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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

2022 - 2023 Activity Programme of the CEPEJ

Adopted by the CEPEJ in accordance with Article 7.5 of its Statute

1. The Committee of Ministers has entrusted the European Commission for the Efficiency of Justice (hereafter "CEPEJ") with the mission of working with member States to promote effective implementation of Council of Europe instruments concerning the organisation of judicial systems, promoting justice as an efficient public service functioning with quality and taking the users of the justice system into account, and helping to disencumber the European Court of Human Rights by offering member States effective solutions prior to legal proceedings, preventing violations of Article 6 of the European Convention on Human Rights.

2. Under Article 2 of its Statute, contained in the Committee of Ministers' Resolution Res(2002)12, the CEPEJ is required to:

- examine the results achieved by the different judicial systems, using common statistical criteria and means of evaluation,
- analyse problems and areas for possible improvements, and
- identify concrete ways of improving the evaluation and functioning of member States' judicial systems, regard being had to the specific needs of each State.

3. The independence and efficiency of justice remain among the key strategic priorities of the Organisation as set out in the four-year strategic framework 2022-2025 of the Secretary General of the Council of Europe, in particular the tasks concerning "The independence, efficiency and resilience of the judicial systems of our member states" and the "Artificial intelligence and the broader impact of digital transformation and the use of new technologies on human rights, democracy and the rule of law", in accordance with Article 3 of the Statute of the Council of Europe. This programme is also in line with the Council of Europe Contribution to the United Nations 2030 agenda for sustainable development goals – Goal 16: Access to justice.

4. The CEPEJ's activity contributes to the implementation of the "Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality" adopted by the Committee of Ministers on 13 April 2016 following the report by the Secretary General "on the state of democracy, human rights and the rule of law in Europe".

5. This programme is designed around six areas of responsibility vested in the CEPEJ:

a. developing tools for analysing the functioning of justice and ensuring that public policies of justice are geared towards greater efficiency and quality,

b. obtaining an in-depth knowledge of the timeframes of proceedings for reaching optimum and foreseeable judicial time,

c. promoting quality of judicial systems and courts,

d. developing targeted co-operation at the request of a member or partner State and promoting among the stakeholders in the member or partner States the implementation of the measures and the use of the tools designed by the CEPEJ,

e. analysing and developing relevant tools on emerging issues such as the use of cyberjustice and artificial intelligence in judicial systems as regards the efficiency and quality of judicial systems,

f. strengthening relations with users of the justice system, as well as national and international bodies.

6. It includes co-operation programmes (including Joint programmes with the European Union) for promoting the concrete implementation of the CEPEJ methodology and tools by justice decision-makers and in courts, as an integral part of the CEPEJ's own activities. Such activities offer a genuine added value in the field of justice to the member States and non-member States seeking for closer co-operation with the Council of Europe.

7. Where appropriate, the activities will be carried out in co-operation with the relevant Council of Europe committees, as well as the observers to the CEPEJ.

8. The activity programme is implemented according to available budgetary resources (ordinary budget and other budgetary resources), under the CEPEJ's overall authority, in accordance with the responsibilities laid down in Resolution Res(2002)12. Within its responsibilities, the CEPEJ Bureau prepares the ground for this work and issues the necessary guidance.

