

SUPPORT FOR REFORM OF THE CRIMINAL JUSTICE SYSTEM

(VE-0057)

EXECUTIVE SUMMARY

Borrower and guarantor:	The Bolivarian Republic of Venezuela	
Executing agency:	Ministerio Público [Attorney General's Office] (MP) and the Ministerio del Interior y Justicia [Ministry of the Interior and Justice] (MIJ)	
Amount and source:	IDB (OC):	US\$ 75 million
	Local:	US\$ 57 million
	Total:	US\$132 million
Financial terms and conditions:	Amortization period:	20 years
	Grace period:	5.5 years
	Disbursement period:	5.5 years
	Interest rate:	variable
	Inspection and supervision:	1%
	Credit fee:	.75%
	Currency:	U.S. dollars, Single Currency Facility
Objectives:	The general objective is to support the Venezuelan authorities in strengthening judicial institutions to make the criminal justice process more just, transparent and efficient. The specific objectives are to: (i) improve criminal investigation and prosecution, making it more efficient, accurate and subject to the rule of law; (ii) increase society's participation and confidence in the criminal justice system; and (iii) reduce violence, and improve living conditions in prisons and increase inmate rehabilitation rates.	
Description:	The new Code of Criminal Procedure (Código Orgánico Procesal Penal) entered into force in 1999, seeking to improve efficiency, transparency and equity in criminal justice in the country. The code makes sweeping reforms in the entire judicial process and in the role of each of the actors – judges, prosecutors, judicial police, victims, accused and citizens. It changes the traditional inquisitorial approach, which was based on the presentation of written evidence and where the judge was in charge of the investigation, into an accusatorial and oral model, in which the main role in preparing cases and presenting evidence is played by the public prosecutor.	

The proposed program supports and strengthens the process of introducing the new code, by training prosecutors with a view to reducing the large number of cases (over 50 percent) that are returned by the courts or simply thrown out owing to serious mistakes in preparation; providing technical assistance and advanced technology to enable the judicial police to investigate crimes better and support the prosecutors in obtaining evidence, enabling them to lay charges, thereby also reducing the number of unsolved cases (almost 60 percent); promoting citizen participation in mixed tribunals to hear the most serious cases and informing the public about the merits of the new legislation; ensuring that the human and legal rights of the accused are respected and, if they are found guilty, providing adequate conditions in prison and better possibilities for social and workforce reintegration after they have served their sentences.

This program is not intended to reduce the crime rate in the country, which stems from complex causes and circumstances, but it is intended to reduce circumstances of impunity under which criminals operate, ensuring that the rule of law is followed in all stages and procedures in the process and rebuilding society's confidence in the justice system.

The program will be composed of two subprograms: (a) **modernization of the Ministerio Público**; and (b) **strengthening of the Ministry of the Interior and Justice**. Under the first, funding will be targeted to the following areas: (i) training for prosecutors, assistant prosecutors and administrative staff; (ii) clearing up the backlog of criminal cases in transition, that precede the entry into force of the new code; (iii) information technology to interconnect all MP offices, including modules accessible to the public; and (iv) public information campaigns, to inform citizens about the new penal code. The second subprogram will have two components: (i) **modernization of the Judicial Police Force Technical Corps**; and (ii) **modernization of the prison system**.

For the Judicial Police Force Technical Corps (CTPJ) the following will be financed: (i) institution building, including a strategic planning process, internal oversight systems and a public information plan; (ii) training for police officers in criminal investigation, forensic medicine and police work; (iii) a technology modernization plan; and (iv) rehabilitation of central and regional offices.

The component on **modernization of the prison system** will include: (i) institutional and administrative strengthening; (ii) development of information systems; (iii) support services for prisoners, including training for prison guards, administrative staff and inmates;

(iv) rehabilitation of common areas in a series of prisons; (v) reintegration into the community, which will strengthen programs for training, rehabilitation and reintegration, and involvement by civil society; and (vi) construction and equipping of pre-parole residential centers.

**The Bank's
country and
sector strategy:**

The country and the Bank have agreed on four areas of action for the operations program: (i) social: poverty reduction and human capital development; (ii) increase in the productivity of non-oil resources; (iii) institutional: strengthening of the public sector to improve the delivery of services; and (iv) science and technology: generation and use of knowledge to support human capital development. The proposed operation will fortify institutions and society.

The Bank has experience in the design and execution of projects to support the reform of judicial systems. It has approved 18 loans and 65 technical-cooperation projects in this area. The Bank's strategy in the criminal justice area has been to support the economic and social development of the countries of the region by reducing crime and violence, improving criminal rehabilitation and lowering recidivism rates, protecting the rights of victims and the accused (the vast majority of whom are poor), and bringing offenders to justice. The proposed operation is part of this strategy.

**Environmental
and social
review:**

The Committee on Environment and Social Impact's main recommendations were: (i) to include the constitutional provisions relating to indigenous jurisdictions in training for public prosecutors (paragraph 2.7); (ii) to consider those constitutional provisions in the process of clearing up the backlog of criminal cases in transition involving indigenous people (paragraph 2.9); (iii) to ensure that the public information plan makes both men and women aware of the importance of participating in the administration of justice; and (iv) to include technical environmental specifications in the contracts for building and supervising the civil works.

Benefits:

The program will increase the efficiency, professionalism and equity of criminal investigations, processing and trials, thereby building confidence in the criminal justice system. This should lead to a reduction in unpunished crime and better citizen confidence in and cooperation with the system.

Better criminal investigation, forensic medicine and police inquiry methods will lead to more scientific preparation of charges and evidence that incriminates or absolves the accused, while respecting their rights and making investigation processes transparent. This will lead to a reduction in the number of people who evade justice and in citizen insecurity.

As for prisons, the introduction of the penitentiary regime, in which prisoners will have individual cells or cells that house small groups and will be guarded by better trained staff will bring about a radical change in the rules of the game inside prisons that benefit from program resources—generally controlled by a group or groups of prisoners—and the subhuman conditions in which prisoners live.

Reinforcement and expansion of pre-parole residential centers will improve the capacity of the criminal justice system to rehabilitate and reintegrate prisoners into the community and the workforce, thereby reducing the number of repeat offenders.

Since a very high percentage of prisoners and inmates living in pre-parole centers come from poor backgrounds, the improvements in social assistance and training, among others, will have a positive impact on their chances of successful reintegration into society and the workforce.

The program will promote the participation of civil society in the administration of criminal justice and reintegration of prisoners into the community through a major civic education campaign on the public's role in trials and in the activities of the pre-parole residential centers.

Last, the program plans a series of activities to tighten internal and external control over the judicial police and the prison system and increase accountability and transparency.

Risks:

The program acknowledges the difficulties in implementing the new Code of Criminal Procedure and in achieving acceptance and understanding of it in large sectors of society. The program includes a series of activities to bolster the capacity of institutions linked to the reform and to support social acceptance of the values enshrined in this new legal instrument.

The new code, as originally approved, has undergone amendments, due to problems of perception by certain sectors of the public as well as to real needs for improvements or adaptations. Funding has been set aside for a major campaign to explain and clarify the advantages of the new code, which should address this problem. Also, the mid-term evaluation will consider these aspects and propose measures, if necessary.

Execution might be affected by the fact that two autonomous and independent institutions are participating in the program, with little experience in working together or with multilateral lending agencies. To address this problem, a coordinating unit with qualified staff and managerial skills will be set up in each of the ministries, and they will establish a technical liaison committee.

In the past, communal areas in Venezuelan jails, such as workshops, infirmaries and hospitals, have been vandalized by the prisoners themselves. A condition precedent to disbursements for investments in works of this kind will be that protection and maintenance must be provided for them.

Communities where pre-parole residential centers are to be built may reject them. The program expects to mitigate this risk through public education on the benefits of the centers and will involve community members, inmates' families, civic organizations and the private sector in programs for prisoner rehabilitation and reintegration.

**Special
contractual
clauses:**

Precedent to the first disbursement, each of the executing agencies (MP and MLJ) will present evidence to the Bank to the effect that: (i) a coordinating unit (CU) has been established for each subprogram; (ii) the staff needed to run the CUs has been contracted (chief of the unit, administrative-financial specialist, and procurement and contracting expert); (iii) the first annual operating plans for each subprogram have been prepared; and (iv) special bank accounts have been opened. As each agency fulfills these conditions, the first disbursement for its subprogram will be authorized upon compliance with these requirements (paragraph 3.26).

During the program, the borrower, through each coordinating unit, will present a preliminary annual operating plan to the Bank for each component for the following year (paragraph 3.27 (b)).

Disbursements of loan proceeds for the construction or rehabilitation of common areas in prisons will be contingent on the presentation of evidence to the Bank that: (i) the penitentiary regime has been implemented in the beneficiary prison (existence of individual cells or cells for small groups, separation of prisoners based on dangerousness and age, an increased number of guards, and the startup of a training program for guards and administrative staff); (ii) humanitarian administrative standards are being applied in the selected prison (operation of an effective waste management and control system, which does not preclude the application of additional standards set by the certifying entity); and (iii) the authorities are providing protection for infrastructure, equipment and prisoners in the selected prison. The evidence must be validated and presented to the Bank by an internationally-recognized organization with expertise in this field (paragraph 3.27 (c) and (d)).

The coordinating units and the Bank will hold follow-up meetings to review the institutional and operational aspects of the program and the semiannual progress reports. Mid-term and final evaluations will be performed to measure the progress achieved (paragraph 3.37).

Poverty-targeting and social sector classification:

This operation qualifies as a social equity enhancing project, as described in the indicative targets mandated by the Bank's Eighth Replenishment. Furthermore, this operation qualifies as a poverty-targeted investment (PTI). The borrower will be using the 10 percentage points in additional financing (see paragraphs 2.28, 4.6 and 4.7).

Exceptions to Bank policy:

None

Procurement:

International competitive bidding will be compulsory for contracts over US\$200,000 for consulting services, US\$350,000 for goods and services and US\$5 million for civil works.

I. FRAME OF REFERENCE

A. Introduction

- 1.1 The new Code of Criminal Procedure which seeks to improve efficiency, transparency and equity in criminal justice in the country entered into force on 1 July 1999. Like other countries in the Andes Region, Venezuela decided to change its inquisitorial model of justice (in which the judge is also the prosecutor), because of problems with backlog, slowness in processing cases, disregard of victims and continuous violation of the fundamental rights of the accused. Instead, based on an accusatorial and oral model, the new code proposes sweeping reforms to the entire system: (i) the creation of specialized criminal investigation capacity, directed by the MP and carried out by the Judicial Police Force Technical Corps; (ii) the complete separation of functions in the process, where the burden of proof and refutation is the responsibility of a public prosecutor and a defense counsel; (iii) trials held before magistrates who play an objective role and act as impartial third parties; (iv) participation of civil society in the administration of justice; and (v) placing the Ministry of the Interior and Justice in charge of administering the judicial police force and the prison system, particularly guarding and rehabilitating prisoners to help them reintegrate into society.
- 1.2 The proposed program supports and strengthens the process of introducing the new code, training prosecutors with a view to reducing the large number of cases (over 50 percent) that are returned by the courts or simply thrown out owing to serious mistakes in preparation; providing technical assistance and advanced technology to enable the police to investigate crimes better and support prosecutors in obtaining evidence and apprehending criminals, thereby also reducing the number of unsolved cases (almost 60 percent); promoting citizen participation in mixed tribunals to hear the most serious cases and informing the public about the merits of the new legislation; ensuring that the human and legal rights of the accused are respected and, if they are found guilty, providing adequate conditions in prison and better possibilities for social and workforce reintegration after they have served their sentences.
- 1.3 This program is not intended to reduce the crime rate in the country, which stems from complex causes and circumstances, but it is intended to reduce circumstances of impunity under which criminals operate, ensuring that the rule of law is followed in all stages and procedures in the process and rebuilding society's confidence in the justice system.

