

# Reflections on the Functional Review of the Romanian Justice Sector



This document is designed to serve as a reflective piece and builds on the work and conclusions reached as part of on the recently completed Functional Review of the Romanian Justice Sector (JFR). The JFR was completed under the Reimbursable Advisory Services (RAS) Agreement on Functional Review of the Romanian Justice Sector (P172734), signed between the Ministry of Justice and the International Bank for Reconstruction and Development on June 18, 2021. This document was not prepared in connection with the RAS Agreement.

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## Table of Contents

Acronyms and Abbreviations/IV

Executive Summary/V

Introduction/1

Romania's justice sector: cross-cutting observations/5

Optimizing Performance: Strategic Resource Management for Judicial Efficiency/9

Enhancing Access to Justice: Bridging the Gap to Legal Equity for All/15

Data-Driven Justice: Harnessing the Power of Data to Meet Citizen Needs and Improve Judicial Performance/20

Modernizing Justice: Advancing Justice through Digital transformation/26

Closing Reflections/31

## Acronyms and abbreviations

|               |  |
|---------------|--|
| <b>ALEGRA</b> | Peru's Asistencia Legal Gratuita                                       |
| <b>CCR</b>    | Constitutional Court of Romania  |
| <b>CEPEJ</b>  | European Commission for the Efficiency of Justice                      |
| <b>CVM</b>    | Cooperation and Verification Mechanism                                 |
| <b>DNA</b>    | National Anticorruption Directorate                                    |
| <b>ECHR</b>   | European Court of Human Rights   |
| <b>ECRIS</b>  | Electronic Case Registry and Information System                        |
| <b>EU</b>     | European Union   |
| <b>GDP</b>    | Gross Domestic Product   |
| <b>GoR</b>    | Government of Romania  |
| <b>HCCJ</b>   | High Court of Cassation and Justice                                    |
| <b>HR</b>     | Human Resources  |
| <b>HRM</b>    | Human Resources Management   |
| <b>ICT</b>    | Information and Communication Technology                               |
| <b>JFR</b>    | Functional Review of the Romanian Justice Sector                       |
| <b>MOJ</b>    | Ministry of Justice  |
| <b>NGO</b>    | Non-Governmental Organization  |
| <b>NRRP</b>   | National Recovery and Resilience Plan                                  |
| <b>PHCCJ</b>  | Prosecution Office attached to the High Court of Cassation and Justice |
| <b>PM</b>     | Public Ministry (Prosecution Services)                                 |
| <b>PO</b>     | Prosecution Office   |
| <b>RAS</b>    | Reimbursable Advisory Services   |
| <b>RMS</b>    | Resource Management System   |
| <b>SCM</b>    | Superior Council of Magistracy   |
| <b>SDJ</b>    | Strategy for the Development of the Judiciary                          |
| <b>SIIJ</b>   | Special Section for Investigating Offenses within the Judiciary        |
| <b>WB</b>     | World Bank   |

# Executive Summary

## About the JFR

The Functional Review of the Romanian Justice Sector (JFR), undertaken through a World Bank Reimbursable Advisory Services (RAS) agreement, signified a major initiative by the Government of Romania to evaluate and strengthen justice sector performance and management. Conducted over a period of two years, the JFR was designed to assess the sector's overall functioning, identifying strengths and areas for improvement, and offer recommendations for improved service delivery. The review's comprehensive approach – which covered a diverse range of management and performance topics – provides a broader perspective, shedding light on how the various elements of the justice sector collectively contribute to its effectiveness and challenges. The core findings are captured in a baseline Diagnostic Report and the more comprehensive Functional Review Report.

## About this document

This document provides observations and insights on Romania's justice sector, building on the work and conclusions reached as part of the JFR. Its purpose is not to present every finding or recommendation from the JFR, but to distill cross-cutting conclusions and lessons that are relevant both to Romania's ongoing justice reform and to the wider international context, as justice systems globally encounter evolving challenges and demands. At a higher level, the aim is to foster dialogue on how justice sectors can adjust to new societal needs, highlighting justice as a fundamental, universally accessible public good that underpins a just and stable society.

## Cross-cutting observations on Romania's justice sector

Romania has made significant strides in advancing the rule of law and justice reforms, as evidenced by the recent lifting of the Cooperation and Verification Mechanism (CVM) by the European Commission. Recent developments in Romania's justice sector, including important legislative changes, have adjusted institutional mandates and how resources are managed. As Romania enters the next phase of justice reform, adopting a unified strategic approach and establishing a common vision for the future are essential. This vision should be centered on the people with tailored services to address real-life challenges. However, to achieve such a vision, justice institutions must navigate several systemic challenges, such as limited coordination among justice sector entities, fragmented service delivery, and nonstrategic and inefficient resource management, all of which threaten the efficiency and responsiveness of the judiciary. A strategic, collaborative effort is key to tackling these cross-cutting challenges and modernizing Romania's justice system. This includes streamlining procedures, aligning resources, and maximizing data for improved decision making and coordination across the sector. Such a strategic approach is fundamental for increasing efficiency of and access to justice services and realizing a vision of a high-performing justice system that responds to the evolving needs of the public.

## Optimizing performance

Strategic resource management is key to an efficient, responsive justice sector that serves the public effectively. The Romanian justice sector is grappling with staff shortages, which threaten judicial performance outcomes. Low occupancy rates in prosecution offices and, increasingly, in courts, are contributing to growing workloads and case backlogs. In courts, the uneven distribution of caseloads among judges remains a significant inefficiency. To address these challenges, adopting a strategic approach to resource management is critical, involving informed policy decisions and long-term planning for strategic outcomes. Ensuring that courts and prosecution offices are adequately staffed to deliver justice services effectively is a part of this approach. Regular assessments of caseloads and the reallocation of human resources are necessary to enhance efficiency. Moreover, collecting and analyzing reliable case processing data is vital to identify bottlenecks and empower decision-makers to implement targeted solutions for performance improvement.

## Enhancing Access to Justice

Access to justice is a crucial aspect of an equitable and fair society. Improving access to justice is a strategic priority for the Romanian justice sector, but barriers remain. The country's fragmented approach to legal aid and low eligibility thresholds for assistance, coupled with the lack of central oversight, hamper the program's effectiveness and the sector's capacity to determine whether assistance reaches those who genuinely need it. Public awareness of rights is limited by inconsistent communication and the absence of clear, practical information. Inadequate infrastructure for some courts presents a barrier to accessing justice and exercising rights. Key areas for improvement include expanding legal aid, creating a central oversight department at the MOJ, and fostering rights awareness through better communication. Continuing to invest in modern, inclusive courthouses will further remove barriers to access to justice.

## Data-Driven Justice

Data is crucial for an effective justice system, facilitating informed decisions, resource optimization, and improved service delivery. The Romanian justice sector faces significant data challenges. The absence of standardized data management practices across institutions limits coordination and data sharing, leading to data inconsistencies and hindering cross-comparisons, ultimately impacting the sector's capacity to understand whether it properly addresses citizen needs. Establishing a robust data governance framework, with standardized practices for data collection and management, is vital to overcome existing challenges. Such a framework would safeguard the integrity of data and advance the shift toward a data-driven approach to justice.

## Modernizing Justice

While digital transformation is recognized as a top priority for Romania's justice sector, the sector lacks a common strategy for its transition to digital justice services. The current ICT landscape is complex, characterized by a mix of justice-wide systems, specialized applications, and numerous bespoke local solutions. Systems are often poorly integrated, resulting in a disjointed architecture that hinders data exchange and system interoperability. This fragmentation impacts the sector's overall effectiveness, causing inadequate coordination, misaligned initiatives, and insufficient data sharing among institutions. To accelerate and streamline digital transformation, the Romanian justice sector must align political, administrative, and technical efforts with a bold vision and governance, adapting the legal framework to prioritize end-user needs. A coherent digital strategy, supported by strong management and stakeholder engagement, along with a clear implementation roadmap, is essential to harness ICT investments for the public good. This comprehensive approach promises to enhance efficiency and accessibility, marking a transformative shift in how justice is delivered.

## Looking forward

Romania's justice sector reform journey, marked by progress and occasional setbacks, underscores the importance of steadfast commitment to the rule of law and the pursuit of a justice system that is just, efficient, and accessible. A unified vision for the future – one that is responsive, equitable, and adaptable to new demands, and that prioritizes the needs of the people – is essential for guiding progress. Leadership, sustainability, and flexibility are also fundamental to successful reform. Romania's experiences offer lessons that extend well beyond its own borders, providing the global community with valuable insights. As the world continues to evolve, collective wisdom and collaborative efforts will be key in shaping justice systems that are resilient and responsive to the communities they serve.





# Introduction

**This document is designed to serve as a reflective piece and builds on the work and conclusions reached as part of the recently completed Functional Review of the Romanian Justice Sector (JFR) conducted under the Reimbursable Advisory Services (RAS) Agreement signed between the World Bank and Ministry of Justice.** It aims to provide observations on the functioning of the justice sector in Romania, highlight key conclusions, share lessons learned, and identify potential avenues for advancing justice services; it is not designed to present every detail or finding from the review. It seeks to underscore the importance of a justice system that is adaptable, efficient, and attuned to the changing needs of its citizens, while also acknowledging the strides already made in Romania's ongoing justice reforms.

**Romania's experience is part of a larger, global narrative, as justice systems across the world confront new challenges and demands.** Justice institutions are responding to a variety of pressures, including societal shifts, evolving international legal standards and technological advancements, all of which require innovative approaches and solutions. As they navigate these challenges, they are finding new ways to uphold the rule of law, protect human and economic rights, and ensure fair, efficient and modern administration of justice. This process of transformation is complex and continuous, reflecting the dynamic nature of law and governance in the face of a rapidly changing world. To this end, this document aims to shed light on the evolving challenges encountered by the Romanian justice sector and start conversations on enhancing the sector's capacity to deliver justice effectively and equitably and to ensure the sector

remains fit-for-purpose considering emerging societal needs. Engaging in such dialogues is crucial in affirming justice as a global public good – one that is universally accessible and essential for the functioning of society. This collective commitment to a justice system that upholds the rule of law, protects rights, and facilitates the peaceful resolution of conflicts is the foundation of a fair, stable, and prosperous society.

## About the Functional Review

**The JFR, conducted under a World Bank RAS Agreement, represents a significant endeavor by Romanian authorities to assess and enhance the performance and management of the justice sector.** The Government of Romania (GoR) requested World Bank support for a comprehensive analysis to identify institutional strengths, pinpoint areas for improvement, and propose recommendations to address performance challenges in the justice sector. The analysis was designed to inform the development of its next Strategy for the Development of the Judiciary (SDJ). The engagement was part of a long-standing collaboration between the GoR and the World Bank to improve the delivery of justice services, as a foundational element to a fair and equitable society.

**At its core, the JFR aimed to assess the functioning of the justice sector as a whole.** It necessitated a comprehensive review that went beyond a targeted analysis of one function, institution, or topic to encompass all areas of the justice sector. The importance of this holistic approach lies in its ability to reveal how different components of the justice system interact and contribute to its overall effectiveness.



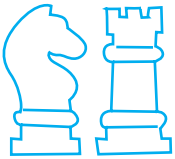

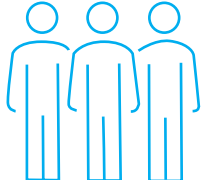
**The JFR was structured into two key phases.**

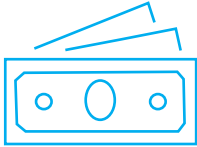
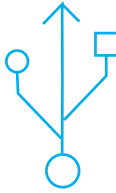




The first phase, the baseline diagnostic (June 2021 to April 2022), involved a broad review of judicial performance. It included assessing quality, efficiency, independence, and integrity, alongside a high-level review of the management of human, financial, and ICT resources, and communication practices. This phase culminated in the Baseline Diagnostic Report, which outlined initial findings and proposed areas for deeper analysis. The second phase (May 2022 to May 2023) delved into a more targeted examination of specific areas identified in the first phase. This included extensive research, consultations, and direct engagement with justice practitioners, providing a detailed analysis and strategic recommendations for enhancing management and performance across various facets of the justice sector. The Functional Review

Report presents the findings and recommendations in two main pillars with nine thematic chapters.

**The table below offers a concise summary of the contents of the Functional Review Report, presenting the main subjects addressed within each chapter therein.** This table functions as a navigational tool, guiding readers through the content and highlighting the key areas of focus. While it aims to capture the essence of the chapters, it is important to note that it does not encompass every topic discussed in the Functional Review. Likewise, this reflection document does not address all the nuances and discussions included in the Functional Review Report. Therefore, readers are encouraged to dive into Functional Review chapters themselves for a detailed understanding of all the topics covered.