General Responsibilities of CEPEJ (a)	Develop tools for evaluating and analysing to towards greater efficiency and quality	he functioning of justice and ensuring that	public policies of justice are geared	
Specific Objectives	To have a detailed knowledge of European judicial systems and the evolution of the day- to-day functioning of the courts, in order to facilitate the reform process in the member States and beyond	To provide expertise for the analysis of the functioning of judicial systems to better assess efforts made in the field of judiciary reforms and to strengthen mutual confidence between the judicial systems of member States, in particular as regards efficiency, quality and accountability of the judicial systems		
Tasks	 Implementation of the 2022 evaluation cycle (2020 data) in the member States and volunteer observer States (including Israel, Morocco and Kazakhstan) Preparation and adoption of the evaluation report of judicial systems (Edition 2022) structured around specific issues (budget, professionals, organisation and users of the courts, efficiency and quality) and the enrichment of the CEPEJ-STAT data base Promotion of the 2022 evaluation report highlighting European trends and country fiches. In parallel, CEPEJ-STAT to evolve to be more interactive for the user Launching of the 2024 evaluation cycle (2022 data): adaptation of the electronic Scheme (CEPEJ-COLLECT), information of the national correspondents Implementation of the peer review cooperation process on national judicial statistics in order to be more compatible with CEPEJ-COLLECT Evaluation of the functioning of judicial systems in members, observers and partners States, from the CEPEJ methodology 	Co-operation with the European Commission consisting of the preparation of an annual Study, based on the CEPEJ methodology, evaluating the functioning of judicial systems to be used for the preparation of the "EU Justice Scoreboard"	Co-operation with the European Commission consisting of the preparation of an annual Study, based on the CEPEJ methodology, evaluating efficiency, quality and accountability of Western Balkans and EaP judicial systems ("Justice Dashboard EaP")	

General Responsibilities of CEPEJ (b)	Contribute to the respect by courts of the timeframes of proceedings for reaching optimum and foreseeable judicial timeframes and enable efficient court management		
Specific Objectives	To develop tools to improve judicial time management to find remedies for excessive length of proceedings	To promote the implementation of the SATURN tools and guidelines within courts	
Tasks	Development of guidelines allowing the implementation of a system of case weighting Development of a tool to detect delays in civil proceedings Updating of guidelines on judicial time management	Implementation of the court coaching programs on judicial time management in volunteer European courts Development of tailor-made programs for supporting the implementation of SATURN tools in a large number of courts Collection of good practices concerning judicial time management	

General responsibilities of CEPEJ c)	Promote quality of judicial systems and courts					
Specific Objectives	To implement the principles of the CEPEJ European Ethical Charter on the use of artificial intelligence in judicial systems and their environment (hereafter "CEPEJ Charter")	To improve access to justice for the court users	To support States and courts to measure the quality of justice	To improve the general framework concerning the career of judges	To measure the perception that users have of their judicial system	To strengthen the use of mediation within the judicial system
Tasks	 Dissemination of the CEPEJ Charter and effective implementation of its principles in particular by: i. Operationalisation of the principles of the CEPEJ Charter ii. Setting up of an advisory body on artificial intelligence (AI) iii. Setting up a resource center on AI iv. Development of a framework for a possible pilot project of labelling AI tools used in justice in the light of the principles of the CEPEJ Charter 	Preparation of an instrument on the rights of people with disabilities and justice	Development of tools, indicators and means for measuring the quality of judicial work, in particular by updating the checklist for promoting the quality of justice and the courts	 Preparation of a checklist/framework on how to evaluate the work/performance of judges Development of a tool on how to ensure gender equality in the recruitment and promotion of judges Development of a tool aimed at improving the quality of the working environment of the judge Preparation of a Charter on essential training topics for justice professionals for initial and in-service training 	Implementation of the court coaching programs for measuring the users' satisfaction as regards the public service provided by courts	Compilation of best practices (cases of success) concerning mediation procedures in member states

General Responsibilities of CEPEJ (d)	Develop targeted co-operation at the request of one or more States and promoting CEPEJ tools		
Specific Objectives	To provide guidance for improving the organisation of judicial systems and courts in some member, observer and partner States	To ensure a good knowledge of the CEPEJ's tools in the central administrations and among the justice professionals and to promote relations with national and international bodies competent in the field of justice	
Tasks	Use of CEPEJ methodology and tools in implementing Council of Europe co-operation programmes for judicial reforms Answer to punctual requests by member and observer States regarding specific aspects of their judicial system Strengthening the pool of CEPEJ experts participating in co- operation activities	 Active participation of CEPEJ members and experts in the implementation of the Council of Europe co-operation programs for judicial reforms Support to academic research and teaching Provision to member States and the European legal community of wide-ranging information on the operation of justice in Europe and on CEPEJ tools Translation of CEPEJ's documents in non-official languages 	

