



OFFICE OF INSPECTOR GENERAL

AUDIT OF USAID/COLOMBIA'S ACCESS TO JUSTICE PROGRAM

AUDIT REPORT NO. 1-514-12-005-P
August 14, 2012

SAN SALVADOR, EL SALVADOR



Office of Inspector General

August 14, 2012

MEMORANDUM

TO: USAID/Colombia Acting Mission Director, Jene Thomas

FROM: Regional Inspector General/San Salvador, Jon Chasson /s/

SUBJECT: Audit of USAID/Colombia's Access to Justice Program
(Report No. 1-514-12-005-P)

This memorandum transmits our final report on the subject audit. In finalizing the report, we carefully considered your comments on the draft and have included the comments in their entirety in Appendix II.

The report contains 10 recommendations to improve USAID/Colombia's oversight of the Access to Justice Program. On the basis of actions that the mission took, we determined that final action has been taken on Recommendations 1, 2, 3, 4, 5, 7, 9, and 10.

On the basis of actions that mission officials said they plan to take, we determined that management decisions were reached on Recommendations 6 and 8. Please provide the Audit Performance and Compliance Division in the USAID Office of the Chief Financial Officer with the necessary documentation to achieve final action.

I want to express my appreciation for the cooperation and courtesy extended to my staff during the audit.

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Abbreviations

The following abbreviations appear in this report:

- ADS Automated Directives System
- CSDI Colombia Strategic Development Initiative
- FACTS Foreign Assistance Coordination and Tracking System
- FY fiscal year
- MSD Management Sciences for Development Inc.
- PMP performance management plan
- PPR performance plan and report
- RIG Regional Inspector General

SUMMARY OF RESULTS

The aim of USAID/Colombia's Access to Justice Program is to strengthen justice services in Colombia by ensuring that all Colombians have access to legal services and improved access to justice. The program should help establish a functioning justice system, especially for people residing in rural, marginalized regions of Colombia heavily affected by violence. This follow-up to USAID's Justice Reform and Modernization Program (implemented between 2006 and 2010) also focused on analyzing the impact and sustainability of existing activities, and thus it serves as a "bridge" to the next phase of the mission's programming.

Management Sciences for Development Inc. (MSD) implements Access to Justice, which has five components: (1) justice reform, (2) court administration and management, (3) Justice Houses,¹ (4) alternative dispute resolution, and (5) public defense. The \$14 million task order contract started in July 2010 and was scheduled to end in July 2012; it was almost fully funded with an obligated amount of \$13.2 million as of March 2012 and expenditures of \$10 million as of February 29, 2012.

The objective of this audit was to determine if USAID/Colombia achieved its main goal of strengthening justice services in Colombia.

The audit found that the mission's activities produced numerous studies and evaluations that should contribute to the development of future programs. Additionally law students, public defenders, conciliators, government officials, and others benefited from the program's training and equipment, which was given to offices and courtrooms throughout the country. Some successful activities are listed below.

- The program trained 81 law schools in Colombia to participate in mock trial competitions; the PMP target was only 40 participating schools.
- Universities provided legal aid clinics for people in rural areas; through these clinics, people were able to get information about Colombia's justice services.
- Public defenders, conciliators, and government officials reported that the training they received was very helpful and relevant in performing their job requirements. For example, the program developed four new training modules for public defenders, trained a cadre of instructors, and prepared plans to replicate three courses at the national level.
- Conciliators generally feel supported by the government and the program, and they are enthusiastic about their future prospects.
- Eight public defender offices have received videoconferencing equipment and other materials, as planned.

¹ In 1995 USAID/Colombia helped introduce the pilot model for Justice Houses, which are legal offices located in conflict areas that provide a variety of services.

- One forensic laboratory in Barranquilla was refurbished extensively and received new equipment, while investigators in 19 other departments throughout the country are scheduled to receive basic forensics kits.

Despite these positive outcomes, the audit team determined that the program experienced significant delays and about 26 percent of the expected targets will not be met by the end of the program. As of December 31, 2011, with only 6 months remaining in the program, only 21 percent of the targets had been met. MSD officials said they were confident that another 53 percent of the targets will be met during the last few months, bringing the total to 74 percent.

The main reason for the delays was that the program's expectations for the first year were overly ambitious. Establishing a head office and four regional offices along with other start-up tasks consumed more time than anticipated. In addition, the program had not planned adequately for some of its activities.

In addition to setting targets, the audit team found that the following problems contributed to the delays and missed targets:

- The security plan was incomplete (page 7).
- Regional offices were not well planned (page 8).
- The program did not provide enough resources to targeted zones (page 10).
- The performance management plan (PMP) was inadequate and did not meet quality standards (page 13).
- The performance plan and report (PPR) did not report results accurately (page 15).
- The program did not follow marking requirements (page 15).

To improve the next phase of Access to Justice in Colombia, this report recommends that USAID/Colombia:

1. Develop a plan to establish targets that are ambitious, yet realistic (page 7).
2. Require the implementing partner to implement a customized security plan that is tailored to the working conditions in conflict regions (page 7).
3. Require the implementing partner to submit for USAID's approval a budget for security-related personnel and equipment needed for the upcoming program (page 8).
4. Obtain the Regional Security Office's input on the customized security plan for the upcoming program (page 8).
5. Require the implementing partner to set a comprehensive budget for regional offices under the upcoming program (page 10).
6. Require the partner to implement a comprehensive staffing plan for the upcoming justice program that takes into consideration the following factors: (1) number of regional

personnel, (2) retention of personnel, and (3) employment contracts that comply with the evolving Colombian labor laws (page 10).

7. For the upcoming program, clearly describe its intentions and expectations regarding the scope and priorities of focus areas (page 11).
8. Reduce the number of indicators for the upcoming program and verify that they meet USAID's quality standards (page 15).
9. Document which USAID-funded assets under its justice activities are unmarked and mark them, with special attention to the Medellín victim assistance center, where the mission should also confirm that the center's staff documents the delivery of donated equipment and verifies that all the donated items are being used as intended (page 17).
10. Establish a plan for conducting training on inventory control, branding, and marking with the upcoming justice program (page 17).

Detailed findings appear in the following section. Appendix I contains a description of the audit scope and methodology. Our evaluation of management comments is on page 18, and the full text of management comments appears in Appendix II.

AUDIT FINDINGS

Access to Justice Program Experienced Delays and Will Not Meet Some Targets

The implementing partner, MSD, and the mission used 73 indicators or targets to measure the program's overall success. Of those targets, the audit team determined that 19 (or 26 percent) would not be met by the end of the program. As of December 31, 2011, with only 6 months remaining on the program, only 21 percent had been met. However, MSD officials said they were confident that another 53 percent would be met during the program's last few months, bringing the total to 74 percent. Table 1 shows MSD's projection of how those targets should break down.

**Table 1. Status of Performance
Management Plan Indicators (Partially Audited)**

Indicator Type	Targets to Be Met by Program's End	Targets Will Not Be Fully Met	Total
Mission	3	4	7
Operational Plan	4	0	4
Contract	3	0	3
Activity	44	15	59
Total	54	19	73
Percent (%)	74	26	100

Source: MSD.

