

PROGRAM TO STRENGTHEN THE JUDICIARY AND IMPROVE ACCESS TO JUSTICE

(NI-0081)

EXECUTIVE SUMMARY

Borrower:	Republic of Nicaragua	
Executing agency:	Supreme Court of Justice (CSJ)	
Amount and source:	IDB: (FSO)	US\$12 million
	Borrower:	US\$ 3 million
	Total:	US\$15 million
Financial terms and conditions:	Amortization period:	40 years
	Grace period:	10 years
	Disbursement period:	4 ½ years
	Interest rate: (first 10 years)	1%
	Interest rate: (thereafter)	2%
	Inspection and supervision:	1%
	Credit fee:	0.5%
	Currency:	U.S. dollar
Objectives:	<p>The purpose of the program is to increase access to and improve the quality and availability of justice services, and to support the process of judicial reform, modernization, and strengthening now underway.</p> <p>The specific objectives are: (i) to expand judicial access in order to meet the needs of vulnerable groups in Managua and the country's interior; (ii) to improve the organization and operation of judicial offices, strengthening and streamlining the administrative functions of the judiciary; and (iii) to increase confidence in and improve the quality of service by creating and consolidating courses of study in the judiciary and the civil service, and creating communications mechanisms with users.</p>	
Description:	<p>A comprehensive system will be developed to provide solutions for the three basic dimensions of the judicial branch: (i) problems of judicial access relating to inattention to the needs of vulnerable groups and the lack of necessary infrastructure; (ii) the need to adopt new procedures and technologies for controlling and managing offices and</p>	

to strengthen and streamline the planning and management functions of the judiciary; and (iii) actions aimed at strengthening the development of the institution's personnel, as well as internal and external means of communication. The program will support a gradual change in judicial culture, involving the various players who take part in the system: magistrates, judges, judicial civil servants, public prosecutors, defense lawyers, and litigating attorneys. What defines the concept of comprehensive development is that all program activities are part of processes in which three dimensions are present and interrelated continuously and simultaneously: access, management, and human resources.

In order to achieve these objectives, a program has been designed that comprises three complementary projects: (i) Judicial Access and User Services; (ii) Strengthening Judicial Management; and (iii) Human Resources and Communications. All proposed activities corresponding to these three projects fall under the purview of the CSJ.

No changes in the law are required for implementation of the planned activities and the proposed organizational and management changes.

**The Bank's
country and
sector strategy:**

The objective of the Bank's strategy is to achieve sustained economic growth, with equity, under basic conditions of maintaining macroeconomic stability, consolidating structural reforms, and fighting against poverty. The proposed program is consistent with this strategy, insofar as it supports the country's democratic consolidation efforts through modernizing and strengthening the judicial branch, the proper functioning of which will further contribute to legal protections for investments, economic growth, and social equity.

**Environmental
and social
review:**

The program will incorporate the environmental and social recommendations of the 24 April 2000 meeting of the Committee on Environment and Social Impact (CESI). The main recommendations relate to compliance with environmental and municipal regulations in the construction of works (paragraph 2.10); access for the disabled to the Managua Central Judicial Complex (paragraph 2.8(vi)); the incorporation of certain points of indigenous customary law and environmental legislation, as appropriate (paragraphs 2.15(iii), 2.17, 2.35(i), 2.40(vii), and 2.43(ii)); and property registration issues (paragraph 2.35(iv)).

Benefits:

The program will enable judicial offices in Managua, which provide services mainly to a population with limited resources, to create an adequate physical plant to provide justice services effectively in a work environment that is constructive for civil servants and allows greater access for users.

The creation of Assistance, Mediation, Information, and Guidance Centers (CAMINOs) and Crime Victim Assistance Programs (PAVs) will make it possible to expand and improve judicial access, particularly on behalf of vulnerable groups within the population who are deeply affected by such issues as high illiteracy and poverty rates and difficulties relating to the lack of adequate roads and means of communication in interior regions of the country. Victims of crimes will also benefit, particularly crimes involving physical and mental harm, which are not adequately addressed by the criminal justice system at the present time. Preliminary data indicate that the primary beneficiaries (at least 70%) of the CAMINOs are involved in cases directly relating to women, such as domestic problems, abandonment, assaults against women and children, threats, domestic violence, marital separation, and neighborhood disputes.

The introduction of modern administrative systems will help increase efficiency levels in the use of the judiciary's human, material, and financial resources. Delays and congestion in the courts will be countered by strengthening the judiciary's institutional and technical capacity, and by preparing the various players in the system for long-term institutional change.

The creation of judicial and civil service courses of study will make it possible to: (i) ensure that judicial civil servants, judges, magistrates, and support staff are appointed to their offices based on objective criteria of suitability; and (ii) establish a system of incentives and a regimen of disciplinary actions and removal from office based on objective parameters.

The program will help to lay the groundwork for efforts to overcome delays and congestion in the courts by strengthening the judiciary's institutional and technical capacity and preparing the various stakeholders in the system for long-term institutional change. Over the medium and long term, the improvement of judicial services will also help strengthen the framework of democratic institutions and juridical security, creating a climate conducive to investment and economic growth.

Risks:

Operations such as this generally involve risks relating to implementation of the reforms they support. This is particularly true with regard to administrative and procedural changes, since these are rooted in the practices of the various players participating in the administration of justice, primarily judges, senior civil servants, and attorneys. This risk is mitigated by the desire for change demonstrated by the CSJ and its members in the reform process that they are now completing, including the transformations covered under this operation.

The vertical structure of judicial organizations, little accustomed to the establishment of participatory mechanisms for institutional reform – which represents the basis for the transformation required – could also constitute a risk to the program. This risk would be mitigated by the communication instruments planned under the program, which would involve judicial system personnel, users, and interested civil society organizations.

Another risk for implementation is the resistance of civil servants and those who run the system to the use of computer tools and indicators to measure management and performance. This risk is reduced by structured awareness efforts and the training planned in the program for those who run the system, and by steps to strengthen the organization's staff and middle and upper management, who will assume a leadership role in this process of change.

One potential risk is that the present consensus regarding the reform and modernization process will be affected in the future by changes in the judiciary's senior management (Presiding Magistrate of the CSJ and Presiding Magistrates of the courts of the CSJ). This risk has been addressed by involving all the magistrates, through the plenary session of the CSJ, in program preparation. A Special Commission for Modernization has been created, the permanent function of which is to lead the process of reform and modernization of the administration of justice.

**Special
contractual
clauses:**

Precedent to the first disbursement of financing, the executing agency must submit the following to the satisfaction of the Bank: (i) a copy of the agreement reached between the Ministry of Finance and Public Credit and the CSJ, in which the transfer of resources and the CSJ's responsibility for implementation are reflected (paragraph 3.2); (ii) proof that the personnel that will form the Program Coordinating Unit (PCU) has been selected, and that working groups have been established for project implementation (paragraphs 3.5 and 3.15 respectively); and (iii) the first annual operating plan (AOP) (paragraph 3.9).

Financing for the Judicial Access and User Services project is subject to submission of the following by the executing agency, to the satisfaction of the Bank: (i) evidence that the execution agreements required to create at least four Assistance, Mediation, Information, and Guidance Centers (CAMINOs) are in force (paragraphs 2.19 and 3.16); and (ii) a copy of the agreement reached between the CSJ and the Ministry of Health and at least one university for setting up the Crime Victim Assistance Programs (PAVs) (paragraphs 2.25 and 3.16).

Precedent to the call for bids on construction work for the Central Judicial Complex in Managua, the executing agency must submit proof to the Bank: (i) that it has implemented the first phase of the Strengthening Judicial Management project; (ii) that, by resolution of the CSJ, it has approved the strategies and means for implementing the judicial career system and the administrative personnel management system based on the recommendations resulting from execution of the first phase of the Human Resources and Communications project; and (iii) that it has selected consulting services to supervise the construction work (paragraph 2.11).

Special disbursement: Once the borrower has complied with the general conditions precedent to the first disbursement established in Article 4.01 (a), (b) and (e) of the General Conditions, the Bank may authorize a special disbursement equivalent to up to US\$100,000. The object of this disbursement is to initiate program activities, including the special conditions precedent specified in the loan contract (paragraph 3.20).

Poverty-targeting and social sector classification:

Not applicable.

Exceptions to Bank policy:

None.

Procurement:

Selection of and contracting for consulting services and all procurement planned by the program must be handled in compliance with the Bank's standard procedures in this regard. International competitive bidding must be used for the procurement of goods over the equivalent of US\$350,000 and construction contracting over the equivalent of US\$2 million. Procurements under these limits will be guided, in principle, by the provisions of national law. An international call for proposals must be issued for the selection of and contracting for consulting services over the equivalent of US\$200,000.

I. BACKGROUND

A. General Framework

- 1.1 The donor community and multilateral banks are supporting a set of structural reforms in Nicaragua, with a view to establishing a market economy with social equity. These reforms also aim to achieve sustainable development and strengthening of democratic institutions. In this scenario, the proper functioning of the justice sector is fundamental for achieving these goals.
- 1.2 Structural reform of the justice sector requires a long-term process to build a system that guarantees the functioning of the rule of law, the equality of persons before the law, the impartiality of judges, and judicial access for all inhabitants.
- 1.3 In consideration of these concerns and taking into account that support for the justice sector in Nicaragua¹ has different sources of financing and technical assistance in various areas, the action of the Bank in this sector will be limited to the judiciary in all its jurisdictional areas². The aim is likewise not to resolve all the sector problems identified in the diagnostic studies nor to support other entities already receiving attention and outside aid, as mentioned below.

B. The Judiciary

- 1.4 In cooperation with the other entities that make up the justice sector, the task of the judiciary is to resolve conflicts that arise in society within a framework of legal certainty, equity, and access for all the country's inhabitants. The main activities of the judiciary focus on the judicial function of the state, exercised by the magistrates, judges, and civil servants that make up the judiciary.
- 1.5 By constitutional provision and as the highest entity in the hierarchy of the judiciary, the Supreme Court of Justice (CSJ) holds the greatest judicial responsibility and is responsible for guiding and administering the judicial organization. In terms of **judicial matters**, it acts as the highest court in the Republic and hears appeals in cassation³ on all matters, holds constitutional

¹ The following entities comprise the **justice sector**: the Ministry of Government (National Police, Migration, Prison System); the Ministry of the Family, the Ministry of Labor, the Office of the Chancellor of Justice (which presently accommodates the equivalent functions of the Chancellor of Justice, the Ministry of Justice, and the Office of the Attorney General), attorneys' associations, university law schools (including public law-service offices), judicial facilitators in areas that are difficult to reach, and various civil society organizations involved in justice and human rights.

² The judiciary is responsible for hearing cases involving civil and commercial matters, cases relating to family, minors, and adolescents, labor issues, criminal matters, contentious administrative proceedings, and constitutional issues.

³ An appeal in cassation is the final potential review of a sentence issued by a judge or tribunal; it occurs when there are errors in the application of the law or in the assessment of evidence in the sentence under appeal.

jurisdiction through one of the Chambers of the Court, and exercises disciplinary control over judges and magistrates. With regard to **administrative matters**, the CSJ is the highest managerial and governing entity in the judiciary, including the areas of planning, administration, finances, and human resources. The CSJ has a General Secretariat for judicial matters and an Administrative General Secretariat for administrative affairs.

