



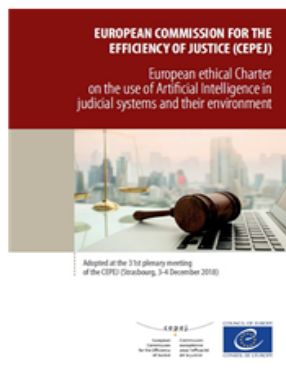
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Council of Europe adopts first European Ethical Charter on the use of artificial intelligence in judicial systems

The European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe has adopted the first European text setting out ethical principles relating to the use of artificial intelligence (AI) in judicial systems.

The [Charter](#) provides a framework of principles that can guide policy makers, legislators and justice professionals when they grapple with the rapid development of AI in national judicial processes.



N° 17 – March 2019



EDITO

To our readers,

At a time when justice-related issues are increasingly becoming a focus of public attention and reforms are under way in several European countries to streamline the way the justice system operates, the work and tools of the CEPEJ are more than ever a unique benchmark in this field.

The CEPEJ's 2018 report on the efficiency and quality of justice is the most eloquent illustration of this, providing decision-makers and the public with an unparalleled volume of data, based on a proven and rigorous methodological approach, in relation to questions concerning the budgets of judicial systems in Europe, judicial staff, the organisation of courts and the quality of the activities of courts and public prosecution services.

However, the CEPEJ's action does not stop there. The European Ethical Charter on the use of

artificial intelligence (AI) in judicial systems adopted by the CEPEJ at the end of 2018, the first European text in this field, illustrates its ability to respond to the technological developments having an impact on the justice sector.

The work that has been carried out for several years now on issues relating to the quality of judges' work and judicial time management are further examples of the CEPEJ's contribution to improving the functioning of justice.

Lastly, the practical assistance provided to many countries, including beyond Europe, by the CEPEJ's experts ensures that the tools it has developed are implemented on a daily basis in judicial systems. Continuing and further developing this work in order to promote a high-quality justice system that meets the expectations of the public

is and must remain a priority. Helping to make this work better known and recognised is another. As the new Director of Human Rights, I intend to play my part in this. However, this objective could not be achieved without the support and contribution of all the legal professionals involved in the work of the CEPEJ. I would like to take this opportunity to thank them most sincerely.

Christophe Poirel

**Director
Directorate of
Human Rights**

Towards European judicial timeframes



Marco Fabri,

Director, Research Institute
for Judicial Systems, National
Research Council (IRSiG-
CNR), Bologna, Italy



In December 2016, the CEPEJ approved and disseminated the document “Towards European Timeframes for Judicial Proceedings” Implementation Guide (CEPEJ 2016/5), which was prepared by its SATURN Centre for Judicial Time Management. This document marks the end of a long process carried out by the SATURN Centre to propose four sets of Timeframes, which take into consideration the large variety of situations in the State. It paves the road to introduce Timeframes as a tool to monitor and to pursue the reasonable length of judicial proceedings stated by article 6 of the European Convention on Human Rights. “Timeframes” are periods of time within which a certain number or percentage of cases have to be resolved, taking into consideration the age of pending cases. They are the fundamental step to calculate the “Backlog”, which is, the number or percentage of pending cases not resolved within an established Timeframe. Timeframes are a management tool dealing with the aggregate caseload, in full respect of the impartiality and independence of each individual judge to deal

with each case. As stated in the Implementation Guide, timeframes are not the panacea for reducing the length of judicial proceedings, but they have proven to be a useful tool to assess the court’s functioning and policies, and then to improve the pace of litigation.

Different Timeframes may be applied in different courts at different instances, and they should take into consideration procedural issues, resource availability, and the legal environment of each State and court where they should be applied.

The Guide proposes four timeframes to be progressively reached step by step by all the States, initially for the large case categories, such as; civil, administrative, and criminal.

Timeframes should then be progressively set for different “Case categories” dealt with by the courts, since it is well known that each case category (e.g. family, bankruptcy, welfare, intellectual property, etc.) has its own length, and therefore needs to be monitored distinctively. This exercise, which should be addressed by every Member State, also has an interesting cross country perspective to start comparing “less different” case categories across the member States.

During the last CEPEJ Pilot Courts’ meeting, after an extensive discussion to find some common case categories dealt with by most of the represented courts, three civil case categories were singled out: “Intellectual property”, “Medical malpractice”, and “Car accidents”.

