

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

Working Group on Quality of Justice (CEPEJ-GT-QUAL)

34th meeting – 27-28 February 2023  
Palais, Room 7

Hybrid meeting

### **MEETING REPORT**

#### **1. Introduction**

1. The Working Group on Quality of Justice (CEPEJ-GT-QUAL) of the European Commission for the Efficiency of Justice (CEPEJ) held its 34<sup>th</sup> meeting in Strasbourg, on 27-28 February 2023. The meeting was chaired by Joao ARSENIO DE OLIVEIRA (Portugal) and Francesco DEPASQUALE (Malta) who was present in the meeting as new president of the CEPEJ. The agenda and list of participants are attached to this report as Annexes I and II respectively.

#### **2. Visit to the European Court of Human Rights**

2. The CEPEJ-GT-QUAL visited the European Court of Human Rights and had a meeting with Mr Ioannis Ktistakis, Judge elected in respect of Greece. Judge Ktistakis referred to the work of the CEPEJ which is often mentioned in the work of ECtHR. He explained the working processes within the Court and to the use of new IT tools. Being asked about his view on the main problems affecting European judicial systems, he mentioned (1) the length of judicial proceedings; (2) the fairness of judicial proceedings; and (3) independence of judges. Aspects related to the evaluation and retirement age of judges were also discussed.

3. Members of the CEPEJ-GT-QUAL suggested that such meetings could be organised more regularly to discuss common topics of interest and potential cooperation which should allow CEPEJ to continue improving the efficiency and the functioning of the justice system of member states, with a view to ensuring that everyone within their jurisdiction can enforce their legal rights effectively, as stated in its mandate.

#### **3. HELP module on CEPEJ tools on quality of justice**

4. Gilles ACCOMANDO (France) presented in detail the advanced draft HELP module on quality of justice and users. Videos will be added to enrich and make the module more dynamic. Members of the CEPEJ-GT-QUAL were invited to take part in the development of the video content.

5. It was proposed to introduce in the module references to digitalisation of the judiciary and related CEPEJ-GT-QUAL work, and to the notion of “legal design”. Members of the CEPEJ-GT-QUAL were invited to give any additional written feedback on the course within two weeks, until 17 March. The module will then be revised by the Secretariat and sent to designers for finalisation.

#### **4. Consultation of CEPEJ-GT-SATURN regarding a possible update of the Recommendation Rec(86)12**

6. Members of the CEPEJ-GT-QUAL commented on the draft document aimed at suggesting to the CDCJ an update of the Recommendation CM/Rec(86)12 of the Committee of Ministers concerning measures to prevent and reduce the excessive workload in the courts (CEPEJ-GT-QUAL (2023)3).

7. The CEPEJ-GT-QUAL considered that the approach adopted at the time as well as the drafting of the Recommendation seem outdated in several parts. CEPEJ-GT-QUAL suggested that a new Recommendation is prepared taking into consideration the developments that have happened in the fields covered by the Recommendation (ADR in particular), as well as in fields outside its current scope (such as ICT) and the numerous tools developed by CEPEJ since then to improve the functioning of the judicial systems. In addition, CEPEJ-GT-QUAL agreed that there are non-litigious functions performed by the judiciary which can be handled by other legal professionals. However, it suggested that it is up to each member State to decide whether these tasks should be dealt with by other legal professionals within the judicial system (clerks or Rechtspflegers) or outside the judicial system (notaries, lawyers etc).

8. Regarding the list of non-judicial tasks of which judges could be relieved, the CEPEJ-GT-QUAL suggested to specify what is covered by each of the tasks presented in the list as the drafting is general and very often covers elements of which judges could indeed be relieved and others that should remain of the competence of a judge or subject to court review.

9. It was decided that the Secretariat will prepare a revised document that will be shared with members of the CEPEJ-GT-QUAL soon after the meeting for written approval before sending it to the CEPEJ-SATURN for its consideration.

#### **5. Evaluation of the performance of judges**

10. Pierre THIRIAR (Belgium), the consultant involved in the task along with Nina BETETTO (Slovenia) who was not present, presented the Questionnaire on the evaluation of the quality of the work/performance of judges (CEPEJ-GT-QUAL(2021)1).

11. Members of the CEPEJ-GT-QUAL commented on the extensive nature of the questionnaire and made specific recommendations for improving it. It was recommended to include questions for identifying the respondent (judge or not, gender, which branch of the judiciary he/she represents etc). Discussions touched upon difference among member States in organisation of judges’ work, notably regarding court hearing. A related proposal concerned the introduction of a question on such an evaluation criterion as “How many days per week the judge spends in the court?” It was suggested to introduce a question on the possibility to challenge the evaluation outcomes.

