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STRENGTHENING THE EFFICIENCY AND QUALITY OF THE JUSTICE SYSTEM IN ALBANIA (SEJ III)

Data Collection, Case Management and IT Strategy in Albania

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1. List of abbreviations

CEPEJ	European Commission for Efficiency of Justice
COE	Council of Europe
EC	European Commission
ECHR	European Court of (Convention on) Human Rights
EU	European Union
HJC	High Judicial Council
HJI	High Justice Inspector
HPC	High Prosecutorial Council
MOJ	Ministry of Justice
SoM	School of Magistrates
HC	The High Court
USAID	United States Agency for International Development

2. Methodology, aim and scope (GEORG)

The Council of Europe European Commission for the Efficiency of Justice (CEPEJ) is implementing the third phase of the Action on “Strengthening the Efficiency and Quality of Justice in Albania” (SEJ III) which is part of the programme entitled Horizontal Facility for the Western Balkans and Turkey” (HF II), co-funded by the European Union (EU) and the Council of Europe (CoE).

One of the main priorities of the SEJ III is to assist the High Judicial Council (HJC) to apply the new legislative framework according to the CEPEJ standards and tools. The HJC would like to rely primarily on CEPEJ when drafting specific regulations to implement the new laws. Their current priorities include the preparation of internal court regulations on efficiency and quality; judicial statistics and case management (which will include a future IT Strategy) and implementation of the new scheme for the evaluation of judges.

In this regard, a team of international CEPEJ experts (Julinda Beqiraj, Harold Epineuse and Georg Stawa), supported by the local CEPEJ/SEJ team, conducted an assessment of the current situation and problems related to the collection of judicial statistics with the aim to provide recommendations for a more consistent approach to collecting judicial statistics in line with CEPEJ/SATURN Guidelines and other relevant standards that would be tailor made to the needs of Albania. The final report will address the preparation of guidelines for a unified methodology for the collection of data, support to be provided to the HJC IT/Statistical department, support to the HJC to prepare relevant templates, support for the specification of the new IT system and CMIS, and training of relevant clerks in all levels.

For the purpose of the mission, meetings and workshops were organized with the national beneficiaries specifically, selected HJC members and technical staff that work with judicial statistics, case management and performance evaluation of judges, the CEPEJ correspondent and the representatives of the statistics department of the Ministry of Justice, the High Prosecutorial Council and representatives of the General Prosecution Office and the High Justice Inspector (see agenda attached).

In addition, the Provider met with international partners, USAID/Justice For All Project and in particular EURALIUS, who has a leading role in assisting the HJC, with respect to the establishment of a new case management system ICMIS and an IT Strategy to which inputs have been provided under SEJII and European Union Delegation in order to ensure consistency and complementarity with other EU funded actions supporting the HJC.

The aim was to:

- Participate in the meetings and address issues of “governance” in this area and promote examples of good practices in all areas related including the CMIS, as well ensure consistency and coordination with the Dashboard Regional Project.
- Contribute to this report providing inputs on the areas covered during the mission as listed above.

The Experts’ team has been supported by the SEJ III Action Team, which coordinated the work of the CEPEJ representatives and prepared all necessary background documents and briefing notes.

3. CEPEJ Guidelines on Judicial Statistics¹ (GEORG)

To remind some basic principles to follow, main paragraphs of the CEPEJ Guidelines on Judicial Statistics (GOJUST) may be cited in context:

3.1. General principles

The main aim of judicial statistics is to facilitate the efficient functioning of a judicial system and contribute to the steering of public policies of justice. Therefore judicial statistics should enable policy makers and judicial practitioners to get relevant information on court performance and quality of the judicial system, namely the workload of courts and judges, the necessary duration for handling this workload, the quality of courts' outputs and the amount of human and financial resources to be allocated to the system to resolve the incoming workload.

All data regarding performance and quality of the judicial system should be collected and presented through a compatible and consistent methodology applicable to all the branches and bodies of the judiciary so as to be able to evaluate the efficiency of the means allocated to them.

Each member state should have specific statistical institutional arrangement(s) in order to collect, coordinate, aggregate and process the information from various statistics providers needed for evaluating the functioning and measuring the activity of courts, prosecution services, administrative services within the judicial system and any other bodies with a role in judicial activity.

