

## Justice Studies Center of the Americas

### ANNUAL REPORT 2001.

JSCA's first year has been particularly intense, and, we believe, quite successful. Working together, its Board of Directors and professional team have been able to build an institution with its own well-defined profile in the region that was able to make a substantive contribution to the improvement of public judicial policies. This progress has required us to address some complexities in our institutional role, while at the same time resolving countless institutional and administrative details.

This report summarizes this process and presents what we believe to be JSCA's principal results and achievements for the year.

#### **I. DEFINITION OF THE MISSION**

Special priority has been given this year to the task of precisely defining the position that JSCA should occupy, or, in other words, the specific contribution it can make toward improving the region's justice systems.

While the institution's statutes constitute the general framework for its activity, the general nature of the objectives discussed in that document must be elaborated further, which is done below:

##### **1. Defining Our Mission**

**We understand JSCA's mission to be improving the quality of public policy in the area of justice by taking advantage of the experience and opportunities generated by a regional approach.**

We believe that we can do this by increasing the information available about judicial systems in the different countries of the Americas and by creating a regional community that is interested in these topics.

There is no doubt today that successful public policies can only be established when they are both based on a broad and thorough understanding of the situation and sustained by previously-internalized technical knowledge. However, in the legal and judicial arenas, the emphasis has usually been placed on the theoretical aspects of the problems, leaving a gap between the legal disciplines and the concrete realities of our countries. For these reasons, policy in this area is often based on intuition or personal experiences, which do not adequately reflect the concrete problems that must be addressed and resolved.

This lack of understanding has been an impediment to productive feedback on policies and their results; it has also prevented the process of learning about other experiences, comparing them, and adapting them when appropriate. Such comparisons have been limited

to analyzing regulations without obtaining the concrete results that could come from their application.

Especially representative of these problems is the inadequacy of statistical information on the workings of the judicial systems. Statistics are often either non-existent or inaccessible and, even when they are available, they are outdated and deficient. Moreover, since there is little or no verification of statistical and budgetary information, it is impossible to make relevant comparisons between countries.

The lack of information has encouraged a certain impunity in the sector, because when very little is susceptible to measurement, it is difficult to evaluate with any certainty. There is a shortage of indicators and standards with which to judge the success or failure of a policy in terms of its efficacy and efficiency.

The justice sector's slow response in this respect is due, in part, to the absence or weakness of a professional community with an on-going commitment to those areas. Only through the existence of a broad critical mass can the institutions and other systems in general be pushed to produce the required information, placing justice firmly within the public agenda and providing continuity for the policies that have been advanced. Helping to form a community of this type is another of the relevant contributions that we believe JSCA can and should make in keeping with its mission.

These problems are, of course, not the only ones limiting the development of our justice systems. They are, however, the ones to which JSCA can make a significant contribution. They are problems that are not currently being addressed adequately, despite the existence of a deeply felt need to resolve them and the fact that doing so would have a positive spill-over effect in other important areas.

It is particularly important to address these problems from a regional perspective. There is no single country in the region, particularly the poorest nations, that can single-handedly generate all the information needed and create a vigorous community of the type discussed here. The regional perspective allows us not only to take advantage of the economies of scale presented here, but also to generate synergies that can promote a broader and more complex modernization process.

## **2. Relationships with other institutions and actors**

It has also been essential for JSCA to define with whom it will work and the nature of these relationships. This is a topic of special importance in this area due to the multiplicity of existing actors and their very different features.

JSCA is an international institution that operates within the international community (OAS, REMJA, System of the Summits of the Presidents of the Americas, and countless international organizations related to law and justice): As an organization created by the governments of the region, JSCA has a direct relationship with their respective foreign affairs and justice ministries. It operates in the area of justice, supported by autonomous

and independent institutions that are not directly subordinate to the political branches, as is the case in other sectors.

This requires JSCA to work simultaneously with judiciaries, judicial councils, constitutional courts, offices of public prosecutors and public defenders, as well as with legal defense systems and ombudsmen, each with its own priorities and methods. On the other hand, JSCA is particularly interested in working closely with NGOs specializing in judicial themes, because in this as in other sectors, non-governmental institutions can play a dynamic role. Finally, development agencies and multilateral financial institutions also have an important place.

