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USAID/GUATEMALA FINAL PERFORMANCE EVALUATION FOR THE PROJECT AGAINST VIOLENCE AND IMPUNITY (PAVI)

FINAL REPORT



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ACRONYMS

ASIES	Research and Social Studies Association (<i>Asociación de Investigación y Estudios Sociales</i>)
CAGP	Administrative Center for Criminal Cases (<i>Centro Administrativo de Gestión Penal</i>)
CARSI	Central America Regional Security Initiative
CAIMUS	Integral Support Centers for Women Survivors of Violence (<i>Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia</i>)
CENADOJ	National Judicial Information Center (<i>Centro Nacional de Análisis y Documentación Judicial</i>)
CICIG	International Commission Against Impunity in Guatemala (<i>Comisión Internacional contra la Impunidad en Guatemala</i>)
CONAP	National Counsel for Protected Areas (<i>Consejo Nacional de Areas Protegidas</i>)
COPREDEH	Presidential Human Rights Policy Coordinating Commission (<i>Comisión Presidencial Coordinadora de la Política del Ejecutivo en materia de Derechos Humanos</i>)
CPC	Criminal Procedures Code
CSOs	Civil Society Organizations
CTO	USAID Contract Technical Officer
DIGICRI	General Directorate for Criminal Investigations (<i>Dirección General de Investigaciones Criminales</i>)
GAM	Mutual Support Group of Guatemala (<i>Grupo de Apoyo Mutuo de Guatemala</i>)
GDP	Gross Domestic Product
IADB	Inter-American Development Bank
ICHR	Inter-American Commission of Human Rights
IDHCA	United Nations Report on Human Development for Central America
ICCPG	Guatemalan Institute of Comparative Studies in Criminal Sciences (<i>Instituto de Estudios Comparados en Ciencias Penales de Guatemala</i>)
IDPP	Criminal Public Defense Institute, (<i>Instituto de Defensa Pública Penal</i>)
IEPADES	Sustainable Development Teaching Institute (<i>Instituto de Enseñanza para el Desarrollo Sostenible</i>)
INACIF	National Forensic Sciences Institute (<i>Instituto Nacional de Ciencias Forenses</i>)
IQC	Indefinite Quantity Contract
JSCA	Judicial Studies Center of the Americas
LAPOP	Latin American Public Opinion Project, Vanderbilt University.
M&E	Monitoring and Evaluation
MINUGUA	United Nations Verification Mission in Guatemala (<i>Misión de Verificación de Naciones Unidas en Guatemala</i>)
MP	Public Ministry (Attorney General Office) (<i>Fiscalía General de la República</i>)
NAS	Narcotics Assistance Section at the US Embassy
NGO	Non-government organization
ODHAG	Human Rights Office of the Archdiocese of Guatemala (<i>Oficina de Derechos Humanos del Arzobispado de Guatemala</i>)
PAVI	Project Against Violence and Impunity
PDH	Ombudsperson Office for the Defense of Human Rights (<i>Procuraduría de Derechos Humanos</i>)
PGN	Solicitor General (<i>Procuraduría General de la Nación</i>)
PNC	National Civil Police, (<i>Policía Nacional Civil</i>)
PM	Public Ministry (Attorney General Office) (<i>Fiscalía General de la República</i>)

RBM	Mayan Biosphere Reserve (<i>Reserva de la Biosfera Maya</i>)
RCC	Rivera Cira Consulting, Inc.
ROL	Rule of Law
SENABED	National Seized Assets Administration Secretariat (<i>Secretaría Nacional de Administración de Bienes de Extinción de Dominio</i>)
SICOMP	Public Ministry Information System
SIDA	Swedish International Development Agency
UNAH	National Autonomous University of Honduras (<i>Universidad Nacional Autónoma de Honduras</i>)
UN	United Nations
UNDP	United Nations Development Program
UNIVALLE	University of the Valley (<i>Universidad del Valle</i>)
UNODC	United Nations Office on Drugs and Crime
US	United States of America
USAID	United States Agency for International Development

EXECUTIVE SUMMARY IN ENGLISH

In October 2012, Rivera Cira Consulting, Inc. (RCC) was contracted to carry out a performance evaluation of the USAID/Guatemala Project Against Violence and Impunity (PAVI) and to provide recommendations for future USAID programming in justice and security. PAVI was implemented by Tetra Tech DPK from September 2009 to June 2012. For this evaluation, the RCC team reached 115 persons in interviews and focus groups.

1. BACKGROUND ON DEVELOPMENT PROBLEM AND USAID RESPONSE

After diminishing in the years after the Peace Accords in 1996, crime and violence have recently returned to become the most important destabilizing factor in social, political, and economic life in Guatemala. This time violence engulfs both rural and urban areas, and is driven not only by persistent inequality and lack of opportunity, but by newer sources, such as narcotraffic, arms trafficking and criminal gangs. Crime and violence is now a central systemic problem in Guatemala, with multiple manifestations affecting several Departments and different demographic groups and income levels. While 2010 and 2011 both saw declines that lowered the murder rate from 46 to 38.6 per 100,000, this change may be attributable only to the population increase, but not necessarily to any deep decline in the number of homicides.

Development Objective One of the USAID Strategy for Guatemala 2011-2015 is aimed to help create greater Security and Justice for citizens. The PAVI project started before the USAID/ Guatemala Strategy was concluded, but was focused on some areas later reflected in the Mission strategy, mainly: a) the strengthening of prosecution and trial of homicides and other serious crimes, b) improvement of management and coordination systems among justice sector institutions, including support for the design and implementation of merit-based personnel hiring and promotion systems, and, c) the targeting of Petén as a region in need of special attention where an integrated approach was required.

2. PRINCIPAL FINDINGS AND CONCLUSIONS ON PAVI

PAVI was a bridge project, designed to address justice sector issues between the end of the 2004-2009 USAID/Guatemala Rule of Law Project and the start of the current USAID/Guatemala Justice and Security Project. PAVI was funded at \$7,133,526. Based on its research and fieldwork, RCC has concluded that PAVI's most important contributions to the Rule of Law in Guatemala were:

- ***Increasing and improving the prosecution of crimes against life.*** During the life of the project the number of cases prosecuted by the Public Ministry (MP) with guilty verdicts for crimes against life increased from 38% in 2010 to 51% in 2012, for an average increase in efficiency of 13%. There was also a 4.7% increase in such cases brought to trial by MP prosecutors. PAVI's main achievement was to establish an integrated working methodology between the Public Ministry's Analysis Unit and the Crimes against Life Prosecutors Unit, reflected in establishment of "Criminal Prosecution Working Groups" with members from both offices. The strengthening of the Crimes against Life Unit was also due to factors beyond PAVI, such as: a) implementation of a new wiretap authorization law, supported by NAS, that has allowed discovery of organized crime groups and detection of justice system corruption; b) use of new authority in the Organized Crime Law of cooperating co-defendants' testimony ("*colaboradores eficaces*"); and, c) the group of police investigators of crimes against life, formed by the Spanish Agency for International Cooperation, that has been an invaluable help to the Crimes against Life Unit; and, d) MP establishment of two anti-gang groups, one for Mara 13 and one for Mara 18, that achieved prosecutions and imprisonment of the main leaders of both groups.

- ***Improving the installations and the security of the High Impact Courts.*** This activity was financed with NAS funds. The High Impact Courts received strong approval from all persons interviewed, who deemed them a major improvement in the criminal system's ability to fight impunity. According to CENADOJ, since their 2009 opening, they have issued final verdicts in 83 cases, with a minimum of three defendants per case and several cases with many more. However, numbers of cases resolved is not the best indicator of their impact, but rather numbers of defendants sentenced and the complexity and difficulty of the cases. PAVI also contributed to design security and protection protocols for the High Impact Courts to assure a secure and fair trial. These protocols, according to the interviewed judges, have been only partially implemented, and security for the judges and the parties involved remains limited outside of the fortified Court Building.
- ***Making the 24-hour Courts less expensive to manage.*** The new less costly model based on PAVI's assessment and recommendations was accepted and implemented by the Supreme Court in new governing regulations. A notable result of these courts has been a substantial drop in the use of provisional detention, said by the EU representative to be a 65% reduction, because when the ordinary courts are closed, the 24-hour judges decide immediately if an accused must be imprisoned or may leave the court. These courts also have facilitated issuance of arrest and search warrants at times out of the courts' regular hours. Nevertheless, though these courts operate continuously from 3:30 p.m. to 8:00 a.m., they have only a limited mandate to resolve cases and their clearance rate is very low (22.6%), since they do not operate as fully functioning ordinary courts.
- ***The design of an annual evaluation system for 500 justices of the peace and 350 trial judges and the reorganization of the Judicial School.*** The annual evaluation system is ready for implementation and the judicial authorities seem to have the political will to implement. The Supreme Court has started an awareness campaign to socialize it among judges to avoid negative reactions to an annual evaluation, and the Judicial School has nearly completed the reorganization project. According to the Judicial School authorities, 90% of the PAVI studies and recommendations have been implemented.
- ***Organization of a Civil Society Organizations group to provide services to increase protection to victims of crime and violence, particularly women.*** PAVI raised awareness of violence against women, and improved women's access to justice, prompting them to go to courts and providing legal aid for their claims, mainly in support of domestic violence claims and child support. Nonetheless, there were no specific measures or indicators available to determine to what extent PAVI - supported services for attention to victims contributed to reduce or prevent violence, nor to determine the target population they actually reached.
- ***Better prosecution of crimes against the environment in Petén.*** PAVI provided critical support to stakeholders in Petén by offering training and improving awareness among justice sector operators on environmental crimes. One of PAVI's most important activities in Petén was providing support to the *Foro de Justicia Ambiental* (FORO), the key civil society coalition in the region defending the protection of the Mayan Biosphere Reserve. PAVI critically enhanced the FORO's capacity to become a credible and legitimate interlocutor with the Justice Sector. According to FORO, these contributions led to improving the processing of environmental cases, resulting in 112 brought to Court, with 80% resulting in guilty verdicts during the term of PAVI.

After the completion of the project, all of the PAVI work areas still needed continuous support to preserve and consolidate the gains that had been made.

During the PAVI project, donor coordination of institutional strengthening efforts to the MP and the Judiciary in criminal reform improved notably. On the donor side, this was due in significant part to the efforts of the PAVI Chief of Party, according to all donor officials interviewed. On the GOG side, the improvement was due mainly to the President of the Criminal Chamber of the Supreme Court and the new Attorney General. Both had strategic vision, leadership and definite plans and policies to implement. The main donor coordination issue as of this evaluation concerns police reform efforts. As of November 2012, the Minister of Government had not decided who would coordinate donor inputs. There was a strong sense among most persons interviewed that it is very important that donors impose stronger conditions to donor contribution and condition further assistance to measurable results.

3. RECOMMENDATIONS FOR FUTURE PROGRAMMING

Recommendations for future USAID support based on RCC fieldwork are set out below by area and by priority order.

3.1. Improve justice system capacity to prosecute and try serious crimes

- Strengthen criminal case management, including improvement of statistical reporting and use of statistics for planning. Standard international judicial efficiency indicators should be used to measure progress. Special attention should be given to the establishment and consolidation of effective oral hearing systems.
- Strengthening the High Impact Courts (improving security measures for judicial staff and witnesses; select and train a new set of high risk court judges and design an incentive system)
- Support the Public Ministry with USAID long-term technical advisors working with prosecutors. Also, the Working Groups model and the systematization of best practices identified by PAVI in the Crimes Against Life Prosecutors Unit should be replicated in all prosecutor offices.
- Support for the establishment of the *Dirección General de Investigaciones Criminales* (DIGICRI).
- Support the implementation of the law that allows justice of the peace courts to judge crimes with less than 5 years imprisonment in coordination with the Justice Centers.
- Support integration efforts between Police investigators and prosecutors. Joint training of police and prosecutors in investigation techniques and management should be conducted.
- Strengthen the newly established Femicide Court in the MP and replicate the unit in other regions.
- Strengthen working links between MP and INACIF. Interactive workshops between MP and INACIF officials on how to deal with crime scenes must continue. They promote better understanding between prosecutors and forensic staff and can help to measure and define expectations
- Institutionalization of the MP training modules produced during 2004-2009 USAID ROL project. They need to be updated and incorporated into regular UNICAP training schedule. Training needs to reach prosecutors nationwide, and long distance and on-line training needs to be promoted.
- Study the Attention of Rape Victims Centers financed by USAID/El Salvador that were opened at the Forensic Medicine Institute sites in San Salvador and in Santa Tecla due to the high number of sexual assault attended by INACIF. The initiative is worth consideration for replication in Guatemala.
- Strengthen the IDPP Technical Support Department to enable it to carry out scientific analysis for defended persons. (INACIF does not provide forensic services to IDPP). In this area the psychological exams in cases of domestic violence are very important.

3.2. Mobilize justice sector and civil society to reduce and prevent violence

- Improve protection of and attention to victims in Justice Sector Institutions. Promote the Metropolitan Derivation Network Model established by IDPP/ALG in collaboration with MP to deal with victims as the best tool to link and coordinate efforts of all justice system actors, health providers, social services and civil society. The model should be expanded to other departments. Moreover, strengthen CSOs with a long-term initiative to allow them to perform within the networks.
- Support the establishment of oral hearing-based Family, Children and Adolescents in Conflict with the Law Courts.
- Support development of pilot police community projects with an integrated approach to citizens security (study Bogota, Rio de Janeiro, Sao Paulo and El Salvador experiences)
- Support initiatives aimed to reduce firearms availability and use (study El Salvador UNDP project)
- Promote a change of culture in schools and family (Leadership training in conciliation and mediation for youth coupled with creation of formal conflict resolution by middle and secondary school students – see Puerto Rico and Argentina experiences and media campaigns. Work with church organizations).

3.3. Increase internal accountability and oversight within the Justice Sector

- Strengthen empirical, practical and applied research on criminal justice and violence issues. Award resources for regular periodic reports by civil society organizations on justice and security indicators with baseline data to measure progress, and for observatories on situations of violence and justice sector performance
- Continue promotion of the new annual judge evaluation system produced with PAVI assistance and support to the Judicial School to implement the new organization.
- Finish the IDPP evaluation and quality control system for contracted public defenders (*abogados de oficio*).
- Promote the passage of the Public Ministry Law to give stability to this institution and continue the MP performance evaluation system.
- Support IDPP to review its disciplinary procedures to make them more transparent.
- Support efforts to aims to qualify for International Quality Assurance Norms (ISO norms) in IDPP and Judicial School transparent operation.

3.4. Strengthen justice capacity to combat illegal activities in Petén

- Provide technical assistance in-situ to the local MP Office with resident long term TA. Improvement of investigation capacity is urgently needed. Investigations are done badly, evidence is missing and investigations are usually very superficial.
- Assist the courts in conditioning an additional new courtroom for oral hearings.
- Support the revival of the Justice Center in the region to coordinate efforts among justice officials.
- Develop a Petén Citizen Security pilot project with an integrated approach such as those carried out in Bogota, in Brazil or El Salvador with citizen involvement. An urgent dialogue between civil society and the GOG in the department must be encouraged and supported to build trust.
- Support studies to understand the causes of violence against women and children in the region to define strategies on how to attack the problem.
- Support the establishment of a local emergency telephone number and inform citizens about it. Currently, emergency number 122 is answered in Guatemala City and is of little help.
- Provide technical support and finance public awareness campaigns on citizens' rights and access to justice. Most citizens have no awareness of their rights or where to go for help.

En octubre 2012, la firma Rivera Cira Consulting, Inc. (RCC) fue contratada para realizar una evaluación del desempeño del Proyecto USAID/Guatemala contra la Violencia y la Impunidad (PAVI) y proporcionar recomendaciones para futuros proyectos de USAID en la justicia y la seguridad. PAVI fue implementado por Tetra Tech DPK entre septiembre de 2009 junio de 2012. El equipo de evaluación entrevistó y realizó grupos focales que abarcaron a 115 personas.

1. CONTEXTO DEL PROBLEMA Y LA RESPUESTA DE USAID

Luego de disminuir después de los Acuerdos de Paz in 1996, el crimen y la violencia han vuelto a convertirse en el factor desestabilizador más importante de la vida social, política y económica en Guatemala. Hoy, la violencia se extiende a zonas tanto rurales como urbanas y está impulsada, no sólo por la desigualdad persistente y la falta de oportunidades, sino por nuevas causas tales como el narcotráfico, el tráfico de armas y las pandillas criminales. La delincuencia y la violencia forman un problema sistémico en Guatemala con múltiples manifestaciones que afectan a varios departamentos y a diferentes grupos demográficos y de diversos niveles de ingreso. Si bien en 2010 y 2011 se redujo la tasa de homicidios de 46 a 38,6 por cada 100.000 habitantes, este cambio puede atribuirse sólo a un aumento de la población, pero no necesariamente a una disminución sustancial en el número de homicidios.

Uno de los objetivos de desarrollo de la Estrategia de USAID para Guatemala 2011-2015 tiene como meta ayudar a crear una mayor seguridad y justicia para los guatemaltecos. El proyecto PAVI fue iniciado antes de finalizar la Estrategia de USAID, pero se centró en áreas que después se reflejaron en la estrategia de la Misión de USAID, principalmente: a) el fortalecimiento de la acción penal y el juicio de los homicidios y otros delitos graves, b) la mejora de los sistemas de gestión y coordinación entre las instituciones del sector de justicia, incluido el apoyo para el diseño e implementación de nombramientos basado en el mérito personal y los sistemas de promoción, y, c) la focalización de Petén como una región necesitada de una atención especial en el que se requiere un enfoque integrado.

2. PRINCIPALES HALLAZGOS Y CONCLUSIONES SOBRE PAVI

PAVI fue un proyecto puente, diseñado para abordar los problemas del sector justicia en el intervalo entre el final del 2004-2009 Proyecto de Estado de Derecho y el inicio del presente Proyecto de Justicia y Seguridad. PAVI tuvo un financiamiento de \$ 7.133.526. Basado en el trabajo de campo, RCC encontró que las contribuciones más importantes de PAVI al Estado de Derecho en Guatemala fueron:

- **Aumentar y mejorar la persecución de los delitos contra la vida.** Durante la vida del proyecto, el número de casos procesados con sentencias condenatorias por delitos contra la vida aumentó de 38% en 2010 al 51% en 2012, para un aumento promedio de eficiencia del 13%. También hubo un aumento del 4,7% en esos casos elevados a juicio por la fiscalía. El principal logro de PAVI fue establecer una metodología de trabajo integrado entre la Unidad de Análisis del Ministerio Público y la Fiscalía de Delitos contra la Vida, que se reflejó en el establecimiento de "Grupos de Trabajo" de persecución criminal con miembros de ambas oficinas. El fortalecimiento de la Fiscalía de Delitos contra la Vida se debió también a otros factores externos, tales como: a) la aplicación de una ley que autorizó escuchas telefónicas, apoyada por NAS; b) el uso del testimonio de colaboradores eficaces autorizado por la nueva Ley contra la Delincuencia Organizada; c) el grupo de policías investigadores formados por la Agencia Española de Cooperación Internacional; y, d) el establecimiento en el MP

de dos grupos anti-pandillas, uno para la Mara 13 y otro para la Mara 18, que han logrado el procesamiento y encarcelamiento de los principales líderes de ambas organizaciones.

- ***La mejora de las instalaciones y la seguridad de los Tribunales de Alto Riesgo.*** Esta actividad fue financiada con fondos de NAS. Los Tribunales de Alto Riesgo recibieron un fuerte respaldo de todas las personas entrevistadas, quienes los consideraron una mejora importante en sistema penal para combatir la impunidad. Según CENADOJ, desde 2009, estos tribunales han emitido sentencias definitivas en 83 casos, con un mínimo de tres acusados por caso¹. Además PAVI contribuyó con los nuevos protocolos de seguridad y protección de los tribunales de alto impacto. Sin embargo estos protocolos, según los jueces entrevistados, sólo se han aplicado parcialmente y seguridad para los jueces y las partes involucradas es muy limitada fuera de la Torre de Tribunales en la Ciudad de Guatemala.
- ***Reducir el costo administrativo de los juzgados de turno.*** El nuevo modelo, resultante de la evaluación realizada por PAVI, es más económico. Las recomendaciones PAVI fueron aceptadas e implementadas por la Corte Suprema. Su principal logro ha sido una reducción del 65% de la detención provisional, según el representante de la Unión Europea, ya que cuando los tribunales ordinarios están cerrados, los jueces de turno deciden inmediatamente si el acusado debe ser encarcelado o puede ser liberado. Igualmente, estos juzgados han facilitado la emisión de órdenes de captura u órdenes de allanamiento fuera del horario regular de trabajo. Estos juzgados funcionan continuamente de 15:30-08:00 am pero sólo tienen una jurisdicción limitada para resolver los casos, por lo que su tasa de resolución es muy baja (22,6%).
- ***El diseño de un sistema de evaluación anual para 500 jueces de paz y para 350 jueces de primera instancia y la reorganización de la Escuela Judicial.*** El sistema de evaluación anual apoyado por PAVI está listo para su implementación y las autoridades judiciales parecen tener la voluntad política para ponerlo a funcionar. La Corte Suprema ha comenzado una campaña interna de sensibilización para convencer a los jueces de las virtudes del nuevo sistema y evitar reacciones negativas al mismo. La Escuela Judicial también ha implementado su reorganización. Según las autoridades de la Escuela Judicial el 90% de las recomendaciones resultantes de PAVI ya han sido implementadas.
- ***Organización de un grupo de organizaciones de la sociedad civil para prestar servicios para mejorar la protección y atención de víctimas de la violencia, en particular mujeres.*** PAVI mejoró el acceso de las mujeres a la justicia (principalmente en la prestación de ayuda legal para casos de violencia intrafamiliar y mantención de los hijos). Sin embargo, RCC no pudo encontrar información específica para establecer en qué medida el apoyo de PAVI a la atención de las víctimas contribuyó a reducir o prevenir la violencia, ni para determinar la población objetivo a la que llegó ese esfuerzo.
- ***Un mejor procesamiento de los delitos contra el medio ambiente en Petén.*** PAVI prestó un apoyo fundamental en Petén en la formación y sensibilización de los operadores del sector justicia en delitos ambientales. Una de las actividades más importantes de PAVI en Petén fue fortalecer el Foro de Justicia Ambiental, una coalición clave de organizaciones de la sociedad civil para la defensa de la Reserva de la Biosfera Maya. PAVI ayudó a mejorar la capacidad del FORO para convertirse en un interlocutor creíble y legítimo frente al Sistema de Administración de Justicia. Estas contribuciones

¹ Respeto de estos tribunales, el número de casos resueltos no pareciera ser el mejor indicador de su impacto, sino el número de acusados condenados y la complejidad y dificultad de los casos.

ayudaron a mejor procesamiento de casos ambientales. De acuerdo al Foro, durante la vigencia de PAVI, se procesaron 112 casos y se obtuvieron condenas en 80% de ellos.

Después de la finalización del proyecto todos los ámbitos en que trabajó PAVI aún necesitaban apoyo continuo para preservar y consolidar los avances que se lograron.

Durante el proyecto PAVI, la coordinación de los esfuerzos de los donantes para el Fortalecimiento Institucional para el MP y el Poder Judicial mejoró notablemente. Por el lado de los donantes, conforme a funcionarios entrevistados de los donantes internacionales, esto se debió en gran parte a los esfuerzos de la Directora de Proyecto de PAVI. Por el lado oficial guatemalteco, la mejora se debió principalmente al Presidente de la Cámara Penal de la Corte Suprema y a la Fiscal General. Ambas autoridades tienen un liderazgo definido, planes estratégicos y claridad en las políticas a implementar. El principal problema de coordinación entre donantes fue la reforma de la policía, pues aún hasta finales de noviembre 2012, el Ministro de Gobernación no había decidido quién va a coordinar las aportaciones de los donantes.

Hubo un consenso fuerte entre los entrevistados en la alta importancia de que los donantes impongan condiciones más fuertes a sus contribuciones para apoyo de reformas de la Justicia y deben condicionar la ayuda a los resultados obtenidos.

3. RECOMENDACIONES PARA LA FUTURA PROGRAMACIÓN

Recomendaciones para USAID para futuros proyectos resultantes de entrevistas grupos focales y cuestionarios se detallan a continuación por área de programación y en cada una de ellas, por orden de prioridad.

3.1. Mejorar la capacidad del sistema judicial para perseguir y juzgar los delitos graves

- Fortalecer la gestión de los casos penales, incluyendo la mejora de la información estadística y el fomento del uso de las estadísticas para la planificación presupuestaria. Indicadores y estándares de desempeño judiciales internacionales deben ser usados para medir la eficiencia. Igualmente, se debe prestar especial atención al establecimiento de un sistema de manejo de las audiencias orales que evite postergaciones.
- Fortalecer los Juzgados de Alto Impacto (mejora de las medidas de seguridad para el personal judicial y los testigos; selección y formación de nuevo grupo de jueces para estos tribunales; y, el diseño de un sistema de incentivos para tales jueces).
- Apoyar al MP con asesores técnicos de largo plazo que trabajen in-situ con los fiscales. Además, replicar el modelo de los Grupos de Trabajo y la sistematización de las mejores prácticas identificadas por PAVI en la Fiscalía de Delitos contra la Vida.
- Apoyar la creación de la Dirección General de Investigaciones Criminales (DIGICRI).
- En coordinación con los Centros de Justicia, apoyar la implementación de la ley que permite a los juzgados de paz conocer de crímenes con pena de prisión inferior a 5 años.
- Apoyar los esfuerzos de trabajo integrado entre los investigadores de la policía y los fiscales. La formación de la policía y los fiscales en investigación debe ser realizada conjuntamente.
- Reforzar el Juzgado de Femicidio recientemente establecido en el MP y replicarlo en otras regiones.
- Fortalecer los vínculos de trabajo entre MP e INACIF. Talleres conjuntos entre MP y funcionarios INACIF sobre cómo manejar la escena del crimen deben continuar.

- Actualizar e institucionalizar los módulos de formación realizados y producidos durante el Proyecto de Estado de Derecho 2004-2009 para ser incorporados en el horario de capacitación de UNICAP. Fomentar la capacitación en línea y a distancia para permitir que llegue a todos los fiscales del país.
- Estudiar los Centros de Atención a Víctimas de Violencia Sexual del Instituto de Medicina Forense en El Salvador apoyados por USAID/El Salvador para ver su replicabilidad en Guatemala. INACIF recibe una gran cantidad de víctimas por estas razones.
- Fortalecer el Departamento de Apoyo Técnico del IDPP para que puede realizar análisis científico más efectivo (INACIF no proporciona servicios forenses a IDPP). En este campo, los exámenes psicológicos en casos de violencia doméstica son muy importantes.

3.2. Movilizar sector de la justicia y de la sociedad civil para reducir y prevenir la violencia

- Mejorar la protección y atención a las víctimas en las instituciones del Sector Justicia. Promover el Modelo de Red Metropolitana de Derivación establecido por IDPP/ALC en colaboración con MP para atender a las víctimas. El trabajo en red parece ser la mejor herramienta para vincular y coordinar los esfuerzos de todos los actores del sistema de justicia, los proveedores de salud, los servicios sociales y la sociedad civil. El modelo debe ser ampliado a otros departamentos. Igualmente fortalecer las organizaciones de sociedad civil para funcionar dentro las redes.
- Apoyar la creación de tribunales orales de familia, de niñez y de menores en conflicto con la ley.
- Apoyar el desarrollo de proyectos comunitarios pilotos con enfoque integrado de la seguridad ciudadana (ver casos de Bogotá, Río de Janeiro, Sao Paulo y experiencia de El Salvador en el tema).
- Apoyar las iniciativas encaminadas a reducir la disponibilidad y uso de armas de fuego (estudiar el proyecto del PNUD El Salvador en la materia).
- Promover un cambio de cultura en las escuelas y la familia (formación de liderazgo en la conciliación y la mediación para la juventud junto con la creación de instancias de resolución de conflictos en escuelas primarias y secundarias. Estudiar las experiencias de Puerto Rico y Argentina. También promover campañas y trabajar con organizaciones de las iglesias).

3.3. Aumentar la responsabilidad y supervisión interna dentro del Sector Justicia

- Fortalecer la investigación empírica, práctica y aplicada en justicia penal y la seguridad. Promover informes periódicos sobre el estado de la justicia y la situación de la violencia con base a indicadores, al igual que para establecer observatorios y veedurías ciudadanas.
- Apoyar la implementación del sistema de evaluación anual de jueces diseñado con la ayuda de PAVI y apoyar a la Escuela Judicial a implementar la nueva organización.
- Completar el sistema de IDPP para la evaluación y control de calidad de defensores de oficio. La tarea se inició pero no terminó bajo PAVI.
- Promover la aprobación de la Ley del Ministerio Público para dar estabilidad a esta institución y continuar fortaleciendo el sistema de evaluación de desempeño de los fiscales.
- Apoyar al IDPP a revisar sus procedimientos disciplinarios para que sean más transparentes.
- Apoyar los esfuerzos del IDPP para calificar procesos bajo Normas Internacionales de Aseguramiento de la Calidad (Normas ISO).

3.4. Fortalecer la capacidad de la justicia para combatir las actividades ilegales en Petén

- Proporcionar asistencia técnica in situ a la oficina local de MP con consultores de asistencia técnica a largo plazo. Mejora de la capacidad de investigación es una necesidad urgente. Las investigaciones se hacen mal, la evidencia se desaparece y las investigaciones suelen ser muy superficiales.
- Ayudar a los tribunales en el acondicionamiento de una sala adicional nueva para las audiencias orales.

- Revivir el Centro de Justicia en la región para coordinar esfuerzos entre los funcionarios de justicia.
- Desarrollar un proyecto piloto con un enfoque integrado de la seguridad ciudadana, tales como los hechos en Bogotá, en Brasil y El Salvador con la participación ciudadana. Hay que fomentar el diálogo entre la sociedad civil y el gobierno en el departamento.
- Apoyar estudios para entender las causas de la violencia elevada contra mujeres y niños en la región para definir estrategias sobre la manera de atacar el problema.
- Apoyar el establecimiento de un número de teléfono local de emergencia e informar a los ciudadanos acerca del mismo. En la actualidad, el número de emergencia 122 se contesta en la Ciudad de Guatemala y se tarda mucho tiempo para recibir ayuda.
- Proporcionar apoyo técnico y financiero para campañas de educación legal ciudadana que informen como acceder a la justicia. Los ciudadanos no tienen conocimiento de sus derechos ni a dónde ir para obtener ayuda.

I. PURPOSE OF THE EVALUATION AND METHODOLOGY

1. PURPOSE

The purpose of the Purchase Order issued to Rivera Cira Consulting, Inc. (RCC) is to conduct a performance evaluation of the USAID/Guatemala PAVI Project implemented by Tetra Tech DPK from September 2009 to June 2012 and to provide recommendations for future USAID programming in justice and security. The evaluation addressed the following main questions: a) What have been the key contributions of PAVI to ROL and Justice Sector in Guatemala? b) In what additional program areas does USAID need to undertake activities to improve PAVI objective areas and ensure they are sustainable? c) How have institutional strengthening efforts between PAVI and other donors such as the European Union and Canada been coordinated overall? d) Has coordination been successful and what is the role of the Government of Guatemala in this coordination. The evaluation also responds to specific questions related to each PAVI objective area, as indicated in the Solicitation for Quotation SOL-520-12-000012.

2. THE EVALUATION TEAM

The RCC evaluation team was composed of three seasoned Latin America Rule of Law experts and one local coordinator. All RCC consultants had strong experience in conducting interviews and focus groups related to the justice sector and were fluent Spanish speakers. Carl Cira was the Team Leader, Tirza Rivera-Cira, the Technical Director, and Olga Nazario, Senior Criminal Justice and Civil Society Specialist. Wolfgang Ochaeta, a Guatemalan consultant with experience in development projects, assisted with local coordination for the evaluation team, focus group management, and processing of statistical data and questionnaires, and in providing guidance on the country's political context.

Carl Cira and Tirza Rivera-Cira were in Guatemala for a total of 4 weeks in two visits, one three week visit to collect information (Oct. 28 - Nov. 16, 2012) and a second one week visit (Dec. 9-14, 2012) to organize and conduct the workshop to discuss the RCC findings. Olga Nazario was in country for a total of two weeks (Nov. 4-16), including the Petén fieldwork.

