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# USAID RULE OF LAW ACHIEVEMENTS REVIEW, 2005-2020

## LATIN AMERICA AND THE CARIBBEAN

### REGIONAL SUMMARY

**August 2022**

Prepared under Contract No.: GS-10F-0033M/7200AA18M00016, Tasking N036 by Social Impact, Inc.

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# DRG LEARNING, EVALUATION, AND RESEARCH ACTIVITY II

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## ACRONYMS

<b>Acronym</b>	<b>Definition</b>
ADR	Alternative Dispute Resolution
CJH	Community Justice Houses
CSO	Civil Society Organization
DRC	Democratic Republic of the Congo
DRG	Democracy, Human Rights and Governance
GBV	Gender-Based Violence
INACIF	National Forensic Sciences Institute
LAC	Latin America and the Caribbean
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
MAINA	Holistic Attention Models for Children and Adolescents
MOJ	Ministry of Justice
ROL	Rule of Law
SGBV	Sexual and Gender-Based Violence
SI	Social Impact
UMECAS	Unidades de Medidas Cautelares
UNDP	United Nations Development Programme
U.S.	United States
USAID	United States Agency for International Development
WJC	Women's Justice Centers

## EXECUTIVE SUMMARY

Introducing fundamental change to justice systems that support the rule of law (ROL) is not simple and quick. Whether the goal is to strengthen judicial independence and self-governance, improve the administration of justice, expand access to quality justice services, protect fundamental rights, or combat crime and corruption, ROL promotion is complex and requires a long-term commitment. The United States Agency for International Development (USAID) began significant ROL programming in the 1980s. Today, USAID ROL programs span all five regions of the world and address diverse problems faced by many different types of justice systems.

### NEEDING A ROL ACHIEVEMENT REVIEW

USAID and the Democracy, Human Rights, and Governance (DRG) Center have undertaken numerous studies to improve ROL programming, from impact evaluations to cataloguing technical approaches. Building on that work, this *Rule of Law Achievements Review* represents the first effort in almost twenty years to conduct a global review of USAID ROL efforts. The DRG Center contracted Social Impact (SI) to conduct this review through the DRG Learning, Evaluation, and Research Activity II (DRG LER II) mechanism, focusing on USAID's more recent ROL work from 2005 to 2020. The SI team catalogued 340 USAID-funded activities implemented in 83 countries that had significant components that fell within USAID's ROL technical approaches typology, including traditional justice system programming, human rights, citizen security, and anti-corruption programming.<sup>1</sup> The team then selected 16 countries—targeting strong, diverse examples of ROL programming across five regions—for key informant interviews to explore their ROL work more deeply.

With this study, the DRG Center looks at results that are not commonly captured: those concrete achievements that have been sustained beyond USAID programming and contribute meaningfully to a country's ROL. SI's research team of four ROL experts set out to answer one central question:

**What concrete and sustained achievements have USAID ROL assistance activities made or contributed to since 2005?**

In answering this question, SI interpreted ROL broadly, encompassing all activities that fall within USAID's ROL typology.<sup>2</sup> For this review, “concrete and sustained” means achievements that have significantly enhanced the ROL in a particular country over time. Both aspects are important, because some achievements may be concrete and significant, but fail to be sustained over time due to political backsliding or contextual changes that are outside of USAID's control.

### USAID'S ROL PROGRAMMING: 2005-2020

In many countries, USAID ROL programming from 2005 to 2020 built on earlier investments to consolidate previous achievements. In countries where genuine reform only began during the review period, USAID programming applied lessons learned from earlier assistance efforts.

USAID also made some substantial changes to its ROL programming between 2005 and 2020. Notably, USAID increased its support to civil society organizations (CSOs) focused on justice-related results, while maintaining its engagement across the full spectrum of justice institutions, including police,

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<sup>1</sup> Activities focused solely on anti-corruption were excluded based on agreement with USAID during the inception phase.

<sup>2</sup> See Annex A: ROL Technical Approaches Typology.

prosecutors’ offices, public defenders’ offices, legal aid commissions, judiciaries, the legal profession, and law schools. In addition, USAID began to support the private sector in its collaboration with justice actors to improve commercial justice systems and mechanisms. USAID’s engagement with this broad array of local actors, including informal and customary justice providers, facilitated greater momentum for results-oriented reform in many countries and heightened the sustainability of change and innovation.

In essence, USAID’s ROL programming approach centered on systems, services, and society:

- The **systems** made of the aggregate efforts of the actors, however imperfect, to build and maintain justice-related results;
- The **services** these systems provide to meet justice needs and solve legal problems; and,
- The **society** that engages and demands the ROL.

While all regions faced significant ROL challenges, including conflict and instability, weak institutions, lack of political will, widespread corruption, and crime, USAID support to promote the ROL varied among regions and over time. ROL investments in Sub-Saharan Africa, for instance, were significantly smaller than in Europe and Eurasia and work in the Western Hemisphere. Funding also varied significantly over time. Between 2015 and 2010, USAID global investments in ROL programming decreased by 28 percent, including a 65 percent decrease in the Middle East and North Africa from the region’s high point in 2010.<sup>3</sup> Nonetheless, because programming was tailored to each country’s unique needs, USAID was successful in producing or contributing to many concrete and sustainable ROL achievements.

## THEMES FOR GLOBAL ROL ACHIEVEMENTS

Though specific achievements differed across countries, this study revealed several common themes. These themes and examples of significant achievements are summarized in the following table and explored further below.

**Table 1: Summary of Achievements**

COUNTRY	ACHIEVEMENT
<b>1. GREATER JUDICIAL INDEPENDENCE</b>	
Bosnia and Herzegovina	Development of High Judicial and Prosecutorial Council (HJPC) and Ministry of Justice (MOJ); civil society monitoring and advocacy
Democratic Republic of the Congo (DRC)	A stronger <i>Conseil Supérieur de la Magistrature</i> (Superior Council of Magistrates [SCM])
Ghana	Budget control and oversight measures of judicial processes
Jordan	Support to the Judicial Council; professionalizing the judiciary and elevating the role of women
Kosovo	Restructured and strengthened Kosovo Judicial Council, with an established Secretariat
Kyrgyz Republic	Transfer of control of the judiciary to the Council on the Selection of Judges
South Africa	Creation of the Office of the Chief Justice
<b>2. ENHANCED ADMINISTRATION OF JUSTICE</b>	

<sup>3</sup> ForeignAssistance.gov Dashboard <https://foreignassistance.gov/>, calculated using *Rule of Law and Human Rights* sector programming across regions from 2005 to 2020.

<b>COUNTRY</b>	<b>ACHIEVEMENT</b>
Bosnia and Herzegovina	Model courts and prosecutors' offices
Colombia	Normative frameworks that provided definitions and guidelines for many crimes and serious offenses to improve investigations and prosecutions
DRC	Access to new legislation, including the penal code
Dominican Republic	Institutional strengthening and coordination among justice system stakeholders
Georgia	Civil society monitoring and advocacy for judicial independence
Guatemala	Creation of specialized 24-hour criminal courts
Indonesia	Strategic planning and a case tracking system
Jordan	Creation of the MIZAN Court Automation and Case Management System
Kosovo	Establishment of private enforcement agents to improve enforcement of judgments
Mexico	Criminal justice reform that shift systems from inquisitorial to accusatory
Moldova	Automation of the judiciary; court reorganization and optimization; civil society advocacy and monitoring
South Africa	Adoption of an integrated court management model
West Bank and Gaza	Creation of MIZAN Court Automation and Case Management Systems
<b>3. IMPROVED ACCESS TO AND TRUST IN THE JUSTICE SYSTEM</b>	
Bangladesh	Expanded and strengthened legal aid offices in all 64 districts, including remote locations
Colombia	Community Justice Houses (CJHs)
DRC	Free legal aid and alternative dispute resolution mechanisms
Dominican Republic	CJHs
Georgia	Development of legal aid service; greater transparency of the judiciary
Guatemala	Creation of holistic attention models for children and adolescents (MAINA)
Kyrgyz Republic	Constitutional changes and a strengthened defense bar through free legal aid
Mexico	Support to civil society like Women's Justice Centers that increased effective access to justice
West Bank and Gaza	Support to family courts
<b>4. PROTECTION FOR DEFENDERS, WOMEN, AND VULNERABLE GROUPS</b>	
Bangladesh	Improved enforcement of workers' rights; support for a more gender-inclusive legal profession
DRC	Support to human rights defenders and CSOs; holistic support services for sexual and gender-based violence (SGBV) survivors
Guatemala	Creation of MAINA
Jordan	Professionalized judiciary and elevated role of women
Kosovo	Improved capacity of the constitutional court; enhanced property rights for women
Mexico	Human rights laws and mechanisms
South Africa	Improved legal assistance and services for victims of SGBV with 28 sexual offense courts and prosecutor training

COUNTRY	ACHIEVEMENT
<b>5. ENHANCED ABILITY TO COMBAT CRIME, CORRUPTION, AND INSECURITY</b>	
Bosnia and Herzegovina	Prosecutor Partnership Program
Colombia	Support to the national schools of the judiciary and public ministry
Georgia	Introduction of experiential legal education at several universities and strengthening continuing legal education at the Georgian Bar Association
Guatemala	Establishment of the National Forensic Sciences Institute (INACIF)
Indonesia	Strengthened the Corruption Eradication Commission (KPK); clinical legal education and other programs
Kyrgyz Republic	Creation of the National Advocatura of the Kyrgyz Republic
Mexico	Curricular reform, national mock trial competitions, and post-graduation employment support to law schools and thousands of students

**ACHIEVEMENT 1: GREATER JUDICIAL INDEPENDENCE**

Democratic backsliding happens in many ways and is driven by both internal and external factors. Countries that have strong, independent judicial institutions capable of self-governance may be less susceptible to backsliding, because such institutions contribute to a separation of powers where the executive branch does not have unfettered discretion to act.

