

November 7, 2023

CEPEJ-GT-QUAL(2023)15

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

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

35<sup>th</sup> meeting – 12-13 October 2023  
Council of Europe office in Venice,  
180C, Piazza San Marco - 30124 Venezia, Italy

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 35<sup>th</sup> meeting in Venice, on 12-13 October 2023. The meeting was opened by Francesco DEPASQUALE (Malta) and chaired by João ARSENIO DE OLIVEIRA (Portugal). The agenda and list of participants are attached to this report as Annexes I and II respectively.

#### **2. Operationalisation of the CEPEJ European Ethical Charter on the use of Artificial Intelligence in judicial systems and their environment (hereafter “CEPEJ Charter”)**

2. Alexandra TSVETKOVA (Bulgaria) and Matthieu QUINIOU (France) presented “the Assessment tool for the operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment” (Document CEPEJ-GT-QUAL(2023)5). It comprises a checklist and guidelines that decision-makers in judicial institutions should follow when purchasing, designing, developing, implementing and/or using AI in judicial environment. The aim of this document is to provide for a set of verifications, key measures and safeguards to ensure the compliance with the principles of the CEPEJ Charter. The document is based on the Charter principle and risk-based approaches.

3. The CEPEJ-GT-QUAL members noted the outstanding importance of the operationalisation of the CEPEJ Charter while raising their concern regarding the complexity and length of the proposed document. They agreed that the document was solid, nonetheless it did not fulfil the set aim, and would thus need to be simplified and aligned to a greater extent with the Human Rights approach of the CEPEJ Charter so that it can be accessible and comprehensible to a variety of users, particularly policy makers within judicial systems.

4. Experts were tasked to revise the document before 3 November so that a second iteration of discussion within the Artificial Intelligence Advisory Body (AIAB) and the CEPEJ-GT-QUAL could be conducted before deciding if the document could be presented with a view of its adoption to the CEPEJ during its next plenary meeting (4-5 December 2023).

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

5. Nina BETETTO (Slovenia), the expert involved in the task along with Pierre THIRIAR (Belgium) who was absent, presented the “Comparative study on evaluation of the quality of the work of judges” (Document CEPEJ-GT-QUAL(2023)11) drafted on the basis of replies to a questionnaire that was sent to the CEPEJ pilot courts Network earlier this year.

6. The following issues were discussed: evaluation methodology and criteria, goals, qualitative indicators, modalities of a self-evaluation, identification of evaluators, evaluation report.

7. Members of the CEPEJ-GT-QUAL asked for the Study to be complemented with a template of an evaluation form as example of good practice. They adopted the Study and decided that it could be presented for information to the CEPEJ during its next plenary meeting in December 2023.

8. In accordance with its terms of reference, the CEPEJ-GT-QUAL decided to develop Guidelines on the evaluation of the work of judges members of CEPEJ-GT-QUAL and entrusted the expert with the task of preparing a draft of this tool. Nina BETETTO would prepare for mid-November a proposal of issues the new tool could tackle, highlighting the added value for the quality of justice and making due reference to the Opinion No.17 (2014) on the evaluation of judges' work, the quality of justice and respect for judicial independence of the Consultative Council of European Judges (CCJE).

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

9. The members of the CEPEJ-GT-QUAL praised the presented version of the module on quality of justice as prepared by designers, which will be finalised before the CEPEJ next plenary meeting in December.

10. The Council of Europe Programme of Human Rights Education for Legal Professionals (HELP) will disseminate the future CEPEJ course via its e-learning platform to all training institutions in its member States and under cooperation programmes. It will be made available in different languages. The CEPEJ will also ensure its dissemination through its own cooperation projects.

### **5. Future possible topics of work for CEPEJ-GT-QUAL**

11. Further to the discussions held during the last CEPEJ-GT-QUAL meeting (27-28 February 2023), the following topics have been selected in the order of preference to be proposed to the Bureau of the CEPEJ for the preparation of the 2024-2025 CEPEJ activity programme (which includes the CEPEJ Working Groups terms of reference), subject to availability of resources:

- a. quality of the judicial debate;
- b. interpretation and translation in judicial proceedings and court files;
- c. sustainable development in the justice sector;
- d. the place of children in mediation;
- e. improvement of the data collection concerning mediation;

- f. facilitating the access to justice for vulnerable persons, through an operationalisation of the child friendly justice (in close co-operation with the various Council of Europe bodies competent in this field and under the conditions of avoiding duplication and bringing added value to the important work already done).
12. The possible revision of existing tools (such as the Handbook for conducting satisfaction surveys, or Guidelines on the creation of judicial maps) as well as the definition of possible indicators of the quality of justice, could be subject to further discussion during mandate 2024-2025.
  13. Members of the CEPEJ-GT-QUAL decided to put on hold and rediscuss further for following mandate the topic of the impact of taking of evidence on the quality of justice in the Council of Europe's judicial systems.
  14. The CEPEJ-GT-QUAL noted also that references to alternative dispute resolution and the CEPEJ Ethical Charter should be made in its future terms of reference.

