

19 May 2022 CEPEJ(2022)5

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE**

**(CEPEJ)**

**CEPEJ Activity Report – 2021**

**Main results 2021**

The year 2021, like the last one, was marked by the COVID-19 health crisis. The European Commission for the Efficiency of Justice (CEPEJ) continued to rise to the challenge of adapting to difficult circumstances and provided its support to member States facing the same. Indeed, the pandemic has pushed European justice systems to reorganise, innovate, and often significantly accelerate the process of dematerialisation of judicial work within the courts. It should nevertheless be noted that, for the year 2021, the CEPEJ succeeded in implementing its programme of activities 2020-2021 as approved by the Committee of Ministers, almost normally and without experiencing any delay in the execution of its work.

The CEPEJ organised its 36th plenary meeting online in June 2021. The 37th plenary meeting was held in December 2021 in a hybrid format. During this meeting the CEPEJ adopted its activity programme for 2022-2023.

The Working Group on the Quality of Justice (CEPEJ-GT-QUAL) adopted an awareness-raising and training programme on mediation for enforcement agents, guidelines for a better integration of the user in judicial systems, as well as a revised roadmap aiming at ensuring the appropriate follow-up of the CEPEJ European Ethical Charter on the use of artificial intelligence in judicial systems and their environment.

The Working Group on judicial time management (CEPEJ-SATURN) developed revised SATURN guidelines for judicial time management and a Manual on dashboards for courts.

The Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) adopted Guidelines on digitisation of court records and digitalisation of courts, and Guidelines on videoconferencing in court proceedings.

The Working Group on the evaluation of judicial systems (CEPEJ-GT-EVAL) continued the preparation of the next CEPEJ Evaluation Report "European Judicial Systems" (2022 edition, 2020 data). The cooperation with the European Union in the framework of the EU Justice Scoreboard, the Western Balkans Dashboard and the Justice Eap Dashboard has also continued.

The 11th edition of the Crystal Scales of Justice Prize was organised in Ljubljana (Slovenia) and awarded The French Ministry of Justice for its project "Simplified filing of complaints in hospital for victims of domestic violence".

**For more information:** [**www.coe.int/CEPEJ**](file:///C%3A%5CUsers%5Ctaylor_mo%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CGYPCEXH3%5Cwww.coe.int%5CCEPEJ)

1. This report describes the work carried out in 2021 by the European Commission for the Efficiency of Justice (CEPEJ) in accordance with its [programme of activities](https://rm.coe.int/cepej-2019-19-progactiv-2020-2021-e-final-10-december-2019-cs/1680993c98). It has been presented to the Committee of Ministers for approval, in accordance with Articles 7.6 and 7.7 of the Statute of the CEPEJ.

**1.THE EUROPEAN COMMISSION FOR THE EFFECTIVENESS OF JUSTICE (CEPEJ) in 2021**

 ***1.1* *Composition of the CEPEJ***

2. The CEPEJ brings together experts from all member States of the Council of Europe. Only two states (Liechtenstein and San Marino) were not regularly represented at the CEPEJ. Amongst the States with observer status, Israel, Kazakhstan, Morocco and Tunisia have participated in the work of the CEPEJ.

3. Since December 2018, the CEPEJ is chaired by Mr Ramin GARAGURBANLI (Azerbaijan). Mr Francesco DEPASQUALE (Malta) is Vice-President. Ms Nino BAKAKURI (Georgia) and Mr Juan Fernando ARMENGOT IBORRA (Spain) are members of the Bureau of the CEPEJ.

4. The ECHR, the Parliamentary Assembly of the Council of Europe (PACE), the European Committee on Legal Co-operation (CDCJ) and the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH), were also represented at the plenary meeting of the CEPEJ.

5. The European Union (EU) was represented at the plenary meetings and at some of the working group meetings of the CEPEJ.

6. The European Association of Judges, MEDEL (European Magistrates for Democracy and Liberties), the European Federation of Administrative Judges (AEAJ), the Council of the Bars and Law Societies of Europe (CCBE), the European Union of Registrars of Justice (EUR), the International Union of Judicial Officers (UIHJ), the European Judicial Training Network (EJTN) the European Network of Councils for the Judiciary (ENCJ), the Council of the Notariats of the European Union (CNUE), the European Institute of Expertise and Expert (IEEE), the World Bank, the Organisation for Economic Cooperation and Development (OECD), as well as the Faculty of Law, Political Science and Management of Strasbourg were present.

