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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Activity Report of the CEPEJ - 2018

Highlights 2018

45 member States and 2 CEPEJ observer States (Israel, Morocco) were provided with detailed and comparative analysis of the functioning of their judicial systems, to guide their reforms, through the report published by the CEPEJ and widely disseminated to policy makers, justice professionals and the public. The interactive database, CEPEJ-STAT, makes it easy to obtain detailed and comparable information on the functioning of judicial systems. The European Commission was provided by the CEPEJ with information on 26 States enabling it to prepare its "Justice Scoreboard ". Recommendations were made to improve the system of judicial data collection in Andorra, Montenegro, and North Macedonia.

The first "European Ethical Charter on the use of Artificial Intelligence (AI) in judicial systems and their environment" was provided to steer public policies in the light of the speed and far-reaching development of AI within the judiciary. Courts were provided with a new Guide on courts' and public prosecution services' communication with the public and the media. SATURN tools for strengthening the efficiency of judicial time management were updated (Guidelines for Judicial Time management, Study on the length of court proceedings in the member States based on the ECtHR case-law). A Mediation Development Toolkit was developed to support the application of the Council of Europe's norms in this field.

Specific cooperation was concluded with the Strasbourg Law Faculty, in particular in the field of cyberjustice. Judicial authorities in 17 member States organised 41 specific events within the framework of the European Day of Justice.

The tools and the methodology of the CEPEJ have been used to guide judicial reforms, in particular through CEPEJ cooperation programmes (Albania, Latvia, Malta, Slovakia, Spain, Kosovo*¹, Morocco, Tunisia). The CEPEJ was represented in 60 fora (27 States) on the functioning of justice.

For further information: www.coe.int/CEPEJ

¹ * All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

1. This report outlines the work undertaken by the European Commission for the Efficiency of Justice (CEPEJ)² in 2018 in accordance with its Activity Programme³. It was submitted to the Committee of Ministers for approval, pursuant to Articles 7-6 and 7-7 of the CEPEJ Statute.
2. The CEPEJ celebrated its 15th anniversary in 2018.

1. THE EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ) in 2018

1.1 Membership of the CEPEJ

3. The CEPEJ is made up of experts from the 47 member States of the Council of Europe. Only two states (Liechtenstein and San Marino) were not regularly represented on the CEPEJ. Among the states enjoying observer status, Israel, Morocco and Tunisia participated in the work of the CEPEJ. Kazakhstan and Guatemala were granted Observer status in 2018.
4. Mr Georg STAWA (Austria) was President of the CEPEJ and Mr Ramin GURBANOV (Azerbaijan) Vice-President. Ms Ivana BORZOVA (Czech Republic) and Mr Noel RUBOTHAM (Ireland) were members of the Bureau.
5. The European Court of Human Rights, the Parliamentary Assembly of the Council of Europe, the Consultative Council of European Judges (CCJE), the Consultative Council of European Prosecutors (CCPE), the European Committee on Legal Co-operation (CDCJ) and the European Committee on Crime Problems (CDPC) were also represented at CEPEJ plenary meetings.
6. The European Union was regularly represented at the plenary and working group meetings, by the Council of the European Union, the European Commission, the Secretariat of the European Parliament and the Fundamental Rights Agency.
7. The European Association of Judges, MEDEL (*Magistrats Européens pour la Démocratie et les Libertés*), the European Federation of Administrative Judges, the Council of Bars and Law Societies of Europe (CCBE), the European Union of *Rechtspfleger* (EUR), the International Union of Judicial Officers (UIHJ), the European Judicial Training Network (EJTN), the European Network of Councils for the Judiciary (ENCJ), the Council of the Notariats of the European Union (CNUE), the European Institute of Expertise and Expert (EEEI), and the American Bar Association – Rule of Law Initiative have observer status with the CEPEJ.

1.2 Meetings of the CEPEJ

8. The CEPEJ held two plenary meetings in Strasbourg (27-29 June and 4-5 December). The Bureau of the CEPEJ met twice in Paris (12 January) and Strasbourg (3 October). The Working Groups met regularly according to the Activity Programme, with, in the Chair, respectively Mr Jean-Paul JEAN (France), succeeded by Mr Jasa VRABEC (Slovenia), for the group on the Evaluation of Judicial Systems (CEPEJ-GT-EVAL), Mr Giacomo OBERTO (Italy) for the Steering group of the SATURN Centre for Judicial Time Management, Mr Joao ARSENIO DE OLIVEIRA (Portugal) for the group on the Quality of Justice (CEPEJ-GT-QUAL) and Mr Rimantas SIMAITIS (Lithuania) for the group on mediation (CEPEJ-GT-MED).
9. The 12th plenary meeting of the Network of national correspondents entrusted with the collection of judicial data took place in Strasbourg (16 May). The 13rd plenary meeting of the Network of pilot courts was held in Strasbourg (10 October).

