



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

INTERNATIONAL JUSTICE MISSION
2018

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*The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013–2017
Indicators of Practice, Process, and Resolution*

Guatemala, June 2018

Contents: 1. Introduction and Background; 2. Methodology; 3. Key findings, Conclusions, and Recommendations;
4. Annexes.

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Thousands of children are victims of sexual violence in Guatemala today, but with the hard work of dedicated and passionate public servants, the tide has started to change. More perpetrators of sexual violence are held accountable for their crimes, more survivors are seeing a just conclusion to their cases, and the Guatemalan criminal justice system has become more sensitive to the experience of survivors and their families. IJM Guatemala has been able to highlight these changes and the areas of needed change through the help of people who have gone the extra mile, or several, to support the completion of this study.

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As with the baseline study from 2012–2013, we rededicate this report to the many young heroes who have had the courage to face giants. With the help of altruistic professionals, these brave children have defeated the culture of silence and are now seeking hope and justice. This report is also dedicated—with both sadness and hope—to all those children who have suffered sexual violence. Their stories have created both the awareness needed to understand this problem and the motivation needed to fight for justice and peace in Guatemala.

We hope that this report will serve as a source of encouragement to those who have been in the fight for justice against sexual violence against children in Guatemala, as well as a rally cry for the work that is left to be done.

“And the effect of righteousness will be peace,
and the result of righteousness, quietness and trust forever.” *Isaiah 32:17*

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i. Acronyms

CC	Court of the Constitution
CENADOJ	National Center for Analysis and Judicial Documentation
CONAPREVI	National Coordinator for the Prevention of Domestic Violence and Violence Against Women
CJS	Criminal justice system
DEIC	Specialized Division for Criminal Investigation
DEMI	Defender for Indigenous Women
DENA	Specialized Department for Children
DIDS	Department of Investigation of Sexual Crimes
ENCOVI	Life Conditions Survey
ENSMI	National Maternal and Child Health Survey
FDN	Fiscalía de la Niñez—Prosecutor’s Office for Child and Adolescent Victims
GT	Guatemala
ICEFI	Central American Institute for Public Prosecutor Study
IJM	International Justice Mission
INE	National Statistics Institute
INACIF	National Institute of Forensic Sciences
JPI	Court which hears the preliminary hearings of the case
LPINA	Law of Integral Protection for Children and Adolescents
LVIF	Law Against Femicide and Other Forms of Violence Against Women
MAI	Model of Holistic Attention, Public Ministry
MP	Public Ministry (public prosecutor’s office)

NGO	Non-governmental organization
OEA	Organization of American States
OJ	Judicial Branch of the government
OAV	Office for Attention to the Victim, Public Ministry
OSAR	Observatory of Sexual and Reproductive Health
PGN	National organization that represents the interests of Guatemala as a nation
PNC	National Civil Police
POW	Prosecutor's Office for Women
SIADS	Indicators for the Approach of Sexual Crimes
SICOMP	Information System for Investigation Control of the Public Ministry
ST	Structural Transformation
SVAC	Sexual violence against children
SVET	Secretariat Against Sexual Violence, Exploitation, and Human Trafficking, Office of the Vice President
UDI	Early Decision Unit in the MP
UL	Litigation Unit in the MP
UDT	Investigation Unit in the MP
UNICAP	Training Unit in the MP
UNICEF	United Nations Children's Fund

ii. Glossary

Alleged Perpetrator	A person accused but not yet convicted of committing a crime.
Alternative Resolutions for Criminal Proceedings	Resolutions to criminal charges that conclude less serious cases in order to ensure that only serious cases or cases with a justiciable issue are tried. The resolution can be through removal from formal proceedings or through alternative proceedings. This is also a way of prioritizing cases in the courts based on the seriousness of the crime. The permissible alternative resolutions include <ul style="list-style-type: none"> • diversion for first-time offenders, • conditional suspension of criminal prosecution, • abbreviated process, • stay of proceedings, • and archiving of the case.
Appeal	A judicial remedy that begins with a petition by a party in the criminal case alleging a procedural or legal error made by the lower court in an order, a finding, or a ruling and requesting revision of the decision by a superior tribunal.
Arrest	The action through which a free person is taken into police custody and held for the possible commission of a crime. A person can be taken into custody upon the issuance of an arrest

warrant by a court of competent jurisdiction or when the perpetrator is observed by an officer of the law or any citizen in the commission of the act or immediately thereafter.

Child	Any human being from the time of birth until he or she reaches 18 years of age.
Complaint	A procedural action through which any person, whether verbally or in writing, informs the proper authority, MP, PNC, or appropriate court of actions that could constitute a crime or could be liable to prosecution. A complaint, generally, requires the identification of at least one victim or one alleged perpetrator.
Criminal Action	A legal cause initiated by the public prosecutor, based on the prosecutorial powers granted by the Constitution to the attorney general, before a court of competent jurisdiction seeking the judicial resolution of a criminal complaint filed against the accused to determine his or her culpability and eligibility for sanctions or penalties.
Criminal Justice System	A system of law enforcement that consists of several institutions with the objective of preventing crime and apprehending, prosecuting, defending, punishing, and sentencing those accused of a crime, with a special emphasis on the protection of civil rights and the assurance of due process for all parties. For the purposes of this study, the CJS in Guatemala is defined as including the National Civil Police (PNC), Public Ministry (MP), and Judicial Branch (OJ).
Criminal Report	Any action by which the competent authority is informed of the possible occurrence of a crime, identifying a person as a potential suspect. The types of introductory actions include: (a) victim complaint, (b) private prosecutor complaint, (c) police report, and (d) ex officio knowledge.
Defendant	An individual that has been formally accused of committing of a crime, based on the evidence presented by the prosecutor.
Expert Testimony	The evaluation and opinion of an expert on a relevant topic related to the trial process. The expert submits a report, subject to what the law establishes, and the judge will use it to best resolve an aspect of the case that requires special scientific or technical knowledge.
Ex Officio	All crimes of public interest are prosecutable by the public prosecutor in representation of the government, without the requirement of any impulse by a private party, beyond the initial report.

The Guatemalan Penal Code states that CSA crimes are of public interest. This means that they can only be criminally prosecuted by the public prosecutor, with participation by interested parties who are permitted to appear as private prosecutors. The withdrawal of the victim or the individual who reported the crime does not bind the prosecutor's office to abstain from investigating or prosecuting.

Final Judgment

A ruling by the court with consent of the parties that has the effect of rendering an issue *res judicata* or a matter already adjudicated and not subject to further review. Ordinary or special appeal following the final judgment is not permitted.

Indictment

An order issued by the presiding judge that initiates the penal process against a specific defendant for a specific charge and is based upon the court's finding of a factual basis that the crime alleged was committed and that the accused was involved. Prior to issuing this order, the court must find a personal link to the accused, hear the testimony of the defendant, and evaluate the arguments made by the parties, consistent with Article 13 of the Constitution of the Republic of Guatemala.

Information

The formal charging document filed by the public prosecutor, which specifically details the identity of the accused and the nature, degree, and elements of the crimes alleged. The filing of this document is based on the firm conviction of the public prosecutor that the suspect is guilty of committing a criminal action and is filed with the objective of applying an appropriate sanction as prescribed by the law. This document is presented to the court at the end of the preparatory stage.

**Intermediate Phase
(Pretrial Stage/
Hearing)**

The intermediate phase takes place between the investigation phase and the trial. The objective of this phase is for the court to determine whether there is a factual and evidentiary basis to support the defendant's guilt in order to proceed to trial. During this phase, the court will also rule on other motions such as motions to dismiss or motions for alternative resolutions and will determine what evidence will be admissible at trial based upon its utility, pertinence, singularity, and legality.

Investigation Phase

The initial stage of the criminal process, prior to judicial involvement, in which the public prosecutor conducts the investigation of the case, collecting evidence that facilitates the determination of the truth, whether a crime was committed, and who participated in the actions.

Perpetrator

Person who carries out a harmful, immoral, or illegal act.

Preparatory Stage

The stage of the criminal process, following the indictment, in which the public prosecutor continues to collect any pertinent

evidentiary exhibits that require judicial control and any evidence that is relevant to the defense.

Pretrial Dismissal

A ruling by the pretrial judge, made prior to trial, that terminates the prosecution and criminal process against a defendant based on a finding of lack of evidence of a necessary element upon which a fact-finder could reach a finding of guilt at trial or upon a finding of incompetence to stand trial, justification, or absolute defense. The court's dismissal based on lack of evidence is subject to appeal and the prosecution can reinstate the case with additional evidence.

Pretrial Testimony

Testimonial evidence that, due to its nature and characteristics, should be considered definitive and absolute (such as recognition, reconstruction, expert evaluations, inspections, and complaints). It is presumed that this evidence will be difficult to present in open court due to the existence of an obstacle or limitation and should therefore be collected in the pretrial preparation.

Province

One of 22 geographic entities into which the country of Guatemala is divided. Departments are first-level political and administrative subdivisions. Each department has a capital and is further divided into municipalities.

Private Prosecutor

The individual or organization harmed by the criminal act who joins the process initiated by the public prosecutor as an independent and autonomous accusing party.

Justice of the Peace

A judicial magistrate of limited jurisdiction who presides over matters prescribed by statute, such as in civil matters and minor criminal offenses with penalties below five years of imprisonment.

Rape

According to the Law Against Sexual Violence, Exploitation, and Human Trafficking, rape is defined as: "Using physical or psychological violence against another person to have carnal access via the vagina, anus or the mouth, or to introduce any part of the body or object into any of those orifices, or to force another person to introduce them into himself. It is a crime penalized with eight to twelve years in prison. When the individual is under fourteen years of age, or when it is a person with a volitional or cognitive disability, any sexual act is considered rape, even when there is no physical or psychological violence. The penalty will be imposed separately from the penalties corresponding for commission of other crimes." (Art. 28, reforming Art. 173 of the Criminal Code)

Sentence Execution

The procedural phase after the final judgment or sentencing, which controls and supervises the penalty imposed on the person who has been declared guilty.

Sexual Aggression	According to the Law Against Sexual Violence, Exploitation, and Human Trafficking, sexual aggression is defined as: “When a perpetrator forces another, using physical or psychological violence, to perform sexual or erotic actions with or to the perpetrator or on themselves, as long as it does not constitute criminal rape, the perpetrator will be sanctioned with prison from five to eight years. This is always a crime when the victim is a person under fourteen years of age, or when it is a person with a volitional or cognitive disability, even when there has not been physical or psychological violence. The penalty will be imposed separately from the penalties that can correspond for the commission of other crimes (Article 29, which creates Article 173 of the Criminal Code).
Sexual Crime	An unlawful act that is committed against a person of any age or sex, without valid consent, that involves sex acts or sexual motives such as rape, molestation, exposure, or production of child pornography or the unlawful possession or transmission of media depicting a sexual crime.
Sexual Violence	Any type of activity that forces a person to take part in unwanted or unlawful sexual contact. The lack of consent through force, threat of force, deception, manipulation, or taking advantage of a circumstance that diminishes the volitional and cognitive capacities of the the victim, whether it is voluntary or involuntary, caused by the victim, the aggressor, or a third party.
Trial	The stage in the criminal process in which evidence is presented and argued before a court or tribunal with jurisdiction for the fact-finder to evaluate, based on the weight of the evidence, the credibility of the evidence, and any applicable laws, and render a verdict as to whether the prosecution met their burden of proof as to all elements of all crimes accused. The outcome of a trial is a verdict, which is final unless an appeal is properly filed.
Verdict	A ruling by the fact-finder following a trial based on the evidence presented and applicable law that represents either a finding of guilt or an acquittal as to each of the charges alleged in the charging document.
Victim	An individual or organization who suffered harm as a consequence of an action or omission, which is classified as a crime and is sanctioned by the criminal legislation.
	According to the Law against Sexual Violence, Exploitation, and Human Trafficking, “the victim shall be understood as a person who, individually or collectively, has suffered damage, physical injury or mental suffering, emotional distress, financial loss or substantial impairment of their fundamental rights, as a

consequence of actions or omissions that violate the criminal legislation. Victims are also considered to be relatives or persons in charge who have an immediate relationship with the direct victim and people who have suffered damage when intervening to assist the victim in danger or to prevent victimization.” (Art. 10)

Witness

An individual who gives testimony under oath to the prosecutor and eventually in court, deposition, or by perpetuation, concerning what they have seen, heard, or otherwise observed.

iii. Executive Summary

This study analyzes the performance of Guatemala’s criminal justice system (CJS) in cases of sexual violence against children and, where appropriate, makes a comparison between baseline (2008–2012) and endline (2013–2017) study findings. The main goal of this study is to understand how CJS performance has changed over the last five years, to acknowledge where improvements have been made, and to contribute to the efforts of the CJS to continue to improve the response of the system to cases of sexual violence against children (SVAC).

This study uses database reports from the Public Ministry’s (MP) information control system (SICOMP) from 2013 to 2017. These reports included information about complaints filed, accusations, sentences, pretrial testimonies, victims, and the status of cases at the national level. Moreover, the study assessed how the CJS functioned when prosecuting cases of sexual violence against children between July 2016 and June 2017, looking at a sample of 158 cases currently in the trial process from the provinces of Quetzaltenango, Guatemala, and Alta Verapaz. These provinces were studied in the baseline and are the three provinces within IJM’s project area.

In addition to the quantitative data provided by SICOMP and current case files, 58 key informants, including officials from the CJS who intervene in SVAC cases and informants from non-governmental/community-based organizations, were interviewed. These interviews captured their perspective on the performance and coordination of as well as their level of confidence in the CJS, their perspective on the treatment of victims of sexual violence, and their perception of the prevalence of SVAC.

The findings from the mixed-methods approach to the study demonstrate that over the last five years, there have been significant changes in the Guatemalan CJS response to cases of SVAC and public perception of the CJS and victim reporting. The study found that victims filed more complaints of sexual violence to the Guatemalan criminal justice system compared with five years previous. There was a 136% increase in the number of SVAC complaints filed when comparing baseline to endline. Many key informants attributed increased reporting to a more prevalent reporting culture and more available information for victims and their families. Despite increased reporting, CJS officials and NGO

stakeholders perceived that victims and other CJS users have a mixed level of trust in the Guatemalan CJS, dependent on the specific case and government institution.

With regard to a victim-centered approach, the CJS substantially increased its use of victim-sensitive practices when gathering victim testimony. Whereas the use of victim-friendly spaces for gathering victims' testimonies was uncommon at baseline (30% of cases), it became nearly universal at endline (98% of cases). The greatest growth was seen in the use of Gesell Chambers, which was non-existent (0 cases) at baseline but commonplace (77% of cases) at endline. At endline, prosecutors requested the use of pretrial testimony in 2.7 times more cases (23% of cases at baseline vs. 85% of cases at endline), and judges accepted that request in 4.9 times more cases (14% of cases at baseline vs. 80% of cases at endline). Because of this, minor victims testified in court in far fewer cases at endline (14% of cases) than at baseline (68% of cases). Also, key informants reported that CJS officials are more aware of and sensitive to the unique needs of victims. However, there is still room for improvement in the use of victim-centered approaches, especially in terms of the number of times and people to whom victims are asked to share their testimony and the way victims and their families are protected during the legal process.

Examining CJS casework, there have been some substantial strides in the number of cases being advanced through the system but little change in the speed at which cases progress. Nationally, there was a large increase in the number of arrests being made in SVAC cases (1,068 at baseline vs. 2,900 at endline). However, a higher percentage of SVAC cases stalled out in the investigation phase (69.1% at baseline vs. 77.5% at endline). The volume of SVAC indictments increased by 157% (1,560 at baseline vs. 4,002 at endline), but because there was also a rise in reporting (136%), this represented only a moderate increase in the percent of SVAC complaints reaching indictment (9.8% at baseline vs. 10.8% at endline). Similarly, the number of SVAC cases reaching verdict nearly tripled during the project period (980 cases at baseline vs. 2,912 cases at endline), but the percentage of SVAC complaints reaching verdict increased only moderately between baseline (6.3%) and endline (7.5%). In IJM's project area, there was minimal change in the median time to arrest for SVAC cases between baseline (74 days) and endline (83 days). However, the median time from complaint to verdict increased by more than seven months. Key informants reported that backlogs inherited by the specialized courts were the primary reason for case delays.

The CJS has improved the quality of SVAC investigations and prosecutions. At endline, 80% of indictments fulfilled all the requirements of Article 332 Bis, compared with 28% at baseline. Even though many CJS officials still see areas for improvement, the majority stated that they think quality of investigations and prosecutions have improved in the last five years and that they trust agents from the specialized criminal investigation department known as DIDS to adequately investigate cases of SVAC. The creation of specialized units and offices within the CJS has improved the professionalism of CJS officials and the quality of SVAC investigations and prosecutions. These specialized roles of the prosecutor offices and DIDS units are the main factor behind any improvement in performance over the last five years, and key informants cited specialization as the reason for increased sensitivity toward victims and higher casework outputs, such as arrests.

Further, the majority (71%) of key informants perceived that prevalence of sexual violence against children has either remained the same or increased over the last five years. From MP/DIDS informants, 87% thought coordination between the two institutions has

improved, and the overall level of positive trust in the CJS by these key informants has improved.

Additional research is needed to understand what caused the observed changes in the Guatemalan CJS response to SVAC cases, as well as if or how changes in the CJS affected the prevalence of SVAC. Most key informants reported believing that the prevalence of SVAC had remained the same or increased, but many conflated reporting with prevalence, and since this is a hidden crime, no one knows the true prevalence. Finally, it would be useful for future studies to interview members of the general public, SVAC survivors or guardians who have gone through the legal process, and convicted perpetrators of SVAC to assess their confidence in and perceptions of the Guatemalan CJS.

The Criminal Justice System Response to Child Sexual Assault in Guatemala: 2013–2017 *Indicators of Practice, Process, and Resolution within Cases of Sexual Violence Against Children*

1. Introduction and Background

1.1. Sexual Assault and Other Forms of Violence Against Minors in Guatemala

Historically, Guatemala has been characterized by sizable political, economic, and social inequalities that have left large sectors of the population out of access to education, justice, and economic opportunities, decreasing their development opportunities and making them more vulnerable to poverty and violence. Further, Guatemala is one of the most violent countries in the world, and historically, its institutions have had a low level of effectiveness, particularly in the justice sector¹. Impunity has been common, and as a result, perpetrators are left unchecked, and many victims of violence are left without justice. The children of Guatemala are not excluded from this reality and, within the marginalized population, are often the most affected and most vulnerable.

Children face many different forms of violence in Guatemala. According to the United States Department of State, children who live on the street in Guatemala have often left their homes due to sexual abuse or other forms of violence.² The rise of gang violence has affected children and adolescents, who are targeted in communities with high incidence

¹http://www.who.int/violence_injury_prevention/violence/national_activities/informe_estadistico_violencia_guatemala.pdf

² United States Department of State 2016 Guatemala Human Rights Report, pg. 23

of poverty and violence. Compliance with gang leaders is non-negotiable, and these children are viewed as disposable. Accordingly, children in gangs are often subject to violence, including sexual violence and abuse. Between January and March 2016, reportedly 74 violent deaths of minors occurred in Guatemala, a significant increase from the year before.³

Sexual violence against children and adolescents is a problem that does not distinguish between social class, culture, education level, or economic status, and in Guatemala it has been commonplace.⁴ A 2013 report by the ombudsman for Guatemala found that 89% of cases of sexual aggression were committed by someone within the family.⁵ The Secretariat against Sexual Violence, Exploitation, and Human Trafficking (SVET) in 2016 cited that about 80% of sexual violence cases against children were committed by someone within the family unit.⁶ This same report from 2015 cited that of the 7,800 cases of sexual violence attended to by INACIF (National Institute of Forensic Sciences) experts, 65% were minor victims.⁷

The ombudsman report also cites some improvements and increases in the response of the Guatemalan criminal justice system to cases of sexual violence. According to information supplied from the Center of Information, Development and Judicial Statistics, the volume of cases has increased in the last two years. By September 2015, the courts had already heard more cases with crimes under the Law against Sexual Violence, Exploitation, and Human Trafficking than were heard from the entirety of 2014. In 2015, the courts handed down the highest number of annual convictions for these crimes when compared with the past five years.⁸ The ombudsman recommended that the Public Ministry (MP) improve interinstitutional coordination between the Ministry of Interior and INACIF for sexual violence cases, continue improving the register of information about cases of sexual violence to increase visibility of these crimes, and widen the presence of the MP in places like national hospitals to better attend to victims of sexual violence.⁹

Additionally, it is very difficult to quantify sexual violence against children. Child victims are often engulfed in familial and cultural pressure to remain silent; as a result, the real number of victims is likely higher than what is recorded in governmental and other

³ United States Department of State, Bureau of Democracy, Human Rights, and Labor, “2016 Guatemala Human Rights Report,” April 2017, pg. 23

⁴ United Nations International Children’s Emergency Fund, “UNICEF Annual Report 2016, Guatemala,” https://www.unicef.org/about/annualreport/files/Guatemala_2016_COAR.pdf.

⁵ Procurador de los Derechos Humanos Guatemala, “Informe temático: Análisis de la situación de embarazos en niñas y adolescentes en Guatemala 2011–2013,” October 2013, pg. 32.

⁶ Procurador de los Derechos Humanos Guatemala, “Informe anual circunstanciado: Situación de los derechos humanos y memoria de labores, 2016,” 2017.

⁷ More specifically, 39% of victims were adolescents, 16% were 7-12 years of age, and 10% were under the age of six or younger. And, within the country, the four provinces of Guatemala, Quetzaltenango, Escuintla, and Alta Verapaz had the highest numbers of cases of sexual violence. Procurador de los Derechos Humanos Guatemala, “Informe anual circunstanciado: Situación de los derechos humanos y memoria de labores, 2015,” 2016, pg. 28.

⁸ PDH, “Informe anual, 2015.”

⁹ PDH, “Informe anual, 2015.”

organizational statistics. According to the National Report on Sexual Violence by the Secretariat against Sexual Violence, Exploitation, and Human Trafficking (SVET), for every reported complaint, there are at least five that remain in silence.¹⁰

1.2. International and National Normative Framework for Human Rights of Children¹¹

Guatemala is a founding member of the United Nations and part of all the international and regional human rights treaties and norms. Guatemala recognizes a child as a human being with the right to develop physically, mentally, socially, morally, and spiritually, with liberty and dignity. A child's right to special protection for physical, mental, and social development, the right to be the first to receive help under any circumstance, and the right to protection against any form of abandonment, cruelty, and exploitation are recognized within this international framework.¹²

Guatemala has developed its own national legislation for human rights for children in the following instances:

- a. Constitutional provisions recognizing the equality of all children before the law (Article 50) and forbidding the employment of children less than 14 years of age (Article 102);
- b. Creation of the Law on Comprehensive Protection of Children and Adolescents (2003);
- c. Adaptation of Guatemalan national laws to adhere to international standards, including the Adoptions Law (2007), the Law for Integral Protection of Childhood and Adolescence (2009), and the Law Against Sexual Assault, Exploitation and Human Trafficking (2009);
 - a) Creation of the Alba-Keneth Alert System, which activates and regulates protection systems to locate, recover, and protect children from disappearance (2010);
 - d. Approval of the General Instruction No. 2-2013 for the attention and prosecution for crimes committed against children and adolescents (2013);
 - b) Publication of agreement No. 16-2013, which approves the protocol to hear testimonies from child victims or witnesses in the legal process (2013);
- e. Changing the Civil Code to prohibit marriage for minors (2015);

¹⁰Secretaría contra la Violencia Sexual, Explotación y Trata de Personas, "Informe nacional en materia de violencia sexual, Año 2014," January 2015, pg 8.

¹¹ See Annex 4.3 for more information on the development of the international and national normative framework in Guatemala.

¹²Office of the High Commission of the United Nations for the Committee on the Rights of the Child, "Concluding observations on the combined fifth and sixth periodic reports of Guatemala," February 28, 2018.

- f. Creation of the unit of Special Prosecutor for Crimes Against Children and Adolescents to handle child abuse cases (2016);¹³
- g. Creation of a national sex offender registry that must be consulted when hiring, not permitting anyone listed to work with minors (2018).¹⁴

1.3. The Criminal Justice System and Criminal Procedure and Key CJS Entities in Guatemala

1.3.1 The criminal justice system and criminal procedure¹⁵

The criminal justice system (CJS) in Guatemala has functioned for 24 years as an adversarial system. The Public Ministry (MP) manages criminal investigations, and the Judicial Branch (OJ) listens to oral arguments and pronounces resolutions and verdicts based on the requirements of the parties and according to the evidence supplied.

The criminal process in Guatemala proceeds as follows:

- Commencement
- Preparatory/investigation phase
- Preparatory hearing
- Intermediate hearing
- Trial phase
- Verdict

Throughout this process, the victim is entitled to be informed about his or her rights, to give an opinion on legal decisions, to participate in hearings, and to intervene in the process. Both the defendant and the victim are guaranteed the same rights and opportunities. Furthermore, the rights of the victim, which had been affected by the crime, should be restored and available support for social re-entry should be offered. If the accused is convicted, the victim has the right to be compensated for damages and losses derived from the crimes, through a compensation hearing.

1.3.2. The Public Ministry (MP)

The Public Ministry (MP) is a government agency established by the Constitution, which serves as an auxiliary to the public administration and the courts of justice. Its functions are to ensure the rule of law, to promote criminal public prosecution, and to lead the investigation of public action crimes. The MP is not subordinated to other government powers, and as such it enjoys autonomy in its financial and budgetary oversight. The chief of the MP is the Republic's attorney general¹⁶, who is appointed by the president. The structure of the MP includes the following entities: (1) the attorney general, (2) regional prosecutors, (3) district and section prosecutors, (4) deputy district prosecutors and deputy section prosecutors, (5) public prosecutors, and (6) assistant prosecutors.

¹³ United States Department of State, Bureau of Democracy, Human Rights, and Labor, "2016 Guatemala Human Rights Report," April 2017, pg 21.

¹⁴ 5178 Ley del Registro Nacional de Agresores Sexuales y Banco de Datos Genéticos para Uso Forense

¹⁵ See Annex 4.5 for additional details on the CJS and Criminal Procedure in Guatemala

¹⁶ Or prosecutor general

Prosecutors lead the investigation of the criminal cases, formulate indictments, and participate in public hearings and trials. They can also request dismissal, provisional closures, and archiving of cases before the competent judicial authority.

The Holistic Attention Model

In 2011, the attorney general approved the Organization and Functions Regulations for the Office for Women's Affairs and organized it into specialized units. These specialized units ensure that victims are provided timely assistance throughout the legal process. Those units have to work hand in hand with the Holistic Attention Model (MAI) to assist victims of sexual assault and violence against women. The MAI serves as a center for optimizing the initial phase of victim assistance and care, as well as the management and coordination of the investigation and criminal prosecution within the first 24 hours of the complaint. This center operates 24 hours a day and was created to provide an immediate response for victims of crimes against women and children. In 2017, there were 17 MAI offices nationally, as well as a national presence of the Office for Attention to the Victim (OAV).

Prosecutor's Office of Children and Adolescent Victims

The Office to Prosecute Crimes Against Children and Adolescent Victims (FDN) was created by the Council of the Public Ministry by Decree No. 18-2016 and started functioning in June 2016 in the province of Guatemala. The main function of the office is to give comprehensive care to children and adolescents who are victims of a crime, including receiving and managing complaints from minor victims, leading in the investigation procedures, and prioritizing the provision of psychological care to the minor victims.

1.3.3. The Judicial Branch

The Judicial Branch (OJ) is a politically and economically independent branch of the government with the central function of administrating and executing justice through a system of courts. Judges are independent from the Supreme Court of Justice or the Courts of Appeals, as well as from other judges in the same rank. Supreme Court and Courts of Appeals magistrates cannot instruct judges on how the law should be interpreted or how a concrete case should be resolved.

1.3.4. National Civil Police (PNC)

The Guatemalan National Civil Police (PNC) is the institution in charge of the protection of life, physical protection, security, and goods of people. It also protects the free exercise of rights and freedom and prevents, investigates, and combats crime, preserving the public order and security. The PNC carries out investigation tasks in the criminal process under the direction of the MP. Arrest warrants are ordered by a judge and carried out by the PNC.

The PNC houses the Specialized Division for Criminal Investigation (DEIC). Within DEIC, there are further specialized units that focus on sexual crimes and human trafficking. The Department of Investigation of Sexual Crimes (DIDS), within DEIC, is the professional, technical, and scientific organ in charge of carrying out the criminal investigation of crimes against the liberty and sexual indemnity of children, adolescents, and adults. The function of DIDS is to investigate cases of sexual assault. The PNC also has a Specialized Department for Children (DENA), which carries out the tasks stipulated in Article 96 from

the Law of Integral Protection for Children and Adolescents. Its main objective is to be the entity in charge of training police officers on the rights of children.

1.3.5. Other relevant institutions in the CJS

National Institute of Forensic Sciences (INACIF)

INACIF is an autonomous institution auxiliary to the administration of justice. It was created by Decree 32-2006 from the Congress of the Republic of Guatemala, on September 8, 2006. It was born out of the need to have an independent and objective entity, comprised by experts, technicians, and scientists, to make technical and scientific analyses in the forensic field for the service of the government. INACIF has the cooperation of experts in forensic sciences, who apply technological, methodological, and scientific advances from the fields of law and criminal medicine to the investigation of crimes.

Procuraduría General de la Nación (PGN)

The Procuraduría General de la Nación (PGN) is a government entity that represents the interests of the state and provides advice and counsel to the state's entities. It is led by an ombudsman as chief of the PGN. The PGN also has the legal mandate to represent minors who lack legal guardians and other individuals who lack representation whenever their rights and protection are vulnerable. The PGN has two main functions in the legal procedure for the restitution of the violated rights of minors: to provide legal representation for minors who lack representation from their parents or legal guardian and to lead the investigation for cases of children and adolescents' rights violations, ex officio or by a requirement of a judge or a party.

