**Questions for the Record Submitted to**

**Assistant Secretary William R. Brownfield**

**Senator Dianne Feinstein (#1)**

**Senate Caucus on International Narcotics Control**

**November 17, 2015**

**Question:**

**What Has and Has Not Worked**

Since Fiscal Year 2008, Congress has appropriated over $2.5 billion dollars under the Mérida Initiative to combat violence and drug trafficking, while strengthening the rule of law in Mexico. The initial focus on equipment delivery has since shifted to training and capacity building.

As we are now in the Mérida Initiative’s seventh year, and the President’s Fiscal Year 2016 budget requests an additional $119 million, it is important to take stock of what has and has not worked in order to improve our efforts going forward.

1. *In your view, what Mérida Initiative programs have worked best and why? How can we build on the successes of these programs?*
2. *During the hearing, you noted that two law enforcement programs funded through the Mérida Initiative had been discontinued due to corruption within the Mexican Government. Are there other aspects of the Mérida Initiative that have failed to achieve their desired outcomes? If so, what are they? Lastly, what changes can be made to improve future results?*

**Answer:**

Through the Merida Initiative, we have implemented a broad range of successful programs through which we have extended the reach of law enforcement forces so that they can more rapidly and securely reach difficult-to-access regions where criminal organizations operate; augmented the ability of forensic labs to analyze evidence in support of prosecutions under the new criminal justice system; expanded secure and humane incarceration at the federal and state levels; improved the capacity to detect the movement of illicit narcotics; helped establish regional teams of state and local justice sector entities that can develop and share police intelligence related to serious crimes such as kidnapping and extortion; and helped prepare Mexican prosecutors, investigators, judges, and courtrooms for the transition to the new criminal justice system. In addition, the training programs we undertake in partnership with U.S. law enforcement agencies have helped to build stronger working relationships and improve cooperation between U.S. agencies and their Mexican counterparts.

INL’s work through Merida is a long-term effort in support of the major reforms Mexico is undertaking to strengthen the ability of police and justice sector institutions to uphold the rule of law and reduce impunity. Our programs work best when there is strong political will and we are able to build on the work that is being done by and that can be sustained by the Government of Mexico. We have and will continue to adapt our programs to ensure they are targeted at meeting our shared security objectives.

**Questions for the Record Submitted to**

**Assistant Secretary William R. Brownfield**

**Senator Dianne Feinstein (#2a- b)**

**Senate Caucus on International Narcotics Control**

**November 17, 2015**

**Question:**

1. What is the State Department currently doing to strengthen human rights protections in Mexico?
2. What additional steps can the State Department, Congress, or the United States take to assist Mexico in its efforts to address human rights concerns and, specifically, to implement the recommendations made by the United Nations and the Inter-American Commission on Human Rights regarding the 43 disappeared students?

**Answer:**

The State Department continues to urge the Mexican government to strengthen human rights protections in Mexico. We take seriously all allegations of human rights violations. Respect for human rights and fundamental freedoms remains a key component of joint and ongoing efforts to promote a culture of lawfulness that strengthens democratic institutions and enhances respect for the rule of law. We consistently urge Mexico to ensure that perpetrators are brought to justice.

We regularly engage our Mexican counterparts to discuss human rights concerns, including in the context of the annual Bilateral Human Rights Dialogue, which last took place October 21. Our annual human rights report relies on a wide array of sources, including Mexico’s National Commission on Human Rights and many national and international NGOs. We value the views and inputs of civil society, as well as those provided by the Inter-American Commission on Human Rights (IACHR), as we seek to better understand and evaluate ongoing challenges to human rights in Mexico.

Through the Merida Initiative, we are working with the Government of Mexico to increase capacity to address human rights abuses. Mexico’s judicial and police reforms aim to prevent and punish impunity and abuses more transparently and effectively.

In addition to the human rights components that are integrated into Merida Initiative training, a number of State Department bureaus support additional programs to promote enhanced respect for human rights and fundamental freedoms. For example, Assistant Secretary Malinowski and U.S. Permanent Representative to the United Nations Ambassador Power traveled to the October 27-29 Mexico-hosted Open Government Partnership Summit in Mexico City to highlight the importance of government transparency and accountability, globally and also in Mexico. The transparency initiatives undertaken by the Mexican government are providing civil society organizations with access to more information on alleged human rights abuses by security services. This is key to helping advance open government initiatives on the part of Mexico, providing useful lessons in turn for many other governments around the world. Finally, in 2015, the Bureau of Democracy, Human Rights, and Labor supported a week-long training program in Mexico City to build the organizational capacity of disabled persons organizations and civil society organizations to effectively promote implementation and enforcement of disability rights legislation.

