

"NOTE TO THE MEMBERS OF THE COMMITTEE"

Annual Action Programme 2016 in favour of Guatemala for theme competitiveness and conflict resolution, peace and security to be financed from the general budget of the European Union

1. Identification

Budget heading	21 02 01
Total cost	EUR 25.3 million of EU contribution
Basic act	Development Cooperation Instrument

2. Country background

Guatemala is a multicultural country that has made progress in macroeconomic stability and in the consolidation of democracy, after a long civil war that ended in 1996 with the signature of the Peace Accords.

Despite the political crisis the country endured in 2015 caused by the high level corruption cases that resulted in the resignation and prosecution of the former President and Vice-president of the country, the fundamental pillars of the Guatemalan economy are solid and the short-term outlook is positive. In 2015 economic growth reached close to 4% and inflation was low (< 3%).

The financial situation of the country remains stable; however, low levels of tax revenues are a cause of concern. In fact, the tax revenues to GDP ratio reached only 10.3% of GDP in 2015. However, since the government took measures to constrain public expenditure, the fiscal deficit in 2015 remained under control (1.8% of GDP) and the country's public debt remained almost unchanged at 24.3% of GDP.

Guatemala is part of the global market and the thirteen trade agreements signed by the country prove this fact. On the 1st of December 2013, the provisional application of the trade pillar of the EU-Central America Association Agreement came into force. Guatemala, part of the Central American Integration System, is the country that has given the greatest political support to the regional integration process.

Guatemala is classified as a country with a medium level of human development and in 2014 it ranked 128 (HDI value 0.627) out of 188 countries in the UNDP's Human Development Index. It is a very unequal economy, with high levels of poverty especially in rural areas and among the indigenous population.

As one of the poorest and most unequal countries in Latin America, Guatemala faces many challenges in the areas of access to basic social services, citizen security, human rights and access to justice. Indigenous people make up 40 per cent of the population, and 70 per cent of the population is under 30 years of age. While multidimensional extreme poverty was reduced from 42 per cent in 2000 to 30 per

cent in 2011, the country is far from reaching Millennium Development Goal nº1, and evidence shows that income poverty has increased at levels higher than in 2003.

Since the 1996 Peace Accords ended 36 years of internal armed conflict, the country has started to construct more democratic legal and institutional frameworks. The Peace Accords included the need of legal reforms and measures to improve the access to justice and its efficiency, fighting impunity and corruption, reform the police and combat parallel powers. In 2012, the government identified democratic security and justice as strategic priorities and the National Pact for Security, Justice and Peace was established by the three branches of the government in Guatemala. Despite policy developments since 1996 major challenges persist, however, in constructing an inclusive country and consolidating a lasting peace. In another hand, Security Sector Reform, a condition of the 1996 Peace Agreements, remains unfinished.

Conflicts persist in rural areas due to limited state presence and an erosion of mechanisms for dialogue with the state. As of May 2014, there were 1,416 conflicts associated with rights disputes, territorial borders, squatting and regularization. The conflicts are compounded by violence and insecurity. While violence was formerly associated with the internal armed conflict, it now relates to institutional flaws, organized crime, impunity, and weak trust in public institutions.

3. Summary of the Action Programme

1) Background: the Annual Action Programme 2016 in favour of Guatemala for theme competitiveness and conflict resolution, peace and security comprises the Actions: (i) "Censo de trabajadores del Gobierno de Guatemala" which aims to improve competitiveness by enhancing efficiency and transparency of public expenditure and fight corruption in the Government's human resources management system and (ii) "Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG)" which aims to combat corruption and impunity caused by criminal organizations with links to entities or agents of the State who violate citizen's rights in Guatemala or have the capacity to generate impunity for themselves (known by the Spanish acronym CIACS) and (iii) "Prevention of violence and crime against women, children and youth" which focus on preventing violence against women, children and youth and, fighting against impunity related to those crimes.

One of the main obstacles to reducing poverty in developing countries is corruption. Corruption in Guatemala is widespread. In fact, Guatemala's percentile rank in Control of Corruption of the World Bank's Governance Indicators was 28.4 in 2014 (100 corresponds to the highest rank), lower than in 2012 (30.6). Control of corruption captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the State by elites and private interests. Furthermore, according to the most recent Corruption perception Index (CPI 2015) by Transparency International, Guatemala's ranking fell 8 positions to 123 out of 168 countries, from the previous year's ranking (115 out of 175 countries). Moreover, in the last PEFA assessment (2012), indicator PI-18 "Effectiveness of payroll controls" scored "D+" (being "A" the best score), mainly due to the fact that the Government's payroll IT system, GUATENOMINAS, did not cover all budget lines related to personnel.

It is reckoned that the perception of corruption increased due to the revelation in the second quarter of 2015 of high level corruption cases related to customs fraud detected at the Tax Administration (SAT) that resulted, after several massive social protests, in the resignation and prosecution of the former President of the country Mr. Otto Pérez Molina and Vice-president Mrs. Roxana Baldetti. Following this and other scandals, all allegedly involving high level government officials, the fight against corruption and to enhance transparency in government activities, became a key issue during the general elections that took place at the end of 2015 in which Mr. Jimmy Morales was elected President.

Since taking office in January 2016, President Morales has been very outspoken about these issues and has expressed his high commitment and political will to fight corruption and enhance transparency in the Government. In fact, he is actively promoting a comprehensive reengineering process of the Government. In this context, the idea of conducting a census of government workers to identify corrupt practices is a key element of this process and has become a priority for the current government. This situation opens a unique window of opportunity to implement an action that has the potential of having a significant positive effect in the reduction of corruption, specifically in the government's human resources management system (contracting and payroll), and to set a precedent for a continued fight against this plague in all areas.

Weaknesses in the justice system allowed impunity levels to rise to 98 per cent in 2007, leading to the creation of the International Commission against Impunity in Guatemala (CICIG). CICIG began operations in 2007 to investigate clandestine security groups named "Cuerpos Ilegales y Aparatos Clandestinos de Seguridad" (CIACS) that continued to operate within the state following the 1996 Peace Accords. Such groups still undermine the state, though their main goal now is economic power, not elimination of political opponents. At present, CIACS are groups of people that interact, clandestinely, to exercise political control and generate profitable business. These networks not only contribute to undermining the effectiveness of the justice and security system and to perpetuating a climate of insecurity and impunity, but also have a considerable negative impact on the economy.

Through the support to CICIG the project will address the deficiencies within the justice sector that permit high levels of impunity and violence that prevail in the country.

While CICIG has helped strengthen specialised prosecutorial units, the Prosecutor General's Office remains overstretched. More prosecutors and police investigators need to be trained and coached. Also, the Prosecutor General's Office only covers 10% of the national territory. This project will help CICIG to continue its efforts on strengthening investigation and prosecutions capacities through supporting other prosecutorial sections such as Economic Crimes Prosecutor, Prosecutor for crimes against life, as well as helping the Prosecutor General's Office in increasing its geographic coverage.

According to the CICIG, the difficult conditions that prevail in the justice sector do not allow to reduce the impunity rate more than 10%. A comprehensive reform in the justice system needs to be achieved in order to reinforce its efficiency and independence. For that purpose CICIG will help the national institutions and civil

society to launch a National Dialogue on Justice Reform with the leadership of the Supreme Court, the PGO, the Congress and the Executive. This will allow, among others to elaborate legal and constitutional reforms proposals on the judicial career law in order to promote fairness in recruiting and promotion, as well as the reform of disciplinary mechanisms and the laws regulating "Amparos" (petitions for constitutional protection). In addition to the Dialogue Process and linked to it, CICIG intends to help the national authorities to develop a comprehensive plan for strengthening the capacities of the justice system.

Social protests during 2015 show consensus for more accountability and society has become more vigilant. In addition to the Dialogue process on reforms, CICIG will support civil society to create monitoring spaces and observatories in order to strengthen justice and encourage accountability.

The intervention on violence prevention focuses on two of the priorities outlined in the National Policy: Violence against women and Violence against children. It targets 3 key neighbouring departments in the South of Guatemala: Suchitepéquez, Retalhuleu and Escuintla. The latest is the most violent department in the country after the capital.

Guatemala is statistically considered the fifth most violent country in the Latin American region. The violence is multifaceted and includes family violence, organized crime and gang related violence: Women, children and youth in particular are subject to family violence, gun crime, abuse, illegal trafficking, sexual exploitation and extortion. This scourge represents not only a continuous threat to citizens' security and rule of law, but also hinders economic growth, human development and political stability.

Violence against women and girls in Guatemala has grown significantly over the past ten years. According to the UN, on average two women are murdered each day. Over 5.000 women and girls were killed between 2008 and 2015. Over half of the victims were minors. The female murder rate in Guatemala is the third highest in the region after El Salvador and Colombia. This project will be the only programme with a gender dimension in the entire LAC region.

2) Cooperation related policy of beneficiary country:

In 2012 the Guatemalan Government launched a National Competitiveness Agenda (2012-2021) which has six strategic lines of action, aiming to generate sustainable development and tackle structural problems, such as the low level of formal employment, poor household incomes, social gaps and the high level of poverty. The Agenda also promotes special zones of development and identifies sectors with export potential.

In this context, the previous Government submitted several law initiatives that aimed to improve the country's business climate, among which the "*Ley Marco del Sistema Nacional para la Competitividad y Productividad*" is one of the most relevant. This new legal framework is pending approval by Congress.

Furthermore, SEGEPLAN (the Presidential Secretariat for Planning and Programming) developed a long term development plan named "K'atun Our Guatemala 2032". This includes a common vision of the country shared by the main actors involved (public, private and civil society organizations, both at the national

and departmental level) in terms of goals to be achieved by 2032. This plan emphasizes, among other things: (1) the need to strengthen public institutions; (2) economic growth, competitiveness and employment, territorial development, globalization and regional integration; (3) the trend towards urbanization and the need to generate employment in rural areas, and; (4) the agricultural, forestry and manufacturing sectors.

The Action “Censo de trabajadores del Gobierno de Guatemala” has been developed within the current EU policy framework, in particular the EU – CELAC Action Plan and the EU Citizen Security strategy for Central America and the Caribbean.

The creation and support of the CICIG is part of the national priorities of the Comprehensive Agreement on Human Rights (1994) and the Agreement on a Firm and Lasting Peace (1996) that were agreed and signed between the Government of Guatemala and civil society to put an end to 36 years of armed conflict. CICIG's mandate and work responds directly to the national priorities stipulated in these agreements, especially in reference to strengthening justice and human rights bodies, fighting impunity of those responsible for violations of human rights, the need of legal reforms and measures to improve the access to justice and its efficiency, fighting corruption, reform the police and combat parallel powers.

CICIG also contributes to the implementation of more recent policies and reforms in the sector of justice and security starting with the National Pact for Security, Justice and Peace (2012-2016) where democratic security and justice are set as strategic priorities. The latter was the first state policy in the matter since it was established by the three branches of the government in Guatemala and represents a comprehensive approach to fight crime and improve security and the administration of justice both at central and local.

A more recent and substantial policy development related with CICIG's mandate and work is new Democratic State Criminal Policy that was presented on 2016 April 26, by the Prosecutor General. This policy is aimed at advancing in crime and violence prevention. This shift from intervention to prevention in how the Guatemalan government tackles violence, has been the central pillar of the EU cooperation and political dialogue in the sector of justice as well as for other key actors and donors in the country. Linked to it, the National Policy on Violence Prevention and the National Policy on Reform of the Penitentiary (2014-2034), all of them adopted in 2015, contribute to implement and consolidate the shift to the new paradigm and they promote a more integrated and inclusive approach and a more efficient justice system.

In parallel, a process on justice reform has been launched during 2016: CICIG and the Prosecutor General recently formulated a structural reform initiative (constitutional and legal) to the justice sector. The initiative contains key elements to strengthening judicial independence in the country and its approval would constitute a major step forward.

Over the past 15 years, significant efforts have been made to reduce the level of violence and crime in the country. These have translated into relevant legislation, public policies and other initiatives, and a policy shift from repression towards prevention over the last years. At the level of violence and crime prevention, the 2008 Law against Femicide and other forms of Violence against Women represented a significant normative step, codifying an expansive definition of violence against

women and giving way to the specialisation of the topic within the justice system. The National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence gives a major importance to the prevention of crime.

3) Coherence with the programming documents:

As indicated in the Multiannual Indicative Programme (MIP) 2014 - 2020 for Guatemala, key challenges to the country's development today are: a) ensure democratic human security, defending and developing the Rule of Law and ending impunity, including in transitional justice b) fight against structural economic and social inequality, and discrimination c) guarantee respect of human rights, in particular for the indigenous people, women and children, and d) combat widespread poverty and malnutrition, in particular in rural areas. Weak legal and institutional capacity of the State and the lack of adequate conflict resolution mechanisms constitute another area of challenge.

Taking into account the challenges identified, the Government's national development agenda and the ongoing work of other development partners in the country, the EU and its Member States agreed in the joint programming exercise to prioritise their cooperation over the 2014-2020 period on eight main areas of intervention: (i) Reduce food insecurity focused on tackling chronic malnutrition and promote integrated rural development; (ii) Improve human security by strengthening the justice and security system and supporting violence prevention policies, with an emphasis on the upholding of human rights and on reducing impunity; (iii) Prevent, reduce and contribute to the peaceful resolution of violent social conflicts; (iv) Promote economic development and fiscal reform, improve the trade and competitiveness climate with an emphasis on pro poor growth and employment creation, and promote a fair, transparent and predictable environment for doing business; (v) Improve access to high quality social services for all, with a particular focus on health and education; (vi) Ensure protection of the natural environment and a sustainable, fair and enforced policy on the use of natural resources and adaption to climate change; (vii) Strengthen the State's institutional capacities in terms of policy setting, revenue raising and implementation, both at central and local level; and (viii) Promote gender equality and reduce gender-based violence.

Based on this, it was decided that the MIP 2014-2020 would focus on the following three sectors of intervention:

- 1) Food Security
- 2) Conflict Resolution, Peace and Security
- 3) Competitiveness

4) Identified actions

- Censo de trabajadores del Gobierno de Guatemala:

The overall objective of this Action is to improve competitiveness by enhancing efficiency and transparency of public expenditure and fight corruption in the government's human resources management system. Its specific objective is to support the government to develop an effective, efficient and transparent human resources management system.

The implementing arrangement of the Action is indirect management with the World Bank. For this purpose, an Administration Agreement in the context of the Framework Agreement between the World Bank Group and the European Commission will be signed.

- Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG):

The overall objective of this Action is to combat corruption and impunity caused by criminal organizations with links to entities or agents of the State who violate citizen's rights in Guatemala or have the capacity to generate impunity for themselves (known by the Spanish acronym CIACS). The action is designed so that upon completion of the activities foreseen, the following results will be achieved: (i) Improved capacity of the institutions responsible for the investigation and prosecution of crimes committed by CIACS; (ii) The State of Guatemala has a comprehensive and strengthened regulatory and institutional framework of the justice system to eradicate and prevent the recurrence of CIACS. The implementation modality for this action will be indirect management with the United Nations Development Programme (UNDP). For this purpose, a Contribution Agreement in the context of the Financial and Administrative Framework Agreement between the EU and the United Nations (FAFA) will be signed.

- Prevention of violence and crime against women, children and youth:

This intervention will focus on preventing violence against women, children and youth and, fighting against impunity related to those crimes. Women, children and youth are subject to family violence, gun crime, abuse, illegal trafficking, sexual exploitation and extortion. They can fall into illicit activities that perpetuate crime and violence, fuelling a vicious circle. The overall objective of the Action *“Prevention of violence and crime against women, children and youth”* is to support Guatemala in its efforts to reduce violent crime against women, children and youth in the Southern region of the country, whilst respecting human rights and promoting a culture of peace. The Action is designed so that upon completion of the activities foreseen, the following results will be produced: (i) The institutional capacity to prevent violence against women, children and youth is enhanced. Better implementation of policies and improved mechanisms to prevent violence. (ii): Increased efficiency in the assistance provided to the victims. (iii) Improved mechanisms to fight against impunity while ensuring the protection and attention to the victims.

5) Expected results:

- Censo de trabajadores del Gobierno de Guatemala:

Upon completion of the activities foreseen, the following results will be produced:

Result No 1: A census of Government workers completed.

Result No 2: A reliable database containing standardized and systematized information of Government workers is fully functional on a modern and sustainable human resources management IT system.

Result No 3: Improved monitoring and control mechanisms in the Government's human resources management system.

The Action addresses cross-cutting issues, particularly gender equality and rights-based approach concerns since its overall objective is to enhance transparency and fight corruption in the Government's human resources management system. Corruption is one of the main obstacles to reducing poverty in developing countries. According to the latest national survey on life conditions, 59.3% of the Guatemalan population lives in poverty, of which 23.4% in extreme poverty. By performing a census of Government workers, the Action aims to identify "ghost" positions and other corrupt practices in the Government's human resources management system and thus reduce corruption.

- Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG):

Upon completion of the activities foreseen, the following results will be produced:

Result N°1: Improved capacity of the institutions responsible for the investigation and prosecution of crimes committed by CIACS.

Result N°2: The State of Guatemala has a comprehensive and strengthened regulatory and institutional framework of the justice system to eradicate and prevent the recurrence of CIACS.

The issue of Human Rights is central in CICIG's work. As stated in the Agreement between the United Nations and the State of Guatemala on the establishment of an International Commission Against Impunity in Guatemala, the creation of CICIG was intended to support the State of Guatemala to effectively fulfil its obligations under the human rights conventions to which it is a party, and its commitments under the Comprehensive Agreement on Human Rights of 29 March 1994 of the Peace Agreements. CICIG's mandate and work aim at identifying and dismantling organized crime structures that attempt to Human Rights in Guatemala and that constitute the principal threat to HR Defenders. Also, CICIG's looks over the respect of human rights and due process in the investigation and prosecution work that is jointly carried out with the national institutions.

Regards to gender, CICIG prioritizes investigation lines that mostly affect women and children rights as illegal adoptions, femicide and illegal human trafficking (so far 34 cases have been investigated, in 4 of which CICIG also acts as prosecutor).

- Prevention of violence and crime against women and children:

Upon completion of the activities foreseen, the following results will be produced:

Result No 1: The institutional capacity to prevent violence against women children and youth is enhanced. Better implementation of policies and improved mechanisms to prevent violence.

Result No 2: Increased efficiency in the assistance provided to the victims.

Result No 3 Improved mechanisms to fight against impunity while assuring the protection and attention to the victims.

6) Past EU assistance and lessons learnt:

With the assistance of the bilateral programme “Support to Budget Management (AGEP)”, which is currently in its closing phase, the Guatemalan Government adopted a results-based management approach and improved budget planning of three pilot ministries. AGEP was a positive contribution towards improving Public Finance Management. The Action "Censo de trabajadores del Gobierno de Guatemala" is expected to give continuity to this process by supporting the Government to enhance transparency and fight corruption in its human resources management system.

Regards to the action on "Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG)", lessons learnt can be identified based on previous CICIG's work experience, and in particular on the findings of CICIG's mandate evaluation report, sector analysis and on EU support to CICIG in the period 2008-2015. It can be concluded from them that an international commission as CICIG, with political and technical independence, has the ability to achieve changes and reforms that national institutions due to various factors, including the lack of independence and resources, and in some cases knowledge, cannot achieve. This mode gives a comparative advantage to the Commission and allows having privileged and precise knowledge about the needs on institutional strengthening of the Prosecutor General's Office and Police. This knowledge is an important step in strengthening the coordination of international cooperation and makes investments in the Justice and Security Sector more effective.

Another conclusion is that the implementation of a clear communication strategy is necessary and important to publicize the mandate, scope and limitations of the Commission, and to put CICIG's mandate in the context of national responsibilities. The need for comprehensive legal reforms with an active role of Congress and the commitment of political parties is needed to contribute to the sustainability of the transfer of competences generated by CICIG. Finally the need of inclusive policy dialogue spaces where civil society can properly ensure oversight of public policy implementation in the justice sector is fundamental to prevent impunity.

Other main lessons learnt from EU programmes include the importance of: (i) a better coordination with on-going EU regional programmes and projects being implemented by other donors; (v) institutional strengthening; and (vi) a programme design with an integrated approach.

7) Complementary actions/donor coordination: the EUDEL coordinates the implementation of its Actions with those of the other members of the G13 donor group. Moreover, for the "Censo de trabajadores del Gobierno de Guatemala" Action, the EUDEL has had bilateral discussions with the World Bank. Currently, the WB is preparing a complementary loan operation with the Guatemalan Government that will strengthen the Tax Administration (SAT) and the Ministry of Finance's Integrated System of Financial Management (SIAF), which includes the Government's accounting, procurement and payroll IT systems. For CICIG, there is

complementarity with the ongoing "Programme to Support Security and Justice in Guatemala" that promotes the efficiency of the justice sector through better coordination and that contributes to consolidate the gradual transfer of know-how and best practices to CICIG's counterparts, in particular the Prosecutor General's Office.

The "Violence Prevention against women, children and youth programme will focus on increased efficiency of the justice system's response to violent crimes committed against women, children and youth, focusing on the improvement of criminal investigation, judicial response and the inter-institutional coordination. These two programmes will not only be complementary to CICIG's mandate but will also contribute to create conditions of sustainability of CICIG's work with the national counterparts.

As regards other donors operating in the sector, the action is complementary with USAID-funded Project to Support Security and Justice Reforms, Inter-American Development Bank (IDB) that supports the justice sector and to reinforce investigation capacities through loans). Activities will also have to be closely coordinated with donors supporting the Police Reform (mainly Canada, US and IDB) and with the actions carried out under the UN "Peace-Building Fund".

4. Communication and visibility

The Annual Action Programme 2016 in favour of Guatemala will contain communication and visibility measures which will be based on the specific Communication and Visibility Plans of the Actions. The Communication and Visibility Manual for European Union External Action will be used to establish these Communication and Visibility Plans and the appropriate contractual obligations.

