

Enduring Prosperity and the Rule of Law for the Northern Triangle

A Justice Sector Training, Research and Coordination (JusTRAC)
Symposium



A Cooperative Agreement of the Rule
of Law Collaborative at the University
of South Carolina and the Bureau of
International Narcotics and Law
Enforcement Affairs, U.S. Department
of State



San Salvador, El Salvador

Thursday, October 1 and Friday, October 2, 2015

FINAL REPORT

December 31, 2015

Table of Contents

Executive Summary	1
Background	2
Rule of Law in the Northern Triangle	3
Violence	3
Trust in State Institutions	5
Employment	6
Emigration	7
Recommendations	8
Appendix A: Symposium Program	10
Appendix B: Presentation Materials	17

Executive Summary

Increasing violence in Guatemala, Honduras, and El Salvador—known collectively as the “Northern Triangle” of Central America—poses a serious challenge to the rule of law and threatens the foundation for lasting prosperity in those countries. Much of that violence stems from the activities of criminal gangs, or *maras*, whose members number in the tens of thousands in each of Guatemala, Honduras, and El Salvador. This gang violence is intimately connected to a lack of educational opportunities for young people, as gangs often prevent young people from accessing schools and make schools unsafe environments for those who do access them. In addition, gang violence affects women and girls disproportionately in the Northern Triangle, where gangs often treat women as property and female homicide rates are among the highest in the world. Problems such as the absence of formal governance in some areas, government collusion with criminal groups, and corruption have led to low levels of trust in state institutions. A lack of employment opportunities, particularly for young people, exacerbates problems with the rule of law in the Northern Triangle, and many young people see criminal groups as the only viable source of income. As a result of the rampant violence, lack of educational and employment opportunities, and low confidence in state institutions, large numbers of people have chosen to leave El Salvador, Guatemala, and Honduras to seek better lives elsewhere.

Background

On October 1 and 2, 2015, the Rule of Law Collaborative (ROLC), University of South Carolina, and the Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State, held “Enduring Prosperity and the Rule of Law for the Northern Triangle,” at the International Law Enforcement Academy, in San Salvador, El Salvador. This symposium was the third Justice Sector Training, Research, and Coordination Program (JusTRAC) symposium and the second outside the United States. The symposium was organized in a roundtable format, which allowed for a frank, open exchange of ideas. The symposium brought together policymakers, business leaders, academics, media professionals, and representatives of civil society to discuss rule of law challenges in the Northern Triangle states of El Salvador, Guatemala, and Honduras, such as gang violence, corruption, and under-utilization of human capital, as well as opportunities for greater coordination and collaboration. U.S. Ambassador to El Salvador Mari Carmen Aponte, Solicitor General of the Republic of El Salvador Sonia Elizabeth Cortez de Madriz, and ROLC Deputy Director Hamid Khan offered opening remarks, with lunchtime remarks by U.S. Ambassador to Belize Carlos Moreno. In addition, Mr. Joel Martinez of the World Justice Project led the group in an interactive exercise that charted perceptions of the rule of law. In thematic panels and a plenary session, symposium participants discussed the following topics:

- Past rule of law efforts in the Northern Triangle
- Trust in state institutions
- The causes of violence and criminality
- Access to transparent legal institutions
- Investments in human capital
- Public safety and prevention of violence
- Practical solutions to problems with the rule of law

This report summarizes comments and recommendations from symposium participants. All remarks were made off the record and appear without attribution in this report.

See Appendix A for a copy of the symposium program and Appendix B for copies of symposium presentation materials.

This report was prepared by ROLC Research Coordinator Mr. Kiel Downey.

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Rule of Law in the Northern Triangle

Violence

Increasing violence in Guatemala, Honduras, and El Salvador—known collectively as the “Northern Triangle” of Central America—poses a serious challenge to the rule of law and threatens the foundation for lasting prosperity in those countries. The Global Peace Index, which ranks 162 countries around the world by their levels of peacefulness,¹ ranked the Northern Triangle countries poorly in recent years (a higher ranking indicates less peacefulness):

Global Peace Index Rankings of the Northern Triangle Countries, 2010-2015²

	2010	2011	2012	2013	2014	2015
Honduras	140	129	134	127	123	116
Guatemala	108	128	125	121	118	118
El Salvador	119	121	128	118	114	123

As of 2012, Honduras had the highest homicide rate in the world: 90.4 homicides per 100,000 inhabitants,³ with El Salvador and Guatemala’s rates at 41.5 and 34.6, respectively.⁴ In August 2015, El Salvador experienced its highest number of homicides since the end of its civil war in 1992, putting its homicide rate on a trajectory that could surpass even that of Honduras.⁵

Much of that violence stems from the activities of criminal gangs, or *maras*, in the Northern Triangle. As of 2012, the two largest gangs in the region—Mara Salvatrucha 13 (“MS-13”) and 18th Street (also known as “Mara 18,” “M-18,” “Calle 18,” or “Barrio 18”)⁶—had membership in the tens of

¹ Institute for Economics and Peace, Global Peace Index 2015.

http://static.visionofhumanity.org/sites/default/files/Global%20Peace%20Index%20Report%202015_0.pdf. Last accessed December 31, 2015.

² *Ibid.*

³ Louis-Alexandre Berg and Marlon Carranza, “Crime, Violence, and Community-Based Prevention in Honduras,” World Bank, Justice, Security, and Development Series, June 2015. http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2015/07/08/090224b082fdd10f/2_0/Rendered/PDF/Crime00violenc0as000research0report.pdf. Last accessed December 31, 2015.

⁴ United Nations Office on Drugs and Crime, “Intentional homicide, Counts and Rates per 100,000 Population.” <https://data.unodc.org/>. Last accessed December 31, 2015.

⁵ “El Salvador Gang Violence Pushes Murder Rate to Postwar Record,” The Guardian, 2 September 2015. <http://www.theguardian.com/world/2015/sep/02/el-salvador-gang-violence-murder-rate-record>. Last accessed December 31, 2015.

⁶ For background information on MS-13 and the 18th Street gang, see Clare Ribaldo, Seelke, “Gangs in Latin America,” Congressional Research Service, 20 February 2014. <https://www.fas.org/sgp/crs/row/RL34112.pdf>. Last accessed December 31, 2015.

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

thousands in each of the three Northern Triangle countries.⁷ In many cases, gangs control entire neighborhoods, carrying out extortion, violence, human trafficking, and drug trafficking, among other criminal activities, within their territories.⁸ Local residents who enter another gang’s territory, speak to rival gang members, refuse to pay money to gangs, ignore orders from gang members, or otherwise run afoul of gangs risk violent reprisal, sometimes including death or retaliation against their family members.

Gang violence in the Northern Triangle is intimately connected to a lack of educational opportunities for young people. As multiple symposium participants noted, in the Northern Triangle, many young people lack access to high-quality education, and public expenditure on education remains low. Gangs also recruit young people,⁹ depriving them of opportunities for future education and personal growth. Even when young people attend school, schools are often unsafe environments. For example, one symposium participant recounted the story of a young girl in Guatemala City who changed schools after gang members murdered a teacher in front of students. On the bus commute to her new school, gang members threatened her, and one raped her. In many cases, families simply have opted to keep children at home rather than send them to school, in an effort to protect them from such violence at school or in their communities,¹⁰ but gang activity has made many local communities unsafe environments for youth, as well. Honduran newspaper *La Prensa* reported in October 2015 that 6.5 million people between the ages of 15 and 24 in Guatemala, El Salvador, and Honduras (21.6% of the combined population of those countries) live under gang-imposed requirements regarding what clothing they wear, what hairstyles they choose, and where they go.¹¹

⁷ United Nations Office on Drugs and Crime, “Transnational Organized Crime in Central America and the Caribbean: a Threat Assessment,” September 2012. https://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf. Last accessed December 31, 2015.

⁸ See, e.g., Douglas Farah and Carl Meacham, “Alternative Governance in the Northern Triangle and Implications for U.S. Foreign Policy: Finding Logic within Chaos,” September 2015.

http://csis.org/files/publication/150911_Farah_AlternativeGovernance_Web.pdf. Last accessed December 31, 2015.

⁹ See, e.g., Elizabeth Kennedy, “No Childhood Here: Why Central American Children Are Fleeing their Homes,” American Immigration Council, July 2014.

http://www.immigrationpolicy.org/sites/default/files/docs/no_childhood_here_why_central_american_children_are_fleeing_their_homes_final.pdf. Last accessed December 31, 2015.

¹⁰ See, e.g., United Nations High Commissioner for Refugees, “Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico,” October 2015. <http://www.unhcr.org/5630f24c6.html>. Last accessed December 31, 2015.

¹¹ “Hondureños Cambian su Estilo de Vida por la Violencia,” *La Prensa*, 30 October 2015.

<http://www.laprensa.hn/honduras/895794-410/hondure%C3%B1os-cambian-su-estilo-de-vida-por-la-violencia>. Last accessed December 31, 2015.

Violence affects women and girls disproportionately. Many women in the Northern Triangle countries have reported being subjected to threats, extortion, threats against loved ones, or physical assault, including rape and other forms of sexual assault.¹² Gang members often “claim” women or girls for themselves, and those who resist risk retaliation. Moreover, the Northern Triangle tops the list of female homicide rates worldwide (measured as women murdered per 100,000 women), according to data from the Geneva Declaration on Armed Violence and Development.¹³ Female homicide rates in El Salvador, Honduras, and Guatemala rank first, second, and fourth out of all 97 countries and territories for which data was provided.¹⁴

Trust in State Institutions

Problems such as the absence of formal governance in some areas, government collusion with criminal groups, and corruption have led to low levels of trust in state institutions. In some areas, the state is virtually absent, and organized criminal groups provide their own form of governance while conducting illicit activities. For example, according to a report from the Center for Strategic and International Studies, former mayor Alexander Ardón of El Paraíso, Copán, Honduras—reportedly the head of a drug trafficking organization who had ties to the Sinaloa Cartel—owned most of the town of El Paraíso and provided public services to locals personally, such as paved roads and electricity.¹⁵ In other areas, the state colludes with criminal groups. For example, in San Pedro Sula, Honduras—often named the most violent city in the world outside of a war zone¹⁶—gangs sometimes pay police to attack other gangs, and police sometimes rent weapons or other equipment to gangs.¹⁷ In 2014, Transparency International’s Corruption Perceptions Index ranked El Salvador, Guatemala, and Honduras 80th, 115th, and 126th out of 175, respectively,¹⁸ where a higher number indicates greater perceptions of corruption. Corruption remains widespread in the

¹² United Nations High Commissioner for Refugees, *supra* note 10.

¹³ Geneva Declaration on Armed Violence and Development, “The Global Burden of Armed Violence 2015 – Every Body Counts.” <http://www.genevadeclaration.org/fileadmin/docs/GBAV3/GBAV-2015-data-150513.xlsx>. Last accessed December 31, 2015.

¹⁴ *Ibid.*

¹⁵ Farah and Meacham, *supra* note 8.

¹⁶ See, e.g., Sibylla Brodzinsky, “Inside San Pedro Sula—the Most Violent City in the World,” *The Guardian*, 15 May 2013. <http://www.theguardian.com/world/2013/may/15/san-pedro-sula-honduras-most-violent>. Last accessed December 31, 2015; “Rafael Romo and Nick Thompson, “Inside San Pedro Sula, the ‘Murder Capital’ of the World,” *CNN*, 28 March 2013. <http://www.cnn.com/2013/03/27/world/americas/honduras-murder-capital/>. Last accessed December 31, 2015.

¹⁷ Farah and Meacham, *supra* note 8. http://csis.org/files/publication/150911_Farah_AlternativeGovernance_Web.pdf. Last accessed December 31, 2015.

¹⁸ Transparency International, Corruption Perceptions Index 2014. <http://www.transparency.org/cpi2014/results>. Last accessed December 31, 2015.

Northern Triangle, where one symposium participant argued the economies need “credible rules” and need to be “democratized.” One symposium participant estimated that up to 10% of Honduran GDP and 6% of Guatemala’s budget are lost to corruption. Another symposium participant explained that corrupt practices in the Northern Triangle countries have become a widely accepted means of accessing the justice system, as local people have learned to use bribes in lieu of legitimate means of access. As he put it, “Your first point of contact with the justice system is a police officer. How do you deal with a problem with the justice sector? Pay cash to the police officer. This becomes how people think about these issues.”

Employment

A lack of employment opportunities, particularly for young people, exacerbates problems with the rule of law in the Northern Triangle. Employment is concentrated largely in sectors with low productivity, and informal employment is high compared to that of other countries in Central America.¹⁹ While some migrants leave the Northern Triangle to reunite with family, even more cite the lack of employment opportunities as a reason for emigration (violence is the only reason cited more often than lack of employment opportunities).²⁰ Multiple symposium participants also noted that, as a result of the lack of job opportunities, combined with the barriers to education already discussed, a large percentage of youth have become socially disconnected “*ninis*” (derived from the Spanish “*ni estudia, ni trabaja*”), youth who neither attend school nor work. Some participants noted that criminal groups are the only viable sources of income for many young people. In addition to poor prospects for employment, income inequality remains high in El Salvador, Guatemala, and Honduras, with a large amount of wealth concentrated in the hands of a small segment of the population. According to data from the World Bank, inequality in Honduras, Guatemala, and El Salvador ranked number two, six, and nineteen, respectively, of all countries for which data was available (as of 2011).²¹

¹⁹ “Plan of the Alliance for Prosperity in the Northern Triangle: a Road Map,” Regional Plan Prepared by El Salvador, Guatemala and Honduras, September 2014. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39224238>. Last accessed December 31, 2015.

²⁰ *Ibid.*

²¹ The World Bank, “Data: Gini Index (World Bank Estimate).” <http://data.worldbank.org/indicator/SI.POV.GINI>. Last accessed December 31, 2015.

Emigration

As a result of rampant violence, a lack of educational and employment opportunities, and low confidence in state institutions, large numbers of people have chosen to leave El Salvador, Guatemala, and Honduras to seek better lives elsewhere. A recent study of minors in El Salvador found that over 90% of children interviewed had a family member in the United States, and over half had one or both parents in the United States.²² Moreover, immigration from the Northern Triangle to the United States has increased in recent years. For example, according to a Congressional Research Service report, “unaccompanied alien children” (UAC) from the Northern Triangle accounted for 17% of all UACs apprehended at the Southwest border of the United States in 2009, whereas that number jumped to 77% in 2014.²³ Immigrants from the Northern Triangle commonly cite violence, a lack of economic opportunities, and a desire to reunite with relatives who have immigrated as reasons for leaving the region.²⁴

²² Kennedy, *supra* note 9.

²³ William A. Kandel and Lisa Seghetti, “Unaccompanied Alien Children: an Overview,” Congressional Research Service, 18 August 2015. <https://fas.org/sgp/crs/homesecc/R43599.pdf>. Last accessed December 31, 2015.

²⁴ “Plan of the Alliance for Prosperity in the Northern Triangle: a Road Map,” *supra* note 19.

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Recommendations

Various symposium participants made the following recommendations:

- **International donors and the governments of the Northern Triangle countries should think of justice sector reform as a fundamentally political process, rather than a technical process.** Justice sector reform essentially reflects the priorities of a society, not just technical inputs such as the number of courthouses built or number of judges trained. Problems with the rule of law in the Northern Triangle persist despite decades of assistance programs, in large part because of political resistance. For example, in some areas, criminal networks have replaced state actors, or state actors collude with criminals, preventing reform.
- **International donors and the governments of the Northern Triangle countries have to strike a balance between long-term and short-term gains in justice sector reform.** Improving the rule of law is a complex, long-term process that requires persistence and tenacity. At the same time, successful efforts to improve the rule of law require the buy-in of local people, who often have legitimate demands for immediate improvements. In the case of the Northern Triangle, consistent failure to meet these demands has resulted in low public confidence in state institutions, undermining local buy-in. A long-term focus on institutional change, while necessary, cannot ignore opportunities for short-term victories.
- **International donors and the governments of the Northern Triangle countries should recognize that rule of law issues are an aspect of sustainable development.** Rule of law is a complex conceptual system, and donors and governments cannot ignore the place that rule of law occupies within sustainable development as a whole. A myopic focus on technical improvements in formal justice sector institutions ignores other important aspects of sustainable development, such as political will, popular trust in the state, and economic and educational opportunities, among others. The United Nations has enshrined this relationship between rule of law and sustainable development in the UN 2030 Agenda for Sustainable Development.²⁵
- **International donors must understand local conditions in the areas in which they work,**

²⁵ Transforming our world: the 2030 Agenda for Sustainable Development, G.A. Res. 70/1, U.N. Doc. A/Res/70/1 (Sept. 25, 2015). http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E. Last accessed December 31, 2015. See generally 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.”

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

and they must work with community groups. Past rule of law efforts have shown that transplanting pre-made solutions into recipient countries is not an effective approach. Donors must commit to understanding local conditions, including culture, the roles of key formal and informal actors, and popular attitudes, among others. As rule of law problems in the Northern Triangle have important roots in economic and social problems, donors must work with local groups that understand these issues, avoiding overreliance on government counterparts.

- **International donors and the governments of the Northern Triangle countries should consider approaches to countering gang violence that focus on prevention and youth development.** Most gang members are young, and multiple symposium participants noted that a lack of educational opportunities, employment opportunities, and stable home environments is the biggest factor that leads young people to join gangs.
- **International donors and the governments of the Northern Triangle should have a clear vision of what “success” looks like and should know how to articulate it.** Rule of law is an issue of overwhelming complexity that requires long-term commitment from those who seek to improve it, but rule of law programs need to “land” somewhere. Programs do not have to strive for perfect results, but they should have clearly defined visions of “success.”
- **The governments of the Northern Triangle countries should ensure that civil servants receive adequate pay, in order to deter corruption.** As one symposium participant explained, there are two types of corruption: “corruption for need,” and “corruption for greed.” In some contexts, civil servants use public resources for personal enrichment because their pay is inadequate. Ensuring adequate pay for civil servants is a particularly important issue, as civil servants are numerous and remain in their positions beyond election cycles.
- **The governments and citizenries of the Northern Triangle countries must accept ultimate responsibility for rule of law efforts.** Donors cannot force solutions onto recipient countries, and effective solutions cannot take root unless they are implemented in response to local conditions. In order for rule of law programs to contribute to long-term, sustainable development, the societies in which those programs take place must take ownership of the programs and their effects.

Appendix A: Symposium Program

Enduring Prosperity and the Rule of Law for the Northern Triangle

A Justice Sector Training, Research and Coordination (JusTRAC) Symposium



A Cooperative Agreement of the Rule of
Law Collaborative at the University of
South Carolina and the Bureau of
International Narcotics and Law
Enforcement Affairs, U.S. Department of
State



San Salvador, El Salvador

Thursday, October 1 and Friday, October 2, 2015

Contact Information

Symposium Coordinator: Hamid Khan
Email: rolc@sc.edu / hamidk@mailbox.sc.edu
Phone: +1 (803) 777-9359 / +1 (803) 777-9371 (main)

Despite decades of direct foreign assistance by the United States, rule of law within most of Central America remains challenging. While the prospect of significant U.S. foreign assistance in the Northern Triangle, i.e., El Salvador, Guatemala, and Honduras, looms on the horizon, various constituencies remain concerned that this renewed involvement will simply recycle stale ideas and continue the endemic of poverty and lawlessness. If implemented, those ideas and approaches might not only cause foreign assistance efforts to fall into further disrepute, but also risk needlessly expending precious and scarce taxpayer resources for programming without remedying or improving the situation.

Consequently, helping to remedy the rule of law situation within the Northern Triangle requires a reimagining of rule of law programming that focuses on the foundational building blocks to a more effective rule of law: creating trust and promoting enduring economic prosperity, which must operate on the condition that such programming cause no further harm to these fragile societies. This symposium will address paths to economic prosperity while re-envisioning rule of law programming that takes into account, for example, promoting greater trust in the justice sector, protecting vulnerable populations, and considering ground-up approaches to promote the rule of law and coordinate thoughtful efforts to promote security and prosperity.

Program

Day 1: Thursday, October 1, 2015

8:00 AM **Registration**

8:45 AM **Welcoming Remarks**

Hamid Khan, Deputy Director, Rule of Law Collaborative, University of South Carolina

Ambassador Mari Carmen Aponte, Embassy of the United States in San Salvador, El Salvador

Sonia Elizabeth Cortez de Madriz, Solicitor General of the Republic of El Salvador

9:00 AM **Surveying the Landscape and Learning the Lessons of Past Rule of Law Efforts**

Jenny Willier Murphy, Senior Justice Advisor, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State

Lisette Dumit, Senior Specialist, Citizen Security and Rule of Law, United States Agency for International Development

Ambassador James Michel, Independent Consultant

Eric L. Olson, Associate Director, Latin American Program, Woodrow Wilson International Center for Scholars

To reimagine rule of law programming in the Northern Triangle, we need to take account of past experience in rule of law programming that focused on capacity building of justice sector actors and institutions. In the nearly thirty years since the latest wave of democratization swept over Latin America, many of the emerging democracies in Central America continue to struggle to install a truly democratic rule of law. Indeed, some have argued not only that there has been a decline in levels of democracy, but also that that decline is substantially attributable to deficiencies in the rule of law. The region once again has to pay attention to education, productivity and competitiveness if it is to sustain growth, and to the rule of law in order to turn back the tide of criminal violence that threatens its citizens’ quality of life and that has led to epidemic levels of migration and trafficking in humans and drugs.

10:30 AM **Coffee Break**

10:45 AM **Increasing Overall Trust in the State**

Ronald Glass, Chief of Party, Chemonics International in the Dominican Republic, USAID Criminal Justice System Strengthening Project

Karin Slowing Umaña, former International Sector Planning Advisor, Secretariat of Government Coordination, Government of the Republic of Guatemala

Helen Mack, Founder, Myrna Mack Foundation

Alejandro Alvarez, Team Leader, Rule of Law, Justice and Security Adviser, Bureau for Policy and Programme Support, United Nations Development Programme

Facially, rule of law practitioners reflexively assume that trust in the state means simply improving the justice sector. This panel, however, takes a broader look at what constitutes the state. It seeks to build trust in state institutions, including its security apparatus, often seen as closest to the people, and in the case of the Northern Triangle, education, healthcare, and justice. Future generations are being deprived of an adequate start in life, without a state that can meet basic healthcare needs or provide basic skills and knowledge that become ever-pronounced in secondary educational settings. At the same time, they face a wholesale absence of vocational educational institutions, a justice system that is unable to provide a sense of safety amid an overwhelming and ubiquitous tide of violence, and a lack of institutions which are seen as serving the broader population as opposed to a select few.

12:00 PM **Lunch**

Remarks by Ambassador Carlos R. Moreno, United States Embassy in Belmopan, Belize

1:00 PM Uncovering the Causes of Violence and Criminality with Solutions from Beyond the Justice Sector

John Allelo, Director, Office of Vulnerable Populations, United States Agency for International Development/ Colombia

Enrique Roig, Director, Global Citizen Security Practice Area, Creative Associates

Dr. Gilberto Arriaza, Professor, Department of Educational Leadership, College of Education and Allied Studies, California State University, East Bay

Susan Snyder, Deputy Director, Western Hemisphere Program Office, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State

Fighting crime affecting the Northern Triangle is an urgent task. This panel is devoted to examining all realms of socialization (family, school and city) and looks to explore ways to strengthen the fabric of society to protect children and young people from exposure to violent settings and help reduce violence itself, insecurity, and their links to street gangs. Attention will be paid to programs that prevent violence and ensure peaceful coexistence, neutralize risk factors, and stimulate ones that provide protection at the individual, family, school and community levels for children, youths and women facing violence, gang activity and a lack of safety.

