

Strasbourg, 20 June 2022

CEPEJ-GT-QUAL(2022)5

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

WORKING GROUP ON CYBERJUSTICE AND ARTIFICIAL INTELLIGENCE (CEPEJ-GT-CYBERJUST)

and

WORKING GROUP ON QUALITY OF JUSTICE (CEPEJ-GT-QUAL)

Joint meeting (Hybrid, 17 March 2022)

WORKING GROUP ON QUALITY OF JUSTICE

32nd meeting – 18 March 2022

organised in the framework of the Presidency of Italy of the Committee of Ministers of the
Council of Europe

MEETING REPORTS

Report prepared by the Secretariat
Directorate General I - Human Rights and the Rule of Law

17 March 2022 - JOINT MEETING of the CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST

1. Introduction

1. The working group on the Quality of Justice (CEPEJ-GT-QUAL) and the working group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) of the European Commission for the Efficiency of Justice (CEPEJ) held a joint meeting on 17 March 2022, at the premises of the University of Pisa. The joint meeting was followed by separate meetings of the respective working groups.
2. Considering the sanitary situation, the meeting took place in a hybrid format (presence and videoconference). The agenda and the list of participants are attached as Appendices I and II respectively to this report.
3. The President of the CEPEJ thanked the Italian authorities for their invitation to organise this meeting in the framework of the Italian Presidency of the Committee of Ministers of the Council of Europe, the Rector of the Pisa University for hosting the meeting and the warm welcome as well as Maria Giuliana Civinini, President of the CEPEJ-GT-CYBERJUST and President of the Court of Pisa for the perfect organisation of this event.
4. The Italian authorities acknowledged the positive impact of the CEPEJ on a more efficient and effective administration of justice and underlined the continuous need to provide practical guidance in particular on the potential use of relevant emerging technologies, ensuring compliance with human rights and rule of law.

2. Setting-up of a Joint advisory body on artificial intelligence (AIAB)

5. The groups discussed the terms of reference of the future “Artificial Intelligence Advisory Board (AIAB)” (CEPEJ-GT-QUAL(2022)3) to be set up under supervision of both groups, following the “Revised roadmap for ensuring an appropriate follow-up of the Ethical Charter on the use of Artificial Intelligence in judicial systems and their environment” (CEPEJ(2021)16) adopted by the CEPEJ during its last plenary meeting (December 2021).
6. It was agreed that changes reflecting the discussion would be introduced in the final document by the Secretariat and sent to the members of the working groups for written approval. The importance of taking into consideration the latest developments regarding AI and cyberjustice in AIAB’s tasks was particularly highlighted.
7. The Secretariat was tasked with preparing a “call for the expression of interest” to identify and appoint the AIAB members as laid out in the terms of reference. The selection would be conducted by the Secretariat jointly with the presidents of CEPEJ-GT-CYBERJUST and CEPEJ-GT-QUAL, under the supervision of the CEPEJ Bureau. The appointments should ideally take effect before the CEPEJ plenary meeting in June 2022.

3. Creation of the Resource Centre on Cyberjustice and Artificial intelligence

8. The Secretariat presented the first version of the online tool concerning the Resource Centre on Cyberjustice and Artificial Intelligence, together with a proposal for categories along which the entries should be structured. The visualisation and interface would be based on the open-source software “Tableau Public” and matches the design of CEPEJ-STAT.
9. The Resource Centre should serve as a repository for AI applications currently in use in justice systems and other useful cyberjustice tools for the administration of justice. The resources should be publicly accessible.
10. During the discussion, the importance of a disclaimer was stressed, underlining that the entries in no way would imply a recommendation or any other endorsement by the CEPEJ. Considering the

categories, the use of “tags”¹ was proposed to ensure an easy location of specific tools, to provide for the possibility to assign multiple tags if needed, and make it easier to add new categories later in the process.

11. The final proposal on the categories and other functionalities should be provided by the AIAB (see above). In the meantime, the Secretariat should further develop the Resource Centre considering the comments of the discussion.

4. Possible involvement of the European Cyberjustice Network in the work on AI

12. Both groups agreed that the role of the European Cyberjustice Network (ECN) should be incremental in the identification of AI and other Cyberjustice applications to be included in the Resource Centre on Cyberjustice and Artificial intelligence. The collection could take place via specific surveys and thematic requests, in line with other guidelines under periodic development, complementing the collection by the AIAB. The data verification and entry should be centralised by the AIAB under the supervision by the relevant working group.

