



Strasbourg, 8 December 2020

CEPEJ(2020)14REV

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

ROADMAP AND WORKPLAN OF THE CEPEJ-GT-CYBERJUST

*As adopted at the 34th plenary meeting of the CEPEJ,
8 December 2020*

The aim of the CEPEJ is the improvement of the efficiency and the quality of justice.

The CEPEJ-GT-CYBERJUST is instructed to develop tools with a view to offer a framework and safeguards to member States and justice professionals willing to create or use ICT and/or AI mechanisms in judicial systems to improve the efficiency and the quality of justice.

Artificial Intelligence (AI) can be a component of computerised judicial procedures and of court management systems as it can be used in some aspects of digitalisation. AI standards in particular developed by Council of Europe bodies should be respected.

AREAS OF FUTURE WORK

1. FROM PAPER FILES TO E-FILES / LIFE CYCLE OF AN E-FILE

Access to e-documentation by users

Court search engines, transparency of e-documentation (e.g. access to easily understandable information on procedures and use of chatbots) and simplification of communication.

Digitalisation of courts and prosecutors' registers and treatment of data

Moving from the "logic of the register" and the basic information contained therein (names and qualities of the parties and defendants, procedure, subject matter) to the processing of all data contained in the documents, also for the purpose of orientation of the offices, of information on caseload, litigiousness studies, etc.

Digitalisation of documents

Communication of e-files

Communication between actors involved in a procedure (lawyers, parties, experts, etc.) and judicial authorities (judges, prosecutors and court staff) - with or without communication platform/with or without electronic signature/with or without electronic notification

Communication among the judicial authorities themselves (with or without communication and/or management platform /with or without electronic signature)

Simplification of communication, improvement of transparency, possibility to directly submit procedural documents, level of interconnectedness between courts and national authorities, including registries, etc.

Online service of documents with legal value (i.e. decisions with "executive formula" appended, enforcement orders, certificates, conformity assessment, etc.)

Work with e-files

Court management support tools: intelligent case management system, automatic cases assignment systems, dashboards, PDF editors, OCR, speech-to-text tools

Possibility of monitoring the court's performance

Telematic trial (combination of information technology and telecommunications integrating the systems of remote processing and transmission of information)

Validity of electronic documents

2. ON-LINE DISPUTE RESOLUTION (ODR)

Necessary coordination with the European Committee on Legal Co-operation (CDCJ) in order to avoid duplication.

3. ON-LINE ENFORCEMENT PROCEDURES

Co-operation with the International Union of Judicial Officers (UIHJ)

4. REMOTE HEARINGS

The use of videoconferences in judicial proceedings (hearings, investigations)

5. Use conditions and guarantees for the users OTHER TOPICS (in a second phase of work)

Blockchains

Publication of case-law

METHODOLOGY

1. Assessment of the situation in member States concerning e-files, ODR, on-line enforcement procedures

Such assessment is a necessary first step towards a more comprehensive picture of the situation in Europe. For each topic (e-files, ODR and on-line enforcement procedures), the assessment should include a list of existing legislation, existing tools in European courts and evaluation of their use and practices. A taxonomy of cyberjustice infrastructure and applications should be developed, possibly based on the elements contained in the CEPEJ Toolkit on how to drive change towards cyberjustice.

[The Report of the European Union on the Study on the use of innovative technologies](#) is also particularly relevant in this regard.

2. Evaluation of needs and gaps at the national and international levels

The gaps analysis will determine the steps which need to be taken in order to move from its current state to its desired future state and provide suggestions for a way forward for certain areas. The analysis may result in identification and presentation of needs and priorities in simple and advanced models of digitalisation.

3. Repository of good practices

A repository of good practices will be established in parallel. The platform should be easily accessible and user-friendly.

To further enhance the exchanges of good practices, the European Cyberjustice Network will be created (See Table below, item 4, and the draft terms of reference as Annex I).

