

Strasbourg, 10 June 2020

CEPEJ/ODJ(2020)1Prov16

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Ad hoc virtual CEPEJ plenary meeting¹
Wednesday 10 June 2020 (9h30-16h00)

**Organised in the framework of the Greek Presidency
of the Committee of Ministers of the Council of Europe**

DRAFT

IMPACT AND LESSONS OF THE COVID19 CRISIS AS REGARDS THE EFFICIENCY OF JUSTICE AND THE FUNCTIONING OF THE JUDICIARY

The Council of Europe, through the CEPEJ, is present throughout Europe, in courts, judges' offices, high councils of justice, court administrations, and in connection with ministries of justice, to contribute to creating better justice. The 2020 sanitary crisis, presents a sad but important opportunity for the CEPEJ to commit itself as a living and responsive place of exchange and dissemination, at the service of the judicial world, to help ensure that the public service of justice is not interrupted.

Given the context, this plenary meeting will be quite different from the CEPEJ's previous meetings. The aim is to bring together CEPEJ members and observers to reflect and draw lessons from the crisis with a view to achieving a more efficient justice in Council of Europe member States, with full respect for human rights and fair trial requirements. The meeting will look into a range of specific issues related to the delivery of justice and the functioning of courts during and after the pandemic. The meeting will also examine the contribution and particular added value of the CEPEJ in the post-pandemic period.

This CEPEJ *ad hoc* plenary meeting is organised in the framework of the Greek Presidency aimed at "Effectively responding to a sanitary crisis in full respect for human rights and the principles of democracy and the rule of law".

¹ The on-going work of the CEPEJ is ensured via other virtual meetings of the CEPEJ Working Groups and the finalised documents will be submitted to the CEPEJ for adoption by written procedure in a parallel procedure.

How does it work?

This meeting will be organised by videoconference (KUDO system) and English/French interpretation will be provided. You will receive the link for the Virtual Meeting after you confirm your participation.

The group dynamic is key to collaborative brainstorming as well as creative thinking. It is important to be succinct and focused when intervening and reacting.

You can intervene:

- for the general presentation of the question (limited to 2'). Please contact the Secretariat in advance, before the 2nd of June to register as a speaker, or
- for the contributions. Prepare if possible 1 or 2 sentences concerning the issue on which you would like to intervene. You should contact the moderator during the meeting in order to intervene,

Everyone is free to ask for the floor in the course of the discussion under each topic.

General Introduction and state of play concerning the work of the CEPEJ 9h30 - 10h00

Moderator: Christos GIAKOUMOPOULOS, Director General - Human rights and Rule of Law

Opening

Marija PEJČINOVIĆ BURIĆ, Secretary General of the Council of Europe (5')

Jānis BORDĀNS, Minister of Justice of Latvia (2')

Ramin GURBANOV (Azerbaijan), President of the CEPEJ, Judge, Baku Court of Appeal (5')

On-going work of the CEPEJ during the Covid19 Crisis

Muriel DECOT, Secretary of the CEPEJ

Session I - Impact of the Covid19 crisis: is it possible to ensure normally the public service of justice? 10h00 - 12h00

Moderator: Georg STAWA (Austria), Counsellor for the Western Balkans, Federal Ministry of Justice

Introduction: Judicial systems in the face of a pandemic, Jean-Paul JEAN (France) (10'), Honorary President of Chamber at the Court of Cassation

Fair balance between maximum efficiency in the handling of priority cases and the respect of the principles of fair trial

General presentation: Jean-Paul JANSSENS (Belgium), President of the Board of Directors of the Federal Public Service Justice

Contributions (4 maxi, 2' each):

- Mohamed RASLAN (Egypt), Vice-President of the Council of State
- Mohamed OUKHLIFA (Morocco), Advocate General at the Court of Cassation, seconded to the Presidency of the Public Prosecutor's Office

Discussion (10 to 16')

New E-justice tools used during the crisis: opportunities, challenges and dangers

General presentation: Joao ARSENIO DE OLIVEIRA (Portugal), President of the CEPEJ-GT-QUAL, Head of the International Affairs Department, Ministry of Justice (2')

Contributions (4 maxi, 2' each):

- Konstantinos KOUSSOULIS (Greece), Councillor at the Hellenic Council of State, Director of the legal office of the President of the Republic

Discussion (10 to 16')

Is the justice user sufficiently informed?