To achieve judicial independence and self-governance, judicial institutions must be equipped to select, monitor, discipline, and train judges over an extended period. During the review period, USAID supported councils of justice and judicial training centers, many of which were created with USAID assistance before 2005. This was the case with USAID programming in Kosovo and Bosnia and Herzegovina. In Bosnia and Herzegovina, USAID assistance to the HJPC enabled the Council to reshape the justice system by shifting control of administration of the system from the MOJ to a more transparent, independent, and self-governing judiciary. In Kosovo, USAID supported restructuring the Kosovo High Judicial Council Secretariat to enable Council members to fulfill their mandate more effectively. In the DRC, USAID provided support to the CSM to reinforce its independence, including moving CSM’s offices outside of the MOJ. Similarly, in South Africa, USAID supported the transfer of essential judicial services and administrative duties from the Department of Justice and Constitutional Development, which was housed in the executive branch, to the independent Office of the Chief Justice.

**ACHIEVEMENT 2: ENHANCED ADMINISTRATION OF JUSTICE**

To increase court efficiency and improve the capacity of judicial councils to monitor the courts, USAID introduced innovative practices, including automation, to many countries. For example, after providing more than a decade of sustained assistance, USAID equipped the Moldovan justice system with a sophisticated integrated case management system (ICMS) that transformed justice and court operations. In the Middle East, USAID supported development of the MIZAN Court Automation System in the West Bank and Gaza and replicated this system in Jordan. USAID also supported development of ADALA, a CMS for the family courts in the West Bank and Gaza. These automated systems both enhance efficiency and reduce opportunities for corruption due to heightened oversight. In South Africa, USAID supported a management model featuring professional court administrators that helped improve



court efficiency. By shifting administrative tasks previously conducted by judges to court administrators, judges had more time to focus on decision-making.

### **ACHIEVEMENT 3: IMPROVED ACCESS TO AND TRUST IN THE JUSTICE SYSTEM**

Billions of people have unmet justice needs that affect their ability to navigate their daily lives; marginalized populations and underserved communities are often disproportionately affected. Unmet justice needs may include dispute resolutions, property rights, legal aid, victims' services, access to government services, and other areas that touch upon the law. Even when legal services may be available, lack of trust in the justice system can deter individuals from seeking resolution. USAID supported a range of actors that helped people gain confidence in the justice system and resolve their law-related problems, including non-governmental organizations and other institutions both inside and outside of the formal justice sector.

Most prominent among this form of USAID's ROL programming was support for legal aid and law clinics, which spanned several regions. In Bangladesh, USAID supported the National Legal Aid Services Organization (NLASO) in professionalizing legal aid by developing rules and regulations and training legal aid officers. USAID also supported greater access to justice for particularly vulnerable groups. In Guatemala, MAINA established services at prosecution offices to provide youth and victims of violence with access to the justice system. In Colombia and the Dominican Republic, USAID supported CJHs, which provided spaces where families and individuals could go to resolve disputes. In the DRC, USAID successfully tailored trainings for paralegals and community justice advocates to conduct legal interventions and mediations and refer cases to pro bono attorneys or remote courts or tribunals.

### **ACHIEVEMENT 4: PROTECTION FOR DEFENDERS, WOMEN, AND VULNERABLE GROUPS**

Protection of human rights defenders and rights for vulnerable groups are also critical to ensuring improved access to justice. In the DRC, USAID organized protection networks composed of local CSOs and created the Next Generation Evaluation, Measurement, and Observation (NEMO) system, an online platform for reporting threats to the protection networks. NEMO enabled protection networks and members to investigate, analyze, and respond to threats and assaults against human rights defenders.

To build trust in the justice system, especially for vulnerable groups, citizens need to see that their justice needs are met regardless of their background or circumstances. In many countries, USAID supported legal assistance and services for SGBV victims. For example, in South Africa, USAID helped establish 28 sexual offenses courts and to train prosecutors to pursue and adjudicate sexual offenses using evidence-based best practices. The work of these courts served to increase public confidence in the judiciary, improve case processing, and reduce bottlenecks in SGBV cases. USAID also supported the design, piloting, and the institutionalization of the Thuthuzela Care Centres (TCCs), which offer comprehensive services to SGBV victims. Similarly, in the DRC, USAID pursued a holistic approach to supporting SGBV survivors that integrated psychosocial, medical, legal, and economic activities, which provided survivors with quality and timely care and treatment services.

Part of USAID's efforts to provide greater protection for vulnerable groups include seeking greater representation by women in the legal services. In Jordan, the percentage of women represented in the justice sector increased from three percent to 25 percent from 2008 to 2020, which was achieved by USAID urging implementing partners to involve women in leadership, training, and mentoring programs,

and USAID projects providing educational program scholarships for women. In Bangladesh, USAID began a Women in Justice Initiative, which provided professional development opportunities to female judges, lawyers, and law students. These efforts have contributed to improving the gender balance in the justice sector and empowering women.

## ACHIEVEMENT 5: ENHANCED ABILITY TO COMBAT CRIME, CORRUPTION, AND INSECURITY

Corruption is both a threat to the ROL and an opportunity to reform ROL institutions. Corruption is a threat because it undermines the notion that no one is above the law and it is an opportunity because it can be tackled by well-functioning justice sector institutions. As corruption affects all sectors, successful ROL programming can similarly benefit all of USAID's work.

USAID ROL programming strengthened counterparts in their ability to combat corruption. In Bosnia and Herzegovina, USAID implemented a Prosecutor Partnership Program that trained prosecutors to fight corruption and developed specialized tools such as the *Universal Benchbook on How to Prosecute and Adjudicate Corruption and Organized and Economic Crime*. In Indonesia, USAID supported legislation, institutions, and initiatives to combat corruption, including the KPK. USAID also helped with developing standardized sentencing guidelines. Recently, Indonesian courts have regularly convicted national and local politicians, which was previously almost unheard of. In addition, USAID assisted many countries with their transition from an inquisitorial justice system to an accusatorial system that prioritizes transparency and eliminates criminal procedures that contribute to deep-rooted corruption. These transitions required drafting new criminal procedure codes; retraining judges, prosecutors, and defense attorneys; and conducting awareness-raising activities to familiarize citizens to the new system.

USAID's support for legal education reforms was aligned with these efforts by seeking to better prepare the next generation of legal professionals to combat crime and corruption. USAID's efforts included modernizing legal education through experiential learning techniques, such as legal clinics and moot court competitions, and curricular reform to bring law school offerings up to date with the new legislation. USAID's work also included implementing new courses to familiarize students with the USAID-supported accusatorial criminal justice system introduced in many countries. USAID assistance to law schools in Georgia, Jordan, and Mexico are good examples of legal education reforms that support more qualified legal practitioners.

## EPILOGUE: THE FUTURE OF ROL AT USAID

This study represents one part of USAID's broader efforts to re-envision ROL programming in the coming era. The lessons learned from USAID's global ROL achievements, coupled with a deeper understanding of how ROL efforts are linked to other aspects of development, demonstrate the critical role of ROL programming in broader global development investments. Individuals, not institutions, will be the focus of USAID's future ROL work. USAID's new draft ROL Policy introduces **people-centered justice** as a new paradigm for ROL work in which justice systems are transformed alongside the people that are most affected by them.<sup>4</sup> As USAID hones its focus on this aspect of ROL, future programming will be driven by better evidence and a greater understanding of what has led to success in the past.