○ ***Procedures and mechanisms***

Procedures and timeframes should be agreed with the stakeholders for the establishment of a system for regular collection and dissemination of statistical information. A clear allocation of responsibilities and mechanism(s) should be established in advance for addressing general questions, managing the maintenance of the system and solving conflicts regarding the operation of the system as well as the credibility and interpretation of the data collected.

As far as possible, statistical data that has been collected in the past should also be used in future systems to develop time series.

When the competent authority distributes the resources between judicial bodies using benchmarks through statistics, a mechanism of monitoring of the proper application of the rules for collecting, processing and analysing data should be established to guarantee a fair and transparent system.

¹ GOJUST, adopted by the CEPEJ at its 12th plenary meeting, Strasbourg, 10/11 December 2008.

Requests for statistics should not unduly overload court staff but correspond to the needs of the smooth management of the overall judicial system.

Developing IT use in the statistical system should enable to shorten the life cycle for submitting and processing judicial data.

○ **Transparency and accountability of data**

Professionalism and ethics of the persons entrusted with data processing and their independence vis-à-vis other political or administrative bodies or organs as well as private bodies guarantee the accountability of the data. The states should ensure that these persons have the appropriate skills and should guarantee the adequate level of independence so that an accountable and high-quality scientific work can be delivered.

All data collection and analysis should be undertaken in a transparent way. The main results should not only be delivered to all direct stakeholders of justice administration but also to all persons involved in the functioning of the judicial system. The opinions of researchers could be taken into account to improve this mechanism.

Data and their analysis should not be personalised. They should be presented so as to be easily comprehensible in order to contribute to the transparency and acceptance of the whole system by all the persons concerned and guarantee the fairness in the information presented. Complex formulas should be avoided as much as possible.

Public availability of data collected at national level should be ensured, namely through publication on the Internet.

Appropriate steps should be taken by the bodies responsible for collecting and processing judicial statistics in the member states to ensure dialogue with the organisations representing the legal and judicial professions, researchers and, as appropriate, other organisations with an interest in the matter so as to guarantee a broad consensus on the information collected and communicated.

○ **Evaluation of European judicial systems**

Data collection should be organised taking into account as far as possible the CEPEJ Evaluation Scheme so that answers can be provided recurrently to questions put as part of the process of evaluating European judicial systems. Attention should also be paid to the guidance in the Explanatory Note so as to ensure homogeneity of the concepts considered and measurement methods used.

In particular, each member state should make the necessary arrangements that would allow to provide annual input to the corpus of key data of justice in Europe as defined by the CEPEJ (see Appendix II).

3.2. Specific principles

○ Justice budgets

So that state efforts to develop the judicial system can be evaluated, statistical collection and processing should also be organised in such a way as to separate out the budgets for:

- salaries
- legal aid
- computerisation (equipment, investment and maintenance),
- justice expenses,
- investment in new buildings,
- building maintenance, operation and costs,
- training and education for judges as well as for prosecutors.

Judicial data should be collected and processed, as far as possible, in a manner that allows the budgets for operating the courts to be distinguished from those for operating the prosecution service. If the judicial system is organised in such a way that no such differentiation is possible, figures for the number of judges and the number of prosecutors could allow weighting of the statistical results or a system enabling to estimate the budget dedicated to the prosecution system should be set up.

The statistical information should cover both the budgets as approved and the budgets as executed.

○ Human resources

Numbers for judicial personnel (judges, prosecutors, court clerks, etc.) should as far as possible be given in full-time equivalent.

○ Court activity, procedural timeframes and evaluation

The statistical system should enable both at the national level and at the court level to assess the overall length of proceedings according to a sufficiently elaborated typology of cases.

A large part of the cases before the European Court of Human Rights concerns the violation of the "reasonable time" of a proceeding provided for by Article 6 of the European Convention on Human Rights. Given that it is difficult to offer effective solutions for optimum and foreseeable timeframes unless we first have detailed knowledge of the situation, special attention should be paid to information collection on length of proceedings.

In particular, member states should be able to provide information at least on the length of proceeding for the four following cases: litigious divorces, employment dismissals, robberies, intentional homicides (as defined in the Appendix I).

To facilitate applying common solutions at Council of Europe level, a standard methodology should be adopted at the member state level for calculating time frames of court case management. Member states should be in a position to calculate at least the three following ratios: clearance rate, disposition time and efficiency rate, as defined in Appendix I.