B. Socioeconomic framework

- 1.4 Since President Hugo Chávez won the elections in December 1998, Venezuela has been going through a period of political, economic and social change. In the political field, a new constitution was approved by referendum in December 1999, and in July 2000 the government consolidated its position by easily winning the

elections for a unicameral national assembly, which extended the president's term of office for a further six years.

- 1.5 After two years (1998 and 1999) of slowdown in which the real sector shrank by a total of 5.9 percent, the government is committed to reactivating the economy. The strategy is to apply an expansive fiscal policy—but not deficit spending—which includes the use of income from higher oil prices to finance initiatives to promote growth. The economy grew by 3.2 percent in 2000 and prices by 13.4%, with the same percentages being estimated for 2001. The exchange rate was Bs 745 to US\$1 (September). International reserves are close to US\$12 billion, to which another US\$7 billion from the Macroeconomic Stabilization Investment Fund should be added.
- 1.6 The impending promulgation of a series of legal measures to bring about sweeping economic and social reform, compounded by the policy of using the exchange rate to anchor price variations and government pressure to reduce the financial spreads of local banks, have created uncertainty among economic agents, as reflected in a reduction in international reserves.¹ The exchange rate has remained relatively stable thanks to intervention in the market by Banco Central de Venezuela (BCV), which has exacerbated the loss of reserves. Capital outflows have translated into pressure on the monetary aggregates, which has been heightened by the lack of dynamism in the public sector in the early part of the year.² It is hoped that prudent public spending, timely intervention in the market by the BCV, backed by adequate reserves and growing confidence among economic agents once the new legal measures are announced, will be able to consolidate sustained growth in the Venezuelan economy.
- 1.7 In the social sphere, the economic crisis of the 1990s and the reduction in social investment have led to sustained deterioration in the country's main social indicators, in particular an average annual reduction in per capita GDP of 0.5 percent. About 11 percent of the economically active population is unemployed and unemployment in the informal sector is 49.5 percent. Figures for 1998-1999 indicate that 31.3 percent of the country's 23.7 million inhabitants live below the poverty line, while 18.7 percent live on less than a dollar a day.³
- 1.8 On the aggregate level of the economy, uncertainty related to the lack of security leads to declining GDP, inhibited economic activity, lower investments and higher unemployment in the formal and informal sectors and, as a result, to higher poverty levels. Between 1990 and 1998, spending on private security leapt by 538 percent

¹ In January 2001, the international reserves of Banco Central de Venezuela were US\$16.6 billion.

² From December 2000 to May 2001, monetary liquidity shrank by 11.4 percent in nominal terms, bank credit fell by 7.7 percent, and deposits in the financial system declined by 9 percent.

³ UNDP, Human Development Report 2001.

and in 1997 alone, almost US\$900 million or 1.09 percent of that year's GDP was invested in security.⁴ Insecurity among poorer groups chiefly affects microentrepreneurs, since their investment decisions are more vulnerable to external contingencies of this kind.

- 1.9 Coupled with the deterioration in social indicators, violence and lack of security have become one of the main concerns of Venezuelan society. Insecurity has been worsened as a result of the increase in crimes against individuals, particularly murder, which is the most serious manifestation of criminality. The murder rate has tripled over the last 10 years, rising from 13 per 100,000 people in 1990 to 33 in 2000. Over the same period in Caracas, the rate rose from 44 per 100,000 to 101. Approximately 60 percent of murders are the result of social violence.⁵ Vehicle thefts have risen from 51 per 100,000 in 1990 to 124 in 2000 and in Caracas from 142 per 100,000 to 335.⁶ One of the main growth areas over the same period has been private security services, which skyrocketed by 538 percent, employing more than 120,000 people.⁷
- 1.10 The study conducted by the Institute for Higher Studies in Administration and the Social Sciences Laboratory (IESA-LACSO) for Venezuela in 1997 demonstrated that murders in Caracas alone accounted for over 56,000 years of potential life lost and that the cost of violence in that city was almost 3 percent of the whole country's GDP. The World Health Organization estimated 205,000 years of potential life lost in 1998 for the entire country. The economic cost of violence in Venezuela in that year is estimated as a minimum of 3.5 percent of GDP. Total estimated losses from vehicle thefts were US\$310 million and losses from robbery were US\$307 million.⁸
- 1.11 Despite these figures, it is complicated to determine the true scale of crime in the country. Data on the difference between the number of crimes committed—estimated through victimization surveys—and the number reported to the police (known as the 'black rate') or the number of crimes whose perpetrators have been

⁴ Report by the National Chamber of Private Security.

⁵ Since the factors that cause violence and strategies to combat it vary, it is particularly useful to classify violence into two main types, based on the relationship between the victim and the aggressor: *domestic violence* (between relatives or couples who are or were once married or living common law) and *social violence* (between people who are unrelated, not married or living in a common law relationship), *Notas Técnicas de Prevención de Violencia*, Sustainable Development Department, Inter-American Development Bank, Technical Note 1, page 3, 2000.

⁶ Crime Statistics, Ministry of the Interior and Justice, Statistics Division, Judicial Police Force Technical Corps. Official crime figures do not fully reflect the situation of insecurity owing to problems in obtaining data on crime.

⁷ National Private Security Chamber. The chamber estimated that in 1997 alone, investments were about US\$900 million, or 1.09 percent of GDP in that year.

⁸ Estrategia Social Consultores, "Estudio sobre los costos de la violencia y la criminalidad en Venezuela", Caracas, July 1999.

sentenced (known as the ‘friction rate’)⁹ are not reliable. Another unknown is the crime solution rate, which measures the efficiency of the police and impunity levels, and is equivalent to the number of crimes in which police are able to find suspects. In short, we do not have enough basic indicators on the functioning and efficiency of the criminal justice system to make a full evaluation.

- 1.12 That being said, the scant data available suggest deep-rooted inefficiency and mistrust of the system, which lead to an increase in unpunished crime, thereby favoring increases in crime rates. The country’s only national study on victimization notes that 60 percent of the population surveyed who had been victims of robbery with assault (street robbery) had not reported the crime; 59 percent of people who were break and entry victims did not report; and the rate for failure to report thefts of property was 76 percent. The crime solution rate—understood as the ratio between the crimes known to the police and the cases sent to the MP with supposedly good evidence, was around 43 percent in 2000. The solution rate for murders is 58 percent, which means that more than 40 percent of people who commit this most serious of crimes are never charged.¹⁰ Last, close to 50 percent of the cases sent by the MP to the courts are returned or thrown out owing to serious errors in their preparation. These figures elucidate the citizenry’s lack of trust in the police and the inefficiency of the criminal justice system

C. The justice sector

- 1.13 Venezuela faces a dual challenge in the administration of criminal justice. First, it must reduce crime and violence which have increased significantly, leading to the lack of security of persons and property. Second, it must ensure that criminal processes stemming from the effort to respond to high crime rates respect the rights of victims and accused, in particular the right to due process. The combination of high crime rates (which means that the public views the criminal justice system as inefficient) and slow procedures that are not transparent (which means that the system is viewed as unjust) have discredited the criminal justice system and placed the government under public pressure to remedy the situation.
- 1.14 The Venezuelan government believed that one of the causes of the problem was the old code of criminal procedure (Código de Enjuiciamiento Criminal),¹¹ which based criminal procedure on an inquisitorial and written model, in which magistrates oversaw the processes of investigation, trial and sentencing. According to the Venezuelan authorities, the system was marked by “an excessive cult of written forms and turned magistrates into the keepers of documents that they did not

⁹ Expresses the rate of loss in each entity in the criminal justice system.

¹⁰ Estudio Nacional de Victimización, MIJ-Consultants, 21 June 2001; and the Statistics Division of the Judicial Police Force Technical Corps.

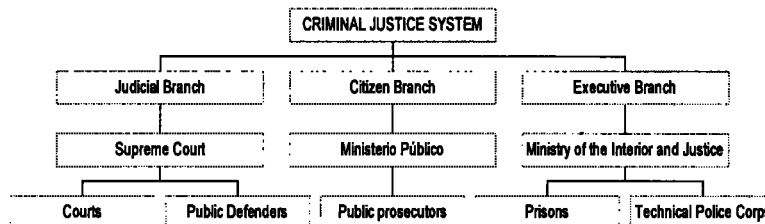
¹¹ Codes of criminal procedure establish the rules for investigation, criminal prosecution, trials and sentencing.

examine until it was time to hand down a sentence, which was when they actually studied the content of the case to be judged. The magistrates looked no further than the evidence on file; they did not know the prisoner's face; they never saw the body language or heard the voice of a witness or expert; they only read reports prepared by the police who weighed statements by accused and witnesses based on their own training and vocabulary. The sentences handed down by the magistrate who oversaw the investigation were simply a gloss on police actions, with scant reference to the defense or to the prosecution. Defender and prosecutor were entirely secondary actors in the inquisitorial system, while the police and magistrates took center stage.¹²

- 1.15 The above translated into deep inefficiency and violations of human rights, whose clearest signs were the slowness of judicial processes and the growing number of persons who had been charged but not sentenced being held in prison. It took an average of 286 days to investigate a crime (more than eight times longer than stipulated in the law) and 754 days (more than 11 times longer) to reach the sentencing stage. Suspects were frequently jailed during the entire process, from investigation to trial to sentencing.¹³ By the end of the 1990s, 75 percent of people in jail had not been sentenced.

D. The reform

- 1.16 Approved by referendum, the new constitution entered into force in 2000 and reorganized the justice system by establishing the following distribution of powers:



- 1.17 The **Supreme Court** is the country's highest court which, apart from settling controversies over jurisdiction, has the power to determine whether laws and the actions of the legislative and executive branches are constitutional. The Supreme Court is responsible for the management, governance and administration of the judicial branch and for inspection and oversight of the courts and public defenders.

¹² Código Orgánico Procesal Penal de Venezuela, Exposición de Motivos, published in Gaceta Oficial No. 37022.

¹³ Eyzaguirre, H. "Marco institucional y desarrollo económico: la reforma judicial en América Latina", in E. Jarquín and F. Carrillo (eds.), *La economía política de la reforma judicial*, Washington, D.C., IDB, 1997, page 106.

- 1.18 The **Ministerio Público** is responsible for: (i) guaranteeing respect for constitutional rights and guarantees in judicial proceedings; (ii) ensuring expeditious and smooth operation of the administration of justice, pre-trial proceedings and due process; (iii) organizing and directing criminal investigations; and (iv) taking steps to force public officials to carry out their duties in the event of irregularities.
- 1.19 The **Ministry of the Interior and Justice** is responsible for: (i) formulating public policies in its sphere of competence; (ii) organizing, coordinating and supervising national police forces; (iii) promoting and implementing government policies regarding crime investigation and administering the Judicial Police Force Technical Corps; (iv) promoting community participation in crime prevention programs; and (v) administering the country's penitentiaries.
- 1.20 The new Code of Criminal Procedure entered into force in July 1999 and, with it, a completely new system of criminal procedures. Trials are now oral and public, instead of written; crimes involving sentences longer than eight years must be judged by a mixed tribunal composed of a career magistrate and two citizens (*escabinos*); prosecution and defense are responsible for adducing and refuting evidence and presenting the case in general; and the judge is an objective arbitrator rather than the director of the investigation.¹⁴ The new Code of Criminal Procedure seeks to place the parties on an equal footing, with the judge as an impartial third party who is no longer required to take the initiative in criminal prosecution and does not propose the contents of the trial. The accuser and the accused appear before the magistrate with equal rights and obligations and "any person charged with a punishable offence shall remain at liberty during the trial, with the exceptions established in this Code".¹⁵ The process also takes account of protection of victims and reparation of damages.
- 1.21 The new Code of Criminal Procedure presupposes radical changes in the actions of magistrates and all the other players in the system. Criminal action is the responsibility of the MP, which directs preliminary investigations to determine whether a crime has been committed and the identity of the author. That is why the organs of the police report to it. The MP is also required to lay charges and ask the court for appropriate sanctions, protect the rights of victims and, when warranted, to drop charges or petition for dismissal.
- 1.22 With respect to criminal investigations, which are carried out by the Judicial Police Force Technical Corps, the new Code of Criminal Procedure contains at least two major reforms: (i) elimination of the power of the corps to make preventive arrests

¹⁴ These radical changes in criminal procedure have also been made in other countries in the region. Argentina, Bolivia, Chile, Colombia, El Salvador, Guatemala and Uruguay have made legal reforms along the same lines and some of these processes of change were supported by the Bank.

