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## Impact assessment of the Facilitadores Judiciales programme in Nicaragua

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WIDER Working Paper No. 2013/113

## Impact assessment of the Facilitadores Judiciales programme in Nicaragua

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### Abstract

Facilitadores Judiciales is a programme run by the Organization of the American States and the Nicaraguan judiciary. The main objective of the programme is to improve access to justice for the disadvantaged people in Nicaragua. From 1998 to 2010 the programme was implemented in almost all rural and isolated areas of the country. In 2010, facilitators were recruited and trained in many but not all urban municipalities. This presented an opportunity for a natural experiment to assess the impact of the programme and identify the ‘drivers’ for success. Before (2010) and after (2013) quantitative and qualitative studies were conducted in intervention and control areas. The quantitative results show confirmation of some of the hypothesised effects of the Facilitadores Judiciales programme. Other effects are indicated by the numerous in-depth interviews but are not substantiated by hard data. .../

Keywords: Access to justice, justice needs, paralegals, impact evaluation

JEL classification: K00, K10, C93

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... Most importantly, in the communities where facilitators were introduced the people report less legal problems. The facilitators are decreasing the costs of justice thus making it more accessible. Achieving more amicable solutions and thus promotion of social cohesion is another example of an impact of the programme. Several factors for success are identified. First, the gradual scaling-up of the programme from rural to urban areas promotes sustainability and facilitates knowledge management. Second, the paper identifies the specific challenges of piloting a trust-based access to justice programme in urban areas. Another set of challenges is the different impact that different facilitators make in their communities. Personal motivation, skills, and abilities, gained social authority, received training, and level of involvement of the local judges are seen as crucial for the facilitators' effectiveness. Active ownership on behalf of the Nicaraguan judiciary is another factor of success identified by the study. At the end, the paper discusses the possibilities for expanding the programme beyond Nicaragua.

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## 1 Introduction

In this paper we analyse the impact of a paralegal programme in Nicaragua. *Facilitadores Judiciales (FJ)* is a programme initiated at the end of the 1990s by the Organization of the American States (OAS) and the Nicaraguan Supreme Court. Community-based facilitators help the people from the local communities to solve their disputes and legal problems. Initially the FJ programme ran in rural and isolated communities of Nicaragua. In 2010, the programme gradually expanded to urban communities. This stage of the programme presented an opportunity to study the intervention and compare its effects to communities where no facilitators were active.

The paper has two objectives. First, it aims to identify and quantify the impact of the FJ programme. Two cross-sectional surveys were conducted—before and after the intervention. Urban communities with and without facilitators were randomly selected for the study. In addition, a series of interviews with facilitators, beneficiaries, and important stakeholders were conducted after the intervention in order to get a deeper insight of the results of the programme. Second, the paper analyses the ‘drivers’ for success of the FJ programme. The approach has been widely acclaimed for its positive effect on access to justice. In the past couple of years it has been already replicated in other countries from the region. Our interest is to identify and discuss the critical areas that determine the success of the FJ and similar programmes.

Next we describe briefly the context in which the programme takes place as well as its historical development. In section 2 the methodology of the qualitative and quantitative studies is explained. Section 3 provides an analysis of the impact of the extension of the FJ programme to the urban communities of Nicaragua. In Section 4, the focus is on the critical factors for success of the programme. Section 5 concludes the paper and provides recommendations for further research.

### 1.1 Context

Although Nicaragua is not currently considered a fragile state according to standard classifications, its relevance to work on fragility is underscored by its poverty and history of political instability. Within Nicaragua, there is also considerable variation in the reach of the state across sub-national regions. After Haiti, Nicaragua is the poorest country in the Western hemisphere. In 2012, the gross domestic product (GDP) per capita was US\$1,754.<sup>1</sup> Country-level data from 2009 shows that 42.5 per cent of its population of six million is considered poor at the national poverty line.<sup>2</sup> About one in ten Nicaraguans (11.9 per cent) lives on less than US\$1.25 a day.<sup>3</sup> Nicaragua ranks 129<sup>th</sup> on the United Nations Development Program Human Development Index and 130<sup>th</sup> on the Transparency International Corruption Perception Index.<sup>4</sup>

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<sup>1</sup> See <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD>, accessed on 20 August 2013.

<sup>2</sup> See <http://data.worldbank.org/country/nicaragua>, accessed on 20 August 2013.

<sup>3</sup> See <http://hdrstats.undp.org/en/indicators/38906.html>, accessed on 20 August 2013.

<sup>4</sup> See <http://hdrstats.undp.org/en/countries/profiles/NIC.html> and <http://www.transparency.org/cpi2012/results>, accessed on 20 August 2013.

Nicaragua's recent political history is marked by 43 years of corrupt dictatorships of the Somoza family, a civil war from the late 1970s to 1980s, and an uneven return to democracy since the late 1980s. The country's elections in 1990 are often considered to mark the transition from authoritarianism to electoral democracy. Since the Sandinista revolution, the country has been divided into left and right ideological camps, which have changed power positions several times during the past decades. Present day Nicaragua is a republic with constitutional democracy based, somewhat unusually, on four branches of government: executive, legislative, judicial, and electoral (the Supreme Electoral Council is considered a co-equal branch of the government).<sup>5</sup>

The judiciary was particularly affected by the civil war. Nicaragua belongs to the civil law family with a written constitution (adopted in 1987 and substantively amended afterwards). The judicial branch is headed by the Supreme Court, which supervises the courts of appeal, district courts, and local judges (at the municipio level). In each municipio, there are one or more local judges who hear and decide minor civil, criminal, and administrative cases. According to the Nicaraguan constitution, the judges in their official capacity are independent and must obey only the constitution. However, while the judicial branch is institutionally differentiated and formally independent, according to the Bertelsmann Country Report on Nicaragua the judiciary remains subject to strong political influence and corruption, does not adequately cover the entire country, and demonstrates considerable functional deficiencies.<sup>6</sup> In the past two years, the country's legal aid system has been radically reformed. Legal aid has been extended to parties in civil cases. It is believed that legal aid is more accessible in the urban communities. The mentioned development of the civil legal aid system has to be taken into consideration when the impact of the programme is discussed.

## **1.2 The Facilitadores Judiciales programme**

The FJ programme is based on the ideal that everyone deserves justice, and couples with the recognition that, in practice, the state has not always been able to meet the demand for justice with fair, practical, and affordable solutions. Importantly, rather than based on an imported model, the programme has been inspired by local pre-existing practices of judicial outreach by way of making use of communal social structures and leaders. The value of the programme can be seen in the way it helps ordinary people to find solutions to their justice needs in a simple, quick, and affordable manner; and when this is not possible, in how it helps people to take other steps towards solving their justice related problems.

The programme ought to be understood against the background of the judiciary's sub-optimal performance. Nicaragua's judicial system has been said to suffer from political interference and widespread corruption.<sup>7</sup> Even more important for understanding the significance of the programme is the assessment that the judiciary does not adequately cover the entire country, and demonstrates considerable functional deficiencies. Against this background, the use of

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<sup>5</sup> See <http://www.bti2010.bertelsmann-transformation-index.de/en/bti/country-reports/laendergutachten/latin-america-and-the-caribbean/nicaragua/#chap3>, accessed on 1 October 2013.

<sup>6</sup> See <http://www.bti2010.bertelsmann-transformation-index.de/en/bti/country-reports/laendergutachten/latin-america-and-the-caribbean/nicaragua/#chap3>, accessed on 1 October, 2013.

<sup>7</sup> See Bertelsmann Transformation Index report, *supra* reference 6; See also country specific information provided by the United States Department of State: [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_985.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_985.html), accessed on 1 October 2013.

‘proxies’ located at community level, or, otherwise put, the possibility to avail communities of easily accessible authority to help with problems locally and quickly, bears a significant potential for increasing access to justice, thus improving people’s lives.

The FJ programme commenced officially in 1998 as a pilot project of the OAS. It should also be noted that the Nicaraguan Supreme Court actively partnered in the project from the very beginning. Initially, the FJ built upon a long lasting practice taking place in the north of Nicaragua where local judges used community leaders as proxies in remote and isolated villages (Kokke and Vuskovic 2010). In the first years of implementation (1998–2001) the FJ was piloted in remote rural and post-conflict municipalities (Kokke et al. 2010). At the time it was named *Facilitadores Judiciales Rurales*, indicating its focus on rural communities. By 2001 there were 76 FJs working in 18 municipalities. In the second programme stage (2001–07), the OAS and the Nicaraguan Supreme Court co-operated to further expand the programme in rural and underdeveloped municipalities. During that stage the FJ programme was extended to various indigenous areas of Nicaragua. As a result, many local indigenous judges (*Wihta*) were integrated as FJs. In 2007, there were 1,260 active FJs in 120 municipalities.

Since 2008, the Nicaraguan Supreme Court has taken a more active stance towards integrating the FJ programme into the national justice system. A National Service of Facilitators (*Servicio Nacional de Facilitadores*) was established with the aim of taking over the programme and funding it from the judicial budget. This policy course implies that FJs will be introduced in all municipalities of Nicaragua—rural, suburban, and urban. Another corollary of the policy is that the FJs must be further integrated into the overall functioning of the judiciary.

Currently (as of May 2013) 2,762 FJs have been appointed, of which 36 per cent are women, 28 per cent work in urban areas, and four per cent are indigenous. The programme is now present in all 17 provinces and two autonomous regions of Nicaragua, in all 153 *municipios* (notably also in all municipal capitals) in urban, sub-urban, and rural areas.

### *Organization and funding*

The FJ programme is in the process of developing from a donor driven to locally funded programme. Initiated by the OAS with the early support of the Supreme Court, the programme was initially funded by a Swedish post-conflict development fund, which was followed by the United States Agency for International Development (USAID) funding. In the past couple of years, the FJ programme has been funded by a Dutch development assistance fund. Exact budgetary figures are difficult to find but a rough estimation is that the whole programme costs about 500 million Nicaraguan cordobas per year.<sup>8</sup> It is important to note that the aid has been channelled through the OAS.

Over time, the FJ programme has been institutionalized within the Nicaraguan judiciary. Increasingly, local governments are providing funds for the training and operations of FJs. In municipalities where funds from the local government are not available, the Supreme Court provides financial assistance for the programme. Currently the OAS secures about 50 per cent of the programme costs, the rest coming from domestic sources. 2012 was the first year in

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<sup>8</sup> Roughly €157,000 or US\$204,000.

which the Supreme Court had to budget funds for the FJ services whereas local judges had to submit a separate budget request for the operation of the FJs under their supervision.

A clear sign of the increasing recognition of the programme is its integration into the Nicaraguan legal framework. The facilitators are regulated in several legal acts; Organizational Code of the Judiciary (Article 169 and 200bis), Code of Criminal Procedure (Article 57), and Criminal Code (Article 563). For instance, mediations performed by FJs in criminal cases are enforceable after approval by the prosecution and registration with the court. In 2002, the Supreme Court adopted a set of rules and regulations pertaining to FJs, the *Reglamento de los Facilitadores Judiciales*. Legislation recognising the role of the facilitators in the civil code is currently pending in the Parliament.