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<sup>4</sup> USAID. "USAID Rule of Law Policy: A Renewed Commitment to Justice, Rights, and Security for All." 2022. <https://www.usaid.gov/sites/default/files/documents/USAID-ROL-Policy-Draft-External-Review.pdf>. pg. 4. For more background on people-centered justice, see the report by the United Nations Task Force on Justice at <https://www.justice.sdg16.plus/report-old2022>.



# LATIN AMERICA AND THE CARIBBEAN REGIONAL SUMMARY

## STATE OF THE RULE OF LAW, 2005-2020

The United States Agency for International Development's (USAID) investment in rule of law (ROL) programming in the Latin America and the Caribbean (LAC) region began in the 1990s and grew during the review period. The four focus countries reviewed in this study (Colombia, the Dominican Republic, Guatemala, and Mexico) contrast in significant ways; for example, Colombia and Mexico are among the region's largest economies and are much larger than the Dominican Republic and Guatemala. However, a unifying factor that impacted USAID's ROL assistance was that all four countries' justice systems were adapted from the Spanish inquisitorial legal system, which is marked by the presumption of guilt until proven innocent, written pleadings rather than oral argument between the prosecution and defense, and significant judicial power to ascertain the scope of the case and investigate the truth.

All focus countries lacked several basic institutions and laws required for a democratic society based on the ROL. As a result, USAID's early ROL assistance in LAC during the review period focused on strengthening justice systems, as evidenced by the creation of new institutions, constitutional reforms, and institutional reform. Later in the review period, USAID focused on making these justice systems more responsive to citizens' needs through expanded access to justice services. This assistance took place in environments marked by low citizen trust in justice and security institutions, high rates of impunity and violent crime, compounding inefficiencies and an inability to effectively process cases, and high levels of corruption. Throughout the region, critics highlight impunity rates exceeding 90 percent, meaning that perpetrators are brought to justice for less than 10 percent of the crimes committed. Although impunity rates are lower with homicides (80 percent, or 20 homicide convictions for every 100 homicides in the region), the homicide conviction rate is less than half of the worldwide average of 43 percent.<sup>5</sup> While countries in the LAC region have made progress, much remains to be done to consolidate the ROL.

## USAID PROGRAMMING RESPONSE AND APPROACH

USAID took a holistic approach to ROL assistance in the focus countries that supported both justice institutions and civil society. This approach addressed the most pressing ROL challenges, including: 1) low institutional capacity of justice system institutions; 2) dated civil and criminal codes and enabling legislation; 3) a citizenry unable to access justice; 4) human rights abuses committed by both state and non-state actors; and 5) weak legal education systems that did not adequately prepare legal professionals.

To address these challenges, USAID secured buy-in and commitment at all levels of government to gain key stakeholders' trust. USAID coordinated efforts with other donors to leverage scarce resources and avoid duplicating assistance. USAID also pushed for innovation, actively seeking to support interventions that went beyond traditional training in the ROL space, such as embedded mentoring and learn-by-doing methodologies. USAID was not only the largest donor, but also maintained a sustained presence in each

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<sup>5</sup> RCN Noticias. "La Impunidad en Colombia es del 99%: Nestor Humberto Martínez." October 4, 2017; CONADEH 2015 annual report, <http://conadeh.hn/wp-content/uploads/2016/04/informe-Anual-2015-FINAL-VERSI%C3%93N-PDF> (which notes that the impunity level in Honduras exceeds 90 percent); Prensa Libre. "La Impunidad Supera el 97% en Guatemala." April 3, 2017 (quoting Ivan Velásquez, head of the International Commission Against Impunity in Guatemala," ENCUESTA NACIONAL DE VICTIMIZACIÓN Y PERCEPCIÓN SOBRE SEGURIDAD PÚBLICA (ENVIPE), 2016, pg. 11 (noting that the "cifra negra" – or unreported crimes – amount to 93.7 percent of all crimes committed).

of the focus countries, which provided institutional memory. Perhaps most importantly, USAID served as a key interlocutor when convening justice sector institutions by promoting coordination between them to improve ROL outcomes. In addition to supporting justice system institutions, USAID's holistic approach also emphasized understanding the local system, culture, and needs, and provided support to communities and civil society organizations (CSOs) to access the justice system. These factors were integrated into the focus countries' respective Country Development Cooperation Strategies and drove intervention design. As USAID ROL programs in the LAC region were tailored to the specific needs and circumstances in each country, achievements also differed.

## **REGIONAL ACHIEVEMENTS**

The major achievements in the four focus countries are highlighted below and discussed at length in their respective country profiles. Building on earlier work in the region, such as poverty reduction and basic infrastructure development, USAID implemented several activities to either create institutions or increase their technical capacity.

**Increased Capacity of Justice System Institutions:** In Guatemala, USAID helped to create the National Forensic Sciences Institute (INACIF) as an autonomous body, which strengthened criminal investigations and helped develop and highlight much-needed data to improve prosecutions. In addition, USAID provided critical technical assistance to the Public Defender's Office, the Supreme Court, and the National Police in the Dominican Republic, which strengthened the justice chain.

**Enhanced Administration of Justice:** USAID's support for core legislative drafting was also critical to justice reform in the LAC region. The transitions from the mixed-inquisitorial to the accusatorial system that took place in each country required significant efforts in drafting and implementing national legislation to establish new systems. For example, during the review period, USAID provided technical assistance for drafting new criminal procedure codes in Colombia and Mexico.

**Expanded Access to Justice:** In addition to institutional support at national and state levels, USAID focused on strengthening access to justice at the local levels. In Guatemala, USAID created a Holistic Attention Model for Children and Adolescents (MAINA) to ensure youth and victims of violence could gain access to the legal system while reducing the likelihood of revictimization. In Colombia and the Dominican Republic, USAID supported the creation of Community Justice Houses (*casas comunitarias de justicia*) (CJHs) that provided spaces for families and individuals to resolve their disputes and access justice and related support services.

**Improved Legal Education and Preparation to Practice:** Strengthening continuing legal education, professional development, and legal education at the university level was a critical part of USAID's work in the LAC region. In the Dominican Republic, USAID supported the Dominican government's establishment of the National School of the Judiciary, which subsequently provided training for public defenders, judges, and justices of the peace. USAID also supported capacity building for the National School of the Public Ministry, which provided training for prosecutors. Similarly, in Mexico, USAID provided technical assistance for law school curriculum reform to ensure that a new generation of law school students understood how to carry out their roles in the new accusatory justice system. USAID also supported the expansion of legal clinics in law schools in many LAC countries, including Mexico and Colombia, so that law students could gain experience while expanding justice services to vulnerable populations and the indigent.

### **Increased Capacity of Civil Society to Monitor the Justice System and Advocate for**

**Reform:** Underpinning these key ROL investments, USAID also helped shape a culture of citizen participation and justice sector accountability by supporting civil society. For example, in Mexico, USAID funded watchdog groups like Mexico Evalua that track and measure the performance of justice sector institutions, which is critical for transparency and core to a functioning democracy. Likewise, in Guatemala and Colombia, USAID provided technical assistance and funding to CSOs such as *El Refugio de la Niñez and Humanas* that protect victims of trafficking and sexual and gender-based violence (SGBV).

### **CONCLUSION**

USAID's holistic approach of focusing on institutional strengthening within a systems framework laid a solid foundation for future work to strengthen the ROL in the LAC region. USAID supported criminal justice reform in the four focus countries through technical assistance and strengthened the provision of improved justice services, especially to vulnerable populations. These achievements provided the groundwork necessary to continue supporting the focus countries and other partners in the region to combat corruption and organized crime, which threaten institutional resilience and stifle citizen engagement.

# COUNTRY PROFILES

## COLOMBIA

### INTRODUCTION

Advances and setbacks defined the evolution of Colombia's justice system during the review period of 2005-2020. Despite a sweeping judicial reform in the 1990s and early 2000s that transformed the system from an inquisitorial to an accusatorial one, a series of compounding internal and external factors complicated justice service provision. Important internal factors included a lack of frameworks and state presence at the departmental and local levels while external factors included human rights abuses and the unprecedented influx of migrants. In 2016, the Colombian government and non-state armed groups signed a historic peace agreement to end 52 years of armed conflict. The agreement established the "Special Jurisdiction for Peace" to administer transitional justice and provide an opportunity for justice sector operators to prosecute categories of crimes and human rights abuses in connection with the armed conflict.

