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IMPLEMENTATION COMPLETION REPORT
(SCL-40660; TF-29208; TF-51227)

ON A

LOAN

IN THE AMOUNT OF US\$10.7 MILLION

TO

THE REPUBLIC OF ECUADOR

FOR A

JUDICIAL REFORM PROJECT

June 30, 2003

Poverty Reduction and Economic Management Sector Management Unit

Latin America and the Caribbean Regional Office

CURRENCY EQUIVALENTS

(Exchange Rate Effective January 9, 2000)

Currency Unit = US\$

FISCAL YEAR

January December

ABBREVIATIONS AND ACRONYMS

ADR	Alternative Dispute Resolution
ANFJ	Asociacion Nacional de Facultades de Jurisprudencia
BIRF	Banco Internacion de Reconstrucion y Fomento
CEPAM	Centro Ecuatoriano para la Promocion y Accion de la Mujer
CNJ	Consejo Nacional de la Judicatura
CSO	Civil Society Organization
FUNDESA	Fundacion Para el Desarrollo Social Andino
ICB	International Competitive Bidding
ONG	Organizacion No Gubernamental
NBF	Non-Bank Financed
NCB	National Competitive Bidding
NGO	Non-Governmental Organization
PCU	Project Coordination Unit

Vice President:	David de Ferranti
Country Director	Marcelo Giugale
Sector Manager	Ronald E. Myers
Task Team Leader/Task Manager:	Maria Dakolias

**ECUADOR
JUDICIAL REFORM PROJECT**

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<i>Project ID:</i> P036056	<i>Project Name:</i> EC JUDICIAL REFORM
<i>Team Leader:</i> Maria Dakolias	<i>TL Unit:</i> LEGLR
<i>ICR Type:</i> Core ICR	<i>Report Date:</i> June 30, 2003

1. Project Data

Name: EC JUDICIAL REFORM

L/C/TF Number: SCL-40660; TF-29208;
TF-51227

Country/Department: ECUADOR

Region: Latin America and
Caribbean Region

Sector/subsector: Law and justice (100%)

Theme: Law reform (P); Legal services (P); Judicial and other dispute
resolution mechanisms (S); Land management (S); Access to law
and justice (S)

KEY DATES

	<i>Original</i>	<i>Revised/Actual</i>
<i>PCD:</i> 08/24/1994	<i>Effective:</i> 01/01/1997	03/20/1997
<i>Appraisal:</i> 09/18/1995	<i>MTR:</i> 09/01/1997	07/02/1999
<i>Approval:</i> 07/18/1996	<i>Closing:</i> 06/30/2002	11/30/2002

Borrower/Implementing Agency: MINISTRY OF FINANCE/PROJECT COORDINATION UNIT

Other Partners: Supreme Court

STAFF	Current	At Appraisal
<i>Vice President:</i>	David de Ferranti	Shahid Javed Burki
<i>Country Director:</i>	Marcelo Giugale	John Panzer
<i>Sector Manager:</i>	Ronald E. Myers	Krishna Challa
<i>Team Leader at ICR:</i>	Maria Dakolias	Maria Dakolias
<i>ICR Primary Author:</i>	Maria Dakolias; Beth Anne Dabak	

2. Principal Performance Ratings

(HS=Highly Satisfactory, S=Satisfactory, U=Unsatisfactory, HL=Highly Likely, L=Likely, UN=Unlikely, HUN=Highly Unlikely, HU=Highly Unsatisfactory, H=High, SU=Substantial, M=Modest, N=Negligible)

Outcome: S

Sustainability: L

Institutional Development Impact: SU

Bank Performance: S

Borrower Performance: S

QAG (if available)

ICR

Quality at Entry:

S

Project at Risk at Any Time:

3. Assessment of Development Objective and Design, and of Quality at Entry

3.1 Original Objective:

The objective of the Judicial Reform Project was to strengthen the Borrower's administration of justice through actions to: (a) increase the effectiveness of and transparency in the judicial process; (b) expand the use of alternative dispute resolution (ADR) mechanisms within the court system; (c) improve the access to justice by the public, in general, and women, in particular; and (d) foster initiatives on court reform, legal research and education.

These objectives were adopted based on the findings of the World Bank's Ecuador Judicial Sector Assessment (Report No. 12777, dated August 19, 1994) as well as the Ecuadorian Government's "Integral Plan" for Judicial Reform of 1995. The project focused on improving the administration of justice in the first instance courts in Quito and Guayaquil, as well as increasing access to justice throughout the country as a means to promote greater social equity.

3.2 Revised Objective:

Not applicable.

3.3 Original Components:

The original components of the project were:

- A Case Administration and Information Support program: This component supported: (a) carrying out of the design and implementation of a caseload management program to reduce disposition times in the pilot trial courts of Quito and Guayaquil; (b) establishment and operation of public access information centers to complement these pilot trial courts; (c) carrying out of a records management program for the pilot courts, including the establishment and operation of a records management system; (d) development and application of standardized legal forms for the judicial procedures in the pilot courts. (e) establishment and application of performance standards for the pilot courts; (f) development and application of operational manuals for court management in the pilot courts; (g) development and implementation of training programs for the pilot courts (including a training-for-trainers program); (h) automatization of the pilot courts, including the acquisition and utilization of the required computer software and hardware and provision of necessary training; and (i) development and implementation of a court management information system for the Borrower's trial courts.

- A Court-Annexed Alternative Dispute Resolution (ADR) program: The component, as originally designed, was to establish pilot mediation programs in Quito and Guayaquil; their objective was to complement the changes being made in the pilot courts, offering the judges an alternative dispute resolution tool by allowing them to refer selected cases to a court-annexed mediation unit. Under this component, judges as well as professional and administrative mediation staff received training on mediation, and information on alternative dispute resolution was disseminated to the general public and to legal professionals.

- A Program for Law and Justice: The original Program for Law and Justice had a number of activities designed to create broader support for judicial reforms throughout the country. These activities included: activities to promote civil society's role in judicial reform through

the Special Fund for Law and Justice; a fund for court reform to modernize and decentralize the administration of justice (the *Fondo Judiciales*); a program to modernize the National Property registry for both real and commercial property; professional development for the judiciary; improvements in legal education; and pilot legal services for poor women.

- An Infrastructure Program: The project's infrastructure program had two activities: the development of a national strategy for courthouse facilities, including a five year construction and maintenance plan; and the remodeling of priority judicial facilities, including the pilot courts in Quito and Guayaquil.
- Project coordination and administration: A project coordination and administration unit, ProJusticia, was established to carry out the Government's five year plan for the Judiciary, as well as manage donor activities in the sector. This unit was to be staffed with the necessary technical personnel to successfully implement the Bank's project.

3.4 Revised Components:

<u>Component</u>	<u>Cost</u>	<u>Rating</u>
CASE ADMINISTRATION	\$5,138,349.00	HS
COURT ANNEXED ALTERNATIVE		
DISPUTE RESOLUTION MECHANISMS;	\$ 799,438.00	S
PROGRAM FOR LAW AND JUSTICE;	\$1,750,955.00	HS
INFRASTRUCTURE;	\$1,911,535.00	S
PROJECT ADMINISTRATION	\$1,099,723.00	S

The Case Administration component was revised to include first instance courts in Cuenca. In addition, a second version of the case management system software was developed, which served to fine tune the first version based on hands-on experience with it.

The Court-Annexed Alternative Dispute Resolution Mechanism was also revised to include the selected first instance courts in Cuenca.

Under the Program for Law and Justice component, the modernization of the property registry was dropped because the Government went ahead with many reforms on its own prior to project approval and implementation. Similarly, the component court reform (*Fondo de Judiciales*) began, but was discontinued due to a lack of government counterpart in the wake of the economic crisis.

3.5 Quality at Entry:

During appraisal, the Bank raised concerns about the Judiciary's capacity to carry out a free-standing judicial reform project. Prior to project approval and effectiveness, the Ecuadorian Government established a project coordination unit, ProJusticia, through a Presidential Decree. The Decree named ProJusticia as the coordinating body for the Government's and other donors' efforts in the reform and modernization of Ecuador's judicial system. ProJusticia was staffed with technical consultants and was mandated to provide important technical, financial, and administrative support to carry out the Bank's project.

Furthermore, the Presidential Decree stipulated that ProJusticia implement the project on behalf of the Executive and the Judiciary. This was a deliberate choice because at the time of project approval, the Ecuadorian Government was concurrently carrying out a larger Bank-financed public sector reform project (Modernization of the State Technical Assistance Loan, Ln. 3822-EC, approved in 1995, US\$20.0 million). The project benefited from important synergy with the larger public sector project in the early stages of implementation.

ProJusticia's joint reporting was also an important factor for ensuring ample institutional capacity to manage the project. The Judiciary's institutional capacity to implement a Bank-financed project was extremely low at project inception. Furthermore, ProJusticia played a crucial coordinating role due to the large number of donors and stakeholders involved in the development and implementation of the Government's Five Year Plan (*Plano Integral de Reforma*) for the Judicial Sector.

During the course of the project, the Judiciary's capacity to implement the project increased significantly. The National Judicial Council's Organic Law was passed in 1997. The project implementation became the sole responsibility of the Judiciary that same year; the Supreme Court President became the head of the project through another Presidential Decree. This introduced new volatility into the project, as the leadership of the Supreme Court changes every two years; re-election of Court Presidents is prohibited.

The project foresaw the need for short-term, tangible results to accompany longer term objectives. Within any legal and judicial reform project, project objectives can often only be met or realized over the long term. This places the achievement of many project objectives well beyond the time frame of a standard, less complex World Bank investment project. Furthermore, in order to successfully undertake reforms in the sector, judicial and legal sector institutions--generally characterized as conservative and resistant to change--need persuading before agreeing to reforms.

The Ecuador Judicial Reform Project set a number of modest goals for the project's five years of implementation. These goals were designed to have clear outcomes, build ownership for the activities undertaken, and induce cultural change to underpin the reforms. Toward that end, the project focused on small goals to augment the transparency of the Judiciary through improved case management procedures and tools (such as ADR) to reduce times to disposition, to improve the public's perception of the Judiciary, and increase the public's consensus for the rule of law. While the project was successful in largely achieving these goals--and in some cases superseded them--delays occurred due to economic crises, personnel changes in ProJusticia, and political and institutional volatility.

The project's Advisory Committee had early difficulties in ensuring the project had the necessary support. However, the Advisory Committee and ProJusticia consolidated Judicial support for the project over its life. The Advisory Committee was established prior to project approval, and was comprised of representatives from all branches of government (e.g., the President of the Republic, the President of the Supreme Court, the President of Congress, the Fiscal, and the Prosecutor General). Despite wavering support from the formal judicial

institutions, ProJusticia was generally diligent in ensuring that the technical aspects of the project remained on track. ProJusticia worked closely with the Bank to find flexible solutions to certain problems in order to meet project milestones (e.g., disbursement, procurement).

Nevertheless, sustained communication between the project's various stakeholders could have improved the project's overall impact. Individual members of key institutions were extremely involved in specific project components. However, at project closing, it appears that these individuals communicated very little about their activities, or those of the project to their colleagues. Members of the Supreme Court and Judicial Council were involved in the planning, design and implementation of the case management system implemented in Quito, Guayaquil, and Cuenca. Individual members of these bodies were instrumental in creating groups at the local and national level to support the reforms.

At certain times, the Bank--rather than the Judiciary or ProJusticia--acted as a main catalyst for consensus within the Judiciary. The Bank team met with the Advisory Committee to inform them of project's progress, to request that they make key decisions, and also requested ProJusticia to brief them more often on project activities. However, ProJusticia's reluctance--until recently--to call upon the Advisory Committee impacted the Committee's understanding of the project, its results and the reforms themselves. Toward the end of the project, this trend reversed due to the leadership of a progressive and dynamic Supreme Court President; the project enjoyed its greatest success in this period.