13. It was decided that the data collection modalities should be addressed at the next ECN meeting.

5. Specific event on quality and digitalisation for the 20th anniversary of CEPEJ (Malta)

14. The Secretariat informed members of the working groups and participants to the meeting that the next plenary meeting of the CEPEJ (27-28 June 2022) would be the occasion to celebrate its 20th anniversary (morning of 27 June). The meeting should be held in Valletta, Malta, following the kind invitation from the CEPEJ’s Vice-President and the Maltese authorities. In line with the CEPEJ Action plan 2022-2025, the conference should allow to discuss “challenges of the digitalised justice” and “how to contribute, while supporting digitalisation, to a more human and people centred justice”. The Secretariat invited the Working Group members to identify relevant national high-level officials who should be contacted by the Secretariat as participants and speakers.

6. Mediation and online alternative dispute resolution²

15. The working groups discussed areas of joint work on mediation related activities and agreed that both groups will cooperate when needed. The following was decided:

- a. a study should be commissioned by CEPEJ-GT-CYBERJUST to assess the application and impact of online mediation in criminal matters, which could also serve as a basis for the potential update of the guidelines on penal mediation (CEPEJ-GT-QUAL);
- b. a study should be commissioned to assess the effect of digital tools in the ADR process on vulnerable groups. Insights could be used to potentially revise the draft online ADR guidelines (CEPEJ-GT-CYBERJUST);
- c. certain elements of the current draft guidelines on online ADR could serve as a potential thematic input for the update of mediation relevant tools under the supervision of CEPEJ-GT-QUAL (e.g. potential update of the guidelines on administrative mediation or adding the online perspective to the CEPEJ Mediation Development Toolkit (CEPEJ(2018)7));
- d. the work on the online ADR guidelines will continue only after the completion of the above-mentioned studies.

The Secretariat was entrusted to take the necessary steps to implement the decisions.

¹ A keyword or term assigned to a piece of information. This kind of metadata helps describe an item and allows it to be found again by browsing or searching.

² This item was discussed jointly on the second day.

18 March 2022 - 32nd meeting of the CEPEJ-GT-QUAL

MEETING REPORT

Introduction

1. The Working Group on Quality of Justice (CEPEJ-GT-QUAL) of the European Commission for the Efficiency of Justice (CEPEJ) held its 32nd meeting in hybrid format (in person and online) in Pisa on 18 March 2022, following a joint meeting with the Working Group on cyberjustice and artificial intelligence (CEPEJ-GT-CYBERJUST) organised in the framework of the Italian Presidency of the Committee of Ministers of the Council of Europe. The meeting was chaired by Mr Joao ARSENIO DE OLIVEIRA (Portugal). The agenda and list of participants are attached as Annexes I and II respectively to this report.

1. Revised roadmap on implementation of the CEPEJ Charter

2. In the framework of the implementation 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 CEPEJ-GT-QUAL and the CEPEJ-GT-CYBERJUST, during the joint meeting confirmed and detailed the setting up an Artificial Intelligence Advisory Board (AIAB) and the creation of a Resource Centre on Cyberjustice and Artificial Intelligence.

3. Decisions taken during the joint meeting were recalled, namely: the Secretariat was tasked with preparing a "call for the expression of interest" to identify and appoint the AIAB members as laid out in the agreed terms of reference. In the meantime, the Secretariat should further develop the Resource Centre considering the comments of the discussion. The final proposal on the categories and other functionalities should be provided by the AIAB.

2. Mediation

4. Besides the work on administrative mediation which is currently ongoing, and which will be discussed during an *ad hoc* meeting of the Working Group on 15 June 2022, it was decided to:

- relaunch the network of contact points on mediation that was set up by the CEPEJ-GT-MED in 2019 by asking the CEPEJ members to either confirm or update the contact point already nominated;
- consider updating the Guidelines for a better implementation of the existing Recommendation concerning mediation in penal matters (CEPEJ(2007)13) on the basis of a reflection note that would be prepared by the scientific expert, Ms Maria OLIVEIRA (Portugal), who would, in particular, take into consideration the Recommendation Rec(2018)8 of the Committee of Ministers concerning restorative justice in criminal matters, as well as the Study that should be commissioned by the CEPEJ-GT-CYBERJUST to assess the application and impact of online mediation in criminal matters.
- prepare for the next meeting a concept note to be developed by a scientific expert on a new document on Alternative Dispute Resolution (ADR) embedding the innovative approach of Appropriate Dispute Resolution rather than Alternative Dispute Resolution.