Despite extensive truth and reconciliation efforts, human rights abuses against groups including vulnerable populations, such as women, youth, ethnic minorities, and members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, remain a concern. Recently, local perception of the police and military has plummeted. In June 2020, a Gallup poll found that approval of the police had fallen from 75 to 40 percent following the 2019 protests. Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other social leaders faced numerous death threats and acts of violence, usually at the hands of criminal groups fueled by narcotrafficking and other illicit activities. While the government of Colombia, civil society, and the international community have consistently condemned these attacks, few convictions have occurred to date. Likewise, the Colombian constitution recognizes indigenous peoples' rights to culture and indigenous rights to self-governance, but the government has failed to adequately safeguard these rights. Stakeholders noted the case of an indigenous collective movement called *Minga del Choco*, which rose in prominence during the review period. The group, led by Aquileo Mecheche, demanded their right to security and a dignified life in their territories, along with an end to death threats against human rights defenders. Although *Minga del Choco's* movement culminated in a dialogue with the executive High Commissioner for Peace in November 2018, Aquileo Mecheche was murdered in 2019. Stakeholders cited this example as evidence that significant work is needed to effectively implement existing laws to protect human rights.

Colombia's armed conflict has produced about seven million internally displaced persons. Towards the conclusion of the review period, Colombia received approximately 1.7 million Venezuelans. This was the largest mass exodus of migrants and returnees in the history of the Western Hemisphere, and globally second only to Syria. Venezuelan migrants, internally displaced persons, and returned Colombians face significant barriers to justice services and are vulnerable to human rights abuses. Migrants and rural populations often do not report these abuses to authorities out of fear of being deported, jailed, or retaliated against and due to a lack of trust in the system. Underreported crimes, or *cifra negra*, result in high rates of impunity.

**Table 2: USAID ROL Activities, 2005-2020 (Colombia)**

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Administration of Justice Program	Checchi and Company Consulting, Inc.	2001-2006
Justice Reform and Modernization Program	Florida International University	2006-2010
Culture of Lawfulness	National Strategy Information Center	2007-2011
Mitigating Interethnic Land Conflict in Colombia: Securing Territory and Resource Rights in Rural Communities	World Wildlife Fund	2009-2011
Access to Justice Program	Management Sciences for Development, Inc	2010-2012
Community-Based Treatment Services for Afro-Colombian Victims of Torture	Heartland Alliance International	2010-2015
U.S.-Colombia Human Rights Law School Partnership	American Council on Education	2011-2015
Human Rights Program III	Chemonics	2012-2015
Victims Institutional Strengthening Program	International Organization for Migration	2012-2020
Human Rights Public International Organizations Grant	United Nations Office of the High Commissioner for Human Rights	2013-2016
Access to Justice Activity	Checchi and Company Consulting, Inc.	2013-2017
Recruitment Prevention and Reintegration Program	International Organization for Migration	2016-2020
Justice for Sustainable Peace	Chemonics	2018-2021

## MAJOR ACHIEVEMENTS

USAID’s investments in ROL in Colombia yielded two concrete and sustained achievements during the review period: 1) enhanced administration of justice through normative frameworks, and 2) expanded access to justice and legal empowerment through CJHs.

### ACHIEVEMENT I: ENHANCED ADMINISTRATION OF JUSTICE THROUGH NORMATIVE FRAMEWORKS

The largest achievement for ROL in Colombia was the establishment of new and improved normative frameworks combined with technical assistance to lay the groundwork for sustainable change in the justice sector. Following the new criminal code’s passage in 2002, a series of laws were passed from 2005-2020 to provide definitions and guidelines for many crimes and to advance serious offense investigations and prosecutions. These efforts affected significant portions of the population. Once laws were passed, USAID provided technical assistance for the government to implement policies and



systems and build institutions at the national, departmental, and municipal levels. For example, in 2005, Law 975—the “Justice and Peace Law”—was passed. This controversial package worked toward armed group demobilization by offering reduced sentences to members of groups responsible for serious crimes if they participated in a demobilization process. USAID supported this law’s passage by conducting discussions with Colombian government representatives in the executive branch and Congress. USAID also provided technical assistance to support legislative drafting efforts.

At roughly the same time, the government advanced a geographic consolidation process designed to increase its presence in rural areas throughout the country and strengthen governance, access to justice, public policy, and human rights. This consolidation process resulted in the 2011 Victims and Land Restitution Law to return land to internally displaced persons and provided financial compensation to victims of both human rights abuses and international humanitarian law violations. While this was a Colombian-driven process, USAID provided high-level support through dialogue processes to ensure the government maintained political commitment and momentum. In 2020, USAID worked with victims’ organizations to help secure the law’s extension to 2031.

In 2014, Colombia enacted Law 1257 to improve access to justice and protection for SGBV survivors and, in July 2015, the government declared femicide a crime. The law established comprehensive measures to prevent and prosecute gender-based violence (GBV), including recognizing a victim’s right to specialized legal assistance. USAID also supported the Judicial Gender Commission’s establishment. To implement Law 1257, USAID provided support to family commissioners, municipal-level GBV first responders, and CSOs providing legal representation and psychosocial support to victims. USAID also provided technical assistance and training to police officers and prosecutors to increase legal awareness and build skills to promote due process.

## **ACHIEVEMENT 2: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH CJHS**

To support ROL in Colombia, USAID also helped create CJHs to expand access to justice for vulnerable populations. Recognizing a need for increased justice services at the local level, USAID invested in increasing access to justice through the establishment of CJHs, particularly in rural communities. The CJHs are multi-agency, one-stop-shops co-located with community family centers where users could access prosecutors, public defenders, judges, and mediators in one location. The CJHs vary depending on the municipality but generally, community members can access justice services, including resolutions to civil disputes such as landlord-tenant issues, family law, labor issues, domestic violence, and human rights cases.

Colombia established the first CJH with USAID’s support in 1995 after the passage of a decree law. USAID supported the gradual scaling up of the CJHs throughout the country through a bottom-up approach based on an easily replicated, local, rural model of justice. USAID chose this approach because an analysis revealed that starting at the national level would prove too challenging to coordinate. In 2012, USAID helped to establish Local and Departmental Justice Committees to expand access to justice at the municipal and departmental level. The idea of providing justice services to community members was promoted and promulgated in rural and peri-urban areas to inform stakeholders of the merits of increased access to justice services. Following these activities, in 2017 USAID helped elevate the model working groups to the departmental and regional levels by facilitating meetings, connecting them with key contacts, and promoting the activity among key influencers in the justice system. USAID

provided experts to ensure working groups included a departmental committee, academia, civil society, and rural groups.

The continued existence of CJHs 20 years after they were first created is evidence of the approach's sustainability. The CJHs currently receive government funds. Initially, mayors were faced with the burden of securing adequate funding; however, USAID helped commission cost studies for local officials to submit to the Ministry of Interior and Justice to advocate for national-level funds to support these costs. Currently, a total of 114 CJHs are located in communities throughout Colombia, including in parts of Riohacha, Santa Marta, Cucuta, Bucaramanga, Bogota, and Medellin. Not only have the CJHs resulted in an increased number of users accessing the justice system, but USAID implementers also have documented an increased number of addressed GBV and human rights cases.

### FACTORS CONTRIBUTING TO ACHIEVEMENTS

USAID's support to Colombia increased substantially after the passage of the new criminal code in 2002 and was sustained throughout the review period, especially during the peace process. Several mutually reinforcing factors contributed to the achievements in USAID's ROL programming. First, USAID understood the evolution of the peace agreements and the impacts at the regional, departmental, and local levels, as well as in key sectors of Colombian society. USAID recognized that a nuanced understanding of the local system was critical to supporting the government's assertion of its legitimacy in the face of development challenges. USAID supported justice models in Colombia that were both top-down and bottom-up by creating justice institutions and CSOs that included indigenous groups, Afro-Colombian communities, and academia. USAID employed a holistic vision for promoting access to justice. The CJHs promoted by USAID fit into the government's broader public policy interests and complement other citizen security and conflict resolution activities. USAID also provided technical assistance and secured political will to implement reforms. Additionally, USAID coordinated with other donors, including the European Union, the United Nations Development Program (UNDP), and the United Nations Office on Drugs and Crime via the Ministry of Justice to ensure that the local institution was at the center of the coordination processes. For all achievements, geographical focus helped ensure sustainability.

## DOMINICAN REPUBLIC

### INTRODUCTION

USAID supported the ROL in the Dominican Republic through constitutional and legislative strengthening, criminal justice reform, court modernization, and judiciary strengthening through three reform waves. The first reform wave took place in 1994-2002, during which USAID focused on foundational system-strengthening interventions, such as establishing key justice sector institutions, promoting judicial independence, and supporting a culture of citizen engagement with the justice sector. The adoption of the 2002 Criminal Procedure Code and its full implementation in 2004 were significant events that entailed a true redesign of the criminal justice system by reconfiguring the functions, powers, and roles of the system's main institutions. This law required significant legislative adjustments during the second (2003-2009) and third (2010-2020) reform waves. USAID built upon these investments to consolidate criminal justice system reform from an inquisitorial to an accusatorial system, establish key justice system institutions, and expand access to justice to vulnerable populations in high-crime areas.

