

Project No: LE9807.01

Title: Continuation of the Court System Reform

1. Location

Ministry of Justice

Ms Maija Sauīūna, Ministry of Justice Deputy, State Secretary

2. Objectives

Establishment of an up-to-date efficient judicial system and judicial co-operation arrangements:

- ◆ Completion of the judicial reform especially with regard to the staff policy of the judiciary and internal administration of the judiciary.
- ◆ Reform of the execution system of court judgements in civil and commercial matters.
- ◆ Increased level of competence among the judiciary and court personnel.
- ◆ Improved international judicial co-operation arrangements with higher degree of co-ordination among the institutions involved.

III National Programme for Integration into the European Union

PRIORITY THEME: Approximation of legislation with those of Community Acquis.

- ◆ Sub-priority 1: Improve the legal approximation process and implementation and enforcement
Measure 1.2: Establishment of contemporary and efficient judicial system.

Accession Partnership

Short-term

Justice and home affairs: to continue judicial reform

Medium-term

Reinforcement of institutional and administrative capacity: improved operation of the judicial system; training of the judiciary in Community law and its application, reinforcement of justice and home affairs institutions

3. Description

General description

The situation in the Third Pillar of the European Union, Justice and Home Affairs has become among the most significant factors in the evaluation of the readiness and capacity of the candidate states to join the EU. Judicial co-operation in criminal and civil matters forms a crucial part of the overall Third Pillar co-operation where judicial system has an important role.

The existing system of execution of judgements in civil and commercial matter needs to be improved to match the contemporary requirements and also to increase the public

confidence in the efficiency of the judicial system. Based on the experience of several foreign countries, Latvian authorities have started working towards reformation of the complete institutional structure of court bailiffs into a liberal legal profession.

Project components and inputs:

1. Preparation and introduction of a new law "On Judicial Power" to replace the law from 1992 especially with respect to the qualification requirements for judges, internal management of the judiciary etc. This work has been recently entrusted to a working group established by the ministry of Justice consisting of the Ministry of Justice officials as well as the judges from regional and district courts and the Supreme court. A successful completion of the task would require two foreign short-term experts, two man-months in total as well as two local experts who would do the actual preparation of the texts (three man months in total).

2. Preparation, introduction and deciding on the structure of implementation of a new law "On Sworn Court Bailiffs" to carry out the institutional reform in accordance with the concept which was approved by the Government in March, 1998. Preparation of the draft would require two foreign short-term experts (a total of two man-months) and two local experts (a total of three man-months). Implementation of the law would require technical assistance to the newly established self governing body of the sworn court bailiffs.

3. Development of statistical databases and software in the department of courts of the Ministry of Justice. The completion of this task would require technical assistance in supplying the work stations, printers, servers and software as well as a computer expert to establish the network. Support to the International legal co-operation unit to be established in the Ministry of Justice. Approximately 5 people, computer for each, fax, copier etc., one long term foreign expert (six man month).

4. Upgrading of technical equipment and databases in district (city) and regional courts. In total 39 courts will be computerised (in co-operation with the Court Service Agency). The aim of the computerisation project is to provide every judge with the computer, train the judge on the practical use of it (decision writing programs, statistical data compiling programs, etc.). The computerisation of courts will make courts' everyday work more efficient, relieving the technical work load. As there are already funds from the Government Investment Plan that will ensure the common network establishment in courts and equipping of some courts with work stations, project funds will ensure supplying all district (city) and regional courts with servers (30 courts * 7800 ECU/server = 250 000 ECU) and approximately 3 PC's (including software) for each court (35 courts * 3 PC's/2350 ECU = 250 000). The overall computerisation will also provide better exchange of information among the institutions involved - courts themselves, Ministry of Justice, Supreme court, Constitutional court, Ministry of Interior, General Prosecutor's office, etc.

Equipping of one Riga Regional Court's court-room with modern technology to provide witness protection according to European court-room and witness protection standards. That includes a video conference.

5. Training programs for judges in Community law to be carried out in co-operation with the Judicial Training Centre.

Training seminars and study tours for approximately 300 district (city) court and regional court judges in the matters of international judicial co-operation will be carried out. All of them will also be trained on computers and approximately 10 - 15 trainers will be trained on how to train on application of Community laws.

6. Project management. Project management team will support the Ministry of Justice to implement the project. The team will be overall responsible for performance of the project as a whole and its different parts.

