

## Annex 6 – Lessons learnt

<i>Identified Gaps or Recommended courses of intervention</i>		<i>Action for covering the Gap or implement the recommended intervention</i>		<i>Phare Programming (Project Reference)</i>	
				<i>2004</i>	<i>2005</i>
1.	<p>- Insufficient development of the institutional capacity of the courts towards EU accession</p> <p>- Insufficient training of the judges on EU law</p> <p><b>The Regular Report for Romania (October 2004)</b> stated that: “In addition to formal changes such as legislation and organizational structures, an environment should be created in which senior judges can develop a working culture corresponding to their new responsibilities for defending the independence of the judiciary in practice, for guaranteeing the efficient application of the rule of law and for ensuring high professional standards across the system...</p> <p>The quality of judgments also remains a problem. The heavy workload of judges, their limited access to case law, a lack of information about new legislation, poor circulation of</p>	<p>- Organization of seminars, internships and study visits for the judges of the HCCJ in homologue courts from the Member States</p> <p>- organization of an intensive training for the personnel of the public relations office of the HCCJ on the communication techniques with the public</p>			<p>Project 2005</p> <p>„ Assistance for the High Court of Cassation and Justice” – TA Contract (<b>Task 1.1</b>)</p>

	<p>information within the judicial system and a lack of training and specialization explain this situation.”</p> <p>In the <b>European Union Common Position Paper (December, 2004)</b>, the EU stresses: “the establishment of an independent, honest, reliable, transparent and efficient judiciary is of paramount importance.”</p>			
2.	<p>- Insufficient development of the institutional capacity of the National Institute of Magistracy<sup>1</sup></p> <p>- NIM enjoys a prestigious location in central Bucharest, next to the City Hall. But the building is shared with the Minister of Justice and his private staff, the Superior Council of the Magistracy (the tasks of which will be extended by the new law) , the Training Centre for Clerks and various other bodies, including a canteen run by the prison service. The lack of space is evident. This is a problem as the small number of rooms available and their small size</p>	<ul style="list-style-type: none"> <li>- Contributing to the improvement of the institutional framework and policy of the National School of Clerks to deliver qualitative training of magistrates</li> <li>- Further assistance for NIM to successfully enforce the continuous training strategy</li> <li>- The magistrates/trainers trained in EU law on various topics and the NIM library will be endowed with legal documentation, and multi</li> </ul>		<p>Project 2005</p> <p>„ Continuation of the Assistance provided to the National Institute of Magistracy” – TA Contract <b>(Task 8.1)</b></p>

<sup>1</sup> MAP 2004- 2005, background and justification section

	<p>make it difficult to change the ways work is organized : for example, when the Superior Council is convened the main room is not available and the expert was told that courses often have to be cancelled<sup>2</sup>.</p> <p>- The NIM suffered as a result of a prolonged period of instability at a superior management level , with limited progresses for the reform<sup>3</sup>.</p>	<p>disciplinary teams trained on juvenile justice issues</p> <p>-</p>		
3.	<p>- Insufficient development of the institutional capacity of the National School for Clerks after the redistribution of tasks between judges and clerks</p> <p>- The necessity to implement the Training Strategy<sup>4</sup></p>	<p>- Contributing to the improvement of the institutional framework and policy of the National School of Clerks to deliver qualitative training of court clerks</p> <p>- Extending the NSC's personnel scheme from 27 to 50 positions (staff recruited from the magistrates' body and court clerks, as well as</p>		<p>Project 2005</p> <p>„ Continuation of the assistance provided to the National School for Clerks” <b>(Task 9.1)</b></p>

<sup>2</sup> Raport Benoit Meslin, 2004

<sup>3</sup> Country report 2004

<sup>4</sup> MAP 2004- 2005

		<p>administrative staff)</p> <ul style="list-style-type: none"> <li>- Further assistance for supporting the National School of Clerks (NSC) efforts in strengthening its institutional capacity and training policies</li> <li>- The clerks/trainers trained in EU law on various topics and the NSC endowed with adequate teaching equipment (IT equipment, shorthand and typing equipment) and legal documentation</li> </ul>		
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4. A.	<p>- Insufficient training of magistrates in the field of international judicial cooperation and other EC matters</p> <p><b>The Road Map for Romania</b> (December 2002) emphasized the necessary steps for the implementation of the acquis and the continuation of the judicial reform:</p> <ul style="list-style-type: none"> <li>- the effective independence of the judiciary; (point 2.2.)</li> <li>- adoption of a national strategy for the functioning of the judiciary addressing the requirements of full independence, ethics, training of magistrates, organization of courts and international cooperation on judicial matters (point 2.2)</li> </ul>	<p>- Strengthening the local judicial networks on judicial cooperation in criminal and civil matters</p> <p>- Elaboration of an electronic Judicial Atlas in Civil and Criminal matters</p> <p>- Elaboration and implementation of a training plan for Romanian magistrates and court clerks</p>		<p>Project 2005 „Strengthening the institutional and legislative framework in the field of international judicial cooperation”- Twinning contract <b>(Task 9.2)</b></p>
B.	<p>- Not enough resources allotted for the functioning of the international judicial cooperation networks</p>	<p>- Endowment in order to ensure the proper functioning of the international judicial cooperation networks</p>		<p>Project 2005 „Endowment in order to ensure the proper functioning of the international judicial cooperation networks” – Supply contract <b>(Task 9.3)</b></p>

