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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**CEPEJ ARTIFICIAL INTELLIGENCE ADVISORY BOARD (AIAB)  
TERMS OF REFERENCE 2024 – 2025  
DRAFT**

Document prepared by the Secretariat

## 1. Background

1. In 2018, the CEPEJ adopted the European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment<sup>1</sup> (hereafter the CEPEJ Charter). The CEPEJ Charter lays out the five key principles that should be respected in the design and use of AI: (1) Respect for fundamental rights in the design and use of AI tools, (2) Non-discrimination, (3) Data quality and security, (4) Transparency, impartiality, and fairness, (5) under user control.

2. The CEPEJ Charter represents the first step in the CEPEJ's efforts to promote responsible use of AI in European judicial systems, in accordance with the Council of Europe's fundamental principles. The CEPEJ Charter had the merit of being the first reference document to lay down the main principles to be observed when developing AI systems in a manner that complies with Human Rights. Even though the principles should remain valid over time, the ambition of the CEPEJ is to treat the Charter as a living document, ensuring that recent developments in the area are taken into consideration in all activities related to the Charter's dissemination and application.

3. In this regard, in December 2021, the CEPEJ approved a Roadmap for ensuring an appropriate follow-up of the CEPEJ Charter<sup>2</sup>, made up of five key elements:

- developing assessment tools of the CEPEJ Charter, in particular through an operationalisation of its principles;
- setting up an Artificial Intelligence Advisory Board (AIAB);
- creating a Resource Centre on Cyberjustice and Artificial Intelligence;
- possibly implementing a Pilot Project on CEPEJ Charter conformity assessment;
- complementary awareness raising and training activities.

4. In 2022 and 2023, the AIAB and the Resource Centre have been established and the Assessment Tool for the operationalisation of the European Ethical Charter on the use of artificial intelligence in judicial Systems and their environment (CEPEJ(2023)16)<sup>3</sup> approved by the CEPEJ at its December 2023 meeting.

5. The AIAB plays an important advisory role in the implementation of the Roadmap and in the application of the corresponding tools. This document constitutes the second mandate of the AIAB, for the period 2024-2025.

## 2. Role and mandate of the AIAB

6. The AIAB has the following tasks:

- a) monitor the actual emergence of AI applications in the justice sector,
- b) provide expert guidance on the operationalisation and implementation of the principles of the CEPEJ Charter,
- c) present to the CEPEJ and its working groups the current developments and advise on possible new strategies and concrete actions concerning the use of AI in the justice system respecting fundamental rights.

### a) Monitoring AI applications in the judiciary

7. There is an ongoing a debate about the various systems using algorithms and automation that have already been implemented or are likely to be implemented in the field of justice. These

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<sup>1</sup> <https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c>

<sup>2</sup> <https://rm.coe.int/cepej-2021-16-en-revised-roadmap-follow-up-charter/1680a4cf2f>

<sup>3</sup> <https://rm.coe.int/cepej-2023-16final-operationalisation-ai-ethical-charter-en/1680adcc9c>

systems are often pilot projects that are not commonly accepted or developed. A comprehensive register of existing AI applications in the justice system is available in the " Resource Centre on Cyberjustice and Artificial Intelligence"<sup>4</sup>, which enables the exchange of experience on their use.

8. The AIAB is responsible for managing and progressively developing the Resource Centre. This entails identifying, verifying, entering and analysing relevant AI and cyberjustice systems in regular intervals. The identification of relevant information is done in cooperation with the European Cyberjustice Network (ECN). A summarising analysis of the findings is expected at least once per year.

#### **b) Providing expert guidance on the operationalisation of the principles of the CEPEJ Charter**

9. The AIAB gives advice on how to concretely implement the CEPEJ Charter, in combination with the dedicated assessment tool. Potential new developments should be considered.

#### **c) Providing expert guidance on AI and cyberjustice**

10. The AIAB can be asked to provide expert guidance and advice on all issues related to the use of AI in the justice systems particularly in relation to ethical aspects and respect of fundamental rights.

11. The AIAB proposes new CEPEJ strategies concerning the use of AI and cyberjustice in the justice system<sup>5</sup>, in particular the development of new CEPEJ tools or actions to ensure increased application of the CEPEJ AI Ethical Charter and can be invited to contribute.

12. Some AIAB members can be invited to attend CEPEJ meetings (plenary or working group meetings), to participate in discussions, give advice and/or report on relevant activities. Also, some AIAB members can be invited occasionally to attend national and international meetings to speak about specific aspects of AI within their competence.

13. In carrying out its tasks, the AIAB considers the work of other Council of Europe committees dealing with AI and cyberjustice issues, as well as the work of other international bodies, with a view to avoiding duplication and promoting coordination of tasks and possible collaboration.

### **3. Meetings of the AIAB and organisation of its work**

14. The AIAB meets up to four times per year of which at least one meeting shall be in person, subject to financial possibilities.

15. The AIAB, via its coordinator, should report to the CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST at each of their respective meetings (twice a year).

### **4. Appointments and composition of the AIAB**

16. The AIAB consists of five experts appointed by the CEPEJ Bureau following applications received in response to a public call for expression of interest. Diversity in academic and professional backgrounds, geographical origin and gender should be ideally achieved in the overall composition. Members of the AIAB could come from the judiciary, academia, public

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<sup>4</sup> <https://www.coe.int/en/web/cepej/resource-centre-on-cyberjustice-and-ai>

<sup>5</sup> 2022 – 2025 CEPEJ Action plan: "Digitalisation for a better justice", CEPEJ(2021)12Final.

administration, IT industry, and NGOs. The candidates should satisfy the following minimum requirements:

- studies in law or in political sciences, social sciences, or in mathematics, engineering, technical sciences (development of software etc.) or other related fields;
- strong professional experience in relation to justice or IT, a combination of both would be an asset;
- demonstrated interest for ethics and/or fundamental rights, especially in the area of justice or IT applications;
- proven interest and knowledge of AI;
- knowledge of the functioning and the work of the CEPEJ;
- very good knowledge of English.

#### **5. Remuneration of members of the AIAB**

17. The above-mentioned tasks of the AIAB are not remunerated. Travel and substance costs are reimbursed in case they occur.

#### **6. Duration**

18. The AIAB has a mandate of two years, renewable upon the decision of the CEPEJ Bureau.