General Responsibilities of CEPEJ (e)	Analyse and develop relevant tools on e regards efficiency and quality	emerging issues such	as cyberjustice or art	ificial intelligence in judicial systems as	
Specific Objectives	To provide public decision-makers, legal professionals and users of justice with tools to support the evolution of judicial systems towards cyberjustice		To regularly consider the various challenges posed by digitalisation of justice and use of AI in justice		
Tasks	 Development of guidelines on online alternative dispute resolution (ADR) Development of guidelines on e-auctions Development of guidelines on public jurisprudence databases (use of metadata and anonymization) Development of guidance on good governance and management of IT reform projects and their application 		Development of the CEPEJ Resource Centre on Cyberjustice and AI Development and steering of the European Cyberjustice Network (CEPEJ-ECN) Strengthen a pool of experts specialised in cyberjustice Participation and organisation of fora on cyberjustice and AI		
General Responsibilities of CEPEJ (f)	Strengthen relations with users of the ju	istice system and with	national and interna	tional bodies	
Specific Objectives	To bring the judicial system closer to the European citizen	To facilitate the understanding of, and access to, the CEPEJ's work		To contribute to the debate and provide a forum for the legal community	
Tasks	Organisation of the European Day of Justice (annual) Organisation of the Prize: "Crystal Scales of Justice" (biennial, 2023) Organisation of the European Prize: "Junior Crystal Scales of Justice" (biennial, 2022)	Improvement of the website and of CEPEJ- STAT Regular updating of CEPEJ Resource center on cyberjustice and AI		Provision of specific CEPEJ expertise to other Council of Europe bodies, to the European Union and more generally to the European judicial community Provision of specific expertise in the field of justice	

Means of the CEPEJ to accomplish its tasks:

4 plenary meetings of the CEPEJ

4 meetings of the Bureau of the CEPEJ

5 meetings of the CEPEJ-GT-EVAL (other online meetings can be organised as needed)

4 meetings of the CEPEJ-SATURN (other online meetings can be organised as needed)

4 meetings of the CEPEJ-GT-QUAL (other online meetings may be organised as necessary)

4 meetings of the CEPEJ-GT-CYBERJUST (further online meetings can be organised as needed)

2 meetings of the Network of National Correspondents (further online meetings can be organised as needed)

2 meetings of the CEPEJ Network of Pilot courts

2 online meetings of the CEPEJ European Cyberjustice Network (further online meetings can be organised if needed)

Ad hoc visits of a CEPEJ-GT-EVAL / Secretariat delegation to the member states when needed for data collection

Peer review visits (5 maximum with 3 experts)

Participation of representatives of the CEPEJ and the CEPEJ Secretariat in various fora to present the various CEPEJ tools

CEPEJ-COLLECT and CEPEJ-STAT

Specific cooperation programmes in collaboration with other partners (including the EU)

2 training meetings for CEPEJ experts

Skills and availability of CEPEJ experts

CEPEJ means of communication: website, presence on social networks, CEPEJ newsletter

European Day of Justice

Crystal Scales of Justice Prize and Junior Crystal Scales of Justice Prize (jury meetings and prize-giving event)

Terms of reference of the Working Group on evaluation of judicial systems (CEPEJ-GT-EVAL) 2022-2023

1. Tasks

In accordance with article 7.2.b of Appendix 1 to Resolution <u>Res(2002)12</u>, and under the authority of the European Commission for the Efficiency of Justice (CEPEJ), the Working Group on evaluation of judicial systems (CEPEJ-GT-EVAL) is instructed to implement the common tool set up by the CEPEJ which aims at evaluating in an objective manner the functioning of the judicial systems in Europe and those of its observers.