Social Welfare Secretariat of the Presidency of the Republic (SBS)

The role of the SBS is to develop the services that put into effect the special protection policies regulated by the Law of Integral Protection of Children and Adolescents, and that constitute all the actions to guarantee the physical and psychological recovery of minors whose rights have been violated.

Secretariat Against Sexual Violence, Exploitation, and Human Trafficking (SVET)

The SVET was created by the law of the same name (Decree 09-2009) and reports to the Vice Presidency of the Republic. Among its functions, it serves as an advisor to other government entities to ensure compliance with laws and policies to protect against sexual assault, exploitation, and trafficking.

1.4. IJM's Program Response and Study Aims

1.4.1. IJM's program response

International Justice Mission established a Justice System Transformation project in Guatemala in 2005. The first phase of that project commenced with collaborative casework, in which IJM partnered with Guatemalan authorities on individual cases of sexual violence against children. IJM's multi-disciplinary team of lawyers, investigators,

and aftercare providers collaborated with public justice officials to protect and, when needed, rescue victims from situations of ongoing violence, to prosecute perpetrators of those crimes, and to restore survivors through a holistic set of services aimed at their physical and emotional healing, empowerment, and independent sustainable living. From 2005 to 2017, IJM provided support to 465 victims of sexual violence against children (SVAC) and their families. In partnership with the MP and PNC, more than 287 individuals were arrested and accused, contributing to the achievement of convictions against 267 individuals in the Guatemala City project area. In 2012, IJM helped secure more than one out of every three convictions against perpetrators of sexual violence against children in the province of Guatemala.

Through collaborative casework and close accompaniment of actual victims in seeking justice and healing, IJM Guatemala developed expertise in the area of sexual violence against children cases and has seen firsthand the specific areas of brokenness in the response of the criminal justice system to these crimes. Collaborative casework provided great insights to equip IJM in providing relevant hands-on mentoring and training to police, prosecutors, and other public justice officials and has enabled IJM to develop relationships of trust to form authentic partnerships with CJS officials.

In 2011, IJM Guatemala launched the system reform phase of its project. IJM added an additional team of subject-matter experts who, in close partnership with CJS officials, implemented several focused interventions and capacity-building activities aimed at addressing the most critical issues in the CJS response to SVAC. The first half of the project focused on increasing the capacity of public prosecutors and judges to prosecute and hear cases of SVAC while also treating victims and their families in a sensitive manner.

1.4.2. Endline study aims

In 2012–2013, IJM conducted a [baseline study](#) of the performance of the Guatemalan criminal justice system with regard to cases of SVAC and found that high numbers of victims of SVAC and their cases did not receive adequate attention. The results of this study, in combination with IJM’s local experience, influenced the second half of the system reform project. While continuing its work with prosecutors and judges, IJM shifted attention and resources to the investigative stage of the case process, providing training and mentorship to the National Civil Police and its specialized divisions and units, conducting targeted advocacy for the implementation of relevant legislation and policies, and increasing resources to the governmental response to sexual violence.

To measure changes within the performance of the Guatemala CJS over the years of the program, IJM established a set of indicators to identify the baseline performance in 2012 (the previously mentioned baseline study), performance monitoring indicators throughout the life of the system reform project, and a study to determine endline performance of the same system in 2017. During the baseline study, IJM worked with the MP to obtain administrative data on SVAC cases from the period 2008–2012; collected information from case files from a sample of 182 concluded cases from years 2008–2010 in the provinces of Guatemala, Quetzaltenango, and Alta Verapaz; and interviewed key stakeholders about their perceptions of the CJS response to cases of SVAC from the three key provinces of the study and IJM’s project area: Guatemala, Quetzaltenango, and Alta Verapaz.

With the conclusion of the system reform project in 2017, the main objective of this endline study was to replicate the methodology from the baseline study to compare the key CJS performance data points in order to determine if the Guatemalan CJS had changed in how it processed cases of SVAC and treated victims and their families throughout that process. The data from this study can also be used to identify areas of CJS performance that present continued opportunities for improvement. For the endline study, IJM worked with the MP to obtain administrative data on SVAC cases from the period 2013–2017; collected information from a sample of 158 active cases from July 2016–June 2017 in the provinces of Guatemala, Quetzaltenango, and Alta Verapaz; and spoke with key stakeholders about their perceptions of the CJS response to cases of SVAC in IJM’s three project areas.

1.5. Endline Study Timeline

Table 1 below outlines the timeline of key milestones in the development of the endline study.

Table 1: Key Milestones and Dates of Endline Study

Methodology	Milestone	Date
Public Ministry Administrative Case Data	Data Collection	Jan 2018
	Data Analysis	Feb 2018
Case File Review	Contract of Data Collection Team	May 2017
	Development of Data Collection Tool and Methodology	Jun–Jul 2017
	Training and Pilot Testing	Aug 2017
	Data Collection	Sep–Dec 2017
	Data Analysis	Jan 2018
Key Informant Interviews	Contract of Data Collection and Analysis Team	May 2017
	Development of Data Collection Tool and Methodology	Jun–Jul 2017
	Training and Pilot Testing	Aug 2017
	Data Collection	Sep–Nov 2017
	Data Analysis	Feb 2018

2. Methodology

2.1. Analysis of MP Administrative Case Data

The reports provided to IJM by the System of Indicators for the Approach of Sexual Crimes (SIADS) contained information on cases of sexual assault, including the following data: complaints involving sexual crimes, alternative resolutions reached within the criminal process, the status of the legal claims and indictments, and information on the profile of the victim and the accused. All these reports are organized by type of crime, jurisdiction, and province.

2.1.1. Criteria for data selection

The information requested from SIADS was selected according to indicators that would identify trends in SVAC cases that were within the criminal justice system (CJS) at some point during the five-year period, from 2013 to 2017. These endline indicators were compared to the same type of data for the baseline period of 2008–2012.¹⁷ The data included all complaints and corresponding cases that entered the CJS during the selected time period, and the raw data contained cases from all provinces of Guatemala. The data was analyzed by town and province, from the three key provinces of the study and IJM's project area: Guatemala, Quetzaltenango, and Alta Verapaz.

2.1.2. Data handling and analysis

Through consistent and trusted collaboration with the MP and SICOMP, IJM developed inside of SICOMP the System of Indicators for the Approach of Sexual Crimes (SIADS), which is now the official source of sexual crimes key statistics. SIADS contains only depersonalized statistics and non-sensitive information. MP allowed IJM to use SIADS as a source of information for its own purposes, as defined in a mutual collaboration agreement.

The methodology for the analysis of the SIADS case data focused on key events, case progression, and characteristics of sexual violence cases. The analysis looked at the number of arrests, indictments, complaints, and convictions for sexual violence cases at the national and provincial levels. The analysis methodology also examined the demographics of victims and compared this data with data from the baseline study. The analysis for this data was completed using Tableau and Excel.

2.1.3. Limitations

The administrative case data from SICOMP in the SIADS system had the following limitations that could impact the quality of data:

- There was a lack of consistency in reporting all details of each case. For example, 19.1% of the cases did not register the age of the victim, so it was not always known if the victim was an adult or a minor.
- Although the calculation and processing of the information was automated and programmed daily, the SICOMP data was fed manually by the prosecutors and fiscal assistants. This led to the potential limitation of human error and a late system update.
- Not all the details of the case were mandatory for registration, which generated missing values in certain areas.
- The information of the MP was not in perfect agreement with the information of the OJ, PNC, or other relevant actors. Although technological efforts were being made to speak the same language among actors, there were still differences in criteria and moments of updating. The identified differences included:

¹⁷The reports were issued in April 2013. The applications for anticipated evidence report 2008–2012 were issued on August 30, 2013.

- As a data quality procedure, SIADS accounted for cases that had a direct victim or a direct perpetrator of sexual crimes. Cases without victim or a perpetrator were out of the statistics.
- SIADS contained only cases that contained a sex crime and, therefore, was not representative of the entire workload that all crimes represented.
- As a complaint went forward in the judicial process, there was the possibility of adding or removing the crimes on a perpetrator. When this happened, that victim or perpetrator was removed or added to the SIADS statistics, causing variations in the data. The same happened when there was a transfer of cases between prosecutors' offices, where at the time of transfer, the information may have been lost or duplicated while the information was processed manually.
- Similar to the transfer between public prosecutors' offices, the dynamics of the connection of cases meant the manual transfer of the data to the new case. During this transfer, data could have been duplicated or lost depending on the status.
- Some SICOMP procedures were not automated or followed an unstandardized procedure. Some examples included:
 - Assumption of data by default to complete gaps, though this was a less frequent occurrence.
 - Due to eventualities, SICOMP could perform the recoding of variables at the programming level, which affected the extraction and processing of SIADS statistics.

SICOMP, in collaboration with IJM, has made significant strides in strengthening the quality and accuracy of the case data, but with such a high volume of cases, some details continued to be missing within the record, such as age or gender of the victim.

2.2. Case File Review

2.2.1. Sampling strategy

For the case file review, researchers were interested in studying cases that met the following inclusion criteria:

- Cases of sexual assault involving a minor victim;
- Active cases that were in or past the debate (trial) stage but had not yet reached final verdict, between July 2016 and June 2017; and
- Cases being prosecuted by the Office for Children and Adolescents' Affairs in Guatemala or the Office for Women's Affairs in Guatemala, Quetzaltenango, or Alta Verapaz.

Cases of sexual violence against children were selected for study because SVAC is the specific case type that IJM's Guatemala Field Office worked with the CJS to combat. Active cases were chosen for study because they allowed the researchers to observe the most recent CJS performance. (Baseline study data suggested that closed cases—those that had reached final verdict—were often opened and investigations begun two to five years prior to the conclusion of the case, which would be three to six years before IJM's program

activities had been completed.) Because the researchers were particularly interested in observing the functioning of the prosecution and judiciary, cases were limited to those that had reached the debate (trial) stage. Guatemala, Quetzaltenango, and Alta Verapaz were selected for study to match the three provinces studied at baseline.

SICOMP supplied the researchers with a list of all cases that matched the inclusion criteria on July 19, 2017. This list served as the sampling framework for the study. There was a total of 182 cases in the trial phase. Because the total population of cases was quite a bit smaller than that in the baseline study, researchers decided to review 100% of the cases. (See Table 2 for details.)

2.2.2. Data collection methods

Researchers and legal experts from IJM created a Case File Review Data Collection Tool, based on their knowledge of the Guatemala legal system and the study objectives. This tool included a series of multiple choice or short answer questions for enumerators to fill out as they reviewed each case file.

Case file data were collected by Guatemalan lawyers and law students with knowledge and experience in criminal law. In a five-day workshop, IJM researchers trained these enumerators on proper data collection methods, and an IJM legal consultant trained the enumerators on the legal details of the questions in the data collection tool. During the initial introduction to the Case File Review Data Collection Tool, enumerators asked questions to gain clarity on the information desired from each question and, where necessary, IJM staff made changes to the questions to make the intent clearer. In the last two days of the workshop, enumerators pilot-tested the tool at the MP using real case files. At the end of each day of pilot testing, enumerators debriefed their experience with IJM researchers and legal experts and identified questions within the tool that they struggled to find data on. IJM staff provided clarifying instructions and/or made changes to the data collection tool to ensure that data were collected uniformly by all enumerators. At the end of the workshop, the Case File Review Data Collection Tool was finalized, and enumerators were given an updated Data Collection Handbook that contained all the clarifying instructions provided throughout the workshop. Both researchers and legal consultants conducted regular audits of the data to ensure proper collection.

IJM researchers also trained enumerators on ethical data collection principles to minimize the risk of harm to the case files and any people named in the case files. These principles were strongly emphasized due to the sensitive nature of the data in the files and the fact that the documents in the files were still being used for active court cases. In order to protect the case files and to ensure that all case files were reviewed, researchers created a Case File Review Sample List and asked enumerators to “check-out” and “check-in” case files that they were reviewing.

To help data collectors find all the necessary case files, the Case File Review Sample List included the list of eligible case files provided by SICOMP, as well as information on the office in which each case file was housed. To find the case files, enumerators reported to the proper ministry official in the public prosecutor’s office that handled the files. Enumerators requested that the prosecutor’s office pull batches of case files from their archives. After data collection was completed, enumerators returned these case files and requested another batch.

Over a period of four months, enumerators reviewed 158 cases, which included 175 minor victims of sexual assault and 168 suspected perpetrators. Enumerators were unable to access 21 files in Guatemala City, two files in Quetzaltenango, and one file in Alta Verapaz, so the final sample size was 87% of all case files.

Table 2. Eligible vs. Sampled Cases, by Province

Province	Intended Sample	Actual Sample	
		Number	Percent of Intended
Guatemala	131	110	84%
Quetzaltenango	32	30	94%
Alta Verapaz	19	18	95%
Total	182	158	87%

2.2.3. Data handling and analysis

The Case File Review Data Collection Tool questions and codified answers were uploaded to a secure online survey platform. Enumerators collected case file data using electronic tablets, eliminating the need for manual data entry. Collected case file data was uploaded to the online survey platform via an encrypted connection and then wiped from the enumerator’s device. The online survey platform protected submitted data using AES-256. When not in use, the electronic tablets were stored inside a locked briefcase inside a locked room in the researcher’s office.

Intermittently throughout data collection, researchers would choose a random sample of case files from each enumerator, and a legal consultant would re-review the file to ensure that the data collected by the enumerator were accurate. If a case file review had errors in more than 5% of the questions, the enumerator who conducted the original review was re-trained. If the enumerator reported that he or she had regularly made similar mistakes, more of his or her case files were pulled for further review. More than 25% of case files were reviewed in this way.

After all data were collected, researchers downloaded the final database onto their password-protected laptops for cleaning and analysis. The data were stored in an Excel database, and variables were inspected and triangulated to ensure that the data were clean. Recoding and data analysis were conducted using Excel.

2.2.4. Limitations

Access to case files had to be granted by the public prosecutor in charge of the case. IJM received a letter from the attorney general, encouraging prosecutors to allow enumerators to access all case files, but some prosecutors were still hesitant to hand over their files. Therefore, the study did not reach its desired sample size, and missing case files were not random. Indeed, missing case files tended to be limited to a few prosecutors, and because prosecutors are part of the CJS and directly impact CJS performance, this non-random loss of data could skew the results. Therefore, researchers cannot make claims about the statistical significance of any findings. However, enumerators did review a large proportion of case files (87.4%), so the results are likely to be characteristic of the entire CJS.

There was also quite a bit of missing data in the files, particularly related to important case dates. (See Table 3 below for a list of questions that had more than 10% invalid missing data.) Thus, the analysis of case progression rates may not be fully representative of the entire CJS. Furthermore, it is unclear how the baseline study analyst dealt with missing data so it is difficult to know whether the baseline and endline case progression rates are directly comparable.

Table 3: Questions with the Most Invalid Missing Data

Question	Valid Response	Invalid Missing Data*
Date of criminal act	64%	36%
Date of arrest	68%	32%
Date warrant requested	69%	31%
Provision of psychotherapeutic treatment	70%	30%
Date warrant served	71%	29%
Date of complaint	77%	23%

* "Invalid missing data" refers to questions that were missing data that should have been provided. This contrasts with "valid missing data," in which the question was appropriately skipped based on responses to previous questions. For example, if the enumerator responded "No" to the question "Did the victim testify in the MAI?" then it would be appropriate to skip the question "How many times did the victim testify in the MAI?"

Finally, the choice to change the inclusion criteria from closed cases to active cases in debate also comes with some limitations, namely that not all endline data is perfectly comparable to the baseline data. This primarily affects the results on trial verdicts. The baseline study presented the percent of cases that returned a *final* verdict of "guilty," whereas the endline study presents the percent of cases that returned an *initial* verdict of "guilty," which may be overturned in appeal. Therefore, those results are not directly comparable. However, most of the variables of interest are related to activities that happen in the early stages of investigation or trial, and these indicators should be comparable between the two studies. There may also be systemic differences between cases that reach the debate phase and those that reach final verdict, which would cause all results to be non-comparable. However, there is no evidence of such differences.

2.3. Key Informant Interviews

This part of the study focused on: (1) the performance and functionality of the CJS; (2) coordination of the relevant CJS actors; (3) perception of and confidence in the CJS; (4) treatment of victims of sexual violence; and (5) perception of the prevalence of SVAC in Guatemala. The study included 52 interviews with 58 key informants within the project areas of Guatemala, Quetzaltenango, and Alta Verapaz.

2.3.1. Selection criteria

The research team used both purposeful stratified and snowball sampling to identify key informants in the three project areas. First, the research team identified five key sectors needed to provide a robust view of the CJS response to SVAC:

1. Law enforcement (e.g., National Police, DIDS, etc.)

2. Public Ministry (MP)
3. Judiciary
4. Government social services (e.g., PGN)
5. Community-based organizations (CBOs) and other relevant government agencies. CBOs included service providers working directly with SVAC survivors or with vulnerable populations, as well as other organizations working in the field of child protection.

Using these constructs, the research team created a master list of key informants across all five sectors in the three provinces. To mitigate any selection bias, the data collection team used snowball sampling to identify additional key informants, meaning that each key informant interview (KII) concluded by asking the interviewee whom they would recommend to be interviewed.

The research team aimed to interview 50–82 key informants in total, including every prioritized key informant in Guatemala and at least one key informant from each sector in the provinces of Quetzaltenango and Alta Verapaz. The team conducted 52 interviews with 58 participants in total, as four interviews incorporated multiple people.

Table 4: Number of Participants in Key Informant Interviews by Sector and Province

Sector	Guatemala City	Quetzaltenango	Alta Verapaz
Judicial Branch	6	1	1
Public Ministry	9	2	3
DIDS	5	2	3
NGO	13	1	1
Other Govt Agencies	5	0	0
PGN	4	1	1
TOTAL	42	7	9

2.3.2. Data collection methods

During the KII methodology training, the instruments were piloted by the research team. There were two stages for the interview guides: (1) testing and practice between the research team and (2) pilot testing with informants from similar sectors of the CJS from Guatemala Province or adjacent provinces. After the pilots, the interviews were debriefed within the study team and the instruments were updated to ensure reliability.

A two-person data collection team conducted all interviews, with one person asking the questions and the other taking notes and ensuring audio-recording. The interview guides were semi-structured, containing both closed and open-ended questions. Each guide contained 40–43 questions and was tailored according to each of the five sectors. During the pilot testing, the research team identified prioritized questions in case the interviews encountered time constraints or any other contingency that might reduce the availability of the participant’s information.

On average, interviews took 50 minutes, with a few as short as 30 minutes and some lasting more than 90 minutes. The data collection team administered informed consent to all interviewees about the purpose of the study, the protection of the participant's identification information, and the optional audio-recording of the interview. If the interview was audio-recorded, the transcriber utilized the recording to create a word-for-word transcription. All but three of the interviewees also consented to be audio-recorded. The interview team did not provide incentives to any of the participants.

2.3.3. Data handling and analysis

The data collection team recorded the participant's position and agency/organization. However, unique identifiers replaced any name or personally identifying information to protect the participant's identity.

All data—audio-recordings, typed transcriptions from the audio-recordings, and notes—were stored locally on a secured hard drive. Some recordings and transcripts were shared via a secure connection on a project collaboration and document sharing site. Only study team members had access to these files.

The interview team finalized the notes of all unrecorded interviews within two days so as to preserve the integrity of the data. Throughout the study, the study team monitored incoming data in order to make necessary changes to the methodology and/or data collection tools if there were threats to data reliability or validity. The team leader of the local research team reviewed all data. In addition, IJM reviewed the initial 10 transcriptions to ensure accuracy.

The qualitative analyst accessed all finalized transcripts (and interview notes when participants did not consent to being audio-recorded), uploading each one into QSR Nvivo, a qualitative data analysis software. The research team created a codebook based on a sufficient sample of 52 completed interviews (all interviews in Quetzaltenango and Alta Verapaz, as well as three interviews from each of the sectors in Guatemala City excluding other relevant government actors). To guide the interviews, analysis, and report write-up, the research team developed qualitative themes aligned with the research objectives and questions.

The research team met the requirements stated in the quality assurance plan to ensure reliability of data: (1) training data collectors on the research purpose, study questions, methodology, data collection tools, research protocols, and study implementation procedures; (2) conducting a pilot test and then using this pilot test to inform any necessary changes to the study methodology, tools, protocols, and implementation procedures; and (3) timely completion of note cleaning and transcription.

During the data collection stage, the research team had a debrief session after every couple of interviews of each sector based on the notes taken by every data collection team to identify response tendencies that would lead to saturation and clarifying follow-up questions. The general condition for saturation was that no new information was found by interviewing more key actors. The saturation control was divided by question and sector of key informants.

The minimum number of interviewees by sector was met and 70% of the themes/questions reached saturation due to a targeted sampling and questioning and the experience of officials and users in specific stages of the SVAC prosecution procedure.

The quantitative data shown as a result of calculated percentages with closed-ended questions were calculated based on the number of respondents that gave the particular answer versus the number of total respondents to that question. Not all informants answered every question. For example, the general level of trust was asked to all informants from all groups but a disaggregated level of trust for MP, OJ, and DIDS was only asked to participants of the CJS, CBOs/NGOs, and the category of Other Government Agencies.

2.3.4. Limitations

Within the KII data collection, there were several limitations related to reaching saturation for some questions within the interview guide:

- Some questions did not reach response saturation because they were considered non-essential questions. The research team determined a prioritized list of essential and non-essential questions and, based on time limitations, would omit or skip questions as needed.
- Some informants refrained from answering closed-ended and scale questions directly and gave ambiguous answers (e.g., determining the improvement of investigators' skills or an overall trust in their own institution).
- Perceptions regarding numbers, proportions, or timeframes were not based on data reports and sometimes the participants referred to a larger timeframe than the established five years, even though it was part of the question wording.
- Police officers who had not gone through sensitivity trainings or had recently joined the unit/institution did not understand the implications of sensitive treatment to victims.
- The perception of prevalence has the deepest gap of reliability; informants referred to the reporting increase rather than prevalence, even though the question gave context on looking for prevalence of the crime, rather than reports.
- For ethical and logistical reasons, the study did not interview victims, therefore the conclusions on victim sensitivity are limited.
- The study did not interview the general public, therefore the conclusions on public trust in the CJS are limited.
- The endline study used different populations versus the informant population at baseline; the population for the endline was widened. The segmented findings make the endline findings more comparable.
- The KII findings are not generalizable. While the closed-ended questions yielded quantitative data that is included in the report, these findings are not generalizable beyond the study participants because they came from a non-random, non-representative, small sample. Moreover, there were missing data for some questions.

3. Key Findings

3.1. Use of a Victim-Centered Approach

KEY MESSAGES

- The CJS substantially increased its use of victim-sensitive practices when gathering victim testimony.
 - Whereas the use of victim-friendly spaces for gathering victims' testimonies was uncommon at baseline (30% of cases), it became nearly universal at endline (98% of cases). The greatest growth was seen in the use of Gesell Chambers, which was non-existent (0 cases) at baseline but commonplace (77% of cases) at endline.
 - At endline, prosecutors requested the use of pretrial testimony in 2.7 times more cases (23% of cases at baseline vs. 85% of cases at endline), and judges accepted that request in 4.9 times more cases (14% of cases at baseline vs. 80% of cases at endline). Because of this, minor victims testified in court in far fewer cases at endline (14% of cases) than at baseline (68% of cases).
- CJS officials were more aware of and sensitive to the unique needs of victims.
- There is still a need for improvement in terms of the number of times and people to whom victims are asked to share their testimony and the way victims and their families are protected during the legal process.

It is critical for the CJS to investigate and try cases of sexual violence against children in a way that is sensitive to the needs of minor victims and minimizes the likelihood that the child will be re-traumatized. Best practices in victim-centered investigation include minimizing the number of times and people to whom a child has to tell their story; having professionals trained in trauma-informed care (e.g., psychologists, social workers, investigators, prosecutors) collect the child's testimony; providing trauma-informed treatment to the child; and allowing the child to testify out of sight of the defendant.¹⁸ Furthermore, minor victims and their legal guardians should be given information (in a developmentally appropriate manner) about the investigation/legal process and what kinds of protection they may or may not have in the process (e.g., whether the suspect is likely to be detained or released before and during the trial). This allows survivors and their guardians to make informed decisions about how they want to engage in the legal process.

The data from all three methods supported the finding that there was a substantial increase in the use of victim-sensitive practices when asking victims to give their statements. However, the data from the case file review and KIIs suggest that victims were still asked to give statements too many times, and victims and their guardians still lacked critical information about the legal process.

¹⁸ Acuerdo 6-2013, Corte Suprema de Justicia, Guatemala.

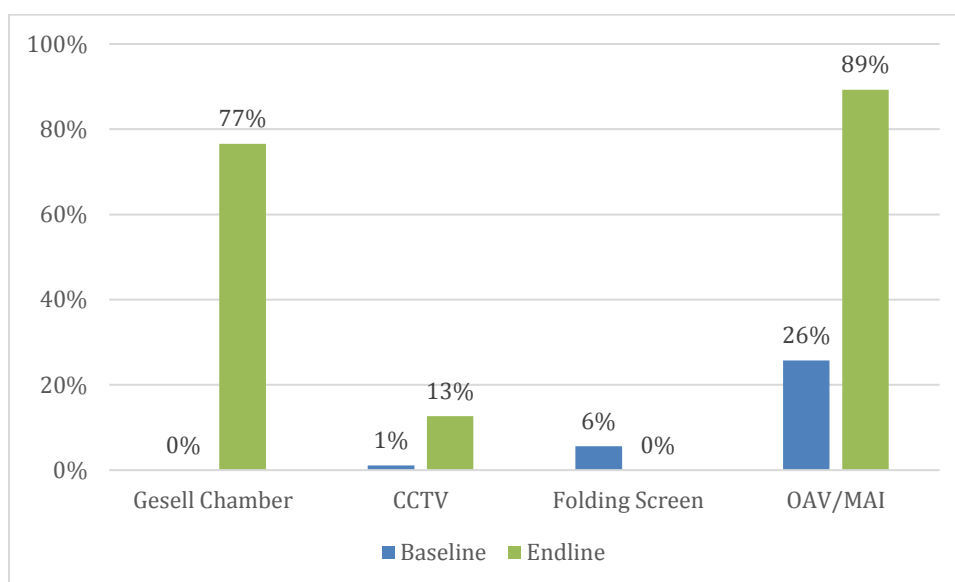
3.1.1. Increased use of victim-friendly spaces

While giving testimony, survivors of sexual violence are at risk of being re-traumatized. Therefore, it is important to help survivors, especially children, feel as safe and comfortable as possible during this process. One way to do this is to take their testimony in a safe and comfortable place that is private and where the survivor cannot see the accused.

In Guatemala, four such victim-friendly spaces can be used to take minor victims' statements. During the investigation, victims can give statements at the MAI, a one-stop crisis-intervention center that serves a number of the immediate needs of survivors and their families, with an orientation toward the prompt and effective investigation of the crime in question. The MAI locations are child-friendly, and some contain Gesell Chambers or CCTV devices in which to take victims' statements. However, these statements are only used for preliminary investigation purposes and cannot be presented in court. When a child testifies in a procedure, there are three victim-friendly methods that can be applied. The ideal is for a child to testify in a Gesell Chamber—a child-friendly space with cozy seating and toys—in which victims can give their pretrial testimonies to a social worker or psychologist while being inconspicuously recorded so that the testimony can be entered into evidence in the trial. The judge, prosecutor, defendant, defense attorney, and other parties to the case can observe through a one-way mirrored window, which obscures their presence from the child-witness. This method ensures compliance with the constitutional right granted to the accused and the victim to directly intervene in all proceedings. A similar method is to allow the victim to testify in another room while a live recording of the testimony is played in the courtroom via closed circuit television (CCTV). In this situation, a social worker or psychologist typically interviews the child, and lawyers can feed questions to that professional through a headset, who then restates the question to the child in developmentally appropriate language. The least recommended method is to have the victim testify in court behind a folding screen to ensure that he or she cannot see the accused and the accused cannot see him or her.

The CFR data showed that, at baseline, there were no cases that used a Gesell Chamber to collect victim testimony, and only a few cases used folding screens (6%) or CCTV (1%) so that the victim could testify without seeing his or her abuser. However, in endline cases, minor victims testified in a Gesell Chamber in 77% of cases and via CCTV in 13% of cases. Folding screens were not used in any cases at endline. Furthermore, the percent of cases in which minor victims gave their testimony at the Office of the Attention to Victims (OAV) or MAI grew from 26% at baseline to 89% at endline. In total, 98% of cases used a victim-sensitive space to receive the minor victims' testimony at endline, compared to 30% at baseline.

Chart 1: Methods Used to Receive Victim Testimony (CFR Data)



Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

These findings from the CFR were supported by the key informant interviews. Key informants associated improved physical spaces with increased victim-sensitivity because of the amount of time survivors and their families must spend at these places when they make a complaint. Staff from NGOs that support survivors of SVAC reported that survivors are now more comfortable in the Guatemala City MP Office, which was renovated to create more private spaces and decorated to be more child-friendly. These informants pointed out that the increased use of private spaces was particularly helpful as it kept children from having to share traumatic stories within the hearing of strangers. DIDS investigators and NGO staff both felt that the availability of Gesell Chambers at the MP offices and psychologists, who can be present while a child provides testimony, at the MAI are beneficial for survivors. Similarly, other key informants named the development of protocols and infrastructure (e.g., policies regarding the use of Gesell Chambers and the building of Gesell Chambers) as important factors leading to increased sensitivity of the justice system. The relative lack of Gesell Chambers in Quetzaltenango and Alta Verapaz, however, was identified as an area of weakness in the CJS.

