STANDARD SUMMARY PROJECT FICHE

1. Basic Information

1.1. Désirée Number: ES01.04.02
   Twinning number: ES2001/IB/JH/02/TL
1.2. Title: Enhancing the Administrative Capacity of the Court System
1.3. Sector: Justice Home Affairs
1.4. Location: Estonia

2. Objectives

2.1. Overall objective(s):
   Court system is efficient, effective and prepared for the EU membership.

2.2. Project purpose:
   • Judges are competent to implement EC law
   • The basis for the future court system development is created
   • Faster, more transparent and more customer-friendly proceedings

2.3. Accession Partnership and NPAA priority

   AP 1999: Short-term priorities for 2000, Justice and Home Affairs:
   “- ensure better coordination among law enforcement bodies and the judiciary (staff numbers, training and equipment).”


   Judges, Assistant Judges, Court Personnel
   “The priority is the training of judges and court personnel in order to safeguard the preparedness of the court system to apply the European Community law.”
   “It is also important to involve foreign partners to the training of judges and prosecutors.”
   “One of the priorities is the publication of modern legal literature, including translations of foreign texts.”

   Material basis of the courts
   “One of the continuous priorities of the Government is to guarantee the functioning of the courts with supplementary material resources – adequate financial budgets, buildings, information technology, office equipment etc.”
   “In order to facilitate the work of judges and court personnel, the level of information technology will be improved.

   The central objective of the court information system development is the creation of a system that encompasses the entire operation of the court, enabling the automatic creation and systematisation of the documents received and compiled by the court and the extraction of data from these documents, which will enable the retrieve such data for new documents, for statistics and as input for various registers. The plans include the ensuring of the interoperability of the court information system with the information systems of the police, the prosecutor’s
office and the prisons. The effective reuse of data already in electronic form will assist substantially to reduce the workload of judges and court personnel.”

3. Description

3.1. Background and justification:
Lack of training has been a problem for all legal professions in Estonia as expansive changes in legislature have been essential during the past decade. During the reform of the court system in 1991 – 1992, total number of 238 (new) judgeships was formed and the great majority of judges appointed did not have previous judicial experience. Starting from the period mentioned, continuous in-service training for judges has been organised by the Ministry of Justice. Today the target group of the training is 238 judges as well as 172 public prosecutors.

The Ministry of Justice has started a 5-year post-training programme for judges and public prosecutors in April 1999. The programme is financed in co-operation with German Bundesländer Schleswig-Holstein and Mecklenburg-Vorpommern, and Phare. ES 98/IB/JH/01

The post-training programme covers all basic principles on private, criminal and public law. The first phase of the programme (total of 80 participants, 800 hrs) is the training of trainers. In the first phase of the programme German legal scholars and practitioners are lecturing.

In September, 2000 in the framework of post-training programme a one-week session on methods of court proceedings was held. The participants found the lecturer to be professional and the training session very useful and valuable. Therefore they advised to hold a similar seminar as soon as possible for all the civil judges. Thus, in autumn 2001 this session will be repeated for civil judges who have not participated in twinning-programme.

The supplementary training of judges and public prosecutors has been carried out by the Estonian Law Centre since the foundation of the institution in 1995 by the Ministry of Justice, Supreme Court and Tartu University. The supplementary training is for introducing recent amendments to legislation and to provide a forum for discussions on current legal problems.

In co-operation with Sweden, a twinning of courts will be organised in 2001/2002. This means the creation of a network of Swedish and Estonian courts. The project will enable Estonian judges to exchange experience and knowledge with Swedish colleagues.

In co-operation with the Ministry of Justice, the University of Stockholm and the SIDA (Swedish International Development Agency), special EC law training programmes have been held starting from September 1998. In December 2000, another course of 168 hours in total was finished. Starting in autumn 2001, another EC law programme will start, the trainers will be Estonian judges, prosecutors and civil servants who have passed the courses organised by SIDA. The basic EC law programme has guaranteed the existence of the potential lecturers for other judges and prosecutors. It has also given the basis for the judges and prosecutors to start learning special EC law topics.

Another series of seminars on the EC law have been organised by the Trier Academy of European Law, in co-operation with TAIEX.
In the framework of Phare Horizontal Project “Training of Judges in EC law” five Estonians will be trained in some EC law subjects. Two 3-days seminars will be carried out in autumn 2001 and in spring 2002. During the following years the scope of training will definitely shift to EC Law training. As Estonia is in process of accession to the European Union, the judges training shall be designed to enable them to apply the EC law.

For strengthening the court system it is necessary to optimise the workload of judges by carrying out the reform of administrative courts and merging the courts of the 1st instance located very close to each other (see annex 8). Both organisational measures provide for specialisation and more efficient use of material resources. It is also important to continue the training of judges and ensure the professional quality of the court personnel.

The priorities listed in the present document are to be implemented by the year 2003. Several of the activities shall be continuously practiced to be effective; some are designed to reach the aim in certain period of time. As the judiciary is an integral part of social relations the principles shall be addressed as living concept liable to changes if necessary. The aim of the reforms is to achieve stability of judiciary guaranteeing democracy and the rule of law.

In November 2000, the Ministry of Justice completed the strategic analysis of the court information system. The purpose of the analysis was to chart the process and personnel roles in the courts and to determine the changes necessary for achieving optimal workflow, eventually leading to changes in court procedure. In addition, the analysis provides the basis for subsequent court IT application development. Due to the complexity of the task, the development of the IT system is divided into two major stages. (See annex 7 for details, minor changes have been made to the original vision due to ongoing development projects and the schedule for the possible Phare assistance). During the first stage, a case register is created, containing detailed data on each case and the parties to the case. This will be the basis for the entire court information system (CIS). In order to motivate the target group of the project (judges and court personnel) and to secure acceptance to the system, it will have to offer additional benefits for the user. Therefore modules for document management and automatic document creation are also included in the first stage of the development. Due to the urgent need for a court information system, work on the first stage of the project has already started and is scheduled to last a little over a year, ending in mid-April 2002. The Ministry will develop the first stage of the court information system using its own resources and also the help of bilateral partners as consultants. Several judges and other court personnel were involved in the strategic analysis and some of these persons will be included in the working groups for this development project. The compilation of working groups in currently under way and representatives from related areas (legislative drafting, prosecutors) will also be involved. The cost of the first stage is about 8 million EEK.

Within the framework of this application, Phare support is sought for the second and final stage of the development of the court information system — “Fully digital case management”. The work to be carried out in the second stage includes the creation of a new statistical module, a web interface for the court information system and the fully digital case file, including fully developed digital signature features.
The Statistical Module: work is currently under way to create an updated version of the existing statistical software, which will also be used during the first stage of the development of the CIS. This is a temporary solution intended to relieve the courts of the extra work on the statistical reports. During the second stage, a new statistical module should be created, building on the case register created in stage one. This will enable the Ministry to thoroughly modernize the types of data gathered and reported. The changes will be based on new, more detailed data available in the case register, the improvements envisioned by the Ministry of Justice and also user feedback on the existing system. The new statistical information will be enable the more exact and relevant administration of courts, on the level of each court by the chairman of the court and on the court system level by the Ministry of Justice. Implementing the statistical module during the second stage will allow the Ministry some time to elaborate its current statistics with the help of bilateral partners and user feedback and will not adversely impact the workload of the courts, as a temporary solution will be provided for the courts.

The Web Interface: the web interface to the court information system is essential in providing the general public with information on the work of the courts. In addition to providing readily available detailed information to the parties of a case (session times, transcripts, other documents including the actual decision), it will also serve as an access point to the courts, enabling the digital submitting of documents and applications to the courts, and providing statistical information and general information about the work and procedure of the courts.

The Digital Signature Infrastructure of CIS: to facilitate secure, fully electronic communication between the courts, related authorities and the general public, digital signatures will have to be used. The Digital Signature Act, adopted in March 2000, will require the accepting of digitally signed documents by June 2001, but by that time only basic functionality will be provided for verifying the signatures. By the implementation of the second stage of the project (mid-2002), the digital signature infrastructure in Estonia is assumed to be developed to a stage where the court information system should also provide for accepting, processing and producing of digitally signed documents. This is also a precondition to the fully digital case management and the benefits it provides (easy, rapid access to documents, minimal manual re-entering of information to the system).

