



Technical Assistance Report

Project Number: 51086-001
Knowledge and Support Technical Assistance (KSTA)
December 2017

People's Republic of China: Judicial Reform: Using Big Data to Improve Delivery of Justice

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Asian Development Bank

CURRENCY EQUIVALENTS

(as of 8 December 2017)

Currency unit	–	CNY (yuan)
CNY1.00	=	\$0.1513
\$1.00	=	CNY6.6115

ABBREVIATIONS

ADB	–	Asian Development Bank
PRC	–	People’s Republic of China
SPC	–	Supreme People’s Court
TA	–	technical assistance

NOTE

In this report, “\$” refers to United States dollars.

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KNOWLEDGE AND SUPPORT TECHNICAL ASSISTANCE AT A GLANCE

1. Basic Data		Project Number: 51086-001
Project Name	Judicial Reform: Using Big Data to Improve Delivery of Justice	Department/Division EARD/PRCM
Nature of Activity Modality	Capacity Development Regular	Executing Agency Supreme People's Court
Country	China, People's Republic of	
2. Sector		ADB Financing (\$ million)
✓ Public sector management	Subsector(s) Law and judiciary	0.40
		Total <u>0.40</u>
3. Strategic Agenda		Climate Change Information
Inclusive economic growth (IEG)	Subcomponents Pillar 1: Economic opportunities, including jobs, created and expanded	Climate Change impact on the Project Low
4. Drivers of Change		Gender Equity and Mainstreaming
Governance and capacity development (GCD)	Components Institutional development	No gender elements (NGE) ✓
Knowledge solutions (KNS)	Pilot-testing innovation and learning	
5. Poverty and SDG Targeting		Location Impact
Geographic Targeting	No	Nation-wide High
Household Targeting	No	
SDG Targeting	Yes	
SDG Goals	SDG16	
6. Risk Categorization		Low
7. Safeguard Categorization Safeguard Policy Statement does not apply		
8. Financing		
Modality and Sources		Amount (\$ million)
ADB		0.40
Knowledge and Support technical assistance: Technical Assistance Special Fund		0.40
Cofinancing		0.00
None		0.00
Counterpart		0.00
None		0.00
Total		0.40

I. INTRODUCTION

1. The knowledge and support technical assistance (TA) will support the Supreme People's Court (SPC) to design and build a big data system for judicial reform, which will improve the existing data system, provide statistical data on judicial reform more effectively and comprehensively, and facilitate in-depth analysis of judicial data and the application of this analysis to court reform needs.

2. The TA is included in the Asian Development Bank (ADB) country operations business plan, 2017–2019 for the People's Republic of China (PRC).¹

II. ISSUES

3. The Government of the PRC recognizes that a well-functioning economy needs supporting laws and the institutions to administer these laws fairly, consistently, and transparently. The PRC has made enormous strides in developing a generally complete and coherent body of laws and a well-functioning national court system. Both the system of laws and regulations and the court system are now comprehensive and increasingly professionalized, though there remain significant discrepancies in quality of law enforcement among local courts. The courts are currently engaged in their fourth 5-year reform program, which includes the establishment of (i) the circuit courts of the SPC and trans-regional people's courts, and (ii) other structural design elements that aim to minimize external influence over court decisions and to enhance compliance with court orders.

4. Previous PRC court reforms have included computerization and networking of court records, which has vastly increased public transparency of court decisions. Most or all courts now have networked information technology systems that allow the publication and sharing of data. However, the SPC has found that the courts' data collection system is not well designed for evaluating the performance of the court system or assessing the impact of reforms on the professionalization of the judiciary. The system generates overall numbers of cases resolved by courts in certain categories, but does not provide for per-judge breakdowns of data, nor does it assist the SPC to assess the quality of case resolutions. The SPC is aware that the quality of judicial performance cannot be determined solely by numbers of cases resolved; indeed, numerical case resolution targets had adverse side effects, with some courts dismissing cases, forcing settlements, or deciding cases summarily to meet numerical targets. Current statistical data is also inadequate for helping the SPC plan for and allocate resources, particularly judges, among courts. To address these concerns, the SPC is hoping to benefit from international expertise in assessing per-judge performance in a sophisticated system that combines quantitative and qualitative metrics. In particular, courts in Australia and the United States have experience with online systems for judicial performance review.