In order to fulfil its tasks, the CEPEJ-GT-EVAL shall in particular:

- a. determine and follow the implementation of the 2022 evaluation cycle of the European judicial systems (2020 data), including the national judicial data collection and processing and prepare the draft evaluation report, to be adopted at the 38th plenary meeting of the CEPEJ;
- b. make proposals for the appropriate use of the results achieved by the evaluation exercise that constitutes the basis of the Report "European judicial systems 2022 edition" and allowing the development of indicators and the identification of orientations and trends observed among judicial systems in Europe, so that they may be used in a concrete and fruitful manner in public policies of justice;
- c. pursue the development of the interactive CEPEJ-STAT database;
- d. ensure the proper information and communication regarding the Edition 2022 of the Report and assess the impact of the Report in the member States;
- e. initiate, follow and approve studies using the data of the Report "European judicial systems Edition 2022", with a view to publishing them;
- f. organise the 2024 evaluation cycle (based on 2022 data), by advising in due time the national correspondents, organising the concrete modalities for data collection and processing as well as anticipating the structure and the outline of the next Report so as to guide the data processing;
- g. coordinate and supervise the preparation of the CEPEJ Study supporting the annual publication of the "EU Justice Scoreboard", consisting in collecting and analysing data on the functioning of the judicial systems of the EU Member States, following the established CEPEJ methodology;
- h. coordinate and supervise the preparation of the CEPEJ Evaluation report by collecting and analysing data on the functioning of the judicial systems in Western Balkans Beneficiaries (exercise known as the European Union CEPEJ "Dashboard Western Balkans");
- i. coordinate and supervise the preparation of the CEPEJ Evaluation report by collecting and analysing data on the functioning of the judicial systems in Eastern Partnership Beneficiaries (exercise known as the European Union CEPEJ "Justice Dashboard Eap");
- j. improve the coherence of the processes of all evaluation exercises (see f, g, h, I above);
- k. organise the implementation of the peer review co-operation process on judicial statistics, analyse the conclusions of this process and, where appropriate, make recommendations aiming to:
 - support member States in improving the quality of their judicial statistics and developing their statistics system,
 - facilitate the exchange of experiences between national judicial statistics systems,
 - sharing good practices, identifying common indicators and facilitating knowledge transfer,
 - contribute to ensuring the transparency and accountability of the CEPEJ process for evaluating European judicial systems and to improving the process;

- I. organize *ad hoc* visits to member States in which difficulties have been observed in respect of the data submitted;
- a. contribute to the HELP training modules reflecting the work in the field of evaluation;
- b. contribute to the implementation of the relevant co-operation programmes;
- m. set up and develop, in co-operation with the CEPEJ-GT-QUAL, CEPEJ-GT-CYBERJUST and the CEPEJ-SATURN, tools and indicators for measuring the performance of justice systems and courts.

2. Composition

The CEPEJ-GT-EVAL shall be composed of 6 members of the CEPEJ or experts, as well as possibly 2 substitute members, proposed by member States through their CEPEJ members and appointed by the CEPEJ Bureau, with an in-depth knowledge in the field of the evaluation of judicial systems. Their travel and subsistence expenses are to be borne by the budget of the Council of Europe. Other experts appointed by the member States might participate in its work, at their own expenses.

The relevant Council of Europe and European Union bodies may be represented to the CEPEJ-GT-EVAL without the right to vote or defrayal of expenses.

The non-governmental organisations granted observer status with the CEPEJ may be invited by the Bureau to participate in the work of the CEPEJ-GT-EVAL, if the Bureau considers their attendance relevant for the quality of the work.

3. Working structures and methods

The CEPEJ-GT-EVAL will organise 5 meetings and evaluation visits can be organised in some member States or observer States participating to the evaluation cycle (on States request and subject to budgetary availability).

In carrying out its terms of reference, the CEPEJ-GT-EVAL may in particular be supported by the Network of national correspondents entrusted with the coordination of the answers to the evaluation Scheme.

It will also coordinate its work with other relevant CEPEJ's working groups (namely the CEPEJ-SATURN, CEPEJ-GT-QUAL and CEPEJ-GT-CYBERJUST)

It may also seek the advice of external experts and have recourse to studies by consultants.

4. Duration

Terms of reference of the Working group on judicial time management (CEPEJ-SATURN¹) 2022-2023

1. Tasks

According to article 7.2.b of annex 1 to Resolution <u>Res(2002)12</u>, and under the authority of the European Commission for the Efficiency of Justice (CEPEJ), the Working group on judicial time management (CEPEJ-SATURN) is in charge of collecting specific information necessary for obtaining a sufficiently detailed knowledge of judicial timeframes in the member States and is instructed to develop tools to improve the efficiency of court management in order to enable member States to implement policies aiming to prevent violations of the right to a fair trial within a reasonable time as protected by Article 6 of the European Convention on Human Rights.