At project completion, there was clear project ownership on the part of the Judiciary. Moreover, the Judicial Council, with some lobbying from ProJusticia, was able to ensure that political and financial support for project aspects – such as the case management system and ADR centers – remained.

The project foresaw a potential for instability due to political fragmentation during the life of the project. At the time of appraisal, the main risks were perceived to be political in nature, in line with parliamentary and presidential elections. Indeed, with seven Presidents of the Republic over the five years of project implementation, it can be said that the Executive's overall impact on the project was small. The biggest risk to the project, however, proved to be in the Judiciary itself. The fragmentation of the Judiciary's support—due to a newly created National Judicial Council, the changing leadership of the Supreme Court, and regional loyalties—created instabilities that were difficult to overcome.

The project design at appraisal ensured that implementation remain the responsibility of the Judiciary, with support from the Executive. This insulated the project from the country's political cycle and an initial lack of institutional capacity in the Judiciary. The Judiciary's institutional capacity did increase with the creation of the National Judicial Council. At the same time, the creation of this new judicial institution augmented the political tensions within the Judiciary, which is a common tendency in countries which establish Judicial Councils.

By concentrating on the purely political aspects, the original project design may have underestimated the need for consensus building beyond all the staff of the selected pilot courts.

The project focused a great deal of its attention on promoting a change culture with the judges. The Quito union was extremely vocal in early their disapproval of the proposed corporative model developed to complement the new case management system. The cities of Guayaquil and Cuenca had very different experiences. In Guayaquil, the head of the Guayaquil Judges' Association was one of the judges that participated in the pilot case management component. This judge was one of the biggest supporters of the case management improvements, and as a result of his leadership, there was little opposition by the unions. In the case of Cuenca, there was unanimous support by all participating judges, which also assuaged any tensions or misgivings by the court personnel union. Moreover, the same, dynamic member of the Judicial Council oversaw the implementation of the case management component, which resulted in a positive outcome in both cities.

In recent years, the Quito union has become more supportive of institutional changes. However, the Quito pilots have demonstrated that without the clear ownership and understanding of all court personnel, reforms cannot be sustained by judges alone. The pilot courts must involve all levels of court personnel--and provide room for career growth--for proper buy-in from all staff.

4. Achievement of Objective and Outputs

4.1 Outcome/achievement of objective:

The project had a tangible impact on the three project objectives. The case management component was able to effectively reduce times to disposition. Taking into consideration the experience of all pilot courts, including the less successful results recorded in Quito, the pilot courts have nonetheless accounted for an 85 percent reduction in the average duration of a case. See below data reflecting the average duration of a civil case in Quito.

Court	Previous Average	Average in the pilot stage
First	1,185 days	266 days
Second	1,207	175
Third	1,732	332
Fourth	1,260	297
Fifth	1,096	204
Eleventh	1,717	422
Twelfth	840	236

This reduction was significantly higher in Cuenca (135%), where the corporate model was

most successful. See below the Supreme Court's clearance rate statistics for the Project's pilot courts. Clearance rates refer to the ratio of cases disposed to cases filed during a given year.(See also Legal and Judicial Sector at a Glance, Worldwide Legal and Judicial Indicators, www.worldbank.org/ljr).

City	% in 2000	% in 2001
Quito	8.56	27.38
Guayaquil	19.10	54.29
Cuenca	44.00	134.66

See below annual data collected from six district civil courts, collected from the President of the Supreme Court's report to the National Congress, Statistical Annex, Quito 2002.

District	1998				2001			
	Number of Courts	Incoming Cases	Cases Disposed	Percent	Number of Courts	Incoming Cases	Cases Disposed	Percent
Quito	22	33725	13576	40.25	23	21539	12416	57.64
Cuenca	19	15195	12693	83.53	20	8201	14712	179.39
Azogue	9	4298	3324	77.33	9	2669	4334	162.38
Portoviejo	24	11144	4778	42.87	24	6838	7444	108.86
Babahoyo	14	3881	2231	57.48	14	3614	1888	47.75
Guayaquil	30	24338	8207	33.72	30	15979	19089	119.46

The problem of delay and backlog has begun to be successfully addressed through the implementation of a new case management system. Taking into consideration the experience of all pilot courts, including the less successful results recorded in Quito, the pilot courts have nonetheless accounted for an 85% reduction in the average duration of a case. Since 2001, there has been a reversal of case backlogs in both large urban centers (Quito, Guayaquil, Cuenca), and predominantly rural areas. (Azogue, Loja, Portoviejo). Since 2001, however, this trend has been reversed and in many cities the number of cases disposed is higher than the number of filed cases. See below Quito District Civil Courts case flow.(Farith Simon et al, Final report of a study conducted for the World Bank in October 2002 by a team led by the Foundation Esquel on the application of civil justice. (Hereinafter "Uso de la justicia"). This study was conducted as a component of a five country comparative study completed by Linn Hammergren, Uses of Empirical Research in Refocusing Judicial Reforms: Lessons From Five Countries, World Bank, 2002, unpublished paper, on file.)

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Year	Number of Courts	Incoming Cases	Cases Disposed
1998	21	33,725	13,576
1999	25	31,278	13,020
2000	25	25,266	12,930
2001	25	21,539	12,416

See below Civil Courts backlog (2001) collected from the President of the Supreme Court's report to the National Congress, Statistical Annex, Quito 2002.

District	Incoming Cases	Cases Disposed	Backlog
Pichincha	21,629	12,948	195,199
Guayas	15,964	19,134	194,588
Azuay	9,201	14,622	51,151
Total	46,794	46,704	440,938

A system regulating court fees was established in March 2002 to eliminate illegal “fees” levied on unsuspecting individuals and to minimize the requirement of payment for judicial services. Following the Judicial Council’s establishment of court fees, the number of cases has decreased. Compounding the cost of litigation is the requirement that parties be represented by lawyers. The law does not permit *pro se* representation regardless of whether a party is able to afford an attorney. This effectively denies access based on economic status. Accessibility also implies that people must have physical access to the courts so courthouses should accommodate the disabled. Additionally, translators should be provided for those who do not speak Spanish, the official language in court proceedings, which is often a significant issue for the indigenous population. Despite many of these concerns, citizens, the private sector as well as many organizations representing various social causes have often found the judicial system to be a channel through which their conflicts can be resolved.

The project instituted central--rather than individual-- files into the pilot courts, resulting in an additional 10,000 m2 of court space and the creation of court information centers to serve the public as well as economies of scale. The court information centers allow the parties to a case to consult with a computerized database on where their case is in the system, rather than dealing with a clerk or other judicial employee. Certainly this has had an impact on transparency within the courts. Physical changes to the layout and design of the courts have also emphasized greater transparency, including the installation of cameras in judges’ chambers.

The fact that many of the reforms implemented by the project became national policy is significant, including the court-annexed mediation centers. The project has enriched the dialogue

on the rule of law within society, which is evidenced by the growing acceptance of mediation, the recognition of women's rights, and the progress made on unifying teaching criteria at the nation's law schools.

Not all of the project's reforms have been embraced universally or uniformly by all judges, court personnel and stakeholders. Greater ownership of the reforms can still be inculcated through improved communications between the courts, and closer supervision by the Judicial Council and judicial leadership. For example, many of the achievements made in Guayaquil and Cuenca in the adoption of the case management system and mediation centers should be studied and replicated in Quito. In addition, continued support from the law faculties and the legislative branch is needed to deepen the dialogue on the rule of law in Ecuador.

It is, perhaps, too soon to tell if changes introduced under the project will hold over time. Nevertheless, a tangible cultural change has taken place within the judiciaries in Guayaquil and Cuenca, and also within the national judicial leadership. The National Judicial Council was fully implemented during the course of the project. It has adopted many of the project's key reforms and made them policy. There have been real efficiency gains in those courts participating in the case management system, most notably in Cuenca. Certain sectors of society are increasingly using the court-annexed mediation centers. Of the three cities, the Cuenca court-annexed mediation centers have been embraced and integrated the best into the judiciary. Important spaces were created for civil society within the judicial reform process--which helped improve the delivery of legal services to marginalized groups--particularly women. Finally, the creation of new teaching materials and methods, and the unification of law school criteria and curricula was a relatively small component of the project, but has the potential for a long-term, substantial impact.

The project provided an important mechanism for civil society to participate in judicial reform process through the Program for Law and Justice. When the first Judicial Sector Assessment was undertaken in 1994, domestic violence and legal aid was a pressing legal social problem, but the Judiciary was reluctant to include these in its reform program. After they were incorporated into the project design and implemented, they also became priorities for the Judiciary by the end of the project. The Program for Law and Justice clearly met its objective to improve civil society's participation in judicial reform by partially financing 40 activities with local CSOs under the Special Fund for Law and Justice; creating a forum for the deans of the country's law schools, and providing some financing for courts to undertake demand-driven physical, procedural, and technology improvements to their operations.

4.2 Outputs by components:

Under the project, a case management system—which introduced procedural and manual changes to the system, and designed and implemented a corresponding computerized system--was installed in the pilot courts. Based on the pilot courts' experience with the first version, a second version was also created. The Judiciary financed a significant portion of this second version's development. At project appraisal, only 26 courts in the cities of Guayaquil and Quito were included. The Cuenca courts were added during the signing of the main contract for case administration in 1997. With the inclusion of Cuenca, and the later replication of the pilot courts, the number of courts rose to 71 courts. The courts that implemented the case management

system were able to reduce the overall times to disposition by roughly 33 percent, to 202 days. This component also helped purge an average of 41.5 percent of inactive cases within the pilot courts of these three cities; Quito had the highest number of inactive and purged cases, at 83,647 or over 71 percent of their total case load. Central files were introduced within the pilot courts, and 467 staff were trained on new procedures and tools in the implementation of the corporative model.

The judges involved, moreover, view the adoption of corporative courts, improvements in case flow, as well as rationalization of court functions as a positive step. The judges in Quito viewed the corporative courts as better (57 percent) than the traditional courts; in Guayaquil 46 percent said the changes introduced were much better, while 54 percent said they were merely better. In Cuenca, 80 percent of the judges responding said that the changes were much better. Moreover, the 60 percent of the pilot court judges in Cuenca and 81 percent in Guayaquil felt that the public's satisfaction with the courts is average. This can be compared to the pilot court judges in Quito responding that their perception was that 43 percent of the public found their services average, and 43 percent found them to be poor.

Perhaps the truer test of whether the reforms are successful is the project's "demonstration effect". Based on the pilot case management system's initial successes, "satellite" first instance courts in Durán, Milagro, El Triunfo, Santa Elena, Libertad, Salinas and La Troncal adopted the physical and organizational aspects of the case management pilot. These courts implemented the changes with the courts' own funds and limited involvement from the Bank-funded project. Agreements were also made with the Superior Courts of Chimborazo, Bolívar, Cañar, Loja and Imbabura to modify the court's computerized case management system based on the lessons of the pilot system developed under the project. These adaptations were fully funded by the courts.

Pilot, court-annexed mediation centers were implemented in the cities of Quito, Guayaquil and Cuenca. The centers' start up was delayed for approximately six months due to the recision of the component's main implementation contract. Under a second contract, the mediation centers were equipped, staffed and trained. In many cases, staff were trained upwards of 100 hours--well above the 24 hours regularly provided to the mediators' American counterparts. From July 2002 to January 2003, the three centers received 417 mediation cases, and reached agreements in 136 of those cases.