The plurality and complexity of our partners obliges us to adopt a very broad approach. We must work with all of them and make enormous efforts to forge productive relationships with each, adjusting what we offer to meet their specific needs, while simultaneously being careful not to infringe on their specific agendas.

It has been important for us to both use and further our existing knowledge of the medium in order to determine the best allies for each of our actions, thereby avoiding the creation of unnecessary overlap. Furthermore, our constant efforts have been, and will continue to be, to coordinate and join efforts with the various institutions in order to increase the impact and decrease the cost of our activities.

JSCA does not favor any one country of the region, but instead aims to be active in all that present opportunities. During the first year, many of our activities were concentrated in Chile. This was due largely to the fact that it was easier to find initial local support there, and we were reluctant to add to the many challenges that we were already faced with at the beginning, along with the tremendous logistical and organizational efforts involved in organizing activities outside our home base. This situation will change rapidly next year when JSCA is settled. In any event, during its first year, JSCA initiated studies in various countries of the region (Argentina, Costa Rica, and Paraguay), provided technical assistance in Ecuador and Peru, and visited eleven countries of the region. In addition, delegates from fifteen other countries participated in the events we organized. This is discussed in more detail later.

### **3. Privilege the quality and impact a the lowest costs**

We are aware that the establishment of JSCA depends less on its physical location and more on the concrete results that it is able to produce. This has motivated us to undertake short-term activities and projects that have high impact on the region. It has also required us to have an active presence in countless events, and travel widely to make JSCA and its work known.

However, the demand for results has not caused us to lose sight of two elements that we believe are key to the success of our work: very strict control over the quality of every activity we undertake and the costs involved in them.

Quality control has led us to discard several proposals and concentrate on those in which we can directly ensure the results. Therefore we only become involved with projects in which we can access the necessary expertise, where we have adequate knowledge of the medium in which we will intervene, and where we can predict the possible impact with some degree of precision. It has also been important for us to be involved in projects that can be replicated and broadened in the other countries of the region, or at least in those with the greatest need.

We take a similar approach with expenses. We believe that we can demonstrate that it is possible to sponsor very significant, high-impact activities at substantially lower costs than those usually required for such activities. One recent example is the Inter-American Meeting of Public Defenders, attended by 51 international delegates, for which the total cost to JSCA was only \$7,000. Another example was the criminal reform procedures follow-up study that required the development of instruments, the holding of international meetings, and the work of four legal teams collecting empirical information, for less than \$100,000. The key has once again been to associate ourselves with other institutions and transfer the costs to the participants (for example, those who attended the defenders' meeting were required to obtain their own funding, with assistance from the organizers). A third example is the aforementioned study in which the local institutions partially financed the data collection process.

Also key to controlling costs has been maintaining low operating expenses, with a small and flexible professional staff and facilities.

Another important limitation is that JSCA does not operate as a funding agency for third-party projects. JSCA is an active associate willing to enter into joint projects. In this sense it is involved in both the substantive development of those projects and in helping seek out the funding necessary to carry them out. We do not intend to ever become a passive entity that simply transfers funds to third parties.

These are the principles that we wish to maintain in our future work.

## **II JSCA'S INSTITUTIONAL DEVELOPMENT**

### **Headquarters agreement and the Center's internal regulations**

The Headquarters Agreement was negotiated by the Chilean government with the advice of Mr. Federico Callizo, whom the Board entrusted with this task. Also taken into consideration were the comments made on the first draft by, Mr. Douglass Cassel. The Chilean Ministry of Foreign Affairs used this information to formulate a proposed Agreement that was considered in the Fourth Meeting of the Board of Directors, at which time comments were made. The majority of those comments were accepted by the Chilean government, and the Agreement was signed on January 22, 2001. However, the parliamentary approval of this agreement was delayed due to internal circumstances of the Chilean government, and it is hoped that it will be concluded in the coming year.

Additionally, JCSA completed drafting its internal regulations, translated them into English and complemented them with the association agreements of other institutions, all of which were approved in the Fifth Meeting of the Board of Directors, held in Washington, D.C.

## **Staff**

JSCA's professional and technical staff has been formed over the course of the year. Ms. Luciana Sánchez was hired as the Project Director, and the team was then complemented with a secretary, an information director, a designer and assistants to construct and input the contents of the web site. Coordinators and local experts have been hired for specific projects on an as-needed basis.

