

Overview

Nicaraguan Code Reform and Modernization Project

“Proyecto de Reforma y Modernización Normativa”

2001 Report



Center for the Administration of Justice



Florida International University



Program General Goals

- To **inform** and orient Nicaraguans about the justice system and law enforcement services available to them to fight crime.
- To foster **collaboration** between law enforcement, justice officials, Law Schools, BAR Associations and community based organization who serve Nicaraguans.
- To **eliminate** misconceptions and misunderstanding between the Nicaraguan citizenry and law enforcement and justice administration officials.
- To **educate** Nicaraguans about current issues impacting them and their justice administration system.
- To create **understanding** of the modern trends in administrative laws, criminal law and criminal procedure law among Nicaraguan justice officials in particular and the general public.
- To **encourage** Nicaraguans to become integral participants in democratic processes towards modernization of their justice system.



Program Specific Objectives

- To promote the enactment of the **Administrative Code** and assist in its implementation.
- To promote the enactment of a **New Criminal and Criminal Procedure Codes**, assist in their implementation and encourage fair access to a modern and democratic justice system.
- To **strengthen the Judicial School training capacities** and train judicial personnel and justice sector operators in all newly enacted laws (Judiciary's Organic Law, administrative, criminal and criminal procedure codes).
- To promote understanding of the **modern trends in administrative law, criminal law and criminal procedure law** among Nicaraguan judges.

ROLE AS LIAISON

empower

NICARAGUAN JUSTICE OFFICIALS
Supreme Court, National Assembly
Attorney General, National Police
Universities, NGOs & BAR Assoc.

inform

encourage

CODE REFORM AND MODERNIZATION PROJECT
PROYECTO DE MODERNIZACION LEGISLATIVA
Managua
(Offices located at the Supreme Court Bldg.)

collaborate

LAW ENFORCEMENT AGENCIES
Attorney General & National Police
(Law Drafting)
(C.C. & C.P.C. Training)

JUSTICE SYSTEM
Strengthening the Judicial School
New Administrative, Criminal and
Criminal Procedure Codes

OTHER ORGANIZATIONS
Community Services/Information
Law Schools, BAR Associations
NGOs



Media Outreach

- With a multifaceted **M**edia **O**utreach **C**ampaign which includes a series of workshops, publications, press interviews, radio and TV programs our goal is to inform and empower Nicaraguans in modernizing their administration of justice system and to improve access to new and existing services.



Collaboration with Law Schools

- **14** Cooperative agreements signed with Law Schools (UPOLI, UNN, UTN, UNICIT, UNAN-MANAGUA, UNIVALLE, UACH, UHISPAN, UCA -2-, UNAN-LEON -3-, TOMAS MORE)
- Workshops for **16** Master-Level Law Students in modern criminal law trends informing the new Criminal Code.
- Workshops for **500** law students in modern criminal law trends informing the new Criminal Code.
- Workshops with **16** Master-Level Law Students to obtain inputs for new Criminal Procedure Code Draft.
- Workshops with **192** law students to obtain in-puts for new Criminal Procedure Code Draft .

Collaboration with Law Schools

-2-



- Workshops with **707 attorneys and law professors** to obtain in-puts for new Criminal Procedure Code Draft.
- Workshops with **863 law students** to inform them about the principles inspiring the new Criminal Procedure Code and its content.
- **30** mini-workshops and lectures on issues dealing with criminal law (**1262 students** participated).
- **50** mini-workshops and lectures on issues dealing with criminal procedure law (**2258 students** participated).
- **10** mini-workshops and lectures on issues dealing with administrative law (**307 students** participated).

Collaboration with NGOs and BAR Associations



- **16** Informal meetings with **lawyers and BAR members** to discuss important issues related to the new Judiciary's Organic Law.
- Training workshops for **1421 Nicaraguan lawyers** on new Criminal Code.
- Workshops for **665 lawyers** to obtain in-puts for the new Criminal Procedure Code Draft



Collaboration with Judiciary

- **79** judicial operators assessed prior to implementation of Judiciary's Organic Law training
- **353 judges** trained in new Judiciary's Organic Law.
- **183 non-judicial operators** trained in new Judiciary's Organic Law.
- **267** trainees assessed after having received training on Judiciary's Organic Law to verify actual impact of training.



Collaboration with Judiciary –2-

- Training needs assessments conducted in all training areas (administrative, criminal and criminal procedure law).
- New training methodologies and curricula developed for the Judicial School.
- Designed training data base system for the Judicial School.