3.1.2. Increased requests for pretrial testimony

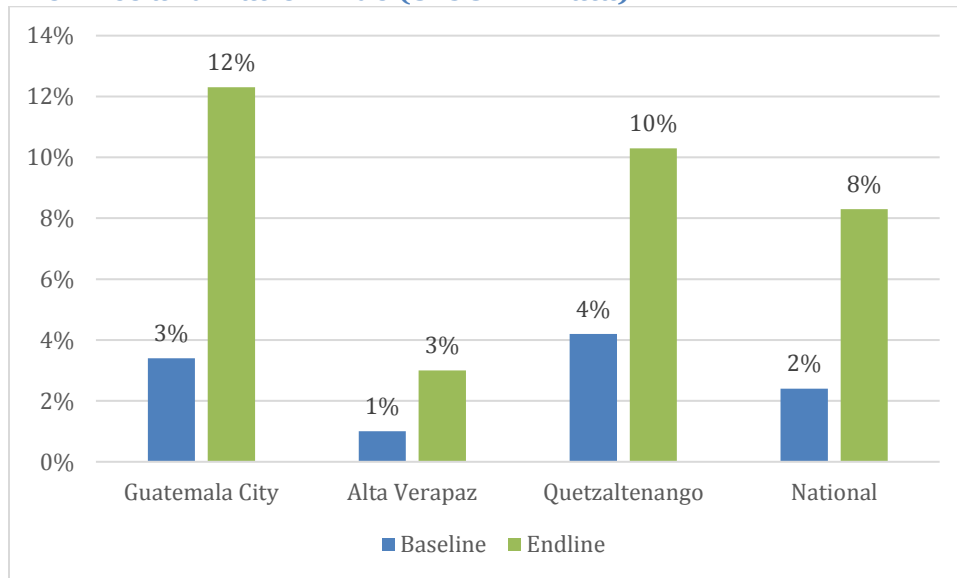
There is high risk of retraumatization when survivors give testimony in court, in the presence of the defendant, judges, lawyers, and other strangers. Therefore, when victim testimony is a necessary piece of evidence, it is best practice for public prosecutors to request, and for judges to grant, that a recording of the child presenting his or her evidence be presented as evidence in lieu of the child appearing in court.¹⁹

According to nationwide SICOMP data, at endline (2013–2017), in cases of sexual violence committed against children and adults, prosecutors requested that victims be

¹⁹ Instrucción General, 02-2013, Ministerio Público o Circular 16-2013, Corte Suprema de Justicia, Guatemala.

allowed to testify pretrial 3.5 times more often than at baseline (2008–2012). Within the project area, SICOMP data show that prosecutors requested the use of pretrial testimony 3.6 times more often than at baseline in Guatemala City, 3.0 times more often in Alta Verapaz, and 2.5 times more often in Quetzaltenango.

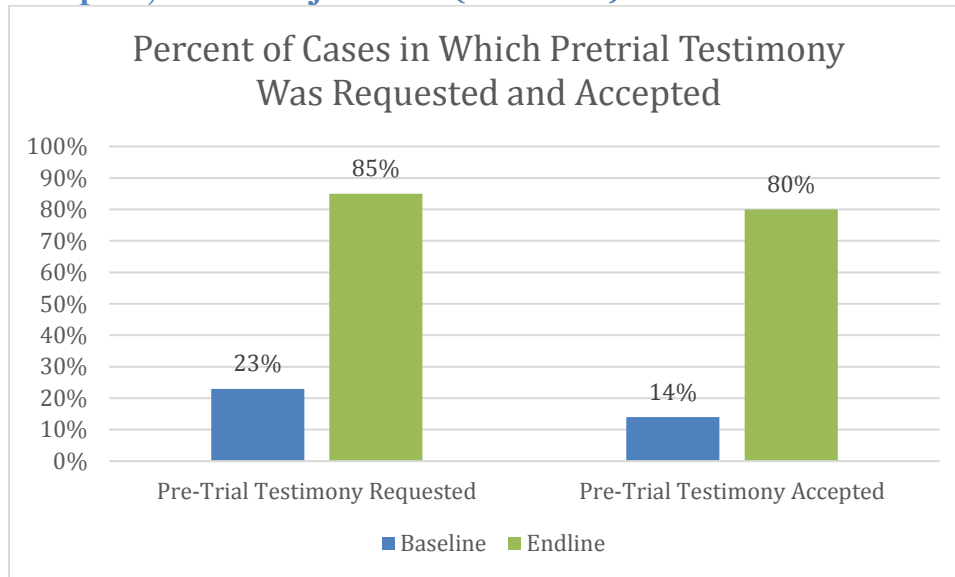
Chart 2. Percent of Cases in Which Pretrial Testimony Was Requested, by Province and Nationwide (SICOMP Data)



Source: Baseline: SICOMP nationwide data, sexual assault crimes, 2008–2012. Endline: SICOMP nationwide data, sexual assault crimes, 2013–2017. Last updated February 9, 2018.

Data from the CFR suggested an even greater improvement in the use of pretrial testimony than the SICOMP data did. At baseline, prosecutors requested the use of pretrial testimony in 23% of cases, and judges accepted the request in 14% of cases. However, at endline, this practice was much more commonplace. Prosecutors requested the use of pretrial testimony in 85% of cases, and judges accepted the request in 80% of cases. In other words, prosecutors requested the use of pretrial testimony 2.7 times more often at endline than at baseline, and judges accepted that request 4.7 times more often. Because of this improved sensitivity on the part of prosecutors and judges, minor victims gave pretrial testimony in 5.7 times more cases at endline than at baseline (82% vs. 14%), and they testified in court in 4.9 times *fewer* cases (14% vs. 68%).

Chart 3. Percent of Cases in Which Pretrial Testimony Was Requested and Accepted, in the Project Area (CFR Data)



Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

There was a large difference in the percent of prosecutors requesting the use of pretrial testimony calculated by the SICOMP data (8.3%) compared to the CFR data (85%). However, the relative change in this percentage between baseline and endline was similar with both datasets (3.5 times higher in SICOMP and 2.7 times higher in CFR). The most likely explanation for this was that SICOMP data were often incomplete because they required that prosecutors take additional time to update the files electronically—a step that takes place after the physical case files are updated. Since CFR data were gathered from physical files rather than electronic files, they were more likely to be accurate. Furthermore, the SICOMP data covered both adult and minor cases of sexual violence, whereas the CFR data were limited to cases of sexual violence against children.

3.1.3. Improved victim-sensitive knowledge, attitudes, and behaviors

Key informants reported that increased victim-sensitivity involved a change of attitude, as well as a change in behavior. CJS officials affirmed that there was increased belief that SVAC cases were important and required special attention and sensitivity toward survivors. Officials with the PGN, as well as NGOs that support SVAC survivors, reported that CJS officials had increased sensitivity and knowledge of SVAC, and they attributed this to trainings they had received. MP interviewees noted that DIDS had become more victim-sensitive. Other informants reported that at endline the MP prioritized the victims' need for medical assistance over the criminal report, if necessary. One NGO informant also noted that CJS officials became more aware of the special needs of victims from the LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Queer) community and children who go through gender identity crisis after being victims of SVAC. NGO informants felt that improved victim-sensitivity helped the CJS to fulfill the Child and Adolescence Protection Public Policy.

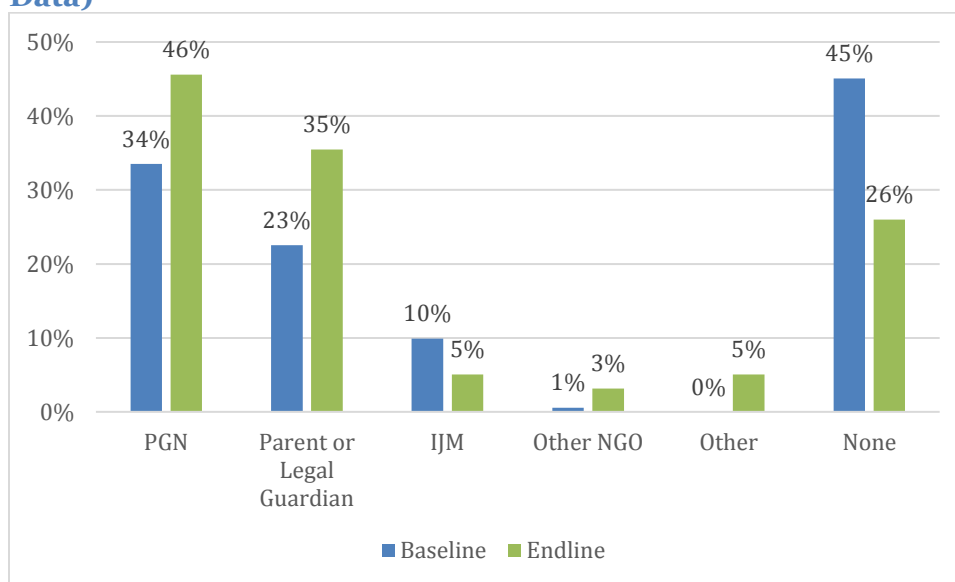
In addition to the increased use of victim-friendly spaces and pretrial testimony, key informants also noted a few key behavior changes and new services provided that helped the CJS to be more victim-sensitive. Both NGO staff and DIDS officials felt that the MAI's provision of a psychologist to support victims during reporting went a long way toward preventing retraumatization. NGO informants also reported that CJS officials had received trainings and implemented tools and methods to help them communicate with children and take their statements in more developmentally appropriate ways. These key informants cited the use of anatomical dolls and games to interview victims or interpret their behavior, as examples of how the CJS has improved its communication with children.

Fifty out of the 58 key informants rated the CJS on its sensitivity to victims in SVAC cases. Most informants (70%) said the CJS was "sensitive," while some said the CJS was "very sensitive" (6%), "insensitive" (22%), or "very insensitive" (2%). Of the 36 informants who were asked if they believed the MP was more likely to use child-friendly interview techniques now than they were five years ago, 80% said "yes," 6% said "no," and 14% refused to answer. Similarly, of the 31 informants who were asked if the OJ was more likely to use child-friendly interview techniques now than they were five years ago, 74% said "yes," 13% said "no," and 13% refused to answer.

3.1.4. Increased presence of joint plaintiff with minor victim

Since 2003, there has been a regulatory obligation for the PGN to act as joint plaintiff with a minor victim of child sexual assault during the criminal process if there is no legal guardian or the guardian is the perpetrator. At baseline, the PGN served as joint plaintiff in 30% of SVAC cases; a child's mother, father, or legal guardian represented the child in 23% of cases; a nonprofit organization or some other external entity represented the child in 11% of cases; and in 40% of cases no one served as joint plaintiff alongside the child victim. At endline, the PGN had served as joint plaintiff in 46% of cases; a child's mother, father, or legal guardian represented the child in 35% of cases; and a nonprofit organization or some other external entity represented the child in 13% of cases. (Some cases had joint plaintiffs from more than one of these categories.) Twenty-six percent of cases were tried without a joint plaintiff.

Chart 4. Percent of Cases with a Joint Plaintiff by Type of Joint Plaintiff (CFR Data)



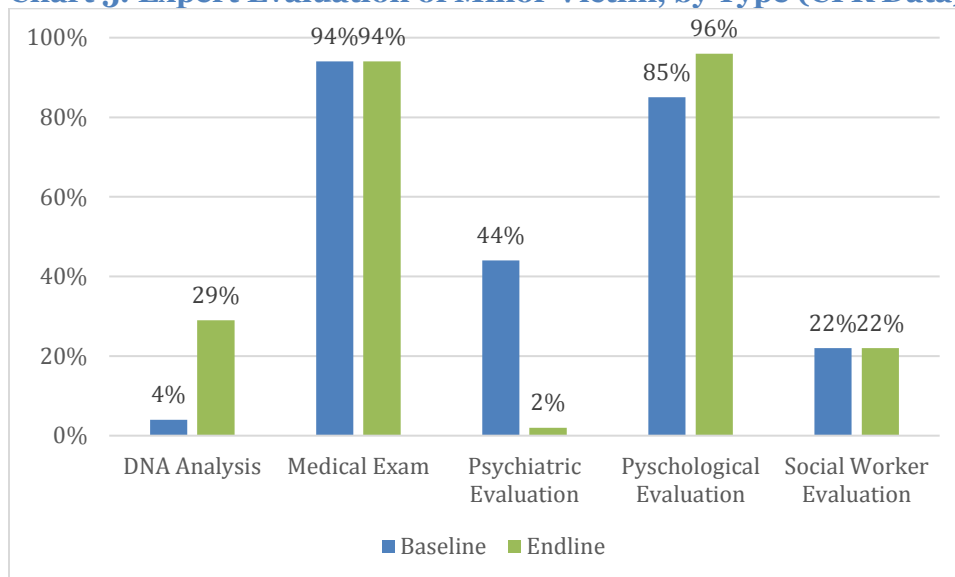
Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

3.1.5. Number of times and people to whom victims gave statements

Best practice in victim-sensitive investigation involves limiting the number of times and people to whom minor victims have to give statements, interviews, or testimony. However, this did not change in a meaningful way between baseline and endline. Whereas at baseline victims were approached by multiple professionals in 88% of cases, at endline this happened in 93% of cases. On average, victims gave their statement/testimony 4.9 times and were approached by 2.4 professionals at endline, compared to 4.8 times and 2.5 professionals at baseline.

In 96% of cases, a forensic psychologist evaluated the minor; in 94% of cases, a forensic medical exam was performed; in 29% of cases, DNA testing was conducted; in 22% of cases, an evaluation was made by a social worker; and in 2% of cases, a psychiatric evaluation was made. Additionally, victims in 35% of cases received psychotherapeutic services (not for evidence collection). Compared to baseline, more victims received psychological evaluations and DNA testing and fewer received psychiatric evaluations.

Chart 5: Expert Evaluation of Minor Victim, by Type (CFR Data)



Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

There was inconsistent awareness among CJS officials as to what a survivor experienced while going through the legal process. Key informants from the MP believed that there had been a reduction in the number of times victims had to give their testimony/statement and that the MAI had contributed to these reductions. They estimated that, at endline, victims were interviewed only two or three times. When 41 key informants from various stakeholder groups were asked if the number of times victims were interviewed by the CJS had reduced, 44% said “yes,” while 39% of interviewees said “no,” and 17% refused to answer.

3.1.6. Changes in approach to pretrial detention of suspects

After defendants are arrested, the court has the option to imprison them, pending verdict, or to grant an alternative measure to prevent the defendant from absconding or interacting with the victim or witnesses in the case. In Guatemala, a regulatory prohibition prevents the court from granting alternative measures in cases of aggravated rape or rape of a child under 12 years of age.²⁰ Judges must consider many things when deciding whether to detain, or in some other way restrict, a suspect prior to his or her trial, so this indicator is not strictly related to victim-sensitivity. However, it is included here because SVAC survivors are likely to feel safer, and thus more empowered to engage in the legal process, if the suspect is detained and physically unable to approach or contact them before and during the trial.

At endline, fewer defendants (67%) were put in preventive imprisonment compared to baseline (76%), but more defendants (39%) were granted an alternative to preventive imprisonment, such as house arrest or surveillance, compared to baseline (24%). Eleven defendants experienced both preventive imprisonment and an alternative preventive measure. Table 5 provides a breakdown of the types of alternative measures granted by the court.

²⁰ Article 264 Guatemalan Criminal Code

Table 5: Number and Percent of Defendants to Whom Alternative Measures Were Granted

Alternative Measure	Baseline		Endline	
	Number	Percentage	Number	Percentage
Receiving any alternative measure	45	100%	64	100%
1) Under house arrest in the own home or residence or under custody from other person, without any surveillance from the court.	20	44.4%	50	78.1%
2) The obligation to submit to the care or surveillance of a specific person or institution, who will inform the court periodically.	1	2.2%	5	7.8%
3) The obligation to appear periodically before the court or the assigned authority.	40	88.9%	57	89.1%
4) The prohibition to leave the country, the place of residence, or the place determined by the court without authorization.	22	48.9%	28	43.8%
5) The prohibition to attend specific meetings or to visit certain places.	6	13.3%	34	53.1%
6) The prohibition to communicate with specific individuals, as long as the right of defense is not affected.	18	40.0%	47	73.4%
7) Proper economic bond, through the deposit of money, valuables, constitution of pledge or mortgage, seizing or delivery of assets, or bail from one or more fitting persons.	27	60.0%	30	46.9%

Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

At both baseline and endline, the majority of defendants receiving alternative measures were obliged to appear before the court or another assigned authority on a regular basis. At endline, most defendants were also put under house arrest (78.1%) and prohibited from communicating with specific individuals (73.4%). This represents a marked increase from baseline. Of all the defendants who were granted an alternative measure, most received more than one. The data from this study cannot determine the efficacy of these alternative measures at protecting victims from contact with defendants.

3.1.7. Other findings on victim-sensitivity

Key informants, particularly from NGO stakeholders, felt that while survivors and their families knew much more at endline than they did at baseline about what constitutes a crime and where to report those crimes, there was still much that survivors did not understand about the legal process. Specifically, they needed to be educated about the

legal process (e.g., what to expect at indictments and hearings), the commitment that is required of them in going through the legal process (e.g., appearing in court, biological and psychological tests), and the risks that they may face (e.g., possibility of defendant being released pretrial or being acquitted). These stakeholders recommended creating some sort of information campaign targeting survivors and their families to educate them on what happens after they file a complaint.

Key informants also reported that considering the huge backlog of cases and the increased number of SVAC cases being filed, there were not enough prosecutors in the MP to handle the workload. Because of this, prosecutors needed to triage cases, and cases of sexual assault were often prioritized over cases involving other kinds of violence, which were harder to gather evidence for but just as important to address. Key informants recommended that more prosecutors be hired so that the overall workload of each prosecutor would be reduced and prosecutors could provide victim-sensitive care to all victims of violence.

Key informants also reported that there was a significant amount of bureaucracy, which made it more difficult for survivors and their families to engage in the legal process. Of specific concern were the long wait times when filing a complaint, during which survivors and their families sat in public spaces where they could interact with other survivors or even the abuser, with no protection. Thus, key informants recommended that the physical infrastructure be further improved to make survivors safer and more comfortable while they wait. They also recommended eliminating unnecessary bureaucracy from the process and improving communication and coordination between institutions, especially between the Holistic Attention Center of the OJ (SAI) and MAI, to reduce the wait times. Stakeholders also suggested involving the Department of Health in the MAI and utilizing their service network to reach out to communities and facilitate referrals.

Key informants believed that although many police, prosecutors, and judges in Guatemala City have received victim-sensitivity training, fewer staff in Alta Verapaz and Quetzaltenango were exposed to this training. Thus, key informants reported that fewer improvements in the use of victim-sensitive tools and spaces had been made in these provinces, and they recommended more training in these provinces. Even in Guatemala City, key informants suggested that training should be regularly repeated, to keep it fresh in the minds of CJS officials, and should be given to staff at all levels of the government (e.g., administrative assistants and receptionists to high-ranking government officials). Key informants from NGOs felt that although CJS officials were using more child-friendly tools, there was still a need for improved interviewing skills, and they believed additional empathy training could help with this.

Finally, key informants from NGOs wanted to see more evidence that CJS officials recognized children and adolescents as people with individual rights. They also wanted to see more training on the rights and needs (such as translation services) of indigenous people, especially in Alta Verapaz and Quetzaltenango, where indigenous people make up a large percent of the population.

3.2. Case Progression

KEY MESSAGES

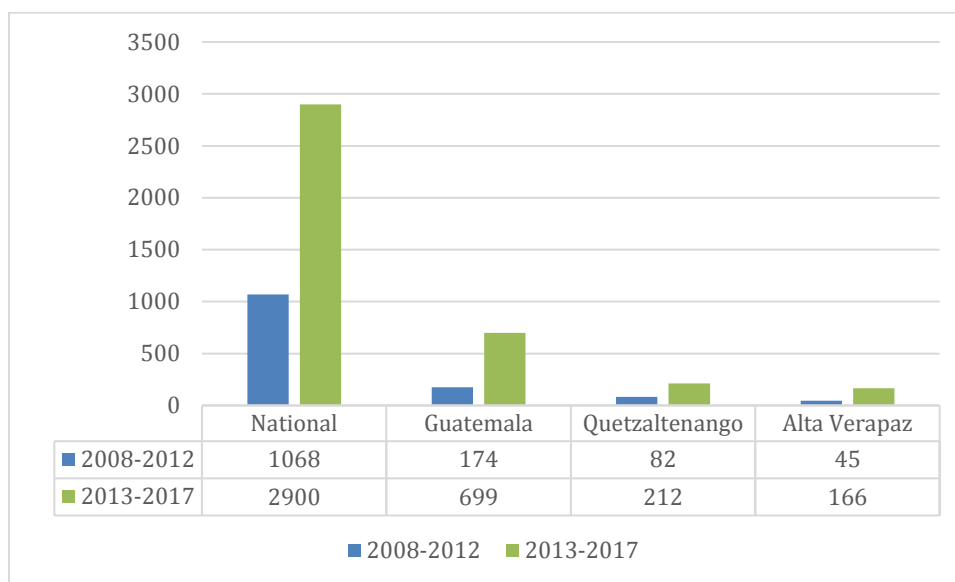
- Over the life of the project, there were some substantial strides in the number of cases being advanced through the system, but little change in the rate at which SVAC cases progress.
- There was a large increase in the number of arrests being made in SVAC cases (1,068 at baseline vs. 2,900 at endline), but a higher percent of SVAC cases stalled out in the investigation phase at endline (77.5%) than at baseline (69.1%).
- There was minimal change in the median time to arrest for SVAC cases between baseline (74 days) and endline (83 days).
- The volume of SVAC indictments increased by 157% (1,560 at baseline vs. 4,002 at endline), but this represented only a moderate increase in the percent of SVAC complaints reaching indictment (9.8% at baseline vs. 10.8% at endline).
- The number of SVAC cases reaching verdict nearly tripled during the project period (980 cases at baseline vs. 2,912 cases at endline), but the percent of SVAC complaints reaching verdict increased only moderately between baseline (6.3%) and endline (7.5%).
- The median time from complaint to verdict actually increased by more than seven months.
- Key informants reported that backlogs inherited by the specialized courts were the primary reason for case delays.

The distribution of new cases by their case status can tell us a lot about the functioning of a criminal justice system. Ideally, cases should move from investigation to intermediate phase (trial) to verdict and sentencing without undue delays.

3.2.1. Investigation phase

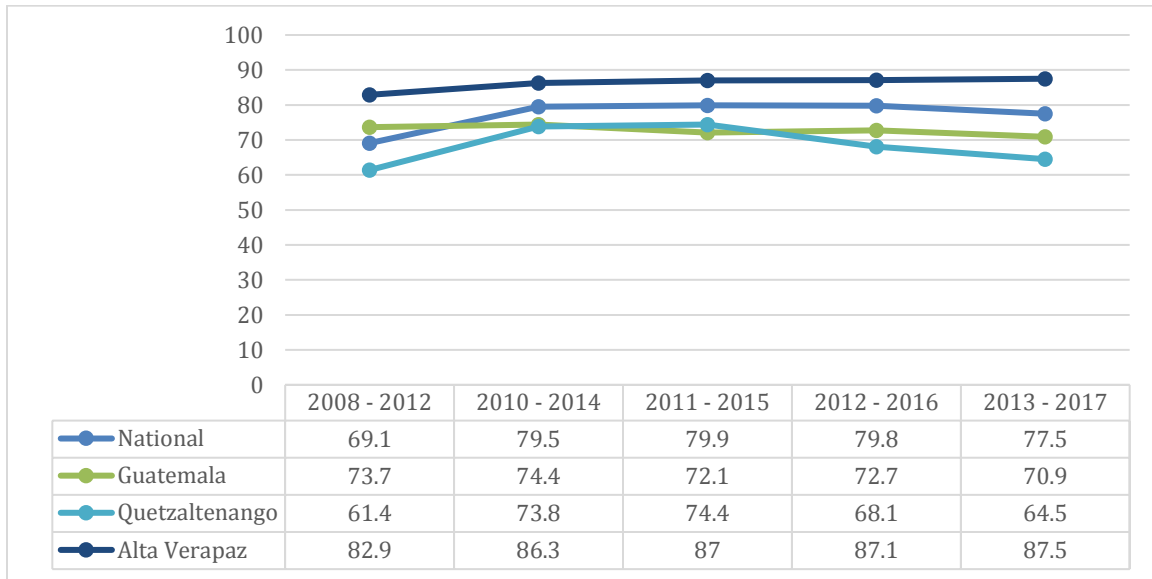
SICOMP data showed that, nationally, the number of arrests being made in SVAC cases nearly tripled between baseline (1,068) and endline (2,900). Within the three study provinces, there were similar or greater increases in the number of arrests, relative to the number of cases in each province. In Guatemala, there was a four-fold increase in the number of arrests being made (174 at baseline vs. 699 at endline). Similarly, in Alta Verapaz there was a nearly four-fold increase in arrests in SVAC cases (45 at baseline vs. 166 at endline). In Quetzaltenango, there were 2.5 times more arrests at endline (212) compared to baseline (82).

Chart 6: Number of Arrests in SVAC Cases, Nationally and by Province



While arrests increased, however, the percent of SVAC cases that stalled out in the investigation phase increased nationally and in most of the study provinces. Nationally, the percent of SVAC cases remaining in the investigation phase increased from 69.1% at baseline to 77.5% at endline. In Guatemala City, there was a slight decrease in the percent of SVAC cases that remained in the investigative stage at endline (70.9%) relative to baseline (73.7%), and the province was slightly lower than the national average in percentage of SVAC cases in investigation at endline. However, there was not a clear downward trend over time, and a large number of these cases continue to be stalled in this stage. In Quetzaltenango, there was a spike in the percent of SVAC cases in investigation between 2010 and 2014 and a steady decline in the percent of SVAC cases in investigation after that. At baseline and endline, Quetzaltenango was lower than the national average in percent of SVAC cases in investigation. Alta Verapaz, however, had an increasing percentage of SVAC cases in investigation between baseline (82.9%) and endline (87.5%), and they remained higher than the national average throughout the project period. Chart 7 provides additional detail on these trends.

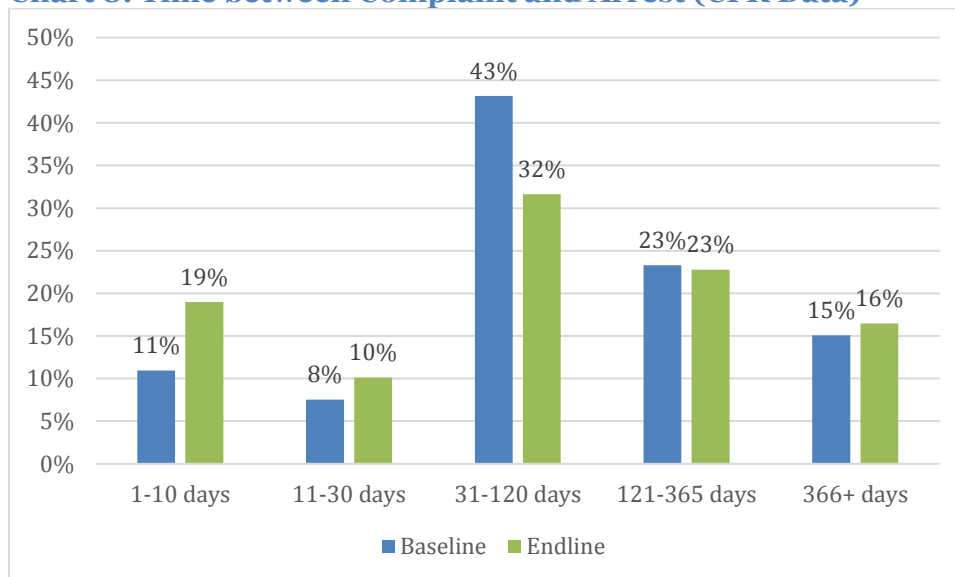
Chart 7: Percentage of SVAC Complaints that Remain in Investigation Stage



When an investigation has progressed far enough that the prosecutor believes there is sufficient evidence against a suspect, the prosecutor should request an arrest warrant be granted by a judge, and the police should then arrest the suspect(s). The CFR data showed that, among SVAC cases that were past the investigation phase between July 2016 and June 2017 and that had complete information, the number of days between the filing of the complaint and the arrest of a perpetrator ranged from zero to 1,097 days. Twenty-nine percent of perpetrators were arrested within 30 days of the complaint. However, in the sample of SVAC cases in the CFR study, the date of complaint and/or the date of arrest were missing from 50% of case files. These may have been cases in which the perpetrator was caught in the act, so the victim never had to file a complaint; cases in which the perpetrator was arrested in the act or shortly thereafter, so an arrest warrant was never issued; or cases in which the case file was simply incomplete.

Chart 8 shows how the distribution of time between complaint and issuing of an arrest warrant changed between baseline and endline. Although the endline sample had a slightly higher percentage of arrests made between 1–10 days (19%) and 11–30 days (10%) compared to baseline (11% and 8%, respectively), the median number of days between complaint and arrest actually increased from 74 at baseline to 83 at endline. Overall, the change in time to arrest between baseline and endline was minimal.

Chart 8: Time between Complaint and Arrest (CFR Data)



Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

Key informants generally confirmed the findings from the CFR and SICOMP data. Of the 27 key informants asked if the time it takes to complete a SVAC investigation had reduced in the last five years, there was no consensus, with 44% saying “yes,” 37% saying “no,” and 19% refusing to answer. However, there *was* agreement that cases took too long in the investigation stage, often going beyond the legal deadlines, and that too few cases went to trial.

A number of reasons were given for these delays. Key informants reported that insufficient resources, including budget, staff, and equipment slowed SVAC cases down. DIDS, particularly in Alta Verapaz, had insufficient transportation resources to travel between CJS institutions, as well as to crime scenes and victims’ homes, which inhibited their investigations. Dependencies on multiple institutions and linear processes also slowed cases down. If one institution fell behind in performing a task, then it could affect the whole process, as evidence could be lost or testimony forgotten, and investigators and prosecutors could move onto new cases during that time. Finally, informants reported that the constant rotation and reallocation of staff significantly impeded case progress because it undermined trust and coordination within and between institutions. Teams often lost teammates with critical knowledge and skills, which their replacements lacked. Thus, teams were regularly forced to take time away from SVAC cases to train new members. Within DIDS, teams sometimes had their casework interrupted as they were deployed to other parts of the country to work on other crime types.

