

Access to Justice in Rural Nicaragua

**An independent evaluation of the impact of
Local Court Houses**

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**Department for Democracy
and Social Development**

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Sida Evaluation 99/9

**Department for Democracy and
Social Development**

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Executive Summary

In the period 1993-99 122 local courthouses were constructed in the rural municipalities of Nicaragua with funding from the Swedish International Development Cooperation Agency (Sida). While the immediate *project objective* was the construction of the court houses, the long term *development objective* was “an effective, impartial and independent judicial system accessible to all”.

This is an evaluation about the extent to which this project has had an impact on the access to justice Nicaragua, or - speaking in LFA terms - to what extent the project has contributed to the development objective.

The local courts constitute the lowest of the four levels of jurisdiction. There is one local court in each municipality. The local courts hear civil and criminal cases of less magnitude.

Although some progress has been made in the past decade, the judicial system in Nicaragua is still largely inefficient and inaccessible. There are serious problems and shortcomings, such as lack of professional training, obsolete and incoherent legislation, insufficient resources, slow and inefficient procedures, lack of independence and corruption. However, in the past few years with the support of the international community Nicaragua has started a comprehensive reform process aimed at the establishment of an effective, impartial and independent judicial system accessible to all.

The construction of local courthouses is an important component of this reform program. The total cost of the project amounts to just over US\$ 8 million. Sweden has contributed 50 million Swedish Kronor (US\$ 6.7 million) which corresponds to 83% of the cost, while UNDP and the Supreme Court have assumed the remaining part. There are three parties to the project agreements: the Government of Nicaragua, the Government of Sweden and UNDP. The Supreme Court has been in charge of the project execution, UNDP has coordinated the project and handled the administration and control of the Swedish funds.

The purpose of the evaluation is to determine whether and to what extent the existence of local court houses in rural municipalities is leading to improved access to justice for the rural poor. Besides the study analyzes factors that limit access to justice in rural areas and particularly the problems that affect the local courts.

The evaluation team spent four weeks in Nicaragua. In the course of the evaluation, the team visited fourteen municipalities representing a variety of characteristics and geographic locations, primarily in the central-northern departments. In each municipality the team interviewed the local judges about their work, their role in the community and the suitability and significance of the courthouse.

The team also selected a number of clients of the court by means of the court register, either plaintiff or defendant, or both. The interviews with the clients in the privacy of their homes included a variety of issues: How they had been treated by the judge; whether their case had been solved satisfactorily and in due time; their opinions of the competence, effectiveness, honesty and impartiality of the judge. People were also asked about what difference the new courthouse had made to the access to justice in the community.

The main conclusion of the evaluation is that the court house project has contributed to the improved access to justice at the local level. The new court houses have enhanced the visibility and the status of the justice system in rural communities and the prestige of the local judges. The houses provide excellent conditions for the administration of justice and housing facilities for

the judge. While previously the judges often depended on the mayor for housing, office space or other resources, with the construction of the court houses they can be more independent.

In the past couple of years, the professional qualifications of the judges have improved significantly. Now about 90% have either a law degree or are in the final stages of their law studies. 57% of the local judges are women. Most of the judges interviewed were young, energetic and enthusiastic. With regard to the honesty, impartiality and trustworthiness of the judge, the clients expressed different opinions depending on the outcome of their cases.

The relation between the judge and the police was generally considered good, but all judges pointed out that the police lack sufficient resources to be able to fulfill its obligations. Relatively few judges participate actively in community affairs in spite of recent instructions by the Supreme Court to do so.

On the basis of interviews at the community level, with the Supreme Court and associations of lawyers corruption is not a serious problem at the local level. However, the problem of corruption at the district level has repercussions on those clients whose cases are appealed from the local courts.

It is obvious from the field visits that there is a serious lack of supervision of the local courts. It needs to be clarified what instance is responsible for the various aspects of supervision and how it should be carried out. Lack of supervision hampers the professional development of the judges and prevents an optimal development of the institutional capacity of the local courts. For example it has allowed serious errors and incorrect procedures to remain undetected.

Maintaining statistical information is necessary for the monitoring of the work of the local courts and for assessing the respective workloads. However to date the reporting system does not provide the data needed for planning, budgeting and other purposes. At present, all courts receive the same amount of resources, irrespective of the size of municipalities and their populations. As a consequence, populations in large municipalities tend to be at a disadvantage.

1 BACKGROUND

1.1 The Judicial System in Nicaragua

1.1.1 Introduction

The Sandinista revolution in 1979 meant a clean sweep with the old, corrupt court system. Virtually all judges, prosecutors and attorneys suddenly found themselves without a job. However, their replacements were mostly very young and poorly trained. Resources for the new court system were extremely scarce. Not only did the judges receive very low pay; often they did not even have a proper office. If the reputation of the pre-Revolutionary court system had been poor, in this aspect the revolution meant no change. The police and other parts of the executive branch often openly flouted decisions and judgments. Cases of political importance were handled by a parallel court system, the "Tribunales Populares Anti-Somocistas"(TPAs) which was given resources far superior to that of the regular court system. The TPAs, which were under the direct control of the executive branch, openly violated many basic guarantees of fair trial and due process. Judgements were frequently based not on the law but on political considerations.

In the later half of the '80s, the Sandinista government, partly because of international pressure, began to seek external help in order to improve and restructure its legal system. But as the Sandinistas in practice were reluctant to grant its court system the necessary independence, international response was slow.

Under the new government of Violeta Chamorro in the early '90s, things began to move a little faster. In 1991, the "First International Conference on the Protection, Strengthening and Dignifying of the Judicial Power" took place in Managua with the participation of Mexico, Colombia, Venezuela, Costa Rica, El Salvador, Guatemala, Nicaragua and Panama, under the auspices of the UN. In her closing remarks, Violeta Chamorro stated: "To be able to exercise justice for all with total independence and impartiality and without partisan influences, we will have to redeem the judicial branch of our government [and provide the judges with] decent salaries, tenure and adequate protection. This unity of ours has been born in the most miserable locations; our judicial power dwells in sheds. Such are the premises where justice is carried out. [But] even the Righteous One was born in a crib. — Let us think about future generations, whom we wish free and sovereign countries, in which the judicial power provides a solid basis for democracy, freedom and the rule of law."

The conference entrusted UNDP with the task of designing projects that would satisfy the most immediate needs and to find international financing for such projects.

In June 1992, at the 12th Summit of the Presidents of the Central American States, it was emphasized that the region's need for peace, stability and the consolidation of democracy required strong and free institutions. In her closing remarks, President Violeta Chamorro underlined the determination of the Central American governments to particularly strengthen their judicial and electoral branches.

1.1.2 Structure of the Judicial Power

The basic structure of the Nicaraguan Judicial Power has remained largely unchanged since the last century and consists of four levels of jurisdiction.

The Supreme Court

The Supreme Court is the highest organ in the legal hierarchy. According to the Nicaraguan constitution, the Supreme Court is one of the four independent branches of government, the others being the executive branch, the legislative branch and the supreme electoral council. The Supreme Court, which is located in newly constructed premises in Managua, consists of nine Justices, who are appointed for a term of six years by the National Assembly, after being nominated by the President of the Republic. The Supreme Court is not only the highest court in the country, but is also responsible for the administration of the judicial system. Among its responsibilities are to appoint and supervise the judges of the lower courts and to present the budget of the judicial branch to the National Assembly.

The Supreme Court is responsible for the Judicial School (Escuela Judicial) established in 1993 with the purpose of improving the professional level of the judges.

Appellate Courts

On the level below the Supreme Court are seven Appellate Courts (Tribunales de Apelación), one for each administrative region of the country. These courts, which consist of between three and six judges, depending on the size of the area of jurisdiction, hear civil, criminal and labor cases, which are on appeal from the District Courts.

District Courts

On the third level in the legal hierarchy are the District Courts (Juzgados de Distrito). There are fourteen such courts, some of which are quite large. Thus, the District Court of Managua consists of four civil and eight criminal divisions and the District Court of León of two civil and two criminal divisions. The District Courts are made up of both professional and lay judges. These decide civil cases involving more than 20.000 Córdobas in Managua and more than 15.000 Córdobas in the rest of the country, as well as criminal cases with a maximum penalty more than three years in prison. They also hear cases on appeal from the local courts.

Local Courts

There are 147 local courts in Nicaragua, one for each municipality in the country. In addition there are local courts in Managua and in the provincial capitals. The local courts hear civil cases involving less than 15.000 Córdobas (20.000 in Managua) and less serious criminal offenses, with a maximum penalty of three years of imprisonment. The local courts consist of only one judge. In more serious criminal cases, the local judges are in charge of the inquiry, resulting in the indictment before the district court.

1.1.3 Problems Concerning the Execution of Justice

Even if some progress has been made in the administration of justice in Nicaragua during the past decade, the judicial system is still largely inefficient and inaccessible. Serious problems and shortcomings will have to be solved before Nicaragua will be a society governed by the rule of law.

- Lack of professional training

As mentioned above, the lack of professional training among the judges, particularly at the lower levels, constitutes a major problem. Until 1988 local judges were not required to have any kind of legal training. All that was needed was to be a Nicaraguan citizen, above twenty-one years of age and to be able to read and write. In 1988 a law was introduced that required local judges to be at least students of law and familiar with the field. As of 1999, the legal requirements include a mandatory law degree. However, it is obvious that lack of adequate professional training will remain a big problem for the administration of justice in Nicaragua for a long time. However, the establishment and the activities of a Judicial School (1993) represent an important improvement in this context.

- Lack of a coherent system of relevant and modern laws

The rule of law requires a system of laws, which meets with three criteria. It should be a) *accessible to the public*, b) *in accordance with the public perception of justice* and c) *coherent*. However, the Nicaraguan system of laws is to a large extent a patchwork of elements from the nineteenth century and revolutionary products of the 1980's, together with modern market-oriented legal products of the last decade. It is questionable whether anyone has any overview of the scope of this system and there is an obvious lack of a compilation of major laws. Such compilations are - in the countries where they exist - an indispensable tool for all officers of the court.

