



**USAID/NICARAGUA STRENGTHENED RULE OF LAW AND
RESPECT FOR HUMAN RIGHTS PROGRAM
(April 2005-July 2009)**

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FINAL REPORT

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
AFEIDAL	<i>Asociación de Facultades, Escuelas e Institutos de Derecho de América Latina</i>
AGO	Attorney General's Office
AJDN	<i>Asociación de Juristas Democráticos de Nicaragua</i>
AMCHAM	American Chamber of Commerce
BICU	Bluefields Indian & Caribbean University
BICU-CIUM	Bluefields Indian & Caribbean University-Centro Interuniversitario Moravo
CACONIC	<i>Cámara de Comercio Nicaragüense</i>
CEJUDHCAN	<i>Centro por la Justicia y los Derechos Humanos de la Costa Atlántica de Nicaragua</i>
CINCO	Centro de la Investigación para la Comunicación
CiPC	Civil Procedure Code
CONADER	<i>Comisión Nacional Académica de Derecho</i>
CPC	Criminal Procedure Code
CPDH	Comisión Permanente de Derechos Humanos
CSOs	Civil Society Organizations
DIRAC	<i>Dirección de Resolución Alternativa de Conflictos</i>
EPL	Enforcement of Penalties Law
FMI	Forensic Medicine Institute
GON	Government of Nicaragua
GTZ	<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i>
HADEMOS	<i>Hagamos Democracia</i>
JCL	Judicial Career Law
JF	Justice Facilitator
JUDENIC	<i>Juventud por la Democracia de Nicaragua</i>
LAC	Legal Assistance Center
MARENA	<i>Ministerio de Recursos Naturales y Ambiente</i>
MIFAMILIA	<i>Ministerio de la Familia</i>
MpN	<i>Movimiento por Nicaragua</i>
NAJC	National Assembly Justice Commission
NGO	Non-Governmental Organization
NITC	National Inter-institutional Technical Criminal Justice Commission
ODC	<i>Oficina de Denuncia Ciudadana</i>
OPJ	<i>Organización Permanente por la Justicia</i>
PCL	Prosecutor Career Law
PDA	Public Defense Auxiliary
PDO	Public Defender's Office
PM	Public Ministry
RAAN	<i>Región Autónoma del Atlántico Norte</i>
RAAS	<i>Región Autónoma del Atlántico Sur</i>
SEGEX	Public Defense Automated Case Tracking System
UAM	<i>Universidad Americana</i>
UAP	Users Attention Platform
UCA	<i>Universidad Centroamericana</i>
UCAN	<i>Universidad Cristiana Autónoma de Nicaragua</i>
UHISPAM	<i>Universidad Hispanoamericana</i>
UNAN	<i>Universidad Autónoma de Nicaragua</i>
UNICA	<i>Universidad Católica de Nicaragua</i>
UPOLI	<i>Universidad Politécnica de Nicaragua</i>
URACCAN	<i>Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense</i>
VAO	Victims' Assistance Office

EXECUTIVE SUMMARY

In April 2005, Checchi and Company Consulting, Inc. (Checchi) was awarded a three-year task order to implement the USAID/Nicaragua Strengthened Rule of Law and Respect for Human Rights Program (the ROL Program or the Program). The task order was subsequently modified to extend the Program through July 31, 2009. The original task order budget totaled \$9,207,769 and was subsequently increased to \$11,805,310.

The Program contained four general results areas: (1) justice and related institutions strengthened to implement justice reforms; (2) judicial branch strengthened to implement judicial career law; (3) access to justice increased for women, youth, and ethnic groups nationwide; and (4) increased civil society and community involvement in specific issues. In a modification signed in May 2008, the scope of work was amended to reflect a reduction in technical assistance activities with the justice sector institutions and incorporate additional activities involving civil society strengthening. During the term of the task order, USAID limited Program activities and strategies and ultimately suspended assistance to all public justice sector institutions in 2008. The Program was able to adapt to such changes, however, and met or exceeded indicators in all of the principal components. Among the Program's most notable achievements are the following:

- the Public Ministry (PM) established and strengthened four specialized prosecution units and two Victims' Assistance Offices;
- the Public Defender's Office (PDO) opened 31 new offices nationwide, bringing the total number to 75;
- the PDO increased the number of cases handled by 400% during the term of the task order;
- 50 forensic doctors completed training in Nicaragua's first medical graduate degree program in forensic medicine;
- through the strengthening of the National Inter-Institutional Technical Criminal Justice Commission (NITC), the Program facilitated training for 121 criminal court judges in managing oral trials and drafting sentencing orders;
- the National Assembly Justice Commission drafted and passed a Prosecutor Career Law and a modern Criminal Code that addresses such crimes as terrorism and trafficking in persons;
- 22 new alternative dispute resolution (ADR) centers, including two commercial arbitration centers and 20 community-based mediation centers were established;
- an access to justice model of 489 Justice Facilitators (including 265 women) was created, and 24 Legal Assistance Centers were established to provide more justice services in marginalized communities; and
- four new civil society coalitions were formed, and the technical and organizational capacities of seven key civil society organizations (CSOs) were enhanced.

Following is a brief description of the primary Program components and some of the political background which affected certain aspects of the task order.

A. JUSTICE AND RELATED INSTITUTIONS

The Program worked with all of the major justice institutions during the task order to facilitate the implementation of justice reforms. One of the most significant accomplishments associated with the Public Ministry was the passage of the Prosecutor Career Law, which defines standards for the merit-based selection and promotion of prosecutors. The Program also assisted in the design and implementation of a performance-based prosecutor evaluation system. Four new specialized prosecution units were introduced in the PM that cover organized crime and other complex criminal offenses. USAID suspended assistance to the PM during the task order, and this limited the work begun under the Program.

The significant geographic expansion of the PDO and a sizeable increase in the number of public defenders resulted in dramatic advances in the representation of indigent persons in criminal cases. The number of cases handled by the PDO increased from 5,377 in 2004 to 23,373 in 2008. The Program assisted the PDO in providing new supervisory positions and in drafting a new PDO Operational Regulation and Manual of Jobs and Profiles. A pilot Users Attention Platform was established for the PDO in Managua which has greatly improved case reception, distribution and processing capacities of the institution.

The Program worked with the National Inter-institutional Technical Criminal Justice Commission to help standardize the application of the Criminal Procedure Code (CPC) and to enhance inter-institutional coordination to carry out the criminal justice reforms. Membership on the Commission was expanded to include key entities such as the Forensic Medicine Institute (FMI), the PDO and the Attorney General's Office (AGO).

The Program worked to strengthen the Forensic Medicine Institute by undertaking the first extensive training of forensic doctors, but also by facilitating the donation of forensic investigation and information technology equipment. Similarly, the Program assisted the AGO through both training and the provision of equipment and infrastructure. A training of trainers methodology was adopted which led to the training of 295 persons representing the AGO and other government agencies in 15 different courses. Program assistance to the National Assembly Justice Commission was instrumental in the drafting and passage of important legislation such as the new Criminal Code.

Support to the National Association of Law School Deans (CONADER) was extensive and centered on introducing new curricula to reflect the justice reforms. The Program assisted in designing and implementing an action plan through which eleven different core subjects were adopted for inclusion in law school curricula, which included criminal procedure, forensic medicine, labor law and alternative dispute resolution.

B. JUDICIAL BRANCH

In May 2005, USAID issued Technical Direction Letter No. 1 informing Checchi that “all deliverables and milestones related to working with the Supreme Court and/or with judges (TO Result 2 in its entirety) shall be put on hold until further notice.” In October 2006, the task order was modified authorizing Checchi to carry out activities focused at the local courts and trial courts, as opposed to the Supreme Court. Consequently, the Program's role with the judiciary was limited to training lower court judges through the National Inter-institutional Technical Criminal Justice Commission and the Judicial Training School. The Program, therefore, had no role in implementing the Judicial Career Law, and USAID eventually amended the task order's scope of work to eliminate activities under this result area.

C. ACCESS TO JUSTICE

The major thrust of the Program after the task order modification of May 2008 was on developing improved access to justice and increasing the involvement of civil society organizations in justice and human rights related issues. Significant progress was made in increasing the use of mediation and ADR throughout the country. In 2005, the Program provided limited assistance to promote passage of the Mediation and Arbitration Law. The Program conducted extensive training in ADR mechanisms, leading to the accreditation of 733 mediators nationwide by the Alternative Dispute Resolution Directorate.

Awareness campaigns were also carried out at the local level through which local populations were taught about ADR and the functions of the centers. During the latter part of the Program, a fee-based system was devised in an effort to support sustainability for the centers. The positive response to the fee-based system exceeded expectations, particularly given the short period of implementation. Over the last 14 months, 16 mediation centers have operated without USAID assistance.

The Program also introduced Justice Facilitators (JFs) in rural areas where access to justice institutions is limited. The Justice Facilitators improved access to justice at the community level by serving as legal educators and conducting mediations. Key to the successful expansion of the JF Model was the creation of strategic partnerships with local CSOs and municipal governments. These partnerships led to the establishment of 24 Legal Assistance Centers in both urban and rural areas. During the course of the Program, there were approximately 47,000 direct beneficiaries of the Justice Facilitators.

D. INCREASED CIVIL SOCIETY AND COMMUNITY INVOLVEMENT

The Program assisted in the establishment of four CSO coalitions and the strengthening of seven CSOs to participate in justice sector reform and human rights advocacy, thereby exceeding task order targets. Through direct assistance and the small grants program, the Program increased advocacy skills and capacities so that CSOs could participate in and advocate for issues such as the merit-based selection of justice sector officials and respect for human rights of indigenous populations of the Atlantic Coast. The Program conducted a series of trainings for the coalition groups in topics such as criminal law, citizen participation and family law. Monitoring the justice sector reforms was another important target that involved the participation of CSOs.

I. RESULT 1, JUSTICE AND RELATED INSTITUTIONS STRENGTHENED TO IMPLEMENT JUSTICE REFORMS

A. PUBLIC MINISTRY

1. Background

The Public Ministry (PM) began functioning in 2002 as the principal GON entity charged with the prosecution of criminal activity. Its creation led to a new definition of roles and responsibilities between the PM and the Attorney General's Office (AGO), as well as to the hiring of approximately 65 prosecutors to work under the PM. While the PM had conducted three merit-based selection processes with the support of Checchi under the USAID-funded Institutional Strengthening Program (1999-2005), the continued growth of the PM demanded the hiring of additional prosecutors. In addition, the PM did not have any career law or regulations that would regulate the functions of prosecutors, their ethical standards or the career track of professional prosecutors.

The PM also lacked specialized units for the investigation and prosecution of complex cases, such as environmental crimes, corruption, or sexual offenses. These crimes were dealt with as a part of the general work of the institution, being assigned at random to the prosecutor who was on shift at the time of the filing of the criminal complaint. In addition, the PM provided minimal services, such as orientation on protection of victims of sexual offenses and domestic violence. In fact, many victims of crime were often re-victimized during criminal investigations and the prosecution procedures themselves.

2. Accomplishments and Results Achieved

Expected task order results for the PM included: undertake an institutional assessment to identify financial and other constraints as well as the technical capacity to apply the law, including the necessary geographic coverage for its execution; identify equipment and infrastructure needs; define an action plan for institutional strengthening; create and make functional specialized crime units; and hire at least 60 prosecutors during the lifetime of the Program pursuant to merit-based processes. With the creation of four new PM units, as well as the strengthening of one existing unit, and the approval and implementation of the Prosecutor Career Law, the expected results were met.

One of the most important results for the Program in the PM was the passage of the Prosecutor Career Law (PCL) and its regulations in 2006. The Program provided assistance in drafting the law, providing public education, mobilizing civil society to lobby for its passage, and holding workshops with journalists to raise awareness of the law. The law defines standards and procedures for the merit-based selection and promotion of prosecutors, for initial and ongoing training and for the operation of the disciplinary system. The Program also provided extensive assistance to the PM in implementing the newly approved PCL, including the design and implementation of a performance-based prosecutor evaluation system using quantitative and qualitative indicators.

Prior to the enactment of the PCL, the Program provided assistance in 2006 to carry out the fourth merit-based selection process for prosecutors. Upon completion of the selection process, the PM hired 25 prosecutors (exceeding the 2006 goal of 20), who were selected from a total of 448 candidates. The merit-based selection process generally involved the following steps: solicitation of candidates' resumes; review and evaluation of resumes, and initial selection; taking of written examinations to ascertain technical skills and theoretical knowledge; scoring of written examinations and ranking of candidates; application of psychological and aptitude tests; final selection of eligible prosecutor candidates; and appointment of prosecutors.

In 2007, the Program supported the implementation of a fifth merit-based selection process in the PM. This process was designed as an internal competition among assistant prosecutors interested in becoming prosecutors. Program support was limited to the design and implementation of two preparation courses for 120 assistant prosecutors from all 17 departments, and logistical support to conduct the theoretical exam. Given USAID's suspension of technical assistance to the PM, the Program did not participate in other phases of the selection process, including the carrying out of a practicum examination and personal interviews. A total of 101 assistant prosecutors passed all the phases of the selection process in November 2008, but the Program has no information concerning the number of individuals who were eventually hired as prosecutors.

With Program assistance, the PM created four specialized prosecution units (Anti-Corruption; Environmental Crimes; Women and Gender Violence; and Juvenile Crimes) and strengthened the Organized Crime Unit created with USAID support in 2004. The Program assisted the Juvenile Crimes Unit and the Gender Violence Unit with defining and implementing operational procedures for the investigation and prosecution of crimes. Support was provided to the Environmental Crimes Unit in defining and implementing environmental crime policies through numerous workshops. The Program also assisted with uniform operational standards to improve the functioning of the unit. Finally, the Program helped restructure and revitalize the Organized Crime Unit, which led to a merger with the Anti-Corruption Unit. Program assistance included the development of crime prosecution policies in narcotics trafficking cases, training in the criminal law relating to narcotics cases, and in the preparation, publication and distribution of a manual entitled "Tools for Handling Corruption Cases."

With Program support, the PM initiated two Victims' Assistance Offices (VAOs) in Managua and Juigalpa, Chontales. Through these offices, approximately 2,077 victims during 2008-2009 were provided with orientation and other services, including crisis resolution and case referral (501 in Managua and 1,630 in Juigalpa). The Program provided technical assistance to these VAOs in: defining strategic plans, including sustainability planning; creating case reception and processing forms and systems; and designing tools, including indicators, to monitor and evaluate service provision activities. Several VAO officials were sent to a victims' assistance course in Colombia in July 2007. In 2009, the PM inaugurated an additional VAO in Somoto using the pilot model developed by the Program as a basis for its design.

Improving the prosecutorial skills of PM personnel was a key element in the Program's strategy to strengthen the PM, and it was an integral part of the PM's 2007-2009 Strategic Plan that was developed with Program support. The Program conducted 70 courses for prosecutors, auxiliary prosecutors and assistant prosecutors, many of whom had never received any training in the recent criminal law reforms (See Annex A). More than 275 representatives of the PM benefited from courses in topics such as basic criminal law for prosecutors, money laundering, the oral system, and the preparing of accusations. In addition, the Program designed and carried out a post-graduate program in criminal law that focused on legal issues like assessment of proof, investigation of financial crimes, forensic evidence, and examination and cross-examination in trials. The graduate program was certified by the *Universidad Politécnica de Nicaragua* (UPOLI) and was completed by 43 prosecutors.

3. *Lessons Learned*

- USAID's political concerns over the implementation and potential results of the fifth merit-based selection process led to a withdrawal of Program support from the process. However, Checchi believes that the continued participation of the Program in this process would have contributed to ensure transparency and quality control.

- Many mid-level managers and career prosecutors have demonstrated excellent professionalism, and some have voiced concerns about the direction and public image of the institution as a result of the handling of recent high profile cases. This represents an opportunity to work with reform-minded individuals to promote change from within the PM.

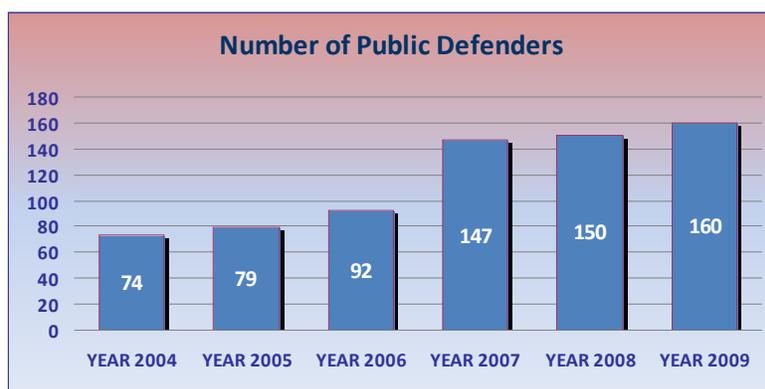
4. *Recommendations*

- USAID should consider providing targeted assistance to the PM, focusing on the technical value and contributions of development efforts.
- Prosecutors still lack technical skills in topics such as money laundering, trafficking in persons, drug trafficking and terrorism; additional training in these areas is highly recommended.
- The PM needs to improve its inter-institutional coordination with the National Police; Checchi would recommend that USAID consider lifting restrictions for providing assistance to work with the National Police in order to carry out joint technical assistance and training activities.

