



15 April 2024

CEPEJ-GT-QUAL(2024)4

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

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

36th meeting – 21-22 March 2024

Strasbourg, Palais, Room 16

Hybrid meeting

MEETING REPORT

1. Introduction

1. The Working Group on the Quality of Justice (CEPEJ-GT-QUAL) of the European Commission for the Efficiency of Justice (hereinafter the 'CEPEJ') held its 36th meeting in Strasbourg, on 21 and 22 March 2024. The first meeting, under the new mandate of the CEPEJ-GT-QUAL as adopted by the CEPEJ for 2024 and 2025 was opened by Francesco DEPASQUALE (Malta), President of the CEPEJ. He welcomed Cristina LORENZO PEREZ (Spain), new member and Ion GUZUN (Republic of Moldova), new substitute member of the working group and thanked Nino BAKAKURI (Georgia) for his participation in the work of the group as a member under the previous mandate.
2. João ARSENIO DE OLIVEIRA (Portugal) was reelected President of the CEPEJ-GT-QUAL for 2 years. The agenda and the list of participants are attached to this report respectively as Appendix I and II.

2. General presentation and discussion on the terms of reference 2024-2025

3. João ARSENIO DE OLIVEIRA recalled the CEPEJ-GT-QUAL mandate for 2024-2025 and its priorities, notably to operationalize the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (hereafter referred to as the "CEPEJ Charter on AI"), the development of tools on how to assess the quality of judges' work, on the quality of judicial debate, as well as on the means to raise awareness and promote sustainable development in courts and judicial administrations. He added that some projects would require collaboration with the CEPEJ-GT-CYBERJUST (tool on the quality of translation and interpreting in legal systems), the CEPEJ-GT-EVAL (creation of a possible indicator on the quality of justice, along the lines of what exists for the efficiency of justice) and the CEPEJ-GT-SATURN (study on work-life balance in the judiciary).

3. Operationalisation of the CEPEJ Charter on AI

4. Matthieu QUINIOU (France), scientific expert and member of the CEPEJ's Artificial Intelligence Advisory Board (AIAB), presented the Concept note on the Implementation of a Pilot Phase for the Evaluation Tool of AI Systems in the Judicial Sector (CEPEJ-GT-QUAL(2024)1).

5. The members of the CEPEJ-GT-QUAL took note that France and Spain have shown interest during the CEPEJ-GT-CYBERJUST meeting to participate in the piloting. They agreed on the timeline, and the composition of the Monitoring committee composed mainly of AIAB members and supervised by CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST with Gilles ACCOMANDO (France) as contact point for this matter.
6. It was also agreed that synergies with the CEPEJ-GT-SATURN could be possible regarding the impact assessment of AI tools in terms of efficiency of the judicial system which could lead to a joint impact assessment of risk on human rights and fundamental principles and efficiency measurement.

4. Mediation: harmonization of statistics in mediation

7. A Note (CEPEJ-GT-QUAL(2024)3) on a preliminary revision of the Reference Grid for mediation performance indicators (basic mediation statistics) contained in the CEPEJ Mediation Development Toolkit (CEPEJ(2018)7REV) was presented by Leonardo d'URSO (Italy), scientific expert.
8. The members of the CEPEJ-GT-QUAL instructed Maria OLIVEIRA to complement the Note on certain aspects and the Secretariat to ensure coordination with the CEPEJ-GT-EVAL before proceeding with the next steps.

5. Evaluation of the quality of the work of judges

9. Nina BETETTO (Slovenia) presented the draft Guidelines on the evaluation of the quality of work of judges (CEPEJ-GT-QUAL(2024)2).
10. The members of the CEPEJ-GT-QUAL considered that the aim of the evaluation on the quality of the work of judges has to be clearly underlined and differentiated from the assessment of the quantity of work, while stressing the distinction between the evaluation procedure and the disciplinary one. An annex will allow the tool to be more practical through a grid on evaluation criteria or a sample of the assessment report. The Working group asks the expert to redraft the Guidelines taking into account the comments provided during the meeting.
11. A follow-up meeting will be organised by the Secretariat to determine the format of the appendix, with a view to discussing the revised guidelines and new appendix during the next CEPEJ-GT-QUAL meeting.