The program ran into delays, which then affected its ability to meet targets. Some of the delays are listed below.

- Four of the eight courtrooms and four of the eight virtual courtrooms targeted for assistance were to be equipped during the first year. However, as of March 2012—4 months before the end of the program—none of the courtrooms were refurbished or equipped with furniture and other items, and none of the virtual courtrooms were provided with videoconferencing equipment. This occurred because of delays caused by the amount of time the Superior Judicial Council took in selecting municipalities. Therefore, counterpart institutions do not expect these tasks to be completed prior to the end of the program.
- A report measuring the perceived quality of courts was not expected to be completed until late April 2012, about 1 year behind schedule.
- Implementation of the Justice House management information system in four of the eight houses was scheduled to be complete by the end of the first year. However, the program did not teach any workers in the houses how to use the system as planned, partly because new prerequisites for the training needed to be completed. In addition, the Ministry of

Justice was responsible for fixing technical problems that had to be resolved before the system was implemented.

- The program's assessment of the Justice House program was finalized in late March 2012, even though it was scheduled to be completed about 1 year earlier. Mission officials said MSD's drafts of the assessment were poorly written and needed many revisions.
- The program's alternative dispute resolution assessment was finalized in late March 2012 because MSD submitted poor-quality drafts. According to the contract, MSD was to "conduct a national baseline diagnostic during the first four months of the contract [which began in July 2010]." As a result, the task of proposing alternative dispute resolution reform will not be completed during the program because it was dependent on the timely completion of the assessment.
- The second mock trial competition will not be completed by the end of this program because the school-year calendar did not allow for an earlier start date. However, the competition will be completed by the U.S. Department of Justice, which also co-sponsored this activity.
- Only two of four justice system training programs (for judges and public defenders) will be implemented and evaluated by the end of the program. The training program for municipal ombudsmen is only beginning and will not be completed because the Public Ministry Studies Institute objected to interrupting its ongoing training given to ombudsmen. The U.S. Department of Justice is responsible for the training program for prosecutors.
- Not all parties agreed on a set of common accusatory justice indicators. MSD abandoned this goal because Corporacion Excelencia de Justicia and DeJusticia (the two NGOs that managed the indicators and were selected to complete this activity) were unable to agree on a single set of indicators.
- Justice Houses will not create radio programs that provide legal counseling. MSD officials decided that the infrastructure required to produce and broadcast radio programs was not practical for a Justice House. They said such programs instead could be delivered through community or institutional radio stations contracted by university law clinics.
- The program worked on alternative dispute resolution in 14 municipalities instead of 20. Early in the program, the Ministry of Justice asked the program to eliminate three municipalities from the scope because of security concerns and because other donors supported the other three.
- One of the main products MSD created during the program was *Study of the Viability of Expanding the Public Defense Services in CSDI Zones* (Columbia Strategic Development Initiative). After it was presented in May 2011, the public defense director agreed to adopt the study's 17 recommendations. However, almost a year later, fewer than half were adopted. Furthermore, although the program tracks and reports on the recommendation status for several of its reports and studies, it did not do so for this major study.
- The measurement of *Improved users' perception of the quality of formal justice services (provided by public defense and the courts)* will not be completed; instead, the program will complete only a baseline survey of perceptions in some regions. Similarly, plans to measure "public defender performance and the quality of public services implemented"

probably will not be done by the end of the program because initial testing of the new performance measurement system is just getting under way.

- Work with Afro-Colombians was limited mostly to training, and the program will not implement any conflict resolution programs in indigenous and Afro-Colombian communities. MSD officials said they regretted not working more with these communities and explained that USAID's Afro-Colombian and Indigenous Program would assist them, but only in targeted areas. Contrary to the scope of work, the program did not do enough to "strengthen organizations that provide legal representation for Afro-Colombians before national courts," or to "strengthen Afro-Colombian social networks and organizations in the use of constitutional mechanisms available for protecting economic and social rights of the Afro-Colombian community." The upcoming justice program is scheduled to target these communities again to a limited extent.

According to MSD and the mission, the primary causes for delays or incompleteness of activities, including the ones highlighted above, were as follows:

- Although Automated Directives System (ADS) 203.3.4.5 explains that teams should "set performance targets that are ambitious, but can be realistically achieved within the stated timeframe and with the available resources," some of the program's expectations for the first year were overly ambitious. The program will not meet several targets by the end of the program. Establishing a new head office and four regional offices consumed more time than anticipated, particularly since this was the first USAID justice program with a regional focus.
- There was inadequate planning for some activities. For example, some were scheduled during rainy season or during municipality elections. Colombian universities delayed conducting two of the three legal aid clinics for this reason.
- A change in political leadership caused some delays because new government officials needed to be informed about the program's activities. Many of the justice activities required some type of support from the Colombian Government.
- Security-related problems such as demonstrations and road closings delayed some activities.
- Despite a contractual requirement to provide all reports and other deliverables in English, MSD presented reports that required several revisions, particularly during the first year. To address this problem in the second year, MSD contracted an American lawyer and a senior program officer in its home office to help review reports.
- MSD will execute about 128 procurement actions to assist in the technical implementation of the program, which were more than MSD had expected. Each action is time-consuming, requiring the team to balance its procurement workload with management of ongoing activities.

As a bridge program, Access to Justice had the potential to provide valuable information that could have been used in implementing the program's second phase. However, USAID issued the solicitation for that phase on March 15, 2012, before some of the information could be incorporated fully in the description. Therefore, the second phase could run into the same problems with overly ambitious targets and subsequent delays, and the delays could prevent beneficiaries from receiving justice services.

While it is too late to make a recommendation in some areas, the audit team believes that the following recommendations can be implemented in the program's second phase.

Recommendation 1. *We recommend that USAID/Colombia implement a plan to establish targets that are ambitious, yet realistic.*

Recommendation 2. *We recommend that USAID/Colombia require the implementing partner to implement a customized security plan that is tailored to the working conditions in conflict regions.*

Security Plan Was Incomplete

MSD was required to implement a security plan—approved by the mission contracting officer's representative in consultation with the Regional Security Office—that safeguarded all program operations and complied with all U.S. Government regulations. That plan was to be implemented and maintained by all subpartners. It was important because the program's focus areas were in conflict regions inhabited by a significant number of illegal armed groups. Furthermore, the security situation in Colombia is fluid and tenuous with a high incidence of violations of human rights and international humanitarian law.

MSD's *Security Manual for Program Staff* essentially was a set of guidelines and protocols for contractors in case of potential risk situations. However, it did not include (1) a security analysis of the areas where contractors work, (2) an outline of the security management responsibilities and strategies, and (3) specifics about the personnel and equipment needed for the type of work that would be carried out in the various conflict regions. Furthermore, MSD's staff and subpartners were not using the manual. In fact, most people were not even aware of its existence despite being a contract requirement.

The security manual was incomplete partly because USAID never approved it; the mission assumed that no response from the Regional Security Office meant that the manual was acceptable. Additionally, the contract did not provide sufficient guidance for the type of security plan and budget necessary for work in conflict regions;² it only said the plan should include procedures for reporting and addressing security threats, deaths, and kidnappings.

