

Strasbourg, 21 June 2022

CEPEJ-GT-CYBERJUST(2022)5rev2

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)

Meeting report
of the joint meeting of the CEPEJ-GT-CYBERJUST and the CEPEJ-GT-QUAL (17 March) and the
CEPEJ GT-CYBERJUST (18 March)

*The meetings were organised in the framework of the Presidency of Italy of the Committee
of Ministers of the Council of Europe*

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 - MEETING of the CEPEJ-GT-CYBERJUST

1. Introduction

1. The 6th meeting of the CEPEJ-GT-CYBERJUST was held in hybrid format (in person and online) in Pisa on 18 March 2022, following the joint meeting of the CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST, organised in the framework of the Presidency of Italy of the Committee of Ministers of the Council of Europe.

2. CEPEJ Resource Centre on Cyberjustice and Artificial Intelligence

2. In addition to the decisions taken during the joint meeting, it was proposed that a step-by-step approach should be followed in filling the Resource Centre. As for the specific mission of the CEPEJ-GT-CYBERJUST, first entries should be existing cyberjustice applications in public use (regardless if developed publicly or privately). Again, the importance to allow the assignment of multiple “tags” was underlined, to prevent those applications are only attributed to one discrete category, to allow the search/filter for specific applications from different thematic perspectives, and to make it easier to introduce new categories eventually. The questions of the non-exhaustiveness of what will appear in the Resource center, and of the choice of the tools which should appear there remain to be discussed, knowing that cyberjustice tools now exist in all judicial systems, that many are similar, and that it will be neither possible nor relevant to include them all. Slight amendments to the proposed categories were discussed, but the actual changes should be implemented only after establishment of and discussion with the AIAB.

3. European Cyberjustice Network (ECN)

3. The date of the next meeting was set for 21 October 2022. Topics proposed were:

- a. E-filing (feedback on application of recently adopted guidelines)
- b. Resource Centre on Cyberjustice and AI (expectations, roles, and incentives of ECN members)
- c. First Cyberjust/AI Survey to collect entries for the Resource Center as mentioned above (e.g. verification of questionnaire)

4. It was agreed that the format (half day online) should be maintained, as well as the invitation of a keynote speaker including a giveaway of topical publications if possible. The working group members should send proposals to the Secretariat for consideration.

5. The Secretariat would draft a preliminary agenda and concept note to be discussed with the group. A “save the date” email should be sent out before the summer break.

4. E-auctions

6. The CEPEJ-GT-CYBERJUST was entrusted in its new terms of reference to develop Guidelines on e-auctions. The process of developing the guidelines should entail the following steps and elements (including the expertise of the ECN in the process):

- comparative study
- thematic workshop with interested ECN members (input)
- draft guidelines
- thematic workshop with interested ECN members (verification)
- presentation of the final draft guidelines to the CEPEJ.

7. Supervision of the work will be provided by the working group members Pedro ALMEIDA (Portugal), Martin SCHNEIDER (Austria), as well as scientific expert Tomasz KISIELEWICZ (Poland). Martin Schneider should also ensure the liaison with the EU project “LEILA – towards a multilingual European platform for judicial Auctions”.

8. The working group agreed on a shared concept note (CEPEJ-GT-CYBERJUST(2022)2). The Secretariat was entrusted in preparing the terms of reference for the work and the identification and contracting of potential experts.

5. Public caselaw databases

9. The CEPEJ-GT-CYBERJUST was entrusted in its new terms of reference to prepare Guidelines on public jurisprudence databases, particularly focusing on requirements of anonymisation and pseudonymisation. The process of developing the guidelines should entail the following steps and elements (including the expertise of the ECN in the process):

- comparative study
- survey in the Pilot Courts network (tbc. with CEPEJ-GT-SATURN)
- thematic workshop with interested ECN members (input)
- draft guidelines
- thematic workshop with interested ECN members (verification)
- presentation of the final draft guidelines to the CEPEJ.

10. Supervision of the work will be provided by Maria Giuliana CIVININI (Italy), Gregor STROJIN (Slovenia), Martin HACKL (Austria) and Camille LE DOUARON (France).

11. The working group agreed on a shared concept note (CEPEJ-GT-CYBERJUST(2022)4). The Secretariat was entrusted in preparing the terms of reference for the work and the identification and contracting of potential experts.

6. ICT – Index

12. The working group already proposed a review of the weighting of the ICT-index. Most of the proposals were endorsed by the CEPEJ-GT-EVAL. In a next step, the CEPEJ-GT-CYBERJUST should propose a review of the concept of the ICT-index developed by CEPEJ-GT-EVAL including the part of the Evaluation questionnaire concerned. The works should be conducted close cooperation with the members of the CEPEJ Secretariat in charge of Evaluation and Statistics and in line with the established methodology and then submitted to CEPEJ-GT-EVAL for approval.

13. The Secretariat was entrusted in preparing the terms of reference for the work and the identification and contracting of potential experts. The work should be embedded in a more comprehensive and long-term reflection on indicators, their measurement and presentation in the area of cyberjustice. Concretely, the experts should:

1. identify and formulate indicators most relevant for the progress towards cyberjustice and the implementation of necessary human rights and rule of law safeguards
2. propose a review the questions of the ICT index (questions to be maintained, changed, dropped)

14. To ensure the application of the ICT index revision in the next CEPEJ evaluation cycle, the expert study should be finalised by September 2022 that the new approach could apply by March 2023.

7. HELP training module concerning the work of the CEPEJ

15. The online training course in the framework of the Council of Europe HELP programme (Human Rights Education for Legal Professionals) is under development. At this stage cyberjustice would be addressed in several modules, some of them prepared by Maria Giuliana CIVININI (Italy) and Rimantas SIMAITIS (Lithuania):

- 1) digitalisation of judicial processes
- 2) impact of Artificial Intelligence on the quality of justice
- 3) quality of justice is time taken for handling of court cases
- 4) how the CEPEJ measures the quality of justice
- 5) how quality of justice concerns users and their perception of quality

6) how quality of justice plays an important role in mediation procedures

16. The course should be finalised at the end of the year and the Working Group consulted on the draft at a later stage.

APPENDIX 1

AGENDA

The working documents are available on the [collaborative workspace](#).

Thursday 17 March 2022: 9.00 to 12.30 and 2.30 to 5.00

**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)**
2. **Creation of the Resource Center on Cyberjustice and Artificial intelligence**
3. **Possible involvement of the European Cyberjustice Network in the work on AI**
4. **Specific event on quality and digitalisation for the 20th anniversary of CEPEJ**
5. **Other topics**
 - 5. Possible joint work on mediation

CEPEJ-GT-CYBERJUST – AULA MAGNA – PISA UNIVERSITY

Opening of the meeting

1. Adoption of the agenda
-

CEPEJ Resource Centre on Cyberjustice and Artificial Intelligence

2. Exchange considering the previous day's joint meeting
-

On-line alternative dispute resolution (AODR)

3. Exchange of views on revised approach
-

European Cyberjustice Network

4. Exchange of views on topics to be discussed during the next ECN meeting
-

Online enforcement procedure

5. Exchange of views on future Guidelines on e-auctions
-

Public jurisprudence databases

6. Exchange of views on future guidelines public jurisprudence databases
-

Other topics of work for 2022 and 2023

7.
 - Feedback on ICT Index and future work with CEPEJ-GT-EVAL
 - State of play on CEPEJ-GT-CYBERJUST HELP module
-

APPENDIX 2 LIST OF PARTICIPANTS

GT-Cyberjust meeting

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