The judiciary's acceptance of these court-annexed mediation centers varies from city to city. In the city of Cuenca, 173 new mediation cases were received and 300 hearings were held during the judicial recess in the months of August and December 2002. This demonstrates a clear need, as well as the level of acceptance by the public. The Guayaquil Bar Association has shown a growing acceptance and appreciation of mediation. These reforms had the least impact on Quito, where the Bar Association and the courts view the centers as competitors.

Given the growing importance of mediation, as well as the low cost to operate the centers (roughly US\$8,000/month), the National Judicial Council moved to adopt the centers and finance their operating costs in 2002. The Controller General's Office conducted an independent audit of the centers and found them to be of high quality and extremely important for Ecuador.

The Program for Law and Justice provided financing for a variety of activities involving civil society and non-judicial stakeholders. Under the Special Fund for Law and Justice, 40 activities with civil society organizations (CSOs) were financed, with the grants averaging US\$51,061. The Fund required that all CSO activities provide at least 20 percent counterpart financing and provide a plan for medium term sustainability. Under this program, 61,369 people directly benefited from legal services and basic legal education, with another 184,107 indirect beneficiaries. This signals an eightfold increase in the number of direct beneficiaries estimated prior to the program's inception (7,500). Over the course of the project, and during the economic crisis, the Fund was able to maintain the same level of activities with its civil society counterparts. At the same time, the demand-driven proposals from the courts declined notably due to the lack of available government counterpart.

While a program to modernize the property registry was originally included in the project design at appraisal, the Government moved forward quickly on its own to study the national property registry. The Government implemented many reforms prior to project approval and implementation. As a result, this component was dropped from the Bank's project during implementation.

The Program for Law and Justice also included a professional development activities and consisted mainly in developing specific courses and applications for the courts. As no official judicial training school exists in Ecuador, a conscious choice was made to support the work of the country's law faculties. Training for the judges focused on judicial ethics, and did not include training offered in conjunction with the case management component. This complemented the Inter-American Development Bank's assistance for judicial training.

The Program for Law and Justice also sponsored a study on the status of legal education in Ecuador, undertaken by the association of the deans of the nation's law faculties (*Asociación Ecuatoriana de las Facultades de Derecho*). The study precipitated the establishment of the Association, and marked the first time many of the law school deans met. The Association developed a five year plan for legal education in Ecuador, which included in its vision the creation of a career path in law, as well as outlined specific curricula to be developed. The Law Faculty Association became an agent for change, professionalizing legal education by unifying teaching criteria, creating minimum standards for law schools and proposing a system for their accreditation to ensure the quality of their graduates.

In addition, seminars and workshops were created and delivered to law professors under this subcomponent. The objective of these seminars was to present new teaching methods and techniques. These activities were also important in presenting the new course content the Association developed under the project. Nevertheless, the locus of the changes--the Association--may not be sustainable in the long-term, as the Association depended largely on external financing as well as personal relations for its sustainability. The current deans are very committed to the changes developed and implemented, but future changes in leadership can undermine the personal commitment to the reforms. Moreover, the public nature of the largest law schools and budget shortfalls throughout the government make sustainability of this

Association uncertain.

FUNDESA and the Fundación María Guare provided integrated services under the Special Fund for Law and Justice. One of the Fund's most successful experience involved the "Promotores de Justicia y Derechos de Machala" in El Oro province. This project, directed by young people, promoted civic education about rights and laws in schools. The project was adopted on a provincial level, and was successfully replicated. Furthermore, the Fund created a Mediation Center and free legal aid in the City of Ambato, a component of a project presented by the Fundación para el Desarrollo Social Andino (FUNDESA). Through an agreement with the Superior Provincial court of Tungurahua, this center was annexed to the court, and approximately 40 percent of the cases received by the Center came from the courts.

Finally, the Program for Law and Justice directly targeted legal aid for poor women. Ecuadorian CSOs competed to provide these services in the cities of Quito and Guayaquil. The city of Cuenca was later included when the pilot courts in Cuenca were added to the project. All three contracts provided comprehensive legal services to poor women. These centers were run by two CSOs (CEPAM in Guayaquil and Quito, and *Corporación Mujer a Mujer* in Cuenca) and provided legal services and other complimentary services to 20,194 women. The CSOs were selected due to their long history of providing legal services to women. The financing received under the Fund allowed these CSOs to increase their activities by extending their working hours and hiring additional staff to handle cases. However, they were unable to keep up with the demand for services.

The centers were important in providing legal information and advice, as well as complementary services including medical and psychological support. The rationale behind providing these services was to bring about a more holistic change in the users' lives. Support groups were established for victims of domestic violence. Often paternity cases were brought and decided, which led to legal recognition and allowed children to receive support; child support was often negotiated through mediation (except in those instances where domestic violence was present) and/or brought before a judge. The CSOs also provided legal education to judges themselves, informing them on a number of relevant international conventions and treaties which Ecuador was a party to, when relevant to a case. Many of the users cited a higher sense of self-esteem, a more secure future for their children, and the dedication of the center's staff to their case as important factors in their ultimate outcomes.

4.3 Net Present Value/Economic rate of return:

While it is difficult to fully estimate the economic impact of a judicial reform project -- particularly one with such diverse components as the Ecuador Judicial Reform Project, an economic study was carried out to analyze the economic impact of legal aid on poor women, one of the activities included under the Program for Law and Justice. The results of this study, outlined in *Impact of Legal Aid: Ecuador*, show that those women using the services of CEPAM, reported an increase in support received by \$10 a month per child. (*Impact of Legal Aid: Ecuador*, page 36) Moreover, the legal aid interventions reduced the probability of severe physical violence by 17 percentage points (p. 39) and also increased the probability of attending school by 4.8 percentage points. (p. 40)

4.4 Financial rate of return:

Not applicable.

4.5 Institutional development impact:

The project had a wide-ranging impact on the institutional capacity of the Judiciary, as there were a number of institutions that benefited from the project. The project influenced a number of judicial actors, including the Supreme Court, the Judicial Council, the pilot courts in Quito, Guayaquil, and Cuenca, as well as the indirect beneficiaries -- the remaining courts in the country that did not participate in the pilot or replication.

With regard to the Supreme Court, the overall impact of the project fluctuated over the life of the project. A Supreme Court President--elected every two years, and ineligible for re-election, served as the head of ProJusticia from 1997 onward. With the exception of one two-year period, the project enjoyed both the cooperation and support of the Supreme Court. Toward the end of the project, the Supreme Court was particularly committed to the project, leading reforms and ensuring judicial support. Through the current Supreme Court President's leadership, many of the reforms undertaken by the project are being institutionalized.

The Judicial Council, which was created and fully implemented during the life of the project, also played a varying role with regards to the project. One member of the Judicial Council was designated by the President of the Supreme Court to liaise with ProJusticia. This member served continuously throughout the project, which has ultimately benefited the project. Despite repeated attempts from ProJusticia and the Bank to include greater participation by all Supreme Court and Judicial Council members in implementation activities and coordination meetings, the Judicial Council has at times reluctantly supported regional interests vis-à-vis the project.

The project's effect on the courts of first instance was very positive in many of the pilot courts, particularly those in Guayaquil and Cuenca. These courts were particularly involved in the redesign of their case management system and the development of their annexed ADR system. The outcome in these courts has been extremely positive. The Quito pilot began with resistance by court staff unions in Quito due to initial misperceptions regarding the objective of the pilot case management system. While a strong lobbying effort was undertaken with these personnel by ProJusticia to explain the rationale of the pilot, and other positive interactions, in the end, the Quito pilot courts appeared to continue to resist change. This is not so unusual of a pilot project seeking to implement far-reaching, integrated changes.

With the exception of Quito, the courts in Cuenca and Guayaquil have firmly embraced the pilot models. This has been demonstrated by their use of own funds to ensure proper funding to maintain the case management system and the corporative model, and to expand such efforts throughout the court system and the development of complementary computer programs.

5. Major Factors Affecting Implementation and Outcome

5.1 Factors outside the control of government or implementing agency:

The economic crisis of 1999, and the resulting dollarization of the national economy had a significant, negative impact on the project. As the international community was somewhat slow to provide a solution to the extreme cash flow problems of the national government during dollarization, certain aspects of the project requiring local counterpart funds--primarily the infrastructure and provision of (local) goods for the case management system--lagged behind schedule. Dollarization also negatively impacted the salaries of the consultants employed under the project, including those in ProJusticia. This meant a loss of morale for many of the consultants employed under the project.

Unemployment rose to over 16 percent, and the annual inflation rate reached 60 percent in the five years the project was implemented. At the same time the poverty rate rose from 29.2 percent in 1995 to 69 percent in 2000; the number of people in extreme poverty rose to 34 percent in 1999. Poverty was highest in the rural areas, amongst the indigenous and Afro-Ecuadorian populations; an increase in domestic violence has been correlated to economic crises and a rise in poverty levels. The government's priorities have certainly shifted over the life of the project. The project reacted to these changes, and reoriented some of the reforms to more clearly address changing needs.

For example, the Program for Law and Justice re-channeled some of its money from the decentralization and modernization of the courts under the Fondo de Judiciales to other, more viable project components. During this time as well, the Special Fund for Law and Justice was able to continue its activities as the counterpart requirements came directly from the Civil Society Organizations. The CSOs were better equipped to provide this counterpart than even the national government. However, many of the beneficiaries of the CSO activities did suffer from the dollarization of court judgments, as the financial value of alimony / child support was drastically reduced with dollarization. (see Focus Group Results in *Impact of Legal Aid: Ecuador*, page 44.)

Despite the best intentions of the current judicial leadership, it will take more time to overcome resistance to change in a number of important areas. With the exception of Cuenca, the mediation centers need to persuade the judges that they are a useful complement to the courts rather than a competitor. Toward that end, the effort undertaken to build support amongst other potential users--including the Guayaquil Bar Association--should be applauded, increased, and replicated in areas with more resistance to change, such as Quito. By including mediation within the curriculum at the law faculties, and providing law students with hands-on practical use of mediation, a longer term support for legal and judicial reform may materialize.

5.2 Factors generally subject to government control:

There were a number of government actors involved in the project; the Ministry of Finance and Public Credit, the Executive Branch, the judicial leadership--the Supreme Court and the National Judicial Council--which headed the project. At certain junctures in project implementation, there was a lack of leadership by the President of the Supreme Court.

Over the life of the project, governmental support for the project wavered; this was due primarily to changes in leadership in the Supreme Court, as well as the institutionalization of the National Judicial Council. The Judicial Council delayed a decision in selecting temporary offices

for court staff involved in the pilot case management system. This put the remodeling of the Quito courts behind schedule, creating uncertainties and apprehension among the court staff, and ultimately leading to a lesser implementation of the component in that city. Moreover, the Judicial Council's unwillingness or inability to manage the administrative details of the project meant that at times ProJusticia did many aspects of the government's own work.

The main objective of the Program for Law and Justice was to create "spaces for dialogue" between civil society and the judiciary regarding judicial reform. The judiciary was, for the most part, open to the CSOs suggestions and requests. A number of individual members of the Judiciary and Judicial Council were involved in the development and implementation of certain activities under the program. Nevertheless, to improve the overall impact of the component, greater government involvement would be recommended.

5.3 Factors generally subject to implementing agency control:

ProJusticia has played an important role in coordinating many of the reforms under the project. At times, key positions in ProJusticia were unstaffed. Fluctuations in these positions during important times in project implementation caused miscommunications and delays. Moreover, ProJusticia had to balance the demands of the project with those of other donors and stakeholders, due to their coordinating role. This problem was most acute during early project implementation.