○ **Monitoring of breaches of Art. 6 of the ECHR**

Detailed up-to-date statistics in the member states on national cases before the European Court of Human Rights concerning the various rights protected by Article 6 are a key tool for evaluating and managing European Court of Human Rights judgments, in particular for the purpose of remedying situations which breach the convention. The relevant bodies of member states are accordingly invited to maintain statistics in tabular form on national cases concerning Article 6 ECHR so that Court judgments are appropriately executed, and further breaches prevented.

Tables should, in particular, record the number of cases per year:

- notified by the Court
- declared inadmissible by the Court
- ending in a friendly settlement
- ending in a violation finding
- ending in a non-violation finding

and relating at least to:

- breach of the reasonable time requirement
- non-execution of Court decisions.

As far as possible, the tables could likewise cover other rights protected by Article 6 ECHR.

4. Background and areas covered during the mission (JULINDA)

4.1. Reform of the judiciary in Albania

The justice system in Albania has been the subject of constant transformation for the past 30 years. The first major democratic constitutional provisions were approved in 1991. The Albanian Constitution adopted in 1998, changed and improved further provisions on the organization and functioning of the justice system, which aimed at increasing the effectiveness and accountability of the system. Nevertheless, since 1998, the Constitution has been amended four times.²

² Law no. 9675/2007, Law no. 9904/2008, Law no. 88/2012 and Law no. 76/2016.



On the other hand, Albania has embarked on the process of integration into the European Union, a process that requires the consolidation of the rule of law and democracy. Albania was officially recognised by the European Union (EU) as a "potential candidate country" in 2000; a Stabilisation and Association Agreement was successfully agreed and signed on 12 June 2006, and since June 2014 the Republic of Albania is an official candidate for accession to the European Union.

The granting of candidate status was the result of Albania's reform efforts in the previous years and acknowledgement of the EU for the efforts made and the progress achieved on Albania's accession road. The opening of negotiations, however, depends on further concrete and sustainable reforms in Albania. As noted in the European Commission 2014 Progress Report on Albania, the country should focus its efforts into implementing reforms into key priority areas, particularly on public administration and **judicial reform, fight against organized crime and corruption** and the strengthening of protection of fundamental rights.

Against this background, the last constitutional amendments in the field of the judiciary were approved by the Albanian Assembly in July 2016 (referred as the justice reform in Albania) with the aim of correcting the shortcomings due to the lack of coherence of the constitutional and legal regulations (specifically following the 2008 amendments), the high level of corruption in the ranks of judges and prosecutors, low professionalism of judges and prosecutors, lack of efficient mechanisms of control over them, lack of clear division of powers among the bodies governing the justice system, and the disproportional impact of politics on justice.

The constitutional amendments approved in July 2016 affected about one-third of the Constitution and redesigned substantially the Albanian justice system. Following these amendments, around 30 laws were newly adopted or amended, and innovative solutions related to the re-evaluation (vetting) of all sitting judges and prosecutors were introduced.

The reform of the judiciary in Albania was accompanied by fundamental changes to the justice institutions and their respective competencies. The key changes consist of the establishment of new governance bodies of the justice system, such as: the High Judicial Council (HJC), the High Prosecutorial Council (HPC), the High Justice Inspector (HJI) and the Justice Appointments Council (JAC). Several competences previously belonging to the Ministry of Justice (MoJ), one of the beneficiaries of SEJ and SEJ II, have passed to these new institutions. A new judicial map is being considered as part of justice reform which will be under the competence of the new High Judicial Council. The School of Magistrates (SoM) on the other hand, has been vested with additional competences, regarding the initial and continuous training of magistrates, as well as of court chancellors, legal advisors, legal assistants and other judicial staff.

The new institutions have only recently become operative: the HJC and the HPC were established in December 2018; the JAC entrusted with the pre-selection of Constitutional Court candidates and candidates for the position of the HJI also started operating at the

beginning of 2019 (it has an annual mandate, so the JAC 2020 has just started its activities); and the HJI was only established in January 2020.