2:30 PM Coffee Break

2:45 PM Enhancing Access to More Transparent Legal Institutions

Judge Frank Montalvo, U.S. District Court for the Western District of Texas

Dr. Hugo Noé Pino, Country Economist, Central American Institute for Fiscal Studies

Josefina Coutiño, Director, USAID Pro-Integrity Program

In order to improve citizens’ confidence in the state, we will work to contribute to the effectiveness of the criminal justice system, including generalized access to local-level justice services. To achieve this, better mechanisms for accountability and transparency must be introduced, including measures to increase transparency of the police, judiciary and governance.

4:15 PM Open Discussion

5:00 PM Closing Remarks and Adjourn

Kiel Downey, Research Coordinator, Rule of Law Collaborative, University of South Carolina

Day 2: Friday, October 2, 2015

9:00 AM Renewing Investments in Human Capital by Developing Opportunities for the People

Dr. Benjamin Roth, Assistant Professor, College of Social Work, University of South Carolina

William Pléitez, Chief Executive Officer, Fomilenio II (El Salvador)

James D. Filpi, Senior Counsel, Commercial Law Development Program, Office of the General Counsel, U.S. Department of Commerce

Edo Stork, Deputy Resident Representative, United Nations Development Programme Honduras

Nearly 9% of the Northern Triangle’s population has decided to leave, resulting in a major loss of human capital. While much of this flight stems from the lack of economic and job opportunities, growing violence and compounding corruption are also to blame. To capitalize on economic opportunities requires strengthening the links between the productive sector and training programs, as well as fighting corruption, violence and lawlessness, to pave the way for a permanent inclusion of people in the workplace. To do so, we need to promote a business-friendly environment, implement policies aimed at improving labor market conditions, and improve skills through greater investment geared toward broadening and enhancing the quality of secondary education and raising retention rates.

10:45 AM Coffee Break

11:00 AM The World Justice Project’s Rule of Law Perception Exercise

Joel Martínez, Index Program Manager, World Justice Project

11:30 AM Lunch

12:30 PM Enhancing Public Safety and Preventing Violence

Guillermo Céspedes, Crime Prevention Advisor, Creative Associates

Adam Blackwell

Javier Agosto, Chief of Party, Justice Sector Strengthening Activity/USAID-El Salvador

Preventing violence and enhancing public safety is an urgent task. To combat drug and human trafficking, as well as organized crime, will require enhancing the capacity and management skills of police forces, including training, skill-building, professionalization, and information systems for preventing and fighting crime. In addition, however, there must be mechanisms in place to bring the police closer to the community, including accountability mechanisms that improve the image of the police and people’s faith in them. Attention will be paid to areas such as forensic science, vertical coordination among the different levels of government, and enhancing dialogues among local populations and the police that preside over them.

2:15 PM Coffee Break

2:30 PM Plenary Session: Practical Approaches for Intractable Problems?

Karen Hall, Director of Democratic Governance and Rule of Law LL.M and Assistant Professor of Law, Ohio Northern University

Omar Rivera, Coordinator, Alliance for Peace and Justice, Association for a More Just Society

This final session will be dedicated to examining comparative examples from the region and how such an ambitious agenda for enhancing and, more importantly, sustaining the rule of law within in the Northern Triangle will be achieved. Speakers and participants will be encouraged to offer off-the-cuff thoughts about lessons from local and national leaders, civic groups, and academia.

4:00 PM Open Discussion & Agenda Setting

5:00 PM Closing Remarks and Adjourn

Hamid Khan, Deputy Director, Rule of Law Collaborative, University of South Carolina

Appendix B: Presentation Materials

Appendix B contains the following presentation materials:

1. Presentation materials, Lissette Dumit (Day 1, Panel I)
2. Prepared remarks and presentation materials, Ambassador James Michel (Day 1, Panel I)
3. Presentation materials, Alejandro Alvarez (Day 1, Panel II)
4. Presentation materials, John Allelo (Day 1, Panel III)
5. Presentation materials, Susan Snyder (Day 1, Panel III)
6. Paper, Judge Frank Montalvo (Day 1, Panel IV)
7. Presentation materials, Dr. Hugo Noé Pino (Day 1, Panel IV)
8. Presentation materials, Josefina Coutiño (Day 1, Panel IV)
9. Prepared remarks, Dr. Benjamin Roth (Day 2, Panel I)
10. Presentation materials, William Pléitez (Day 2, Panel I)
11. Presentation materials, Karen Hall (Day 2, Panel III)



Enduring Prosperity and the Rule of Law for the Northern Triangle

Surveying the Landscape and Learning the Lessons of Past Rule of Law Efforts

Perspective from the Field

Lisette Dumit

Thursday October 1st, 2015

El Salvador



Democracy & Governance: Critical Challenges

- **Weak Institutions**
- **Inadequate Rule of Law**
- **Widespread Corruption**
- **Fragmented Civil Society**
- **Crime / Insecurity**
- **Clientalism**
- **Disengaged Private Sector**
- **Poor Education**
- **Widening Inequality**

Crossroads or Perfect Storm?

Some Milestones throughout Central America

Important Successes: From the 90's to the Present

- **Free & Fair Elections (National & Local)**

GUATEMALA 2011 – INCIDENTS OF VIOLENCE OR THREATS TO PREVENT VOTING



Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Some Milestones throughout Central America

Important Successes: From the 90's to the Present

- **Transparent, Professional & Responsive Justice Sector:**
 - Judicial and Prosecutor Training Schools
 - National Office of the Public Defense
 - Community Justice Houses
- **Key Transparency and Justice Reform Legislation:**
 - Criminal Procedures Code
 - Freedom of Information Act
 - Public Procurement Law



Some Milestones throughout Central America

Important Successes: From the 90's to the Present

- Vibrant & Active Civil Society



Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Transition Priorities in International Cooperation:

USAID Democracy & Governance Priorities (2000 – 2015)



- Civil Society
- Justice Sector Reform
- Transparency and Anti-corruption
- Political Party & Youth Leadership Development
- New: Citizen Security

Challenges and Opportunities

CHALLENGES

- Low public confidence in State institutions (police, political parties, Justice) Barometer of the Americas 2014
- Erosion of support for democracy
- Decreased political tolerance
- Civil society actors located in the urban areas
- Erosion of the political party system/undermining of two party system?
- Political uncertainties resulting from the constitutional reform
- Increased crime and violence
- Decreasing resources



OPPORTUNITIES

- Receptivity of the Governments to implement transparency initiatives
- Community policing initiatives
- High social participation of citizens (Guatemala's case)
- National Development Strategy
- Donor engagement and coordination
- Critical environment fosters creativity and innovation

Potential areas for further assistance



- Coordination and cross-cutting links across justice, education, health, climate change
- Explore broader role for Community Justice Houses for at risk-youth, prevention of violence, and community development
- Public-Private partnerships to increase community access to justice and prevent crime
- Gender and social inclusion
- F/GBV (on the rise?)
- Equitable access to justice for the disabled

GAPS

- **Budget:** Diminished funding and restricted geographic/sector focus
- **Civil Society:** Need to increase strategic engagement and external oversight of criminal justice
- **Prior Reform:** need to consolidate development advances (institutional, other)
- **Assistance Instruments:** New strategies and delivery modalities
- **Systems Development:** e.g. need for integrated police reform and prosecutor capacity building



GAPS

- Clear Procedures
- Efficient and professional police institutions
- Judicial Independence
- Public Defense: Institutional Sustainability (Budget, Political, other)
- Career systems
- Donor coordination
- Inter Institutional Coordination and Accountable Service Delivery

BUT NO GAPSin our abundant faith !



Surveying the Landscape and Learning the Lessons of Past Rule of Law Efforts

Remarks by James Michel at the JusTRAC Symposium on Enduring Prosperity and the Rule of Law for the Northern Triangle San Salvador, October 1, 2015

I'm grateful to the sponsors of this symposium for the opportunity to participate in your timely deliberations. The linkage between enduring prosperity and the rule of law is widely acknowledged. But establishing mutually reinforcing synergy between these two goals has proven to be exceedingly difficult. And that difficulty has been evident in the countries of Central America's Northern Triangle.

Our topic this morning is the lessons of past efforts. For me, this is a uniquely auspicious place for reflection. It was here in El Salvador where I began an extended dialogue with Latin American colleagues on the rule of law, a dialogue that continues today.

At that time, in 1983, the regional context was an ongoing transition from military to elected civilian governments, ongoing internal and regional conflicts, and limited readiness by local institutions to meet the needs of democratic societies. The inability of the region's justice systems to respond to shocking acts of violence and bold impunity was a particular manifestation of that context. The rule of law and the administration of justice became prominent themes in US activities to support the region's democratic transition.

Since then, I have had an opportunity about once in every decade to step back and reflect on the lessons of past experience and their implications for the future.

In 1993, at a seminar organized by the Inter-American Development Bank, I acknowledged my growing appreciation of the enormity and complexity of justice reform and the limitations of international cooperation. I suggested three lessons from a decade of experience:

- First, reform of the administration of justice is essentially political. It reflects a society's values and priorities and occurs through dynamic interaction among popular expectations, political leadership, and professional and technical competence.
- Second, external support must be transparent and focused on long-term institutional development. It cannot be intrusive or try to substitute for local initiative.

- Third, international support should work with local institutions and engage multiple participants.

I concluded by acknowledging that what had been accomplished so far was “no more than a prelude,” and expressing the expectation that continued international support and sharing of experience would help national reformers to make the administration of justice an effective instrument for achieving a more prosperous and democratic hemisphere.

In the following decade, shortly after leaving government service, I had a lead role in the USAID review of rule of law achievements in Latin America. In that effort I visited – and wrote the country reports on – the three Northern Triangle countries.

In the study’s regional synthesis report, we identified as lessons learned five qualities of US support that had contributed to successful efforts by local reformers. I think those qualities remain relevant:

- **Bringing people to the table** and facilitating dialogue among actors whose interests sometimes converged and sometimes diverged.
- **Demonstrating continuity and flexibility**, staying the course and adapting to changed conditions and evolving local priorities.
- **Building the role of civil society**, listening to a variety of perspectives, maintaining credibility when governments were not responsive to citizen-led reform initiatives, and contributing to the expansion and strengthening of regional organizations (IIDH, CEJA).
- **Mixing the “cement,”** investing in the cement of human and institutional capabilities more than in the physical infrastructure of justice systems.
- **Supporting the next generation of reformers**, through scholarships, engagement with research and academic centers, and expanding opportunities.

As in 1993, the conclusion of that study was mixed. It expressed concern about the pace of progress, but also reason for hope. Many historical weaknesses remained, but the region’s people and governments were beginning to achieve promising improvements in the administration of justice and were determined to see the rule of law prevail in their societies.

Those judgments in 1993 and 2002 were basically optimistic. In the present decade, a 2011 World Bank report, "Crime and Violence in Central America: A Development Challenge," expressed a similar view. According to the World Bank, reforms such as "criminal procedure codes based on oral procedures..., constitutional minimums for the judiciary's budget..., the establishment of public defense services for the poor, disenfranchised victim protection, more transparent mechanisms for the selection, promotion and discipline of judges constitute a major achievement." But, the report observed, implementation of the reforms had not proceeded in a satisfactory way.

The World Bank recommended enhanced efforts to "bring together the various institutions active in crime prevention, control, punishment and rehabilitation." It suggested efforts to strengthen performance-based management, optimization of court administration and court management, accountability of individuals, and transparency of institutions.

Unfortunately, those of us who are familiar with the history of efforts to improve the administration of justice in Central America over the past 30 years know that current weaknesses in justice systems cannot be attributed to inattention to the areas the Bank recommended. These kinds of implementation measures have been central to national plans and international support throughout the region for a long time.

The reality is that despite the reforms adopted and the implementation efforts made, crime and violence in the Northern Triangle are at unacceptable levels. In their Plan of the Alliance for Prosperity in the Northern Triangle, the three governments acknowledged this. Their assessment is consistent with what the Woodrow Wilson Center calls "general agreement across the U.S. political spectrum that reforming and strengthening law enforcement and rule of law institutions is still urgently needed in Central America. After decades devoted to rule of law reform and judicial strengthening, there has been precious little improvement."

Comparing the reports I wrote in 2001 assessing the justice systems in El Salvador, Guatemala, and Honduras with the reports for those countries in the Woodrow Wilson Center's 2013 study makes clear that more of the same is not the answer.

However, I wouldn't go so far as to say there has been little improvement. I believe the technical quality of justice institutions in Central America has improved significantly over the past 30 years. Technical improvements are not enough. They need to be accompanied by political legitimacy and popular credibility in order to achieve sustainable and transformative change. But they are important, as recent events in Guatemala have demonstrated.

I also have reservations about suggestions that better results would have been achieved if it were not for donor insensitivity to the political dimension of reform and the power of unyielding, self-interested elites. I think the history is far more nuanced, with many good and bad examples to support a variety of opinions. But, in responding to the shortcomings of past efforts and current disappointments, the relevant questions are: What can we learn from experience? And what can be done that will make a difference? I have three suggestions.

First, we should recognize that crime and violence in the Northern Triangle is a development issue. High levels of crime and violence are a particular manifestation of the vulnerability of societies that have not been able to provide for all their people opportunities to benefit from freedom, security, and rising standards of living. This vulnerability is a major impediment to development in the Northern Triangle and it calls for urgent attention. But the rule of law is just one of many aspects of sustainable development and, for that matter, it is just one of many dimensions of combating crime and violence. We need to approach it through a development lens while paying attention to the other aspects of development as well.

The 2030 Agenda for Sustainable Development adopted in last week's UN Summit is made up of 17 integrated and interlinked goals. A key goal, Number 16, calls for "peaceful and inclusive societies for sustainable development, access to justice for all and effective, accountable, and inclusive institutions at all levels." One of the targets under that goal is "strengthen relevant national institutions, including through international cooperation, for building capacity at all levels...to prevent violence and combat terrorism and crime."

The world leaders who approved the new goals and targets made their meaning perfectly clear: preventing crime and violence is a goal of sustainable development. At the same time, they emphasized that the integrated and interlinked nature of the Sustainable Development Goals required that this single issue be addressed within the broader context of each country's sustainable development priorities.

And each country will have its priorities. All three Northern Triangle countries have national development plans: El Salvador has its Plan Quinquenal de Desarrollo; Guatemala has a Plan Nacional de Desarrollo K'atun Nuestra Guatemala; Honduras has a Visión de País y Plan de Nación and also a Plan Estratégico de Gobierno. Each of those plans addresses issues of crime and violence, justice, and citizen security in the context of a broader set of development priorities, including the economic, social, and governance priorities identified in the regional Plan of the Alliance for Prosperity.

Second, collaborative efforts to strengthen the rule of law should apply what we know about the nature of development and the demands of effective development cooperation. There has been much deserved criticism of reliance on externally prescribed menus to address complex development challenges. An impressive body of research in recent years, accompanied by a series of international conferences, has contributed to better understanding of the nature of development. A strong consensus has emerged on how international cooperation can best contribute to development results. Important findings include:

- Development is a complex, nonlinear, iterative process by which societies become – and remain – stable, just, and prosperous. It is achieved through experimentation, observation, and learning.
- There are common qualities seen in countries that are successful in development, such as economic stability; vibrant markets; capable and credible government; investments in human capital and modern infrastructure; and integration in the global economy. But each country needs to find its own path and each country's path is influenced by many factors:
 - o History and culture
 - o The quality of public and private institutions
 - o The impact of political contests and political settlements
 - o Local leadership
 - o Politically astute international support
- Each country has the primary responsibility for its own development. Nationally owned development strategies are fundamental. They can be informed by awareness of what has and has not worked elsewhere, but they need to rely on knowledge of local conditions – on the needs, capabilities, and constraints –and to be open to stakeholder views.
- International cooperation in support of locally led efforts should be in the spirit of partnership based on agreed principles of local ownership, focus on results, inclusive partnerships, and mutual transparency and accountability. Partnerships should reflect shared interests and clear understanding of roles and responsibilities.

Much of this learning is synthesized in the recently published “Doing Development Differently” manifesto that has attracted a wide following. The manifesto was created by experienced development scholars and practitioners who had a shared interest in state capability. I won’t recite its six points. Copies are available.

The basic focus of the DDD Manifesto is on addressing locally defined problems through local systems, learning and adapting in light of experience, and finding solutions that build trust, empower people, and promote sustainability.

Unfortunately, while there is broad agreement on these points, experience in integrating this thinking into international practice has been uneven. One well known study concluded: "Overall, there is a big gap between donor rhetoric and actual behavior, and for the most part development practice remains donor driven and aid-centric." Another study urged aid agencies to "focus less on attribution of impacts ('we achieved this') but on the more modest and realistic goals of contribution to outcomes ('here is how we helped change knowledge, attitudes, relationships, and behaviors')."

I don't pretend to have in-depth knowledge of the current US-supported programs. However, I recommend that they should be reviewed against the agreed principles and expanding consensus about the complexity of development and the role international cooperation.

- Do the US contributions respond to local priorities?
- Do they focus on results, involve inclusive partnerships, and demonstrate mutual accountability?
- Do they work effectively with local systems and benefit from systems thinking?
- Can they be better integrated into national development plans and strategies so as to be mutually reinforcing with other development priorities?
- Are they appropriately coordinated with other international support?
- And are the local actors and local systems making the corresponding contributions so that US support will be effective?

One lesson of experience is that if these programs are locally perceived as being more US-driven than Salvadoran or Guatemalan or Honduran in character they will have less importance for local actors and stakeholders. In that case, they will be less likely to be embraced by Salvadorans, Guatemalans, and Hondurans as major components of their sustainable national development.

This is not to say that the US should simply defer to local plans and strategies as written. To the contrary, US input can be very helpful. What I'm suggesting is that local and international partners should engage local systems and work together to make them effective. A successful partnership with mutual accountability should be expected to contribute to changes in "knowledge, attitudes, relationships, and behaviors."

Third, we should strive for coherence within national development plans, among international programs, and between development cooperation and other policies. If reducing crime and violence, including through rule of law cooperation, is important to the Northern Triangle countries and also to the United States, we should minimize the negative impacts of conflicts with other policies and seek out opportunities for synergies that will help achieve better results.

Integrated country strategies and regional strategies and integrated security and justice sector assessments are valuable tools from the US perspective. But how are these tools used in shaping, coordinating, and implementing US contributions to coherent partnerships?

In addition:

- What mechanisms exist in the Northern Triangle countries to review potential conflicts and synergies in their own policies and practices and to resolve differences?
- How are domestic efforts and all international support harmonized?
- And how can the US find constructive approaches to relevant issues that go beyond the authority of agencies directly involved in rule of law cooperation?

With regard to that last question, the issues of arms trafficking and the treatment of individuals deported from the United States, mentioned in the Wilson Center report, come to mind. So, too, do the range of other policies and practices relating to the movement of goods, services, people, and technology between the United States and Central America.

I don't have recommendations on what the solutions to these difficult problems should be. I'm only suggesting that there should be mechanisms to deal with them in ways that take into account shared interests in a more stable, peaceful, just and prosperous region in which people have opportunities and their rights are respected.

I hope the questions and suggestions I have raised this morning will stimulate discussion over the next two days and will be useful in the search for enduring prosperity and the rule of law in the Northern Triangle.

Analizando el Paisaje y Aprendiendo de los Esfuerzos pasados en lo que respecta al Estado de Derecho

**Palabras dirigidas por James Michel durante el Simposio de JusTRAC sobre
Prosperidad Perdurable y el Estado de Derecho para el Triángulo Norte
San Salvador, 1 de Octubre del 2015**

Me siento agradecido con los patrocinadores de este simposio por la oportunidad que me brindan para participar en sus deliberaciones oportunas. El vínculo que existe entre prosperidad perdurable y estado de derecho es ampliamente reconocido. Pero establecer una sinergia de refuerzo mutuo entre estas dos metas ha comprobado ser extremadamente difícil, y esta dificultad ha sido evidente en los países del Triángulo Norte de Centroamérica.

Nuestro tema de esta mañana consiste en las lecciones de esfuerzos pasados. Para mí, este es un lugar propicio para reflexionar. Fue aquí en El Salvador adonde comencé un diálogo extenso con colegas Latinoamericanos sobre el estado de derecho, un diálogo que continúa hasta el día de hoy.

En ese entonces, en 1983, el contexto regional era de una continua transición de gobiernos militares a civiles elegidos, conflictos continuos internos y regionales, y disposición limitada de las instituciones locales para cubrir las necesidades de las sociedades democráticas. La inhabilidad de respuesta de los sistemas de justicia de la región a los estremecedores actos de violencia y la descarada impunidad era una manifestación particular de ese contexto. El estado de derecho y la administración de justicia se volvieron temas prominentes en las actividades de los EEUU para apoyar a la transición democrática de la región.

Desde entonces, he tenido la oportunidad de retroceder y reflexionar una vez cada década sobre las lecciones de experiencias pasadas y sus implicaciones para el futuro.

En 1993, durante un seminario organizado por el Banco Interamericano de Desarrollo pude reconocer mi creciente apreciación por la enormidad y complejidad de la reforma de justicia y las limitaciones de la cooperación internacional. Sugerí tres lecciones de una década de experiencia:

- Primero, la reforma de la administración de justicia es esencialmente política. Refleja los valores y prioridades de una sociedad y ocurre a través de una interacción dinámica entre expectativas populares, liderazgo político y competencias profesionales y técnicas.

- Segundo, el apoyo externo debe ser transparente y enfocado en el desarrollo institucional a largo plazo. No puede ser intrusivo ni tratar de sustituirlo por iniciativas locales.
- Tercero, el apoyo internacional debe trabajar junto con las instituciones locales para involucrar a múltiples participantes.

Concluí reconociendo que lo que se había logrado hasta la fecha no era “más que un preludio,” y expresando la expectativa de que un apoyo internacional continuo y el intercambio de experiencias ayudarían a los reformadores nacionales a hacer de la administración de justicia un instrumento efectivo para alcanzar un hemisferio más próspero y democrático.

En la siguiente década, poco después de finalizar mi servicio gubernamental, desempeñé una función destacada en el USAID en la revisión de los logros del estado de derecho en Latinoamérica. Durante ese esfuerzo visité – y redacté los reportes de país – de los tres países del Triángulo del Norte.

En el informe de síntesis del estudio regional, identificamos como lecciones aprendidas cinco cualidades del apoyo de EEUU que han contribuido a los esfuerzos exitosos de reformadores locales. Creo que esas cualidades aún permanecen relevantes:

- **Traer a la gente a la mesa** y facilitar el dialogo entre actores cuyos intereses por veces convergían y otras veces divergían.
- **Demostrando continuidad y flexibilidad**, manteniendo el curso y adaptándose ante condiciones cambiantes y evolucionando las prioridades locales.
- **Construyendo el papel de la sociedad civil**, escuchando a una variedad de perspectivas, manteniendo la credibilidad cuando los gobiernos no respondían a iniciativas lideradas por ciudadanos, y contribuyendo a la expansión y fortalecimiento de las organizaciones regionales (IIDH, CEJA).
- **Mezclando el “cemento,”** invirtiendo en el cemento humano y las capacidades institucionales más que en la infraestructura física de los sistemas de justicia.
- **Apoyando a la siguiente generación de reformadores**, por medio de becas, involucramiento con centros académicos y de investigación, y expandiendo oportunidades.