3. METHODOLOGY

RCC followed a participatory approach seeking to engage persons who know about PAVI. RCC reached 115 persons who were well informed on Guatemala's security and justice situation or had a close relation with PAVI. Among the latter group were participants in training or awareness activities, those who have received direct technical support, those have been direct beneficiaries of project activities, those who had collaborated as consultants and USAID staff. To obtain information from these persons, the RCC consultants used different techniques, including direct interviews, focus groups and questionnaires. For this report, the RCC team employed the following methodology:

3.1. PRE-FIELD WORK

Before arrival in Guatemala, RCC reviewed the PAVI contract, the quarterly and final reports prepared by Tetra Tech DPK, as well as the Monitoring and Evaluation Report submitted by the contractor. RCC also reviewed the final report of December 17, 2009 on the USAID ROL Program that preceded PAVI. RCC also reviewed the LAPOP reports on "The Political Culture of Democracy in Guatemala" 2009 and 2010, the

Judiciary and Public Ministry annual reports, as well as the State Department Human Rights Reports on Guatemala, among other sources.

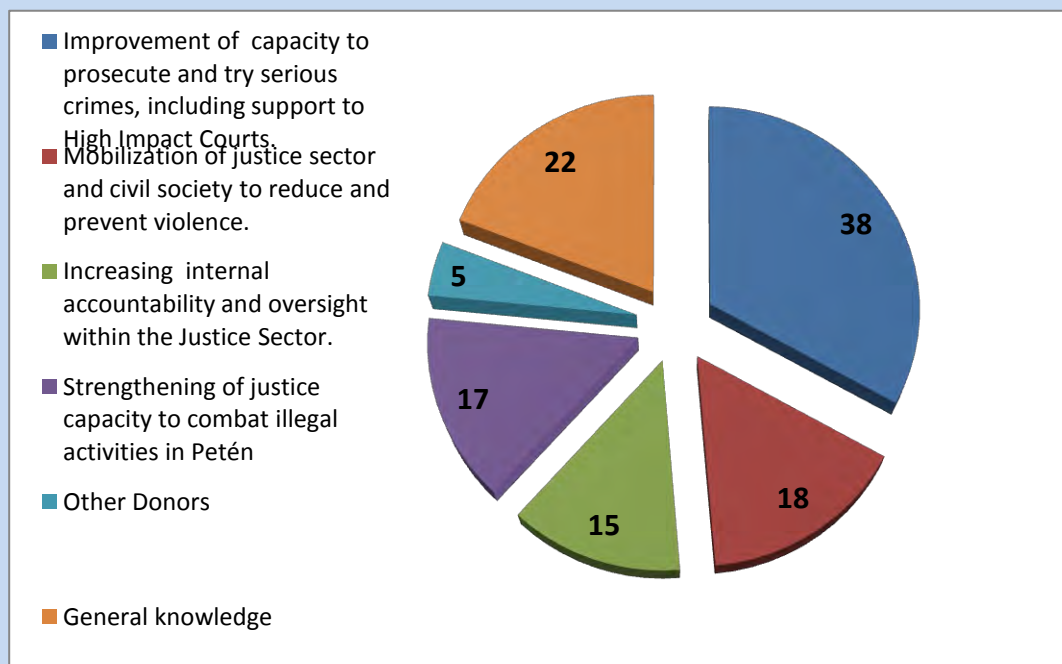
3.2. REVIEW OF WORK PLAN WITH USAID, DEFINITION OF PERSONS TO INTERVIEW AND ORGANIZATION OF FOCUS GROUPS

Upon arrival in Guatemala, RCC met with USAID/Guatemala representatives to review the objectives of the assignment, the work plan, the methodology, and the list of persons and institutions to interview. RCC also met with Tetra Tech DPK officers for suggestions for possible interviewees or focus group participants. PAVI's Chief of Party (COP) offered a list of possible persons to contact. Thereafter, RCC proceeded to schedule interviews and organize focus groups. The Judiciary and the MP authorities were very helpful in assisting RCC to schedule interviews or organize focus groups. The only difficult appointments to obtain were at the IDPP, where the clear impression was that PAVI had not been responsive enough; nevertheless, RCC eventually met the IDPP Director General and other officials.

3.3. INTERVIEWS OF KEY PERSONS AND IN-SITU VISITS

Of the list suggested by the PAVI COP, the RCC team was able to speak with 52 persons in direct interviews or focus groups. In addition, RCC on its own or by recommendations of other interviewees reached 62 additional persons. This broad outreach strategy resulted in a balanced group of Interviewees, with about half suggested by PAVI and the other half selected by RCC. The persons interviewed were selected according PAVI working areas or for their general knowledge of the subject.

Figure No. 1: Distribution of informants by PAVI areas



RCC used the general interview guide approach to ensure that the same general areas of information were collected by each interviewee but allowing a degree of freedom and adaptability in getting information from the interviewee. For each interview, RCC a) reviewed an advance profile of the person to be interviewed; b) his/her knowledge about the topic, c) his/her relation to PAVI and c) designed the

goal for the interview and a list of questions based on PAVI areas of intervention and the scope of work evaluation questions. This interview guide approach allowed RCC team members a more systematic approach to assure that all topics on the list were covered. At the end of these interviews, RCC team members also requested any useful document, research or quantitative information the interviewee may have mentioned.

At the end of each day of interviews, the RCC team met to exchange notes and discuss information gathered, and to compare and contrast versions of facts, issues raised and areas for further inquiry with the next round of interviewees. This method of prompt analysis for interviews allowed us to gauge the **reliability** (how consistent the information was) and the **validity** (whether the person had good knowledge of the subject), of the information compiled. The field research process was enriched by the daily sharing of knowledge and information, and led to an increasing level of shared knowledge and insights, both on PAVI accomplishments and justice sector conditions, as the three in-country weeks proceeded.

The list of interviewees appears in Annex No. 1 classified by institutions. RCC consultants also made in-situ visits to the Public Ministry (Attorney General, Analysis Office, Crimes against Life Unit, Femicide Unit), INACIF, the new Labor Courts Center in Guatemala City, the new Metropolitan Child Protection Court in Guatemala City and the High Impact Courts in Guatemala City (known also as High Risk Courts).

Two team members, Olga Nazario and Wolfgang Ochaeta, traveled to Petén for three days (November 12 to November 14, 2012), interviewed 14 persons and carried out two focus groups, one with justice sector officials and civil society involved in PAVI activities and the other with victims of violence. They also visited the Petén MP Offices, including the Attention to Victims Unit, and the Judiciary Offices.

RCC team members also attended a one-day (November 6, 2012) seminar organized by Interpeace (a local CSO working on security that worked on some issues for PAVI, including police reform) and IEPADES on the evaluation of donor assisted justice and security projects in Guatemala.

3.4. CARRY OUT FIVE FOCUS GROUPS AND ADMINISTER QUESTIONNAIRES

RCC conducted five (5) focus groups with six (6) to eight (8) participants each, that reached 34 well informed persons (see Annex 1). They involved a mix of participants from among justice sector officials and civil society representatives. The focus groups covered:

- *Criminal Justice Reform, 24-hour courts and High Risk Courts*: judges and Judiciary officials
- *Mobilization of Justice Sector and Civil Society to reduce and prevent violence*: civil society organizations
- *Increased internal accountability and oversight in the Justice Sector*: Judiciary officials, judges and UNIVALLE representatives
- *PAVI activities in Petén*: Justice sector officials and civil society involved in PAVI activities
- *Violence in Petén and Services to Victims*: victims of violence in Petén

For the focus groups RCC used the tools for “consensus workshops”. RCC prepared a guide of questions (see focus groups guide questions in Annex No. 4) for each focus group and presented them to the group to brainstorm the topic. Then RCC directed the discussion to cluster ideas in order to seek consensus on the answers to each question.

Apart from the group discussions, all focus group participants and a number of others were asked to complete a common short questionnaire (See Annex No. 4 - Sample Questionnaire). RCC received 26 completed questionnaires, whose data was compiled using Survey Monkey. This is a very low sample to offer conclusive results, but helped to corroborate focus groups findings or identify other ideas and draw comments that did not arise in the discussions.

3.5. COLLECT STATISTICAL DATA ON PROJECT INDICATORS AND RESULTS FOR COMPARATIVE ANALYSIS

RCC also examined statistical data relevant to the PAVI Project and available from justice sector institutions or civil society organizations. On this subject, it is important to mention that serious information gaps and contradictions limited the scope of the analysis. High numbers of crimes seem to go unreported because of fear or lack of confidence in the relevant authorities, and criminal justice statistics are not always reliable and are often incomplete and contradictory. For RCC it was a surprise that, despite the technical and computational ability to do so, the Judiciary did not systematically produce or use basic efficiency indicators such as clearance rates, backlog rates, or case disposition times to measure system performance. Moreover, a recent investigative report revealed that the Judiciary's Administrative Center for Criminal Cases (CAGP), charged with reception and assignment of all criminal cases, has become a badly mismanaged and frequently corrupt operation with a huge backlog of over 300,000 unassigned criminal cases, some dating back to 1998.²

RCC also analyzed the PAVI Monitoring and Evaluation Reports done throughout the project by Partners for Democratic Change.

3.6. PRELIMINARY DEBRIEFING TO USAID AND REPORT DRAFTING.

At the end of the three weeks of fieldwork in Guatemala, RCC met again with the USAID team for a debriefing meeting (November 14, 2012) and provided a proposed draft of preliminary findings and recommendations for comments. A useful two-hour discussion ensued. With the USAID comments and once the data from the focus groups, key person interviews and questionnaires was collected and tabulated, RCC drafted the proposed final evaluation report. Quantitative techniques were used where appropriate and possible, but most analysis was qualitative. Nevertheless, the RCC team members tried to triangulate the information for each finding to avoid bias, using at least two methods (interviews, focus groups, secondary research, statistical data, and questionnaires) to confirm the finding.

3.7. WORKSHOP TO DISCUSS FINDINGS AND DELIVERY OF FINAL REPORT

While USAID was reviewing the draft final report, RCC, prepared two Power Point presentations in English and Spanish with the main findings and recommendations. Also, in close consultation with USAID, organized two workshops, the first one, held on December 11, 2012 with USAID and US Embassy officers and the second one with other international donors, civil society and GOG representatives. With the comments provided by USAID officers and those resulting from the two workshops, RCC reviewed the initial draft. RCC completed the final version of the report and submitted to USAID on December 20, 2012.

² LA HORA, (November 28, 2012), *"El Centro Administrativo de Gestión Penal es el primer eslabón del secuestro del sistema judicial"* <http://www.lahora.com.gt/index.php/nacional/guatemala/reportages-y-entrevistas/169401-el-centro-administrativo-de-gestion-penal-es-el-primer-eslabon-del-secuestro-del-sistema-judicial>

3.8. LIMITATIONS TO THIS EVALUATION

The principal limitations to this evaluation were:

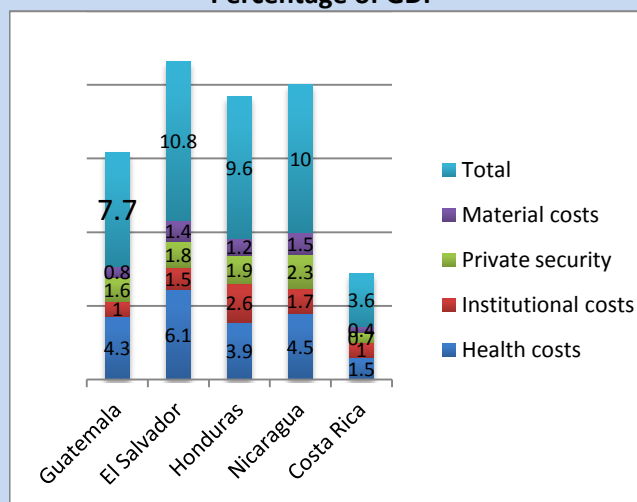
- The PAVI project was already terminated and the contractors' offices were effectively closed with all files packed. The evaluators only had one day to meet with the Chief of Party, who kindly met RCC and briefed on the main issues of the project and provided a list of possible contacts to interview. The Chief of Party left Guatemala a few days later.
- The original USAID CTO was no longer working in USAID/Guatemala and RCC met only with the CTO for the last six months of the project, who had limited information on earlier project activities.
- Of the original group suggested by PAVI, RCC could not contact the former Supreme Court President, the Bar Association President and the former Police Reform Commissioner, who were out of the country during the RCC team's stay in Guatemala.
- With the justice sector agencies, for the most part, criminal justice statistics vary substantially in completeness and accuracy according to the source. There is no shared standard to generate or validate the statistical information produced by the responsible institutions, and RCC found that while the justice sector organizations do collect and publish statistics, they usually do not use statistical information to measure performance or to plan use of resources. Judiciary and MP officials were unwilling to provide information without review and authorization by superiors. Despite repeated RCC requests, information requested from the MP was only partially provided and the Judiciary information on the 24-hour courts provided by CENADOJ was incomplete. The Supreme Court Criminal Chamber did not authorize the Judiciary Information and Telecommunications Center to respond to an RCC request for further detailed analysis on case clearance rates.
- RCC did not receive from USAID the scopes of work of other USAID projects under implementation related to the subject, such as the Transparency and the Prevention of Crime projects.

II. BACKGROUND ON DEVELOPMENT PROBLEM AND USAID RESPONSE

1. THE CONTEXT

After diminishing in the years after the Peace Accords, crime and violence in recent times have returned to become the most important destabilizing factor in social, political, and economic life in Guatemala. This time, the drivers are different. The civil war that killed over 200,000 people between 1960 and 1996 took place mostly during military regimes in rural areas, and was driven by internal factors related to deep inequality and social exclusion. Today's violence has surged under a democratic regime, engulfs both rural and urban areas, and is driven not only by persistent inequality and lack of opportunity, but also by other newer sources such as narcotraffic, arms trafficking and criminal gangs. By all accounts, there has been an abrupt and serious decline in the democratic fabric in Guatemala in the past five years, caused by the sudden upsurge in crime and violence.

Figure No. 2. Costs of Crime and Violence as Percentage of GDP



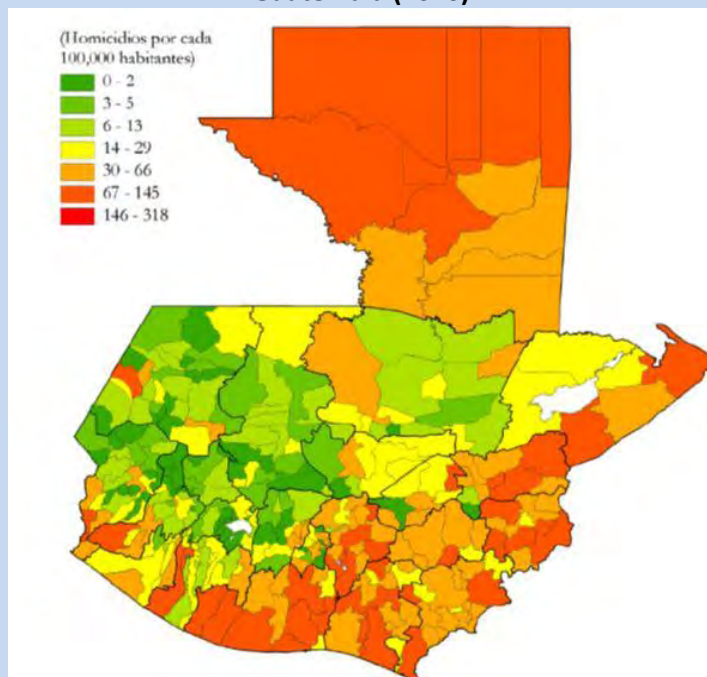
Source: WORLD BANK (2011), *Crime and Violence in Central America. A Development Challenge*, p.7 based on 2008 Carlos Acevedo study, *Economic Costs of Violence in El Salvador*.

The costs of rising crime and violence are huge, estimated at US\$ 2,291 million or 7.7% of GDP³. In the past decade, Guatemala has placed among the world's most violent nations, with alarming murder rates. Social and economic costs are enormous. Moreover, in the 2010-2011 Global Competitiveness Report comparing 139 countries, Guatemala was the country where the most people considered that crime and violence imposes a high cost on business. Not surprisingly then, crime and violence prevention is increasingly recognized as a major development issue for the country.

Crime and violence has become a systemic problem in Guatemala with multiple manifestations affecting several Departments and different demographic groups and income levels. After a homicide rate decrease following the 1996 Peace Accords, Guatemala in 2000 began a decade of continuously increasing homicide rates, rising from 24.2 per 100,000 in 1999 to 46.3 in 2009. While 2010 and 2011 both saw declines that lowered the rate to 38.6 per 100,000, this change may be attributable only to the increase in population, but not necessarily to a deep decline in the number of homicides. According to the PNC, the number of homicides for 2010 was 5960, for 2011 it was 5681, and for 2012 the projection is 5300 homicides. Guatemala still has the seventh highest homicide rate in the world, the fifth highest in Latin America and the third highest in Central America.

Homicides are concentrated in a relatively small number of departments⁴ and municipalities. As illustrated in Figure No.2, homicides are clustered in two geographic areas. One, called the “corridor of violence” starts on the Atlantic coast, passes through the eastern part and the Metropolitan area around the capital and moves towards the Pacific coast to the Mexican border. The other high homicide area is the Petén Department.

Figure No.3. Geographic distribution of homicides in Guatemala (2010)



Source: CENTRO DE ESTUDIOS DE GUATEMALA (September 2012)
“Situación en Seguridad, Justicia y Derechos Humanos”

³ WORLD BANK (July 2011) “Crime and Violence in Central America”, Vol. I, p.7

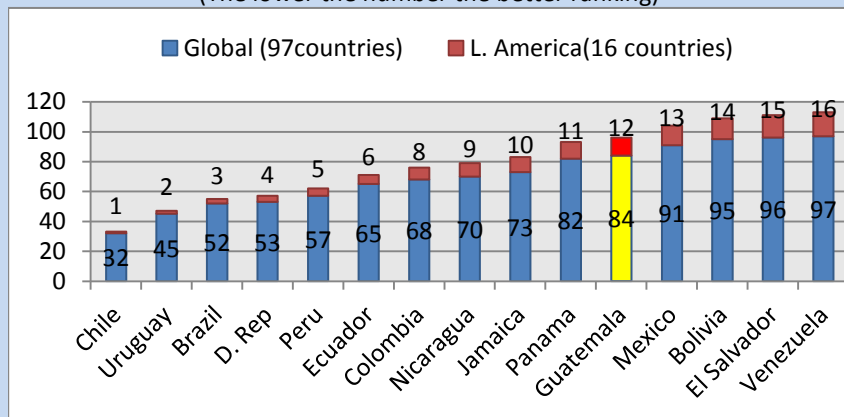
⁴ In 2012 there were nine (9) departments with homicide rates above the national average: Zacapa (73.99), Guatemala (71.35), Jutiapa (63.98), Santa Rosa (57.42), Chiquimula (57.16), Izabal (53.7), Jalapa (43.02), Petén (42.93) and Escuintla (38.6)

Violence against women is another major problem in Guatemala. Despite legislative efforts to address this violence, there has been wide impunity for crimes against women.”⁵ Rates of femicide and domestic violence both appear higher than in the rest of Latin America. With a population over 14 million, the country registered 720 femicides in 2009, 695 in 2010 to 705 in 2011.⁶ The domestic violence rate is also high. In 2009 it was 15.06 victims per 100,000 people, but in the Southwest region the rate was 22.74 victims and 17.4 in the Northwest region. These high rates implied that violence against women is commonly and socially accepted in Guatemala.

There is a clear connection between the weaknesses of Criminal Justice Institutions and the elevated levels of impunity. Widespread impunity erodes confidence in Justice Institutions and undermines the human rights of due process and access to justice, as fewer victims and witnesses feel willing or able to seek legal protection, report crimes or collaborate with criminal investigations, creating a vicious cycle.

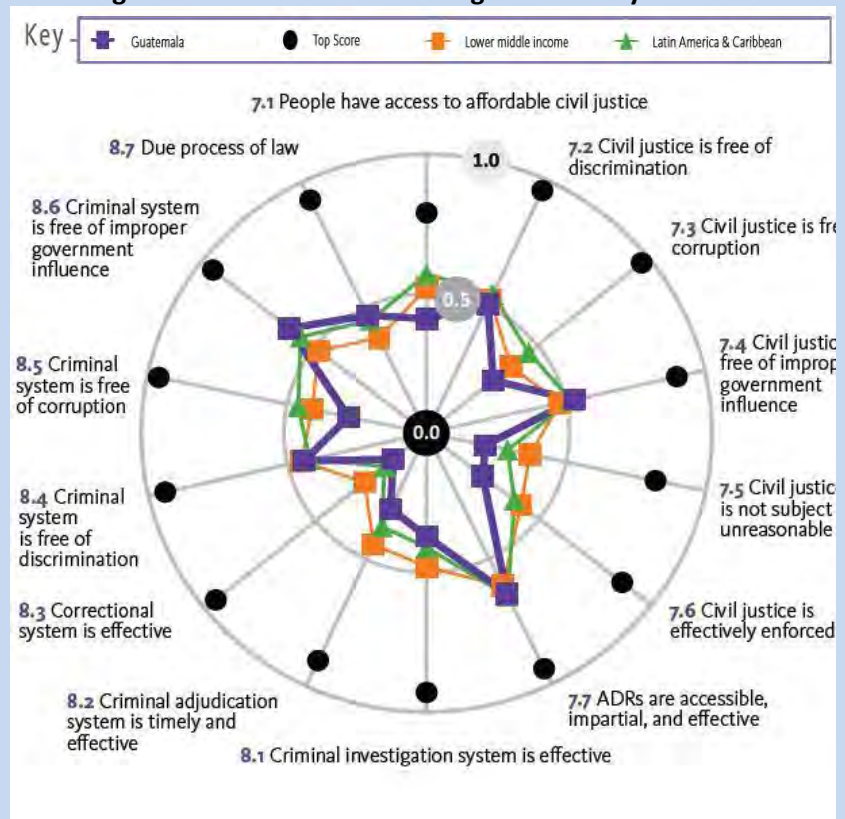
The Guatemalan judicial system often fails to punish criminals due to inefficiency, corruption, insufficient and poorly trained personnel, lack of funds, and

Figure No.4 Latin America- Criminal Justice Effectiveness Rankings
(The lower the number the better ranking)



Source: WORLD JUSTICE PROJECT (2012), “*Rule of Law Index 2012*”, p.46.

Figure No. 5: Guatemala’s ratings on Delivery of Justice



Source: Source: WORLD JUSTICE PROJECT (2012), “*Rule of Law Index 2012*”, p.94.

⁵ HUMAN RIGHTS WATCH (January 2011)

⁶ IPSNEWS NET(January 31, 2012), “*Guatemala Heeds the Cries of Femicide Victims*”

<http://www.ipsnews.net/2012/01/guatemala-heeds-the-cries-of-femicide-victims/> and GRUPO GUATEMALTECO DE MUJERES (May 2010), “*Informe de Monitoreo de la Aplicación de la Ley contra el Femicidio y otras Formas de Violencia contra la Mujer*” and CENTRO DE ESTUDIOS DE GUATEMALA (September 2012), *Situación en Seguridad y Justicia y Derechos Humanos*, Power Point Presentation.

intimidation of judges, prosecutors, and witnesses. Most serious crimes are not investigated or punished. Very few reported crimes of any kind are prosecuted, and fewer still result in convictions and punishment. According to the Rule of Law Index 2012 Guatemala places in the bottom half of Latin American countries in most dimensions of the rule of law. Its criminal justice systems rank eighty-fourth among 97 countries studied in the world and 12 among 16 studied Latin American countries. The report states that “country suffers from widespread crime and corruption”⁷. Guatemala’s poor ratings on delivery of justice are shown in Figure 5.

According to the Centro de Estudios de Guatemala, there is a 94% rate of impunity in crimes against life. Studies by the ICCPG and ASIES during the last decade have shown that Guatemalan Criminal Courts have an annual clearance rate of only around 7% and a congestion rate of 93%. An ICCPG study of criminal cases from 2000 to 2007 found the backlog increased by an average of 15% per year. During that period the system was only able to resolve an annual average of approximately 14,000 cases, leaving around 180,187 cases unresolved.⁸ The numbers show a criminal justice system that is completely unable to provide prompt and complete justice to citizens.

2. USAID RESPONSE

Development Objective One of the USAID Strategy for Guatemala 2011-2015 is aimed to help create greater Security and Justice for Citizens. The DO1 hypothesizes that “increasing the demand for police and justice reform, strengthening national level government capacities to include administrative, financial and strategic planning, institutionalizing crime prevention strategies, targeting pilot projects in key areas with high homicide rates, strengthening local governments, and improving transparency and accountability of key institutions will lead to a reduction in crime and an increase in the number of prosecutions with final verdicts, thus breaking the vicious cycle of impunity”.

The Project Against Violence and Impunity (PAVI) started before the USAID/ Guatemala strategy was concluded, but was focused on some areas that the mission later reflected in its strategy, mainly: a) the strengthening of prosecution and adjudication of homicides and other serious crimes, b) improvement of management and coordination systems among justice sector institutions, including the support for the design and implementation of merit-based personnel hiring and promotion systems, and, c) the targeting of Petén as a region in need of special attention where an integrated approach was required.

It is worth mentioning that a primary stated aim of the USAID/Guatemala Strategy and of the new Security and Justice Project is to support the National Accord for the Advancement of Security and Justice signed in April 2009.⁹ At this date, this Accord appears to be defunct. Though the Accord was a good starting point, it was never implemented and it is not backed by the current government, whose president, a retired general elected in November 2011, has promised to govern with “mano dura”¹⁰.

⁷ WORLD JUSTICE PROJECT (2012), “*Rule of Law Index 2012*”, p.46

⁸ ICCPG (2007) “*Observatorio de Justicia Penal, Primer Informe Guatemala*”, IDRC-CRDI Canada, and The Netherlands Cooperation Agency, Guatemala.

⁹ Among the goals were to create a Ministry of Public Security, separating operational and administrative work of the Ministry of Government, the institutional strengthening of the National Civil Police and the creation of a police officer career law. Also contemplated were amendments to the Law of Amparo and Habeas Corpus, the Criminal Procedure Code, and Criminal Code, among others.

¹⁰ EL MUNDO.ES (November 11, 2011), “*Pérez Molina: 'mano dura no es represión sino un compromiso con el fin de la violencia'*” <http://www.elmundo.es/america/2011/09/11/noticias/1315741707.html>

III. PRINCIPAL FINDINGS AND CONCLUSIONS ON PAVI

1. PIPELINE

PAVI was a bridge project, designed to address justice sector issues in the interim between the termination of the 2004-2009 USAID/Guatemala Rule of Law Project implemented by Checchi and Company Consultants, Inc, and the current USAID/Guatemala Justice and Security Project, again implemented by Checchi. PAVI was a Task Order issued under an Indefinite Quantity Contract (IQC), and planned to last one or two years, but delays in the adjudication of the Justice and Security Project, which began recently in late 2012, prompted extension of PAVI for a partial third year. The project was funded at \$7,133,526, of which \$900,000 came from NAS funding, used mainly to finance the establishment and construction costs of the High Impact Courts. According to PAVI's Final (12th) Quarterly Report, at the end of the project \$1,193,153 remained available, of which \$267,285 were NAS funds remaining after the remodeling of the High Impact Courts. Originally, the establishment of the High Impact Courts was planned as a new construction, but the Judiciary later changed the idea and decided to remodel the top floors of the Court Building to establish these special courts. This decision made the activity less costly, resulting in the noted NAS funding savings.

The remaining unspent balance in USAID funds started to accumulate from the beginning of the project. One of the main reasons according to the USAID CTO was the change to a less costly Deputy Chief of Party and this excess could only be partially used. USAID directed PAVI to use some of the initial accumulation balance to finance some unanticipated activities, such as the preliminary studies for the establishment of a Judicial Center in Cobán, during the first half of 2012, and several studies to support the Police Reform and Juvenile Justice Reform. In spite of the accumulated balance, according to the CTO the pipeline was not a problem because it allowed USAID to respond to non-contemplated initiatives.

2. PAVI'S MONITORING AND EVALUATION FINAL REPORT

PAVI's Monitoring and Evaluation Report was prepared by Partnership for Democratic Change (PDC) as a subcontractor to Tetra Tech DPK. The PDC document is well organized and well written, but the selected indicators to measure the project performance and impact in most cases seemed inadequate and lacked characteristics of useful indicators (see Box 1).

BOX 1: CHARACTERISTICS OF USEFUL INDICATORS

Direct: Performance indicators should closely track the results they are intended to measure.

Objective: Unambiguous about what is being measured.

Useful for Management: Useful to USAID and Justice Sector Institutions for decision-making.

Practical: Cost effective.

Attributable to Project Efforts: Measure changes clearly and reasonably attributable to the project.

Adequate: Number of indicators should be limited to those necessary and cost effective for management and reporting purposes.

Precise: Data should be sufficiently precise to present a fair picture of performance and enable management decision-making at the appropriate levels.

Reliable: USAID should be confident that progress toward targets reflects real changes.

The PAVI project started with no indicators to measure progress or impact. In an effort to measure progress once the project was underway, a number of indicators were developed by agreement between Tetra Tech DPK and USAID/Guatemala. However, these seemed primarily focused to measure PAVI project outputs, mainly training sessions, and also to track certain increased outputs by agencies assisted by PAVI. Moreover, most of the items tracked in the latter case could not be directly attributed to PAVI interventions. RCC recognizes the considerable professional efforts by Partners for Democratic Change to produce a solid evaluation and monitoring methodology and to assist Tetra Tech DPK in M&E work throughout the PAVI LOP, but the identified indicators, in most cases, do not permit measurement of any precise and direct impacts of the USAID investment in the PAVI project.

These are the most relevant observations with respect to PAVI indicators:

- Indicators on numbers of people participating in training or workshops are irrelevant to measure progress or impact. If USAID needs these numbers in general and divided by gender for reporting purposes, they should be provided but not as project impact indicators.
- Indicators on participant levels of satisfaction with training activities are not relevant to measure training impact. Long experience shows that virtually all participants will answer that they found the activity good or very good. To measure actual training impact, learning outcomes methodologies should be applied. For example, participants could take a test at the beginning and at the end of the training on a case relevant to the subject and measure the improvement in knowledge at the end of the training. A more complicated but more adequate method would be the examination of a sample of cases done by the trainees before and after the training. At a minimum, participants should be surveyed a few months after the training and asked whether and how they are using the knowledge or methods learned in their daily work.
- “Number of participants with a positive perception of a model for institutional integrity” is an indicator that does not seek to measure whether the model was implemented or not. (In this case, it was not.) A more precise indicator would have been the number and type of actions taken to implement the model, based on a timetable indicating the actions to be taken and the milestones to be achieved.
- “The number of cases brought to trial by prosecutors” or the “number of guilty verdicts issued by a particular court” are not the best indicators to measure prosecutorial or judicial efficiency or effectiveness. Some cases may have several defendants and should be rated better than cases with just one defendant, though there may be fewer of these. A more appropriate indicator is to account for “the number of defendants with guilty verdicts” for prosecutors and courts. This would be especially relevant in reference to the High Impact Courts where most cases have more than one defendant.
- The indicator on number of victims who receive free legal aid in the country is not attributable to PAVI efforts alone or even in significant part. This indicator, as it is, reflects numbers of victims attended in all victim assistance organizations, and included the IDPP/ALG, which provided the bulk of help and did not receive support from PAVI. The indicator should have measured only the victims whose services were the product of PAVI grants or PAVI’s direct technical assistance. A similar comment is appropriate in reference to the number of guilty verdicts under the Law of Femicide, which cannot be attributable to PAVI efforts alone.

- Measurement of the implementation of a protocol to protect witnesses in criminal trials by a survey of prosecutors does not seem the most adequate way to measure implementation. A survey of protected witnesses would have been necessary to complement the measure.

