



USAID Strengthening Labor Justice CAFTA-DR Program

CONTRACT No. DFD-I-03-04-00175-00

Quarterly Report

January 1st – March 31st, 2012



JUDICIAL AUTHORITIES FROM HONDURAS AND GUATEMALA SIGN HISTORIC COOPERATION AGREEMENT TO IMPLEMENT PROGRAM-INNOVATED LABOR MANAGEMENT MODEL

APRIL 2012

This report was written by Management Sciences for Development, Inc. for review by the United States Agency for International Development.

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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Executive Summary

COMPONENT 1: ELECTRONIC CASE TRACKING SYSTEM

The Program has designed, improved and implemented the electronic tracking system at labor courts of Guatemala, El Salvador, Costa Rica and Dominican Republic. Activities concluded during this quarter in Nicaragua, Costa Rica, and in El Salvador's Public Labor Defense Office. The Program accomplished the following activities under this component:

- **El Salvador:** Implementation of SGTL3 began in courts of Sonsonate, San Miguel and Santa Tecla.
- **Honduras:** Development of the case tracking system began in Honduras.

COMPONENT 2: RAISING LABOR JUSTICE PROFESSIONAL STANDARDS

- **El Salvador:** The Judicial Master's Degree program continues.

COMPONENT 3: PROCESS STREAMLINING

- **Nicaragua:** Project equipped hearing and conciliation courts in 5 (five) universities.

PLANNED ACTIVITIES FOR NEXT QUARTER:

- Complete SGTL3 development and implementation in El Salvador.
- Inauguration of the Labor General Secretariat in Dominican Republic.
- Complete SIJGEGA development.

Component I: Electronic Case Tracking System

Result 1.1: Electronic Case Tracking and Judicial Management Systems in thirty-three (33) courts in five (5) of CAFTA-DR signatory countries.

Judicial Management

Electronic case tracking and judicial management systems allow courts to resolve cases efficiently and provide the needed information for labor-law areas to undergo reform.

Dominican Republic



Magistrate Domingo Gil, training administrative personnel of the new Labor General Secretariat

During the reporting period, case-file digitalization process concluded for three first instance courts and for the court of appeals of Santiago de los Caballeros. Following this process, all new cases admitted by the Labor General Secretariat will be digitalized, eliminating the photocopy process of documents and files, which takes up to 2 hours depending on the type of request and on the location of requested files.

Training was provided to administrative personnel with the objective of building understanding about the operative units that make up the new Labor General Secretariat. The training was based on a simulated labor process, from the presentation of the demand to delivering the judge's sentence to the worker. The activity was conducted at the

Escuela Nacional de la Judicatura (Judicature National School) with the assistance of Court's Labor Appellation Magistrate, Domingo Gil and administrative staff of the criminal jurisdiction, who already work under a General Secretariat, implemented some years ago. The training was carried out in two sessions (February 20-24 and March 5-9).

The labor Supreme Plus has been completed and is currently under implementation in Santiago de los Caballeros. To that effect, USAID's Program will provide assistance, until April, to technical personnel assigned to solving difficulties encountered during implementation. In Dominican Republic, the Judicial Power's IT personnel are already fully capable of managing the system, meaning that they are qualified to provide system maintenance and respond to users' inquiries and concerns.

During the reporting period, civil works of the Labor General Secretariat have almost completed, and only a few adjustments are expected to be made in April.

El Salvador



Labor Notifications Supervisor at San Salvador's CJI (Integrated Justice Center)

While SGTL3's implementation started during the reporting period January 1 – March 31, 2012, proper functioning of SGTL2 in San Salvador continued to receive support and reports to be generated by the system are being developed. By the end of March, progress on programming reported was as follows: Sentence execution system had an average 70% progress; the SGTL3 system for unicellular courts reported 38% progress; Erick López's statistics report was of 95% progress; the user's manual on application of substantiation execution reported 40% progress; and the execution manual for the seizure office reported 60% average progress.