We have made many contacts to establish relationships with universities and various study centers, presenting JSCA as an attractive place for their students or researchers to perform internships for varying amounts of time. As a result, Ms. Carolina Krussig, a German student from the Johann Wolfgang Goethe-Universität in Frankfurt, held an internship in JSCA from June through September. In October, David Bosco, a Fulbright recipient from Harvard Law School, began his one-year internship with JSCA. The work of the interns has been enormously helpful to JSCA, and they lend a more international profile to the team.

JSCA has also benefited from the administrative and personnel support lent by CDJ as a partner institution, which has been essential for our operation. CDJ has also provided legal coverage for JSCA, which is necessary until the Headquarters Agreement process has been completed, and as such, JSCA currently operates in Chile under the auspices of CDJ.

## **Equipment and facilities**

JSCA has made use of the physical facilities provided by CDJ, which additionally supplies the technological infrastructure necessary to achieve our goals. We currently have 1 server, 6 PCs, 1 notebook computer, and 2 printers. We originally hosted our website, but now it is hosted by an external specialized company.

## **Agreements signed**

JSCA has proposed signing working agreements and mutual collaboration with various institutions of the justice sector, especially the Judiciaries and the Offices of the Public Prosecutor. These agreements facilitate establishing formal relationships with these institutions, access to the information that they generate, and the ability to plan joint actions for the future.

Agreements of this nature have been signed with:

The General Secretary of the OAS

The Attorney General of Argentina

The Judiciary Council of Argentina

The Attorney General of Chile

The Attorney General of Ecuador

The Catholic University of Lima (Peru)

Agreements with the following have been approved and are awaiting their respective signing ceremonies:

The Supreme Court of Justice of Chile

The Attorney General's Office of Panama

The Superior Court Judiciary of Colombia

The Attorney General of Colombia

The Supreme Court of Justice of Costa Rica

The Office of Public Defenders of Paraguay

UNAM of Mexico

### **Association Requests**

In accordance with its statutory regulations, JSCA has received formal requests from AREGENJUS and INECIP, both Argentine NGOs, to become associated members of our institution.

### **Dissemination Instruments**

To make the institution and its activities known and to provide general useful information to the regional legal community, JSCA has prepared various publicity material, such as an institutional brochure, pamphlets that explain its projects and activities, and a monthly bulletin.

The bulletin has become a very useful channel of communication and is widely valued in the region. This is sent out by electronic mail and can also be found on our web site [www.JSCAmericas.org](http://www.JSCAmericas.org).

Information about JSCA has been distributed by mail, during trips and events, and through e-mail. We currently have a data base of 2,167 people and institutions throughout the Americas and other regions.

## **Travel, Events, Congresses and Seminars**

Since its inception, JSCA's professional team has made efforts to establish a presence in a large number of countries of the region, taking advantage of special invitations, attending events, participating in projects and planning special trips to fulfill specific institutional objectives.

With respect to the events, JSCA sponsored important congresses on judicial matters and played a significant role in organizing a South American Seminar of Prosecutors, the First Inter-American Meeting of the Offices of the Public Defender, and an International Seminar on the Independence of the Judiciary. Additionally, JSCA professionals participated in the major congresses and seminars on justice that took place during this period, giving presentations and/or papers.

