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Summative Evaluation of the Project  
“Gender in the Criminal Justice  
System: Exploring Evidence-Based  
Alternatives to Incarceration for  
Drug-Related Offenses 2018-2021”

**FINAL REPORT**

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## CONTENTS

Abbreviations, Acronyms and Symbols .....	iii
Executive Summary .....	iv
1. Introduction .....	1
2. Background .....	2
2.1 Project Context .....	2
2.1.1 The World Drug Problem .....	2
2.1.2 Gender Imbalances .....	3
2.2 Project Approach and Expected Outcomes .....	4
2.2.1 Approach .....	4
2.2.2 Expected Outcomes .....	5
3. Evaluation Framework and Methodology .....	6
3.1 Overview of the Summary Evaluation.....	6
3.1.1 Objectives of the Evaluation.....	6
3.1.2 Scope of the Evaluation .....	6
3.2 Approach to the Evaluation .....	7
3.3 Evidence-Gathering Methods .....	7
3.3.1 Desk Review .....	8
3.3.2 Key Informant Interviews .....	8
3.4 Evidence Validation and Analysis.....	9
3.5 Challenges and Limitations .....	9
4. Evaluation Findings .....	10
4.1 Relevance and Project Design.....	10
4.1.1 Relevance to OAS Priorities .....	10
4.1.2 Relevance to the Needs of Participating Member States .....	12
4.1.3 Relevance to Donor Priorities.....	13
4.1.4 Building-Block Approach to Project Design .....	14
4.1.5 Theory of Change and Logic Model .....	15
4.1.6 Key Deliverables .....	17
4.1.7 Results-Based Management Principles.....	21
4.1.8 Risk Analysis and Mitigation .....	21
4.2 Effectiveness .....	22
4.2.1 Current Status and Reach .....	23
4.2.2 Increasing Access to Evidence-Based Data and Concrete Recommendations .....	25
4.2.3 Building Awareness of the Need for Gender-Differentiated Strategies.....	29
4.2.4 Increasing Knowledge and Skills of Personnel.....	31
4.2.5 Enabling Factors and Potential Contribution to Impact.....	32

## CONTENTS (CONTINUED)

4.3	Efficiency.....	34
4.3.1	Institutional Setup.....	34
4.3.2	Budgeting .....	35
4.3.3	Communications .....	36
4.3.4	Timelines.....	36
4.4	Sustainability.....	37
5.	Conclusions .....	38
6.	Recommendations .....	39
7.	Lessons Learned and Good Practices .....	40
7.1	Lessons Learned.....	40
7.2	Good Practices.....	40
	Appendix 1 – Terms of Reference .....	43
	Appendix 2 – Evaluation Matrix.....	51
	Appendix 3 – List of Documents Reviewed .....	58
	Appendix 4 – List of Informants Interviewed .....	62
	Appendix 5 – Protocol for Key Informant Interviews .....	63
	Appendix 6 – Parties Interviewed during the Field Visits Made by the Project.....	68
	Appendix 7 – Data Collection Instruments Developed by the Project.....	69
	Appendix 8 – Preliminary Data on Project Reach and Outcome .....	100

## ABBREVIATIONS, ACRONYMS AND SYMBOLS

ACCBP	Anti-Crime Capacity Building Program
ATI	Alternative to incarceration
CAD	Canadian dollar
CICAD	Inter-American Drug Abuse Control Commission
CIM	Inter-American Commission of Women
DPMO	Department of Procurement Services and Management Oversight
DTC	Drug treatment court
ES-CICAD	Executive Secretariat of the Inter-American Drug Abuse Control Commission
GAC	Global Affairs Canada
GS/OAS	General Secretariat of the Organization of American States
IACHR	Inter-American Commission on Human Rights
ICC	Counter-Terrorism and Anti-Crime Capacity Building Programs
ICD	Instituto Costarricense sobre Drogas (Costa Rican Institute on Drugs)
ISU	Institutional Strengthening Unit
KII	Key informant interview
LGBTI	Lesbian, gay, bisexual, trans and intersex
M&E	Monitoring and evaluation
MoU	Memorandum of Understanding
NCDA	National Council on Drug Abuse
OAS	Organization of American States
OID	Inter-American Observatory on Drugs
ONDP	Oficina Nacional de Defensa Pública (National Office of Public Defense)
PMF	Performance measurement framework
RBM	Results-based management
SEDRONAR	Secretaría de Políticas Integrales sobre Drogas (Secretariat of Comprehensive Policies on Drugs)
SMS	Secretariat for Multidimensional Security
ToC	Theory of Change
TSJ	Program of Treatment under Judicial Supervision
UNEG	United Nations Evaluation Group
USD	United States dollar

## EXECUTIVE SUMMARY

### Background

The world drug problem fuels violence, corruption and income inequality, inhibits legitimate social and economic activity, poses a serious threat to public health and international peace and security, and undermines women's empowerment and gender equality. Gender generally features in discussions on the drug problem, but very few of the responses or interventions that tackle the consequences of drugs include tangible components and solutions that address gender imbalances in access to justice and services, and other issues that negatively impact men and women. There is therefore increased recognition that policy options in this area need to be gender responsive. This is especially true of treatment alternatives to incarceration (ATIs) for drug-dependent offenders that involve diverting substance-abusing offenders from prison and jail into treatment and rehabilitation.

With the financial aid from the Government of Canada, through its Anti-Crime Capacity Building Program (ACCBP), the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project ties into the commitment made by the Executive Secretariat of the Inter-American Drug Abuse Control Commission (ES-CICAD)—an agency of the Organization of American States (OAS)—to support, through its Institutional Strengthening Unit (ISU), the development and implementation of ATIs for drug-dependent offenders while placing a special emphasis on gender. To this end, the project allowed the design of studies aimed at identifying and analyzing points of entry into the judicial system and better grasping the particularities and gender dimensions that may influence the commission of drug-related offenses. The project brought together five beneficiary member states of the OAS (i.e., Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica) as well as operators in the justice, social, health sectors and civil society to build awareness, skills and understanding of the promotion of ATI options and services for women, men, and lesbian, gay, bisexual, trans and intersex persons who commit drug-related offenses, all in order to support the improvement of legislation, policies and practices regarding the implementation of gender-sensitive ATIs.

### Purpose and Scope of the Evaluation

This summative evaluation was carried out between December 23, 2021, and March 30, 2022, by a single evaluator whose mandate was to provide an independent assessment of the main achievements and results of the project; to share relevant findings with both the General Secretariat of the OAS (GS/OAS) and the donor, Global Affairs Canada (GAC); and to identify key lessons learned and recommendations. Evidence from two lines of inquiry (a desk review and key informant interviews) was triangulated and assessed to draw the main findings outlined below.

### Findings: Relevance

The project's interventions are aligned with the mission of the Inter-American Drug Abuse Control Commission (CICAD) and directly support the OAS's *Hemispheric Drug Strategy*, which recognizes the multidimensional nature of the drug problem and the importance of supporting beneficiary countries in the adoption, as a means of preventing crime, of ATIs for drug-related offenders that are mindful of gender dynamics. The project was flexible and adopted a culturally adapted perspective consistent with the beneficiary countries' national, legal and administrative systems. Participating member states regard the project as being highly relevant and well aligned with their priorities and with current efforts invested in the design or consolidation of ATI options and services that are gender sensitive and non-discriminatory. The project is also well aligned with the ACCBP's overall mandate to enhance the capacity of key beneficiary states to prevent threats associated with criminal activities in the Americas. To this end, the project focuses on interventions that increase awareness and build understanding of the promotion of ATIs for drug-related offenders, which in turn supports Global Affairs Canada's efforts to promote

## EXECUTIVE SUMMARY (CONTINUED)

justice, ensure security, improve global prevention, reduce threats posed by criminal activities, and combat transnational crime impacting Canada, all the while fitting into the broader framework of Canada's Feminist International Assistance Policy.

### Findings: Effectiveness

The project design called on a building-block approach to set up all the prerequisites needed to secure the buy-in and commitment of stakeholders in beneficiary countries. This approach has been conducive to both the development of strong institutional relationships with magistrates, judges and other judicial officers, and networking with multisectoral representatives (health and social services, civil society) in the five participating member states. The project is built around an implicit Theory of Change (ToC) that is both clear and appropriate in its depiction of the proposed objectives and interventions. Overall, the project adopted a comprehensive and sound approach to build the awareness, understanding, knowledge and skills of policymakers in the beneficiary countries, as well as operators in the justice, social and health sectors and civil society to support the promotion of gender-sensitive ATI options and services. The project delivered gender sensitization workshops and in-person or online training activities of consistently high quality that have helped participants gain expertise, acquire skills, access tools and explore mechanisms to assess how sensitive their criminal justice systems were to gender and instill a change of mindsets, in support of the adoption of gender-differentiated approaches to ATIs. Multisectoral and multi-country training opportunities (reaching a total of 138 participants), information sharing between beneficiary countries, and attendance at international fora have all provided a good platform to learn from experiences, develop relationships, and foster both national multisector cooperation and dialogue with OAS member states, with a view to giving more consideration to gender-responsive ATIs for drug-related offenses.

The project engaged in various activities to generate a series of planned key outputs, and, at this point in time, over 80% of these outputs have been fully achieved comparatively to less than 20% who have been partially achieved. Data collection efforts in all beneficiary countries but Colombia (which opted for a different methodology building on existing data) have allowed the project to assemble a first-ever comprehensive set of gender-disaggregated socio-economic data containing 57,330 separate pieces of information on existing relationships between the commission of criminal offenses and drug use, while also underlining the value of compiling such data to inform and promote the use of gender-responsive ATIs. On the whole, project interventions have directly reached 1,022 individuals, including 735 defendants interviewed in court (10% female) and 287 criminal justice operators, policymakers and other intermediaries (72% female).

The diagnostic studies and compendium of promising practices on ATIs with a gender perspective are two key project deliverables, derived from a meticulous, systematic, consultative and highly participative process aimed at informing practices, policies, laws and interventions needed to support the implementation of gender-sensitive ATIs. Delays in implementation caused by changes in government or personnel turnover in the beneficiary countries, coupled with the occurrence of the COVID-19 pandemic, have had repercussions on both the completion of diagnostic studies and the compendium, and the dissemination of recommendations drawn from the diagnostic studies and designed to trigger policy changes curtailing gender discrimination in the delivery of ATIs. These delays have led to the decision to grant a no-cost extension to March 2022. As the project is going through the final steps of completing the diagnostic studies and having them validated by country stakeholders, it remains confident that the ensuing material will adequately support the production of the compendium, currently scheduled for issuance in March 2022.

## EXECUTIVE SUMMARY (CONTINUED)

### Findings: Efficiency

Indications from the desk review suggest that project implementation was cost efficient, and that sufficient financial and human resources were allocated to allow the full delivery of planned interventions. A review of the breakdown of cash contribution finds that the largest activity (CAD 313,800; 31.4% of the overall envelope) had to do with the diagnostic study and follow-up in each country, which played a pivotal role in sensitizing justice operators and building their capacity, and in supporting the collection of evidence-based data to foster the promotion of gender-sensitive ATIs.

### Findings: Sustainability

The project has laid a solid foundation for sustainability by providing a holistic package of support (awareness and capacity building) and technical assistance that addresses national priorities and engages a wide spectrum of stakeholders from the justice, health and social sectors. Already, the project has met some of the requisite conditions for ensuring the durability of its results, such as the provision of evidence-based information and analyses to inform policies and practices on ATIs for the benefit of beneficiary countries; enhanced capacity and research expertise to identify gender gaps; a mobilization of stakeholders around the issue of gender; and stronger dialogue and formal commitment on how to introduce and/or consolidate a gender-differentiated approach within the criminal justice systems of beneficiary countries. However, because research findings are not the only factor weighing on an institution's existing policies or favoring the adoption of new policies, any potential offspring of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project will need to pay attention to other aspects, such as implementation timelines, follow-up aimed at gauging impact on policies and practices, and development of a phase-out strategy clearly outlining roles and responsibilities—all considerations deemed critical to securing the sustainability of future intervention.

### Lessons Learned

- In an initiative as ambitious as the ES-CICAD project, and even more so in the face of challenging events such as the outbreak of COVID-19, it is easy to underestimate how much time and dialogue are needed to reach agreements with country representatives; validate methodologies and data collection instruments; recruit local research teams and assemble institutional coordination teams in each country; and identify participants in research studies. Hence the importance of ensuring that sufficient time and resources are provided for planning activities as part of the project timeline.
- For projects that involve several countries, having a multisectoral and multi-country training opportunities early in the project provides a good platform to develop relationships and foster multisector cooperation (within a country) and horizontal cooperation (between countries).
- Sensitizing judicial officers and operators to gender issues in the criminal justice system can prove to be a long-term undertaking whose results hinge on continued efforts and investments on the part of donors and multilateral agencies.
- There is much value-added to the conduct of diagnostic studies, as this type of research can gather and disseminate useful information to actors operating both within and outside the judicial system, including perhaps men and women coping with substance use who become involved with this system.



## EXECUTIVE SUMMARY (CONTINUED)

### Recommendations

1. *With respect to post-project follow-up* – Given the strategic approach taken by the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project and the little time left to complete and validate key research outputs and transition to recommendations aimed at advising policymakers, it would be advisable to plan some form of post-project follow-up action, with a view to determining whether the project has had any impact on policies or practices related to gender-responsive ATIs and identifying which outstanding country needs would require further attention to get the work done. Regardless of the scope and nature of this follow-up action, ES-CICAD should stay in touch with individuals and units involved in the project and contact them regularly (at least once every three months) as this could, at minimum, add impetus to sustained efforts aimed at integrating a gender perspective into ATIs and perhaps even set the stage for future alliances in support of next-generation initiatives.
2. *With respect to further support* – In a general sense, ES-CICAD should continue to support gender sensitization and capacity building as these are critical to instilling an enduring change in mindsets regarding the adoption of gender-differentiated approaches to ATIs, which, in turns helps to promote a more humane and effective response to minor drug-related offenses; reduce the negative impacts of incarceration on low-level offenders; provide sentencing that is commensurate with the offense committed; maintain the idea of proportionality; and treat criminal punishment as a strategy of last resort for minor offenders.
3. *With respect to a potential second phase* – If further support from ES-CICAD comes in the form of a second phase to the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project, then consideration should be given to leaving room for a dialogue with country stakeholders regarding the funding and human resource implications of defining a sustainability plan and phase-out or exit strategy that spell out the commitments of government stakeholders as well as their roles and responsibilities in supporting the replication and/or scale-up of interventions beyond project completion.
4. *With respect to timelines* – Measures should be taken to ensure that the timelines associated with any future initiative aimed at supporting research leave in sufficient time to comfortably engage in dialogue with country stakeholders; discuss the methodology and identify any adjustments needed to existing technical capacities; allocate human and financial resources commensurate with the needs; and agree on which expected outcomes to prioritize and on what can be realistically done to have an enduring impact. Lessons learned from the ES-CICAD project experience indicate that such considerations may justify extending the timelines to allow key deliverables to be achieved at a smooth pace and in a proper sequence.
5. *With respect to design* – As a means of securing stakeholder buy-in, consideration should be given, at the initial design stage of any future initiative, to provide a ToC in the form of a simplified diagram that the project team may use to present the initiative to stakeholders, with a view to building a common understanding of what it is trying to achieve and how it intends to do so.
6. *With respect to monitoring and evaluation, and results-based management* – Any future initiative should consider adding qualitative indicators to the performance measurement framework (PMF), as a means of assessing learning outcomes as well as the degree to which knowledge and practices have been applied by project stakeholders to facilitate the adoption of enhanced practices aimed at more effectively including a gender perspective in ATIs for drug offenders.

## EXECUTIVE SUMMARY (CONTINUED)

7. *With respect to research sampling* – If ES-CICAD chooses to pursue evidence-based research focusing on gender in the criminal justice system, then this research should specifically target women (who, compared to men, make up a much smaller proportion of the population involved in the system), and resort to purposive sampling methods to generate datasets that are more representative of the experiences of female defendants and/or consider less labor-intensive method that requires high levels of inter-institutional coordination within participating member states.
8. *With respect to knowledge management* – ES-CICAD should consider adding to the ISU website a repository in which it could centralize tools, guidance and statistics assembled over the course of current and future initiatives dealing with gender-differentiated approaches to ATIs, as this would grant users (including country stakeholders who could be sent a link to the repository) easy access to a rich body of knowledge while giving OAS member states involved or interested in developing ATIs an opportunity to draw evidence from CICAD research, with a view to improving their understanding of and boosting their motivation to join other countries' efforts to develop ATIs.

# 1. INTRODUCTION

This report presents the findings of a summative evaluation of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project. The latter is an initiative of the Executive Secretariat of the Inter-American Drug Abuse Control Commission (ES-CICAD), Secretariat for Multidimensional Security (SMS) of the Organization of American States (OAS). Funding for this initiative is supplied by the Government of Canada, through its Anti-Crime Capacity Building Program (ACCBP), by means of a budgetary contribution of CAD 999,080. Initially designed as a three-year initiative to be implemented between 2018 and 2020, the project has been granted a no-cost extension allowing it to span over five Canadian fiscal years, with a revised end-of-activities date set to March 31, 2022.<sup>1</sup>

The *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project brings together five member states of the OAS (i.e., Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica), as well as operators in the justice, social and health sectors, to build awareness and understanding of the promotion of alternative to incarceration (ATI) options and services for women, men, and lesbian, gay, bisexual, trans and intersex (LGBTI) persons who commit drug-related offenses. As such, the project intends to improve cooperation between different sectors and civil society, with a view to developing information-gathering methodologies aimed at identifying potential gaps in the judicial system and better grasping the particularities and gender dimensions that may influence the commission of drug-related offenses, all in order to contribute to the design of policies and legislation in this area with a gender perspective. To this end, the project seeks to provide concrete recommendations to improve the delivery of ATI options for men, women and transgender individuals, based on the findings of a diagnostic study and on good practices compiled in a compendium. Interventions are also carried out to make personnel in beneficiary countries more aware of gender-differentiated strategies for drug-related offenders; and to acquire new knowledge and skills allowing them to identify, apply and monitor ATIs addressed at men, women and transgender drug-related offenders and incorporating human rights and gender-responsive practices.

The summative evaluation was carried out between December 23, 2021, and March 30, 2022, by a single evaluator whose mandate was to provide an independent assessment of the main achievements and results of the project; to share relevant findings with both the OAS and the donor; and to make recommendations and identify critical lessons learned from the experience of the five countries involved in the project. The evaluation was also commissioned to provide strategic thinking on specific issues, such as the relevance, coherence and main achievements of the project; efficiency and sustainability of project interventions; and lessons learned and good practices embraced at the design and implementation stages. In addition, the evaluation was expected to inform future strategic decision-making at the OAS; clarify concepts for further programming possibilities; and highlight learning achieved throughout the project cycle. Finally, the evaluation was meant to supply beneficiary countries and ES-CICAD with insights on future steps to consolidate work done so far, which could prove useful to adapt country strategies and initiatives.

The intended audience for this summative evaluation consists primarily of the ES-CICAD project team; the Department of Procurement Services and Management Oversight (DPMO), General Secretariat of the Organization of American States (GS/OAS); and the donor (Global Affairs Canada (GAC)). Other potential

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<sup>1</sup> The end-of-activities date is typically different from the reporting date to allow time for reporting. At the time of writing these lines, the end-of-activities date for this project was March 31, 2022—with the donor (Global Affairs Canada) being in the process of approving a one-month extension to April 29, 2022—, whereas the final report was due by the end of June 2022, and the expiry date of the contribution arrangement was set to the end of September 2022.

users of evaluation findings include participating OAS member states, and other interested parties that support the development of ATIs.

The remainder of this report is structured into seven chapters. These describe the overall context and the key features of the project (Chapter 2); outline the objectives and scope of the summative evaluation and describe the framework and methodology used to conduct the study (Chapter 3); discuss the various findings of the evaluation (Chapter 4); state a general conclusion (Chapter 5); set out recommendations to consider for future programming (Chapter 6); and list lessons drawn from the project's experience (Chapter 7). This report also contains several appendices that supplement the information contained in the main body of the text.

## 2. BACKGROUND

### 2.1 Project Context

#### 2.1.1 The World Drug Problem

The world drug problem constitutes a global challenge that negatively affects the public health, security, human rights, environment and well-being of all humanity. It also undermines sustainable development, judicial systems, political and economic stability and democratic institutions, posing representing a threat to international peace and security, democracy, good governance and the rule of law.<sup>2</sup>

Over the past decades, many countries from Latin America and the Caribbean have introduced harsh criminal penalties and punitive approaches as means of responding to the problems of drug abuse and associated offenses. This strategy resulted in large numbers of men and women being imprisoned for drug-related offenses, ranging from simple possession and low-level distribution to low-level cultivation or production.<sup>3</sup> The lack of proportionality in sentencing policies<sup>4</sup> has contributed to increasing rates of incarceration in some member states of the OAS. In other instances, the excessive use of pre-trial detention for drug offenses<sup>5</sup> has also contributed to increasing incarceration rates, thus aggravating the prison overcrowding problem that a number of countries are already facing in the region. Moreover, the spread of COVID-19 has greatly impacted the judicial system, resulting in an increase in the use of pre-trial detention.<sup>6</sup>

Evidence suggests that the emphasis on criminal justice and law enforcement has only yielded mixed results at substantial costs.<sup>7</sup> This finding has triggered a policy shift recognizing that drug dependence phenomena are public health issues, rather than simple criminal acts, and underlining that it would be preferable to put greater emphasis on the public health dimension and place more focus on the socio-

<sup>2</sup> Inter-American Drug Abuse Control Commission. (2020). *Hemispheric Drug Strategy 2020*. Approved at the CICAD Sixtieth-Eighth Regular Session: Bogotá, Colombia, December 9-11, 2020. Organization of American States.

<sup>3</sup> Global Affairs Canada. Capacity Building Programs Divisions. (2017). *Gender in the Criminal Justice Systems: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Project Proposal and Approval Document*. Project file no. 2017-417. Submitted by the General Secretariat of the Organization of American States, Secretariat for Multidimensional Security, Executive Secretariat of the Inter-American Commission Against Drug Abuse.

<sup>4</sup> Global Affairs Canada. Capacity Building Programs Divisions. (2017). *Idem*.

<sup>5</sup> Castro, T.G. (2019). *Pretrial Detention in Latin America: The Disproportionate Impact on Women Deprived of Liberty for Drug Offenses*. Women, Drug Policy and Incarceration: Policy Brief. Advocacy for Human Rights in the Americas.

<sup>6</sup> Penal Reform International. (2021). *Global Prison Trends 2021*. Penal Reform International, and Thailand Institute of Justice.

<sup>7</sup> United Nations Task Force on Transnational Organized Crime and Drug Trafficking as Threats to Security and Stability. (2014). *A Gender Perspective on the Impact of Drug Use, the Drug Trade, and Drug Control Regimes*. Policy Brief. UN Women.

economic consequences of the problem. Evidence of this policy shift within member states translated into the development of ATIs currently implemented,<sup>8</sup> such as drug treatment courts (DTCs), re-entry and community court models, or diversion programs. These are grounded in existing evidence-based studies showing that approaches of this nature are successful when correctly applied.<sup>9</sup>

### 2.1.2 Gender Imbalances

The world drug problem is known to undermine women's empowerment and gender equality. Although gender generally features in discussions on the drug problem, very few of the responses or interventions tackling the consequences of drugs actually include tangible components or solutions that address gender imbalances in access to justice and services and other issues that negatively impact men and women.<sup>10</sup> According to a policy brief on gender and drugs published by the United Nations Task Force on Transnational Organized Crime and Drug Trafficking,<sup>11</sup> even though men continue to make up the large majority of those using or trafficking drugs, women's participation in the drug trade and drug consumption is on the rise in the hemisphere and worldwide, especially among women who lack education or economic opportunity. The United Nations estimate that, in 2018, 35% of female prisoners worldwide were incarcerated for drug offenses, compared to 19% of male prisoners.<sup>12</sup> The primary drivers of the increase in women's imprisonment for drug offenses include mandatory pre-trial detention, disproportionate sentencing and mandatory minimum sentencing, as well as lack of access to ATIs. Several member states of the OAS have laws that leave no room for interpretation or forbid discretionary application, thus making it impossible to distinguish between varying degrees of involvement in the drug problem—particularly with regards to the identification of potential gender discrimination in the consideration of ATIs.

The background circumstances and reasons for women's involvement in the illegal drug markets are complex and frequently intertwined with violence, coercion and situations of vulnerability. According to the *World Drug Report 2018*, when women are brought into contact with the criminal justice system, it is often for drug-related offenses. In terms of sentencing, a higher proportion of women than men are sentenced for drug-related offenses. The *World Drug Report* also points to the disproportionate number of drug offenses imputed to women, compared to more serious crimes; the feminization of offenses and concomitant sharp increases in the number of women inmates; and the excessive burden being placed on the judicial system, particularly due to the number of minor drug-related offenses.

As the criminal justice system is predominantly designed to deal with male offenders, it is often ill-equipped to address women's particular backgrounds (e.g., care-providing responsibilities, history of violence or specific mental health care needs, drug dependency), and women may be placed in a situation of vulnerability and face gender-based stereotypes, stigma and social exclusion.<sup>13</sup> Furthermore, when women are persecuted for drug-related offenses, they tend to face the same challenges as they do in other circumstances, namely, a judicial system carrying punishment that neglects their particular

<sup>8</sup> ATIs are defined as any measure (whether legal reforms, strategies, programs or policies) intended to reduce criminal prosecution, limit the use of incarceration as a punishment, or decrease the time of actual deprivation of liberty in the event of incarceration for individuals who have committed drug-related offenses.

<sup>9</sup> Organization of American States. (2018). *ACCBP 2017-417: Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Narrative Report*. Implementation period covered: April 2018-30 June 2018. Submitted to Global Affairs Canada's Capacity Building Programs Divisions.

<sup>10</sup> Global Affairs Canada. Capacity Building Programs Divisions. (2017). *Idem*.

<sup>11</sup> United Nations Task Force on Transnational Organized Crime and Drug Trafficking as Threats to Security and Stability. (2014). *Idem*.

<sup>12</sup> United Nations Office on Drugs and Crimes. (2018). *World Drug Report 2018*. United Nations.

<sup>13</sup> United Nations Office on Drugs and Crimes. (2018). *Idem*.

circumstances as women. When imposed without including a gender perspective, prison sentences can lead to greater social exclusion and inequality, not only for the accused but also for their families.

The member states of the United Nations have agreed to certain instruments that recommend and call for proportionate sentencing, gender-specific measures for women in contact with the law for drug offenses, and ATIs—on the basis that countries should avoid criminalizing the most vulnerable. In addition, several international standards support and call for proportionate sentencing, gender-specific measures for women in contact with the law for drug offenses, and ATIs<sup>14</sup> (refer to Box 1). Given the disproportionate increase in imprisonment of women for drug-related offenses, sentencing should be matched with gender-sensitive alternatives to conviction or punishment, where appropriate, in line with these international standards (e.g., the Bangkok Rule).

### Box 1

#### International Standards Supporting Gender-Specific Measures

- *The Bangkok Rule – The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* recognize that many women, including those charged with or convicted of drug offenses, should not be in prison given the harmful impact of imprisonment (Rules 61, 62, 64).
- *The Tokyo Rule – The United Nations Standard Minimum Rules for Non-Custodial Measures* commits governments to reduce the unnecessary use of imprisonment through non-custodial measures and provide that pre-trial detention should be a measure of last resort.
- The *United Nations Convention on the Rights of the Child* (Article 3) requires children’s best interests to be assessed and considered as a primary consideration in all actions or decisions concerning them, which includes decisions about their mother’s imprisonment.

Source: Penal Reform International. (2016). *Reforming Criminal Justice Responses to Drugs*. 10-point plan.

The member states of the OAS have adopted a *Hemispheric Drug Strategy* and a *Hemispheric Plan of Action on Drugs* in which they agree to explore means of offering treatment, rehabilitation and recovery support services to drug-dependent offenders as an alternative to imprisonment and, in some cases, criminal prosecution. Likewise, the Foreign Ministers of OAS member states have signed the *Declaration of Antigua Guatemala “for a Comprehensive Policy Against the World Drug Problem in the Americas,”* which encourages member states, in accordance with their domestic laws, to continue strengthening measures and policies, including a gender perspective, as appropriate, to reduce overcrowding in prisons, while promoting greater access to justice for all, and establishing penalties that are reasonable and proportionate to the severity of the crime, and supporting alternatives to imprisonment.<sup>15</sup>

## 2.2 Project Approach and Expected Outcomes

### 2.2.1 Approach

A more humane, balanced approach to the drug problem and to drug control efforts requires drug policies that are both evidence-based and adapted to suit the specifics of each country. Such an approach is meant to understand how drug trade affects the security of women and men, comprehend why these people become involved in drug use and drug trafficking, and appreciate the experiences of people who seek access to justice for drug-related offenses or to social and medical services for drug use.

<sup>14</sup> United Nations Commission on Narcotics and Drugs. (2016). *Mainstreaming a Gender Perspective in Drug-Related Policies and Programmes*. Resolution 59/5. Fifty-ninth session, including a special segment on the preparation for the special session of the General Assembly on the World Drug Problem, Vienna, 14-22 March 2016. United Nations.

<sup>15</sup> Organization of American States. (2013). *Declaration of Antigua Guatemala “for a Comprehensive Policy against the World Drug Problem in the Americas.”* Adopted at the fourth plenary session, held on June 6, 2013, of the forty-third regular session of the OAS General Assembly.

Achieving the desired humane, balanced approach to the drug problem demands a gender-responsive strategy enabling the collection and use of sex-gender disaggregated data to support the development of legal systems that consider the differentiated needs and circumstances of women and men and avoid criminalizing the most vulnerable. Equally crucial is the need for gender-sensitive training that promotes an understanding of women's drug use and drug dependency, international standards, gender-specific mitigating circumstances, and the value of compiling sex-disaggregated data to inform and encourage the use of gender-responsive ATIs. A gender-sensitive approach should also consider the causes and pathways of women into illegal drug activities (i.e., drug dependency, involvement in illegal drug activities by obligation, fulfilment of caretaking activities, mental illness, etc.), to facilitate the introduction of gender-specific provisions aimed at supporting the reform of policies governing prison sentences, to make the latter more gender sensitive and advocate for ATIs for low-level drug-related offenses.

In line with recent thinking on these matters, the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project ties into ES-CICAD's commitment to support, through its Institutional Strengthening Unit (ISU), the development and implementation of ATIs for drug-dependent offenders while placing a special emphasis on gender. To this end, the project is allowing for the design of studies aimed at identifying and analyzing points of entry into the judicial system and collect baseline information—in collaboration with beneficiary countries—to assist drug authorities in improving their ability to track and report sentencing outcomes while enhancing their ability to disaggregate data by gender. The studies also seek to support the design of appropriate interventions or adjustments to current ATIs options while placing a special emphasis on gender. Furthermore, the project is working towards analyzing how sensitive criminal justice systems are to gender, including a specific examination of gender biases seen in various ATIs for low-level drug-related offenses.<sup>16</sup> Finally, through the delivery of sensitization and capacity-building activities to a wide spectrum of justice operators and other stakeholders, the project intends to unify concepts and theoretical aspects for the inclusion of a gender perspective in ATI; build awareness and understanding of the promotion of ATI options and services for women, men and LGBTI persons; and engage health/social services representatives and civil society actors in a joint effort to apply information-gathering methodologies aimed at identifying potential gaps in the judicial system and better understanding the particularities and dimensions of men, women and LGBTI persons that may influence the commission of drug-related offenses, all in order to contribute to the design of policies and legislation in this area that take on a gender perspective.

### 2.2.2 Expected Outcomes

The *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project has three main (i.e., intermediate-level) outcomes, namely an improved delivery of ATI options that are responsive to gender inequalities; an improved access to relevant services in the judicial system to reduce gender inequality; and a wider acceptance and application of ATI strategies that are gender sensitive in their approach by magistrates, judges, and other judicial officers. A more detailed discussion of the project's logic model can be found in Section 4.1.3.

<sup>16</sup> Organization of American States. (2019). *ACCBP 2017-417: Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Narrative Report*. Implementation period covered: April 2018-30 March 2019. Submitted to Global Affairs Canada's Capacity Building Programs Divisions.



### 3. EVALUATION FRAMEWORK AND METHODOLOGY

#### 3.1 Overview of the Summary Evaluation

##### 3.1.1 Objectives of the Evaluation

As the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project is coming to an end (in March 2022), the GS/OAS has commissioned this external evaluation to assess results that may inform the design and implementation of a potential next phase—should the decision be made to further extend the project—or of similar initiatives considered for future funding. The evaluation therefore combines formative and summative elements.

As set out in the Terms of Reference issued by the OAS (see Appendix 1), the summative evaluation of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project was meant to provide the GS/OAS and Canada, principally, with details and analyses allowing them to assess performance against the project's intended goal and objectives; and to identify good practices, key lessons, and recommendations that could improve the formulation, design, and implementation of similar interventions in the future. This was to be part of a greater effort made by DPMO to conduct formative and summative evaluations of projects and programs carried out by the GS/OAS. The latter has a vision of evaluations that seek not only to systematize and document the results of past or present project interventions, but also to capitalize on experiences in order to improve future project and program formulations or designs and institutionalize best practices in monitoring and evaluation (M&E) within the organization.<sup>17</sup> In this context, the overall objective of this consultancy was to evaluate the relevance, coherence, efficiency, effectiveness and sustainability of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project.

##### 3.1.2 Scope of the Evaluation

As indicated in the Terms of Reference found in Appendix 1, the summative evaluation was expected to perform the following:

- Identify the main achievements and results of the project.
- Determine the relevance of the project vis-à-vis the OAS's mandates and priorities in participating member states.
- Critically analyze the formulation, design and implementation of the project, and make recommendations as needed.
- Assess the sustainability of the project.
- Document lessons learned related to project formulation, design and implementation, with a view to a possible next phase of the project.
- Assess if and how the project addressed the cross-cutting issues of gender and to what results.

<sup>17</sup> Department of Procurement Services and Management Oversight. (n.d.). *External Evaluation of the Project "Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)"*. Terms of Reference for the project evaluation. Organization of American States.



- Assess the results of training supported by the project, using to the extent possible the Kirkpatrick Model.<sup>18</sup>
- Consider, as part of the evaluation, the effect of the COVID-19 pandemic on project implementation.
- Answer performance questions related to the Theory of Change (ToC), considering the application of results-based management (RBM) principles from the project's inception to its conclusion, as well as monitoring mechanisms.

## 3.2 Approach to the Evaluation

One of the most important principles to follow in any evaluation is to ensure that the process is inclusive and participatory. True to this principle, DPMO and the ES-CICAD project team were involved from beginning to end, throughout the process leading to the production of this report. Such a concern for inclusiveness and participation helped ensure that evaluation stakeholders—including the donor, country institutional teams, and project partners—were not only regarded as valued sources of information, but also given adequate space to reflect on their experiences and provide feedback and suggestions.

