final performance evaluation of the promoting justice and integrity in public administration activity (pro-integridad)

Executive Summary

### Purpose and Evaluation Questions

The purpose of this evaluation is to analyze the final performance of the Project for the Promotion of Justice and Integrity in Public Administration (Pro-Integridad), implemented between 2013 and 2016. The evaluation questions are:

1. What sustainable and concrete changes have been achieved in Courtrooms, Prosecuting Offices, and Specialized Public Attorneys for Corruption Cases?
2. What knowledge and skills have been acquired through training programs for judges, prosecutors, public attorneys, and administrative staff of Courtrooms, Prosecuting Offices, and Specialized Attorneys for Corruption Cases?
3. Is the Institutional Integrity Model (MII) implemented by the Project in the Ministry of Justice and Human Rights relevant, useful and replicable in other public entities of Peru?
4. Has the Project influenced civil society organizations (OSCs) to perform citizen oversight regarding the efficient and effective handling of corruption cases under the new Criminal Procedure Code (CPP) in Lima, Amazonas, and Iquitos?

Evaluation findings will mainly inform the design of the 2017-2021 USAID/Peru Country Development Cooperation Strategy. Similarly, they will be of interest to Project key stakeholders/beneficiaries: the Ministry of Justice and Human Rights (MINJUS), the Judiciary Power, the Public Ministry, and the Public Attorney.

### Context and Background

Pro-Integridad contributes to the USAID Development Objective 2 (DO2) to: "Improve the management and quality of public services in the Amazon" as part of the 2012-2016 Country Development Cooperation Strategy for Peru (CDCS).

Total award for Pro-Integridad is US$ 4.5 million to support “the effort of the Government of Peru to reduce corruption in the public administration and to strengthen the rule of law through activities closely aligned with the Peruvian justice reform initiatives.” The Project has three objectives:

* Objective 1: Increase capacity of judges and court staff in targeted regions (Lima, Callao, and judicial districts of the Peruvian Amazon) to manage and solve corruption cases.
* Objective 2: Promote the Institutional Integrity Model (MII) within the Justice Sector.
* Objective 3: Strengthen the judicial system´s capacity to address corruption through effective civil society engagement.

Seventy percent of the Project´s resources and level of effort are focused on Objective 1; 10% and 20%, respectively, of resources and effort are focused on Objectives 2 and 3. The main counterparts are the Judiciary Power, the Public Ministry, and the MINJUS; civil-organizations counterparts are *Forum Solidaridad*, the *Comisión Andina de Juristas*, and the *Consorcio Nacional para la Ética Pública* (PROETICA). Project activities have been undertaken in the judicial districts of South, North and East Lima; Amazonas, Loreto, and San Martin.

### Evaluation Methodology

The study´s methodology was mainly qualitative based on the revision and analysis of primary and secondary data. Primary data were collected through semi-structured interviews with key informants who were selected based on their relationship with the Project, or their role in beneficiary institutions. Secondary data included internal project documents such as work plans, quarterly reports, project products, and deliverables (e.g., manuals, guides, workshops). In terms of primary data collection, a 91% coverage rate was achieved during the fieldwork, with a sample that covered the diversity of institutions and relevant organizational levels in regards to the Project.

Complementary to the semi-structured interviews, closed questions using the Likert scale were applied to examine the awareness, relevance, and use of the products developed by Pro-Integridad, as well as the effect/change caused on the institutional -and individual- level performance. As part of the analysis, these surveys were used to triangulate with primary and secondary information.

### Findings and Conclusions

The Project achieved the activities stated in its Results Framework for each of the three components. For the first objective, Project contributions (documents, manuals, guides, technical assistance) were related to the six key processes identified in the Judiciary Power and the Public Ministry; the target regarding the number of participants attending the *Diplomatura* was also achieved. Per the second objective, the implementation of the Institutional Integrity Model (MII) achieved expected progress in the establishment of basic processes within the MINJUS headquarters. Regarding the third objective related to civil society organizations, the target number for participants attending dissemination workshops and oversight actions was exceeded.

The first objective, related to the institutional capacities for the implementation of the CPP, had a baseline which identified fundamental organizational problems within the management of Courtrooms, Prosecuting Offices and Public Attorney Offices. Project activities, such as the diverse products, technical assistance and the *Diplomatura*, addressed identified problems and contributed to a noticeable improvement from the initial state. The objectives related to the MII and activities targeting OSCs would have benefitted from a more rigorous previous diagnostic to justify and value the activities undertaken by the Project.