- 1.6 **In terms of judicial matters**, the judiciary is constituted as follows: the CSJ, with 16 magistrates supported by the General Secretariat, as discussed above; 9 courts of appeal; 59 district courts; and 173 local courts, including 123 "Justice Houses" [Casas de Justicia] in municipios that are not administrative centers of judicial districts⁴. Additionally, the judiciary is responsible for auxiliary institutions involved in the administration of justice, such as the Office of the Public Defender, the Institute of Forensic Medicine, the Judicial School, the Real Property and Mercantile Registry, and the Office for Alternative Resolution of Property Disputes. The latter organization was established in January 2000, with resources from ATN/MT-6669-NI, to support the resolution of land disputes pending in Nicaragua through the use of reconciliation and arbitration.
- 1.7 **In terms of administrative matters**, the judiciary has an Administration Commission composed of five magistrates, the Administrative General Secretariat, and the Administration, Treasury, Finance, Organizational Development, and Human Resources departments. It also has a Department of Communication and Public Relations, and a Department of Planning and Statistics, both under the leadership of the judicial branch (the CSJ and its president). The CSJ also has an Internal Auditing Department, a Central Procurement Unit, and a Judicial Inspectorate, the latter being responsible for overseeing the work of judicial civil servants, particularly the handling of complaints filed against them and the investigation of disciplinary measures.
- 1.8 Additionally, with ATN/SF-5307-NI which financed the Program for Support of the National Assembly and the Justice System, the CSJ set up a **Special Commission for Modernization** comprised of seven magistrates. This commission is responsible for the strategic direction and coordination of the process of modernizing the administration of justice, based on a five-year strategic plan. Similarly, using the technical cooperation resources specified above, the CSJ established a Department of International Cooperation, the objective of which is to coordinate, manage, and rationalize outside cooperation resources.

⁴ According to the Final Report of the Casas de Justicia Project/Project NIC/92/006, CSJ-UNDP-SIDA entitled The Judiciary toward the New Millennium with Dignity and Development, the Casas de Justicia are defined as "123 attractive and functional buildings with their own identity, appropriately furnished, built by the Supreme Court of Justice in all municipios of the country that are not departmental seats, each of which houses a local court and includes an apartment serving as the home of the judge and his family."

C. Problems and challenges for the Judiciary

1. Lack of judicial access

- 1.9 The CSJ has determined that judicial access and user services are limited owing to institutional weakness in providing services, the emergent status of alternative conflict resolution methods, and a lack of adequate infrastructure; geographic, socioeconomic, and cultural factors are also involved. This situation is more prevalent among vulnerable groups within the population, owing to high rates of illiteracy and poverty, among other factors. These groups are particularly affected by **ignorance of their fundamental rights, a lack of assistance and judicial orientation, and a lack of services for the victims of crime**, particularly with regard to crimes against the physical and mental integrity of individuals. By way of illustration, the rural population accounts for 46% of the population of Nicaragua, and is scattered in areas that are difficult to reach owing to geography, with few road links. Of the total population, approximately 51% are young women under the age of 25 years. The illiteracy rate in Nicaragua, according to official figures, is 24% of the population, one of the region's highest, and the percentage increases to 40% among rural women.
- 1.10 Limitations on judicial access contribute to the negative impression of users in terms of the service of justice. According to a survey conducted by the Center for Strategic Studies of Nicaragua, 48% of the population finds that the administration of justice is ineffective, and 18% find that it is very ineffective. In the view of those polled, this ineffectiveness is due mainly to three factors: corruption of civil servants (according to 40%), the lack of a budget (37%), and ignorance of the law (37%)⁵. Similarly, a public opinion survey conducted by the Institute of Nicaraguan Studies in November 1999 indicated that 83% of the population feels that the institutions responsible for the administration of justice, as they now stand, serve them little or not at all (38% little, 45% not at all); according to data from the *Barómetro Latinoamericano 2000*, only 17% of the population has confidence in the justice sector, below the 27% average of that index for Latin America.
- 1.11 In Nicaragua, judicial access is deeply affected by **the lack of an adequate physical plant**, mainly in areas where the urban population is more heavily concentrated; Nicaragua is one of region's countries with the greatest deficit in judicial infrastructure. The physical spaces that house tribunals, courts, and auxiliary offices are scattered houses, most of which have been rented and adapted for use as sites for judicial offices. This situation has a negative impact on the efficiency of the judiciary branch. Therefore, since 1992, efforts have been under way to address this issue.

⁵ Blandón, Freddy, *Access to Justice and Equity, Access to Justice and Equity: Study in Seven Countries of Latin America*, Inter-American Development Bank, IIDH-IIHR, 2000, page 222.

- 1.12 In the country's interior, the lack of physical infrastructure is being addressed mainly with the CSJ's own resources and the support of the European Union (EU), the Swedish International Development Cooperation Agency (SIDA), and the United Nations Development Programme (UNDP). To that end, a plan of investments in judicial complexes is being implemented in areas where the need is greatest, while an additional 123 "Casas de Justicia" have been set up in municipios that are not centers of judicial districts. Similarly, the World Bank contributed to the construction of the building for the Real Property and Mercantile Registry in Chinandega, and the Spanish International Cooperation Agency (AECI) with the UNDP have supported the construction of the Institute of Forensic Medicine in Managua. The priority of the joint CSJ-EU program is to build 45 judicial offices during the next three years in the judicial complexes in León, Estelí, Juigalpa, and Puerto Cabezas, and during the second phase in Estelí, Masaya, and Bluefields, for a total of 10,700 m².
- 1.13 The judicial offices in the city of Managua, which serve mainly a vulnerable population, operate on a site rented as a temporary solution, consisting of sheds originally built to house a market, a site unsuited for providing services to the public, the safety of those who work in and use the building, and the conduct of the activities of the judicial system. Additionally, Managua is the site of the highest percentage of lawsuits handled in the country, particularly criminal cases, which causes congestion, disorder, and delay in resolving disputes since the physical plant is unsuited for handling present levels of demand for services from the judicial branch.
- 1.14 This physical plant does not provide the minimum security requirements to protect the parties to a suit; it creates conflict situations between the parties owing to the lack of space; it damages witness impartiality because of acts or threats of intimidation; it allows acts of violence to occur by not isolating the judge who hands down his ruling or the jurors who render their decision; it impairs the independence of judicial civil servants; and it fails to guarantee adequate security for files and items of evidence. According to studies recently conducted, this situation is contributing to the denial of justice and is doing damage to the peaceful coexistence of the inhabitants. In an opinion survey of users of justice services in Managua conducted in October 1998 using resources from ATN/SF-5307-NI, 79% of those surveyed linked judicial delay to obsolete equipment and inadequate premises.
- 1.15 In order to house the Judicial Complex planned in this program, the CSJ has selected and acquired land as the site for a new judicial complex measuring approximately 12,000 square meters in the urban area of Managua, in an area that is easily reached by users since it is located in an area where public offices are concentrated, and offers public services and transportation facilities.

2. Inadequate organization and management of the offices

- 1.16 The **management of judicial offices** encompasses all activities relating to the ability of courts and tribunals to plan their own work, and in accordance with that work, to adjust their organizational structures and procedures and prepare their personnel to streamline and oversee the conduct of their activities. There are three aspects to office management: (a) judicial work relating directly to the function of administering justice, particularly by issuing rulings and resolutions; (b) the administrative area, which includes the logistical support activities needed so that courts and tribunals function appropriately; and (c) legal and administrative tasks, functions that require legal supervision, such as receiving and distributing cases and legal notices.
- 1.17 In terms of judicial management, operations within the judicial offices are characterized, among other things, by their slowness, inadequate procedures and technologies, discretionary authority in handling legal files, a lack of uniform criteria for providing services, uneven work loads in organizations of the same type, a lack of organizational methods, and a lack of suitable systems for supervision, statistics, and file archives. These aspects further weaken the capacity to adequately carry out the **institution's strategic planning functions**, and make it difficult to quantify performance indicators relating to judicial delay and case backlogs by court. However, data obtained in a study conducted in certain judicial offices in Managua indicate that in civil and in criminal matters, there is a backlog of at least 50% of files that are not resolved each year.
- 1.18 Additionally, courts and tribunals **lack the technological tools** that will allow them to perform their work adequately. The use of computer technology is uncommon in judicial offices, and accordingly the administration of justice services is based on manual procedures. This situation does not allow for appropriate operation in keeping with the work load, and constitutes an obstacle to systematic oversight of judicial activity, as well as control and performance evaluation. This has made it impossible to obtain reliable statistics as points of reference to serve as a basis for verifying the attainment of goals and improvements in service quality and availability. Something similar is happening with existing support systems in the areas of planning, human resources, and accounting. Additionally, the CSJ has not defined a suitable strategy in this area, and it does not have the minimum capacity to provide technical support for the scarce hardware that does exist.
- 1.19 Nevertheless, the CSJ has implemented a system for receiving and distributing cases, developed with resources from ATN/SF-5307-NI, which is operating as a pilot project. This system makes possible the initial registration of matters that come in to the courts, including the names of the parties, the type of case, the subject matter, and other statistical data, information that is used for the random assignment of the case to a specific court without the attorneys being able to become involved in the selection of the judge, as happened in the past, thereby avoiding possible focal points of corruption.

- 1.20 Similarly, with the adoption of the Organic Law on the Judiciary of Nicaragua (LOPJ) and its gradual implementation starting in 1999, a healthy process of institutional adjustment has begun. Examples of this process include the creation of standing administrative committees, the initial strengthening of the Administrative General Secretariat, the adoption of the administrative course of study, and the creation of the Central Notification Office and the Office of Case Reception and Distribution using resources from ATN/SF-5307-NI, both undertaken as pilot projects at the Nejapa Judicial Complex.

3. Lack of confidence in the justice sector owing to weaknesses in human resources and inadequate channels of communication

- 1.21 The situation described above, which includes problems relating to judicial access, infrastructure, management of judicial offices, and the lack of adequate technology, leads to a poor opinion of the justice sector on the part of those who use it, thereby resulting in a lack of citizen confidence in the judiciary and in the institutions of which it is composed. The opinion studies cited above substantiate this sense of distrust, which places at risk the democratic development of Nicaragua and the consolidation of the rule of law, and acts as a disincentive with regard to the investments needed for the economic development of the country.
- 1.22 This lack of confidence is also attributed to the fact that **civil service and judiciary courses of study** have not yet been established, since the judiciary branch does not have the resources and technical assistance required to do so, although the LOPJ has established the legal framework needed for those courses of study to function. The creation of these two courses of study will make it possible to ensure that judicial civil servants, judges, magistrates and support personnel are appointed based on objective criteria of suitability. Therefore, setting up these courses of study will make it possible to create a system of incentives and a regimen of disciplinary actions and removal from office based on objective parameters. Presently there is a desire to implement these two courses of study, as evidenced by the creation and operation of the Judicial School, the recent selection process for public defenders based on criteria of suitability, and through the request for support from the Bank in these matters, through this program.
- 1.23 Finally, the justice sector is based on the interaction of many players, and therefore problems relating to the professional training of attorneys, the objective selection of judges, and independence in service as a judge (based on stability in office) have a direct impact on the quality, reliability, and credibility of justice. In terms of credibility, the judicial branch exhibits weaknesses in its system for selection, promotion, discipline, and removal of civil servants and judges. Nor is there an incentives structure that enables judges and judicial civil servants to act with the independence and impartiality required in the performance of their duties. In the surveys financed by ATN/SF-5307-NI, 70% of the population includes among the causes of judicial relay weakness and distrust in the human resources involved. This lack of confidence is made worse by the nonexistence of **means of communication**

back and forth between the judiciary branch and those who use its services, which would allow for better rapprochement and understanding of how the sector operates.

