



Final Report

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Final Evaluation of Program to Combat Sexual Violence Against Children and Adolescents in Guatemala 2005-2017

**Luis David Grajeda,
Martha Guadalupe Romero, Antonio Delgado**



A.R.S. Progetti S.P.A.
Ambiente Risorse Sviluppo

ABBREVIATIONS AND ACCRONYMS

C/A	Children and Adolescents
CCM	Comprehensive Care Model (Public Prosecutor's Office)
CODISRA	Presidential Commission on Discrimination and Racism Against Indigenous Peoples of Guatemala
CONAPREVI	National Commission on the Prevention of Domestic Violence
CONJUVE	National Youth Council
COPREDEH	Presidential Commission Coordinator of Government Policy on Human Rights.
CSJ	Supreme Court of Justice
CSO	Civil Society Organizations
DEIC	National Civil Police Specialized Criminal Investigation Division
DEMI	Office for the Defense of Indigenous Women
DIDS	National Civil Police Sexual Crimes Investigation Department (DEIC/PNC)
DV	Domestic Violence
ENCOVI	National Survey on Living Conditions
GDP	Gross Domestic Product
HDA	Human Development Approach
HDI	Human Development Index
IDB	Inter-American Development Bank
IDPP	Public Criminal Defense Institute
IJM	International Justice Mission
ILO	International Labour Organization
INACIF	National Institute of Forensic Sciences
INE	National Statistics Institute
M&E	Monitoring and Evaluation System
MAI	Integral Attention Model (by its acronyms in spanish)
MINEX	The Ministry of Foreign Affairs
MINGOB	Ministry of the Interior
MP	General Attorney Office (MP/In Guatemala is in charge of criminal prosecution)
OECD	Organization for Economic Cooperation and Development
OJ	Judicial Body/Judiciary
PGN	Prosecutor General Office (In Guatemala is the lawyer of state)
PJS	Guatemala Public Justice System
PNC	National Civil Police
RBM	Results Based Management
SBS	Social Welfare Office
SEGEPLAN	Secretariat of Planning and Programming of the Presidency
SEPREM	Secretariat of Women's Affairs of the Presidency
SESAN	Guatemalan Secretariat for Food and Nutritional Security
SICOMP	Public Prosecutor's Information System for the Control of Investigations
SV	Sexual Violence
SVET	Secretariat Against Sexual Violence, Exploitation and Human Trafficking
TCHM	Homicide Rate/100,000 Inhabitants
ToR	Terms of Reference
UPCV	Violence Prevention Unit of the Ministry of the Interior (MINGOB)
VAW	Violence Against Women
WHO	World Health Organization

GLOSSARY

Relevance	Degree to which a development action and its results (products, effects and impact) coincide with national and local priorities and policies, as well as with the needs of beneficiaries.
Efficacy	Degree to which a development action (policy, program or project) has achieved anticipated results through products delivered and planned activities.
Efficiency	Appropriate and economical use of materials and supplies provided for obtaining development action results.
Sustainability	Degree to which benefits or changes promoted by the Project continue once the Project has concluded.
Theory of Change	Systemic, organized and visual representation of the theory of the manner in which a development initiative hopes to achieve proposed changes.
Theory of Systems	Theory that all development problems are provoked by a network of interconnected causal factors which experience mutual reinforcement.
Impact	Changes in life, wellbeing and development of individuals and communities produced by contributions from a development initiative, either directly or indirectly, intentionally or unintentionally.
Development Results	Changes in development conditions in a population generated either directly or indirectly, intentionally or unintentionally, by a development project or initiative.
Effect	Changes in the practices and performance of individuals and institutions generated by synergy between multiple actions and partners.
Products	Operational change generated by a combination of goods and services provided to beneficiaries by a development initiative or project.
Management Based Results (MBR)	Management method that emphasizes achieving demonstrable results through a theory of change, which describes the manner in which change is expected to be achieved, including a combination of necessary supplies and activities.

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Executive Summary

Violence in Guatemala

Violence has been present in Guatemala throughout its history as a structural variable of state and societal behavior. Multi-causal systemic factors can be attributed to violence, among which equality, social exclusion and weakness of institutions in applying the law and punishing lawbreakers stand out.¹ Caused by unresolved social factors, the armed internal conflict (1960-1996) left sequelae of violence, pain and suffering in the population, principally among indigenous communities. The report of the United Nations Commission for Historical Clarification (CEH) reported more than 200,000 deaths, 200,000 orphaned children, 40,000 widows and more than 1 million displaced persons.² Some 83% of the identified victims were Mayan.

Crime and violence constitute threats to life and the physical and patrimonial integrity of the people. Nevertheless, they must be understood as distinct analytical categories given that not every crime is violent, and not every violent act is classified as a crime according to law. What's more, violence as a category of analysis allows us to clearly underscore a collection of motivations that are normally excluded when one thinks of the category of crime. While crime is commonly associated with economic motives, violence is recognized as a conduct that can be motivated by political and institutional interests as well as diverse forms of social discrimination and exclusion.³

Although no one escapes the negative impacts, violence in Guatemala mainly affects three population groups considered the most vulnerable: children, adolescents⁴ and women. This statistical trend coincides with the findings of the global study carried out by the World Health Organization (WHO) in 2002, which also indicated that the effects of violence are varied, but particularly critical in each of these population groups.⁵ In the case of children and adolescents, their vulnerability is explained by different causes, among which poverty, social inequality, low levels of schooling and limited access to basic social services can be highlighted. The 2014 National Survey of Living Conditions (ENCOVI) reported 68.2% of the population under 18 years of age living in poverty.

Sexual Violence in Guatemala

Within the context of violence in general, sexual violence has a significant presence in the various aspects of social fabric: family, institutions, work, educational centers and the streets. However, until recently it was hidden due to the macho culture and largely due to the absence of a political-regulatory framework to deal with the problem. The approval of several laws, particularly Decree Number 9-2009, Law against Sexual Violence, Exploitation and Human Trafficking, and the creation of the Secretariat against Violence and Sexual Exploitation and Human Trafficking (SVET), were decisive in making the problem more visible and increasing complaints.

¹ Statistical Report on Violence in Guatemala. UNDP, Guatemala, 2007. (Informe estadístico de la violencia en Guatemala)

² Guatemala Memory of Silence. Report by the Commission on Historical Clarification (CEH) Guatemala, 1999. (Guatemala: Memoria del Silencio. Informe de Comisión para el Esclarecimiento Histórico (CEH))

³ UNDP Regional Human Development Report 2013-2014. Citizen Security with a Human Face: Evidence and Proposals for Latin America. (PNUD. Informe Regional de Desarrollo Humano 2013-2014. Seguridad Ciudadana con rostro humano: diagnóstico y propuestas para América Latina.

⁴ The Law on Comprehensive Protection of Children and Adolescents, clearly establishes the difference between children and adolescents. It is considered a child until the age of 13 and adolescents up to 18 years old.

⁵ World Report on Violence and Health. Regional Office for the Americas. WHO. Washington, D.C. 2002 (Informe mundial sobre la violencia y la salud. Organización Panamericana de la Salud, Oficina Regional para las Américas de la Organización Mundial de la Salud)

Children and adolescents are the most vulnerable to sexual violence, as revealed by the baseline study conducted by International Justice Mission (IJM) in 2013.⁶ Close examination reveals the fact that for a high percentage of cases the victim's age, and therefore the age group to which it belongs, is not registered. This problem is especially sensitive in the provinces of the country due to two fundamental issues: 1) deficiencies in taking the victim's declaration and; 2) lack of confirmation by the victim of the complaint. It should be mentioned that prioritizing the wellbeing of the victim implies loosening administrative requirements at the time of filing the complaint, in the hope that in the future the information will be confirmed.⁷

Sexual violence, as a component of generalized violence, is deeply woven into the various sectors of Guatemala's social fabric, both privately and publicly. Although many cases of sexual violence go unreported. A study by the IJM Guatemala Program reported 47,678 complaints cases of sexual violence nationally within the period 2013-2017, representing a 56% increase when compared to the period 2008-2012. The IJM study also identified the geographical location of these crimes in four of the country's provinces within the two periods mentioned previously: Guatemala, Alta Verapaz, Quetzaltenango and Escuintla⁸

Impunity in Guatemala

In general terms, the concept of impunity refers to the absence of punishment (not punishability). In the field of criminal justice, it could be defined as the lack of State sanctions (sole agency with *ius puniendi* or right to punish) against criminal behavior. To distinguish and measure this phenomenon, it is worth highlighting the definition made by the Subcommittee on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights, referring to the absence of sanctions for violations of human rights:

"Impunity" means the impossibility, de jure or de facto, of bringing the perpetrators of human rights violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, convicted, and to reparations being made to their victims."⁹

The International Commission against Impunity in Guatemala (CICIG) defines impunity as the absence of criminal liability of those who participate in the commission of a criminal act; due to failures in the justice system, they avoid investigation which would lead to indictment, detention, prosecution and, in the case of being found guilty, appropriate sentencing, including compensation for damages caused to victims¹⁰. Impunity can be classified into two categories:

- A) *de jure* (absence or weakness of legal framework)
- B) *de facto* (deliberate or negligent)

A determining factor in a State's impunity level is its capacity for investigation, identification and capture of probable perpetrators of criminal acts. In general, the percentage of impunity is calculated by dividing the cases with convictions in the primary jurisdiction trial court for a given period by the crimes registered during the same period. This type of measurement is called "direct" impunity.

⁶ Guatemalan Criminal Justice System Performance Study, 2008-2012. Indicators of Practice, Process and Resolution within cases of Child Sexual Assault. IJM. 2013

⁷ Personal interview with Quetzaltenango. Judicial Body (OJ).

⁸ Estudio del Sistema de Justicia Penal Guatemalteco, Casos de Violencia Sexual en Niñas, Niños y Adolescentes. Study of the Guatemalan Criminal Justice System, Cases of Sexual Violence Against Children and Adolescents, IJM Guatemala, 2013.

⁹ UN – ECOSOC – CHR – Subcomission, 1997, Pag. 19

¹⁰ Guatemala impunity measurement system. International Commission for Impunity Guatemala. 2015. Pag. 13 (Sistema de medición de impunidad en Guatemala. Comisión Internacional para la Impunidad en Guatemala.)

Guatemala's efforts to deal with sexual violence against children and adolescents

The dilemma of generalized violence and sexual violence against children and adolescents has evolved notably since the signing of the Peace Accords in 1996. Sexual violence, previously going unnoticed and considered normal, is now classified as a crime, as demonstrated by the quantity of approved legal norms, public policy instruments and development of a specialized justice system, including institutions responsible for criminal investigation, criminal prosecution and sentencing. At the Executive Branch level, creation of the SVET as the institution responsible for efforts in these sectors is noteworthy.

The Secretariat of Planning and Programming of the Presidency (SEGEPLAN), the institution responsible for State planning, identified 12 policies in which 5 common elements relating to the prevention and/or reduction of violence are present: institutional strengthening; awareness and information campaigns; legal reform or creation of new laws; investigations and studies, and their distribution; and budget adjustments for financing the policies. Likewise, the review carried out by the evaluation team revealed more than 20 specific policies or laws in force until 2018, as well as 5 related international agreements ratified by the country.

Despite these noteworthy advances, Guatemala continues to face problems establishing and maintaining a true Rule of Law, in which the law is applied under equal conditions to all, with an independent and impartial justice system. According to the 2017 Rule of Law Index, the country occupies 96th place (among 113 countries), with a score of 0.44 (of 1) worldwide.

Conceptual Model on Impunity for Crimes of Sexual Violence

In addition to the work specified in the evaluation's Terms of Reference (ToR), the ET of the IJM Program in Guatemala has elaborated a Conceptual Model of the problem of impunity for sexually violent crimes against children and adolescents, using the current level of specialized knowledge on the subject and information inputs provided by the program team in the country as a reference.

Supported by the WHO study on violence (2002), the conceptual model of impunity for sexual violence establishes two lines of causality: i) community factors associated with social acceptance; ii) social factors associated with lack of strict crime punishment laws. There are two critical factors contained in this second line of causality: *de jure* impunity, associated with weak legal prosecution frameworks; and *de facto* impunity, associated with weakness in institutions responsible for carrying out the law, within the links of criminal investigation, criminal accusation, trial process and victim reparations. The model establishes the most critical causes for each one of these links.

The IJM Program in Guatemala

IJM's work in Guatemala began on August 16, 2005, following exploratory missions in 2004. IJM prioritized children and adolescents as the target population and sexual violence as the subject of the approach. IJM's efforts have been guided by its integral intervention model for cases of violence against the poor, adapted to conditions within the country and its justice sector, specifically regarding sexual violence against children and adolescents. Within this framework, IJM's program design consists of two interrelated logical structures: Phases and Projects.

- Preparation of initial conditions and launching phase (2005-2006);
- Phase 1. Casework (2005- to present);
- Phase 2. Structural Transformation Project/Criminal Justice System Reform (2011-2019). The first stage carried out between 2011 - 2013 and the second stage between 2014-2017; most projects

being implemented during the latter period, including Project Sentinel, which will bring the duration of the program up to 2020.

IJM's intervention model in Guatemala prioritized two critical causal factors from the conceptual model on the prevalence of sexual violence against children created by the evaluation team (ET), and based on available specialized knowledge. The factors are: i) community factors, principally community tolerance or acceptance of sexual aggression; and ii) social factors, especially the lack of strict laws punishing this type of crime, and more specifically, *de facto* and *de jure* impunity; and the networks of causality derived from these factors. Considering this intervention logic, the program has proposed the following results to reduce impunity for crimes of sexual violence against Children and adolescents.

- Result 1. Increase efficacy of criminal investigation.
- Result 2. Increase efficacy of criminal prosecution.
- Result 3. Increase efficacy of the trial process.
- Result 4. Increase efficacy of attention to victims.

IJM Guatemala Program Evaluation Objectives

As a key expression of institutional culture aimed at achieving results, at learning and making evidence-based decisions, the evaluation is a study that systematically, rigorously and impartially evaluates achievement of expected results obtained by a development action, considering multiple causal factors, both internal and external, as well as the interaction of interested parties and subjects of change. In consideration of this aim and scope, the Final Evaluation of the IJM Program in Guatemala proposes the following objective:

Assess the level of achievement of the results planned by the IJM Guatemala Program during the reference period and its contributions or impact on the transformation of the problem of sexual violence against children and adolescents in the country, to offer recommendations useful for strengthening their institutional learning and improving future interventions in the sector

To achieve this objective, four variables were examined: relevance, efficacy, sustainability and impact. The search, collection and analysis of information was guided by a methodological matrix, in which key questions, sources of information and methods for collecting and analyzing evidence were defined for each variable.

Methodology used

The methodology used in the evaluation corresponds to international standards of quality, ethical code and technical guidelines accepted by most international cooperation agencies, including those of the Organization for Economic Cooperation and Development (OECD). In particular, the methodology complies with the following standards: anonymity and confidentiality; responsibility; integrity; independence; incident report; information validation; intellectual property; and report delivery. In addition, the evaluation team relied on the following guidelines based on good practices and lessons learned from the consulting firm: i) participation of all interested parties; ii) Results Based Management; iii) human rights approach; iv) pedagogy of learning; v) gender and intercultural approach.

Data collection and analysis techniques used were the following: i) document review (program's reference documents, political-regulatory framework, specialized studies); ii) semi-structured interviews with key actors involved in program design and implementation; iii) group interviews with civil society organizations and IJM team; iv) triangulation of information.

The evaluation team consulted a sufficiently representative sample of the totality of actors involved and stakeholders interested in the program's design and implementation, in such a way that balance and integrality have been achieved in the points of view and the evidence obtained. A total of 48 individuals were consulted (29 women and 19 men), corresponding to 6 types of key actors involved: IJM program team, Public Prosecutor's Office staff (MP), judges and magistrates of the Judicial Body (OJ), National Civil Police personnel (PNC), Civil Society Organizations (CSO) specialized in children and adolescents, and other social and institutional actors.

Conclusions and recommendations

Conclusions and recommendations presented in this section are based on the main findings reported on variables studied. Regarding recommendations, three quality standards defined by good evaluation practices were considered: relevance, practicality and feasibility.

Overall, the ET found that Guatemala presents an extremely difficult context for the implementation of IJM Program's, not only due to the level of widespread violence within the country and the high incidence of sexual violence against children and adolescents, but also because of the deeply rooted macho and patriarchal culture of Guatemalan society; and because of the structural fragility of institutions making up the chain of justice. Within this framework, IJM was able to make significant contributions to reducing impunity for crimes of sexual violence against children and adolescents.

Conclusions

The purpose of the evaluation was to *"Assess the level of achievement of the results planned by the IJM Guatemala Program during the reference period **and its contributions or impact** on the transformation of the problem of sexual violence against children and adolescents in the country, to offer recommendations useful for strengthening their institutional learning and improving future interventions in the sector"*. Four variables were used for this analysis, proposed by the OECD for the evaluation of development aid, ratified by the ToR of the consulting contract: i) relevance; ii) efficacy; iii) impact; iv) sustainability. The main conclusions based on findings described in section 2 of this report are presented below.

Relevance

Overall level of relevance. The design and results of the IJM Program in Guatemala **have been highly relevant for the country and the specific population affected by the problem of sexual violence: children and adolescents.** The main findings supporting this conclusion are the following: i) high strategic priority of the problem, geographical location and population chosen; ii) high level of compatibility and alignment with the sector's public policy priorities, to which in some degree IJM contributed in alliance with other key actors of Guatemalan civil society; iii) in line with victims' right to justice and their need to receive attention for reparation of emotional and physical damages caused by aggressors; iv) technical-scientific relevance of the intervention model in dealing with critical causal factors of the problem. Some deficiencies are noted in the lack of (methodologically) incorporation of the gender and rights of indigenous peoples approach. Both variables are considered fundamental especially in some intervention areas of the program with a high proportion of women, indigenous population and incidence of sexual violence, especially against girls and adolescents, such as Alta Verapaz and Quetzaltenango.

Technical-scientific relevance of the IJM intervention model. The intervention model of the IJM Program in Guatemala reveals a high degree of technical-scientific relevance, considering it addressed two causal relationships considered critical by current conceptual models on the problem of

violence and crime in Guatemala and specifically the problem of impunity for crimes of sexual violence against C/A: i) social risk factors, which imply the absence of a legal framework penalizing the crimes, and *de facto* impunity resulting from the weaknesses of key institutions in the justice system; ii) community risk factors, especially community acceptance of sexual violence. The choice of these causal factors, especially justice system institutional capacity strengthening, lends itself to the potential efficacy of the Program's intervention model for the solution of the problem of impunity for crimes of sexual violence against C/A. However, critical country environment factors were left out, which, from a systemic perspective, have a positive and negative impact on the efficacy and sustainability of the problem's transformation processes. From the perspective of having influence on reducing violence in general, factors related to the childhood development of offenders in contrast to their biological-cultural structure (individual and relational factors) have not been considered, a factor considered critical by the WHO Ecological Model of Violence and the Logical Model for the Prevention of Violence and Crime in Guatemala.

Efficacy

Global level of efficacy. The IJM Program in Guatemala has achieved a **high level of efficacy** in achieving the four main planned results during the various phases and projects, from 2005 to 2017, in its geographical target area (Guatemala, Alta Verapaz and Quetzaltenango). These results are the following: i) increased efficacy in criminal investigation; ii) increased efficacy in criminal prosecution; iii) increased efficacy in the prosecution and trial process; iv) increased efficacy in attention to victims.

Result 1 Level of Achievement. Increased efficacy in criminal investigation. Goods and services delivered by the IJM Program contributed to improving the quality and results of criminal investigations on child sexual violence by the Specialized Division of Criminal Investigation (DEIC/DIDS) of the National Civil Police (PNC) in the target area. This resulted in an increase in arrests from 301 in the period 2008-2012 to 1,077 in the period 2013-2017.

Result 2 Level of Achievement. Increased efficacy in criminal prosecution. Goods and services delivered by the IJM Program contributed to increasing the quality of processes and results of criminal prosecution of crimes of sexual violence against C/A in the target area by the MP's specialized prosecutor's offices. This resulted in an increase in accusations from 520 in the period 2008-2012 to 1,658 in the period 2013-2017.

Result 3 Level of Achievement. Increased efficacy in the trial process. Goods and services delivered by the IJM Program contributed to increasing the number and quality of sentences issued by the courts of justice against alleged perpetrators of sexual crimes against C/A. In the province of Guatemala, sentences increased from 181 to 581, in Quetzaltenango from 70 to 264 and in Alta Verapaz from 34 to 101, in the period 2013-2017.

Result 4 Level of Achievement. Increased efficacy in attention to victims. IJM Program goods and services contributed to improving attention to victims of sexual violence, facilitated access to justice and contributed to reparation of physical and emotional damages. In addition to legal representation, IJM contributed to the provision of psycho-social services or follow-up care for 472 children and adolescents.

Most effective interventions for achieving planned results. As indicated in No. 4.1.1, the technical-scientific relevance of the chosen interventions allowed the IJM Program, by its very design, to ensure the potential for achieving planned results throughout the various phases and projects. The first success was the intervention model which, to varying degrees of intensity, bet on key factors for reducing impunity for crimes of sexual violence. Within the model, 4 interventions and/or decisions stand out: legal representation for victims; negotiating and signing institutional agreements;

institutionalization of the processes of change through participation of beneficiaries beginning in the planning phase; and mentorship program for developing institutional capacities.

Impact

Overall level of impact. The IJM Program in Guatemala has achieved a **high level of impact**, considering that the processes of change promoted, through goods and services delivered have significantly influenced three causal-logical connections with the potential to reduce sexual violence against C/A and impunity for this type of crime. These connections are the following: i) increase in complaints, arrests, criminal investigations and convictions + reduction of impunity + inhibiting sexually violent conduct of active and potential perpetrators; ii) increased autonomy of and control by victims of their lives and exercising their rights, plus the exit of victims from the circle of sexual violence, potentially breaking the repetitive generational cycle of behavior; iii) increased public confidence in justice institutions (associated with the increase in complaints) and reduction in social acceptance of sexual violence + increase in reporting sexual violence.

Contributions to reducing impunity. Given the valid causal-logical relations described above, we can confirm that the IJM Program in Guatemala has contributed to reducing impunity for crimes of sexual violence against C/A in the three regions of coverage (Guatemala, Quetzaltenango and Alta Verapaz). As a cumulative effect of their contributions to improving criminal investigation, criminal prosecution and sentencing, there has been 3 times increased in convictions handed down by the courts in the period 2013 to 2017.

Contribution to reducing sexual violence in general in the area of intervention. Within the normal limits of a development program and the complex multidimensionality of the problem addressed, the ET considers that the causal-logical relationships impacted by the Program's interventions provide evidence to show that the IJM Program in Guatemala **also contributed** to reducing sexual violence against C/A in the area of intervention even though statistical data are not available to document the extent to which this reduction occurred.

Contribution of causal factors within the country-sector environment of the problem. The IJM Program's contributions to reducing impunity for crimes of sexual violence against C/A, and sexual violence in general have been aided by the development of a political-regulatory justice environment specialized in this matter during the period covered by its phases and projects. Since 2003, the effective date of the PINA Law, there has been notable development of Guatemalan State capacities in addressing violence in general and sexual violence against C/A. The public discussion and consciousness on the subject have also evolved. The IJM Program has been a leading protagonist in these processes of change, which in turn have exerted an undeniable influence on achieving results.

Sustainability

Overall level of sustainability. Considering the criteria of "ownership", "capacities installed", "available resources" and "favorable political-institutional environment", **a variable level of sustainability can be assigned in the four results achieved by the IJM Program in Guatemala.** Improvements in processes and results of accusations (MP) and the trial process (OJ) are those that offer more potential for continuity once program support ends. The processes and results of criminal investigation (PNC) have less potential, mainly due to the instability of the political-institutional environment within the PNC.

Sustainability of mentoring strategies and legal assistance to victims. Although both strategies are reported in the body of the report as "good practices", there is little chance that they will continue without support. In the first case, the scarcity of financial resources of the institutions responsible for the investigation (PNC) and criminal prosecution (MP) is the greatest obstacle to continuity. As for the

legal assistance of the victims, the poverty of most of the families of children and adolescents, as well as the fragility of financial and human resources of the Criminal Public Defense Institute (IDPP) are elements that do not contribute to continuity.

Level of ownership and development of capacities. The IJM Program has achieved a level between medium and high, in the ownership and development of capacities among institutional and social actors for the continuity and sustainability of the four promoted results. In the case of the capacities installed, strengthening of MAI in the MP; good practices in the principles of non-re-victimization and preservation of the best interests of the child; and incorporation of the topic of crimes of sexual violence against C/A in the curriculum of the PNC training school are noteworthy. Regarding the OJ, it is important to point out the specialization of tribunals and judges, as well as the development and strengthening of technical capacities to issue sentences using international standards. Although still in a process of consolidation within the framework of Project Sentinel, a good level of skills can also be assigned to the CSOs that will provide services to victims, taking charge of the processes and good practices promoted by IJM within the CCW model's framework.

Resources and favorable political-institutional environment. In addition to State institutional weaknesses - mainly due to an absence of a professional public service - available resources and the political-institutional environment are two potentially critical factors for sustainability of changes promoted by IJM in the country once its intervention ends. Of the three justice system institutions, the PNC seems to have a less favorable institutional-political environment, due to high turnover of MINGOB authorities and PNC directors.

Final conclusions about the change process. The previous analysis shows that the sustainability of the change process promoted by the IJM Program, in the justice sector specialized in sexual violence against children and adolescents, is still under development. After almost 12 years of intervention, there are more mature changes than others, but in general, it is clear that greater efforts are required to consolidate the processes initiated, which in Guatemala occur more slowly. The most critical factors that the evaluation team considers are two: a) fragile political institutional environment, which, although it begins to appropriate the changes and capacities installed, requires consolidation and improvement; b) Scarce financial resources of the sector, which results in little specialized personnel, limited coverage and lack of equipment, in the face of an increasing demand for services, caused by a greater number of complaints.

The limitations and opportunities for sustainability of the processes of change promoted by IJM can be influenced by two factors of the country-sector environment mentioned above that did not exist 12 years ago: i) development of a political-regulatory framework and creation of a new institutional framework, ii) development of a new narrative and public awareness about sexual violence against children and adolescents. In addition, the institutionalization of a Model for the prevention of violence and crime in the planning and budget of the sector's institutions is considered an opportunity.

The evaluation team estimates that the process of strengthening the state and the appropriation of society, in dealing with violence in general and especially sexual violence against children and adolescents is a process that started recently but that seems irreversible. However, it is a process in development, which has advances and setbacks and, which is not yet consolidated. Especially in Guatemala the processes develop slowly due to institutional fragility and a historical model of impunity that permeates all spheres of the state. The fight against impunity requires strong actions from the state with the support of civil society and also international cooperation, to transform the structural matrices that sustain violence and impunity.

The ET considers it appropriate for IJM to evaluate continuing to consolidate its intervention, enriched in its design and operations with the lessons learned from its experience and the data documented by this evaluation.

Recommendations

Considering the findings mentioned in the body of the report, and the conclusions, a set of recommendations are offered below to the management and technical team of the IJM Program in Guatemala, which could be useful for improving performance and achieving results in the following months of the Program's duration cycle, or to strengthen institutional learning and decision-making in other parts of the world.

Measure reparations and restitutions of victims' rights. From the time a complaint is filed, the institutional framework of the State is set in motion to provide justice; repair damage caused and restore rights to victims. However, there are no measurements that allow this process to be seen. We suggest that the IJM Program design an adequate methodological instrument to carry out these measurements. It is also recommended that IJM promote a study of the prevalence of sexual violence against children and adolescents in order to make visible the phenomenon, the advances and challenges in this issue.

