

PLAN OF ACTION



PLAN OF ACTION 2008

I. JSCA'S OBJECTIVES AND STRATEGY FOR 2008

The Strategy Plan that the Board of Directors approved for 2005-2009 clearly identifies our institution's main objective as strengthening the rule of law in the region by introducing innovative solutions for the operation of judicial systems. The purpose of this effort is to overcome specific problems that have become obstacles to ensuring respect for citizens' rights.

The choice to make innovation a central issue for JSCA's work has innumerable consequences. It forces us to move beyond the traditional approach to solving problems in this sector and to explore new perspectives from Law and other fields. It also necessitates the use of a more precise methodology. JSCA has worked to perfect such an approach over the past seven years and it can be summarized as follows:

<u>Step One</u>: Our team generates empirical data in an effort to detect specific problems in the justice sector of the target country or countries.

Step Two: This knowledge is used to promote discussion at the local and regional levels and identify the nature, magnitude and reach of the problems detected. The goal is to generate consensus on a reform agenda. JSCA organizes activities focused on discussion and exchange in order to allow for the exploration of experiences from other countries or regions that have addressed and solved similar problems.

Step Three: We develop instruments or models for studying and solving the key problems identified. In general, these tools take the form of on site or virtual training programs which also look to generate a permanent network of people who can have a significant impact on the reform processes in their countries. It is through this network that JSCA can diversify its work at the regional level and have a direct impact on transformation processes.

Step Four: Execution of direct projects or activities designed to incorporate the solutions into the operation of justice systems around the region. JSCA's intervention in these projects varies from indirect support to direct involvement.

This methodology will continue to be developed and expanded during 2008. This year we will place special emphasis on the work that we have been doing in the area of civil justice. We will continue to increase available knowledge of the types of problems to be solved in this area and the variety of solutions available. The goal here is to expand a discussion that to date has taken place only in very basic terms in this region. To this end, we will implement a study on monetary debt recovery (see FILE 1) that will complement the work done in this area in 2007. This year we will focus on disseminating the results of our efforts in order to contribute to regional discussion. During 2008 we will generate a study that will give coherence to and unify JSCA's approach in this area (see FILE 2), hold the II Inter-American Seminar on this topic, and follow up on the event in late 2008 (see FILE 4). The results of our research and the seminar will be the subject of a publication (see FILE 6). We also plan to transition into a stage focused on generating specific proposals that can be used by countries around the region, and we will design our training activities for 2009 in this area. This will include the drafting of a document entitled Bases for Civil Justice Reform which will summarize key proposals that should be considered when implementing a comprehensive reform (see FILE 3). As was the case last year, all of our activities in this area will be guided and supervised by the Civil Justice Experts Group, which will meet twice in 2008 (see FILE 5).

This progress in the area of civil justice reform will in no way take away from our work in on criminal justice, which has allowed JSCA to position itself as an institution. We will continue to develop reports on the operation of criminal justice systems in the region. In some cases the goal of these efforts will be to support reform



processes that are already underway, as will be the case in Mexico as part of the agreement that we signed with the Supreme Court (see FILE 8). In others we will evaluate processes that were recently implemented, like that of Peru, or that involve a "re-reform" promoted by JSCA, as is the case of the Province of Buenos Aires (see FILE 7). These reports will be grouped together in a publication (see FILE 19). We also will promote a study designed to complement our proposals for solutions to problems with the prosecution of homicide and corruption (see FILE 9).

This year will bring the fifth cycle of the Inter-American Program for Training Trainers for Criminal Procedure Reform (see FILE 13) and local replicas by students from previous cycles (see FILE 14). Our virtual courses for prosecutors will continue (see FILE 17) as will with workshops and visits to observe an adversarial criminal justice system (see FILE 18). Special emphasis will be placed on strengthening the network of program graduates, and a group of them will complete an internship in Canada (see FILE 15). We also will hold a meeting of the network as part of the Inter-American Seminar on Civil Justice (see FILE 4), sponsor a competition on Best Practices in the Area of Prison Management (see FILE 28), and provide new tools through our Website so that all members may exchange their experiences and information (see FILE 25).

