

## **9th Congress of judges, Astana, Kazakhstan, 4 October 2024**

Dear Mr President, dear distinguished delegates and guests,

Allow me to start by expressing my sincere gratitude to the President of the Supreme Court of Kazakhstan for inviting the CEPEJ to participate in the Congress of Judges. It is indeed a great honour for me, in my capacity as President of the European Commission for the Efficiency of Justice, to address such a forum of distinguished colleagues, me being a judge from the far away island of Malta.

As you are probably all aware, the European Commission for the Efficiency of Justice (CEPEJ) is a body of the Council of Europe, which consists of 46 Member States, set up by the Council of Ministers of the same Council of Europe in 2002. The CEPEJ provides practical solutions to support States and judicial institutions, so as to encourage and promote the quality and efficiency of their judicial systems and to encourage public access to justice.

We are pleased to note that Kazakhstan participates in our activities, having an observer status for several years now, and has also participated twice in one of our main Studies, namely the Evaluation Report of Judicial Systems of the member states and other participating states which is carried out by CEPEJ every two years.

At the heart of the CEPEJ's mission is its commitment to serving justice and its users. The guiding principle of our work is the European Convention on Human Rights. The Convention's Article 6 guarantees the right to a fair trial within a reasonable time by an independent and impartial tribunal. Ensuring access to justice and efficient functioning of courts is therefore at the core of such a fundamental right.

It is therefore a very positive and commendable feature to note that, according to data provided by Kazakhstan in 2020, efforts were made to ensure the right of access to justice. As a matter of fact, special favourable arrangements are being applied in courts to different categories of vulnerable court users, such as victims of domestic violence, minors, ethnic minorities, and persons with disabilities.

In its new Evaluation Report, which is to be officially published in two week-time, the CEPEJ pays particular attention to the issue of access to justice that also includes financial accessibility of justice.

According to the information being provided to us, it appears that where budget allocation to justice is concerned, whilst Kazakhstan is in the good direction, further efforts still need to be made since the judicial system budget at present appears to be below the Council of Europe median. Such investment is important, as a well-structured and adequately funded budget is essential for a reliable, efficient, independent, and quality based judicial system.

In its work, the CEPEJ relies considerably on the expertise of judges in order to develop tools that enhance both the quality and the efficiency of judicial systems while safeguarding judicial independence. These principles are at the heart of the mandate given to the CEPEJ and firmly believe that promoting quality of justice has to be an important part of our work. Efficiency cannot be achieved without there being quality too, and the quality of justice is guaranteed by having an independent judiciary.

In today's world, digital transformation of justice is the norm, however, the principles of efficiency and quality of justice must be safeguarded throughout this new development. New technologies, including Artificial intelligence (AI) tools, offer the

potential to enhance the efficiency and quality of justice. As a result, the CEPEJ is closely monitoring the impact of these emerging technologies and is developing solutions through its tools and guidelines, as well as the promotion of best practices through the Resource Centre on Cyberjustice and Artificial Intelligence which is available to all. The CEPEJ also looks into the potential risks that the use of these technology represents for human rights, such as bias and wrong information, breaches of data protection and discrimination.

In 2022, the CEPEJ set up a three-year Action plan on digitalisation of justice, wherein we outlined several guiding principles that need to be respected throughout this process. First of all, judges must remain central to judicial proceedings. No digital tools can replace the human involvement in delivering judicial decisions based on case-by-case assessment. Secondly, digitised justice must be accessible and inclusive to all, so as to prevent the emergence of the digital divide, which would thus lead to reduced accessibility to justice. As judicial services increasingly move online, it is crucial to ensure that these technologies are accessible to all without any exception. Finally, digitalisation must foster collaboration and transparency, facilitating communication among all participants in legal proceedings and improving knowledge of judicial process and the length of judicial proceedings.

The CEPEJ encourages all to use a reasonable and responsible approach to digitalisation, one that enhances and improves the efficiency of judicial proceedings while preserving the quality of justice. Regular evaluations of judicial systems carried out by the CEPEJ offer a comprehensive overview of the use of information technologies in judicial systems across Europe and beyond. It is very laudable to note that Kazakhstan's ICT deployment index in the 2020 Evaluation Report ranked among the highest over all the participating States. This indeed reflects the serious effort being carried out by you all to develop digitalisation in the justice field.

The evaluations carried out by the CEPEJ every two years help deepen the understanding of the functioning of European judicial systems, allowing to better address their needs through the development of relevant tools and guidelines.

The CEPEJ, through its various working groups, has developed a vast array of tools and guidelines to support the judiciary in measuring the quality of justice. Some of these tools include the use of satisfaction surveys in courts, tools for improving judges' skills and competencies in their field of work as well as methods for evaluating judges' workload.

All such tools are intended to help judges deliver a higher quality of work whilst promoting a more efficient justice system.

It is with pleasure to note that, in the field of efficiency, Kazakhstan scores very well. In fact, according to the 2020 data, in Kazakhstan, a court case is resolved in less than a year through all three instances, which period is far shorter than the European median. This is a very positive fact indeed, though it is always advisable to carry out a more comprehensive evaluation of the whole process to be able to obtain a more accurate and precise efficiency analysis.

Concluding on my intervention, I would like to reiterate that CEPEJ is committed to promoting the development of modern, independent, and accessible justice systems not only within Europe but also world-wide. It is therefore a great pleasure and honour for us to see Kazakhstan actively engaging in our work and adopting our guidelines and tools, which guidelines and tools are the result of the sharing of diverse European experiences and best practices which we foster and promote.

While digitalisation nowadays plays a key role in the judicial process, the ultimate goal should always be to ensure that justice remains of high quality, promoting efficiency whilst protecting the fundamental rights of the individual, and thus attaining the level of public trust and a fair judicial system deserves to have.

I thank you once again for giving me the opportunity to address such a group of distinguished persons and highlight a few of the many ideals we are promoting at the CEPEJ, and I invite you to visit our website and delve further in the wealth of material available to all. Furthermore, we are looking forward to further collaboration, so as to continue supporting you in areas where you feel our knowledge might be of assistance.

Thank you for your attention.