

CEPEJ-GT-QUAL(2022)7

Strasbourg, 24 January 2022

## **EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)**

Working Group on Quality of Justice

31st meeting – 24 January 2022

Online meeting

### **MEETING REPORT**

#### **1. Opening of the meeting and adoption of the agenda**

1. The Working Group on the Quality of Justice (CEPEJ-GT-QUAL) of the European Commission for the Efficiency of Justice (CEPEJ) held its 31st meeting online on 24 January 2022.
2. The agenda and list of participants are attached as Annexes I and II respectively to this report.

#### **Designation of the CEPEJ-GT-QUAL President for 2022-2023**

3. Mr Joao ARSENIO DE OLIVEIRA (Portugal) was re-elected President of the CEPEJ-GT-QUAL for 2022-2023.

#### **2. Administrative mediation**

4. Ms Sabine BOUSSARD and Mr Karim SALEM presented the preliminary results of the study “State of play of the practice of mediation to settle administrative disputes in Council of Europe member states” (CEPEJ-GT-QUAL(2022)1). The information received by the experts through a questionnaire (36 answers concerning 24 CoE member States) was useful, but further details would be necessary, especially on concrete examples and best practices.

5. It was agreed to further develop the study as its findings and conclusions should guide next steps. In this regard, a final call would be issued to answer the initial questionnaire by mid-February; an additional questionnaire would be submitted to a selection of respondents from countries presenting noticeable advances in the implementation of administrative mediation with a deadline for answers by the end of April; an *ad hoc* CEPEJ-GT-QUAL meeting would take place in June to adopt the revised study and discuss possible next steps.

6. Possible follow-up to the study was already mentioned, including a proposal to update the Recommendation Rec(2001)9 on alternative dispute resolution between administrative authorities and private parties, as well as the Guidelines for a better implementation of the existing Recommendation on alternatives to litigation between administrative authorities and private parties (CEPEJ(2007)15) or an adaptation of the Mediation Development Toolkit Ensuring implementation of the CEPEJ Guidelines on mediation (CEPEJ(2018)7REV) to the specificities of administrative mediation.

### **3. AI – Implementation of the European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment**

7. Following the adoption by the CEPEJ at its 37th meeting of the "Revised roadmap for ensuring an appropriate follow-up of the CEPEJ Ethical Charter on the use of artificial intelligence in judicial systems and their environment" (CEPEJ(2021)16), the following steps were decided:

- operationalisation of the five principles of the "Ethical Charter on AI";
- setting up an Artificial Intelligence Advisory Board (AIAB);
- implementing a Pilot Project on CEPEJ Charter conformity assessment;
- creating a Resource Centre on (Cyberjustice and) Artificial Intelligence;
- sustained action to ensure targeted awareness raising and training activities.

8. Setting up the AIAB was viewed as a priority because it should provide expert advice on next steps and be the main contributors to the Resource Centre. The profile of the experts to be selected for the AIAB (5 persons with varying profiles and representing the judiciary, academia, policymakers, front-line industry, and CSO) and the procedure for their competitive selection were discussed. A public call for expression of interest on the part of candidates for appointment to the AIAB would be initiated by the CEPEJ Secretariat and widely disseminated.

9. In parallel, the Secretariat would continue working on the technical aspects of the development of the Resource Center with a view to presenting first results to the joint meeting of CEPEJ-GT-QUAL and CEPEJ-CYBERJUST in March 2022.

### **4. Ensuring gender diversity in the recruitment and promotion of judges**

10. An exchange of views was conducted on the current version of the draft guidelines for gender equality in recruitment and promotion of judges prepared by Ms Tabeth Masengu (Belgium) (Document CEPEJ-GT-QUAL (2021)9), who could not join the meeting. The CEPEJ-GT-QUAL thanked the expert of the quality of the document. However, it proposed that the document be rendered more gender inclusive without losing the focus on specific problems identified through the comparative study and that the "glass ceiling" for access of women to senior administrative positions in courts and to superior courts may be addressed.

11. Using the existing basis, and on these specific additions, it was proposed to identify, as soon as possible, another expert or to entrust the Secretariat of the CEPEJ-GT-QUAL to propose a new version to be approved by the CEPEJ-GT-QUAL in September at the latest.

