institutions on how to</p>												

Lower Level Result (LLR) 2.3.1: Regulatory framework and ad hoc legislation to combat corruption is promoted by the Congress in performing its oversight role

Activities	Tasks	FY 2013 (October 2012 – September 2013)													
		1			2			3			4				
		O	N	D	J	F	M	A	M	J	J	A	S		
or modifications to existing legislation are promoted in Congress with Project support	(Responsible Parties: Roberto Menéndez and Luis Felipe Sáenz with support from Mauricio Benard).														
	Task 2: In coordination with USAID’s CEPPS Project and their implementing partners, including NDI, provide technical assistance to the Congressional Committee on Legislation and Constitutional Issues to analyze the bill on constitutional reforms submitted by the Executive Branch. (Implementation Mechanism: Activities) (Responsible Parties: Roberto Menéndez y Luis Felipe Sáenz with support from Mauricio Benard).														
Activity 2: Institutional strengthening of the National Congress Indicator: Anti-corruption measures implemented by government oversight agencies (National Congress, Public Ministry, and the Office of the Comptroller General).	Task 1. In coordination with USAID’s CEPPS Project and other implementing partners, including NDI, provide technical assistance to: a) identify the legislative, political or administrative measures that could be applied to comply with the objectives of improving efficiency and transparency within the National Congress; b) produce proposals for legal, regulation or administrative order reforms within the National Congress, and c) develop an information management handbook on mechanisms to publicize legislative activity. (Implementation Mechanism: STTA (Victor Valverth) and Activities) (Responsible Parties: Roberto Menéndez and Luis Felipe Sáenz with support from Mauricio Benard).														
	Task 2: Provide technical assistance to develop and implement technology plans designed to increase levels of transparency and efficiency within the chamber of Congress. (Implementation Mechansim: STTA) (Responsible Parties: Roberto Menéndez and Luis Felipe Sáenz with support from Mauricio Benard).														
Activity 3: Provide support for the reciprocal technical assistance and	Task 1: Provide support to analyze and discuss the Guatemalan proposal for framework legislation on anti-corruption and transparency as submitted to the Forum of Presidents of Legislative														

Lower Level Result (LLR) 2.3.1: Regulatory framework and ad hoc legislation to combat corruption is promoted by the Congress in performing its oversight role

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
information exchange mechanisms among the countries that subscribed to the international anti-corruption treaties and conventions to which Guatemala is party (IACC and UNCAC), including, but not limited to, organizing regional conferences and seminars that contribute to the development and implementation of mechanisms to prevent, detect, investigate and prosecute corruption.	Bodies of Central America and the Caribbean (<i>Foro de Presidentes de Poderes Legislativos de Centroamérica y la Cuenca del Caribe</i> -FOPREL) which is the Inter-parliamentary Commission on Citizen Security and Administration of Justice (<i>Comision Interparlamentaria de Seguridad Ciudadana y Administracion de Justicia</i> -CISCAJ) (Implementation Mechanism: RRF). (Responsibile Parties: Roberto Menéndez and Luis Felipe Sáenz M. with support from Mauricio Benard).												

Lower Level Result (LLR) 2.3.2: Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General's Office

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	J	F	M	A	M	J	J	A	S
Activity 1: Strengthen the Anticorruption Units of the Attorney General's Office.	Task 1: Develop and implement a technical assistance and training program on the following topics: the International Convention Against Organized Crime, criminal investigation on corruption, investigation of fraud, money laundering, asset forfeiture, asset recovery, and oral litigation												

Lower Level Result (LLR) 2.3.2: Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General's Office