D. The role of the program in the Bank's strategy

- 1.24 The objective of the Bank's strategy is to achieve sustained economic growth, with equity, under basic conditions of maintaining macroeconomic stability, consolidating structural reforms, and fighting against poverty. The proposed program is consistent with this strategy, insofar as it supports the country's democratic consolidation efforts through modernizing and strengthening the judiciary branch, the proper functioning of which will further contribute to legal protections for investments, economic growth, and social equity.

E. The program's framework of action and the participation of other agencies

- 1.25 The conceptualization and scope of this operation complement and are part of a set of actions being carried out in the justice sector that have various sources of financing and technical assistance (for 1999, the flow of outside resources for this sector totaled US\$10 million). In order to establish the scope of the program, the project team conducted coordination efforts with the other outside cooperation agencies, and with the Nicaraguan players involved in the various plans for the development and strengthening of the sector, including the Master Plan for Institutional Strengthening and Development of the Judiciary (1997-2001), which serves as a general frame of reference for this operation.
- 1.26 The donor community is working with other entities in the justice sector, particularly in the criminal area, such as the Office of the Chancellor of Justice (relating to the establishment of an independent office of the prosecutor general, under the responsibility of the Office of the Attorney General), the National Police, and the Prison System. Additionally the donor community is supporting the judiciary in its public defense and forensic medicine responsibilities. The donor community has supported preparation of the Childhood and Adolescence Code, the Penal Code, and the Organic Law on the Judiciary of Nicaragua, all of which are now in effect. It is now supporting the creation of a contentious administrative jurisdiction, the preparation of the new Commercial Code, and the Code of Criminal Procedure. The above activities are supported mainly by USAID, the UNDP, the EU, the OAS, the AECI, the SIDA, and the World Bank.
- 1.27 As previously mentioned, outside support has also been received for providing basic infrastructure from the World Bank, the AECI, the UNDP, and the EU. The Bank, through this operation, will complement these efforts in the city of Managua, to resolve the serious problem of overcrowding and lack of security that is hampering the performance of courts and tribunals, and limiting judicial access in the nation's capital.

- 1.28 Through ATN/SF-5307-NI, the Bank is also assisting the CSJ to bring about the conditions needed to undertake this investment program. Within the framework of this technical cooperation, a communications strategy has been established for the judiciary, the preparation of detailed analyses of the sector has been financed, and the creation and implementation of the offices of legal notices, reception and distribution of cases, and international cooperation have been supported. Finally, this operation has provided a legal review that has contributed to ensuring judicial certainty. In fact, this ordered compilation of laws, which covers the period from 1848 to 1998, constitutes a basic tool for understanding and managing current legislation.
- 1.29 Finally, using Multilateral Investment Fund resources, the Bank supported implementation of the Alternative Mechanisms for Settling Property Disputes program (ATN/MT-6669-NI). The Department of Alternative Mechanisms for Settling Property Disputes was created in January 2000, as were the National Offices of Mediation and Arbitration, which are now operating with mediators and arbitrators trained within the framework of that program.

F. Lessons learned

- 1.30 The Bank's prior experience in judicial reform and the process of preparing this operation point toward the following lessons:
- a. **Sense of pertinence and the gradual approach.** The depth of every reform is proportional to the commitment made by the most senior authorities, and their perception of the need for and urgency of the changes involved. The CSJ, aware of this fact, has promoted the modernization of the judiciary branch while being constantly aware of the need to approach changes in a gradual way. In this sense, this operation is part of a long-term process that may necessitate future sector operations.
 - b. **Vision and sequence.** There is no universally **accepted** sequence of judicial reform, but it is important to have a broad and long-term view of the process, and to ensure a suitable order for the actions taken. The CSJ has a Master Plan Institutional Strengthening and Development of the Judiciary which has served as a frame of reference for designing this operation.
 - c. **Communication and dissemination.** All processes of change must be communicated and disseminated. The importance of these activities in judicial reforms is critical, since the support of judges, civil servants, users, and civil society is essential. The program provides specific actions in this regard.
 - d. **Small gains.** The judicial reform process is complex, and affects a large number of players. It is important to achieve visible goals quickly, and to use them as examples of the benefits of the reforms underway. The design of the program

provides for activities that show short-term achievements, which will make it possible to move the process forward.

- e. **Simplification.** Despite the complexity of the judicial reform process, it is important to maintain simplicity, placing high priority on less complex actions in the short term. The program is consistent with this lesson, avoiding the introduction of radical changes over short periods, which might inhibit forward movement in the process of change.

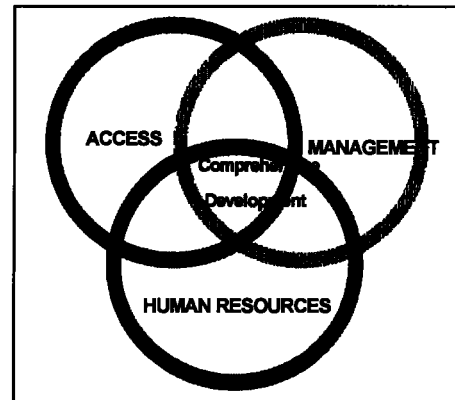
II. THE PROGRAM

A. Objectives and description

- 2.1 The purpose of the program is to increase access to and to improve the quality and availability of justice services, and to support the process of judicial reform, modernization, and strengthening now underway.
- 2.2 The specific objectives of the operation are: (i) to expand judicial access in order to meet the needs of vulnerable groups in Managua and the country's interior; (ii) to improve the organization and operation of judicial offices, and to strengthen and streamline the administrative functions of the judiciary; and (iii) to increase confidence in and improve the quality of service by creating and consolidating courses of study in the judiciary and civil service, and creating communications mechanisms with users.

B. Program description

- 2.3 The program will develop a **comprehensive system** that includes solutions for the three basic dimensions of the judiciary: (i) problems of judicial access relating to inattention to the needs of vulnerable groups and the lack of necessary infrastructure; (ii) the need to adopt new procedures and technologies for controlling and managing offices, and to strengthen and streamline the planning and management functions of the judiciary; and (iii) actions aimed at strengthening the development of the personnel that make up the



- institution, as well as internal and external means of communication. The program will support the gradual change of the judicial culture, involving the various players who take part in the system: magistrates, judges, judicial civil servants, public prosecutors, defense lawyers, and litigating attorneys. What defines the concept of comprehensive development is that all program activities are part of processes in which three dimensions are present and interrelated continuously and simultaneously: access, management, and human resources.
- 2.4 In order to achieve these objectives, a program has been designed that comprises three projects: (i) Judicial Access and User Services; (ii) Strengthening Judicial Management; and (iii) Human Resources and Communications. All proposed activities corresponding to these three projects fall under the purview of the CSJ.

1. Judicial Access and User Services (US\$8.3 million)

- 2.5 The objective of this project is to expand judicial access and to meet the needs of vulnerable and socially marginalized groups in Managua and in the country's interior, with the further goal of laying the foundations of a social conflict resolution network. The following components are proposed to achieve this objective:

a. Central Judicial Complex in Managua (US\$6.3 million)

- 2.6 This component will support consolidation of the plan for developing the judicial infrastructure of the CSJ, which calls for providing an adequate physical plant that will make it possible to provide justice service efficiently, in a work environment that is constructive for civil servants and allows for greater access by users. The new physical plant will improve user services and will operate based on the new model of organization and management referenced in the Strengthening Judicial Management project. The aim is to provide a functional physical plant that has, among other things, the minimum security requirements to protect the parties to a trial; to avoid conflict situations between those parties owing to a lack of space; to protect the impartiality of witnesses from acts or threats of intimidation; to avoid acts of violence, isolating the judge who hands down his ruling and the jurors who render their decision; to protect the independence of judicial civil servants; and to protect case files and elements of evidence.
- 2.7 The basic criterion for the design of the complex is the establishment of modular courtrooms, since the 32 courtrooms that it contains accomplish similar functions⁶. The unity of the court will be maintained, and a policy of taking advantage of economies of scale will be adopted by providing certain shared support services for the work of the judges in a centralized way, to ensure internal efficiency and judicial access. To that end, in the design of the building the shared office elements previously introduced with the support of ATN/SF-5307-NI will be continued, such as the Case Distribution Center and the Office of Legal Notices.
- 2.8 The modular courtrooms will comply with the following design criteria: (i) location of the judge at a distance from the public; (ii) a reading room will be provided next to the archives so that the parties and the attorneys may review the files under the control of the archivist; (iii) separation between the public and the jurisdictional area of the courtroom; therefore, there will be a waiting room and a check-in desk for the public; (iv) control and maintenance of the files, by means of a duly protected archive; (v) introduction of a mediation, conference, and first hearing room in each court, which will enable judges to hold the conciliation hearings as

⁶ The courtrooms for the various subject areas have, as a common function, the handling of judicial processes that are submitted to them for review; therefore, they follow similar procedures, such as receiving and accepting cases, beginning the procedure, receiving elements of evidence, analyzing evidence, issuing rulings, etc.

required (Article 94, LOPJ); and (vi) incorporation of physical access facilities for the disabled.

- 2.9 This judicial complex will have the following functional elements: (i) **Judicial Areas.** A court of appeals (for criminal, civil, labor, and contentious administrative matters); 17 district courts (8 criminal, 6 civil, 1 labor, and 2 juvenile criminal); and 15 local courts (8 criminal, 6 civil, and 1 labor); (ii) **Judicial Support Areas.** Public prosecutor's offices, public defender's offices, case distribution, and legal notices; mediation meeting rooms; hearing rooms (or public meetings within judicial procedures); detention area (separated by gender and by level of aggression); Service, Mediation, Information, and Orientation Center and Crime Victim Services Center; and (iii) **Administrative and logistical areas.** Judicial auditorium; press and public relations office; security monitoring and control room; administrative offices for the complex and computer officers; general maintenance; library; general archives; storage areas for confiscated goods (elements of evidence) and safeguarding of narcotics; public information service; photocopying; lavatories; electrical equipment; drinking water tank; waste collection center; guard huts; and vehicular traffic and parking areas.
- 2.10 The loan will finance: (i) the final designs,⁷ as per the winning bid, and construction of the Central Judicial Complex in Managua;⁸ (ii) technical direction of construction and general supervision of the construction work; and (iii) the general plan for building maintenance.
- 2.11 Precedent to the call for bids on the construction work for the Central Judicial Complex in Managua, the executing agency must submit proof to the Bank: (i) that it has implemented the first phase of the Strengthening Judicial Management project; (ii) that, by resolution of the CSJ, it has approved the strategies and means for implementing the judicial career system and the administrative personnel management system based on the recommendations resulting from execution of the first phase of the Human Resources and Communications project; and (iii) that it has selected consulting services to supervise the construction work.

b. Assistance, Information, and Guidance Centers (US\$1.6 million)

- 2.12 This component will support the establishment of a system for managing and resolving conflicts, to meet the needs of groups marginalized from the administration of justice. In this regard, the program's strategy is to initiate a pilot project by creating eight Assistance, Information, and Guidance Centers (CAMINOs) based in the communities and linked to local leadership organizations,

⁷ The final designs must comply with municipal building construction ordinances, and with relevant environmental standards.

⁸ Space is provided for the offices required under the implementation of the new Code of Criminal Procedure, which was prepared with technical assistance from USAID (Public Prosecutor, Public Defender, and hearing rooms).

such as universities and municipios. In more remote communities, volunteer facilitators will be trained to provide support for settlers in those areas.

