



THE  
CARTER CENTER



## MEMORANDUM OF UNDERSTANDING BETWEEN THE GUATEMALA HUMAN RIGHTS OMBUDSMAN OFFICE AND THE CARTER CENTER, INC.

This Memorandum of Understanding (MOU) is entered between The Guatemala Human Rights Ombudsman Office, hereinafter referred to as "**OMBUDSMAN OFFICE**"; and The Carter Center, Inc., hereinafter referred to as "**THE CENTER**", a private non-profit organization established under the laws of State of Georgia in the United States of America.

### CONSIDERING

The "**OMBUDSMAN OFFICE**" is the regulatory authority to supervise the implementation and enforcement of Decree 57-2008, the Law on Access to Public Information, and to promote fundamental human rights, including the right of access to public information.

### CONSIDERING

The "**OMBUDSMAN OFFICE**" and "**THE CENTER**" wish to cooperate to advance the implementation and enforcement of the Law on Access to Public Information in Guatemala, particularly regarding to ensuring the equitable exercise of the right to public information for women.

### CONSIDERING

"**THE CENTER**" is an organization founded to promote democracy, the development of human rights and transparency, and is committed to collaborating and sharing its international experience in the field of the right of access to public information, particularly in relation to the advancement of the exercise of the right of access to public information for women.





**CONSIDERING**

The **"OMBUDSMAN OFFICE"** wishes to receive technical assistance, advice and exchange of international experiences from **"THE CENTER"** in matters pertaining to implementation and full and effective enforcement of the Law of Access to Public Information for all persons. Although there is significant progress in the promotion of both knowledge and enforcement, necessary efforts are needed to institutionalize and guarantee the equitable exercise of this right, for the benefit of all citizens, especially women.

**THEREFORE**

This Memorandum of Understanding is necessary to delineate the relationship between **"OMBUDSMAN OFFICE"** and **"THE CENTER"** in which they have agreed to collaborate in support of the promotion of a universal right of access to public information.

**AGREEMENT:**

**FIRST: COMMITMENTS OF THE INSTITUTIONS.**

Both Institutions committed to:

1. Collaborate with the programming to promote and improve the implementation and enforcement of the Law of Access to Public Information for women in Guatemala.
2. Promote and strengthen the Inter-Institutional Committee already established to promote actions and recommendations focused on improving the implementation of the Law of Access to Public Information with a gender focus.
3. Coordinate meetings and facilitate workshops and training sessions to encourage designated information agencies and public officials to participate and collaborate in all activities conducted under this Memorandum of Understanding, to raise awareness on the



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importance of gender equity in the exercise of the right of access to public information, and to build capacity within the government to overcome asymmetries in information.

4. Meet regularly to share the lessons learned, generate indicators, based on international parameters, develop activities and future programming, as well as to discuss any challenges and difficulties encountered in meeting with the terms of this MOU.
5. Consistently share information related to access to public information for women, so that, when advancing this right, it is based on speed and efficiency.

## SECOND: RESPONSIBILITIES OF "THE CENTER".

"THE CENTER" through its project of Women and the Right of Access to Public Information in Guatemala, is committed to:

1. Support the efforts of "**OMBUDSMAN OFFICE**" to ensure the equal right of women's access to public information, through specific actions at the national level and the implementation of activities in the departments of Chiquimula, El Quiché and Guatemala, among others.
2. Provide technical assistance to "**OMBUDSMAN OFFICE**" and share international experiences on best practices to institutionalize and sustain the progress achieved in the implementation, enforcement and promotion of the Law on Access to Public Information, as well as in the field of women and access to public information.
3. Collaborate with "**OMBUDSMAN OFFICE**" in programming to promote and improve the fair exercise of the right of access to public information for women in Guatemala.
4. Provide guidance to support the efforts of "**OMBUDSMAN OFFICE**" to increase public awareness of women's right of access to public information.



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### THIRD: RESPONSIBILITIES OF "OMBUDSMAN OFFICE".

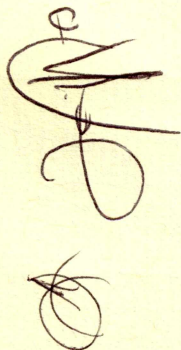
The "**OMBUDSMAN OFFICE**" is committed to:

1. Designate a person responsible to work with representatives of "the Center" with relation to access to public information activities.
2. Facilitate effective coordination in the departments covered by the Women and the Right of Access to Public Information in Guatemala project.
3. Provide reports and documents related to compliance with the Law on Access to Public Information for analysis.
4. Establish an agreed calendar of consultations and collaborative activities between "**OMBUDSMAN OFFICE**", the relevant government authorities, and "**THE CENTER**", with the objective of holding workshops and training sessions to increase awareness and capacities related to the right of access to public information for women.
5. Contribute recommendations and support State efforts to advance in establishing institutional achievements in access to information nationwide.