Despite these pressures, ProJusticia played a relatively consistent facilitating technical role. The overall results of the replication phase could have been disseminated further for a greater impact if ProJusticia and the Government both had placed greater emphasis on the dissemination of the results. From the minimal dissemination that was done, first instance and Superior courts in the provinces did implement their own version of the replica as noted above. They were able to creatively adopt the physical aspects of the pilot courts by rearranging furniture and using temporary dividers. Several Superior Courts also undertook this physical rearranging and made minor investments to adapt the case management software to the work of the Superior Courts. These pilot replications should be encouraged to the greatest extent possible by the Government to further maximize the reforms and support court innovations at low costs. Furthermore, they may be instrumental in providing incentives for courts to fully implement their own models, such as in Quito.

Fluctuations in ProJusticia's staffing, and lack of qualified staff at certain points in project implementation created unnecessary delays, particularly in the case management and infrastructure components. These delays impacted the amount of time dedicated to creating consensus amongst the many stakeholders over the project's objectives, activities, and results. As a result, critical periods of time were lost in the reform process. Without plausible, timely explanations from the judicial leadership and ProJusticia regarding delays, misconceptions arose from the Judiciary that were later hard to dispel.

For example, ProJusticia could have also built more flexibility into the infrastructure component during early implementation. ProJusticia's relatively sudden decision to implement this component themselves did ultimately save money, but at the expense of time. Time could have

been better allocated to building consensus for the reforms, and ensuring that the judges' needs were addressed. Instead, the judges and court personnel in Quito grew frustrated with the proposed pilot reforms.

The mediation centers also lost roughly one year of productive work due to ProJusticia's decision to rescind its contract with ILANUD to design and implement the centers. While this situation may have been difficult to avoid, the ultimate result a one year delay in implementation of the centers. With better planning and more flexibility, ProJusticia and the judicial leadership could have used this time to promote an understanding and consensus for mediation among the various judicial actors (e.g., judges, lawyers, public).

The implementation delays in the mediation component could have longer term effects, such as unpredictability of future funding. While the Mediation Centers were formally adopted by the Judicial Council, the centers could physically disappear and many of the potential benefits of the court-annexed programs could be lost. Therefore, the Judiciary's leadership must continue playing an important role in educating the stakeholders and general public on the benefits of mediation. This means working actively with judges to improve their understanding of mediation as a complementary measure, rather than a competitive one.

ProJusticia has the ability to help shape the climate of opinion about the mediation centers. Moreover, ProJusticia can assist the Judicial Council in promoting and monitoring the field of mediation, to assess the quality of the experimental centers and mediation more generally, to help support and conduct training programs, and to continue to push the existing centers to improve the quality of their own statistics and self-evaluation indicators. This kind of work will be important in maintaining the credibility of the centers in particular and mediation more generally.

With regard to the Program for Law and Justice, ProJusticia supported the CSOs by providing significant technical and administrative inputs to proposals, and in training the CSOs on proper procurement and disbursement/accounting procedures. The level of planning that was required by the CSOs to be eligible for funding introduced many to ideas regarding longer term sustainability and financial planning. ProJusticia's facilitating role ensured the CSOs' trust. Despite its small number of staff, ProJusticia was able to self-manage the Fund, and showed leadership in project management. The Fund, and ProJusticia's management of it, have provided many lessons that can easily be replicated elsewhere.

5.4 Costs and financing:

The total project cost was estimated realistically. During the course of project implementation, economic conditions required reallocation among expenditure categories was able to cover the shortfalls.

6. Sustainability

6.1 Rationale for sustainability rating:

The case management system in both Guayaquil and Cuenca appear to be sustainable over the long term. The changes made in Guayaquil appears to particularly well situated to continue,

despite continued national economic difficulties. The judges and staffs in both courts are strongly committed to the reforms undertaken. The courts in Quito, however, are another matter. Supervision and assistance to the Quito pilot courts will need continued, intensive involvement in the Judiciary to overcome the court's resistance to change.

With respect to the ADR component, a basic conclusion is that the centers are on a good trajectory toward successful institutionalization in Ecuador. The Judicial Council recently voted to fully integrate the existing centers into its annual budget, thereby ensuring their continued work.

However, the level of success for the near future will depend on renewed financial support for a number of years, which is well beyond the time frame of this report. One option for the center is to charge a modest fee to the Center's users.

6.2 Transition arrangement to regular operations:

The Project Coordination Unit was successful in lobbying for sufficient funds for the transition of a number of project components to regular (non-Bank financed) operations despite a difficult economic situation. This includes the case management components, particularly in the cities of Guayaquil and Cuenca. The financial situation of the court-annexed mediation centers is precarious despite a very favorable review by the Contraloría of the Republic of Ecuador and the continued support of the Supreme Court President and ProJusticia. There is a divided opinion regarding the value of mediation within the Judicial Council, despite the relatively inexpensive cost of continued operation and support among many judges. The success of the centers in providing quality and efficient mediation services and increasing the demand for those services has not yet translated into full acceptance.

The limitations of the mediation programs do not stem from poor design or staff weaknesses. They reflect the initial "outsider" nature of the programs. They have had to compete for a position in the judicial system, and the obstacles were formidable. Most of the judges and their staffs knew very little about mediation, saw the center as a potential threat. Moreover, most judges and court personnel did not feel any personal stake in the program. There is evidence that the attitude is changing, albeit slowly.

The key for the success of mediation is to continue the momentum that the three centers generated and help also to build the field of mediation generally. The mediation centers are themselves transitional arrangements toward greater institutionalization, including the creation of more centers and the expansion of the field of mediation and greater integration within the judicial system. Above and beyond the formal court-annexed centers, the Special Fund for Law and Justice provided grants to community groups--principally for train-the-trainer activities to create community mediators. These groups were well received in the community, and as a result, were successful.

7. Bank and Borrower Performance

Bank

7.1 Lending:

The Bank's performance in the identification of the project was satisfactory. It worked closely with the Government in tailoring the Bank's product to the Government's priorities while ensuring coordination with other donors. The Bank underestimated certain risks at appraisal, which is discussed in section 3 above.

7.2 Supervision:

The Bank's performance during the supervision phase of the project was also satisfactory. Given the fact that certain key positions in ProJusticia were unstaffed at times, or did not meet the legal and judicial reform profile, the Bank responded by increasing its supervision efforts. Additionally, when a second phase of the case management component was first proposed by the Government, the Bank responded by sending a highly qualified case management/information technology consultant to review the Government's proposal and make recommendations to the Bank.

During the economic crisis of 1999-2000, the international community was slow in responding to procurement and disbursement problems. As a result, certain aspects of the project requiring local counterpart funds--primarily the infrastructure and provision of (local) goods for the case management system--lagged behind schedule.

7.3 Overall Bank performance:

Overall, the Bank's performance was satisfactory from project preparation through implementation. The stability of the Bank's project team provided steady guidance to the Borrower for successful project implementation.

Borrower

7.4 Preparation:

The Borrower's performance during project preparation was satisfactory. The Government was relatively open to legal and judicial reform, as well as civil society's participation in the reform process. The Government's overall capacity to design and implement these reforms was low, and reflected limited experience with implementing a comprehensive legal and judicial reform program.

7.5 Government implementation performance:

Prior to project implementation, the Government established ProJusticia as the project's implementing agency via Presidential Decree. Additionally, an Advisory Committee was established to oversee project implementation; this Committee was comprised of representatives from all three branches of government. During this phase of the project, the government's performance was satisfactory.

During implementation, the government's performance varied, due to changes in leadership and tensions between the Supreme Court and the National Judicial Council. However, the Supreme Court President also serves as the President of the Judicial Council thereby ensuring coordination for the project. This has resulted in greatly improved ownership of the project, as well as achieving the project's milestones and objectives. In this respect, the current Supreme Court President has used his influence to make key appointments and to take administrative action required to meet the project's objectives.

7.6 Implementing Agency:

ProJusticia's performance as an implementing agency has depended to a great degree on the consultants appointed to work on the project. Issues such as the economic crisis and dollarization, created unforeseen delays.

7.7 Overall Borrower performance:

Given the fact that the government and project unit have been able to overcome certain vested interests, and that they made up for lost time for delays caused by the economic crisis and other previously discussed factors, the Borrower's performance has been satisfactory. In the past two years, there has been an emerging consensus among the different institutional actors involved in legal and judicial reform. More precisely, the Supreme Court President has exercised leadership on the Court and in the Judicial Council to make key project management decisions. Through his actions, he has legitimized the concept of legal and judicial reform as a key and necessary element in achieving Ecuador's broader development objectives.

8. Lessons Learned

The project was successful in achieving its goals and objectives. As a number of the problems faced by the Judicial Reform Project are universal to all judicial reform work, there are a number of important lessons that can be gleaned from this project. These include:

- Combining a top-down with a bottom-up approach has ensured that Ecuador's dialogue on the rule of law has expanded to non-judicial and non-governmental groups. The participation of these groups has ensured that new areas have been squarely placed on the government's agenda for reform. What is perhaps notable about the Ecuador project is that the Judiciary has been generally very receptive to maintaining a dialogue with civil society on the rule of law. The lack of other strong governmental actors (e.g., Executive, Ministry of Justice) in Ecuador has meant the momentum for reform has been concentrated within the Judiciary. This is, perhaps, unique to Ecuador.
- Support for judicial reform projects is crucial, but can take considerable time to facilitate. Often a more programmatic, staged approach is necessary to build the necessary support for sustainable reforms. By building on relatively small steps, the Ecuador Judicial Reform project's objective was to gradually encourage the judiciary's understanding of, and interest in, the reforms by the end of the project through this approach. –
- The integral service model adopted for the legal services pilots for poor women also ensured that women: (a) knew their rights, (b) had the opportunity to exercise them; and (c) provided them with the tools and support to make life-lasting changes to create positive economic impacts on them and their dependents. In the case of the pilot courts and the women, both perceived these improved service delivery, and this translated into better perceptions of justice.
- The project concentrated on formal justice in Ecuador's most populous cities--Quito (the capital), Guayaquil, and Cuenca. However, the Ecuadorian Judiciary should ensure that future reforms or replications of these reforms are implemented throughout the nation's courts to ensure that second class justice does not arise between urban and rural populations. Because of the focus on formal justice, the project addressed the access to justice in the entire country--involving stakeholders in the design and implementation--through the Program for Law and Justice. The

Special Fund for Law and Justice provided grants to CSOs to provide legal aid and legal information, bridging the existing institutional capacity gaps. Similarly, the project also engaged the law schools on the status of legal education throughout the country. This marked the first programmatic attempt to define the quality and outcomes in Ecuador's law schools. These latter activities covered many regions in the implementation of the first phase of a five-year program, and may help in the long term to promote lawyers and judges to further the reforms throughout the country.