Como en 1993, la conclusión del estudio era mixto. Expresaba preocupación por el ritmo de avance, pero también razones de esperanza. Permanecían muchas debilidades históricas, pero la gente de la región y sus gobiernos comenzaban a alcanzar mejoras prometedoras en la administración de justicia y estaban determinados a lograr que el estado de derecho prevaleciera en sus sociedades.

Esas valoraciones en 1993 y en el 2002 fueron básicamente optimistas. En la década actual, un reporte del 2011 del Banco Mundial, "Crimen y Violencia en Centroamérica: Un Desafío para el Desarrollo," expresó un punto de vista similar. De acuerdo al Banco Mundial, las reformas como "códigos de procedimientos penales con juicios orales ..., mínimos constitucionales para el presupuesto del sistema judicial ..., el establecimiento de servicios de defensa pública para los pobres, protección a las víctimas privadas del derecho, mecanismos más transparentes para seleccionar, promover y disciplinar a los jueces constituye un enorme logro." Pero, el reporte observó que la implementación de las reformas no había procedido de una manera satisfactoria.

El Banco Mundial recomendó aumentar los esfuerzos en "reunir a las diversas instituciones activas en la prevención, castigo y rehabilitación del crimen." Sugirió además llevar a cabo esfuerzos en fortalecer el manejo basado en desempeño, optimización de la administración de cortes, rendición de cuentas de individuos e instituciones de transparencia.

Desafortunadamente, aquellos quienes estamos familiarizados con los últimos 30 años de historia de esfuerzos para mejorar la administración de la justicia en Centroamérica, sabemos que las debilidades actuales no pueden atribuirse a la desatención hacia las áreas que el Banco recomendó. Este tipo de medidas de implementación han sido clave para los planes de apoyo nacionales e internacionales a lo largo de la región por mucho tiempo.

La realidad es que a pesar de las reformas adoptadas y los esfuerzos de implementación realizados, el crimen y la violencia en el Triángulo Norte se encuentran en niveles inaceptables. Los tres gobiernos del Triángulo Norte confirmaron esto en su Plan de la Alianza para la Prosperidad en el Triángulo del Norte. Esta evaluación es consistente con el llamado que hace el Centro Woodrow Wilson "debe haber un acuerdo general a lo largo del espectro político de EEUU que aún se necesitan urgentemente instituciones de reforma de estado de derecho y de cumplimiento de la ley en Centroamérica. Ha habido muy poca mejoría luego de décadas dedicadas a la reforma de estado de derecho y fortalecimiento judicial."

Al comparar los reportes que escribí en el 2001 evaluando los sistemas de justicia en El Salvador, Guatemala, y Honduras con los reportes para esos países en el estudio del Centro Woodrow Wilson del 2013 se me hace más claro que más de lo mismo no es la solución.

Sin embargo, no llegaría a tanto, afirmando que ha habido muy poca mejoría. Creo que la calidad técnica de las instituciones de justicia en Centroamérica ha mejorado significativamente durante los últimos 30 años. Pero las mejorías técnicas no son suficientes. Deben ir acompañadas por legitimidad política y credibilidad popular para lograr un cambio sostenible y transformativo. Pero si son importantes, como se ha demostrado en los eventos recientes en Guatemala.

También tengo reservas sobre sugerencias que se hubieran alcanzado mejores resultados si no fuera por la insensibilidad de los donantes a la dimensión política de reforma y el poder de las elites inflexibles persiguiendo intereses propios. Creo que la historia es mucho más matizada, con muchos Buenos y malos ejemplos para apoyar una variedad de opiniones. Pero en respuesta a las deficiencias de esfuerzos pasados y decepciones actuales, las preguntas relevantes son: ¿Que podemos aprender de las experiencias? ¿Y que se puede hacer que haga una diferencia? Yo tengo tres sugerencias.

Primero, debemos reconocer que el problema de crimen y violencia en el Triángulo del Norte es un problema de desarrollo. Los altos niveles de crimen y violencia son una manifestación particular de la vulnerabilidad de las sociedades que no han logrado proveer a todos sus habitantes oportunidades para beneficiarse de libertad, seguridad, y los crecientes estándares de vida. Esta vulnerabilidad es un impedimento grave para el desarrollo en el Triángulo del Norte y requiere de atención urgente. Pero el estado de derecho es solamente uno de muchos aspectos de desarrollo sostenible, y por ende, es solamente una de las muchas dimensiones de combatir el crimen y la violencia. Debemos abordarlo a través de un lente de desarrollo mientras se pone atención a otros aspectos de desarrollo a la vez.

La Agenda del 2030 para el Desarrollo Sostenible adoptada en la Cumbre de la ONU de la semana pasada está compuesta por 17 metas integradas e interrelacionadas. Una de las metas clave, la Numero 16, hace un llamado a “sociedades pacíficas e integradoras para el desarrollo sostenible, acceso a justicia para todos, instituciones efectivas, con rendición de cuentas e integradoras en todos los niveles.” Uno de los objetivos bajo esa meta es “fortalecer a las instituciones nacionales relevantes, incluso por medio de cooperación internacional, para desarrollar capacidad en todos los niveles...para prevenir violencia y combatir el terrorismo y crimen.”

Los líderes mundiales que aprobaron estas nuevas metas y objetivos hicieron su significado muy claro: prevenir el crimen y la violencia es una meta de desarrollo sostenible. Al mismo tiempo enfatizaron que la naturaleza integrada e interrelacionada de las Metas Sostenibles de Desarrollo requería que esta cuestión específica fuera abordada dentro del contexto más amplio de las prioridades de desarrollo sostenible de cada país.

Y cada país tendrá sus prioridades. Los tres países del Triángulo del Norte tienen sus planes de desarrollo nacional: El Salvador posee un Plan Quinquenal de Desarrollo; Guatemala tiene un Plan Nacional de Desarrollo K'atun Nuestra Guatemala; Honduras tiene Visión de País y Plan de Nación como también el Plan Estratégico de Gobierno. Cada uno de esos planes aborda temas de crimen y violencia, justicia, y seguridad ciudadana en el contexto de un conjunto más amplio de prioridades de desarrollo, incluyendo prioridades económicas, sociales y de gobernanza identificadas en el Plan regional de la Alianza para la Prosperidad.

Segundo, los esfuerzos colaborativos para fortalecer el estado de derecho deberían aplicar lo que sabemos acerca de la naturaleza del desarrollo y la demanda por cooperación efectiva de desarrollo. Ha habido crítica muy bien merecida a la dependencia de menús prescritos externamente para abordar los complejos retos de desarrollo. Una cantidad impresionante de investigación durante los últimos años, acompañada por una serie de conferencias internacionales, han contribuido a comprender mejor la naturaleza del desarrollo. Ha surgido un fuerte consenso sobre como la cooperación internacional puede contribuir de mejor manera a los resultados del desarrollo. Los siguientes son algunos hallazgos importantes:

- El desarrollo es un proceso complejo, no lineal, iterativo, por medio del cual las sociedades se vuelven – y se mantienen – estables, justas, y prosperas. Se alcanza por medio de la experimentación, observación, y aprendizaje.
- Hay cualidades comunes que se ven en países que tienen éxito en el desarrollo, tales como estabilidad económica, mercados vibrantes; gobierno capaz y creíble; inversiones en capital humano e infraestructura moderna e integración en la economía global. Pero cada país necesita encontrar su propio camino, y cada camino de cada país es influenciado por muchos factores:
 - o Historia y cultura
 - o La calidad de las instituciones públicas y privadas
 - o El impacto de contiendas políticas y acuerdos políticos
 - o Liderazgo local
 - o Apoyo internacional políticamente astuto

- Cada país tiene la responsabilidad principal por su propio desarrollo. Las estrategias de desarrollo impulsadas nacionalmente son fundamentales. Pueden informarse al conocer lo que ha y no ha funcionado en otras partes, pero deben basarse en condiciones locales de conocimiento – en las necesidades, capacidades, y restricciones – y a estar abiertos a los puntos de vista de las partes interesadas.
- La cooperación internacional en apoyo a los esfuerzos locales debe llevarse a cabo en el espíritu de socio con base en principios acordados de responsabilizar local, enfoque en resultados, socios inclusivos, y transparencia y rendición de cuentas mutuas. Los socios deben reflejar intereses compartidos y un entendimiento claro sobre el papel y las responsabilidades.

Mucho de este aprendizaje se resume en el manifiesto recientemente publicado “Lograr el Desarrollo por Diferentes Medios” el cual ha llamado bastante la atención. El manifiesto fue creado por expertos y practicantes experimentados quienes compartían intereses comunes en las capacidades estatales. No voy a recitar sus seis puntos, existen copias disponibles.

El enfoque básico del manifiesto es de abordar problemas localmente definidos por medio de sistemas locales, aprendiendo y adaptando con base en la experiencia, y encontrando soluciones que generan confianza, empoderan a las personas, y promueven sostenibilidad.

Desafortunadamente, aunque existe un amplio acuerdo en estos puntos, la experiencia en integrar este pensamiento a la práctica internacional ha sido dispareja. Un estudio reconocido concluyó: “En general, existe una gran brecha entre la retórica del donante y el comportamiento actual, y en su mayor parte la práctica del desarrollo continua impulsada por los donantes y centrada en asistencia.” Otro estudio urgía a las agencias de asistencia a “enfocarse menos en la atribución de impactos (‘ya logramos esto’) y más en las metas modestas y realistas de contribución a resultados (‘así es como ayudamos a cambiar conocimientos, actitudes, relaciones, y comportamientos).”

No pretende tener un profundo conocimiento de los programas actuales auspiciados por EEUU. Sin embargo, recomiendo que sean revisados contra los principios acordados y consenso creciente sobre la complejidad del desarrollo y el papel de la cooperación internacional.

- ¿Las contribuciones de EEUU responden a las prioridades locales?
- ¿Se enfocan en resultados, conllevan socios inclusivos, y demuestran mutua rendición de cuentas?

- ¿Trabajan efectivamente con sistemas locales y se benefician del pensamiento de los sistemas?
- ¿Pueden estar mejor integrados en los planes y estrategias nacionales de desarrollo para reforzarse mutuamente con otras prioridades de desarrollo?
- ¿Están coordinados apropiadamente con alguna otra entidad de apoyo internacional?
- ¿Y están los actores locales y sistemas locales efectuando las contribuciones correspondientes para que el apoyo de EEUU sea efectivo?

Una lección de experiencia es que si estos programas son percibidos localmente como instrumentos de EEUU en vez de tener identidad local entonces tendrán menos importancia para los actores locales y personas interesadas. En ese caso, estarán menos propensos a ser aceptados por salvadoreños, guatemaltecos u hondureños como componentes principales del desarrollo nacional sostenible.

Esto no quiere decir que los EEUU deben simplemente diferirse a planes y estrategias locales como está escrito. Por el contrario, la información de EEUU puede ser muy útil. Lo que yo sugiero es que los socios locales e internacionales deben involucrar a los sistemas locales para hacerlos más efectivos. Un asocio exitoso con rendición mutua de cuentas debería de contribuir a cambios en “conocimientos, actitudes, relaciones, y comportamientos.”

Tercero, deberíamos de luchar por coherencia dentro de los planes nacionales de desarrollo, entre programas internacionales, y entre cooperación de desarrollo y otras políticas. Si reducir el crimen y la violencia, apoyando la cooperación del estado de derecho, es importante para los países del Triángulo del Norte y también para los Estados Unidos, deberíamos de minimizar los impactos negativos de conflictos con otras políticas y buscar oportunidades de sinergias que nos ayuden a alcanzar mejores resultados.

Estrategias integradas de país y estrategias regionales así como evaluaciones integradas del sector de seguridad y justicia son herramientas valiosas desde la perspectiva de los EEUU. ¿Pero como se están utilizando estas herramientas para dar forma, coordinar e implementar las contribuciones de EEUU a los socios coherentes?

Adicionalmente:

- ¿Qué mecanismos existen en los países del Triángulo del Norte para revisar posibles conflictos y sinergias en sus propias políticas y prácticas para resolver sus diferencias?
- ¿Cómo se armonizan los esfuerzos domésticos y todo el apoyo internacional?

- ¿Y como puede los EEUU encontrar enfoques constructivos a los problemas relevantes que van más allá de la autoridad de las agencias directamente involucradas en la cooperación de estado de derecho?

Con respecto a esta última pregunta, se me vienen a la mente los problemas de tráfico de armas y el trato a las personas deportadas de Estados Unidos, mencionados en el reporte del Centro Wilson. También así, el rango de otras políticas y prácticas relacionadas con el movimiento de bienes, servicios, personas y tecnología entre los Estados Unidos y Centroamérica.

No tengo recomendaciones sobre cuales deberían ser las soluciones a estos difíciles problemas. Solamente estoy sugiriendo que debería haber mecanismos para tratar con ellos en maneras que tomen en cuenta los intereses compartidos en una región más estable, pacífica y prospera en donde la gente tenga oportunidades y sus derechos sean respetados.

Espero que las preguntas y sugerencias que he expuesto esta mañana sirvan para estimular discusiones durante los siguientes dos días y sean de uso para la búsqueda de prosperidad perdurable y estado de derecho en el Triángulo del Norte.

The Doing Development Differently Manifesto

Too many development initiatives have limited impact. Schools are built but children do not learn. Clinics are built but sickness persists. Governments adopt reforms but too little changes for their citizens.

This is because genuine development progress is complex: solutions are not simple or obvious, those who would benefit most lack power, those who can make a difference are disengaged and political barriers are too often overlooked. Many development initiatives fail to address this complexity, promoting irrelevant interventions that will have little impact.

Some development initiatives, however, have real results. Some are driven domestically while others receive external support. They usually involve many players – governments, civil society, international agencies and the private sector – working together to deliver real progress in complex situations and despite strong resistance. In practice, successful initiatives reflect common principles.

- They focus on solving local problems that are debated, defined and refined by local people in an ongoing process.
- They are legitimized at all levels (political, managerial and social), building ownership and momentum throughout the process to be ‘locally owned’ in reality (not just on paper).
- They work through local conveners who mobilize all those with a stake in progress (in both formal and informal coalitions and teams) to tackle common problems and introduce relevant change.
- They blend design and implementation through rapid cycles of planning, action, reflection and revision (drawing on local knowledge, feedback and energy) to foster learning from both success and failure.
- They manage risks by making ‘small bets’: pursuing activities with promise and dropping others.
- They foster real results – real solutions to real problems that have real impact: they build trust, empower people and promote sustainability.

As an emerging community of development practitioners and observers, we believe that development initiatives can – and must – have greater impact.

We pledge to apply these principles in our own efforts to pursue, promote and facilitate development progress, to document new approaches, to spell out their practical implications and to foster their refinement and wider adoption.

We want to expand our community to include those already working in this way.

We call on international development organizations of all kinds to embrace these principles as the best way to address complex challenges and foster impact. We recognize the difficulties, but believe that more effective strategies and approaches can generate higher and lasting impact.

El Manifiesto de Lograr el Desarrollo por Diferentes Medios

Demasiadas iniciativas de desarrollo tienen impacto limitado. Se construyen escuelas pero los niños no aprenden. Se construyen clínicas pero las enfermedades persisten. Gobiernos adoptan reformas pero ocurren muy pocos cambios para sus ciudadanos.

Esto es porque el progreso genuino del desarrollo es complejo: las soluciones no son simples ni obvias, aquellos quienes se beneficiarían mas carecen del poder, aquellos quienes pueden hacer un cambio están desligados y las barreras políticas son ignoradas demasiado seguido. Muchas iniciativas de desarrollo fallan en abordar esta complejidad, promoviendo intervenciones irrelevantes que tendrán poco impacto.

Sin embargo, algunas iniciativas de desarrollo tienen resultados reales. Algunas son promovidas domésticamente mientras que otras reciben apoyo externo. Usualmente involucran a muchos actores – gobiernos, sociedad civil, agencias internacionales y al sector privado – trabajando conjuntamente para entregar progreso real en situaciones complejas y a pesar de una fuerte resistencia. En la práctica, las iniciativas exitosas muestran principios comunes.

- Se enfocan en solventar problemas locales que son debatidos, definidos y refinados por personas locales en un proceso continuo.
- Están legitimados en todos los niveles (político, administrativo y social), fomentando la apropiación y tomando impulso a lo largo del proceso para ser ‘dueños locales’ en la realidad (no solo en papel).
- Trabajan a través de convocantes locales que movilizan a todas aquellas personas interesadas en el progreso (tanto en coaliciones y equipos formales e informales) para buscar soluciones a problemas comunes e introducir cambios relevantes.
- Mezclan diseño e implementación por medio de ciclos rápidos de planificación, acción, reflexión y revisión (apoyándose en el conocimiento, retroalimentación y energía local) para promover aprendizajes tanto de los éxitos como de los fracasos.
- Manejan riesgos haciendo ‘pequeñas apuestas’: persiguiendo actividades prometedoras y soltando otras.
- Adoptan resultados reales – soluciones reales a problemas reales que tienen impactos reales: generan confianza, empoderan a la gente y promueven sostenibilidad.

Como una comunidad emergente de practicantes y observadores del desarrollo, creemos que las iniciativas de desarrollo pueden y deben tener mayor impacto.

Nos comprometemos a aplicar estos principios en nuestros propios esfuerzos para perseguir, promover y facilitar el progreso del desarrollo, a documentar nuevos enfoques, a detallar sus implicaciones prácticas y adoptar su refinamiento y adopción amplia.

Queremos expandir nuestra comunidad para incluir a quienes ya trabajan de esta manera.

<http://doingdevelopmentdifferently.com/the-ddd-manifesto/>

Hacemos un llamado a todas las organizaciones internacionales de desarrollo de todos los tipos a que adopten estos principios como la mejor manera de abordar retos complejos y promover impactos. Reconocemos las dificultades, pero creemos que estrategias y enfoques más efectivos pueden generar impactos más grandes y de mayor duración.



Programa de las Naciones Unidas para el Desarrollo

Confianza en las instituciones de justicia

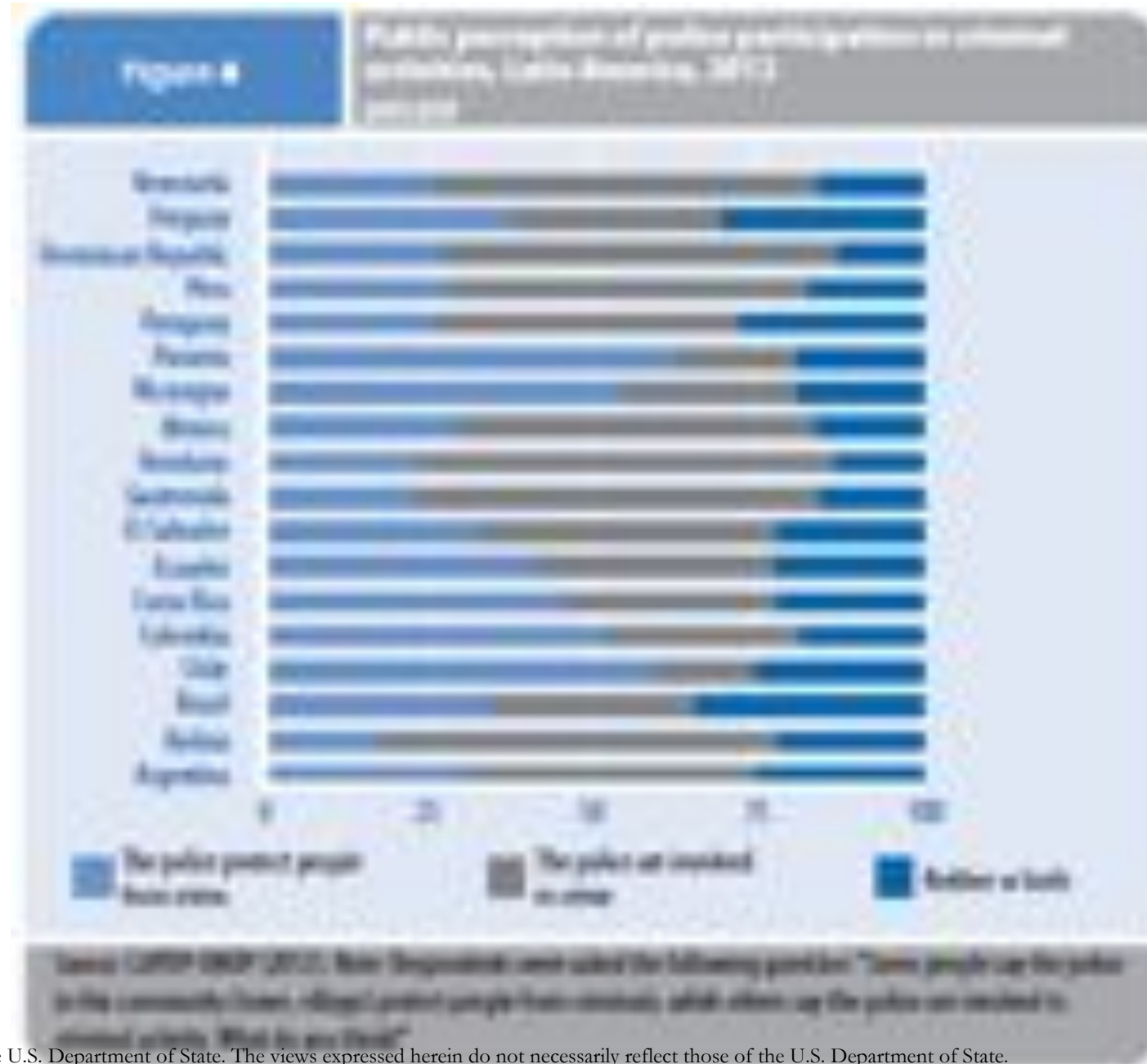


Alejandro E. Alvarez

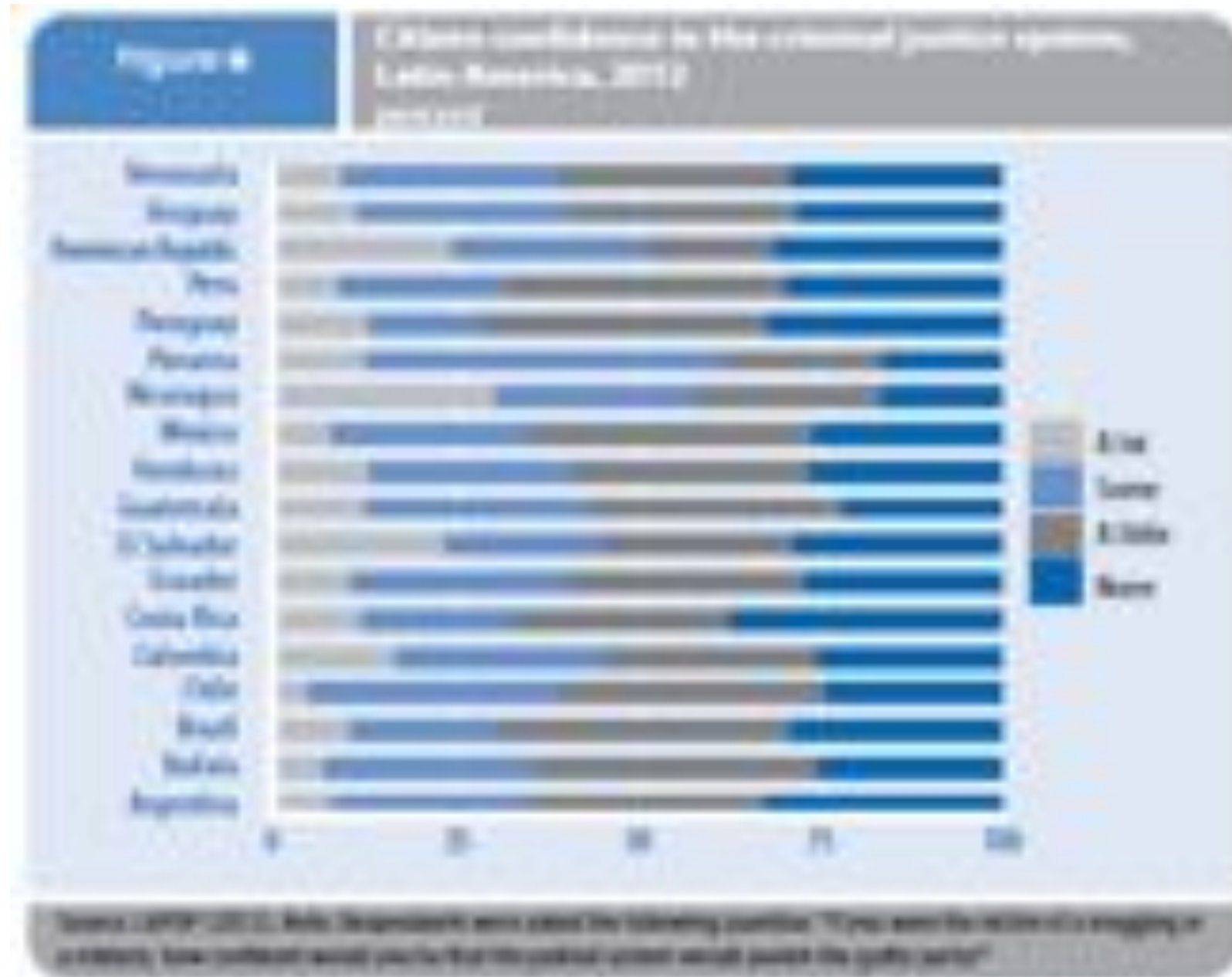
Team Leader

Rule of Law, Justice, Security and Human Rights
United Nations Development Programme

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.



Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.



Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.



Chart 9 **Acceptance of citizenship, Latin America, 2013**

Percent

Country	Disapprove	Approve	Country	Disapprove	Approve
Argentina	82.1	17.9	Brazil	77.3	22.7
Bolivia	88.1	11.9	Chile	73.8	26.2
Brazil	77.3	22.7	Colombia	68.8	31.2
Chile	73.8	26.2	Costa Rica	88.7	11.3
Colombia	68.8	31.2	Ecuador	76.9	23.1
Costa Rica	88.7	11.3	El Salvador	71.3	28.7
Ecuador	76.9	23.1	Guatemala	85.7	14.3
El Salvador	71.3	28.7	Honduras	81.8	18.2
Guatemala	85.7	14.3	Nicaragua	86.3	13.7
Honduras	81.8	18.2	Total	76.7	23.3
Nicaragua	86.3	13.7			

Source: Latinobarómetro (2013)

Note: Respondents were asked the following question: "In what extent do you agree or disagree with people coming to live in this country who are not citizens?"

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Uncovering the Causes of Violence and Criminality with Solutions from Beyond the Justice Sector

Notes from Colombia

31% of Colombia's Victims are under
the age of 18

2,362,235 children

Risk considerations for Recruitment and Use as Identified by CIPRUNA*

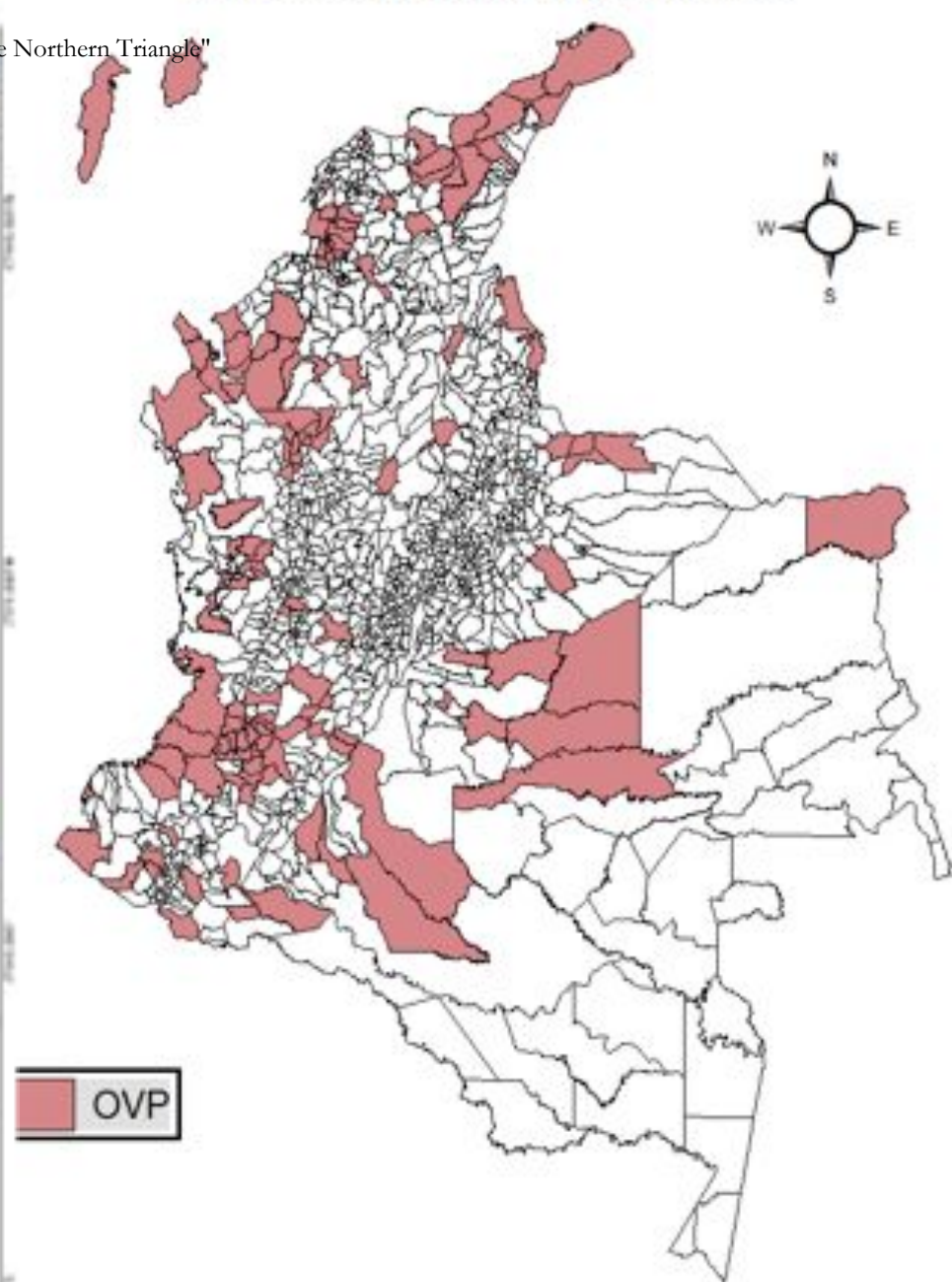
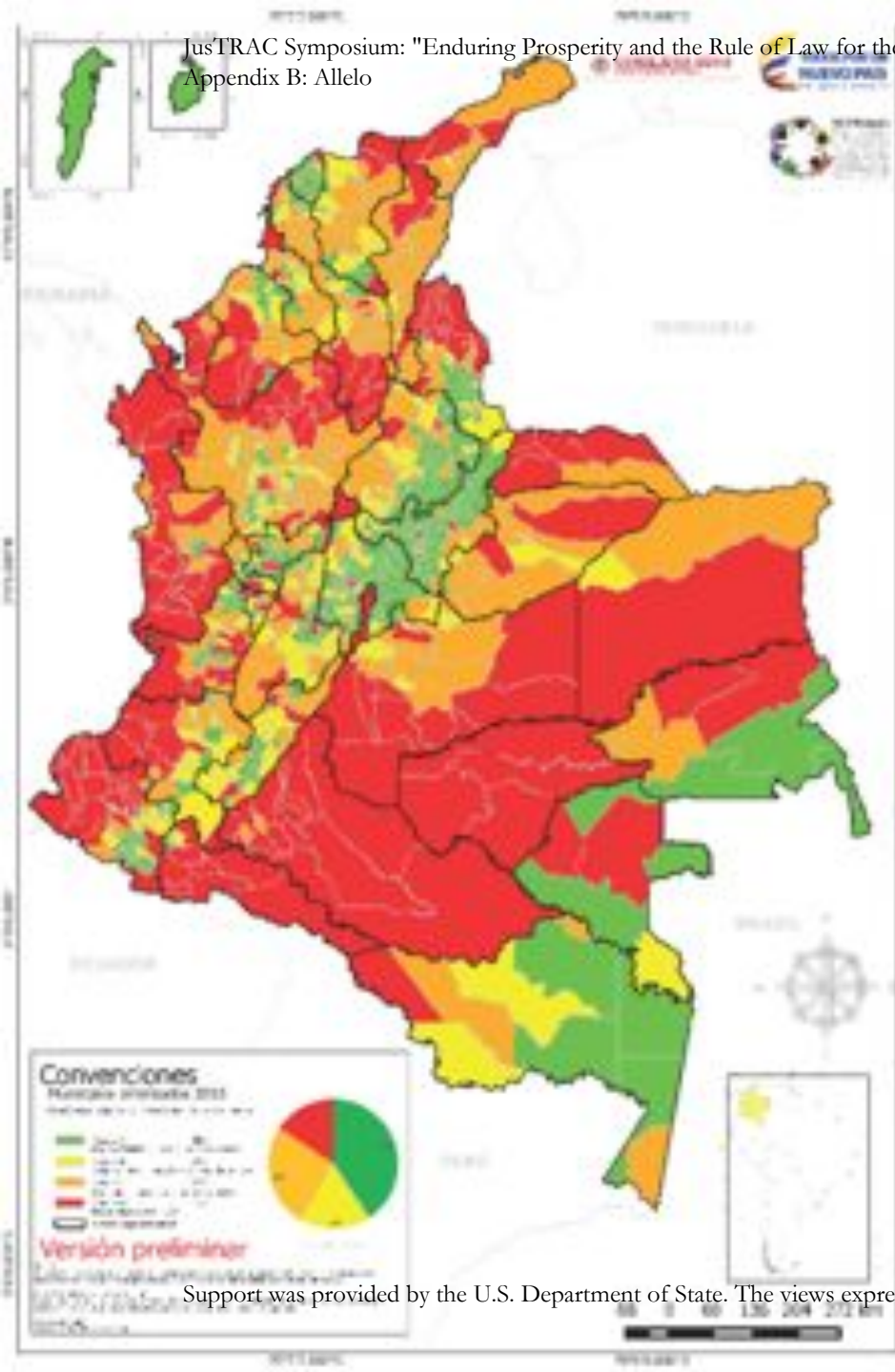
ISSUE	RISK FACTOR
Presence of armed groups in CH&A environments	1. Presence or transit of illegal armed groups and organized criminal groups
	2. Presence of illegal economies and activities and transit areas of illegal activities
	3. High homicide rates
	4. Presence of landmines
Different forms of violence and exploitation used against CH&A in their family and community environments	5. High domestic violence rates
	6. Worst forms of child labor

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

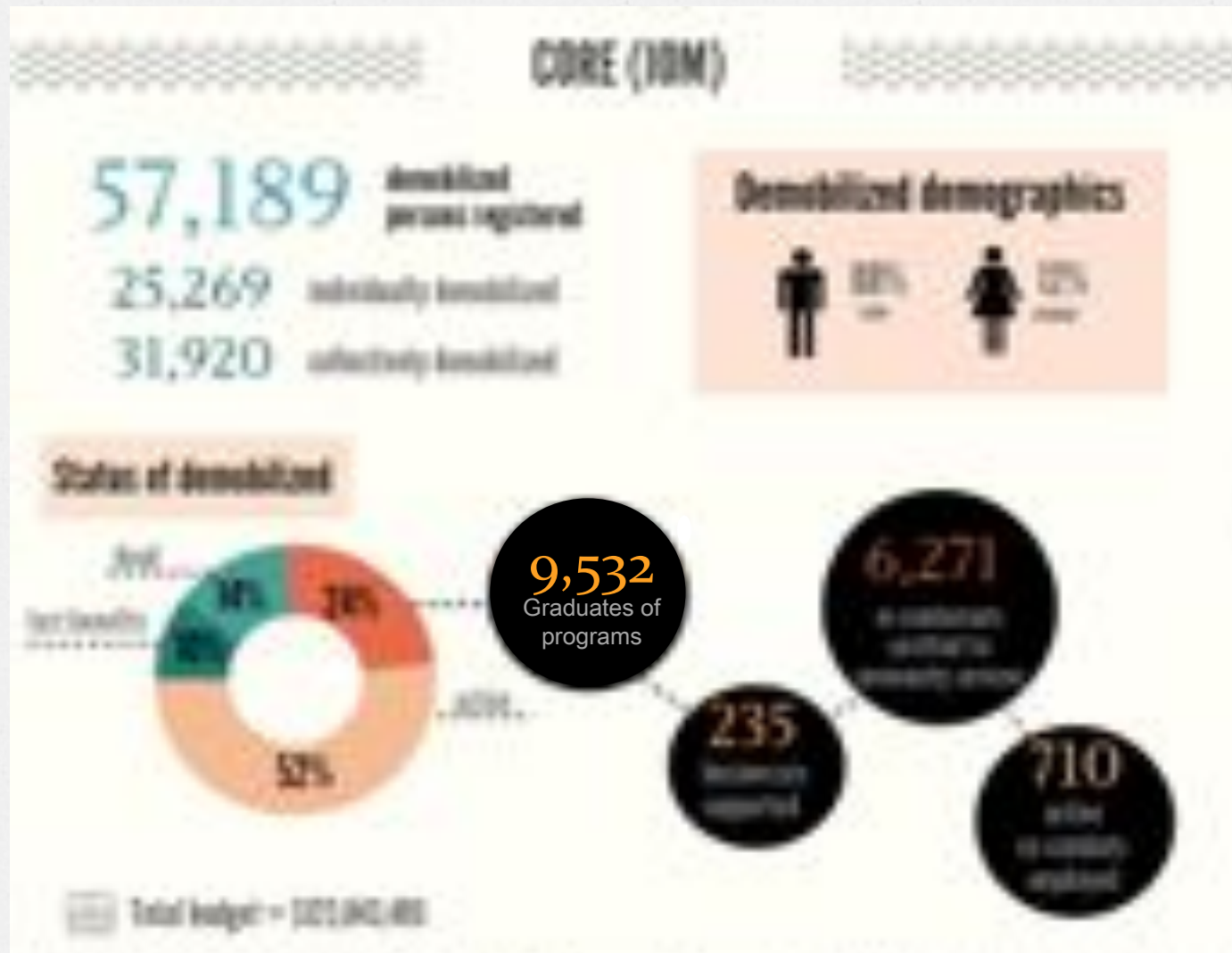
Risk considerations continued

ISSUE	RISK FACTOR
Less than satisfactory institutional offering at the national and departmental levels for the full exercise and guarantee of CH&A rights	7. Economically depressed regions with social exclusion
	8. Low response capacity to the risk of CH&A displacement
	9. Low response capacity to the risk of CH&A recruitment and use
	10. Threat of CH&A recruitment and use
Family, community, and social networks do not acknowledge them as possessing of rights	11. High CH&A sexual and domestic violence rates
	12. Differential ethnic and gender approach

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.



Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.



Child Soldiers Program (IOM)

December 2008 – December 2015

USD\$ 22,872,000

USAID Colombia Programs' Results
(through September 2014)

5694

- Child soldiers identified and enrolled in the ICBF* Assistance Program

41,570

- Youth at risk that benefitted from prevention strategies

43

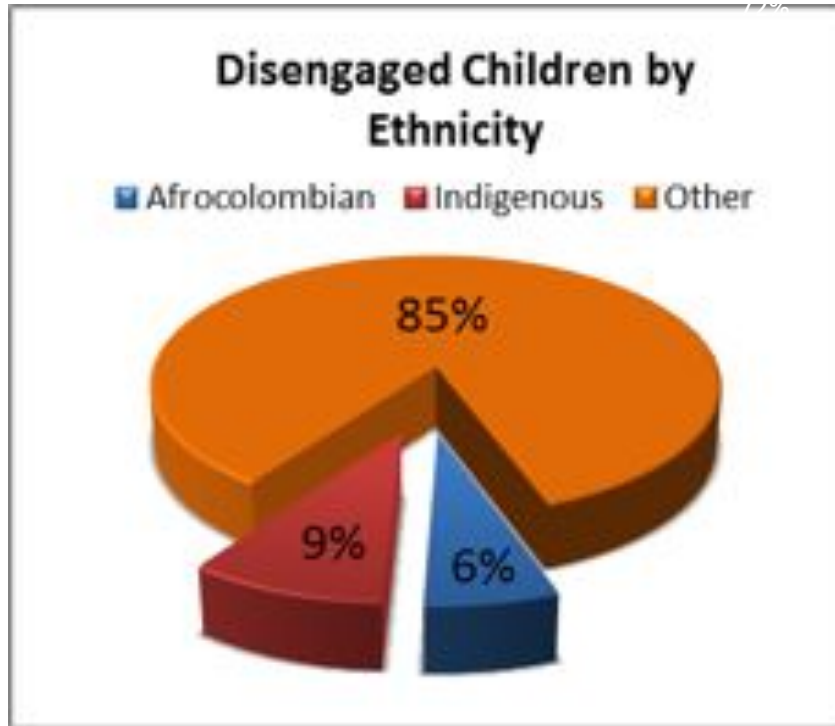
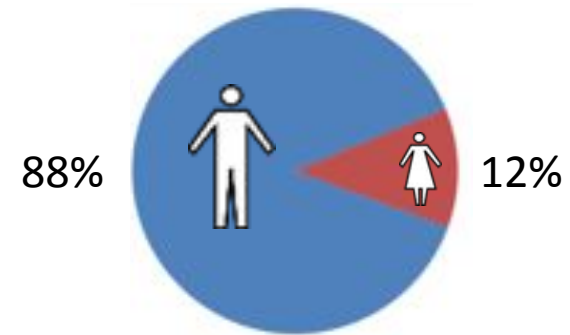
- Municipalities implementing prevention plans

5,694 disengaged children

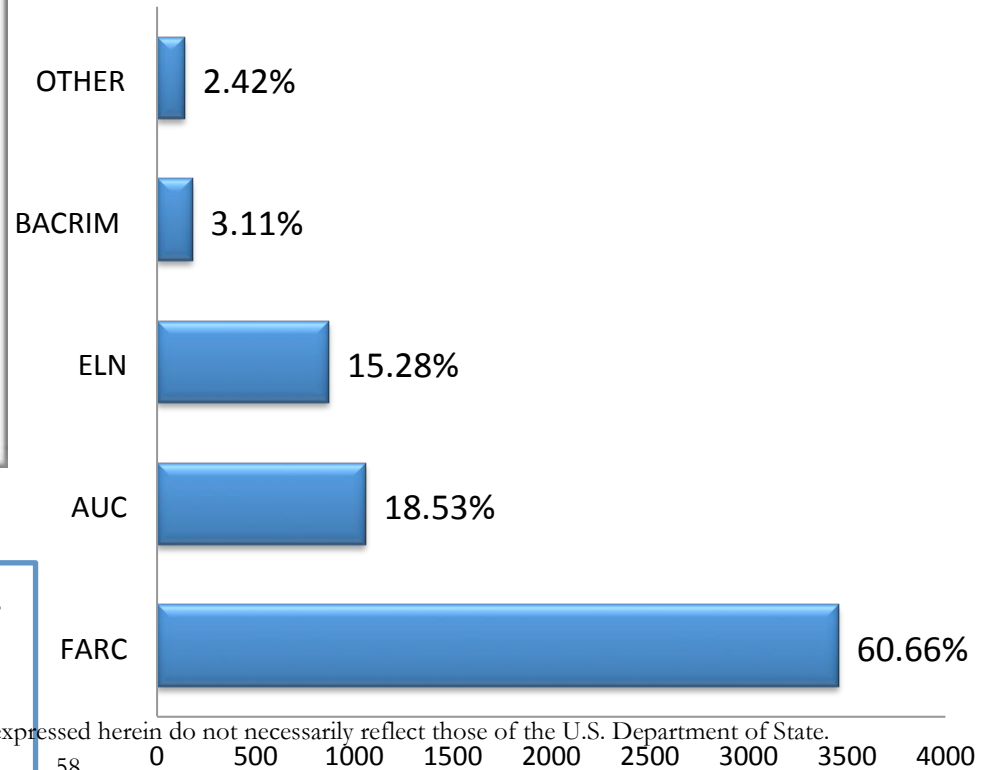
4,713 Voluntary disengagement (83%)

981 Recovered by Army or Police forces (17%)

(ICBF Observatory 1999-DIC. 2014)



Disengaged Children by IAG



FARC: Fuerzas Armadas Revolucionarias de Colombia.

AUC: Autodefensas Unidad de Colombia

ELN: Ejercito de Liberacion Nacional

BACRIM: Bandas Criminales

U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.



Special considerations for ethnic communities:

Approximately one quarter of Colombia's population is Afro-Colombian or indigenous

Ethnic communities have been particularly vulnerable to conflict, resulting in displacement to urban centers and limited economic opportunities



We have found great success in partnering with community-based organizations and both private and public sector entities to provide formal jobs for vulnerable Afro-Colombian and indigenous youth.

To date, more than 7,000 youth have gained formal employment in over 1,000 companies; 3,000 more expected to be employed by August 2016.



Suggestions

Don't wait for the perfect plan or time.

To the extent possible, include post-conflict Issues during the conflict.

Peace must be a social issue not simply a political goal.

National peace is built on local peace.

Prepare to assist the "informally demobilizing" youth and campaign throughout the country to identify them or risk losing them again.

... a few more

Ensure the availability of tailored programming for the varied populations including: gender, LGBTI, persons with disabilities, and indigenous and Afro-Colombian communities.

Improve transitional programs out of the ICBF at the age of 18 into adult programs to ensure that all youth receive needed assistance.

Evaluate and ensure that attention centers provide all youth with appropriate and quality services.