According to MSD staff, the absence of a clear, defined security plan caused delays, put contractors in potentially dangerous situations, and put the activities at risk of not being completed. In the Meta region, the security situation prevented staff members from working in focus areas unless the military was available to accompany them. Similarly, court refurbishments in the same region were delayed because materials and equipment could not be delivered and work could not be completed. Moreover, mobile legal aid services were not provided in some communities because of security concerns.

Since the upcoming program is scheduled to focus largely on conflict regions, these concerns need to be addressed to anticipate, identify, and plan for similar security related problems. All

² *Saving Lives Together*, published by the United Nations in November 2006, is a framework for best practices on security. In addition, USAID's Office of Foreign Disaster Assistance refers to *Operational Security Management in Violent Environments* (HPN Good Practice Review 8, by Koenraad Van Brabant and published by the Humanitarian Practice Network at the Overseas Development Institute in December 2010) as the "humanitarian security bible."

future activities should have a security plan and budget that consider the volatile environments in which contractors work and that are customized to minimize risks to contractor and participants. Therefore we make the following recommendations.

Recommendation 3. *We recommend that USAID/Colombia require the implementing partner to submit for USAID approval a budget for security-related personnel and equipment needed for the upcoming justice program.*

Recommendation 4. *We recommend that USAID/Colombia obtain the Regional Security Office's input on the customized security plan for the upcoming justice program.*

Regional Offices Were Not Well Planned

The activity approval document explained that the program “will focus on implementing strategies to strengthen the effective presence of court services, judges, and public defenders in priority CSDI municipalities and departments.”³ A regional presence is important because these conflict areas have been neglected for many years. The government institutions in them are relatively new and need technical assistance. Residents have little information about the justice services available. Locally based officials are needed to manage regional activities and interact with government institutions, other partners, and beneficiaries. The stakeholders the audit team met commented on the positive influence of using long-term regional staff instead of short-term visitors from a large city.

Despite the importance of having a strong, new regional presence, MSD had not budgeted or planned properly for regional offices. In some instances, the offices had difficulty securing staff and suffered from high turnover.

Regional Offices Had Staff Problems. According to the contract, MSD was supposed to establish at least four regional offices in consolidation zones, which consisted of targeted CSDI municipalities and departments, in addition to the main office in Bogotá. The regional offices were to be staffed based on local needs, but a typical office might have the following members:

- A lawyer with significant experience in legal aid and criminal defense work.
- An alternative dispute resolution specialist, certified in conciliation with experience training mediators and conciliators.
- A civil society advisor with experience working with grassroots organizations on human rights or access to justice projects.
- Depending on the local demographics, one advisor specializing in either gender, Afro-Colombians, or indigenous people would be needed.

³ Colombia has 1,119 municipalities. In March 2009, the Colombian Government formalized the creation of a national consolidation plan, identifying 51 municipalities in 15 priority regions in which to concentrate security and consolidate state presence at the regional level. The U.S. Embassy's program to complement this plan is CSDI. Under it, the Embassy identified 33 priority municipalities, 20 of which were targeted in this program.

- An information technology specialist with experience related to applications that improve connectivity between national headquarters of justice institutions and their subnational offices.
- A monitoring and evaluation specialist to assist the employees at program headquarters in evaluating the impact of USAID and Colombian justice programs.

MSD opened four regional offices but was unable to secure or maintain consistent staffing levels for the duration of the program, as shown in Table 2.

Table 2. Regional Office Staffing as of March 2012

Regional Office	Lawyer	Alternative Dispute Resolution Specialist	Civil Society Advisor	Gender, AfroColombian, or Indigenous Advisor	Information Technology Specialist	Monitoring and Evaluation Specialist
Montes de Maria*	No	Yes	Yes	No	No	No
Meta	No	Yes	Yes	No	No	No
Bajo Cauca	No	Yes	Yes	No	No	No
Nariño*	No	No	Yes	No	No	No

Source: MSD

* These offices also had office administrator/coordinator positions filled.

MSD did not hire a gender, Afro-Colombian, or indigenous advisor, an information technology specialist, or a monitoring and evaluation specialist. While it was able to hire a lawyer at one of the regional offices, that person quit after only 1 month.

Based on MSD's experience and the identification of local needs, USAID officials said they approved MSD's proposal to staff each regional office with three people rather than six. However, in less than 18 months, 11 staff members left their positions. MSD's regional coordinator explained that they left because they received better offers elsewhere, they were paid less through short-term contracts, or they could not tolerate the frequent travel to remote areas. The high turnover caused delays and interruptions in program implementation because new staff members had to be trained and introduced to local stakeholders.

Regional Offices Did Not Adhere to Local Labor Law. Colombian Labor Code, Article 22, differentiates between labor contracts and personal service contracts. The main differences are (1) the relationship defined between the employee and employer, and (2) whether benefits such as health insurance, vacation, and pensions were included. Under labor contracts, the employee is subordinate to the employer, frequents the employer's office location, maintains a regular work schedule, and is eligible for benefits. Under personal service contracts, the employee does not frequent the employer's office and does not maintain a regular schedule, and the employer does not provide benefits.

MSD filled all the regional positions through either subcontracts or short-term personal service contracts instead of labor contracts, although there appeared to be subordination to the employer and a clear intention to keep the employees for the duration of the program. According to MSD, employees based in Bogotá were hired through labor contracts, but regional workers were not hired in the same manner, primarily to save costs. Hiring regional staff

through labor contracts would have been more appropriate under the circumstances and may have increased effectiveness and longevity of staff.

Establishing a regional presence was not well planned. MSD officials said that prior justice programs had a national rather than regional focus. In almost 20 years of USAID justice programming in Colombia, this was the first time that the mission and its partners attempted to create pilot offices in rural areas. As a result, the regional offices were not as effective as intended, and opportunities to build stronger relationships with local counterparts were lost. Therefore we make the following recommendations.

Recommendation 5. *We recommend that USAID/Colombia require the implementing partner to develop a comprehensive budget for regional offices under the upcoming justice program.*

Recommendation 6. *We recommend that USAID/Colombia require the implementing partner to implement a comprehensive staffing plan for the upcoming justice program that takes into consideration the following factors: (1) number of regional personnel, (2) retention of personnel, and (3) employment contracts that comply with the evolving Colombian labor laws.*

Program Did Not Provide Enough Resources to Targeted Zones

The activity approval document stated that the program “will focus on implementing strategies to strengthen the effective presence of court services, judges, and public defenders in priority CSDI municipalities and departments.” Likewise, the contract between MSD and USAID specified a “focus on consolidation zones.”

As shown on the map on page 12, the locations of regional offices are spelled out,⁴ the targeted CSDI zones are green, and activities implemented outside these zones are indicated by orange rectangles. The rectangles prove that numerous activities took place outside of the targeted CSDI zones. Some examples are described below.