- The Ecuador Judicial Reform project has demonstrated that the real locus for change can and may reside well outside the country's capital. In fact, the reforms undertaken in the city of Cuenca, and to a lesser extent, Guayaquil, appear to be much more sustainable than the same reforms to the Quito courts. The concentration of vested interests in Quito slowed the pace of project implementation, and consequently, the reforms. The Ecuadorian Judiciary should place considerable energy on replicating the successes of Cuenca, as it most closely approximates the ultimate objectives of the project--a judiciary providing quality, modern services in an efficient manner, with services (e.g., ADR, legal aid) that complement the courts and provide greater access to the citizens. Quito was much less successful for a number of reasons outlined above.
- The project has also demonstrated the tremendous effort the Judiciary will still need to uniformly implement the changes to the criminal procedure code enacted in 2001. While the Bank project has provided the Judiciary with concrete experience in implementing major judicial reforms, the country simply does not have the capacity to carry out these reforms. It needs significant donor assistance and financing to complete this task. Moreover, the medium-term effect of this change is likely to impact the sustainability of the Bank project. The amount of effort and level of resources needed for this reform will likely dominate the judiciary's agenda for the medium-term. Furthermore, the lack of a national judicial training center will increase the overall need for resources. The short-term effect of this will be an erosion of public confidence in the judiciary--diminishing many gains made during the project.
- The project reinforced the notion that infrastructure and computerization alone cannot carry a judicial reform program for they are tools more than they are incentives. This was clearly illustrated in Quito's pilot courts. Furthermore, they do not provide the proper incentives for the judiciary's dedicated support and involvement in the reforms. At best, they should be marketed as one of many tools that can potentially improve disposition times.
- New judicial institutions are slow to build both credibility and support; toward that end, projects should not place undue emphasis on their potential leadership of a project. The National Judicial Council was, for the most part, supportive of the Judicial Reform Project throughout its implementation. However, many of the tensions that arose during between the Judicial Council and Supreme Court were part of the growing pains of a new institution.
- Similarly, the adoption of new tools--such as ADR--take considerable time to be accepted and fully institutionalized. The pace for the successful development of a more general mediation community depends on the general progress of judicial reform. While there appears to be a growing acceptance for these new services in Cuenca and Guayaquil, there is a strong

need for continuing to educate and engage the judiciary on the merits of ADR. Misperceptions on ADR still exist, and many within the Judiciary see ADR as a competitor to the courts. The inclusion of law students as ADR interns is particularly important, as they will be the new generation of lawyers and judges.

9. Partner Comments

(a) Borrower/implementing agency:

English Summary: The Ecuador Judicial Reform Project marked the initiation of a process to improve the administration of justice throughout Ecuador. It is important to underscore that the Project was designed around the fundamental areas identified in the Government's Integrated Reform Plan (Plan Integral). Additionally, the participation of different sectors of civil society in the process provided crucial support for the Project's development and implementation. A fundamental lesson to be learned for future projects is the need to develop a program of public information to accompany the reform process in order to share both information and progress achieved. The supervision provided by the Bank identified and quickly overcame implementation obstacles particularly with respect to maintaining project continuity throughout project implementation despite frequent changes in the government. The technical qualifications of ProJusticia staff and that of the Bank's evaluation and supervision teams were a crucial element in the project's overall ability to meet its objectives.

INFORME FINAL DE CIERRE DEL PROYECTO DE MODERNIZACION Y FORTALECIMIENTO DE LA ADMINISTRACION DE JUSTICIA EN EL ECUADOR

El 19 de septiembre de 1996, la República del Ecuador y el Banco Internacional de Reconstrucción y Fomento (BIRF) firmaron el contrato de préstamo BIRF No. 4066-EC por US\$ 10,700,000 para financiar parcialmente el Proyecto de Modernización y Fortalecimiento de la Administración de Justicia en el Ecuador, a cargo de la Unidad de Coordinación para la Reforma de la Administración de Justicia en el Ecuador, PROJUSTICIA.

Los objetivos del proyecto consistieron en:

- Incrementar la eficacia y transparencia en el proceso judicial
- Mejoramiento de la infraestructura de los tribunales del país.
- Expandir el uso de mecanismos alternativos de resolución de disputas dentro del sistema judicial
- Mejorar el acceso a la justicia por parte del público en general y de las mujeres en particular.
- Fomentar iniciativas de reforma del sistema judicial, investigación legal y educación.

A fin de cumplir con estos objetivos del proyecto se desarrolló mediante cuatro componentes principales. A continuación, se procederá a la evaluación de cada componente en conformidad con sus objetivos, diseño e implementación.

1. PRIMER COMPONENTE: GESTION DEL DESPACHO JUDICIAL

Considerando que los estudios de observación, de la situación de la administración de justicia en el Ecuador durante las décadas del 80 y 90, resaltaron que los juzgados presentaban una insuficiente organización administrativa, incluyendo una falta total de técnicas adecuadas de manejo de causas, la cual se agudiza en los juzgados de primera instancia de las ciudades con mayor carga poblacional del país. Por lo tanto, dentro del staff appraisal report (SAR), se decidió intervenir en la reestructuración organizacional de las oficinas judiciales así como insertar el apoyo informático, de tal manera que las cortes puedan disponer de los casos en forma oportuna, justa y eficiente.

Para la ejecución de este componente, en su primera etapa, se recurrió a la contratación de una firma consultora; luego del proceso de selección se suscribió un contrato con el consorcio DPK Consulting – Escuela de Negocios del Pacífico, el 27 de agosto de 1998. La firma consultora, realizó varios talleres para identificar las causas de demora procesal y la definición de un programa de reducción del atraso. Con los insumos obtenidos, se creó un marco conceptual y de operación con nuevos procedimientos que se puedan replicar a nivel nacional.

Del diagnóstico de situación inicial, se procedió al diseño una nueva organización de los juzgados con definición y distribución de funciones y, un diseño físico para los despachos. La nueva organización para el despacho judicial tiene las siguientes características:

- Separar las funciones netamente judiciales, de trámite judicial, con las de apoyo administrativo, de manera funcional y física.
- Crear conjuntos corporativos de entre 3 y 6 juzgados (de acuerdo a las necesidades y particularidades del área geográfica), respetando y manteniendo la independencia jurisdiccional de cada juzgado, pero aprovechando modernos conceptos de organización en la atención al público y de archivos para mejorar la eficiencia.
- Respetar el rol y autoridad del juez para organizar los procesos jurisdiccionales.
- Atender al público en un área apropiada con personas especializadas.
- Crear una función de apoyo administrativo que coordine las tareas de trámite de los procesos y atención al público optimizando el espacio físico en áreas comunes.
- Introducir elementos modernos de control del movimiento de expedientes a través de nuevos registros, libros de control y sistema de archivo.
- Aprovechar los avances tecnológicos para ayudar en el manejo de flujo de casos y de información al público para mantenerlo al día sobre el estado de su causa.
- Evitar contactos innecesarios e inapropiados entre el público y los funcionarios judiciales.

El sistema de gestión se basa en el principio de corporatividad como mecanismo de optimización de recursos humanos y físicos para la administración de justicia. Para la aplicación del nuevo diseño organizacional, los presidentes de las Cortes de Justicia de Quito, Guayaquil y Cuenca seleccionaron 26 juzgados, 14 civiles y 12 penales. En estos juzgados se intervino en una primera etapa denominada “Piloto”.

Los sistemas organizacionales propuestos e institucionalizados son: Sistemas de Administración de Casos, en los cuales se ha instaurado áreas de servicios comunes y criterios de trabajo en equipo; Sistemas de Estadísticas Judiciales, el cual facilita la eficiencia de la administración de las causas, identificando fácilmente la demora en los trámites judiciales; y el Sistema de Manejo de Registros.

Se instauró la creación de un archivo común a los juzgados que conforman un módulo corporativo, con ayudantes judiciales dedicados exclusivamente a su manejo, así como un sistema único de numeración e introducción de la tarjeta de control de movimiento de expedientes, y la aplicación de procedimientos uniformes para controlar el movimiento de causas.

Por otra parte, con el objetivo de contar con un verdadero inventario de causas pendientes, reducir el número de casos inactivos y desarrollar procedimientos para una depuración permanente. Se depuraron el 49.61% del total de los expedientes censados en las ciudades de Quito, Guayaquil y Cuenca hasta mayo del 2000. Con posterioridad a mayo del 2000, los funcionarios judiciales continuaron con la labor de depuración del 50.39% de expedientes pendientes, este proceso de depuración se ha institucionalizado en la Función Judicial, pues se trata de una operación constante y permanente.

Además, se produjo la incorporación de la herramienta informática como apoyo a la gestión de causas, para lo cual se adquirieron 739 computadora y 12 servidores, que fueron distribuidos e instalados en los juzgados del Plan Piloto y de Réplica y en los juzgados distritales de Ibarra, Guaranda, Azogues, Riobamba y Loja; y al desarrollo de programas (software) de gestión judicial.

Una vez definido el diseño de la red, se procedió con especificaciones técnicas para el equipamiento informático a los 26 juzgados piloto (hardware, software y redes); y la dotación de herramientas de productividad (Office) y el sistema de información legal.

La capacitación que recibieron los funcionarios de los juzgados corporativos incluía no solo la parte conceptual del nuevo modelo, es decir las que tienen que ver directamente con el manejo de las herramientas organizacionales e informáticas introducidas, sino además una capacitación de motivación, calidad y servicio al usuario que sirvieron para la adopción institucional del modelo.

Una vez que la consultora terminó la vigencia de su contrato, Projusticia inició y ejecutó una segunda etapa llamada de “Replica”, esta etapa no estaba pautada originalmente, pero atendiendo los resultados obtenidos en la primera etapa y con los insumos proporcionados, así como la necesidad de replicar el modelo, se incorporaron 43 judicaturas, 27 civiles y 16 penales de las mismas Cortes de Justicia de Quito, Guayaquil y Cuenca, con esta inclusión las cortes de justicia de Cuenca y Guayaquil corporativizaron el 100% de sus judicaturas civiles y penales.

Además, dentro de la etapa de réplica, se evaluó el alcance del software de seguimiento de causas y se obtuvo una nueva versión del sistema informático, más adaptado a las necesidades de los funcionarios en el nuevo rol de sus actividades. Este sistema fue desarrollado por el equipo informático contratado por Projusticia y fue revisado y evaluado por los consultores expertos que

conformaron las misiones de monitoreo y evaluación del Banco Mundial, quienes realizaron importantes precisiones de orden técnico. Actualmente, el sistema forma parte de la Función Judicial, institucionalizando la adopción de la herramienta informática en la organización funcional de la judicatura.

Los aspectos positivos generados por la aplicación de la herramienta informática han sido el cambio de la cultura organizacional para introducir la tecnología de información y transformar los procesos de registro, control y comunicación de los datos relacionados con las causas civiles y penales, por efecto de la modernización de la función judicial. Por otra parte, la implantación y funcionamiento de las redes de datos en los juzgados corporativos de Quito, Guayaquil y Cuenca ha permitido generar información oportuna y confiable sobre la producción y productividad de los juzgados.

La aplicación completa del modelo ha arrojado resultados positivos, con una tendencia de mejoramiento permanente, lo cual demuestra una mejora sustancial en el manejo y flujo de causas. En este sentido, los tiempos procesales de tramitación de causas en los juzgados corporativos se han reducido en más de un 35%, en comparación con el tiempo original observado al comienzo del proyecto que estaba por encima de 320 días por causa. En este punto es necesario aclarar que al instaurarse el sistema procesal oral en el área civil, el tiempo de tramitación por causa se reducirá aún más.

Esta percepción también es constante en el mejoramiento de la producción de los juzgados corporativos, los civiles han mejorado en un 50%, y en los juzgados corporativos penales en un 90%, tomando en consideración que el área penal ha sido la que mayor impacto tiene con la depuración permanente de archivos que facilita terminar causas por el mecanismo de prescripción. (Anexo 1: cuadros estadísticos de resultados obtenidos)

Principales Lecciones Aprendidas y Recomendaciones:

Podemos comenzar constatando que actualmente en los 69 juzgados pilotos de las ciudades de Quito, Guayaquil y Cuenca existe una nueva realidad en la administración de justicia. Es necesario afirmar que en cada ciudad, por una serie de factores, existe un nivel de desarrollo diverso. Esta diversidad de experiencias ha sido importante para enriquecer la reflexión sobre lo que se realizó en la etapa de réplica.