Human rights issues remained a central issue for the Dominican Republic during the reporting period, especially regarding citizenship for those with foreign parents and the prominence of GBV. The Dominican Republic shares a complex history with its neighbor Haiti. Thousands of people born to foreign parents who were registered as Dominicans at birth were later unrecognized as nationals. Through a 2013 ruling, tens of thousands of migrants were left without a nationality, unable to obtain Dominican identity documents, and made stateless and at risk of expulsion. Government authorities in turn failed for years to adopt the comprehensive anti-discrimination legislation demanded by CSOs, despite accepting the recommendations made by the United Nations Human Rights Council to do so. These human rights issues, coupled with a persistently high incidence of GBV against women, girls, and LGBTI persons, signaled an increased desire on the part of Dominican society for the justice sector to provide solutions-oriented services that more effectively address people's legal and justice needs.

After recognizing a need for expanded justice services, USAID shifted its ROL programming in the third reform wave from national level, top-down approaches and interventions to bottom-up, localized technical assistance. During this period, USAID promoted projects that featured expanding justice services to help citizens resolve conflicts, which resulted in decongested court systems and improved conflict resolution.

**Table 3: USAID ROL Activities, 2005-2020 (Dominican Republic)**

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
Justice and Governance Project	Tetra Tech DPK	2003-2008
Sustainability and Expansion of Community Houses of Justice	Participacion Ciudadana	2006-2015
Labor Justice Strengthening Program	Management Sciences for Development, Inc.	2007-2010
Justice Project (Proyecto de Justicia)	Development Alternatives, Inc.; Tetra Tech DPK	2008-2012
Criminal Justice System Strengthened Project	Chemonics	2015-2021

## MAJOR ACHIEVEMENTS

USAID's investments yielded four concrete and sustained achievements during the review period: 1) enhanced justice administration through judicial reform from an inquisitorial to an accusatorial system; 2) strengthened criminal justice chain through increased inter-institutional coordination; 3) expanded access to justice and legal empowerment through CJHs; and 4) improved legal education and preparation to practice through support to the National Schools of the Judiciary and Public Ministry.

### ACHIEVEMENT 1: ENHANCED JUSTICE ADMINISTRATION THROUGH JUDICIAL REFORM FROM AN INQUISITORIAL TO AN ACCUSATORIAL SYSTEM

The biggest achievement for USAID's ROL programming in the Dominican Republic was strengthening justice system institutions. As part of the Dominican Republic's transition from an inquisitorial to an accusatorial criminal justice system, USAID helped to establish and strengthen key justice system institutions that still exist today. Three institutions stand out as demonstrating concrete and sustainable achievements: the Public Defender's Service, the Supreme Court, and the National Police.

USAID built on its investments before the review period to consolidate the Public Defender's Office as an autonomous institution. USAID first provided technical assistance supporting the drafting of a public defense law. The law specified the new institution should remain independent and set forth provisions which led to the creation of a management model, as well as internal rules and regulations. USAID also provided training for public defenders that focused on strengthening practical skills through hands-on litigation exercises. USAID additionally supported the implementation of a 360-degree evaluation system with institutional management indicators for public defender staffers.

USAID supported the Supreme Court by advancing fundamental laws that govern the legal profession, strengthening the criminal chamber of the Supreme Court's internal management processes, and refining the criteria for selecting and promoting judges to guarantee access to and quality of justice. USAID also provided technical assistance for the criminal procedure code's implementation, such as by developing efficient management models for improved court management. This institutional development was complemented by technical staff training. Prosecutors and judges were also trained on handling criminal cases under the new accusatorial system. A study conducted indicated that prior to reforms, the average processing time for a criminal case was 400 days; the time dropped to 120 days after the reforms.

In partnership with the State Department's Bureau of International Narcotics and Law Enforcement Affairs, USAID supported the 2016 police reform law which established the National Police. USAID promoted the integration of the National Police into the justice chain by identifying where and how the police interacted with the Public Ministry and the judiciary and helped strengthen communications between the two. USAID went beyond these national-level interventions to strengthen police units at the municipality level in high-crime areas. Stakeholders saw progress in addressing GBV and expanding access to justice for vulnerable populations, but believe that consolidation must occur for these efforts to achieve long-term sustainability.

Current sustainability is evidenced by the Public Defender Service continuing to manage its own budget and grow. Surveys reveal that the system's users report positive feedback regarding service quality. Furthermore, the Supreme Court continues to have a good reputation and is referenced as a model for the LAC region. Lastly, the National Police is still functioning, and its representation has expanded; the

ratio of officers to inhabitants has increased over time, which has improved users' perception of citizen security in the Dominican Republic, according to experts.

## **ACHIEVEMENT 2: STRENGTHENED CRIMINAL JUSTICE CHAIN THROUGH INCREASED INTER-INSTITUTIONAL COORDINATION**

The breadth and complexity of these judicial reforms required inter-institutional coordination. In 2006, leaders of the Supreme Court, the Public Ministry, the Public Defender Service, and the National Police entered into a framework agreement that linked their organizations. USAID promoted this collaboration and coordination, which resulted in a case tracking system that facilitated information-sharing and scheduling. In addition, these institutions created a Bureau of Inter-Institutional Coordination for each judicial district.

In 2016, USAID investments provided support for consultations, reflection, and consensus-building with the participation of 1,900 stakeholders, including 1,079 judicial officials and employees, 343 other regional stakeholders, and 378 civil society leaders. The effort culminated in the 2016 National Judicial Summit (*Cumbre Judicial Nacional*). This investment also resulted in a series of inter-institutional agreements that achieved an expansion of the use of alternative dispute resolution (ADR) methods; training in new law areas, including GBV; and increased effectiveness of inter-institutional coordination mechanisms.

Further, in 2009, USAID supported the establishment of the Institutional Integrity System between the Supreme Court, the Public Ministry, and the Public Defender Service. USAID facilitated the design and implementation of this system through technical assistance focused on preventing and controlling corruption and promoting transparency and employee engagement within these institutions. USAID helped the institutions cultivate a culture of service, draft ethics codes, update disciplinary systems, reorganize human resources and financial management systems, and disseminate their respective institutional integrity plans within their organizations to orient personnel. USAID also introduced technological innovations to promote data-sharing. Institutional integrity has been accepted in the Dominican Republic, and while the practice is uneven among some institutions, it is encouraging that President Danilo Medina in 2017 directed all government agencies to maintain commissions of public ethics and to work with the Directorate of Public Ethics and Integrity.

## **ACHIEVEMENT 3: EXPANDING ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH CJHS**

The creation of CJHs to expand access to justice for vulnerable populations is a third major achievement. To date, the CJHs have addressed about 500,000 cases in nine municipalities around the country. In 2005, USAID supported the creation of these one-stop-shops for users to access justice services. The CJHs are safe places for resolving conflicts before they escalate into potentially serious scenarios. While each CJH is unique, depending on the needs of the local community, they feature a judge, prosecutor, and police officer so that users can address their case and obtain information about pathways to resolution, as well as psychosocial support and protection for survivors of GBV. Types of cases handled include debt resolution, tenant-landlord disputes, intra-family violence, and neighbor disputes. Since many cases included incidents of violence, the CJHs were established in high-crime areas to expand access to justice for vulnerable populations including women, children, and adolescents. The introduction of ADR at the CJHs resulted in increased conciliation cases and reduced caseloads for courts. In some cases, prosecutors were trained to conduct mediation to avoid having to refer citizens elsewhere.

The sustainability of the CJHs was achieved through management by a locally created organization called the *Centro Casas Comunitarias de Justicia*. The *Centro Casas Comunitarias de Justicia* provides the CJHs with training on management, fundraising, and reporting. Funding for CJHs is provided by the national government, local governments, and the private sector. While they struggle with sustainable funding sources, currently there are nine CJHs still in operation in key jurisdictions throughout the country that have seen an increase in the number of people accessing services. Repeat customers composed 40 to 75 percent of cases, and customers reported high satisfaction in user surveys.

#### **ACHIEVEMENT 4: IMPROVED LEGAL EDUCATION AND PREPARATION TO PRACTICE THROUGH SUPPORT TO THE NATIONAL SCHOOLS OF THE JUDICIARY AND PUBLIC MINISTRY**

A fourth concrete and sustained achievement for ROL is improving legal education and preparation to practice. During the judicial reforms preceding the review period, the Dominican Republic established the National School of the Judiciary. USAID provided capacity-building for public defenders, judges, and justices of the peace through the National School of the Judiciary and provided support to the National School of the Public Ministry, which is where prosecutors are trained.