Introduce improvements and document the program intervention model. As documented in the body of the report, the IJM Program intervention model has demonstrated technical-scientific relevance and a high level of efficacy in reducing impunity for crimes and sexual violence against C/A. However, using WHO and MINGOB prevention models as a reference, there is room for improvement. The following actions are suggested for consideration: i) document and replicate good practices in community work aimed at changing the popular consciousness regarding the problem of sexual violence; ii) include causal factors related to the prevention of violent behavior by aggressors, incorporating basic psycho-affective care for children into the attention to victims model to break the generational transmission of a pattern of violence; iii) consider country-sector environmental factors in order to adopt measures for mitigating and/or strengthening their influence, as needed.

Improve the application of the gender and inter-cultural approach. In a country where half of the population is multicultural and multiethnic girls and women, as in Guatemala, the development of methodological instruments that ensure the integration of the gender and inter-cultural approach throughout the cycle of the development program is considered fundamental: planning, implementation, monitoring and evaluation. In addition, considering the nature of the problem that the program intends to solve, study of the Mayan legal system and its application to cases of sexual violence would be appropriate. It is suggested that case No. 1467-2016 be studied, in which the Constitutional Court ruled in favor of the legal validity of punishments imposed by the indigenous authority of the municipality of Comitancillo, San Marcos, on an individual found guilty of the rape of an indigenous minor.

Promote replication of the intervention model to reduce impunity for other crimes. IJM's intervention model, with the recommended improvements, has the potential efficacy to contribute to a reduction in impunity for other crimes within the country. Successes in prioritizing key causal factors, and the interventions chosen to address them, as well as the positive evolution of the political-regulatory and institutional framework, are elements to keep in mind when approaching other complex problems in the justice sector; impunity for crimes of corruption, for example. Once documented, we suggest that the model be disseminated and socialized as a good practice to institutions, institutions of justice and other actors that fight against impunity in the country.

Transfer, systematize and document good practices. The IJM Program intervention model has generated a set of good practices, adaptable for intervention modeling and learning in new IJM programs in Guatemala and other countries with similar conditions. Regarding these practices, we suggest systematizing and documenting the following: i) mentor program as an institutional capacity strengthening strategy; ii) legal assistance for victims using the joint plaintiff modality; iii) protocols for preserving principles of non-revictimization and the best interests of the child; iv) training modules integrated into institutions' regular training program curricula. In a scenario of continuity of the program, it is vital to ensure the transfer of these strategies to national institutions in the case of mentorships and, to civil society organizations, in the case of the figure of "joint plaintiff".

Strengthen application of results-based management (RBM) in the program cycle. Applying RBM methodology throughout a development program's cycle is a key measure for increasing efficacy and impact. In the last few years, the IJM Program in Guatemala has demonstrated progress in developing tools for causal analysis and progress-monitoring systems. But greater effort is needed in at least three areas i) development of conceptual models based on technical-scientific evidence; ii) formulation of theories of change supported by evidence from conceptual models; iii) Program indicators should be adjusted to country conditions and to intervention - we recommend using process indicators to permit the evaluation of each of the tasks carried out and to know if the proposed results have been achieved in each stage; iv) personnel training, including technical operations officers and administrative staff. Thus, the experience and learning obtained from the global intervention model, and adaptation of this model to the country context, can be valuable sources of knowledge for building a solid conceptual model, as well as building an appropriate theory of change, for transforming the problem of sexual violence and other crimes against vulnerable populations.

Consolidate strategic alliances with Civil Society Organizations (CSO) specialized in C/A. As with all cooperation projects, the IJM Program will end its intervention. To guarantee greater sustainability of results and consolidate impacts, it is important that IJM - in alliances with various organizations to replicate the CCW (Collaborative Case Work) model - coordinate and manage consultation and consensus networks and opportunities with CSOs specialized in the area of C/A, particularly in the nation's provinces where there is a higher incidence of sexual abuse crimes against C/A, to have a joint impact on reducing impunity for these crimes.

Consolidation of changes. Despite progress in the evolution of the legal and institutional framework related to sexual violence against children and the contribution of the IJM Program to the reduction of impunity in these crimes, through the changes promoted at institutional level; considering the particularity of Guatemala described exhaustively in this report and the considerations made on the levels of sustainability of these changes, the ET considers that greater efforts are required to consolidate the changes promoted by IJM, taking into account the learning, good practices and limitations that the intervention of IJM has had to date. As indicated throughout the evaluation report, the processes in Guatemala are extremely slow, so consolidation of the changes requires very long-term interventions.

1. Evaluation Frame of Reference

1.1 Country Context

With a surface area of 108,890 km², Guatemala is a multicultural, multiethnic and multilingual country inhabited by four distinct population groups, with diverse origins and worldviews: Indigenous Mayans, Xinka, Garífuna and Mestizos, speaking a total of 24 national languages. According to estimates from the National Statistics Institute (INE), the population in 2015 was approximately 16.2 million inhabitants, the majority being indigenous peoples living in rural zones. The average age is predominantly young, and the percentage of women is slightly higher than that of men. The youth population between 0 and 19 years of age is distributed in the following manner:

Table 1.
Guatemala Population Age Groups (0-19 years)

Source: Elaborated for report authors with data from INE

Population Total 16,176,133 (100%)		
Ages	Amount	%
0-4	2.262.514	13.98
5-9	2.142.308	13.24
10-14	1.988.541	12.29
15-19	1.776.352	10.98
Total	8.169.715	50.49

Guatemala's economy ranks within the top ten of Latin America and in the top two of Central America. The nation has a history of stability in macroeconomic indicators, including during times of global and regional crises. However, in what is clearly a paradox, Guatemala is among the nations with the worst social indicators in the hemisphere, where the poor make up the majority of the population and where there is an enormous gap in social equality. The following

indicators reflect the nation's principal development problems.

Table 2.
Ten principal development indicators for Guatemala

No.	Indicators	Current Values
1	Human Development Index	0.492 (ranked 128 of 188)
2	GINI Inequality Coefficient	0.559 (among highest in world)
3	Overall poverty	59.3 %
4	Extreme poverty	23.4 %
5	Illiteracy ¹¹	13.75 %
6	Net enrollment rate for primary education	82.0 %
7	Net enrollment rate for basic education	45.6
8	Chronic malnutrition in children < 5 years	46.5 ¹² (61.2 % of indigenous pop.)
9	Maternal mortality	113 deaths /100,000 live births
10	Child mortality < 5 years	35 deaths /1000 live births

Source: From report authors, based on various sources including FAO, SEGEPLAN, UNDP, INE (ENCOVI 2011 y 2014). EMSMI, 2014-2015, NHDR, UNDP 2015.

Although the nation's cultural diversity constitutes a potentially positive factor for development, the exclusive and mono-cultural Guatemalan State has historically marginalized and excluded the indigenous population¹³. This situation is reflected as a constant in almost all social indicators. For

¹¹ Source: SEGEPLAN, final report on MDGs achievement, 2015.

¹² Final report on MDGs achievement (MDG), SEGEPLAN, 2015.

¹³ According to the country's existing conceptual models, social exclusion is manifested in poverty, as well as other ways, and affects principally indigenous women and children.

example: poverty reaches between 70% and 80% in all municipalities with predominantly indigenous profiles. Inequality and poverty have a direct impact on other grave health problems such as chronic and acute malnutrition, and high levels of maternal and infant mortality. They also play a role in education problems such as limited access, late starts, low academic performance and school desertion.

1.2 Sectoral Context of Security and Violence

Violence has been present in Guatemala throughout its history as a structural variable of State and societal behavior. Multi-causal systemic factors can be attributed to violence, among which equality, social exclusion and weakness of institutions in applying the law and punishing lawbreakers stand out.¹⁴ Caused by unresolved social factors, the armed internal conflict (1960-1996) left sequelae of violence, pain and suffering in the population, principally among indigenous communities. The report of the United Nations Commission for Historical Clarification (CEH) reported more than 200,000 deaths, 200,000 orphaned children, 40,000 widows and more than 1 million displaced persons.¹⁵ Some 83% of the identified victims were Mayan.

The Peace Accords, signed in 1996, outlined a path for developing a group of reforms in various sectors, to improve the country's situation and advance development in areas such as: justice, security, education, health, rural development, decentralization of the State, civil participation, human rights and indigenous peoples' and women's rights. However, the phenomenon of violence, far from decreasing, has increased, and is now associated with a dynamic of organized crime¹⁶, which frequently subverts and co-opts institutional functions, generating an overall perception of insecurity; and puts the country's governability, as well as the lives and assets of Guatemalans at risk. Homicides have increased from 2,665 in 1999 to 5,885 in 2006, a homicide rate equivalent to 47 per 1,000 inhabitants, converting the country into one of the most violent in the world.¹⁷ In that same year, a study prepared by UNDP estimated the economic costs as GTQ 17.9 billion (USD 2.387 billion), equivalent to 7.3% of the GDP¹⁸, while in 2017 the IDB estimated it at 3.0%.¹⁹

Crime and violence constitute threats to life and the physical and patrimonial integrity of the people. Nevertheless, they must be understood as distinct analytical categories given that not every crime is violent, and not every violent act is classified as a crime according to law. What's more, violence as a category of analysis allows us to clearly underscore a collection of motivations that are normally excluded when one thinks of the category of crime. While crime is commonly associated with economic motives, violence is recognized as a conduct that can be motivated by political and institutional interests as well as diverse forms of social discrimination and exclusion.²⁰

Central American nations have major capacity deficits in the areas of justice and security. This is reflected in alarming rates of impunity, the crises within their prison systems and lack of citizen confidence in legal institutions and the police. At the same time, in some contexts, community ties such as family, school and community have lost strength as the social bonds that allow for positive co-

¹⁴ Statistical Report on Violence in Guatemala. UNDP, Guatemala, 2007. (Informe estadístico de la violencia en Guatemala)

¹⁵ Guatemala Memory of Silence. Report by the Commission on Historical Clarification (CEH) Guatemala, 1999. (Guatemala: Memoria del Silencio. Informe de Comisión para el Esclarecimiento Histórico (CEH))

¹⁶ Gangs, assassins, narcotrafficking, extortion, assaults and robberies, among others.

¹⁷ Statistical Report on Violence in Guatemala. UNDP, Guatemala, 2007 (Informe estadístico de la violencia en Guatemala)

¹⁸ Op.Cit.

¹⁹ IDB. Costs of Crime and Violence. New evidence and Findings in Latin America and the Caribbean. Washington, 2017. (IDB. Costos del crimen y la violencia. Nueva evidencias y hallazgos en América Latina y el Caribe)

²⁰ Regional Human Development Report 2013-2014. Citizen Security with a Human Face: Evidence and Proposals for Latin America. (PNUD. Informe Regional de Desarrollo Humano 2013-2014. Seguridad Ciudadana con rostro humano: diagnóstico y propuestas para América Latina.

existence and cooperation, favoring instead the formation of organizations that are distorted by fear and mistrust²¹

The UNDP Human Development Report 2013-2014 establishes six principle threats to citizen security understood as the six expressions of violence and crime that affect citizens and can easily be extrapolated to the Central American context as well as that of Guatemala, specifically:

- *Street crime*: refers to petty thefts and robberies of small amounts, usually occurring in public places and involving, in some cases, threats of violence, beatings or injuries to victims.
- *Violence and street crime by and against youth*: youths make up the group most affected by criminality and violence, and at the same time, they are most responsible for intentional violence and committing crimes.
- *Gender violence*: is all forms of violence against a person or group of persons because of their gender, is usually more intense and predominantly aimed at women and girls.
- *Corruption*: in the broader sense, it includes the misappropriation of public goods, whose provision is the responsibility of the State.
- *Illegal violence by State actors*: It includes a wide range of activities, ranging from police abuse of citizens, to actions that constitute clear violations of human rights, to direct participation of State actors in activities linked to organized crime.
- *Organized delinquency*: any organized and prolonged criminal action whose capacity to remove and provide goods and services involves corruption, coercion and, in some cases, violence.²²

The incidence of violence in Guatemala is diverse. A map elaborated by UNDP in 2007 revealed a corridor of violence dividing the municipalities of Petén and the Atlantic coast, passing through the eastern zone and the capital, and then along the southern coast until reaching Tecún Umán, on the Mexican border.²³

This geographical distribution of violence remains almost unaltered today, revealing another relevant fact: violence at least that associated with homicides has less incidence in those territories with a predominantly indigenous demographic profile.

Since 2009, the homicide rate has experienced a sustained decline, achieving in 2016 the lowest level in a decade and a half, corresponding to 27.3/100,000. Even so, the rate still remains high according to international standards, and the country ranks 5th among the most violent in Latin America and the Caribbean.

²¹Op. cit.

²²Op. cit.

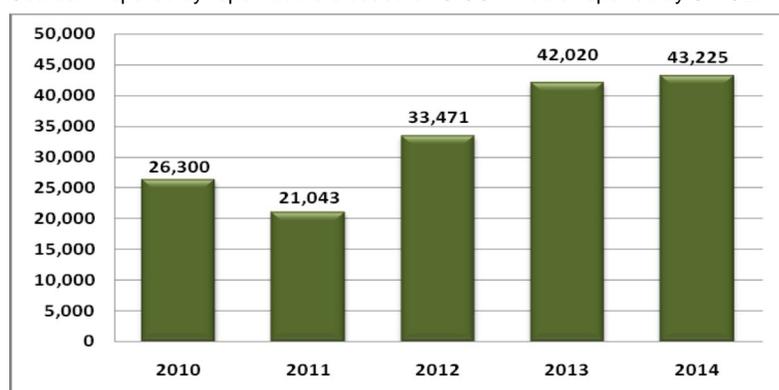
²³ Statistical Report on Violence in Guatemala. UNDP, Guatemala, 2007. (Informe estadístico de la violencia en Guatemala) Op.Cit.

1.3 Impact of Violence on Youth

Although no one escapes the negative impacts, violence in Guatemala mainly affects three population groups considered the most vulnerable: children, adolescents²⁴ and women. This statistical trend coincides with the findings of the global study carried out by World Health Organization (WHO) in 2002, which also indicated that the effects of violence are varied, but particularly critical in each of these population groups.²⁵ In the case of children and adolescents (C/A), their vulnerability is explained by different causes, among which poverty, social inequality, low levels of schooling and limited access to basic social services can be highlighted. The 2014 National Survey of Living Conditions (ENCOVI) reported 68.2% of the population under 18 years of age living in poverty.

Figure 1. Youths under 18 victims of crime (2012-2014)

Source: Prepared by report authors based on SICOMP data reported by UNICEF



Social vulnerability places children and adolescents at risk from violence. In 2014, an average of 16.2 people died per day due to violence (5,924 per year). Of the total violent deaths, 5,022 were caused by firearms or by stabbing, and 15.8% of those killed were under 18 years of age²⁶. Each day close to 40 C/A are made orphans due to violence. This tendency has been increasing in the last few years, increasing from 26,300 cases of victims of crime

registered in 2010 to 43,225 in 2014, as shown in Figure 1.

The types of crimes perpetrated against the under-18 population also show a high level of diversity. Data from the Public Prosecutor's Office (MP) for the year 2014 reveals 13 types of crimes, among which abuse stands out with 32,302 cases. See table 3.

Table 3. Number of cases and types of crimes committed against minors (2010-2014)

Source: Prepared by report authors based on SICOMP 2014 data

No.	Type of Crime	Number of Cases
1	Abuse of minors	32,302
2	Violence against women	24,732
3	Sexual violence	20,835
4	Threats	17,936
5	Minor injuries	10,799
6	Sexual assault	9,419
7	Wrongful injury	9,375
8	Missing persons reported	6,712
9	Aggravated rape	4,922
10	Robbery	3,572
11	Homicide	3,560
12	Aggravated robbery	2,788
13	Child abduction	2,437

²⁴ The Law on Comprehensive Protection of Children and Adolescents, clearly establishes the difference between children and adolescents. It is considered a child until the age of 13 and adolescents up to 18 years old.

²⁵ World Report on Violence and Health. Regional Office for the Americas. WHO. Washington, D.C. 2002 (Informe mundial sobre la violencia y la salud. Organización Panamericana de la Salud, Oficina Regional para las Américas de la Organización Mundial de la Salud)

²⁶ Data from INACIF and SICOMP cited by UNICEF. Guatemala 2015.

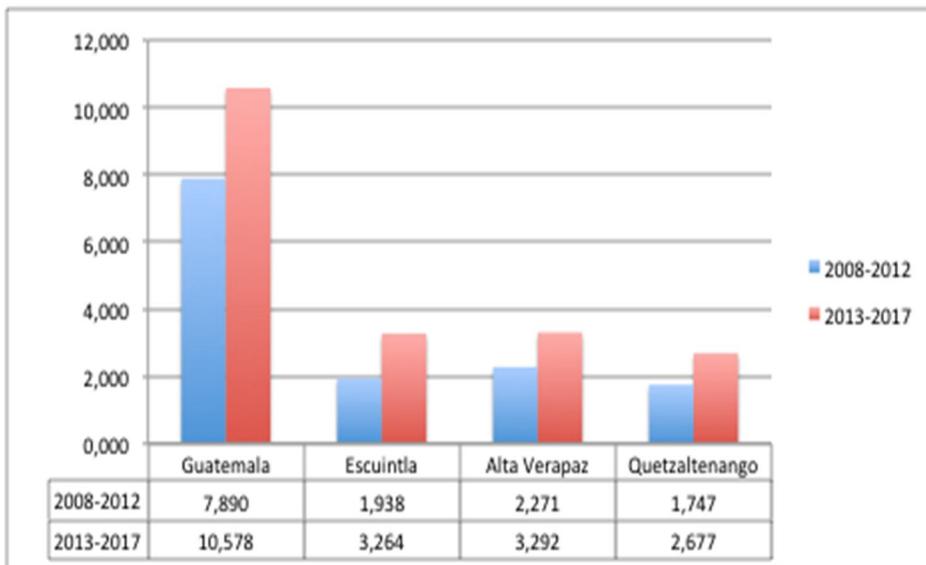
1.4 Magnitude of the Problem of Sexual Violence

Within the context of violence in general, sexual violence has a significant presence in the various aspects of social fabric: family, institutions, work, educational centers and the streets. However, until recently it was hidden due to the macho culture and largely due to the absence of a political-regulatory framework to deal with the problem. The approval of several laws, particularly Decree Number 9-2009, Law against Sexual Violence, Exploitation and Human Trafficking, and the creation of the Secretariat against Violence and Sexual Exploitation and Human Trafficking (SVET), were decisive in making the problem more visible and increasing complaints.

Figure 2.

Geographic concentration of cases of sexual violence (2008-2012-2013-2017)

Source: Prepared by report authors as per endline of IJM



Despite the fact that in cases of sexual violence many incidents go unreported, during the 2013-2017 period, International Justice Mission (IJM) reported a total of 47,678 complaints of sexual violence at the national level²⁷, representing an increase of 56% with respect to the cases registered in the period 2008-2012, which totaled 30,508 complaints.

IJM has also identified a geographic concentration

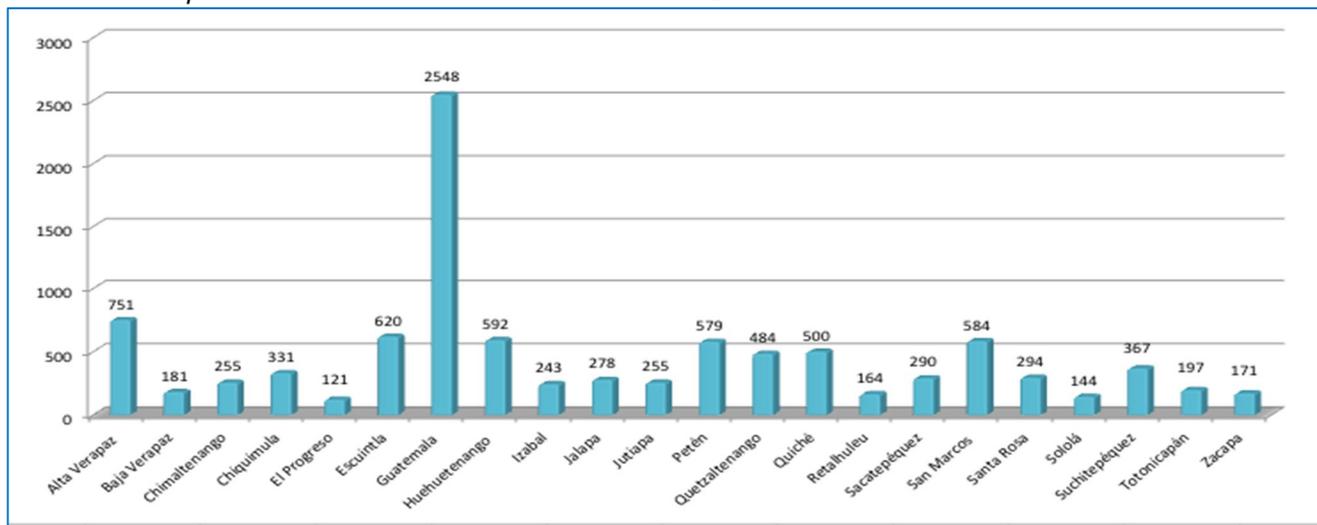
of these crimes in four of the country's provinces in the two periods studied: Guatemala, Alta Verapaz, Quetzaltenango y Escuintla.²⁸ See Figure 2. In percentages, this geographical zone reported approximately 42% of the total number of complaints nationwide.

The statistical evolution of sexual crimes reported has maintained an upward trend in recent years. According to official data from the Public Prosecutor's Information System for the Control of Investigations (SICOMP), 9,449 complaints were received in 2017. The geographical concentration of the cases also reveals some changes. Guatemala holds first place (2,548), followed by Alta Verapaz (751), Escuintla (620) and Petén (579), while Quetzaltenango fell to 7th place, with 484 cases. Other provinces showing an increase in complaints are San Marcos and Quiché. See Figure 3.

²⁷ IJM The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013 – 2017 Indicators of Practice, Process, and Resolution. Page 55. Document sent by Erin Payne on June29, 2018.

²⁸ Study of the Guatemalan Criminal Justice System, Cases of Sexual Violence against Children and Adolescents. IJM Guatemala 2013 (Estudio del Sistema de Justicia Penal Guatemalteco, Casos de Violencia Sexual en Niñas, Niños y Adolescentes).

Figure 3.
Number of complaints of sexual violence crimes received in 2017



Source: Report authors based on data from SICOMP and SVET. 2018.

As seen in Figure 3, regarding the volume of work carried out by the corresponding institutions, the prosecutor’s offices in the province of Guatemala, with 2,548 complaints, have the highest workload in investigating this type of crime. There are also three characteristic facts in the denunciations of sexual crimes: 1) 59% of the events occurred in ' private spaces; 2) 9 out of 10 victims were female and 3) 59% corresponded to rape.²⁹

Sexual Violence against Children

Children and adolescents are the most vulnerable to sexual violence, as revealed by the baseline study conducted by IJM in 2013.³⁰ Close examination reveals the fact that for a high percentage of cases the victim's age, and therefore the age group to which it belongs, is not registered. This problem is especially sensitive in the provinces of the country due to two fundamental issues: 1) deficiencies in taking the victim's declaration and; 2) lack of confirmation by the victim of the complaint. It should be mentioned that prioritizing the wellbeing of the victim implies loosening administrative requirements at the time of filing the complaint, in the hope that in the future the information will be confirmed.³¹

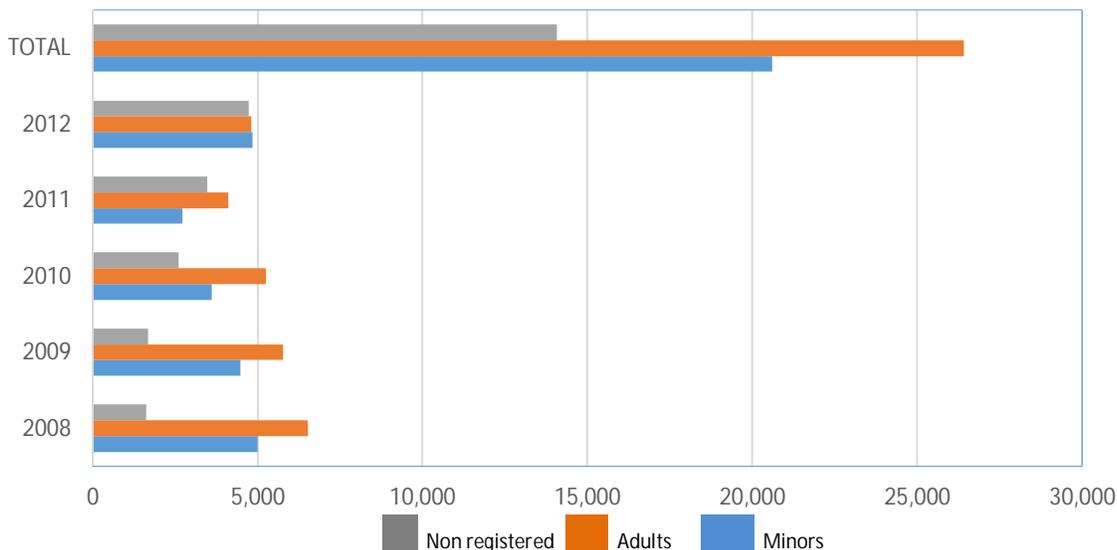
As shown in Figure 4, there was an increase in the percentage of minors as victims of sexual violence in 2012 (33.66%), with respect to the total number of victims of that year. For the period 2008-2012, at least 33.7% of victims of sexual violence were minors. The figure may be higher, considering that within 23.03% of victims whose age is not reported, there are likely to be minors.

²⁹ Public Prosecutor’s Information System for the Control of Investigations (SICOMP), 2016.

³⁰ Guatemalan Criminal Justice System Performance Study, 2008-2012. Indicators of Practice, Process and Resolution within cases of Child Sexual Assault. IJM. 2013

³¹ Personal interview (OJ Quetzaltenango).

Figure 4.
Number of victims of sexual violence broken into age groups for period 2008-2012



Source: report's authors based on data from Guatemalan Criminal Justice System Performance Study, 2008-2012. Indicators of Practice, Process and Resolution within cases of Child Sexual Assault. IJM. 2013

1.5 Explanatory Models of Causes of Violence against C/A in Guatemala

1.5.1 General Explanatory Model of Crime and Violence Prevention

The World Report on Violence and Health, published by the WHO in 2002, is considered the first scientific study on the problem of violence on a global scale. This study conceptualizes violence as "The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."³² Carried out over three years by more than 160 experts from around the world, the study conceptualized violence as a complex phenomenon due to its multiple causes and the dynamic connection between them. To facilitate its understanding, it organized the factors into four systemic levels:

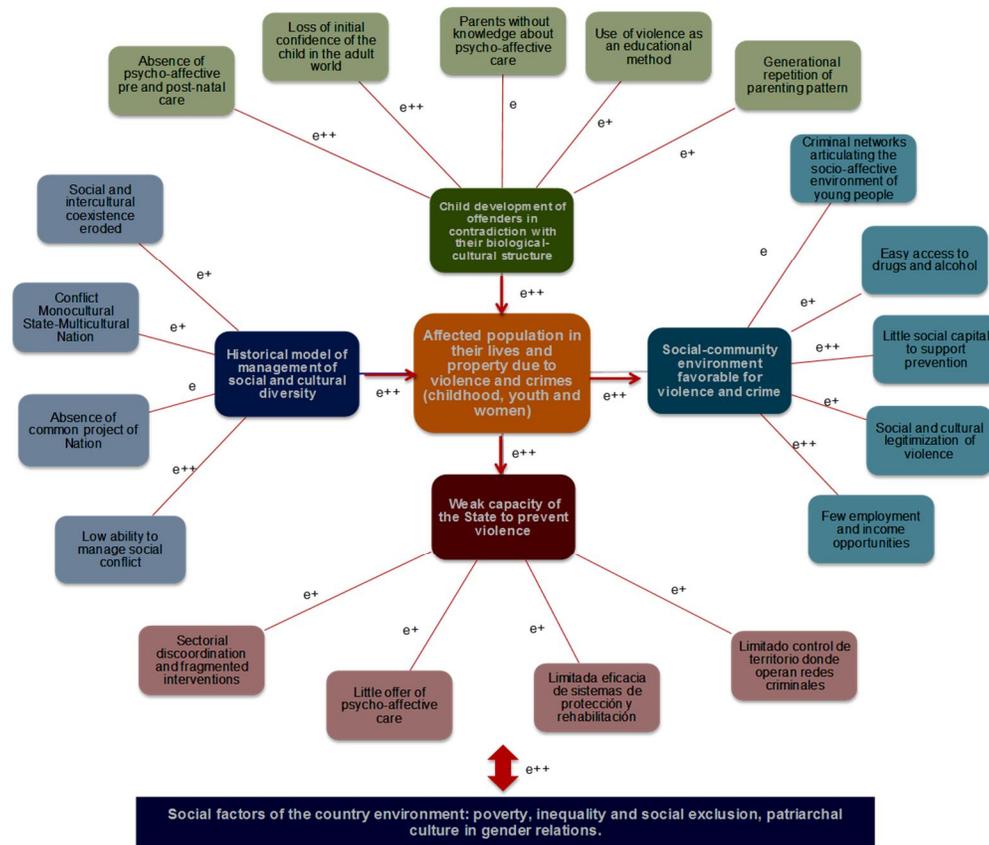
- **Individual:** Factors associated with the biological, cultural and social constitution of the aggressor, including, among other factors: physiology, health history, education, age, income, personality disorders, history of aggressive behaviors, childhood experiences (abuse, emotional deprivation), and addictions.
- **Relational:** Factors associated with close social relationships of the offender: family, friends, couples partner and associates. Among other critical factors: the lack of affection and emotional links with these four types of contacts that make up one's living environment, gender socialization, sexual orientation and self-esteem.
- **Community:** Factors associated with community spaces and institutions where individuals establish their social relationships. Among others: school, neighborhood, workplace, clubs and associations.