- Lack of independence

For judges at any level it is essential to be able to carry out their functions without being subjected to any kind of pressure, be it political, physical or financial.

In the 80's political pressure from the higher levels of the executive power were not uncommon. In some notorious incidents, politically unwelcome judgments by the Supreme Court were simply changed by the government. And on the lower levels, quite often the police carried out justice on its own, in obvious disregard for rulings by the courts. Today, judges at the lower levels are sometimes still subjected to external pressure – or faced with non-compliance – by mayors or the local police.

- Corruption

In spite of the fact that the Sandinistas in 1979 dismissed all the old officers of the courts and recruited entirely new personnel, corruption continues to be a very serious problem, particularly in the district courts. This conclusion is drawn after several interviews with attorneys and clients. Bribes are paid both in order to speed up the process and to influence the outcome of the cases.

- Slow and inefficient procedure

In legal circles there is a common saying that "justice delayed is justice denied". The Nicaraguan legal procedure is largely based on the Napoleonic Code. It is inquisitorial and written, as opposed to the Anglo-Saxon accusatory and oral procedure, which is today becoming increasingly adopted internationally. The written procedure in itself is quite formalistic and time-consuming. Even in simple matters, parties will have difficulties to manage without lawyers. In addition, practical problems to contact the parties and their lawyers, summon witnesses etc, further prolong the procedure to the extent that the access to justice of the public is seriously impeded.

- Lack of legal aid and public defense

According to international human rights conventions, everybody who appears before a court of law is entitled to legal representation. If he or she cannot afford such representation it should be made

available free of charge. Independent professional lawyers, who can provide guidance and advice in legal matters and represent parties before the courts, is a cornerstone of any functioning legal system. During the Sandinista regime, there was not much political room for such a corps. In the 90's private lawyers have become more common, but a bar association, as it is known internationally, still does not exist. Such a corps of lawyers is an indispensable prerequisite for the establishment of a system of legal aid and public legal defense.

In Nicaragua today the law (Ley Organica del Poder Judicial de la República de Nicaragua; Law No 260:1998) provides for a system of public defense free of charge, but because of a lack of resources, this scheme has yet to be implemented.

- Legal illiteracy

One prerequisite for the rule of law is basic public knowledge about citizen rights and how to enforce them. Without such knowledge people will be unlikely to seek legal remedies for their grievances and more apt to take the law into their own hands. Such basic knowledge can be disseminated in a number of different ways: in school, by NGOs, through the media, through the distribution of leaflets and through so called bare-foot lawyers, only to mention a few possible channels. In Nicaragua today, a number of different programs are being implemented in order to enhance public awareness of the law and the role of the courts. But the general level of knowledge is still low.

- Lack of sufficient mechanisms to enforce judgements

One important aspect of a functioning legal system is the existence of a mechanism to enforce judgements and court decisions. In Nicaragua, this function is entrusted to the police. But the resources of the police, particularly in the rural areas, are grossly inadequate, and the enforcement of judgements has low priority.

- General lack of resources

In spite of the fact that the judicial power has increased its share of the national budget from less than 1 % in 1990 to 4 % 1998¹, the legal system still suffers from a serious lack of resources. Listed below are some of the consequences of this lack of resources, which adversely affect the quality of justice and clog up the system:

- Insufficient salaries of the judges – hamper recruitment and increase the risk of corruption.
- Insufficient geographical coverage – too few courts that cover too large areas.
- Insufficient communications – difficulties to summon witnesses etc.
- Insufficient infrastructure: books, telephones, typewriters.
- Insufficient dissemination of laws and jurisprudence.

¹ This is about the same proportion as in Guatemala, Honduras and El Salvador, but less than in Costa Rica (6 %)

1.2 Reforms to Nicaragua's Judicial System

1.2.1 Background

As has been previously pointed out, Nicaragua's Judicial System showed a series of problems that required immediate solution.

The prevailing situation demanded short-term solutions - defendants who were left defenseless by a legal system slow in applying justice and laws that time had rendered obsolete. To this must be added repeated appeals by international organizations to take action in this respect.

1.2.2 The Legal Code for Children and Adolescents

The Code for Children and Adolescents was approved by the National Assembly in March of 1998. This meant the culmination of intense efforts by UNICEF and other institutions toward finding a solution to the problem of adolescent transgressors. Through these efforts, a specialized criminal code was created that provides for cases involving adolescents from 13 to 18 years of age.

Application of this code rests on the creation of appropriate infrastructure, as well as specially trained staff. To date, this system is not working in full for lack of public defenders, social workers, and psychologists who are supposed to collaborate in the application and follow-up of legal sanctions. These are needs that not only affect the legal field but also all institutions that are closely linked to the administration of justice, such as the national police force, the prison system, the Ministry for the Family, and the Attorney General's office.

1.2.3 New Organic Law of the Judicial Branch

As a follow-up to reforms to Nicaragua's legal system initiated in 1997, the National Assembly promulgated the new "Organic Law of Nicaragua's Judicial Branch" on 7 July, 1998, which was published on the official Gazette No. 137 on 23 July 1998.

This law had a six-month *vacatio legis*, thus coming into force on 23 January 1999.

The new law is aimed at strengthening the process of transformation and modernization of the legal area by creating a new concept of administration of justice and regulating jurisdictional matters. To this must be added the creation of new institutions that are to guarantee and ensure compliance with citizen rights.

a) Provisions Included in the Law

The new organic law regulates in a clear and detailed manner all aspects related to the legal field, such as, legitimization of the Judicial Branch, exclusive rights (power to resolve conflicts), autonomy, due process of law, binding jurisdictional activities and resolutions, and free access to justice. Jurisdictional organs, their functions, seat, and competence; the system to elect magistrates and judges, causes for removal from office, prohibitions, incompatibility, rights and duties are other aspects included in the law. To this must be added, administrative offices, organization and powers; auxiliary organs and functions, staff serving in the judiciary, forensic scientists, official registrars of real estate and commercial registries, procedures to select legal experts, police assistance, and so forth.

Similarly, with the creation of offices to serve notices and summons and an office for case distribution, public accountability of the judicial system is expected to improve, as is the capacity for fighting against influence peddling and corruption.

Some of these aspects have been included as they appear in the former law and others have been modified, such as time limit for jurisdictional activities, judicial office hours, hearing hours, and sanctions imposed against court officials who do not reach a decision within the established legal time limit. Other aspects have been added to the new law, such as the aforementioned offices.

It is worth pointing out that in accordance with the new law, the following commissions have been established: Management, Disciplinary Regime, and Judicial Career, as a method for regulating the system of justice.

Another salient point worth mentioning is the creation of the Judicial School as it provides the opportunity to train qualified personnel. This will be of benefit for Nicaraguan society at large when seeking the intervention of the legal system. Nonetheless, the evaluation team is of the opinion that the creation of a Judicial Career, a Department of Public Defense, and compulsory mediation procedures for conflict resolution are the most relevant aspects of the law because they suggest a significant change in the concept of administration of justice.

b) Relevant Aspects of the Law

- **Judicial Career**

The career includes positions of public defender, judge's clerk, court clerk, Court of Appeal's clerk, notifier, local judge, district judge, justice of the Court of Appeal and clerk of the Supreme Court. Judicial experts, forensic scientists, and official registrars are also included as permanent officials of the judicial branch and will comply with the rules governing the Judicial Career.

The creation of a judicial career involves a selection process and approval of competitive examinations for positions in the judicial branch. However, a judicial career law that regulates the procedures to be followed has yet to be developed.

- **Office of Public Defender**

The Office of Public Defender is independent from the Supreme Court of Justice. It will have autonomous functions and will be managed by a Director and a Deputy Director, who after a selection process will be appointed for a five-year term by the Supreme Court.

Public defense will be free for those who lack the necessary financial resources to contract private counsel. It is applicable to criminal, civil, commercial, labour, and family law cases. Law students in their senior year may work as assistant public defenders.

- **Mediation**

Law 260 or Organic Law of the Judicial Branch stipulates that the judge will follow mediation procedures in all cases related to family, civil, commercial, agrarian, and labour complaints, before undertaking any other legal step. Regarding criminal cases, mediation is allowed for crimes that are punished with a maximum of three years of incarceration.

The lawyers' associations in the country have manifested strong opposition to the dual role played by judges, first as mediators and subsequently as judges where mediation mechanisms fail. They claim that this not only adds to the number of activities carried out by a judge, but also hinders any impartial decision on his/her part because the mediation process allows him/her to know the source of the problem and the opinion of the parties involved. This may result in a biased opinion of the case prior to the beginning of the trial.

The Organic Law of the Judicial Branch that is currently in force is not fully applied. This is due to the fact that certain provisions are not complied with for lack of appropriate legislation or non-existence of regulations to implement it. Such is the case of the Judicial Career, which requires a specific law to regulate it. Mediation, in turn, has generated problems when applied to criminal cases, as it has not been clearly defined. Thus, a mediation law is needed to regulate the matter. Furthermore, the Office of Public Defender has yet to begin functioning.

Supreme Court members have stated that the institution's financial resources are insufficient to open Public Defender Offices throughout the country. Thus, priority will be given to the District of Managua. Plans have been made for this office to start operating by the end of the first semester of the current year.

1.3 International Support to the Judicial Reform in Nicaragua

In Nicaragua most bilateral development agencies and multilateral organizations have made it one of their top priorities to support the consolidation of democracy, human rights and good governance. The reform of the judicial system is considered a necessary and fundamental step in the strengthening of the rule of law and has received a positive response from the international community. Under the leadership of the Supreme Court projects have been identified and formulated and financial and technical support sought from a variety of development agencies and international organizations.

In order to give an overview of ongoing and upcoming projects in support of the judicial reform, the evaluation team has made an attempt to compose a list of projects in the judicial sector indicating the sources of financing (see page 10). The information should be interpreted with caution, because the list is probably incomplete. Besides it does not reflect the weight of the respective donors. In the past few years, the local court house construction project has made Sweden the major donor to the sector. In the years ahead, as far as is known at this time, USAID, by form of grants, and IDB, by means of credits, are expected to become the major external contributors.

