Constituency-Building for Judicial Reform in Haiti

Independent Midterm Evaluation
February 19 - 27, 2003

REPORT

Prepared for the International Foundation of Electoral Systems

by
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1. Introduction

The Midterm Evaluation of the International Foundation for Electoral Systems (IFES) Constituency Building for Judicial Reform Project in Haiti was contracted by IFES as part of the Project's monitoring and evaluation program. The Project is funded by USAID/Haiti under Associate Cooperative Agreement No.521-A-00-01-00070-00 (Reference Leader Cooperative Agreement No. AEP-A-00-99-00017). The Agreement was issued September 28, 2001 and this Evaluation covers the period from the signing of the Agreement to the arrival of the Evaluation Team in February 2003. The Cooperative Agreement and the USAID-approved IFES work plans for 2002 and 2003 were used as the framework for the Evaluation. The Evaluation Scope of Work is attached in Annex A.

The purpose of the Midterm Evaluation was to assess Project performance and to determine whether it can achieve its intended results by the end date of the Agreement (September 2004). The field work for this Evaluation took place from February 19 to 27, 2003 in Port-au-Prince, Haiti. The team consisted of two independent experts in democracy and governance and rule of law projects. The Team Leader was Sue Nelson, former Director (ai) of USAID/Cambodia's Office of Democracy and Governance, with extensive evaluation and strategic planning experience. Ms. Nelson has also served as an advisor to USAID/Haiti on its elections and DG assistance programs since 1994. The Legal Consultant was Marie Marcoux, an experienced attorney and Creole speaker, with extensive experience in Haiti in the legal and human rights sectors. Ms. Marcoux identified the requirements for USAID/Haiti's first administration of justice program in 1993 and spent four years with the International Civilian Mission in Haiti (OAS/UN MICIVIH).

This independent Midterm Evaluation paralleled an internal IFES administrative assessment done by the IFES Director of Operations Steven Connolly. The two missions were done separately, but shared information and suggestions on project administration and management issues. IFES will be issuing a separate internal administrative assessment report.

Although the time allocated for the Evaluation was short, the Evaluation Team believes it was able to gather enough information for a good review and assessment of the midterm status of the Constituency-Building for Judicial Reform Project. The Evaluation Team interviewed IFES/Haiti and IFES/Washington staff, IFES Senior Advisors and Working Group participants. These participants represented their associations but also represented different professional sectors. These included the legal sector (judges and lawyers), the private sector, the human rights sector and the media.

The Evaluation Team also interviewed representatives of non-IFES affiliated civil society organizations working on judicial reform along with USAID/Haiti, other donors and international organizations (Annex F). The CSO participants were systematically asked several questions from 2001 IFES baseline survey and the results were compared against baseline data (Annex E). The Team also reviewed the available documentation on judicial reform and human rights in Haiti, project documents and other relevant documentation (Annex F).

We would like to thank all of those who participated in this evaluation for their insight and for their time. In particular, we would like to thank the IFES/Haiti staff and the visiting IFES/Washington Program Officer for their candor and logistical assistance.

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2. Executive Summary

The IFES Project on Constituency Building for Judicial Reform is being implemented at a difficult time in Haiti's democratic transition. The political stalemate between the Aristide government and the opposition parties, stemming from the 2000 legislative elections, remains unabated as does executive branch domination over the administration of justice.

According to the Organization of American States (OAS) Special Mission to Haiti, which is working to ensure implementation of OAS Resolution 822 (Support for the Strengthening of Democracy in Haiti), the situation in Haiti has deteriorated in the past six months. Positions have hardened, security and human rights concerns have increased, social tensions are rising and the economic picture is deteriorating.[1] Issues such as impunity and the corrupting influence of drug trafficking money were evident in Evaluation interviews as were intimidation of the press issues and the personal security concerns of those involved in the judicial and human rights sectors.

Within this difficult environment, the IFES Project is working to build the capacity of civil society organizations (CSOs) to advocate for judicial sector reform. The Project was designed to maximize Haitian ownership of the activities and to create a network of civil society coalitions around judicial reform issues. The Project is funded by USAID, which had provided more than $26 million in support of rule of law programs in the 1990s.[2] A GAO (General Accounting Office) assessment of those programs found that U.S. assistance efforts had been hampered by a lack of commitment and sense of ownership in the activities on the part of the Government of Haiti (GOH).[3] The Constituency Building for Judicial Reform Project was issued following a U.S. policy decision to suspend direct assistance to the GOH after the 2000 elections and to implement US assisted-programs through Nongovernmental Organizations (NGOs).

The Evaluation Team found that the approach of working through civil society to effect change in the judicial sector had been widely adopted by others in the international community. A United Nations Development Programme (UNDP) program, currently funded by Canada, is similar to the IFES program in both approach and activities. There are also similar activities funded directly by Canada, European Union (EU), and the OAS Special Mission. Haitian civil society is also organizing itself to promote judicial sector reform. One of these efforts is the CSO, Civil Society Initiative. Another is the Group of 184, which includes a Justice Commission in its work to develop a "social contract" with the GOH.

The size and scope of civil society activities and assistance requires close coordination among donors, implementing organizations and CSOs. The Evaluators found that the IFES Project was coordinating with others in the sector, and in one case conducted a joint activity with the OAS Inter-American Commission on Human Rights. However, coordination needs to be broadened and systematized. This is especially important given the politicization of sector and the pervasive influence of drug money. IFES has already faced the problem of having the head of one of the associations it assisted have his U.S. visa revoked because of suspected involvement with the drug trade. This issue could easily re-occur and the need for policy guidance for USAID grantees on assistance to a CSO if one or more of its principles were implicated in drug trafficking was raised by the Evaluation Team with USAID during its debriefing.

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[1] OAS, *Second Report of the Secretary General to the Permanent Council on the Implementation of CP/RES 822, "Support for the Strengthening of Democracy in Haiti."* January 27, 2003

[2] GAO Report, *Foreign Assistance, Any Further Aid to Haitian Justice System Should be Linked to Performance-Related Conditions,* p. 29, October 2000. Amount of funding cited was for the USAID Administration of Justice Program Assistance to the Haitian Judicial Sector for the Fiscal Years 1993-2000.

[3] GAO Report, *Foreign Assistance, Any Further Aid to Haitian Justice System Should be Linked to Performance-Related Conditions,* p.17, October 2000.

The IFES Constituency Building for Judicial Reform Project is almost half-way through its three-year Cooperative Agreement (9/28/02-9/30/04). The Project has three main objectives:

- Haitian CSOs provided with necessary skills and information to actively participate in the judicial reform process;
- Strategic plans for Haitian CSOs developed and implemented to advocate for justice reforms; and
- Critical mass of Haitian CSOs built that are coalescing around judicial reform issues to produce greater popular demand for reform.

The Evaluation Team assessed the progress of the Project based on these objectives. Several months of the Project was dedicated to setting up operations and determining a plan of action, and so Project activities did not start until 2002. The Evaluators found that IFES had implemented the majority of the activities planned its *2002 Workplan* and had started a number of activities from its *2003 Workplan.* It also found a significant degree of Haitian ownership[4] of the Project and several major accomplishments, including assisting with the creation of the National Association of Haitian Judges (ANAMAH).

The Evaluators also found coordination and project management issues that significantly affected implementation. These issues are easily remedied but are ones which IFES needs to address immediately. The Evaluation Team also found a number of issues stemming from program design. These include the lack of a life-of-project results framework and the large and sometimes duplicative nature of the advisory and working group apparatus.

Objective No. 1: Haitian CSOs provided with necessary skills and information to actively participate in the judicial reform process

One of the difficulties in evaluating the Project, is that the objectives and indicators overlap and, in some cases, do not measure the intended results. The indicators for this objective are not useful and the activities under Objective 1 are also activities of Objectives 2 and 3. It is clear that IFES has worked towards Objective 1 in creating four working groups (legal, media, human rights and education and private sector). The Working Groups met on a regular basis and shared information. IFES assistance produced a study on the independence of the judiciary, and reprinted international texts on human rights treaties and conventions, which were shared among the Working Groups.

The Evaluators found a need and a desire by participants for training on the structure of the judiciary and its functions.[5] Several associations in the Legal Working Group indicated interest in providing this type of training. This appears to be an area where IFES could make a measurable impact in Years II and III of the Project.

There is an increasing level of interest and knowledge of the media on the independence of the judiciary and the need for judicial reform. IFES started work to create a core group of investigative journalists covering the judicial sector and training started in 2002. However, much of this type of work is also being done outside the Project. The Evaluators strongly recommends that IFES coordinate its program and materials with other on-going efforts, in particular with the Canadian-funded activities.

Objective No. 2: Strategic plans for Haitian CSOs developed and implemented to advocate for justice reforms

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[4] Ownership is used to mean that the Haitian partners adopting the project activities as their own and developing a vested interest the successful outcome of the project.

[5] Members of the Legal Working Group also expressed a need and a desire for training, but of a more specialized nature, which the Evaluation Team also believes the Project could assist.

The Project has developed several strategies for CSOs to advocate for judicial reform. These include: a) ensuring media coverage of judicial reform activities; and, b) collecting human rights and due process violations through a hotline and publishing them in an annual report entitled the Status of the Judiciary. The media strategy appears to be on track. The creation of the hotline and the issuance of an annual Status of the Judiciary, planned to start in Year I, is still in the discussion phase.

The Evaluation Team believes that the creation and management of the hotline and the publishing of an annual report are ambitious undertakings that could be combined into a separate project. There are several other organizations, both national and international, that monitor these types of violations. The Evaluation recommends that IFES find partners that can share in the collection and analysis of data as well as with the funding, training and support aspects of this activity.

The Evaluators also recommends that the Project intensify its efforts in civic education and advocacy. Of the three best proposals reviewed by the Evaluation Team, two dealt with civic education. A nationwide education program through the school system, such as a nationwide contest pertaining to judicial independence, could be extremely cost-effective and reach millions of students, parents and teachers. The Working Groups have also developed broad strategies for advocating for justice sector reform. Specific action plans that ensure productive and legal advocacy for judicial reform now need to be developed. These should be designed to reach both the policy and administration of justice levels.

Objective No. 3: Critical mass of Haitian CSOs built that are coalescing around judicial reform issues to produce greater popular demand for reform

This is the ultimate objective of the Project. IFES has put in place the structures foreseen in the Agreement (Senior Advisors and four Working Groups) to start building networks focused on judicial reform. The Advisory Council, which is the highest level foreseen in the Project, is not yet in place although IFES has the agreement of six of the seven members to serve on the council. The Project also worked to create links with the Haitian Diaspora in Florida and with the CSO judicial reform movement in the Dominican Republic.

The Evaluation Team noted a definite trend in civil society towards working together in support of judicial independence and to improve the administration of justice. This was also confirmed when comparing the 2003 results of the questions asked by Evaluators, to the January 2002 IFES baseline (Annex E). Given the number of actors and factors in this sector, however it is not possible to attribute this to the IFES Project alone. It is clear that the IFES Project served as a catalyst in several cases for dormant associations to regroup, re-energize and act on judicial reform issues. Most appropriately, these were in the legal sector and included judges and lawyers . In the case of the Federation of Haitian Bar Associations, IFES assistance helped them realize their vision of creating a nationwide federation of Bar Associations.

Program Design and Project Management

The program design, formalized in the Agreement with USAID, had been written to ensure maximum flexibility for project implementation in the face of such an uncertain environment. It also strives to maximize Haitian ownership of the Project as a means to ensure sustainability of the activities. Given the circumstances, this appears to be a useful strategy. Several issues have emerged in the application of the design.

One is the creation of such a large advisory and working group mechanism. This appears to be a good way to ensure coordination and the sharing of information, but the size of the apparatus seems out-of-proportion to the amount of project funding that will be channeled through it and out-of-proportion to effective project management. With a widely publicized Project budget of $3.5m, the expectations of the Haitian Working

Groups for subgrant funding far exceeded the $52,000[6] allocated for this purpose in the budget. The mechanism is also too cumbersome to use for project management purposes, including the issuance of subgrants.

Another issue stemming from the open nature of the design is that it is open to interpretation as to what constitutes judicial reform, and which activities best contribute to this effort. This is most evident in the changing of objectives and indicators in the annual work plans and in the differences between the 2003 work plans prepared by IFES/Washington (IFES/W) and the one prepared by IFES/Haiti (IFES/H) with Working Group input. The Evaluation strongly recommends that IFES establish a life-of-project results and indicator framework to ensure there is a common vision[7] and a clear direction. This would eliminate many of the implementation and miscommunication problems currently being encountered.

The Evaluation Team also noted a general sense of frustration at almost every level over a lack of communications and information. This was due, in part, to the absence of project management systems within IFES/H that would have more easily funneled timely information to its headquarters and to USAID. It also stemmed from the perception by IFES/H and its Haitian partners that IFES/W or USAID approval was required for almost every action. The IFES internal administrative assessment should address most of these systemic problems as will coming up with a shared vision. The Evaluation Team recommends that once the administrative and program design issues are addressed, sufficient delegation of authority be provided to the IFES/H office so that it can effectively implement its program.

Conclusion

Civil society is organizing itself in Haiti around better governance and rule of law issues. Some of this can be attributed to the IFES Project which has acted to jump start several associations and initiatives focused on the rule of law. However, civil society is also organizing against the conditions of life in Haiti which the Group of 184 has characterized as "intolerable." Some of this is political and includes calls for regime change starting with the resignation of President Aristide.[8] So far, the IFES Project has walked the difficult tightrope of organizing civil society to effect judicial reform in a very politicized environment without its justice sector reform efforts becoming a political issue. This has enabled IFES to effectively bring together different sectors and actors within civil society and government on the issue of judicial reform. However, if conditions within Haiti continue to deteriorate and polarize, maintaining this balance through the remainder of the Project will be difficult.

At this point in time, it is difficult to predict whether the Project will have a sustainable or significant impact on the systemic problems that plague Haiti's judiciary. This is made even more difficult with the deteriorating political environment. The objectives of the Project appear to be realistic means to enable civil society to make more effective demands for judicial reform. The development of good coordination and cooperation, such as the joint OAS/IFES/Bar Association effort with the Inter-American Commission on Human Rights, could help increase Project outreach and impact.

During the first half of the Project, most of the structures anticipated under the Cooperative Agreement for information sharing and building coalitions were created. They now need to be fine-tuned and effectively

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[6] IFES had prepared a re-allocation of its budget line items which raised subgrant funding to $100,000 over the life of the project. IFES awaits the results of this evaluation before submitting its budget revisions to USAID for approval.

[7] Having a shared vision is relates to within IFES (IFES/W and IFES/H) as well as between IFES, its Haitian partners and USAID/Haiti.

[8] OAS. *Second Report of the Secretary-General to the Permanent Council on the Implementation of CP/RES 822, "Support for the Strengthening of Democracy in Haiti." November 4, 2002-January 4, 2003*

used during the remainder of the Project to create the productive demand for judicial reform that is envisioned under the Agreement.

3. Evaluation

3.1 Constituency-Building for Judicial Reform Project in Haiti

The Constituency Building for Judicial Reform project in Haiti is a three year, $3.5m project being implemented by the IFES. The Project started in September 2001 and is funded by USAID. It was designed to build popular support and demand for a better administration of justice in Haiti.