To fully address the information needs of the GS/OAS, the evaluation assessed each of its five critical elements—relevance, coherence, effectiveness, efficiency and sustainability—using a detailed set of learning questions and sub-questions that were measured against matching indicators, as spelled out in the comprehensive evaluation matrix featured in Appendix 2. The evaluator used this evaluation matrix to create tailored methods and instruments for each of two proposed lines of inquiry (discussed below), and develop a tool (called an “evidence matrix”) in which to store all useful pieces of information gathered from various sources using these methods and instruments.

The consultancy was carried out in conformity with current international evaluation standards, including the standards and code of ethics established by the OAS, as well as the norms and standards issued by United Nations Evaluation Group (UNEG). The evaluation took special steps to protect any personal data obtained from informants, and work collaboratively with the ES-CICAD project team to review the evaluation design and methodology, fine-tune key learning questions, and validate findings drawn from the examination of evidence on hand. Measures were also taken, within the resources available, to ensure the evaluation was evidence-based and utilization-focused. Stakeholder participation was sought and incorporated into the evaluator's understanding of information collected, analyses performed, conclusions presented, recommendations made, and results disseminated.

Lastly, the evaluation paid special attention to COVID-19, its related effects, and measures adopted by the project to mitigate challenges raised by the pandemic. Specifically, the fact-finding phase of the evaluation took into account the impact of COVID-19 on ES-CICAD country-level project interventions.

## 3.3 Evidence-Gathering Methods

To carry out the consultancy in the short period allocated (i.e., 30 non-consecutive days plus limited lead time during the Christmas season), the evaluator relied on a mixed method design involving only two lines of inquiry, namely a desk review and key informant interviews (KIIs). All of the evidence gathered through these means was assessed in light of the detailed questions, sub-questions and indicators listed in the evaluation matrix. By analyzing and triangulating this sum of evidence, the evaluator was able to draw the

<sup>18</sup> The Kirkpatrick Model is a globally recognized method of evaluating the results of training and learning programs. It assesses both formal and informal training methods and rates them against four levels of criteria: reaction, learning, behavior, and results.

findings, identify the good practices and lessons learned, and make the recommendations outlined herein.

### 3.3.1 Desk Review

The desk review for this evaluation was conducted in two rounds. First, an initial document review was undertaken during the preparation phase of the evaluation, serving to provide key background information to help inform subsequent work and identify gaps in existing knowledge and sources of information. This allowed an examination of key project milestones, with special attention to the domestic legal context of each beneficiary country and its potential influence on the project. The first round of the desk review was launched late in 2021 (i.e., December 29) and supplied the evaluator with useful evidence to draft an inception report, develop of an evaluation matrix, and design customized evidence-gathering tools. Documents examined included, but were not limited to, strategic plans, concept notes, country project documents, annual reports up to March 2021 (the latest version available at that point), summary financial information, and the project's performance measurement framework (PMF). The second round of the desk review began shortly after submission of the inception report and ended with the drafting of the evaluation report. It focused primarily on research methodologies, databases assembled at the country level, documents related to the training sessions and workshops organized, as well as guidelines and tools developed to support the achievement of the project. Appendix 3 provides a list of key documents examined in either the first or the second round of the desk review.

### 3.3.2 Key Informant Interviews

To collect qualitative evidence needed to gain an understanding of the project's logic and interventions, as well as the extent to which the expected results had been achieved so far, the evaluator conducted 25 semi-structured interviews with selected individuals involved in key development or implementation activities. These one-on-one conversations were held with people from all over the Americas. Seven categories of informants took part in the KIIs, namely GS/OAS managers and members of the project team at ES-CICAD Headquarters (i.e., United States) and in the field; representatives from the donor (i.e., Government of Canada, through its ACCBP); representatives from participating OAS member states (i.e., Argentina, Colombia, Costa Rica, the Dominican Republic, Jamaica)—in particular officials from agencies responsible for the implementation of ATI policies and programs dealing with drug-related offenses who were involved in the project, as identified by the ES-CICAD project team—; representatives from country institutional teams working on the project; country-level coordinators and researchers; participants in training and workshops delivered over the course of the project; and experts and consultants appointed to the project. All 25 KIIs were conducted remotely, from the evaluator's home base in Canada, using the Zoom videoconferencing application<sup>19</sup> (see list of participants in Appendix 4). Each interview lasted approximately 45 to 60 minutes.

Appendix 5 shows the generic protocol that was used to interview each category of informants. This protocol was drawn from the evaluation matrix and reviewed beforehand by the GS/OAS. The evaluator used it as a guide to develop, prior to each KII, personalized questionnaires providing a list of open-ended questions and sub-questions, tailored to the specific role of each informant within the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project. Although all personalized questionnaires were originally drafted in English, most were translated into Spanish to allow to the conduct of KIIs with informants from Latin America who wished to converse in this language.<sup>20</sup> The evaluator put special care into adapting the wording of questions to accommodate

<sup>19</sup> One informant could not attend the Zoom session they had scheduled with the evaluator and instead filled out the interview questionnaire in writing.

<sup>20</sup> The evaluator commissioned for this consultancy was fluent in both English, Spanish and French.

different types of recipients and situations, and into customizing questions to address elements specific to the country or component in which informants were personally engaged.

### 3.4 Evidence Validation and Analysis

After completing the evidence-gathering work, the evaluator examined and cross-referenced all relevant information supplied by the desk review or the KIIs, and took on the task of answering the evaluation questions while ensuring the empirical validity of evidence on hand. This effort required the integration of strategic elements transpiring from both lines of inquiry, and provided the necessary material to identify and formulate the findings, lessons learned, emerging good practices, and conclusions and recommendations discussed in this report. All findings and conclusions outlined herein were solely derived from an analysis of evidence drawn either from the desk review or from interviews with stakeholders involved in the project. Evidence gathered from participants in the KIIs was systematically validated at the end of each interview, to ensure that the correct information had been collected and that nuances had been properly understood by the evaluator. The ES-CICAD project team was also given an opportunity to review and validate broad-level evaluation findings and conclusions prior to the finalization of this report.

### 3.5 Challenges and Limitations

The following challenges and limitations were faced over the course of this consultancy. Readers are advised to take these into consideration when making their own opinion on the project's results and achievements, based on their interpretation of the information and views outlined in this report:

- *Timing of the evaluation and access to up-to-date information* – The capacity of the evaluator to generate a full body of evidence was limited by the fact that up-to-date information on the project could not be found or only became available at the very tail end of the consultancy.<sup>21</sup> This is largely due to the timing of the evaluation, which had to move forward even though the project was still under way (following the granting of an extension to March 2022), key project outputs were still being finalized at the time of the evaluation,<sup>22</sup> and plans had already been made by the project to issue its final progress report in June 2022 (i.e., after the completion of this evaluation).<sup>23</sup> In the face of such constraints, the evaluation can only give a partial picture of the project's results and achievements, current to the beginning of March 2022. In due time, if it wishes to get a more complete story on the project, the OAS will need to assemble additional evidence to supplement the contents of this report, with the help of the ES-CICAD project team and, preferably, under the guidance of an independent evaluator as this could potentially change some of the findings discussed herein.
- *Timelines* – Due to the highly constraining nature of timelines set for this evaluation, the evaluator could not envisage setting up an electronic survey to canvass the full array of project

<sup>21</sup> For instance, as this report was being drafted, the evaluator continued to receive updates on preliminary data regarding the project's reach and outcome. Similarly, at the time of the evaluation, the latest version of the annual report issued by the project was that discussing progress achieved between April 1, 2020, and March 31, 2021. In the absence of a more recent edition, the evaluator had to rely on the KIIs to fill information gaps on progress achieved since April 1, 2021.

<sup>22</sup> For instance, as this report was being drafted, the evaluator was informed of upcoming activities scheduled for March 2022, including the presentation of guides and project results with technical-level stakeholders in selected countries, and sensitization efforts on gender and drug-related offenses in other countries.

<sup>23</sup> ES-CICAD wishes to point out that, as per contribution arrangement, this external evaluation was part of the project activities, and funds assigned to it also had to be incurred before the end-of-activities date of March 31, 2022. Therefore, the timing of the evaluation could not be pushed forward, even as the end-of-activities date was extended to March 31, 2022, hence the strict timeline set forth in the evaluation Terms of Reference.

stakeholders. To compensate, a robust program of KIIs was designed and carried out. This was achieved with the precious collaboration of the ES-CICAD project team, who identified an adequate number of potential participants and provided valid contact information to facilitate the scheduling of Zoom discussions. Fortunately, country officials selected for the KIIs responded without delay to a formal invitation sent to them by the evaluator, which greatly simplified the planning and conduct of remote interviews. Ultimately, this effort led to a broad spectrum of stakeholders being interviewed and to a sufficient large body of empirical evidence being gathered to draw well-informed findings and inspire actionable recommendations (notwithstanding the above caveat regarding timing of the evaluation and access to up-to-date information).

- *Evidence of impact* – Considering the delays experienced in project timelines and project implementation and the repercussions of COVID-19 (discussed later in this report), and in light of the decision to grant a project extension to March 2022, the evaluator acknowledges that the findings discussed herein focus primarily on project outputs and immediate outcomes rather than on higher-order results (see Section 4.1.3 for a discussion of the project’s logic model). Still, the evaluation spared no effort to assess progress towards achieving intermediate outcomes and, where at all possible, seek and report indications of project impact. However, because evidence of contribution to impact proved to be inherently difficult to find, let alone measure, it was impossible to thoroughly assess any such contribution.

## 4. EVALUATION FINDINGS

This section outlines the major findings stemming from the review of evidence gathered during the evaluation process. Information provided by the desk review and insights supplied by key informants have been triangulated and were central to the development of these findings. Text boxes highlighting key findings are found at the beginning of selected sections. Quotes from the KIIs have also been inserted to illustrate some of the findings.

### 4.1 Relevance and Project Design

#### 4.1.1 Relevance to OAS Priorities

##### Key Findings

The project’s interventions are aligned with the mission of CICAD and directly support the *Hemispheric Drug Strategy*, which recognizes the multidimensional nature of the drug problem and the importance of supporting beneficiary countries in the adoption, as a means of preventing crime, of ATIs for drug-related offenders that are mindful of gender dynamics.

Multilateral efforts to tackle the drugs issue date back to the adoption of three United Nations conventions on international drug control, namely the *Single Convention on Narcotic Drugs of 1961*, the *Convention on Psychotropic Substances of 1971* and the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988*.<sup>24</sup> Pursuant to these conventions, the OAS member states established a system of penalties relating to the possession, selling and trafficking of drugs. As the drug problem kept growing, convictions have led to increasingly longer prison sentences

<sup>24</sup> United Nations Office on Drugs and Crimes. (2013). *The International Drug Control Conventions. Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol; Convention on Psychotropic Substances of 1971; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (with final acts and resolutions)*. United Nations.

that are not always commensurate with the offense committed and the associated threat posed to human health or public safety.

In May 2010, through the Inter-American Drug Abuse Control Commission (CICAD), the member states of the OAS approved the *Hemispheric Drug Strategy*.<sup>25</sup> This document recognized that the world drug problem, including its political, economic, social and environmental costs, constitutes a complex, dynamic and multi-causal phenomenon that presents a challenge to States and their governments. Furthermore, it stated that “the world drug problem constitutes a global challenge that negatively impacts on the public health, security and well-being of all humanity as well as undermines the bases of sustainable development, the judicial systems, political and economic stability and democratic institutions, representing a threat to security, democracy, good governance and the rule of law.”<sup>26</sup> The *Hemispheric Plan of Action on Drugs* was subsequently adopted and updated (with versions for the 2010-2015 and 2016-2020 periods, respectively), pointing out that drug issues require a comprehensive, balanced, multidisciplinary and evidence-based approach that takes into account the causes of the problem, in full respect of human rights and fundamental freedoms.<sup>27</sup>

Evidence from the desk review and the KIs indicates that interventions carried out by the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project are fully aligned with, and support, both Core Principle no. 13 stated in the latest version of the *Hemispheric Drug Strategy*,<sup>28</sup> and Institutional Strengthening Objective no. 4 stated in the *Hemispheric Plan of Action on Drugs, 2021-2025*,<sup>29</sup> as they explore means of offering treatment, rehabilitation and recovery support services to drug-dependent offenders as an alternative to imprisonment and (in some cases) criminal prosecution. Project-related collaboration with country-level judicial officers and operators also promotes the importance of applying gender consideration in the criminal prosecution of drug offenders. Furthermore, the project contributes to the development and implementation of national drug-related policies and legislation that are evidence-based, by encouraging the collection of key gender-disaggregated data and analyses aimed at facilitating the completion, in each beneficiary country, of a diagnostic study designed to inform and support the design of appropriate interventions—or the adjusting of existing ATIs for drug-related offenses—with a focus on men, women and transgender individuals. Finally, the project’s interventions reflect the priorities of the OAS,<sup>30</sup> including the organization’s *Hemispheric Plan of Action on Drugs* that supports the beneficiary countries in their drug control efforts and explicitly recognizes both the multidimensional nature of the drug problem and the importance of adopting a gender-differentiated approach.

<sup>25</sup> Inter-American Drug Abuse Control Commission. (2009). *Hemispheric Drug Strategy*. Approved by CICAD at its forty-seventh regular session (May 2010). Organization of American States, Secretariat for Multidimensional Security.

<sup>26</sup> Inter-American Drug Abuse Control Commission. (2020). *Idem*.

<sup>27</sup> Inter-American Drug Abuse Control Commission. (n.d.). *Hemispheric Plan of Action on Drugs, 2016-2020*. Approved at the CICAD Sixtieth Regular Session: Nassau, The Bahamas, November 2-4, 2016. Organization of American States.

<sup>28</sup> This principle read as follows: “Member states design, adopt, and implement alternatives to incarceration for minor or non-violent drug-related offenses, with a gender, age and cultural perspective, in accordance with their national, constitutional, legal, and administrative systems, and relevant and applicable international instruments, as well as respect for human rights.” Source: Inter-American Drug Abuse Control Commission. (2020). *Idem*.

<sup>29</sup> This objective reads as follows: “Design, adopt, and implement alternatives to incarceration for minor or non-violent drug or drug-related offenses, while taking into account national, constitutional, legal, and administrative systems, and in accordance with relevant international instruments.” Source: Inter-American Drug Abuse Control Commission. (n.d.). *Idem*.

<sup>30</sup> It should be noted that the OAS has also reaffirmed its commitment to the Inter-American Commission on Human Rights (IACHR), which advocates for justice and defends freedom throughout the Americas.

#### 4.1.2 Relevance to the Needs of Participating Member States

##### Key Findings

Participating Members States regard the project as being highly relevant and well aligned with their priorities and with current efforts invested in the design or consolidation of ATI options and services that are gender sensitive and non-discriminatory.

In all participating member states of the OAS, stakeholders are well aware that drug consumption, both legal and illegal, is a latent issue that represents a serious public health problem whose negative consequences affect not only individual drug users, but also their families and societies as a whole. Unsurprisingly, therefore, countries participating in the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* have an interest in seeking different alternatives to provide a timely response to the drug situation.

Evidence from the KIIs indicates that all stakeholders consider the project to be highly relevant and well aligned with the priorities of participating member states, more specifically regarding their justice needs and priorities and their current efforts invested in designing ATI options and service that are gender sensitive and non-discriminatory.

One stakeholder pointed out that the inclusion of such an approach reflects a central principle and a fundamental element of the OAS *Hemispheric Drug Strategy*, namely the adoption of ATIs for non-violent drug-related offenses following a gender, culturally adapted perspective and in accordance with national, legal and administrative systems.

*"I believe that any democratic country must grant the right to all minorities and majorities to access justice and must apply a differentiated and gender perspective, from the entrance to the exit point of the judicial process."*

The vast majority of stakeholders interviewed for this evaluation underlined the value of efforts aimed at sensitizing officials, justice operators and other stakeholders to, and making them more aware of, notions associated with the gender perspective and with the importance of applying gender consideration in the criminal prosecution of drug offenders, as these efforts help clarify both gender concepts and the approach to gender taken by government agencies and social partners. For their part, other participants in the KIIs identified dialogue and sharing between countries, capacity building, and extending the scope of action to other stakeholders (e.g., health, security, civil society) as being important, very pertinent factors.

Several of the sources interviewed stressed the highly relevant nature of the country diagnostic study, which aimed to capture a first-ever comprehensive set of gender-disaggregated socio-economic data from drug offenders, with a view to documenting the interactions between drug, crime, gender and ATIs. Informants also emphasized the project's valuable contribution to accessing current, accurate and credible information, as this marks a major step forward in efforts to discuss and identify ATI options and services for drug-related offenders and to strengthen interventions and collaborative responses across member state institutions.

Finally, a number of stakeholders conveyed that ATIs for drug-related offenders provided a more "humane and effective response to drug-related offenses" and "reduced the negative impact of incarceration." Others, quoting the legal principle that punishment for a particular offense should be proportionate to the crime, reaffirmed the need to consider gender-related circumstances (e.g., care-providing responsibilities, history of violence, coercion, specific mental health care concerns, drug dependency) as mitigating factors at the indictment or pre-sentencing stage, which could ultimately result in less harsh sentences.



### 4.1.3 Relevance to Donor Priorities

#### Key Findings

The project is well aligned with the ACCBP's overall mandate to enhance the capacity of key beneficiary states to prevent threats associated with criminal activities in the Americas. To this end, the project focuses on interventions that increase awareness and build understanding of the promotion of ATIs for drug-related offenders, which in turn supports GAC's efforts to promote justice, ensure security, improve global prevention, reduce threats posed by criminal activities, and combat transnational crime impacting Canada. The project is also aligned with the broader framework of Canada's Feminist International Assistance Policy.

In December 2009, the Government of Canada established the ACCBP, whose purpose it is to enhance the capacity of states, government entities and international organizations to prevent and respond to threats posed by transnational criminal activity. The program is managed by GAC and was created specifically to address national, regional and international security threats associated with criminal activities such as drugs and other illegal acts in the Americas. Its overall mandate is to enhance the capacity of key beneficiary states to prevent and respond to threats posed by transnational activity in the Americas.

The *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project focuses on two of the ACCBP's thematic areas, namely illicit drugs (i.e., support for initiatives designed to address the supply of, and demand for, illicit drugs and crime prevention); and crime prevention (i.e., support for initiatives aimed at promoting community safety and crime prevention at the national or transnational level).<sup>31</sup> As such, the project is aligned with the ACCBP's objective to enhance the capacity of states and government entities to prevent and respond to threats caused by criminal activities such as drugs, as it allows participating OAS Members States, institutions and professionals working in the justice and social services sectors to become more aware of and better understand the promotion, as a means of preventing crime and recidivism, of ATI strategies for drug-related offenders that are mindful of gender dynamics. The project calls on greater cooperation with civil society and other organizations to facilitate coordination across sectors (e.g., health, social services), with a view to addressing potential health, social and criminal consequences for drug offenders while allowing the development of information-gathering methodologies that uncover existing gaps in the way judicial systems offer ATIs (inclusive of a gender dimension) to their population, thus supporting the design of improved drug-related policies and legislation.

At a broader level, the project is also aligned with the framework of Canada's Feminist International Assistance Policy,<sup>32</sup> as it aims to support gender equality and the empowerment of women, with a view to building a more peaceful, more inclusive world and while advancing women's rights in member states of the OAS.

<sup>31</sup> Global Affairs Canada (Inspector General Office, Evaluation Division). (2016). *Evaluation of the Anti-Crime Capacity Building Program and Counter-Terrorism Capacity Building Program. Final Report*. Government of Canada. Online at <[https://www.international.gc.ca/gac-amc/publications/evaluation/2016/eval\\_accbp\\_ctcbp-eval\\_arclcc\\_arca.aspx?lang=eng#eac\\_1\\_2\\_1](https://www.international.gc.ca/gac-amc/publications/evaluation/2016/eval_accbp_ctcbp-eval_arclcc_arca.aspx?lang=eng#eac_1_2_1)>.

<sup>32</sup> Global Affairs Canada (2017). *Canada's Feminist International Assistance Policy*. Government of Canada.

#### 4.1.4 Building-Block Approach to Project Design

##### Key Findings

The project design calls on a building-block approach to set up all the prerequisites needed to secure the buy-in and commitment of stakeholders in beneficiary countries. This approach has been conducive to both the development of strong institutional relationships with magistrates, judges and other judicial officers, and networking with multisectoral representatives (health and social services, civil society) in Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica.

From inception onwards, the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project has pursued the objective to support interventions aimed at improving ATI options that are gender responsive and respectful of human rights, and providing better access to relevant services for drug-related offenders. To this end, the project has relied on a building-block approach to set up all the prerequisites needed to foster full buy-in and commitment from country stakeholders. Thoroughly consultative and highly participatory in nature, this process entailed the following steps:

- A pre-assessment of the socio-economic and legal context in each country, followed by a field visit to discuss with key judicial system officers and with representatives from different sectors and from civil society, with a view to understanding country-level dimensions and particularities that might influence policy and legislation favoring ATIs for drug offenders.
- The delivery of gender-sensitive training to promote a common understanding of gender concepts and ensure, as mentioned by a participant in the KIIs, “that country partners do speak the same language” and “are on the same wave length” regarding the application of gender-differentiated ATI strategies for drug offenders, and that they understand the value of compiling sex-disaggregated data to inform and encourage the use of gender-responsive ATIs.
- The delivery of classroom or virtual capacity-building training by presenters whose subject-matter knowledge and expertise have been praised by stakeholders interviewed by the evaluator.
- The joint development, with the beneficiary countries, of information-gathering methods and tools needed to produce diagnostic studies, prepare a compendium and identify good practices associated with ATIs.
- The sharing of information between beneficiary countries and with other member states involved in the implementation of ATIs, to expose these parties to other realities and experiences and give them a chance to discuss issues and identify measures aimed at addressing inherent challenges. According to one stakeholder interviewed, “these meetings are an opportunity to join a community of practice on ATIs and gain access to knowledge and expertise.”

Following the building-block approach, five member states of the OAS (i.e., Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica) have been receiving support from the project. This approach has allowed ES-CICAD to build support for the project through institutional relationships developed with the national drug councils and judiciaries of these countries, both through their membership in CICAD and through the implementation of other, earlier initiatives.



#### 4.1.5 Theory of Change and Logic Model

##### Key Findings

No evidence is found of a formal ToC. However, the project rests on what can be regarded as an implicit ToC that is both clear and appropriate in its depiction of the project's sphere of action, sphere of influence and sphere of interest.

Over the years, the concept of Theory of Change (ToC) has gained interest and momentum in the international development community, as it provides a narrative basis for and a comprehensive description of how and why a desired change is expected to happen in a particular context. A ToC focuses on conceptualizing the whole of development interventions and mapping the causal chain of results from inputs to activities, outputs, outcomes and impact. It supports project teams in the identification and testing of assumptions about how changes will occur and in the uncovering of risks that could be faced at the implementation stage. The ToC also act as powerful communication tools to capture the complexity of an initiative, and rally concerned parties and stakeholders around the need to properly define and achieve results.

The *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project is grounded in the assumptions that incarceration of low-level drug offenders has not reduced drug dependence or drug-related offenses, and that countries are increasingly recognizing that related drug offenses are a public health issue rather than mere criminal acts. Moreover, numerous OAS member states have laws leaving little room for interpretation or discretionary enforcement to help differentiate varying degrees of involvement in the drug problem—particularly with regards to identifying whether gender discrimination is influencing the consideration given to ATIs. In these countries, very few of the responses or interventions taken to tackle the consequences of drug offenses actually include tangible components or solutions that address gender imbalances in access to justice and services. In this context, the project first seeks to identify which ATI options are presented to individuals who face their country's criminal justice system for low-level drug-related offenses, and which gender-sensitive services are available to drug-related offenders. Next, on the basis of evidence-based data it has collected, the project aims to support beneficiary countries in their efforts to implement ATI options and services that are gender-sensitive through a series of interventions summarized in Box 2.

The desk review performed for this evaluation found no evidence of an explicit ToC that could have been used to guide the planning and implementation of the project. However, embedded in the logic model made available by the ES-CICAD project team (shown in Figure 1<sup>33</sup>) lies an implicit ToC that supports the development, by participating member states, of improved policies and practices regarding the implementation of gender-sensitive ATIs. This implicit ToC assesses how sensitive criminal justice systems are to gender, through the design of diagnostic studies that identify and analyze points of entry into judicial systems and collect—in collaboration with beneficiary countries—baseline information and evidence-based data (disaggregated by gender) to help drug authorities and judicial systems increase their ability to track and report sentencing outcomes while also adopting gender-differentiated strategies. Additionally, the diagnostic studies support the identification of good practices, for future recording in a compendium. Parallel to this, sensitization and capacity-building activities are offered to a wide spectrum of justice operators and representatives from the health/social services sectors and from civil society to not only support the development of a common vision of concepts and theoretical aspects involved in incorporating a gender perspective into ATIs, but also build awareness, understanding and knowledge needed to better promote ATI options and services for women, men, and LGBTI persons. Finally, the implicit ToC provides for stronger cooperation between stakeholders to allow institutions to jointly

<sup>33</sup> It should be noted that, even though the schematic representation of the project's logic model found in Figure 1 shows the immediate and intermediate outcomes as being independent, they are, actually, very much interdependent.

identify gender-differentiated needs, barriers to the satisfaction of such needs, and gender-sensitive ATIs that prevent further criminalization of drug offenders, and for the sharing of information between beneficiary countries and with the CICAD community to advance the ATI agenda.

### Box 2

#### Summary Description of Project Interventions

The purpose of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)* project is to support OAS member states in their efforts to explore and implement ATI options and services that are gender sensitive. This is done through the provision of concrete recommendations to improve the delivery of ATI options for men, women and transgender individuals, based on the findings of the diagnostic study and good practices identified in the compendium; increased awareness of personnel in beneficiary countries of gender-differentiated strategies for drug-related offenders; and increased knowledge and skills of personnel in beneficiary countries in identifying, applying and monitoring ATIs relating to men, women and transgender drug-related offenders, incorporating human rights and gender-responsive practices.

Source: Department of Procurement Services and Management Oversight. (n.d.). *External Evaluation of the Project “Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)”*. Terms of Reference for the project evaluation. Organization of American States.

**Figure 1**  
Logic Model of the Project

<b>Ultimate Outcome</b>	1000. Policies and practice on the implementation of gender-sensitive alternatives to incarceration for drug-related offenders developed, tested, and widely applied in the participating member states.					
<b>Intermediate Outcomes</b>	1100. Improved delivery of alternatives to incarceration options that are responsive to gender inequalities.		1200. Improved access to relevant services in the justice system to reduce gender inequality.		1300. Wider acceptance and application of alternatives to incarceration strategies that are gender sensitive in their approach by magistrates, judges, and other judicial officers.	
<b>Immediate Outcomes</b>	1110. Concrete recommendations to improve delivery of alternatives to incarceration options for men, women, and transgender individuals developed and presented.		1210. Increased awareness by personnel in beneficiary countries of the need for gender differentiated strategies for drug-related offenders.		1310. Increased knowledge and skills of personnel in beneficiary countries in identifying, applying and monitoring alternatives to incarceration relating to men, women, and transgender drug-related offenders, with international human rights and gender responsive practices.	
<b>Outputs</b>	1111. Work plans finalized, and memoranda of understanding signed.	1112. Four diagnostic studies (gender focused) carried out and published.	1211. Compendium of gender-disaggregated alternatives to incarceration models published.	1212. Gender-responsive alternative to incarceration policy options presented.	1311. Awareness raised among target policymakers on gender-responsive options	Accountability increased and lessons learned applied to future projects.
<b>Activities</b>	<p><b>1. Action plan and commitment</b> 1.1 Prepare draft work plan and share with points of contact in participating countries 1.2 Gain formal commitment from participating member states through a first meeting with stakeholders to present project goals, finalize the methodology and agree to timelines. 1.3 Signing MoUs/Agreements</p> <p><b>2. Diagnostic study and follow up</b> 2.1 Design methodology that will be used to: Identify and describe the institutions that interface with drug-related offenders; itemize the processes and paths through the justice system with a gender approach; Analyze the alternatives available and determine how they are applied to different genders; Perform a gender analysis of these individuals to determine the differences in how alternatives are applied and in which services are made available; Determine the capacity of institutions to implement potential new initiatives 2.2 Identification of study team in each country and implementation of training seminar. 2.3. Data collection (disaggregated by gender) and field work and creation of a database. 2.4 Preparation of analytical reports 2.5 Review of draft reports by key stakeholders 2.6 Publication of studies and presentation of results to national stakeholders (including gender disaggregated information, and analysis) Note: This study will, among other things, determine (in a period of three months) the number of men, women, and transgender arrested for drug-related offenses, and the consequences of those arrests once they enter the criminal justice system at the prosecutor's level. This study includes a six-month follow up to track subjects and the various options offered to them by the justice system.</p> <p><b>3. Compendium of available alternatives and policy discussion</b> 3.1 Literature and document review and interviews with key informants 3.2 Drafting a gender-responsive Compendium of Available Alternatives to Incarceration and Social Reintegration Interventions for Drug-related Offenders in all 4 participating countries. Materials will be prepared with concrete findings and recommendations. 3.3 A meeting will be convened with participating member states to present and discuss results and proceed to the next phase.</p> <p><b>4. Design appropriate interventions</b> 4.1 Identify expert(s) to support this phase of the project 4.2 Contract expert to design appropriate gender interventions for future execution of alternatives to incarceration and social reintegration that promote gender equality through pilot projects; or make adjustments to existing interventions to reduce inequalities or discrimination if identified. 4.3 Prepare pilot projects for a future implementation phase.</p> <p><b>5. Project evaluation</b> 5.1 External evaluation of the project (Summative).</p>					

Source: ACCBP 2017/417 – Logic Model and Performance Measurement Framework. (Updated, 2021).

The project's implicit ToC depicts a project that is structured around three "spheres:"

- The *sphere of action* (or control), which features outputs that are the direct result of project activities and are controlled by the project. These include work plans that are finalized and Memoranda of Understanding (MoUs) that are signed; diagnostic studies that are carried out and published; a compendium of gender-disaggregated ATIs that is published; gender-responsive ATI policy options that are presented; and awareness raised among target policymakers on gender-responsive options.
- The *sphere of influence*, which encompasses first-order results (immediate outcomes) addressing three core intervention areas. These include concrete recommendations aimed at improving the delivery of ATI options for men, women, and transgender individuals that are developed and presented; increased awareness by personnel in beneficiary countries of the need for gender-differentiated strategies for drug-related offenders; and increased knowledge and skills of personnel in beneficiary countries vis-à-vis the identification, application and monitoring of ATIs relating to men, women, and transgender drug-related offenders, with international human rights and gender-responsive practices.
- The *sphere of interest*, which describes second-order results (intermediate outcomes) and impact from the sphere of influence. These include improved delivery of ATI options that are responsive to gender inequalities; improved access to relevant services in the judicial system to reduce gender inequality; and a wider acceptance and implementation of ATI strategies that are gender sensitive in their approach by magistrates, judges, and other judicial officers.

#### 4.1.6 Key Deliverables

##### Key Findings

The diagnostic studies and compendium (with ensuing recommendations addressed at beneficiary countries) are two key deliverables derived from a meticulous, systematic, consultative and highly participative process aimed at informing practices, policies, laws and interventions needed to support the implementation of gender-sensitive ATIs. Delays in implementation have had an impact on the initial steps taken by beneficiary countries to make ATI more gender responsive, in light of the recommendations provided by the project, and additional time has been allocated to finalize both deliverables.

This section provides a more in-depth view of two of the key deliverables of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project, namely diagnostic countries in all five beneficiary countries, and a compendium of ATI practices leading to recommendations to support the introduction of policies and practices on gender-sensitive ATIs for drug-related offenders.

##### Diagnostic Studies

The first step in preliminary work leading to the diagnostic studies was to select beneficiary countries (see Box 3 for details on the diagnostic study process). Evidence from the interviews with ES-CICAD project team suggests that several criteria were considered to this end, such as the need to secure a diversity of geographic locations (i.e., different parts of Latin America and the Caribbean); previous experience with and political commitment towards ATIs; the existing reality, domestic legislation, approach to the drug problem and state of development of ATIs in each member state; and the need to include a range of judicial systems to enrich the collective experience. Another important concern expressed by the project team was that "the selected member states have highly functioning institutions and the political will to both incorporate or expand ATIs for drug-related offenses and find solutions to gender equality in drug-related policy."

### Box 3

#### Key Steps Supporting the Diagnostic Study Process

- Hold technical meetings to set the parameters, methodology, variables and instruments for each study.
- Hold meetings with government agencies.
- Identify timelines and data collection periods.
- Identify country-level institutional teams, research teams and points of contact.
- Determine at which stage of the process information needs to be collected.
- Select cases to be covered (i.e., flagrancy cases [note 1] in Argentina, Colombia, Costa Rica and the Dominican Republic; cases in which the accused has pleaded guilty in Jamaica).
- Discuss the selection of data collection sites with each country (all countries decided to focus on a specific courthouse, with Costa Rica and Jamaica choosing Heredia and Half-Way Tree [in Kingston] respectively).
- Conduct field visits in the beneficiary countries (i.e., Costa Rica, June 2019; Dominican Republic, August 2019; Jamaica, October 2019; Colombia and Argentina, November 2019).
- Interview professionals and officials from various institutions and organizations to identify advances in the laws, policies, programs and lines of action regarding ATIs, drug use and the gender perspective (the project ended up reaching out to over 30 organizations, listed in Appendix 6).
- Develop two questionnaires—one for the data collection phase and one for the follow-up phase—and validate them with the country teams (see Appendix 7) [notes 2, 3].
- Prior to data collection using the questionnaires, conduct field work training and sensitization meetings in each country, to point out the importance of the study to authorities and court operators and secure their cooperation and support during the studies (with the expectation that awareness raising will help operators understand and enrich their knowledge of the importance of applying ATIs with a gender perspective).
- Deliver training to the research teams (i.e., one coordinator and two interviewers per team).
- Initiate institutional coordination actions to access the courts and obtain the necessary permissions to visit prison sites and interview selected defendants. The nature of the project required the approval/support of several institutions.
- Conduct the interviews, record the information and take on all data processing, analysis, validation and reporting tasks.
- Follow up with a subsample of defendants to document whether they benefited from ATIs.

#### Notes:

1. Central to the decision to choose either flagrancy or guilty cases was the possibility of identifying the type of ATIs granted to people who commit a drug-crime related. As this event occurs at a procedural stage, it was necessary that the sample of potential follow-up cases featured people who had engaged in or were going through a judicial procedure, so that flagrante delicto offenses or cases with a guilty verdict may be quickly identified and monitored to review ATIs offered to offenders and assess the adoption of a gender perspective in their execution.
2. The data collection questionnaire was designed to identify drug-related crime cases and address six indicators (i.e., socio-demographic characteristics, physical health, mental health, characteristics of crime, substance use, and drug-crime relationship) aimed at satisfying the need to identify personal and contextual factors, as well as obtain information regarded by the countries as useful evidence to generate programs or design policies on the matter.
3. In the data collection phase, the sex, gender identity and sexual orientation of defendants was captured, and questions were asked to determine whether identity was a variable that affected the operators of the judicial system in their handling of treatments or procedures. The follow-up phase examined whether the respondents' condition and gender characteristics were considered in the implementation of justice and ATIs for drug-related offenses. Source: Organization of American States. (2019). *ACCBP 2017-417: Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Narrative Report*. Implementation period covered: April 2018-30 March 2019. Submitted to Global Affairs Canada's Capacity Building Programs Divisions.

