

PUBLIC

DOCUMENT OF THE INTER-AMERICAN DEVELOPMENT BANK

EL SALVADOR

**STRENGTHENING OF OFFICE OF THE ATTORNEY GENERAL FOR HUMAN
RIGHTS DEFENSE**

TC0206036

PLAN OF OPERATIONS

DECEMBER 2003

**Inter-American Development Bank
Technical Cooperation Program**

EL SALVADOR

TC N° 0206036-ES

I. GENERAL INFORMATION:

Name of T.C. Project:	Institutional Strengthening of the Office of the Attorney General for the Human Rights Defense (PDDH) in El Salvador.
Project Team:	Juana Salazar, RE2/SC2; Fernando Costa, RE2/SC2; Eduardo Rodal, SDS/ICT
Name of the Fund:	Swedish Technical Cooperation Fund for Governance, State Reform and Civil Society.
Beneficiary Country:	El Salvador
Beneficiary Agency:	Office of the Attorney General for the Human Rights Defense (PDDH) in El Salvador.
Amount to be financed by Trust Fund:	US\$37,000
Local Counterpart:	US\$ 1,500
Total:	US\$38,500
Execution Period:	5 months from the date of the signing of the Letter of Agreement between the Bank and the Office of the Attorney General for the Human Rights Defense in El Salvador.
Disbursement Period:	7 months from the date of the signing of the Letter of Agreement between the Bank and the Office of the Attorney General for the Human Rights Defense in El Salvador.

II. BACKGROUND

- 2.1 The Office of the Attorney General for the Human Rights Defense (PDDH) in El Salvador was created in light of the peace agreements signed in Mexico in April 27, 1991. These agreements provided a framework for the pacification process and participatory democracy, the Rule of Law and the institutional strengthening in the country. The establishment of the PDDH is one of the most significant achievements in terms of the institutional protection of human rights and fundamental liberties in El Salvador.
- 2.2 A constitutional status of PDDH was established as part of the constitutional reform carried out in 1991. The Constitution of El Salvador authorized a wide range of instruments and responsibilities in the created human rights to PDDH. These same instruments and responsibilities were included in the law that established the Office of

the Attorney General for Human Rights Defense with significant administrative autonomy. This Institute in El Salvador (Ombudsman) is consistent with the historic and political process and it is now part of the national legal system.

- 2.3 Since its creation, the PDDH has experienced different phases of institutional capacity, all related to developments in the peace process. In the beginning, the PDDH was conceived as an institution that guaranteed human rights, as a credible by the citizens and had an impact on the human rights agenda in the Country. Unfortunately, PDDH could not impose a real culture of human rights on the institutions under its competence. In the 1998 to 2001, the PDDH had a precarious management and a weak organization.
- 2.4 As result of these difficulties, the previous and current government administrations had worked to strength the mandate and recover people's confidence and build institutional credibility in order to produce a positive impact in the human rights situation in the country. On July 7, 2002, the Government of El Salvador presented to the Inter-American Development Bank a request for a non-reimbursable technical cooperation to support these efforts.
- 2.5 The principal institutional weaknesses of the PDDH are:
 - a. Inadequate Planning Process. The PDDH is weak in the planning area as a result of bureaucratic and inefficient operational mechanisms, poor administrative controls and duplication of internal functions. For example, in the area of human rights protection, existing procedures have resulted in the accumulation of approximately 4.000 processes without answers. Similarly, the diffusion of human rights activities lacks of an adequate strategic and integrated vision and coherent policy. These institutional weaknesses reflect fundamental administration and operative management problems.
 - b. Insufficient Impact in Resolving National Human Rights Issues. Inefficient institutional development made it difficult for the PDDH to have an important presence and impact on the resolution of human right problems in the country. Nonetheless, a great effort is being carried out by the current administration to correct this situation.
 - c. Absence of an adequate information system and obsolescence of office equipment. The information systems are neither well coordinated nor integrated. This leads to unnecessary duplication of efforts and lack of effectiveness. The PDDH technical personal need training to deal with a modern information system. These inefficiencies create enormous difficulties for the PDDH to keep information on cases updated, systematized, validated and eventual decision-making.
 - d. Insufficient technical capacity in human rights. The technical capacity of personnel is an indispensable element for dealing with human rights in a social and economic complex environment. The building of a technical capacity to address the issues has not taken place in PDDH. Lack of an adequate technical

support and absence of an efficient institutional supervision and control aggravate this problem. Further complicating the problem is the fact that the departmental units of the PDDH throughout the country are working with their own criteria without a adequate coordination with other institutions dealing with human rights.

