

The experience of sharing skills and responsibilities

The delegated Justice statistics¹

1. Main milestones of the historical evolution

When looking at the history of the Justice statistics we see how this is closely linked to the history of statistics in Portugal, following step by step the key moments of the methodological and institutional evolution by which these have passed.

As in other areas of statistics, from the first institutional design of the central administration in the seventeenth century, we find references to statistical competences in various departments of the Ministry of Justice, which at the beginning also dealt with the ecclesiastical affairs and cults, undergoing various reforms and organic reorganizations. Up until the creation of the National Statistics Institute (INE) in 1935, the Ministry of Justice maintained its competence to collect, analyse and disseminate the results, even when, in the mid-nineteenth century, a central structure began to be drawn up to undertake the statistical activity in a general and permanent way. Without prejudice to this competence to remain in the Ministry of Justice, as early as the first Statistical Yearbook of Portugal there are some references to the subject, which is dealt with in a more detailed and specific way in the second issue, published in 1886. The subject that earned special attention at the time was the activity of the courts, whereas the one referring to prison life, in the origin of the first statistics in this area, only began to be part of this publication in the following edition.

In 1935, INE was created, which began to centralize the production, analysis and dissemination of the Justice statistics in its various areas, from the different types of cases in the courts, to the prisons and to the so-called reformatories. An important work of structuring the statistical operations is then carried out, supported by detailed regulation.

Decree-Law 26030, of 9 November 1935, assigns to INE the functions of drafting, publication and comparison of statistics concerning the activity of the judicial courts under the remit of the Ministry of Justice, its services remaining only with the notation functions. This diploma regulates in detail skills, deadlines, models of data collection and even the price of the maps and record sheets. The notation system created at the time, has undergone major or minor alterations over time, especially those allowed by the significant technological

¹ Text corresponding to the intervention of the Directorate-General for Justice Policy at the commemorative session of the 80th anniversary of the National Institute of Statistics, dedicated to the sharing of responsibilities in the production of Portuguese official statistics, held at the Noble Hall of that Institute, in May 2015.

development that we have witnessed in the last decade and materialized by the project Hermes², but it clearly remains the basis of the statistics currently produced. It is also curious to note that the problems then identified continue to be debated today, as for example, the concept of completed case.

The first edition of the Justice Statistics appeared in 1937, then and until 1968, under the title "Judicial Statistics". With an annual or biannual periodicity, INE published 29 issues until 1982, and the Office of Studies and Planning of the Ministry of Justice (GEPMJ), using the powers that had been delegated to it, published the 30th volume, referring to 1983.

The basis of the delegation of powers were launched in 1973, with the reform of the National Statistical System brought about by Decree-Law 427/73, of 25 August. Although, at that time, the Justice Statistics remained in the INE, article 11 of this law provided that "the exercise of the functions of classification, analysis, coordination and publication of statistical data belong exclusively to INE and to the entities that are considered as delegated bodies to perform some of these duties or to assist in the classification functions."

It was based on this provision that, later, in 1983, Ordinance 113/83, of 2 February assigned to the GEPMJ the status of delegated body of INE. In 1989, with Law 6/89, of 15 April, and later, in 2008, with Law 22/2008, of 13 May, notwithstanding the more or less profound changes in the National Statistical System, INE maintained the possibility to delegate the official functions of classification, analysis and coordination of statistical data in other public services. Thus, in the second and third phases, first, in a joint dispatch developed in a collaboration protocol and then in a protocol approved at ministerial level, the solution of sharing competences and responsibilities on the statistical activity in the area of Justice lasts uninterruptedly for 32 years.

2. The good experiences

This special relationship between INE and the Ministry of Justice, which is now more than three decades old, has been, we believe, mutually beneficial.

On the one hand, the more in-depth knowledge that a Justice service necessarily has on Justice themes and services, as well as the greater proximity to them, are surely a plus and a major reason for the delegation of powers. It is recognized that this knowledge and this closeness accelerate the creation and modification of statistical operations, as well as the data collection itself. We recall the experience of the Hermes project in which it was necessary to carry out an extensive survey of the collected data and establish contacts with all the data provider bodies of Justice, holding multiple meetings and establishing contacts with the remaining services of

² The Hermes project, to reformulate the statistics of Justice, aimed to increase the quality, diversity, timeliness and use of statistical information in this area, through a strategy of dematerialization of data collection methods, especially with the use of the data included in the information systems existing in the entities, and with the adoption of the Internet as a privileged means of dissemination.

the orbit of Justice. These works were naturally welcomed because they corresponded to a project sponsored by the Ministry of Justice itself.

With the growing importance of information systems as a source of statistical data and automatic interfaces as a collection method, the knowledge on the cases and procedures of the services from which the data are collected takes on a special relevance. However, it is easier for a department of the Ministry of Justice to obtain resources from the area of Justice, namely jurists and technicians from the judicial, notary, registry or other areas. Their knowledge of the cases and procedures of the various services has been essential in defining procedural flows, internal validations and the development of mechanisms in the computer applications that are the source of the data, which make it possible to streamline work methods and transform the registers originally made solely for statistical purposes in truly procedural and administrative records. This transformation allows to eliminate the hypotheses of error, increasing immensely the quality of the statistical information.