- None of the four victim assistance centers equipped by USAID were in CSDI zones. The prosecutor’s office selected these locations.
- Two courts undergoing the International Organization for Standardization’s certification process were not in CSDI zones. This process began under the previous justice program, and the Superior Council of the Judiciary selected the courts to fulfill this commitment.
- None of the universities that participated in the mock trial competitions were in CSDI zones although participating universities served students from these zones.
- Only four of eight virtual courtrooms were planned for targeted CSDI zones.
- While seven of ten Justice Houses were not in CSDI zones, MSD officials said these houses

⁴ The office in the city of San Jacinto covers the Montes de Maria region; the Cauca region; the Villavicencio office covers the Meta region; and the Pasto office, together with its satellite office in Tumaco, covers the Nariño region.

serve indigenous and special interest groups. USAID accepted the Ministry's choice of non-CSDI locations after extensive negotiations because many local governments in targeted CSDI zones were unable to provide the necessary support.

- Seven of the eight public defender offices refurbished with USAID funds were not in CSDI zones. Mission officials said all offices serve the residents of CSDI zones.
- Most of the forensics lab equipment was not placed in the CSDI zones, although the refurbished laboratory in Barranquilla partially supports public defenders in these zones.
- Of the 58 justice-related training courses that were tracked by MSD, about two-thirds were held in major cities like Bogotá, Medellín, Cali, and Barranquilla. While MSD invited people from CSDI zones to attend the trainings, MSD officials acknowledged that many participants did not work directly within CSDI zones.

MSD performed a detailed review of the program costs incurred and determined that nearly 60 percent of total expenses and 64 percent of other direct costs came from outside of the targeted zones. The audit team reviewed MSD's analysis and noted that these percentages may be even higher depending on the assumptions used.

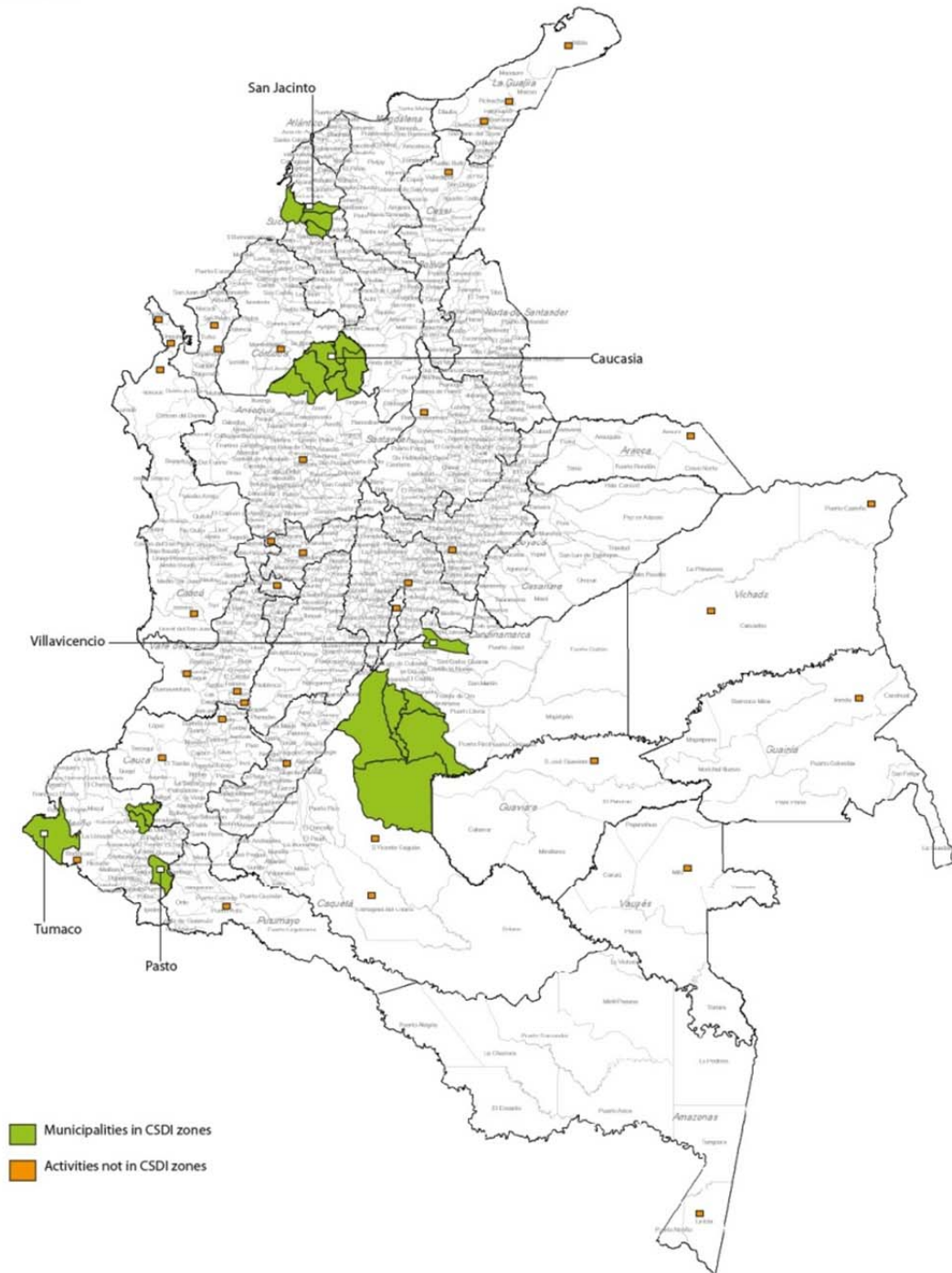
USAID/Colombia officials said the CSDI zones were a focus only and that the program was neither designed nor intended to have an exclusive territorial focus on CSDI zones. They said some non-CSDI activities were included in the task order to fulfill commitments made in the previous justice program before the mission decided to focus on the zones. There are also many activities directly benefiting CSDI zones that must be conducted from outside municipalities for a number of reasons, including, but not limited to, security, the lack of justice sector actors, and weak institutional presence.

Nonetheless, USAID's upcoming justice program intends to increase the focus on CSDI zones within feasible parameters, while maintaining efforts at both national and regional levels. With limited resources, establishing target areas and priorities are critical for the program's success. Once they are determined, assistance should be provided to the counterparts and intended beneficiaries in these areas. Otherwise, the program may not have the desired development impact. Therefore we make the following recommendation.

Recommendation 7. *We recommend that USAID/Colombia clearly describe its intentions and expectations regarding the scope and priorities of focus areas for the upcoming justice program.*



USAID Access to Justice Program



Source: MSD, April 13, 2012.

Performance Management Plan Was Inadequate and Did Not Meet Quality Standards

USAID's ADS 200.6 defines a performance management plan (PMP) as a tool to use when planning and managing the process of monitoring, evaluating, and reporting progress toward achieving the various levels of the approved strategy results framework.

The audit determined that the Access to Justice PMP was inadequate and did not meet quality standards.

