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# KEF-2017: Foundations of the future

Rule of law and access to justice in the age of the  
internet and social media

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# **Rule of Law & Access to Justice In The Age Of The Internet and Social Media**

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# **Responsive justice systems support economic and social development**

- They clarify the “rules of the game”
- They resolve disputes and enforce contracts
- They protect individual and corporate rights and foster innovation and entrepreneurship
- They interpret & enforce laws predictably
- They restrain arbitrary behavior by the state

**In other words, well-functioning justice systems boost shared prosperity, help reduce poverty and improve the investment climate**



# The World Bank supports justice reform in Europe and Central Asia since 1995

1. Albania: project\*
2. Armenia: projects\*
3. Azerbaijan: projects + analytics\*
4. Bulgaria: analytics\* + advice
5. Croatia: project + advice
6. Georgia: project\*
7. Kazakhstan: projects
8. Kosovo: advice
9. Kyrgyz Republic: grant\* + analytics
10. FYR Macedonia: advice
11. Moldova: grants
12. Poland: analytics\*
13. Romania: projects
14. Russia: projects + grant\*
15. Serbia: analytics + advice
16. Slovakia: analytics\*
17. Turkey: analytics\*
18. Ukraine: analytics\*

Note: \* denotes that activity is closed. There is unmet demand in Balkans/Central Asia

# Drivers of Access to Justice From What We Call The “Demand Side”

- We live in the age of the internet and social media – justice systems face constant and unprecedented scrutiny - from public, civil society, firms and the state
- Key factors affecting “demand-side” access to justice:
  - Legal aid, especially for the vulnerable
  - Alternative dispute resolution (arbitration, mediation)
  - Ease of access – physical and electronic – to courts & data
  - Transparency: ease of availability of data & information
  - Integrity of justice and public perceptions about corruption
  - Public trust and confidence – domestically & internationally - in a country’s justice system (courts, bailiffs, notaries, prosecution, police, probation, penitentiary services) and in international law & international judicial bodies/tribunals