**TABLE 1. Functional Review Report chapters and main topics**

| Chapter  | Coverage and main focus  |
|--|--|
| <b>Management Pillar</b>   |  |
|  <p>Strategic anagement</p>       | <ul style="list-style-type: none"> <li>• The significance of strategic management in the Romanian public administration and justice sector.</li> <li>• Roles of the MOJ and other institutions in the strategic management process.</li> <li>• Analysis of strategic management capacity in the justice sector, considering the development and implementation of the current and previous SDJs.</li> <li>• Challenges and opportunities to enhance strategic management and coordination.</li> </ul>  |
|  <p>Communications Management</p> | <ul style="list-style-type: none"> <li>• The evolution of communication practices within the justice sector.</li> <li>• Analysis of priority areas for improving internal and external communication, highlighting progress achieved and challenges.</li> <li>• Recommendations to enhance current communication practices to grow impact on public awareness of citizen rights, justice services, access to justice, collaboration, and coordination.</li> <li>• Opportunities to build capacity and transition towards more strategic communications.</li> </ul> |
|  <p>Human Resource Management</p> | <ul style="list-style-type: none"> <li>• The role of HRM in judicial institutions and service delivery, including modernization of HRM practices in European and international models.</li> <li>• Analysis of selected HRM policies and practices, such as those pertaining to recruitment, promotion, performance evaluation, training, and retirement, and their impact on the functioning judiciary.</li> <li>• Recommendations to address HRM challenges, such as the increase in retirement, vacancies, and loss of experienced professionals.</li> </ul>     |

| Chapter  | Coverage and main focus   |
|--|---|
|  <p data-bbox="225 539 464 568">Financial Management</p>                                      | <ul data-bbox="539 349 1414 555" style="list-style-type: none"> <li>• Insights from the Baseline Diagnostic Report on financial management, related aspects of the Romanian justice sector.</li> <li>• Critical financial issues affecting the justice sector's functionality system and the delivery of high-quality services to the public.</li> <li>• Recommendations for financial management reforms, including ways to overcome the operational challenges.</li> </ul>  |
|  <p data-bbox="197 842 493 927">Information and Communication Technology Management</p>       | <ul data-bbox="539 629 1414 904" style="list-style-type: none"> <li>• The role of technology as a critical tool in advancing productivity, efficiency, and accessibility of justice.</li> <li>• Digital transformation of the Romanian justice sector, including challenges and opportunities in the ICT architecture supporting the justice sector.</li> <li>• Analysis of the governance mechanisms and management of resources related to ICT systems and programs in the justice sector.</li> <li>• Presentation of proposed target states and suggested initiatives that facilitate digital transformation.</li> </ul> |
| <b>Performance Pillar</b>  |   |
|  <p data-bbox="293 1211 395 1240">Efficiency</p>  | <ul data-bbox="539 1055 1414 1227" style="list-style-type: none"> <li>• An analysis of court performance, based on review of judicial statistics.</li> <li>• Overview of data challenges impacting the functional review of the Romanian justice sector and the sector's capacity to understand judicial performance.</li> <li>• Recommendations for improving court efficiency, drawing on international experience.</li> </ul>  |
|  <p data-bbox="233 1469 456 1498">Prosecution Services</p>                                  | <ul data-bbox="539 1312 1414 1485" style="list-style-type: none"> <li>• An analysis of performance of the prosecution services, based on review of official statistics.</li> <li>• Assessment of the impact of HR policies on performance.</li> <li>• Recommendations for strengthening performance of the prosecution services in Romania.</li> </ul>  |
|  <p data-bbox="193 1720 496 1778">Enforcement of Judgments and Other Enforceable Titles</p> | <ul data-bbox="539 1554 1414 1771" style="list-style-type: none"> <li>• The role of enforcement in the justice process, offering international examples.</li> <li>• Review of the legislative framework for Romania's enforcement system and governance arrangements for the bailiff profession.</li> <li>• Analysis of challenges posed by lack of enforcement data.</li> <li>• Overall challenges with the current system, user satisfaction, and recommendations for improvement.</li> </ul>   |
|  <p data-bbox="293 2018 399 2047">Legal Aid</p>   | <ul data-bbox="539 1823 1414 2040" style="list-style-type: none"> <li>• The importance of legal aid in ensuring equitable justice services.</li> <li>• High-level review of developments and challenges in Romania's legal aid provision and comparison with international standards.</li> <li>• Analysis of Romania's legal aid system, including legal framework, institutional arrangements, and legal aid provision and reporting practices.</li> <li>• Challenges and recommendations for improving the legal aid program.</li> </ul>  |

**The value of the JFR lies in its approach, which not only delivered diagnostic insights but also facilitated the collaborative development of strategic recommendations for reform.** The engagement has been instrumental in preparing the MOJ and other justice institutions, such as the Superior Council of Magistracy (SCM), Public Ministry (PM), High Court of Cassation and Justice (HCCJ), and lower courts to advance Romania's justice reform agenda. Utilizing the World Bank's convening power, the RAS successfully brought together key justice stakeholders to deliberate on sector challenges and opportunities, with the goal of forging a joint perspective. Partnership and collaboration were crucial in informing the reform recommendations. Through extensive stakeholder interviews,<sup>1</sup> multi-institutional workshops, and meticulous feedback on JFR reports, a broad spectrum of viewpoints was integrated into the final conclusions. Preserving this collaborative environment is vital for developing a unified vision for reform and strengthening the capacity for lasting change. The RAS's support extended to the development of recommendation reports for the forthcoming SDJ and its action plan, as well as proposals for a change management plan, all of which are crucial for fostering readiness and

collective ownership of the reforms. The RAS also included change management training and knowledge-exchange study visits to Ireland and Sweden, which were key in building capacity for enduring justice sector reforms. This multifaceted support has positioned the Romanian justice sector on a clear trajectory toward realizing its reform objectives, thereby reinforcing the country's commitment to upholding the rule of law and enhancing justice service delivery.

**Building on the analysis and findings of the JFR, this document initially describes cross cutting observations and reflections on Romania's justice sector.** The subsequent chapters explore key themes identified during the functional review, offering insights on the findings of the JFR and looking toward the future trajectory of Romania's justice sector. They explore the interplay between different aspects of the system, assess the implications of these findings, and propose forward-looking approaches to enhance the sector's responsiveness and effectiveness.

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<sup>1</sup> Over 150 formal consultations with Romanian stakeholders and numerous follow-up interviews were conducted. Interviewees included representatives from the MOJ, SCM, HCCJ and other courts Prosecution services (including specialized prosecution offices), National School for Clerks, National Institute of the Magistracy, National Union of Bar Associations, Bucharest Bar Association, National Union of Bailiffs, Bailiff Association of Bucharest, Romanian Mediation Council and other government agencies and civil society organizations.

# Romania's justice sector: cross-cutting observations

**Romania's progress in justice reform and the rule of law has been marked by both significant achievements and notable challenges.** The country has made strides in aligning its legal system with EU standards, particularly through the adoption of comprehensive legislative codes that have modernized its legal framework. High-profile anti-corruption efforts led by the National Anticorruption Directorate (DNA) have resulted in the prosecution and conviction of numerous officials, signaling a strong commitment to integrity within public institutions. However, some reforms have faced resistance and setbacks, especially

during the 2017-2019 period when the government's changes to the justice system were seen as undermining judicial independence. The controversial use of emergency ordinances to pass primary legislation, including those that sought to decriminalize certain corruption offenses, bypassed the usual legislative scrutiny and sparked both domestic and international criticism. The creation and subsequent dismantling of the Special Section for Investigating Offenses within the Judiciary (SIJ) was a particularly contentious issue, with the European Court of Justice assessing its compatibility with EU law.

## Safeguarding Justice: The Debate on Judicial Independence

Judicial independence is a principle that is central to the integrity of legal systems around the world. Its goal is to "secure for individual judges, courts, and court systems the independence to resolve disputes according to the law and to shield them from improper interference from other branches of government, or private or partisan interests."<sup>a</sup> This foundational concept ensures that the judiciary operates free from external pressures and influences, allowing for fair and impartial administration of justice.

The interpretation of judicial independence is subject to debate. Some argue that it requires complete autonomy of the judiciary, while others believe it should be balanced with accountability mechanisms to prevent judicial overreach. In certain views, judges perceive independence as a license to apply the law and make decisions as they see fit, which is not inherently a conflict between independence and accountability, but rather a tension with the value of juridical certainty. This tension arises because the principle of juridical certainty requires that laws be applied consistently, predictably, and as intended by the legislators, without personal discretion undermining the consistence of legal outcomes. The balance between independence and accountability is often seen as a measure to maintain public trust in the judicial process, while also safeguarding the rule of law. The debate extends to the methods of appointing judges, their tenure, and the ways in which judicial decisions can be challenged or reviewed. Illustrating this in action, the Constitutional Court of Romania has blocked several judicial reforms related to the careers of magistrates, citing the principle of judicial independence. Despite differing views, the overarching consensus is that judicial independence is indispensable for the protection of rights and the maintenance of a democratic society.

<sup>a</sup> Keilitz, I. *Viewing Judicial Independence and Accountability through the "Lens" of Performance Measurement and Management*, *International Journal for Court Administration*, Volume 9, nr. 3, 2018, p. 23-36.

**Recent developments in Romania's justice sector have been transformative, with pivotal legislative changes in the functioning of the judiciary.**

The National Recovery and Resilience Plan (NRRP) has been a driving force to advance long-awaited reforms that had progressed slowly in the past years. These reforms have shifted key functions from the executive to the judicial branch, fostering an environment ripe for leadership growth and greater institutional autonomy. However, this shift also underscores the pressing need for strong coordination and institutional strengthening across the sector. Notably, the Justice Laws approved in November 2022 have brought about significant changes in the sector's management. These include the phased transfer of the judicial budget from the MOJ to the HCCJ, starting with salaries and payroll in January 2023; expanding judicial institutions' authority in appointing senior judges and prosecutors; and changes in the promotion process within the judiciary. The enactment of the new Justice Laws contributed to the European Commission's decision to lift the Cooperation

and Verification Mechanism (CVM), recognizing Romania's progress in judicial reform and anti-corruption measures. Consequently, Romania will now report its advancements through the Rule of Law mechanism, aligning with the practices of other EU member states.

**As Romania embarks on the next chapter of its justice reform, a unified strategic approach is paramount.**

This new era calls for a shift from a justice model grounded in traditional services and influenced by external forces to one that is intrinsically driven by a common vision that prioritizes the needs of its citizens and ensures access to services tailored to the real-life challenges faced by its people. Through this transition to a people-centered approach to justice, Romania can ensure that its justice model serves the population effectively, with a particular focus on empowering the most vulnerable. As a key step, the GoR has already committed to developing and rolling out a user-centric service delivery model in select justice institutions as part of its Strengthening Foundations for Improved Justice Service Delivery project.<sup>2</sup>

### People-Centered Justice: Ensuring Fairness in a Changing World

People-centered justice places individuals at the heart of legal systems, transforming the rule of law from a principle into a tangible reality for every person seeking fairness and resolution. This approach integrates traditional and innovative methods and tools to meet the real-life challenges of the people it serves. It involves engaging with communities to understand their needs and adjusting services to these needs. As legal challenges evolve, the justice system must adapt by becoming more transparent, accountable, and responsive. Embracing a people-centered approach to justice requires a cultural shift within institutions, focusing on legal empowerment and dismantling barriers to justice like complexity, cost, and discrimination. This transformation ensures an inclusive system that serves everyone, contributing to an equitable society, where justice is not just an ideal, but a lived reality.

To achieve this, service delivery must be redesigned to be user-friendly and efficient, employing tools like community-based services, accessible legal information, and technology solutions to make justice more approachable. Some commonly employed tools include mobile justice units for on-the-spot legal services in remote areas, legal aid clinics for free guidance, simplified legal procedures for easier navigation, public education for increased legal awareness, and partnerships with NGOs to connect individuals with justice services. Alternative dispute resolution methods also provide additional paths to justice, particularly benefiting marginalized groups.

<sup>2</sup> The Strengthening Foundations for Improved Justice Service Delivery project, financed by the World Bank, includes key activities to develop a system-wide model for user-centric provision of justice services, focused on reducing barriers to accessing justice for vulnerable groups, and apply the model in selected courts.

Countries such as the Netherlands and Peru have embraced people-centric approaches, and their experiences offer valuable lessons that can inform and inspire other countries. The Dutch legal aid board exemplifies this with its provision of free legal advice and subsidized representation, including mediation services. Peru's Asistencia Legal Gratuita (ALEGRA) centers provide free legal orientation, assistance, and mediation of family and other noncriminal disputes. It can also direct defendants in criminal cases to a public defender system also run by the MOJ or to NGOs and private attorneys providing free representation.

**It is crucial for all stakeholders within the justice sector to unite under the shared vision of a people-centered approach to justice reassessing priorities and collaboratively shaping a sector wide strategy and approach aligned with the collective will.** This is a challenging undertaking, partly due to the diverse mandates of justice institutions and a lack of sector-wide coordination. While the SDJ 2022-2025 sets out a strategic direction for the entire justice sector, its development and implementation have been led by the MOJ, with limited engagement from other key players. Although the MOJ is responsible for the sector's policy and strategic management, the actual delivery of justice services falls to the courts, prosecution offices, and other justice actors. This disconnect is apparent in the incomplete implementation of measures of the previous SDJ 2015-2020 and the unmet interim targets of the current SDJ. Coordination efforts by entities like the Strategic Management Council, crucial for driving reforms and equipping justice institutions with the necessary capacity and resources, have not been effective. Involving all key actors from the design phase is essential to forge a common goal, secure institutional commitment to strategic reforms and activities, and shape the future of justice in Romania.

**The challenges in developing and implementing a unified strategic vision for Romania's justice sector are indicative of more extensive issues in strategic management, interinstitutional coordination, and resource allocation.** The prevailing lack of coordination, coupled with fragmented legal mandates, result in disjointed service delivery and

inefficient resource management. The absence of a standardized governance framework and uniform data management across justice institutions precludes a consistent view of the state of affairs at the sector level, creates obstacles for accurate cross-institutional analysis, and hampers effective strategic decision-making.

**The lack of a strategic approach to the use of resources weakens the Romanian justice sector's capacity to fulfill individual institutional mandates and function as a unified sector to deliver justice services and ensure the rule of law.** Human resource management in the Romanian judiciary faces significant challenges. The sector lacks a formal and consistent process of long-term workforce planning, which is necessary to address the impending retirement of many judicial personnel and to fill numerous vacancies, especially in senior positions. Recent policy changes, such as the freeze on in-situ promotions, are insufficient to resolve the staffing crisis comprehensively or sustainably.

**Despite sufficient funding, the Romanian judiciary is underinvested, with a budgetary structure heavily dominated by wage expenses.** Salaries and related costs, including payments for outstanding salary rights,<sup>3</sup> account for approximately 90 percent of expenditures in courts and prosecution offices. This leaves little room for capital investment, which is essential for the modernization and efficiency of the justice system. The issue often is not the lack of funds but the absence of a strategic approach to budgeting. Transitioning from historical expenditure-based

<sup>3</sup> The Romanian justice system faces a significant financial challenge with the increasing costs of settling claims for outstanding salary rights, which in 2021 constituted 19.6% of the court system's wage bill and 26.7% of the prosecutorial system's. This trend, fueled by court decisions, to raise the pay of judges and prosecutors to reflect the increase that the court clerks had benefited from as a result of the policy to reduce the pay gap within the justice system, is expected to persist and further strain the system's budget.



budgeting to a programmatic and performance-based budgeting<sup>4</sup> is highly recommended. This shift will enhance accountability and add a strategic vision to allocation of financial resources in the Romanian justice system. The current legislative framework provides solid ground for moving toward a full-scale implementation of performance budgeting. However, authorities should carefully devise the roadmap for its implementation, boost their internal expertise and capacity, promote the culture of the importance of performance in the context of resource allocation among magistrates and gear the judicial ICT architecture towards better interoperability to enable contextualization of performance related data.

**At a higher level, the sector's advancement depends on collaborative leadership and increased institutional capacity to address complex challenges.** Justice institutions must unite to reassess priorities and collectively reformulate its reform agenda, ensuring shared ownership of its vision for the future. Engaging with citizens and utilizing data for informed decision-making are essential to establish a clear,

forward-looking plan for justice in Romania. To enhance the efficacy of the justice sector and uphold the principles of the rule of law, it is imperative to confront these systemic challenges head-on. This requires a concerted effort to foster a more integrated, strategic approach to managing the sector's operations and resources, ensuring that all institutions within the sector are aligned and working collaboratively towards common objectives. The modernization of the legal framework is crucial for the justice sector's success, ensuring laws and regulations are attuned to contemporary societal needs and bolstering efficiency, fairness, and accessibility. Simplifying procedures and rules is equally vital, reducing red tape and making the system more approachable for citizens. Advancements in management practices across financial, human resources, communications, and technology sectors, including infrastructure investment, are imperative for enhancing operational efficiency. Addressing these challenges is essential to maintain the rule of law and requires a unified, strategic effort from all justice institutions to work towards a cohesive vision for Romania's justice system.