4.2. Relevant Domestic Law and Practice on judicial statistics in the areas covered during the mission

○ The statistical system

The new legal framework as of July 2016 (Constitution, Articles 147/a and 148/b) stipulates the establishment and management of information technology structures of the courts and prosecution offices by a decision of the Council of Ministers. Part of this decision is the establishment of the Centre for Information Technology (CIT). The CIT would support different IT systems in Albanian Judicial institutions, including for Courts, Prosecutors, HJC, HPC, HJI, the Judicial Archive etc. For the correction of discrepancies and fragmentation of former practices for the maintenance of judicial data, the HJC as the new competent body, will adopt uniform rules and guidelines for the management of judicial data in the future.

The new Law “On the governance institutions of justice system”³ entrusts the HJC with the competence to set out guidelines on keeping judicial statistics and adopt standard rules for the court staff and all users of the courts related to the monitoring and dissemination of judicial data. The HJC will also set out instructions on the use of information technology and the taking of evidence in courts.

Until recently courts were collecting judicial statistical data based on a methodology of classification, which was built and stored in a national agency in charge of information technologies (AKSHI). This agency had approved a table of definition common for all courts which was implemented by the MoJ. Until the establishment of the HJC, the MoJ supervised the unified service of statistics in the justice field through its Directorate for IT and Statistics. This meant that the creation of new entries in the table of definitions needed approval by the MoJ. The objectives of the existing statistical system were to control the judiciary (specifically in respect of the evaluation of judges) rather than to monitor and evaluate the functioning of the court system.

The Case Management System (CMS) in Albania has been based on different IT systems: ARK-IT, ICMIS and CCMIS. Most 1st instance and appeal courts operate with ICMIS; ARK-IT is used in Tirana first instance court and in the Serious Crimes Court of First Instance. CCMIS, the ancestor of ICMIS, is used only in the High Court. In addition to such plurality of systems, a number of CEPEJ fact-finding missions, visits and seminars evidence the lack of homogeneity in data collection and processing due to the fact that the architecture of the system is decentralized rather than centralised: as a consequence, courts seem to use different methodologies for the entry and classifications of cases.

○ Collection of statistics

³ The Law no.115/2016 “On the governance institutions of justice system” (Article 94).



With regard to the collection of statistics, the new legislative package requires that courts of all levels use uniform methods for the collection of data, same classifications of cases, uniform tables of definition for the data, and uniform organisational arrangements of court staff. The interval for the collection of data is to be determined according to their use, e.g. annually for the data collected by the HJC, and quarterly basis/semi-annually for the data collected for internal needs by the courts.

Data standardization initiatives are necessary within the courts and between the courts, and Court Chancellors are in a key position to organize and support such activities.

○ **Data entry and validation**

Data entry is a crucial element for reliable court statistics, however, in most of the courts the CMS is not updated regularly. Data validation, which is a key task aimed at verifying that the value of a data item comes from a given set of acceptable values, takes place on an occasional basis. While the electronic system usually provides some data entry functionalities to avoid mistakes, specific measures are necessary in the context of judicial statistics in Albania.

○ **Data publication and reporting obligations**

Depending on its nature, judicial data can be qualified as data for public use or data for the internal use of courts/institutions.

At the national level, the HJC has the responsibility to publish by the end of June of each year an annual report on the caseload and workload of courts for the previous calendar year. At the court level, activity reports may be published on the internet page of the court at regular intervals, (at least once a year) including appropriate recommendations, tables with court's statistics, performance indicators and graphs. The law sets out additional internal and international reporting obligations regarding the performance of the judiciary affecting the different justice institutions. The table below summarises these obligations.

Responsible provider(s)	Report Name	Purpose	Addressee	Frequency	Rulebook/ guidelines/ standardised format
HJC	Report on caseload and workload of courts	Assessment of court performance	Public; Parliament	Annual report	No

MoJ	Annual Statistical Report	Analysis of Justice System	INSTAT/General public	Annual Report	Yes - Instruction No. 4 dated 15/04/2019
MoJ	CEPEJ eval - country report	Assessment of performance of the judiciary	CEPEJ - CoE	Biennial	No
MoJ	Justice Scoreboard	Assessment of performance of the judiciary	CEPEJ - CoE	Annual	No
Courts/chairman	Report on court personnel and caseload	Assessment of court performance	HJC	Quarterly	Yes - HJC Decision No. 25 dated 7/2/2019 On periodic information provided by Court chairman on court performance
Courts /chancellor	Report on all categories of court cases, workload, timeframes	Standardising the collection and processing of statistics. To fill in the annual statistical report of the MoJ	MoJ	Quarterly	Yes - Instruction No. 4 dated 15/04/2019