Figure No. 6. RCC Usefulness Rating of PAVI Indicators

	Useful	Not only PAVI's result	Irrelevant
1. Number of training /workshops/coordination meetings related to the prosecution and charge of guilty verdicts of high impact cases			X
2. Level of participant satisfaction in training and workshops			X
3. Increase in crimes against Life and femicide brought to trial	x	x	
• Department of Guatemala	x	x	
• Femicides-Dept. of Guatemala	x	x	
• Petén	x	x	
• Femicides Petén	x	x	
4. Increase in the number of guilty verdicts for Crimes against life	x	x	
• Department of Guatemala	x	x	
• Petén	x	x	
5. Number of training/coordination meetings for institutions offering assistance to victims			X
6. Level of satisfaction in such meetings			X
7. Protocol implementation for persons involved as witnesses in criminal trials (based on prosecutor survey, but witness opinions would have given meaningful information on impact)	x (relevant only as output)	x	X (irrelevant for impact w/out victim inputs)
8. Increase in the number of victims who receive free legal and other assistance	x	x	
9. Increase in the number of guilty verdicts under the Law Against Femicide	x	x	
• Department of Guatemala	x	x	
• Petén	x	x	
10. Number of units from different institutions that are currently implementing the Institutional Integrity Model (indicator only measured PAVI trainings - this is not implementation of a model)	x	x	X
11. Number of participants in trainings and workshops on the implementation of institutional integrity model			X
• Level of satisfaction			X
12. Participants positive perception of Institutional Integrity Model			X
13. Number of high impact courts established (only 1 established?)	x	x	
14. Number of cases processed by high impact courts (but number of defendants with guilty verdicts and scale to determine difficulty of cases should also be used)	x	x	
15. Number of Petén cases against environment brought to justice	x	x	

3. KEY CONTRIBUTIONS OF PAVI TO ROL AND JUSTICE SECTOR IN GUATEMALA.

USAID has a long record of support to the Guatemala Justice Sector that began in the late 1980's with the Central American Regional Justice Project that sought to respond to the problems identified by the 1984 Kissinger Report on Central America¹¹. After two and half decades of investment in the country's justice institutions, USAID's central contribution to the Rule of Law in Guatemala can be summed up in the major change of the juridical culture from its former adherence to a closed written process towards increasing use of oral and public hearing and trial procedures in criminal law and labor law, and which is advancing towards other areas of the law. In the past decade, USAID has made numerous important contributions in several other areas, including the establishment of the National Forensic Sciences Institute, a strengthened judicial career system, establishment and strengthening of Justice Centers, and the recent establishment and strengthening of the 24-hour Courts and the High Impact Courts.

The interviews, focus groups and questionnaires administered indicated that PAVI's most important contributions to the ROL in Guatemala were:

- ***Increasing and improving the prosecution of crimes against life.*** During the life of the project the number of cases prosecuted with guilty verdicts for crimes against life increased from 38% in 2010 to 51% in 2012, for an average increase in efficiency of 13 percentage points. There was also a 4.7% increase in such cases brought to trial by prosecutors. PAVI's main achievement was to establish an integrated working methodology between the Public Ministry's Analysis Unit and the Crimes against Life Prosecutors Unit, reflected in establishment of "Criminal Prosecution Working Groups" with members from both offices. The strengthening of the Crimes against Life Unit was also due to factors beyond PAVI, such as: a) implementation of a new wiretap authorization law that has allowed discovery of organized crime groups and detection of justice system corruption supported by NAS; b) use of new authority in the Organized Crime Law of cooperating co-defendants' testimony ("*colaboradores eficaces*"); c) the police group of crimes against life investigators, formed by the Spanish Agency for International Cooperation, has been an invaluable help to the Crimes against Life Unit; and, d) MP establishment of two anti-gang groups, one for Mara 13 and one for Mara 18, that has achieved prosecutions and imprisonment of the main leaders of both groups.
- ***Improving the installations and the security of the High Impact Courts.*** This activity was financed with NAS funds. The High Impact Courts received strong approval from all persons interviewed, who deemed them a major improvement in the criminal system's ability to fight impunity. According to CENADOJ, since their 2009 opening, they have issued final verdicts in 83 cases, with a minimum of three defendants per case and several cases with many more. However, number of cases resolved is not the best indicator of their impact, but rather numbers of defendants sentenced and the complexity and difficulty of the cases. PAVI also contributed to design security and protection protocols for the High Impact Courts to assure a fair trial. These protocols, according to the interviewed judges, have been only partially implemented, and security for the judges and the parties involved is limited outside of the fortified Court Building.
- ***Making the 24-hour Courts less expensive to manage.*** The new less expensive model based on PAVI's assessment and recommendations was accepted and implemented by the Supreme Court in new governing regulations. 24-hour Courts have been a notable improvement in Criminal Justice in

¹¹ The Report of the President's National Bipartisan Commission on Central America, Macmillan and Company, 1984

Guatemala. Their main achievement has been a 65% reduction of provisional detention, because when the ordinary courts are closed, they decide if the accused must be imprisoned or may be released. These courts also have facilitated capture or detention warrants at times out of the courts' regular working hours. Nevertheless, although these courts operate continuously from 3:30 p.m. to 8:00 a.m., they have only a limited mandate to decide to charge cases, thus the clearance rate of these courts is very low (22.6%) since they do not operate as fully functioning ordinary courts, as do the "In flagrante delicto" courts in Costa Rica. (See Box 1)

- ***The design of an annual evaluation system for 500 justices of the peace and 350 trial judges and the reorganization of the Judicial School.*** The annual evaluation system is ready for implementation and the judicial authorities seem to have the political will to implement. The Supreme Court has started an awareness campaign to socialize it among judges to avoid negative reactions towards an annual evaluation, and the Judicial School has started the reorganization project. According to the Judicial School authorities, 90% of the PAVI studies and recommendations have been implemented.
- ***Organization of a Civil Society Organizations group to provide services to increase protection to victims of crime and violence, particularly women.*** PAVI raised awareness of violence against women, and improved women's access to justice - prompting them to go to courts and providing legal aid for their claims, mainly in support of domestic violence claims and child support. Nonetheless, there were no specific measures available to establish to what extent PAVI - supported services for attention of victims contributed to reduce or prevent violence, nor to determine the target population they reached.
- ***Better prosecution of crimes against the environment in Petén.*** PAVI provided critical support to stakeholders in the Petén by offering training and awareness among justice sector operators on environmental crimes. One of PAVI's most important activities in Petén was providing support to the *Foro de Justicia Ambiental* (FORO), the key civil society coalition in the region defending the protection of the Mayan Biosphere Reserve. PAVI critically enhanced the FORO's capacity to become a credible and legitimate interlocutor with the Justice Sector. According to FORO, these contributions led to improving the processing of environmental cases, resulting in 112 brought to Court, resulting in 80% guilty sentences during the term of PAVI

Throughout the project, PAVI's Tetra Tech DPK Team was able to establish very good relations with most of its Guatemalan stakeholders and beneficiaries. In general, PAVI's team enjoyed a great reputation for coordination and communication among Guatemalan counterparts, and during the evaluation several of them praised the COP and particular members of the PAVI team for their dedication and commitment.

The only key organization where the PAVI staff apparently had some clear misunderstandings was the Criminal Public Defense Institute (IDPP). PAVI started to work with the IDPP at the beginning of the project, but in the second quarter of 2010 the assistance was ended, according to Tetra Tech DPK Quarterly Reports Nos. 4 and 5. Curiously, Quarterly Report No. 4 sets out a detailed description of implementation plans for the activity in the upcoming quarter; however, in Quarterly Report No. 5 this contradictory statement is found: "This activity was completed during the previous reporting period". In the meeting with RCC, the IDPP Director and the Coordinator for Contracted Defense Lawyers (*abogados de oficio*) stated that the PAVI activities with them were abruptly interrupted in early 2010 and never renewed or completed with no explanation given, despite IDPP requests. Nevertheless, in Quarterly Report No. 6, Tetra Tech DPK states, "The IDPP has a performance evaluation model in place for court appointed public defenders". All of the remaining Quarterly Reports to the end of the project in June

2012 state “This activity was completed.” Neither of these assertions appears accurate, and in fact, in the meeting with RCC, the IDPP Director confirmed that the activity was not completed and requested USAID assistance to complete the design and implementation of the evaluation system for contracted defense lawyers.

RCC could not speak with the person who was USAID CTO at the time of the evident miscommunication because he is no longer in the country, and the CTO for the final six months of PAVI did not have detailed information on the subject. PAVI’s Chief of Party, who also was no longer in the country, very kindly answered RCC’s e-mailed questions on the subject and asserted that PAVI’s only commitment to the IDPP was the design of a proposal for evaluation and that this task was accomplished.

At the time of the apparent PAVI suspension of assistance in 2010, the IDPP was involved in a lengthy and difficult legal and political process concerning the reappointment of the Director. We conclude that this situation likely affected USAID assistance to the IDPP. RCC found that IDPP relations with PAVI in fact were interrupted, and that USAID must be presumed to have agreed at the time, but the details of any such action were unknown to current USAID staff. Nevertheless, the events and their handling left an unfortunate precedent in the relations with an important and essential agency in the Guatemalan justice system, which ought to be repaired under the new USAID Security and Justice Project.

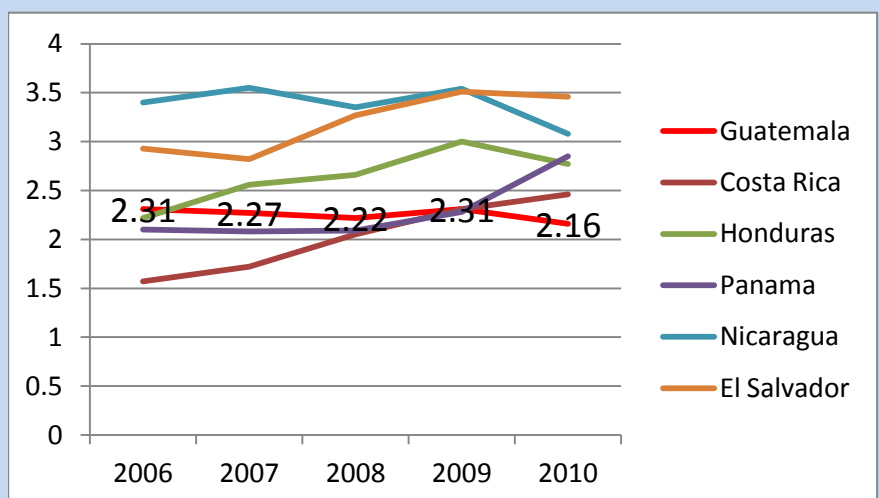
4. ADDITIONAL PROGRAM AREAS WHERE USAID SHOULD UNDERTAKE ACTIVITIES TO IMPROVE PAVI OBJECTIVE AREAS AND ENSURE THEY ARE SUSTAINABLE.

PAVI covered four main activity areas: 1) Improvement of justice system capacity to prosecute and try serious crimes, including support to High Impact Courts; 2) Mobilization of justice sector and civil society to reduce and prevent violence; 3) Increasing internal accountability and oversight within the Justice Sector and 4) Strengthening of justice capacity to combat illegal activities in Petén

After the completion of the project all these areas still needed continuous support to preserve and consolidate the gains that had been made. Compared to its Central America neighbors, Guatemala’s security and justice expenditure is the lowest in terms of GDP. In Central America, El Salvador spent 3.5% of its GDP compared to 2.3%, in Guatemala, 2.5% in Costa Rica, 2.8% in Honduras, 2.9 in Panama and 3 % in Nicaragua¹²

Guatemala’s chronically low institutional investment has produced insufficient institutional strengthening and a lack of the

Figure No. 7. Justice and Security Budget as a share of the GDP.



Source: UNDP (2011). “Análisis de los presupuestos públicos de seguridad y justicia en Centro América”

¹² UNDP (2011). “Análisis de los presupuestos públicos de seguridad y justicia en CA, p.4

rigorous hiring standards and strong career systems to improve and motivate human resources that are vital elements to accompany the important criminal justice legal reforms that have been implemented.

All international donors, particularly including the U.S., need to press Guatemala harder for fiscal reform to increase GOG tax revenues and make more national resources available for justice and security. According to the World Bank¹³, Guatemala has the lowest taxation effort¹⁴ in Latin America, where only 11% of GDP comes from taxes and where tax exemptions reached a value of around 8.1% of GDP (three quarters of the tax collections).

In the last year, some additional resources to finance the Justice and Security Sector have started to come from the seizures under the Asset Forfeiture Law of 2011. As of November 6, 2012, according to the Attorney General, MP has been able to seize one billion quetzals (approximately US\$143 million) in crime-generated financial assets. Once the Asset Forfeiture Court extinguishes their ownership, these are divided according to a formula in the law among justice and security institutions¹⁵. Nonetheless, these resources are restricted in their use and far from enough to support the criminal justice and security reforms. The Attorney General indicated that these resources could increase because the newly enacted Anti-corruption Law also provides for seizure by the state of assets acquired through corrupt mechanisms.

5. DONOR COORDINATION OF INSTITUTIONAL STRENGTHENING EFFORTS UNDER PAVI AND THE GOG ROLE IN THIS COORDINATION.

During the PAVI project, donor coordination of institutional strengthening aid to the MP and the Judiciary in criminal reform improved notably. On the donor side, this was due in significant part to the efforts of the PAVI COP, according to all of the other donor officials interviewed. On the GOG side, the improvement was due mainly to the President of the Criminal Chamber of the Supreme Court and the new Attorney General. Both authorities had a strategic vision, leadership and definite plans and policies to implement. Both authorities meet periodically with donors to coordinate efforts and have developed a clear leadership role on behalf of the GOG in their areas of responsibility. In these two organizations, these authorities have been key to determine goals for each international donor. The Criminal Chamber emits an Annual Policy document that conforms to the Judiciary Strategic Plan that PAVI assisted to prepare. In the MP, the Attorney General bases her actions and policies on the MP Strategic Plan.

In the Judiciary, the implementation of the overall Strategic Plan, supported by PAVI, depends on the will and interest of each Supreme Court Judge. Some believe in strategic planning, and others do not.

¹³ <http://www.worldbank.org/en/country/guatemala/overview>

¹⁴ Tax effort is the ratio between annual collections and tax capacity, where tax capacity is the maximum tax revenue obtainable based on a country's economic, social, institutional and demographic characteristics.

¹⁵ The law was heavily pushed by the USG and creates a National Seized Assets Administration Counsel (*Consejo Nacional de Administración de Bienes de Extinción de Dominio*) that includes the Vice President, Ministers of Government, Defense, and Finance, the Attorney General, the Solicitor General, and a Supreme Court Justice. The management and distribution of these assets is done by the National Seized Assets Administration Secretariat (*Secretaría Nacional de Administración de Bienes de Extinción de Dominio*) (*SENABED*), which is subordinate to the Counsel, but whose Secretary is named by the Vice President of the Republic for a three year term. Distribution is provided in the Law as follows: 20% for expenses of special investigation units created by the Organized Crime Law; 20% to the Public Ministry for witness protection programs and for enforcement and investigation under the Asset Forfeiture Law; 18% to the Ministry of Government for training and equipment and direct support to the Criminal Information Center of the National Civil Police; 15% to the Seized Assets Counsel for custodial and administrative expenses of seized assets until they are sold; 25% to the Judiciary; and 2% to the Solicitor General's Office.

Nevertheless, in criminal reform efforts the current Supreme Court Judge in charge is a believer in the plan and has produced a defined Criminal Policy¹⁶

During PAVI and at the time of this evaluation, the main coordination problem among donors is support to strengthen efforts towards meaningful police reform. PAVI carried out some studies together with Interpeace. The Ministry of Government did not designate the person who will coordinate such efforts as happens today.¹⁷ The Minister did not give clear indication of who was to lead, or what lines of reform had to move ahead. Some donors coordinated technical and financial assistance to the PCN with the Minister, others with the Vice-minister, others with the Commissioner for Police Reform, and still others with the Ministry's planning authorities.

During PAVI, the "Petite Comité" for Justice and Security, a donor coordination body, met regularly, and it continues today. Among donors it is agreed to have been successful during its six years of experience, but it only works at a technical level after donors have designed and launched their separate programs. Some persons interviewed complained that this mechanism is only used for information exchange, but is not a real advance coordination mechanism with an agreed coordination and decision-making function.

During PAVI, the Coordination Instance for Justice Sector Modernization, created by the Peace Accords as the coordination mechanism for the Justice Sector reforms played no coordination role. The Coordination Instance was no longer fulfilling its role, and its importance decreased steadily during the Project. Nonetheless, the European Union (EU) and the Inter-American Development Bank (IDB) will disburse significant new justice program funds using this entity, and are expecting it to exercise a stronger coordination role in the future.

As of November 2012, the main donors to the Justice and Security Sector going forward will be the U.S. Embassy (NAS \$3.5 million), USAID's Justice and Security Project (US\$20 million), the European Union (20 million Euros), and the Inter American Development Bank. The IDB has an approved loan (US\$30 million) mainly devoted (80%) to fund construction of buildings for different justice sector institutions. USAID and the EU have projects with common areas of work (support to the criminal justice system, strengthening of criminal investigation and support to civil society) that clearly imply and will require close coordination efforts to avoid duplication of efforts and maximize results.

As a conclusion, it is clear that donor coordination during PAVI was effective because of the leadership of PAVI's COP and two high level officials leading individual Justice Sector Institutions. Nonetheless, there continues to be an absence of any GOG institutionalized mechanism for such a role. During the implementation of the next projects on Security and Justice, donors – primarily USAID and the EU - will

¹⁶ In the Judiciary, the only criminal strengthening effort that has not been coordinated through the Criminal Chamber is the creation of the Femicide Courts. Another Judge, the former Supreme Court President, is coordinating these highly important new criminal courts. RCC recommends that this groundbreaking new area be closely coordinated and integrated with other criminal reform efforts.

¹⁷ Currently, there is a Commissioner for Police Reform, whom all informants agree has no effective power and whose appointment was motivated by political commitments. Recently a new Vice-minister of Government was appointed and the intention appears to be to place him in charge of police reform. The CICIG is concerned and is promoting the appointment of a single person for such a role, mainly to assure the effective and efficient establishment of the newly approved General Directorate for Criminal Investigations (DIGICRI), a crucial agency that is lodged within the Ministry of Government, but which must closely collaborate with the MP in crime investigation. This new directorate is aimed to improve the professional and scientific crime investigation capacity of the country, and its operational regulation requires clearly established staff qualification profiles and strict hiring and training procedures to assure professionalism and personal integrity.

have to closely coordinate in spite of the lack of an overall GOG donor coordination policy. This will be especially crucial in assistance efforts to the Police and in encouraging and supporting any significant structural police reforms that do in fact develop.

Finally, it is very important that donors impose stronger conditions to donor contributions. During the interviews, there were strong criticisms of international donors who have been providing assistance without requiring results. During the last decade, Guatemala has received more than four hundred million dollars annually in external cooperation funds, with significant sums devoted to justice, and in the view of most civil society representatives interviewed, the changes produced, mainly in the criminal justice system, have been very limited to justify such an investment. Many asserted that there has been a lot of waste and duplication of resources since the Peace Accords that donors must eliminate decisively. This is particularly urgent now that several European countries have ended programs and one of the most important donors, the Spanish International Development Cooperation Agency, will end its justice sector support by mid-2013 and does not envision more support in the near term due to Spain's difficult financial situation.

6. IMPROVE JUSTICE SYSTEM CAPACITY TO PROSECUTE AND TRY SERIOUS CRIMES

Improving justice capacity to prosecute and try serious crimes was PAVI's first working area. PAVI worked mainly with the MP Analysis Unit and the MP Crime Against Life Office and with the Judiciary with the 24-hour Courts and the High Impact Courts.

6.1. MP GENERAL PREFORMANCE

In general, during the last three years, the MP performance has started to show positive achievements. It has increased its clearance rate¹⁸ from 5% to 28%. The use of alternative mechanisms to solve minor cases has increased by 138%. Case dismissals (decisions not to prosecute) have increased from 10% to 58%. The new policy is to devote the major efforts to solve the most serious crimes, thus 20% of the prosecutors are now directed to resolve 80% of the cases (non-serious) and 80% of the prosecutors have been refocused to resolve 20% of the cases (serious). Only 3% of the cases received by the MP are brought to court and 30% of them have been resolved via abbreviated procedures. Even so, the number of cases brought to court by the MP has increased 16%, from 13,649 in 2009 to 15,836 cases in 2011.¹⁹

CICIG support to the MP has been crucial in eradicating the idea that in Guatemala major crimes cannot be investigated. CICIG started to use scientific evidence to prosecute major crime and introduced the concepts of crime analysis and prosecutorial planning, and recently the CICIG Analysis Office was permanently transferred to the MP. It has also provided political support in crucial topics such as judicial independence, autonomy of the MP, non-intervention of the armed forces in police functions, formation of a scientific police investigative unit, and other key reforms.

USAID has been very active and constant through PAVI and the previous ROL Project in this area of assistance, but it has not been the only donor. The Spanish Cooperation, UNDP and the Canadian International Development Agency (CIDA) have also assisted in the MP strengthening process. Thus, the achievements and improvements in the MP are not attributable to PAVI alone.

¹⁸ It is important to note that the Public Ministry statistics deem a case "resolved" and "cleared" when: a) it has been ended by alternative resolution, b) ended by an MP decision not to prosecute, or, c) it has been sent to court for trial, even though it has not been tried. Thus, MP official clearance rate statistics do not consider final judicial verdicts, although a guilty verdict is the universal hallmark of a successful prosecution.

¹⁹ According to information provided by the MP Policy Secretary and SICOMP, in November 2012

6.2. SUPPORT PROVIDED BY PAVI TO MP ANALYSIS UNIT AND TO THE CRIMES AGAINST LIFE OFFICE.

During the last two years, PAVI's support to the MP's Analysis Unit and the Crimes against Life Prosecutors Unit has been very important and has strengthened the collaborative relation between both Units to improve criminal case analysis and prosecution planning, assisting in the establishment of a permanent link unit between the two offices. The collaboration of both offices, for example, advanced the investigation of several murdered bus drivers in Guatemala City and led to the dismantling of six criminal gangs and the arrest of 65 of its members²⁰.

PAVI's main achievement has been to establish an integrated working methodology between the Analysis Unit and the Crimes against Life Prosecutors Office, reflected in the establishment of "Criminal Prosecution Working Groups" with representatives from both offices. These simple joint work methods focus specifically on formulation and advance of strategic criminal prosecution plans for complex cases against organized crime groups. These methods incorporate analysis, information management and organization, linking cases and underlying phenomena, along with the principles of successful teamwork to detect and define criminal patterns. The joint efforts produced, according to MP interviewed persons:

- A concerted approach to investigate serious crime and criminal phenomena
- A general understanding of the structure behind a number of the crime groups operating in various cities and regions of Guatemala
- Priorities and incentives to form and work in intra- and inter-institutional teams
- A focus on results-based investigation rather than a task-based piecemeal approach

PAVI also contributed to provide the Analysis Unit with better tools. A state of the art Geographic Information System (GIS) has allowed a better location and mapping of areas where crimes are concentrated. This PAVI - donated tool has been complemented by a bio-forensic laboratory donated by the Canadians. Currently the working model developed between the Analysis Unit and the Crimes against Life Prosecutors Office has been expanded to another 13 prosecutorial offices around the country that now have a permanent link with the Analysis Unit in the MP headquarters.

During PAVI the relations between INACIF (National Forensic Sciences Institute) and the Crimes against Life Prosecutors Office also were greatly improved. PAVI activities led to the establishment of an inter-institutional agreement between INACIF and the MP to set up an Integrated Ballistics Information System (IBIS) to provide accurate data and relieve one of the most significant bottlenecks hampering criminal investigations. The agreement seeks to link ballistic information to otherwise unrelated criminal activity in various locations and at different points in time. The agreement was an important step in producing significant success for a strategic approach to investigating organized crime structures responsible for the most serious crimes. Now, INACIF carries out ballistic examinations of every firearm confiscated or shell casing found, even if the particular prosecutor has not requested it. The agreement is now a very useful tool in linking cases, confirming that most of the homicides in Guatemala are being perpetrated by criminal structures operating in Guatemala City, and it has become the cornerstone of a prosecution strategy against criminal gangs such as the M18 and M13.

PAVI provided intensive training for the Crimes against Life Unit in crime investigation and litigation

²⁰ US EMBASSY (November 2012), "Rule of Law Narratives. Performance Plan and Report Fiscal Year 2009-2011). Rule of Law and Human Rights" and interviews with MP Crimes Against Life Office in November 2012.

techniques that also covered other prosecutors from other units (32 workshops for 140 prosecutors and assistant prosecutors).

PAVI also assisted the Crimes against Life Unit to identify and systematize best practices. During the life of the project it became evident that prosecutors and their staff were quick to innovate and improve procedures in many aspects of their daily work. PAVI took advantage of these circumstances to increase ownership of best practices and leverage them into sustainable improvements for replication throughout Guatemala. PAVI helped the Office to set up a best practices data bank, including success stories as case studies on successful criminal prosecution. As a result, the MP can track best practices in investigation and litigation for replication in other prosecutor units and for use in the mentorship program as a way to ensure sustainability and long-term application. Also PAVI assisted in the compilation of best practices in investigating and litigating against criminal organizations. This document provides useful guidelines on the prosecution of organized crime and high impact cases²¹.

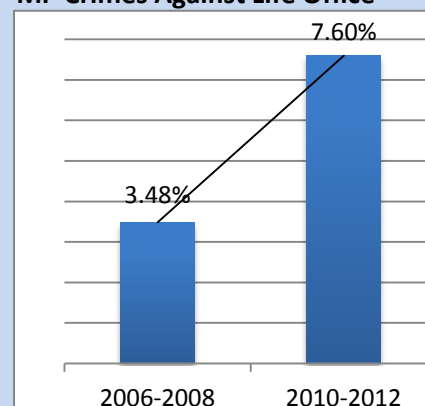
The strengthening of the Crimes against Life Unit is also due to other factors beyond PAVI, such as:

- Implementation of new wiretap authorization law and practices has allowed discovery of organized crime groups and detection of corruption in the justice system.
- Use of the new authority in the Law against Organized Crime of the testimony of cooperating co-defendants ("*colaboradores eficaces*") as witnesses. This new tool increasingly has produced better results in the investigation and trials of organized crime cases with multiple defendants.
- The police group of investigators of crimes against life, formed by the Spanish Cooperation, and that has provided an invaluable assistance to prosecutors in the Crimes against Life Office.
- Establishment of two anti-gang groups, one for Mara 13 and one for Mara 18, that has achieved prosecutions and imprisonment of the main leaders of both groups and that MP believes has contributed to decrease the number of homicides per 100,000 from 46 in 2009 to 38 in 2011.
-

From 2010 to 2012, all the above elements have allowed the Crimes against Life Unit:

- A 4.7% increase in cases brought to court. A monitoring exercise of cases resolved in 2009, showed only 3% of all cases were brought to court (297 of 9385 cases from 2006-2008). Currently an exercise from 2010 to 2012 found that 7.7% of cases were brought to court (842 of 11,068).

Figure No. 8. Cases brought to Court by MP Crimes Against Life Office



Source: SICOMP 2, November 2012

²¹ Some tips from the document include information on:

- Building up a strong case based on solid investigation prior to requesting an arrest warrant
- Establishing specialized task forces in the Prosecution Unit and among other MP offices to get the big picture and ensure comprehensive analysis
- Throughout the investigation and trial, coordinating carefully with the penitentiary system to handle and protect a defendant or informant who is turning state's evidence (*colaborador eficaz*),
- Recommendations for a training program for prosecutors and assistant prosecutors to disseminate best practices in investigating and litigating cases against organized crime groups

- An increase of guilty verdicts from 38% in 2010 to 51% in 2012. This percentage is still low compared to some Latin American countries but shows a positive increase of 13%. Chilean prosecutors have Latin America's best record with approximately 80%-90% of guilty verdicts in cases brought to court. Costa Rica is around 70%.
- The MP Crimes against Life Unit has a current clearance rate of 68% of cases received, compared to 36% during the period 2006-2008. Fewer cases remained under investigation at the end of the year. The percentage has been reduced from 64% to 42%.

However, more than half (56%) of the 68% clearance rate is composed of cases

dismissed (declined to prosecute) by the MP. According to a study carried out by Myrna Mack Foundation, 48% of the dismissed cases were incorrectly legally justified by the prosecutors as cases that are not a crime or that MP cannot proceed²². The MP stated that the agency is becoming more selective and devoting its main efforts to the most serious cases. RCC had no means to confirm the MP assertion and there are no case studies on the nature of the MP dismissed cases. From 2010 on, according to SICOMP 2 information, there is an increase in the use of plea bargaining (from 92 cases to 268), the use of abbreviated procedures (from 74 cases to 158) and the joining of individual cases together for one prosecution (from 0 to 958).

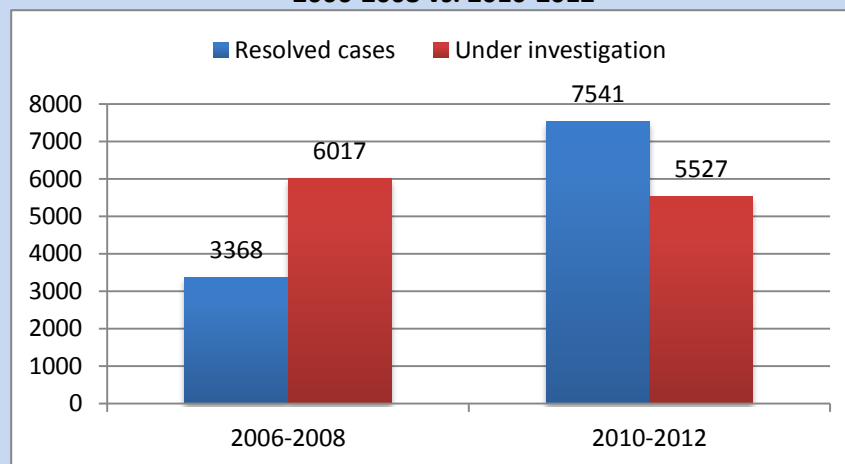
In general, there are notable improvements in the Crimes against Life Unit. The Analysis Unit has become more effective in providing elements for better prosecutions. During the interviews, the main area of

Figure No. 9 - Guilty Verdicts vs. Not-Guilty Verdicts (2010-2012) MP Crimes against Life Unit

	2010	2011	2012	Average
Total defendants	554	562	476	531
Guilty verdicts	211	210	241	221
Not-guilty verdicts	60	52	96	69
% of guilty verdicts	38%	37%	51%	42%

Source: SICOMP 2, November 2012

Figure No. 10 MP Crimes against Life Unit Clearance Rates 2006-2008 vs. 2010-2012



Cases	2006-2008	%	2010-2012	%
Resolved cases	3,368	36%	7,541	68%
Under Investigation	6,017	64%	3,527	32%
Total	9,385	100%	11,068	100%

Source: SICOMP2, November 2012

Note: MP classifies as "resolved" those cases: a) ended by alternative resolution, b) ended by MP decision not to prosecute, or, c) sent to court for trial, but not yet tried.

²² MYRNA MACK FOUNDATION (September 2012), "Informe de Monitoreo a la gestión de casos en el MP. Fiscalía de Delitos contra la Vida", p.39.

complaints again was the new MP management decision to divide prosecutors into investigation prosecutors and litigation prosecutors. Judges complained that litigation prosecutors appear before them without knowing the case because they have only recently received the investigative file. Prosecutors, judges and civil society representatives in Guatemala City and Petén complained vigorously about the new division system.²³

6.3. CHANGES IN THE PERFORMANCE AND CASELOAD IN THE 24-HOUR COURTS – PAVI CONTRIBUTION TO THOSE OUTCOMES

At the beginning of 2010, PAVI performed a diagnostic study of the 24-hour courts (*Juzgados de Turno Penales*) in Mixco, Villa Nueva and Guatemala City (*Torre de Tribunales*). The review focused on operational variables: physical infrastructure, security, staff performance, operations and procedures, information management, prosecutorial and legal aspects controls (supervision and oversight). Based on the PAVI study findings the Supreme Court approved by mid-2010 a new model for replication with a multi-judge court that shares administrative services. The PAVI diagnostic recommended:

- The replications of 24-hour courts should revert to the original model.
- The establishment of a court coordinator (Secretary) as the focal point for the administrative model and to schedule all oral hearings for all judges in the court.
- Reinforcement of all oral procedures to counteract certain cultural, structural, and procedural practices and issues that negatively affect the process
- More control mechanisms to reduce opportunities for corruption (such as privately rearranging shifts or case assignments among judges, contravening decisions of the Court, or personally assigning hearing dates, among others).
- Better organization of human resources and reductions in superfluous personnel.
- All charged cases should be brought to and heard before the judge assigned to the Court during regular business hours (day shift).
- Those judges assigned to work non-business hours (evening and night shifts) should merely issue rulings regarding suspects in custody or process urgent requests from the Public Ministry for investigation or evidence proceedings.