6. Quality of the judicial debate

12. Wim DAVID (Belgium) presented his proposal to establish a tool to improve the quality of judicial debate and raised the issue of the role of the parties at hearings and the length of written proceedings and judgements. The CEPEJ-GT-QUAL members noted that it would be interesting to see to what extent the principles that ensure the quality of judicial debate can be preserved despite the research to increase its efficiency. They highlighted the specificity of criminal matters and, therefore, the necessity to be particularly attentive to their consideration. It was also proposed to consider the impact of the digitalisation of justice on judicial debate, as well as to include other judicial professions such as court clerks in this project.
13. It was agreed that Wim DAVID would work on the project with the support of the CEPEJ Secretariat and of the CEPEJ network of pilot courts to submit a proposal for the next CEPEJ-GT-QUAL meeting.

14. The discussion of the Working Group on the topic of the judicial debate were complemented by an exchange of views with M. André POTOCKI, Former French judge to the ECHR, Honorary member of the French Court of Cassation, President of the Reflection Committee 'Court of Cassation 2030'.
15. Mr POTOCKI stressed the need to avoid taking a technical approach to the subject of the judicial debate, but insisted on the need to establish the broad outlines that will provide the general direction of the project. On this point, he emphasised the need to rediscover the principles and values of democracy in justice and therefore also in the judicial debate. Mr POTOCKI recalled the preparatory function of the judicial debate, which consists of examining in depth the elements submitted by the parties. He highlighted that it is the judge's function to provide an answer to the questions raised by this information and to reduce the traditional pleadings so that the judicial debate can take place. He argued that the cathartic and reflective function of judicial debate is to explain and catalyse antagonism that may be more emotional than rational. Mr Potocki therefore asserted that the judicial debate must be as inclusive as possible.
16. During the exchange of views with the members of the Working Group, the fear of the emergence of justice without a hearing was also raised, as was the importance of the enriched statement of reasons, which enables the parties to understand their case, in addition to the purely legal considerations, without being overly extensive. In the context of the work led by the CEPEJ-GT-QUAL, M. POTOCKI suggested to focus on the stages before the drafting of the decision of the judge and to keep this latter issue for further work.

7. Toolbox on facilitating the access to justice for vulnerable people: tool on children's participation to judicial proceedings

17. The members of CEPEJ-GT-QUAL were invited to participate in the 9th meeting of the Committee of Experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE), by the Secretariat of the Committee. During a previous exchange of views held during the CEPEJ-GT-QUAL meeting of February 2023, Regina JENSDOTTIR, Head of the Division of the Rights of the Child and co-ordinator of the Council of Europe programme for the rights of the child, had proposed to the CEPEJ to usefully complement the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, by preparing a tool for justice professionals on how to take into account children's participation in judicial proceedings. The two Groups have agreed to co-operate and exchange information over the coming period on the progress of their work in order to ensure the complementarity of the tools to be developed under their respective mandates.

Appendix 1

Agenda

1.	Opening of the meeting Adoption of the agenda	
2.	Designation of CEPEJ-GT-QUAL President for 2024-2025	
3.	General presentation and discussion on the terms of reference 2024-2025	BACKGROUND DOCUMENT Terms of reference of the CEPEJ-GT-QUAL
4.	Operationalisation of the CEPEJ European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment - Discussion on a possible pilot Project on the assessment tool Expert in charge: Matthieu Quiniou (France, online)	WORKING DOCUMENT Concept note on piloting of the assessment tool CEPEJ-GT-QUAL(2024)1 BACKGROUND DOCUMENTS Assessment Tool for the operationalisation of the European Ethical Charter on the use of artificial intelligence in judicial Systems and their environment CEPEJ(2023)16final European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment CEPEJ(2018)14

WORKING DOCUMENT

Guidelines and appendix
CEPEJ-GT-QUAL(2024)2
(in preparation)

Evaluation of the work of judges

BACKGROUND DOCUMENTS

5. - Discussion of the guidelines and appendix on criteria and methods of evaluation with a view of their approval

Expert in charge: Nina Betetto (Slovenia, online)

How to assess the quality of the work of judges : comparative analysis
CEPEJ-GT-QUAL(2023)11PROV2