5.	<p>- Insufficient development of the National Probation Service in Romania and the lack of efficiency in service delivery, victims' protection and management <b>(The Regular Report for Romania (October 2004))</b></p>	<ul style="list-style-type: none"> <li>- organization of seminars and workshops for training the staff working in the probation and victims' services</li> <li>- organization of study visits in EU member states</li> <li>- organization of conferences with the participation of all actors with competences in the field</li> <li>- elaboration of the Victims' Chart, similar to EU Victims Chart</li> <li>- purchasing the specific documentation for all probation services</li> </ul>		<p>Project 2005 „Increasing the effectiveness of the probation and victims' protection system according to EU best practices” – Twinning contract <b>(Task 11.1)</b></p>
6.	<p>- Not enough resources allotted to the Ministry of Justice and the Public Ministry for performing its tasks according to the EU public administration standards</p>	<p>Improving the administration and access to justice</p> <ul style="list-style-type: none"> <li>- identifying the needs for the human resources personnel</li> <li>- organizing of a study visit for the MoJ personnel</li> <li>- organization of training seminars on HR, management economics, auditing</li> </ul>		<p>Project 2005 „Strengthening the institutional and administrative capacity of the MoJ and the Public Ministry- TA contract <b>(Task 15.1)</b></p>
7.	<ul style="list-style-type: none"> <li>- Not enough transparency in fulfilling the act of justice</li> <li>- Insufficient development of the public relations activity within</li> </ul>	<p>Improving the administration and access to justice</p> <ul style="list-style-type: none"> <li>- training of the</li> </ul>	-	<p>Project 2005 „ Transparency”- TA Contract <b>(Task 15.2)</b></p>

	<p>the judiciary</p> <p><b>The Strategy for the Reform of the judiciary for 2005-2007 and the Action Plan to implement the strategy</b> provide the following measures:</p> <ul style="list-style-type: none"> <li>➤ Improving the communication between citizens and the judiciary</li> <li>➤ Ensuring the access to public interest information within the judiciary)</li> </ul>	<p>spokesmen within the judiciary</p> <ul style="list-style-type: none"> <li>- elaboration of guides and manuals for the practical preparation of the spokesmen</li> <li>- training in the field of public relations for all the persons involved in such activities</li> </ul>		
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8.	<p>-Insufficient endowment and cabling of the courts and prosecutors offices</p> <p>- Not enough budgetary and human resources allotted in this respect</p> <p>In the 2004 Regular Report, the European Commission noted: “The quality of equipment and infrastructure varies considerably from court to court but is often inadequate. The case document and management system is now operational in some courts, but it needs to be introduced countrywide. Further modernization is needed, in particular to accelerate the computerization of the court system”.</p> <p>The revised Accession partnership with Romania (2003) recommended, among other, the improvement of the administration of courts in particular by modernizing case management and filing system.</p>	<p>An efficient court management system</p> <ul style="list-style-type: none"> <li>- Procurement/organization of storage devices, storage device management software, professional scanners</li> <li>- Organization of training seminars</li> </ul>		<p>Project 2005          „ Continuation of the judiciary automation” – Supply contract  <b>(Task 17)</b></p>
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	<p><b>Follow-up Table – IE Report R/RO/JHA/0411 – Justice and Home Affairs</b></p> <p>IT infrastructure should be improved within the regional GDCOCA, regional offices of NACREP, Tribunals and Courts of Appeal across the country. Existing/under construction databases should be correlated so as to provide a coherent and correct intelligence flow. This recommendation applies for databases developed within different departments of MAI, databases of penitentiary-tribunals-courts of appeal, databases of ACPSP-NAPO-NOPCML.</p>	<p>An efficient court management system</p> <p>Specifically, the tasks funded under Phare 2004 have the following objectives:</p> <ul style="list-style-type: none"> <li>- Improving and expediting the case management system</li> </ul> <p>Procurement / organisation of</p> <ul style="list-style-type: none"> <li>- Cabling material and installation</li> <li>- Additional RDBMS licenses</li> <li>- IT equipment (hardware and additional basic software) and servers for 80 prosecutorial offices,</li> <li>- Training courses for IT experts</li> </ul> <p>Training for magistrates and clerks in order to get familiarised with the IT system (CDMS, Office software, Web browsing)</p>	<p>Phare 2004</p> <p>“Continuing the automation of the courts” – Supply contract</p> <p><b>(Task 16)</b></p>	
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