For each of these categories, pilot courts are asked to provide the basic case-flow data (incoming, resolved, and pending cases), and the age of their pending cases by 31st of December 2018, divided into six time-zones (0-12; 13-18; 19-24; 25-30; 31-36; over 36 months).

Data will be collected and analysed by the CEPEJ Secretariat and the SATURN Group to be presented at the next Pilot Courts’ meeting to be held in autumn. This exercise will allow starting a first consistent comparison of case-flow data on case categories across member States’ courts, as well as a fruitful, in-depth discussion about different rules and practices amongst the courts, and the development of specific timeframes for these particular kinds of cases.

Marco Fabri,

Director, Research Institute
for Judicial Systems, National
Research Council (IRSiG-
CNR), Bologna, Italy

Ongoing activities : what's new ?

Evaluation of judicial systems

The CEPEJ started collecting data for the 2018-2020 cycle from 1st of March 2019, via its CEPEJ-COLLECT application, until 1st of October 2019. The national correspondents in charge of collecting met in Strasbourg on 7

March for an exchange of information with the Secretariat and the members of the Working Group on Evaluation of Judicial systems in order to answer any questions. The next meeting of the

Working Group on Evaluation will be held on 23 and 24 September 2019. The 2020 edition of the evaluation report (2018 data) will be published in the fall of 2020.



*Meeting of the national
correspondents
Strasbourg
7 March 2019*

► [More information about evaluation of judicial systems](#)

Judicial timeframes

At its plenary meeting on 4 December 2018, the CEPEJ adopted the following texts, prepared by the CEPEJ SATURN Centre for judicial time management:

- the update of the [Study on the Analysis of length of court proceedings in the member States of the Council of Europe based on the European Court of Human rights case law in Council of Europe member States](#) based on the case law of the European Court of Human Rights by Mrs Françoise Calvez and Mr Nicolas Regis (France), 3rd edition by

Nicolas Regis - CEPEJ studies No. 27.

The objective of this study is to identify general lessons from the case law of the European Court of Human Rights that could help States to control the length of their court proceedings.

- the [SATURN Centre's revised Guidelines for the Management of Judicial Time](#). This text is a tool to improve time management by the courts. It is addressed successively to legislators and public decision makers, authorities responsible

for the administration of justice, court managers, judges and prosecutors. It also contains in annex uniform European guidelines on judicial delays (Eugmont), examples of dashboard and a Chronology of the different stages of the procedure before and after the trial.

The next meeting of the SATURN Centre for judicial management will be held in Strasbourg on 3 and 4 April 2019. On this occasion, the Group will work on a study on case weighting (see thematic file at the beginning of the Newsletter).

► [More information about the SATURN Centre for judicial time management](#)

Quality of justice

European ethical Charter on the use of artificial intelligence in judicial systems and their environment

The use of AI tools and services in judicial systems is intended to improve the efficiency and quality of justice and should be encouraged.

However, it must be done in a responsible manner, respecting the fundamental rights of individuals as set out in the European Convention

on Human Rights (ECHR) and Council of Europe Convention No 108 on the Protection of Personal Data as well as the other fundamental principles



*The Charter on the use of AI in judicial systems as well as the work in progress within the CEPEJ presented at the International Conference of the Judicial Policy Research Institute (JPRI) in Korea - **Clementina Barbaro**, Secretary of the CEPEJ Working Group on the Quality of Justice (GT-QUAL)*

set out in the [Charter](#). Since then, the CEPEJ has been invited to present the first European text setting out ethical principles relating to the use of artificial intelligence (AI) in judicial systems at its plenary meeting on 4 December 2018.

Since then, the CEPEJ has been invited to present the fundamental principles of the Charter at numerous conferences and seminars at world level and has been the subject of numerous publications in the media.

The Charter is an important reference document for public and private actors responsible for the development and implementation of AI services and applications for legal professionals and judicial systems.

Consult the special file of the CEPEJ :



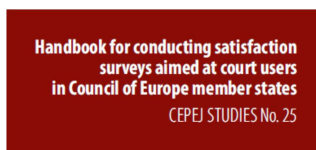
European ethical charter on the use of artificial intelligence in judicial systems

Guide on communication with the media and the public for courts and prosecuting authorities

A [guide on communication with the media and the public for courts and prosecuting authorities](#) was adopted by the CEPEJ at its plenary meeting last December. It is intended for courts and criminal prosecution authorities

(public prosecutors and, where they exist, investigating judges). This guide is intended to help them manage communication with the public and the media, including the general functioning of judicial institutions, current questions

about the activity of these institutions, specific cases or crisis situations, and therefore deals with external communication and not with communication within judicial institutions.