... and a final thought

Employ a holistic approach to generate a protective environment for children that addresses reintegration AND prevention of recruitment. Coordinate:

- Services
- education and socialization
- awareness raising of youth rights
- prevention of sexual and other abuse
- participation of youth and adolescents in community reconciliation efforts



For more information:
jallelo@usaid.gov



Uncovering the Causes of Violence and Criminality with Solutions
from Beyond the Justice Sector

JUSTRAC SYMPOSIUM

OCT 1-2, 2015

Model Police Precincts



Police Athletic League (PAL)



U.S. DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Gang Resistance Education and Training (GREAT)



Thoughts on Implementing Criminal Justice Reform

By Frank Montalvo, U.S. District Judge

Introduction

Much has been written about the requisites and characteristics of an effective criminal justice system. Key attributes in the literature often include accessibility, efficiency, transparency, independence, and professionalism (which include compensation and training).¹ However, this paper will not attempt to analyze the scholarly work on this subject. Rather, this paper offers thoughts and ideas arising from discussions and conversations with a wide range of criminal justice functionaries in various countries. Criminal Justice functionaries include officers, prosecutors, judges, lawyers and court personnel of all levels. Frontline personnel are a subset of this, more specifically police officers, criminal investigators, trial prosecutors, trial court judges and their support personnel.

Effectiveness of the criminal justice system

Judicial governance is ordinarily highly centralized, and consequently, the farther a courthouse is from the capital of the country, the more likely it is to be neglected. As such, judicial governance systems do not ordinarily receive or take into consideration input from its frontline personnel in the course of discharging its responsibilities. The lack of input or feedback from the front line makes for administrative regulations and policies that do not always take into consideration local and regional limitations or unique characteristics. This situation often results in the available limited resources being of less benefit to the affected communities.

Reforming the criminal justice system

The reform process to an existing system must include a feedback process. The feedback process is necessary to identify unanticipated complications and consequences of the reform. In so doing, the creation of a new set of problems is avoided. This feedback process should focus on frontline personnel, not only to facilitate the implementation of the reform, but also to promote the buy-in of the frontline personnel tasked with the day-to-day work of implementing the new system. The difficulties and failings of the existing system are best known to the frontline personnel of the judiciary, prosecutorial and policing sectors. This "bottom-up"

¹ Booz Allen Hamilton. (2010). Making the Case for Effective Judicial Reform.
<http://www.boozallen.com/media/files/making-the-case-effective-judicial-reform.pdf> (last visited Sept. 30, 2015)

approach relies on the detailed nature of their understanding to ensure that past mistakes are not repeated. Therefore, their participation in the formulation and implementation of improvements to the system cannot be underestimated.

Once the reform is implemented, a continuous feedback process should be made a permanent part of the new system. This way, it will provide a built-in method for continuous improvement. This continuous improvement feedback process can be best implemented via task-specific working groups that meet on a regular basis to discuss problems and issues in the area(s) each are tasked with monitoring. The conclusions of these working groups can either be used as the basis for adjustments needed on a local basis or as the basis for regional or national policy adjustments. It is also the most efficient way to develop and disseminate better practices countrywide. This is significant inasmuch as actual field data will help present the solutions to the problems as they arise.

The continuous improvement feedback process provides the means of ensuring that the reform transforms the administration of justice. Reforms fail to be transformative when unanticipated consequences and complications in the reform process are not quickly addressed. The transition into the new practices and changes sought by the reform requires special attention, particularly in the management of the cases pending or in process at the time the reform is enacted. The input and involvement of the frontline personnel from the different regions in the country in the planning and implementation of the transition process are essential for the efficient management of the reform process.

It is a matter of responsiveness, not access

It is an accepted psychological fact that the name given to an event or scenario directly impacts the way it is perceived. For instance, referring to a particular undertaking as a "war" connotes that the undertaking has a beginning and an end. Whether in fact it does is irrelevant as the name will control the perception. Unfortunately, that is also the case with criminal justice. In a country where a large number of its citizens rely on public transportation and live at or below internationally recognized standards of poverty, their main worry is responsiveness, not access. That is, is the criminal justice system responsive to the citizens or simply an inefficient defense

against the apparent impunity of the criminals?

The willingness of the citizenry to come forward and offer information is directly dependent on their trust in the law enforcement agencies. That trust depends largely on the quality of responsiveness of the agency, actual or perceived. Often, the most important information in stopping and solving crimes is provided voluntarily by ordinary citizens. This information is obtained through an essential means of exchange: the interview. The lack of trust resulting from the lack of responsiveness greatly impairs this most important of interactions.

Inefficient policing practices play a substantial role in the perception of irresponsiveness and often exacerbate the limitations of resources. One such practice is the mandatory requirement in many countries that no criminal investigation be undertaken unless a prosecutor is first consulted and the case is officially assigned. As a result of this policy, in remote areas, investigations of serious crimes often take days to start and the resulting delay often leads to a limited or ineffective investigation.

Responsiveness is also impaired when the relationship between the judiciary, prosecutorial and policing functions is not based on mutual respect. An efficient criminal justice system requires a healthy tension amongst the three functions. It also needs a level of training and education on each function that promotes trust in each other's work product. Unfortunately, in many countries, the lack of education and training of police officers results in the judiciary and prosecutorial functions not trusting their work product. Worse yet, this also promotes abusive police practices to further investigations. The infamous saying, *Es mas facil torturar que investigar* (it is easier to torture than to investigate), speaks primarily to deficient training.

How to initiate reform

The backbone or essential component of the criminal justice system is its code of procedure. It is where the interaction between the judicial, prosecutorial and policing functions is regulated. No doubt there are many variables that influence judicial efficiency. However, many of them are rooted in the interaction of these three functions. It is also where the most gains can be realized in improving judicial efficiency. This is not a matter of just drafting a new code, or worse yet,

importing a code because it works well in a different country. That approach simply does not work.

At a minimum, before a new code is drafted, it is critical to identify the facts and circumstances in the different regions of the country that contribute to delays and inefficiencies under the existing code of procedure. Thus, the starting point for the drafting is identification of problems specific to every area. Implementing the aforementioned "bottom-up" approach will avoid a reform process that is imposed from the top without due consideration to local or regional differences and limitations both in human resources and infrastructure. By seeking and obtaining the input of the personnel the reform seeks to improve, the "new" system will not create a "new" set of problems.

Mechanisms to ensure accountability

A popular saying both in English and Spanish states, "No one goes into public service to become a millionaire." That is used both as an excuse and a justification not to recognize the essential role those in the public service have in the prosperity of a country. This lack of recognition is manifested by the very low pay public servants generally receive. Interestingly, the countries with the highest levels of quality of life across all social levels also have better paid public servants.² The dark reality is that for the frontline personnel in the public service, corruption is not always driven by greed, but quite often is a matter of survival. Codes of ethics and conduct are of little consequence when the choice is one of life or death.

Most of the burden of the work needed to bring about comprehensive and lasting change is borne by frontline public servants, individuals that are in all likelihood overworked, underequipped, underpaid and in fear for their personal safety. Given this, no reform will prosper unless it has the buy-in and commitment of every segment of society, from the wealthy business owners to the frontline public servant. For the business owner, that commitment is best manifested by conscientious compliance with their tax obligation. No amount of international donor support can guarantee the country's prosperity as well as a high level of tax collection compliance. In

² See United Nations Development Programme: <http://hdr.undp.org/en/content/table-2-human-development-index-and-livelihoods> (last visited Sept. 29, 2013)

this regard, it should be noted that countries with the highest Human Development Index ratings also excel for their high level of tax compliance.³

Conclusions

Comprehensive and lasting reform requires feedback and buy-in.

Feedback

The transformative reform process must include a feedback process. This feedback process must 1) be continuous, and 2) rely on input from frontline personnel. Encompassing these two concepts, this continuous feedback system will promote flexibility, rather than a "one-size-fits-all" approach and will make the reform transformative as the uniqueness of the local and regional will be properly addressed.

Buy-in

As previously noted, buy-in *across all social levels* is essential for reform. For wealthy business owners, this means higher tax compliance. Higher tax compliance results in more tax revenue, which will ensure better compensation and training for public servants. In turn, this will promote buy-in amongst the same. Competitive compensation prevents temptation toward bribes, and adequate training prevents abuse to citizens. Together with the continuous feedback process, these elements encourage commitment to professionalism and provide useful input for change.

In conclusion, buy-in at all levels will support meaningful and effective change within the judicial system, enhancing its responsiveness and gaining the trust of the citizenry.

³ See Organisation for Economic Co-operation and Development <https://stats.oecd.org/Index.aspx?DataSetCode=REF> and World Bank <http://data.worldbank.org/indicator/YC.TAX.TOTL.GD.ZS> (last visited Sept. 30, 2015).

La corrupción.

Sus caminos, su impacto en la sociedad y una agenda para su eliminación

**Enduring Prosperity and the Rule of Law for the
Northern Triangle
San Salvador, El Salvador
1-2 de octubre 2015.**



Contenido

1. La corrupción en el mundo
2. Los caminos que llevan a la corrupción en Honduras
3. El costo social de la corrupción
4. Iniciativas internacionales de transparencia en Honduras
5. 7 objetivos y una agenda para luchar contra la corrupción
6. Para finalizar



1. La corrupción en el mundo

La corrupción

- 1. Implica el desvío en el uso o ejercicio de un poder conferido, con el propósito de lograr un beneficio personal**
 - Aunque se asociaba con énfasis exclusivo al Gobierno, existe una mayor conciencia acerca del rol de los actores privados
- 2. Pese a que ha existido siempre, la diferencia radica en la forma en que los Estados y sociedades reaccionan para contrarrestar sus efectos nocivos**
 - Los acontecimientos desde mayo de 2015 representan una ruptura en la inercia de tolerancia social e impunidad frente a la corrupción.
- 3. Preocupan los efectos negativos que produce en una sociedad**
 - Genera crisis de legitimidad del sistema político
 - Impacta en la pérdida de confianza de las instituciones públicas.
 - Acentúa las desigualdades sociales al anular las políticas públicas orientadas a combatirlas

La corrupción en América Latina

Brasil
(Petrobras)

Chile
(Penta)

Argentina
(Hotesur)

México
(Casa Blanca)

Colombia
(Yidis política)

Panamá
(Martinelli)

Guatemala
(La línea)

Honduras
(IHSS)

Financiamiento de campañas políticas

Lavado de dinero

Soborno

Conflicto de interés

Evasión de impuestos



2. Los principales caminos que llevan a la corrupción.

Los 7 caminos que llevan a la corrupción

1. Legislación desactualizada

- Falta de revisión de disposiciones que confieren altos niveles de discrecionalidad a tomadores de decisión o servidores públicos
- Leyes desactualizadas o «parchadas».
- Leyes no reflejan la adopción de estándares internacionales anticorrupción
 - Ejemplo: publicidad de las declaraciones patrimoniales.

2. Institucionalidad débil

- Esquemas caducos de intervención administrativa
 - Auditorías ex post, versus auditorías preventivas.
- Debilidad en el funcionamiento y efectividad de los órganos de control externos
 - Tribunal Superior de Cuentas
 - Ministerio Público: Fiscalía contra la Corrupción
 - Tribunales de justicia.

Los 7 caminos que llevan a la corrupción

3. Acceso deficiente a la información pública

- La aprobación de la Ley de Acceso a la Información Pública en 2006 constituyó un hito para la promoción de la transparencia.
- Sin embargo, prevalecen acciones para bloquear su ejercicio:
 - Aprobación de leyes que la limitan. Ley de Secretividad
 - Escaso poder de sanción a su incumplimiento
 - Escaso presupuesto al IAIP

4. Participación ciudadana escasa

- Predominan esquemas limitados de participación ciudadana
- Intervención política
 - *Consejos regionales revividos en momentos de crisis*
 - *Participación más formal que real en algunas instancias.*
- Falta de redes de incidencia por parte de las organizaciones de la sociedad civil.
- Algo está cambiando: una luz al final del túnel.

Los 7 caminos que llevan a la corrupción

5. Conflictos de interés

- Constituye una amenaza a los principios de equidad e imparcialidad en el servicio público.
- El problema es que su regulación es insuficiente:
 - No tiene alcance para la generalidad de todos los servidores públicos
 - No se prevé la entrega de declaración de ausencia de conflicto de intereses
 - No hay mecanismos para resolver consultas de los servidores públicos
 - No se contemplan medidas para remediar conflictos de intereses detectados

6. Impunidad

- Es una grave infracción al deber que tienen los Estados de proteger el derecho a la vida e integridad de todos los habitantes del país, y de proporcionar una protección judicial efectiva.
- Ha sido producto del contexto histórico y de condiciones estructurales, económicas, políticas, culturales y sociales que la han favorecido.
- Las posibilidades de una CICIH y reformas profundas a los operadores de justicia son una oportunidad histórica en la lucha contra la impunidad en el país.

Los 7 caminos que llevan a la corrupción

7. Democracias frágiles y poco representativas

- Concentración de poder en uno de los poderes del Estado.
- Elites políticas que miran al Estado como fuente de riqueza personal.
 - “A mí no me den, póngame donde hay”
- Elites económicas que usufructúan bienes y recursos del Estado.
- Leyes electorales que permiten poca participación y fraude.
- Medios de comunicación que avalan corrupción.
- Oposición política desorganizada o silenciada

Consecuencias económicas de la centralización del poder

- Falta de seguridad jurídica
 - Destitución de magistrados. 4-12-12-12
 - Nombramiento irregular del Fiscal general y adjunto
 - Consejo Nacional de Seguridad y Defensa incluye presidente de la Corte Suprema de Justicia y Fiscal General del Estado.
- Incertidumbre jurídica
 - Baja inversión. Incumplimiento de contratos.
 - Uso y abuso de los fondos de previsión públicos.
 - Opacidad en negociaciones: Coalianza. ZEDES. Minería
 - Arbitrariedad en la decisiones: RAP se convierte en AFP.



3. El costo social de la corrupción



Dificultad para medir el costo económico de la corrupción

- No existe una fórmula o metodología exacta para cuantificarlo
 - Debido a su carácter «oculto» y a las múltiples actos que involucra
- Algunas experiencias en Latinoamérica
 - ✓ *Colombia*
 - Procuraduría General de la Nación, 2011:
 - Aplica el porcentaje promedio estimado que se debe pagar para ser adjudicatario de un contrato estatal
 - Transparencia por Colombia, 2012:
 - Percepción de los empresarios sobre el valor que tendrían que pagar para ganar la adjudicación de un contrato
 - ✓ *México*
 - Semáforo Económico Nacional, 2014:
 - Indicador del FMI según el cual, un aumento en el porcentaje de percepción de corrupción genera una pérdida en el crecimiento del PIB. No implica que sea el costo total de los actos de corrupción que se cometen en un país

Intentando medir el costo social de la corrupción.

1. Cálculos preliminares han establecido que en Honduras hasta un 10% del PIB (ASJ) se puede perder anualmente por concepto de corrupción.
2. Esto significaría de acuerdo a la proyección del PIB para 2016 un monto equivalente a 47 mil millones de lempiras.
3. Una estimación adicional basada en un estudio de la corrupción en Guatemala encontró que el 6% del presupuesto total podría ir a la corrupción.
4. Esto equivaldría en el caso de Honduras y su presupuesto para 2015 alrededor de 11,000 millones de lempiras.
5. Esto representa casi el monto de la Secretaría de Salud, la mitad del presupuesto de Educación, y el doble de la inversión pública.



4. Iniciativas Internacionales de transparencia en Honduras

Iniciativas internacionales a las que Honduras se ha adherido

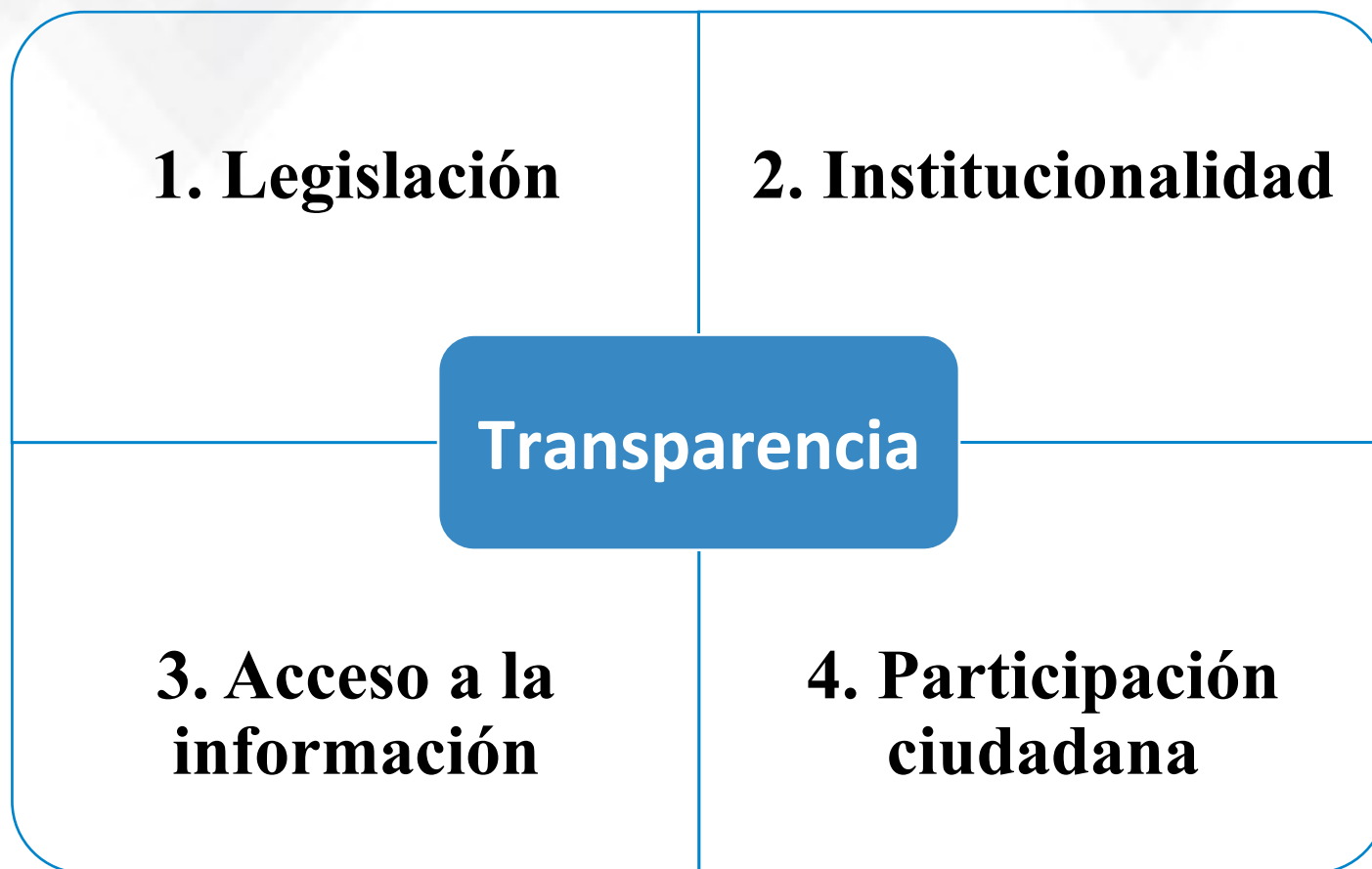
- International Budget Partnership.
 - Recientemente se publicó el Índice de Presupuesto Abierto (OBI) en el cual Honduras bajo 10 puntos (de 53 a 43)
- Iniciativa de Gobiernos Abiertos (AGA)
- Iniciativa COST. Infraestructura.
- Iniciativa EITI. Minería.
- Acuerdo con Transparencia Internacional. Compara en determinados sectores.
- La mayoría de iniciativas tienen poco tiempo de vigencia, pero no parecen tener mucho impacto.



5. 7 Objetivos y una agenda para luchar contra la corrupción



Ejes de trabajo a considerar





7 objetivos de una agenda de transparencia

1. Garantizar el uso eficiente y transparente de los recursos públicos para incrementar la calidad de vida de los hondureños

- Agenda preliminar: a) transparentar la gestión presupuestaria; b) fortalecer y transparentar el régimen de adquisiciones del Estado; c) fortalecer las herramientas del Sistema de Integrado de Administración Financiera; d) disminuir/eliminar mecanismos paralelos de ejecución de gasto público (fideicomisos, oenegés, entre otras).

2. Asegurar la probidad de los funcionarios y empleados públicos, así como una cultura de rendición de cuentas y gobierno abierto

- Agenda preliminar: a) modernizar el régimen de servicio civil; b) promover la implementación de mecanismos para el manejo de conflictos de interés; c) fortalecer el sistema de declaraciones juradas patrimoniales; d) asegurar el cumplimiento de las normas de rendición de cuentas previstas en la Ley Orgánica del Presupuesto.



7 objetivos de una agenda de transparencia

3. Garantizar el acceso a la información pública, incluyendo políticas de datos abiertos y protección de datos personales

- Agenda preliminar: a) asegurar la publicación de los documentos presupuestarios (presupuesto ciudadano, informe de medio año); b) potenciar ejercicio del derecho de acceso a la información; c) consolidar política pública de datos abiertos; d) vigilar y alentar el estricto cumplimiento de la LAIP; e) promover la aprobación de leyes complementarias a este derecho humano (datos personales y archivos)

4. Facilitar participación ciudadana, mediante el impulso de espacios de colaboración entre administración pública y sociedad civil

- Agenda preliminar: a) participación en diseño e implementación de políticas de prevención de la corrupción; b) fomento y creación de mecanismos innovadores de participación ciudadana en áreas sensibles de la gestión de las finanzas públicas.



7 objetivos de una agenda de transparencia

5. Lograr un **marco legal actualizado**, acorde con las buenas prácticas y estándares internacionales en materia de transparencia

- **Agenda legislativa** que atienda recomendaciones formuladas por:
 - Mecanismos de seguimiento a instrumentos jurídicos internacionales (Convenciones anticorrupción de la OEA y de la ONU)
 - Esfuerzos multilaterales en los que participe el Estado de Guatemala (El caso mas reciente, la Alianza para el Gobierno Abierto)
- Como mínimo se debe considerar la revisión, actualización o aprobación de:
 - Ley de Servicio Civil
 - Ley de Contrataciones del Estado
 - Revisar las bases legales de fideicomisos Públicos
 - Ley de Probidad
 - Ley Orgánica del Presupuesto



7 objetivos de una agenda de transparencia

- Leyes orgánicas de entes contralores o fiscalizadores:
 - Ministerio Público
 - Tribunal Superior de Cuentas
 - Dirección Ejecutiva de Ingresos
 - Comisión Nacional de Banca y Seguros.
- Disposiciones para fortalecimiento del sistema de planificación y vinculación con el presupuesto por resultados
- Disposiciones sobre transparencia tributaria y contra la evasión fiscal (secreto bancario e intercambio de información tributaria)
- Disposiciones sobre lavado de dinero y otros activos
- Disposiciones sobre financiamiento de los partidos políticos y fortalecimiento del Tribunal Supremo Electoral
- Disposiciones sobre transparencia en el sector privado

7 objetivos de una agenda de transparencia

6. Una institucionalidad pública moderna encargada de promover la transparencia y el combate a la corrupción

- Agenda preliminar: a) asegurar mecanismos de coordinación interinstitucional en esfuerzos anticorrupción; b) fortalecer el rol de las unidades de auditoría interna.

7. Incorporar el análisis de la responsabilidad del sector privado en los esfuerzos de la lucha contra la corrupción

- Agenda preliminar: a) impulsar la **regulación del secreto bancario** para fines de control tributario; b) impulso de mecanismos contra la evasión y elusión fiscal bajo estándares internacionales; c) Promover el debate sobre la responsabilidad del sector privado en la lucha contra la corrupción (ética en los negocios como elemento de la responsabilidad social empresarial).