### **5. Other topics of work for 2022 and 2023**

12. The list of topics for future work of the CEPEJ-GT-QUAL for the forthcoming period 2022-2023 was adopted by the CEPEJ in its plenary meeting of December 2021 (Document CEPEJ-GT-QUAL (2021)9). Among the topics, it was decided that the issues of the rights of people with disabilities and access to justice and essential training topics for justice professionals, for initial and in-service training would be considered as priorities and that work on these issues would start at the next meeting of CEPEJ-GT-QUAL in March 2022. In this regard, the Secretariat would prepare concept notes.

### **6. Other items**

13. A joint meeting of the CEPEJ-GT-QUAL/CEPEJ-GT-CYBERJUST, organised under the Italian Presidency of the Committee of Ministers of the Council of Europe would take place on 17-18 March in Pisa (Italy). The agenda of the meeting was discussed briefly. This meeting would, among others, allow to specify the competences of each of the working groups and ensure coordination concerning the future tasks of the CEPEJ in the field of AI.

14. The development in the setting up of a training module on CEPEJ on the HELP on-line learning platform (Human Rights Education for Legal Professionals) was discussed. Mr Gilles ACCOMANDO (France) would contribute to the development of training materials on Quality of Justice. These materials would in principle

reflect the key CEPEJ tools in areas of evaluation of the judiciary, judicial time management, ensuring the quality of courts and justice digitalisation trends. The materials would need to be adapted to the specific HELP methodology. The WG would be consulted on the quality part of the module at a later stage.

15. The CEPEJ-GT-QUAL President would take part to the next CEPEJ Pilot courts meeting (Lublin, Poland, 10 march 2022) where workshops on gender diversity in the judiciary and the use of AI were planned in the agenda. These workshops should allow to include feedbacks from the pilot courts in the ongoing work of the working group in these matters.

## APPENDIX 1 AGENDA

**24 January: 10 am to 12.30 and 2.30 pm to 5 pm**

### **Opening of the meeting**

Adoption of the agenda

### **Designation of CEPEJ-GT-QUAL President for 2022-2023**

#### **Ensuring gender diversity in the recruitment and promotion of judges**

Exchange of views on draft guidelines

*Expert in charge of this item: Tabeth Masengu (Belgium)*

#### WORKING DOCUMENTS

Draft guidelines on ensuring gender diversity in the recruitment and promotion process of judges

[CEPEJ-GT-QUAL\(2021\)9](#)

#### **Administrative mediation**

Exchange of views on draft study and potential next step

*Experts in charge of this item: Sabine Boussard (France) and Karim Salem (Egypt)*

#### WORKING DOCUMENTS

State of play

[CEPEJ-GT-QUAL\(2022\)1](#)

[Excel Table](#)

#### **AI – Implementation of the European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment**

Next steps

*Expert in charge of this item: Matthieu Quiniou (France)*

#### WORKING DOCUMENTS

AI - Labelling Revised Roadmap  
Ensuring the application and follow-up of the European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment

[CEPEJ\(2021\)16](#)

#### **Mediation**

Exchange of views on possible future work

#### WORKING DOCUMENTS

Concept Note on mediation : Update and new proposals

[CEPEJ-GT-QUAL\(2020\)6rev](#)

### **Other topics of work for 2022 and 2023**

List of topics in the mandate and priorities

#### WORKING DOCUMENTS

Joint meeting of the CEPEJ-GT-QUAL/CYBERJUST organised under the Italian Presidency, 17-18 March, Pisa (Italy)

[Activity programme](#) (terms of reference of the CEPEJ-GT-QUAL in Appendix)

HELP (Human Rights Education for Legal Professionals) for CEPEJ: Structure and content of the QUAL part

## APPENDIX 2

### LIST OF PARTICIPANTS

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**Sabine BOUSSARD**, Directrice du Centre de recherches en droit public (CRDP) et Responsable du Master de droit public de l'Université Paris Nanterre, France

**Karim SALEM**, Magistrat au Tribunal administratif du Caire, Doctorant à l'Univ. de Strasbourg, Egypt

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### OBSERVERS / OBSERVATEURS

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