Once the Supreme Court approved the new model, PAVI worked with the Judiciary Human Resources Office to set up procedures for the staff shifts assignments (12 hours on, 24 hours off) and to re-structure job descriptions to make better use of support staff in oral proceedings. The Judiciary was able to reassign 182 unnecessary personnel to other positions as a result of the reforms²⁴. PAVI also worked with the Judiciary Information and Telecommunications Center to assign four staff members to assist the courts' administrative personnel with the use and applications of information technology. The implementation plan also included the participation of the Judicial Studies School. PAVI assisted the school to design and provide training for support staff, as well as to include litigation methods for oral proceedings without hampering the on-site in-service training provided by the courts themselves.

Currently there are five 24-hour Courts in operation (Mixco, Villa Nueva, Guatemala City, Escuintla and Sacatepéquez). Two of them (Mixco and Guatemala City) are already implementing the new legislation (Law 7-2011) that allows justices of the peace to hear lesser criminal cases with penalties of under five

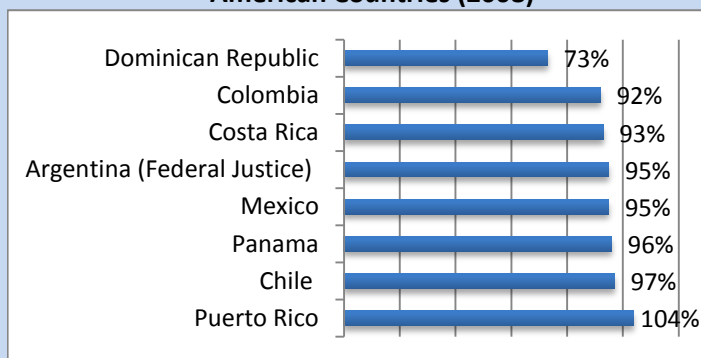
²³ RCC raised the point directly with the Attorney General, .The AG appeared concerned and said she would look into the issue.

²⁴ LA PRENSA LIBRE (August 8, 2010), " *CSJ Reubicará a 182 Empleados de Juzgados Penales de Turno*", http://www.prensalibre.com/noticias/justicia/Juzgados_de_turno_0_313768853.html

years. This law has increased the number of judges available to resolve minor crimes, but now the affected justices of peace are overwhelmed with cases.

All in all, 24-hour Courts have been a notable improvement in Criminal Justice in Guatemala. USAID has been their primary donor promoter, and the European Union also provided some technical assistance as well as important policy support with the Supreme Court. Their main achievement has been a reduction of provisional detention by as much as 65%²⁵, because when the ordinary courts are closed, the 24 – hour judges now decide immediately if the defendant must be imprisoned or can leave the court²⁶. Also they have facilitated the issuing of arrest and search warrants in hours out of the courts' regular schedule. Nevertheless, it is important to understand that although these courts operate continuously from 3:30 p.m. to 8:00 a.m., they have only a limited mandate. They only can take the first statements from the parties and decide if the case is dismissed, conciliated, suspended or is charged and continues. The ordinary trial courts that open at 8:00 a.m. the following morning receive the charged cases. Therefore, the clearance rate of these 24-hour Courts when operating during the evening and night shifts (3:30 p.m. to 8:00 a.m.) is very low compared to international standards (see Figure No. 10), since they do not operate as fully functioning ordinary courts, as do the *In Flagrante Delicto* courts in Costa Rica.

Figure No. 11 - Judiciary clearance rates in selected Latin American Countries (2008)



Source: Judicial Studies Center of the Americas (2008-2009) "*Reporte sobre el Estado de la Justicia en las Americas*", <http://www.cejaamericas.org>

According to the following table, the average clearance rate for these courts in 2011 and 2012 has been 22.6%, meaning they have resolved only that portion of all cases received. In a notable improvement, after the reorganization, clearance rates improved in 2012 by 10.43% for Justices of the Peace in the 24 – hour Courts. This increase may also be due in part to the application of Law 7-2011 allowing JP's to hear minor criminal cases. In 24-hour Trial Courts from 2011 to 2012, the clearance rate rose 13.94%.

Figure No. 12 - New cases, resolved cases and clearance rates in 24-hour Courts in Guatemala

Courts	New cases			Resolved cases			Clearance rates		
	2011	2012(*)	Total	2011	2012(*)	Total	2011	2012	Average
Justices of the Peace	6520	3537	10057	907	861	1768	13.91%	24.34%	19.13%
Trial Courts	5475	3165	8640	2022	1046	3068	19.11%	33.05%	26.08%
All cases	11995	6702	18697	2929	1907	4836	16.51%	28.70%	22.60%

(*) Information to September 2012. Source: Created with information provided CENADOJ (National Judicial Analysis and Documentation Center) (Nov. 12, 2012)

²⁵ This is very important in a country where pre-trial detainees 54.4% of the total population and where prison have an occupancy level of 184% according to the World Prison Brief produced by the International Centre for Prison Studies at the University of Essex, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=81

²⁶ Information from European Union representative from evaluation of EU Justice Project that ended in 2010 (November 2012)

As was mentioned earlier, the Guatemalan Judiciary does not have established performance indicators such as clearance rates, backlog rates, and case disposition times. As a consequence, RCC has compiled all the above information on clearance rates using numbers provided by CENADOJ. RCC also visited the Judiciary Information and Telecommunications Office which manages the computerized “*Sistema de Gestión de Tribunales*” and requested information on clearance rates and case disposition times in the 24-hour Courts, but they informed us that although their system could produce such information, they did not track such indicators. RCC asked the Office to produce a report on these indicators, to which they agreed, but their results had to be checked against information registered manually in each court and could not be ready for the delivery deadline for this report.

6.4. PAVI ACTIVITIES IN SUPPORT OF THE IMPLEMENTATION OF THE LAW AGAINST ORGANIZED CRIME AND/OR OTHER LEGISLATION

PAVI provided important technical assistance to the MP to use the practical tools provided in the recently implemented Organized Crime Law and Asset Seizure and Forfeiture Law. PAVI’s activities focused on two key aspects: the use of the benefits of a cooperating defendant turning evidence over to the State (*colaborador eficaz*) and establishment of a specialized prosecution unit on asset forfeiture.

PAVI assisted in production of overall guidelines and a frame of reference within which prosecutors could offer prosecutorial benefits, including witness protection and relocation, to defendants willing to turn State’s evidence. PAVI carried out 6 regional workshops for 122 prosecutors and assistant prosecutors. The training was instrumental in teaching the rational and ethical application of benefits, and was aimed to avoid abuse of this valuable investigative tool during prosecution. According to data from the MP Criminal Policy Secretariat, from 2010 to 2011, the use of the “*colaborador eficaz*” mechanism increased from 4 to 15 benefits conferred.

Regarding the implementation of the Law on Asset Seizure and Forfeiture (*Extinción de Dominio*), PAVI provided technical assistance to the MP to establish an Asset Seizure and Forfeiture group within the Asset and Money Laundering Prosecutor Unit. Renamed the Economic Crimes Prosecutors Unit, it is now fully operational with two prosecutors, six assistant prosecutors and an assistant assigned to the new office. According to information provided by the Attorney General during the meeting with RCC, this Unit has been able to seize 1 billion quetzals (approximately US\$143 million) since January 2012.

PAVI carried out four training workshops for prosecutors and assistant prosecutors working in the Units on Organized Crime, Drug Trafficking, Money and Asset Laundering, Economic Crimes, Crimes against Life, Anti-Corruption and personnel from the Criminal Policy Secretariat. The workshops were also replicated in the District Prosecutor Offices in Petén and Mixco for a total of 46 participants. PAVI also provided assistance to prepare guidelines on seizing assets at the border when individuals enter the country without a customs declaration or under false pretenses. The guidelines are based on standardized procedures for minimal investigation requirements prior to requesting a ruling on forfeiture. The guidelines also provide basic instructions to document and track the procedures.

7. SUPPORT TO HIGH-IMPACT COURTS

This Special Activity was closely related to the implementation of the Law Against Organized Crime. The jurisdiction for high impact courts was officially established to: a) ensure prompt and effective administration of justice in those cases posing higher risks to the justice system and to justice operators;

b) assure personal safety of judiciary personnel and defendants and: c) minimize the risks and operational costs of transporting individuals in custody determined to be extremely dangerous.

7.1. REMODELING OF 14TH FLOOR OF GUATEMALA CITY COURT BUILDING

PAVI financed and coordinated the remodeling of the 14th floor of the Guatemala City Court Building to house the multi-person judiciary facility for high impact courts. The facility contains a High Impact First Instance Court with two judges on the bench and a High Impact Sentencing Court with six judges on the bench. The courts are designed around shared administrative services under the management of a single Court Coordinator. This project complemented previous Judiciary renovation efforts on the 15th floor as part of the multi-person headquarters for the high impact courts. The remodeling included the purchase of audio and video equipment to facilitate and record oral hearing procedures. The remodeled courts provide separate entrances and restricted access areas to keep judiciary personnel separate from the general public, as well as to isolate defendants to ensure the safety and privacy of victims and other witnesses testifying in court. The high impact courts include videoconferencing facilities so that victims and other witnesses can testify while protecting their identity and avoid intimidation and threats.

The High Impact Courts were strongly approved by several interviewees and by those who answered the questionnaires, who considered them an important improvement in the criminal system's ability to fight impunity. Their impact should not be measured by numbers of cases resolved, but by numbers of defendants sentenced and complexity and difficulty of the cases resolved. Most cases heard by these courts have multiple defendants and multiple charges per defendant. According to CENADOJ, since their creation in 2009, these courts have produced 83 final resolutions, with at least 3 defendants per case.

7.2. NEW SECURITY AND PROTECTION PROTOCOLS

New security and protection protocols for High Impact Courts, to which PAVI contributed, improved access to an impartial trial because they support better protection for judges involved in the cases so they may judge without fear of retaliation. However, all of the prescribed and required security measures have not been implemented and security is still very precarious for the judges and the parties involved outside of the fortified Central Court building (*Torre de los Tribunales*).

Interviews with these judges indicated an urgent need to start selecting and training a new group of judges capable of dealing with these types of complex cases. These judicial positions are very stressful and dangerous and require better incentives. Currently, these judges' salaries remain the same as their colleagues in ordinary criminal courts despite the added personal risks and the complexity of the cases. Moreover, the current judges feel that selection procedures need to be strengthened to assure selection of persons without links with organized crime.

8. MOBILIZED JUSTICE SECTOR AND CIVIL SOCIETY TO REDUCE AND PREVENT VIOLENCE

PAVI's efforts in this area were limited and mainly focused on support to attention of victims from civil society organizations and the Public Ministry Victims Assistance Office (OAV).

8.1. AVAILABILITY AND QUALITY OF LEGAL AID/VICTIM'S SERVICES.

In Guatemala, in general, the quality and availability of services to victims of violence provided by GOG institutions is still very limited. In a number of cases, the GOG has transferred the responsibility to

provide for such services to civil society organizations with limited resources. There are only five (5) shelters in the entire country for victims of violence. These are located in CAIMUS (Integral Support Centers for Women Survivors of Violence (*Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia*) and managed by Grupo Guatemalteco de Mujeres, an NGO.

Victims still have great fear to make a formal complaint to the Police and MP. Procedures are slow and evidence is often poorly handled, and victims are not well treated. Victims usually receive initial immediate attention at the Police and MP, but there is no continued service or an integrated service with legal and psychological aid. The National Civil Police does not have an adequate victim services system and there is great systemic bias against women, particularly against those complaining against men. Police frequently inform the aggressor of claims presented against him before arresting him. The few PNC officers that have received gender bias training are often transferred to units that have nothing to do with their training and so the training is wasted. There is also great gender bias against women in the courts, particularly against indigenous women where this bias is also aggravated by the lack of interpreters in the Justice Sector in indigenous languages.²⁷ Currently there is a 97-98% of impunity in violence against women cases²⁸.

MP Offices for the Attention of Victims (OAV) have been an improvement, but the institution still seems to lack personnel that understand and are committed to provide legal aid to crime victims. This task is not a natural fit for a prosecution agency and is not seen as a high priority as compared to much more urgent prosecution tasks.

Legal aid to violence victims unable to afford a lawyer is very limited. Civil society organizations have limited resources. Support from University law faculty legal clinics is often poor, and because the legal process is very slow, several students may be involved in the same case, because when one graduates, another student takes over, and with each change victims must tell their stories all over again. Some of the best services are provided by IDPP through the National Coordination of Legal Aid to Victims and Relatives. Through its semi-autonomous Office of Free Legal Assistance, (*Asistencia Legal Gratuita – ALG*), IDPP/ALG has provided services to more than 70,000 cases of victims since the creation of ALG in 2008. This office, in coordination with MP, has developed what seems to be the optimal approach to the problem of victims, through the creation of Derivation Services Networks, composed of NGO's, public sector offices, and medical and social workers around the country. One of the best such networks operates in Guatemala City and the Model has been replicated in other areas.

8.2. PAVI CONTRIBUTIONS TO IMPROVE PROTECTION OF VICTIMS

PAVI's work with civil society organizations was mainly focused on the protection of victims of violence. PAVI started preparing an assessment on the services and legal assistance available to victims of crime. The study covered 15 departments and included interviews carried out at 137 institutions to determine the array of services available. The study shows that only 43 organizations specifically provide services to crime victims (65 % are government institutions, 35 % CSOs). It also showed that the services are very limited and that sexual crimes and crimes of violence against women or domestic violence are those generating the greatest demand for services. A total of 78 % of the providers are assisting victims of child

²⁷ DEFENSORIA DE LA MUJER INDIGENA (2007), "*El Acceso de las Mujeres Indígenas al Sistema de Justicia Oficial de Guatemala*", <http://demi.gob.gt/paginas.asp?id=4254&clc=249>

²⁸ CENTRO DE ESTUDIOS DE GUATEMALA (September 2012), "*Situación en Seguridad y Derechos Humanos. Guatemala*", Power Point Presentation

abuse followed by 76% that are providing services to victims of domestic violence, while 65 % of the service providers deal with cases of violence against women, particularly physical, psychological and sexual abuse. Regarding crimes against life, most of the cases requiring services are for assault (39 %). The study showed that 70% of the demand for services originates in the segment of the population of Maya origin and 30% originates from non- Maya origin.²⁹

After the assessment, PAVI selected a group of organizations working on the subject (*Grupo Guatemalteco de Mujeres*, FADS, *Madres Angustiadas*, GAM, *Asociación de Justicia Alta Verapaz* and *Centro de Paz Barbara Ford*, among others) and brought them to work together, giving grants to several. According to these organizations, PAVI organized eleven meetings to share problems and achievements, and provide technical and financial advice. The Tetra Tech DPK final M&E Report states that these meetings involved 132 persons in PAVI's first year, 330 in the second year and 123 in the third year. The PAVI resources devoted to the protection of victims came from the grant fund (\$300,000) and the regular budget. They were focused to:

- Raise awareness of violence against women and empower women via better understanding of their legal rights under new laws, mainly the Law against Femicide and Other Forms of Violence against Women.
- Provide legal aid in some judicial processes.
- Provide violence sensitivity training to justice sector officials in Guatemala City and Petén.
- Design tools for monitoring the Justice Sector from victims' perspective (approved by the Supreme Court but not yet implemented).
- Update GAM's Manual for Reception of Human Rights Claims that includes the procedures to be followed to present a formal claim. The manual covers human rights violations and violence against women. It also establishes social auditing tools. PAVI also trained in use of the manual.
- Coordinate efforts with the CSO *Movimiento Pro Justicia* (MPJ) to target the most powerful members of Congress and other key stakeholders to promote comprehensive legislation to register mobile phone devices³⁰, regulate cell phones, and develop tools that are useful as deterrents and controls to combat the crime wave.

PAVI also provided support to organize an international seminar on Quality Standards for Assistance to Crime Victims: Recent Progress and Future Outlook. The seminar was officially sponsored by the Judiciary, the MP, the Public Defense Institute, the Survivors Foundation (*Fundación Sobrevivientes*), and FADS. PAVI also organized four workshops to review the Protocol for Comprehensive Assistance to Victims Providing Testimony in Criminal Prosecution. The Protocol has been reviewed and approved by the MP Criminal Policy Secretariat and is currently awaiting the Attorney General's approval.

There are no specific measures available to establish to what extent PAVI services for attention of victims contributed to reduce or prevent violence nor to determine the target population they reached. All of the PAVI interventions and activities likely helped in this area, but there was no baseline data to measure improvement during the project, nor any way to attribute improvement to PAVI inputs. Numbers of victims attended by the Police, the MP, the IDPP/ALG and the Survivors Foundation as reflected in PAVI's M&E final report (page 22) cannot be attributed to PAVI's intervention. Moreover, the apparent most effective organization, the IDPP/ALG National Coordination of Legal Aid to Victims and Relatives, received no PAVI assistance, despite several requests for assistance, according to the ALG Office Director.

²⁹ TRETA TECH DPK, "*Quarterly report No. 5*", pp.16-19

³⁰ In Guatemala, cell phone theft is one of the most common and recurring crimes. Cell phones are also commonly used in extortion schemes.

9. INCREASE INTERNAL ACCOUNTABILITY AND OVERSIGHT WITHIN THE JUSTICE SECTOR

PAVI's main contribution to improve internal accountability in the Justice Sector was in the Judiciary. Here PAVI designed of a new Professional Development System that includes: a) an annual evaluation system for justices of the peace and trial judges and, b) the reorganization of the Judicial School to tailor training to job qualifications for judges and auxiliary personnel.

9.1. PAVI'S PROGRESS ON REFORMING RECRUITMENT, APPOINTMENTS, SELECTION AND PROMOTION OF JUDGES

Guatemala has a very limited Judicial Career system for the appointment and performance evaluation of judges. The Career Law, enacted 13 years ago (Law 41- 1999), only covers the justices of the peace and the trial judges who are named by the Judiciary for five year terms with possible reappointment based on performance. The National Congress appoints the 120 Appellate Judges and 13 Supreme Court Judges, who are not covered by the performance evaluation system, for five-year terms³¹. In practice, The "career" system is truncated, as Justices of the Peace can only aspire to move up to Trial Judgeships, and Trial Judges have very minimal prospects for elevation to an Appellate Judge position, unless they have political support in the Congress. This situation has produced a perverse system where the Appellate and Supreme Court judges all need active political ties to be appointed and retained. Moreover, the production of appellate jurisprudence in the country rests mainly in hands of these judges, who need not pass any legal knowledge test, have no obligatory judicial training, and whose work cannot be evaluated.

According to the Judicial Career Secretary, of the 850 current justices of the peace and trial judges, 80% have been appointed through a selection process that includes an examination on legal subject matter and psychological tests, six (6) months of training at the judicial school and two (2) months of tutorships once appointed. Despite the Career Law being in effect for 13 years, there are still 20% of judges (185) who have been appointed outside the legal selection and training system³². There is a disciplinary system for justices of the peace and trial judges overseen by a board that received approximately 2,584 complaints from 2008-2010, of which only 520 (20%) were found justified and investigated. Very few (104) of these were sanctioned and only 3 judges were removed.³³

Currently the only judicial performance evaluation comes in the final year of the five-year appointment term, which does not permit time to improve if the judge is found deficient in performance. Around 8% of the justices of peace and trial judges do not pass the fifth year evaluation and are discharged³⁴.

PAVI designed of a new Professional Development System with an annual evaluation system for justices of the peace and trial judges and a supporting training system that included reorganization of the Judicial School. PAVI also assisted to develop a handbook encompassing 46 standardized job descriptions and qualifications for magistrates, judges, and auxiliary personnel including specific skills and general competencies for each role. Moreover, PAVI devoted significant efforts to create an Institutional Integrity System and a Positive Leadership Network that trained 247 Justice Sector Officials in mental

³¹ At present, the National Congress is debating a set of constitutional reforms submitted by the Executive Branch that, among other matters, would place the appellate judges under the career system. During RCC interviews and focus groups, the general feeling was that Congress may approve eventually, but the reforms would not likely pass the subsequent public referendum.

³² Interview with the Judicial Career Secretary, November, 2012.

³³ ASIES (2011) "*Desafíos Actuales de la Justicia Penal. Proceso de fortalecimiento del sistema de justicia, avances y debilidades*". November 2008 - Octubre 2011", with information provided by the Judicial Disciplinary Board in June 2011, p.51

³⁴ Interview with the Judicial Career Secretary, November, 2012.

health, human relations and leadership. Nevertheless, these latter two areas seem to have expired with PAVI. Justice Sector authorities interviewed showed no interest and seem to have no resources for further development.

For the development of the new Professional Development System, PAVI hired the Universidad del Valle, a higher education institution with a great reputation in professional development systems and ASIES, a reputable local civil society organization. This excellent choice created an unprecedented alliance between the Judiciary, a local university and a local CSO, which has continued beyond PAVI, and both organizations continue work with the Judiciary, mainly to complete the Judicial School reorganization.

Currently, the Judiciary is starting an internal campaign to promote the new Professional Development System's annual evaluation among judges to avoid possible negative reactions to the proposed new system. The campaign documents portray the annual evaluation as a necessary step for professional development and as a mechanism for the Judicial School to detect training needs that will allow the judges to improve during the following year. It is puzzling that this socialization process did not start until the new system was ready to roll out, rather than during the design of the evaluation system.

In sum, PAVI's work towards better judicial human resources obtained: a) an important new annual evaluation system for justices of the peace and trial judges that, while not yet implemented, appears likely to be; and, b) reorganization of the Judicial School, whose director states it is 90% completed.

9.2. PAVI'S ACCOMPLISHMENTS REGARDING EVALUATION OF PUBLIC DEFENDERS

The Criminal Public Defense Institute, (IDPP) has one of the public sector's most efficient career systems for its full time personnel and the performance evaluation system for IDPP public defenders was done with technical and financial support from the Spanish International Cooperation Agency. One hundred eight (108) full time public defenders have been appointed going through the career system, through apprentice stages and exams.

Under the PAVI project, support to IDPP was to be directed to provide technical assistance for design and implementation of an evaluation system to control the quality for IDPP contracted public defenders (*abogados de oficio*). These are not IDPP public sector employees, but rather private attorneys hired under contracts by IDPP to provide indigent defense services. The PAVI activity began in late 2009 and proceeded until mid-2010, when assistance was abruptly interrupted. RCC evaluators could not learn the reasons and the IDPP Director stated that no explanation was ever given. The last USAID CTO for PAVI had no information as she was CTO only for the final 6 months of the project. The former CTO was working in Mexico and the PAVI Chief of Party had already left Guatemala. Nevertheless, the PAVI COP kindly answered RCC's e-mailed questions and asserted that PAVI's only commitment to the IDPP was the design of a proposal for evaluation and that this task was completed.

As RCC stated at the beginning of this report, information on this from Tetra Tech DPK Quarterly Reports 5 and 6 is contradictory, and the activity appeared clearly planned to continue through 2010, but was not finished. At the time of the apparent suspension of PAVI assistance in 2010, the IDPP was involved in a difficult political process concerning reappointment of the Director. This situation likely affected USAID assistance to the agency. Regardless of the actual reasons for suspension, an unfortunate negative impression was left with IDPP staff and leadership.

10. STRENGTHEN JUSTICE CAPACITY TO COMBAT ILLEGAL ACTIVITIES IN PETÉN

10.1 PAVI EFFORTS IN PETÉN

The Petén region reflects several critical Guatemalan issues. The region holds the Maya Biosphere Reserve (*Reserva de la Biosfera Maya* – RBM), a protected tropical forest that brings into conflict environmentalists and human rights defenders, who view the land tenure conflicts and rural farmer displacements common in the area from very different perspectives. The RBM has also become a locus of national and transnational organized crime operating in the region, particularly around the Laguna del Tigre, along the long border with Mexico. There is narcotrafficking, illegal logging, human trafficking, smuggling and more. The lack of state presence and active governance in the region facilitates the growth of illegal activities. Under current conditions, any attempt to support the judicial sector in the Petén department faces enormous and nearly insurmountable challenges.

Under the PAVI project, USAID used an integral approach focused at the District Attorney Office, based on the very successful model tested in Quetzaltenango. The attempt to replicate the regional approach model in the Petén was less successful. In fact, the MP reorganization has been counterproductive. They removed the previous special prosecutors for environment, cultural heritage and others and combined all under one unit that works all cases without specialization. Also, the MP's division of prosecutors into two groups, one in charge of investigations and the other responsible for litigation, has left citizens and judges, as well as prosecutors, dissatisfied. Litigating prosecutors often appear for the hearings before the judge without in-depth understanding of the case, easily making errors. Public defenders, who are generally better trained, are taking advantage of this situation and achieving easy acquittals or dismissals.

In general, PAVI activities sought to improve the Petén MP office, but the constant rotation of personnel made training less productive. Moreover, informants in the region claim that the current Petén District Attorney is not fully attentive to the needs of the judicial processes. There is the impression that often, judges and MP prosecutors are sent to Petén as punishment for poor performance or problems in other districts. This in turn impacts the professionalism and competence of many justice operators in the region. Moreover, most current judges and prosecutors are very dispirited with current working conditions and live in fear of threats and reprisals from politically or economically powerful individuals or organized crime groups.

During PAVI, the project tried to facilitate better communication and coordination among different justice operators within the Petén region and between local authorities, civil society and the Attorney General Office in Guatemala. These efforts were not sustainable after PAVI, and there are presently serious coordination issues. Since the demise of the Justice Centers (supported by USAID's 2004-2009 Rule of Law Project, but not under PAVI³⁵), coordination among Petén justice sector institutions is rare and difficult. Justice officials in Petén apparently have not been served by the Coordination Instance for the Modernization of the Justice Sector, which was expected to take over support of the Centers from the prior USAID Rule of Law project. The Justice Centers had been very useful in providing coordination and facilitating contacts among institutions locally in Petén and with the justice sector agencies in Guatemala City. Now there is no local coordination between prosecutors and judges, and calling

³⁵ The centers have all but disappeared. By the end of the 2004 -2009 Rule of Law project, per Checchi's final report of December 17, 2009, pp. i and 20, the 15 Justice Centers were "successfully transferred" to the Coordination Instance for the Modernization of the Justice Sector, but in the last three years, without external support, they have seriously declined.

Guatemala City for advice or help is problematic and often futile. It often requires long waits on the phone to encounter little interest or ability to provide support.

10.2. PAVI'S EFFECT ON PROSECUTION OF CRIMES AGAINST THE ENVIRONMENT

PAVI provided critical support to stakeholders in the Petén by offering training on environmental and cultural heritage laws. It also raised awareness among justice sector operators on environmental crimes. The training allowed justice officials to be more effective in handling environmental cases. In fact, a judge who participated in PAVI environmental law training said that the training allowed her and her colleagues to convict suspects on violations that were previously disregarded. She also mentioned the importance of the training being provided in Petén rather than in Guatemala City.

One of PAVI's most important achievements in Petén was providing support to the *Foro de Justicia Ambiental* (FORO), the region's key civil society coalition defending the Mayan Biosphere Reserve. PAVI greatly enhanced FORO's capacity to become a credible and legitimate interlocutor with local and national government. As a result, FORO became a legally constituted and effective civil society entity. PAVI supported FORO in inviting the Attorney General and her staff to personally overfly and inspect the Maya Biosphere Reserve along with a group of local justice authorities, and see for herself that there still much to protect in the RBM. The tour allowed the AG to see some of the illegal activities going on in the region, including the illegal logging and building of landing strips for narcotrafficking, particularly around the Laguna del Tigre. FORO representatives claim this visit helped to change the Attorney General's perceptions and to focus more attention on Petén. Prior to this trip, the Attorney General had accepted claims that the government was harassing the peasant farmers in the region. After the trip, she realized that it was the narco-related cattle ranches and illegal logging activities that threaten the region's population and livelihood.

As noted, PAVI also strengthened local MP and judicial authorities' environmental law understanding. Also, taking local staff on helicopter flights over the RBM gave visual reaffirmation of the PAVI trainings. These contributions led to improved MP environmental case processing, resulting in 112 brought to Court, resulting in 80% guilty verdicts during PAVI. In the past, environmental crimes were ignored for lack of understanding of the laws. Also, the persistence of the National Council for Protected Areas (CONAP) in prosecuting these cases has helped change the situation. Generally, the CONAP brings cases to court. FORO also brings to the attention of the District Attorney cases or situations that should be investigated. The MP in Petén rarely takes the initiative on its own to investigate environmental cases.

With the support of PAVI, the FORO conducted a broad public awareness campaign on environmental issues and cultural heritage protection through TV and 14 community radio stations. The campaigns are conducted in Quiché and Spanish. Despite the effort, there are still few claims from citizens regarding environmental violations.

As of November 2012, FORO had presented 4 to 6 informal high impact complaints on land invasions to the MP for investigation. One led to having ranchers linked with narcotrafficking being evicted from the land. However, the MP in Petén has a backlog of 300 environmental cases. Promotion of environmental crimes awareness and prosecution was the area of most success for PAVI, though results remain limited.

PAVI also provided funds to contract a consultant to prepare "A Strategy for Guidance on Monitoring Cattle Movements." This was a sort of cattle census that set a baseline from which to measure cattle movements in the region. Cattle ranchers are powerful individuals often involved in deforestation and

other illicit activities. They are displacing subsistence farming communities to clear the land. The baseline has increased CONAP's ability to monitor cattle movements and bring cases to court.

10.3. PAVI'S EFFECT ON PROSECUTION OF CRIMES AGAINST CULTURAL HERITAGE

The final PAVI M&E Report asserted that between January 2009 and December 2011, 298 cases on cultural heritage were prosecuted in Petén. However, RCC found that currently there are only eight such cases under MP investigation in Petén. With the claimed sharp rise of cases brought to trial in 2009, cultural heritage cases doubled from 91 to 187 in 2010, but declined again in 2011 to 20 cases and to eight cases in 2012. The M&E Report contains no information on whether there were any actual convictions in these cases³⁶. As mentioned before, overall prosecutorial capacity in Petén is limited and has been negatively affected by the new MP reorganization. RCC concluded that PAVI's effect on prosecution of crimes against cultural heritage was very limited. In spite of the numerous cases brought to court by the MP, there do not seem to have been any guilty verdicts in any case, and RCC could not find information on the status of the 298 cases prosecuted. FORO representatives argue that in part, the lack of prosecution on this type of cases is due to the negligence of the Ministry of Culture and Sports, which is responsible for the protection of cultural heritage, but unlike CONAP, it has shown little interest in prosecuting cases in its area of responsibility.

10.4. PAVI'S EFFECT ON PROSECUTION OF CRIMES AGAINST LIFE

PAVI provided technical assistance and equipment to the MP Office of Assistance to Victims (OAV) in San Benito, Petén. This assistance allowed the MP to prosecute and obtain a verdict of guilty in one case based on the Law on Femicide. According to the OAV, the MP may not have been able to achieve this result without the support of lawyers hired by PAVI. Another case involving the killing of a community leader, presented by FORO, is still under MP investigation.

Currently, the Petén MP has over 600 domestic violence cases pending. Of these, the MP OAV is currently handling 325 cases, with only one person, a psychologist, to handle all such cases. Victims and some justice sector operators are unhappy with the new MP system of cases being litigated in court by a prosecutor who has not been involved in the investigation of the case. They complain that the litigation prosecutor sometimes receives the case from the investigating prosecutor only an hour earlier and must ask the judge for additional time. They agreed that the prior practice of a single prosecutor conducting the investigation and presenting the case in court was more effective for all. Victims also complained that there are very few judges in Petén, that cases take up to five years, and that justice officials are vulnerable to bribes and corruption. In San Benito, only one courtroom is available for oral hearings.