¹⁵ Article 252 of the Code.

without an order from a magistrate—except for crimes detected in the act; and (ii) it will report operationally to the MP, with the MIJ retaining administrative responsibility.

- 1.23 By placing limits on preventive arrest and offering alternatives to incarceration, the new Code of Criminal Procedure has also had an impact on the prison system. Since the code came into force, the total prison population fell from 26,000 to about 17,000 (July 2001), while the percentage of prisoners awaiting trial dropped from above 70 percent to below 43 percent.¹⁶
- 1.24 More recently (September 2001), after a consultation process led by the MP, the national assembly approved a series of changes to the Code of Criminal Procedure. These changes reflect, in part, the opinion of sectors of the population that felt that the code was granting too many benefits to the accused, to the detriment of victims, and that a better balance needed to be sought.

E. The challenges of the new Code of Criminal Procedure

- 1.25 The new Code of Criminal Procedure presents major challenges for the processes of investigation, criminal prosecution and trial and the way in which sentences are applied and verified. It demands new skills by all the players involved—the police, prosecutors, public defenders, magistrates, prison staff and civil society. If these players are not prepared and trained in their new roles, the new Code of Criminal Procedure will not be properly implemented and citizens might blame rising crime rates on the code. If the public does not appreciate the utility of alternative sentences,¹⁷ rehabilitation, protection of due process and the role of society in trials, it could fear the new institutions and reject them. Also if citizens refuse to participate in joint tribunals or fail to support the rehabilitation and reintegration of ex-convicts into the community, it will be impossible to implement the new code effectively.
- 1.26 The **judicial branch** faces at least three main challenges: (i) training for magistrates and public defenders in the new criminal procedures; (ii) clearing up the backlog of a growing number of criminal cases that have not been heard; and (iii) the establishment of joint tribunals and promotion of citizen participation in them.

¹⁶ This reduction in the prison population is due to the provisions in the new Code of Criminal Procedure on parole and to 3,000 prisoners released owing to undue delays in the process between August 1999 and April 2000. It also has a fiscal impact owing to the high cost of keeping a prisoner in jail. Furthermore, incarceration has a social impact, since persons guilty of minor crimes generally become ‘professionalized’ during their time in jail, and the stigma of having served time makes it difficult for released prisoners to find work.

¹⁷ For minor offences, magistrates are empowered to sentence offenders to penalties other than imprisonment, such as community work.

- 1.27 To adapt to their new accusatorial and oral role, prosecutors with the **Ministerio Público** will require new aptitudes, such as investigative skills and the ability to fully master oral techniques. The lack of experience in joint and coordinated work between public prosecutors and the police and the absence of clear functional relations between the two institutions, the insufficiency of the information systems to support and track cases, the shortage of personnel, funding and installations—in Caracas and in the interior—have led to a backlog of cases.
- 1.28 The code establishes that the police can only arrest a person after obtaining an arrest warrant or if a person is caught in the midst of committing a crime, which is intended to limit the possibility of arbitrary action. It also calls for the use of accurate scientific methods and procedures (Art. 214) and objectivity, impartiality, dispatch,¹⁸ quality and logical sequence in preparing evidence. Therefore, heavier demands are placed on investigators (police officers) in gathering evidence and their ability to explain it orally to a magistrate, which means that their professional skills must be upgraded. Safeguarding the rights of the accused¹⁹ necessarily means that police officers must be better trained in human rights and be required to respect and guarantee them. Last, the police are facing a shortage of technical equipment and existing equipment is largely obsolete.
- 1.29 With the entry into force of the new Code of Criminal Procedure, the problem of overcrowding in jails was alleviated, since large numbers of prisoners were released. However, the **prison system** suffers from structural shortcomings that make it difficult to rehabilitate prisoners, contribute to recidivism and violate human rights. The living conditions of prisoners do not meet the minimum standards and in general are detrimental to their physical, psychological and emotional health, with particularly adverse effects on special risk groups, including youths between 16 and 21 in adult prisons and children under three who live with their incarcerated mothers.
- 1.30 The absence of individual cells or cells for small groups (3 to 5 people), which is the case in most prisons, and failure to fully apply the penitentiary regime²⁰ means that prisoners can move about prisons at will. The shortage of guards means that they can only control the perimeters of the prisons and are unable to protect or control the prisoners inside it, which leads to physical insecurity and violence among inmates. Under these conditions, prison infrastructure deteriorates rapidly since it is not protected by the guards, and prisoners use pieces of the buildings (glass, pipes, etc) as weapons. Sanitary conditions are also deplorable, since there is

¹⁸ The code establishes that the process should be completed in one day or in the fewest number of days possible.

¹⁹ Evidence that has been obtained in violation of those rights will be disregarded (Art. 214).

²⁰ Penitentiary regime will be understood as: (i) the existence of individual cells or cells for small groups; (ii) separation of prisoners based on the level of danger they represent; and (iii) increase in the number of guards, and a training program under way for them.

no capacity to keep bathrooms, kitchens, cafeterias or lighting systems in operating condition, dispose of trash, or maintain infirmaries, educational areas or workshops. Although the government has built works at penitentiaries in recent years, they have been vandalized and dismantled and the investment has gone to waste.

- 1.31 Apart from the structural problems, the prison system suffers from institutional and administrative defects. In disregard of the legal requirements, the system has not been able to classify and place prisoners by level of the threat they pose; many young people who have recently been convicted are forced to share with hardened criminals; the sick do not receive medical treatment and mingle with the healthy; and there is no exact information on the nature of the population in each prison. Of the 2,120 employees in the system, just one fourth are guards and most of them have not received specialized training. In some cases, moreover, they have become involved in illegal activities within the prisons. A personnel restructuring proposal is being prepared to increase the number of guards and a training program to be financed by the program is being designed to boost their professionalism.
- 1.32 Last, implementing the new Code of Criminal Procedure without the necessary training for the players involved, without establishing inter-agency agreements and without public information programs has created new challenges in the relations between the government and **civil society**. Part of society attributes the rise in crime to the code itself and calls for its reform. It believes that people who are found guilty but are sentenced to alternative punishments are 'delinquents' being allowed to walk free and that the code gives too much protection to suspects and accused. This situation illustrates the tensions that the criminal justice system must resolve and balance. There is the need to provide security but there is also the need to ensure that each citizen's right to due process is guaranteed and that only the guilty will be punished. Many citizens have refused to participate in the joint tribunals, which is a major stumbling block for judges to be able to pass sentence. The situation also illustrates the critical role of social understanding and the need for society to participate in the administration of justice.

F. Government sector strategy

- 1.33 The Venezuelan authorities are taking steps to consolidate implementation of the new Code of Criminal Procedure. The MP has embarked on an ambitious modernization program that includes adapting the legal framework, strengthening the institutional and organizational framework, providing extensive training for staff, systematizing processes, refurbishing and deconcentrating its infrastructure, and bolstering inter-institutional relations. The MP has also invested significant resources in clearing the backlog of criminal cases that existed under the earlier legislation, facilitating their consideration by the courts. Inside the MIJ, the Judicial Police Force Technical Corps (CTPJ) drew up a modernization project intended to raise the quality and efficiency of investigations, operations and administration, install sophisticated technology with national coverage, train specialists in criminal

investigation, and strengthen the regional offices, coordinating its work with the other bodies in the judicial system. Last, the Directorate General of Prisoner Custody and Rehabilitation is implementing a comprehensive plan to modernize the prison system, with stress on rehabilitation and reintegration of ex-convicts into the community, the protection of human rights, improvement of conditions in jails and consolidation of residential centers for prisoners eligible for parole.

- 1.34 The government has authorized over US\$38 million in off-budget funds to strengthen the MIJ institutionally (US\$4 million), support the reform of the criminal justice system (US\$19 million for the prison system and US\$15 million for the judicial police) and programs for crime prevention and citizen coexistence. The funds cover a four-year period and spending began in 2000. The government has requested Bank support under the proposed operation to complement these efforts.

G. Bank sector strategy

- 1.35 The country and the Bank have agreed on four areas of action for the program of operations: (i) social: poverty reduction and human capital development; (ii) increase in the productivity of non-oil resources; (iii) institutional: strengthening of the public sector to improve the delivery of services; and (iv) science and technology: generation and use of knowledge to support human capital development. The proposed operation will fortify institutions and society, since it will provide technical assistance for two key entities in the justice system—the Ministerio Público and the Ministry of the Interior and Justice—and promote better protection for citizen's rights and greater equity in access to justice. Strengthening of the criminal justice system will create a climate of confidence and legal security that will contribute to the reactivation of investment and economic activity, thereby helping to speed up economic and social development.
- 1.36 The Bank has experience in the design and execution of projects to support the reform of justice systems. It has approved 18 loans and 65 technical-cooperation projects in this area. In the specific field of criminal justice, it has approved operations with the governments of Colombia, Argentina, El Salvador, Guatemala, Barbados and Jamaica.²¹ The Bank's strategy in the criminal justice area has been to

²¹ Colombia, which also reformed its code of criminal procedure, received Bank financing (1995) to modernize the Fiscalía General de la Nación, including training for public attorneys, investigators and administrative staff, development of a criminal justice policy, and preparation of an investment plan in physical infrastructure. In Argentina (1997), the Bank financed the design and implementation of crime prevention programs, including computerization of the prison system. In El Salvador (1996), the Bank financed a reform of the system of justice for juvenile offenders which included the construction of infrastructure, such as juvenile detention centers. In Guatemala (1998), the Bank financed the construction of departmental offices for public prosecutors, training for judicial and fiscal police and institutional strengthening of the prison system, which included the design and implementation of a database on prisoners. In Barbados (BA-0055), the construction of a detention center for the rehabilitation of prisoners between 17 and 25 years of age will be financed. Last, in Jamaica, the Bank will support renovation of the prison infrastructure to facilitate the rehabilitation of juvenile offenders (aged 17-25).

support the economic and social development of the countries of the region by reducing crime and violence, improving criminal rehabilitation rates and lowering recidivism rates, protecting the rights of victims and the accused (the vast majority of whom are poor) and bringing offenders to justice. The proposed operation forms part of this strategy.

H. Program strategy

- 1.37 The program covers key stages in the criminal justice process. First, it will support the CTPJ and prosecutors in criminal investigation, from the time a complaint is laid, through the investigation, to deciding on how to proceed (dropping the charges, petitioning for dismissal, or laying charges). Second, it will support prosecutors and the investigative police in their roles in the new oral trial process. Last, it will support the MIJ in executing sentences and parole, with special stress on rehabilitation and reintegration of ex-convicts into society.
- 1.38 The program will focus on the MP and the MIJ, complementing their efforts. The government has launched a decentralization process in the MP to facilitate community access, has speeded up work on clearing up the backlog of cases and is modernizing its information systems. Bank support will include equipment for the new offices, training for staff, facilities to clear up the backlog and public information campaigns, among other activities. The government is also decentralizing the offices of the MIJ's judicial police force and promoting professionalization of its personnel. Bank support will include the renovation of laboratories, equipment and technical supports, strengthening for the institution in charge of police training, and areas such as forensic medicine. With respect to penitentiaries, the government is financing complete remodeling of all the country's prisons and the contracting of additional staff. Bank support will be used to equip common areas, such as workshops and infirmaries and train staff in a select group of prisons and to construct pre-parole residential centers for the reintegration of prisoners into society. Several of these activities are accompanied by mechanisms to promote transparency, accountability and social participation.
- 1.39 The program is aware of the importance of coordinating efforts with the work of the judicial branch and has provided for training and information systems that will take account of the branch's specific requirements. This will allow judges and public defenders to participate in selected training courses and give them selective access to the information systems of the MP and the MIJ.
- 1.40 The strategy is complementary to the operation that the World Bank is carrying out with the judicial branch. It includes improvements in how resources are distributed within the system, increased productivity and efficiency of the courts, modernization of the Supreme Court and the Executive Directorate of the Judiciary, and the strengthening of the Judicial School, including training for judges, administrative staff and public defenders in the new criminal legislation. The

government has received support from other international agencies in reforming and modernizing the administration of justice in the country. The Spanish government, under a convention with the Venezuelan government, has provided funds to strengthen the CTPJ (crime and toxicology laboratories, genetic identification systems, evidence gathering and criminal investigation) and the European Union has supported the prison system (training for staff and inmates and equipment for common areas in some jails).²²

²² The training and equipment are being provided in prisons not included in the proposed program.