SGTL3 Implementation

By the end of March, SGTL3 development reported 38% overall progress. Regarding its implementation, 30% progress was reported for San Miguel's Labor Court; 30% progress for Sonsonate's Labor Court; and 20% progress for Santa Tecla's Labor Court. There was a delay on the adaptation of reception of demands from SGTL2 to SGTL3 unicellular court reception, for which alternatives were planned with management auxiliaries. The implementation's first phase was planned to begin during the third week of March; nevertheless, due to programmers' delays, it took place during the last week of March. Additionally, setbacks were reported on the development of the tracking process, hearings, and other applications, all of which are now scheduled for completion by the beginning of May, hence reasonably postponing the training.

Accordingly, the first phase of SGTL3 installation, allowing demand information management, started the last week of March. A personal computer was installed as server in each court; the next phase will be implemented during the second week of April (following Easter vacation) starting off with training activities on tracking and reports, and on CNJ's (Judicature National Council) books under SGTL2 bases since SGTL3 is still under development. The third phase, installing the next part of SGTL3, will be carried out by the first week of May, and system training activities for unicellular will continue while incorporating acquired knowledge of SGTL2 to SGTL3.

The implementation's first phase presented a setback due to the lack of network infrastructure in the courts of Sonsonate and Santa Tecla, reason for which the PC-server configuration was only possible in the court of San Miguel.

In Sonsonate, five network points including the judge's and the secretary are pending but the rest of the network points are already cabled. .

Updating from SGTL2 to SGTL3 in the labor court of Santa Ana

A visit to Santa Ana's labor court was conducted and a meeting with Judge Ángela de Alberto was held to relay advantages of the management system, upon which she authorized installation of SGTL3's latest version. Training on SGTL3's implementation started on March 19 at MSD's office located in Santa Elena by court's collaborator Saúl Duarte. During the visit to Santa Ana's court MSD held individual meetings with the secretary, notifier, and collaborators, in particular court collaborator Saúl Duarte in order to review the system's status and collect staff feedback on the system. It was found that both the telephone plant and computer donated and installed by the program were not functioning. The case load confirmed 212 cases entered in the Court Management System in 2011, and that 32 cases entered in

2012. Many court collaborators have negative points of view towards the system and don't have the expected cooperative attitude when uploading information to the system. It seems that a conflictive working atmosphere dominates at the court.

One of MSD's commitments is to provide courts with technical assistance; therefore, to address the above problems, the Program first notified the Supreme Court of Justice about the malfunction of the telephone plant and of the computer. In view that the Court did not give a timely response, MSD proceeded with the repairs acknowledging that efficient operation of this equipment is essential for the effectiveness of courts.

With regards to the negative attitude of some court collaborators towards the system, the Program has provided courts' staff with a series of trainings on organizational climate and SGTI awareness.

Hearing Courtrooms and Audio and Video Recording System

Sonsonate

Due to poor image quality and excessive compression time required by the video, new cards and branded Pinnecl, have been acquired for contractor Comunicaciones Globales to replace the previous cards. At the Integrated Justice Center in San Salvador, the new cards were installed in computers of 10 hearings courtrooms. MSD supervised the adjustment processes for cameras, multiviewer and capture software for courtrooms, pursuing the best possible image capture results using Pinnacle video cards. A reliable 90% configuration was accomplished in courtroom No. 14, where the only limiting factor was color definition, being unable to meet minimum required parameters. Nonetheless, angle and focus reached maximum possible parameter qualifications.

Santa Tecla

Installation of video recording cameras started at the court in Santa Tecla. The location was inspected and in coordination with staff of the firm Comunicaciones Globales, a program sub-contractor, appropriate spots for camera installations were assigned taking into consideration lighting and other factors. It is expected that Comunicaciones Globales (contractor) will be providing acceptable image quality in Santa Tecla's court by mid April.



