

Preamble

The Inter-American Commission of Human Rights issued a report in 2007 acknowledging the lack of access to justice as an area that needed major attention. Additionally, the Second summit of the Americas stated that, “Governments need to develop mechanisms that allow easy and convenient access to justice for everyone, particularly for those with lower incomes, by adopting more transparent dealings, effectiveness and efficiency when dealing with judicial matters.” Through this perspective, the development, promotion and integration of alternative methods will create better solutions to conflicts in the judicial system as well as it will preserve and improve democracy, justice, and human rights.

In response to this matter, the General Secretary of The Organization of American States (GS-OAS/SG-OEA) along with the cooperation of The Swedish International Development Cooperation Agency (SIDA) joined forces to support the services provided by The *Rural Judicial Facilitators (RJF)* for the improvement of the Judicial Power in Nicaragua.

By mid 2007, the services provided by the Judicial Facilitators became indispensable for one in five people living in rural areas. Additionally, over 50,000 services rendered by the RJF have helped 112 municipalities in Nicaragua completing more mediations than any other judicial or alternative system. For this reason, we believe that we are not just talking about a “Successful Pilot Experience” anymore, instead; we are talking about the facilitator’s success in taking justice to the people. However, setting the numbers aside (although very impressive), How have their actions changed people’s lives? Especially when talking about

the life changes made in women, youth, natives, victims of extreme poverty, and unprotected groups.

Furthermore, the purpose of this document is to find precise information about these changes and obtain new facts. Nevertheless, it is clear that the multiple issues affecting Nicaragua deserve an intense examination since they may also have an impact on the access to justice, in poverty levels, crime, family violence, and the judicial power's efficiency.

Moreover, this document was designed with the cooperation of the program's technical personnel, Supreme Court officials, other justice staff members, the mayor's office and the judicial facilitators. Hence, this document has no specific author given that the authors are the people working on the realization of these services.

In closing, we would like to thank everyone that took part in this effort for the collaboration provided.

Pedro Vuskovic C.

Inter-American Program Judicial Facilitators Coordinator
GS-OAS/Nicaragua Representative

Index

I. Judicial Facilitators: Synopsis	4
1.1 Scope of Program	4
1.2 Impact of Study	5-6
II. Results.....	6
2.1 Hypothesis: Facilitators reducing Conflicts and Crime Rates	6-8
2.2 Hypothesis: Local Judges' time invested is paid back by Facilitators' Services, such as: Solving cases and mediations.	9-12
2.3 Hypothesis: Facilitators and Poverty Decline	13
2.4 Hypothesis: Facilitators have a positive effect	14-15
III. Suggestions and Conclusions.....	16
IV. Annexes	17-21