USAID provided technical assistance to both schools for curriculum review and development, learning materials development, and training provision through local and international experts. Specifically, for the National School of the Public Ministry, USAID supported a career induction program, a diploma on GBV case management, and a diploma on human rights and vulnerable populations. For the National School of the Judiciary, USAID supported GBV training for judges and technical assistance on handling GBV and trafficking in persons cases.

These achievements are sustainable as they contributed to strengthening the capacity of educational institutions to deliver quality functional skills training repeatedly to multiple generations of justice system personnel. Several of USAID's capacity-building investments have been incorporated into both schools' academic programs, which has helped to elevate the reputation of these schools nationally and regionally.

#### **FACTORS CONTRIBUTING TO ACHIEVEMENTS**

Stakeholders highlighted USAID's investments made in the 1980s to strengthen democracy in the Dominican Republic as important contributors to these achievements. Fundamental building blocks, such as a culture of citizen participation, public awareness of the importance of voting, free and fair elections, and civil society's capacity to engage with institutions, laid the foundation for subsequent ROL programming.

Building on these investments, a key factor that helped USAID sustain momentum over time was securing and sustaining stakeholder buy-in. Stakeholders attributed achievements to effective co-creation processes with national authorities and local system actors. From high-level diplomatic engagement to program-level dialogue, USAID was a steady presence that sustained host-country administration changes. The institutional memory USAID provided helped the government adapt to changing realities on the ground. Stakeholders also noted that USAID promoted coordination between its projects to share information and support collaboration. In the Dominican Republic, there were numerous donors working in the justice and security space. The State Department and UNDP supported police reform and the citizen security strategy; the European Union supported gender equity programs; the Inter-

American Development Bank and the World Bank supported transparency programs and justice sector assessments; and the Spanish Agency for International Development Cooperation, *Agencia Española de Cooperación Internacional para el Desarrollo*, coordinated forensic sciences. USAID recognized the importance of coordination with these international donors to yield concrete program results for ROL in the Dominican Republic. Finally, stakeholders emphasized how USAID's combination of capacity-building and structural reforms conducted at the institutional and implementation levels led to results.

## GUATEMALA

### INTRODUCTION

USAID's commitment to supporting the consolidation of Guatemala's democracy following its 36-year civil war (1960-1996) remained steadfast during the review period. Guatemala is the most populous Central American nation, has a highly stratified society along race and class lines, and was one of the first countries where USAID implemented ROL programming. USAID built upon its critical foundational work conducted during the 1990s to support structural and institutional reforms for the judiciary and its transformation to an adversarial justice system.

Guatemala has one of the world's highest levels of crime and violence. This includes intentional homicide, which is often inflicted because of domestic disputes, interpersonal violence, violent conflicts over land resources, intergang violence over turf control, predatory violence, and killing by armed groups. In 2005, the intentional homicide rate in Guatemala was 41 per 100,000 people and peaked at 45 in 2010, before falling steadily to about 22 in 2021, which still above the LAC regional average.

In response to rampant crime and violence, USAID shifted its investments during the review period to increase access to justice services for the most vulnerable populations, including the poor, women, and children, which are segments of society that are disproportionately victims of crime and violence, forced labor, and human rights abuses. These populations also historically have had little to no access to justice services. USAID also assisted Guatemala's Office of the Attorney General in establishing the Specialized Prosecutor's Office Against Extortion Crimes in 2015.

USAID's ROL investments helped brace Guatemalan institutions for a series of significant developments and challenges to the ROL. Stakeholders recalled that in 2015, news of the emblematic La Linea corruption case broke. Once investigated and brought to light, this series of intertwined corruption scandals led to the fall of President Otto Perez Molina's government. The Vice President, four of the last five presidents, one-third of congress, and thousands of companies were implicated on charges including embezzlement, tax evasion, corruption, and bribery.

**Table 4: USAID ROL Activities, 2005-2020 (Guatemala)**

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
ROL Program	Checchi and Company Consulting, Inc.	2004-2009
Community-Based Policing/Guatemala ROL	Management Sciences for Development	2006-2009
Labor Justice Strengthening Program	Management Sciences for Development	2007-2010
Regional Youth Alliance (Alianza Joven)	Creative Associates International	2008-2012
Project Against Violence and Impunity	Tetra Tech DPK	2009-2012
Central America Regional Security Initiative	Chemonics	2010-2012
Violence Prevention Project	RTI International	2010-2014
Security and Justice Sector Reform Project	Checchi and Company Consulting, Inc.	2012-2020
InfoSegura	UNDP	2014-2020
Youth and Gender Justice Project	Chemonics	2015-2020



## MAJOR ACHIEVEMENTS

USAID's investments yielded three concrete and sustained achievements during the review period: 1) enhancing administration of justice through the creation of specialized 24-hour criminal courts; 2) combating crime, violence, and impunity by establishing INACIF; and 3) expanding access to justice and legal empowerment through the creation of a MAINA.

### ACHIEVEMENT 1: ENHANCED ADMINISTRATION OF JUSTICE THROUGH THE CREATION OF SPECIALIZED 24-HOUR CRIMINAL COURTS

The biggest achievement for the ROL in Guatemala was establishing effective justice institutions to promote justice service provision. By providing institutional strengthening and technical assistance, USAID supported the creation of 24-hour criminal courts to help the Government of Guatemala better serve communities, victims, and vulnerable populations. Also known as *juzgados de turno*, the 24-hour courts include offices for the Public Ministry, the Public Defender's Office, and the police in one space.

The co-location of all criminal justice institutions increased inter-institutional coordination and brought efficiencies to justice administration. Detainees were taken directly to the courts for processing after arrest. USAID's support resulted in reducing the average detention time prior to seeing a judge from 6.4 days to 24 hours in a two-year period. First established in Guatemala City in 2006, the courts were rolled out gradually until 2009, which completed the first phase of the 24-hour court implementation.

Additionally, the 24-hour courts reduced corruption, particularly within the police, as the courts served as the exclusive processing point for all arrests. For example, the number of detentions for possession of drug consumption, which formerly were prime opportunities for police to improperly plant evidence, was reduced from 28 percent of total detentions in 2005 to only nine percent in 2006. The courts also greatly increased the number of alternatives to trial while reducing the number of dismissals for lack of evidence, given that arresting officers know that probable cause will need to be shown at the initial hearing. In 2005, 77 percent of all cases that entered the justice system in Guatemala City were dismissed after the first preliminary hearing, generally because the judge lacked necessary information. However, within six months of the establishment of Guatemala City's 24-hour court, only 14.8 percent of cases were dismissed at that early stage. By 2020, the percentage of dismissed cases was 15.6 percent, which a testament of the impact of the 24-hour courts on the criminal justice system.

USAID's technical assistance improved the performance of the 24-hour courts, which in turn significantly transformed the criminal justice system. These specialized courts supported judge's compliance with the 24-hour constitutional detention limit. The procedures of the new courts required direct interaction between police, prosecutors, public defenders, and judges. Not only has the system resulted in the reduction of arbitrary arrests and the percentage of cases dismissed due to lack of evidence, but the overall quality of prosecuted cases has improved. The courts reduced backlogs, strengthened criminal investigations, helped reduce pre-trial detentions, and ensured due process.

The continued operation of these courts demonstrates their sustainability. Currently, eight 24-hour courts provide justice services in jurisdictions with high homicide rates throughout Guatemala. Over time, through regular engagement and a permanent presence that built local stakeholder trust, USAID persuaded the government to fully fund the 24-hour courts. The 24-hour courts are now completely independent of USAID or other donor funding. According to stakeholders, these courts will likely be

maintained because the government views them as a valued part of the justice system and depends on them for the overall effectiveness of the criminal justice system.

## **ACHIEVEMENT 2: COMBATING CRIME, VIOLENCE, AND IMPUNITY BY ESTABLISHING THE INACIF**

USAID also helped Guatemala establish the INACIF (*Instituto Nacional de Ciencias Forenses de Guatemala*). In 2006, the Guatemalan government prioritized the need for valid and reliable means of evidence analysis in judicial processes, including of fingerprints, bitemarks, blood and hair samples, and DNA. Recognizing that the preservation and analysis of evidence is key to effective investigations, and that the forensic sciences are a critical element of the criminal justice system, USAID invested in the establishment of the INACIF to strengthen the overall justice chain to combat crime, violence, and impunity and enhance the administration of justice in Guatemala.