5. In addition, regarding cooperation as regard areas of joint work between CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST on mediation related activities, it was agreed that members of both groups should be available for cooperation when needed.

3. Access to justice of vulnerable groups

6. In the light of a concept note prepared by the Secretariat (CEPEJ-GT-QUAL(2022)4) concerning the access to justice of persons with disabilities, the Working Group agreed to keep the focus on people with disabilities rather than adopting a larger approach covering vulnerable groups.

7. A scientific expert would be entrusted to prepare an in-depth study on the issue, containing in particular updated information on the good practices and recent developments in the European justice systems with a view to further improving the access to justice of persons with disabilities.

8. This work could result on guidelines on improving the access to justice and the quality of judicial services for persons with disabilities. It was suggested to liaise with associations active in this field while working on this topic.

4. Essential topics of training for justice professionals

9. On the basis of the concept note prepared by the Secretariat (CEPEJ-GT-QUAL(2022)2) showing that numerous initiatives have already been undertaken and numerous networks constituted concerning training of justice professionals in Europe, it was decided to wait for the finalisation of the HELP training modules on CEPEJ tools on quality of justice currently under preparation (see paragraph 9 of this Report) to decide if an additional tool aiming at improving training of justice professionals would be useful.

5. Other topics of work for 2022 and 2023

10. An update on the development of the HELP module on CEPEJ was given by Mr Gilles ACCOMANDO (France) who has been charged of developing a module on "Quality of justice and users". The working group asked to be regularly updated on the developments of this module.

11. The CEPEJ-GT-QUAL decided to continue its work on gender equality in the justice field, based on the existing comparative study prepared by Ms Tabeth MASENGU. It was agreed that Stergios KOFINIS (Greece) would propose an expert in this matter who would be entrusted to draft guidelines on gender equality in the recruitment and promotion of judges, in close coordination with the Secretariat and members of CEPEJ-GT-QUAL.

12. It was also decided that Stergios KOFINIS (Greece) and Wim DAVID (Belgium) would prepare for the next meeting of the Working Group a concept note presenting the problematics of the evaluation of judges and the possible way forward regarding the work of CEPEJ-GT-QUAL in this regard. A comparative study of different systems and practices existing in CoE member States could be commissioned and ultimately help deciding what kind of tool could be useful on this topic which touches both the issues of independence of judges and the necessary evaluation of the performance of judges to ensure the proper exercise of judicial responsibilities, duties and powers.

6. Other item

13. It was decided to organise the next meeting of CEPEJ-GT-QUAL on the 20 and 21 October 2022 in Strasbourg.

APPENDIX 1

AGENDA

Thursday 17 March 2022

**JOINT MEETING of the CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST
AULA MAGNA - PISA UNIVERSITY**

Opening of the meeting

- **Ramin Garagurbanli**, President of the CEPEJ
- **Muriel Décot**, Secretary of the CEPEJ

Welcome messages

- **Raffaele Piccirillo**, Chief of Cabinet, Italian Ministry of Justice - *by videoconference*
- **Paolo Maria Mancarella**, Magnifico Rettore, Pisa University

Presentation by Italian experts of digitalisation processes

- **Vincenzo De Lisi**, General Director DGSIA, Ministry of Justice - *by videoconference*
- **Paolo Ferragina**, Vice-rector in ICT of Pisa University

Beginning of the joint meeting of the CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST

1. **Setting-up of a Joint advisory body on artificial intelligence (AIAB)**
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2. **Creation of the Resource Center on Cyberjustice and Artificial intelligence**
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3. **Possible involvement of the European Cyberjustice Network in the work on AI**
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4. **Specific event on quality and digitalisation for the 20th anniversary of CEPEJ**
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Other topics

5. **Possible joint work on mediation**
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Friday 18 March