Hearings Courtroom at labor Court of San Miguel

San Miguel

Conditions of the hearings courtroom in San Miguel underwent verifications. Internal and external illumination problems were detected, a condition directly affecting the light-sensitive cameras. To solve the problem and improve internal illumination, it was agreed that an extra line of lamps will be placed and windows

will be polarized to control excess light in the courtroom. Also, Cameras will be placed on the wall in a position preventing a direct angle towards the window

Subsequently, installation of video and audio recording equipment began in San Miguel’s labor court. However, when MSD’s team revised the equipment’s operation through audio and video sample recordings, resulting images were of lower quality than those at the Integrated Justice Center due to the fact that Supreme Court engineers lack the required experience. MSD was unable to improve quality; therefore, registration of a sample hearing was taken and a DVD was burnt with the sample recording for MSD records.

Guatemala

A presentation on electronic notifications and case-files was delivered in plenary session to the Supreme Court of Justice. Following the presentation, an inter-institutional agreement between the Supreme Court of Justice and the Ministry of Labor was signed in January, approving electronic notification as well as reception of demands in digital forms. Once the agreement was formalized, trainings conducted jointly with the Supreme Court of Justice were reinforced. During the reporting period, electronic notification trainings was provided to judicial auxiliaries of courts.



Moment while the first electronic notification on labor matters takes place in Guatemala

In February, one of the most outstanding advances of the technical assistance provided to the Labor Justice Center was the delivery of the first electronic notification to the Ministry of Labor, following the tryout period. The event is considered a milestone, since it is the first communication act of a labor justice procedural document in the history of Guatemala’s judicial system. The Program’s effort focused on facilitating effective joint work between the Judicial Organ and the Ministry of Labor on the subject of making labor processes more efficient.

As a result of the project’s strong relationships with judicial authorities in the region, a cooperation agreement was signed between in March by judicial authorities from Guatemala and Honduras. where The mutual commitment of support laid the groundwork for the transfer of both technology and know-how comprising the Case Tracking System from Guatemala to Honduras. The system is currently being adapted in Honduras to fit the different operating environment.

Honduras



Screen of the Case Management Systems' main menu now under development in Honduras

In January, equipment for the development of the Information Management System was procured and the complimentary technical working team (process management) was selected and contracted. In addition, the structure for the information management system, as well as its modules, database and main requirements were appropriately defined. Development got underway with a database functional model, a configuration for the development server, and a flow chart of the information system’s baseline work.

In February the project’s progress validation technical

commission was conformed. Work included creation of the administrative modules on admission entries registration, safety protocol, system's business logic, system's graphic interface and applications development, programming languages, and database management. Finally usage cases for functionalities of modules 2 and 3 were designed.

In March, work was accomplished in the development of modules 2, 3, 4 and 5, and usage cases for the rest of the application were established. Also, hardware supportive technologies for the system under development were defined. At last, a system's demo version was obtained for users' guide. Correspondence between requirements and developments achieved was verified by process engineers at time of writing.

The Judicial Case Management System project's development for the Labor Court of Tegucigalpa reported a 70% progress. The system's design phase has ended and the project is currently in the development phase of required utilities. Software is expected to be ready for in-field testing in April 2012, and by the end of April a BETA VERSION will be ready for trial at the Court.

In May, the project will under-go in-depth validation to include updating of the application for full improvement where necessary and final steps prior to and timely delivery by the end of May as previously committed to by the program.

At the same time, 5 hearing courtrooms, equipped by the Program and operating under the SIJGECA system (Judicial Case Management System) will commence functions, a valuable achievement complementary of the information system.

Result 1.2: Electronic case tracking, case management and jurisprudence system implemented in appellate courts and Supreme Court chambers in at least 3 CAFTA-DR countries

Dominican Republic

Improvements suggested by Joseline Cuello, Webcasting Coordinator of the Dominican Judicial Documentation and Information Center (CENDIJD) were considered. Suggestions included improving login functionality and user's FAQ section of the home page. These improvements are expected to be in operation by early April.