3.2. Linked activities:
- The Ministry of Justice has started a 5-year post-training programme for judges and public prosecutors in April, 1999. The programme is financed in co-operation with German Bundesländer Schleswig-Holstein and Mecklenburg-Vorpommern, and Phare. ES 98/IB/JH/01. This programme concentrates on the contemporary European legal theory and practice in private, public and criminal law. This programme concerns EC law minimally.
- In co-operation with the Ministry of Justice, the University of Stockholm and the SIDA (Swedish International Development Agency), special EC law training programmes have been held starting from September 1998. In December 2000, another course of 168 hours in total was finished. Starting in autumn 2001, another EC law programme will start, the trainers will be Estonian judges, prosecutors and civil servants who have passed the courses organised by SIDA. The basic EC law programme has guaranteed the existence of the potential lecturers for other judges and prosecutors. It has also given the basis for the judges and prosecutors to start learning special EC law topics.
Another series of seminars on the EC law have been organised by the Trier Academy of European Law, in co-operation with TAIEX. The seminars gave to the participants an overview of the EC law, but the programme did not concern any horizontal areas.

In the framework of Phare Horizontal Project “Training of Judges in EC law” five Estonians will be trained in some EC law subjects. Two 3-days seminars will be carried out in autumn 2001 and in spring 2002. This programme is of quite general character, giving the participants an overall idea of many EC law special topics. It gives the participants a good basis to start learning EC law in more detail.

Phare project ES9804 “Strengthening of the Judicial System”, which supplied 394 personal computers, 50 servers and 65 UPSes for the courts, is one of the important enabling factors for the current project as the courts now have the workstations necessary for running the more demanding applications of the new court information system.

The second stage of the court information system project, for which funding is requested within the framework of this application, is linked to the earlier stages of the court IT development: the strategic analysis, completed in November 2000, and the first stage of the development, which is to being carried out by the Ministry of Justice in 2001 and early 2002. During both of the development stages, expert help, received via bilateral co-operation with Finland and Sweden, is also taken advantage of.

3.3. Results:
1. 80 judges are trained in specific areas of EC law;
2. A strategic plan for the optimal location of courts is elaborated; a strategic plan for the optimal division of the functions and co-operation between court departments is elaborated;
3. a) On-demand statistical information for the efficient managing of the court system by the Ministry of Justice and chairmen of individual courts; relevant information on the work of the court system, pointing out legislative shortcomings and problematic social issues.
b) Comprehensive and interactive web-presence of courts, easy access to courts, increased transparency of the court system.
c) Courts can focus on their primary tasks by using IT – routine tasks are automated. Fully digital case management, decreasing workload of courts, speeding up proceedings, secure connectivity to other authorities and the general public.

3.4. Activities:

3.4.1. Training of judges 225 000 EUR
Training of judges will be implemented according to the Phare rules for Technical Assistance.
Training should focus on specific areas of EC law, especially in EC consumer protection, EC labour law, competition law and intellectual property law, as those fields are the most complex and on large scale based on case interpretation. The training must provide substantial knowledge of the legislation and relevant case studies. Training will be provided in principle for one-two judges from every court, thereby spreading the knowledge over the whole court system. Short-term experts are responsible for elaboration of detailed training curriculum according to the training strategy and annual training plan of judges.
The experts must have excellent knowledge in EC law, experience in elaboration of training programs and fluent English. Training should be accompanied by study-visits to an EU member state for potential lecturers (ca 12) selected from training groups. Thereby some of the trainees will be specialists on specific areas of EC law and could be used as lecturers for training the rest of the judiciary.

Also textbooks concerning EC law will be translated and printed for the judges; some special textbooks will be procured on different topics of EU law (consumer protection, intellectual property, labour law, competition).

3.4.2. Strategic plans for the optimal location on courts and for the optimal internal organisation of court departments
This sub-project will be implemented in the form of Twinning-Light co-operation.

Twinning Light (TL) for 6 months, 75 000 EUR
Tasks:
- Elaborates the strategic plans according to the analysis provided by the Ministry of Justice
- Reports to the Ministry of Justice on the progress of the project.
Profile:
- Excellent knowledge in development of court system;
- Knowledge and experience in management; especially in strategic management and planning; risk assessment, evaluation of the programmes;
- Command of English is required;
- Good computer skills.

3.4.3. Creation of court information system

Development of the second stage of the court information system will be carried out, based on the existing strategic analysis documents (detailed descriptions of workflow and data structure of individual modules) and changes proposed by the working groups, as outlined above, in section 3.1.

Short-term expert for 5 weeks, 15 000 EUR
Expert is responsible for preparation of tendering according to the results of the analysis:
- analyses and prepares specification for tendering in accordance with the requirements of users, legislation and strategic analysis
- prepares tender dossiers for procurement of works
- participates in tender evaluation
- assists in preparation of contract.

Investments for the second stage of the development of the court information system are 265 000 EUR
1) Acquisition of hardware (server for statistics module and web interface, networking hardware);
2) Development and implementation of the statistical module and the web interface, acquisition, development and implementation of software for fully electronic case management (digital archiving, OCR (optical character recognition), digital signatures).
4. Institutional Framework

The Ministry of Justice has the competence to draw up the development plans of the institutions within its field of administration and to provide the institutions with financial and other means necessary for their activities. Besides these functions the Ministry of Justice is responsible for the personnel management of the institutions, the administration of the registries, the supervision of public prosecution, the keeping of court statistics and the auditing of courts of the 1st and the 2nd instance, as well as the prisons. The international relations of the institutions are organised via the Ministry of Justice.

Most of the functions of judicial administration are performed by the Department of Courts of the Ministry of Justice. Since autumn 1998, the Department of Courts has a special unit – the Development Division. Its main goal is to improve the quality and the effectiveness of the administration of justice. Improvement of the IT system of courts and training of judges and prosecutors are also among the responsibilities of the Development Division.
5. Detailed Budget

<table>
<thead>
<tr>
<th>Phare Support</th>
<th>Investment Support</th>
<th>Institution Building</th>
<th>Total Phare (=I+IB)</th>
<th>National Cofinancing *</th>
<th>IFI*</th>
<th>TOTAL</th>
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<td>TA for training</td>
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<td>0,167</td>
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<td>0,767</td>
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<tr>
<td>Total</td>
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<td>0,335</td>
<td>0,6</td>
<td>0,167</td>
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<td>0,767</td>
</tr>
</tbody>
</table>

6. Implementation Arrangements

Estonian Project Leader will be Mrs. Egle Käärats, Acting Head of the Development Division, phone: +372 612 7888; fax: +372 612 7811; E-mail: egle.kaarats@just.ee. The Project Leader is responsible for overall implementation and monitoring of this project.

Project Manager (for 12 months) is responsible for daily management of the project and all technical aspects of the project implementation. He/she will be hired locally.

Steering Committee will be set up and include one representative of the Ministry of Justice, a representative of the Supreme Court, one representative of the Association of Judges and one representative of the Ministry of Finance and the EC Delegation in Estonia.

Program Officer is Mr. Enno Loonurm, Head of Courts Department of the Ministry of Justice, phone: +372 612 7880; fax: +372 6208 109; e-mail: enno.loonurm@just.ee.

6.1. Implementing Agency

CFCU will act as Implementing Agency. CFCU is responsible for tendering contracting and disbursement.

Program Authorising Officer is Mr. Renaldo Mändmets, Deputy Secretary General of the Ministry of Finance. Phone: +372 6113 545; fax: +372 6317 810; e-mail: reonaldom@fin.ee.

6.2. Twinning

Strategic planning of the court system will be implemented according to the Twinning-Light concept. General counterpart for the expert will be the Development Division of the Department of Courts, responsible person: Mrs. Egle Käärats, Acting Head of the Development Division, phone: +372 612 7888; fax: +372 612 7811; e-mail: egle.kaarats@just.ee.