³² World Report on Violence and Health. Op.Cit.

- **Social:** Factors associated with the historical structure of society and the country to which one belongs. It includes social norms that legitimize or inhibit violence; poverty, economic and social inequality; public policies on health, education, economy, etc.

The WHO ecological study, as it is also known, continues to be a mandatory reference in the design of public policies and prevention initiatives in different countries. In Guatemala, it has been used as an antecedent for the formulation of the Explanatory Model on Violence and Crime adapted to the national context, giving rise to the strategic planning instruments and budget of Third Vice Ministry of Violence Prevention (MINGOB), currently in effect.³³

Figure 5.
Explanatory Model of the Problem of Violence Prevention and Crime in Guatemala
Source: Vice Ministry of Violence Prevention. MINGOB



Notes:

The arrows indicate the causal relationship of the factor with respect to the critical factor of each network.

"e": causal relationship based on evidence provided by experts

"e+": causal relationship based on a systematic review of evidence.

"e++": causal relationship supported by a systematic review of evidences already approved or technical scientific study.

As can be seen in the model, one of the 18 critical causal factors of the problem of violence in the country, which mainly affects children, adolescents and women, is the weakness of legal institutions to punish offenders. The prioritization of this factor coincides with the study carried out by UNDP in 2007, which identified it as one of the multiple causes of the phenomenon.³⁴

³³ MINGOB. Logical Model of the Prevention of Violence and Crime. Guatemala, 2018.

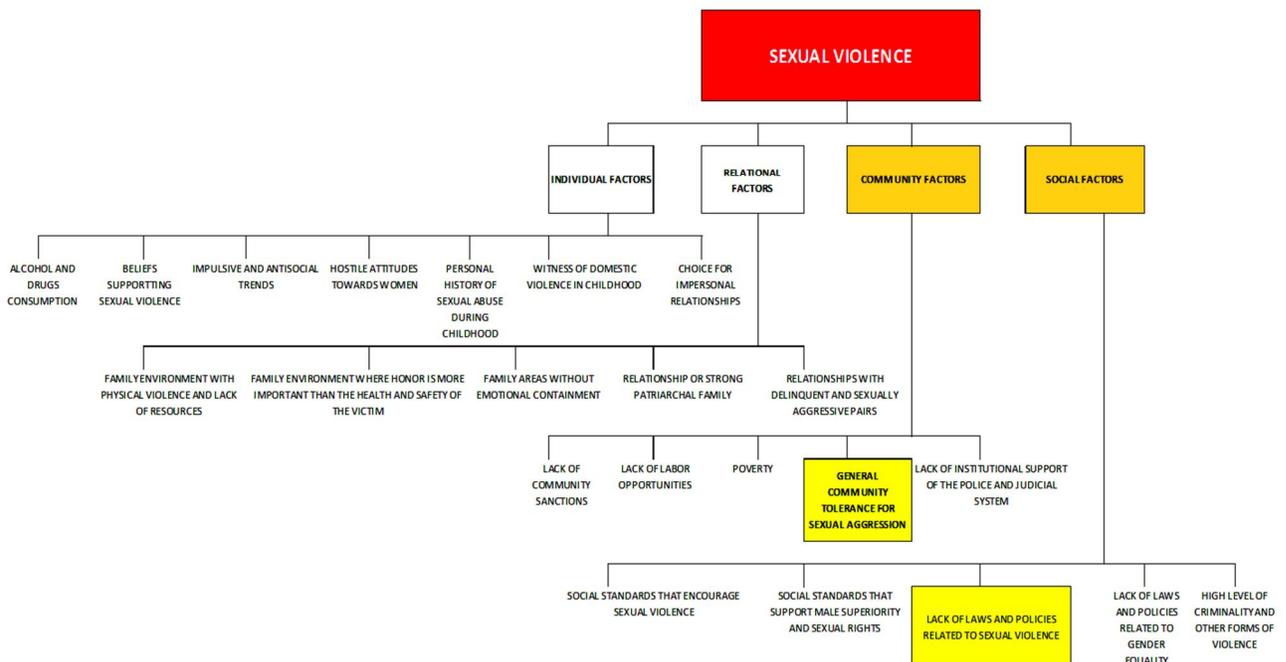
³⁴ Statistical Report on Violence in Guatemala. Op.Cit.

1.5.2 Explanatory Model of Sexual Violence

Specialized literature defines sexual violence as the deliberate use of physical force or power, either in terms of threat or actual, to force a person, of any age and sex, to perform an act of erotic-sexual content when such an act is not desired nor consent given, which causes physical and emotional damage.³⁵ From the legal point of view, the current Guatemalan legislation defines it as the use of "physical or psychological violence" to perform "acts for sexual or erotic purposes to another person, the aggressor or herself".³⁶

The WHO ecological model has also been used to explain the specific phenomenon of sexual violence. To do so, it prioritizes a series of risk factors associated with the four defined systemic levels: individual, relational, community and social. See Figure 6. In this regard, causal factors have an additive effect on the probability of committing crimes of sexual violence. The risk of committing these crimes increases as more factors intervene in a given situation. In addition, the importance of a given factor may vary in the different stages of life within the vulnerable group.

Figure 6.
Risk Factors for Sexual Violence according to WHO ecological model



Source: Report authors with data from World Report on Violence and Health WHO 2002

Among the risk factors proposed by WHO and for the purposes of this evaluation, special attention should be paid to factors on the community and social levels. At the community level, it should be noted that general tolerance of the community to sexual assault is largely determined by a set of social rules and cultural patterns rooted in families and communities. There is a concept of male superiority and their right to have sex, which increases the probability of them committing these types of crimes.³⁷

³⁵ WHO. Op. Cit.

³⁶ Law Against Sexual Violence, Exploitation and Human Trafficking. Decree 9-2009.

³⁷ WHO. Op. Cit.

Among the risk factors on the social level we find a lack of laws and strict policies associated with sexual violence. On this matter it is worth quoting verbatim from the report mentioned above:

“There are considerable variations between countries in their approach to sexual violence. Some countries have far-reaching legislation and legal procedures, with a broad definition of rape that includes marital rape, and with heavy penalties for those convicted and a strong response in supporting victims. Commitment to preventing or controlling sexual violence is also reflected in an emphasis on police training and an appropriate allocation of police resources to the problem, in the priority given to investigating cases of sexual assault, and in the resources made available to support victims and provide medical legal services. At the other end of the scale there are countries with much weaker approaches to the issue - where conviction of an alleged perpetrator on the evidence of the women alone is not allowed, where certain forms of settings of sexual violence are specifically excluded from the legal definition, and where rape victims are strongly deterred from bringing the matter to court through the fear of being punished for filing an “unproven” rape suit.”³⁸

1.5.3 Explanatory Model of Impunity for Crimes of Sexual Violence against C/A

As explained above, the WHO study, the UNDP Report (2007) and the Logical Model for the Prevention of Violence and Crime of the Ministry of the Interior (MINGOB), agree that **one of the critical causal factors of violence in general and sexual violence in particular, is the weakness of the justice system to punish offenders, and consequently, the prevalence of impunity in this type of crime.**

In general terms, the concept of impunity refers to the absence of punishment (not punishability). In the field of criminal justice, it could be defined as the lack of State sanctions (sole agency with *ius puniendi* or right to punish) against criminal behavior. To distinguish and measure this phenomenon, it is worth highlighting the definition made by the Subcommittee on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights, referring to the absence of sanctions for violations of human rights:

““Impunity” means the impossibility, de jure or de facto, of bringing the perpetrators of human rights violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, convicted, and to reparations being made to their victims.”³⁹

For its part, the International Commission against Impunity in Guatemala (CICIG) defines impunity as the absence of criminal liability of those who participate in the commission of a criminal act; due to failures in the justice system, they avoid investigation which would lead to indictment, detention, prosecution and, in the case of being found guilty, appropriate sentencing, including compensation for damages caused to victims⁴⁰. Impunity can be classified into two categories:

- A) *de jure* (absence or weakness of legal framework)
- B) *de facto* (deliberate or negligent)

A determining factor in a State’s impunity level is its capacity for investigation, identification and capture of probable perpetrators of criminal acts. In general, the percentage of impunity is calculated

³⁸ WHO. Op. Cit. 175-176

³⁹ UN – ECOSOC – CHR – Subcommittee, 1997, Page 19

⁴⁰ Guatemala impunity measurement system. International Commission for Impunity Guatemala. 2015. Page 13 (Sistema de medición de impunidad en Guatemala. Comisión Internacional para la Impunidad en Guatemala.)

by dividing the cases with convictions in the primary jurisdiction trial court for a given period by the crimes registered during the same period. This type of measurement is called "direct" impunity.

A) *De jure* impunity

De jure impunity refers to the absence of a legal framework that allows punishment for certain criminal behaviors. The classifying of a conduct or act as a crime is determined by international standards in the matter, which, through treaties and accords, recognize a series of criminal behaviors and establish the duty of the States to prosecute them criminally. A clear example of *de jure* impunity is the lack of criminalization in some national legislation of the so-called international crimes: genocide, crimes against humanity or war crimes. Another example is the lack of characterization of behaviors established in the Palermo Convention against Organized Transnational Crime.

On the other hand, *de jure* impunity can result from weakness in substantive criminal law. That is, a crime is named as such, but is either vague or the penalty too light. A clear example is the situation existing before 2009 in the Guatemala's substantive criminal framework with respect to crimes of sexual violence.⁴¹

Regarding the weakness or inexistence of the criminal procedural framework, the concept refers to the fact that the judicial processes for reaching a judgment after the commission of a certain crime are either non-existent or there are obstacles making trial and sentencing of the perpetrator practically impossible. Examples of this type of impunity include deficiency in laws regulating the right to pretrial, or permissiveness in the procedural system allowing malicious litigation due to poor regulation of the procedural resources system.

B) *De facto* Impunity

The concept of *de facto* impunity refers to the absence of institutional capacities and/or conditions to allow judicial processes to punish the perpetrator(s) of certain crimes. Thus, although the State has an adequate legal framework for investigation, trial and sentencing, the existing limitations prevent prosecution and punishment, so impunity rates remain at high levels.

De facto impunity can be divided into "intentional" and "negligent". Intentional *de facto* impunity is what is usually associated with corruption or more generally to the permeability of the justice system to private legal or illegal interests. In this way, the criminal prosecution of certain types of crimes is deficient due to lack of will of one or more of the operators of the justice system. This deficiency is favored by the absence or weakness of an internal monitoring and investigation system in each institution regarding the intentional behavior of its officials.⁴²

Negligent *de facto* impunity is associated with limitations in institutional capacities that lead to lack of a trial and sentencing of those responsible for certain types of crimes. The following can be included among influencing factors: lack of human resources; little or no specialization of existing personnel in investigation, accusation, court trial and sentencing; lack of general or specialized materials; lack of internal organization of both work in general and resource management; lack of inter-institutional coordination between the different entities responsible for criminal prosecution; weakness in the professional career development for those in the legal system which precludes professional and even social incentives to encourage better job performance. The limited territorial coverage of justice

⁴¹ In 2009 the Law against Sexual Violence, Exploitation and Human Trafficking was enacted.

⁴² This system, which includes a disciplinary component, is part of the professional career.

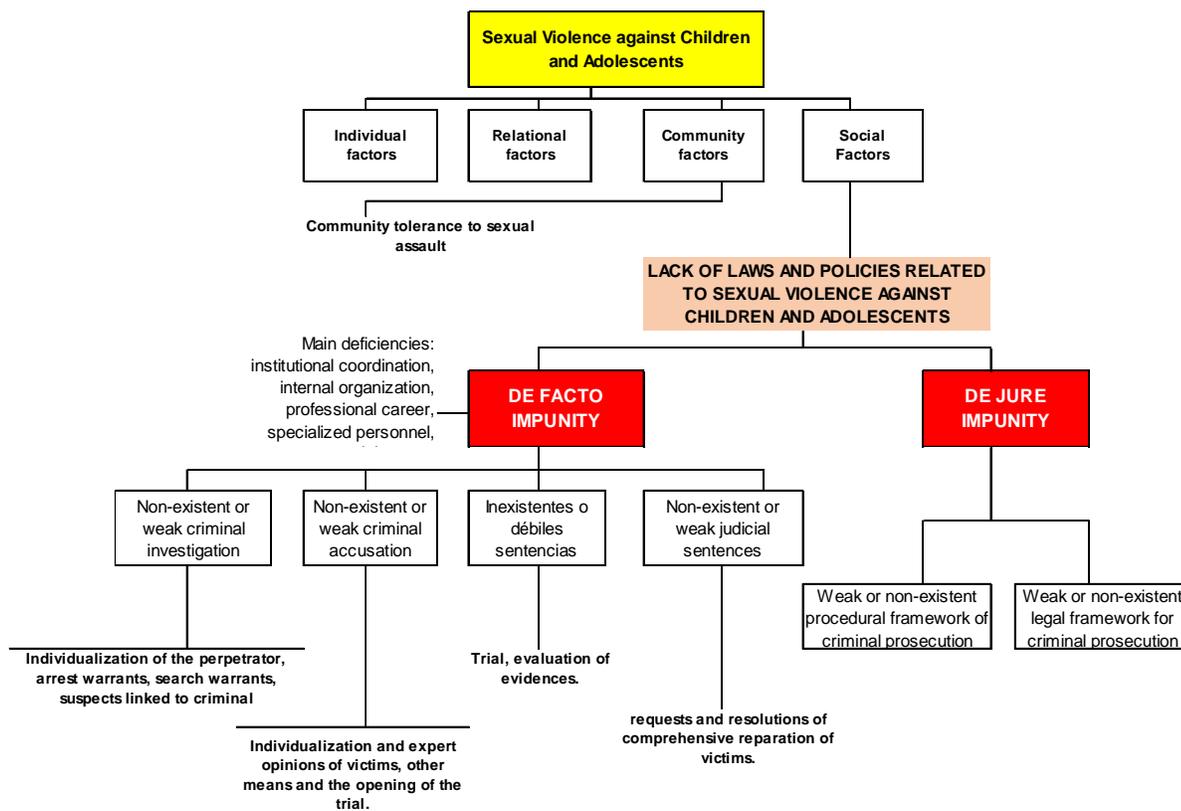
services also hinders access to justice, as does the population’s distrust or fear and delays in the judicial process, among others.

All the causal factors described have a strong impact on the effectiveness of the criminal justice system when it comes to punishing criminal behavior. This lack of efficacy is reflected in the different stages of the criminal process that lead to sanctions for the perpetrator of a criminal act.

Regarding criminal investigation, the concurrence of one or more of the aforementioned factors produces a lack of identifying the perpetrator of a crime, so the subsequent investigation proceedings either do not occur or are so weak that they don’t allow the accused to be linked to process. On the other hand, these factors may affect the ability of institutions, especially the MP, to obtain relevant means of proof that would allow the judging body to decide to take the case to trial. All or some of these factors can ultimately lead to reduced ability to go to trial, and poor assessment of the evidence and thus a lack of convictions.

In the analysis of the concept of impunity, the lack of victim reparations deserves special mention. According to the CICIG and the UN Human Rights Commission, lack of integral attention to victims becomes a risk factor for revictimization, making it difficult to leave the circle of violence. Based on the previous analysis, IJM’s conceptual model for addressing impunity in cases of child sexual violence in Guatemala and its main causal factors is presented below. See Figure 7.

Figure 7. IJM’s conceptual model for addressing impunity in cases of sexual violence against children and adolescents in Guatemala



Source: own elaboration, based on evidence from the WHO 2003 study.

1.6 Specialized Justice: Political-Regulatory and Institutional Frameworks

In recent years, the situation of human rights of C/A, as well as State policies and the regulatory framework that protect them - from those aimed at violence prevention to criminal prosecution - has evolved considerably in the country. Among the advances at the level of international standards, it is worth mentioning the five international conventions ratified by the Guatemalan State:

- The Hague Convention on the Protection of Children and Cooperation in matters of International Adoption, ratified in 2002;
- Convention 182 of the International Labor Organization (ILO), on the Worst Forms of Child Labor, ratified in 2001;
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, ratified in 1996;
- ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries, ratified in 1994;
- Convention on the Rights of the Child (CRC) of 1989.

Specifically, the prevention and punishment of violence, including sexual violence, since the Peace Accords signed in 1996, has constantly evolved. Sexual violence, once unnoticed and considered a normal practice, is currently classified as a crime. This fact is reflected in the considerable amount of approved legal norms and of public policy instruments, which has led to the development of a specialized justice system, including laws and institutions for criminal investigation, criminal prosecution, trial and sentencing.

In 2011, a study by the Secretariat of Planning and Programming of the Presidency (SEGEPLAN) identified that of the 44 public policies formulated between 2002 and 2010, twelve included among their objectives the themes of prevention and/or reduction of violence.⁴³ There are five common elements shared by this set of public policy instruments: Institutional strengthening; Awareness and information campaigns; Reform or creation of laws; Conducting research, studies, and dissemination thereof and; Budget adjustments for financing policies. (See Table 4)

Table 4.
Political-regulatory Framework for Prevention of Sexual Violence Against C/A

Yr	Instrument	Target Group	Area	Responsible Agency
1997	Law to Prevent, Punish and Eradicate Domestic Violence	Children and women	Prevention, protection and promotion, institutional development	PGN, PDH
2003	The Law for Integral Protection of Children and Adolescents (PINA Law)	Children and adolescents	Protection, promotion, restauration	PGN
	Health Policy for Adolescents and Youth 2003- 2012	Adolescents and youth	Promotion of reconciliation, violence prevention, abuse and sexual exploitation, and addiction treatment	MSPAS
2004	Comprehensive Protection Policy and National Plan of Action for Children and Adolescents of Guatemala 2004-2015	Children and adolescents	Abandonment, mistreatment, abuse and domestic violence	SBS
2007	Policy against Human Trafficking 2007-2017	Victims of human trafficking	Prevention and control of human trafficking, and attention to and compensation for victims	MINEX
2008	National Policy for the Promotion and Integral Development of Women 2008-2023	Women	Prevention, attention and punishment for violence against women and racial discrimination	SEPREM

⁴³ Analysis of public policies for the prevention of violence. SEGEPLAN. 2011.

Yr	Instrument	Target Group	Area	Responsible Agency
	Policy for Coexistence and Elimination of Racism and Racial Discrimination	Indigenous communities	Cultural relevancy in security and legal services	CODISRA
	Security Policy and Rule of Law 2008-2012	General population	Development of institutionality in areas of security	MINGOB
	Law Against Femicide and other Forms of Violence Against Women	Women	Prevention, punishment, eradication, institutional development	SVET
2009	Law against Sexual Violence, Exploitation and Human Trafficking	General population ⁴⁴	Penal sanctions for sexually violent crimes, exploitation and human trafficking	SVET
	Policy against Addictions and Illicit Drug Trafficking 2009	General population	Reduction in supply and demand of illicit drugs	Commission Against Addictions and Illicit Drug Trafficking
	Social Development and Population Policy	General population	Protection of women, children and adolescents from violence, abuse and exploitation, and attention to victims	System of Urban and Rural Development Councils
	National Accord for the Advancement of Security and Justice	General population	Institutional development in security, prisons, police, criminal investigation and administration of justice, and regulation of private police	MP, CSJ, Legislative and Executive Body
2010	National Youth Policy 2010-2015	Adolescents and youth	Prevention of domestic, sexual and criminal violence between and against young people.	CONJUVE
	National policy for the prevention of youth violence	General population	Prevention of violence, seizure of weapons and rehabilitation of offenders	COPREDEH
2011	Reform of the Criminal Procedure Code	Víctimas de violencia	Legal protection, restitution, restoration	MP. OJ
2014	Peace, Security and Justice Accord	General population	Prevention, protection, promotion	MINGOB
2014	National Policy for the Prevention of Violence and Crime	General population	Situational security, local participation, communication campaigns	MINGOB
2015	Criminal Policy of the State of Guatemala 2015-2035	General population	Prosecution and punishment	MP. OJ
2016	Constitutional Law of the Institute for the Assistance and Assistance of Victims of Crime	Victims of sexual violence	Protection, attention, referral, institutional coordination	DPP
2018	Logical Model for the Prevention of Violence and Crime in Guatemala	Children, youth and women	Psycho-affective care, community setting, institutional strengthening	MINGOB

Source: Report authors with data from Analysis of Public Policies for the Prevention of Violence SEGEPLAN 2011. Pages 24-27

Despite advances in the development of the political-regulatory framework described above, Guatemala continues to face problems establishing and maintaining a true Rule of Law, in which the law is equally applied to all. In accordance with the 2017 Rule of Law Index, Guatemala ranks 96 out of 113 countries, with a score of 0.44 (out of 1) worldwide.⁴⁵

⁴⁴ Emphasizes vulnerable groups: children, youth and women.

⁴⁵ World Justice Project. Rule of Law Index. 2017/2018

According to the United Nations (UN), the rule of law refers to a principle of government according to which all persons, institutions and entities, public and private, including the State itself, are subject to laws enacted publicly, enforced equally and applied independently; and compatible with international human rights standards and principles. It also requires that measures be adopted to guarantee respect for the principles of the rule of law, equality before the law, accountability before the law, fairness in application of the law, separation of powers, participation in decision making, legality, non-arbitrariness, and procedural and legal transparency.⁴⁶

1.7 IJM Program in Guatemala:

1.7.1 Global Intervention Model

IJM is a global non-profit organization whose mission is to protect the poor from violence. Its global work team currently consists of more than one thousand professionals in different disciplines, including: lawyers, researchers, social workers, community activists and other professionals. IJM has 18 field offices in 10 countries⁴⁷, as well as 5 partner offices in the United Kingdom, Canada, Germany, Australia and the Netherlands. Its headquarters are in Washington D.C.

IJM provides protection by working with national authorities to rescue victims, bring criminals to justice, restore survivors and strengthen public justice systems. The types of violence addressed by the institution are: i) Modern slavery in its different manifestations; ii) Human trafficking for sexual purposes; iii) Sexual violence and other forms of violence against women and children; iv) Property seizures; v) Abuse of power by state security forces; vi) Violation of citizens' rights.

IJM's institutional vision statement is as follows: *Rescue thousands. Protect millions. Prove that justice for the poor is possible.* IJM works directly on the one hand with victims of violence, and on the other, strengthens the response of justice systems to the commission of these criminal acts; operating under the premise that a strong justice system, with low levels of impunity, produces a deterrent effect, thereby protecting a broad segment of the population. To achieve this long-term objective, it uses the "**Justice System Transformation**" model, which combines services and direct assistance to victims of violence, as well as strategies to reform and strengthen the Public Justice System (PJS), to protect groups especially vulnerable to violence, essentially those with limited resources. To carry out this model, its operations are organized in phases.

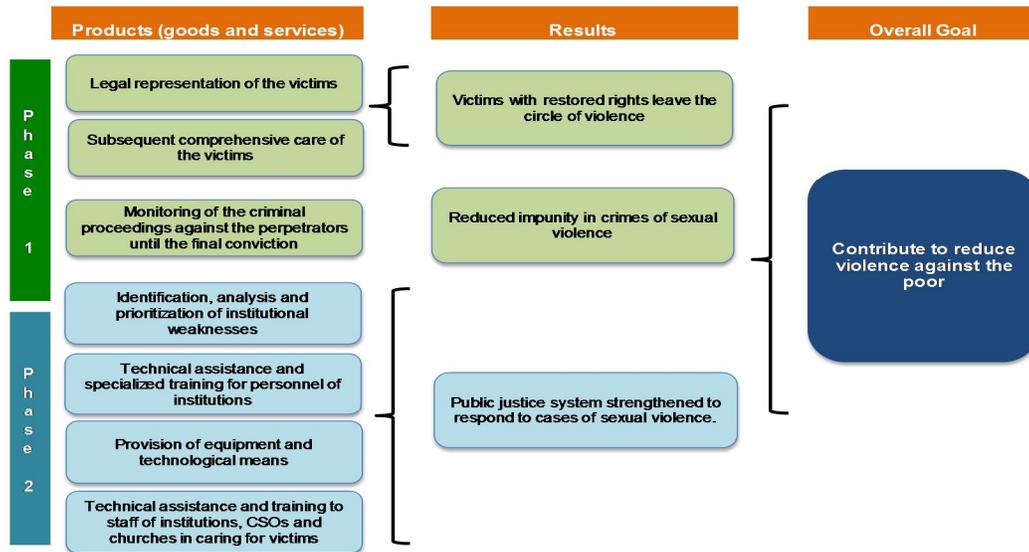
- **PHASE I: Casework.** Its beneficiaries are the direct victims of violence. The services it provides are: (i) Legal representation of victims of violence; ii) Monitoring of criminal proceedings against perpetrators until their final conviction; and iii) Holistic attention to victims after the commission of the crime. This is aimed at: i) victims' removal from the cycle of violence through a process of restoration; ii) reduction of impunity through strong sentencing of perpetrators; and iii) identification of weaknesses and opportunities in the justice system for intervention in Phase II.
- **PHASE II: Criminal Justice System Reform.** While continuing with objectives set out in Phase I, it incorporates strategies and activities focused on achieving improvements and structural reforms in the PJS, as a result of identifying its weaknesses during Phase I. Goods and services added during this phase include: i) technical assistance, training and equipment to institutions of the public justice system; and ii) technical assistance and training to private and public institutions for victim assistance.

⁴⁶ Report of the Secretary General on the rule of law and transitional justice in societies that suffer or have suffered conflicts (S/2004/616)

⁴⁷ Bolivia, Guatemala, Dominican Republic, Ghana, Uganda, Kenya, India, Philippines, Thailand and Cambodia.

According to the above, the general global objective of IJM is to contribute to the reduction of violence against the poor. To do this, its interventions (goods and services and activities) are organized into a logical-causal chain with four outcomes, as shown in Figure 8.