**EVENTS ORGANIZED OR SPONSORED BY JSCA**

<b>DATE</b>	<b><u>PLACE</u></b>	<b>JSCA PARTICIPATION</b>	<b>ACTIVITY</b>
<b>YEAR 2000</b>			
October 2-4	ECUADOR (Quito)	Sponsorship	Seminar: "Implementing the New Criminal Procedure in Ecuador: the Changes and Challenges Involved," organized by Due Process of Law foundation
October 12	CHILE (Santiago)	Organization	Board of Directors Meeting
<b>YEAR 2001</b>			
January 22	CHILE (Santiago)	Organization	Official signing of the Headquarters Agreement between the Chilean Government and JSCA. Formal presentation by JSCA to the Government of Chile.
February 21	USA (Washington)	Organization	Board of Directors' Meeting
April 30	CHILE (Santiago)	Organization	First working meeting with international experts on the criminal procedure reform follow-up project
August 3	CHILE (Santiago)	Organization	Second working meeting with the international experts on the criminal procedure reform follow-up project
October 3-6	BRAZIL (Curitiba)	Sponsorship	International Congress on Criminal Policy and Regional Integration
October 25-28	CHILE (Pucón)	Sponsorship	Second international congress on Criminal Procedure Reform
November 6-7	CHILE (Santiago)	Co-organization with the Office of the Public Defender of Chile and GTZ	International Seminar of South American Public Prosecutors: "Application of Prosecutorial Discretion and Alternatives to Oral Trial"
November 13	ARGENTINA (Buenos Aires)	Sponsorship	Presentation of the " <i>Realidad Judicial</i> " (Judicial Reality) journal, Editorial La Ley
November 14-16	CHILE (Santiago)	Co-organization with the Public Defender of Chile and GTZ	Inter-American Meeting of Public Defenders
November 20-30	PERU (Lima)	Co-organization with IFES, DPLF y IDL	Seminar on Independence of the Judiciary



### **III. PROJECTS AND ACTIVITIES**

#### **Information Center**

JSCA's Information and Exchange Center uses the latest technology to provide a space for communication, exchanging ideas, lending services, and disseminating available information to the regional legal community.

The Center for Information and Exchange has the following objectives:

- o Contribute to generating and maintaining a Network of Information on Justice in the Americas by employing various means that facilitate communication between its members.
- o Generate mechanisms that make possible the easy access to reliable, relevant, and high-quality information, such as instruments that facilitate the communication of that information in different sectors.
- o Provide information to the different sectors in accordance with their wishes and specific needs and generate a space to optimize the participation of the different parties in the development of information.
- o Avoid the overlap of projects in favor of cooperation among the organizations that propose and permit the optimal use of scarce resources.
- o Contribute to increasing citizen participation in proposing and implementing projects.
- o Contribute to generating a regional vision with respect to the advancement of projects and overcoming obstacles

The following is a description of the primary products that the Information and Exchange Center developed this year.

#### **Web site**

JSCA's web site has been proposed as one of the principal tools for regional communication. It also provides a readily available on-line data base and a regular means of obtaining up-to-date information about JSCA.

We have dedicated a great deal of time and effort this year to constructing and publicizing our web site. Although there is still much room for improvement - the site is currently being revised and redesigned in light of suggestions and comments by users - it has confirmed the need for a tool of this type: an Internet site that serves as a point of reference with respect to the many resources available on justice systems and their reforms in the Americas.

One of the additional difficulties that we have encountered is that Internet usage in the American countries is lower than expected. This may be the result of connection difficulties that stem from the communications systems themselves, of the prohibitively high cost of Internet in many countries which restricts the general public's access to it, or of the public's lack of Internet skills. We have also identified a broad and highly diverse group of users: law students, researchers, members of the judiciary, NGOs, and cooperative agencies, among others. The needs vary from one group to the next, as do their Internet abilities and access, so we have therefore planned to redesign the page based on user feedback. We will also support the virtual activities with communications media and non-Internet activities as

a means of encouraging the use of the web site and the inter-relationship between both processes.

Taking this into account, we have developed a preliminary site with very basic resources and a simple design in order to make it accessible to the greatest number of people.

## **Data base**

It is essential to develop data bases to order the information, provide continuity to our work, and to be able to make this information available to our users. Some of the data bases are restricted to JSCA members and staff, while others are accessible to the general public via our web site and its search engines. The data base operating system we work with is Microsoft Access. We are currently considering changing the system for one that is more complete and that will allow us to increase the information search capacity.

The JSCA data bases include:

**National Legislation:** this data base collects basic national legislation from the different American nations. It is available on-line through the national legislation search engine.

**International Legislation:** a data base with information about treaties, declarations, jurisprudence, and other documents at the regional or international level. It is not yet available, as we are in the process of making agreements with the entities that produce this information in order to facilitate the availability and reliability of the information.

**Bibliography:** summaries and bibliographic references on related topics. Now partially available on-line.

**Documents:** Contains documents available on-line, such as articles, summaries, on-line publications, etc. These materials are selected in order to contribute material on diverse topics of interest to our users. We are currently in the process of collecting information and seeking out authorization to publish the materials so they may be included in the data bases of those available on other pages.