The next step was to set up a consultative, participatory process to facilitate the conduct of studies in all five selected countries. Evidence from the desk review and the KIs with national stakeholders shows that, from the very start, the project established a thoroughly consultative, highly participatory process, that was maintained throughout implementation to adjust interventions to the specific needs of each country, taking into account the diversity seen in judicial systems, and out of concern for ensuring the full commitment of national stakeholders. Most of the stakeholders consulted by the evaluator praised the ES-CICAD team for its efforts to assess and grasp each country's socio-political and legal environment and to tailor interventions accordingly.

To move forward with the diagnostic studies, the project's first actions involved creating mechanisms (i.e., signature of MoUs or other forms of agreements) to secure the formal commitment of countries, facilitate inter-institutional work and set ground rules for upcoming work.

*"Very good pre-coordination strategy. ES-CICAD was able to identify key actors in each institution, which allowed the creation of a working group with whom they could consult regularly."*

Country-level institutional coordination teams were

formed to act as country liaison and key contact points, and these have been working closely with the ES-CICAD project team to maintain ongoing communications and consultations throughout the project implementation period. According to one participant in the KIIs, "such level of consultation and ongoing monitoring with authorities is unusual, but secures full buy-in and commitment from stakeholders."

Moreover, efforts to single out representatives from the health and social sectors and from civil society and to network and collaborate with them helped the project learn more about their perspectives on ATIs, their experiences, and the treatment and/or social reinsertion services they offer to vulnerable populations in the beneficiary countries. The evaluator talked to country informants who confirmed that two workshops had taken place to set the premises of collaboration, consultations and information sharing between country representatives. First was a face-to-face meeting with stakeholders, held in Washington, D.C., in July 2018,<sup>34</sup> during which ES-CICAD presented the project's goals and strategy, discussions were held on the proposed action plan, an agreement was reached on major milestones and timelines, and a work methodology was developed with a special focus on the diagnostic study.<sup>35</sup> In addition, each beneficiary country made a presentation to guide the project team in its assessment of their needs and expectations and of the background of participants, with respect to themes addressed in the planned interventions; and to confirm that criminal justice systems differed significantly between countries, which proved to be useful to determine how to envisage project work.

In 2019, a second meeting was held in Antigua, Guatemala, during which country stakeholders were introduced both to gender concepts and perspectives, and to strategies aimed at incorporating a gender-sensitive approach into projects or programs dealing with ATIs for drug-related offenders. Country officials in attendance (31 people, i.e., 22 female, 9 male; see Table A8.1, Appendix 8) had an

*"The Antigua workshop helped us quickly obtain all the necessary information to get to work. The presentation of the gender perspective allowed all the actors to gain the same level of understanding. It was a triggering experience."*

opportunity to describe their specific environment (i.e., programs, practices, policies, laws and infrastructures related to justice, gender and drugs) and engage in further discussions on the legal avenue and follow-up action leading to their diagnostic study.

A couple of stakeholders interviewed for this evaluation commented on the meticulous, systematic nature of the approach and interventions introduced by the project to facilitate the completion of diagnostic studies. These individuals saw this as a process worth replicating to plan and support the conduct of similar country-level diagnostic studies in the future.

<sup>34</sup> Four beneficiary countries attended, each with one participant from the criminal justice sector and another (possessing a research background) from the national drug commission. Also present were delegates from the Inter-American Commission of Women (CIM) and from the Permanent Missions of Canada, Colombia, Ecuador, France, Haiti and Honduras to the OAS, who all gained a better understanding of Canadian-funded gender equality projects. Source: Organization of American States. (2019). *Idem*.

<sup>35</sup> Attendants agreed (among other things) that research would not be national in scope, but rather occur in selected jurisdictions, and that sample sizes would need to be large enough to minimize the loss due to attrition in the follow-up phase. In addition, participants underlined the importance of providing more sensitization and training to judicial and political actors.

### Compendium and Transitioning to Recommendations

Following the completion and validation of diagnostic studies in each beneficiary country, the project design envisioned both the compilation of promising ATI practices into a compendium and the transitioning to recommendations aimed at supporting the introduction of policies and practices on gender-sensitive ATIs for drug-related offenders, in situations in which such solutions have not yet been adopted as planned. The drafting of this compendium is to be grounded in the findings of diagnostic studies, in qualitative information stemming from interviews with criminal justice operators, health system operators, academic institution personnel and civil society representatives, as well as from a thematic review of ATIs currently in force, and in contributions from various experts in the field (primarily through the online training series carried out from May to August 2021—see next paragraph).

In the very last days of the evaluation, the ES-CICAD team supplied a preliminary version of the compendium<sup>36</sup> confirming that work was still under way to finalize this document—a situation caused by uncontrollable factors that have undermined the capacity of the project to stay on schedule (see discussion in Sections 4.1.8 and 4.3.4). To compensate for this situation, the project has issued, for the good of the five beneficiary countries, an online training series dealing with gender and ATIs for drug-related offenses. Consisting in eleven two-hour sessions, this series gives recipients an opportunity to learn from regional and international gender and criminal justice systems experts. Of particular interest is one session dedicated to the development, by each country team, of options to better incorporate a gender perspective into their ATI policies or programs.

As early as March 2021,<sup>37</sup> the ES-CICAD project team pointed out that delays associated with COVID-19 and the production, validation and distribution of the diagnostic studies would significantly shorten the window of time to not only disseminate recommendations inspired by the findings of these studies, but also observe policy changes leading to reduced gender discrimination in the delivery of ATIs. Furthermore, the team reported that, due to delays in implementation, it might not be in a position to measure the impact of the aforementioned recommendations within the originally planned timeframe but that, by the time the annual report will be due (i.e., September 2022), it should be able to assess the initial steps taken by beneficiary countries to make ATI programs and policies more gender responsive, in light of recommendations provided through the diagnostic studies.

<sup>36</sup> As this document was presented as a draft not intended for sharing, the evaluation cannot formally report on the design of the compendium or on the process leading to its creation. Still, indications are that, once finalized, the document will seek to identify promising gender-sensitive ATI practices set in various contexts and reflecting a gender and human rights approach, which could be adapted to accommodate the specific norms and national realities of individual member states of the OAS. Proposed initiatives include measures taken prior to the opening of a criminal proceeding and aimed at limiting entry into the criminal justice system; measures applied during criminal proceedings and aimed at either preventing the criminal case from resulting in incarceration, or making the incarceration proportional to the offense; and measures for prison populations aimed at providing for early release of convicted and imprisoned individuals along with social integration strategies. Source: Inter-American Drug Abuse Control Commission. (2015). *Technical Report on Alternatives to Incarceration for Drug-Related Offenses*. Prepared by the Technical Secretariat Working Group on Alternatives to Incarceration. Organization of American States.

<sup>37</sup> Secretariat for Multidimensional Security of the General Secretariat of the Organization of American States, and Executive Secretariat of the Inter-American Drug Abuse Control Commission. (2021). *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Annual Results Report (April 1, 2020-March 31, 2021)*. Project number: ACCBP 2017-417. Submitted to Global Affairs Canada.



#### 4.1.7 Results-Based Management Principles

##### Key Findings

Alongside existing quantitative indicators, it would have been useful for the PMF to feature qualitative indicators aimed at assessing the level of satisfaction of stakeholders, measuring changes in learning, and gauging the project's contribution to the development of new or improved practices, policies, programs and legislation.

The *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project has its own PMF, the content of which is consistent with the implicit ToC discussed in Section 4.1.5. Evidence from the desk review and KIIs with the project management team suggests that this PMF has mainly been used for decision-making and reporting purposes, which, coupled to ongoing communications with country stakeholders, has provided the ES-CICAD project team with a means to quickly address project challenges, detect variance in results, take mitigation measures, and modify timelines and activities as needed. Central to the PMF is a strong research component, complete with specific quantitative indicators (e.g., number of diagnostic studies conducted, number of disaggregated data collected in the field, number of interviews conducted to systematize experiences with the judicial system, number of policymakers approached with recommendations or exposed to the practices of other countries, number of DTC teams trained on gender-specific recommendations, etc.). While such indicators are undoubtedly useful, they may not suffice to adequately assess the degree of completion of diagnostic studies or the contribution of such studies to actual progress made by governments and stakeholders in adopting good practices or improving their policies, programs and legislation on ATIs for drug-related offenders. Alongside existing quantitative indicators, the PMF would have gained substantially from having specific qualitative indicators<sup>38</sup> to (among other things) assess the level of satisfaction of stakeholders (females/males) with the project's contribution to the development of gender-responsive ATIs for drug offenders or with assistance given to improve ATI policies, programs and legislation; measure changes in learnings; determine whether participants see an increase in knowledge about ways to integrate gender equality and human rights principles into ATI practices and services; and determine to what extent training recipients (females/males) apply their newly acquired skills in their daily work. Data on such qualitative indicators could have been collected by means of a survey issued to all project participants.<sup>39</sup>

#### 4.1.8 Risk Analysis and Mitigation

##### Key Findings

The project was successful at mitigating the risks it had identified beforehand. The outbreak of COVID-19 was a major, unexpected risk factor that had major repercussions on implementation work, posing constraints and creating delays that caused timelines to be redefined and methods to be adjusted, in certain beneficiary countries more than in others.

One of main external risks identified at the project proposal stage had to do with potential elections, changes in government or personnel turnover in the beneficiary countries. Unsurprisingly (as occurrences of this nature are commonplace in many countries across the world, including in the Americas), the risk

<sup>38</sup> Over and above participant surveys that were administered following the Antigua, Guatemala, workshop and the online training series.

<sup>39</sup> Right from the start, the project made it a point to assess the knowledge and needs of stakeholders. For instance, a review of ratings given by attendants at a workshop held in 2018 found that although participants knew about the main components of a gender-sensitive approach to criminal justice (average score of 3.3), they were not so sure about which indicators should be used to identify gender disparities in their criminal justice systems (average score of 2.3). Participants also indicated they lacked both resources to develop a gender-based approach and adequate data about gender in their criminal justice systems (average score of 2.3). At the time, these ratings were deemed indicative of the importance and relevance of the project in the home countries of attendants.

ended up materializing and having an effect on project implementation. Hence, over the lifetime of the project, two of the five beneficiary countries experienced political changes that resulted in periods of adjustment during which country liaison teams received new political directives regarding the project. Both occurrences (i.e., a change in government in Argentina, and internal changes at government level in Colombia and Costa Rica) complicated the identification of points of contact and caused delays in the delivery of some interventions. An attempt was made to mitigate these effects through inter-institutional work. Fortunately, ES-CICAD's efforts and its recognition as an international organization, coupled with its long-standing relation of cooperation with these countries, inspired the new authorities in Colombia and Costa Rica to continue supporting ongoing projects, even in the face of the aforementioned political changes.

Another inherent risk identified from the start had to do with the potential unwillingness of individuals within the judicial systems or relevant authorities to cooperate in the diagnostic studies or in data collection efforts. The building of relationships and trust with country teams and close collaboration between the ES-CICAD project team and the inter-institutional team throughout the planning and implementation process helped instill a sense of ownership and maintain momentum to overcome challenging situations.

One major, unexpected risk had to do with the outbreak of COVID-19 in the Americas, which led beneficiary countries to impose stay-at-home orders and restrictions on in-person government services (among other sectors of activity). This caused several courts to temporarily suspend their work and prevented the project investigation teams in Argentina, Colombia and Jamaica to launch their first phase of data collection in March 2020, as initially planned. Similarly, data collection in the Dominican Republic had to be put on hold. The widespread effects of the pandemic forced the ES-CICAD project team to redefine project implementation timelines, in light of the specific situation in each beneficiary country. The adoption of mitigation strategies also had repercussions on the process, such as reducing the time lapse between the first and second phases of data collection for the diagnostic studies (i.e., three months instead of six) to compensate for the delays and recuperate some of the time lost and finalize the studies.<sup>40</sup> Furthermore, due to the pandemic, the method used for the second phase was adjusted to give subjects who had been selected a choice between holding their follow-up interview over the phone, by videoconference or in person (with proper protection protocols). Despite all corrective measures, it was not clear by the first quarter of 2021 whether Argentina and Colombia would be able to move forward due to accumulated delays. In the second quarter of 2021, ES-CICAD and stakeholders from Argentina agreed on a way forward. As for Colombia, it was decided by mutual agreement that the data collection methodology would be changed. Instead of having the project team collect first-hand data, an analysis of gender and ATIs would be conducted on the basis of qualitative information and statistical information already on hand.<sup>41</sup>

## 4.2 Effectiveness

This section<sup>42</sup> assesses the extent to which the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project has achieved its objectives so far, and the extent to which results have contributed to the longer-term, broader goal to support the implementation of policies and practices that support gender-sensitive ATIs for drug-related offenders.

<sup>40</sup> As the diagnostic studies were not all available at the time of writing these lines, the evaluation cannot comment on the severity of these repercussions.

<sup>41</sup> Secretariat for Multidimensional Security of the General Secretariat of the Organization of American States, and Executive Secretariat of the Inter-American Drug Abuse Control Commission. (2021). *Idem*.

<sup>42</sup> The evaluation acknowledges that normally, effectiveness should focus primarily on outcomes. However, due to the nature of evidence available to inform this report, effectiveness is addressed herein through the lens of outputs rather than outcomes.



Topics addressed include the current status and reach of the project, with particular attention paid to key outputs; progress made to support both increased access to evidence-based data and recommendations aimed at improving the delivery of gender-sensitive ATIs, increased awareness by personnel in beneficiary countries of the need for gender-differentiated strategies targeting drug-related offenders, and increased knowledge and skills of personnel in beneficiary countries regarding the identification, application and monitoring of ATIs (with reference to immediate outcomes listed in the logic model pictured in Figure 1, Section 4.1.5, including outcome 1110—for which this report takes a slightly broader approach focused specifically on the development and presentation of concrete recommendations to improve delivery of ATI options for men, women and transgender individuals—and outcomes 1210 and 1310); and, finally, the project’s enabling factors and potential contribution to impact.

#### 4.2.1 Current Status and Reach

##### Key Findings

The project engaged in various activities to generate a series of planned key outputs, over 80% of which have been fully achieved comparatively to less than 20% who have been partially achieved at this point in time. So far, the project has directly reached 1,022 individuals, including 735 defendants interviewed in court (10% female) and 287 criminal justice operators, policymakers and other intermediaries (72% female).

The ES-CICAD project was both a response to topical debate within the OAS, and the product of a quest for gender-sensitive ATI options targeting minor, non-violent offenders through the development of an innovative approach to determine the extent to which ATIs with a gender perspective are being applied in the criminal justice system. The project approach combined a set of interventions that supported research and the compilation of evidence-based data on the number of women, men and LGBTI persons arrested for drug-related offenses; the consequences of such arrests once these people enter the criminal justice system; and the factors and unique circumstances (i.e., vulnerability, social marginalization and other issues) shaping how ATIs are applied in the beneficiary countries. The project also supported interventions to spread awareness, increase gender sensitization, build the capacity of concerned personnel and facilitate the sharing of relevant information—all leading to the identification of good practices, promising alternatives and recommendations aimed at incorporating a gender perspective into ATIs.

To carry out these planned interventions, the project engaged in a series of activities directly leading to the achievement of key outputs (with reference to outputs 1111, 1112, 1211, 1212 and 1311 listed in the logic model pictured in Figure 1, Section 4.1.5). Table 1 reports on the achievement of these key outputs, based on the latest information on hand at the time of this evaluation.

Through its various activities, as of the beginning of March 2022, the project had directly reached a total of 1,022<sup>43</sup> individuals, including 286 females (28.0%), 733 males (71.7%), and 3 people (0.3%) who identified with neither gender or preferred not to specify their gender identity (see details in Table A8.1, Appendix 8). Of all participants, 735 (71.9%) were defendants (i.e., study subjects) reached through in situ interviews (see Section 4.2.2), and 287 (28.1%) were intermediaries<sup>44</sup> (i.e., criminal justice operators, policymakers). Interestingly, women made up only 11 percent of defendants, but 72 percent of intermediaries directly reached by the project.

<sup>43</sup> Figures revised by the ES-CICAD’s ISU in preparation for this final evaluation report, including updated numbers for the Dominican Republic.

<sup>44</sup> Some intermediaries from beneficiary member states attended more than one project activity and may have been counted twice. Therefore, the total number of individuals with whom the project interacted is probably lower than the figure reported in this paragraph.

**Table 1**  
Selected Indicators for Key Outputs Directly Resulting from Project Activities

Indicator	Planned	Achieved	Status [note 1]
Number of diagnostic studies conducted	4 (one per country)	5 diagnostic studies; data collection and analysis completed, but 4 diagnostic studies yet to be validated by the country [note 2]	Partially achieved
Number of disaggregated gender data collected in the field	Undefined	<u>Phase 1:</u> 78 gender-disaggregated data items collected (total of 57,330 data) <u>Phase 2:</u> 222 gender-disaggregated data items collected (total of 8,214 data)	Fully achieved
Number of qualitative interviews systematizing experiences with the judicial systems	At least 30 per country (120 total) initially planned for 4 countries	<u>Phase 1:</u> 735 qualitative interviews (78 female [including 3 transgender women], 655 male, 2 other) conducted <u>Phase 2:</u> 37 (11 female, 26 male)	Fully achieved
Compendium delivered	1	1 (final draft completed, yet to be finalized and disseminated) [note 3]	Partially achieved
Number of policymakers (m/f) approached with initial recommendations about gender integration	At least one key policymaker with decision-making power reached per country	91 policymakers reached (including policymakers from Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica)	Planned indicator surpassed
Number of policymakers (m/f) exposed to practices of other countries	Key policymakers from the 4 countries exposed the practices of the other 3	26 policymakers (20 female, 6 male) from five countries had the opportunity to learn from the experiences of other countries in gender and criminal justice; includes 7 policymakers attending the project kickoff meeting held in Washington, D.C., in August 2018, and 17 policymakers attending the coordination meeting held in Antigua, Guatemala, in September 2019	Fully achieved
Number of judiciary officials (m/f) trained on gender approach to ATI options	Judiciary officials trained in each country	138 justice system operators trained in five countries (94 female, 44 male); includes 51 operators from Jamaica, 31 from Costa Rica, 26 from each of Argentina and Colombia, and 4 from the Dominican Republic [note 4]	Fully achieved
Number of DTC teams trained on gender integration-specific recommendations	At least one DTC team trained per country	5 DTC teams trained (one per country)	Fully achieved
Number of DTC teams able to gather gender-disaggregated data on DTC participants and to tailor gender-sensitive ATIs	At least one DTC team trained per country	5 DTC teams trained (one per country)	Fully achieved
Number of documents, guidelines, protocols specifically addressing gender equality	Undefined	1 research methodology for data collection developed, along with matching tools	Fully achieved

Indicator	Planned	Achieved	Status [note 1]
Number of policy changes implemented to reduce potential gender discrimination in delivery of ATIs	Policy changes announced resulting from recommendations about gender integration	2 policy/program changes – following the development of the operational guide for the Program of Treatment under Judicial Supervision (TSJ), the Dominican Republic decided to expand the latter program (equivalent to a Drug Treatment Court) and requested the support of ES-CICAD to do so; in addition, a pilot program was launched in Barranquilla, Colombia, to review the cases of justice-involved women heads of household and women with serious illness, to analyze whether they could be provided with ATIs rather than prison sentences	Fully achieved
Identification of specific gender treatment options for drug-dependent offenders (in the case of women with children, including after-care options during treatment)	Inclusion of gender-specific services not currently available (such as after-care options as part of the services given for women with children)	Addition of a section on treatment options with a gender perspective in the guide for operators of the TSJ program, in the Dominican Republic, which defines treatment standards for specific populations, including women and, as a sub-group, pregnant women.	Fully achieved

## Notes:

1. Information validated through discussions between the evaluator and the ISU, ES-CICAD.
2. At the time of submitting this final evaluation report, the evaluator learned that a one-month extension of the end-of-activities date was being processed by GAC, to April 29, 2022. The validation of country reports will take place in the final month of the project.
3. The compendium will be finalized during the aforementioned one-month extension of the end-of-activities date of the project.
4. Further to the latest annual report submitted to GAC [Secretariat for Multidimensional Security of the General Secretariat of the Organization of American States, and Executive Secretariat of the Inter-American Drug Abuse Control Commission. (2021). *Idem.*], changes were made to correct errors in the reporting of figures for Costa Rica, the Dominican Republic and Jamaica.

Source: *Outcome Reporting Worksheet*. Preliminary version updated to March 17, 2022.

#### 4.2.2 Increasing Access to Evidence-Based Data and Concrete Recommendations

##### Key Findings

Diagnostic studies carried out in four beneficiary countries have assembled the first-ever comprehensive set of gender-disaggregated socio-economic data on existing relationships between the commission of criminal offenses and drug use, and underlined the value of compiling such data to inform and promote the use of gender-responsive ATIs. Although they suffer from some limitation, the diagnostic studies provide a glimpse of ATIs offered in specific jurisdictions, which helps beneficiary countries assess how well their ATI systems are doing and what is actually occurring in the field, while setting a foundation for the conduct of additional research in the future. Findings from the studies are meant to inform and support the design of appropriate interventions or adjustments to current ATIs for people of different genders and gender identities.

#### Setting the Premises for Collaboration and Gender Sensitization

As explained earlier in this report (see Section 4.1.5), the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project meant to establish solid premises for collaboration and gender sensitization. Efforts in this area sought to support the preliminary assessment of the socio-economic and legal context in each beneficiary country, through discussions with key judicial system officers and with an array of sectoral stakeholders, with a view to grasping national specificities and capturing dimensions that might influence policies and legislation regarding ATIs for drug offenders and prove useful to the development of tailor-made interventions.

Evidence suggests that the ES-CICAD project team and the country teams succeeded at establishing a relationship allowing them to work hand in hand throughout the planning and implementation process. In

turn, this supported their efforts to carefully plan out the diagnostic studies, including agreeing on and fine-tuning data collection criteria underlying the methodology (i.e., target populations,<sup>45</sup> study sites, sampling, data collection tools), taking into account the particularities of each beneficiary country.<sup>46</sup>

### First Phase of Data Collection

There were two phases to each diagnostic study. In the first phase, the defendants' sex, gender identity and sexual orientation were captured to determine whether gender was a factor influencing treatments or procedures delivered by the operators of the judicial system.

As shown in Table 2, the first phase of data collection reached a total of 735 defendants, including 123 (16.7%) from Argentina, 211 (28.7%) from Costa Rica, 284 (38.6%) from the Dominican Republic, and 117 (15.9%) from Jamaica. In all four countries, male defendants significantly outnumbered female defendants, which is hardly surprising considering that women make up a very small percentage of the prison population in these countries (i.e., 3.8% in Argentina [as of December 2020], 3.5% in Costa Rica [as of August 2021], 2.8% in the Dominican Republic [as of March 2019], 4.0% in Jamaica [as of August 2021]<sup>47</sup>). Also noteworthy is the very small number of transgender individuals canvassed (i.e., 2 in the first phase and 0 in the follow-up phase).<sup>48</sup> As mentioned in Table A8.2 (found in Appendix 8), during the first phase, the project captured a total of 57,330 separate pieces of data associated with 78 gender-disaggregated data items, including personal (socio-demographic) characteristics, physical health, mental health, crimes for which the current sentence was being served, personal drug consumption, and the relationship between drugs and crime (a copy of the questionnaire used is featured in Appendix 7).

With respect to Colombia, as time constraints prevented the project to carry out all the necessary work, the decision was made to take a different approach whereby the ES-CICAD project team would not engage in first-hand data collection, but rather conduct an analysis of gender and ATIs on the basis of quantitative and qualitative information already on hand. This makes a difference as in the four beneficiary countries in which there was a "comprehensive" diagnostic study, the project team collected first-hand data and produced its own statistical analyses to come up with evidence to inform future policymaking while in Colombia, analyses will strictly be based on existing administrative data and on second-hand information obtained through interviews<sup>49</sup> with key informants.

<sup>45</sup> Target populations were defined as people put in contact with the criminal justice system after being arrested and charged for one or more of a specific range of offenses, including drug-related offenses.

<sup>46</sup> For instance, the evaluator observed slight differences between the questionnaires used to collect data in each beneficiary country. Over and above these variations, the research team ensured to gather a core set of data allowing for comparisons to be drawn between countries, on a number of select data elements.

<sup>47</sup> *World Prison Brief*. (2022). Online at <<https://www.prisonstudies.org/country/argentina>> [Argentina], <<https://www.prisonstudies.org/country/costa-rica>> [Costa Rica], <<https://www.prisonstudies.org/country/jamaica>> [Jamaica], <<https://www.prisonstudies.org/country/dominican-republic>> [Dominican Republic].

<sup>48</sup> The ES-CICAD team provided the evaluator with a table of gender characteristics of the diagnostic study sample that outlines the various gender dimensions on which data were collected. This table indicates, among other things, that the database did not directly capture whether the defendants who self-identified as transgender identified as transgender women or transgender men; and that the sample contained two defendants whose sex assigned at birth did not match their gender identity.

<sup>49</sup> These have nothing to do with the KIs carried out as part of this evaluation.

**Table 2**  
Number of Defendants Canvassed in the First and Second Phases of Data Collection

Country	Gender identity	Canvassed in first phase [notes 1, 2]			Canvassed in second phase [notes 1, 2]		
		Total number	(transgender included)	% of total	Total number	(transgender included)	% of total
Argentina	Female	10	(1)	8.1%	1		8.3%
	Male	111		90.2%	11		91.7%
	Other	2		1.6%	0		0.0%
	Total	123	(1)	100.0%	12		100.0%
Costa Rica	Female	21		10.0%	1		16.7%
	Male	190		90.0%	5		83.3%
	Other	0		0.0%	0		0.0%
	Total	211		100.0%	6		100.0%
Dominican Republic	Female	15	(1)	5.3%	0		0.0%
	Male	269		94.7%	5		100.0%
	Other	0		0.0%	0		0.0%
	Total	284	(1)	100.0%	5		100.0%
Jamaica	Female	32		27.4%	9		64.3%
	Male	85		72.6%	5		35.7%
	Other	0		0.0%	0		0.0%
	Total	117		100.0%	14		100.0%
Four beneficiary countries [note 3]	Female	78	(2)	10.6%	11		29.7%
	Male	655		89.1%	26		70.3%
	Other	2		0.3%	0		0.0%
	Total	735	(2)	100.0%	37		100.0%

Notes:

1. Represents the number of qualitative interviews conducted with defendants to systematize experiences with the judicial system, by gender.
2. The numbers in this table are preliminary and may differ from those that will be reported once ES-CICAD has finished cleaning the data have and performing the analyses.
3. No first-hand data collection took place in Colombia.

Source: *Outcome Reporting Worksheet*. Preliminary version updated to March 17, 2022.

### Second Phase of Data Collection

The second phase of data collection consisted in a follow-up interview with a sub-sample of study subjects,<sup>50</sup> aimed at identifying the type of ATIs offered to drug offenders and determining whether gender was a factor in this process. As mentioned in Table A8.2 (found in Appendix 8), the second phase allowed the project to gather 8,214 distinct pieces of data associated with 222 gender-disaggregated data items, including current situation, physical health, mental health, crimes related to the ongoing legal matter, ATIs, and drug use and treatment offered (a copy of the questionnaire used is found in Appendix 7). In all, 37 defendants participated, including 12 (32.4%) from Argentina, 6 (16.2%) from Costa Rica, 5 (13.5%) from the Dominican Republic, and 14 (37.8%) from Jamaica (see Table 2).<sup>51</sup>

<sup>50</sup> Convenient sampling was used, meaning that all eligible respondents from the first phase were regarded as candidates for a follow-up interview in the second phase, provided they were still willing to participate three months after their initial interview and also met specific criteria, namely that their offense was related to drug use, they had consumed drugs in the 24 hours preceding the interview, and/or their legal status allowed an ATI to be presented.

<sup>51</sup> Readers should keep in mind that the number of defendants participating in the follow-up interviews is too small to generate reliable results. Therefore, caution is advised when interpreting findings drawn solely from the review of data gathered in the second phase.

As early as January 2021, the project's research and institutional teams emphasized that it would be difficult to reach the participants in the follow-up phase. Indeed, the low turnout numbers reported in Table 2 can be regarded as an indication of challenges faced in all beneficiary countries. Reasons for this small outcome include severe limitations introduced by the COVID-19 pandemic and by the fact that several study subjects selected for the second phase could no longer be reached at the time of the follow-up interview, that their initial contact information was no longer valid due to time lapsed between their initial arrest and release, or that some participants were possibly living in homelessness. Such difficulties illustrate the high degree of vulnerability of men and women coping with substance use who become involved with the judicial system, especially as social services have waned with the pandemic. The small number of follow-up interviews conducted (i.e., 37 defendants) should foil any attempt to draw firm conclusions on ATIs offered to defendants; instead, evidence from the second phase should be regarded as anecdotal, at best, and analyzed with circumspection. Nonetheless the diagnostic studies succeeded at setting a strong foundation and a good starting point to pursue data collection work, test the water and see what is happening in the recipient members states.

### *Value-Added of Diagnostic Studies*

By January 2022, the project had completed both data collection phases, uploaded the ensuing datasets, and undertaken analyses to draft the diagnostic studies. Unfortunately, the evaluator was neither able to consult the draft or finished versions of the product nor to discuss key insights with representatives of the beneficiary countries, as the studies had not yet been disseminated at the time the evaluator was conducting the KIs.<sup>52</sup> Thus, the value-added of the diagnostic studies remains at this point an open question.

One important issue relates to the fact that, due in part to the aforementioned constraints,<sup>53</sup> the diagnostic studies cannot be deemed indicative of the situation of the entire population of defendants in each beneficiary country. Granted, the studies were never meant to be statistically representative,<sup>54</sup> but rather to give a glimpse of ATIs offered in specific jurisdictions within each country. In other words, the purpose of the diagnostic studies was to help beneficiary countries assess how well their ATI systems are doing and what is actually occurring in the field while providing avenues to help focus future studies conducted by each country.

Another concern about research carried out so far relates to the small number of women found within the prison population, which somewhat undermines the usefulness of diagnostic studies performed in the context of an initiative that explicitly places a special emphasis on gender. In retrospect, it would have been useful for the diagnostic studies to purposely target larger samples of women, as this would have

<sup>52</sup> For instance, at the time of writing these lines, the evaluator received a copy of an unedited draft version of the diagnostic study for Costa Rica indicating that it had been shared with technical counterparts from this country, for their review, at the beginning of March 2022, with a country-validated version being expected in the coming days.

<sup>53</sup> Coupled to the fact that only a minute proportion of the total prison population was canvassed in each country (e.g., 0.11% of 109,405 inmates from Argentina, 1.38% of 15,345 inmates from Costa Rica, 0.86% of 26,600 inmates from the Dominican Republic, and 3.15% of 3,719 inmates from Jamaica, based on estimates published by the World Population Review (2022)—although the latter estimates do not single out the subsets of defendants specifically charged with drug-related offenses).

<sup>54</sup> According to the ES-CICAD project team, in most countries, the sample consisted of persons arrested for offenses committed in flagrancy cases and interviewed in court during the criminal proceedings phase. In Jamaica, the sample was made of offenders who had already made a declaration of guilt.

helped generate more information to assess whether gender influences the offering of ATIs<sup>55</sup>—a strategy worth considering should ES-CICAD explore the possibility of conducting similar research in the future.<sup>56</sup>

Regardless of such limitations, evidence from the desk review and from KIIs with project stakeholders clearly underlines the value-added of the diagnostic studies. These studies are generating evidence-based data that will usefully support the development of gender-sensitive ATIs and foster inter-institutional dialogue with the proper

*“The country diagnostic studies have captured the first-ever in-depth set of gender-disaggregated socio-economic data from drug offenders, to document the relationship between drug, crime, gender and ATIs.”*

authorities in each country, to inspire them to adopt or adjust gender-sensitive ATI policies and practices while conforming to relevant institutional standards. By establishing a collaborative study process, the project has allowed country stakeholders to build research skills, acquire research methodologies and tools, generate evidence-based disaggregated data, and trigger discussions on how to introduce or consolidate a gender-differentiated approach within their criminal justice systems. Furthermore, the studies draw a profile of drug offenders while giving them a rare opportunity to voice their opinions and describe their situations. Finally, according to several stakeholders interviewed by the evaluator, there is little doubt that without funding supplied by the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project, this type of research would have never been conducted in the beneficiary countries.

#### 4.2.3 Building Awareness of the Need for Gender-Differentiated Strategies

##### Key Findings

Through the combined effect of consultations with key actors and the delivery of workshops and training, the project was effective at building stakeholders’ awareness of the importance of gender-sensitive ATIs and of consideration given to discretionary gender circumstances at the time of sentencing. Gender sensitization actions were essential to promote a common understanding of gender concepts and perspectives and ensure that beneficiary countries were on the same page regarding the application of gender-differentiated ATIs for drug offenders. The project also succeeded at helping government entities and institutions grasp the importance of attentiveness to gender dynamics as a means of preventing crime and recidivism.

##### Gender Sensitization

Efforts in this area focused mainly on making personnel in the beneficiary countries more aware of the need to adopt gender-differentiated strategies for drug-related offenders. To this end, as mentioned in the latest annual report on hand at the time of the evaluation,<sup>57</sup> extensive consultations were held with some 156 key actors<sup>58</sup> to collect qualitative information on existing laws, policies and programs dealing with justice, drug use and gender, as well as the legal context governing the deployment of ATIs for drug-related offenses and the incorporation of a gender perspective in the enforcement of justice. These consultations took place during field visits carried out prior to the conduct of the diagnostic studies, and resulted in the project reaching out to over 30 organizations (listed in Appendix 6). Evidence from the KIIs

<sup>55</sup> The same could be said of LGBTI persons and people whose gender identity is neither male nor female. However, seeing how low the base population of members of these demographics presumably is in the beneficiary countries, such an approach would probably have been very demanding on the project.

<sup>56</sup> The ES-CICAD project team wishes to point out that part of the study also aimed at looking at the relationship between drugs and crime, which required observing and analyzing the “natural flow” of offenders (men, women) coming into the criminal justice system without manipulating the sample. Following this logic, the project would not have had a full picture either by focusing strictly on women, or manipulating the sample to have more women.

<sup>57</sup> Secretariat for Multidimensional Security of the General Secretariat of the Organization of American States, and Executive Secretariat of the Inter-American Drug Abuse Control Commission. (2021). *Idem*.

<sup>58</sup> Including criminal justice operators (i.e., prosecutors, defenders, judges and judicial agents), health system operators, academic institutions and civil society organizations.



conducted by the evaluator indicates that stakeholders saw value in the consultations as these allowed the project to grasp the diversity and specificities of judicial systems in the beneficiary countries, thus demonstrating the need for the ES-CICAD project team to be flexible in its efforts to adapt interventions to effectively address unique country-level needs.