Courts	Single judge statistics	Assessment of performance evaluation	HJC - Committee on ethics and performance evaluation	Annual	<p>Yes - HJC Decision No. 264 dated 21/11/2019 On the approval of "The scoring methodology aimed at determining a judge's evaluation grade" and</p> <p>HJC Decision No. 60 dated 30/01/2020 On the adoption of guiding instructions "On filling in the tables with statistical data for the purpose of the ethics and professional evaluation of judges".</p>
Courts/Prosecutor	Reports on corruption and organised crime cases	Assessment of track record for criminal cases	MoJ	Quarterly	Yes - Instruction No. 804/1 dated 23/12/2013 on collection and processing of statistics on corruption and organised crime cases

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5. The preparatory mission on judicial statistics of the justice system in Albania by CEPEJ, January 2017 (HAROLD)

A CEPEJ mission on judicial statistics took place in January 2017 which aim was to identify leverages to improve the collection and reporting of judicial statistics based on an ‘in-depth Assessment Report of the Albanian Justice System’ and a ‘Thematic Report on Judicial Time Management in Albanian courts’ that were published and prepared hand in hand with the project’s beneficiaries at the time.

The mentioned reports included recommendations on how to better address the existing challenges to the effective collection, management and analysis of judicial statistics. Several sessions of the court coaching programme conducted in a sample of courts across Albania, resulted in better understanding of the approach used by the CEPEJ with respect to court management. The knowledge of CEPEJ tools and methodology of court presidents and their staff was improved, in particular CEPEJ SATURN guidelines and indicators. CEPEJ International experts and local consultants then discussed potential projects to tackle priority issues within courts to improve their daily work and with respect to judicial statistics.

The set goals were to:

- improve judicial time management in selected courts of all instances; in particular, help prepare a detailed analysis of the caseload and workload of each court, the clearance rate and disposition time; review the degree of implementation of the SATURN Guidelines on judicial time management in the courts and contribute to preparing court plans for improving case flow management; finally, contribute, as appropriate, to the drafting of the final report on the experience of implementation of SATURN tools in the courts;
- Contribute to a training-the-trainers programme on SATURN tools and their application to beneficiary courts.
- Analyse and provide recommendations to improve the process of collection of judicial statistics; and contribute to the training of staff members of the Albanian institutions responsible for judicial data collection.

As a start, some courts were initially selected to start adapting the CEPEJ SATURN Guidelines to the Albanian context, along with the roll-out of the CEPEJ Court Coaching Programme on SATURN Guidelines to all Albanian courts.

While related activities took place to accomplish all of the above, it has been found at the time that certain recommendations have not yet been implemented by the courts. Especially the ones in relation with the closing of cases in ICMIS system which remains an issue today, impacting directly on the accurate reporting of judicial statistics. The staff was found still not adequately equipped with a full understanding of CEPEJ tools and methodology and using of CEPEJ dashboards at the time. It was reported that despite the IT system in place, the courts were still using a manual collection of all the data, which they subsequently report to the Ministry of Justice, Office of the Statistics, on a quarterly and yearly basis.

As a result, to ensure improvement and concrete results in the field of judicial statistics, SEJ II decided to focus on:

- The support to provide to the judicial authorities and policy makers in order to improve judicial statistics, by pursuing their knowledge and understanding of CEPEJ tools and methodology with suggestions of potential measures for their concrete and effective implementation in particular with one consistent methodology to collect judicial statistics, using IT tools, (CMIS) that incorporate CEPEJ indicators;
- The multiplication of targeted training sessions for the relevant bodies involved in the process of collection and analysis of the judicial statistics, including raising of awareness on the CEPEJ GOJUST guidelines and indicators used for measuring and monitoring the judicial timeliness and efficiency.

In that context, the 2017 missions already reported interesting findings related to the consistency of data collected:

- i) The different methodology and use of existing classifications of cases used in courts;
- ii) The comparison with the data recorded in ICMIS shows that a majority of resolved cases were not “closed” in the electronic system;
- iii) In ICMIS, tables of definitions would differ from one court to another;
- iv) ICMIS was not including a statistical report identical to the Excel file requested by and produced to the MoJ;
- v) The template of Excel file did not include some automatized controls augmenting the possibility of divergent practices;
- vi) The overview reports prepared at the national level were not automatized in any way and could not be anyway due to different methods of collecting data and reporting.

