



Overview

Nicaraguan Code Reform and Modernization Project

“Scope of work Modification No. 11”



Center for the Administration of Justice



Florida International University

Current Program Most Salient Accomplishments



- Coordination of activities of 11 foreign donors in the Rule of Law field leading to the adoption of an integrated training plan for the Judiciary and greater interagency coordination;
- Training of 350 judges and legal functionaries in the newly enacted Law on Organization of the Courts;

Current Program Most Salient Accomplishments

-2-

- Worked closely with the legislative and executive branches to achieve passage of the Administrative Code.
- Designed a training program for future judges in coordination with the Supreme Court and trained 160 candidates for the positions of Administrative Judges.
- Worked successfully with Nicaraguan officials, Civil Society Organizations and Bar Associations for the drafting and enactment of a new Criminal Procedure Code. The new system is characterized by its simplicity, openness and active participation of citizens through the new jury.

Current Program Most Salient Accomplishments

-3-

- Enactment of an accusatorial Code of Criminal Procedure.
- Worked closely with the Supreme Court to train all of the judges affected by the change and to design a plan for the transition that was to take place;
- Worked with the newly created Prosecutor's Office, the Public Defender's Office, the National Police, NGOs, Bar Associations and more than 19 public and private universities to train prosecutors, public defenders, police officers, law professors, law students and attorneys in general on the principles, regulations and procedures brought to life by the new CPP. More than **12,850** have been trained thus far.

Current Program Most Salient Accomplishments

-4-

- A major achievement of the FIU project was reconsideration of the Nicaraguan jury system that was based on the election of professional jurors who served for a fixed term and, thus, were subject to corruption and political manipulation. As part of the procedural reform, the jury system has become a tool for citizen participation and oversight in the criminal justice process.
- Discussions and consensus building for the enactment of a modern Criminal Code. This process has also involved public hearings in all provincial capitals with the participation of over **800** persons. The Justice Commission of the Legislative Assembly already forwarded the proposed code to the plenum of the Assembly. It is expected that the Assembly will begin work on the substantive sections of the Code at the beginning of this year's legislative session.

Current Program Most Salient Accomplishments

-5-

- In achieving project goals, the FIU project has sought to support local initiatives and to encourage consensus and the creation of an interagency planning group composed of representatives from the institutions that compose the criminal justice system was established. This body has continued to meet regularly, was primarily responsible for preparing the draft legislation forwarded to the National Assembly, and is now engaged in oversight of implementation of the criminal procedure reform.
- In furtherance of its implementation strategy, the national commission has established counterpart committees at the regional level and it is hoped that this interagency cooperation may continue beyond implementation of the Code of Criminal Procedure.

Current Program Most Salient Accomplishments

-6-

- FIU signed cooperative agreements with more than 14 Universities in Nicaragua; has provided technical assistance for the redefinitions of their curricula, assisted them in structuring post-graduate programs in Administrative Law and Criminal Procedure and trained their faculties. FIU has also contributed to these programs by providing instructors for the courses.
- Creation of CONADER (National Commission of University Presidents) and furnishing a civil society forum for the promotion of transparency, ethics, and modernization of the Nicaraguan legal system.
- With CONADER, FIU has organized more than 30 workshops and 50 miniworkshops on the new legislation and the tools it offers for greater public access and transparency while also pointing out the reforms that still need to take place to ensure greater public integrity and accountability. More than **5,397** persons have participated in these activities.



Modification No. 11 Objectives

- **1.-Support for the implementation of the CPC in local courts nation-wide**
- **2- Support for the implementation of the Criminal Code.**
- **3- Strengthening the organization of the Courts.**

Modification

Performance Requirements

-1-

- **Performance Requirement 1.1:** 124 local courts technically prepared for the full implementation of the Criminal Procedures Code.
- **Performance Requirement 1.2.:** 152 municipal reform commissions established and functioning as coordinating mechanisms for the full implementation of the Criminal Procedures Code.

Modification

Performance Requirements

-2-

- **Performance Requirement 2.1:** Criminal justice personnel prepared for the implementation of the Criminal Code.
- **Performance Requirement 2.2:** Public and private organizations providing active support for the implementation of the Criminal Code.
- ***Performance Requirement 3.1: Promote a system whereby judges and judicial personnel are*** selected, promoted and sanctioned based on merit.

Modification Activities

Performance Requirement 1.1

- 1) Judges and judicial administrative personnel in local courts trained and prepared to fulfill their roles as established in the Criminal Procedures Code (CPC).
 - 1.1) Planning activities. Action Plan for CPC Implementation.
 - 1.2) Action Plan for CP Implementation.
 - 1.3) Structuring Chronogram of Events for the year.
 - 1.4) Coordination of implementation of training activities.
 - 1.5) Organization of training activities and implementation of training activities.

Modification Activities

Requirement 1.1

-2-

- 2) Technical assistance provided to criminal courts in legal aspects of the transition from the inquisitorial code to the CPC, until the cases are pending from the inquisitorial system are closed.
 - 2.1) Coordination for TA implementation.
 - 2.2.) TA Implementation .

Modification Activities

Requirement 1.1

-3-

- 3) Needed office equipment identified, procured and installed with funding available; staff trained in its use and maintenance.
 - 3.1) Needs assessment planning and implementation coordination.
 - 3.2) Needs assessment conducted.
 - 3.3 Office equipment purchased.
 - 3.4) Office equipment installed.
 - 3.5 Office Staff trained.
 - 3.6 Case tracking system assessment completed.

Modification Activities

Requirement 1.1

-4-

- 4) Assessment provided to the Court regarding requirements for improvement and expansion of its criminal case tracking and management system.
 - 4.1) Coordination for TA implementation.
 - 4.2.) TA Implementation.
 - 4.3 Coordination of training activities.
 - 4.4)Organization of training activities and implementation of training activities.
 - 4.5) Production of manuals and training material.