6.3. Technical assistance
Counterpart for the EC law training will be Mrs. Ingrid Tiislär, Referent of the Development Division of the Department of Courts, phone: +372 612 7887; fax: +372 612 7811; e-mail: ingrid.tiislar@just.ee.
Counterpart for the IT infrastructure will be Mr. Martin Varik, Referent of the Development Division of the Department of Courts, phone: +372 612 7895; fax: +372 612 7811; e-mail: martin.varik@just.ee.

6.4. Contracts
- Twinning-Light – 75 000 EUR
- Technical assistance contract for training - 245 000 EUR
- Short-Term Expert for Infrastructure – 15 000 EUR
- Infrastructure Works – 265 000 EUR

7. Implementation Schedule

Start of tendering/call for proposals; project activity and project completion

<table>
<thead>
<tr>
<th>Project Activity</th>
<th>Start of tendering</th>
<th>Start of Project Activity</th>
<th>Project Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-Term Expert for Infrastructure</td>
<td>Nov 2001</td>
<td>Jan 2002</td>
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<tr>
<td>Infrastructure Works</td>
<td>Feb 2002</td>
<td>Apr 2002</td>
<td>Jan 2003</td>
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</table>

8. Equal Opportunity

At the implementation of the project there will be no discrimination on the grounds of race, sex, sexual orientation, mother tongue, religion, political or other opinion, national or social origin, birth or other status.

9. Environment

No environmental impact.

10. Rates of return

N/a

11. Investment criteria

11.1. Catalytic effect:
The personal computers in the courts are sufficiently modern to support an advanced court information system. There is an urgent need to provide an information system for the courts that would take advantage of this situation and would provide tangible benefits for the judges and court personnel that standard applications used on these workstations cannot provide. Due to the urgency of the project, the first stage is being carried out by the Ministry immediately, in 2001 and early 2002. The second stage of the project, however, would be delayed without Phare assistance, due to the lack of financial resources for the extensive development of a single IT project for two consecutive years without adversely
affecting other IT projects within the area of administration of the Ministry of Justice.

11.2. Cofinancing:
   Project is co-financed from the Estonian State budget.

11.3. Additionality:
   Phare grants shall not displace other financing resources.

11.4. Project readiness and Size:
   For the court IT project, a strategic analysis has been carried out in 2000, providing the basis for future IT development in the courts, including the current project. Please refer to the project background for further information on the strategic analysis and its results.

11.5. Sustainability:
   • In the development of the court information system, an iterative approach is used, ensuring maximum lifecycle with regular and cost-effective upgrades to the existing systems, based on new and changed requirements by target groups, relevant legislation or technological advances.
   • The use of the system by its target group is secured both by regulations detailing the work process in the courts and also by providing the features and functionality in the system that will be of great assistance to the judges and court personnel in performing their work, thus motivating them to use the system. The regulations and necessary amendments to relevant acts will be drawn up during the first stage of the development; more detailed regulations can be adopted when the specifications for the second stage become available during the development of the system.

11.6. Compliance with state aids provisions
   The state aid provisions of the Europe Agreement will be respected.

12. Conditionality and sequencing

12.1. By the time the training programme starts, most of the Estonian judges have passed the basic course of EC law. The horizontal training on special EC law areas is logical continuation of the EC law training programme.

12.2. By the time the training programme starts, the new Courts’ Act has been adopted. The Courts' Act will regulate the training of judges more strictly.

12.3. By the time the training programme starts, the general curriculum has been elaborated by the Training Council.

12.4. By the time the strategic planning part starts, the analysis on optimal court locations and structure is ready.

12.5. First stage of the court information system is to be completed by the Ministry of Justice before the procurement and development of the second stage can proceed.
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. Reference to feasibility /pre-feasibility studies. For all investment projects, the executive summary of the economic and financial appraisals, and the environmental impact assessment should be attached (compulsory)
5. List of relevant Laws and Regulations (optional)
6. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies, etc.) (optional)
7. Short excerpt of “Strategic Analysis of the Courts Information System”. The analysis was prepared in co-operation with foreign and local experts, representatives of courts and the Ministry of Justice.
# PHARE LOG FRAME

**Annex 1**

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR ENHANCING THE ADMINISTRATIVE CAPACITY OF THE COURT SYSTEM</th>
<th>Programme name and number</th>
<th>Contracting period expires: 31/12/2003</th>
<th>Disbursement period expires: 31/12/2004</th>
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<tr>
<td></td>
<td>ES01.04.02</td>
<td>Total budget: 0,767 MEUR</td>
<td>Phare budget: 0.6 MEUR</td>
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</table>

## Overall objective

**Objectively verifiable indicators**: Improved rating of court system  
**Sources of Verification**: Annual EC Progress Reports, annual public poll by an independent institution  
**Assumptions**

## Project purpose

| 1. Judges are competent to implement EC law. | 1. Judges have passed successfully a test organised at the end of the programme. | 1. Annual evaluation of the training by the Department of Courts; project final report by project manager. | Assumptions |
| 2. The basis for the future court system development is created. | 2. The strategy is approved by the Government as the basis of future development. | 2. Government decision. | |
| 3. Faster, more transparent and more customer-friendly proceedings. | 3. Time of the court proceedings shortened, access to the needed information guaranteed. | 3. Annual court statistics; public poll in a year after the end of the project. | |

## Results

<table>
<thead>
<tr>
<th>Objective indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
| 1. Judges are trained in specific areas of EC law | 1.1. Training curriculum is ready by Feb 2002  
1.2. 80 judges are trained to implement EC law  
1.3. 80 judges have passed a test and received relevant certificates.  
1.4. Positive feedback from the participants.  
2.1., 2.2. The analysis prepared by the Ministry of Justice is examined, internal co-operation relations are mapped, optimal locations are identified, strategy for development is prepared and implementation started in two years after the beginning of the project.  
3.1. On-demand availability of statistical information for each court, updated at least weekly  
3.2. No of declined requests has decreased 10% by and no of failures to appear in court has | 1.1.-1.4. Courts’ personnel data; long-term feedback from the participants after the completion of the training.  
2.1., 2.2. Quarterly progress reports by the project manager; final report by the Department of Courts and by the project manager.  
3.1. The statistical reports, final project acceptance documentation confirming compliance to specifications.  
3.2.-3.3. Annual court statistics, security audit commissioned by the | 1.1.-1.4. New Courts’ Act regulating the training for judges more strictly will be adopted by the beginning of the training  
3.3 People use Internet. Digital signature infrastructure development on the state level proceeds according to expectations. |
| 2.1. A strategic plan for the optimal location of courts (according to the expected caseload) is elaborated; 2.2. A strategic plan for the optimal division of the functions and co-operation between court departments is elaborated. 3.1. On-demand statistical information on the work of the court system. 3.2. Comprehensive and interactive web-presence of courts, easy access | | | |
to courts, increased transparency of the court system.  
3.3. Fully digital case management, decreasing workload of courts, speeding up proceedings, secure connectivity to other authorities and the general public.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Cost</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>1.1.-1.4. Training of judges</td>
<td>1.1.-1.4. Technical assistance contract: experts, training, study visits, textbooks</td>
<td>1.1.-1.4. 245 000 EUR</td>
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</tr>
<tr>
<td>2.1.-2.2. Strategic plans</td>
<td>2.1.-2.2. Twinning-Light</td>
<td>2.1.-2.2. 75 000 EUR</td>
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<tr>
<td>3.1.-3.3. Procurement of infrastructure equipment and works</td>
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</table>

Ministry of Justice at the end of the development project;

3.3. No of pending court cases has decreased 10% in 3 years after the beginning of the project; positive security audit results;

decreased 5% in three years after the beginning of the project; people are more informed.