In view of the great number of new projects initiated, mainly since 1995, experts engaged in the sector are now largely of the opinion that the progress so far achieved should be consolidated before new initiatives are considered. A second generation of projects aimed at consolidation is now being elaborated.

The Supreme Court has assumed the task of coordinating international support to the sector. This is a complex task because of the number of donors engaged, all of them with their own priorities, conditions and procedures. As a rule, each bilateral agency or international organization negotiates separately with the Supreme Court. However, as the administrative resources for coordination are insufficient and the process of negotiations with the donors is not all together transparent, there are occasions when unfortunate mishaps, such as overlapping, occur.

PROJECTS IN THE JUDICIAL BRANCH AND DONORS TO THE SECTOR

Projects

Regulations and improvement of Laws

Child and adolescent law (1998)

Organic Law that regulates the Court System
(Jan. 1999)

Law related to administrative litigation

Mediation, mediation centers

Penal code

Public Registry

Local courthouses

Regional judicial complexes in Granada, Masaya,
Matagalpa, Estelí, León, Puerto Cabezas

Professional upgrading of judges and other staff
of the judicial branch (Escuela Judicial)

Attorney General

Public Defense

Ombudsman for Human Rights (not yet in force)

Institute of forensic medicine

Criminal laboratory

Police Academy and other support to the police

Expediting of the legal procedure

Penitentiary system

Present or future support

IDB

UNICEF and UNDP

USAID (printing and distribution)

USAID

IDB

USAID

USA, World Bank (microfilming of
documents)

Sweden 122 houses, Italy 7, Holland 3
houses. General support by UNDP.

European Union

France, Spain, EU, UNDP, USAID,
regional project in El Salvador prepares
training modules

USAID

USAID

The Nordic countries

Spain, UNDP

Spain

Sweden, UNDP

IDB

Japan, Spain, Norway, Denmark,
UNDP, (penitentiaries for young offenders.

1.4 The Swedish Support to the Judicial Branch

1.4.1 The Profile of Swedish Development Cooperation with Nicaragua

By the end of the 1980s Sweden had become one of the most important bilateral donors to Nicaragua with annual disbursements amounting to about 250 million Swedish Kronor (fiscal year 1989/90). At this time Swedish development cooperation was oriented primarily towards the productive sectors: mining, forestry and small-scale agriculture through cooperatives. In addition substantial import support (in cash) was provided.

The early 1990s brought about new thinking and new directions. It was obvious that the majority of the Nicaraguans remained as poor as ever. In effect, they saw their income and living standards go down year by year. There was need for programs that were more directly aimed at poverty alleviation. More emphasis was therefore given to broad-based social programs aimed at improving the quality of life of the poor, such as health, water and sanitation in rural areas and local development in marginal urban areas. The precarious economic and social situation of Nicaraguan women was increasingly recognized and taken into account when planning and implementing projects. Import support was continued, later to be substituted by balance of payment support.

Also in the early 1990s, the need for more effective government in a broad sense, often called “good governance” came more into focus and Sweden sought various ways of supporting the four branches of government in Nicaragua: the Executive, the Legislature, the Judiciary and the Electoral Council.

At the end of the 1980s, in the dialogue between Sweden and Nicaragua the judicial branch had been identified as weak, requiring major reform and substantial additional resources. This was an area that suited Sweden very well, as the democracy goal was being brought to the forefront at this time. A more effective, impartial and independent judiciary was considered key to the consolidation of democracy and the rule of law.

1.4.2 First Proposals for Swedish Support to the Judicial Branch

In 1987, Sida received the first proposal from the Supreme Court of Justice requesting financial support for the training of judges and for office equipment (printing machines). Sida contracted a team of consultants to study the proposal. However, due to the level of political influence on the judicial branch and the lack of stability in the Supreme Court the proposal was not accepted.

In 1989, a new Nicaraguan proposal for Swedish support was presented, this time in terms of vehicles, printing equipment for the Supreme Court, judicial libraries in the regional centers and training of judges and administrative staff. Following another consultancy study and careful analysis by Sida, it was concluded that the time was not yet ripe for a Swedish involvement in the judicial sector.

1.4.3 Formulating a Comprehensive Program for Strengthening the Judicial Branch

As mentioned in section 1.1, a high level regional conference on the Protection, Strengthening and Dignifying of the Judicial Branch was held in Managua in 1991. At this conference the fundamental importance of establishing the rule of law was recognized. Following an analysis of the weaknesses of the judicial systems in Central America it was concluded that there was need for international cooperation to create more effective and independent judicial branches. The UN

system was urged to take the lead in identifying projects - in close collaboration with the respective supreme courts - and to coordinate efforts and mobilize international resources.

In Nicaragua, the Supreme Court identified the most urgent needs and priorities for international support, as follows:

- a) Physical infrastructure: local court houses and compounds for the judicial branch in the regional capitals.
- b) Training of judges and administrative staff of the courts.
- c) Legal literature, laws and jurisprudence.
- d) A forensic institute.
- e) Improved infrastructure of the prisons.

The cost of the proposed three-year program in those five areas of work was estimated at 9 MUSD. Nicaragua sought support of 8 MUSD from the international community. The entire project was to be implemented by the Supreme Court with UNDP in a supportive role. The main task of UNDP would be to mobilize financial resources and coordinate donors to the sector. Sweden and other donors were approached.

1.4.4 Swedish Decisions to Support the Judicial Branch

The Supreme Court and UNDP suggested that the highest priority be given to the improvement of infrastructure at the local level arguing that the strengthening of local judges would promote national reconciliation and the protection of human rights. Special consideration would be given to the central/northern regions where the rate of delinquency was increasing and armed groups continued to threaten the civilian population. This project was the most costly part of the program, the cost of construction of 100 local courthouses being estimated at 4.2 MUSD. UNDP had already secured support from Italy for the construction of six local courthouses as a part of the PRODERE program in some conflictive communities in the north.

A new consultancy study undertaken for Sida by the International Human Rights Law Group gave evidence that the judicial system in Nicaragua remained very weak and maintained a dependence on the executive branch. On the other hand, it was considered that the general political conditions for the program had improved somewhat.

In Sida there was quite a controversy about the merits of this project. An argument for building local courthouses was that improved working conditions and housing for judges would facilitate the recruitment of qualified professionals. But many were of the opinion that improved physical infrastructure would not solve the problems of the judicial system. Other elements were much more important, such as new legislation, structural changes of the courts, new regulations for penal proceedings, public defense, and the training of judges. Many people at Sida argued for Swedish support focused on “software”, such as training and institutional strengthening, rather than on construction, as proposed.

Nevertheless, in a decision taken on February 8, 1993, Sida agreed to support the program in the amount of 22 MSEK corresponding to US\$ 2.9 million or one third of the total cost. Although Sida’s decision was to support the program of strengthening the judicial branch *as a whole*, it was soon agreed that the Swedish funds were to be used specifically to cover the building costs for 100 local courthouses. The justification for the decision was that this project would - together with the other components of the program – contribute to the stated development objective: an effective, impartial, independent and accessible judicial system in Nicaragua.

As it later became apparent that the initial 22 MSEK would only cover the cost of 80 court houses, additional support of 18 MSEK (US\$ 2.4 million) was approved in June, 1996. A decision for a final support of 10 MSEK was taken in 1998 to bring the number of courthouses to 122. In all, the Swedish support amounts to 50 MSEK (approximately US\$ 6.7 million). The Supreme Court was to acquire the land and supply furniture and equipment.

1.4.5 The Goal Hierarchy of the Swedish Project

In the Sida documentation the goal hierarchy of the project is defined as follows.

The development objective (sector objective)	An effective, impartial, independent judicial system accessible to all.
Immediate objective (project objective)	120 courthouses constructed in rural municipalities
Activities	To build court houses and living quarters for the judges in accordance with an approved model.
Swedish input	50 MSEK (approximately US\$ 6.7 million)

The Swedish input has been in the form of funds only. No technical assistance has been provided.

1.4.6 The Physical Results of the Swedish-funded Project

When the evaluation concluded in March 1999, Sweden had financed 122 courthouses: 106 had been completed and 16 were under construction, most of the latter in the autonomous regions of RAAN and RAAS. Only one courthouse remains to be built (Atlantic coast) for which financing is ensured. Together with the seven courthouses financed by Italy in 1993 and the three financed by Holland in 1996, this gives Nicaragua local courthouses in every municipality of the country. The only exceptions are Managua and the departmental capitals, where there are larger complexes housing local and district courts. Thus there is no need for separate local courthouses.

The project agreement which has been extended twice, will expire June 30, 1999.

1.5 Methodology of Evaluation

1.5.1 Previous Studies

In recent years Sida has commissioned several studies of the judicial system of Nicaragua. They have taken on different perspectives. In 1995, Sida contracted a team for a “Review of Sweden’s Strategy of Support to Democratic Development, Human Rights and the Judicial System in Nicaragua” (Oscar Schiappa-Pietra, Christian Åhlund, and Josefina Ramos). In 1996, Lena Blomquist made a study of the judicial branch and wrote a discussion paper in Spanish on the strengthening of the judicial power in Nicaragua.

In 1998, Sida initiated an *evaluation of the technical execution* of the project focusing on the achievement of the project objective, i.e. “120 court houses constructed in rural municipalities”².

² Rolf Lund, Evaluación Técnica de las Casas de Justicia, March 1999 (draft).

1.5.2 Reasons for the Evaluation

The evaluation that is presented in this report has a different purpose and focus. It is an *impact evaluation* which means that it aims at assessing the project's contribution to the *development objective*, i.e. “an effective, impartial and independent judicial system accessible to all”. Thus the purpose of this study is to evaluate whether and to what extent the existence of local court houses is leading to improved access to justice for the target group, i.e. the poor rural population.

1.5.3 Pre-evaluation Study

In order to prepare for the main study, in early 1998 Sida commissioned a pre-evaluation study to collect and analyze data from the field. The “Bufete Popular” of the Central American University (UCA) in Managua was contracted to do the study. Senior researchers of different disciplines were in charge of the planning, implementation and analysis, while four Nicaraguan students carried out the field study. The purpose of the study was to find out how the population in rural areas perceives the local system of justice.