Collaboration with Judiciary –3-

- Workshops for **1863** judges, lawyers, and justice operators to obtain inputs for new Criminal Code Draft.
- Training Workshops for **1028** judges and administration of justice operators on the new Criminal Code Draft.
- Workshops for **47** justice administrators to obtain in-puts for new Criminal Procedure Code Draft.
- Workshops for **3559** judges, lawyers, and justice operators to obtain inputs for new Criminal Procedure Code Draft.
- Workshops with **256** judges, prosecutors, public defenders and court administrators to inform them about the contents of the new Criminal Procedure Code Draft and the legal principles inspiring it
- Training Workshops for **1028** judges and administration of justice operators on the new Criminal Code Draft.

Collaboration with the National Assembly



- Co-sponsor of workshops to obtain in-puts for the Criminal Code Draft and Criminal Procedure Code Draft.
- One on one work with members of the National Assembly to encourage legislation reform and create awareness of the needs to incorporate modern trends in administrative law, criminal law and criminal procedure law into the Nicaraguan Justice System.
- Supported all project related activities towards enacting all new codes (A.C., C.C., C.P.C.).
- Training of members of the National Assembly in Criminal Law and Criminal Procedure Law.

High-Level Commission for the Reform of the Justice Sector



- Creation of the High Level Commission for the Reform of the Justice Sector to promote the modernization of the Nicaraguan Justice Sector.
- The Commission is composed of members of the Supreme Court, the Justice Commission of the National Assembly, the Attorney General's Office, and the National Police.
- The Commission has supported all project related activities towards enacting all new codes (A.C., C.C., C.P.C.) and has played an important role as change promoter.

LAW ENACTMENT PROCESS

- **First Draft** ⇒
- Nation-wide discussion ⇒
- Submission to Institution for approval ⇒
- Draft discussed at Institution ⇒
- Approval by Institution submitting draft to N. A. ⇒
- **Institution Submits Its Draft to National Assembly** ⇒
- Draft reviewed by Justice Commission of N. A. ⇒
- Nation-wide discussion ⇒
- Preparation of Justice Commission of N.A. Approval ⇒
- **Justice Commission Approval and submission to Plenary** ⇒
- First discussion before N.A. (general approval) ⇒
- **Second discussion before N.A.(article by article approval)** ⇒
- Law enacted and sent to Executive for final approval and publication ⇒
- **Implementation of Law (T.A. & training).**



Criminal Code Draft Status

First Draft ⇒ Nation-wide discussion ⇒ Submission to Supreme Court ⇒ Draft discussed by Justice Commission of the National Assembly ⇒ Approval by Justice Commission ⇒ Justice Commission submits Draft to National Assembly ⇒ Nation-wide discussion ⇒ Preparation of Justice Commission Approval ⇒ Approval by Justice Commission and submission to Plenary of N. A. ⇒ First discussion before N.A. (general approval) ⇒ **Second discussion before N.A. (article by article approval)** ⇒ Law Enacted and sent to Executive for final approval and publication ⇒ Implementation of Law (T.A. & training) .

Criminal Procedure Code Draft Status

First Draft ⇒ Nation-wide discussion ⇒ Submission to Supreme Court ⇒ Draft discussed by Supreme Court ⇒ Approval by Supreme Court ⇒ Supreme Court Submits Its Draft to National Assembly ⇒ Draft discussed and reviewed by Justice Commission of N. A. ⇒ Nation-wide discussion ⇒ Preparation of Justice Commission Approval ⇒ Approval by Justice Commission and submission to Plenary of N. A. ⇒ First discussion before N.A. (general approval) ⇒ **Second discussion before N.A. (article by article approval)** ⇒ Law Enacted and sent to Executive for final approval and publication ⇒ Implementation of Law (T.A. & training) .



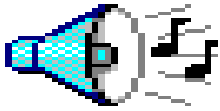
SOME PENDING ISSUES

- Continue with the **Administrative Code's training program**.
- Continue providing **T.A. for the enactment of the new Criminal Code**.
- New Criminal Code implementation activities: **T.A. for the implementation** of the code and criminal law training program (implementation of training modules III and IV).
- Continue providing **T.A. for the enactment of the new CPC**.
- T.A. for the **implementation** of the CPC.
- Design and implementation of **CPC's training program** for all justice sector operators.
- TA to the Judicial School to continue implementing its 5-year workplan.

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. The Nicaraguan Code Reform and Modernization Project is a ...”



WORK IN PROGRESS

Nicaraguan Code Reform and Modernization Project

“Proyecto de Reforma y Modernización Normativa”



Center for the Administration of Justice



Florida International University