B. PUBLIC DEFENDER’S OFFICE

1. *Background*

The Public Defender’s Office (PDO) was created as a dependency of the Supreme Court, with USAID (and Checchi) assistance in 1999. It has experienced exceptional growth during the first 10 years of its existence. Initiated as a pilot project in Managua with only 12 public defenders, a director, a deputy director, and an administrator, the PDO had grown substantially. There were a total of 74 public defenders in 44 offices at the time of the initiation of this task order. It currently has a staff of over 200 persons, including 160 public defenders in 75 different offices.

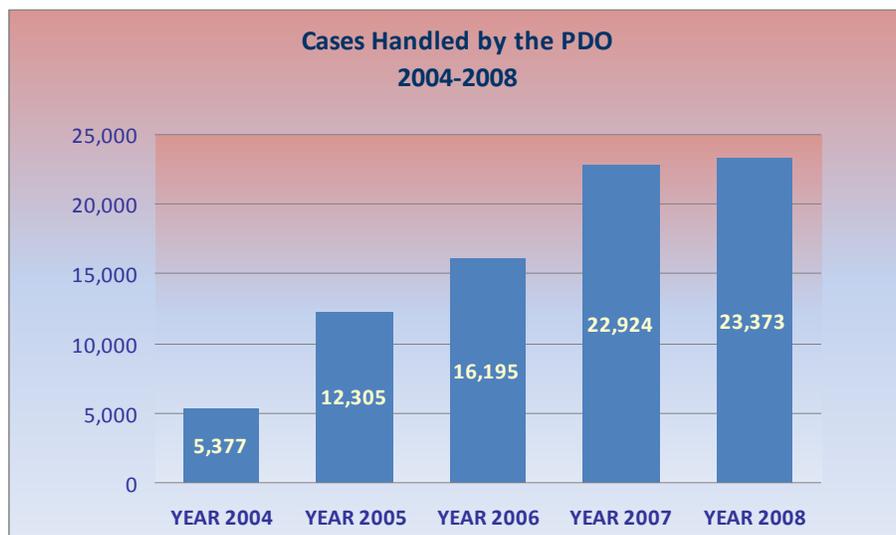


2. *Accomplishments and Results Achieved*

The Program met or exceeded all expected results for the PDO, including: completion of an institutional assessment; expansion of the geographic coverage of the institution through the establishment of 31 new offices to reach a total of 75 offices nationwide; provision of equipment and infrastructure needs to strengthen the operations of the PDO, including a pilot Users Attention Platform in Managua; development of an action plan for institutional strengthening; increasing the total number of cases handled by more than 400%; and increasing the number of Public Defense Auxiliaries (PDAs) to 152. The task order also required a reduction of 10% over the life of the Program in the percentage of pre-trial detainees in the prison system. In this regard, although neither PDO nor Penitentiary System statistics are available

to show this reduction, the results are positive. The Execution of Sentences Project within the PDO, as well as the development of an institutional policy and trainings regarding how to avoid the abuses of pre-trial detention, reduced substantially the number of pre-trial detainees. It also improved compliance with the Criminal Procedure Code rule that pre-trial detention should not exceed three months.

Increasing the growth and coverage of the PDO was an important priority of the Program during task order execution. The number of public defenders has increased from 74 to 160 during the Program, and the total number of criminal cases handled per year by the institution increased from 5,377 in 2004 to 23,373 in 2008. From the initiation of the Program, Checchi strongly encouraged the use of public defenders through the institutional structure of the PDO. In Checchi's view, the institutional approach was far superior compared to the other less-efficient options mentioned in the CPC for the provision of criminal defense services to indigent defendants, including *defensores de oficio* and law students. The Program created an incentive system, which included a training and equipment package to the PDO for each new public defender position and/or office established. This proved to be fundamental in motivating the Supreme Court to create 86 new public defender positions during the course of the Program.



Another of the principal accomplishments of the Program in relation to the PDO was to assist in institutional development and restructuring as a result of the continued rapid growth of personnel and geographic coverage of the institution. At the initiation of the Program, the PDO had, in effect, only one position at the national level (in addition to the Director and Deputy Director) to provide technical and management control over the work of the public defenders. With Program assistance in the form of technical advice and the drafting of a new PDO Operational Regulation and a Manual of Jobs and Profiles, 5 new supervisory positions and 8 new regional level coordinator's positions were created and filled. These positions are currently in the process of being assigned a salary increase to reflect the new responsibilities. The new supervisory structures have greatly facilitated the delegation of authority and have increased control and supervision over the quality of public defense services provided by the PDO. Although the PDO Operational Regulation was presented to the Supreme Court for approval, it was never formally approved. However, in fact the PDO has been able to implement the Regulation, since many of its provisions fall within the purview of the PDO's functional autonomy from the Supreme Court and does not depend upon the Court for its execution. The Manual of Jobs and Profiles, on the other hand, was developed in coordination with the Human Resources Department of the Supreme Court, and most job profiles and functions defined are indeed reflected officially within the Court's personnel structure.

Similarly, Checchi assisted the PDO with the definition and partial implementation of an extensive long-term strategic plan (2008-2013), including, among other things, extensive activities aimed at effectively implementing the new PDO Operational Regulation and the new supervisory and management systems. The strategic plan is being implemented by the PDO, and is taken into consideration by the Supreme Court in its separately organized planning activities.

The Program also assisted in the design, equipping and implementation of a pilot Users Attention Platform (UAP) in Managua, which has greatly improved case reception, distribution, and processing capacities of the PDO. Through a number of workshops, operational processes were defined and revised, and were later implemented by UAP staff. The Court appointed (or otherwise created) 5 new administrative positions to staff the UAP. In addition to controlling the number of users undertaking initial interviews in civil and family cases and inputting case information into the case tracking system, the UAP electronically maintains the calendar (with client meetings, hearings, trials, trainings, etc.) of all Managua-based public defenders; it also advises supervisors/coordinators of scheduling conflicts so that substitutions can be made on a timely basis.

The Program continued to support the implementation of an automated case tracking system (SEGEX) in the PDO to increase efficiency and improve the quality of statistical information within the institution. The system had been introduced initially (under USAID's Institutional Strengthening Program) into the Pilot Office in Managua where it generated statistics for planning and budget purposes and provided instant access to individual case information. During the Program, the system was installed and was functioning in most of the 75 offices of the PDO. While there are challenges in getting the public defenders to keep the system up to date, a key factor, at least in Managua, in achieving full use of the system by the public defenders, was the design and implementation of the UAP described above and a series of sanctions imposed against public defenders for failing to keep their system files current.

Another key result within the PDO was the implementation of the Execution of Sentences Project. This activity was an institutional strategic response to the serious problems of: (1) convicted defendants who are unrepresented by attorneys but who have a right to penitentiary benefits, such as release on parole for good behavior or time served, and (2) the abuse of the process of pre-trial detention. Working with student interns or PDO assistants and local PDO coordinators, the Project interviewed 1,531 detainees (representing more than 25% of the total prison population at the time). These detainees were identified by the Penitentiary System as possibly being entitled to some sort of legal benefit such as release on parole, etc. in six of the largest prisons in the country (Bluefields, Chinandega, Juigalpa, Estelí, Matagalpa, Granada and Tipitapa/Managua). With the information obtained from the interviews, a total of 973 petitions (*incidentes*) were presented to sentencing execution judges for relief. To date, 500 petitions (52%) have been resolved in favor of the detainee (release on bail, expungement of the penalty, etc.), with 140 (15%) still pending decision. On the basis of the Project, the PDO established permanent coordination mechanisms, that included a formal agreement with the Penitentiary System pursuant by which the System would undertake periodic revisions of prison records to identify and send to the PDO information regarding detainees entitled to (or soon to be entitled to) legal benefits.

Finally, Checchi assisted the PDO with the design, creation and implementation of the Public Defense Auxiliaries (PDAs) Program. Through formal agreements with eight different law schools, a total of 152 students (over the two-year period of this activity) were selected and logistically supported by the Program to act as PDAs, providing administrative and legal support to public defenders in certain selected offices of the PDO (Managua, León, Chinandega, Estelí, Rivas and Boaco). Students committed to working a minimum of six months as a PDA and were provided training by the Program before starting. The PDA Program greatly facilitated the work of the PDO in that it freed the time of public defenders for

more technical aspects of defending their clients. The PDA Program has continued without Program assistance since mid-2008.

3. *Lessons Learned*

- Encouraging extensive institutional participation and involvement in Program activities was key to successes in the PDO. Even the most technically sound proposals could not have been successfully implemented had the leadership of the PDO not been involved in the design, planning, implementation and monitoring of the activities.
- The strategic selection of consultants and requirement that they spend significant time in Nicaragua to become acquainted with the applicable laws, functioning and personnel within the PDO proved to be crucial to success.
- Actively engaging the PDO by working inside an institution, particularly where career, mid-level functionaries are situated, is much more effective in achieving a viable rule of law than withdrawing USAID support from the institution and/or trying to influence change from outside.
- The provision of economic and technical assistance to the resource-poor Supreme Court proved to be an extraordinarily successful tool in leveraging institutional reform as well as permanently increasing budgetary allocations to the PDO. This strategic assistance resulted in an increase in overall PDO staffing by more than 200%.
- Although the Organic Law of the Judicial Branch and the PDO Regulation provide that the PDO should enjoy functional autonomy, the PDO remains administratively and financially very much an appendage of the Supreme Court. Such dependency limits the PDO's scope of authority as well as its capacity to advocate directly for its own budgetary resources. Particularly limiting has been the PDO's inability to participate meaningfully in the selection of its defenders, as well as in the disciplinary processes of public defenders.

4. *Recommendations*

- The PDO has become so large and important that many personal interests on the part of magistrates of the Supreme Court have developed. The lack of real functional autonomy has also negatively affected the institution. Several magistrates are very much in favor of making the PDO independent of the Court, a strategy that any future assistance should adopt.
- Assistance should be provided to strengthen internal accounting and financial systems and capacities so that the PDO can operate in an independent manner.
- Assistance should be provided to lobby the National Assembly to create an adequate budget for the institution.

C. **NATIONAL INTER-INSTITUTIONAL TECHNICAL CRIMINAL JUSTICE COMMISSION**

1. *Background*

The National Inter-institutional Technical Criminal Justice Commission (NITC) was formed in 2002, (as was the higher level National Criminal Procedure Code Commission), as an entity required by the new Criminal Procedure Code (CPC). The NITC is an operative coordinating body. It advances improved inter-institutional coordination and planning regarding implementation of the accusatory CPC, including

unifying application principles, establishing criteria and monitoring of the CPC. At the time of task order initiation, the NITC was constituted of only three members--representatives from the Supreme Court, the PM and the National Police, and did not have a technical secretariat, an operating budget or any other permanent logistical support. While the NITC had municipal or departmental branches in some areas of the country, these were largely inactive.

2. Accomplishments and Results Achieved

The Program met all expected task order results related to the NITC, including the standardization of CPC application procedures, increased inter-institutional coordination to carry out criminal justice reforms, and a defined strategy to carry out the newly approved Criminal Code. However, due to USAID's suspension of assistance to the NITC, the Program did not achieve other value added results not stated in the task order, such as the strengthening of the Technical Secretariat and complete execution of the strategy to implement the new Criminal Code. Given USAID's prohibition on working with the Supreme Court of Justice, the NITC served as the chief counterpart institution for designing and implementing all technical assistance and training activities involving the court system at the local and district levels. In this regard, the results achieved were substantial, and the Program was able to improve the technical capacity of judges so that they could implement the CPC, and to a lesser degree the new Criminal Code.

An important accomplishment was the expansion of the permanent membership of the NITC to include other institutions, including the PDO, the Forensic Medicine Institute (FMI) and the Attorney General's Office. This has been significant, given that the NITC had previously been criticized by many of these institutions that were not included in its membership due to the lack of coordination among justice sector operators. Although the NITC's periodic meetings have been at times contentious, they have become much more productive in identifying and resolving ongoing inter-institutional tensions in CPC implementation.

The Program also assisted the NITC in the design, creation and strengthening of a Technical Secretariat's Office to provide technical and logistical support for NITC activities. In addition to logistical assistance in the procurement of office equipment, the Program offered technical assistance in the design of an operational model and the development of joint strategies and plans. These strategies have included coordination of institutional policies and the development of a national crime policy. NITC assistance also included the monitoring and evaluation of implementation of criminal reforms, inter-institutional coordination, and activities to empower and increase the confidence of the public in the justice sector.

To unify and standardize technical criteria and/or policies regarding CPC implementation, the Program provided full support to the NITC in strengthening its municipal and departmental committees. The Program held ten workshops nationwide with the participation of more than 1,100 justice sector operators to ascertain local problems with CPC application and to collect inputs for the definition of national level policies. In addition, the Program supported the NITC in the standardization of criteria concerning key legal issues around the implementation of the CPC. This process involved reaching consensus on, and publishing and distributing a compendium of opinions and unified criteria regarding CPC application. Among other things, the compilation was intended to standardize, in an inter-institutional context, application criteria for the criminal legal reforms. Included in this standardization were the CPC, the Criminal Code and the ADR Law, in such concrete areas as: conducting oral trials and hearings; coordinating and controlling criminal investigations; applying criminal theory to individual cases; applying alternatives to trial (ADR, etc.); the granting of penitentiary benefits to convicted persons; and the proper treatment of victims during the prosecution process.

The Program also assisted the NITC with the design and support for the implementation of a system to consistently monitor the effectiveness of the criminal justice system reforms. This was done to provide

accurate and up-to-date information in order to propose any necessary legislative or policy-based adjustments to the reforms, provide information to users of the justice system to increase transparency, and to inform the public regarding the benefits that the criminal justice system reforms had produced. This system included instruments to monitor various indices, including: key indicators (which included the numbers of prisoners in preventive detention, and statistics on mediations, accusations presented by the PM, and of oral trials held); and monitoring mechanisms that will also measure opinions of justice system users and perceptions of justice system operators. The Program was unable to implement this monitoring and evaluation system as a result of the suspension of assistance to the NITC.

Particularly noteworthy was the NITC's coordination and participation in the training of almost all of the justice sector operators (criminal judges, prosecutors and public defenders) in the new Criminal Code which was passed in November of 2007. The Program assisted in the design of a training of trainers methodology, as well as in the development of pedagogical and contents-based materials. Approximately 250 trainers replicated Criminal Code trainings to over 2,330 operators in all of the departments of the country during a ten-month period in 2008. This is the first time in Nicaragua that such a large-scale training effort has been undertaken using principally counterpart resources. Additionally, the Program assisted, through CONADER, in the training of 23 law school professors, as well as the training of 461 private lawyers and 133 members of CSOs in the new Criminal Code. The task order calls for monitoring the application of the new Criminal Code, particularly with regard to accusations filed and convictions in specific crimes, including corruption, terrorism, money laundering and intra-family violence. However, due to the suspension of assistance to the NITC, the Program was unable to work in monitoring of the implementation of the Criminal Code.

Participants of the Criminal Code Train-the-Trainers Program

INSTITUTION	MEN	WOMEN	TOTAL
Public Defender's Office	15	11	26
Public Ministry	27	30	57
Judicial Branch	47	49	96
Law School Professors (CONADER)	18	5	23
National Inter-institutional Technical Commission	2	1	3
National Assembly	1	2	3
National Police	29	4	33
TOTAL	139	102	241

The NITC, with Program assistance, designed and executed three specialized criminal law courses regarding the handling of socio-economic crimes for 31 prosecutors, 30 public defenders and 25 business representatives from the Nicaraguan Chamber of Commerce. It also assisted with the design and implementation of two different training courses for criminal judges, contributing to increased case handling skills within the judiciary: (1) a post-graduate program in coordination with the *Universidad Americana* (UAM) for 30 criminal judges; and (2) a course in carrying out oral trials and drafting sentences for 121 criminal judges through the Judicial Training School.