5. PRC courts have also undertaken reforms intended to improve the case acceptance system to ensure that difficult cases are not refused, whether for reasons of local influence or to improve case resolution percentages. However, the existing data collection and analysis system does not allow for analyses that would help the SPC determine whether the subsequent increase in caseloads is a result of the reforms or caused by extraneous factors. Further reforms have aimed to minimize local government interference, and the SPC is hoping to use more sensitive

¹ ADB. 2017. *Country Operations Business Plan: PRC, 2017–2019*. Manila. The TA first appeared in the business opportunities section of ADB's website on 8 December 2017.

data collection and analysis to determine what kinds of cases attract interference and to assess whether the reforms are working. The SPC hopes that better information on actual judicial performance (rather than simply raw numbers of cases resolved) will help it (i) determine whether and how past reforms are working, and (ii) allocate resources to courts where the numbers and expertise of particular judges, or further reform mechanisms, are most needed. The data collection system needs to be designed to give continual feedback to the SPC and senior SPC management to assess the impact of system design changes and to support further reform.

6. The PRC is committed to the ongoing reform of the judicial system. The SPC has requested ADB's assistance, in the form of expertise from ADB member countries with highly developed use of data in their judicial systems, to provide valuable inputs for the SPC to design and build a big data system for judicial reform, which will (i) improve the existing data system, (ii) provide statistical data on judicial reform more effectively and comprehensively, (iii) facilitate the conduct of in-depth analysis, (iv) support applications to further reforms to the court system, and (v) give continual feedback to the SPC and senior SPC management to assess the impact of system design changes and to support further reform.

III. THE TECHNICAL ASSISTANCE

A. Impact and Outcome

7. The TA is aligned with the following impacts: strengthened governance and rule of law. The TA will have the following outcome: improved court data systems used by the SPC to design and assess reform initiatives.

8. The TA will provide expertise from ADB member countries with highly developed use of data in their judicial systems to the SPC to help it develop a system for collection, calculation, analysis, and application of judicial data that will inform judicial reforms designed to enhance judicial professionalism, and thereby to improve court services.

B. Outputs, Methods, and Activities

9. **Output 1: Knowledge of the Supreme People's Court on judicial data collection, methods, and analysis enhanced.** The SPC will establish one or more research groups including representatives of the SPC's Judicial Statistics Department, Information Technology Department, and Data Analysis and Application Department, as well as representatives from local courts and domestic experts and scholars. The SPC and research group(s) will host an international expert symposium, including foreign and PRC judges and other experts, to address key problems and share their experience in using judicial data to improve court systems. Members of the research group(s) will undertake field research in the PRC on courts' experience in using the existing court data system.

10. **Output 2: Observations and conclusions from field research in one or more Asian Development Bank member countries compiled and documented.** The SPC will undertake research on the use of judicial data systems in judicial reform and management in at least one other ADB member country (preferably two, budget and time permitting) to understand the design and use by judges and court management of their judicial data systems, considering options, problems, and lessons learned.

11. **Output 3: Recommendations from research group(s) on the design of the Supreme People's Court's data collection and analysis of the impacts of judicial reform initiatives**

prepared. Based on the domestic and international research and information exchanges conducted under outputs 1 and 2, the SPC's research group(s) will compile a joint report, with input from the international experts provided under output 1, making recommendations on improvements to PRC court data collection, analysis, and feedback systems that will assist the SPC to better design further reform initiatives and evaluate their effectiveness.

12. **Output 4: Handbook on judicial reform data systems published in Chinese for use in courts of the People's Republic of China and in English for international judicial exchanges.** The handbook will include papers delivered at the international expert symposium and the findings and recommendations of the research group(s). The handbook will be in Chinese for use by PRC judges, officials, and scholars, and in English for dissemination of the PRC's court management development knowledge and experience to other ADB developing member countries. Digital publication will be encouraged.

C. Cost and Financing

13. The TA is estimated to cost \$450,000, of which \$400,000 will be financed on a grant basis by ADB's Technical Assistance Special Fund (TASF-other sources). The key expenditure items are listed in Appendix 2.