USAID supported the national government in creating and sustaining the INACIF in collaboration with the State Department's Bureau of International Narcotics and Law Enforcement Affairs. USAID provided resources and support for investigators to learn scientific methods and techniques for criminal investigations. USAID also provided assistance for the accreditation of INACIF's Ballistics, Serology and Genetics, Toxicology and Physicochemical laboratories, by ensuring they complied with the requirements established by the International Organization for Standardization (ISO/IEC 17025-2005). USAID also promoted the access and use of criminal and forensic databases for generating scientific proof, which included the digitalization of laboratories' paper archives and support for the procurement of computer and audio forensics capabilities. Additionally, USAID supported the implementation of a video-conferencing system to allow forensic experts and laboratory staff to testify in criminal hearings virtually, without having to leave the lab, which is crucial for security reasons. This assistance strengthened the capacity of forensic science professionals to help investigators and prosecutors solve crimes by processing and analyzing various types biological, chemical, and digital evidence.

The INACIF remains a fully functional, autonomous institution in Guatemala and provides services at the request of judges and prosecutors. By maintaining high standards, producing high quality work for the justice system, and maintaining its International Organization for Standardization accreditation, the INACIF demonstrates the sustainability of USAID's original investment. Furthermore, the INACIF has grown over the years; in 2017, a training center for new and existing staff was established. By creating INACIF, USAID expanded prosecutorial effectiveness and accountability, which resulted in the increased institutional legitimacy of the justice system writ large.

## **ACHIEVEMENT 3: EXPANDING ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH THE CREATION OF MAINA**

A third concrete and sustainable achievement is USAID's support for the establishment of MAINA. In response to growing evidence of trafficking in persons, including forced labor and the sexual exploitation of children and youth along the border areas and throughout the country, USAID expanded access to justice services and strengthened rights protections through the design and implementation of MAINA. MAINA stems from an initial activity called *Modelo de Atencion Integral*, or Holistic Attention Model, and is unique because it is a one-stop-shop where child victims and their families can access support services from the justice system.

USAID employed a targeted, victim-centered approach focused on the users of the justice system and emphasizing victim support and combating GBV. Incremental steps to success include creating the MAINA intake center, promoting national dialogue initiatives, and developing a national vulnerable populations protection system. USAID implemented activities in multiple focal areas, including community-based policing, strengthening rights of trafficking in persons victims, crime and violence prevention, juvenile justice, and judicial strengthening. USAID promoted communication, collaboration, and coordination between these activities through regular stakeholder meetings and information-sharing. Stakeholders cited USAID's reluctance to find economies of scale by joining with other donors such as the United Nations Children's Fund, which might have served to leverage resources and yield additional development outcomes like improved quality of justice services to vulnerable youth, or increased inclusion of vulnerable populations in the justice system. MAINAs continue under the management of the Public Prosecutor's Office and is completely supported with government funds. They continue to expedite justice services to children, adolescents, and vulnerable populations.

### FACTORS CONTRIBUTING TO ACHIEVEMENTS

Several mutually reinforcing factors contributed to the aforementioned achievements in USAID's ROL programming in Guatemala. The main factor that led to these achievements was USAID's involvement in securing the political will of the Guatemalan government to implement reforms through regular engagement at diplomatic and programmatic levels. Beyond providing financial support, securing local institutional buy-in was also critical to sustainability; stakeholders observed that the continued support from the Office of the Attorney General throughout the review period was key to ensure achievements' sustainability. In addition, USAID fully aligned activities with the government's strategic plan, which prioritized institutional strengthening. USAID also worked collaboratively with key government leaders throughout reform processes.

USAID promoted synergies between and among its programs by encouraging implementing partners to seek out commonalities, conduct regular meetings, and collaborate regarding activities when possible. These linkages helped strengthen communication along the justice chain. For example, implementing partners supported the connections between MAINA, the police, and CSOs by strengthening referral mechanisms to MAINA and its services. Stakeholders expressed a consensus that without USAID's continued efforts to win hearts and minds, promote dialogue, and persuade key decision-makers to adopt reforms, the achievements would not have been as concrete or sustained.

Our research with stakeholders revealed that sound program design, including activities based on assessments, data-driven interventions, tailored activities that fit the local context, and gradual activity implementation that allows for adaptation and learning were all factors that facilitated the achievements. USAID also provided training to justice system actors on the proper use of new technology so it would be effectively used.

## MEXICO

### INTRODUCTION

USAID's ROL assistance in Mexico began later than other LAC countries due a complex bilateral history and sensitive regional agreements involving security and trade commitments. Prior to the review period, USAID supported nascent ROL programming through cross-border judicial exchanges, the introduction of ADR, and training for justice system actors in states like Chihuahua, Nuevo Leon, and Oaxaca where the beginnings of a nationwide justice reform effort had taken root. Due in part to the Merida Initiative and the agreement between Presidents Bush and Calderon to strengthen security, USAID deepened its ROL investments in 2008 when President Calderon approved a constitutional reform, which provided a mandate for a new criminal justice system that recognized due process and the presumption of innocence. As a result, Mexico's 32 states and the federal government were required to transition from an inquisitorial justice system to an accusatorial system by 2016, with an aim to improve justice services' breadth and quality for all citizens.

USAID supported this ambitious judicial reform process by providing significant and ongoing ROL assistance, primarily at the state level. During and since the review period, reforms in Mexico faced several challenges. Mexico is a large country that spans many cultures and legal frameworks with vastly different sets of resources. It is a federal republic, and its courts and justice institutions are organized accordingly into federal and state jurisdictions, both of which have been ill-equipped to tackle significant criminal justice obstacles. Mexico's skyrocketing homicide rate has set new records annually since the beginning of the judicial reform; in 2019, the rate was approximately 29 per 100,000 people with 35,588 homicides. Additional obstacles include transnational criminal organizations that challenge the state for control over large swathes of territory, persistent pockets of entrenched poverty, high rates of femicide, a highly centralized government and law enforcement resource allocation system, and the state's complex network of law enforcement bodies. Further, entrenched interests in various administrations promoted hardline *mano dura* (firm hand) responses that result in rampant human rights abuses committed with impunity.

Mexico's justice reform is more recent than many of its regional counterparts, and much progress remains necessary to consolidate it. Many of the justice system's deficiencies were on display in an emblematic 2008 case involving Rubí Frayre's murder in Chihuahua. The victim's mother embarked on a relentless mission to find the person responsible for her death. Rubí's mother encountered a lack of coordination between the municipal police and prosecution, a lack of direction of the investigations, and deficiencies in the presentation of the evidence before the courts, which were all factors that delayed justice for her slain daughter. These deficiencies and others, such as a high rate of violent crime, called into question for many Mexicans the effectiveness of the new accusatorial system over the previous inquisitorial system. While most Mexicans are in favor of the new system, this counter-reform is a continuous threat, should strong justice system investments not continue apace.

**Table 5: USAID ROL Activities, 2005-2020 (Mexico)**

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
ROL Program	Freedom House	2001-2006

ACTIVITY	IMPLEMENTER	PERIOD OF PERFORMANCE
PRODERECHO (Mexico ROL Strengthening)	Management Systems International; Development Alternatives, Inc.; National Center for State Courts	2004-2007
PRODERECHO (ROL Program II)	Management Sciences for Development	2007-2010
Justice and Security Program	Management Systems International	2009-2014; 2014-2018
Mexico Judicial Exchanges: Support for Law Schools, Bar Associations, and Judicial Exchanges in Mexico	American Bar Association – Rule of Law Initiative	2010-2015
Protecting Human Rights and Freedom of Expression in Mexico	Freedom House	2011-2016
Crime and Violence Prevention Program	Tetra Tech DPK	2012-2015
Promoting Justice Reform/Promoviendo la Justicia	Management Systems International	2014-2019
Crime and Violence Prevention Program II	Tetra Tech DPK	2015-2016
Juntos para la Prevención de la Violencia	Chemonics	2015-2020
Human Rights Public Policy Activity (HURPP/EnfoqueDH)	Chemonics	2015-2021
ProVoces Justice Project	Tetra Tech DPK	2017-2021

## MAJOR ACHIEVEMENTS

USAID’s investments in the ROL in Mexico yielded four concrete and sustained achievements during the review period: 1) enhanced administration of justice through systemic criminal justice reform; 2) strengthened rights protections through human rights laws and mechanisms; 3) improved legal education and preparation to practice by supporting law schools and professionalizing the practice of law; and 4) expanded access to justice and legal empowerment through support to Mexican civil society.

### ACHIEVEMENT 1: ENHANCED ADMINISTRATION OF JUSTICE THROUGH SYSTEMIC CRIMINAL JUSTICE REFORM

The most significant achievement for the ROL in Mexico was enhancing the administration of justice. USAID supported Mexico’s criminal justice reform, particularly at the state level, by providing technical assistance to government entities to draft a new criminal code and criminal procedure code. This exercise was first conducted at the state level and ultimately adopted as a unified code at the federal level in 2014.