The Project’s indicators stated in its results framework mainly referred to process and activities, not measuring effective changes in the management or performance of actors or institutions. This is understandable as 1) the execution period was too brief when compared to the institutional complexity of the public system responsible for addressing corruption cases; 2) there is a need for more time to allow for the impact to take place; and, 3) challenges exist in disseminating better norms and practices of internal organization in the State and information regarding the opportunities of civil society to participate in the CPP. It must be recognized that the Reform is still in its initial phase and there is ample opportunity for improvement regarding its implementation.

Findings are presented by evaluation question:

1. The management of Courtrooms, Prosecuting and Public Attorneys Offices has initiated a favorable change with potential sustainability.

First, Project contributions helped in the understanding of the specific and joint work that must be carried out by staff within the institutional functions framework of each organization. Supporting management documents sponsored by Pro-Integridad, especially of operational nature, address central aspects of definition and organization of functions, contributing to improvements in specific tasks and constituting milestones that establish a path toward continued progress. Management within Specialized Public Attorneys for Corruption Cases has improved due to the simulator and manual to calculate civil damages implemented in pilot judicial districts, an instrument which has a high possibility of being replicated at the national level.

The majority of the products of Pro-Integridad, oriented toward improving management, took place predominantly within the CPP implementation framework or at the strategic level, which were considered necessary to address as general framework to improve the organization and the services delivered to the citizens. Nonetheless, there are no visible, specific changes in the management of Courtrooms, Prosecuting Offices, and Public Attorneys for Corruption Cases given their strategic nature and because this evaluation takes place at a time when those products still require a greater timeframe for results to mature.

The number of specific documents for the sub-system addressing corruption cases was lower. Notwithstanding, given their operational nature, these are positively valued as a means to initiate a sustainable, behavioral change in judges, prosecutors, and attorneys that manage corruption cases. However, an efficacy challenge is to complete the approval processes of some and the dissemination and massive appropriation of others.

A product that deserves special attention is the simulator and manual to calculate civil repairs, which was implemented in the Anticorruption Public Attorney. The simulator was implemented due to its high relevance and level of inclusion in daily staff activities, which would allow for continued future use and an experience that is replicable to other judicial districts not targeted by the Project.

It is important to note that since the design of Project, an important coordination with staff from benefitting institutions was foreseen to identify and prioritize institutional problems and needs to achieve project objectives. This focus was maintained during the implementation and guided the drafting of the management documents described previously. This has been labeled a “demand approach.”

Finally, the development of other management tools specific to corruption cases is still pending, where many focus on investigation, work with key informants, and support for experienced individuals in this area.

II. Criminal justice officials who participated in the training delivered by Pro-Integridad acquired knowledge and specialized skills to improve performance within investigation, prosecution, and judging of corruption cases.

Over one hundred judicial officials of the sub-system that handles corruption cases in seven judicial districts of Lima and the Amazon, including the National Criminal Court that is responsible for issues of national relevance within organized crime, incorporated new knowledge and skills in their daily work. This knowledge emphasizes theory and practice of public ethics and institutional integrity, international treaties against corruption, and case theory on corruption crimes, which is recognized and valued by respondents.

This acquisition of knowledge and skills has specially benefited courts and prosecuting offices, and to a lesser extent the Public Attorney Offices. According to some judges interviewed, it would have been desirable to include the administrative support staff for judges and prosecutors in the court-based training effort, however, the aforementioned personnel were included in management-related and other strictly administrative aspects. It must be taken into account that some of this administrative staff really serves a role of supporting the jurisdictional work of judges and prosecutors.

While there is a high positive valuation of the training delivered on jurisdictional grounds and of the prosecuting function focused on corruption topics, the majority of interviewees also cited a greater use of case law regarding corruption topics would have been desirable. Interviewees also recommended more practice within oral litigation through simulations of judicial cases and actors. This suggests that, unlike more conceptual courses, skills for new, oral proceedings did not have the time required to be equally developed when compared to more theoretical knowledge.

In sum, considering the time available and the training orientation toward corruption cases, the training executed by Pro-Integridad has met the criteria for relevance, efficacy, and sustainability. The judges, prosecutors, and attorneys interviewed considered the content of the courses delivered by the *Diplomatura* very relevant to the role they perform and extol its focus on corruption topics.

The efficacy criterion is satisfied to the extent that interviewees recognize that such training has allowed for better performance in their judicial and prosecutorial functions. Finally, sustainability can be verified through primary data which unanimously suggests that such training should continue and even become a requirement for new officials entering the specialty. In fact, the *Diplomatura* is being delivered now by the Judicial School.

III. The Institutional Integrity Model (MII) implemented at the Ministry of Justice has limited usefulness due to the insufficient maturity time, dissemination and participation of relevant institutions.