Haiti has traditionally had an authoritarian system of government, which included executive branch domination over the judiciary. Although Haiti adopted a constitution in 1987 with democratic principles, many of its provisions, such as the separation of powers and an independent judiciary, have not yet been implemented.

The international community has provided more than $43m (FY93-01) to assist in the improvement of the justice sector. Of that, the U.S. provided $26.7m.[9] Most of this was provided as direct assistance to the Ministry of Justice (MOJ) and magistrate school, legal assistance and education, case registration and tracking systems, and a model jurisdiction program. In addition, the international community provided more than $110m to assist with the creation and training of the Haitian National Police force (HNP). Of that about $70m was provided by the U.S.[10]

A GAO assessment of U.S. assistance to the justice system in 2000, found that U.S. assistance had been undercut by the GOH's lack of a) follow through on the broad reforms needed to address the major problems in the justice sector; b) assuming ownership in the improvements made possible through U.S. assistance; and c) providing the physical and human resources needed to effectively operate the sector.[11]

Direct U.S. assistance to the GOH was suspended following the 2000 local and legislative elections. USAID funding of its programs was redirected to NGOs. This policy was still in place at the time of the Evaluation.

The major problems identified by the GAO in the justice sector remain. These include lack of independence from the executive branch of government, outdated legal codes, personnel shortages, inadequate infrastructure and equipment, and a lack of internal oversight. In its interviews, the Evaluation Team heard continued references to the lack of means (funds, equipment and supplies) and inadequate training. It also heard of the systemic problems of executive branch interference and corruption stemming from bribes offered by the drug trafficking trade.

The underlying assumption in the design of the IFES Project was that the lack of political will would continue to be the major constraint to meaningful reform. As a result, the Project focuses on increasing public demand for an improved administration of justice and an independent judiciary. This would be done through the creation of civil society networks and coalitions that would build public support and advocate for needed reforms. Haitian ownership of the process was also stressed as a means to ensure its sustainability.

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[9] GAO, *Any Further Aid to Haitian Justice System Should Be Linked to Performance-RelatedConditions*, GAO-01-24, p. 33, October 2000.

[10] Ibid

[11] GAO, p5

Although the design is more than two years old, the underlying assumptions are still valid. The also found that the approach of using civil society to build demand for better governance and ac was being widely used by other donors. UNDP is currently administering a justice sector reforr funded by Canada, that closely matches the IFES project in both its objectives and activities. T bilateral and multi-lateral funded CSO work in the justice sector by Canada, the EU, the OAS S Mission and others.

The IFES Project has three main objectives:

- Haitian CSOs provided with necessary skills and information to actively participate in the judicial reform process;
- Strategic plans for Haitian CSOs developed and implemented to advocate for justice reforms; and
- Critical mass of Haitian CSOs built that are coalescing around judicial reform issues to produce greater popular demand for reform.

These objectives were to be met through specific activities that would be developed by IFES and its Haitian partners in annual work plans. The priorities for Project activities in the Cooperative Agreement included: the independence of the judiciary, adherence to due process and the reform of commercial codes. The Evaluation Team was told that human rights were added as a priority by USAID in 2003.

The *2002 Workplan* provided the following indicators that were to be used to evaluate the Project activities:

- Increased capacity of working group members to advocate for judicial reform
- Enhanced flow of information between CSOs, media, judicial and government officials
- Enhanced appreciation among Haitian media of the importance of civil society in judicial reform
- Improved ability of working group members to coalesce on judicial reform activity

These indicators were not re-used in the *2003 Workplan.* The indicators in that work plan are:

- A nationwide network of organizations/coalitions
- Participatory methodology of program sustainability
- Collaboration of working groups sectors, promoting human rights and justice reform/focusing on freedom of speech
- Compiling information/recommendations for the State of the Justice Report (Human Rights and Judicial Independence)

The Evaluators have pulled together a Results Framework from the objectives and indicators in both the 2002 and 2003 work plans which is provided in Annex C.[12] There is shift of focus evident in the *2003 Workplan* and this is discussed in Section 3.5.1 of the Report.

The Constituency Building for Judicial Reform Project has a planned funding level of $3.5m. USAID agreed to provide all of this funding through Cooperative Agreement No. 521-A-00-01-00070-00. The Agreement was signed September 28, 2001 and runs to September 30, 2004. USAID has obligated $3.1m of the project total and, as of 12/30/02, IFES had spent $1.2m.

3.2. Objective Number 1: Haitian CSOs provided with necessary skills and information to actively participate in judicial reform process

[12] The table uses the format from USAID/Haiti's *Performance Monitoring Plan*

3.2.1. Planned activities

IFES planned to start work under this Objective with a survey of CSO perceptions of judicial independence and the major constraints to developing an independent judiciary. Its purpose was to identify priority issues for the Project to address and to measure changes in perception over time. It also planned an independence of the Haitian judiciary study based on a methodology used in an IFES/AID publication entitled *Guidance for Promoting Judicial Independence and Impartiality*. The assessment results and the study were to be released during the Port-au-Prince Bar Association's Law Week in 2002.

Events, such as roundtables, conferences training sessions, were planned to enhance the flow of information between the different sectors. They also expected to produce public information pieces, including pamphlets, manuals, radio/TV spots and newspaper articles.

The Project intended to work through a creation of working groups (described in detail in Section 3.4). Four Working Groups were to be created: Legal, Media, Human Rights and Education and Private Sector. Each group was to be led a Senior Advisor (hired as a consultant to IFES). IFES anticipated that the Legal Working Group would help design training materials (a manual and pamphlet) for investigative journalists on the judicial process, including the selection, promotion and disciplinary process for judges. The manual and two training seminars (for a total of 20-30 journalists) were planned for Year I.

It is difficult to determine the amount of funding available for any of the three Objectives under the Agreement as IFES did a global budget. However, IFES/H estimates that about 30% of Project funds would probably be used for activities under this Objective.

3.2.2. Implementation

The IFES activities in Haiti did not get under way until 2002 when IFES undertook an assessment of CSOs and the judicial sector. The assessment was conducted by the IFES/W Rule of Law Advisor and the IFES/W Program Officer for Latin America and the Caribbean. The assessment included a review of existing documentation and meetings with USAID and CSOs to discuss the Project and the need for judicial reform and independence. Part of this assessment included administering a questionnaire to 66 respondents (civil society, judiciary, academia, private sector and the international community) to gauge opinions regarding judicial independence.[13]

IFES issued a report on the findings of its questionnaire and used the January 2002 assessment to develop a work plan for 2002. This *2002 Workplan* was submitted to USAID for approval in February 2002. The survey results appear to be the only baseline information collected by the Project.[14]

The IFES/H office was staffed and operational by February 2002. As detailed in Section 3.4 from March to April 2002 the four working groups were created and the Senior Advisors were hired. The Senior Advisor of the Legal Working Group was contracted to undertake a study on the status of the Haitian judiciary. This study, along with the questionnaire results, were presented to the legal community during the annual Law Week of the Port-au-Prince Bar Association, held in May 2002. The Project provided financial assistance for the holding of Law Week and for the participation of representatives from the 15 bar associations from the nine departments.

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[13] The Evaluation systematically asked CSO respondents to complete several of the same questions, as a follow-up upon which to gauge changes in perceptions regarding the ability of civil society to organize on the subject of judicial independence

[14] There is a wealth of information, however on the justice sector that has been done by other USAID and donor funded projects over the past ten years. Some of this information could be used by the Project in the development of its baseline.

With IFES support, the Port-au-Prince Bar Association also published a bound collection of inte treaties and conventions dealing with human rights. The publication of international human rig instruments is a valuable step toward informing judges nationwide of their courts' responsibility mandates of instruments to which Haiti is a party. Currently, few non-lawyer justices of the pea understand the role of international instruments in the rule of law in Haiti. Broad distribution of publication may help alleviate this problem.

The Port-au-Prince Bar Association, IFES and the OAS Special Mission organized a training session for lawyers with the Inter-American Human Rights Commission on documenting and presenting human rights violation cases to the commission. The Justice Specialist at the OAS thought it was impressive that the training brought together over 160 participants, including lawyers and judges, for a substantive and technically very high level of discussion.

This three-day workshop in August coincided with the first general conference of the Federation of Haitian Bar Associations (FBH) which adopted a code of ethics during the conference. The code, drafted by IFES and the Port-au-Prince Bar members during Law Week, touches many matters of concern in the practice of law but needs further elaboration. Federation members admitted to the Evaluation's Legal Consultant that it will be amended upon as time progresses, but they were not in agreement regarding certain vague language.

IFES conducted a three-day media training workshop regarding the independence of the judiciary and human rights with the goal of encouraging Port-au-Prince area journalists to be more engaged in judicial issues. Twenty journalists attended this November 2002 workshop which announced that a network of Information, Justice and Human rights (RIJDH) had been formed. The RIJDH leaders were members of the Media Working Group.

On December 10, 2002, the Justice and Human Rights Information Network was launched to coincide with the anniversary of the Universal Declaration of Human Rights. The network's goal is to improve circulation of information on justice and human rights issues. Its journalist and other professional communications members are to work with the human rights and media associations, the business community and other NGOs. The network's motto is "information in the service of law."

Planned activities that did not occur in the first year of operations included:

- Preparation of materials and policy-oriented research to inform judges, lawyers and journalists about the Constitution and judicial system, regional and international treaties and conventions and best practices regarding selection, evaluation, promotion, disciplinary and tenure procedures for judges and the effective and fair enforcement of judicial decisions; and

- Mechanisms and techniques to widely disseminate information and enhance civil society engagement on key reforms and high priority draft laws. According to IFES/H, there were multiple versions of the draft laws, some assisted by international community efforts, specifically, UNDP, and an MOJ promise of a consolidated draft.

3.2.3 Results

Although the Project was not ready to start activities until the second quarter of the Agreement, once the Project office was up and running, it quickly started the process of capacity building and sharing information among Working Groups and their members. However, the process lost its momentum in late November 2002 when the Working Group mechanism stopped functioning. This collective action is a result of the IFES/W work plan being submitted to USAID for approval rather than the work plan developed by the group and IFES/H. This issue is discussed Section 3.5.1 and is one which IFES needs to address immediately.

The *2002 Workplan* has two indicators to measure the results of this objective. They are: "Increased capacity of Working Group members to advocate for judicial reform" and "Enhanced flow of information between CSOs, media, judicial and governmental officials." The *2003 Workplan* adds a third indicator: "Participatory methodology of program sustainability."

It was difficult to assess the capacity of the Working Groups to advocate for judicial reform or to determine whether there was an enhanced flow of information between the different sectors and actors. No baseline data exists for these indicators. The Evaluation Team also met with individual members of each Working Group and was not able to see a Working Group in action.

For the objective of the enhanced sharing of information: From reports and interviews made available to the Evaluation Team, the major source of information appears to be journalists' reports on justice-related matters and written materials provided at and as a result of IFES-sponsored conferences. There is no baseline on which to compare the media's prior judicial reporting with the current situation. Recent arrests and intimidation of journalists appear, however, to indicate that the media are increasing coverage of incidents considered threatening by the government and other sectors.

Training started in Year I for the core group of investigatory judicial reporters foreseen in the work plans. However, the Evaluators noted other efforts being undertaken in this sector. The Haitian Press Federation, which is a member of the Media Working Group, told the Evaluation Team that in 1998 created a group of 250 judicial reporters, all lawyers, and has done subsequent training with the assistance of the University of Montreal. There is also the very professional program being implemented by the Canadian NGO Réseau Liberté that recently trained 380 judicial reporters. The Evaluation Team strongly recommends that IFES coordinate its media training efforts and strategies with these on-going programs and work together wherever possible.

On the issue of capacity building: The Evaluators reviewed the proposals received by IFES for funding of Working Group member activities. There was a very uneven level of sophistication in the design of activities and presentation of the proposals. It was clear that some organizations, mostly lawyers and business sector groups, are extremely capable of lobbying for judicial reform and implementing activities to promote justice sector reform. It was also clear that some organizations, mostly smaller and newer groups, required extensive training and that IFES could provide this type of support.

The Evaluation Team was struck by the level of effort being provided for the Canadian funded CSO project. Its coordinator works closely with young but established CSOs to define their proposals to assure efficiency, fall within guidelines and otherwise comply with Canadian requirements. The Evaluation Team recommends that IFES/H review these proposal-mentoring activities to determine if their use is appropriate for Working Group CSOs with viable project ideas but which need assistance in project formulation.

The issue of the capacity of CSOs was raised during the Evaluation Team's discussion with the OAS Human Rights Specialist in regards to the Project's anticipated hotline. According to the Specialist, the CSO that has agreed to house the hotline, CARLI, is being considered by at least three other groups for joint activities. This includes the OAS which is in discussion with USAID about funding from its Victims of Torture Fund for activities that are allegedly in line with CARLI's work. She raised the capacity issue both in terms of managing the hotline and funding, and that some CSOs did not have the capacity to simultaneously handle large programs for several donors.

In terms of measuring the results under this Objective, the Evaluation re-asked the following question from the 2002 baseline survey: "Has a legal association, like a judges association or bar association contributed to judicial independence?" The difference in responses between 2002 and 2003 is striking. In January 2002, only 3 respondents said Yes and 12 said No. In February 2003, 12 respondents answered Yes and only 1 said No.

Given the number of CSOs, NGOs and donor-sponsored programs working in the justice sector and the growing civil society movement for better governance in general, it is difficult to attribute this change of perception to IFES alone. But certainly well-publicized work done in Year I with the Port-au-Prince and Haitian Bar Associations, the creation of the National Judges Association (ANAMAH), the assistance to the Association of Women Judges, have been contributing factors.

For the Working Groups, in general, the Evaluation found the following:

Legal Working Group[15]

Some members like the Women Judges Association and Port-au-Prince Bar Association existed before the IFES Project. The National Association of Haitian Judges (ANAMAH) formed in January 2003 with IFES support. Several institutions such as the Law and Economics Faculty and the *Académie de Formation et de Perfectionnement des Cadres* (AFPEC) existed long before the IFES project. The Evaluation Team noted the strong *ésprit de corps* among members of each professional association. Some have realistic plans to conduct activities to assist their members, such as continuing legal education and publishing guides and books on law-related topics.

The Port-au-Prince Bar Association was instrumental in linking IFES and the Organization of American States Special Mission, resulting in a human rights conference with participation of members of the Inter-American Commission on Human Rights. The OAS mission's legal officer commended the excellent meld of specialties and agile cooperation of the organizing entities. The Evaluators hopes that IFES will be able to continue with these types of joint activities with various CSOs indifferent sectors through the remainder of the Project.

AFPEC proposed to form *Justicentre*, a lawyers' club to conduct continuing legal education (CLE) and conferences on matters of interest to judges, lawyers and human rights supporters and to house a law and human rights library. After IFES failed to reply to AFPEC's $1 million proposal, AFPEC went ahead on its own and bought additional furniture and began a series of catered weekly lunches with speakers on justice sector reform and related topics. The Senior Advisor to the Legal Working Group was a speaker at the lunch held during the time of this Evaluation.