Figure 8. Chain of results of IJM global intervention model



Source: report authors with data from various IJM sources

The IJM intervention model has shown efficacy in various countries where it has been applied, as shown in the following data on results⁴⁸:

- More than 40,000 victims as direct beneficiaries of IJM intervention removed from cycle of violence.
- More than 1,300 sentences for perpetrators of violent acts.
- More than 46,000 public functionaries and members of institutions trained in the violent cases approach.
- More than 150,000,000 people within the target population benefitted by reduction of violence in IJM's geographical area of intervention on the global level.

1.7.2 IJM Program Design in Guatemala

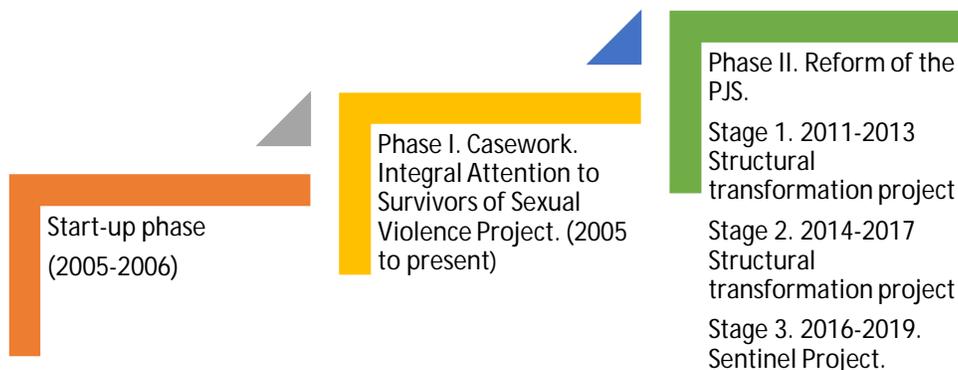
At the end of 2004, IJM made various field visits to determine the feasibility and relevance of establishing an office in Guatemala. They found that there were high rates of crimes committed against children and adolescents and that the PJS did not respond adequately to achieve prompt and consummate justice. In addition, although there were other organizations working for the protection of children's rights, none specifically addressed the problem of impunity and the accompaniment of institutions in the justice and security sector.

IJM decided to establish a permanent office in Guatemala, whose formal operations began on August 16, 2005. It also prioritized children and adolescents as the target population and sexual violence as a

⁴⁸ www.ijm.org

target of the approach. Since then, IJM's work in Guatemala has been guided by its global intervention model for cases of violence against the poor, adapted to the country conditions and the justice sector specialized in sexual violence against C/A. The programmatic design of this framework consists of two interrelated logical structures: Phases and Projects. In the case of the Structural Transformation Project (Phase II), the duration cycle was divided into stages. A brief description of said logical intervention is given in Figure 9.⁴⁹

Figure 9.
Timeline of programmatic framework of IJM in Guatemala (2005-2018)
Source: Report's authors with IJM data



Start-up Phase (2005-2006). IJM carried out a diagnostic analysis of Guatemala's PJS and adapted its intervention model to country conditions, the justice sector and the specific situation of sexual violence against children and adolescents. Based on this information, work began with a focus on cases of children and adolescents victims of crimes of sexual violence.

- *Phase I. Casework (2005-present).* In 2007, following the start-up phase, development of the Justice System Transformation Model, known as Casework, began within the framework of the Integral Attention to Survivors of Sexual Violence Project. A central pillar was the legal representation of victims through the joint plaintiff modality, in force in Guatemalan criminal law. This allowed IJM legal teams to support the work of the MP in the preparation and presentation of accusations before judges specializing in sexual violence. Likewise, technical and logistical support was provided to the National Civil Police (PNC) for the identification and location of suspects and other investigative tasks.

In addition to legal services, victims received other integral services to mitigate the impact of the damage and restore their violated rights.⁵⁰ This strategy sought to achieve two direct effects:

- i) Strengthen justice institutions' capacities, mainly the MP, to collect evidence and formulate well-founded accusations that allow potential guilty verdicts by judges;
- ii) Strengthen victims' capacities to exercise their rights and access criminal justice. In this sense, attention provided to victims was "an advocacy strategy for protecting C/A", which

⁴⁹ For more information, a descriptive sheet of each of the projects has been included in the appendix 4.

⁵⁰ According to the document Integral Attention to Survivors of Sexual Violence Project (2007-2010), participation in these services included victims' families, church support groups, social workers and therapists from public institutions, among others.

contributed to the desired effect by strengthening the PJS (central core of IJM's approach): "ending impunity" for cases of crimes of sexual violence in the country.⁵¹

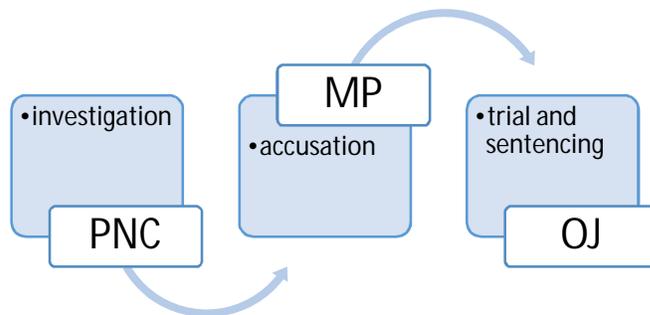
During the execution of the project between 2008 and 2009, significant progress was made in the development of the political-regulatory and institutional framework on domestic and sexual violence in the country, among which approval of the following regulations are of note:

- i) Regulation of Model of Integral Attention for Cases of Domestic Violence and Sexual Crimes (MAI);
- ii) Adoption Law (2007);
- iii) Law against Femicide and other forms of violence against women (2008);
- iv) Law against Sexual Violence, Exploitation and Human Trafficking (2009).

During the 2007-2010 period, efforts were directed toward building institutionality. The Sub Directorate for Criminal Investigations (DEIC) was created as was the Secretariat against Sexual Violence, Exploitation and Human Trafficking (SVET). Regarding institutions in the justice sector, in 2008 the Attorney General enacted Instruction 07-2008, on the implementation of the Model of Integral Attention (MAI) in the MP.

Within the evolution of the political-regulatory framework in the area of domestic and sexual violence, IJM carried out important advocacy work with a group of Guatemalan civil society organizations that culminated in the approval by Congress of penal code reforms to regulate crimes of sexual violence, which then led to approval of Legislative Decree No. 9-2009, Law against Sexual Violence, Exploitation and Human Trafficking (VET Law)

- Phase II. Justice System Reform (2011-2017). During this phase, IJM focused on promoting the structural reform of Guatemala's PJS, supporting and developing institutional capacities of those that make up the different links of the criminal justice system related to crimes of sexual violence against C/A, within the framework of the VET Law. IJM sought to incorporate international standards and quality into all the links, as well as adequate time for the attention to and resolution of cases by the corresponding institutions:



Likewise, technical assistance and training has been provided to officials of the Procurator General's Office (PGN) Children's Unit; regarding new tools generated by this law. To promote changes in institutional capacities, interventions have been structured into two projects: Structural Transformation Project (stages I and II) and Project Sentinel.

Stage 1 of the Structural Transformation Project (2011-2013) focused on addressing weaknesses in the justice system detected in Phase I, through the strategy of direct attention in cases of sexual violence against C/A. In stage 2 (2014-2017) IJM's work focused on supporting criminal investigation and prosecution by specialized entities created by the PNC and the MP, including inter-institutional coordination. Work was also carried out with the specialized justices of the peace

⁵¹ Mazariegos, Jacobo. IJM technical team Guatemala. Commentaries on draft of initial report, April 2018.

and primary jurisdiction trial courts. The geographic area of coverage was extended to the provinces of Guatemala, Alta Verapaz and Quetzaltenango.

In 2016, based on the transformation model of the PJS and in order to ensure that the improvements achieved would be maintained, IJM submitted a work proposal to the Bureau of International Law Enforcement and Anti-Drug Trafficking (INL), which resulted in Project Sentinel, designed to strengthen the response of the State of Guatemala to sexual violence and thereby support the goals of the Central America Regional Security Initiative (CARSI) that seeks to create safe public spaces and establish effective State presence in communities at risk.

Project Sentinel covers 4 provinces: Quetzaltenango, Escuintla, Alta Verapaz and Guatemala. In Sentinel, several important aspects stand out: 1) Working directly with victims is revisited through attending to and monitoring of and integral attention toward criminal cases - actions that, although maintained during the two previous structural transformation projects, had not been incorporated into the planning of the two projects. 2) This project also envisaged a transfer of skills to civil society organizations to develop the Collaborative Casework (CCW) model through training and a grant to hire specialized personnel for legal attending to and monitoring of cases. 3) Continued strengthening of justice sector institutions for criminal prosecution of sexual violence against C/A.

With this approach, Project Sentinel is transferring capacities and responsibilities to local actors and promoting greater community awareness. Within this framework IJM has continued to sign collaboration agreements with various public entities, churches and other actors.⁵² Among the most important are those signed with MINGOB (PNC), MP and OJ, which have been constantly renewed to give continuity to collaborative efforts. As will be analyzed in the findings section of the Evaluation Report, these are measures that have potential efficacy for the institutionalization and long-term sustainability of the transformation processes promoted in the criminal justice system specializing in sexual violence against C/A.

1.7.3 IJM Intervention Logic Model in Guatemala

As indicated in the previous section, the program design of IJM in Guatemala is theoretically and operationally based on its intervention model, used to reduce different forms of violence against vulnerable populations in the countries where it has operations. To maintain coherence with this model, but also with conditions and opportunities within the country and sector, interventions were structured into successive phases and projects, aimed at achieving a reduction in impunity for crimes of sexual violence against C/A, and thus a decrease in the incidence of sexual violence in Guatemalan society.

To contribute to these strategic changes, the IJM approach model in Guatemala has prioritized the treatment of factors associated with two lines of causality identified by the specialized literature as being particularly critical for the continued existence of child sexual violence⁵³ (see Figure 10):

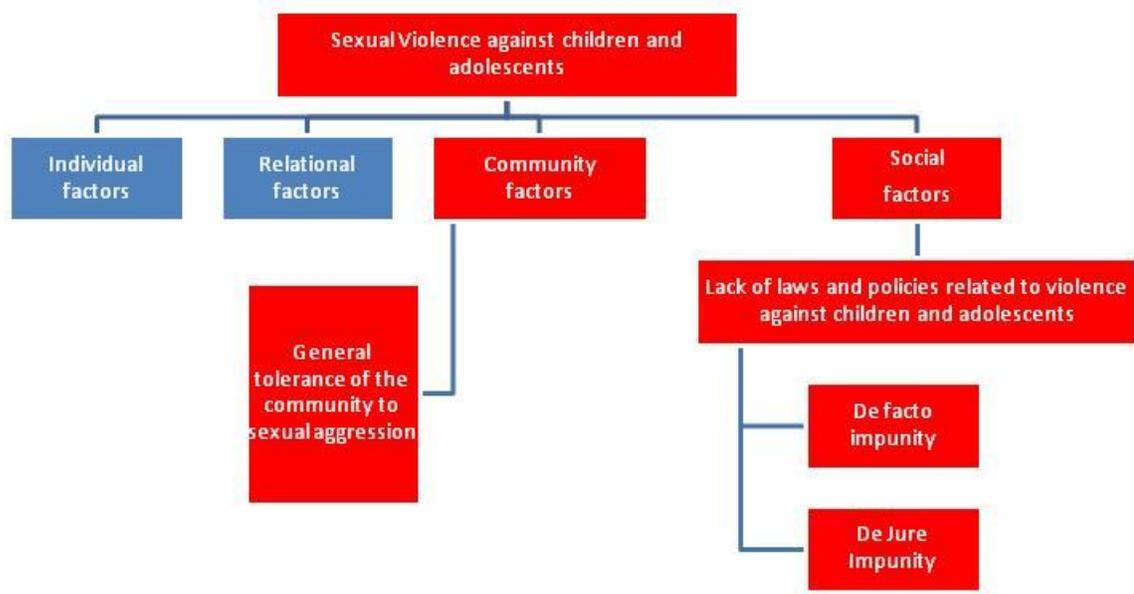
- *Community factors*: within this group of factors, the intervention model of IJM has prioritized the tolerance or social and cultural acceptance of sexual aggression in communities.
- *Social factors*: in this line of causality, IJM has prioritized the types of impunity defined previously. On the one hand, *de jure* impunity especially associated with the lack of laws and public policies to

⁵² This practice has been institutionalized in the IJM strategy since 2006.

⁵³ See conceptual model in figure 3, section 1.5.3

punish this type of crime and, on the other hand, *de facto* impunity, associated with weaknesses in PJS to investigate, prosecute and punish sexual violence against C/A.

Figure 10.
IJM's basic approach model for sexual violence against Children and adolescents in Guatemala



Source: report's authors, based on the conceptual model of the problem of impunity for sexual crimes

Later, in the findings section, the success or failure of IJM will be analyzed and reported in the choice of the two groups of critical causal factors (community and social) to address the problem and achieve the strategic results and the expected impact.⁵⁴

1.8 Objectives and Scope of the Evaluation

As a key expression of an institutional culture striving to achieve results, learning and evidenced-based decision-making, evaluation is defined as a study that **systematically, rigorously and impartially** assesses success in expected and achieved results brought about by a development action, considering multiple internal and external factors of causality, as well as the interaction between interested parties and the subjects of change.

Consistent with the principles and guidelines of international conferences on quality and effectiveness of cooperation (Rome 2003, Paris 2005, Accra 2008, Busan 2011), from the perspective of the RBG method, the evaluation has three contributions and main uses:

- **Improvement of the results:** the evaluation offers evidence on the level of achievement of the planned results, considering the different factors of causality that have intervened, and proposes viable and pertinent recommendations to improve the design and increase the effectiveness of projects (in case of mid-term evaluations) or improve the theoretical models of future interventions (in case of final evaluations).

⁵⁴ See sections on relevancy, efficacy and impact.

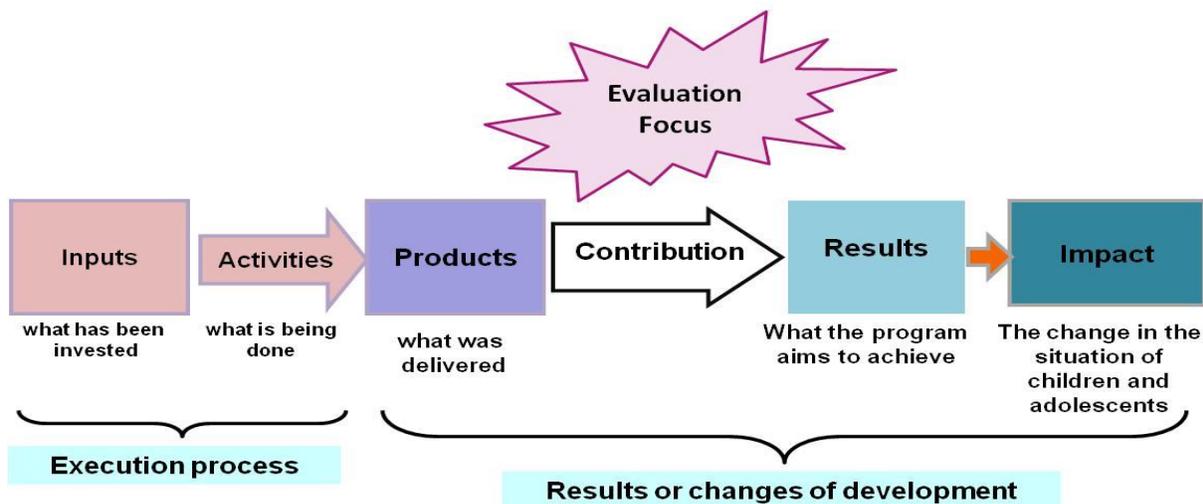
- **Organizational learning:** the evaluation is an opportunity to distinguish and systematize learning and good practices generated by the experience of development action, for consideration in subsequent phases and/or new future actions.
- **Accountability:** evaluation is an effective tool to support accountability to donors and various stakeholders about what is being done or has been done.

In this case, a final evaluation of the IJM Program in Guatemala is needed to identify and assess the level of success in achieving results and their contribution to solving the problem of sexual violence against C/A in the country. The findings and recommendations will serve for the uses indicated above. The evaluation team observed and analyzed the IJM Country Program in Guatemala during the period from 2005 to 2017. Considering its uses in the programming cycle and what was requested by the Terms of Reference, the following general objective was proposed:

Assess the level of achievement of planned results by the IJM Guatemala Program during the reference period and its contributions or impact on the transformation of the problem of sexual violence against children and adolescents in the country, in order to offer useful recommendations to strengthen its institutional learning and the improvement of future interventions in the sector.

To fulfill this objective, the evaluation team examined 4 of 5 variables⁵⁵ generally employed in these kinds of exercises: relevance, efficacy, sustainability and impact. In each case, findings will be presented, made apparent by contrasting different evidences and based on this, conclusions and recommendations will be offered accordingly. (See Methodological Matrix in Appendix). In this sense, from the point of view of results-based management (RBM), **the emphasis of observation and analysis will be placed on the links in the chain of results that connect the products with expected results, as shown in the following graphic.**

Figure 11.
Focus of observation and analysis of the evaluation



Source: Own elaboration

⁵⁵ The dimension of efficiency is not included in the TOR

1.9 Evaluability and Incidents Report

Prior to beginning a project evaluation, it is recommended that a **project evaluability analysis**⁵⁶ be conducted employing three variables: i) program design; ii) availability of information; iii) adequate context. Primary findings are presented below:

1.9.1 Program Design

In general, a cooperation agency's Country Program is structured around long-term strategic objectives and results aimed at contributing to public policy priorities and the development of the country. The Program relies on a portfolio of projects with limited duration cycles (2 or 3 years). In the case of IJM, as indicated above, the Guatemala Program is based on its global intervention model adapted to conditions and opportunities of advocacy offered by the political-institutional context of the justice sector in Guatemala specializing in sexual violence, including that which affects C/A. This has given strategic coherence to its structured programmatic design in successive and interrelated phases and projects. However, considering the RBM approach as an international standard, there is room for improvement in the design of future programs that are worth taking into account.

- *Elaboration of Conceptual Model:* This RBM tool consists of a document containing an analysis of the problem's causal factors prioritizing a development action, providing a technical and scientific foundation for interventions to increase potential efficacy.⁵⁷ Although the design documents of the IJM Program in Guatemala contain an analysis of the problem of sexual violence against C/A, improvements are possible, derived from the evolution of specialized knowledge and institutional learning generated by their own practices in Guatemala and evaluation exercises such as this one.
- *Formulation of Theory of Change:* this RBM tool explains the causal-logical relationship between expected results in the long, medium and short term with the set of interventions (goods and services) chosen based on the technical-scientific evidence provided by the conceptual model of the prioritized problem. IJM's global model can be conceptualized in general as its theory of change and has worked in practice in Guatemala to give logical coherence to its operations. Nevertheless, due to the dynamic nature of development problems, it is always an evolutionary and flexible theory, subject to hypothesis testing and sensitive to learning generated by experience, and findings from periodic evaluations of the actual efficacy of products chosen to achieve expected results. Therefore, its revision and continuous improvement are desirable.
- *Standardization of the intervention logic design technique:* design of successive IJM projects in Guatemala doesn't have a standardized technique for the design of its results chain. For example:
 - ✓ In the 2005-2010 projects, a Logical Framework technique with four links was used: general objective, specific objective, results and activities.
 - ✓ In the 2011-2013 project, a technique that is closer to the RBM approach was used, which includes a causal chain with three links: impact, results and products.

Some inconsistency was also found in the application of the three technical standards for product design: 1) what is delivered, 2) to whom it is delivered, and 3) the standard of services.

⁵⁶ Set of basic conditions that make the evaluation of a development action viable. Toolkit. Evaluation Area. UNDP LAC. Panama, 2012.

⁵⁷ This tool replaces the Problem Tree technique used by traditional strategic planning methodologies.

1.9.2 Availability of Information

The IJM Program team, both in Guatemala and at the central office, showed a high degree of willingness and collaboration to provide all available information on the different phases: design, results framework, reports, and studies. To do this, a digital file was created to which the evaluation team was granted access. IJM also provided a list of people from different institutions, organizations and other actors involved in program implementation, as well as a list of suggested actors (for consideration by the evaluation team as sources of information). Additionally, the program made available the Monitoring and Evaluation System (SM&E) with indicators and targets, baseline and goal line, which was extremely useful for contrasting the evidence collected from primary sources.

1.9.3 Favorable Political-Institutional Context

The evaluation was carried out in a period of relative stability in the national political environment and institutions involved in the processes promoted by the program. During the evaluation period, there were: i) changes in MINGOB authorities, which included the PNC's principal and middle ranking officers; ii) appointment of the new Attorney General; iii) programmed institutional changes according to the national legal system. Considering the criteria analyzed (design, availability of information and favorable context), the evaluation team pointed out a satisfactory level of evaluability of the IJM Guatemala Program. The evaluation team (ET), would like to recognize the capacity and availability of the IJM office in Guatemala in providing much data from documentary sources, as well as access to actors considered key within the evaluation methodology.

1.10 Methodology Employed

1.10.1 Guidelines and Standards

The methodology used in the evaluation corresponded to international standards of quality, ethical code and technical guidelines accepted by the majority of international cooperation agencies, including those of the OECD. In particular, the following standards have been met: anonymity and confidentiality; responsibility; integrity; independence; incident report; information validation; intellectual property; report delivery. As an added value, the following approaches based on good practices and learning from the consulting firm and the ET were used:

- i. Participatory:* as many actors as possible were considered, to ensure balance and comprehensiveness of points of view and evidence.
- ii. Results-based Management:* In accordance with the principles of development aid effectiveness, the ET integrated the RBM method into the analysis of IJM Program design and results, particularly in the reconstruction of the Theory of Change and the vision of results in contributions to the solution of the prioritized problem.
- iii. Pedagogy of learning:* Given the importance of this dimension in the theory of RBM and the evaluation objective, the ET emphasized identifying those experiences with learning potential for the IJM team in Guatemala.
- iv. Human Rights Approach:* Used in analyzing how the problem of sexual violence has affected the full exercise of C/A rights in their capacity as rights holders. Also, in analyzing how PJS institutions have fulfilled their obligations of protection and restitution of the rights of this sector of the population.
- v. Gender Approach:* The ET considered the gender approach in the collection and analysis of evidence to distinguish the different ways sexual violence affects girls and adolescent girls because of their gender.

- vi. *Intercultural approach*: To evaluate a development action in Guatemala one must consider the country's cultural diversity. The evaluation considered how the IJM Program has been sensitive to sexual violence against indigenous children and adolescents.

1.10.2 Collection Methods and Information Analysis

The evaluation aimed to provide reliable information, based on evidence, as an aid for the purposes and uses defined by IJM and its partners. To do this, the evaluation team used the following methods of collecting and analyzing information:

- i. *Reference document review*. More than 50 documents were reviewed, classified into three categories: i) Documents on project design and implementation: baseline study, project documents, logical frameworks, M&E reports, technical reports, collaboration agreements, materials produced; ii) Documents of the justice sector's political-regulatory framework specialized in sexual violence against C/A (policies, laws, public policy guidelines, protocols, internal regulations, etc.); iii) Specialized studies: technical reports and scientific research on the problem of violence and impunity for sexual crimes. See Appendix 2.
- ii. *Semi-structured interviews*. This data collection technique was used to consult PJS (PNC, MP, OJ) and CSO officials related to the subject. To do this, interview guides were designed for each group of actors to collect their experiences and specific points of view. See Appendix 4.
- iii. *Focus groups or group interviews*. This technique was used to consult a group of CSO actors, as well as IJM Program teams.
- iv. *Triangulation of information*. Analysis technique that allowed the ET to verify and ensure the validity of the findings by comparing the data provided by different subjects or sources of information and methods of collecting them. In all cases, to confirm a finding, at least three coincident evidences were contrasted, whether provided by actual or documentary sources.

To ensure consistency and methodological rigor in information collection and analysis, the ET used a matrix in which key questions, sources of information, and data collection and analysis methods were identified for each variable. See Appendix 3.

1.10.3 Actors Consulted

The evaluation team consulted a sample as representative as possible of stakeholders and interested parties regarding the design and implementation of the IJM Program in Guatemala. The consultation was made in the cities of Guatemala, Alta Verapaz and Quetzaltenango. In total, 48 people were interviewed (29 women and 19 men) corresponding to 6 types of key actors involved: i) IJM program team; ii) MP staff; iii) OJ judges and magistrates; iv) CSO personnel specialized in C/A; v) PNC officers; vi) other institutional and social actors. The number of people consulted for each category of actors follows. See Appendix 1 for a complete list of people interviewed.

Table 5.
Actors consulted during evaluation

No.	Category	Women	Men	Total
1	IJM Program team	3	7	10
2	MP personnel	15	3	18
3	OJ	5	3	8
4	PNC	2	3	5
5	CSO within C/A sector	2	2	4
6	Other social and institutional actors	3	1	4
TOTAL		29	19	48

2. Findings

This section presents the set of findings registered by the ET regarding variables examined,⁵⁸ after the triangulation of at least three sources of information from documents reviewed, and consultation with different categories of actors involved in the IJM Program design and execution in Guatemala, during the period 2005-2017.

As defined in its objectives and scope, the evaluation’s focus is the contributions of products delivered by the Program to changes in practices of individuals and institutions (results) and to the reduction of impunity for sexual violence crimes against C/A in Guatemala (impact). The main findings identified in each of the variables examined are presented below.

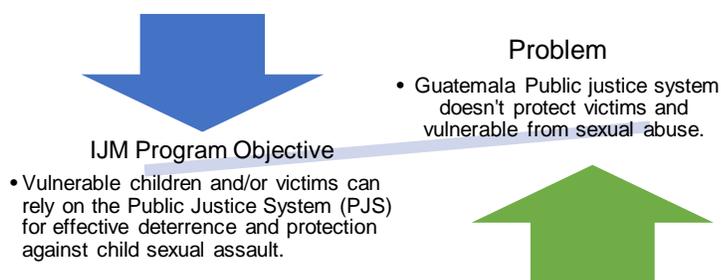
2.1 Relevance

Relevance is defined as the degree to which the IJM Program in Guatemala, mainly results and outputs, agree, on the one hand, with policies and priorities of State institutions responsible for addressing the problem of sexual violence against C/A; and on the other hand, with the needs and rights of the population affected by this problem and its critical factors. To determine relevance, three criteria have been considered: i) relevance of the problem to be resolved; ii) concordance with the sector’s political-regulatory framework; iii) concordance with the needs and rights of C/A to live a life free from violence, and restitution of exercising those rights following damages suffered at the hands of their aggressors.

2.1.1 Relevance of the problem within the country

The IJM Project presents a high level of relevance with respect to the problem of the prevalence of sexual crimes against C/A in Guatemala, which IJM, according to its general objective, seeks to reduce⁵⁹; that vulnerable groups and victims can rely on PJS for effective deterrence, and protection against child sexual assault.⁶⁰ As indicated in Chapter 1 of the report, IJM implemented a multi-phase intervention model with successive projects, starting with collaborative casework (legal representation) and continuing with institutional strengthening of several entities of the judicial system, such as the PNC, the MP and the OJ.

Figure 12.
Identified problem and Objective of the IJM Program



The relevance of the problem prioritized by IJM is given by two criteria used by Guatemalan regulations on RBM:⁶¹ i) magnitude, in terms of the number of people affected by the problem and its critical factors; ii) gravity or negative impact of the problem on the lives of those affected.

Source: report authors with data from IJM Program

⁵⁸ According to OECD standards and what was requested by the ToR, four variables were examined: relevance, efficacy, impact and sustainability.

⁵⁹ 2011. IJM Final Logical Framework.

⁶⁰ 2011. Review of IJM Program. GT ASI. Problem Tree

⁶¹ SEGEPLAN-MINFIN. Conceptual Guide for Planning and Budget by Results in Guatemala’s Public Sector (Guía conceptual de planificación y presupuesto por resultados en el Sector Pública de Guatemala) Guatemala, 2014.