III. OBJECTIVES AND PROJECT DESCRIPTION

- 3.1 The principal objective of this Technical Cooperation (TC) is to support the preparation of the Institutional Strengthening of the Office of the Attorney General for the Defense of Human Rights in El Salvador (PDDH). Specifically, the objectives are: (i) strengthen the PDDH to fulfill its responsibilities of protecting, promoting and educating in the areas of human rights; (ii) improve the conditions of the PDDH with the development of an informatics master plan (PMI) for better use and integration of managerial and administrative tools. The proposal elaborated with the support of this technical cooperation will be submitted to financiers/donors.
- 3.2 To achieve the above objectives, the Government of El Salvador on March 22, 2002 requested the support of the Bank. This Technical Cooperation contemplates specialized consultancies as follows:
- 3.3 **With respect to the consultancy in Institutional Strengthening**, the consultant implementing this TC in coordination with the PDDH will initiate a diagnosis by holding a series of meetings with the thematic area coordinators ("Procuradores Adjuntos, Area de Tutela, Area de Promoción, Area de Monitoreo, Area de Recursos Humanos, Area Informática") currently responsible for the implementation and planning of studies at the PDDH. In addition, the consultant will have the following responsibilities:
 - a. Review work processes, especially in the area of protection and promotion of human rights. This support will enable the PDDH to provide more complete answers in these reports of human rights violations. It also involves the design of a human resources development program for the strengthening of the institutional capability to deal with the problematic issues of human rights violations. Explicitly, in order to avoid any possible duplication and insure coherence with other programs currently in place, the consultant responsible for the implementation of this component will work in close coordination with the PDDH as well as with the other developing agencies consultants in charge of the activities related to work processes in the areas of protection and promotion of human rights
 - b. Review the institutional functions of the PDDH, the application of human rights legislation, the diffusion of the legal processes used and propose new policies on application of the human rights dispositions. This work requires: (i) the identification of new activities based on the constitutional mandate and, (ii) a comparative analysis between the work currently being done by the PDDH and the work that could be done by it in the future.

- c. Review and design a human resources training program in order to increase the technical capacity of PDDH personnel to deal with the promotion and protection of the human rights as well as assure a more adequate and modern focus in this area. A number of human resources policy instruments, as well as financial and technical resources will be developed to increase motivation and promote institutional identification among the PDDH staff personnel. This activity will be performed in close coordination with PDDH, SIDA and any other developmental agencies currently implementing any activities for the PDDH.
- d. Propose an adequate management mechanism based on the planning process that would permit the PDDH to carry out its responsibilities more efficiently.
- e. Elaborate a strategic plan to strengthen the departmental offices of the PDDH and integrate them with the central office so as to achieve a better coordination and improve effectiveness among the departmental units.

3.4 **With respect to the consultancy in Information and Communications Technology (ICT)**, the consultant implementing this TC will work with the PDDH in designing a network topology and infrastructure for the establishment of a Local Area Network (LAN) within each of the Institutions (Headquarters and Regional Offices), as well as a Wide Area Network (WAN) linking all the Offices. The tasks will include:

- a. Preparation of a situational analysis report outlining the existing information technology architecture, assessment of the human capacity, processes and policies within the PDDH and its core departments. The scope of this work will include meetings with each of the stakeholders of the diverse developmental agencies executing any relevant project
- b. Reviewing and identifying the needs of new integrated information system, particularly in the areas of telecommunications and information systems architecture with a detailed design of connectivity, databases, Internet, administrative and managerial tools, as well as capability of human resources.
- c. Based on the situational analysis, the consultant will provide the design of an appropriate modern network infrastructure, to include all hardware, software, operating system, network architecture, network security, protocols, and network management tools, for a local area network within and a wide area network linking the PDDH and all its departments. Cognizance should be taken of necessary linkages with existing and proposed public sector networks and the need for compatibility and adherence to standards within the public sector.
- d. Recommendation of instruments and measures for achieving efficiency gains at the PDDH and all its departments.
- e. Identification of administrative and technical areas that need strengthening.

- f. Development of specifications and a budget for all items required for the networks. Identification of resources required for the implementation and preparation of a prioritized implementation plan and schedule.
- 3.5 With the deliverables obtained as a result of the consultancies in institutional strengthening and information and communication technologies (ICT), the consultants will prepare a proposal for the Institutional Strengthening of the PDDH with all the components identified as part of the project. Each consultant will validate his proposal through direct coordination with each of the stakeholders of this project and following PDDH Strategic Plan 2002-2004 guidelines. Additionally, the consultants will take into account and validate all the activities already financed by other agencies in order to avoid duplication and prepare an estimated financial matrix and a chronological execution plan of activities.