The data collection was based on surveys in 11 municipalities interviewing three categories of local people:

1. local judges,
2. other local authorities, and
3. local population.

The third category was made up of people picked at random by the interviewers near the courthouse. For each category a separate questionnaire was elaborated. All of them touched aspects, such as the work of the local judge, administrative aspects of justice at the local level and the significance and suitability of the new courthouses. The result of the study was presented in June 1998 in a report called “Estudio del Impacto del Apoyo Sueco para la Construcción de Casas de Justicia en Nicaragua”.

This study confirms that the courthouses have contributed to the improvement of the image of the judicial power. The local judge is now a respected authority at the local level. The courthouse offers independence from external influence, security to the judge and gives prestige and credibility to the court. The population expresses confidence in the figure of the judge. As representatives of authority whose task it is to protect the rights of the citizens they have great significance to people.

Since the person in charge of the pre-study, Dr Regina Quintana Guerrero, has formed part of the team also for the main evaluation study, the experiences from the pre-study have been readily available and utilized there. The results and lessons learnt from the pre-study are thereby incorporated in this report.

1.5.4 Scope and Focus of the Evaluation

The main evaluation - to which this report refers - has the same purpose as the pre-study, although it is expected to analyze the issues in greater depth.

The Terms of Reference prepared by Sida in July 1998 (annex 1) stated that the objective of the evaluation was to verify four assumptions related to the court houses and to make a comparison between the situation before and after the construction of the houses. It was suggested that the evaluation should cover 15 rural towns and that in-depth studies would be made in four of these. Following discussions between Sida and the team, it was decided that this set-up was too similar to

the UCA study and that it would be more enriching to widen the scope and find a somewhat different approach. Besides the main evaluation issue - the impact of the project on “the access to justice of the local population” - an important task would be to analyze the factors that limit the access to justice in rural areas.

1.5.5 Approach and Methodology

After studying the project documentation and relevant reports, the team started out by conducting comprehensive interviews with the Supreme Court, the Judicial School, UNDP, the Embassy of Sweden and other donors to the judicial sector. The purpose of these interviews was to learn about the judicial system and court structure, the judicial reform, the major problem areas and the international support to the sector.

Two days of field visits to the departments of Boaco and Chontales helped the team better understand the situation at the local level. Unstructured, exploratory interviews were held with four local judges and about 20 randomly selected people in the four municipalities visited.

Following these two rounds of interviews the team set out to plan the following steps of the evaluation. These included

- the selection of the municipalities to be visited,
- issues to be covered during the visits to the municipalities,
- methods of observation,
- methods of selecting local users/clients of the judicial system,
- the elaboration of questionnaires, and
- a time plan for the work of the evaluation team.

The local courts were treated as a sub-system within the judicial system consisting of a) the courthouse, b) the local judge, c) secretary and an auxiliary, d) archives and register, e) users of the local court. Seen in this way – and this is a normative statement - the local system of justice includes people, or at least should include people, as part of system. In other words, people have the right to justice. The word *access* here takes on a very precise meaning, namely the possibility of people to exercise the right to justice. We decided that to be able to *evaluate access to justice at the local level*, the field study must focus on the *users/clients of the courthouses*.

The next step was to determine how we would measure “access”. We agreed on the following aspects that we considered essential:

- people knew about the courthouse, its location, that it was open to the public,
- people thought they were received in a correct and courteous manner,
- the judge and other staff of the court were professionally qualified,
- people considered that the court had helped solve their case,
- the services of the court were free of charge,
- people considered the judge impartial/trustworthy/incorrupt.
- the courthouse offered adequate and secure premises,
- the registers and archives of the court were in order
- the judge had knowledge and understanding of local customs
- the judge had established good relations with other local authorities
- the judge participated in community activities to support development.

Some of these aspects could be observed, but most information had to be collected through personal interviews. We decided to carry out interviews with two categories: local judges and users/

clients. We defined clients as persons who had presented one or more cases to the court. 14 judges and 57 persons in 9 communities were interviewed by ways of structured interviews. As mentioned above, about twenty more people were interviewed by means of unstructured, exploratory interviews in the preceding phase. Although the results of these interviews do not form part of the formal data analysis, they enriched our understanding and analysis of the issues.

Ten municipalities were selected with a view of including a variety of characteristics and geographic locations, primarily in the poorest departments of Nicaragua: Matagalpa (2 municipalities), Jinotega (2), Nueva Segovia (1), Madriz (2), Esteli (1), Carazo (1) and RAAS (1). Because of the poor road conditions travelling was slow and time-consuming, especially after the damage to roads and bridges caused by hurricane Mitch.

The *local judge* was given as a result of the selection of communities. The selection of *users/clients* of the court was more complex. From the court registers we decided to select 5-10 cases in each municipality including civil and criminal cases and extra-judicial settlements. Then we located either the plaintiff or the defendant, or both, in their homes and interviewed them. This was a time-consuming process, as it was often hard to find their houses. However, we found as many as about 70% of the selected people. The interviews in their very modest home conditions were indeed enriching for our understanding of the situation and thinking of the local population.

For reasons of time constraints, we had to select people who lived in or relatively close to the towns where the courthouses were located. We are aware of the bias that this may have caused to the result.

1.5.6 Time plan, Places Visited and Evaluation Team

The time plan and places visited are presented in annex 2.

The evaluation was carried out in Nicaragua in two phases, the first one during two weeks in September 1998, and the second one during two weeks in March 1999.³ The team was composed of four people: Ms Elisabeth Lewin, economist from Sweden, (team co-ordinator), Mr. Christian Åhlund, lawyer from Sweden, Dr Regina Quintana Guerrero, lawyer from Nicaragua, and Mr. Christopher Kindblad, doctoral student in sociology from Sweden. Unfortunately, Mr. Kindblad for reasons beyond his control could not participate in the second phase.

³ Originally, the second part of the evaluation was meant to take place 1-15 November, 1998. However, due to the damage caused by hurricane Mitch it had to be postponed until March, 1999.

2 EVALUATION RESULTS

2.1 Introduction

The results of the evaluation are contained in this chapter. They are organized in five sections. The first and most comprehensive one refers to the achievements of the development objective, i.e. “an effective, impartial and independent judicial system accessible to all”, as this was the prime objective of the evaluation. In addition, other aspects of the project generally covered in ex-post evaluations are presented in the following sections:

- Side effects
- The target group
- Cost and cost benefit, and
- Project implementation.

2.2 Achievement of the Project Objective

2.2.1 Physical access

The following observations are based on the visits to the 14 local courthouses. In addition, the UCA team visited another eleven courthouses as part of the pre-evaluation.

The team considers that all houses visited have a rather central location in the municipal centers. Although most of them are located in the outskirts, they are in no case more than one kilometer from the central plaza. The reason why the buildings have been placed in the outskirts is that they require a rather large plot of land, which generally is not available in the more central parts.

As all the local courthouses have the same design, are painted in blue and white and have a flag and a Nicaraguan coat of arms above the door, they are easy to identify. All of the people that we talked to in the villages knew where the court was located. The buildings are easily accessible and welcoming to visitors. During office hours the doors are left wide open. One observation that we made is that there are usually steps leading up from the street to the building. This may impede the access of the physically handicapped.

Although the courthouses are easily accessible to people who live in or near the municipal centers, this is not the case for those who live in more remote parts of the often very extensive municipalities. It is not unusual that people have to walk, ride on horseback or go by boat for many hours to get to the courthouse. The problems of distance and poor transportation are of course not a specific problem of the judicial system, but a general problem in Nicaragua.

2.2.2 Infrastructure

The quality of construction of the courthouses will not be dealt with here, as this is subject to another Sida evaluation. It is encouraging to note, however, that the destruction caused by the extremely powerful hurricane Mitch at the end of October 1998 was relatively limited. Only one courthouse, the one in Dipilto, Nueva Segovia, was totally destroyed. According to recent estimates, the damage to other courthouses was limited to US\$ 450,000 in all.

All 25 judges interviewed in the two studies were of the opinion that the courthouse provides excellent conditions for the administration of justice. The design and the use of the space are well liked. An important aspect is that the archives are kept securely in a separate office space.

The furniture and inventory are considered adequate in the office areas. All the courthouses visited were clean and well maintained. At this time, there is no courtroom; because with the written procedures used in civil and penal cases there is no need for one. If however in the future, oral procedures were to substitute the written ones, it would be possible to make necessary changes within the existing space.

The living quarters located in the very courthouse are highly valued by the judges. The fact that good quality family housing is made available free of charge served as an incentive to many of the judges to take up the job in remote localities. However, less than half of the judges interviewed were accompanied by their families. Most judges spent Monday through Friday at their work location but went home to see their families on the weekend. The water tank helps guarantee permanent availability of water, something which is highly appreciated by the judges. Some use the small garden for growing fruit, vegetables and flowers.

The houses provide security to judges, staff and visitors. The surrounding walls, fences and metal bar protection of the windows make the judge feel safe and protected from intruders also at night. This is an aspect highly valued, especially in violent and conflictive communities in the north.

Another important aspect is that the housing arrangements help the judges maintain their independence from authorities and influential local people.

Another positive aspect that many judges brought up was that of privacy. Clients are normally received in the judge's office where cases can be presented to the judge and mediation take place in private. In the older offices that usually consisted of only one room everybody around could listen. It is easy to imagine that with such intimidation many did not want to take their complaints and conflicts to court.

2.2.3 Attention to Clients

Given the importance of this area for the Evaluation Team, it was decided that the interviews should take into account the following aspects: office hours, politeness on the part of court staff, and settlement of cases within a reasonable time frame. Other questions to be reckoned with were whether clients were being charged for court services and how the judges were perceived by users. Were they perceived as being fair and impartial and were they considered trustworthy by the community?

Results showed that local courts enforce 8-hour workdays and office hours are convenient for the public. 82% of the clients interviewed stated that they were treated in a polite manner by both the judge and the secretary. Of the total number of respondents, three (5%) claimed that they were charged for court services involving bail in one case and judicial inspections in the other two cases. Legally, judicial inspections should not be charged. Furthermore, it was determined that most cases (67%) are solved within a reasonable time frame according to due process of law, thus preventing any delays in administration of justice.