As stated in Chapter 1 of this report, SICOMP registered a total of 47,678 complaints of sexual violence in the 2013-2017 period.⁶² This figure could be increased fivefold considering that for each complaint an estimated five cases go unreported.⁶³ The statistical magnitude of the problem has grown in recent years as more people are encouraged to report these crimes, which could be interpreted as resulting from increased confidence in the justice system.

In addition to choosing the problem well, the IJM Program also succeeded in choosing the population group. The WHO conceptual model (2002) and the logical prevention model adopted by Guatemala (2018), consider C/A, together with women, to be the three most vulnerable groups. There is consensus in the specialized literature, that the gravity or impact of the problem on the life of these population groups is devastating for later adult development, limiting their insertion into social and productive life. Likewise, the program has been consistent with the choice of the country's geographical target areas where this type of crime occurs most often: Guatemala, Alta Verapaz, Escuintla and Quetzaltenango.

Taking into account these characteristics, the problem of sexual violence against children and adolescents is currently classified by the responsible public institutions as "the highest strategic priority", constituting a "national and local challenge" for the country.⁶⁴ This qualification is consistent with a marked trend since the signing of the Peace Accords in 1996, in which the issue appears directly and indirectly reflected in at least 12 public policies.⁶⁵ IJM has made relevant contributions to place the problem as a priority within the legal framework of justice sector programs and the popular consciousness of the communities where it has worked.

2.1.2 Congruency with National Priorities and the Country's Political-Regulatory Framework

In addition to addressing a problem that is one of the country's strategic priorities, the IJM Program in Guatemala reveals a high level of compatibility with main public policy instruments⁶⁶ developed by the Guatemalan state over the past 15 years, which have led to specialized justice; in this instance, in crimes of sexual violence against C/A. Moreover, since 2009, IJM has contributed to the creation and approval of Decree 9-2009, the VET Law, which in turn created the SVET, the agency responsible for this area in Guatemala.

Specifically, the relevance of the IJM Program with the political-regulatory framework protecting the rights of C/A, including access to specialized justice, can be judged by the support offered through their interventions in implementation of the following laws and public policies:

- *Law on the integral protection of children and adolescents (PINA Law, Decree 27-2003). Personal integrity right. Article 11. Integrity. Every child and adolescent has the right to be protected against all forms of neglect, abandonment or violence, as well as to be free from torture, cruel, inhuman or degrading treatment. Article 54. State obligation* The State must adopt the appropriate legislative, administrative, social and educational measures to protect children and adolescents against any form of: a) Physical abuse: that occurs when a person in a relationship of power (strength, age,

⁶² IJM The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013 – 2017 Indicators of Practice, Process, and Resolution. Op. Cit.

⁶³ Report on the Situation of Sexual Violence in Guatemala (Informe de Situación de Violencia Sexual en Guatemala) 2012-2015. Mutual Support Group (Grupo de Apoyo Mutuo) Guatemala, 2016.

⁶⁴ Logical Model for Prevention of Violence and Crime (Modelo Lógico de Prevención de la Violencia y el Delito). Op.Cit.

⁶⁵ SEGEPLAN. Op.Cit.

⁶⁶Public Policy instruments refer to: policies, laws, programs, strategies, plans and any other measures that the state adopt to address the problem of sexual violence against children and adolescents

knowledge or authority) over a child or adolescent, inflicts non-accidental damage, causing internal or external injuries or both. b) Sexual abuse: that which occurs when a person in a relationship of power or trust involves a child or adolescent in an activity of sexual content that encourages victimization, and from which the offender obtains satisfaction by including within it any form of sexual harassment.

- *Law against Sexual Violence, Exploitation and Human Trafficking (Decree 9-2009):* Article 8. Protection. The prompt, comprehensive and effective intervention of the competent authority to guarantee victims access to administrative or judicial measures that prevent the continued threat, restriction or violation of their rights, as well as the restitution and reparation of the same. The competent authorities, under their own responsibility, must initiate *ex officio* the administrative and judicial procedures to guarantee protection of victim.
- *Constitutional Law of the Institute for Assistance and Attention to Victims of Crime and Amendments to the Criminal Procedure Code on Victims (Decree 21-2016).* Article 4. Rights. To the victims, without prejudice to other rights already recognized in other special laws and international regulations adopted by the State of Guatemala, this law recognizes the following rights: a) To be treated with justice and respect for their dignity, privacy and identity; b) To be informed of their rights and their role in the criminal process, the development of criminal investigation, the dignified reparation for damage suffered and the judicial and administrative mechanisms to obtain it, as well as to be notified of the judicial resolutions. m) The right to non-revictimization.
- *Constitutional Law of the Public Ministry.* Article 1 establishes that the MP is responsible for criminal prosecution and directs the investigation of crimes of public origin; it also ensures strict compliance with the laws of the country. Article 8 states: "Respect for the victim. The Public Prosecutor's Office must operate with the interests of the victim in mind, to whom it must provide ample assistance and respect. It will inform the victim regarding the outcome of investigations and provide notification on case resolution, even if the victim is not the plaintiff."
- *Democratic Criminal Policy of the State of Guatemala 2015-2035.*⁶⁷ "Strengthen and consolidate criminal investigation, with a model coordinated and coincident among the competent entities under the functional direction of the Public Ministry, to avoid duplication and wasted of efforts. The above exercising full observation of the principle of objectivity, legality, reasonableness and respect for human rights. "Decreased rates of organized and common crime, through the creation of specialized units, coordinated inter-institutionally."
- *National Development Plan K'atun Our Guatemala 2032:* "Security and justice are two of the State's most significant obligations. Justice is the supreme condition that guarantees respect for the obligations and duties of every citizen."⁶⁸

2.1.3 Congruency with Victims' Needs and Rights

The current regulatory framework, especially the PINA Law, responds to the provisions of the Convention on the Rights of the Child (CRC), which establishes a new protection system focused on the rights of children and adolescents. One of the keys aspects of this new vision is the recognition of the indivisible nature of the rights of children, establishing the principle of best interests of the child as

⁶⁷ Democratic Criminal Policy of the State of Guatemala (Política Criminal Democrática del Estado de Guatemala 2015-2035) General Objective of the Policy. Page 41. Objectives of Criminal Investigation (Objetivos de la investigación criminal) Page. 44. Expected Investigation Results (Resultados esperados de investigación) Page 46.

⁶⁸ CONADUR/SEGEPLAN, 2014.

a person with rights and responsibilities in accordance with their age and development. Recognition of these rights clearly guides and orients their comprehensive protection. It must also be taken into account that indigenous children have the inalienable right to be free from discrimination or racism and require special measures for the full exercise of their rights, in accordance with traditions and cultural values held by each indigenous community for their protection and harmonious development.⁶⁹

The approach of the Guatemalan justice system's new specialized laws, which focusses on rights, allows sexual abuse to be seen not only as a social problem but as a crime that must be prosecuted and punished, even though many times and in many places it remains perceived as a normal incident of a private nature.

The IJM intervention model in Guatemala has been clearly consistent with this vision and has responded to the "best interests", rights and specific needs of C/A victims of sexual violence based on two main strategies:

First, accompanying victims in presenting their cases to the courts, as a joint plaintiff. According to most justice officers, this strategy has been fundamental in increasing confidence in the PJS. In this respect one person interviewed expressed: *"Many times, the cases fall apart due to poor investigations; and this is a combination of several factors: determination of the timeline, drafting the accusation, litigation strategy, etc. The criminal investigation process and a well-supported accusation are vital to obtaining a conviction. IJM has a very capable team. They are well prepared young professionals. The cases they present are always well-founded. It is very unlikely that cases prepared by IJM will be lost."*⁷⁰ Another person interviewed confirmed this assessment: *"Before, with a lack of accusations, there was total impunity. Rape was seen as normal. Now the crime has legal description, there are accusations, there are judicial processes, there are sentences. Of course, much more is needed because every day there are more accusations and then more personnel, more equipment, etc. are required."*⁷¹

Secondly, in addition to facilitating access to justice, the intervention model has been sensitive to the victims' vital need to have access to follow-up care, allowing them to begin a process of recovery from physical and emotional traumas produced by the impact of crime.

In its most recent phase, through Project Sentinel, building a favorable community environment was proposed, which in turn generates two positive effects: i) contribute to the sustainability of the recovery processes; ii) reduction of social acceptance of these crimes, considered one of the risk factors by the conceptual model of the problem described in Chapter 1 of the report.

IJM's work is also in keeping with the needs and specific rights of the target population. Although no evidence of a gender approach was found in IJM's methodological instruments, it is important to note that, in the intervention, IJM staff has implemented a differentiated approach to the way in which sexual violence affects boys and girls. This finding is based on a review of the design of products delivered and in interviews with justice judges.⁷²

However, the evaluation team did not find sufficient evidence of the design and use of methodological instruments incorporating an indigenous peoples' approach, especially in Alta Verapaz and

⁶⁹ Committee on the Rights of the Child, General Observation NO. 11 (2009). CRC. Indigenous children and their rights by virtue of the Convention CRC/C/GC/11 February 12, 2009

⁷⁰ Interview with OJ. Guatemala City May 2018.

⁷¹ Interview with OJ. Guatemala City May 2018.

⁷² Femicide judges, personnel of the Women's Prosecutor's Office, Child and Adolescent Prosecutor's Office and Victim Assistance Offices of the Metropolitan Prosecutor's Office, Alta Verapaz and Quetzaltenango. May 2018.

Quetzaltenango, provinces with predominantly indigenous demographic profiles. In this sense, there are no assessments on how aggressors and victims belonging to ethnic-cultural groups might influence sexual violence as a social phenomenon and crime described by the official legal framework and traditional law of the Mayan judicial system administered by ancestral authorities.

On the application of the Mayan legal system, there are relevant experiences in the country that can be used as examples. In San Marcos, the Ajchmol Association documented case No. 1467-2016 of the Constitutional Court, which ruled in favor of the legal validity of punishments imposed by the indigenous authority of the municipality of Comitancillo on a person found guilty of the rape of an indigenous girl. The trial process lasted three months, while the judgments of the different instances of the OJ took five years. The case has established precedents in the country and has even been studied for application in other Latin American countries with indigenous majorities, such as Ecuador.⁷³

Nor was sufficient analysis found on specific commentaries regarding the provincial context, which experience cultural, social and institutional differences in relation to Guatemala City, which may influence the relevance, effectiveness and sustainability of the changes promoted.

2.1.4 Technical-Scientific Relevance of Project's Intervention Model

From the perspective of managing a program oriented toward achieving demonstrable results, the use of available technical-scientific knowledge to identify the causes of a targeted development problem is a determining factor in the achievement (effectiveness and impact) and sustainability of expected results. For this reason, the ET incorporated **technical-scientifically relevant** criterion to measure the degree to which the IJM Program intervention model addressed the most critical causes of the targeted problem, namely: prevalence of crimes of sexual violence against C/A. A brief review of the main findings is presented below. See Figure 13.

- *Critical factors of the conceptual Model.* As indicated in Chapter 1 of the Report, IJM's Program intervention model focused on two critical causal factors of the conceptual model of sexual violence against C/A: community factors and social factors. Specifically, in social factors, support for the establishment of a legal and political framework criminalizing crimes of sexual violence against C/A was prioritized. Regarding community factors, IJM dedicated efforts to reduce the factor of "tolerance of the community of sexual violence".
- *Impunity of law:* The IJM Program has worked with Guatemalan civil society to establish a substantive and procedural framework for prosecution of crimes of sexual violence against C/A. Before 2009, through its legal strategy of collaborative casework, the IJM team generated inputs to reveal weakness in substantive criminal law regarding sexual crimes. Each sentence appealed to the highest court was key in creating legal doctrine that brought awareness and involved judicial discretion.⁷⁴ Likewise, IJM participated in the Penal Code reforms process and approval of the VET Law and the Law that created the Institute for Attention and Assistance to Crime Victims.
- *De facto Impunity:* The IJM Program intervention model also allocated important efforts and resources toward reducing *de facto* impunity through its remarkable work aimed at strengthening capacities in institutions responsible for the various links in the chain of justice: criminal investigation (PNC/DEIC/DIDS); criminal accusation (MP); administration of justice or direction of

⁷³ Interview with Ajchmol Association technical staff. In the evaluation framework of the UNDP Country Program 2015-2020. San Marcos, 2018.

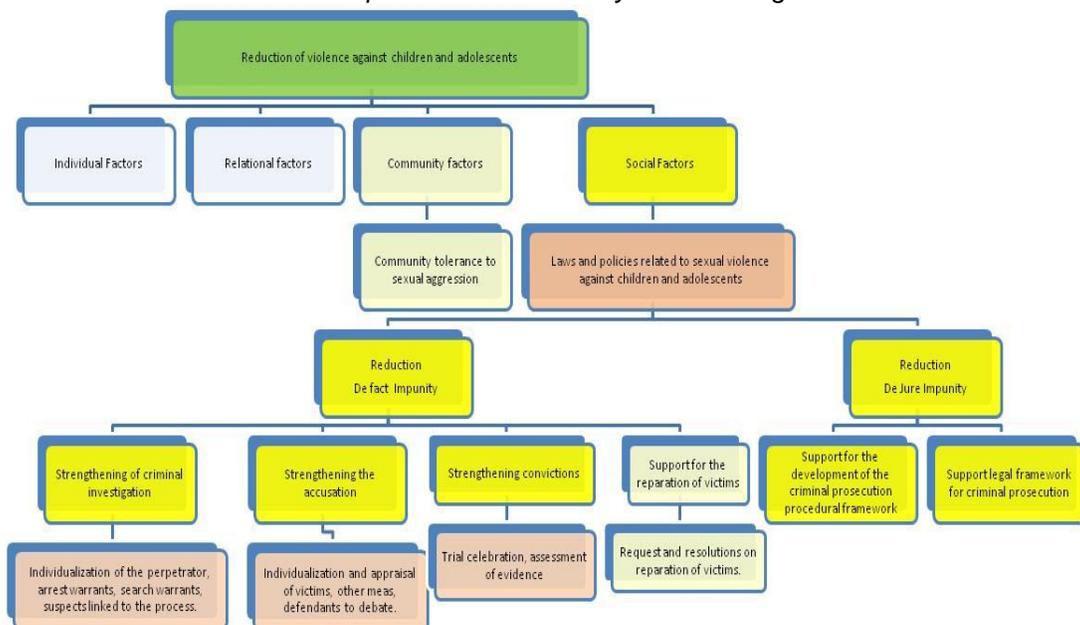
⁷⁴ Interview with femicide judges. Guatemala City, 2018.

trials (OJ). Likewise, it supported the victims' reparation process by requesting reparation resolutions and subsequent care. Among IJM's contributions to strengthening institutional capacities, its participation in the design and implementation of several internal policies or regulations related to sexual violence against C/A, among others, should be mentioned: i) General Instruction of the MP on violent crimes against children; ii) Protocol for interviewing victims and witnesses in cases of sexual violence; iii) Investigation manuals and procedures for the PNC (for all levels); iv) Law for the creation of registry of sexual predators; v) Budget allocation for the Institute for Victims; vi) procedural interpretations of institutions, such as the use of forensic experts.

Most people and literature consulted agree that the three institutions mentioned, (PNC, MP and OJ), constitute the fundamental chain for combating impunity for sexual crimes against C/A in Guatemala, through criminal investigation, identifying individuals, the correct accusation, capture and prosecution of the criminal.

The IJM intervention model has also addressed institutional deficiencies considered by the conceptual model on the crime of sexual violence against C/A as contributors to *de facto* impunity, both in Guatemala and in Quetzaltenango and Alta Verapaz. Among these, it is worth noting the support for institutional coordination, the professionalization of personnel and the provision of material resources. One person interviewed referred to this contribution in the following terms: *"The support in both training and equipment has helped to improve case investigation. There is training on how to approach the interviews, how to order the file, the profiles of the victimizers etc. are studied and analyzed. Support from mentors has been very important to solve actual problems. In general, progress has been made in research technique (...) because the right to life is prioritized at the national level in the justice system, the Sex Crimes Unit (DIDS) did not have great relevance. In fact, it was created a short time ago. It had few personnel and precarious work conditions and therefore not many results. The IJM project has contributed to strengthening the Unit and that has brought good results."*⁷⁵

Figure 13.
Critical causal factors of the problem addressed by the IJM Program Intervention Model



Source: Authors elaboration based on the findings of the impact evaluation of the IJM program in Guatemala.

⁷⁵ Interview with PNC/DEIC/DIDS. Guatemala City May 2018.

Despite the documented successes of the intervention model, the ET finds it necessary to consider the causal factors of the country and sector environment, which have both positive and negative influence on the transformation processes of a specific development problem. For example: State institutional weakness, mainly the absence of a professional public service in the Executive Body and structural mistrust of public institutions, including the justice system. Likewise, poverty and social inequality, which make indigenous girls, boys and adolescents more vulnerable. While the objective is to reduce incidence of sexual violence in the population in general, it is also necessary to address the individual and relational factors identified by the WHO ecological model and the critical causality networks of the Logical Model for the Prevention of Violence and Crime in Guatemala, especially associated with individual and relational factors. This involves the Network of Causality 1. Childhood development contrasted with its biological-cultural structure.

Considering the previous analysis, it can be concluded that the IJM Program intervention model **reveals a high degree of technical-scientific relevance**, to contribute to solve the problem of the impunity of crimes of violence against children and adolescents, considering that it has addressed causal factors considered critical by the conceptual models of the problem of prevention of violence and crime in Guatemala and the specific problem of impunity for crimes of sexual violence against C/A. Although efforts were concentrated on the causal line of social factors (*de jure* impunity and *de facto* impunity), they were wisely extended to the approach used in other equally critical factors, such as community tolerance of crimes of sexual violence against the target population (light yellow).

Strengthening the capacity of justice institutions to reduce impunity for the crime of sexual violence against C/A, mainly the deterrent effect of convictions, has also generated another positive effect, which is difficult to achieve, especially in the context of Guatemala's weak rule of law. And this is the contribution to increased public confidence in the justice system expressed by an increase in criminal complaints over the last five years and verified by statements by judicial officials and representatives of civil society organizations. According to an OJ official *"When the complaints increase, it means that there is trust in the justice system. Now, a condemnatory sentence does not end impunity, but it is a step forward."* The increase in complaints is also a huge challenge for the justice system, which definitely lacks human and material resources for resolving them.⁷⁶

2.2 Efficacy

Efficacy is a variable that measures the degree to which a program or project has achieved the expected results with the goods and services (products) delivered and activities carried out. To this end, the evaluation focused its observation and analysis on the way in which the products delivered to the different participating groups (C/A victims, chain of justice institutions, CSOs and other parties) achieved or did not achieve the results expected by the different projects implemented by the IJM team in Guatemala.

For evaluation purposes two data are necessary: The improvement of justice institutions in the criminal prosecution of cases of sexual violence against children and adolescents in the geographical area of intervention of IJM (Guatemala, Quetzaltenango and Alta Verapaz) before and after the same, as well as the comparison of these data with the national total.

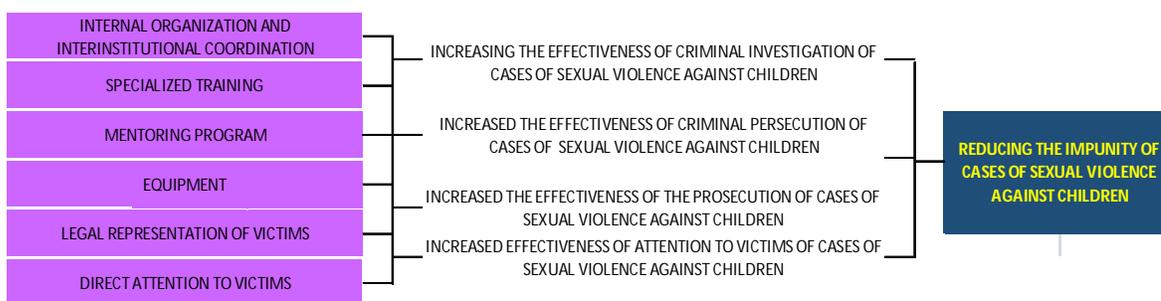
The ET considers that a comparison of the provinces in which IJM intervened with other provinces could not lead to conclusions of any kind, since each geographical area has its own cultural reality as well as a greater or lesser deployment of institutions of the criminal justice sector and specialized. For

⁷⁶ Interview OJ Guatemala. May 2018

example, in the provinces with a high index of indigenous population, the violence - in general terms - is much lower than in other areas that are not indigenous.

The IJM Program has proposed to contribute to the reduction of sexual violence against C/A by promoting two processes of change: on the one hand, the reduction of impunity, especially *de facto* impunity of cases that are taken to court and, on the other hand, although to a lesser extent, the reduction of community tolerance for this type of crime. Figure 14 shows the four main outcomes of the IJM Program in Guatemala and the objective or impact that it intends to contribute, to reduce impunity for crimes of sexual violence against C/A in the target area. **As a global assessment, it can be said that the program has achieved a high level of efficacy in achieving these results.** Evidence supporting the level of achievement of each of the four outcomes and their contribution to the reduction of impunity are presented below.

Figure 14.
Chain of results of the IJM Program for reducing impunity for crimes of sexual violence against children



Source: report authors, with data from IJM Program in Guatemala.

2.2.1 Result 1. Increased Efficacy in Criminal Investigation

The products delivered by the IJM Program have contributed significantly to improving the effectiveness of criminal investigation of cases of crimes of sexual violence against children and adolescents, conducted by the Specialized Division of Criminal Investigation (DEIC) of the PNC, especially in the last 5 years. This improvement is evident in the number of cases attended in the Program’s target area (Guatemala, Alta Verapaz and Quetzaltenango). The number of cases investigated increased from 614 in 2013 to 882 in 2017.⁷⁷

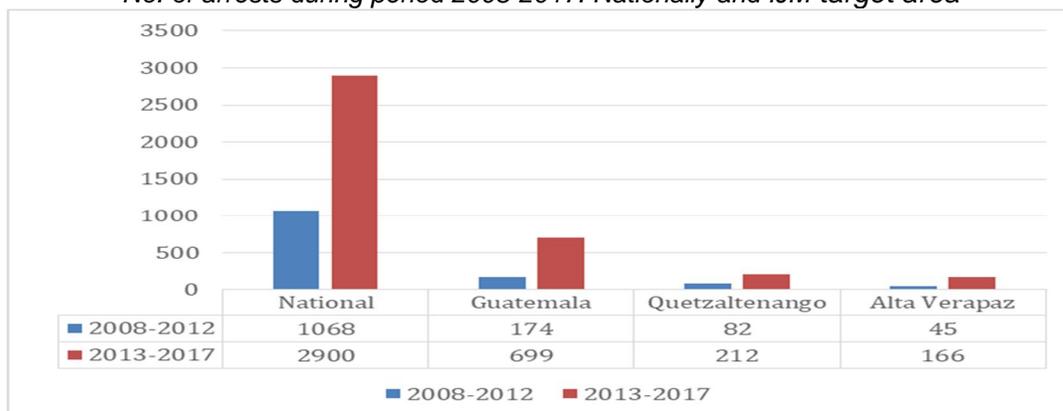
Improvement in criminal investigation is also evident in the increase in the number of arrests made during the period evaluated. As indicated in figure 15, at the national level, apprehensions in cases of sexual violence against children almost tripled: For the 2008-2012 period, apprehensions increased from 1,068 to 2,900 for the period 2013-2017.

Another significant fact is that the apprehensions for this type of crime in the three areas of intervention of the IJM Program, for the period 2013-2017 represent approximately 37% of the apprehensions at the national level; while for the previous period (2008-2012) were approximately 28%. Focusing on the area of intervention of the IJM Program, in the period 2013-2017, in the

⁷⁷ The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013 – 2017. Indicators of Practice, Process, and Resolution. Unpublished draft. IJM.2018.

province of Guatemala, apprehensions have multiplied by four, while in Alta Verapaz and Quetzaltenango they have multiplied by 2.5. The increase in the percentage of apprehensions in the geographical area of intervention of IJM, which is above the national increase, leads to the conclusion that the IJM Program has contributed critically, to the improvement of the effectiveness of the criminal investigation of cases of sexual violence against children in the places where she intervened.

Figure 15.
No. of arrests during period 2008-2017. Nationally and IJM target area



Source: The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013 – 2017. Indicators of Practice, Process, and Resolution. Unpublished draft IJM.2018.

The following contributions can be highlighted as being among the most significant made by the IJM Program to increase criminal investigation efficacy:

- *Support in creating and strengthening capacities in the Sexual Crimes Investigation Department (DIDS):* With the creation of the DIDS, it is now possible for specialized work teams to work in coordination with prosecutors and carry out more efficient investigations of sexual violence and sexual violence against children. *IJM has also supported the gradual increase in the number of specialized investigators and their coordination with the MP, both in the 24-hour shifts and subsequent follow-up.* In the province of Guatemala, the number of investigators increased from 8 in 2005 to 94 in 2018. Currently, with the investigators in Quetzaltenango and Alta Verapaz, there are 137 investigators nationwide, of whom 103 have become specialized with the support of IJM.⁷⁸ There is also evident improvement in criminal investigation reports through the creation of specialized methodology, with specific protocols and guidelines for investigating this type of crime.
- *Support for specialized training in the PNC academy and training schools:* to attend and correctly refer cases of sexual violence that occur at the national level, IJM advocated for the inclusion and institutionalization into the study curriculum of the PNC academy and training schools, specific knowledge for the approach to be used in cases of sexual violence according to the degree and rank for which it is studied. More than 2000 agents, 103 investigators, 247 PNC officers and 131 teachers from the academies have received training in the new content.

One person interviewed said: "IJM's support in terms of equipment, training and mentorship has helped improve case investigation (with) training and mentorship on the approach used for interviews, how to organize the file, the profiles of the aggressors, etc. are studied and analyzed. Also, support to repair 6 vehicles benefited the operational branch of the department. PET is performed every quarter, which is a kind of evaluation of files to verify that

⁷⁸Data provided by the IJM Guatemala team.

all procedures have been complied with. When evaluating, we find good practices, or lessons learned that we must address to improve. An average of 100 cases are received per month, approximately 12 cases per day. The magnitude of the problem is enormous, and many resources and capacities are required. With IJM's support, much progress has been made in investigation technique - fundamental for accusations and subsequent sentencing.⁷⁹

- *Use of mentorship pedagogical strategy:* this strategy has facilitated the transfer of the IJM team's "know-how" to DIDS staff, including facilitation of coordination meetings with the MP and follow-up of protocols and methodological guides implementation. These efforts are appreciated not only by members of DIDS⁸⁰ but by prosecutors for C/A in MP central office as well.⁸¹ According to another person interviewed, the mentorship has been fundamental because problems get resolved through the process.⁸² Mentors have worked 24 hour-shifts in the MP and DIDS.

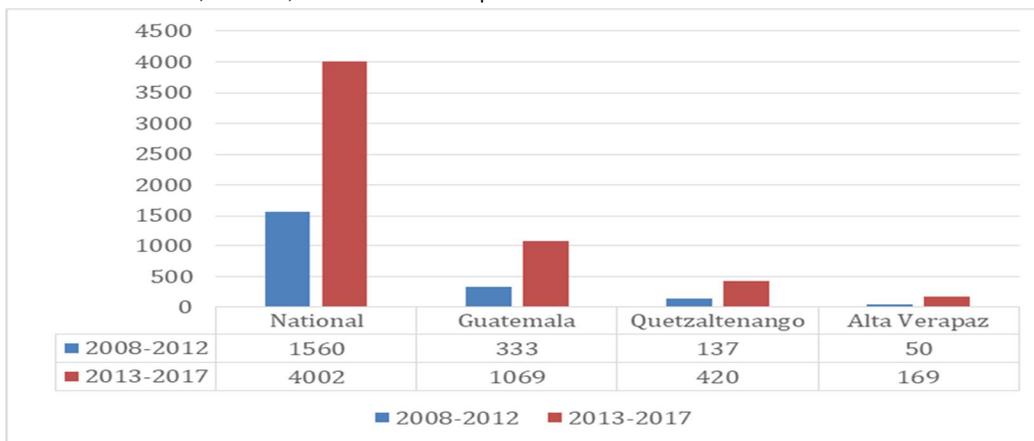
2.2.2 Result 2. Increased Efficacy in Criminal Prosecution

The IJM Program has made relevant contributions to increasing efficacy of criminal prosecutions of cases of sexual violence against children carried out by the MP, as shown by the increase in the number of accusations in the last five years. During the 2013-2017 period, 4,002 accusations were filed before the courts, 2.6 times more than those filed between 2008 - 2012, in which 1,560 were registered. See Figure 16.