12. The questionnaire was approved. Pierre THIRIAR would update it based on the discussions, by 17 March, consult Nina BETETTO and send to the members of the CEPEJ-GT-QUAL for eventual feedback on the introduced changes. The questionnaire would be further

presented to the CEPEJ Network of Pilot Courts on 30 March by Stergios KOFINIS (Greece) and then disseminated among CEPEJ networks.

13. Coordination with the Consultative Council of European Judges (CCJE) would be ensured, notably via the CEPEJ President, Francesco DEPASQUALE.

## **6. Access to justice of vulnerable people**

14. Members of the CEPEJ-GT-QUAL were informed that the Secretariat did not succeed in identifying and contracting a scientific expert to work on developing guidelines to improve the access to justice and the quality of judicial services for persons with disabilities.

15. Consultations have been engaged with colleagues from the Council of Europe on a possible involvement of the CEPEJ-GT-QUAL in improving the access to justice for children, in line with [Guidelines of the CM on child-friendly justice](#) (2010) and the [Strategy for the Rights of the Child](#) (2022-2027). Regina JENSDOTTIR, Head of Children's Rights Division and CoE Programme Coordinator for the Rights of the Child, shared with CEPEJ-GT-QUAL the information on various measures taken within the Council of Europe (including the CDCJ and the Steering Committee for the Rights of the Child (CDENF), Lanzarote Committee, and co-operation programmes) with a view to ensuring child-friendly justice.

16. Discussions followed on aspects such as: professional awareness and training for judges and other professions of the justice system to deal with minors when they (should) take part in proceedings; place/treatment of children in court hearings; legal representation of children and their protection in situations of conflicts of interests; the support judges can receive from other professionals when dealing with children; the place/treatment of children in mediation procedures (esp. protection of children's best interest in family mediation), etc.

17. Regina JENSDOTTIR suggested that the CEPEJ-GT-QUAL could potentially focus on guidelines for judges and other legal professionals on how to operationalise the child friendly justice with a particular focus on the issue of the participation of children in judicial proceedings.

18. In line with the conclusions of the brainstorming session (see paragraphs 22 of this document), the CEPEJ-GT-QUAL would further consider developing a Toolkit on facilitating the access to justice for vulnerable people, with a first focus on children. A concept note for further internal consultations and further discussion within the CEPEJ-GT-QUAL at its next meeting will be prepared by the Secretariat.

## **7. Better implementation of the CEPEJ European Ethical Charter on the use of Artificial Intelligence in judicial systems and their environment**

19. Matthieu QUINIOU and Alexandra TSVETKOVA presented their proposals for a tool-based operationalisation of "European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment" (CEPEJ-GT-QUAL(2023)2). They proposed to develop a map of compliance criteria, risks, and risk management measures based on the five principles of the Ethical Charter. It should not focus on technical aspects of AI development and deployment. The mapping exercise shall facilitate the drafting of the checklist and guidelines to ensure implementation of the Ethical Charter.

20. The CEPEJ-GT-QUAL members inquired about the target groups and the necessary skills to apply the future tool and conduct the assessment of the compliance of an AI with the Ethical

Charter. The proposed approach was approved: scientific experts would prepare a draft tool to be discussed during the next meeting of CEPEJ-GT-QUAL with prior consultations of AIAB and members of the CEPEJ-GT-CYBERJUST if necessary. A final draft should be prepared by mid-November with a view to its presentation during the upcoming CEPEJ Plenary meeting.

21. The Secretariat presented the advancements in developing, gathering and selecting the information for the Resource Centre (RC). The objective is to have as exhaustive information as possible on implemented AI tools. The RC will be published mid-March after reviewing and approval of collected information by the AIAB.

## **8. Brainstorming on future topics on work for CEPEJ-GT-QUAL (mandate 2024-2025)**

22. The CEPEJ-GT-QUAL members made proposals for topics to be included in the future terms of reference of the Working Group. After exchanges on all proposals and a voting, the following have been retained (in the order of preference):

- a. quality of the judicial debate (proposed by Wim DAVID, based on the problem faced by courts in Belgium and other MS with regard to increasingly long, sometimes badly structured and confusing trial briefs from lawyers);
- b. language in judicial proceedings and court files (proposed by Stergios KOFINIS, referring in particular to the issue of translation and interpretation in courts);
- c. targeting a sustainable development in the justice sector (proposed by Merethe ECKHARDT), referring to the public sector lagging behind businesses in developing and implementing strategies for sustainable development);
- d. toolkits on facilitating the access to justice for vulnerable persons (starting with children) – guidelines for professionals of justice (proposed by the Secretariat);
- e. a new tool to support and encourage mediation: a) guidelines on remote mediation that could be developed jointly with CEPEJ-GT-CYBERJUST; b) the place of the child in mediation (proposed by Maria DA CONCEIÇÃO OLIVEIRA).

23. Authors of the proposals would develop and substantiate the ideas in draft concept notes in advance to the next CEPEJ-GT-QUAL meeting, for further discussion during the meeting.