Expected results and outputs

New draft law "On Judicial Power"

- ◆ New draft law "On Sworn Court Bailiffs"
- ◆ Upgrading of the technical infrastructure in district (city) and regional courts
- ◆ Upgrading of the statistical and analytical systems in the Department of courts of the Ministry of Justice
- ◆ Well functioning unit in the Ministry of Justice responsible for co-ordination of judicial co-operation in civil and criminal matters (central authority)
- ◆ Trained judges, court personnel, prosecutors and responsible civil servants on the matters of judicial co-operation
- ◆ Trained judges on the application of Community and international laws, preparation of the judiciary for EU membership, promotion of the transparency of the judicial work.

4. Institutional Framework

As a country in a transitional period Latvia is characterised by a marked legislative activity. Along with the dynamic progress in the social and economic sphere an active creation of new legislation is also taking place having an enormous impact upon the functioning of the judicial system which is responsible for a correct and homogenous application of the new laws. The judicial reform in Latvia was started pursuant to the law on Judicial Power passed in December 1992. The main achievement of the judicial reform as the establishment of a three level court system the process of which was complete in 1995. Nevertheless the reform measures concerning the improvement of the efficiency of the operation of the judicial system, enhancing skills and competence of the judiciary, upgrading the system of the execution of judgements are still underway. By the moment of the accession of Latvia to the European Union, the Latvian courts will have to be able to apply not only the domestic law but also European Union Law. Therefore, a sufficient training has to be provided to the judges also in Community law matters.

The computerisation projects ensure the improvement of the exchange of information and statistical data among the governmental institutions - including district (city) and regional courts, Supreme Court and Constitutional Court, Ministry of Justice, Ministry of Interior and Prosecutor General Office.

The establishment of a common computer network will ensure the improvement of decision writing process and exchange of the information between the ministry of Justice and courts.

5. Budget

	Investment	Institution building	Total PHARE (=I+IB)	Recipient* (state budget 99)	IFT*	TOTAL*
Component 1 <i>Draft laws "On Judicial Power"</i>	n/a	100 000	100 000		n/a	100 000
Component 2 <i>"On Sworn Court Bailiffs"</i>	n/a	100.000	100.000		n/a	100.000
Component 3 <i>Computerisation of Court Department</i>	n/a	300 000	300 000		n/a	300 000
Component 4 <i>Court computerisation</i>	500 000	100 000	600 000	350 000	n/a	950 000
Component 5 <i>Training of judges</i>	n/a	50 000	50 000		n/a	50 000
Component 6 <i>Project management</i>	n/a	50 000	50 000		n/a	50 000
TOTAL	500 000	700 000	1 200 000		N/a	1 550 000

* In cases of co-financing only

6. Implementation Arrangements

Technical Implementation:

This will be the responsibility of the Ministry of Justice

Contractual and Financial Implementation:

This will be the responsibility of the CFCU, Ms Valentîna Andrcjeva, State Secretary, Ministry of Finance

7. Implementation Schedule

Project implementation (including all four sub-projects) will start in October, 1998.

The work on the two draft laws will start in October, 1998 and will be completed by the middle of 2000.

The sub-project on the computerisation of The Department of Courts of the Ministry of Justice will commence in October, 1998 and will be completed within half year's time.

The computerisation of district (city) and regional courts and upgrading of the technical infrastructure in courts will start in October, 1998 and will be completed by March, 2000.

The part of project concerning the training of judges will be extended up to the second half of the year 2000.

8. Equal Opportunity

The Ministry of Justice is an equal opportunity employer (63 % of all the judiciary are women).

9. Conditionality and Sequencing

- ◆ Political and financial commitment to continued judicial reform.
- ◆ For the year 1998 the Latvian government has allocated 350 000 ECU for the district (city) and regional court computerisation project and the Ministry of Justice has already drafted a plan for court computerisation (Annex 8.). There will also be co-financing from the government available in the years 1999 and 2000.
- ◆ For the implementation of the project there will be sufficient local staff provided by the Ministry of Justice, regional courts and district (city) courts and other institutions involved.
- ◆ In the process of the implementation of the project there will be co-ordinated co-operation with other institutions, e.g. there are funds from the United Nations Development Programme (\$ 25 000 in total) to make an analysis of the present situation concerning computerisation of the courts, and others.
- ◆ Two working groups have been established to draft the laws "On Judicial Power" and "On Sworn Court Bailiffs".
- ◆ The project and all the mentioned activities will support the establishment of a efficient and competent court system that is compatible with the court systems of EU Member States.
- ◆ Inclusion in the project (financed by the project) of a project manager and assistant who will be overall responsible for the different project components