5. Cost and financing

Prevention of violence against women, children and youth	EUR 15 million
Censo de trabajadores del Gobierno de Guatemala	EUR 5.3 million
Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG):	EUR 5.0 million
Total EU contribution to the measure	EUR 25.3 million

The Committee is invited to give its opinion on the attached Annual Action Programme 2016 in favour of Guatemala for theme competitiveness and conflict resolution, peace and security.



This action is funded by the European Union

ANNEX

of the Commission Implementing Decision on the "Prevention of violence and crime against women, children and youth"

Action Document for "Prevention of violence and crime against women, children and youth"

1. Title/basic act/ CRIS number	"Prevention of violence and crime against women, children and youth" CRIS number: DCI-ALA/2016/035-055 financed under the Development Cooperation Instrument			
2. Zone benefiting from the action/location	Central America, Guatemala The action shall be carried out in the Southern region of Guatemala.			
3. Programming document	MIP 2014 -2020			
4. Sector of concentration/ thematic area	Conflict resolution, peace and security		DEV. Aid: YES	
5. Amounts concerned	Total estimated cost: EUR 16.6 M Total amount of EU budget contribution EUR 15 M The AECID (Spain) contribution will be of EUR 1.6 M			
6.Aid modality(ies) and implementation modality(ies)	Project Modality Indirect management with Spain (AECID)			
7. a) DAC code(s)	15130 - Legal and judicial development – 100%			
b) Main Delivery Channel	Public Sector Institutions – 10000; Recipient Government – 15180			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	NA			
10. SDGs	<p>Main SDG Goal: SDG16: “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.</p> <p>Secondary SDG Goal: SDG5: “achieve gender equality and empower all women and girls”.</p>			

SUMMARY

Guatemala is statistically considered the fifth most violent country in the Latin American region. The violence is multifaceted and includes family violence, organized crime and gang related violence. Guatemala has given high priority to this issue in the recent years and has made some, largely normative, advances. Violence and crime do not only represent a continuous threat to citizens’ security and rule of law, but also hinder economic growth, human development and political stability.

This intervention will focus on preventing violence against women, children and youth and fighting against impunity related to those crimes. Women, children and youth are subject to family violence, gun crime, abuse, illegal trafficking, sexual exploitation and extortion. They can fall into illicit activities that perpetuate crime and violence, fuelling a vicious circle. This action will tentatively target 3 neighbouring departments in the South: Escuintla, Suchitepéquez and Retalhuleu. Escuintla is the most violent department in the country, after the capital. In order to prevent a balloon effect and overlap with other donor interventions, neighbouring departments of Suchitepéquez and Retalhuleu have also been chosen. Other major donors (such as the US, the UN, Germany, and Spain) in this area focus mainly on the Northern and border departments and a few on departments in Central Guatemala.

This action proposes an integrated and comprehensive approach at central and local level, consisting of primary, secondary and tertiary prevention of violence. At the primary level, we propose to work at municipality and community levels to raise awareness (about rights, risks, alternative solutions and protection mechanisms), promote systems of early alerts and spaces

free from violence. At the secondary level, we propose to strengthen the judicial response to violence by strengthening legal assistance and protection for victims. At the tertiary level we propose prevention focused on long term responses and attention to victims as well as strengthening public institutions and social networks that work with them to prevent their relapse into violence or a further involvement in illicit activities.

This programme is the first intervention under the second MIP focal sector (conflict resolution, peace and security) and will be the only programme with a gender dimension in the entire LAC region approved in 2016.

The programme is in line with the "National Policy on Violence and Crime Prevention" and the "Democratic Criminal Policy". Further consultations with the target beneficiaries and other stakeholders will take place during the inception phase to fine-tune the activities of the programme, in the context of the new compromise acquired by the recently elected government to foster policies and legislation to fight against gender discrimination and to protect the rights of women, children and youth.

It is proposed to work through delegated cooperation (indirect management) with the Spanish Agency for International Cooperation and Development (AECID). The AECID has an extensive experience in institution building and transitional governance, and is working on the reduction of violence against women, children and youth.

1. CONTEXT

1.1 Sector/Country/Regional context/Thematic area

Country Statistics: Guatemala is one of the most violent countries in the world and it ranks as the fifth most violent country in the Latin American region.¹ The National Forensic Institute (INACIF) recorded an average of 16 murders per day in 2015.² At the national level, and though Guatemala still faces serious institutional challenges, there are tentative signs of progress. Overall, homicide rates dropped from 46 per 100.000 in 2009 to 34 per 100.000 in 2013³ to 33,84 per 100.000 in 2015 according to INACIF.⁴ Despite this, the national homicide rate marks six times higher than the global average in 2013 and almost twice the average of the Latin American region.⁵

The causes of this high violence rate in Guatemala vary. They can be divided into three categories: 1) **Family violence**. It affects mainly women and children and is linked to situational factors, cultural beliefs (patriarchy and machismo) and particularly misinformation or lack of knowledge related to rights and access to justice 2) **Violence related to criminal**

¹Claudia Méndez Villaseñor, *Guatemala entre los países con altas tasas de homicidios*, El Periodico, 3 Sep 2013, retrieved from <http://www.elperiodico.com.gt> on 8 Dec 2014 AND El Periodico, *Guatemala entre los países con altas tasas de homicidios*, 3 Sept 2014, retrieved from <http://www.elperiodico.com.gt> on 20 March 2015 and World Bank Data, *Intentional homicides (per 100,000 people)*, retrieved from <http://data.worldbank.org> on 01 Sept 2015

²A. Orozco, B. Vásquez y S. Melini, *Hasta 16 muertes violentas diarias se reportaron en 2015*, Prensa Libre, 4 Jan 2016, retrieved from www.prensalibre.com on 29 Apr 2016

³International Crisis Group, *Corridor of Violence: the Guatemalan-Honduran border*, *Latina America report No. 52*, 2014, pp. 8, retrieved from www.crisisgroup.org on 14 July 2015.

⁴Jerson Ramos, *Se reportan 33.84 decesos violentos por cada cien mil habitantes, en el 2014 fueron 31.2*, Prensa Libre, 03 Jan 2016, retrieved from www.prensalibre.com on 29 Apr 2016

⁵According to UN Office on Drugs and Crime *Global Study on Homicide 2013* (pp.14), the global homicide rate stands at 6.2 Whereas the Latin American homicide rate at 24 victims per 100, 000 people.

groups. Guatemala has a multitude of criminal groups that range from very sophisticated to rudimentary. They include former and active members of security forces and police, smugglers, human traffickers, street gangs (*maras*) and drug cartels, sometimes considered a spill-over from across the border (particularly Honduras and Mexico).⁶ 3) **Social violence.** It concerns to poverty-related factors (social exclusion, cultural prejudices discrimination, income inequality, gender inequality, poverty, high unemployment rate). Youth and indigenous communities are particularly affected. Easy access to firearms is a major contributor to all of the above. Studies reveal that 83% of all homicides in Guatemala are caused by firearms.⁷

Prevention of violence and crime has been a priority for the previous government for several years. This priority translated into a "National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence 2014-2034"⁸. The policy relies on the shared belief that an emphasis on the prevention of violence, rather than merely intervention, (a concept relatively new in Guatemala) contributes to higher levels of security in the country.⁹

This action document focuses on two of the priorities of the National Policy (known as *ejes de Política* - see footnote 8 and 9): **Violence against women** and **Violence against children**. Women, children and youth are subject to family violence, gun crime, abuse, illegal trafficking, sexual exploitation and extortion.

Women: Violence against women and girls in Guatemala has grown significantly over the past ten years¹⁰ According to the UN, on average two women are murdered each day. Over 5.000 women and girls were killed between 2008 and 2015. Over half of the victims were minors.¹¹ The female murder rate in Guatemala is the third highest in the region after El Salvador and Colombia, and Latin America is the region with the highest level of femicide¹² on the planet.¹³

Guatemalan governments have taken significant steps to address the problem - a law against femicide was passed in 2008, specialized courts to try cases of violence against women were

⁶ Elyssa Pachico, *Mapping Guatemala's Murder Hotspots*, In Sight Crime - Organized Crime in the Americas, 31 Jan 2013, retrieved from www.insightcrime.org on 07 Dec 2014

⁷ UN Office on Drugs and Crime, *Global Study on Homicide 2013*, pp.143

⁸ According to the document "National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence", the policy has marked five priorities in prevention of violence: **1) violence against women 2) violence against children 3) youth violence 4) armed violence and 5) road safety**. This Violence Prevention Policy is based on the Central American Model of Democratic Security. According to the aforementioned document, the Policy aims to promote the articulation with the Regional Security Strategy for Central America and other initiatives within SICA (Central American Integration System).

⁹ The general objective of the policy is to secure the bases of a culture of prevention through conviction related to violence and crime, oriented towards the participation of the population in the framework of the citizen security and peaceful coexistence. The government links the success of this policy to the commitment the municipalities express to embrace the policy. This ownership relies on the adoption of different elements from the National Policy to their own strategy, which are pertinent to the municipality they represent.

¹⁰ *Informe Anual Circunstanciado - Situación de los Derechos Humanos y Memoria de los Labores*, Procurador de Los Derechos Humanos, 2014, pp.3

¹¹ According to the multimedia Latin America media platform Telesur *After 5,000 Femicides, Guatemala Creates Body Tackle Crisis*, 21 Jan 2016, retrieved from www.telesurtv.net on 8 June 2016.

¹² Femicide is not simply the murder of females but rather the killing of females by males because they are female. It is a form of terrorism that functions to define gender lines, enact and bolster male dominance, and to render women chronically and profoundly unsafe. Not to be confused with feminicide which is a political term. It encompasses more than femicide because it holds responsible not only the male perpetrators but also the state and judicial structures that normalize misogyny. – *Guatemala Human Rights Commission*.

¹³ Mimi Yagoub, *Why does the Latin America have the World's highest female murder rate?*, 11 Feb 2016, retrieved from www.insightcrime.org on 08 Jun 2016.

created in 2010¹⁴ and a joint task force for facilitating access to justice for women was established in 2012. However, the General Attorney's Office has continued to register an overall increase in violent deaths of women.¹⁵ According to the country Attorney General, ¹⁶ 854 women were killed in Guatemala in 2015. Approximately half of them were linked to organized crime.¹⁷

In 2013, the number of cases of violence against women registered at the Interior Ministry was 25.410, of which 722 were cases of psychological violence, 159 were cases of physical violence, and the remaining 238 were linked to economic violence. Women continue to be targeted simply because of their gender and femicide is often carried out with shocking brutality. The Attorney General's Office also reports Guatemala to have the highest rate of trafficked persons for gainful purpose (probable victims of sexual violence) in Central America¹⁸. 66% of them are women and 31% of them girls and teenagers (see footnotes 14 and 15).

Children: According to UNICEF, the spiral of violence in the country affects both girls and boys, either as direct or indirect victims of violence¹⁹ (orphans). Each day in Guatemala approximately 40 minors become orphans as a result of indirect violence.²⁰ When it comes to direct violence, statistics reveal that 87 boys and 44 girls lost their lives as a result of criminal acts in 2013. This number increased to 92 boys and 57 girls in 2014.²¹ Cases of family violence registered by the Attorney General's Office in 2014 affected 35.765 women, 2.366 girls and 1.962 boys.²² The number of sexual violence cases reported by INACIF in 2014 was 8. 669 (25% were girls and boys younger than 12 years of age).

According to studies of UNICEF and the Swedish Embassy in Guatemala, the country has made significant progress on legislation in line with the Convention of the Rights of the Children. However the same analysis concludes that not all international obligations related to the rights of the child have been adopted or applied.

Violence against minors continues to increase. According to statistics of the Interior Ministry for the 2010 – 2014 period, the number of legal complaints on mistreatment of minors and related crimes has increased from 2.435 in 2014 to 9.076 cases during 2014.²³ Impunity is an

¹⁴ In 2010, courts specialized in femicide were created in 3 departments (Guatemala, Chiquimula and Quetzaltenango), as well as a "System for Comprehensive Attention to Victims" which accompanies women during the legal process. In 2012, four more courts were inaugurated in Huehuetenango, Alta Verapaz, Escuintla and Izabal.

¹⁵ *Informe Anual Circunstanciado - Situación de los Derechos Humanos y Memoria de los Labores*, Procurador de Los Derechos Humanos, 2014, pp.3

¹⁶ Mimi Yagoub, *Why does the Latin America have the World's highest female murder rate?*, 11 Feb 2016, retrieved from www.insightcrime.org on 08 Jun 2016

¹⁷ According to the source (footnote 8), the Attorney General of Guatemala Thelma Aldana, attributes 50 percent of these statistics to transnational organized crime, more specifically Human Trafficking. The EUDEL will not focus on tackling Human Trafficking and its causes in this action document. However activities pertaining to Primary Prevention of Violence such as awareness raising with the vulnerable groups will include information related to this topic.

¹⁸ *Trata de Personas en Guatemala: Informe de Situación*, Procurador de los Derechos Humanos, 2014, pp.7, 15

¹⁹ According to UNICEF (footnote 18) impunity affects severely thousands boys and girls in Guatemala, who are daily victims of violence attacking directly their psychological, physical or sexual integrity, victims of sexual exploitation for gainful purposes, victims of trafficking, victims of economical exploitation, family pressure for early marriage etc.

²⁰ UNICEF, *Mas inversión – hemos avanzado pero niñez y adolescencia necesitan más inversión social*, 2015, PP. 41-47

²¹ *Informe Anual Circunstanciado - Situación de los Derechos Humanos y Memoria de los Labores*, Procurador de Los Derechos Humanos, 2014, pp.3, 12

²² Ibid.

²³ UNICEF, *Mas inversión – hemos avanzado pero niñez y adolescencia necesitan más inversión social*, 2015, pp. 41-47

important factor that hinders the break of the vicious circle of violence in Guatemala.²⁴ In spite of what statistics reveal, the real extent (magnitude) of the problem remains unknown, as violence and other forms of child abuse remain disproportionately underreported by minors (or their families) who are often unaware of their rights, alternative solutions, and/or do not feel in a position to denounce for various reasons (such as fear, lack of knowledge, lack of information, lack of access to legal institutions and assistance, etc.).

1.1.1 Public Policy Assessment and EU Policy Framework

Over the past 15 years, significant efforts have been made to reduce the level of violence and crime in the country. These have translated into relevant legislation, public policies and other initiatives²⁵ (see Annex I). As a consequence, a paradigm shift has taken place in policy, from repression towards prevention. At the level of violence and crime prevention, the 2008 **Law against Femicide and other forms of Violence against Women** represented a significant normative step, codifying an expansive definition of violence against women and giving way to the specialisation of the topic within the justice system.²⁶ It now serves as a model for women's rights activists in other countries.²⁷ The **National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence** (2014-2034) is considered a *paradigm shift* in how the Guatemalan government tackles violence, which is *from intervention to prevention*. It aims to secure the basis of a culture of prevention through conviction and the participation of the population in the framework of the citizen security and peaceful coexistence.²⁸

The donor community has fully supported these initiatives and has been involved in the creation of the National Policy and its dissemination through programs. Nevertheless, the implementation has been slow. The main challenges to its effective implementation remain:

- Weak coordinating strategy and techniques from central to local level
- Poor knowledge and capacity at the local level to implement the policy
- Inefficient inter-institutional coordination and cooperation
- Low financial capabilities of the Interior Ministry and particularly of the UPCV²⁹
- Political instability within the government, particularly throughout 2015 and the first half of 2016
- Change of staff and leadership of the UPCV

The **Democratic Criminal Policy of the State of Guatemala** (2015 – 2035) focuses on prevention, investigation, sanction and re-insertion and acknowledges women and children to

²⁴ Ibid.

²⁵ In a recent analysis by SEGEPLAN (Presidential Secretariat for Planning), it was indicated that Guatemala counts with a total of 44 public policies (until 2014), of which 11 are cross-cutting and 33 focus on a specific sector. Of these, 10 include prevention and/or violence reduction in their objectives.

²⁶ In 2010, courts specialized in femicide were created in 3 departments (Guatemala, Chiquimula and Quetzaltenango), as well as a "System for Comprehensive Attention to Victims" which accompanies women during the legal process. In 2012, four more courts were inaugurated in Huehuetenango, Alta Verapaz, Escuintla and Izabal.

²⁷ Guatemalan Human Rights Commission 2009 report *Guatemala's Femicide Law: progress against impunity?*

²⁸ Política Nacional Prevención de la Violencia y el Delito, Seguridad Ciudadana y Convivencia Pacífica 2014-2034, pp.20

²⁹ The Unit for the prevention of community violence (UPCV) falls under the third vice-ministry of Prevention of the Interior Ministry. The UPCV aims to organize and develop the civil participation at the level of community, municipality and department for the development and implementation of plans, programs or projects of community violence prevention within the framework of the National Policy. The EU Delegation has supported the UPCV throughout the Youth Program and SEJUST.

be vulnerable to violence and crime. Although it is a very recent policy, so far with limited concrete results, it re-confirms the political will to eliminate violence.

Other legal initiatives with regards the prevention of violence against women and children are: the **Law on the Prevention, Punishment and Eradication of Domestic Violence** (1996), the **Law against sexual violence, exploitation and human trafficking** (2009) and the **Law for the comprehensive protection of children and adolescents** (2003).

This intervention is in line with the priorities of the Joint Programming Document and the MIP sectors for Guatemala (Sector 2. Conflict resolution, peace and security). Moreover it responds to the general objective of the MIP for Central America (Security and Rule of Law) and two of its specific objectives, which are strengthening security and justice services. Although the action will not focus specifically on Gender Based Violence (GBV), the intervention will contribute to the new EU Gender Action Plan (2016 – 2020) and specifically to thematic priority B, objective 7 (general violence against women and girls) and objective 8 in a limited way (trafficking).

The change of government in 2016 has provided a fresh platform for dialogue and a new timeframe for the implementation of the program. A new environment for better cooperation of the key institutions, and a better opportunity to tackle violence not only through a top-down (from central to local) implementation strategy of the National Policy, but at the same time from bottom-up (local to central), will unify the efforts of the actors and beneficiaries.

1.1.2 Stakeholder analysis

The proposed action will have these **Target Groups**³⁰:

1. State Actors and local authorities:

- Interior Ministry: the Vice Ministry for Violence and Crime Prevention and their Unit for the prevention of community violence "UPCV"; the Vice Ministry for Security. The VMVCP has a comprehensive working methodology, and has improved its exchanges with CSO over the last years. Nevertheless, its capacity is still limited.
- Justice Sector Institutions: Public Ministry, Judicial Organ, The Institute of Penal Public Defence, the National Police (investigation units), INACIF, the Executive Secretary of the Coordinating Organ in charge of the Modernization of the Justice Sector (SEICMSJ)³¹, the Ombudsman for Human Rights (PDH) and the new Institution for integral assistance to victims³². The MPA has improved its capacity and has an active role in the fight against corruption promoted by the new government, but suffers as well from its limited capacity (scarcity of staff, lack of expertise). The situation is similar for the JO and the NP, which have budget constraints and limited

³⁰ The Stakeholder analysis annex indicates in which specific result each stakeholder participates

³¹ The "Secretaría Ejecutiva de la Instancia Coordinadora de Modernización del Sector Justicia" is composed by the Public Ministry, Interior Ministry, the Judicial Organ and the Institute of the Public Defense and has a coordinating role of the mentioned institutions, in the absence of a Ministry of Justice.

³² The creation of this institution was approved in April 2016, with the approval of the Law for the Comprehensive Care and Protection of Victims of Violence. According to the law of its creation, the institution will provide a free multi-approach assistance to the victims: legal, psychological, social, medical, etc and will work closely with several key state institutions such as Public ministry, Judicial Organ, National Police, General Prosecutor's Office, etc.

expertise available. The later suffers as well from high levels of corruption. INACIF and the IPPD are young institutions with a solid expertise, but a limited capacity due to their lack of budget.

Local authorities, including departmental, community and municipal councils such as COCODES and COMUDES³³ and municipal offices which provide assistance to women, children and youth as well as the regional headquarter in Escuintla of the Presidential Secretariat for Women (SEPREM) and the Defender of Indigenous Women (DEMI). Both institutions are gradually gaining importance as key actors representing community interests at local and grass root level. However, they are heavily politicised and women are underrepresented in their structures.

Municipalities, on their side enjoy a growing autonomy and are the main window of participation of communities at institutional local level. SEPREM and DEMI have a clear mandate but its importance at institutional level has diminished over the last years. In general terms, the lack of appropriate budget, staff or expertise limits the capacity of institutional actors.

2. Non State Actors:

- Civil Society Organizations (CSO's) active in the areas where the action will take place, such as Centro de Investigación, Capacitación y Apoyo a la Mujer (CICAM) in Esquintla, APROFAM, Asociación Gente Nueva, Asociación de Mujeres para el Desarrollo (AMEDIS), Fundación Sobrevivientes, etc. and other organizations working in specialized areas such as IEPADES, OSAR, CIPRODENI, APREDE, CAJA LUDICA, etc.³⁴
- Special attention will be paid to the "Centro de Apoyo Integral para Mujeres sobrevivientes de Violencia" (CAIMU) in Escuintla led by Grupo Guatemalteco de Mujeres.
- Schools, churches and other community bases.

The lack of financial means limits the capacity of CSOs. It should be noted as well that traditional donors in the country have reduced their interventions or are no longer present. In the case of the CAIMUS, the Ministry has not made available funds that were previously earmarked.

The program will be implemented in direct coordination with the Interior Ministry, through its Vice Ministry and the UPCV who is the main stakeholder for the implementation of violence and crime prevention at national and local level. The UPCV through its representatives in departments and municipalities will coordinate with local authorities.