## SYNOPSIS – CROSS-CUTTING OBSERVATIONS

### WHAT IS HAPPENING

- Lack of a shared vision for the future of justice in Romania, hampering the establishment of clear policy directions and service delivery strategies to meet citizen needs.
- Fragmented mandates and limited inter-institutional coordination, resulting in siloed functioning and fragmented service delivery and impeding the development of a strategic, unified approach to justice administration.
- Absence of a unified strategic approach and robust governance structures across various institutions hinders effective resource management and obscures the understanding of judicial performance metrics.

### WHAT SHOULD HAPPEN

- Common vision among justice institutions fosters a strategic, collaborative approach, prioritizing people-centered approaches and ensuring access to justice that meets real-life challenges.
- Enhanced operational effectiveness in the justice sector through strengthened cross-institutional coordination, streamlined processes, and consolidated approaches to justice service administration.
- Strategic resource management underpinned by standard practices and data-driven decision-making, ensuring a comprehensive approach to human resources, financial oversight, and investment in essential ICT and physical infrastructure.

<sup>4</sup> Performance budgeting is a tool that enables judicial authorities to align their priorities with the budgetary agenda and follow the evolution of the process of achieving objectives linked to those priorities. It facilitates optimal resource allocation while making spending units (i.e., courts and Prosecution offices) more accountable for their actions in the process of planning and executing their policy agenda. The approaches applied in European countries' justice systems range from program budgeting and zero-based budgeting, which are structured primarily to achieve better allocative efficiency through analysis of outputs, to approaches such as formula funding or purchaser-power model in which allocations are directly tied to pre-set indicators through an algebraic formula – systems which put strong organizational and individual level performance incentives in place. International experience suggests simplicity and gradual customized approach which considers the particulars of budgetary systems and sector-specific circumstances.

# Optimizing Performance: Strategic Resource Management for Judicial Efficiency

**The efficiency of courts and prosecution services is fundamental to the rule of law and the swift administration of justice, as well as a critical component of people-centered justice.** By ensuring that these institutions operate effectively, the justice system becomes more responsive to the needs and rights of individuals. Effective justice institutions not only uphold legal standards but also foster public trust in the legal system. Efficient courts can resolve disputes promptly, reducing case backlogs and ensuring timely justice for individuals and businesses alike. Similarly, efficient prosecution services are crucial for the accurate and speedy processing of cases, which helps deter crime and maintain social order. Together, these efficiencies contribute to a stable and predictable legal environment essential for economic development and the protection of citizens' rights.

**Examining the efficiency of courts and prosecution offices, together with other relevant data such as human resources data<sup>5</sup> provides a nuanced understanding of how policies, practices, and management of resources influence judicial performance.** This, in turn, has significant ramifications for the quality of justice that citizens receive. This chapter is dedicated to unpacking the primary conclusions from the comprehensive analysis of the efficiency of courts and prosecution offices undertaken in the functional review, highlighting the most critical findings relevant to these judicial bodies. It examines the interplay between these insights and the broader challenges that have surfaced in other segments of the functional review, such as data quality and inefficient distribution of resources.

The aim is to identify actionable areas for reform to enhance the efficiency and overall performance of the justice system. While it is challenging to attribute the exact causes of underperformance due to the scarcity of data on certain topics,<sup>6</sup> observable patterns, such as the rising number of unfilled positions within judicial institutions, appear to correlate with a decline in operational efficiency. Additionally, factors like the broad criteria defining what constitutes a case, including applications for enforceability, and the absence of mechanisms to reduce caseloads (e.g., a fast-track procedure for small claims, mechanism to reduce the number of appeals, etc.) contribute to the burgeoning caseloads and extended disposition times in the judiciary. Tackling these widespread issues is crucial for enhancing sector-wide performance, which in turn will lead to improved justice services for the people.

**The Romanian justice sector is facing a critical challenge with rising vacancies, with one fifth of judge positions and more than a quarter of prosecutor positions unoccupied.<sup>7</sup>** While the number of judges and prosecutors in the staffing scheme aligns with the EU average, the actual occupancy rates may jeopardize the functioning of the justice institutions if left unaddressed. The staffing issues affect all levels of the court and prosecutorial hierarchy, with the impact of vacancies more evident for prosecution services.<sup>8</sup> There has been a noticeable decline in clearance rates<sup>9</sup> and a rise in congestion ratios<sup>10</sup> following lower occupancy rates, suggesting that the efficiency of the prosecution process is being compromised. This trend could lead to increased backlogs, longer waiting times for trials, and ultimately, a reduction

<sup>5</sup> HR data include indicators such as occupancy and vacancy rates, retirement trends, and allocation of personnel across various courts.

<sup>6</sup> The functional review revealed several challenges related to data (see chapter on data-driven justice). The analysis of the efficiency of Romanian courts and prosecution offices was hampered by these issues. Persistent discrepancies, particularly after an archiving error skewed historical records, forced the World Bank team to rely on less disaggregated data received before the system update. The prosecution services' analysis was limited by the lack of key data (e.g., age of pending stock, number of preliminary and completed investigations, and average duration of investigations).

<sup>7</sup> According to figures reported by Romania to the European Commission in 2023 for the Romania Rule of Law Report, about 20 percent of judge positions were vacant, while the corresponding figure for prosecutors exceeded 28 percent.

<sup>8</sup> The situation may have changed since 2022, as a significant number of judges retired in the following year.

<sup>9</sup> Clearance rates, which reflect the ratio of resolved to incoming cases, indicate whether courts are keeping up with their workload or generating backlogs – a rate below 100 percent suggests increasing backlogs.

<sup>10</sup> Congestion ratios indicate unresolved cases relative to new cases within a year.

in the public's trust in the justice system's ability to deliver timely and fair outcomes. Addressing these vacancies promptly is crucial to prevent further strain on the sector and to uphold the standards of judicial efficiency.

**The underlying causes of low occupancy rates among Romanian magistrates can often be traced back to specific human resource policy decisions.**

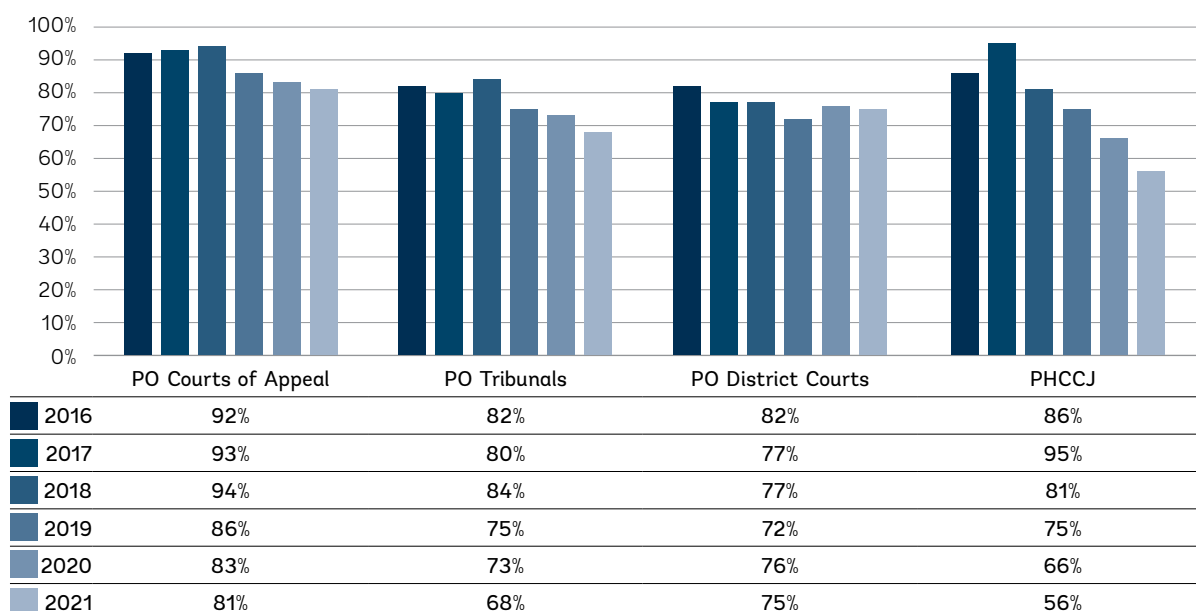
These include those concerning retirement, promotion, years of experience necessary for certain positions, and required years of training for new entrants. The possibility for magistrates to retire after 25 years of service, while beneficial for individual career planning, has led to a wave of early retirements, depleting the workforce prematurely. Additionally, the threat of adoption of legislation extending the retirement age of magistrates led to an unprecedented number of requests for retirement in 2022 and 2023.<sup>11</sup> Admissions through SCM-organized competitions are inadequate to offset the outflow, especially with the upcoming extension of training at the National Institute for Magistracy from two to three years. The Romanian government has already taken action to address the shortage, as captured in the latest Rule of Law

Report, by expanding the recruitment of assistant magistrates following a successful pilot project.

**Staffing challenges at higher level and specialized courts and POs, most notably the HCCJ and PHCCJ, are further exacerbated by strict requirements on years of experience and promotion practices.**

These issues lead to quorum shortages at the HCCJ and a high number of vacancies across all higher level and specialized courts and POs,<sup>12</sup> as experienced judges retire and younger talent is prevented from advancing due to insufficient years of experience. Compounding this is the promotion system, which, until recently, allowed magistrates to advance while staying in the same position at the same court or prosecution office. This made recruitment to higher level courts and POs more difficult as there were fewer candidates applying for those positions. While the practice with in-situ promotion was halted at the end of 2022 for the period of three years, most of the magistrates eligible for in-situ promotion have already been promoted. Consequently, courts and prosecution offices are grappling with the vacuum left by retiring staff and difficulties with recruitment to higher levels and specialized courts and POs, as there are simply no or very few applications to those positions.

**FIGURE 1. Occupancy rates by prosecution office level, 2016–2021**



Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System.  
Data sources: Ministry of Justice data and World Bank calculations.

Note: PHCCJ = Prosecution Office attached to the High Court of Cassation and Justice, PO = prosecution office.

<sup>11</sup> The initial legislation extending the retirement age of magistrates was later abolished and adopted in a watered-down version, following a decision of the CCR ruling the law unconstitutional.

<sup>12</sup> The PHCCJ is particularly affected with more than half of the positions unoccupied.

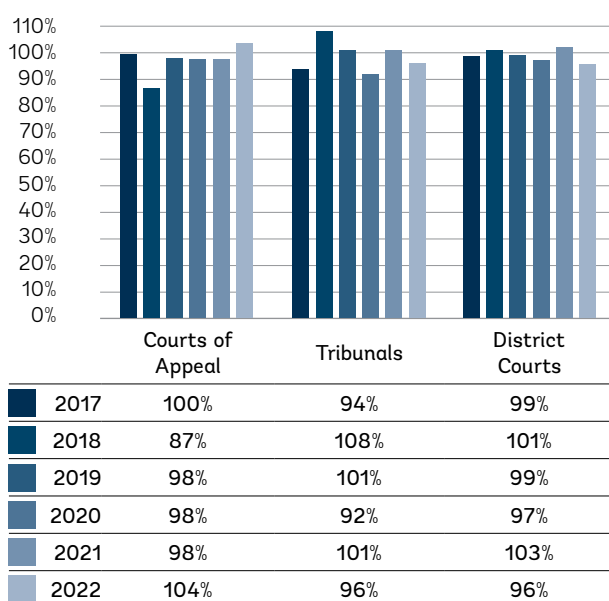
**Staffing shortages have increased the workloads of existing judges and prosecutors and exacerbated the differences in caseloads.**

In Romania, caseloads per judge and per prosecutor vary significantly.<sup>13</sup> Judges at the most congested courts handle more than four times the number of cases than judges in the least congested courts. The differences are even more pronounced at the POs, where prosecutors in the most congested POs manage more than six times the number of cases than prosecutors in the least congested. The actual differences in caseloads are even higher when considering the number of vacancies at each court or PO. Monitoring these variations can help ensure a fair and efficient distribution of work and inform future decisions related to the strategic use of resources. This can help maintain the quality and timeliness of judicial processes.

**The COVID-19 pandemic affected the number of incoming cases and the way courts and prosecution offices operated in that year, and possibly in the following year, complicating the analysis of recent trends.**

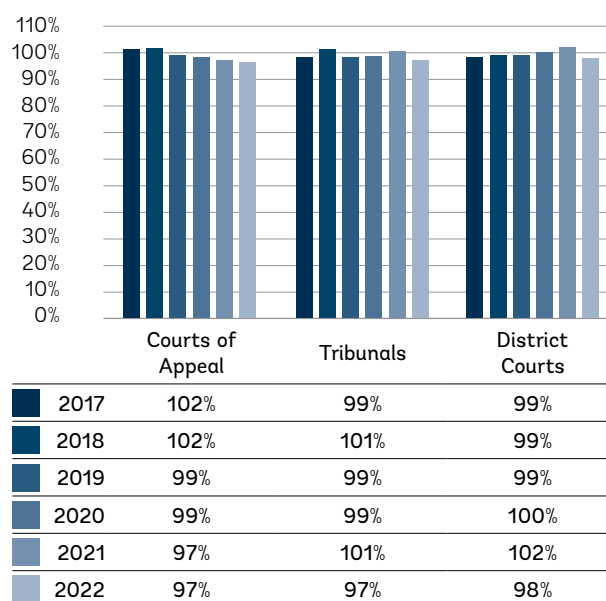
While courts' efficiency appeared to increase in 2021, clearance rates started to drop again in 2022. In 2022, tribunals and district courts saw clearance rates in civil and commercial, and administrative cases drop below 100 percent. Criminal case clearance rates also declined or stayed below 100 percent across all court levels. At the same time, the congestion ratio rose in civil and commercial cases at lower courts but fell slightly at courts of appeal. For criminal and administrative and fiscal litigation cases, the congestion ratio increased at all court levels, indicating rising backlogs.

**FIGURE 2. Clearance rates for civil and commercial cases, 2017–2022**



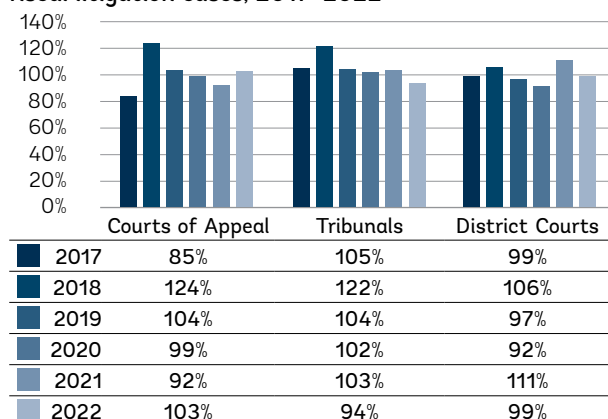
Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: Ministry of Justice data and World Bank calculations.

