

GOVERNMENT OF MALTA
MINISTRY FOR JUSTICE

CELEBRATING 20 YEARS OF CEPEJ MALTA | 27, 28 JUNE 2022

38TH PLENARY MEETING
20TH CEPEJ ANNIVERSARY

Intervention by Mrs Oonagh Buckley, Deputy Secretary General, Department of Justice of Ireland, Representative of the Irish Presidency of the Committee of Ministers of the Council of Europe

Good [morning/afternoon], everyone.

It is a pleasure to be here with you today. I warmly thank the European Commission for the Efficiency of Justice for inviting me to share a few words as we mark the significant occasion of its 20th anniversary.

In the two decades since its establishment, the Commission has worked to protect and promote human rights and the rule of law for the proper functioning of justice across the member States of the Council of Europe.

Recent developments in digital justice present real opportunities to improve the quality and efficiency of justice. At the same time, however, as the Commission rightly points out, they constitute new challenges for the respect of the fundamental principles of the trial and essential guarantees of our judicial systems.

CEPEJ is at the forefront of ensuring that this balance is maintained in a way that safeguards fundamental human rights and ethical considerations.

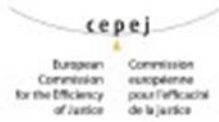
The Committee's Action Plan 2022-2025 sets out how it plans to accompany States and courts in a successful transition towards digitalisation of justice over the next four years in a way that ensures justice is humane, efficient and of high quality.

Central to this is CEPEJ's commitment to providing enhanced information relating to its evaluation of judicial systems and other tools to promote better understanding and widespread application of those results.

Also of key importance is CEPEJ's adoption of the first European text setting out ethical principles relating to the use of artificial intelligence in judicial systems.

This innovative text sets out the guiding principles for the development of AI tools in European judicial systems with the clear goal that they service the general interest and that their use respects individual rights.

The Working Group on Cyber justice and Artificial Intelligence has been tasked with developing tools and training programmes that will facilitate these goals. I look forward to seeing their work implemented in co-ordination with the work of other Council of Europe bodies in this field.



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On 20th May, Ireland was privileged to take up the Presidency of the Council of Europe for the seventh time. Our six-month leadership of the continent's leading human rights organisation comes at a critical point in European history. On 16th March, shortly after the invasion of Ukraine, the Council became the first multilateral organisation to expel Russia.

Responding to the consequences of the extraordinary events of the past few months is, naturally, a priority for Ireland's Presidency. The invasion and subsequent expulsion of one of its largest member States has led to a period of adjustment and challenge for the Council as it responds to the war by bolstering support for judicial and democratic institutions in Ukraine and human rights protections for displaced Ukrainians across Europe.

The departure of Russia as one of the organisation's traditional '*grands payeurs*', also means that member states are being asked to contribute more to cover the shortfall for the next two years, before other financing models are considered by the Council.

The Irish Presidency is adopting a whole-of-government approach focusing on three key themes.

Firstly, 'Our Founding Freedoms' - Reinforcing Human Rights and the Protection of Civilians in Europe.

Secondly: 'Hear Our Voices' - Promoting Participatory Democracy and Youth Engagement.

And lastly: 'Fáilte' (the Gaelic language word for welcome) – Fostering a Europe of Welcome, Inclusion, and Diversity.

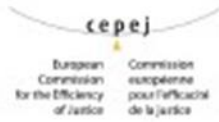
I feel this last theme is particularly important and poignant at a time when Ireland and other European States stand in solidarity with Ukraine and welcome with open arms those fleeing the war. Working with our European partners, we will continue to play our part in assisting its people in their time of greatest need.

Ireland's Taoiseach or Prime Minister, recently visited Strasbourg, and our President, Michael D. Higgins, is also expected to address the Council of Europe's parliamentary assembly over the six-month term.

Ireland's Permanent Representative in Strasbourg will chair a dozen meetings of the Committee of Ministers, addressing the Council's work on a wide range of issues such as civil society and youth participation, media freedom and gender equality.

In September, our Minister for Justice, Helen McEntee, will convene an informal meeting of the Council's 46 Justice Ministers, devoted to combating Domestic, Sexual and Gender-Based Violence.

Ireland's Presidency will also place an emphasis on Human Rights and the Environment and on equality of access to a healthy environment across all member States.



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At a policy level, Ireland aims to progress a Recommendation on Human Rights and the Environment at the Council of Europe, scheduled for adoption by the Committee of Ministers in late September.