General presentation: Jaša VRABEC (Slovenia), President of the CEPEJ-GT-EVAL, Head of the Office for Court Management Development, Supreme Court (2')

Contributions (4 maxi, 2' each)

Discussion (10 to 16')

The safety of justice professionals (judges, court clerks, other court staff, lawyers, etc.)

General presentation: Laetitia BRUNIN (France), member of the Bureau of the CEPEJ, Prosecutor

Contributions (4 maxi, 2' each):

- Margarete VON GALEN, Vice-President of the Council of Bars and Law Societies of Europe (CCBE)

Discussion (10 to 16')

Is teleworking suitable for all justice professionals?

General presentation: Francesco DEPASQUALE (Malta), member of the Bureau of the CEPEJ, Judge, Superior Courts (2')

Contributions (4 maxi, 2' each)

Discussion (10 to 16')

Consequences for lawyers/notaries/bailiffs/mediators of the lockdown of courts

General presentation: Patrick GIELEN, Advisor, International Union of Judicial Officers (UIHJ) (2')

Contributions (4 maxi, 2' each):

- Margarete VON GALEN, Vice-President of the Council of Bars and Law Societies of Europe (CCBE)
- Jean-Jacques KUSTER, European Union of Rechtspfleger/Court clerks (EUR)
- Ivana NINČIĆ OSTERLE (Serbia), Ministry of Justice

Discussion (10 to 16')

12h00 – 13h30 Pause

Session II – After the Covid19 crisis: which lessons for the justice systems in 2021 and beyond?

13h30 - 15h00

Moderator: Ramin GURBANOV (Azerbaijan), President of the CEPEJ, Judge, Baku Court of Appeal

Towards new ways of managing timeframes of proceedings and backlogs

General presentation: Giacomo OBERTO (Italy), President of CEPEJ-SATURN, Judge, First instance Court of Torino (2')

Contributions (4 maxi, 2' each)

Discussion (10 to 16')

New “crisis” competences for judicial authorities responsible for the administration of justice and for lawyers?

General presentation: Ivan CRNČEC (Croatia), Assistant Minister, International Co-operation Directorate, Ministry of justice (2')

Contributions (4 maxi, 2' each)
Discussion (10 to 16')

Development of court hearings by videoconference

General presentation: Gregor STROJIN (Slovenia), member of the CEPEJ-CYBERJUST, Advisor to the President of the Supreme Court (2')
Contributions (4 maxi, 2' each)
Discussion (10 to 16')

New modes of collaborative work

General presentation: Merethe ECKHARDT (Denmark), Director of development, The Danish Court Administration (2')
Contributions (4 maxi, 2' each)
Discussion (10 to 16')

Challenge of dematerialisation of cases and/or AI

General presentation: Maria Giuliana CIVININI (Italy), Member of the CEPEJ-GT-CYBERJUST, President of the Court of Pisa (2')
Contributions (4 maxi, 2' each)
Discussion (10 to 16')

Conclusions with a view to the adoption of a CEPEJ Declaration

15h00 – 16h00

General conclusion

Miltiadis VARVITSIOTIS, Alternate Minister of Foreign Affairs of Greece

Hanne JUNCHER, Head of the Justice and Legal Co-operation Department

Presentation of the draft CEPEJ Declaration regarding: (1) Lessons learnt from Covid 19 (2) Challenges ahead to address, in particular, for the CEPEJ Declaration

Ramin GURBANOV (Azerbaijan), President of the CEPEJ, Judge, Baku Court of Appeal

Discussion

Adoption of the Declaration