Strasbourg, 23 November 2023

CEPEJ-GT-CYBERJUST(2023)6Rev1

Working Group on Cyberjustice and Artificial Intelligence

(CEPEJ-GT-CYBERJUST)

9th meeting (19-20 October 2023)

Meeting report

Report prepared by the Secretariat

Directorate General I - Human Rights and the Rule of Law

I.   Introduction

1.   The Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) of the European Commission for the Efficiency of Justice (CEPEJ) held its 9th meeting on 19-20 October 2023, at the premises of the Ministry of Justice of Portugal in Lisbon. The meeting was held in hybrid format. The agenda is attached as Appendix I to this report.

2.   The Working group members were welcomed by Lídia Jacob, Director-General Justice Policy, Ministry of Justice of Portugal and Francesco Depasquale, President CEPEJ (online). The meeting was chaired by Maria Giuliana Civinini, President CEPEJ-GT-CYBERJUST (online) and Pedro Almeida.

II.   Presentation of Artificial Intelligence (AI) initiatives by the Ministry of Justice of Portugal

3.   The Ministry presented recent AI initiatives in the field of justice: the "Practical Guide to Access to Justice (GPJ)", an initiative to use generative AI in the communication with citizens on legal matters, as well as the "govTech" strategy, aiming at realising the full potential of digitalisation in the field of justice through cooperation with academia and the private sector.

 The group decided to present these initiatives to a wider audience, for example at a European Cyberjustice Network (ECN) seminar.

III.   Activities concerning Artificial Intelligence (AI)

4.   Marek Świerczyński (Poland), member of the Artificial Intelligence Advisory Board (AIAB) reported on the AIAB meetings held on 12 June 2023[1] and 21 September 2023[2]. Among the issues discussed were progress on the operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment and the verification and publication of AI systems identified for the "Cyberjustice and Artificial Intelligence Resource Centre" (ReC).

5.   Marek Świerczyński presented the current status of the ReC, comprising 92 entries. The working group exchanged views on its use and development with a view to the next mandate of the CEPEJ-GT-CYBERJUST.

6.   Pedro Almeida (Portugal) informed the Working Group of the progress made in the formulation of the AI regulation within the Council of Europe Committee for Artificial Intelligence (CAI), which held its 5th and 6th meeting on 19-21 April[3] and 31 May – 2 June[4] 2023 respectively.

7.   The Working Group proposed to pay more attention to the application of AI in the field of justice and, to this end, to mention it in its next mandate.

IV.   Operationalisation of the "European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment"

8.   Alexandra Tsvetkova (Bulgaria), member of the AIAB, presented the Draft Guidelines on the Operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment.

9.   The Working group members stressed the need, despite the complexity of the subject, to produce a tool that is applicable in practice, concise and understandable by users who are

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[1] CEPEJ-AIAB(2022)3
[2] CEPEJ-AIAB(2023)4
[3] CAI(2023)11
[4] CAI(2023)14

often lawyers. It approved the approach suggested by the CEPEJ-GT-QUAL of reducing the text, structuring it around a checklist and using clear wording, ideally with practical examples.

V.   Factsheet on Generative AI

10.   Camille le Douaron (France) presented the draft factsheet on generative AI aimed at clarifying the limits and possibilities of such freely available tools, if applied in the judicial context.

11.   The Working group proposed to change the title to "Note on the use of generative AI in the field of justice" better reflecting the document's purpose and the fast development of the technology. The note should be further as concise and to the point as possible. It should be clearly targeted towards judges.

12.   The group underlined the need to finalise the work as soon as possible, to ensure relevance of the guidance and asked the expert for a revised version of the document within two weeks.

VI.   Online alternative dispute resolution

13.   The Working group reviewed the draft guidelines on online Alternative Dispute Resolution prepared and presented by Federica Casarosa (Italy) and Maria da Conceiçao Oliveira (Portugal).

14.   The draft was adopted, subject to minor amendments proposed by the CEPEJ-GT-CYBERJUST and the CEPEJ-GT-QUAL; it was agreed to submit it to the CEPEJ for consideration with a view to its adoption at its December plenary meeting.

VII.   Public jurisprudence databases (use of metadata and anonymisation)

15.   Monica Palmirani (Italy) presented a preliminary analysis of the survey carried out within the European Cyberjustice Network (ECN) and the CEPEJ's Pilot Courts Network with the aim of obtaining a precise picture of practices concerning the publication of court decisions in Europe.

16.   The members of the Working Group urged to speed up the work and propose to finalise it in the first part of 2024. The analysis of the survey results should be the subject of a publication, followed by guidelines limited to specific elements, such as completeness, text structure, data-formats, and search functions.

17.   It was agreed that Monica Palmirani would carry out her analysis within a week.

VIII.   European Cyberjustice Network (ECN)

18.   The Working Group finalised the agenda for the ECN's annual meeting, scheduled for 23 November 2023. The purpose of this meeting is to ensure better dissemination of the Guide on judicial e-auctions (CEPEJ (2023)11). This year, Mireille Hildebrandt (Netherlands), Professor at the Vrije Universiteit Brussels (VUB), will speak on the subject of the interface between law and technology and present the best practices of Ukraine and Bulgaria in this area.