Regarding the question of perceiving the judges as fair, impartial, and trustworthy, the following results were obtained:

Fair	29 users (51%)
Not fair	20 users (35%)
No answer	8 users (14%)

We were able to establish that in the 20 cases where the judge was considered “not fair” the judge had ruled unfavorably in 15 cases, had yet to rule in the other 4 cases, and had failed to follow the required legal proceedings in the remaining case.

2.2.4 Professional qualifications

a) Judges

According to statistical data (October 1998), 58% of local judges in Nicaragua have a university degree in law and are entitled to practice law (Licenciados en derecho). To this must be added that 14% of the judges have completed their law studies at the university (Egresados de la carrera de derecho) and 17% are law students. This means that 89% of all judges have professional training in the field. Unfortunately, this data cannot be statistically compared with previous periods because no records from earlier years are available. However, there is no doubt that there has been a leap in the level of professional qualifications in recent years judging from our interviews with representatives of the judicial sector.

On the following page the educational-professional background of all the local judges in the various regions of the country is shown.

Professional Level of the Local Judges in Nicaragua (October 1998)¹

Prof. Level/Region	Segovias	Occidente	Managua	Sur	Central	Norte	R.A.A.N	R.A.A.S	Rio San Juan	TOTAL	Per-centage
Primary school	2					1				3	2.5%
Student of Sec. School				1				2		3	2.5%
Secretary		1								1	1%
Technical training						1			1	2	1.5%
Sec. School completed								2		2	1.5%
Higher Technical Education						1				1	1%
Student of Law (university)	6	4	1	2	1	3	1	3	1	22	17%
Student of Business Administration							1			1	1%
University law degree	5	2		3	4	2	1		1	18	14%
Law degree and Licence to practise	12	13	5	20	10	9	1	1	2	73	58%
TOTAL	25	20	6	26	15	17	4	8	5	126	100%

¹ Statistical information provided by the Supreme Court of Justice, Department of Planning.

The interviews carried out revealed that some judges had taken up their post without previous legal experience, while others had experience as trial attorneys. Thus, the level of experience of the judges who were interviewed is as follows:

Years of legal experience before becoming a judge (interviewed judges)

Less than two years	From 2 to 5 years	More than 5 years
3	4	7

b) Secretaries

The position of secretary was held by local women in all the courthouses that were visited. They were usually secondary or vocational school graduates and had been working for the judicial system for a long time. Sometimes they start as bailiffs and are promoted to secretaries. It is worth mentioning that three of the secretaries in the municipalities under study are currently attending law school.

Recently appointed secretaries have not received any training at the Judicial School since no training activities have been carried out for the past two years.

2.2.5 Relationship between the judge and the community

We visualize judges as very important public figures at the local level. However, with few exceptions, judges remain in the courthouse and rarely take an active part in the official life and development of the community or the surrounding rural areas. Only 26 % of all respondents among the local people we interviewed reported that they were aware of the judge's activities in favor of the community, such as his/her participation in civic and judicial commissions, the Red Cross, and school activities. Special mention was however made some judges in disaster relief committees during and immediately after Hurricane Mitch.

Nevertheless, there are good examples of how the judge can work of the outstanding participation of closely with the community. Within the framework of the Commissions of Peace set up in the most conflictive and violent areas of Nicaragua, a program of voluntary facilitators is being promoted by OAS. The peace commissions consist of community leaders in those areas, who serve as "barefoot lawyers". They inform people about their rights and assist them in solving their conflicts with peaceful means. The peace commissions consist of more than 1100 persons and are active in 195 villages. The local judge is often chairman of the peace commission and the courthouse serves as the meeting point.

In these areas where access to the judge is most difficult, the facilitators are an important link between the population and the judge. The facilitators support the work of the judges providing them with information about the situation in the area. The training given to the facilitators by the judge gives them important knowledge and instruments to work with.

2.2.6 Relations between the Judge and Local Authorities

Similarly, we found that relations between the judge and the police are generally good and sometimes even excellent. Law enforcement authorities are interested in collaborating and complying with the judge's resolutions. However, all judges without exception report that the police force in the area lacks enough financial and human resources.

Regarding the relationship between judges and mayors, only two judges reported that they were not on very friendly terms with the mayor because the latter wanted to interfere in judicial matters.

2.3 Side Effects

2.3.1 The Presence of Public Authority in Rural Areas

Nicaragua is the largest country in Central America. Vast areas, particularly in the western and northern regions, are sparsely populated, with very little infrastructure. Earlier, the widespread presence of the military constituted the only government representation in some of these areas. But as the military has been reduced from 95.000 troops to about 12.000 over the last decade, large areas no longer have any official presence. Figures from USAID indicate that as much as 25 % of the population live in such areas. In such an environment the risks for a breakdown of law and order are obvious. Estimates by the Organization of American States (OAS) show that in the years 1995-97 on the average one murder was committed every other day without any legal consequences.

It appears that the construction of the courthouses has had a positive – if modest - effect on the access to justice in these areas. The courthouse serves not only as a focal point for justice, but also represents the presence of public authority. When in need for legal help, many people will at least know where to turn. The house also serves as the center for certain non-governmental activities aimed at increasing public knowledge about the law. An impressive example of such activities is the project of peace commissions, organized by OAS in cooperation with the Supreme Court (2.2.5).

2.3.2 Enhancing the Independence of the Local Judge

Earlier, local judges normally had no legal background and often worked in one-room offices, made available by the mayor or the police. They were held in low esteem by the public and considered to be corrupt and dependent on the other branches of government. As they were normally locally recruited they often had loyalties to certain circles in the community, which impaired their independence.

The creation of the new courthouses – in combination with the increased resources of the judicial branch – appears to have had a positive effect on the independence of the local judges. The comparatively high standard of the houses, both the office part and the living quarters has facilitated recruitment. Most of the present local judges do not only have a legal background but are also recruited from "out of town", factors which undoubtedly increase their independence as judges.

2.3.3 Raising the Status of the Judicial Power

The courthouses are often not only the most adequate and well-equipped public offices in the municipality, but they also provide the judge with high quality housing. This has raised the social status of the judges and had a positive effect on recruitment. The fact that the professional level of the judges has risen – although much remain to be done in this area - has made them more respected in the eyes of the public. This is important since for many people the local court is their only contact with the legal system. Their view of the system will be formed by and large by the local judge.

2.4 The Target Group

2.4.1 Who are the Clients?

Sex

During field visits the following results were obtained: 61% of all interviews involved women and 38% men. Although a similar number of men and women were selected, when we went looking for them, the women were usually at home, while some men went out working. This explains the overrepresentation of women.

Age

Average respondent's age ranges as shown below:

20-40 years	Over 40 years	No information
60%	37%	3%

Educational level

Regarding the respondents' educational level: 19% are semi-literate, 36% attended primary school, 35% secondary school and 10 % show no data.

Poverty level

As for the respondents' poverty level, we estimate that roughly half live in extreme poverty⁴ and that one quarter have some means over and beyond their very basic needs. As for the remainder of the respondents, the standard of living was difficult to assess. It needs to be pointed out that this is a totally unscientific estimate which is not based on hard data but only on the observation. The fact that almost all interviews took place in the respondents' home helped us make the assessment of the living standard.

In spite of the poverty and the low educational levels, people know quite well how to reach the judge. They are familiar with the courthouse either through previous courthouse experience, because they were served a subpoena by the police or were summoned by the judge. Furthermore, non-governmental organizations working in the municipality often provide guidance to people in this respect.

We were able to establish that users know they can turn to the judge to solve their conflicts despite scant knowledge of their rights as citizens and how to exercise these. Our opinions on this matter coincide with the criteria of most judges.

2.4.2 Gender Aspects

Women make up more than half of the students of law in Nicaragua today. According to the new legislation on the organization of the court system (*Ley Orgánica del Poder Judicial*, 260:1998), local judges must have a law degree. Given the judicial reform and the availability of attractive local courthouses, the career as a judge is now quite attractive to women. It offers stable employment, a reasonable salary, opportunities for promotion and comfortable and secure housing free of charge. It appears that most men attach more importance to the remuneration and therefore have a tendency to choose to go into private practice.

⁴ By extreme poverty we mean that people cannot even satisfy their basic needs, i.e. they are living below the poverty line.

Therefore it comes as no surprise that the proportion of female judges at the local level has increased notably in the past few years. According to data provided by the Supreme Court,

in October 1998, 57% of the positions were held by women. We consider the increasing proportion of female judges an achievement. This being said we want to point out that it is optimal to have balanced mix of male and female judges. It is not desirable that the profession of “local judge” gets to be a predominantly female career because then it may loose in status.

Our impression of the seven female judges interviewed was that they were young, enthusiastic and dedicated to their work. They seemed respected by both women and men in their locations. It can be assumed that they serve as important role models to young women in the area.

2.5 Cost and Cost-benefit

2.5.1 Costs and Sources of Financing

The cost of the entire project, the construction and equipment of 122 local court houses in as many municipalities, including the administration of the project, amounts to approximately US\$ 8.1 million or about SEK 61 million⁵. The contributions have been as follows:

	<u>Amount in million US\$</u>	<u>% of total cost</u>
Sweden	6.7	83
UNDP	0.9	11
Supreme Court of Nicaragua	0.5	6
<hr/>		
Total contributions	US\$ 8.1 million	100%

Basically, the Swedish funds have been used to cover the building costs, while the Supreme Court has acquired the grounds and paid for the equipment and furniture.

The building costs of the houses financed by Sweden show great variations, from under 300,000 Córdobas (Tola, Nandasmo, LaPaz Centro) to over 900,000 Córdobas on the Atlantic Coast (Rosita). The cost has increased over time. This is to a great extent due to the domestic inflation. While the rate of exchange of the córdoba to the dollar was in the range of 6 to 7 Córdobas in 1994, when the first Swedish funded houses were built, it had worsened to 11.30 Córdobas to the dollar in March 1999, when the last houses were being constructed.