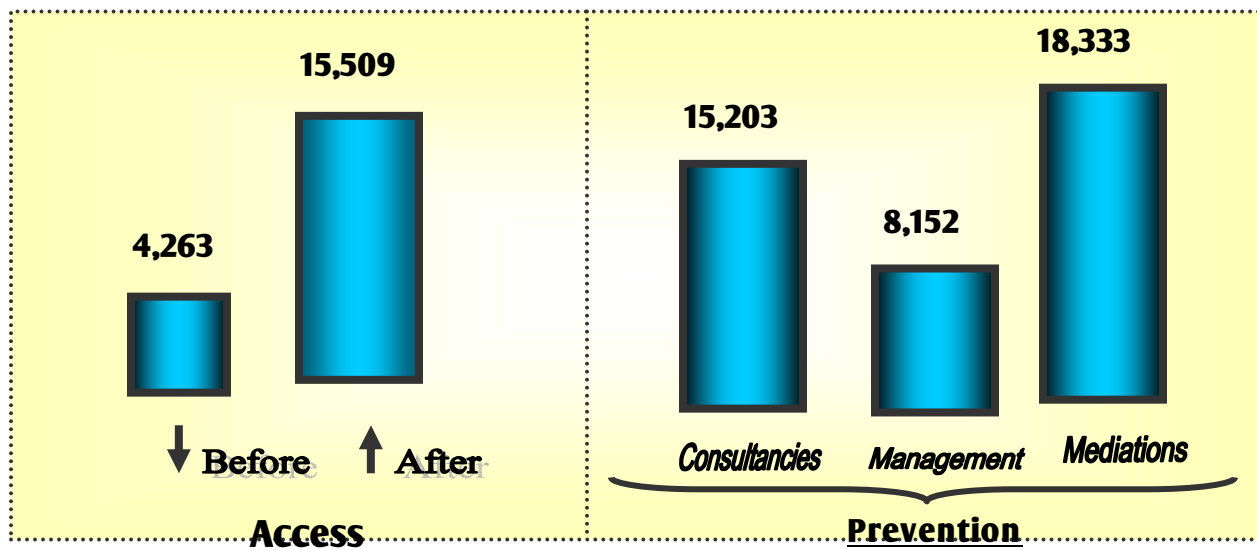
I. Judicial Facilitators: Synopsis

1.1 Scope of Program

The *Rural Judicial Facilitators* Program in Nicaragua expanded throughout 12 municipalities in 2002 and over 100 municipalities in July 2007. Thanks to the Facilitators efforts, isolated rural communities in extreme poverty have had access to justice and prevention services.

Recently, the 750 facilitators carried out thousands of tasks entrusted to them by judges, including previous mediations. At the same time, the facilitators help with the realization of extrajudicial mediations, consultancies, and even in some cases, they accompany individuals to certain negotiations.

Graph #1:



The Facilitators facilitate work for government officials, while at the same time facilitating better access to justice for citizens. Additionally, they are not defenders, district attorneys, nor are they able to judge cases; instead, they are the bridge connecting government officials with the masses. The Facilitators are average people who meet the necessary

requirements to get them elected by their community and local judges, thus performing missions for that specific community. The services rendered by the facilitators are voluntary, based on leadership and the spirit of community service.

1.2 Impact of the Study

The hypothesis and the methods used on this analysis were based on the criteria of the individuals working in this study. Hence, the collected data is based on the review of documentaries and interviews that made use of close and open-ended questions. Also, the time used in the completion of this analysis included: three weeks of work in the fields, two weeks for its process and analysis, and two extra weeks to organize the report. In addition, to obtain more information, we conducted a set of interviews that included the following individuals: 10 police officers, 12 local judges, 3 district attorneys, 10 mayors, 1 public defender, and 8 judicial facilitators from 12 municipalities in 4 different states (Boaco, Matagalpa, Jinotega and Chontales).

However, the data collected from these interviews proved to have some inconsistencies, such as time irregularities. The reason for such inconsistencies is due to the numerous system changes made by justice operators throughout the years. Additionally, such system changes have caused difficulties when making comparisons and when introducing important institutions to help with the efficiency of routine processes, such as the introduction of the *New Criminal Procedure Codes* (CPC) and the establishment of a new District Attorney's Office in 2003.

Moreover, several polls were performed in 16 rural communities and 8 municipalities without the Judicial Facilitators services provided to underprivileged communities.

Chart #1: Characteristics of Municipalities in Study

Municipalities	Area (km2)	Population	Region	Facilitators	Police Officers
San Dionisio	152	23,089	15	13	7
Santa Lucia	120	8,254	15	10	8
Teustepe	274	27,322	72	15	17
San Ramón	429	30,226	96	15	7
Yalí	402	26,967	66	10	12
Pantasma	560	37,880	81	10	
La Concordía	122	7,620	32	10	8
San Rafael	232	17,789	54	10	13
Villa Sandino	677	23,036	14	9	12
Santo Tomás	547	16,400	12	10	10
San Pedro	467	7,650	18	9	6
Acoyapa	1,382	16,946	10	9	10



III. Results

2.1 Hypothesis: Facilitators reducing Conflicts and Crime Rates.

To accurately estimate crime and conflict levels, we performed an analysis based on the accusations received by 9 courts and 4 police stations, In both cases statistics before and after the Facilitator's interventions were compared.

The results of the analysis on 9 courts deduced that denunciations based on major crimes diminished in absolute terms, and the indicator of denunciations was reduced in an average of 53% or in a median of 33%, meaning that denunciations made on major criminal cases were reduced by less than one third (based on a scale of 100,000 people).

In addition, the results of the analysis on 4 police stations deduced that denunciations based on major crimes diminished in an average of 63% or in a median of 41%, meaning that denunciations made on major criminal cases was reduced by less than 40% (based on a scale of 100,000 people).

To analyze denunciations the following order must be implemented: Police, district attorney's office and court. Denunciations are forwarded to court if there is no district attorney's office, meaning that court statistics have to reflect other possible causes (such as RJF effect, CPC effect and others). However, police statistics only reflect the Facilitator's effect (RJF) and others.