As explained in the following sections (particularly 3 to 4), the Executive Secretary of the Coordinating Organ in charge of the Modernization of the Justice Sector (SEICMSJ) will be a crucial stakeholder to achieve the desired results (R.2 and R.3), given the multiplicity of stakeholders mentioned in 1.1.2 (1) and experience of the Coordinating Organ in charge of the

³³ COCODE stands for Community Counsel for Development; COMUDE stands for Municipal Counsel for Development

³⁴ IEPADES works among others through campaigns against use of small arms, OSAR deals with sexual abuse, CIPRODENI is an observer of the Rights of the Child, APREDE focuses on the implementation of the measures of prevention of violence against children, CAJA LUDICA focuses on the preventive measures re, violence against children and adolescents.

Modernization of the Justice Sector (ICMSJ). In the absence of a ministry of justice, the ICMSJ functions as a coordinating body for the justice sector institutions.

The civil society organizations will be included throughout this action to reach the local population, groups and other community bases through their expertise in the field in order to coordinate and link the efforts in both directions (top - down and bottom-up) for R.1, R.2 and R.3.

The defined **beneficiaries** from the action will be:

- Women, children and youth victims of violence and /or at risk of facing violence.
- Civil servants and practitioners of referral networks.
- Children and youth (male and female) – in order to tackle patriarchal behaviours that perpetuate gender violence in the society.
- Population in general – by raising awareness about the importance of preventing violence and gender violence, as well as human rights.

The main actors working in violence and gender based violence prevention in Guatemala are:

- CSO's which have been able to push forward the normative framework described above.
- Major donors who currently support this sector: US/USAID (focuses on primary prevention and crime reduction with a budget of US\$ 5,3 million in 2015), Spain/AECID (works particularly in secondary prevention in gender violence, with an approximate budget of 1,7 million Euros in 2014-15 period), Germany/GIZ (focuses on primary prevention both with the Interior Ministry and at local level with a budget of 9.6 million Euros for the 2013-2018 period), Sweden has a program to prevent gender based violence with a budget of 5.4 US\$ million for the period 2015-18), and UN organizations like UNICEF (with a program to support a national strategy for child protection with a budget of US\$ 7 million for the 2014-17 period and UNDP (strengthening statistical capacity for policy design, US\$ 1.4 million earmarked for institution capacity building).
- Private sector (FUNDESA) through their relevant initiatives (tackling extortions) and the Coalition for the Security of the Citizens.

1.1.3 Priority areas for support/problem analysis

Violence against women, children and youth is linked to the absence of risk prevention measures, the lack of protection services, the lack of information on rights and alternative solutions in the spaces in which they function: society, the community, relationships and individually³⁵. This turns them into victims or perpetrators of offenses involving trafficking, physical and sexual violence, drug trafficking, gang membership and others. The State's failure to address risk factors (prevention) and to provide protection, leads on the one hand to

³⁵ The so-called ecological model of spaces for violence prevention was first proposed in 2002 by the World Health Organization and has been adopted as a model intervention by the 2014-2034 PONAPRE (PONAPRE stands for Política Nacional de Prevención de la Violencia y el Delito, Seguridad Ciudadana y Convivencia Pacífica, 2014-2034).

lack of confidence in the system and on the other to social isolation of the victims, who are more than likely to revert to the cycle of violence either as victims or as perpetrators.

For this reason, the program aims at improving the capacities of Guatemalan public institutions and the population, preventing crime (primary prevention), strengthening victim support and improving the mechanisms for protecting women, children and youth during the legal process (secondary prevention). In this regard, risk elimination requires social commitment, the active participation of the community through committees, families, organized groups and schools in coordination with municipalities. On the other hand, the justice system must conduct an impartial gender and age-sensitive investigation within the legal framework to substantiate charges with sufficient evidence to ensure enforcement of judgments and sentences and thus break the cycle of violence. Finally, measures should be put in place to ensure that victims do not re-enter the cycle of violence (tertiary prevention). In this regard, the undeniable efforts made by the State of Guatemala in these three areas – violence risk prevention, comprehensive victim protection and prompt and effective judicial response as part of this protection – are concentrated in the Department of Guatemala, especially in the so-called metropolitan area of the capital city, paying little or no attention to other equally violent geographical areas of the country³⁶.

The first prioritized support area will be the design and implementation of municipal prevention policies based on the National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence, known in the country as PONAPRE (*Política Nacional de Prevención de la Violencia y el Delito, Seguridad Ciudadana y Convivencia Pacífica, 2014-2034*) as a way of eliminating or mitigating risk. The implementation of the National Policy requires the involvement of all sectors at local level in designing the Policy jointly with central level authorities, to ensure ownership. In this regard, as PONAPRE points out, the aim is to implement them locally through municipalities and the Development Council System (community, municipal and departmental councils) together with other State institutions and coordinated by the Violence and Crime Prevention Vice Ministry of the Interior Ministry. To do so, the Vice Ministry has a methodology known as the Approach Model (*Modelo de Abordaje*) for developing policies at the local level through the UPCV. Although 304 of the 334 municipalities of Guatemala signed an agreement for the implementation of PONAPRE in 2015 by developing municipal prevention policies, the change in local authorities after the elections in late 2015 has not led to their implementation at local level: in fact only four municipalities across the country have municipal violence and crime prevention policies³⁷.

Equally important is the lack of financial resources for implementing preventive measures at local level. Delays in the transfer of funds from the State to the local level and the lack of earmarked resources have doomed earlier policy designs to failure due to the lack of funding for implementation. On the other hand, the constant turnover of authorities and staff at the Vice Ministry, caused primarily by the political crisis in April 2015 and subsequently by the absence of technical staff³⁸, has led to a weakening of the institution responsible for coordinating the implementation of PONAPRE at the local level. In the case of the UPCV and its territorial delegates, it is urgent to address the creation of closer ties with the municipalities

³⁶ It is true, however, that municipalities in the Department of Guatemala have the highest crime rates in the country.

³⁷ These four municipal prevention of violence policies were designed and are being implemented using the UPCV approach model methodology and with UNESCO support.

³⁸ Since the departure of Vice Minister Benítez in August 2015, the Vice-Ministerial position has been held by three different people.

for which they are responsible and the creation of networks and to foster relevant municipal policies.

Regarding the complex system³⁹ used in Guatemala for assisting victims of violence, especially in the case of women, children and youth, three main problems have been identified. The system for providing **security/safety or protective measures** when a crime is committed has to be improved. While the role of each institution has been properly established legally, the whole justice system works in isolation. The victims are the engine that promotes and sets in motion its operation to ensure their own protection, which forces them to go to different institutions: to the General Attorney's Office to apply for security measures, to the judiciary to obtain the relevant resolution and then to the headquarters of the National Civilian Police for its implementation. This produces expenses, inconvenience and discomfort, which result in the secondary victimization of the complainant. On the other hand, there is no synergy between the **methods for assisting female victims** implemented by the General Attorney's Office⁴⁰ and the Judiciary⁴¹: this duplication of services also causes secondary victimization⁴². On assistance to victims, State institutions and civil society organizations working with what is known as referral networks at the local level (*redes de derivación*)⁴³ do not have the infrastructure, equipment and in some cases neither the knowledge required to assist victims effectively and comprehensively. Another fundamental aspect, especially with regard to victims of domestic violence, is the lack of income that would allow them to get out of the cycle of violence⁴⁴: no public or private institution offers them the possibility to benefit from credit or learn skills to be economically independent.

The third support area will be **the protection offered by the State to victims through the justice system's response** to violent crimes committed against women, children and youth. The lack of effectiveness of the criminal investigation, together with delays in the judicial resolution of cases leads to the social perception that violence against women, children and youth is not punished and is to some extent permissible. Regarding criminal investigation, we note that despite the undeniable progress made in coordinating the General Attorney's Office and the PNC's Special Criminal Investigation Bureau (DEIC), the interagency systems that have been implemented have focused on the metropolitan area⁴⁵, which is where most of the DEIC'S Special Investigation Units and Prosecution Sections are located. In the interior of the country the existing units do not have the proper equipment or the necessary protocols to gather evidence so to substantiate accusations from specific crimes in terms of criminology and victimology⁴⁶: domestic violence, child abuse, sexual violence or physical violence,

³⁹ We call it complex because of the multiple public and private institutions involved, each of which has its own working system: This include the General Attorney's Office and Judiciary Victims Offices, other public institutions like forensic doctors and hospitals, and diverse charity institutions working with gender violence victims.

⁴⁰ The Comprehensive Victim Assistance Model (MAI) of the General Attorney's Office works in areas of the country where there is a Prosecution Section for Women (Fiscalía de la Mujer)

⁴¹ The Comprehensive Assistance System (SAI) is used by specialized units that are part of the courts specializing in femicide and other forms of violence against women.

⁴² The SEJUST Program is currently working on an integrated MAI and SAI model. If institutionalized, it would be implemented in the geographical area of intervention by this Programme.

⁴³ The referral networks are coordinated at local level by the General's Attorney Office. They include different public and private institutions who could assist gender violence victims, by offering legal, psychological, economic or health support. The idea is to refer victims to these institutions, according to their needs. However, referral networks are very diverse, they depend on the initiative and leadership of the local General's Attorney Office and the existence or not of these institutions at local level.

⁴⁴ This phenomenon has been seen in the central MAI where an increasing number of victims seek security measures but do not file a complaint.

⁴⁵ In this regard we note that the working model for investigating crimes against life implemented by DEIC-MP in the metropolitan area with AECID support resulted in a 19 percent increase in indictments by the Prosecution Section on Crimes against Life of the metropolitan area.

⁴⁶ The complexity of the investigation of a trafficking network for labor or sexual exploitation is completely different from the procedure for investigating femicide, where the family and community environment should be prioritized.

including violence resulting in the victim's death, human trafficking⁴⁷. Regarding the judgment of these crimes, despite the progress made in shortening time through proceedings such as oral hearings⁴⁸, it is necessary to strengthen these measures in the intervention area, especially in the 24 h Court of Escuintla⁴⁹ and in the Court and Tribunal on Femicide and other forms of violence against women. On the other hand, the Trial Courts for Children do not have a system that allows them to streamline proceedings and refer cases involving the commission of an offense against a minor to the General Attorney.

2. RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
1. Changes in strategic priorities of the current government may affect the sense of the urgency in tackling violence against women, children and youth.	L	Policy Dialogue with the current government in coordination with MS and local donor coordination group (G13). Clear commitment to supporting efforts of prevention of violence against woman, children and youth. Even though of low probability, the EU will also conduct a mid-term review once the new government is in place to adjust for possible new strategic lines.
2. The current government and leaders of municipalities may not show interest in working with the existing National Policy.	L	Lobby of the international cooperation to achieve a commitment to the National Policy from central and local the authorities. Strengthen the work with the public authorities of the Executive Organ (Judicial Organ and Pubic Ministry) and with CSO's.
3. Budget restrictions and limitations of the public institutions do not allow for a substantial investment in the sector.	M	Priority will be given to actions that do not require a major investment from the public authorities. Meanwhile in coordination with donors, EUDEL will continue the dialogue on public finance management and transparency.
4. Increased violence and social conflict in the three departments may deteriorate and create difficulties in implementing the project.	L	Continued risk analysis in the areas of intervention. One of the first activities will be conducting a study of circumstance and an analysis of the criminal policy in the three departments, with the purpose of measuring the risks and alternatives in order to implement efficient and safe prevention and intervention measures.

⁴⁷ There is ample evidence that many of the violent deaths of women occur within a framework of prior violence where the response of the justice system to these offenses – mechanisms that facilitate reporting, security measures for the victim, criminal investigation and conviction of the offender, among others – is so weak that the chances that this violence will result in death are exponentially higher.

⁴⁸ According to Judiciary data, since the implementation of oral criminal hearings supported by the EU (PARJ and SEJUST), AECID and UNDP, the percentage of cases solved increased by 12 percent.

⁴⁹ Formerly called Court of Escuintla on duty 24 hours a day. It was created and operated with European Union (PARJ) support in 2009.

5. Low sensitivity to gender equality.	H	Key messages and values during prevention and intervention will include messages aimed directly to gender equality, empowerment of women and softening masculinities. UN Women country office has also offered training sessions where useful. Participation of the EUDEL in the Gender Group (part of the G13) will be continued. A gender expert will be recruited within the program for continuous follow-up.
6. Difficulties in inter-institutional cooperation and coordination among the Interior Vice Ministry for Violence and Crime Prevention and other involved key line Ministries. Also the coordination problems between national and local administrations.	M	Set up of a Steering Committee and other coordination measures to ensure involvement of beneficiary Ministries and institutions. Strong policy dialogue. The EUDEL will ensure to work during the implementation with permanent staff (civil servants) in order to guarantee technical continuity.
Assumptions		
The current government is committed to and continues its efforts to strengthen public sector governance and undertake the necessary reforms. The government has committed itself to implementing existing policies (e.g. National Policy on Violence and Crime Prevention). It will decide the budgetary allocations for the institutions and activities related to the policy.		
The beneficiary institutions will help provide human resources, pay operating costs and provide the physical space needed to properly implement the actions defined.		
There is a strong commitment to, clear understanding of and common views on the modalities of increasing efficiency of national institutions in order to prevent the violence and crime against women, children and youth in Guatemala		
The current government of Guatemala and the institutions of the justice and security sector are committed to maintain a strong and effective cooperation with the EU through EU-funded programmes and projects.		

3. LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Through the implementation of projects funded by the EU over recent years - such as the *Programa de Apoyo a la Reforma de la Justicia/PARJ* and the support to the UN-backed International Commission against Impunity in Guatemala (**CICIG**) - important technical lessons have been learned. These include the following ongoing needs for:

- Improvement of the quality of criminal investigation and coordination between the National Civilian Police and the Attorney General's Office;
- A single and advanced IT Platform as a shared basis for criminal investigation;
- Enhanced law enforcement response towards new criminal phenomena, organised crime and terrorism on a regional scale;

- Improved knowledge and skills of judges, prosecutors and staff members of all the sector's institutions;
- Strengthened independence and autonomy of judges, development of their professional career and physical protection especially in "high profile" cases;
- Enhanced and separated administrative and jurisdictional functions within the Supreme Court of Justice;
- Improved attention to the prison system, with special focus on detention centres for minors and women.

In 2013 the EU Delegation financed a study conducted by the Centre for Guatemalan Studies (CEG) on violence, its prevention and the key actors and donors involved in programs of violence prevention⁵⁰. The study and several meetings that were carried out⁵¹ highlight a series of remaining challenges when addressing violence in Guatemala:

- Inefficient or insufficient synchronisation of efforts of actors on both ends: from central to local and local to central (top-down and bottom –up);
- Weak coordination of efforts or weak strategy of implementation from central to local;
- Insufficient capital or human and knowledge capacity to provide an appropriate social or judicial response;
- Challenging inter-institutional coordination and information sharing;
- Unprioritized or underprioritized role of the community in violence prevention and of the work at local level with groups at risk;
- Poor capacity of the state to adequately provide necessary attention to the victimized individuals.

Through the **Youth Programme**, the EU has promoted a more comprehensive and participatory approach to violence prevention and achieved an enhanced implementation capacity of several Ministries. Valuable work has been done with the Interior Ministry, and more specifically with the UPCV establishing models for the development of community networks and prevention plans at municipal level focusing on violence. Activities included an online network of organizations offering assistance to victims, linked to a call centre for immediate assistance. The mid-term evaluation (MTE) has indicated the importance to continue this component and include the strengthening of the UPCV and the COCODES in future interventions, as being the component with the best perspective for results and sustainability. A valuable lesson pointed out in the same MTE, converges with the situation analysis and the analysis of the work of the actors. As mentioned, the approach towards violence prevention requires balanced efforts between institutional strengthening at central level and the work directly on the ground with the beneficiaries, at local level.

At Latin-American level **EUROsociAL** included a strategic working line in Citizen Security with Guatemala. EUROsociAL also worked with the Penal Public Defender's Office (Instituto de la Defensa Pública Penal – IDPP) with a view to strengthening, inter alia, the implementation of a mechanism to assess cases of female inmates with children and the implementation or establishment of systems for the protection of complainants.

⁵⁰ Estudio Prevención de Violencia en Guatemala by CEG (Centro de Estudios de Guatemala) dated 12 Nov 2013.

⁵¹ Several meetings were carried out with state and non-state actors and donors with the purpose of understanding the phenomenon, the role of the actors, the history and advances of the national policy, the challenges and overlapping work and advancement of the government and the priority given to violence prevention.

As for other donors, Spain (AECID) has recently completed the "**Program Justice and Security**" through which they managed to reduce the impunity of crimes against life and violence against women in the Solola region. To achieve this goal, the program has been geared towards improving the capacities of the justice and security system for the care of victims, investigation, case management, personnel management and information management. Based on this experience, they started in 2015 a program to reduce the violent deaths of women. The following lessons learnt can be highlighted:

- The need for an integrated approach of the criminal justice system: working in isolation with an institution, greatly limits the possibility of sustainable change.
- Construction of joint proposals with the beneficiary institutions: both senior staff, middle managers and operators must be engaged and empowered in the construction of proposals from conception.
- Support throughout the implementation: the teams that establish diagnoses, design proposals and accompany implementation must be the same and work hand in hand with the staff of the institutions.
- Multidisciplinary approach: an exclusive focus on judicial and legal aspects rarely allows to encompass the problems holistically. Different perspectives and contributions are needed.
- Flexibility and adaptability: while it is important to have a defined work plan, it is necessary to maintain some flexibility, to adapt to a rapidly changing reality and context and be able to take advantage of windows of opportunity.
- Importance of coordination with other donors and other stakeholders to exchange information and carry out joint actions.

The proposed intervention will not be able to tackle all of these existing needs and challenges. However, it will focus on the ones where the EU and the proposed Member State have gained specific experience over the last years and can offer an added value in the sustainability of the efforts towards Violence Prevention. In the first result, an effort will be made in order to improve the institutional and inter-institutional coordination, as well as strengthen the involved authorities at central and local level. The second result will work on the assistance to victims, including the law enforcement response. The quality of criminal investigation is expected to be improved through the activities proposed under the third result.

3.2 Complementarity, synergy and donor coordination

Additional work with the UPCV has been carried out through the implementation of **SEJUST** focusing on institutional and capacity building of the unit, supporting this way the institutional building of the Interior Ministry and the implementation of the National Policy on violence prevention. The Strategic Plan of UPCV was developed for the period 2014 – 2020. Moreover, SEJUST is supporting the strength of MP Victims Attention System (MAI) as well as the Judicial Organ in the implementation of "Juzgados y Tribunales de Femicidio".

An interesting experience which could serve as an example for Guatemala is **Ciudad Mujer**, an initiative of the El Salvadorian Government which seeks to improve the living conditions of Salvadoran women through an integrated focus and the promotion of women's rights. In addition to health, the services offered include child healthcare, domestic violence prevention/assistance, financial empowerment, sexual and reproductive health, as well as the promotion and defence of rights. During the programme's inception phase, it will be seen if

similar services (e.g. access to justice for women, children and youth) can be assigned to the existing country systems in Guatemala such as the municipal Offices for Women, Children and Youth or the newly created Institution of integral assistance to victims. Esquintla and Suchitepéquez have also their own "Centro de Apoyo Integral para Mujeres sobrevivientes de Violencia" (CAIMU).

Main donors active in this sector are USAID, focusing on violence and crime prevention; GIZ, with a regional programme on citizen security in Central America (PREVENIR) and the conflict transformation Programme in Guatemala (FOSIT). The FOSIT and PREVENIR Programmes have advised the development of Prevention Policies in a multi-actor and multi-level approach. The following numbers of local Prevention Policies have been implemented or are being implemented with the support of German development cooperation: a) Officialised at central and municipal level: 2 policies for Santa Cruz de Quiché and Salamá (the latter in cooperation with UNESCO) and b) Completed and in process to be officialised: 14 policies- in elaboration: 9 policies; and AECID⁵², which focuses on domestic violence, working directly with the Interior Ministry, and at regional level on violence prevention that affects children and youth (in the framework of SICA). Sweden implements a small project on violence against women (focusing on the implementation of the resolution 1325), through Impunity Watch. The Italian Cooperation, through UNDP, is focusing on the strengthening of capacities at municipal level, including violence prevention at primary level through the creation of opportunities for youth. As for Civil Society, organizations in the sector are working on all levels of prevention, mainly implementing funds of the above mentioned and other donors.

As for **donor coordination** in the sector, in accordance with the agreements made in "Antigua I" and "Antigua 2", the Government has created a coordination platform with the most important donors (G-13) which meets at various levels (Ambassadors, Heads of Cooperation and technical level). Within this platform, the EUDEL forms part of the "Grupo de Dialogo (G13)" at the level of Heads of Cooperation and Ambassadors which meets at least once a month. The EUDEL also participates in the more technical "petit comité" composed of main donors active in the sector of Justice and Security. The Interior Vice Ministry leads a technical coordination group in violence and crime prevention matters where the EUDEL participates. Internally, monthly meetings with EU MS are organized.

3.3 Cross-cutting issues

Violence against women, children and youth is multifaceted and correlates with other phenomena pertaining to human security, such as trafficking of women, children and youth and forced prostitution, illegal border crossing, etc. The issues will be raised mainly during the primary prevention as part of primary and tertiary prevention as part of awareness raising and attention to victims at the local level. The main target groups of this intervention are women, children, youth and men (the latter from an awareness raising perspective). As a result, gender aspects will be fully addressed. Wherever relevant and appropriate, other cross-

⁵² One of the two main working areas from AECID in Guatemala is tackling gender violence. The AECID bilateral program is oriented to strengthening institutions capacities to investigate gender violence and to support victims. The program is located in Solola, and has a budget of 1,200.000 Euros for the last 3 years. In addition, AECID is financing NGOs in the same region to support CSO assistance to victims, with a budget of 550.000 Euros.

cutting issues will be taken into account during the formulation phase, in particular the mainstreaming of rights of indigenous people.