## **9. Other issues**

24. Wim DAVID reminded of the need to improve the communication on the CEPEJ work and the dissemination of its tools in member States. This topic of discussion should be proposed to the CEPEJ Plenary.

25. Place and date of the next meeting : Venice, 12-13 October.

## APPENDIX 1

### AGENDA

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**1. Opening of the meeting**

Adoption of the agenda

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**Better implementation of the CEPEJ European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment**

- 2.**
- Operationalisation of the CEPEJ Charter
- Discussion on the draft structure and methodology proposed by experts
- Experts in charge: Alexandra Tsvetkova (Bulgaria) and Matthieu Quiniou (France) - online*
- Information on the development of the Resource Center

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**Evaluation of the performance of judges**

- 3.**
- Examination of the questionnaire drafted by experts and to be disseminated to CEPEJ network on evaluation of the performance of judges

*Experts in charge: Nina Betetto (Slovenia) and Pierre Thiriar (Belgium)*

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**Access to justice of vulnerable people**

- 4.**
- Discussion on the topic of access to justice of people with disabilities and possible new orientations
  - Discussion with Regina Jensdottir, Children's Rights, Head of Division and Programme co-ordinator, DGII on possible work regarding child participation in judicial stings/courts

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**HELP module on CEPEJ tools on quality of justice**

- 5.**
- Discussion on the content of the module

*Member in charge : Gilles Accomando (France)*

- 6.**
- Consultation of CEPEJ-GT-SATURN regarding Rec(86)12 to reduce the excessive workload of judges**

Discussion on CEPEJ-GT-QUAL proposal

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**7. Brainstorming on future topics on work for CEPEJ-GT-QUAL  
(mandate 2024-2025)**

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**8. Any other business**

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Please note that a visit to the European Court of Human Rights (meeting with Mr Ioannis Ktistakis, Judge elected in respect of Greece) will take place on Monday, 27th February, at 10h30.

## APPENDIX 2

## LIST OF PARTICIPANTS

**Gilles ACCOMANDO**, Directeur de l'École de formation du barreau, Paris, FRANCE

**Joao ARSENIO DE OLIVEIRA**, Head of Department, International Affairs Department, Directorate-General for Justice Policy - Ministry of Justice, Lisbon, Portugal (**Chair of the GT-QUAL / Président du GT-QUAL**)

**Nino BAKAKURI**, Judge of the Supreme Court, Georgia

**Merethe ECKHARDT**, Director of Development, The Danish Court Administration, Centre for Law, Training and Communication, Denmark

**Stergios KOFINIS**, Administrative Judge at First Instance Administrative Court of Thessaloniki, Greece

**Wim DAVID**, Juge à la Cour d'appel de Bruxelles, Belgique

The meeting was attended by **Francesco DEPASQUALE**, **President of CEPEJ**

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## SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

**Maria DA CONCEIÇÃO OLIVEIRA**, Lawyer and Mediator, Lisbon, Portugal

**Pierre THIRIAR**, Judge, Antwerp, Belgium

**Matthieu QUINIOU**, Avocat, Paris, France

**Alexandra TSVETKOVA**, Expert in IT and related legal issues, Sofia, Bulgaria

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## OBSERVERS / OBSERVATEURS

**INTERNATIONAL UNION OF JUDICIAL OFFICERS / UNION INTERNATIONALE DES HUISSIERS DE JUSTICE ET OFFICIERS JUDICIAIRES (UIHJ)**

**Patrick GIELEN**, Huissier de justice, Expert de l'UIHJ, UCCLÉ, Belgique (*online participation*)

**EUROPEAN EXPERTISE AND EXPERT INSTITUTE / INSTITUT EUROPEEN DE L'EXPERTISE ET DE L'EXPERT (EEEI)**

**Jean-Raymond LEMAIRE**, Président honoraire (*online participation*)

**Jean-Louis LODOMEZ**, Avocat (*online participation*)

**EUROPEAN UNION OF RECHTSPFLEGER AND COURT CLERKS / UNION EUROPEENNE DES GREFFIERS DE JUSTICE (EUR)**

**Jean-Jacques KUSTER**, Administrator (*online participation*)

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## INVITED DELEGATIONS / DELEGATIONS INVTEES

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**SECRETARIAT**

**DGI - Human Rights and Rule of Law, Division for the independence and efficiency of justice /  
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**Clémence BOUQUEMONT** Secretary of CEPEJ-GT-QUAL/ *Secrétaire du CEPEJ-GT-QUAL*

**Leonid ANTOHI**, Co-Secretary of CEPEJ-GT-QUAL/ *Co-Secrétaire du CEPEJ-GT-QUAL*

**INTERPRETERS / INTERPRETES**

**Chloe CHENETIER**

**Nicolas GUITTONNEAU**

**Corinne MCGEORGE**