We also will continue to support judicial rereform processes that are incorporating instruments developed by JSCA. Examples of this include the project in the Province of Buenos Aires (see FILE 10) and the introduction of oral procedures at the investigation stage in other countries (see FILE 11). We will promote a new experience in Chile in order to establish a mechanism for Evaluating and Supervising Protective Measures (see FILE 12).

Our Management and Information Area will focus on generating instruments for facilitating management of judicial modernization processes at the level of the use of information. To this end we are developing the Project for Designing and Measuring Judicial Indicators for Ibero-America (see FILE 20). We also will finish the White Book on the Use of Technology in Justice (see FILE 21). This year will bring the fourth version of the Index of Online Access to Judicial Information (see FILE 22) and a report on funding justice in the region (see FILE 23). Finally, in an effort to disseminate more innovative alternatives in judicial management, we will hold the VI Seminar on Judicial Management, which has become one of the ISCA events that generates the greatest impact (see FILE 24).

Changes will be made to the main products generated by the Virtual Information Center. The Website will include a platform with special tools for former Training Program members (see FILE 25), *Judicial Systems Journal* will become a fully virtual publication (see FILE 26), and Nexus Newsletter will be restructured so as to reduce overlap with the journal's new format (see FILE 27).

The files on activities presented in the following pages also describe additional actions to be executed in 2008 and projects that are pending funding. Naturally, the institution will continue to engage in institutional sustainability actions, most of which will be geared towards securing contributions from member states.



II. ACTIVITY FILES 2008

1. Support for Civil Justice Reforms

1.1 Research

FILE 1

Monetary Debt Recovery

Objectives:

To analyze normative and institutional arrangements and the practical results of said arrangements in order to address monetary debt recovery systems, which have an enormous impact on the flow of civil cases into the courts

Location:

This publication will address regional and European experiences.

Funding source:

USAID

Local counterpart:

The terms of reference and results will be discussed with the Civil Justice Reform Experts Group.

Date:

March 2008

FILE 2

Proposals for Public Policies on Civil Justice Reform

Objectives:

JSCA will generate a comprehensive proposal that summarizes key elements of civil justice reform at the regional level. This proposal will be the central presentation at the Inter-American Seminar on Civil Justice Reform (see FILE 4).

Location:

Regional

Funding source:

No external funding

Date:

April 2008

FILE 3

Bases of Civil Justice Reform

Objectives:

Using our research, the discussions held by the Civil Justice Reform Experts Group (see FILE 5) and the Inter-American Seminar on Civil Justice Reform (see FILE 4), we will generate a guide for countries that wish to engage in civil justice reform. It will contain specific recommendations on the contents of these reforms in key areas such as small claims, monetary debt recovery, bankruptcy, oral trials, procedural resources and sentence execution. It also will include proposals for directing the reform process and obtaining funding. The document will be made available throughout the region and will serve as the main input for the training activities that JSCA will implement in the future on this topic.

Location:

Regional

Funding source:

USAID

Local counterpart:

The terms of reference and results will be discussed with the Civil Justice Reform Experts Group.

Date:

October 2008



1.2 Dissemination

FILE 4

II Inter-American Seminar on Civil Justice Reform

Objectives:

To generate regional debate on public policy directives that should inform civil justice reform in the region on the basis of research performed during 2007 and the contributions generated by the Experts Group. We also will explore extra-regional experiences with reforms in this area.

Location:

The seminar will be held in Chile and open to participants from throughout the region.

Funding source:

CIDA will cover the general organizational costs and grants for some participants. The general public will cover its own costs.