During implementation of the first version of the indexation system, the project worked with a series of local sentences denominated "historic". . Subsequently, modifications were introduced to the database, improving the system while enabling its online operation. In this respect, the Documentation Center requested technical assistance to undergo a process allowing sentences worked with during the first system version to be available online. To this effect, an algorithm was developed facilitating data migration from the "historic sentences" and at the same obtaining a consolidated total of all sentences.

Honduras

After the Indexation System's inauguration in December 2011 and during the reporting quarter, technical assistance was provided to the Documentation Center for the realization of certain operational modifications. These modifications included new commands for submitting analyzed sentences to quality control, incorporating visual adjustments and better inquiry (or user's FAQ) sections), all with the objective of improving the software.

Component 2: Raising Judicial Labor System's Standards

The CAFTA-DR Program works closely with legal institutions, courts and law schools to improve training on labor law for judges and other system operators.

Result 2.1: Master's Degree Program in Judicial Studies, Designed and Implemented in at least two CAFTA-DR Signatory Countries

El Salvador

During the reporting period the Program provided continued support to the Master's degree program, through the placement of international professors to deliver courses. Between January and February, Helena Alviar imparted the subject "National Justice and Market Integration". Likewise, between February and March, Conrado Hubner taught the subject "Constitutionalization of Contemporary Law" and currently, Luis María Palma is conducting the "Research I Tutorial Course" (research project). In the next quarter, the subject "Research II Tutorial Course" (Writing and Validation of Modules Initial and Continued Reform) will be imparted by Luis María Palma.

Component 3: Procedural Streamlining

Result 3.3.1: Technical Assistance to universities and/or NGOs to carry out legal research related to labor law, and provide training on alternative dispute resolution and on oral hearings.

Nicaragua

As part of the assistance being given to strengthen education on conciliation and oral trial techniques, the Project will equip hearing and conciliation courts in the following 5 universities:

- UENIC – Universidad Evangélica de Nicaragua (Managua)
- UACH – Universidad Autónoma de Chinandega (Chinandega)
- UNAN-Managua, Universidad Nacional de Nicaragua (Managua)
- UNN – Universidad Nicaragüense del Norte (Matagalpa)
- UNEH- Universidad Nicaragüense de Estudios Humanísticos (Jinotepe)

During the reporting period, furniture, audio and video recording equipment were installed in hearing and conciliation courtrooms. This allowed direct feedback for the teaching of oral trial techniques and conciliation on labor matters.



Hearing courtroom at Nicaragua's UENIC. (Universidad Evangélica de Nicaragua)

ANNEX 1: LIST OF TRAINING ACTIVITIES

DETAIL OF TRAINING EVENTS January-March 2012

				Participants' classification													
Country	Date	Event	Consultant/Speaker	Gender	Magistrates	Judges	Judicial Organ Employees	Public Defenders	Lawyers	Judicial Collaborator	Teachers	Technical Personnel	Attorneys	Students Public Defense Office	Others	Subtotal	Total
GUA	Jan. 09-2012	Training on notifications and electronic file	Juan Luis de la Roca	H		7	4									11	32
				M		9	12										
GUA	Jan 17-2012	Planning of the II Congress of Labor Courts of Central America in Guatemala	Juan Luis de la Roca	H		14										14	26
				M		12										12	
GUA	Jan. 19-2012	Training on notifications and electronic file	Juan Luis de la Roca	H			2									2	8
				M			6									6	
GUA	Jan 20-2012	Criteria Unification Meeting for the Central American Congress of Labor Courts 2012	Juan Luis de la Roca	H		1	12									12	28
				M			16									16	
GUA	Jan 26-2012	Working meeting for Application of Oral Trial Techniques in Recording Systems	Juan Luis de la Roca	H		3										3	7
				M		4										4	
GUA	February 02-2012	Working meeting for Application of Oral Trial Techniques in Recording Systems	Juan Luis de la Roca	H		7										7	12
				M		5										5	
GUA	February	Working	Juan Luis de la Roca	H											7	7	8