**Internships:** information about different internship possibilities with dates, resources, areas of interest, etc. An on-line form allows candidates to enter their information. The intention is to provide this information on-line to interested parties who are interested in either performing internships or receiving interns. We have been collaborating with the Harvard Law School to make some of their scholarship and grant systems compatible with the regional internship programs of JSCA and other associated institutions.

At this time, only some of these data bases are on-line, as we prefer not to make them available to users until a considerable amount of information has been accumulated. In order to facilitate the process of collecting and inputting the information, we currently have a minimum of four people involved in part-time data collection and getting signatures on agreements with the institutions who produce the information needed (parliaments, courts, libraries, etc.).

It is also a priority that the information, particularly the substantive information, is completely reliable. We therefore verify the sources and dates of the information received before making it available to our users.

## **"Nexos" Newsletter**

JSCA has published Nexos, a monthly news bulletin, since July of this year. This publication aims to provide a general overview of the most pertinent news on justice systems and reforms in the Americas, and has been very well received. It is published in Spanish and English and is distributed monthly via e-mail to its subscribers. It is also available on-line through JSCA's web site and that of the World Bank. Past editions are also available through JSCA's web site.

In addition to being one of the most stable means of communication with our users, this tool has also allowed us to expand our on-line presence and work with the Internet. The Bulletin is used to communicate the monthly agenda of relevant events and to inform users of anything new on the web page and other news. The users also participate; many contribute information, while others make additional inquiries about information contained in the bulletin.

The Bulletin has expanded since its inception and now includes new sections, including:

- Current events: news about justice systems in the Americas.
- Subjects: a report or news on some important regional judicial or legal topic.
- Reviews: reviews of recently-released publications on topics of interest to JSCA.
- Links: commentaries on web sites or pages of interest to users.
- Miscellaneous: assorted news on some topic of interest
- Agenda: calendar of events for the current and coming months.

As is evident, the bulletin provides us with a means to encourage the use of Internet. We aim to facilitate the use of resources available not only on our site, but through the Internet in general in an attempt to make information as accessible as possible to our wide range of readers.

## **Networks**

One of JSCA's missions is to facilitate and promote communication on justice reforms between public institutions and the organizations of civil society. To that end, the Center sponsors two networks: one made up of private and academic institutions interested in these topics, and another of different public institutions in the justice sector. Although both networks have their own individual structure and dynamics, there are many contacts between the two such that there is a fluent and on-going dialogue between the sectors.

The network for official institutions has been further divided into three sub-networks. The first is the Public Defense Network, which held its First Seminar on Public Defense November 14-15 in Santiago, co-organized by JSCA, Chile's Office of the Public Defender, and GTZ. The second is the Public Prosecutors' Network, in coordination with the Inter-American Association of Public Prosecutors, and the third is the Justice Network, comprised of a mixture of institutions. The reason for dividing the groups is that JSCA is currently promoting activities to strengthen the Public Defenders and the Public

Prosecutors, while the Supreme Court and the judiciaries already have associations and Networks

JSCA conducts this work via the following resources:

- **Web administration:** JSCA administers the networks through its own web site by way of its web administration team to ensure that the contents are continuously updated, that the data bases are in order, and that the system is continuously monitored.
- **Design:** JSCA also provides technical support to update the design by introducing easy-access web tools, such as discussion forums, mailing lists, and e-mail, in an attempt to improve the quality of communication among the members of the network.
- **Coordination:** JSCA supports the activities and functioning of the Network by coordinating those activities that take place in virtual space, supporting the equal participation of its members, and seeking to help them maximize their abilities in using the Internet.
- **Contents:** Our primary objective is that the Networks (and the tools and elements included in them) provide its members with an effective means of communication. In order to facilitate communication, JSCA develops support tools consistent with the generation of standards of communication of activities and other "routine" information. This enables us to generate policies for the collection and dissemination of information that reflects the current situation of the justice Reforms debate and of the different constituents of the Networks.

The non-governmental component (NGOs, universities, businesses, etc.) of the Justice Network of the Americas was launched in October. Our proposal is to create a space for cooperation and coordination to provide a new impetus to the efforts already underway. Therefore, JSCA, in coordination with the World Bank, is re-launching a network that was originally begun years ago but which, for various reasons, was never very successful. New institutions of the region with USAID and IADB support have been added to this Network.

