



1. Project Data:		Date Posted : 09/24/2003	
PROJ ID: P036056		Appraisal	Actual
Project Name: Judicial Reform Project	Project Costs (US\$M)	14.31	12.12
Country: Ecuador	Loan/Credit (US\$M)	10.70	10.70
Sector(s): Board: PS - Law and justice (100%)	Cofinancing (US\$M)	0	0
L/C Number: L4066			
	Board Approval (FY)		97
Partners involved : IDB, Japan	Closing Date	06/30/2002	11/30/2002

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2. Project Objectives and Components

a. Objectives

To strengthen the Borrower's administration of justice by

- (1) increasing the effectiveness and transparency of the judicial process;
- (2) expanding the use of alternative dispute resolution mechanisms within the court system;
- (3) improving the access to justice by the public and, in particular, low -income women; and
- (4) fostering initiatives on court reform, legal research, and education .

b. Components

Components were divided into four parts :

Part A consisted of a *case administration and information program*, including;

1. Pilots to reduce the duration of case disposition in selected courts of Quito, Guayaquil, Cuenca, and other decentralized jurisdictions;
2. A public access information center for accessing case records;
3. A records management system;
4. Standardized legal forms;
5. Performance standards;
6. Operational manuals;
7. Training for trial courts in Quito, Guayaquil, and Cuenca;
8. Computerization of selected trial courts; and
9. A court management information system for trial courts .

Part B called for establishment of *court-annexed alternative dispute resolution mechanisms*, including;

1. Pilot mediation programs; and
2. Alternative dispute resolution training;

Part C included establishment of a *program for law and justice* to establish:

1. A Special Fund to provide grant financing for legal education and information, access to justice, law reform and research, and court reform;
2. A professional development program for judges, lawyers, and law faculties;
3. A study on the state of legal education;
4. Research and evaluation of the pilot mediation programs; and
5. Legal services to indigent women and their children on a pilot basis .

Part D called for improving the court infrastructure, including :

1. Development of a national strategy; and
2. Remodeling of priority judicial facilities .

c. Comments on Project Cost, Financing and Dates

Project costs came in 15% below appraisal estimates. The loan of US\$10.70 million was fully disbursed, and was closed on November 30, 2002, six years after loan approval. Closing took place five months after the date estimated at appraisal.

3. Achievement of Relevant Objectives:

1. Partially achieved. The transparency of the judiciary has been enhanced through the creation of court information centers to serve the public, the installation of cameras in judges' chambers, and physical changes in court layout and design. The case management system reduced the average duration of case disposition by roughly 33 percent in 71 pilot courts between 1998 and 2001, and reduced case backlogs by purging roughly two-fifths of all inactive cases in the system. Progress was greater in Cuenca (which was added to the pilot court system after loan approval) and Guayaquil, less in Quito, the capital. Ecuador's judiciary has now introduced a second, expanded phase of case management to a wider set of courts, and is financing this development largely from its own resources. On the other hand, successful implementation of the 2001 reform of the criminal procedure code, critical to efforts to deepen transparency and effectiveness, is expected to take years, and appears likely to have negative near-term effects on judicial efficiency.

2. Fully achieved. Mediation centers were established in all three pilot cities, Judiciary acceptance of these centers is greatest in Cuenca and Guayaquil, considerably less in Quito, where they are viewed as competitors. Ecuador's Controller General found the centers to be of high quality and highly beneficial. Public demand has been high. As an indicator of the popularity of these centers, their financing was taken over from the project by the National Judicial Council in 2002.

3. Partially achieved. The project helped stimulate the start of an active exchange between judicial branch representatives and civil service organizations on the future agenda for reform. It also helped modernize the country's legal education system through curriculum reform, the creation of an association linking faculty leadership, and the introduction of courses on judicial ethics. In the social sphere, a Special Fund financed 40 activities co-financed by Civil Society Organizations (CSOs), benefitting over 61,000 petitioners directly (eight times higher than appraisal estimates), and over 184,000 indirectly. Among their activities were pilot programs to provide legal aid, medical, and psychological support services for poor women in Quito and Guayaquil. However, while financing some activities to enhance access to justice, the project's components did not (and, realistically, could not) address all aspects of the problem nationwide. For example, the judiciary continues to require that parties be represented by lawyers regardless of ability to pay; and translation services for the non-Spanish-speaking indigenous population are rarely available. Moreover, when court fees were raised to reduce the number of frivolous lawsuits, no provision was made for exempting low-income petitioners, as the project had recommended. All of these continue to pose high barriers to access for important segments of the population.