As discussed in Section 4.2.4, the project also hosted gender sensitization workshops in Costa Rica, Jamaica, Colombia and Argentina, aimed at ensuring that country teams and justice operators from all five beneficiary countries acquire knowledge on the basic concepts associated with gender and criminal justice. Attended by 99 participants (61 female, 38 male; see Table A8.1, Appendix 8), this activity meant to allow participants to both support the design and implementation of the diagnostic study in their respective country and, further down the road, absorb ensuing recommendations on how to improve the delivery of ATI options with a gender perspective. According to several sources interviewed by the evaluator, at the country level, this facet of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project helped key actors in the judicial system better coordinate their efforts and cooperate with major stakeholders from other sectors, to address the health and social consequences of incarceration on drug offenders and solidify mechanisms allowing perpetrators of substance abuse offenses to receive treatment, thus creating opportunities to consolidate social reintegration services and mobilize other concerned parties.

Evidence from the KIIs suggests that the sensitization workshops proved to be valuable forums in which participants had the opportunity to get to know professionals from other beneficiary countries, share their respective experiences and learning, and identify new contacts to pursue their work in the long term. The project has also been instrumental in developing and/or solidifying

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*“The project was able to generate some tools and develop ways to specifically ask about gender, gender identity, sex, and sexual preference. Already, another project in Jamaica has been seeking advice on the gender questionnaire developed by ES-CICAD.”*

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networking and—above all—inter-agency collaboration to consolidate and extend the scope of efforts invested by the judicial systems and other interested parties (including key stakeholders from the health/social services sectors and from civil society) to address the drug problem with a holistic perspective to the integration of treatments and social reinsertion services. Moreover, the project has allowed the development of information-gathering methodologies to identify existing gaps in the ways in which judicial systems deliver ATIs inclusive of a gender dimension, in support of the design of drug-related policies and legislation.

### Compendium

Following the field visits conducted in 2019, a draft document was developed on the basis of qualitative information gathered in the beneficiary countries. This information supplied critical insights that will end up being reflected in the compendium of promising practices on ATIs with a gender perspective assembled by ES-CICAD. The project design (discussed in Sections 4.1.4 and 4.1.5) clearly outlines the linkages between the production, validation and dissemination of diagnostic studies, regarded as inputs for the compilation of promising ATI initiatives into a compendium, and the subsequent transitioning to recommendations on how to develop policies and practices dealing with gender-sensitive ATIs for drug-related offenders. In this regard, both the diagnostic studies and the compendium constitute key deliverables in the process leading to the identification of evidence-based practices and policies, laws and interventions needed to support the implementation of gender-sensitive ATIs. Unfortunately, as already mentioned in Section 4.1.6, delays associated with the COVID-19 pandemic, coupled to delays in the production and dissemination of the diagnostic studies and compendium, have already had repercussions on the project’s ability to both disseminate recommendations drawn from the findings of diagnostic studies, but also trigger policy changes curtailing gender discrimination in the delivery of ATIs. Still, as the project is going through the final steps of completing the diagnostic studies and having them validated by



country stakeholders, it remains confident that the ensuing material will adequately support the production of the compendium, currently scheduled for issuance in March 2022.

#### 4.2.4 Increasing Knowledge and Skills of Personnel

##### Key Findings

The project delivered gender sensitization workshops and in-person or online training activities of consistently high quality that have helped participants gain expertise, acquire skills, access tools and explore mechanisms to assess how sensitive their criminal justice systems were to gender and instill a change of mindsets, in support of the adoption of gender-differentiated approaches to ATIs. Multisectoral and multi-country training opportunities and information sharing between beneficiary countries and attendance at international fora have provided a good platform to learn from experiences, develop relationships and foster both national multisector cooperation and dialogue with OAS member states countries to give more consideration to gender-responsive ATIs for drug-related offenses.

As of the beginning of March 2022, the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project had trained 138 judicial system officers and operators from all five beneficiary countries (94 female, 44 male; see Table A8.2, Appendix 8) on issues regarding gender, criminal justice and ATIs. Due to the restrictions associated with the COVID-19 pandemic, the project had to deliver part of its training online, including a series of eleven two-hour sessions dealing with gender and ATIs for drug-related offenses that attracted 65 participants (55 female, 10 male; see Table A8.1, Appendix 8) from DTC teams delegated by the five beneficiary countries. During these sessions, each country team was given an opportunity to work on the development of draft proposals to incorporate a gender perspective into their respective policies and programs. As a result of this effort, the project has reached its target of having trained at least one DTC team per beneficiary country. Moreover, on-going multisectoral and multi-country training opportunities has provided a good platform to develop relationships and foster national multisector cooperation and cooperation between countries.

Evidence from the KIIs finds much praise for such capacity-building interventions, in particular the quality of their content, the good balance struck between theory, discussions and group work, and the expertise of facilitators involved. To the vast majority of sources interviewed by the evaluator, the training sessions and workshops were most helpful in clarifying concepts and correcting misunderstandings about gender concepts. Moreover, stakeholders generally found the workshops, training events and technical assistance provided by the project to be of consistently high quality.

A number of stakeholders interviewed by the evaluator pointed out that, over the years, ES-CICAD had gained a solid reputation for its research and policy expertise, which tended to give more credibility to the diagnostic studies and compendium developed by the project. In turn, such credibility made it easier to draw the attention of officers and operators in the criminal justice system and, ultimately, policymakers, thus providing a major lever to trigger a change in culture favoring the implementation of gender-sensitive ATIs for drug-related offenses.

Against this backdrop, the evaluation found indications in the desk review and the KIIs confirming that the project has helped stakeholders realize that the solution to drug offenses cannot be found in law enforcement that fails to take into account discretionary circumstances associated with gender at the time of sentencing, hence the justification for taking an integrated, gender-differentiated approach prior to sentencing. Thus, a total of 26 policymakers were given the occasion to learn from the experiences of other countries in the field of gender and criminal justice, either during the August 2018 project kick-off meeting held in Washington, D.C., or the September 2019 meeting in Antigua, Guatemala, referenced in Section 4.1.6 (these two events reached 7 and 17 policymakers respectively, as indicated in Table A8.2, Appendix 8). Furthermore, according to evidence reported in Table A8.2 (see Appendix 8), the project allowed 91 policymakers to be sensitized to the importance of incorporating a gender perspective into ATI policies and programs. Approximately 60 policymakers attending the 64th regular session of CICAD in

November 2018 were exposed to the practices of three participating member states (i.e., Argentina, Costa Rica, Jamaica) regarding gender and criminal justice. In addition, the project supported the organization of a side event to the annual session of the United Nations Commission on Narcotic Drugs, hosted by the Government of Costa Rica and held online in April 2021, in which speakers from Argentina, Canada, Colombia, Costa Rica, the Dominican Republic and Jamaica had a chance to share experiences and good practices with a wide international multisector audience made up of policymakers, justice system or health and social services operators, and representatives from academic institutions, civil society organizations, the private sector, and international organizations (92 participants from 32 countries—69 female, 22 male; see Table A8.1, Appendix 8).

The evaluator had conversations with stakeholders who indicated that, by allowing the sharing of information between beneficiary countries and with other countries involved in the delivery of ATIs, the project had exposed the parties to such sharing to realities and experiences different from their own while also creating opportunities to discuss issues and jointly identify measures aimed at addressing inherent challenges. Similarly, representatives from the beneficiary countries who attended the 64th,

*“The exchange of information was an opportunity to hear from different countries involved in the delivery of ATIs, share experiences and inherent challenges they face when applying gender considerations in the criminal justice system, and get acquainted with what is going on elsewhere in the Americas.”*

65th and 66th regular sessions of CICAD found there an opportunity to bring to the table their experience with applying gender considerations in the criminal justice, their recognition of the importance of collecting gender-disaggregated data to support the development of ATI strategies, and their understanding of the value of incorporating a gender perspective into the design and implementation of drug policies, all for the benefit of drug policymakers from other member states.

#### 4.2.5 Enabling Factors and Potential Contribution to Impact

##### Key Findings

So far, various factors have conspired to support the successful completion of project activities. Still, serious delays in implementation, coupled to limitations associated with the timing of this evaluation, prevent any firm statement from being made about foreseeable benefits for participating member states. However, preliminary indications are seen of the project’s potential contribution to impact, including a growing impetus for the integration of a gender perspective into ATIs, the spawning of spinoff initiatives in the Dominican Republic and Colombia, and major benefits in Argentina and Jamaica.

Evidence from the desk review and the KIIs sheds light on several factors that have been helping the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project achieve its objectives so far. These include a rigorous approach to project planning; a strong response on the part of the ES-CICAD project team to address challenges raised by COVID-19, including the recalibration of interventions without losing sight of deliverables; the flexibility and skills showcased by the project team in adapting the initial methodology and tailoring data collection questionnaires to reflect the specificities of each beneficiary country; the appointment of a coordinator possessing the ability to motivate country teams despite all the challenges faced by the project; the qualifications and readiness of a multidisciplinary team of experts to deliver quality technical assistance and address issues as and when they arose while also demonstrating a capacity to deal with multiple countries, cultures and judicial systems; constant communications between the ES-CICAD project team and country teams; and the relentless dedication and commitment of country teams in all five beneficiary countries.

In spite of all these enabling factors, delays in implementation have created a situation in which the project will not be in a position to examine the impact of recommendations stemming from the diagnostic studies as per the original timeframe, although some assessment of the initial steps taken by

beneficiary countries to make ATI programs and policies more gender responsive should be performed by the end of the project in September 2022. Coupled to the limitations associated with the timing of the present evaluation (discussed in Section 3.5), this prevents the evaluator from making any firm statement about the project's foreseeable benefits for participating member states. Nevertheless, preliminary observations can be made about the project's *potential* contribution to impact. Thus, as a result of the project so far, the notion of integrating a gender perspective into ATIs has gained real impetus, whereas the provision of fresh evidence-based information and analyses promises to be genuinely useful to inform policies and practices on ATIs for the benefit of beneficiary countries. Furthermore, evidence from the KIIs with stakeholders indicates that the project has already achieved major benefits or spawned worthy spinoff initiatives:

- In the Dominican Republic, ES-CICAD has provided support aimed at incorporating a gender perspective into the operational guide developed for the Program of Treatment under Judicial Supervision<sup>59</sup> (TSJ). Following the development of this guide, the Dominican Republic decided to expand the TSJ and, to this end, had requested ES-CICAD's support.<sup>60</sup> The envisaged process will make TSJ available to a larger number of individuals (including women) coping with substance use disorders who become involved with the judicial system. The process will also make TSJ more gender responsive by allowing operators to be trained following the new operational guide, which will embrace a cross-cutting gender perspective. Furthermore, updates will be made to the guide—which lists treatment standards applicable to specific populations, including women and, as a sub-group, pregnant women—to provide additional information on treatment options with a gender perspective available to TSJ operators.
- In Colombia, after having recognized the importance of sensitizing all 375 or so criminal court attorneys across the country to the importance of taking a gender perspective, the *Procuraduría General de la Nación* requested ES-CICAD to provide training in this area. A sensitization and training session on how to incorporate a gender perspective in drug-related offenses will be delivered, towards the end of March 2022, to officials working at the Office.<sup>61</sup> Also in Colombia, the *Procuraduría General de la Nación* is currently drafting a memorandum advising that, in all cases in which women are prosecuted for drug trafficking, the parties should bring evidence to determine whether vulnerability or poverty was a motive in commission of the offense and that where applicable, at the time of sentencing, such circumstances of vulnerability or poverty be taken into account, potential resulting in sentencing reduction warranted by vulnerability or poverty considerations, as enshrined in Colombian law. Moreover, in Colombia still, the *Procuraduría General de la Nación* undertook, in the second semester of 2021, a pilot program in Barranquilla's *Centro De Rehabilitación Femenino El Buen Pastor*, to review the cases of female heads of household and women with a serious illness who had become involved with the judicial system, with a view to exploring the possibility of offering them ATIs rather than sentencing them to prison. In exchanges it had with the ES-CICAD project team, the Office indicated that this had something to do with their participation in the training series delivered by the project, as it had helped them see drug-related offenses committed by women through a differential, gender-based lens.
- Argentina is in the process of carrying out a study to identify existing resources for ATI and for the strengthening of inter-institutional links.

<sup>59</sup> This program is equivalent to a DTC.

<sup>60</sup> One event is scheduled to take place on March 29, 2022, to present the operational guide developed for the TJS (Zoom meeting at <https://us02web.zoom.us/join/zoom/register/tZMkc-ypqzMoGtz6oeEkR8Jni1kDVCJichL4>).

<sup>61</sup> *Derechos Humano de las Mujeres en los Delitos relacionados con las Drogas* (Zoom webinar at [https://us02web.zoom.us/webinar/register/WN\\_x7FL5ZtRSRyRjGK1W18AYQ](https://us02web.zoom.us/webinar/register/WN_x7FL5ZtRSRyRjGK1W18AYQ)).

- In Jamaica, informants pointed out the strengthening of inter-institutional dialogue and the involvement of a broad network of actors from various sectors as key assets in ongoing efforts to develop gender-responsive ATI options and services offered to drug offenders.

In the wake of such benefits and spinoff initiatives, three upcoming events are scheduled to take place in March and April 2022, including a presentation of the revised Dominican TSJ operational guide, a presentation of project results achieved, and sensitization on gender and drug-related offenses with Colombian *Procuraduría General de la Nación*.

## 4.3 Efficiency

This section assesses the extent to which the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project has provided for an efficient delivery of planned activities. Topics include the type of institutional setup created for the project, the allocation and utilization of budget resources, the approach taken to communications, and the measures adopted to address timeline issues.

### 4.3.1 Institutional Setup

#### Key Findings

Within ES-CICAD, two separate entities (ISU and OID) joined forces to run the project while combining their expertise. Institutionally, the setup featured a small management team, a multidisciplinary technical team possessing complementary knowledge, and consultants delivering pinpointed support in the field. The project greatly benefited from the expertise, professionalism and personal commitment of these individuals.

At the core of the ES-CICAD project lies a hybrid model reflecting the fact that planning and implementation called for a partnership between two separate entities within ES-CICAD, namely the Institutional Strengthening Unit (ISU)—with a leading and coordination role—and the Inter-American Observatory on Drugs (OID). Such a structure reflects the nature of the project, which featured a research component justifying the combination of expertise from both units to guarantee the quality of the research methodology and of data collected using this methodology.

To support the project, an institutional setup was created featuring a small management team (three people) based in Washington, D.C., responsible for handling monitoring and reporting requirements, financial management, and follow-up with the donor; a multidisciplinary technical team working part-time on the project and made up of international experts possessing complementary expertise (three people, including one acting as project coordinator);

*“Working with the ES-CICAD project staff and the multidisciplinary team and consultants was a seamless, clear process, with good coordination despite the pandemic. The team is very knowledgeable and very creative to adapt, recalibrate and keep track on timelines and deliverables.”*

and consultants based in each beneficiary country and responsible for delivering punctual support (research team) and providing subject-matter expertise in the field of social reinsertion.

Indications supplied by stakeholders interviewed by the evaluator suggest that the project greatly profited from the expertise, professionalism and personal commitment of both the ES-CICAD project staff, the multidisciplinary technical team, and the consultants based in the beneficiary countries. Stakeholders also applauded the strong management capacity demonstrated throughout the project cycle, which helped maintain a focus on tasks and deliverables in spite of challenges faced at different points in time. Equally praiseworthy was the project team’s ability to simultaneous work with several countries, each having its unique cultural background and judicial system.

### 4.3.2 Budgeting

#### Key Findings

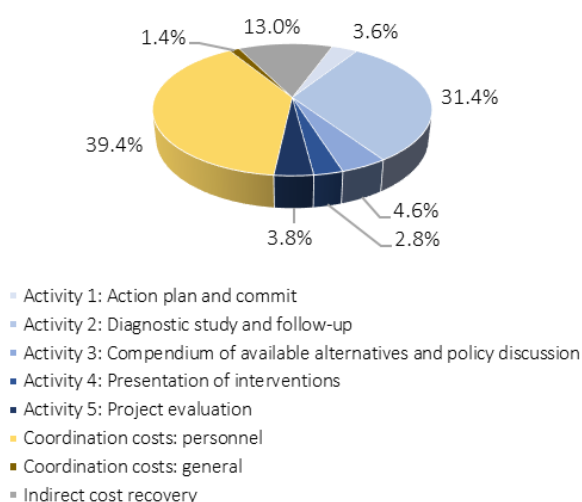
Indications are that the project was cost-efficient in its implementation, considering the financial and human resources allocated for the full implementation of planned interventions. The largest activity (31.4% of the overall envelope) had to do with the diagnostic study and follow-up in each country, which played a pivotal role in sensitizing justice operators and building their capacity, and in supporting the collection of evidence-based data to foster the promotion of gender-sensitive ATIs.

A review of the most recent financial information provided to the evaluator<sup>62</sup> indicates that the five main project activities accounted for nearly half (46.2%) of the overall envelope (see Figure 2). Unsurprisingly, the largest of these activities related to the diagnostic study and follow-up in each country (CAD 313,800; 31.4%). Other than the five activities, the largest line item related to personnel costs,<sup>63</sup> consulting services and general costs for coordination work<sup>64</sup> and project execution (CAD 393,696; 39.4%), whereas indirect cost recovery accounted for 13.0% of the budget (CAD 129,880).

An overall envelope of CAD 999,080 was allocated to the project, with funding being supplied in full by the donor (i.e., GAC). Resourcing from the five beneficiary countries came in the form of in-kind contributions, including the provision of human resources and logistical support to assist the conduct of activities during field interventions.

According to the initial project proposal submitted to GAC,<sup>65</sup> the financial envelope of CAD 999,080 was supposed to be spent over a period of three fiscal years (CAD 175,000 in 2017-2018; CAD 433,253 in 2018-2019; CAD 390,827 in 2019-2020). However, delays were encountered in the reaching of agreements, the validation of methodologies, instruments and questionnaire delivery protocols, and the selection of coordinators and on-site evaluators for the ES-CICAD team and the institutional coordination teams in each beneficiary country. This, combined to the significant adverse effect of COVID-19 on the project timelines, led to the decision to grant a no-cost extension to March 2022. At this point in the life of the project, the most recent financial information provided by ES-CICAD indicates that no funds were spent in 2017-2018,<sup>66</sup> whereas CAD 281,640 were spent in 2018-2019, CAD 348,170 in 2019-2020, and CAD 176,481 in 2020-

**Figure 2**  
Breakdown of Project Budget by Line item



<sup>62</sup> *Budget, Cash Flow and Actuals to Date (Revised, 2021)*. Excel file.

<sup>63</sup> The original personnel costs were lower but, following discussions with GAC, money was transferred to personnel as a result of the granting of a no-cost extension and as a consequence of COVID-19-related delays.

<sup>64</sup> Coordination costs also included a “researcher” budget line. Likewise, general costs (communications, virtual private network, local area network, etc.) were also recorded under coordination costs.

<sup>65</sup> Global Affairs Canada. Capacity Building Programs Divisions. (2017). *Idem*.

<sup>66</sup> The Contribution Arrangement with Canada was signed on March 29, 2018, and the first disbursements arrived on April 16, 2018, after the closing of the Canadian 2017-2018 fiscal year. Hence, there was no opportunity to incur any expense in that fiscal year.

2021. This leaves a residual of CAD 192,789 (19.3% of the total budget) to be disbursed in 2021-2022.<sup>67</sup> As of December 31, 2021, the project had USD 7,513.39 to be spent.

The evaluator notes that ISU's portfolio of active projects comprises 15 initiatives whose budgets vary between USD 100,000 and USD 8.5 million, with 80% of them aimed at supporting ATIs. The overall envelope allocated to the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project seems sufficient, considering the workload required to achieve the proposed results. Furthermore, the evaluator believes that the number of staff allocated was more than reasonable, in light of the ambitious character and scope of the project.

### 4.3.3 Communications

#### Key Findings

The project was successful at maintaining ongoing, timely communications and delivery of technical advice, which proved to be critical to build strong relationship with national counterparts and help overcome challenges faced over the course of implementation.

Evidence from the desk review and from KIs with the ES-CICAD management team and country stakeholders indicates that, at times when problems or questions arose from country teams or other parties, ongoing and timely communications and delivery of technical advice proved to be critical in ensuring a smooth implementation of project activities—this in the face of severe challenges encountered at various points in time, including during the outbreak of COVID-19. Despite a period of inactivity in 2020 caused by the pandemic, the project team kept in touch with country stakeholders and with the research teams, to monitor the situation and establish joint strategies aimed at moving forward, based on the evolving COVID-19 situation. According to stakeholders interviewed by the evaluator, regular communications during the pandemic “kept alive the stakeholders’ commitment to focus on the tasks ahead.”

*“There was and still is ongoing and very good communication with the project team. Emails, WhatsApp and virtual meetings were effective and very frequent, and they support us in a timely fashion.”*

### 4.3.4 Timelines

#### Key Findings

Although the project took adequate action to address the challenges it faced, delays in the planning phase caused it to fall behind schedule early on in its lifetime. When COVID-19 broke out, the project was already running quite late, and the pandemic had a devastating effect on the remaining timelines. A no-cost extension was granted to extend the end-of-activities date to March 2022, while the contribution agreement's expiry date was pushed back to September 2022.

As mentioned throughout this report, since its launch in 2018, the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project faced severe risks and challenges, including political changes in two of the five beneficiary countries and an outbreak of COVID-19 that brought implementation to a halt in 2020. As explained in Section 4.1.8, various methodological and logistical changes were introduced to adjust to the new circumstances, and, on the whole, these proved to be adequate.

*“I still don't understand how the project turned out so well in spite of the pandemic and the several challenges faced by the project.”*

Notwithstanding such commendable efforts, the project ran into delays right from the start, as activities that were part of the planning phase took more time than originally planned. This included reaching

<sup>67</sup> This amount includes funds that are already committed but have not yet been paid.



agreements and validating the methodology and data collection instruments; selecting the local research teams and assembling the institutional coordination teams in each country; identifying the study sites and finding a physical space for interviews; securing permits to attend hearings; defining confidentiality protocols for data collection; and identifying study participants in keeping with human subject study ethical standards. Furthermore, the project team had to spend time securing the buy-in of stakeholders such as public defense offices and attorney general's offices, whose participation was essential to obtaining proper authorizations to conduct interviews in the selected courts. Ultimately, when COVID-19 broke out, the project was already significantly behind schedule, which explains why the pandemic had such a devastating effect on project timelines. In the end, parties had no choice but to request a no-cost extension, which was granted to March 2022. Consequently, the expiry date of the arrangement had to be pushed back to its current setting of September 2022.

## 4.4 Sustainability

### Key Findings

The project has already met some of the requisite conditions for ensuring the sustainability of its results, such as the provision of evidence-based information and analyses to inform policies and practices on ATIs for the benefit of beneficiary countries; enhanced capacity and research expertise to identify gender gaps; raising awareness of policymakers and justice operators regarding gender-sensitive ATIs; and stronger dialogue and formal commitment on how to introduce and/or consolidate a gender-differentiated approach within the criminal justice systems of beneficiary countries. Still, additional efforts will be needed to instill a lasting change in mindsets and secure a strong commitment from criminal justice institutions in the beneficiary countries, in support of the adoption of gender-differentiated approaches to ATIs.

At the heart of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project stands an array of governments and social actors who agreed to cooperate and get involved in the project's actions. By taking a collaborative approach to the development of a research methodology and tools and to the gathering of data for the diagnostic studies, the project has allowed research skills to be built, evidence-based disaggregated data to be generated, and a dialogue to be fostered on how to introduce or consolidate a gender-differentiated approach within the criminal justice system of beneficiary countries. Indications from the desk review and KIIs suggest that the building-block approach to securing the formal commitment of country-level stakeholders, delivering gender-sensitive training and compiling sex-disaggregated data aimed at informing ATIs (see description in Section 4.1.4) was effective at promoting an awareness and understanding of the importance of gender-responsive ATIs. In light of this achievement, some stakeholders interviewed by the evaluator stated that the research methodology and tools developed by the project could be used to replicate and expand research coverage in other regions.

In addition to the above, the evaluation finds evidence suggesting that, once the project has ended, the beneficiary countries will have gained expertise and acquired mechanisms they can continue to use to assess how sensitive their criminal justice systems are to gender, in particular to determine whether the ATIs considered for low-level drug-related offenses suffer from gender bias. Thus, it appears that solid foundations have been laid to stay the course in designing appropriate actions or adjusting existing ATI options while placing a special emphasis on gender. Nevertheless, in the middle to long run, ongoing efforts extending beyond the scope of a single initiative will be required to determine whether momentum gained from the ES-CICAD project has instilled an enduring change in mindsets and secured an unwavering commitment from criminal justice institutions in the beneficiary countries, in support of the adoption of gender-differentiated approaches to ATIs. Furthermore, because research findings are not the only factor weighing on an institution's existing policies or favoring the adoption of new policies, any potential offspring of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project will need to pay attention to other aspects, such as robustness of design (through the definition of a sound ToC), implementation timelines, follow-up aimed



at gauging impact on policies and practices, and development of a phase-out strategy clearly outlining roles and responsibilities—all considerations deemed critical to securing the sustainability of future interventions.

## 5. CONCLUSIONS

Meant both as a response to current debate within the OAS and as a venture into the search for a solution to the world drug problem, the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project examined the suitability of ATIs for minor, non-violent drug offenders, following an innovative approach aimed at determining to what extent the criminal justice systems in five member states were applying ATIs with a gender perspective. The project's approach combined a set of interventions designed to support gender sensitization and training, the conduct of research (i.e., diagnostic studies), the identification of promising ATI solutions (i.e., compendium), and transitioning to recommendations on how to deliver ATIs that include a gender perspective—all leading to an increased awareness and understanding of the importance of incorporating a gender-differentiated approach into ATIs for drug-related offenses.

Within the limitations imposed by suboptimal timing and other constraints, this evaluation relied on a desk review and on KIs to gather information and forge an independent opinion on the project's relevance, effectiveness, efficiency and sustainability. Evidence gathered by the evaluator suggests that the project was highly relevant to the beneficiary countries as it significantly helped them clarify and reach a common understanding of gender concepts, definitions and international standards at play in designing appropriate interventions or making adjustments to existing ATI options and services. The project also filled a gap in the body of relevant, up-to-date evidence required to document how sensitive criminal justice systems currently are to gender, with a view to supporting the development of legal systems that consider the differentiated needs and circumstances of women and men and avoids criminalizing the most vulnerable.

The project is now reaching its end-of-activities and will soon be due to submit its final report. At this point in time, the vast majority of planned key outputs have been fully achieved, with only a small portion still to be finalized. Through these efforts, progress has been made in achieving outcomes such as developing and presenting concrete recommendations to improve the delivery of ATI options for men, women, and transgender individuals; making personnel in beneficiary countries more aware of the need for gender-differentiated strategies for drug-related offenders; and making personnel in beneficiary countries more skilled and knowledgeable to identify, apply and monitor ATIs for men, women, and transgender drug-related offenders.

Multiple benefits have come out of the strategies and approaches adopted by the project to secure the commitment of country stakeholders and encourage them to take ownership of the diagnostic studies (i.e., collaborative approach to the creation of data collection tools) while also providing active, ongoing support. Such benefits include the acquisition of new research tools that can be tailored to the context in each country while maintaining their consistency and comparability; access to useful guidelines and methodologies; and a strengthening of technical skills to capture gender-disaggregated data allowing more consideration to be given to gender-responsive ATIs for drug-related offenses. Partly due to delays that plagued the project's implementation, it is too early at this point to conclude unequivocally that the results achieved will convince policymakers to fully endorse the notion of considering the implementation of gender-sensitive ATIs for drug-related offenses. The project comes out of this evaluation as a good starting point and a source of precious baseline information. However, additional ongoing work will be needed to move forward, using knowledge gained so far as a stepping stone.

## 6. RECOMMENDATIONS

The evaluation addresses the following eight recommendations at ES-CICAD, with a view to facilitating the implementation and/or delivery of future programming focused on gender-sensitive ATI options for minor, non-violent drug offenders.

1. *With respect to post-project follow-up* – Given the strategic approach taken by the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project and the little time left to complete and validate key research outputs and transition to recommendations aimed at advising policymakers, it would be advisable to plan some form of post-project follow-up action, with a view to determining whether the project has had any impact on policies or practices related to gender-responsive ATIs and identifying which outstanding country needs would require further attention to get the work done. Regardless of the scope and nature of this follow-up action, ES-CICAD should stay in touch with individuals and units involved in the project and contact them regularly (at least once every three months) as this could, at minimum, add impetus to sustained efforts aimed at integrating a gender perspective into ATIs and perhaps even set the stage for future alliances in support of next-generation initiatives.
2. *With respect to further support* – In a general sense, ES-CICAD should continue to support gender sensitization and capacity building as these are critical to instilling an enduring change in mindsets regarding the adoption of gender-differentiated approaches to ATIs, which, in turns helps to promote a more humane and effective response to minor drug-related offenses; reduce the negative impacts of incarceration on low-level offenders; provide sentencing that is commensurate with the offense committed; maintain the idea of proportionality; and treat criminal punishment as a strategy of last resort for minor offenders.
3. *With respect to a potential second phase* – If further support from ES-CICAD comes in the form of a second phase to the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project, then consideration should be given to leaving room for a dialogue with country stakeholders regarding the funding and human resource implications of defining a sustainability plan and phase-out or exit strategy that spell out the commitments of government stakeholders as well as their roles and responsibilities in supporting the replication and/or scale-up of interventions beyond project completion.
4. *With respect to timelines* – Measures should be taken to ensure that the timelines associated with any future initiative aimed at supporting research leave in sufficient time to comfortably engage in dialogue with country stakeholders; discuss the methodology and identify any adjustments needed to existing technical capacities; allocate human and financial resources commensurate with the needs; and agree on which expected outcomes to prioritize and on what can be realistically done to have an enduring impact. Lessons learned from the ES-CICAD project experience indicate that such considerations may justify extending the timelines to allow key deliverables to be achieved at a smooth pace and in a proper sequence.
5. *With respect to design* – As a means of securing stakeholder buy-in, consideration should be given, at the initial design stage of any future initiative, to provide a ToC in the form of a simplified diagram that the project team may use to present the initiative to stakeholders, with a view to building a common understanding of what it is trying to achieve and how it intends to do so.
6. *With respect to M&E and RBM* – Any future initiative should consider adding qualitative indicators to the PMF, as a means of assessing learning outcomes as well as the degree to which knowledge and practices have been applied by project stakeholders to facilitate the adoption of enhanced practices aimed at more effectively including a gender perspective in ATIs for drug offenders.

7. *With respect to research sampling* – If ES-CICAD chooses to pursue evidence-based research focusing on gender in the criminal justice system, then this research should specifically target women (who, compared to men, make up a much smaller proportion of the population involved in the system), and resort to purposive sampling methods to generate datasets that are more representative of the experiences of female defendants and/or consider less labor-intensive method that requires high levels of inter-institutional coordination within participating member states.
8. *With respect to knowledge management* – ES-CICAD should consider adding to the ISU website a repository in which it could centralize tools, guidance and statistics assembled over the course of current and future initiatives dealing with gender-differentiated approaches to ATIs, as this would grant users (including country stakeholders who could be sent a link to the repository) easy access to a rich body of knowledge while giving OAS member states involved or interested in developing ATIs an opportunity to draw evidence from CICAD research, with a view to improving their understanding of and boosting their motivation to join other countries' efforts to develop ATIs.

## 7. LESSONS LEARNED AND GOOD PRACTICES

### 7.1 Lessons Learned

In an initiative as ambitious as the ES-CICAD project, and even more so in the face of challenging events such as the outbreak of COVID-19, it is easy to underestimate how much time and dialogue are needed to reach agreements with country representatives; validate methodologies and data collection instruments; recruit local research teams and assemble institutional coordination teams in each country; and identify participants in research studies. Hence the importance of ensuring that sufficient time and resources are provided for planning activities as part of the project timeline.

For projects that involve several countries, having a multisectoral and multi-country training opportunities early in the project provides a good platform to develop relationships and foster multisector cooperation (within a country) and horizontal cooperation (between countries).

Sensitizing judicial officers and operators to gender issues in the criminal justice system can prove to be a long-term undertaking whose results hinge on continued efforts and investments on the part of donors and multilateral agencies.

There is much value-added to the conduct of diagnostic studies, as this type of research can gather and disseminate useful information to actors operating both within and outside the judicial system, including perhaps men and women coping with substance use who become involved with this system.

### 7.2 Good Practices

The project was well advised in its decision to contemplate up front the selection of an online application (i.e., SurveyToGo) that was powerful enough to support the design of questionnaires, allow the supervision of interviews, provide verification functions to help collect efficiently information in real time and permit users to upload data from any type of device. This decision proved to play a pivotal role in ensuring that data could be gathered both quickly and at an acceptable degree of quality. The use of technology (tablets and data management software) enabled a more efficient data collection process, cutting the need for manual data entry and transcription.

The selection of beneficiary countries featuring a diversity of geographic locations, justice systems and experiences in the development of ATI foster a rich dialogue and a wealth of collective learnings that benefit participating member states.

Field missions with some preparatory research works are an effective way to gather information from member states and could be adopted in other project research methodology.

Strategies to mitigate the impact of institutional changes during project implementation are essential; additional time can also be built in the project from the start to account for possible institutional changes and targets should factor in those changes.



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## APPENDIX 1 – TERMS OF REFERENCE

### EXTERNAL EVALUATION OF THE PROJECT

Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)

#### 1. BACKGROUND

- 1.1 The Department of Procurement Services and Management Oversight (DPMO) is coordinating the external evaluation of the project *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)*. This assessment is part of DPMO's greater efforts to conduct formative and summative evaluations of projects and programs executed by the Organization of American States (OAS). Such efforts, coordinated and supervised by DPMO, began over 13 years ago with the evaluation of initiatives financed by the Spanish Fund for the OAS and have been extended to operations financed by other donors, such as Canada and the United States of America. These evaluations, in addition to systematizing and documenting the results of the interventions, have the goal of capitalizing on these experiences for the improvement of future project and program formulations and designs, and institutionalizing best practices in monitoring and evaluation (M&E) within the OAS.

Project Description: Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses

- 1.2 The world drug problem fuels violence, corruption and income inequality, inhibits legitimate social and economic activity, poses a serious threat to public health and international peace and security, and undermines women's empowerment and gender equality. Gender generally features in discussions on the drug problem, but very few of the responses or interventions that tackle the consequences of drugs include tangible components and solutions that address gender imbalances in access to justice and services, and other issues that negatively impact men and women. It is acknowledged that there is a different burden for men, women and transgender individuals, both as participants accessing drug-related services and as victims of drug-related and other crimes. Although men continue to be the large majority of those using or trafficking drugs, women's participation in the drug trade and consumption is on the rise in the hemisphere and worldwide. There is therefore increased recognition that policy options need to be gender responsive. This is especially true of treatment alternatives to incarceration (ATIs) for drug-dependent offenders. These alternatives involve diverting substance-abusing offenders from prison and jail into treatment and rehabilitation, in a process directed by a judge. By increasing direct supervision of offenders, coordinating public resources and expediting case processing, treatment ATIs can help break the cycle of criminal behavior, alcohol and drug use, and imprisonment. In this regard, the Bangkok Rules, adopted by the United Nations General Assembly in 2010, call for the development of "[g]ender-specific options for diversionary measures and pre[-]trial and sentencing alternatives [...] within member states' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities."<sup>68</sup>
- 1.3 The Executive Secretariat of the Inter-American Drug Abuse Control Commission (ES-CICAD), which is part of the Secretariat for Multidimensional Security (SMS) of the OAS, provides technical assistance to member states to respond to the challenges noted above. As part of its program on "Establishing and/or Improving Drug Treatment Courts (DTCs) for Drug Dependent Offenders and

<sup>68</sup> *The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*. Adopted by the General Assembly on 21 December 2010. Available online at: <[https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf)>.

## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

Other Alternatives to Incarceration” (SMS1411), and with financial aid from the Government of Canada through its Anti-Crime Capacity Building Program (ACCBP), ES-CICAD is carrying out a diagnostic study in Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica to better understand how sensitive the criminal justice system is to gender when offering ATIs for low-level, drug-related offenses. The diagnostic study findings and the good practices identified in the process are expected to inform and support the design of appropriate interventions or adjustments to current ATIs for these populations. Additionally, ES-CICAD seeks to generate baseline data based on these studies to assist drug authorities in improving their ability to track and report sentencing outcomes, while enhancing their ability to disaggregate data by gender. This type of data is expected to contribute to the development of effective drug policies and programs that are gender-sensitive and address the drug problem without widening the gender inequality gap.

- 1.4 The purpose of the project *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)* is to support member states in their efforts to explore and implement ATI options and services that are gender-sensitive. This is done through the provision of concrete recommendations to improve the delivery of ATI options for men, women and transgender individuals, based on the findings of the diagnostic study and good practices identified in the compendium; increased awareness of personnel in beneficiary countries of gender-differentiated strategies for drug-related offenders; and increased knowledge and skills of personnel in beneficiary countries in identifying, applying and monitoring ATIs relating to men, women and transgender drug-related offenders, incorporating human rights and gender-responsive practices.

### 2. OBJECTIVE OF THE CONSULTANCY

- 2.1 The objective of the consultancy is to evaluate the efficiency, effectiveness, relevance, coherence and sustainability of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)* (see evaluation criteria in Section 3). The evaluation will specifically focus on the delivery of the main outputs and the immediate and intermediate outcomes for the project.

#### **A. Scope of the Evaluation**

- 2.2 To achieve the objective, the consultant shall:
  - Conduct a summative evaluation, as it is necessary in order to identify the main achievements and results of the project.
  - Determine the relevance of the project.
  - Assess the efficiency and effectiveness of the project as best reflected in the available results.
  - Critically analyze the formulation, design, implementation and management of the project and make recommendations as needed.
  - Assess the institutional and financial sustainability of the interventions financed by the program.
  - Document lessons learned related to the formulation, design, implementation, management and sustainability.



## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

- Make recommendations, as appropriate, to improve the formulation, design and implementation, with a view to a second phase of the project.
  - Assess if and how the project addressed the cross-cutting issue of gender perspective and to what results.
  - Assess the results of the training supported by the project using, to the extent possible, the Kirkpatrick's training evaluation model.
  - Consider, as part of the evaluation, the effects of the COVID-19 pandemic on project implementation.
- 2.3 In addition to the above, the consultancy will make every attempt to answer the following performance questions:
- Was the project's implicit Theory of Change (ToC) valid?
  - Were the project's objectives achievable? Were they achieved?
  - Were the outcome indicators identified? Was there appropriate measurement of success?
  - Are the project's achievements sustainable, both institutionally and financially?
  - Did the project make an efficient use of resources?
  - Are the project's indicators specific, measurable, assignable, realistic and time related (S.M.A.R.T.)?
  - Did the project team apply results-based management (RBM) principles from its inception to its conclusion?
  - Was the process for the selection of beneficiaries done based on pre-established criteria? Were the criteria appropriate?
  - Did the project include specific requirements for conducting a follow-up of training activities in order to measure increased skills, awareness and abilities among recipients, as well as the strengthening of institutions where such individuals work, among others?
  - Was the monitoring mechanism used as an efficient and effective tool to follow up on the progress of the project's actions?

### ***B. Information Sources***

- 2.4 Among other sources, the consultant will review the following:
- Project proposal.
  - Progress implementation reports.
  - Project indicators identified in the performance measurement framework (PMF).

## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

- Products derived from the implementation of the project and means of verification.
- Any other document deemed relevant for the completion of the work.

### C. Stakeholders

2.5 Among other stakeholders, the consultant will consider the following:

- Project Team, ES-CICAD, OAS.
- Five participating OAS member states (Argentina, Colombia, Costa Rica, the Dominican Republic, Jamaica), in particular the agencies and officials responsible for the implementation of ATIs policies and programs for drug-related offenses that are involved in the project and identified by the ES-CICAD project team.
- Donor (Government of Canada, through ACCBP).
- Executive Secretariat of the Inter-American Commission of Women (CIM), OAS.
- DPMO, OAS.

### 3. EVALUATION CRITERIA

- 3.1 *Relevance:* The adequacy of the design and management of the project, in the context in which its implementation has been carried out, will be analyzed. In the evaluation, it is essential to verify if there were substantial changes in the context between the moment the intervention began and the moment the evaluation was carried out. It should also be analyzed how the objectives of the mission are framed in the mandates of the OAS. The analysis of project relevance must therefore be dynamic and not static.
- 3.2 *Efficacy:* It should be noted if the initially formulated objectives have been met, if there have been other latent objectives that have influenced the work of the project team, whether the expected results have been achieved, and if it has contributed to the achievement of other unforeseen results. In the event that the stated objectives were not well formulated, it must be stated by the evaluation team and an attempt will be made to reconstruct them from the information collected. In the event that the expected results have not been fully achieved, the evaluation team must explain why to the best of their abilities, indicating whether they respond to the formulation, execution or the appearance of unforeseen external factors.
- 3.3 *Efficiency:* The relationship between the results achieved and the human, financial and physical resources used in the project will be assessed. The evaluation of the efficiency of the project must quantify the resources and their relationship with the achievement of the results, estimating those for which there is no reliable data; and analyze the evolution of the project's management during the evaluated period, among others.
- 3.4 *Coherence:* The compatibility of the intervention with other interventions in a country, sector or institution will be analyzed.
- 3.5 *Sustainability:* The sustainability of the results after the conclusion of the project will be analyzed. In particular, attention should be paid to the achievements obtained in relation to the beneficiaries identified by the project.

## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

### 4. EVALUATION MANAGEMENT AND ACTIVITIES

- 4.1 The evaluation will be coordinated and supervised by DPMO which, in consultation with ES-CICAD, will be in charge of:
- Ensuring constant communication between the General Secretariat of the Organization of American States (GS/OAS), donors and the evaluation team.
  - Supporting the evaluation team in collecting information and conducting interviews.
  - Ensuring the quality of the evaluation process, which includes:
    - ◆ Constant feedback to the evaluator during the methodological design, data collection and analysis, and preparation of the final report.
    - ◆ The supervision of products of the evaluation team (the initial report or inception report, and preliminary and final report), making appropriate and substantive contributions to their content.
  - Disseminating the final evaluation report and ensuring a follow-up of the implementation of the recommendations.
- 4.2 The evaluation process will take a participatory approach and take account of the views of all key stakeholders. In general, the evaluation will be based on interviews, analysis of documents, hard data, use of relevant evaluation instruments (i.e., application of surveys, focus groups, etc.) and all available data sources, as required.

#### **A. Phase I: Preparatory Activities**

- 4.3 To achieve the objectives of the Terms of Reference, the consultancy shall carry out the following activities, without prejudice to other tasks that are necessary to complete the work:
- Conduct virtual inception meetings with key GS/OAS stakeholders to assess more accurately the scope of the work and request the necessary information to conduct the evaluation effectively. As a result, the consultancy will submit a draft work plan to the GS/OAS. The work plan will include the description and chronology of the activities to be carried out, the reports to be submitted and the deliverables of the evaluation.
  - Develop an evaluation framework that will contribute to determining if the project was implemented efficiently and effectively and generated the expected results. The evaluation framework shall include the following sections, among others:
    - ◆ A description of the methodology or design of evaluation strategy including, as needed, the sampling framework to be used for the collection of data, and the evaluation matrix. The evaluation methodology must consider qualitative and quantitative measurements.
    - ◆ Data collection protocols and analysis of information.
    - ◆ The identification of data collection instruments.
    - ◆ The identification and measurement of output and outcome indicators (immediate and intermediate) to measure the project's efficiency and effectiveness, in addition to those

## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

previously identified during the design of the project, if any. Both groups of indicators are expected to include their definition and methodologies for the collection and calculation.

- ◆ The instruments for the collection of information and related materials.
- ◆ A revised version of the work plan for the consultancy, including the collection, analysis and production of reports.
- ◆ A proposal of the table of contents of the final report, among others.

### ***B. Phase II: Collection and Analysis of Information, and Preliminary Report***

- Review all the relevant documentation, including those produced during the formulation and design of the project.
- Conduct interviews and collect information from key stakeholders, including the project team (in Washington, DC, and in the field), government officials, and direct beneficiaries, among others (see Paragraph 2.5).
- Conduct interviews and focus groups to validate the implicit chain of results (logic model/ToC) for the project, by determining if it was adequate and valid for the expected and actual results.
- Assess the project's efficiency and effectiveness, identifying lessons learned and making recommendations with a view to a second phase of the project.
- Assess the management of the project in the use of planning and implementation tools, such as annual operation plans, the logical framework, and project monitoring reports among others.
- Assess the technical and economic feasibility of the project, including the sustainability of its results.
- Determine the relevance of the criteria used for the targeting of beneficiaries from the project and make appropriate recommendations for similar initiatives in the future.
- Analyze how and if the project incorporated a gender perspective approach in the execution of its components and, if there were any such efforts, determine how consequential it was.
- Measure the project's performance in terms of efficiency and effectiveness. The consultancy shall review the logic model and the indicators identified in the PMF. In addition, the consultancy shall identify and measure, as needed, indicators that were not considered in the original design. In addition, the consultancy should propose, with a view to a second phase of the project, a revised logic model and PMF. The consultancy shall analyze the extent to which the expected results were achieved as well as identify unplanned results that may have occurred.
- Produce a preliminary report describing the progress of the evaluation.
- Participate in a videoconference with OAS headquarters to present the evaluation report.

## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

### C. *Phase III: Presentation of Final Report*

- Produce a final report analyzing and describing the execution, outputs and outcomes of the supported actions; lessons learned, recommendations and conclusions; and a section for sustainability and beneficiaries, among others.
- The report will be accompanied by a PowerPoint presentation.
- Participate in a videoconference with GS/OAS stakeholders to present the final report.

### 5. PRODUCTS AND DELIVERABLES

- 5.1 The consultancy will produce and deliver the following documents, taking into consideration each of the activities described in the above section:
- An inception report, including a detailed work plan and the evaluation framework within 15 days concluding the inception meetings.
  - A preliminary evaluation report on the progress of the consultancy, including a revised logical framework and ToC.
  - A final evaluation report including all products mentioned above and a PowerPoint presentation to be presented on a previously agreed date.

### 6. CONSULTANCY CHARACTERISTICS

- 6.1 Type of consultancy: Individual consultant.
- 6.2 Duration: A maximum of 3 months (35 non-consecutive days; see Paragraph 6.1).
- 6.3 Place of work: Consultant's place of residence.
- 6.4 Qualifications: The consultant must demonstrate a minimum of 10 years of experience in project evaluation; must hold a graduate degree in public policy, economics, management or related area; must have experience working in Latin America and the Caribbean; and must be familiar with public drug policy and gender-sensitive approaches. In addition, the consultant should be proficient in the use of the English and Spanish language, oral and written. Knowledge and experience in criminal justice, drug-related crime and ATIs, experience in working with an international organization in the Americas, and experience in the evaluation of similar projects is not a requirement but will be a plus.

### 7. EVALUATION PREMISES AND APPLICABLE REGULATIONS

- 7.1 In addition to the clauses contained in the contract, the evaluation team shall comply with the OAS Code of Ethics and United Nations Evaluation Group (UNEG) evaluation norms and standards and protect personal data, to uphold and promote:
- *Anonymity and confidentiality:* The evaluation shall respect the right of individuals to provide information, ensuring their anonymity and confidentiality and guaranteeing the security of personal data that may be collected during the evaluation.

## APPENDIX 1 – TERMS OF REFERENCE (CONTINUED)

- *Integrity*: The evaluator will have the responsibility to highlight issues not specifically mentioned in the Terms of Reference, if this is necessary to obtain a more complete analysis of the program.
- *Independence*: The evaluator shall guarantee his/her independence from the evaluated interventions. In order to avoid possible conflicts of interest, the evaluator shall not have been linked at any time to the program implementation nor have participated in the implementation of other projects or programs related to the evaluated program.
- *Incidents*: In case of problems arising during the fieldwork or in any other phase of the evaluation, they shall be immediately communicated to DPMO. If not, in no case the existence of such problems can be used to justify the non-obtainment of the results established in these Terms of Reference.
- *Validation of the information*: It is the evaluator's responsibility to guarantee the veracity of the information gathered for the elaboration of the reports, and in the last instance, he/she will be responsible for the reliability of the information presented in the evaluation.

### 8. TIMEFRAME AND PAYMENT SCHEDULE

- 8.1 It is expected that the consultancy will require a total of 35 non-consecutive working days between January and March 2022.
- 8.2 The payment schedule is as follows:
  - 30% upon delivery of an inception report.
  - 35% upon delivery of a preliminary evaluation report.
  - 35% upon delivery of the final evaluation report accompanied by a PowerPoint presentation.

### 9. PROCUREMENT PROCESS

- 9.1 The contracting will follow the procurement processes outlined by OAS tender regulations, as well as Executive Order 05-04 Corr.1.
- 9.2 The OAS does not discriminate against any individual on the basis of race, color, marital status, religion, age, gender, disability, sexual orientation, gender identity, or status as a parent.

## APPENDIX 2 – EVALUATION MATRIX

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
<b>1. Relevance and strategic fit of the intervention</b>				
1.1 To what extent have interventions under ES-CICAD been relevant to the needs of participating member states?	<ul style="list-style-type: none"> <li>How were the member states' needs assessed and taken into consideration to design the project?</li> <li>How relevant has the strategy been to give a portrait of gender gaps and limitations to access treatment ATIs and services?</li> </ul>	<ul style="list-style-type: none"> <li>Perceptions of project staff and stakeholders regarding the relevance of interventions</li> <li>Type of adjustments made to better address the countries' contextual or legal realities</li> <li>Degree to which gender mainstreaming has properly identified gender gaps and limitations to access treatment ATIs for drug-dependent offenders</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Inter-American Observatory on Drugs (OID) representative</li> <li>Gender specialist</li> <li>Country stakeholders</li> <li>Project files and progress reports</li> <li>Gender assessment tools and reports</li> <li>Country diagnostic studies</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
1.2 To what extent were the criteria for selecting member states relevant? How were the criteria established?	<ul style="list-style-type: none"> <li>How gender responsive were the criteria?</li> <li>To what extent was consideration given to the countries' political will and institutional capacity to develop ATIs for drug-related offenses?</li> </ul>	<ul style="list-style-type: none"> <li>Type of criteria used for the selection of countries (geographic or others)</li> <li>Degree to consideration given to political will and institutional capacity to incorporate or expand ATIs for drug-related offenses</li> <li>Perceptions of OAS stakeholders regarding the selection process</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Project files and progress reports</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
1.3 To what extent are the project objectives aligned with the priorities of OAS, Canada and the participating member states?	<ul style="list-style-type: none"> <li>To what extent is the project aligned with the OAS-CICAD Hemispheric Plan of Action on Drugs 2016-2020 and with international drug conventions?</li> <li>To what extent are the project objectives and country interventions aligned with the donor's priorities (Canada)?</li> <li>To what extent is the project aligned with the policies and priorities of participating member states with regards to justice?</li> </ul>	<ul style="list-style-type: none"> <li>Level of consistency between the project and the OAS mandate/priorities</li> <li>Degree of alignment with the Hemispheric Plan of Action and strategic areas</li> <li>Degree of alignment with Canada's ACCBP objectives and priority areas</li> <li>Adequacy of the project with the criminal justice systems, drug authority needs, and realities of each country</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders</li> <li>Hemispheric Strategy and Plan of Action 2016-2020 and 2021-2025</li> <li>Hemispheric Drug Strategy 2010 and 2020</li> <li>International drug conventions and other relevant international instruments</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
<b>2. Validity of intervention design</b>				
2.1 To what extent has the project been appropriate and coherent for achieving planned outcomes?	<ul style="list-style-type: none"> <li>Were the project objective and outcomes clear and realistic?</li> <li>Are the project objective and outcomes gender responsive? How so?</li> </ul>	<ul style="list-style-type: none"> <li>Degree of clarity of the interventions' objectives</li> <li>Evidence of the inclusion of gender into the objectives and outcomes</li> <li>Type of adjustments made to timelines</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Country stakeholders</li> <li>Logic model and PMF</li> <li>Project files and progress reports</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>



## APPENDIX 2 – EVALUATION MATRIX (CONTINUED)

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
2.2 To what extent did the ES-CICAD project build on similar initiatives and knowledge developed under various funding sources?	<ul style="list-style-type: none"> <li>Were the recommendations best, practices and lessons learned from similar initiatives (e.g., DTCs) integrated into the planning and implementation of the current project?</li> </ul>	<ul style="list-style-type: none"> <li>Degree to which knowledge stemming from the previous ES-CICAD initiatives was integrated into the design of the project</li> <li>Evidence of a follow-up on the recommendations stemming from evaluations (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Project files and related documents</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
2.3 To what extent has the implicit ToC been helpful in supporting project implementation?	<ul style="list-style-type: none"> <li>How were the implicit ToC and logic model used to guide the design and implementation of project interventions?</li> <li>Based on your project experience, would you adjust the logic model?</li> </ul>	<ul style="list-style-type: none"> <li>Evidence of a ToC/logic model that supports project interventions</li> <li>Perceptions of ES-CICAD project staff regarding the adequacy of the implicit ToC</li> <li>Type of adjustments to the logic model</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Project files and related documents</li> <li>ToC documentation</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
2.4 To what extent were the principles of RBM applied to the project? How did this translate in the project's design, management and country-level interventions (project performance, measurement and learnings)?	<ul style="list-style-type: none"> <li>How was gender integrated in the design of the monitoring activities?</li> <li>Were the main internal/external risks identified by the project?</li> <li>To what extent are the project assumptions still valid? If they are no longer valid, what has changed since the launch of the program?</li> <li>How useful was the risk analysis?</li> </ul>	<ul style="list-style-type: none"> <li>Degree to which RBM principles have been integrated into the project</li> <li>Adequacy of gender analysis and gender mainstreaming tools to address gender gaps in the judicial system</li> <li>Degree to which the risks and assumptions have been clearly identified and proved effective to guide project interventions</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Project files and related documents</li> <li>PMF, M&amp;E tools and databases</li> <li>Risk analysis</li> <li>Tools incorporating gender (survey questionnaires for the initial and follow-up phases)</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
2.5 What obstacles did the project encounter during implementation? Have there been any changes in the interventions' strategies and approaches due to COVID-19? If so, what steps were taken to adjust the interventions?	<ul style="list-style-type: none"> <li>What negative factors or events affected the project?</li> <li>How were these factors addressed?</li> <li>Were the gendered impacts of any changes resulting from the negative factors considered, and if so, how?</li> <li>What mitigation strategies (corrective actions) did the project adopt to achieve its objectives? How successful were these corrective actions?</li> </ul>	<ul style="list-style-type: none"> <li>Type of political and legal factors affecting the project (change of government, diversity of the judicial system, etc.)</li> <li>Type of adjustment measures adopted to mitigate the consequences of COVID-19 to ensure attainment of the expected results</li> <li>Incidence of COVID-19 on the achievements of results</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Country stakeholders and coordinators</li> <li>Project files and related documents</li> <li>Project timelines</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>

## APPENDIX 2 – EVALUATION MATRIX (CONTINUED)

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
<b>3. Intervention progress and effectiveness</b>				
3.1 To what extent have interventions achieved the intended outcomes and outputs, and reached their target groups?	<ul style="list-style-type: none"> <li>What are the results achieved for country-level interventions?</li> <li>How effective were the interventions at achieving their intended outcomes?</li> </ul>	<ul style="list-style-type: none"> <li>Type of results and outputs achieved</li> <li>Evidence of the development of targeted interventions and policies on ATIs for drug-dependent offenders</li> <li>Type of knowledge gained, skills acquired, and tools developed to enhance institutional capacity to promote ATI policies and practice over time</li> <li>Type of technical capacities acquired by beneficiary countries to deliver ATI strategies that are gender-sensitive in their approach for men, women and transgender individuals</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Country stakeholders, coordinators</li> <li>Donor</li> <li>Project files and related documents</li> <li>Tools, guidelines and methodology developed to support member states</li> <li>Learning events</li> <li>Research conducted</li> <li>Satisfaction survey (training, workshops)</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
3.2 How effective was the project at improving the delivery of ATI options that are responsive to gender inequalities?	<ul style="list-style-type: none"> <li>What type of changes did the project interventions contribute to? Were any gender-responsive ATI practices adopted? Any specific examples?</li> </ul>	<ul style="list-style-type: none"> <li>Number of diagnostic studies conducted</li> <li>Number and availability of disaggregated gender data collected in beneficiary countries</li> <li>Number of qualitative interviews systematizing experiences with the judicial system by gender, conducted either in person or virtually</li> <li>Perceptions of justice operators regarding project support to the integration of gender-responsive ATIs</li> <li>Number of documents, guidelines and protocols specifically addressing gender equality</li> <li>Type of gender-responsive practices adopted</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Project files and related documents</li> <li>Tools, guidelines and methodology developed to support member states</li> <li>Learning events</li> <li>Research conducted</li> <li>Questionnaires</li> <li>Diagnostic studies, disaggregated databases, compendium</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
3.3 How effective was the project at applying gender equality in the treatment of drug-related offenders and at improving access to relevant services in the justice and health system?	<ul style="list-style-type: none"> <li>In what ways did the project reflect changes in the treatment and access of drug-related offenders with gender-sensitive options in the justice and health system? Any system examples?</li> <li>How did the project results reflect proper handling of gender considerations?</li> </ul>	<ul style="list-style-type: none"> <li>Number of policymakers (m/f) approached with recommendations, either in person or virtually</li> <li>Number of policy changes or practices implemented to reduce potential gender discrimination in the delivery of ATIs</li> <li>Type and identification of specific gender treatment options for drug dependent offenders (i.e., for women with children)</li> <li>Evidence of gender treatment options for drug-related offenders</li> <li>Adequacy of gender analyses and gender tools to address gender gaps</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Project files and related documents</li> <li>Country protocols drafted</li> <li>Country official documents</li> <li>Progress reports and related documents</li> <li>Compendium</li> <li>Protocols drafted</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>

## APPENDIX 2 – EVALUATION MATRIX (CONTINUED)

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
3.4 How effective was the project at fostering a wider acceptance and application of ATI strategies that are gender sensitive in their approach by magistrates, judges, and other judicial officers?	<ul style="list-style-type: none"> <li>To what extent has the project built the capacities of national stakeholders to gather gender-sensitive data to tailor gender-sensitive ATIs? How so?</li> </ul>	<ul style="list-style-type: none"> <li>Number of DTC teams capable of gathering gender-disaggregated data to tailor gender-sensitive ATIs</li> <li>Number of policymakers (m/f) exposed to and learning from ATI practices in other countries</li> <li>Perceptions of magistrates, judges and judicial officers regarding learning experiences and the project's contribution to a wider acceptance and application of gender-sensitive ATIs</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Project files and related documents</li> <li>Attendance at OAS/SMS/CICAD events and workshops (e.g., CICAD-64)</li> <li>Questionnaires and tools developed to gather gender-sensitive data</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
3.5 How successful was the project at delivering concrete evidence-based recommendations to improve the delivery of ATI options for men, women, and transgender individuals?	<ul style="list-style-type: none"> <li>How successful has the project been at building evidence-based knowledge to support the delivery of country-level ATI models?</li> <li>To what extent has the project improved methodologies, tools and techniques for identifying and removing gender barriers/gaps to ATIs?</li> </ul>	<ul style="list-style-type: none"> <li>Number of judicial officers (m/f) trained on the gender approach to ATI options</li> <li>Number of DTC teams trained on gender-specific recommendations</li> <li>Evidence of country-level interventions that mainstream evidence-based knowledge to improve the delivery of gender-sensitive ATIs</li> <li>Degree to which the project contributed to the identification and reduction of gender barriers/gaps</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Training</li> <li>Country proposals for ATIs</li> <li>Compendium</li> <li>Methodological tools and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
3.6 How effective was the project at increasing the awareness, knowledge and skills of personnel in beneficiary member states to identify and apply ATIs relating to men, women, and transgender drug-related offenders, with international human rights and gender-responsive practices?	<ul style="list-style-type: none"> <li>How successful has the project been at capturing the interest of national key stakeholders?</li> <li>To what extent was the project successful at sensitizing and building the knowledge of justice and health system officials? How so?</li> </ul>	<ul style="list-style-type: none"> <li>Level of satisfaction of magistrates, judges and justice operators with the learning experience and the project's contribution to the national and international debate on ATIs</li> <li>Adequacy of participatory approaches adopted to involve a wide spectrum of national multi-sectorial stakeholders to foster dialogue and increase awareness</li> <li>Degree to which the project successfully sensitized, and built the knowledge of, judicial system officers</li> <li>Type and adequacy of mechanisms and tools that supply generic knowledge and context-specific analyses to feed ATI options</li> <li>Level of satisfaction of national stakeholders with the training received and the acquisition of gender-sensitive knowledge</li> <li>Evidence of gender analysis and gender mainstreaming tools</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Training and participants' evaluation</li> <li>Project files, meeting reports and administrative records</li> <li>Research, tools and guidelines</li> <li>Compendium</li> <li>Diagnostic studies</li> <li>Communication tools</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>

## APPENDIX 2 – EVALUATION MATRIX (CONTINUED)

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
3.7 Has the project experienced any unexpected results, either positive or negative?	<ul style="list-style-type: none"> <li>Have any positive or negative results emerged from country-level interventions? If so, how were these results identified and addressed?</li> <li>Were the gendered impacts of changes resulting from the positive and negative results considered, and if so, how?</li> </ul>	<ul style="list-style-type: none"> <li>Type and extent of unintended outcomes</li> <li>Type and extent of threats associated with negative outcomes</li> <li>Perceptions of stakeholders regarding the nature and repercussions of unintended outcomes</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Project files and related documents</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
3.8 What were the project's key success factors?	<ul style="list-style-type: none"> <li>What positive factors affected the project?</li> <li>Were the gendered impacts of any changes resulting from the positive factors considered, and if so, how?</li> </ul>	<ul style="list-style-type: none"> <li>Type of success factors identified</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>Administrative files and records</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
<b>4. Efficiency</b>				
4.1 To what extent were the project resources (i.e., material, financial, human) managed in the most efficient way?	<ul style="list-style-type: none"> <li>What resources (i.e., material, financial, human) were engaged for each project outcome?</li> <li>How efficiently were the intervention resources used to address gender equality during project implementation?</li> <li>Could the management of resources have been handled differently?</li> </ul>	<ul style="list-style-type: none"> <li>Budget adjustments due to change in the timelines</li> <li>Amounts carried over</li> <li>Resources allocated to personnel, research and capacity building</li> <li>Budget breakdown by activities</li> <li>Costs associated with travel and local research in each target country</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Project files and related documents</li> <li>Financial reports and project budgets</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
4.2 To what extent have management capacities and arrangements supported the achievements of results?	<ul style="list-style-type: none"> <li>How effectively are the project teams working?</li> <li>Are new systems or processes required?</li> <li>Were any bottlenecks encountered due to the project workload or unexpected factors (e.g., COVID-19), and if so, what were they?</li> </ul>	<ul style="list-style-type: none"> <li>Adequacy of program staffing to implement and manage the project</li> <li>Perceptions of project staff regarding the management structure</li> <li>Type of bottlenecks encountered</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Project files and related documents</li> <li>Financial reports and project budgets</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
4.3 Have project funding and activities been delivered by ES-CICAD in a timely manner?	<ul style="list-style-type: none"> <li>Were there any significant delays in the implementation and sequencing of events? If so, how did they affect the achievement of results?</li> <li>How could the budgeting process be improved?</li> </ul>	<ul style="list-style-type: none"> <li>Type of delays</li> <li>Perceptions of project staff regarding the budgeting process</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Project files and related documents</li> <li>Budgets</li> <li>Financial reports</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>

## APPENDIX 2 – EVALUATION MATRIX (CONTINUED)

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
4.4 How effective was the ES-CICAD at coordinating with country stakeholders to support implementation of the project under review?	<ul style="list-style-type: none"> <li>How successful has the project been at making the best possible use of expertise available at the country/headquarters or other stakeholder (i.e., CIM) level, in order to address gender-related issues?</li> </ul>	<ul style="list-style-type: none"> <li>Adequacy of the coordination mechanisms with country partners</li> <li>Synergies with other projects</li> <li>Adequacy of gender expertise supporting the country-level interventions</li> <li>Adequacy of the dissemination strategy and communications between countries and ES-CICAD</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Financial reports and project budgets</li> <li>Communication tools and mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
4.5 To what extent has the project been systematically monitoring and documenting information to allow for the measurement of results, including with respect to gender?	<ul style="list-style-type: none"> <li>Has a robust M&amp;E system been set to collect data?</li> <li>To what extent is the M&amp;E system capturing the required project data?</li> <li>How simple, flexible, timely and accurate is the M&amp;E system?</li> </ul>	<ul style="list-style-type: none"> <li>Adequacy of the monitoring tools used to document and measure results</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>M&amp;E officer</li> <li>Gender specialist</li> <li>M&amp;E methodologies and tools</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
4.6 How effective has the project been at incorporating gender consideration in its interventions?	<ul style="list-style-type: none"> <li>What type of gender-sensitive monitoring structures were put in place to help assess the outcomes of the project? How sufficient and appropriate were these structures?</li> <li>To what extent are gender-based barriers and gender-related risks systematically addressed in each of the participating member states?</li> </ul>	<ul style="list-style-type: none"> <li>Evidence of gender-specific monitoring tools</li> <li>Number of country-specific mechanisms to address gender considerations in the judicial system</li> <li>Evidence of a database supporting the disaggregation of different variables in each country</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff and M&amp;E personnel</li> <li>Donor</li> <li>Country stakeholders and coordinators</li> <li>M&amp;E methodologies and tools</li> <li>Database developed</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
4.7 How effective is the project at sharing good practices and disseminating knowledge internally and externally (including gender-related results and knowledge)?	<ul style="list-style-type: none"> <li>How are good practices identified, captured disseminated and shared?</li> </ul>	<ul style="list-style-type: none"> <li>Type of mechanisms established to share good practices and disseminate knowledge</li> <li>Level of satisfaction of national stakeholders with the dissemination and sharing of information on gender-related results and knowledge</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Social media and workshops</li> <li>Presentation of results</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
<b>5. Contribution to impact, sustainability, best practices and lessons learned</b>				
5.1 In what ways have ES-CICAD project interventions contributed to significant positive changes in ATI options in the longer term?	<ul style="list-style-type: none"> <li>How effective were the strategies and interventions to identify and address barriers to ATIs?</li> <li>How effective were the interventions to address gender disparities in access to services?</li> <li>To what extent are justice-related gender-based barriers systematically addressed in the beneficiary countries?</li> </ul>	<ul style="list-style-type: none"> <li>Evidence of the adoption of strategies to address gender in the criminal justice system</li> <li>Degree to which the project contributed to addressing gender disparities in access to services</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Donor</li> <li>Implementing partners in the beneficiary countries</li> <li>Compendium</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>

## APPENDIX 2 – EVALUATION MATRIX (CONTINUED)

Criteria and questions	Sub-questions [1]	Indicators [2]	Data sources	Data collection methods
5.2 What key factors and challenges would require immediate attention to improve the sustainability prospects of project outcomes?	<ul style="list-style-type: none"> <li>How are national stakeholders prepared for the end of the project?</li> <li>How likely is it that the gender-related outcomes will be sustainable?</li> <li>What gender-specific strategies contribute towards sustainability in each beneficiary country?</li> </ul>	<ul style="list-style-type: none"> <li>Evidence of a phase-out/exit strategy being adopted or implemented</li> <li>Adequacy of technical and institutional capacities to sustain the development and implementation of gender-specific ATI options</li> <li>Type of measures adopted to reduce gender disparities in justice and in access to services</li> <li>Type of strategies or measures adopted to support gender-specific ATI options</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Country stakeholders and coordinators</li> <li>Donor</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> <li>Desk review</li> </ul>
5.3 What best practices and lessons learned have the project stakeholders, ES-CICAD personnel and the beneficiary countries identified?	<ul style="list-style-type: none"> <li>What examples are there of country-specific emerging good practices?</li> <li>What are the primary lessons learned?</li> </ul>	<ul style="list-style-type: none"> <li>Type of best practices identified by partner organizations and ES-CICAD</li> <li>Types of lessons learned identified</li> </ul>	<ul style="list-style-type: none"> <li>ES-CICAD management team</li> <li>Project staff</li> <li>Country stakeholders and coordinators</li> <li>Donor</li> <li>Project files</li> <li>Diagnostic studies</li> <li>Compendium</li> </ul>	<ul style="list-style-type: none"> <li>Key informant interviews</li> </ul>

Notes:

1. Sub-questions are prompt questions that may or may not be used during the key informant interviews.

2. Some of the indicators in this table were inspired by those originally listed in the PMF. Others are qualitative gauges designed to support the evaluation in outlining changes brought about by project interventions.