### FOURTH: FINANCING.

1. All activities and responsibilities outlined in this Memorandum of Understanding are dependent on the ability of "**THE CENTER**" to raise funds. If funds are not available, it is understood that "**THE CENTER**" will not be able to complete all the activities and responsibilities described herein.
2. "**THE CENTER**" may submit funding proposals to third parties in order to carry out any activity described in this Memorandum of Understanding.

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3. The "**OMBUDSMAN OFFICE**" may support or advise "**THE CENTER**" in the preparation or presentation of proposals, and share information and materials necessary to support funding proposals. As part of this support, the "**OMBUDSMAN OFFICE**" may issue letters to endorse the proposals generated by "**THE CENTER**".
4. The "**OMBUDSMAN OFFICE**" may submit funding proposals to third parties to support the implementation of any of the activities described in this Memorandum, as well as the full application of the Law on Access to Public Information, and "**THE CENTER**" is committed to assisting and advising in the preparation of the proposal, if requested.
5. The "**OMBUDSMAN OFFICE**" may not commit its own financing as a result of any management of this Memorandum of Understanding.

#### **FIFTH: USE OF NAMES AND LOGOS.**

Neither Party will use the name, logos or registered trademarks of the other Party, or of its subsidiaries, or any abbreviation of such names, emblems or registered trademarks, in connection with its activities or in any way, without the other Party's express prior written approval for each particular case.

#### **SIXTH: ENTRY INTO FORCE.**

The present Memorandum of Understanding, prior to its execution by the duly authorized representatives of both parties, will be deemed to have entered into force as of April 1, 2018 and will remain in force until December 31, 2019 or any another term mutually agreed upon by the parties in writing, extending its duration.

#### **SEVENTH: MODIFICATION OF TERMS, MANAGEMENT, AND TERMINATION.**

1. The present Memorandum of Understanding does not create legal obligations or rights to third parties and any other subject that is not mentioned, and it will be resolved by mutual agreement.

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2. The **"OMBUDSMAN OFFICE"** and **"THE CENTER"** agree to work collaboratively to determine the modalities of the application of this Memorandum of Understanding. The parties will develop a joint work plan.
3. At the request of either party, this Memorandum of Understanding may be modified or revised with the written agreement between both parties.
4. Notwithstanding the provisions of forth clause, this Memorandum of Understanding may be terminated by either party, by delivering written notice three (3) months prior to its termination.

**EIGHTH: DISPUTE RESOLUTION.**

1. In the event of a controversy, claim, action, or dispute arising from or relating to this MOU or the relationship of the Parties hereto "Dispute", the Parties shall attempt, in good faith, to resolve it promptly by negotiations between the primary persons designated to receive notices pursuant to nineth clause.
2. Any unresolved dispute arising out of or in connection with this MOU shall be settled by arbitration under the rules of the International Chamber of Commerce. Arbitration of disputes under this Agreement will occur in Atlanta, GA or such other place as the parties may jointly agree. This MOU will be governed by the laws of the State of Georgia.

**NINETH: NOTIFICATION SERVICE.**

All notifications related to this Memorandum of Understanding will be at the following addresses, sending the documentation by prepaid registered mail:

1. Augusto Jordan Rodas Andrade, as the Human Rights Ombudsman of Guatemala, 12 avenue 12-54 zona 1, Guatemala City 01001.



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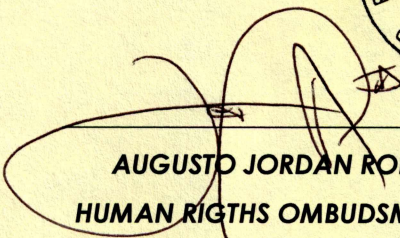
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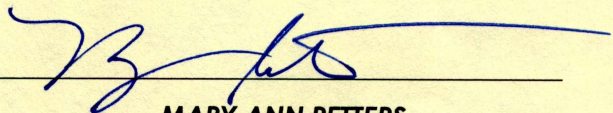


2. Laura, Neuman, Director, Global Access to Information Program,  
The Carter Center, 453 Freedom Parkway, Atlanta GA, 30307.

Any change of address of any of the parties or of the authorized  
representatives named in this document must be previously communicated  
in writing to the other party. IN WITNESS WHEREOF, the parties have accepted  
this Memorandum of Understanding the day and year previously written.



  
AUGUSTO JORDAN RODAS ANDRADE  
HUMAN RIGHTS OMBUDSMAN GUATEMALA  
GUATEMALA CITY  
MAY, 9TH 2018

  
MARY ANN PETERS  
AMBASSADOR (RET.) CEO THECARTER CENTER INC.  
ATLANTA, GEORGIA  
MAY, 31 OF 2018