14. The government will provide counterpart support in the form of convening and management of domestic research groups, provision of meeting space, counterpart staff, assistance with arrangements for consultants and resource persons, translation, assistance in arranging meetings, and other in-kind contributions.

D. Implementation Arrangements

15. ADB will administer the TA. ADB's PRC Resident Mission, including outposted staff from the Office of the General Counsel, will select, supervise, and evaluate consultants, and organize meetings

16. The implementation arrangements are summarized in the table.

Implementation Arrangements			
Aspects	Arrangements		
Indicative implementation period	January 2018–December 2019		
Executing agency	Supreme People's Court		
Consultants	To be selected and engaged by the Asian Development Bank		
	Individual consultant selection	16 person-months	\$250,000
Disbursement	An advance payment facility may be used for administration of meetings and study tours by the executing agency; the facility will be assessed, discussed, and agreed with the executing agency. The technical assistance resources will be disbursed following the Asian Development Bank's <i>Technical Assistance Disbursement Handbook</i> (2010, as amended from time to time).		

Source: Asian Development Bank.

17. **Consulting services.** Consultants will be experts in judicial governance systems. ADB will engage consultants, and any TA-financed goods shall be procured in accordance with ADB's Procurement Policy (2017, as amended from time to time) and the associated project administration instructions and/or TA staff instructions. In line with the action plan for ADB's

Midterm Review of Strategy 2020,² lump sum payments and/or output-based contracts may be offered. The proceeds of the TA will be disbursed following ADB's *Technical Assistance Disbursement Handbook* (2010, as amended from time to time).

IV. THE PRESIDENT'S DECISION

18. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of \$400,000 on a grant basis to the Government of the People's Republic of China for Judicial Reform: Using Big Data to Improve Delivery of Justice, and hereby reports this action to the Board.

² ADB. 2014. *Midterm Review of Strategy 2020: Action Plan*. Manila.

DESIGN AND MONITORING FRAMEWORK

Impact the TA is Aligned with Governance and rule of law strengthened (Thirteenth Five-Year Plan, 2016–2020) ^a			
Results Chain	Performance Indicators with Targets and Baselines	Data Sources and Reporting Mechanisms	Risks
Outcome Court data systems used by the SPC to design and assess reform initiatives improved	By 2020: a. At least three recommendations on improving judicial data system implemented by the SPC (2017 baseline: Not applicable)	a. SPC and ADB TA completion report inputs	Political support and commitment are not sustained Government lacks capacity and resources to implement court system reforms
Outputs 1. Knowledge of the SPC on judicial data collection, methods, and analysis enhanced	By 2019: 1a. 60% of attendees at TA-sponsored symposium report improved awareness of options in judicial data collection and analysis (2017 baseline: Not applicable)	1a. Post-symposium surveys	Government lacks capacity and resources to implement court system reforms Other government priorities trump court system reforms
2. Observations and conclusions from field research in one or more ADB member countries compiled and documented	By 2018: 2a. One research study on lessons learned from court experiences in one or more ADB member countries completed (2017 baseline: Not applicable)	2a. Report on field research delivered by the SPC	
3. Recommendations from research group(s) on the design of the SPC's data collection and analysis of the impacts of judicial reform initiatives prepared	By 2019: 3a. One report with at least six actionable recommendations on design of data collection and analysis systems submitted to the SPC (2017 baseline: Not applicable)	3a. Report delivered	
4. Handbook on judicial reform data systems published in Chinese for use in courts of the PRC and in English for	By 2019: 4a. Handbook summarizes results of symposium, international research, and expert group recommendations, including current use of data and plans for system	4a. Handbook published in Chinese and English	