Key informants also reported that when the FDN was initially being planned, a recommendation had been made to start it from zero cases—that is, to keep ongoing cases in the office they were in and fill the FDN with new cases—but this recommendation was ignored, and the institution inherited a massive backlog from the Prosecutor’s Office for Women (POW). This negatively impacted the capacity of prosecutors and prevented them from measuring the performance of a backlog-free FDN, which could have fed into evidence-based decision-making and planning. Trial judges from the Courts of Sentence in Femicide, Violence Against Women, Sexual Violence, Exploitation, and Sexual

Trafficking had similar experiences. Despite all this, key informants from the MP and DIDS agreed that the FDN had helped to push SVAC cases forward. They saw staff actively investigating cases and believed their work would get faster over time, especially as they get more resources and reduce the backlog.

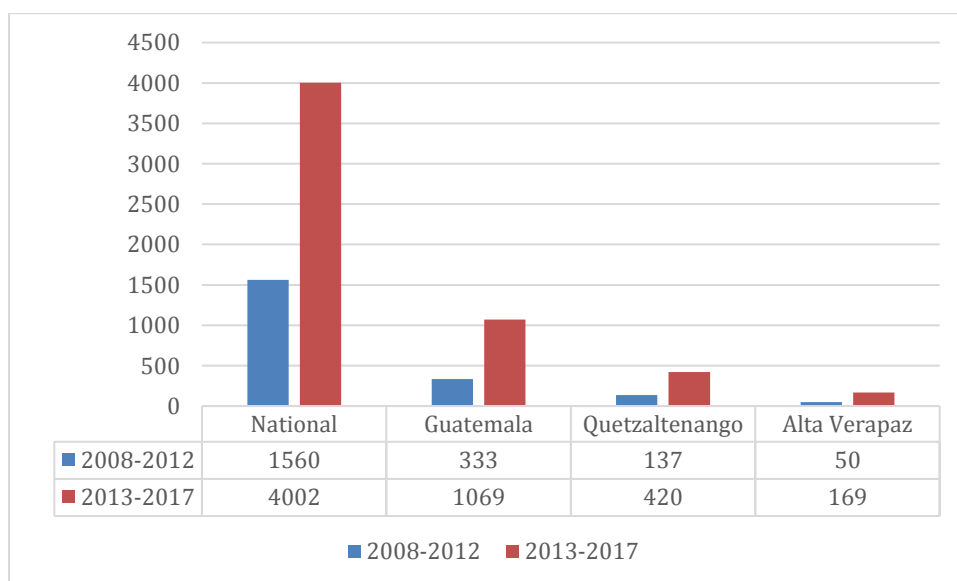
Regarding SVAC suspect arrests, most key informants believed that the number of apprehension orders had increased in the last five years, saying that the specialized FDN was the fundamental reason for this increase. However, others thought the number of apprehension orders had not changed, citing delays by INACIF in providing expert appraisals in all provinces and judges who did not issue such orders in Quetzaltenango and Alta Verapaz as the main reasons for failure to improve. DIDS officials felt that another reason for a lack of arrest warrants being granted was that some judges disregarded victims’ testimonies, medical forensic evidence, and psychological examinations—three of the strongest pieces of evidence that can be provided in a case. This suggests that additional training may be needed for some judges.

3.2.2. Indictment and intermediary phase

Unless the case undergoes a non-verdict conclusive action, an indictment is the step that moves a case out of the investigative phase and into the intermediary phase. In the Guatemalan context it is called *acusación formal* (formal accusation). The indictment demonstrates the prosecutor’s firm conviction that the investigation rendered serious evidence to believe the accused is responsible for all or some of the initial charges and should therefore be subjected to public trial.

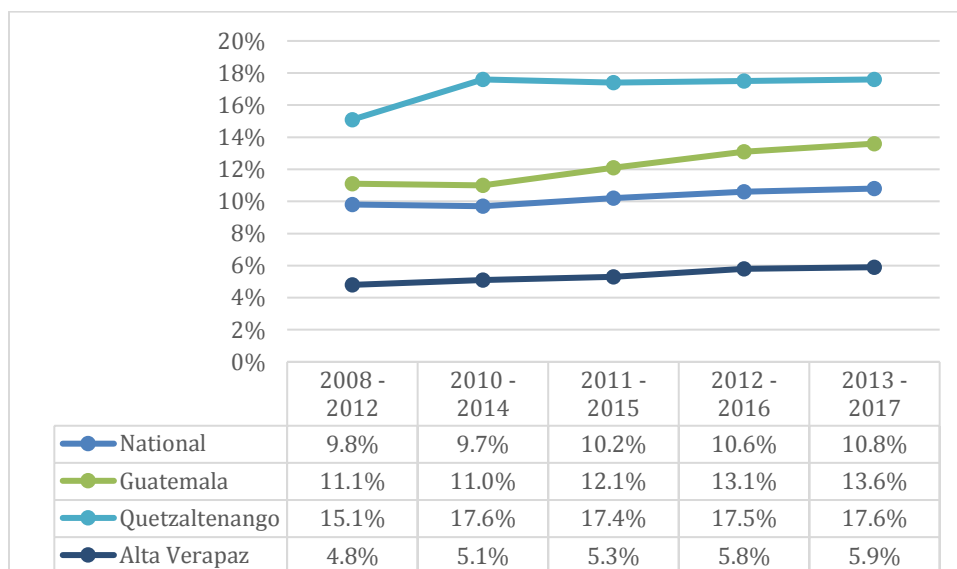
According to the SICOMP data, there were 2.6 times more SVAC cases presented for indictment nationally in the endline study period (4,002) compared with the baseline study period (1,560). Within each of the study provinces, there was a greater than three-fold increase in the number of SVAC cases presented for indictment. Chart 9 provides a detailed depiction of the changes in number of indictments between baseline and endline, nationally and within each study province.

Chart 9: Number of Indictments in SVAC Cases, Nationally and by Province



Due to the large increase in reporting of cases, however, the large increase in the number of indictments represented only a moderate increase in the percent of SVAC cases reaching indictment (10.8% at endline vs. 9.8% at baseline). There were slight increases in the percent of SVAC cases presented for indictment in every five-year period between baseline and endline, suggesting that the improvement represents a trend and not just a random difference. Looking at the data by department, it can be seen that all three provinces in IJM’s project area followed similar trends, but Guatemala City and Quetzaltenango had higher percentages of SVAC cases reaching indictment than the national average, while the percent of SVAC cases reaching indictment in Alta Verapaz was almost half the national average.

Chart 10: Percentage of SVAC Cases that Reach the Indictment Stage



Source: SICOMP nationwide data, sexual assault crimes, 2008–2017. Last updated February 9, 2018.

3.2.3. Verdict

SICOMP data showed that, at a national level, both the number and percentage of SVAC complaints reaching verdict rose for each five-year period between 2008 and 2017. Between 2008 and 2012, 6.3% of all SVAC complaints (767 cases) reached a verdict, whereas between 2013 and 2017, 7.5% of all SVAC complaints (2,142 cases) reached a verdict.

Each province within IJM’s project area also saw an increase in the number and percentage of SVAC complaints that reached a verdict over the project period. Quetzaltenango saw the greatest improvement, increasing from 8.6% of SVAC complaints (70 cases) reaching verdict at baseline to 14.0% of these complaints (264 cases) reaching verdict at endline. At endline, Quetzaltenango had almost twice the percent of SVAC complaints reaching verdict than the national average (7.5%). Guatemala City saw a large increase in the number of SVAC cases reaching a verdict (181 at baseline to 581 at endline). But because there was such a large increase in reporting, this represented only a moderate increase in the percentage of SVAC complaints reaching a verdict (7.6% at baseline to 8.6% at endline). Similarly, Alta Verapaz saw a three-fold increase in the number of SVAC cases

reaching a verdict (31 at baseline to 101 at endline), but only a slight increase in the percentage of SVAC cases reaching a verdict (3.5% at baseline to 4.0% at endline). Charts 9 and 10 provide additional details on the trends in number and percent of SVAC complaints reaching verdict between baseline and endline.

Chart 11. Number of Cases of Sexual Violence Against Minors that Result in a Verdict

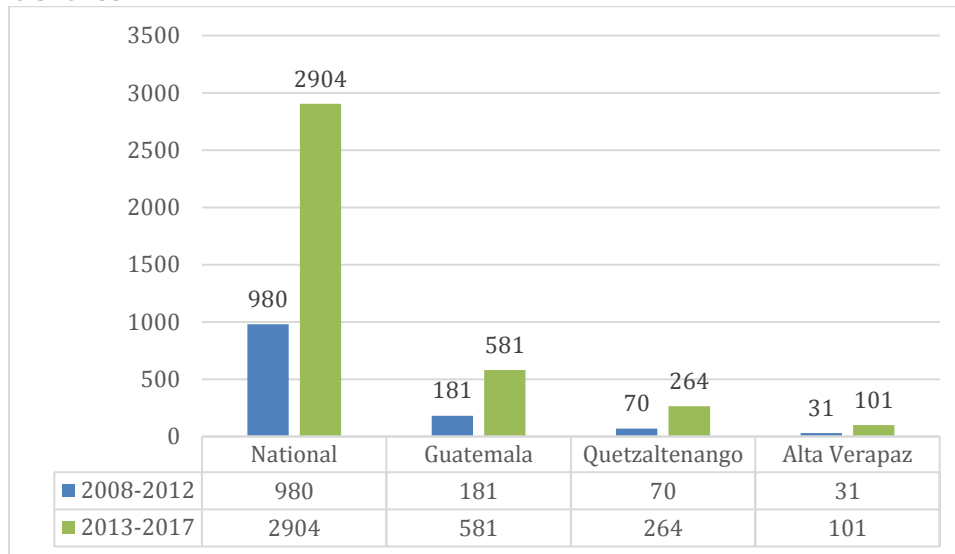
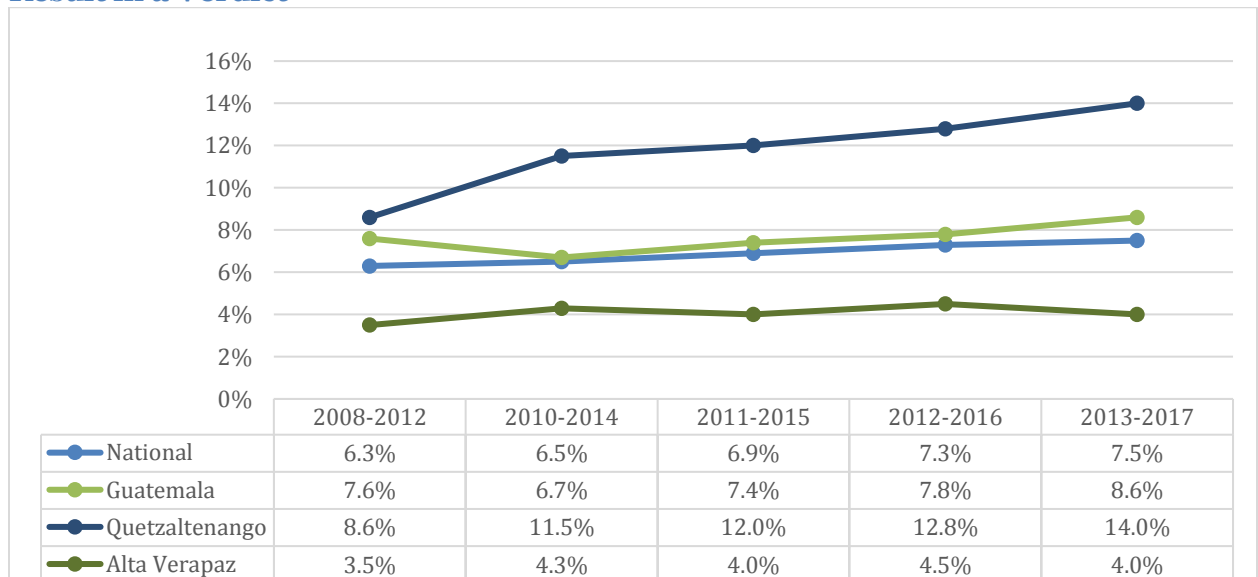


Chart 12. Percent of Complaints of Sexual Violence Against Minors that Result in a Verdict

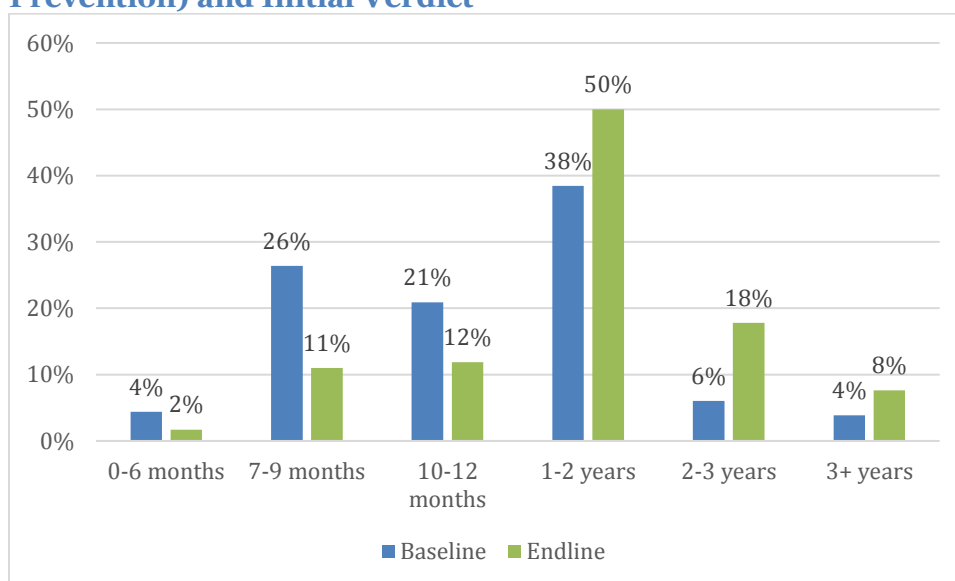


The CFR data showed that of SVAC cases that had reached a verdict between July 2016 and June 2017 and that had information on the date of complaint, the number of days between the complaint and the initial verdict ranged from 158 to 1,567. In this sample of cases, the date of complaint was missing from 20% of case files. These may have been cases in which the perpetrator was caught in the act, so the victim never had to file a complaint,

or cases in which the case file was simply incomplete. In addition, 8% of cases had not yet reached a verdict.

Chart 13 shows how the distribution of time between complaint and verdict compares between baseline and endline. As noted in the methodology, at baseline, researchers calculated the time between complaint and final verdict, whereas, due to changes in case selection criteria, the endline study calculated the time between complaint and initial verdict (with opportunity to appeal). This limited the comparability of the data. Nonetheless, a notably smaller percentage of cases reached initial verdict within one year of complaint at endline than reached final verdict within one year of complaint at baseline. Indeed, the median number of days to reach final verdict was 358 at baseline, and the median number of days to reach initial verdict was 576 at endline. Thus, even with the limitations to comparability, it was clear that SVAC cases took longer, on average, to reach verdict at endline than they did at baseline.

Chart 13. Time Between the Introductory Action (Complaint or Police Prevention) and Initial Verdict



Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

The cause of the increase in time between complaint and verdict was unclear. A number of key informants noted that when the FDN was created, a large backlog of SVAC cases from other offices were transferred to them. It may have been that many of the SVAC cases reaching verdict in 2016 and 2017 were cases from that backlog, which entered the FDN after pending for months or years, and that those cases skewed the median time to verdict. However, it could have been that the process legitimately took longer at endline than it did five years previous. Many of the key informants who worked within the CJS believed that the number of SVAC complaints that reach a verdict had decreased or stayed the same between baseline and endline. They believed that the creation of a specialized FDN and courts had reduced the time it takes for an SVAC complaint to reach a sentence, but it made the process more complex because children had to attend hearings with their guardians and the court was not accessibly located. They reported that defendants also made excuses to delay hearings, slowing down the trial process.

3.2.4. Other findings on case progression

Key informants were unwilling or unable to provide estimates for the average time it took to complete an SVAC investigation, make an accusation, or reach a verdict. However, they did report that they perceived that SVAC case progression rates were very inconsistent from one case to another. This aligned with the findings from the CFR study, which showed that the number of days between filing a complaint and making an arrest ranged from zero to 1,097 days, and the number of days between filing a complaint and reaching a verdict ranged from 158 to 1,567 days. Key informants believed that inconsistent case progression rates indicated that there were inconsistent legal processes between provinces. For example, key informants reported that in Guatemala City, the investigators had a clearer protocol of coordination with DIDS and the MP, but DIDS agents in Quetzaltenango and Alta Verapaz did not have established timeframes for investigation and did not get feedback from prosecutors.

Key informants reported that backlog was a major cause of delay in every stage of the criminal process for every institution. In addition to affecting the protocols and timeframes of individual SVAC cases, backlogs impacted the entire docket of a prosecutor or a judge. CJS informants believed the SVAC case backlog was largely caused by a shortage of staff in proportion to the amount of backlog and incoming complaints. OJ officials worked extra hours in an attempt to stay on top of their caseload, but this was not sufficient because the writing of sentences and other proceedings took too much time. These officials reported wanting training on how to handle their schedules, hearings, and processes and evaluation indicators to let them know if they performed satisfactorily. However, key informants reported that no matter how efficiently a prosecutor or judge organized his or her docket, cases could not go forward if the load exceeded his or her capacity, so more judges and prosecutors were needed to reduce the SVAC case backlog.

Key informants had a number of suggestions for reducing the backlog:

1. Key informants from the MP recommended creating more courts or expanding the authority of existing courts to hear SVAC cases.
2. The MP was also evaluating the possibility of having a commission to extinguish long-standing cases to help clear the backlog. However, this effort was being impeded by the lack of a specialized commission for SVAC.
3. Key informants from both the MP and DIDS supported the use of plea bargaining in minor crimes with a one- to five-year penalty to speed up the process and push cases successfully through the system. However, one high-level official in the MP questioned the real impact of using plea bargaining because these cases would still have to go through the investigation phase and get to court; thus, the workload for the MP and DIDS would be only marginally reduced. Furthermore, the judges interviewed completely disregarded plea bargaining as an option because they believed that SVAC cases were too important, in terms of both public interest and the physical and psychological integrity of the survivors, to be pled out. Judges, as well as one NGO stakeholder, also considered plea bargaining to be a way for perpetrators to avoid court and thus prevent elements of the crime, which would lead to a harsher sentence, from being discovered. Some informants reported that they believe the use of plea bargaining would be more prejudicial against than beneficial to the victim. However, according to one public prosecutor, defense

attorneys objected to plea bargaining for different reasons. Based on experience, that attorney would never advise a client to plead out or admit culpability, believing that the client would have a better result if he or she waited for a trial. This suggested that plea bargaining may not be more beneficial to the defendant.

Regardless of the method used to address the backlog, there was widespread agreement among CJS officials that significant improvements in case progression rates would not happen until the backlog was reduced.

3.3. Quality of the Investigation and Prosecution of SVAC Cases

KEY MESSAGES

- The quality of the investigation and prosecution of CSA cases has improved from baseline to endline.
 - At endline, 80% of indictments fulfilled all the mandated legal requirements (Art. 332 Bis of Code of Criminal Procedure), compared with 28% at baseline.
 - Even though many CJS officials still saw areas for improvement, the majority stated that the quality of investigations and prosecutions had improved in the previous five years and that they trusted DIDS agents to adequately investigate cases of CSA.
- The creation of specialized units and offices within the CJS has improved the professionalism of CJS officials and quality of CSA cases.
 - A common theme that emerged from the key informant interviews was that the specialized roles of the prosecutor offices and DIDS units was the main factor for any improvement in performance over the previous five years.
 - Key informants cited specialization as the reason for increased sensitivity toward victims and higher casework outputs, such as arrests.

3.3.1. Improvement in the quality of the investigation and prosecution of SVAC cases

Quality of Indictments According to Article 332 Bis CPP

With the acceptance of the charges, the public prosecutor must bring an indictment to the court to confirm that there is sufficient evidence that the accused perpetrator committed the crime to warrant a full trial. The requirements of the indictment are laid out in Article 332 Bis from the Code of Criminal Procedure²¹. Although the percentage of initial charges

²¹Article 332 Bis from the Code of Criminal Procedure, which establishes the indictment's requirements. These requirements are: (a) Useful information to identify the alleged perpetrator and the name and place to be notified to the defense. (b) A clear, precise, and detailed relation of the crime attributed to the alleged perpetrator. At this point, the action must be described with details. (c) A summarized basis of the

accepted by the Criminal Trial Court without modification was high at baseline, few of the indictments (28%) actually fulfilled Article 332 Bis. In contrast, at endline, 80% of indictments fulfilled all the requirements of Article 332 Bis. Table 6 below provides additional details on which elements within Article 332 Bis indictments from the baseline and endline study did or did not fulfill.

Table 6: Weaknesses in the Fulfillment of the Indictment’s Requirements at Baseline Compared with Endline

Requirements from 332 Bis CPP	Percent of Cases that Do Not Fulfill the Requirements	
	Baseline	Endline
1. Useful data that identify the alleged perpetrator, the name of his or her defense, and address for the receipt of notifications.	5%	0%
2. Clear and precise relationship to the crime.	22%	9%
3. The basis of the indictment, demonstrating the investigation methods used to establish the probability that the defendant committed the crime for which he or she is accused.	59%	1%
4. The legal qualification of the punishable action, explaining the crime that each individual committed, his or her participation, the degree of execution and the applicable aggravating circumstances.	53%	6%

Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

Although the case file review data demonstrated a significant strengthening in the quality of indictments, informants from the MP and OJ had differing opinions on whether most accusations met these criteria. With MP officials, 85% thought the quality of indictments had improved. Prosecutors said the implementation of training programs and constant feedback had contributed to better indictments, as well as a greater range of options for means of proof the prosecutors can choose from, including evidence laboratories and psychological and other scientific tests with the purpose of supporting proof for a condemnatory sentence. However, prosecutors mentioned limitations such as new staff or staff turnover that required time in training and experience in one of the fields of the criminal process to be able to respond to the caseload.

Informants from the OJ, judges, were still critical about the quality of indictments, and half of the informants did not think they had improved. Two-thirds of the judges interviewed did not think that on average indictments truly fulfilled the requirements set out in Article 332 Bis. This is still an improvement over baseline when 73% of judges thought indictments did not fulfill the requirement.

According to OJ officials, prosecutors still needed to improve the description of the facts and circumstances of their development, the connection between accusations and the penalties, and the quality of writing. These key informants reported that indictments at endline omitted critical information, had ambiguous argumentation, and were missing

indictment, indicating the means of investigation used. This is not a list of the evidence, but an explanation of how each point of the indictment is proven. Here it is appropriate to make a legal reasoning, explaining why the act fits in determined classification of the crime. (d) Indication of the correct court for the trial.

aggravations within the accusation. Since these informants were specialized in femicide and violence against women, they had very specific examples in mind regarding these crimes and how the indictments could be improved. Several OJ informants attributed some of these shortcomings to a misunderstanding of gender-based violence.

Quality of Investigation and Prosecution of SVAC Cases

With the PNC, informants who had reviewed their investigative reports said that DIDS had improved the information gathered in those reports and therefore the quality of evidence gathered. These judicial officials saw that DIDS investigators were more thorough with their investigations, and, as a result, more apprehension orders had been issued.

Eighty-two percent of CJS officials thought that DIDS had improved its ability to investigate cases of SVAC and 100% of MP informants trusted DIDS agents' abilities to investigate SVAC cases. NGO/CBO informants perceived DIDS had improved their investigation skills and had increased the workforce of investigators. In spite of DIDS' limited budget, many informants thought there was a greater chance that cases would conclude with a conviction, as compared with five years previous. Finally, informants from DIDS had a high level of confidence in their department's investigation skills.

On the quality of prosecutions, informants from both the MP and other institutions said that SVAC prosecutors had improved their quality of investigation and prosecution, mainly due to specialization. Of the DIDS officers, 100% of respondents answered that they trusted prosecutors to investigate cases of SVAC. Even though the staff had an overly heavy caseload, key informants believed that their specialization and a supply of additional human resources would continue to improve the processing and quality of SVAC cases in Guatemala City.

Of the cases that reach an initial verdict, the percentage that achieve a conviction versus acquittal offers another indicator of quality. Of the 165 defendants studied in the case file review, the cases of 153 had reached an initial verdict. These verdicts are not necessarily final, as the defendant has the right to appeal. Of these defendants, 73% were convicted and 27% were acquitted. This rate of conviction is slightly lower than the baseline rate (80%). These two statistics are not fully comparable since the baseline study considered only cases that reached a final verdict; however, the conviction rate for the endline study cannot be higher than 73%.

3.3.2. Role of specialized units, offices, and courts

When examining what has most changed in the Guatemalan CJS over the last five years, a major theme that emerged was the impact that specialized units and offices have had on the professionalism of CJS officials and quality of cases. According to the key informants from all sectors, the creation of these specialized entities and the trained and equipped specialized officials that staff these offices/units impacted many facets of CJS performance from victim-centered approaches to quality of investigations and prosecutions, which could ultimately impact how well cases move through the system and how confident users feel in the ability of the CJS.

Specialized Sex Crimes Investigative Unit of the National Police (DIDS)

Informants from the Public Ministry (MP) commonly stated that DIDS' greatest strength was its specialized role and other training they have received. As a result, the officials had greater sensitivity toward victim care and protection. Informants cited the higher population of female officers in DIDS as a factor that improved victim-sensitive treatment and the ability of the investigators to sympathize with the victim. Within the National Police, DIDS had a good image and reputation, but externally, NGO/CBO workers and officials from the Judicial Branch, who did not know or work directly with DIDS investigators, saw them as the rest of PNC agents, which was a more negative and distrustful perspective. DIDS officials noted that one of the two main strengths for their unit(s) was that investigators had acquired more experience in real, specialized cases, which allowed them to interact professionally with the Public Ministry (MP).

Few key informants from the OJ had opinions about the role of DIDS or their coordination with the MP because they did not directly interact at any stage of the criminal process. Those who had reviewed investigative reports from DIDS said that they had improved the information gathered in those reports and the quality of evidence gathered. These judicial officials thought that DIDS investigators were more thorough with their investigations, and, as a result, more apprehension orders had been issued. Further, OJ officials agreed that the specialized nature of the investigation unit of the police (DIDS), the specialized criminal prosecution, and trial proceedings were the greatest strengths of the CJS.

Implementation of the Prosecutor's Office for Child Victims of the Public Ministry in Guatemala City

One of the other strengths of the CJS identified by key informants was the creation of the Prosecutor's Office for Child and Adolescent Victims (FDN) in Guatemala City jurisdiction and the extension of authority for trial judges of Femicide and Violence Against Women to SVAC, providing additional specialization to this office.

Officials from MP and DIDS in Guatemala City agreed that the FDN, overall, had been an improvement and moved SVAC cases forward. The specialized role of the office was one of the most common responses from all informants with regard to how the MP had better addressed cases of SVAC. Even though the staff had an overly heavy caseload at endline, key informants thought that the specialization and a supply of additional human resources should continue to improve the processing and quality of SVAC cases in Guatemala City. Further, the key informants commonly attributed the establishment of the FDN as an essential factor in the increase in arrests over the last five years.

Most key informants from the OJ had not yet perceived an improvement or impact from the creation of the FDN as a specialized office. They thought this was a positive change overall because "the procedures are completely different" from the ones of adults, and this specialization would allow prosecutors and judicial officials to address SVAC cases specifically. Judicial officials cited the need for prosecutors in this office to focus on learning about how the criminal prosecution process for SVAC is different from violence against women and other gender-based crimes.

Within the OJ, all informants had specialized knowledge in violence against women and sexual violence and had recently acquired authority to hear SVAC cases. These key informants noted that specialized knowledge "made a difference" in their judgeship, but

that specialization was not sufficient on its own; it was also important to actually implement that knowledge. For example, one judge noted that “my work team is a team with ethic, love for justice, and we love to academically prepare. We know that the better we prepare, the more capacity we’ll have to solve any case.”

3.4. Victim Demographics and Trust in the Criminal Justice System

KEY MESSAGES

- Victims filed more complaints of sexual violence to the Guatemalan Criminal Justice System compared with the previous five-year period.
 - There was a 56% increase in the number of complaints filed when comparing baseline with endline.
 - 87% of key informants thought that the number of SVAC reports had increased in the last five years and attributed it to a more prevalent reporting culture and available information for victims and their families.
- At endline, the majority of cases with an age recorded were cases with minor victims (69.5%), which was a shift from baseline when the majority (55.1%) were adult victims.
- Criminal justice system officials and NGO stakeholders perceived that victims and other CJS users had a mixed level of trust in the Guatemalan CJS, dependent on the specific case and government institution.