Preconditions

1. By the time the training programme starts, almost every Estonian judge has passed the basic course of EC law. The horizontal training on special EC law areas is logical continuation of the EC law training program.
2. By the time the training programme starts, the general curriculum has been elaborated by the Training Council.
3. By the time the strategic planning part starts, the analysis on court locations and structure is ready.
**DETAILED IMPLEMENTATION CHART**  
Annex 2

<table>
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<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
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<td>I I</td>
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<tr>
<td><strong>1.1. Training of Judges</strong></td>
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<tr>
<td>Prep. of the curriculum</td>
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<td>Training</td>
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<tr>
<td>Study-Visits</td>
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<td><strong>1.2. Strategic Plans</strong></td>
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<td>I I</td>
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<tr>
<td>Twinning-Light</td>
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<tr>
<td><strong>2. IT-System</strong></td>
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### CUMULATIVE CONTRACTING SCHEDULE

**ANNEX 3a**

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# CUMULATIVE DISBURSEMENT SCHEDULE (by quarters)

**ANNEX 3b**

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ANNEX 5

LIST OF RELEVANT LAWS AND REGULATIONS

Project N°: ES
Project title: Enhancing the Administrative Capacity of the Court System

1. Courts Act
2. Digital Signature Act

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1 This annex is optional.
ANNEX 6

LIST OF GOVERNMENT STRATEGIC PLANS AND STUDIES

Project N°: ES
Project title: Enhancing the Administrative Capacity of the Court System


3) “Strategic Analysis of the Courts Information System”. The analysis was prepared in co-operation with foreign and local experts, representatives of courts and the Ministry of Justice. Short excerpt annexed to the fiche (annex 7).

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2 This annex is optional. Government strategic plans and studies are e.g. Institution Development Plan, Business plans, Sector studies etc.
Project for the creation of the court information system

Introduction

This document contains a preliminary vision for the creation of the Estonian Court Information System (CIS) — the description of the ideal model of the system and the steps necessary to implement it.

As the court information system is a very extensive system that grows in complexity with every advance in IT technology, it is not possible to describe or implement the system within the framework of a single project. Rather, a continuous cycle must be utilized with several sequential projects that perfect the court information system.

In the first part of this document, the ideal model of the court information system is presented. As this ideal model cannot be implemented at once (several preconditions must be met, which may take a long time), this document describes two stages of development, both of which contain a number of sub-projects.

“First version of the Court Information System — case register + statistics” describes the first project, the implementation of which is intended to be relatively easy and quick — this is necessitated by the lack of a working information system in the courts and also the lack of experience in developing large scale information systems.

“Second version of the Court Information System — Fully Digital Case Management” describes the second project, which is intended to enable the courts to take maximum advantage of current IT and communication technologies.

Description of the ideal model

The objective of the court information system is to become the primary tool for judges and court personnel and to enable them to rapidly and easily access the information they need in their work. It should also facilitate easy access to other parties — lawyers, police and the general public.

The digital court information system can achieve maximum efficiency only if all the documents in the case are in electronic form. To achieve this, facilities must be provided for accepting electronic documents in courts at all stage of the proceedings. Primarily this concerns the exchange of information between courts and law offices, which should in the future be fully digital. These documents and their senders must be authenticated by the use of digital signatures.

While implementing the digital exchange of information, the possibility of requiring the paper original to be submitted along with the digital version should also be considered. The original would be stored in the court archives. Documents which are submitted on
paper only, should be quickly digitized (scanned, OCR-ed or typed in) and the original should then be stored in the archive and the secure and quick use of the digital copy should be provided for.

A fully digital case management from the first stages of the case greatly simplifies the subsequent proceedings. There will no longer be any need for physically moving files around in the courthouse, or for the archiving and binding of documents. It will not be necessary to separately keep track of the movement of the files. Every use of the files is registered by the system and they are simultaneously available for all parties — the judges, the consultant, the secretary and the lawyer.

The use of the court information system and the digital case management system does not of course mean that people will no longer need to deal with court documents. The computer has no intelligence and can only perform simple logical commands. For example, the complaints that arrive are not instantly transformed into digital case files, a person must first make sure that the application is properly drawn up and can be decided in that particular court. But once this is verified, there will no longer be any long and complicated procedures that the files must undergo in the office of the court. With a click of a button it will be assigned to the judge with the smallest workload. With just a few more clicks the judge can set a date for a hearing, the software will check the availability of courtrooms and the lawyers of the parties. After the date is set, the lawyers and other parties who have access to the Internet are automatically notified of the time and place of the hearing. For those parties that can only be reached by conventional mail, the secretary can get the letter and the envelope automatically printed. The use of a mailing service for the mailing of summons is simpler still and thus even more likely.

The transcript produced at the hearings will automatically be a part of the file and will require no subsequent editing or formatting. It will be available to the parties immediately after the court session. The system will also make it possible for all parties to check the status of the proceedings as well as the final decision. Access to the system will be granted using an ID card or some other method of identification.

The necessary information is also readily available to the judges. It will be possible for the judge to make quick and secure queries to the population register (verification of personal data), the police (criminal records), the accounting department of the court (payment of state fees and fines). These queries, some of which can currently take weeks by letter, will be possible in a matter of minutes or seconds.

If the case in question is simple, it will be possible for the judge to reach the decision and announce it in the courtroom.

The digital court information system will also enable exact on-demand access to statistical information regarding the workload of the courts and judges and flow of cases. This information will no longer require tedious additional work in the offices of the courts, but is instantly available to those who need it.
The technical basis for the court information system.

The court information system must be developed using the most open technologies, the most common standards and approaches in information technology. This will guarantee that the system will not be dependent on a single contractor or technology, which might prove very expensive. The use of open architecture and technologies must also ensure that the system is easily modernized in the future as technology develops.

During the development of the system, standards will be drawn up for every part of the case file (such as complaints). These standards will also be published, which makes it easy for the designers of related systems (lawyers, police) to plan ahead and create the necessary interfaces.

Another important step in standardizing court documents is the structuring of the court decisions. Based on the fundamental principle of the architecture of information systems, data should be entered into the system at the point of its creation. The data in the decision — addresses, names and sections of law — must be tagged. This will make the texts understandable for the system. There is no point in presenting such data in an unorganized fashion; it will have to marked up. This will enable the database of court decisions that will contain detailed search and reporting features based on the content of the case and also the protection of personal data. How to perform this structuring is still and undecided issue, but it’s possible to use forms for the decisions or to use the information in the system to fill out the necessary data and tags.

The court information system must be implemented in a very secure fashion as the case files contain data to which access should be restricted. It is likely that data will have to be stored in an encrypted format, so that it would not be possible to gain access to the files by stealing a backup copy, for example. Every document must include a digital signature, authenticating its content, sender and time of sending. This signature is also used every time the file is accessed and all access is recorded. Access to the files is limited to the judge and other persons connected to the case.

The preservation of all data must also be effectively guaranteed, an efficient backup strategy is required. In cases of hardware failure, loss of power or network connections, it must be possible to quickly resume the work of the courts. Data losses in such cases should be minimal. Depending on the data volumes and connection speed, a central data warehouse could be used for all the courts.
First version of CIS (case register + statistics)

Overview of the projects for the development of the first version

The ideal model of the CIS cannot be implemented in a single quick project. It is a long-term process that has several preconditions and presents several problems. Because of this, it is advisable to implement simpler components of the CIS first, such as the case register, which would also facilitate court statistics. The existing program at the Tartu District Court could be used as a prototype.

But prior to this project or simultaneously with it, several other important preconditions must be met, such as the creation of an efficient IT support model and a good project team. The respective projects are described below.

Base Project for IT support

The model for IT support in courts is not optimal. The Ministry (who allocates the necessary funds) has adopted the position that only the deployment of special software and the required training is provided by the Ministry. However, currently there is no special software in use at the court (except for the problematic statistical software). The developing of IT in courts has largely been the duty of court chairmen, but as a rule they lack the necessary knowledge, so even basic computer training has been ignored in many of the courts. The IT support personnel at the courts can only fulfill a small part of their duties as a result of low wages and little responsibility.

Under these conditions, only Tartu District Court has been able to make progress in IT development due to favorable circumstances. But all the courts operate under the same legislation, so why should the wheel be reinvented in every court?

The following model is proposed for IT development for courts. The central body in this model would be the IT support group that would actively develop and support IT solutions for courts. This group could be located at one of the bigger courts, this would provide a better understanding of the work in the courts. It would be similar to the IT bureau in Finland, only significantly smaller, possibly with only 2-3 full-time employees.