In order to fulfil its mandate, the CEPEJ-SATURN shall in particular:

a. develop a tool enabling to better analyse the various timeframes according to the various steps of the civil procedure;

b. development of guidelines allowing the implementation of a system of case weighting;

c. draft a proposal to update the Recommendation No. R (86)12 of the Committee of Ministers to Member States concerning measures to prevent and reduce the excessive workload in the courts;

d. develop tools supporting courts and justice professionals in improving judicial time management and court management, for example by updating the CEPEJ Time management checklist²;

e. promote and assess the implementation in the member States of the SATURN Guidelines for judicial time management and update the Guidelines as needed;

f. develop a compilation of good practices analysing success factors concerning judicial time management in member States, taking into account the CEPEJ Compendium of good practices on judicial time management³;

g. contribute to the HELP training modules reflecting the work in the field of judicial time management;

h. contribute to the implementation of the relevant co-operation programmes.

2. Composition

The CEPEJ-SATURN is composed of 6 members of the CEPEJ or experts, as well as possibly 2 substitute members, proposed by member States through the CEPEJ members and appointed by the CEPEJ Bureau, with an in-depth knowledge in the field of judicial timeframes. Their travel and subsistence expenses will be borne by the budget of the Council of Europe. Other experts appointed by the member States might participate in its work, at their own expenses.

The relevant Council of Europe and European Union bodies may be represented on the Steering group without the right to vote or defrayal of expenses.

The non-governmental organisations granted observer status with the CEPEJ may be invited by the Bureau to participate in the work of the Working group, if the Bureau considers their attendance relevant for the quality of the work.

3. Working structures and methods

The CEPEJ-SATURN will hold 4 meetings (subject to budgetary availability).

¹ Study and Analysis of judicial Time Use Research Network

² CEPEJ(2005)12REV

³ CEPEJ(2006)13

In carrying out its terms of reference, the CEPEJ-SATURN might rely on the CEPEJ Network of Pilot courts.

It will also coordinate its work with other relevant CEPEJ's working groups (namely the CEPEJ-GT-EVAL, the CEPEJ-GT-QUAL and CEPEJ-GT- CYBERJUST). It may also the advice of external experts and have recourse to studies by consultants.

4. Duration

Terms of reference of the Working Group on quality of justice (CEPEJ-GT-QUAL) 2022-2023

1. Tasks

In accordance with article 7.2.b of Appendix 1 to Resolution <u>Res(2002)12</u>, and under the authority of the European Commission for the Efficiency of Justice (CEPEJ), the Working Group on quality of justice (CEPEJ-GT-QUAL) is instructed to develop means of analysis and evaluation of the work carried out within courts with a view to improving, in the member States, the quality of the public service of the justice system, in particular vis-à-vis the expectations of the justice practitioners and users.

In order to fulfil its tasks, the CEPEJ-GT-QUAL shall in particular:

- a. develop and promote the principles of the "European Ethical Charter on the use of Artificial Intelligence in the judicial systems and their environment", by:
 - i. operationalising the principles of the Charter,
 - ii. setting-up an advisory body on artificial intelligence under its authority,
 - iii. contributing to a resource center on artificial intelligence,
 - iv. drafting a potential pilot project of labelling artificial intelligence tools used in justice in the light of the principles of the Charter;
- b. develop a tool on how to ensure gender equality in the recruitment and promotion of judges;
- c. develop a tool on the rights of people with disabilities and access to justice;
- d. develop a tool aimed at improving the quality of the working environment of the judge;
- e. draft a Charter on essential training topics for justice professionals, for initial and in-service training;
- f. develop a compilation of good practices analysing success factors concerning mediation procedures in member states;
- g. draft a framework on how to evaluate the work/performance of judges;
- h. develop tools, indicators and means for measuring the quality of judicial work, for example by updating the CEPEJ checklist for promoting the quality of justice and the courts;
- i. contribute to the HELP training modules reflecting the work in the field of quality;
- j. contribute to the implementation of the relevant co-operation programmes.