***1.2 Meetings of the CEPEJ***

7. The CEPEJ organised its 36th plenary meeting exclusively by videoconference and its 37th plenary meeting in hybrid format.

8. The Bureau of the CEPEJ met twice, on 15 January and 9 September 2021. It was decided that the Bureau meetings would now be held online due to the small number of members; the lack of costs also allows for ad hoc Bureau meetings to be organised as required.

9. In accordance with the programme of activities, the working groups met regularly, under the respective presidencies of Mr. Jasa VRABEC (Slovenia) for the working group on the evaluation of judicial systems (CEPEJ-GT-EVAL), Giacomo OBERTO (Italy) for the SATURN group on judicial time management (CEPEJ-SATURN), Mr. Joao ARSENIO DE OLIVEIRA (Portugal) for the group on quality of justice (CEPEJ-GT-QUAL) and Mrs. Maria Giuliana CIVININI (Italy) for the group on cyber-justice (CEPEJ-GT-CYBERJUST). As the meetings were organised online, the initial schedule of meetings was modified according to the progress of the work; shorter, more frequent meetings on a specific theme were sometimes preferred to traditional Working Group meetings, as these were more in line with the availability of the members of the groups. This flexibility in the organisation and form of meetings should be maintained even after the crisis, although meetings to discuss the content of a document in detail are more effective in person than online.

**2. CEPEJ ACTIVITIES AND ACHIEVEMENTS IN 2021**

10. The CEPEJ's programme of activities is part of the "Rule of Law" Pillar, Sector "Justice", Programme "Independence and Efficiency of Justice" of the Council of Europe's Programme and Budget. The CEPEJ's mission of promoting common fundamental values is essential to the activities of the Council of Europe, in particular to consolidate democracy, good governance and the rule of law in member States.

11. The Committee of Ministers has entrusted the CEPEJ with the task of proposing practical solutions to be used by member States of the Council of Europe to :

* promote the effective implementation of existing Council of Europe instruments on the organisation of justice;
* promote the public service of justice and ensure that public policies concerning the courts take into account the needs of the users of the judicial system, in particular those of the magistrates and court officers;
* contribute to reducing the workload of the ECHR by providing States with effective remedies prior to recourse to the Court and by preventing violations of Article 6 of the European Convention on Human Rights.

**2.1 *Tools for analysing the functioning of judicial systems and for guiding public justice policies towards greater efficiency***

***2.1.1. Assessing the functioning of European judicial systems***

12. The preparation of the next CEPEJ Evaluation Report "European Judicial Systems" (2022 edition, 2020 data) is ongoing. A new data collection, based on a revised questionnaire, was shared with the national correspondents of the member and observer States participating in the evaluation cycle (Israel, Morocco, Kazakhstan). Quality control of all quantitative and qualitative data, harmonised for all participating countries and for the four evaluation exercises underway, was carried out. In parallel, changes to the structure of the Report were proposed by the CEPEJ-GT-EVAL and validated by the CEPEJ in order to continue to improve its content. The first part will be dedicated to the analysis of European trends through different chapters (budgets, professionals, courts, users, ICT and efficiency and quality of courts and public ministries) while the second part, "country profiles”, will be revised and enriched with synthetic analyses for the judicial system of each country for the first time. The draft Report for the 2022 evaluation cycle will be presented to the CEPEJ for adoption in June 2022 and the Report published in October 2022.

13. The collaboration with the professional observers to the CEPEJ-GT-EVAL (International Union of Judicial Officers, European Institute of Expertise and Experts, Council of Notaries of the European Union) continues with a view to the publication of specific studies based on the 2020 data collected and monitored by the CEPEJ on the CEPEJ-STAT webpage, shortly after the CEPEJ Evaluation Report.

***2.1.2. Cooperation with the European Union***

14. The Council of the EU, the European Commission and the European Parliament are regularly represented at CEPEJ meetings.

15. Cooperation on the evaluation of judicial systems with the European continues and is being bolstered by:

- the renewal of the contract between the CEPEJ-European Commission for an annual study on the functioning of the judicial systems of the member States of the European Union, main source of the EU Justice Scoreboard;

- the continuation of the annual assessment of the functioning of the judicial systems in the beneficiaries of the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo\*, Northern Macedonia, Montenegro and Serbia), "Western Balkans Dashboard";

- the first annual evaluation of the functioning of the judicial systems in the "Eastern Partnership" countries (Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine), "Dashboard Justice Eap".