The Program also provided extensive technical and logistical assistance to the NITC in the preparation, publication and/or distribution of numerous publications, studies and proposals. These were targeted on the criminal reforms, and included the production of the following: a design proposal for the creation of an integrated community justice center model (2007); a compilation of rules and guidelines for the protection of witnesses and victims in the criminal hearing process (2009); an annotated Criminal

Procedure Code (2007); Case Theory (2007); the Accusation in the Nicaraguan Criminal Procedure (2007); study materials regarding the Criminal Code (2008); and Orality and the Criminal Process (2008). A complete list of Program-sponsored publications can be found in Annex B.

In 2006, in coordination with the NITC, the Program developed a technical assistance and training initiative for the National Police directed at strengthening its investigative capacity and enhancing inter-institutional coordination with the PM and the FMI. However, the Program was unable to carry out any activities with the National Police until May 2008 due to the lack of the political authorization (waiver) to collaborate with this institution. This authorization was suspended shortly thereafter, but the Program was able to provide limited assistance in two areas: training of personnel and the purchase of equipment. In the area of training, the Program provided 33 functionaries from the police force, investigations unit, the Police Academy and the Office of the Legal Advisor with training in the new Criminal Code. This training was given to better equip the investigators, who are normally at the crime scene and are responsible for classifying the crime at the first instance. In addition, the Program also provided equipment to both the Central Criminal Laboratory and the Auxiliary Judicial Directorate. The basic purpose of this material support was to improve the capacity of the Central Criminal Laboratory, enabling it to provide timely and reliable findings for use in the prosecution of crimes, and the Auxiliary Judicial Directorate, which is charged with the investigation of crime scenes. The former received primarily laboratory equipment, while the latter received crime investigation kits

3. *Lessons Learned*

- The highly participatory approach employed by the Program with the NITC in the design and implementation of activities was critical in consensus building among justice sector institutions for the standardization of procedures, the development of guidance documents and the execution of a national training program for justice sector operators.
- Although the NITC served as a vehicle for providing technical assistance to local and district level judges, the Judicial Branch is in need of extensive reform and institutional strengthening; this can only be done, however, by coordinating activities with the Supreme Court of Justice, an institution to which assistance is currently prohibited by USAID.
- Negotiating counterpart contributions from the NITC prior to the design of the Criminal Code train-the-trainers program allowed for the extensive training of justice sector operators with a limited investment by USAID in the formation of the trainers.
- The NITC has proven to be a sustainable institution; it has consistently held meetings and has continued to implement activities despite the lack of Program logistical support during the last year of task order implementation.

4. *Recommendations*

- Given the strong framework for inter-institutional coordination achieved by the NITC, additional funding could be channeled through this body to ensure an inter-institutional focus to future rule of law reform efforts.
- Considering the diverse group of justice sector actors that are part of the NITC, the organization could play an important role in changing traditional practices in the justice system, which would require further assistance to strengthen the Technical Secretariat.

- A system should be devised for monitoring and evaluating the effectiveness of the implementation of justice reforms.
- Support training and institutional strengthening activities for the National Police. To date, the National Police is the criminal justice institution that has received the least technical assistance and training in the implementation of criminal law reforms.

D. FORENSIC MEDICINE INSTITUTE

1. Background

The Forensic Medicine Institute (FMI), although “functionally autonomous,” was created in 1999 as a dependency of the Supreme Court. It is charged with undertaking forensic examinations and providing expert forensic testimony and evidence at trial regarding the commission of crimes. At the beginning of the Program, only two of the forty forensic medical doctors appointed by the Supreme Court of Justice to the FMI had medical degrees in forensic medicine. The lack of professional training and expertise in forensics affected the quality of the medical reports prepared by the FMI. In addition, the lack of specialized knowledge in forensic medicine had a negative impact on the performance of forensic doctors at trials, because investigations failed to follow universal scientific standards.

2. Accomplishments and Results Achieved

Expected results for the FMI included: undertake an institutional assessment to identify financial and other restraints, technical capacity and geographic coverage appropriate for application of the law; equipment and infrastructure needs; an action plan for institutional strengthening; and the expansion of effective FMI coverage to at least two new departments. In all of these areas, the Program exceeded expected results. The expected results could have been further consolidated, e.g. there would have been continued expansion of FMI coverage, if Program institutional assistance had not been deleted from the 2008 task order modification for the extension period.

The results in this component are notably significant. In 2005, the Program conducted the first institutional assessment of the FMI. As a result, the Program provided technical support to the FMI in the development of an action plan to strengthen and expand forensic services nationwide. The plan helped the FMI in leveraging additional funds from the Judicial Branch and other international donors in order to hire additional personnel and establish new clinics. With Program support, the FMI expanded its services in three regional offices in the departments of Río San Juan, Chontales and Jinotega.

In 2007, the Program completed the first medical graduate degree program in forensic medicine in Nicaragua. Fifty doctors from all the different departments of the country were trained and accredited in forensic medicine. The medical accreditation program was carried out by the *Universidad Católica de Nicaragua* (UNICA). The Colombian Institute of Forensic Science and Forensic Medicine provided assistance to the academic program, which included a total of 14 modules in topics such as: traumatology, pathology, dental forensics, genetic forensics, forensic anthropology, epidemiology, investigation of sexual crimes, and autopsies. As a part of the graduate program, a forensics manual (*Manual del Médico Forense en el Juicio Oral Nicaragüense*) was prepared and distributed to all participants. The graduate program contributed to establishing the necessary conditions for the implementation of a professional career system in forensic medicine in accordance with the Judicial Career Law.

The Program also carried out an extensive training program for medical professionals of the FMI and medical doctors from the Ministry of Health. These individuals received training in forensic medicine, forensic anthropology, presentation of evidence at trials, domestic violence and sexual crimes.

Approximately 100 medical doctors from the Ministry of Health participated in the training program. This effort has contributed to improving inter-institutional coordination with the Ministry of Health and the National Police. Since the FMI is absent in most regions outside of the departmental capital cities, doctors from the Ministry of Health must perform forensic examinations.

In addition to assisting in improving the technical capacities of the FMI, the Program strengthened the investigative capacity of the FMI through the donation of extensive forensic investigation and information technology equipment, including computers, stethoscopes, medical stretchers, examination lamps, surgery kits, etc. The donation of forensic equipment was accompanied by observational tours to Colombia and El Salvador to learn about new investigation techniques. In particular, the FMI was able to enhance its use of DNA analysis techniques and implement new scientific analysis methodologies in the forensic investigations of sexual abuse cases.

3. Lessons Learned

- The FMI is an institution that prior to the implementation of the Program had received limited technical assistance to implement the criminal law reforms and lacked basic equipment to conduct forensic investigations. Consequently, training the FMI staff and a small investment in basic forensic equipment achieved higher than expected results in improving the quality of services offered by the FMI.
- Technical assistance efforts to strengthen the FMI should also include medical doctors from the Ministry of Health, which frequently assist the FMI in forensic investigations.

4. Recommendations

- Given the continued increase in the number cases handled by the FMI and its reliance on the medical doctors from the Ministry of Health, the institute is in need of carrying out a reengineering process that would allow it to provide services in a more efficient manner. This process should consider the implementation of a case management system and the creation of a training unit within the FMI.
- In addition, the FMI should be assisted in expanding coverage through the hiring of additional forensic doctors and the establishment of new offices. The FMI should also continue to strengthen its coordination efforts with the Ministry of Health as well as with the National Police and the Public Ministry.
- Future assistance to the FMI should also consider providing support for the purchase of additional forensic equipment and materials for FMI offices outside of the principal departmental cities.

E. ATTORNEY GENERAL'S OFFICE

1. Background

The Attorney General's Office (AGO) was initially charged with the representation of the State in all legal proceedings, both in civil and criminal cases and issues. With the creation of the Public Ministry in 2001, the AGO's competence was limited to the civil area as well as in undertaking activities to reduce State-related corruption. From 2002 to 2004 the AGO developed an anti-corruption strategy with the support of the international community, but had little success in the investigation and prosecution of corruption cases because of legal disputes between the Supreme Court of Justice and the Public Ministry. In addition, the AGO had deficient intake mechanisms for citizens to make complaints.

2. *Accomplishments and Results Achieved*

Expected results for the AGO included: undertake an institutional assessment to identify financial and other restraints, and technical capacity, and determine geographic coverage for effective application of the law; equipment and infrastructural needs; develop an action plan for institutional strengthening; and increase the number of complaints filed with the Citizen's Complaint Office. Expected results were met despite the suspension of assistance to the AGO in mid-2007 due to differences in the priorities of the new administration.

After undertaking an initial institutional assessment, the Program assisted the AGO in the design and implementation of a training program for its *procuradores*, focusing on the effective use and application of international instruments and treaties against corruption, narcotics trafficking and money laundering. The Program utilized a "training of trainers methodology" to implement the training program. A total of 295 persons representing the AGO and other state government agencies were trained through the execution of 15 different courses in 2005 and 2006.

The Program also provided assistance to the AGO in the design and implementation of the Citizen's Complaint Office (*Oficina de Denuncia Ciudadana*, or ODC), to facilitate the bringing of corruption complaints by citizens against any government official, and to create a culture of vigorously opposing corruption ("*cultura de denuncia*"). While the ODC received financial support from various international donors, the Program played a significant role in the provision of technical assistance and the donation of office furniture and information technology equipment. In particular, the Program provided the principal assistance in the design of the organizational structure and functions of the ODC and its standard operating procedures (*sistema de gestión*), including the development of the following guidance documents:

- Manual of Job Profiles and Functions (to facilitate internal audits, evaluations, internal controls and supervision, as well as an orientation to new hires);
- Operational Manual;
- Manual regarding the Route of the Complaint (clearly indicating the different steps in the complaint process, from the filling out of the initial complaint form to any necessary judicial procedure or appeal); and
- User's Guide to the ODC.

Among other things, the ODC was designed to: directly receive, investigate and provide a response to citizen's complaints of corrupt behavior by government officials, in person, by internet or telephone; periodically monitor the mass media for reporting on issues of corruption; create a culture of non-tolerance of corruption by creating societal values of honesty and transparency through public education and dissemination; and undertake studies regarding necessary legislation to protect whistleblowers regarding public corruption. From January 2006 through September 2007, the ODC handled 217 complaints, exceeding by a wide margin the cumulative target (60) set for the lifetime of the Program. The Program also supported the AGO in the design and implementation of a comprehensive publicity campaign that included the production and distribution of posters, flyers, brochures, signs on buses, and radio ads. This effort was accompanied by an awareness campaign in which the ODC, together with the Ethics Office of the Presidency and the Ministry of Education, provided ethics training to more than 1,300 high school students.

3. *Lessons Learned*

- In 2007, the new administration established the issue of property disputes as the priority area of work for the AGO. Consequently, the focus of the ODC was shifted to function as a media and public relations office. The lack of political will by the AGO generated a challenging working environment for the Program and eventually led to the cancellation of activities.

4. *Recommendations*

- Given the definition of roles assigned to the PM and the AGO, there is a need to develop joint strategies for the prosecution of corruption and organized crime to improve coordination between these actors.
- The current political environment and priorities of the AGO offer limited opportunities for identifying potential areas of collaboration.

F. NATIONAL ASSEMBLY JUSTICE COMMISSION

1. *Background*

In Nicaragua, the criminal justice reforms were undertaken in a piecemeal manner, unlike in some countries where the substantive, procedural, and penitentiary reforms are approved in an integral fashion. At the time of task order initiation, the procedural reforms (the CPC) had been approved and were in effect. The Criminal Code of 1974 that was in effect was largely antiquated and did not comply with current international human rights and rule of law standards. For example, the Code failed to properly recognize and penalize such important criminal behaviors as terrorism, money and asset laundering, narcotics trafficking and trafficking in persons. Similarly, the Penitentiary Law of 2003 was totally in need of reform given the sentencing guidelines defined by the new Criminal Code.

2. *Accomplishments and Results Achieved*

With extensive Program assistance, the National Assembly Justice Commission (NAJC) drafted, reached broad public consensus on and approved a modern Criminal Code in November 2007. The Program presented legislators with best international models in criminal legislation, facilitated technical discussions and analysis, and assisted NAJC members and staffers in the drafting and approval process. Among other things, the new Criminal Code penalizes complex crimes such as terrorism and conspiracy to commit terrorism, trafficking in persons and organs, several types of organized crime, fraud against the State, and smuggling. It also penalizes several environmental crimes. Importantly, it modernizes the concept of conspiracy under Nicaraguan law, which will greatly facilitate the trial of organized crime cases.

The new Criminal Code makes significant advances in consolidating the rule of law in Nicaragua. It places the national legal framework in line with United Nations and Organization of American States treaty obligations, including the criminalization of state corruption and the offering of bribes. It offers other protections against government abuse, such as limiting immunity for government officials accused of corruption.

In addition to the Criminal Code, the Program assisted the NAJC in drafting and revising a modern Enforcement of Penalties Law (EPL) that regulates the granting of penitentiary benefits and jurisdictional control over the execution of sentences and other security measures. A modern EPL is a fundamental element (along with the CPC and the Criminal Code) in reforming the criminal justice system and

avoiding the abandonment of sentenced defendants that too often occurs after trial under the current system. The Penitentiary System is seriously deficient in executing sentences and requires more jurisdictional control and supervision.

Program assistance was provided in reviewing the initial NAJC draft of the EPL; a broad inter-institutional consultative process was conducted that consisted of three workshops (with approximately 100 persons), including the PM, PDO, judges, police and other actors. The Program also assisted in revising the NAJC draft to incorporate comments from the consultation. In late 2008, USAID suspended assistance to the NAJC. As a consequence, subsequent requests for assistance in advancing the approval of the EPL were refused by the Program. As of the time of the drafting of this report, the EPL has still not been approved by the National Assembly, although the Program has been informed that the legislation is likely to be approved by the National Assembly in 2009.

In 2008, USAID incorporated into the task order the possible option of providing support to the NAJC in the drafting or revision of a new, oral-based Civil Procedure Code (CiPC). The Spanish Agency for International Cooperation has been assisting the Supreme Court since 2007 in the drafting of a legislative proposal for a new CiPC, but progress has been slow. Consequently, the Program did not have the opportunity to provide any support to the NAJC because a draft of the new CiPC was never introduced in the National Assembly during the term of the Program. This activity was later eliminated from the task order.

Finally, the Program assisted with the drafting and presentation to the NAJC in 2007 of a draft law to create a mandatory national bar association. The current voluntary lawyers' associations were widely consulted on the preparation of the draft and were very much in support of it. In fact, a provisional national bar association was created by the voluntary groups to support the legislation. In October 2008, Program support was requested by the provisional bar association to try to further advance and publicly consult the draft, but USAID rejected the request since this activity was not contemplated in the task order. The provisional bar association is currently seeking alternative financing for activities related to the draft law from GTZ.

3. *Lessons Learned*

- The suspension of USAID assistance has resulted in lost opportunities for participating in the development of key legislation.
- Changes in the political environment and legislative priorities caused delays in the drafting and consensus-building for the passage of key legislation. As a result, the Program provided continued technical support and guidance to facilitate the legislative process.
- The active participation and involvement of legislators from all political parties was critical in the passage of the new Criminal Code.
- The careful selection and expertise of the Program's consultants contributed to building trust with legislative advisors and legislators.

4. *Recommendations*

- Provide further legislative strengthening support to the National Assembly Justice Commission given that this group plays a critical role in the development of key legislation.

- Support the creation of a mandatory bar association to improve judicial independence and strengthen the legal profession in Nicaragua. This effort will require the development of partnerships with key stakeholder groups such as the Supreme Court of Justice, the NAJC, legal professional associations and other civil society groups.

G. LAW SCHOOLS / NATIONAL ASSOCIATION OF LAW SCHOOL DEANS

1. Background

Law schools produce future lawyers, judges and other justice sector operators and, as such, are crucial to providing an adequate preparation. It is important that new legislation and judicial reforms be taught as part of the law school curriculum, forming a key strategy in implementing comprehensive legal reforms. At the beginning of the task order, few of the more than 28 law schools in Nicaragua had a curriculum that reflected the current state of judicial reforms, and none offered any training or practical experience in the functioning of a oral-based accusatory criminal justice system.

2. Accomplishments and Results Achieved

Expected task order results, as modified, included at least 20 law schools (and 50 law professors) equipped with the skills to adapt their curriculums to the new reforms, and an increase in the number of students participating in clinical or externship programs. The Program exceeded these expected results, working extensively with 24 law schools and over 450 professors.

After completing a comprehensive assessment to identify the strengths and gaps in the Nicaraguan law school curricula, the Program developed an action plan to design a “basic curriculum.” Working closely with the National Association of Law School Deans (CONADER), the Program designed a highly participatory approach for the development of the basic curriculum with the support of law school professors from all CONADER member law schools. The basic curriculum included eleven different core subject courses: Introduction to Law, Criminal Law I & II, Criminal Procedure Law I & II, Forensic Medicine, General Theory of Procedural Law, Alternative Dispute Resolution, Procedural Labor Law, History of the Law and Roman Law.