Recomendaciones adicionales

8. Promover la elaboración, discusión, aprobación e implementación de la política nacional de transparencia, combate a la corrupción y gobierno abierto, que contenga:

- Diagnóstico
- Objetivos
- Estrategias y acciones
- Metas, indicadores y medios de verificación
- Seguimiento, monitoreo y evaluación

9. Alcanzar un **pacto social** que permita modificar el sistema político como ha venido funcionando hasta ahora. Esto implica una voluntad colectiva de cambio por hacer de una Honduras un país verdaderamente democrático e incluyente.



Para finalizar

- 1. Reiterar los efectos negativos que la corrupción produce en una sociedad**
 - Genera crisis de legitimidad del sistema político
 - Impacta en la pérdida de confianza de las instituciones públicas.
 - Acentúa las desigualdades sociales al anular las políticas públicas orientadas a combatirlas
- 2. Su impacto económico y social es alto.** La corrupción no solo trata sobre el robo de recursos, la corrupción se roba las posibilidades de desarrollo y democracia.
- 3. La sociedad debe comprender que solo una ciudadanía activa puede empujar cambios substanciales en la lucha contra la corrupción.**
- 4. Se debe luchar por un pacto social.**



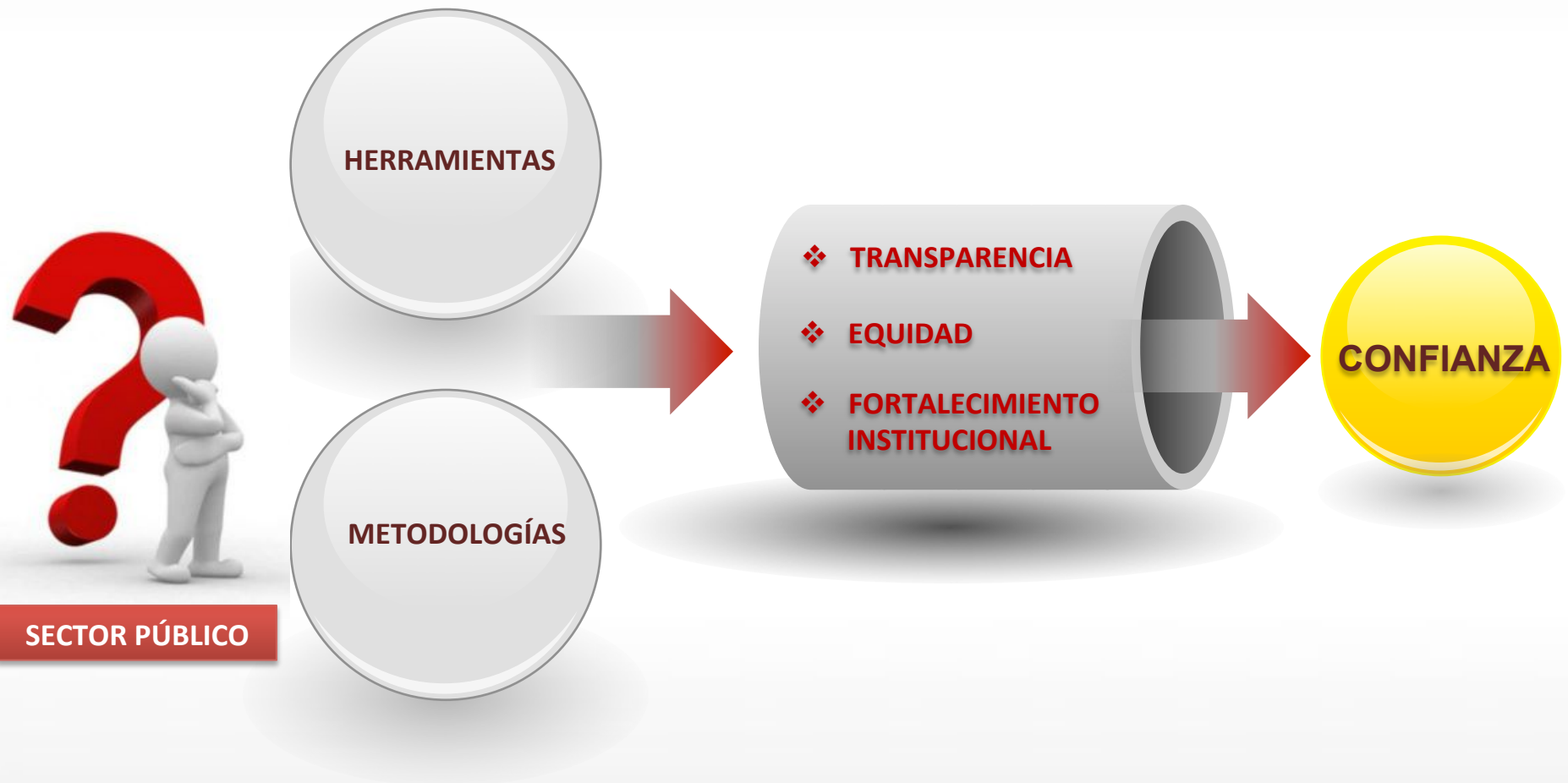
¡Muchas gracias!



SISTEMA DE INTEGRIDAD INSTITUCIONAL (SII)

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”
Appendix B: Coutiño



¿CÓMO SURGE EL SISTEMA DE INTEGRIDAD INSTITUCIONAL?

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”
Appendix B: Coutiño

CAMBIO



Enfocarse en las deficiencias

Identificar los pasos para corregir

ENFOQUE “SUAVE”

¿Qué tal si consideramos la nobleza del ser humano como un fundamento para promover las mejores cualidades en cada persona con el propósito de promover el cambio institucional?

Estrategia enfocada en las fortalezas

Empoderamiento de la persona

Proceso reflexivo

Compromiso de acción individual e institucional

NUEVA VISIÓN DE FORMACIÓN EN
VALORES Y PRINCIPIOS ÉTICOS



APLICADOS Y EXHIBIDOS POR TODOS
LOS INTEGRANTES Y COLABORADORES
DE LA INSTITUCIÓN.

¿POR DÓNDE EMPEZAR?

ETAPAS DE IMPLEMENTACIÓN MODELO SII

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

PRIMERA ETAPA

- ❖ Diseño
- ❖ Desarrollo
- ❖ Implementación

- 2007, República Dominicana: Poder Judicial y Oficina Nacional de Defensa Pública
- 2012, Guatemala: Organismo Judicial

SEGUNDA ETAPA

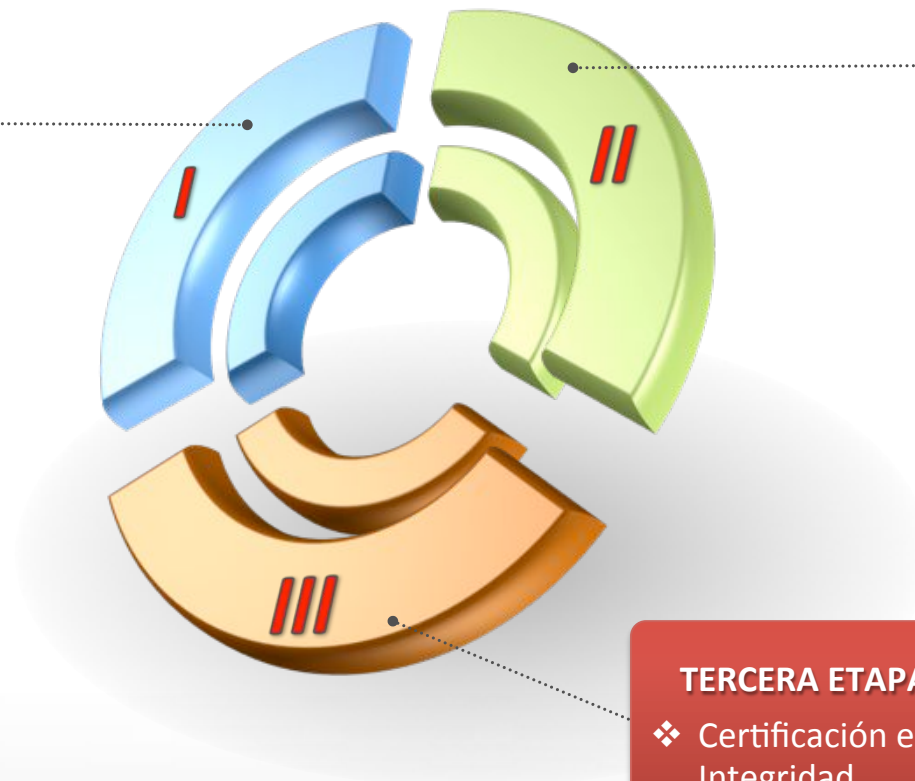
- ❖ Monitoreo
- ❖ Evaluación

- En 2013, Perú: Ministerio de Justicia y Derechos Humanos de Perú

TERCERA ETAPA

- ❖ Certificación en Integridad

- A partir de 2015, México: CONAVIM (Comisión Nacional para prevenir y erradicar la Violencia contra las Mujeres)



JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”
Appendix B: Coutiño



JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

*Un Sistema de Integridad Institucional (SII) se refiere a la implantación de una cultura organizacional basada en el ejercicio ético de los trabajadores y en los procedimientos institucionales diseñados para **reducir los riesgos de corrupción y la ineficiencia funcional**.*



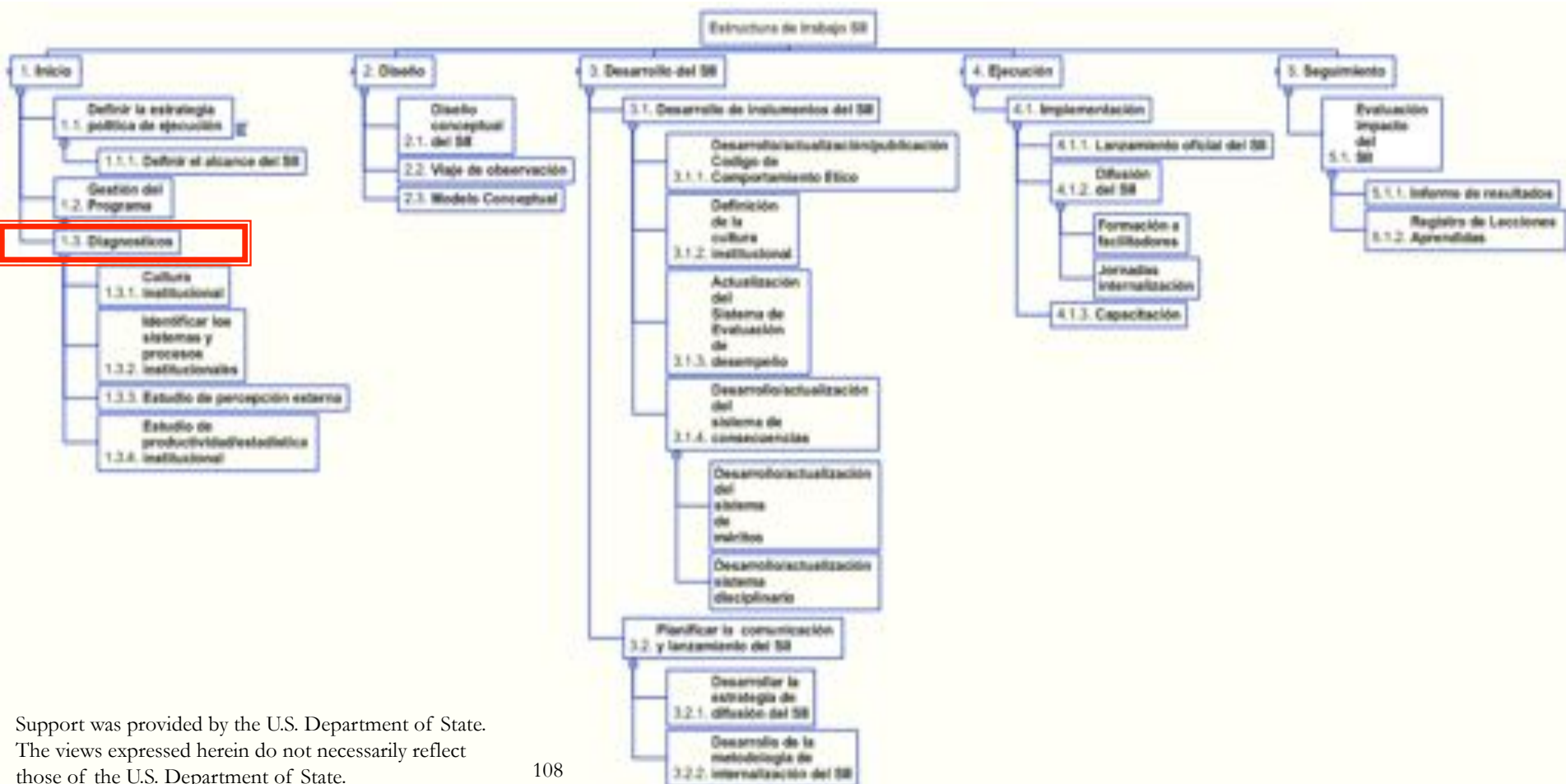
Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

DESARROLLO DEL SISTEMA DE INTEGRIDAD INSTITUCIONAL (SII)

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

Para la implementación del SII se sugiere la formulación y aprobación de un programa desarrollado en 5 fases:



Aspectos de registro para el diagnóstico:



1. Políticas públicas y prácticas de prevención de la corrupción
2. Normatividad relacionada con la ética y/o normativa anticorrupción
3. Estudios de la cultura/clima organizacional
4. Percepción pública respecto a la institución
5. Estadística de productividad
6. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)
7. Gestión de la información pública y transparencia
8. Medidas para prevenir la corrupción y mejorar las normas contables y de auditoría
9. Participación de la sociedad

COMPONENTES Y ASPECTOS DE REGISTRO PARA UN DIAGNÓSTICO DE INTEGRIDAD INSTITUCIONAL EN LA INSTITUCIÓN

Tabla 1 JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”
Appendix B: Coutiño
Componentes del sistema y aspectos de registro

Componentes del sistema	Aspectos de registro	Convenciones, tratados o normativa
1. Cultura institucional	1. Estudios de la cultura/clima organizacional	Convención Interamericana (Art. III-5) Convención de las Naciones Unidas (Art 9)
	2. Percepción pública respecto al Ministerio Público	Convención Interamericana (Art. III-11) Convención de las Naciones Unidas (Art. 13)
2. Sistema de consecuencias	3. Estadística de productividad	Convención Interamericana (Art. III-5)
	4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	Convención Interamericana (Art. III-5) Convención de las Naciones Unidas (Art 9)
3. Normatividad	5. Normatividad relacionada con la ética pública en la Institución	Convención de las Naciones Unidas (Preámbulo, art. 1, 2, 8). Convención Interamericana (art III-1,2,3)
	6. Políticas públicas y prácticas de prevención de la corrupción	Convención Interamericana (Art. III-9)
	7. Medidas internas para prevenir la corrupción en relación a la mejora de normas contables y de auditoría	Convención de las Naciones Unidas (Art 9 y 12) Convención Interamericana (Art. III-10)
4. Gestión transparente de procedimientos sustantivos administrativos y financieros	8. Gestión de la información pública y transparencia	Convención de las Naciones Unidas (Art. 10)
	9. Participación de la sociedad en la vigilancia de la institución	Convención Interamericana (Art. III-11) Convención de las Naciones Unidas (Art. 13)

MATRIZ DE REGISTRO DE ASPECTOS Y UNIDADES DE REGISTRO DEL SISTEMA DE INTEGRIDAD INSTITUCIONAL (SII)

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

	A		B		C		D		E		F		G		H		Σ
1. Estudios de la cultura/ clima organizacional	1.A.Declaración y definición de los valores, principios, lenguaje y símbolos de la institución	1	1. B. Desarrollo de mecanismos de monitoreo de cumplimiento ético de las funciones en relación a la definición de valores.	1	1.C.Desarrollo de espacios y actividades de reflexión periódica sobre el valor de la integridad y la ética en la institución	1	1.D.Sistema de reconocimientos a las actuaciones de los servidores acordes a la evaluación e indicadores de gestión meritatoria	1	1.E. Estudios periódicos de identificación de elementos disruptores del desarrollo de los valores institucionales	1	1.F.Herramientas diseñadas, aplicadas y resultados monitoreados de medición de asimilación y cumplimiento de valores institucionales y satisfacción	1	1.G.Publicación y difusión de estudios sobre clima organizacional sobre la base del concepto de integridad (estructura, funciones, percepciones)	1			Σ ≤ 7
2. Percepción pública respecto a la institución	2.A.Diseño de una herramienta de articulación de instrumentos para la medición de percepciones sobre el Ministerio Público	1	2.B.Diseño, desarrollo, aplicación y monitoreo de encuestas periódicas a usuarios y ciudadanos sobre i) la efectividad del servicio, ii) el Impacto, iii) el tiempo, iv) los aspectos de mayor interés para los usuarios directos) la confianza en el servicio, vi) la calidez de la atención	1	2.C.Diseño, desarrollo, aplicación y monitoreo periódico de instrumentos cualitativos (entrevistas) para medición de percepciones de los funcionarios	0	2.D.Diseño, desarrollo, aplicación y monitoreo periódico de instrumentos cualitativos (grupos focales) para el estudio de percepciones en expertos, grupos específicos, medios de comunicación	0	2.E.Construcción de los lineamientos sobre la imagen y discurso de la integridad en el MP y desarrollo de una estrategia de medios	0	2.F.Equipo de comunicación del Ministerio capacitado para el monitoreo de instrumentos y la difusión mediática y local de la imagen del Ministerio y el enfoque de integridad	1					Σ ≤ 3
3. Estadística de Productividad	3.A. Medición del tamaño institucional (las condiciones, circunstancias, complejidad, tiempo y carga del trabajo respecto a las atenciones y servicios).	0 1	3.B.Medición de los Indicadores de producción asociados al tamaño institucional, herramientas e instrumentos de trabajo adecuados (brecha de productividad y rendimiento).	0 1	3.C.Determinación de los estándares de calidad institucional	0 1	3.D.Estudios periódicos de productividad publicados realizada con una evaluación externa		3.E.Estudio de brechas entre el tamaño, el indicador de producción y los estándares de calidad esperados	0 1							Σ ≤ 0

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Indicadores mínimos necesarios para no estar en situación de riesgo.

MATRIZ DE REGISTRO DE ASPECTOS Y UNIDADES DE REGISTRO DEL SISTEMA DE INTEGRIDAD INSTITUCIONAL (SII)

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

	A	B	C	D	E	F	G	H	Σ
4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	4.A.Mecanismos de convocatoria de personal, explícitos, publicitados, y dispuestos a través de mecanismos de control de interpenetración de oficinas	1 4.B.Estudio de competencias preestablecidas para cada cargo con instrumentos de evaluación (criterios abiertos de idoneidad)	0 4.C.Desarrollo de un sistema de evaluación de desempeño institucional (ética, dedicación, respeto, etc.) y de producción individual del personal que permita identificar, catalogar y valorar los méritos, eficiencia, eficacia y productividad	0 4.D.Desarrollo de un sistema de mejoramiento profesional en función de los requerimientos de producción	0 4.E.Construcción de programa de formación en conceptos básicos de ética e integridad	0 4.F.Construcción de indicadores de impacto de la formación profesional respecto al rendimiento y producción del personal	0 4.G.Informes de medición de aspectos cuantitativos y cualitativos de eficiencia, efectividad, honestidad y calidad del servicio, que incluyan la identificación de los casos de desempeño no satisfactorio (I7 - GA)		Σ ≤ 1
5. Normatividad relacionada con la ética pública en la institución	5.A.Implementación de un equipo líder en cargo del código de ética y su seguimiento	0 5.B.Desarrollo del código de Comportamiento Ético	1 5.C.Definición de las conductas prohibidas, en relación con las leyes y normas internacionales y nacionales	0 5. D. Desarrollo de un sistema de Consecuencias para i) definir las sanciones ii) para vigilar la sanción de toda conducta de irrespeto a la ley y a las normas de comportamiento ético de la institución.	0 5. E. Elaboración y firma de cartas de compromiso de los miembros de la institución.	0 5.F.Monitoreo e informes de la producción y calidad de desempeño de con indicadores de sanción	1 5.G. Mecanismos de control interno implementados y en funcionamiento (I10 -GA)	0	Σ ≤ 2
6. Políticas públicas y prácticas de prevención de la corrupción	6.A. Instalación de un equipo especializado para el combate de la corrupción interna y seguimiento del plan	0 6.B. Plan anticorrupción institucional aprobado que incluya tipologías específicas de prácticas de corrupción	0 6.C. Desarrollo e implementación de estrategias e iniciativas prácticas de control y prevención de la corrupción según tipologías (pequeña o gran corrupción)	0 6. D. Construcción de mecanismos de seguimiento para medir el impacto de las iniciativas anticorrupción.	0 6.E.Participación activa en las instancias interinstitucionales de lucha contra la corrupción	0 6.F. Informe anual anticorrupción de la institución			Σ ≤ 0

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

MATRIZ DE REGISTRO DE ASPECTOS Y UNIDADES DE REGISTRO DE L SISTEMA DE INTEGRIDAD INSTITUCIONAL (SII)

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Country

	A		B		C		D		E		F		G		H		Σ
7. Medidas internas para prevenir la Corrupción en relación a la mejora de normas contables y de auditoría	7.A. Adecuación de la normativa institucional a los estándares requeridos por el Estado para la contabilidad y administración	1	7.B. Presencia de OCI independiente	1	7.C. Auditorías periódicas sobre la situación contable de la institución	1	7.D. Reglamento establecido y difundido respecto al uso de recursos económicos y materiales de la institución	1	7.E. Formación e inducción para asuntos administrativos y contables al personal responsable y al cuerpo de funcionarios de la institución	1	7.F. Difusión de los criterios de uso de los recursos económicos y materiales de la institución	1	7.G. Evaluación trimestral de eficacia de la normativa, medidas de control y auditoría para evitar el fraude y la corrupción contable.	1			$\Sigma \leq 7$
8. Gestión de la información pública y transparencia	8.A. Adecuación de los criterios de transparencia y acceso a la información pública según la ley a través de un manual de aplicación (I1, I2 - GA)	1	8.B. Instalación de una oficina encargada de la atención de pedidos de información pública y la transparencia institucional (I3 - GA)	1	8.E. Publicación periódica y actualizada de la información pública del Ministerio en el portal web	1	8.D. Declaración jurada de ingresos bienes y rentas difundidas en la web (I13 - GA)	1	8.E. Desarrollo de una edición de indicadores de satisfacción de las respuestas a los pedidos de información pública y transparencia (I8 - GA)	1	8.F. Desarrollo de un sistema de archivo físico y virtual amigable y seguro para la información dispuesta por el Ministerio	1	8.G. Informe del Ministerio sobre transparencia y acceso a la información con la data cuantificada y la eficacia y calidad de las respuestas y ordenamiento de la información transparente (I6, I14 - GA)	0	8.H. Creación de mecanismos abiertos y transparentes de participación de la sociedad civil en el proceso de construcción de políticas públicas en el Ministerio (I16 - GA)	1	$\Sigma \leq 7$
9. Participación de la sociedad en la vigilancia de la institución	9.A. Estrategia institucional de relación con la sociedad civil	0	9.B. Veedurías ciudadanas instituidas para la prevención de la corrupción	0	9.C. Espacios periódicos de formación y difusión de la labor de la institución con la ciudadanía	0	9.D. Mecanismos de atención a las quejas y denuncias claros para atender las demandas de los ciudadanos	0									$\Sigma \leq 0$
Indicadores mínimos necesarios para no estar en situación de riesgo																	Integridad 100 $\Sigma X = 56$
Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.																	Integridad $45 \leq X$
En camino a la integridad																	$29 \leq X \leq 44$
En situación de riesgo																	$X \leq 28$