The function of the IT support group would be to develop a suitable IT solution for all courts and update it as newer technology becomes available. The IT solution would encompass everything related to court IT:

- What computers should be used in the courts
- What software should be used by the personnel of the court
- What accessories could be used at the courts (scanners, printers, etc.)
- What is the optimal server configuration for every court
- What is the optimal network connection for every court
It is far more efficient if this solution is developed uniformly and only once for all courts and not separately for each court. The central IT support group would also keep records on the hardware and software in use at the courts, and would carry out public procurements and be responsible for the optimal licensing of software. The group will also administer the central server for the CIS and the information portal of the courts, possibly also the database of court decisions and other related systems.

Local IT personnel would then deploy and maintain the solutions developed by the central group. The central group should also provide help-desk services if local personnel is unable to solve the problem. The central group will at all times have an overview of the equipment and software used at every court and they can provide detailed support.

The central IT support group should co-operate with judges, secretaries and personnel from the office of the court. The IT training must be systematic and probably organized by the central IT group. The personnel should be taught the features they need, not the generic office skills.

**Base Project for the Creation of a Project Team**

For the subsequent projects to succeed, there must be an effective project team that will take part in the development and will supervise it, approving the various progress reports and being responsible for the final results. The team should consist of persons who have the best possible perspective on the requirements of the CIS. The central IT support group, judges and the Ministry of Justice should be represented.

The project team should monitor and supervise the development of the IT solution and address any problems that may arise. They will have to take an active interest in the area to assess the end result of the project and assume responsibility for it.

In addition, a group of 5-10 end users should be signed on for testing the system as it is developed.

**CIS version 1 — the case register**

The first stage of the CIS could be called the case register, a system where all data about the case is stored. It should replace the current statistical software KStat. KStat is used in most of the courts, but it has problems that necessitate duplicate record keeping, which is very inefficient. There are also problems when the KStat database is accessed by several persons at the same time.

The basis of the new system is the structure of the case register in use at the Tartu District Court, which will be improved and developed further. It is intended as a tool to keep
track of cases. It will contain all the basic data about the case: names of parties, addresses, case numbers, court sessions, etc.

The goal of this system is to render the traditional paper records, alphabetical indexes and forms unnecessary. The archived records would also be no longer needed, they could be printed out from the system. Searching and entering data would be much simpler and faster using the system. The software will also semi-automatically assign cases to judges. It will also be possible to assign lay judges. The name of the judge will be stored in the case register and he will immediately be able to see that a new case has been assigned to him.

All the court personnel can use the case register at the same time, the data on court sessions will be entered by the secretaries. All the data currently on the info sheet will be entered into the system by the judges or the secretary, and also other required information. By entering a date for a court session, it will automatically be visible in the session schedule (also available via the court’s homepage), the statistical form for the case and the calendars for the courtroom and the judge — it is entered once, but used in several connections.

As the case register contains all the names of the parties, it is easy to compile summons. This data is entered at the office of the court. The secretary and the judge can edit this data or add new persons when necessary. There will have to be several possibilities for issuing summons, they can be sent to the office for giving them to them parties (an envelope is not needed), to the postal service, to the e-mail of the party or to the publication that is contracted to print them.

The system must be able to offer scheduling for judges. It will contain the office times of judges, the availability of rooms and lawyers. This will make the scheduling of court sessions easy. If the procedural time limits are also entered into the system, it should be of great assistance in planning the work of the court. The data, once entered, is automatically used whenever it is needed.

The statistics will automatically be transmitted to the central server administered by the central IT support group and can be accessed by court personnel and the Ministry of Justice. The central server will host the courts’ home pages, the internet portal through which the public can access non-restricted information such as the times of court sessions, decisions that are published, etc. It is more efficient to develop a single portal rather than have separate pages made by individual courts. The entry into force of court decisions can also be tracked.

All the court decisions will be entered into the case register in a structured format, and they will be stored at the central server. If an appeal is made, all the necessary documents can be retrieved from the central server by the higher court. The information available on the case via the system will be much more extensive than the current paper forms. The decisions in the central server can also be made public. This will, in effect, create a database of court decisions.
Some changes to the system might be necessary after its initial deployment (during the transition to the new version described in section 4) — for example the enabling of electronic applications or data exchange with related systems, such as the civil enforcement departments, prisons and probation supervision departments. This would greatly simplify the executing of court decisions.

**Binding and management of case files**

The ultimate goal is the fully electronic case file so that the file not be physically moved around in the court. The use of paper files and documents will probably still be unavoidable for some time, so more up-to-date binding technologies should be used to make the handling of documents quicker and simpler. Still, the keeping of certain documents in digital form only should be considered. It should be understood, however, that if both digital and paper copies exist of a document, the comparison and management of both copies is very time-consuming. When the necessary rules for synchronization are in place, the benefits of a digital copy are nevertheless obvious.

**The second version of CIS — fully digital case management**

**Fully digital case file management**

The second version of the CIS would build on the system developed in the first stage. Most of the functionality described in section 2, the vision, is implemented. The objective is fully digital case file management, where all documents are in digital format.

Fully digital case management may seem impossible to many, but it can be implemented with technologies already available. Digital technologies develop rapidly over time (displays grow bigger and easier to read, digital storage becomes cheaper, even compared to traditional archives, database systems and programming tools enable the more rapid development of complex information systems, Internet connectivity becomes faster and cheaper). All the documents that are compiled in the courts are already digital, they are created on the PC. Digital case file management cannot therefore be postponed into the distant future; steps should be taken in this direction today. Even though the system may be fully deployed a year or two after the case file register, it is important that all the possible issues are solved by that time.

Digital document management should be taken into consideration because the Law on the Population Register provides that once the register is deployed in 2002, all personal data in the public sector must be provided by this register. If the register contains outdated or
insufficient information, it must be corrected first and only then can the required document be compiled.

**Digital filing of complaints**

The first part of the fully digital document management is the enabling of digital filings of complaints and other documents with the courts. This is made possible by the Law on Digital Signature, entering into force 15.12.2000, which recognizes the digital signature as legal means of authenticating a document. The CIS must therefore be able to authenticate digital documents and make further use of them. ID-cards and biometry can also be used for identification purposes; both technologies are developing rapidly in numerous countries.

Documents, which are presented to the court on paper (the number of such documents should decrease as the system is more widely used), should be scanned and added to the digital case file by the office of the court. The judge deals with only digital documents. The original is stored in the archive for some specified duration.

**The infrastructure of the fully digital case file management**

For the fully digital case management to be implemented, the IT in the courts must be sufficiently developed — every court must have a reasonably powerful and secure server, archiving facilities, an internet connection and workstations for practically all court personnel. Every court official must have the necessary computer skills. If the IT support group idea is successfully implemented, this infrastructure could be built in one year.

**Integration with other bodies and systems**

The CIS is tightly related to several other systems. When digital case file management is adopted, digital integration with other information systems must also be provided for. Such systems are the police information system (POLIS), the information system of the prosecutor’s office, the population register and others. It is likely that integration with all other systems cannot be achieved at the same time but it should be implemented by way of smaller projects over a longer period of time. The need for integration also varies from system to system.

**The Internet portal for the CIS**

The homepages of courts are also closely related to the court information system. The portal will provide the interface through which the general public and the lawyers will communicate with the courts more and more often. It is probable that a single page should be created, through which all courts would be accessible. In the respective pages
all the necessary information can easily be located — information on the particular court, its cases and decisions.

The portal would also facilitate the electronic submission of complaints and provide information on the court sessions and decisions that have come into force.

It may also contain forums and news features for judges and court personnel.

**The transcript of court proceedings**

Modern technologies for creating the transcript of court proceedings should be explored in a separate project. Currently the best system seems to be where the secretary types the transcript and it is visible to the judge in real time.

But several other technologies are possible:

- The use of tape recorders — simple, but tapes must be indexed and archived. It is difficult to access a specific point in the transcript.

- Digital audio recording — the archiving of recordings is easier but a lot of storage space is needed. Access to specific points in the transcript can be simplified.

- Speech recognition — a lot has been hoped from such solutions, but no software has yet attained perfection. Software is currently available that can be used by a single person after some practice, and the accuracy improves with the speed of the PC (PIII-500, 256 Mb RAM recommended). This would be a useful tool for the judge but could not be used at the court sessions, as several people speak there.