**FIGURE 3. Clearance rates for criminal cases, 2017–2022**



Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: Ministry of Justice data and World Bank calculations.

<sup>13</sup> There can be normal variations in cases per judge in courts at the same level based on several factors, including the jurisdiction, the complexity of cases, and the administrative efficiency of the courts and POs. Typically, a certain degree of variation is expected and manageable and it is difficult to say what a perfect caseload should be. However, it would be considered problematic when the difference in caseloads per judge or prosecutor becomes substantial leading to delays in case processing times, affecting the quality of justice, or causes undue stress on judges and prosecutors.

**FIGURE 4. Clearance rates for administrative and fiscal litigation cases, 2017–2022**

Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System.

Data sources: Ministry of Justice data and World Bank calculations.

**At the same time, a clear trend of declining case dispositions and growing backlogs in prosecution offices threatens the timely administration of justice.**<sup>14</sup> Despite a steady decrease in incoming cases, case dispositions are falling, indicating that the prosecution services cannot keep up with their workloads. This raises the risk of cases being dismissed due to the expiration of the statute of limitations, as seen in the 50 percent increase in such dismissals from 2016 to 2019. Additionally, a four-year delay in legislative response to a constitutional ruling - declaring a provision on the interruption of statute of limitations unconstitutional - has led to further case closures and annulled convictions. Analyzing the age structure of the pending stock could aid and enhance understanding in this area.

**While Romanian court disposition times align with ECHR standards for reasonable length of proceedings,<sup>15</sup> the timely issuance of reasoned decisions, crucial for appeal processing, is a persistent challenge.** Appeals depend on the timely delivery of these decisions, and any delay in drafting judgments hinders the appeals process. The Romanian legislator has made several attempts to improve this, resulting in significantly shorter average times to deliver the reasoned decisions. However, despite these efforts, a Ministry of Justice analysis reveals persistent delays affecting many cases across all court levels,<sup>16</sup> highlighting the need for further examination to identify and rectify the causes of these holdups.

**The timeliness of decision making is a standard indicator and should be followed not only at the court level but also at the level of individual judges.** Only then can potential issues be identified and addressed. At the level of the individual judge, timeliness of decision making should be evaluated in connection with data on their workload. This would help to determine which judges cannot meet the deadlines because of too high workloads, and which are simply poor performers. For the latter, a consequence system could provide incentives to perform better. For instance, in some countries, performance metrics inform salary negotiations. Those who underperform may not get a raise. While compliance with the deadlines for drafting judgments is a criterion for evaluating the professional activity of judges in Romania, it does not seem to be connected to any consequences, potentially perpetuating existing practices.

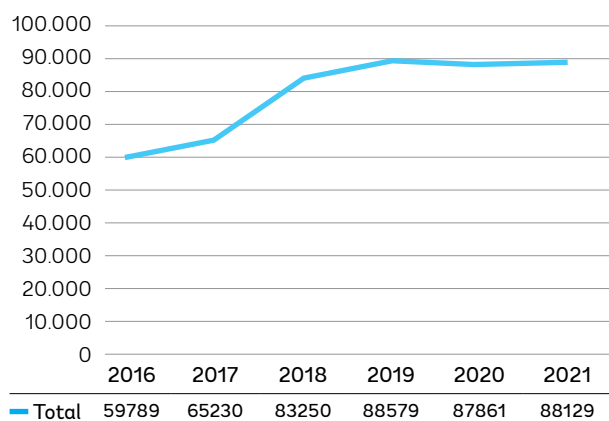
**Growing backlogs in POs underscore the system's struggle to keep pace with its caseload.** Clearance rates consistently remain below 100 percent at all PO levels, signaling that incoming cases outnumber those resolved and leading to an accumulation of unresolved cases. The additional burden of cases transferred from the SIJ and the expanded jurisdiction to investigate crimes committed by magistrates may further impact clearance rates. Prosecution offices attached to tribunals and courts of appeal are also struggling with backlogs, worsened by a surge in cases taken over from SIJ without a boost in resources. The growing number of cases being dismissed on the grounds of the statute of limitations, highlights the urgency of improving clearance rates to ensure timely justice and prevent the dismissal of cases without resolution. The high congestion ratio, particularly at the level of POs attached to district courts and the PHCCJ reveals a growing stock of pending files, which, if unaddressed, will further threaten the rule of law and administration of justice.

**The limited availability of case processing data, such as the number of investigations or the average duration, poses a challenge in identifying and addressing bottlenecks in the prosecutorial system.** Despite this, it is evident that Romania has the lowest rate of cases brought to court per capita among EU countries and one of the highest rates of pending cases, indicating inefficiencies in case management. The increasing number of cases dismissed on the

<sup>14</sup> The number of annual case dispositions is a good measure of system productivity and can be used for assessing performance. While this measure should be used with caution as it can be influenced by external factors, such as the COVID-19 pandemic or the complexity of cases and available expertise, it is an important indicator which can be used for management purposes.

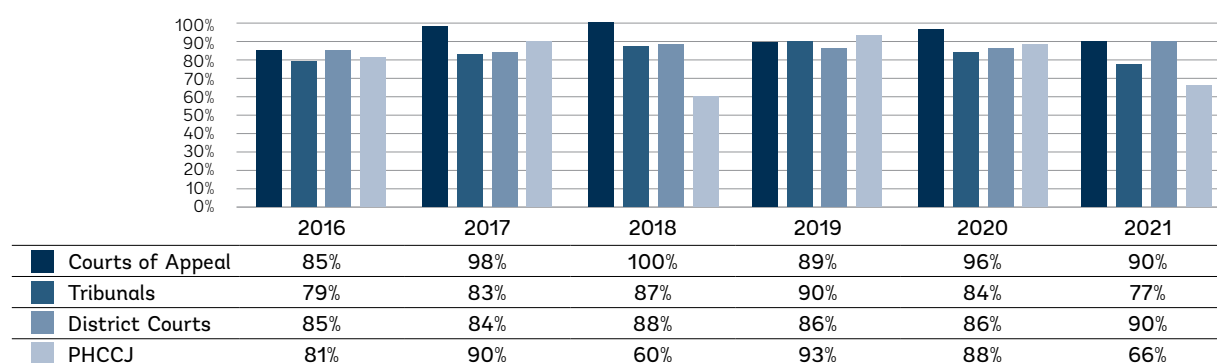
<sup>15</sup> CEPEJ. 2018. *Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights.*

<sup>16</sup> *Analiza prealabilă elaborării noului document strategic pentru sistemul judiciar.* P.78.

**FIGURE 5. Number of closed cases due to fulfilling the statute of limitations, 2016–2021**

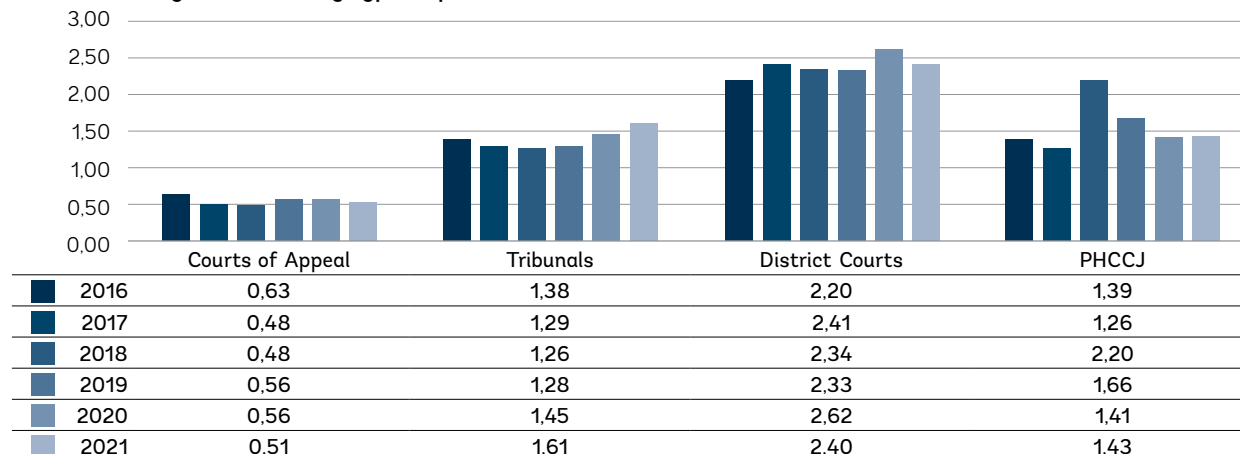
Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: Ministry of Justice and World Bank calculations. .

grounds of the statute of limitations highlights the need for improved case prioritization and processing. The low ratio of cases referred to court, especially at POs attached to district courts, calls into question the effectiveness of prosecutorial discretion in filtering out meritless cases. The high number of seemingly meritless cases being investigated suggests there is scope to reduce the caseloads of POs by changing existing procedures and practices and introducing more specific measures, such as tracking of their work through the Case Management Information System (CMIS). By revising procedural laws and practices on prosecutorial discretion and the possibility to dismiss meritless cases, the number of cases that need to be investigated could be reduced, thus reducing the caseload of POs. Finally, ensuring that relevant data is collected and used by decision makers would help in addressing bottlenecks and determining problem areas. As the adage goes, what gets measured gets managed.

**FIGURE 6. Clearance rates of prosecution offices attached to, 2016–2021**

Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: Ministry of Justice data and World Bank calculations..

Note: PHCCJ = Prosecution Office attached to the High Court of Cassation and Justice

**FIGURE 7. Congestion ratio by type of prosecution office, 2016–2021**

Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: Ministry of Justice data and World Bank calculations..

Note: PHCCJ = Prosecution Office attached to the High Court of Cassation and Justice.



**To address the efficiency issues, the Romanian justice sector needs to step up its management of human resources and overall strategic management.**

The most pressing issue is to fill the vacancies in courts and prosecution offices. This does not necessarily mean adding new positions. Romania's overall number of cases and judges and prosecutors is comparable to the EU averages, indicating that hiring more judges and prosecutors may not be necessary.<sup>17</sup> Indeed, in terms of judicial efficiency, higher input does not necessarily equal higher output. To the contrary, experience from European Commission for the Efficiency of Justice (CEPEJ) countries shows that additional inputs in terms of budgets, personnel, or salaries may not lead to the desired effects; many countries with a relatively high number of judges are also among those with greatest lengths of proceedings, while countries with relatively fewer judges are more efficient.<sup>18</sup> Before adding additional resources, systemic problems need to be addressed. While efforts have been made in Romania to adjust staffing levels based on court activity, the inefficiencies with respect to the distribution of caseloads among judges and

prosecutors persist. Regular assessments and reallocation of human resources based on caseloads could improve efficiency, ensuring that resources are allocated where they are most needed.

**Effective decision-making and resource allocation needs to rely on accurate and consistent data, which is not yet the case.**

A robust framework for data governance is necessary to ensure standardization, coordination, and adherence to clear data management protocols. Performance metrics with key indicators for measuring the efficiency of courts and POs are vital tools for identifying and addressing operational bottlenecks in a timely manner. Overall, effective and efficient delivery of justice services requires strategic management, particularly in the allocation and utilization of resources. The systemic issues described in this section highlight several challenges that impede optimal performance of the justice sector. These challenges offer valuable lessons on how to enhance judicial efficiency and effectiveness. Addressing these areas not only facilitates the resolution of existing inefficiencies but also lays the groundwork for a more robust and responsive justice system.

## SYNOPSIS – OPTIMIZING PERFORMANCE

| WHAT IS HAPPENING   | WHAT SHOULD HAPPEN   |
|---|--|
| <ul style="list-style-type: none"> <li>Staffing shortages in judicial institutions reflecting adverse impacts of HR policies</li> </ul>           | <ul style="list-style-type: none"> <li>Policy decisions better informed by long-term planning to ensure desired strategic outcomes</li> </ul>              |
| <ul style="list-style-type: none"> <li>Efficiency of the judiciary threatened by decreased occupancy rates in courts and POs</li> </ul>           | <ul style="list-style-type: none"> <li>Sufficiently staffed courts and POs deliver justice services</li> </ul>   |
| <ul style="list-style-type: none"> <li>Indications of increasing workloads, growing backlogs, and declining case dispositions</li> </ul>          | <ul style="list-style-type: none"> <li>Improvements in key performance metrics following increase in and strategic use of staff</li> </ul>                 |
| <ul style="list-style-type: none"> <li>Persistent inefficiencies in caseload distribution among judges</li> </ul>                                 | <ul style="list-style-type: none"> <li>Regular assessments of caseloads and reallocation of human resources to improve efficiency</li> </ul>               |
| <ul style="list-style-type: none"> <li>Performance assessment and improvement hindered by limited availability of case processing data</li> </ul> | <ul style="list-style-type: none"> <li>Relevant data is collected to determine problem areas and used by decision makers to address bottlenecks</li> </ul> |

<sup>17</sup> While judges and prosecutors cannot be forcibly moved to another court or PO, one way of redistributing human resources is not to fill vacant positions once a judge retires or leaves the profession.

<sup>18</sup> Ugelac, Alan. 2011. *Efficiency of European Justice Systems. The strengths and weaknesses of the CEPEJ evaluations.*

# Enhancing Access to Justice: Bridging the Gap to Legal Equity for All

**Access to justice is a fundamental pillar of a functioning democracy and an essential aspect of the rule of law.** It embodies the principle that all individuals have the right to seek and obtain remedy through justice institutions, in accordance with human rights standards. This principle is crucial for enforcing rights and realizing protections, fostering societal harmony and equality; it is central to maintaining the integrity of the rule of law. A people-centered approach to justice ensures that access is not just a theoretical entitlement but a practical reality for every member of society, regardless of background or circumstance.

**The removal of barriers to access to justice is a societal imperative, essential for creating an equitable justice system.** These barriers, which can be physical, procedural, or socio-economic, must be overcome to ensure that all citizens, especially those from vulnerable groups and victims of injustice, can benefit from the justice system. Good communication, legal empowerment, and the provision of tools to ensure awareness of rights are key to making the justice system more accessible and equitable. Legal aid, including extra-judicial support, is critical in providing a fair chance at obtaining justice for all, thereby reinforcing the rule of law and the democratic fabric of society.

**Romanian authorities have committed to enhancing access to justice as a key reform priority.** This is reflected in the SDJ 2022-2025, which sets forth a vision for “a modern, efficient, quality and accessible justice system for all.” The action plan for the SDJ 2022-2025 outlines several important actions to improve access to justice, though the realization of these initiatives remains uncertain. There have also been other recent initiatives that aimed to increase public knowledge of rights and available justice services, such as development of communication tools and awareness campaigns.<sup>19</sup> Until now, Romania has prioritized modernizing judicial infrastructure as part of its approach to increasing access to justice. Over the last 20 years, there has been a concerted effort to improve physical access to justice services, as evidenced by the updating of judicial infrastructure design standards and targeted investments in new courthouse construction and the refurbishment of existing facilities for selected courts.