### *How FJ works*

The facilitators are members of their local communities (barrios) who work on a voluntary basis in the interests of justice and the justice needs of the community. The particular barrios can range from a few hundred inhabitants to barrios of 2,000–3,000. The urban barrios where the study took place have on average population of about 2,500 inhabitants. FJs are elected by their communities during a meeting at which everyone present can nominate a facilitator. The facilitators must be aged at least 18 and be respected members of the community. They should have independent sources of income since they cannot charge fees for their services. There is a minimum number of citizens that need to be present at the election meeting for the vote to be valid. After the elections the local judge appoints the successful applicant as a facilitator. Next, the appointed FJs take part in practical training performed by local judges. Introduction to mediation and mediation skills are core components of the training programme. According to the programme rules there are at least four training sessions per year. In practice training is contingent on the available resources.

Essentially, FJs act as paralegals/mediators within their own communities. They typically work from their own homes, or at the scene of the dispute. They help the members of the community to solve their disputes and grievances, whether directly (facilitate immediate solution) or indirectly (information, advice, accompanying, etc.).<sup>9</sup> Internal OAS documents<sup>10</sup> suggest that the most frequent disputes referred to FJs are: Money related problems, disputes between neighbours, damages to crops, and insults. They are barred from mediating certain kinds of cases, e.g., severe criminal cases involving violence (including domestic violence), civil cases that entail change in property registration, and family cases that concern custody.

The FJs perform primarily the following activities:

1. Increase awareness and provide information: FJs increase legal awareness by informing members of the community regarding laws, rights, and institutions, collectively (during seminars and gathering) and individually (per specific needs that arise before them).
2. Legal education: Beyond merely providing information, (some) FJs provide normative/moral guidance as to what people should do (or not) to avoid trouble with the law and to live harmoniously.

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<sup>9</sup> For more info see: [http://www.oas.org/es/sla/facilitadores\\_judiciales\\_una\\_respuesta.asp](http://www.oas.org/es/sla/facilitadores_judiciales_una_respuesta.asp), accessed 21 August 2013.

<sup>10</sup> Ibid.

3. Facilitate an immediate solution: Where possible, FJs encourage parties to reach an amicable solution through dialogue, and they solve incoming disputes through mediation and conciliation. When successful, they draft brief agreements or minutes that record the agreed solution.
4. Advice and refer: In cases that are not susceptible for immediate solution, or when the mediation attempt is unsuccessful, FJs advise victims/parties regarding their rights, options, and possible redress. They refer these people to the authorities capable of solving the problem and might also provide a (semi-formal) referral to court.
5. Accompany: When possible, FJs not only explain people where to go and what to do, they actually accompany them to the right place (legal aid bureau/ministry/court, etc.) and support them in the process.
6. Liaise with local courts and assist judges: FJs also partially function as the long arm of the courts, so members of the local communities can go to them to submit documents, instead of traveling long distances to file complaints and deposit documents on their own. FJs also directly support judges by performing tasks such as delivering summons, finding witnesses, measuring land, performing inspections, and making appointments on behalf of the judge.

### **1.3 Theory of intervention**

According to its designers, the FJ programme should have far-reaching impact on access to justice, societal conflict, and administrative costs in the judicial sector, in particular in:<sup>11</sup>

1. Prevention of (escalation of) problems: FJs are expected to prevent the occurrence of problems through their presence as a recognized conflict resolution mechanism. Where FJs are present, it is anticipated that individuals will be more likely to honour agreements as they are aware of acting 'in the shadow of the law'. In addition, the presence of FJs as a local, cheap, easily accessible (both culturally and geographically) conflict resolution resource should prevent the escalation of problems beyond their initial inception.
2. More amicable solutions: The use of mediation approaches in the resolution of problems, and the greater involvement of the parties in the development of the solution to the problem should result in more amicable solutions being reached in FJ areas compared to those who continue to use the pre-existing adjudicative systems.
3. Greater trust in conflict resolution systems: As a by-product of the visibility, personality, and working methods of the FJs, we expect that the FJ programme will create trust in the FJs. Further to this, as a branch of the formal conflict resolution systems (through their linkage to judges), it is expected that this trust will also transfer to the conflict resolution system in Nicaragua as a whole.
4. Reduced costs: The FJ service is provided to individuals free of charge in their own communities. This represents many cost savings to individuals, in terms of both financial costs (court fees, lawyer fees, transport costs), time costs (travel time, court appearances, visits to lawyers), and emotional and stress costs (caused by extended time-frames, adversarial court procedures, greater expense at risk). Accordingly, the FJ programme is expected to impact favourably on these costs.

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<sup>11</sup> See [http://www.oas.org/es/sla/facilitadores\\_judiciales.asp](http://www.oas.org/es/sla/facilitadores_judiciales.asp), accessed on 13 August 2013



5. Increased knowledge/empowerment: Through the awareness raising activities of the FJs, and their easy availability as a source of information, we anticipate that the FJ programme will increase knowledge of laws, rights, and access to justice in their communities. In turn it is expected that this increase in knowledge in these areas will improve the empowerment level of individuals, as they understand what their rights are, what the relevant laws are, and how they can go about solving their problems. Accordingly, the FJ programme is expected to increase levels of empowerment in their communities.
6. Domestic violence (DV): It is anticipated that the FJ programme will impact upon the rates of DV in their communities. This is expected to occur as a result of both their awareness-raising activities in relation to DV, and their proximity and trustworthiness to the incidence of DV. Victims of DV who trust the FJs will be more likely to come to the FJ with their problem, and consequently, are more likely to reach a solution. In addition, the collaborative nature of the FJ approach is likely to be particularly effective in solving domestic issues.

## **2 Methodology**

In 2009, a decision was taken to expand the FJ programme from rural to urban communities in Nicaragua. At the time, the available project funding allowed for only partial coverage of the urban sites. This provided a rare opportunity for natural experiment in which some urban communities benefited from FJs whereas others did not.<sup>12</sup> The decision on where to implement the FJ programme was based on organizational capabilities and the sites were selected at random. However, we are not aware of all factors which have influenced the decisions of the OAS regarding in which urban municipalities and barrios to expand the FJ programme. The study uses a pre- and post-intervention design, with both qualitative and quantitative data collection methods. The quantitative data was collected through pre- and post-intervention surveys that used structured interviews administered to a sample of the population. The qualitative method consisted of semi-structured qualitative interviews conducted with a broad range of project stakeholders. The pre-intervention measurements were conducted in the period February–March 2010, while the post-intervention measurements took place in February–March 2013.

### **2.1 Quantitative measures**

Given the detailed nature of the analysis conducted for this study, only a subset of FJ-participant communities could be included. The data presented here thus does not describe the full range of communities served, but are in our assessment suggestive of broader trends that could be explored more fully in future work. Field sites were selected as follows: From the list of new urban municipalities targeted by the OAS to receive FJ services in more than four barrios, two municipalities were selected using the randomization function in Microsoft Excel. Municipalities with more than four targeted barrios were selected to ensure that

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<sup>12</sup> See for thorough discussion of natural and quasi- experimental designs and the threats to their internal and external validity: Meyer (1994). 'Natural and Quasi- Experiments in Economics'. *Journal of Business and Economics Statistics*, 13:151–61. See also [http://www.wider.unu.edu/research/current-programme/en\\_GB/Experimental-Methods-Study-Government-Performance/](http://www.wider.unu.edu/research/current-programme/en_GB/Experimental-Methods-Study-Government-Performance/), accessed on 4 October 2013.

community-level effects would be present. The two selected municipalities were Ciudad Sandino and Jinotega. Within each municipality, two barrios were selected, using the same randomization procedure.

A third municipality, Juigalpa, was also selected to act as a source of control information. This municipality was selected on the basis of similarity in population, socio-economic development and access to justice, to the intervention municipalities, from those municipalities where no FJ activities were scheduled to take place. This assessment has been made largely based on the analysis of the local OAS staff. Again, two barrios were selected in this municipality. The barrios selected and the number of respondents for the pre- and post-measures in each barrio are listed in Table 1.

Table 1: Survey sites

Municipality	Intervention/control	Selected barrios	Pre-Measure N (2010)	Post-measure N (2013)
Ciudad Sandino, Mangua	Intervention	Zona 6	80	197
		Mostatepe Norte	80	204
Jinotega, Jinotega	Intervention	Carlos Rizo	80	201
		La Fundadora	80	199
Juigalpa, Chontales	Control	Pedro Joaquin Chamorro	80	97
		Neuvo Amanecer	80	102

Notes: N refers to number of respondents in the survey.

Source: Authors.

To collect the sample, random methods were combined with some quota sampling as follows.<sup>13</sup> Initially, each barrio was divided into four equal clusters. Within each cluster, households were randomly selected by taking each n-th house starting from a randomly selected starting point. Within each household the adult (aged over 16) who had the earliest birthday was asked to provide responses to the questionnaire. However, in order to facilitate comparison and generalization, it was attempted to match the gender distribution of the entire Nicaraguan population (50:50). This meant that at the end of each block of questionnaires, specifically men or women would be selected in order to fulfil this quota. However, it was not possible to reach a 50:50 split, and both the pre- and post-intervention surveys had gender ratios of approximately 60:40 female–male.

<sup>13</sup> See Skoufias (2010). ‘Introduction to Impact Evaluation: Methods and Examples’ at [http://siteresources.worldbank.org/INTISPMA/Resources/Training-Events-and-Materials/050310\\_IE\\_Methods.pdf](http://siteresources.worldbank.org/INTISPMA/Resources/Training-Events-and-Materials/050310_IE_Methods.pdf), accessed on 12 August 2013; Blattman et al. (2012). ‘Building institutions at the micro-level: Results from a field experiment in property dispute and conflict resolution.’ At <http://www.american.edu/cas/economics/news/upload/Blattman-paper.pdf>, accessed on 04 October 2013.

The same barrios and sampling methods (with the exception of a differently selected random starting point) were used in the pre- and post-intervention surveys. Pre-intervention quantitative interviews were carried out by students of the Universidad Nacional Autónoma de Nicaragua and of post-intervention by students of the the Universidad Centroamericana in Managua. The questionnaire asked for information about previous experience with legal problems, perceived incidence of legal problems, and legal empowerment. Copies of the pre- and post-questionnaires are available upon request from the corresponding author.

To identify the impact of the FJ programme we employ the difference in differences (DiD) methodology. In essence, comparison of control sites pre- and post-intervention tells us what might have been expected to occur in the intervention sites if the FJ programme was not implemented. Comparing this difference to the difference found in intervention sites tells us the impact that the FJ programme had. Initial comparison of treatment and control sites helps us to identify pre-existing differences not attributable to the treatment. Post-intervention comparison is then made to assess the impact of the treatment, taking into account these pre-existing differences. In that way we can isolate the expected effects of the FJ programme from the trends that took place outside the programme and equally impact intervention and control sites. DiD, however, has its limitations. First, it does not tell us how comparable the control and intervention communities are in relation to factors beyond the comparison. Second, it does not account for spill-over effects. Third, DiD assumes that the intervention is uniformly applied across the intervention sites, and so variations that occur due to variations in implementation are not accounted for in a DiD analysis.