The United States continues to provide assistance to Mexico to address human rights concerns and, specifically, to follow up on the IACHR recommendations regarding the 43 disappeared students – by continuing its assistance to support Mexican efforts to build capacity and institutions. Mexico recently adopted several key recommendations made by the IACHR’s independent experts, including creating a new unit to investigate the disappearance of the 43 students. We have expressed support for the role of the independent experts working under the auspices of the IACHR, and have had open and honest dialogues with Mexican human rights and justice officials, urging them to address and process the IACHR’s findings transparently and consistent with Mexico’s international legal obligations. We will continue to stay engaged on this and other human rights issues.

**Questions for the Record Submitted to**

**Assistant Secretary William R. Brownfield**

**Senator Dianne Feinstein (#2c, d)**

**Senate Caucus on International Narcotics Control**

**November 17, 2015**

**Question:**

Historically, Congress has used appropriations reporting requirements as a tool to ensure that human rights conditions are met in Mexico. However, the Fiscal Year 2016 State, Foreign Operations and Related Agencies Appropriations language is significantly weaker than it has been in previous years and does not require 15 percent of funds to be withheld if Mexico does not meet specific human rights conditions.

1. Do you believe this language should be restored in future years?
2. Do you believe similar reporting requirements for Defense Department assistance to the Mexican military would better encourage progress on human rights protections in Mexico?

**Answer:**

While we remain committed to encouraging human rights improvements in Mexico, the Department of State opposes conditions on assistance such as these withholding requirements for Mexico. We remain concerned that the requirement to withhold funds impedes our ability to use such funds to address the challenges that Mexico faces, including human rights concerns. We confer regularly with Mexican counterparts to discuss human rights concerns, including in the context of the multi-agency Bilateral Human Rights Dialogue, last held in Washington, DC, in October, and the annual Defense Bilateral Working Group, scheduled to take place in January 2016.

The Department of Defense would be in the best position to speak to how such reporting requirements could potentially impact the execution of Department of Defense – funded programs in Mexico. Respect for human rights is a key component of our joint efforts to promote a culture of lawfulness and strengthen institutions and the rule of law, and we work with the Department of Defense in many aspects of this.

**Questions for the Record Submitted to**

**Assistant Secretary William R. Brownfield**

**Senator Dianne Feinstein (#3)**

**Senate Caucus on International Narcotics Control**

**November 17, 2015**

**Measuring Results and Defining Success**

**Question:**

As we discussed at the hearing, strong monitoring and evaluation efforts to measure the success of Mérida programs play a critical role in directing resources to areas of greatest impact. You mentioned that after extensive internal and third-party review, your Bureau is now focused on assessing programs based on measurements such as violence or homicide rates, seizures at the border, or number of prosecutions.

It is my understanding that the State Department recently agreed to roughly 200 metrics or indicators by which the United States’ efforts in Mexico would be measured.

* 1. *What are the new indicators and how will they be measured? Do they consider both inputs and outputs, as well as their connection to short- and long-term goals?*
  2. *What changes can the United States make to better evaluate and measure the Mérida Initiative to direct resources where they will have the greatest impact?*

**Answer:**

Merida Initiative programming is becoming increasingly focused on the use of internationally-recognized standards.  Whether it is accreditation of Mexican state and federal penitentiaries, canine units, vetting centers, or federal police pilots, Merida Initiative funding is being directed smartly toward helping Mexico achieve tangible and measurable results.  In this context, INL is committed to establishing a formal monitoring and evaluation (M+E) mechanism for Merida Initiative programs.  Over the past year this work evolved into a truly bilateral effort. This systematic approach to our joint Merida Initiative cooperation will ensure that we achieve similarly ambitious goals throughout the country, leading to more consistent capacity building and greater interoperability among Mexican law enforcement agencies and between Mexico and the United States.

In September 2015, Embassy Mexico City agreed with the Government of Mexico (GOM) on over 200 indicators developed to evaluate Merida Initiative programming. The indicators include input, results, output, impact, perception, and sustainability metrics that were developed over the course of the past year in collaboration with 13 different GOM agencies. INL Mexico is working with Mexican officials to establish the formal process to continue collecting data against the indicators developed.

A good example is the number of arrests and number of investigations following arrests that result in criminal proceedings (the source of both indicators is Mexican Attorney General’s Office). Using these indicators, INL can infer an impact indicator that indicates the efficiency of the arrests. This is linked to INL efforts to professionalize police officers and criminal investigations agencies.

Other examples include:

* Number of certified drug treatment counselors.
* Number of people treated by certified drug treatment counselors.
* Number of reported incidents at federal prisons.
* Overpopulation percentage in federal prisons.

These indicators can relate to our efforts to institute internationally recognized standards across all fields of programming. Results of the M+E process will inform future programming decisions.