Local counterpart:

Supreme Court of Chile

Date:

May 2008

FILE 5

Meetings of the Civil Justice Reform Experts Group

Objectives:

This group will guide and evaluate JSCA's work in the area of civil justice reform. It will be comprised of renowned experts from throughout the region.

Location:

The meetings will be held in Chile.

Funding source:

USAID

Date:

First meeting: II Inter-American Seminar on Civil Justice Reform, May 2008

Second meeting: November 2008

FILE 6

Publication of Research on Civil Justice and the Results of the Inter-American Seminar

Objectives:

To disseminate unpublished documents generated by JSCA on this topic.

Location:

Regional

Funding source:

USAID

Date:

July 2008

2. Support for Criminal Justice Reforms

2.1 Research

FILE 7

Follow-up and Evaluation Reports on Criminal Procedure Reforms

Objectives:

To present the results and impact of criminal justice reform processes in the region. These studies form part of JSCA's efforts to engage in this work in 12 countries and look to generate empirical data on the achievements and obstacles experienced.



Location:

The first study will be developed in the Province of Buenos Aires. The plan is to complete the effort launched in 2006 (the pilot project in Mar del Plata), covering four new judicial *departamentos*. The second will be executed in Peru and will cover the results obtained since the reform was implemented in the Judicial District of La Libertad (Trujillo) last year. This will be the first study that JSCA implements on the reform in Peru, and the object of the study is the most important district in which the changes are being introduced.

Funding source:

CIDA

Date:

Province of Buenos Aires, Argentina: April 2008

Trujillo, Peru: November 2008

FILE 8

Report on Mexico's Criminal Justice System

Objectives:

Mexico is promoting a constitutional reform process at the federal level designed to install an adversarial system. The Supreme Court has requested JSCA's assistance to evaluate the current criminal justice system at the federal level and in three states and ascertain the challenges associated with installing an adversarial model.

Location:

Mexico, at the federal level and in three states

Funding source:

Supreme Court of Mexico

Date:

April 2008

FILE 9

Project on Best Practices for Investigating, Prosecuting and Punishing Homicide and Corruption in the Americas

Objectives:

To extend successful experiences with investigating, prosecuting and punishing homicide and corruption throughout the region in order to increase the number of cases solved and the quality of the solutions reached. The project will provide tools extracted from specific experiences so that police officers and prosecutors (on their own and together) can more effectively design and execute activities in this area.

Location:

Colombia, Chile and Peru

Funding source:

Government of Germany - OAS (pending approval)

Date:

2008

2.2 Support for Innovation Projects

FILE 10

Buenos Aires Province Project

Objectives:

To continue to support the implementation of oral procedures at the early stages of cases in which the defendant is caught in the act, applying the project throughout the province. This activity forms part of the collaboration agreement signed by JSCA and the Supreme Court, Attorney General's Office and Ministry of Justice. JSCA's role involves training, supervising and evaluating experiences.

Location:

Province of Buenos Aires, Argentina

Funding source:

Ministry of Justice of the Province of Buenos Aires

Date:



Introducing Oral Procedures at the Investigative Stage

Objectives:

To support local projects in which oral procedures are introduced as a methodology for developing sentences at the criminal investigation stage. These projects are implemented at the request of and with strong commitment from the judicial institutions involved, each of which is associated with a local counterpart. They generally arise as a result of local replicas of the Training Program (see FILE 14).

Location:

We will explore the possibility of implementing these actions in:

- Argentina (Provinces of Córdoba, Santa Fe and Patagonia)
- Bolivia
- Guatemala
- Honduras

Funding source:

CIDA

Date:

2008

FILE 12

Evaluation and Supervision of Protective Measures

Objectives:

To implement an institutionalized system that allows for the definition of the risk associated with each individual in order to determine the most appropriate protective measures. The system includes mechanisms for gathering and verifying information, developing a risk index and providing it to the parties to the case and the judge, and supervising non-custodial protective measures.