Adopted at the 28th plenary meeting of the CEPEJ on 7 December 2016



Ongoing work in the field of quality of justice

In 2019, GT-QUAL will continue its work to support the implementation of the [Guidelines on how to drive change towards Cyberjustice](#) and enhance the quality of judges' work

knowledge sharing and collaboration, thereby lifting the judge out of isolation. The Secretariat of the CEPEJ reiterates its invitation to the voluntary courts in the member States to

inform the Secretariat of their candidature to participate in the training programme for the organisation of satisfaction surveys on the basis of the [CEPEJ Manual](#).

► [More information about the Working group on quality of justice](#)

Definitions

The CEPEJ *Ad Hoc* Working Group on Definitions continues its work on the preparation of a glossary of terms used by the CEPEJ.

After consultations with all the CEPEJ Working groups, a new draft is being prepared. This glossary, which

should eventually contain more than 70 definitions, will be a very useful tool, particularly for CEPEJ experts.

► [More information about the Working group on definitions](#)

Mediation

At its 31st meeting on 4 December 2018, the CEPEJ adopted the following texts:

- the [Reference grid for mediation performance indicators](#) (Basic mediation statistics),
- the [European Code of Conduct for Mediation](#)

[Providers;](#)
- [Templates for mediation forms](#) as a complement to the [Toolbox for the Development of Mediation](#);
For 2019, the CEPEJ Working group on Mediation

will prepare a feasibility study to assess the interest of proposing to the competent bodies of the Council of Europe to draft a Convention on Mediation.

► [More information about the Working group on mediation](#)

Cooperation programmes

Albania

In the framework of the Joint Programme “Horizontal Facility for the Western Balkan and Turkey”, funded by the European Union and the Council of Europe and implemented by the Council of Europe, the SEJ II Action “Strengthening the efficiency and quality of justice in Albania”, which started in July 2016, will end on 23 May 2019 in parallel to the progressive establishment of the new judicial institutions, in particular the High

Judicial Council (HJC). The SEJ II prepared the ground to support them in their roles to address priority areas of the judicial reforms. It provided in particular:

- a tailor-made CEPEJ methodology to carry out the judicial map review in Albania – the HJC Working Group is now preparing for its implementation with the support of the CEPEJ;
- recommendations to improve the evaluation of judges which should orientate the development of guidelines or bylaws;

- proposals for an IT strategy for Albania and examples of European good practices of establishing an ICT Center as well as a case management system;
- an experts’ report on court security with concrete measures for improvement;
- guidance to improve the relationship between the judiciary and the media;
- a training needs assessment for the School of Magistrates which was also supported in updating its curriculum and strong partnership to deliver CEPEJ training;



*The CEPEJ completed its
Mediation Development
Toolkit*

*at its plenary meeting on 3
and 4 December 2018*



*Support for the new scheme
for the evaluation of judges
in Albania*

*January 14 and 15, 2019,
Anne Sanders
expert of the CEPEJ*

The court coaching programme resulted in various reports to address concrete priority challenges to their daily work. Recommendations were made to improve judicial statistics with one consistent methodology for all, including for the use of the existing and future case management systems ICMS.

A report was also provided with concrete measures to support the work of court staff in this new environment to improve their new roles regarding court management. The use of CEPEJ court users' satisfaction surveys

was very fruitful and there is a strong will to pursue this exercise sustainably. A full guide to support court staff with the implementation of CEPEJ tools will be available by the end of the project.

► [More information about the Programme](#)

Azerbaijan



Oghuz District Court
Azerbaijan

Following-up on a first cooperation phase with Azerbaijan between March 2015 and April 2017, a second cooperation phase in Azerbaijan has just been launched the 1st of March 2019 through a joint cooperation project entitled: "Strengthening the efficiency and quality of the judicial system in Azerbaijan", financed by the European Union and the Council of Europe and implemented by the Council of Europe.

This project has two main domains of action:

- the enhancement of the efficiency and quality of Azerbaijani courts through the application of CEPEJ tools at national level, following their implementation in 5 pilot courts in the previous phase;
- the improvement of the enforcement of court decisions.