Annex 1			Programme number:	Date of drafting: April 1998
LOGFRAME PLANNING MATRIX FOR Continuation of the Court Reform			Contracting period expires: 31.10.00	Disbursement period expires: 31.10.01
<i>Project Number LE9807.01</i>			Total Budget: 1 350 000 MECU	Phare contribution: 1 MECU
Wider Objective	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
<ul style="list-style-type: none"> Establishment of an up-to-date efficient judicial system and judicial co-operation arrangements 	<ul style="list-style-type: none"> Increased public confidence in the efficiency and capacity of the judicial system 	<ul style="list-style-type: none"> Media, public polls and opinion Accession Partnership, NPAA 	<ul style="list-style-type: none"> Continued government support to the court reform is assumed. Sceptical public attitude to the judicial reform is probable 	
Immediate Objectives	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
<ul style="list-style-type: none"> Completion of the judicial reform. Reform of the execution system of court judgements in civil matters. Increased level of competence among the judiciary. Improved international judicial co-operation arrangements. 	<ul style="list-style-type: none"> Less complaints on the violations of procedural time limits in court Less decisions reversed on appeal Expansion of the fields of international judicial co-operation Faster and more cost effective enforcement of court judgements 	<ul style="list-style-type: none"> Statistics of the Ministry of Justice, Department of Courts Statistics of the State revenue Service Official reports 	<ul style="list-style-type: none"> The Parliament's rapid adoption of new laws and international agreements 	
Outputs	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
<ul style="list-style-type: none"> New laws "On Judicial Power" and "On Sworn Court Bailiffs" Upgrading of the courts' technical infrastructure Upgrading of the statistical systems in the Department of courts of the Ministry of Justice Training of judges on the application of Community and international laws 	<ul style="list-style-type: none"> Draft laws prepared Unified computerised data exchange network established in courts (including statistics and analytical systems) Expansion of the fields of international judicial co-operation. 	<ul style="list-style-type: none"> Official Reports Statistics of the Ministry of Justice, Department of Courts Public and private sector institutions 	<ul style="list-style-type: none"> Continued government support to the court reform. 	
Inputs	Indicators of Achievement*	How, When and By Whom Indicators Will Be Measured	Assumptions and Risks	
<ul style="list-style-type: none"> Technical assistance Equipment and software 	<ul style="list-style-type: none"> Good leadership Meeting deadlines Smooth project management 	<ul style="list-style-type: none"> Official records Physical evidence of equipment 	<ul style="list-style-type: none"> Sufficient complementary funds is assumed to be made available from the national budget 	

Annex 2: Detailed Cost Breakdown (ECU) - LE 9807.01

	1999			2000			Total
Component	Budget	Phare	Other	Budget	Phare	Other	
<i>Institution Building</i>		425 000			275 000		700 000
A. Experts' assistance		70 000			65 000		
B. Financing for informative materials		60 000			40 000		
C. Training of judges, study visits		40 000			40 000		
D. Project management		50 000			40 000		
E. Draft Laws		170 000			60 000		
F. Research		20 000			15 000		
G. Other		15 000			15 000		
<i>Investment</i>	350 000	360 000		360 000	140 000		1 210 000
A. Purchase of equipment	100 000	300 000		150 000	75 000		
B. Establishing the network in courts	230 000	40 000		180 000	50 000		
C. Software equipment	20 000			30 000	10 000		
C. Vehicle		15 000					
D. Other		5 000			5 000		
Total	350 000	785 000		360 000*)	415 000		1 910 000