Most of the persons interviewed by RCC in Petén expressed serious concerns over security for minors and women in the surrounding areas. Among a group of victims who met with RCC in San Benito, two cases were homicides of 7-year-old children, three were cases of sexual violence against children, and two were cases of violence against women.

RCC concluded that in Petén, any PAVI effect on increased prosecution of crimes against life was quite limited, since only one guilty verdict was obtained in a single femicide case during the project. While the PAVI project made some early progress, with the MP bringing 18 cases to court from 2009 and 2010,

³⁶ TETRA TECH DPK (July 2012), *Program against Violence and Impunity in Guatemala, Monitoring and Evaluation Final Report*. (Partners for Democratic Change), p. 30.

crimes against life brought to trial declined to 9 in 2011³⁷, reflecting a general downward trend following a highly publicized massacre (*Los Cocos*) committed by a Mexican narcotrafficking criminal group (*Los Zetas*) in May of 2011³⁸ and the state of siege later declared. The generalized fears of citizens and justice officials alike for their personal safety appear to be the main reason.

IV. RECOMMENDATIONS FOR FUTURE PROGRAMMING

Despite considerable real progress, Guatemala's criminal justice reforms over the last two decades were only the beginning of a necessary long-term process, and these measures have remained insufficient to deal with the recent steep rise of crime and violence in the country. Past reform efforts focused on developing new legal frameworks, adversarial criminal procedures, and included some questionable "*mano dura*" legislation. The sum of these efforts has yet to prove capable of curtailing crime and violence, and have generally failed to produce a more efficient and effective Criminal Justice System that reduces impunity. To sustain the progress made, and continue reforms in the future will require continuous political will and greatly increased financing. More reforms are necessary and these will require:

- The development and maintenance of a continuous national political commitment. Guatemala's political and economic elites have so far been incapable of solidifying and sustaining such a commitment. Without the commitment by the country's political and economic elites, further
- The generation of appropriate and adequate national financial resources to sustain them. The role of external international donors has been decisive in the past reform phases, but future progress and sustainability will have to rely more and more on the consistent generation of sufficient local resources.
- The establishment of effective linkages and coordination among justice sector institutions accustomed to working in isolation. Ensuring that all state institutions become committed to a common vision of citizen security is certainly a major undertaking.
- Balance between enforcement and prevention measures.

The challenge for the security and justice sector authorities is to develop a joint criminal policy and complete criminal justice reforms that contribute to curtail crime and violence, with due respect for human rights. The next round of reforms will require support from USAID but it should require the achievement of policy and enforcement benchmarks by GOG to measure project success and continue USAID's support.

Figure No. 13. The Guatemala Future Reform Agenda - Fundamentals



³⁷ TETRA TECH DPK (July 2012), Program against Violence and Impunity in Guatemala, Monitoring and Evaluation Final Report. (Partners for Democratic Change), p. 30.

³⁸ Time World (July 14, 2011), "*Guatemala's Kaibil: A Notorious Commando Unit Wrapped Up in Central America's Drug War*", <http://world.time.com/2011/07/14/guatemalas-kaibil-terror-from-dictators-to-drug-cartels/> and FOX NEWS LATINO (May 17, 2011), "*Guatemala President declares state of emergency in Petén*" <http://latino.foxnews.com/latino/news/2011/05/17/guatemalan-president-declares-state-emergency-peten/>

Set out below are recommendations for future USAID support based on RCC interviews, focus groups and questionnaires, as well as some examples of successful innovations from other Latin American nations. RCC believes USAID can play a useful and important role to assist Guatemalan policy makers to learn what similar countries have implemented successfully to combat crime and violence. Review of these initiatives mainly requires drawing upon knowledge and experience already acquired in other countries, taking advantage of national and international experts with experience in a particular country and analyzing the initiative with Guatemalan national actors familiar with the local environment to see if the initiative could be adapted and replicated in Guatemala.

1. IMPROVE JUSTICE SYSTEM CAPACITY TO PROSECUTE AND TRY SERIOUS CRIMES

This is an absolutely indispensable line of action that needs USAID continuous support to the main institutions involved: National Civil Police, Public Ministry, Judiciary and the IDPP. The recommendations are by area, by institution and within the institutions by descending order of priority

1.1. POLICE

Police reform is a priority but USAID must be careful in the selection of areas. PAVI produced a report on the subject that can provide guidance. The majority of persons interviewed agreed that the much-touted “Police Reform” plan has not shown the desired results as yet. Civil society organizations uniformly believe that there is no real political will to carry out a reform based on democratic principles. The CSO’s generally fear that any future “reforms” will produce a militarized police force, especially since the new GOG has placed numerous retired military officers in key positions in the Ministry of Government and the PNC. Nevertheless, support to Police Reform should be focused on elements aimed to improve the investigation capabilities of the institution. Informed observers interviewed by RCC believe that a key area of possible successful intervention is the establishment of a modern criminal investigation police (*Dirección General de Investigaciones Criminales DIGICRI*), based on the newly enacted law, to be established in the Ministry of Government, but functionally dependent on the MP. These observers considered that the international donor efforts for such an endeavor must be coordinated by a single entity within the Ministry or by the CICIG. If no single coordination entity is established from the beginning, it could be a very large and crucial investment with doubtful results. The priority task at this moment is the drafting of an operating regulation (*reglamento*) with appropriate educational and personal qualification profiles for staff, a task that should be a collaborative effort among the CICIG, MP, the Ministry of Interior and relevant CSOs (Forum of Social Organizations Specialized in Security - FOSS).

1.2 JUDICIARY

Since it has proven effective during PAVI, support to criminal courts should continue to be coordinated by the Criminal Chamber of the Supreme Court. The Criminal Chamber has a defined Criminal Judicial Policy that facilitates USAID contributions to Criminal Justice Reform. The caveat is that less than two years remain in the term of the present Supreme Court. Accordingly, USAID technical and financial support should be directed urgently to:

- Strengthen criminal case management, including improvement of statistical reporting and use of statistics for planning and budgeting. This is particularly important relative to the 24-hour Courts because they are located in the population centers with high caseloads. Special attention should

be given to the establishment of an effective hearing system. Currently around 46% of hearings are postponed and need to be rescheduled for different reasons.³⁹

- Strengthening the High Impact Courts, improving security measures for judicial staff and witnesses. This activity also includes selection and training of a new set of high-risk court judges and the design of an incentive system for these judges that could include better salaries, academic scholarships and comparative legal study tours. It also requires full implementation of the Judiciary Internal Security System designed by UNDP and only partially implemented, which among other needs requires 30 armored cars and stricter selection of security personnel. Better security measures are required not only for High Impact Courts staff but also for other trial and sentencing judges that are handling more serious cases without additional protection measures
- Support the implementation of two multi-judge criminal justice of the peace courts (Justice of the Peace Courts #1 & #5), as urged by the present Criminal Chamber President and support the implementation of the law that allows justice of the peace courts to judge crimes with less than 5 years imprisonment in coordination with the Justice Centers. The support on this subject should be also extended to the MP and the IDPP so these institutions can provide the prosecutors and public defenders for these courts to function properly.
- Study the possibility that the 24-hour Courts could be modified to be more efficient. Some models such as the “In flagrante delicto” courts in Costa Rica should be studied.

BOX 2. COSTA RICA’S “IN FLAGRANTE DELICTO” COURTS

The “in flagrante delicto” courts were established by Costa Rica in September 2008 as a pilot project in San Jose to reduce criminal case disposition times. The pilot project was a success and five additional similar courts have been established in Alajuela, Cartago, Heredia, Limón and Puntarenas, and another six will be installed in San Carlos, Pococí, Corredores, Pérez Zeledón, Liberia and Santa Cruz.

These courts were established with only minor legal reforms and ensure respect of due process guarantees in simplified procedures to handle cases where the defendant is caught in the act of committing of a crime (*in flagrante delicto*). These courts remain open 24 hours a day, 365 days a year and operate around the clock with several shifts of judges, prosecutors and public defenders. The “in flagrante” cases are turned over immediately to the prosecutors, who may request an immediate hearing with the judge to analyze alternative mechanisms, such as summary judgment or the need for preventive detention. When the defendant and the public defender choose an expedited trial, it may take place immediately or can be set in a few days.

During 2009, the pilot court received 1,111 cases and produced 560 final judgments, 91% of them with final judgments of guilty; 67% of the cases were resolved through expedited procedures, and only 14% went to trial; and of them, 30% were resolved by alternative mechanisms. The fastest final judicial resolution was produced in only 4 hours and the longest in 18 days (with oral and public debate).

Source: SEGUNDO CIRCUITO JUDICIAL DE SAN JOSÉ (2009) <http://www.poder-judicial.go.cr/generalidadespj/informedelabores/2009//Archivos%20web/16-tribunalflagrancia.htm>

³⁹ According to a study by the Judiciary Information Systems and Telecommunications Office, approximately 50% of hearings are postponed because of the judges, 25% the MP is responsible, 10% the Public Defenders and 10% the Penitentiary System. See also, ASIES November 2011), “*Desafíos Actuales de la Justicia Penal. Proceso de fortalecimiento del sistema de justicia, avances y debilidades. Noviembre 2008- Octubre 2011*”, p. 46.

1.3. PUBLIC MINISTRY (ATTORNEY GENERAL OFFICE) AND INACIF

USAID should continue supporting efforts to install and upgrade modern investigation techniques and methodology, including modern investigative and analytical technology.

- The MP officials highly praised the modality of USAID's long-term technical advisors working alongside prosecutors. This facilitates training around daily workloads and easily identifies areas for improvement. Also, the Working Groups model established during PAVI should be institutionalized and replicated in all prosecutor offices.
- Efforts need to be directed to closely integrate Police investigation with prosecutors. The Crime against Life Prosecutor Unit experience has been very successful and should be replicated. Joint training of police and prosecutors in investigation techniques should be conducted.
- MP also requires support for the strengthening of the newly established Femicide Prosecutor's Office in the MP and priority replication of the unit in other regions.
- On training: a) The systematization of best practices identified by PAVI in Crimes against Life Prosecutors Unit needs to be replicated nationwide, and, b) update the MP Training Modules produced during the 2004-2009 USAID ROL Project. They are in CDs and need to be updated and incorporated into the MP's UNICAP training schedule. Interviewed prosecutors felt that the best in-service training is of only one day. Longer events take too many prosecutors from daily duties. Training needs to be continuous due to high personnel turnover. Training modules need to go from basic to specialized to allow use of tools to prosecute organized crime. Training needs to reach prosecutors nationwide, so long distance and on-line training should be promoted.

1.4. INACIF

- Working links between MP and INACIF must be strengthened. This task started with PAVI. Interactive workshops between MP and INACIF officers on how to deal with crime scenes must continue. They allow a better understanding of prosecutors and forensic staff and to measure and define expectations. USAID was instrumental in establishing and equipping INACIF in prior ROL project, continued under PAVI, and should remain a strong support.
- It is also important to study the Rape Victims Attention Centers financed by USAID/El Salvador that were opened at the Forensic Medicine Institute in San Salvador and in Santa Tecla.⁴⁰ According to GAM, INACIF data shows that sexual aggression is almost as high as the levels of homicide in Guatemala. While girls are becoming increasing victims of aggression, sexual violence against boys remains more secretive, although it is also prevalent. The Salvadoran initiative is worth replication in Guatemala. These centers are two 24-hour Units for the Attention of Rape Victims installed at two Forensic Medicine Institute offices. These Units have two private rooms where victims are examined and can receive medical and psychological attention. The Units have psychologists and nurses that prepare victims for the physical examinations and for the interviews to start judicial proceedings.⁴¹ The preliminary information resulting from these units shows that 90% of rape victims are under 17 years old, and according

⁴⁰ FORENSIC MEDICINE INSTITUTE (July 15, 2011), "*IML inaugura Unidad de Atención a Víctimas en Crisis*", http://www.csj.gob.sv/IML/NOTI_02.html and EL SALVADOR NOTICIAS.NET (March 8, 2012) "*Corte Suprema inaugura oficina de atención a víctimas de abuso sexual*", <http://www.elsalvadornoticias.net/2012/03/08/corte-suprema-de-justicia-inaugura-oficina-de-atencion-a-victimas-de-abuso-sexual>

⁴¹ EL SALVADOR NOTICIAS.NET (March 8, 2012), "*Corte Suprema inaugura oficina de atención a víctimas de abuso sexual*", <http://www.elsalvadornoticias.net/2012/03/08/corte-suprema-de-justicia-inaugura-oficina-de-atencion-a-victimas-de-abuso-sexual>

to studies by women's organizations, it remains the case that only 3% of rape violations in El Salvador result in a guilty verdict for the perpetrator, a situation similar to Guatemala's.⁴²

1.5. IDPP

To promote a fair balance in criminal trials, and to expand attention to victims, USAID should restart its support to the IDPP. This is a crucially important institution that has always had USAID support and only under PAVI was it suspended for the past two and a half years.

- IDPP requires strengthening of its Technical Support Department to carry out scientific analysis. (INACIF does not provide forensic services to IDPP). In this area the psychological exams in domestic violence cases are important. IDPP currently does them with very limited personnel.
- IDPP also requires training of personnel in new legislation, using mainly long-distance and on-line modalities.

2. MOBILIZE JUSTICE SECTOR AND CIVIL SOCIETY TO REDUCE AND PREVENT VIOLENCE

RCC research and fieldwork has confirmed that violence against women and children is enormous and endemic in Guatemala. USAID should urgently expand the scope of activities in this line of action and go beyond PAVI's limited interventions. The recommended activities are descending order of priority:

2.1. SERVICES FOR THE PROTECTION AND ATTENTION OF VICTIMS

The Metropolitan Derivation Network Model established by IDPP/ALG in collaboration with MP to provide services to victims of violence is the best tool to link and coordinate efforts of all justice system actors, health providers, social services and civil society. The model should be supported and expanded to other departments. The protection of victims must be a GOG obligation where CSOs contribute, but not vice-versa. Accordingly, all civil society efforts should be coordinated with Justice Sector Institutions through existing Service Derivation Networks. On this subject, RCC again recommends that USAID study, support, and replicate the Guatemala Metropolitan Network in close coordination with the IDPP/ALG's National Coordination of Legal Aid to Victims and Relatives. RCC urges USAID to devote efforts to assist each network in the areas where services are weaker, such as legal aid, and particularly in construction and staffing of shelters - a critical need throughout the country⁴³. Several CSOs interviewed expressed that the definition of a victim is evolving and incorporating some surprising new areas.

There is need for of research on women victims' roles in the narcotrafficking and organized crime (forced extortion collectors, human traffickers, cover for hired killers). In organized crime, the Justice Sector treats some of these victims as criminal defendants, even when forced to participate. When they seek help from Justice officials, they wind up in jail as accomplices. Finally, some law reform projects supported under PAVI, such as the law for registration of cellular phones to prevent and combat crime - supported by FADS, and the Law for the Protection of Victims promoted by Madres Angustiadas, are still pending approval. USAID should see if they can be promoted under the new Justice and Security Project.

⁴² Interview with USAID contractor Checchi and Company Consulting, Inc. representative, March 2012.

⁴³ Currently, for a population of 14 million persons, there are only six shelters for violence victims in the entire country (Guatemala City, Escuintla, Cobán, Quetzaltenango, Salama, and Mixco).

2.2. ESTABLISHMENT OF ORAL HEARINGS IN FAMILY, CHILD AND ADOLESCENTS IN CONFLICT WITH THE LAW COURTS

To promote social peace and reduce violence, USAID should carry over its promotion of oral procedures into Family Courts, Child Protection Courts and Adolescents in Conflict with the Law Courts. Family and child problems that are not properly resolved can easily develop into violence situations. RCC toured the recently opened oral hearing-based Metropolitan Child Protection Judicial Center in Guatemala City, a major advance whose model should be followed in Huehuetenango, Quiché, Zacapa and San Marcos. In this multi-judge court, child protection matters were separated from adolescents in conflict with the law matters. This center has well lit and attractive rooms where court psychologists interrogate children that communicate via audio with the courtroom for hearings. The center has a spacious waiting room with a large computer screen that displays the hearings taking place, a case admission unit and a child care unit.

A similar model could be used for Family Courts and Adolescents in Conflict with the Law Courts (juvenile offenders). An extensive PAVI assessment on the latter should be used for any future juvenile justice activity. In several interviews, USAID was criticized for only focusing on Criminal Law, which applies after the harm is done and not devoting equal attention to the crime prevention. This initiative could help to balance the efforts between prevention of violence and crime and repression. It is backed by the President of the Supreme Court and the magistrates of the Supreme Court Civil Chamber.

2.3. DEVELOPMENT OF COMMUNITY POLICE PILOT PROJECTS WITH A MORE INTEGRATED APPROACH TO CITIZENS' SECURITY

These programs are complex and difficult to establish, but when successfully implemented have proven one of the most effective mechanisms to pacify violent communities. The first step is to recognize local communities as active participants in fighting crime and reducing violence.

There are some valuable examples to study carried out in Bogotá, Colombia (See Box 3) and the cities of San Paulo and Rio de Janeiro in Brazil (See Box 7). The United Nations and USAID have developed some valuable initiatives on this subject in El Salvador. UNDP from 2005 to 2010, developed a methodology in 10 municipalities⁴⁴, "the Peace and Citizen's Security ABC"⁴⁵, that has allowed these municipalities to diagnose their own crime and violence situation, define a peace and citizen's security policy and a strategic plan with a defined monitoring system with indicators. Some of the 10 municipalities have started to implement, but there is no impact evaluation as yet. USAID has also developed Crime Prevention/Security Enforcement Action Plans in Nahuizalco, Sonsonate and Quezaltepeque. After one year, the results from these three pilot communities are very encouraging for two crime indicators: homicide and robberies. Overall there was a 25.13% reduction in homicides in the pilot communities⁴⁶.

The above-mentioned programs have required close coordination and collaboration by police officers. Training officers in the particular community police methods is essential to change citizens' low perception of the police. Involving communities in crime and violence prevention also yields positive outcomes. Several prior experiences in Brazil, Colombia, Chile and the Dominican Republic have reduced

⁴⁴ These municipalities are: San Martín, Ilopango, Santa Ana, Sonsonate, Acajutla, Sonzacate, Santa Tecla, Colón, Sacacoyo and San Salvador. They can easily be visited from Guatemala.

⁴⁵ UNDP (2010), "**Ciudades Seguras. El ABC de la Convivencia y la seguridad ciudadana**". Herramientas para la gestión local, San Salvador, El Salvador.

⁴⁶ Interview with Chief of Party of USAID/Justice System Improvement Project in El Salvador in April 2012.

crime and violence and improved citizens' perceptions on security and their relations with the police. All these projects are parallel to a deeper reform and professionalization of police. Some common elements must be:

- Police - community meetings to identify problems and set crime fighting priorities.
- Police-sponsored neighborhood or block watches, and business watches.
- Community identification of local problems (via surveys, town or neighborhood meetings, etc.).
- Crime prevention newsletters and other crime education programs for the public.
- Small local police stations in the target neighborhoods.
- Promotion of civilian volunteer liaison with community police.
- Police foot patrols and permanent assignment of officers to neighborhoods.
- Special problem-solving task forces.
- Increased education levels of police officers.
- Municipal ordinances to reduce availability of arms and use of alcohol.⁴⁷

These community policing tactics increase police legitimacy and reduce abuses. To be fully successful, these programs must incorporate effective accountability mechanisms, including consistent application of international Human Rights standards. Implementing the community policing model involves changes such as: (1) expanding the traditional police mandate; (2) more emphasis on the preventive, rather than the reactive role of police; (3) inclusion of strategies for local action; and (4) mechanisms for cooperation between police, justice sector and political officials, public service providers, and community members.⁴⁸

Lower crime rates have been a key achievement of successful community policing programs; nevertheless, community policing is not the solution to all problems. Without deeper institutional police changes, and sustained participation and coordination with other justice sector institutions, community policing programs can be reduced to novelties that only benefit a small group of people⁴⁹.

RCC understands that initiatives in community police programs with an integrated approach to citizen's security are already contemplated as part of the USAID/Guatemala project on crime prevention.

⁴⁷ Policies worth special consideration are those that reduce youths' access to alcohol and so help keep young people from breaking the law. Options include increasing alcohol taxes, tightening sales restrictions, including controls on hours of operation, density and location of sales outlets, and a minimum age for purchasing alcohol. A key factor is the credibility of the threat of sanctions on merchants who violate regulations. The most effective sanctions include progressive penalties that begin with warnings, and escalate to fines, firing of employees selling to minors, closing outlets, and imprisonment of violators. Tax increases and sales restrictions should be implemented simultaneously to maximize impact on youth alcohol consumption.

⁴⁸ SMULOVITZ, Catalina (August 2002)

⁴⁹ For more on the subject see FRUHLING, Hugo (2004)

BOX 3. AN INTEGRATED APPROACH TO CITIZEN SECURITY IN BOGOTÁ

The Bogotá violence reduction program had strong political support and continuity across successive municipal administrations. Initiated under Mayor Antanas Mockus (1994-1997), the program continued under the administrations of four mayors up to the present. In the 1993-2007 period, Bogotá homicide rates per 100,000 inhabitants plunged more than 77.5 % (from 80 in 1995 to only 18 in 2007); traffic accidents declined by 50 %; and detention rates increased by 400% with no increase in the police force size. The Bogotá success is closely related to consistent political commitment sustained across four different administrations. Preventing violence and increasing citizen security is a long-term process requiring top government priority. It takes time to build community infrastructure, increase institutional capacity, change perceptions of crime and violence among the public and attitudes and culture in the responsible institutions. Pivotal elements of this strategy were:

- Control of firearms circulation. Campaigns to promote citizen disarmament such as one that exchanged firearms for Christmas gift certificates were carried out. In 2001, around 6,500 firearms were voluntarily turned in to the police as a result of the Plan.
- Control of alcohol consumption. Implementation of the *Ley Zanahoria* ending alcohol sales at 1:00 a.m. on weekends and holidays.
- Development of a good citizen's culture. Through campaigns such as the massive distribution of citizen cards to approve (thumb up) or disapprove (thumb down) behaviors in public areas (parks, streets, etc) and the use of mimes to educate drivers to respect traffic signs and to allow citizens to cross streets safely.
- Establishment of neighborhood crime-monitoring committees (*Frentes de Seguridad*) to encourage collaborative relationships between community police officers and local residents, which have reversed the levels of mistrust between police and community, and increase crime prevention efforts.
- Professionalization of the Police. Police reform and modernization came through a plan emphasizing results-based performance, and firing of corrupt individuals. An epidemiological approach was introduced to monitor crime and violence data, which allowed design of crime prevention actions. Training in preventive policing was seen as an efficient alternative to reduce violence and improve coexistence. Not surprisingly, the level of public confidence in the police forces rose from 20 % to 60%.
- Establishment of family police stations. These offices provide multiple services to domestic violence victims, like protection and conflict resolution (the latter particularly useful to prevent conflicts from turning into more serious violence against women and children). The offices provided free services like medical screening, psychological counseling, and legal aid. Specific indicators are tracked for gender and domestic violence, and are included in national information systems on crime and violence. Police officers are trained to handle domestic violence cases.
- Adoption of a unified system on violence and crime. The *Sistema Unificado de Información de Violencia y Delincuencia* (SUIVD) was created to facilitate data comparison with other sources such as the data from the Forensic Legal Institute and the Health System.
- Upgrading decayed urban spaces. Two of Bogotá's most violent areas, *Avenida Caracas* and the *Cartucho* zone, underwent urban and transport infrastructure renewal. Crime and violence levels declined substantially after the infrastructure improvements. Youth cultural and sports programs in high crime areas were also implemented.

Source: ALDA, Erick, Buvinic Mayra and Lamas, Jorge (2005), and ACOSTA, Gino, (2007)

2.4. REDUCTION IN THE AVAILABILITY AND USE OF FIREARMS

Youth and gang crime and violence have been increasingly linked with rises in lethal violence committed with firearms. Accordingly, USAID should promote measures and targets to reduce the availability of firearms. The more guns in circulation, the easier it is to obtain them. Limiting firearms supply reduces the number of deaths and injuries they cause. This can be done not only through laws against gun trafficking, but also through targeted enforcement to reduce the quantity of illegal firearms. The policies and implementation plans could involve patrolling in high crime neighborhoods to confiscate illegal guns, an approach that has shown some success in the U.S. In El Salvador the useful experiences on this came in Ilopango and San Martín, whose results have been measured by UNDP and brought a 40% reduction in firearms homicides in San Martín and in a 50% reduction in other crimes using firearms in Ilopango.⁵⁰

BOX 4. THE “ARMS FREE MUNICIPALITIES” PROJECT IN ILOPANGO AND SAN MARTIN, EL SALVADOR (2005-2007)

Prohibiting the carrying of firearms can reduce violence. This was proven by an 18-month, US\$ 360,000 pilot project in El Salvador. The project was implemented in the municipalities of San Martín and Ilopango, two cities north of San Salvador with high levels of violent crime. The pilot project purpose was to test the hypothesis that curbing private citizens' ability to carry arms in public would have an impact on violent crime. By focusing on two municipalities, implementing agencies better tailored a location-specific approach, concentrated on effective enforcement, and measured impacts with greater accuracy. Municipal governments played a major implementation role. City councils passed special ordinances that banned firearms from any public spaces in the municipality. The National Civil Police enforced the ban, administered fines and confiscated weapons. The project established a baseline data on violence statistics and public attitudes, which was used to measure project impact; particular attention was paid to its impact on homicide rates in the pilot municipalities. As well, a media campaign drew attention to the pilot project and promoted disarmament. The project proved effective in reducing armed violence and it has served as a compelling case for more municipalities to follow.

Main results:

- Numbers of confiscated firearms increased 102% in Ilopango and 69% in San Martín, above the 20% increase goal.
- There was a 91% increase in the proportion of individuals who perceived arms as being dangerous in public places and 28% said that they have changed their opinion about the possession and carrying of arms.
- In San Martín there was a 40% reduction in firearms homicides.
- In Ilopango there was a 50% decrease in other crimes using firearms during the project implementation.
- The firearms ban was also used in another experience between April and July 2011 in 27 municipalities in El Salvador where carrying of arms was prohibited. The results were also positive. After two months, homicides dropped by 12% in the areas of prohibition. The number of gun injuries reported by the Police fell by 40% and robbery by 7.1%.

Source: UNDP (El Salvador, July 7, 2011), “*Siguen las buenas experiencias con vedas de armas*”. Press release and UNDP (2007), “*Living without arms. Evaluation of the Arms-Free Municipalities Project. An Experience in Risk-Taking in a Risky Context*”
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⁵⁰ UNDP (El Salvador, July 7, 2011), “*Siguen las buenas experiencias con vedas de armas*”. Press release and UNDP (2007), “*Living without arms. Evaluation of the Arms-Free Municipalities Project. An Experience in Risk-Taking in a Risky Context*”
http://www.pnud.org.sv/2007/component/option,com_docman/task,cat_view/gid,19/Itemid,56/?mosmsg=Est%E1+intentando+acceder+desde+un+dominio+no+autorizado.+%28www.google.com%29

2.5. PROMOTION OF CHANGE OF CULTURE IN SCHOOLS AND FAMILY

In Guatemala, international donors should promote a change of culture towards peaceful coexistence and non-violent solutions starting with children and family. Persistently high levels of violence in Guatemala should make violence prevention and the promotion of a culture of peace a primary target of intervention. The logic and the promise of an early start with children and youth in school and community settings to create dialogue habits and mastery of methods for conflict prevention, avoidance and resolution are compelling. Training courses and workshops in conflict resolution and dialogue among students themselves about solutions to their conflicts would be useful in any local initiative. Students would be prepared for more effective peace building in the community, taught about how conflicts arise and how citizens facing these problems can engage in violence prevention and intervention.

Leadership training in conciliation and mediation for youth coupled with the creation of formal conflict resolution by middle and secondary school students has paid dividends in other countries. Successful initiatives have been carried out in Argentina, in Colombia, Puerto Rico and other Latin American countries. The possibility of launching such programs on a pilot basis may be easier in smaller towns working with public schools at that level. Private and church affiliated schools may be more receptive and more likely to afford the chance for early successes for the pilot methodology. There are capabilities in civil society to support GOG efforts on this subject (Grupo GAM and others). CSOs highly recommended that USAID work with churches. They have numerous followers and could be crucial in a change of culture towards peace.

Media attention can be a powerful tool to curb violence. The public must be alerted to improper behaviors by criminal justice officials, or even by individual citizens and the mechanisms to denounce the questionable acts. Working with the media at local levels, while linking these endeavors at the regional and national levels, should go a long way to reduce violence. Programs must emphasize a change of cultural patterns. These programs must be closely coordinated among criminal justice authorities, universities, NGOS, and local communities and governments. They should use colloquial language, songs, posters and brochures, pre-recorded radio programs, and recorded jingles. Radio campaigns must be done in the main indigenous languages, too. RCC found three areas where CSOs considered that USAID should promote massive radio campaigns against: a) alcoholism because alcoholism seems to be the greatest promoter of violence against women; b) domestic violence; and, c) access to justice (description of human rights, criminal justice institutions and how to access justice services)

National campaigns against violence have proven effective in some countries, but they also require inter-institutional cooperation of Justice Sector institutions with specialized CSOs to respond to the citizens demands based on the campaigns. Therefore such campaigns not only include awareness-raising media messages to explain the problem and promote cultural changes, but also training of public officials (particularly police forces) to develop skills to understand and assist victims or citizens asking for services.

BOX 5. THE SHOP OF MR. JUSTICE, A RADIO JUSTICE EDUCATION CAMPAIGN.

Ten 30-minute radio programs and 15 catchy songs teach vulnerable groups all over Colombia about their rights, the available sources of justice to approach, and how to access justice services.

Using colloquial language, familiar slang and local jargon, songs were composed and recorded in a variety of typical Colombian musical styles. They described justice institutions such as Justice Houses, Municipal Family Offices, prosecutors' offices, public defenders, police inspection offices, the Solicitor General's local representatives, and how to access justice services. In addition, pre-recorded 30-minute radio programs, with dramatizations around "The Shop of Mr. Justice" (*"La Tienda de Don Justo"*) were produced and distributed on CDs to radio stations around the country, and covered topics such as:

General rights: access to justice and mechanisms for protection of fundamental constitutional rights.

- a) Right to non-discrimination: the program, based on real cases, analyzes discrimination cases against Afro Colombians, indigenous people and how to validate their rights.
- b) Rights of displaced populations: examines the special legislation that protects these groups and promotes their inclusion in urban centers.
- c) Rights of young people: promotes the rights established by the new Childhood and Adolescence Code.
- d) Women's rights: programs analyze cases of domestic violence and how to fight against it and sources of protection against perpetrators.

The products of this campaign were distributed on CDs among NGOs, justice sector institutions, and Justice Houses, and are permanently available on various web-sites. The songs and programs became quite popular and were very well received for high technical quality, creativity and the clarity of their messages. The effort has caught the attention of thousands of Colombians, and continues to positively advance public knowledge and ability to access formal and alternative justice

Source: *La Tienda de Don Justo*, (Colombia Media Campaign)

http://www.respondanet.com/index.php?option=com_docman&task=cat_view&gid=69&Itemid=109

2.6. SOME IDEAS ON HOW TO WORK BETTER WITH CSOS IN GUATEMALA

During RCC interviews and focus group with civil society representatives, some ideas emerged on how USAID could work better with CSOs. These were:

- Simplified procedures for CSOs to obtain donations. They are very complicated for grass root organizations, small NGOs or regional CSOs.
- In order to reach broader regions, USAID could finance a main NGO (such as Interpeace, GAM and Foro Guatemala) that qualifies to administer USAID grants and could fund and help other smaller organizations to carry out projects. It is important to centralize and coordinate efforts from Guatemala City and to integrate regional efforts.
- Strengthening regional and local CSOs is a long-term project that would need continuing funding for several years. Therefore, it would be important for USAID to develop a large multi-year grant to strengthen civil society organizations in the regions. USAID/Dominican Republic had a good experience in this subject where a major reputable university, with administrative capacity, was funded for several years to develop and strengthen regional and local NGOs.
- USAID should canvass for good programs operating and supported in Guatemala by national and foreign philanthropic and faith-based groups and contribute to support and expand their services and reach to the extent legally possible. Many European and American private and non-profit groups work with women in empowerment and violence prevention programs.