## 2.2 Qualitative data

In addition to surveys described above, 36 in-depth qualitative interviews were carried out in 2013 in order to explore more fully the impact of the FJ programme. The sample consisted of 13 individuals from each of the two municipalities that received an intervention who had received FJ services (beneficiaries), five FJs, four OAS staff, six judges, five police staff, and three representatives of civil society organizations (civil society).<sup>14</sup> Beneficiaries were selected through recommendations from the five FJs interviewed, thus they are not necessarily representative of all beneficiaries. For instance, they may be beneficiaries whom the FJ considers to be their best clients, or perhaps those that the FJ considers to be typical of the cases they received. In the control sites where FJs and beneficiaries could not be interviewed, civil society representatives were interviewed to assess access to justice issues. This makes it hard to draw any comparative results between control and intervention municipalities from this subset of the in-depth interviews. The consistent interviewing of judges from all three municipalities is a point of strength.

Qualitative interviews were conducted during the same time period as the post-intervention quantitative questionnaire was being implemented. All interviews were conducted by an associate of the Hague Institute for International Law (HiIL) with excellent local knowledge and connections. However, it is also important to note that care should be taken in the interpretation of these data as this associate did not have significant experience with conducting such qualitative research.<sup>15</sup>

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<sup>14</sup> Table A2 in the Appendix shows the numbers and/or individuals interviewed in each municipality.

<sup>15</sup> Neither qualitative, nor quantitative data collectors were experienced in the collection of data, and consequently, the introduction of bias may not be discounted. This is a particular threat in relation to the qualitative data, where the way questions are asked can influence the answers. There is some evidence of such

### 3 Impact evaluation

One of the primary functions of formal and informal justice institutions is to respond to people's needs for justice and resolve their problems in a fair manner. Everyday, people all around Nicaragua encounter disputes, grievances, and transactions; consume public services; witness violations of their rights; or become victims of crimes. All these cases require just and fair resolutions. A very small proportion of these situations are solved through formal justice processes. The resolution of the rest, however, is contingent on the 'shadow of justice'. A well-functioning legal system provides fair resolutions to most of the existing problems thus allowing people and communities to take advantage of their assets and abilities. In this context, the FJs directly help people solve their legal problems or help them indirectly through securing better access to legal aid and courts.

Availability of free paralegal services is expected first and foremost to impact how individuals and communities experience and handle such problems. First, we expect that better and more accessible dispute resolution will decrease the perceived and experienced occurrence of legal problems. Second, the presence and functioning of FJs is expected to lead to more problems being solved in a fair way. This also means more amicable and comprehensible justice processes. It is expected that the outcomes of such amicable resolutions promote lasting agreements and better relationships between the disputants. Third, impact might be seen in the way problems are solved. Possible impacts here are decreasing costs of justice and faster resolution of disputes. Each of these issues is discussed below, in the structure laid out in Section 1.3 on theory of intervention.

#### 3.1 Prevention (of escalation) of problems

##### *Incidence of problems*

To get a better idea about people's actual experiences with the law we asked the respondents if, in the past 12 months, they had personally encountered situations that might require legal information or assistance. It is important to note that people were asked about problem situations, i.e., dispute with a neighbor, land dispute, purchasing defective goods, etc. All of these situations could have legal but also non-legal solutions. Our interest was to find out what strategies people undertake to solve the problems, what level of fairness they receive and what costs the resolutions incur. From there we wanted to see if there is an impact of the FJ programme on experience with and resolution of problems.

In conformity with findings reported above, the sites where facilitators were to be introduced saw in 2010 a higher proportion of people who report one or more difficulty to resolve issues. The difference is substantial, and statistically significant (Chi square<sup>16</sup>=6.77, Df=1, p=.009). After the FJs became active, there are still more problems reported in the intervention sites than in the control sites, but the difference is much smaller. Moreover, the difference within the intervention/control condition is not statistically significant anymore.

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bias in the transcripts of the interviews conducted, and this is a cause of significant concern which necessitates careful interpretation and triangulation.

<sup>16</sup> Goodness of fit test; Df refers to degrees of freedom; p refers to the significance level.

To test further the hypotheses of DiD, we ran a multivariate binary logistics regression model with experience of problems as dependent variable and pre–post intervention-control conditions and their interaction as independent. This model suggest that only the pre–post condition decreases significantly the likelihood (Wald=42.535,<sup>17</sup> Df=1, p<.00) that a problem will be experienced. The interaction effect is not significant which means that we cannot be reasonably certain that the relative decline of reported problems in the communities with FJs is not due to sampling or measurement errors.

Table 2: Occurrence of legal problems

	Pre- (%)	Post- (%)
Intervention	43.8	23.6
Control	31.3	19.4

Source: Authors.

When people experience legal issues they need formal or informal justice mechanisms to resolve their problems. The resolution rate (the per cent of reported problems that have been resolved) is often used as an indicator of the impact of interventions designed to improve access to justice. The results show that the resolution rate for the intervention sites increases from 2010 to 2013 almost 10 per cent whereas in the control sites there is an increase of three per cent (see Table 3). We should warn, however, that at this level of the analysis the numbers are small. This also affects our abilities to test the hypothesized DiD effect using multivariate models.

It could be that the work of the FJs directly or indirectly affects the resolution of legal problems. The FJs may step in actively in disputes and resolve the issues between the parties. Or, the FJs may assist people to find and use justice mechanisms, which otherwise would be unknown or unreachable. Another indirect contribution may be that FJs assist judges, the police, or the government officials and make their interventions more effective.

Table 3: Proportion of resolved conflicts

	Pre- (%)	Post- (%)
Intervention	31.9	41.7
Control	48.5	45.5

Source: Authors.

### *Perceived incidence of problems*

The respondents from both control and intervention barrios were also asked in the pre- and post-intervention surveys to assess the perceived level of conflict. Two types of conflict situations were addressed; communal and intra-family conflicts. Examples of the former category are disputes between neighbours, unruly behaviour, and excessive noise. Intra-family problems refer to situations like divorce, separation, disputes over maintenance and custody rights, and inheritance. Two types of questions were asked: 1) What is the perceived prevalence of problems, and 2) whether these problems have increased or decreased over the last three years. Both these issues were rated on a five point scale. Low values indicate that the respondent report few problems on the first type of questions or a decrease in problems on

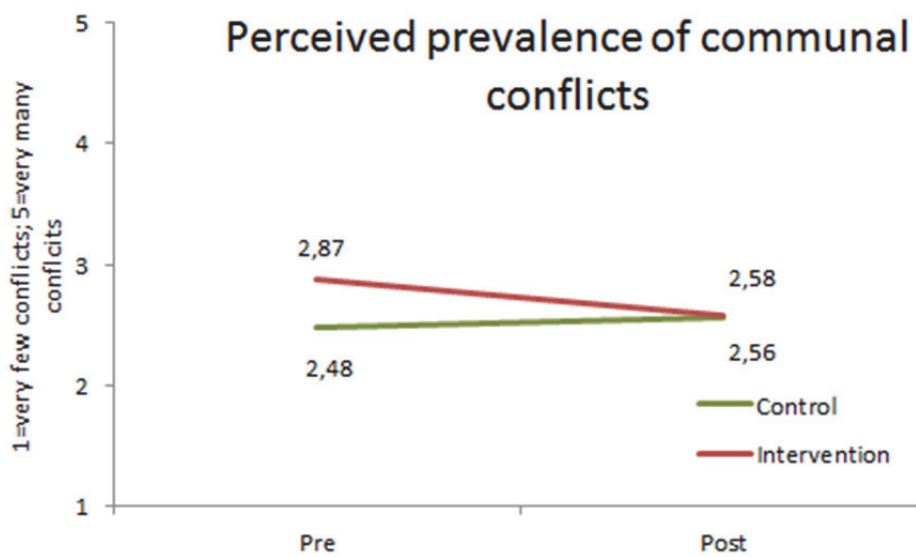
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<sup>17</sup> Wald test is used to determine how significant an explanatory variable in a model is.

the latter. High values have the opposite meaning: High prevalence of problems and an increase of these particular types of problems.

Compared to the control sites, the number of communal problems reported developed in a positive direction in communities where FJs have been deployed. The two control communities (barrios Pedro Joaquin Chamorro and Nuevo Amanecer in municipality Juigalpa) started from fewer reported communal problems ( $M_{pre-control}=2.48$ ;<sup>18</sup>  $M_{pre-intervention}=2.87$ <sup>19</sup>). In 2013, the number of problems reported in communities with and without FJs were almost identical ( $M_{post-control}=2.56$ ;  $M_{post-intervention}=2.58$ ). The multivariate model is statistically significant ( $F=7.98$ ,<sup>20</sup>  $Df=3$ ,  $p<.00$ ) showing significant effects of the intervention condition as well as the interaction between the intervention and pre–post conditions. There is no statistically significant main effect of the pre–post condition.

Figure 1: Prevalence of communal conflicts



Source: Authors.

Next, we asked the respondents about trends: whether the number of communal problems increased or decreased. In 2010 the respondents from the control sites were more likely to have a positive view on the trend in their community ( $M_{pre-control}=2.25$ ;  $M_{pre-intervention}=2.57$ ). After the intervention both control and intervention sides report almost the same trends ( $M_{post-control}=2.59$ ;  $M_{post-intervention}=2.62$ ). Thus, the sites with FJs deployed improved their views on conflict level trends compared to control sites. The multivariate model ( $F=6.64$ ,<sup>21</sup>  $Df=3$ ,  $p<.00$ ) shows that the main effects of the intervention and pre–post condition as well as their interactions are statistically significant.

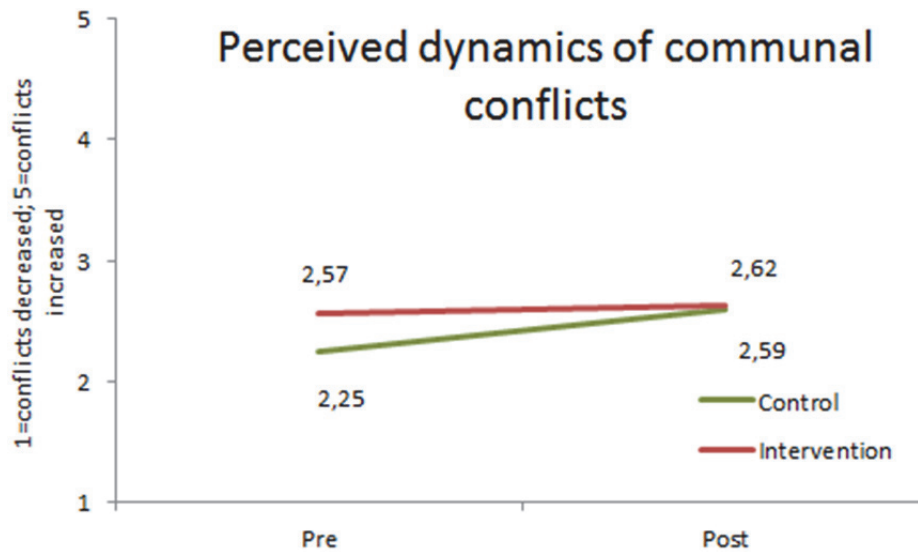
<sup>18</sup> Mean of the control group during pre-intervention study.