In 2006, ten of these law schools adopted all or part of the basic curriculum: 1) *Universidad Central de Nicaragua*; 2) *Universidad Católica Redemptoris Mater*; 3) *Universidad del Norte de Nicaragua*; 4) *Universidad Paulo Freire*; 5) *Universidad del Valle*; 6) *Universidad Politécnica de Nicaragua*; 7) *Universidad Santo Tomás de Oriente y Mediodía*; 8) *Universidad Centroamericana*, 9) *Universidad de Ciencias Comerciales*; and 10) *Universidad Evangélica de Nicaragua*. The following year the Universidad Hispanoamericana became the eleventh university to implement the basic curriculum.

In 2007, the new President of CONADER adopted a different strategy regarding the strengthening of law schools which was focused on the international accreditation of law schools. Consequently, CONADER requested that the Program terminate the assistance related to the basic curriculum. It also presented a new request for assistance aimed at the accreditation of some law schools. This request was rejected by USAID and the Program, given the high costs and broad scope of the request.

The Program provided direct support for Nicaraguan law school professors, training 22 of them as trainers in the new Criminal Code in 2008. In 2009, two professors were sent to Mexico to participate in the 9th Annual AFEIDAL (*Asociación de Facultades, Escuelas e Institutos de Derecho de América Latina*) Congress and two were sent to attend an international moot trial competition sponsored by American University in Washington, DC.

The Program also actively encouraged the training of law students through clinical and other methods to increase practical lawyering skills of the future lawyers. Along these lines, moot courtrooms were designed, implemented and equipped in the law school at the *Universidad Centroamericana* (UCA) and at the *Universidad Autónoma de Nicaragua en León* (UNAN-León). Hundreds of law students have been trained in these moot courtrooms since their inauguration. Furthermore, the UCA has conducted more than 700 hearings in its facilities as part of an agreement with the Judicial Branch that allows judges to use the courtroom for trials.

In addition to the abovementioned endeavors directly related to the law schools and their curricula, CONADER was also an active partner of the Program in dissemination of legal information and other activities to increase civil society participation and discussion regarding judicial reform issues. Two “*jornadas*” or conferences regarding judicial independence were held with CONADER in 2006 and 2007, which were attended by 4,567 persons in nine different cities. In 2008 and 2009, CONADER played an important and proactive role as a partner in Program support for increasing the debate and civil society participation regarding the proposed constitutional reforms, and for sponsoring several workshops and seminars that covered constitutional topics. A total of 1,865 persons attended these activities in Managua, León, Estelí, Bluefields and Granada. As a follow-up activity to these efforts, the Program supported CONADER in the strengthening of teaching methodologies and course contents regarding constitutional law in a multi-day seminar for 40 law school professors, and in the contents of the criminal law courses with 20 professors.

Furthermore, the Program supported CONADER in institutionally strengthening its capacity for organizational development, including technical assistance for the development of a medium term strategic plan, training and orientation in the drafting of fundraising and project proposals, and assistance in improving and disseminating the public and corporate image of CONADER through the financing of brochures and the creation of a website.

3. *Lessons Learned*

- Competing interests and priorities concerning autonomy and academic independence within CONADER limited the implementation of the basic curriculum reform. Inter-institutional rivalries between public and private law schools also impeded the law schools from a broader implementation of the basic curriculum.
- A major challenge was the weak administrative and institutional structure of CONADER, which does not have an office or full-time staff. The organization is primarily run by its President and is highly dependent on Program resources for the organization of activities and its operational costs.

4. *Recommendations*

- CONADER members must demonstrate their commitment to the organization by contributing towards the establishment of an office and the hiring of personnel who could coordinate its activities. CONADER should consider developing an internship program that would provide the organization with some human resources at a very low cost.
- CONADER members should also reach consensus about the possibility of legally registering in Nicaragua as a nonprofit organization. The lack of a clear legal status in the country limits its ability to receive funds from international donors. As a result, financial assistance to CONADER must be managed by individual member organizations, a situation that generates mistrust among those who do not get the opportunity to manage funds.

- CONADER should establish strategic alliances with legal professional associations to involve private attorneys in training activities on the legal criminal reforms since most training efforts have been directed to the justice sector operators.

II. RESULT 2, JUDICIAL BRANCH STRENGTHENED TO IMPLEMENT JUDICIAL CAREER LAW

With the exception of the training activities with criminal judges implemented through the NITC, Checchi was never given permission to work directly with the Supreme Court on the activities proposed under Result 2 of the task order, including support for the implementation of the Judicial Career Law (JCL) and its regulations. As a result, activities under Result 2 were eventually eliminated from the scope of work of the task order. Unfortunately, many judges continue to adhere to inquisitional principles in their handling of cases, and judicial independence is largely hindered both internally by a politicized Supreme Court, as well as externally by influence from the political parties and other vested interests. Neither the JCL nor its implementing regulations, which were issued in 2008, have been effectively implemented, and, for the most part, judges are not selected on the basis of merit, not periodically evaluated, and do not enjoy any real judicial independence.

III. RESULT 3, ACCESS TO JUSTICE INCREASED FOR WOMEN, YOUTH AND ETHNIC GROUPS NATIONWIDE

A. MEDIATION AND ARBITRATION CENTERS

1. Background

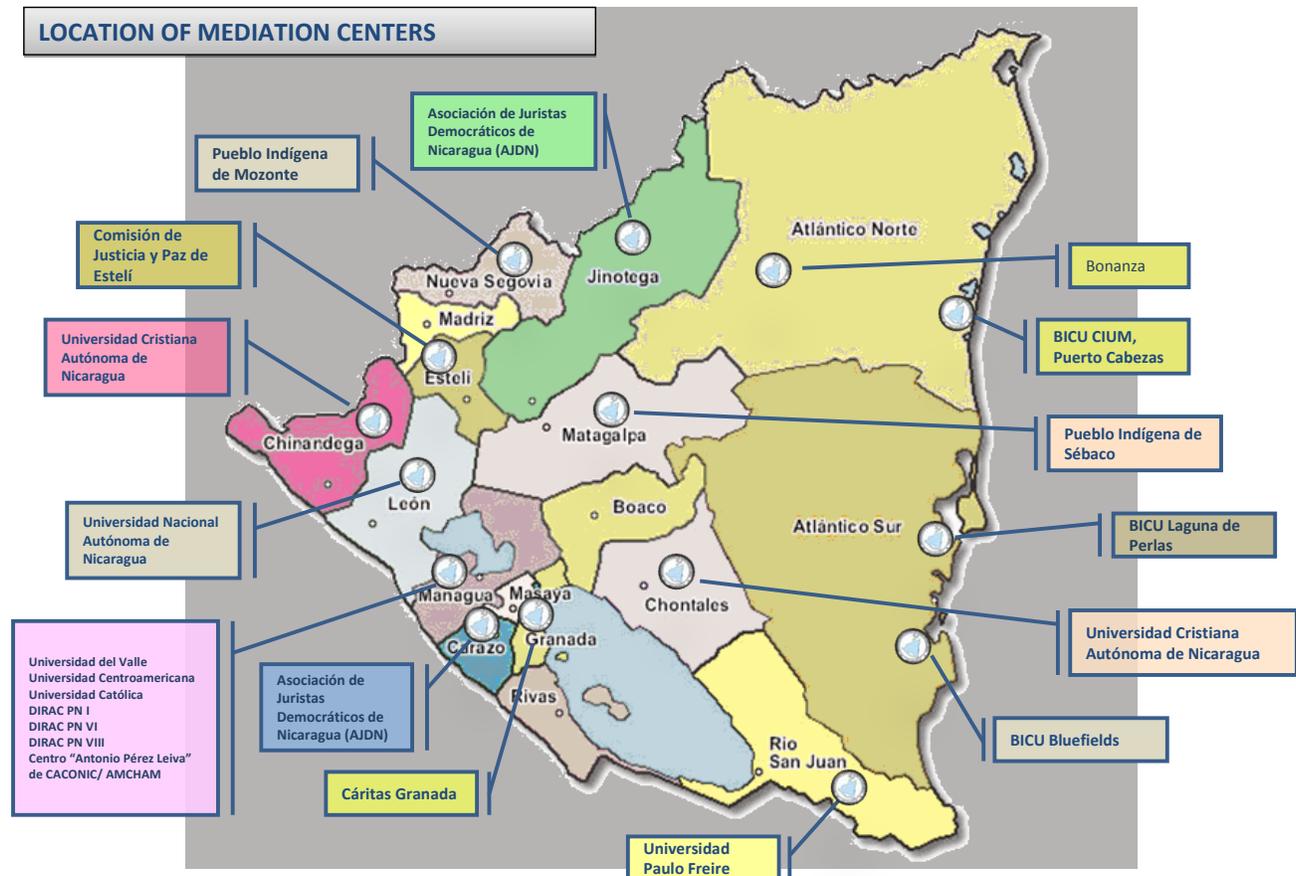
Prior to the task order, Nicaragua did not have a well-defined legal framework for alternative dispute resolution (ADR) activities, and there was very little use of ADR. The population knew little, if anything, regarding the availability of ADR mechanisms. The Alternate Dispute Resolution Directorate (*Dirección de Resolución Alternativa de Conflictos*, DIRAC) of the Supreme Court of Justice was established in 2000, but was only handling mediation and arbitration cases concerning property issues. At the community level, the Justice and Peace Commissions were working on conflict resolution activities and informally conducting mediations to solve mainly family and neighborhood disputes. The *Universidad Centroamericana* and the *Universidad Nacional Autónoma de Nicaragua-León* were providing mediation services in coordination with their law clinics, but these mediations were not recognized by the legal system. The Nicaraguan Chamber of Commerce (CACONIC) had worked in the drafting of a new Alternative Dispute Resolution Law that was introduced to the National Assembly in 2004.

2. Accomplishments and Results Achieved

Principal objectives for the mediation component during the Program were to increase the number of mediation centers and mediators, train and certify mediators under DIRAC and increase the use of ADR in creating a culture of peace. The Program achieved these objectives and exceeded all task order targets for this component, training 1,697 mediators (compared to a target of 250), establishing 22 ADR centers, including 2 commercial arbitration and mediation centers and 20 community-based mediation centers (compared to a target of 20 community-based mediation centers). 9,828 cases were resolved by the mediation centers (compared to a target of 1,950).

In 2005, the Program provided support to CACONIC in conducting outreach workshops to promote passage of the Mediation and Arbitration Law (Law 540), which went into effect in August 2005. Consequently, the Program conducted numerous activities to disseminate the new legal framework governing ADR activities. All Program trainings in ADR were designed in conformity with Law 540. This effort resulted in the accreditation of 395 mediators and 29 arbitrators who work at all centers established with Program support.

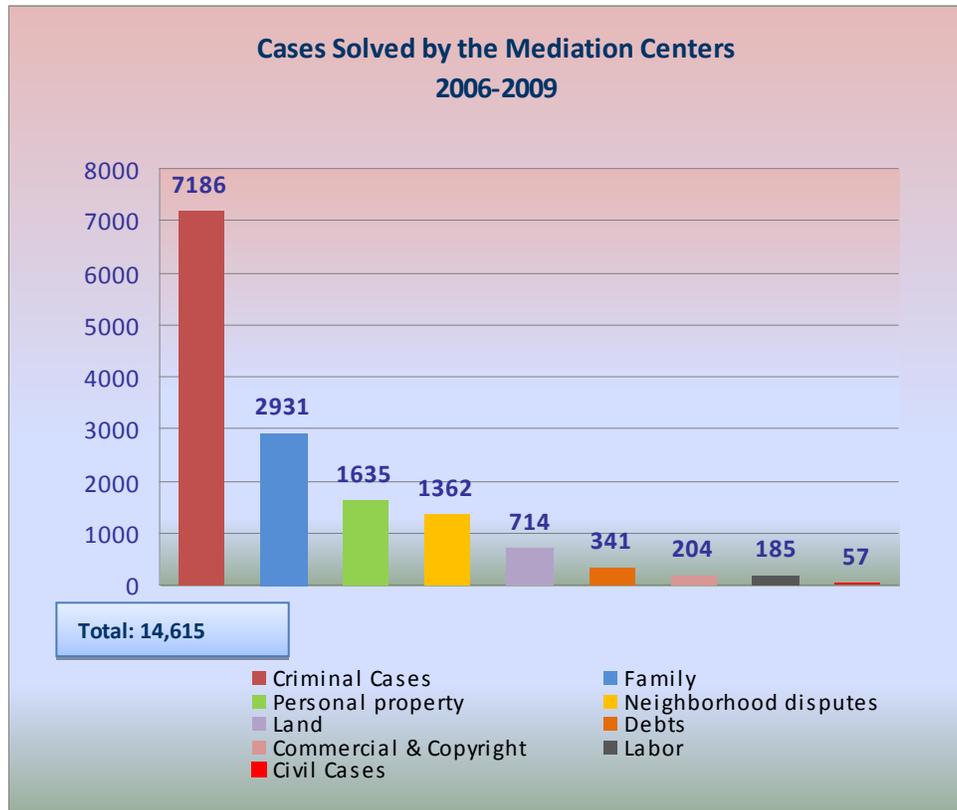
Commercial Arbitration and Mediation -- In 2006, the Program inaugurated the first arbitration center in Nicaragua with the collaboration of CACONIC. A second Program-supported arbitration center was established at the facilities of the American Chamber of Commerce (AMCHAM) in 2007, but the center eventually merged with CACONIC to provide a broader portfolio of commercial mediation and arbitration services to national and international businesses. Through May 2009, these centers had conducted a total of 29 arbitrations with 75 direct beneficiaries. To promote the services of the arbitration centers and build confidence in the business community about ADR mechanisms, CACONIC conducted a publicity campaign that included more than 19 outreach meetings with the participation of more than 578 business professionals.



Community-Based Mediation Centers -- The Program provided assistance to civil society organizations and the DIRAC in the establishment and legal accreditation of 20 mediation centers nationwide. The centers established by the Program used a variety of models in terms of location and management of the centers' operations, working with universities, NGOs, indigenous groups, and the National Police. Technical assistance was provided to each center in developing their internal operating procedures and code of ethics, approved by DIRAC as the regulatory body in the field of ADR.

The mediation centers have provided mediation services to approximately 32,429 direct beneficiaries (and an estimated 486,435 indirectly) and legal orientation services to 5,420 persons. Of the 11,471 mediations carried out, 9,828 resulted in signed agreements. According to the centers' records, an average of between 75% and 80% of the mediation agreements were complied with in most mediation centers. The types of cases handled by the centers cover a wide range of issues, with small crimes and family law the most common types of cases.

The Program provided extensive training to mediators to strengthen the MCs and their work. Over 395 mediators were provided with the full 40-hour mediation course over the course of the Program and over 1,500 were provided with the one-day course on the ADR Law. Basic course modules in mediation techniques were produced, published and distributed to assist in the training. To facilitate institutionalized national capacity to train and certify mediators over the long term, the Program assisted in the design and implementation of a DIRAC Mediation Training Center, which was recently permanently staffed by the Supreme Court of Justice.



In addition to training and institutional strengthening support, the Program assisted the mediation centers in carrying out awareness campaigns at the local level. These efforts were aimed at teaching the local population about ADR, disseminating information about the existence and services of the mediation centers. They also facilitated the creation of strategic alliances with key stakeholder groups, such as community-based organizations and justice sector operators, to increase the use of ADR.

During 2008-2009, the Program provided technical assistance in preparing a fee-based system as part of a sustainability plan for the mediation centers. The proposed system included three options: 1) a system based upon a fixed-fee scheme; 2) a system based upon a percentage of a final amount agreed upon; and 3) a system based upon a contribution related to the minimum wage. Twelve centers have decided to adopt the fixed-fee scheme and are in the process of undertaking a cost-benefit analysis and setting the fee scales. The other centers have opted to maintain the provision of services free of charge to the public and have committed sufficient internal resources to continue operating. The implementation of the sustainability plan and the fee-based system for the mediation centers exceeded Program expectations, particularly given the short time frame of the Program. The organizations managing the mediation centers have demonstrated a serious commitment to their work and an ability to continue operating without the support of external resources. For example, the following 16 mediation centers operated over the last 14 months without any financial support from USAID: UCA, *Universidad Católica de Nicaragua*, *Universidad del Valle*, DIRAC Police District I, DIRAC Police District VI, Bluefields Indian and Caribbean University (BICU)-Bluefields, *Movimiento de Mujeres Cristina Rugama Bonanza*, *Asociación de Juristas Democráticos de Nicaragua (AJDN)-Jinoteга*, AJDN Jinotepe, *Universidad Cristiana Autónoma (UCAN)-Chinandega*, UNAN-León, DIRAC Police District VIII, BICU *Centro Interuniversitario Moravo*, UCAN-Juigalpa, *Universidad Paulo Freire-San Carlos*, and BICU-Laguna de Perlas. This represents a positive outlook for the future of the mediation centers.