Nevertheless, there has been an increase of the cost per house also in steady prices. According to the UNDP, the cost escalates with the distance from the central part of Nicaragua, mainly due to the costly transportation of building material. In RAAN and RAAS transportation in some cases makes up for more than half of the total cost. This is a consequence of the much-debated decision to give all courthouses in Nicaragua an identical design rather than adapting the construction to climatic and cultural conditions and using local building material. The justification for this decision by the Supreme Court is the political importance attached to the equal treatment of the Atlantic regions as compared to other regions of Nicaragua.

⁵ The Swedish commitment was made in Swedish Kronor (SEK). The amount has been disbursed in the years 1993-98. During this time the rate of exchange US\$/SEK has varied considerably. An average rate of exchange of 7.50 SEK has been applied for this calculation.

2.5.2 Cost-benefit

The cost-effectiveness of the project from a construction point of view is being evaluated by the building expert contracted by Sida in 1998 (Mr. Rolf Lund).

The cost-benefit of the project from the perspective of “access to justice” for the rural population is a different matter. It is the opinion of the evaluation team that the cost-benefit ratio is acceptable. The justification for this is that our evaluation shows that the objective of “strengthening the independence and impartiality of the judicial system accessible to all”, in this case at the local level, has been reasonably achieved. Our reasoning is that when Sida took the three decisions to support the project, Sida apparently judged it worthwhile to spend SEK 50 million to achieve the stated objective. If not, Sida would not have taken the decisions.

On the other hand, when Sida took the first of three decisions in 1993, it was estimated that SEK 22 million would suffice for the construction of 100 courthouses. In the end as much as SEK 50 million was spent to build 122 houses. Seen from this viewpoint the cost of the project and the average cost per house has become much higher than expected at the outset. The reasons for this have been explained in section 2.5.1.

2.6 Project Implementation

The Swedish financial support to the court house project has been channeled through UNDP, although the Supreme Court has been in charge of project execution. In the terminology of the UNDP it is a project of “national execution”. A small office of two to three people has been set up in the premises of the Supreme Court. It will continue working until May 1999, when the project is to be concluded.

Because of this arrangement there are three parties to the project agreements: the Government of Nicaragua, the Government of Sweden and UNDP. In addition, UNDP and the Government of Sweden (represented by Sida) have entered into separate cost-sharing agreements regulating the use of funds and reporting requirements.

UNDP’s task is to support the project, handle the administration and to exercise financial control of the Swedish funds. Sida disburses funds to UNDP, which in turn disburses the funds to the Supreme Court, at the rate that the execution of the project progresses. UNDP is responsible for providing Sida with periodic reports on the technical, as well as the financial execution of the project. As stipulated in the cost-sharing agreements, 5% of the Swedish contribution is paid to UNDP as reimbursement for support services. Formal annual tri-partite meetings between UNDP, the Supreme Court and the Embassy of Sweden have taken place throughout project execution. In addition, there have also been a number of ad hoc meetings and informal contacts to discuss various issues related to the project.

The three consecutive decisions by Sida to support the project (22 MSEK in 1993, 18 MSEK in 1996 and 10 MSEK in 1998) were taken by Sida Headquarters. While the Division for Public Administration of Sida Headquarters had the responsibility for monitoring the project during the first years, this task was later delegated to the Embassy in Managua. Due to frequent turnover of staff there have been no less than four different program officers at the Embassy in charge of the project. Therefore it has not been possible for the evaluation team to get a full picture of the way the Embassy has handled the project and to what extent the coordination with UNDP and the Supreme Court has been effective.

3 ANALYSIS

3.1 General Factors Limiting Access to Justice in the Rural Areas

In Chapter 1, we listed a number of problems concerning the court system as a whole, problems which impede the access of the public to justice in general. These are problems that affect all levels of the court system. Many laws are obsolete and do not reflect the present perception of justice. There is a lack of coherence in the system of laws. The legal procedure, which is based on the Napoleonic Code, is slow, expensive and cumbersome. There is no system for providing defense counsel in criminal trials. Mechanisms for enforcement of judgements are inadequate. Factors like these have negative effects on the application of justice in general, regardless of whether a case is being tried in the Supreme Court or by a local judge. But these general problems tend to create the greatest difficulties at the local level, where resources are especially scarce and where the majority of cases is being handled. In addition, the local courts have their own particular problems to cope with. However, it should be pointed out that corruption, which is a notorious problem in the district courts, does not, according to a number of interviews with clients and attorneys, seem to affect the local courts to any significant degree.

3.2 Problems Affecting the Local Courts

3.2.1 Lack of training and experience

The professional level of the local judges has improved considerably in the last couple of years. Today almost all have a law degree. However, many of these judges have only recently left the university and had little or no professional experience when they took up the job.

3.2.2 Lack of supervision

It is obvious that the exposed situation of the local judges would require close supervision and guidance from the superior levels of the judicial system, to make sure that the law is being implemented and that administrative routines are being followed. However, our interviews at the local level have shown that such supervision is non-existent, or at best, inadequate. And our interviews at the Appellate Court in Esteli and at the Supreme Court, as well as with local judges, indicate a lack of clarity as to where the responsibility for the supervision lies. The lacking supervision may have negative effects on the access to justice in the rural areas. For example: our interviews indicate that the instrument of mediation, although useful when applied professionally and with caution, is applied excessively by local judges. In interviews both with the local judges and the public we have encountered cases of involuntary manslaughter, kidnapping and life-threatening assault and battery, which have been "solved" through mediation by the local judge. It is obvious that in such crimes the interest of society is so strong that the possibility of mediation should be ruled out. The higher courts in fact share this view. However, as long as supervision and adequate instructions are lacking, this practice will continue.

Another illustration of the consequences of the lack of supervision and contact with the local courts is the issue of the distribution of jurisprudence. It is obvious that knowledge about decisions and judgements by the higher courts is an indispensable tool for helping the local judges to interpret the law. The judgements by the Supreme Court are published annually in the "Boletín Judicial", which is distributed in multiple copies to each Appellate Court. However, it appears that the "Boletín

Judicial” for some reason is not made available to the local courts. None of the fourteen local judges interviewed had received a copy from a later year than 1982, although it appears to have been the intention of the Supreme Court to have the “Boletín Judicial” distributed to the local judges.

3.2.3 Insufficient Possibilities for Consultation

The local judges work alone, often in very remote locations. Legal literature is very scarce and far from all have access to a telephone. This means that the often inexperienced and poorly trained judges have nowhere to turn for guidance or badly needed advice in their daily work. It is obvious that this has a negative effect on the quality of justice provided to the public.

3.2.4 Unbalanced Distribution of Resources

The municipalities in which the local courts are located vary greatly in size, both with regard to population and territory. For example, the municipality of Palacagüina in the department of Madriz has a population of 12,500 and a territorial extension of 136 square kilometers, while Santa Maria de Pantasma in the department of Jinotega has 32,500 inhabitants on an area of 563 square kilometers. Regardless of these considerable differences, the local courts in both municipalities are provided with the same resources: one judge, one secretary and one janitor. It is likely that the access to justice in Pantasma would improve with a more flexible and fair distribution of resources to the local courts.

3.2.5 Lack of Telephone and Transportation

The general lack of resources in the court system has particularly serious consequences for the work of the local courts. Many courts have no telephones. No court has any means of transportation by which to travel to surrounding areas. As a consequence the notification of the parties to a trial, the summoning of witnesses etc present major problems and contribute considerably to the slow pace of justice.

3.3 Problems Affecting the Rural Population

3.3.1 Long Distances and Lack of Communication and Means of Transportation

A factor which was listed in Chapter 1 as one of the general problems for the judicial system in Nicaragua is the insufficient geographical coverage, a problem which obviously has a negative effect on the access of justice for large portions of the population in the rural areas. While the number of courts may be sufficient in the fairly well developed and densely populated Pacific region, in the northern and eastern parts of the country the courts are few and far between. The lack of roads and communications adds to the problem. Sometimes, a person may have to walk or travel on horseback for a couple of days in order to see the local judge.

3.3.2 Lack of Security

In some of the more remote areas of Nicaragua government presence is very scarce. Courts and police are located in the principal villages of the municipalities, but the surrounding areas may be infested with lawlessness and armed bandits as the resources of the police are insufficient to secure control over those areas. Thus, the rural population is denied safe conduct to the court and the police when they want to report crimes and make complaints and the judge and the police officers are prevented from carrying out visits and investigations in the outlying areas.

3.3.3 Lack of Lawyers

In Chapter 1, we mentioned the lack of legal aid and a system of public defense as problems which affect the judicial system in general. This problem is particularly pronounced at the local level. In the cities and the more central parts of the country lawyers are at least available, although at a high price. But in remote and isolated areas of the country there are no lawyers. A person with a legal problem will either have to manage without a lawyer or get someone from another location, which very few can afford. According the Nicaraguan Association for Human Rights (ANPDH) approximately 90 percent of indigent defendants go to trial without an attorney to represent them. Individuals without the means to contract private counsel are often forced to turn to law students or have no counsel at all.⁶

3.3.4 Legal Illiteracy

Although the population in the rural areas may have some basic knowledge of what is right and wrong, there is a great need for information about fundamental legal rights and how to exercise these rights.

⁶ U.S. Department of State; Nicaragua Country Report on Human Rights Practices for 1998, p.8.

4 CONCLUSIONS AND OBSERVATIONS

This study undertaken is an impact evaluation assessing to what extent the project has contributed to the *development objective*:

“The creation of an effective, impartial, independent judicial system accessible to all”

This chapter builds on the previous ones summarizing the conclusions and observations of the evaluation.

4.1 Achievement of the Development Objective

The evaluation team has come to the conclusion that the development objective of the court house project has been achieved to a reasonable extent. The project has contributed to the improved access to justice at the local level.

“Access” has been defined by the team in terms of the following factors:

- physical access,
- infrastructure,
- attention to the public,
- professionalism of the court staff, and
- relations between the judge and the community.

Each one of these aspects is dealt with below.