Activities	Tasks	FY 2013 (October 2012 – September 2013)													
		1			2			3			4				
		O	N	D	J	F	M	A	M	J	J	A	S		
<p>Indicator: Sixty-five arrest warrants executed based on charges of corruption (PTI will propose changes to the indicator)</p> <p>Indicator: Anti-corruption measures implemented by government oversight entities (National Congress, Public Ministry and Office of the Comptroller General).</p>	<p>techniques. (Implementation Mechanism: STTA. Responsible Party: Luis Felipe Sáenz with support from Iván Meini, René Fonseca and Carlos Paz)</p>														
	<p>Task 2: Provide technical assistance and support in the investigation of preselected cases required by the Attorney General's Office. (Implementation Mechanism: STTA and project staff Responsible Parties: Luis Felipe Sáenz with support from Iván Meini, René Fonseca and Carlos Paz)</p>														
	<p>Task 3: Design and implement a minimum protocol for criminal investigation of corruption cases. (Implementation Mechanism: STTA – CCN and TCN and activities: Responsible Parties: Luis Felipe Sáenz with support from Iván Meini and Carlos Paz).</p>														
	<p>Tarea 4: Develop a proposed organizational and functional model for the Anticorruption Unit of the Attorney General's Office. (Implementation Mechanism: STTA – CCN and TCN and Activities: Responsible Parties Luis Felipe Sáenz with support from Iván Meini and Carlos Paz).</p>														
	<p>Task 5: Design and implement improvements to the Informational System for Public Prosecution Cases (<i>Sistema Informático de Control de Casos del Ministerio Público –SICOMP</i> in Spanish)-. (Implementation Mechanism: STTA. Responsible Party: Luis Felipe Sáenz with support from Carlos Paz).</p>														
	<p>Task 6: Assist in developing protocols or communication and operational instructions between the Public Ministry and the Office of the Comptroller General in their efforts to promote transparency and curb corruption that will optimize the performance of each institution by coordinating activities, avoiding duplications and achieving a greater impact in attaining the overall</p>														

Lower Level Result (LLR) 2.3.2: Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General's Office

Activities	Tasks	FY 2013 (October 2012 – September 2013)																				
		1			2			3			4											
		O	N	D	J	F	M	A	M	J	J	A	S									
	objectives of the State. (Implementation Mechanism: STTA and technical assistance from project staff) (Responsible Party: Luis Felipe Sáenz with support from Carlos Paz and TBD consultant).																					
	Task 7: Expose officials from the Public Ministry to best practices and international experience by financing their participation in training activities or international events that pertain to the issues, including, but not limited to those events organized by Transparency International. (Implementation Mechanism: Travel and Activities) (Responsible Party: Roberto Menéndez).																					

Lower Level Result (LLR) 2.3.3: Comptroller General improves its performance in selected areas of intervention

Activities	Tasks	FY 2013 (October 2012 – September 2013)																				
		1			2			3			4											
		O	N	D	J	F	M	A	M	J	J	A	S									
Activity 1: Strengthen the Audit Units in the Office of the Comptroller General (CGC) Indicator: Number of open cases (under investigation) within the Public Ministry that are the result of audit findings provided by the CGC increase by 2.5% in comparison to	Task 1: Develop and implement a technical assistance and training program for public officials within the Legal Affairs Division and selected audit personnel in that office to improve CGC capacity to manage criminal prosecution, particularly in the following areas: constitutional law and institutional mandates, crime theory applied to acts of corruption, criminal prosecution with particular emphasis on case preparation and evidence theory. (Implementation Mechanism: STTA and technical assistance from project staff) (Responsible Party: Luis Felipe Sáenz with support from Iván Meini, Carlos Paz and TBD consultant).																					
	Task2: Develop and implement a model for audit reporting in line with the																					

Lower Level Result (LLR) 2.3.3: Comptroller General improves its performance in selected areas of intervention												
Activities	Tasks	FY 2013 (October 2012 – September 2013)										
		1			2			3			4	
		O	N	D	J	F	M	A	M	J	J	A
the baseline. Indicator: Anti-corruption measures implemented by governmental control entities (National Congress, Public Ministry and Office of the Comptroller General)	requirements of the Public Ministry. (Implementation Mechanism: STTA – CCN and Activities) (Responsible Party: Luis Felipe Sáenz). Task 3: Assist in developing protocols or communication and operational instructions between the Office of the Comptroller General and the Public Ministry in their efforts to promote transparency and curb corruption that will optimize the performance of each institution by coordinating activities and avoiding duplication of work thereby achieving a greater impact in attaining the overall objectives of the State. (Implementation Mechanism: STTA - CCN) (Responsible Party: Luis Felipe Sáenz).											

Sub-Intermediate Result (SUB IR) 2.4: A more transparent political party financing system established and working:

Sub-Intermediate Result (SUB IR) 2.4: A more transparent political party financing system established and working:												
Activities	Tasks	FY 2013 (October 2012 – September 2013)										
		1			2			3			4	
		O	N	D	E	F	M	A	M	J	J	A
Activity 1: Strengthen CSO capacity to promote and advocate on behalf of the issues pertaining to political party and campaign financing and controls, as well as to relevant electoral bodies involved in the process to reform the Law on Elections and	Task 1: In coordination with USAID's CEPPS Project and other implementing partners, including NDI, IRI and IFES, provide technical assistance and support for CSO advocacy efforts to promote and debate the issues regarding political party financing and controls and the participation of other electoral bodies in the process for reform the Law on Elections and Political Parties. PTI will continue supporting CONAREP and URL-USAC-ASIES, constituting both as the two strongest CSOs in this area that push the political party finance reform as well as to strengthen the capacity to oversee the financing of the TSE. Advocacy strategies allow for reform proposals discuss and provide feedback											