Following the adoption of the new criminal codes, USAID provided technical assistance to assist in the consolidation of the new criminal justice system. This support included institutional capacity-building to courts, state-level attorney-general’s offices, and bar associations. USAID projects provided litigation

skills training for thousands of prosecutors, judges, and private practitioners to give them with the tools to operate effectively in the new criminal justice system. Stakeholders highlighted that a core cadre of justice system operators now know how to litigate, investigate, and prosecute criminal cases. Stakeholders stated that this achievement's sustainability will be seen if this cadre of trained justice operators passes their knowledge onto to others.

Since 2018, USAID has been testing new innovations to spur change management in state prosecutor's offices to improve prosecution rates and intra-institutional coordination in processing criminal cases. USAID's efforts have combined innovations with continued support for core, operational aspects of reform, given the high levels of backsliding and institutional inertia. For example, USAID introduced a strategy called 100-Day Challenges that attempted to disrupt the entrenched methods of resolving problems, such as heavy case backlogs, while also addressing the need for interagency coordination, which is a prerequisite for implementing their respective criminal policies. The sustainability of more recent innovations will have to be tested over a longer term, as stakeholders note that a risk of backsliding is possible when methodologies are not institutionalized.

## **ACHIEVEMENT 2: STRENGTHENED RIGHTS PROTECTIONS THROUGH HUMAN RIGHTS LAWS AND MECHANISMS**

USAID also strengthened rights protections through the development of human rights laws and mechanisms. USAID supported successful activities around the country, including Women's Justice Centers (WJCs) and the adoption of a specialized criminal prosecution policy for human rights cases. Additionally, efforts to reduce pre-trial detention began and remain ongoing, as over 40 percent of the prison population in Mexico is in pre-trial detention.

USAID supported the government's creation of a national model for quality management of pre-trial services called the Pretrial Service Units, or *Unidades de Medidas Cautelares* (UMECAS). The model intended to strengthen the quality and substance of bail hearings, increase the use of alternatives to pretrial detention, and promote greater understanding by the public and media of the presumption of innocence. Manuals to guide standardized pre-trial service implementation in all 32 jurisdictions in Mexico were produced, and implementation of the UMECAS has been slow but sustained.

Through technical assistance, USAID contributed to the prevention and punishment of violence and criminality by providing individuals with effective access to justice through WJCs. USAID supported the first WJC in 2011. By March 2017, 34 WJCs were operating in 29 states. WJCs are based on the U.S. Family Justice Center model, which recognized the need for a specialized service center for victims of violence. USAID conducted an in-depth study of all WJCs. By applying similar guidelines to each case, they were able to identify a specific action plan for comprehensive WJC development. The guidelines have been adopted by federal authorities as an evaluation and certification model that guides funding decisions. This achievement is significant; the WJCs serve a critical need due to the extremely high levels of femicide and GBV in Mexico. Even though Mexico ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981, it has one of the highest levels of femicide in the world, which has grown 145 percent since 2015. Women have little trust in the system and often do not report femicide or GBV because Mexico's formal and alternative justice institutions are largely staffed by men. This is changing, albeit from the bottom to the top. Notably, the WJCs are currently funded by the government.

A major innovation of the reform effort is the introduction of victims as active participants in criminal proceedings through State Commissions on Victims' Assistance. These commissions continue to be underfunded, understaffed, and politicized. However, USAID has supported the creation of an Operations Management Model for the Legal Advice Unit of the Federal Commission for Victims' Assistance, which provides legal guidance to victims of violence.

USAID also supported the development of a specialized criminal prosecution policy for human rights cases, which provides actionable mechanisms for immediate victim protection. This policy is key in increasing access to justice for victims of abuse and provides guidance for Mexican justice operators on how to handle victims' rights cases. USAID also provided technical assistance for the creation of a manual for journalists covering judicial issues that focused on rights guarantees and protection mechanisms available to victims of violence.

### **ACHIEVEMENT 3: IMPROVED LEGAL EDUCATION AND PREPARATION TO PRACTICE BY SUPPORTING LAW SCHOOLS AND PROFESSIONALIZING THE PRACTICE OF LAW**

A third concrete and sustainable achievement was USAID's support for advancing legal education and improving the legal profession. USAID provided support to academia, civil society, and think tanks to strengthen legal education in Mexico. Since there is no national accrediting body for law schools in Mexico, there was a proliferation of law schools that were not beholden to any nationally recognized standards. While it was not possible to address this challenge, USAID provided support to targeted law schools based on a series of criteria including the location (whether the university was in the USAID target states for program intervention), willingness to participate in USAID programs, and reputation. USAID also supported the teaching of the accusatorial system by providing technical assistance for curricular reform, support for national mock trial competitions for thousands of law students to practice and perfect their trial litigation skills, and support for post-graduation employment, including by organizing job fairs and networking events.

In addition, USAID supported the expansion of legal aid clinics housed at law schools (*centros juridicos gratuitos*) to provide legal assistance to people who are unable to afford legal representation and access to the court system. Prior to USAID's support, only a few law schools housed legal clinics, but this has now expanded to 11 clinics throughout the country. The nature of cases includes neighbor disputes, tenant-landlord disputes, labor disputes, and intra-family violence. Since legal clinics employ law students, USAID's investment has also increased the number of law students that can practice their skills as lawyers. Activities included conducting client intake interviews, assessing the facts of the case, utilizing communication skills to relay case details, and conducting analytical and logical reasoning. While some of these clinics struggle to operate, increasing numbers of law faculties have been willing to allocate their own resources to support their operation, which indicates a burgeoning legal aid culture.

Mexico's criminal justice reform requires a significant mindset change towards accountability, transparency, and adherence to universally accepted standards for the legal profession. In pursuit of that goal, USAID revived a discussion on the regulation and accountability of the legal profession and supported the drafting of legislation that was ultimately presented to the Mexican Senate in 2014, though it was subsequently tabled. Although there are still no designated national-level entities overseeing the legal profession or law school accreditation in Mexico, the achievements discussed above have advanced the uptake of an accusatorial system in Mexico.

## ACHIEVEMENT 4: EXPANDED ACCESS TO JUSTICE AND LEGAL EMPOWERMENT THROUGH SUPPORT TO MEXICAN CIVIL SOCIETY

A fourth achievement for the ROL in Mexico was the legal empowerment of Mexican civil society. USAID prioritized local systems approaches and local groups through grants mechanisms as part of larger projects to support a more active role for civil society in the promotion of evidence-based research and public debate about criminal justice issues. USAID funded *Mexico Evalua's* Hallazgos report, which rates and ranks state performance and has become a go-to source, currently in its eighth edition. Some USAID partner organizations participate in collectives that have successfully countered backsliding in the reform process. USAID has also provided funding for innovative communication strategies, including public radio (*Mujeres en Frecuencia*) and documentary films (*Documental Ambulante*). Finally, the private sector and local CSOs have been instrumental in the development of the state criminal prosecution policies described above. These entities have provided expertise, services, and funding in support of interagency coordination efforts.

### FACTORS CONTRIBUTING TO ACHIEVEMENTS

Several mutually reinforcing factors contributed to these achievements in the ROL sector in Mexico. The primary factor was USAID's involvement in securing the political will of Mexican justice sector institutions, the executive, and other key stakeholders. USAID factored a keen understanding of the local context into its programming. In addition, USAID remained the Mexican government's partner from the beginning of reforms. This was especially important since USAID had developed a strong relationship with the Technical Secretariat for the Implementation of Penal Reform, a national-level entity charged with overseeing the reform process, prioritization, and resource allocation. USAID was also able to establish a solid working relationship with the National Security Commission, which took over the mandate of the criminal justice reform when the Technical Secretariat was dissolved in 2016. USAID has since shifted to direct support to state-level institutions, which has allowed it to adopt differentiated approaches to adapt its technical assistance to the local context and abilities.

USAID's tailoring at the state level is reflective of an additional factor in these achievements: its emphasis on hands-on technical assistance. While reform implementation required big shifts in mindsets and institutional design, day-to-day operations remained largely unchanged. USAID understood quickly that training was of limited use on its own. Coaching, mentoring, and embedding program staff within state institutions helped to make the reforms operational. These efforts, in combination with an emphasis on data-driven decision-making, political economy analyses, and interagency coordination, continue to guide USAID's efforts. Another contributing factor to these achievements was USAID's ability to conduct stakeholder mapping, to identify key champions of reform among government institutions, and to align itself with the federal and state authorities that favored reform and distance itself from entities that were not aligned with the reform. Flexibility in program implementation was also critical. For example, when implementing partners realized that the initially identified indicators to measure civic justice were not applicable, USAID responded by exploring more robust indicators to measure success. Likewise, USAID combined the justice and citizen security teams to effectively integrate the justice and citizen security portfolios to promote synergies and information-sharing, and to improve designs across programs.



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