The Port-au-Prince Bar Association reports that it has conducted continuing legal education for its members but feels it would be better equipped to perform its role if it had funds for an office and staff. Its headquarters currently resides in its president's law firm. The Legal Consultant suggests the IFES Senior Legal Advisor attend some of the Bar training to assess whether IFES assistance in this regard is warranted.

The newly created Judges Association (ANAMAH) said its recent and first-ever nationwide strike to protest the arrest of one of its members indicates that it is a force to be reckoned with. ANAMAH also believes that the Ministry of Justice is opposed to the group because it fosters judges' independence, and cited the unavailability of the *l'Ecole Nationale de la Magistrature* for its organizational meeting in spite of a reservation request months in advance. Though the judges' strike was intended to remedy an improper procedure, IFES needs to remain cognizant that such tactics can harm unrelated parties like the thousands of detained suspects awaiting court appearances and trial, and needs to encourage productive and legal forms of protest.

Private Sector Working Group

The team met with three of the Private Sector Working Group's 11 members, including a professional

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[15] The Evaluation Team spoke with representatives of six of the Legal Working Group's eight member entities. As a result, comment on only those six groups' capacity is warranted.

organization, the Haitian Chamber of Commerce and Industry and an international consulting group. The accountants' organization already trains its members, and the consulting firm manages to keep busy despite Haiti's worsening economic situation. The Consulting Group is already doing programs on at least three Port-au-Prince broadcast media outlets on topics of national interest. The underlying purpose is to publicize the firm, but the media could be used to promote public interest for justice sector reform through its selection of topics or guests. The Chamber of Commerce's own activities and members' focus on their businesses rather than Working Group sessions leads to the conclusion that group activities have had little or no effect on members or the Chamber's advocating for judicial reform.

Chamber representatives stressed the need for an operational arbitration court. Though this is well beyond the scope of the IFES Project, it parallels justice sector reform efforts. With fewer commercial disputes clogging the courts, the justice sector can concentrate on, among others, matters involving human rights and respect for the rule of law and individual liberty by proper application of criminal law and procedure.

The Chamber's enabling legislation reportedly authorizes the Chamber to establish and operate an arbitration court for commercial- and business-related disputes. Due to lack of funds, and perhaps due to the political situation, the court does not operate. Future international NGO or assistance directly to the Chamber is advisable to make the court operational. This project could begin even before the drafting of a long-needed commercial code.

Media Working Group

Interviews with representatives of four of the eight Media Working Group member organizations, indicate that the media is managing to speak up in favor of judicial reform in spite of repression by government and other forces. The Haitian Press Federation (FPH) considers itself a force to be reckoned with, since it files lawsuits after member journalists are reportedly arrested and jailed without cause. A FPH official told the Evaluators that nowadays journalists are not imprisoned due to his organization's efforts.

Nonetheless, intimidation of the press continues to be of major concern. During the Evaluation Team's eight-day visit to Haiti, two radio stations and one television station temporarily ceased operations out of concern for their personnel's safety. *Radio-Télé Haiti Inter* whose founder Jean Dominique was killed two years ago, ceased operating on February 22 after Mr. Dominique's widow's bodyguard was killed in December 2002 and continuing threats against the stations' journalists. Another radio station temporarily ceased operations but started up again within a few days.

It is unclear whether the media's continuing strong voice in favor of judicial reform results from strengths of its leadership and members, from IFES projects and training and/or from the work of other NGOs such as Réseau Liberté, a Canadian NGO that conducts training sessions for investigative journalists who cover the judicial system, prosecutors, police and prisons. Reseau Liberté published a manual and CD with background information on the justice sector, guidelines for coverage and related written materials. Other organizations also offer media training and ANAMAH hopes to conduct training. It is clear, however, that journalists and their professional CSOs are supporting each other in their quest for a free press and freedom from fear of intimidation.

Human Rights Working Group

The Team interviewed representatives of two of the Human Rights and Education Working Group's ten members. From such a small sample of informants it is not possible to gauge accurately group members' capacity to advocate for judicial reform. Suffice to say that long-standing entities belonging to the group continue to advocate for judicial reform and other human rights-related concerns. Although not a working group member, the CSO *Platform des Droits Humains'* institutional membership is itself perhaps Haiti's strongest human rights advocate. The Catholic Church-sponsored CSO *Justice et Paix*, an influential *Platform* member which advocates forcefully for human rights, has refused to accept USAID funds and to

work with USAID-funded projects such as IFES's.

For the remaining indicator: "Participatory methodology of program sustainability," the Evaluators found that IFES/H is working in a very participatory manner[16] and that there is Haitian participation and ownership of the Project. However, as this is a methodology rather than an anticipated result, the Team recommends that it be dropped as objective. Most of the activities listed under this Objective in the *2003 Workplan* fall under the other objectives. However, the Evaluators took note of Activity 2.1 "Facilitate the establishment of a local IFES."

This entity would "play a coordinating role between the broad coalitions which will be formed by the end of the Project."[17] In Section 3.5.1 the issue of the size of the apparatus being created to implement this Project is raised. It seems to the Evaluators that this would add yet another layer. The Senior Advisors have interpreted this to be something similar to what they saw on the IFES-sponsored trip to the Dominican Republic. As the Evaluators are not familiar with the CSO assistance program in the Dominican Republic, the Team cannot assess whether that idea has merit. Both Evaluation Team members are concerned about the merit of creating yet another Project entity and the related risk of making the organizational structure even more complicated and costly.

3.2.4 Recommendations

- Encourage positive and legal actions for CSOs to achieve their desired results, and focus training efforts on empowering CSOs, journalists, attorneys and justice sector personnel to take positive actions to combat abuses and to work for justice sector reform.

- Develop an action plan to address the individual needs of Working Group members for capacity building for both institutional capacity as well as to build capacity to advocate for judicial reform. This would include training on the constitutional mandate for operation of the justice sector.

3.3 Objective No. 2: Strategic plans for Haitian CSOs developed and implemented to advocate for justice reforms

3.3.1. Planned activities

The *2002 Workplan* identified four main strategies to be developed and implemented by the Project:

- Use of the media to build support and publicity for CSOs working on judicial sector reform. It would also help build public awareness and demand. Selected journalists would be trained in investigatory techniques and a close working relationship between the Legal Working Group and the Media Working Group was anticipated.

- A civic education program focused on youth. The Project would produce a CD for youth on the issues of judicial independence and justice for all. This was to be used in the period leading up to Carnival 2003 or 2004. A series of judicial roundtables in Port-au-Prince was also planned, to bring together judges and Working Group members to discuss concerns in a productive and non-confrontational environment.

- Use of a hotline to report human rights and due process violations. Data was to be collected and

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[16] At every level, IFES/H has worked to stress the input of the Haitian participants. However, one of the problems identified in the Project design section of the Report (3.5.1) is that the participants required more direction than IFES anticipated, as well as a specific framework within which to work.

[17] *2003 Workplan*, November 2002. P 12

incidents documented. This was to start during Year I.

- Issue an annual State of the Judiciary Report starting in Year I.

The strategies and action plans were to be developed by each Working Group and its Advisor in Year I. Implementation of the activities was expected to start shortly thereafter. IFES planned to directly fund most of the activities, although a small amount was earmarked for subgrants for Working Group members. The subgrants were expected to be between $500 and $5,000[18] each.

IFES/H estimates that approximately 55% of the budget will probably go for this Objective. Some $52,000 was allocated in the Agreement budget for subgrants. IFES intends to request USAID approval to raise this amount to $100,000, depending on the results of this Evaluation.

3.3.2. Implementation

The Project initially focused on developing Working Group strategies once the Senior Advisors were hired and the Working Groups were initiated. Starting with the May 2002 Law Week activities, IFES Working Groups proposed activities to improve access to justice and encouraged Law Week attorneys, judges and CSO members to participate in the Working Groups. In June, IFES organized a two day workshop of all four Working Groups. During this time, each group came up with a rough strategy and action plan:[19]

- Media Working Group: training of about 15 journalists nationwide on the judicial sector and its coverage, creating a national network of judicial reporting journalists, developing radio & TV spots, publication of articles and op-ed pieces, creating a special information agency on judicial matter and organizing debates on issues such as the law and the press.

- Private Sector Working Group: engage all private sector enterprises in the Working Group, inventory legislation affecting the business community and evaluate Haitian laws in terms of their conformity to the Caribbean Common market, form a coalition with other sectors to support the independence of the judiciary and develop a position paper to publicize the state of the judiciary.

- Human Rights and Education Working Group: develop training materials, encourage the participation of University students at judicial independence activities, organize debates with national and international participants on the issue of the independence of the judiciary, and create a network of human rights/abuse of judicial power observers.

- Legal Working Group: establish a location for its regular meetings, enlarge the Working Group to include judges associations and individuals (judges, deans, prosecutors, etc), form a coalition with the other Working Groups, build citizen participation, develop a dossier of judgments with comments on the validity of their decision in the law, publicize both favorable and unfavorable decisions of judges and lobby Parliament on judicial reform legislation.

Some of the Working Groups started to implement their strategies. Twenty journalists for the core training for investigatory journalism were identified and a three-day media training workshop on the independence of the judiciary and human rights was held. A one day conference on impunity and its relationship to human rights violations was held by the *Comité des Avocats pour le Respect des Libertés Individuelles* (CARLI), a member of the Human Rights Working Group.

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[18] IFES, *Atelier de Travail*, 13-14 Juin 2002

[19] List is from the IFES Quarterly Report for July 1-September 30, 2002.

The Legal Working Group was expanded and two judges associations (ANAMAH and Association of Women Judges) became members. However, the Legal Working Group has not yet stepped up as a resource to other working groups, though in August 2002 the Port-au-Prince Bar matched IFES and the OAS Special Mission to help organize training on presenting human rights abuse cases to the Inter-American Commission on Human Rights.

The strategies for the Working Groups were formalized in a *2002-2004 Workplan* that was developed conjointly between IFES/H and the Senior Advisors. This work plan was submitted to IFES/W at the end of October 2003. It included a number of additional strategies including starting an annual citizenship and human rights week, training and mobilizing 1,000 human rights observers, broadcasting radio spots, and a corruption study. According to IFES/W it repackaged the activities in this work plan into the format of the 2002 plan and submitted the *2003 Workplan* to USAID for approval in November 2002 .

The Haitian Senior Advisors did not recognize their strategic plans in the *2003 Workplan* and were still perturbed over what they saw as IFES/W's unilateral changes. This issue has brought the activities under this Objective to a near standstill as the Senior Advisors rework the *2003 Workplan.*
No subgrants were issued in Year I. This was a decision of IFES/H which wanted to get the working group structures and strategies in place without the inducement of funding. Because the groups were all aware that subgrants would be available, many submitted proposals. Many of these were vastly over the amount of money that would be available and almost all of them were not processed by IFES/H. Those that were, such as proposals for conferences, were paid for directly by IFES.

3.3.3 Results

The results of this Objective were greatly affected by the *2003 Workplan* incident. The Project started its strategic planning process, but almost all of the activities under this Objective stopped as the Advisors strove to understand why IFES/W had disregarded their input and, in their perception, changed the activities and focus of the Project.

As discussed in Section 5.1, the open nature of the Project design has left it vulnerable to differing interpretations as to what constitutes judicial reform and what are priority actions. In the first months of the Project, a life-of-project results and indicators framework should have been developed that IFES/H and its Haitian partners could have used for direction in developing their strategies and activities. Developing this framework is something that IFES needs to immediately address before another version of the 2003 work plan is drafted.

On the issue of subgrants, the Evaluation Team understands the rationale for the decision by IFES/H not to provide subgrants in Year I. However, this should have been communicated to the Working Group members. The Evaluators found some Working Group members frustrated over the lack of a formal IFES response to their proposals. These CSOs had unrealistic expectations of the levels of funding that would be available, and what those funds could be used for. More direction from IFES to these Working Group members on the terms and conditions of the subgrant (in written format) is warranted. A possible model might be the one page detailed instruction sheet developed by the Canadian Fund for Justice and Human Rights for CSOs interested in applying for its subgrants.

The work plans provide two indicators to measure the results of this Objective: "Enhanced appreciation among Haitian media of the importance of civil society reform" (2002); and "Compiling information/recommendations for the State of the Judiciary Report" (2003).

There is no baseline information available to measure the enhanced appreciation of the Haitian media for the work of civil society in the justice sector. Though it is clear that media organizations participate in working group meetings, participate in other international NGO-sponsored training and are interested in additional training, measurable results in this area appear to be limited. Within the Media Working Group,

two of its most active and influential media organizations are hostile toward each other which has stymied progress of the entire Group. These organizations plan their own activities, so the Evaluators recommend that IFES not lose time attempting to implement Media Working Group-level projects, other than coordination meetings or trainings.

After months of seeking a CSO to staff the hotline and conduct investigations, CARLI agreed to help. But, the hotline was not yet operational, and staff and investigation training had not yet begun at the time of the Evaluation. There is also no structure yet in place to compile data for the State of Justice Report. One source for report data could be the hotline for citizens to report human rights abuses.

Though hotline-reported cases could form the core of a State of Justice Report, additional data could come from other sources, such as organizations such as some of those belonging to the *Platform des Droits Humains* and the OAS Special Mission. Port-au-Prince Bar members said their organization issues critiques of improper court decisions. The Bar and/or Federation of Bar Associations may be a valuable resource partner for the State of Justice Report, perhaps complementing CARLI investigators' field work. The Evaluation Team is aware of no other person or organization monitoring court decisions on a national basis.

The creation and management of a hotline that records, investigates and publicizes human rights abuses is an ambitious undertaking. As is preparing and issuing a State of the Justice Report. Each of these will require a significant degree of time, training and financial and moral support to accomplish. The Evaluators strongly recommends that IFES find strategic partners (i.e.-other donors and international NGOs) to assist with the planning and implementation of both the hotline and the State of Justice Report.

There are many areas where the IFES program converges with activities funded by other donors and implemented by different NGOs. IFES should strive to maximize the impact of its activities and funding and avoid duplication of efforts, by continuing its close collaboration and efforts for joint programming. For example, IFES could combine with other NGOs and/or CSOs to train investigators of complaints received via the human rights abuse hotline. The Project could piggy back on the activities of other NGOS which are already training journalists to cover the justice sector, and, for example, adapt such organizations' training to human rights investigation.

The Evaluation also recommends that IFES concentrate its efforts on specific training, such as of journalists, judges, court personnel and human rights abuse investigators. Since many law school teachers are not licensed attorneys, consideration should be given to training such teachers in human rights law and Haitian criminal law and procedure. Seminars, workshops, conferences and colloquiums where general topics (constitution, state of the justice sector, need for reform, etc.) are discussed should be avoided, since many of these have already been held over the years.

OAS Special Mission personnel are qualified to train CSOs, college students and teachers as investigators. Actively practicing lawyers are likely the best law school professors due to their daily involvement with legal and procedural matters. Since the Bar Federation feels strongly that only active lawyers are properly qualified to teach law, effort to train law professors should be coordinated with the Port-au-Prince Bar and/or the FBH.

