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# A THIRD PARTY EVALUATION REPORT ON THE INFORMATIZATION OF CHINESE COURTS

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Research Center for the State Rule of Law Index  
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Translated by LI Wenzhong HU Haizhu LIU Bing



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## Abstract

The court informatization as an important component of the national informatization is essential for the people's courts to uphold social fairness and justice, and to meet the demands of the public for justice. It marks the transformation of trial and management, being itself a system engineering powering the modernization of the trial system and capabilities. The Institute of Law of CASS has carried out a third party evaluation of the court information development in China with regard to its implementation of justice for the people, promotion of judicial openness, regulation of exercising judicial power, upgrading of judicial capability and its service for the state governance. In general the infrastructure of the court information interconnection has been upgraded to version 2.0, having completed the construction of an information network integrating five major network services, applied in ten domains such as judicial services, trial enforcement and judicial administration, and concentrated the management of three databases in terms of trial and enforcement, judicial human resources, and judicial administration. Yet problems still exist in the informatization process such as those of outdated ideas and thinking, unbalanced development, failure of implementation of planning, inefficient application, an underdeveloped management mechanism and unqualified personnel. Future painstaking efforts are expected to be devoted to a better service for the public, trial and enforcement, and judicial administration on the way to upgrading the court information to version 3.0.

**Key words:** court informatization; justice for the people; judicial transparency; trial system; trial capability

## Foreword

Since the 1990s, global science and technology has been progressing every single day, with internet and big data having become an important orientation of the times and the most significant characteristics of the global economic society as well. Therefore promoting information development is becoming not only a top concern of the state, but a demanded work for the court. The informatization of courts is defined as an endeavor and process in which the courts take initiatives to upgrade judicial credibility and to uphold legal justice by developing and implementing various types of information systems utilizing information technology in their collection, processing, storage, sharing and exploration of all kinds of information emerging from trials for promoting judicial transparency and justice for the people to the public, and for standardizing the exercise of internal judicial power and improving both the quality and efficiency of court performance. Being an important component of the state informatization, the court informatization is undergoing a profound self-revolution within the judicial system, which is not only transforming the trial mode, but improving judicial capability and optimizing the judicial structure for the construction of an innovative trial mode. And at the same time it serves as an important means to provide better services for the public and to realize the fundamental goal of justice for the people. Therefore, the development of the court information is a key solution for the court to tackle a series of deep-level issues such as how to better achieve social fairness and justice and how to meet the judicial needs of the public in the New Era, being itself an important part of the judicial reform.

Recent years have witnessed remarkable achievements in judicial transparency, justice for the people, and the betterment of trial quality and efficiency as well as the standardization of judicial administration, as a result of the great initiatives by the Chinese courts in their construction of the court information network under the guidance of the overall strategy for ruling the country by law, and in accordance with the idea of “Big data, large scale, great service” while striving to provide good services for the people, trial, and judicial administration.



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General Secretary Xi Jinping has pointed out that “there would be no modernization without informatization”. In order to have a working knowledge of the status quo of the informatization of the Chinese courts, the Institute of Law of CASS has conducted a third party evaluation of the informatization of courts focusing on its role in the standardization of judicial power, improvement of judicial capabilities and practices in achieving justice for the people, for assessing its achievements, analyzing its existing difficulties and exploring its future development.

The informatization of courts started as early as May of 1996 when the Supreme People’s Court organized the “Conference on the Communication and Computer Application in the National Courts” in Jiangsu, on which decision was made, in an arrangement of the computer network construction in the state courts, that all together eight high courts and those under their jurisdictions respectively in Beijing, Shanghai, Jiangsu, Liaoning, Henan, Hainan, Guangdong, and Fujian provinces were designated as experimental units for the court computer network construction, and thereby having formulated *Plan for the Construction of the Computer Information Network for the National Courts and Interim Provisions for the Management of the Computer Information Network Construction for the National Courts (for trial implementation)*. This event marks the starting point of informatization of courts.

