**JUDICIAL SYSTEM**

*Summary Project Fiche*

**Project n°:** ES-9804.01

**Project title:** Strengthening of the Judicial System

**Location:** IT systems project involves all City and County Courts (26), Probation Divisions (35) and Enforcement Departments (16) distributed over Estonia.

**Objectives:**
The main objective of the subprogram ‘Strengthening of the Judicial System’ is to improve Estonian judicial system in consideration of Community requirements for joining European Union. To adapt and to re-organise the judicial system and to train officials working in the court system regarding changes made in Estonian legislation by harmonisation process and to guarantee data transmission for supporting structural changes made by the reforms.

**Description:**

1. **Adaptation and training project**

The project will be implemented in the framework of a partnership (twinning) with the Ministries of Justice of Mecklenburg-Vorpommern and Schleswig-Holstein (EU partners). The objective is to analyse the existing structures of the Estonian juridical system, to identify deficits and weaknesses and to adapt the system to the requirements of EU membership. For this purpose, the relevant bodies (ministry, courts, prosecution, probation and enforcement institutions, prisons etc.) will be “twinned” with corresponding institutions of the EU-partners which includes in particular an exchange of experts (EU-partners) resp. officials (Estonian).

If necessary, long-term experts from the EU partners will be sent to Estonia to supervise the implementation of the project as a whole and to be the contact person for the participants in the project. Long-term experts could be also entrusted with the advise to the Ministry of Justice with regard to the restructuring of the judicial system.

The implementation of the parts of the overall project will be assured by short-term visits of experts (officials of the Ministries of Justice, judges, prosecutors, lecturers etc.). The number of experts as well as the duration of their visits will have to be decided on a case by case basis. The Information Office of Mecklenburg-Vorpommern in Tallinn will assist for technical aspects of the project in cooperation with the Estonian authorities (including CFCU).

It has to be underlined that the twinning project is not limited to the period for which Phare funding is provided by this Financing Proposal. Moreover, the twinning project is to be understood as an open concept. It is therefore possible that more measures than listed in the current project fiche will be added later.

For the period 1998-2000 the following elements of the twinning project shall be implemented:

**Training project:**

- Vocational training for **judges and prosecutors** consists of 400 academic hours covering theoretical and institutional basis, national private, public and penal law and Community law. Case-study method. Relevant legislative basis to regulate post-graduate program for lawyers will be prepared.
- Training for **probation officers** consists of vocational training providing most necessary knowledge concerning social work with criminals and relevant legislation. 5 lecturers from institutions of higher education will be trained in EU countries. Project includes informing publicity and relevant authorities (courts, etc.) of probation system.
• Training for enforcement officers consists of
  • basic training (320 h) – introduction to the system and procedures of legal enforcement authority
  • Vocational training (24 h) – comparative analysis of legislation of different countries (including EU member states), introduction to new Civil Enforcement Code;
  • Training for the Heads of the Enforcement Departments (40 h) – new enforcement system and introduction to law reforms and different ways of applying.

The training subprojects also include interpretation, drawing-up and translation and publication of study-materials and books. The EU-experts will elaborate, in close cooperation with the Estonian authorities and taking into account the development of the Estonian legislation, "modules" for each training project.

2. IT Systems project
Within the project following information systems will be built:
• For probation system
• For Enforcement Departments

The information systems support the basic functions of the departments by improving everyday work, correspondence, providing statistics, holding deposit payments and supervision of payments (enforcement departments). Informations systems connect all departments enabling operative electronic data transmission between departments within the systems and between departments and courts and relevant authorities (Prosecutors Office, Police, Prison Board, etc.). Preliminary analysis and specification have been completed, also the special softwares have been prepared and tested, the subprojects have reached the final realisation stage – procurement and installation of hardware and basic software for all bailiffs.

• Electronical register of court records provides an integral system for processing and archiving court records also enabling electronic data transmission between all courts (26) and other authorities. The system will connect approx. 700 bailiffs in courts, 100 work-stations needs to be provided with hardware and basic software. Detailed analysis of basic software is currently under preparation. If the tests of the pilot project in the LAN (Local Area Network) will be successful then the next step is the implementation in two other courts and tests in WAN (Wide Area Network). The implementation of the whole system is planned to finish by the end of 1999.

Institutional framework
26 Estonian courts are in jurisdiction of the Ministry of Justice.
121 probation officers work in 35 Probation Divisions under 13 Probation Departments which are formed by County and City Courts. The training will be organised by the Probation Department in the Ministry of Justice.
148 enforcement officers work in 16 regional Enforcement Departments subordinated to the County or City Courts. The Heads of the Courts are supervised by the Enforcement Departments under the Courts Department in the Ministry of Justice. The training for enforcement officers will be organised by the Enforcement Division in the Ministry of Justice.
The IT systems project will be implemented by the Information Systems Department of the Ministry of Justice. Future maintenance of the systems will be made by local network administrators.