PMP Was Not Approved. Despite an ADS 203.3.3.4 requirement for USAID teams to develop a PMP, USAID/Colombia's Democracy and Human Rights Office did not have one that had been approved and accepted. While the office had prepared a plan in February 2011, USAID had not yet approved it officially, and neither USAID nor MSD utilized it. That PMP contained 42 indicators, 10 of which related exclusively to justice. MSD incorporated those 10 into its larger PMP, which USAID and MSD used in managing the project. A similar finding about the lack of a PMP was directed to USAID/Colombia during an audit completed in March 2009.⁵

MSD's PMP Lacked Annual Targets and Results. Although ADS 203.3.3.1 requires targets for each year of the program, and both ADS and the contract required the PMP to report results each year based on USAID's fiscal year, MSD made a decision to present targets for the 2-year program and present results as of December 31, 2011, for most indicators. MSD revised its PMP in January 2012 and eliminated annual targets and results; MSD officials said there were few results to present for the first year and that expectations for that year were too ambitious.

Some PMP Indicators Did Not Meet Quality Standards. Performance indicators, which are required in a PMP, are the basis for observing progress and measuring actual results compared with expected results. ADS 203.3.4.2 states that indicators should be objective, practical, useful for management, direct, timely, adequate, and attributable to USAID efforts.

Some of the PMP's 73 indicators did not meet ADS quality standards and were not well-defined. Examples follow.

- *Ratio of new case dispositions to case filings in courts assisted by the U.S. government in the area of case management.* This standard indicator is not directly attributable to USAID's assistance since there are many other factors that affect case productivity.
- *Number of people visiting U.S.-supported legal service centers serving low-income and marginalized communities.* Justice House officials said there was no standard approach for measuring this indicator. Inconsistent approaches are likely to yield inconsistent results. In addition, the reported result of 1,719,171 in FY 2011 actually measured the number of requests for assistance, not the number of people visiting. Finally, since this program funds only a portion of total Justice House costs, this result is not entirely attributable to the program.

⁵ "Audit of USAID/Colombia's Human Rights Program," Report No. 1-514-09-007-P.

- *New courtrooms in CSDI zones.* The program only intended to remodel the courtrooms and provide furniture for them. The indicator's wording incorrectly implied that there were no functioning courtrooms before the program began.
- *New networks of alternative dispute resolution operators in CSDI zones created and strengthened.* MSD reported a result of 45 percent as of December 31, 2011. This percentage is based on USAID-funded meetings that allowed conciliators to consolidate in 9 of 20 municipalities. While the meetings may have facilitated interaction, MSD did not actually create any new networks.
- *New public defense services in CSDI zones.* MSD said there were 19 new public defenders, which exceeded the initial target of 8; however, the result did not take into account the number of defenders who may have stopped working. In addition, there was no basis for the original target other than the mission's knowledge, and the indicator target was never updated to reflect new data about actual requirements in the targeted CSDI regions. Data from the public defender's office suggest that hundreds of defenders may be needed in the zones.
- *Number of new virtual courtrooms in CSDI zones.* MSD intended to equip eight virtual courtrooms as planned. However, four were not in the zones.
- *New public defenders' offices in CSDI zones equipped.* MSD reported equipping eight offices, but seven were not physically located in the zones. Since all the public defenders serve residents of CSDI zones, the indicator should have been rewritten accordingly.

The methodology that some universities used to count people assisted was not consistent, and the results did not agree with MSD's figures. Some universities did not follow MSD's guidance to differentiate those who only attended the general discussion from those who actually received legal assistance from the mobile aid clinics.

In addition, some indicators were included without any baseline data. Therefore, it was not possible to measure the progress of indicators such as *Improved users' perception of the quality for formal justice services or compliance with standards of reception and attention (access) derived from rights pertaining to specific populations.* ADS 203.3.2.4 explains that much attention is required to ensure that baseline data are collected using high-quality methods early in the project before any significant work has begun.

A USAID official said he initially wanted to have at least 1 indicator for each of the 49 expected results listed in the contract. During the audit team's visit, he and MSD staff members agreed that there were too many indicators and that some of them were not useful. They noted that with so many indicators, it was not surprising that a few of them were flawed.

After the mission recognized weaknesses in its monitoring and evaluation, it issued a 5-year, \$8.5 million contract to DevTech Systems Inc. beginning in July 2010 to provide expert advice and support on finalizing and regularly assessing mission and implementing partner PMPs consistent with USAID/Colombia's larger, overarching strategic framework, as well as other performance management tools.

It is important to present complete, accurate information in the PMP since it could be used to make decisions about USAID's programs and how many resources are needed to run them.

As of early April 2012, a revised PMP for the Democracy and Human Rights Office was pending final approval. To ensure continued attention to these problems, we make the following recommendation.

Recommendation 8. *We recommend that USAID/Colombia reduce the number of indicators for the upcoming justice program and verify that they meet USAID's quality standards.*

Performance Plan and Report Did Not Report Results Accurately

ADS 200.6 explains that the PPR documents U.S. foreign assistance results achieved over the past fiscal year. The FY 2011 PPR listed 16 indicators used to measure the U.S. Government's work with the justice system. However, only six related directly to MSD's justice program. Three indicators appear to be reported correctly, and the other three were not.

For *Number of people visiting U.S. government supported legal service centers serving low-income and marginalized communities*, the PPR reported 1,424,433, while the PMP reported 1,719,171. The PPR showed a conservative estimate because the actual figure was not yet available. For the other two indicators, *Ratio of new case dispositions to case filings in courts assisted by the U.S. government in the area of case management* and *Number of legal institutions and associations supported by the U.S. government*, the PPR had no results, and the PMP showed 15.9 and 87 percent, respectively.

An officer in USAID/Colombia's Program Office said the mission had trouble in 2011 using the Foreign Assistance Coordination and Tracking System (FACTS), used worldwide to prepare the PPR. The program officer recalled that the system did not allow the mission to add results for some indicators or to delete indicators. The officer added that many indicators, including the two described above, appeared in the FY 2011 PPR, but were dropped, with no plans to use them in the future.

In addition, five other indicators listed in the PPR did not show any results even though this program had results that appeared to be a good fit for each one. Four of these five indicators were also dropped in FY 2011, and all five indicators were actually designated for other U.S.-funded justice programs.

The PPR is used to develop other required documents. Because various stakeholders rely on it, an inaccurate PPR could lead to erroneous conclusions about the impact of the U.S. Government's contributions to Colombia. Officials agreed that the data for some indicators were inaccurate or incomplete, but said they could not submit accurate, complete data because of problems with FACTS. The audit team agreed that USAID/Colombia is not in a position to improve the PPR because FACTS is a reporting mechanism guided by the State Department's Office of the Director of Foreign Assistance. Therefore, we are not making a recommendation on this problem.

Program Did Not Follow Marking Requirements

ADS 320.3.2 requires that "programs, projects, activities, public communications, or commodities implemented or delivered under contracts and subcontracts exclusively funded by

USAID [be] marked exclusively with the USAID Identity.” It further specifies that equipment funded by USAID contracts must prominently display the USAID Identity. The program’s contract and marking plan correctly reference these requirements and note the need to follow the guidelines for branding in all areas except the conflict regions where a waiver was approved.

While markings were noted on most site visits, they were absent in several sites outside of CSDI zones: two victim assistance centers in Bucaramanga and Medellín; the Justice House in Villavicencio; and the public defender’s regional office in Medellín. These facilities received USAID-funded assets, but they were not marked. The Bucaramanga center was furnished by a prior justice program almost 2 years ago and still had no visible marking of any kind, but it was not within the scope of the Access to Justice Program.