3. INCREASE INTERNAL ACCOUNTABILITY AND OVERSIGHT WITHIN THE JUSTICE SECTOR

RCC recommends going beyond the scope of PAVIs activities and directly involve reputable Guatemalan CSO's in monitoring the progress of future reform programs. Recommendations appear organized by descending order of priority.

3.1. STRENGTHENING OF EMPIRICAL, PRACTICAL AND APPLIED RESEARCH ON CRIMINAL JUSTICE AND VIOLENCE ISSUES

Guatemala Civil Society organizations and university law faculties are proven sources for practical studies in human rights and the criminal justice system, and development of proposals for reform. They can be marshaled and enlisted systematically to serve as a crucial resource in pressing the justice system for adequate protection of human rights, performing systematic oversight, and recommending operational changes and legal and regulatory reforms. CSO's such as ACCDG, ASIES, Myrna Mack Foundation, ODHAG and many others have proven records in serious criminal justice research.

Funding could be also directed to law faculties and CSO based research projects that would focus on criminal justice performance indicators and empirical analysis of judicial decisions to generate reform recommendations. Several assessments based on practical information are necessary to really measure the performance of the criminal system and its statistics must be better collected, analyzed and ultimately used for planning and budgeting. Case studies on the implementation of alternative mechanisms by prosecutors are top priority, as well as analysis on the disposition methods of criminal cases used by the PNC and MP. USAID should award grants for production of quarterly reports prepared by civil society organizations on justice and security indicators with baseline data to measure progress.

The promotion of citizens' oversight mechanisms is fundamental to strengthen justice sector institutions. Vigilant citizens are in the best position to monitor justice systems. Oversight projects focusing on specific aspects of justice system operations have proven a useful vehicle for detecting operational problems and pressuring criminal justice operators towards improved performance. Citizens' oversight projects funded by USAID are an important trend starting to produce good results in several Latin

BOX 6. VIOLENCE OBSERVATORY IN HONDURAS

The Observatory of Violence is an initiative of the Peace, Democracy and Security Institute (IUDPAS) of National Autonomous University of Honduras (UNAH), the United Nations Development Program (UNDP) and the Swedish International Development Agency (SIDA) that monitors deaths from non-natural causes and injuries produced by violence acts (abused woman, abused child and injuries in general). The sources of the studies are data from the General Directorate of Criminal Investigation, the Forensic Medicine Institute and Teaching Hospital.

Among the deaths from external causes are homicides, suicides, deaths from traffic accidents and accidental deaths (falls, burns, shock, etc.). Homicides include all categories of murders and all crime categories defined by the criminal justice system when an assailant kills someone else. The Violence Observatory purges, classifies and analyzes the information from the above sources with a team of technical experts and produce periodic reports on its findings.

The Observatory seeks to promote awareness about violence and promote in-depth research on the topic. It also aims to provide reliable information for decision makers, leaders of public opinion, scholars, researchers, NGO's, international donors and civil society in general.

UNDP: *Observatorio de la Violencia*, Honduras

http://www.undp.un.hn/publicaciones_Observatorio_Violencia.htm

American countries.⁵¹ Interviewees in Guatemala believed that citizens' oversight projects in police detention centers could improve police behavior, as well as similar projects for juvenile and penitentiary centers. ODHAG, with UNICEF support, has carried out such initiatives on the rights of children and adolescents and USAID should continue promoting this type of efforts in Guatemala.

3.2. IMPROVEMENT IN THE QUALITY OF HUMAN RESOURCES IN THE JUSTICE SECTOR

In order to improve the quality of human resources in the Justice Sector, USAID should:

- Continue to promote the implementation of the annual judicial evaluation system produced with PAVI assistance. Currently, the Judiciary is carrying out an internal campaign to promote it and needs relatively modest resources to finance it (US\$26,000). Along the same line, support should be given to the Judicial School to fully implement the new organization and improvement plan (97 actions)). The new organization is based on professional judge profiles developed to respond to needs identified by performance evaluation system.
- Finish the IDPP quality control system for contracted public defenders (*abogados de oficio*). The task was started but not finished under PAVI. In the IDPP,
- Support IDPP to review its disciplinary procedures to make them more transparent.
- Promote the passage of the Public Ministry Law to give stability to this institution and continue the MP performance evaluation system that now is integrated into SICOMP 2 and has been installed in 80% of the prosecution offices in the country. Need to incorporate this into human resources strengthening, since a law degree is still the only requisite for hiring (activity financed by the Spanish Cooperation but could not be concluded and will end by the end of 2012).
- Support effort to qualify for International Quality Assurance Certification (ISO 9000) in IDPP and the Judicial School.

4. STRENGTHEN JUSTICE CAPACITY TO COMBAT ILLEGAL ACTIVITIES IN PETÉN

Any future USAID effort in Petén should be accompanied by the commitment of Justice Sector Officials to maintain the gains and continue with the good practices developed during the project. PAVI was able to produce a limited impact mainly in prosecuting crimes against the environment but there is still a lot to achieve. CSOs in the area urged strongly that USAID not abandon Petén, asserting that leaving Petén would be a geostrategic mistake for the United States, because more resources will be needed if the whole department falls under the control of transnational organized crime. Some possible recommendations for the region are:

- Provide technical assistance in-situ to the local MP Office with long term resident TA. Improvement of investigation capacity is urgently needed. Investigations are done badly, evidence is missing and investigations are usually very superficial.
- Assist the courts in conditioning an additional new courtroom for oral hearings.
- Revive the Justice Center in the region to coordinate efforts among justice officials.
- Develop a pilot project with an integrated approach to citizen security such as those carried out in

⁵¹ A manual ("*Justicia para Todos y Todas: Guía práctica para ejercer veedurías en justicia*") on how to establish, implement and monitor these projects was recently developed in Colombia and tested at Bogotá's Municipal Family Welfare Offices (*Comisarias de Familia*), the Cartagena Attorney General Office and in Justice Houses. At the end of the oversight process, citizens recommended ways to improve attention in sexual abuse and violence against women and children, which were very well received by justice officials. A local prosecutor invited citizens to launch a joint campaign against sexual abuse in schools.

Bogota, in Brazil or El Salvador with citizen involvement (see Boxes 3 and 7). Rule of law and governance are at serious risk throughout Petén and should be shored up and strengthened. An urgent dialogue between civil society and the government in the department must be encouraged and supported. Current antagonistic attitudes on both sides are counterproductive for the wellbeing of the region. Government needs a profound transformation in the region. It needs to strengthen public policy tools and build citizen trust.

- Carry out studies to understand the causes of violence against women and children in the region to define strategies on how to attack the problem.
- Support the establishment of a local emergency telephone number and inform citizens about it. Currently, emergency number 122 is answered in Guatemala City and it takes so long to get help that prepaid cell phone cards run out of time.
- Provide technical support and finance public awareness campaigns informing citizens about their rights and how to access justice. Citizens have no awareness of their rights or where to go for help.

BOX 7. POLICE INNOVATIONS IN BRAZIL IN SAO PAULO AND RIO DE JANEIRO

Sao Paulo

- Design and implementation of INFOCRIM, a geographical-reference crime report system. This is a computerized database of more than 300,000 photographs of people wanted by the police or convicted of crimes, including areas of action and modes of operation.
- Creation of Police Homicide Division and Protection of Persons led to investigation and clarification of 60% of homicides.
- Implementation of regulations to reduce the consumption of alcoholic beverages.
- Establishment of Municipal Secretaries of Public Safety to develop and implement Citizen Security Plans. Implementation of Community Police (currently there are 63 bases, each with a team of 24 policemen responsible for a radius of 2.5 km.).
- Development of concurrent programs to improve socio-economic indicators: a) investments in health, education, culture and recreation - parks, plazas and transportation and, b) prevention programs aimed at reducing lethal violence.

Rio de Janeiro

- Establishment of community policing program began in 2008 with the intent of retaking territory controlled by drug traffickers in the slums of Rio de Janeiro.
- Today it is present in 13 communities through Peace Police Units (UPPS) with the following characteristics: a) concentrated in southern Rio de Janeiro; b) in slums with a population of 40,000 residents with limited public access; c) participating police have been carefully selected and trained and have a salary incentive; d) command and supervision takes place “in situ”, with police facilities in the communities; e) the Program has strong political support and, f) it has a marketing and communications strategy that has generated media support.
- This initiative has: a) broken the territorial control by drug traffickers, b) reduced homicide rates, c) improved citizens’ perceptions of security (people again can move freely through their communities and have access to transport and public services); d) allowed families to visit relatives living in communities formerly controlled by enemy gangs; e) increased property values and local economic activity, and, f) promoted among communities the use of legal means to resolve conflicts.

Source: FRUHLING, Hugo (September 29, 2010)

5. ON FUTURE PROJECT EVALUATIONS

For future projects, in order to facilitate evaluations, RCC recommends that USAID establish a clear set of performance and impact indicators from the very beginning of the project. These have to be clearly attributable to the project's efforts and should have a solid baseline from which to measure progress and impact. RCC also recommends that future projects should include external mid-term evaluations to allow corrective measures when necessary.

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http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2010-11.pdf

WORLD JUSTICE PROJECT (2012), *“Rule of Law Index 2012”*, <http://worldjusticeproject.org/rule-of-law-index/>

ANNEX 2: DATA COLLECTION ANALYSIS TOOLS

1. GUIDES OF DISCUSSION FOR FOCUS GROUPS

GUIDE OF DISCUSSION FOCUS GROUP NO. 1: Criminal Justice Reform, 24-hour courts and High Risk Courts with judges and Judiciary officials

I. 24-hour Courts

1. Which are the main achievements of the 24-hour Courts?
2. Which are the current challenges?
3. What do you need to perform better?

II. High Impact Courts

4. Which are the main achievements of the High Impact Courts?
5. Which are the current challenges?
6. What do you need to perform better?

III. Criminal Procedures Reform

7. Has it made a difference?
8. Which are the current challenges?
9. How do you rate the Police performance?
10. How do you rate the MP performance?
11. Has the CICIG been useful?

GUIDE OF DISCUSSION FOCUS GROUP NO. 2: Mobilization of Justice sector and Civil Society to reduce and prevent violence with civil society organizations

1. Which are the main lines of work of your organization?
2. What was your relation with PAVI?
3. Which are the current main areas of concern among civil society organizations working in justice and security issues?
4. In which type of initiative is your organization interested in participating?
5. Which are the most effective ways international donors may support civil society organizations in justice reform and security issues?
6. Are there relevant examples of grants provided to civil society organizations in justice and security reform that have produced successful results?
7. Which are the main deficiencies in the Justice Sector that produce impunity? Have there been efforts from the Judiciary or the MP to improve the situation?
8. Which is the role of civil society organizations in the protection of victims of violence?
9. Are there any local initiatives to improve citizens' security that have been successful?
10. What is your position towards the Constitutional Reforms presented to Congress to change the appointment of appellate and Supreme Court Judges?

GUIDE OF DISCUSSION FOCUS GROUP NO. 3: Increased internal accountability and oversight in the Justice Sector with Judiciary officials

1. Which have been the main achievements of the current Judicial Career? Which are the main problems?
2. Which are the main benefits of the annual performance evaluation designed with PAVI support?
3. What were the main achievements of the reorganization of the Judicial School?
4. What is your position towards the Constitutional Reforms presented to Congress to change the appointment of appellate and Supreme Court Judges?
5. Do you know if the alternative proposal to the Constitutional Reforms presented by the Supreme Court was produced by consensus within the Judiciary?
6. Do you know if the majority of the judges are in favor of the proposed reforms by the Court and the Executive?
7. If the Constitutional Reforms are not approved, is there any other way to change the selection of appellate judges by an ordinary law? For example reforming the Judicial Career Law?
8. Is there any way of promoting training of appellate judges?

FOCUS GROUP NO 4. Justice sector officials and civil society in Petén involved in PAVI activities

1. What are the main functions of your organization/office?
2. What kind of support did you receive from PAVI?
3. How would you rate that support?
4. How did PAVI contribute to your initiatives?
5. What is pending?
6. What type of support from USAID would be of benefit to your organization/office?

GUIDE OF DISCUSSION FOCUS GROUP NO. 5. Victims of violence in Petén

1. Are you familiar with the PAVI program?
2. Where did you go first to seek help? Why?
3. How did you reach the MP Office of Assistance to Victims?
4. What kind of services did you receive at the MP Office of Assistance to Victims?
5. How would you rate that service? What did it mean to you?
6. How familiar were you with your rights and the services available?
7. How did your legal case proceed?
8. How satisfied are you with your experience with the judicial system?
9. What could be improved?

2.CUESTIONARIO DE EVALUACION DEL PROYECTO PAVI DE USAID

1. Marque la institución a la que pertenece:

- ☐ O. Judicial
- ☐ M. Público
- ☐ Instituto de la Defensa Pública Penal
- ☐ INACIF
- ☐ Sociedad Civil

___ Otro. Indicar _____

2. Cuál ha sido su relación con el Programa contra la Violencia e Impunidad en Guatemala, en adelante “PAVI”, financiado por USAID?

___ Participante en eventos de capacitación

___ Participante en eventos de información

___ Receptor de asesoría técnica

___ Consultor

___ Otra. _____

3. En su opinión, de la siguiente lista, cuáles han sido las cinco principales contribuciones del PAVI al Estado de Derecho y Sector Justicia en Guatemala? Por favor enumerarlas en orden de importancia. Primero la más importante.

___ Mejorar institucional del MP para procesar crímenes serios, principalmente contra la vida

___ Apoyar en el establecimiento y funcionamiento de juzgados de 24 horas

___ Fortalecer el INACIP

___ Apoyar en la preparación e implementación de leyes contra el crimen organizado

___ Apoyar a que exista mayor disponibilidad y calidad de servicios gratuitos para víctimas de delitos

___ Apoyar el establecimiento de Tribunales de Alto Impacto

___ Ayudar al MP a procesar crímenes contra el ambiente, la herencia cultura y contra la vida en Petén

___ No sabe/No responde

4. Conoce usted el trabajo que realiza la Oficina de Análisis del Ministerio Público?

___ Sí (pase a pregunta siguiente)

___ No (pase a la pregunta No. 6)

___ No sabe/No responde (pase a la pregunta No. 6)

5. Si su respuesta es afirmativa, cree usted que la labor de esta Unidad:

___ Ayuda a esclarecer crímenes contra la vida (favor explique abajo)

___ No ayuda a esclarecer dichos crímenes. (favor explique abajo)

Explicación _____

6. Cómo es la disponibilidad y calidad de servicios de protección a víctimas en el Instituto de la Defensa Pública Penal?

___ Buena (favor explique abajo)

___ Mala (favor explique abajo)

___ Regular (favor explique abajo)

___ No sabe/No responde.

Explicación _____

7. Cómo es la disponibilidad y calidad de servicios de protección a víctimas en el Ministerio Público?

___ Buena (favor explique abajo)

___ Mala (favor explique abajo)

___ Regular (favor explique abajo)

___ No sabe/No responde.

Explicación _____

8. Cómo es la disponibilidad y calidad de servicios de protección a víctimas en la Policía Nacional Civil?

☐ Buena (favor explique abajo)

☐ Mala (favor explique abajo)

☐ Regular (favor explique abajo)

☐ No sabe/No responde.

Explicación _____

9. Cree que el PAVI ayudó a mejorar la disponibilidad y calidad de los servicios de atención a víctimas de violencia?

☐ Sí (favor explique abajo)

☐ No (favor explique abajo)

☐ No sabe/No responde.

Explicación _____

10. En que tres áreas debería USAID enfocar esfuerzos para futuros programas? Escoja de la lista siguiente por orden de importancia (1 es el área más prioritaria). Agregue otras áreas si sus tres prioridades no están reflejadas en la lista siguiente.

☐ Mejorar la capacidad del sistema para procesar crímenes serios

☐ Apoyar el establecimiento de Juzgados de 24 horas

☐ Fortalecer al INACIP

☐ Apoyar en la preparación e implementación de leyes contra el crimen organizado

☐ Apoyar a que exista mayor disponibilidad y calidad de servicios gratuitos para víctimas

☐ Apoyar el funcionamiento de los Tribunales de Alto Riesgo

☐ Apoyar los centros de justicia

☐ Ayudar al MP a procesar crímenes contra el ambiente, la herencia cultural y contra la vida en Petén

☐ Movilizar al Sector Justicia y a la sociedad civil a reducir y prevenir la violencia

☐ Incrementar la transparencia del sector justicia, en cuanto a nombramiento, ascenso y remoción de funcionarios.

Otras _____

11. Conoce usted de otros donantes internacionales que estén apoyando al Sector?

☐ Sí

☐ No (pase a la pregunta No. 17)

☐ No sabe/No responde (pase a la pregunta No. 17)

12. Si su respuesta es afirmativa, cuáles tres programas de los donantes internacionales, incluyendo USAID, han sido, en los últimos tres años, los más exitosos? Comience por el que considera más importante.

1. _____

2. _____

3. _____

13. Cómo ha sido la coordinación entre donantes internacionales y USAID?

☐ Buena

☐ Mala (pasar a pregunta No. 15)

☐ Regular (pasar a pregunta No. 15)

___ No sabe/No responde (pasar a pregunta No. 16)

14. Si su respuesta fue “buena”, por qué cree que la coordinación entre donantes funcionó?

Explicación _____

15. Si su respuesta es “mala” o “regular”, en qué forma puede mejorarse? Si su respuesta fue “buena” pasa a la pregunta siguiente.

Explicación _____

16. Cómo califica usted la labor de coordinación de donantes hecha por el Gobierno de Guatemala?

Explicar su respuesta

___ Buena

___ Regular

___ Mala

___ No sabe/No responde.

Explicación _____

17. Desde 2009, cree usted que los sistemas de selección, nombramiento y promoción de jueces y de paz y primera instancia han mejorado?

___ Sí

___ No (pasar a pregunta No. 21)

___ No sabe/ no responde (pasar a pregunta No. 21).

18. Desde 2009, cree usted que los sistemas de selección, nombramiento y promoción de defensores públicos han mejorado?

___ Sí

___ No (pasar a pregunta No. 21)

___ No sabe/ no responde (pasar a pregunta No. 21).

19. Si su respuesta fue afirmativa respecto de los jueces, cuales fueron tres los principales logros en este campo respecto de los jueces ? Marcar por orden de importancia, (“1” es el más importante, etc.).

___ Nombrar a personal más capacitado

___ Reducir las influencias ajenas en el nombramiento del personal

___ Evitar la corrupción

___ Promover la confianza en el sistema de justicia

___ Otros (enumerar) _____

20. Si su respuesta fue afirmativa respecto de los defensores públicos, cuales fueron tres los principales logros en este campo respecto de los jueces ? Marcar por orden de importancia, (“1” es el más importante, etc.).

___ Nombrar a personal más capacitado

___ Reducir las influencias ajenas en el nombramiento del personal

___ Evitar la corrupción

___ Promover la confianza en el sistema de justicia

___ Otros (enumerar) _____

21. Qué opinión tiene de los Tribunales de Competencia Ampliada, conocidos como “Tribunales de Alto Riesgo”? Marque los que considere pertinentes por orden de importancia, (“1” es lo más importante, etc.).

- ☐ Han ayudado a procesar crímenes serios (crimen organizado, narcotráfico, pandillas, etc.)
☐ Les falta mucho para ser efectivos
☐ Ofrecen mejor seguridad para funcionarios judiciales y partes del conflicto
☐ Otra, indicar _____

22. Conoce usted de los nuevos protocolos de seguridad y protección instalados en los Tribunales de Alto Riesgo”?

- ☐ Sí
☐ No (pasar a pregunta No. 24)
☐ No sabe no responde (pasar a pregunta No. 24)

23. Si su respuesta fue afirmativa, cree usted que estos protocolos han contribuido a mejorar el acceso a un juicio justo?

- ☐ Sí (favor explique abajo)
☐ No (favor explique abajo)
☐ No sabe/ No responde.

Explicación: _____

24. Conoce usted de las actividades del PAVI en el Petén?

- ☐ Sí
☐ No (aquí finaliza su cuestionario)
☐ No sabe/No responde (aquí finaliza su cuestionario)

25. Cree usted que en Peten, PAVI ha ayudado a mejorar a enjuiciar los crímenes contra el ambiente?

- ☐ Sí (favor explique)
☐ No (favor explique)
☐ No sabe/ No responde.

Explicación _____

26. Cree usted que en Peten, PAVI ha ayudado a mejorar a enjuiciar los crímenes contra la herencia cultural?

- ☐ Sí (favor explique abajo)
☐ No (favor explique abajo)
☐ No sabe/ No responde.

Explicación _____

27. Cree usted que en Peten, PAVI ha ayudado a mejorar a enjuiciar los crímenes contra la vida?

- ☐ Sí (favor explique abajo)
☐ No (favor explique)
☐ No sabe/ No responde.

Explicación _____

RCC

**Work Plan submitted to USAID/Guatemala
for the Performance Evaluation of the
Program against Violence and Impunity (PAVI)
SOL 520-12-000012**

**Prepared by
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November 7, 2012

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According to the Purchase Order No.AID-520-O-13-00002 of October 23, 2012, RCC presents the following detailed Work Plan for USAID/Guatemala approval.

A. DOCUMENT REVIEW AND ENTRANCE BRIEFING MEETINGS WITH USAID/GUATEMALA AND TETRA TECH DPK

During the week of October 22 to 26, 2012, RCC reviewed the documents submitted by USAID/Guatemala and other relevant background documents, including:

- USAID/Guatemala Contract with Tetra Tech DPK, mainly scope of work
- 12 Quarterly reports submitted by DPK
- PAVI Monitoring and Evaluation Reports by Partnership for Democratic Change for DPK
- DPK PAVI Final Report
- LAPOP Political Culture of Democracy in Guatemala 2010
- Checchi Final Report on the Rule of Law Program 2004-2009

On November 29, RCC had introductory briefing meetings with USAID and Tetra Tech DPK to review and detail the scope and methodology of the evaluation, an overview of PAVI, and get a more complete list of persons to be interviewed.

The RCC Evaluation Methodology is attached to this Work plan as ANNEX I.

B. RCC EVALUATION TEAM

RCC will carry out this evaluation using three seasoned Latin America Rule of Law experts, Carl A. Cira, Team Leader, Tirza Rivera-Cira, Technical Director, and Olga Nazario, Senior Criminal Justice and Civil Society Specialist. Wolfgang Ochaeta, a Guatemalan evaluation consultant with experience in development projects, will assist with local coordination for the evaluation team, focus group management, and processing of statistical data and questionnaires, and in providing guidance on the country's political context. Cira and Rivera-Cira will be in Guatemala for a total of 4 weeks in two visits, one visit of three weeks to collect the information (Oct. 28 - Nov. 16) and one visit of one week (Dec. 9 -14) to organize and carry out the workshop to discuss findings. Nazario will be in the country for a total of three weeks and will make two visits. The first visit would be for two weeks (Nov. 4-16) and the second for the final workshop (Dec. 9 -14).

C. PERSONS TO BE INTERVIEWED

After conversations with USAID/Guatemala and Tetra Tech DPK the following list of possible persons to be interviewed was prepared. Interviews will be carried out by RCC from October 30 to November 16, 2012 and will be coordinated by RCC's local consultant.

I. JUDICIARY

JUDGES

- Former and New Presidents of the Supreme Court (Thelma Esperanza Aldana and Gabriel Medrano)
- Members of the Criminal Chamber of the Supreme Court (Cesar Barrientos, Gustavo Mendizabal, Hector Maldonado, Gustavo Bonilla)
- Patricia Flores, Jazmin Galvez, Judges High-Impact Courts
- Mynor Franco, Supreme Court Judge
- Carlos Aguilar, President of the Judges Association

TECHNICAL PERSONNEL

- Manuel Garcia, Human Resources Manager
- Yuri Búcaro, Judicial Career Council
- Alvaro Dubón, General Manager
- Marisa Sucely Moran Martinez, Judiciary, III Official, Hearings
- Ericka López y López, Judiciary, *Centro Nacional de Análisis y Documentación Judicial*
- Benjamin Dominguez Hernandez, Judiciary, IT Center
- Kelman Adalberto Martinez, Judiciary, Official, Performance Evaluation Unit
- Reyna Elizabeth Solares Salazar, Judiciary, Technician, Performance Evaluation Unit
- Ángela Consuelo Estrada Espino, Judiciary, Court Officer, Escuintla
- Pablo Josue Estrada Letona, Judiciary, Performance Evaluation Unit
- Claudia Zamora de Aguilar, Judiciary, Technical Support Unit, Criminal Chamber
- Vladimir Aguilera, Director, Judicial School
- Veronica Herrera, Academic Coordinator, Judicial School

II. IDPP - CRIMINAL PUBLIC DEFENSE INSTITUTE

- Blanca Aida Stalling, Director General
- Sandra López (Attention to Victims) IDPP, Instituto Defensa Pública Penal
- Aurora Aguilar, IDPP

III. PUBLIC MINISTRY

PROSECUTORS

- Claudia Paz y Paz, Attorney General and Head of the Public Ministry
- Alejandro Rodriguez, Public Ministry Secretary of Criminal Policy
- Hugo Rosales, Litigation Unit , Crimes against Life
- Rubi Monzón, Crimes against Life
- Arturo Aguilar, Quezaltenango Model prosecutor's office
- Ricardo Guzman, General Secretariat, ex -Prosecutor of crimes against life
- Francisco Solórzano, Director, Analysis Unit

TECHNICAL PERSONNEL

- Luis Ramirez, Criminal Policy Advisor
- Ing. Carlos Quintana, Chief, SICOMP
- Dinora Morales, Coordinator, Victim Assistance Referral Services
- Ingrid Xuc, Analysis Unit,
- Mario Garcia Morales, Analysis Unit

IV. NATIONAL CIVILIAN POLICE

- Adela Camacho de Torrebiarte, Commissioner, National Civilian Police Reform Commission
- Ms. Tania Pineda, Director, OAV Coordination Department, PCN (Offices in El Progreso, Alta Verapaz, Petén and Chimaltenango)
- Office of Victims' Attention (OVA) in Petén
- Patricia Portillo, National Civilian Police, Victim Assistance Office

V. CICIG

- Francisco Dall'Anese, Commissioner
- Aníbal Gutierrez, Political Advisor

VI. CIVIL SOCIETY

- Pro-Justice Movement (Eleonora Muralles, Ana Maria Klein, Carmen Aida Ibarra, Veronica Godoy, Helen Mack)
- Familiares y Amigos contra la Delincuencia y el Secuestro (FADS) (Margarita Castillo)
- Mutual Support Group (GAM) Mario Polanco
- Grupo Guatemalteco de Mujeres (Karla Lemus)
- Fundación Guatemala (Mobile Human Rights Units) (Maite Rodriguez)
- Fundación Sobrevivientes (Victims assistance) (Norma Cruz)
- Barbara Ford Foundation (Virginia Searing)
- Alta Verapaz Justice Association (María Elvira Yat)
- Asociación de Investigación y Estudios Sociales- ASIES- (Carmen María Colmenares)
- Instituto de Estudios Comparados en Ciencias Penales (Juan José Hernández)
- Colegio de Abogados (Freddy Cabrera and Mayra Veliz)
- Guatemaltecos Extraordinarios (Miguel Ángel Gálvez)
- Balam Association, Petén
- Environmental Justice Forum, Petén
- Group of Crime Victims – organized by Victims Attention Office, Ministerio Público, Petén
- ACOPAF, Asociación de Comunidades Forestales de Peten
- Social Pastoral Office of the Apostolic Vicar in Petén

- Universidad del Valle, Depto. de Investigaciones (Claudia Maselli, Claudia Veliz, Mónica Stein)
- Universidad Rafael Landívar, Instituto de Investigaciones Jurídicas and Instituto de Transformación de Conflictos para la Construcción de la Paz
- Universidad Francisco Marroquín, Facultad de Derecho
- Universidad de San Carlos, Facultad de Ciencias Jurídicas y Sociales
- Instituto Centroamericano de Estudios para la Democracia Social –DEMOS.

VII. INACIF

- Jorge Cabrera Cabrera, Director
- Ivonne Mata, International Cooperation
- Dr. Rodas, Advisor

VIII. INTERNATIONAL DONORS

- US Embassy Officers (CARSI GROUP)
- European Union Representatives (Jennifer Echeverría- Yolanda Pérez Ruiz)
- Spanish International Cooperation Representatives (David Montesinos, Vicky Godoy, Marlon García)
- USAID officials related to PAVI; Marco Antonio Canteo, Brendan Halloran, Sara Werth, Cassandra Wheeler, Lucia Salazar, Thomas DiVincenzo)

IX. USAID IMPLEMENTING CONTRACTORS

- Tetra Tech DPK, Chief of Party and other team members or consultants. (Alicia Warde)
- Checchi and Company, Alvaro Ferrandino (Chief of Party, Justice and Security Project)

D. FOCUS GROUPS

After initial conversations with USAID/Guatemala and Tetra Tech DPK and taking into consideration time limitations of several justice officers, RCC redefined the focus groups as follows: (There may be additional names added to all focus groups)

- *Focus Group No. 1 - Support to High Impact Courts and 24 hour-Courts*
Location: Guatemala City, Date: November 5
Time: 9:30 a.m. to 11 a.m.

Wendy Maldonado, Judiciary Advisor
Miguel Angel Gálvez (High Impact Court Judge)
Jazmín Barrios (High Impact Court Judge)
Jorge Almengor, Judge 24-hour Court Mixco

Gabriel García, Sentencing Court Mixco
Cesar Ernesto Mazariegos, 24-hour Court Secretary
Saúl Estuardo Pensamiento, Official, 24-hour Court, Mixco
Darwin Porras, Judge 24-hour Court Villa Nueva
Sergio Mena, Judge 24 hour Court Villa Nueva
Claudia Zamora, Technical Unit, Criminal Chamber, Supreme Court

- *Focus Group No. 2: Improvement in capacity to prosecute serious crimes*
Location: Guatemala City, Date: November 8
Time: 8:00 p.m. to 10:00 a.m.

Alejandro Rodriguez, Secretary of Criminal Policy, Public Ministry
Hugo Rosales, Prosecutor, Litigation Unit, Crimes against Life
Rubí Monzón, Prosecutor, Crimes against Life
Dinora Morales, Victims Attention Office
Arturo Aguilar, Quetzaltenango Judicial Center, Model Prosecutor's Office
Ricardo Guzman, General Secretariat, ex-Prosecutor of crimes against life
Francisco Solórzano, Director, Analysis Unit
Ingrid Xuc, Analysis Unit
Luis Ramirez, Advisor Public Ministry, Criminal Policy.

- *Focus Group No. 3 - Mobilization of justice sector and civil society to reduce and prevent violence.*
Location: Guatemala City, Date: November 7
Time: 2:00 p.m. to 5 p.m.

Pro-Justice Movement (Eleonora Muralles, Ana María Klein, Carmen Aida Ibarra, Verónica Godoy, Helen Mack)
Familiares y Amigos contra la Delincuencia y el Secuestro (FADS) (Ana María de Mutual Support Group (GAM) Mario Polanco
Grupo Guatemalteco de Mujeres (Karla Lemus)
Fundación Guatemala (Mobile Human Rights Units) (Maite Rodriguez)
Fundación Sobrevivientes (Victims assistance) (Norma Cruz)
Barbara Ford Foundation (Virginia Searing)
Alta Verapaz Justice Association (María Elvira Yat)
Asociación de Investigación y Estudios Sociales- ASIES- (Carmen María Colmenares)
Instituto de Estudios Comparados en Ciencias Penales (Juan José Hernández)
Colegio de Abogados (Freddy Cabrera and Mayra Veliz)
Guatemaltecos Extraordinarios (Miguel Ángel Gálvez)
Sandra López (Attention to Victims) IDPP, Instituto Defensa Pública Penal
Aurora Aguilar, IDPP

- *Focus Group No. 4 - Increased internal accountability and oversight in the Justice Sector.*
Location: Guatemala City, Date: November 9

Time: 9:00 a.m. to 11:00 a.m.

