

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:	<p>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.</p>	
Description:	<p>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.</p>	

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 MIJ) 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.