

**PROJECT INFORMATION DOCUMENT (PID)
CONCEPT STAGE**

Project Name	JUSTICE SECTOR DEVELOPMENT PROJECT
Region	LATIN AMERICA AND CARIBBEAN
Sector	General public administration sector (100%)
Project ID	P083904
Borrower(s)	REPUBLIC OF COLOMBIA
Implementing Agency	Superior Judicial Council (<i>Consejo Superior de la Judicatura</i> – CSJ)
Environment Category	<input type="checkbox"/> A <input type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> FI <input type="checkbox"/> TBD (to be determined)
Date PID Prepared	March 15, 2007
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1. Key Development Issues and Rationale for Bank Involvement

Key development issues

Colombia's justice sector institutions provide a basic public service: resolution of disputes through the predictable application of legal norms. They produce private and public benefits, with the latter intimately linked to creating an enabling environment for market-based growth, reducing societal conflict, and promoting equitable development. A series of structural and procedural changes, beginning with the 1991 Constitution, aimed at enhancing these effects, but dissatisfaction with performance persists. Civil society and private sector organizations are demanding improvements in quality and timeliness. The Finance Ministry [MHCP] and Planning Office [DNP] are concerned about the sector's high costs, and it is believed that citizens are turning to less desirable alternatives because of real or perceived barriers to access. Colombia's justice institutions rank high in the region on professionalism, transparency and resource endowments, but the country's level of internal conflict makes it urgent to find means to improve their contribution to societal stability and equitable growth.

The mismatch between the legal framework, societal needs, and sector operations results in a common complaint that the sector does not produce enough of the right kinds of outputs. There are also concerns about its readiness to apply more modern laws. In dealing with these issues, it will be crucial to develop a strong society-wide consensus, as success depends not only on the court system (*Rama Judicial*), and to focus on the following four areas.

Ineffectual Management: Although the resources available to the sector have increased in the last decade there is ample room for efficiency gains. The absence of a common strategic vision is a major concern; planning tends to have a short-time horizon, focus on individual institutions, and ignore economic and financial impacts. An unsystematic approach to identifying needs may have left major gaps in the implementation of the new Criminal Procedure Code. It also hampers other efforts to update the legal framework and to optimize the impact of the new access expansion initiatives.

Inadequate Output. Litigation rates (4,000 cases/100,000 inhabitants) and case loads (400 annual filings/judge) are medium low for the region. Nonetheless, the courts and Attorney-General's Office

(FGN) have accumulated large backlogs. Public Defense (DDP) productivity is also low. Civil judgments are enforced with difficulty or not at all. Levels of impunity in the criminal area seem high. System congestion may explain the low litigation rate —people avoid the courts because they do not expect a timely, adequate solution.

Insufficient Transparency and Predictability. Colombia's complex sector organization makes it difficult for citizens to understand or access its services. Effective constitutional review (*tutela*) provides quick remedies for alleged rights violations, but decreases predictability of outcomes. The sector publishes its statistics, but they are not well organized for management purposes and citizen understanding. Databases from different organizations lack adequate interfaces. A complex, insufficiently consolidated legal framework augments delays because of uncertainties as to which law is in force. Effective tools for reference and cross-reference of legal provisions are missing.

Limited Access for the Poor. Sector services are not available to many citizens because of geographic barriers; the requirement for representation and insufficient free legal services; and lack of confidence in a system which often provides unsatisfactory responses, long delays, and unenforceable judgments. Limited access may also reinforce a vicious circle of crime and revenge. In response, the State is shifting some responsibilities to municipal actors and promoting alternative dispute resolution (ADR) mechanisms. The number and type of mechanisms developed, however, demonstrate potential for overlapping, inconsistent, or unclear jurisdictions.

Rationale for Bank involvement

Country Assistance Strategy (CAS) goal supported by the Project. The 2005 CAS Progress Report notes that justice reform was a principal aim of the 1991 Constitution, but that despite progress in specific areas, the overall results are disappointing. Under the CAS, the Bank will continue supporting the justice authorities' efforts to improve service delivery, building on two existing contributions as outlined below.

The Judicial Conflict Resolution Improvement Project. The building blocks for this strategy were developed under a Learning and Innovation Loan (LIL) which closed in FY 06. The project tested a new courtroom management model, emphasizing cultural change, evaluation based on agreed performance indicators, and in-kind incentives for improved team performance. Judicial Change Teams were established by the circuit courts of Barranquilla, Bogotá, Bucaramanga, Cali and Medellín. Independent evaluations indicate improvements in delay reduction, disposition levels, and user satisfaction. Detailed evaluation reports will be broadly disseminated during project preparation.