Also from the point of view of the creation of an organic structure within the Ministry of Justice that guarantees the continuous supply of statistical data and its improvement, we believe that the influence, initially of the GEPMJ, afterwards of the GPLPMJ and more recently of the DGPJ, has been very important. Today, in the organic diplomas of the various departments of the Ministry of Justice, there is a need for articulation and collaboration with the DGPJ, not only with regard to the provision of data but also with regard to the planning and development of computer applications, which today are the main source of data in this area of statistics. An example of this is subparagraph f), paragraph 2, of article 2 of Decree-Law 163/2012, of 31 July, document that defines the organization of the DGPJ, in which is attributed to this service the participation in the design and the collaboration with the Institute of Financial Management and Justice Equipment, IP, in the development, implementation, operation and evolution of information systems.

On the other hand, the relation established with the National Statistical System has also been profitable for the DGPJ and for the Ministry of Justice. The statistical portrait of justice naturally concerns the Ministry of Justice, as a tool for managing the justice system, and is therefore an activity that we believe would always be carried out. It is true, however, that the DGPJ's framework within the scope of the National Statistical System guarantees it a legitimacy and a statistical authority which is often decisive before the administrative services providing the data. If on the one hand, sometimes closeness is important, at other times authority is decisive.

From the point of view of statistical activity, INE's support and collaboration with respect to methodologies, nomenclatures, safeguarding statistical confidentiality - particularly when providing microdata -, and the application of policies for the dissemination and review of statistics have also been very important. We highlight some of the most recent improvements in the Justice statistics as a direct result of the application of the policies defined for the European Statistical System and for the National Statistical System, namely: the adoption, since 2009, of a dissemination calendar made available in advance to the public; the construction of methodological documents for each of the statistical operations; as a result of the recent interaction in the Peer Review exercise

and directly associated with codes of conduct, the approval and dissemination of a quality charter of Justice statistics; the signing of a confidentiality commitment by all DGPJ employees involved in the statistical process; and the construction and launching of a satisfaction survey to users who have requested statistical information.

In this context, reconciliation and the sharing of specific knowledge of the area of justice with statistical expertise have been particularly important. In view of the characteristics of the Justice statistics teams, it has proved essential the support, which in a more or less sporadic way, INE has given in terms of statistical training. It is worth recalling the good experience of the past, with the participation of DGPJ employees in the so-called DARI (Development of Skills in Conducting Surveys) or in other training actions organized by INE, which we recognize are essential to ensure that Justice statistics continue to be built following the best methodologies, in articulation with the rest of the National Statistical System.

3. Aspects to deepen and perspectives for the medium and long term

Based on the experience of the last 32 years, it is possible to envisage the medium and long term, hoping that the sharing of competences and responsibilities will continue and can be deepened, improving some aspects and innovating in others, in order to strengthen the National Statistical System and the role of statistics in the development of our society.

One of the aspects in which we believe there is a significant margin for evolution is the interaction between entities with delegated powers. From the recent, yet brief, interaction with Peer Review, it was clear that shared experiences and problem-solving strategies, which in many cases are common, would surely add value to all services. A more frequent interaction may also have the advantage of achieving greater alignment of the various thematic areas which that form the official statistics.

Another aspect to deepen is the sharing of knowledge, possibly with the implementation of a common training plan on topics that concern the technical teams of INE and entities with delegated powers. This sharing of knowledge, as we have witnessed in the past, will have many advantages, from the strengthening of personal and institutional ties, to the natural strengthening of skills, which will allow each service to do more and better.

In terms of projects, it seems to be extremely important to jointly and actively monitor the usefulness of the information collected, in order to direct the available resources, which are increasingly scarce, for the production of information that is effectively relevant to society. In our case, for example, we continue to question the usefulness of the data relating to the profession of the spouses in the divorce proceedings, in which case it is necessary to keep in mind the cost of obtaining it for the entities that provide it and its reliability. This type of discussion is not, as is the case in this example, merely internal, but rather extends to the European Statistical System, which is why it is especially important a joint work between the DGPJ and INE.

The same kind of reasoning also seems to make sense as far as methodological documentation is concerned. In this field, we consider it worthwhile to monitor the complexity of the procedures associated with the documentation of statistical operations, achieving greater articulation and consensus regarding the concepts used.

We would also like to think of other types of common projects, for example projects whose size exceeds the technical capacity of the entities with delegated powers. In the area of justice, one example of such a project would be the conduct of a new victim inquiry, the extension and methodologies of which require close collaboration with the INE. Other examples can be found in projects where, by crossing data, one can increase the information produced and reduce the effort associated with data collection, both from the perspective of the suppliers and from the perspective of the statistical entities. We recently had a small experience of this kind with the possibility given by the INE of characterization of the companies declared insolvent (data collected by the DGPJ) according to their dimension (data collected by INE). There will surely be other experiences of this kind to identify and implement, which is, in our view, a course of action worth investing in the future.

Lastly, from a practical but not less important perspective, we believe that annual planning meetings have been good practice, and it is therefore important to deepen this experience, possibly from the perspective of monitoring what was planned and, as mentioned above, the sharing of experiences and solutions between entities with delegation of competences.