Given that mediation and arbitration promotes social peace, decongests the formal justice sector, saves enormous amounts of time and money, and in general increases the confidence of citizens in accessing justice, the high level of ADR use and the growth of ADR services at the national level represents a major achievement in improving access to justice and enhancing administration of justice in Nicaragua.

3. *Lessons Learned*

- The support from the DIRAC in the accreditation of mediators, arbitrators and mediation centers was critical in allowing the Program to achieve desired results on a timely basis. In particular, DIRAC's flexibility in the interpretation of the ADR Law helped with the accreditation of the mediation centers located in indigenous communities by recognizing them as legal organizations.
- Given the lack of understanding of ADR mechanisms in Nicaragua, public awareness initiatives and trainings were essential in educating the public and encouraging local citizens to visit the mediation centers.
- Private attorneys and legal professional associations demonstrated an outstanding commitment in the promotion of ADR and case management at the mediation centers by providing free legal services to the public. This demonstrates a significant change in the perception of private attorneys that ADR mechanisms are not being perceived as substitutes to the role of the attorneys.
- Local partnerships with National Police and local justice sector operators proved to be critical in increasing the number of cases handled by the mediation centers.
- The merger of the arbitration centers sponsored by CACONIC and AMCHAM demonstrates a consolidation of ADR services for the business community and highlights the existence of a unified approach to improve business confidence in ADR.

4. *Recommendations*

- Expand the ADR network by establishing additional community-based mediation centers, particularly taking into consideration that the proposed CiPC calls for mandatory mediation at early stages of litigation.
- Additional outreach activities, such as local media campaigns and community workshops, should be implemented to continue disseminating information about ADR mechanisms and advertising the services offered by the mediation centers.
- Support the creation of a professional association for mediators and arbitrators that will serve to consolidate ADR activities in Nicaragua and encourage continued improvement of the profession.
- Assist in the strengthening of organizational capacities of the mediation centers, including aspects of strategic planning, project management and financial planning.
- Provide support in enhancing monitoring and evaluation skills to improve the follow-up to mediation agreements, and to develop standards and mechanisms to periodically measure user satisfaction and make necessary adjustments to service provisions.

B. JUSTICE FACILITATORS

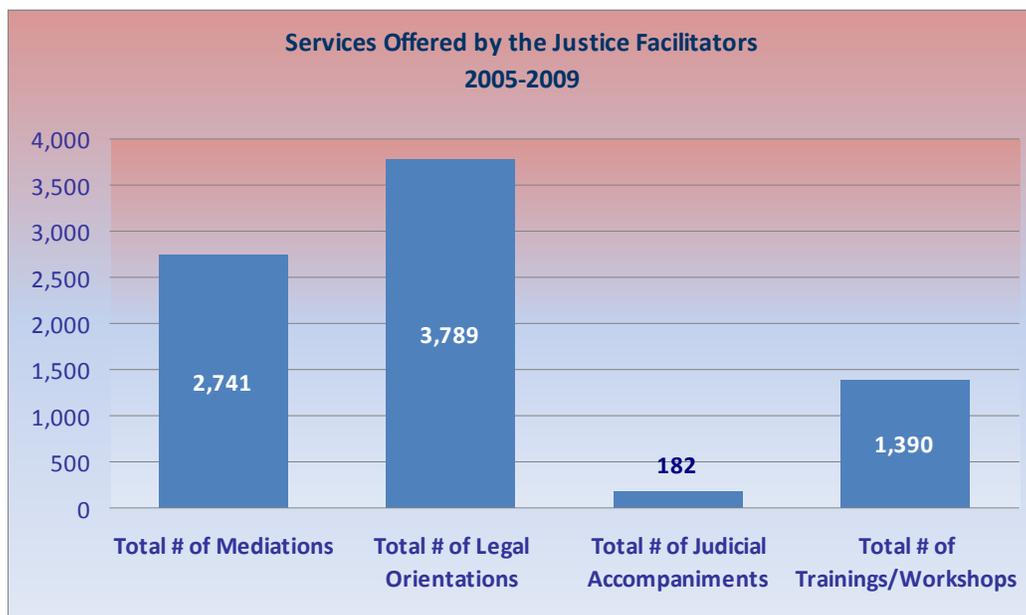
1. Background

Poor persons living in rural areas, as well as in marginalized urban communities had little real access to the justice system, which tends to be expensive, delay-ridden and incomprehensible to many. In addition, information about the justice system was not widely available in an understandable format. The Organization of American States (OAS) initially piloted an access to justice program, referred to as judicial rural facilitators. The pilot was located in limited rural areas, and was designed to educate the population about the justice system and facilitate the peaceful resolution of conflicts at the local level. Their work was not systematized, however, and the quality of the judicial rural facilitators' services varied considerably.

2. Accomplishments and Results Achieved

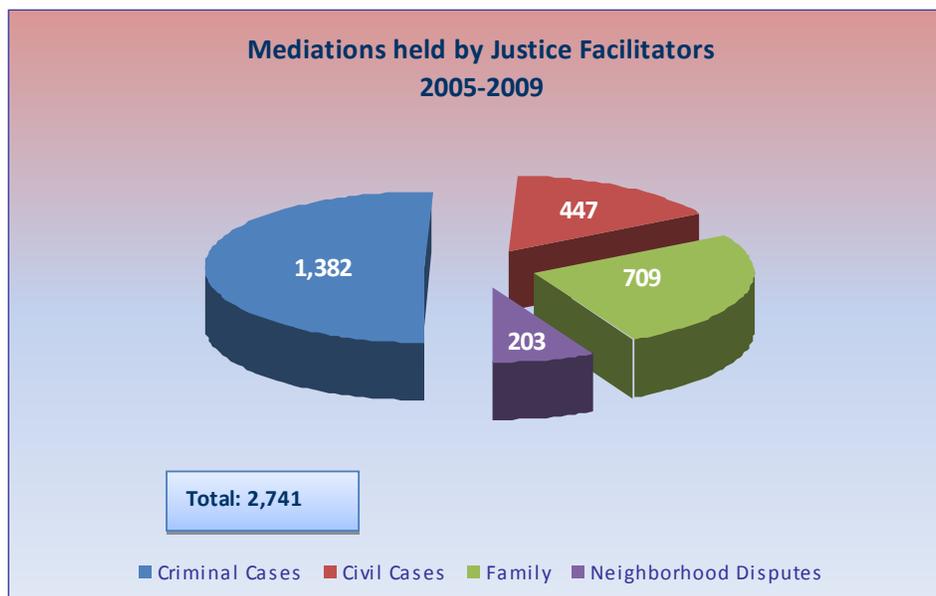
The Program greatly exceeded all task order expected results for the Justice Facilitators (JFs) program, including the recruitment of 489 new JFs (224 men and 265 women), well exceeding a target of 300; the formal accreditation by the DIRAC of 338 JFs as mediators with a target of 100; the partnerships with 36 civil society organizations out of a target of 20 organizations responsible for the recruitment and sponsoring of JFs; and the implementation of a sustainability strategy to increase access to justice.

To ensure the implementation of a comprehensive and coordinated JF program, the Program developed a "Justice Facilitators Model" to promote access to justice at the community level. The Model sets forth the conceptual framework of the work of justice facilitation, as well as detailed guidelines regarding how CSOs can carry out efficient and effective justice facilitation work. The Model defines the primary functions of the JF, which include: 1) serving as legal educators and providing orientation to members of the community in the justice field; 2) accompanying disadvantaged persons in their judicial endeavors; and 3) promoting the use of mediation and other ADR mechanisms by conducting mediations. Given that JFs work as volunteers, a total of over 47,000 persons have directly benefited from free services offered by the JFs at a very low cost to the sponsoring CSOs.



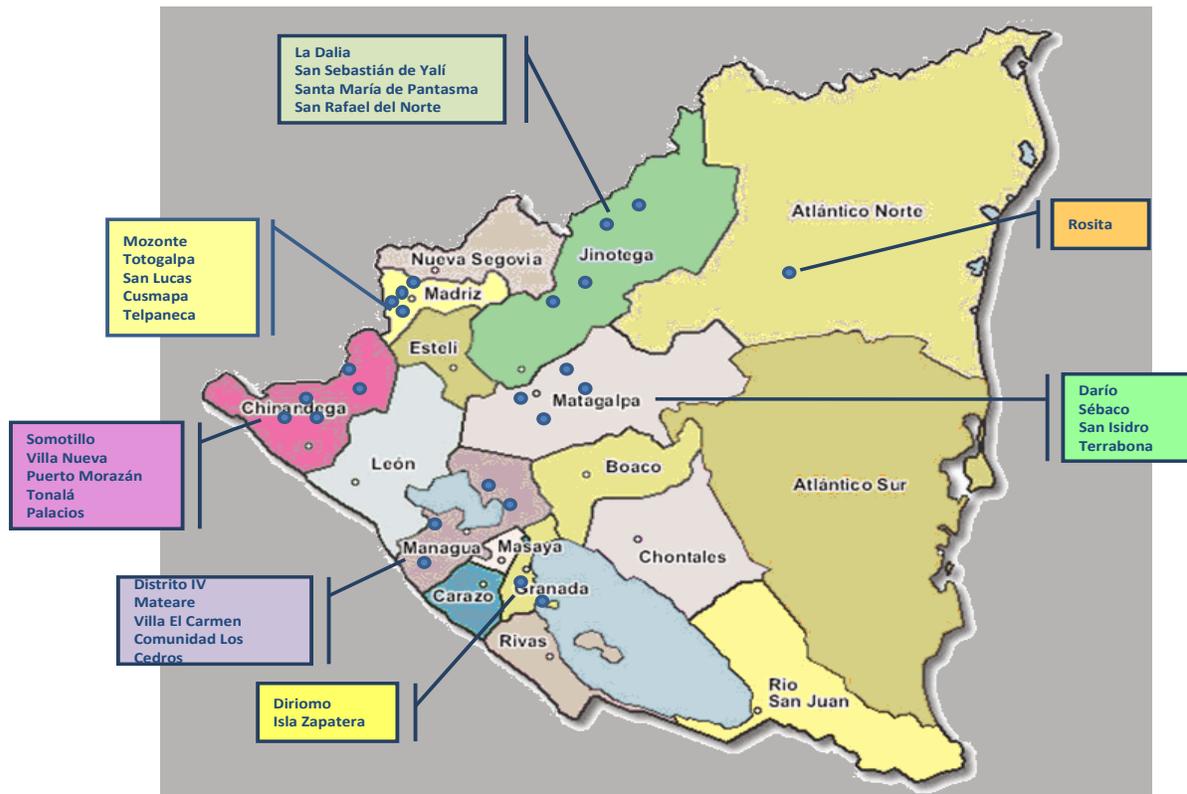
The expansion of the JF program required the development of strategic partnerships with key local CSOs to assist in the recruitment of community leaders. See Annex C for a chart showing the distribution of facilitators by CSOs, as well as their geographic coverage which extends to 41 municipalities and 11 departments. Small grants were issued to CSO partners to assist the Program in the training of JFs and to provide logistical support. JFs completed an extensive training program that included the following eight courses: Basic Fundamentals of Human Rights, Structure of the Justice System, Crimes and Misdemeanors, Basic Mediation, Property Rights, Family Law, the new Criminal Code and gender-based violence. In addition, the Program coordinated targeted training activities on topics such as juvenile law, environmental law, labor rights and indigenous rights. The knowledge and expertise gained through these trainings were critical in facilitating the JFs to conduct community workshops and trainings at the local level. These activities have had a multiplier effect with broad impact in marginalized communities, including the training of 37,471 persons on a variety of legal and access to justice issues.

Furthermore, 338 JFs completed a 40-hour mediation course to become accredited by the DIRAC as mediators, and 79 additional JFs are pending accreditation. Many JFs have established alliances with the Program’s mediation centers to assist them in case handling and legal certification of mediations. During the lifetime of the Program, JFs conducted 2,741 mediations primarily dealing with criminal law and family law. JF services concerning legal orientations were focused on issues related to the functioning of the criminal justice system and family law for a total of 3,789. In addition, JFs conducted a total of 182 accompaniment cases to assist community members in following up with judicial resolutions and hearings requested by the Ministry of Family Affairs.



In 2007, the Program expanded the JF program from rural to urban as it became apparent that many communities living in marginalized urban areas suffered many of the same access to justice problems as do rural communities. In response to the need in various urban communities to establish a centralized location to seek out the services of the JFs and improve coordination with the local justice sector operators, the Program facilitated the creation of the Legal Assistance Center (LAC) model. The LACs were established with the support of organized community groups, municipalities and/or CSOs. The facilities include physical office space where JFs can congregate, get support from their peers, and even carry out mediations. Given the success and support from local actors in the implementation of the LACs, the Program replicated this approach in several rural areas. A total of 24 LACs have been created and supported since June 2007.

LOCATION OF LEGAL ASISTANCE CENTERS (LAC)



As an important strategy in achieving the sustainability of the JFs, the Program facilitated the creation of collaborative partnerships with municipalities with the purpose of obtaining financial and operational support. A total of 15 municipalities are supporting JF activities. Many of these also provided physical space and office equipment for the JFs to assist them in carrying out their work. Similarly, JFs have been able to leverage funds from the private sector to cover operational costs and training activities, as well as from five local religious congregations and five indigenous organizations. The support of the local judges and the National Police significantly assisted with the sustainability efforts of the JFs. This collaboration has contributed to building a closer relationship between the community and the justice system. For example, permanent coordination mechanisms, such as a special referral form used by the National Police to make referrals to the LACs, have proven particularly useful in consolidating and legitimizing JF services among the population as well as by the justice sector authorities.

3. *Lessons Learned*

- The Supreme Court of Justice failed to assign sufficient funding for promoting access to justice within marginalized communities, and as a result, most efforts must be carried out by civil society and the municipal governments.
- Active participation of key stakeholders groups, such as local CSOs and community leaders, throughout all phases of project design and implementation was critical to the success of the JFs program. The commitment, dedication and efforts of community leaders to resolve conflicts through ADR mechanisms has been substantial and is essential for the continuation of the voluntary services offered by the JFs.

- The integration of justice sector operators, particularly the local judge and the National Police, within community-based access to justice efforts, validated the work of the JFs and contributed to the acceptance of the JFs by other justice sector actors.
- Focusing the JFs efforts on respect for human rights and improving access to justice contributed to the adoption of societal values essential to the construction of a culture of peace at the community level.
- The selection of local partners with appropriate organizational structures and physical presence in the local communities, and groups of justice facilitators that represent diverse gender, age and political preferences, helped in the acceptance and effectiveness of the JFs.

4. *Recommendations*

- While on the way to sustainability, the JF program, will continue to require some assistance in consolidating the internal operating mechanisms of LACs and in the financing of their ongoing operations.
- Further technical assistance is needed to strengthen advocacy for increased participation and coordination with justice sector actors in the functioning of the LACs.
- JFs in different cities should exchange experiences through a permanent network or association. This will assist in continuing efforts to consolidate its volunteer programs and will also assist in holding workshops to improve their technical capacities.
- Additional efforts are necessary to consolidate existing strategic alliances with the municipalities, and to establish new partnerships that can provide programmatic and financial support.

IV. RESULT 4, INCREASED CIVIL SOCIETY AND COMMUNITY INVOLVEMENT IN SPECIFIC ISSUES

A. CIVIL SOCIETY ADVOCACY AND INSTITUTIONAL STRENGTHENING

1. *Background*

In general, civil society organizations in Nicaragua at the time of task order initiation operated in relative isolation, with little coordination or effective coalition-building taking place. In large part, this was due to insufficient organizational capacity as well as a tendency of CSOs to manage their organizations with a narrow vision that hindered long-term success. The lack of collaboration and coordination among CSOs led to duplication of efforts and limited their capacity to influence public policy. Without clear strategies for policy engagement, CSOs were utilizing poor communication strategies with minimal success in advocacy. Many CSOs had weak accounting and administrative structures with little capacity to fund raise, and lacked strategies for coordinating activities with their members and regional chapters. There were very few CSOs working in the justice sector field, and those that were had little capacity to undertake technical analysis.