Modification Activities

Requirement 1.1

-5-

- 5) Recommendations provided to the Court regarding gender disaggregation of data for CPC implementation.
- 6) Baseline statistics developed for implementation of the CPC.

Modification Activities

Requirement 1.2

-1-

- 1) Manuals and procedures for the work of the commissions in place and in use.
 - 1.1) Coordination of implementation of training activities.
 - 1. 2)Organization of training activities.
 - 1.3) Production of manuals and training material.
 - 1.4) Implementation of training activities.

Modification Activities

Requirement 1.2

-2-

- 2) Technical assistance provided to achieve optimal coordination level of the different actors and institutions involved in the implementation of the Code
 - 2.1) Coordination of implementation of TA
 - 2.2) Implementation of TA

Modification Activities

Requirement 1.2

-3-

- 3) Monitoring mechanisms to measure the implementation of the Code designed and in place.
 - 3.1) Planning & Design of monitoring instruments.
 - 3.2) Training of personnel on monitoring instruments use.
 - 3.3 Monitoring system implementation supervision.

Modification Activities

Requirement 1.2

-4-

- 4) Gender-disaggregated data produced in areas in which the Commissions work.
 - 4.1) Planning & Design of information collection instruments.
 - 4.2 Information collection.

Modification Activities

Requirement 2.1

-1-

- 1) Judges and judicial administrative personnel trained for the implementation of the Criminal Code
 - 1.1) Coordination of implementation of training activities.
 - 1. 2) Organization and implementation of training activities.
 - 1.3) Production of manuals and training material.

Modification Activities

Requirement 2.1

-2-

- 2) Assessments conducted and recommendations provided to the national and local inter-institutional commissions for the implementation of the Criminal Code.
 - 2.1) Assessment design.
 - 2. 2) Assessment conducted.
 - 2.3 Assessment complete and results discussed with national, and local inter-institutional commissions.
 - 2.3) Implementation of recommendations.

Modification Activities

Requirement 2.2

-1-

- 1) Nationwide public awareness campaign developed for the dissemination of the Criminal Code
 - 1) Design of public awareness strategy and campaign.
 - 2) Implementation of Public awareness strategy and campaign.

Modification Activities

Requirement 2.2

-2-

- 2) Institutional members in the Comisión Académica Nacional de Derecho (CONADER) provide support for integration of the Criminal Code into law school curricula.
 - 2.1) Coordination of activities with CONADER.
 - 2.2) Implementation of activities.

Modification Activities

Requirement 3.1

-1-

- 1) Develop an evaluation methodology to assess the current capabilities of judges
 - 1) Design of evaluation instruments, mechanisms and strategy to implement it.
 - 2) Begin Evaluation Implementation

Modification Activities

Requirement 3.1

-2-

- 2) Design and develop a proposal to deal with the transition period to the full implementation of the merit-based selection system.
 - 2. 1) Design proposal and strategy to implement it.
 - 2. 2) Begin Strategy Implementation

Modification Activities

Requirement 3.1

-3-

- 3) Develop an individualized monitoring system for efficiency and transparency of judges and other personnel included in the judicial career
 - 3.1) Planning & Design of monitoring instruments
 - 3.2) Consensus development for monitoring system implementation.

Modification Activities

Requirement 3.1

-4-

- Training of the personnel included in the judicial career in the implementation of the new system.
 - 4.1) Training of personnel on monitoring instruments use.
 - 4.2 Monitoring system implementation supervision.

Modification Activities

Requirement 3.1

-5-

- 5) Gender-disaggregated data on judicial career personnel identified and reported.
 - 5.1 Included in planning and design of activities and data gathering instruments.

Modification Indicators

Requirement 1.1



- 1) Number of criminal courts prepared to implement the Criminal Procedures Code.
- 2) Number of cases resolved under the new Criminal Procedures Code.
- 3) Assessment of criminal case tracking system complete.
- 4) Gender-disaggregated data available for criminal cases nationwide.
- 5) Number of manuals and monitoring systems in place.

Modification Indicators

Requirement 1.2



- 1) 90% of municipal inter-institutional commissions fully functioning.
- 2) All the different institutions of the municipal inter-institutional commissions cooperating to achieve successful implementation of the Code.

Modification Indicators

Requirement 2.1



- 1) Number of judges and court personnel trained in the skills needed to implement the Criminal Code.
- 2) Number of first instance final rulings overturned for incorrect application of the new Code.

Modification Indicators

Requirement 2.2



- 1) Percentage of population covered by public awareness campaigns on Criminal Code.
- 2) All of the CONADER member law schools incorporate the new Criminal Code into their curriculum.

Modification Indicators

Requirement 3.1



- 1) Enactment of a judicial career law.
- 2) Number of judges and other judicial personnel promoted, sanctioned, and/or removed, as starting point for the merit-based system.
- 3) Number of new personnel appointed according to the merit-based selection system.
- 4) Usage of training achievements of individual judges as a measure to be used for evaluation under the new career law.
- 5) Gender-disaggregated data reported on judicial career personnel.

Message from the Program



“In accordance with its goals and objectives, and working very closely with USAID-Nicaragua, the Code Reform and Modernization Project has been responding to the demands for technical assistance and training presented by Nicaraguans to modernize the Nicaraguan Administration of Justice System.

*It is important to keep in mind that modernization of Codes and Justice Reform in Nicaragua is **a work in progress.**”*



WORK IN PROGRESS

Nicaraguan Code Reform and Modernization Project

“Proyecto de Reforma y Modernización Normativa”



Center for the Administration of Justice



Florida International University