

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE INSTITUTION OF THE HUMAN RIGHTS OMBUDSMAN, REPUBLIC OF
GUATEMALA and THE CARTER CENTER**

THIS MEMORANDUM OF UNDERSTANDING (“The Memorandum”) is made on the 2nd day of January 2017 between **THE INSTITUTION OF THE HUMAN RIGHTS OMBUDSMAN** (hereinafter called “the IPDH”) and **THE CARTER CENTER, INC**, a private non-profit organization established under the laws of the State of Georgia in the United States of America (hereinafter called “the Center”).

WHEREAS:

- a. The Guatemalan Access to Public Information Law (“ATI Law”) was signed on the 23rd of October of 2008.
- b. The IPDH is the body mandated by law to oversee implementation of and compliance with the ATI Law, and to advance fundamental human rights, including the right of access to information.
- c. The IPDH and the Center wish to cooperate to advance implementation of and compliance with the ATI Law in Guatemala, particularly with relation to ensuring the equitable exercise of the right to information for women.
- d. The Center being an organization chartered to promote democracy, human rights development and transparency is committed to collaborate and share its international experience in the area of the right of access to information, particularly related to advancing women’s exercise of their right of access to information.
- e. The IPDH wishes to receive technical assistance, advice and the sharing of international experiences from the Center in matters pertinent to an effective and meaningful right of access to information for all persons. While significant progress continues to be made in advancing both awareness and implementation of the law, much work is still necessary to institutionalize and ensure equitable exercise by all citizens, particularly women.
- f. The IPDH and the Center wish to share information with one another on a consistent basis.
- g. The Memorandum serves to delineate the relationship between the IPDH and the Center in which they have agreed to collaborate in support of the advancement of a universal right of access to information.

IT IS HEREBY AGREED:

1. The Center's Responsibilities

The Center, through its Guatemala Women and Access to Information Project will:

- 1.1 Support the IPDH's efforts to ensure women's equitable exercise of their right of access to information, through targeted policy actions on the national level and implementation of activities in Chiquimula, Quiche and Guatemala City.
- 1.2 Provide technical assistance to the IPDH and share international experiences regarding best practices for institutionalizing and sustaining progress achieved in the implementation, compliance and promotion of the ATI Law as well as regarding women and their access to information.
- 1.3 Collaborate with the IPDH on programming to promote and improve the equitable exercise of the right of access to information for women Guatemala.
- 1.4 Help convene and facilitate workshops and training sessions for public officials of the target agencies and designated Information Officers to raise awareness of importance of gender equity in the exercise of the right of access to information and to build capacity within government to overcome information asymmetries.
- 1.5 Provide technical and advice to support IPDH's efforts to raise public awareness on women's right of access to information.
- 1.6 Encourage collaboration and communication through periodic meetings and forums between the relevant government personnel and other key stakeholders, including a multi-stakeholder committee with identified civil society leaders.
- 1.7 Meet regularly with the IPDH designated counterpart(s) to share lessons learned and develop activities and future programming, as well as to discuss any challenges and difficulties encountered in fulfilling the terms of the Memorandum.

2. The IPDH's Responsibilities

The IPDH will:

- 2.1 Designate a principal counterpart to work with Center representatives related to access to information activities.
- 2.2 Facilitate effective coordination in the target departments of the Women and Access to Information Project.

- 2.3 Establish an agreed-upon schedule of consultations and collaborative activities between the IPDH, relevant government authorities, and the Center, with the objective of conducting workshops and training sessions for awareness raising and capacity building on women and ATI.
- 2.4 Encourage key officials within the target agencies to participate and collaborate in all activities undertaken under the Memorandum to promote and improve the equitable exercise of the right of access to information for women.
- 2.5 Support the convening of spaces for advance on the women and ATI, including an Inter-Ministerial Committee and/or Multi-Stakeholders Committee.
- 2.6 Meet regularly with the Center to share lessons learned and develop activities and future programming, as well as to discuss any challenges and difficulties encountered in fulfilling the terms of the Memorandum.

3. Entry into Force

- 3.1 This Memorandum shall, upon its execution by the duly authorized representatives of both parties, be deemed to have taken effect from 2nd day of January, 2017 and shall remain in force until the 31st day of December 2017 or such longer period as may be mutually agreed by the parties.

4. Amendment of Terms, Management and Termination

- 4.1 The Memorandum does not create enforceable legal obligations or third party rights and any issues not mentioned in it may be resolved through mutual consent.
- 4.2 The IPDH and the Center agree to work collaboratively to determine the modalities on the implementation of this agreement. The parties will prepare a joint work plan.
- 4.3 Upon the request of either party, this Memorandum may be amended or revised with the written agreement of both parties.
- 4.4 Notwithstanding the terms established under clause 4, the Memorandum may be terminated by either party upon the giving of three (3) months written notice.

5. Funding

- 5.1 All activities and responsibilities delineated in the Memorandum are dependent on the Center's ability 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 in the Memorandum.

5.2 The Center may submit proposal(s) for funding to third parties to carry out any activities described in the Memorandum.

5.3 The IPDH may support or advise the Center in preparing or presenting proposals and share information and material needed to submit proposals for funding. As part of this support, the IPDH may issue letters of endorsement for the Center generated proposals.

5.4 The IPDH may submit funding proposals to third parties to support implementation of any of the activities described in the Memorandum as well as broader implementation of the ATI Law, and the Center agrees to assist and advise with such proposal preparation, if requested.

The IPDH will not contribute internal funds to carry out any actions described in this agreement.

6. Service of Notice

6.1 All notices pertaining to the Memorandum shall be sufficiently served, if addressed to the party to be served at the address provided below or sent by prepaid registered post to the said address:

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

Jorge de Leon Duque
Human Rights Ombudsman
Office of the Human Rights Ombudsman.
Guatemala City, Guatemala

Any change of address of either party or of the authorized representatives named herein should be previously communicated in writing to the other party.

IN WITNESS WHEREOF the parties hereto have executed this Memorandum the day and year hereinbefore written.

EXECUTED for and on behalf of THE HUMAN RIGHTS OMBUDSMAN OF GUATEMALA, by:

JORGE DE LEON DUQUE,

[Handwritten signature of Jorge de Leon Duque]



EXECUTED for and on behalf of THE CARTER CENTER, INC, by:
AMBASSADOR (RET.) MARY ANN PETERS
CEO

[Handwritten signature of Mary Ann Peters] 3/24/17