Los elementos positivos y comunes en las tres ciudades, se representan especialmente en el hecho de que estos juzgados funcionan en un ambiente moderno, con una infraestructura arquitectónica que se adecua a las necesidades del recurso humano y de los varios elementos técnicos del sistema. Jueces, funcionarios judiciales y usuarios en general cuentan con elementos tecnológicos, tanto hardware como software, que facilitan la gestión del despacho y el acceso de la información. En este contexto se cuenta con un Sistema Automático de Tramitación de Causas, que entrelaza a la oficina judicial con otras dependencias, como la Oficina de Sorteo de Causas y la Oficina de Citaciones; con lo cual se busca que el sistema se convierta en un esquema integral. Sin embargo es necesario impulsar una constante actualización de los flujos utilizados en cada materia para adoptar los cambios que se presenten en su diseño, como ocurrió con la incorporación del Nuevo

Código de Procedimiento Penal, para lo cual fue necesaria una readecuación del sistema informático en esta materia, por parte del equipo de consultores informáticos de Projusticia. Este grupo de consultores actualmente forma parte de la Función Judicial.

Un elemento importante en este proceso es que las autoridades de la Corte Suprema de Justicia y del Consejo Nacional de la Judicatura han adoptado, como política para el desarrollo administrativo y organizacional del futuro, los elementos de la corporatividad, por lo cual es necesario impulsar que el Consejo Nacional de la Judicatura apruebe el Reglamento de Funcionamiento de los Juzgados Corporativos, esta aprobación formal del modelo por parte del Consejo potencializará los resultados obtenidos, los niveles de aceptación por parte de los sectores involucrados y eliminará dificultades formales.

Dentro del aspecto organizacional se ha introducido un sistema de estadísticas judiciales que permite la fácil detección de “cuellos de botella” en el despacho, así como la toma de decisiones de política institucional sobre la base de datos concretos y no sobre meras percepciones. En este contexto, dentro del proyecto se elaboró el primer sistema aplicable a la Gestión del Despacho de los “Indicadores de Desempeño”. Estos estándares deben ser revisados y adoptados por el Consejo Nacional de la Judicatura, para ser utilizados como guías en el análisis de desempeño de cada juzgado, respetando el contexto particular que motive el resultado dentro del período de medición; sin perjuicio que con el transcurrir del tiempo, el desempeño de todos los juzgados debe acercarse a los estándares definidos.

Como todo proyecto que involucre cambios estructurales, es necesario contar desde su inicio con una estrategia de difusión dirigida a todos los actores tanto para dar a conocer el contexto general del proyecto, como para familiarizarlos con la entrada en funcionamiento del nuevo sistema y potencializar el uso de cada una de las herramientas incorporadas. En este proceso fue fundamental vincular a los Colegios de Abogados pues este gremio puede constituirse en un factor importante en el impulso o crítica del nuevo sistema, en distintas etapas del proyecto se ha logrado una vinculación proactiva de los Colegios de Abogados de Quito, Guayaquil y Cuenca.

Uno de los puntos de mayor preocupación, para la positiva ejecución del proyecto, fue el cumplimiento oportuno del cronograma general, por lo cual es fundamental la coordinación inicial y la planificación estricta de cada una de las actividades, tomando en consideración los plazos de entrega de obras, equipos, insumos y procesos de capacitación, pues el atraso en la ejecución de uno de estos elementos ocasiona un efecto en cadena que afecta el avance de todos los componentes; en este aspecto es necesario analizar que la ejecución de obras de infraestructura siempre está sujeta a suspensiones involuntarias, para lo cual fue necesario el uso de medidas correctivas de recuperación de tiempo con la finalidad que las expectativas positivas, que se generan con mucho esfuerzo, no se pierdan por la postergación de la entrada en funcionamiento del sistema.

Respecto a la adquisición de sistemas informáticos, se recomienda agilizar los trámites de no objeción por parte del Banco Mundial, pues esto puede producir un retraso en el cronograma establecido. Además, se debe considerar que estos equipos tienen un factor de obsolescencia bastante rápido que implica concretar su adquisición lo antes posible.

Anexo 1: Documento sobre Lecciones Aprendidas en la primera fase de ejecución del componente de gestión del despacho.

2. SEGUNDO COMPONENTE: INFRAESTRUCTURA FISICA DE LAS JUDICATURAS

El objetivo de este componente consiste en adaptar el recurso físico a los requerimientos del programa de modernización de la Función Judicial, mejorando las condiciones de infraestructura de las judicaturas de mayor carga procesal en el Ecuador. Este componente se ejecutó con el objeto de complementar los objetivos del componente de gestión del despacho judicial. Adicionalmente, se procedió a la remodelación de un edificio para las oficinas del CNJ.

Se definieron como meta la intervención de 7.200 m², sin embargo se intervino en 17.209m², que representan el 239% de la meta planteada.

El proyecto en su planificación inicial contempló una inversión en infraestructura de US \$ 2'800.000. La inversión efectivamente realizada en obras civiles en las tres ciudades, alcanza la suma de US \$ 1'527.000. En promedio se ha invertido por juzgado US \$ 22.130, y por m². un valor de US \$ 89.

En instalaciones especiales, para climatización, redes de voz y datos, sistemas de control de accesos, audio y video, en las tres ciudades, se ha invertido un total aproximado de US \$ 1'335.000, lo que da un promedio por juzgado de US \$ 19.347 y por m². un promedio de US \$ 78.

3. TERCER COMPONENTE: MEDIACIÓN JUDICIAL

La saturación de casos existente en el sistema de cortes, genera una necesidad de crear espacios de solución de conflictos, en función de lo que la Ley de Arbitraje y Mediación crea la figura de la derivación procesal, que implica un recurso potencial que contribuye a la descarga y descongestión de casos que se tramitan en las judicaturas del país.

Los objetivos primordiales del componente consistieron en el establecimiento de Programas Pilotos de Mediación anexos a las Cortes de Justicia de las ciudades de Quito y Guayaquil; y el entrenamiento en mecanismos alternativos de solución de conflictos a mediadores participantes en los programas piloto de Quito y Guayaquil; capacitación a jueces para referir casos a mediación; difusión de la información al público e información general a profesionales interesados en el tema.

Estos objetivos superaron su ámbito de ejecución, atendiendo a la demanda de escenarios que permitan facilitar el acceso a la justicia en el resto de judicaturas del país, razón por la que el Proyecto Piloto amplió su cobertura a la ciudad de Cuenca. En la actualidad, las Cortes Superiores de Justicia de las tres ciudades cuentan con Oficinas de Mediación, que se encuentran debidamente equipadas y cuya infraestructura física ha sido adaptada atendiendo a las necesidades logísticas de cada Centro Judicial.

ProJusticia, coordinó el desarrollo de las actividades previstas en este Componente, bajo la ejecución de dos contratos de consultoría, uno con ILANUD durante el período comprendido entre septiembre de 1998 y noviembre de 1999; y otro, con el Consorcio Corporación Latinoamericana para el Desarrollo – Universidad Católica Santiago de Guayaquil durante el período comprendido entre junio de 2000 y junio 2001. Posteriormente, a partir julio de 2001 hasta junio de 2002, ProJusticia asumió directamente la administración de las Oficinas de Mediación Judicial.

Un elemento importante dentro de las actividades realizadas en el Proyecto de Mediación Judicial constituyó el desarrollo de varios modelos de derivación de causas aplicados por los jueces que participaron en el proceso desde sus inicios y con la incorporación progresiva de nuevos juzgados.

Dentro de la fase piloto se elaboraron los siguientes productos: Manual de Difusión; Manual del Mediador; Manual Operativo; Documento Borrador del Reglamento para los Centros de Mediación y Estrategia de Comunicación; lo que constituye la base para consolidar la continuidad y réplica del Proyecto a lo ancho de todo el país.

La gestión de los Centros de Mediación propició la suscripción de Convenios de Pasantías con universidades y/o organizaciones no gubernamentales, lo que ha significado un aporte adicional en las actividades desarrolladas que cuentan con la colaboración y práctica, tanto de estudiantes de Derecho, como de personal capacitado en el área de mediación específicamente.

Los indicadores de gestión registran un avance progresivo, en cuanto al número de ingreso de casos, acuerdos alcanzados y valores óptimos en los tiempos promedio de duración de la mediación, logrando día a día mayores niveles de satisfacción, tanto en lo relacionado a los jueces que realizan las derivaciones, como a los ciudadanos que concurren a resolver sus controversias en estos espacios.

Las Oficinas de Mediación mantienen un promedio de atención de 45 casos mensuales aproximadamente, funcionando al máximo de su capacidad instalada, promedio que debe intentar aumentarse con la difusión de los servicios y la derivación directa por parte de los jueces. Es importante recalcar, que si bien existen valores promedio del ingreso de casos a las Oficinas de Mediación Judicial, existen fluctuaciones mes a mes que, por factores externos, presentan un ligero aumento o disminución con relación a los valores referenciales.

Las Oficinas de Mediación de la Función Judicial realizan procesos de mediación, con un

promedio de cinco horas efectivas de trabajo que se desarrollan en dos o tres audiencias de mediación en un lapso referencial de quince días. Los datos mencionados, de acuerdo al **Anexo No. 2**, demuestran las bondades y ventajas que ofrece la mediación, tanto al Sistema Judicial, como a la ciudadanía en general.

A partir del mes de julio de 2002, por decisión del Consejo Nacional de la Judicatura, las oficinas de Mediación son administradas y financiadas por este órgano administrativo. Es importante mencionar que las distintas misiones del Banco Mundial trabajaron conjuntamente con Projusticia para lograr este objetivo.

Principales Lecciones Aprendidas y Recomendaciones:

La Función Judicial cuenta actualmente con un modelo de derivación judicial a mediación, completamente probado y en funcionamiento, el cual resulta eficaz y efectivo para el servicio a los ciudadanos. Por esta razón, es importante que la Función Judicial reconozca formalmente a estos Centros de Mediación para que continúen con su trabajo de manera adecuada. El apoyo a los Centros incrementará la confianza de los jueces para proceder a la derivación de causas, agilizando los procesos judiciales.

Es importante trabajar conjuntamente con el CNJ, organismo que tiene a su cargo el registro de centros de mediación y su debida aprobación. Esta institución no ha recibido instrucción alguna sobre el tema, el cual ha quedado relegado ante las múltiples funciones de este organismo, lo cual podría concluir en la proliferación de toda clase de centros de mediación sin regulación alguna para los mismos.

Resultaría de gran impacto la elaboración de proyecto sobre el reglamento correspondiente a la Ley de Arbitraje y Mediación que regule algunas de las disposiciones previstas en esta Ley, fomentando la calidad en la aplicación de la misma.

Es necesario fomentar la difusión de los métodos alternativos para la solución de conflictos en la población. Los centros de mediación han realizado un importante trabajo al respecto, pero aún es insuficiente, de las encuestas realizadas se deduce que la población conoce poco sobre la utilidad de estos mecanismos.

4. CUARTO COMPONENTE: PROGRAMA DERECHO Y JUSTICIA

El Programa tiene como objetivo principal promover la participación de la sociedad civil en el proceso de reforma de la administración de justicia, mediante proyectos específicos que faciliten el acceso a la Justicia. A través de este Programa se canalizaron proyectos provenientes de la sociedad civil y de los operadores judiciales, orientados a mejorar los problemas de la población respecto al acceso a la justicia, investigación con miras al planteamiento de reformas del sistema normativo, educación e información legal y reformas a las cortes a través de la modernización y descentralización, por medio de una variedad de proyectos que examinan necesidades particulares.

El presupuesto invertido en este Programa fue de 1.640.268,47 con una contrapartida de 402.165,48 proveniente de los aportes directos de las instituciones beneficiadas.