4. DESCRIPTION OF THE ACTION

4.1 Objectives/results

The program is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of SDG Goal 16: “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, but does also promotes towards Goal 5: “achieve gender equality and empower all women and girls”. This does not imply a commitment by the country benefiting from this programme.

The Overall Objective of the program is to support Guatemala in its efforts to reduce violent crime against women, children and youth in the Southern region of the country, whilst respecting human rights and promoting a culture of peace.

The planned action will focus on reducing violence and crime against women and children and youth in the Southern region of Guatemala – Escuintla⁵³, Suchitepéquez and Retalhuleu have been initially retained, because of their high levels of violence and crime and the State’s limited capacity to combat them. We expect that the intervention in this geographical area will impact violence and crime rates at national level⁵⁴. Even if the action is in principle focusing on the three mentioned departments in the South, its scope could be broaden to other adjacent departments in the area.

The **specific objectives** proposed are:

SO 1: Increase, the institutionalization and the citizens' participation in mechanisms oriented to prevent violence against women, children and youth and support to the victims.

It is expected that the rate of violence and crime in the intervention area, particularly of crimes against women, children and youth, will decrease substantially through the proposed program support for the implementation of measures to minimize the risks of violence. This will be done through municipal prevention policies (e.g. a municipal youth council to enhance the involvement of youth in community dialogue, the development of specific tools to foster non-violent social norms against discrimination to women) designed and monitored at the

⁵³ According to the registers of Public Ministry, these figures list Escuintla as the second department after Guatemala in reported femicide, violence against women, rape, and child abuse and third in human trafficking. The statistics are lower in the other two chosen regions for this action, however, according to the data provided by INE (National Institute for Statistics), the rate of the reported cases of family violence in 2013 was 45.9 in Suchitepéquez and of 51.5 in Retalhuleu.

⁵⁴ The crime rate on a country scale can, however, change due to other positive or negative factors unrelated to this action. Even though we expect this change to be positive through this intervention, which is that this action will contribute to a decrease in the violence in the country (by decreasing the violence in the Southern region), the action cannot guarantee fixed indicators on a country scale. Unexpected violence and conflict in other departments of the country may increase due to other factors. This would, in return, compromise the absolute value of the pre-defined indicator.

community and local level. The rehabilitation and creation of public spaces through municipality plans will also help decrease the social tension and hence reduce violence. Another measure in this respect will be the rehabilitation and creation of public spaces at municipality level.

In this regard, efforts will be made to drastically reduce the percentage of victims of violence against women, children and youth who fall back into the cycle of violence by increasing the number of victims who receive immediate medical and psychological assistance. It is recognized that a young victim can become a victimiser later on. Thus, this component aims at breaking the cycle of violence. Another measure will be: enforcing security measures ordered for their protection and placing them in shelters in high-risk cases. Giving victims economic independence through microcredit, the creation of cooperatives and their participation in occupational training courses will also help reduce the likelihood that victims will fall back into the cycle of violence.

SO 2: Reduce the impunity of violent crime against women, children and youth through capacity strengthening of relevant security and justice institutions in order to deliver effective and accountable services to the population.

In the fight against impunity for violent crimes committed against women, children and youth, the number of judicial arrest warrants against perpetrators of this crimes is expected to increase with respect to the number of cases reported in the intervention area. This will be done through the development of new investigation systems or implementation of the ones already in place at the central level. Moreover, the number of indictments is expected to increase thanks to intensified investigation procedures in each case. The time required for verdicts on such crimes to be handed down is expected lower, with an increase in sentences. This will boost public confidence in the justice system and serve as a deterrent to reduce violence against women, children and youth..

Through the proposed intervention, the EU aims to reach the **following results**:

R.1: The institutional capacity to prevent violence against women, children and youth is enhanced. Better implementation of policies and improved mechanisms to prevent violence. For women the action will focus on:

1. Information dissemination tackling violence against women, children and youth, promoting its non-acceptance, addressing "machismo" and changing social norms. The promotion of women, children and youth rights will be also tackled.
2. Teaching municipal support staff to acquire the tools to help family, social and professional reintegration of victims.
3. Establishing citizens' networks to raise awareness of the violence against women and to promote a culture of non-discrimination and non-violence.
4. Establishing a protocol for the protection of women in risk or threatened.
5. Setting up women's safe houses networks for women who are in immediate and grave danger, as well as its protocol for its utilisation.
6. Establishing a scheme for economic empowerment based on local conditions and opportunities, and providing specific training and microcredits. To this end, the program will promote public-private partnership.

For children and youth, the action will focus on:

1. Supporting parents and caregivers providing education on how to use methods of positive discipline and non-violent treatment. Raise awareness on gender equality and the need to fight against gender-based discrimination.
2. Helping children and youngsters to face different forms of violence taking place in their families, schools communities.
3. Changing attitudes and social norms that encourage violence against women, children and youth, violence in general and discrimination, avoiding the hiding of the victimisation.
4. Information dissemination: tackling what is considered violence against women, children and youth, and promoting its non-acceptance. Furthermore, addressing "machismo", changing social norms and attitudes reinforcing it.
5. Promoting and supporting municipal services for children and youth.
6. Implementing the existing laws and policies that protect children and youth.
7. Monitoring the progress of the above-mentioned measures.

R.2: Improved mechanisms to fight against impunity while assuring the protection and attention to the victims.

On the basis of existing laws, the victims will be assisted to report abuses and to refer to justice for their protection and reparation. Information dissemination on the rights of women, children and youth, rights to legal assistance and general support and, information on the platforms which offer assistance. The action will improve services for victim assistance, raising awareness about existing laws and collect national statistics on violence against women. Section 4.2 will address this issue in more detail.

R.3: Increased efficiency of the justice system's response to violent crimes committed against women, children and youth, focusing on the improvement of criminal investigation, judicial response and the inter-institutional coordination.

As explained in the next section, the focus will be institutional strengthening, as well as improvement of interinstitutional coordination and information sharing.

4.2 Main activities

The following list of activities per result has been elaborated during the formulation phase concluded from regular meetings with the stakeholders ⁵⁵:

R.1: Systems and strategies of violence prevention against women, children and youth are strengthened, through the establishment of local citizen's networks, the implementation of violence prevention policies and measures at local level and strengthening institutional coordination at central level.

⁵⁵ Activities per result in this document are laid out as a list with the letter "A" and numbers deriving from the result they pertain to.

The program seeks to implement PONAPRE locally in the intervention area by creating and implementing community action plans and municipal prevention policies that focus on reducing violence in coordination with the Vice Ministry of the Interior Ministry (MINGOB)⁵⁶ and municipalities. To this end, support will be provided for the creation of municipal and community violence prevention committees with the participation of the Municipal Offices for Women, Children and Youth and civil society organizations for the defence of women's and children's rights that work in the intervention area⁵⁷. Multi-sector committees and municipal prevention and citizen security observatories⁵⁸ will also be established. Support for the implementation of preventive measures previously established by the Policy⁵⁹ and strengthening the capacities of the Vice Ministry to coordinate these activities, especially through its departmental offices, will be included within the main activities.

A.1.1 Creation and implementation of citizen's participative networks at community and local level, in order to design municipal policies and communitarian plans of violence prevention. These actions are consistent with the prevention model designed by Unit for the prevention of community violence "UPCV" from the Vice-ministry of Violence Prevention of the Interior Ministry. This element of citizen participation and citizen coordination is part of the specific objectives of PONAPRE. The work package under this main activity will include the definition of intervention criteria in each municipality.

A.1.2 Creation and implementation of community action plans and municipal prevention policies that focus on violence and crime prevention. Following the UPCV strategy and after having created the local networks, this activity will work on the elaboration of policies and plans at communitarian and municipal level.

A.1.3 Design and implementation of preventive measures focused on violence against women, children and youth. The main obstacle for the implementation of measures to prevent violence is the lack of funds. This activity will support the implementation of some of the measures that will emerge from communities and municipalities work.

A.1.4 Strengthening of the capacities of the Vice Ministry for Violence and Crime Prevention in its function as coordinator of the implementation of PONAPRE at the local level. As a mainstream activity of all this activity will seek to strengthen or establish capacities within the Vice Ministry.

R.2: Increased efficiency in the assistance provided to the victims The main activities under this result include improving the existing system for ordering and enforcing security, protective measures by creating inter-agency working procedures, and training and equipping

⁵⁶ The Vice Ministry is the State agency legally responsible for coordinating actions for implementing PRONAPRE.

⁵⁷ Part of the counterpart provided by the delegated European agency might be used to encourage the participation of women's and child protection organizations in the entities and partnerships required for policy development.

⁵⁸ The data collected will be used to create municipal policies, to monitor implementation of the measures and for early detection of violence in schools, hospitals, etc.

⁵⁹ The aim is to ensure that each municipality in the intervention area implements at least four preventive measures with a gender and child-based approach. The preventive measures already identified jointly with the Vice Ministry include awareness campaigns for the general population and high-risk groups on violence against women and children, their rights and ways to enforce them locally.

the various state institutions involved⁶⁰ in order to prevent re-victimization and the victim's return to the cycle of violence. With the same objective in mind, coordination of the different models of assistance to female victims by the Office of the Public Prosecutor, the Public Criminal Defence Institute and the Judiciary will be strengthened. With regards to the assistance to victims, the infrastructure of State institutions and civil society organizations working with local referral networks will be improved and equipped and they will receive training to enable them to assist victims effectively and comprehensively. Finally, micro-credit, occupational training or other means will help victims to reach economic independence. This comprehensive approach which includes initiatives that promote economic independence will benefit also the youth (independent of gender).

A.2.1 Improvement of the system for ordering and enforcing security measures for women victims of violence and protection measures in favour of children and youth. Due to the different nature of measures in favour of women and girls victims of gender violence and protection measures for children and youth, this activity is divided in two working packages. Regarding security measures for women, the program will create mechanisms that will allow the judicial courts to effectively notify the aggressor about the measures ordered by the judge. The program will also help to improve and extend to all the public prosecutor offices in the region of the security measures register system, already functional in limited areas of the capital. Work with National Police will take place in order to ensure the adequate monitoring of these measures. In addition, some alternatives could be explored to improve the efficiency of these measures, like the use electronic devices to localize aggressors or victims. All these initiatives will consider the reality of the region and the limitation on human and technical resources of the institutions. The second working package, related to the measures provided by the judge.

A.2.2 Improvement of the immediate victim attention system of the justice and security sector for women, children and youth: This activity will include two working packages. The first one focuses on the initial attention to victims who are entering in contact with justice institutions. In this group is essential to define a working model to coordinate the institutions that play the main role in this initial step: Public Ministry, Judicial Courts and National Police. In some areas, like in the municipality of Escuintla, all these institutions already have in place units oriented to support victims. However, in other municipalities (for example in municipalities of Retalhuleu or Suchitepéquez) this is not the case. This means that, in some cases, the program will start by helping institutions to implement victims support units while in others work will more towards improving the quality of the provided support. In addition, the program will need to define if some initiatives, which are currently in their pilot phase in other areas of the country (for example establishment of public prosecutor's offices in hospitals), can be replicated in the Southern region. In this sense, particular attention deserves the Institute of Assistance and Attention to Crime Victims, which has been recently created by law (in April 2016), but which at the moment has not yet been developed. According to how this will evolve, it is possible that the program will have to support also this new institution. The second package is more focused on the assistance to children and adolescent victims who are already involved in judicial procedures. Two issues will need attention from the program: the strengthening of the quality of medical attention to victims of sexual violence against

⁶⁰ Security measures in cases of violence against women: Office of the Public Prosecutor, Justices of the Peace, Public Criminal Defense Institute and National Civilian Police. For children: General Solicitor's Office, Magistrates' Courts and Courts for Children and Adolescents.

children and adolescent and, the implementation of a work process to localize children and adolescent victims.

A.2.3 Improvement of the assistance system to women, children and teenage victims referred to other institutions (public or private). This main activity will include three working packages. The first package is oriented towards strengthening the referral network (red de derivación) which is a network of different public and private institutions that support victims of gender violence. The program will support the essential role of the Public Prosecutor Office in coordinating these networks and will help the networks to effectively provide assistance to victims and to increase their capacity to collect and gathered data related to violence against women, children and youth. The second package should support two of the existing CAIMUS (temporary shelters for victims of gender violence, including women and children) located in Escuintla and Suchitepéquez and will study alternatives to increase its sustainability. The third package focuses on capacitating the system of shelters and foster homes to children and teenage victim of violence. As there are no such institutions in the intervention area (victims are transferred to Quetzaltenango or the capital) a system has to be implemented through the program to ensure better procedures for these cases at the national level, including the provision of some support to those centres which are covering the Southern region of the country.

R.3: An efficient, measurable response of the justice system and an adequate implementation of the existing legal framework. The main activities of this result will include direct work with the authorities of the justice sector in the Southern region to increase the quality of the investigations and the speed of the legal process. This intervention will focus on creating a more effective coordination (top-down and bottom-up) between the Public Ministry, INACIF and DEIC (the Specialized Department of Criminal Investigations) to improve the process of evidence collection with the aim of better documentation necessary for the development of the cases. The Judicial Organ – both regular and specialized Courts - will receive assistance to optimize the processes of hearing in criminal cases (*gestión penal por audiencia*). The implementation of justice sector interinstitutional boards and round tables at local and central level in order to tackle the criminal prosecution of these crimes will be proposed as well.⁶¹

A.3.1 Improvement of criminal investigation of crimes related to women, children and youth. Even though there have been improvements in recent years in the quality of investigation and coordination of institutions such as the Public Ministry, the Investigation Department of the National Police (DEIC) and the Forensic Institute in Guatemala, these efforts have been mainly located in the capital area. Through this intervention it is aimed to transfer this experience to the Southern region of the country and adapt it to the local reality. This will include adapting procedures, norms and protocols, reorganizing the working units, provision of trainings and equipment and support to comprehensive approaches of investigation. The first working package will be oriented to the investigation of homicide, with a special attention to femicide. Research will be carried out to study the relation between previous violent episodes (including violence against women and child maltreatment). The second working package will focus on sexual violence, and will implement a working model which will maximize the efficiency of the limited human and technical resources available in the

⁶¹ The interinstitutional round tables and discussions facilitated and guided by the Executive Secretary ICMSJ have been one of the main sources of information necessary to design the objectives, results and activities of this action.

region, particularly recompilation of physical evidence and the analysis of it. The third package will be oriented in improving the quality of criminal investigation of human trafficking, particularly for sexual exploitation.

A.3.2 Improvement of the judicial response to crimes against women, children and adolescents. Although there have been some advances in the quality of services and duration of procedures, it is necessary to strengthen these procedures through the process of hearing management (Gestión Penal por Audiencias). This has to be established both in ordinary penal courts and in specialized ones (related to women and gender violence, and violence against children and adolescent). In order to ensure the sustainability of the program, it is necessary that this new way of management be adequately reinforced by internal protocols and be included as an element in the curriculum of judicial studies (judicial career). Additionally, it is foreseen to support the territorial expansion of the use of the new software that is using the Judicial Organ in maintaining a register of the audiences. Activities will also be carried out to improve the quality of communication among different courts in the region to ensure a faster judicial response and to avoid leaving victims unprotected and/or their re-victimization.

A.3.3 Strengthen the interinstitutional coordination at the local and central level to improve the justice system's response to violent crimes committed against women, children and adolescents. The focus of this action is strengthening the coordination of responses of the justice system in the process of the penal prosecution. This is foreseen to be achieved in two ways: Firstly, at the national level, through the creation of the Unit of Statistical Analysis of justice sector at the Executive Secretariat of the Modernization of Justice Sector (ICMSJ). This unit will gather data from the different institutions of the justice and security sector in order to provide valid information that will allow institutions to take better decisions.

4.3 Intervention logic

Based upon lessons learnt and ongoing or past EU efforts, the intervention proposed will seek to complement these, while ensuring complementarity with other donors' programmes in the same sector, particularly with Member States. Primary, secondary and tertiary intervention is included in order to ensure a higher level of impact. Capacity development and technical cooperation will be offered in order to support the implementation of the National Policy, in line with EU policy ppriorities in Guatemala.

Attention will be paid to the coordination between the different actors through the involvement of the director for international cooperation of the Vice Interior Ministry as well as the Coordinating Organ in charge of the Modernization of the Justice Sector (ICMSJ). In the absence of a ministry of justice, the ICMSJ functions as a coordinating body for the justice sector institutions. It has an Executive Secretariat (SEICMSJ) whose mission it is to execute projects financed by the international cooperation. The SEICMSJ has extensive experience in project management in justice and security, mainly with the European Union (PARJ and SEJUST), the Inter-American Development Bank and AECID (Justice and Security Program and the Program to Reduce Violent Deaths of Women). However, budget issues and high staff turnover have limited the institution's capacities. The ICMSJ is however a crucial partner in in R3, given the multiplicity of stakeholders and their previous experience. Additionally, the

institution was actively involved in the stakeholders consultations that took place throughout the formulation stage.

The action proposes an integrated approach at the institutional, regional and local level. At national level, the implementation of the PONAPRE will be coordinated with the Interior Ministry, through its Vice Ministry and the UPCV, in order to reach the local level as well. Ownership at local level needs to be supported by central authorities, for this reason they will be included in consultations on the design of local prevention plans. Strengthening of local authorities cannot be done in an isolated way but needs to be triggered down from the central level.

5. IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Budget Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 48 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1 Indirect management with a Member State

This action may be implemented in indirect management with Spain in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

AECID has an expertise in the field of Justice and Security which no other MS agency possesses. They have completed recently a programme in this field that has been very successful in reducing impunity of crimes against life and violence against women in the Solola region and the lessons learnt from it will be put in practice in our proposed intervention.

Moreover, and because of Spain's long-standing relations with the Guatemalan State, AECID has a degree of penetration and acceptance in the authorities that will ensure a smooth implementation of the proposed action.

This implementation entails the management of the whole action by AECID. This implementation is justified because of the presence in the country and the specialisation of the Spanish Agency for Development.

The entrusted entity would carry out the all the task related to the budget-implementation, except the visibility contract.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

5.5 Indicative budget

Module	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
5.4.1. – R.1: Systems and strategies of violence prevention against women, children and youth are strengthened, through the establishment of local citizen's networks, the implementation of violence prevention policies and measures at local level and strengthening of the institutions coordination at central level. – Technical assistance and procurement for training and activities/studies		
5.4.1.1. – Indirect management Technical Assistance Training activities/studies	4 600 000	
5.4.2. – R.2: Increased efficiency of assistance to victims, focusing on the improvement of legal security measures, the establishment of centres for attention to victims, assistance to existing initiatives that promote financial independence of victimized women. - Technical assistance, procurement and works		
5.4.2.1. – Indirect management Technical Assistance Training activities/studies and works	5 200 000	
5.4.3 - R.3: Increased efficiency of the justice system's response to violent crimes committed against women, children and youth, focusing on the improvement of criminal investigation, judicial response and the inter-institutional coordination. – Technical assistance and procurement for training/activities and works.		

5.4.3.1. – Indirect management Technical Assistance Training activities/studies and works	5 200 000	
Contingencies ⁶²	N.A.	N.A.
Totals	15 000 000	1 600 000

5.6 Organisational set-up and responsibilities

The proposed intervention includes an approach consisting of primary, secondary and tertiary prevention and of simultaneously top-down and bottom-up actions focusing on several actors at central and local level. It is proposed to set up a **Steering Committee** including the Interior Ministry and its Vice Ministry, SEGEPLAN, the Ministry of Finance and the Executive Secretary of the Coordinating Organ in charge of the Modernization of the Justice. This committee would be responsible to revise and guide programme implementation. Both EU and Spain would participate as observers. Particular sessions on technical matters will be organized, including key line Ministries as well as CSO's and other stakeholders of priority sectors. Here the UPCV would play a prominent technical and coordinating role.

The EU delegation will also set up a **regular dialogue mechanism** with Spain in order to ensure coherence and alignment between the different objectives and follow up project implementation.

5.7 Performance monitoring and reporting

During the inception phase, the log frame will be reviewed and fine-tuned. Data to define the baselines will be collected by the technical assistance which will carry out consultation processes with the relevant institutions at both central and local level to obtain reliable data. Baseline studies will be undertaken when appropriate. The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities: An adapted system of monitoring and evaluation will be set up during the inception phase. The implementing partner shall establish this permanent internal, technical and financial monitoring system for the action, and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

⁶² Consider that contracts where no financing agreement is concluded, contingencies have to be covered by individual and legal commitments by 31 December of N+1.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the action, a mid-term and final evaluations will be carried out for this action or its components via independent consultants contracted by the Commission. The mid-term evaluation will be carried out for learning purposes, in particular with respect to maximise the impact of the programme. The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact

The Commission shall inform the implementing partner at least 1 month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or

entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - INDICATIVE LOGFRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action without an amendment to the financing decision. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for listing the activities as well as new columns for intermediary targets (milestones) when it is relevant and for reporting purpose on the achievement of results as measured by indicators.