4. Tools to be developed by CEPEJ-GT-CYBERJUST

The CEPEJ-GT-CYBERJUST will elaborate tools based on assessment, identified needs and gaps and on good practices. The tools can take different forms (e.g. guidelines, checklists and toolkits). The tools should focus on legal, judicial, organisational, ethical and technical solutions found in the context of digital transformation of justice and e-justice and their impact on the quality of judicial systems.

CEPEJ-GT-CYBERJUST SHORT TERM WORK PLAN

WORKSTEAM	PERSON IN CHARGE	RESULT AND DEADLINE
<p>1. ELECTRONIC COURT FILING (E-FILES)</p> <p>1.1. ASSESSMENT of the state of play in member States The assessment will provide an overview of the existing legislation, tools and practices in courts and prosecutor offices in member States concerning:</p> <ul style="list-style-type: none"> ➤ Access to e-documentation by users; ➤ Digitalisation of courts and prosecutor registers and treatment of data; ➤ Communication of e-files; ➤ Work with e-files. <p>1.2. EVALUATION of needs and gaps at the national and international levels Considering the assessment of the state of play (see 1.1.), the evaluation should determine the needs and provide suggestions for a way forward in certain areas of e-justice. It may also present simple and advanced models of digitisation.</p> <p>1.3. REPOSITORY of good practices The repository will provide an overview of good practices identified in member States. The European Cyberjustice Network (to be created) will help in collecting the relevant information.</p>	<p>WG member coordinating/directly involved: Giuliana Civinini, President of CEPEJ-GT-CYBERJUST</p> <p>Secretariat: Muriel Décot and Eva Konecna</p> <p>Scientific experts: Giulio Borsari Harold Epineuse Alexandra Tsvetkova</p>	<p>1.1. First DRAFT REPORT/ASSESSMENT from scientific experts due in January 2021</p> <p>Adoption of the REPORT/ASSESSMENT by the WG in March 2021</p> <p>1.2. First DRAFT EVALUATION REPORT from scientific experts due in June 2021</p> <p>Adoption of the EVALUATION REPORT by the WG in October 2021</p> <p>1.3. REPOSITORY due to be operational in 2021</p>
<p>2. ON-LINE ENFORCEMENT OF JUDICIAL PROCEEDINGS</p> <p>2.1. ASSESSMENT of the state of play in member States The assessment will provide an overview of the existing systems, tools and practices regarding on-line enforcement of judicial proceedings in member States.</p> <p>2.2. EVALUATION of needs and gaps at the national and international levels Considering the assessment of the state of play (see 2.1.), the evaluation should determine the needs and provide suggestions for a way forward in certain areas of on-line enforcement procedures.</p> <p>2.3. REPOSITORY of good practices</p>	<p>WG member coordinating/directly involved: to be designated</p> <p>WG Observer coordination: Jos Uitdehaag</p> <p>Secretariat: Muriel Décot and Eva Konecna</p> <p>Scientific expert: Jos Uitdehaag</p>	<p>2.1. First DRAFT REPORT/ASSESSMENT from scientific experts due in January 2021</p> <p>Adoption of the REPORT/ASSESSMENT by the WG in March 2021</p> <p>2.2 First DRAFT EVALUATION REPORT from scientific experts due in June 2021</p> <p>Adoption of the EVALUATION REPORT by the WG in October 2021</p>