<sup>19</sup> Mean of the intervention group during pre-intervention study.

<sup>20</sup> Multi-variate linear regression.

<sup>21</sup> Ibid.

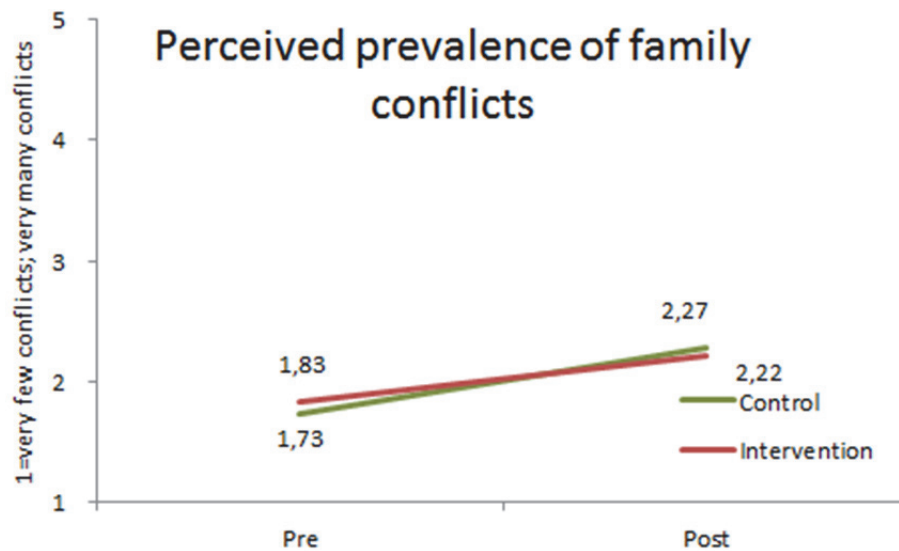
Figure 2: Dynamics of communal conflicts



Source: Authors.

A similar pattern has been found in relation to intra-family conflicts. All communities were rather positive about the number of these conflicts in 2010 ( $M_{pre\_control}=1.73$ ;  $M_{pre\_intervention}=1.83$ ). Three years later in both the intervention and control sites people thought there were more family problems ( $M_{post\_control}=1.73$ ;  $M_{post\_intervention}=1.83$ ). The intervention barrios did slightly better although in the multivariate model ( $F=5.79, 22$  Df=3,  $p=.001$ ) the interaction effect is not statistically significant and we cannot be certain that the difference in difference is not due to sampling or measurement error.

Figure 3: Prevalence of family conflicts



Source: Authors.

<sup>22</sup> Ibid.

The perceived trends in intra-family problems do not reveal significant differences between the sites with FJs and without them. However, the difference between scores in 2010 and 2013 is less negative in intervention sites than in control sites.

### *Prevention of problems*

One of the most desirable impacts of any justice intervention is the prevention of problems and conflicts as well as the prevention of their escalation into more violent modes. We have already seen that the number of problems reported dropped more substantially in the barrios where FJs became active and that there is also a likely effect on the resolution rate. What about severity and escalation into situations of violence?

As prevention is achieved if something does not happen, it is difficult to measure or substantiate it with empirical data. Moreover, FJs are not supposed to intervene in situations of violence. Nevertheless, there are a number of indications that the presence and actions of the FJs contribute to prevention. At the very least, a range of stakeholders from beneficiaries, through police, judges, and the FJs themselves, seem to be convinced that FJs ought to and can prevent conflict and escalation.

Prevention of domestic violence is an example. FJs are barred by law from mediating domestic violence cases and are supposed to leave them to the police. But part of the activities of FJs is aimed at raising awareness of different topics of the law. An interviewed police officer explained that if the judicial facilitator is constantly and consistently conveying to men in his area the message that using violence against women is wrong, unlawful, and will lead to consequences for the perpetrators, the FJ is performing an educational role with a preventive effect:

He is not mediating but he is preventing [bad] things from happening. (Police 2).

More generally, a judge involved in criminal justice confirmed that he has been trying to help FJs internalise that they also have a preventive role:

What is our objective as facilitators? Among others, trying to prevent crimes because the fewer crimes there are the more harmony there is [...] I was explaining a facilitator that he does not need to go after a crime, nor has to go looking for an offence but he can perfectly organize meetings, educational lectures [as part of his role in prevention]. (Criminal judge 3).

Furthermore, while this is beyond the official role, one of the facilitators reported a case where he helped in the detention of a person suspected of sexually abusing his daughters, thus preventing further abuse:

We detained him and now he is in prison. The girls [8 and 10 years old] are being protected by the Ministry of Family [...] We as community leaders need to protect the people. (FJ 4).

When an early and effective intervention is lacking, small problems and disputes can easily escalate. A community leader from barrio Pedro Joaquín Chamorro, one of the



neighbourhoods where no FJs had been appointed yet, explained that due to a lack of locally available dispute resolution mechanisms and the high cost of travelling to the city for that purpose, small neighbour disputes are either quickly forgotten or they become much worse:

[They] remain only with their threats against each other [...] they simply are left to the wind, they become enemies or in a short time start talking back again [...] They are not solved; they could even become enemies forever, for a very long time. (Civil society 2).

Referring to such neighbour problems, a facilitator in another area explained the impact of FJs in such cases:

They are silly problems. Those silly problems can end up in a tragedy or in very serious problems. That is when we act [...]. (FJ 4).

This is also the view of the police officer that was quoted prior. When asked what people would do to solve their problems, he explained that if there were not any FJs to help, small conflicts tend to worsen:

If they [FJs] wouldn't exist then those problems would become crimes. (Police 2).

A civil court judge stated that she was convinced that the FJs have made an impact in preventing escalation of conflicts:

The facilitator prevents people from making justice in their own way, because people can be very aggressive and the facilitator always needs to be mediating. [...] The facilitator has an impact, they influence for people to prefer dialogue and peace. I think that before there were more fights in the neighbourhoods, more fights between neighbours, and they used to end up in tragedies. I think that that has diminished. Problems in neighbourhoods have lowered because the facilitators are there: They are there where we cannot be, we cannot reach those places because we don't have enough time. (Civil judge 1).

Evidence for the impression that facilitators are successful in preventing escalation is also found in interviews with beneficiaries. A party to a gossip-conflict between two neighbours which was successfully mediated by an FJ, praised the FJ stating that:

She has done a good job because she has prevented us from making problems bigger. [Without the FJs intervention] it would have continued and it would have been worse because by now we would be in a trial [...] any one of us could go to jail. (Beneficiary 4).

The mother of a party to a domestic violence conflict explained:

Well, for me the strength of a judicial facilitator is preventing, preventing tragedies. Preventing death and aggression. (Beneficiary 12).

### *Discussion*

People from the intervention barrios report less communal and intra-family problems compared to the control barrios. They also see less increase in communal problems between the pre- and post-intervention studies. Similarly, we see that the reported incidence of legal problems decreases more in the intervention sites than in the control sites. We believe that part of this change can be attributed to the presence of the FJs. Their mission is to help people handle justice problems through dispute resolution or referral to justice institutions. Clearly many beneficiaries shared during the in-depth interviews that the FJs helped them by offering more understandable justice processes. Because of the assistance they received, the beneficiaries feel more empowered in their interactions with the authorities. It is relatively easy to see the impact that the FJ programme has on the people who directly benefit from the services of the FJs.

It is more difficult to explain the relationship between the intervention and its impact at community level. In fact, only one respondent to the post-survey in the intervention barrios said that a problem was referred to a facilitator. The FJ programme does not reach people randomly. There is significant amount of self-selection effect that takes place. Only those who need them and are particularly determined to solve their legal problems ever go to see a FJ. The FJ intervention is not a massive programme which pro-actively reaches out directly to significant part of the community. How it is possible then to affect the perceived and experienced legal problems at a community level?

First, the fact that the FJs are there to help with disputes and problems might be encouraging people to think that if a problem with legal implications occurs, there will be someone available to help them solve it. We did not find significant impact of the intervention on the perceived legal empowerment but the relationship might be less straightforward. Second, with their work the facilitators prevent problems from escalating. This means every time they resolve an issue there are fewer complications. Research provides ample evidence that unresolved legal problems trigger other problems. For instance, unfair dismissal might lead to housing and debt problems, family breakdown, etc. Thus the accessibility to justice mechanism decreases the overall number of problems in the community. Third, the FJs support justice institutions, and notably the courts, to provide better services. This might be increasing the feeling of protection and security among the communities where the FJ programme is operational.

### **3.2 More amicable solutions**

One of the key aspects of mediated agreements is that they are acceptable to both parties, and consequently, have a better chance of being upheld without the use of any compulsion. One of the ways in which this can be examined is by looking at how the fairness of solutions was rated by individuals who used non-adjudication dispute resolution mechanisms. Although this question was asked to all respondents in the pre- and post-surveys, there were not enough people who used alternative dispute resolution. Therefore we cannot test this hypothesis.

There is qualitative evidence, however, that the programme has an impact on enabling more amicable solutions in processes that are based on communication, characterized by being 'friendly' or 'pleasant' with minimal quarrels among the parties, and leading to an agreed (rather than imposed) outcome, which also has a greater potential to be stable. The interviews with FJs and others make it quite clear that a friendly-negotiated solution that can last long is the result the FJs aim for when they attempt to mediate.

We act and we give them a bit of a coaching talk and we tell them: 'Look, you need to be in peace with your neighbour that is what a neighbour is there for, neighbours are not there to be fighting with, they are there to have a plentiful life, to live in peace.' (FJ 4).

We have a number of examples of beneficiaries that have solved their problems through amicable processes and solutions that have developed a sense of 'communitarian consciousness':

He [the FJ] called us for a meeting for us to reach an agreement. He said it was not necessary to go so far, that we are there for each other, that we are comrades, that we are neighbours, that we live here in the community, that we should look after one another [...]. (Beneficiary 5).

[The FJ] made him [the other party] see that I am a person who does not look for trouble with anybody [...]. So he said that this should be solved amicably [...]. Fortunately, he agreed and said that yes, he sent his apologies, asked for forgiveness, and said that this should not happen again. (Beneficiary 10).

The atmosphere is also a friendly one. After mentioning the FJ's ability to convince, the interviewer asked a beneficiary whether the FJ had to use a high tone of voice. The beneficiary clarified:

No, no, no. Speaking, speaking, friendly. (Beneficiary 7).

Another beneficiary went out of her way to describe the FJ's pleasant manner of handling the matter:

He is efficient. He does not make anyone his enemy. He has no enemies because he does everything with love, with affection, saying: 'We are friends, we know each other, we are neighbours, let's not do this again, let's change to support each other, we are here for that.' That is how he does it. (Beneficiary 10).

Other examples of FJs finding amicable solutions to the satisfaction of the parties:

The facilitator told us that people should look at us as sisters. [...] She told us that if we wanted to reach an agreement then we would have to sign a small paper with her. She helped us and told us that neither she nor I should be making trouble, that we should leave behind the gossiping (cuechería), because that is nothing else but tittle-tattle. So, we agreed. [...] I went to her, and since then we have the agreement that “Neither she nor I” (Beneficiary 4).