Figure 16.

No. of accusations made by MP during period of evaluation

Source: The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013 – 2017. Indicators of Practice, Process, and Resolution. Unpublished draft IJM.2018.



IJM's contribution to the efficacy of criminal prosecution can be demonstrated with the relative weight of the number of accusations filed in its coverage area with respect to the national aggregate.

Accusations in the three areas of

coverage accounted for 41.4% of the total nationally in the period 2013-2017 against 33.3% in the period 2008-2012.

The increase in criminal prosecutions is directly associated with the greater capacity of prosecutors to prepare and present well-founded cases before judges, complying with all the requirements established in the legal framework. Four processes stand out among those created to bring about the increase in prosecutions, in which contributions by IJM were key:

⁷⁹Interview DIDS Guatemala. May 2018

⁸⁰Interview DIDS.Quetzaltenango. May 2018

⁸¹ Interview with Prosecutor of sexual crimes against Children and Adolescents. Guatemala City. May 2018

⁸² Interview DIDS Guatemala City. May 2018.

- *Strengthening the Integral Attention Model (MAI):* the creation of this model and expansion to other provinces of the country, meant progress in providing sensitive and integral attention to victims who are encouraged to present their cases before the courts. Now there are better physical spaces and improved infrastructure, mainly in the MP MAI in Guatemala province. IJM has contributed to strengthening this model mainly through its role as joint plaintiff in cases of sexual violence against children, which provided coordination between different prosecutorial agencies of the Attorneys General Office of the MAI and IJM lawyers, especially in subsequently locating victims and following up to confirm the complaint and collect new evidence. The MAI works in shifts so cases of violence against children that occur during non-working hours and/or weekends are worked on in coordination with the Public Attorney's Office for Children and Adolescents and the DEIC. For this reason, in the 24-hour crisis meetings coordinated by the IJM mentor in that office, the MAI participates in those cases received during off hours and weekends.⁸³
- *Strengthening of the Prosecutor's Office for Childhood and Adolescence in Guatemala:* Currently these prosecutors' offices have interdisciplinary staff, well trained for sensitive, multi-faceted and integral attention to victims of sexual violence. As with the MAI, support for this section of the public attorney's office has been given mainly in the accusations in which IJM has been a joint plaintiff. Coordination efforts have been carried out in the areas of searches, arrest warrants and investigative work as well as in the accusations. All the accusations in which IJM has been a joint plaintiff have advanced through the system due to IJM lawyer's knowledge in this arena. Likewise, IJM supported the preparation of the regulations of the Attorney's Office for Childhood and Adolescence and a review of the 18,000 files that were transferred from the Attorney's Office for Women, separating those that preclude follow-up and requesting that they be filed. IJM assigned a mentor to the Attorney's Office who works *in situ* to support cases of sexual violence and coordination with DIDS. IJM has conducted trainings in coordination with the Training Unit (UNICAP), particularly regarding accusations and compliance with legal requirements.⁸⁴
- *Creation of protocols for victims' services:* The creation of protocols for services, case referrals, victim interviews and investigation protocols in cases of sexual violence have permitted the development of a pathway toward specialized attention for multidisciplinary teams, as well as improved interinstitutional coordination between the MP and the PNC for criminal investigations; avoiding duplication of effort and providing prompt and efficient attention to victims.
- *Mentoring Strategy:* As with criminal investigations, the mentoring strategy has proven to be effective in the IJM Program target area, both in the Attorney's Office for Childhood and Adolescence in the province of Guatemala and in the Attorney's Office for Women in Quetzaltenango and Alta Verapaz. Mentoring efforts have been particularly successful in the follow-up to accusations and the development of capacities in the different attorney's offices where they work.
- *Representation by IJM of victims in court:* The representation of victims by IJM in the courts has been applauded by most MP officials interviewed as a contribution to the attorney's workload, especially the MAI and the Attorney's Office for Childhood and Adolescence.

2.2.3 Result 3. Increased efficacy in the trial process

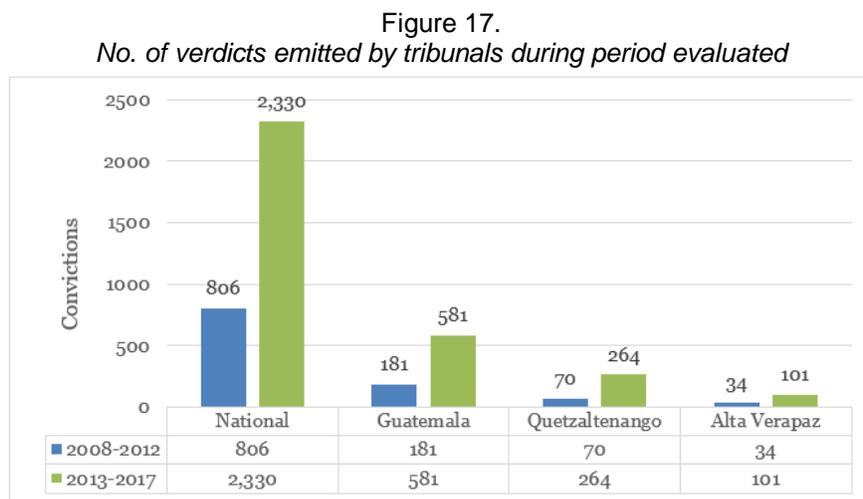
The third link in the justice system prioritized by the IJM Program intervention model to reduce impunity for crimes of sexual violence are the tribunals in charge of managing trials and issuing

⁸³ Interviews with officials of the Comprehensive Care Model of the Attorney General Office. May 2018

⁸⁴ Interviews with prosecutors of sexual crimes in the Prosecutor's Office for Childhood and Adolescence May 2018

verdicts. Improvement has been notable during the period covered by the Program. The number of verdicts issued between 2013 - 2017 is triple that of verdicts issued between 2008-2012.

The upward trend in the Program’s target area is also consistent with that indicated in criminal investigation (PNC) and criminal prosecution (MP). As shown in the following graph, the number of verdicts increased from 181 to 581 in the province of Guatemala, while in Quetzaltenango the number increased from 70 to 264, and in Alta Verapaz sentencing increased from 34 to 101. See Figure 17.



Source: The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013 – 2017. Indicators of Practice, Process, and Resolution. Unpublished draft IJM.2018. Page 47

Due to the autonomous and independent nature of the OJ as a state power, IJM Program intervention has differed in relation to other PJS institutions. For example, the safeguarding of jurisdictional independence prohibits mentorship (but not training) within the institution or the type of training that is to be taught. However, goods and services provided have contributed to improving trial efficacy in cases of sexual violence against children, through the following supported actions:

- *New distribution of powers of the courts for femicide and other forms of sexual violence against women and sexual violence.* Although the creation of these specialized courts and tribunals in 2010 was a significant advance in the specialization for the prosecution of cases of sexual violence, including those against children and adolescents; the CSJ granted jurisdiction to hear these cases, only to the Second Sentencing Court. This represented a considerable increase in the workload for this court and a bottleneck difficult to overcome with hearings scheduled for more than a year. IJM carried out several advocacy actions to show the magistrates of the CSJ, the need to extend competences for cases of sexual violence to all femicide courts in an equitable manner for the research, intermediate and sentence phases. This action significantly reduced the period of the trials for this type of crime.

Once the CSJ assigned new competences and because the judges lacked specialized knowledge about sexual violence crimes. IJM has supported these judges with numerous specialized training to deal with these crimes. Likewise, these jurisdictional bodies are equipped by the CSJ, with Gesell Chambers or CCTV, and have multidisciplinary personnel for the care of victims and their dependents.

According to a person interviewed in the OJ, the specialized courts are of recent creation (2013) and they represent great advancement because they deal specifically with cases of violence against women and C/A. "I was appointed in 2013 and at that time I was the only judge for the entire province of Guatemala. I received 1,200 accusations monthly. It was impossible to keep up. IJM asked the CSJ to open another court to give better attention. In 2014, they opened the other court. This resulted in higher quality work. Currently approximately 400-500 sentences are issued annually. The number of sentences has increased. For example, in 2012 before the specialized courts existed, approximately 6 sentences were being issued. In 2017 there were 446. The increase is remarkable.⁸⁵

- *Trainings/Discussions:* In coordination with the School of Judicial Affairs and experts on the subject, IJM provides technical training to judges specialized in sexual violence against C/A. At a monthly discussion, the judges exchange experiences on different topics related to their work. The themes are agreed upon by the OJ and IJM and deal with evidence, revictimization, criminal profile, etc. One judge interviewed stated, "I personally value these training sessions immensely because we judges need to be up to date on doctrine, conventions and other matters pertaining to the administration of justice. We need to ask about practical cases. IJM brings all this to us".⁸⁶
- *Gesell Chamber:* With the support of several donors, the OJ has facilitated the provision of Chambers of Gesell and closed circuits. IJM donated the closed circuit installed in the Femicide Court of Cobán, Alta Verapaz. IJM contributed in the elaboration of instructive materials and a protocol for receiving testimonies of child victims and/or witnesses in the Chamber of Gesell, Closed Circuit and other tools, approved by the CSJ, which allowed regulating the procedure, making its use mandatory and implement best practices such as the one-time interview and the pre-trial testimony, which reduce secondary victimization. In this sense, the admission of victims' pre-trial testimony is now more easily granted by the judges when requested, to guarantee the principles of non-revictimization, the best interests of the child and preserve evidence. This protocol provides direction and guidance to judges and prosecutors for receiving victims' and witness' declarations, not only through the Gesell chamber, which is important for sustainability since it provides alternatives for courts that do not have this technology. The IJM program trained judges throughout the country in the use and application of the protocol and has been incorporated as an official teaching instrument by the School of Judicial Studies. This protocol continues in force.
- *Implementation of the joint plaintiff strategy:* The application of this strategy has also contributed to the effective prosecution of those responsible for crimes of sexual violence against children and adolescents. In this regard, the IJM team succeeded in influencing a change in the mentality of judges and set a precedent for the participation of human rights organizations in matters of violence against C/A as joint plaintiff, without the authorization of a party to the case. The actions of IJM plaintiffs were based on international norms of human rights and the principle of the best interests of the child, successfully making it possible that violation of the freedom and sexual indemnity of the C/A be considered a matter of national interest and an extended right. This antecedent opened the doors to other organizations for their participation in similar subject areas. This legal effort was also determinant in setting precedents; in cases of aggression against more than one victim, several penalties are applied to the perpetrators. One person interviewed stated that "the cases they carry are always well-

⁸⁵ Interview OJ Guatemala. May 2018

⁸⁶ Interview OJ Guatemala. May 2018

founded. It is very unlikely that the cases prepared by IJM will be lost. They have a very capable team.”⁸⁷

2.2.4 Result 4. Increased Efficacy in Assisting Victims

The IJM Program’s intervention model included - although to a lesser but not unimportant or ineffective degree - attention to C/A victims of sexual violence to facilitate their access to justice and to contribute to compensation for physical and emotional damages. The two strategies employed by the program are the following:

- *Right to justice through the mechanism of joint plaintiff during trial process:* Considering the weaknesses of the justice system and consistent with its global approach, the IJM Program has accompanied victims of sexual offenses through the mechanism of joint plaintiff, established in Guatemalan criminal legislation. This strategy has contributed to improving the three links of the chain of justice (criminal investigation, criminal prosecution and trial process). IJM presented 379 accusations and as of March 2018, of the 266 legal proceedings now closed, 253 convictions were obtained (95% success).⁸⁸

The fact that IJM is joint plaintiff in cases of child sexual violence allowed coordination between the different agencies of the Prosecutor’s Office/MAI with IJM lawyers, especially in subsequently locating the victim and the follow-up to confirm the report and collect new evidence.⁸⁹ Currently, within the framework of Project Sentinel IJM has signed agreements with 5 civil society organizations: AMG International, Guatemala City; Nuevos Horizontes Association in Quetzaltenango, Comunidad Esperanza in Alta Verapaz, Oasis (NGO Vida para Niños) and Asociación Maná de Vida, both in Escuintla. The objective is to improve the capacities of these organizations to address cases of sexual violence against C/A by analyzing case studies⁹⁰. Likewise, the work will benefit from legal precedents and knowledge of the IJM team, especially regarding respecting application of the principle of the best interests of the child established in international human rights norms.

- *Direct attention to victims:* IJM has also supported the aforementioned organizations by providing post-victim care services. By doing casework from 2005, IJM was able to provide psychosocial attention to 472 individuals, of whom 388 were child victims, and 84 were close relatives (siblings, mother, and father), or participants. The verified minimum standards of services are the following: protection, mental well-being, trauma recovery, economic empowerment, education, support system, housing and health. Through UNICAP, IJM has provided training to the staff of the Office of Attention to Victims (OAV) on the psychological treatment of child victims. These activities have been carried out with invitations at the national level. At the same time, tools have been developed for providing attention to C/A victims of sexual violence. The OAV is currently working with IJM on a guide for interviewing minors who are victims of sexual violence against children, in coordination with UNICEF.⁹¹ Along with other civil society organizations, the Program has created an instructional kit to prepare community leaders on how to identify sexual abuse, how to report it, and how to provide initial crisis support to victims of sexual violence.
- *Sensitive treatment of victims:* IJM shared best practices and trained personnel from the justice and security sector in the area of sensitive treatment of victim and in providing services with a

⁸⁷ Interview OJ Guatemala. May 2018

⁸⁸ IJM. New legal narrative, August 2018

⁸⁹ Interview Integral Attention to Victims (MP), May 2018

⁹⁰ Special report provided by the IJM Directorship in Guatemala, May 2018

⁹¹ Interview with officials of the Office of Attention to Victims (MP)

focus on trauma-informed care, through which public servants acquire knowledge of the impact of trauma and how victims should be treated. Currently, the IJM program is implementing a strategy of mobilizing, equipping and empowering survivors of sexual violence to lead mutual support groups to aid other victims in their recovery process (Mi Historia Importa [My Story is Important] strategy).⁹²

2.2.5 Most Influential Interventions and/or Factors for Achieving Results

IJM's intervention model in Guatemala has provided a collection of goods and services (interventions or products) to different beneficiary groups: PJS, CSO, victims. They have also influenced certain strategies adopted to achieve the greatest possible efficacy, impact and sustainability. The most influential interventions are highlighted below, according to the information provided by actors consulted and the judgment of the evaluation team.

- *Global intervention model:* Inspired by its global model and a comprehensive vision of the problems of justice, the IJM Program's first achievement was choosing the problem and deciding on its approach to reduce *de facto* impunity for crimes of sexual violence, by strengthening the capacities of institutions and people to carry out four processes of change: criminal investigation, criminal accusation, managing trials and sentencing and support for victims in submitting their case to the justice system and continuing on with their lives. Although IJM's efforts focused on these processes, two other key changes were not forgotten: reduction of *de jure* impunity and community tolerance of sexual violence.
- *Legal representation of victims:* Using the joint plaintiff mechanism, the IJM Program provided victims with its knowledge and expertise in criminal prosecution of child sexual violence cases.⁹³ In addition to giving feedback on weaknesses in the justice system for its subsequent strengthening, IJM's work – often supporting prosecutors and police - has been effective and has expanded the working knowledge of justice officers. It also allowed IJM to gain credibility and a reputation for subsequent work with justice sector institutions.
- *Negotiation and signing of institutional agreements:* The quality of work and acquired reputation allowed IJM to sign cooperation agreements with institutions in charge of criminal prosecution, trials process and sentencing, building capacities and institutionalizing processes.⁹⁴ This in turn contributed to the sustainability of results regardless of changes in institutional authorities and personnel.
- *Institutionalizing processes from the planning phase:* All those interviewed agreed that IJM consulted with them on the initiatives, collaborating with them in their creation and execution. This method is apt in terms of the sustainability of the processes, particularly in regard to beneficiary ownership, and served to increase their awareness of sexual violence against C/A. Likewise, insertion of training processes into regular training programs in different institutions is good practice.
- *Mentorship strategy for development of institutional capacities:* For most actors interviewed, mentorship is a strategy seen as a successful IJM strategy for improving capacities in investigation and accusation; enabling working directly (*in situ*) with officials, solving practical situations, correcting errors and introducing improvements. "Direct follow-up of cases, follow-up on

⁹² Interview with IJM personnel at headquarters and office in Guatemala

⁹³ Interviews MAI, MP and UNICAP among others. May 2018

⁹⁴ V.G. Cooperation agreements MP and OJ.

implementation of work models and news bulletins⁹⁵ have been the most effective services provided to the PNC and the MP".⁹⁶ It must be pointed out that as the activities of mentors have not been systematized, a more extended analysis has not been possible.⁹⁷

2.2.6 Factors that have limited achieving results

From a structural perspective, the processes of change driven by cooperation programs have limits and cannot solve prioritized problems by themselves, due to the complex multidimensionality of causal factors, some of which are associated with performance within the sectoral or country environment. Below, a brief reference to these factors is presented, which, although not decisive in determining the level of efficacy achieved by the Program, do have influential power, especially regarding continuity and sustainability of changes promoted.

- *Instability of specialized personnel:* impacted by Guatemalan State institutional weakness, justice system institutions do not escape the limitations inherent in Public Administration. One of these factors is the limited availability of professional staff with the qualities and stability necessary to perform with standards of quality. Factors influencing the availability of professional staff include financial resources and the absence of a stable professional career track, subject to merits for service in each of the judicial system's institutions. For example, it is difficult to imagine that the personnel trained by IJM will be benefited by promotions and other opportunities for their professional development and improvement in incomes.
- *Instability in institutional priorities and authorities:* There is high risk of fluctuating political priorities resulting from the mobility of authorities and officials within the justice system. The periodic rotation of authorities - and of trusted personnel in key positions - in many cases has required the IJM team to repeat inducement and training processes, resulting in additional effort and resources.
- *Budgetary support for IJM contributions:* Directly impacted by a low tax burden and a lack of political will to provide adequate budgets to justice system institutions, the Guatemalan State has structural difficulty in addressing and solving problems that arise in different public policy sectors. In the present case, justice system institutions specialized in sexual violence against C/A face serious limitations in meeting the population's growing demand for justice, due in large part to success in the fight against impunity and an increase in confidence in investigation, prosecution, and the trial and sentencing of those responsible for this type of crime.

2.3 Impact

The impact of a program is measured by the degree to which it contributes directly, indirectly, intentionally and unintentionally, to the solution of a development problem affecting a population, improvement in their living conditions, in their rights and their quality of life. It involves a change that requires the participation of various actors and factors of the political-institutional and social environment. For this reason, the causal relationship of a program with this level of transformation can only be by contribution and not attribution.

Bearing in mind that IJM is an international non-profit organization, its intervention in solving the problem of impunity for crimes of sexual violence against children and adolescents can only be a contribution and complement to the work and responsibility of the Guatemalan state. That is to say, in

⁹⁵ The news bulletins were highly valued by members of the Prosecutor for Childhood and Adolescence.

⁹⁶ Interview MP. May 2018

⁹⁷ V.G. Number of reviewed investigation reports, interinstitutional coordination meetings facilitated or accusations reviewed.

no way can it be proposed "to end impunity", not only because it is technically unfeasible but because it has no mandate to do so. In this regard, it is worth remembering that the IV International Conference on Development Aid Effectiveness, held in Busan in 2011, officially recognized the role of civil organizations, as an actor that "contributes" to development⁹⁸.

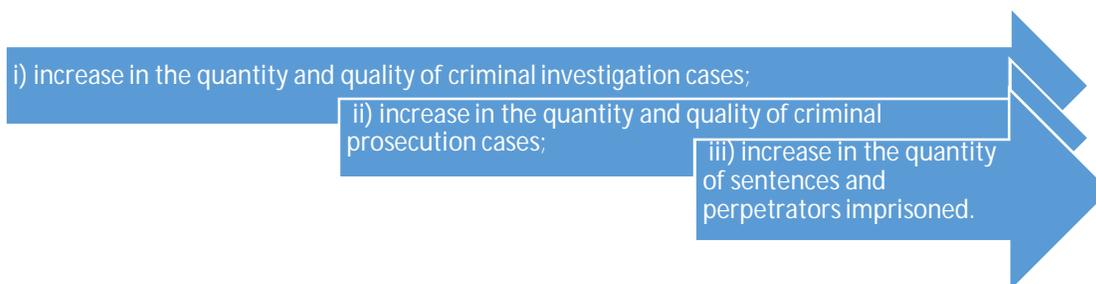
Considering the IJM intervention model, illustrated in Figures 13 and 14, the IJM Program in Guatemala has proposed to contribute to two related changes in its coverage area: reduction of impunity, mainly *de facto*, for crimes of sexual violence; and consequently, a reduction of sexual violence against C/A. According to the objectives and the methodological design of the evaluation, the analysis of these contributions was made through a qualitative method based on the triangulation of evidence provided by three types of sources: i) interviews with actors of the Justice System and society civil; ii) IJM reports; iii) official statistics of the institutions, mainly of the MP and OJ.

As documented in the effectiveness section, the combination of the three sources allowed to statistically measuring the change in the indicators of arrests, accusations and sentences. According to the international assessment parameters, this is sufficient evidence to demonstrate that there was a positive impact on the incidence of the problem of impunity for crimes of sexual violence against children and adolescents in Guatemala.

However, according to the defined methodological design, the ET can not statistically measure the contribution of IJM to this impact. To do this, a comparison group composed of institutions from the justice sector of departments not intervened had to be studied. Accordingly, the contribution of IJM can only be demonstrated based on the identification of logical-causal relationships between its interventions and the changes observed in the supported institutions. Having said that, below are the findings of the evaluation by the ET:

2.3.1 Contribution to Reducing Impunity from Crimes of Sexual Violence

The contributions of the IJM Program in Guatemala to the reduction of impunity for criminal acts of sexual violence against children and adolescents are easy to confirm. Having become the central nucleus of their efforts, the elected interventions have demonstrated their effective contribution to expected changes in the conduct and work of justice system institutions and, consequently, in results achieved:

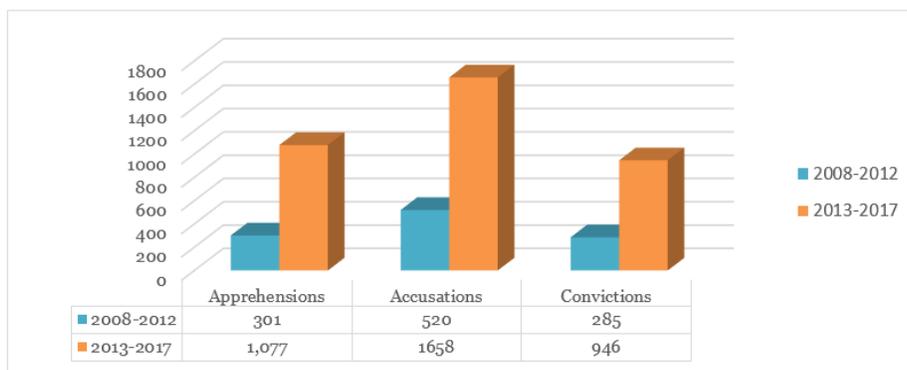


Although results achieved by institutions responsible for the chain of justice in crimes of sexual violence against C/A in the Program's target area cannot be directly attributed to IJM's contributions, due to its character as a promoter, and consequent interventions by other factors beyond its control, it is possible to establish a logical-causal relationship. In total, an increase in apprehensions from 301 to

⁹⁸ 4th High Level Forum on aid effectiveness. Busan, Korea, 2011

1077 can be documented; accusations increased from 520 to 1668; and sentences increased from 285 to 946 in the two periods studied. See Figure 18.

Figure 18.
No. of apprehensions, accusations and convictions in the periods 2008-2012 and 2013-2017 in Guatemala, Quetzaltenango and Alta Verapaz



Source: Elaborated by report authors with data from:
 The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013/2017.
 Unpublished draft IJM 2018

Data from the two periods analyzed show an increase in achieving results in three institutions (PNC, MP and OJ) in the investigation, accusation and sentencing of crimes of sexual violence against C/A in the Program's target area. The figures of the three results show an increase of 3 times more than those of the previous period (2008-2012)

Taking into account the above data and the analysis of the causal relationships of the intervention model, the ET can affirm that the IJM Program has contributed to the desired impact in reducing impunity for crimes of sexual violence against children and adolescents in its coverage area. The main documented contribution is the substantive improvement of the processes of criminal investigation and criminal accusation by the responsible institutions that allowed an increase of threefold in the sentences issued by the courts of justice.

According to this data and the analysis of the logical-causal relationships made in the section on efficacy, the ET can confirm that the IJM Program achieved the expected impact in reducing impunity for sexual crimes in its target area. Expressed in statistical terms, the increase in convictions issued by the courts in the last five years has tripled those achieved in the five preceding years, which can be recorded as the final result for substantive improvement in the quality of criminal investigation and prosecution processes carried out by the corresponding institutions.

Regarding sentencing by the corresponding tribunals, the qualitative change observed in argumentation and justification is noteworthy. A comparative analysis conducted by the ET in sentences issued in previous periods versus recent sentences shows a higher level of quality in terms of the application of international standards (conventions), human rights approach and especially the best interests of the child.⁹⁹

⁹⁹ Tribunal for Femicide Quetzaltenango. Sentence 09011-2016-01114-UA and Sentence 09051-2017-00058-UA. Analysis of sentences conducted June 2018.

2.3.2 Contribution to a reduction in sexual violence

Violence in Guatemala, including sexual violence against C/A, is determined by 105 causal factors, which from a systemic point of view can be grouped into four causal networks and historically conceived as a major system contributing to the continuance of the problem.¹⁰⁰ This understanding is consistent with the findings of more than 160 experts from around the world convened by WHO, who formulated the first scientific model on the problem, which organizes the causes into four groups of factors: social, community, relational and individual.

As indicated above, the IJM Program prioritized two critical causal factors that, according to the conceptual model of sexual violence against children and adolescents proposed by WHO, are: social and community factors and social factors. Within social factors, has paid special attention to the impunity of law and fact. While in community factors, has emphasized the approach of "tolerance of the community to sexual violence." Based on this targeting, the ET has established the following contributions to reduce sexual violence against children and adolescents in the program's location.

Strengthening the State for the prevention of violence. Considered the social factors in the WHO approach, IJM focused its efforts on strengthening PJS institutions in punishing offenders, reported by Guatemala's official prevention model as one of four critical factors of the problem of violence (network of causality 3), including that carried out against C/A. It also coincides with the assessment made by the 2007 UNDP study.¹⁰¹ The hypothesis adopted by IJM, supported by this evidence, is that the punishment of perpetrators of sexual violence sends a sufficiently persuasive message to prevent them from committing this crime and deters other potential offenders, which reduces the problem or at least its escalation is halted.

Psycho-social care for victims of sexual violence. The IJM Program model for addressing *de facto* impunity and "victims' reparations" has provided psycho-social care for the healing process following trauma, and to prevent revictimization, being abused again and in turn reproducing the pattern. It involves "taking them out of the circle of violence", a causal factor considered key by the WHO (as a relational factor) and by the Guatemalan prevention model (causality network 1).