16. The confidence of the European Commission in the quality of the data and the methodology of the CEPEJ, which is fully applicable to all these evaluations, should be underlined. The involvement of the CEPEJ in the efforts of the European Commission reinforces the pre-eminent role of the CEPEJ in the field of evaluation of justice, as well as the synergies between the European Union and the Council of Europe in this field. It also increases the visibility of the CEPEJ and the Council of Europe.

***2.1.3 Cooperation with the OECD (Organisation for Economic Cooperation and Development)***

17. The OECD attaches particular importance to the work of the CEPEJ in assessing the situation within the judicial systems in its European member States, and to the CEPEJ's methodology for possibly extending this assessment to non-European members. The OECD regularly participates in the relevant work and meetings of the CEPEJ.

***2.2 Optimising judicial time management***

18. The CEPEJ SATURN Working Group has continued its work on the development of relevant tools on judicial time management and knowledge of judicial timeframes, drawing on the expertise of the CEPEJ Network of Pilot Courts.

19. The CEPEJ has adopted the Handbook on Court Scoreboards to help courts, court managers, and legal professionals to monitor and analyse the activity and efficiency of courts by giving an overview of their performance. The manual provides practical, step-by-step guidance on how to develop comprehensive court and judge dashboards. It covers the dashboard design process, including content, data visualisation, and technical requirements.

20. The CEPEJ adopted revised SATURN Guidelines for judicial time management (4th revision). The document has been complemented by guidelines for non-judicial staff, lawyers, experts, enforcement agents, and Rechtspefleger. The guidelines provide the main measures to speed up court proceedings, while keeping the specific competences and ethical standards of each professional group in mind. They have been developed jointly with the Council of European Bars and Law Societies (CCBE), the European Institute for Expertise and Valuation (IEEE), the European Union of Rechtspfleger (EUR) and the International Union of Judicial Officers (UIHJ).

21. The CEPEJ-SATURN prepared a report on the experiences of courts in managing judicial time in times of health crisis, based on the information provided by the CEPEJ Pilot Courts Network. The report complements the information collected by the CEPEJ from its members on the blog set up in March 2020 and the CEPEJ Declaration on lessons learned and challenges for judicial systems during and after the COVID-19 pandemic adopted on 10 June 2020.

22. The CEPEJ-SATURN has also continued its work on a tool to better analyse the different timeframes according to the different stages of the civil procedure. It has developed a questionnaire in order to identify the time foreseen in the regulations for each stage of an ordinary civil procedure, the estimated duration in practice, and the reasons explaining the difference between these two periods. The overall objective of this action is to detect delays in civil proceedings and to identify the causes.

23. CEPEJ-SATURN members and scientific experts participated in several (online) meetings in 2021 to promote the tools on judicial time and court management. Examples include a meeting to present the case weighting system to the French Ministry of Justice and magistrates, or a seminar to support the Turkish Ministry of Justice in its reflection on the improvement of the judicial time management system.

***2.3. Promoting the quality of justice***

24. The Working Group on the Quality of Justice prepared a document "For a better integration of the user in judicial systems - Guidelines and comparative studies on the centrality of the user in legal proceedings in civil matters and on the simplification and clarification of language with users”.

25. It also developed a Mediation awareness and training Programme for enforcement officers, which complements the Mediation Toolkit.

26. The CEPEJ-GT-QUAL has also prepared a "Revised Roadmap for the appropriate follow-up of the CEPEJ European Ethical Charter on the use of artificial intelligence in judicial systems and their environment". It recommends, as a follow-up to the European Ethical Charter on the use of artificial intelligence in judicial systems and their environment, the abandonment of the planned creation of a certification system by the CEPEJ of tools using artificial intelligence in the field of justice, in favour of an operationalisation of the principles of the Charter. It also plans to set up a resource centre on artificial intelligence tools and a select committee of experts on the issue, to reinforce the technical expertise of the CEPEJ (Artificial Intelligence Advisory Board – AIAB).

27. These various documents have been adopted by the CEPEJ. The CEPEJ-GT-QUAL has also continued its work on gender equality in the recruitment and promotion process of judges.

***2.4. Framing the evolution of cyber-justice***

28. Following the request of several member states during the health crisis and the closure of courts, the CEPEJ-GT-CYBERJUST developed guidelines on videoconferencing in judicial proceedings.

29. The group also adopted guidelines on the digitisation of court files and the digitalisation of courts.

30. A European e-Justice Network was established and officially launched on 16 November 2021. It is made up of cyber-justice experts from all member States and is intended to serve as a platform for exchanging good practice in this area and for discussing the challenges of developing cyber-justice, particularly with regard to the principles of fair trial.