<sup>19</sup> One recent example is the SCM’s “Transparency, accessibility, and legal education by improving public communication at the level of the judicial system” (TAEJ) project. The EU-funded project aimed to strengthen the image of the judicial system, provide greater transparency internally and externally, and improve access to justice. The project produced a number of communication materials using various communication channels such as TV, radio, social media, a dedicated platform, and printed materials. The project was finalized in 2023, and its impact and medium to long-term sustainability remains to be seen.

## Investing in Court Infrastructure for Enhanced Access to Justice

Inadequate court infrastructure poses a significant barrier to accessing justice, often impeding the public's ability to exercise their legal rights effectively. In Romania, many court buildings, including some in the capital of Bucharest, are overcrowded and in a state of disrepair, not meeting essential standards for fire safety, earthquake resistance, and energy efficiency. Furthermore, design shortcomings are evident, as numerous courts lack accessible facilities or segregated spaces for victims and defendants, which are critical for upholding the dignity and safety of all involved. The absence of modern infrastructure in older courts also hampers the judiciary's ability to embrace digital advancements, further limiting functional space as courts are inundated with paper.

Investment in judicial infrastructure is vital for removing barriers to access to justice and the efficiency of judicial services. Nevertheless, Romanian courts dedicate less than 1 percent of their budget to capital investments, a figure markedly lower than the European average of 8 percent. While notable improvements have been realized through grants, external loans, and collaborations with organizations such as the National Investment Company, a significant commitment is still necessary to guarantee equitable access to justice throughout the country.

Source: Reinterpretation of box on court infrastructure in the Functional Review Report.

**Despite these efforts, ensuring that all individuals are aware of their legal rights and available justice services remains an enduring challenge for universal access to justice in Romania.** The current approach to communication on accessing justice is fragmented, relying on multiple individual projects rather than a single and unified strategic approach. While some individuals are well-informed about their legal entitlements and the procedures for accessing justice services, many encounter barriers due to the absence of structured, and easy to understand, practical information. The reliance in providing information in courts overlooks those who may not visit a court until they are already involved in legal proceedings. Although the development of informative websites marks progress, it is limited by the digital divide, affecting those without digital literacy or access, such as the elderly, rural residents, and vulnerable groups. The use of complex legal language in communication materials further alienates the average person. The sustainability of many rights-awareness communication initiatives is compromised due to a lack of continuous funding. There is a clear need for a more strategic, inclusive, and sustained approach to ensure that all citizens are aware of their rights and can access justice services effectively.

**Although legal aid is recognized as integral to the right of access to justice, attention to the provision of aid has been slow to develop.** The current state of play reveals a legal aid system that struggles with limited resources and coordination. Notably, Romania records one of the lowest rates of legal aid beneficiaries per capita (0.003 per inhabitant) in Europe, starkly in contrast with the European average of 0.011 and the high of 0.033 per capita among the countries reporting to CEPEJ. Furthermore, Romania's investment in legal aid, a mere 0.008% of its GDP, is relatively modest.<sup>20</sup> This fact is particularly striking given the nation's generally high expenditure on its justice system as a whole.

**The slow development of Romania's legal aid program, coupled with limited oversight and a fragmented legal framework, has resulted in a system that is difficult to navigate for both service providers and beneficiaries.** The legal framework itself is scattered across various laws, leading to inconsistencies and a lack of clear mandates. This is evident, for example, in the area of extra-judicial legal aid, which is referenced in the law but is rarely used in practice. There is also a lack of information and support for alternative dispute resolution mechanisms, which could provide more accessible and efficient means of resolving legal

<sup>20</sup> As noted in the Functional Review Report, "There are countries that are lower – the minimum is 0.0005, but the average is 0.0320, and the standardized median is 0.0183. It is not that Romania's expenditures on the rest of the justice administration are low, but that the entire sector consumes 1.06 percent of the GDP compared with the 49-country average of 0.815 percent and median of 0.644 percent".

issues outside of the court system. These systemic issues disproportionately affect vulnerable groups, whose limited legal knowledge or resources can make navigating the complex system and accessing entitled legal aid services daunting.

**The eligibility threshold for legal aid in non-criminal cases is notably low, and recent efforts to raise the income ceiling have been deemed insufficient.**

Likewise, the process for proving eligibility can be cumbersome, particularly to marginalized individuals who may encounter problems accessing official documents. This has led to a situation where access to legal aid is restricted, likely leaving many who require assistance without recourse. However, the true extent of unmet needs and deficiencies in service provision is unclear. Comprehensive data on legal aid in Romania – such as beneficiary numbers, services rendered, and approval rates for aid – are not centrally collected and reviewed, making it difficult to assess the effectiveness and accessibility of the legal aid program. This was made evident during the functional review as data on the number of legal aid beneficiaries varied drastically across institutions. Table 2 below shows the different 2020 statistics on legal aid beneficiaries provided during the Functional Review.

**TABLE 2. Statistics on number of legal aid beneficiaries for 2020, by data source and case type**

| SOURCE   | CRIMINAL CASES   | CIVIL CASES | OTHERS |
|--|--|-------------|--------|
| MOJ – first estimate based on ECRIS IV entries | Not Available (NA)   | 204         | NA     |
| SCM – submission to CEPEJ                      | 63,492   | 3,030       | NA     |
| MOJ – from reports solicited from courts       | 42,413   | 11,954      | 1,007  |
| Bar associations (via MOJ)                     | 153,258 (36,574 investigations and 116,684 courts <sup>a</sup> ) | 24,707      | 708    |

Source: Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: Statistics are provided by each of the entities cited.

Note: Although the MOJ could provide more recent data, 2020 was used as this is the date of the numbers submitted by the SCM to CEPEJ.

<sup>a</sup> Assuming that most defendants receiving legal aid during criminal investigations also received it during the court phase, the total may be double counted. But even if only the court data are taken, 116,684 still far exceeds the alleged official CEPEJ numbers.

**The institutional arrangements for legal aid provision lack coordination, with no single agency overseeing the entire process.**

The legal aid system in Romania suffers from an absence of centralized oversight and limited availability of practical public information, with various institutions independently managing different segments of the process. Additionally, the system's limited mechanisms for quality control and compliance validation, along with the inadequate data collection, prevent proper evaluation of legal aid program's accessibility and effectiveness, highlighting the need for enhanced capacity within the justice sector for comprehensive oversight, monitoring, and assessment.

**While Romania continues to face challenges in ensuring that all citizens have access to justice, these challenges are not insurmountable.**

To start, empowering citizens with a clear understanding of their rights, the services at their disposal, and how to utilize these services is also crucial to effectively enhance access to justice in Romania. Refining the dissemination of legal aid information is central to this empowerment, ensuring practicality, clarity, and accessibility, especially for those with limited legal resources. Addressing the widespread lack of awareness presents a significant opportunity to render justice more accessible. A unitary and sustainable communication strategy must be established across justice institutions, focusing on updating and centralizing information on accessing legal aid, as well as steering people in the right direction. Extending proactive outreach through media like radio, television, and community events to reach a wider audience can also be considered. Programs to reach vulnerable communities should include a facilitator who can tell people about legal aid. The information offered should guide individuals asserting their rights and navigating the justice system with confidence. The system in place should also consider the diverse needs of the population and collaborate with civil society organizations for effective information distribution. Strengthening the communication capacity within justice institutions is essential, requiring adequate resources such as skills, finance, and infrastructure. By doing so, Romania can significantly improve access to justice, equipping its citizens with the necessary knowledge and tools to claim their legal rights.

**FIGURE 8. Barriers to accessing justice services**

Source: Author's elaboration based on JFR findings.

**Romania should continue to invest in upgrading judicial infrastructure, ensuring courthouses are accessible, secure, and tailored to the needs of court users and staff.** Inclusive design is crucial, offering equal access for all genders and enabling individuals with disabilities to navigate easily, transforming courthouses from potential barriers into gateways of fairness and equality. While all inadequate infrastructure should be improved, investments in infrastructure should be prioritized, and to do this, the justice sector must first understand which courts require modernization, rehabilitation, or replacement with a newer building. A proposed methodology for such an assessment was developed and shared with Romanian authorities as part of the RAS. The GOR already has several ongoing projects to modernize courts, with more in the pipeline including the highly-anticipated justice district in Bucharest. The gallery at the top of the next page, showcases photographs of newly renovated and constructed courthouses in Romania, providing a visual testament to the country's commitment to creating modern, accessible, and user-centric judicial facilities.

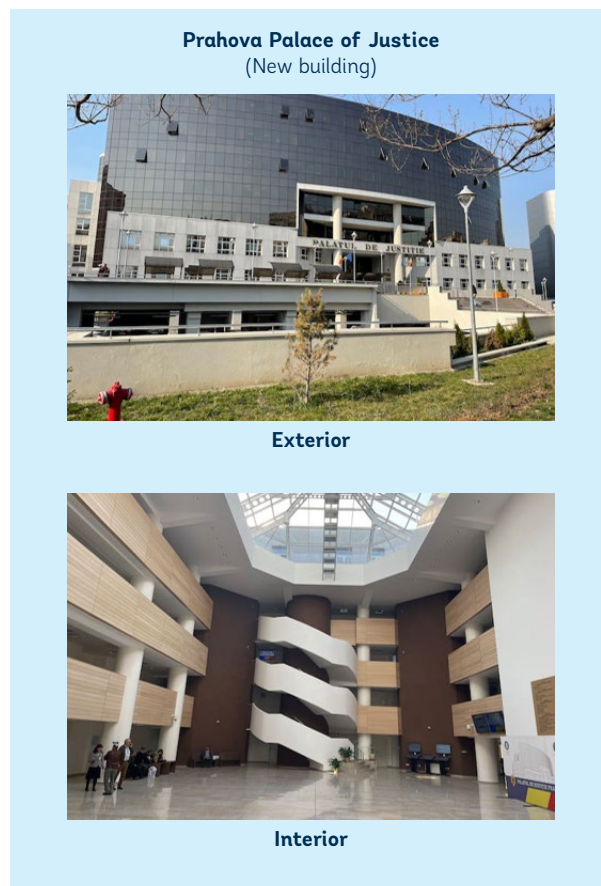
**Significantly enhancing Romania's legal aid system, making it comprehensive, efficient, and easily accessible to all in need, expands access to justice for everyone regardless of their socioeconomic means, background, or capabilities.** Updating and expanding the legal framework for the

provision of legal aid in Romania could strengthen access to justice by broadening eligibility conditions, improving oversight, and ensuring the availability of primary and secondary aid, as well as assistance for mediation. Prejudicial and extrajudicial legal aid can significantly improve access to justice by providing assistance before a case goes to court and helping individuals resolve legal issues outside the court system. The Government has already committed to review and expand the legal framework on Romania's legal aid program as part of its Strengthening Foundations for Improved Justice Service Delivery project, financed by the World Bank.'

**Central to this vision is the establishment of a dedicated department within the MOJ to oversee the provision of legal aid.** This department would be responsible for evaluating the quality and cost-effectiveness of legal aid programs, enhancing the collection and analysis of data regarding the services rendered, and collaborating closely with the judiciary and other key actors. It would also be tasked with coordinating the assessment of the actual needs for legal assistance within the population and adjusting eligibility conditions to better align with these needs. Additionally, the department would ensure that the quality, efficacy and efficiency of the legal aid program are supported by information captured in justice information systems and enriched by insights from user surveys and focus groups.



**FIGURE 9.** Examples of recent investments in justice infrastructure



**As Romania progresses on the path toward greater access to justice, a strategic approach to reform and investment that puts people at the center of justice service delivery is fundamental.** While the path forward may be marked by challenges such as budgetary constraints, procedural delays, and shifting political landscapes, each step taken

is a measured advance toward the goal of improved access to justice. Progress should not be limited to adopting initiatives such as broadening legal aid and refining data collection or modernizing courts; it also necessitates a cultural shift within justice institutions to truly embrace a people-centered approach that fosters inclusivity and accessibility.

| <b>SYNOPSIS – ENHANCING ACCESS TO JUSTICE</b>  |  |
|--|--|
| <b>WHAT IS HAPPENING</b>   | <b>WHAT SHOULD HAPPEN</b>  |
| <ul style="list-style-type: none"> <li>• Access to justice hindered by the fragmented legal framework for legal aid and low eligibility thresholds for assistance</li> </ul>                 | <ul style="list-style-type: none"> <li>• Expanded legal aid framework designed to ensure equal access to justice</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Lack of centralized oversight and data collection for legal aid program</li> </ul>  | <ul style="list-style-type: none"> <li>• Central legal aid body coordinating data collection and oversight</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Awareness of rights and access to justice impeded by fragmented communication and a lack of easy-to-understand and practical information</li> </ul> | <ul style="list-style-type: none"> <li>• People are empowered to access justice services with a clear understanding of their rights, available services, and how to navigate them</li> </ul> |
| <ul style="list-style-type: none"> <li>• Inadequate court infrastructure as a barrier to accessing justice and exercising rights</li> </ul>  | <ul style="list-style-type: none"> <li>• Courthouses as accessible, secure, inclusive gateways for justice</li> </ul>  |



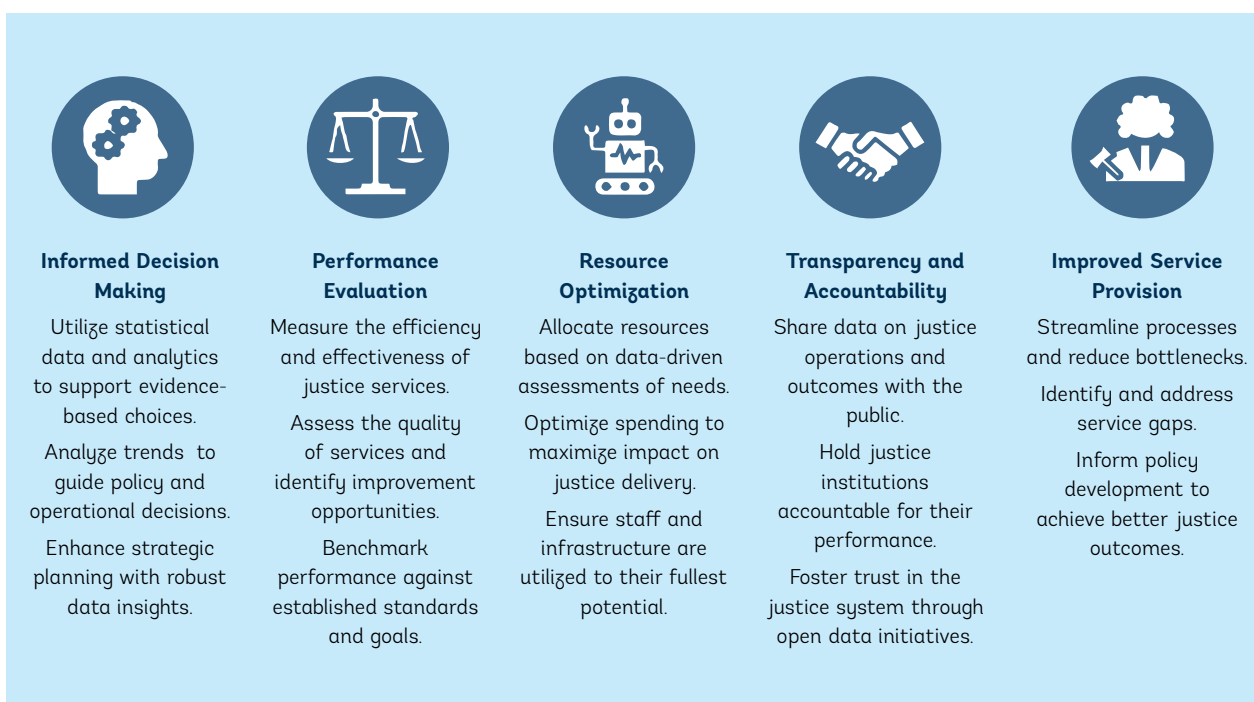
# Data-Driven Justice: Harnessing the Power of Data to Meet Citizen Needs and Improve Judicial Performance

**Data is vital for a modern, efficient, and fair justice system.** It helps measure the impact of policy interventions, provide operational insights and deliver justice services to society. It enables informed decision-making, thorough performance evaluation, effective resource optimization, and greater transparency and accountability. Ultimately, the use of data leads to improved service provision and better outcomes for the public.