The Evaluators encourages the Project to increase its civic education efforts aimed toward youth, including school pupils and law students. Many of these activities were suggested in the *2002-2004 Workplan*. For example, a nationwide contest with prizes for the best posters and essays regarding justice sector reform/an independent judiciary could be held with minimal expense yet would reach millions of school-aged youth, their parents and teachers regarding the need for justice sector reform. Another possibility is training law students to investigate hotline complaints and to work in rural *pro bono* legal aid offices which would serve the dual purposes of preparing students to be lawyers and to provide services to the Haitian population.

Another area activity discussed in the *2002-2004 Workplan*, where IFES could make a difference, would be provide up-to-date legal materials for wide distribution, including to all levels of judges and law students. In this effort, the Evaluation encourages IFES/H to combine efforts with other NGOs and CSOs working in the sector. Law student participation in *pro bono* legal aid programs was implemented in the late 1990s in northern Haiti. Such an ambitious and innovative project elsewhere would require IFES to partner with another organization that is prepared to continue work after expiration of the current IFES/USAID Agreement.

3.3.4 Recommendations

- Explore the possibility of working with others already involved in monitoring the justice sector, such as some Platform *des Droits Humains* member organizations, the OAS Special Mission and the Port-au-Prince Bar Association, for the creation of the State of the Judiciary Report. These combined efforts could be coordinated to produce a thorough and useful report. The report could also be supplemented by case summaries from the hotline, once it is implemented.

- Ensure the Project is working conjointly on all aspects of its strategy, and not wait to implement its civic education program and lobbying activities. In particular, implement a civic education component that targets youth and educators.

- The Working Group mechanism not be used for the purpose of providing subgrants or approving an activity to be directly funded by IFES. Any subgrants issued should be managed and negotiated directly between IFES and the requesting CSO.

3.4 Objective No. 3: Critical mass of Haitian CSOs built that are coalescing around judicial reform issues to produce greater popular demand for reform

3.4.1 Planned activities

The Program Description in the Agreement and the *2002 Workplan* planned to create a network of CSOs and coalitions around the issue of judicial reform. The starting point was creating a core group of Project participants, working at different levels. An Advisory Council was planned at the highest level. It was to be made up of about six high-profile Haitians. The next level called for four Senior Advisors who would each advise one of the four Working Groups (Legal, Media, Human Rights and Education and Private Sector). Each Working Group would be made up of 4-7 people who were either outstanding individuals or leaders of CSOs.

Working Groups were to meet twice a month and would elect two representatives each to serve on the "Coalition." The coalition was to meet once a month and discuss the broader issues of strategy. The Program Description in the Agreement talks of a second-tier of CSOs and an urban-rural network linking large CSOs with smaller ones.

The work plans called for the IFES coalition to work closely with another coalition that had already been created by the UNDP project and with others working in the sector. Inter-group and inter-coalition activities, planned under the Project's Objective No. 2 (Strategic plans for Haitian CSO developed and implemented to advocate for justice reform), would start the process of building a critical mass of Haitian CSOs around the issue of judicial sector reform.

In Year I, the Project also planned to develop links with the Haitian Diaspora in Florida through the Florida Association of Voluntary Agencies for Central America and the Caribbean (FAVACA) on judicial issues. This was planned for Year I. It also planned to establish links with the CSO reform movement in the Dominican Republic in Year II.

IFES/H estimates that about 15% of Project funds would go for the implementation of this Objective.

3.4.2 Implementation

IFES immediately started the process of hiring Senior Advisors and creating the four working groups. The list of Groups and its members is in Annex D. These were in place for the Port-au-Prince Bar Association's Law Week in May 2002 when the Working Groups encouraged other participants to join their Groups. This also started the process of cross-sector collaboration by engaging in joint meetings. As of the February 2003 date of the Evaluation, the Advisory Council had not yet been created, but according to the IFES Program Director, six of the seven persons approached to serve on this Council have agreed to participate.

The Project assisted a series of activities designed to foster coalition and network building. These included:

- a two-day workshop for the four Working Groups in June to define a framework for collaboration, develop their strategies and to build coalitions.

- two exchange visits to the Dominican Republic in June. During the first, the IFES/H Program Director and the Senior Advisers to the Legal Working Group, along with USAID/Haiti's Director of its Office of Justice, Democracy and Governance (JDG) and the Agreement's Cognizant Technical Officer (CTO), met with the USAID/Dominican Republic Justice Democracy and Governance personnel and representatives of a Dominican justice sector CSO. During the second visit, all four Senior Advisers, the IFES/H Director and the IFES/W Program Officer and Program Assistant met with justice sector reform CSOs. The visits discussed lessons learned regarding coalition-building, activities to enhance judicial independence and the capacity of Dominican judicial CSOs.

- a congress of the Association of Women Judges in August when members adopted articles of organization (*statut*). The group had existed four years without a formal governing document. IFES assistance is helping this four year old group find its voice for judicial reform. It has also grown from 10 to 14 members before its conference to about 49 members (out of the approximately 100 women judges in Haiti).

- facilitating the Port-au-Prince Bar Association elections in October.

- attending the UNDP-funded CSO project's first large scale effort of coalition building for justice sector reform. According to the project's spokesperson (who is the representative from the CSO Haiti Solidarity International which is also a member of the IFES Human Rights Working Group), 150 to 200 persons, from about 50 associations nationwide, attended the September 2002 "Citizen Forum" focused on the issue of "participation."

- organizing, in collaboration with the Haitian Resource Development Foundation, a two-day December 2002 conference in Miami on Haitian judicial reform and legal education. This Haitian Diaspora organization's members addressed the conference topics and worked to link the Working Groups with the Haitian Diaspora in Florida and Louisiana to be engaged in the law sector activities in Haiti.

- financially assisting a December 2002 workshop of the new Federation of Haitian Bar Associations in Cap Haitien. The workshop's goal was to convince non-member bar associations to join the Federation. One remaining bar decided to join, while another planned to let its whole membership decide in March 2003. It also began to discuss the common interests among the 15 bar associations, all of which are located in the regions with the exception of the Port-au-Prince Bar Association.

- funding an initial conference of National Association of Haitian Judges in January 2003. This new professional association includes judges at all levels of court, prosecutors and investigative magistrates (*juges d'instruction*). The judges adopted articles of organization for their association which became a member of the IFES Legal Working Group.

- funded a conference in February 2003 organized by CARLI on the issue of impunity and how it relates to human rights violations. 216 persons attended this televised conference, including many judges, which included the testimony of human rights victims.

Project activities slowed, but did not stop under this Objective following the *2003 Workplan* issue described in Section 3.3.3. Senior Advisors and Working Group members continued to attended the meetings and conferences organized by IFES. However, no meetings at the working group-level appear to have been held since November.

Several key issues identified for Objective No. 2 during the Evaluation were:

- whether such a large scale mechanism is needed by the Project to implement this activity given the number of existing indigenous and donor-funded civil society efforts already underway in the sector. This issue is discussed in more depth in Section 5.1

- the inability of several key CSOs to work together. This was most evident in the Media Working Group where friction was reported between the two largest media associations. This dominance may have overshadowed efforts of smaller and newer organizations within the Group and may have limited the effectiveness of the Working Group as a whole. The Evaluation Team recommends IFES concentrates its efforts on assisting of individual organizations.

- the need to coordinate and work with other CSO programs in the sector. There is overlap with the activities of many other organizations within the sector. With good coordination and cooperation, such as the joint OAS/IFES/Bar Association effort with the Inter-American Commission on Human Rights, the Project could increase its outreach and impact.

3.4.3 Results

The two USAID-approved work plans for the Project have several indicators to measure the progress of this Objective. These are: "Improved ability of Working Group members to coalesce on judicial reform advocacy" (2002); "Collaboration of Working Group sectors promoting human rights and justice reform" (2003); and "A nationwide network of organizations/coalitions" (2003).

The Project made progress on these indicators. Most of the Project structure foreseen in the design is in place and was functioning up until the November work plan incident. IFES did not collect baseline information for this Objective, but the 2001 Agreement provides a descriptive baseline of "no cohesive movement or coalition within Haitian civil society currently exists as a strong advocate for judicial reform."[20] It is clear that groups are meeting and discussing the issue of justice sector reform, although developing a coalition that could design and implement activities has not yet occurred. The members of the Working Groups and the Senior Advisors also appear to meet the selection criteria established in the Agreement. Most of the coalition building activities to date, with the exception of the meeting of the Federation of Bar Associations in Cap Haitien designed to encourage Cap Haitien membership in the Federation, have been Port-au-Prince based.

CSOs, such as journalists', attorneys' and human rights advocate associations, do exist and continue to be

[20] Program Description, Section III. Background.

formed and IFES assistance and attention to the issue of judicial reform has jump started several key legal sector associations to organize and become active. The advent of the Federation of Haitian Bar Associations presents an opportunity to most, if not all, of the nation's 15 bar associations to advocate more forcefully for justice sector reform. Both the Federation and ANAMAH have potential to make significant impact on justice sector reform.

To help determine the results of this Objective, the Evaluation Team re-asked the 2001 baseline survey question if CSO advocacy groups had a positive impact on judicial independence. It found an increased level of positive responses in 2003 over the 2002 responses.

Have CSO advocacy groups had a positive impact on judicial independence?

2003 Evaluation	2002 Baseline
Yes: 14 Some: 7 No: 5	Yes: 5 Some: 9 No: 7 N/A: 4

The friction among some professional media associations, journalistic CSOs is splintering the media sector's efforts on justice sector reform. A training program for journalists is being funded by Canada, and the Evaluation Team strongly recommends that the IFES Project work closely with these on-going activities that duplicates to some extent the activities being planned by IFES for Year II.

To date the working groups are not yet at a point where they can independently organize and complete activities, as IFES senior adviser and civil society specialist input is required. This is not a realistic goal for the Media Working Group within the life of the Project due to friction between its two largest members.

The links with the Haitian Diaspora and with the CSO community in the Dominican Republic are just being created, and, at the time of the Evaluation, appear to have the potential to make a positive impact on the activities of the Working Groups. The Evaluation Team tended to be skeptical of international trips. However, the trip to the Dominican Republic appears to have made a visible impression on the Senior Advisors interviewed by the Evaluators. In particular, the role of the private sector in the judicial reform effort. This, with the determination of the Dominican legal sector to push the reform movement forward, gave them food for thought and new ideas on how things could be done in Haiti.

The IFES/H Program Director also reported that after the trip to Florida, the President of the Port-au-Prince Bar Association started an e-mail mailing list on justice and human rights issues that included the Haitian lawyers in Florida. This type of networking is to be encouraged strongly and may serve a base from which an Federation of Bar Associations website may be launched.[21] Another international trip is planned for April 21-26, 2003, with the Project intending to sponsor 15 Working Group members and members of the judiciary to attend the meeting of the Louisiana Bar Association which has a Francophone division. A joint seminar is also planned with Tulane University Law School, Loyola University, Southern University Law School and the Louisiana Bar Association. The Evaluation Team recommends that the Project follows up with the participants following any of these types of trips to ensure that the links established become institutionalized and productive in terms of the Project purpose.

3.4.4 Recommendation

- Review of the Working Group/Advisory Structure in order to streamline its functions and roles.

[21] A website including codes, treatises, studies and other legal materials could also serve lawyers reference and CLE needs, as well as provide valuable resources for law students, journalists and human rights advocates.

The Advisory Council appears to be a good mechanism to lend weight and stature to Project activities, but, if it is created, it should be used sparingly and not for the supervisory or management purposes discussed in the initial work plans.

- Ensure CSO activities are directly linked with the various segments of the population. This is likely to be more effective, more widely publicized and more likely to foster the goal of broad-based coalitions advocating for justice sector reform.

- Consolidate Project objectives and its vision (see recommendations under Project Design) before making a concerted effort to expand Project activities beyond the Port-au-Prince area.

3.5 Program Design and Project Management

3.5.1 Program Design

The Program Description in the Agreement provides USAID's vision on how a "broad range of civil society organizations can draw on each others strengths to coalesce around judicial reform efforts and in developing strong, knowledgeable constituencies that will reach well into Haiti's rural areas."[22] This 2001 design was based on a preliminary analysis by USAID on the feasibility of supporting some of the CSOs in judicial reform efforts. "Extensive additional analysis will be required under this Agreement to finalize the proposed program approach and to modify USAID's rule of law strategy where necessary."[23]

In January 2002, IFES undertook an assessment of the judicial sector to provide additional analysis and develop the Project strategy and plan of action. This was formalized in the *2002 Workplan* which was submitted for USAID approval in February 2002. The work plan developed a performance and monitoring plan in table format with a general list of indicators, types of measurement, data collection methods and targets for each of the following objectives:

- Increased capacity of working group members to advocate for judicial reform
- Enhanced flow of information between CSOs, media, judicial and government officials
- Enhanced appreciation among Haitian media of the importance of civil society in judicial reform
- Improved ability of working group members to coalesce on judicial reform activity

The plan was primarily descriptive and explained how the activities would be measured. The indicators were expected outputs and the targets were general descriptions of expected results. None were quantified.

The *2003 Workplan* uses the same table format but contains a different set of indicators:

- A nationwide network of organizations/coalitions
- Participatory methodology of program sustainability
- Collaboration of working groups sectors, promoting human rights and justice reform/focusing on freedom of speech
- Compiling information/recommendations for the State of the Justice Report (Human Rights and Judicial Independence)

These were also unquantified and descriptive in nature.

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[22] Agreement, Attachment 2, *Program Description*, Section II. Objective

[23] Agreement Attachment 2, *Program Description*, Section III. Background.

Use of civil society

The Project's strategy of using civil society as a means to effect change in the judicial sector is one that is being used by other donors in Haiti. However, the approach taken in the IFES Project is different from that being used by Canada and the UNDP CSO project. The Canadians are directly funding established[24] CSOs with grants. Initially they gave priority to the large CSOs, but after their Year I evaluation, they changed focus to build the capacity of and to fund promising young CSOs.

The Canadian-funded UNDP Project has provided contracts to three large CSOs[25] which are each responsible for a different aspect of the program and run the program conjointly through what they call a Citizens Coordination Committee. This Committee works with associations at both the national and regional levels (by sectors) to develop strategies and activities. These efforts are brought together in national conferences (Citizen's Forum). Four such conferences are planned for the next two years.

The OAS Justice Specialist described the UNDP project as a set of widening circles- starting with a core group of CSOs which then go out in larger and larger circles. By contrast, he described the IFES Project as more intersectorial, which brings together the different sectors of Haiti. In this way, he believes the IFES approach is able to reach more of the professional sectors, such as the lawyers, doctors and private enterprise, than can be done through the UNDP approach. He also thought this approach made OAS-IFES collaboration easier, as was done in the jointly sponsored Inter-American Commission on Human Rights training.

Using civil society as a mechanism to advocate and serve as a catalyst for judicial reform also appears to be timely, given the growing coalescence of Haitian civil society around the need for better governance and quality of life. Since the inception of the Project, the Group of 184 was established. According to CSOs interviewed by the Evaluation Team, the group now numbers more than 230 institutions, organizations and associations from civil society. From what the Evaluators could determine, 33 out of the 40 members of the Working Groups are members of the Group of 184, including all members of the Private Sector and Media Working Groups.