CEPEJ-GT-QUAL – AULA ROSSA – PISA UNIVERSITY

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| 1. | Opening of the meeting
Adoption of the agenda |
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| AI- revised roadmap on implementation of the CEPEJ Charter | |
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| 2. | Exchange of views considering the previous day's joint meeting |
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| Mediation | |
| 3. | Exchange of views on possible future work and considering the previous day's joint meeting |
| <i>Expert in charge : Maria Conceição de Oliveira (Portugal)</i> | |
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| 4. | Access to justice of vulnerable groups
Exchange of views on concept note |
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| 5. | Essential topics of training for justice professionals
Exchange of views on concept note |
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| Other topics of work for 2022 and 2023 | |
| 6. | <ul style="list-style-type: none"> - Update on HELP module on CEPEJ tools on quality of justice - Update on the study on administrative mediation - Update on reviewing the guidelines on gender equality - Other possible topics of work |
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APPENDIX 2

LIST OF PARTICIPANTS

CEPEJ-GT-QUAL meeting

Gilles ACCOMANDO, Directeur de l'École de formation du barreau, Paris, FRANCE,

Joao ARSENIO DE OLIVEIRA, Head of Department, International Affairs Department, Directorate-General for Justice Policy - Ministry of Justice, (**Chair of the GT-QUAL / Président du GT-QUAL**)

Nino BAKAKURI, Judge, Supreme Court of Georgia, Tbilisi, GEORGIA, (excused)

Merethe ECKHARDT, Director of Development, The Danish Court Administration (remotely)

Stergios KOFINIS, Administrative Judge at First Instance Administrative Court of Thessaloniki, GREECE,

Wim DAVID, Juge à la Cour d'appel de Bruxelles, BELGIUM

Antoni BATKO, Judge, District court in Zamosc, delegated to the Ministry of Justice, POLAND, (remotely)

Rosario AMMENDOLIA, Magistrate, Ministry of Justice, ITALY

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Matthieu QUINIOU, Avocat, Paris, France, ([remotely](#))

Maria DA CONCEIÇÃO OLIVEIRA, Lawyer and Mediator, Lisbon, Portugal,

SECRETARIAT

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Ioana VOELKEL, CEPEJ Assistant / Assistante de la CEPEJ, e-mail: ioana.voelkel@coe.int

CEPEJ-GT-CYBERJUST Joint meeting (in addition to the above listed)

MEMBERS / MEMBRES

Pedro ALMEIDA, Legal Adviser, European Affairs Coordination Unit, Directorate-General for Justice Policy, Ministry of Justice, Lisbon, PORTUGAL,

Maria Giuliana CIVININI, Judge, member of the Italian Judiciary, President of the Tribunal of Pisa, Pisa, ITALY,

Rimantas SIMAITIS, Associate Professor at Vilnius University, Partner at Cobalt law firm, Attorney-at-Law, Arbitrator, Mediator, Vilnius, LITHUANIA,

Gregor STROJIN, Advisor to the President, Supreme Court of the Republic of Slovenia, Ljubljana, SLOVENIA,

Martin SCHNEIDER, Counsellor in the Austrian Federal Ministry of Justice, AUSTRIA,

Camille LE DOUARON, Chargée de mission data, Ministère de la Justice, FRANCE,

Geneviève VANDERSTICHELE, Judge in the court of appeal of Ghent (Be), Affiliated researcher in COHUBICOL (U.Brussels (Be)-U.Nijmegen (NL)), DPhil in Law candidate (U. of Oxford - UK), BELGIUM,

PRESIDENT OF CEPEJ / PRESIDENT DE LA CEPEJ

Ramin GARAGURBANLI, Judge, Baku Court of Appeal, Co-ordinator of Judicial Modernisation Project, Baku, AZERBAIJAN,

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Tomasz KISIELEWICZ, Expert / Coordinator, Modern technologies aspects for justice, Ministry of Justice, POLAND,

ITALIAN DELEGATION / DELGATION ITALIENNE

Raffaele PICCIRILLO, Chief of Staff Italian Minister of Justice

Paolo MENCARELLA, Magnifico Rettore, Pisa University

Vincenzo DE LISI, General Director DGSIA, Ministry of Justice

Paolo FERRAGINA, Pro-Rettore for Informatics of Pisa University

Benedetta GALGANI, Associate Professor - Pisa University

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Ute HOLTZER-STERN, Legal officer, AUSTRIA

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Robert RANQUET, Vice President Public Affairs / AI

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