- Video recording — similar to digital audio recording

Another way of simplifying the creation of transcripts would be the recording of the judge’s summary only. The testimonies and statements by the parties and their representatives would be summarized by the judge, who would recite the legally relevant facts and arguments out loud. If the parties have no objections, this summary would then be entered into the transcript.

This change requires no support from the IT system and could be implemented immediately.

**Integration with legal databases**

It may prove necessary to integrate CIS with legal databases (ESTLEX, the IBS database) so that the judge could access the relevant provisions as simply as possible. Persons who
have access to case files or court decisions should be able to access every provision of the law referred to, for example via hyperlinks.

It would also be sensible if a single legal database would replace the three separate ones. It should be operated by the state and be extremely reliable.

**Database of court decisions**

On of the subprojects of the CIS project is the database of the decisions of the 1st and 2nd instance courts. If CIS is properly implemented, the database will be formed with very little additional effort, being a view to the data in the CIS, a query that will access all available decisions with or without the personal data.

The creation of the case register does not automatically result in the creation of the database of the court decisions, but the necessary actions and arrangements are greatly simplified. In the long term, the database should be an automatic byproduct of the case register; issues with its actual location and content must be addressed first.
DEVELOPMENT STRATEGY OF ESTONIAN JUDICIARY

1. The Role of Judiciary

The primary task of the court system is to deliver justice in due time and at a price a citizen can afford and protect the civil rights and fundamental freedoms of each and everyone. Every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. It is essential to improve the legal knowledge of citizens and to secure the principle of the rule of law.

2. External Factors Determining the Development of Judiciary

Integration with European Union is the foremost important factor necessitating the strengthening of the court system via optimisation of the caseload of judges and by means of continuous in-service training of judges and other operators of judiciary.

It is important to precisely determine the scope of functioning of public sector. Due to the efficiency of operation several administrative functions can be delegated to the 3rd sector. The principles of legal economics are crucial to achieve efficiency on judiciary.

Building up a new legal order Estonia has very much to improve the legal awareness of the citizens. Today court proceedings are delayed because of the absence of parties. That can and has to be improved by informing people of the importance on their roles in legal relations and advancing the overall legal culture.

Estonia has to promote the use of alternative, consensual resolution services alongside the traditional courts.

3. Short-Term Priorities

For strengthening the court system it is necessary to optimise the workload of judges by carrying out the reform of administrative courts and merging the courts of the 1st instance
located very close to each other. Both organisational measures provide for specialisation and more efficient use of material resources. It is also important to continue the training of judges and ensure the professional quality of the court personnel.

The priorities listed in the present document are to be implemented by the year 2003. Several of the activities shall be continuously practiced to be effective; some are designed to reach the aim in certain period of time. As the judiciary is an integral part of social relations the principles shall be addressed as living concept liable to changes if necessary. The aim of the reforms is to achieve stability of judiciary guaranteeing democracy and the rule of law.

4. Reform of Administrative Courts

The overall objective of the administrative courts reform is to enable the administrative judges to specialise solely on complaints on the acts of administration, in order to guarantee the better quality of justice. As a result of the administrative courts reform and the penal law reform, the cases of administrative offences shall be administered by the courts of general jurisdiction and not by the administrative courts. On January 1st, 2000, the Code of Administrative Court Procedure entered into force. The Code provides that starting from the year 2001, all administrative complaints on the acts of administration shall be settled only in regional administrative courts. In addition to Tartu and Tallinn Administrative Court working since 1992, the Pärnu Administrative Court was formed starting on January 1st, 2000. During the year 2000, the fourth administrative court shall be formed in the North Eastern part of Estonia, Virumaa, and all administrative judges shall move from courts of general jurisdiction to the regional administrative courts. By the end of the reform there will be four regional administrative courts of 1st instance with total number 28 administrative judges working in Estonia.

5. Assessment of Administrative Costs of the Court System

Estonia is introducing principles of legal economics to provide cost-effective measures to improve the efficiency of justice. There is an urgent need for the thorough analysis of administrative costs structure. The results of the analysis shall provide information for restructuring the administrative costs of the legal system. The analysis shall also point out
the administrative functions which can be delegated to the 3rd sector in order to approximate the administrative costs of legal system and to guarantee the effective delivering of justice.

6. Assessment of the Caseload of Courts

Approximation of the workload of courts demands revision of methods of court statistics to provide more detailed and informative data. Analysis of the court statistics is designed to be used in determining the optimum workload for a single judge as well as the average cost of court proceedings. It shall also enable to take fundamental changes to avoid any type of undue delays of court proceedings.

The court statistics shall also provide data for deciding the allocation of new judgeships or re-allocating the existing judges to another court to relieve the burdens on the specific court.

The workload of administrative judges in general courts is substantially lower than the workload of other judges. For the purpose of approximation of workload of judges, 9 former administrative judges shall continue their work in courts of general jurisdiction, solving civil or criminal cases. It is essential to conduct a systematic analysis of duration of the trial phase of the proceedings to ensure the fundamental right to a fair trial within a reasonable time.

7. Career Development of Judiciary

In order to improve the qualification of judges and court officers, training programs are continuously carried out. In the year 2000, completing the training of trainers program (the “Twinning”) for judges and prosecutors is of vital importance. The second phase of the training program will involve all Estonian judges and prosecutors and is planned to start at the end of 2000. A special training program on the EC law will be carried out for another group of 40 judges and prosecutors. In addition, the traditional supplementary training in the forms of seminars on different areas of law and recent changes will be carried out.
The professional skills of court officers, such as court managers, court clerks, accountants, and court information systems administrators will be improved through training and evaluation.

8. Adjustments of Legislation Regulating the Judiciary

The Draft Courts Act shall be presented to the Parliament in summer 2000. Implementation Acts are planned to be drafted later this year.

9. Development of Court Information Systems

The Ministry has carried out a public procurement for the strategic analysis of the court information systems. The purpose of the analysis is to chart the processes and personnel roles in the courts and to determine the changes necessary for achieving optimal workflow, eventually leading to changes in court procedure. In addition, the analysis will provide the basis for subsequent court IT applications development. The analysis is scheduled to last from May to September 2000, and will require heavy commitment from judges and court personnel.

Several judges have been involved in the development of court IT at the Ministry and it has been possible for them within the framework of bilateral agreements to familiarise themselves with the more advanced court IT systems in Europe in order to facilitate more informed decision-making. These judges will also be able promote the necessity and possibilities of court IT among their peers. Other long-term developments include the application of the Law on Digital Signature in the judicial system in supporting electronic communication to and from the courts.

In the shorter term, priority will be given to completing existing projects and the improvement of current applications (office applications, the existing statistical software) and their use in courts, and to projects which the courts themselves consider important such as the database of court decisions, which is currently undergoing a major revision.
Strategy for training of judges and prosecutors for the years 2001 – 2004

Adopted by the Government on February 20, 2001

I Description of the Situation

Since 1998, the European Commission draws up annual reports, by which the advancement of the candidate countries is evaluated. The Regular Report on Estonia’s progress Towards Accession 1998 stated: “Uncertainty by judges applying the law and inexperienced judges continue to be the major difficulties faced by the judicial system. Justice at lower courts level is considered to be unsatisfactory, as there are many new inexperienced and overburdened judges.” In the Regular Report 1999, it was found: “Inexperienced judges continue to pose major difficulties for the judicial system. Justice in lower level courts continues to be unsatisfactory, as there are many new, inexperienced and overburdened judges.” The Regular Report 2000 had a bit more positive shade than the previous ones: “Estonia has made some progress in addressing the concerns raised in last year’s regular report in this area, in particular as regards training for judges. However, the workload of judges and backlog in the system have not registered noticeable improvements. Uncertainty by judges applying the law, in particular in the administrative and penal law field, continues to be a problem. The quality of court decisions varies considerably, although it remains unsatisfactory in the lowest-level courts.”

Thus, the main problems of the Estonian court system are the length of proceedings, the high percentage of repealed or amended court decisions and the continuously increasing backlog. More and more resources are provided for the improvement of the situation, yet – because of the general inefficiency of the system – they do not give the expected outcome.