The Civil Society Initiative, a group of 22 associations that originally grouped together to monitor the 2000 elections, has received 722,000 Euros in direct EU funding and issued a subgrant to a faith-based CSO to provide legal assistance and training in the Artibonite. At least nine members of the Working Groups are members of the Civil Society Initiative.

This growing trend of CSOs banding together to effect change was also reflected in the responses to the IFES baseline survey question "Can (CSO) groups realistically work together in a coalition on a set of common issues to promote judicial independence? In 2002 the responses were Yes: 12, Maybe 10, No: 0 and N/A: 3. For the 2003 Evaluation, the results were: Yes: 19, Maybe: 4, No; 0 and N/A: 3.

Defining judicial reform and constituency building activities

The Program Description in the Agreement was written in general terms, as USAID felt additional analysis would be needed to complete the program design. It did set the priorities to be funded under the Agreement: independence of the judiciary, adherence to due process and the reform of commercial codes. The Evaluation Team was told by IFES that USAID recently added human rights to this list of priorities.

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[24] To be eligible for Canadian funding under its Justice and Human Rights Fund, a CSO must be at least 1 to 3 yeas old with experience managing donor funding.

[25] Centre Eucumiqueque des Droits Humains, Justice et Paix and Haiti Solidarite Internationale. Respectively, they are responsible for production of documentation, diffusion of documents and lobby/PR for the project activities.

IFES developed the specific objectives listed above in its annual work plans. The Project and its activities were to work towards those objectives. However, as noted, the objectives changed in each work plan. In addition, the *2002-2004 Workplan* elaborated by IFES/H and the Senior Advisors, used a third set of objectives and indicators.

Several CSOs interviewed told the Evaluators there had been a "change of program" and that they needed to redo their proposals. The Senior Advisors believe the *2003 Workplan* elaborated by IFES/H changed the orientation of the Project, but did not elaborate in what direction. The Evaluators noted the different titles being used for this Project. For example, the title in the Agreement is Constituency-Building for Judicial Reform in Haiti, while the IFES Project brochure calls it "Civil Society Strengthening Project for Judicial Independence in Haiti," This is all indicative that the Project framework is too open to interpretation.

Results framework

This lack of a common vision is the cause of many of the implementation problems currently being experienced. The Agreement does not have a life-of-project results framework, as the specifics for the design were yet to be determined when the Agreement was signed. This framework was not provided in the performance and monitoring plans used in the work plans as the work plans focused on annual activities and objectives.

The Evaluation Team pulled together the relevant sections from the Agreement and the two AID-approved work plans into a results-type framework (Annex C, Table 1). The overlapping objectives and ensuing confusion of indicators that developed is evident.

Before the 2003 work plan is redone by the Senior Advisors, and before the Project starts to expand its activities outwards, the Project needs to develop a life-of-project results framework. In Annex C, Table, 2, the Evaluation Team has consolidated some of the existing objectives and provided a possible starting point for these discussions. Once this framework is completed, and approved by USAID, it should be used as a base to redo the 2003 work plan and to ensure that all activities adopted feed directly into the anticipated results. The work plan also needs to be done in a work plan format of who, what, where, when and how, rather than the format currently used (which is more appropriate for a performance monitoring plan). At the same time, the Project needs to adjust its performance and monitoring plan by developing quantifiable indicators that will be able to adequately measure project performance. This should be done in a measuring table format with annual targets for each indicator stated along with any available baseline information.

Terminology

The Legal Consultant noted confusion in the use of certain terminology used in reports: Federation of Haitian Barons should be corrected to Federation of Haitian Bar Associations. Justice sector reform should replace justice reform, as the goal of justice sector reform is a proper administration of justice that assures that justice is delivered in conformity with the rule of law. Statutes and rules for judicial reporters should be corrected to articles of organization (*statuts*), and regulations (by-laws) for judicial reporters' CSOs. A code of ethics may be included in the regulations or may be a separate document.

Haitian "ownership" of Project

The design stressed the Haitian participants ownership of the activities and program. The Evaluators found that IFES/H had been very successful at developing a sense Haitian ownership and interest in the Project. This was most evident in discussions with the Senior Advisors. In addition, some of the Working Group members referred to it as "our" project and saw their input into the *2002-2004 Workplan* as critical and grounding the project in the reality of Haiti.

However, their expectations as to the extent of their "ownership" were unrealistic. Disillusionment set in

when IFES/W replaced the Senior Advisors' *2002-2004 Workplan* and their realization that only $52,000 would be available for subgrants out of the $3.5m project. The Senior Advisors said they felt ridiculous going back to their Haitian partners (Working Groups) to tell them that IFES/W had changed the program and that only 8% (by their calculation) of the $3.5m would be available for programming by the Groups.

Despite this rude awakening, the Evaluation Team found that the Senior Advisors still considered this "their" project and were working to redo the IFES/W 2003 work plan. In the meantime, Project activity through the Advisors and Working Group mechanism is almost at a standstill.

Working Group structure

The Project design calls for a very heavy project apparatus to be created. It starts with an Advisory Council made up of notables. It then has four Senior Advisors who advise four working groups from different sectors (legal, media, human rights and education and the private sector). Representatives from these groups create a "Coalition" and these groups work out geographically as well as sectorally to a second tier of CSOs. The *2002 Workplan* anticipates a project management and oversight role for these structures as well as for the Project's use in coalition and network building.

The Evaluation Team found this to be a very heavy structure with too many layers. It reinforces the concept of Haitian ownership of the Project, but it is not a realistic mechanism to use for project management purposes. The Evaluation Team suggests the role of the Advisory Council, which is not yet established, be limited to lending credence and value to Project activities. It should also be used strategically and sparingly so it maintains its respect. The role of the Working Groups should not include any project management responsibilities.

Another issue identified by the Evaluation Team is that this multi-tiered structure is an artificial creation by the Project. It is conceivable that these groups could continue to meet after the end of the Project as a coordination entity, especially if the Project is able to "bond" them together in some way. The representative from the Chamber of Commerce told the Evaluators that civil society needed a "success." If one of the Groups or the coalition of Groups has a "success"- this would certainly increase the potential for post-Project collaboration. Due to internal friction within the members of the Media Working Group, it is highly unlikely that this group would continue. There is a chance, however, that the other associations within the Group can form a more lasting relationship among themselves.

The amount of existing Haitian structures and coalitions working to improve democracy and governance is notable. IFES/H should ensure that the Working Groups and Senior Advisors more consistently coordinate with these efforts, as linking with the existing coalitions may be the key to the long term sustainability of the advocacy and networking aspects of this Project.

Allocation of budget

Many of the Haitian working group participants interviewed raised the issue of the budget and how little money they learned was available for programming their activities. The Agreement total of $3.5m had been widely publicized and they were dismayed that only $100,000 was available for subgrants.[26]

The Evaluation Team reviewed the budget and found it was difficult to estimate how much money would be available for in-country activities as many costs (such as commodity purchases of computers) would be made in the United States. The Evaluators were struck however, by the number of international trips and the small percentage of funds that appear to be directly going towards activities in Haiti.

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[26] Agreement allocation is $52,000 for subgrants but IFES intended to ask USAID for a reallocation of funds to increase this to $100,000. The Evaluation Team found the Haitian participants used the $100,000 amount in their discussions.

The issue of the budget was discussed with the IFES/W Director of Operations who provide the Evaluators with a $1.9m estimate of the amount of money to be spent directly on project activities in Haiti. With IFES overhead, this comes to 2.3m.[27]

IFES realigned its budget estimates before the start of the Evaluation. It decided to wait for the results of the Evaluation before it submitted the realignment to USAID for approval. The Evaluation Team recommends that IFES wait until the results framework is completed along with the revised work plan for 2003. At that point, IFES could re-examine its budget to be sure that it corresponds to the priorities and activities identified in those plans.

3.5.1.1 Recommendations

- Develop a life-of-project results and indicators framework. Use this framework to re-view and re-draft the 2003 work plan and to develop a performance monitoring plan with quantifiable indicators.

- Review the Project budget with an eye to maximizing Project funding for activities in Haiti and to ensure the budget reflects the priorities developed in the results framework and revised work plans.

- Consider co-funding projects with other NGOs, CSOs and entities like the OAS Special Mission and UNDP. The OAS mission and UNDP have the expertise to support technical programs and training for CSOs, lawyers and judges.

- Encourage closer linkages with existing CSO efforts in the justice reform sector for sustainability purposes.

- The drafting of a Haitian commercial code, while a laudable goal, is not appropriate for the current IFES agreement. It may, however, be the subject of a later contract or grant, especially in connection with assistance to Haitian legal CSO(s) including law schools.

3.5.2 Project Management

The internal IFES assessment will provide an in-depth analysis of the administration of the IFES office and its Project management. However, the Evaluation Team did take note of several management issues that affected project implementation.

These were:

- The organization of the IFES office and the distribution of tasks. The organizational chart for

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[27] Amount is broken down as follows (in US$):

Field Staff	504,560	Furniture/equipment/maintenance	8,500
Direct benefits	162,196	Commodities	472,200
Consultants (local)	200,000	Subrecipients	52,000
Other personnel	122,980	Field Office expenses	192,300
Travel (per diem)	19,350	Special events	46,300
Local transportation	151,400	Other Field Office costs	7,000
SubTotal	1,938,786		
Indirect Costs	371,785		
Total	2,310,571		

project management shows a diffused chain of command and overlapping responsibilities. This is also evident in the job descriptions in the contracts of the local staff. There is also no second in command who can take over in the absence of the Project Director.

- The lack of project management systems. This was a general problem and affected the efficiency of the Project and the flow of information between IFES/H and IFES/W and USAID/Haiti. Systems need to be established for a standardized collection of data, report writing, filing, reviewing and approving funding proposals, and monitoring the progress of the Senior Advisors and Working Groups.

- The lack of a good flow of information among IFES/W, IFES/H and USAID/Haiti. There were complaints from every side that they lacked information from the other side. The Evaluation Team found that much work in Haiti had been documented, but that these documents either did not make their way up to IFES/W or over to USAID/H. Some of this is due to the lack of management systems. Another problem is that the IFES/H and Senior Advisors usually work in French. Within the IFES/H office, only the IFES/H Project Director can write in English, which meant reports were late while he worked to translate them in between his other duties.

- The lack of delegation of authority to IFES/H. The perception among IFES/H staff and the Senior Advisors is that they require IFES/W or USAID/H approval for almost everything. The actual level of delegation of authority was not clear to the Evaluators. However, the Team noted that the IFES/H Project Director has to ask IFES/W for approval for anything over $500 and that this approval can take two weeks. In practice, this means almost everything has to go back for approval, including such things as renting a hall for a conference. This has slowed implementation and we heard numerous references to waiting for "Washington" from the Haitian partners.

- Contracting local staff at U.S. dollar rates but paying them in Haitian gourdes at the exchange rate in effect when they initially signed their contracts. This results in their receiving about half of the current dollar-to-gourde exchange rate. Salaries should be either paid in U.S. dollars or at the dollar to gourde rate in effect on payday or another fixed day of the month.

The Evaluation Team learned of USAID/Haiti's concern that it is not receiving timely reports from IFES/H and that USAID requires that all reports be (translated into) in English. Since only certain IFES reports and publications are transmitted from USAID/Haiti to Washington, DC, the Evaluation Team suggests that IFES submit all appropriate reports and materials to USAID/Haiti, whether in French or English. In the interests of time and money, IFES should translate only those reports deemed necessary for transmission to Washington.

The Evaluation Team also heard from IFES that USAID requested IFES/W to hire an English speaking deputy for the IFES/H office. They felt that this would solve the slow report delivery problem. The Evaluators also heard from IFES that USAID had expressed concern over the lack of prominent display of the USAID logo at conferences. As no conferences were being held during the time of the Evaluation, the Team could not address this issue. However, given current anti-US sentiment among some of the CSOs, IFES and USAID should examine USG grant guidelines to determine if the USAID logo may be used more sparingly in connection with activities, especially large conferences. Rather than displaying a USAID logo on a banner on a wall, a small USAID logo could appear in a corner of the front or back cover of the conference materials. In connection with written materials it reviewed, the Team did note that IFES had prominently displayed the USAID logo and acknowledged USAID funding. In fact, in its report of the Judges Conference that led to the creation of ANAMAH, it listed one of the conference's objectives as publicizing USAID's funding and IFES assistance.

The issue of logos raises the issue of some CSOs that do not want to work with the Project because of USAID funding. This still includes the important human rights association, *Platform des Droits Humains*.

But this was a smaller number than the Evaluation Team members expected given the anti-IFES attitude that existed among some during its assistance to the Elections Commission in the 2000 elections. At the time, IFES was a political target and red paint graffiti with "Aba IFES" (Down with IFES) was scrawled on many Port-au-Prince walls.

The change in perception of IFES is notable. It has worked on this Project for more than a year in a very politicized sector, and the Project and its activities have not become a political issue. Several CSO members told the Evaluators that they were initially leery of working with this Project because of the IFES election reputation, but had been won over by its nonpartisan and nonpolitical work in the justice sector.

3.5.2.1 Recommendations

- Reorganize and streamline the staffing at the IFES office. The position of Program Coordinator should be turned into a deputy-director type position. The two Civil Society Specialists report to this position which would ensure coordination of their efforts, be responsible for the timely delivery of reports and assume the IFES/H Director's duties when the latter is unavailable or otherwise delegates responsibility.

- Establish project management and office administration procedures and systems. In particular, the motor pool should be scheduled through the Program Assistant, who is serving as Office Manager.

- Review the level of effort expected by IFES from the Senior Advisors. Some Working Groups are more active than others and may not require current the two days per week per Advisor level of effort in their contracts. The tasks required from the Senior Advisors should also be clarified in regards to the level of effort (such as whether Advisors are expected to provide written reports on their work and the work of their Working Groups).

- Once the management and program design issues are addressed, the Evaluation Team recommends that sufficient delegation of authority be provided to the IFES/H office so that it can effectively implement its program.

3. Conclusions

Conditions in Haiti are very difficult. It has a continuing political crisis which, according to the OAS Special Mission has become so polarized "that unless the moderate elements regain control of the process, there is a possibility of armed conflict."[28] Human rights concerns and incidents of intimidation of the press are increasing. Incidents of cases never prosecuted and the lack of accountability are flagrant. Accounts of government corruption, including police and judges, stemming from drug-trafficking money were mentioned in almost every interview held by the Evaluation Team.

Despite these difficulties, there remained optimism among the CSO members interviewed, that the situation could be turned around, and that they could help do it. They appeared to be grimly determined to make a change and extremely cognizant of the difficulties faced in effecting change through the existing system. Many, especially those in the Private Sector Working Group, spoke of the coming together of the Group of 184 and how civil society is coalescing around the issues of better governance, accountability and the need to end impunity.