The years from 2002 to 2012 were a period of overall promotion of the work. In 2002 the Supreme People’s Court convened a conference on the informatization in Shandong, at which a leading group was set up for the information construction, having thus reinforced the administration of the work. In June of 2007, the Supreme People’s Court distributed *The Supreme People’s Court Decision on Overall Promoting the Informatization of the People’s Courts* which specified the guiding principles for the court information and made specific arrangements for its security mechanism. In this period, the Supreme People’s Court also distributed a series of regulations, plans, technical specifications, basic requirements and implementation schemes for the construction work, and assigned it as the main task in the court reform. As a result, courts at all levels made it a priority to integrate both hardware and software. Investment in hardware has been moving forward from regular

facilities of traditional database and servers to diverse court trial devices and video media. Along with an increased investment in hardware, greater efforts were made in the development and application of the software for case management, judicial statistics, decision making support, profile management and judge administration. In an integrated construction and application, with the former motivating the latter and the latter in turn promoting the former, using the computer information network is becoming increasingly important. And finally, more intense attention has been paid to the role of the informatization in enhancing the efficiency, supervision, and transparency of trials.

Ever since the Eighteenth National Congress of the CPC and particularly the Fourth Plenary Session of the Eighteenth Central Committee which strongly promoted a law-based society with the goal of the people's courts securing fairness and justice in every case for the people, court informatization has entered into a new era of strategic development, and has at the same time been facing new challenges and opportunities. The Supreme People's Court has made this mission a foremost priority and attached great importance to its fundamentals, wholeness and strategic necessity. The Supreme People's Court also stressed that without informatization, there would be no modernization of the courts, nor would there be modernization of the trial system, let alone judicial fairness and justice for the people. The courts of all levels are therefore expected to work hard to satisfy the increasingly diverse needs of the people, by implementing information technology in the entire process of judicial adjudication, enforcement, and administration. They are also expected to take full advantage of information technology in order to ensure good control of judicial routines and more efficient trials. Through high-level integration of information and trial, trial procedures and enforcement are to be reconstructed and the trial mode is to be reformed, by which all aspects of trial are to be recorded and real time superintendence effected so that overall standardization of judicial conduct is achieved.

The Supreme People's Court has always placed emphasis on the status and function of the information system in the courts, having issued a series of regulations and documents providing main technological specifications and criteria. And enforced application has obtained excellent results. And the



courts of all levels, fully aware of its importance, have been speeding up their construction of the information system.

In December 2013, the Supreme People's Court published *A Five-Year Development Plan for the Information Construction of the People's Courts (2013-2017)*, and in 2015 successively put forward were *A Five-Year Development Plan for the Information Construction of the People's Courts (2016-2020)* and *A Five-Year Development Plan for the Information Construction of the Supreme People's Court (2016-2020)*, which have established guiding ideas, fundamental principles, development strategies, construction goals, key missions and guarantee mechanisms for the information construction over the next five years. In addition, *The Supreme People's Court on Overall Deepening the Reform of the People's Courts — An Outline of the Fourth Five-Year Reform of the People's Courts (SPC No. 3 of 2015)* (shortened to *Reform Outline* hereafter), as a programmatic document for judicial reform, also requires that the courts of all levels accomplish by means of modern information technology the various goals of reform, of which thirty-five (sixty-five in total) tasks are more or less dependent on information technology. "Promoting information construction of the people's courts" is both one of the important missions of judicial reform and the crucial engine and powerful impetus for the reform. It is also required that the "Tianping Project" be sped up, integrating the resources available and impelling various applied information in service of the courts and public needs, and a 100%, 95% and 85% information coverage be achieved respectively for the main practice of the high, intermediate, and lower level courts. Moreover, the *Reform Outline* requires the establishment of a mechanism, as of exercising trial and superintendence, for keeping record of all processes, mutual superintendence, and mutual checks, and promotion of electronic service based on information technology. As for the reform of judicial statistics, the *Reform Outline* explicitly proposes to establish a "National Big Data Center for Judicial Information". In addition, *Several Observations of the Supreme People's Court on Consolidating the People's Courts' Practice in the New Situation (SPC NO. 21 of 2014)* also makes "promoting information construction" an important part of consolidation of the courts' practice.

In 2015, Chinese courts upgraded the information system to version 2.0 of

its interconnection and interoperability, upon the completion of its infrastructure; and with growing maturity of its kernel application system, initial success has been achieved in the collection and integration, as well as management, of judicial information resources and in constant improvement of the guarantee system. As a result, online case filing, online case handling and online office work, have been basically achieved in over 3500 courts; and a primary framework has come into being in which real-time data statistics, live updating, digitization and various trial work are in positive interaction, to the great advancement of the judicial practice in fairness and justice for the people. The information network thus constructed interconnecting the four-tier courts of the country is playing an increasingly important role in the state governance system.