One of the most substantial ways of increasing the quality of court decisions and the competence and self-confidence of the judges and prosecutors, is training of the target-group. As a result of training, the level of judges’ and prosecutors’ knowledge and skills
increases and the quality of their work improves. This, on its turn, enables the state to economise resources. The management with a smaller amount of resources could also be made possible by the more frequent use of expedited or simplified procedure and alternative penalties in criminal cases and by the promotion of friendly settlement. Even in this matter, the training of judges and prosecutors has an important role to play.

The organisation of training has so far been based on documents of general character: National Plan for the Adoption of the Acquis 2000, Accession Partnership 1999, Development Strategy of the Ministry of Justice up to the year 2004, Training Strategy of the Ministry of Justice up to the year 2003 and Principles for the Training of Officials, adopted by the Government in 1999. The aim of the present strategy is to determine, in accordance with the above-mentioned documents, more precise and specific basis for the training of judges and prosecutors.

The need for the elaboration of a long-term training strategy resulted from inefficient use of resources and from orientation to short-term (one year) programmes. Also, finding the trainer by means of annual public procurements hampers the long-term planning. The mentioned practices have lead the training of judges and prosecutors to a situation in which:

− Hard competition forces the suppliers to make efforts to meet the minimum standards with minimum spending. Therefore it is impossible to guarantee investments for the essential training development activities in the longer perspective, including the creation and development of the system for the raise of the quality of the training of judges and prosecutors;
− The winner of the public procurement acts only on one-year basis, as it is unknown, who will organise the training of judges and prosecutors the next year;
− The organisational continuity is not ensured;
− In the beginning of every year, more than two precious months of training time are lost, until the training programme and organisational questions are discussed and the contract concluded with the winner.

The above-mentioned problems have in their turn lead to the loss of general objectives and overview of vocational training as a long-term system, and to the lack of certainty,
concerning the institutional continuity and financial aspects. The uncertainty has appeared both among the target group and the institutions organising the training.

Judges and prosecutors as a target group have been included minimally to the planning of training. Therefore, the target group has been lacking of complete overview of training programmes organised by different trainers, and of financing of the trainers.

Taking into account this description of the situation, the present long-term strategy for the training of judges and prosecutors is the basis for resolving the risen problems. The strategy represents the agreement between target group (judges and prosecutors), governmental organisations (Ministry of Justice, State Public Prosecutors’ Office), academic establishments (University of Tartu) and training institution (Foundation Estonian Law Centre) on the following questions:

- Nature and implementation of the long-term strategy;
- Training target groups;
- Training objectives, subjects and types;
- Institution organising the training;
- Financing of the training;
- Evaluation and supervision of the training.

II Training Objectives

In setting the objectives, the following things were considered:

- Long-term objective for the training: to describe the overall purpose;
- Short-term objectives for the training as a whole: to specify the knowledge, skills and attitudes that need to be addressed and developed in order to meet the overall objective;
- Immediate objectives for each session: to specify, from the objectives for the training as a whole, the detail of what the learners will possess by the end of the session.

2.1. Long-Term Objectives
The overall aims for the training of judges and prosecutors are effective and efficient functioning of the legal order, enhanced administrative capacity and reliability of the court system and readiness of the court system for the EU-membership.

2.2. Short-Term Objectives

As short-term objectives for the training of judges and prosecutors the following points can be considered: decreased percentage of amended and repealed cases, shortened court proceedings and efficient use of resources for the administration of justice. This results the necessity of judges and prosecutors to possess and to develop the relevant knowledge, skills and attitudes to accomplish the high-quality fulfilment of their duties, as required by the law. As the court system is continuously changing, it is also important to guarantee the existence of attitudes, which support the objectives of the system.

2.3. Immediate Objectives

The immediate objectives are determined in the process of the elaboration of relevant training programmes.

III Target Groups

The target group is formed of judges of the 1st and the 2nd instance and prosecutors, as well as the Supreme Court justices who consider it necessary to participate at the training, court consultants and councillors.

Within the target group, judges and prosecutors can be divided, according to their working experience and specialisation, for instance as follows:

- Experienced judges and prosecutors, who have acquired their education during the past regime;
- Inexperienced judges and prosecutors;
- Administrative judges;
• Criminal judges and prosecutors;
• Civil judges;
• Chief judges and senior prosecutors;
• Judges and prosecutors of special jurisdiction;
• Lecturers, i.e. judges and prosecutors, who forward their knowledge to their colleagues.

IV Training Subjects

4.1. Substantive Law

To be able to perform high-quality work, judges and prosecutors need to possess knowledge about substantive law. In the near future, both private and criminal law will undergo extensive changes – through the adoption of Law on Obligations and of a new Criminal Code.

4.2. Procedure

Court proceedings are carried out according to certain rules, a breach of these rules can, depending on the seriousness of the breach, lead to the repeal of the decision or to the disciplinary proceedings against a judge or a prosecutor. To avoid this kind of situations and to use the resources efficiently, judges and prosecutors must have profound knowledge of procedural rules. Besides rules regulating court proceedings, judges and prosecutors need to know specific methods, which help them to prepare and proceed a case rapidly and effectively.

4.3. EC Law

The qualification of judges in the European Union is high and the readiness of the court system is emphasised at the negotiations with candidate countries. At the moment of the accession to the European Union, judges and prosecutors must be prepared to deal with cases related to the EC law and to implement the laws correctly. The objective of the EC law training is to ensure that judges and prosecutors have sufficient knowledge of
the institutions, decision-making procedures and policies of the European Union and profound knowledge of their specialisation in the context of the European Union.

According to the optimistic prognosis, Estonia will accede to the European Union on the year 2003; this means, that for the year 2003 most of the judges and prosecutors (ideally all the judges and prosecutors) have passed at least the basic EC law training course.

4.4. Knowledge and Skills Related to the Role of Judges and Prosecutors

In addition to the above-mentioned compulsory knowledge, judges and prosecutors have to manage the use of specific professional methods and means (tools). They have to possess knowledge about psychology and oratory skills and they have to be able to perform in public and solve critical situations.

4.5. Management Knowledge and Skills

Taking into account the requirement to enhance the administrative capacity, the chief judges and senior prosecutors must be oriented towards more effective management and they need to acquire relevant knowledge and skills, which ensure the maximum effectiveness of the court system with the optimal use of resources.

4.6. Non-Legal Knowledge

Besides the substantive and procedural law, judges and prosecutors need to have knowledge in some non-legal areas, for instance economy, accountancy, environment etc.

4.7. Languages

As the translation of written materials about EC law takes time and all the relevant materials will probably never be translated into Estonian, it is necessary for judges and prosecutors to be able to read legal texts in foreign languages. Language skills are also
important in relations with the judges and prosecutors from other countries, as well as in the occasions of Estonian judges becoming members of international courts.

4.8. Pedagogical Skills

Judges and prosecutors, who participate at the training of trainers and accept the obligation to pass the acquired knowledge to their colleagues at relevant training courses, need pedagogical skills, to be able to work as lecturers.

V Training Types

5.1. Post-Training

The main objective of the post-training is to teach contemporary legal theory.

The post-training is divided into two phases. The objective of the 1\textsuperscript{st} phase is to train the future trainers who after the completion the programme will train the participants of the 2\textsuperscript{nd} phase. The objective of the 2\textsuperscript{nd} phase is to ensure to all the judges of the 1\textsuperscript{st} and the 2\textsuperscript{nd} instance and prosecutors the knowledge of contemporary legal theory at a level necessary for the high-quality performance of their everyday work. Thus, the target group of the 2\textsuperscript{nd} phase includes all the judges and prosecutors, who have not passed the training in the 1\textsuperscript{st} phase. At the end of the 2\textsuperscript{nd} phase, every prosecutor and every judge of the 1\textsuperscript{st} and the 2\textsuperscript{nd} instance has passed the post-training programme.