**In a people-centric justice system, data is important for understanding and addressing the needs of citizens.** It informs which services are delivered and how, ensuring that the justice system is responsive and adaptive to the evolving demands of society. Enhanced data collection

methods, such as integrated ICT systems, comprehensive surveys, feedback mechanisms, and specialized tools, are pivotal for gaining a nuanced understanding of citizen needs and evaluating judicial performance. These methods meticulously track case flow management, gauge user satisfaction, measure timeliness and case disposition, assess access to justice, and scrutinize performance evaluation metrics, thereby underscoring the critical role of data in shaping an effective and responsive justice system. Effective data utilization can highlight service gaps, areas of excellence, and opportunities for improvement. By leveraging data, justice institutions can also identify underserved groups and take action to ensure that everyone has access to justice.

**FIGURE 10.** Uses of data in the Justice Sector



Source: Author's elaboration considering JFR conclusions.

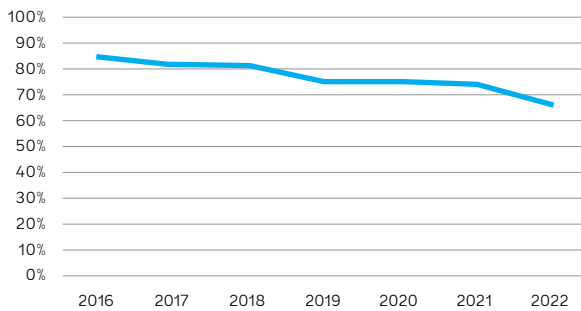
**Effective data management is crucial in the justice sector given the distinct mandates and functions of the different justice institutions.**

Aligning data management strategies across the sector is essential for justice institutions to fulfill their missions and uphold the rule of law through informed, data-driven decisions. The increasing amount of data collected and the centrality of using data in the workings of the system necessitates active management of data to promote a just, equitable and efficient administration of justice. Data quality and access to data will increasingly

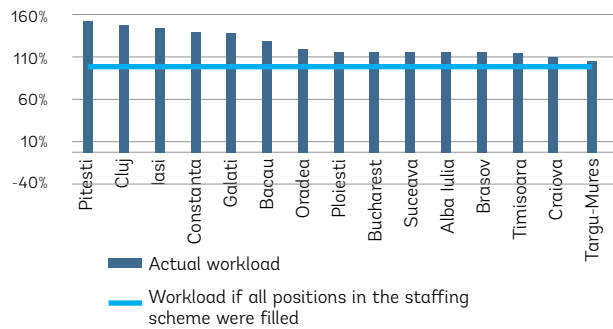
shape the justice systems processes and outcomes and can also provide decision makers a broader perspective and understanding of challenges and opportunities. An illustrative example is provided in the figure below. Each of the graphs provides a specific set of data; however, looking at the graphs together, it could be inferred that the decreased occupancy rates for prosecutors seen over time resulted in lower clearances and subsequently an increase in cases that had to be closed due to the expiration of the statute of limitation.<sup>21</sup>

**FIGURE 11. Prosecutor’s Office at a Glance: Illustrative Example of how data can inform decision making**

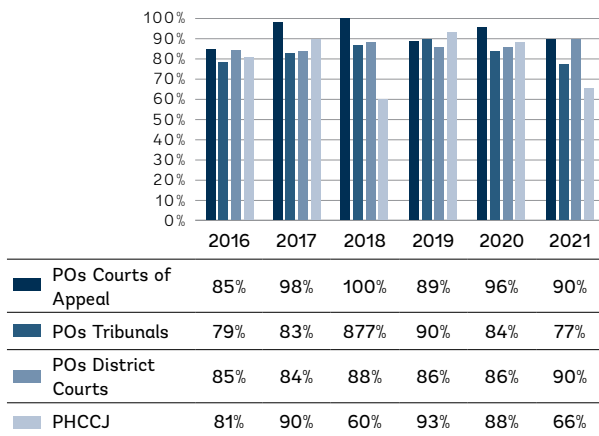
**1. Total occupancy rates, prosecutors (2016-2022)**



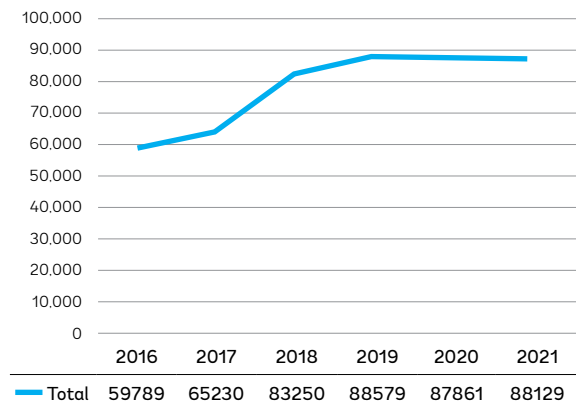
**2. Total caseloads per prosecutor at prosecution offices attached to courts of appeal, 2021**



**3. Clearance rates of prosecution offices, 2016-2021**



**4. No. of closed cases due to expiration of statute of limitations, 2016-2021**



Sources: Author’s elaboration with figures from: World Bank. 2023. Report on the Functional Review of the Romanian Justice System. Data sources: 1. World Bank calculations, Ministry of Justice data (2016–2021), and WB data (2022); 2. World Bank calculations and Ministry of Justice data; 3. Ministry of Justice data and World Bank calculations (Note: PHCCJ = Prosecution Office attached to the High Court of Cassation and Justice); 4. Ministry of Justice and World Bank calculations.

<sup>21</sup> The statute of limitations sets a time limit after which legal proceedings, such as an investigation or bringing a charge to court, cannot typically be initiated.

**The Romanian justice sector is grappling with considerable data management challenges.**

Practices for collecting, maintaining, and using data vary across justice institutions, with little to no coordination or standardization. This fragmented approach to data handling inhibits cross-comparison and can result in inconsistencies across and within institutions, calling into question the reliability of data.

**Each justice institution has developed its own information systems, and these have not been designed to share data with other organizations.**

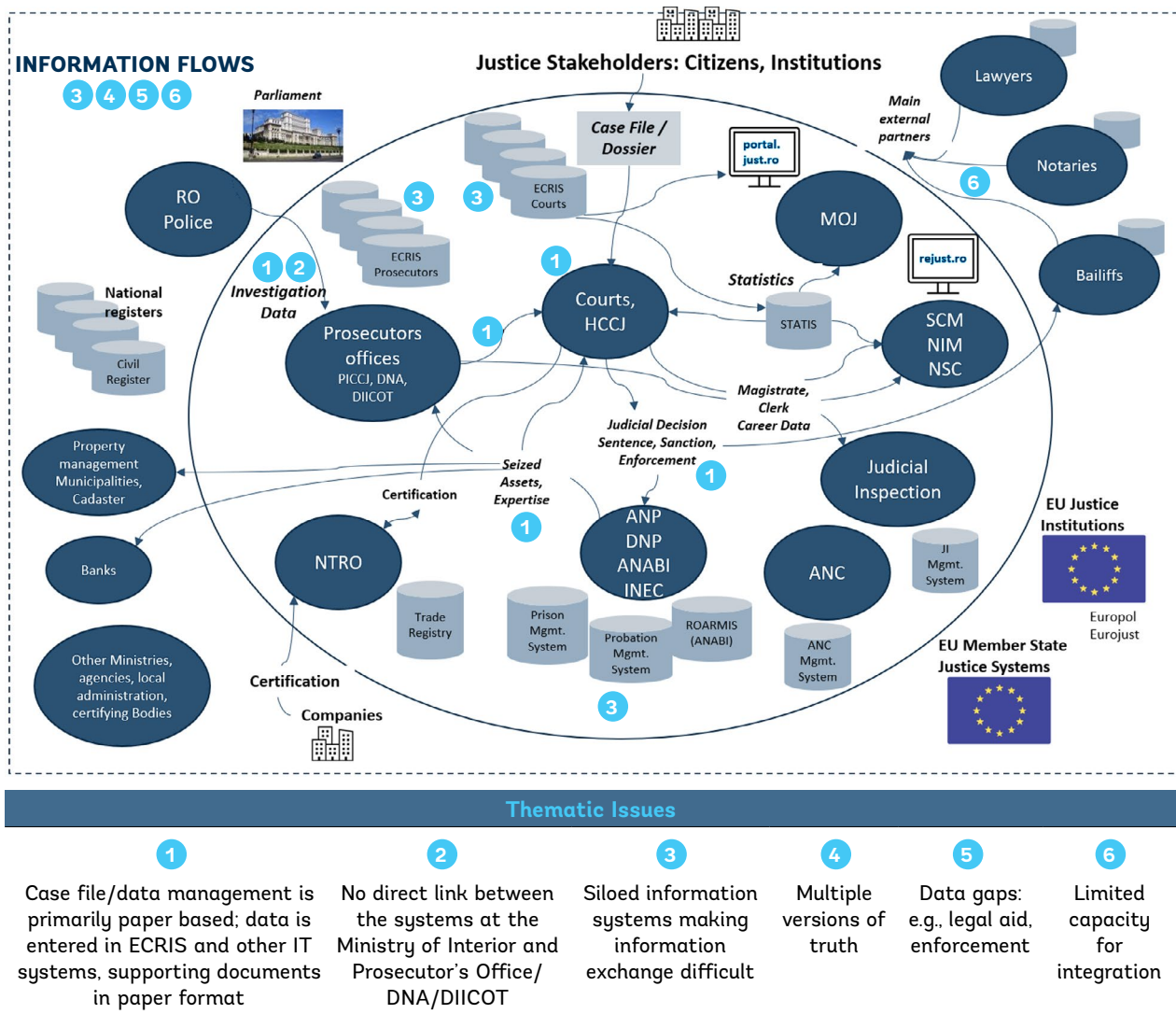
This limited approach results in data silos making data exchange complex (see figure below). Compounded with the autonomous nature of the justice institutions, the lack of consistent policies and practices on what can be shared (and with whom)

and how things will be categorized and counted has made information sharing more challenging. Data held at one institution cannot be easily provided to individuals in other institutions who need it.

**The JFR exposed data discrepancies, which are undermining the credibility and reliability of the data.**

The lack of data governance (i.e., standard practices for data collection and management) and siloed information systems have resulted in data challenges. These challenges not only limited the scope and depth of the functional review but also revealed a larger concern regarding the sector's capacity to make informed decisions and allocate resources effectively. Table 3 on the next page provides an overview of the key data challenges encountered during the JFR.

**FIGURE 12. Complex network of information systems**



Source: World Bank. 2023. Report on the Functional Review of the Romanian Justice System.

**TABLE 3.** Overview of the key data challenges encountered during the Functional Review

|  |   |
|--|---|
| <b>Absence of Data</b>                     | The absence of critical data, such as details on legal aid beneficiaries or enforcement, further compounds these challenges, hindering assessments of the rule of law's effectiveness and the justice system's accessibility and fairness.  |
| <b>Inconsistent Data</b>                   | Across Different Sources. Discrepancies in staff counts and categorizations were noted across various institutions (MOJ, SCM, PHCCJ), with unconventional counting methods. Legal aid beneficiary figures also varied between sources, with incomplete data and statistical exercises contributing to inconsistencies.                            |
| <b>Inconsistent Categorization of Data</b> | There was a lack of uniformity in reporting categories for auxiliary staff in the justice sector, with different institutions providing varying levels of detail. This inconsistency extended to the categorization of magistrates, where the terms 'seconded' and 'assimilated' were used inconsistently.  |
| <b>Insufficient Level of Detail</b>        | The age structure of disposed and pending cases lacked granularity, particularly for cases older than one year. Detailed data on prosecution activities, such as the number and duration of investigations, was not collected, limiting analysis of case processing. Also, certain types of criminal cases lacked sufficient detail for analysis. |
| <b>Inconsistent Definitions</b>            | The use of terms and definitions varied across institutions, leading to confusion and difficulty in aligning data. This was particularly evident in the inconsistent use of terms for magistrates, which affected the clarity and comparability of the data.  |
| <b>Inconsistent Time Frames</b>            | Data was provided for varying dates within the year without clear specification, making it difficult to compare data sets and assess trends accurately. The lack of standardized time frames for data collection compounded the discrepancies and challenged the analysis of year-end situations.   |

Source: Author's elaboration based on JFR conclusions.

**Among the challenges presented in Table 3, the inconsistency of data stood out as a flagrant concern, both across the sector as well as within individual institutions.** Significant variances in historical data, especially concerning court performance from 2016 to 2020, were found in datasets provided by the MOJ in 2021 and 2022. A system update caused a change to historical data by archiving all cases that had been closed, leading to these inconsistencies. Following the MOJ's confirmation of the issue being addressed and the provision of updated data, further analysis indicated some inconsistencies when compared with the figures prior to the update, hinting at the possibility of lingering issues or new errors within the information systems that may need attention. Thus, while the analysis of court efficiency under the Functional Review indicates that Romania performs well, data challenges raised concerns regarding the accuracy of the findings.

**Likewise, inconsistencies when comparing MOJ's data to that reported to the CEPEJ call data reporting practices into question.** Notably,

clearance rates were much lower in the CEPEJ report (48 percent) than in the MOJ's data (102 percent), indicating significant data management and reporting issues. In addition, there were considerable variations in legal aid data across different institutions and CEPEJ reports.