The 2017 mission confirmed that Court statistics were based on the manual data collection in the Registers of the courts transmitted to the Statistical Department of the Ministry of Justice but also to the High Council of Justice. The second was not processing these data. The High Council of Justice for the was only focusing on the disciplinary information on judges received on a monthly basis as well as information on the evaluation of judges. In respect of evaluation of judges, the High Council of Justice then expressed an interest to receive more detailed and reliable data on cases that are linked with the efficiency of a judge. In that respect the importance of CCJE (Consultative Council of European Judges) opinion on evaluation and transparency of the evaluation was stressed with the idea that judges must also have access to this information that might be used for evaluation of their performance. This question has been also addressed during the current mission of 2020 by the High Judicial Council of Prosecutors.

The difficulties the current tools for managing cases bring in the different courts of Albania when it comes to report about statistics has been well described in further missions of SEJII focusing specifically on IT. While possible ways of ameliorations have been identified, it has been agreed that a lot of time (and investment in a single and performant CMS) would be needed to see a concrete amelioration of the situation. In the meanwhile, the manual (or

semi-manual) collection of data, despite the multiplication of tasks it requests, has been seen and proposed as a temporary but effective way to solve the statistical data collection and reporting issue.

The experts of the 2017 mission on judicial statistics then stated:

*“The data collection process is **mainly manual**, in Excel sheets templates filled by the courts, on the basis of paper registries or in combination with ICMIS. The data recorded in the web-based applications CCMIS (High court) and ICMIS (all other courts) are usable for incoming cases, but do not provide reliable information on resolved cases. This situation is due to the fact that only judges with the sufficient accreditation in the case management system can “close” cases. Sometimes their credentials are transferred to clerks to execute this action. EURALIUS has emphasized that there are other issues in the data entry process. These issues are reducing quality of data that have not yet been communicated to the courts, in order not to draw them with new instructions to use ICMIS and lose their motivation.*

Even if ARK-IT is an older standalone application, this system seems to be able to provide for the 1st instance court of Tirana reliable information with a minimum of manual treatment.

The categorisation of cases for national data collection does not seem to be understood by courts, especially the appeal courts, even if the need for court managers at court level is different from the needs of the ministry of justice.

The national agency AKSHI saves a copy of courts’ databases and keeps now a unique table of definition of cases that have to be cleaned of previous entries.

For prosecution services, the new system CAMS is not yet able to produce, at this stage, tables for statistics.

The consolidation of Excel sheets in the Ministry of Justice is not automatized (even with simple VBA macro commands) and requires a lot of manual work.

In a general manner, CEPEJ indicators (CR/DR/TB) are not directly included in tables produced by IT systems or in tables consolidated in the Ministry of Justice. All the interlocutors who were met know quite well these concepts.”

With this prior work in mind, the current mission had to update the practice of collection and reporting of data among the different beneficiaries, and confirm the interest and the needs of the newly created institutions (HCJ, HCP, HJI) towards these data to fulfil their role and responsibilities.

6. Experts’ Assessment and Recommendations (EVERYONE)

6.1. Basics of data collection and standards

Findings: There is no general concept for the judicial system to generate statistics in place. Basic things are missing: for instance there is no common understanding at the court level of “what is a case”, how or whether to register it as a case; there is no rulebook implemented and monitored/checked by a central institution. Instead, solutions on approaches to analysis are developed at each court autonomously, lacking coherence and uniformity.

Recommendation: Improve basics of data collection including through the development of common standards

Actions to be undertaken:

- Develop binding common definitions and standards about “what is a case”, categories of cases, methodology of registration and closing, to be used in all courts (possibly to be included in a single rulebook or similar). The HJC is under the law and in practice the most appropriate institution to lead this process.
- Ensure correct implementation of the standard in courts through the publication of a reference document (handbook on judicial statistics) training of court clerks and chancellors
- Raise the awareness about the purpose and usefulness of data collection and statistical reports in the periodical meetings of court chancellors and court presidents. The HJC members should attend such meetings to ensure uniform interpretation and solutions where issues arise.
- Clearly define responsibilities and the specific tasks related to monitoring the process of data collection and quality check at the court level as well as the HJC level in a sublegal act (e.g. through a sub-legal normative act of the Council). Put in place a monitoring mechanism in this regard,
- Develop and adopt quality control mechanisms - internally and/or as a mission for CEPEJ experts - aimed at ensuring that the standard is respected.