There are two groups within the post-training: private and criminal law group. Each member of the target group has to pass the whole training programme within one of the groups according to their specialisation or their choice, as the workload and “training-load“ makes it impossible to participate in both groups. Private law group concentrates mainly on the Law on Obligations, as well as on the General Part of the Civil Code and Continental European legal theory and practice. Obligations constitute the most massive part of the civil law (in 1999, 57% of private law proceedings concerned obligations) and at the same time it is the only part of the civil law, which has not been regulated in the independent Estonian Republic by a new national law. Thus, it is extremely
important to introduce to the judges the implementation area and interpretation possibilities of the mentioned law.

Within the criminal law group, the new Criminal Code is being dealt with. Criminal Code will change the existing criminal law cardinaly, starting with extensive terminological changes. If a judge administering criminal cases does not have profound knowledge about the new Criminal Code at the time when the Code comes into force, he cannot make a decision.

5.2. Supplementary Training

The objective of the supplementary training is to keep judges and prosecutors informed about continuous changes in the legal order. At the supplementary training sessions up-to-date legislative changes, relevant case-law and its tendencies are dealt with. It is also important to create between participants a discussion on the newest laws and to enable exchange of experience on the implementation of legal acts. The target group of supplementary training consists of all the judges and prosecutors. The supplementary training seminars can be divided into different categories: private, criminal and public law and general topics. Every judge and prosecutor has a possibility to choose, which seminars he or she considers to be necessary.

5.3. Training Necessary for the Accession to the European Union

To be ready for the accession to the European Union, two kind of training is needed: EC law training and language training. EC law training consists of two parts: basic training and horizontal training. The target group of the basic training programme, which ended in December 2000, were judges and prosecutors, amongst whom some persons should be used for training the other judges and prosecutors.

Most of the judges and prosecutors currently working have not had the possibility to get the overview of neither the European Union, nor the EC law, while studying in the university. Thus, every judge and prosecutor has to pass the basic training, as it is unthinkable that they have no knowledge of the European Union history, institutions,
decision-making procedures and other important facts concerning the European Union, when Estonia becomes a member of the European Union.

Besides the basic knowledge, judges and prosecutors need to be aware of the case-law of the European Court of Justice. When Estonia becomes a member of the European Union, in cases concerning EC law, the Estonian courts have to make decisions in accordance with the ECJ practice. It is also important to introduce to the judges and prosecutors the influence of the European Union to the Estonian legislation.

Horizontal EC law training concerns different EC law areas. The members of the target group choose according to their specialisation or to their own choice, in which seminars they participate, as it is physically impossible to take part in every seminar.

Concerning language training, every judge and prosecutor has the possibility according to the previously acquired language skills to choose, which language skills to improve.

5.4. Attitude Training

This category includes development of knowledge and skills related to the role of judges and prosecutors, management-related training and pedagogical training. The objective of attitude training is to facilitate the every-day work of judges and prosecutors, to help them solve critical situations and avoid burning out. The target group of the training concerning knowledge and skills related to judges’ and prosecutors’ role, consists of all the judges and prosecutors; the target group of management-related training consists of chief judges and senior prosecutors; the target group of pedagogy-related training consists of judges and prosecutors working as lecturers.

5.5. Specific Training

This category covers the substantive and procedural law training, which is not covered by the post- or supplementary training, and training in non-legal areas. The target group includes judges and prosecutors according to their specialisation or special competence.
VI Trainers

The implementation of the long-term training strategy requires the existence of an organisation with relevant experience and necessary resources to ensure the high quality. This organisation should be accepted by the target group (judges and prosecutors), customer (Ministry of Justice, Supreme Court) and among the jurists in general.

- Foundation Estonian Law Centre. The foundation created in 1995, with an objective to train judges and prosecutors, has in training matters been so far the most important partner of the Ministry of Justice.
- Foreign partners. The training financed by foreign partners is organised by the partner itself or in cooperation with the Ministry of Justice.
- Ministry of Justice in cooperation with a professional trainer. Specific training courses and in case the price of the training is less than 50000 crowns are organised by the Ministry of Justice in cooperation with a qualified trainer. Direct ordering of the training service is used only when it is obvious that one of the training centres is the best or the only organisation offering relevant training.

VII Financing

The main source of finance for the implementation of the present strategy is the State Budget. In planning the training, the basis is the long-term strategy, thus the financing cannot depend on foreign aid. Foreign aid is used as supplementary sources.

Additionally to the resources from the State Budget, it is possible to use foreign aid. The Association Agreement offers good possibilities for organising the training. Also, the bi-lateral cooperation contracts with neighbouring states are important. Foreign donors can be divided:

- EU – the main foreign donor;
- Northern countries – Estonia’s direct neighbours at the Baltic Sea provide aid mainly in the framework of bi-lateral aid projects.
Foreign aid is usually meant for training of trainers projects. To guarantee the continuity, further training must be financed from the national resources.

- According to the Twinning Covenant, the 2nd phase of the post-training has to be financed fully from the State Budget;
- Supplementary training is planned to be continuously financed from the State Budget;
- For the EC law basic training, the annual contracts will be concluded with SIDA, who covers the expenses related to the lecturers. Local costs are financed from the State Budget;
- For the horizontal EC law training programmes it is possible to apply aid from the European Union. The project proposal for the horizontal training starting in 2002 is in process.

**VIII Implementation of the Strategy, Evaluation and Surveillance of Training**

The Training Council is responsible for the implementation of the present strategy. The members of the Council are:

- Two representatives from the Association of Judges;
- One representative from the Supreme Court;
- Two representatives from the Public Prosecutors’ Office;
- One representative from the Ministry of Justice;
- One representative from the law faculty of University of Tartu;
- One representative from the foundation Estonian Law Centre.

The Training Council comes together as often as considered necessary, but at least twice a year. Training Council can involve experts in its activities.

One of the most important tasks of the Training Council is the elaboration of standards related to the competence of judges and prosecutors, as well as the assessment of their training needs, determination of means for the increasing of training motivation and the financing plans necessary for the implementation of the strategy. With the aim of enhancing the effectiveness of the courts, the Council also elaborates the proposals for
priority areas and programmes, which should also be taught to other legal professionals (advocates, investigators, policemen, civil servants).

For the implementation of the strategy and for the evaluation of training, Estonian and EC law experts will be involved and relevant international conferences organised.

The Training Council draws up a report about the implementation of the strategy, assessment of the training needs and effectiveness of the training and submits the report to the Minister of Justice, who makes once a year a report about the situation of the implementation of the strategy and effectiveness of the training. The Ministry of Justice in cooperation with the organisation directly organising the training keeps accountancy over the training events and participants and creates relevant database. The objective of the database is to determine, in which training topics the target group is most interested in and what influence has training on work results. Collected data enables to get the overview of the training-load of the target group and to find out judges and prosecutors who participate actively in training.

The evaluation of training has two levels: the evaluation of the administrative arrangements of training and the effectiveness of training.

The training events are evaluated systematically. The organiser of each training event is responsible for the immediate evaluation of the training carried out. Within the implementation of the strategy, values and opinions of participants, chief judges and courts of higher instance are constantly collected. The organisers of training have to forward the collected information to the Ministry of Justice and the Training Council; and it will be analysed. In addition, if necessary, conversations with participants are carried out.

The objective of the evaluation process is to define the risen problems and possibilities to amend the training programmes and to receive the information for the planning of future training. The outcomes of the implementation of the strategy have to be as measurable as possible and appear in the increase of the competence and administrative capacity of the court system.
The evaluation of training concentrates on the following issues:

- **Relevancy**: whether the training has met the training needs of judges and prosecutors;
- **Impact**: whether the judges and prosecutors who have been trained, are more efficient in their work, has the lack of knowledge and skills decreased;
- **Continuity**: whether the training system guarantees continuous update of knowledge and skills;
- **Effectiveness**: whether the quantitative and qualitative training objectives, taking into account the amount of the personnel and improved knowledge and skills, were met;
- **Efficiency**: whether the training resources and funds were used in the best possible way.

To evaluate the training, usually a test is carried out. In the longer term, the impact of the training will be seen in:

- Decreased percentage of amended and repealed decisions;
- Shortened proceedings;
- Increased capacity;
- More reasonable use of resources.

To ascertain the subjective aspect of training results, feedback is collected from the participants a year after the end of the training.