In addition, according to USAID’s *Graphic Standards Manual*, the USAID logo should appear on the left in co-branding situations. On some of the program’s materials, however, the logo was either placed incorrectly or not at all, as described in the two examples below.

- Mobile legal aid clinics implemented in conjunction with different Colombian universities: in their presentation materials, the USAID logo appeared after the universities’ logos and in some cases not at all.
- Numerous research reports and assessments funded by USAID with assistance from other organizations: These documents did not have the USAID logo or it appeared on the right. Additionally, many of these documents did not contain the ADS 320.3.2.4.e disclaimer, “This study/report/Web site (specify) is made possible by the support of the American People through the United States Agency for International Development (USAID). The contents of this (specify) are the sole responsibility of (name of organization) and do not necessarily reflect the views of USAID or the United States Government.”

Despite the observations above, the audit team noticed that MSD had a system in place for issuing small, numbered plaques that stick to USAID-funded assets. These plaques appeared on items throughout MSD offices and in three of five Justice Houses visited.

According to MSD, marking became a lower priority as the focus was on getting back on schedule because of the significant delays in implementing the activities. In addition, MSD did not discuss or communicate marking requirements to the various subpartners, and MSD and USAID/Colombia did not provide oversight of branding and marking requirements in some cases.

In a related problem, MSD did not provide any documentation regarding its donation of assets to a victim assistance center in Medellín even though the equipment was delivered in the beginning of 2012. This problem was even more serious because the equipment was not marked with the USAID logo, thereby increasing the likelihood for USAID-funded items to be stolen or used improperly. MSD acknowledged that it was at fault for this oversight. In a few other cases, an inventory of USAID-funded assets was not readily available for the audit team’s review (the victim assistance center in Bucaramanga, three Justice Houses, and one of the public defender’s regional offices).

USAID-funded assets are at greater risk of being lost or stolen if they are not monitored or marked. U.S. taxpayers may also not be receiving credit for the assistance they are providing when items are unmarked.

Recommendation 9. *We recommend that USAID/Colombia determine and document which USAID-funded assets under its justice activities are unmarked and mark them, with special attention to the Medellín victim assistance center, where the mission should also confirm that the center's staff documents the delivery of donated equipment and verifies that all the donated items are being used as intended.*

Recommendation 10. *We recommend that USAID/Colombia establish a plan for conducting training on inventory control, branding, and marking with the upcoming justice program.*

EVALUATION OF MANAGEMENT COMMENTS

In its response to the draft audit report, USAID/Colombia agreed with the 10 recommendations. Summarized below are the comments and the audit team's evaluation.

Recommendation 1. USAID/Colombia agreed with our recommendation. In the mission's solicitation for the upcoming Access to Justice Activity, it addressed our concerns by providing a more detailed scope of work that emphasizes the expected results. Mission employees said they plan on carefully reviewing the targets proposed in the implementing partners' work plans when approving them to be sure that targets are ambitious and realistic. In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 2. USAID/Colombia agreed with our recommendation. Mission officials acknowledged that the Access to Justice Program security plan should have been better defined, and said they are committed to improving the security planning for the upcoming Access to Justice Activity to minimize risks to implementing partner staff members and beneficiaries. The mission amended its solicitation for the upcoming Access to Justice Activity to include security guidance that will address the current working conditions in the regions and require bidders for this contract to develop a detailed security plan that would minimize to the greatest extent possible the risks of operating in CSDI regions. In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 3. USAID/Colombia agreed with our recommendation. Mission officials concur with the need for a security-related budget for equipment and personnel. They said they are committed to improving security planning for the upcoming Access to Justice Activity to address this need. The mission amended its solicitation for the activity to include security guidance that addresses the current working conditions in the regions and requires bidders to develop a detailed security budget that would minimize to the greatest extent possible the risks of operating in CSDI regions. In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 4. USAID/Colombia agreed with our recommendation. After debriefing the mission on our findings from the fieldwork, officials released a USAID mission order entitled "Minimum Safety and Security Conditions and Required Coordination for USAID Programs in Colombia." This order was prepared in consultation with the Regional Security Office and outlines criteria that all technical offices and implementing partners must be followed. The mission is responsible for ensuring that implementing partners comply with the security order. The mission's staff will also work with partners to review their security plans to ensure that they have adequate security information to comply with the order. Furthermore, the mission amended the solicitation for the upcoming Access to Justice Activity to include more extensive guidance for the implementing partners to use when preparing security plans. In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 5. USAID/Colombia agreed with our recommendation. The mission amended its upcoming Access to Justice Activity solicitation to take into account the lack of a regional office budget and other regional office problems that we identified in the audit. The

mission will ask bidders to state their planned budget for each regional office and detailed policies and procedures that will be used to implement, facilitate, and confirm “the quick approval and execution of activities in the regions.” In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 6. USAID/Colombia agreed with our recommendation and plans to incorporate the comprehensive staffing plan into the upcoming Access to Justice contract. The mission anticipates awarding the contract by the end of 2012, and plans to close this recommendation on or before July 7, 2013. Based on those plans, a management decision has been reached.

Recommendation 7. USAID/Colombia agreed with our recommendation. In its solicitation for the upcoming Access to Justice Activity, the mission addressed our concerns by providing clearer intentions and expectations for scope and focus areas in the “Program Vision and Approach” section. The solicitation described and clarified the different regional and national focuses. It specifically stated that “the development of policy at the national level will be informed by inputs from the regional teams and that the regional teams will help facilitate the implementation of policy at the local level.” Additionally, the solicitation was clear on establishing five CSDI regions. In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 8. USAID/Colombia agreed with our recommendation and acknowledged that the total number of indicators could be reduced. The mission plans to work with the selected implementing partner to develop an appropriate set of indicators that meets ADS standards. The mission will incorporate these indicators into the approved PMP on or before July 7, 2013. Based on the mission’s described actions, a management decision has been reached.

Recommendation 9. USAID/Colombia agreed with our recommendation. The mission recognized that implementing partners at times did not fully adhere to USAID marking requirements. The mission acknowledged that it could have done a better job of communicating the marking requirements to its subpartners and program beneficiaries. The mission provided documentation showing that the implementer had reviewed and identified all unmarked USAID-funded assets, documented and marked them, and confirmed that they were being used as intended. In view of the actions taken, this recommendation is closed on issuance of this report.

Recommendation 10. USAID/Colombia agreed with our recommendation. In the solicitation for the upcoming Access to Justice activity, the mission addressed our concerns by specifically requesting a branding and marking plan. After the plan is submitted, the mission said it will review and approve it, and incorporate it into the new contract. The implementer must provide evidence of property control systems and will also receive branding and marking guidance. In view of the actions taken, this recommendation is closed on issuance of this report.

SCOPE AND METHODOLOGY

Scope

The Office of Regional Inspector General (RIG)/San Salvador conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions in accordance with our audit objective. We believe that the evidence obtained provides that reasonable basis.