2. Composition

The CEPEJ-GT-QUAL is composed of 6 members of the CEPEJ or experts, as well as possibly 2 substitute members, proposed by member States through the CEPEJ members and appointed by the CEPEJ Bureau, with an in-depth knowledge in the field of operation of courts, analyse of judicial practice and, when necessary, mediation. Their travel and subsistence expenses will be borne by the budget of the Council of Europe. Other experts appointed by the member States may participate in its work, at their own expenses.

The relevant Council of Europe and European Union bodies may be represented to the CEPEJ-GT-QUAL without the right to vote or defrayal of expenses.

The non-governmental organisations granted observer status with the CEPEJ can be invited by the Bureau to participate in the work of the CEPEJ-GT-QUAL, if the Bureau considers their attendance relevant for the quality of the work.

3. Working structures and methods

The CEPEJ-GT-QUAL will organise 4 meetings.

In carrying out its terms of reference, the CEPEJ-GT-QUAL may rely on the CEPEJ Network of Pilot courts.

It will also coordinate its work with other relevant CEPEJ's working groups (namely the CEPEJ-GT-EVAL and the CEPEJ-SATURN and the CEPEJ-GT-CYBERJUST).

It may also seek the advice of external experts and have recourse to studies by consultants.

4. Duration

Terms of reference of the Working Group on cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST) 2022-2023

1. Tasks

In accordance with article 7.2.b of Appendix 1 to Resolution <u>Res(2002)12</u>, and under the authority of the European Commission for the Efficiency of Justice (CEPEJ), the Working Group on cyberjustice and Artificial Intelligence (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 (information and communication technologies) and/or IA mechanisms in judicial systems in order to improve the efficiency and quality of justice, in coordination with the work of the <u>European Committee on Legal Co-operation (CDCJ)</u> and Ad Hoc Committee on Artificial Intelligence (CAHAI).

In order to fulfil its tasks, the CEPEJ-GT-CYBERJUST shall in particular develop concrete tools concerning:

- a. online alternative dispute resolution (ADR)
- b. e-auctions;
- c. public jurisprudence databases (use of metadata and anonymisation);
- d. good governance and management in IT reform projects and their application.

The CEPEJ-GT-CYBERJUST shall also:

- a. contribute to the newly created CEPEJ Resource Centre on Cyberjustice and artificial intelligence, in close cooperation with CEPEJ-GT-QUAL;
- b. develop and steer the European Cyberjustice Network (CEPEJ-ECN);
- c. contribute to the improvement of the Chapter on IT of the Evaluation Scheme in close cooperation with CEPEJ-GT-EVAL;
- d. contribute to the HELP training modules reflecting the work in the field of cyberjustice;
- e. contribute to the implementation of the relevant co-operation programmes.

2. Composition

The CEPEJ-GT-CYBERJUST is composed of 6 members of the CEPEJ or experts, as well as possibly 2 substitute members, proposed by member States through the CEPEJ members and appointed by the CEPEJ Bureau, with an in-depth knowledge in the field of cyberjustice and IA applied in justice. Their travel and subsistence expenses will be borne by the budget of the Council of Europe. Other experts appointed by the member States may participate in its work, at their own expenses.

The relevant Council of Europe and European Union bodies may be represented to the CEPEJ-GT-CYBERJUST without the right to vote or defrayal of expenses.

The non-governmental organisations granted observer status with the CEPEJ can be invited by the Bureau to participate in the work of the CEPEJ-GT-CYBERJUST, if the Bureau considers their attendance relevant for the quality of the work.

3. Working structures and methods

The CEPEJ-GT-CYBERJUST will organise 4 meetings.

In carrying out its terms of reference, the CEPEJ-GT-CYBERJUST will coordinate its work with other relevant CEPEJ's working groups (namely the CEPEJ-GT-EVAL, the CEPEJ-SATURN and the CEPEJ-GT-QUAL). It may also seek the advice of external experts and have recourse to studies by consultants.

4. Duration