## APPENDIX 3 – LIST OF DOCUMENTS REVIEWED

### Strategic and Reference Documents

- Briones, A., Cumsille, F., Henao, A., and Pardo, B. (Eds.) (2013). *The Drug Problem in the Americas*. Organization of American States.
- Castro, T.G. (2019). *Pretrial Detention in Latin America: The Disproportionate Impact on Women Deprived of Liberty for Drug Offenses*. Women, Drug Policy and Incarceration: Policy Brief. Advocacy for Human Rights in the Americas.
- Cooper, C.S., Chisman, A.M., and Maurandi, A.L. (Eds.) (2013). *Drug Treatment Courts: An International Response for Drug-Dependent Offenders*. Organization of American States.
- Fair, H., and Walmsley, R. (2021). *World Prison Population List*. Thirteenth edition. Institute for Crime & Justice Policy Research.
- García, J.H. (2020). *How COVID-19 has Exacerbated Problems Created by Excessive Use of Pre-Trial Detention*. Expert blog. Online at <<https://www.penalreform.org/blog/how-covid-19-has-exacerbated-problems-created-by/>>.
- Global Affairs Canada (2017). *Canada's Feminist International Assistance Policy*. Government of Canada.
- Global Affairs Canada (Inspector General Office, Evaluation Division). (2016). *Evaluation of the Anti-Crime Capacity Building Program and Counter-Terrorism Capacity Building Program. Final Report*. Government of Canada. Online at <[https://www.international.gc.ca/gac-amc/publications/evaluation/2016/eval\\_accbp\\_ctcbp-eval\\_arclcc\\_arca.aspx?lang=eng#eac\\_1\\_2\\_1](https://www.international.gc.ca/gac-amc/publications/evaluation/2016/eval_accbp_ctcbp-eval_arclcc_arca.aspx?lang=eng#eac_1_2_1)>.
- Inter-American Drug Abuse Control Commission. (2009). *Hemispheric Drug Strategy*. Approved by CICAD at its forty-seventh regular session (May 2010). Organization of American States, Secretariat for Multidimensional Security.
- Inter-American Drug Abuse Control Commission. (2015). *Technical Report on Alternatives to Incarceration for Drug-Related Offenses*. Prepared by the Technical Secretariat Working Group on Alternatives to Incarceration. Organization of American States.
- Inter-American Drug Abuse Control Commission. (2019). *Final Report: Sixty-Fourth Regular Session, November 19-21, 2018*. Organization of American States.
- Inter-American Drug Abuse Control Commission. (2020). *Hemispheric Drug Strategy 2020*. Approved at the CICAD Sixtieth-Eighth Regular Session: Bogotá, Colombia, December 9-11, 2020. Organization of American States.
- Inter-American Drug Abuse Control Commission. (n.d.). *Hemispheric Plan of Action on Drugs, 2016-2020*. Approved at the CICAD Sixtieth Regular Session: Nassau, The Bahamas, November 2-4, 2016. Organization of American States.
- Inter-American Drug Abuse Control Commission. (n.d.). *Hemispheric Plan of Action on Drugs, 2021-2025*. Approved at the CICAD Sixtieth-Eighth Regular Session: Bogotá, Colombia, December 9-11, 2020. Organization of American States.



## APPENDIX 3 – LIST OF DOCUMENTS REVIEWED (CONTINUED)

- Meléndez, A.F. (2010). *Handbook on Mainstreaming Gender Equality into the OAS Project Cycle*. Prepared for the Department of Planning and Evaluation. Organization of American States.
- Organization of American States. (2013). *Declaration of Antigua Guatemala “for a Comprehensive Policy against the World Drug Problem in the Americas.”* Adopted at the fourth plenary session, held on June 6, 2013, of the forty-third regular session of the OAS General Assembly.
- Penal Reform International. (2016). *Reforming Criminal Justice Responses to Drugs*. 10-point plan.
- Penal Reform International. (2021). *Global Prison Trends 2021*. Penal Reform International, and Thailand Institute of Justice.
- United Nations Commission on Narcotics and Drugs. (2016). *Mainstreaming a Gender Perspective in Drug-Related Policies and Programmes*. Resolution 59/5. Fifty-ninth session, including a special segment on the preparation for the special session of the General Assembly on the World Drug Problem, Vienna, 14-22 March 2016. United Nations.
- United Nations Office on Drugs and Crimes. (2013). *The International Drug Control Conventions. Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol; Convention on Psychotropic Substances of 1971; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (with final acts and resolutions)*. United Nations.
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- World Population Review. (2022). *Incarceration Rates by Country 2022*. Online at <<https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>>.
- World Prison Brief. (2022). Online at <<https://www.prisonstudies.org/country/argentina>> [Argentina], <<https://www.prisonstudies.org/country/costa-rica>> [Costa Rica], <<https://www.prisonstudies.org/country/jamaica>> [Jamaica], <<https://www.prisonstudies.org/country/dominican-republic>> [Dominican Republic].

### Project-Related Documents and Annual Reports

- ACCBP 2017/417 – *Logic Model and Performance Measurement Framework*. (Updated, 2021).
- Budget, Cash Flow and Actuals to Date (Revised, 2021)*. Excel file.
- Department of Procurement Services and Management Oversight. (n.d.). *External Evaluation of the Project “Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses (2018-2021)”*. Terms of Reference for the project evaluation. Organization of American States.
- Inter-American Drug Abuse Control Commission. (2018). *First Coordination Meeting for the Gender in the Criminal Justice System Project. Meeting Report*. Meeting held in Washington, D.C., from July 31 to August 1, 2018. Organization of American States.

## APPENDIX 3 – LIST OF DOCUMENTS REVIEWED (CONTINUED)

- Inter-American Drug Abuse Control Commission. (2019). *Estudio Diagnóstico. Género en el Sistema de Justicia Penal: Explorando Alternativas al Encarcelamiento Basadas en la Evidencia para Delitos Relacionados con las Drogas*. Data collection questionnaire for the initial phase. Organization of American States.
- Inter-American Drug Abuse Control Commission. (2021). *Estudio Diagnóstico. Fase II Seguimiento. Género en el Sistema de Justicia Penal: Explorando Alternativas al Encarcelamiento Basadas en la Evidencia para Delitos Relacionados con las Drogas*. Data collection questionnaire for the follow-up phase. Organization of American States.
- Inter-American Drug Abuse Control Commission. (n.d.). *Gender in the Criminal Justice Systems: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Methodology to Conduct the Diagnostic Study*. Organization of American States.
- Inter-American Drug Abuse Control Commission. (2022). *Prácticas Prometedoras Sobre Alternativas al Encarcelamiento Para Delitos Relacionados con las Drogas con Perspectiva de Género*. Unedited draft (not for sharing). Organization of American States.
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- Organization of American States. (2018). *ACCBP 2017-417: Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Narrative Report*. Implementation period covered: April 2018-30 June 2018. Submitted to Global Affairs Canada's Capacity Building Programs Divisions.
- Organization of American States. (2019). *ACCBP 2017-417: Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Narrative Report*. Implementation period covered: April 2018-30 March 2019. Submitted to Global Affairs Canada's Capacity Building Programs Divisions.
- Outcome Reporting Worksheet*. Preliminary version updated to March 17, 2022.
- Project Reach*. Preliminary data updated as of March 17, 2022.
- Secretariat for Multidimensional Security of the General Secretariat of the Organization of American States, and Executive Secretariat of the Inter-American Drug Abuse Control Commission. (2020). *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Annual Results Report (April 1, 2019-March 31, 2020)*. Project number: ACCBP 2017-417. Submitted to Global Affairs Canada.
- Secretariat for Multidimensional Security of the General Secretariat of the Organization of American States, and Executive Secretariat of the Inter-American Drug Abuse Control Commission. (2021). *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses. Annual Results Report (April 1, 2020-March 31, 2021)*. Project number: ACCBP 2017-417. Submitted to Global Affairs Canada.
- Table of Gender Characteristics of Study Sample*. Data updated as of March 17, 2022.

## APPENDIX 3 – LIST OF DOCUMENTS REVIEWED (CONTINUED)

### Group Work and Country-Level Proposals

The following entries include both joint papers, and proposals submitted by countries to deploy a program, strategy or action aimed at strengthening ATIs for drug-related offenses from a gender perspective.

Government of Jamaica. (2021). *Presentation on Alternatives to Incarceration for Drug-Offenders*.

Inter-American Drug Abuse Control Commission. (n.d.). *Working Guide on the Development of a Proposal for an Action/Strategy or Program on Alternatives to Incarceration for Drug-Related Offenses from a Gender Perspective*. Organization of American States.

Inter-American Drug Abuse Control Commission, and Inter-American Commission of Women. (n.d.). *Propuesta Argentina*. Proposal submitted for Argentina. Organization of American States.

Inter-American Drug Abuse Control Commission, and Inter-American Commission of Women. (n.d.). *Propuesta Colombia*. Proposal submitted for Colombia. Organization of American States.

Inter-American Drug Abuse Control Commission, and Inter-American Commission of Women. (n.d.). *Propuesta Costa Rica*. Proposal submitted for Costa Rica. Organization of American States.

### Training Documents

Inter-American Drug Abuse Control Commission, and Inter-American Commission of Women. (2021). *Training Series on Gender in the Criminal Justice System: Alternatives to Incarceration for Drug-Related Offenses. May 26-August 4, 2021*. Includes legal concept analysis, gender assessment gaps, inequities and barriers, problem definition, and proposed ATIs. Organization of American States.

Inter-American Drug Abuse Control Commission. (n.d.). PowerPoint presentation on online training series developed.

Organization of American States. (n.d.). *Gender Webinar*. Attendee report.



## APPENDIX 4 – LIST OF INFORMANTS INTERVIEWED

A total of 25 informants were interviewed for this evaluation. The OAS/GS do not publish their names.



## APPENDIX 5 – PROTOCOL FOR KEY INFORMANT INTERVIEWS

Below is a generic protocol that was used for key informant interviews. All questions and sub-questions (i.e., optional prompt questions, shown in grey) were derived directly from the evaluation matrix and designed to facilitate the collection of relevant information from seven categories of key informants in five countries.

From this generic protocol, individual protocols and guides were drawn prior to each interview, based on the type of participants involved. Where applicable, special care was put into customizing questions to address elements specific to the country or project component in which informants were personally involved.

Criteria and questions [1][2]	Categories of informants						
	ES-CICAD project team and managers	Country institutional liaison team	Donor representatives	Justice, health and social services operators	Participants who benefited from training	Experts/consultants appointed to projects	Country researchers
<b>Introduction</b>							
Hello, my name is [name of facilitator], and I am here today to discuss about the Gender in the Criminal Justice System Project. Before going any further, I would like to thank you for granting me some of your time to help me better understand how you perceive the project. Your opinions are important to assess how the project supported research aimed at creating opportunities for participants to build on their existing knowledge and gain new skills and knowledge to potentially improve services. Please note that what you say will remain strictly confidential. [Ask participants if they have questions before beginning]. Do I have your consent to tape the interview? If you agree to be interviewed, you will be asked to share, in an open manner, your opinions regarding your experience with the project. Do I have your consent? We have a lot of ground to cover and may not have enough time to do so today. However, please don't feel rushed to share your thoughts at this point. If, at the end of our discussion, there are still a number of outstanding questions, we can send you a list afterwards. This way, you will have a chance to review the questions at leisure, and supply us with written answers if you wish.	•	•	•	•	•	•	•
<b>Roles and responsibilities</b>							
First of all, could you tell us about your roles and responsibilities in the project?	•	•	•	•	•	•	•
<b>1. Relevance and strategic fit of the intervention</b>							
1.1 To what extent have interventions under ES-CICAD been relevant to the needs of participating member states?	•	•	•	•		•	•
How were the member states' needs assessed and taken into consideration to design the project?	•	•					
How relevant has the strategy been to give a portrait of gender gaps and limitations to access treatment ATIs and services?	•	•		•		•	
1.2 To what extent were the criteria for selecting member states relevant? How were the criteria established?	•		•				
How gender responsive were the criteria?							
To what extent was consideration given to the countries' political will and institutional capacity to develop ATIs for drug-related offenses?	•						

## APPENDIX 5 – PROTOCOL FOR KEY INFORMANT INTERVIEWS (CONTINUED)

Criteria and questions [1][2]	Categories of informants						
	ES-CICAD project team and managers	Country institutional liaison team	Donor representatives	Justice, health and social services operators	Participants who benefited from training	Experts/consultants appointed to projects	Country researchers
1.3 To what extent are the project objectives aligned with the priorities of OAS, Canada and the participating member states?	•	•	•	•		•	
To what extent is the project aligned with the OAS-CICAD Hemispheric Plan of Action on Drugs 2016-2020 and with international drug conventions?	•	•				•	
To what extent are the project objectives and country interventions aligned with the donor's priorities (Canada)?			•				
To what extent is the project aligned with the policies and priorities of participating member states with regards to justice?		•		•			
<b>2 Validity of intervention design</b>							
2.1 To what extent has the project been appropriate and coherent for achieving planned outcomes?	•	•	•	•		•	•
Were the project objective and outcomes clear and realistic?		•					
Are the project objective and outcomes gender responsive? How so?		•				•	•
2.2 To what extent did the ES-CICAD project build on similar initiatives and knowledge developed under various funding sources?	•						
Were the recommendations best, practices and lessons learned from similar initiatives (e.g., DTCs) integrated into the planning and implementation of the current project?	•						
2.3 To what extent has the implicit ToC been helpful in supporting project implementation?	•	•	•				
How were the implicit ToC and logic model used to guide the design and implementation of project interventions?	•		•				
Based on your project experience, would you adjust the logic model?	•		•				
2.4 To what extent were the principles of RBM applied to the project? How did the project design and country-level interventions focus on outcome performance, measurement, learning and reporting?	•	•	•				•
How was gender integrated in the design of the monitoring activities?	•	•					•
Were the main internal/external risks identified by the project?	•						
To what extent were the principles of RBM applied to the project? How did this translate in the project's design, management and country-level interventions (project performance, measurement and learnings)?	•		•				
To what extent are the project assumptions still valid? If they are no longer valid, what has changed since the launch of the program?	•						
How useful was the risk analysis?	•						
2.5 What obstacles did the project encounter during implementation? Have there been any changes in the interventions' strategies and approaches due to COVID-19? If so, what steps were taken to adjust the interventions?	•	•	•			•	•
What negative factors or events affected the project?	•	•	•				
How were these factors addressed?		•					•
Were the gendered impacts of any changes resulting from the negative factors considered, and if so, how?	•						

## APPENDIX 5 – PROTOCOL FOR KEY INFORMANT INTERVIEWS (CONTINUED)

Criteria and questions [1][2]	Categories of informants						
	ES-GICAD project team and managers	Country institutional liaison team	Donor representatives	Justice, health and social services operators	Participants who benefited from training	Experts/consultants appointed to projects	Country researchers
What mitigation strategies (corrective actions) did the project adopt to achieve its objectives? How successful were these corrective actions?	•						
<b>3. Intervention progress and effectiveness</b>							
3.1 To what extent have interventions achieved the intended outcomes and outputs, and reached their target groups?	•	•	•				
What are the results achieved for country-level interventions?	•	•	•				
How effective were the interventions at achieving their intended outcomes?			•				
3.2 How effective was the project at improving the delivery of ATI options that are responsive to gender inequalities?	•	•	•				•
What type of changes did the project interventions contribute to? Were any gender-responsive ATI practices adopted? Any specific examples?		•					•
3.3 How effective was the project at applying gender equality in the treatment of drug-related offenders and at improving access to relevant services in the justice and health system?	•	•	•		•	•	•
In what ways did the project reflect changes in the treatment and access of drug-related offenders with gender-sensitive options? Any system examples of gender-sensitive options in the justice and health system?			•		•		•
How did the project results reflect proper handling of gender considerations?						•	•
3.4 How effective was the project at fostering a wider acceptance and application of ATI strategies that are gender sensitive in their approach by magistrates, judges, and other judicial officers?	•	•	•		•		•
To what extent has the project built the capacities of national stakeholders to gather gender-sensitive data to tailor gender-sensitive ATIs? How so?		•			•		•
3.5 How successful was the project at delivering concrete evidence-based recommendations to improve the delivery of ATI options for men, women, and transgender individuals?	•	•	•			•	•
How successful has the project been at building evidence-based knowledge to support the delivery of country-level ATI models?		•					•
To what extent has the project improved methodologies, tools and techniques for identifying and removing gender barriers/gaps to ATIs?		•				•	•
3.6 How effective was the project at increasing the awareness, knowledge and skills of personnel in beneficiary member states to identify and apply ATIs relating to men, women, and transgender drug-related offenders, with international human rights and gender-responsive practices?	•	•	•	•	•		•
How successful has the project been at capturing the interest of national key stakeholders?		•		•	•		
To what extent was the project successful at sensitizing, and building the knowledge of, justice and health system officials? How so?					•		



## APPENDIX 5 – PROTOCOL FOR KEY INFORMANT INTERVIEWS (CONTINUED)

Criteria and questions [1][2]	Categories of informants						
	ES-CICAD project team and managers	Country institutional liaison team	Donor representatives	Justice, health and social services operators	Participants who benefited from training	Experts/consultants appointed to projects	Country researchers
3.7 Has the project experienced any unexpected results, either positive or negative?	•	•	•				•
Have any positive or negative results emerged from country-level interventions? If so, how were these results identified and addressed?		•					•
Were the gendered impacts of changes resulting from the positive and negative results considered, and if so, how?							
3.8 What were the project's key success factors?	•	•	•	•	•	•	•
What positive factors affected the project?							
Were the gendered impacts of any changes resulting from the positive factors considered, and if so, how?	•						
<b>4. Efficiency</b>							
4.1 To what extent were the project resources (i.e., material, financial, human) managed in the most efficient way?	•						
What resources (i.e., material, financial, human) were engaged for each project outcome?	•						
How efficiently were the intervention resources used to address gender equality during project implementation?	•						
Could the management of resources have been handled differently?	•						
4.2 To what extent have management capacities and arrangements supported the achievements of results?	•	•					
How effectively are the project teams working?	•						
Are new systems or processes required?	•						
Were any bottlenecks encountered due to the project workload or unexpected factors (e.g., COVID-19), and if so, what were they?	•	•					
4.3 Have project funding and activities been delivered by ES-CICAD in a timely manner?	•	•					
Were there any significant delays in the implementation and sequencing of events? If so, how did they affect the achievement of results?	•	•					
How could the budgeting process be improved?	•						
4.4 How effective was the ES-CICAD at coordinating with country stakeholders to support implementation of the project under review?	•	•				•	•
How successful has the project been at making the best possible use of expertise available at the country/headquarters or other stakeholder (i.e., CIM) level, in order to address gender-related issues?	•	•					•
4.5 To what extent has the project been systematically monitoring and documenting information to allow for the measurement of results, including with respect to gender?	•		•			•	
Has a robust M&E system been set to collect data?	•						
To what extent is the M&E system capturing the required project data?	•		•				
How simple, flexible, timely and accurate is the M&E system?	•		•				

## APPENDIX 5 – PROTOCOL FOR KEY INFORMANT INTERVIEWS (CONTINUED)

Criteria and questions [1][2]	Categories of informants						
	ES-CICAD project team and managers	Country institutional liaison team	Donor representatives	Justice, health and social services operators	Participants who benefited from training	Experts/consultants appointed to projects	Country researchers
4.6 How effective has the project been at incorporating gender consideration in its interventions?	•	•	•	•	•	•	•
What type of gender-sensitive monitoring structures were put in place to help assess the outcomes of the project? How sufficient and appropriate were these structures?	•					•	•
To what extent are gender-based barriers and gender-related risks systematically addressed in each of the participating member states?	•					•	•
4.7 How effective is the project at sharing good practices and disseminating knowledge internally and externally (including gender-related results and knowledge)?	•	•	•		•		
How are good practices identified, captured disseminated and shared?	•	•			•		
<b>5. Contribution to impact, sustainability, best practices and lessons learned</b>							
5.1 In what ways have ES-CICAD project interventions contributed to significant positive changes in ATI options in the longer term?	•	•	•	•	•	•	•
How effective were the strategies and interventions to identify and address barriers to ATIs?	•	•			•		
How effective were the interventions to address gender disparities in access to services?				•		•	•
To what extent are justice-related gender-based barriers systematically addressed in the beneficiary countries?	•	•				•	•
5.2 What key factors and challenges would require immediate attention to improve the sustainability prospects of project outcomes?	•	•	•			•	•
How are national stakeholders prepared for the end of the project?		•					
How likely is it that the gender-related outcomes will be sustainable?	•	•					•
What gender-specific strategies contribute towards sustainability in each beneficiary country?	•	•					
5.3 What best practices and lessons learned have the project stakeholders, ES-CICAD personnel and the beneficiary countries identified?	•	•	•	•	•	•	•
What examples are there of country-specific emerging good practices?	•	•	•	•	•	•	•
What are the primary lessons learned?	•	•	•	•	•	•	•

Notes: 1. Sub-questions are prompt questions that could be used at the evaluator's discretion during selected key informant interviews.

2. Gray shaded background is used in this table to identify sub-questions.

## APPENDIX 6 – PARTIES INTERVIEWED DURING THE FIELD VISITS MADE BY THE PROJECT

Below is a list of organizations, institutions or individuals who were met during the field visits conducted by the project in 2019. Names are provided in the language (either Spanish or English) in which information was supplied to the evaluator.

Country	Organization, institution or individual
Argentina	Natalia Gherard, Equipo Latinoamericano de Justicia y Género
	Asociación Civil por la Igualdad y la Justicia (ACIJ)
	Centro de Estudios Legales y Sociales (CELS)
	Comunidad Homosexual Argentina (CHA)
	Red Nacional 100% Diversidad y Derechos
	Comisión sobre Temáticas de Género, Ministerio Público de la Defensa (DGN)
	La Procuración Penitenciaria (PPN)
	Mesa Redonda con el Ministerio Público: <ul style="list-style-type: none"> <li>• Unidad Fiscal Especializada en Violencia contra las Mujeres (UFEM)</li> <li>• Atención a Víctimas (DOVIC)</li> <li>• Procuraduría Especializada Sobreviolencia Institucional que Trabaja tema Cárcels (PROCUVIN)</li> <li>• Procuraduría de Narcocriminalidad (PROCUNAR)</li> <li>• La Dirección General de Género</li> </ul>
Costa Rica	Asociación Costarricense para el estudio e Intervenciones en Drogas (ACEID)
	Instituto Nacional de Mujeres (INAMU)
	Instituto sobre Alcoholismo y Farmacodependencia (IAFA): información sobre el consumo de drogas
	Dirección General de Adaptación Social: custodia, ubicación y atención técnica de las personas sujetas a penas y medidas privativas de libertad
	Instituto Latino Americano para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD)
	Vilma Curling Rivera antiguo Centro penitenciario Buen Pastor (CAI)
	Renacer
Colombia	La Corporación Humanas – Centro Regional de Derechos Humanos y Justicia de Género
	DEJUSTICIA
	Consejería Presidencial para la Equidad de la Mujer
	Fundación SENTIIDO
	Tatiana Romero Acevedo, Fortalecimiento de la Justicia con Enfoque de Género Ministerio de Justicia
	SISMA Mujer
República Dominicana	Centro de Estudios de Género del Instituto Tecnológico de Santo Domingo (INTEC)
	Observatori de Justicia y Género
	Observatorio de Derechos Humanos par Grupos Vulnerabilizados (ODHGV)
	Trans Siempre Amigas (TRANSSA)
	El Centro de Orientación e Investigación Integral (COIN)
	Cárcel de la Victoria
Jamaica	Ms. Tracy Robinson, Senior Lecturer, Faculty of Law, UWI
	Mr. Jaevion Nelson, Executive Director, JFLAG
	Prof Opal Palmer-Adisa, Director Institute for Gender & Development Studies

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT

Below are two data collection instruments developed by the project. For each instrument, the original, Spanish version, is presented first, followed by an English translation used in Jamaica. The Spanish and English versions are slightly different, presumably due to country-level differences in questions asked to respondents from Latin America and Jamaica, respectively.

### Questionnaire for the Initial Phase (2019) – Original Spanish Version

This questionnaire was designed to capture a first set of gender-disaggregated socio-economic data (covering 16 indicators) with drug offenders in the beneficiary countries.

ESTUDIO DIAGNÓSTICO GÉNERO EN EL SISTEMA DE JUSTICIA PENAL: EXPLORANDO ALTERNATIVAS AL ENCARCELAMIENTO BASADAS EN LA EVIDENCIA PARA DELITOS RELACIONADOS CON LAS DROGAS
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#### Uso Interno

1) País: (nota para scripting desplegar lista de países: Argentina, Costa Rica, República Dominicana, Jamaica, Colombia)
2) Ciudad
3) Consecutivo de encuesta / _____/
4) Fecha / _____/
5) Hora / ____/ ____/ ____/ (dd/mm/yy)
6) Juzgado (Circuito Judicial)/ _____
7) Nombre del encuestador / _____/

<p align="center"><b>Introducción y Motivación</b></p> <p>Hola mi nombre es _____ y estoy llevando a cabo una investigación para la Organización de Estados Americanos. El propósito de este estudio es identificar la relación entre el consumo de sustancias y la comisión de delitos con un enfoque de género, así como la forma en la que se ejecutan los procesos judiciales y se resguardan los derechos en República Dominicana. Todo lo que usted diga durante esta entrevista es COMPLETAMENTE CONFIDENCIAL y la información solo será utilizada para fines de este estudio y sus datos serán resguardados de manera ANÓNIMA. La información que nos proporcione no será utilizada legalmente ni a favor ni en su contra, ni para cualquier otro fin que no sea el de esta investigación. De ante mano gracias por su cooperación, y si en algún momento durante esta entrevista, necesita ayuda para entender o responder alguna pregunta o no quisiera continuar, me lo indica.</p>
--

#### Sección A.

##### SD. Características personales (sociodemográfico)

sd.1 ¿Cuál es el sexo asignado en su certificado de nacimiento?	1. Mujer 2. Hombre 3. Otro 4. Desconoce/prefiere no responder <div>Especificar: _____</div>
sd.2 ¿Usted se describiría a sí mismo como?	1. Mujer 2. Hombre 3. Transgénero 4. Otro 5. Prefiere no responder <div>Especificar: _____</div>
sd.3 ¿Cómo se consideraría usted a sí mismo? (Explicar los términos)	1. Heterosexual 2. Gay 3. Lesbiana 4. Bisexual 5. Otro 6. Prefiere no responder <div>Especificar: _____</div>

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

sd.4 ¿Qué edad tiene?	/ _____ / años
sd.5 ¿Cuál es su actual estado civil?	<ol style="list-style-type: none"> <li>1. Soltero (a)</li> <li>2. Casado (a)</li> <li>3. Viudo (a)</li> <li>4. Divorciado (a)</li> <li>5. Unión libre (viviendo con una pareja)</li> <li>6. Separado (a)</li> <li>7. Otro</li> </ol> <div style="text-align: right;">Especificar: _____</div>
sd.6 ¿Cuál es su nivel de estudios?	<ol style="list-style-type: none"> <li>1. Ninguno</li> <li>2. Primaria incompleta</li> <li>3. Primaria completa</li> <li>4. Secundaria incompleta</li> <li>5. Secundaria completa</li> <li>6. Preparatoria incompleta</li> <li>7. Preparatoria completa</li> <li>8. Estudios técnicos</li> <li>9. Universidad incompleta</li> <li>10. Universidad completa</li> <li>11. Posgrado</li> <li>12. Otro</li> </ol> <div style="text-align: right;">Especificar: _____</div>
sd.7 ¿En qué país nació?	_____
sd.7a Ciudad:	_____
sd.7b En caso de ser extranjero ¿cuántos años lleva viviendo en el país?	_____
sd.7c Pertenece alguna comunidad indígena	<ol style="list-style-type: none"> <li>1. No</li> <li>2. Si      ¿Cuál? _____</li> </ol>
sd.7d ¿Es afrodescendiente?	<ol style="list-style-type: none"> <li>1. No</li> <li>2. Si</li> </ol>
sd.8 ¿Qué religión practica?	<ol style="list-style-type: none"> <li>1. Católica</li> <li>2. Evangélica</li> <li>3. Testigo de Jehová</li> <li>4. Mormona</li> <li>5. Musulmana</li> <li>6. Judía</li> <li>7. Ninguna</li> <li>8. Otra</li> </ol> <div style="text-align: right;">Especificar: _____</div>
sd.9 ¿Cuál es su situación laboral actual?	<ol style="list-style-type: none"> <li>1. Desempleo</li> <li>2. Empleo de medio tiempo</li> <li>3. Empleo de tiempo completo</li> <li>4. Actividad informal (trabajas por cuenta propia)</li> <li>5. Otro</li> </ol> <div style="text-align: right;">Especificar: _____</div>
sd.10 ¿Cuál es su oficio u ocupación?	<ol style="list-style-type: none"> <li>1. Estudiante</li> <li>2. Profesional</li> <li>3. Técnico</li> <li>4. Actividades administrativas</li> <li>5. Servicio y ventas</li> <li>6. Trabajador Agrícola, forestal, pesquero</li> <li>7. Trabajador artesanal y afines</li> <li>8. Operadores de planta y maquinaria, ensamblador</li> <li>9. Otro</li> <li>10. Ninguna</li> </ol> <div style="text-align: right;">Especificar: _____</div>

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

sd.11 ¿Cuál es su ingreso mensual? (Nota para scripting: pregunta condicionada por país)	1. Menos de 3,000____ 2. De 3,000 a 5,000____ 3. De 6,000 a 10,000____ 4. Más de 10,000____
sd.12 ¿Tiene hijos?	1. Si      ¿Cuántos? _____ 2. No
sd.13 ¿Cuántos personas dependen económicamente de usted?	1. No de personas: _____ 2. Ninguna      _____ ➔ (saltar sección B)
sd.13a ¿Quiénes son esas personas que dependen económicamente de usted? (Puede escoger más de una opción)	1. Padres 2. Hijos 3. Hermanos 4. Pareja 5. Otros Especificar: _____

### Sección B.

#### SF. Salud Física

sf.1 ¿Actualmente padece alguna de estas enfermedades que haya sido diagnosticada por un médico? (Leer opciones)	1. Diabetes 2. Hipertensión 3. Cáncer 4. Enfermedad pulmonar 5. Enfermedad cardíaca 6. VIH 7. Hepatitis 8. Otra 9. Ninguna Especificar: _____
sf.2 ¿Toma algún medicamento de forma regular?	1. Si      ¿Cuál? _____ (especificar) 2. No      _____ ➔ (saltar a sección C)
sf. 2a ¿Se lo recetó algún médico?	1. Si 2. No 3. Otro Especificar: _____

### Sección C.

#### SM. Salud Mental

A continuación, se le preguntará sobre una serie de síntomas que pudo haber experimentado en las últimas dos semanas, antes de haber iniciado un proceso ante la justicia. Conteste SI o No según sea el caso.

¿En las últimas dos semanas antes de iniciar un proceso ante la justicia usted:		SI	NO
sm.1	se sintió triste la mayor parte del día?		
sm.2	sintió ansiedad?		
sm.3	perdió el interés o placer en actividades que normalmente solían serle placenteras?		
sm.4	tuvo problemas de sueño (problemas para conciliarlo, insomnio, poca necesidad de dormir, etc.)?		
sm.5	se sintió con poca energía y/o fatiga?		
sm.6	escuchó voces o vio cosas que otras personas no ven o escuchan?		
sm.7	sufrió un evento de violencia física?		
sm.8	sufrió un evento de violencia emocional?		
sm.9	ejerció un evento de violencia física?		

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

¿En las últimas dos semanas antes de iniciar un proceso ante la justicia usted:		SI	NO
sm.10	ejerció un evento de violencia emocional?		
sm.11	tuvo algún problema en el ámbito sexual?		
	11 a. infecciones de transmisión sexual		
	11 b. embarazo no deseado		
	11 c. disfunciones sexuales		
sm.12	tuvo algún problema de discriminación por su género?		
sm.13	sintió miedo excesivo o persistente sin razón aparente?		
sm.14	sintió palpitaciones, sacudidas del corazón o elevación de la frecuencia cardiaca sin razón aparente?		
sm.15	tuvo pensamientos de hacerse daño o atentar contra su vida?		
sm.16	intentó hacerse daño o atentar contra su vida?		