During the years between 2013 and 2015, the Supreme People's Court held a nation-wide conference every year on the court information, clarifying the guiding principles and specific assignments for the work. In July 2015 at a symposium attended by the Chief Justices of the high courts of the whole country, it was pointed out that judicial reform and informatization are as important to the people's justice as "the wheels to a vehicle and the wings to a bird", and required that the courts of all levels, while being fully aware of the role of informatization in the big data era, reinforce their sense of responsibility, mission, and urgency, and be intensely devoted to transforming and upgrading informatization to version 3.0 with distinct Chinese characteristics.

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# 1. The theoretical foundation and practical significance of court informatization

## 1.1 The theoretical foundation

A lot of things in human society are accomplished by communication of information. So far altogether four transformations in communication mechanisms and modes occurred in history, namely oral, written, printing and electronic communication. And in the whole process of such transformation technological revolution served as a major impetus. Likewise the electronic technology, which is instrumental to electronic transformation of mankind communication, has led human society into an information era, in which information has become an extremely important production force beside land, labor force and capital. To meet the challenges of the information age, General Office of the CPC Central Committee and General Office of the State Council jointly issued in 2006 *Development Strategy for National Informatization from 2006 to 2020*, which brings forward development strategy of China's informatization, and requires that information technology be fully adopted in exploitation of information resources and prompts bolstering information exchange and knowledge sharing, improving the quality of economic growth, and driving forward socioeconomic transformation. And in the wave of information age, the court informatization has already become one important component of the national informatization, with its primary goal being to realize and enhance judicial justice and credibility by way of boosting the modernization of trial system and circumstances.

The court informatization does not simply mean a transformation of trial and administration modes, but is a system engineering involving a whole battery of judicial practices in trial, personnel and administration affairs, of which five areas are to be specially attended to: needs for facilities, orientation of service, construction costs, system risks, and external circumstances.

### 1.1.1 Need for facilities

The construction of the court information system consists of a network and its infrastructure, system software and application software, data resources and hardware terminals, which make up the basic framework of the information engineering. In the construction of the network and its infrastructure, a clear logical relationship needs to be appropriately constructed between the court intranet and the internet as well as the government network, and accordingly the mode of data transmission between networks and safety control of data storage need to be designed from information safety perspective. In software development, an upgrading system needs to be effected to keep pace with the development of information technology and the progress of modernization



of the court practice, and to provide more quality services for judicial trials. The hardware is the key link connecting the judicial staff with the computer data center, and the informatization of courts is mainly targeted to various types of data resources produced in the process of judicial practice, including texts, pictures, and audio-visual materials, in the light of which the hardware terminals are supposed to be capable of handling different data types. While processing diverse data, an uniformity of data format should also be secured. Diverse terminals such as computers, cameras, and scanners need to adopt uniform format criteria in data collection and transformation, enabling smooth transmission and compatibility of data between equipment and networks, so that a big data archive can be constructed, free from fragmentary information and “information-isolated island”.

### **1.1.2 Orientation of services**

Along with the deepening reform come about dramatic social changes and increasing demands for justice from the public. The kernel objective of the court informatization is to implement justice for the people and meet the diversifying demands of the people. To achieve the goal the informatization needs to closely combine the court administration system and trial practice and work toward an organic unity of informatization and to the goals of practical efficacy and satisfaction of people’s needs.

Further development in the court informatization will definitely reduce the costs of social communication, accommodate the needs of the information age, and be more responsive to social needs; it is instrumental to raising the courts’ capability in data collection and processing, optimizing trial procedures, and improving judicial competence, so that the law optimally matches the ongoing reform.

### **1.1.3 Construction costs**

Since the courts are the main undertakers of the court information system, it is therefore advisable to investigate and evaluate information construction with due consideration of its practicality for the courts. In most of the courts, disparities exist in the light of their administration and technological capacities across different regions and levels, hence their costs of information construction vary to some extent. So the courts are supposed to conduct cost evaluation of their own technological capacity and general situation before making feasible planning for information construction.

The court information construction being a long term process of investment should be embedded into the existent established organization and administration system and subject to constant convergence, upgrading and transformation, and in the process significant costs are entitled. For instance, in digitization of the original paper documents thus produced from trials and enforcement, a lot of labor has to be devoted to system transformation, data input and storage, to which necessary investment has to be devoted in the initial stage of information construction.