In this regard, the Constituency Building for Judicial Reform Project, designed around the concept of creating networks of CSOs to advocate for reform of the justice sector, is timely. It has also managed to

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[28] OAS, *Second Report of the Secretary General to the Permanent Council on the Implementation of CP/RES 822, "Support for the Strengthening of Democracy in Haiti." November 4, 2002-January 4, 2003.*

remain apolitical in a very polarized and politicized environment. It has brought together almost 40 associations from different sectors and has incorporated the well-educated and strategic-thinking private sector into its program.

It is not possible at this point in time, given the uncertainties on how the political situation will be resolved, to determine whether this Project can make a significant difference in the justice sector. There is certainly the potential to make a difference when many groups band together and advocate for a common cause. There is power in numbers and the movement is growing.

The Project purpose, however, is just the first step in a process working towards judicial sector reform. It is to help enable civil society to make more effective demands for reform. These objectives appear realistic and achievable in the life of the project.

In its first year of operations, the Project has made a notable difference at the CSO level, particularly in assisting with the creation of ANAMAH and the Haitian Federation of Bar Associations. These organizations are strategically placed and are participants in the administration of justice. The Project has also jump started several independent CSO activities through its discussions with its Working Groups, including the Justice Fridays being sponsored by the AFPEC.

The Judges Association flexed its muscles and made a very visible statement with its recent strike. After this incident, caused by the arrest of the Association's President for allegedly releasing a drug-trafficking suspect, it seems to have gained the recognition of the Ministry of the Interior which returned the confiscated passport of one of its members directly to the Association. Those who thought the strike action was useful said it showed the power of collective action. But it also illustrates the need to ensure that advocacy efforts encouraged by the Project be done in a legal and positive manner that does not harm others (like thousands of pretrial detainees awaiting hearings and trials).

Most of the structures anticipated under the Cooperative Agreement for information sharing and to build coalitions were established in Year I. The Project is a new effort and has had some teething problems. The Working Group mechanism is heavy and needs streamlining. Its links with other CSOs and donor programs in the sector, such as the Civil Society Initiative and the UNDP CSO program, need strengthening. The Project lost momentum as a result of IFES/W changing of objectives, leaving the Working Groups "empty envelopes"[29] that need to be filled. However, once these problems are addressed, the Project needs to regain its momentum and effectively use the structure it has put in place to create the productive demand for judicial sector reform conceived in the Agreement.

[29] Analogy used by the Senior Advisor for Human Rights and Education.

Annex A
Scope of Work
MIDTERM EVALUATION

A. Summary

This is the Scope of Work (SOW) for the midterm evaluation of the USAID cooperative agreement Rule of Law project in Haiti. The midterm evaluation will be a midterm evaluation will be an external evaluation conducted by two consultants and an IFES employee of the operation department[30]. The team will be lead by a consultant who is an expert in programmatic issues and Democracy and Governance assistance programs. The second consultant will be a lawyer with Haitian legal experience. The team will be assisted by Lesley Richards, IFES Program Officer.

The evaluation will be conducted in the field from February 19-26, 2003, and spend four days in their respective locations to compile their section of the Final Report, the team will travel to Haiti to review and assess the IFES Constituency Building for Judicial reform in Haiti. This will be done through a review of documentation and project outputs, meeting and interviews with key participants and actors in the justice sector.

The evaluation will be conducted in an integrated manner with each team member focusing on specific aspects of the agreement. Each evaluator should be also be expected to contribute to the other sections of the report, which includes reading and making suggestions on the other teams drafts, to ensure an accurate and complete draft. The roles and focus for each Team members are:

Team Leader: Coordinate the work of the evaluation team and ensure an integrated evaluation effort, focus on programmatic issues as detailed in the TL's SOW, serve as point person for the evaluation report by incorporating team members drafts into a final report, however the team leader is only responsible for her part of the report and the executive summary and the conclusion, each evaluator is responsible for their portion of the report in its entirety.

Legal Consultant: Focus on the legal aspects of the Constituency Building project and if/how each objective's activities undertaken to date are leading to judicial reform and a strengthening of the ROL sector as detail in the LC's SOW, provide this assessment in a finished draft format for incorporation into the Final Report

IFES Operation Manager: Focus on the administrative aspects of the agreement and constituency building project as detailed in the OM's SOW and provide findings in a finished draft format for incorporation into the Final Report.

The Team Leader will provide a draft methodology and report outline for the team to discuss for the initial evaluation team meeting in PAP. The team will adopt a methodology and divide up responsibility for drafting specific sections of the Final Report according to their TOR and focus.

The final deliverable for the Evaluation will be the Evaluation Report that includes the executive summary, introduction and conclusion.

B. Evaluation Objectives

The general objectives of the programmatic evaluation are as follows: 1) to assess the level of attainment in project results in relation to the existing cooperative agreement; determine if USAID mechanism is being practiced in the project; 2) to determine if the IFES project is sufficiently well-equipped to work towards the achievement of the objectives for project year in a way accountable to its participants and is capable of

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[30] Note: It was later decided that the internal administrative assessment would be done separately from this independent Midterm Evaluation.

adjusting its strategies to the changing political environment for the sake of its effectiveness; 3) and assess the physical progress, efficiency and adequacy, in terms of delivery of project inputs and outputs.

C. Scopes of Work

Programmatic Assessment

- Assess the efficiency of project organization and management with respect to its size and composition, organizational structure, personnel management and policy, the qualifications with the local staff and consultants, reporting, effectiveness of the monitoring and evaluation system and follow –up on primary stakeholders reactions to projects activities

- Assess the planning and financial management/determine if the budget functions as a toll for planning/Determine if IFES monitor progress according to planning

- Determine whether IFES is able to develop and maintain fruitful relationships with all actors in civil society, including academic institutions such as the *l'Ecole de la Magistrature* in order to advance its vision and advocate justice reform/ monitor the strategic alliances IFES maintains/

- Assess IFES' projected plans for expansion to the provinces of Haiti

- Determine whether IFES has strategic alliances with key actors on justice reform from all political spectrums

- Determine whether there is a sense of ownership of the project among its participants

- Assess the prospect of sustainability of the project once IFES has left the country/determine whether the necessary mechanisms for sustainability are being implemented

- Determine whether IFES is deviating from its planning, for example changing programs or carrying out activities that have not been planned before, if yes how are these deviations valued by USAID/Haiti and USAID/Washington: do they express a positive flexibility, do they still comply with the long-term objectives, short term objectives and strategies of IFES, have these changes been beneficial to IFES' participants and constituency

- Assess how issues of policy advocacy decided upon

- Assess the inter-relationships between the several NGOs in the working groups and between the several activities in the work plan

- Identify where project design needs adjusting/reorienting in order to increase its effectiveness in reaching the populace. This includes organizational/institutional setup and implementation plan

- Analyze which factors and constraints have influenced the project

Achievements

- What are the major achievements of the rule of law project (according to IFES/Haiti, the working groups and USAID)

- Assess whether verifiable indicators have been stated in the plans and used to measure achievements
- Determine what have been the unplanned side effects of the IFES project, if any, both in the

positive and negative sense

Implementation

Are activities implemented according to planning
Are activities carried out with the assigned inputs (staff, funds, services)
Are there often over or expenditures, if compared to the budget
Determine if there have been technical and/ or management constraints or problems in implementing the activities/determine

Legal Assessment

- Determine whether IFES is able to develop and maintain fruitful relationships with all actors in the legal and judicial community including the *l'Ecole de la Magistrature* and the *Conseil Superieur de la magistrature* in order to advance its vision and advocate justice reform/ monitor the strategic alliances IFES maintains

- Assess IFES' projected plans for expansion to other legal and judicial stakeholders in the provinces of Haiti

- Determine whether IFES has strategic alliances with key actors on justice reform from all political spectrums, as well as key judicial stakeholders and strengthen these alliances

- Assess the prospect of sustainability of the project once IFES has left the country/determine whether the necessary mechanisms for the sustainability of rule of law objectives are being implemented

- Determine if IFES is deviating from its planning, for example changing programs or carrying out activities that have not been planned before, if yes how are these deviations valued by USAID/Haiti and USAID/Washington: do they express a positive flexibility, do they still comply with the long-term objectives, short term objectives and strategies of IFES, have these changes been beneficial to IFES' participants and constituency

- Assess how issues of legal advocacy are decided upon Assess the inter-relationships between the several NGOs in the working groups and between the several activities in the work plan

- Identify where project design needs adjusting/reorienting in order to increase its effectiveness in reaching the populace. This includes legal outreach and education and implementation plan

- Analyze the factors and constraints affecting the achievement of the rule of law objectives

Achievements

- What are the major achievements of the rule of law project (according to IFES/Haiti, the working groups and USAID)

- Assess whether verifiable indicators have been stated in the plans and used to measure achievements

- Determine what have been the unplanned side effects of the IFES project, if any, both in the positive and negative sense

Implementation

- Are activities implemented according to planning
- Are activities carried out with the assigned inputs
- Are activities reaching the assigned outputs
- Determine whether there have been constraints or problems, especially of a legal or political nature in implementing the rule of law activities and how these problems and constraints are dealt with

Annex B
Evaluation Methodology

Framework

- Performance monitoring plan detailed in the Agreement and 2002 Workplan, taking into consideration changes to the performance monitoring plan detailed in the 2003 Workplan

- Scope of Work for the Midterm Evaluation and individual terms of reference for each consultant

Assessment

- Interviews with IFES/Haiti and IFES/Washington, AID/Haiti, project and non-project assisted CSOs, Working Groups, project Advisors, relevant GOH and MOJ officials, other international NGOs and donors working in the civil society and rule of law sectors.

- Re-ask several questions from the IFES 2002 ROL assessment that are relevant to Year I activities and compare against the 2002 baseline. These questions are:

    - Has a legal association, like a judges association or bar association contributed to judicial independence?

    - Have civil society advocacy groups had a positive impact on judicial independence?

    - Rank the kind of groups, if any, that have been most active in promoting judicial independence.

    - Can these groups realistically work together in a coalition on a set of common issues to promote judicial independence?

    - Rank the biggest barrier to your participating in coalition building/advocacy on behalf of judicial independence.

- Review project documentation and other relevant documents and reports.

- Review project sites, outputs and products.

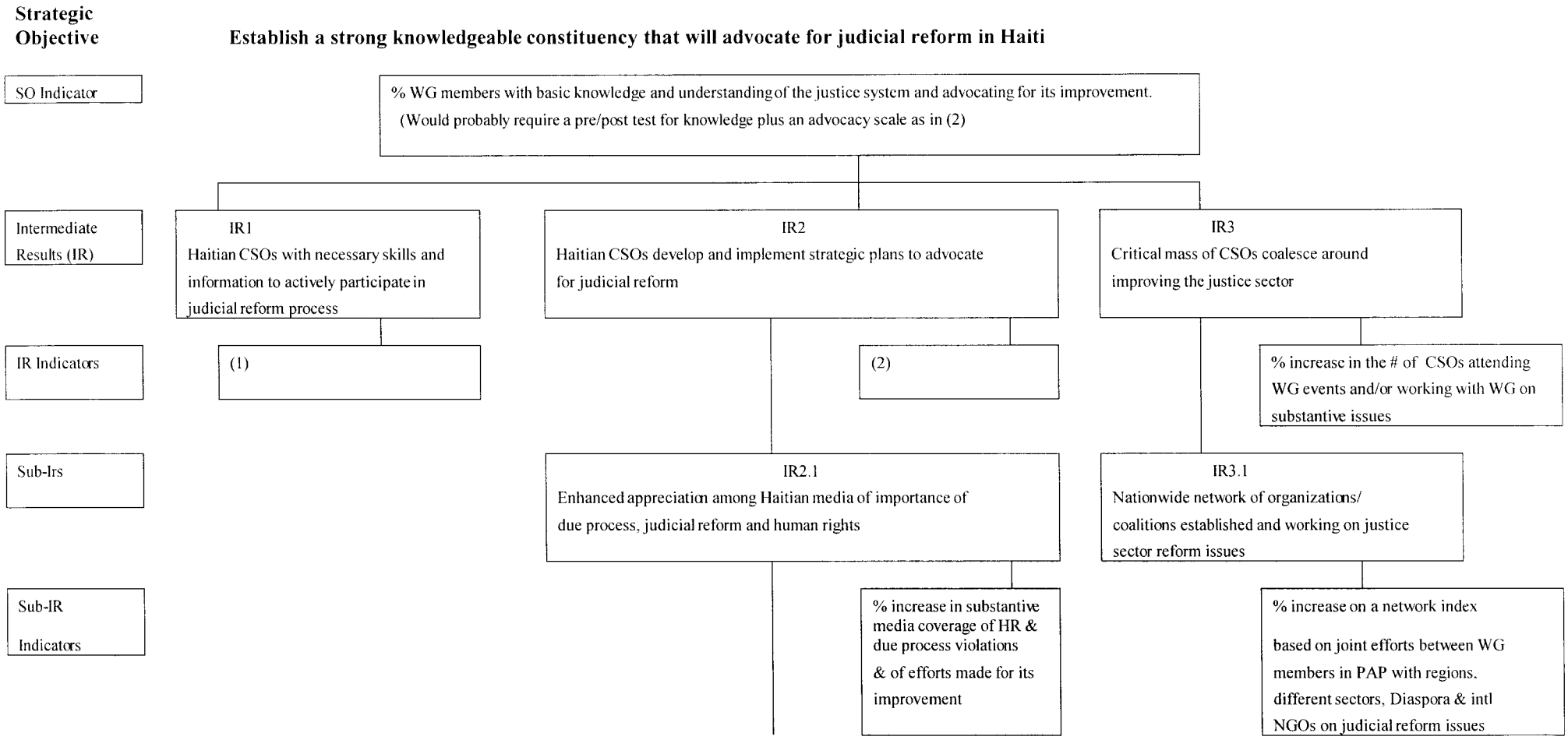
Annex C : Results and Indicators Framework
Table No. 1: Results and Indicators in Agreement and Work plans[31]

Strategic Objective: Establish a strong knowledgeable constituency that will advocate for judicial reform in Haiti