	Intervention logic	Indicators (in the geographic area of intervention)	Baselines (incl. reference year)	Targets (incl. reference year)	Sources and means of verification	Assumptions
Overall objective: Impact	To support Guatemala in its efforts to reduce violent crime against women, children and youth whilst respecting human rights and promoting a culture of peace	1. Rate of violence against women, children and youth in the southern region (**) 2. Percentage/rate of perception of insecurity among the population 7	1.*** % 2016 2.*** % 2016	1.*** % by 2020 2.*** % by 2020	<ul style="list-style-type: none"> Official figures/statistics of beneficiary institutions. - External evaluation reports - 	
Specific objective(s): Outcome(s)	SO 1: Strengthen institutional mechanisms and the citizens' participation to prevent violence against women, children and youth and to support the victims	1.1 Percentage of municipalities in the intervention area that have incorporated in its annual budget funds to implement actions to prevent violence or to support victims	1.1 *** % 2016	1.1 *** % by 2020	<ul style="list-style-type: none"> Official figures/statistics of beneficiary institutions. - External evaluation reports Local and national perception of insecurity surveys. Reports generated by information platforms at local and central level - 	<p>Political will to carry out the required reforms, proper coordination between beneficiary institutions, and availability of resources to be provided by implementing partners as counterpart.</p> <p>The risks to be considered are:</p> <p>The instability of the authorities of the beneficiary institutions, disagreement between beneficiary institutions based on their own institutional policies, prioritization of institutional interests above programme objectives</p>
		1.2 Percentage of actions to prevent violence that are implemented at local level with CSO involvement	1.2 *** % 2016	1.2*** % by 2020		
		1.3 Percentage of victims of violence against women, children and youth who fall back into the cycle of violence	1.3*** % 2016	1.3 *** % by 2020		
		1.4 safety and protection measures	1.4 *** % 2016	1.4 *** % by 2020		
		1.5 Percentage of victims of violence against women, children and youth comprehensively attended	1.5 *** % 2016	1.5 *** % by 2020 Prevalence of girls and women who have experienced physical or sexual violence (by an		

				intimate partner) in the last 12 months		
		1.6 Percentage of victims of violence against women, children and youth who receive financial compensation by judicial means	1.6 *** % 2016	1.6 *** % by 2020		
	SO2: Strengthen the capacity of institutions at all levels to address and reduce the impunity related to those violent crimes.	2.1 Rate of impunity of crimes against women, children and youth	2.1 *** % 2016	2.1 *** % by 2020		
		2.2 Percentage of indictments regarding criminal complaints made in relation to violence against women, children and youth	2.2*** % 2016	2.2 *** % by 2020		
		2.3 Percentage of prosecutions regarding the indictments made in violence against women, children and youth cases (as well as gender and sexual based violence)	2.3*** % 2016	2.3 *** % by 2020		
		2.4 Percentage of convictions regarding complaints of crimes against women, children and youth (as well as gender and sexual based violence)	2.4*** % 2016	2.4 *** % by 2020		
		2.5 Time span between the criminal complaint and the verdict	2.5 210 days/2015	2.5 *** % by 2020		
		2.6 Number of cases of violence against women, children and youth reported by victims	2.6 *** % /2016	2.6 *** % by 2020		
Outputs	R.1.: Institutional capacity to prevent violence against women, children and youth is enhanced. Better implementation of existing policies and improved mechanisms to prevent violence.	1.1.1 Municipal violence prevention committees created with the participation of the Municipal Office for Women, the Municipal Child and Adolescent Protection Office and organizations for the defence of women, children and youth (*) fully operational	1.1.1. 0 / 2016	1.1.1 12 by 2020	<ul style="list-style-type: none"> • Official figures/statistics of beneficiary institutions • External evaluation reports - • Municipal decisions approving prevention policies • Reports generated by information platforms at local level • Authorities decision approving Interagency working model for granting and following up security measures for women and children victims • Authorities decision approving MAI and SAI interagency working model • Formations reports Authorities decision approving 	<p>The beneficiary institutions accept the technical advice of the Program for setting up new working models of criminal investigation, hearing management of criminal procedures and assistance to victims</p> <p>The change of beneficiary institutions authorities does not hamper the implementation of the Programme strategy</p> <p>There is political will among beneficiary institutions authorities to promote the Programme Objectives</p>
		1.1.2 Municipalities with prevention of violence and crime policies inclusive, adapted to the local context and with measures of prevention of violence against women, children and youth.	1.1.2 0 / 2016	1.1.2 12 by 2020		
		1.1.3 Implementation of measures to prevent and reduce risk factors that contribute to violence against women, children and youth factors.	1.1.3 0 / 2016	1.1.3 48 by 2020		
		1.1.4 Existence of fully operational information platforms at local and central level to monitor criminal activities and to implement relevant preventive measures and fully operational	1.1.4 0 / 2016	1.1.4 4 by 2020		

	R.2: Increased efficiency in the assistance provided to the victims -	2.1.1.Public Officers adequately equipped and trained to provide safety and protection measures for victims	2.1.1.0 % /2016	2.1.1.100 % by 2020	interagency working models for investigating crimes against women and children	There are safety conditions to work in the geographic area of intervention
		2.1.2 Public Officers equipped and trained to provide adequate assistance to victims of violence against women, children and youth	2.1.2 0 % /2016	100 % by 2020		
		2.1.2 Members of CSOs, i(CAIMUS, partners of <i>Redes de Derivación</i>) equipped and trained to provide assistance to victims of violence against women, children and youth	2.1.2 0 % /2016	2.1.2 100 % by 2020		
		2.1.2 Public Officers trained to deliver on judicial proceedings to provide financial compensation to the victims	2.1.2 0 % /2016	2.1.2 100 % by 2020		
		2.1.3 Women victims trained to achieve financial independence	2.1.3 0 % /2016	2.1.3 50 % by 2020		
	R.3: An efficient, measurable response of the justice system and an adequate implementation of the existing legal framework	3.1.1Public Officers equipped and trained for the investigation of crimes against women, children and youth	3.1.1 0 % /2016	3.1.1 100 % by 2020		
		3.1.2 Public Officers equipped and trained in management of specific criminal procedures applying yo crimes against women, children and youth	3.1.2 0 % /2016	3.1.2 100% by 2020		
		3.1.3 Public Officers equipped and trained to refer cases of violence against children and youth to entities in charge of criminal investigations.	3.1.3 0 % /2016	3.1.4 100% by 2020		
		3.1.4 Interagency boards in charge of criminal prosecution cases related to violence against women, children and youth at local and central level	3.1.4 0 /2016	3 3.1.44 by 2020		

ANNEX 1: List of major laws and public policies relevant to violence prevention in Guatemala

Normative framework

- Approval of the Convention on the Rights of the Child (1990)
- The “Law on Prevention, Sanctioning and Eradication of Domestic Violence” (1996): focused primarily on security measures and did not include concrete sanctions for perpetrators.
- The “Law for the comprehensive protection of children and adolescents” was approved in 2003.

- The “Law against Femicide and other forms of Violence against Women” (2008): includes also young girls and adolescents. It created a justice system specialized in Femicide.⁶³
- The “Law against sexual violence, exploitation and human trafficking” (2009).
- The Adoption law (2010)
- The Law of the Alert System "AlbaKeneth" (2010) re. disappeared children

National Policies

- “National Plan for the Eradication of Domestic Violence and Violence against Women (PLANOVI) (2004 – 2014)”.
 - “National Policy on Promotion and Comprehensive Development of Women” (2008 – 2023), based on PLANOVI
 - “National Youth Policy” (2012 – 2020) was approved⁶⁴, with a clear component on violence prevention, from a comprehensive and social perspective (it remains limited; it does not count with a comprehensive and cost-estimated Action Plan, nor was it reflected in the budget for 2014).
 - "National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence (2014-2034)"
- “National Policy against Human Trafficking and of an Integrated Protection of Victims” as well as “The Democratic Criminal Policy” (2015).

ANNEX 2: "National Policy on Violence and Crime Prevention, Citizen Security and Peaceful co-existence (2014-2034)"

ANNEX 3: "Estudio Prevención de la violencia en Guatemala – CEG – November 2013"

ANNEX 4: Draft stakeholder analysis

ANNEX 5: Donor Matrix

ANNEX 6: "Democratic Criminal Policy of the State of Guatemala" (2015 – 2035)

⁶³In 2010, courts specialized in femicide were created in 3 departments (Guatemala, Chiquimula and Quetzaltenango), as well as a "System for Comprehensive Attention to Victims" which accompanies women during the legal process. In 2012, four more courts were inaugurated in Huehuetenango, Alta Verapaz, Escuintla and Izabal.

⁶⁴ With the support of the EU through the "Institutional Strengthening of the Youth Program"



ANNEX

of the Commission Implementing Decision on the “*Censo de trabajadores del Gobierno de Guatemala*”

Action Document for “*Censo de trabajadores del Gobierno de Guatemala*”

1. Title/basic act/ CRIS number	“Censo de trabajadores del Gobierno de Guatemala” CRIS number: DCI-ALA/2016/39417 financed under Development Cooperation Instrument			
2. Zone benefiting from the action/location	Guatemala The action shall be carried out at the following location: Guatemala			
3. Programming document	Multi-annual Indicative Programme for Guatemala 2014-2020			
4. Sector of concentration/ thematic area	Competitiveness - Fight against corruption and transparency	DEV. Aid: YES ¹		
5. Amounts concerned	Total estimated cost: EUR 5.9 Million Total amount of EU budget contribution EUR 5.3 Million			
6. Aid modality(ies) and implementation modality(ies)	Project Modality Direct management: <ul style="list-style-type: none">• procurement of services Indirect management with the World Bank (WB)			
7 a) DAC code(s)	15110 – Public sector policy and administrative management			
b) Main Delivery Channel	World Bank – 44001			
8. Markers (from	General policy objective	Not targeted	Significant objective	Main objective

¹ Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

CRIS DAC form)	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	X	<input type="checkbox"/>	<input type="checkbox"/>
	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			

SUMMARY

Guatemala is classified as a country with a medium level of human development. It is a very unequal economy, with high levels of poverty especially in rural areas and among the indigenous population. One of the main obstacles to reducing poverty in developing countries is corruption and unfortunately it is widespread in Guatemala, as evidenced by last year's corruption cases involving high level Government authorities and the country's poor performance in related internationally recognized rankings and standards.

Corruption undermines the competitiveness of Guatemalan MSMEs² and cooperatives as it takes away from public revenues which could be invested in the improvement of education, health services and infrastructure, all of which influence the country's competitive conditions for its enterprises. In fact, according to the World Economic Forum's methodology to assess a country's competitiveness³, corruption is included in the 1st pillar: Institutions. The analysis of this pillar includes Government attitudes toward markets and freedoms and the efficiency of its operations, corruption, lack of transparency and trustworthiness, among others, all of which impose significant economic costs to businesses and slow the process of economic development.

Following the aforementioned scandal and others, the fight against corruption and to enhance transparency in Government activities, became a key issue during the general elections that took place at the end of 2015 in which Mr. Jimmy Morales was elected President. Since taking office last January, President Morales has expressed his high commitment and political will to fight corruption and enhance transparency in the Government. In fact, he is actively promoting a comprehensive reengineering process of the Government for this purpose. In this context, the idea of conducting a census of Government workers to identify corrupt practices (in order to tackle them) is a very

² Micro, Small and Medium-sized Enterprises.

³ <http://reports.weforum.org/global-competitiveness-report-2014-2015/methodology/>

important element of this process and has become a priority for President Morales. This situation opens a unique window of opportunity to implement an action that has the potential of having a significant positive effect in the reduction of corruption and to set a precedent for a continued fight against this plague in all areas.

Therefore, the overall objective of the proposed programme is to improve competitiveness by enhancing efficiency and transparency of public expenditure and fight corruption in the Government's human resources management system. Its specific objective is to support the Government to develop an effective, efficient and transparent human resources management system. The programme is designed so that upon completion of the activities foreseen, the following results will be produced:

Result No 1: A census of Government workers completed.

Result No 2: A reliable database containing standardized and systematized information of Government workers is fully functional on a modern and sustainable human resources management IT system.

For this purpose, technical assistance will be provided to improve and link the GUATENOMINAS (payroll), SIARH (human resources management), GUATECOMPRAS (procurement), the Civil Registry's (RENAP), Social Security's (IGSS) and the Tax Administration's (SAT) IT systems, among others.

Result No 3: Improved monitoring and control mechanisms in the Government's human resources management system.

The National Institute of Statistics (INE) is the Government institution which will be most involved in the operational execution of the Programme. Specially, it will carry out the census of Government workers. According to the decree 3-85 which created INE, it is the institution that formulates and executes the national statistics policy. As such, it is the only organization in the country that has the technical expertise and capabilities to carry out the proposed census of Government workers with due regard to privacy, data security, staff safety and other internationally recognized standards. A proof of its institutional capacity is that INE successfully carries out periodically, not only the population census, but several specialized surveys as well, such as the survey on employment and income (ENEI) and the survey on life conditions (ENCOVI). The proposed programme would provide technical assistance to INE that would further strengthen its capacities to deliver trustworthy and high quality statistical information.

It is important to point out that there is a Law of access to public information (decree 57-2008) in Guatemala to which INE, as any individual or legal person in the country, must abide by. This law regulates the disclosure of public information, such as the information that will be produced by the proposed programme, which would be publicly available. No significant risks are foreseen due to this fact, since this type of information is already openly available, although in a scattered manner, through the Law of access to public information already mentioned.

Other key stakeholders in the Government for the implementation of the proposed programme include: (i) the Presidency, which is the main promoter of the programme and coordinator of the

Government institutions involved; (ii) the Ministry of Finance, which manages the Government's payroll IT system GUATENOMINAS and procurement IT system GUATECOMPRAS, among others. The former contains the database of all workers of the Executive branch of Government; (iii) the Tax Administration (SAT), which manages the tax identification number (NIT) database (of individuals and companies). It is important to note that, gradually, the NIT (and other identification numbers used by other Government institutions) is being replaced by the Single Identification Code (CUI), which is managed by (iii) the National Registry of Persons (RENAP); (iv) the Civil Service National Office (ONSEC), which manages the Government's human resources related activities, including the human resources management IT system SIARH, and (v) the Ombudsman's Office, which looks after the respect of human rights in the country and is the regulating authority of the Law of access to public information (decree 57-2008). As such, it is the guarantor of the integrity of the census, so that its implementation process is carried out with due respect of the rights of Government workers. In fact, as the data collected in the census will be disaggregated by sex, age and ethnic origin, among other parameters, it would serve not only as a tool to detect any discriminatory practice against any person or group in the Government's human resource management system, but also as the scientific base for setting up possible positive discrimination policies in the future.

It is important to underline that this programme would be overseen by the Guatemalan civil society and the international community. These organizations would carry out this function through their participation in the programme's Steering Committee which would be established to provide general guidance and oversee the action's implementation. This committee would meet quarterly.

The implementing arrangement of this programme combines indirect management with the World Bank and direct management (procurement of services). Specifically, an Administration Agreement for EUR 5 million, in the context of the Framework Agreement between the World Bank Group and the European Commission would be signed. In addition, one services contract for EUR 300,000 to carry out activities to raise awareness, promote the involvement of key stakeholders and socialize the impact of the action among the Guatemalan society would be signed by the EU Delegation. Therefore, the total EU contribution for this programme would be EUR 5.3 million. The World Bank would contribute 600,000 EUR so the total cost of the action would be EUR 5.9 million.

During the EUDEL presidency of the G13 in the second semester of 2015, an informal group on Transparency and Anti-corruption was established with the IMF, CAPTAC and the WB. The EUDEL and the WB kept the momentum. In January 2016, once the new Government had taken office, the EUDEL and the WB met with President Morales and supported the Government idea of a census of public servants. The WB is very well positioned in this field because of its expertise in human resources and public service, as well as in the improvement of public policies and public expenditure in Guatemala. It has also implemented similar interventions to the Census (although less comprehensive) in Central America. The EU would also benefit from the WB's penetration in key government areas (Finance, Economy, Labour, Presidency), greatly enhancing the EU's policy dialogue with the Guatemalan Government.

Furthermore, the WB is preparing a complementary loan operation with the Guatemalan Government that has two components: one to strengthen the Tax Administration (SAT) and the other to modernize the Ministry of Finance, by strengthening the Government's Integrated System of Financial Management (SIAF), which includes the IT accounting system (SICOIN), the

procurement IT system (GUATECOMPRAS) and payroll IT system (GUATENÓMINAS). Activities to be conducted in the proposed programme fall within the World Bank's forthcoming Systematic Country Diagnostic and engagement strategy for Guatemala. The WB's contribution to the proposed programme amounts to 10% of the total cost of the action. Other donors which participate in the G13 have shown interest in the programme and may contribute additional funds to the Programme's pool fund (indicatively, USAID).

The EUDEL would actively carry out control and monitoring of the action "on the ground" and maintain continued dialogue with the World Bank's representative in the country and officers involved in the implementation of the action, in order to guarantee high EU visibility.

It is worth mentioning that although other international organisations such as the IMF, through CAPTAC-DR, are present in the country, only the WB has the necessary expertise to implement the proposed programme. In CAPTAC-DR's case, this type of actions does not fall within its mandate. In fact, CAPTAC-DR's activities focus on: i) policy, tax and customs administration; ii) topics related to mid-term expenditure frameworks and public financial management; iii) money markets, public debt and Central Banks' operations; iv) financial sector supervision, and v) macroeconomics statistics.

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

Guatemala is a multicultural country that has made progress in macroeconomic stability and in the consolidation of democracy, after a long civil war that ended in 1996 with the signature of the Peace Accords.

Despite the political crisis the country endured in 2015 caused by the high level corruption cases that resulted in the resignation and prosecution of the former President and Vice-president of the country, the fundamental pillars of the Guatemalan economy remain stable and the short-term outlook is positive. In 2015 economic growth reached close to 4% and inflation was low (< 3%).

The financial situation of the country remains stable; however, low levels of tax revenues are a cause of concern. In fact, the tax revenues to GDP ratio reached only 10.3% of GDP in 2015. However, since the Government took measures to constrain public expenditure, the fiscal deficit in 2015 remained under control (1.8% of GDP) and the country's public debt remained almost unchanged at 24.3% of GDP.

Guatemala is part of the global market and the thirteen trade agreements signed by the country prove this fact. On the 1st of December 2013, the provisional application of the trade pillar of the EU-Central America Association Agreement came into force. Guatemala, part of the Central American Integration System, is the country that has given the greatest political support to the regional integration process.

Guatemala is classified as a country with a medium level of human development and in 2014 it ranked 128rd (HDI value 0.627) out of 188 countries in the UNDP's Human Development Index⁴. It is a very unequal economy, with high levels of poverty especially in rural areas and among the indigenous population. One of the main obstacles to reducing poverty in developing countries is corruption and unfortunately it is widespread in Guatemala, as evidenced by last year's corruption scandals involving high level Government authorities. Moreover, the country ranks low in the Control of Corruption of the World Bank's Governance Indicators and in the Corruption Perception Index (CPI 2015) by Transparency International⁵.

Corruption undermines the competitiveness of Guatemalan MSMEs and cooperatives as it takes away from public revenues which could be invested in the improvement of education, health services and infrastructure, all of which influence a country's competitive conditions for its enterprises. In fact, according to the World Economic Forum's methodology to assess a country's competitiveness, corruption is included in the 1st pillar: Institutions. The analysis of this pillar goes beyond the legal framework. It includes Government attitudes toward markets and freedoms and the efficiency of its operations, such as excessive bureaucracy, corruption, lack of transparency and trustworthiness, among others, all of which impose significant economic costs to businesses and slow the process of economic development.

In addition, MSMEs and cooperatives' inclusive growth and long term competitiveness is constrained by low productivity levels and limited capacities to compete in markets. Other obstacles include high transportation costs and poor logistics, low levels of innovation, lack of information on market opportunities, poor management and technical skills; as well as poor compliance with international quality and SPS regulations and standards.

1.1.1 Public Policy Assessment and EU Policy Framework

In 2012 the Guatemalan Government launched a National Competitiveness Agenda (2012-2021) which has six strategic lines of action, aiming to generate sustainable development and tackle structural problems, such as the low level of formal employment, poor household incomes, social gaps and the high level of poverty. The Agenda also promotes special zones of development and identifies sectors with export potential.

In this context, the previous Government submitted several law initiatives that aimed to improve the country's business climate, among which the "*Ley Marco del Sistema Nacional para la Competitividad y Productividad*" is one of the most relevant. This new legal framework is pending approval by Congress.

Furthermore, SEGEPLAN (the Presidential Secretariat for Planning and Programming) developed a long term development plan named "K'atun Our Guatemala 2032". This includes a common vision of the country shared by the main actors involved (public, private and civil society organizations, both at the national and departmental level) in terms of goals to be achieved by 2032. This plan emphasizes, among other things: (1) the need to strengthen public institutions; (2) economic growth,

⁴ http://hdr.undp.org/sites/default/files/hdr_2015_statistical_annex.pdf

⁵ <http://www.transparency.org/cpi2015>

competitiveness and employment, territorial development, globalization and regional integration; (3) the trend towards urbanization and the need to generate employment in rural areas, and; (4) the agricultural, forestry and manufacturing sectors.

The proposed programme has been developed within the current EU policy framework, in particular the EU – CELAC Action Plan and the EU Citizen Security strategy for Central America and the Caribbean.

1.1.2 Stakeholder analysis

Newly elected President Morales has expressed his commitment to fight corruption and promote transparency in Government activities. For this reason, under his leadership, the Presidency has been actively promoting a comprehensive reengineering process of the Government, including key institutions such as the Ministry of Finance, the Civil Service National Office (ONSEC) and the Tax Administration (SAT). The implementation of a census of Government workers in order to identify possible “ghost” positions⁶, duplication of work and any other corrupt practices in the Government’s payroll system is a very important element of this process.

The census process will be accompanied and overseen by Guatemalan civil society and the international community, through their participation in the programme’s Steering Committee which would be established to provide general guidance and oversee the action’s implementation. This committee would meet quarterly.