- 2.13 The main functions of the CAMINOs will be: (i) to orient users toward resolving their conflicts and so that they may have judicial access and access to other social assistance institutions; (ii) to administer community mediation processes and to follow up on the outcomes of those processes; (iii) to refer cases that cannot be mediated, so that they may be handled by other institutions; (iv) to train community mediators in coordination with the universities; (v) to disseminate the use of peaceful means for resolving disputes; (vi) to organize and promote activities that enable individuals in the community to know their rights and responsibilities, as part of the public legal education program referenced in the Human Resources and Communications project; and (vii) to support individuals with few resources so that they may receive free legal advice for the defense of their rights and resolving their disputes.
- 2.14 In order to set up the CAMINOs, the CSJ has already signed initial agreements with three universities⁹, with which it is moving forward to establish a degree in community mediation, financed with resources from ATN/SF-5307-NI. The CSJ is also in the process of signing agreements with the municipios of the departments selected¹⁰ for establishing the CAMINOs.¹¹
- 2.15 The agreements with the universities will comply with the following criteria: (i) to enable students of law and other courses of study in the social sciences to receive basic training in conflict management and community mediation; (ii) to allow the professional practice required for graduation to be performed in the CAMINOs; (iii) to incorporate the special features of customary indigenous law in the CAMINOs located in the Atlantic Region; and (iv) to guarantee the availability of **human resources** to ensure the sustainability of the program.
- 2.16 The agreements with the municipios will include the following criteria: (i) provision of the **physical** plant required for operation of the CAMINOs by the municipios; (ii) promotion of volunteerism within the community; (iii) support for the dissemination and promotion of the CAMINOs; and (iv) the commitment of the CSJ to ensuring the sustainability of the minimum required personnel.
- 2.17 Preliminary estimates indicate that at least 70% of the cases that CAMINOs handle will benefit women directly. In fact, the initial experience of the public law-service offices of the universities (which provide only free legal aid through students in

⁹ These universities are: UNAN-León, Bluefields Indian Caribbean University, and the Universidad de la Región Autónoma de la Costa Atlántica.

¹⁰ The municipios were selected based on the following criteria: high-conflict areas, national coverage, difficult access, socioeconomic marginality, and high density of vulnerable populations.

¹¹ The eight municipios are: Estelí, Granada, León, Managua, Carazo, Boaco, Puerto Cabezas (Atlantic North) and Bluefields (Atlantic South).

legal practice), supported within the framework of ATN/SF-5307-NI, show that most of the cases they handle involve family problems, abandonment, assaults against women and children, threats, domestic violence, marital separation, neighborhood disputes, and individual property ownership. The special features of customary indigenous law will be incorporated for the Atlantic Region, including community mediators and facilitators who belong to the indigenous communities.

- 2.18 The program will finance: (i) technical assistance for the design of organizational, functional, and operational models, including regulatory standards for their operation (these two aspects are shared by the eight centers; therefore, a single specialized international consultant will be hired to that end); (ii) consulting services for training the human resources that will provide services, with emphasis on the issues of direct concern to women, mentioned in the preceding paragraph; (iii) providing equipment, materials, and furnishings; (iv) contracting for means to disseminate the service; and (v) in a gradual and decreasing way, the partial costs of the assigned operating personnel (service coordinator and one assistant). Within the CSJ, these activities will be considered a counterpart for the presidency of the CSJ, in coordination with the magistrates under the charge of each of these geographic zones and the Atlantic Coast Commission.
- 2.19 The financing of the Judicial Access and User Services project will be subject to the executing agency's submission to the satisfaction of the Bank of proof that these execution agreements needed to create at least four CAMINOs are in effect, under the terms agreed upon with the Bank.

c. Crime Victim Assistance Program (US\$383,000)

- 2.20 This component will support the establishment of a pilot experiment for a means to provide multidisciplinary services, including professional services for information, orientation, and direct assistance to the victims of crimes involving harm to physical and mental integrity, such as domestic violence, sex crimes, child exploitation, child abuse, and others. The PAVs will: (i) provide victim assistance in terms of aid and therapy; (ii) provide orientation and information for crime victims; and (iii) refer cases for handling by other institutions. The PAVs will operate in judicial complexes, hospitals, and health centers.
- 2.21 In order to set up the PAVs, the CSJ must sign agreements with at least one university that offers related courses of study (health, psychology, and social sciences) and with the Ministry of Health. Three PAVs will be created, two in marginal areas that are difficult to reach (Atlantic North Autonomous Region and Atlantic South Autonomous Region), and one in the area where the concentration of crime victims is highest (by volume of criminal cases that the courts handle in this field), which is the city of Managua.
- 2.22 The agreement with the universities will comply with the following criteria: (i) allowing students to receive basic training regarding the treatment of crime

victims; (ii) allowing the professional practice required for graduation to be performed in the PAVs; and (iii) guaranteeing the availability of the **human resources** that will ensure the sustainability of the program.

- 2.23 The agreement to be signed with the Ministry of Health will comply with the following criteria: (i) having the **physical plant** necessary for PAV operation; (ii) promoting volunteerism within the community; (iii) supporting the dissemination and promotion of the PAVs; and (iv) the commitment of the CSJ to ensuring the sustainability of the minimum required personnel.
- 2.24 The program will finance: (i) technical assistance for preparing organizational, function, and operational models, including the regulatory standards for their operation; (ii) consulting services for training the human resources that will provide services; (iii) providing equipment, materials, and furnishings; (iv) contracting for the preparation of materials to disseminate the service; and (v) in a gradual and decreasing way, the costs of the coordinator for each PAV. The professionals that make up the PAV will cover the areas of psychology, sociology, social work, and medicine.
- 2.25 The financing of the Judicial Access and Victim Assistance project will be subject to the executing agency's submission to the satisfaction of the Bank of a copy of the agreement reached between the CSJ and the Ministry of Health, and with at least one university, for the implementation of the PAVs.

2. Strengthening Judicial Management (US\$3.6 million)

- 2.26 The objective of this project is to improve the service and organization of judicial offices, to support the CSJ in streamlining the administrative and managerial functions of the judiciary branch and to provide a computer technology system. The following components will be executed in order to achieve this objective:

a. Management of judicial offices (US\$1.4 million)

- 2.27 This component will support the development and implementation of a new model of organization and management of courts of first instance and courts of appeals, making it possible to provide a timely and high-quality response to demands for justice. This model will include such considerations as administrative decentralization, the separation of judicial functions from logistics, taking advantage of economies of scale (such as implementation of common services for administrative support¹²), supervision of case handling, the use of statistics as a tool for the control and continuous improvement in service, the standardization of documents and work flows in judicial processes.

¹² Such as a single archive for active and closed files; legal notice offices; case reception and distribution offices; in-house mail services, a computer office, library, general services office, case classification and screening systems, etc.

- 2.28 In order to facilitate the development of the new management model, work will be performed in three phases: (i) **the first phase** includes six months of designing the new model and eighteen months for an implementation period in one court of appeals, three district courts, and three local courts¹³ that provide a representative sample of all areas and instances of judicial procedure. Work will be done in a controlled environment, in which the new forms of organization and management may be analyzed without replicating these forms extensively in the other courts until the results and the necessary training tools have been evaluated; (ii) **in a second phase** lasting an estimated six months, the operation of the model in the pilot courts will be evaluated, the appropriate changes will be made, and a schedule for implementation will be drawn up for replicating the model; and (iii) **in a third phase** lasting an estimated eighteen months, the model will be replicated in the tribunals and courts of the Central Judicial Complex in Managua, once it is built using the resources of this program. The final selection of the judicial offices that will participate in the first phase, under the criteria indicated above, will be made prior to the start of the first phase.
- 2.29 The program will finance: (i) contracting for specialized consulting services for the design, at the national level, of the functions, organization, regulation, and other aspects necessary for the organizational, functional, regulatory, and administrative structuring of the new management model for the judicial offices; (ii) initial implementation in pilot judicial offices; (iii) evaluation of and adjustments to the proposed model; and (iv) implementation of the new model at the Central Judicial Complex in Managua.

b. Strengthening of strategic planning capacity (US\$629,000)

- 2.30 This component will support the creation of the structure and creation of the professional capacity to carry out the tasks of strategic planning and management control by outcomes of the judiciary branch, and specifically will strengthen the Administrative General Secretariat. The process of strategic planning and management control will be carried out by means of indicators that make it possible to generate the planning capacity and periodic assessment of compliance with goals in the administrative area of the judiciary branch, which also relates to case monitoring system established in the project's judicial office management component. Specifically, these tasks will make it possible to formulate, control, execute, and monitor the budget of the judiciary branch, which will be integrated into existing financial administration systems.
- 2.31 The institutional strengthening tasks that the loan will finance include consulting services for: (i) the design and implementation of a reengineering of processes, functions, and administrative organization of the Administrative General Secretariat

¹³ In selecting the judicial offices that will be part of the pilot project, three groups that are representative of the national situation were considered: a first group in Managua, another in one of the country's populous departments, and another in the Atlantic Region.

in terms of its planning, statistics, finance, accounting, and procurement functions; (ii) the design and installation of a new computerized management system for files and administrative procedures, in close coordination with the computer areas, which will be strengthened through the activities planned in the information technologies component of this project; (iii) the design of a statistical information and management indicators system for judicial offices and cases; and (iv) performance of technical training activities for the civil servants involved. Additionally, financing will be provided for computer systems and hardware for the departments of finance, accounting, and procurement, which will enable them to perform their work more efficiently, and in a more opportune and controlled manner.

c. Information technologies (US\$1.6 million)

- 2.32 The object of this component is to develop and gradually implement the information systems required to support the work of the judicial offices. To that end, it will strengthen the CSJ in terms of (i) its judicial function in each of the chambers that it comprises (criminal, civil, administrative, and constitutional), and in the judicial offices; (ii) its managerial-strategic function, for which a User Information Service (SUINFO) will be launched; and (iii) its administrative function, through the Administrative General Secretariat.
- 2.33 In order to facilitate the implementation of this component, three basic phases are planned: (i) **Preparation phase:** this corresponds to the first year of execution, and is intended mainly for organizing the work teams of the judiciary branch; (ii) **Performance phase:** this corresponds to the second year and the first quarter of the third year, and is intended for carrying out pilot experiments in a representative sample of judicial offices selected based on criteria of diversity of work load, geographic location, and varying jurisdictions, etc.)¹⁴; and (iii) **Consolidation and expansion of coverage phase:** corresponding to the period that starts in the second quarter of the third year and continues until the end of the project; this phase is devoted to consolidating the projects that have been carried out and to promoting the training of the judiciary branch and replicating the experiments that had the greatest impact. It coincides with the completion of the Central Judicial Complex building in Managua and the installation in it of the judicial offices, with the adoption of the new organizational structures and information systems operating on the final infrastructure.
- 2.34 The final selection of the judicial offices that will participate in the second phase, in conformity with the criteria indicated above, will be made during the preparation phase.

¹⁴ Courts have been selected preliminarily in the administrative centers of Managua, León-Matagalpa, and the Atlantic South Region, along with judicial offices located in urban areas or that have significant communication problems. Portable and easily managed technologies will be used in the latter locations (electronic hand-held notebook devices such as Palm Pilots).