### **Sistemas Judiciales Journal**

The Justice Studies Center of the Americas and the Institute for Comparative Studies of Criminal and Social Sciences jointly publish the quarterly journal *Sistemas Judiciales* (Judicial Systems). The publication seeks to disseminate information about the administration of justice in all of the American nations from a global perspective based on the analysis and description of the judicial phenomenon as a whole and using a systematic approach. This implies a broad and comprehensive view that takes into account that issues as diverse as regulatory systems, human resources, the relationships between justice and society, and strictly administrative concerns are closely interrelated and form a unique system that allows either partial analysis or partial solutions. The objective of this journal is to open a space of on-going communication that connects the different networks, complements the work developed in virtual space, and becomes an influential publication

in its area. Each edition addresses a central topic of special interest to the sector, and includes a dossier that describes the manner in which the subject is handled in the different countries of the region. It also contains interviews and debates, general news, bibliographic reviews, events, as well as relevant documents.

The journal's editorial review board is comprised of the following important experts on regional judicial matters:

- Christina Biebesheimer, justice expert of the IADB
- Rafael Bielsa, Constitutional Law Attorney, expert on judicial reforms
- Rafael Blanco, professor, advisor to the Chilean Ministry of Justice for the criminal procedure reform.
- Carlos Cordobés, Justice expert of the IADB
- María Dakollias, Senior advisor of the World Bank's Legal Department
- Florence Elie, Professor, Former Justice Minister of Haiti
- Héctor Fix Zamudio, Former President of the Inter-American Human Rights Court and professor of UNAM, Mexico.
- Alfredo Fuentes, Dean of the School of Law at the University of the Andes, Colombia
- Linn Hambergren, Senior specialist in the Public Sector for the World Bank's Latin America Regional Department
- Julio Maier, Judge of the Superior Court of Justice of Buenos Aires, professor and author of the model for Ibero-American Criminal Procedural Code
- Luis Paulino Mora Mora, President of the Supreme court of Justice of Costa Rica
- Luis Moreno Ocampo, President of International Transparency for Ibero-American and the Caribbean, expert in Human Rights
- Luis Pásara, Peruvian researcher, Doctor of Law and Sociology of Law
- Hernando París, Costa Rican expert in alternative systems of conflict resolution
- Carlos Peña, Dean of the School of Law of the Diego Portales University, Chile
- Rogelio Pérez Perdomo, Venezuelan researcher, Doctor of Law, specialist in law and economics, visiting professor at Stanford University
- Silvina Ramírez, Assistant Director of INECIP, expert in Indigenous Justice
- Cristián Riego, Chilean expert in judicial reform

The directors of the journal are Alberto Binder and Juan Enrique Vargas.

The first edition of the journal was released in July of this year and focused on judicial training. Parts of the journal may be found on-line through JSCA ([www.cejamerica.org](http://www.cejamerica.org)) and INECIP ([www.inecip.org](http://www.inecip.org)). The second edition, which is currently about to go to press,

focuses on Alternative Forms of Conflict Resolution

The journal has been presented during different events throughout the continent. It has been sent to a mailing list that includes people and institutions all over the Americas. All of the members of the NGO Network, those who have signed agreements with JSCA, and other reform-related institutions and programs have been invited to participate.

This journal is crucial to the work of JSCA as one of its tools for dissemination that complements its work on the Internet. Due to the complications already discussed in that area, it is not desirable or feasible to maintain only on-line channels of communication. Although its contents and style do not pertain to those of the traditional academic sector, the journal has helped JSCA enter the most traditional sectors of the regional justice sector (and those most resistant to Internet use), through the production of a tangible and high-quality product. The journal is a means of disseminating information about JSCA's activities and is written in a manner that is comprehensible and accessible to the public, especially the legal sector. The journal also, however, provides a means of motivating people to seek out the on-line work being done as well. Moreover, JSCA's agreement with INECIP allows the journal to be published, printed, and promoted at a very low cost.