6.2. Strategical statistics

Findings: Data collection is done by purpose and has no overall and yearly strategy. Courts and statistical departments are overburdened and have no big picture for the purpose of data collection.

Recommendation: The HJC should develop a strategy on data collection and reporting to reduce the burden on statistical departments at the level of courts, ensure coherence and avoid overlaps. The strategy should however guarantee the collection of the necessary information that would enable evidence-based measures aimed at improving the efficiency and quality of the judiciary.

Actions to be undertaken:

- Conduct a mapping of the reporting obligations/requests that are handled by courts, whether via the HJC, through other institutions or at the court level.
- Elaborate a clear vision about what standardized statistical data is necessary to manage a court and the judicial system.
- Check what statistical reports are superfluous and stop them.
- Prepare an annual plan for courts specifying what data to collect and when (i.e. time of the year (not everything on JAN01) and frequency): “less is more”.
- Develop standardized formats for the statistical reports of courts (to be used in all courts), and of the Council.

6.3. Objective judicial management

Findings: As the quality of data is quite low, objective management through facts and figures along official responsibilities is difficult or not existing. The momentum of establishment of new institutions (HJC, HPC and HJI) gives the chance to sort out things and refocus them on what matters. Especially the newly established HJC has developed a clear vision of its mission and started to tackle the obvious difficulties (quality of data, development of standardized statistical reports). The HPC and HJI have demonstrated an interest in the area as well.

Recommendations: Improve objective judicial management by using the momentum of the recently established institutions, especially the motivated and visionary HJC.

Assist HPC and HJI in defining their needs in the area of judicial statistics so that they better perform their duties.

Actions to be undertaken:

- The HJC should define the necessities and allocate responsibilities in the judicial system, from the court level upward, on the basis of reliable evidence (facts and figures).
- The HJC should develop mechanisms to ensure the effective implementation of these responsibilities.
- Clear, practical and standardized statistical reports should be developed and made available to Court Presidents, Heads of Prosecution and Chancellors meet these responsibilities.
- Develop a framework on court statistics to address the needs of the newly created institutions (HPC and HJI)

6.4. IT

Findings: Currently up to 37 single solutions on data collection are in place, financed by different donors and projects. None of these pilots are implemented countrywide. This provides a high cost and low efficiency data collection system.



Recommendation: Urgently address and correct the problem of the highly fragmented data collection system by evaluating the solutions in place and identifying the best (including in terms of cost saving and user friendliness) working solution.

In the meanwhile, start establishing a shared culture and build quality process in the area of judicial statistics based on the manual collection and reporting (using all resources a program like MS Excel can provide) that will pay in terms of time saved when a new and single CMS becomes operable, with a view to finally get rid of duplication of tasks.

Actions to be undertaken:

- Take decisions and measures to unify the IT-support on data collection/statistics/judicial management immediately.
- Implement these decisions along political/judicial responsibilities.
- Start enforcing a shared culture of quality in the area of judicial statistics with no delay based on the current manual (or excel-assisted) practice.

6.5. Politics

Findings: In general, after 20 years of heavy international support there is a high rate of “asking for support” without using the internal solution capacity first (“Junkie Paradox”). Despite some recent efforts, support is still deployed with little coordination among the Donors in practice, creating costly island solutions.

Recommendation: Raise awareness and build capacity to allow institutions to operate autonomously in the field of data collection and statistics, driven by efficiency and in a sustainable way.

Actions to be undertaken:

- Develop tailored training for the institutions and their staff to:
 - raise awareness of the importance of sustainable approaches,
 - make subsidiary use of their own resources
 - consider costs beyond donors’ donations.
- Ensure effective donor coordination in practice and consultancy of local authorities with a selective attitude regarding the choice of projects to be implemented (ensure coherence and avoid piecemeal implementation even at the cost of not accepting a proposed project).

6.6 Miscellaneous

Findings: While the position of High Judicial Inspector is well defined by the law, the way its service should be organized and the instruments or processes at its disposal to perform the task are still under construction.

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Recommendation: Involve the HJI in a peer-dialogue to share organizational models and best practices with a sample of representatives of Inspectorate services from the CoE member states.