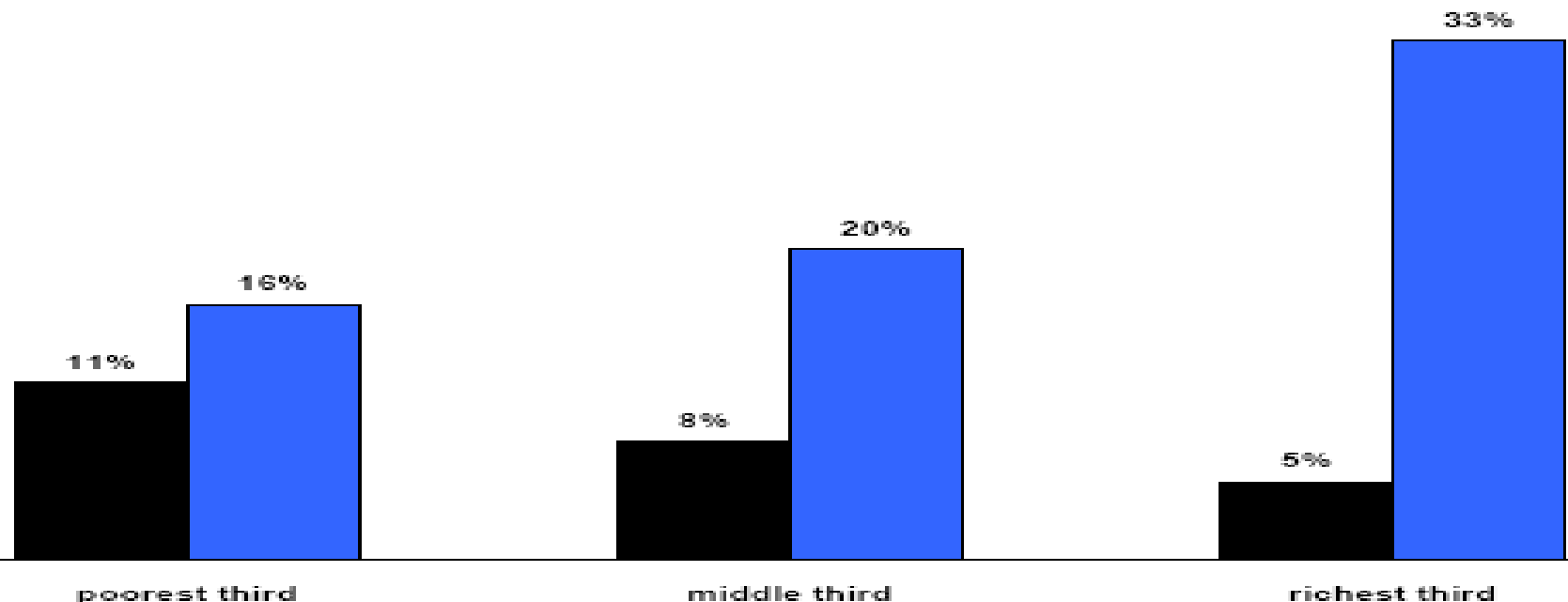
# The “Demand Side” and e-Access

- Countries across the world are turning to e-services, internet and social media to improve access to justice:
  - EU: e-codex, e-SENS (Electronic Simple European Networked Services)
  - e-SENS: <https://www.youtube.com/watch?v=WkdMzgAqMIQ>
  - Korea e-filing: <https://www.youtube.com/watch?v=TRw5o0zbJOs>
  - Filing of commercial and bankruptcy cases – greater automation
  - Complaint filing and handling - increasingly automated to track, record and report on progress and resolution
  - Twitter, FB, other platforms – increasing use by justice systems
- But – what about vulnerable groups?
  - Children, juveniles, low-income families, minorities (ethnic, linguistic, religious, etc), displaced persons (IDPs, migrants, refugees)?
  - How to make access easier for such groups?

# Example of the Impact of Corruption: The Rich Pay More Often, But The Poor Pay More Dearly

**Figure 3. The Rich Pay More Often, But The Poor Pay More Dearly**

- median percent of household income paid in bribes (among those that paid)
- percent of households that reported paying bribes in the previous 12 months

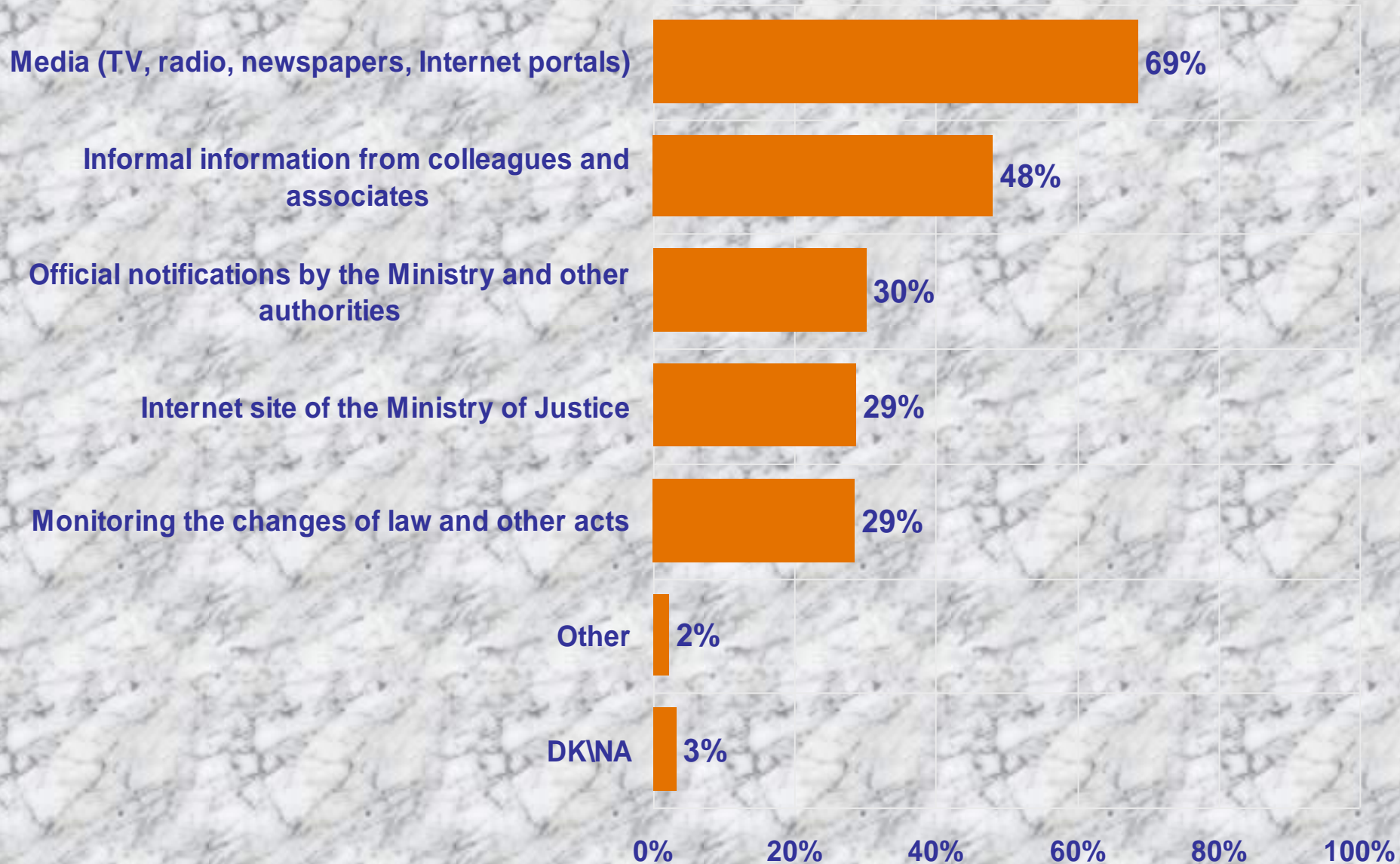


# Drivers of Access to Justice: “Supply Side”

- Impact of financial crisis & fiscal constraints
  - Budget reductions for justice (“do more with less!”)
  - Drive to increase efficiency
    - Revenue side – Growing focus on enforcement, tax/eco courts
    - Expenditure side – cost containment thru consolidation, e-services
  - Operations and maintenance allocations reduced:
    - Salary cuts for judges, prosecutors and other justice staff
    - Free state legal aid programs cut
    - Training curricula and programs cut
  - Capital investment programs slashed, including for IT systems modernization and physical infrastructure



