

Analysis of the current stage of implementation of the Unified Judicial Information and Telecommunication System (UJITS)

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Introduction

The adoption of the new draft of the Law of Ukraine “On the Judiciary and the Status of Judges” in 2016 conditioned the emergence of a new element in the judicial system – the Unified Judicial Information (Automated) System, which from the moment in becomes operational should be called the Unified Judicial Information and Telecommunication System (UJITS). According to the provisions of the same law, the UJITS shall become operational 90 days after the State Judicial Administration of Ukraine (hereinafter referred to as the SJA of Ukraine) makes the announcement about the Unified Judicial Information and Telecommunication System being set up and operational in the newspaper *Holos Ukrainy* and on the web portal of the judiciary of Ukraine.

On March 1, 2019, the newspaper *Holos Ukrainy* published a notice of revocation by the SJA of Ukraine of announcement that had been published in the newspaper *Holos Ukrainy* on December 1, 2018 about the Unified Judicial Information and Telecommunication System being set up and operational. Thus, UJITS failed to start functioning as envisaged in law.

Nevertheless, the test operation of some of the UJITS subsystems and modules resumed. This can be explained with the fact that when preparing the launch of UJITS, the SJA of Ukraine issued some orders introducing the pilot use of the UJITS components. For example, testing of the E-Court subsystem in all local and appellate courts started under the order of the SJA of Ukraine dated December 22, 2018 No. 628.

To assess the current state of implementation of UJITS, it was decided to conduct a survey among Ukrainian courts to find out what has been their actual experience with various UJITS modules that the court staff can use in their daily work.

The following 7 courts volunteered to take part in the survey: Obolonskyi District Court of Kyiv, Seventh Administrative Court of Appeal, Economic Court of Kharkiv Region, Frankivsk District Court of Lviv, Odesa District Administrative Court, Chernivtsi Court of Appeal and South-Western Economic Court of Appeal.

It is worth mentioning that four of these courts, namely: Obolonsky District Court of Kyiv, Economic Court of Kharkiv Region, Seventh Administrative Court of Appeal and South-Western Economic Court of Appeal participated in the pilot launch of UJITS in 2018, when the SE “ISS” employees assisted in every way with the training and launch of the UJITS modules in courts.

Each court received a questionnaire with 24 items, which, according to the Project experts, should provide a sufficiently complete picture of the actual use of UJITS in courts at present.

Background

According to official information, the following 8 modules were to be launched in test mode throughout Ukraine since March 2019:

1. **E-cabinet** – the only entry point for all UJITS users: claimants, defendants, lawyers, and court staff, including judges.
2. **E-court** – exchange of court documents, payment of court fees, etc.
3. **HR management, finances, and accounting** – accounting and human resources.
4. Automated allocation – a centralized mechanism for automatic allocation of cases, which should take place in the data centers of the SJA of Ukraine.
5. **USRJD** – an updated, more modern, and powerful version of USRJD.
6. **Contact Center** – the only hotline of the judiciary.
7. **Web Portal of the Judiciary** – the updated version of the portal, CMS for courts.
8. **Judicial Statistics** – automatic compilation of judicial statistics for the reporting period.

For the UJITS modules to work properly, all documents received by the court must be digitized, including archives. A fast and reliable Internet access channel must also be available.

Responses

E-cabinet

In fact, only the cabinet of a plaintiff / defendant / lawyer is operational and facilitates the submission of documents and receiving answers. There are delays of up to 1 day in the display of documents.

The cabinet of a judge is not operational.

There is neither cabinet for an assistant judges nor for employees of a general or specialized secretariate.

The cabinet of a secretary of trial is not operational, however the video conferencing function that should be a component of this module has recently been partly launched as a separate EasyCon program.

Electronic court

It is operational and is actively used, for money saving purposes, by courts to send documents to the parties.

Unlike courts, litigants hardly submit documents through the Electronic Cabinet. The average figures per **month** in the surveyed courts range from 2 to 100 documents, which is 1-2% of the number of all documents received by the court during the same period.

Back in 2018, the Electronic Court was integrated into D3 / DSS. Nothing has changed significantly since then: there are still some technical inconveniences in use.

The responses of the courts and the support for the need for the existence and functioning of UJITS testify to the correct approach of the legislator and the correct ideology of the unified electronic system, which are enshrined in the Law. At the same time, most of the respondents say that the system needs to be launched in whole, because its modules and their functionality are closely intertwined. It is illogical to have the cabinet of a plaintiff while the cabinet of a judge is missing. In particular, one of the courts noted that the use of the “E-court” component significantly increased the expenses for paper and toner, as the necessary documents received in electronic form have to be additionally printed.

HR management, finances, and accounting

The module is not operational, although in some courts data were migrated to this module from personnel management and accounting systems in 2019. In fact, independent programs KdryWeb, IS Pro local, Medoc, Parom, etc. are being used; they have nothing to do with UJITS.

Automated allocation

All courts have confirmed that the automated allocation is carried out by regular means of D3 / DSS, and the module of centralized allocation of cases is not used.

USRJD

Not launched, the old version of the USRJD is still in use.

Contact center

The module is operational, and the vast majority of courts note that the number of direct calls to the court has not decreased. Only one court has noticed a 10% decrease in appeals and links it to the launch of a centralized contact center.

Web portal of the judiciary

Not launched. The old version of the portal is still in use, although the public part of the new portal is available at <https://new.court.gov.ua>.

Judicial statistics

The module is not operational.

Scanning of incoming correspondence

The vast majority of courts scan the incoming correspondence, but not all courts. There is quite often a lack of technical capacity (scanners), so the court optimizes (scanning certain types of applications, litigation-related documents) or do not scan at all.

It should be noted that without the mandatory availability of electronic copies of 100% of the documents, the proper operation of UJITS is impossible.

Internet access channel

All courts have Internet connection with a speed of at least 100 mb / s and a backup channel, which is mainly provided by the same provider (Ukrtelecom) via the same cable. This can significantly reduce the resilience of the Internet connection, e.g. in case of technical issues with your ISP.

General recommendations

Most respondents stated that there were no difficulties with authorization using EDS / QES. This is a very good indicator of the greater culture of use of a digital signature. This practice should be extended to the use of EDS / QES for signing correspondence and official memos.

There are no employees in the courts whose job description would include scanning paper correspondence. The practice of appointing such employees varies – assistants, employees of secretariates, secretaries. It should be noted that even from the moment of full-fledged launch of UJITS, for some time the amount of incoming correspondence in paper form will be significant. A small percentage of paper correspondence will always arrive, so it is worth identifying a particular category of employees, possibly out of the existing staff, whose job description would include digitizing paper documents.

Along with the fact that the courts that participated in the pilot project testified that the SE “ISS” had conducted the trainings in 2019, it seems that such efforts are insufficient given the negative assessment of the latter’s work. Particular attention should be paid to the preliminary training of court staff and judges through the development and dissemination of webinars, training videos, and workshops prior to the launch of UJITS. Such work is possible provided that the development of the components of the UJITS subsystems is completed. Such training materials should also be developed for litigants.

The pilot projects with certain components of UJITS being implemented, as run by the SJA of Ukraine and the developer, have to some extent disoriented the courts. Some respondents cannot tell difference between UJITS modules and individual software solutions that are not part of UJITS. Thus, some responses indicate the use of UJITS for video conferencing, while the relevant UJITS module has not been developed yet, and it comes to a separate software product. This once again confirms the need for a comprehensive approach to implementing the system and conducting a thorough training campaign.