- 2.35 Consulting and equipment will be financed for: (i) designing and implementing the mechanisms for dissemination the databases of legislation, jurisprudence, and decisions of the CSJ, including information concerning environmental rights and customary indigenous rights; (ii) standardizing and disseminating operational guides and forms for the basic contents of a sentence or interlocutory judgment, and standardizing the forms (blanks) used to prepare procedural formalities, and to standardize the procedural work flow; (iii) strengthening existing institutional databases and creating new ones, based on the experience of the criminal chamber of the CSJ; (iv) standardizing the information in the property register, providing technical support to the CSJ so that it may provide leadership in standardizing information relating to real estate registers (ownership, land survey, and tax status), complementing the support provided by USAID; and (v) developing the administrative capacity for statistical information, in order to improve management of that information.
- 2.36 Consulting activities will also be financed to strengthen the capacity of the judiciary branch to assimilate technology, in order to address the process of technical modernization, through: (i) orientation in the use of computer and communications technologies to support judicial management and administrative functions, which must be incorporated in a set of policies and a scheduled and budgeted plan of action; and (ii) training of the civil servant who will be responsible for executing that plan of action, including with regard to technological, organizational, and information management considerations.

3. Human Resources and Communications (US\$1.3 million)

- 2.37 The objective of this project is to design strategies and to establish mechanisms that will help create the civil service course of study; consolidate the judicial course of studies; improve the profile of those who run the system; and create permanent channels of communication within the judiciary branch, and within civil society. The following components will be carried out in order to achieve this objective:

a. Judicial and civil service courses of study (US\$953,000)

- 2.38 This component will support development of a set of human resources management subsystems that will make it possible to adopt and implement a system of judicial and civil service courses of study guided by the following principles: **equality**: so that any Nicaraguan citizen without regard to political belief, race, gender, or religion may choose, be selected, enter, train, and rise through the ranks of the judiciary branch, under equal conditions with respect to other citizens who meet the requirements established within the system; **equity**: to ensure equal access and promotion to men and women within the responsibilities of the judiciary branch; **legality**: to command respect and full compliance with the law; **capacity**: so that the personnel in substantive, operational, and administrative areas may show their academic and technical skills, their adaptability to change, responsibility, work experience, training, initiatives, and contributions to the judiciary branch.

- 2.39 The judicial course of study established in the LOPJ will be developed, and an administrative personnel management system for the judicial branch will be consolidated; this will involve hiring a consulting firm in a first phase to: (i) define the mission of each unit, based on the existing organization and function manual; (ii) identify critical processes for each unit; (iii) map the procedural relationships among the units; (iv) propose a new organization for administrative processes for the human resources management system; (v) develop the policies and mechanisms needed to implement the judicial career human resources management systems; (vi) develop uniform personnel policies; and (vii) adopt a methodology for the classification of administrative posts and an objective system for grouping them according to function, category, and hierarchy.
- 2.40 The consulting referenced in the previous paragraph will also include, in a *second phase*: (i) the determination and quantification of goals and objectives for these responsibilities and other considerations necessary for structural purposes; (ii) the definition of guidelines for selecting personnel, following the principles of public notice, equality, merit, and capacity; (iii) the development of a compensation policy that attracts, retains, and motivates personnel, including a regulation that governs fixed and variable salary mechanisms; (iv) the development and implementation of the judicial and administrative courses of study; (v) based on a need analysis, the development and implementation of systematic and continuing education programs according to the needs of each category, through the Judicial School and the administrative sector training unit, including customary indigenous rights and environmental legislation; and (vi) the development of a system to measure the impact of training.
- 2.41 This component will also support the definition of ethical standards that must govern its operation. To that end, the program will finance: (i) specialized consulting to provide technical assistance for developing a Code of Ethics that will govern the performance of judges, magistrates, and judicial civil servants, based on such principles as judicial independence, impartiality, equal rights, etc.; and (ii) the holding of five workshops in different regions of the country to reach consensus on the ethical standards and the profile of judicial professionals, with judges, judicial civil servants, attorneys, universities, and the users of justice services.

b. Communication and awareness of change (US\$380,000)

- 2.42 The objective of this component is to support the process of institutional change with activities that strengthen and consolidate the sense of pertinence and gradual involvement of the personnel and users of the judiciary branch, in order to ensure successful implementation of the new managerial and management models included in the various components of the program. To that end, support will be provided for developing two-way channels of communication between users and the judiciary branch, and between the civil servants and senior authorities in the CSJ, in order to achieve continuous improvement in the justice service.

- 2.43 Consulting will be financed for the following activities: (i) two **opinion surveys**, one during the first year of program execution and the other in the final year, to measure perceptions of the service on the part of direct users of the program's activities, and of sectors that interact with the judiciary branch, including the perception of judicial civil servants. These surveys will generate reliable data that will serve as a working instrument for adopting measures to improve operations and service to the public, and to establish communications tools for improved interaction with users of the judiciary branch; and (ii) the organization of **five citizen discussion forums**¹⁵ during program execution, with the participation of national and international speakers, and broad participation of judicial civil servants, universities, users of the service, and civil society organizations involved in the issues that the program addresses, including customary indigenous law and environmental legislation in these discussions. The preparation and printing of teaching and support materials for holding citizen forums is also planned.
- 2.44 Financing will also be provided for the consulting services, as well as material inputs, publications, and space in communications media, for: (i) establishing a **Public Legal Education** program that will allow vulnerable groups within the population, which are particularly affected by high rates of illiteracy and poverty, to better understand their rights and how they may have judicial access, including a radio broadcast program and radio spots, under the responsibility of the Judicial School, and to prepare printed materials using everyday language, and the holding of talks in remote communities in the country, taking into account the multiethnic and multilingual circumstances of populations in the country's Atlantic Region; and (ii) the establishment of a **Student Services Program** (PAE), under the responsibility of the judiciary branch's Department of Communications, which will allow for periodic and systematic tours by school students to the headquarters of the judiciary branch in the various communities around the country, and particularly to the CSJ.
- 2.45 Printed teaching materials will be provided for children concerning the justice system and how it affects the lives of individuals; explanatory posters will be designed and printed; a short video will be written, filmed, edited and produced for children on the topic of justice and their rights and responsibilities. A consultant specializing in public relations, institutional communications, and the design of materials intended for students will be hired to develop the PAEs. The consultant will map out the strategy and teaching materials to be used, and will prepare guides for judicial civil servants during the tours. The consultant will also support the initial implementation of the PAEs.

¹⁵ These workshops will basically address constitutional jurisdiction, the new reforms in the criminal procedure, the Contentious Administrative Jurisdiction bill, and problems of access to justice, with special emphasis on the topic of gender and new forms of judicial office management.

C. Monitoring and results indicators

- 2.46 The logical framework for the program provided in Annex I includes specific indicators for the various components and activities of each project within the program.

D. Cost and financing

- 2.47 The cost of the program is US\$15 million, of which the Bank will finance 80% using reimbursable resources of the Fund for Special Operations in compliance with existing provisions and under the following terms:

- **Amortization and grace periods:** an amortization period of 40 years and a grace period of 10 years, from the date the contract enters into effect.
- **Interest rate:** 1% during the grace period and 2% thereafter.
- **Credit fee:** 0.5% of undisbursed financing. The credit fee will begin to accrue 12 months after the date of the resolution of the Board of Executive Directors, and will be paid in U.S. dollars on the same dates and at the same interest rates.

CONSOLIDATED BUDGET BY PROJECT (US\$ in thousands)				
Budget Category	IDB/FSO	COUNTERPART	TOTAL	%
Project I: Judicial Access and User Services	5,432	2,819	8,251	55.0%
1. Consulting services	458	141	599	4.0%
2. Hardware	352	0	352	2.3%
3. Training	239	0	239	1.6%
4. General support and services	0	1,259	1,259	8.4%
5. Infrastructure construction	4,383	1,419	5,802	38.7%
Project II: Strengthening Judicial Management	3,661	0	3,661	24.4%
1. Consulting services	2,103	0	2,103	14.0%
2. Hardware	1,498	0	1,498	10.0%
3. Training	60	0	60	0.4%
4. General support and services	0	0	0	0.0%
Project III: Human Resources and Communications	1,333	0	1,333	8.9%
1. Consulting services	1,133	0	1,133	7.5%
2. Hardware	80	0	80	0.5%
3. Training	120	0	120	0.8%
4. General support and services	0	0	0	0.0%
SUBTOTAL	10,426	2,819	13,245	88.3%
Program Management and Administration	904	0	904	6.0%
1. Consulting services	824	0	824	5.7%
2. Hardware	50	0	50	0.3%
3. Training	0	0	0	0.0%
4. General support and services	0	0	0	0.0%
5. Ex post evaluation	30	0	30	0.2%
No Specific Allocation	432	0	432	3.0%
1. Contingencies	382	0	382	2.7%
2. Outside auditing	50	0	50	0.3%
SUBTOTAL	11,762	2,819	14,581	97.4%
Financial Costs	238	181	419	2.6%
1. Interest	118	0	118	0.8%
2. Credit fee	0	181	181	1.2%
3. Inspection and supervision	120	0	120	0.7%
GRAND TOTAL	12,000	3,000	15,000	100.0%
% of the Total	0.80	0.20		

III. PROGRAM EXECUTION

A. Borrower and executing agency

- 3.1 The borrower will be the Republic of Nicaragua, represented in the loan contract by the Ministry of Finance and Public Credit. The executing agency will be the Supreme Court of Justice (CSJ), which will act through its Special Commission for Modernization, with support from the Program Coordinating Unit.
- 3.2 Precedent to the first disbursement, the borrower must submit, to the satisfaction of the Bank, a copy of the agreement reached between the Ministry of Finance and Public Credit and the CSJ, in which the transfer of nonreimbursable resources from the financing to the CSJ, and the CSJ's program execution obligations, are reflected.

B. Organization for program coordination and execution

1. General framework

- 3.3 The program has been organized in three projects: (i) Judicial Access and User Services; (ii) Strengthening Judicial Management; and (iii) Human Resources and Communications. Two management levels are being proposed to organize program coordination and execution: political and strategic direction and general coordination and execution.
- 3.4 **Political and strategic direction**, which will be under the responsibility of the CSJ through the Special Commission for Modernization of the Judiciary, established within the framework of ATN/SF-5307-NI and the body responsible for strategic planning of modernization programs and for coordinating the external cooperation that the judiciary branch receives. The Special Commission reports directly to the plenary session of the CSJ, and is comprised of eight magistrates of the CSJ and is presided over by the president of the CSJ.
- 3.5 **General coordination and execution** will be under the responsibility of the PCU, which will be assigned to the Special Commission and composed of the **general program coordinator** for planning, coordination, and monitoring of activities; three specialists for the technical execution of each of the three projects (hereafter **project managers**) and their components; one accounting/finance specialist; one procurement specialist; and three administrative assistants. Additionally, for the technical execution of the projects, internal **working groups** will be formed that will act under the coordination of each of the technical specialists mentioned above. The selection of personnel to form the PCU is a condition precedent to the first disbursement.
- 3.6 The Administrative General Secretariat, which will be strengthened using program resources, will be used for carrying out administrative and financial tasks. The

Secretariat has treasury, finance, administration, supervision, organizational development, and human resources departments.

2. Political and strategic direction of the program

- 3.7 **Political and strategic direction** will be the responsibility of the Special Commission for Modernization, which will agree on the annual operating plans (AOPs) with the Bank as indicated in paragraph 3.9. The Commission will ensure compliance with the objectives and scope of the program and the proper use of program resources, and will ensure that the activities included in the relevant annual operating plan are carried out, that the CSJ is informed of the status of program execution, and that the program's objectives and achievements are disseminated.
- 3.8 The Special Commission for Modernization will establish a meeting schedule, and will meet at least once a month. It may be convened for an extraordinary session by its chairman, on his own initiative or at the request of any of its members. The secretary of the CSJ will take part in the working sessions of the Special Commission for Modernization with regard to judicial considerations, and the Administrative General Secretary will take part with respect to administrative matters, as will the program's general coordinator. The Special Commission for Modernization will also include the project managers responsible for the technical execution of each project, so that expert opinions that it may require may be obtained regarding special aspects of execution.
- 3.9 The program will be executed through annual operating plans (AOPs), which will be agreed upon with the Bank at annual monitoring meetings, as indicated below. the first AOP will be a condition precedent to the first disbursement.