4.2 Costs and Cost-Benefit of the Project

The Swedish contribution of 50 MSEK corresponds to 83% of the total cost of the project. The funds have paid for the construction of 122 courthouses in as many municipalities. The cost per house has varied between 300,000 and 900,000 Córdobas. The variation is in part due to the inflation of the local currency in the period of construction, in part to the high transportation costs of building materials to remote areas.

The decision of building identical court houses all over Nicaragua rather than adapting the design to climatic and cultural conditions using local building materials, has had a price. It has increased the cost of the construction, especially on the Atlantic coast.

We conclude that the level of the development objective “improved access to justice”, the cost-benefit ratio is acceptable arguing that the project to a reasonable extent has achieved the impact expected by Sida when this agency took the decision(s) to support it.

4.3 Presence of Public Authority in Rural Areas

With the creation of the new houses the local courts have enhanced their visibility and status in rural communities. The enhanced professional qualifications of the judges have further increased the prestige of the local court.

4.4 The Local Court Houses

Physical access

The access is obviously related to the distance from the home to those centers. The courthouses are easily accessible for people that live in or near the municipal centers, while for those in remote areas access is indeed more difficult.

Infrastructure

All the judges expressed the opinion that the courthouses provide excellent conditions for the administration of justice. The living quarters are much valued in that they are practical, secure and help the judge maintain independence from authorities and influential local people. The housing definitely serves as an incentive for the judges to take up jobs in remote and isolated areas.

Attention to the public

Four out of five clients interviewed were satisfied with the reception they got in the court. Only very few had been charged for the services provided. Two thirds of the clients thought their cases had been solved within a reasonable time.

4.5 The Local Judge

Professionalism

In the past couple of years the professional qualifications of the judges have improved notably. In October 1998, about 90% of the local judges in Nicaragua had either a law degree or were in the final stages of their law studies. With regard to the experience in law-related work half of the judges interviewed had 2-5 years of experience, while one quarter had less and one quarter more experience.

With regard to the honesty, impartiality and trustworthiness of the judge, the clients/interviewees expressed different opinions depending on the outcome of their cases.

Two thirds of the secretaries have completed secondary school or more. Half of them have more than five years of service at the courts. In spite of this, it is obvious that they need further training to improve their performance.

Factors affecting the professionalism of the judge

Insufficient supervision and support hamper the professional development, especially of young judges and secretaries.

Local judges, often young and inexperienced and placed in remote locations, have nowhere to turn for consultation and advice. The team was surprised to find out that the local judges had not been supplied with the annual volumes of the judgements of the Supreme Court.

Gender aspects

The proportion of female judges has increased significantly in recent years. In October 1998, 57% of the local judges were women. There seem to be several reasons for this: the increasing number of female law graduates, the improved salary level and career opportunities and the good housing facilities offered by the new court houses. Many of the female judges interviewed confirmed that the new courthouses had provided an important incentive to them to take up the job as local judge.

Some of the women clients said that they feel more at ease with female judges, but there is no statistical evidence to support a conclusion that this is a general rule.

Relations between the judge and the other local authorities

The relationship between the judge and the police is considered good or excellent by almost all of the judges. However, the judges point out that the police has insufficient resources at its disposal and is therefore sometimes unable to fulfill its obligations.

The relationship between the judge and the mayor is more complex. Only a couple of judges complained about interference by the mayor. While previously the judge often depended on the mayor for housing, office space or other resources, with the creation of the courthouse the judge's independence has been enhanced.

Relations between the judge and the community

Relatively few judges participate actively in community affairs in spite of instructions by the Supreme Court to do so. In May 1998, with Swedish funding the Supreme Court initiated a specific project aimed at increasing the judges' community participation. However, during our field visits we did not find any evidence of this project.

Relations between the judge and civil society

In ex-conflictive areas in the north, where peace commissions have been established, cooperation between local judges and civil society is developing. In those areas the courthouses have become focal points for the promotion of democracy, human rights and community development.

4.6 The Clients of the Local Courts

Socio-economic conditions

Although no hard facts exist, the evaluation team estimates that about half of the clients interviewed were living in extreme poverty, while the remaining half was slightly better off. We dare make this statement because we visited the clients in their homes and could get a good idea of their material standard.

With regard to their level of education one out of five was illiterate or semi-illiterate, while most of the remainder had completed one or more years of primary school. Only a few had attended secondary school.

From this we can conclude that the beneficiaries of this project belong almost entirely to the poorest segment of the Nicaraguan population. This statement is supported by other data on the population in the rural areas of the northern, central and eastern parts of Nicaragua.

Legal literacy

Although people may not have any theoretical or structured knowledge of their rights, they know that they can turn to the local court to file complaints or report crimes. However, they need much more information and orientation about their rights and how to exercise them.

Lack of lawyers

Many of the country's local courts are located in remote and isolated areas where there are no lawyers. According to the Nicaraguan Association of Human Rights (ANPDH), approximately 90% of indigent defendants go to court without an attorney to represent them.

4.7 Other Aspects

Lack of supervision

It is obvious from the field visits that there is a serious lack of supervision of the local courts. It needs to be clarified what instance is responsible for the various aspects of supervision and how it should be carried out. The lack of supervision has impeded an optimal development of the institutional capacity of the local courts. For example, it has allowed serious errors and incorrect procedures to remain undetected.

Statistical information

Maintaining correct and pertinent statistical information is necessary for the monitoring of the work of the local courts and for assessing the respective workloads. However, to date the system of collection, processing and reporting of statistics does not provide the data needed for planning, budgeting and other purposes. The instructions to the local courts need to be more precise and supervision and control improved. The team recognizes the efforts of the Supreme Court in the past couple of years to establish an adequate statistical reporting system. These efforts should be intensified.

Work load

Although it seems probable that the number of cases has increased as a result of the creation of new court houses and greater public confidence in the local courts, existing statistical data do not allow any such conclusion.

Unbalanced distribution of resources

Irrespective of the size of the municipalities and their populations, all local courts receive the same amount of resources. As a consequence, populations in large and populous municipalities are at a disadvantage.

Corruption

On the basis of our interviews with clients, representatives of the Supreme Court and associations of lawyers, corruption is not a serious problem at the local level. This is explained by the poverty level of the clients and the less significant cases that belong under the jurisdiction of the local courts. However, the problem of corruption at the district level has repercussions on those clients whose cases are appealed from the local courts.

* * *

The team would like to express its thanks and appreciation to the OAS Nicaragua office, and particularly to Dr Alex Guidi and our driver, Mr. René Calero, for providing us with safe transport under difficult conditions during our long and strenuous field trips.

Annex 1

ASDI
DESO/DESA
M Liljeson

TERMS OF REFERENCE – IMPACT STUDY ON SWEDISH SUPPORT TO THE CONSTRUCTION OF COURTHOUSES IN NICARAGUA

1 Background

In the beginning of 1990 the new government in Nicaragua initiated the extensive task of ending the civil war and to restore and strengthen the democratic institutions. The country's judicial system was in general regarded as corrupt, inefficient and inaccessible to the vast majority of the population. A study of the judicial system carried out by the Supreme Court and UNDP showed that the poorest conditions were to be found at province level. Under the then existing system of "justice of peace" the majority of the judges had no formal training in law. The judicial system had in most parts of the country no access to buildings of its own and had to work in meager conditions. In many cases the judges rented premises from other public or private institutions, very often such as the police or others strongly related to the power structure. As a whole, the vast majority of the population in the provinces, who also are the poorest, had every reason to mistrust the impartiality and independence of the system.

In 1993, Sweden was approached by UNDP with a request to support the strengthening of the judicial system in Nicaragua. Asdi decided to support the Supreme Court of Nicaragua with a financial input of MSEK 22. The support was directed towards the reconstruction and/or construction of courthouses in areas most affected by the civil war. In June 1996, an additional MSEK 18 was granted and in 1998 another MSEK 10 was added for the same purpose.

The courthouse consists of one administrative part with an adjacent residence for the judge. Asdi is financing building costs, such as material and construction work. The Supreme Court is financing the purchase of grounds, the equipment of the administration and some basic furniture for the residence.

The overall objective of the Swedish support is to strengthen and guarantee the independence and impartiality of the judicial system in the provinces and to defend and increase the respect for human rights. The immediate aim of the support was the construction of 100 courthouses. By the end of 1996, the number was increased to 120.

2 Objective of the study

- The general assumption is that
 - the construction of the courthouses have improved the judicial system in the provinces;
 - by being visible and independently housed, the judicial system has made itself more accessible to the public;
 - the public regard the system as more trustworthy, this partly because of the building and partly due to the increased number of trained judges;

- the increased number of trained judges is to be referred to the improved living and working conditions in the provinces making the posts more interesting to trained and qualified judges. It could also be the reason why the majority of the judges now are female;

The objective of the study is to verify the assumptions presented above by getting a picture of how the public apprehended the judicial system before the construction of the courthouses and how the situation is viewed today.

- Under the past conditions did the interviewed persons
 - have knowledge of where the judge were housed;
 - find it easy to get in contact with the judge;
 - have knowledge of the judge's professional background;
 - believe that the judicial system was impartial and independent as well as trustworthy?
- In comparison with the past, do the interviewed persons now
 - view the judicial system as impartial and independent;
 - find the judicial system trustworthy;
 - find the judicial system accessible;
 - benefit from having trained lawyers;
 - consider the courthouses as having played an important role in the improvement of the judicial system;
 - as a whole regard the judicial system as an important tool in the process of democratization of the country;
 - consider the judicial system as an institution working to promote and defend human rights for men, women and children.
- What are the pros and cons related to the courthouses in the opinion of the interviewed persons? What does one view as the main challenges ahead for the judicial system, especially in the provinces?

3 Method

It is envisaged that a number of 15 towns in the provinces should take part in the study. Out of these 15 towns, 4 in various parts of the country should be selected for an in-depth study. The 4 towns selected should have a court house that has been functioning for at least two years.

The Universidad de Centroamérica (UCA), Faculty of law, Legal advisory center (Bufete Popular) in Managua has been assigned by the Swedish Embassy in Managua to prepare a draft questionnaire and to take part in the study. The task of the UCA will be to carry out brief interviews in 11 towns and to provide the Consultant with their findings for further analysis.