Support for this Recommendation is consistent with Ireland's co- sponsorship of UN Human Rights Council Resolution 48/13, which recognised having a clean, healthy, and sustainable environment as a human right for the first time.

Mindful of the digital focused theme of this conference, I am proud to say that Ireland is in the midst of an era of modernisation and innovation across our justice sector.

Under the stewardship of our Minister for Justice, the Judiciary and the Courts Service, the Irish Government is investing significantly in our courts system, with a number of reforms underway that will lead to quicker, easier and cheaper access to justice for all.

A wide-ranging Review of the Administration of Civil Justice was published in 2020 containing over 90 recommendations.

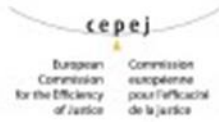
Implementation of these proposals will represent the most significant reform to civil law in the history of the State. Last month, our Minister for Justice published a plan which sets out specific actions, phases and target dates for completion of these actions up to the end of 2024.

I am pleased to say that six of the actions under this Implementation Plan have already been completed, including changes to Rules of Court to encourage compliance with time limits to reduce delays.

Key forthcoming actions include promotion of video conferencing for the taking of expert and other evidence and the creation of an online information hub to provide dedicated legal and practical information for those considering bringing proceedings without professional representation.

Substantial progress has already been made on the increased use of video conferencing across courtrooms. Towards the end of 2020, the Courts Service committed an investment in excess of €2.2 million to expand the number of courtrooms that are technology enabled. These courtrooms support remote and hybrid hearings and allow parties, witnesses, prisoners or police, dial in remotely to a physical courtroom and support digital evidence display.

Another major digitally enabled advancement in a court environment in 2020 was the introduction of a remote hearing platform, where case hearings can be heard with no in-person attendance at a physical courtroom. This allowed for judges, Courts Service staff and all parties to participate entirely remotely via video link. This has significant long-term potential to remove the overhead of in-person appearances, particularly for short procedural sittings.



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Ireland's Minister for Justice is committed to driving the modernisation and Digital First agenda across the entire Justice Sector and particularly welcomed the commitment set out by the Courts Service in its Corporate Strategic Plan 2021 – 2023, to maximise the use of digital technologies to provide an improved and user-centred service. We will seek to continue to accelerate the digitalisation of our courts to ensure that justice is accessible for everyone.

It is also a priority for our Minister to ensure that the courts are resourced to administer justice efficiently and effectively.

In order to bring more strategic focus to this, she established a Judicial Planning Working Group in April 2021 to consider the number of and type of judges required to ensure the efficient administration of justice over the next five years. The report and recommendations of this group will inform any further judicial resourcing needs.

In a democratic society based on the rule of law, the Judiciary plays a central and independent role in how justice is administered. It is critical therefore that the process to appoint members of the judiciary is transparently based on securing the best people for those roles, and that they are reinforced in their development and independence throughout their careers.

In April, Minister McEntee published the Judicial Appointments Commission Bill which will, when enacted, lead to the biggest reform in the way judges are chosen for appointment in Ireland in a quarter of a century.

The Commission, which will comprise an equal number of lay and judicial representatives, will recommend candidates for judicial appointment to the Minister for Justice and, for courts outside the State such as the Court of Justice, to the Minister for Foreign Affairs. Those recommendations will be based on merit.

In a change from current practice, any person wishing to be considered for appointment to judicial office, including serving judges, will be required to apply to the Commission. The Bill also provides that all candidates will need to have undergone an interview before being recommended to the Minister.

The Minister is also determined to overhaul and redesign the family justice system into one that is focused on meeting the complex needs of all who engage with it.

In September 2020, she established the Family Justice Oversight Group to direct and oversee the development of a strategy to design this reform. At the same time, the Irish Government also approved publication of the General Scheme of a Family Court Bill. The purpose of this legislation is the establishment of a dedicated Family Court to improve levels of judicial expertise and training in family law matters and to streamline family law proceedings, thereby making them more user- friendly and less costly. Drafting of the Bill is ongoing with a view its publication as soon as possible.



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In closing, I want to thank you again for inviting me here today to mark this milestone. I acknowledge the incredibly important work being done by CEPEJ.

For our part, the Irish Government and the Department of Justice will continue to work tirelessly to improve efficiency, access and effectiveness in our justice system through the reforms and initiatives in our Programme for Government and the Minister's Justice Plan 2022.

Thank you.