Mynor Franco, Supreme Court Judge, liaison with Judicial Career Council
Yuri Búcaro, Consejo Carrera Judicial
Manuel García, Human Resources Manager
Giovanna Rodas, Human Resources, Positions and Salaries Unit.
Vladimir Aguilar, Director, Judicial School
Veronica Herrera, Academic Coordinator, Judicial School
Reyna Elizabeth Solares Salazar, Judiciary, Technician, Performance Evaluation Unit
Monica Stein, Dean, Education Faculty, Universidad del Valle
Andres Galvez, Center for Education Research, Universidad del Valle
Claudia Veliz, Center for Education Research, Universidad del Valle
Claudia Masselli, Consultant, Center for Education Research, Universidad del Valle

- *Focus Group No. 5 - Strengthening justice capacity to combat illegal activities in Petén*
Location: Ciudad Flores, Petén, Date: November 13
Time: 9 a.m. to 12 noon

Sonia Toledo, Judge, Sentencing and Environmental Crimes Court
Jaime Huinac, District Prosecutor, Public Ministry
Lucia Ortiz, Public Ministry, Attention to Victims Office
Pilar Montejo, Advisor National Council of Protected Areas
Oscar Quisquinay, Petén Social Pastoral Office of the Apostolic Vicar
Byron Castellanos, Balam Association
Abel Santos Calas, Environmental Justice Forum
Julio Morales Cancino, Environmental Justice Forum
Representatives, ACOPAF, Asociación de Comunidades Forestales de Peten

E. VISIT TO PETEN

RCC visit to Petén to interview persons and carry out the focus groups will take place from November 11 to November 14. Olga Nazario and our local consultant, Wolfgang Ochaeta will travel to Petén.

F. COLLECTION OF STATISTICAL DATA AND ANY OTHER DOCUMENTS RELEVANT TO THE EVALUATION

During the three first weeks in Guatemala, the RCC team will collect all available numeric information and any other documents provided by the persons interviewed that could be relevant for this evaluation. This collection of information will include any relevant document prepared by civil society organizations.

G. PRESENTATION OF PRELIMINARY FINDINGS

On November 14, RCC will send an executive summary of preliminary findings (3-4 pages with bullets) and discuss with USAID/Guatemala representatives on November 15. At this meeting RCC will also submit an outline for the report to be written (maximum 40 pages). The final report will be divided as follows:

- Executive Summary in English and in Spanish
- Background on Development Problem and USAID Response
- Purpose of the Evaluation
- Research Design and Methodology
- Principal Findings on PAVI
- Recommendations for future programming
- Bibliography
- Appendices (not included in page limit) Scope of work, final work plan, data collection analysis tools, list of persons interviewed and Focus Group participants, and, if necessary, a statement of any unresolved differences of opinion by USAID.

H. REPORT PREPARATION AND DELIVERY

During the ensuing two weeks, RCC will analyze the compiled information and write a draft report to USAID/Guatemala to be delivered no later than November 30, 2012. USAID will have a five (5) business day minimum to review the document and present observations to RCC no later than December 7. Once USAID observations are received, RCC will incorporate them into the final document, which will be delivered no later than December 21, 2012.

I. WORKSHOP FOR FINAL DISCUSSION OF FINDINGS

While USAID is reviewing RCC's proposed final report, RCC will start preparations for the workshop for discussion of findings with USAID/Guatemala and US Embassy Guatemala representatives, as well as other international donors, justice sector authorities and civil society representatives. The workshop will take place in Guatemala City at a situs to be provided by USAID, on Thursday, December 13, 2012 in the afternoon. RCC will prepare a power point presentation for the event. Copies of the Power Point Presentation and an executive summary of the evaluation will be distributed among the participants prior USAID/Guatemala approval. On December 11, RCC consultants will request a meeting with USAID to review the presentation to be distributed as well as the executive summary.

The persons to be invited to final workshop will be agreed with USAID.

G. TENTATIVE SCHEDULE											
Task	Place	Responsible	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9
			Oct 22 Oct 26	Oct 29 Nov 3	Nov 5 Nov 10	Nov 12- Nov16	Nov 19 Nov 23	Nov 26 Nov 30	Dec 3 Dec 7	Dec 10 Dec 14	Dec 17 Dec 21
1. Prepare final work plan	DC	Cira & Rivera-Cira									
2. Meetings with Tetra Tech DPK staff (Oct. 29-31)	Guat	Cira & Rivera-Cira									
2. Entrance Briefing (Nov. 1)	Guat.	Cira, Rivera-Cira, USAID									
3. Review work plan with USAID (Nov. 1)	Guat.	Cira, Rivera-Cira, USAID									
3. Document review	DC & Miami	Cira, Rivera-Cira, Nazario									
4. Review persons to be interviewed	Guat.	Cira, Rivera-Cira/ USAID									
5. Select focus groups persons & obtain permissions to attend	Guat.	Cira, Rivera-Cira/USAID									
6. Contact and schedule persons to be interviewed	Guat.	Ochaeta									
7. Contact persons and schedule focus groups	Guat.	Ochaeta									

9. Collect numeric data in Guatemala	Guat	Cira, Rivera-Cira, Nazario, Ochaeta									
Task	Place	Responsible	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
			Oct 22 Oct 26	Oct 29 Nov 3	Nov 5 Nov 10	Nov 12- Nov 16	Nov 19 Nov 23	Nov 26 Nov 30	Dec 3 Dec 7	Dec 10 Dec 14	Dec 17 Dec 21
10. Conduct focus groups in Guatemala City (Nov 5-9)	Guat	Cira, Rivera-Cira, Nazario									
11. Interview key persons and carry out in-situ visits Guatemala City	Guat	Cira, Rivera-Cira, Nazario & Ochaeta									
12. Visit Flores Petén - Interviews and focus group (Nov 12-14) Focus group on Nov. 12	Guat	Nazario-Ochaeta									
13. Prepare short summary of findings, deliver to USAID - Nov 14	Guat	Cira, Rivera-Cira & Nazario									
14. Debrief USAID on findings - Nov. 15	Guat	Cira, Rivera-Cira & Nazario									
15. Analyze information	Guat& DC	Cira & Rivera-Cira									
16. Draft report	DC	Cira & Rivera-Cira									

17. Deliver report to USAID Nov. 30	DC	Cira & Rivera-Cira									
18. USAID Review of report Nov-30-Dec 7	Guat	USAID									
19. Add USAID recommendations	DC	Cira & Rivera-Cira									
Task	Place	Responsible	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10
			Oct 22 Oct 26	Oct 29 Nov 3	Nov 5 Nov 10	Nov 12- Nov 16	Nov 19 Nov 23	Nov 26 Nov 30	Dec 3 Dec 7	Dec 10 Dec 14	Dec 17 Dec 21
20. Define invitees to workshop on final discussion of findings	DC & Guat	Cira, Rivera-Cira & USAID									
21. Prepare workshop	Guat	Ochaeta									
22. Carry out workshop (December 13)	Guat	Cira , Rivera-Cira, Nazario & Ochaeta									
23. Deliver final report to USAID (December 21)	DC	Cira & Rivera-Cira									

ANNEX I TO WORK PLAN- OVERALL RCC APPROACH AND METHODOLOGY

RCC will follow a participatory approach as much as possible, seeking to engage persons that know about PAVI. RCC considers that all stakeholders in a project are experts to a certain extent, with important knowledge and perspectives to be considered. RCC will try to reach an important number of people that have known of PAVI as participants in training or awareness activities, who have received direct technical support, who have been direct beneficiaries of project activities, or who have collaborated as consultants. To obtain information from these persons, the RCC consultants will use different techniques, including direct interviews, focus groups and questionnaires. RCC will seek to examine all the statistical data available, but also to focus on the stories behind the numbers. As a preliminary exercise before the interviews and focus groups, RCC consultants will review all available documents on the project and related documents on the subject available through Internet or provided by USAID. RCC will follow the steps indicated below:

1. REVIEW WORK PLAN, DEFINE INTERVIEWEES, ORGANIZE FOCUS GROUPS

RCC, together with USAID/Guatemala, will review the objectives of the assignment, the work plan, the methodology, and the list of persons and institutions to interview. RCC will also meet with Tetra Tech DPK officers for suggestions for possible persons to be interviewed or to participate in the focus groups (see section 4.3). Once focus groups participants are agreed with USAID, RCC may require some initial assistance by USAID in approaching certain local authorities to obtain approval for proposed participants' attendance. This would mean a letter or call to local authorities indicating that RCC is carrying out a performance evaluation for USAID and requesting their cooperation to authorize the selected persons for the focus groups to participate in these events. Based on discussions with USAID/Guatemala, RCC will finalize the methodological approach, including reviewing specific activities and methods proposed as well as analytical techniques for assessing the information gathered.

2. DOCUMENT REVIEW - PRE-FIELD WORK

RCC will review the PAVI contract and quarterly and final reports prepared by Tetra Tech DPK, the Checchi final report of December 17, 2009 on the ROL Program, the Latin America Public Opinion Project reports on "The Political Culture of Democracy in Guatemala" 2009 and 2010, the Judiciary and Public Ministry annual reports, the State Department Human Rights Reports, any other reports or documents provided by USAID, as well as relevant available reports prepared by NGOs and other civil society organizations.

3. CARRY OUT FIVE FOCUS GROUPS AND ADMINISTER QUESTIONNAIRES

RCC is proposing a seasoned consultant group, with strong experience in conduct of focus groups related to the justice sector. They are fluent Spanish speakers, good listeners, possess good interpersonal skills, and are very adaptable, qualities necessary to promote discussion and open interactive dialogue. RCC proposes to conduct five (5) focus groups with ten (10) participants each, to reach 50 informed persons. We would involve a mix of participants to be drawn from among judges, prosecutors, public defenders, lawyers and civil society representatives. The focus groups will target the five different PAVI objective areas.

For the focus groups RCC will use the tools for “consensus workshops”. Consensus Workshop method is useful whenever a group of people need to speak, listen to each other, build on each other’s ideas, and reach well-considered conclusions that hold enough agreement to enable the whole group to reach conclusions together. The Consensus Workshop method has the following basic steps: Context, Brainstorm, Cluster, Name, and Resolve.

- Set a context – Post a single open-ended focus question to help participants understand and explore the topic.
- Brainstorm in layers – RCC experts will start with a silent individual brainstorming, ask the participants to write down an answer to the question and then ask participants to select their personal favorites to share in a small group of five. After, they will ask small groups to agree on a specified answer and print clearly onto large cards, one idea per card. Invite the small groups to share their answers with the whole group by gradually calling for the cards. RCC experts will read each card aloud and post it on the front wall. RCC will make sure to get equal numbers of cards from all the three small groups.
- Cluster ideas – When all the cards are on the wall, RCC experts will ask the group to create pairs of cards with similar intent. After they will move cards with similar ideas together, first in pairs, then in larger groupings, or clusters until all the cards from all the groups are organized.
- Name the clusters – After all the cards are placed on the wall in clusters or columns, give each cluster a 3-5 word title that answers the focus question.
- Confirm the resolve – After naming all the clusters, review the titles to ensure clarity. Discuss the overall impact the ideas will have, and confirm that they represent the consensus of the whole group.

Apart from the group discussions, all focus group participants will be asked to complete a common short questionnaire (See Annex 2- Example Questionnaire) to allow corroborating focus groups findings and identification of other ideas that did not arise in the discussions.

RCC will coordinate the focus group scheduling with USAID. RCC will cover any travelling expenses for bringing focus group participants to the meeting places. RCC will conduct the focus groups, and organize and tabulate the data resulting from these activities.

4. INTERVIEWS OF KEY PERSONS AND IN-SITU VISITS

In addition to conducting focus group, RCC will identify and interview as many knowledgeable key persons as possible (at least 30). The questionnaire mentioned above will be used by the consultants as an interview guide. Selection of key persons will be done in coordination with USAID/Guatemala, identifying appropriate key individuals and organizations whose leaders qualify as key persons to be interviewed. USAID will assist RCC to obtain the appointments with these persons.

RCC consultants will also carry out in-situ visits to the Public Ministry Analysis Office, INACIF, 24-hour courts in Guatemala City, the high impact courts and Petén sites.

5. COLLECT STATISTICAL DATA ON PROJECT INDICATORS AND RESULTS FOR COMPARATIVE ANALYSIS

Depending upon the availability and quality of statistical information in the Judiciary, Public Ministry the Criminal Public Defense Institute and civil society organizations, RCC will seek to collect significant information that would indicate progress in as many of the following areas as possible:

- Criminal case clearance rates for 24-hour courts and high-impact courts.
- Criminal case backlogs for 24-hour courts and high-impact courts.
- Total and average numbers of criminal hearings and trials held in comparison with criminal hearings and trials scheduled.
- Criminal case disposition times for 24-hour courts and high-impact courts.
- Application of alternative measures to resolve criminal cases in 24-hour courts.
- Percentage of pre-trial detainees.
- Services provided by the Criminal Public Defense Institute.
- Type and numbers of services provided to victims.
- Updated information on number of judges, prosecutors, and defenders, and number and percentage of persons included in judicial career status.
- Others to be agreed with USAID/Guatemala.

For this section, RCC will also take into consideration the PAVI Monitoring and Evaluation Reports done by Partners for Democratic Change throughout the project.

6. ANALYZE INFORMATION

Once the data from the focus groups and key person interviews is collected and tabulated, RCC will begin the analysis. While quantitative techniques will be used where appropriate, most of the analysis likely will be qualitative.

7. DRAFT REPORT

RCC will write a draft report in Washington after the field work in Guatemala (maximum 40 pages). The final report will be divided into the following sections:

- Executive Summary in English and in Spanish
- Background on Development Problem and USAID Response
- Purpose of the Evaluation
- Research Design and Methodology
- Principal Findings on PAVI
- Recommendations for future programming
- Bibliography
- Appendices (not included in page limit) Scope of work, final work plan, data collection analysis tools, list of persons interviewed and Focus Group participants, and, if necessary, a statement of any unresolved differences of opinion by USAID.

8. WORKSHOP TO DISCUSS FINDINGS AND DELIVERY OF FINAL REPORT

While USAID is reviewing the draft report, RCC, in close consultation with USAID, will begin preparations for a workshop to discuss the findings with attendance of a list of participants from the US Embassy, other international donors and GOG representatives, PAVI personnel and civil society representatives (30 participants) in a conference space to be arranged by USAID. RCC will prepare a PowerPoint presentation in Spanish for this event and, if USAID considers appropriate, distribute copies of the executive summary in Spanish and English and the PowerPoint presentation. After USAID has reviewed and commented on the initial draft, RCC will complete the final version of the report for submission to the Mission by e-mail and in two hard copies.

ANNEX 4 : SCOPE OF WORK PROVIDED BY USAID PURCHASE ORDER

Scope of Work (SOW)
USAID/Program Against Violence and Impunity (PAVI) in Guatemala
Implemented by Tetra Tech DPK
Final Performance Evaluation

I. Purpose of Evaluation

USAID/Guatemala seeks to contract professional services to conduct a final performance evaluation of its Program Against Violence and Impunity (PAVI) scheduled for completion in December 2012. The evaluation will examine project implementation and PAVI's high-level results. The evaluation will not measure against a counterfactual, but it will require a design that ensures a robust, mixed-methods evaluation. The evaluation will be used to inform implementation of new USAID/Guatemala projects in the security and justice sectors, for example to identify the institutions that require more or less support from USAID. The findings from the exercise will be shared with other actors currently working in this area, including Government of Guatemala (GOG) personnel and other donors.

II. Background

Fifteen years have passed since Guatemala's internal armed conflict ended with the signing of the 1996 Peace Accords, but rule of law and security continue to be significant issues in Guatemala, impacting democracy, development and the overall economy. Guatemala is the most populous country in Central America, but has a Gross Domestic Product per capita roughly one-half of the average for Latin America and the Caribbean. According to the United Nation's Office for Drugs and Crime, Guatemala's per capita murder rate has more than doubled in the past decade, and in 2010 it was eight times that of the United States and nearly three times that of Mexico.

The loss of government authority prompted former President Álvaro Colom to declare "states of siege" in the northern departments of Alta Verapaz and Petén in 2011. Newly elected President Otto Pérez Molina discussed declaring "states of siege" in southwestern San Marcos Department (bordering Mexico) and western Sololá Department, as both areas plagued by conflicts between residents and police.

Guatemala's proximity to Mexico makes the country a staging area for drug transport and increases the opportunity for money laundering and corruption. Even the Mexican Government's struggle against narco-trafficking is affecting Guatemala, as criminal activity has been pushed south, especially into the departments of Petén and Alta Verapaz. Local justice and security officials are often inexperienced, underpaid, and/or ill-equipped, and therefore struggle to respond to the deteriorating situation.

Of major significance for this evaluation, in 1994 Guatemala became one of the first countries in Latin America to reform its criminal procedure code. The reform intended to introduce oral arguments and adversarial proceedings into a civil law system and set strict time limits on proceedings. The reforms

took over a decade to implement and many of the intended initiatives have only just occurred during the last few years. Guatemala has experienced some improvements in terms of homicide investigations and case processing, but the weak and politicized justice system still undermines the government's ability to ensure rule of law. Many key reforms still face significant challenges.

III. PAVI Overview

In support of judicial sector reform and ending criminal impunity, since 2009 USAID/Guatemala provided assistance under PAVI to improve both the supply and demand sides of justice sector services. The program intended to improve the delivery of judicial and prosecutorial services at both the national and local levels, while also building civil society's capacity to monitor and report on the performance of judicial actors. The program intended to strengthen a multitude of judicial institutions, including the Public Ministry Analysis Unit, the Model Criminal Trial Court, 24-hour courts and high-impact courts, and the Prosecutor's Office of Crimes Against Life. PAVI also mobilized the justice sector and civil society to prevent violence and improve victim's services, for example by developing a protocol for multiple GoG and Civil Society Organizations (CSOs) to coordinate for better services to victims of crime.

Project Information

Project To Be Evaluated: Program Against Violence and Impunity (PAVI)

Agreement #: DFD-I-08-04-00173-00

Award Dates: July 2009 - December 2012

Total Estimated Cost: \$ 7,133,000

Implementing Organization: Tetra Tech DPK

Contracting Officer's Representative: Cassandra Wheeler

The five expected results under PAVI are:

1. Improve justice system capacity to prosecute and try serious crimes – activities include training of the Public Ministry and support of 24-hour courts.
2. Mobilize justice sector and civil society to reduce and prevent violence – including a small grants mechanism to support CSOs on victims' advocacy.
3. Increase internal accountability and oversight within the justice sector – through institutional strengthening efforts in career paths and career evaluation.
4. Support high impact courts – via improved procedures, protocols, and physical remodeling of court buildings.

5. Strengthen justice capacity to combat illegal activities in Petén – through establishment of a victim registry in Petén and victims' outreach with public prosecutors and local CSOs.

For more information on the activities implemented under the results, please see the attached PAVI Scope of Work in Annex 2.¹

IV. PAVI Performance Evaluation

This performance evaluation must focus on 1) the performance of PAVI since 2009 vis-à-vis the project goals, benchmarks, and associated deliverables; and 2) the high-level results achieved through the project, which affect the legal system and rule of law as a whole. The evaluation will need to use mixed methods to triangulate² findings on the questions below. As no external baseline evaluation exists for PAVI, this will ensure a more rigorous evaluation. The evaluation will provide findings on technical and implementation issues, conclusions, and recommendations to maximize the effectiveness of USAID security and justice sector programs. This evaluation will otherwise comply with the 2011 USAID Evaluation Policy, available at <http://www.usaid.gov/evaluation>.

The following project performance questions must be addressed:

1. What have been the key contributions of PAVI to rule of law and the justice sector in Guatemala? Please include analysis and synthesis of project monitoring data in addition to any other data collected during the evaluation.
2. In what additional program areas does USAID need to undertake activities to improve these five objective areas and ensure they are sustainable?
3. How have institutional strengthening efforts between PAVI and other donors such as the European Union and Canada been coordinated overall? Has coordination been successful, and what is the role of the GOG in this coordination?

The analysis shall also include, but not be limited to, the following evaluation questions, which fall under each of the five objective areas. For the purposes of attribution to PAVI, it will also be important to determine if other donors have contributed to the results and how those efforts interacted with PAVI.

Improved justice system capacity to prosecute and try serious crimes

¹ A sixth result that appears in the PAVI SOW refers to promotion of Millennium Challenge Corporation indicators. This objective will not be considered in this evaluation.

² Triangulation should facilitate validation of data through cross verification from more than two sources. In particular, it refers to the application and combination of several research methodologies in the study of the same phenomenon.

4. How has the Public Ministry's (MP in Spanish) Analysis Unit supported the Crimes Against Life Office, also in the MP, and what has the Analysis Unit produced during the last 2 years?
5. What changes have occurred in the performance, caseload, and processing time of 24-hour courts? How did PAVI activities contribute to those outcomes, and what other factors contributed?
6. To what extent have PAVI activities supported the implementation of the Law Against Organized Crime and/or other legislation?³

Mobilize justice sector and civil society to reduce and prevent violence

7. What is the availability and quality of legal aid/victims' services? How does this compare to the situation before PAVI began work, and how did PAVI contribute? Have these services reduced or prevented violence?

Increased internal accountability and oversight within the justice sector

8. What progress did PAVI have on reforming recruitment, appointments, selection and promotion of judges, judicial staff and public defenders? Specifically, what was accomplished with regard to evaluation of candidates in the judicial branch and the Public Defenders Institute (IDPP in Spanish)? Have changes increased accountability and oversight within the justice sector?

Support high impact courts

9. Have new security and protection protocols to which PAVI contributed improved access to an impartial trial? Why or why not?

Strengthen justice capacity to combat illegal activities in Petén

10. What effect has PAVI had on prosecution of crimes against the environment, crimes against cultural heritage, and crimes against life in Petén?

The evaluation should utilize information from the following sources. The Offeror is encouraged to propose their own methods keeping with the size and cost of this performance evaluation, if they so choose.

- **Document review**, including all relevant implementer reports such as M&E reports, work plans, quarterly performance reports, etc. Also to include any informative secondary literature, for example public surveys such as Latin American Public Opinion Project (LAPOP), the report on 24-hour courts prepared by Checchi Consulting, strategic plans of

³ Under the PAVI Task Order, these activities are included under Objective Two. However, they may more logically fall under Objective One.

the MP and Supreme Court (OJ in Spanish), justice and security institution websites, and the Courts Security Sector Reform Assessment. USAID/Guatemala will provide project documents upon award of this Purchase Order.

- **Institutional data sources** related to crime, case records, victim's assistance, organization coordination, and trainings and internal professional management as available on public websites and Memoriales de Labores Institucionales for the Ministries and offices mentioned below. Some Government offices may have data on these topics that is not public that may also be of interest for this evaluation, as will the PAVI project.
- **Site visits** related to USAID rule of law programming, including the high-impact courts in Guatemala City, both the 24-hour courts and the prosecutors' offices in Mixco and Villa Nueva, and with justice and security sector actors in Petén.
- **Key informant interviews** with PAVI personnel and sub-grantees, judicial sector officials and personnel, the MP, IDPP, OJ, National Civilian Police (PNC)⁴, groups that provide victims with legal aid, civil society and relevant CSOs⁵, recipients of training and other beneficiaries of PAVI, the International Commission Against Impunity in Guatemala (CICIG), the National Institute of Forensic Sciences (INACIF), US Embassy personnel in Guatemala and the PAVI Contracting Officer's Representative (COR), and non-US donors (EU, Spain and Canada) in the rule of law sector. Most interviews will take place in Guatemala City, and others should take place during site visits to cities such as Mixco, Villa Nueva, and Santa Elena and San Benito in Petén.
- **Targeted focus groups** of PAVI stakeholders, for example women, faith-based leaders, academics, community leaders, and those who have received victim's assistance. These focus groups will assess perceptions of accountability, security, judicial responsiveness, and transparency.

The evaluation must analyze qualitative and quantitative data obtained during field work and secondary analysis. This may include using typology or content analysis, or simple descriptive statistics. The Offeror is expected to discuss the type of analysis that will best fit this performance evaluation in the evaluation proposal.

V. Deliverables

Deliverable No. 1: Work Plan The Evaluation Team shall submit a draft Evaluation Work Plan in English as part of the Offeror's proposal and a final Work Plan, also in English, to the USAID/Guatemala COR

⁴ Offices within these institutions include MP—Fiscalía de Delitos Contra la Vida, Oficina de Atención a la Víctima, and Unidad de Análisis; IDPP—Recursos Humanos; OJ—High-Impact Courts, Consejo de la Carrera Judicial, Escuela de Estudios Judiciales; and PNC—Oficina de Atención a la Víctima.

⁵ CSOs include Asociación Guatemalteca Extraordinaria, Familiares y Amigos contra la Delincuencia y el Secuestro (FADS), Madres Angustiadas, Movimiento Pro Justicia, Grupo de Apoyo Mútuo (GAM), Balam Association, and Pastoral Social.

for this evaluation within eight working days of award. The work plan shall describe all activities, including:

- sequencing and timeframes,
- research design and evaluation methods,
- draft data collection instruments
- a plan for quantitative and qualitative data analysis, and
- a proposed schedule of key interviews and site visits including a description of the sampling plan and criteria for selecting key informants and sites (i.e. random or purposive).

The final work plan will be reviewed by relevant USAID staff who will provide written comments or approval no later than three days after submission. The draft work plan will also be shared with PAVI to inform the project of the planned activities and identify scheduling issues of which USAID may not be aware. USAID approval of the Work Plan is required before fieldwork can begin.

Entrance Briefing The Evaluation Team shall provide an entrance briefing to the USAID/Guatemala Front Office, DG Office, and other interested Mission staff at the beginning of the evaluation field work to present to the Mission the Evaluation Team's objectives and methodology for the evaluation.

Exit Briefing The Evaluation Team shall provide a formal exit briefing of its findings, conclusions, and recommendations to the USAID/Guatemala and Embassy Front Offices, DG Office, other interested Mission staff, and possibly Tetra Tech DPK not later than 45 days after the signature of the Purchase Order. The purpose of the exit briefing is to ensure the report adequately covers the evaluation questions and to allow USAID and other stakeholders to provide initial reactions to major findings and conclusions prior to finalizing the report. The Evaluation Team shall submit a summary of their initial findings at least two days before that debriefing to facilitate the discussion. Written comments will be provided by the USAID/Guatemala COR to the Evaluation Team within three days of the exit briefing for incorporation into the final report.

Deliverable No. 2: Final Evaluation Report An Microsoft Word version of the evaluation report shall be submitted within one week following the receipt of comments from the USAID/Guatemala exit briefing. The final report shall not exceed 40 pages, including tables and charts. The report shall include an executive summary in Spanish and shall consider the written feedback from the exit briefing. If there are any issues that the Team did not incorporate in the report, within one week of receipt USAID/Guatemala will determine whether or not to include a Statement of Differences as an annex to the report (and will provide the implementing partner with a chance to do so as well). The Evaluation Team will be given an opportunity to respond if a Statement of Differences is included. At this point, the Evaluation Team will submit the final report to USAID/Guatemala by providing two hardcopies (in English, and with a Spanish Executive Summary) and an electronic report in Microsoft

Word. The final evaluation report shall be submitted not later than 60 days after signature of the Purchase Order

The final report must comply with the USAID Evaluation Policy as it relates to performance evaluations, and should use the criteria for quality evaluation reports listed in Appendix I of the Evaluation Policy. In addition, these deliverables will include the following annexes that will not count against the total number of pages for the report:

- a copy of this scope of work;
- a copy of the final work plan including the written evaluation design;
- any data collection or analysis tools used, such as questionnaires, checklists or focus group discussion guides;
- all sources of information, including a list of those interviewed, properly identified and listed; and
- if necessary, a statement of any unresolved differences of opinion by USAID, the implementing partner and/or members of the evaluation team.

Any raw data used or developed during the course of this evaluation will also be submitted in a format deemed appropriate and agreed upon by the USAID COR. The final report should follow the general format:

- I. Executive Summary (1-2 pages)
- II. Background on Development Problem and USAID's Response (1-2 pages)
- III. Purpose of Evaluation (1 page)
- IV. Research Design and Assessment Methodology (5-7 pages)
- V. Findings and Conclusions (20-25 pages)
- VI. Recommendations for future activities (5-10 pages)

The completed evaluation must be submitted by the Offeror to USAID's Development Experience Clearinghouse (DEC) at <http://dec.usaid.gov> within three months of the completion of the evaluation.

Deliverable No. 3: Discussion of Findings The evaluation team leader will organize and facilitate a discussion of the evaluation findings in Guatemala City. This discussion will include USAID/Guatemala, other relevant donors working on rule of law, and relevant GoG counterparts. USAID/Guatemala will provide a guest list of roughly 30 individuals whom the Offeror will need to contact and organize this meeting. In this meeting, the findings and recommendations of the report will be shared, while the report itself will not be. Therefore, this discussion can take place at any point following the exit

briefing with USAID/Guatemala on a date to be agreed upon in the work plan. USAID/Guatemala will provide a conference space for this discussion.

VI. Personnel Requirements/Required Technical Qualifications

USAID anticipates several individuals to comprise the evaluation team. In addition, one USAID personnel with extensive experience in rule of law and Latin America may be part of the evaluation team, but would report to the team leader. This possibility will be further explored when the time table for this evaluation is set.

The team leader should have strong team management skills, as well as 5-10 years' experience evaluating development projects in the area of rule of law or justice sector reform. He/she should have at least a Master's degree in evaluation research methods, rule of law, criminal justice, or a related field. The team leader shall be fluent in both English and Spanish, with the ability to communicate technical information clearly and concisely, both orally and in writing for both languages. Experience with USAID projects is preferred, but not required.

Other key team members must be fluent in Spanish, and those team members who will write-up the final evaluations need to be able to communicate in English for report-writing purposes. Other skills necessary for this evaluation include the following:

- Rule of law expertise in Latin America and Caribbean
- At least ten years of experience in the fields of justice, crime, and rule of law
- Five to ten years of experience designing and implementing project evaluations, preferably with experience conducting rule of law evaluations
- If included in the proposal as part of the evaluation methodology, at least one member of the team should have expertise in designing and moderating focus groups as this is a specialized skill

Each reference to expertise will not necessarily require its own expert; team members may be suited to address more than one of these topics. CV's for all proposed personnel shall be included in the Offeror's proposal as well as signed biographical data sheets.

Refer to Section XII and Annex 1 for rules on conflicts of interest for key personnel.

VII. Schedule of Work/Level of Effort

This performance evaluation will be carried out over not more than 45 working days in September, October and November 2012. The level of effort will depend on the proposal, with the in-country evaluation, field visits, and exit debrief for USAID/Guatemala expected to occupy at least four weeks. It is anticipated that the bulk of the professional work will be carried out in Guatemala City, and field

trips outside are expected in the areas of Santa Elena and San Benito, Petén (for no more than 3 days), and in the cities of Mixco and Villa Nueva. Generally, a five-day work week will be approved under the resulting Purchase Order. However, a six-day work week will be allowed on a case by case basis as approved by the COR, but without premium pay and with the understanding that cost should be within the negotiated firm fixed price of the Purchase Order.

Because the resulting award will be a firm fixed price Purchase Order, Offeror shall propose the level of effort they think necessary to submit the deliverables within the timeframe specified above. Although costs will not be an evaluation factor, costs will be analyzed for realism and reasonableness.

VIII. Evaluation Criteria

Offeror will be judged on expertise, past performance and strength of draft work plan/technical proposal presentation. The following are the evaluation criteria against which the proposals will be judged:

- Draft work plan for performance evaluation (70%)
 - Proposed methods of data collection and analysis—including overall design, evaluation methods, plan for selecting interviewees and site visits, and description of analysis to be performed
 - Timeline of proposed activities
- Education and Technical Expertise of Team Leader (15%)
 - The team leader should have strong team management skills
 - 5-10 years' experience evaluating development projects in the area of rule of law or justice sector reform.
 - At least a Master's degree in evaluation research methods, rule of law, criminal justice, or a related field.
 - Shall be fluent in both English and Spanish, with the ability to communicate technical information clearly and concisely, both orally and in writing for both languages.
 - Experience with USAID projects is preferred, but not required.
- Past Performance (15%)
 - Successful experience conducting performance evaluations in the past 3 years

NOTE: Cost will be taken into consideration even though no points are assigned. This award will be made on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost factors.