Se ejecutaron 40 proyectos que llegaron a un total de 61.369 beneficiarios directos, distribuidos de la siguiente forma: Fondo de Derecho y Justicia (Sociedad Civil): 37.890, Fondo de Judiciales: 500 Servicios Legales y Alternativos para Mujeres de Escasos Recursos Económicos: 20.194, Educación Legal: 285 y Desarrollo Profesional: 2.500

De acuerdo a los datos establecidos previa y posteriormente a la ejecución del Programa Derecho y Justicia se obtiene un universo de beneficiarios directos correspondiente a 68.869 personas, equivalente a un 100%. Antes de la implementación de los proyectos del Programa Derecho y Justicia se atendió a una población de 7.500 personas, equivalente al 11,52%; culminada la fase de implementación de los proyectos mencionados se registra un número de beneficiarios directos correspondiente a 61.369, equivalente al 89%.

El Programa mencionado se encuentra distribuido en los siguientes subcomponentes:

- 1. Fondo para la Sociedad Civil:** Mediante el cuál se promovió la participación de la sociedad civil en el proceso de reforma de la administración de justicia mediante proyectos específicos que facilitaron el acceso del ciudadano a la justicia. Los resultados obtenidos, en múltiples casos, superaron los indicadores propuestos inicialmente, garantizando en muchas ocasiones, la continuidad de los proyectos. Estos resultados se encuentran desglosados por proyecto en el cuadro correspondiente al **Anexo 3** de este documento.
- 2. Fondo de Judiciales:** Estos proyectos se desarrollaron en los Distritos Judiciales de distintas provincias con el objeto de realizar la modernización y gestión del despacho judicial.
- 3. Educación Legal:** Este proyecto fue único en su género, lo ejecutó la Asociación Nacional de Facultades de Jurisprudencia (ANFJ), la cual emprendió un proceso de diagnóstico de la educación legal, en base al cual se diseñó de un plan quinquenal de acciones para mejorar la calidad de la educación legal en el Ecuador.
- 4. Desarrollo Profesional:** Este programa fue ejecutado directamente por Projusticia y realizó actividades para “capacitar capacitadores”, preparando al profesorado de las Facultades de Derecho en el desarrollo de nuevas metodologías y contenidos que resulten en una mejora sustancial y práctica en la calidad de la enseñanza y formación de los profesionales universitarios. Se diseñaron nuevas cátedras universitarias y, además, se ejecutaron actividades de actualización y capacitación a magistrados, jueces y funcionarios judiciales en temas legales trascendentales que faciliten la práctica diaria en los Tribunales.
- 6. Servicios Legales y Alternativos para Mujeres de Escasos Recursos Económicos:** El objetivo principal de este subcomponente estuvo centrado en mejorar e incrementar el acceso de las mujeres de escasos recursos económicos al sistema de administración de justicia, contribuyendo a la democratización del conocimiento y aplicación del derecho, para mejorar su

condición y posición en la sociedad. El proyecto presenta un número de 20.194 beneficiarias directas de los servicios legales y alternativos, los resultados obtenidos mediante la ejecución del proyecto han superado las metas propuestas tanto en la cantidad de beneficiarias como en la calidad de los servicios prestados.

Principales Resultados Obtenidos:

Casos atendidos dirigidos a personas de escasos recursos económicos (servicios legales y alternativos Como servicios alternativos se entenderán servicios psicológicos, sociales o médicos (alternativo a los servicios legales))	15.118
Consultas legales	9.204
Casos y consultas atendidos, dirigidos a mujeres de escasos recursos económicos (servicios legales y alternativos)	20.194
Mediaciones logradas Se debe considerar que los proyectos estuvieron dirigidos principalmente a la creación de los centros de mediación y la capacitación a su personal y, en la última fase, la apertura del servicio de mediación al público	2.102
Beneficiarios del servicio de mediación	3.980
Talleres y Seminarios realizados	442
Personas capacitadas	10.770
Campañas radiales	12
Equipos de capacitación formados	25
Módulos de Capacitación elaborados (incluye materiales de capacitación)	25
Investigaciones (incluye cátedras universitarias)	14
Oficinas abiertas para atención al público en promoción de derechos, asistencia legal y servicios alternativos, entre otras	12
Bases de datos elaboradas	8
Convenios con instituciones públicas y privadas para la ejecución de actividades conjuntas	40
Publicaciones realizadas	20

Principales lecciones aprendidas y recomendaciones:

La ejecución de este componente produjo resultados relevantes que permitieron visualizar la importancia de que la reforma judicial vincule a la sociedad civil y a la Función Judicial con el

propósito de conseguir un verdadero acceso a la justicia. En esta forma, este Programa permitió una mayor comprensión entre los sectores involucrados, lo que les permitirá trabajar con mayor coordinación en el futuro.

Los parámetros de selección dispuestos en los instructivos del Fondo se han cumplido a cabalidad, y han sido de gran utilidad en la selección de proyectos. Es importante mencionar que, a pesar de que el Panel Consultivo constaba con personas expertas en género para la revisión de los proyectos, en el Fondo del año 2.001 se procedió a realizar una evaluación del enfoque de género más específica en cada uno los proyectos, la cual resultó muy interesante y permitió equilibrar los resultados de los proyectos beneficiando a hombres y mujeres.

De la experiencia adquirida se observa la necesidad de poner énfasis en el asesoramiento y orientación a las instituciones beneficiarias, en cuanto a la elaboración de propuestas, tanto en la parte técnica como en la financiera.

Del análisis realizado el 72.5% de los proyectos presentados han continuado ejecutándose en las instituciones pertinentes, una vez terminado el financiamiento otorgado, existe un 20% que se continúa parcialmente y, un 7,5% que, por diferentes circunstancias no pudieron continuar. Esta continuidad del proyecto constituye un aspecto muy importante que debe ser analizado desde la presentación del proyecto, pues en este momento se puede solicitar todas las garantías que permitan que las actividades continúen al finalizar el financiamiento. Sin embargo, los resultados nos demuestran que el trabajo realizado permitió un porcentaje de continuidad significativo.

Se ha producido un importante intercambio de conocimientos y tecnología que ha permitido a las instituciones compartir su experiencia y aprender de proyectos similares. Esto ha producido excelentes resultados permitiendo la conformación de pequeñas redes de apoyo entre instituciones que realizan labores similares.

Es importante mencionar, que se ha creado un modelo integral de servicios (legales, psicológicos, sociales y médicos) que ha sido utilizado tanto en las instituciones que prestan servicios a mujeres como en las demás instituciones que atienden a población de escasos recursos económicos. El trabajo de las instituciones que prestan estos servicios permiten una notable mejora en la calidad de justicia que se imparte pues, al no poseer fines de lucro, se han dedicado todos los esfuerzos a conseguir fallos justos de acuerdo con los casos planteados. Inclusive, estas instituciones han impulsado la aplicación de los convenios internacionales. El modelo mencionado ha permitido la concientización de la población, y las mujeres especialmente, sobre sus deberes y derechos y, su capacidad de aplicarlos en los casos que lo ameriten.

Dentro de los programas establecidos con el objetivo de difundir los derechos y deberes ciudadanos, se trabajo con sectores de niños, jóvenes, mujeres y población en general obteniendo importantes resultados. Como una política del Fondo Derecho y Justicia, estas actividades formaron parte de los proyectos, en calidad de un componente imprescindible, esta política ha permitido que las organizaciones desarrollen áreas de difusión y capaciten al personal a cargo como capacitadores para multiplicar los conocimientos adquiridos.

La introducción de cátedras universitarias, constituyó una experiencia enriquecedora y acogida con mucho entusiasmo por las Facultades de Derecho. Los requisitos para el diseño de las cátedras fueron incrementándose con cada experiencia, produciendo como resultado diseños más completos con materiales útiles y bien elaborados. **Anexo 4:** Documento sobre Lecciones Aprendidas en la ejecución del componente Programa Derecho y Justicia.

La ejecución de Programa mencionado pone de manifiesto el beneficio del trabajo conjunto entre la sociedad civil y la Función Judicial en el proceso de reforma judicial emprendido. Además, el apoyo del Banco Mundial ha sido primordial en este aspecto, pues se necesitó una gran capacidad de entendimiento de la realidad local para apoyar ciertas actividades en el sector de la sociedad civil, referentes al acceso a la justicia de los ciudadanos, en áreas no financiadas por otros organismos internacionales, gracias a lo cual se obtuvo excelentes resultados.

Sostenibilidad futura y propuestas de continuidad del Proyecto:

Los esfuerzos de sostenibilidad de los logros alcanzados por el Proyecto en su primera fase, se han orientado hacia la institucionalización de las actividades dentro de la Función Judicial. En este sentido se han alcanzado los avances necesarios. Actualmente, al cierre de la primera fase, el modelo de gestión judicial está incorporado como política de la Función Judicial, al punto que el mismo ha sido replicado en algunos juzgados con financiamiento propio de la Institución. De esta manera, en la medida de la disponibilidad de recursos, la Función Judicial seguirá replicando el modelo corporativo en los diferentes distritos judiciales del país. Esto a su vez representa un contexto muy favorable para la continuidad y apoyo de un nuevo proyecto en esta materia.

Asimismo, el funcionamiento de los Centros de Mediación implementados en la ejecución del Proyecto de Reforma Judicial, está asegurado de forma definitiva en la ciudad de Cuenca, con la incorporación de Funcionarios Judiciales en el equipo del mencionado Centro. En los casos de Guayaquil y Quito, los centros continúan con su normal funcionamiento, bajo la responsabilidad de la Función Judicial, y se prevé su continuidad bajo los mismos mecanismos que en la ciudad de Cuenca. Se está realizando una intensa actividad de capacitación al interior de la Función Judicial para que sus propios miembros puedan asegurar la continuidad de este servicio. En cuanto al Programa Derecho y Justicia el 72,5% de los proyectos de acceso a la justicia por parte de los ciudadanos se encuentran en funcionamiento y, se espera puedan expandir sus actividades en el futuro.

El desempeño de ProJusticia ha sido examinado por la Contraloría del Estado, por los Auditores externos así como por las periódicas misiones del Banco Mundial de evaluación del proyecto con resultados altamente satisfactorios. Dentro de estas actividades se destaca la alta calidad técnica de las misiones del Banco, por lo que se recomienda realizarlas con mayor frecuencia, de manera que no existan períodos demasiado largos entre una y otra visita.

Respecto al área económica financiera el **Anexo 5** de este documento muestra la evolución presupuestaria del Convenio de Préstamo BIRF-4066-EC al 10 de febrero de 2.003, de lo cual se concluye que se ha cumplido satisfactoriamente con la contraparte nacional requerida para la ejecución del préstamo y los gastos correspondientes se han ejecutado dentro de los rubros que

comprendería cada categoría del convenio.

Sobre la continuidad del Proceso de Reforma del Sector Justicia, la consolidación del funcionamiento del Comité Consultivo para la Reforma de la Administración de Justicia del Ecuador, será un factor determinante en la definición del mismo como una política de Estado. El apoyo logístico que la Función Judicial brindará a la Unidad de Coordinación, es un mensaje de compromiso cuya valoración facilitará la obtención de nuevos recursos nacionales o de cooperación internacional para la continuidad.

Es importante destacar la necesidad de una ágil actualización del plan de reformas que orienten las nuevas acciones de modernización del Sector.