I feel completely rewarded because I didn't need to go to the police, to be confronted there with the other person, to pay a bail and all those things. We 'signed a mediation', he was called to mediate, and he agreed on not attacking me again. (Beneficiary 10).

We spoke to her and we reached an agreement regarding what were we going to do. She agreed on tying up her animals and I agreed on having my fence closed for the animals not to bother me. Since then we haven't had any problem with her. We did the mediation and we avoided going to [the court in] Jinotega to solve the problem there. (Beneficiary 8).

### **3.3 Greater trust**

Ideally, positive experiences with 'the system' increase people's trust in it. For instance, if people feel listened to, they may appreciate this and even become more confident that their problems can be solved in fair way. Insofar as the FJs are not seen just as private individuals but also as part of the judiciary, or at least 'someone from the system', i.e., positive experiences with the FJ may also (indirectly) increase trust in the judiciary.

There is some circumstantial evidence that this happened. We have found evidence that people care and appreciate the attention they get from the FJ:

Yes, I am happy with the job she does because no matter how many times one goes looking for her, even if she works, as soon as she is free, she gives attention to the one who visits her, helping, welcoming. (Beneficiary 4).

Even if this assistance stops short of actually leading to a solution of a problem, showing empathy to people with justice needs can have an impact by and of itself. It makes the experience a positive one for them.

He did not solve it, but he did listen to me. The other did not even have the decency of listening to me. (Police 2, quoting from memory an experience of a beneficiary from a rural area with a FJ).

There is also evidence to suggest that FJs are perceived as positive figures of authority, leaving a good impression on beneficiaries, which, in turn, also may contribute to a better perception of the judiciary. An interesting example is a woman, whose dispute was actually not resolved the way she hoped for, yet she nonetheless said:

[...] he has been a role model, an example for the neighbourhood. He has been a person that helps others. (Beneficiary 11).

As the same respondent referred to that facilitator as ‘neighbourhood judiciary’, it is possible that increased trust in the FJs led to increased trust in the judiciary. Judges also acknowledge FJs’ importance for bringing justice and justice institutions closer to the communities:

[...] the facilitator is the best listener, the best voice that we have [...].  
(Criminal judge 3).

There is a process that is getting us closer. Obviously, through the facilitator, there is a closer relationship between the society and the judiciary, or the pursuit of justice. It is vital, it is obvious that it is vital; the only thing we need is to increase it, to give them more tools of knowledge and logistics. (Criminal judge 2).

### *Discussion*

Applying mediation and conciliation techniques, the facilitators succeed in solving disputes in a more amicable and inclusive way. Courts, police, public offices, and informal justice tribunals can solve problems but their rigid processes also can affect negatively relationships and attitudes. It is well known that less participatory modes of dispute resolution such as adjudication or administrative review might aggravate the relationships between the disputing parties even if the underlying problem is formally solved. The FJs are informal agents who apply different methods to promote dispute resolution. It is important that they are respected and authoritative members of the local community. The qualitative data supports the assumption that the solutions reached through FJs are reached through communication and discussion, rather than through arbitration methods. Accordingly, we consider that the FJs are more likely than alternative mechanisms to provide a method of dispute resolution that results in resolutions achieved in consensus and accepted by the parties.

Although difficult to measure, the effects of the amicable resolutions are hypothesized to affect individual and community well-being. Voluntary accepted resolutions of disputes are implemented at lower costs because the parties are more co-operative. They help avoid further problems because the disputants agree with the process and its outcomes. People who follow facilitative processes have more trust in the provider of dispute resolution. As the FJs are seen as a bridge between the community and the justice institutions, we could expect that part of the trust goes to courts, police, and other authorities that deal with peoples’ conflicts. Trust building is a slow and non-linear process but we can expect that that the FJ programme will increase the trust in justice and the judiciary in communities where the FJs are active.

Changes in levels of trust in conflict resolution methods were evaluated using only qualitative data. We have only limited evidence of increased trust in conflict resolution systems as a result of the FJ intervention beyond the increased number of amicable solutions. What we do see, complementary to the amicable solutions, is appreciation of the methods used by the FJs

in solving their problems. The methods that are explicitly appreciated by the beneficiaries are active listening, an open and welcoming approach, and the linking of behaviours to social and community roles. The use of these methods, particularly effective listening and welcoming, are likely to increase trust in the method as a whole, as they contribute to a positive evaluation of the procedural justice of the dispute resolution processes (Klaming and Giesen 2008).

### **3.4 Reduced costs**

In Nicaragua, as in many other places, the costs of justice constitute a major hurdle for many people. One of the assumptions of the FJ programme is that it reduces the costs of access to justice for beneficiaries. The FJs perform their role on a voluntary basis. The beneficiaries receive services; information, advice, representation, or actual resolution of disputes free of charge. Additionally, whereas distance can constitute an obstacle for accessing justice, the services of the FJs (except for accompanying people to other justice sector institutions) are provided on site; right there in the neighbourhood. In this way, the beneficiaries save travel costs and travel time (which constitutes opportunity costs) that they would have otherwise incurred.

In the survey, the clients were asked to identify one or more important barriers to resolution of their conflicts. We found no effect of the presence of FJs on costs being mentioned as an important barrier to dispute resolution, or the time spent on resolving disputes. It may be that the presence of facilitators reduces costs or time spent, but that is still seen as an important barrier to solving problems.

What we did find is that the individuals who experienced a problem more often report costs as one of the most important barriers to resolution in 2013 compared to 2010 (Wald = 11.390,  $p=0.001$ ). This indicates that either the costs of solving a problem increased, or ability to pay decreased. Our data does not indicate which of these possibilities reflect reality, however, as the interview data indicates the costs of access to justice in Nicaragua can be high. In 2013, respondents were less likely to report time spent on resolving disputes as such a barrier to resolution (Wald = 22.749,  $p<0.001$ ). These effects are replicated across both the intervention and control sites, and so may well be due to a third, external, factor.

In the majority of the in-depth interviews, the issue of the costs of justice also arose.

Despite the quantitative data showing no change in the incidence of costs being an important barrier to access to justice, in the interviews, facilitators, judges, and members of civil society, all saw costs as a serious issue.

[Interviewer:] What obstacles do people encounter while accessing justice when they have a problem? [Interviewee:] Well, justice is expensive. Even if there is a constitutional decree stating that justice should be free you know that if there is no money nothing can be done here. If there is no money, there is no justice. If you want to file a claim, present charges, you need to go to a lawyer for him to draft the claim, or the necessary documents, and that has a price. (Civil society 2).

How am I going to pay for a lawyer? They earn excessively and sometimes they don't even handle the case for their client. Right? (Beneficiary 6).

Facilitators, too, are well aware of this difficulty:

Well, access to justice, at least in Nicaragua, is expensive. While going to a lawyer, sometimes, the first thing they ask for is money, they say: 'You will give me 3,000 pesos.' That is only the initial fee afterwards they charge more, and more, and more, and more, and more and there is nothing to do about it. Sometimes for an ID card: 'You will pay me 3,500 to see how we could help you to obtain this ID card.' The same for a birth certificate. So it is very expensive. (FJ 1).

Moreover, they clearly realise that one of their advantages in the eyes of the beneficiaries is the reduced (or even eliminated) cost, and they tend to assume this is indeed a major impact of their presence in their communities as alternative paths to justice:

They [beneficiaries of the FJ programme] will not spend money on the bus ticket, they won't waste their time and the authorities won't lose their time and energy on matters that could end up in a trial and you know how much a trial costs at the courthouse! In criminal matters, the offended party looks for a lawyer and the person sued also needs to look for a lawyer. All those are expenses for the family. [...] Just by getting on the bus to go to the courthouse they are already losing money. They stop working for a day; they can't do their domestic tasks. (FJ 5).

Beyond the belief in the actual occurrence of this impact, in some cases FJs were even capable of quantifying it:

[if I failed to mediate it]... a case like that would cost at least 2,000, per case, 2,000 or 3,000 per case, because the person needs to pay a lawyer, need to pay for paper supplies. (FJ 4).

Other stakeholders, such as policemen or leading figures in the communities, are also convinced that the possibility to solve disputes inside the neighbourhood with the help of FJs reduces costs:

Normally, always when you get out of the neighbourhood you need to incur in expenses like the taxi, the time that takes coming here, then going to the Mediation Centre [...]. (Police 5).

[Solving things inside the neighbourhood...] is the most convenient because people avoid costs, losing time, the financial impact and they are solved right there. (Civil society 2).

[... if the facilitators] wouldn't exist then those problems would become crimes. [...] They would have to go to trial and that would be equal to time, expenses, and money. (Police 2).

Finally, but not least important: As well as other stakeholders, beneficiaries themselves also confirm that the introduction of FJs had such an impact on costs:

[Interviewer:] OK, do you think it is important to have a judicial facilitator?  
[Interviewee:] It is important because when a person cannot go directly to a lawyer, because a lawyer charges for advice, then it is really important. (Beneficiary 3).

[Interviewer:] OK, how do you value the service of the judicial facilitator?  
[Interviewee:] Of course it is important because, as I said, we avoid making expenses, monetary expenses, because before mediating was more expensive because we had to go to Jinotega. (Beneficiary 8).

If we went to a trial it would be worse because we would spend money and we wouldn't reach any agreement. (Beneficiary 4).

Additionally, the answers given by many interviewees when asked what people could do to solve their problems if there were not any judicial facilitators available, is quite telling. People were able to state all kinds of alternatives (with answers ranging from lawyer, to police, legal aid, mediation centres, to courts) but then they often attached the reservation that these alternatives are more costly.

### *Discussion*

The FJ programme aims to make justice more affordable for the people who need it. Due to budgetary restrictions both pre- and post-surveys had limited sample sizes. As a consequence, the number of respondents who reported a problem and the incurred costs of dispute resolution were not sufficient to detect effects even if there are such in the general population. Therefore this impact has been corroborated exclusively from qualitative data.

FJs are volunteers and do not collect fees from their clients. They are also located in the communities and thus are easy to reach; the physical distance is minimal. Because of the specifics of the programme, FJs often work from their homes which means that they are reachable even when the official institutions are closed for business. FJs work in a very informal way, which inevitably affects the amount of stress that people experience when they use their services. All these aspects of the FJ programme make it clear how the beneficiaries



save monetary, opportunity, and stress costs. It should be noted that perhaps when compared with the rural FJs, the cost reductions in the urban areas are more modest. In rural areas people are significantly more isolated from legal services. Therefore in the villages the FJs are perhaps saving significantly more costs for the people who need justice. Nevertheless, there is no doubt that the programme is saving different types of cost of justice for the beneficiaries from urban areas.