## **Studies**

One of JSCA's objectives is to promote activities that broaden the legal focus through which justice reform is usually approached, by incorporating public policy instruments. To do so, JSCA encourages study and research activities that favor the development of justice reforms in the Americas, particularly multidisciplinary studies that address the vast range of factors involved in the changes in this area.

### **a. Follow-Up Studies of Criminal Procedure Reforms**

This project develops a process for systematically evaluating the results of the criminal justice reform system that have taken place in recent years in various countries of the region. In the first stage we selected a set of four countries (Argentina, Costa Rica, Chile and Paraguay) and formed local research groups. A group of experts especially hired by JSCA along with the heads of the local teams have prepared instruments for data collection, and then the local teams collected it. At this time the local teams, as well as the central group that directs the project development, are preparing the data collection process reports. The discussion and results of these reports will be released in the coming months by means of a series of seminars and meetings conducted at the national and international levels.

We have been able to collect a significant and substantive quantity of information on how the new criminal justice systems are operating. The quantitative and qualitative information, which we will soon make available to anyone interested in the matter, without a doubt, will constitute a very valuable factor for the countries studied, as well as for those countries involved in similar processes.

In a similar fashion, work began with a local team from Mexico, which is applying a table of observations that has been modified to produce information on the workings and results of the criminal justice in the federal District.

## **b. Statistics**

The objective of this project is to produce a complete system for data collection and processing in order to generate statistics and judicial indicators for Latin America and the Caribbean. This in turn allows us to apply it to judicial statistics in order to improve their quality, the basis upon which they were collected, and the comparison of different countries and justice systems. One of the major problems today for using statistics and carrying out later comparative analysis (on, for example, the success or failure of a measure taken to resolve a specific problem in the judicial sector) is that the basic statistics used by researchers and public employees are not homogenous, reliable, or complete. This diminishes their utility as an aid for decision making.

There fore JSCA´s aims for this project include:

- Generating the basic tools necessary to develop efficient systems for comparing inter-institutional and international statistics and judicial data.
- Applying those tools to validate them in the field and test their efficiency, correcting any difficulties that may arise.
- Producing a justice systems data collection manual to improve the statistical systems in the different countries in order to make them more reliable and accessible to the different operators.

## **c. The Role of the NGOs in the Process of the Democratization of Justice**

The Ford Foundation charged JSCA with participation in a regional study with the objective of exploring current possibilities for stimulating programs to modernize the judicial systems. One of the particularly relevant factors considered in this study is an analysis of the role of NGOs to date in the development of public policies in this area.

The study is regional in nature and covers Argentina, Chile, Colombia, and Peru. JSCA's role in this first stage is with respect to the Chilean experience. The project will conclude in the first quarter of the year.

## **Training**

Another of JSCA´s objectives is to provide training for human resources. It has therefore begun developing specific courses and has offered its support to local entities that offer judicial training to help improve their programs.

Course on justice reform tools

This course is directed toward professionals involved in designing and carrying out judicial reform processes in the region for the purpose of offering them information on and familiarity with a broad range of experiences, interdisciplinary perspectives and methods that have proven useful and relevant in this type of process. The curriculum is therefore designed to provide a short but intense course that will introduce the participants to some of the tools available to promote a successful reform process. Highly experienced professionals from different countries have been selected to share their knowledge of each specific subject area presented. The course also includes experiences from developed countries with stronger and more established judicial systems, and this material will be presented by experts who have had direct experience in the judicial reform processes of those countries. This two-week course will take place in January 2002 in Santiago, Chile.

### **Technical assistance**

JSCA's Technical Assistance Program makes the best accumulation of regional judicial reform experience available to parties involved in the process. Our institution's continuous contact with a variety of justice reform processes along with the studies we conduct allow us to offer assistance to the countries undergoing change in this sector in the form of valuable tools and information needed for their objectives.

JSCA undertook activities of this type in two countries this year:

#### **a. Observation mission to Peru**

JSCA and other entities participated in a site visit organized by the United Nations Development Program to observe the Peruvian justice system March 1-23, 2001, at the request of the Peruvian Ministry of Justice. The Center was represented by its Executive Director, who assumed the role of institutional analyst, and Mr. Carlos Peña, Dean of the Law School at the Diego Portales University, who was in charge of analyzing the Peruvian civil and commercial justice systems.