Chart #2: Comparison of Denunciations on 4 Municipalities, before & after Facilitators Interventions.

	Before	After	Effect	%
Courts Average	735	343	Decreased	-53
Police Stations Average	1239	946	Decreased	-24
Courts Median	656	385	Decreased	-41
Police Stations Median	1225	820	Decreased	-33

***Facilitators' Interventions and others Effect: 24% and 33%

Chart #3: 81% thinks Facilitators presence has reduced conflict levels

Interviewed	#	Increased	Decreased	No Change
Police Officers	10	2	6	2
Local Judges	12	3	9	0
District Attorneys	3	0	3	0
Defenders	1	0	1	0
Mayors	10	0	10	0

***Data comparisons show that after facilitators' interventions, cases handled by other judicial operators decreased by about 1/3.

**Chart #4:** Opinion of 8 Facilitators about how conflicts are solved for every 100 cases

Municipality (Community)	Formal Authority	Solved by RJF	Remaining
Santa Lucia (El Ventarrón)	20	60	20
San Ramón (El Horno)	20	60	20
San Ramón (San Pablo)	10	70	20
La Concordia	40	50	10
Villa Sandino	12	83	5
Santo Tomás	58	30	12
San Pedro	53	37	10
Acoyapa	44	33	23
Average	32	53	15
Median	30	55	16

***According to these opinions, formal authorities are solving less than 1/3 of the cases, and more than 1/2 are being solved by RJF, leaving a small number of remaining cases.

2.2 Hypothesis: Local Judges' time invested is paid back by Facilitators' Services, such as: Solving cases and mediations

For this analysis, we interviewed 12 local judges from municipalities where the services provided by Facilitators are well established. We then proceeded to analyze the time invested by judges to sometimes guide, inform, and advice facilitators when needed; as well as the time needed to visit communities. The following chart reflects the information collected in this analysis:

Chart #5: Invested and Saved Time of Judges and District Attorneys
In Hours per Year for Facilitators in Municipalities

Municipalities	Time Invested by Judge on Facilitators			Time Saved on Judge by Facilitators		
	Training	Consultancies	Community Visits	Mediations		Negotiations
				Previous	Extrajudicial	
San Dionisio	28	18	24	100	150	1495
Teustepe	24	48	160	36	144	1248
San Ramón	96	50	60	500	220	2010
Santa Lucía	48	12	36	68	100	192
Yalí	48	90	50	50	50	100
Pantasma	48	96	60	50	70	120
La Concordía	60	48	48	120	180	150
San Rafael	48	96	48	80	180	540
Villa Sandino	48	21	30	50	70	120
Santo Tomás	48	30	40	40	40	95
San Pedro	48	40	40	50	45	110
Acoyapa	48	18	20	30	30	80

Examinations = 15 every 3 hrs. → 45 hrs. each year per Facilitator
 Subpoenas = 25 every 2 hrs. → 50 hrs. each year per Facilitator

Meaning that, an average of 50 services completed by the Facilitators saves judges about 115 hours, totaling 500 services, and 1,150 each year with about 10 Facilitators in a Municipality.

Moreover, the results provided confirm that the support of a single Facilitator has a ratio of 1.2:4.2, which saves judges about 171 hours of work every year per facilitator. In a scenario with no community visits, a judge could save an average of 213 hours each year per facilitator; and if we evaluate the hours a judge works each year, we will see a 10%-12% of saved time with the help of the facilitators. Therefore, we can say that the time a local judge invests on a facilitator will end up benefiting them and saving them valuable time.

The following chart represents the results of this analysis, thus the services currently provided by Facilitators expands throughout 100 municipalities.

Chart #7: Impact added to savings

Hours a Year per Judge	1,776	1,776
Judges	100	100
Total (hours)	177,600	177,600
Total Net Savings (hours)	17,144	21,278
Judge Equals	10	12
Judge Salary	15,000	15,000
Savings (Nicaragua Cordova)	2,027,215	2,515,953
Change	18	18
Savings(U.S. Dollar)	112,623	139,775

Chart #8: What would happen with no extrajudicial mediations?