***2.5 Promoting the use of mediation***

31. The CEPEJ-GT-MED Group saw its activities suspended in 2020, but mediation remains an area actively supported by the CEPEJ through the CEPEJ-GT-QUAL as an alternative means of dispute resolution, aimed in particular at relieving the courts while improving their efficiency and the quality of the decisions rendered. In this framework, the Toolkit for the development of mediation remains important, in particular in cooperation projects.

***2.6 Supporting States in their judicial reforms***

32. The CEPEJ continues to make a substantial effort to put its methodology, tools, and the experience of its members and experts at the service of capacity building and cooperation programmes, thereby enabling the Council of Europe to bring strong added value to beneficiary states in the context of judicial reforms. Very good synergies have been developed between the intergovernmental work of the CEPEJ and the direct and in-depth use of this work to support national judicial reforms. This cooperation is addressed both to national justice policy bodies (Ministries of Justice, Parliaments, High Councils of Justice) and to individual courts.

33. Specific cooperation programmes, co-financed by the European Union or voluntary contributions from member states and the Council of Europe, have been implemented by the CEPEJ to support judicial reforms in particular:

* in Albania: "Strengthening the Quality and Efficiency of Justice in Albania (SEJ III) (May 2019 - May 2022);
* in Azerbaijan: "Strengthening the efficiency and quality of the judicial system in Azerbaijan" (PGG II Programme) (1 March 2019 - August 2022);
* in Spain: "Promoting cyber-justice in Spain through change management" (June 2020 - May 2022);
* in Georgia: “Enhancing the accountability and efficiency of the judicial system and the professionalism of lawyers” (PGG II Programme) (January 2020 - February 2023);
* in Kosovo\* "Strengthening the Quality and Efficiency of Justice in Kosovo\* (KoSEJII) (May 2019-May 2022);
* in Latvia: "Strengthening the access to justice in Latvia through fostering mediation and legal aid services, as well as support to the development of judicial policies and to increased quality of court management (DG Reform) (September 2019 - June 2021);
* In Malta, "Establishing a digital strategy for the Maltese justice sector" (DG Reform) (May 2020-November 2021);
* In Morocco, "Improving the functioning of justice in Morocco based on the tools developed by the CEPEJ" phase II (November 2020-December 2021);
* In the Republic of Moldova: "Support to further strengthening the efficiency and quality of the judicial system in the Republic of Moldova (PGGII) (November 2019 - February 2023);
* In the Slovak Republic, Project “Continued support to a well performing Slovak judiciary” (DG Reform) (September 2019 - November 2021);
* In Tunisia: "Improving the functioning, performance and access to justice in Tunisia” AP-JUST) (January 2019 - December 2022);
* Regional Support to Reinforce Human rights, Rule of Law and Democracy in the Southern Mediterranean (South IV Programme) (March 2020-August 2022).

***2.7 Strengthening relations with users of the justice system and national and international bodies***

***2.7.1 Bringing specific expertise to the debate on the functioning of the judicial system: providing the legal and judicial community with a space for reflection and proposals and bringing the judicial systems closer to their users***

34. The CEPEJ has continued to develop privileged working relations with other Council of Europe committees, such as the consultative bodies on justice (CCJE, CCPE), the standard-setting committees (CDPC, CDCJ, CDDH) and other bodies dealing with justice issues, such as the Department for the execution of judgments of the ECHR.

35. The European Day of Justice was celebrated around 25 October in 17 member States through 23 events, despite the difficult conditions surrounding the health crisis.

***2.7.2. With certain member States and other international partners***

36. The CEPEJ has been represented by its members or by its Secretariat in Europe and around the world, at online Conferences which have dealt with questions of direct interest to the functioning of justice. Moreover, many European media regularly refer to the work of the CEPEJ. This confirms the great interest that the European and international judicial communities attach to its work.

**3. Communication methods**

37. The CEPEJ website continues to be a confirmed success, with an average of almost 10,000 visitors per month. The website remains a reference within the European judicial community. The CEPEJ's Facebook page has nearly 2,000 subscribers.

38. The CEPEJ organised the Crystal Scales of Justice Prize ceremony which took place in Ljubljana on 1 October 2021 at the invitation of the Supreme Court of Slovenia, winner of the previous edition of this Prize. The Prize was awarded to the French Ministry of Justice, for its project "Simplified filing of complaints in hospital for victims of domestic violence".