### **3.5 Increased knowledge and empowerment**

#### *Knowledge of laws*

Greater knowledge about law and justice is another of the anticipated impacts of the FJ programme. However, there is no indication from the survey data that the level of knowledge increased in the intervention sites. Respondents were asked how much they knew about laws and accessing the justice system. The intervention locations started with a much lower level of knowledge than the control locations ( $F=14.983$ ,  $df=1$ ,  $p<0.000$ ). The level of knowledge dropped somewhat in the control locations, but not significantly. So this difference may be due to chance, or there was a general reduction in the level of knowledge regarding laws and access to justice in Nicaragua, whereas the FJ interventions prevented this reduction in their sites.

#### *Legal empowerment*

Legal empowerment here refers to the ability of individuals to solve their legal problems. This was evaluated using the perspectives of individuals in qualitative interviews as well as measuring of Subjective Legal Empowerment (SLE) (Gramatikov and Porter 2011). SLE measures perceived ability to solve legal problems; that is how able and confident respondents feel to solve potential future conflicts. It is anticipated that due to the presence of FJs people may feel protected and more able to use legal mechanisms to solve their problems, and thus more able and confident that they will be able to solve future problems.

Overall, SLE ratings increased between the pre- and post-measures. However, SLE ratings improved more in control communities than they did in FJ communities (see Figure 4). This is counter to the anticipated effect, but can be explained by two different hypotheses. First, other legal empowerment activities were taking place in the control communities, and these produced the large change that is seen. We do not have a comprehensive index of all empowerment programmes taking place in Nicaragua at this time, but it is not expected that there would be any significantly different activities taking place in the control sites and not in the FJ sites. The second hypothesis is that the lower starting level of SLE in the control communities gave room for a much larger rise over time. This second hypothesis is discussed further below.

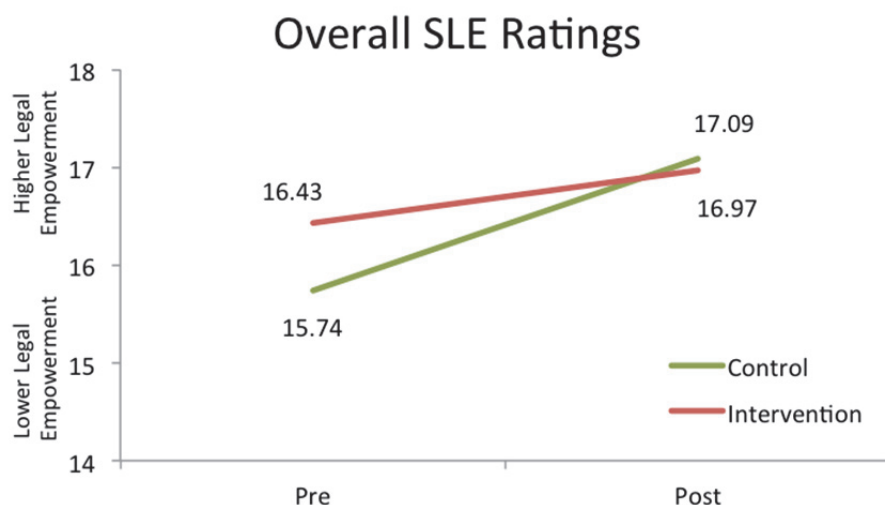
When we dig deeper into specific legal domain (for instance domestic violence, employment problems, etc.) we find that the overall increase is present in the majority of domains for respondents in the intervention sites and for all domains in the control sites. We also find, using DiD analysis, that although there is a significant effect of the pre/post condition, there is no effect of intervention condition on SLE ratings.<sup>23</sup> Accordingly, we conclude that the FJ

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<sup>23</sup> When the Pre–Post condition and Intervention/Control conditions were entered as independent variables, with SLE ratings as dependent variables, the Pre–Post condition of the measure was the only significant predictor in

intervention had no significant impact upon legal empowerment that was detected in the quantitative data.

Figure 4: SLE ratings



Source: Authors.

What is also clear is that the intervention sites started with a significantly higher level of SLE overall than the control sites ( $t=1.993$ ,<sup>24</sup>  $df=478$ ,  $p=0.047$ ), but ended with non-significantly different levels ( $t=-0.423$ ,  $df=998$ ,  $p=0.672$ ). This indicates that the control groups actually ‘caught up’ on a prior deficit in relation to legal empowerment compared to intervention sites. shows the differences in mean pre- and post-scores for both the intervention and control sites. In two domains (domestic violence and neighbour problems), there was no significant change in the intervention sites scores. In these domains, the control group showed a significant increase in SLE in relation to neighbour disputes, but no significant change in relation to domestic violence.

Table 4: Differences in SLE ratings

Domain	Mean difference in SLE ratings (Pre–Post)			
	Intervention Group (standard errors in brackets)	p-value	Control Group (SE)	p-value
Violent crime	0.296 (0.082)	.000	0.388 (0.129)	.003
Domestic violence	-0.127 (0.077)	.098	0.015 (0.120)	.901
Employment	0.283 (0.074)	.000	0.505 (0.107)	.000
Neighbour	-0.094 (0.071)	.183	0.228 (0.107)	.034
Property	0.190 (0.072)	.009	0.239 (0.118)	.043
Overall SLE index	0.547 (0.239)	.022	1.357 (0.390)	.001

Source: Authors

relation to overall SLE ( $p<0.000$ ), property ( $p=0.002$ ), employment ( $p<0.000$ ) and violent crime ( $p<0.000$ ), while neither of the independent variables were predictors in relation to domestic violence, and only the interaction between the Pre–Post condition and the intervention/control condition was a significant predictor in relation to neighbour disputes.

<sup>24</sup> Test for difference of means of independent samples.

On the one hand, the control group has a significant improvement in SLE scores in four of the five domains, as well as overall. The intervention group, on the other hand, has a significant improvement in SLE scores in only three of the five domains, although they also have a significantly higher overall SLE rating.

These results are difficult to interpret. The initially high starting point for SLE ratings in the intervention compared to control groups, although difficult to explain, may well account for the smaller improvement of FJ sites in comparison with control sites. As mentioned, there have been many activities in Nicaragua aimed at improving legal empowerment, and it is possible that these other interventions were more focussed on those areas with no FJ presence (indeed, possibly because there was no FJ presence). However, it is not possible in this paper to examine in depth the relationships between different situations or conditions and the variations in legal empowerment demonstrated here.

In the qualitative data, evidence for improvements in legal empowerment, are found in examples such as the following:

[Interviewee:] [...] People are becoming aware that they need to give notice instead of taking action themselves. For example, one day we did an evaluation in a neighbourhood. There were three guys and one of them threatened a guy with a broken bottle, he was going to hurt him. This guy instead of fighting back went to the police, so we see that he did not look for a confrontation but for a way of mediating conflicts. No violence anymore. [Interviewer:] Do you think that this empowerment has come due to the judicial facilitators? [Interviewee:] Correct, yes. People start realizing that attention is being given to them and that they have a place where to go to expose their problems, they don't confront with violence. [...] So citizens look for justice to solve their problems. (Police 3).

As in the survey, the qualitative data does not support the idea that legal empowerment has increased due to the introduction of FJs alone, but does provide us with some indication that the FJs have positively influenced legal empowerment levels. An example of this possibly shared impact can more explicitly be evidenced in the following quote:

[Interviewee:] [...] before the existence of the Public Legal Aid Office in Juigalpa and before the appointment of the facilitators, I had a fixed amount of alimony claims here. Since the Legal Aid Office and the facilitators are working, the amount of alimony claims in the two Civil Courts has quadrupled. As far as I know, this also happened in the Courtroom of Dra. Hernandez. (Civil judge 1).

Overall, out of the collected data it can be inferred that the respondents know who to address when they have a problem, they are aware of the existing governmental institutions that can give solutions to their problems, they have basic knowledge about the law, and they know in a general way their rights. Moreover, they have reached a higher level of legal empowerment. However, legal empowerment is an attribute that many campaigns and efforts from different

actors (both governmental and non-governmental) may have influenced. Indeed, we see the impact across both intervention and control sites, and isolating the impact made by FJs is not possible at this stage.

### *Simple processes*

Simplicity is a key distinguishing feature of how FJs are supposed to solve problems at the community level. Their presence can be expected to make it easier to begin a process that will bring resolution to the existing justice need, and to make this process more straightforward and understandable. Before the appointment of FJs, people would typically perceive the path to justice as too difficult and complicated.

Consider for example the following quote from a criminal law judge, when he was explaining the importance of FJs by way of describing the difficulties that people typically have when facilitators are not available:

[... People] think: 'I will go to Court but if the judge is busy she cannot help me [... ].'(Criminal judge 3).

Or:

I go to the police. I file an accusation and the police officer will tell me that I have to bring I don't know how many witnesses and if the investigator is busy... Do you get my point? (Criminal judge 3).

The risk the interviewed judge is referring to is that people with a justice need might feel defeated before even starting the procedure, just because things seem difficult or overly complicated, not worthy of action. Even worse is the situation of people who simply do not know what action to take, as everything seems complicated and discouraging. Complexity of processes is a serious barrier to justice and the FJs reduce it for their constituencies.

The availability of FJs improved the situation of such people, who can now access justice much more easily, among other things because it is free, but it is also simple to go to a FJ and ask for help. For someone with a problem, setting things in motion has become as simple as making a phone call to the facilitator or going to his or her house. There is no need to formally file a complaint, submit evidence, or summon witnesses. Moreover, mediation as carried out by FJs is a rather simple process: The FJ invites the other party, this is typically followed by just one meeting to resolve the dispute, the results of which, if successful, are recorded in a very short and simple written agreement.

When asked about the impact of FJs, beneficiaries are more inclined to mention things like the reduced costs of justice, and the enhanced amicability, but their answers certainly give support to the view that they also feel a difference in terms of the simplicity of the paths to justice, and that they do appreciate the fact that getting on a path to justice, as well as actually traveling it, have really become simpler.

### *Role of the facilitator*

We asked the respondents to consider ten hypothetical community problems and assess how many of these problems will be solved by different means; alone by the respondent, by public authorities, by FJs, or will not be solved at all. During the post-intervention survey the respondents from the intervention sites say that about three per cent of every 10 community problems would potentially be solved by FJs. In the area of family problems, the respondents from the intervention sites say that out of 10 problems about 2.4 per cent will be solved by a FJ. Three per cent of the community problems does not seem to be a particularly large market share, but the programme is in its early stages and only a proportion of the population experiences an actual problem each year, so many of the answers are given on the basis of experiences from earlier years or on the basis of intuition or hearsay. Moreover, the survey results reveal some other interesting trends.

Parties to a conflict handling problems directly using their own actions decreases in intervention sites and increases in control sites ( $F=3.63$ ,  $df=3$ ,  $p=.012$ ). The interaction effect in this model only just exceeds the conventional level of statistical significance ( $F=3.7$ ,  $p=.054$ ), suggesting that a combination of intervention and time could have an effect on the outcome. A possible interpretation of the finding is that people's needs to solve problems on their own decreased as a result of the availability of FJs who are providing remedies for problems.