3. General coordination and execution

a. Program Coordinating Unit (PCU)

- 3.10 The PCU will consist of the *general program coordinator* for the planning, coordination, and supervision of activities, who will report directly to the Special Commission for Modernization; three *project managers*, subject experts in the technical execution of each of the three projects and their components; one finance/accounting specialist; one procurement specialist; and three administrative assistants.
- 3.11 The functions of the general program coordinator will be:
- a. Preparation of the annual operating plans and the quarterly plan of activities and tasks; and the half-yearly progress reports for each project, with the close involvement of the working groups of each project;
 - b. Periodic monitoring of compliance with project outputs and schedules, in keeping with the logical framework, schedules, and other instruments for

evaluating verifiable commitments of program outcomes, as well as collecting and systematizing the corresponding information for use in conducting the ex post evaluation of the program;

- c. Routing program communications with the Bank;
- d. Coordination and support for disseminating the objectives and achievements of the program;
- e. Administrative financial management of the program, drawing support from the Administrative General Secretariat of the judiciary branch and the PCU's finance/accounting and procurement specialists;
- f. Coordination with the Administrative general Secretary of the judiciary branch of the program's administrative, accounting, and financial tasks;
- g. Specification of the technical characteristics of the hardware to be procured and the terms of reference for contracting for consulting services for each project, in agreement with the relevant working groups;
- h. Achieving the goals and objectives of each project and their components on schedule and using the resources provided, in support of the Special Commission for Modernization;
- i. Supervision of compliance with the terms of reference and results of the consulting work, in agreement with the relevant working groups;
- j. Periodic progress reports on each project to the Special Commission for Modernization and the Bank, based on the reports of the respective project managers; and
- k. Performing dissemination tasks, in support of the Special Commission for Modernization.

b. Project managers

3.12 Technical execution of each of the three projects will be carried out by one of the three **project managers** in the PCU, who will report to the program's general coordinator. Each of these project three managers will work closely with the authorities in the respective areas of the CSJ and with the working groups that are formed for each project.

3.13 The functions of the project managers will be:

- a. Establishing the mechanism by which the working groups under their leadership and responsibility will operate;

- b. Coordination of the various working groups for which they are responsible;
- c. Achieving the goals and objectives of the projects and their components, on schedule and using the resources provided;
- d. Preparation of the annual operating plans and quarterly plans of activities and tasks, and the half-yearly progress reports for the project, in their area of competence;
- e. Supervision, coordination, and evaluation of the performance of the working groups in executing the project and its components, in the area of their competence;
- f. Specification of the technical characteristics of the hardware to be procured and the terms of reference for contracting for consulting services for the project for which they are responsible, in agreement with the proper authority;
- g. Holding meetings with future internal and external users of the products of each project;
- h. Supervising compliance with the terms of reference and the results of consulting, in agreement with the proper authority; and
- i. Periodic reporting on the progress of the project.

c. Working Groups

3.14 **Working groups** will be set up for each project. These working groups will comprise professionals and technical experts with knowledge and experience in various areas of the judiciary branch and are involved in issues addressed by the program; by mandate of the CSJ, they will support the project managers in performing their duties and achieving the program's goals. These working groups will serve as a link to the various respective authorities in the judiciary branch. They will be supported as necessary by specialized professionals and consultants in the technical matters addressed. Each of the groups may organize itself into subgroups that will carry out the planned activities. The following working groups have been identified in a preliminary approach:

- a. **Working group, Project 1, Judicial Access:** to be presided over by the respective project manager, and divided into two subgroups:
 - (i) For the Central Judicial Complex in Managua, to be formed by a magistrate from the Administration Commission, which shall appoint him, the technical adviser on judicial infrastructure, the secretary of the CSJ, and the specific consultants hired for this purpose.

- (ii) For the pilot CAMINO and PAV programs, to include a magistrate from the Special Commission for Modernization, which shall appoint him, the director of planning, the secretary of the CSJ, and the specific consultants hired for this purpose.
 - b. **Working group, Project 2, Judicial Management:** to be formed by the respective project manager, the secretary of the CSJ, the administrative general secretary, the computer adviser to the judiciary branch, the director of the judiciary's documentation center, a representative from the Office of the Judicial Auditor, the director of planning, and representatives of the judicial area (one tribunal magistrate, one judge, and one secretary) appointed by the CSJ, and the specific consultants hired for this purpose.
 - c. **Working group, Project 3, Human Resources and Communications:** to be formed by the respective project manager, a magistrate from the Commission on the Judicial Course of Study, appointed by that Commission, a magistrate from the Special Commission for Modernization, appointed by that Commission, the director of the Judicial School, the Director of the Department of Human Resources, the head of the Office of Training, the head of public relations, and the specific consultants hired for this purpose.
- 3.15 The resolution of the CSJ creating the working groups is a condition precedent to the first disbursement.

d. Execution agreements with participating entities

- 3.16 To execute the CAMINOs and the PAVs, interinstitutional agreements will have to be signed with the CSJ as described in Chapter II under components (b) and (c) of the Access to Justice and User Assistance project. As a condition for the financing of this project, the executing agency must present the following to the Bank's satisfaction: (i) evidence that the necessary execution agreements have been signed for the establishment of at least four CAMINOs under the terms agreed upon with the Bank; and (ii) a copy of the agreement signed by the CSJ and the Ministry of Health, as well as at least one university for the purpose of launching the PAVs.

4. Administrative and financial execution

- 3.17 The administrative financial management of the program will be supported by the Administrative General Secretariat, the function of which is to perform the administrative duties of the judiciary branch. To provide this support, the PCU's finance/accounting and procurement specialists will be hired. The duties of these specialists will include the administration of bidding, contracts, and payments for consultants, goods, and services involved in the projects; accounting of the program's income and expenses; and the periodic updating and preparation of financial statements and other financial reports as required.

C. Procurement of goods and services

- 3.18 Selection of and contracting for consulting services and all procurements planned by the program must be handled in compliance with the Bank's standard procedures in this regard. International competitive bidding must be used for the procurement of goods over the equivalent of US\$350,000 and construction contracting over the equivalent of US\$2,000,000. Procurements under these limits will be guided, in principle, by the provisions of national law. An international call for proposals must be issued for the selection of and contracting for consulting services over the equivalent of US\$200,000.

D. Disbursement and revolving fund

- 3.19 A revolving fund will be set up in an amount up to 5% of the financing. Resources disbursed through the revolving fund must be managed by the PCU in a separate special bank account in the name of the program. Within 60 days of the end of each calendar half, half-yearly reports on the status of those funds under the control of the executing agency must be submitted.

E. Special disbursement

- 3.20 Once the borrower has complied with the general conditions precedent to the first disbursement established in Article 4.01 (a), (b) and (e) of the General Conditions of the loan contract signed with the Bank, the Bank may authorize a special disbursement equivalent to up to US\$100,000. The object of this disbursement is to assist the executing agency in initiating program activities, including compliance with the remaining special conditions precedent to the first disbursement of the operation.

F. Execution timetable and disbursement period

- 3.21 The execution timetable will extend over a period of four years; the disbursement period will be four years and six months.

G. Accounting and auditing

- 3.22 The executing agency must maintain separate accounting and financial registers for the program in a manner that makes it possible to: (i) identify the financial transactions undertaken using program resources independent of other resources managed by the SCJ; and (ii) prepare the program's financial statements.
- 3.23 The executing agency will submit the program's financial statements to the Bank each year within 120 days of the close of the fiscal year, and audited by an outside independent auditing firm acceptable to the Bank. The costs of this outside auditing will be financed by the program financing.

H. Ex post evaluation

- 3.24 Given the innovative character of this operation, a final impact evaluation will be conducted, closely based on the indicators with respect to program results, objectives, targets, benefits, and risks, to measure improvement in the administration of justice, in terms of access, quality, confidence, and credibility, in accordance with the logical framework for the program. Within 18 months of the entry into force of the loan contract, the CSJ will present to the Bank, for approval, the baseline data and a description of the procedure for compiling and processing the data to be compared with the baseline data in order to evaluate the results of the program. This evaluation must be conducted once at least 90% of the financing resources have been disbursed, based on the methodology and in accordance with the guidelines agreed upon with the Bank. The ex post evaluation report must be presented to the Bank within three months after the final disbursement of the financing. The cost of this evaluation will be covered with loan resources.

I. Monitoring and evaluation

- 3.25 Performance of the program's activities will follow an annual program specified in the annual operating plans (AOPs), which must be broken down for each of the projects, and will be agreed upon with the Bank at annual monitoring meetings. The AOPs will contain at least the following information, in accordance with the logical framework of the program: (i) an evaluation of the activities undertaken and the advances made in the immediately prior period; (ii) a detailed list of activities to be performed in a particular year; (iii) the –quarterly– goals and objectives by group of activities and indicators to be used to measure the accomplishment of those goals and objectives; (iv) the –quarterly– implementation schedule with the respective costs; and (v) the financing needs for the period.
- 3.26 For purposes of the reports and evaluations, the monitoring criteria and performance indicators will make it possible to measure the access to, quality of, confidence in, and credibility of justice services.
- 3.27 Each proposed AOP will be submitted to the Bank in October of each year, in order to prepare for the annual meetings that will be held prior to the following 30 November. Submission to the Bank of the first AOP is a condition precedent to the first disbursement. The executing agency and the Bank will hold annual monitoring meetings to evaluate the progress of the previous year and compliance with the criteria established for disbursements and technical execution of the program, as well as to agree on the respective annual plans, adjusting them as necessary.
- 3.28 The Bank's country office in Nicaragua will be responsible for administering the operation.

IV. VIABILITY AND RISKS

A. Technical and institutional viability

- 4.1 With the support of ATN/SF-5307-NI, the CSJ is executing activities that will generate the conditions necessary to undertake this investment program. Within the framework of that technical cooperation, detailed analyses of the sector have been financed, as well as the creation and implementation of the pilot offices of legal notices, case reception and distribution, and international cooperation. The operation has provided a legal review that has contributed to ensuring judicial certainty through knowledge of existing legislation, since national legislation from 1848 to 1998 has been compiled and arranged, and the relevant information for the last thirty years has been digitized, creating a legislative database.
- 4.2 Similarly, through ATN/MT-6669-NI the CSJ is executing the Alternative Mechanisms for Settling Property Disputes program. The Department of Alternative Mechanisms for Settling Property Disputes was created in early 2000, as were the National Offices of Mediation and Arbitration. This and the previous technical cooperation (ATN/SF-5307-NI) have enabled the CSJ to gain experience in the execution of projects and programs such as the present program, and to acquire human resources, equipment, and technology in its organization that can support the performance of the program.
- 4.3 As indicated above, the CSJ is satisfactorily executing projects and technical cooperations with various multilateral and bilateral organizations.
- 4.4 Execution of the planned activities and the proposed organizational and management changes do not require any changes in the law. The new LOPJ, which has been in effect since 1999, among other things provides the general legal framework for implementing the judicial course of study and the civil service course of study, allows for the centralization of administrative services such as legal notices and case reception and distribution, and authorizes the CSJ to set its own internal regulations and to organize its work.
- 4.5 The analyses performed and the design of the program, which was supported by consultants specializing in judicial access, human resources, judicial management, infrastructure, and information technologies suggested that the judicial problems should be addressed gradually, which, in the case of judicial management, means promoting improvements in the service of courts and tribunals based on a pilot experiment. That pilot experiment will be conducted with a group of judicial offices, and will then be extended to the remaining judicial offices located in the Central Judicial Complex in Managua, which will be financed with program resources.