Budget:

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<th>Investment</th>
<th>Institution Building</th>
<th>Total Phare (=I+IB)</th>
<th>Recipient</th>
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<tr>
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<td>1062000</td>
<td>1490000</td>
<td>12900</td>
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<td>3058850</td>
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Implementation arrangements
Subprogram will be coordinated by the Estonian Ministry of Justice. Training and adaptation project (TWINNING) will be implemented in co-operation with Ministerium für Justiz, Bundes- und Europaangelegenheiten des Landes Schleswig-Holstein and Ministerium für Justiz und Angelegenheiten der Europäischen Union des Landes Mecklenburg-Vorpommern. Estonia will provide the necessary information, infrastructure and organisation in order to carry out the measures agreed in the framework of the twinning. Estonia also takes care of suitable employment conditions for the trainees within the national judicial system. According to the twinning arrangements to be adopted by the Commission, further details will be agreed in a Memorandum of Understanding to be signed between Estonia/MV/SH/Commission.

In view of the twinning arrangements to be adopted by the Commission, Phare funding will cover, in particular, travel and accommodation costs for EU experts and Estonian trainees as well as allowances, development of training materials, translation, interpretation, rooms, technical equipment and remuneration of external experts. For covering small direct costs of training project (some translations, seminar rooms, etc.) the Ministry of Justice and CFCU will sign a Financing Agreement.

For IT systems project an open tendering (procurement of hardware and basic software) will be organised. The project will be implemented by the CFCU.

The leader of the whole subprogram is Mr. Juhan Parts, Deputy Secretary General of the Ministry of Justice.
Secretary of the subprorgam is Ms. Ülle Hilep, specialist of Foreign Relations Division, phone (372) 620 8185, e-mail: ylleh@just.ee.

Managers of subprojects:
- Training for judges and prosecutors – Head of Training Division Ms. Hele Sepp, phone: (372) 620 81 34;
- Training of enforcement officers – Head of Enforcement Division Ms. Sofia Triõkina, phone: (372) 620 82 93;
- Training of probation officers – Head of Probation Department Ms. Maarja Mändma, phone: (372) 620 82 35;
- Electronical register of court records – Head of Information Systems Department Mr. Tarvo Trei, phone: (372) 620 81 70;
- Legal Enforcement Departments information system – project manager by the Information Systems Department Mr. Ermo Täks, phone (372) 620 81 75;
- Probation Departments information system - project manager by the Information Systems Department Mr. Ermo Täks, phone (372) 620 81 75.

Implementation schedule

<table>
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<tr>
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<th>Start of tendering</th>
<th>Start of project activity</th>
<th>Completion</th>
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</table>

Equal opportunity
The training project will assure equal participation regarding the fact that majority of judges (62%), prosecutors, enforcement (82%) and probation officers (75 %) are women. IT systems project in return will be mostly implemented by men. Statistics to measure the participation of women and men might be done as a special survey.

Environment
Estonian development policy supports exploitation of information systems in public sector. The progress of information technology in Estonia has been very fast and practically every locality can be connected into Wide Area Network.

Investment
The planned IT system will support the Government institutions to implement state basic functions. The transmission and exchange of data will be accelerated and the co-operation between bailiffs in different departments will be improved by automatisation of routine reporting, more efficient workflow and by the establishment of connections between related registers (citizens registers, business register, etc.). The IT system also provides an overall picture of the current situation at any time including predictive statistics and helps to make more effective decisions. The IT system and the electronical register of court records will be the basis for additional electronic systems in the future, such as court statistics, court decision database, etc.

The training for judges and prosecutors will fasten the process of obtaining the new national legislation harmonized with EC Law. The study program, elaborated within the project, will be used as a post-graduate program for the judiciary. As judges are nominated for lifetime the training will not raise competition but improve the efficiency of the whole Estonian judiciary. Also the study programs elaborated within the training for enforcement and probation officers will be used as basic study programs for future vocational training. The aim is to establish special institution for training enforcement officers. Negotiations with some of the Estonian universities have already started. As for probation officers the aim is to adopt the study program into existing universities’ programs as part of the social work or social pedagogy faculty.

**Conditionality and sequencing**

The Phare support is conditioned on the availability of the above mentioned funding by the recipient.

The Ministry of Justice must take the necessary steps to ensure the sustainability of the systems established on the basis of the Phare support, also in the period after expiry of the assistance. Appropriate measures must be taken for staff development within the Ministry of Justice in order to fully benefit from the experience and results gained by means of the Phare programme.
ANNEX 5

Relation of project with previous Phare activities and with ongoing projects financed from other sources
ES 9804.01

The Ministry of Justice has implemented the "Approximation of Laws" programme by the Phare Contract 95-0784.00. It has been a great support for harmonisation of legislation with Community law including expert advise and training.

Co-operation with the Ministries of Justice of Mecklenburg-Vorpommern and Schleswig-Holstein Federal States and the Ministry of Justice of Estonia started in 1993. The main themes of this co-operation have been training and exchange of experts.
ANNEX 6

List of relevant Laws and Regulations
ES 9804.01

- Law of the Law of Probation;
- Civil Enforcement Code (came into force in 1993), new Civil Enforcement Code is under preparation and is planned to enforce in 2000;
- Penal Code;
- Law of Obligations Act;
- Courts Act;
Reference to relevant Government Strategic plans and studies:
ES 9804.01

References are given to NPAA Estonian version.
Overall objective of the project is strengthening of the court system – NPAA: 1.1. Court system, art. 5-6, p.3.

1. Training,
   NPAA: 1.1. Court System:
   - Training of judges: art. 3, p. 5 – Training for judges and prosecutors;
   - Judiciary, art. 1, p.5 – Training of probation officers;
   - Judiciary, art. 1, p. 5 – Training of enforcement officers.