II. THE PROGRAM

A. Objective

- 2.1 The general objective is to support the Venezuelan authorities in strengthening judicial institutions to make the criminal justice process more just, transparent and efficient.

B. Specific objectives

- 2.2 To improve crime investigation and prosecution, making it more efficient, accurate and subject to the rule of law, professionalizing the work of prosecutors and boosting the technical capacity of the judicial police force.
- 2.3 To increase civil society's participation and confidence in the criminal justice system, through better understanding, involvement and commitment to the new criminal justice system.
- 2.4 To reduce violence and improve living conditions in prisons and increase inmate rehabilitation and social reintegration rates, by including family, education, labor and legal aspects in the modernization of the prison system.

C. Program structure

- 2.5 The program will be composed of two subprograms: (i) modernization of the Ministerio Público; and (ii) strengthening of the Ministry of the Interior and Justice.

1. Modernization of the Ministerio Público (US\$32.7 million)

- 2.6 This subprogram will support the program to modernize the MP launched in 2000, targeting funds to the following areas: (i) training; (ii) clearing up the backlog of cases in the transitional regime;²³ (iii) information technology; and (iv) public information.
- 2.7 In the field of **training**, the Bank will finance the MP's training plan which covers general and technical topics having to do with the legal and institutional changes brought about by the new Code of Criminal Procedure.²⁴ A decentralized training and professional development plan will be designed and implemented in all parts of the country for MP staff. Training for assistant prosecutors is just as important as for the prosecutors themselves, since the former are responsible for a series of tasks

²³ The transitional regime will be applied to cases under way prior to the entry into force of the new Code of Criminal Procedure, which will be judged in their courts of origin until the cases are concluded.

²⁴ This program supplements ongoing MP training for all its staff.

that are essential for the MP.²⁵ Training for prosecutors will cover Article 260 of the Constitution which deals with the indigenous jurisdiction.²⁶ The training plan will also consider activities in which other entities in the justice system will participate.

- 2.8 The following will be supported in particular: (i) the development of the curriculum and instruction modules; (ii) training of trainers who will then be able to train educators in other parts of the country to teach the modules; (iii) trials of modular courses in Caracas or in the regional capitals, with special attention to participation by women; (iv) production of materials for distance training; (v) compilation of reference materials to ensure that the contents of the courses reflect national realities, covering research, jurisprudence and doctrine; (vi) a databank on human rights, including indigenous rights, the environment, legislation that applies to children and teenagers, women, drugs, etc.; and (vii) strengthening of the monitoring and evaluation system to identify who has received training, in what areas, for how long, and the impact it has had on the work of the MP.
- 2.9 With respect to **clearing the backlog of criminal cases under the old code**, the Bank will finance technical assistance through the temporary contracting of specialized attorneys to provide support for public prosecutors in finishing up cases that were opened prior to the entry into force of the new code, to be presented to the courts. The attorneys will need to be familiar with the old code and will help prepare materials to support the cases. Financing will also be provided to contract law students who have been studying for a minimum of two years to help clarify the information in the files. In cases in which only indigenous peoples are involved, prosecutors will have to take account of Article 260 of the Constitution.
- 2.10 A modernization plan is under way in the area of **information technology** which will be strengthened by the program in order to: (i) extend the MP's information platform to all local offices; (ii) interconnect all offices; and (iii) expand and implement the case tracking and control system in Metropolitan Caracas and in the interior, to regularize, activate and support the processing of reported crimes. Interconnection of offices will allow for internal e-mail, Internet Protocol telephony, videoconferencing, Internet access, etc., which will also be supported by the program. The modernization plan takes account of the systems to be introduced by the CTPJ, to ensure complementarity and linkage of shared services. It also takes account of the set of information that can be consulted by magistrates and attorneys

²⁵ They have the authority to act in all preparatory and intermediate stages and in actions to protect the right to personal freedom and security. They also have jurisdiction in application of the short procedure in the case of flagrant crimes, bringing the accused before the magistrate, in proceedings involving petty crimes, in the admission of evidence, infractions, and others.

²⁶ Article 260. "The legitimate authorities of indigenous peoples may apply justice in their communities based on their ancestral traditions, affecting only the members of their communities, and following their own rules and procedures, provided they are not contrary to this Constitution, the law or public order."

and free-access modules to respond to the main information demands of citizens, thereby making the system more transparent.

- 2.11 The **public information** and education campaigns will have the objective of changing attitudes to the new Code of Criminal Procedure and increasing citizen confidence in the capacity of the criminal justice system to investigate and prosecute crime (judicial police force and prosecutors) under the rule of law. Specialized consultants will be contracted to design and disseminate a strategy (using the media and other public relations instruments) targeted to different publics and campaign objectives. The Bank will support in particular: (i) the design and implementation of a communications strategy on the new role of the MP and progress in terms of efficiency, justice and respect for the human rights included in the new Code of Criminal Procedure; (ii) design and implementation of dissemination programs targeted to civil society groups, such as victims, inmates (including their children, wives and relatives), and persons eligible to sit on joint tribunals; (iii) the design and publication of information on subjects that are priorities for the MP, such as citizen participation in the administration of justice in general; (iv) the dissemination of mechanisms to permit the public to submit complaints, questions or concerns to the MP; and (v) surveys to measure social satisfaction with the administration of justice in the country.

2. Strengthening of the Ministry of the Interior and Justice (US\$95.9 million)

- 2.12 This subprogram will have two components to help the MIJ consolidate its criminal justice areas: (i) the judicial police force; and (ii) custody and rehabilitation of prisoners.

a. Modernization of the Judicial Police Force Technical Corps (US\$19.6 million)

- 2.13 This component will strengthen the technical capacity of the CTPJ to investigate crime by improving the academic training of its members and providing modern technologies in criminal investigation, forensic medicine and police science. The goal is to ensure that criminal investigation is based on solid techniques, efficiency, predictability and speed, while respecting the rights of victims and accused. The project will support the CTPJ in the following areas: (i) institutional strengthening; (ii) training; (iii) information technology; and (iv) renovation of the central and regional offices.
- 2.14 The following will be supported in the area of **institutional strengthening**: (i) development of a strategic planning process in the CTPJ, including its design and implementation; (ii) strengthening of internal and external controls over the behavior and ethics of the members of the institution, to improve transparency and

accountability;²⁷ and (iii) a public information plan to consolidate the image of the institution, publicize the services it provides, learn about public opinion and proposals on its performance and reinforce control mechanisms.

- 2.15 In the area of **training**, the Police Science University Institute (IUPOLC) offers study programs for degrees in advanced technical studies, and licentiates and MAs in criminology and police science. The institute is undertaking an ambitious modernization plan in which future police officers and personnel from the MP, the judicial branch, the lower levels of government and civil society organizations will participate.²⁸ The plan will be supported by the proposed program in organizational and academic aspects (review of study plans, research and extension); studies in the areas for which the CTPJ is responsible, such as new techniques in criminal investigation and forensic medicine, and an analysis of international experiences; the provision of materials and equipment (libraries, laboratories and information systems); and remodeling of premises for a laboratory.
- 2.16 In the field of **information technology**, a modernization plan is under way to improve the quality and effectiveness of the CTPJ in investigation, operations and administration. Program funds will be used to: implement a system to interconnect the different offices and headquarters, install e-mail and Internet telephone services country wide,²⁹ videoconferencing for a series of strategic offices to permit distance training and virtual meetings among regional offices, and network security. The plan will pay special attention to determining what information will be accessible to the public, particularly to persons involved in criminal justice, and will be an instrument to support transparency of the system.³⁰
- 2.17 Financing will be provided to expand the CTPJ's automated fingerprint identification system (AFIS). The expansion will make the system's benefits available to offices in the interior, providing a platform to enable them to capture information and send it electronically to the central system for searching. It will also provide remote capacity to capture images from ten-print fingerprint cards and latent prints found at crime scenes; the capture and processing of photographs; composite sketches and automatic recognition of them; fully automated search, comparison and storage of information, without the need for an operator; and

²⁷ The Inspection Directorate (internal affairs) will be strengthened through training and the contracting of university graduates, lawyers and administrators; complaints processing will be automated; and a publicity campaign will be carried out to inform society about existing mechanisms for laying complaints and submitting petitions, among other activities. With respect to external controls, offices staffed with employees of the MP and the public ombudsman will be opened to assist citizens in cases of violations of human rights and unlawful actions by the judicial police force.

²⁸ This program supplements ongoing CTPJ training for all its staff.

²⁹ Using the Internet Protocol.

³⁰ For example, the program will finance a confidential information system for citizens to report abuses or noncompliance by agency staff, without having to identify themselves.

improvement of the AFIS system to absorb the new workload from the incorporation of remote terminals.

- 2.18 Last, **renovation of the central and regional offices** will include the outfitting of areas for forensic medicine, the adaptation of areas for virtual training, repairs to crime laboratory infrastructure, remodeling of police stations and the upgrading of areas for the safekeeping of physical evidence.

b. Modernization of the prison system (US\$71.8 million)

- 2.19 This component is based on the penitentiary policy and comprehensive plan for modernization of the prison system prepared by the MIJ and seeks to reduce violence and improve living conditions in prisons and raise inmate social reintegration rates. The component includes six areas of activity: (i) institutional and administrative strengthening; (ii) prison information systems; (iii) support services for the prison population; (iv) reconditioning of common areas; (v) community reintegration; and (vi) construction and equipment of pre-parole residential centers.
- 2.20 **Institutional and administrative strengthening** will involve a review of the laws related to the Penitentiary System and rules governing prison administration;³¹ social assistance and reintegration; reorganization and review of processes and staffing structure in the Directorate General of Prisoner Custody and Rehabilitation (DGCRR); reallocation of resources (which will include a feasibility study and design of a model for contracting out concessions to the private sector, mechanisms for assigning resources to the regions and a model agreement to transfer powers to the regional governments); reinforcement of mechanisms for control, accountability and transparency;³² and studies on good prison management, such as a census and diagnosis of the prison population, comparative analysis of methods for curbing violence in prisons, prison management models, analysis of the possible role of the private sector, evaluation of the situation of female prisoners with children under the age of three (who live with their mothers in jail), design of a methodology for measuring the success of social rehabilitation and reintegration programs, etc.
- 2.21 The **penitentiary information systems component** will design and develop information systems to support modernization of the prison system. The program will finance a system to produce and disseminate vital information for prison

³¹ The process of reviewing or drafting laws will be participative and interactive, including consultations with experts and the public.