DETAIL OF TRAINING EVENTS January-March 2012

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	8-2012	meeting with Ministry of Labor on Electronic Notification		M											1	1	
GUA	February 9- 2012	Working meeting with judges on Electronic Notification	Juan Luis de la Roca	H		6									1	7	12
				M		5										5	
GUA	February 17- 2012	Working meeting on Electronic Notification and other subjects of the II Congress of Courts	Juan Luis de la Roca	H		7									3	10	19
				M		9										9	
RD	February 20-24- 2012	Seminar Labor Management Model (Group 1)	Kilsis Gonzalez	H												0	14
				M		11		3								14	
RD	February 20- 2012	Seminar Labor Management Model (Group 1)	Kilsis Gonzalez	H											1	1	4
				M		2									1	3	
RD	February 21-24- 2012	Workshop on Labor Management Model	Kilsis Gonzalez	H		1										1	6
				M		5										5	
					0	62	52	0	3	0	0	0	0	0	14	176	176

ANNEX 2: SECOND LABOR COURTS SUMMIT

Lidia Thelma Espinosa Molina Hernández
MAGISTRADA PRESIDENTA DEL ORGANISMO JUDICIAL
Y DE LA CORTE SUPREMA DE JUSTICIA



Guatemala, 21 de febrero de 2012
Oficio-PRESI-60-ri/am

Señora
Rosa María Colorado
Gerente de Proyectos Regionales
Agencia de los Estados Unidos para el Desarrollo Internacional (USAID)
El Salvador
Su Despacho

Respetable Señora Colorado:

Atentamente me dirijo a usted con el propósito de manifestarle que hemos contado con el apoyo de USAID en el mejoramiento de la justicia laboral y de los estándares laborales. Dentro de ese marco, el Programa USAID ofreció financiar el II Encuentro de Salas Laborales de Centro América y el Caribe, el cual se había planificado realizar la última semana de mayo de 2012, lo que coincide con el "I Congreso Bienal Seguridad Jurídica y Democracia en Iberoamérica"; a celebrarse en España del 21 al 24 de mayo de 2012, por lo que buscamos anticipar el evento para el mes de abril sin embargo, ya está programada en Argentina la "XVI Cumbre Judicial Iberoamericana", por lo que solo contamos con la posibilidad de realizar la actividad del lunes 25 al viernes 29 de junio de 2012. En vista de lo anterior, solicitamos poder contar con el apoyo financiero de USAID para llevar a cabo dicho evento en la nueva fecha propuesta.

Como podrá notar en el documento adjunto, el presupuesto para celebrar el Encuentro en la Ciudad de Antigua Guatemala asciende a treinta mil dólares (\$30,000.00), esperando poder contar con dicho monto para garantizar el éxito del evento y mostrar a las Cortes de la región los avances obtenidos en Guatemala, para el mejoramiento de la justicia laboral y de los estándares laborales en todos los sectores de dicho ramo y mayor acceso a esta rama de la justicia.

Licda. Thelma Esperanza Aldana Hernández
MAGISTRADA PRESIDENTA DEL ORGANISMO JUDICIAL
Y DE LA CORTE SUPREMA DE JUSTICIA



2.

Asimismo, deseo hacer de su conocimiento que gracias a la colaboración brindada por USAID, la Corte Suprema de Justicia ha implementado lo siguiente:

1. Nuevo Modelo de Gestión que reduce el tiempo del trámite del expediente;
2. Sistema de video grabación en las audiencias orales en catorce juzgados de la capital y dos departamentales;
3. Un laboratorio en la Escuela de Estudios Judiciales y un anexo en la ciudad de Chiquimula del departamento de Chiquimula;
4. La notificación electrónica;
5. El expediente electrónico;
6. Coordinación Interinstitucional con el Ministerio de Trabajo y Previsión Social;

Hago propicia la ocasión para reiterar las muestras de mi consideración y estima.

Licenciada Thelma Esperanza Aldana Hernández
Presidenta del Organismo Judicial
y de la Corte Suprema de Justicia