Location:

Chile

Funding source:

Open Society

Local counterparts:

Fundación Paz Ciudadana and the Chilean Public Prosecutor's Office

Date:

2008

2.3 Training

FILE 13

V Cycle of the Inter-American Program for Training Trainers for Criminal Procedure Reform

Objectives:

To prepare a group of Latin American leaders to confront technical and policy-related complexities of the criminal justice reforms being promoted in the region. The program includes a Basic Course to be held in Viña del Mar, an Intermediate E-learning Course, and an Advanced Course to be held in Santiago, Chile.

Location:

Participants will come from countries throughout the Americas, and grants will be offered to students from Bolivia, Honduras and Nicaragua.

Funding source:

CIDA

Date:

- Basic Course: May 2008
- Intermediate Course: June-October 2008
- Advanced Course: November 2008



Local Replicas of the Inter-American Training Program

Objectives:

To allow students from previous cycles (see FILE 13) to pass on their knowledge and skills during training or dissemination activities in their home countries. JSCA provides technical and economic support.

Location:

The home countries of program graduates.

Funding source:

CIDA

Date:

2008

FILE 15

Internships in Canada

Objectives:

To allow a group of Inter-American Program graduates (see FILE 13) to experience the operation of the Canadian justice system through direct work experience. Participants will be selected through a competition.

Location:

Canada

Funding source:

CIDA

Local counterparts:

- Department of Justice of Canada
- National Judicial Institute

Date:

March-May 2008

FILE 16

Meeting of the Network of Former Students

Objectives:

To maintain contact with and interaction among former participants in the Inter-American Program (see FILE 13) and broaden their knowledge of management of criminal justice reform processes. This meeting will be held during the II Inter-American Seminar on Civil Justice Reform (see FILE 4).

Location:

Chile

Funding source:

CIDA

Date:

May 2008

FILE 17

Virtual Training Program for Latin American Prosecutors

Objectives:

To provide prosecutors from the region with the information and tools they need to confront and develop new methodologies, approaches and dynamics for facing practical problems in the implementation and operation of the criminal procedure system and efficient exercise of their duties. This year will bring a repetition of the first cycle (implemented in 2007) and development of a second one.

Location:

Throughout the Americas

Funding source:

CIDA

Local counterpart:

This program is implemented through agreements that JSCA has signed with the Ibero-American Association and Institute of Public Prosecutor's Offices



Date:

Repetition of first cycle: May-June 2008

Development of second cycle: June-November 2008

FILE 18

Workshops and Visits to Observe An Adversarial Criminal Justice System

Objectives:

To offer delegations from countries around the region practical images of the operation of reformed adversarial criminal justice systems and to transmit experiences with the design and management of reform processes.

Location:

Chile

Funding source:

To be handled by each local group.

Date:

2008

2.4 Dissemination

FILE 19

Publication of Follow-up and Evaluation Reports

Objectives:

To disseminate the results of the reports drafted using JSCA's methodology (see FILE 7).

Location:

The reports to be published address the following locations:

- Ecuador
- Province of Buenos Aires, Argentina
 - Trujillo, Peru
 - Nuevo León, Mexico

Funding source:

CIDA

Date:

November 2008

3. Support for Judicial Management and Information Reforms

3.1 Research

FILE 20

Judicial Indicators for Ibero-America

Objectives:

To develop a set of basic judicial indicators for Ibero-America that are agreed to by the countries of the region and tested using available data. This project forms part of the Plan of Action of the Ibero-American Judicial Summit, which JSCA is managing.

Location:

The plan will be made available to all of the countries that participate in the Ibero-American Judicial Summit. The Working Group that developed the plan features the participation of Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Honduras, Guatemala, Nicaragua, Panama, Mexico, Peru and Spain.

Funding source:

IBD for Central American nations

Date:

Presentation of the plan at the Judicial Summit: January

Information gathering and legal advising: February-June

Final report: July



White Book on the Use of Technology in Justice

Objectives:

To analyze uses and functions of technology that can be used to benefit justice in the region. We will consider the challenges resulting from new demands and ongoing efforts to match them with the opportunities, solutions and support offered by technology. JSCA's group of experts in this field met for the first time in 2007.