IX. Payment Schedule

30% upon approval of work plan - Deliverable No. 1

60% upon receipt of final report – Deliverable No. 2

10% upon discussion of results with GoG and relevant donors and receipt of documents from discussion (e.g. agenda and PowerPoint presentation) – Deliverable No. 3

X. Logistical Support

The Evaluation Team shall be responsible for arranging all logistical support including but not limited to air travel, local ground transportation, and accommodation; and for providing computers, printers, cell phones, communications and other administrative, secretarial, or assistance services. The Evaluation Team will also be responsible for scheduling appointments and translation services. Implementing partners and USAID/Guatemala may provide assistance in arranging meetings with PAVI staff, GOG and State representatives, program beneficiaries, and other key stakeholders if necessary or politically sensitive. The Mission will make available all relevant documents upon award.

XI. Technical Direction

Technical direction during the performance of this Purchase Order shall be provided by the USAID/Guatemala COR or his/her designee. However, there will not be an employer/employee relationship with the contractor.

The Offeror shall understand that only the USAID/Guatemala Contracting Officer is authorized to make changes to the terms and conditions of the resulting Purchase Order. In the event that the Offeror believes that he/she is required to perform activities outside the approved Purchase Order, he/she shall immediately contact/inform the USAID/Guatemala Contracting Officer before performing these tasks. The Offeror will not be paid any amount in excess of the firm/fixed price of the resulting Purchase Order.

XII. Organizational Conflict of Interest**PRECLUSION FROM FURNISHING CERTAIN SERVICES AND RESTRICTION ON USE OF INFORMATION**

- (a) The resulting purchase order calls for the contractor to furnish important services in support of the evaluation of Project against Violence and Impunity, award number DFD-108-04-00173-00 implemented by Tetra Tech DPK. In accordance with the Principles of FAR Subpart 9.5 and USAID policy, THE CONTRACTOR SHALL BE INELIGIBLE TO FURNISH, AS A PRIME OR SUBCONTRACTOR OR OTHERWISE, IMPLEMENTATION SERVICES UNDER ANY CONTRACT OR TASK ORDER THAT RESULTS IN RESPONSE TO FINDINGS, PROPOSALS, OR RECOMMENDATIONS IN AN EVALUATION REPORT WRITTEN BY THE CONTRACTOR. THIS PRECLUSION WILL APPLY TO ANY SUCH AWARDS MADE WITHIN 18 MONTHS OF USAID ACCEPTING THE REPORT, unless the

Head of Contracting Activity, in consultation with USAID's Competitive Advocate, authorized a waiver (in accordance with FAR 9.503) determining that preclusion of the contractor from the implementation work would not be in the Government's interest.

- (b) In addition, BY ACCEPTING the resulting purchase order, THE CONTRACTOR AGREES THAT IT WILL NOT USE OR MAKE AVAILABLE ANY INFORMATION OBTAINED ABOUT ANOTHER ORGANIZATION UNDER THE CONTRACT IN THE PREPARATION OF PROPOSALS OR OTHER DOCUMENTS IN RESPONSE TO ANY SOLICITATION FOR A CONTRACT OR TASK ORDER.
- (c) If the contractor gains access to proprietary information of other company (ies) in performing this evaluation, the contractor must agree with the other company (ies) to protect that information from unauthorized use, not to disclose that information for as long as it remains proprietary, and to refrain from using the information for any purpose other than that for which it was furnished. THE CONTRACTOR MUST PROVIDE A PROPERLY EXECUTED COPY OF ALL SUCH AGREEMENTS TO THE CONTRACTING OFFICER.

In addition, the Offeror will refer to and sign Annex 1 on Disclosure of Real or Potential Conflicts of Interest and submit the signed form to the Agreement Officer 3 working days after signature of the purchase order.

XIII. Environmental Compliance

This activity falls under the Categorical Exclusion issued to those activities involving technical assistance, training, analyses, studies, workshops, document transfers, and others that will not have an impact on the environment, as stated in LAC-IEE-09-43.

XIV. INSTRUCTIONS FOR THE PREPARATION OF THE PROPOSAL

The proposal shall, at a minimum, include the information identified above. The technical proposal should be submitted in electronic format to the point of contact in the USAID/Guatemala Office of Acquisitions and Assistance. The technical proposals should take into account the guidance below.

Offeror shall submit a proposal in response to this solicitation that is specific, clear, and complete, and that responds to the instructions set forth in this Section. The proposal shall be written in English and typed on standard 8 1/2" x 11" paper, single spaced, 12 characters per inch with each page numbered consecutively. The proposal must be organized according to the Evaluation Criteria in Section VIII and shall include:

Cover Page – Title, names of organization(s) submitting the quotation, contact person, telephone and fax numbers, addresses and emails.

Technical Proposal - The technical proposal shall not exceed 12 pages, excluding the cover page and annexes (resumes, charts, etc.). The annexes shall not exceed a total of 10 additional pages (this may be printed on one side or both sides), excluding resumes/curriculum vitae of proposed personnel. A technical proposal and all annexes that exceed these page limits will only be evaluated through page 12 and 10 respectively and the remaining pages will not be evaluated.

The technical proposal shall include the following:

- Proposed methods of data collection and analysis
- Timeline of proposed activities
- Overall approach and methodology
- Organizational structure of the assessment team, team members' roles in the assessment and their areas of expertise
- Past performance

Note: USAID reserves the right to contact all references to obtain verification or corroboration of past performance as follows:

- How well the offeror (or proposed candidate) has performed
- The relevancy of the program work
- Instances of good performance
- Instances of poor performance
- Significant achievements
- Significant problems, and
- Any indications of excellent or exceptional performance in the most critical areas
- Reliable and timely home office support
- Information on past performance must be provided in accordance with the following table:

Program Description summary	Primary location of work	Term of performance	Dollar Value

ANNEX 1: Disclosure of Real or Potential Conflict of Interest for USAID Evaluations

Evaluations of USAID projects will be undertaken so that they are not subject to the perception or reality of biased measurement or reporting due to conflict of interest.⁶ For external evaluations, all evaluation team members will provide a signed statement attesting to a lack of conflict of interest or describing an existing conflict of interest relative to the project being evaluated.⁷

Evaluators of USAID projects have a responsibility to maintain independence so that opinions, conclusions, judgments, and recommendations will be impartial and will be viewed as impartial by third parties. Evaluators and evaluation team members are to disclose all relevant facts regarding real or potential conflicts of interest that could lead reasonable third parties with knowledge of the relevant facts and circumstances to conclude that the evaluator or evaluation team member is not able to maintain independence and, thus, is not capable of exercising objective and impartial judgment on all issues associated with conducting and reporting the work. Operating Unit leadership, in close consultation with the Contracting Officer, will determine whether the real or potential conflict of interest is one that should disqualify an individual from the evaluation team or require recusal by that individual from evaluating certain aspects of the project(s).

In addition, if evaluation team members gain access to proprietary information of other companies in the process of conducting the evaluation, then they must agree with the other companies to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.⁸

Real or potential conflicts of interest may include, but are not limited to:

1. Immediate family or close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated.
2. Financial interest that is direct, or is significant/material though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation.
3. Current or previous direct or significant/material though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project.
4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated.
5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated.
6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.

⁶ USAID Evaluation Policy (p. 8); USAID Contract Information Bulletin 99-17; and Federal Acquisition Regulations (FAR) Part 9.5, Organizational Conflicts of Interest, and Subpart 3.10, Contractor Code of Business Ethics and Conduct.

⁷ USAID Evaluation Policy (p. 11)

⁸ FAR 9.505-4(b)

Disclosure of Conflict of Interest for USAID Evaluation Team Members

Name	
Title	
Organization	
Evaluation Position?	<input type="checkbox"/> Team Leader <input type="checkbox"/> Team member
Evaluation Award Number (contract or other instrument)	
USAID Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)	
I have real or potential conflicts of interest to disclose.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If yes answered above, I disclose the following facts:</p> <p><i>Real or potential conflicts of interest may include, but are not limited to:</i></p> <ol style="list-style-type: none"> 1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation. 	

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature	
Date	

SECTION C – DESCRIPTION / SPECIFICATIONS/STATEMENT OF WORK

C.1 PURPOSE

This Statement of Work (SOW) outlines the services to be provided that will assist the Government of Guatemala (GOG) in combating impunity of violence and serious crime. This work will closely relate to other USAID governance activities, and should collaborate with other USG Guatemala Mission programs, particularly the Narcotics Affairs Section's programs to support law enforcement institutions.

This Statement of Work will build upon results obtained in rule of law activities to date, such as improved homicide prosecution and the creation of 24-hour Courts, contributing to the objective of building a more responsive and transparent governance in Guatemala. It will also address recent developments, such as the passage of a Law against Organized Crime, the new Law against Femicide, the creation of the International Commission against Impunity in Guatemala (Spanish acronym CICIG) and the creation of the National Forensic Institute (Spanish acronym INACIF).

C.2 BACKGROUND

1. Problem Statement: Fourteen years after the passage of the Criminal Procedures Code, Guatemalan justice sector institutions have undergone notable reforms. These reforms include the appointment of a Justice of the Peace in each municipality, the creation of an autonomous Public Ministry (prosecutors), an autonomous Public Defense Institute and a National Civilian Police (Spanish acronym PNC).

One of the most significant reforms in recent years has been the opening of three 24-hour courts which provide permanent criminal justice service to the Greater Guatemala City area, thanks to the close coordination among the four criminal justice institutions: the Judiciary, the Public Ministry (PM), the Defense Institute and the PNC. The PM has also undergone important changes and has begun to improve its prosecution of homicide cases in Guatemala City.

In spite of these advances, authorities in Guatemala are overwhelmed by the extremely high levels of violence, crime and corruption. One of the principal problems facing all of the justice/security institutions are management structures that do not provide adequate supervision, controls and accountability and oversight, leaving these institutions vulnerable to corruption, negligence and inefficiencies. While some have made more progress than others in addressing these institutional weaknesses, all of them suffer to different extents from the lack of basic checks, balances and supervisory mechanisms.

These institutions also operate within a context charged with violence and fear. Fear can easily intimidate justice operators from doing their job and can also quickly turn law-abiding citizens into supporters of arbitrary and violent dispute resolution, such as lynching and social cleansing. Important information about violence in Guatemala can be found in the UNDP statistical study on homicide:

<http://www.undp.org.gt/frmPub.aspx>

The Program against Violence and Impunity will address both the institutional weaknesses and the relevant social variables that fuel and reinforce violence and other serious crimes as linked to institutional strengthening.

2. Previous support to the Rule of Law in Guatemala: USAID assistance for the Rule of Law began in Guatemala in 1986, after the adoption of the new Constitution. Through the United Nations Latin American Institute for Crime Prevention (Spanish Acronym ILANUD); technical assistance, training, diagnostic analysis and research and reference materials were provided.

In 1987, another USAID-funded activity supported policy dialogue and the exploration of reforms through pilot courts. This was followed by a much larger, ambitious and complex bilateral program in 1988. Both were terminated before the scheduled completion dates, due to adverse conditions for their implementation. USAID inaugurated a revised program in 1993, focusing on preparing judicial system operators to implement the recently enacted Criminal Procedure Code that was due to go into effect in 1994. This program began implementing community justice centers and responded to the justice related Peace Accords commitments. A follow-on project, which began in 1999, specifically focused on the Peace Accords and the Justice Center Model and was completed in September of 2004.

In October 2004, a five-year strategy for the Central America and Mexico (CAM) region came into effect. To achieve the objectives under this strategy, USAID launched its current Rule of Law Program (2004-2009) which so far has achieved, among other results, the creation and implementation of the 24-hour courts and the reorganization of the Prosecutor's Office of Crimes against Life, resulting in a higher rate of prosecution of homicides and a more efficient case management methodology. The current program is implementing a Model Trial Court in the city of Villa Nueva. In addition to USAID assistance, the U.S. Mission in Guatemala also provides support through the State Department's Narcotics Affairs Section (NAS <http://www.nasgt.com.gt/english.htm>), especially in the area of law enforcement. Related activities are also carried out through the Drug Enforcement Agency (DEA). USAID activities are coordinated closely with NAS, respecting the different institutional mandates and carrying out work in a cooperative/complementary manner.

In the last three years, Guatemala, with the support of several donors, has seen the incipient implementation of additional key reforms that have not met their full potential and still face formidable challenges, or even the risk of reversal. These reforms are:

- The Model First Instance Criminal Court: housed in the 24 hour courts, provides for expanded service hours, oral pre-trial proceedings, only essential clerical staff, readily available statistical information and more efficient management of hearings.
- The Model Criminal Trial Court: to be piloted in Guatemala City; it will provide for more efficient management of hearings, statistical information readily available and only essential clerical staff.
- INACIF: is the autonomous institute that provides scientific evidence services to the justice sector institutions, combining forensic units that formerly belonged to the PNC and the Public Ministry, as well as the Morgue of the Judiciary.
- CICIG is the UN temporary body with the mandate of assisting in the investigation and prosecution of clandestine security apparatus, parallel security forces, organized crime and impunity as it involves violent crime in general.
- The Prosecutor's Office of Crimes against Life (POAL) is the PM unit with the mandate of investigating and prosecuting homicides in the department of Guatemala. The cities of Mixco and Villa Nueva have their own equivalents, but are much smaller. Collaboration, protection and services to witnesses and victims are fundamental for the POAL to achieve adequate efficiency. To date the witness protection program has been extremely weak and this has been a serious limitation in witnesses coming forward.
- The Law against Organized Crime: Passed in 2006 only recently the Public Ministry and the Police have created new and as yet untested units to conduct special criminal investigation methods, such as wiretapping, undercover agents and controlled deliveries which are authorized for the first time under this new legislation.

While these initiatives represent viable solutions to key problems/issues in the justice sector, it is important to recognize that there are real institutional limitations and threats to their successful implementation; including weak leadership, inefficient management, corruption and a lack of financial and human resources. They will require a sustained and determined effort on behalf of both the institutions and donors in order to be successful.

The U.S. Congress recently approved the Merida Initiative (see <http://www.state.gov/documents/organization/103478.pdf>) which will bring important financial resources for the strengthening of the Rule of Law to Central America and Mexico. Apart from funding through USAID and the Department of State, the Merida Initiative calls for funding of the Department of Justice for assistance to prosecutors. The contract being competed under this Statement of Work will not necessarily receive funds from the Merida Initiative, but will be required to coordinate with other U.S. Mission programs in this regard.

C.3 STATEMENT OF WORK

The Contractor shall focus the USAID Program against Violence and Impunity ("the Program") on both the supply and demand sides of the Justice Sector. On the supply side, the Contractor shall work at both the national and local levels to improve the

delivery of judicial and prosecutorial services. At the national level, the Contractor shall work on institutional strengthening and improving inter-institutional planning and cooperation among the key justice sector institutions, including the Judicial Branch, the Public Ministry (PM, or Spanish acronym, MP), the Public Defense Institute (PDI), the National Civilian Police (Spanish acronym PNC), the Autonomous Forensic Institute (Spanish acronym, INACIF), and the International Commission against Impunity in Guatemala (Spanish acronym CICIG). At the operational level, the Contractor shall concentrate on the functioning of model courts and prosecutors offices, processing of priority cases, treatment of victims and witnesses and focus on issues in the Department of Petén. An overarching approach will be to improve coordination among justice sector institutions and positively impact MCC indicators.

On the demand side, the Contractor shall work to build civil society's capacity to monitor and report on the performance of the concerning justice operators. The Contractor shall also engage NGOs that provide assistance for female and child victims of crime, and those that advocate for crime prevention policies and measures.

Program strategies shall include, but shall not be limited to:

- Increase use of data to manage performance
- Use the Circle of Innovation methodology
- Use the Institutional Integrity Models
- Use the Juvenile Justice System Assessment Tool
- Contemplate applicable international Law (i.e. the Convention on the Elimination of All forms of Discrimination against Women; and standards of protection of cultural heritage based on international treaties)
- Focus on sustainability
- Integrate gender equality as cross-cutting theme
- Maintain effective coordination with other donors and other USG Agencies
- Develop a sub-award program
- Take advantage of windows of opportunity to advance national strategies for the reduction of Violence and Impunity, such as the National Agreement for the Security and Justice Sectors, and the Strategic Sector Plan to Transform Justice and Security.

Sub Intermediate Results and Illustrative Activities

Sub-IR 1: Improved Justice System Capacity to Prosecute and Try Serious Crime:

The Contractor shall address challenges such as the following, in order to improve the investigation and prosecution of homicides and other serious crimes: (i) poor treatment and attention to victims and witnesses; (ii) inadequate management of information resources; (iii) inadequate inter-institutional coordination; (iv) lack of institutional planning and development; (v) lack of compliance with key legislation, such as the Law against Organized Crime; (vi) inadequate management causing undue delays in case processing. Lower Level Results (LLR) to address these challenges, include:

LLR 1.1 Sustainable Improvement in Prosecution of Homicides and other Serious Crimes Supported. Illustrative activities:

- Support the design and implementation of an action plan (Serious Crimes Prosecution Improvement Plan) by an adequate working group that shall address, among other challenges, bottlenecks, weak implementation of legislation, poor inter-institutional coordination and inadequate case processing. The plan shall include training, mentoring and other methods appropriate to address said challenges.
- Develop pilot projects of innovative practices, which may include the creation of task forces; criminal incident mapping; analytical programs to identify patterns in serious crimes; and criminal investigation protocols as appropriate.
- Mentoring of prosecutors in key issues such as case evaluation; creating theories of the crime; improving legal writing; developing investigative techniques; assessing witness threats and identifying procedures for their protection; promoting unification of criteria on presentation of evidence and interpretation of key laws; providing material support; promote the quality control of prosecutor's work. The Contractor will give particular attention to procedures for protection of witnesses, including long-term witness protection, extradition, distance testimony and videotaping.
- Support the implementation of the Law against Organized Crime and other key legislation by providing assistance, training and limited equipment to the concerning justice operators, to apply successful international experiences against organized crime as appropriate, such as the use of tracking of financial assets, tax evasion statutes, and laws on conspiracy such as the Racketeer Influenced and Corrupt Organizations Act.
- Promote adjustments in legislation or regulations to ensure that the legal framework provides for reasonable means to carry out investigations and prosecutions while respecting human rights.

Associated deliverable: Serious Crimes Prosecution Improvement Plan.

LLR 1.2 Efficient and effective Information Management Protocols in the Public Ministry in Place. Illustrative activities:

- Develop effective and efficient information management protocols, involving activities to increase the availability of information, establish data driven management approaches and ensure the security and integrity of such information.
- Develop detailed databases of incidence of serious crime and individuals accused and convicted of these crimes to develop geographic crime patterns and groups and even families associated with such crimes
- Support the development of an information management strategy based on best practice models for public prosecution institutions.
- Implement new data collection protocols by adjusting guidelines, manuals, forms and IT applications to support the collection of more robust data and then mentor staff on the use of these protocols.
- Help improve public/external web site and develop private intranet site for the MP. The intranet portal should provide MP staff appropriate password-based access to internal applications such as databases, jurisprudence and legal content systems, and e-learning modules.

- Support the procurement of the software and hardware needed for these improvements, providing the needed connectivity, and assist in the drafting of manuals as needed.
- Provide training and testing on new software and system maintenance.

Associated deliverable: MP Information Management Strategic Plan

LLR 1.3 Comprehensive Growth and Development Plans for Key MP Units in Place. Key units include, but are not limited to the Technical Coordination Secretariat; the Criminal Policy Secretariat; the Administration Secretariat; Special Units of Organized Crime and serious Crimes; and the Public Ministry Council. Illustrative activities:

- Implement planning processes within key units in the MP, taking into account each unit's critical role in the MP and broader justice system, public expectations of the MP and each unit, and develop goal statements for each unit. The Contractor shall mentor staff on topics such as strategic planning, performance standards, use of public surveys in planning, leadership and other requirements for effective justice planning and management. The Contractor shall then assist each unit in preparation of comprehensive 3-year development plans centered on performance standards with specific activities, timelines, resources, and monitoring mechanisms.
- Support the implementation of adopted plans through study exchanges, support MP advocacy efforts to attain sufficient staff and other resources; provide limited commodity and equipment to address priority needs.
- Provide customized training, technical assistance or equipment to the five key units mentioned above, to help them more effectively fulfill their mission and responsibilities.

LLR 1.4 Smart Replication of the First Instance and Criminal Trial Court Models Supported. These models should be replicated in a way that is reasonably accelerated, but at the same time, takes into account needs for evaluation, adaptation and transformation. Illustrative activities include:

- Analyze the models' operations and introduce any needed adjustments, including those related to staffing patterns, access issues, staff stress and turnover, greater focus on victim needs, and size of the population under their jurisdiction.
- Provide ongoing technical assistance, training and mentoring to justice operators to achieve effective working systems, such as checklists, start-up training, performance standards and performance monitoring systems, operational manuals, mentoring programs, identify innovations, address bottlenecks, needs for remodeling, etc.
- Support the expansion of the model to those jurisdictions where the model will have greater impact.

Associated deliverables: A report on the analysis of adjustments needed; and one operational manual.

Sub-IR 2: Mobilize justice sector and civil society to reduce and prevent violence:

The Contractor shall address challenges such as the following: (i) inadequate or insufficient governmental and non-governmental legal services for victims of violent

crime, including domestic violence; (ii) insufficient coordination amongst governmental and non-governmental institutions that provide attention to victims of violent crime; (iii) insufficient violence prevention measures for the most vulnerable groups, such as women and children. Lower Level Results (LLR) to address these challenges, include:

LLR 2.1: Availability of Effective Governmental and Non-Governmental Legal Aid Services for Victims Increased. Illustrative activities include:

- Support the creation of networks of information and linkages among providers of attention for victims' services, and a survey of victims' services, identifying current service types, geographic coverage, best practice usage and accessibility for special populations.
- Support the development of integrated and innovative approaches to the provision of services such as psychological assistance, vocational counseling, medical help, emergency and safe housing, hotlines, and care for children and other social services.
- Develop and deliver training curriculum and programs, including training of trainers, with the assistance of specialized entities such as the U.S. National Center for Victims of Crime or the National Organization for Victim Assistance. Topics for training may include intake processes and procedures; psychological trauma; crisis intervention; counseling and advocacy; services for children, homicide, family violence, bias crimes and sexual assault victims; program standards and evaluation systems; human resource and organizational management; case management systems and practices; and supervision and debriefing.
- Support the development of inter-institutional agreements among justice sector institutions (MP, INACIF, PNC, Judiciary, PDI) on provision of services to victims of crimes and the roles and responsibilities of each; as well as developing the training necessary for the implementation of these agreements, including curricula and programs, and delivering the training, as appropriate.

LLR 2.2: Coordination among Governmental and NGOs in Victim Services Improved. Illustrative activities include:

- Support development of protocols and reporting to improve inter-agency cooperation and integrated response to victims among justice institutions, civil society organizations and legal practitioners.
- Building appropriate inter-agency/NGO notification requirements, procedural manuals, training, and intake and case management processes and systems.
- Support enhanced program evaluation systems by supporting victim's assistance providers to carry out continuous monitoring and evaluation of services provided through mechanisms such as surveys, program evaluations and statistical systems.
- Support training, information-sharing and referral systems through the institutionalization of regular inter-agency meetings, trainings and forums to improve inter-agency relations. IT technology will be also used to improve these systems, tanking the care of putting in place strong security elements to safeguard victims' personal data, privacy and safety.

LLR 2.3 Key Legislation to Reduce and Prevent Violence Implemented. Illustrative activities include:

- Support the implementation of the Law against Femicide and other Forms of Violence against Women by, among other means, supporting the adoption of consensus goals and performance standards among the institutions involved (i.e. Police, prosecutors and courts); supporting quarterly and annual statistical reporting systems with the involvement of relevant actors such as the National Statistics Institute, and encouraging public reactions to that reporting.
- Support the establishment of specialized courts and/or prosecutors offices as appropriate, providing the necessary training, assistance in drafting manuals and regulations, adjusting forms and case management systems, all with customized methodologies in observation of the particular characteristics of these specialized entities in the Capital City and other regions.
- Support the monitoring of criminal cases related with this key legislation, by civil society organizations.

LLR 2.4 Complementary Legislation to Prevent Crime and Violence Implemented. Illustrative activities include:

- Support the drafting of new laws addressing violence and impunity, and the appropriate planning of allocation of resources for their implementation. These laws may address key issues such as juvenile justice and effective oversight of the penitentiary system.
- Support the completion of the roles and responsibilities that relevant institutions have in implementing existing legislation related to violence and impunity, agreements, and plans such as the Strategic Sector Plan to Transform Justice and Security, and applicable international law.
- Provide technical assistance, training and mentoring for the implementation of relevant laws.

Associated deliverable for this Sub IR: Annual Report on Support for Victims Rights

Sub IR 3: Increased internal Accountability and Oversight within the Justice Sector: The Contractor shall address challenges of the Justice Sector, such as the following: (i) lack of consolidation of financial management, lack of internal audit controls, teams that have little managerial capacity/experience; (ii) the inexistence, incomplete implementation or inadequate enforcement of job descriptions, hierarchies and responsibilities; (iii) the lack of implementation of performance evaluation systems; and (iv) inadequate statistical reporting and analysis. Lower Level Results (LLR) to address these challenges, include:

LLR 3.1: Implementation of the Public Defender Institute's (PDI) Personnel Performance Evaluation Systems supported. Illustrative activities:

- Support PDI working committees to develop manageable and sustainable measurements of performance, determining the reasonable and appropriate levels of public defender productivity in different case types. Performance standards should

include quality/professionalism assessment, and account for appropriate activities for defenders, such as participation in training and other professional development activities. The Contractor shall take into account international best practices and analysis of workloads in development of standards and measurement of performance.

- Ensure that key elements of the career system are in place, such as appropriate recruitment, selection, promotion, transfer, evaluations and discipline for personnel. These systems should be clear and transparent, and observant of applicable international practices and standards.
- Support the implementation of monitoring systems and standards such as statistical reports on performance, related administrative regulations, and strengthen the PDI's capacity to establish new regulations and review or change existing ones.

LLR 3.2 Comprehensive Plan for the Oversight, Accountability, and Strategic Organization of the Prosecutors Offices Developed and Implemented. Illustrative activities include:

- Promote strategic planning processes that are action and result-oriented, engaging the PM leadership and addressing issues such as service delivery; human resources; legislative, regulatory and financial infrastructure; and IT needs. The Contractor shall provide targeted support for plan implementation through systems and process reengineering, developing job descriptions, guidelines, training, and related assistance.
- Training in the Institutional Integrity Model methodology and observational visits as appropriate, supporting the development of ethical conduct and procedures.

LLR 3.3 Judiciary's Key Administrative, Supervisory and Career Plans and Procedures ensure Cost Efficiency, Quality Control, and Career Advancement for Judges and Administrative Workers. Illustrative activities include:

- Promote reform of recruitment, selection and promotion systems in the judicial branch for judges and administrative personnel by, among other activities, creating working groups that will examine regional and international models in those areas.
- Promote the incorporation of good practices in administrative and career processes, such as the integration of interpersonal skills evaluation as a selection or promotion factor; incorporate the development of specific skills in the Judicial School curricula; help support the advancement of women and other historically disadvantaged groups; and ensure greater involvement of civil society in monitoring a merit-based career system and key administrative processes.
- Support the use of data sources for performance evaluation and appointment processes. The Contractor shall provide training, technical assistance and small commodity support as appropriate to support the use of technology-based proceedings, such as reviewing a random sampling of judicial decisions, reviewing attendance, and other methods aimed at improving judicial and administrative performance.

LLR 3.4 Network of Positive Leadership for Institutional Change Organized and Strengthened. Illustrative activities include:

- Building a diverse network composed of potential and actual positive leaders who support the reform and modernization of the Guatemalan Justice System.

- Provide training and technical assistance, and organize mentoring, exchange and observational trips, and other activities as appropriate, to ensure the continuation of the network and its usefulness to provide mutual counsel, moral support and a sense of solidarity among its members.

Associated deliverable for this Sub IR: Report on Judicial Branch Recruitment, Selection, and Promotion Processes.

Special Activities: In addition to the described Sub-IRs, the Contractor shall conduct the following special activities which are politically sensitive and strategically critical to achieve the impact that USAID desires.

Special Activity 1: Supporting High Impact Courts. The goal of these courts is to focus on combating serious crimes such as organized crime, kidnapping, and drug and human trafficking cases, in a secure environment for judges, prosecutors, lawyers, witnesses, forensic experts, victims, defendants, evidence, etc. The Contractor shall support the implementation of these courts by conducting the following illustrative tasks:

- Support the Judicial Branch, the PM and other relevant institutions, to undertake a design of the High Impact Court, providing appropriate training and technical assistance to develop protocols, regulations, security methods and measures, discussing jurisdiction, and any other relevant issue.
- Provide resources and guidance for the design and implementation of the Courts' facilities, security measures, construction and/or remodeling as appropriate.
- Provide ongoing support to the Courts to make them fully operational and sustainable by supporting, among other measures, the development of organizational charts, job descriptions, manuals and bench books, training, case management, and reporting.

Associated Deliverable: one high impact court is fully operational by the end of the base period of this Task Order.

Special Activity 2: Strengthen Justice Capacity to Combat Illegal Activities in Petén. Petén is one of the main organized crime trafficking routes for drugs, money, arms and persons. Local courts and prosecutors are not capable of handling the serious type of cases that increasingly occur and appear on court dockets. The Contractor shall strengthen the Justice System's capacity to address these challenges by conducting the following illustrative tasks:

- Conduct a gap analysis of the court and PM current practices, approaches and limitations in investigating and preparing cases in Petén.
- Establish links to other project-supported activities and institutions, such as the High Impact Courts for processing of more serious criminal matters.
- Support training and seminars in the unique caseload issues related to Petén, addressing issues like the protection of cultural artifacts, preventing the theft and sale of protected heritage antiquities, and the depredation of the environment, and applying the relevant international law.

- Assist development of improved monitoring systems so that more detailed information on progress of results in Petén in addressing serious crimes, and protection of cultural sites and the environment. Where the monitoring shows areas of weakness, the Contractor shall provide targeted assistance to improve performance.

Associated deliverable: Petén Criminal Justice Management Report

Special Activity 3: Millennium Challenge Indicators Promoted. In order to improve stakeholder's awareness, understanding, and participation in the reporting of more accurate information on these indicators, the Contractor shall conduct the following illustrative activities:

- Conduct periodic conferences for the media and others on the MCC rule of law and related indicators, with particular attention on the participation of justice institutions, civil society, business groups, rating institutions and other private sources such as foundations and donors. Other outreach material such as media articles and other forms of publicity will be used to build awareness of the types of activities CSOs and business can be engaged in to impact the indicators.
- Support the development of action plans for different sectors, including the Justice Institutions, business, law enforcement, etc., to advance progress against the indicators.
- Strengthen the accuracy of ratings by addressing the lack of consistent and accurate data and reporting on Guatemala. The Contractor shall publicize data collection and report best practices so that final reporting is more accurate.

Associated deliverable: One action plan adopted.

Note on Technical Assistance to police:

The principal beneficiaries of the Program against Violence and Impunity are the Public Ministry, the Judiciary, and the Public Defense Institute. Civil society and the Autonomous Forensic Institute, INACIF also play an important role. As needed to achieve the described results, the Program may periodically require the participation of the National Civil Police or other law enforcement institutions. USAID assistance to police is restricted and governed by the USAID Police Policy which can be found in the following link

<http://www.usaid.gov/policy/ads/200/updates/iu2-0702a.pdf> . Congressional Notifications and human rights vetting is always required, and these processes can take several months before activities can commence. No activities with police will be undertaken without COTR approval and the completion of the necessary requirements.

Detailed activities and other deliverables will be described in the annual work plans as appropriate.

Gender Considerations

Gender diversity in justice sector operators, aside from the police, appears to be moving toward gender balance. Women are frequently appointed as judges, prosecutors or public defenders, and with less frequency, as magistrates of Appeal or Supreme courts. Women, however, have more difficulties accessing justice services as victims, witnesses or ordinary citizens, and often have less information and knowledge about their own rights, and the regulations of said services. The Contractor will consider women's needs and inequities in its offer, including femicide and sexual and domestic violence within the activities under the statement of work described above. However, USAID expects to see gender-sensitive approaches in this Program.

END OF SECTION C