Under the first outcome, the activities will focus on:

- providing support and advice to launch

a national tool for public access to the database of judicial statistics based on the concept of **CEPEJ-STAT**

- database in order to allow a comprehensive analysis of the performance of courts through quantitative and qualitative indicators;
- implementing the CEPEJ methodology on statistical data collection, analysis and reporting in all courts and in the annual reports of the Ministry of Justice and Judicial Legal Council;
 - further measuring the quality of justice and other indicatives for courts;
 - promoting modern management methods and tools applied by courts in view of better efficiency and user satisfaction;
 - give support to ensure the

availability of high-quality judicial training in court management. Moreover, under the second outcome, the activities carried out will pursue:

- to provide expertise regarding the improvement of the enforcement of court decisions through legal and institutional modernisation of the enforcement system and strengthened capacities of the involved institutions;
- to promote increased awareness and knowledge among the national stakeholders on the European good practices in enforcement proceedings and related case management.

This cooperation project will last until 31st May 2021 and is part of the programme entitled "Partnership for Good Governance II".

Kosovo*

The KoSEJ Action on “Strengthening the efficiency and quality of justice in Kosovo” which is part of the EU/CoE Horizontal Facility Programme for the Western Balkans and Turkey and was launched in July 2016, as the first wide scale CEPEJ project in Kosovo, will end on 23 May 2019. The work of the CEPEJ with both courts and central authorities – in particular the Ministry of Justice and Judicial Council (KJC) enabled them to acquire a good understanding of the CEPEJ tools and methodology as reflected in the KoSEJ [in-depth assessment of the justice system](#) published in January 2018.

The report was prepared according to relevant CEPEJ judicial indicators to Kosovo in full

consultation with all actors of the judiciary to collect and analyse available statistics from 2014. This exercise was reiterated and presented in a [Comparative Assessment Report](#) presented in March 2019 concerning statistics from 2017. Both exercises ultimately led the Ministry of Justice, to announce the appointment of two coordinators who will be in charge of collecting and assessing data during future assessments of the judicial system. This measure was recommended in the report and identified as of high priority to establish a sustainable data collection process. KoSEJ Court coaching reports on its 7 pilot courts were finalised

and highlight the level of implementation of the CEPEJ SATURN tools and provide concrete recommendations to improve time management. Court coaching activities were implemented to improve judicial statistics with CEPEJ tools and methodology including a case management system. Successfully, courts are progressively using CEPEJ indicators to collect and analyse data. The Basic Court of Pristina is supported with a project to monitor the length of proceedings which is also initiated in other courts. The KoSEJ Action was welcomed by members of the judiciary, its practitioners which have become familiar with practical ways of seeking solutions to daily challenges.



On 14 March 2019, the CEPEJ expert, **Ms Julinda Beqiraj**, presented to the judicial authorities, international partners and members of civil society organisations the main conclusions of the second evaluation report on the judicial system in Kosovo

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

► [More information about the Programme](#)

Malta

This cooperation Project started early in December 2018, and will cover a period of 12 months. It can be seen to a certain extent as a continuation of specific and punctual cooperation missions that were held in Malta over the previous years. Indeed in 2009, 2014 and early 2018, the Maltese authorities

had asked the CEPEJ to support them and their judiciary in reducing the length of proceedings and ensuring an efficient and swift judicial system. This new Project aims at pursuing these efforts, by improving the capacity of the Court of Appeal Superior Jurisdiction,

as well as improving the capacity of the Department of the Courts of Justice to manage human resources for judicial and non-judicial staff in the Maltese courts. This Project is funded by the Structural Reform Support Service from the European Union and the Council of Europe.

► [More information about the Programme](#)

Slovakia



The project “Strengthening the efficiency and quality of the Slovak judicial system” aims at supporting the continued reforms of the justice sector, targeting to improve the efficiency and quality of Slovak courts. This objective is pursued

through a thorough assessment of the Slovak judicial system and formulation of recommendations based on European good practices with a view to improving the functioning of courts. In addition, capacity building is

provided to the Analytical Centre of the Ministry of Justice, and the implementation of time and quality management tools developed by the CEPEJ in national pilot courts is supported through a court coaching programme.