The objective of the audit was to determine if USAID/Colombia was achieving its main goal of strengthening justice services in Colombia. USAID/Colombia awarded a 2-year, \$14 million task order contract to MSD to implement the program. As of March 16, 2012, USAID/Colombia had obligated \$13.2 million, and as of February 29, 2012, it expended \$10 million for program activities. Colombia's operational plan showed that this was the only active USAID program under the justice system category.

RIG/San Salvador conducted audit fieldwork in Colombia from February 27 through March 16, 2012, and covered the activities implemented by MSD from July 2010 to March 2012. In Colombia, fieldwork was conducted at USAID/Colombia, MSD's main office and regional offices, and the offices of its subpartners. Site visits were conducted at three of the four targeted regions (Bajo Cauca, Montes de Maria, and Meta). We visited, met, and interviewed staff from five Justice Houses (Caucasia, Caceres, San Onofre, El Bagre, and Villavicencio). Other beneficiaries we met with included five groups of conciliators (Caucasia, Caceres, San Onofre, San Jacinto, and El Bagre), one group of school mediators (San Onofre), four university delegations, several public defenders, and various government officials.

As part of the audit, we assessed the significant internal controls USAID/Colombia used to monitor project activities and progress. The assessment included controls to determine whether the mission (1) conducted and documented site visits to evaluate progress and monitor quality, (2) reviewed and approved required assessments or evaluations, (3) reviewed progress reports and work plans submitted by MSD, and (4) reviewed and tested indicators and activities used by MSD and its partners. We reviewed the mission's annual certification required by the Federal Managers' Financial Integrity Act of 1982 to verify whether the assessment cited any relevant weaknesses. We also reviewed prior audit reports in Colombia for any issues related to the audit objective.

Methodology

To answer the audit objective, we interviewed officials from USAID/Colombia, MSD, and several subpartners. At MSD, we interviewed the chief and deputy chief of party, all component managers, the regional coordinator, the monitoring and evaluation specialist, and several other employees. We also reviewed and analyzed relevant documents and data at the mission and MSD. Documents included portions of the ADS, annual work plans, quarterly reports, the contract between USAID/Colombia and MSD, financial reports, and a variety of justice-related materials. Furthermore, we compared the results reported by MSD in its PMP with those that the mission reported in its PPR.

We selected a sample of project implementation sites to visit based on feedback from USAID and MSD. We audited key portions from all five components of the project. We selected sites based on time and distance constraints and the need to cover all component areas. Since the testing and the site visit selection was based on a judgmental, not a statistical sample, the results and conclusions related to this analysis were limited to the items and areas tested and cannot be projected to the entire audit universe.

MANAGEMENT COMMENTS



UNCLASSIFIED MEMORANDUM

TO: Regional Inspector General/San Salvador, Jon Chasson

FROM: USAID/Colombia Acting Mission Director, Jene Thomas /s/

SUBJECT: Audit of USAID/Colombia's Access to Justice Program
Audit Report No. 1-514-12-00X-P (Draft Report June 8, 2012)

DATE: July 6, 2012

Thank you for your draft report dated June 8, 2012, concerning the above audit. This memorandum contains USAID/Colombia's management comments on the report, along with our plan of action. Please note that we have organized our comments to parallel the Audit Findings included in the report, with specific recommendations addressed within each of those findings, as set out in the report.

Access to Justice Program Experienced Delays and Some Targets Will Not be Fully Met (pp. 4-7)

In evaluating the overall success of the program and indicators met, the report takes a purely mathematical approach and conflates the total number of targeted activities without considering their relative or comparative quality, importance, or impact, which varies widely. Thus, the numerical conclusions focus on pure percentages achieved rather than quality of impact, and fail to recognize the importance of singular achievements, such as the establishment of Justice Houses, each of which has increased access to justice for 50,000 citizens on average, or the groundbreaking importance of establishing regional offices to bring justice services for the first time to poor and vulnerable populations in outlying rural areas.

The mission believes that its performance targets and programming goals were ambitious but not overly ambitious. For the first time in twenty years of work in rule of law initiatives, the justice program was establishing a physical presence through regional offices, and there were many challenges. Prior justice programs had permanent staff only in the capital city of Bogotá. The mission's goals and objectives were at all times ambitious yet reasonable. The performance period of the task order required that some activities be scheduled during the unpredictable rainy season, which was one of the worst in Colombia's history. The mission cannot reasonably be expected to reduce programming goals in anticipation of unforeseeable natural disasters. Finally, all input needed from this bridge program to

inform the new program design was received and incorporated fully into the solicitation, despite some delays in formalizing final written reports. Therefore, the mission strongly objects to any suggestions that beneficiaries could be prevented from receiving justice services in the upcoming program.

Recommendation 1: We recommend that USAID/Colombia develop a plan to establish targets that are ambitious, yet realistic, in the upcoming justice program.

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Recommendation 2: We recommend that USAID/Colombia require the implementing partner to develop a customized security plan that is tailored to the working conditions in conflict regions.

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Security Plan was Incomplete (pp. 7-8)

The mission acknowledges that a better-defined security plan could have led to more standardized planning and actions to anticipate, identify, and minimize risks in achieving objectives. The mission strongly objects, however, to any statements or implications that this caused delays, placed staff in potentially dangerous situations, or put the activities at risk of not being completed. Delays were not caused by the lack of a comprehensive security plan but, rather, by the lack of *security* in the regions. The Colombian security situation, particularly in the regions, can shift rapidly and sometimes unpredictably, but the mission has at all times exercised caution to avoid placing staff in potentially dangerous situations. Nonetheless, the mission is committed to improving security planning to minimize risks to all staff and beneficiaries, while at the same time fulfilling program objectives.

Recommendation 3: We recommend that USAID/Colombia require the implementing partner to submit for USAID approval a budget for security-related personnel and equipment needed for the upcoming justice program.

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Recommendation 4: *We recommend that USAID/Colombia obtain the Regional Security Office’s input on the customized security plan for the upcoming justice program.*

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Regional Offices Were not Well Planned (pp.8-10)

The mission respectfully suggests that the staffing chart included in this section is misleading because it implies that each regional office was supposed to have six positions filled. Although six categories of staffing positions were originally contemplated, it quickly became clear that locating and hiring such a broad range of specialized advisors in rural areas was impractical. The final staffing more appropriately reflected the project’s needs and was more commensurate with the absorptive capacity of the Mission’s local partners. The mission therefore approved MSD’s proposal to staff each regional office with three persons instead. Furthermore, the mission strongly objects to all conclusions and implications concerning legal employment status of regional hires. Colombian labor laws are extremely complex and intricate, and are undergoing a substantial process of change and evolution. Conclusions concerning the application of Colombian labor laws and employment practices are far from clear cut. MSD’s selection of hiring mechanisms might have affected staff longevity, but any determination concerning legality can only appropriately be grounded in Colombian jurisprudence, as applied by Colombian legal experts and courts.