Key stakeholders in the implementation of the programme include the following:

Government institutions:

- The Presidency: main promoter and leader of the programme.
- The Ministry of Finance: manages the Government’s payroll IT⁷ system GUATENOMINAS⁸ and procurement IT system GUATECOMPRAS⁹, among others. The former contains the database of all workers of the Executive branch of Government.
- The National Institute of Statistics –INE- (part of the Ministry of Economy): will carry out the census of Government workers. According to the decree 3-85 which created INE, it is the institution that formulates and executes the national statistics policy. As such, it is the only organization in the country that has the technical expertise and capabilities to carry out the proposed census of Government workers with due regard to privacy, data security, staff safety and other internationally recognized standards. A proof of its institutional capacity is that INE successfully carries out periodically, not only the population census, but several specialized surveys as well, such as the survey on employment and income (ENEI) and the survey on life

⁶ Commonly refers to job positions which are filled by people who although receive their salary / wages / payments, do not show up to work or do not perform the work assigned to them.

⁷ Information technology.

⁸ <https://nomina.minfin.gob.gt/RHWeb/login/frmlogin.aspx>

⁹ <http://www.guatecompras.gt/>

conditions (ENCOVI). The proposed programme would provide technical assistance to INE that would further strengthen its capacities to deliver trustworthy and high quality statistical information.

It is important to point out that there is a Law of access to public information (decree 57-2008) in Guatemala to which INE, as any individual or legal person in the country, must abide by. This law regulates the disclosure of public information, such as the information that will be produced by the proposed programme, which would be publicly available. No significant risks are foreseen due to this fact, since this type of information is already openly available, although in a scattered manner, through the Law of access to public information already mentioned.

- The Tax Administration (SAT): manages the tax identification number (NIT¹⁰) database (of individuals and companies). It is important to note that, gradually, the NIT (and other identification numbers used by other Government institutions) is being replaced by the Single Identification Code (CUI).
- The National Registry of Persons (RENAP): manages the Single Identification Code (CUI) database of the country's citizens and produces the personal identification document (DPI¹¹).
- The Civil Service National Office (ONSEC): manages the Government's human resources related activities, including the human resources management IT system SIARH¹².
- The Ombudsman's Office, which looks after the respect of human rights in the country and is the regulating authority of the Law of access to public information (decree 57-2008). As such, it is the guarantor of the integrity of the census, so that its implementation process is carried out with due respect of the rights of Government workers. In fact, as the data collected in the census would be disaggregated by sex, age and ethnic origin, among other parameters, it would serve not only as a tool to detect any discriminatory practice against any person or group in the Government's human resource management system, but also as the scientific base for setting up possible positive discrimination policies in the future.
- The National Institute of Public Administration (INAP): responsible for training of civil servants.
- The Supreme Audit Institution (CGC): performs control and monitoring functions.
- The Congress, which is currently analysing possible reforms to the Civil Service Law.
- Other Government institutions, such as the Bank's Superintendence and the Chief Prosecutor's Office (MP) will accompany the process.

¹⁰ *Número de Identificación Tributaria.*

¹¹ *Documento personal de identificación.*

¹² <http://guatempleo.siarh.gob.gt/#42>

Civil society organizations: will oversee the census process through their participation in the Steering Committee of the Programme. Particularly, non-governmental organizations and think tanks will play an important audit role.

International community:

- CICIG¹³: will monitor the entire census process. The information that will be generated by the census will be highly useful for its work in support of the Chief Prosecutor's Office towards fighting corruption and other tasks under its mandate.
- European Union: it is proposed that it implements this programme through indirect management with the World Bank. The EU will play an active role in the monitoring and oversight of the programme.
- World Bank: it is the proposed option to implement this programme. It is currently assisting the Government in the planning process of the census.

1.1.3 Priority areas for support/problem analysis

Corruption in Guatemala is widespread. In fact, Guatemala's percentile rank in Control of Corruption of the World Bank's Governance Indicators was 28.4 in 2014 (100 corresponds to the highest rank), lower than in 2012 (30.6). Control of corruption captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the State by elites and private interests. Furthermore, according to the most recent Corruption perception Index (CPI 2015) by Transparency International, Guatemala's ranking fell 8 positions to 123 out of 168 countries, from the previous year's ranking (115 out of 175 countries). Moreover, in the last PEFA¹⁴ assessment (2012), indicator PI-18 "Effectiveness of payroll controls" scored "D+" (being "A" the best score), mainly due to the fact that the Government's payroll IT system, GUATENOMINAS, did not cover all budget lines related to personnel.

It is reckoned that the perception of corruption increased due to the revelation in the second quarter of 2015 of high level corruption cases related to customs fraud detected at the Tax Administration (SAT) that resulted, after several massive social protests, in the resignation and prosecution of the former President of the country Mr. Otto Pérez Molina and Vice-president Mrs. Roxana Baldetti, both of whom are currently in jail, awaiting trial. Following this and other scandals, all allegedly involving high level Government officials, the fight against corruption and to enhance transparency in Government activities, became a key issue during the general elections that took place at the end of 2015 in which Mr. Jimmy Morales was elected President.

Since taking office last January, President Morales has been very outspoken about these issues and has expressed his high commitment and political will to fight corruption and enhance transparency in the Government. In fact, he is actively promoting a comprehensive reengineering process of the

¹³ International Commission Against Impunity in Guatemala

¹⁴ Public Expenditure and Financial Accountability.

Government. In this context, the idea of conducting a census of Government workers to identify corrupt practices (in order to tackle them) is a key element of this process and has become a priority for President Morales¹⁵. This situation opens a unique window of opportunity to implement an action that has the potential of having a significant positive effect in the reduction of corruption, specifically in the Government's human resources management system (contracting and payroll), and to set a precedent for a continued fight against this plague in all areas.

In addition to fighting corrupt practices in the Government's human resources management system and enhancing efficiency of public expenditure, it is foreseen that the proposed programme will have the following benefits:

- Information generated by the census would be useful to the National Institute of Public Administration for developing training profiles for Government workers.
- Real time information on the Government's human resources.
- Geo-positioning of public buildings.
- The Government would be able to cross check information of its suppliers.
- Cross checking fiscal information with the Tax Administration would also be possible.
- It would support the Supreme Audit Institution's monitoring and control of the Government's human resources.
- Valuable tool for managing the Government's human resources (e.g. budgeting and financial forecasts).

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Insufficient political will to carry out the census and the structural reforms needed to improve the Government's human resources management system.	L	<ul style="list-style-type: none"> • There is a very strong commitment at the highest political level (President Morales) for this action. • Continued political dialogue at bilateral level. • Ensure common political messages through the donor coordination group G13 and through the implementation of the joint programming (within EU).
Difficulties in inter-institutional cooperation and coordination between the Presidency, Ministry	M	<ul style="list-style-type: none"> • Strong policy dialogue at the formulation phase to ensure the leading institution's commitment (the

¹⁵ An Executive order that commands the implementation of the census of Government workers is currently being prepared. On May 19th, President Morales had a meeting with the Minister of Finance and the authorities of the other key Government institutions that would be involved in the census in order to give them more details about the programme and inform them about the priority it has in the Executive's agenda. The EUDEL and the WB were present in this meeting.

of Finance, National Institute of Statistics and other main public institutions involved.		<p>Presidency) to the programme and to its coordination role.</p> <ul style="list-style-type: none"> • Set-up of a steering committee and other coordination measures to ensure involvement of main stakeholders.
Limited EU visibility as the action is proposed to be implemented through indirect management with the World Bank	L	<ul style="list-style-type: none"> • Inclusion in the Administration Agreement to be signed between the EU and the WB, as a key activity under the WB's implementation responsibility: Ensure EU visibility throughout the entire implementation of the programme. • Continued dialogue with the World Bank's representative in the country and officers involved in the implementation of the action. • Active participation, control and monitoring of the action "on the ground" by the EUDEL.
Limited capacity of the National Institute of Statistics to carry out the census with due regard to privacy, data security and other international standards	L	<ul style="list-style-type: none"> • INE is the only organisation in the country that has the technical expertise and capabilities to carry out the proposed census of Government workers. • Close coordination and dialogue with INE from the outset of the programme. In particular, during the design of the methodology.
Risks related to Human Rights, particularly related to the ethnic composition of Government workers	M	<ul style="list-style-type: none"> • Data collected in the census would be disaggregated by sex, age and ethnic origin, among other parameters. • Close coordination and dialogue with the Ombudsman's Office from the outset of the programme.
Risks related to the fact that the information to be generated by the proposed programme would be publicly available	M	<ul style="list-style-type: none"> • Close coordination and dialogue with the Ombudsman's Office, which is the regulating authority of the Law of access to public information (decree 57-2008), so that it is properly implemented.
Assumptions		
<ul style="list-style-type: none"> • Political and social stability of the country. • High commitment to the implementation of the programme by the Government and the World Bank. 		

- Support of the programme by main stakeholders.
- Effective and efficient work by the National Institute of Statistics, which is proposed to carry out the census.

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

With the assistance of the bilateral programme “Support to Budget Management (AGEP)”, which is currently in its closing phase, the Guatemalan Government adopted a results-based management approach and improved budget planning of three pilot ministries. This programme was a positive contribution towards improving Public Financial Management. The current proposal is expected to give continuity to this process by supporting the Government to enhance transparency and fight corruption in its human resources management system.

Other main lessons learnt from EU programmes include the importance of: (i) a better coordination with on-going EU regional programmes and projects being implemented by other donors; (v) institutional strengthening; and (vi) a programme design with an integrated approach.

3.2 Complementarity, synergy and donor coordination

For the initial phase of the design of the census of Government workers, technical assistance to the Guatemalan authorities may be required in the short term. For this purpose, it is envisaged that a specialized TA would be contracted through the Public Administration Support Facility (DCI-ALA/2014/034-301). The PASF is highly complementary to the proposed programme as the former is a flexible and demand driven mechanism to respond to specific Government needs within the areas of the MIP 2014-2020 and the Joint Programming with Member States Strategy for Guatemala. The estimated budget for this TA would be 300,000 EUR.

In addition to the G13 donor coordination group, the EUDEL has had bilateral discussions with the World Bank (with the country representative and specialized Washington-based experts) about the possibility of inter-institutional cooperation for the implementation of the proposed programme. Currently, the WB is assisting the Government in the planning process of the census. Furthermore, the WB is preparing a loan operation with the Guatemalan Government that has two components: one to strengthen the Tax Administration (SAT) and the other to modernize the Ministry of Finance, by strengthening (particularly with hardware and software) the Government's Integrated System of Financial Management (SIAF), which includes the IT accounting system (SICOIN), the procurement IT system (GUATECOMPRAS) and payroll IT system (GUATENÓMINAS).

3.3 Cross-cutting issues

The proposed programme addresses cross-cutting issues, particularly gender equality and rights-based approach concerns since the overall objective of the action is to enhance transparency and fight corruption in the Government's human resources management system. Corruption is one of the

main obstacles to reducing poverty in developing countries. According to the latest national survey on life conditions¹⁶, 59.3% of the Guatemalan population lives in poverty, of which 23.4% in extreme poverty. Poverty is widespread in rural areas, particularly affecting indigenous peoples and women and girls. By performing a census of Government workers, the programme aims to identify “ghost” positions and other corrupt practices in the Government’s human resources management system and thus reduce corruption. Moreover, the programme’s activities aim to enhance transparency and access to information, which is one of the five guiding working principles of the Rights-Based Approach. In addition, the Ombudsman’s Office, which looks after the respect of human rights in the country and is the regulating authority of the Law of access to public information (decree 57-2008), will be a guarantor that the implementation process of the census is carried out with due respect of the rights of Government workers.

Regarding environmental and climate aspects, due to the nature of the proposed programme, it is not considered that it could have any significant impact on these. Nevertheless, environmental and climate concerns will be taken into account in the operational design of the census (particularly the information collection process) to minimize any possible negative effects.

In addition, planned mid-term and final evaluations will include information on the programme’s contribution to promote the aforementioned cross-cutting issues. These concerns will also inform the dialogue with the implementing partner.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of SDG target N° 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, but also promotes progress towards Goals N° 17 “Strengthen the means of implementation and revitalize the global partnership for sustainable development” and N° 1 “End poverty in all its forms everywhere”. This does not imply a commitment by the country benefiting from this programme.

Overall objective:

- Improve competitiveness by enhancing efficiency and transparency of public expenditure and fight corruption in the Government’s human resources management system¹⁷.

Specific objective:

- Support the Government to develop an effective, efficient and transparent human resources management system.

Expected results:

Result N° 1: A census of Government¹⁸ workers¹⁹ completed.

¹⁶ *Encuesta Nacional de Condiciones de Vida* (ENCOVI) 2014 by the National Institute of Statistics (INE).

¹⁷ Including contracting and payroll.

Result N° 2: A reliable database containing standardized and systematized information of Government workers is fully functional on a modern and sustainable human resources management IT system.

Result N° 3: Improved monitoring and control mechanisms in the Government's human resources management system.

4.2 Main activities

Result N° 1: A census of Government workers completed.

Related activities include:

- Design of the census (methodology).
- Recruitment and training of personnel who will implement the census.
- Information collection process.
- Tabulation of information.
- Analysis of information.
- Report preparation.
- Implementation of an effective communication campaign.

Result N° 2: A reliable database containing standardized and systematized information of Government workers is fully functional on a modern and sustainable human resources management IT system.

Related activities include:

- Diagnosis of the Government's GUATENOMINAS payroll IT system, the SIARH Human Resources Management IT system and the GUATECOMPRAS procurement IT system, among others.
- Technical assistance to improve and link the GUATENOMINAS, SIARH, GUATECOMPRAS, the Civil Registry's (RENAP), Social Security's (IGSS) and the Tax Administration's IT systems, among others.
- Digitization of information collected in the census.

It is important to note that for the human resources management IT system to be reliable, its use must be mandatory for all contracting processes and payments (salaries, wages, etc.). Furthermore, the system must add value (i.e. it has to build upon existing assets and guarantee communication and compatibility with other Government systems). In addition to being reliable, the data has to be handled in a sensitive manner, with due concern to preventing unauthorized access.

¹⁸ The scope of this programme is the Executive branch of the Guatemalan Government. Nevertheless, the Legislative and Judiciary as well as the decentralized and autonomous public institutions will also be invited to participate in the programme.

¹⁹ It refers to civil servants and individuals who are under the Government's payroll or receive wages or payments from public funds.

Result N° 3: Improved monitoring and control mechanisms in the Government's human resources management system.

Related activities include:

- Analysis of current monitoring and control mechanisms.
- Technical assistance to improve monitoring and control mechanisms and incorporate them into the strengthened human resources management system.

4.3 Intervention logic

By achieving the results foreseen, namely (i) a census of Government workers completed, (ii) a reliable database containing standardized and systematized information of Government workers is fully functional on a modern and sustainable human resources management IT system, and (iii) improved monitoring and control mechanisms in the Government's human resources management system; the specific objective of supporting the Government to develop an effective, efficient and transparent human resources management system will be accomplished. Consequently, efficiency and transparency of public expenditure will be enhanced and the fight against corruption in the Government's human resources management system will be strengthened.

It is important to underline that this programme will be overseen by Guatemalan civil society and the international community, all of which are highly interested in promoting transparency and fighting corruption in public institutions.

5 IMPLEMENTATION

The implementing arrangement of this programme combines **indirect management with the World Bank and direct management (procurement of services)**. Specifically, an Administration Agreement for EUR 5 million, in the context of the Framework Agreement between the World Bank Group and the European Commission would be signed. In addition, one services contract for EUR 300,000 to carry out activities to raise awareness, promote the involvement of key stakeholders and socialize the impact of the action among the Guatemalan society would be signed by the EU Delegation. The total EU contribution for this programme would be EUR 5.3 million. The World Bank would contribute 600,000 EUR so the total cost of the action would be EUR 5.9 million.

During the EUDEL presidency of the G13 in the second semester of 2015, an informal group on Transparency and Anti-corruption was established with the IMF, CAPTAC and the WB. The EUDEL and the WB kept the momentum. Then in January 2016, once the new Government had taken office, the EUDEL and the WB met with President Morales and supported the Government's idea of a census of public servants.

The WB is very well positioned in this field because of its expertise in human resources and public service, as well as in the improvement of public policies and public expenditure in Guatemala. It has also implemented similar interventions to the Census (although less comprehensive) in Central America. The EU would also benefit from the WB's penetration in key government areas (Finance, Economy, Labour, Presidency), greatly enhancing the EU's policy dialogue with the Guatemalan Government.

Furthermore, the WB is preparing a complementary loan operation with the Guatemalan Government that has two components: one to strengthen the Tax Administration (SAT) and the other to modernize the Ministry of Finance, by strengthening the Government's Integrated System of Financial Management (SIAF), which includes the IT accounting system (SICOIN), the procurement IT system (GUATECOMPRAS) and payroll IT system (GUATENÓMINAS).

Activities to be conducted in the proposed programme fall within the World Bank's forthcoming Systematic Country Diagnostic and engagement strategy for Guatemala. The WB's contribution to the proposed programme amounts to 10% of the total cost of the action. Other donors which participate in the G13 have shown interest in the programme and may contribute additional funds to the Programme's pool fund.

The EUDEL would actively carry out control and monitoring of the action "on the ground" and maintain continued dialogue with the World Bank's representative in the country and officers involved in the implementation of the action, in order to guarantee high EU visibility.

It is worth mentioning that although other international organisations such as the IMF, through CAPTAC-DR²⁰, are present in the country, only the WB has the necessary expertise to implement the proposed programme. In CAPTAC-DR's case, this type of actions does not fall within its mandate. In fact, CAPTAC-DR's activities focus on: i) policy, tax and customs administration; ii) topics related to mid-term expenditure frameworks and public financial management; iii) money markets, public debt and Central Banks' operations; iv) financial sector supervision, and v) macroeconomics statistics.

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

²⁰ *CENTRO REGIONAL DE ASISTENCIA TÉCNICA DE CENTROAMÉRICA, PANAMÁ Y REPÚBLICA DOMINICANA (CAPTAC-DR).*

5.3 Implementation modalities

5.3.1 Procurement (direct management)

Subject in generic terms, if possible	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Raising awareness activities to promote the involvement of key stakeholders and socialize the impact of the action among the Guatemalan society.	Services	1	2 th trimester

5.3.2 Indirect management with an international organisation

A part of this action may be implemented in indirect management with the World Bank in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails the design, execution, coordination, control, monitoring and communication of all activities foreseen to achieve the expected objectives and results of the action. This implementation is justified because the WB has thematic expertise in Guatemala in the areas of strengthening human resources management and improving the quality of public spending. Furthermore, the WB team has experience in performing similar activities in Central America in the area of public sector employment. Moreover, activities to be conducted in the proposed programme fall within the World Bank's forthcoming Systematic Country Diagnostic and engagement strategy for Guatemala.

The entrusted entity would carry out the following budget-implementation tasks: design, execution, coordination, control, monitoring and communication of all of the Programme's activities.

The entrusted international organisation is currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. The Commission's authorising officer responsible deems that, based on the compliance with the ex-ante assessment based on Regulation (EU, Euratom) No 1605/2002 and long-lasting problem-free cooperation, the international organisation can be entrusted with budget-implementation tasks under indirect management.

5.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

In accordance with Article 9(2)(a) of Regulation (EU) No 236/2014; the Commission decides that natural and legal persons from the following countries having traditional economic, trade or geographical links with neighbouring partner countries shall be eligible for participating in procurement and grant award procedures: Mexico, the United States and China. The supplies originating there shall also be eligible.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.5 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified
5.3.1 – Procurement (direct management)	300,000	N.A.
5.3.2 – Indirect management with the World Bank	5,000,000	600,000 EUR*
5.88 – Evaluation, 5.9 – Audit	will be covered by another decision	N.A.
Totals	5,300,000	600,000 EUR

* Technical assistance and evaluations. Other activities may be defined in the Administration Agreement to be signed in the context of the Framework Agreement between the World Bank Group and the European Commission.

5.6 Organisational set-up and responsibilities

The World Bank is responsible for the full implementation of the action, although the execution of certain activities may be delegated to other parties (e.g., the National Institute of Statistics) under the close coordination, control and responsibility of the World Bank.

A steering committee will be established with representatives of key stakeholders in order to provide general guidance and oversee the action's implementation. Key stakeholders include, among others, the European Union, the World Bank, the Presidency, the Ministry of Finance, the Civil Service National Office, the Supreme Audit Institution (CGC), the Ombudsman's Office, civil society and the international community.

5.7 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project

modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8 Evaluation

Having regard to the importance of the action, a mid-term and final evaluation will be carried out for this action or its components via an implementing partner.

The mid-term evaluation will be carried out for problem solving in particular with respect to achieving the action's objectives and expected results.

The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that knowledge shall be gained on best practices and lessons learnt.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.9 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.10 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.5 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities.

Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.



EN

ANNEX

of the Commission Implementing Decision on "Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG)"

Action Document for Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG)

1. Title/basic act/ CRIS number	Support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG) CRIS number: 2016 / 039-237 financed under Development Cooperation Instrument	
2. Zone benefiting from the action/location	Guatemala The action shall be carried out at the following location: Guatemala City and the Occidental Region	
3. Programming document	Multi-annual Indicative Programme for Guatemala 2014-2020	
4. Sector of concentration/ thematic area	Conflict resolution, peace and security	DEV. Aid: YES-
5. Amounts concerned	Total estimated cost: 29,349,720 EUR ¹ Total amount of EU budget contribution 5,000,000 EUR This action is co-financed in joint co-financing by ² : - United States for an amount of 4,585,894 EUR - Sweden for an amount of 4,127,304 EUR - Canada for an amount of 2,751,536 EUR - Germany for an amount of 1,192,332 EUR - Netherlands for an amount of 596,166 EUR - Spain for an amount of 146,749 EUR - United Kingdom for an amount of 235,666 EUR - Other contributions (pending to receive): 10,915,803 EUR	
6. Aid modality and implementation modality	Project Modality Indirect management with United Nations Development Programme (UNDP)	

¹ 32M USD, InforEuro rate, March 2016

² Amounts provided by CICIG. InforEuro rate, March 2016.