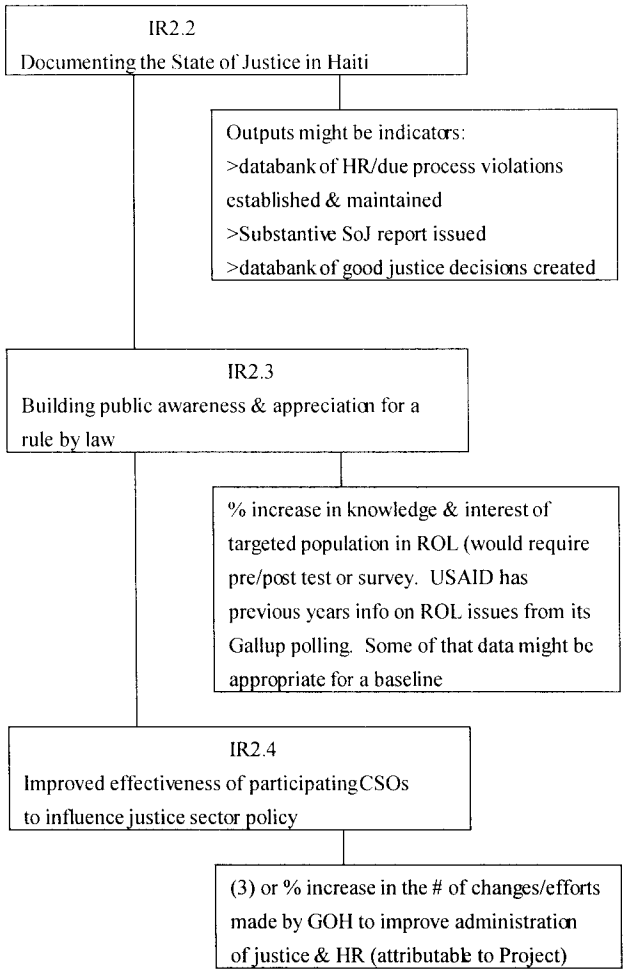
IR1 Haitian CSOs provided with necessary skills and information to actively participate in judicial reform process IR1.1 Increased capacity of WG members to advocate for judicial reform (2002) Indicators: a) # know how to effectively access info on judicial system & govt officials b) degree to which access media to hold knowledgeable public dialogue on JR IR1.2 Enhanced flow of information between CSOs, media, judicial & governmental officials (2002) Indicators: a) # dissimilar orgs attending WG events b) # WG technical public info pieces produced IR1.3 Participatory methodology of program sustainability (2003) Indicators: a) associations formed w/ int'l Diaspora b) degree of ownership of project	IR2 Strategic plans for Haitian CSOs developed and implemented to advocate for justice reforms IR2.1 Enhanced appreciation among Haitian media of importance of civil society in judicial reform (2002) Indicators: a) WG activities attended by media b) articles/broadcasts on WG. JR activities IR2.2 Compiling information/recommendations for the State of Justice Report (2003) Indicators: a) groups collecting HR info/law changes b) NGO subgranted to write SoJ report	IR3 Critical Mass of CSOs built that are coalescing around judicial reform issues to produce greater popular demand for reform IR3.1 Improved ability of WG members to coalesce on judicial reform advocacy (2002) &Collaboration of WG sectors promoting human rights & justice reform (2003) Indicators: a) # able to organize & complete proposed activities (02) b) # joint activities carried out between WGs (02) c) # civic ed materials released/produced (03) d) # groups reached (03) e) # reports written (03) IR3.2 A nationwide network of organizations/coalitions (2003) Indicators: a) # orgs in coalition b) # links with intl, natl, Diaspora c) # local/intl orgs encouraged to join d) # linkages local/intl journalists/judges e) # articles press on target issues f) quality of info produced g) # policy recommendations in SoJ report h) draft policies developed/proposed i) # of documented HR violation cases

[31] Objectives and Indicators pulled by Evaluators from the Cooperative Agreement, 2002 and 2003 Workplans and stated in terms of Intermediate Results (IRs)

Table II: Suggested starting point for discussions to adjust Results and Indicators[32]



[32] Table done in format of IR tables from USAID/Haiti's *Performance Monitoring Plan*


IR2.2
Documenting the State of Justice in Haiti
Outputs might be indicators:
>databank of HR/due process violations established & maintained
>Substantive SoJ report issued
>databank of good justice decisions created
IR2.3
Building public awareness & appreciation for a rule by law
% increase in knowledge & interest of targeted population in ROL (would require pre/post test or survey. USAID has previous years info on ROL issues from its Gallup polling. Some of that data might be appropriate for a baseline
IR2.4
Improved effectiveness of participating CSOs to influence justice sector policy
(3) or % increase in the # of changes/efforts made by GOH to improve administration of justice & HR (attributable to Project)

(1) USAID/Haiti used an indicator "Effectiveness of Haitian Human Rights Organizations" for their IR results "People increasingly treated according to the rule of law." This was measured on an 8 point index described below in (3). The unit of measurement was the average score of organizations on the index.

(2) USAID/Haiti uses an indicator that might be adaptable for this IR. It is their SO level indicator of "Number of cases in which an organized dialogue on policy cases is carried out by CSOs and national public institutions." The definition of an organized dialogue is CSOs and national public institutions hold meetings or encounters where both sides have been given timely notice and information about meetings and issues. Cases = examples of policy oriented dialogue. National public institutions = Ministries, agencies of ministries, Parliament, the president and/or executive or legislative commissions. Unit = number of cases.

(3) USAID/Haiti developed an index to measure their IR: "Civil society organizations positively influence policies." This has a performance indicator of " Target Haitian CSOs progress in developing their institutional capacity to advocate for policy change. This index examines CSO's ability to articulate objectives, collect information, formulate a policy position, obtain and allocate resources, publicize network, lobby and monitor policy positions an government actions. The IFES Project might be able to develop a similar 3 or 4 point index to measure this indicator for IR2.4

Note: USAID/Haiti also developed a CSO Institutional Capacity Index to measure their capacity for election monitoring and a Human Rights Index to measure the effectiveness of the human right CSOs. Some of the indicators in these indexes might be relevant to the IFES Project.

In-depth guidance on developing Strategic Objectives and Intermediate Results is available on USAID's website in its Source Book: *Managing for Results.*[33] The USAID Center for Development Information and Evaluation has also developed guidelines for *Building a Results Framework* in its *Performance Monitoring and Evaluation Tips.*[34]

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[33] www. usaid.gov/pubs/sourcebook/usgov/mfr.html

[34] Located at www . dec.org/pdf_docs/pnaca947pdf

Annex D
List of Working Groups

Legal Working Group
Civil Society Specialist: Jacques Miguel Sanon
Senior Advisor: Bernard Gousse

1. *Ordre des Avocats du Barreau de PAP*+*
2. *Association Haitienne des Femmes Juges*
3. *Faculté de Droit et des Sciences Economiques de UEH*
4. *Amicale des Juristes*
5. *Académie de Formation et de Perfectionnement des Cadres* (AFPEC)
6. *Ecole de la Magistrature**
7. *Association Nationale des Magistrats Haitiens* (ANAMAH)*
8. *Fédération des Barreaux d'Haiti* (FBH)*

Private Sector Working Group
Civil Society Specialst: Jacques Miguel Sanon
Senior Advisor; Guilaine Malbranche

1. *Fondation Nouvelle Haiti* (FNH)*
2. *Chambre de Commerce et d'Industrie d'Haiti* (CCIH)*+
3. *Association Developpement Economique du Sud-Est* (APDESE)*
4. *Groupe Croissance**
5. *Réseau National d'Information Economique**
6. *Association des Industries d'Haiti* (ADIH)*+
7. *Chambre Franco Haitienne de Commerce**+
8. *Association Touristique d'Haiti**+
9. *Chambre Haitiano-Americaine de Commerce**+
10. *Association des Assureurs d'Haiti**+
11. *Ordre des Comptables Professionnels Agréés d'Haiti* (OCPAH)*
12. *Centre pour la Libre Entreprise et la Democratie* (CLED)*+

Media Working Group
Civil Society Specialist: Francois Jean
Senior Advisor; Edwidge Balutansky

1. *Assocation des Journalistes Haitiens* (AJH)*
2. *Fédération Haitienne de Presse* (FPH)*
3. *Association Nationale des Médias Haitiens* (ANMH)*
4. *Syndicat National des Travailleurs de la Presse Haitienne* (SNTHP)*
5. *Echo Inter 2000**
6. *Amical des Femmes Haitiennes Journalistes* (AMIFEHJ)*
7. *Centre Haitien de Presse* (CHP)*
8. *Réseau d'Information Juridique et Droits Humains* (RIJDH)*

Human Rights and Education Working Group
Civil Society Specialist: Francois Jean
Senior Advisor; Marc Antoine Noel

1. *Fédération des Etudiants Universitaires d'Haiti* FEUH
2. *Centre Toussaint pour les Dr oits Humains* (CTDH)
3. *Centre de Rechercehe et de Formation Economique et Sociale pour le Developpement* (CRESFED)

4. *Confédération Nationale des Educateurs Haitiens* (CNEH)+
5. National Coalition for Human Rights (NCHR)*
6. *Femmes en Démocratie**
7. *Comité des Avocats pour le Respect des Libertés Individuelles* (CARLI)*
8. *Haiti Solidarité Internationale* (HSI)*
9. *Initiative Citoyenne* (IC)*
10. *Centre Ecumenique des Droits de l'Homme* (CODH/CEDH)*
11. *Organisation Générale Indépendente des Travailleurs Haitiens* (OGITH)*
12. *Centrale Autonome des Travailleurs Haitiens**

* Also members of the (expanded) Group of 184
+ Also members of the Civil Society Initiative

Annex E
Questionnaire Results

Total Number of Questionnaires completed in the February 2003 Evaluation: 26[35]
(Civil Society/Human Rights = 8, Academia = 1, Judges = 6, Lawyer = 3, Media = 6, Private Sector + 2)

Total Number of Questionnaires from January 2002 Baseline: 25[36]
(Civil Society = 5, Academia = 7, Judges - 9, Private Sector = 4)

2003: Number of respondents assisted by IFES:
Yes: 19 (CS:5, J:2, M:6, PS:2, L:3)
No: 4 (CS:2, J:2)
N/Answer: 3 (A:1, J:2)
(Note: all of those who completed a questionnaire but one (CS) were members of an IFES Working Group, so the actual number of respondents assisted by IFES should be 25)

Question I: Has a legal association, like a judges association or bar association contributed to judicial independence?

2003 Evaluation
Yes: 12 (CS: 3, J: 3, L:3, M: 2, PS: 1)
Some: 11 (CS:4, J:2, M: 4, A: 1)
No: 1 (PS:1)
N/A: 2 (CS:1, J:1)

2002 Baseline
Yes: 3 (CS:1, A:1, J:1)
Some: 7 (CS:2, J:2, PS:3)
No: 12 (CS:2, A:5, J:4, PS:1)
N/A: 3 (A:1, J:2)

Question 2: Have civil society advocacy groups had a positive impact on judicial independence?

2003 Evaluation
Yes: 14 (J:4, L: 3, CS:5, M:1, PS:1)
Some: 7, (CS:2, J:1, M:4)
No: 5 (CS:2, J:1, M:1, A:1)

2002 Baseline
Yes: 5 (CS:1, A:2, PS:2)
Some: 9 (CS:3, A:3, J:2, PS:1)
No: 7 (A:2, J:4, PS:1)
N/A: 4 (CS:1, J:3)

[35] Questionnaires were completed by all of the persons interviewed during the Evaluation from civil society organizations.

[36] Baseline data is from the IFES assessment done January 2002.

Question 3: Rank the kind of groups, if any, that have been most active in promoting judicial independence.

2003 Evaluation	2002 Baseline
CS: HR Groups, Legal Assistance/Judicial Groups, Elite, Religious Groups, Political Parties, Labor, Private Sector, Environmental Groups. None A: HR Groups, Legal-Judicial Groups/Labor/Religious Groups J: HR Groups, Labor, Legal Assistance/Judicial Groups, Elite, N/A PS: HR Groups, Legal Assistance/Judicial Groups	CS: HR Groups; Legal/Judicial Groups; Religious Groups; Labor, Environmental Groups A: HR Groups/Legal/Judicial Groups; Business; Labor, Religious Groups J: HR Groups; Legal/Judicial, Labor, Religious Groups; Social Elites PS: HR Groups; Businesss/None, Legal/Judicial/Environmental/ Religious Groups

Question 4: Can these groups realistically work together in a coalition on a set of common issues to promote judicial independence?

2003 Evaluation	2002 Baseline
Yes: 19 (CS:6, J:5, L:2, M:4, PS:2) Maybe: 4 (J:1, M:1, CS:1, A:1) No: 0 N/A: 3 (L:1, M:1, CS:1)	Yes: 12 (CS:3, A: 3, J:3, PS:3) Maybe: 10 (CS:1, J:5, PS:1) No: 0 N/A: 3 (CS:1, A:1, J:1)

Question 5: Rank the biggest barrier to your participating in coalition building/advocacy on behalf of judicial independence.

2003 Evaluation	2002 Baseline
CS: Lack of Resources, Access to Information, Time, Communications, Training, Career, Lack of Vision/Security, Econmic, Transportation A: Lack of Resources, Security/Time/ Communications/Information J: Lack of Information, Security/ Transportation/Career, Resources, Communications, Time Economy PS: Time,, Resources/Communications/ Information/Career	CS: Access to Information: Time/Communication Problems/Transportation/Physical Security/Career Threats A: Time: Resources: Communication Problems: Access to Information: Transportation J: Physical Safety; Career Threats: Time: Access to Information: Resources PS: Resources: Access to Information; Physical Safety/Time; Transportation; Communication Problems

Annex F
Persons and Agencies Contacted

Académie de Formation et de Perfectionnement des Cadres (AFPEC)
Henri Dorleans, Director
Richard Casimir, Center Director

Amicale des Femmes Haïtiennes Journalistes (AMIFEHJ)
Maryse Balthazar, Coordinator
Kettia Marcellus, Financial Officer

Association des Journalistes Haitiens (AJH)
Jospeh Guyler C. Delva, General Secretary

Association Nationale des Magistrats Haïtiens (ANAMAH)
Josiard Agnant, President
Rosemberg Jocelyn, Treasurer

Association Haïtienne des Femmes Juges (AHFJ)
Norah A Jean-Francois, Executive Director
Raymonde Jean, Treasurer
Johanna Lundy, Public Relations

Canada
Philippe Vixamar, Coordinator, Justice and Human Rights Fund

Centre de Recherche et de Formation Economique et Sociale pour le Développement (CRESFED)
Suzy Castor, Director
Nicole Edouard, Member, Training Division

Centrale Autonome des Travailleurs Haïtiens (CATH)
Fignolé St-Cyr, Secretary Genereal

Comité des Avocats pour le Respect des Libertés Individuelles (CARLI)
Renan Hedouville, General Secretary
Nadia Charles, Coordinator of the Friday Program of CARLI

Chambre de Commerce et d'Industrie d'Haiti (CCIH)
Maurice Lafortune, President
Danielle St Lot, Executive Director

Creative Associates International
Terry Thielen, Chief of Party
Kim Mahling Clark, Management Associate

Fédération des Barreaux d'Haïti (FBH)
Me Joseph Rigaud Duplan, President
Me Gervais Charles, General Secretary
Me Jean Seïde, Treasurer

*Fédération de la Presse Haïtienne (*FPH)
Jean Willio Dessources, Responsible for Audio-Visual Production
Duval Evans, Program Coordinator and Secretary General ai.