Key message comments

3.4.1. Sexual violence reporting and victim demographics

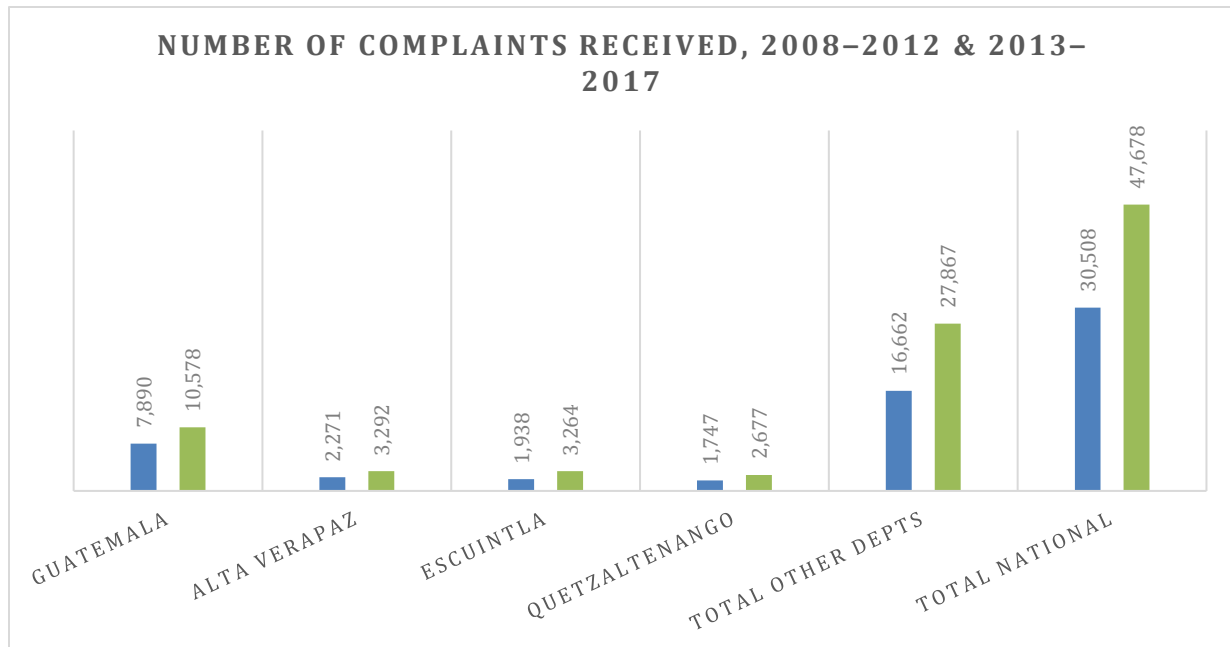
Sexual Violence Reporting

The complaint is a report by the victim or any other individual informing the Public Ministry or the police about the possible perpetration of a crime. At a national level in Guatemala, between 2013 and 2017, 47,678 complaints of sexual violence were filed. This represents a 56% increase compared with the baseline time period (2008–2012), when 30,508 complaints were filed.²² IJM’s three project areas of the provinces of Guatemala, Quetzaltenango, and Alta Verapaz each showed increases in the number of complaints of sexual violence received by the CJS, though by a lower percent than the national average. Reports in Guatemala increased by 34%, Quetzaltenango by 45%, and Alta Verapaz by 53%. Chart 14 below provides additional details on the number of complaints filed in these

²² The baseline report stated that there were more than 36,166 reports of sexual violence. Until the development of SIADS, after the baseline study, SICOMP reported only a fraction of cases that did not have any victim or suspect registered. SIADS provided awareness of that issue and contributed to the improvement in data quality, validity, and consistency. As a result, SIADS validations resulted in a reduced number of valid cases. Moreover, previous reports failed to consistently report the same prosecutor’s offices, same sexual crimes, and same provinces/municipalities, which was a limitation of those years’ statistics.

three provinces, as well as the province of Escuintla, which is a province where IJM’s work has recently expanded.

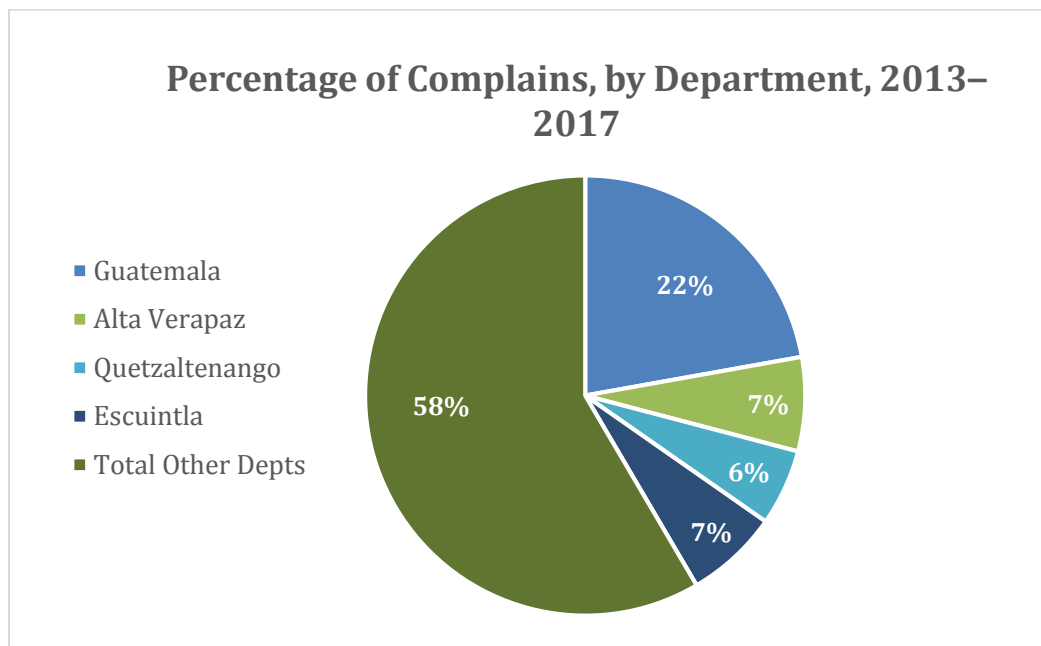
Chart 14. Complaints Received by the MP in the Provinces of Guatemala, Alta Verapaz, Quetzaltenango, Escuintla, All Other Provinces, and All Guatemala, 2008–2012 and 2013–2017



Source: SICOMP nationwide data, sexual assault crimes, 2008–2012 and 2013–2017. Last updated April 25, 2013 (baseline) and February 9, 2018 (endline).

Chart 15 below shows the distribution of complaints between the four key provinces. Similar to at baseline (25.9%), the province of Guatemala continues to receive about one-quarter of the total number of complaints. Further, Guatemala, Alta Verapaz, and Escuintla received the highest volume of complaints of all provinces, in that order. Quetzaltenango had the sixth highest number of complaints because the non-project provinces of Petén and Huehuetenango had a higher number of complaints.

Chart 15: Percentage of Total Complaints Received by the Provinces of Guatemala, Alta Verapaz, Quetzaltenango, and All Other Provinces, 2013–2017



Source: SICOMP nationwide data, sexual assault crimes, 2013–2017. Last updated February 9, 2018.

The average national report rate for all crimes of sexual violence in 2017 was 65.5 victims for every 100,000 people, compared with 54.8 victims for every 100,000 people in 2012.²³ In the province of Guatemala, the rate of victim's report was 77.5 for every 100,000 (compared with 79.4 in 2012), 70.3 in Alta Verapaz (compared with 53.2 in 2012), and 71.5 in Quetzaltenango (compared with 56.0 in 2012). The rate of reporting on a national average grew faster than the population growth of Guatemala.²⁴ Other data sources, such as key informant interviews and anecdotal evidence from CJS partners, indicated that the increase was likely due to an overall increase in reporting and was not connected to an increased prevalence of the crime.

When asked about the trend in reporting, 87% of CJS officials thought that the number of reports of SVAC had increased in the last five years. According to those officials, the increase in reporting had a strong relation to a more prevalent reporting culture; people had greater access to information and increased knowledge of sexual violence as a crime and where to file the report. This information had been spread through campaigns, publications, workshops, television, and apps in the previous several years as part of the activities of community-based/non-governmental organizations. Some informants, however, said that there still existed a hesitancy to report SVAC crimes because doing so could “break the family structure, the comfort of adults, or relationships” (NGO leader) so

²³ According to the Guatemalan National Institute of Statistics (*Instituto Nacional de Estadísticas*) population growth of Guatemala between 2012 and 2017 was 12.3% (from 15,073,375 to 16,924,190).

²⁴ According to the Guatemalan National Institute of Statistics (*Instituto Nacional de Estadísticas*) population growth in the province of Guatemala between 2012 and 2017 was 7.4% (from 3,207,587 to 3,445,320), in Alta Verapaz was 16.1% (from 1,147,593 to 1,332,331), and in Quetzaltenango was 11.7% (from 807,571 to 901,770).

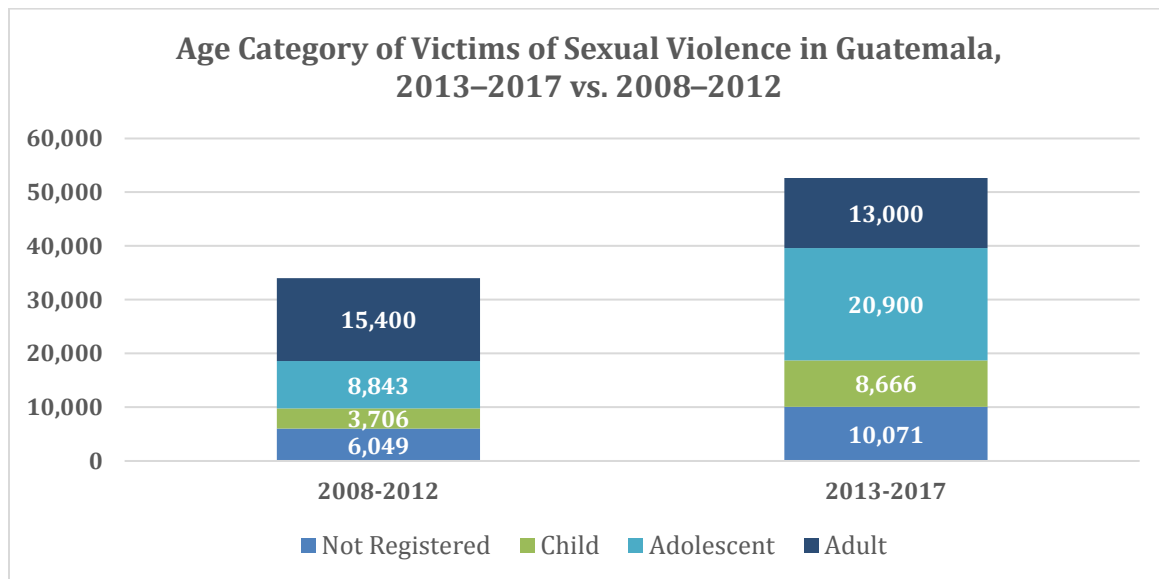
those crimes were under-reported. Further, Judicial Branch informants connect increased reporting in Guatemala City with the creation of the FDN because it had improved access for victims.

Victim Demographics

According to the SICOMP database, between 2013 and 2017, there were 52,637 reported victims of sexual violence at a national level, an increase of 55% from the 33,998 victims during the baseline period.²⁵ This number was higher than the number of sexual assault complaints because a single complaint could involve more than one victim.

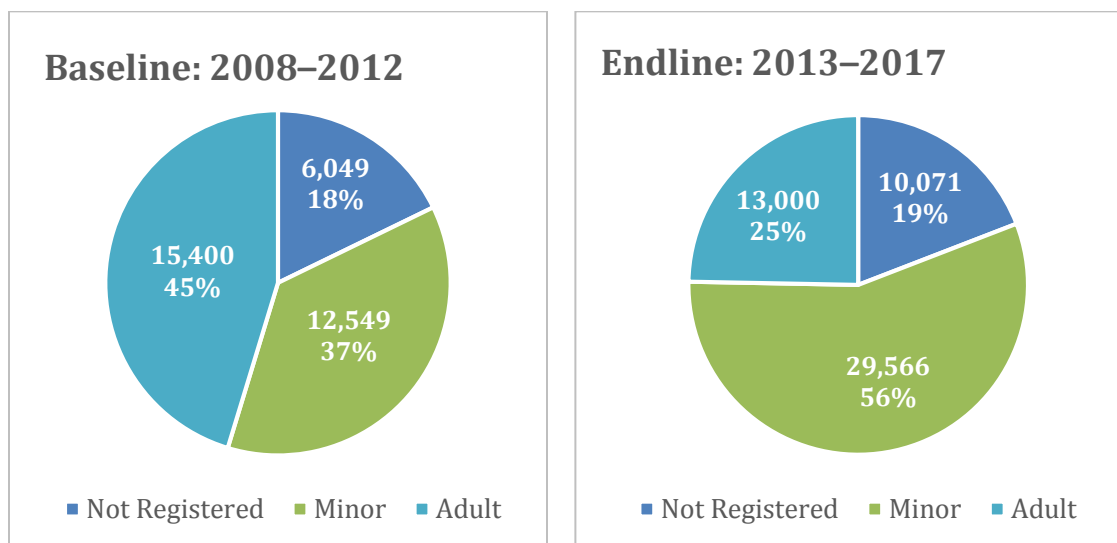
From baseline to endline, there was a shift from a majority of adult victims to a majority of minor victims in cases of sexual violence. Of the victims for which age was recorded, a higher percentage were recorded as minors at endline (69.5%) in comparison with baseline (44.9%), and a decreased percentage were adults at endline (30.5%) versus baseline (55.1%). Of all victims, 19.1% did not have a valid or recorded age in the database (17.8% at baseline). This data also signified that the majority of the increase in complaints came from child victims.

Chart 16: Number of Adults vs. Child Victims of Sexual Violence, 2008–2012 vs. 2013–2017



²⁵ The baseline report stated that there were more than 61,082 victims of sexual violence. Until the development of SIADS, after the baseline study, SICOMP reported only a fraction of cases that did not have any victim or suspect registered. SIADS provided awareness of that issue and contributed to the improvement in data quality, validity, and consistency. As a result, SIADS validations resulted in a reduced number of valid cases. Moreover, previous reports failed to consistently report the same prosecutor's offices, same sexual crimes, and same provinces/municipalities, which was a limitation of those years' statistics.

Chart 17 and 18: Percentage of Victims According to Age Category, 2008–2012 and 2013–2017



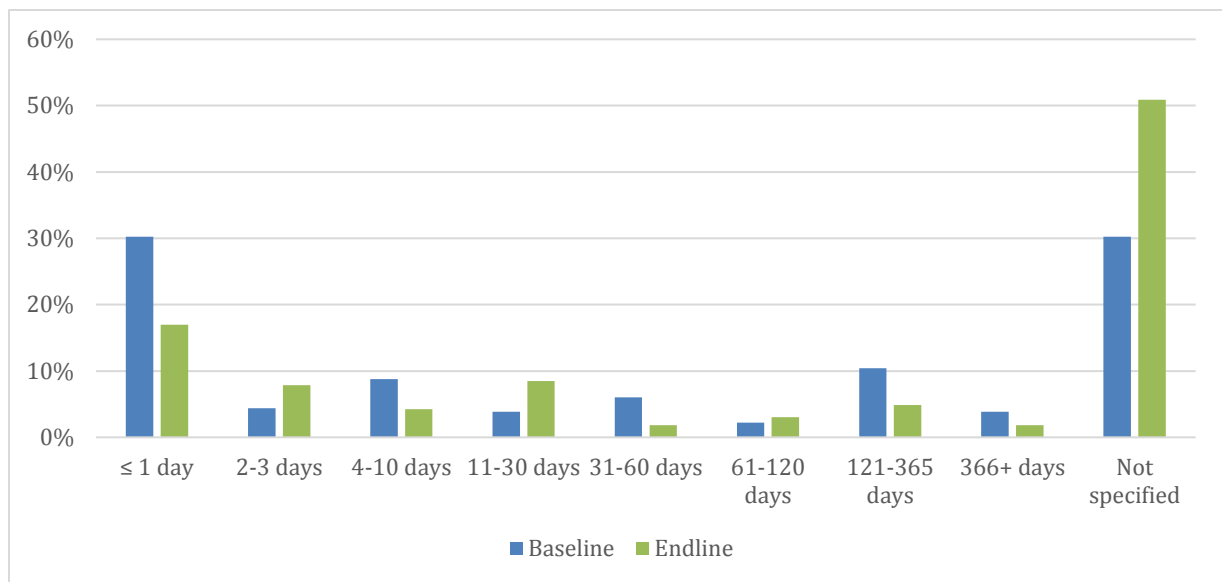
Of the 29,566 minor victims of sexual crimes registered for the five-year time period, 91% were girls and 9% were boys, and in 0.4% of cases the gender was not registered in the case data. In comparison with the baseline, an increase could be seen in the number of female minor victims of sexual violence versus male victims.

3.4.2. Stakeholder perception of victim trust in the CJS

Time between Abuse and Formal Complaint

At endline, victims tended to wait a little longer to report crimes of sexual violence than they did at baseline. Of the cases with complete information in the CFR at the endline, the number of days between the date of abuse and the complaint ranged from zero to 1,895 days, with a median of three days. Thirty-five percent of cases with complete information were reported within the first 24 hours; 9% were reported within 24–48 hours; and 7% were reported within 48–72 hours. In 49% of cases, more than 72 hours passed between the abuse and the complaint. By contrast, at baseline, there was less time between abuse and complaint, with 33.9% of complaints filed less than one day after the abuse occurred, and 50% filed more than 72 hours after. Chart 19 shows additional details of how the time between abuse and complaint compared between baseline and endline. The differences in time from abuse to complaint reporting between baseline and endline was not large.

Chart 19: Time between Abuse and Formal Complaint



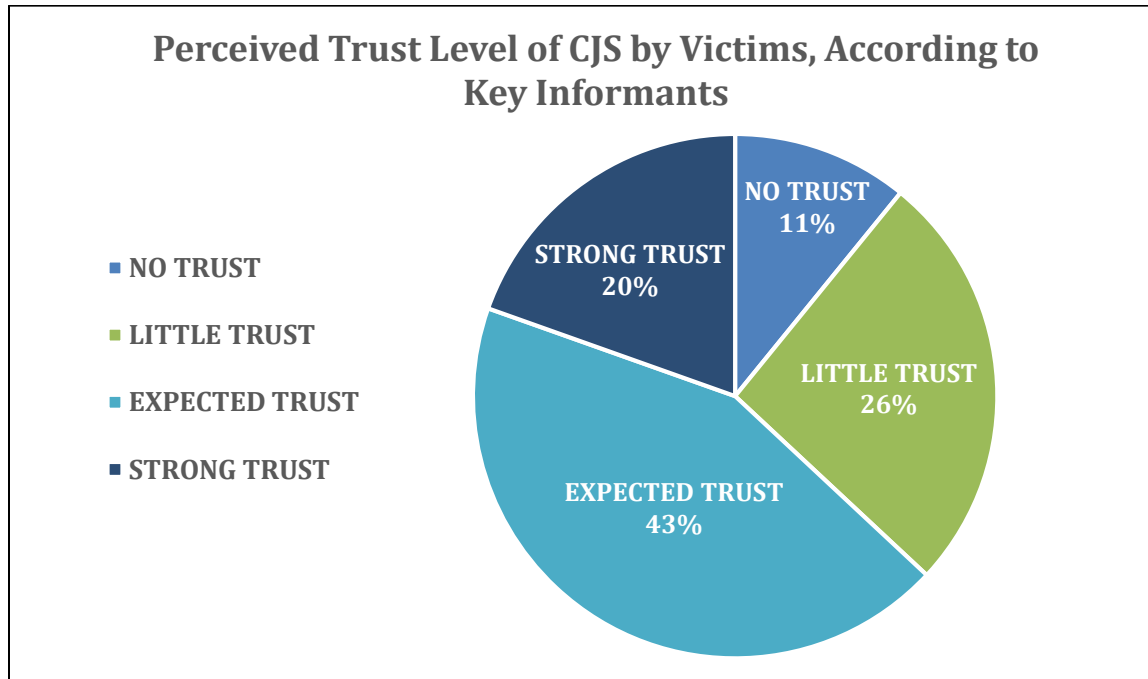
Source: Baseline: Sample of 182 legal files of sexual assault crimes, 2008–2010. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz. Endline: Sample of 158 case files of minor sexual assault crimes, Jul 2016–Jun 2017. Provinces of Guatemala, Quetzaltenango, and Alta Verapaz.

An interesting finding from this data showed that in this sample of 158 cases, the date of abuse and/or the date of complaint were missing from 51% of case files. These may be cases in which the date of the complaint was not registered, the perpetrator was caught in the act so the victim never had to file a complaint, or the exact date of abuse was unknown by the victim.

Level of Trust in the Criminal Justice System by Victims and Other Users

Key Informant Perception of Trust

Chart 20: Percentage of Key Informants According to Their Perception of Level of Victim Trust in the CJS



Source: Response data from 24 Key Informant Interviews, Guatemala City, Quetzaltenango, and Alta Verapaz, September–November 2017

As seen in Chart 20 above, the majority of key informants (63%) said that victims had trust or strong trust in the CJS, while 37% of key informants thought that victims had little to no trust in the CJS. Although the baseline KII interview guide asked key informants about their perception of victim/plaintiff trust in the CJS, the baseline study did not report on those findings. However, the overall sense of trust in the CJS system according to key informants at baseline was low, with a majority expressing a distrust in the system.

Table 7 below gives additional details on key informant responses according to role or government institution.

Table 7: Disaggregation of Key Informant Response to Perceived Level of Trust of CJS by Victims/Users

Respondent Institution/Role	MP	PNC	OJ	PGN	NGO/CBO	TOTAL BY RESPONSE
Level of Trust*						
No Trust	0 (0%)	1 (10%)	0 (0%)	1 (17%)	3 (21%)	5 (11%)
Little Trust	0 (0%)	1 (10%)	2 (33%)	0 (0%)	9 (64%)	12 (26%)
Expected Trust	5 (50%)	4 (40%)	4 (67%)	5 (83%)	2 (14%)	20 (43%)
Strong Trust	5 (50%)	4 (40%)	0 (0%)	0 (0%)	0 (0%)	9 (20%)
No Answer	3 (23%)	0 (0%)	2 (40%)	0 (0%)	3 (18%)	8 (15%)

* Percentage respondents for *No Trust*, *Little Trust*, *Expected Trust*, and *Strong Trust* are calculated based on the number of respondents to the question (46). Percentage of respondents with *No Answer* is calculated out of the total number of key informants (54).

Source: Response data from 54 Key Informant Interviews, Guatemala City, Quetzaltenango, and Alta Verapaz, September–November 2018.

In general, CJS officials were more positive about the level of trust of victims than NGO informants were. MP prosecutors said the institutions had improved, but victims did not know about the trial process and became exhausted; they did not feel as though the system was fully credible. Judges perceived discontent from the victims when the verdicts were absolatory and thought that victims did not know how the legal process unfolded and how decisions were made. Often results were contrary to their expectations.

According to investigators from DIDS, the victim’s level of trust depended on the expectation of the victim on how quickly the system responds; often, victims wanted the perpetrator to be arrested immediately after the complaint. Officials from the PGN had accompanied many victims through the whole trial process, and they connected trust with timeliness—if the investigation was slow, then trust decreased and vice versa. One PGN official stated that some victims were convinced by their families to abandon the legal case because they felt it was not moving fast enough and victims did not receive sufficient attention and care.

Similarly, NGO informants said that the victims and their families wanted to see the case to its conclusion, but the CJS was slow, and their level of trust often depended on accompaniment or follow up, which was often not available or consistent. NGO informants also said they had seen cases where parents stopped victims from filing a complaint because of the long process and overall fatigue with the CJS.

Key informants from both the NGO and MP sectors had the perception that victims were not informed of the whole criminal prosecution process, which in turn affected their level of trust in the CJS. Victims neither knew how the entire criminal process worked nor understood the commitment required and the possible risks involved in carrying a case through the system. Even though there was more public information at endline than baseline about what could and should be reported as well as where to go with that complaint, other important details about the trial process (e.g., pretrial detention for the suspect, court appearances, and other tests involved) were still unclear to survivors and their families.

NGO/Community-Based Organization Trust in the CJS

Users of the CJS, from CBOs/NGOs and other governmental agencies in general, trusted that the system would provide a response based on their assigned functions; they knew cases that had been completed and the overall improvement of abilities and procedures in the CJS. Their main concerns lay in the victim’s experience during the criminal prosecution and the vulnerability and stigma the victim experienced during and after the investigation phase, especially if the perpetrator came from the victim’s environment. One informant from a community-based organization said that “*victims [were] still at risk of being victims again because they [didn’t] have the mechanisms that [would] allow them and their families to protect themselves from a new violent situation.*”

There were several factors that negatively impacted the level of trust in the CJS for users. First, the time it took to complete a case was still long at endline, even though having a

joint plaintiff, like IJM, in the case made the process go faster. Second, weak investigations resulted in accusations with insufficient proof or unclear explanation, preventing the case from reaching a verdict on properly formulated charges. Third, there was an overall distrust of prosecutors due to corruption in cases of other crime types. Finally, there were still some officials who lacked sensitivity toward victims.

There was also criticism toward the CJS for not giving importance to the social consequences of violence and speaking out. One informant expressed, *“One of the main damages these children suffer is stigmatization of being a sexual abuse victim. [...] They should guarantee these kind of actions, adequate therapeutic processes, but not even the Health Ministry does it. No one does it; that’s the main issue.”* He continued by narrating a case where a victim’s community rejected her and her family for reporting the crime. An NGO/CBO informant compared the CJS to a “machine” that saw victims as elements of a criminal case and not as human beings; consequently, they lacked a dignified approach to restoration, meaning restoration of the victims’ rights to their rightful status, overcoming their trauma, and having the tools to be resilient.

Charts 21, 22, and 23 below provide additional details to the key finding that NGO/CBO trust in the CJS was mixed, both in the endline level of trust and how that trust has changed since baseline. The vast majority (93%) of NGO informants trusted the CJS response to SVAC, but less than half (46%) stated that their trust had improved over the past five years. By contrast, these same informants perceived that victims’ trust in the CJS was much lower, with 86% of informants stating that victims had little to no trust in the CJS.

Chart 21: NGO/CBO Level of Trust in CJS Level of Trust in Response to SVAC

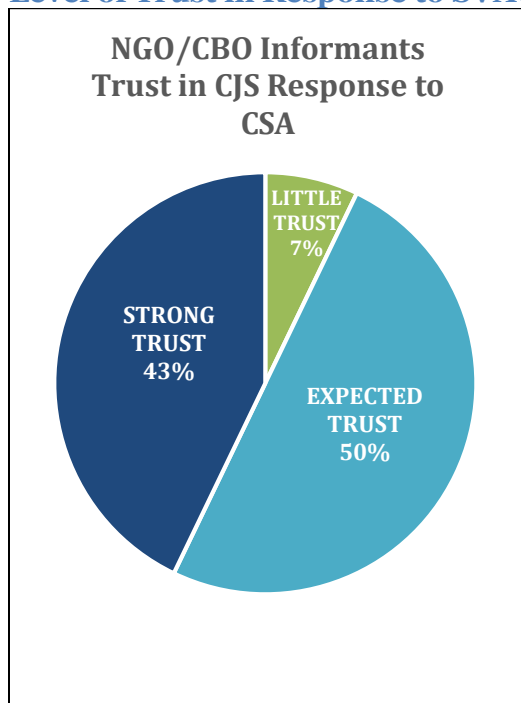
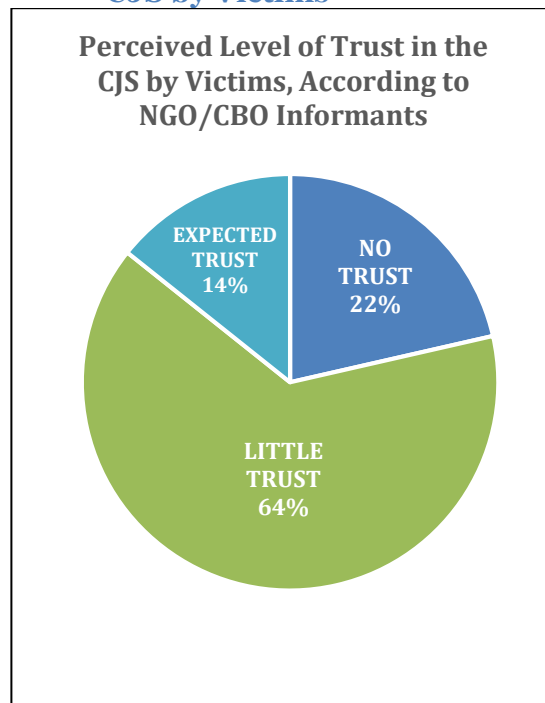
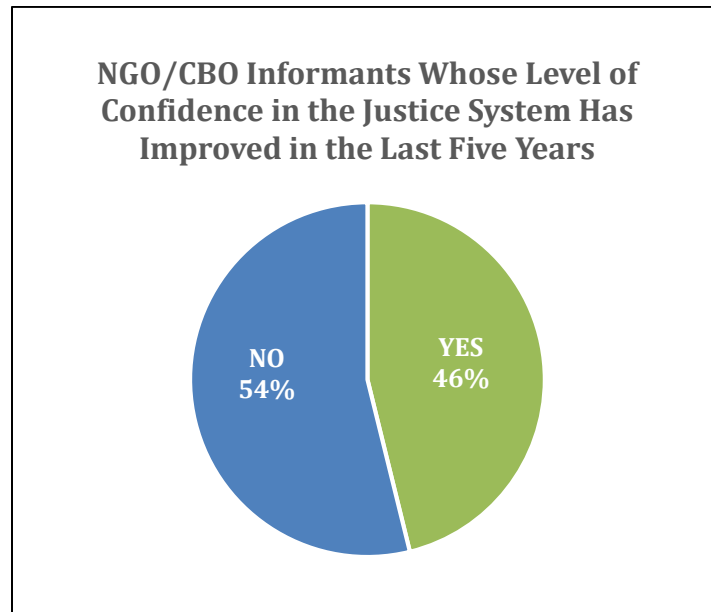


Chart 22: NGO/CBO Perceived CJS by Victims



Source: Response data from 54 Key Informant Interviews, Guatemala City, Quetzaltenango, and Alta Verapaz, September–November 2018.