2. *Accomplishments and Results Achieved*

Task order expected results were focused on increasing the capacity of CSOs to advocate for justice reform and respect for human rights. In this regard, the Program achieved the anticipated targets by creating four new CSO coalitions out of a target of 3 and strengthening seven organizations to participate in justice reform and human rights advocacy (out of a target of six). The Program implemented 32 initiatives with the collaboration of 15 CSOs (out of a target of nine initiatives, see Annex D). The Program also supported several advocacy activities concerning issues such as the merit-based selection of justice sector officials, the improvement in the protection and respect for human rights of indigenous populations of the Atlantic Coast, and the proposed constitutional reforms. Advocacy efforts concerning the constitutional reforms were limited by new USAID instructions provided in 2008 restricting public and media activities. Civil society coalitions in the justice and human rights fields have advanced significantly during the lifetime of the Program. As incipient organizations, however, they are still in need of further assistance to strengthen their capacity to manage their activities and advocate effectively in defense of democracy and human rights in a hostile political environment.

At the start of the task order, the Program carried out an extensive assessment of 100 Nicaraguan CSOs with the potential to contribute to justice reform and human rights. Potential partners were identified in both areas. An action plan was then developed that sought a coordinated approach among this diverse group of CSOs whose activities focused on advocacy and coalition building. The activities were based on two of USAID's priority issues: 1) human rights and access to justice for disadvantaged groups, including women, indigenous populations, and children and adolescents; and 2) legal reform of the justice system. Significant accomplishments were achieved in each priority area as indicated below:

Access to Justice Coalitions -- The civil society made significant strides with the creation of three new broad-based access to justice coalitions. These were formed around basic rights for Women and Youth as well as rights for children and indigenous peoples. Each of these coalitions is composed of more than 20 CSOs from different regions of the country. To increase their understanding of legal and human rights issues and become better advocates, the Program conducted a series of trainings in topics such as criminal law, citizen participation, family law, and gender-based violence. These trainings were replicated by justice promoters from the coalitions to raise awareness in local communities and increase their membership base. In addition, the Program provided technical assistance in strategic planning, project

development, and monitoring and evaluation to enhance their organizational development capacity. These trainings helped several coalition member organizations to obtain additional funds from other donors.

Geographic Presence of Access to Justice Coalitions



It is important to note that the Indigenous Rights Coalition represents a landmark in Nicaragua, as it was the first time that 26 indigenous groups from the Pacific, central, north, and the Triángulo Minero come together to discuss justice sector issues affecting indigenous populations across the country. The Indigenous Rights Coalition played a key role in drafting and lobbying for the passage of an Indigenous Rights Law that has been under consideration by the National Assembly since 2006. The law would grant the indigenous groups special rights in the management of their territories and communal lands, as well as recognition of cultural values and traditions protected by international law.

Another important achievement of the Indigenous Rights Coalition is the creation of three Indigenous Rights Defense Centers to improve access to justice in marginalized communities in Bonanza, Mozonte and Matagalpa. The centers provide legal assistance and conduct outreach activities in targeted indigenous communities. For example, the Center in Bonanza has been particularly effective in leveraging support from the municipality and other donors for the implementation of activities to reduce environmental crimes by improving coordination efforts with the Ministry of the Environment (MARENA). The Center in Mozonte has had considerable success in working with the Elders' Council and local justice operators in increasing attention to the concerns of the Chorotega Indians regarding property disputes.

The Women's Rights Coalition, made up of 21 women's rights CSOs, created and consolidated a network of over 450 justice promoters. Their members were trained to carry out public education activities regarding gender and violence, criminal justice themes, and mediation. The Coalition produced and distributed a number of publications regarding the access to justice for women. The Women's Rights Coalition has been active in advocating for better attention to women as victims of crime, and it successfully lobbied the Public Ministry to improve coordination and handling of domestic violence

cases. Similarly, the Women's Rights Coalition lobbied the Forensic Medicine Institute and the Ministry of Health to commit additional resources to improve the quality of forensic services in the Triángulo Minero.

The Youth and Children's Rights Coalition spearheaded a national level initiative of 25 CSOs to coordinate efforts to increase access to justice for children and adolescents. Among other things, the Youth and Adolescents Coalition prepared and published, with Program assistance, a Lay Person's Guide to the Criminal Procedures Code. It also coordinated a number of seminars and discussions to advocate for the proper implementation of the Youth and Adolescents Code. Some of these activities were implemented by the Coalition with the support of the municipalities. Lobbying and advocacy efforts by the Coalition led to the improvement of services provided by the Ministry of Family Affairs (MIFAMILIA) in various locations, including San Miguelito and El Almendro.

Oversight of Justice Issues -- As a further measure to increase the role of CSOs in the monitoring and evaluation of the human rights protection and justice systems, the Program supported the design, implementation and strengthening of two CSO-based judicial "observatories" or watchdog groups. The first was created in coordination with the UNAN-León and the second with the Bluefields Indian & Caribbean University (BICU). The BICU observatory is the only organization of its kind in Nicaragua that addresses issues related to autonomous rights and indigenous populations. The Program donated equipment and provided technical and logistical assistance to the observatories, which have been fully integrated and are now logistically supported by their respective universities. The observatories, which are staffed in large part with law students, conducted and published studies on judicial corruption, citizen perception of the justice system, and human rights and due process issues within the criminal justice and penitentiary system.

The Program also worked extensively with journalists during the first half of the task order to encourage more active, broader and more accurate media coverage regarding the justice sector and the criminal reforms. In association with the *Universidad Hispanoamericana* (UHISPAM), the Program supported a three-month "Judicial Journalism" post-graduate program for 47 journalists that covered such topics as: covering judicial sources, the relationship between justice and journalism, the Access to Information Law, new technological innovations in investigative journalism, and the participation of the population in the selection process of justice sector officials. It was the first endeavor of this type in Nicaragua and was widely appreciated by the participants. Similarly, the Program supported eight seminars in association with the Journalism School of the UCA for 177 journalists regarding the criminal reforms and the mass media. A total of 318 journalists were trained by the Program as part of various efforts to improve media coverage of justice sector issues.

Advocacy Activities in the Atlantic Coast -- In addition to the civil society initiatives previously described with CONADER and the CSO coalitions, the Program implemented a comprehensive outreach and advocacy initiative to improve access to justice and respect for human rights in the North and South Autonomous Regions of Nicaragua (RAAN and RAAS). In collaboration with the BICU, *BICU Centro Interuniversitario Moravo* (BICU-CIUM), the *Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense* (URACCAN), the Moravian Church and the *Centro por la Justicia y los Derechos Humanos de la Costa Atlántica de Nicaragua* (CEJUDHCAN), the Program conducted youth forums and outreach workshops in the RAAN and RAAS with the participation of more than 1,100 citizens from diverse ethnic groups and indigenous populations from more than 40 communities. These activities were carried out by legal education brigades created and trained by the Program. Brigadiers were selected from diverse ethnic backgrounds to carry out the activities in the prevalent language of each community. In addition, the Program conducted three regional conferences in the Atlantic Coast (RAAN 1, RAAS 2) in which 1,446 persons participated. The community outreach workshops and conferences addressed issues related to human rights, ADR, autonomous rights of indigenous populations, and differences

between the formal justice system and indigenous laws, among others. Program efforts have resulted in an increased involvement of community leaders and indigenous elders in rule of law issues advocated by local civil society partners. Advocacy activities in the Atlantic Coast were suspended in May 2008 as these efforts were no longer part of the task order's scope of work for the extension period.

Justice Reform Coalition and CSOs -- On July 2006, the Program, in coordination with *Hagamos Democracia*, supported the creation of a new organization called *Grupo Pro Justicia*, dedicated to the advocacy and research of justice sector issues. *Grupo Pro Justicia* completed its legal registration process (*personería jurídica*) on May 2009. This opens up the possibilities of undertaking various strengthening and organizational development activities not available in the past. Despite its lack of *personería jurídica*, *Grupo Pro Justicia* was an effective actor in advocating for legal reforms. Since its creation, *Pro Justicia* has established two student chapters at universities in Managua, and has conducted numerous workshops and seminars to raise public awareness and debate key justice sector issues.

In 2007, the Program created the first justice-oriented coalition in Nicaragua. Born out of a workshop with CSOs to discuss civil society participation and the challenges confronting the Nicaraguan justice sector, the Permanent Organization for Justice (*Organización Permanente por la Justicia*, OPJ), came together to define its objectives and advocacy strategies. The OPJ members are *Juventud por la Democracia de Nicaragua* (JUDENIC), *Movimiento por Nicaragua* (MpN), *Comisión Permanente de Derechos Humanos* (CPDH), *Grupo Pro Justicia*, and *Hagamos Democracia* (HADEMOS). The Program provided assistance to OPJ in the development of internal regulations, the establishment of a Technical Secretariat responsible for monitoring and coordinating OPJ activities, and organizational development (including trainings in strategic planning, project development and communications skills).

The OPJ was effective in the development and implementation of advocacy campaigns. The coalition conducted an initial advocacy campaign to promote the merit-based and transparent selection of Supreme Court magistrates and the appointment of the Prosecutor General in 2007. Although none of the candidates selected to the Supreme Court were proposed by the OPJ, its advocacy efforts and lobbying forced the National Assembly to involve civil society in the selection process of magistrates, a first in Nicaraguan history. A similar campaign was launched in 2008 focused on the selection on Supreme Court magistrates. However, the intense pressure exercised by the ruling government on civil society minimized the impact of this campaign. These initial advocacy efforts were able to increase civil society participation, contribute to the improvement of the technical capacities in policy analysis of OPJ members, and position OPJ members as key players in the discussion of justice sector issues. In addition, the campaigns contributed to increased media coverage of justice issues, such as transparency, merit-based selection of justice officials and the politicization of the justice sector institutions.

In 2008, it also became evident that the ruling government had a strong interest in carrying out constitutional reforms that would convert Nicaragua to a parliamentary-based governance system. The proposed constitutional reforms also included lifting the restriction on presidential term limits, and the possibility of lifetime appointments to the Supreme Court. With Program support, OPJ developed an advocacy strategy to encourage public debate regarding the proposed constitutional reforms in light of widespread speculation regarding the imminent passage of the reforms. However, the implementation of this campaign was severely limited due to USAID restrictions that led to the elimination of activities associated with the campaign. OPJ's consensus is that these and other restrictions were detrimental to the organizational development and technical capacity of the coalition to become an effective advocate of justice and democracy.

Institutional Strengthening of Civil Society Organizations -- In 2008, USAID assigned new resources to the institutional strengthening of civil society organizations. The Program provided targeted technical assistance and awarded institutional strengthening grants to six key civil society organizations: 1) MpN;

2) *Red por la Democracia y el Desarrollo Local (Red Local)*; 3) JUDENIC; 4) *Coalición de Jóvenes*; 5) CPDH; and 6) HADEMOS/Pro Justicia. The short period of implementation of the grants, which varied from 3 to 10 months, limited the scope of the activities implemented. This notwithstanding, the excellent relationships with CSO counterparts contributed significantly to the success of the projects implemented with Program support.

The institutional strengthening activities in support of MpN focused on strengthening its internal structures, external image, and operating policies. Among other things, MpN, with Program assistance, expanded its regional coverage through the creation of three regional Justice Chapters (in León, Masaya and Matagalpa) to support its legal work in the field; updated its internal operating procedures and regulations; strengthened its internal communication systems; trained staff in the use of its operations manual; drafted and presented four proposals for financing its activities (one of which, to date, has been accepted by an international donor); created a sister foundation in the United States to facilitate fundraising there; and carried out eight radio programs on matters of national importance.

JUDENIC activities were focused on consolidating the work being done by their network of volunteers in various departments, strengthening technical skills to analyze and act in response to national political and justice sector developments, and establishing strategic partnerships with other CSOs. Concrete results of Program support for JUDENIC include: the strengthening and expansion of constituency groups through the creation and reactivation of regional structures in Managua, León, Jinotega, Chontales and Granada; building a strategic alliance with other CSOs and educational institutions, such as the *Movimiento Autónomo de Mujeres*, *Unión Ciudadana por la Democracia*, *Centro de Investigación para la Comunicación (CINCO)*, and *Grupo de Jóvenes Puente*; and improving its political legitimacy as a recognized civil society actor representing Nicaraguan youth.

The Program provided extensive technical assistance to the *Red Local* and several of its members in reviewing its individual statutes and internal regulations to ensure compliance with government requirements to operate as an NGO. In addition, through the implementation of a grant, the *Red Local* accomplished the following results: strengthened the technical and administrative capacity of its Executive Secretary and of its member NGOs through the establishment of a new network accounting division; increased the membership of the *Red Local*; carried out a diagnostic assessment to improve its internal cohesion, which has significantly contributed to improving its internal and external communication systems; developed a member training plan to improve the technical capacities of its members in issues like advocacy, citizen participation and local governance; and strengthened its strategic alliances, particularly expanding its presence to the Atlantic Coast.

The *Coalición de Jóvenes* was created in June 2008 as a group of youth organizations and individuals committed to democracy and transparency, but had little organizational development capacity, no strategic plan and poor coordination among its members. Two months later, the Program awarded a grant to JUDENIC, a coalition member, to facilitate institutional strengthening efforts with the *Coalición*. To date, the *Coalición* has significantly strengthened its internal organizational structure after updating its bylaws and developing new internal regulations. The *Coalición* also was able to develop a general action plan that represents the initial steps towards the development of a comprehensive strategic plan. In addition, it designed a training program to strengthen the technical skills of its members in issues related to rule of law, leadership and organizational development.

The CPDH initiated institutional strengthening activities in March 2009. During this period, CPDH, with Program assistance, strengthened the technical capacities of its human rights promoters related to the new Criminal Code and informal education techniques, modernized its information system to better register administrative and financial aspects, and prepared a compendium of successes over its more than 30 years of existence. Similarly, HADEMOS implemented a three-month grant focusing on institutional

strengthening. Through this initiative, HADEMOS, worked on and succeeded in strengthening its internal operating procedures and decision-making processes, designing a justice unit to focus on justice related issues, redefining its institutional mission and vision statements to give the NGO a more national level stance, and improving its internal and external communication systems and products. Program support to HADEMOS also included institutional strengthening activities with *Pro Justicia*, which was able to obtain legal certification as an NGO at the conclusion of the grant.

3. *Lessons Learned*

- In Nicaragua, very few civil society organizations have experience in the area of justice. The Program, through its work with civil society organizations, made significant progress in improving technical capacities that are contributing to the implementation of better advocacy strategies.
- In general, Nicaraguan citizens, especially those who belong to communities that have historically been marginalized, such as indigenous groups, distrust the institutions charged with the administration of justice. Outreach workshops were critical in contributing to changing this view and encouraging citizens to recognize that fundamental rights to justice should be promoted by communities and individual citizens in collaboration with the justice institutions.
- CSOs dedicated to effecting justice reform and advocacy have trouble securing funds from international and domestic donors given the political pressures exercised by the GON on the donor community.
- The experience of the legal education brigades in the Atlantic Coast showed that community outreach and advocacy processes on topics of interest to indigenous populations should be planned in cooperation with the communities and local actors in order to ensure their legitimacy.
- Citizens should be informed about justice through a variety of means, including media, church groups, universities and centers for the community at large. Limiting the types of public activities to be carried on in an advocacy campaign diminishes the potential impact of such efforts.

4. *Recommendations*

- The CSOs and coalition partners have made significant progress in institutional strengthening during the short timeframe of the assistance, but continue to need on-going technical and logistical support.
- Carry out additional access to justice and advocacy activities to benefit indigenous groups and marginalized communities in the Atlantic Coast.

B. SMALL GRANTS PROGRAM

1. *Background*

A small grants program was a critical element of the CSO component of the Program. The grants program served as a mechanism to provide extensive support to selected CSOs working in the human rights and justice related fields. Grants were awarded through open competition procurement processes, as well as targeted requests for proposals to a preselected group of CSOs. Counterpart contributions were required in most cases. The general objectives of the grants program were to: (1) support NGOs in advocacy activities and campaigns, (2) institutionally strengthen Nicaraguan NGOs working in the human rights and justice fields, (3) create and strengthen community-based mediation centers, and (4) create and train justice facilitators.

2. *Accomplishments and Results Achieved*

The Program awarded a total of 60 small grants during the life of the task order, exceeding the target of 25. A total of \$1,317,539 of Program funds were disbursed to support civil society activities under the grants program, and grantees invested a total of \$242,808 in counterpart contributions. Annex E shows a complete list of all grantees that received Program support.

An evaluation carried out by the Program near the end of the task order indicates a high level of acceptance and satisfaction with the small grants program. Some of the findings include the following: an improvement in the political will on the part of some counterparts, the Program and USAID; a significant degree of buy-in on the part of the CSOs; the creation of strong strategic alliances and networks in the execution of small grants; effective technical support and accompaniment on the part of the Program; and a willingness and capacity to take advantage of opportunities in the political environment.