*) State budget 2000 subject to confirmation by the Latvian Government

Annex 3

IMPLEMENTATION SCHEDULE OF THE PROGRAMME - LE 9807.01					Date of Drafting	09.04. 98
					Planning Period	31.10.98 – 31.10.00
<i>Programme Title</i>	Continuation of the Court Reform					
Projects Sub-Projects	Implementation Schedule (Semesters)					Budget Allocation Cost Estimate
	P L A N N E D					
	I Oct 98-Mar 99	II Apr 99-Sep 99	III Oct 99-Mar 00	IV Apr 00-Sep 00		
1. Draft law “On Judicial Power”	D + C + I	I	I			100 000 ECU
2. Draft Law “On Sworn Court Bailiffs”	D + C + I	I	I	I		100 000 ECU
3. Court Administration	D + C + I	I	I	I		300 000 ECU
4. Upgrading of technical equipment and databases in courts	D + C + I	I	I			600 000 ECU
5. Training of judges	D + C + I	I	I	I		50 000 ECU
6. Project management	D + C + I	I	I	I		50 000 ECU
Total Programme						1 200 000 ECU
Legend D = Design of sub-project C = Tendering and contracting I = Contract implementation and payment						

Annex 4

COMMITMENT (CONTRACT) SCHEDULE - LE 9807.01					Date of Drafting	09. 04 98
					Planning Period	Oct. 98 - Sep. 00
<i>Programme Title</i>	Continuation of the Court Reform					
Projects Sub-Projects	Expected Contractual Commitments (Semesters)				Budget Allocation Cost Estimate	
	P L A N N E D					
	I Oct 98-Mar 99	II Apr 99-Sep 99	III Oct 99-Mar 00	IV Apr 00-Sep 00		
1. Draft law "On Judicial Power"	100 000	100 000	100 000	100 000	100 000 ECU	
2. Draft Law "On Sworn Court Bailiffs"	100 000	100 000	100 000	100 000	100 000 ECU	
3. Court Administration	300 000	300 000	300 000	300 000	300 000 ECU	
4. Upgrading of technical equipment and databases in courts	600 000	600 000	600 000	600 000	600 000 ECU	
5. Training of judges	50 000	50 000	50 000	50 000	50 000 ECU	
6. Project management	50 000	50 000	50 000	50 000	50 000 ECU	
Total Programme	1.200.000	1.200.000	1.200.000	1.200.000	1 200 000 ECU	

Annex 4

DISBURSEMENT (PAYMENT) SCHEDULE					Date of Drafting	09.04.98
					Planning Period	31.10.98 – 31.10.00
<i>Programme Title</i>	Continuation of the Court Reform					
Projects Sub-Projects	Disbursement (Payment) Schedule (Semesters)				Budget Allocation Cost Estimate	
	P L A N N E D					
	I Oct 98-Mar 99	II Apr 99-Sep 99	III Oct 99-Mar 00	IV Apr 00-Sep 00		
1. Draft law "On Judicial Power"	50 000	90 000	100 000	100 000	100 000 ECU	
2. Draft Law "On Sworn Court Bailiffs"	40 000	80 000	90 000	100 000	100 000 ECU	
3. Court Administration	120 000	240 000	270 000	300 000	300 000 ECU	
4. Upgrading of technical equipment and databases in courts	360 000	560 000	600 000	600.000	600 000 ECU	
5. Training of judges	20 000	35 000	45 000	50 000	50 000 ECU	
6. Project management	15 000	30 000	40 000	50 000	50 000 ECU	
Total Programme	605 000	1.035 000	1.145 000	1.200 000	1 200 000 ECU	

Annex No. 5
LE 9807.01

Ministry of Justice
Strategic Plan for the Information Technologies
1998 - 2002

Prepared by the working group established
on the order of the Minister of Justice
from June 5, 1997 No. 1 -1/72

Head of working group: I.Zutis, Adviser to the Minister
Working group: I.Silâjs, Adviser to the Minister
A.Brûvelis, Adviser to the Minister
B.Ziemele, Adviser to the Minister
E.Stivriòa, Head of the Division of Court Work and
Statistics, Department of Courts
R.Rurâns, Computer Specialist, Department of
Systematisation of Legislative Acts

The Strategic Plan consists of three parts - Arrangement of Legislative Acts, Administrative Amendments and Technological Tasks. Third part includes also the computerisation of court system, thus ensuring the effective of courts and exchange of information between the district (city) and regional courts and different state institutions - Ministry of Justice, Supreme Court, Ministry of Interior, Prosecutor General's Office, State Statistical Committee, etc.

The strategic plan envisages the participation in establishing of a common state network that would include all government institutions and courts as well. The computerisation of courts is included in the Government Investment Plan that ensures continued financial support to the project.