Gerdès Gilot, Public Relations
Mireille Sylvestre, Executive Secretary

Groupe Croissance
Hans Tippenhauer, Senior Consultant

Haiti Solidarite Internationalé
Micha Gaillard, Assistant Director

IFES/Haiti
Almami Cyllah, Project Director
Jean Jacques Descartes, Program Coordinator
Francois Jean, Civil Society Specialist
Isabelle Lafleur, Program Assistant (Office Manager)
Myrtho Manigat, Receptionist
Jacques Miguel Sanon, Civil Society Specialist

IFES Project Senior Advisors
Dr. Bernard Gousse, Legal Advisor
Guilaine Victor Malebranche, Private Sector Advisor
Marc Antoine Noel, Human Rights and Education Advisor

IFES/Washington
Keith Henderson, Rule of Law Advisor
Steve Connolly, Director of Operations
Lesley Richards, Program Officer

Initiative de la Société Civile
Rosny Desroches, Executive Director

NDI
Fellix Ulloa, Country Director

OAS
Anne Fuller, Human Rights Specialist
Denis Racicot, Senior Justice Specialist

Ordre des Comptables Professionnels Agrées d'Haiti (OCAPH)
Joseph Paillant, President of the Administrative Council

Réseau Liberté
Réal Barnabé, President

UNDP
Maria de Los Angeles Loayza, Technical Advisor, Justice Project

University of Haiti, Faculty of Law and Economics
Gelin I. Collot, Rector

USAID/Haiti
David Adams, Director
Pam Callen, Deputy Director
Sharon Bean, Director ai, Office of Justice, Democracy and Governance

Philippe Cantave, Chief Technical Officer, IFES Cooperative Agreement
Connie Paraskeva, former Deputy Office Director, Justice, Democracy and Governance
Erin Soto, Former Director, Office of Justice, Democracy and Governance
Annouck Hudicourt, Contracting Specialist

US Embassy
Michael Oreste, Political Counselor

Annex G
Documents Consulted

A & B Communications Services. Proposal to assist CARLI conference on impunity. Dated January 31, 2003

Académie de Formation et de Perfectionnement des Cadres (AFPEC), proposal dated 5Aug 2002, received by IFES on Aug. 27, 2003 for support ($1m) for its JustiCentre due to start 11 Oct 2002

Académie Nationale de la Plaidoire. L'Education aux Droits de L'Homme a la Citoyennete et aux devoirs civiques. Proposal dated July 3, 2002 .

L'Amicale des Juristes. Undated proposal received May 24, 2002. for *Celebron 2004 avec des Citoyens Haitiens Responsables* (a nationwide civic education contest).

Amicale des Femmes Haitiennes Journalistes
- *Projet de Sensibilisation sur les Droits Juridiques des Femmes.* Proposal for flyer on rights of women and justice in Haiti. January 2003
- *Role/droits des femmes dans les médias et solidarité pour une corporation plus forte et plus efficace.* Proposal May 15, 2002

ANAMA. *La magistrature pour exister doit s'organiser.* Proposal dated October 1, 2002, for its first congress

Association des Journalistes de Petit Goave. Proposal dated May 17, 2002 for funding for a peace walk on June 3, 2003

Association des Journalistes Haitiens (AJH).
- Undated letter received August 20, 2002 asking for support for a *Fonds pour la liberté de la presse et d'expression*
- Proposal for funding a *Code d'ethique professionnelle pour les journalistes Haitiens.* August 2002
- AJH with SNTPH, FHP, CHP, AMIFEJH, Radio Echo 2000. Undated proposal for funding for a forum on the freedom of the press and impunity in Haiti.

*Association Haitienne des Femmes Juges (*AHFJ), undated proposal received July 31,2002 to fund *Solidarité de la Magistrature pour une contribution effective dans la promotion de la justice* (conference).

ASCS. Proposal dated Oct 2002 for *Renforcement de L'Association de Sensibilisation pour le changement social*

Canada
- *Fonds d'appui a la justice et aux droits humains (FAJDH)* brochure. Undated
- FAJDH, *Orientations et interventions stratégiques*, Section 2 , Presentation du FAJDH to Section 3 Lecons apprise de la phase I

CARLI
- With Fédération Nationale des Travailleurs en Education et en Culture (FENATEC) and L'Union des Parents d'Eleves Progressistes Haitiens (UPEPH). Proposal for a human rights education in the schools. August 5, 2002
- Letter to IFES forwarding USAID/H letter dated October 9,2002 telling CARLI USAID funds are provided through IFES.

- *Projet de publication d'un ouvrage Droits Humains et réalité haitienne.* Proposal. August 5, 2002
- *V*endredis du CARLI. Proposal to fund December 20, 2002 Friday meeting.

Centrale Autonome des Travailleurs Haitiens,
- Proposal for training on judicial reform. Dated September 12, 2002
- Letter dated August 26,2002 asking for assistance. No proposal attached.

Centre de Droit Publique, Construire l'Etat Haitien de Droit. dated January 31, 2003. Proposal for anniversary of the 1987 constitution.

Centre Haitien de Presse, La Semaine de L'Information. Proposal for annual patronage dated May 21, 2002.

Centre Toussaint Lourverture pour les droits de L'homme, la democratie et le developpement. Indépendance judiciaire, garant des droits humains, Undated proposal to restart its monthly publication of *Etat de Droit.*

Le Club Espoir, Initiative Citoyenne, Programme Semestriel, May -November 2002. Proposal to aid club set up Port-au-Prince office.

Commission CCIH/OCPAH, La fiscalite : un instrument de solidarité pour le developpement national. Proposal dated Setpember 2002

Conféderation Nationale des Educatrices et des Educateurs d'Haiti (CNEH).
- *Education civique pour le respect de la constituion et pour un etat de droit.* Undated proposal received July 5, 2002
- *Réseau Juridique des Enseignants pour une Justice Indépendante*, Proposal dated August 26, 2002

Department of State, Bureau of Democracy, Human Rights and Labor, *2001 Human Rights Practices, Haiti*, March 2002

Fédération des Barreau d'Haiti (FBH). *Programme de renforcement de la FBH.* Undated proposal to organize its meeting in August.

Fédération des Etudiants Universitaires d'Haiti (FEUH) Form letter asking for assistance to go to a Latin American conference. October 16, 2002.

Fédération de la Presse Haitienne, Résolution du Conflit et lutte contre la violence pour la promotion des droits humains. Undated proposal for Miami conference in May 2002

General Accounting Office, *Foreign Assistance. Any Further Aid to Haitian Justice System Should be Linked to Performance-Related Conditions,* GAO-01-24, October 2000

Haitian Resource Development Foundation, *Compte-rendu de la réunion de suivi du Forum Juridique de Miami,* 16 janvier, 2003 along with a *Proposition d'un Plan de Travail*, undated

IFES
- *1ere Congres Association Natonale des Magistrats Haitiens (ANAMAH),* Undated. IFES Report on ANAMAH congress.
- *Atelier de Travail, 13-14 Juin 2002,* Undated
- *Activités pour le mois de janvier 2003*
- *Budget 2002*, undated spreadsheet with activity cost attached

- *Civil Society Strengthening Project for Judicial Independence and Justice in Haiti,* Handout, undated
- *CSO Eligibility Criteria.* Undated
- *Fichier d'Information* completed on: Organisation des Jeunes de Cite Soleil. Undated. One page proposal attached: *Wanting to make democracy a reality*
- *Financial Status Report, Haiti Judicial Reform Program*, 1/22/03 for Billing Period ending 12/31/02
- *How to bring independence in the judiciary, the Dominican experience*, Trip Report by Dr. Bernard Gousse, October 1, 2002
- *Initial Findings from the IFES Haiti Civil Society/Rule of Law Program*, January 2002
- *Job Summary Report as of 12/31/02*, Haiti Judicial Reform Program, (accrural worksheet)
- *Judicial Independence Survey Results,* Undated
- *Judicial Independence Surveys (January - August 2002),* Undated
- *Local National Employee Contracts* between IFES and:
    - Gerald Augustin, for Finance
    - Jean Jacques Descartes as Program Coordinator
    - Francois Jean as Civil Society Specialist
    - Isabel Lafleur, as Program Assistant
    - Jacques Miguel Sanon as Civil Society Specialist
- *Judicial Independence Questionnaire*, Haiti, 2002
- *Local National Senior Advisor Contracts* between IFES and :
    - Edwidge Balutansky
    - Bernard Gousse
    - Guilaine Malebranche
    - Marc Antoine Noel
- *Monthly Activities Planned: February 2003*
- *Preaward Survey,* form from IFES/W Americans ROL: (*Examen (avant octroi d'une subvention) du questionnaire sur le system comptable et la sante financiere de ONG internationales recipiendaires).* Completed for:
- Centrale Autonome des Travailleurs Haitiens
- Amicale des Femmes Haitiennes Journalists
- Confederation Nationale des Educatrices et Educateurs d'Haiti
- *Quarterly Report, July 1 2002- September 30, 2002.* Haiti Constituency Building for Judicial Reform. Undated
- *Quarterly Report, October 1-December 31, 2003.* Haiti Constituency Building for Judicial Reform. Undated
- *Meeting Notes with Senior Advisors for* : 24/7/02, 31/7/02, 8/7/02, 9/4/02, 9/25/02, 10/2/02, 10/9/02, 11/7/02 and 12/18/02
- *Rapport sur le Renforcement des Barreaux.* August 2002
- *Rapport sur le Renforcement des Associations des Juges,* August 2002
- *Report: Meeting with Bernard Gousse,* March 1, 2002
- *Summary of Haitian Judicial Independence Paper*, June 2002
- *Workplan 2002*: *Constituency-Building for Judicial Reform.* February 2002
- *Workplan 2003*: *Constituency-Building for Judicial Reform.* November 2002
- *Workplan 2002-2004* undated. (Workplan submitted by IFES/H to IFES/W for 2003)

Initiative de la Societe Civile, Pour une Societe Civile Haitienne Forte et Structuree, Februrary 19, 2001

NCHR, Letter dated 13/2/03 regarding threats to NCHR staff.

Le Nouvelliste
- *Le pouvoir judiciare: quelle independence*, 1/30/03

- *A crise du systeme judiciare en Haiti*, (coverage of 1st Congress of ANAMAH) 1/31/03
- *Arret de travail..menAce de demission*, on ANAMAH action, 13/2/03

L'Ordre des Avocats de Port-au-Prince, Section d'Instruments Internationaux: Charte des Nations Unies, Our Internationale de Justice, Charte de L'OEA, Droits de l'Homme, Imprimax S.A., Port-au-Prince, March 2002

Organisation des Jeunes de Cite Soleil pour le Developpement Economique et Social (OJSODES). One page letter asking for aid to make democracy a reality. Dated October 24, 2002

Organization of American States
- *Second Report of the Secretary General to the Permanent Council on the Implementation of CP/RES 822, "Support for the Strengthening of Democracy in Haiti", November 4, 2002-January 4, 2003.*
- *La Mission Speciale de L'OEA déplore le recent actes de violence et d'intimidation en Haiti,* February 19, 2003
- *Special Rapporteur for Freedom of Expression expresses serious concern over the situation of journalists and the media in Haiti,* February 21, 2003
- *Report by the Inter-American Commission on Human Rights on Haiti,* 1999

Réseau d'Informations Justice et Droits Humains (RIJDH)
- *L'Information au Service du Droit,* Proposal dated September 2002
- Proposal dated November 26, 2002, to launch its organization in December 2002

Radio Echo 2000 Inter, Programme des Manifestations du 1er Anniversaire de la mort de Brignol Lindor Proposal dated November 5, 2002.

University of Haiti, Faculty of Law & Economics, *Revue Haitienne de Droit et de Jurispurdence.* Proposal dated December 5, 2002

USAID/Haiti
- *Associate Cooperative Agreement No: 521-A-00-001-0070-00*, dated September 28, 2001
- E-mail dated January 31, 2003 from Philippe Cantave, CTO to Leslie Richards, IFES/W on Midterm Evaluation team and objectives
- *FY 2002 Annual Report,* March 4, 2002
- *IFES Assessment Objectives*: Undated e-mail from Erin Soto to Rebecca Reichart at IFES with USAID's expectations on an IFES assessment o/a Jan 2002
- *Performance Monitoring Plan, USAID Development Strategy for Haiti for FY1999-2004*

Annex H
Acronyms

AFPEC	*Académie de Formation et de Perfectionnement des Cadres*
AMIFEHJ	*Amicale des Femmes Haitiennes Journalistes*
ANAMAH	*Association Nationale des Magistrats Haitiens*
AHFJ	*Association Haitienne des Femmes Juges*
AJH	*Association des Journalistes Haitiens*
CARLI	*Comité des Avocats pour le Respect des Libertés Individuelles*
CCIH	*Chambre de Commerce et d'Industrie d'Haiti*
CATH	*Centrale Autonome des Travailleurs Haitiens*
CAII	Creative Associates
CLE	Continuing Legal Education
CRESFED	*Centre de Recherche et de Formation economique et Sociale pour le Developpement*
CSO	Civil Society Organizations
CTO	Chief Technical Officer
FBH	*Fédération des Barreaux d'Haiti* / Haitian Bar Association
FPH	*Fédération de la Presse Haitien*ne / Haitian Press Association
FY	Fiscal Year
GAO	General Accounting Office
GOH	Government of Haiti
IFES	International Foundation for Electoral Systems
ISC	*Initiative de la Societe Civile* / Civil Society Initiative
JDG	Office of Justice, Democracy and Governance (USAID/Haiti)
MOJ	Ministry of Justice
NDI	National Democratic Institute for International Affairs
NGO	Nongovernmental Organization
OAS	Organization of American States
OCAPH	*Ordre des comptables Professionnels Agréés d'Haiti*
UNDP	United Nations Development Programme
USAID	US Agency for International Development
USG	US Government
WG	Working Groups

Transparency International:

USAID/Haiti recently signed a $200,000 one year agreement with La Fondation d'Héritage pour Haiti (LFHH). LFFH proposes to create a Center for Public and Private Ethics and Integrity addressing the problems of corruption in Haiti. USAID is funding LFFH throug the LAC regional grant to Casals associates who will provide technical assistance to the program. Although not yet an official chapter of Transparency International (they are currently a chapter in formation), LFHH have closely collaborated in the development of their five year program. Due to resource constraints, USAID has the resources available to fund the Center for Public and Private Ethics and Integrity's start-up activities in FY03 for one year. Proposed activities include a baseline Corruption Perception Survey (CPS) after which Haiti will officially figure on Transparency International's corruption index, and become a local chapter of Transparency International. Once the baseline is complete, LFFH will launch a mass media campaign on anti corruption, including a two day media-covered international conference on "The Impact of Corruption on Developing Countries and New Democracies where 200 government, civil society, private sector, religious and political party leaders will be invited, provide technical assistance to private sector organizations and the Federation of Bar association in formulating a Code of Ethics, begin to form a coalition for an Ethics, Integrity and Transparency for Haiti Coalition and begin to publish an Ethics-Integrity – Transparency newsletter.

Independence of the Media:
The objective of this program is to provide nationwide community radio station coverage on civic education and to promote independence of the media. Creative Associates is working to strengthen journalists' ability to report on issues related to democratic development and to advocate for greater freedom of the press. USAID is supporting civic education radio programming aimed at encouraging citizens to exercise their rights and responsibilities in their daily lives. Civic education will cover anti-corruption subjects such as accountable leadership and transparent government practices.

TI for update of JDG:
Americas' Accountability/Anti-Corruption Project ($200,000).
This new cooperative agreement through the regional LAC activity implemented through Casals and Associates will fund the local 'Chapter in formation' of Transparency International, La Fondation d'Heritage pour Haiti (LFHH) to develop an "Ethics-Integrity-Transparency" Resource Center that will undertake research, studies and conduct surveys that document the policies and practices of state and private entities. USAID will support the first year of a five year plan.