En relación a nuevas líneas de acción se destaca el fortalecimiento de los elementos fundamentales de la Carrera Judicial, esto es la consolidación del Sistema de Capacitación permanente, la evaluación del desempeño y sistema disciplinario. Junto a estos elementos resulta necesario impulsar la cobertura a nivel nacional del nuevo modelo de gestión del despacho bajo el modelo corporativo, lo cual permitirá afianzar el proceso en todo el país. En este mismo sentido, sobre la base de los resultados obtenidos en la primera fase es importante culminar la implementación de Centros de Mediación adscritos a la Función Judicial a nivel nacional. Otro aspecto de particular importancia es la implementación de sistema de oralidad procesal que manda la constitución, lo cual implica una intervención de grandes dimensiones que puede constituir uno de los ejes de la segunda fase del Programa de Reform

(b) Cofinanciers:

(c) Other partners (NGOs/private sector):

10. Additional Information

Annex 1. Key Performance Indicators/Log Frame Matrix

Outcome / Impact Indicators:

Indicator/Matrix	Projected in last PSR ¹	Actual/Latest Estimate
1. Development of pilot mediation programs; improve judicial education and information 2. Improve time to dispose of cases; improve records management system; improve management information systems; strengthen training for judges and court personnel in case administration; improve uniformity in court proceedings. 3. Development and implementation of a special fund; strengthen the government's ownership and build consensus for the reforms; improve public access to information		

Output Indicators:

Indicator/Matrix	Projected in last PSR ¹	Actual/Latest Estimate
% increase in people with limited resources benefitting from legal services		

¹ End of project

Annex 2. Project Costs and Financing

Project Cost by Component (in US\$ million equivalent)

Component	Appraisal Estimate US\$ million	Actual/Latest Estimate US\$ million	Percentage of Appraisal
Case Administration and Information Support	4.52	5.14	1.13
Alternative Dispute Resolution Mechanism	1.36	0.80	0.59
Program for Law and Justice	3.55	1.75	0.49
Infrastructure	2.80	1.91	0.68
Project Coordination Unit and Fund Management	1.11	1.10	0.99
Total Baseline Cost	13.34	10.70	
Physical Contingencies	0.38		
Price Contingencies	0.59		
Total Project Costs	14.31	10.70	
Total Financing Required	14.31	10.70	

Project Costs by Procurement Arrangements (Appraisal Estimate) (US\$ million equivalent)

Expenditure Category	ICB	Procurement Method ¹		N.B.F.	Total Cost
		NCB	Other ²		
1. Works	0.00	3.60	0.40	0.00	4.00
	(0.00)	(1.80)	(0.20)	(0.00)	(2.00)
2. Goods	2.90	0.00	0.80	0.00	3.70
	(2.50)	(0.00)	(0.60)	(0.00)	(3.10)
3. Services Technical Assistance, Training	0.00	0.00	5.90	0.00	5.90
	(0.00)	(0.00)	(5.40)	(0.00)	(5.40)
4. Incremental Operating Costs	0.00	0.00	0.70	0.00	0.70
	(0.00)	(0.00)	(0.20)	(0.00)	(0.20)
Total	2.90	3.60	7.80	0.00	14.30
	(2.50)	(1.80)	(6.40)	(0.00)	(10.70)

The above figures are from Table 3 of the Project's SAR.

The Goods - Other figure includes LIB and Shopping

The Civil Works - Other figure includes works procured through the provision of three quotations.

Project Costs by Procurement Arrangements (Actual/Latest Estimate) (US\$ million equivalent)

Expenditure Category	ICB	Procurement Method ¹		N.B.F.	Total Cost
		NCB	Other ²		
1. Works	0.00	1.64	0.40	0.00	2.04
	(0.00)	(1.26)	(0.12)	(0.00)	(1.38)
2. Goods	2.44	0.00	0.80	0.00	3.24
	(2.25)	(0.00)	(0.60)	(0.00)	(2.85)
3. Services	0.00	0.00	6.32	0.00	6.32

Technical Assistance, Training	(0.00)	(0.00)	(6.22)	(0.00)	(6.22)
4. Incremental Operating Costs	0.00	0.00	0.52	0.00	0.52
	(0.00)	(0.00)	(0.25)	(0.00)	(0.25)
Total	2.44	1.64	8.04	0.00	12.12
	(2.25)	(1.26)	(7.19)	(0.00)	(10.70)

^{1/} Figures in parenthesis are the amounts to be financed by the Bank Loan. All costs include contingencies.

^{2/} Includes civil works and goods to be procured through national shopping, consulting services, services of contracted staff of the project management office, training, technical assistance services, and incremental operating costs related to (i) managing the project, and (ii) re-lending project funds to local government units.

Project Financing by Component (in US\$ million equivalent)

Component	Appraisal Estimate			Actual/Latest Estimate			Percentage of Appraisal		
	Bank	Govt.	CoF.	Bank	Govt.	CoF.	Bank	Govt.	CoF.
Project Financing Plan	10.70	3.61					0.0	0.0	

The Staff Appraisal Report (No. 15385-EC) did not provide this cost breakdown. Therefore, the total figures are included in the above table.

Annex 3. Economic Costs and Benefits

Not applicable.

Annex 4. Bank Inputs

(a) Missions:

Stage of Project Cycle	No. of Persons and Specialty (e.g. 2 Economists, 1 FMS, etc.)		Performance Rating		
	Month/Year	Count	Specialty	Implementation Progress	Development Objective
Identification/Preparation					
	4/3/1995	11	TASK MANAGER (1); JUDICIAL SECTOR SPECIALIST (3); LEGAL SPECIALIST (3); OPERATIONS ANALYST (2); PROCUREMENT (1); FINANCIAL MANAGEMENT (1)		
	7/10/1995	5	TASK MANAGER (1); JUDICIAL SECTOR SPECIALIST (2); LEGAL SPECIALIST (1); OPERATIONS ANALYST (1)		
Appraisal/Negotiation					
	01/22/1996	6	TASK MANAGER (1); JUDICIAL SECTOR SPECIALIST (3); LEGAL SPECIALIST (1); PROCUREMENT (1)		
Supervision					
	07/03/1997	1	TASK MANAGER (1)	S	S
	11/13/1998	1	TASK MANAGER (1)	S	S
	03/12/1999	5	TASK TEAM LEADER (1); JUDGE (1); GENDER/CIVIL SOCIETY (1); INFRASTRUCTURE (1); INFORMATION SYSTEM (1)	S	S
	07/02/1999	2	TASK MANAGER (1); INFORMATICS (1)	S	S
	11/16/1999	4	TASK MANAGER (1); LEGAL ASPECTS (1); INFRASTRUCTURE (1); JUDICIAL ASPECTS (1)	S	S
	04/20/2000	3	TASK MANAGER (1); LEGAL ASPECTS (1); INFRASTRUC/PROCURE (1)	S	S
	11/24/2000	3	TEAM LEADER (1); V.P. & GENERAL COUNSEL (1); CONSULTANT (1)	S	S
	11/24/2000	6	TASK MANAGER (1); PROCUREMENT (1); RESEARCH ASSISTANT (1);	S	HS

ICR	11/16/2001	5	GENDER SPECIALIST (1); CT MANAGEMENT SPECLIST (1); JUDGE/JUDICIAL REFORM (1) TASK MANAGER (1); SR. COUNSEL (1); CASE/COURT MANAGMENT (1); LAW&JUST. PROG/GENDER (1); JUDGE/MEDIATION (1)	S	HS
	05/08/2002	3	TASK TEAM LEADER (1); JUD. SECTOR SPECIALIST (1); OPERATIONS SUPPORT (1)	S	HS
	2/10/2003	9	TASK TEAM LEADER (1); JUD. SECTOR SPECIALIST (4); OPERATIONS ANALYST (1); PROCUREMENT (1); FMS (1)	S	HS

(b) Staff:

Stage of Project Cycle	Actual/Latest Estimate	
	No. Staff weeks	US\$ ('000)
Identification/Preparation		
Appraisal/Negotiation		270,883
Supervision		503,195
ICR		
Total		

The amounts provided for appraisal also include the costs associated with the Identification/Preparation phase; SAP did not differentiate between the two phases. Similarly, the costs indicated for Supervision were similarly aggregated to with the ICR costs in SAP.

Annex 5. Ratings for Achievement of Objectives/Outputs of Components

(H=High, SU=Substantial, M=Modest, N=Negligible, NA=Not Applicable)

	<i>Rating</i>				
	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input checked="" type="radio"/> NA
<input checked="" type="checkbox"/> <i>Macro policies</i>	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input checked="" type="radio"/> NA
<input checked="" type="checkbox"/> <i>Sector Policies</i>	<input type="radio"/> H	<input checked="" type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input checked="" type="checkbox"/> <i>Physical</i>	<input type="radio"/> H	<input type="radio"/> SU	<input checked="" type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input checked="" type="checkbox"/> <i>Financial</i>	<input type="radio"/> H	<input type="radio"/> SU	<input checked="" type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input checked="" type="checkbox"/> <i>Institutional Development</i>	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input checked="" type="checkbox"/> <i>Environmental</i>	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input checked="" type="radio"/> NA
 <i>Social</i>					
<input checked="" type="checkbox"/> <i>Poverty Reduction</i>	<input type="radio"/> H	<input type="radio"/> SU	<input checked="" type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input type="checkbox"/> <i>Gender</i>	<input type="radio"/> H	<input type="radio"/> SU	<input checked="" type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input type="checkbox"/> <i>Other (Please specify)</i>	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input type="checkbox"/> <i>Private sector development</i>	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input type="checkbox"/> <i>Public sector management</i>	<input type="radio"/> H	<input type="radio"/> SU	<input checked="" type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA
<input type="checkbox"/> <i>Other (Please specify)</i>	<input type="radio"/> H	<input type="radio"/> SU	<input type="radio"/> M	<input type="radio"/> N	<input type="radio"/> NA

Annex 6. Ratings of Bank and Borrower Performance

(HS=Highly Satisfactory, S=Satisfactory, U=Unsatisfactory, HU=Highly Unsatisfactory)

6.1 Bank performance

Rating

- | | | | | |
|---|--------------------------|------------------------------------|-------------------------|--------------------------|
| <input checked="" type="checkbox"/> Lending | <input type="radio"/> HS | <input checked="" type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |
| <input checked="" type="checkbox"/> Supervision | <input type="radio"/> HS | <input checked="" type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |
| <input checked="" type="checkbox"/> Overall | <input type="radio"/> HS | <input checked="" type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |

Most of the Bank's prior reviews and clearance have been timely produced. However, the Borrower complained about a Bank's delay in producing a clearance for bidding documents for computers, specifically for reviewing technical specifications.

6.2 Borrower performance

Rating

- | | | | | |
|---|-------------------------------------|------------------------------------|-------------------------|--------------------------|
| <input checked="" type="checkbox"/> Preparation | <input checked="" type="radio"/> HS | <input type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |
| <input checked="" type="checkbox"/> Government implementation performance | <input type="radio"/> HS | <input checked="" type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |
| <input checked="" type="checkbox"/> Implementation agency performance | <input type="radio"/> HS | <input checked="" type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |
| <input checked="" type="checkbox"/> Overall | <input type="radio"/> HS | <input checked="" type="radio"/> S | <input type="radio"/> U | <input type="radio"/> HU |

Annex 7. List of Supporting Documents

World Bank. (2003) Impact of Legal Aid: Ecuador.

World Bank (2003) Judicial Sector Assessment (Revised).

Marcela Rodriguez (2000) Empowering Women: An Assessment of Legal Aid Under Ecuador's Judicial Reform Project.

World Bank (1994). Judicial Sector Assessment.

Dabak, Beth Anne, Alicia Arias Salgado and Franco Sanchez (2003) Ecuador Judicial Reform Project Special Fund for Law and Justice -- Lessons Learned. (draft).



Impact of Legal Aid Final PDF.F



Empowering-Women-web.ı Ecuador Sector Assessment 1994



Ecuador Assessment_FINAL_June 26, 200