### Sección D.

#### D. Delito (referente al delito por el cual está actualmente en un proceso judicial)

d.1 ¿Es la primera vez que se le detiene?	1. Si <span style="margin-left: 50px;">—————→</span> (saltar a pregunta d.2) 2. No
d.1a Si responde No: ¿Cuántas veces se le ha detenido?	# de veces detenido: _____
d.1b ¿A qué edad lo detuvieron por primera vez?	Edad: _____
d.2 ¿A qué edad cometió su primera actividad delictiva, aunque no le hayan procesado?	1. Es mi primer delito 2. Edad: _____
d.3 ¿Ha estado en algún centro penal?	1. Si 2. No
d.4 ¿Algún miembro de su familia está o ha estado involucrado en alguna actividad delictiva? (Si la respuesta es si, encierre todas las que aplican)	1. Si <div style="margin-left: 40px;"> 1. Padre  2. Madre  3. Hermano  4. Hermana  5. Tío  6. Tía  7. Abuelo  8. Abuela  9. Pareja actual  10. Hijo/Hija  11. Otro </div> Especificar: _____ 2. No 3. No lo sé
d.5 ¿Por cuál delito se le investiga? (Note for scripting: CONDITIONAL QUESTION. CURRENCY BASED ON COUNTRY)	1. Lesiones culposas 2. Homicidios culposos 3. Delitos ambientales (Infracción a la Ley Forestal) 4. Conducción temeraria 5. Violación de domicilio 6. Portación ilícita de armas permitidas 7. Tenencia de armas permitidas 8. Hurto agravado 9. Hurto simple 10. Hurto de uso 11. Daños



## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

	12. Daños agravados 13. Agresión con arma 14. Amenazas agravadas 15. Violación de sellos 16. Uso de documento falso 17. Apropiación irregular 18. Retenciones indebidas (exceptuando las provenientes de la CCSS) 19. Usurpaciones 20. Receptaciones 21. Simulación de delitos
d.6. ¿Quién le detuvo?	1. Un agente/policía hombre 2. Un agente/policía mujer 3. Varios agentes/policías hombres 4. Varias agentes/policías mujeres 5. Varios agentes/policías mujeres y hombres 6. Otro <span style="float: right;">Especificar: _____</span>
d.7 ¿Cómo fue su detención?	1. Por una orden 2. En flagrancia 3. Otro <span style="float: right;">Especificar: _____</span>
d.8 ¿Cuánto tiempo permaneció en detención?	Duración: _____
d.8 a ¿En dónde permaneció durante su detención?	_____ _____
Durante su reciente detención en su opinión: d.9a ¿El oficial/policía le explicó por qué fue detenido? d.9b ¿Considera que su detención fue acorde a la ley? d.9c ¿El oficial/policía que le detuvo le dijo algo que fuera insultante, irrespetuoso o grosero? d.9d ¿El oficial/policía le sometió a alguna forma de fuerza física, incluyendo golpear, empujar, patear u otra? d.9e ¿Fue tratado de manera respetuosa por el oficial/policía u oficial que le detuvo? d.9f ¿Trató de resistirse o escaparse de la detención? d.9g ¿Al momento de su detención usted le dijo algo al oficial/policía que fuera insultante, irrespetuoso o grosero?	1. Si 2. No  1. Si 2. No  1. Si 2. No  1. Si 2. No  1. Si 2. No  1. Si 2. No  1. Si 2. No
d.10a ¿Sintió que tuvo algún trato diferente durante su arresto por ser mujer/hombre/transgénero? d.10b ¿Su detención fue hecha por una mujer?	1. Si <span style="float: right;">¿Cuál? _____</span> 2. No  1. Si 2. No
<i>Sólo si contestó al inicio que pertenece a la comunidad LGTBI preguntar:</i> d.11 ¿Sintió algún tipo de discriminación por pertenecer a la comunidad LGTBI?	1. Si <span style="float: right;">¿Por qué? _____</span> 2. No <span style="float: right;">¿Por qué? _____</span>

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

d.12 Describa brevemente el proceso de cómo fue que detuvieron hasta que fuiste liberado de tu detención	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em;"></div>	
d.13 ¿Su abogado defensor es público o privado?	1. Público	¿Cuánto tiempo tardaron en asignarle al defensor público? / _____ / horas
	2. Privado	
d.14 ¿Ha sentido apoyo por parte de su defensor?	1. Si	
	2. No	¿Por qué? _____
d.15 ¿Desde su opinión considera que se ha llevado a cabo de manera justa y transparente su proceso judicial?	1. Si	
	2. No	¿Por qué? _____
d.16 ¿Actualmente sabes cuál será tu sentencia?	1. Si	¿Cuál? _____
	2. No	
d.17 ¿Le dieron alguna alternativa para no ir a juicio?	1. Si	¿Cuál? _____
	2. No	
d.18 ¿Le interesa tomar alguna de las opciones propuestas para no ir a juicio?	1. Si	¿Cuál? _____
	2. No	¿Por qué? _____

### Sección E.

#### CD. Consumo personal de drogas

Debe recordar a la persona entrevistada que el alcohol también es una droga de interés. Indique cuál de las siguientes drogas ha consumido: *SI LA PERSONA NO HA CONSUMIDO NINGUNA PASE CD5*

cd.1

DROGA	¿Alguna vez has consumido... Sí/No	Última vez que consumiste					¿En promedio cuánto consumes por ocasión?	Edad de tu primer consumo	El consumo te ha ocasionado problemas salud, sociales, familiares, ¿etc.?	¿En los últimos tres meses ha dejado de hacer lo que habitualmente se esperaban de usted por el consumo?
		(1) Últimas 24 horas	(2) Última Semana	(3) Últimos 30 días	(4) Más de un mes pero menos de un año	(5) Un año o mas				
a. Marihuana										
b. Cocaína										
c. Crack										
d. Heroína										
e. Inhalables (gasolina, pintura, thinner)										
f. Tabaco										
g. Alcohol										
h. Anfetaminas										
i. Medicamentos (medicamentos de prescripción médica tomados sin receta)										
j. Otro										

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

cd.2 ¿Por qué consume o ha consumido drogas? (Puede elegir hasta 3 opciones)	1. Curiosidad 2. Presión de pares 3. Pertenecer a un grupo 4. Presión familiar 5. Para sentir más valor/o más seguro 6. Incrementar el control/autoridad o privilegios 7. Una manera de escapar de la realidad 8. Me gustó la idea de hacerlo 9. Pensé que podría hacerme sentir mejor 10. Otro _____ Especificar: _____
cd.3 ¿Alguna vez ha intentado detener su consumo de drogas?	1. Si ¿Por qué? _____ 2. No ¿Por qué? _____
cd.4 ¿Alguna vez ha estado en tratamiento profesional para tratar su consumo de drogas?	1. Si ¿Qué tipo? _____ 2. No
cd.5 ¿Piensa que la adicción es una enfermedad?	1. Si ¿Por qué? _____ 2. No ¿Por qué? _____
cd.6 ¿Algún miembro de su familia consume o ha consumido drogas? (Si la respuesta es si, encierre todas las que aplican)	1. No 2. Si <div style="margin-left: 40px;">           1. Padre            2. Madre            3. Hermano            4. Hermana            5. Tío            6. Tía            7. Abuelo            8. Abuela            9. Hijo/Hija            10. Pareja            11. Otro            12. Nadie            13. No lo sé         </div>

### Sección F.

#### RDD. Relación entre droga y delito

rdd.1 ¿El delito que se le investiga actualmente tiene algún tipo de relación con las drogas?	1. Si 2. No
rdd.2 ¿Cuándo cometió el delito por el cual se le investiga actualmente, estaba bajo la influencia de alguna droga (incluye alcohol)?	1. Si ¿Qué drogas? a _____ b _____ c _____ 2. No → (Saltar a la pregunta rdd.4)
rdd.3 ¿Cree usted que hubiera cometido el delito que se le investiga actualmente si no hubiera estado bajo la influencia de alguna droga (incluye alcohol)?	1. Si 2. No
rdd.4 ¿Cometió el delito que se le investiga actualmente para obtener drogas o alcohol para uso personal?	1. Si 2. No

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

rdd.5 ¿Las víctimas del delito por el cual se le investiga actualmente estaban bajo la influencia de drogas (incluye alcohol) o intoxicados (drogados)?	1. Si 2. No 3. No hubo víctima(s)
rdd.6 ¿Consumió intencionalmente drogas (incluye alcohol) para tener el valor de cometer el delito por el cual se le investiga actualmente?	1. Si 2. No
rdd.7 ¿El delito por el cual se le investiga actualmente se relaciona con la producción, venta, o tráfico de drogas?	1. Si 2. No

### Questionnaire for the Initial Phase (2019) – English Translation

DIAGNOSTIC STUDY GENDER IN THE CRIMINAL JUSTICE SYSTEM: EXPLORING EVIDENCE-BASED ALTERNATIVES TO INCARCERATION FOR DRUG-RELATED OFFENSES
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#### *Internal Use*

1) Country/_____/ (Note for scripting: drop down list (Argentina, Costa Rica, Colombia, Dominican Republic, Jamaica))
2) State
3) File number /_____/
4) ID Code /_____/
5) Date /_____/
6) Time /____/ ____/____/ (dd/mm/yy)
7) Court /_____
8) Location /_____
9) Interviewer's name /_____

#### Introduction and Motivation

Hello, my name is \_\_\_\_\_ and I will be conducting this interview on behalf of the National Council on Drug Abuse. The purpose of this study is to examine the link that exists between drugs and crime through a gender perspective, as well as the way the judicial process is executed and rights are protected in Jamaica. Anything that you say to me during this interview is COMPLETELY CONFIDENTIAL and will only be used to achieve the aims of this study. The information that you supply to us will not be used against you legally or otherwise, that is not within the framework of this research study. Thanks in advance for your cooperation and please feel free to stop me, if at any point during this interview, you need help understanding or responding to a question.

#### Section A.

##### SD. Personal Characteristics (Sociodemographic)

sd.1 What sex were you assigned at birth on your original birth certificate?	1. Female 2. Male 3. Other 4. Unknown/prefer not to respond	Specify: _____
sd.2 How do you describe yourself?	1. Female 2. Male 3. Transgender 4. Other 5. Prefer not to respond	Specify: _____

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

sd.3 Do you think of yourself as...? (Please check all that apply) ( <i>Explain the concepts</i> )	1. Heterosexual 2. Gay 3. Lesbian 4. Bisexual 5. Other 6. Prefer not to respond <div style="text-align: right;">Specify: _____</div>
sd.4 How old are you?	/ _____ / years
sd.5 What is your current union or marital status?	1. Single 2. Married 3. Widowed 4. Divorced 5. In a Common Law Relationship (living with a partner) 6. Separated 7. Other <div style="text-align: right;">Specify: _____</div>
sd.6 What is your highest level of schooling?	1. None 2. Incomplete Primary School 3. Complete Primary School 4. Incomplete Secondary School 5. Complete Secondary School 6. Incomplete University 7. Complete University 8. Technical/Vocational School/Community 9. College (Social Center, Youth Skills, etc.) 10. Master's Degree 11. Other <div style="text-align: right;">Specify: _____</div>
sd.7 In which country were you born? sd.7a Specify City: sd.7b If you are a foreigner, how many years have you lived in the country?	_____ _____ _____
sd.8 Which religion do you practice?	1. Catholic 2. Christian 3. Jehovah Witness 4. Mormon 5. Muslim 6. Jewish 7. Rastafarian 8. None 9. Other <div style="text-align: right;">Specify: _____</div>
sd.9 What was your work situation before being arrested/charged?	1. Unemployed 2. Part-time Employee 3. Full-time Employee 4. Informal activity (self-employed) 5. Other <div style="text-align: right;">Which? _____</div>
sd.10 What is your trade or profession?	1. Student 2. Professional 3. Technician 4. Clerical support 5. Service and sale 6. Skilled agricultural, forestry and fishery worker 7. Craft and related trade worker <div style="text-align: right;">Specify: _____</div>

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

	8. Plant and machine operator, or assembler 9. Other Specify: _____ 10. None
sd.11 What was your monthly income before being arrested/charged? <i>(Note for scripting: Conditional question. Currency based on country)</i>	1. Less than JAD\$25,000 2. Between JAD\$25,000 and 50,000 3. Between JAD\$50,001 and 70,000 4. Between JAD\$70,001 and 100,000 5. Between JAD\$100,001 and 120,000 6. Between JAD\$120,001 and 180,000 7. Between JAD\$180,001 and 240,000 8. Between JAD\$240,001 and 300,000 9. Between JAD\$300,001 and 356,000 10. Between JAD\$356,001 and 415,000 11. Between JAD\$415,001 and 475,000 12. Between JAD\$475,001 and 590,000 13. More than JAD\$590,000 14. Don't know
sd.12 Do you have children?	1. Yes How many? _____ 2. No
sd.13 Do you have any people that economically depend on you?	1. Number of people: _____ 2. None → (skip to section B)
sd.13a Who are your dependents? <i>(you can pick more than one option)</i>	1. Parents 2. My children 3. Siblings 4. Partner 5. Others Specify: _____

### Section B.

#### PH. Physical Health

ph.1. ¿Do you currently suffer from any of these medically diagnosed disease?	1. Diabetes 2. Hypertension 3. Cancer 4. Pulmonary disease 5. Heart disease 6. HIV/AIDS 7. Hepatitis 8. Other Specify: _____ 9. None
ph.2. Do you regularly take any kind of medicine?	1. Yes Which one? _____ (specify) 2. No → (skip to section C)
ph. 3 Was it prescribed by a doctor?	1. Yes 2. No 3. Other Specify: _____

### Section C.

#### MH. Mental Health

In the following chart, you will be presented with a series of symptoms or situations that you may have experienced in the last two weeks, before starting a process before the courts. Answer YES or NO, accordingly

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

In the last two weeks before starting a process before the courts, you:		YES	NO
mh.1	Have felt sad for most of the day		
mh.2	Have felt anxiety		
mh.3	Have lost interest or joy in the activities that you normally found pleasurable		
mh.4	Have been having sleeping issues (difficulty falling asleep, insomnia, etc.)		
mh.5	Have been feeling drained (lack of energy) or fatigued		
mh.6	Have heard or seen things that other people don't see nor hear		
mh.7	Have suffered an episode of physical violence		
mh.8	Have suffered an episode emotional violence		
mh.9	Have been physically violent to someone else		
mh.10	Have been emotionally violent to someone else		
mh.11	Have had any of the following problems	11 a. Sexually transmitted disease (STD)	
		11 b. Unwanted pregnancy	
		11 c. Sexual dysfunction	
mh.12	Have been discriminated against due to your gender		
mh.13	Have felt excessive or persistent fear without any apparent reason		
mh.14	Have felt heart palpitations, racing heart, or high frequency heart rate without any apparent reason		
mh.15	Have had thoughts of committing self-harm or attempting suicide		
mh.16	Have tried to harm yourself or attempted suicide		

### Section D.

**Crime (Refers to the crime for which the current sentence is being served)**

d.1 Is this the first time you were arrested/charged for committing a crime?	1. Yes	→ (skip to question d.2)
d.1a If No: How many times have you been arrested/charged including this time?	2. No	
d.1b At what age were you first arrested/charged for committing a crime?	# of times: _____	
	Age: _____	
d.2 At what age did you commit your first crime? (even if you were not arrested or charged for it)	1. This is my first crime	
	2. Age: _____	
d.3 Have you ever been in prison?	1. Yes	
	2. No	
d.4 Do you have any family members who are or were engaged in criminal activity? (If yes, circle all that apply)	1. Yes	
	1. Father	
	2. Mother	
	3. Brother	
	4. Sister	
	5. Uncle	
	6. Aunt	
	7. Grandfather	
	8. Grandmother	
	9. Current Partner	
	10. Other	
	Specify: _____	



## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

	11. Does not know 12. Does not respond  2. No 3. I don't know
d.5 For which crime(s) are you currently charged or accused? <i>(Note for scripting: CONDITIONAL QUESTION. CURRENCY BASED ON COUNTRY)</i>	1. Robbery/Stealing 2. Property 3. Physical Assault 4. Weapons 5. Drug Crime 6. Assault 7. Fraud 8. Other Specify: _____
d.6. Who arrested you?	1. A male officer/policeman 2. A female officer/policewoman 3. Several officers/policemen 4. Several officers/ policewomen 5. Several Officers / Male and female 6. Other Specify: _____
d.7 What was the basis of your arrest?	1. By warrant 2. Caught in the act of committing an offense 3. Other Specify: _____
d.8 For how long were you detained after your arrest?	Hours: _____
During your most recent arrest, in your opinion:  d.9a Did the officer explain why you were being arrested? d.9b Do you consider that your arrest was lawful? d.9c Did the officer that arrested you tell you something rude, insulting or disrespectful? d.9d Were you subjected to any physical force including beating, pushing, kicking or other? d.9e Were you treated fairly by the officer who arrested you? d.9f Did you try to resist or escape the arrest?  d.9g At the moment of your arrest, did you tell the officer something rude, insulting or disrespectful?	1. Yes 2. No  1. Yes 2. No  1. Yes 2. No  1. Yes 2. No  1. Yes 2. No  1. Yes 2. No  1. Yes 2. No
d.10a Were you treated differently because you are a woman/man/trans? d.10b Were you arrested by a policewoman?	1. Yes In what way? _____ 2. No  1. Yes 2. No
<i>Only if you answered at the beginning that you belong to the LGTBI community:</i> d.11 Did you experience any kind of discrimination because you belong to the LGTBI community?	1. Yes Explain: _____ 2. No Explain: _____

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

d.12 Briefly describe the process of your arrest.	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em;"></div>	
d.13 Do you currently have a defense attorney?	1. Public defender 2. Private defense attorney	How much time did they take to assign you a defender? / _____ / hours
d.14 Have you felt that your defense attorney has provided the necessary support?	1. Yes 2. No	Why? _____
d.15 From your perspective, do you think that your judicial process was fair and transparent?	1. Yes 2. No	Why? _____
d.16 Do you currently know your sentence?	1. Yes 2. No	Specify: _____
d.17 Were you offered alternative sentencing options?	1. Yes 2. No	Fines Suspended Sentence Probation Order Attendance Order Curfew Order Community Service Order Drug Treatment Court Other Specify: _____
d.18 Are you interested in taking any of the proposed options to fulfill your sentence?	1. Yes 2. No	Which one? _____ Why? _____

### Section E.

#### DC. Personal Drug Consumption

You must remind the interviewee that alcohol is also a drug of interest.

dc.1

DRUG	Have you ever consumed Yes/No	Last time you consumed drugs					On average, how much is used on each occasion?	Age of your first drug use	Has drug use caused you health, social, family problems, etc.?	In the last three months, have you stopped doing what was usually expected of you by consumption?
		(1) Last 24 hours	(2) Last Week	(3) Last 30 days	(4) More than a month but less than a year	(5) A year or more				
a. Marijuana										
b. Cocaine										
c. Crack										
d. Heroin										
e. Inhalants (gasoline, paint, thinner, glue)										
f. Tobacco										
g. Alcohol										
h. Amphetamines										
i. Medication (prescription drugs taken without prescription)										
j. Other										

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

dc.2 Why do you use or why have you used drugs? (You may choose up to 3 options)	1. Curiosity 2. Peer pressure 3. Belonging to a group 4. Family pressure 5. To feel more courage 6. Increased control, authority or privileges 7. A way of escaping reality 8. I liked the idea of doing it 9. Pensé que podría hacerme sentir mejor 10. Other _____ Specify: _____
dc.3 Have you ever tried to stop using drugs?	1. Yes Why? _____ 2. No Why? _____
dc.4 Have you ever been under professional rehabilitation to treat your drug consumption?	1. Yes What kind? _____ 2. No
dc.5 Do you think that addiction is a disease?	1. Yes Why? _____ 2. No Why? _____
dc.6 Do any of your family members use drugs? (Select all that apply)	1. No 2. Yes 1. Father 2. Mother 3. Brother 4. Sister 5. Uncle 6. Aunt 7. Grandfather 8. Grandmother 9. Partner 10. Other 11. Nobody 12. I don't know

### Section F.

#### RDD. Relationship between Drugs and Crime

rdd.1 Did the crime you commit have some type of relationship with drugs?	1. Yes 2. No
rdd.2 When you committed the crime for which you are currently charged/accused were you under the influence of a drug or intoxicated?	1. Yes Which drugs? a _____ b _____ c _____ 2. No _____ → (skip to question rdd.4)
rdd.3 Do you think you would have committed the crime if you were not under the influence of a drug or intoxicated (drugged)?	1. Yes 2. No
rdd.4 Did you commit the crime for which you are currently charged/accused in order to get drugs for your own personal use?	1. Yes 2. No
rdd.5 Was (were) the victim(s) of your crime under the influence of alcohol or other drugs?	1. Yes 2. No 3. There was (were) no victim(s)

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

rdd.6 Did you wilfully/intentionally consume a substance in order to boost your courage to commit the crime for which you are currently charged/accused?	1. Yes 2. No
rdd.7 Was the crime for which you are currently charged/accused linked to the production, selling and/or trafficking of drugs?	1. Yes 2. No

### Questionnaire for the Follow-Up Phase (2021) – Original Spanish Version

This follow-up questionnaire was designed to gauge how a subsample of subjects participating in the project assessed the ATI options offered to them by their country's judicial system.

ESTUDIO DIAGNÓSTICO FASE II SEGUIMIENTO GÉNERO EN EL SISTEMA DE JUSTICIA PENAL: EXPLORANDO ALTERNATIVAS AL ENCARCELAMIENTO BASADAS EN LA EVIDENCIA PARA DELITOS RELACIONADOS CON LAS DROGAS
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#### *Uso Interno*

1) País: (nota para scripting desplegar lista de países: Argentina, Costa Rica, República Dominicana, Jamaica, Colombia)
2) Ciudad
3) Consecutivo de encuesta / _____ /
4) Fecha / _____ /
5) Hora / ____ / ____ / ____ / (dd/mm/yy)
6) Juzgado (Circuito Judicial) / _____
7) Nombre del encuestador / _____ /

#### **Introducción y Motivación**

Hola mi nombre es \_\_\_\_\_. No sé si me recuerda o recuerda a alguno de mis compañeros/compañeras, estamos dando seguimiento a una investigación, que como le comentábamos en aquella ocasión, tiene el objetivo de identificar la relación entre el consumo de sustancias y la comisión de delitos, así como la forma en la que se ejecutan los procesos judiciales y se resguardan los derechos humanos en República Dominicana, todo desde un enfoque de género.

Le recuerdo que al igual que la primera entrevista, todo lo que usted diga durante ésta es COMPLETAMENTE CONFIDENCIAL, la información solo será utilizada para fines de este estudio y sus datos serán resguardados de manera ANÓNIMA. La información que nos proporcione no será utilizada legalmente ni a favor ni en su contra, ni para cualquier otro fin que no sea el de esta investigación. De ante mano gracias nuevamente por su cooperación, y si en algún momento durante esta entrevista, necesita ayuda para entender o responder alguna pregunta o no quisiera continuar, me lo indica.

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

### Sección A.

#### SA. Situación Actual

SA.1 Actualmente, ¿cuál es su oficio u ocupación?	1. Estudiante 2. Profesional 3. Técnico/a 4. Actividades administrativas 5. Servicio y ventas 6. Trabajador/a Agrícola, forestal, pesquero 7. Trabajador/a artesanal y afines 8. Operador/a de planta y maquinaria, ensamblador/a 9. Oficios domésticos 10. Otro/a 11. Ninguna	Especificar: _____           Especificar: _____
SA.2 ¿Cuál es su situación laboral actual?	1. Desempleo 2. Empleo de medio tiempo 3. Empleo de tiempo completo 4. Actividad informal (trabajas por cuenta propia) 5. Otro	Especificar: _____
SA.3 Debido al proceso legal por el que está pasando o pasó, ¿en qué ámbito cree que se vio afectada su vida.  SA.3.1 ¿Laboral?  SA.3.2 ¿Familiar?  SA.3.3 ¿Escolar?  SA.3.4 ¿De salud?  SA.3.5 Otro	1. Si 2. No  1. Si ¿De qué manera? _____ 2. No  1. Si ¿De qué manera? _____ 2. No  1. Si ¿De qué manera? _____ 2. No  Especificar: _____	
SA.4 ¿A partir del proceso legal por el que está pasando o pasó, ¿quiénes de sus familiares o personas cercanas se vieron afectadas y cómo?  SA.4.1 Padres           SA.4.2 Hijos	1. Si a) Económicamente b) Salud c) Emocional d) Otro 2. No  1. Si a) Económicamente b) Salud c) Emocional d) Otro 2. No	Especificar: _____           Especificar: _____

SA.4.3 Pareja	<p>1. Si</p> <p>a) Económicamente</p> <p>b) Salud</p> <p>c) Emocional</p> <p>d) Otro</p> <p>2. No</p> <p>Especificar: _____</p>
SA.4.4 Amigos	<p>1. Si</p> <p>a) Económicamente</p> <p>b) Salud</p> <p>c) Emocional</p> <p>d) Otro</p> <p>2. No</p> <p>Especificar: _____</p>
SA.4.5 Otro	Especificar: _____

SF. Salud Física

SF.1 ¿Al iniciar su proceso judicial usted padecía alguna condición médica o de salud física?	1. Si      ¿Cuál? _____ (especificar) 2. No      _____ ➔ (saltar a SF.3)
SF.2 ¿Tomaron en consideración su condición médica o de salud física durante su proceso legal?  SF.2.1 ¿De qué manera tomaron en consideración su condición médica o de salud física?  SF.2.2 ¿Quién tomó en consideración su condición médica o de salud física?  SF.2.3 ¿Le informaron alguna opción de tratamiento para su condición médica o de salud física?  SF.2.3a ¿Qué opciones le dieron?  SF.2.3b ¿Quién le informó sobre alguna opción de tratamiento?	1. Si 2. No      _____ ➔ (saltar a SF.3)  _____ _____ _____ 1. Juez/a 2. Defensor/a 3. Fiscal/a 4. Policía administrativa 5. Otro/a      ¿Quién? _____ 1. Si 2. No      _____ ➔ (saltar a SF.3)  _____ _____ _____ 1. Juez/a 2. Defensor/a 3. Fiscal/a 4. Otro/a      ¿Quién? _____
SF.3 Actualmente ¿Toma algún medicamento de forma regular?  SF.3a ¿Se lo recetó algún médico?	1. Si      ¿Cuál? _____ (especificar) 2. No      _____ ➔ (saltar a SF.4)  1. Si 2. No 3. Otro      Especificar: _____
SF.4. ¿Considera que debido al proceso legal por el que está pasando o pasó, su salud física se vio afectada?	1. Si      ¿De qué manera se vio afectada? 2. No      _____

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

### Sección C.

#### SM. Salud Mental

A continuación, se le preguntará sobre una serie de síntomas o situaciones que pudo haber experimentado durante su proceso legal. Conteste Si o No según sea el caso.

¿En las últimas dos semanas usted:		SI	NO
SM.1	se sintió triste la mayor parte del día?		
SM.2	sintió ansiedad?		
SM.3	tuvo problemas de sueño (problemas para conciliarlo, insomnio, poca necesidad de dormir, etc.)?		
SM.4	sufrió un evento de violencia física?		
SM.5	sufrió un evento de violencia emocional?		
SM.6	ejerció un evento de violencia física?		
SM.7	ejerció un evento de violencia emocional?		
SM.8	tuvo algún problema de discriminación por ser mujer, hombre o pertenecer a la comunidad LGBTI)? Si: ¿Cuál? _____		
SM.9	tuvo algún problema de discriminación por su género o por su preferencia sexual? Si: ¿Cuál? _____		
SM.10	tuvo pensamientos de hacerse daño o atentar contra su vida?		
SM.11	intentó hacerse daño o atentar contra su vida?		

SM.12 ¿Considera que debido al proceso legal por el que está pasando o pasó, su salud mental (emocional) se vio afectada?	1. Si ¿En qué forma? _____ 2. No _____
---	---

### Sección D.

#### D. Delito (referente al delito por el cual está actualmente en un proceso judicial)

D.1 ¿Actualmente cuál es su situación legal?	1. Suspensión del Proceso o conciliación 2. En espera de sentencia 3. Sentenciado/a 4. Conciliación 5. Justicia Restaurativa 6. No lo sé 7. Otro Especificar: _____
D.2 ¿Hubo una reclasificación de su delito por el que inicialmente inició su proceso?	1. Si ¿Cuál? _____ (especificar) 2. No ¿Cuál? _____ (especificar)
D.3. ¿Ha tenido o tuvo defensa durante el proceso judicial?	1. Si 2. No 3. No lo sé
D.3a ¿Ha sido o fue la misma persona defensora quien le asesoró durante todo el proceso?	1. Si → (saltar a d.4) 2. No
D.3b ¿Cuántas veces le cambiaron a la persona defensora?	Número de veces: _____



## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

D.4 ¿La persona que le ha defendido o lo defendió:	1. Ha sido pagada por el Estado (defensa pública) 2. Ha sido pagada por usted (defensa privada) → (saltar a d.5)
D.4a ¿Su defensa le solicitó algún pago durante el proceso legal?	1. Si ¿Para qué? _____ 2. No _____
D.5 ¿Durante todo el proceso legal ha sentido o sintió apoyo por parte de su defensa?	1. Si ¿Por qué? _____ 2. No ¿Por qué? _____
D.6 ¿Cuántas veces ha conversado o conversó con la persona que le defiende (defensa pública o privada) de su caso?	No de veces: _____
D.7 ¿La persona que le ha defendido ha tomado o tomó en cuenta su opinión durante el proceso judicial?	1. Siempre 2. Casi siempre 3. Indeciso 4. Casi Nunca 5. Nunca
D.8 ¿Se le ha informado o informó sobre los aspectos jurídico o legales por los que ha pasado durante todo este proceso ( <i>descripción participación en la audiencia, orden de participación, etc.</i> )?	1. Si ¿Quién le informó o le ha informado? a) Juez/a b) Defensor/a c) Fiscal/a d) Otro/a 2. No ¿Quién? _____
D.9 ¿Durante su proceso legal le asiste o le asistió personal especializado (psicólogo/a, trabajador/a social, médico/a) a fin de apoyarle sobre sus necesidades/preocupaciones vinculadas al proceso penal?	1. Si ¿Por quién? _____ 2. No _____
D.10 ¿Cuántas audiencias tuvo o ha tenido frente al juez o la jueza?	Número de audiencias: _____
D.11 ¿Cuánto tiempo en promedio han durado o duraron sus audiencias ante el juez o la jueza?	Tiempo: _____ (horas o días)
D.12 ¿Alguna vez dejó de realizarse la audiencia a la que fue citado?	1. Si ¿Por qué? _____ 2. No _____
D.12a ¿Se le informó previamente de la suspensión de la audiencia?	1. Si 2. No
D.13 ¿El lenguaje que utilizó el juez o la jueza para explicar los acuerdos o resoluciones legales fue sencillo o fácil de entender?	1. Si 2. No
D.14 ¿Se le permitió expresar sus dudas, inquietudes y/o necesidades a lo largo de su proceso legal?	1. Si ¿De qué manera? _____ 2. No _____
D.15 ¿Pudo hablar directamente con el juez o la jueza durante sus audiencias?	1. Si 2. No 3. No tuve necesidad
D.15a ¿El juez o la jueza resolvió sus dudas?	1. Si 2. No 3. No tuve necesidad

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

D.16 ¿Cuánto tiempo ha durado o duró su proceso judicial?	Tiempo: ____ días
D.17 ¿Ha existido o existió algún retraso en su proceso legal?	1. Si    ¿Cuál? _____ (especificar) 2. No
D.18 ¿Le han dicho o le dijeron cuándo terminaría su proceso?	1. Si 2. No
D.19 ¿Le pareció que las personas operadoras del sistema de justicia (juez/a, defensor/a, fiscal/a) le otorgaron un trato adecuado?	1. Si    ¿Por qué? _____ 2. No    ¿Por qué? _____
D.20 ¿Se sintió intimidado/a o presionado/a para tomar alguna decisión respecto a su situación legal? <i>(Incluso respecto a la participación en algún programa alternativo)</i>	1. Si    ¿Por qué? _____ 2. No
D.21 ¿Desde su opinión considera que se ha llevado a cabo de manera justa y transparente su proceso judicial?	1. Si    ¿Por qué? _____ 2. No    ¿Por qué? _____
D.22 En caso de estar sentenciado/a ¿Cuál es su sentencia?	_____
D.23 Durante todo su proceso judicial ¿Sintió que tuvo algún trato diferente por ser mujer, hombre o pertenecer a la comunidad LGBTI?	1. Si    ¿Cuál? _____ (especificar) 2. No
D.24 En caso de ser una persona extranjera o perteneciente a un pueblo o comunidad indígena:  ¿Le ofrecieron el apoyo de una persona traductora o intérprete en todas las etapas del proceso?	1. Si 2. No
D.25 ¿Han sido consideradas o fueron consideradas sus costumbres y tradiciones culturales durante el proceso?	1. Si    ¿Cómo? _____ 2. No    ¿Qué le hubiera gustado que consideraran? _____
D.26 ¿Usted percibe que se han respetado o se respetaron sus derechos humanos durante todo el proceso legal?	1. Si    ¿Por qué? _____ 2. No    ¿Por qué? _____

### Sección E.

#### AE. Alternativas al Encarcelamiento

AE.1 ¿Se le informó sobre la existencia de alguna forma alternativa a fin de no concluir el proceso judicial hasta la sentencia?	1. Si 2. No     (saltar AE.2)
AE.1a ¿Quién le informó de la existencia de estas alternativas?	1. Juez 2. Defensor 3. Fiscal 4. Otro    ¿Quién? _____

AE.1b ¿Se le aplicó una alternativa al proceso penal (por ejemplo: ¿ingresar a un programa de tratamiento, trabajo comunitario)?	1. Si ¿Cuál? _____ (especificar) 2. No _____ → (saltar AE.2)
Solo si se le aplicó una alternativa	
AE.1c ¿Se tomó en cuenta su opinión para aplicarle esta alternativa?	1. Si 2. No
AE.1d ¿Qué autoridad/o persona operadora de la justicia aplicó la alternativa?	1. Juez 2. Defensor 3. Fiscal 4. Otro ¿Quién? _____
AE.1e ¿Sabe en qué fase del proceso se encontraba cuando le aplicaron esta alternativa?	1. Antes del juicio 2. Durante el juicio 3. Después del juicio 4. Otra ¿Cuál? _____
AE.1f ¿Cuánto tiempo transcurrió (días/meses) desde el primer contacto con la autoridad hasta la aplicación de la alternativa?	Tiempo: (días, meses) _____
AE.1g ¿Cuáles fueron las condiciones que ha tenido que cumplir derivadas del programa alternativo?	1. Servicios a la comunidad 2. Donaciones a instituciones de interés social 3. Participar en actividades socioeducativas 4. Retomar los estudios académicos 5. Aprender un oficio 6. Recibir tratamiento en adicciones 7. Otro Especificar: _____
AE.1h ¿Se le explicó el contenido, forma y efectos del programa alternativo propuesto, antes de iniciar con el Programa?	1. Si 2. No
AE.1i ¿Con que autoridad se presenta periódicamente para reportar su cumplimiento de la alternativa?	1. Juez 2. Fiscal 3. Defensor 4. Otro ¿Quién? _____
AE.1j ¿Cada cuánto se debe presentar ante la autoridad de seguimiento para cumplir con la alternativa?	1. Cada semana 2. Cada mes 3. Cada tres meses 4. Otro Especificar: _____
AE.1k ¿Cuánto tiempo durará el programa alternativo?	Tiempo: (días, meses) _____
AE.1l ¿Ha tenido o tuvo problemas con su familia/estudios/trabajo u otras actividades a consecuencia de cumplir con el programa de seguimiento?	1. Si ¿Cuál? _____ (especificar) 2. No
AE.1m ¿Sabe cuáles son las consecuencias por el incumplimiento de las condiciones establecidas del programa alternativo?	1. Si ¿Cuál? _____ (especificar) 2. No
AE.1n ¿Le han aplicado alguna consecuencia derivada del incumplimiento?	1. Si ¿Cuál? _____ (especificar) 2. No

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

AE.1o ¿Qué beneficios ha identificado con la aplicación de la alternativa?	Beneficios: _____
AE.1p ¿Cree que tomaron en cuenta el ser hombre/mujer o pertenecer a la comunidad LGBTI para ofrecerle esta alternativa?	1. Si ¿Por qué? _____ 2. No ¿Por qué? _____

### Sección F.

#### CD. Consumo de Drogas y oferta de tratamiento

CD.1 ¿Con qué frecuencia has consumido las siguientes sustancias en el último mes?	Nunca	Una vez por semana	Dos o tres veces por semana	Diario o casi diariamente
a. Tabaco (cigarrillos, tabaco para mascar, puros, etc.)				
b. Bebidas alcohólicas (cerveza, vinos, licores, etc.)				
c. Cannabis (marihuana, mota, hierba, hachís, etc.)				
d. Cocaína (coca, crack, etc.)				
e. Estimulantes de tipo anfetamina (speed, anfetaminas, éxtasis, etc.)				
f. Inhalantes (óxido nítrico, pegamento, gasolina, solvente para pintura, etc.)				
g. Sedantes o pastillas para dormir (diazepam, alprazolam, flunitrazepam, midazolam, etc.)				
h. Alucinógenos (LSD, ácidos, hongos, ketamina, etc.)				
i. Opiáceos (heroína, morfina, metadona, buprenorfina, codeína, etc.)				
j. Otras, especifica: _____				

CD.2 ¿Al momento de iniciar su proceso legal usted presentaba un problema de consumo de sustancias?	1. Si 2. No → (saltar a CD.9)
CD.3 ¿Tomaron en cuenta su problema de consumo de sustancias durante el proceso legal?	1. Si ¿De qué manera? _____ 2. No
CD.4 ¿Le ofrecieron tratamiento para su problema por consumo de sustancias?	1. Si 2. No → (saltar a CD.4d)
CD.4a ¿Qué tipo de tratamiento le ofrecieron?	1. Público 2. Privado
CD.4b ¿Cuál era el nombre del centro de tratamiento?	Nombre: _____
CD.4c ¿Le informaron sobre procedimiento que debía realizar para recibir el tratamiento?	1. Si 2. No
CD.4d ¿Le informaron sobre las organizaciones o instituciones que podrían brindarle tratamiento?	1. Si 2. No
CD.5 Derivado del problema legal usted asistió a tratamiento	1. Si 2. No → (saltar CD.9)
CD.5a ¿Asistió de manera voluntaria?	1. Si 2. No

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

CD.6 ¿Se sintió motivado por alguno de los operadores jurídicos para asistir a tratamiento?	1. Si ¿Por quién? a) Juez/a b) Fiscal/a c) Defensor/a d) Otro/a  2. No																																	
CD.7 ¿Actualmente continua con el tratamiento?  CD.7a ¿Cuántas sesiones de tratamiento lleva actualmente?	1. Si 2. No      ¿Por qué? _____  Número de sesiones: _____																																	
CD.8 ¿Qué beneficios percibe a partir de estar en tratamiento?	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1.</td><td style="width: 60%;">Familiars</td><td style="width: 35%;">¿Cuáles? _____</td></tr> <tr><td>2.</td><td>Económicos</td><td>¿Cuáles? _____</td></tr> <tr><td>3.</td><td>Laborales</td><td>¿Cuáles? _____</td></tr> <tr><td>4.</td><td>Escolares</td><td>¿Cuáles? _____</td></tr> <tr><td>5.</td><td>Sociales</td><td>¿Cuáles? _____</td></tr> <tr><td>6.</td><td>Otros</td><td>¿Cuáles? _____</td></tr> </table>	1.	Familiars	¿Cuáles? _____	2.	Económicos	¿Cuáles? _____	3.	Laborales	¿Cuáles? _____	4.	Escolares	¿Cuáles? _____	5.	Sociales	¿Cuáles? _____	6.	Otros	¿Cuáles? _____															
1.	Familiars	¿Cuáles? _____																																
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4.	Escolares	¿Cuáles? _____																																
5.	Sociales	¿Cuáles? _____																																
6.	Otros	¿Cuáles? _____																																
CD.9 ¿Le ofrecieron algún otro tipo de servicio como apoyo para reinserirse después de su proceso legal?  ¿Quién se lo ofreció?  ¿Tomaron en cuenta su género (¿ser hombre, mujer o LGBTI, para ofrecer otro tipo de apoyo)?	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1.</td><td style="width: 60%;">Educativo</td><td style="width: 35%;">¿Cuáles? _____</td></tr> <tr><td>2.</td><td>Laboral</td><td>¿Cuáles? _____</td></tr> <tr><td>3.</td><td>Deportivo</td><td>¿Cuáles? _____</td></tr> <tr><td>4.</td><td>Artístico</td><td>¿Cuáles? _____</td></tr> <tr><td>5.</td><td>Otro</td><td>¿Cuáles? _____</td></tr> </table> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1.</td><td style="width: 60%;">Juez/a</td><td style="width: 35%;"></td></tr> <tr><td>2.</td><td>Fiscal/a</td><td></td></tr> <tr><td>3.</td><td>Defensor/a</td><td></td></tr> <tr><td>4.</td><td>Otro/a</td><td>¿Quién? _____</td></tr> </table> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;">1.</td><td style="width: 60%;">Si</td><td style="width: 35%;"></td></tr> <tr><td>2.</td><td>No</td><td></td></tr> </table>	1.	Educativo	¿Cuáles? _____	2.	Laboral	¿Cuáles? _____	3.	Deportivo	¿Cuáles? _____	4.	Artístico	¿Cuáles? _____	5.	Otro	¿Cuáles? _____	1.	Juez/a		2.	Fiscal/a		3.	Defensor/a		4.	Otro/a	¿Quién? _____	1.	Si		2.	No	
1.	Educativo	¿Cuáles? _____																																
2.	Laboral	¿Cuáles? _____																																
3.	Deportivo	¿Cuáles? _____																																
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4.	Otro/a	¿Quién? _____																																
1.	Si																																	
2.	No																																	

### Questionnaire for the Follow-Up Phase (2021) – English Translation

DIAGNOSTIC STUDY FOLLOW-UP GENDER IN THE CRIMINAL JUSTICE SYSTEM: EXPLORING ALTERNATIVES TO INCARCERATION FOR DRUG-RELATED CRIMES
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*Internal use only*

1) Country: (Note for scripting: display a country list: Argentina, Costa Rica, Dominican Republic, Jamaica, Colombia) 2) City 3) Survey number /_____/ 4) Date /_____/_____/_____/ 5) Time /_____/_____/_____/ (month/day/year) 6) Court (Judicial Circuit)/ _____ 7) Interviewer's name /_____/
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## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

### Introduction & Motivation

Hi, my name is \_\_\_\_\_. You may remember me or my colleagues from before. We are following up on the same study that as we said to you the last time we met, will be used to look at drug-related crimes as well as the way some judicial proceedings are implemented in Costa Rica and we will look at this from a gender perspective.