Chart 23: NGO/CBO Increased Level of Trust in CJS in Last Five Years



Source: Response data from 54 Key Informant Interviews, Guatemala City, Quetzaltenango, and Alta Verapaz, September–November 2018.

By institution, NGO/CBO informants had the lowest level of trust in the OJ, primarily because they saw that cases in which they were involved took too long to get through the trial process and that the best interest of the child or children was not always given sufficient weight in the judge’s sentencing determination.

With the National Police, DIDS investigators who had received training about sexual violence were perceived as more sensitive. They had a reputation as investigators that handled evidence better, but informants perceived their abilities were underestimated by MP and OJ. However, trust in the PNC was low overall because the NGO/CBO informants thought about their trust in the police force as a whole, who they interacted with in everyday life and in the CJS, rather than just the specialized DIDS officers. From their perspective, the police force in general had not improved its performance, and the NGO/CBO informants perceived that they were not sensitive to child victims. Many (some or the majority of) informants believed that police officers were harsh and explicitly judgmental when they interrogated the victims, making them feel guilty.

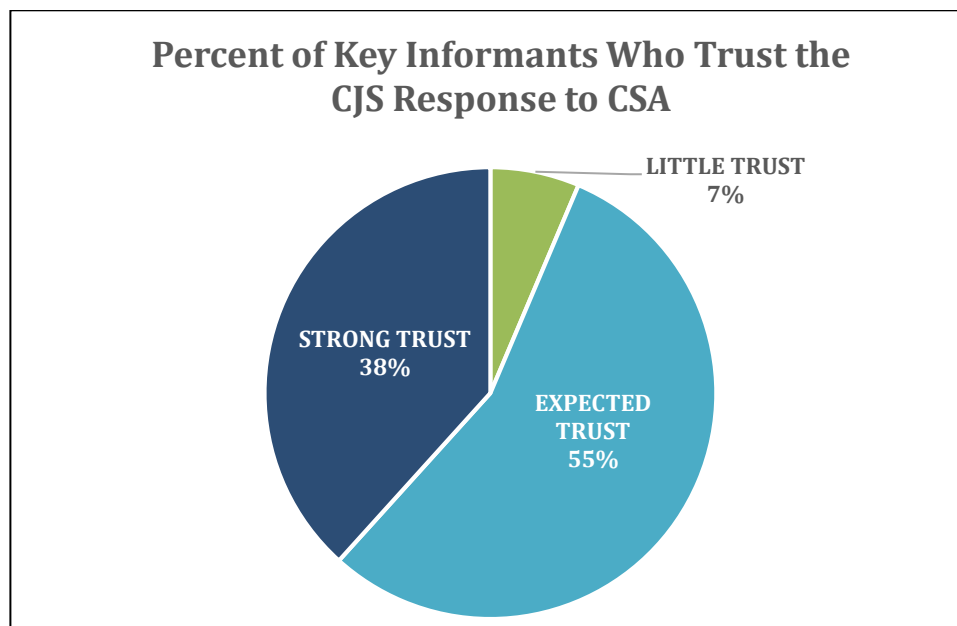
The level of trust by NGO/CBO informants in the MP had improved over time. They thought that prosecutors were more specialized for SVAC cases. The informants cited the ways in which officials from the MP distinguished proof in their accusation and presented the evidence to the judge. Furthermore, it was clear to CBO/NGO informants that Guatemala City had more efficient CJS processes than the other provinces of the country in general.

Level of Trust by All Key Informants in the CJS

Ninety-three percent of all key informants reported trust in the CJS response to SVAC. However, CJS officials trusted the system because they were a part of their own institutions and worked directly with other institutions. CJS officials had seen successful

cases where justice was served. They knew the staff had a commitment to justice, as well as the ability and sensitivity to care for victims and investigate complaints. Informants cited the coordination between the investigation teams, especially when there was the need for evidence and information of the perpetrator.

Chart 24: Level of Trust in CJS Response to SVAC by Key Informants



In contrast with the interviews conducted with key informants at baseline, overall trust had improved. At baseline, 41% had no trust or little trust in the CJS response to SVAC, versus 6% at endline. At endline, 94% of key informants said they had expected or strong levels of trust, as compared with 59% at baseline. Table 8 below gives additional details on level of trust by role/institution, but each category had 84% of informants or above who indicated either expected or strong trust in the CJS response to SVAC.

Table 8: Percent of Key Informants Who Trust the CJS Response to SVAC

	MP		PNC		OJ		PGN		NGO/CBO		TOTAL	
	#	%	#	%	#	%	#	%	#	%	#	%
NO TRUST	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
LITTLE TRUST	0	0%	1	10%	1	17%	0	0%	1	7%	3	6%
EXPECTED TRUST	5	45%	7	70%	1	17%	6	100%	7	50%	26	55%
STRONG TRUST	6	55%	2	20%	4	67%	0	0%	6	43%	18	38%
TOTAL	11		10		6		6		14		47	

Other informants trusted the CJS because it was directly connected to their performance. As one PGN official said, “As the state, as a person, as a professional, and as a public official, I have an expected level of trust in the system. Why? Because we are the system and if I mistrust in the system, I would start disbelieving the work that we’re doing.”

These same officials highlighted factors of mistrust in the CJS including case delays, cases where the behavior or methods of other officials had been incorrect or insensitive, means of proof that were not well presented, or investigations that took too long. Some informants said they saw victim trust as an indicator of performance or professionalism and lost trust if they saw the CJS or trial process rejected by the victim.

3.5. Other Findings

KEY MESSAGES

- The majority (71%) of key informants perceived that prevalence of child sexual assault had either remained the same or increased over the previous five years.
- According to key informants, differences in the resources and services available between departments impacted the progression of cases and quality of victim-centered services.
- 87% of MP/DIDS informants thought coordination between the two institutions had improved.
- Overall positive trust in the CJS by key informants had improved. At endline, 94% of key informants said they had expected or strong levels of trust, as compared to 59% at baseline.

3.5.1. Prevalence of SVAC

Of the CJS officials interviewed, 71% stated that they thought the prevalence of SVAC had increased or remained the same in the previous five years, 23% preferred not to answer the question, and 6% of officials thought prevalence had decreased. Of those that perceived that prevalence of SVAC remained the same or increased, they cited the deterioration of society, poverty, alcoholism, drugs, and patriarchy as factors influencing prevalence. Also, they cited the overall increase in prevalence proportional to population growth as a possible factor. When asked about prevalence, many informants tried to respond based on number of reports, but, with additional clarification, reported their perception on the prevalence of the crime. However, many cited the lack of data on this crime and saw reporting numbers as a proxy indicator.

3.5.2. Provincial differences

The study included the three provinces of IJM's project area: Guatemala, Quetzaltenango, and Alta Verapaz. The study asked about perceived differences between jurisdictions regarding performance of the CJS. Based on responses by the key informants, these provincial differences between Guatemala City and Quetzaltenango/Alta Verapaz resulted in the following impact on CJS performance:

- Quetzaltenango and Alta Verapaz did not have a specialized prosecutor's office for crimes against children (*Fiscalía de la Niñez—FDN*) that was separate from the more general Office for Crimes Against Women and Children (*Fiscalía de la Mujer—FDM*).

- Quetzaltenango and Alta Verapaz had fewer staff overall and even fewer who had received training on sexual violence and victim sensitivity.
- In Quetzaltenango and Alta Verapaz, there were transportation difficulties to the other CJS institutions but also to crime scenes and other relevant locations for investigations.
- Quetzaltenango and Alta Verapaz had fewer tools for victim-friendly reception of testimony. Quetzaltenango had two Gesell Chambers. Alta Verapaz had one closed circuit system, but according to those interviewed, was not commonly used by the judge.
- Guatemala City had a more diverse population, with a majority mestizo population, and Quetzaltenango and Alta Verapaz had a majority Mayan population²⁶.
- More victims in Quetzaltenango and Alta Verapaz spoke a Mayan language, and the CJS had no translators for *all* Mayan languages.
- The lack of specialized courts and prosecutors in Quetzaltenango and Alta Verapaz meant that SVAC cases were heard by courts that were not as trained or sensitized specifically in SVAC.
- Guatemala City had better communication within and across CJS institutions.

Table 9: Comparative Table of Provincial Differences of CJS Performance Between Guatemala City, Quetzaltenango, and Alta Verapaz

Characteristic	Quetzaltenango	Alta Verapaz	Guatemala City
Size	754 mi ²	3,354 mi ²	267.2 mi ²
Staff	Child protection specialized researchers, and sexual violence specialized courts and prosecutors	Child protection specialized researchers, and sexual violence specialized courts and prosecutors	Child protection specialized researchers and prosecutors, and sexual violence specialized courts
Infrastructure	Long distances between DIDS, MP, OJ, INACIF, and PGN and where the crime(s) occur(s)	Long distances between DIDS, MP, OJ, INACIF, and PGN	One building for MAI, First Instance Courts; farthest institutions are PGN and Sentence Courts
Scope	Inaccuracy and remoteness between municipalities where the crime was committed	Remoteness between municipalities where the crime was committed	Victims who file a complaint of a crime committed outside the city
Resource	DIDS has two vehicles, limited office supplies to use on investigations	DIDS has one vehicle for all staff, no office supplies to use on investigations	DIDS does not have enough transportation, no office supplies to use on investigations
	Gesell Chamber in MP and court building	No Gesell Chamber, only CCTV in MP; Gesell Chamber in OJ is not used	Gesell Chamber in MP and OJ
Process	Limited communication between MP and DIDS	Limited communication between MP and DIDS	Constant communication between MP and DIDS
Access to justice	Victims use Mayan languages, have cultural	Victims use Mayan languages, have cultural	Victims usually speak Spanish, but it is harder to

²⁶ The diversity in population has implications for adequate service provision (such as resources in local languages and interpreters), and cultural and traditional differences may impact the incidence of reporting or desire to continue with a criminal case, as well as additional economic barriers.

	practices that do not involve the state	practices that do not involve the state	get translators for Mayan and sign languages
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3.5.3. Perception of CJS performance

Interinstitutional Coordination on Cases of SVAC

Of the CJS officials from DIDS and the MP in all three provinces who had responsibility for the investigation stage, 87% thought coordination between the two institutions had improved. Key informants considered the relationship and cooperation between institutions to be fundamental for developing strong criminal prosecution and supporting the victims. These officials thought that the MAI had an important role in their coordination capacity. The implementation of the model had given the MP lessons to incorporate in the new models. There still were certain needs that the MAI did not address, such as interpreters, shelter, transportation, and other resources.

Table 10: Percent of CJS Officials Who Think Coordination Between the MP and PNC has Improved Over the Last Five Years

Response	MP	PNC	OJ	Total
YES	100%	90%	33%	87%
NO	0%	10%	67%	13%

Most CJS officials in Guatemala City thought that they were compliant with the interinstitutional protocols they had developed and were certain that jurisdictions other than the capital city were still weak in this area. Rotating investigators and prosecutors in the MAI, judges, and INACIF staff in the same building had helped to comply with protocols.

The question about coordination between the CJS and other Guatemala institutions was focused on social services provided by the government; however, besides from health providers, there was no other governmental institution that coordinated with the CJS. Legal advice, psychological counseling, and housing were some services given by non-governmental organizations that may or may not have been funded by the Guatemalan government. The most efficient moment of coordination between these institutions, according to the information from the interviews, was at the moment of complaint presented by a public health service or public education establishment. Other than that, informants from both the CJS officials and CJS users perceived from each other a lack of genuine interest to help the victim.

The PGN served as joint plaintiff for children and adolescents during the criminal process if there was no legal guardian or if the guardian was the perpetrator. However, the informants of the PGN recognized that they were forced to prioritize certain cases because they were short on staff and could not cover all cases. The PGN was the institution that should have formally coordinated housing with the Social Services from the Presidency of the Republic (*Secretaria de Bienestar Social*—SBS), and this institution should later coordinate the rest of services provided by public institutions. The CJS in general did not coordinate or follow up all cases. An informant within the MP said this kind of initiative of seeking services for the victim was very individual and was often a role filled by a non-

governmental organization. For example, a deaf victim needed a translator, and she called the Guatemalan Deaf Association that provided translation via a video call.

The OJ had its own care model for victims called Holistic Attention System (SAI). There were two psychologists and two social workers. SAI did not coordinate with MAI from MP as that was not part of their protocol. SAI appears later in the criminal prosecution process. SAI coordinated sometimes with the referral network but according to a judge, they gave poor services. According to NGO informants, there was no coordination in the referral network at the national level due to lack of staff or outdated directories. Sometimes the MP was not aware when organizations stopped providing services, so they referred the victim to an organization or service that no longer existed.

3.6. Conclusions

This study finds that the Guatemalan CJS response to cases of SVAC has improved in many ways over the last five years, but there are still some critical issues that need to be addressed. There was a 56% increase in the number of SVAC complaints filed between baseline and endline, and many key informants attributed this increase to improved access to information on how and what crimes to report, as well as to a culture that was more conducive to reporting. However, the majority of key informants also perceived that the prevalence of sexual violence against children had either remained the same or increased, which could have also led to the increased rate of reporting. Despite increased reporting, CJS officials and NGO stakeholders perceived that victims and other CJS users had mixed levels of trust in the Guatemalan CJS, dependent on the specific case and government institution.

Examining CJS casework, there were some substantial gains in the total volume of cases being advanced through the system (arrests made, indictments filed, and verdicts rendered), but because reporting also increased, there was little change in the percent of cases reaching arrests, indictments, or verdicts. There was also minimal change in the speed at which cases progress. Key informants reported that backlogs inherited by the specialized courts were the primary reason for case delays. However, the increased use of victim-sensitive approaches when taking victim statements and testimony protected many survivors from the stress of giving testimony in court. At the same time, the quality of investigations and prosecutions improved, and a higher number of SVAC cases ended in conviction of the perpetrator. Key informants felt that specialization of the police, prosecution, and courts contributed strongly to these positive outcomes. Coordination and trust between CJS actors also improved substantially during the project period. However, there was still room for improvement in the use of victim-centered approaches, especially in terms of the number of times and people to whom victims are asked to share their testimony and the way victims and their families are protected during the legal process.

Overall, this study finds that great strides have been made to improve the CJS response to cases of SVAC over the last five years but that there are still steps to be taken to improve the functioning of the CJS.

3.7. Lessons Learned and Recommendations for Further Research

This study suffered from some minor limitations, which could be improved upon in future studies of CJS performance. In the key informant interviews, there was a higher rate of non-response for politically sensitive questions, such as those about interviewees' trust in other CJS actors. This is a natural response—when asked sensitive questions, such as those about their level of confidence or trust in other CJS actors, people often become uncomfortable and are more likely to refuse to answer or to give a false answer that they believe is more desirable. In future studies, it may be helpful to use a different mode of data collection for such questions. For example, a researcher could hand an interviewee an electronic tablet with an anonymous online survey and ask them to answer sensitive questions there. They could then follow up with more neutral, open-ended questions about the same topic (e.g., “What strengths and challenges have you experienced in working with _____?”) to gather more contextual data around the responses.

In the CFR, there were some concerns about comparability between the baseline and endline data due to the different case inclusion criteria used between the two studies and the lack of information about how the baseline study analysts dealt with missing data. In future baseline/endline studies, it would be wise to give special consideration to how the baseline data collection methods/analysis may impact the meaningfulness or the timing of the endline data. For example, if baseline data contains multiple years' worth of data, then either the endline study will cover multiple years of program activity and, thus, not truly assess the state of CJS performance *after* the program, or the endline study will need to be delayed by multiple years so that it does truly assess the state of CJS performance after the program. Furthermore, baseline researchers must keep detailed notes about the methodology used and challenges experienced, and they should store these in a secure, shared file that endline researchers will be able to find and access.

Additional research is needed to understand what caused the observed changes in the Guatemalan CJS response to SVAC cases and if or how changes in the CJS affected the prevalence of SVAC. Most key informants reported believing that the prevalence of SVAC had remained the same or increased, but many conflated reporting with prevalence, and since this is a hidden crime, no one knows the true prevalence. Finally, it would be useful for future studies to interview members of the general public, SVAC victims or guardians who have gone through the legal process and convicted perpetrators of SVAC to assess their confidence in and perceptions of the Guatemalan CJS.

4. Annexes

4.1. Bibliography

4.1.1. Publications

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4.1.2 International Regulations

- Convention on the Rights of the Child

- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography
- The Optional Protocol of the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts
- The Optional Protocol of the Convention on the Rights of the Child to provide a communications procedure
- Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, adopted by the Economic and Social Council in 2005
- General Comment No. 8 by the Committee on the Rights of the Child: The right of the child to protection from corporal punishment and other cruel or degrading forms punishment (2006)
- General Comment No. 12 by the Committee on the Rights of the Child: The right of the child to be heard (2009)
- General Comment No. 13 by the Committee on the Rights of the Child: The children's rights not to be subjected to violence (2011)
- General comment No. 20 by the Committee on the Rights of the Child: The implementation of the rights of the child during adolescence (2016)
- General comment No. 21 by the Committee on the Rights of the Child: On children in street situations (2017)

4.1.3. National Regulations

- Political Constitution of the Republic of Guatemala (1985)
- Criminal Code and its modifications (1973)
- Criminal Procedural Code and its modifications (1992)
- Law for the Integral Protection of Minors and its modifications (2003)
- Law Against Femicide and Other Forms of Violence Against Women (2008)
- Law against Sexual Assault, Exploitation, and Human Trafficking (2009)

4.2 Institutional Framework of CJS Entities

4.2.1. The Public Ministry (MP)

The Public Ministry (MP) is the public prosecutor's office, an auxiliary entity of the administration of justice that promotes criminal prosecution, leads the investigation of public action crimes, and oversees the fulfilling of the country's laws. This entity is not subordinated to the powers of the state and enjoys autonomy in its financial and budgetary oversight. The chief of the MP is the Republic's attorney general, who is appointed by the president from a list of six candidates proposed by a nomination commission from the Congress.

To fulfill its mission, the MP includes the following entities: (a) the attorney general, (b) regional prosecutors, (c) the district and section prosecutors, (d) public prosecutors, and (e) assistant prosecutors, whose specific attributions are pointed out in its Organic Statute, Art. 2:

- a. To investigate the public action crimes and to promote the criminal prosecution before the courts, according to the powers granted by the Constitution, the Republic's laws, and the International Treaties and Agreements.*

- b. To apply the civil action to the cases contemplated in the law and to advise the individuals who want to file suit for crimes of private action, according to what the Code of Criminal Procedure establishes.*
- c. To lead the police and other security entities of the State in the investigation of criminal acts.*
- d. To preserve the State of Law and the respect of human rights, making everything necessary before the courts of justice.*

Prosecutors, therefore, represent the interest of the state in respect of the defense of the rights of victims, throughout the criminal process, seeking the correct application of the law and preventing impunity. They also seek the restitution of damages to the victim and the right punishment for the perpetrator. The prosecutors lead the investigation of the criminal causes: formulate indictments or the requirement of dismissal, the provisional closure, and archiving of the case before the judge.

In 2010, the Model for Holistic Attention was implemented solely in the Guatemala City Prosecutor's Office, and by 2017 it had expanded to 16 other offices. In the same way, the Prosecutor's Office for Women and Child Victims was strengthened: In 2017, there were 23 offices nationally, as well as a national presence of the Office for Attention to the Victim—OAV.

During the implementation of the program and end line, Thelma Aldana was the attorney general, who continued strengthening the institution and led the prosecution of corrupted public officials. During her period, the Prosecutor's Office of Children and Adolescent Victims was created in June 2016, based on the Convention on the Rights of Children, as part of the Strategic Plan of 2014–2019.

The Holistic Care Model

In 2011, the attorney general approved the Organization and Functions Regulations for the Office for Women's Affairs and organized it in specialized units. These specialized units ensure that victims are provided timely assistance throughout the legal process. Those units have to work hand in hand with the Model for Holistic Attention (MAI) to assist victims of sexual assault and violence against women.

The MAI focuses on optimizing the initial phase of victim assistance and care, as well as the management of the investigation and criminal prosecution within the first 24 hours. This center operates 24 hours a day and was created to provide an immediate response for victims of sexual crimes.

The concept of comprehensive service includes the provision of urgent medical services, handling emotional crisis on arrival or when the victim provides his or her testimony for a complaint, and the joint presence of personnel from the Office for Women's Affairs and psychologists from the Office for Attention to the Victim (OAV). It is an uninterrupted process to guarantee the victim's rights and initiate a strong preparatory phase for criminal prosecution: The statement is taken in the first hours or days after the crime, officers focus on guaranteeing emotional state, protective measures can be requested and granted immediately, and the victim and his or her guardian are accompanied by MP and the Department of Investigation of Sexual Violence.

Lastly, on the day of the complaint, the victim is referred to organizations outside the CJS that can provide shelter, psychosocial therapy, and other services that the CJS does not provide. If the perpetrators of the crime are parents or legal guardians of an underage victim, the national institution that represents the interests of Guatemala as a nation called PGN will investigate and ultimately remove the victim from the family to another relative or a temporary home.

Prosecutor’s Office of Children and Adolescent Victims

The Office to Prosecute Crimes Against Children and Adolescent Victims (FDN) was created by the Council of the Public Ministry²⁷ by Decree No. 18-2016 and started functioning in June 2016 in the province of Guatemala. The main function of the office is to prosecute crimes against children with comprehensive care to children and adolescents, including receiving and managing complaints from minor victims, leading in the investigation procedures, and prioritizing the provision of psychological care to the minor victims.

Besides having a section prosecutor, public prosecutors, and assistant prosecutors, the FDN has psychologists, social workers, administration, analysts, criminal investigation technicians, and officers to assist prosecutors. Prosecutors within the Office of Children and Adolescent Victims are divided into three agencies: the Prosecutor Agency for Sexual Violence, the Prosecutor Agency for Child Abuse, and the Prosecutor Agency of Missing Children.

4.2.2. The Judiciary Branch

The Judiciary Branch (OJ) is one of the three branches of government, independent from the legislative and the executive. Its main function is to judge and promote the execution of judgments through a system of courts. Judges from any category or range can enter the judicial career by appointment of the Supreme Court of Justice. Magistrates (appellate judges) are elected by the Congress in case of the Supreme Court and Magistrates of the Courts of Appeals, but the short list is created by the deans of all the law faculties in the country, representatives from the Attorneys’ Professional Association and other officials from the CSJ, and then the Congress chooses from that short list. Judges are independent from the Supreme Court of Justice or the Courts of Appeals, as well as from other judges in the same rank. Magistrates cannot pronounce any instruction to the judges on how the law should be interpreted or how a concrete case should be resolved as long as this instruction is not in a judgment of appeal.

Judges in Guatemala are organized as follows:

a) Justice of the Peace

²⁷ The council is within the MP’s structure, which is an entity not contemplated in the hierarchical order. It provides legal advice and controls the instructions and sanctions imparted by the attorney general. It is formed by representatives elected by the Congress of the Republic and attorneys elected in assembly (The Prosecutor’s Manual, Guatemala, 1996, pg. 42).

Guatemala has at least one Justice of the Peace in each of the 340 local municipalities. Their mandate is as follows:

- To adjudicate the procedure for less serious crimes, with a maximum sentence of five years. One example of this is ill-treatment against minors, as per Art. 150 bis of the Criminal Code.
- To adjudicate cases in the absence of a first instance judge, in cases sanctioned with sentences of more than five years of imprisonment, which include crimes of sexual assault against minors.
- In the cases of minor victims, to grant the protective preventive measures, regulated by the Law of Comprehensive Protection for Children and Adolescents, and the security measures regulated in the Law to Prevent, to Sanction, and to Eradicate Domestic Violence²⁸.

b) First Instance Judges

These judges oversee the jurisdictional control of the investigation carried out by the MP for crimes whose minimum sentence is more than five years of imprisonment. They are responsible for the intermediate phase.

c) Sentencing Courts

The sentencing courts are integrated with at least three judges from the same judicial head office to hear the trial and pronounce verdicts for crimes that have a penalty of over 15 years of prison and all crimes against humanity²⁹.

In addition to these judges and ordinary criminal courts, in 2003 the courts for child protection and sentencing were created under the Comprehensive Protection of Children Law. In 2015, with the agreement No. 29-2015, the Supreme Court of Justice extended the authority of the First Instance and Sentencing Courts of Femicide and Other Forms of Violence Against Women so they can also try cases of sexual violence and exploitation. In Quetzaltenango, Alta Verapaz, Chiquimula, Huehuetenango, Escuintla, Izabal, and Petén, the extension also allows the First Instance Courts of these provinces to hear cases beginning from the first statement or the pretrial. The authority of the appellate courts was also extended to hear these crimes.

d) The National Civil Police (PNC)

The Guatemalan National Civil Police (PNC) is the institution in charge of protecting the life, physical protection, security, and goods of people. It also protects the free exercise of rights and freedom and prevents, investigates, and combats crime, preserving the public order and security.

To fulfill its mission, the PNC, by its own initiative, in response to a complaint or an order from the MP, takes the following actions:

- Investigates punishable acts.
- Gathers the investigation elements that are useful to give base to the indictment in the criminal process.

²⁸ Art. 7, Decree 97-96

²⁹ Art. 3, Decree 21-2009 from the Congress of the Republic, August 4, 2009

The PNC carries out investigation tasks in the criminal process under the direction of the MP. Arrest warrants are ordered by a judge and carried out by the PNC.

The PNC houses the Specialized Division for Criminal Investigation (DEIC). Within DEIC, there are further specialized units that focus on sexual crimes and human trafficking. These were created by the PNC's General Order No.67-2014. The function of the Sexual Crimes Unit is to investigate cases of sexual assault. The Department of Investigation Against Sexual Crimes, of the Specialized Division in Criminal Investigation, is the professional, technical, and scientific organ in charge of carrying out the criminal investigation of crimes against the liberty and sexual indemnity of children, adolescents, and adults. Its functions comprise to:

- Undertake the criminal investigation of crimes of sexual violence, which are: rape, child molestation, sexual aggression, violation of sexual autonomy, and sexual exhibitionism.
- To assist the public prosecutor and coordinate the actions and procedures within the criminal investigation process, such as requesting, filling in, and executing arrest warrants, inspections, and searches, made as a result of the investigations under its responsibility.
- Undertake the coordination with other units of DEIC and operational PNC, as well as external institutions, such as the Guardian Ad Litem, the public prosecutor, and other institutions to ensure the appropriate handling of the cases in question.
- Coordinate with the Holistic Attention Model (MAI) of the public prosecutor's office for the assignment of DIDS investigators and perform joint shifts of 24 hours (365 days a year), in order to receive the crime information and perform the preliminary investigation that each case received requires.

The PNC also has a Specialized Department for Children (DENA), which carries out the tasks stipulated in Article 96 from the Law of Integral Protection for Children and Adolescents. Its main objective is to be the entity in charge of training police officers on the rights of children.

4.2.3. Other relevant institutions in the CJS

a) National Institute of Forensic Sciences (INACIF)

INACIF was created by Decree 32-2006 from the Congress of the Republic of Guatemala, on September 8, 2006. It was born out of the need to have an independent and objective institution, conformed by experts, technicians, and scientists to make technical and scientific analysis in the forensic field for the service of the state. INACIF has national authority for the following functions:

- To provide the service of independent scientific investigation, issuing scientific and technical reports.
- To turn circumstantial evidence into useful elements for the justice system through technical and scientific analysis, according to objectivity, transparency, and autonomy, grounded in science. The services of independent experts or from other

institutions are valid, as long as they are carried out according to the regulations contained in the criminal procedure legislation³⁰.

INACIF has the cooperation of experts in forensic sciences who apply technological, methodological, and scientific advances from the fields of law and psychology to the investigation of crimes.

b) Procuraduría General de la Nación (PGN)

The PGN gives advice and counsel to the state's entities. The attorney general represents the state and is the chief of the PGN. In the procedure for the restitution of the violated rights of minors, the PGN has a unit specifically for the protection of children with two main functions:

- Provide legal representation for minors who lack representation from their parents or legal guardians.
- Lead the investigation for cases of children and adolescents' rights violations, ex officio or by a requirement of the judge or the party. To this end, the Law of Comprehensive Protection of Children and Adolescents created the Office for Children and Adolescents' Affairs.

Though the PGN has the obligation to investigate the cases of minors whose rights are threatened or violated, it has regulatory weaknesses that prevent it from carrying out that duty. It does not have an organic law of its own, and other entities' legal frameworks do not require the initiative or presence of the PGN in the initial actions of the process or allow it to have access to investigation requests.

c) The Social Welfare Secretariat of the Presidency of the Republic (SBS)

The role of the Social Welfare Secretariat of the Presidency focuses on the development of the services that put into effect the special protection policies, regulated by the Law of Integral Protection of Children and Adolescents and that constitute all the actions to guarantee the physical and psychological recovery of minors whose rights have been violated. Further, all the government-run children's shelters are under the responsibility and administration of the SBS.

d) The Secretariat against Sexual Assault, Exploitation, and Human Trafficking (SVET)

The Secretariat Against Sexual Assault, Exploitation, and Human Trafficking (SVET) was created by Decree 09-2009 and reports to the Vice Presidency of the Republic. Among its functions, it serves as an advisor to other government entities to ensure compliance to policies to protect against sexual assault, exploitation, and trafficking.

4.3. National and International Normative Framework for the Human Rights of Children

³⁰ Articles 541 from the Code of Criminal Procedure.