**The Functional Review team worked closely with the MOJ and other stakeholders to understand the causes of identified inconsistencies.** However, some data discrepancies remained unexplained, with institutions acknowledging that provided data were estimations rather than formally collected. This underscores the need for urgent action to address data challenges to ensure data reliability.

**The Romanian authorities' decision to conduct a functional review demonstrates their recognition of data's critical role in decision-making and marks a significant shift towards strategic planning based on data analysis.** Establishing robust data governance within the Romanian justice sector is the first step towards making this shift. Data governance would entail creating standardized practices for data collection and management, ensuring data quality, and promoting coordination among different justice institutions.

**To move towards a data-centric justice system, Romania should strive for a comprehensive data governance framework.** This framework should include an overall data governance strategy to ensure regulatory compliance to data protection requirements and foster collaboration and accountability in data management. Key components to data governance include:

- *Data lifecycle management.* This entails knowing what data to collect and how to manage the data (i.e., capture, classify, store, use, archive, dispose) through its life cycle, securely and in conformance with regulatory requirements.
- *Data stewardship and collaboration.* Clear definition of ownership and responsibilities ensures accountability in data management. Defining the roles, responsibilities, policies and procedures will foster coordination among stakeholders to manage data quality and streamline data sharing and integration.
- *Data Quality.* The main principles of data quality are accuracy and consistency. This requires

establishing data standards, data definitions and rules to ensure that data are reliable, complete, and comparable across the sector.

- *Data Security.* The increasing level of digitalization necessitates that measures are in place to ensure the confidentiality/privacy, integrity and availability of data. This requires maintaining a fine balance between protection (i.e., safeguarding data) and productivity (making data available when needed).

**Implementing a comprehensive data governance framework in the Romanian justice sector will yield significant improvements.** Aligning data management practices across the justice sector institutions increases efficiencies and improves communications. Standardized data collection methods will facilitate a unified understanding of the sector's performance, allowing for accurate comparisons and benchmarking. Enhanced coordination among stakeholders will foster a culture of data sharing and collaboration, leading to more holistic and integrated approaches to

## Data Governance: Definition and Implementation

**Data governance** refers to the overall management of the availability, usability, integrity, and security of the data employed in an organization. In justice systems, data governance is "the framework by which courts reach and communicate organizational decisions around data, ensure that business activities and data management are synchronized, and develop long and short-term strategies around the collection, use, storage, and disposal of data. It encompasses the people, court processes, and procedures that ensure that data are fit for managing cases, planning, and budgeting. Governance is about creating a culture around data creation and use, including how data rules are created and enforced and how disputes are resolved. Without strong data governance, courts risk wasting time and energy searching for missing information, collecting unnecessary information, correcting bad information, entering data redundantly, and making decisions repetitively and sometimes inconsistently."<sup>a</sup>

In the United Kingdom, a **senior data governance panel** was formed in January 2023. The Panel's role is "to advise and give guidance on the access to and use of court and tribunals data, focusing on 4 main principles: open justice, independence of the judiciary, rule of law, and maintaining public confidence in the justice system. The panel is made up of five (5) senior officials of the His Majesty's Courts and Tribunal Service and Ministry of Justice, including a co-Chair, five (5) senior judges, including a co-Chair and at least five (5) independent experts. The panel aims to attract experts in open data, social research and emerging technologies such as machine learning. It also welcomes those familiar with 'LawTech' sector and those with experience of exploring the effect of justice on socially or economically disadvantaged groups."<sup>b</sup>

<sup>a</sup> National Center for State Courts. *Data Governance Policy Guide*. December 2019

<sup>b</sup> Gov.UK. *Data governance panel formed to improve use of court and tribunals data*. March 2023. <https://www.gov.uk/government/news/data-governance-panel-formed-to-improve-use-of-court-and-tribunals-data>.

justice delivery. Rigorous data quality assurance processes will build trust in the data, which is essential for its use in high-stakes decision-making. Identifying the most relevant data types for decision-making will ensure that the most critical aspects of justice delivery are monitored and improved upon. Thorough data analysis will uncover patterns and trends that can inform

policy and operational changes, leading to a more dynamic and responsive justice system. Finally, the strategic application of data insights will enable the justice sector to allocate resources more effectively, develop policies that address the root causes of inefficiencies, and enhance the overall quality of service provision, resulting in greater justice outcomes for all.

| <b>SYNOPSIS - DATA-DRIVEN JUSTICE</b>  |  |
|--|--|
| <b>WHAT IS HAPPENING</b>   | <b>WHAT SHOULD HAPPEN</b>  |
| <ul style="list-style-type: none"> <li>· Data collected primarily to fulfil reporting obligations</li> </ul>   | <ul style="list-style-type: none"> <li>· Data providing insights on citizen needs, judicial performance, and service delivery</li> </ul>                     |
| <ul style="list-style-type: none"> <li>· Judicial processes not prioritizing data collection by design</li> </ul>  | <ul style="list-style-type: none"> <li>· Data is managed as an asset and key element of justice services</li> </ul>  |
| <ul style="list-style-type: none"> <li>· Varying practices for collecting, maintaining, and using data across justice institutions</li> </ul>                                | <ul style="list-style-type: none"> <li>· Robust data governance framework with standardized approaches in place</li> </ul>                                   |
| <ul style="list-style-type: none"> <li>· Data inconsistencies across justice institutions</li> </ul>   | <ul style="list-style-type: none"> <li>· Consistent and reliable data across the sector</li> </ul>   |
| <ul style="list-style-type: none"> <li>· Data exchange across justice actors and ICT systems complicated by lack of standardization</li> </ul>                               | <ul style="list-style-type: none"> <li>· Data seamlessly shared across institutions through interconnected systems and well-established protocols</li> </ul> |
| <ul style="list-style-type: none"> <li>· Decision making impacted by fragmented approach to data management and lack of certain data, hindering cross-comparisons</li> </ul> | <ul style="list-style-type: none"> <li>· Policy decisions informed by holistic, evidence-driven understanding of challenges and opportunities</li> </ul>     |



# Modernizing Justice: Advancing Justice through Digital transformation

**In the age of rapid technological advances, digital transformation has become an essential tool for modernizing justice service delivery, ensuring that it is not only efficient but also user-centric.** This transformation transcends the mere adoption of new technologies; it signifies a fundamental shift in approaches and working modalities, aligning with the public's evolving needs and expectations. As society changes, the justice system must also evolve, leveraging data and technology to create innovative business models, operating processes, and services for better outcomes. Supplementing paper-based systems and embracing digital records, e-filing, and other digital services can not only improve judicial efficiency and access to justice, but also help ensure the sector keeps pace with the digital literacy of the society it serves.<sup>22</sup>

**Digital transformation plays a vital role in streamlining operations and enhancing service delivery.** Successful digital transformation in the justice sector suggests that starting 'born digital' is more effective than retrofitting existing processes. Thus, to ensure that the transition to digital platforms enhances rather than hinders the delivery of justice, it is essential first to thoroughly assess business processes to identify inefficiencies and avoid automating flawed or obsolete procedures. An opportunistic and targeted approach, especially one that addresses high-volume and low-risk areas, can serve as an ideal starting point. Drawing inspiration from private sector practices,<sup>23</sup> such as those adopted in online dispute resolution platforms like the British Columbia Civil Resolution Tribunal<sup>24</sup> (see Figure 13),

**FIGURE 13. British Columbia Dispute Resolution**



Source: Author's elaboration with individual images and information taken from: Civil Resolution Tribunal Website and HIIL Justice Dashboard Website.

<sup>22</sup> In transitioning to digital justice systems, it is crucial to acknowledge the digital divide that persists in many countries, particularly affecting marginalized groups who may have limited access and education regarding online platforms and other ICT tools. Therefore, a gradual approach is advisable, beginning with the refinement of processes in both offline and online environments. As digital services become more prevalent, parallel upskilling of justice workers and the general population is essential, with targeted initiatives like digital literacy programs and community access points staffed with trained facilitators to assist those less familiar with technology. Such initiatives will help guarantee equitable access to justice for all and that no one is left behind in the move to digital services.

<sup>23</sup> eBay and PayPal are the front runners in online dispute resolution. eBay is estimated to handle over 60 million disputes a year. Source: Dal Pubel, Luca, E-Bay Dispute Resolution and Revolution: An Investigation on a successful ODR Model.

<sup>24</sup> The British Columbia (Canada) Civil Resolution Tribunal is an online dispute resolution platform offering users the chance to negotiate with the disputing party on their own, to seek mediation and lastly, if nothing works, then adjudication.

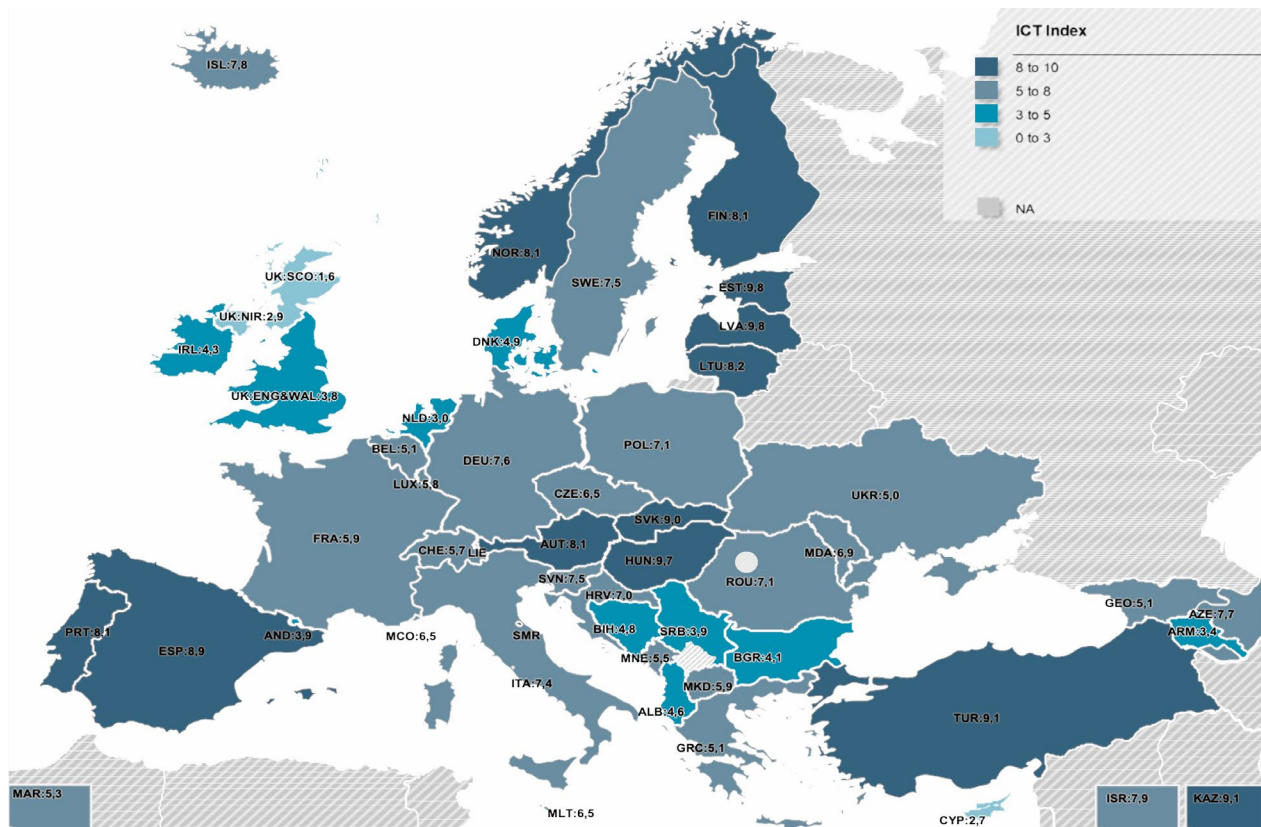
can offer valuable insights. Moreover, adopting off-the-shelf software solutions can expedite system development, testing, and adoption, compared to the time and resources required for custom-built solutions.

**A shift to a user-centric approach, one that focuses first and foremost on the needs of those seeking justice services, will help drive the process.** This approach is complemented by a data-driven strategy, where end-user satisfaction surveys play a crucial role in informing service design, iterative improvements, and ongoing evaluation<sup>25</sup>. Lastly, the importance of change management and stakeholder engagement cannot be overstated; these must be organized and funded as essential activities to facilitate the adoption of digital transformation initiatives within the justice sector.

**The Romanian justice sector has progressed in its digitalization efforts, alongside many of its European counterparts.** Romania's score on the CEPEJ ICT Index<sup>26</sup> in 2020 is relatively high at 7.1, placing it in the second group of countries with the highest ranking (see figure below). A broad range of capabilities are available online although these are not consistently available for all courts or procedures.<sup>27</sup>

**Digital transformation is recognized as a top priority for Romania's justice sector – as emphasized in the National Recovery and Resilience Plan (NRRP),<sup>28</sup> which designates funds for the digitalization of the judiciary, and also in Romania's SDJ 2022-2025.** Since the adoption of digital technologies in the late 1990's, the automation of several justice services and processes has helped

**FIGURE 14. CEPEJ ICT Index 2020**



Source: European Commission for the Efficiency of Justice (CEPEJ)

<sup>25</sup> Offers users the chance to negotiate with the disputing party on their own, to seek mediation and lastly, if nothing works, then adjudication.

<sup>26</sup> The CEPEJ ICT index measures the diffusion of ICT tools, rather than their actual use. It provides an indication of the deployment and not of the results achieved through the use of ICT. Estonia and Latvia scored the highest, each at 9.8. See European Judicial Systems. 2022. CEPEJ Evaluation Report – 2022 Evaluation Cycle (2020 data). Part 1: Tables, graphs, and analyses.

<sup>27</sup> For example, the possibility of using electronic communications during the trial in civil and criminal cases exists. However, the capabilities and underlying technologies vary among courts given the lack of standards.

<sup>28</sup> Under the NRRP, €162 million is committed for the period 2022 to 2026 targeted for digitalization of the judicial system, i.e., Component 7: Digital Transformation. Over 80% of the funds are targeted to increase remote work capabilities and create a sustainable, resilient and secure ICT infrastructure.

Romanian justice institutions increase productivity, reduce the duration of procedures, and increase transparency to the public. The introduction of the ECRIS case management system and several stand-alone systems have automated some procedural rules and relevant processes for court proceedings, making information and documents more accessible online to various parties simultaneously, and enabling analysis of case information as it progresses through the system. Internet-based portals have improved access to justice by providing information on how the sector functions (e.g., providing information on procedures and fees) and have promoted transparency with the publication of judicial decisions on jurisprudence portals.