Interviewees	% That turns into:		
	Cases	Crimes	Unpunished
Judge of Pantasma	80	13	7
Judge of La Concordía	75	19	6
Judge of Yalí	73	12	15
Judge of Villa Sandino	71	20	8
Judge of San Rafael	70	20	10
Judge of Acoyapa	70	23	7
District Attorney of Matagalpa	60	20	20
Judge of Santo Tomás	50	33	17
Judge of San Pedro	50	25	25
Judge of San Ramón	50	33	17
District Attorney of San Rafael	50	20	30
Judge of Santa Lucía	42	42	17
Judge of San Dionisio	35	50	35
Judge of Teustepe	17	28	56
Average	57	26	19
Median	54	21	25

***If the extrajudicial interventions weren't performed, at least 54% would have turned into a short term case, and an additional 21% into an regular case.

Therefore, we can assume that a single Judicial Facilitator contributes with about 7% of the total amount of extrajudicial mediations performed in a community, saving local judges an immense amount of time.

2.3 Hypothesis: Facilitators and Poverty Decline

To gather information for this analysis we visited several communities that had no judicial facilitators. The results indicated that a judicial facilitator could in fact handle many cases currently handled by local judges and other government officials. Additionally, such actions may lead to unnecessary expenses such as transportation, food, lost wages, fines, and in some cases legal fees may even apply. Moreover, these expenses also affect the local economy since local authorities have to spend extra time and funds solving cases. In addition, the services provided by the Facilitators also support government officials with local development as well as positive economic impacts for the community or region.

The following chart represents the results of several cases compared with the average minimum wage and daily wage to be able to estimate the number of lost working days.

Chart #9: Access to Justice Costs (using the current minimum wage of 1,026 Cordovas and the average daily wage of 34.2 Cordobas)

Cases	Transportation Expenses	Lost of Working Days	Fines	% Salary	# Lost Days
Slanders & Insults	200			200	19
Robbery		200		200	19
Alimony	360			360	35
Damages	520	600		1,120	109
Heredity of Property	1,200			1,200	117
Servitudes	1,400	1,960		3,360	327
Disagreements	4,260		300	4,560	444

***The expenses rank considerably high and there are no means to determine the average value, it is evident that there is an extensive economic impact.

2.4 Hypothesis: Facilitators have a positive effect

To develop this analysis we examined previous information about family relationships, community participation and familiar violence. To be able to identify the changes in family relationships and the community itself, we conducted a poll in communities where they have had facilitators since July 2007. The poll was directed to 100 women from 5 communities, the results were later on compared with the results from a second poll conducted which included 50 women in 2 other communities.

In the first group, 78% had worked with a Judicial Facilitator at least once (such as mediations, consultancies, support for negotiations and seminars). From this number, 32% had help for mediations from a facilitator. Based on this study, we can assume that the services provided by facilitators are having a positive impact, especially when talking about a female facilitator: 50% of the women in this poll felt motivated by female facilitators in their communities.

Because of the work performed by female facilitators, about 50% of women affirm that their relationship with their partners has improved by 62% and that they also have a better relationship with their kids thanks to the seminars and consultancies offered to them by facilitators. The seminars and consultancies offered by the facilitators have helped these women to boost their confidence when making decisions at home by 54%.

Moreover, 80% of the women that were part of this poll affirm that they feel more capable to participate in their community as well as in

their home. Some of these women even think that before the facilitators' arrival, they had low or no confidence to make decisions on their own by about 83%. However, these women believe that in the future they will be able to develop better confidence and participation by about 95%. Among the women in communities with facilitators, 96% affirmed to feel more capable to participate in community activities by about 49%, and some of them are even considering becoming facilitators for their community to help improve other women's self-esteem and confidence.

Furthermore, when asked about their reaction if their kids were victims of some kind of violence, 100% of them said that they would immediately report it to the authorities, while in the other 2 communities with no Judicial facilitators only 56% of the women said that they would report it to the authorities. In the last six months, 74% of women who have judicial facilitators in their communities believe that of violence has decreased considerably. In contrast, only 56% of the women in the other two communities with no judicial facilitators believed that they have had some sort of improvement in their family and community.

Additionally, in the first community most women (92%) believe that the changes in their family and community is mostly thanks to the services provided by the Facilitators, and at the same time 76 % of them believe that without the presence of the facilitators, violence in their family and community would increase once again. A major contrast between these communities with and without Facilitators is their concept of the future. In communities with facilitators, about 76% believes that their family and community will improve, and 52% in the other group believes that their family and community would stay the same or get worst.

Therefore, we can say that there is enough evidence to support the idea that Facilitators have had a positive effect in improving family and community violence.