Building community awareness. To a lesser extent, the IJM Program carried out interventions to reduce the acceptance of sexual violence in communities where victims and aggressors live. The effectiveness of these actions for the prevention of violence is supported by evidence provided by the WHO model (community factor) and the results-oriented Guatemalan logic model (causality network 2).

Increased citizen confidence in the administration of justice. Considered a structural factor of the country environment, citizen distrust is one of the expressions of State weakness, including PJS institutions charged with investigation, prosecution and trial process of perpetrators of sexual violence against C/A. The IJM Program has contributed to the transformation of this critical factor so that the perpetrators receive punishment, sending a message to victims of unreported crimes that justice is possible and that reporting the crime represents an opportunity. In this sense, it can be an indirect but intentional effect of IJM's model for approaching the problem.

Taking into account the evidence described, the ET can affirm that the IJM Program has contributed to the prevention and reduction of sexual violence against C/A in the target area, which can be verified objectively considering three logical-causal connections (See Figure 20): i) increase in complaints, arrests, criminal investigation and sentencing, on the one hand, and inhibition of violent sexual behavior by active and potential perpetrators, on the other; ii) increased autonomy and control of victims over their lives and the exercise of their rights, and the removal of victims from the cycle of

¹⁰⁰ Logical Model for Prevention of Violence and Crime in Guatemala. Op.Cit. Figure 1.

¹⁰¹ Statistical Report. Op Cit.

sexual violence and the potential rupture of the cycle of generational repetition of behavior; iii) increase in citizen confidence in justice institutions and reduction of social acceptance of sexual violence, on the one hand, and increase in reporting sexual violence, on the other.

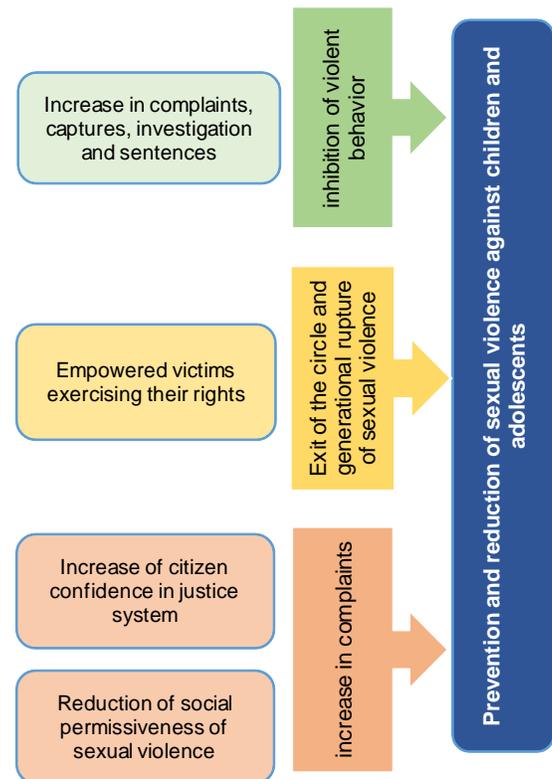
IJM interventions have had a direct impact on the three logical causal relationships leading to a reduction of sexual violence against C/A in the Program target area. This contribution is supported by two types of technical-scientific evidence: i) on the one hand, the national and global models on violence and crime, which, as indicated above, consider the critical factors prioritized by IJM as potentially effective in reducing the incidence of these crimes; ii) the findings of the present evaluation, which document the strengthening of justice system institutions reflected in the statistical increase in complaints, investigations, accusations and sentences, which in turn can be associated with an increase in the trust of the population in the official justice system, the reduction of social acceptance and the deterrence of potential perpetrators of the crime of sexual violence.

Figure 19
 Logical-causal relations of contributions to reduction of sexual violence against children and adolescents
 Source: Elaborated by report authors

In the ET's opinion, the evidence is sufficient to demonstrate that the IJM Program has contributed to reducing sexual violence in its area of intervention although the dimension of this change cannot be statistically demonstrated. In this regard, it is important to take into account the systemic limits of any development action, due to the complexity of a problem such as sexual violence, which is deeply rooted in several conditions mentioned above.

It is important to consider the systemic limit of any development program or action - however successful it may be - due to the high complexity of development problems, not only the number of causal factors but also the multiple connections between them, that in the case of sexual violence, is deeply rooted in patriarchal-macho cultural patterns and weak institutions of Guatemalan society.

It should also be noted, as indicated in the section on relevance analysis, the existence of factors associated with the childhood development of offenders in contrast with their biological-cultural structure, considered by the WHO ecological model and the Logical Model for the Prevention of Violence and Crime in Guatemala as a critical network of causality. However, these limits in no way detract from the contributions of IJM. They only put them in a logical and reasonable social context.

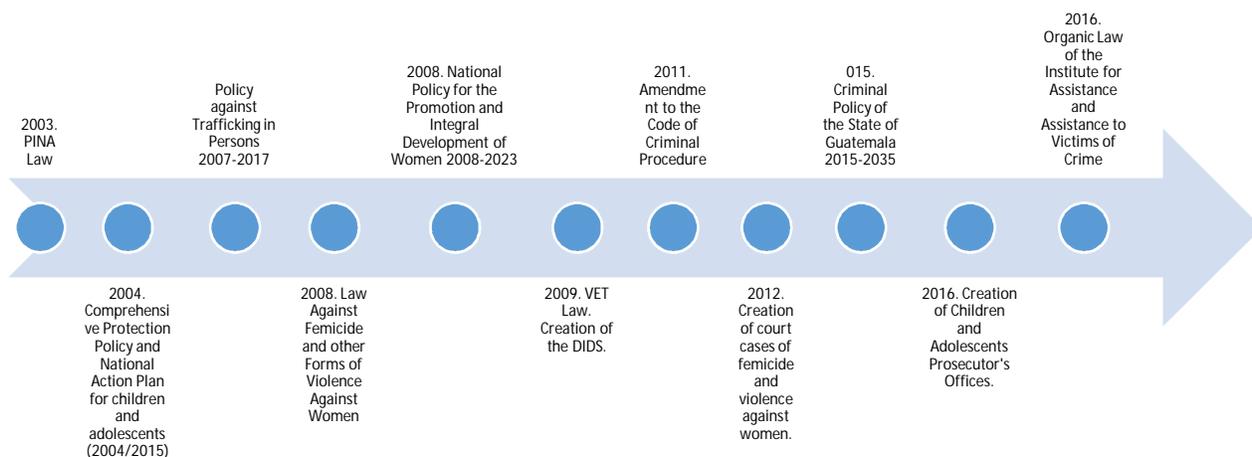


2.3.3 Contribution of the sector context factors

In addition to the indirect contribution of its interventions, the impact achieved by the Program has been favored by the country’s and sector’s political-regulatory factors, which revealed a notable increase during the period in State capacities to address the problem of violence in general and specifically crimes of sexual violence against C/A.

Development of a political-legal and institutional framework: As documented in the previous sections,¹⁰² during the intervention period of the program, there was a notable development of the political-judicial and institutional framework of specialized justice in sexual violence against children and adolescents. Between approval in 2003 of the PINA Law and 2018, there have been more than 15 public policy instruments and specific legal norms created, as well as the creation of specialized institutions to deal with the problem: SVET (executive body), DIDS (PNC), Prosecutor for Children and Adolescents (MP), Courts for children and adolescents (OJ). See Figure 20 below.

Figure 20
Evolution of norms and institutionality addressing sexual violence during the period of program operation



Source: Elaborated by report authors

Development of a new narrative of the problem. The narrative and public consciousness regarding the problem also evolved. Before 2003, violence in general and sexual violence against C/A were issues that everyone in the community knew about and accepted as common and even normal, due to a lack of references to consider it a crime. Currently, although much more awareness and information are needed, there is greater social awareness about the nature and severity of the crime. The media have also contributed to this change, given that the issue is already part of the daily national news story.

The IJM Program has been the protagonist of advances in both the legal and institutional framework, as well as in institutional capacities strengthening and changes in public consciousness regarding sexual violence against C/A. It can be confirmed that goods and services delivered to institutions of the PJS and CSO in the different phases and projects have contributed to changes and notable impacts. However, from a systemic perspective, without the positive evolution of the sectoral environment (combination of efforts of the justice sector CSO and international cooperation), its results would have been less noticeable.

¹⁰² See table 4 and section 2.1.2.

However, the IJM contribution must be contextualized within the framework of numerous efforts of civil society, international cooperation and the Guatemalan state. For example, in 2017 the study of the Logical Model for the Prevention of Violence and Crime, prepared by MINGOB¹⁰³, identified 75 interventions carried out by 19 institutions in the sector, with an investment volume estimated at more than 422 million quetzales (around USD56 million).¹⁰⁴

2.4 Sustainability

Sustainability is a fundamental condition for the consolidation and irreversibility of the transformation processes of development conditions promoted by the IJM Program in Guatemala. Without this condition, changes would be ephemeral and, over time, the problem that has been modified would return to its initial state. There are four factors that determine the sustainability of the results of a program: ownership by beneficiaries, sufficient capacities, availability of resources and an adequate institutional and social environment.

To facilitate this analysis, changes promoted by the main results of the program were identified, through their projects. Then the main contributions of the products to these changes were defined. Finally, the actual and potential sustainability of these contributions was assessed, using a numerical scale of 0 to 5, where (5) is the highest grade and in which each contribution satisfies each of the four criteria. To establish a certain level of sustainability of each change, the average of the relative values assigned to the four criteria is recorded. The findings of the analysis of these criteria are presented below. See Table 6.

Table 6.
Assessment of the sustainability of expected and unexpected results of the IJM Program

Source: Elaborated by report authors

Principal changes promoted by IJM for reducing impunity for crimes of sexual violence in the target area	Ownership	Capacities	Resources	Environment	Average
Result 1. Increased capacities of PNC in criminal investigation					3,4
Contribution 1. Capacities developed in investigating sexual crimes (DIDS)	5	4	3	2	3,5
Contribution 2. Integration of approach to sexual violence into PNC training school curriculum	5	4	3	2	3,5
Contribution 3. Interinstitutional coordination PNC-specialized prosecutors of MP	4	4	3	2	3,2
Result 2. Increased capacities of MP in criminal accusation					3,9
Contribution 1. Strengthening of the Model of Integral Attention (MAI)	5	5	3	4	4,2
Contribution 2. Creation and institutionalization of protocols for attention to victims	5	4	3	4	4,2
Contribution 3. Personnel trained in Office of Prosecutor for Childhood and Adolescence of Guatemala	4	4	3	3	3,5
Result 3. Increased capacities of tribunals to try and condemn perpetrators					3,8
Contribution 1. Legal assistance to victims to present their case before the judges	3	3	3	2	2,7
Contribution 2. Development of specialized capacities and awareness of judges	5	4	4	4	4,2
Contribution 3. Good practices to avoid re-victimization and preserve Best Interests of the Child	5	5	4	4	4,5
Result 4. Increased capacities of psychosocial services provided to victims					3,0
Contribution 1. Building awareness in other actors with the power of influence in communities	4	3	3	2	3,0
Contribution 2. Creation of network of psycho-social care services providers	4	4	3	2	3,2

Scoring: 1-2, low; 3: medium, 4-5, high.

¹⁰³ GIZ and Mercy Corps Cooperation.

¹⁰⁴ Logical Model for the Prevention of Violence and Crime. III Vice Ministry of Violence Prevention. MINGOB, Guatemala, 2018.

2.4.1. Findings on sustainability criteria

- **Level of ownership of the promoted processes of change:** The four results and the specific contributions reflect a high level of ownership on the part of participants or beneficiaries: PNC, MP, OJ. There are two processes yet to be fully transferred as responsibilities to national actors: Legal representation of victims and the creation of networks of psycho-social care service providers. For this purpose, Project Sentinel is executing a strategy for transfer of capacities and empowerment of CSOs (currently 5 and with potential for more), with the objective that NGOs and community organizations continue and expand collaborative case work. At the same time, coordination was initiated with the Ministry of Education and Health, to strengthen and support attention to victims given that due to their characteristics and functions, these institutions, are directly related.
- **Level of capacities installed in institutions of justice and other key actors:** The level of capacities installed in PNC, MP, OJ and local organizations for the reduction of impunity for crimes of sexual violence can be classified as above average, and high in nine of the eleven changes promoted. Among these cases, strengthening of MAI in the MP, good practices in the principles of non-re-victimization and preservation of the best interests of the child stand out. The creation of attention to victims' protocols by the MP and inclusion of the topic in the PNC training school's curriculum, associated with development of criminal investigation capacities among DIDS personnel and coordination between the MP and DIDS in criminal investigation are seen as sufficient. There is also a high level of capacities installed in CSOs selected to provide legal and psychosocial services to victims of sexual violence.
- **Resources and favorable institutional political environment:** Within the framework of a weak State, with limited resources to exercise its function of development and guarantor of human rights, the material means and institutional environment are always critical factors for sustainability of processes promoted by international cooperation agencies or organizations. In the case of the PNC, as an institution subordinated to the Executive Branch, the situation is more critical. Changes of Ministers of the Interior and PNC directors are frequent, reaching an average of 3 changes during the 4-year term of office. The institutional environment in MP and OJ are more stable, but they are always subject to the structural limitations of scarcity of resources. To mitigate the negative effects of these staff changes, IJM has implemented a strategy of involvement and influence with middle managers, mainly in the PNC. With this strategy, in moments of rotation or removal of higher-level authorities, personnel promoted to these positions will already be informed and will continue with processes promoted by the Program. However, this continuity cannot be guaranteed once the program in the country has concluded.

2.4.2 Changes with more sustainability potential

Taking into account the criteria analyzed, the changes promoted by the four outcomes of the IJM Program in Guatemala have different levels of sustainability¹⁰⁵. The main findings are the following:

- **Transformation processes with greater potential for sustainability:** Improvements in accusation and trial processes have the greatest potential for sustainability. In the MP, the change that seems to have greater possibilities of continuity is the Integral Attention Model (MAI), due mainly to the degree of ownership and capacities installed. In the courts, expanding awareness among judges, as well as training in specialized topics such as adherence to conventions, human

¹⁰⁵ in the event that the intervention in Guatemala ends.

rights approach, good practices in principles of non-re-victimization and the best interests of the child are those with greater potential for sustainability.

- **Transformation processes with less potential for sustainability:** Criminal investigation capacities installed in the PNC are subject to changes in priorities, authorities and personnel, typical of an Executive Branch without professional public service or careers.¹⁰⁶ It is also necessary to consolidate processes promoted by Project Sentinel for the transfer of good practices and building networks of legal and psychosocial service providers to victims.

2.4.3 Considerations on the sustainability of mentoring strategies and legal accompaniment to victims

As indicated in the effectiveness section, the mentoring and complainant strategies were assessed by the majority of the actors interviewed by the evaluation team as "good practices" for the achievement of two outcomes: On the one hand, training and development of capacities of investigators of the PNC and prosecutors of the MP for the investigation and criminal prosecution; and on the other hand, the legal assistance strategy "adhesive prosecutor" was successful in accompanying the victims and in most cases obtaining convictions.

The sustainability analysis of the changes promoted by these two strategies shows a score of 3.5 (mentoring) and 2.7 points (legal assistance) over a maximum of 5 points. This means that the capacities developed in investigators and prosecutors and legal assistance to victims have a medium chance of continuing and sustaining once IJM support ends. In the first case, PNC and trained MP personnel are likely to continue to provide services in their institutions, but mentoring as a pedagogical training strategy has no possibility of being incorporated into the regular training programs of both institutions, mainly because the cost of these services are high for the national standard and the institutions do not have the capacity to finance it because of their structural shortage of budget.

On the other hand, in terms of free legal assistance, it is important to remember that the majority of families of the victims are poor and therefore lack the possibilities to pay for regular legal services. In this sense, a probable undesired effect of the termination of IJM support would be the reduction of the effectiveness of the defence strategies and consequently the percentage of cases with condemnatory sentences.

The sustainability of the "adhesive complainant" strategy and its positive results is that the IJM Program continues to transfer skills and knowledge to local civil society organizations, especially in areas of high rates of sexual violence, including the training of local lawyers in the doctrine and legal technique specialized in sexual violence against children and adolescents.

Taking into account this assessment, in a scenario of continuity of the IJM Program, the incorporation of the pedagogical strategy of mentoring training in the regular training programs of the PNC Academy and the National Civil Police Program could be proposed as components of its intervention model.

2.4.4 Considerations of the Evaluation Team on the sustainability of the changes

The previous analysis shows that the sustainability of the change process promoted by the IJM Program, in the justice sector specialized in sexual violence against children and adolescents, is still under development. After almost 12 years of intervention, there are more mature changes than others,

¹⁰⁶ During the preparation of the evaluation report, important changes occurred in the PNC. The arrival of a new Minister of the Interior, resulted in a change in director, sub-director and other officials such as the director of the PNC training school.

but in general, it is clear that greater efforts are required to consolidate the processes initiated, which in Guatemala occur more slowly. The most critical factors that the evaluation team considers are two: a) fragile political institutional environment, which, although it begins to appropriate the changes and capacities installed, requires consolidation and improvement; b) Scarce financial resources of the sector, which results in little specialized personnel, limited coverage and lack of equipment, in the face of an increasing demand for services, caused by a greater number of complaints.

The limitations and opportunities for sustainability of the processes of change promoted by IJM can be influenced by two factors of the country-sector environment mentioned above that did not exist 12 years ago: i) development of a political-regulatory framework and creation of a new institutional framework, ii) development of a new narrative and public awareness about sexual violence against children and adolescents. In addition, the institutionalization of a Model for the prevention of violence and crime in the planning and budget of the sector's institutions is considered an opportunity.

The evaluation team estimates that the process of strengthening the state and the appropriation of society, in dealing with violence in general and especially sexual violence against children is a process that started recently but that seems irreversible. However, it is a process in development, which has advances and setbacks and, which is not yet consolidated.

In Guatemala, the processes develop slowly due to institutional fragility and a historical model of impunity that permeates all spheres of the state. The fight against impunity requires strong actions from the state with the support of civil society and also international cooperation, to transform the structural matrices that sustain violence and impunity.

The ET considers it convenient for IJM to evaluate continuing to consolidate its intervention, enriched in its design and operations with the lessons learned from its experience and the data documented by this evaluation.

3. Conclusions and recommendations

Conclusions and recommendations presented in this section are based on the main findings reported on variables studied. Regarding recommendations, three quality standards defined by good evaluation practices were considered: relevance, practicality and feasibility.

Overall, the ET found that Guatemala presents an extremely difficult context for the implementation of IJM Program's, not only due to the level of widespread violence within the country and the high incidence of sexual violence against children, but also because of the deeply rooted macho and patriarchal culture of Guatemalan society; and because of the structural fragility of institutions making up the chain of justice. Within this framework, IJM was able to make significant contributions to reducing impunity for crimes of sexual violence against children and adolescents.

3.1 Conclusions

The purpose of the evaluation was to *“Assess the level of achievement of the results planned by the IJM Guatemala Program during the reference period **and its contributions or impact** on the transformation of the problem of sexual violence against children and adolescents in the country, to offer recommendations useful for strengthening their institutional learning and improving future interventions in the sector”*. Four variables were used for this analysis, proposed by the OECD for the evaluation of development aid, ratified by the ToR of the consulting contract: i) relevance; ii) efficacy; iii) impact; iv) sustainability. The main conclusions based on findings described in section 2 of this report are presented below.

3.1.1 Relevance

A. Overall level of relevance. The design and results of the IJM Program in Guatemala **have been highly relevant for the country and the specific population affected by the problem of sexual violence: children and adolescents.** The main findings supporting this conclusion are the following: i) high strategic priority of the problem, geographical location and population chosen; ii) high level of compatibility and alignment with the sector's public policy priorities, to which in some degree IJM contributed in alliance with other key actors of Guatemalan civil society; iii) in line with victims' right to justice and their need to receive attention for reparation of emotional and physical damages caused by aggressors; iv) technical-scientific relevance of the intervention model in dealing with critical causal factors of the problem. Some deficiencies are noted in the lack of (methodologically) incorporation of the gender and rights of indigenous peoples approach. Both variables are considered fundamental especially in some intervention areas of the program with a high proportion of women, indigenous population and incidence of sexual violence, especially against girls and adolescents, such as Alta Verapaz and Quetzaltenango. The design and results of the IJM Program in Guatemala **have been highly relevant for the country and the specific population affected by the problem of sexual violence: children and adolescents.**

B. Technical-scientific relevance of the IJM intervention model. The intervention model of the IJM Program in Guatemala reveals a high degree of technical-scientific relevance, considering it addressed two causal relationships considered critical by current conceptual models on the problem of violence and crime in Guatemala and specifically the problem of impunity for crimes of sexual violence against C/A: i) social risk factors, which imply the absence of a legal framework penalizing the crimes, and *de facto* impunity resulting from the weaknesses of key institutions in the justice system; ii) community risk factors, especially community acceptance of sexual violence. The choice of these causal factors, especially justice system institutional capacity strengthening, lends itself to the potential efficacy of the Program's intervention model for the solution of the

problem of impunity for crimes of sexual violence against C/A. However, critical country environment factors were left out, which, from a systemic perspective, have a positive and negative impact on the efficacy and sustainability of the problem's transformation processes. From the perspective of having influence on reducing violence in general, factors related to the childhood development of offenders in contrast to their biological-cultural structure (individual and relational factors) have not been considered, a factor considered critical by the WHO Ecological Model of Violence and the Logical Model for the Prevention of Violence and Crime in Guatemala.

3.1.2 Efficacy

- A. **Global level of efficacy.** The IJM Program in Guatemala has achieved a **high level of efficacy** in achieving the four main planned results during the various phases and projects, from 2005 to 2017, in its geographical target area (Guatemala, Alta Verapaz and Quetzaltenango). These results are the following: i) increased efficacy in criminal investigation; ii) increased efficacy in criminal prosecution; iii) increased efficacy in the prosecution and trial process; iv) increased efficacy in attention to victims.
- B. **Result 1 Level of Achievement. Increased efficacy in criminal investigation.** Goods and services delivered by the IJM Program contributed to improving the quality and results of criminal investigations on child sexual violence by the Specialized Division of Criminal Investigation (DEIC / DIDS) of the National Civil Police (PNC) in the target area. This resulted in an increase in arrests from 301 in the period 2008-2012 to 1,077 in the period 2013-2017.
- C. **Result 2 Level of Achievement. Increased efficacy in criminal prosecution.** Goods and services delivered by the IJM Program contributed to increasing the quality of processes and results of criminal prosecution of crimes of sexual violence against C/A in the target area by the MP's specialized prosecutor's offices. This resulted in an increase in accusations from 520 in the period 2008-2012 to 1,658 in the period 2013-2017.
- D. **Result 3 Level of Achievement. Increased efficacy in the trial process.** Goods and services delivered by the IJM Program contributed to increasing the number and quality of sentences issued by the courts of justice against alleged perpetrators of sexual crimes against C/A. In the province of Guatemala, sentences increased from 181 to 581, in Quetzaltenango from 70 to 264 and in Alta Verapaz from 34 to 101, in the period 2013-2017.
- E. **Result 4 Level of Achievement. Increased efficacy in attention to victims.** Although to a lesser extent and scope than results 1, 2 and 3, IJM Program goods and services contributed to improving attention to victims of sexual violence, facilitated access to justice and contributed to reparation of physical and emotional damages. In addition to legal representation, IJM contributed to the provision of psycho-social services or follow-up care for 472 children and adolescents.
- F. **Most effective interventions for achieving planned results.** As indicated in No. 4.1.1, the technical-scientific relevance of the chosen interventions allowed the IJM Program, by its very design, to ensure the potential for achieving planned results throughout the various phases and projects. The first success was the intervention model which, to varying degrees of intensity, bet on key factors for reducing impunity for crimes of sexual violence. Within the model, 4 interventions and/or decisions stand out: legal representation for victims; negotiating and signing institutional agreements; institutionalization of the processes of change through participation of beneficiaries beginning in the planning phase; and mentorship program for developing institutional capacities.

3.1.3 Impact

- A. Overall level of impact.** The IJM Program in Guatemala has achieved a **high level of impact**, considering that the processes of change promoted, through goods and services delivered, have significantly influenced three causal-logical connections with the potential to reduce sexual violence against C/A and impunity for this type of crime. These connections are the following: i) increase in complaints, arrests, criminal investigations and convictions, + reduction of impunity + inhibiting sexually violent conduct of active and potential perpetrators; ii) increased autonomy of and control by victims of their lives and exercising their rights, plus the exit of victims from the circle of sexual violence, potentially breaking the repetitive generational cycle of behavior; iii) increased public confidence in justice institutions (associated with the increase in complaints) and reduction in social acceptance of sexual violence + increase in reporting sexual violence.
- B. Contributions to reducing impunity.** Given the valid causal-logical relations described above, we can confirm that the IJM Program in Guatemala has contributed to reducing impunity for crimes of sexual violence against C/A in the three regions of coverage (Guatemala, Quetzaltenango and Alta Verapaz). As a cumulative effect of their contributions to improving criminal investigation, criminal prosecution and sentencing, there has been 3 times increased in convictions handed down by the courts in the period 2013 to 2017.
- C. Contribution to reducing sexual violence in general in the area of intervention.** Within the normal limits of a development program and the complex multidimensionality of the problem addressed, the ET considers that the causal-logical relationships impacted by the Program's interventions provide evidence to show that the IJM Program in Guatemala **also contributed** to reducing sexual violence against C/A in the area of intervention, even though statistical data are not available to document the extent to which this reduction occurred.
- D. Contribution of causal factors within the country-sector environment of the problem.** The IJM Program's contributions to reducing impunity for crimes of sexual violence against C/A, and sexual violence in general have been aided by the development of a political-regulatory justice environment specialized in this matter during the period covered by its phases and projects. Since 2003, the effective date of the PINA Law, there has been notable development of Guatemalan State capacities in addressing violence in general and sexual violence against C/A. The public discussion and consciousness on the subject have also evolved. The IJM Program has been a leading protagonist in these processes of change, which in turn have exerted an undeniable influence on achieving results.

3.1.4 Sustainability

- A. Overall level of sustainability.** Considering the criteria of "ownership", "capacities installed", "available resources" and "favorable political-institutional environment", **a variable level of sustainability can be assigned in the four results achieved by the IJM Program in Guatemala.** Improvements in processes and results of accusations (MP) and the trial process (OJ) are those that offer the greatest potential for continuity once program support ends. The processes and results of criminal investigation (PNC) have less potential, mainly due to the instability of the political-institutional environment within the PNC.
- B. Sustainability of mentoring strategies and legal assistance to victims.** Although both strategies are reported in the body of the report as "good practices", there is little chance that they will continue without support. In the first case, the scarcity of financial resources of the institutions responsible for the investigation (PNC) and criminal prosecution (MP) is the

greatest obstacle to continuity. As for the legal assistance of the victims, the poverty of most of the families of children and adolescents, as well as the fragility of financial and human resources of the Criminal Public Defender are elements that do not contribute to continuity. In a scenario of continuity of the program, it is vital to ensure the transfer of these strategies to national institutions, in the case of mentorships and, to civil society organizations, in the case of the figure of "joint plaintiff"

C. Level of ownership and development of capacities. The IJM Program has achieved a level between medium and high, in the ownership and development of capacities among institutional and social actors for the continuity and sustainability of the four promoted results. In the case of the capacities installed, strengthening of MAI in the MP; good practices in the principles of non-re-victimization and preservation of the best interests of the child; and incorporation of the topic of crimes of sexual violence against C/A in the curriculum of the PNC training school are noteworthy. Regarding the OJ, it is important to point out the specialization of tribunals and judges, as well as the development and strengthening of technical capacities to issue sentences using international standards. Although still in a process of consolidation within the framework of Project Sentinel, a good level of skills can also be assigned to the CSOs that will provide services to victims, taking charge of the processes and good practices promoted by IJM within the CCW model's framework.

