STANDARD SUMMARY PROJECT FICHE

Project Number: RO 9806.02

Title: IB for the Ministry of Justice

Sub-programme: Strengthen the institutional and administrative capacity to manage the acquis

Objective

The objective is to strengthen the capacity of the Ministry of Justice such that it is in a position to tackle judicial co-operation matters and improve the rule of law and justice in the country and, in this context, the carrying out of a detailed needs assessment comprising all relevant aspects of the effective functioning of an independent judiciary.

There are four aspects to the analysis of the issue: (a) legislation, (b) administrative structures, (c) education and training, and (d) material resources.

The Accession Partnership highlights that Romania has to make efforts to implement measures to combat corruption and organised crime (money laundering, drugs and trafficking in human beings) and improve border management in the short term (1998); in addition, in the medium term, the country has to develop capacity to handle asylum and migration questions, align visa policy with that of the EU and complete alignment to international conventions, notably in view of the Schengen acquis. The same line, in broad terms, is adopted by the NPAA.

Description

There are two distinct aspects with respect to Justice: (a) the organisation of the judiciary, and (b) the functioning of the Justice mainly in terms of its human and material resources.

The organisation of the Judiciary suffers from an important disequilibrium linked to the role of the Public Ministry (i.e. the Public Prosecutor’s Office) and to the structure of the Ministry of Justice itself which is currently not in a position to fulfil its mission effectively.

The structure of the Public Ministry, its hierarchical subordination to the Minister of Justice and the exclusive prerogatives that the law on judicial organisation confers to this Ministry, in particular in the context of conduct of penal procedures, result in an unbalanced situation which should be reviewed and corrected. In addition, the Ministry’s structure is not the optimal for it to fulfil its mission.

The project foresees the provision of long-term secondees who will carry out the needs assessment and, in this context, attach specific importance to above identified core weaknesses. They are expected to be judges, examining magistrates and prosecutors. With respect to the general organisation of the ministry, a practitioner from MS Ministry of Justice at the level of Secretary General or similar is deemed to be the appropriate person to carry out the task of proposing a plan for the reform/re-organisation of the Ministry. The logframe matrix clarifies further the activities to be undertaken and the inputs to be used.

As mentioned above, the second aspect in terms of delivery of Justice is that of its functioning. It has to do with staffing, human skills (a function of their education/training) and the material resources (libraries, IT systems, etc.). This aspect is mainly covered by an on-going 1997 Phare project. However, an overall evaluation will be carried out and, on this basis, further steps to be taken.

The output of this project is expected to be legislation to modify the role of the Public Ministry on the basis of a range of options to be studied; also, a plan to re-organise and streamline the Ministry, including material resources.

Institutional framework

The Ministry of Justice has declared officially that the review of the role of public prosecutor is one of its objectives. Dialogue with the Ministry on various options has to continue and intensify on this issue. At the same time, a working group needs to be established including the Ministry of Interior: as the demilitarisation of the police is a precondition for the establishment of independent examining magistrates, close
coordination of institutional reforms in above mentioned three organisations needs to be ensured (cf. IB project on Ministry of Interior).

Under the on-going 1997 Phare programme, the National School for Magistrates is being assisted. Under this project, in particular the obligation of all law school graduates to attend the national School for Magistrates before becoming judges should be examined.

**Budget (in Mecu)**

<table>
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<tr>
<th>Investment</th>
<th>Institution Building</th>
<th>Total Phare (I+IB)</th>
<th>Recipient*</th>
<th>IFI*</th>
<th>TOTAL*</th>
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<td></td>
<td>1.0</td>
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* In cases of co-financing only

**Implementation arrangements**

The Ministry of Justice will be the Implementing Agency. The project will be implemented under the supervision of the Secretary General of the Ministry. The Unit for European Integration is expected to play a catalytic role in the implementation of the project. The usefulness of establishing a Task Force under the Secretary General for Structural Change in the Ministry should be examined at the start of the project.

The funds will be contracted and disbursed according to the procedures concerning the twinning arrangements for the long-term secondees.

Four long-term secondees are expected to work in the framework of this project under the IB-twinning arrangements. They are expected to be judges, examining magistrates and prosecutors; they are, also, expected to look into administrative structures, education and training needs and material resources necessary. A fourth expert would cover the administrative chart/organisation of the Ministry. The work of these experts will build on the outcome/report of the JHA Member States experts mission; this work is expected to be completed in June 1998.

An inter-ministerial working group is foreseen to be established, comprising the Ministry of Justice, the Ministry of Interior, and the Public Prosecutor’s Office. The direct involvement of the President’s Office, in particular with regard to the dmilitarisation of the police, would be important for the success of the reforms envisaged.

**Implementation schedule**

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<tr>
<td>Start of tendering:</td>
<td>end 1998</td>
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<tr>
<td>Start of project activity</td>
<td>January 1999</td>
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<tr>
<td>Completion</td>
<td>end 2000</td>
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**Equal opportunity**

The dimension of equal opportunity and gender equality will be integrated into the project. Reporting will be carried out in the context of the implementation of the project.

**Conditionality and sequencing**

Reform of the Public Ministry and the demilitarisation of the police (dealt with under the IB project for the Ministry of Interior) have to be carried out in parallel if they are to be effective. The establishment of an examining judge (would conduct the penal procedure) will not have the expected effect, unless the military statute of the police is abolished. Therefore, these reforms need to be carried out on the basis of an agreed and integrated approach, comprising reforms in the Ministry of Interior, the various police institutions, the Ministry of Justice and the Public Prosecutor’s Office.

The working group for the institutional reform of the Ministry of Interior and Justice and the Public Prosecutor’s Office, including the demilitarisation of the police, should be established by July 1998, an
action plan should be elaborated by October 1998, a public information campaign been launched by November 1998 (to be financed under the IB project for the Ministry of Interior), and a comprehensive implementation schedule including its funding requirements should be finalised by December 1999.