► [More information about the Programme](#)

South Programme 3

The activities carried out by the CEPEJ within the framework of the joint programme “Ensuring the sustainability of democratic governance and human rights in the southern Mediterranean” (South Programme 3) aim to promote the independence, efficiency and quality of justice in the region by improving the functioning of the courts and by supporting the implementation of judicial reforms and the revision of relevant normative frameworks in accordance with European standards. The CEPEJ cooperates in this framework mainly with Morocco, Tunisia, Jordan, and soon Egypt. Following the establishment of a bilateral programme with Tunisia (cf. article hereafter), partner of the

CEPEJ in the framework of the South Programme since 2012, the activities set up in recent months have mainly concerned Morocco and a new partner, Egypt. A training activity on strategic planning tools and techniques as well as on good administrative and budgetary management practices in the judicial councils was held last December at the request of the High Council of the Moroccan Judiciary (CSPJ). Under the chairmanship of the Secretary General of the CSPJ, French, Portuguese, Belgian and Moroccan experts led a Round Table in which some 40 administrative officials (heads of divisions, departments and units) of the High

Authority set up in 2017 to protect the independence of Moroccan judges participated. Other activities of this type should soon be held with the Moroccan CSPJ or the Presidency of the Public Prosecutor's Office, an institution recently set up as well. In parallel, the CEPEJ initiates cooperation with the Egyptian Council of State, at the request of this court. A fact-finding mission with CEPEJ experts will be held for this purpose in the coming weeks in order to determine the priorities for intervention and the activities to be implemented with Egypt in the near future.



*Preparatory mission of the CEPEJ
18 and 19 March 2019
Tunisia*

Tunisia

This programme, which began in January 2019 and is due to be completed in December 2021, aims to consolidate, deepen, extend and perpetuate the reform of the justice sector in order to improve the quality and

efficiency of the daily operation of the public justice service, provided by the courts for Tunisian citizens. On 18 and 19 March 2019, a CEPEJ team went to Tunis to meet the main actors and beneficiaries. The

objective of this first exploration mission was to take stock of the situation in order to validate the programme's action plan and take the first concrete steps towards its implementation.

Entitled "Improving the functioning, performance and access to justice in Tunisia (AP-JUST)"

this programme is jointly funded by the European Union and the Council

of Europe and implemented by the Council of Europe.

► [More information about the Programme](#)

Spain

The project "Promoting cyberjustice in Spain through change management and improvement of data collection" provides to Spanish authorities expertise and information on the European best practices with a view to

accompanying the development and implementation of cyberjustice tools, with a particular focus on how to successfully drive change in this area. As part of the project, CEPEJ experts from different countries

also provide advice on the possible methodology and tools to strengthen data collection and to improve the use of judicial statistics in the areas of court management and support to crime victims.

► [More information about the Programme](#)

Crystal Scales of Justice Prize : call for applications (deadline 31 March 2019)

The aim of the prize is to identify and promote innovative practices regarding the conduct of proceedings, court organisation and the functioning of court systems in general. To be eligible for consideration, the practices nominated must have been implemented recently and they should be easily usable by other States or jurisdictions.

Their efficiency must be measurable. The 2019 competition is open to courts, Bar Associations, non-governmental organisations and any other bodies dealing with judicial affairs in a member State of the Council of Europe or an observer State to the CEPEJ*. Applications must meet the eligibility criteria as specified in

the Rules of the Prize, and be submitted to the Council of Europe, preferably electronically, by **31st March 2019**.

- [Rules and application form](#)

The Prize awarding ceremony will take place in Oslo (Norway) on 25 October 2019 in the framework of the European Day of Justice.

► [More information about the Crystal Scales of Justice Prize](#)

A.- TECHNOLOGICAL FIELD.

Digital Justice is the technological and operative solution that will allow the judicial offices to electronically process information.



Winner of the 2017 edition of the Crystal Scales of Justice Prize :
« Witness Service in Norwegian Courts »

Norwegian Courts Administration

Calendar of CEPEJ meetings

Plenaries

13-14 June 2019

Strasbourg

5-6 décembre 2019

*Strasbourg***Bureau**

9 October 2019

*Strasbourg***Quality of justice**

14-15 October 2019

*Venice (Italy)***Evaluation of judicial systems**

23-24 September 2019

*Paris***SATURN Centre**

3-4 April 2019

Strasbourg

2 et 4 October 2019

*Strasbourg***Mediation**

6-7 May 2019

Paris

17-18 October 2019

*Strasbourg***Pilot courts**

3 October 2019

*Strasbourg***Crystal Scales of Justice Prize awarding ceremony**

25 October 2019

Oslo (Norway)