4. Fully achieved. The project focussed on lower-order, but tangible, initiatives on court reforms, with a view toward whetting the appetite of the judiciary and the public for deeper reform. This approach appears to have achieved the desired result, with large majorities of judges and the public surveyed endorsing the changes to date. For example, the project invested a little more than US\$ 1.5 million in physical rehabilitation of judicial centers, 46 percent below appraisal estimates. However, with these resources, the project was able to aid in the rehabilitation of an area more than twice the size projected at appraisal. Installations affected received new air conditioning, revamped traffic flow, and new audio and video display systems. CSOs also provided legal education to judges, apprising them of relevant international treaties to which Ecuador was a party. Ecuador's macroeconomic crisis reduced demand-driven proposals from the courts during the latter stages of the project, but did not reduce demand from the CSOs. Extensive training was provided on judicial ethics, supported by a parallel IDB project. A study on the status of legal education was financed, leading to the establishment of an Association of Law Faculty Deans, which subsequently developed a five-year plan for unifying teaching criteria, creating minimum standards, and creating a system of accreditation. Seminars on new teaching methods were also financed.

4. Significant Outcomes/Impacts:

1. Although reluctant initially to consider domestic violence and legal aid issues important when first surveyed in 1994, the Ecuadoran judiciary has now made such issues priority items on its reform agenda, thanks in no small part to the greater public participation facilitated by the project in the reform dialogue.

2. An economic study concluded by a cooperating CSO, found that low income women receiving legal aid services reported, on average relative to a control group, obtaining US\$ 10 more every month in child support, experiencing 17 percent fewer incidents of severe physical violence, and sending their children to school 4.8 percent more frequently.

5. Significant Shortcomings (including non-compliance with safeguard policies):

Ecuador's economic and political crises have weakened executive branch support for the reforms, limiting counterpart funding and jeopardizing the financial survivability of the mediation centers.

6. Ratings:	ICR	OED Review	Reason for Disagreement /Comments
Outcome:	Satisfactory	Satisfactory	
Institutional Dev.:	Substantial	Substantial	

Sustainability :	Likely	Likely	
Bank Performance :	Satisfactory	Satisfactory	
Borrower Perf .:	Satisfactory	Satisfactory	
Quality of ICR :		Satisfactory	

NOTE: ICR rating values flagged with '*' don't comply with OP/BP 13.55, but are listed for completeness.

7. Lessons of Broad Applicability:

1. The participation of non-judicial, nongovernmental CSOs in project design, combined with exceptional openness of Ecuador's judiciary to dialogue with civil society, ensured that new areas were squarely placed on the Government's agenda for judicial reform.
2. By focussing on tangible, achievable goals for improving judicial process, support for deeper reforms can be mobilized within the judiciary and in civil society.
3. Engaging Ecuador's law schools in the judicial reform process proved a savvy recipe for encouraging judiciary acceptance of the need for change.
4. Infrastructure support and computerization alone cannot carry a judicial reform program .

8. Assessment Recommended? Yes No

Why? The lessons from this successful judicial reform in a country notorious for its weak public institutions merit further study. Also, the lasting impact of these changes should be visible after the passage of more time.

9. Comments on Quality of ICR:

The ICR is of good quality, providing a wealth of data on outputs, albeit considerably less on project impact . The lessons are ample, and generally well-conceived. As a bonus, the Borrower's comments are extensive, detailed, of high quality, and complementary of the material presented in the main text . Some reservations about the ICR apply : (a) the text and supporting tables are sometimes unclear as to their interpretation and message (for example in the discussion of case backlogs on pp . 7-8); (b) the table on key performance indicators, Annex Table 1, was not filled out, and, in general, the supporting data in the text lacks benchmarks for measuring the significance of project benefits (e.g., the discussion of the case load of the new mediation centers, compared to overall system caseloads and the benchmark volume of mediated cases before the project started); and (c) the main text did not provide adequate information on the achievement of the infrastructure program component, although this gap was partially filled in the Borrower's comments.