# Inside the System: Key Sources of Justice Employees' Information About Justice Reforms



# **Access to Justice – The “Supply Side”**

## **Key Questions to Ask**

- Is there enough focus on the revenue side? Macro-fiscal and institutional significance
  - Good practices: Netherlands, Poland, Slovenia, Croatia
  - In transition: Azerbaijan, Kazakhstan, Ukraine
- Is enforcement of judicial and administrative decisions easy, efficient and transparent?
- How well do public – and private – bailiffs work?
- Is there a private debt collection industry? How large is it? Is it effectively regulated?
- **How to balance access with efficiency and revenue?**

# Internet & Social Media – Supply Side

- Accountability and anti-corruption
  - Citizen and litigant complaints: filing, handling, tracking, reporting
    - Recent examples: Azerbaijan, Russia
  - Information on incomes, assets and wealth
- Court Cases
  - Filing, notice, evidence, hearing, decision
- Enforcement of judicial decisions
  - Examples: Poland, Slovenia, Croatia
- Feedback from litigants and other users of justice system
  - Quick exit surveys, longer surveys, focus groups
  - Publication of survey results



# Belarus: Enforcing Contracts

## Latest Data from Doing Business

Economy ▲	Enforcing Contracts DTF	Enforcing Contracts rank	Time (days)	Cost (% of claim value)	Quality of judicial processes index (0-18)
Belarus	70.36	24	275	23.4	9.0

**Human Capital  
of the  
Justice Sector:  
The Importance of  
Education and Training**

# **Countries in Transition: Training & Education Needs - 1**

- Performance of - and trust in – first-instance courts is key to the reputation of the justice system
- Judges' training should include courses on:
  - Judicial ethics and anti-corruption
  - Equal & fair treatment of litigants and lawyers
  - Sensitivity to gender issues
  - Sensitivity to the needs of the vulnerable (e.g. low income litigants, women, juveniles, disabled, veterans)
  - Law, economics and development, including commercial law, intellectual property rights, environmental law
  - Cybercrimes and cybersecurity



# **Countries in Transition: Education & Training Needs - 2**

- Court administration and case management
- Budgeting, financial management, procurement
- “Computer literacy” & “Data literacy” for ALL judges
  - Handling data, analyzing data
  - Drawing process and policy implications from data
  - Examples: caseload data, budget data, survey data
- Change management, communications and outreach – to public, civil society, media (print, broadcast, social media), other parts of the justice system, employees of the system

# **Thank You!**

**Questions? Comments? Suggestions?**

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# **Data Sources to Assess Outcomes: Views of Firms, Citizens, Experts**

- **Business Environment and Enterprise Performance Survey (BEEPS)**
  - World Bank/EBRD
- **Investment Climate Assessments (ICA)**
- **Executive Opinion Survey**
  - World Economic Forum
- **Life in Transition Survey**
  - World Bank/EBRD
- **Doing Business (DB)**
  - World Bank/IFC
- **Data from other sources**
  - Council of Europe/CEPEJ, EU, ABA-CEELI etc



# **A Word About Surveys...**

**Surveys can provide important evidence on many issues, but they are one of many instruments**

**Countries' own rich & contextualized surveys –  
Azerbaijan, Croatia, Kazakhstan, Kyrgyz, Moldova,  
Serbia, Russia**

**Survey findings (especially cross-country  
comparisons) need to be interpreted and used  
with great caution**

# Belarus: Justice System Integrity

<i>INTEGRITY (TI 2014; EB 2014; LITS 2011; GCI 2014)</i>	<i>EU</i>	<i>EU-11</i>	<i>Belarus</i>
Corruption Perceptions Index	64	54	31
Eurobarometer - Trust in Judiciary (%)	47	35	NA
Satisfaction with service delivery of Civil Courts (%)	44	44	54
Prevalence of unofficial payments to Civil Courts (%)	5	5	4
Some or Complete Trust in Courts (%)	32	24	46
Courts treat all citizens equally (%)	33	24	35
Courts defend individual rights against abuse by the state (%)	31	22	33
Efficiency of legal framework in challenging regulations	3.6	2.8	NA
Efficiency of legal framework in settling disputes	3.9	3.1	NA
Irregular payments and bribes	5.0	4.4	NA
Judicial independence	4.6	3.6	NA
Property rights	4.9	4.1	NA

# Example: Building Coalitions To Strengthen Demand for Access to Justice