EJEMPLO DE DIAGNÓSTICO INICIAL DE UNA INSTITUCIÓN

JuSTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

Unidad de Registro Aspectos	A	B	C	D	E	F	G	H	Σ
1. Estudios de la cultura/clima organizacional	1	1	1	1	1	1	1	0	$\Sigma = 7$
2. Percepción pública respecto a la Institución.	1	1	0	0	0	1			$\Sigma = 3$
3. Estadística de productividad	0	0	0	0	0	0	0	0	$\Sigma = 0$
4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	1	0	0	0	0	0	0	0	$\Sigma = 1$
5. Normatividad relacionada con la ética pública en la institución	0	1	0	0	0	1	0		$\Sigma = 2$
6. Políticas públicas y prácticas de prevención de la corrupción	0	0	0	0	0	0	0	0	$\Sigma = 0$
7. Medidas internas para prevenir la corrupción en relación a la mejora de normas contables y de auditoría	1	1	1	1	1	1	1		$\Sigma = 7$
8. Gestión de la información pública y transparencia	1	1	1	1	1	1	0	1	$\Sigma = 7$
9. Participación de la sociedad en la vigilancia de la institución	0	0	0	0	0	0	0	0	$\Sigma = 0$
Sumatoria de unidades de registro de la institución X									$\Sigma = 27$
Integridad 100									$\Sigma X = 56$
Integridad									$45 \leq X$
En camino a la integridad									$29 \leq X \leq 44$
En situación de riesgo									$X \leq 28$

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

EJEMPLO DE DIAGNÓSTICO INICIAL DE UNA INSTITUCIÓN

JuSTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

Unidad de Registro Aspectos	A	B	C	D	E	F	G	H	Σ
1. Estudios de la cultura/clima organizacional	1	1	1	1	1	1	1	0	$\Sigma = 7$
2. Percepción pública respecto a la Institución.	1	1	0	0	0	1			$\Sigma = 3$
3. Estadística de productividad	0	0	0	0	0	0	0	0	$\Sigma = 0$
4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	1	0	0	0	0	0	0	0	$\Sigma = 1$
5. Normatividad relacionada con la ética pública en la institución	0	1	0	0	0	1	0		$\Sigma = 2$
6. Políticas públicas y prácticas de prevención de la corrupción	0	0	0	0	0	0	0	0	$\Sigma = 0$
7. Medidas internas para prevenir la corrupción en relación a la mejora de normas contables y de auditoría	1	1	1	1	1	1	1		$\Sigma = 7$
8. Gestión de la información pública y transparencia	1	1	1	1	1	1	0	1	$\Sigma = 7$
9. Participación de la sociedad en la vigilancia de la institución	0	0	0	0	0	0	0	0	$\Sigma = 0$
Sumatoria de unidades de registro de la institución X									$\Sigma = 27$
Integridad 100									$\Sigma X = 56$
Integridad									$45 \leq X$
En camino a la integridad									$29 \leq X \leq 44$
En situación de riesgo									$X \leq 28$

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

PROYECCIÓN = PLAN DE ACCIÓN

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutiño

Unidad de Registro	A	B	C	D	E	F	G	H	Σ
Aspectos									
1. Estudios de la cultura/clima organizacional	1	1	1	1	1	1	1		7 + 0 = 7
2. Percepción pública respecto a la institución	1	1	0	0	0	1			3 + 0 = 3
3. Estadística de productividad	1	1	0	0	0				0 + 2 = 2
4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	1	1	1	1	1				1 + 4 = 5
5. Normatividad relacionada con la ética pública en la institución	0	1	0	0	0	1	1		2 + 1 = 3
6. Políticas públicas y prácticas de prevención de la corrupción	0	0	0	0	0	0			0 + 0 = 0
7. Medidas internas para prevenir la corrupción en relación a la mejora de normas contables y de auditoría	1	1	1	1	1	1	1		7 + 0 = 7
8. Gestión de la información pública y transparencia	1	1	1	1	1	1	0	1	7 + 0 = 7
9. Participación de la sociedad en la vigilancia de la institución	1	1	1	1					0 + 4 = 4
Sumatoria de potencialidad de la institución X									Σ = 38
Integridad 100									Σ X = 56
Indicadores que se encuentran en proceso de desarrollo en la institución									Integridad 45 ≤ X
									En camino a la integridad 29 ≤ X ≤ 44
									En situación de riesgo X ≤ 28

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”
Appendix B: Coutiño



PROYECCIÓN = PLAN DE ACCIÓN

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutino

Unidad de Registro	A	B	C	D	E	F	G	H	Σ
Aspectos									
1. Estudios de la cultura/clima organizacional	1	1	1	1	1	1	1		7 + 0 = 7
2. Percepción pública respecto a la institución	1	1	0	0	0	1			3 + 0 = 3
3. Estadística de productividad	1	1	0	0	0				0 + 2 = 2
4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	1	1	1	1	1				4 + 1 = 5
5. Normatividad relacionada con la ética pública en la institución	0	1	0	0	0	1			2 + 1 = 3
6. Políticas públicas y prácticas de prevención de la corrupción	0	0	0	0	0	0			0 + 0 = 0
7. Medidas internas para prevenir la corrupción en relación a la mejora de normas contables y de auditoría	1	1	1	1	1	1	1		7 + 0 = 7
8. Gestión de la información pública y transparencia	1	1	1	1	1	1	0	1	7 + 0 = 7
9. Participación de la sociedad en la vigilancia de la institución	1	1	1	1					0 + 4 = 4
Sumatoria de potencialidad de la institución X									Σ = 38
Integridad 100									Σ X = 56
Indicadores que se encuentran en proceso de desarrollo en la institución									Integridad 45 ≤ X
									En camino a la integridad 29 ≤ X ≤ 44
									En situación de riesgo X ≤ 28

CERTIFICACIÓN PARCIAL

JusTRAC Symposium: “Enduring Prosperity and the Rule of Law for the Northern Triangle”

Appendix B: Coutino

Unidad de Registro	A	B	C	D	E	F	G	H	Σ
Aspectos									
1. Estudios de la cultura/clima organizacional	1	1	1	1	1	1	1		7 + 0 = 7
2. Percepción pública respecto a la institución	1	1	1	1	1	1			3 + 0 = 3
3. Estadística de productividad	1	1	1	1	1				0 + 2 = 2
4. Sistemas de gestión del capital humano (convocatoria, selección, capacitación, evaluación de desempeño)	1	1	1	1	1				1 + 4 = 5
5. Normatividad relacionada con la ética pública en la institución	1						1		2 + 1 = 3
6. Políticas públicas y prácticas de prevención de la corrupción	1	1	1	1	1	1			0 + 0 = 0
7. Medidas internas para prevenir la corrupción en relación a la mejora de normas contables y de auditoría	1	1	1	1	1	1	1		7 + 0 = 7
8. Gestión de la información pública y transparencia	1	1	1	1	1	1	1	1	7 + 0 = 7
9. Participación de la sociedad en la vigilancia de la institución	1	1	1	1					0 + 4 = 4
Sumatoria de potencialidad de la institución X									Σ = 56
Integridad 100									Σ X = 56
Integridad									45 ≤ X
En camino a la integridad									29 ≤ X ≤ 44
En situación de riesgo									X ≤ 28

**CERTIFICACIÓN
100%**

¿PUEDE UNA INSTITUCIÓN PÚBLICA LOGRAR UNA CERTIFICACIÓN DE INTEGRIDAD INSTITUCIONAL AL 100%?

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

“Primero tenemos que despojarnos de lo que somos para poder entender a aquellas personas que requieren de nuestros servicios y verlos como seres humanos con necesidades, como seres humanos que buscan una respuesta”

Rodolfo Valentín Santos
Defensor Público de República Dominicana que participó en la implementación del proyecto en su país.

GRACIAS

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

JUSTrac Symposium
El Salvador
October 2, 2015

This panel is focused on human capital development and its relationship to rule of law. I'm honored to be on the panel with three other presenters. We'll present in the order that we're listed in the program. Each presenter has a rich history of work involved with human capital and economic development. However, in the interest of preserving as much time as possible for discussion, I will only briefly introduce them.

- William Pleitez is an economist and the executive director of Fomilenio II and former director of UNDP in El Salvador. Fomilenio II is an MCC-sponsored program to address poverty through economic development. Specifically, the \$277 million grant aims to invest in schools where dropout rates are highest and better integrate vocational training programs with labor market needs.
- James Filpi is a Senior Counsel with the Commercial Law Development Program where he provides consulting services for leaders from multiple sectors in order to improve the legal environment for doing business around the globe.
- Edo Stork has been the Deputy Resident Representative at UNDP Honduras for the past 3 and a half years, but his long history with UNDP has involved work in countries in many other regions of the world. Drawing on some lessons learned in Honduras, he will provide insights into the key elements to human capital development.

My contribution this morning focuses primarily on the social and organizational aspects of human capital development. I am an immigration scholar at the University of South Carolina. My research examines how legal status and the context of reception influence social mobility pathways for immigrant youth. I'm going to open the panel by making three observations about human capital development, focusing specifically on youth and children.

1. Schools need to be safe and nurturing environments

As we discussed at the end of the day yesterday, when youth in the Northern Triangle survey the opportunity structure available to them, the options are limited, making the risk of leaving seem less costly than the risk of staying. To Edo's comment at the end of yesterday's discussion, unless we provide quality jobs for youth, the option of leaving will appear to be the most viable. In the case of school-aged children, however, the imperative is to provide them first with a quality education. We should think about quality education in terms of curriculum, ensuring that teachers earn a living wage, and providing books and technology for all students. However, quality education also hinges on the safety of the classroom and school buildings.

Natalia (Guatemala → DC)

Natalia's mom left for the US when she was 18 months old, and Natalia grew up in Guatemala City with her father and two older siblings. Growing up in the city, she witnessed considerable violence in her neighborhood and several violent incidents in her school. The school-based violence became intolerable when gang members killed a teacher at her

school in front of the students. Her mom paid for her to switch to a private school, but this required her to take the bus across town. It was on her commute when gang members started approaching her and threatening her. She was eventually raped and then “claimed” by one of the gang members.

When her older sister confronted the gang member and told him that her sister was not going to go and live with him, he warned her that he would kill her if she tried to stop him. Natalia was 7 months pregnant when the family decided that she should leave for the US. Her mom sent money for her trip. She hired a smuggler and traveled north. That same week, the gang member who raped her was arrested on murder charges and is currently in jail.

Natalia escaped, but her mom is worried for her other daughter. “My fear is that he is going to get out of jail and see that my daughter is not there. My fear is that he is going to go after my other daughter and my son.”

As Natalia’s example illustrates, the lived experience of youth and their quest for quality education is easily reduced to a safe school. Her case is certainly not typical: because of money remitted by her mother, she was able to switch schools. The problem of safety followed her, however. Yes, schools need to be safe, but the complexity of the problem crashes into the lives of these youth and their families at other moments as well.

Many youth in the Northern Triangle have family members abroad or they know people from their community who have built new homes with *dolares*. They are embedded in transnational networks. But the “pull” of reconnecting with family members is itself complex. Many of these youth have not lived with their parents for many years. Parents, for their part, have had to parent remotely—as in the case of Natalia.

Youth need paid work experiences

Diana (Honduras → GA)

According to Diana, a young girl from Honduras, her parents divorced when she was 8 years old. Her father emigrated to the US. She and her brothers were raised by her aunt and uncle, and had very little contact with her mother. Her father remitted money regularly to cover the costs associated with food and schooling for her and her younger brothers.

A turning point occurred for her at age 11 when her father died abruptly and the family no longer had money to pay for her education. She dropped out of school and got a job as a nanny. She is careful to point out that her uncle did not force her to work—it was her choice—and she was able to keep some of the money she earned. This allowed her to save up much of the money she needed when she eventually left home to discover what had happened to her father.

Her primary motivation for coming to the US was not economic or because she felt threatened by gangs in her Honduran town. Her story is a reminder of the paradox at the heart of why many unaccompanied youth migrate. On the one hand, they embody the innocent hope of a child in pursuit of the comfort and reassurance of family and the chance to know (in many cases) a parent they have not seen since childhood. On the other hand, their decision to assume the risk of leaving represents the drive and discipline of an adult who assumes enormous responsibility in order to realize an objective. In the case of Diana,

she told no one, not even family members, that she was planning on coming to the US to investigate the life and death of her father. She feared that they would stop her from pursuing her goal. I'm not sure that more integrated education and labor market systems are going to be enough to counteract the "pull" factor that led Diana to leave. That is, investment in human capital development should aim to improve the options available to youth for the sake of improving the options available to youth. If the metric for success is deterring out-migration, my concern is that we set ourselves up for failure. The pull to connect with family is too strong.

I'd like to offer some brief thoughts about responding to a subset of the youth population: *ninis*. As Enrique Roig established yesterday, prevention and intervention can be guided by data that helps us identify which youth are at-risk. I want to echo the importance of this logic as we think about youth who are neither engaged in school nor work. In the US they are referred to as "disconnected" youth. Surely there is overlap between the youth that Enrique described and *ninis*. But the concept of being disconnected invites us to think of the challenges facing these youth in terms of the relevance and accessibility of educational and labor market systems. Randomized control trials of US-based programs that work with disconnected youth suggest that several elements need to be in place: skills-based course work, paid on-the-job training, and comprehensive social supports, including counseling services.

There are two basic ways to think about this problem: focusing on the supply side by equipping youth with skills training, and focusing on the demand side by improving the number, availability and quality of employment prospects for youth. That is, how do we help youth compete for good jobs, versus how do we increase and improve the availability of good jobs. The two are interconnected, of course. The availability of a skilled workforce is an incentive that will shape the location decisions of firms and factories. Conversely, the availability of stable jobs with good pay create an incentive for youth to stay engaged in school.

For today, I'm going to focus on the supply side. Let's think about disconnected youth along two general categories: (a) those who are at risk of disconnecting, and who are in need of preventative measures to help them stay in school and/or work; and (b) those who are already disconnected and need to be reconnected to education and/or workforce systems.

Preventing disconnection for at-risk youth

Career academies or vocational schools are small learning environments often housed within larger schools that train students in a specific field, like IT and health care. There is evidence from some randomized control studies that these programs increase employment and earnings, and that the effect extends for several years (Holzer 2013). Youth developed a set of portable skills that they took with them to the labor market. RCTs indicate that career academies increase the earnings of at-risk youth by 20%, and that this advantage persists over 8 years.

Another consideration is programs that reconnect youth who are disconnected

One way to reconnect youth who are disconnected is through sectoral training programs (Holzer 2013) coordinated by intermediaries. Intermediaries can be adult education

programs or community colleges. They can also be NGOs focused on workforce development. Intermediaries serve as a bridge between workers and employers. They develop knowledge about the needs of a particular sector, and tailor training programs to ensure that workers have the skills they need to compete for jobs in that sector.

Apprenticeship programs are another option. We have come to embrace university education as the gold standard for social mobility, but in much of the world apprenticeships are an important bridge connecting youth to stable and high quality employment. Apprenticeships combine paid on-the-job training and classroom learning, often relying on partnerships between vocational schools and business. Unlike interns, apprentices are paid while they learn.

Programs such as Year Up in Boston, Providence, New York and DC combine an apprentice model with extensive social supports and “soft skills” training for at-risk youth (Chertavian 2013). These programs are based on an understanding of the range of structural obstacles that make it difficult for disconnected youth to find good jobs. Rigorous evaluations of Year Up indicate that it is successful because the model combines high expectations for dislocated youth and intensive professional support from social workers and psychologists; an emphasis on soft skills; and training that is aligned with labor market demands. Year Up participants earned about \$13,000 more than members in the control group during the 3 years after the program. Program participants tended to secure higher-paying jobs (\$2.51 more per hour), and those in particular fields—IT and financial operations—enjoyed even higher wages (Roder and Elliott 2014).

My goal is not to make the case here that US-based programs for disconnected youth should be adopted wholesale to improve human capital development for youth in the Northern Triangle. However, I hope that by introducing them we might engage in discussion about why they might work and under what conditions, or why they would not.

Wicked Problems

This panel is framed in a way that suggests we need to address the “push” factors that prompt individuals to leave. There are “stayers” and “leavers” and the goal is to expand the scope and depth of the opportunity structure in the Northern Triangle so that those who leave will choose to do so for reasons other than that they feel “pushed” out by harsh conditions.

The question of rule of law in the Northern Triangle appears to me to be a “wicked” problem. We have talked about the difficulty of distinguishing between causes and symptoms. Without clarity of the problem, it is difficult to find a solution. A wicked problem, as is the case with many social concerns, defies a clear definition. Without a clear definition of the problem, it is difficult to find a clear solution. It is wicked, not because it is bad or morally reprehensible, but because it is not tame. More data will not necessarily help to clarify the problem because it is embedded in a complex web of interrelated and mutually reinforcing structural problems and systems.

I said above that quality education is an imperative, and talked about the importance of creating safe and nurturing learning environments in schools. However, human capital development in the Northern Triangle is a wicked problem. As suggested with the example

of Natalia, putting youth in safer schools does not solve the problem of public safety elsewhere. Where do we start first? Improving public safety through policing? Bringing gang members to justice through the court system? That's where we ended yesterday.

Just as the "pull" factors are transnational, many of the "push" factors driving youth — violence, gang activity, drug trafficking—are also transnational in nature. Therefore, even while we examine these factors at the levels of neighborhood, municipality and nation-state, we cannot lose site of the fact that they have historical and present-day roots in geopolitical processes that transcend the Northern Triangle. The basic tenant of development is to ensure that change emerges from within, but this should not be confused with a related ethical consideration: given the transnational reality experienced by individuals in the Northern Triangle, who is responsible for improving the opportunity structure for the youth who live there, and to what extent?

The 9% who out-migrate maintain transnational ties. They contribute to the economies of two different countries. They put down roots on both sides of the border. They maintain close social contact with family both here and there. We have identified numerous "push" factors that help explain emigration. These include lack of educational options, limited job opportunities, public safety concerns, political instability and gang violence. However, immigration scholars underscore that most migrations are best understood as processes driven by both push and pull factors. I believe unaccompanied minors represent an extreme case in many ways. These are children who make their way to the US/Mexico border without the accompaniment of a parents or guardian. As migrants who pass through transit countries, they face numerous vulnerabilities to human rights abuses that have been well-documented. As child migrants, of course, these vulnerabilities are accentuated.

We know from extensive research that the reasons why youth are leaving represent a complex mixture of "push" and "pull" factors. That is, youth are not merely "pushed" out of their country of origin by violence, fear and a lack of opportunities. Although these "push" factors certainly contribute, they are also "pulled" to the US: their family that lives on the other side.

This is important, I believe, because it is evidence that understanding the problem and its symptoms involves thinking about the problem as transnational in nature. The Alliance for Prosperity underscores that the US has had a hand in creating the conditions that threaten the rule of law in the Northern Triangle. The drug trade is fueled by demand in the US, for example, and the problem of gangs in Central America, in part, is a US export.

Several speakers yesterday pointed out that there is no clear and shared vision for how to promote rule of law. This raises an evaluation question: how do we know whether efforts to promote it are effective? Or, using the concept of "wicked" problems, "there are no ends to the causal chains that link interacting open systems" and "every wicked problem can be considered a symptom of another problem." Even if evaluation were possible, the wicked nature of the problem suggests that we should not expect to arrive at the point where it is "solved." The default is the incrementalist approach. We start with education, then we move to policing, etc. We do a little bit here and there, focusing on crime hot spots and failing schools. Provided these little starts are based on available best-practice evidence and include rigorous evaluation methods, the incrementalist approach can move this conversation forward. But I would stress that it needs to be a conversation that is on-going

and inclusive of diverse stakeholders, including people on the front lines, such as teachers, as well as youth themselves.

Maria (El Salvador → DC)

Maria is from El Salvador. She lived in a neighborhood with a growing gang problem, and describes a river in her town where gangs would dump the bodies of people they had killed. The threat of violence was familiar to her, but it was not personal until she witnessed her cousin being killed two houses down. She explained that, as a result, "I was afraid that something would happen to me and my family, so I always wanted to get away from there. I wanted to keep studying. My younger brother was getting older, and [I feared that] he would eventually join [a gang]."

She eventually left with her brother. I asked her what it was like to reunite with her family. She said, "I hadn't imagined that I would have to go through everything I did to see my parents, but it was worth it. Now I can be with my parents. I can say that I went through a lot, but I got something in exchange. I am happy."

Maria is currently in school, integrated into her family, and working on learning English. She is one of the 9% who have left, and someone who maintains transnational ties with friends and family in El Salvador. It is unclear whether she will return here to live, but these ties and her enduring sense of connection to this country suggest that regardless, she will continue to contribute to the conditions of human capital development. She may return for college, or she might remit money to loved ones. Remittances comprise 17% of GDP in El Salvador. If solving the "wicked" problem of human capital development in the Northern Triangle hinges in part on resource scarcity, how can we encourage those who have left to invest in the infrastructure back home?



Invertir en capital humano, desarrollando oportunidades para la gente



**Garantizando la prosperidad y el estado de derecho
para el Triángulo Norte**

San Salvador, 2 de Octubre de 2015

1. Triángulo Norte: principales oportunidades

1. Triángulo Norte: principales oportunidades

1.1 Una población reconocida por su laboriosidad y emprendimiento:

- 30.3 millones que residen al interior del país.
- Más de 5 millones residiendo en el resto del mundo (4.5 millones en Estados Unidos) que envían cantidades crecientes de remesas y representan un mercado semicautivo importante.

¿POR QUÉ EL CASO DE EL TRIANGULO NORTE Y ESTADOS UNIDOS?

Centroamericanos en
el Triangulo Norte

Centroamericanos (TN)
en Estados Unidos

Fuertes lazos
personales y
familiares

30 millones de
personas

4.5 millones de
personas

Incremento de 33% entre
2004 y 2013

Contribución
económica

PIB: US\$96 mil
millones

PIB: Entre US
\$130 y US\$150
mil millones
(1% del PIB de Estados
Unidos)

PIB generado por población del TN en Centroamérica y USA

País	Poblacion en los paises (Millones)	Poblacion TN en EUA (Millones)	PIB nacional en TN (Millones US\$)	PIB en EUA (Millones US\$)	PIB generado en EUA/PIB nacional	Remesas (Millones US\$)	Remesas (% del PIB)
El Salvador	6.3	1.98	24,351	60-76,000	2.5-3.1	3,953	16.2
Guatemala	15.4	1.37	53,853	40-50,000	0.8-1	5,087	9.4
Honduras	8.6	0.90	18,436	27-35,000	1.5-1.9	3,055	16.6
Total	30.3	4.3	96,639	130-160,000	1.3-1.7	12,095	12.5

1.2 Bono demográfico:

- La *tasa de dependencia demográfica* (población en edades teóricamente inactivas entre población en edades teóricamente activas), se está reduciendo en el Triángulo Norte, y lo continuará haciendo hasta alrededor del año 2050.
- Para su pleno aprovechamiento se requiere de la creación de más de 400,00 empleos formales anuales en las próximas dos décadas.