IV. COST AND FINANCING

- 4.1 The cost of this Technical Cooperation is expected to be US\$37,000, to be financed with non reimbursable resources from the Swedish Technical Cooperation Fund for Governance, State Reform and Civil Society, and a national counterpart of US\$1,500 to cover expenses related to general office costs, according to the following budget:

ACTIVITIES	BID	LOCAL RESOURCES	TOTAL
1. Institutional Strengthening Consultancy. <u>International</u> Honorarium: US\$600 x 20 days Per Diem: US\$164 x 25 days Travel: 2* US\$2500	12,000 4,100 5,000		12,000 4,100 5,000
2. Information Systems Consultancy. <u>International/Regional</u> Honorarium: US\$450 x 20 days Per Diem: US\$164 x 25 days Travel: 2* US\$1,000	9,000 3,280 2,000		9,000 3,280 2,000
3. Computer Equipment for Work of Consultants	1,000		1,000
4. Office (Supplies, personnel and other materials)		1,500	1,500
5. Unforeseen	620		620
TOTAL	37,000	1,500	38,500

V. EXECUTION:

- 5.1 **The Executing Agency** is the Office of the Attorney General for the Defense of the human Rights in El Salvador (PDDH).
- 5.2 **Execution Period.** This project will be executed in 5 months a beginning with the signing of the Letter of Agreement between the Bank and the PDDH.

- 5.3 **Disbursement of Funds.** The term of disbursement will be 7 months from the signing of the Letter of Agreement between the Bank and the PDDH.
- 5.4 **Hiring of Consultants.** The Bank, through RE2/SC2 will hire the consultants in charge of the above-mentioned consultancy services who will be responsible for the completion of the Terms of Reference annexed to this Plan of Operations. The consultants will observe the terms and conditions of the contract.
- 5.5 **Reports and Supervision.** Each consultant will elaborate a Final Report that will be send to Juana Salazar juanas@iadb.org and to the PDDH. In accordance with the IDB requirements, the consultants will send to the Bank two hard copies of the Final Report for the Bank and PDDH approval. The Bank's representative office in San Salvador, El Salvador supervises the execution of the project.
- 5.6 **Responsibility of the Bank.** The responsibility of the Bank will be held by Juana Salazar at e-mail: juanas@iadb.org in RE2/SC2 , the unit which will supervise the substantive aspect of the operation with the support of the Bank's representative office in San Salvador, El Salvador.
- 5.7 The **regular supervision** and follow-up of the TC will be the responsibility of the Bank's representative office in San Salvador coordinating with the RE2/SC2.

VI. JUSTIFICATION

- 6.1 The creation of the Rule of Laws require searching of viable alternatives in order to develop a democratic society, in which the social and economic benefits and the fundamental liberties could be enjoyed by the people from all social class. Nonetheless, this requires the existence of efficient institutions that are able to introduce the changes in society and in favor of the consolidation of the Rule of Laws.
- 6.2 The tasks proposed in this Technical Cooperation are focusing to strengthen the PDDH as an efficient institution with a projection toward the strategic institutional objectives. The PDDH has developed lot of efforts in the search of the modernization of its activities in the framework of the El Salvador Constitution.
- 6.3 The Technical Cooperation will permit to elaborate an objective institutional strengthening project that will have as fundamental bases the strategic needs of the PDDH functions. The elaboration of this project will permit to channel the international cooperation toward the key areas developed by the PDDH in the process of its institutional strengthening.
- 6.4 This operation constitute the bases to support the execution of the Reform of the Justice System in El Salvador (Loans 919/OC/ES and 920/SF/ES), mainly in the areas related with minors and young offenders who are either detained or subject to alternative corrective measures.

VII. CERTIFICATION:

- 7.1 I certify that this operation was approved for financing by the donor of the Swedish Technical Cooperation Fund for Governance, State Reform and Civil Society for US \$37,000 through an e-mail dated December 18, 2003 from Ms. Susanna Janson Landin, Program Coordinator. Also, I certify that resources from the Swedish Technical Cooperation Fund for Governance, State Reform and Civil Society are available for up to US \$37,000 in order to finance the activities described and budgeted in this Memorandum - Plan of Operations. The commitment and disbursement of these resources shall be made only by the Bank in US dollars. The same currency shall be used to stipulate the remuneration and payments to consultants, except that local consultants working in their own borrowing member country shall have their remuneration defined and paid in the currency of that country. No resources of the Fund shall be made available to cover amounts greater than the amount certified herein above for the implementation of this Plan of Operations. Amounts greater than the certified amount may arise from commitments on contracts denominated in a currency other than the Fund currency, resulting in currency exchange rate differences, for which the Fund is not at risk.

Arnoldo M. da Fonseca
Chief
Technical Cooperation Coordination Unit

Date

XI. APPROVAL:

Approved:

Jorge Sapoznikow
Chief
State and Civil Society Programs Division 2

Date