international judicial exchanges	improvement to make data useful for continuing court reform (2017 baseline: Not applicable)		
<p>Key Activities with Milestones</p> <p>1. Knowledge of the SPC on judicial data collection, methods, and analysis enhanced</p> <p>1.1 Issue invitations (April 2018)</p> <p>1.2 Hold symposium (July 2018)</p> <p>1.3 Submit final papers (March 2019)</p> <p>2. Observations and conclusions from field research in one or more ADB member countries compiled and documented</p> <p>2.1 Undertake international field research (June 2018)</p> <p>2.2 Deliver draft report on field research, with preliminary recommendations for system design improvements (August 2018)</p> <p>2.3 Deliver final report on field research, with final recommendations on system design improvements (November 2018)</p> <p>3. Recommendations from research group(s) on the design of the SPC's data collection and analysis of the impacts of judicial reform initiatives prepared</p> <p>3.1 Establish research group(s) (March 2018)</p> <p>3.2 Research group(s) will conduct field research on judicial data collection in the PRC (April 2018–September 2018)</p> <p>3.3 Research group(s) will report on use of current PRC judicial data system for continuing court system reform and make preliminary recommendations on system improvement (October 2018)</p> <p>3.4 Research group(s) will review outputs from the symposium, international research, and domestic research, and will report and formulate key recommendations on improving judicial data system design and application for purposes of continuing court reform (January 2019)</p> <p>3.5 Hold workshop to present and discuss findings and recommendations of research group(s) (May 2019)</p> <p>4. Handbook on judicial reform data systems published in Chinese for use in courts of the PRC and in English for international judicial exchanges</p> <p>4.1 Submit draft of handbook (January 2019)</p> <p>4.2 Finalize handbook (July to August 2019)</p> <p>4.3 Polish English-Chinese translations of handbook (September–October 2019)</p> <p>4.4 Print handbook and disseminate to courts (December 2019)</p>			
<p>Inputs</p> <p>ADB: \$400,000 Technical Assistance Special Fund (TASF-other sources)</p> <p>Note: The government will provide counterpart support in the form of convening and management of domestic research groups, provision of meeting space, counterpart staff, assistance with arrangements for consultants and resource persons, translation, assistance in arranging meetings, and other in-kind contributions</p>			
<p>Assumptions for Partner Financing</p> <p>Not applicable</p>			

ADB = Asian Development Bank, PRC = People's Republic of China, SPC = Supreme People's Court, TA = technical assistance.

^a Government of the PRC. 2016. *The Thirteenth Five-Year Plan for National Economic and Social Development, 2016–2020*. Beijing.

Source: ADB.

COST ESTIMATES AND FINANCING PLAN
(\$'000)

Item	Amount
Asian Development Bank^a	
1. Consultants	
a. Remuneration and per diem	
i. International consultants	55.00
ii. National consultants	70.00
b. Out-of-pocket expenditures	
i. International and local travel	25.00
ii. Reports and communications	20.00
2. Training, seminars, workshop and conferences ^b	
a. Symposium and workshops	40.00
b. Resource persons	80.00
c. International study tour(s) ^c	40.00
3. Miscellaneous administration and support costs ^d	30.00
4. Contingencies	40.00
Total	400.00

Note: The technical assistance (TA) is estimated to cost \$450,000, of which contributions from the Asian Development Bank (ADB) are presented in the table above. The government will provide counterpart support in the form of convening and management of domestic research groups, provision of meeting space, counterpart staff, assistance with arrangements for consultants and resource persons, translation, assistance in arranging meetings, and other in-kind contributions. The value of government contribution is estimated to account for 11% of the total TA cost.

^a Financed by ADB's Technical Assistance Special Fund (TASF-other sources).

^b For the international expert symposium, international study tour(s), and final workshop. An advance payment facility may be established with the executing agency to facilitate the workshop, symposium(s). The facility will be assessed, discussed and agreed with the executing agency. ADB has recently worked with the Supreme People's Court (SPC) and found their internal control and record-keeping systems to be adequate.

^c The study tour(s) will (i) focus on court systems that are leaders in use of court system data to improve court services, or (ii) include highly relevant international organizations. The content and findings of the study tour(s) will be presented in a report to be prepared by the SPC. The study tour(s) will be arranged by the SPC's International Cooperation Department and will occur only in eligible ADB member countries, in line with the requirements of the Agreement Establishing the Asian Development Bank (the Charter).

^d Includes costs related to printing, translations, supplies for events, assistants for meetings, and other support for symposium and workshops.

Source: ADB estimates.

LIST OF LINKED DOCUMENTS

<http://www.adb.org/Documents/LinkedDocs/?id=51086-001-TARreport>

1. Terms of Reference for Consultants