- 4.6 The will of the judiciary branch to continue with the process of judicial reform is also clear from the recent approval of significant relevant laws such as the Organic Law on the Judiciary, the new Penal Code, and the Childhood and Adolescence Code, and from the impetus that bills to create the contentious administrative jurisdiction, the new Commercial Code, and the new Code of Criminal Procedure have received.

B. Financial viability

- 4.7 The financial viability of the project was considered as a function of the recurring incremental costs that it produced. These costs were as follows: (i) the net increase in personnel required for implementation of the planned activities; and (ii) the increase in maintenance, materials, and supply costs needed to maintain an adequate level of functioning for the new activities.
- 4.8 In the period from 1996-1999, the budget allocation of the judiciary branch increase on average, in real terms, at an annual rate of 15%, which reflects a clear determination on the part of the Government of Nicaragua to address the growing needs of the judiciary branch. For the year 2000, the budget allocation to the judiciary branch was US\$25.5 million, equivalent to 4.6% of the nation's general budget, which is higher than the current constitutionally mandated allocation. The recurring costs of the project expressed as a percentage of the judiciary branch budget, projected for the execution period of the project, are 0.9% for the first year, 0.9% for the second year, 0.8% for the third year, and 1.3% for the fourth year. The increase in the last year is due to the start-up of operations at the Judicial Complex in Managua. Along the same lines, the country's authorities have expressed their desire to allocate the resources needed to continue the activities of the project after the execution period is complete.
- 4.9 In order to fulfill its mandate, the judiciary branch has a constitutional allocation from the country's general budget of no less than 4% of the general budget, which ensure the financial sustainability of the program. In 1990, the executive branch set the budget at 0.3% of the national budget. In 1993, Nicaragua was the only country in Central America that did not have a constitutional provision setting the judicial budget¹⁶. Administrative efforts, institutional strengthening tasks, and the justification of its needs by the CSJ made it possible for the budget to be increased to 2% in 1994. Finally, the constitutional reform of 1995 confirmed the importance of the judiciary branch by setting the current percentage of the budgetary allocation. This budget does not take into account resources from outside assistance, nor income for services that presently go into the general tax fund, specifically income generated by real property and commercial property registers.

¹⁶ Costa Rica 6%; El Salvador 6%; Honduras 3%, and Guatemala 2%.

C. Benefits

- 4.10 The program will have three major areas of direct benefit: (i) expansion of judicial access and improvements in user services; (ii) modernization of the management of judicial offices and strengthening of the institutional, managerial, and technical capacity of the judiciary branch; and (iii) the implementation of a human resources system that guarantees the suitability of judicial personnel and the impartiality of judges, by implementing the judicial and civil service courses of study.
- 4.11 The program will enable the judicial offices of Managua, which serve mainly a population with few resources, to have a functional physical plant that provides, among other things, the minimum security requirements to protect the parties to a trial; to avoid conflict situations between those parties owing to a lack of space; to protect the impartiality of witnesses from acts or threats of intimidation; to avoid acts of violence, isolating the judge who hands down his ruling and the jurors who render their decision; to protect the independence of judicial civil servants; and avoid improper access to judicial civil servants; and to protect case files and elements of evidence.
- 4.12 The creation of the CAMINOs and the PAVs will make it possible to expand and improve judicial access, particularly on behalf of vulnerable groups within the population who are deeply affected by such issues as high illiteracy and poverty rates and difficulties relating to the lack of adequate roads and means of communication in interior regions of the country. Victims of crimes will also benefit, particularly victims of crimes involving physical and mental harm, which are presently inadequately addressed in the criminal justice system. Preliminary data indicate that the primary beneficiaries (at least 70%) of the CAMINOs are involved in cases directly relating to women, such as domestic problems, abandonment, assaults against women and children, threats, domestic violence, marital separation, and neighborhood disputes.
- 4.13 The introduction of modern administrative systems under the responsibility of specialists in administration and finance, will help increase efficiency levels in the use of the human, material, and financial resources of the judiciary branch. The new management models will enable judges and magistrates to be freed from purely administrative tasks, giving them more time to work on their primary task, which is the administration of justice.
- 4.14 The program will make it possible to lay the foundations to fight delays and judicial backlogs, by strengthening the institutional and technical capacity of the judiciary branch and by preparing the various players in the system for long-term institutional change. The improvement in service in the judiciary branch will also have a positive effect in the medium and long term in helping to strengthen democratic institutions and legal certainty, creating a favorable climate for investments and economic growth.

- 4.15 Finally, the creation of the judicial and civil service courses of study as a basic element in the overall process of change that the program supports will make it possible to ensure that judicial civil servants, judges, magistrates and support personnel are appointed based on objective criteria of suitability. Therefore, setting up these courses of study will make it possible to create a system of incentives and a regimen of disciplinary actions and removal from office based on objective parameters.

D. Risks

- 4.16 Operations such as this generally involve risks relating to implementation of the reforms they support, particularly with regard to administrative and procedural changes, since these are rooted in the practices of the various players participating in the administration of justice, primarily judges, senior civil servants, and attorneys. This risk is mitigated by the desire for change demonstrated by the CSJ and its members in the reform process that they are now completing, including the transformations covered under this operation.
- 4.17 Another risk for implementation is the resistance of civil servants and those who run the system to using computer tools and using indicators to measure management and performance. This risk is reduced by adequate dissemination of the changes within the judiciary branch, with structured awareness efforts and training for those who run the system as planned in the program, and by strengthening the staff of employees and the middle and upper management levels of the organization, which will assume a leadership role in this process of change.
- 4.18 The vertical structure of judicial organizations, which are unaccustomed to establishing participatory institutional reform mechanisms that underlie the required transformation, may also pose a risk for the program. This risk is mitigated by the communications tools provided in the program, which involve those who run the justice sector, those who use it, and the relevant areas of civil society.
- 4.19 One potential risk is that the present consensus regarding the reform and modernization process will be affected in the future by changes in senior management in the judiciary branch. This risk has been addressed by involving all the magistrates, through the plenary session of the CSJ, in preparing the program. A Special Commission for Modernization has been created, the permanent function of which is to lead the process of reform and modernization of the administration of justice. The Commission is composed of seven magistrates of the 16 who make up the plenary session. Additionally, as a mechanism for monitoring its execution the program provides for greater continuity in the meetings that the Commission holds periodically, increasing their frequency to once per week.

E. Environmental and social impact

- 4.20 No special environmental impact is expected. Nonetheless, the requirements established under the environmental laws of Nicaragua will be met with regard to measuring environmental impact and environmental protection that are inherent in the construction of the Central Judicial Complex in Managua, which will be financed by the program.
- 4.21 With regard to the social impact and the beneficiaries, the program includes direct actions that will benefit vulnerable groups within the population, such as the establishment of a conflict management and resolution system that will meet the need for judicial access on the part of groups marginalized from that service, such as individuals with few resources, women, children, adolescents, ethnic groups, and individuals living in areas that are difficult to reach. Along these lines, establishing mechanisms for providing multidisciplinary services to crime victims includes information, orientation, and direct assistance to the victims of crimes involving harm to physical and mental integrity, such as domestic violence, sex crimes, child exploitation, child abuse, and others. Additionally, the Central Judicial Complex in Managua will serve mainly individuals with few resources.

LOGICAL FRAMEWORK MATRIX

Objectives	Indicators	Means of Verification	Assumptions
PROGRAM OBJECTIVES			
One of the program is to increase and to improve the quality and quantity of justice services, supporting the process of judicial reform, institutionalization, and strengthening now	30% improvement in the perception by direct users of justice services in terms of access, quality, confidence, and credibility, focusing on the services provided with program support. The baseline data will be those gathered through the first survey to be financed by the program.	Surveys conducted at the start and conclusion of program execution in the areas that it covers.	Program execution under terms agreed upon with the World Bank.

PROJECT 1: JUDICIAL ACCESS AND USER SERVICES

GOAL

The goal of the project is to expand judicial access in order to meet the needs of vulnerable and socially marginalized groups in Managua and the country's interior, with the further goal of laying the foundations of a social conflict resolution network.

I. Components	Indicators	Means of Verification	Assumptions
Judicial Complex in Managua , built to provide the primary branch with an adequate physical plant to provide justice services effectively in a work environment that is constructive for the staff and allows greater access for users, in a geographic location that allows the greatest concentration of cases to be handled.	<ul style="list-style-type: none"> Building built and in full operation at the end of the third year of execution, in accordance with the judicial management organizational models designed and implements in Project 2, Strengthening Judicial Management. 	<ul style="list-style-type: none"> Physical verification. PCU reports 	<ul style="list-style-type: none"> The first phase of the Strengthening Judicial Management project has been executed. The site is legally owned. The strategies and mechanisms for the implementation of the judicial and civil service courses of study have been approved by resolution of the CSJ. Consulting services have been contracted for construction supervision.

I. Components	Indicators	Means of Verification	Assumptions
<p>zen Service, Mediation, Information, and Orientation Centers (CAMINOs) established, in the communities and with ties to local leadership organizations such as universities and municipios.</p>	<ul style="list-style-type: none"> • CAMINOs operating in 8 different communities in Nicaragua (each having 1 coordinator, 1 assistant, and 20 mediators/facilitators) (4 CAMINOs in the first year of execution, and all 8 operating at the end of the execution period). • 180 mediators/facilitators trained (80 in the first year; 50 in the second; and 50 in the third). • Handling of at least 20 cases/month at each CAMINO during the 1st year of operation. • Handling of at least 40 cases per month at each CAMINO starting in the 2nd year of operation. • 60% of cases suitable for mediation concluded by agreement between the parties. • 70% of cases relate to problems affecting women. • 100% of dissemination activities performed. 	<ul style="list-style-type: none"> • Physical verification of start-up of operations at the 8 CAMINOs. • Consultant report on training, list of participants, and performance evaluation. • PCU report. • Statistical reports on the work performed at the CAMINOs. • Performance evaluation report of the CAMINOs upon program completion. • Brochure and dissemination materials printed. 	<ul style="list-style-type: none"> • The architectural design complies with municipal ordinances for building construction and environmental standards. • Agreements signed with participating universities and municipios, in keeping with the criteria established in the program. • Active participation of community leaders, civil society organizations, and local governments in the communities where CAMINOs operate.
<p>Victim Services Programs established.</p>	<ul style="list-style-type: none"> • 3 PAVs operating in 3 different communities in Nicaragua at the end of the 2nd year of execution. • 36 professionals trained in victim services at the end of the 2nd year of execution. • Handling of at least 20 cases/month at each PAV during the 1st year of operation. 	<ul style="list-style-type: none"> • Physical confirmation of the start-up of operations at the 3 PAVs. • Consultant report on training, list of participants, and performance evaluation. • PCU report. 	<ul style="list-style-type: none"> • Agreements signed with the Ministry of Health and universities, in keeping with the criteria established in the program.

