

NETWORK MEMBER: INTER-AMERICAN PROGRAM OF JUDICIAL FACILITATORS



Organización de los Estados Americanos
Secretaría de Asuntos Jurídicos
Programa Interamericano de Facilitadores Judiciales

Building Justice Across a Continent

The **IJPF** works to build access to justice for vulnerable women and indigenous communities who live in rural areas by establishing a program of judicial facilitators or paralegals, with national coverage, administered by the Justice Department and recognized by the judiciary.

Founded 2007

www.facilitadoresjudiciales.org



Judicial Facilitators in Paraguay, one of eight countries covered by the program.

There was just a touch of the *Jarndyce v Jarndyce* about the case of Agapito Rocha. The fictional Jarndyce legal proceedings appear as a plot device throughout Charles Dickens' *Bleak House*. Dicken's comically tragic judicial tale concerns a disputed large inheritance, which has dragged through the courts for generations. When it is eventually settled, the lawyers' costs have absorbed the entire estate.

Nicaraguan paterfamilias Agapito Rocha wrote his final will and testament in 2003 as he lay on his deathbed - leaving his property to be split equally between seven children. Shortly after Rocha's death, the local judge summoned the heirs to hear the will, only to be interrupted by a messenger from one of the daughters, claiming that another will had already been drafted and signed, designating

her the sole heir. The siblings fought violently. A court case dragged on for three years without a solution.

Unlike the fictional Jarndyce case - where lawyers were only out for themselves - a Nicaraguan circuit judge, tired of the Rocha family conflict, referred the family to Ms. Sobeyda Hurtado. Ms Hurtado is a judicial facilitator, employed by the local branch of the Inter-American Program of Judicial Facilitators (known by its Spanish acronym IJFP). She agreed to mediate.

Through dialogue and a series of individual and collective meetings, she eventually convinced the parties to resolve the dispute and share the inheritance equitably. The process didn't cost a penny.

The Judicial Facilitator program is a continent-wide response to the strained resources of judicial systems and local governments across Latin America. With the backing of the Organization of American States, the IJFP aims to lower the huge numbers of people living outside the protection of the law by acting as a bridge between communities and the legal authorities. Covering eight countries, they have trained nearly 10,900 judicial facilitators—volunteers working in their own communities – to promote citizen participation in justice.

The volunteers are elected community leaders who are trained by local judges and accredited through the Supreme Court – so they don't have to separate infrastructure to support their work – they work with what's already in place. “We want peace and harmony in our communities,” says Clarissa Vivas, the municipal mayor of Nindiri in Nicaragua. “After achieving that goal, we want to support poor communities, because not everybody in the community has the ability to pay a lawyer.”

While they serve under the Supreme Court, judicial facilitators act only at the request of the parties. Their goal is to serve as a kind of conflict solver. “Our labor is looking for stability and peace in our community,” says judicial facilitator Marlon Mendoza.

Though they work with a light touch, their impact is felt broadly. Mirna Rosales Aguilar, a spokesperson for the IJFP, says: “When people feel confident in the justice system, it benefits the entire country.” She points out that Nicaragua, which has over 4,000 facilitators covering 100 per cent of the country, is one of the safest countries in Central America.

When not providing direct mediation, the facilitators provide information and advice on laws and administrative procedures. They may gather community members for speeches about domestic violence, alimony law, and other subjects, helping families reflect on their own situation so that they can talk to each other and avoid future conflicts. Their goal is to act as agents of prevention,

ensuring that communities have easy access to relevant legal knowledge.

While assisting their communities, the judicial facilitators also provide direct assistance to the local courts. Before this mediation system was put in place, judges faced a backlog of cases because every conflict had to go to court. Now, it's become clear that many cases don't require a transfer to the court system, and citizens no longer have to waste time and money to ensure their case reaches a judge or public defender. Often, a successful mediation process prevents very impoverished people from having to travel long distances and miss working days to solve their problems.

By the beginning of 2015, the number of judicial facilitators had grown to 9,155, with 4.5 million people in vulnerable populations having access to a facilitator. Aguilar is proud of the fact that 40 per cent of IPJF facilitators are women, serving in highly visible leadership roles in their communities.

From experience, the IJFP has learned how to maximize efficiency at a low cost. Their facilitators are volunteers, they receive support from local government, judges, and universities, and encourage collaboration between countries. However, the organization struggles without its own



Facilitator training in Nicaragua.

source of revenue, and it is a constant challenge to make the program sustainable while having to pay for transport, food, and legal documents for the volunteers.

As part of the Global Legal Empowerment Network, hosted by Namati, the IJFP is eager to learn more about sources of funding that have supported similar legal empowerment organizations

elsewhere in the world.

Despite constraints, the organization has big ambitions - in the next five years, the IJFP has plans to scale up its movement to include 15,000 legal empowerment practitioners. Through their community service, the facilitators make the law more approachable, more equitable, and more present.

Key Lessons

- 1 When people get involved to solve their problems, a set of actions and initiatives are developed that make people grow and overcome the lack of trust on the system
- 2 We need to incorporate good practices, systematizing the experiences, also to analyze, take action, make changes, and correct strategies when we move forward on a project.
- 3 Public safety will never be effective if there is no direct participation and willingness of citizens trained in the legal rules necessary to assert their fundamental rights and duties especially young people, children, women and indigenous people.
- 4 Successful practices should be institutionalized: The National Service of Judicial Facilitators would be unsustainable if they had not integrated into the regular functions of the bodies of justice.
- 5 We all want peace and are willing to resolve conflicts when we find a helping hand, a kind problem-solver that helps settle the disputes, we are beings of peace and love.
- 6 The way to ensure a Judicial Facilitator acts with honesty and integrity is through the judgment of the Facilitator's own community - which has helped strengthen the credibility of the project.
That the education of women is crucial for their participation and social integration, because it reaffirms its leadership and rights.
- 7 That the greater access to justice creates a virtuous effect on the development and equity of society.