It is also possible that FJs are seen as part of the public authorities, or make it more likely that a problem is solved by public authorities. In the intervention sites, the proportion of problems expected to be solved by public authorities increases, whereas in control sites fewer interviewees say in 2013 that community problems will be solved by public authorities ( $F=3.17$ ,  $df=3$ ,  $p=.023$ ). The interaction effect of this model is statistically significant ( $F=8.88$ ,  $p=.003$ ), which implies true difference in the differences between intervention and control sites, while accounting for the differences in the initial scores. In the presence of facilitators, the people may become more confident that problems can be solved by official institutions instead through self-help strategies.

Although not many people from the intervention communities think about FJs when they consider the resolution of legal problems, interviewed judges and police officers often reported feeling helped by FJs. They refer to the number of disputes that are resolved by FJs thus eliminating a need for the police or the courts to intervene. It is clear that this is a result that judges expect from the programme:

Judges are never nearby, because we [the judges] are out of reach of the people, the only one who is twenty four hours on duty is the judicial facilitator. [...] When we are here [in the courtroom] they are outside selling seafood. But afterwards, they go in the afternoon to solve conflicts there. (Civil judge 1)

If we [the facilitators] supported by the judge] did a hundred civil mediations per year that would mean that the court would have hundred less cases. This is convenient for us [courts] as an institution. (Civil judge 3).

A FJ brings forward a similar point:

My work as a facilitator will eventually lead to less congestion in the [formal] judicial system, because these are small things that can and should be solved between the parties. (FJ 5).

Some of the interviewed stakeholders are quite convinced that the work of the FJs affects positively their ability to bring justice to their constituencies. As stated by a police officer: '[The facilitators] have become a great help for us. Not only for us but also for the judiciary because with their actions the workload is reduced a bit. For example, those little cases which are very easy to solve just by talking with the people involved.' (Police 1).

The facilitator [...] eliminated so much of my work, the number of claims was reduced and [...] That has helped us a lot. (Police 2).

And by judges:

For me they are a great support because they have solved lots of cases that should have come here [... especially] alimony and debts. (Civil judge 2).

Another judge noticed this impact, but expected it to develop even more:

Obviously there is less work because every case that is solved through mediation is one case less here, but is still very little. (Civil Judge 3).

There is one finding that points in another direction, however. It relates to the number of individuals who reported that they tried to solve their problems, rather than just doing nothing about it (lumping). A binary logistic regression shows that people in both control and intervention sites were less likely to take active steps after the FJs were deployed (Wald = 78.837,  $p < 0.000$ ).<sup>25</sup> As this happened in both control and intervention sites, it indicates that an external factor may be at work here. It is difficult to imagine how the presence of FJs would positively dissuade individuals from addressing their problems in the manner that they used before (such as approaching directly).

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<sup>25</sup> Logistic regression whether respondents did something or nothing as the dependent variable, and the pre/post condition and the intervention/control condition entered as independent variables. The pre/post condition significantly affected the dependent variable.

### 3.6 Gender equality

Finally, an objective of the FJ programme is to increase the levels of gender equality in the intervention groups. It is difficult to measure precisely gender equality. However, one aspect which can be looked at is the rates of violence against women. Respondents were asked how many of every 10 women they knew, did they think had experienced violence in the last 12 months. Table 5 shows the significant model that is found with the pre/post and intervention conditions. This shows us that there has been a significant drop in the perceived prevalence of violence against women between the pre- and post-timeperiods in both intervention and control locations, from a mean of 25 in every 100 women, to just 18 in every 100 women.

Given that the intervention condition and interaction are not significant in this model, it is likely that this drop is due to an external factor. In particular, in June 2012, the highly publicised Comprehensive Law against Violence towards Women (Law 779) was passed in Nicaragua.<sup>26</sup> This law is very well recognised and is regarded as being effective in reducing violence against women.

Table 5: Perceived experience of domestic violence

Item	Df	Mean Square	F	p-value
Complete Model	3	59.488	10.902	.000
Pre/Post	1	0.026	0.005	.945
Intervention/Control	1	156.967	28.765	.000
Pre/Post and Intervention/Control Interaction	1	2.323	0.426	.514

Source: Authors.

The impact that the FJ's programme has had on gender equality cannot be immediately inferred from the qualitative interviews. However, what can be seen is that FJs have adopted an educational role seeking a change in mentality and social patterns towards violence against women, an important aspect to achieve gender equality. Their constant efforts increase awareness on women's rights issues and educate society. FJ are speaking up, explaining laws, and actively joining sensitization campaigns. As it can be seen in the following examples, FJs have not forgotten to engage men while fighting violence against women:

[...] I give a lot of advice to women regarding how they should defend themselves. I tell them the reasons why they shouldn't be bearing domestic violence, or why they shouldn't bear being under the shoes of their husbands. I give them constant advice. I also try advising men. I ask them not to get mad at me because it is not me who says so, there is a law that states so. They laugh and say: 'With Doña Victoria all men will end up in jail.' It is not exactly like that, that is why I need to talk to them on time. I tell them that they should not be machistas against women. I speak with them and they listen while joking. (Judicial Facilitator 3).

<sup>26</sup> See <http://www.asamblea.gob.ni/Informacion%20Legislativa>, accessed 15 August 2013.

[Interviewer:] Do the judicial facilitators have a role in solving domestic violence issues? [Interviewee]: From an educational point of view because we agree with the law now: physiological or physical violence cannot be mediated. But if the judicial facilitator is constantly saying: ‘Men do not hit women because the law...’ it is a matter of education, empowerment that you were mentioning. It is true; he is not mediating but he is preventing things from happening. (Police 3).

## **4 Drivers of success of the Facilitadores Judiciales programme**

In this section, we extend the discussion of the empirical findings from the impact evaluation. Our analytical framework in the preceding sections was informed by the theory of the intervention. Besides the impact of the programme on access to justice we will review the drivers of success. Our main interest is to analyse the factors that contribute to or impede the programme’s success. Thus impacts and drivers of success are tightly interlinked. The former are isolated positive effects of the FJ programme experienced by the individuals and communities where the programme operates. Drivers of success are our understandings about the factors that underlie the impacts. Such factors will be sought in five areas: Timing of the programme; role of local context; aid modalities; local ownership; and programme design. As we have already discussed above, the existing evidence shows a mixed picture as it comes to specific impacts. Some of the expected impacts can be observed and substantiated. Other areas were not detected by our research approaches and tools. The overall programme, however, has been considered a success. Particularly, the first stage that covered rural areas has been assessed positively (see (Kokke et al. 2010)). Several countries from the region have already initiated their own versions. Acknowledging the discrepancy between identifiable impacts and perceptions of success we discuss the drivers from a critical perspective.

### **4.1 Timing**

The FJ’s programme has only been operational in urban areas of Nicaragua since 2009, so it is at an early stage of implementation. Taking into account the initial period of recruitment and training the period of evaluation effectively covers just over two years of implementation. Considering the dynamics of the FJ programme in rural areas, it would be expected that the longer the programme is implemented the more visible and measurable its impact will become. Like other similar social interventions, the FJ programme’s success is contingent on the ability of the facilitators to reach out to the communities and gain trust. It takes time for the people to see the FJs as a trusted source of advice, representation, and dispute resolution, as well as for FJs to build experience and to develop better strategies for helping clients with their legal problems and justice needs.

It should be noted that the piloting of the FJ programme in Nicaragua follows a specific pattern. It has been first piloted in rural areas where a combination of factors strengthen its effect and impact (see below for the role of the local context). Inevitably there are numerous challenges associated with rolling out the programme in urban and sub-urban communities. Building gradually upon the success of the previous stage is an important driver for success. Having the successful examples from the rural phase of the programme provided valuable lessons about the potential of access to justice interventions in Nicaragua. This sequencing



also secures commitment from the important stakeholders in the programme. There is also a feeling of achievement and worthiness among those who worked for or benefited from the programme.

## **4.2 Role of local context**

Part of the success of the FJ's programme in the rural areas relies on the characteristics of the communities in which it is implemented. In rural communities social cohesion is considerably stronger than in the urban communities. The informal authority of the facilitators is considered to play a significant role in their ability to gain trust and impose authority on the disputants. As Kokke and Vuskovitch (2012) point out, many of the facilitators in the rural communities were actually local indigenous leaders. In some of the isolated communities in the north of Nicaragua, local judges were relying even before the programme on the help of community leaders to reach out to their constituency. When the programme started in 1998, the Supreme Court and the OAS deliberately were looking to appoint such leaders as FJs.

In contrast, the needs for paralegal services in the urban areas are less pronounced. The social ties in the cities are much fuzzier. The urban environment promotes anonymity and less social coherence. For instance, the urban barrio of Zona 6 in Ciudad Sandino had a population of more than 6,000 in 2010. Social authority in such settings is rare and the FJs can benefit much less. Respect is a mechanism which is essential for the ability of the facilitators to ensure more access to justice. Stronger social bonds in small communities promote development and concentration of respect. The FJs are more visible and recognisable in smaller communities. There are more informal communication channels that can disseminate information about the role and value of the FJs.

In urban areas the facilitators need to make greater efforts to convene people for sessions, to build up strong trust relationships, and simply to be known by the inhabitants of their barrios. These social and community factors place a limitation on the impact that can be expected of the urban FJs. As will be discussed below, in general the people from the urban areas face fewer barriers to justice than those from the rural communities. This means that the facilitators working in urban areas are competing directly with other public and non-public providers of services that have to do with dispute resolution.

Everything else being equal, a villager who has to travel several hours to the nearest court or police station will experience more value from the services of a FJ than someone who has to travel half an hour in the same city. Hence, from users' perspective a facilitator working in an isolated village is much more valuable resource. Even if they provide identical services in the urban settings some of the problems might present less legal complexity. There are fewer inhabitants, thus communication between informal authorities and people from the community is easier, and individuals feel respect and appreciation towards communitarian leaders. Visibility is also of paramount importance to the work of FJs. In urban areas, gaining recognition as an FJ, and making community members aware of the existence and role of a FJ, is much more difficult than in rural areas. The higher population, combined with the more limited social links between community members, mean that FJs in urban areas can be expected to need much longer to develop awareness of their role in the population as a whole. This visibility is also hampered by a lack of clear identification tools (such as t-shirts, FJ ID

cards, caps, bags, etc.), or advertising that would help to spread knowledge of their work, role, and location.

In sub-urban and urban settings the communities have fewer mechanisms for informal dispute resolution. They might be living closer to courts and police stations but the specifics of urban life make it more difficult to solve disputes. This is particularly true for low-value high-volume disputes. Given the lack of strong social norms and harmony-seeking mechanisms, there is even greater need for the services of FJs in urban areas. Some of the interviewed stakeholders pointed out to how easily disputes might evolve. In such circumstances the facilitators might provide valuable services to the disputants and the whole community. It takes time, however, to build reputation and gain the trust in communities in which informal authority is less coherent concept.

### **4.3 Aid modalities**

Like many social interventions, the FJ programme varies at the level of the service providers. Some facilitators are better than others, some help a lot of people and others barely see clients. Education, training, communal respect inevitably vary between the FJs. In an ideal programme and study design, all facilitators will deliver a standard level of services. Personal level factors could be used to control for this effect, or a large sample gathered to ensure their equal distribution. However, in this particular study, it was not possible to gather sufficient personal level factors, or to have a large enough sample of FJs. These differences are likely to be the cause of some of the variation in impacts. The drive, commitment, and willingness of each FJ determine how successful the programme is in a community. Effective FJs organize meetings, participate in awareness campaigns, and have better communication with the judiciary. Such facilitators have stronger contact with and enjoy more respect from the people. We see clear evidence in the in-depth interviews that some FJs do much more than look at the legal side of the problems. Others are less willing to go beyond the official programme rules.