I would like to remind you that like the first interview, everything you state during this interview is COMPLETELY CONFIDENTIAL. All the information given in this interview will be used for reference study purposes only and your personal information will remain totally ANONYMOUS. The information given in this interview will not be used either for or against you, nor for any purpose other than this study. Thank you for your cooperation. During the interview if you need some help to understand or respond to any of the questions or would like to pause or stop this interview, please do not hesitate to let me know.

### Section A.

#### SA. Current situation

SA.1 What is your trade or profession?	<ol style="list-style-type: none"> <li>1. Student</li> <li>2. Professional</li> <li>3. Technical</li> <li>4. Management activities</li> <li>5. Sales and services</li> <li>6. Farmer, fisherman</li> <li>7. Craftsman or similar</li> <li>8. Machinery and Plant operator, assembler</li> <li>9. Other</li> <li>10. None</li> </ol> <div style="text-align: right;">Specify: _____</div>
SA.2 What's your current work situation?	<ol style="list-style-type: none"> <li>1. Unemployed</li> <li>2. Part-time job</li> <li>3. Full-time job</li> <li>4. Freelance/self-employed</li> <li>5. Other</li> </ol> <div style="text-align: right;">Specify: _____</div>
SA.3 How has the legal matter that you are currently experiencing affected your...  SA.3.1 employment?  SA.3.2 family?  SA.3.3 school?  SA.3.4 health?  SA.3.5 Other	<ol style="list-style-type: none"> <li>1. Yes    How? _____</li> <li>2. No</li> <li>1. Yes    How? _____</li> <li>2. No</li> <li>1. Yes    How? _____</li> <li>2. No</li> <li>1. Yes    How? _____</li> <li>2. No</li> </ol> <div style="text-align: right;">Specify: _____</div>
SA.4 Have members of your family or close relatives been affected by your ongoing legal matter? <i>(select all that apply)</i>  SA.4.1 Parents	<ol style="list-style-type: none"> <li>1. Yes               <div style="margin-left: 20px;">                 a) Economically                  b) Health                  c) Emotional                  d) Other               </div> </li> <li>2. No</li> </ol> <div style="text-align: right;">Specify: _____</div>

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

SA.4.2 Children	1. Yes a) Economically b) Health c) Emotional d) Other Specify: _____
SA.4.3 Partners (husband/wife/boyfriend/girlfriend)	2. No 1. Yes a) Economically b) Health c) Emotional d) Other Specify: _____
SA.4.4 Friends	2. No 1. Yes a) Economically b) Health c) Emotional d) Other Specify: _____
SA.4.5 Other	2. No Specify: _____

### Section B.

#### SF. Health

SF.1 Before your legal matter started, did you have any health problems?	1. Yes Which one(s)? _____ (specify) 2. No _____ ➔ (skip to SF.3)
SF.2 Was your health condition taken into consideration by the court during your proceeding?	1. Yes 2. No _____ ➔ (skip to SF.3)
SF.2.1 Explain how was your health condition was taken into consideration.	_____ _____ _____ _____
SF.2.2 Who took your health condition into consideration?	1. Judge 2. Defender 3. Prosecutor 4. Police 5. Other Specify: _____
SF.2.3 Were you given any medical treatment options?	1. Yes 2. No _____ ➔ (skip to SF.3)
SF.2.3a Which medical options were you given?	_____ _____ _____ _____
SF.2.3b Who offered you these medical treatment options?	1. Judge 2. Defender 3. Prosecutor 4. Other Specify: _____
SF.3 Are you currently taking medication?	1. Yes Which one? _____ (specify) 2. No _____ ➔ (skip to SF.4)

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

SF.3a Was this medication prescribed by a physician?	1. Yes 2. No 3. Other Specify: _____
SF.4. Do you think that your physical health was affected by your ongoing legal matter?	1. Yes How? _____ 2. No

### Section C.

#### SM. Mental Health

I will now describe some symptoms and situations and ask you whether you have experienced these in the last two weeks. Please respond YES or NO.

	In last two weeks, have you...	YES	NO
SM.1	felt sad during the day?		
SM.2	had a feeling of anxiety?		
SM.3	had sleeping problems or insomnia?		
SM.4	been a victim of physical violence?		
SM.5	been a victim of mental abuse?		
SM.6	been violent to others?		
SM.7	caused emotional abuse to others?		
SM.8	experienced any gender discrimination? (Gender discrimination is being treated unequally or being disadvantaged because of your gender) Yes: Which one? _____		
SM.9	experienced any discrimination because of your sexual preference? Yes: Which one? _____		
SM.10	attempted suicide?		

SM.11 Do you think that your mental health was affected because of your ongoing legal matter?	1. Yes How? _____ 2. No
---	----------------------------

### Section D.

#### D. Crime (related to your ongoing legal matter)

D.1 What is the status of your current legal matter?	1. Suspension of the proceedings 2. Awaiting court ruling 3. Sentenced 4. Do not know 5. Other Specify: _____
D.2 Was your crime (criminal charge) reclassified?	1. Yes To what? _____ (specify) 2. No Please indicate criminal charge _____
D.3. Were you provided legal counsel during the proceedings?	1. Yes 2. No
D.3a Have you had the same public defender or private attorney from the beginning of the proceedings?	1. Yes → (skip to d.4) 2. No



D.3b How many times has your public defender or private attorney changed?	Number of times: _____
D.4 Is your attorney a...	1. Public defender? 2. Private attorney? _____ → (skip to d.5)
D.4a Has your public defender asked you for money during the proceedings?	1. Yes Why? _____ 2. No
D.5 Have you received adequate legal support from your public defender during your proceedings?	1. Yes Why? _____ 2. No Why? _____
D.6 How many times have you talked with your public defender or your private attorney?	Number of times: _____
D.7 Has your public defender or your private attorney taken your opinion into consideration during the proceedings?	1. Always 2. Almost always 3. A few times 4. Almost never 5. Never
D.8 Have you been kept informed of all legal aspects of your proceeding? ( <i>such as: an explanation of hearings, next steps and so on</i> )	1. Yes Who informed you? a) Judge b) Defender c) Prosecutor d) Other Specify: _____ 2. No
D.9 During your proceeding, have you been counseled by a professional, such as a psychologist, social worker, or a doctor on issues relating to your criminal proceeding?	1. Yes Who provided counselling to you? _____ 2. No
D.10 How many hearings have you attended before a judge?	Number of hearings: _____
D.11 How long has the hearing before a judge or an authority lasted?	Estimated time: _____
D.12 Were any of your hearings rescheduled?	1. Yes Why? _____ 2. No
D.12a Were you informed beforehand about the cancellation of the hearing?	1. Yes 2. No
D.13 Was the judge's language during the hearings easy to understand?	1. Yes 2. No
D.14 Were you allowed to ask questions, or express your concerns during the proceedings?	1. Yes 2. No
D.15 Were you able to speak with the judge directly during the hearings?	1. Yes 2. No 3. No need to
D.15a Did the judge answer your questions?	1. Yes 2. No 3. I had no questions
D.16 How long did the proceedings last?	Time: ____ days
D.17 Were there any delays in your proceedings?	1. Yes Why? _____ (specify) 2. No

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

D.18 Were you told when your proceedings would end?	1. Yes 2. No
D.19 Do you think that the judges, defenders, and the prosecutor treated you appropriately?	1. Yes Please explain: _____ 2. No Please explain: _____
D.20 Did you feel threatened/pressured to make a decision on an alternative program during your proceedings? (Incluso respecto a la participación en algún programa alternativo)	1. Yes Why? _____ 2. No
D.21 Do you consider that your proceedings have been fair and properly conducted?	1. Yes Why? _____ 2. No Why? _____
D.22 Have you received a sentence?	1. Yes What was the sentence? _____ 2. No
D.23 During your proceedings, did you feel that you were treated differently because you are a woman, man, or for being part of the LGBTI community?	1. Yes How? _____ (specify) 2. No
D.24 Are you a foreigner or belong to an indigenous community?  D.24a Were you given assistance with interpretation during your proceedings?	1. Yes 2. No 3. Not needed
D.25 Were your traditions and cultural customs taken into account during the proceeding?	1. Yes How? _____ 2. No Please explain: _____
D.26 Do you think that your human rights were respected during the proceeding?	1. Yes Why? _____ 2. No Why? _____

### Section E.

#### AE. Alternatives to Incarceration

AE.1 Were you informed about sentencing alternatives to conclude your proceedings before the ruling?	1. Yes 2. No → (skip to AE.2)
AE.1a If so, who informed you about this alternative?	1. Judge 2. Defender 3. Prosecutor 4. Other Specify: _____
AE.1b Was an alternative applied in your criminal proceedings, such as a psychological treatment or community service?	1. Yes Which one? _____ (specify) 2. No → (skip to AE.2)
If an alternative was applied:	
AE.1c Did the court ask your opinion on which alternative to apply your proceeding?	1. Yes 2. No
AE.1d Which authority proposed the alternative sentence during your proceedings?	1. Judge 2. Defender 3. Prosecutor 4. Other Specify: _____

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

<p>AE.1e Do you know at which step of the proceedings the alternative was applied?</p>	<ol style="list-style-type: none"> <li>1. Before the proceeding</li> <li>2. During the proceeding</li> <li>3. After the proceeding</li> <li>4. Other</li> </ol> <p style="text-align: right;">Specify: _____</p>
<p>AE.1f How many days after your first contact with the authorities was the alternative applied?</p>	<p>Time: _____ (days)</p>
<p>AE.1g What are the conditions of your alternative program?</p>	<ol style="list-style-type: none"> <li>1. Community Services</li> <li>2. Donations to institutions</li> <li>3. Participate in socio-educational activities</li> <li>4. Resume school</li> <li>5. Learn a job</li> <li>6. Drug Treatment</li> <li>7. Other</li> </ol> <p style="text-align: right;">Specify: _____</p>
<p>AE.1h Were you informed about the content and conditions of the alternative program before starting?</p>	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>
<p>AE.1i To which authority do you have to report regarding the implementation of your alternative sentence?</p>	<ol style="list-style-type: none"> <li>1. Judge</li> <li>2. Prosecutor</li> <li>3. Defender</li> <li>4. Other</li> </ol> <p style="text-align: right;">Who? _____</p>
<p>AE.1j How often do you have to present yourself before the authority to follow up the implementation of the alternative sentence?</p>	<ol style="list-style-type: none"> <li>1. Every week</li> <li>2. Every month</li> <li>3. Every three months</li> <li>4. Other</li> </ol> <p style="text-align: right;">Specify: _____</p>
<p>AE.1k How long will the alternative program last?</p>	<p>Time: _____ (months, weeks)</p>
<p>AE.1l Did you have problems with your relatives/education/job or other activities because of having to serve the alternative sentence?</p>	<ol style="list-style-type: none"> <li>1. Yes    Specify: _____</li> <li>2. No</li> </ol>
<p>AE.1m Do you know what the consequences are for breaching the conditions of the alternative sentence?</p>	<ol style="list-style-type: none"> <li>1. Yes    Specify: _____</li> <li>2. No</li> </ol>
<p>AE.1n Have you been punished due to breaking of the conditions of the alternative program?</p>	<ol style="list-style-type: none"> <li>1. Yes    Specify the condition(s) that you broke: _____ Specify the punishment: _____</li> <li>2. No</li> </ol>
<p>AE.1o What benefits have you obtained from the alternative sentence?</p>	<p>Benefits: _____</p>
<p>AE.1p Do you think that the court took your gender into account in deciding to offer you an alternative sentence?</p>	<ol style="list-style-type: none"> <li>1. Yes    Why? _____</li> <li>2. No     Why? _____</li> </ol>

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

### Section F.

#### CD. Drug Use & Treatment Offer

CD.1 How often have you used the following drugs in the last three months?	Never	Once a week	Two or three times a week	Almost every day or every day
a. Cigarettes (cigarettes, chewing tobacco, cigars, etc.)				
b. Alcohol (beers, wines and spirits, rum, whiskey, vodka, etc.)				
c. Cannabis (marijuana, weed, hashish, etc.)				
d. Cocaine (cocaine, crack, etc.)				
e. Amphetamine stimulants (speed, amphetamine, ecstasy, etc.)				
f. Inhalants (nitrous oxide, glue, gasoline, thinner, etc.)				
g. Sedatives or sleeping pills (diazepam, alprazolam, flunitrazepam, midazolam, etc.)				
h. Hallucinogens (LSD, acids, fungi, ketamine, etc.)				
i. Opioids (heroin, morphine, methadone, buprenorphine, codeine, etc.)				
j. Others, specify: _____				

CD.2 When the proceeding started, did you have a drug-use problem?	1. Yes 2. No → (skip to CD.9)
CD.3 Was your drug-use problem taken into account during the proceedings?	1. Yes How? _____ 2. No
CD.4 Were you offered treatment for your drug-use problem?	1. Yes 2. No → (skip to CD.4d)
CD.4a What kind of drug treatment were you offered?	1. Public 2. Private
CD.4b What was the name of the treatment center?	Center's name: _____
CD.4c Were you informed about the conditions to be met in order to get drug treatment?	1. Yes 2. No
CD.4d Were you provided with a list of institutions or organizations that offer drug treatment?	1. Yes 2. No
CD.5 Due to the legal matter against you, did you accept the treatment?	1. Yes 2. No → (skip to CD.9)
CD.5a Did you attend voluntarily?	1. Yes 2. No
CD.6 Did you feel encouraged by a court official to take the treatment?	1. Yes By whom? a) Judge b) Prosecutor c) Defender d) Other 2. No
CD.7 Are you currently still in treatment?	1. Yes 2. No Why? _____
CD.7a How many treatment appointments have you attended up to now?	Number of appointments: _____

## APPENDIX 7 – DATA COLLECTION INSTRUMENTS DEVELOPED BY THE PROJECT (CONTINUED)

CD.8 What benefits have you received from the treatment?	1. With your family 2. Economically 3. At work 4. At school 5. Socially 6. Other	Specify: _____ Specify: _____ Specify: _____ Specify: _____ Specify: _____ Specify: _____
CD.9 Were you offered support to restart any of the following activities after your proceedings? (social reintegration/social reinsertion)  Who offered it to you?  Was your gender (whether you are male, female, or a member of the LGBTI community) taken into account when this support was offered to you?	1. Education 2. Employment 3. Sports 4. Handicrafts 5. Other  1. Judge 2. Prosecutor 3. Defender 4. Other  1. Yes 2. No	Specify: _____ Specify: _____ Specify: _____ Specify: _____ Specify: _____   Who? _____

## APPENDIX 8 – PRELIMINARY DATA ON PROJECT REACH AND OUTCOME

### Project Reach

Table A8.1, below, was prepared by the ES-CICAD project team and supplied to the evaluator on March 23, 2022. It contains preliminary data on the reach of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project, current to March 17, 2022.

Table A8.1						
Activity	Place	Date	Participants	Women	Men	Other/ prefer not to specify
Coordination meeting and follow-up on the diagnostic study on the alternatives to incarceration for drug-related crimes under a gender perspective	Antigua, Guatemala	September 10 to 12, 2019	31	22	9	0
Sensitization on gender and the justice system for drug-related crimes to operators of the justice system in Costa Rica	San José, Costa Rica	June 28, 2019	20	11	9	0
Sensitization on gender and the justice system for drug-related crimes to operators of the justice system in Jamaica	Kingston, Jamaica	October 29, 2019	47	35	12	0
Sensitization on gender and the justice system for drug-related crimes to operators of the justice system in Colombia	Bogotá, Colombia	November 6, 2019	14	8	6	0
Sensitization on gender and the justice system for drug-related crimes to operators of the justice system in Argentina	Buenos Aires, Argentina	November 25, 2019	18	7	11	0
Side event – “Gender in the criminal justice system: Exploring evidence-based alternatives to incarceration for drug-related offenses,” as part of the 64th Session of the United Nations Commission on Narcotic Drugs	Online	April 15, 2021	92	69	22	1
Training series – “Gender in the criminal justice system: Alternatives to incarceration for drug-related offenses”	Online	May 26 to August 4, 2021	65	55	10	0
Defendants (study subjects), through in situ interview	Heredia, Costa Rica	August to November 2019	211	21	190	0
Defendants (study subjects), through in situ interview	Santo Domingo Oeste	January to March 2020 and September to November 2020	284	16	268	0
Defendants (study subjects), through in situ interview	Kingston, Jamaica	December 2020 to February 2021	117	32	85	0
Defendants (study subjects), through in situ interview	Buenos Aires, Argentina	July to October 2021	123	10	111	2
Total:			1,022	286	733	3

Note: Some representatives from participating member states attended more than one project activity and may therefore have been counted twice. As such, the total number of individuals with whom the project interacted is lower than the cumulative number of participants reported in this table.

Please also note that there are three project events scheduled to take place in March or April 2022: the presentation of the operational guide for the *Programa de Tratamiento bajo Supervisión Judicial of the Dominican Republic* (March 17), the presentation of project results (April) and sensitization for representatives of the *Procuraduría General de la Nación* of Colombia (March 29-30).

Source: *Project Reach*. Preliminary data updated as of March 17, 2022.

## APPENDIX 8 – PRELIMINARY DATA ON PROJECT REACH AND OUTCOME (CONTINUED)

### Project Outcomes

Table A8.2, below, provides excerpts from a table prepared by the ES-CICAD project team and supplied to the evaluator on March 23, 2022. It contains preliminary data on the outcomes of the *Gender in the Criminal Justice System: Exploring Evidence-Based Alternatives to Incarceration for Drug-Related Offenses* project, current to March 17, 2022.

Table A8.2				
Indicators	Baseline	Target	Actual data, cumulative (March 29, 2018, to March 31, 2022)	Analysis of progress/variance
Ultimate outcome 1000. Policies and practice on the implementation of gender-sensitive alternatives to incarceration for drug-related offenders developed, tested, and widely applied in the participating member states				
Intermediate outcome 1100. Improved delivery of alternatives to incarceration options that are responsive to gender inequalities				
# of diagnostic studies conducted	No diagnostic studies on gender responsiveness of alternative options	4 diagnostic studies, one per country	5 diagnostic studies	<p><u>Progress (cumulative):</u> The ES-CICAD team completed diagnostic studies in Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica.</p> <p><u>Variance:</u> Overall, CICAD-OAS exceeded its target by completing diagnostic studies in five countries. However, it is important to note that the study in Colombia did not involve first-hand field data collection due to the short timeframe and ongoing challenges with COVID-19.</p>
# of disaggregated gender data collected in field  # of qualitative interviews systematizing experiences with the judicial system by gender	No gender data is currently being collected	At least 30 study subjects per country, including all genders	<p><u>Gender-disaggregated data:</u></p> <p><u>Phase 1:</u> 78 gender-disaggregated data items collected (total 57,330 data)</p> <p><u>Phase 2:</u> 222 gender-disaggregated data items collected (total 8,214 data)</p> <p><u>Qualitative interviews:</u></p> <p><u>Phase 1:</u></p> <p>735 qualitative interviews (78 women [including 2 transgender women], 655 men, 2 other) conducted</p> <ul style="list-style-type: none"> <li>Costa Rica: 211 (21 women, 190 men)</li> <li>Dominican Republic: 284 (15 women [including 1 transgender woman], 269 men)</li> <li>Jamaica: 117 (32 women, 85 men)</li> <li>Argentina: 123 (10 women [including 1 transgender woman], 111 men, 2 other)</li> </ul> <p><u>Phase 2:</u></p> <p>37 (11 women, 26 men)</p> <ul style="list-style-type: none"> <li>Argentina: 12 (1 woman, 11 men)</li> <li>Costa Rica: 6 (1 woman, 5 men)</li> <li>Dominican Republic: 5 (0 women, 5 men)</li> <li>Jamaica: 14 (9 women, 5 men)</li> </ul>	<p><u>Progress (cumulative):</u> During the project, the project team collected data from 735 defendants through in situ interviews in Argentina, Costa Rica, the Dominican Republic and Jamaica. 78 data items were collected in each interview which means that, by the end of the project, the project team had collected 57,330 data as part of the first phase of the study. During the follow-up phase, interviews were conducted with a sub-sample of 37 defendants (11 women, 26 men), with 222 data items for each defendant and 8,214 data collected in total.</p> <p>Country reports are being sent to each participating country in March 2022.</p> <p>In terms of documents/guidelines/protocols, the project team worked jointly with the Dominican Republic in 2020 and 2021, to incorporate the gender perspective into a guide for operators of the Program of Treatment under Judicial Supervision (TSJ). The guide will be launched on March 29, 2022.</p> <p><u>Variance:</u> Due to COVID-19 related delays, the findings and recommendations from the diagnostic studies have not translated yet into the development of new documents and guidelines in participating countries, with the exception of the Dominican Republic.</p>

## APPENDIX 8 – PRELIMINARY DATA ON PROJECT REACH AND OUTCOME (CONTINUED)

Table A8.2				
Indicators	Baseline	Target	Actual data, cumulative (March 29, 2018, to March 31, 2022)	Analysis of progress/variance
# of documents, guidelines, protocols specifically addressing gender equality			1 document, guidelines, protocol specifically addressing gender equality	
<i>Immediate outcome 1110. Concrete evidence-based recommendations to improve delivery of alternatives to incarceration options for men, women, and transgender individuals developed and presented</i>				
# of judiciary officials (m/f) trained on gender approach to alternatives to incarceration options	No judiciary officials trained	At least one DTC team trained per country	138 justice system operators trained (94 women, 44 men) <ul style="list-style-type: none"> <li>Argentina: 26 (14 women, 12 men)</li> <li>Colombia: 26 (18 women, 8 men)</li> <li>Costa Rica: 31 (19 women, 12 men)</li> <li>Jamaica: 51 (39 women, 12 men)</li> <li>Dominican Republic: 4 (4 women, 0 men)</li> </ul>	<u>Progress (cumulative):</u> During the project, ES-CICAD provided training to 138 justice system operators (94 women, 44 men) in Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica on gender and alternatives to incarceration. In addition to the initial sensitization provided in 4 of the participating countries from June to November 2019, training was provided through the online training series on <i>Gender in the criminal justice system: Alternatives to incarceration for drug-related offenses</i> , held online from May 26-August 4, 2021. <u>Variance:</u> N/A
# of DTC teams trained on gender specific recommendations	No DTC personnel trained	At least one DTC team trained per country	5 DTC teams trained	<u>Progress (cumulative):</u> Through the training series on <i>Gender in the criminal justice system: Alternatives to incarceration for drug-related offenses</i> , held from May 26-August 4, 2021, members of the DTC teams (among other participants) in the five participating countries (Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica) were trained on the gender dimensions of criminal justice and good practices on alternatives to incarceration with a gender perspective. As part of the training, each country team worked on the development of draft proposals to incorporate a gender perspective into their policies and programs. <u>Variance:</u> N/A
<i>Intermediate outcome 1200. Improved access to relevant services in the justice system</i>				
Compendium delivered	No compendium exists	1 compendium	1 compendium	<u>Progress (cumulative):</u> A compendium of promising practices on alternatives to incarceration with a gender perspective was developed and will be presented to project stakeholders in April 2022. <u>Variance:</u> N/A
# of policymakers (m/f) approached with recommendations	Policymakers aware of need to include gender, but no data to inform policy	At least one key policymaker with decision making power reached per country	91 policymakers reached (including policymakers from Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica)	<u>Progress (cumulative):</u> During the project, ES-CICAD sensitized 91 policymakers to the importance of incorporating a gender perspective into alternatives to incarceration policies and programs. An estimated number of 60 attending the 64th Regular Session of CICAD in November 2018 were exposed to practices of 3 participating member states (Argentina, Costa Rica, Jamaica) on gender and criminal justice. In addition, ES-CICAD supported the organization of the side event <i>Gender in the criminal justice system: Exploring evidence-based alternatives to incarceration for drug-related offenses</i> , hosted by



## APPENDIX 8 – PRELIMINARY DATA ON PROJECT REACH AND OUTCOME (CONTINUED)

Table A8.2				
Indicators	Baseline	Target	Actual data, cumulative (March 29, 2018, to March 31, 2022)	Analysis of progress/variance
				<p>the government of Costa Rica on April 15, 2021, as part of the 64th Session of the United Nations Commission on Narcotic Drugs. This event allowed the sharing of experiences and good practices from Argentina, Canada, Colombia, Costa Rica, the Dominican Republic and Jamaica, with a wide international multi-sector audience, including policymakers, justice system, health and social services operators, and representatives from academic institutions, civil society organizations, the private sector, and international organization from 32 countries. (Please note that only the representatives from the executive branch were considered as “policymakers” in the calculation of the indicator value.)</p> <p><u>Variance:</u> Due to COVID-19 pandemic related delays, the reports of the country diagnostic studies are being finalized in March 2022 and will be presented to a limited number of project stakeholders in participating member states in April 2022. We expect that additional events will take place in the coming year to present the findings and recommendations from these studies to a wider audience of policymakers in OAS member states.</p>
# of policy changes implemented to reduce potential gender discrimination in delivery of alternatives	No policy changes to reduce gender inequality	Policy changes announced resulting from recommendations	2 policy/program changes	<p><u>Progress (cumulative):</u> Following the development of the operational guide for the TSJ, the Dominican Republic decided to expand the TSJ program (equivalent of Drug Treatment Court) and requested the support of ES-CICAD to do so. An expansion plan is currently under development. The expansion process will make the TSJ program available to a greater number of justice-involved individuals—including women—with substance use disorders. It will also provide an opportunity to make the program more gender-responsive by training the operators based on the new operational guide, which includes a cross-cutting gender perspective.</p> <p>In Colombia, the <i>Procuraduría General de la Nación</i> undertook, in the second semester of 2021, a pilot program in the Centro de Rehabilitación el Buen Pastor of Barranquilla to review the cases of justice-involved women heads of household and women with serious illness, in order to analyze the possibility of providing them alternatives to incarceration instead of prison sentences. In exchanges with the ES-CICAD project team, the Office indicated that their participation in the training series had played a role in this initiative in that it had helped them view drug-related offenses committed by women through a differential, gender-based lens.</p> <p><u>Variance:</u> The reports of the diagnostic studies are being finalized in March 2022, which does not provide sufficient time for policymakers in all participating countries to propose policy changes based on the report findings and recommendations.</p>

## APPENDIX 8 – PRELIMINARY DATA ON PROJECT REACH AND OUTCOME (CONTINUED)

Table A8.2				
Indicators	Baseline	Target	Actual data, cumulative (March 29, 2018, to March 31, 2022)	Analysis of progress/variance
Identification of specific gender treatment options for drug dependent offenders. In the case of women with children, including after care options during treatment.	No standard social inclusion strategies for women with children or transgender at treatment centers (in case of drug dependency)	Inclusion of services not currently available (such as after care options as part of the services given for women with children)	1 gender-specific treatment option included	<p><b>Progress (cumulative):</b> A section on treatment options with a gender perspective was included in the guide for operators of the TSJ program in the Dominican Republic, which defines treatment standards for specific population, including women and, as a sub-group, pregnant women. The guide does not translate necessarily into new services for women participants in the TSJ program. However, it guides program operators in the provision of more gender-responsive treatment options.</p> <p><b>Variance:</b> The reports of the diagnostic studies are being finalized in March 2022, which does not provide sufficient time for policymakers in other participating countries to propose changes in treatment services by the end of the project.</p>
<i>Immediate outcome 1210. Increased awareness by personnel in beneficiary countries of the need for gender differentiated strategies for drug-related offenders</i>				
# of DTC teams trained on gender specific recommendations	No DTC personnel trained	At least one DTC team trained per country	5 DTC teams trained	<p><b>Progress (cumulative):</b> Through the training series on <i>Gender in the criminal justice system: Alternatives to incarceration for drug-related offenses</i>, held from May 26-August 4, 2021, members of the DTC teams (among other participants) in the five participating countries (Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica) were trained on the gender dimensions of criminal justice and good practices on alternatives to incarceration with a gender perspective. As part of the training, each country team worked on the development of draft proposals to incorporate a gender perspective into their policies and programs.</p> <p><b>Variance:</b> N/A</p>
<i>Intermediate outcome 1300. Wider acceptance and application of alternatives to incarceration strategies that are gender sensitive in their approach by magistrates, judges, and other justice officers</i>				
# of policymakers (m/f) exposed to practices of other countries	No policymakers assumed to be aware of policies in the other 3 countries	Key policymakers from the 4 countries exposed the practices of the other 3	26 policymakers (20 women, 6 men) <ul style="list-style-type: none"> <li>• Argentina: 8 (6 women, 2 men)</li> <li>• Colombia: 4 (2 women, 2 men)</li> <li>• Costa Rica: 3 (1 woman, 2 men)</li> <li>• Dominican Republic: 4 (3 women, 1 man)</li> <li>• Jamaica: 6 (6 women, 0 men)</li> </ul>	<p><b>Progress (cumulative):</b> In total, 26 policymakers had the opportunity to learn from the experiences of other countries in gender and criminal justice: 7 policymakers during the meeting held in August 2018 to kick off the project in Washington, D.C., and 17 policymakers during the coordination meeting “Follow-up on the diagnostic study on alternatives to incarceration for drug-related crimes from a gender perspective” that took place in Antigua, Guatemala in September 2019.</p> <p><b>Variance:</b> Due to COVID-19 pandemic related delays, the reports of the country diagnostic studies are being finalized in March 2022 and will be presented to a limited number of project stakeholders in participating member states in April 2022. We expect that additional events will take place in the coming year to present the findings and recommendations from these studies to a wider audience of policymakers in OAS member states.</p>

## APPENDIX 8 – PRELIMINARY DATA ON PROJECT REACH AND OUTCOME (CONTINUED)

Table A8.2				
Indicators	Baseline	Target	Actual data, cumulative (March 29, 2018, to March 31, 2022)	Analysis of progress/variance
<i>Immediate outcome 1310. Increased knowledge and skills of personnel in beneficiary countries in identifying, applying and monitoring alternatives to incarceration relating to men, women, and transgender drug-related offenders, with international human rights and gender responsive practices</i>				
# of DTC teams able to gather gender disaggregated data on DTC participants and to tailor gender sensitive alternatives to incarceration	No DTC personnel trained	At least one DTC team trained per country	5 DTC teams trained	<p><u>Progress (cumulative):</u> Through the training series on <i>Gender in the criminal justice system: Alternatives to incarceration for drug-related offenses</i>, held from May 26-August 4, 2021, operators in the criminal justice, health and social services systems—including members of the DTC teams—in the five participating countries (Argentina, Colombia, Costa Rica, the Dominican Republic and Jamaica) were trained on the gender dimensions of criminal justice and good practices on alternatives to incarceration with a gender perspective. Several presentations emphasized the need for gender-disaggregation in data collection and in monitoring and evaluation processes in general to inform policymaking. In addition, as part of the training, each country team worked on the development of draft proposals to incorporate a gender perspective into their policies and programs.</p> <p><u>Variance:</u> Gender disaggregated data collection on DTC participants was not the specific focus of the training series on <i>Gender in the criminal justice system: Alternatives to incarceration for drug-related offenses</i> delivered under this project. However, it is worth mentioning that ES-CICAD promoted synergies between this project and the project “Establishing Monitoring and Evaluation Mechanisms for Impact Evaluation of the Drug Treatment Court Model,” also implemented by ES-CICAD with Canada/ACCBP funding. Under the latter, a module on monitoring and evaluation of DTC programs with a gender perspective was delivered to the DTC teams of Colombia, Costa Rica, the Dominican Republic (October 2021) and Jamaica (May 2021) and further technical is expected to be provided in this regard in the remainder of 2022. In this sense, there are important synergies between the two projects.</p>

Source: *Outcome Reporting Worksheet*. Preliminary version updated to March 17, 2022.