## **6. Guidelines on Online Alternative Dispute Resolution prepared by the CEPEJ-GT-CYBERJUST in cooperation with the CEPEJ-GT-QUAL**

15. Maria DA CONCEIÇÃO OLIVEIRA (Portugal) presented the draft Guidelines developed by the CEPEJ-GT-CYBERJUST in cooperation with the CEPEJ-GT-QUAL (Document CEPEJ-GT-CYBERJUST(2023)3Rev1).
16. The Secretariat was provided with comments to be further shared with the CEPEJ-GT-CYBERJUST.

## **7. Other issues**

17. Place and date of the next meeting: an online *ad hoc* meeting is scheduled for 13 November 2023 in order to discuss the revised "Assessment tool for the operationalisation of the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment".

## APPENDIX 1

### AGENDA

---

**1. Opening of the meeting**

Adoption of the agenda

---

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

- 2.**
- Discussion and approval of the Assessment tool: checklist and guidelines

*Experts in charge: Alexandra Tsvetkova (Bulgaria) and Matthieu Quiniou (France) - online*

---

**Evaluation of the performance of judges**

- 3.**
- Discussion and approval of the Comparative study and good practices on evaluation of the quality of the performance of judges
  - Discussion on next steps for the drafting of the guidelines

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

---

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

- 4.**
- Presentation by Secretariat of the final version of the module

*Member in charge: Gilles Accomando (France)*

---

**Future possible topics of work for CEPEJ-GT-QUAL (mandate 2024-2025)**

- Quality of the judicial debate  
*Member in charge: Wim DAVID (Belgium)*
  - 6.**
    - Language in judicial proceedings and court files  
*Member in charge: Stergios KOFINIS (Greece)*
    - Sustainability in the justice sector  
*Member in charge: Merethe ECKHARDT (Denmark)*
    - Toolbox on facilitating the access to justice for vulnerable persons (starting with children)
-

---

*Secretariat in charge*

- Mediation: the place of children in mediation and/or Study on the harmonization of statistics in mediation

*Experts in charge: Maria OLIVEIRA (Portugal) and Leonardo D'URSO (Italy)*

- Other subjects

---

**7. Guidelines on online Alternative Dispute Resolution prepared by the CEPEJ-GT-CYBERJUST in cooperation with the CEPEJ-GT-QUAL**

*Expert in charge: Maria OLIVEIRA (Portugal)*

---

**8. Any other business**

---

## APPENDIX 2

## LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

## MEMBERS OF THE CEPEJ-GT-QUAL / MEMBRES DU CEPEJ-GT-QUAL

**Gilles ACCOMANDO**, Directeur de l'École de formation des Barreaux, Paris, France

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

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

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

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

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

## PRESIDENT OF THE CEPEJ / PRESIDENT DE LA CEPEJ

**Francesco DEPASQUALE**, The Honourable Mr Justice, Superior Courts, Valletta, Malta (*online participation*)

## SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

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

**Nina BETTETO**, Judge, Supreme Court of Slovenia

**Mathieu QUINIOU**, Avocat, Maître de conférences (Université Paris 8 Lab Paragraphe), FRANCE (*online participation*)

**Alexandra TSVETKOVA**, Expert in IT and related legal issues, Bulgaria (*online participation*)

**Leonardo D'URSO**, Lawyer and mediator, Italy (*online participation*)

## OBSERVERS / OBSERVATEURS

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

**Mathieu CHARDON**, Secrétaire-général de l'Union internationale des huissiers de justice (UIHJ), France (*online participation*)

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

**Sacha DALEN GILHUIJS**, Secrétaire Général de l'EEEI

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

## ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES (AEAJ) / FEDERATION EUROPEENNE DES JUGES ADMINISTRATIFS (FEJA)

**Epameinondas TROULINOS**, Judge, Thessaloniki, Greece

**INVITED DELEGATIONS / DELEGATIONS INVTEES****MOLDOVA**

**Andrei OJOGA**, Judge at Chisinau Court, Member of the CEPEJ Pilot Court network, Chisinau, Republic of Moldova

**Lucia POPESCU**, Member of the Superior Council of Magistrates, Republic of Moldova

**SECRETARIAT**

**DGI - Human Rights and Rule of Law / DGI - Droits humains et Etat de droit**

**E-mail:** [cepej@coe.int](mailto:cepej@coe.int)

**Clémence BOUQUEMONT** Secretary of the CEPEJ-GT-QUAL/ *Secrétaire du CEPEJ-GT-QUAL*

**Jovana MATIC**, Co-Secretary of the CEPEJ-GT-QUAL/ *Co-Secrétaire du CEPEJ-GT-QUAL*

**Sandrine LUTZ**, CEPEJ assistant/ *Assistante de la CEPEJ*