³² Different institutions currently exercise control over the prison system: the MP, courts and magistrates, foreign consulates (to monitor the situation of their citizens), the public ombudsman, civil society organizations (such as COFAVIC, PROVEA, UCV), the Prisoners' Families Committee (an organized group that lays complaints regarding prisoner mistreatment), and the Human Rights Committee of the National Assembly.

operations, such as: prisoner tracking and control system; controls in prison visiting areas; arrivals and departures of employees, physicians, other professionals and persons involved in services at penitentiaries; control of prisoner benefits; and use of infrastructure. It will generate reliable and up-to-date statistics on extradition, revolts, assaults, deaths, prisoner arrivals and departures, and transfers to tribunals and other prisons. It will permit on-line communications with courts, the police, public prosecutors and defenders, the public ombudsman, civil society associations and the public. The system will include the provision of selected information to be made available to the public and specific applications to meet the information requirements of other agencies linked to the judicial system and public security. The information systems will identify models to which the MIJ will have exclusive access, modules shared with the MP and the judicial branch, modules that can be consulted by people involved in the criminal process and modules to which the public has free access. They will also include information on all establishments, broken down into prisons, pre-parole residential centers, detention centers, etc.

- 2.22 Since communications by penitentiaries are currently made through commercial telephone services that charge exorbitant rates, the project will immediately finance an HF system with an information platform able to handle voice, e-mail, fax, images and files. The system will complement the national communications network for penitentiaries to be established in the medium-term, through a backbone network.
- 2.23 **Services to support the prison population** will include training for: guards in violence reduction, prisoner treatment, respect for human rights and leadership skills; for administrative, professional and technical staff in prison procedures and criminology, prison administration, social assistance, psychiatry, etc.; for inmates in different productive activities to facilitate their reincorporation into the workforce, such as computer skills, electricity, carpentry, automotive mechanics, upholstery, plumbing, market gardening, sewing, etc;³³ for residents in pre-parole centers to help them find work; and social action, education and prison health programs, with stress on the most vulnerable groups.³⁴
- 2.24 Almost 90 percent of prison guards have no technical training, which leads to poor prisoner custody and support programs. There is almost no control over prison violence or conflicts. The guard-inmate ratio should be about 1:10 but is currently 1:31.³⁵ Since the prison population continues to grow (12,500 in 2000, 17,229 in July 2001 and over 20,000 forecast for 2002), the situation will worsen. The government is committed to increasing the number of guards over the next two

³³ The contents of the courses were determined with inmate participation.

³⁴ This program supplements ongoing DGCRR training.

³⁵ The ratio can vary widely, from 1:1 in maximum security prisons to 1:50 in open institutions, according to studies by ILANUD.

years to 2,120, not counting administrative staff. The DGCR has designed a comprehensive training program that takes account of the United Nations recommendations for training prison staff and ensures respect for human rights.

- 2.25 **The reconditioning of common areas** will include the construction or renovation and equipping of areas in seven prisons, four of which are the worst today in terms of physical condition and living conditions for inmates.³⁶ In the first two years of the program, the government will rebuild these four prisons to provide cell blocks to separate low, medium and maximum security prisoners and cell blocks for prisoners under the age of 21. Water and sewage services and trash disposal or treatment facilities will also be installed. In the following two years, the government will build three new prisons,³⁷ whose common areas will be built and equipped with program funds. The government will increase the number of guards to ensure prisoner safety and observance of the penitentiary regime. When the works have been built and staff hired, an internationally-recognized institution³⁸ will verify them and report to the government and the Bank on whether conditions can reasonably ensure preservation of existing and new investments and observance of the human rights of inmates. Subsequently, the Bank will finance remodeling for carpentry, welding and shoemaking workshops, etc., a clinical hospital for use by the entire prison system, infirmaries, visiting rooms and sports fields.
- 2.26 In the field of **community reintegration**, the extra-mural program that Venezuela has been carrying out since 1981 through its pre-parole centers will be expanded. The centers are open residences with all-inclusive assistance services for inmates to facilitate their reintegration into the community. They are periodically supervised by Judicial Branch staff to ensure compliance with rules for their operation. To be eligible to live in these centers, inmates must have served at least one third of their sentence, with good behavior, and an executing magistrate must deem them fit to receive the benefit of this pre-release measure. The centers are the final step before parole, during which inmates are guided, advised and supervised by an interdisciplinary team of professionals (who do not carry weapons), providing them with the family, personal, educational, labor and legal tools they need. Post-incarceration assistance at the centers extends to the inmate's family. The program will include community relations to inform the public about the centers and the nature of their projects and residents, training for staff, assistance programs for residents and their families, and workforce and social reintegration programs carried out in cooperation with civil society organizations.

³⁶ The four prisons are: Penitenciaría General de Venezuela, Yare I and II, Rodeo I and II, and Aragua Tocorón.

³⁷ In the states of Falcón (500 inmates), Cojedes (300) and Amazonas (300).

³⁸ In principle, the government and the Bank have agreed that ILANUD could be that institution.

- 2.27 Funds will be provided for the **construction of pre-parole centers**, which will have areas for education, professional assistance (psychological, medical, legal), accommodation and support services. Since the new Code of Criminal Procedure has been introduced, there are fewer inmates who have not been sentenced and therefore more inmates are entitled to rehabilitation programs. One of the code's positive impacts is to increase the number of inmates eligible for the centers. There are currently 19 centers in operation, in rented premises in poor condition, with a total capacity for 700 residents, but which house almost double that number. There are close to 1,100 prison inmates ready to enter the open system. The program will build 30 centers around the country, each able to take in 25 residents. At least three will be built in the first year, since land and architectural designs are already available.

D. Cost and financing

- 2.28 Bank financing for the program will come from the Ordinary Capital, for 20 years at a variable interest rate, with a 5.5-year grace period and an inspection and supervision fee of 1 percent. Interest will be paid by the Government of Venezuela and will not come out of the loan. The Bank contribution represents 57 percent of the cost of the program, given that it complies with the rules of the Eighth Replenishment regarding poverty-targeted investments.

Program budget (in thousands of U.S. dollars)

	Subprograms and components	IDB	LOCAL	TOTAL	%
I	Modernization of the Ministerio Público	18,490	14,369	32,859	24.9
	1.1 Training for prosecutors and staff of the MP	4,400	600	5,000	3.8
	1.2 Clearing the backlog of criminal cases	0	6,558	6,558	5.0
	1.3 Technology plan	6,470	7,211	13,681	10.4
	1.4 Public information plan	5,195	0	5,195	3.9
	1.5 Coordinating unit	2,300	0	2,300	1.7
	1.6. Subprogram audit	125	0	125	0.1
II	Strengthening of the Ministry of the Interior and Justice	55,100	41,190	96,290	72.9
a.	Modernization of the Judicial Police Force Technical Corps	10,810	8,805	19,615	14.9
	2.1 Institutional strengthening	1,210	705	1,915	1.5
	2.2 Training	2,700	1,800	4,500	3.4
	2.3 Information systems	5,000	3,400	8,400	6.4
	2.4 Renovation of central and regional offices	1,900	2,900	4,800	3.6
b.	Modernization of the prison system	39,790	32,000	71,790	54.4
	3.1 Institutional and administrative strengthening	1,200	2,930	4,130	3.1
	3.2 Prison information system	7,900	700	8,600	6.5

	Subprograms and components	IDB	LOCAL	TOTAL	%
	3.3 Support services for the prison population	10,500	10,800	21,300	16.1
	3.4 Renovation of common areas	3,000	10,000	13,000	9.8
	3.5 Community reintegration	3,390	2,070	5,460	4.1
	3.6 Construction and rehabilitation of pre-parole centers	13,800	5,500	19,300	14.6
c.	MIJ coordinating unit	4,125	385	4,510	3.4
d.	Subprogram audit	375	0	375	0.3
III	Other	1,410	1,441	2,851	2.2
	3.1 Credit fee	0	1,400	1,400	1.1
	3.2 Inspection and supervision	750	0	750	0.6
	3.3 Overhead and contingencies	660	41	701	0.5
	TOTAL	75,000	57,000	132,000	100.0

III. PROGRAM EXECUTION

A. Borrower and executing agency

- 3.1 The borrower will be the Bolivarian Republic of Venezuela. The Ministerio Público and the Ministry of the Interior and Justice will execute the program with the support of a coordinating unit in each ministry, that will report directly to the Attorney General and the Minister of the Interior and Justice, respectively.
- 3.2 The executing units will not be technical units parallel to the ministry units, but will provide administrative and financial support for the units directly responsible for program activities.

B. Execution and administration

- 3.3 The program includes specific activities for each of the two ministries. It also includes actions that require very close coordination between them and the application of uniform criteria in overall program execution. Each ministry will manage its own bank account to finance activities under its subprogram.
- 3.4 The main functions of the coordinating units (CUs) will be to: (i) help identify and process the administrative requirements of the technical operations areas responsible for program execution in the ministry; (ii) prepare budgets and performance indicators to measure management objectives; (iii) provide financial information as required by the Bank; (iv) present annual financial statements audited in accordance with Bank procedures; (v) monitor budget and physical execution; (vi) supervise the supply, use, maintenance and conservation of goods, equipment and materials; (vii) process disbursement requests and present supporting documentation for eligible program expenditures, in accordance with Bank procedures; (viii) prepare the semiannual progress reports; and (ix) maintain suitable systems for contract administration and payment, financial accounting and internal auditing, and files of supporting documentation.
- 3.5 Each unit will have a chief, in charge of coordination and follow-up on the respective subprogram. The chief will be supported by an administrative and financial specialist, a procurement and contracts specialist, an accounting specialist and a specialist in planning and evaluation. They, in turn, will be supported by assistants. The MIJ will have an additional specialist for planning, follow-up and evaluation of each of the subcomponents (police corps and prison system).
- 3.6 To obtain and preserve the professional and management quality needed for the program, the profiles of the staff of the CUs must closely reflect their functions. The terms of reference for the unit chiefs and other staff are available in the

program's technical files. Establishment of the units and appointment of their chiefs will be conditions precedent to the first disbursement.

- 3.7 For activities involving both ministries, such as training and information systems, the CUs will establish a technical liaison committee, composed of the chiefs, the planning and evaluation specialists, and each ministry's heads of training and technology. The committee will also present joint semiannual reports on activities to ensure close coordination and complementarity in the areas in question.

C. General execution plan

- 3.8 Financial resources will be managed by the line administrative directorates of the MP and the MIJ. Each directorate will keep separate accounts for its subprogram. Bank disbursements will be deposited in special accounts in the Banco Central de Venezuela, to be supplemented with the local counterpart. Each type of contribution will be identified separately in the accounting records.
- 3.9 The entities or directorates in each ministry responsible for program goals and outputs will be supported in their disbursement requests by the respective CU, which will verify the admissibility of the requests, based on the program and timetable of activities established for the year. The units will also cooperate with the administrative directorates in procurement processes, to ensure they are timely and follow Bank procedures. Each CU will also assist the administrative directorates in paying program commitments and in subsequent justification to the Bank of the use of funds from the loan and the local counterpart.

1. The Ministerio Público

- 3.10 The MP has four line directorates responsible for executing activities in its subprogram, which will be supported by the respective CU. The MP is divided institutionally into the Office of the Attorney General, the Office of the Deputy Attorney General and four directorates general—legal support, environmental law, prosecutions and administrative.³⁹
- 3.11 Training for MP prosecutors, employees and managers is provided by the Higher Studies Institute that reports to the Directorate General of Legal Support. Clearing the backlog of cases under the old code is the responsibility of the Special Projects Directorate. The information technology plan will be carried out by the Technology Directorate and the public information plan by the Institutional Relations Directorate.

³⁹ The MP has 503 prosecution offices that report to the different line directorates: 24 superior court law, 14 constitutional law, 308 prosecutions, 89 children, adolescent and family law, 34 juvenile crime, 28 human rights law and 6 environmental law.

- 3.12 The CU will study the requests of those directorates, provide support and channel procurement processes, while monitoring program execution. It will also be responsible for consolidating the information required to prepare and execute the annual operating plans and for preparing the progress reports for this subprogram.