Actions to be undertaken:

- Organize an international workshop with representatives of Inspectorate services to discuss a selection of organizational issues based on the priorities of the HJI.



7. List of recommendations

Recommendations	Actions
<p>Data collection and standards Improve basics of data collection including through the development of common standards</p>	<ul style="list-style-type: none"> ● Develop binding common definitions and standards about “what is a case”, categories of cases, methodology of registration, to be used in all courts (possibly to be included in a single rulebook or similar). The HJC is under the law and in practice the most appropriate institution to lead this process. ● Ensure correct implementation of the standard in courts through training of court clerks and chancellors ● Raise the awareness about the purpose and usefulness of data collection and statistical reports in the periodical meetings of court chancellors and court presidents. The HJC members should attend such meetings to ensure uniform interpretation and solutions where issues arise. ● Create and implement a responsibility in office law about this standard. ● Clearly define responsibilities and the specific tasks related to monitoring the process of data collection and quality check at the court level as well as the HJC level in a sublegal act (e.g. through a sub-legal normative act of the Council). ● Develop and adopt quality control mechanisms aimed at ensuring that the standard is respected.



<p>Strategical statistics The HJC should develop a strategy on data collection and reporting to reduce the burden on statistical departments at the level of courts, ensure coherence and avoid overlaps. The strategy should however guarantee the collection of the necessary information that would enable evidence-based measures aimed at improving the efficiency and quality of the judiciary.</p>	<ul style="list-style-type: none"> ● Conduct a mapping of the reporting obligations/requests that are handled by courts, whether via the HJC, through other institutions or at the court level. ● Elaborate a clear vision about what standardized statistical data is necessary to manage a court and the judicial system. ● Check what statistical reports are superfluous and stop them. ● Prepare an annual plan for courts specifying what data to collect and when (i.e. time of the year (not everything on JAN01) and frequency): “less is more”. ● Develop standardized formats for the statistical reports of courts (to be used in all courts), and of the Council.
<p>Objective judicial management Improve objective judicial management by using the momentum of the recently established institutions, especially the motivated and visionary HJC.</p> <p>Assist HPC and HJI in defining their needs in the area of judicial statistics so that they better perform their duties.</p>	<ul style="list-style-type: none"> ● The HJC should define the necessities and allocate responsibilities in the judicial system, from the court level upward, on the basis of reliable evidence (facts and figures). ● The HJC should develop mechanisms to ensure the effective implementation of these responsibilities. ● Clear, practical and standardized statistical reports should be developed and made available to Court Presidents, Heads of Prosecution and Chancellors meet these responsibilities. ● Develop a framework on court statistics to address the needs of the newly created institutions (HPC and HJI)



<p>Information Technology Urgently address and correct the problem of the highly fragmented data collection system by evaluating the solutions in place and identifying the best (including in terms of cost saving and user friendliness) working solution.</p> <p>In the meanwhile, start establishing a shared culture and build quality process in the area of judicial statistics based on the manual collection and reporting (using all resources a program like MS Excel can provide) that will pay in terms of time saved when a new and single CMS becomes operable, with a view to finally get rid of duplication of tasks.</p>	<ul style="list-style-type: none"> ● Take decisions and measures to unify the IT-support on data collection/statistics/judicial management immediately. ● Implement these decisions along political/judicial responsibilities. ● Start enforcing a shared culture of quality in the area of judicial statistics with no delay based on the current manual (or excel-assisted) practice.
<p>Politics Raise awareness and build capacity to allow institutions to operate autonomously in the field of data collection and statistics, driven by efficiency and in a sustainable way.</p>	<ul style="list-style-type: none"> ● Develop tailored training for the institutions and their staff to: <ul style="list-style-type: none"> ○ raise awareness of the importance of sustainable approaches, ○ make subsidiary use of their own resources ○ consider costs beyond donors' donations. ● Ensure effective donor coordination in practice and consultancy of local authorities with a selective attitude regarding the choice of projects to be implemented (ensure coherence and avoid a piecemeal implementation, even at the cost of not accepting a proposed project).

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Miscellaneous Involve the HJI in a peer-dialogue to share organizational models and best practices with a sample of representatives of Inspectorate services from the CoE member states.

- Provide a comparative study and organize an international workshop with representatives of Inspectorate services to discuss a selection of organizational issues based on the priorities of the HJI.