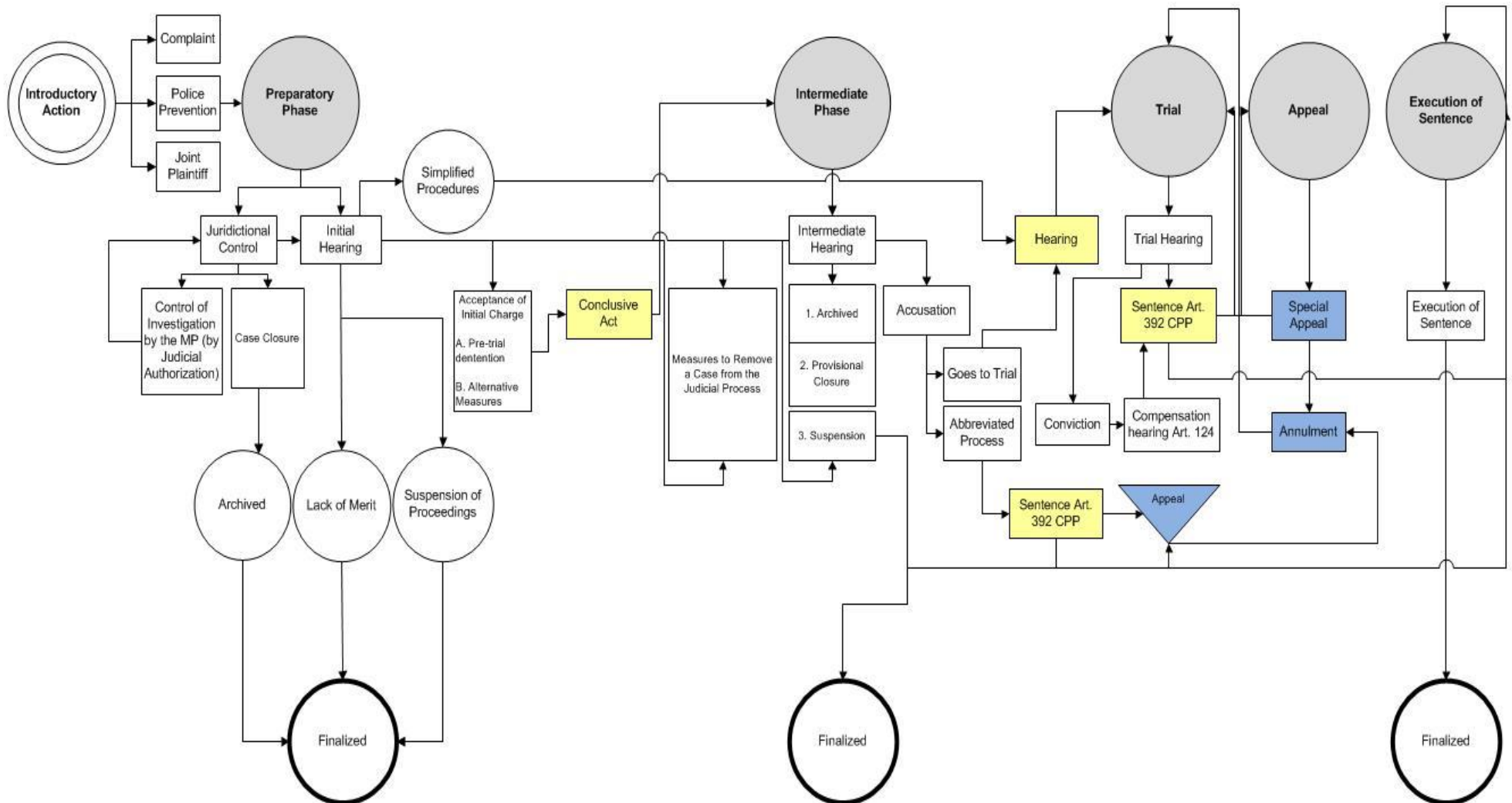
For a full text on National and International Normative Frameworks for the Human Rights of Children, see IJM’s baseline study, *Guatemalan Criminal Justice System Performance Study, 2008–2012: Indicators of Practice, Process and Resolution within Cases of Child Sexual Assault (2013)*, which can be found at www.ijm.org/studies.

4.4. Adaptation of the Guatemalan Regulations to the Standards of the Convention on the Rights of the Child

For a full text on adaptation of the Guatemalan regulations to the standards of the Convention on the Rights of the Child, see IJM’s baseline study, *Guatemalan Criminal Justice System Performance Study, 2008–2012: Indicators of Practice, Process and Resolution within Cases of Child Sexual Assault (2013)*, which can be found at www.ijm.org/studies.

4.5. Flow Chart of the Common Stages of the Criminal Process

Stages of the Criminal Process (STATES)



4.6. About Specialized Justice

As a consequence of approving the Law for Integral Protection of Children and Adolescents and the Law Against Femicide and Other Forms of Violence Against Women, courts and specialized tribunals were implemented for qualified personnel to deal with such issues, forming the following:

4.6.1. Criminal courts and tribunals for the crimes of femicide and other forms of violence against women

On April 9, 2008, the Congress of the Republic approved Decree 22-2008, the Law Against Femicide and Other Forms of Violence Against Women, which came into force the same year, on May 7. This regulation establishes a series of dispositions oriented to prevent, punish, and eradicate violence against women. It also establishes a series of obligations for institutions, officials, and agents in charge of overseeing the application of justice in order that they act with due diligence to prevent, investigate, and sanction those manifestations of violence.

Within the law's framework of implementation, obligations, and responsibilities are established for the different institutions of the legal sector. Its purpose is to strengthen the capabilities of these institutions so that they have the necessary tools to punish such crimes and produce conditions that favor the coordination of actions, processes, and decisions amongst the liable institutions and fulfill the resolutions contained in the law to ensure the integral protection of female victims of violence.

To fulfill Article 15 of the Law Against Femicide and Other Forms of Violence Against Women, the Supreme Court of Justice, on February 24, 2010, in Agreement 1-2010 approved the creation of Criminal Trial Courts and Sentencing Courts for Crimes of Femicide and Other Forms of Violence Against Women. These courts have territorial responsibility in the provinces of Chiquimula, Guatemala, and Quetzaltenango and commenced on October 15, 2010.

In order to regulate the organization and operation of the criminal courts and tribunals for crimes of femicide and other forms of violence against women, the Supreme Court of Justice approved the Management Regulations for Courts and Tribunals for Crimes of Femicide and Other Forms of Violence Against Women, on August 18, 2010, in Article 30-2010, which was then published in the *Diario Oficial* (Official Newspaper) on August 31 and put into force on the following day.

The Supreme Court of Justice, in light of satisfactory results from having specialized jurisdiction with regard to femicide and other forms of violence against women,³¹ decided with Article 12-2012 to create the Criminal Courts and Tribunals for Femicide and Other Forms of Violence Against Women in Huehuetenango³² and Alta Verapaz,³³ as well as

³¹OJ. "Primer Informe: Juzgados y Tribunales Penales de Delitos de Femicidio y otras Formas de Violencia Contra la Mujer," Guatemala, July 2012, pg. 47.

³² Competent to hear cases in which indictment or writ of opening to trial is pronounced, accordingly, from August 17, 2012. Agreement 36-2012 from the Justice Supreme Court, Art. 2.

³³ Competent to hear cases in which indictment or writ of opening to trial is pronounced, accordingly, from August 10, 2012. Agreement 36-2012 from the Justice Supreme Court, Art. 1.

Femicide Courts and Tribunals in multi-person courts and the Femicide Chamber of the Court of Appeals, with its headquarters in Guatemala.³⁴

4.6.1.1. On the material jurisdiction of the trial courts and tribunals

The Courts and Tribunals that have jurisdiction in crimes of femicide and other forms of violence against women are specialized to solely hear cases dealing with these crimes:

- Femicide
- Violence against women in its three modalities: physical, sexual, and psychological
- Economic violence
- All crimes that concur

The tribunals and courts with jurisdiction in femicide crimes and other forms of violence against women recognize, along with the entire criminal procedure, the security measures established in the last paragraph of Article 4 of the Law to Prevent, to Sanction, and to Eradicate Domestic Violence, and Article 9 of the Law Against Femicide and Other Forms of Violence Against Women, which grants these bodies the ability to courts to hear such cases.

Therefore, the courts that are linked to the penal cause have jurisdiction over security measures, with the power to issue, modify, or revoke them. Consequently, this ends the legal practice of sending measures of security to the family courts. Article 40 of the LVIF says: “The person who receives the complaint has to send it to a family or criminal court, accordingly, in no less than twenty-four (24) hours.” This implies that if an act constitutes a crime, the entity that corresponds to the crime, according to the law, has the ability to hear the case.

The Second Tribunal of the Trial Court, the Second Sentencing Tribunal, and the Criminal Trial Court on Call for Crimes of Femicide and Other Forms of Violence Against Women and Sexual Assault, Exploitation, and Human Trafficking, other than their previous attributions, hear cases of crimes that have been amended and incorporated to the Criminal Code through the Law Against Sexual Assault, Exploitation, and Human Trafficking, which includes sexual assault crimes.

4.6.1.2. Procedural competence for tribunals and femicide courts

In order to regulate the organization and operation of the criminal tribunals and courts for crimes of femicide and other forms of violence against women, as well as the tribunals and courts of crimes, drug trafficking, and offenses against the environment, the Supreme Court of Justice issued Agreement 30-2010, which includes the Management Regulations for the Courts and Tribunals with competence in crimes of femicide and other forms of violence against women.

The Courts of Femicide and Other Forms of Violence Against Women hear cases when at least one of the actions is qualified as femicide, violence against women, or economic violence in the opening of trial. The courts should continue hearing the process until the

³⁴Competent to hear cases from August 24, 2012. Agreement 36-2012 from the Justice Supreme Court. Art. 5.

issuing of a verdict, even when the legal qualification of the opening of trial had changed during the proceedings. In addition, the regulations establish norms for crimes, drug trafficking, and offenses against the environment tribunals and courts. The Courts of Femicide and Other Forms of Violence Against Women, and of Criminal, Drug Trafficking, and Offenses Against the Environment, hear cases until the issuing of the verdict. That is, they preside over the procedural and investigate vestiges, the latter of which typically requires legal orders (search and arrest warrants, requests for phone tapping, among others), until the alleged perpetrator appears before the judge and receives the indictment.

The criminal court then refers the record to the femicide court and sets the reasonable due date for the presentation of the prosecution's closing statement, which then coordinates the date of the intermediate hearing (Art. 82, Criminal Procedure Court).

If, for any reason, the criminal court pronounces an indictment for a crime that is not femicide or violence against women, it should continue to hear the case until resolution or, in this case, a resolution that decides the offering of evidence, and then it can refer the case to the femicide courts.

The trial court and criminal sentencing judges' functions can be summarized accordingly:

- Specialized judges will be competent enough to hear the security measures as of indictment.
- Once the competence of the court is established by the indictment, judges will continue to hear a case until its resolution (perpetuation jurisdictions).
- The specialized judges will draw together the connected acts according to the rules of concurrence and the buildup of cases.

4.6.2. Minors trial courts

The trial court system for children whose rights have been violated or threatened constitutes the first judicial entity in charge of the restitution of their rights.

Jurisdictionally, it is in charge of:

- Substantiation in trial court of proceedings for children whose rights have been threatened or violated and their restitution by legal resolution (LPINA, Art. 104.a);
- Substantiation in trial court of the behaviors that violate the criminal law, attributable to children under 13 years of age (LPINA, ART. 104.b); and
- Application of legal control to the ruled protection measures (LPINA, Art. 104.e).

In 2012, only 20 courts had the capacity to hear proceedings for violations or threats to the human rights of children in trial court. Of these, only five have exclusive competence. The others have mixed competence, for example, in hearing the proceedings of young people in conflict with criminal law or other aspects, such as family, as in the case of the court in Malacatán, province of San Marcos, or work and social provision in the main city of San Marcos.

It is necessary to indicate that the exclusive courts have their headquarters in the capital city, while the mixed courts are located in the inner country, with a regionalized territorial jurisdiction, meaning they generally include more than one province of the country or towns from several provinces, as in the case of the court in Coatepeque, Quetzaltenango.

4.6.3. Chambers of the Court of Appeal with competence to hear minors cases

According to the regulations system, by jurisdiction, the Chamber of the Children's Court of Appeal (LPINA, Art. 107), must do the following:

- Decide on the conflicts of jurisdiction;
- Decide on the excuses, objections, and inhibitions according to the Judicial System's law;
- Decide on the appeal; and
- Decide on the origin of the concurrence of acts.

Today, four Chambers of the Court of Appeal, which has its headquarters in Guatemala City, Petén, Huehuetenango, and Coatepeque, have the capability to hear the second instance.

The configuration of territorial competence in itself generates limitations for the access to justice in the court of appeals and, consequently, limits the right to appeal to legal decisions.

Of the four chambers with jurisdictional competence to hear in the second instance, only one of them, located in the capital city, has exclusive competence in terms of cases involving children. Even though they also hear cases involving the recursive activity of adolescents in conflict with criminal law, the rest of the chambers mostly hear cases dealing with other civil and criminal issues.

4.6.4. Chambers of the Court of Appeal

They preside over the appeals of the final orders and summary trial verdicts pointed out by this code. In addition, they hear the special appeals against the final verdict pronounced by the sentencing courts.

4.6.5. Supreme Court of Justice

It hears the appeal for cassation that proceeds against verdicts pronounced in the chambers of the Court of Appeal and the revision processes.

4.7. Tools for Data Collection

4.7.1. Key Informant Interviews Master Interview Guide

Note: Additional spaces within the guide have been removed and condensed for purposes of brevity.

MASTER KII Guide
Información del/de la participante
Participant Information

<p>Fecha de la entrevista: <i>Interview Date:</i></p> <p style="text-align: center;">_____/_____/_____ <i>DD MM YYYY</i></p> <p>Hora de empezar: _____: H M</p> <p>Hora de terminar: _____: H M</p>	<p>Interviewee's jurisdiction:</p> <p><input type="checkbox"/> Guatemala City <input type="checkbox"/> Alta Verapaz <input type="checkbox"/> Quetzaltenango <input type="checkbox"/> Escuintla <input type="checkbox"/> National</p>
<p>Nombre del entrevistador <i>Name of Interviewer</i></p>	<p>Sector of work: PNC</p> <p><input type="checkbox"/> DIDS <input type="checkbox"/> Other _____</p>
<p>Nombre de la persona que toma notas: <i>Name of Note-Taker</i></p>	<p>MP</p> <p><input type="checkbox"/> Prosecutor's Office of Child Victims <input type="checkbox"/> Prosecutor's Office for Women <input type="checkbox"/> MAI <input type="checkbox"/> Attorney General's Office <input type="checkbox"/> Other _____</p> <p>OJ</p> <p><input type="checkbox"/> Judge <input type="checkbox"/> Other _____</p> <p>CBO/Govt Social Services</p> <p><input type="checkbox"/> Community-based Organization <input type="checkbox"/> Government Social Services</p>

Número identificativo del participante <i>Identifying number of the participant</i>	
Nombre del participante <i>Participant's name</i>	
Genero <i>Gender</i>	Femenino/Masculino <i>Female /Male</i>
Cargo <i>Position</i>	
Agencia/Organización <i>Agency/Organization</i>	

Hola, mi nombre es _____ y mi socio es _____. Somos parte de un consorcio entre el Instituto de Ciencias Comparadas Penales e Incidencia Ciudadana; fuimos contratados por la Misión Internacional de Justicia (IJM) para estudiar cómo el sistema de Justicia de Guatemala responde a los casos de violencia sexual contra NNA ya que esa organización tiene un programa en ese tema específico. Cuando digo sistema de justicia, me refiero a todas las instituciones del estado que participan en la persecución penal, desde la investigación hasta el juicio, además de prestar servicios a las víctimas. Los resultados de este estudio serán compartidos con los socios gubernamentales y otras ONG para empoderar al sistema de justicia guatemalteco para proteger a estas víctimas.

Hello, my name is _____ and my partner is _____. We are part of a consortium between ICCP/Incidencia and were contracted by International Justice Mission (IJM) to study how Guatemala's justice system responds to cases of child sexual assault since this organization has implemented a program on that subject. When I mention the justice system, I am referring to all the state institutions that participate in the criminal case, from the investigation up to taking the case to trial, as well as providing services to the victims. This study will be shared with government partners and other NGOs to empower the Guatemalan justice system in protecting these victims.

Hemos solicitado esta reunión porque su institución/organización trabaja de cerca en este tema o está involucrado directamente y nos gustaría recopilar sus conocimientos, experiencias y puntos de vista. Usted no está obligado a participar en esta entrevista o responder alguna pregunta que considere sensible o incómoda, Si usted no quiere responder alguna pregunta por favor me indica. Si usted participa, su privacidad será protegida y usted no será identificado personalmente de ninguna manera. La entrevista llevará aproximadamente 45 minutos de su tiempo. No hay respuestas correctas o incorrectas a ninguna de las preguntas, no es un examen. Su opinión y experiencia son muy importantes para nosotros.

We've requested this meeting because your institution/organization works closely to this subject or is directly involved, and we would like to collect your knowledge, experiences, and points of view. You are not obligated to take part in this interview or respond to any question that you consider sensitive or uncomfortable. If you do not wish to answer a certain question, please let me know. If you participate, your privacy will be protected and you will not be personally identified in any way. The interview will take approximately 45 minutes of your time. There are no correct or incorrect answers to any of the questions. Your opinion and experience are very important to us.

Hemos discutido los objetivos del estudio de investigación con [funcionario de alto nivel] y usted puede ponerse en contacto con él/ella si tiene alguna preocupación con respecto a su participación.

¿Tiene alguna pregunta sobre el estudio o su participación? [Entrevistador, por favor dirija sus dudas antes de aceptar el consentimiento] ¿Estaría dispuesto a participar en este estudio de investigación?

Ofreció su consentimiento informado verbal para participar: Sí No

Do you have any questions about the study or your participation? [Interviewer, please address doubts before accepting the consent.] Would you be willing to participate in this research study?

Offered his/her verbal informed consent to participate: Yes No

Nos gustaría grabar la entrevista de modo que no malinterpretar alguna de sus respuestas. No incluiremos su nombre en la grabación, no vincularemos específicamente con usted nada que usted diga y tampoco compartiremos esta grabación con ninguna persona fuera del equipo de investigación. ¿Está de acuerdo con que grabemos la conversación?

Ofreció su consentimiento informado verbal para grabar: Sí No

We would like to record the interview in order to avoid misinterpreting any of your answers. We will not include your name in the recording, we will not link anything that you say specifically with you, and we will not share this recording with anyone outside of the research team. Do you consent for us to record the conversation?

Offered his/her verbal informed consent to record interview: Yes No

Ahora empezaremos con las preguntas. Yo haré las preguntas y usted puede responder de la manera en que prefiera. Quisiera agradecerle de antemano por su activa participación en ayudarnos a aprender más sobre este tema.

Ahora, empezaré a grabar la entrevista.

Now we will start with the questions. I will ask the questions and you may respond in the way you prefer. I would like to thank you in advance for your active participation in helping us learn more about this topic.

Now, I will start to record the interview.

A. Información de la experiencia del participante
Information about the experience of the participant

1. ¿Cuánto tiempo lleva en su cargo?
How long have you been in your position?
2. ¿Cuánto tiempo lleva con la institución/organización?
How long have you worked for this institution/organization?

PNC/MP/OJ

3. ¿Ha recibido capacitación sobre temas relacionados con violencia sexual en NNA?
Have you had training on CSA topics?
 Sí
 No
 - a. ¿Cuáles temas?
 - b. ¿Están utilizando en su trabajo lo que aprendió en la capacitación?
 Sí
 No
¿Por qué?
 - c. ¿Hay otras capacitaciones que le gustaría recibir?
 Sí
 No
¿Cuáles temas?

B. Percepciones de las fortalezas y debilidades del sistema de justicia
Perceptions of the Strengths and Weaknesses of the CJS

All:

4. **Brevemente, ¿cuáles son las fortalezas principales que usted identifica en el sistema de justicia para su estrategia a los casos de la violencia sexual de NNA?**
Which are the primary strengths that you identify in the CJS for their approach to cases of sexual violence of NNA?

PNC/MP/OJ:

5. ¿Son exclusivas esas fortalezas de su departamento (Ciudad de Guatemala, Alta Verapaz, Quetzaltenango)?
Are those strengths unique to your province (Guatemala City, Alta Verapaz, Quetzaltenango)?
 Sí
 No
 No sé
¿Por qué?
Si no: ¿Hay alguna fortaleza que sea exclusiva de su Departamento?
If no: Are there any strengths that are unique to your province?
 Sí
 No
 No sé
6. **¿Cuáles son las áreas que usted considera que el sistema de justicia necesita mejorar en la atención de estos casos?**
What areas do you consider the justice system needs to improve when tending to these cases?

CBO/Govt Social Services:

7. **¿Cuáles son las debilidades principales que usted identifica en el sistema de justicia en su estrategia a los casos de la violencia sexual de NNA?**

Which are the primary weaknesses that you identify in the CJS in their approach to cases of sexual violence of NNA?

C. El desempeño del sistema de justicia en los últimos 5 años
Performance in the Last 5 Years

All:

8. **¿Sabe que es el Modelo de Atención Integral del Ministerio Público?**
Do you know what the MAI is?

Sí

No

No sé

9. **En caso afirmativo: ¿Considera que la implementación del MAI ha cambiado en la respuesta del sistema de justicia hacia las víctimas de violencia sexual NNA?**

Do you think that the creation of the MAI has had an impact the system's response to victims of CSA?

Sí

No

No sé

¿Por que cree esto?

Prompts for PNC/MP

10. En los últimos 5 años, ¿ha cambiado el tiempo de respuesta a una denuncia?
10. In the past 5 years, has the response time to a complaint changed?

Sí

No

No sé

¿Por qué cree esto?

i. Para abrir un caso activo (desde el momento en que se hizo la denuncia).

ii. Para llevar a cabo la entrevista inicial de víctima/testigo.

iii. Para llevar a cabo la escena del crimen procesando/recolectando evidencia.

iv. Para ejecutar la orden de orden de arresto.

i. *To open an active case (from when allegation was made).*

ii. *To conduct the initial victim/reporting witness interview.*

iii. *To conduct crime scene processing/collect evidence.*

iv. *To execute the arrest warrant order.*

a) En los últimos 5 años, ¿considera que ha reducido la cantidad de veces que una víctima es entrevistada por el sistema de justicia?

Do you think the number of times that a victim is interviewed by the CJS has reduced?

Sí

No

No sé

¿Por qué cree esto?

b) ¿Cómo ha cambiado la creación del MAI el número de capturas en casos de violencia sexual en NNA?

How has the creation of the MAI impacted the number of arrests in CSA cases?

PNC/MP/OJ:

11. ¿Sabe si su institución es parte de los protocolos de coordinación inter-institucional para el abordaje de casos de violencia sexual en NNA?

Do you know whether your organization is part of interinstitutional coordination protocols in cases of CSA?

Sí

No

No sé

Si responde afirmativamente, favor de explicarlos:

If yes, please describe them:

12. En los últimos 5 años, ¿considera que el sistema de justicia coordina efectivamente con los actores de la red de derivación que ofrecen servicios sociales?

In cases of CSA, does the CJS coordinate effectively with the interinstitutional network?

Sí

No

No sé

¿Por qué cree esto?

Si el participante no entiende bien las preguntas, se puede dar unos ejemplos:

- i. PGN
- ii. Procuraduría de Derechos Humanos
- iii. Hospitales/Centro de Salud
- iv. Secretaria de Bienestar Social

Some examples:

- i. PGN
- ii. PDH
- iii. Hospitals/Health Centers
- iv. Secretaria de Bienestar Social

13. En los últimos 5 años, ¿ha mejorado esta coordinación?

Has this coordination improved over the last 5 years?

Sí

No

No sé

¿Cómo ha mejorado?

14. En los últimos 5 años, ¿ha cambiado la creación del Departamento de Investigación de Delitos Sexuales la capacidad del PNC para investigar la violencia sexual en NNA?

How has the creation of DIDS affected the PNC's ability to investigate CSA?

Sí

No

No sé

¿Cómo ha cambiado?

15. **En los últimos 5 años, ¿cree que la PNC ha mejorado su capacidad para investigar casos de violencia sexual NNA?**

Compared to 5 years ago, do you think that the PNC has improved its ability to investigate cases of CSA?

Sí

No

No sé

¿Por qué cree esto?

Si el participante no menciona unos de los temas abajo, pregunta sobre los siguientes asuntos:

- Un informe de investigación preliminar bien fundamentado
- Diligencias de investigación completadas

a) En los últimos 5 años, ¿considera que ha cambiado el nivel profesionalismo de la policía? (por ejemplo: ¿están realizando búsquedas ilegales, plantando evidencia, resguardando de la privacidad de las víctimas, etc.)?

Do you think the level of professionalism of the police increased, decreased, or stayed the same? (i.e., are they conducting illegal searches, planting evidence, safeguarding the privacy of victims, etc.)

El nivel aumentó

El nivel disminuyó

El nivel permaneció igual

No sé

i. *Increased*

ii. *Decreased*

iii. *Stayed the same*

iv. *I don't know*

¿Por qué cree esto?

b) En los últimos 5 años, ¿ha mejorado las habilidades de pensamiento crítico de los investigadores?

Has the ability for critical thinking of PNC investigators improved?

Sí

No

No sé

¿Cómo ha mejorado?

16. En comparación con 5 años atrás, ¿cree que el número de órdenes de aprehensión en casos de violencia sexual en NNA ha aumentado?

Compared to 5 years ago, do you think that the number of arrests in CSA cases have changed?

Sí

No

No sé

En caso afirmativo, ¿cómo y por qué?

If yes, how and why has the number of arrests changed?

17. En comparación con 5 años atrás, ¿cree que el número de capturas en casos de violencia sexual en NNA ha cambiado?

Compared to 5 years ago, do you think that the number of arrests in CSA cases has changed?

Sí

No

No sé

En caso afirmativo, ¿cómo y por qué?

If yes, how and why has the number of arrests changed?

Para las siguientes preguntas, pregunta solamente la(s) pregunta(s) que pertenece(n) a la jurisdicción del participante.

For the following questions, only ask the ones that pertain to the jurisdiction of the interviewee.

Para la ciudad de Guatemala/For Guatemala City:

18. En los últimos 5 años, ¿cómo ha cambiado la creación de la Fiscalía de la Niñez y PAdolescencia la capacidad del Ministerio público perseguir penalmente los casos de la violencia sexual NNA?

How has the creation of Prosecutor's Office of Child Victims impacted the Public Ministry's ability to prosecute cases of CSA?

19. ¿De qué manera la expansión de la Fiscalía de la mujer incidió la capacidad del Ministerio Público de perseguir penalmente casos de violencia sexual NNA?

How has the expansion of the Prosecutor's Office for Women impacted the Public Ministry's ability to prosecute cases of CSA?

MP/OJ Prompt

- a) En los últimos 5 años, ¿considera que ha cambiado el número de denuncias que llegan hasta la formulación de la acusación? Favor de escoger una opción:

Has the number of complaints that reach indictment changed? Choose one of the options:

El número ha aumentado

El número ha disminuido

El número se mantiene

No sé

i. *The number increased*

ii. *The number decreased*

iii. *Stayed the same*

iv. *Don't know*

¿Por qué cree esto?

MP Only Prompt

- b) En los últimos 5 años, ¿considera que ha cambiado la calidad de las acusaciones?**

How has the quality of indictments changed?

La calidad ha mejorado

La calidad ha disminuido

La calidad se mantiene

No sé

v. *The quality increased*

vi. *The quality decreased*

vii. *Stayed the same*

viii. *Don't know*

¿Por qué cree esto?

- c) ¿Cuál es el número aproximado de casos asignados de violencia sexual en NNA a cada fiscal?

What is the approximate number of cases assigned to each prosecutor?

- d) En los últimos 5 años, ¿cómo ha cambiado la carga de casos de violencia en NNA para los fiscales?**

How do you think the caseload for prosecutors has changed?

- El número ha aumentado
- El número ha disminuido
- El número se mantiene
- No sé
- ix. *The number increased*
- x. *The number decreased*
- xi. *Stayed the same*
- Don't know*

¿Por qué cree esto?

Para Alta Verapaz y Quetzaltenango:

20. ¿De qué manera la apertura de la Fiscalía de la mujer incidió la capacidad del Ministerio Público de perseguir penalmente casos de violencia sexual NNA?
How has the expansion of the Prosecutor's Office for Women impacted the Public Ministry's ability to prosecute cases of CSA?

MP/OJ Prompt

a) En los últimos 5 años, ¿considera que ha cambiado el número de denuncias que llegan hasta la formulación de la acusación? Favor de escoger una opción:
Has the number of complaints that reach indictment changed? Choose one of the options:

- El número ha aumentado
- El número ha disminuido
- El número se mantiene
- No sé
- xii. *The number increased*
- xiii. *The number decreased*
- xiv. *Stayed the same*
- xv. *Don't know*

¿Por qué cree esto?

MP Only Prompt

e) En los últimos 5 años, ¿cómo ha cambiado la calidad de las acusaciones?

How has the quality of indictments changed?

- La calidad ha mejorado
- La calidad ha disminuido
- La calidad se mantiene
- No sé
- xvi. *The quality increased*
- xvii. *The quality decreased*
- xviii. *Stayed the same*
- xix. *Don't know*

¿Por qué cree esto?

f) ¿Cuál es el número aproximado de casos asignados de violencia sexual en NNA a cada fiscal?

What is the approximate number of cases assigned to each prosecutor?

g) En los últimos 5 años, ¿cómo ha cambiado la carga de casos para los fiscales?

How has the caseload for prosecutors changed?

- El número ha aumentado
- El número ha disminuido
- El número se mantiene
- No sé
- xx. *The number increased*
- xxi. *The number decreased*
- xxii. *Stayed the same*
- xxiii. *Don't know*

¿Por qué cree esto?

CBO/Other Govt

21. ¿Considera que el sistema de justicia coordina efectivamente con los actores de la red de derivación que ofrecen servicios sociales?

In cases of CSA, does the CJS coordinate effectively with the interinstitutional network?

- Sí
- No
- No sé

¿Por qué cree esto?