Location:

Regional

Funding source:

Microsoft

Date:

Meeting of Group of Experts: April

Final report: May

FILE 22

IV Index of Online Access to Judicial Information

Objectives:

To generate a scale that measures the information that judicial branches and prosecution services make available to Internet users in order to promote improvements in their Websites, achieve maximum transparency in judicial work, and improve the service provided by these institutions.

Location:

Regional

Funding source:

No external funding

Date:

October 2008

FILE 23

Funding Justice

Objectives:

This topic will be addressed on the basis of comparable criteria of the volume of resources enjoyed by justice systems in the region and the sources of said funding.

Location:

Regional

Funding source:

No external funding

Date:

June 2008

3.2 Dissemination

FILE 24

VI Inter-American Seminar on Judicial Management

Objectives:

To analyze theoretical advances and innovative experiences in the region regarding the way in which changes in judicial management have allowed for successful implementation of substantive judicial reforms.

Location:

Guatemala is being considered

Funding source:

Modernization Project of the Supreme Court of Guatemala

Local Counterpart:

Supreme Court of Guatemala

Date:

October 2008



4. Virtual Information Center (VIC)

FILE 25

Website

Objectives:

The Website is the institution's main vehicle for providing information and generating spaces for interaction within the community of individuals and institutions interested in issues of judicial reform at the regional level. This year we will improve and expand the site, focusing on services such as the Virtual Library, Calendar, information on products and projects, course registration, and access to virtual courses through CEJACAMPUS. Special emphasis will be placed on providing specific services to former participants in the Inter-American Training Program (see FILE 13), including a toolbox for sharing training materials, message board for advertising joint activities, fora and virtual chats.

Location:

Global

Funding source:

USAID

Date:

2008

FILE 26

Judicial Systems Journal

Objectives:

To serve as a channel for exchanging ideas and experiences on judicial reform processes in the region. The Journal has published 12 issues in paper format and has become the main regional venue for publishing in this field. Beginning in mid-2008, the journal will become a virtual journal, which will facilitate distribution, lower costs and generate a more intense space for interacting with readers.

Location:

Throughout the region

Funding source:

USAID

Date:

2008

FILE 27

Nexus Newsletter

Objectives:

This is JSCA's monthly newsletter, which reaches subscribers throughout the region in Spanish and English. The publication addresses the Center's main activities and products, general news from the justice sector in the region, book reviews and links to justice Websites. Based on the model used to make *Judicial Systems Journal* an online publication, Nexus Newsletter will be restructured and focused only on news aspect. More analytical topics will be addressed in JSJ. Also, the newsletter's format will be modified to make it easier to read through links that each reader can follow depending on his or her level of interest in a given topic.

Location:

Throughout the region

Funding source:

USAID

Date:



5. Other Activities

FILE 28

Best Practices in Prison Management

Objectives:

To explore successful experiences with modernizing prison management. Reports of these experiences will be generated by members of the network of graduates of the Inter-American Training Program (see FILE 13). Participants will be selected through a competition.

Location:

All Latin American nations

Funding source:

CIDA

Date:

June 2008

FILE 29

Virtual Course on Gender and Justice

Objectives:

To incorporate the gender variable into the processes of discussing, designing and implementing judicial reforms through an e-learning course.

Location:

Regional

Funding source:

CIDA

Date:

- Development: June 2008
- Implementation: August-November 2008

FILE 30

Training Program for Countries of the English-speaking Caribbean

Objectives:

To explore the possibility of developing and implementing a training program for justice operators in the countries of the English-speaking Caribbean.

Location:

English-speaking Caribbean

Funding source:

To be determined

Local counterpart:

This program will be promoted jointly with the National Judicial Institute of Canada.

