



GOVERNMENT OF MALTA
MINISTRY FOR JUSTICE

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

38TH PLENARY MEETING 20TH CEPEJ ANNIVERSARY

Intervention by Mr Damijan Florjančič, President of the Supreme Court of Slovenia

Ladies and Gentlemen, honourable guests,

It is a great pleasure for me to address this forum at the celebration of the 20th anniversary of the CEPEJ. Thank you for your invitation. First of all, let me congratulate the people working for and with the CEPEJ. Your work is of great importance to the judiciaries of Council of Europe member states. The vast knowledge and experience gathered in all the studies and guidelines, the recommendations of different working groups on evaluation, quality, cyber-justice and judicial time management are of great help to legal practitioners and policy makers all over Europe.

As you know, Slovenia has been very involved in the work of the Council of Europe and the CEPEJ. My esteemed colleagues at the Supreme Court have been very active in different fields – the Consultative Council of European Judges, the evaluation of judicial systems, questions of artificial intelligence, quality, the HELP programme... The Supreme Court of Slovenia is the proud winner of the Crystal Scales of Justice prize from 2019 and last year we have hosted the Crystal Scales of Justice event. It is through the work of my colleagues that I, as president of the Supreme Court, follow and understand your work better. We have used and still use the knowledge and expertise of the CEPEJ in different fields – from time standards to satisfaction surveys, from guidelines on judicial maps to the creation of court efficiency dashboards and the use of artificial intelligence. There is a lot of experience in the documents prepared by the CEPEJ, bringing together best practices from 46 member states with over 800 million people. Of course our judicial systems differ in many ways – from our legal history to our organisation, written and unwritten rules and customs. Nevertheless, it is our common goal to deliver our citizens a just and fair trial within a reasonable time in front of an independent and impartial judge. We have different views and paths to achieve these goals and that is why it is so important to have an international forum where different ideas, concepts and experiences can be shared and compared. CEPEJ offers this forum and for that I congratulate you. I am grateful to the CEPEJ for the work it does, the knowledge it shares.

I was asked to share with you some thoughts on the digitalisation of justice and my views on where our judiciaries are heading. Of course we are all very aware of the fact that the COVID-19 pandemic and all its consequences gave an unprecedented boost to technological advances and forced us all to change our daily work. From zoom meetings to hearings through videoconferences, we all got used to that pretty fast. With the pandemic now hopefully behind us, we can see that there are big differences among us – some have embraced these innovations and would never go back, others cannot wait to switch their



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computers and cameras off and go back off-line. This is not something new. Looking back in time at technological innovations we can see that in general they are first met with scepticism and suspicion, but soon they become our daily companions and assistants. It has been so with different innovations and it will remain so in the future. The most difficult part in change management is changing people, their habits and their perception. Once this is achieved, the technological step itself is not that difficult.

My main message would therefore be – listen to the people. Not only the people who come to courts as users, parties in proceedings, but more importantly to the people working within your judicial systems – judges and court staff. Without their understanding and support, any minor change can become a huge endeavour. On the contrary, having the support and understanding of users of technologies represents the essential condition for a successful technological leap.

Professor Richard Susskind, the world's most cited author on the future of legal services, states that we have increasingly capable machines and that the pace of technological change is accelerating. In his view it is important to distinguish two types of technological advances in our work. On one hand we have automatisation – with the help of technological advances the business processes are streamlined, reorganised and made more efficient. However, this type of technological advance only builds on the existing parameters and uses the existing technology to improve the workflow. On the other hand, we have innovation – disruptive technologies that completely change the way things are done and reset the state of play in a certain field. While it is somehow expected to be able to adapt to the digitalisation of already existing processes, it is impossible to prepare for the innovations that might and will occur. The technologies that will affect our work in the future might not even exist today. It is because of that that we always have to have the bigger picture in mind – what is the task of a judge and of a court?

In my opinion it is essential, that we understand the core function of justice, enshrined in Article 6 of the European Convention on Human Rights and Fundamental Freedoms: *Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.* The way this is done is a secondary question. It is up to us to organise our work in a most efficient manner, taking advantage of all technological advances, but having these basic principles always in mind. What we have to do is take what is best in technology, rethink how our work is done and based on that construct new business processes that allow the differentiation of access to justice.

For hundreds of years judiciaries have been mainly seen as a complex system that takes too long and is too costly. Digitalisation and technological advances offer us the opportunity to overcome these assumptions, to bring justice closer to people and enable true access to justice. We just have to be very cautious. On one hand, we have to understand that artificial intelligence and all the apparently flawless technological wonders can quickly lead to wrong decisions based on wrong incoming data. Of course, machines can learn and improve, but human control is needed. On the other hand, it is important to train justice professionals to



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use the technology and take advantage of the improvements it offers. Some parts of the procedure will be done on-line, other parts in person. Some procedures will be completely digitalised, others maybe just partly. There is nothing wrong with that. We have to understand that technology is a tool that helps us in our important task – to deliver justice. It is therefore very important, that developers and IT specialists work hand in hand with judges and court staff, to deliver solutions that really fit the needs of people working in the judiciary.

Last but not least, we must be very attentive not to make the digital divide even larger. Yes, new generations are digital natives, working and communicating on their smart phones and laptops daily. However, we also have groups of citizens, that are not familiar with technology, because it frightens them or simply they have never had access to it. We must not forget them. It is therefore our duty to offer multiple options – from completely informatised procedures to old-school in-person communication. We should find out ways, how to address elderly people and other categories of non-digital populations. No one should be left behind!

The digitalisation of justice should therefore always be accessorial to the core function of judicial decision-making. Technology can help us construct wonderful data warehouses and virtual case-law libraries. It can help with writing, legal analyses, case management, communication with parties and other legal professionals, etc. At the same time it can lead to exclusion, biased decision-making and injustice. It is our common duty to make sure this does not happen. In this context I would like to stress the importance of addressing ethical questions in the use of AI and the pioneer role of the CEPEJ in this regard.

To conclude, I would like to stress that in the end it all comes down to people. If judges and court staff understand the importance of core judicial values as independence, impartiality, transparency, accountability and fairness, then the technological advances will be seen as an opportunity, not as a threat. Invest in people, provide them sufficient training and support, give them the opportunity to be their own best and they will repay you.

At the age of 20 CEPEJ is experienced enough to know which paths to take and at the same time still young enough to embark on new, unexplored adventures. I congratulate you once again on your achievements and wish the CEPEJ all the best in the future!

mag. Damijan Florjančič

President of the Supreme Court of the Republic of Slovenia