IX.   Future priorities for CEPEJ-GT-CYBERJUST

19.   The Working Group exchanged views on the potential subjects to be addressed during the mandate of the CEPEJ-GT-CYBERJUST for 2024 and 2025, which could be as follows:

1) Guidance to bridge the Digital Divide
2) Tech Glossary for judges (to complement the CEPEJ Glossary)
3) ICT Training Curriculum for Judges
4) Guidance on the use of Generative AI in the field of justice
5) Follow up on the Guidelines on videoconferencing in judicial proceedings

6) Guidelines on establishing GovTech initiatives in the field of justice.
7) Strengthening of the Resource Centre
8) Strengthening of the ECN (extension of the seminar series)
9) Continuation of the work on electronic publishing of judicial decisions

20.   The Working group agreed to submit this list to the CEPEJ Bureau responsible for preparing the draft programme of activities for the next two years.

X.   Any other business

21.   The members of the Working Group exchange information on important recent and forthcoming activities:

- Spanish Presidency of the Council of the European Union Conference of the Ministry of Justice and the European Commission on Justice Systems in times of Change (9-10/10/2023)

- "The role of the European institutions in upholding the core values of the legal profession in the administration of justice" at the European Lawyers Day in the framework of the European Day of Justice, organised by the Council of Bars and Law Societies of Europe (23/10/2023)

- EJTN Judges @ Europe Forum (25-27/10/23)

- Superior Courts Network Webinar (no. 7) "The Present and Future of the Artificial Intelligence Systems in the Judiciary" (17/11/2023)

22.   The Secretariat transmitted to the CEPEJ-GT-CYBERJUST an invitation to the Cyberjustice Europe 2023 Conference, organised by the Institut des Études et de la Recherche sur le Droit et la Justice and the Montreal Cyberjustice Laboratory (24/11/2023)

23.   The Secretariat informed about the Working group's attained observer status to the project Digitalisation of Civil Justice Systems in Europe by the European Law Institute (ELI), aiming at formulating a set of principles to be considered in the digitalisation of justice systems, based on Article 6(1) ECHR and other relevant references. The commitment of the group would entail the review and commenting of project deliverables.

APPENDIX 1

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE

(CEPEJ)

9th meeting of the Working Group on Cyberjustice and Artificial Intelligence

(CEPEJ-GT-CYBERJUST)

19-20 October 2023

Lisbon, Portugal

AGENDA

1.	**Opening of the meeting and welcome by the Ministry of Justice of Portugal**
2.	**Presentation of AI initiatives by the Ministry of Justice of Portugal**
3.	**Briefing and discussion on activities concerning artificial intelligence**
4.	**Activities concerning artificial intelligence**
5.	**Operationalisation of the "European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment"**
6.	**Factsheet on Generative AI**
7.	**Online alternative dispute resolution**
8.	**European Cyberjustice Network (ECN)**
9.	**Public jurisprudence databases (use of metadata and anonymisation)**
10.	**Future priorities for CEPEJ-GT-CYBERJUST**
11.	**Any other business**

APPENDIX 2
LIST OF PARTICIPANTS

MEMBERS

Pedro ALMEIDA, Legal Adviser, European Affairs Coordination Unit, Directorate-General for Justice Policy, Ministry of Justice, Lisbon, PORTUGAL

Maria Giuliana CIVININI, Judge, member of the Italian Judiciary, President of the Tribunal of Pisa, Pisa, ITALY (online)

Camille LE DOUARON, Chargée de mission data, Ministère de la Justice, FRANCE

Rimantas SIMAITIS, Associate Professor at Vilnius University, Partner at Cobalt law firm, Attorney-at-Law, Arbitrator, Mediator, Vilnius, LITHUANIA

Genevieve VANDERSTICHELE, Judge in the court of appeal of Ghent, BELGIUM (Deputy member, online)

Francesco DEPASQUALE, CEPEJ President (online)

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INVITED DELEGATION OF BOSNIA - HERZEGOVINA

Admir SULIAGIC, Director of the HJPC Secretariat

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Artificial Intelligence Advisory Board (AIAB)

Marek Świerczyński, Professor of Law and Attorney, Member of the CEPEJ Artificial Intelligence Advisory Board, AIAB Member

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OBSERVERS

COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE

Ana DROZD, Senior Legal Advisor (online)

EUROPEAN UNION OF RECHTSPFLEGER AND COURT CLERKS

Stefan DAMBÖCK (online)

ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES (AEAJ / FEJA)

Germana LO SAPIO (online)

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)

Alice Hamilton (online)

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EXPERTS

Federica Casarosa, Maria Oliveira, Monica Palmirani, Alexandra Tsvetkova (online)

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SECRETARIAT

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