Questionnaire on the evaluation of the quality of the work/performance of judges
CEPEJ-GT-QUAL(2023)1rev3

BACKGROUND DOCUMENTS

Quality of the judicial debate

6. - Exchange of views with M. André Potocki, Former French judge to the ECHR, Honorary member of the French Court of Cassation, President of the Reflection Committee "Court of Cassation 2030 (22 March at 9.30)
- Discussion and follow-up

Concept note on the quality of judicial debate
CEPEJ-GT-QUAL(2023)9

Rapport de la commission de réflexion sur la cour de cassation 2030 (French original, translation in English via deepl)

Toolbox on facilitating the access to justice for vulnerable people : guidelines on children's participation to judicial proceedings

BACKGROUND DOCUMENT

7. - Discussion and follow-up
- Exchange of views with the Committee of Experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE) (22 March at 11.30, Agora room G O5)

Concept note on Toolbox on access to justice for vulnerable people and first tool on children
CEPEJ-GT-QUAL(2023)10

WORKING DOCUMENT

Note on the preliminary review of the mediation grid
CEPEJ-GTQUAL(2024)3
(English original, translation in French via deepl)

8. Mediation: Study on the harmonization of statistics in mediation

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

BACKGROUND DOCUMENT

Concept note on revision of the CEPEJ's Baseline Mediation Statistics through piloting in some relevant CoE Member States
CEPEJ-GT-QUAL(2023)8

9. Any other business

Appendix 2

List of participants

MEMBERS / MEMBRES

Gilles ACCOMANDO, Magistrat, directeur de l'Ecole de formation du barreau de la cour d'appel de Paris, FRANCE

Joao ARSENIO DE OLIVEIRA, Head of Department, International Affairs Department, Directorate-General for Justice Policy - Ministry of Justice, Lisbon, PORTUGAL

Wim DAVID, Juge à la Cour d'appel, Bruxelles, BELGIQUE

Merethe ECKHARDT, Director of Development, The Danish Court Administration, Centre for Law, Training and Communication, Copenhagen, DENMARK **Apologised / Excusée**

Stergios KOFINIS, Administrative Judge at First Instance Administrative Court of Thessaloniki, GREECE

Cristina LORENZO PEREZ, Advisor on Digital Transformation Affairs of Administration of Justice Ministry of Justice, Madrid, SPAIN

DEPUTY MEMBER / MEMBRE SUPPLEANT

Ion GUZUN, Director of the Secretariat of the Independent Advisory Committee on Anti-Corruption, CCIA, Chisinau, REPUBLIC OF MOLDOVA

PRESIDENT OF THE CEPEJ / PRESIDENT DE LA CEPEJ

Francesco DEPASQUALE, The Honourable Mr Justice, Superior Courts, Valletta, MALTA

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Nina BETETTO, Judge at the Supreme Court of Slovenia **Online**

Maria OLIVEIRA, Lawyer and mediator

André POTOCKI, Ancien juge français à la Cour européenne des droits de l'homme, membre honoraire de la Cour de cassation française, président du Comité de réflexion "Cour de cassation 2030, Paris, FRANCE

Matthieu QUINIOU, Maître de conférences (Université Paris 8 Lab Paragraphe), avocat, Paris, France **Online**

Leonardo d'URSO, Mediator, CEO and co-founder of ADR Center, Italy **Online**

OBSERVERS / OBSERVATEURS

ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES (AEAJ)

Epameinondas TROULINOS, Judge, Thessaloniki, Greece, **Apologised / Excusé**

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

Jean-Raymond LEMAIRE, Président fondateur de l'EEEI et co-leader du projet Find an Expert II

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

Jean-Jacques KUSTER, Administrateur

SECRETARIAT

DGI - Human Rights and Rule of Law, Division for the independence and efficiency of justice /
DGI - Droits de l'Homme et Etat de droit, Division pour l'indépendance et l'efficacité de la
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Muriel DECOT, Executive Secretary to the CEPEJ/ *Secrétaire exécutive de la CEPEJ*

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

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

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

Maia KHALIFA, CEPEJ trainee

INTERPRETERS / INTERPRETES

Barbara GRUT

Corinne McGEORGE

Julia TANNER