In addition, the evaluation indicates that grantees described putting the topic of access to justice, which previously had been ignored, on the political and social agenda of the country as a major accomplishment of the Program. The small grants program also contributed to enhancing the operations of the CSOs through the donation of equipment and hiring of staff. Grantees have expressed gratitude to the Program for helping them improve their organizational development and technical capacities in areas such as strategic planning, negotiation skills, teamwork, communications, report writing, budget management, and program monitoring and evaluation.

3. *Lessons Learned*

- Intensive technical support and accompaniment was necessary and critical to enable several CSOs to plan, design and implement activities, particularly in the areas of strategic planning, project management and budgeting.
- The internal bureaucracies and extensive administrative requirements of larger organizations, such as universities, led to delays in the implementation of activities and financial reporting due to centralized decision-making procedures. On the other hand, small community-based organizations were more responsive and efficient, and demonstrated much greater flexibility and a capacity to effectively adapt to unanticipated events that positively affected project implementation.
- Small organizations handled their funds most efficiently. These types of organizations also tended to maintain the best relations with the Program, as well as with other community organizations.
- The lack of human resources and organizational development represent a significant obstacle to the effective and efficient implementation of donor-funded projects by some CSOs. In addition, civil society organizations interested in justice reform often chose to pursue broader topics in order to receive more funding, which had the effect of stretching their limited resources even further.

4. *Recommendations*

- Award additional civil society strengthening grants to assist them in increasing organizational development capacities.

LIST OF RULE OF LAW PROGRAM TRAINING ACTIVITIES

ANNEX A

LIST OF PROGRAM TRAINING ACTIVITIES

INSTITUTION	TRAINING/WORKSHOP
PUBLIC MINISTRY	Leyes de Drogas y Armas
	Curso de Inducción y aprovechamiento para fiscales
	Ley Electoral, Ética y campaña electoral
	El ejercicio de la acción penal por el Ministerio Público
	Aplicación supletoria del CPP en el Proceso Penal Adolescente
	Narcoactividad
	Implementación de la Ley de Delitos Ambientales
	Violencia y Género
	Derechos Humanos y Jurisdicción Constitucional
	Actos conclusivos
	Formulación de Acusaciones y Técnicas de Oralidad
	Defraudación y contrabando aduanero
	Criterios de persecución penal
	El manejo de la escena del crimen
	<i>Curso Básico para Fiscales:</i>
	1. Actos de Investigación
	2. Formulación de la Acusación y Teoría del Caso
	3. Técnicas de Interrogatorio
	Marco Conceptual de la Violencia de Género
	Abordaje Psicológico Inicial de Víctimas
	Medicina Legal y Ciencias forenses
	Medios Probatorios y Argumentación para la Formación del Convencimiento Judicial
	Interrogatorio y Contrainterrogatorio en Juicio
	Oratoria forense
	Grupos, Redes Criminales: Análisis aplicado a la investigación de crimen organizado
	Criminalística aplicada a la construcción de casos penales
	Actividad procesal defectuosa y manejo de impugnaciones
	Actualización en Legislación Ambiental
	Habilidades básicas para el mejoramiento de la docencia en el ámbito fiscal
	Victimología y asistencia a víctimas de delitos
	Investigaciones financieras en lavado de dinero
	Análisis aplicado a la investigación de crimen organizado
	Políticas de persecución en materia ambiental
Técnicas y habilidades en la investigación de delitos de corrupción	
NATIONAL INTER- INSTITUTIONAL TECHNICAL COMMISSION	Redacción de resoluciones judiciales
	Formulación y control judicial de la acusación
	Oralidad y dirección de audiencias
	Valoración de la prueba y medidas cautelares

	Actividad procesal defectuosa
	Medicina Legal para Jueces
	<i>Postgrado en Alta Gerencia Judicial para Jueces:</i>
	1. Etica Judicial
	2. Gestión Gerencial
	3. Manejo efectivo del tiempo
	4. Efectividad de las organizaciones gubernamentales
	5. Gestión de despachos en el ámbito penal
	6. Gerencia del proceso
	7. Gerencia de recursos humanos en el ámbito judicial
	8. Gestión Jurisdiccional
	9. Organización del Trabajo Jurisdiccional en el Ambito Penal
	10. Informática Jurídica
	11. Régimen Legal del Funcionario Judicial
	12. Instrumentos Internac. aplicables a la función judicial
	13. Técnicas de la Argumentación Jurídica
	Curso de Código Penal
	Capacitación a capacitadores sobre Nuevo Código Penal
NATIONAL POLICE	Curso sobre Nuevo Código Penal
ATTORNEY GENERAL'S OFFICE	Lavado de Activos
	La Acusación
	Delitos patrimoniales y socioeconómicos
	Delitos contra la administración pública en el Código Penal
	Régimen de Impugnaciones
	La prueba en el juicio oral
	Actividad Procesal Defectuosa
	Crimen organizado, redes y grupos criminales
	Acción Civil Resarcitoria
	Los Delitos Ambientales en el Nuevo Código Penal
FORENSIC MEDICINE INSTITUTE	Medicina legal y ciencias forenses (4 talleres)
	Taller Validación de diagnóstico, situación y plan de acción del IML
	Pasantía al Instituto de Medicina Legal y Ciencias Forenses de Colombia
	<i>Especialidad en Medicina Forense:</i>
	1. Metodología de Investigación Científica
	2. Manejo de Información Estadística
	3. Clínica Forense I
	4. Clínica Forense II
	5. Clínica Forense III
	6. Traumatología Forense
	7. Patología Forense I
	8. Patología Forense II

	9. Genética Forense
	10. Criminalística y Antropología Forense
	11. Odontología, Radiología Forense y Estimación de Edad Biológica
	12. Peritación Clínica de Delitos Sexuales y Estado de Salud de los Reos
	13. Peritación Psiquiátrica y Neurológica
	14. Ortopedia y Técnicas de Autopsia
PUBLIC DEFENDER'S OFFICE	Mediación Penal
	Curso de Medicina Forense
	Curso de Inducción, para Defensores / as Públicos
	Curso de Oralidad I y II
	Mediación para defensores públicos
	Capacitación sobre el Sistema de Seguimiento de casos de la Defensoría Pública
	Curso Formador de Formadores de la Defensoría Pública
	Preparación básica de auxiliares de la Defensoría
	Delitos Socioeconómicos en el nuevo Código Penal
	Curso en metodologías de capacitación
	Ley especial de delitos contra el medio ambiente
	Curso de inducción para auxiliares de la Defensoría
	Curso de ejecución de sentencias
	Curso principios procesales
	Curso medidas cautelares
	Curso de formulación de la acusación y teoría del caso
	Curso sobre narcotráfico
	Curso sobre violencia intrafamiliar y delitos sexuales
	Curso Rol de la defensoría en el litigio internacional
	Curso manejo de la prueba documental y pericial durante las etapas de prejuicio y juicio
Curso Justicia Penal para defensores públicos	
Taller de planificación estratégica	
JUSTICE FACILITATORS PROGRAM	Prácticas de profesionalización en técnicas de mediación
	Género y violencia
	Bases fundamentales de los Derechos Humanos
	Modelo de acceso a la justicia con participación ciudadana
	Reforzamiento al sistema de información y actas de mediación
	Sistema de Justicia Penal
	Metodología para la reproducción de talleres
	Faltas y Delitos
	Derechos de propiedad
	Derechos de la niñez
	Infracciones y delitos contra el medio ambiente
	Derecho del trabajo
	Derechos de propiedad comunal y pueblos indígenas

	Justicia penal especializada
	Aspectos generales sobre el Nuevo Código Penal
	Técnicas para el llenado de formatos y elaboración de actas de mediación
	Ley 623, Ley de maternidad y paternidad responsable
MEDIATION CENTERS	Formación de mediadores y árbitros de CACONIC
	Técnicas básicas de mediación y resolución de conflictos
	Formación de árbitros y multiplicadores
	Curso de formación básica en técnicas de mediación y arbitraje
	El Nuevo Código Penal en Nicaragua para mediadores
	Curso sobre delitos socioeconómicos
	Nuevo Código Penal para líderes comunitarios
	Curso de actualización para mediadores
	Medidas cautelares en el proceso arbitral
	Curso de formación para nuevos mediadores
	Arbitraje en materia de construcción
JOURNALISTS	Reforma penal y medios de comunicación (8 seminarios regionales)
	<i>Diplomado en Periodismo Judicial:</i>
	1. Nociones de periodismo judicial
	2. El proceso judicial en Nicaragua
	3. Estado de Derecho y Derechos Humanos
	4. Relación de prensa y justicia
	Aspectos generales sobre el nuevo Código Penal (3 seminarios informativos)
ACCESS TO JUSTICE COALITIONS	Código Penal
	Mediación
	Familia y mediación en familia
	Violencia Intrafamiliar
	Derecho de Familia
	Participación ciudadana
	Género y Violencia
	Justicia Penal para Adolescentes
	Código Procesal Penal
	Violencia hacia las mujeres
	Ruta de acceso a la justicia de las mujeres
	Medicina forense
	Mediación y violencia hacia las mujeres
	Formulación de Proyectos
	Ruta de Acceso a la Justicia de la niñez
	Código de la niñez y adolescencia y violencia hacia la niñez

LIST OF PROGRAM-SPONSORED PUBLICATIONS

ANNEX B

LIST OF PROGRAM-SPONSORED PUBLICATIONS

	PUBLICATION	YEAR
1.	Módulo Introductorio. Bases Fundamentales de los D ^o H (impreso también en versión popular)	2006
2.	Módulo II. El sistema de Justicia Penal de Nicaragua (impreso también en versión popular)	2006
3.	Módulo III. Faltas y Delitos (impreso también en versión popular)	2006
4.	Módulo IV. La familia: Derechos y Obligaciones (impreso también en versión popular)	2006
5.	Módulo V. Derechos de Propiedad (impreso también en versión popular)	2006
6.	Boletín del Programa Estado de Derecho No. 1. Con Derecho por una justicia independiente al servicio de la ciudadanía	2006
7.	Boletín del Programa Estado de Derecho No. 2. Con Derecho por una justicia independiente al servicio de la ciudadanía	2006
8.	Percepción de estudiantes y docentes de la Bluefields Indian & Caribbean University (BICU) sobre los niveles de corrupción en el sistema judicial del Municipio de Bluefields	2006
9.	Memorias Semana en Pro de la Independencia Judicial y la Confianza en la Justicia, Jornada 2006	2006
10.	Carta de derechos de las personas ante la justicia en el espacio judicial iberoamericano, Semana Pro Independencia Judicial, Autónoma y de Acceso a la Justicia 2006	2006
11.	Memoria del VI Encuentro Nacional de Defensores Públicos, en conmemoración al VII Aniversario de la Defensoría Pública de Nicaragua	2006
12.	Boletín del Programa Estado de Derecho No. 3. Con Derecho por una justicia independiente al servicio de la ciudadanía	2007
13.	Compendio de normas atinentes al Ministerio Público	2007
14.	Teoría del caso y técnicas de debate en el proceso penal	2007
15.	La acusación en el proceso penal nicaragüense	2007
16.	Código Procesal Penal de la República de Nicaragua	2007
17.	Respuesta a los principales problemas de aplicación del CPP nicaragüense	2007

18.	El médico forense en el juicio oral	2007
19.	Manual del código procesal penal para No Abogados	2007
20.	Métodos de resolución alterna de conflictos Versión Popular	2007
21.	Métodos de resolución alterna de conflictos Versión Técnica	2007
22.	Módulo VI. Género y Violencia (impreso también en versión popular)	2007
23.	Módulo VII. Infracciones y Delitos contra el Medio Ambiente (impreso también en versión popular)	2007
24.	Propuesta Perfil del Funcionario Judicial (CPDH)	2007
25.	Modelo para la promoción del Acceso a la Justicia con Participación Comunitaria	2007
26.	Memoria: " Proyecto capacitación y promoción de la participación ciudadana de la Juventud en el Sistema de Justicia"	2007
27.	Memoria Semana en Pro de la Independencia Judicial y la confianza en la Justicia Jornada 2007	2007
28.	Sistema de justicia y estado de derecho (compilación). Semana en Pro de la Independencia Judicial y la confianza en la Justicia Jornada 2007	2007
29.	Semillas ;Sembrando Justicia, cosechando paz! #1	2007
30.	Semillas ;Sembrando Justicia, cosechando paz! #2	2007
31.	Semillas ;Sembrando Justicia, cosechando paz! #3	2007
32.	ULBANKA SIRPI	2007
33.	CARTILLA Rescatemos nuestra identidad Multicultural	2007
34.	El Arbitraje Comercial en Nicaragua	2007
35.	Investigación/Nivel de cumplimiento de las garantías y derechos procesales y penales de las personas que se encuentran privadas de libertad en el Sistema Penitenciario de Occidente-Observatorio de Derechos Humanos(IDH-UNAN-León)	2007
36.	Investigación/Nivel de cumplimiento de las garantías procesales y penales y derechos humanos de las personas que se encuentran privadas de libertad en el Sistema Penitenciario Nacional y Policía Nacional de Bluefields Humanos-BICU	2007
37.	Memoria del Proyecto " Incidencia Ciudadana en la Administración de Justicia"	2007
38.	Modulo VIII. Nuevo Código Penal (impreso también en versión popular)	2008
39.	Comentarios al Nuevo Código Penal. Parte General	2008
40.	Consideraciones políticas y jurídicas sobre LA propuesta de reforma	2008

	constitucional nicaragüense	
41.	Boletín del Programa Estado de Derecho No. 4. Con Derecho por una justicia independiente al servicio de la ciudadanía	2008
42.	Material de estudio para discentes. Código Penal	2008
43.	Material de estudio para facilitadores. Código Penal	2008
44.	Guía de procedimiento penal en Nicaragua	2008
45.	Guía informativa sobre el proceso penal en Nicaragua	2008
46.	Oralidad y proceso penal. Desempeño de efectivo de las audiencias	2008
47.	Guía contra el abuso de medidas cautelares. Instructivo para la Defensoría Pública	2008
48.	Manual para investigación de delitos de corrupción	2008
49.	Antología IV Concurso por oposición para cargos de fiscales Auxiliares Volumen 2 / Ministerio Público	2008
50.	Antología IV Concurso por oposición para cargos de fiscales Auxiliares Volumen 1 / Ministerio Público	2008
51.	Ley # 641, Ley de Código Penal	2008
52.	Delitos contra el orden socioeconómico en el nuevo Código Penal	2008
53.	Sistema de contribución para Autosostenibilidad de Centros de Mediación creados por el Programa Estado de Derecho USAID/Nicaragua	2009
54.	Oralidad y proceso penal. Desempeño efectivo en las audiencias orales nicaragüenses” Publicado con la Comisión Interinstitucional	2009
55.	Análisis de las propuestas de reforma constitucional nicaragüense: ¿factor de democratización?	2009

GEOGRAPHIC COVERAGE OF JUSTICE FACILITATORS

ANNEX C

GEOGRAPHIC COVERAGE OF JUSTICE FACILITATORS

MUNICIPALITY	NUMBER OF JUSTICE FACILITATORS	SPONSORING CIVIL SOCIETY ORGANIZATION
Mozonte	12	Coordinadora Pueblo indígena Chorotega
San Lucas	6	
Telpaneca	5	
Tototalpa	2	
San José de Cusmapa	5	
Estelí	46	Instituto de Promoción Humana -INPRHU
Matagalpa	21	Comisión de Asesoría Legal CODIAL, Matagalpa
San Isidro	11	
Sébaco	10	
Ciudad Darío	11	
Terrabona	8	
La Dalia	6	
Matiguás	6	
San Ramón	7	
Río Blanco	7	
Muy - Muy	9	
Jinotega	5	
San Rafael del Norte	3	
Santa María de Pantasma	3	
San Sebastián de Yalí	3	
Puerto Morazán	17	Movimiento de Mujeres Lucrecia Lindo de Chinandega
Villa Nueva	14	
Somotillo	15	
León	30	Instituto de Derechos Humanos-IDH de la UNAN-León
Telica	16	Visión Mundial
El sauce	11	
Achuapa	16	
Managua	10	Comisión Municipal de la Niñez y Adolescencia de Managua
Mateare	7	
Villa el Carmen	20	
Granada	19	
Diriomo	16	
Diría	6	
Nandaime	4	

Juigalpa	21	Comisión Permanente por los Derechos Humanos (CPDH)
Cuapa	4	
Comalapa	6	
San Pedro	12	
Acoyapa	19	
Bonanza	20	Movimiento de Mujeres Cristina Rugama
Rosita	20	
Total Number of Municipalities: 41	Total JFs: 489 (224 men, 265 women)	Total Number of CSOs: 11