7 a) DAC code(s)	15130 – Legal and judicial development			
b) Main Delivery Channel	41000 - United Nations agency, fund or commission (UN) 41114 - United Nations Development Programme			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	x
	Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	x	<input type="checkbox"/>
	Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>
9. Global Public Goods and Challenges (GPGC) thematic flagships	N/A			

SUMMARY

This action is based on CICIG's Work Plan for the period 2015-2017 and builds upon lessons learned of the previous Work Plan (2013-2015).

The project aims to maximize the investigative and criminal prosecution capacities of the justice institutions and establish effective mechanisms to enable Guatemala to combat impunity generated by the presence of illegal security forces and clandestine security organisations (called "CIACS" in Spanish acronym) within the State. The action will also promote the institutional and regulatory reform of the justice system to eradicate and prevent the recurrence of CIACS and contribute to build trust in the institutions of justice.

The action may be implemented in indirect management with the United Nations Development Programme (UNDP). This implementation entails the management of the financial support to CICIG necessary to carry over its mandate.

This action is part of a wider strategy to support the efforts made by the Government to enhance the quality and effectiveness of the justice sector and particularly the criminal investigation, along with the priorities identified in the Multi-Annual Indicative Programmes 2014-2020 under the Conflict resolution, peace and security priorities.

The project is in line with the *EU Communication on Agenda for Change*, the *Joint Communication on Human Rights and Democracy at the heart of EU external actions-Towards a more effective approach*, the *New Action Plan on Human Rights and Democracy 2015-2017* (Council Conclusions July 2015) as well as with the *Council Conclusions* on a rights-based approach to development cooperation, encompassing all HHRR (May 2014).

1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

As one of the poorest and most unequal countries in Latin America, Guatemala faces many challenges in the access to basic social services, citizen security, human rights and access to justice. Indigenous people make up 40 per cent of the population and 70 per cent of the population is under 30 years of age. While multidimensional extreme poverty was reduced from 42 per cent in 2000 to 30 per cent in 2011³, the country is far from reaching the Millennium Development Goal n°1⁴, and evidence shows that income poverty has increased at levels higher than in 2003⁵.

Since the 1996 Peace Accords which ended 36 years of internal armed conflict, the country has reinforced its legal and institutional frameworks. The Peace Accords included the need of legal reforms and measures to improve the access to justice and its efficiency, fighting impunity and corruption, reform the police and combat parallel powers. In 2012, the government identified democratic security and justice as strategic priorities and the National Pact for Security, Justice and Peace was established by the three branches of the government. However major challenges persist inter alia in constructing an inclusive country and consolidating a lasting peace. On the other hand, the reform of the security sector which was one major provision of the 1996 Peace Agreements remains unfinished.

Conflicts persist in rural areas due to limited state presence and lack of dialogue with the state. Since May 2014, 1,416 conflicts associated with rights disputes, territorial borders, squatting and regularization⁶ were recorded. While violence was formerly associated with the internal armed conflict, it now relates to institutional flaws, organized crime, impunity and limited trust in public institutions.

Homicide rates had decreased from 49 per 100,000 people in 2009 to 34 per 100,000 in 2013⁷. While this decreasing trend continued in 2014, the country still has one of the highest rates in the region⁸. Violent deaths of women had also increased from 573 cases in 2012 to 632 in 2013.

The justice system still suffers from significant deficiencies. There is still a massive backlog of court cases and only 10% of the 339 municipalities in Guatemala have an office of the Prosecutor General's Office. This situation generates a widespread popular mistrust towards the justice system (police and courts).

³ Living standards survey, Guatemala national human development report. UNDP, 2011

⁴ Millennium Development Goals progress report, 2010. President's Planning and Programming Secretariat

⁵ Source: UNDP Country Programme document for Guatemala (2015-2019)

⁶ Source: UNDP

⁷ Former President Otto Perez has credited new elite special police task forces that focus on violent crimes for the decrease (Source Insight Crime and PNC)

⁸ UNDP, regional human development report, 2013-2014

Weaknesses in the justice system allowed impunity levels to rise to 98 per cent in 2007⁹, leading to the creation of the International Commission against Impunity in Guatemala (CICIG). CICIG began operations in 2007 to investigate clandestine security groups named "Cuerpos Ilegales y Aparatos Clandestinos de Seguridad" ("CIACS" in its Spanish acronym) that continued to operate within the state following the 1996 Peace Accords. Such groups still undermine the state, though their main goal now is economic power, not elimination of political opponents¹⁰. At present, CIACS are groups of people that interact clandestinely to exercise political control and generate profitable business. These networks not only contribute to undermining the effectiveness of the justice and security system and perpetuating a climate of insecurity and impunity, but also have a considerable negative impact on the economy.

Since 2007, CICIG has been fighting the CIACS in close collaboration with the national authorities and at the same time has contributed to strengthening the capacities of the country's judicial and security institutions. After 8 years, significant results have been achieved:

- CICIG has been instrumental to promote modern investigative and prosecutorial techniques as well as to reform the criminal procedure: creation of a witness protection programme, tighten gun controls, regulation of private security companies, rules to resort to court-ordered wiretaps, property seizure law, setup of high-risk courts for the trial of particularly dangerous defendants, etc.
- Joint efforts of CICIG and the Special Prosecutor Against Impunity ("Fiscalía Especial contra la Impunidad" or "FECI" in its Spanish acronym) to conduct more strategic investigations. These have led to the unveiling of high-level corruption schemes including that operating in Guatemalan customs known as "La Línea" case and which was marked by the resignation and subsequent indictment of former President Otto Perez Molina in September 2015.
- Publication by the CICIG of thematic reports, inter alia on political party financing, analysing the influence of criminal enterprises on political party financing and electoral campaigns. Thematic reports have led to new lines of investigations.
- CICIG also advised in justice sector selection process in order to preserve judicial independence and challenged the election of judges unfit to serve on Guatemala's highest courts.
- CICIG contributed to the capacity-building of Police and Prosecution authorities that now have specialized personnel capable of handling complex cases and using the tools developed through law reform. The General Prosecutor Office announced a major improvement in the ability to solve homicide cases and substantial reductions in the number of homicides in recent years. Prosecutors also have a new mentality and according to CICIG's mandate evaluation report; they have the potential to become agents of institutional change to raise performance standards for all staff in the institution.

After three extensions of successive two-year mandates, the government of Guatemala requested to the UN Secretary General the extension of CICIG's mandate for another two

⁹ Complaints versus cases solved

¹⁰ CIACS prevailing in the current situation can be understood as a subclass of the Power criminality, physically configured as an "Illicit Political-Economic Network" (RPEI-Redes Politico-Económicas Ilegales), CICIG report of activities: Eighth year of work, November 2015; http://www.cicig.org/index.php?page=informes_labores

years. A new resolution was adopted on the 15th May 2015 which extends CICIG's mandate from 4th September 2015 until 3rd September 2017.

In an unprecedented context of growing demands by the Guatemala population for better governance and more transparency, the decision to renew CICIG's mandate is a window of opportunity to pursue efforts in fighting corruption and impunity in the country:

- The emergence of a peaceful citizen movement claiming for transparency and probity in the public administration, fostered by the multiple cases of corruption being revealed by the Prosecutor General's Office and the CICIG ("La Linea" case in the Customs but also others in the judiciary and the Social Security National Scheme).
- The launching of a new package of legislative reforms related to the judicial, electoral and political party systems, with a substantial contribution from CICIG and the civil society.
- The increased attention for judicial independence and transparency in the nomination processes of new magistrates and judges.
- A renewed commitment of the international donors to support CICIG with a leading role of the EU, the EU Member States and the US, recognising the crucial role of the CICIG in fighting against impunity.

This context represents an historic opportunity for the country to change. President Jimmy Morales has since his election in 2015 publicly expressed its support to the CICIG. On 18 April, on the occasion of the visit of President Morales to UNGASS, he expressed his conviction that the role of CICIG is vital in strengthening the institutions in the country and officially requested the UNSG to extend the Commission's mandate until September 2019.

1.1.1 Public Policy Assessment and EU Policy Framework

The creation and support of the CICIG is part of the national priorities of the Comprehensive Agreement on Human Rights (1994) and the Agreement on a Firm and Lasting Peace (1996) that were agreed and signed between the Government of Guatemala and civil society to put an end to 36 years of armed conflict. CICIG's mandate and work responds directly to the national priorities stipulated in these agreements, especially in reference to strengthening justice and human rights bodies, fighting impunity of those responsible for violations of human rights, the need of legal reforms and measures to improve the access to justice and its efficiency, fighting corruption, reform the police and combat parallel powers.

CICIG also contributes to the implementation of more recent policies and reforms in the sector of justice and security starting with the National Pact for Security, Justice and Peace (2012-2016) where democratic security and justice are set as strategic priorities. The latter was the first state policy in the matter since it was established by the three branches of the government in Guatemala and represents a comprehensive approach to fight crime and improve security and the administration of justice both at central and local level. By adopting an integrated approach tackling different dimensions such as citizen's security, a more inclusive and effective justice system, and social and economic development, the pact aims at laying down the foundations of a long-term state policy which transcends single government's platforms.

But the more recent and substantial policy development related with CICIG's mandate and work is new Democratic State Criminal Policy that was presented on 2016 April 26, by the Prosecutor General. This policy is aimed at advancing in crime and violence prevention. The policy has four pillars: prevention, investigation, sanction and rehabilitation; and contemplates the creation of a National Criminal Policy Council (composed of the presidents of the three State powers, together with the Prosecutor General) to oversee implementation. This process of formulation of this policy included civil society, CICIG and other key institutions and donors of the justice sector. This shift from intervention to prevention in how the Guatemalan government tackles violence, has been the central pillar of the EU cooperation and political dialogue in the sector of justice as well as for other key actors and donors in the country. Linked to it, the National Policy on Violence Prevention and the National Policy on Reform of the Penitentiary (2014-2034), all of them adopted in 2015, contribute to implement and consolidate the shift to the new paradigm and they promote a more integrated and inclusive approach and a more efficient justice system.

In parallel, a process on justice reform has been launched during 2016: CICIG and the Prosecutor General recently formulated a structural reform initiative (constitutional and legal) to the justice sector. The initiative contains key elements to strengthening judicial independence in the country and its approval would constitute a major step forward. It also contains controversial proposals to officially recognise indigenous communities' legal systems. A national dialogue and consultation process, launched by the three powers of the State (President of the Supreme Court, Congress and Republic), will take place during 2016 across 8 departments to discuss the proposal. The proposed changes are in line with conclusions and recommendations made on judicial independence by national and international experts over many years, as well as those delivered via EU and MS cooperation. They are already facing fierce opposition from those sectors who fear losing out on power and immunity. The EUDEL and MS have a strong interest in monitoring and accompanying the process.

Together with the proposed constitutional reform of the justice sector the Democratic State Criminal Policy could make a marked difference to violence, crime prevention and the overall security and justice situation of the country. However, despite these positive developments, government resources to implement and monitor these policies are limited. Whilst the Prosecutor General Office has improved capacities to implement the reforms (as a result of the support of CICIG and donors including EU), other institutions such as the National Civilian Police and the Judiciary face important institutional deficiencies to correctly plan, implement and monitor.

As regards to the EU policies and priorities, the support to CICIG is embedded under the Multiannual Indicative Programme (2014-2020) 2nd priority "Conflict resolution and security". Aiming at fighting impunity, this project will contribute increase the effectiveness of the criminal justice and therefore will contribute to enhance confidence in the state which could lead to less violence and conflicts. This project also aligns with the priorities of the EU Citizen Security Strategy for Central America and the Caribbean and its Action Plan. Moreover, by supporting CICIG's mandate this project contributes to the priorities in the EU Agenda for Change underlining as essential conditions a secure environment, good governance, respect of human rights and rule of law.

1.1.2 Stakeholder analysis

Due to the lack of a Ministry of Justice, a peculiar feature that makes Guatemala a unique case in the Americas, the administration of justice and law enforcement activities are carried out by a set of institutions that integrate the Coordinating Body for the Modernization of the Justice Sector (Instancia Coordinadora de la Modernización del Sector Justicia – ICMSJ), established in 1997, which purpose is to ensure better inter-institutional coordination towards the modernization of the justice system. Its members are: the Ministry of Interior (including the National Civilian Police), the Judiciary and the Supreme Court of Justice, the Prosecutor General's Office and the Public Defender's Office.

Principal CICIG's stakeholder, and at the same time beneficiary, is the Prosecutor General Office, which is in charge of prosecution and criminal investigation (shared with the police) within the justice sector. CICIG has worked with the Prosecutor General Office through various bilateral cooperation Agreements since 2008 in view to enhance the State's capacity to investigate and prosecute crimes committed by CIACS. In this objective, CICIG works with PGO through different lines of work:

- Transfer of skills through guidance and/or joint crime investigations: the closest form of cooperation is through the Special Prosecutor against Impunity (FECI), which consists of prosecutors, assistants' prosecutors, investigators from the Division of Criminal Investigation of the PGO and National Police officers;
- Training courses to FECI, Department of Criminal Analysis of the PGO and Special Prosecutors Bureaux (Anticorruption, Money Laundering, Economic Crimes);
- Organizational development, methods and procedures of the PGO. Here CICIG works with the Special Methods Unit of the PGO (created with the support of CICIG), Witness protection office, Criminal Analysis Unit among others.

Within the Ministry of Interior (which also includes the General Direction of the Penitentiary System), CICIG works with the National Civilian Police (PNC) which is also charged to carry out criminal investigation under the guidance of the Prosecutor General's Office. One of the priority areas of work with CICIG is focused in PNC's Criminal Investigation General Directorate (DIGICRI), established in 2012. However, Ministry of Interior and PNC suffers from institutional instability that makes difficult to give continuity to CICIG's strengthening efforts, especially with DIGICRI.

The Judiciary and Supreme Court of Justice perform both jurisdictional and administrative functions. In particular, the 24-hour courts in high crime areas (that were established with the support of the EU and USAID) and the High Impact Court to address high risk cases are essential in combatting impunity.

The National Forensic Institute (INACIF) is in charge of providing independent scientific evidence expertise to be used as legal evidence in criminal investigation and management of morgues. INACIF also benefits from the strengthening of capacities of CICIG in the investigation of crimes committed by CIACS.

The Public Defender's Office (IDPP) is tasked with ensuring the full application of and respect for the right to defence enshrined in Article 12 of the Constitution.

Other stakeholders outside the justice sector are:

The Human Rights Ombudsman (Procuraduría de Derechos Humanos – PDH) is an independent body commissioned by the Congress who ensures and monitors compliance with human rights in the country. CICIG works with PDH in the elaboration of proposals for legal and constitutional reforms. PDH is part of the Secretariat for the National Dialogue on Justice Reform.

The Congress reviews and approves the proposals for reforms in the justice sector. Many laws promoted by CICIG and that aimed to strengthen the fight against organized crime were approved by the Congress since 2008. However other legal reforms related to independence of the judiciary continue to face resistance within the Congress. The need for comprehensive legal reforms with an active role of Congress and the commitment of political parties will be crucial for the success of CICIG as promotor of legal reforms during its renewed mandate.

Government and non-government institutions in charge of defending women rights as the Office for Defense of Indigenous Women (DEMI), the Presidential Secretariat for WOMEN (SEPREM) and UN Women are important stakeholders in tackling gender based violence by promoting policies and legal reforms and improving prosecution of gender based crimes.

The UN Office of the High Commissioner for Human Rights (UNOHCHR) in Guatemala has been an important stakeholder in order to ensure the integration of Human rights in CICIG's work. UNOHCHR supports the Secretariat for the National Dialogue on Justice Reform and works with CICIG in the elaboration of proposals for justice reforms. One of the most intensive areas of collaboration is the reforms for more independent mechanisms of selection of judges, magistrates and senior officials linked to the administration of justice.

On the non-state actor side, key actors are the civil society organizations (CSOs) and specialised networks in justice and security issues. CSOs have publicly voiced support for CICIG and requested the extension of its mandate. They participate and interact actively in the discussion and debates on reforms. Also, research and dissemination of reports on relevant topics made by CICIG contribute to a greater understanding and participation of civil society in the policy dialogue. According to the recent evaluation report on CICIG's capacity to deliver its mandate¹¹, one of the most visible effects of the activities of CICIG is the citizen mobilization in 2015 for the democratic strengthening of State Institutions.

1.1.3 Priority areas for support/problem analysis

Through the support to CICIG the project will address the deficiencies within the justice sector that permit high levels of impunity and violence in the country.

a) Enhance investigation and prosecution capacities of the justice institutions:

While CICIG has helped strengthening specialised prosecutorial units, the Prosecutor General's Office remains overstretched. More prosecutors and police investigators need to be

¹¹ The evaluation was conducted by an independent organisation DCAF (ISSAT) and was accomplished during the last quarter of 2015 (see evaluation report in annex). The evaluation report highlights the positive role played by the CICIG in the development of the legal framework and investigation and prosecution capacities in Guatemala, especially of the General Prosecutor Office. It raises also its added value of its political and economic independence as well as CICIG's approach for joint work with national institutions as an effective mean of transfer of know-how. The evaluation was conducted using a participatory approach and a "Group of Reference" composed by CICIG's main donors was consulted and ensure follow-up from the elaboration of the TOR until the final evaluation report

trained and coached. Also, the Prosecutor General's Office only covers 10% of the national territory. This project will help CICIG to continue its efforts on strengthening investigation and prosecutions capacities through supporting other prosecutorial sections such as Economic Crimes Prosecutor, Prosecutor for crimes against life, as well as helping the Prosecutor General's Office in increasing its geographic coverage.

b) The need of a comprehensive reform of the justice system:

According to the CICIG, the bad conditions that prevail in the justice sector do not allow to reduce the impunity rate below 10%. A comprehensive reform in the justice system needs to be achieved in order to reinforce its efficiency and independence. For that purpose CICIG will help the national institutions and civil society launching a National Dialogue on Justice Reform with the leadership of the Supreme Court, the PGO, the Congress and the Executive. This will allow inter alia drafting legal and constitutional reforms proposals on the judicial career law in order to promote fairness in recruiting and promotion, as well as the reform of disciplinary mechanisms and the laws regulating "Amparos" (petitions for constitutional protection). In addition to this process, CICIG intends to help the national authorities developing a comprehensive plan for strengthening the capacities of the justice system. This could start from 2016 but being a more long term process, it would only be achieved if CICIG's mandate is renewed for another two years, until 2019.

d) Support to civil society's role in monitoring the implementation of public policies:

Social protests during 2015 have consensually requested more accountability. In addition to the dialogue process on reforms, CICIG will support civil society to create monitoring spaces and observatories in order to strengthen justice and encourage accountability.

2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Social protests and political instability due to slow progress of reforms and measures to improve transparency.	M	CICIG will continue its work on legal reforms of the judiciary as well on investigations on corruption cases, jointly with the General Prosecutor Office. Either bilaterally or in the framework of donors coordination groups (G13), the EU will ensure political dialogue with the government and congress.
High turnover in all levels of public administration may endanger the sustainability of operations and undermine the added value acquired through joint investigations, training and "on the job training" through FECI.	M	Sensitize national institutions, especially the General Prosecutor Office on the need maintain the teams and promote the scaling up of the skills within the institutions.
Lack of resources of the General Prosecutor Office in view of reinforce and extend the	H	Political dialogue with financial and budgetary authorities. Cooperation programmes in the justice sector.

Prosecutors sections.		
Any situation described in Art. 11 of CICIG's mandate ¹² that reserves for the United Nations the right to terminate its cooperation with Guatemala occur.	L	UNDP continuous monitoring and political dialogue with government.
Limited EU visibility as the action is proposed to be implemented through indirect management with UNDP.	M	Continued dialogue with UNDP and officers involved in the implementation of the action. Active participation and monitoring of the action by the EUEDEL.
Assumptions		
<ul style="list-style-type: none"> • The State of Guatemala is committed to institutional strengthening of the justice sector • The General Prosecutor is maintained in her post until the end of its mandate (2018), as this has been expressed by the President of the Republic. • The organic relation with CICIG's national counterparts, with a leading role of the Prosecutor General's Office, is ensured. This is particularly crucial in the perspective of a gradual transfer of know-how and best practices as a part of the Commission's "phase-out". • Adequate funding in terms of donor contributions is available 		

3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

Lessons learnt can be identified based on previous CICIG's work experience, and in particular on the findings of CICIG's mandate evaluation report, sector analysis and on EU support to CICIG in the period 2008-2015.

- An international commission with political and technical independence such as CICIG has the ability to promote reforms and achieve changes that national institutions, due to various factors including lack of independence, resources and in some cases knowledge, cannot achieve by their own.
- The modality of joint work and on the job training is an effective mean for transferring skills and competencies to partners and institutional counterparts. This modality gives a comparative advantage to the Commission and allows having privileged and precise knowledge about the needs on institutional strengthening of the Prosecutor General's Office and Police. This knowledge is an important step in strengthening the coordination of international cooperation and makes investments in the Justice and Security Sector more effective.
- The ability to act as an international commission will depend largely on the political will of national leadership in the justice sector, especially in the Public Ministry.

¹² •The State fails to provide full cooperation with CICIG in a manner that will interfere with its activities;
•The State fails to adopt legislative measures to disband clandestine security organizations and illegal security groups during the mandate of CICIG;
•CICIG does not receive adequate financial support from the international community.

- The thematic analytical reports produced by the CICIG are important elements of communication that contribute to raise awareness and knowledge on issues of national interest; this influence the creation of opinion between citizens and decision to audit their rulers.
- The implementation of a clear communication strategy is necessary and important to publicize the mandate, scope and limitations of the Commission, and to clarify CICIG's mandate versus the responsibilities of the national institutions.
- Consistency of CICIG's mandate with national priorities and policies remains essential.
- The need for comprehensive legal reforms with an active role of Congress and the commitment of political parties.
- The imperative for the State to provide adequate funding to the Security and Justice sector.
- The urgent need to implement a proper Civil Service, to guarantee greater effectiveness and institutional memory that will contribute to the sustainability of the transfer of competences promoted by CICIG.
- Continue the strengthening of criminal investigation by focusing on "new" crimes such as money laundering, as well as on witness protection.
- Implement a single and advanced IT Platform as a shared basis for criminal investigation.