The Consultant is welcome to suggest alterations and/or alternative relevant issues to these Terms of Reference.

4 The assignment

The Consultant shall:

- upon arrival in Managua together with the Supreme Court and the UCA discuss the results of the draft questionnaire;
- together with the Supreme Court and UNDP choose 4 towns in which the Consultant should make in-depth interviews, based on the questionnaire;
- direct the interviews towards various groups in the society of the 4 towns chosen, the police, the mayor and other representatives of the public administration, as well as representatives of civil society;
- if deemed feasible, also interview possible users among the public;
- discuss the preliminary findings of both the in-depth study and the one carried out by UCA, with UCA
- before leaving Nicaragua together with UCA, inform the Supreme Court, UNDP and the Swedish Embassy of the preliminary conclusions drawn from the interviews;
- assemble and analyze the results of the inquiries made by the Consultant and the UCA team;
- present the conclusions to Asdi.

5 Consultant

The above assignment shall be performed by a team of two consultants. One of the consultants should be a woman. One should have a legal background with good knowledge of human rights issues and one, preferably, a background in sociology. The consultants should have a good knowledge of Spanish.

6 Time plan

The assignment shall be carried out in April 1998. A maximum of eight person-weeks have been estimated for the study, including not more than four weeks for field studies in Nicaragua.

7 Reporting

A written report in Spanish with a summary in English should be submitted in 10 copies to Asdi within two weeks of completion of the assignment. Asdi will distribute copies to all parties concerned, as well as to coordinate possible comments. The report should also be submitted on a diskette with software compatible with Microsoft Word, which is used by Asdi.

Asdi shall provide its comments on the report to the Consultant within one week. A final report shall be submitted to Asdi within one week of the receipt of comments from Asdi. The Consultant shall be prepared to allocate time for planning and holding a seminar on the study for members of staff involved at Asdi, if requested.

(These terms of reference have been thoroughly revised following suggestions by the evaluation team.)

Annex 2

PROGRAM OF THE EVALUATION TEAM

First week 7-11 September, 1998.

- Sept. 7 Meeting with the staff of the Embassy of Sweden, Managua.
Presentation of the pre-evaluation study performed by a team of the Central American University, UCA.
- Sept. 8 Meeting with representatives of the Supreme Court, UNDP and other international donors to the judicial sector.
- Sept. 9 Field visits to the department of Boaco: municipalities of San Lorenzo and Camoapa.
- Sept. 10 Visit to the School for continuing education of judges (Escuela Judicial), Managua.
Visit to the Nicaragua office of the OAS.
- Sept. 11 Field visits to the department of Chontales: municipalities of Santo Domingo, La Libertad. El Ayote (RAAS).

Second week 14-18 September, 1998

- Sept. 14, 15 Internal team work: planning of the evaluation, working out methodological issues, elaboration of questionnaires and schemes of analysis.
- Sept. 16 Field visit to the department of Carazo: municipality of La Paz del Oriente.
- Sept. 17-18 Field visits to the department of Matagalpa: municipalities of Matiguas and Muy Muy.

Third week 15-19 March, 1999.

Field visits to the departments of Jinotega, Nueva Segovia, Madriz and Estelí.

- March 15 Municipality of LaConcordia, Jinotega.
- March 16 Municipality of Santa María de Pantasma, Jinotega.
- March 17 Municipalities of Quilalí and San Juan de Río Coco, Nueva Segovia.
- March 18 Municipalities of Palacaguina and Yalaguina, Madriz.
- March 19 City of Estelí (Court of Appeal) and the municipality of LaTrinidad, Estelí.

Fourth Week 22-26 March, 1999.

- March 22 Concluding interviews with the Supreme Court and UNDP. Interviews with two associations of lawyers.
- March 23-26 Analysis of results and interviews. Report writing.

Due to hurricane Mitch, the second phase of the evaluation had to be postponed from November, 1998 to March, 1999.

Annex 3

PERSONS INTERVIEWED

Local judges

Licda Brenda María Jirón Munguía, San Lorenzo, Boaco
Licda Mirna Adelina Morales Gomez, Camoapa, Boaco
Lic José Alfredo Espinoza Valdez, Santo Domingo, Chontales
Lic René José Córdoba Torres, La Libertad, Chontales
Licda Ivette Ma. Toruño Blanco, La Paz del Oriente, Carazo
Sr Marco Tulio Zeledón Rivera, Matiguas, Matagalpa
Sr Frank Rodríguez Alvarado, Muy Muy, Matagalpa
Sr Antenor Zeledón Zelaya, La Concordia, Jinotega
Licda Liz de María Centeno Kaufmann, Santa María de Pantasma, Jinotega
Licda Marycruz del S. Díaz Valenzuela, San Juan del Río Coco, Madriz
Lic Amilcar Parajón Cardoza, Palacaguina, Madriz
Licda Marbelly Blandón, Yalaguina, Madriz
Licda María Guadalupe Acuña Ramos, La Trinidad, Estelí.
Lic Julio A. Acuña Carbonero, Bluefields (only one team member)

Local facilitator

José Santo Aguirre, El Ayote, RAAS
Personal interviews with 57 selected people that have presented a case to the local judge.

Government of Nicaragua

Dr Guillermo Vargas, President of the Supreme Court
Dra Josefina Ramos, judge of the Supreme Court
Lic Roger Espinoza Martínez, Secretario General Administrativo, Supreme Court
Lic Paola Barreto, Program Officer, Supreme Court
Dr Ricardo Moreno Arauz, President, Court of Appeal, Estelí
Dr Nicolas López Mejía, judge of the Court of Appeal, Estelí
Dra Gladys Ibaña de Montealegre, judge of the Court of Appeal, Estelí
Lic Joaquín Talavera Salinas, Director, School of Justice (Escuela Judicial)

International community in Managua

Mr Jan Bjerninger, Ambassador of Sweden
Ms Karin Rohlin, Program Officer, Embassy of Sweden
Mr Alvaro Herdocia, Program Officer, UNDP
Mr Hans J. Gatz, Sector Specialist, IDB
Mr Enrique Sáenz, Advisor for Development Cooperation, EU
Ms Alexandra Panehal, Chief of the Office for Democratic Initiatives, USAID
Mr Edmundo Quintillana, USAID

Mr José Dalios Moros, Advisor, Spanish Development Cooperation Agency

Mr Sergio Caramagna, Representative, OAS Nicaragua

Mr Alejandro Guidi, International Consultant, OAS, Nicaragua

Ms Edelná Gómez, responsible Program of facilitators, OAS

Others

Licda Regina Quintana Guerrero, Bufete Popular, Central American University (UCA), Managua, responsible for the UCA pre-evaluation of the local court houses

Lic Marcelina Castillo, participant in the UCA pre-evaluation of the local court houses

Lic Lautaro Sandino Montes, participant in the UCA pre-evaluation of the local court houses

ASOCIACION DE ABOGADOS DE NICARAGUA (ASANIC)

ASOCIACIÓN DE JURISTAS DEMOCRÁTICOS DE NICARAGUA

Recent Sida Evaluations

- 98/34 Support to Building an Institutional Capacity for Arbitration in Sri Lanka. Claes Lindahl, Gustaf Möller, Sundeep Waslekar
Department for Infrastructure and Economic Cooperation
- 98/35 Three Human Rights Organisations Based in Banjul, Africa. The African Commission on Human and peoples' Rights, The African Centre for Democracy and Human Rights Studies, The African Society of International and Comparative Law. Lennart Wohlgemuth, Jonas Ewald, Bill Yates
Department for Democracy and Social development
- 98/36 The Training of Journalists in Central and Eastern Europe. Tiina Meri, Börje Wallberg
Department for Central and Eastern Europe
- 98/37 Swedish NGO Foundation for Human Rights. Iain Cameron, Kristina Flodman, Anna-Karin Lindblom, Eva Åhlström
Department for Democracy and Social development
- 98/38 Swedish Support to University of Eduardo Mondlane in Mozambique. David Wield, Admir Bay, Silas Gustafsson, Penina Mlama
Department for Research Cooperation SAREC
- 99/1 Renewable Energy Technologies in Asia: A Regional Research and dissemination Programme. Smail Khennas and Teresa Andersson
Department for Research Cooperation, SAREC
- 99/2 Strengthening Publishing in Africa An evaluation of APNET. Lars P Christensen, Cecilia Magnusson Ljungman, John Robert Ikoja Odongo, Maira Sow, Bodil Folke Frederiksen.
Department for Democracy and Social Development
- 99/3 Paper, Prices and Politics. An evaluation of the Swedish support to the Bai Bang project in Vietnam. David Vincent, Nguyen Quoc, Ngo Minh Hang, Allan Jamieson, Nicholas Blower, Mandy Thomas, Pham Quang Hoan, Do Thi Binh, Adam McCarty, Hoang Van Hoa, David Pearce, Derek Quirke, Bob Warner.
Department for Evaluation and Internal Audit
- 99/4 A leap of Faith. A story of Swedish aid and paper production in Vietnam - the Bai Bang project, 1969-1996. Alf Morten Jerve, Irene Nörlund, Astri Suhrke, Nguyen Thanh Ha
Department for Evaluation and Internal Audit
- 99/5 Sida-Supported Programme within the African Energy Policy Research Network, AFREPREN. Frede Hvelplund, Ernst Worrell
Department for Research Cooperation, SAREC
- 99/6 Masters Programme in Land Management. Swedish support channelled through The Royal Institute of Technology (KTH) to participants in Central and Eastern Europe. Jim Widmark
Department for Central and Eastern Europe
- 99/7 Environmental Projects in Tunisia and Sengal. Ulf von Brömssen, Kajsa Sundberg
Department for Infrastructure and Economic Cooperation
- 99/8 The Collaboration between Sida and SAI, The Department of Social Anthropology (SAI), Development Studies Unit, Stockholm University. Ninna Nyberg Sörensen, Peter Gibbon
Department for Natural Resources and the Environment

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