CIVIL SOCIETY JUSTICE INITIATIVES

ANNEX D

CIVIL SOCIETY JUSTICE INITIATIVES

NO.	INITIATIVE	DATE	COUNTERPART
1.	National Forum Access to Justice for Indigenous Peoples	February, 2006	Indigenous and Ethnic Rights Coalition
2.	Presentation of comments on draft indigenous law	January, 2006	Indigenous and Ethnic Rights Coalition
3.	Two regional forums on access to justice for children and youth: 1 in Granada and Rivas, 1 in Matagalpa and Jinotega	September, 2006	Youth and Adolescents Rights Coalition
4.	Formation of network of Human Rights Promoters, focused on children and youth rights	May-September, 2006	Youth and Adolescents Rights Coalition
5.	Investigation carried out: "Percepción de la población estudiantil pasante de derecho del Bufete Popular Bernardino Díaz Ochoa de la Facultad de Ciencias Jurídicas y Sociales de la UNAN-León"	June, 2006	Human Rights Observatory of UNAN-León
6.	Investigation carried out: "Valoración de las personas usuarias sobre el acceso, calidad y corrupción en los Órganos del Complejo Judicial de León, en el período de Agosto de 2006"	September, 2006	Human Rights Observatory of UNAN-León
7.	Investigation carried out: "Percepción de Estudiantes y Docentes de la Bluefields Indian & Caribbean University (BICU) sobre los niveles de corrupción en el Sistema Judicial del Municipio de Bluefields"	June, 2006	Human Rights Observatory of BICU
8.	Investigation carried out: "Valoración de las personas usuarias sobre el acceso, calidad y corrupción en los Órganos de Justicia de Bluefields en el período de Agosto de 2006"	September, 2006	Human Rights Observatory of BICU
9.	Five regional forums on Access to Justice for women: León, Rivas, Nueva Segovia, Bluefield's, and Bonanza	March-May, 2006	Women's Rights Coalition
10.	Formation of network of human rights promoters, focused on women's rights	April-September, 2006	Women's Rights Coalition
11.	Campaign concerning Judicial	September, 2006	Permanent

	Career Law		Organization for Justice (OPJ)
12.	Campaign concerning selection of Supreme Court Magistrates, and concerning Judicial Career Law	August, 2006	Permanent Organization for Justice (OPJ)
13.	Two Youth forums in Bluefield's and in Puerto Cabezas, regarding access to justice and regional autonomy	July-August 2006	BICU
14.	Second Judicial Independence and Confidence in Justice Week	August-September, 2006	CONADER/Pro Justice
15.	Investigation carried out by the Observatorio de Derechos Humanos, Autonómicos y Justicia, BICU: "Nivel de cumplimiento de las garantías procesales y penales y derechos humanos en el Sistema Penitenciario Nacional y Policía Nacional en Bluefields"	October 2006 - August 2007	Human Rights Observatory of BICU
16.	Investigation carried out by the Observatorio de Derechos Humanos y Justicia del Instituto de Derechos Humanos "Fray Antonio de Valdivieso" UNAN-León: "Nivel de cumplimiento de las garantías y derechos procesales y penales de las personas que se encuentran privadas de libertad en el Sistema Penitenciario de Occidente"	October 2006 - August 2007	Human Rights Observatory and Institute for Human Rights' of UNAN León
17.	Three regional judicial independence, autonomous rights and confidence in justice week carried out in the Atlantic Coast	October 2006 RAAS, February 2007 RAAN, September 2007 RAAS	BICU
18.	National Forum with Justice Sector Operators and Justice Promoters from the Women's Rights Coalition	March 2007	Women's Rights Coalition
19.	Three regional forums on access to justice for women: Chinandega, Ocotol and Bluefields	March 2007	Women's Rights Coalition
20.	Formation of legal education and justice brigades in RAAN and RAAS	March 2007 - May 2008	BICU & BICU-CIUM
21.	Forums concerning selection of Supreme Court magistrates, and concerning Judicial Career Law	November 2006 - August 2007	Permanent Commission on Human Rights (CPDH)
22.	Empowerment of Indigenous Communities, RAAN	February 07- June 07	URACCAN
23.	Youth forums concerning administration of justice and transparency	May 2007 - July 2007	JUDENIC

24.	Educational Fair on Access to Justice in San Carlos, Río San Juan.	April, 2008	Coalition on Children and Adolescents
25.	Advocacy campaign to promote the approval of the Judicial Career Law regulations and encourage the implementation of the Judicial Code of Ethics of the Supreme Court	June 07 - January 08	Permanent Commission on Human Rights (CPDH)
26.	Community-based judicial oversight committees	June 07 - March 08	Ethics and Transparency
27.	Advocacy campaign for the merit-based selection of Supreme Court Magistrates	October 07 - March 08	Hagamos Democracia
28.	Advocacy campaign for the merit-based selection of Supreme Court Magistrates	June - July 08	Permanent Organization for Justice (OPJ)
29.	Access to Justice Fair in San Carlos, Río San Juan	April 08	Coalition on Children and Adolescents
30.	Civil Society Analysis of the Nicaraguan Administration of Justice	December 07-April 08	MpN
31.	Development of technical skills in human rights and youth rights, Prinzapolka	July 07 - January 08	CEJUDHCAN
32.	Joint Advocacy Strategy concerning the proposed constitutional reforms	August 07 - May 2009	Permanent Organization for Justice (OPJ)

CIVIL SOCIETY SMALL GRANTS PROGRAM

ANNEX E - CIVIL SOCIETY SMALL GRANTS PROGRAM

Civil Society Organization / Grant	Implementation Period		Type of Activity	Total Amount	Counterpart Contribution
Asociación de Juristas Democráticos de Nicaragua (AJDN)				37,816.74	5,357.47
I Convenio Centro de Mediación	16/05/2006	16/05/2007	Mediation Center	22,902.00	2,900.00
II Convenio Centro de Mediación	24/07/2007	24/02/2008	Mediation Center	14,914.74	2,457.47
Asociación Movimiento de Mujeres de Chinandega " Lucrecia Lindo"				43,551.44	3,805.00
II Convenio Facilitadores	05/08/2008	30/04/2009	Justice Facilitators	11,001.44	550.00
I Convenio Facilitadores	23/05/2006	16/04/2007	Justice Facilitators	32,550.00	3,255.00
Bluefields Indian and Caribbean University (BICU-CIUM)				15,843.75	3,500.00
Centro de Mediación BICU-CIUM Puerto Cabezas	16/06/2007	16/04/2008	Mediation Center	15,843.75	3,500.00
Bluefields Indian and Caribbean University (BICU)				52,938.53	9,386.31
Centro de Mediación Bluefields	18/05/2006	17/07/2007	Mediation Center	20,426.54	1,025.58
Centro de Mediación Laguna De Perlas	08/11/2007	08/05/2008	Mediation Center	6,187.85	520.21
Observatorio de Derechos Humanos, Atómicos y Justicia, (ODHAJ-BICU)	11/08/2006	03/08/2007	Observatory	26,324.14	7,840.52
Cámara de Comercio de Nicaragua (CACONIC)				14,798.86	14,766.25
Centro de Mediación CACONIC	21/08/2008	30/04/2009	Mediation Center	14,798.86	14,766.25
Comisión de Asesoría Legal Diócesis de Matagalpa, Cáritas Codial Matagalpa				48,446.22	4,364.62
I Convenio Facilitadores	10/05/2006	25/04/2007	Justice Facilitators	37,946.22	3,794.62
II Convenio Facilitadores	05/08/2008	30/04/2009	Justice Facilitators	10,500.00	570.00
Centro de Defensoría Indígena Diriangen (CEDIN)				22,101.00	2,293.32
Creación Centro de Defensoría Indígena	06/07/2007	06/04/2008	Indigenous Legal Assistance Center	22,101.00	2,293.32
Centro por la justicia y derechos humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN)				4,697.93	3,652.88
Desarrollo Capacidades Jurídicas de Jóvenes del Territorio Prinzu	18/07/2007	18/01/2008	Access to Justice Atlantic Coast	4,697.93	3,652.88
Centro de Defensoría Jurídica Chorotega				27,896.23	4,056.25
Convenio Centro de Defensoría Indígena de Mozote Chorotegas	02/08/2007	02/03/2008	Indigenous Legal Assistance Center	17,069.77	2,973.61
II Convenio Facilitadores	31/07/2008	30/04/2009	Justice Facilitators	10,826.46	1,082.64
Centro Internacional de Mediación y Arbitraje Managua Nicaragua (CIMA- AMCHAM NICARAGUA)				11,417.24	12,131.86
Centro de Mediación y Arbitraje CIMA AMCHAM	17/08/2007	31/03/2008	Mediation Center	11,417.24	12,131.86
Centro de Información y Servicios de Asesoría en Salud (CISAS)				21,970.99	2,565.50
Coalición de Mujeres	20/09/2006	28/02/2008	Women's Rights Access to Justice	21,970.99	2,565.50
Comisión de Justicia y Paz, Diócesis de Estelí (CJPE)				17,210.70	5,406.82
I Convenio Centro de Mediación	01/02/2007	01/02/2008	Mediation Center	9,000.00	3,366.82
II Convenio Centro de Mediación	20/08/2008	30/04/2009	Mediation Center	8,210.70	2,040.00

Civil Society Organization / Grant	Implementation Period		Type of Activity	Total Amount	Counterpart Contribution
Granada Comisión de la Niñez y la Adoles. de Granada (CMNA)				22,631.03	4,540.00
I Convenio Facilitadores	11/04/2007	11/01/2008	Justice Facilitators	12,415.20	3,540.00
II Convenio Facilitadores	19/08/2008	30/04/2009	Justice Facilitators	10,215.83	1000.00
Comisión Municipal de la Niñez Muy Muy Matagalpa (CMNA Muy Muy Matagalpa)				18,787.68	1561.96
Convenio Facilitadores	11/04/2007	26/09/2007	Justice Facilitators	18,787.68	1561.96
Comisiones Municipales de la niñez y adolescencia de Managua (CMNA Managua)				37,730.64	2,937.19
I Convenio Facilitadores	20/08/2007	20/04/2008	Justice Facilitators	20,987.36	2,100.00
II Convenio Facilitadores	31/07/2008	30/04/2009	Justice Facilitators	16,743.28	837.19
Cooperativa Multisectorial Silvicultores de Bonanza (COOSBA.R.L.)				15,848.06	1,655.36
Centro de Defensoría Indígena Triángulo Minero Coosba	11/07/2007	11/01/2008	Indigenous Legal Assistance Center	15,848.06	1,655.36
Comisión Permanente de Derechos Humanos (CPDH)				158,339.91	25,564.92
Convenio Facilitadores CDPH	27/04/2007	27/02/2008	Justice Facilitators	23,406.19	5,314.69
I Convenio Incidencia Ciudadana en la administración de Justicia	18/08/2006	18/04/2007	Advocacy	25,000.00	3,945.00
II Convenio Incidencia Ciudadana en la administración de Justicia	26/07/2007	26/01/2008	Advocacy	20,611.66	5,856.21
III Convenio Incidencia Ciudadana CDPH / OPJ	12/05/2008	12/06/2008	Advocacy	9,275.75	0.00
IV Convenio con CDPH Selección de Magistrados	16/06/2008	16/07/2008	Advocacy	12,122.09	0.00
V Convenio con CDPH Incidencia Ciudadana	21/11/2008	30/05/2009	Advocacy/Institutional Strengthening	67,924.22	10,449.02
Fundación Iberoamericana de las culturas/ Movimiento por Nicaragua				181,987.52	18,852.73
II Convenio Incidencia Movimiento por Nicaragua FIBRAS	02/10/2008	02/05/2009	Advocacy/Institutional Strengthening	95,245.23	10,052.73
I Convenio Incidencia	15/12/2006	16/01/2007	Advocacy	86,742.29	8,800.00
Grupo Cívico Ética y Transparencia (EyT)				40,005.16	8,000.00
Convenio Incidencia Ciudadana	01/06/2007	01/02/2008	Advocacy	40,005.16	8,000.00
Hagamos Democracia (HADEMOS)				81,139.40	5,335.11
II Convenio Incidencia Ciudadana	16/03/2009	30/05/2009	Advocacy/Institutional Strengthening	30,638.00	0.00
I Convenio Incidencia Ciudadana	16/06/2006	22/08/2007	Advocacy	50,501.40	5,335.11
Universidad de las Regiones Autónomas de la Costa del Caribe Nicaraguense (IEPA- URACCAN)				4,516.50	0.00
Convenio URACCAN	13/02/2007	06/06/2007	Atlantic Coast Access to Justice	4,516.50	0.00
Instituto de Promoción Humana Estelí (INPRHU)				44,165.69	7,183.69
I Convenio Facilitadores	03/05/2006	10/05/2007	Justice Facilitators	33,665.68	4,257.54
II Convenio Facilitadores	05/08/2008	30/04/2009	Justice Facilitators	10,500.01	2,926.15

Civil Society Organization / Grant	Implementation Period		Type of Activity	Total Amount	Counterpart Contribution
Asociación Juventud por la Democracia de Nicaragua (JUDENIC)				104,456.48	13,917.48
II Incidencia Coalición de Jóvenes (JUDENIC)/Nosotros los jóvenes actores políticos	12/08/2008	30/05/2009	Institutional Strengthening	28,865.12	2,373.61
III Incidencia JUDENIC Fortalecimiento y desarrollo de las capacidades políticas y organizativas	05/09/2008	30/05/2009	Advocacy/Institutional Strengthening	40,767.22	2,373.61
I Convenio/JUDENIC	14/02/2007	27/06/2007	Advocacy	34,824.14	9,170.26
Movimiento de Mujeres Cristina Rugama (MMCR)				46,230.22	10,720.00
I Convenio Centro de Mediación	10/05/2006	20/06/2007	Mediation Center	42,268.92	9,880.00
II Convenio Centro de Mediación	05/01/2009	06/05/2009	Mediation Center	3,961.30	840.00
Pueblo Indígena de Mozote (PIM)				21,238.63	2,053.00
I Convenio Centro de Mediación	16/08/2007	16/03/2008	Mediation Center	12,348.98	1,243.00
II Convenio Centro de Mediación	22/08/2008	30/04/2009	Mediation Center	8,889.65	810.00
Pueblo Indígena de Sébaco (PIS)				21,024.00	2,245.42
I Convenio Centro de Mediación	28/08/2007	28/03/2008	Mediation Center	12,024.00	1,341.08
II Convenio Centro de Mediación	08/08/2008	30/04/2009	Mediation Center	9,000.00	904.34
Red Local Red Nicaragüense por la Democracia y el Desarrollo Local (RED LOCAL)				39,546.76	4,257.60
Convenio Fortalecimiento Organizacional	01/10/2008	30/05/2009	Advocacy/Institutional Strengthening	39,546.76	4,257.60
Universidad Pablo Freire San Carlos (U.P.F.)				10,815.47	2,650.00
Convenio Centro de Mediación	29/06/2007	29/04/2008	Mediation Center	10,815.47	2,650.00
Universidad Centroamericana (UCA)				26,582.70	37,886.96
Convenio Centro de Mediación	24/04/2006	30/05/2007	Mediation Center	26,582.70	37,886.96
Universidad Cristiana Autónoma de Nicaragua (UCAN Chinandega)				6,480.11	3,760.00
Convenio Centro de Mediación	07/12/2006	21/12/2007	Mediation Center	6,480.11	3,760.00
Universidad Cristiana Autónoma de Nicaragua (UCAN Juigalpa)				6,938.59	2,450.00
Convenio Centro de Mediación	09/07/2007	09/03/2008	Mediation Center	6,938.59	2,450.00
Universidad Nacional Autónoma de Nicaragua (UNAN-León)				38,333.78	5,300.00
Convenio Facilitadores de Justicia	18/05/2006	05/12/2007	Justice Facilitators	20,921.15	2,600.00
Observatorio de Derechos Humanos Fray Antonio Valdivieso UNAN León	18/05/2006	08/02/2007	Observatory	17,412.63	2,700.00
Universidad Católica "Redemptoris Mater" (UNICA)				16,869.92	7,544.50
Convenio Centro de Mediación	25/04/2006	30/05/2007	Mediation Center	16,862.30	7,544.50
Universidad del Valle (UNIVALLE)				21,815.57	6,454.33
Convenio Centro de Mediación	01/06/2006	16/07/2007	Mediation Center	21,815.57	6,454.33
Visión Mundial				12,000.00	4,006.03
Convenio Facilitadores	26/07/2007	31/03/2008	Justice Facilitators	12,000.00	4,006.03
Caritas Granada				21,366.40	2,448.58
I Convenio Centro de Mediación	22/08/2007	14/04/2008	Mediation Center	11,920.69	1,294.43
II Convenio Centro de Mediación	12/08/2008	09/06/2009	Mediation Center	9,445.71	1,154.15
TOTAL GLOBAL				\$1317,539.85	\$242,808.14