Si el participante no entiende bien las preguntas, se puede dar unos ejemplos:

- v. PGN
- vi. Procuraduría de Derechos Humanos
- vii. Hospitales/Centro de Salud
- viii. Secretaria de Bienestar Social

If the participant does not understand the questions, some examples may be given:

- v. PGN
- vi. PDH
- vii. Hospitals/Health Centers
- viii. Secretaria de Bienestar Social

22. En los últimos 5 años, ¿ha mejorado esta coordinación?

Has this coordination improved over the last 5 years?

- Sí
- No
- No sé

¿Cómo ha mejorado?

Dar las siguientes instrucciones al participante antes de preguntar las próximas preguntas: Para las siguientes preguntas, pensar en los últimos 5 años, y los cambios durante esos años. Si usted ha estado en su puesto por menos que 5 años, pensar en los cambios durante su tiempo de experiencia.

Give the following instructions to the interviewee before asking the following questions: For the next questions, think about the last 5 years, and the changes during these years. If you have been in your position for less than 5 years, think about the changes during your time of experience.

23. En los últimos 5 años, ¿cómo ha cambiado el tiempo necesario para completar una investigación de violencia sexual en NNA?

How has the time it takes for a CSA case to complete investigation changed?

- Las investigaciones toman más tiempo
- Las investigaciones toman menos tiempo
- El tiempo se mantiene

- No sé
 - i. *The time has increased*
 - ii. *The time has decreased*
 - iii. *Stayed the same*
 - iv. *Don't know*

¿Por qué cree esto?

24. En los últimos 5 años, ¿cómo ha cambiado el tiempo que tarda una denuncia de violencia sexual en NNA en llegar a una sentencia?

How has the time it takes for a CSA complaint to reach a verdict changed?

- El tiempo en llegar a sentencia es más rápido
- El tiempo es más lento
- El tiempo se mantiene
- No sé
 - i. *The time to reach a sentence is quicker*
 - ii. *The time is slower*
 - iii. *The time stayed the same*
 - iv. *Don't know*

¿Por qué cree esto?

25. ¿Ha habido otros cambios en la respuesta del sistema de justicia a la violencia sexual en NNA en los últimos 5 años?

Have there been any other changes in the CJS response to CSA in last 5 years?

- Sí
- No
- No sé

¿Cuáles son los cambios?

PNC:

26. En los últimos 5 años, ¿cree que la PNC ha mejorado su capacidad para investigar casos de violencia sexual en NNA? Por favor, describa por qué o por qué no.

Do you think that the PNC has improved its ability to investigate cases of CSA? Please describe why or why not.

- Sí
- No
- No sé

27. En los últimos 5 años, ¿cree que el número de capturas en casos de violencia sexual en NNA ha cambiado?

Do you think that the number of arrests in CSA cases have changed?

- Sí
- No
- No sé

¿Por que?

En caso afirmativo, ¿cómo y por qué ha cambiado el número de capturas?

If yes, how and why has the number of arrests changed?

28. ¿Confía en la habilidad de los fiscales para investigar casos de violencia sexual cometidos en contra de NNA?

Do you trust in prosecutors' ability to investigate cases of sexual violence perpetrated against children and adolescents?

- Sí
- No

No sé

¿Por qué cree esto?

MP/OJ

29. ¿Cuáles son sus recomendaciones para solucionar la mora judicial con los casos de violencia sexual en NNA?

30. ¿Qué piensa de la posibilidad de utilizar el procedimiento abreviado para avanzar casos de violencia sexual en NNA?

31. ¿Considera necesario solicitar un peritaje psicológico en cada caso de violencia sexual para probar la veracidad del testimonio?

32. ¿Confía en la habilidad de los investigadores para investigar casos de violencia sexual cometidos en contra de NNA?

Do you trust in investigators' ability to investigate cases of sexual violence perpetrated against children and adolescents?

Sí

No

No sé

¿Por qué?

33. En los últimos 5 años, ¿la capacidad del PNC para investigar la violencia sexual en NNA cambió la capacidad del Ministerio Público de perseguir penalmente los casos? Por favor, describa por qué o por qué no.

Has the PNC's ability to investigate CSA impacted the Public Ministry's ability to prosecute cases? Please describe why or why not.

Sí

No

No sé

34. En los últimos 5 años, ¿cómo ha cambiado la coordinación entre el MP y PNC (Departamento de Investigación de Delitos Sexuales)?

In the last 5 years, how has the coordination between MP and PNC changed?

Ha aumentado

Ha disminuido

Permaneció igual

No sé

i. *Has increased*

ii. *Has decreased*

iii. *Stayed the same*

iv. *I don't know*

¿Por qué cree esto?

OJ:

35. Según su experiencia desempeñando su papel, ¿los cargos cumplen los requisitos establecidos en el artículo 332 bis del código de procedimiento penal?

According to your experience performing your role, do the charges fulfill the requirements established in Article 332 Bis from the Code of Criminal Procedure?

Sí

No

No sé

a) ¿Ha mejorado esto en los últimos 5 años?

Has this improved in the last 5 years?

- Sí
- No
- No sé
- ¿Por qué cree esto?

D. Nivel de confianza en el sistema de justicia

Level of Trust in the CJS

All:

36. ¿Cuál es su nivel de confianza hacia el sistema de justicia en abordar casos de violencia sexual en NNA?

What is your level of trust in the justice system in dealing with CSA cases?

- Alto nivel de confianza
- Confianza esperada
- Bajo nivel de confianza
- Ninguna confianza

¿Por qué tiene este nivel de confianza?

37. ¿Considera que su nivel de confianza hacia el Sistema de Justicia ha mejorado en los últimos 5 años?

Do you think that your level of confidence toward the justice system has improved in the last 5 years?

- Sí
- No
- No sé
- ¿Por qué?

38. Actualmente, ¿Cuál es el nivel de confianza de las víctimas en el sistema de justicia en el abordaje a los casos de violencia sexual contra NNA?

What is the victims' level of trust currently in the CJS and their approach to cases of sexual violence against NNA?

- Alto nivel de confianza
- Confianza esperada
- Bajo nivel de confianza
- Ninguna confianza

¿Por qué tiene este nivel de confianza?

39. ¿Qué nivel de confianza tienen los usuarios del sistema de justicia en que la institución en donde usted labora?

What level of confidence do users of the justice system have in the institution where you work?

- Alto nivel de confianza
- Confianza esperada
- Bajo nivel de confianza
- Ninguna confianza

¿Por qué tiene este nivel de confianza?

CBO/Govt

40. ¿Trabaja su institución con el Ministerio Público?

Does your institution work with the Public Ministry?

- Sí
- No

No sé

a. ¿Experimente desafíos en su trabajo con el Ministerio Público?
Do you experience challenges in your work with the Public Ministry?

Sí

No

No sé

En caso afirmativo - ¿Cuáles son los desafíos?

If the respondent says yes, what are some of the challenges?

41. En su opinión, ¿cuál es su nivel de confianza en el Ministerio Público para tratar los casos de la violencia sexual en NNA?

In your opinion, what is your level of trust in the Public Ministry in dealing with CSA cases?

Alto nivel de confianza

Confianza esperada

Bajo nivel de confianza

Ninguna confianza

¿Por qué?

42. ¿Ha mejorado su propio nivel de confianza hacia el Ministerio Público, en los últimos 5 años?

Has your own level of confidence/trust in the MP improved in the last 5 years?

Sí

No

No sé

¿Por qué?

43. ¿Trabaja su institución con el organismo judicial?

Does your institution work with the Judicial Body?

Sí

No

No sé

¿Por qué?

a. ¿Experimenta desafíos en su trabajo con el organismo judicial?

Do you experience challenges in your work with the OJ?

Sí

No

No sé

En caso afirmativo - ¿Cuáles son los desafíos?

If the respondent says yes, what are some of the challenges?

44. ¿Cuál es su nivel de confianza en el organismo judicial para abordar los casos de la violencia sexual en NNA?

In your opinion, is your level of trust in the Judicial Body in dealing with CSA cases?

Alto nivel de confianza

Confianza esperada

Bajo nivel de confianza

Ninguna confianza

¿Por qué?

45. ¿Ha mejorado su propio nivel de confianza hacia el Organismo Judicial, en los últimos 5 años?
Has your own level of confidence/trust in the OJ changed in the last 5 years?
 Sí
 No
 No sé
 ¿Por qué?
46. ¿Trabaja su institución con la Policía Nacional Civil?
Does your institution work with the National Civil Police?
 Sí
 No
 No sé
- a. ¿Experimenta desafíos en su trabajo con la Policía Nacional Civil?
Do you experience challenges in your work with the PNC?
 Sí
 No
 No sé
 En caso afirmativo - ¿Cuáles son los desafíos?
If the respondent says yes, what are some of the challenges?
47. ¿Cuál es su nivel de confianza en la Policía Nacional Civil para tratar los casos de la violencia sexual en NNA?
In your opinion, what is your level of trust in the National Civil Police in dealing with CSA cases?
 Alto nivel de confianza
 Confianza esperada
 Bajo nivel de confianza
 Ninguna confianza
 ¿Por qué?
48. ¿Ha mejorado su propio nivel de confianza hacia la Policía Nacional Civil, en los últimos 5 años?
Has your own perception of the National Civil Police improved in the last 5 years, in regard to your level of trust?
 Sí
 No
 No sé
 ¿Por qué?

E. Trato Sensible

Sensitive Treatment

All:

A continuación, voy a hacerle algunas preguntas sobre el trato sensible a las víctimas en el Sistema de Justicia. Por “trato sensible a las víctimas”, nos referimos al trato que minimiza la re-victimización. Puede darse un trato sensible en los siguientes ejemplos:

- En la reducción del número de veces que una víctima tiene que dar su testimonio
- En la actitud y el comportamiento diferenciado de los oficiales que interactúan con la víctima
- En una logística mejorada para disminuir los tiempos de espera así como la programación de audiencias, etc.

- En la salvaguarda de la privacidad e identidad de la víctima
- En el uso de herramientas amigables para que la víctima brinde su testimonio.

Next, I am going to ask you some questions about victim-sensitive treatment in the criminal justice system. By victim-sensitive treatment, we mean treatment that minimizes retraumatization. Examples could include:

- *In a reduction in the number of times a victim has to give his/her testimony*
- *In the attitude and behavior of the officials who interact with the victims*
- *In the issue of logistics: bettered to reduce waiting times, suspensions of hearings, etc.*
- *In the safeguarding of the privacy and identity of the victim*
- *In the use of victim-friendly resources and tools for the victim to provide their testimony*

49. ¿Cuál es el nivel de sensibilidad que usted considera tiene el Sistema de Justicia en general, para las víctimas en atender los casos de violencia sexual en NNA?

What level of sensitivity do you think the CJS has, in general, to victims in addressing cases of CSA?

Muy sensible

Sensible

Insensible

Muy insensible

i. *Very sensitive*

ii. *Sensitive*

iii. *Insensitive*

iv. *Very insensitive*

¿Por qué cree esto?

50. ¿Piensa que hay casos de violencia sexual en NNA que se retira la víctima o la familia de la víctima por la falta de sensibilidad del sistema de justicia en su trato del caso y la víctima?

Do you think there are CSA cases that are withdrawn by the victim or the victim's family because of lack of sensitivity from the CJS in the treatment of the case and the victim?

Sí

No

No sé

a) **¿En su opinión, cual es el porcentaje aproximado de los casos se retira por esa razón?**

In your opinion, what percentage of cases do you estimate are withdrawn for that reason?

PNC/MP/OJ

51. ¿Cuál es el nivel de sensibilidad que usted considera tiene la institución en donde usted labora, para atender los casos de violencia sexual en NNA?

What level of sensitivity do you think the institution where you work has in addressing cases of CSA?

Muy sensible

Sensible

Insensible

Muy insensible

i. *Very sensitive*

- ii. Sensitive
 - iii. Insensitive
 - iv. Very insensitive
- ¿Por qué cree esto?

52. ¿Qué recomendaría mejorar en instituciones donde labora para que brinde un trato más sensible a la víctima?

What would you recommend for your institution/organization to improve care for victims?

MP/OJ/PNC:

53. En comparación con hace 5 años, ¿cree usted que el Ministerio Público utiliza más las herramientas para recibir la declaración de las víctimas NNA en anticipo de prueba, tales como Cámara Gesell, Biombo, Circuito Cerrado?

Compared to 5 years ago, do you think that the Public Ministry is more familiar with the use of child-friendly interview techniques (such as the Gesell Chamber, screen, closed circuit, and pretrial testimony)?

- Sí
- No
- No sé

¿Por qué cree esto?

54. ¿Cree que ahora es común para el Organismo Judicial aceptar la declaración de la víctima como anticipo de prueba haciendo uso de éstas herramientas?

Do you think it is now common for the OJ to accept the testimony of the victim using one of these tools?

- Sí
- No
- No sé

¿Por qué cree esto?

CBO/Govt Services:

55. ¿Usted conoce las herramientas para recibir la declaración de las víctimas NNA en anticipo de prueba, tales como Cámara Gesell, Biombo, Circuito Cerrado u otras?

- Sí
- No

Si dice que NO, salta a pregunta número 20.

If the interviewee says NO, jump to question 20.

56. En comparación con hace 5 años, ¿cree usted que se usa y se acepta más las herramientas para recibir la declaración de las víctimas NNA en anticipo de prueba, tales como Cámara Gesell, Biombo, Circuito Cerrado? *Compared to 5 years ago, do you think that the Public Ministry is more familiar with the use of child-friendly interview techniques (such as the Gesell Chamber, screen, closed circuit, and pretrial testimony)?*

- Sí
- No
- No sé

¿Por qué cree esto?

57. ¿Cuál es el nivel de sensibilidad que usted considera tiene el Ministerio Público para atender los casos de violencia sexual en NNA?

What level of sensitivity would you say that the Public Ministry has when addressing cases of sexual violence in children and adolescents?

Muy sensible

Sensible

Insensible

Muy insensible

i. *Insensitive to victims*

ii. *Somewhat sensitive to victims*

iii. *Moderately sensitive to victims*

iv. *Victim-sensitive*

¿Por qué cree esto?

Para las siguientes preguntas, pregunta solamente la(s) pregunta(s) que pertenece(n) a la jurisdicción del entrevistado/a.

For the following questions, only ask the ones that pertain to the jurisdiction of the interviewee.

Para la ciudad de Guatemala:

a) ¿Considera que la creación de la Fiscalía de la Niñez y Adolescencia incide en la respuesta del Ministerio Público hacia las víctimas de la violencia sexual en NNA?

Do you think the creation of Prosecutor's Office of Child Victims has impacted the Public Ministry's treatment of victims of CSA?

Sí

No

No sé

¿Cómo?

Para Alta Verapaz y Quetzaltenango:

b) ¿Considera que la apertura de la Fiscalía de la Mujer incide en la respuesta del Ministerio Público hacia las víctimas de la violencia sexual en NNA?

Do you think the opening of the Prosecutor's Office for Women affected the Public Ministry's treatment of victims of CSA?

Sí

No

No sé

¿Cómo?

58. ¿Cuál es el nivel de sensibilidad que usted considera tiene el Organismo Judicial para atender los casos de violencia sexual en NNA?

What level of sensitivity would you say that the OJ has when addressing cases of sexual violence in children and adolescents?

Muy sensible

Sensible

Insensible

Muy insensible

i. *Insensitive to victims*

ii. *Somewhat sensitive to victims*

iii. *Moderately sensitive to victims*

iv. *Victim-sensitive*

¿Por qué cree esto?

59. ¿En lo que respecta al nivel de sensibilidad hacia las víctimas, ¿percibe que en los últimos 5 años, el Ministerio Público ha mejorado?
Regarding the level of sensitivity toward victims, do you perceive that in the last 5 years it has improved in the Public Ministry?
- Sí
No
No sé
 Por que?
60. ¿Cuál es el nivel de sensibilidad que usted considera tiene la Policía Nacional Civil para atender los casos de violencia sexual en NNA?
What level of sensitivity would you say that the PNC has when addressing cases of sexual violence in children and adolescents?
- Muy sensible
Sensible
Insensible
Muy insensible
- i. Insensitive to victims*
ii. Somewhat sensitive to victims
iii. Moderately sensitive to victims
iv. Victim-sensitive
- ¿Por qué?
61. ¿Considera que la creación del Departamento de Investigación de Delitos Sexuales (DIDS) mejorado en la respuesta de la Policía Nacional Civil hacia las víctimas de la violencia sexual en NNA?
Do you think that the creation of DIDS improved the response of the PNC toward victims of CSA?
- Sí
No
No sé
 ¿Por qué cree esto?
62. En lo que respecta al nivel de sensibilidad hacia las víctimas, ¿percibe que ha mejorado la Policía Nacional Civil en los últimos 5 años, ?
Regarding the level of victim sensitivity, do you perceive that the PNC has improved?
- Sí
No
No sé
 ¿Por qué percibe esto?

F) Percepción de los cambios en la información y la prevalencia
Perception of Changes in Reporting and Prevalence

All

- 63. Respecto a los últimos 5 años, ¿Considera que el número de denuncias por actos de violencia sexual cometidos en contra de NNA...?:**
With respect to the last 5 years, do you consider that the number of complaints in cases of sexual violence against children and adolescents:
- Se ha incrementado/*Has increased*
Se ha reducido/*Has reduced*

Se mantiene igual/*Has stayed the same*

No sabe/*Do not know*

¿Por qué cree esto?

- a) ¿En su opinión, qué motivos o factores contribuyeron a esto?
In your opinion, what reasons or factors have contributed to this?

64. Respecto a los últimos 5 años, ¿Independiente del número de denuncias formales, considera que la proporción de NNA que ha sufrido actos de violencia sexual...?

With respect to the last 5 years, do you consider that the proportion of children and adolescents who have suffered from acts of sexual violence:

Se ha incrementado/*Has increased*

Se ha reducido/*Has reduced*

Se mantiene igual/*Has stayed the same*

No sabe/*Do not know*

¿Por qué cree esto?

- b) ¿En su opinión, qué motivos o factores contribuyeron a esto?
In your opinion, what reasons or factors have contributed to this?

CBO:

65. Si no fuera requerido por su institución, ¿alentaría a la víctima a presentar una denuncia al sistema?

If it were not required by your institution, would you encourage a victim to make a complaint to the system?

Sí

No

No sé

¿Por qué?

CBO Prompt

66. ¿Ha dado su organización capacitación sobre temas relacionados con violencia sexual en NNA?

Sí

No

a. ¿Cuáles temas?

67. ¿Ha recibido capacitación sobre temas relacionados con violencia sexual en NNA?

Have you had training on CSA topics?

Sí

No

b. ¿Cuáles temas?

c. ¿Están utilizando en su trabajo lo que aprendió?

Sí

No

¿Por qué?

d. ¿Hay otras capacitaciones que le gustaría recibir?

Sí

No

¿Cuáles temas?

ALL:

68. ¿Hay otros comentarios que usted quisiera agregar sobre este tema u otro tema de que ya hablamos?
Are there other comments that you would like to add about this theme or another about which we have already spoken?

4.7.2. Case File Review Data Collection Instrument

<i>Research Study of the CJS in Guatemala</i>				
Case File Review Instrument				
CONTROL				
1	Name of the enumerator:			
2	Date of data collection:	Day	Month	Year
3	Number of the case file according to the MP reference:			
4	Is it a case of sexual violence or sexual indemnity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Do not continue if the answer is "No."
5	Is it a case of a child or adolescent victim?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Do not continue if the answer is "No."
6	Number of victims:		<input type="checkbox"/> Unkno wn	
7	Number of suspects:		<input type="checkbox"/> Unkno wn	If there is more than one suspect, use the Annex
IDENTIFICATION				
8	ID Province where the crime occurred:	<input type="checkbox"/> Unknown		
9	ID Municipality where the crime occurred:	<input type="checkbox"/> Unknown		

10	ID First instance court:		<input type="checkbox"/> Unknown
11	ID Province of first instance court:		<input type="checkbox"/> Unknown
12	ID Sentencing tribunal:		<input type="checkbox"/> Unknown <input type="checkbox"/> N/A
13	ID Province of sentencing tribunal:		<input type="checkbox"/> Unknown <input type="checkbox"/> N/A
PERFORMANCE OF THE CJS			
14	Did the following persons or organizations act as querellante adhesivo in this case?		
	A. PGN	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	B. Father/ Mother/Legal Guardian	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	C. IJM	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	D. Other NGO	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	E. Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
	F. None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
15	Has the MP finished presenting evidence? Review the evidence guide	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	

16	Has the defense finished presenting evidence? Review the Public Criminal Defense Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown			
17	Have the final legal arguments by both the MP and the defense been presented? Review verdict	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown			
For the following questions, if there is more than one suspect, respond for one suspect here and use the Annex to collect data on the other suspects.							
18	What is the relation of the victim to the suspect?	<input type="checkbox"/> Relative	<input type="checkbox"/> Friend	<input type="checkbox"/> Neighbor	<input type="checkbox"/> Stranger	<input type="checkbox"/> Stepfather/Stepgrandfather	<input type="checkbox"/> Other
19	Date of the first instance of the crime:	Day	Month	Year	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A	
20	Date of complaint:	Day	Month	Year	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A	
PERFORMANCE OF THE CJS (CONTINUED)							
For the following questions, if there is more than one suspect, respond for one suspect here and use the Annex to collect data on the other suspects.							
21	Date of the request for the arrest warrant: According to the arrest warrant petition	Day	Month	Year	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A	
22		Day	Month	Year		N/A	

	Date of the issuance of the arrest warrant: According to the arrest warrant petition				<input type="checkbox"/> Unkno wn	<input type="checkbox"/>
23	Date of arrest: According to the first hearing statement	Day	Month	Year	<input type="checkbox"/> Unkno wn	
24	Date of the first appearance hearing: According to the record of the first appearance hearing	Day	Month	Year	<input type="checkbox"/> Unkno wn	
25	Date of the presentation of formal charge: According to the first declaration act	Day	Month	Year	<input type="checkbox"/> Unkno wn	
26	Date of the presentation of the formal charge: According to the seal of reception from the court	Day	Month	Year	<input type="checkbox"/> Unkno wn	
27	Date of the señalamiento de audiencia intermedia: According to the first declaration act	Day	Month	Year	<input type="checkbox"/> Unkno wn	
28	Date of the verdict in the first instance: Connect with the verdict	Day	Month	Year	<input type="checkbox"/> Unkno wn	

CJS RESPONSE TO VICTIMS

For the following questions, if there is more than one victim, respond for the victim who gave his/her testimony the most often:

29 Did the MP solicit the victim's testimony in a perpetuation of tesimony? Yes No Unknow
n

Check the Guide of Proof Offering

CJS RESPONSE TO VICTIMS (CONTINUED)

For the following questions, if there is more than one victim, respond for the victim who gave his/her testimony the most often:

30 Did the judge allow the pretrial testimony as proof? Yes No Unknow
n

Review verdict

31 Did the victim testify at the MAI? Yes No Unknow
n

Review victim testimony

32 How many times did the victim testify at the MAI?	Number of times	<input type="checkbox"/> Unknow n	<input type="checkbox"/> N/A
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33 Did the victim testify before the public prosecutor as a means of investigation? Yes No Unknow
n

Review the act of testimony of the victim

34	How many times did the victim testify before the public prosecutor as a means of investigation?	Number of times	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
35	Did the victim testify prior to the hearing as pretrial evidence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
36	How many times did the victim testify as pretrial evidence?	Number of times	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
37	Did the victim testify during the trial?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
38	During the trial, did the victim testify in Biombo?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
39	How many times did the victim testify in Biombo?	Number of times	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
40	During the trial, did the victim testify in closed circuit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
41	How many times did the victim testify in closed circuit?	Number of times	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
42	During the trial, did the victim testify in the Gesell Chamber?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
43		Number of times	N/A	

<p>How many times did the victim testify in the Gesell Chamber?</p>	<p><input type="checkbox"/> Unknown <input type="checkbox"/></p>
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CJS RESPONSE TO VICTIMS (CONTINUED)

For the following questions, if there is more than one victim, respond for the victim who gave his/her testimony the most often:

44	<p>Excluding the previous methods, did the victim testify using another type of sensitive method?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	
45	<p>Excluding the previous methods, how many times did the victim testify with this method?</p>	<p>Number of times</p>	<p><input type="checkbox"/> Unknown <input type="checkbox"/> N/A</p>
46	<p>Was the victim approached by psychologists?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	
47	<p>How many times was the victim approached by psychologists?</p>	<p>Number of times</p>	<p><input type="checkbox"/> Unknown <input type="checkbox"/> N/A</p>
48	<p>Did the sentencing tribunal give evidential value to the psychological expert?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	
49	<p>Was a DNA expert used?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	
50	<p>How many times was DNA expert used?</p>	<p>Number of times</p>	<p><input type="checkbox"/> Unknown <input type="checkbox"/> N/A</p>

51	Was a psychiatric expert used?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
52	How many times was a psychiatric expert used?	Number of times		<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
53	Was a forensic medical expert used?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
54	How many times was a forensic medical expert used?	Number of times		<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
55	Was a social work report completed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
56	How many times was a social work report completed?	Number of times		<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
57	How many times did the victim testify during the trial process?	Number of times		<input type="checkbox"/> Unknown	
58	Was the victim provided psychotherapeutic treatment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
CJS RESPONSE TO VICTIMS (CONTINUED)					
For the following questions, if there is more than one victim, respond for the victim who gave his/her testimony the most often:					
59	Was the suspect detained pending trial?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	
60	Was the suspect granted alternative measures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	If the answer is "No," go to question 67

61	Was the suspect granted bail with house arrest?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
62	Was the suspect granted bail with the obligation to submit to care or observation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
63	Was the suspect granted bail with the obligation to appear periodically before the court or other authority?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
64	Was the suspect granted bail with the prohibition to leave without authorization?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
65	Was the suspect granted bail with the prohibition of having certain meetings or visits?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
66	Was the suspect granted bail with the prohibition of communicating with certain people?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
67	Was the suspect granted bail with the submission of an economic incentive?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
FUNCTIONALITY					

68	Did the judge accept the charge without comment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
69	Did the charge fulfill all the element of Art. 332 Bis subsection 1?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
FUNCTIONALITY (CONTINUED)				
70	Did the charge fulfill all the element of Art. 332 Bis subsection 2?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
71	Did the charge fulfill all the element of Art. 332 Bis subsection 3?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
72	Did the charge fulfill all the element of Art. 332 Bis subsection 4?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
73	Was the crime at the start the same as the crime at the end?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
PREVALENCE				
For the following questions, if there is more than one suspect, respond for one suspect here and use the Annex to collect data on the other suspects.				
74	Was a verdict achieved using plea bargaining at the intermediate stage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
75	Was the suspect convicted with a guilty verdict?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown <input type="checkbox"/> N/A
76		Years	Months	N/A

	Total sentence in years and months			<input type="checkbox"/> Unknown	<input type="checkbox"/>
77	Was the suspect given an acquittal of charges?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
Quality Control					
78	Name of Reviewer:				
	Signature of Reviewer:				

<i>Research Study of the CJS in Guatemala</i>							
Case File Review Instrument: Additional Suspect Annex							
CONTROL							
1	Name of the enumerator:						
3	Number of the case file according to the MP reference:						
PERFORMANCE OF THE CJS							
For the following questions, if there is more than one suspect, respond for one suspect here and use an additional Annex to collect data on the other suspects.							
18	What is the relation of the victim to the suspect?	<input type="checkbox"/> Relative	<input type="checkbox"/> Friend	<input type="checkbox"/> Neighbor	<input type="checkbox"/> Stranger	<input type="checkbox"/> Stepfather/Stepgrandfather	<input type="checkbox"/> Other
19		Day	Month	Year	N/A		

	Date of the first instance of the crime:				<input type="checkbox"/> Unkno wn <input type="checkbox"/>
20	Date of complaint:	Day	Month	Year	<input type="checkbox"/> Unkno wn <input type="checkbox"/> N/A
21	Date of the request for the arrest warrant: Confirm with the act of request of arrest warrant	Day	Month	Year	<input type="checkbox"/> Unkno wn <input type="checkbox"/> N/A
22	Date of the issuance of the arrest warrant: Connect with the act of request of arrest warrant	Day	Month	Year	<input type="checkbox"/> Unkno wn <input type="checkbox"/> N/A
23	Date of arrest: Use the act of the first testimony	Day	Month	Year	<input type="checkbox"/> Unkno wn
24	Date of the first appearance hearing: According to the record of the first appearance hearing	Day	Month	Year	<input type="checkbox"/> Unkno wn
25	Date of the presentation of formal charge: According to the first declaration act	Day	Month	Year	<input type="checkbox"/> Unkno wn
26	Date of the presentation of the formal charge: According to the seal of reception from the court	Day	Month	Year	<input type="checkbox"/> Unkno wn
27		Day	Month	Year	

Date of the señalamiento de audiencia intermedia: According to the first declaration act				<input type="checkbox"/> Unkno wn
28 Date of the verdict in the first instance: Connect with the verdict	Day	Month	Year	<input type="checkbox"/> Unkno wn
CJS RESPONSE TO VICTIMS				
59 Was the suspect detained pending trial?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	
60 Was the suspect granted alternative measures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	If the answer is "No," go to question 67
61 Was the suspect granted bail with house arrest?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
62 Was the suspect granted bail with the obligation to submit to care or observation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
63 Was the suspect granted bail with the obligation to appear periodically before the court or other authority?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
64 Was the suspect granted bail with the prohibition to leave without authorization?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A

65	Was the suspect granted bail with the prohibition of having certain meetings or visits?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
66	Was the suspect granted bail with the prohibition of communicating with certain people?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
67	Was the suspect granted bail with the submission of an economic incentive?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
PREVALENCE					
74	Was a verdict achieved using plea bargaining at the intermediate stage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	
75	Was the suspect convicted with a guilty verdict?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
76	Total sentence in years and months	<input type="checkbox"/> Years	<input type="checkbox"/> Months	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A
77	Was the suspect given an acquittal of charges?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unkno wn	<input type="checkbox"/> N/A