I. Components	Indicators	Means of Verification	Assumptions
	<ul style="list-style-type: none"> • Handling of at least 40 cases/month at each PAV during the 2nd year of operation. • 70% of cases relate to problems affecting women. • 100% of dissemination activities performed. 	<ul style="list-style-type: none"> • Statistical reports on the work performed at the PAVs. • Performance evaluation report of the PAVs upon program completion. • Brochure and dissemination materials printed. 	<ul style="list-style-type: none"> • Active participation leaders, civil society organizations, and local governments in the communities where PAVs operate.

PROJECT 2: STRENGTHENING JUDICIAL MANAGEMENT

GOAL

This project is to improve the service and organization of judicial offices, to support the CSJ in streamlining the administrative and managerial functions of every branch, and to provide a computer technology system.

I. Components	Indicators	Means of Verification	Assumptions
<p>ment of judicial offices. This project will support the development and implementation of a new model of organization and management of courts of first instance and courts of appeals, making it possible to provide a timely and high-quality response to demands for</p>	<p>FIRST PHASE (24 MONTHS)</p> <ul style="list-style-type: none"> • New judicial management model implemented in 1 court of appeals, 3 district courts, and 3 local courts, by the end of the 2nd year of execution. • 100% of judicial office personnel involved in the pilot experiment trained. • Clear separation of judicial and administrative functions within the pilot offices. • Average delay in pilot offices reduced by 30% in all areas. • Backlog index at pilot offices reduced by 30% upon program completion. • Average age of office files reduced by 30% at pilot offices upon program completion. <p>SECOND PHASE (6 MONTHS)</p> <ul style="list-style-type: none"> • Pilot experiment evaluated and replication plan prepared for the tribunals and courts of the Central Judicial Complex in Managua. 	<ul style="list-style-type: none"> • Resolution of the Plenary Session of the CSJ, providing for the implementation of the new judicial management model as a pilot experiment. • Operations manuals, flow charts, and judicial documents standardized and normalized. • Statistical report and evaluations at the pilot offices. • PCU reports. • Resolution of the plenary session of the CSJ approving replication of the model at the Central Judicial Complex in Managua. • PCU reports. 	<ul style="list-style-type: none"> • Commitment of the civil servants at the offices involved to adopt a new judicial and administrative management model. • Selection of the pilot judicial offices in keeping with the criteria established in the program.

I. Components	Indicators	Means of Verification	Assumptions
	<p>THIRD PHASE (18 MONTHS)</p> <ul style="list-style-type: none"> • New judicial office management model implemented in the judicial offices of the Central Judicial Complex in Managua by the end of program execution. • 100% of personnel in the judicial offices of the Central Judicial Complex in Managua trained to implement the new model by the start of the 3rd year of execution. 		
<p>Strengthening of Strategic Planning Capacity. This component support the creation of the and creation of the onal capacity to carry out the strategic planning and ment control by outcomes of iary branch.</p>	<ul style="list-style-type: none"> • New models of budgeting and strategic planning implemented by the end of the 2nd year. • 100% of the personnel involved trained by the end of the 2nd year. • A new model of organization and functions, operational manuals, and work flows implemented at the Administrative General Secretariat and in the areas of planning and statistics, finance, accounting, and procurement, by the end of the 2nd year. • Management system set up in the courts and tribunals of the Central Judicial Complex in Managua, by the end of program execution. • Offices of finance, accounting, and procurement have properly installed and operating computer systems by the end of the 2nd year of execution. 	<ul style="list-style-type: none"> • Executing agency report. • Strategic five-year plan for 2002-2007 prepared. • Resolution of the Plenary Session of the CSJ providing for implementation of the new model of organization and functions in the Administrative General Secretariat and in the areas of planning and statistics, finance, accounting, and procurement. • PCU reports. 	<ul style="list-style-type: none"> • Approval of the resolution on the strategic plan.

I. Components	Indicators	Means of Verification	Assumptions
<p>information technologies. This project will develop and gradually implement the information systems to support the work of the offices.</p>	<p>PREPARATION PHASE (1 year)</p> <ul style="list-style-type: none"> Working teams of the judiciary branch organized and established. CSJ strategic plan scheduled and budgeted by the end of the 1st year. <p>PERFORMANCE PHASE (1 ½ years)</p> <ul style="list-style-type: none"> Representative sample of judicial offices selected. Databases of legislation, jurisprudence, and decisions of the CSJ operating and accessible to users, to disseminate and democratize the information available on legislation and jurisprudence applicable to judicial activities, by the end of the first phase. Databases of environmental legislation and customary indigenous law by the end of this phase. 100% of system operators properly trained by the end of this phase. User Information Service (SUINFO) installed and operating at pilot offices by the end of this phase. <p>CONSOLIDATION AND EXPANSION OF COVERAGE PHASE (1 ½ years)</p> <ul style="list-style-type: none"> Computerized judicial management system at the Central Judicial Complex in Managua, properly installed by the end of execution. 	<ul style="list-style-type: none"> Computer Strategic Plan document scheduled and budgeted. Resolution of the Plenary Session of the CSJ approving system implementation. System (SUINFO) implementation evaluation report prepared through a computer audit process. PCU report. Planning and statistics reports. Computer audit report and reception of the systems by the CSJ. 	<ul style="list-style-type: none"> Judicial offices participating in the pilot experiment selected based on the criteria established in the program. Conditions for construction of the Judicial Complex met. Central de Managua. Technology assimilation by the civil servants in the judiciary branch who are beneficiaries of the program.

PROJECT 3: HUMAN RESOURCES AND COMMUNICATIONS

GOAL

Objective of this project is to design strategies and to establish mechanisms that will help create the civil service course of study; consolidate the judicial court system; improve the profile of those who run the system; and create permanent channels of communication within the judiciary branch, and within civil society.

Components	Indicators	Means of Verification	Assumptions
<p>Judicial and civil service course of study. This component will develop a system of human resources management that will allow for the creation and implementation of the judicial and civil service courses of study within the judiciary branch.</p>	<ul style="list-style-type: none"> • Personnel policies approved by the CSJ, by the end of the 1st year. • New job manual prepared by the end of the 2nd year. • Procedure manual for recruitment and selection of judicial personnel, by the end of the 2nd year. • Regulation on the Judicial and Civil Service Course of Study prepared and in effect by the end of the 3rd year. • 70% of judicial civil servants in the program must meet the requirements of the judicial and civil service courses of study, respectively. • Document defining a compensation policy, by the end of the 3rd year. • Judicial Training Plan that covers the needs of 100% of the judicial personnel with a work plan, schedule, and budget for the short, medium and long term, by the end of the 2nd year. • Code of Ethics approved in the 2nd year. 	<ul style="list-style-type: none"> • Resolution of the Plenary Session of the CSJ, approving: <ul style="list-style-type: none"> - Personnel policies. - Job manual. - Procedural manual. - Regulation of the judicial and civil service courses of study. - Judicial training plan. - Code of Ethics. - New compensation policy. - PCU reports. 	<ul style="list-style-type: none"> - Political will on the part of the CSJ.

Components	Indicators	Means of Verification	Assumptions
	<ul style="list-style-type: none"> At least 70% of all judicial personnel covered by the system of judicial and civil service courses of study by the end of the program. 		
<p>communications and awareness of ge. This component will support development of two-way channels communication between users and judiciary branch, and between the servants and senior authorities in SJ, in order to achieve continuous improvement in the justice service.</p>	<ul style="list-style-type: none"> Favorable perception of change, 30% improvement in confidence in the justice sector in the areas covered by the program. 5 forums held, with 150 participants each. Public Legal Education program established by the end of the 2nd year of execution, including: 104 30-minute weekly radio programs on the rights of individuals, performed during program execution. Student Services Program established by the end of the 2nd year of execution, including: 10-minute video for children prepared; materials prepared and 5,000 copies printed; and at least 2,400 school children participating in guided tours. 	<ul style="list-style-type: none"> 2 opinion surveys, one at the start of execution and the other at the end. PCU report on forums held. PCU reports. 	

**PRELIMINARY PROCUREMENT PLAN
(US\$ IN THOUSANDS)**

Main procurements	Amount	Financing		Modality (*)	Pre-qualification	Potential dates (Quarter)
		IDB	Local			
<u>Consulting</u>	<u>5,630.4</u>	<u>5,539.4</u>	<u>91.0</u>			
<u>Consulting Firms</u>	<u>3,408.0</u>	<u>3,317.0</u>	<u>91.0</u>			
- Judicial Complex design		259.0	91.0	ICP	YES	IV 2001
- CAMINOs		40.0		CP	NO	IV 2001
- Office management		1,416.0		ICP	YES	IV 2001
- Strategic planning		250.0		CP	NO	IV 2001
- Information technology		192.0		CP	NO	IV 2001
- Judicial course of study		840.0		ICP	YES	IV 2001
- Communications/Awareness		290.0		CP	NO	IV 2001
- Execution		30.0		CP	NO	II 2001
<u>Individual Consultants</u>	<u>2,222.4</u>	<u>2,222.4</u>				
- Indiv. international consultants, CAMINOs		81.0		CP	NO	IV 2001
- Indiv. national consultants, CAMINOs		701.2		CP	NO	IV 2001
- Indiv. international consultants, PAVs		73.8		CP	NO	IV 2001
- Indiv. national consultants, PAVs		129.6		CP	NO	IV 2001
- Indiv. international consultants, information technologies		130.5		CP	NO	IV 2001
- Indiv. national consultants, information technologies		158.2		CP	NO	IV 2001
- Indiv. international consultants, judicial course of study		32.5		CP	NO	IV 2001
- Indiv. national consultants, communications/awareness		90.0		CP	NO	II 2002
- Indiv. national consultants, execution		825.6		CP	NO	IV 2001
<u>Hardware and Materials</u>	<u>510.0</u>	<u>510.0</u>				
- CAMINOs		280.0		DC	NO	IV 2001
- PAVs		72.0		DC	NO	IV 2001
- Strategic planning		28.0		DC	NO	IV 2001
- Judicial course of study		80.0		DC	NO	IV 2001
- Execution		50.0		DC	NO	II 2001
<u>Infrastructure</u>	<u>5,802.0</u>	<u>4,383.0</u>	<u>1,419.0</u>			
- Judicial Complex Construction	5,802.0	4,383.0	1,419.0	ICB	YES	IV 2003
<u>Hardware</u>	<u>1,029.0</u>	<u>1,029.0</u>				
- Information technologies		1,029.0		ICB	YES	IV 2001
<u>Software</u>	<u>412.5</u>	<u>412.5</u>				
- Strategic planning		350.0		ICB	YES	IV 2001
- Information technologies		62.5		DC	NO	IV 2001
<u>Total</u>	<u>13,383.9</u>	<u>11,873.9</u>	<u>1,510.0</u>			

Note: ICB = International Competitive Bidding; ICP = International Open Call for Proposals; CP = Open Call for Proposals; DC = Direct Contracting

PROPOSED RESOLUTION

NICARAGUA. LOAN ____/SF-NI TO THE REPUBLICA DE NICARAGUA
Program for Accessing and Strengthening the Judicial System

The Board of Executive Directors

RESOLVES:

That the President of the Bank, or such representative as he shall designate, is authorized, in the name and on behalf of the Bank, to enter into such contract or contracts as may be necessary with the República de Nicaragua, as Borrower, for the purpose of granting it a financing to cooperate in the execution of a program for accessing and strengthening the judicial system. Such financing will be for the amount of up to US\$12,000,000, or its equivalent in other currencies, except that of Nicaragua, which are part of the resources of the Bank's Fund for Special Operations, and will be subject to the "Special Contractual Conditions" and the "Financial Terms and Conditions" of the Executive Summary of the Loan Proposal.