Activities	Tasks	FY 2013 (October 2012 – September 2013)											
		1			2			3			4		
		O	N	D	E	F	M	A	M	J	J	A	S

SUB IR LLR	Activity	Objective	Travelers												Approx. Budget			
	Political Parties Indicador: Iniciativa de Ley para la Reforma de la Ley Electoral y de Partidos Políticos, que aborde temas para el fortalecimiento de los sistemas de control de los Órganos Electorales y mejoramiento del marco normativo del financiamiento de los Partidos Políticos.	through exchanges with those actors involved, including but not limited to: judges and magistrates of the Supreme Electoral Tribunal and members of the Electoral Affairs Commission. (Implementation Mechanism: Activities) (Responsible Party: Roberto Menéndez with support from María Alejandra Erazo).																

4.0 INTERNATIONAL TRAVEL PLAN

SUB IR 2.1 LLR 2.1.1 LLR 2.1.2 LLR 2.1.3	Expose participants to best practices and international expertise regarding Transparency and Anticorruption issues.	Support Advocacy related activities with international experts/personalities that collaborate ad-honorem, and/or under consultancy contract with the PTI and/or Implementing Partners, including Civil Society Organizations, Mass Media, Private Sector Organizations, and Universities, under approved grant sub awards, incidence projects, and/or subcontracts.	Ad-honorem International experts/personalities and/or USN/TCN Consultants	US\$62,000
		Expose 2 CSO representatives to best practices and international experience by financing participation in training activities and international events that include, but are not limited to, Transparency International's conference.	David Gaitan (Acción Ciudadana), and Carmen Aida Ibarra (Movimiento Pro Justicia)	
SUB IR 2.1 LLR 2.1.3	Investigative Journalism Training	Implement training activities to strengthen mass media outlets and journalists on investigative reporting techniques, computer assisted journalism in order to expose corruption.	Ad-honorem International experts/ and/or USN/TCN Consultants	
SUB IR 2.2 LLR 2.2.1 LLR 2.2.2 LLR 2.2.3 LLR 2.2.4	Development of Transparency and Anticorruption Measures in Executive Branch	Promote, and support the continued development and implementation of anti-corruption measures within the Executive Branch, including but not limited to technical assistance to the Secretariat for Control and Transparency (SECYT) in order to develop a national anti-corruption policy.	International experts/ TCN Consultants	
		Expose SECYT officials responsible for promoting transparency and curbing corruption to best practices and international experience by financing their participation in international training workshops and events that include, but are not limited to, the conferences organized by Transparency International.	Verónica Taracena (SECYT)	
SUB IR 2.3 LLR 2.3.2	Attorney General's Office	Provide training and technical assistance for the investigation of corruption crimes based on international best practices.	International experts/ TCN Consultants	
		Expose officials from the Public Ministry to best practices and international experience by financing their participation in training activities or international events that pertain to the issues, including, but not limited to those events organized by Transparency International.	Raquel Sáenz (AGO Chief of the Corruption Investigation Unit)	
SUB IR 2.3 LLR 2.3.3	Comptroller General's Office	Provide training and technical assistance in the investigation of corruption crimes utilizing forensic auditing techniques.	International experts/ TCN Consultants	
Cross cutting	Project Support	COP, Roberto Menéndez will accompany and lead the delegation participating at the 15 th International Anticorruption Conference to be held in Brasilia November 2012.	Roberto Menéndez (PTI/COP)	
		Support Field Office in the following, but not limited to, activities: reporting obligations, design / development of activities, conduct performance evaluations, provide training, and/or temporary duty assignment.	Included but not limited to: STTA (Don Peterson), and/or Program Manager (Alexandra Forrester)	
Approximated Number of Travel Trips = 19				Approximated Budget² US\$62,000

1 International travel approvals will be obtained in accordance to section H.16 of the IQC for contract DFD-I-00-08-00067-00. H.16 AIDAR 752.7032 INTERNATIONAL TRAVEL APPROVAL AND NOTIFICATION REQUIREMENTS (JAN 1990) /.../ "In accordance with the above clause, the Contracting Officer hereby provides prior written approval for international travel, provided that concurrence with the assignment of individuals outside the United States is obtained by the Contractor, in writing, from the CTO prior to their assignment abroad, which must be within the terms of this contract/task order, is subject to availability of funds, and should not be construed as authorization either to increase the estimated cost or to exceed the obligated amount".