All these differences affect the impact caused by the particular facilitators. The data analysis discussed above does not control for such effects. In some barrios there are 10–15 facilitators. Our survey data is aggregated at barrio level. These personal level differences are well visible, however, in the qualitative data. Future research, both quantitative and qualitative, should better account for this source of variation.

Differences in judges' attitudes and performance can affect the impact of the programme just as the individual differences between FJs. Judges select, train, and maintain contact with the FJs. Personal drive, commitment, and involvement play an important role here as well. Judges who do not see the benefit of the programme are less likely to select FJs carefully and train them to do the job properly. Such judges communicate less with the FJs. Judges are a key element of the programme and their active participation can be directly connected to the level of motivation of the FJs. Again, the design of our quantitative tool does not control for the individual effect of judges attitudes and performance. Therefore the quantitative measures of the impact present an aggregated outline which omits important source of variation in the FJ programme.

#### **4.4 Programme design**

The FJ programme does not operate in isolation. Throughout Nicaragua, there are governmental and non-governmental programmes being simultaneously implemented that are aimed at the same broad objectives as the FJ programme: Access to justice; legal empowerment; and alleviation of poverty. This co-occurrence makes it extremely complicated to determine which initiative or programme achieved which impact and to what extent. A clear example of this interference is the promulgation of the Law 779.<sup>27</sup> The issuances of this law and the subsequent promotion campaigns have had a remarkable impact on the Nicaraguan population. Therefore, the lack of impact of FJ on gender equality must be interpreted with this contextual information in mind. It is outside the scope of this paper to list all the programmes that may have had an impact on FJ objectives in the relevant time period. However, the significant number of changes which are noted in both intervention and control groups in the quantitative data (such as increasing levels of SLE) cannot be attributed to the FJ programme.

The work carried out by FJs in the intervention sites might be effecting, as a positive externality, the situation in control sites despite the fact that these are not directly involved in the programme. Such a weakening of the quasi-experimental design is particularly likely to happen in urban communities and particularly communities with a lot of mobility. FJs working in one area can help residents of another area. We do not know how often such situations occur. This might explain to a certain extent why control sites tend to present in the post-intervention survey an improvement on many variables despite the absence of FJs in their barrios. Limited evidence has been found of the existence of a spill-over effect in the qualitative interviews but, nevertheless, it can be expected that the influence of a FJ in a barrio exceeds its boundaries and reaches neighbouring communities. Especially it has to be taken into account that FJs are not serving well defined and static jurisdictions. They tend to give advice to people who go looking for them in their working places, which are sometimes outside their own barrios, and interact with people that do not necessarily live in the same barrios where they live and operate as FJs.

Considerable part of the success and growth of the FJ programme should be attributed to its simple and thrift design. Since the facilitators act on voluntary basis the main expenses of the programme are recruitment, training, and overhead. Over time significant economies of scale can be achieved to ensure that the programme becomes even more cost-effective. Undoubtedly, the inexpensive nature of the programme is an important factor for securing local ownership and support.

#### **4.5 Local ownership**

Officially the FJ programme was initiated by the OAS but since its very beginning there have been very strong support and involvement by the Nicaraguan Supreme Court. In fact, the informal roots of the programme go back to the practices of local judges to engage community leaders in their attempts to reach out to difficult to remote communities. Often some of these leaders were community elders used to solve disputes. In that way, the judges and afterwards the programme strived to integrate informal norms and procedures into the official justice processes.

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<sup>27</sup> See Nicaragua Law 779: Integral Law Against Violence Against Women

Since 1998, the OAS has strived to build local ownership for the programme. In 2010 the programme was transformed into the organizational structure of the Supreme Court. Amendments in several legislative acts aim to formalise the role of the FJs in the Nicaraguan judiciary. After years of external funding, nowadays part of the budget comes from the Nicaraguan judiciary. The lesson learned is that gaining local ownership is a long process. In the case of the FJ programme, it included early involvement of the judiciary, building upon existing practices, piloting in areas where demand is most acute, and constant focus on the unmet justice needs of the Nicaraguan people.

Securing local ownership also involved liaising with a broad coalition of actors. Local judges were considered to be the most important allies of the programme but approaches were made to other stakeholders. Higher courts, police, local authorities, and social services are some of the institutions that were targeted.

## **5 Conclusion**

A sober and realistic picture emerges from the impact assessment of the expansion of the FJ programme into urban communities of Nicaragua. Our study finds that the presence of facilitators decreases the perceived level of intra-community conflicts. In the urban communities where facilitators were active the people experienced sharper decrease of serious legal problems. The pre- and post-cross-sectional surveys, however, did not identify a couple of impacts that were expected. Qualitative interviews with paralegals, beneficiaries, police officers and local authorities provide less robust indications of impact. Decreased costs of obtaining justice, easier navigation through the justice system, and increased self-confidence in own abilities to deal with problems are the most important programme benefits. We interpret the fact that qualitative measures detect more effects in three ways: 1) The FJ programme needs longer time to get recognised and experienced in the communities; 2) the skills, abilities, and energies of the individual paralegals vary and thus affect the value that their clients receive; and 3) access to justice interventions are not massive programmes; they target people who experience serious and difficult to resolve problems. Examples of such issues are land disputes, domestic violence and aggravated family problems.

Building on these findings, we consider the case for scaling-up the programme to other countries. The FJ programme has already been scaled-up significantly in Nicaragua since its inception in 1998. Initially launched in rural areas of Nicaragua, the FJ programme has been scaled up to include urban areas in 2009, and in 2013 it has been further expanded to include all municipalities of the country. In addition, it has been piloted to varying degrees throughout Latin America, with FJ programmes now operating in Argentina, Guatemala, Honduras, Nicaragua, Panama, and Paraguay. An FJ programme is currently under consideration in both El Salvador and Costa Rica. These processes of scaling-up build upon the positive experiences in Nicaragua, as well as the lessons learned. It should also be noted that a considerable amount of knowledge has been accumulated since 1998. Subsequent implementations of the programme can benefit tremendously from the existing experiences and methods.

There is a large body of evidence regarding the ability for the FJ programme to be scaled-up beyond the borders of Nicaragua and even Latin America. However, there are characteristics that we believe may have a significant impact on existing and future follow-up programmes.

The institutional arrangement affects the success and sustainability of the FJ programme. The experience from Nicaragua provides ample evidence about the crucial importance of a genuine embracement by the judiciary. Organizational and personal commitment to the values of the FJ programme is a key factor for success. Moreover, the experience shows that judges alone cannot make it a success; involvement of all relevant stakeholders is needed. It is critical that the programme is seen as beneficial by a broad range of actors—local authorities, police officers, bar members, judges, and community leaders.

Furthermore, the success of the facilitators is largely dependent on their ability to gain trust from the local community and use social authority to intervene in people's justice needs. Their work is more effective in smaller communities, where the bonds between the individuals and community are stronger. Various barriers to justice make the presence of FJs in remote and isolated communities more valuable for their beneficiaries. Scaling-up of the programme should consider careful selection and sequencing of intervention sites. The Nicaraguan experience shows how important it is that the programme commences in places where it is needed the most.

In conclusion, the impact evaluation of the FJ programme in Nicaragua demonstrates the value of evidence-based approaches to justice intervention but also the challenges of such assessments. Numerous recommendations for further research could be formulated. First, the time period of two years is too short for a programme which relies on a process of building trust and informal authority. The facilitators need time to settle in their communities and respond to the ensuing needs for justice. Second, this particular intervention is far from homogeneous. A valid and reliable measure will make it possible to control for the qualities of the individual facilitators. Third, an important lesson is that a paralegal problem is targeting serious but relatively rare events. Methodologically, this means that the impacts of such programmes can be better identified at individual rather than at communal level. Our recommendation for further research is to identify effects comparing beneficiaries to non-beneficiaries.

Lastly, further research should look deeper into the drivers for success. Understanding how such factors work and interact with the surrounding social and legal culture is crucial for the replication and scaling-up of every programme. With that respect some of the identified drivers of success of the FJ programme in Nicaragua provide salient indication of how to implement similar programmes in other countries.

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## Appendix

Table A1: In-depth interviews

Interviewee	Area / neighborhood / location
Beneficiary 1	Motastepe Norte
Beneficiary 2	Carlos Rizo / Phase 2
Beneficiary 3	Carlos Rizo / Phase 1
Beneficiary 4	Carlos Rizo / Phase 2
Beneficiary 5	La Fundadora
Beneficiary 6	Jinotega
Beneficiary 7	Carlos Rizo / Phase 2
Beneficiary 8	La Fundadora
Beneficiary 9	Zona 6
Beneficiary 10	Zona 6 – Ciudad Sandino
Beneficiary 11	Motastepe Norte - I
Beneficiary 12	Zona 6
Beneficiary 13	Motastepe Norte
FJ 1	Carlos Rizo
FJ 2	La Fundadora
FJ 3	Carlos Rizo
FJ 4	Zona 6
FJ 5	Matagalpa
Civil judge 1	Juigalpa
Civil judge 2	Ciudad Sandino
Civil judge 3	Jinotega
Criminal judge 1	Jinotega
Criminal judge 2	Ciudad Sandino
Criminal judge 3	Juigalpa
Police 1 Group interview with Departmental Chief, the Public Security Chief and the Jefe de Sector and Green Areas)	Jinotega
Police 2 (Public Security Chief)	Ciudad Sandino
Police 3 (Public Security Chief)	Juigalpa
Police 4 (Jefe de Sector )	Juigalpa
Police 5 (Jefe de Sector de la)	Zona 7
Civil society 1 (Womens rights promoter)	Pedro Joaquín Chamorro
Civil society 2 (Political secretary of the Sandinista party)	Pedro Joaquín Chamorro, Zone 2
Civil society 3 (Citizens' power committee)	Nuevo Amanecer
OAS 1 (Technical advisor)	On the road to La Fundadora, Jinotega
OAS 2 (Responsible for the judicial facilitators' program in Nicaragua)	
OAS 3 (Technical departmental advisor)	Ciudad Sandino
OAS 4 (Technical departmental advisor)	

Source: Authors.

Table A2: Qualitative interviews

Municipality	Beneficiaries	FJs	OAS management	Civil judges	Criminal judges	Police	Civil society
Ciudad Sandino	5	3	N/A <sup>28</sup>	1	1	1	0
Jinotega	8	2	N/A	1	1	1 (three officers interviewed together)	0
Juigalpa	N/A <sup>29</sup>	N/A	N/A	1	1	3	3
Totals	13	5	4	3	3	5	3

Source: Authors.

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<sup>28</sup> OAS staff members were interviewed in Managua where they work.

<sup>29</sup> Juigalpa is the control municipality hence no interviews with FJs and beneficiaries were conducted there.