WORKSTEAM	PERSON IN CHARGE	RESULT AND DEADLINE
<p>The repository will provide an overview of good practices identified in member States. The European Cyberjustice Network (to be created) will help in collecting the relevant information.</p>		<p>2.3 REPOSITORY due to be operational in 2021</p>
<p>3. ON-LINE DISPUTE RESOLUTION</p> <p>3.1. ASSESSMENT of the state of play in member States The assessment will provide an overview of the existing legislation, tools and practices regarding on-line mediation in member States.</p> <p>3.2. EVALUATION of needs and gaps at the national and international levels Considering the assessment of the state of play (see 3.1.), the evaluation should determine the needs and provide suggestions for a way forward in certain areas of ODR.</p> <p>3.3 REPOSITORY of good practices The repository will provide an overview of good practices identified in member States. The European Cyberjustice Network (to be created) will help in collecting the relevant information.</p>	<p>WG member coordinating/directly involved: Rimantas Simaitis</p> <p>Secretariat: Muriel Décot and Eva Konecna</p> <p>Scientific experts: Harold Epineuse Ruslan Mirzayev</p>	<p>3.1 First DRAFT REPORT/ASSESSMENT from scientific experts due in January 2021</p> <p>Adoption of the REPORT/ASSESSMENT by the WG in March 2021</p> <p>3.2 First DRAFT EVALUATION REPORT from scientific experts due in June 2021</p> <p>Adoption of the EVALUATION REPORT by the WG in October 2021</p> <p>3.3 REPOSITORY due to be operational in 2021</p>
<p>4. EUROPEAN CYBERJUSTICE NETWORK</p> <p>There is a need for enhanced exchanges of practices on cyberjustice among member States. It is proposed to create the European Cyberjustice Network, enabling the sharing of challenges and best practices in different fields of the cyberjustice.</p>	<p>WG members coordinating/directly involved: Rimantas Simaitis</p> <p>Secretariat: Muriel Décot and Eva Konecna</p>	<p>The NETWORK to be operational in 2021.</p> <p>The terms of reference of the European Cyberjustice Network (ECN) provides for its composition and manner of operation. The ECN should be composed of the contact points from the competent authorities within the member States having expertise in the field of cyberjustice and artificial intelligence. The Network should exchange and disseminate information on the situation and best practices and support initiatives in member States. It should also initiate proposals and enable a platform for bi-or multilateral co-operation in the field of e-justice.</p>

ANNEX I

TERMS OF REFERENCE – EUROPEAN CYBERJUSTICE NETWORK

1. OBJECTIVE:

The **European Cyberjustice Network** (hereinafter: ECN) will be set up to exchange best practices and ideas for possible future developments among Council of Europe member States as well as support activities of the CEPEJ and its working groups (CEPEJ-GT-CYBERJUST et al.) through a better understanding of the situation in member States/entities concerning cyberjustice and artificial intelligence.

2. MANDATE:

The role of the ECN is as follows:

- ❖ It should exchange information on best practices as well as difficulties encountered in member States concerning cyberjustice and artificial intelligence. It should monitor and exchange information on pilot and ongoing projects in member States.
- ❖ It should be consulted on matters falling within the scope of the mandate of CEPEJ-GT-CYBERJUST to provide up-to-date background and statistical information on the situation in member States.
- ❖ It should initiate proposals for new tools, actions and co-operation projects and new actions based on the needs identified by member States and the CEPEJ working groups.
- ❖ It should contribute to disseminating information made available and the tools developed by the CEPEJ-GT-CYBERJUST and, where appropriate, could organise training sessions for the competent authorities in member States.
- ❖ It should support local initiatives to test the new tools in practice and inform the CEPEJ-GT-CYBERJUST on their results.
- ❖ It should enable a platform for bilateral or multilateral co-operation for the development of e-justice applications.

3. COMPOSITION:

The ECN should be composed of the contact points from the competent authorities of the member States of the Council of Europe having expertise in the field of cyberjustice and artificial intelligence.

The ECN should encompass different fields of expertise (ICT experts, judges, court staff, court administrators/managers, lawyers, enforcement officers, scholars, etc.) to ensure that strategic, policy and technical aspects of cyberjustice and artificial intelligence are covered.

Up to three contact points should be nominated from each member State covering different fields of expertise. The contact points are nominated by the CEPEJ members who may be assisted by national correspondents and the members of the CEPEJ-GT-CYBERJUST.

4. MANNER OF OPERATION:

The ECN shall operate in the following ways:

- ❖ It should organise periodic virtual meetings (online meetups, webinars and/or virtual workshops) to exchange information in the field of cyberjustice and artificial intelligence. The topics will be defined based on initiatives taken by the ECN members, CEPEJ working groups and/or the member States.

- ❖ It could also organise annual or biannual conferences or videoconferences.
- ❖ It could be invited to collect information upon a request from the CEPEJ or its various working groups (CEPEJ-GT-CYBERJUST et al.) in order to develop the tools or engage in other actions.

The ECN shall start its operations in 2021.