Recommendation 5: *We recommend that USAID/Colombia require the implementing partner to develop a comprehensive budget for regional offices under the upcoming justice program.*

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field

work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Recommendation 6: *We recommend that USAID/Colombia require the implementer to develop a comprehensive staffing plan for the upcoming justice program that takes into consideration the following factors: (1) number of regional personnel, (2) retention of personnel, and (3) employment contracts that comply with the evolving Colombian labor laws.*

The mission concurs with this recommendation and plans to incorporate this recommendation as a requirement in the contract for the upcoming justice program, once an implementer is selected and the contract is awarded. The mission expects to award the contract by the end of 2012, and plans to close this recommendation on or before July 7, 2013.

Program did not Provide Enough Resources to Targeted Zones (pp. 10-13)

The mission strongly objects to the report's conclusion that not enough resources were provided to targeted zones. First, Colombia is a unitary system and, because of the complex interrelationships between Colombian justice actors, systems, and regions, many justice reform efforts cannot be confined territorially.⁶ It is therefore impossible to clearly and accurately define activities and related costs that do *not* contribute to supporting Colombian Strategic Development Initiative (CSDI) zones in some fashion, either directly or indirectly.

Second, the program was never designed nor intended to have an exclusive territorial focus on targeted CSDI zones, nor did the contract require activities to be performed exclusively within CSDI zones. The program was a "bridge" program, linking prior commitments and efforts to future long-term design. It was neither feasible nor wise to cut off all justice sector activities being supported under the prior program, many of which were not being conducted in CSDI regions. Moreover, a shift to focus exclusively on CSDI zones would have presented enormous challenges with respect to absorptive capacity because of weak justice sector representation in those areas. Notwithstanding, the mission was able to demonstrate an estimated 40% of project resources expended directly in the 20 targeted CSDI municipalities (out of a total of 1,100 Colombian municipalities), reflecting a substantial focus on CSDI zones, in accordance with evolving mission priorities.⁷

⁶ The U.S. has a federal system, with separate and distinct state and national political, judicial, and legislative systems and bodies. Colombia, like most Latin American countries, has a single hierarchical national political, judicial, and legislative system. Thus, much of decision-making and control is centralized at the national level.

⁷ The mission's CSDI strategy aims to complement the Colombian government's National Consolidation Plan. The Consolidation Plan was developed in 2010, but was not fully adopted by the GOC until 2011. The mission's CSDI strategy and focus were intended to accompany the Consolidation Plan, and to increase and evolve alongside the GOC's implementation of its Plan. The Access to Justice Program (2010-2012) was designed to incorporate a progressive shift to increase, but not exclusively, focus on CSDI zones as the Consolidation Plan gained ground.

Certain examples cited in the report require some correction or clarification. None of the Victims' Assistance Centers equipped by USAID were physically located in CSDI zones because they are required to serve a larger population than those targeted municipalities. The prosecutor's office, in collaboration with the U.S. Department of Justice, selected the locations in centers that could, however, likewise serve CSDI zones. Moreover, none of the law school universities that participated in mock trial competitions was in CSDI zones because there are no university law schools in targeted CSDI municipalities.

Recommendation 7: *We recommend that USAID/Colombia for the upcoming justice program, clearly describe its intentions and expectations regarding the scope and priorities of focus areas.*

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Performance Management Plan was Inadequate and did not Meet Quality Standards (pp. 14-16)

The PMP for USAID/Colombia's Office of Democracy and Human Rights was prepared in February 2011. Although not yet officially approved, all 10 justice indicators from that PMP were folded into MSD's PMP for the justice program, and all were utilized in managing the program.

The mission acknowledges that the total number of indicators could reasonably be reduced, and the quality of some improved. Nonetheless, some of the criticisms contained in the audit report appear unwarranted. For example, the audit criticizes indicators relating to case disposition ratios and number of visitors to USG-supported low-income legal service centers. These are standard indicators required by the U.S. State Department Bureau of Foreign Assistance. These mandatory indicators are intended to measure both direct and indirect results of USAID program assistance worldwide, and are highly useful in program oversight and development. The report also critiques modest current funding to mobile justice services, but ignores the development of this groundbreaking program and fails to recognize the donation of a vehicle to provide mobile services. The mission strongly questions the report's statement that hundreds of public defenders may still be needed in CSDI zones. As there are only 33 total CSDI municipalities, many of which are quite small and have minimal need for dedicated public defenders, the demand for such services does not justify such a large population of public defenders. The report notes that seven of eight public defender offices created are not *physically* located in CSDI zones, but ignores the fact that all eight of the offices serve residents of CSDI zones.

Recommendation 8: *We recommend that USAID/Colombia reduce the number of indicators for the upcoming justice program and ensure that they meet USAID's quality standards.*

The mission concurs with this recommendation and plans to work with its implementing partner, once the award is made for the upcoming follow-on justice program, to develop a set of indicators for the upcoming justice program that is appropriate in number and fully meets ADS standards. The mission will provide a copy of the program's approved Performance Management Plan, reflecting appropriate numbers and quality indicators for the program, to close this recommendation. The mission plans to close this recommendation on or before July 7, 2013.

Performance Plan and Report did not Report Results Accurately (pp. 16-17)

This section of the report points out the inaccuracies between the numbers reported in some of the indicators included in the PPR and PMP documents. In the debrief session, the mission informed the audit team of numerous problems entering accurate and complete data into the Foreign Assistance and Coordination and Tracking System (FACTS), which fully explain the inconsistencies. FACTS is operated by the U.S. State Department Bureau of Foreign Assistance. The mission contacted FACTS personnel in Washington on multiple occasions to report and resolve these problems, but was unable to obtain any resolution due to system limitations. The audit team acknowledged and recognized that problem. The mission agrees with the importance of accurate PPR information in communicating the impact of USG contributions to Colombia, but emphasizes that it has been unable to correct the information entries, and has no authority or jurisdiction to make alterations to the FACTS system, which is managed and run out of Washington.

Program did not Follow Marking Requirements (pp. 17-18)

The mission acknowledges that, in a handful of instances, its implementer did not fully adhere to USAID marking requirements and may not always have effectively communicated the marking requirements. The mission strongly objects, however, to any implication that this was a common or systemic problem. The marking requirements for documents only apply to finalized products, and several of the preliminary or progress reports mentioned in the audit report were therefore not subject to branding and marking. Furthermore, branding and marking requirements were waived for persons providing materials and construction in CSDI zones. Likewise, waivers had been granted where mobile legal clinics were operating in CSDI zones.

Recommendation 9: *We recommend that USAID/Colombia determine and document which USAID-funded assets under its justice activities are unmarked and mark them, with special attention to the Medellin Victims' Assistance Center, where the mission should also ensure that the center documents the delivery of donated equipment and verify that all the donated items are being used as intended.*

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In

accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

Recommendation 10: *We recommend that USAID/Colombia establish a plan for conducting training on inventory control, branding, and marking with the upcoming justice program.*

The mission concurs with this recommendation and has provided documents and additional information in follow-up to the field work and in demonstration of its good faith efforts to fulfill the terms and intent of this recommendation in advance of formal issuance of the report. In accordance with consultations and agreements reached with the audit team since the field work, the mission understands that it has fully addressed this recommendation, provided sufficient evidence to the audit team of compliance, and that the recommendation will be closed upon issuance of the report.

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