While this model innovatively addresses a central topic in regard to a culture of integrity based on successful experiences in other countries and with a degree of adaptability to the reality of the MINJUS, it does not respond to a causal diagnosis (based on theory and/or evidence) that should have existed to justify its implementation. This kind of tool is important to any intervention that seeks to overcome cultural barriers related to institutional integrity in a public institution such as the MINJUS. The causal analysis (for example, the tree problem or another conceptual model) would have allowed identifying such barriers in the concrete context in which they occur and in an ordered fashion, with the goal of designing an effective intervention to overcome them.

Additionally, the evidence concludes that, during the design phase, the diagnosis was not adequately disseminated, which generated a lack of commitment on behalf of the Ministry staff. This lack of dissemination is due to a number of factors: reduced resources allocated to this component and the heterogeneous interest level within the MINJUS, both at the directors level and at the operational personnel.

The MII was partially efficacious. Although programmed activities were achieved due to the commitment and political will of high level authorities within the Ministry, significant changes within the institutional integrity culture cannot be recognized. Thus, it can be said that the usefulness of the MII has been limited, up to the point where this evaluation takes place. On the other hand, the positive aspects that progressed within the MINJUS headquarters are also limited due to the lack of intervention in ascribed entities such as the INPE and SUNARP, fundamental in the fight against corruption.

The sustainability of the MII is considered limited. On one side, it is positive that the MINJUS formally maintains the MII in 2016, and that some of the physical products can be visualized and serve as reminder to the beneficiaries regarding the concepts delivered. Nonetheless, no concrete and significant changes have been identified in the behavior of public officials nor an important impact in the organizational culture that allow ensuring commitment from all organizational levels for maintaining the MII in the future. This is partly due to this evaluation of Pro-Integridad taking place before the maturation of some of the most promising results. A more rigorous understanding of its progress within the upcoming years would provide greater elements to determine the possibility of replicating in other entities.

IV. There is no evidence that civil society organizations (OSC) can continue conducting citizen oversight of the management of corruption cases under the new Criminal Procedure Code.

According to the findings of this evaluation, the team considers that the available evidence does not support a significant influence on OCS to conduct citizen oversight. While the agreements signed and the interventions and trainings conducted by Pro-Integridad counterparts have achieved the planned activities for this component, the effective coverage for the population of potential beneficiaries and the magnitude of the behavioral changes generated are unknown beyond measures of workshop and oversight activities.

Nonetheless, Pro-Integridad´s efforts to select grant recipients based on credibility and awareness of problems regarding access of civil society to justice sector are valuable. It is also recognized that these grantees in charge of training regarding the CPP and oversight actions improved their position thanks to the Project.

One challenge is to provide continuity to the search for long-term commitment of public sector authorities, universities, and the media among others. A valuable aspect of this intervention, as described in the findings section, is the diversity of participants involved in the activities which strengthens the awareness of the importance of multiple sectors involvement.

### Recommendations

For USAID:

1. Interventions on issues of justice and corruption should consider from the design, strategies to conduct activities in coordination with the different hierarchical levels of all organizations involved in the implementation of the CPP.
2. Future designs must consider a more complete causal diagnosis that allows identifying problems and identifying the most appropriate means to achieve desired results.
3. Conduct a more in-depth assumptions analysis regarding the acceptance and appropriation of project activities, considering monitoring activities of institutional constraints.
4. Ensure that products delivered by USAID interventions are shared internally in each beneficiary entity and their sector counterparts. Interventions should include budget for outreach and advocacy actions that allow the best use of the resulting products.

For the Judiciary:

1. Promote high-level political commitment to officialize strategic products developed within beneficiary institutions, sharing both internally and externally with related counterparts in the national anticorruption system.
2. Promote visits to the link “Uniform Case Law in Peru” in the Judiciary Power´s website to enable citizens and CSOs to monitor corruption cases.
3. Update and periodically disseminate the Performance Monitoring System of the Judiciary Power within corruption cases.
4. Showcase the successful experience of the *Diplomatura* on corruption cases for judges, attorneys, and prosecutors, including the importance of its institutionalization and continuous improvement to judicial authorities.
5. Support the development and sustained implementation of the *Diplomatura* in corruption cases for judges, attorneys, and prosecutors as a way to effectively improve the efficacy of criminal operators.
6. Conduct a pilot intervention on fostering a culture of institutional integrity, with the ultimate goal of executing a rigorous analysis on its relevance and feasibility, which lead to high impact and efficacious activities. This will contribute to improve the intervention launched with Pro-Integridad.
7. Conduct specific assessment on civil society oversight in corruption cases so that intermediary organizations (like Forum Solidaridad, Comisión Andina de Juristas, Proética) implement more effective interventions with ground level CSOs.