2. The Ministry of the Interior and Justice

- 3.13 There are two components in the MIJ that will be supported by the program: modernization of the police force responsible for crime investigation and modernization of the prison system. The CTPJ and the Police Science University Institute (IUPOLC) are involved in the first. The Directorate General of Prisoner Custody and Rehabilitation (DGCRR) and the National Penitentiary Construction Fund (FONEP) are involved in the second.
- 3.14 Under the component to modernize the Judicial Police Force Technical Corps, the institutional strengthening activities, the information technology plan and renovation of regional offices will be carried out by the technical corps itself. Training will be provided by IUPOLC, at the request of the corps.
- 3.15 IUPOLC is a university-level academic institution that reports to the CTPJ, offering undergraduate and postgraduate studies, whose mission is to train specialists in criminal investigation. Its student body is composed of people who will become detectives in the technical corps, officials from different police forces in the country, public prosecutors, magistrates and other members of the judicial system, and criminal investigation officers from the Caribbean and South and Central America.
- 3.16 With a view to establishing close cooperation with the MP, the CTPJ's annual training and technology plans will identify joint activities that will be approved by the program's technical liaison committee.
- 3.17 The Directorate General of Prisoner Custody and Rehabilitation (DGCRR) is in charge of the component to modernize the prison system. It will carry out the institutional and administrative strengthening activities. The MIJ's Directorate General of Information Systems will be responsible for the prison information system. Support services will be provided by the National Guard Training School, the National Prison Studies Institute and NGOs with respect to training for professional and administrative staff, while the prison education and social work units of the National Educational Training Institute will provide training for inmates.
- 3.18 The renovation of common areas and construction of the pre-parole residential centers will be carried out by FONEP on the request of the DGCRR. FONEP reports to the MIJ and is responsible for prison construction and rehabilitation. It manages and administers its budget independently from the MIJ.

- 3.19 The MIJ's subprogram will transfer loan proceeds to FONEP on the basis of a timetable of financial requirements to pay for the civil works it contracts. The CU in the MIJ will cooperate with FONEP in bid processes, payments to contractors and justification to the Bank of the use of loan proceeds and the local counterpart.
- 3.20 The Bank will finance remodeling and construction of common areas in seven prisons. The improvement and upgrading of confinement areas, including cafeterias and kitchens, will be paid for by the government and does not form part of the program. The works in each of the prisons will initially cover confinement areas and then common areas.
- 3.21 Detailed engineering plans, costs and execution timetables are available for the civil works for confinement areas in the four existing prisons. After the bids are let, it will take about one year to reconstruct cell blocks for inmates (distinguishing among minimum, medium and maximum security), administrative areas, areas for guards, kitchens, restoral of water and sewage services, etc.
- 3.22 The civil works for common areas, which will come after the works mentioned in the preceding paragraph, include workshops, libraries, infirmaries, sports fields and visiting rooms and execution will take between 8 and 12 months at each prison.
- 3.23 Architectural plans are available for two types of pre-parole residential centers (one and two story) and land has been selected for the first three centers. It will take about a year to build each of them, based on the following timetable: three centers in the first year, nine in the second, six in the third, seven in the fourth, and five in the final year, for a total of 30 centers.

D. Contractual conditions

- 3.24 **Annual operating plans.** The program will be executed on the basis of annual operating plans prepared by each CU. The plans will contain detailed information and a timetable of the activities to be carried out during the year, and the Bank and counterpart budgets for civil works, procurements and consulting services.
- 3.25 **Special bank accounts.** Each unit will arrange with the Ministry of Finance, on the instructions of the Attorney General and the Minister of the Interior and Justice, to open special accounts (one for each subprogram) in local currency and foreign exchange.
- 3.26 **Conditions precedent to the first disbursement.** Each of the executing agencies (MP and MIJ) will present evidence to the Bank to the effect that: (i) the coordinating unit for each subprogram has been established; (ii) CU staff have been contracted (chief of the unit, administrative-financial expert, and procurement and contracting specialist); (iii) the first annual operating plan for each subprogram has been prepared; and (iv) a special bank account has been opened for its subprogram

(in foreign exchange and domestic currency for loan proceeds). The first disbursements will be authorized upon compliance with these requirements.

3.27 Other conditions

- a. The borrower, through each coordinating unit, will hire an accountant and a specialist for planning and evaluation of implementation, before the end of month six of subprogram execution.
- b. During the program, the borrower, through each coordinating unit, will present a preliminary operating plan for the following year to the Bank in September, showing the use to be made of Bank contributions and the local counterpart. The final version will be presented no later than 30 November. Through each coordinating unit, the executing agencies will present the Bank with semiannual reports on program execution.
- c. Disbursements of loan proceeds for the construction or renovation of common areas in prisons will be contingent on the presentation of evidence to the Bank that: (i) the penitentiary regime has been implemented in the beneficiary prison (individual cells or cells for small groups, separation of prisoners by age and level of danger they represent, increase in the number of guards, and implementation of a training program for guards and administrative staff); (ii) humanitarian administrative standards are being applied in the selected prison, and a system is operating for effective waste management and control, although additional standards may be established by the certifying entity; (iii) the authorities are providing protection for infrastructure, equipment, and prisoners in the selected prison.
- d. Evidence of the above must be verified and presented to the Bank by an internationally-recognized organization with expertise in this field. In principle, the Bank and the government have agreed that the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) would be suitable to perform the evaluation.⁴⁰ So as not to delay execution of the works financed with loan proceeds, the institution's participation should begin at the start of renovations or construction of the prisons financed by the government. Program funds for the preparation of studies and architectural plans will not be subject to the foregoing conditions.
- e. Before loan proceeds will be disbursed for the construction of each pre-parole residential center, evidence must be presented to the Bank that the process of contracting and training personnel to staff the centers has begun. The centers

⁴⁰ ILANUD is a United Nations regional technical institute established in response to the will of governments that specializes in criminal justice, crime prevention and treatment of offenders. In its 25 years of life, it has designed and executed many research, training and technical assistance programs and projects. It has a team of officials and experts at its headquarters (Costa Rica) and a regional network of about 100 specialists.

require attorneys, custodial, medical or psychological, and administrative support staff.

- f. The civil works under FONEP's responsibility to be paid for out of loan proceeds, including common areas in prisons and pre-parole centers, will be constructed by contractors selected using competitive methods acceptable to the Bank.

E. Procurement

- 3.28 Procurement of goods and related services and contracts for construction works will be carried out in accordance with the procedures stipulated in Annex B of the loan contract. International competitive bidding will be compulsory for contracts over US\$200,000 for consulting services, US\$350,000 for goods and services and US\$5 million for civil works. These thresholds are justified since international firms only bid on similar projects in the country on contracts over these amounts. Procurements below the thresholds will be based on domestic legislation.
- 3.29 Consulting services will be contracted in accordance with the procedures established in Annex C of the loan contract.

F. Revolving fund

- 3.30 Based on Bank procedures, a revolving fund of up to 5 percent of the loan will be established for disbursements. To ensure that the fund is differentiated, loan proceeds for each subprogram will be deposited proportionately into the special accounts of each of the executing agencies (MP and MIJ).

G. Cost recognition

- 3.31 The MP and the MIJ have asked the Bank to recognize costs incurred in the 18 months prior to approval of the loan for equipment, consulting services and works related to this program for up to US\$11 million. If it is demonstrated that procedures substantially similar to the Bank's were followed, it is recommended that the costs be recognized from the local counterpart.

H. Maintenance of works and equipment

- 3.32 When the renovations and new infrastructure provided for in the program are complete, they will form part of the assets of the participating institutions, which will be responsible for operating and maintaining them in a technically suitable manner. The works built with program funds will be integrated into the respective institutional systems.
- 3.33 The loan contract will establish the obligation of the MIJ to operate and maintain the program works adequately and to present annual operating and maintenance

reports on the systems under its management for 10 years, beginning in the third year after the loan is declared eligible for disbursement. The contracts for works and equipment will establish the obligation of the supplier to train the personnel needed for proper operation and maintenance of the installations.

I. External auditing

- 3.34 The financial statements of each subprogram will be presented by each executing agency to the Bank during the program, certified by a firm of public accountants acceptable to the Bank, hired on the basis of terms of reference agreed upon in advance with it. The statements will be presented within 120 days after the end of the financial year. The cost of the audits has been included in the program and will be financed with loan proceeds.

J. Execution period and disbursement schedule

- 3.35 The loan will be committed within five years and disbursements will be made over 5.5 years after the contract becomes effective. This period is sufficient for the technical assistance activities and for contracting and executing the works.

K. Disbursements

- 3.36 Disbursements will be made in accordance with the following table (in millions of U.S. dollars):

Year	IDB	Government	Total	%
1	10,321	14,704	25,025	19
2	19,296	14,754	34,050	26
3	22,523	12,587	35,110	26
4	13,978	10,652	24,630	19
5	8,882	4,303	13,185	10
Total	75,000	57,000	132,000	
%	57	43		100

L. Follow-up, evaluations and progress reports

1. Follow-up meetings and mid-term evaluation

- 3.37 The coordinating units and the Bank will hold follow-up meetings to review the institutional and operational aspects of the program and the semiannual progress reports. Two meetings will be held in the first year and at least one in each of the following years. Loan proceeds will be used to contract a consulting firm, selected

jointly by the MP and the MIJ with the Bank's nonobjection, to perform a mid-term evaluation to measure headway, review and suggest progress and impact indicators and, if necessary, propose corrective actions. The evaluation will also consider whether changes made in the Code of Criminal Procedure will affect the objectives of this operation and, if so, will propose the steps to be taken. The mid-term evaluation will also check to ensure that the automated fingerprint identification system is being used correctly and exclusively to support criminal investigation, will consider the findings of the program-financed studies, and will assess the adequate operation of the common areas in the prisons and the pre-parole residential centers benefitting under the program.

2. Final evaluation

- 3.38 An independent firm will be contracted after the loan has been fully committed to perform a final evaluation of the program. The purpose will be to measure the overall impact of the program and the different activities financed. In the MP, the impact of the public information campaigns on the public and improvements in the effectiveness and quality of charges laid will be measured in particular. In the MIJ, special attention will be paid to the capacity of the CTPJ to solve crimes reported and support the MP in presenting evidence. As in the mid-term evaluation, special attention will be paid to correct use of the automated fingerprint identification system. In the prison system, the evaluation will examine violence in prisons and the capacity of the pre-parole centers to promote the social and workforce reintegration of residents, in addition to the areas considered in the mid-term evaluation.
- 3.39 The logical framework presents progress and impact indicators for each of the subprograms and components. The indicators will be the initial reference framework for program follow-up and evaluation.⁴¹

3. Progress reports

- 3.40 The CUs will present semiannual progress reports to the Bank during the program on the actions carried out and the procedures used to apply loan proceeds.

4. Ex post evaluation

- 3.41 No ex post program evaluation has been planned. However, the information compiled during the follow-up meetings and in the mid-term and final evaluations will contain indicators and parameters that will provide the Bank and the borrower with detailed information on program results.

⁴¹ The program has baseline results for some activities (such as cases cancelled by the judiciary, percentage of crimes solved by type of crime, prison violence levels, etc.) and there are resources under the program to identify others for purposes of quantifying progress and impact.

IV. FEASIBILITY AND RISKS

A. Institutional feasibility

- 4.1 The executive branch, the national assembly, the citizen branch and the judicial branch have publicly expressed their commitment to reform the justice system. The executive branch and the national assembly attach high priority to sector reform, particularly to the reform of criminal justice, which is evident in the new Constitution and the new Code of Criminal Procedure.
- 4.2 The MP and the MIJ, which will execute this program, have established work teams and renovated premises (MIJ) using their own budgets in a drive to prepare this operation and have instructed their management to support and commit to its execution. The heads of both institutions attach top priority to the program and although their institutions lack experience with multilateral lending agencies, the human and technical reinforcement they will receive under it, coupled with the above considerations, make the operation institutionally feasible.