PHRD Grant. A US\$750,000 PHRD Grant for project preparation is financing: (a) analysis of selected justice sector issues, identified by CSJ, in coordination with the DNP and the MIJ; (b) participatory, consultative and communication methodologies to invite civil society input; (c) development of sector strengthening proposals along the eight strategic lines endorsed by CSJ to better match the supply and demand sides of the formal justice sector and ADR mechanisms. During project preparation, the Task Team will work with other donors active in the sector (IDB, USAID, GTZ) to ensure effective coordination. Donor representatives will also participate in the PHRD-funded conferences, seminars or workshops and will be given opportunity to comment on studies and other project preparation documents. As the Bank and other donors have done several diagnostics, the Grant will emphasize the development of actionable proposals instead of studies or assessments.

2. Proposed Objectives

The project will support sector authorities in implementation of a justice sector strategic plan to: (a) improve the quality, timeliness and efficiency of services; (b) build sector capacity to plan, execute and monitor reforms; and (c) enhance access to justice for the Colombia's most disadvantaged groups.

3. Preliminary Description

Preliminary project design has benefited from the most recent Bank experience in the justice sector (in particular, the lessons learned from the LIL) and has been structured around three key pillars. Specific progress and impact indicators will be developed during project preparation for each component, in conjunction with sector institutions and users.

(a) Justice Services Delivery Component (Approx. US\$24 million) This component will support the implementation of the Superior Justice Council's (CSJ) strategy to improve service delivery in coordination with the Supreme Court, the State Council, Superior Courts, Administrative Tribunals, Circuit and Municipal Courts.

(i) **System and Courtroom Management.** The project would help the CSJ strengthen its administrative and advisory offices, in line with recommendations developed under the PHRD, to encourage coordinated planning, improved resource allocation and performance tracking, and smoother relationships with the three court systems (constitutional, administrative and ordinary) it oversees and with other sector organizations. It will support broader replication of the courtroom model developed under the LIL. Efficiency indicators currently used by the CSJ and the DNP (workload, duration) will be upgraded and fine-tuned.

(ii) **Productivity Improvement Strategy.** The PHRD will identify legal, structural and attitudinal obstacles to higher productivity. The project will support the formulation and implementation of a long-term policy framework to ensure rapid and effective case processing and avoid the recurrence of congestion and delays (as happened with prior short-term programs). Likely measures include procedural simplification, more pro-active judging (to control abusive litigation), and the introduction of oral proceedings in selected jurisdictions. High priority reforms with strong internal and external backing will be supported. Measures requiring only administrative decisions (i.e. the CSJ's action) will be preferred. The CSJ will receive technical assistance in planning its future archiving system and improving actual storage facilities as part of its court decongestion strategy. A master plan for hearing rooms (*salas de audiencia*), prepared under the PHRD, will be partially financed through the remodeling of existing buildings.

(iii) **Integrated Information Systems.** This component will build on the PHRD analysis of current ICT resources, their potential for improvement, and the gaps in coverage. It will finance implementation of the resulting ICT plan focusing on complementing judicial management needs, inter-connectivity among sector institutions, suitable technological alternatives, access for clients, and specific linkages to performance improvements. The activities will upgrade courtroom data entry and develop systems to allow continuous monitoring. Building on work begun by the DNP and the MIJ it will continue the implementation of a consolidated legal database accessible to all justice sector operators.

(b) Human Resources Development Component (Approx. US\$8 million):

This component introduces measures to: (a) attract, select, and retain qualified judicial staff; (b) improve human resource planning and management at the central and regional levels; and (c) develop in-service professional development, including training in new legal, procedural, and managerial approaches.

Project activities will be designed to respect institutional independence but foster coordination. The project will complement initiatives the CSJ is advancing with its own resources, for example, by providing technical assistance to improve the staff selection and evaluation process and to support the Judicial School’s institutional strengthening plan, encouraging a shift from ordinary academic training to improving service delivery.

(c) Enhanced Access Services (Approx. US\$8 million): The PHRD finances (i) an evaluative inventory of existing access programs and (ii) a study to determine user needs and the most suitable means for meeting them. The Project will implement the resulting demand-side strategy to increase access to disadvantaged groups. Likely activities include: (i) consolidating alternative justice services by strengthening the justices of the peace and establishing the indigenous jurisdiction, thus bringing justice closer to the poor, and promoting extrajudicial conciliation in law and equity; (ii) implementing mechanisms to make the formal court system more accessible and more equitable, with a particular focus on municipal courts; and (iii) developing mechanisms to enhance the users’ role in designing and monitoring improvements.

(d) Project Coordination, Monitoring and Evaluation: The CSJ’ Executive Directorate of Judicial Administration (DEAJ) will be responsible for procurement, financial management, monitoring and evaluation. It will liaison with the CSJ’s line units, regional offices, and other sector institutions, and address issues of donor coordination. An Inter-institutional Coordination Committee with representatives of the DNP, the FGN, the PGN, the DDP and the MIJ will also be established.

4. Environmental Aspects

N/A

5. Tentative Financing:

Source:	(\$m.)
BORROWER	15
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT	40
Total	55

6. Contact point

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