IV. Suggestions and Conclusions

- 1.) The Judicial Facilitators have had a positive effect on reducing conflict levels, improved the efficiency of judicial offices, have reduced the costs to the access of justice, and have improved equality regardless of gender differences as well as family violence.
- 2.) The Judicial Facilitators have helped with at least half of the demands to improve the access to justice and by contributing to reduce denunciations based on minor crimes.
- 3.) The services provided by the Facilitators have saved judges a total of 20% on labor time and have also reduced pressure on courts, resulting on extra time to focus on more important cases.
- 4.) Facilitators help with the reduction of poverty levels in communities by lowering the costs of the access to justice and by improving the local economy.
- 5.) The services provided by facilitators have improved family relationships, including violence decline and women participation in certain activities as well as making decisions for their community.
- 6.) The results of these studies have shown the immense social value the facilitators' services represent in certain communities.

- 7.) All of the studies and analyses listed throughout this document about the effects of the facilitators services in a community have proved to deserve long-term analysis to be able to obtain sensible information.

V. Annexes

Annex #1.1: Denunciations in Court based on major Crime offenses

Municipality	Before Judicial Facilitators			After Judicial Facilitators			Denunciation/Populatio	
	Year	Population	Denunciation	Year	Population	Denunciation	Before	After
Santa Lucia	2004	8,137	104	2006	8254	22	1,278	267
La Concordía	2003	7,049	168	2006	7620	57	2,383	748
Pantasma	2003	29,735	223	2006	37880	136	750	359
Yalí	2003	25,000	162	2006	26967	51	648	189
San Rafael del Norte	2003	14,066	128	2006	17789	57	910	320
Villa Sandino	2003	20,543	128	2006	23036	84	623	365
Santo Tomás	2004	15,997	97	2006	16400	67	606	409
Pedro de Lóvago	2003	7,125	49	2006	7650	31	688	405
Acoyapa	2003	16,882	173	2006	16946	33	1,025	195

Average

990 **362**

Median

750 **359**

Annex 1.2: Denunciations in Court based on major Crime offenses

Municipality	Before Judicial Facilitators			After Judicial Facilitators			Denunciation/ Population	
	Year	Population	Denunciation	Year	Population	Denunciation	Before	After
Villa Sandino	2003	20,543	128	2006	23036	84	623	365
Santo Tomás	2004	15,997	97	2006	16400	67	606	409
San Pedro de Lóvago	2003	7,125	49	2006	7650	31	688	405
Acoyapa	2003	16,882	173	2006	16946	33	1,025	195
Average							735	362
Median							656	385

Categories:	Minor Crimes and Felonies %	Civil Cases under \$15,000 Cordobas %
--------------------	------------------------------------	--

	To Facilitator	To Local Authority	To Facilitator	To Local Authority
<u>Police</u>				
San Dionisio	30	70	25	75
Santa Lucia	50	50	20	80
Teustepe	40	60	45	55
Yalí	70	30	70	30
La Concordía	60	40	60	40
San Rafael	50	50	40	60
Villa Sandino	40	60	40	60
Santo Tomás	60	40	50	50
San Pedro	75	25	70	30
Acoyapa	50	50	50	50
Police Average	53	47	47	53
<u>Judges</u>				
San Dionisio	30	70	25	75
Santa Lucia	80	20	40	60
Teustepe	80	20	90	10
San Ramón	60	40	60	40
Yalí	40	60	35	65
Pantasma	35	65	30	70

La Concordía	30	70	40	60
District Attorneys	35	65	30	70
San Ramón	60	40	70	30
San Rafael	40	60	35	65
Acoyapa	70	30	60	40
District Attorney's Average	57	43	55	45
Facilitators	51	49	48	52
El Horno de San Ramón	60	40	60	40

El Ventarrón San Dionisio	70	30	50	50
San Pablo San Ramón	60	30	80	20
El Chilamate Villa Sandino	70	30		
Lajeroso Santo Tomás	50	50		
San Bartolo San Pedro	70	30		
San José Acoyapa	60	40		
El Coyolito Concordia	86	14	57	43
Facilitators' Average	66	33	62	38

General Average	55	44	50	50
%	55.5	44.2	50.2	49.8

The expressed opinions in this document are strictly the interviewee's responsibility and DO NOT reflect the Organization of American States' (OAS) point of view or opinions.

Credits

The information provided in this document is based on the "*Rural Judicial Facilitators Project*," Published on August 29, 2007 originally in Spanish.