2 Budget calculations include: Cost Airfare Round Trips, Lodging, and Meal and Incidentals.

5.0 ESTIMATED BUDGET

TRANSPARENCY PROJECT IN GUATEMALA

Contract Number DFD-I-00-08-00067-00, Task Order 02,

ESTIMATED ANNUAL WORK PLAN BUDGET

(OCTOBER 2012 – SEPTEMBER 2013)

Sub-Intermediate Result (SUB IR) 2.1: Citizens Capable and Better Informed to Fight Against Corruption:			32%
2.1.1	Increase and Strengthen Participation of Civil Society Organizations in Watchdog Activities and Provide Oversight to Public Authorities and Resources	\$	360,127
2.1.2	Private Sector more active and committed with the fight against corruption	\$	163,586
2.1.3	Mass media publishes high quality information to control corruption and promote accountability	\$	246,492
Sub-Intermediate Result (SUB IR) 2.2: Key Executive Branch Institutions with increased capacity to oversee and implement anti-corruption measures:			23%
2.2.1	Freedom of Information Law widely disseminated and implemented by the Executive Branch and other national institutions	\$	214,021
2.2.2	A National Anti-corruption Body created and functioning	\$	120,042
2.2.3	International Anticorruption Treaties disseminated and implementation by GOG Strengthened	\$	113,245
2.2.4	Mechanisms to pursue corruption allegations of corruption established and working in Key GoG institutions	\$	97,083
Sub-Intermediate Result (SUB IR) 2.3: A more active role of Key Oversight Entities promoted:			42%
2.3.1	Regulatory framework and ad hoc legislation to combat corruption is promoted by the Congress in performing its oversight role	\$	449,053
2.3.2	Mechanisms to pursue corruption cases are established and functioning in the Anticorruption Unit of the Attorney General's Office	\$	409,298
2.3.3	Comptroller General improves its performance in selected areas of intervention	\$	146,598
Sub-Intermediate Result (SUB IR) 2.4: A more transparent political party financing system established and working:			4%
2.4.1	Provide technical assistance to the Audit Unit of the Supreme Electoral Tribunal (TSE) to revamp, develop, and implement audit mechanisms related to the political party financing system.	\$	90,701
Additional Activities:			
RRF	Provide Technical assistance and support (in kind and/or financial support) in response to unanticipated opportunities, and crisis.	\$	207,400

TOTAL BUDGET \$ 2,617,646.25 *

Notes:

*Fixed administrative, ODCs expenses and overhead for FY2012-2013 are distributed throughout each Sub-IR.

Note: Budget presented sums **US\$2,271,440.80** (approved budget, mod. No. 9 for Option Period year 2) **plus US\$346,205.45** carried forward from Option Period year 1.

6.0 TRAINING PROGRAM

The Training Plan was developed by the Transparency and Integrity Project (PTI) as an instrument that reflects the teaching and learning priorities PTI has identified as key components for its approach to implementation objectives. As a result of the experience gained over the first three years in the life of the project, the plan was enriched and modified to better fit the needs of the target groups that will benefit from the training. Furthermore, PTI plans to build on the success of training activities dating back to 2009, yet seeks to increase the knowledge base of the CSO representatives and public servants working in target institutions regarding issues that relate to increasing transparency and waging the fight against corruption.

From October 2012 to September 2013, the Project plans to train at least 1,000 individuals from a wide array of CSOs. The training will focus on social auditing, access to public information, international treaties and agreements against corruption and investigative journalism, among other subjects. In a similar vein, PTI also plans to train 150 public officials in the subjects of international anti-corruption treaties and conventions, the application of the law on access to public information, crimes in public administration and the investigation and prosecution of cases of corruption.

The training component is an educational process within a strategic framework which is structured and systematized in such a way as to ensure that participants acquire the necessary skills and build the knowledge they require in a certain subject. More specifically, the training content covers transparency, accountability, democracy and efforts to curb corruption, while it also intends to promote changes in behavior and attitudes, particularly in the way in which citizens exercise their rights and public officials conduct the business of the government.

All training activities will comply with the expected results and targets established in the Work Plan and the Monitoring and Evaluation Plan.

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