**These advances have been achieved within a complex landscape of ICT systems supported by a multitude of IT departments and teams.**

Justice-wide information systems,<sup>29</sup> mission specific systems<sup>30</sup> and multiple, duplicative custom-built local software solutions<sup>31</sup> are loosely connected, if at all, lacking a unified architecture to facilitate efficient data exchange and system interoperability. The highly-anticipated introduction of ECRIS V is expected to centralize core functionalities supporting the Courts and POs, expand capabilities supporting reporting and analytics, and enable online interaction with citizens, lawyers, bailiffs and other justice partners. Common ICT services, such as infrastructure hosting and end user support, are distributed across the justice sector institutions, leading to a decentralized approach that can introduce inefficiencies and a lack of uniform standards. The ICT departments involved operate in a federated manner, collaborating as needed on an ad-hoc basis. Despite some progress, these departments face challenges in maintaining day-to-day operations while striving to digitally transform the justice sector under less-than-ideal conditions.

**Despite digital transformation being a high priority, strategic decision-making is often dispersed among various institutions, with ICT initiatives predominantly driven by IT departments and minimal guidance from justice sector leadership.**

This ICT-centric governance lacks the necessary authority to implement the significant changes needed to transform justice services effectively.

These challenges, together with the continued absence of a sector wide digital strategy have led to specific, tangible consequences that undermine the efficiency and effectiveness of the system. The repercussions include:

- *Limited adaptability to crises.* The COVID-19 pandemic revealed significant gaps in the Romanian justice institutions' ability to maintain operations remotely, with some courts lacking consistent access to technologies like VPNs and video conferencing, and essential staff hampered by a limited supply of laptops and network bandwidth issues. The uneven distribution of resources and collaboration tools across courts underscored the urgency of enhancing remote work infrastructure to ensure business continuity in times of crisis.
- *Data inconsistencies.* Fragmented data systems result in scattered information across multiple systems (see chapter on Data-driven justice) and data discrepancies. Inconsistent data definitions for the same concept have resulted in varying interpretations and misunderstanding. The absence of standardized methods for calculating or counting indicators further exacerbates the issue, making it difficult to compare data across different institutions. Such inconsistencies not only compromise the integrity of data, hampering the institutions' ability to fully understand and effectively address service needs, but also diminish public trust and confidence in the justice sector.
- *Reliance on Paper-Based Processes.* Most judicial services still rely on traditional paper-based processes, which are inherently slower than digital processes and can lead to delays. Moreover, the physical handling and storage of documents and dependence on physical archives present risks to record integrity and availability, particularly in the event of disasters such as fires or floods.
- *Suboptimal cross institution coordination.* The absence of a centralized ICT governance structure, decentralized decision-making, and limited collaboration among ICT departments in different institutions further impedes

<sup>29</sup> Justice-wide systems include case management solutions: ECRIS IV – Courts, ECRIS III – Prosecutor's Office, statistics: STATIS, portals, and resource management: RMS, e.g., case file transfers, electronic access in ECRIS IV, and expanded data collection in ECRIS IV.

<sup>30</sup> Mission specific systems include penitentiary management, trade registry, seizure of assets, and forensics.

<sup>31</sup> Local software solutions are custom build to address functional gaps that are not available in justice wide systems. These include software to facilitate case file transfers, establish electronic access in ECRIS IV, and expand data collection in ECRIS IV.

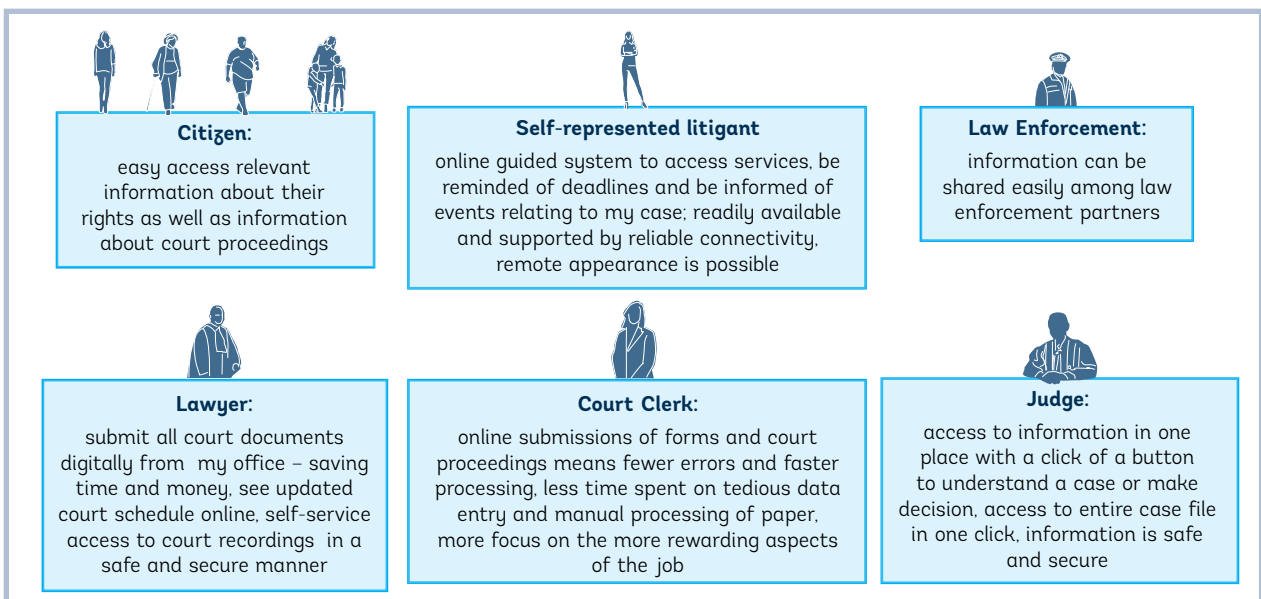
coordination efforts. Oftentimes, information held at one institution cannot be easily provided to individuals in other institutions who need it given the lack of consistent policies and standard data sharing practices. Formal exchanges through letters with multiple signatures are commonplace for sharing even non-sensitive information.

- *Inefficient spending and misaligned efforts.* Financial resources are spent on similar or overlapping technologies across institutions. This misalignment means that instead of a cohesive, cost-effective approach to ICT spending, there is a possibility of redundant allocation of funds, with different departments potentially purchasing or developing similar tools independently of each other. Though already a concern, this became all the more evident during the COVID-19 pandemic when bespoke ICT solutions were developed at the individual court or Tribunal level, with little to no coordination or oversight until after systems were in place.
- *Varying practices to reduce cybersecurity risks.* The reliance on digital technologies necessitates robust cybersecurity measures

to protect sensitive data and maintain the integrity of the justice system. It is imperative that policies and procedures are established to mitigate cybersecurity threats and ensure the secure operation of ICT systems across all justice institutions.

**Emerging technologies, growing amounts of data, shifting public expectations, and growing international experience in digital transformation present opportunities to build on achievements and tackle evolving challenges.** The quest for digital transformation involves progressing towards digitally enabled, enhanced and supported systems where court and judicial services are available on-line to all citizens, magistrates, clerks, justice system staff and partners (see Figure 15). Achieving this requires adjusting how justice is administered and executed, redesigning business process with the justice end-user experience as the center of focus (i.e., people-centered justice) and adopting digital technologies. It also involves developing new approaches to handle and analyze large amounts of data for improved decision making. It builds upon continuing efforts to improve transparency and accountability, reduce bureaucracy, promote social inclusion, and facilitate citizen interactions with the justice sector.

**FIGURE 15. Imagining Digital Transformation**



Source: Author's elaboration based on JFR conclusions.

**The functional review of the justice sector recommends strategic shifts to align political, administrative and technical efforts to drive progress and fulfill the promises of digital transformation.** Digital transformation requires a bold vision, purposefully designed governance, and an adapted legal framework. It necessitates a deliberate approach to change, including modifications to regulations, functions, and/or processes. This transformation demands an open mind-set, culture change, and more importantly, a strong focus on the “end-user”, i.e., citizens who expect greater ease of use and access to services.

**Calibrating the ICT governance structure and institutional setup with strong management commitment is critical and should be addressed upfront.** This approach would facilitate the development of a coherent digital justice strategy for the entire sector, ensuring management commitment and stakeholder buy-in across justice institutions. Given the substantial amount of funding available for ICT investments, the strategy should include an implementation roadmap that

prioritizes activities that yields the maximum benefit to the justice system. By aligning the digital strategy with the broader goals of the justice sector, the leadership can ensure that the benefits of digitalization are fully realized, serving the public good and reinforcing the rule of law.

**With essential components already in place and a commitment to further digital transformation within the Romanian justice sector, the future looks promising for enhancing efficiency and accessibility.** Careful planning, engagement with stakeholders, and a detailed sector-wide digital strategy are key to leveraging the advantages of digitalization. This transition is not just about technology; fundamentally, it is about rethinking the way justice is administered to ensure it is both transparent and responsive. As the sector moves forward, it will be important to monitor and evaluate the impact of these changes, to ensure that they are delivering the intended benefits and to make adjustments as necessary. With a clear vision and sustained effort, the Romanian justice sector is poised to undergo significant transformation that could serve as a model for others to follow.

## SYNOPSIS – MODERNIZING JUSTICE

| WHAT IS HAPPENING   | WHAT SHOULD HAPPEN   |
|---|--|
| <ul style="list-style-type: none"> <li>Operational Management of ICT</li> </ul>   | <ul style="list-style-type: none"> <li>Modern management practices drive digital transformation</li> </ul>   |
| <ul style="list-style-type: none"> <li>Data inconsistencies proliferate across the sector</li> </ul>                                  | <ul style="list-style-type: none"> <li>Information is shared, accessible and consistent across the justice sector</li> </ul>   |
| <ul style="list-style-type: none"> <li>Multiple, duplicate, complex landscape of ICT systems with limited interoperability</li> </ul> | <ul style="list-style-type: none"> <li>Shared technologies, platforms and information systems support common business processes across the justice sector</li> </ul>   |
| <ul style="list-style-type: none"> <li>Duplicate IT infrastructure with limited business continuity</li> </ul>                        | <ul style="list-style-type: none"> <li>ICT Infrastructure is secure, resilient and shared across justice sector institutions</li> <li>ICT Resources are pooled and efficiently used across the Sector</li> </ul> |
| <ul style="list-style-type: none"> <li>Suboptimal use of ICT Resources</li> </ul>   | <ul style="list-style-type: none"> <li>Innovative Technologies, solutions and approaches are harnessed to improve the performance of the justice sector</li> </ul>   |



# Closing Reflections

**Over the past decades, Romania has made significant strides in strengthening rule of law and justice, particularly in the wake of its EU accession, which necessitated a series of reforms to align with EU standards.** These reforms have included efforts to increase judicial independence, combat corruption, and improve access to and efficiency of justice services.

**Romania's progress, however, has not been without its setbacks and has often reflected the broader, non-linear trajectory of justice reform observed globally.** The country has seen periods of intense reform followed by times when progress seemed to stall or face resistance. This can be attributed to various factors, such as changes in political leadership, shifts in policy priorities, and the influence of vested interests that may resist changes to the status quo. Despite such challenges, Romania has demonstrated a commitment to continue to pursue a more effective and accessible justice system. For example, initiatives like the establishment of the DNA have played a crucial role in this process, highlighting Romania's dedication to addressing high-level corruption. The integration of technology into court proceedings has been a forward-looking step and also helped identify processes that would require redesign to ensure accessibility and efficiency of justice. The lifting of the CVM serves as an acknowledgement of the progress Romania has made and encourages ongoing reform efforts.

**While Romania's ongoing justice reform journey is complex and often challenging, the fundamental principles of justice—rule of law, equality before the law, fairness, and access to justice—remain the guiding force behind these endeavors.** Romania's experience thus provides valuable insights into the dynamic nature of justice systems and the continuous effort required to maintain their integrity in the face of an ever-changing world.

**Reflecting on Romania's journey, the JFR offers an in-depth analysis with many findings and conclusions particular to Romania while also**

**revealing challenges and opportunities that transcend national boundaries.** These insights, derived from a comprehensive analysis of systems, processes, and outcomes, highlight the complexity of justice reform and the universal nature of the challenges faced. Taking a reflective look on these findings and key lessons learned provides valuable perspectives on the multifaceted issues confronting justice systems globally and increases understanding of their interdependencies.

**One of the key reflections from the JFR is the need for a shared justice sector vision that is centered around the people it serves – an observation that rings true for justice systems around the world.** Such a vision is crucial for developing a justice system that is responsive, equitable, and effective, placing the individual at the heart of justice processes and ensuring the system's primary goal of delivering fair outcomes and upholding the rule of law. Achieving this vision for justice requires a comprehensive, data-driven strategy that encompasses the entire justice sector, including its legal structures, institutional capabilities, and the ways in which services are provided to the public. To do this, justice institutions must embrace strategic collaboration, sustainability, and adaptability as fundamental tenets for reform.

**Coordination is key to effectiveness.** High-performing justice sectors operate as a single system, marked by fluid information exchange, strategic resource allocation, and personnel with clear, aligned roles and responsibilities. Early coalition building serves as the foundation for any reform initiative. By uniting diverse stakeholders under a shared vision, it is possible to overcome institutional barriers and foster a reform environment that is both legitimate and effective. This approach is essential for any government or international institution seeking to implement meaningful and lasting changes within the justice sector. Achieving this level of coherence necessitates deliberate planning and execution, allowing the justice sector to meet the complex needs of society with agility and foresight.



**Leadership is the linchpin of substantial and sustainable reform.** Without committed leaders to lead the implementation of a strategy, even the most well-conceived plans will falter. Strong and continuous leadership is vital for driving momentum and ensuring the longevity of reforms, transforming vision into reality. Leaders bear the unique duty of navigating present complexities and laying the groundwork for a justice system that is resilient and adaptable to future challenges. Arguably, sustainability of reforms is achieved through the identification and support of reform champions. These individuals and groups act as catalysts for change, spearheading new initiatives that are not transient, but are embedded within the legal and cultural fabric of society, capable of enduring political and economic shifts.

**The ability to engrain flexibility into the implementation of reforms is crucial, serving as a testament to the foresight and adaptability required in the face of unforeseen challenges.**

The COVID-19 pandemic has been a stark reminder of the need for contingency planning and the willingness to embrace innovative solutions to maintain progress.

**As previously noted, the reflections on the JFR offered in this document aim to provide insights for navigating the complexities of justice reform and achieving sustainable, positive change – not only in Romania but in a broader context.** Sharing these lessons can lead to further conversations on justice reform and approaches to tackle common challenges. This is increasingly important in a world marked by constant evolution, with global crises, shifting geopolitical dynamics, and rapid technological progress reshaping societal norms. It is hoped that such collaboration can light the way for future endeavors, contributing to the advancement of modern, people-centered justice, and culminating in the realization of a fair and equitable society, grounded in the concept of justice as a global public good and upheld by the rule of law.