B. Socioeconomic feasibility

- 4.3 Crime prevention and prisoner rehabilitation will strengthen the State as provider of citizen security. The program will also boost the capacity of former inmates to find productive employment. Experience in Venezuela and other countries demonstrates that investments in rehabilitation centers—such as the pre-parole residential centers—have a strong impact on reducing repeat offenses and the costs of incarceration. The main benefits of rehabilitation include potential increases in the incomes of former inmates who receive training in prison or at the centers and the savings made by keeping them out of jail.
- 4.4 Successful crime prevention also reduces the costs of police services, the courts and prisons. It also helps to create a positive environment for public and private investment, which is essential to improve the quality of life in the country. Other factors that bring high social returns are linked to reduced costs for potential victims and the possibility of diverting resources into essential social institutions, such as the family.

C. Financial feasibility

- 4.5 The government allocated significant off-budget funds for the MIJ in 2001-2002, which exceed the counterpart commitments. Some of the spending under way complies with Bank conditions and can be recognized as part of the local counterpart. The MP's budget for 2001 and forecasts for subsequent years (constant in real terms) are sufficient to comply with its counterpart commitments and build the infrastructure that is needed to carry out the program.

D. Poverty impact

- 4.6 Recent surveys conducted in some of the country's largest prisons confirmed that an overwhelming majority of inmates come from poor backgrounds. It was found that 56 percent of inmates had studied up to grade six at the most and that 6 percent were illiterate; 32 percent had worked as laborers or in construction and 25 percent in business or services; 44 percent earned less than one minimum wage (US\$180) and 66 percent less than 1.5 minimum wages.⁴² Since 44 percent of inmates have families of 3 to 5 people and 43 percent have families of 6 to 10, the income levels in question place those families below the poverty line estimated by the Bank (US\$57 per person per month) and therefore the program can be classified as a poverty-targeted investment.
- 4.7 Since the program will provide services in support of the prison population and the residents of the pre-parole centers (an estimated US\$9 million for equipment for workshops, infirmaries and a hospital and over US\$5 million for training in a variety of trades), it is expected to have a significant impact on the potential of that population to reintegrate into the labor market more competitively.

E. Environmental impact

- 4.8 The civil works to provide health care, training and social services in the offices of the MP, police stations, prisons and the pre-parole centers will be built in strict compliance with environmental legislation. The special needs of female prisoners who live in prison with their young children will be taken into account.
- 4.9 The civil works and supervision contracts will include technical environmental specifications. The works on common areas in prisons will also include effective management and control of waste (solid, liquid and gaseous), minimizing the environmental impact of construction.
- 4.10 Hygiene conditions in prisons will be improved as a result of better control of epidemics and infectious diseases, through disease prevention programs and training for staff, and better efficiency in food, cleaning and maintenance services.
- 4.11 Physical relocation of the CTPJ's laboratories and upgrading their installations will address the environmental risks posed by existing installations and help to establish criteria that can be used in future to select locations and technical conditions for its facilities.

⁴² Surveys conducted in July 2001 by the DGCR at the request of the project team in the Penitenciaría General de Venezuela, Centro Penitenciario de Maracaibo and Internado Insular.

F. Impact on women and children

- 4.12 The program includes a series of actions to improve living conditions for mothers in prison and for their children, such as family support projects to cushion the negative impact of incarceration and training and personal improvement programs to facilitate their reintegration into society and the workplace.
- 4.13 There will also be reduction in the health risks to which women are exposed in prison, through disease prevention and health education programs, with special stress on reproductive health. Children under the age of three living in prison with their mothers will be among those who benefit most, through health and nutritional care.

G. Benefits

- 4.14 The program will increase the efficiency, professionalism and equity of criminal investigations, processing and trials, thereby building confidence in the criminal justice system. This should lead to a reduction in unpunished crime an improvement in the protection of the rights of victims and the accused, and increased citizen confidence in and cooperation with the system. It will also show Venezuelans that the State is applying stricter criteria for the presentation of evidence in each case, acting before independent magistrates through just and transparent processes in which all citizens receive equal treatment.
- 4.15 Decentralization of the offices and activities of the MP and the CTPJ will bring legal services closer to the community in the different parts of the country.
- 4.16 Institution building, technological modernization and training and professionalization of the staff of the CTPJ will bring significant benefits to people involved in criminal cases and to society in general. Better criminal investigation, forensic medicine and police inquiry methods will lead to more scientific preparation of charges and evidence that incriminates or absolves the accused, while respecting their rights and making investigation processes transparent. This will lead to a reduction in the number of people who evade justice and in citizen insecurity.
- 4.17 As for prisons, the introduction of the penitentiary regime, in which prisoners will have individual cells or cells that house small groups and will be guarded by better trained staff, will bring about a radical change in the rules of the game inside prisons that are receiving program resources (generally controlled by a group or groups of prisoners) and the subhuman conditions in which prisoners live.
- 4.18 Reinforcement and expansion of pre-parole residential centers will improve the capacity of the criminal justice system to rehabilitate and reintegrate prisoners into the community and the workforce, thereby reducing the number of repeat offenders. There will be an economic benefit for the country owing to the high cost of

incarceration, for the families of inmates since they may be able to improve their income levels, and even for citizens as potential victims of future crimes.

- 4.19 The program will promote the participation of civil society in the administration of criminal justice and prisoner reintegration into the community through a major civic education campaign on the public's role in trials and in the activities of the pre-parole residential centers.
- 4.20 Last, the program plans a series of activities to tighten internal and external control over the police and the prison system and increase accountability and transparency, which will reduce arbitrary actions and improve respect for human rights.

H. Risks

- 4.21 The program acknowledges the difficulties in implementing the new Code of Criminal Procedure and in achieving acceptance and understanding of it in large sectors of society. If the transition from an inquisitorial to an accusatorial system is to win public acceptance, close cooperation among the different branches of the penal system (judicial, citizen, and executive) will be needed and the public must be made aware that it is based on the guarantees and principles of oral hearings, open courts and the argument of evidence and that it can be more effective in the fight against crime, provide citizen security and help prevent criminals from evading justice. The program includes a series of activities to bolster the capacity of institutions linked to the reform and to support social acceptance of the values enshrined in this new legal instrument. The program strategy complement the operation that the Judicial Branch has been carrying out with resources from the World Bank. The new code, as originally approved, has undergone amendments, the most recent in September 2001. The changes were due to problems of perception by certain sectors of the public as well as the real need for improvements or adaptations. The impact of the changes introduced or that might be introduced will affect the objectives and purposes of this operation. Funding has been set aside for a major campaign to explain and clarify the advantage of the new code, which should address this problem. Also, the mid-term evaluation will consider these aspects and propose countermeasures, if necessary.
- 4.22 Sector institutions, particularly the MP and the police, have no experience in working together in preparing criminal cases, which might affect the impact of the program in this area. However, joint institution-building activities have been planned, such as training and compatible and complementary information systems, to allay that risk.
- 4.23 Execution might be affected by the fact that two autonomous and independent institutions are participating in the program, with little experience in working together or with multilateral lending agencies. To address this problem, a coordinating unit with qualified staff and managerial skills will be set up in each of

the ministries, and they will establish a technical liaison committee. In addition, joint institution-building activities have been planned, such as training and compatible and complementary information systems, to allay that risk. Technical support for complying with Bank procedures will be provided to each of the coexecuting units.

- 4.24 In the past, communal areas in Venezuelan jails, such as workshops, infirmaries and hospitals, have been vandalized by the prisoners themselves. A condition precedent to disbursements for investments in works of this kind will be that protection and maintenance must be provided for them. The government will be required to demonstrate that it has fully implemented the penitentiary regime and that the architectural plans take account of technical requisites for protecting installations.
- 4.25 Communities where pre-parole residential centers are to be built may reject them. The program expects to mitigate this risk through public education on the benefits of the centers and the low levels of repeat offenses by residents and former residents of such facilities in other communities where they exist. The program will also involve community members, inmates' families, civil society organizations and the private sector in programs for prisoner rehabilitation and reintegration.
- 4.26 There is always the possibility that some residents of pre-parole residential centers may break the law again. The program will support activities to monitor the behavior of residents, and reoffenders will be returned to prison and lose the right to parole.

SUMMARY OF THE LOGICAL FRAMEWORK¹

NARRATIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	PERTINENT ASSUMPTIONS
Transparent and efficient criminal justice system.	<ul style="list-style-type: none"> • The rights of victims, accused and inmates, particularly the right to due process, are respected. • The number of human rights violations is reduced, particularly in the criminal justice system. 	<ul style="list-style-type: none"> • Complaints filed by accused, victims or civil society organizations (CSOs). • Reports by human rights organizations. • Annual reports by the public ombudsman. 	SUSTAINABILITY <ul style="list-style-type: none"> • Political commitment to the Code of Criminal Procedure and conditions maintained.
Efficient and accurate process of investigation and prosecution, subject of law. Full participation and confidence in the criminal justice system. Reduction in violence, improvement in rehabilitation and social reintegration rates and rise in the prison population.	<ul style="list-style-type: none"> • MP: Gradual reduction in the number of cases rejected by the supervisory judge for reasons attributable to the MP. • CTPJ: Gradual increase in efficiency in solving cases or known crimes. • Civil society: Public better informed about the Code of Criminal Procedure, the CTPJ, MP, and prison system. Increased confidence in the criminal justice system. Gradual reduction in refusal by citizens to sit on joint tribunals or act as witnesses. • Prisons: Gradual reduction in violence in renovated prisons and in repeat offenses by prisoners included in the program. Gradual increase in rehabilitation and social reintegration rates beginning in the second half of the program. 	<ul style="list-style-type: none"> • Official statistics from the MP, the MIJ, and the judicial branch. • Reports by civil society organizations. • Surveys of public opinion on acceptance of the Code of Criminal Procedure. • Increase in the percentage of crimes reported to police, measured on the basis of victimization surveys. • Judicial branch reports. 	PURPOSE 1 <ul style="list-style-type: none"> • The judiciary (public defender, magistrate) to implement the Code of Criminal Procedure. • The recent increase in the percentage of accused who have been sentenced to incarceration maintained.
OUTPUTS/PRODUCTS Strengthening of the Ministerio Público: strengthened its capacity to lead investigation and the presentation of the case. Training and development for MP staff: prosecutors and staff in the prosecutors' offices	<ul style="list-style-type: none"> • At the end of the program: decrease in remarks by MP authorities to prosecutors. Increase in number of cases remitted to other courts. • Equitable distribution of cases among prosecutors; increase in joint training for staff in institutions involved in criminal justice. • At end of program: 80% of prosecutors trained have passed tests on Code of Criminal Procedure. 	<ul style="list-style-type: none"> • Program progress reports. • Statistics from the judicial branch and the MP. • MP reports. • Results on tests from training received. 	COMPONENT PURPOSE <ul style="list-style-type: none"> • MP's commitment to reform. • Coordination between MP and CTPJ. • Budget commitment to hire more personnel.

A copy of this version will be annexed to the record of negotiation and/or the loan contract.

NARRATIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	PERTINENT ASSUMPTIONS
<p>to drop the backlog of cases</p> <p>to classify files to identify steps.</p> <p>to process human, technological, and legal requirements.</p> <p>to review prosecutorial documents to drop cases for dismissal, or lay charges pending to courts.</p>	<ul style="list-style-type: none"> At the end of the program: two million cases opened under the old criminal code presented by prosecutors to the courts. Prior to mid-term evaluation: one million cases. At least 80% of files inventoried and classified by the end of 2002. 	<ul style="list-style-type: none"> Program progress reports. Statistics from the judicial branch and the MP. 	
<p>on technology</p> <p>between central headquarters, prosecutors' offices, and CTPJ.</p> <p>ing and control system (CTCS):</p> <p>committees for regions,</p> <p>tion of the system in Caracas and other regions.</p> <p>g.</p>	<ul style="list-style-type: none"> At the end of the program: gradual increase in number of prosecutors using IT in preparing their cases; each prosecutor's office has two computers by mid-term evaluation and four by final evaluation. At end of program: 10 offices interconnected, five prior to mid-term evaluation. Three offices with CTCS set up prior to mid-term evaluation and 10 prior to final evaluation. 	<ul style="list-style-type: none"> Reports by the Technology Directorate on equipment configured and installed. On-site visits. 	<ul style="list-style-type: none"> The government remains providing the construction and renovation of offices.
<p>information campaign</p> <p>production of a public campaign and media plan.</p> <p>reinforcement of the first-phase</p> <p>reinforcement of the second-phase.</p>	<ul style="list-style-type: none"> At the end of the program, gradual improvement in public understanding of the criminal justice process and the role of the new MP, measured through three surveys. Hiring of a consulting firm to prepare the media plan in 2002. Media plan under way in 2003. Two surveys conducted prior to the mid-term evaluation and one prior to the final evaluation. The latter two surveys will consider elements to monitor and evaluate the media plan results. Reviews of the campaign after each year of its execution. 	<ul style="list-style-type: none"> Surveys to assess the public's acceptance of the Code of Criminal Procedure. Report on the results of the surveys. 	

NARRATIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	PERTINENT ASSUMPTIONS
<p>to strengthen the Ministry of the Interior and Justice</p> <p>tion of the Judicial Police Force Technical Corps</p> <p>al strengthening</p> <p>anning, staff regulations, new organization, process reengineering, al-administrative management</p> <p>of additional qualified staff for on Directorate</p> <p>MP and ombudsman's offices to zen complaints.</p> <p>ning a consulting firm to design a mation plan.</p>	<ul style="list-style-type: none"> • Gradual increase in the volume of cases solved and decrease in the time required to process them. • New internal organization implemented in all offices. • Internal process reengineering implemented. • Financial-administrative management plan completed. • Inspection Directorate (internal affairs) strengthened through automation of complaint processes. • At least 4 offices staffed by officials from the MP and the ombudsman operating around the country. • Society informed of the mechanisms for complaints and petitions. 	<ul style="list-style-type: none"> • Publication of regulations by CTPJ. • Publication of the law in the Official Gazette. Program progress reports . • Management reports by the CTPJ. • Reports by the MP and the public ombudsman. • Public surveys. 	<ul style="list-style-type: none"> • The senior manager of CTPJ is the reform
<p>er teachers of the Police Science Institute (IUPOLC).</p> <p>er the police.</p> <p>and review of the training</p>	<ul style="list-style-type: none"> • Increase in the number of CTPJ officers with bachelor's degrees. • Increase the percentage of police staff from the country's interior who passed the training provided at the IUPOLC. 	<ul style="list-style-type: none"> • Reports by IUPOLC. • Reports by the CTPJ. 	<ul style="list-style-type: none"> • Budget a • Morgue to a new reforms area are
<p>n technology</p> <p>connection systems.</p> <p>f e-mail and IP telephony.</p> <p>tall videoconferencing n strategic offices.</p> <p>curity measures.</p>	<ul style="list-style-type: none"> • Gradual increase in the percentage of authorized officials who use IT in their investigations. • Information platform equipment procured and networks installed. 	<ul style="list-style-type: none"> • Information platform installed. • Technical Liaison Committee program progress reports. • Reports by IUPOLC. • Number of officials with access codes to confidential technical information. 	

RATIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	PERT ASSUM
<p>of central headquarters and ices</p> <p>quipment for the forensic medicine</p> <p>regional companies to renovate ices pursuant to the National</p> <p>and inspection of works</p>	<ul style="list-style-type: none"> Adaptation of the existing forensic medicine building. By end of program: 7 rooms for virtual education remodeled (3 prior to the mid-term evaluation) and 11 laboratories installed (4 prior to the mid-term evaluation) in the regional offices. CTPJ regional facilities for safeguarding physical evidence upgraded or built: approximately 30% of works completed each year between 2002 and 2005. 	<ul style="list-style-type: none"> Program progress reports. Reports by the CTPJ. 	<ul style="list-style-type: none"> Morgue t new faci
<p>tion of the prison system</p> <p>al and administrative</p> <p>ing</p> <p>consultants for: (i) review of the work, (ii) institutional on, and (iii) implementation of d mechanisms for control, ity and transparency.</p>	<ul style="list-style-type: none"> DGCRR payroll cutbacks and increase in the number of guards hired. Approval of prison system rules. Institutional reorganization, review of processes and staffing structure and reallocation of resources. Mechanisms for control, accountability and transparency strengthened. 	<ul style="list-style-type: none"> Program progress reports. Statistics on the prison population. Information systems installed. 	<ul style="list-style-type: none"> The seni managem DGCRR is comm reform p
<p>rmation systems</p> <p>of a firm to design information</p> <p>tion of the communications</p> <p>: prisoner information , visitor control, custodial staff king of prisoner benefits, mmunication, infrastructure t, budgetary and administrative</p> <p>r users.</p>	<ul style="list-style-type: none"> Communication systems put out to bid and installed by the end of 2003. Information systems installed by the end of 2004. By end of program, prisoners are classified by type of crime and degree of dangerousness. Database of reliable, up-to-date statistics on significant events in the imprisonment and rehabilitation process. DGCRR IT staff trained. 	<ul style="list-style-type: none"> Program progress reports. Reports by the MIJ. 	

NARRATIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	PERTINENT ASSUMPTIONS
<p>For the prison population</p> <p>guards</p> <p>g of the facilities for the courses; profile for the selection of of guard positions; selection of guard training and development.</p> <p>professional technical, and management-level staff</p> <p>each courses; training process; evaluation of the results.</p> <p>inmates and residents of the pre-</p> <p>prison population; hiring of ns; purchase of equipment and workshops; training and ut; monitoring and evaluation of</p>	<ul style="list-style-type: none"> • Prior to the mid-term evaluation, prisoners at two prisons covered by the program will have: education services, work, sports, culture, health care, transfers to courts. Prior to the final evaluation, services expanded to seven centers. • 350 guards trained prior to the mid-term evaluation, and 1,100 prior to final evaluation. Prior to mid-term evaluation, 300 courses taught; 900 prior to final evaluation. Course topics include prison management and criminology; special programs (health care, welfare, psychology, education, etc.); and administration. • Census completed. • 140 courses taught to prisoners prior to the mid-term evaluation and at least 300 prior to final evaluation in about 25 different areas. • Evaluation completed and recommendations from the review implemented. 	<ul style="list-style-type: none"> • Program progress reports. • Surveys of prison population on workshop quality and usefulness. • Reports from organizations that provide the courses. 	<ul style="list-style-type: none"> • Funds are available to hire additional staff.
<p>of common areas</p> <p>of an internationally recognized experience in this area.</p> <p>regime and humanitarian t of each prisoner in the system.</p> <p>works</p>	<ul style="list-style-type: none"> • Favorable report by agency hired to verify implementation of the penitentiary regime and humanitarian conditions in two prisons prior to mid-term evaluation and seven prisons prior to the final evaluation. 		<ul style="list-style-type: none"> • The penitentiary regime is implemented in all prisons of the program.
<p>y reintegration</p> <p>measure recidivism.</p> <p>relations activities to inform the t the pre-parole centers.</p> <p>pre-parole center staff.</p> <p>ocial reintegration programs, in with civil society organizations t.</p>	<ul style="list-style-type: none"> • Increase in the percentage of inmates who have passed through the pre-parole centers and have not committed further offences. • Public information programs in communities where the pre-parole centers will be built. • At least 50% of the centers' technical and professional staff trained by end of program. • Labor and social reintegration programs under way in each center built. 	<ul style="list-style-type: none"> • Evaluation of recidivism rates. • Reports by the MIJ. 	

DESCRIPTIVE SUMMARY	VERIFIABLE INDICATORS	MEANS OF VERIFICATION	PERTINENT ASSUMPTIONS
Construction of pre-parole centers Architectural design Funds for remodeling and construction	<ul style="list-style-type: none"> 12 centers build prior to mid-term evaluation and 18 prior to final evaluation. 	<ul style="list-style-type: none"> Program progress reports. 	<ul style="list-style-type: none"> Funds allocated and land available

VENEZUELA
Program to support reform of the criminal justice system (VE-0057)
PROCUREMENT PLAN (*)

Components/subcomponents/activities	Cost US\$000	Procurement method			Procurement method	Date of bid
		Consulting firms	Goods & serv.	Civil works		
Ministerio Público						
<u>Information technology</u>	<u>10,177</u>					
Computer equipment (stage 1)	1,249		X		ICB	1st half 2002
Computer equipment (stage 2)	1,630		X		ICB	1st half 2003
Computer equipment (stage 3)	2,130		X		ICB	1st half 2004
Computer equipment (stage 4)	1,442		X		ICB	1st half 2005
Systems and telecomm. infrastructure (stage 1)	1,011		X		ICB	1st half 2002
Systems and telecomm. infrastructure (stage 2)	1,685		X		ICB	1st half 2003
Design/implement. case tracking system	1,030	X			ICB	1st half 2002
<u>Social communications</u>	<u>5,195</u>					
Opinion surveys	330	X			ICB	1st half 2002
Campaign and media plan	1,878	X			ICB	1st half 2003
Information campaign	1,987	X			ICB	1st half 2004
Information campaign	1,000	X			ICB	1st half 2005
Ministry of the Interior and Justice						
Judicial Police Force Technical Corps						
<u>Institutional strengthening</u>	<u>1,800</u>					
Administrative syst., human res., logistics	1,000	X			ICB	1st half 2003
Confidential information sys.	200	X			LCB	1st half 2003
Strategic planning	300	X			ICB	2nd half 2002
Design/implement. social communications plan	300	X			ICB	2nd half 2002
Design/implement. social communications plan	400	X			ICB	1st half 2003
<u>Training</u>	<u>1,864</u>					
Equipment/support for the academic process	460		X		ICB	2nd half 2003
Equipment for regional offices	407		X		ICB	2nd half 2003
Computer equipment	412		X		ICB	2nd half 2003
Software	300		X		ICB	1st half 2004
Remodeling premises	285			X	LLN	1st half 2004
<u>Information technology</u>	<u>5,312</u>					
Computer networks	2,560		X		ICB	1st half 2002
E-mail	195		X		LCB	1st half 2002
IP telephony	249		X		LCB	1st half 2002
Videoconferencing	73		X		LLN	2nd half 2002
Network security system	394		X		ICB	2nd half 2002
Expansion of AFIS	1,841		X		ICB	2nd half 2002
Prison system						
<u>Information system</u>	<u>8,815</u>					
HF system	1,815		X		ICB	1st half 2002
National communications system	7,000		X		ICB	1st half 2004
<u>Prisoner support services</u>	<u>2,477</u>					
Equip. for the guard training school (phase 1)	300		X		ICB	2nd half 2002
Equip. for the guard training school (phase 2)	245		X		LCB	2nd half 2002
Equip. for the guard training school (phase 3)	100		X		LCB	2nd half 2004
Training equip. and inputs (phase 1)	700		X		ICB	2nd half 2002
Training equip. and inputs (phase 2)	592		X		ICB	2nd half 2002
Training equip. and inputs (phase 3)	270		X		LCB	2nd half 2002
Training equip. and inputs (phase 4)	270		X		LCB	2nd half 2002
TOTAL	35,640					

* Includes procurements whose size requires ICB or LCB. Does not include individual consulting services.

ICB: International competitive bidding

LCB: Local competitive bidding

PROPOSED RESOLUTION

VENEZUELA. LOAN ____/OC-VE TO THE BOLIVARIAN REPUBLIC OF
VENEZUELA
Criminal Justice System Reform Support Program

The Board of Executive Directors

RESOLVES:

That the President of the Bank, or such representative as he shall designate, is authorized, in the name and on behalf of the Bank, to enter into such contract or contracts as may be necessary with the Bolivarian Republic of Venezuela, as Borrower, for the purpose of granting it a financing to cooperate in the execution of the Criminal Justice System Reform Support Program. Such financing will be for the amount of up to seventy five million dollars of the United States of America (US\$75,000,000) from the Single Currency Facility of the Ordinary Capital Resources of the Bank, and will be subject to the "Special Contractual Conditions" and the "Terms and Financial Conditions" of the Executive Summary of the Loan Proposal.