3.2 Complementarity, synergy and donor coordination

The proposed action complements other EU activities implemented in the beneficiary country as follows:

EU Bilateral cooperation:

This project will be complementary to the ongoing Programme to Support Security and Justice in Guatemala SEJUST (€20,000,000) that promotes the efficiency of the justice sector through better coordination and that contributes to consolidate the gradual transfer of know-how and best practices to CICIG's counterparts, in particular the Prosecutor General's Office. The Violence Prevention Programme (€ 15,000,000) which is currently under formulation will focus on increased efficiency of the justice system's response to violent crimes committed against women and children, focusing on the improvement of criminal investigation, judicial response and the inter-institutional coordination. These two programmes will not only be complementary to CICIG's mandate but will also contribute to create conditions of sustainability of CICIG's work with the national counterparts.

EU Thematic lines:

This year CSO thematic programme will focus on strengthen the capacity of civil society organizations in governance and accountability and would therefore contribute to ensure proper participation of CSO in the reforms that will be promoted by CICIG. The support Human Rights Defenders through the EIDHR programme is also very complementary to this action since organized crime and CIACS constitute the principal threat to HR Defenders.

EU continental and regional cooperation:

Additionally, activities under the proposed action will be complemented by continental and Central America cooperation programmes in the sectors of administration of justice, criminal

investigation, and fight against international criminal networks, law enforcement, and sector drugs policies. These are in particular: Support to Criminal Investigation in Central America (2016-2020) which is currently under formulation; Support to Citizen Security and Rule of Law in Latin America (2016-2020); Project to support Central America Security Strategy (2014-2017); COPOLAD II; Cocaine Route Programme (III) and Eurosocal+.

The proposed programme also complements EU Member States-funded actions, especially the project "*Justicia y Seguridad: Reducción de la impunidad*" funded by AECID (Spanish Agency of International Cooperation for Development), that aims at supporting better court management and at strengthening criminal investigation and the administration of justice for femicide-related crimes.

As regards other donors operating in the sector, the action is complementary with USAID-funded Project to Support Security and Justice Reforms, Inter-American Development Bank (IDB) that supports the justice sector and to reinforce investigation capacities through loans). Activities will also have to be closely coordinated with donors supporting the Police Reform (mainly Canada, US and IDB) and with the actions carried out under the UN "Peace-Building Fund".

3.3 Cross-cutting issues

The issue of Human Rights is central in CICIG's work. As stated in the Agreement between the United Nations and the State of Guatemala on the establishment of an International Commission Against Impunity in Guatemala, the creation of CICIG was intended to support the State of Guatemala to effectively fulfil its obligations under the human rights conventions to which it is a party, and its commitments under the Comprehensive Agreement on Human Rights of 29 March 1994 of the Peace Agreements. CICIG's mandate and work aim at identifying and dismantling organized crime structures that attempt to Human Rights in Guatemala and that constitute the principal threat to HR Defenders. Also, CICIG's looks over the respect of human rights and due process in the investigation and prosecution work that is jointly carried out with the national institutions.

As regards gender issues, CICIG prioritizes investigation lines that mostly affect women and children rights as illegal adoptions, femicide and illegal human trafficking (so far 34 cases have been investigated and in 4 of which CICIG also acts as prosecutor). As regards the Human Rights approach, gender perspective is included in the transfer of capacity activities from CICIG to national institutions, either in thematic research, gender sensitive policy recommendations, and investigative work. This will be reinforced in current mandate with the creation of a "gender" group that will develop more gender sensitive methodologies.

Environmental concerns will also be taken into account in the framework of the fight against organised crime under CICIG's new area of investigation on illicit land seizures. This may result in the investigation and criminal prosecution of groups dedicated to illegal logging or arson for the purposes of animal breeding as well as illicit use of natural resources.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of SDG targets of *Goal 16: Promote just, peaceful and inclusive societies*, but

also promotes progress towards *Goal 5: Achieve gender equality and empower all women and girls*. This does not imply a commitment by the country benefiting from this programme.

Overall objective:

The State of Guatemala has effective mechanisms to combat CIACS and thereby reduce corruption and impunity.

Specific Objectives:

(i) Support, strengthen and assist the national institutions in the investigation and prosecution of crimes committed by criminal organizations with links to entities or agents of the State who violate population rights in Guatemala or have the capacity to generate impunity for themselves, and to promote the dismantling of these criminal structures and the sanction of its members.

(ii) Encourage the creation and/or reform of institutional mechanisms, legal framework and public policies that are necessary to eradicate criminal structures with ties to entities or agents of the State and prevent their recurrence.

Expected results:

Result N°1: Improved capacity of the institutions responsible for the investigation and prosecution of crimes committed by CIACS.

Result N°2: The State of Guatemala has a comprehensive and strengthened regulatory and institutional framework of the justice system to eradicate and prevent the recurrence of CIACS.

4.2 Main activities

Main activities will include those foreseen in CICIG's mandate and new actions aimed to tackle new forms of criminality.

Activities under expected Result N°1:

- The Commission will continue to develop investigations of crimes allegedly committed by criminal structures linked to the State. To this end the Commission envisages strengthening its Investigation Units, which are the backbone of the work of CICIG.

- The investigation of five prioritized criminal phenomena will continue: 1) administrative and judicial corruption; 2) money laundering and drug trafficking; 3) smuggling and tax fraud; 4) financing of political parties and; 5) other high-impact investigations requested by the prosecutor or by the demands of citizens. A new line of investigation will be included in the area of illicit land seizures and land dispossession. The investigations will build upon progress and results from ongoing high impact investigations as well as upon the result of the thematic studies conducted by CICIG during 2013-2015.

- The Commission will develop mechanisms to strengthen investigation capacities of national institutions in the security and justice sector:

- (i) Strengthening investigation capacities of prosecutors of the FECI, and contribute to its extension;
- (ii) Implement a pilot project to expand the work of CICIG and FECI in the country's departments, including the possibility to promote the creation of a Court of High Risk with regional jurisdiction.
- (iii) Support to other prosecutorial sections such as Economic Crimes Prosecutor, Prosecutor for crimes against life, among others.

Main areas of capacity building for prosecutors will be: litigation strategies, use of special methods of research, development of research plans, legal arguments and criminal analysis.

- In a more structured manner than during its previous mandate, the Commission will include the analysis of gender in its work, and in particular in the criminal structures in view to develop appropriate protocols and comprehensive criminal investigation.

Activities under expected Result N°2:

- Advocacy and proposals for reforms (in addition to those already presented to the Congress) to allow the State of Guatemala to have an adequate legal and institutional framework to address corruption and impunity. Work on this area responds also to the need to create the conditions to ensure the sustainability of CICIG's achievements.
- Promote opportunities for citizen participation and involvement in strengthening the justice system. This line of work includes promoting the implementation of an observatory of criminal justice.

4.3 Intervention logic

This new action is based on CICIG's 2015-2017 Work Plan that builds upon the lessons learned of the previous Work Plan (2013-2015). The project aims to maximize the capacities of investigation and criminal prosecution and to develop activities that will help the State of Guatemala establishing mechanisms to combat impunity caused by CIACS. This will strengthen institutions, improve the capacity of the criminal investigation, prosecution and punishment of those responsible, and start the process to recover the lost trust of the citizens towards the institutions of justice.

Result N°1: Improved capacity of the institutions responsible for the investigation and prosecution of crimes committed by CIACS.

The recent cases of corruption investigated by CICIG have revealed the importance and the extent of this "plague" within the State and thereby justify the need to pursue the work.

Strengthen the capacity of the State institutions specialized in security and justice (CICIG's counterparts) will continue to be strategic for CICIG's work, in particular the development of technical and specialized skills necessary for officials of the justice system in Guatemala to conduct complex investigations by themselves. At the beginning of its activities, CICIG conducted training courses and other learning mechanisms. From 2013, it was decided that the transfer of skills was carried out with a different approach. Through "direct instruction method", CICIG investigators and national counterparts carry out investigations jointly, using

tools and techniques that enabled them to improve their skills in the development of their work.

Result N°2: The State of Guatemala has a comprehensive and strengthened regulatory and institutional framework of the justice system in place to eradicate and prevent the recurrence of CIACS.

In fulfilling its mandate, CICIG has promoted legislative reforms of the justice system in four areas that are still under discussion, namely: a) constitutional reform in justice, b) legal reforms of the judicial institutions, including: the Judicial Career Law, the Civil Service Law of the Judicial Branch; Judiciary Law, Organic Law of Public Prosecutions, Law of the National Civil Police, Law Institute of Public Defense Criminal Prisons Act; c) reforms to overcome obstacles to investigation and prosecution such as the Law of Amparo, law of “antejuicio”, extradition, international legal assistance in criminal matters; reforms to the general part of Penal Code and Organic Law of the Judicial’s malicious litigation; and d) multiculturalism and access to justice: Indigenous / legal pluralism jurisdiction, criminalization according to the International Convention on the Elimination of All Forms of Racial Discrimination and institutional measures of access to justice of indigenous peoples.

The Commission will intensify its work with civil society in promoting citizen participation and involvement in strengthening the justice system component and will launch a National Dialogue on Justice Reform. This will include promoting a culture of legality on citizenship, contributing to the implementation of social oversight mechanisms of the justice sector and pursuing the efforts made by CICIG in recent years to ensure transparency and appropriateness of election processes of high level public positions (for 2015-2017 mandate: election of the Constitutional Court members and the election of the Ombudsman for Human Rights).

5 IMPLEMENTATION

5.1 Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012].

5.2 Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.1 will be carried out and the corresponding contracts and agreements implemented, is 24 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission’s authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3 Implementation modalities

5.3.1 Indirect management with an international organisation

This action may be implemented in indirect management with the United Nations Development Programme (UNDP) in accordance with Article 58(1)(c) of Regulation (EU,

Euratom) No 966/2012. This implementation entails the management of the financial support to CICIG necessary to carry over its mandate. This implementation is justified because UNDP is the UN Agency designated to administrate the ad-hoc CICIG Trust Fund (as stated in the international agreement between the Office of the UN Secretary-General and the Government of Guatemala).

The entrusted entity would carry out the following budget-implementation tasks: according to its own procedures, UNDP will ensure the administration of CICIG Trust Fund, timely disbursements to CICIG, proper monitoring and evaluation of CICIG activities. UNDP will also ensure coordination between CICIG's donors as well as the necessary reporting requirements.

The Commission authorises that the costs incurred by the entrusted entity may be recognised as eligible as of 1st of April 2016 given the possibility of considering eligible costs incurred prior to the signature of the agreement with the organisation, as per articles 10.2 and 10.4 of the Financial and Administrative Framework Agreement between the EU and the United Nations (FAFA). The extended mandate of CICIG started on the 3rd September 2015 and therefore there is an urgent need of the Commission to complete funding to continue implementing its mandate. Moreover CICIG's extended mandate until September 2017 will accomplish activities that are the same nature as in previous mandates that also received EU financial contribution through the UNDP Trust Fund.

5.4 Indicative budget

	EU contribution (amount in EUR)	Indicative third party contribution, in currency identified¹³ (amount in EUR)
Indirect management with UNDP	5,000,000	24,349,720
Totals	5,000,000	24,349,720

5.5 Organisational set-up and responsibilities

CICIG is responsible of the implementation of the activities foreseen in its work plan. CICIG works jointly with national institutions under formal institutional agreements that define roles and objectives of their institutional collaboration.

CICIG will continue to ensure periodically meetings with head of missions and cooperation's agencies in order to inform on progress achieved that will be measured according to the

¹³ Some indicative third party contributions are:

- United States for an amount of 4,550,000 EUR
- Sweden for an amount of 4,095,000 EUR
- Canada for an amount of 2,730,000 EUR
- Germany for an amount of 1,183,000 EUR
- Netherlands for an amount of 591,500 EUR
- Spain for an amount of 591,500 EUR
- United Kingdom for an amount of 33,670 EUR

indicators of 2015-2017 Work Plan. CICIG will also inform on problems and risks as well as financial execution.

UNDP will be responsible for the follow-up of the implementation of CICIG's mandate and will monitor the external factors and risks that could affect CICIG's work. UNDP will also be responsible of the financial and administrative management of the Trust fund and will ensure timely disbursements to CICIG. UNDP will also ensure donor coordination related to CICIG's support.

5.6 Performance monitoring and reporting

The international organisation will provide follow-up on mandate implementation through financial reporting, it will carry out audits and submit invoices for payments.

EU Commission will ensure proper and constant follow-up on the management of funds on a bilateral basis with the UNDP office in Guatemala as well as on the implementation of planned activities directly with CICIG both at political and technical level.

In addition, CICIG provide regular reports according to its internal monitoring system as described below:

Type of Monitoring document	Source	Addressee	Objectives
Thematic Reports	CICIG	Government institutions, Civil Society, International Organizations	Provide ad hoc information on organized crime and related issues at national level
Budget Implementation Reports	UNDP	CICIG	Provide constant information on budget implementation
Financial and Implementation Reports	UNDP/CICIG	Donors	Provide regular information on physical and financial

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) or the list of result indicators (for budget support). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for

independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.7 Evaluation

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

In case an evaluation is not foreseen, the Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

5.8 Audit

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.9 Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.4 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

6 APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) ^{14]} (MAX. 2 PAGES, COMPLETED DURING IDENTIFICATION AND FORMULATION. THE ACTIVITIES, THE EXPECTED OUTPUTS AND ALL THE INDICATORS, TARGETS AND BASELINES INCLUDED IN THE LOGFRAME MATRIX ARE INDICATIVE AND MAY BE UPDATED DURING THE IMPLEMENTATION OF THE ACTION WITHOUT AN AMENDMENT TO THE FINANCING DECISION. THE INDICATIVE LOGFRAME MATRIX WILL EVOLVE DURING THE LIFETIME OF THE ACTION: NEW LINES WILL BE ADDED FOR LISTING THE ACTIVITIES AS WELL AS NEW COLUMNS FOR INTERMEDIARY TARGETS (MILESTONES) WHEN IT IS RELEVANT AND FOR REPORTING PURPOSE ON THE ACHIEVEMENT OF RESULTS AS MEASURED BY INDICATORS.

	Intervention logic	Indicators	Baselines (2015)	Targets (2017)	Sources and means of verification	Assumptions
Overall objective: Impact	The State of Guatemala has effective mechanisms to combat impunity caused by CIACS	Country's percentile rank in the Rule of Law score ¹⁵ of the World Bank Worldwide Governance Index** Country's percentile rank in the Corruption score of the World Bank Worldwide Governance Index**	Country's percentile rank in the Rule of Law score in 2015: 14.4 Country's percentile rank in the Control of Corruption score in 2015: 28.4	Country's percentile rank in the Rule of Law score in 2017: 14.4 Country's percentile rank in the Control of Corruption score in 2017: 33	International Organisations Country reports World Bank's Worldwide Governance indicators	The State of Guatemala respects the mandate of CICIG in force until August 2017. The State of Guatemala is committed to institutional strengthening of the justice sector. The CICIG has funding and personnel needed to perform its functions and development of their activities.
Specific objective(s): Outcome(s)	SO1: Support, strengthen and assist the national institutions in the investigation and prosecution of crimes committed by criminal organizations with links to entities or agents of the State who violate citizen's rights in Guatemala or have the capacity to generate impunity for themselves, and to promote the dismantling of these criminal structures and the sanction of its members.	Number of indictments presented by the Public Ministry (PM) with the support of the CICIG to members of the CIACs. Number of criminal structures identified by CICIG. % of representatives from academic, civil society and opinion makers who believe that CICIG has strengthened the capacity of the institutions in charge of criminal	73 indictments against alleged members of the CIACs CICIG has identified 41 criminal structures Not determined	Increase of the indictments against CIACs Increasing trend in the number of criminal structures identified. At least 50% of the representatives of academic, civil society and opinion makers consider that CICIG has strengthened the	Reports on judiciary statistics CICIG Annual reports CICIG surveys and evaluations	The Public Ministry and the National Civil Police continue cooperation with CICIG for the development of investigations and prosecution of crimes committed by CIACS. There is a case management system within the CICIG updated periodically Representatives of academic institutions, civil society and opinion makers to agree to be interviewed about your opinion capacity building

¹⁴ Mark indicators aligned with the relevant programming document mark with '*' and indicators aligned to the EU Results Framework with '**'.

¹⁵ Percentile ranks indicate the percentage of countries worldwide that rank lower than the indicated country, so that higher values indicate better governance scores.

	SO2: Encourage the creation and/or reform of institutional mechanisms and public policies that are necessary to eradicate criminal structures linked to entities or agents of the State and prevent their recurrence.	<p>investigation and prosecution.</p> <p>Percentage of officials of the FEI who believe that their investigative and litigation capacities have been strengthened through the joint work between PM-CICIG</p> <p>Number of projects of legal reforms approved by the Congress supported by CICIG.</p>	<p>82% of FEI officials consider their capacities in criminal investigation and litigation have been reinforced.</p> <p>1 law reform project approved by the congress (MP Organic Law)</p>	<p>capacity of institutions</p> <p>85% of FEI officials consider their capacities in criminal investigation and litigation have been reinforced.</p> <p>At least 4 law reform projects supported by CICIG have been discussed and / or approved by the congress</p>	Reports of the Congress of Guatemala	<p>A representative sample of prosecutors and assistant prosecutors of the FEI responding to the survey</p> <p>The congress discusses and approves the legal reform proposed by actors in the framework of a National Dialogue for strengthening the justice system.</p> <p>The justice sector institutions assume, discuss and approve the institutional changes needed to strengthen the sector.</p>
Outputs	Result N°1: Improved capacity of the institutions responsible for the investigation and prosecution of crimes committed by CIACS.	<p>Number of Investigative Units of CICIG created to investigate crimes allegedly committed by the CIACS.</p> <p>Number of investigations on crimes allegedly committed by members of the CIACSs, in which CICIG is involved.</p> <p>Number of investigative units of CICIG that support agencies of the FEI to settle at the regional level.</p> <p>Number of capacity building plans implemented with the support of CICIG in the FEI and other specialised prosecutors.</p>	<p>The CICIG has 9 Investigative Units created.</p> <p>The CICIG has participated in 222 investigations into crimes allegedly committed by members of the CIACS.</p> <p>No FEI agencies at the regional level</p> <p>1 plan to strengthen research capability has been implemented in the FEI</p>	<p>The CICIG has 12 Investigative Units created.</p> <p>There is an increasing trend of investigations of crimes allegedly committed by members of the CIACS in which CICIG is involved.</p> <p>1 investigation unit is created in CICIG that support FEI to settle in the western area of the country.</p> <p>At least 2 plans to strengthen investigation capacities have been implemented in the FEI and 2 plans in other specialised</p>	<p>CICIG Annual Reports</p> <p>Annual Reports of the Public Ministry</p>	<p>CICIG has the necessary funding for staff recruitment and the necessary legal staff to conduct the investigations.</p> <p>MP meets the commitment to install an agency of FEI in the western jurisdiction of the country.</p> <p>The MP and CICIG have the funding required to install an agency FEI in the western region of the country.</p> <p>The FEI and CICIG continue to work jointly and hereby, strengthening the capacities of prosecutors and assistant prosecutors.</p>

		<p>Number of women that have benefited from capacity building support within the FECI and other specialised prosecutors.</p> <p>Percentage of CICIG officials who have made the virtual course on gender.</p> <p>Number of strategies for mainstreaming gender in the work of CICIG.</p>	<p>N.A.</p> <p>No official of CICIG has made the virtual course on gender.</p> <p>No strategy</p>	<p>prosecutors. <i>To be defined</i></p> <p>100% of CICIG officials have made the virtual course on gender.</p> <p>1 strategy for mainstreaming gender developed</p>		
	<p>Result N°2: The State of Guatemala has a comprehensive and strengthened regulatory and institutional framework of the justice system to eradicate and prevent the recurrence of CIACS.</p>	<p>Number of projects of legal reforms proposed to the Congress supported by CICIG.</p> <p>Number of thematic reports that include recommendations to the State for the prevention, eradication and / or recurrence of CIACS.</p> <p>Proposal for the creation and management of an observatory on criminal justice system with technical assistance of CICIG.</p> <p>Number of national dialogue forums with civil society in which CICIG is involved to support the approval of legal reforms related to the justice sector.</p>	<p>2 law reform projects have been proposed to the legislature with the support of CICIG. (MP Organic Law and and judicial career)</p> <p>The CICIG has developed and published 5 thematic reports</p> <p>There is no observatory on criminal justice</p> <p>Pre-consultations in 13 departments for updating the justice reform were conducted by CICIG</p>	<p>At least 4 law reform projects supported by CICIG have been discussed and / or approved by the congress</p> <p>The CICIG has developed and published at least 11 thematic reports</p> <p>There is 1 observatory criminal justice system associated with an academic institution</p> <p>CICIG develops 5 regional events to launch the national dialogue for reform on the justice sector</p>	<p>Reports of the Congress of Guatemala</p> <p>CICIG Annual Reports</p> <p>Document of creation of the Observatory</p> <p>Civil Society Reports</p>	<p>The congress discusses and approves the legal reform proposed by actors in the framework of a National Dialogue for strengthening the justice system.</p> <p>The justice sector institutions assume, discuss and approve the institutional changes needed to strengthen the sector.</p> <p>An academic organization that appropriates the project and sustainability over time is identified.</p> <p>There is political will to support the national discussion on reforms of the justice sector</p> <p>There is political will of the congress to receive and discuss proposals for reform of the justice sector emanating from the national dialogue.</p>