D. Resources and favorable political-institutional environment. In addition to State institutional weaknesses - mainly due to an absence of a professional public service - available resources and the political-institutional environment are two potentially critical factors for sustainability of changes promoted by IJM in the country once its intervention ends. Of the three justice system institutions, the PNC seems to have a less favorable institutional-political environment, due to high turnover of MINGOB authorities and PNC directors.

E. Final conclusions about the change process. The previous analysis shows that the sustainability of the change process promoted by the IJM Program, in the justice sector specialized in sexual violence against children and adolescents, is still under development. After almost 12 years of intervention, there are more mature changes than others, but in general, it is clear that greater efforts are required to consolidate the processes initiated, which in Guatemala occur more slowly. The most critical factors that the evaluation team considers are two: a) fragile political institutional environment, which, although it begins to appropriate the changes and capacities installed, requires consolidation and improvement; b) Scarce financial resources of the sector, which results in little specialized personnel, limited coverage and lack of equipment, in the face of an increasing demand for services, caused by a greater number of complaints.

The limitations and opportunities for sustainability of the processes of change promoted by IJM can be influenced by two factors of the country-sector environment mentioned above that did not exist 12 years ago: i) development of a political-regulatory framework and creation of a new institutional framework, ii) development of a new narrative and public awareness about sexual violence against children and adolescents. In addition, the institutionalization of a Model for the prevention of violence and crime in the planning and budget of the sector's institutions is considered an opportunity.

The evaluation team estimates that the process of strengthening the State and the appropriation of society, in dealing with violence in general and especially sexual violence against children and adolescents is a process that started recently but that seems irreversible. However, it is a process in development, which has advances and setbacks and, which is not yet consolidated. Specially in Guatemala the processes develop slowly due to institutional fragility and a historical model of

impunity that permeates all spheres of the state. The fight against impunity requires strong actions from the state with the support of civil society and also international cooperation, to transform the structural matrices that sustain violence and impunity.

The ET considers it appropriate for IJM to evaluate continuing to consolidate its intervention, enriched in its design and operations with the lessons learned from its experience and the data documented by this evaluation.

3.2 Recommendations

Considering the findings mentioned in the body of the report, and the conclusions, a set of recommendations are offered below to the management and technical team of the IJM Program in Guatemala, which could be useful for improving performance and achieving results in the following months of the Program's duration cycle, or to strengthen institutional learning and decision-making in other parts of the world.

3.2.1 Measure reparations and restitutions of victims' rights.

From the time a complaint is filed, the institutional framework of the State is set in motion to provide justice, repair damage caused and restore rights to victims. However, there are no measurements that allow this process to be seen. We suggest that the IJM Program design an adequate methodological instrument to carry out these measurements.

3.2.2 Introduce improvements and document the program intervention model.

As documented in the body of the report, the IJM Program intervention model has demonstrated technical-scientific relevance and a high level of efficacy in reducing impunity for crimes and sexual violence against C/A. However, using WHO and MINGOB prevention models as a reference, there is room for improvement. The following actions are suggested for consideration: i) document and replicate good practices in community work aimed at changing the popular consciousness regarding the problem of sexual violence; ii) include causal factors related to the prevention of violent behavior by aggressors, incorporating basic psycho-affective care for children into the attention to victims model to break the generational transmission of a pattern of violence; iii) consider country-sector environmental factors in order to adopt measures for mitigating and/or strengthening their influence, as needed.

3.2.3 Improve the application of the gender and inter-cultural approach.

In a country where half of the population are multicultural and multiethnic girls and women, as in Guatemala, the development of methodological instruments that ensure the integration of the gender and inter-cultural approach throughout the cycle of the development program is considered fundamental: planning, implementation, monitoring and evaluation. In addition, considering the nature of the problem that the program intends to solve, study of the Mayan legal system and its application to cases of sexual violence would be appropriate. It is suggested that case No. 1467-2016 be studied, in which the Constitutional Court ruled in favor of the legal validity of punishments imposed by the indigenous authority of the municipality of Comitancillo, San Marcos, on an individual found guilty of the rape of an indigenous minor.

3.2.4 Promote replication of the intervention model to reduce impunity for other crimes.

IJM's intervention model, with the recommended improvements, has the potential efficacy to contribute to a reduction in impunity for other crimes within the country. Successes in prioritizing key

causal factors, and the interventions chosen to address them, as well as the positive evolution of the political-regulatory and institutional framework, are elements to keep in mind when approaching other complex problems in the justice sector; impunity for crimes of corruption, for example. Once documented, we suggest that the model be disseminated and socialized as a good practice to institutions, institutions of justice and other actors that fight against impunity in the country.

3.2.5 Systematize and document good practices.

The IJM Program intervention model has generated a set of good practices, adaptable for intervention modeling and learning in new IJM programs in Guatemala and other countries with similar conditions. Regarding these practices, we suggest systematizing and documenting the following: i) mentor program as an institutional capacity strengthening strategy; ii) legal assistance for victims using the joint plaintiff modality; iii) protocols for preserving principles of non-revictimization and the best interests of the child; iv) training modules integrated into institutions' regular training program curricula.

3.2.6 Strengthen application of results-based management (RBM) in the program cycle.

Applying RBM methodology throughout a development program's cycle is a key measure for increasing efficacy and impact. In the last few years, the IJM Program in Guatemala has demonstrated progress in developing tools for causal analysis and progress-monitoring systems. But greater effort is needed in at least three areas i) development of conceptual models based on technical-scientific evidence; ii) formulation of theories of change supported by evidence from conceptual models; iii) Program indicators should be adjusted to country conditions and to intervention - we recommend using process indicators to permit the evaluation of each of the tasks carried out and to know if the proposed results have been achieved in each stage; iv) personnel training, including technical operations officers and administrative staff. Thus, the experience and learning obtained from the global intervention model, and adaptation of this model to the country context, can be valuable sources of knowledge for building a solid conceptual model, as well as building an appropriate theory of change, for transforming the problem of sexual violence and other crimes against vulnerable populations.

3.2.7 Consolidate strategic alliances with Civil Society Organizations (CSO) specialized in C/A.

As with all cooperation projects, the IJM Program will end its intervention. To guarantee greater sustainability of results and consolidate impacts, it is important that IJM - in alliances with various organizations to replicate the CCW (Collaborative Case Work) model - coordinate and manage consultation and consensus networks and opportunities with CSOs specialized in the area of C/A, particularly in the nation's provinces where there is a higher incidence of sexual abuse crimes against C/A, to have a joint impact on reducing impunity for these crimes.

3.2.8 Consolidation of changes.

Despite progress in the evolution of the legal and institutional framework related to sexual violence against children and the contribution of the IJM Program to the reduction of impunity in these crimes, through the changes promoted at institutional level; considering the particularity of Guatemala described exhaustively in this report and the considerations made on the levels of sustainability of these changes, the evaluation team considers that greater efforts are required to consolidate the changes promoted by IJM, taking into account the learning, good practices and limitations that the intervention of IJM has had to date. As indicated throughout the evaluation report, the processes in Guatemala are extremely slow, so consolidation of the changes requires very long-term interventions.

Appendices

Appendix 1. List of Persons Consulted

IJM Staff
Brad Twedt. Director IJM Guatemala Vinicio Zuquino. Director Adjunto IJM Guatemala Jacobo Mazariegos, Director de Diseño, Monitoreo y Evaluación del Programa. Pablo Villeda. Vicepresidente de Programas para América Latina. Jessica Ortiz, Tania Fernández, Erick Molina, Yojana Contreras, Bernardo Loyo, Edgar Villacorta, Juan Pablo Ríos. Equipo Reforma del Sistema IJM.
Policía Nacional Civil (PNC)
Dora Albina. Jefe Departamento de Investigación Delitos Sexuales (DIDS) Franklin Sánchez. Sección Delitos Libertad e Indemnidad Sexual. (DIDS) Arnoldo Noriega – Sub Jefe de DEIC Cobán AV Elgi Lizardo Cardona Cardona- Jefe de Delegación DEIC – Quetzaltenango Wesby Godínez López- Jefe de investigación de delitos sexuales Edgar Estruado Melchor. Director DICRI
General Attorney Office (MP)
Iris Mariela Vela, Fiscalía de la Mujer. Unidad de Litigio. Rubén Herrera- Jefe de sección Fiscalía de la niñez Norma Eugenia Ramírez María José Batres – Fiscalía de la mujer Vilma González – Fiscalía de la mujer Herberth Morales – Director de Cooperación Internacional Selene Velásquez – Fiscalía de la niñez Vilma Rojas Montejo – OAV Otto Santizo y Blandine Salazar – SICOMP Mildred Flores –Coordinadora MAI Johana Sáenz- Exdirectora de Asuntos internacionales Jenyfer Barrios – Agente Fiscal de delitos sexuales – Cobán AV Evelyn Moreno- Coordinadora –Fiscalía Cobán AV Mildred Caal- Psicóloga y coordinadora de OAV Cobán AV Mariadalia Soto – Psicóloga fiscalía de la Mujer- MP Quetzaltenango Julia Pastor – Coordinadora Fiscalía de la mujer MP Quetzaltenango Mariela Díaz – Agente fiscal – Quetzaltenango Aura Marina Silva – Directora /UNICAP
INACIF
Fanuel García. Director Clara Hernández.
Judicial Body (OJ)
Felipe Baquix. Magistrado CSJ. Presidente Cámara Penal. Ana María Rodríguez. Jueza de Sentencia. Tribunal Pluripersonal de Sentencia Penal de delitos de Femicidio y otras formas de violencia contra la mujer. Guatemala Miriam Haydee Salvador Ruyan. Presidenta. Tribunal Segundo de Sentencia Penal de Delitos de Femicidio y Otras Formas de Violencia Contra la Mujer, Violencia Sexual, Explotación y Trata de Personas del departamento de Guatemala Dora Nájera Flores, Escuela de Estudios Judiciales Edgar Menéndez, Escuela de Estudios Judiciales Amalia Mazariegos Vásquez, Coordinadora Unidad de Niñez y Adolescencia Raquel Alicia Méndez Letona. Jueza de primera instancia. Juzgado Segundo Pluripersonal de Primera Instancia Penal de Delitos de Femicidio y otras formas de violencia contra la mujer. Guatemala. Dasma Janina Guillen – Magistrada presidenta Sala Quinta Corte de Apelaciones- Quetzaltenango Leonel Placido Gómez – Juez de primera instancia Juzgado de Femicidio- Quetzaltenango
Civil Society Organizations
Claudia Hernández. Directora Ejecutiva. Fundación Sobrevivientes. Erick Maldonado. Director Jurídico- Refugio de la niñez Corbey Ducks. Director del Hogar OASIS Lily Wung – Directora Nuevos Horizontes – Quetzaltenango María del Rosario Pineda – Directora Comunidad Esperanza – Cobán AV
Other social and institutional actors
Ester Reyes. Directora Operativa Zona Campeones, Fraternidad Dr. Sergio Martínez. Coordinador Atención a Víctimas Sobrevivientes de Violencia Sexual. Ministerio de Salud.

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Appendix 3. Evaluation Methodology Matrix

Variables / Key questions	Information sources	Methods of data collection	Data analysis methods
Relevance			
<p>Are the design and results of the program consistent with the needs and rights of the population affected by the problem of sexual violence against children and adolescents?</p> <p>Are the design and results of the program relevant and did they manage to capture the cultural specificity of indigenous children and adolescents?</p> <p>Was the design and results of the program adequately aligned with the strategies of the Guatemalan government to address sexual violence against children?</p> <p>How did the program contribute to the implementation of national plans and strategies of partners and other stakeholders?</p> <p>Did the program adapt to changes in the country and sector environment?</p> <p>The activities and products chosen were adequate to achieve the results and expected final impact?</p>	<p>Program documents: PRODOC, Results Framework, previous studies and studies on target lines</p> <p>Documents on the political-regulatory framework of the country and the sector</p> <p>National institutions of the justice sector: MP, OJ, PNC, PGN</p>	<p>Documentary review of secondary sources</p> <p>Semi-structured / group interviews and / or focus groups</p>	<p>Content analysis of revised documents</p> <p>Matrix of triangulation of evidences and identification of findings</p>
Effectiveness ¹⁰⁷			
<p>To what extent has the program achieved results and expected impact with the products delivered? In case you did not reach them, what progress can be observed?</p> <p>What are the factors that contributed or limited the achievement of the results?</p> <p>How did the SM & E contribute with evidence to make decisions aimed at ensuring the achievement of the planned results?</p> <p>What lessons learned, best practices and recommendations should be considered by IJM or other child protection organizations?</p>	<p>Periodic progress reports</p> <p>SM & E Reports</p> <p>Key actors in the justice sector and population of children and adolescents attended</p>	<p>Semi-structured / group interviews</p> <p>Focus groups</p> <p>Documentary review</p>	<p>Matrix of triangulation of evidences and identification of findings</p>
Sustainability			
<p>To what extent the actors of the Public System of Justice served by the program have increased their capacity to perform their functions in the fight against the Secondary Violence against Children and Adolescents and provided adequate attention to the survivors (in particular, the law enforcement agencies)?</p> <p>Do the actors have sufficient capacities to continue on their own with the processes promoted by the program?</p> <p>What is the level of ownership of the processes of change and results promoted by the program?</p> <p>To what extent has the program built political support for a sustained response from the Public System of Justice in the care of cases of sexual violence</p>	<p>Key actors in the justice sector related to children and adolescents</p> <p>Program documents: studies, good practices and sustainability strategies</p>	<p>Semi-structured / group interviews</p> <p>Focus groups</p> <p>Documentary review</p>	<p>Content analysis of revised documents</p> <p>Matrix of triangulation of evidences and identification of findings</p>

¹⁰⁷ The analysis of this criterion will be based on the matrix of indicators and targets defined by the program's SM & E.

<p>against children and adolescents? Has the built support contributed to creating an institutional environment conducive to the continuity and sustainability of the changes promoted by the program?</p>			
Impact			
<p>To what extent has the program contributed to reducing the prevalence and scale of sexual violence committed against children and adolescents in the target areas of the program? What are the causes of the problem prioritized by the Theory of change and what has been its degree of contribution to the attention and solution of the problem? What was the contribution of IJM to the development of coordinated systems of law enforcement and accountability of perpetrators in Guatemala? Has the amount and quality of investigations, prosecutions and convictions increased? Since the beginning of the program, has the confidence of the key actors in the performance of the SPJ officials increased to adequately address the problem of sexual violence committed against children and adolescents in Guatemala? Is child sexual violence provided to subsequent children? What was the contribution of IJM to any identified change in the capacity of public and private social service providers to provide aftercare to survivors? What was the contribution of IJM to improve the results for specific IJM clients? What other positive, negative, primary and secondary long-term, economic, environmental and social changes have been produced by the program, directly or indirectly, intentionally or not?</p>	<p>Studies or documents on installed capacities and systematization of learning and good practices Key actors of the justice sector related to NNA</p>	<p>Documentary review Semi-structured interviews Focus groups</p>	<p>Content analysis of revised documents Matrix of triangulation of evidences and identification of findings</p>

Appendix 4. IJM Guatemala Program Project Profiles

COMPREHENSIVE ATTENTION PROJECT FOR SURVIVORS OF SEXUAL VIOLENCE	
PERIOD	2007 - 2010
Budget	
Target Group	Children and adolescents
Direct beneficiaries	Children and adolescents victims of sexual violence
	Officials of the PNC
	Prosecutors (MP)
	Victim support groups in churches
	Social workers, educators and therapists
	Families of victims of sexual violence
Beneficiary institutions / implementing partners	Ministry of the Interior (PNC)
	Attorneys General Office (MP)
	Churches
	Public and private institutions for victim assistance
Geographical area of intervention	Guatemala City
Overall objective	Contribute to the elimination of sexual violence against children and adolescents in the province of Guatemala
Results	<p>RESULT 1.1: PNC effectively investigates, prosecutes and arrests perpetrators of child sexual violence</p> <p>RESULT 1.2: Prosecutors gather evidence, prepare cases and criminally prosecute the perpetrators so that the judges condemn them.</p> <p>RESULT 1.3: The community demands responsibility for the perpetrators of child sexual violence and is actively involved in its prevention and advocacy</p> <p>RESULT 2.1: IJM works to institutionalize improved care for victims of sexual violence</p>

PROJECT OF STRUCTURAL TRANSFORMATION (STAGE I)	
PERIOD	2011 - 2013
Budget	1,099,040 usd
Target Group	Children and adolescents
Direct beneficiaries	Children and adolescents victims of sexual violence
	Prosecutors (MP)
	Judges (OJ)
	Officers PGN
Beneficiary institutions / implementing partners	Attorney's General Office (MP)
	Judicial Body (OJ)
	PGN
Geographical area of intervention	Guatemala City
Overall objective	Guatemala's justice system works with improved effectiveness in cases of sexual violence against children, generating a strong deterrent that ultimately reduces the level of this crime in Guatemala.
Results	<p>1: The MP has adopted the best practices for investigations of sexual violence against children and quality standards for accusations in accordance with the training plan</p> <p>2: Prosecutors understand and begin to implement best practices for investigations of sexual violence against children and present convincing accusations in these cases to the judges of first instance</p> <p>3: Judges have an improved understanding of the new criminal types, the tools and the contexts in which they are applied.</p> <p>4: The representatives of the PGN have an improved understanding of the new criminal types, the tools and the contexts in which they are applied</p> <p>5: Judges and representatives of the PGN appropriately apply the new law on sexual violence in cases of sexual violence against children</p>

PROJECT OF STRUCTURAL TRANSFORMATION (STAGE II)	
PERIOD	2014 - 2017
Budget	1,611,598 usd
Target Group	Children and adolescents
Direct beneficiaries	Children and adolescents victims of sexual violence
	DEIC (PNC)
	Attorneys General Office (MP)
	Judges
Beneficiary institutions / implementing partners	MP
	Judicial Body (OJ)
	Ministry of Interior (PNC)
Geographical area of intervention	Provinces of Guatemala, Quetzaltenango and Alta Verapaz.
Overall objective	
Overall Objective	The justice system in Guatemala works with improved efficiency in cases of sexual violence against children, generating a strong deterrent that ultimately reduces the level of this crime in Guatemala City.
Results	<p>1: PNC investigates the crimes of sexual violence against children and adolescents with the quality standards and mandatory deadlines</p> <p>2: The prosecutors lead criminal investigations and prosecutions of sexual violence crimes against children and adolescents with quality standards and mandatory deadlines</p> <p>3: The judges professionally direct their cases of cases of sexual violence against children and children and protect the rights of children in criminal proceedings.</p>

SENTINEL PROJECT	
PERIOD	2016 - 2019
Budget	
Target Group	Children and adolescents
Direct beneficiaries	Children and adolescents victims of sexual violence
	members of local and international organizations
	Prosecutors (MP)
	Judges (OJ)
	DEIC (PNC)
	CSO
	defenders of victims of the communities
Beneficiary institutions / implementing partners	Attorneys General Office (MP)
	Judicial Body (OJ)
	Ministry of Interior (PNC)
	CSO
	Communities
Geographical area of intervention	Participating institutions of the Table for combating sexual violence against children and adolescents.
Overall Objective	Provinces of Guatemala, Alta Verapaz, Quetzaltenango and Escuintla
Overall Objective	Guatemala's public justice system works with improved effectiveness in responding to sexual violence against children and adolescents and public opinion is increasingly aware of the problem of child sexual violence and committed to protecting and caring for victims and children in high-risk
Results	<p>1. Victims of sexual violence receive direct investigation, legal and aftercare services.</p> <p>2: Guatemala's public justice system has effectively improved its capacity to address cases of sexual violence against children, with quality standards and stipulated deadlines, protecting the interests of victims.</p> <p>3: Guatemalan government has broader and deeper political support, as well as a budget for the strengthening and expansion of initiatives that will end impunity in cases of sexual violence against children and children at risk.</p> <p>4: Communities of Guatemala educated and sensitized regarding the rights of victims of sexual violence against children, as well as criminal and protective processes, and equipped with the necessary knowledge and tools to support survivors of sexual violence against children and adolescents, accompanying as well as defending children in the public justice system and social services.</p> <p>5: The Guatemalan government effectively coordinates, at the policy and operational levels, the inter-institutional response to sexual violence against children and adolescents, through a formal structure of sexual violence working groups and sexual violence units.</p>

Appendix 5. Data Collection Instruments

a) Guía de entrevistas semi-estructurada a actores clave Sistema de Justicia (MINGOB, MP, IDPP, INACIF, OJ)

0. Identificación:

No. entrevista:		Fecha:	
Lugar:			
Nombre:			
Institución del SPJ:			
Posición:			
Periodo: ¹⁰⁸			
Tipo de informante: ¹⁰⁹	Tomador de decisiones	Beneficiario directo ¹¹⁰	Otro grado
Duración de la entrevista:	45 minutos máximo		

1. Describa su relación con el Programa de IJM durante el periodo que trabajó con su institución
2. ¿Qué tipo de apoyo (bienes y servicios) ha recibido del programa IJM?
3. ¿Participó usted o su institución en la planificación y diseño del apoyo recibido del programa IJM?
4. ¿Cuál es su valoración sobre el apoyo recibido en términos de: a) adecuación a necesidades y capacidades identificadas por su institución para la persecución penal de casos de violencia sexual contra de NNA; b) alineación con prioridades de la institución; c) mejores prácticas; d) otros atributos
5. ¿Los bienes, servicios y otro tipo de apoyo recibidos han sido suficientes para desarrollar sus capacidades y las de su institución en la escala que la violencia sexual contra la NNA requiere?
4. ¿De qué manera los resultados o cambios obtenidos por el programa han contribuido a resolver las causas más críticas del problema de la falta de persecución penal de la violencia sexual contra NNA en Guatemala?
5. ¿Cuáles han sido los factores clave que han influido en la implementación y el logro de los resultados del programa? Tanto positivos como negativos.
6. Si existiese la oportunidad de empezar de nuevo ¿Qué cosas el programa podría hacer de manera diferente o mejor para mejorar las capacidades instituciones de los actores del SPJ y la reducción de la impunidad en los casos de violencia sexual contra NNA?
7. ¿En qué medida el programa ha sido sensible a factores de género e interculturalidad en el diseño y la entrega de los servicios y las actividades a los distintos grupos de participantes?
8. ¿De qué manera el programa se ha adaptado al contexto local, principalmente con la cultura y los derechos específicos de los Pueblos indígenas?
9. ¿Cómo han funcionado las dinámicas de colaboración y alianzas promovidas por el programa en la realización de sus actividades y entrega de sus servicios?
10. ¿Qué posibilidades reales y potenciales existen de que los procesos y las prácticas promovidas por el programa perduren y se incorporen al quehacer habitual de la institución? ¿Cómo operan los factores clave: apropiación, capacidades, recursos y entorno propicio?

Sugerencias para mejorar el desempeño y los resultados del programa.

¹⁰⁸ Permite individualizar el proyecto de IJM que se ejecutaba en ese tiempo así como los resultados, bienes y servicios a planificados de cara a orientar las preguntas.

¹⁰⁹ Las preguntas se adecuarán a cada tipo de informante.

¹¹⁰ Miembro de institución del sector justicia receptor de los servicios prestados por IJM

**b) Guía de entrevistas semi-estructuradas
ONGS, Iglesias, otros.**

0. Identificación:

No. entrevista:	<input type="text"/>	Fecha:	<input type="text"/>
Lugar:	<input type="text"/>		
Nombre:	<input type="text"/>		
Institución:	<input type="text"/>		
Posición:	<input type="text"/>		
Tipo de informante: ¹¹¹	<input type="checkbox"/> Equipo proyecto	<input type="checkbox"/> Socio	<input type="checkbox"/> Autoridad sectorial <input type="checkbox"/> Autoridad local
Duración de la entrevista:	45 minutos máximo		

1. ¿Cuál es su estimación sobre el abuso sexual (delitos) en NNA?
2. Conoce el Programa IJM? Si. No.
3. Si conoce el Programa IJM, de qué manera el proyecto está contribuyendo a reducir la impunidad en los delitos sexuales contra NNA?
4. ¿Cuáles son los factores que han influido en el nivel de logro de los resultados? (mencione tanto los positivos como negativos)
5. ¿Cómo las relaciones y sinergias con los distintos socios y actores clave está contribuyendo al logro de los resultados?
6. ¿Se están cumpliendo los factores clave para la sostenibilidad de los resultados del proyecto? (apropiación, entorno propicio, capacidades y recursos)
7. ¿Qué se puede hacer de forma diferente el proyecto para alcanzar un mayor nivel de eficacia y sostenibilidad?
8. Sugerencias u observaciones para mejorar el desempeño y el nivel de logro de los resultados del proyecto

¹¹¹ Las preguntas se adecuarán a cada tipo de informante.

**c) Guía de entrevista grupal/grupo focal
Organizaciones no gubernamentales /iglesias**

0. Identificación:

No. grupo	<input type="text"/>	Fecha:	<input type="text"/>
Lugar:	<input type="text"/>		
Participantes:	<input type="text"/>		
Tipo de actor: ¹¹²	Institucional <input type="checkbox"/>	ONG <input type="checkbox"/>	Iglesias <input type="checkbox"/>
Duración:	1 hora y 15 minutos máximo		
Número de participantes:	7-12		

Eje de conversación 1. El problema y sus causas:

¿Cuáles consideran son las principales causas de la impunidad de la violencia sexual contra NNA en Guatemala/ en su localidad/ comunidad?

¿Cuáles son los factores que limitan la facilitación de justicia a las víctimas o sobrevivientes?

Eje de conversación 2. Cambios en el conocimiento del problema y como enfrentarlo:

¿De qué forma colaboran con IJM para enfrentar el fenómeno de la violencia sexual contra NNA?

Cuáles han sido los principales logros, dificultades de la colaboración con IJM?

Eje de conversación 3. Factores clave en el desempeño y resultados del programa:

¿Cuáles han sido los factores clave que han contribuido al incremento del conocimiento y sensibilización en sus organizaciones y la población que atienden sobre la impunidad de la violencia sexual contra NNA? Tanto positivos como negativos.

¿Qué cosas se podrían haber hecho de manera distinta?

Eje de conversación 4. Sostenibilidad.

El apoyo de IJM en los casos de violencia sexual contra NNA han sido incorporados como prácticas permanentes en sus organizaciones, su comunidad? Explicar cómo.

¿Cómo operan los factores clave: apropiación, capacidades, recursos y entorno propicio?

Eje de conversación 5. Lecciones aprendidas y recomendaciones:

¿Cuáles son los tres principales aprendizajes o lecciones aprendidas generadas por los procesos promovidos en conjunto con IJM?

¿Cuáles pueden continuarse y/o replicar?

¿Qué recomiendan para mejorar los resultados del programa IJM en la atención de la violencia sexual contra NNA?

¹¹² Las preguntas se adecuarán a cada tipo de informante.

**d) Guía de entrevista
Expertos en la temática**

0. Identificación:

No. grupo	<input type="text"/>	Fecha:	<input type="text"/>
Lugar:	<input type="text"/>		
Participantes:	<input type="text"/>		
Tipo de actor: ¹¹³	Institucional <input type="checkbox"/>	ONG <input type="checkbox"/>	Iglesias <input type="checkbox"/>
Duración:	30 minutos máximo		
Número de participantes:	7-12		

1. En su opinión, cuáles son las principales causas de la impunidad en el problema de la violencia sexual contra NNA en Guatemala/en su localidad/ comunidad?
2. ¿Cuáles son los factores o causas que limitan la facilitación de justicia a las víctimas o sobrevivientes?
3. Conoce el Programa de IJM? Si. No.
4. Si conoce el programa IJM, que valoración le merece la intervención de IJM para disminuir la impunidad en casos de violencia sexual a NNA?
5. Que sugerencias o recomendaciones haría para mejorar la intervención del programa IJM?

¹¹³ Las preguntas se adecuarán a cada tipo de informante.

Appendix 6. ToR