Over the course of this mission, meetings were held with the Minister of Justice and his colleagues, with the President of the Supreme Court of Justice and other ministers of that court, with representatives of the Executive Council of the Judiciary, as well as the presidents of the Superior Courts and various other judges in general. Meetings also took place with the Attorney General, members of the Judiciary Council, practicing attorneys, university professors, and members of civil society.

JSCA also took advantage of the opportunity to participate in a variety of dissemination activities, such as press conferences and an international seminar especially called by the Justice Minister.

As a product of the visit, JSCA prepared a report with suggestions for the strategic design of the judicial reform program in Peru and with specific proposals in the areas of civil and commercial justice.



## **b. Training Program in Ecuador**

The Esquel Foundation made an international call for "Proposals for the Incorporation of Teaching the New Criminal Procedure Code in the Undergraduate Law Degree Program." JSCA, in conjunction with the Regional Center for the Promotion of Justice (PROJURIS) of Ecuador and the University of Azuay, won the project, which is now near completion. JSCA's contribution has been to provide international expertise on the subject.

## **c. Commission to evaluate the criminal procedure reform process in Chile**

The Chilean Ministry of Justice invited JSCA, through its Executive Director, to participate in evaluating and introducing improvements in the Chilean criminal justice reform process.

The Commission was made up of representatives of four institutions related to the reform in Chile and was the result of the expression of public discontent with respect to certain aspects of the new system, particularly those connected with the treatment of minor infractions and problems of public disorder. The Commission visited the regions in which the new system is in effect and interviewed the various parties and then issued a report suggesting legal and non-legal changes. The non-legal changes, such as inter-institutional coordination, training, and on-going evaluation, were considered by the Commission to be the most important. Changes of a legal nature were proposed to the government and are now being considered by the parliament.

## **IV.- Financial Situation**

JSCA's financial resources during this period correspond to a USAID project in the initial amount of \$880,000 USD, to which another \$120,000 was added over the course of the year to reimburse CDJ for direct expenses. There is no doubt that this is the institution's primary source of financial support. CDJ also received a \$28,575 donation from the Canadian government, as matching funds for the projects in which it has participated, some of which will generate a net surplus, such as those on the independence of the judiciary, the role of NGOs and training in Ecuador.

With respect to obtaining "voluntary contributions from member states," which should be the normal means of funding for JSCA (being an international organization), our requests have been met with less than enthusiastic responses. In addition to the lack of a tradition of investing in the justice area, the countries are not sufficiently convinced of the benefits than an institution like JSCA can provide by working at a regional level. Furthermore, as the majority of the countries have been accustomed to receiving rather than supplying resources in this area, many assumed that JSCA would have other means of obtaining funds. This has also been a year of pronounced economic contraction, which has been an obstacle to fund-raising. In fact, many of the resources pledged by the Chilean government have been delayed for this very reason. Finally, the postponement of REMJA this year deprived us of the primary forum for procuring state funds. That opportunity would have

provided JSCA with a long term funding plan, as stated in the Presidents' Summit of the Americas in Quebec.

Other funding sources have also been explored. The IADB is particularly important in that it has a \$200,000 regional technical cooperation program in effect - also delayed for financial reasons - that should be approved for the coming period, without detracting from the already released \$25,000. The World Bank is also discussing a judicial training project, which, if approved, will involve JSCA.

Contacts have also been maintained with other sources and minor funding has already been obtained in part from the Ford Foundation and some European governments. JSCA has defined and is now implementing a policy without exceptions of charging an overhead for participating in projects or activities, and these funds will be used to help finance general expenses.

As stated in the beginning, strict control of expenses along with alliances generated and the transfer of some costs to the recipients of the activities has allowed JSCA to comply with its objectives set for the year, with only one relatively minor disbursement beyond the originally-planned resources.

Additional examples of these new working procedures are found in the production of the *Sistemas Judiciales* journal, which has been an important medium for introducing JSCA. The journal is prepared and funded by INECIP, an associated institution in Argentina; JSCA is only responsible for directing and obtaining the material and for committing to the purchase of 500 copies at \$10 each. Another example is the regional course on Tools for Judicial Reform, which is fully financed by its students, except for the presence of some foreign professors whose expenses were covered by their respective governments. This course is expected to generate a surplus for JSCA.