Date:

2008

FILE 31

Support for Haiti's Judicial System

Objectives:

To explore funding sources for implementing the Program to Support Haitian Justice that JSCA drafted during 2007.

Location:

Haiti

Funding source:

Pending

Date:



EUROsociAL

Objectives:

To promote social cohesion in Latin America. JSCA is a member of the consortium of institutions that lead this project and participates in decisions regarding the plans for and evaluations of project activities.

Location:

All Latin American nations except the Dominican Republic.

Funding source:

European Union

Date:

2008

FILE 33

JEDNET

Objectives:

To ensure that effective legal education is made available in judicial systems throughout the world. JEDNET proposes to generate skills to contribute to the development of judicial reform through the exchange of skills and information with different legal organization organizations and groups.

Locations

Canada, which leads this network through the National Judicial Institute

Funding source:

CIDA

Date:

2008

FILE 34

Pro Bono Internships

Objectives:

The objective of the internship program is to enrich JSCA's work through the new approaches of its interns. It also looks to create contacts with interns in order to establish communications with local experts and institutions.

In 2008 JSCA will have a Canadian intern from that country's Ministry of Justice. In addition to taking part in JSCA's day to day work, he will take part in specific actions:

- The design and execution of training programs for prosecutors (see FILE 17)
- The design and execution of a training program for the English-speaking Caribbean (see FILE 30).
- Management of a project to support judicial reform in Haiti (see FILE 31).

We also hope to have an intern from the Judicial Branch of the Dominican Republic in accordance with the agreement signed in this area, as well as interns from U.S. universities with which we also have agreements.

Location:

Chile

Funding source:

Department of Justice of Canada

National Judicial Academy of the Dominican Republic

North American Universities

Date:



		MONTH											
FILE	ACTIVITY												
		an	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
1	Monetary Debt Recovery	J.			7	1			7	9 1]	$\overline{}$
2	Proposals for Public Policies on Civil Justice Reform												
3	Bases of Civil Justice Reform												
4	II Inter-American Seminar on Civil Justice Reform								_		_		
5	Meetings of Civil Justice Reform Experts Group												
6	Publication of Research on Civil Justice and Results of Inter-American Seminar												
7	Follow-up and Evaluation of Criminal Procedure Reforms												
	Province of Buenos Aires, Argentina												
	Trujillo, Peru												
8	Report on Mexico's Criminal Justice System												
9	Best Practices in Prosecuting Homicide and Corruption												
10	Buenos Aires Province Project						İ						
11	Introducing Oral Procedures in the Investigative Stage						İ						
12	Evaluating and Supervising Protective Measures				$\overline{}$		$\overline{}$						
13	Inter-American Program for Training Trainers in Criminal Procedure Reform												
	Basic Course												
	Intermediate Course												
	Advanced Course												
14	Local Replicas, Inter-American Program												
15	Internships in Canada												
16	Meeting of Network of Former Students												
17	Virtual Training Program for Latin American Prosecutors												
	Repetition of First Cycle												
	Design of Second Cycle						i i						
10	Workshops and Visits to Observe Operation of an Adversarial Criminal Justice												
18	System			—	-	—							
19	Publication of Follow-up and Monitoring Reports												
20	Judicial Indicators for Ibero-America												
	Presentation of Plan												
	Information Gathering and Local Advising												
	Final Report												
21	White Book on the Use of Technology in Justice												
	Meeting of Experts Group												
	Final Report												
22	IV Index of Online Access to Judicial Information												
23	Funding Justice												
24	VI Inter-American Seminar on Judicial Management												
25	Website												
26	Judicial Systems Journal												
27	Nexus Newsletter												
28	Best Practices in Prison Management												
29	Virtual Course on Gender and Justice												
	Development												
	Implementation												
30	Training Program for Countries of the English-speaking Caribbean												
31	Support for Haiti's Judicial System												
32	EUROsociAL												
33	JEDNET												
34	Pro Bono Internships												