### **1.1.4 System risks**

Advanced technology prioritizes successful court information construction. However,

apart from technology, mature and efficient administration is also a fundamental guarantee. Hence, the court informatization is not to concentrate on one at the expense of the other in terms of the “software and hardware”. Here “software” means that in the process of informatization, both the courts and judges are faced with system risks such as changing of ideas and the need for improved ability in using information technology as well as coordination of various institutions within the courts, all of which can hardly be ignored. Another example is that the court routine information handling and decision making are more or less related to its administration and guarantee system. So if the court information construction affects the reform of trial administration and that of judiciary administration, corresponding “rejection” can be inevitable, thus incurring risks to the very construction.

### **1.1.5 External circumstances**

As a system engineering, the court informatization simply cannot be accomplished separately from the external circumstances. Supportive forces from both the institutional soft circumstance, such as central policies and judicial reform, and from the physical hard circumstance, such as financial input, manning, and facility supply, are indispensable in the smooth promotion of the court informatization. Therefore the external circumstances ought to be mutually coordinated and boosted with the internal circumstance of the courts’ information system to achieve a good atmosphere. Accordingly the courts should in the process of information construction be proactive in making public their achievements and highlighting the efficacy, and in sharing and interworking of data with other government institutions, while striving to form a positive cycle and to make greater progress in information construction.

## **1.2 The practical significance**

In recent years the courts of the whole country have taken initiatives in accelerated informatization construction. The Supreme People’s Court have decreed a series of documents, and made clear the general goal and cardinal direction for the court informatization. And in 2015, the Supreme People’s Court once again stressed that the courts, while centering on a full promotion of the strategy of ruling the country by law and under the guidance of the *Reform Outline*, should strive to modernize the trial system and capability and speed up the construction of the court informatization system version 3.0 based on the big data. Through years of construction, the court informatization has displayed the following practical values.

### **1.2.1 Serving the people and safeguarding judicial justice**

The court informatization has successfully promoted the modernization of the court practice, having highlighted the fundamental principle of justice for the people. In other words, the people’s needs are the key orientation of the court information construction. On one hand, the information system has helped to reduce litigation costs.

The availability of the internet platforms such as government websites and mobile terminals have effectively boosted the communication capacities of the trial enforcement information and made it easily accessible to the public, having thus guaranteed to a great extent the people's right to know, right to participate, right to express and right to supervise. On the other hand, the courts have been able to take advantage of informatization in collecting huge amounts of judicial data, which have been highly supportive for the courts to acquire a reliable knowledge of the trial regularities, having thus efficiently boosted judicial quality, prevented miscarriages of justice, and safeguarded judicial justice. Moreover, sharing of data concerning country-wide legal cases has been made possible, and on the basis of which the courts of different regions have conducted data exchange, and by jointly reviewing and focusing analysis on certain types of cases effectuated judicial justice in the practice of reaching the "same verdicts in identical cases". While seeking guidance from the cases of the Supreme People's Court, the courts of different levels may also offer guidance and submit feed-back via databases to guarantee judicial uniformity and justice.

### **1.2.2 Reinforcing judicial transparency and standardizing power enforcement**

Various openness mechanisms embedded in the court information system have secured the formation of "Courts in sunshine". The open information of the trial procedure enables the interested parties to be duly updated of such information as the progress and development of the trial, and the handling stage of the case at issue, and to make judgments concerning their own rights and obligations and on the legal risks facing themselves. The live broadcasting and recording of court trials, and in particular the live broadcasting on the platform of new media such as "microblog" (weibo), can meet the demands of the public for auditing, to the effect that a boost of judicial openness can be realized in both width and depth. The publication of ruling documents online as an important step to the openness of justice has laid a good foundation for strengthening instrument reasoning and standardizing the exercise of judicial power. It is optimal to intensify open information, such as informing the interested parties and enforcement applicants in particular of the node information of the enforcement procedure, disclosing to the public the information of the interested persons who refuse to perform the ruling subject to enforcement, holding online auction to prevent manipulation for the security of auction transparency, and eliminating to a maximum extent discretion in the process of enforcement. It is also obligatory to further the openness of reduced penalty and conditional releases and to secure the transparency of such cases. Along with the ongoing promotion of informatization in various parts of the court business, definite progress can prospectively be made in the openness of case filing, court trial, enforcement, auditing, documents and trial practice.

### **1.2.3. Optimizing judicial administration and enhancing trial quality and efficiency**

Along with the rapid development of socioeconomic society and growing awareness of rights and right protection, an increasing number of cases have arisen, and, as a