1.3 Un territorio integrado en una región provista de una posición geográfica privilegiada para el comercio mundial que:

- Centroamérica constituye ya la séptima economía más grande de América Latina.
- Dispone de una alta densidad de activos logísticos susceptibles de ser conectados para la construcción de una región en red y la transformación de su territorio en un centro productivo y logístico internacional. **El nuevo centro de la integración.**
- Dispone de un enorme potencial para el desarrollo turístico, derivado de su clima, riqueza en biodiversidad y patrimonio cultural, entre otros.

1.4 Acceso libre a los mercados de sus socios comerciales más importantes:

Centroamérica, México, República Dominicana, Chile, Panamá, Taiwán, Estados Unidos, Unión Europea

2. Triángulo Norte: principales desafíos

2.1 Índices de desarrollo humano relativamente bajos

Índice de Desarrollo Humano (2014) y sus componentes

País y rango en IDH		IDH (valor)	Esperanza de vida al nacer (años)	Escolaridad promedio (años)	Producto Nacional Bruto per capita (2011 PPP US\$)
1	Noruega	0.944	81.5	12.6	63,909
5	Estados Unidos	0.914	78.9	12.9	52,308
68	Costa Rica	0.763	79.9	8.4	13,012
115	El Salvador	0.662	72.6	6.5	7,240
125	Guatemala	0.628	72.1	5.6	6,866
129	Honduras	0.617	73.8	5.5	4,138
132	Nicaragua	0.614	74.8	5.8	4,266

Fuente: Informe Mundial de Desarrollo Humano, 2014

2.2 Altas tasas de pobreza y niveles de desigualdad

Tasas de pobreza y coeficiente de Gini en los países del Triángulo Norte

País	Pobreza extrema	Pobreza	Coeficiente de Gini
El Salvador	12.4	40.9	48
Guatemala	13.3	53.7	54
Honduras	45.4	69.0	57

Fuente: CEPAL, Estadísticas Sociales.

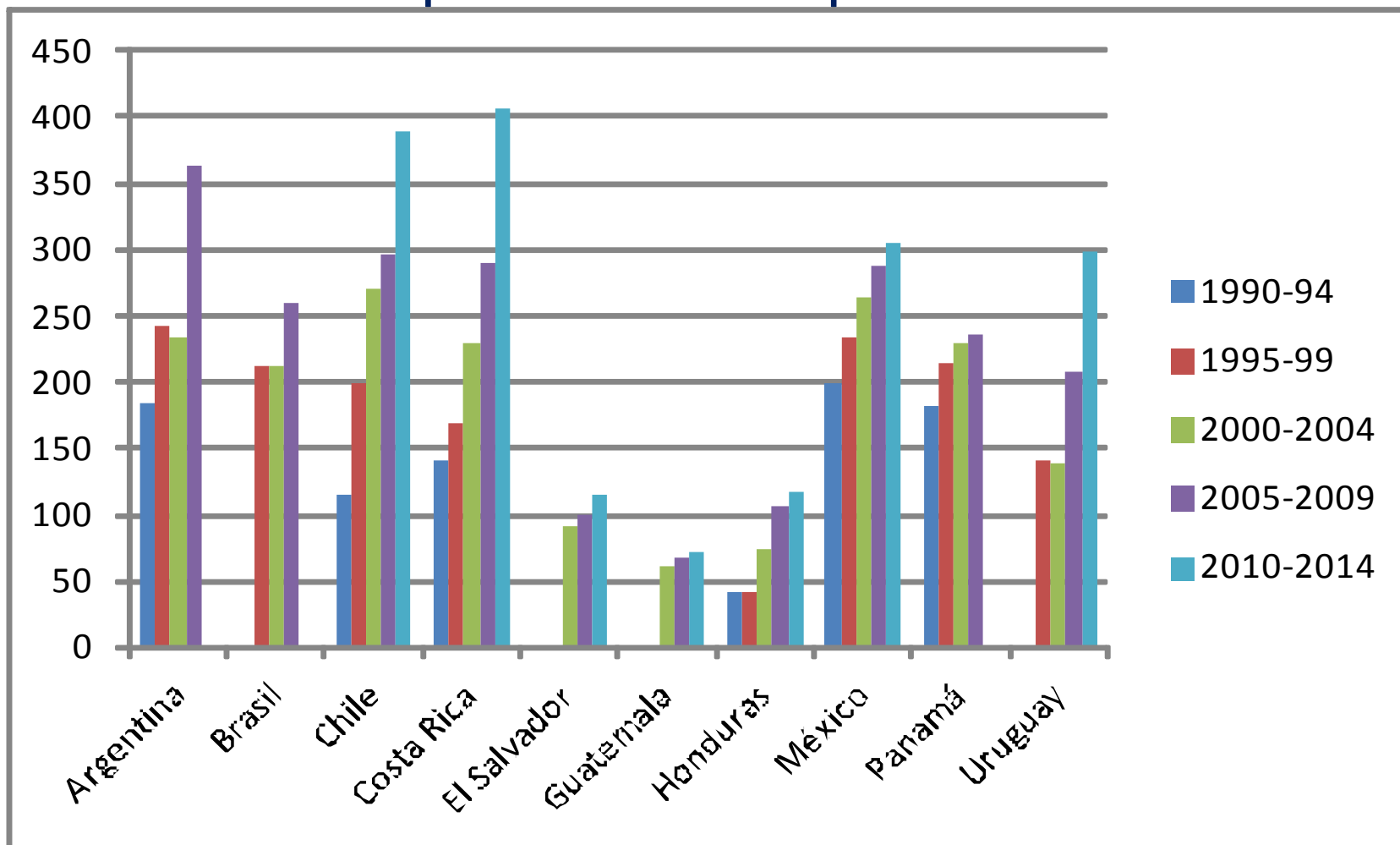
Los datos de pobreza de El Salvador corresponden a 2013; a Guatemala, 2011; y a Honduras, 2010.

El coeficiente de Gini de El Salvador y Honduras corresponde a 2009, y el de Guatemala a 2006.

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

2.3 Bajos niveles de inversión social

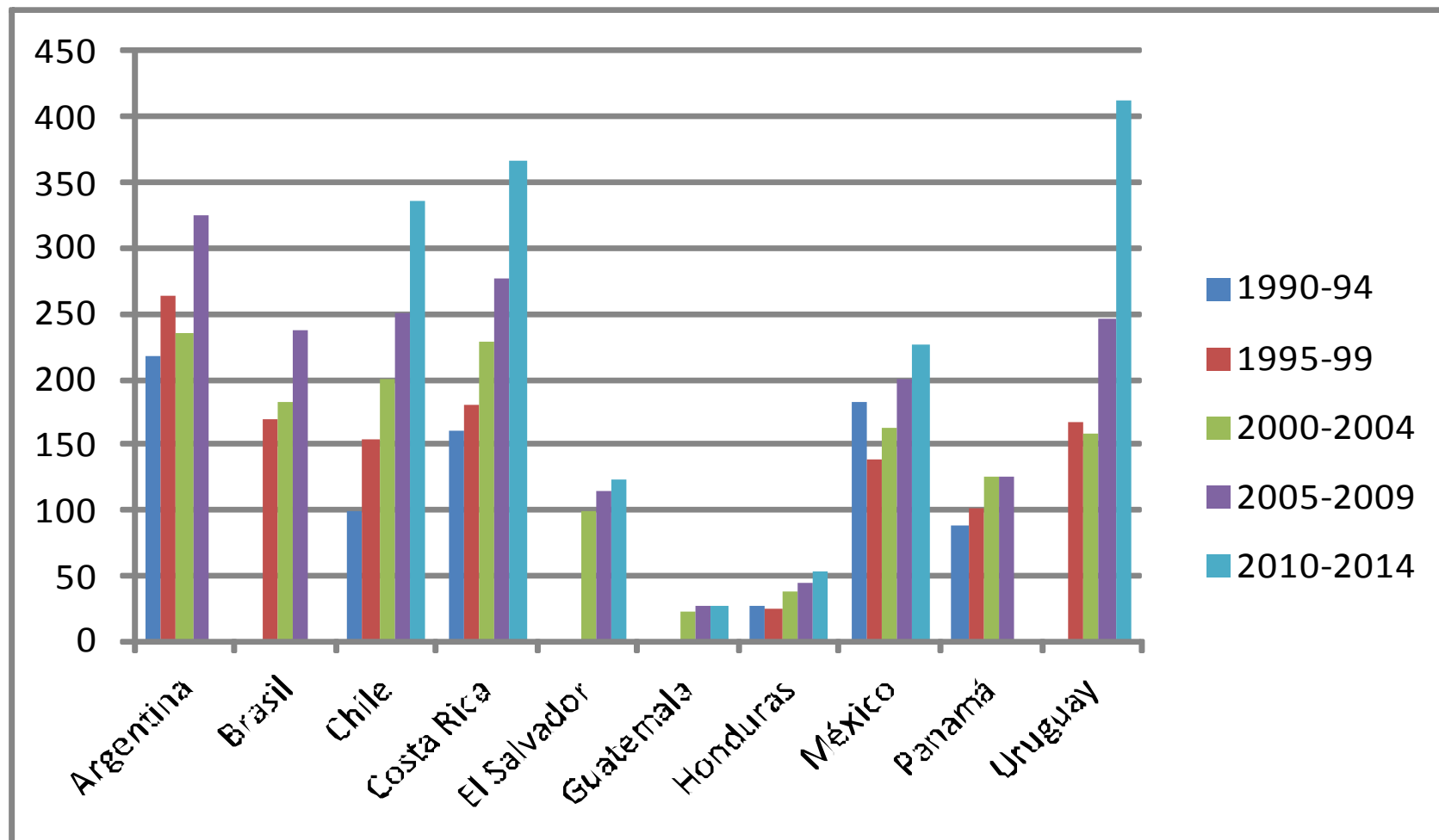
Gasto público en educación por habitante



Fuente: CEPAL:

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Gasto público en salud por habitante (Dólares a precios constantes de 2005)

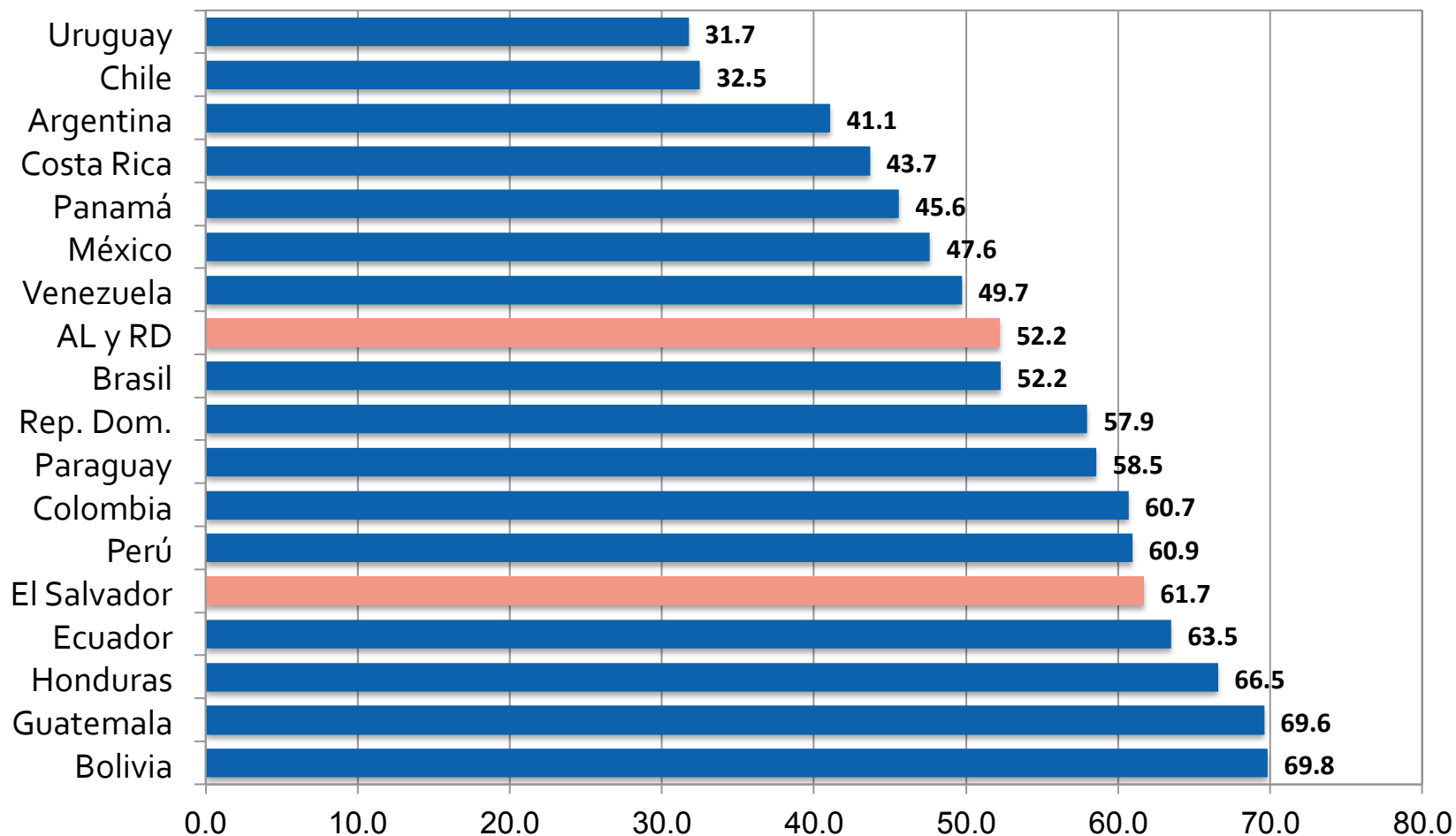


Fuente: CEPAL.

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

2.4 Altas tasas de subempleo y empleo informal

Porcentaje del total de trabajadores en informalidad en 2012



Fuente: CEDLAS, 2014.

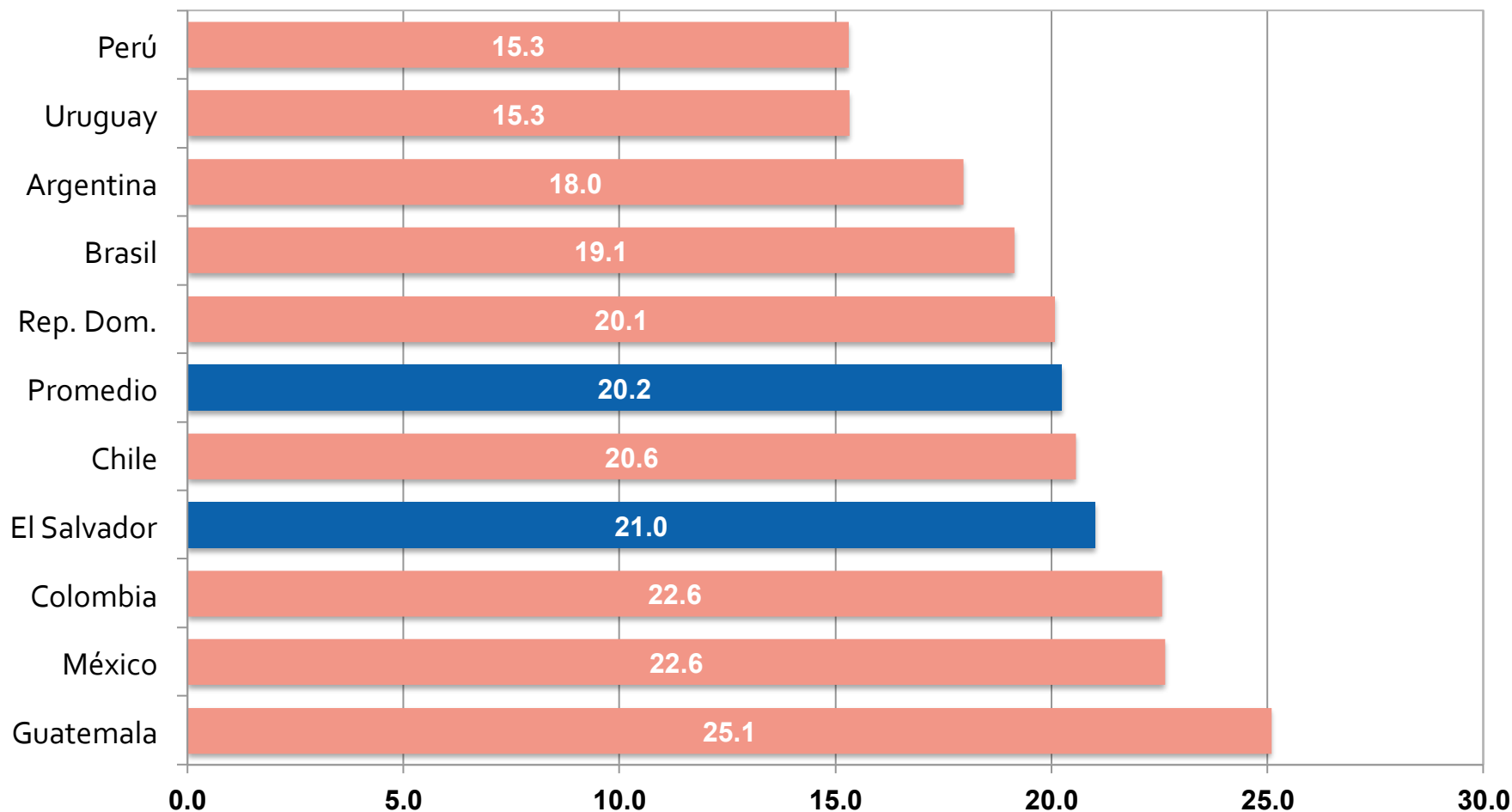
Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Nota: Datos disponibles para América Latina y República Dominicana

2.5 Alto porcentaje de jóvenes que no estudian, ni trabajan

Ius ET AL Symposium: "Bringing Prosperity and the Rule of Law to the Northern Triangle"
Appendix B: Pléitez

Porcentaje de jóvenes que no estudian ni trabajan en 2012



Fuente: CEDLAS; 2014, EHPM 2013

Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Nota: Datos disponibles para América Latina y República Dominicana

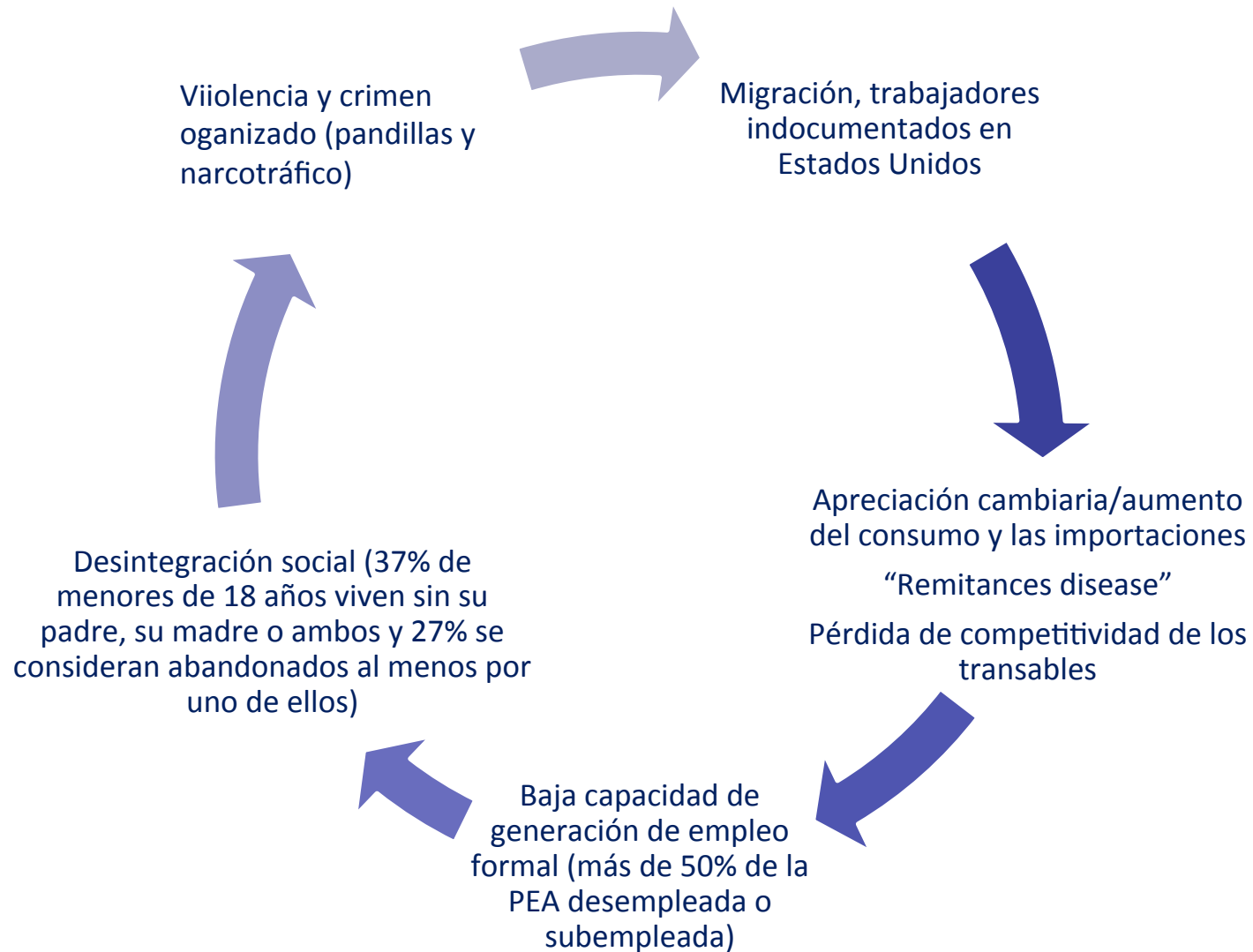
2.6 Altas tasas de emigración

- Alrededor de 35 millones de latinoamericanos (alrededor del 6% de su población) viven fuera de sus países. En Centroamérica ese porcentaje se eleva a más del 10%, y en los países del Triángulo Norte a más de 15%.

Costos sociales asociados a la migración

- ✓ **Tanto para inmigrantes legales como ilegales**
 - Familias distanciadas.
 - Costos de adaptación para los inmigrantes.
 - Costo para los que se quedaron (especialmente los niños).
 - Deportados: pandillas.
- ✓ **Especialmente para los inmigrantes ilegales**
 - Riesgos físicos al cruzar las fronteras.

El círculo vicioso de las migraciones



Support was provided by the U.S. Department of State. The views expressed herein do not necessarily reflect those of the U.S. Department of State.

Fin

Justice Reform Models

THOUGHTS FROM OUTSIDE THE NORTHERN TRIANGLE

Education as a Cross-Cutting Initiative



Supply of Justice Services

- ❖ Ministerial capacity building
- ❖ Continuing education training programs

Investing in
Legal
Education

Citizen Demand for
Justice Services

- ❖ Defense attorneys
- ❖ Bar Associations
- ❖ Countering Gender Violence

The Six Depths of Rule of Law Reform

Equipment and Infrastructure

Law Reform

Administrative and Process Reform

Training and Education

Connecting Citizens with Government

Citizens and Government Acting with Ethical Restraint in
Respect of the Supremacy of Law