2. ACTIVITIES AND ACHIEVEMENTS OF THE CEPEJ IN 2018

10. The CEPEJ's activity programme is part of the Pillar "Rule of law", Sector "Justice", Programme "Independence and efficiency of justice" of the Council of Europe's Programme and Budget. The CEPEJ's task is central to the Council of Europe's activities in that it is expected to promote common fundamental values: human rights, rule of law and democracy by strengthening democracy, good governance and the rule of law in member States.
11. The CEPEJ has been entrusted by the Committee of Ministers with the task of proposing practical solutions, suitable for use by Council of Europe member states, with a view to:

² The CEPEJ was established on 18 September 2002 by Resolution Res (2002)12/12 of the Committee of Ministers of the Council of Europe, Appendix 1 to which sets out its Statute.

³ Document CEPEJ(2013)12.

- promoting the effective implementation of existing Council of Europe instruments relating to the organisation of justice;
- promoting the public service of justice and ensuring that public policies concerning the courts take account of the needs of users of the justice system and, in particular, the judiciary and law officers;
- contributing to reducing the workload of the European Court of Human Rights by offering states effective solutions prior to application to the Court and preventing violations of Article 6 of the European Convention on Human Rights.

2.1 Tools for analysing the functioning of judicial systems and ensuring that public policies relating to the courts are geared to greater efficiency

2.1.1 Evaluating the functioning of European judicial systems

12. The 2016 - 2018 cycle for evaluating the day-to-day functioning of judicial systems was successfully concluded with
 - the publication of: the "Report on European judicial systems – Efficiency and quality of justice - Edition 2018"⁴,
 - the updating of the CEPEJ-STAT dynamic data base.

This work was adopted at the 30th plenary meeting (27-29 June) and made public on 4 October at a press conference in Paris.

13. The CEPEJ 2018 report was widely disseminated in member States and beyond, confirmation of the fact that it constitutes a major reference point for reforming public policies of justice in Europe.
14. The Committee of Ministers, relevant national administrations and the judicial bodies of member States also showed considerable interest in the report. The main European media reported and commented widely on the report⁵. Several states indicated that the report had been discussed in the media and by political bodies such as the ministry of justice, parliament, political parties and judicial bodies, such as councils for the judiciary, as well as professional associations. Some States also confirmed that the report had been used directly in carrying out judicial reforms. Several States had the report translated either in full or in part. The Report was also widely disseminated through social networks.
15. The CEPEJ-STAT data base is unique in the world. It presents a detailed overview of the functioning of judicial systems in 45 member States, as well as Israel and Morocco as observer States, together with time-series statistics highlighting changes in the judicial systems in all these countries. The development of CEPEJ-STAT is a major step forward in providing policy makers, justice professionals, researchers and the public with unprecedented interactive information to guide public policies of justice.
16. The comparative tables and graphs and the comments help to understand the day-to-day functioning of courts, underline the main trends in judicial systems and identify any problems with a view to improving the quality, fairness and efficiency of the public service of justice. It is a sound tool for enhancing mutual knowledge of judicial systems and strengthening mutual confidence between judicial professionals.

Implementation of the peer evaluation process

17. In the context of the peer evaluation of judicial statistics systems, expert visits were organised to Andorra, Montenegro and North Macedonia. This process aims to assist States in their efforts to enhance the quality of their judicial statistics, improve their statistical systems and ensure that national statistics are consistent with the standards set out in the CEPEJ's evaluation scheme. It provides an opportunity to exchange experiences between national judicial statistics systems, share best practices, identify common indicators and transfer knowledge. It also seeks to improve and help ensure the transparency and reliability of the CEPEJ's evaluation process.

Co-operation with the European Union

18. The Council of the EU, the European Commission and the European Parliament are regularly represented at the preparatory meetings of the CEPEJ. They were particularly interested in the CEPEJ report as a tool designed to strengthen mutual confidence between judicial systems.

⁴ CEPEJ(2018)5.

⁵ The press review lists more than 110 articles and events in media from 28 States.

19. The “EU Justice Scoreboard” was published by the European Commission (EC) in April 2018, mainly based on the Study on the functioning of judicial systems in the EU member states carried out by the CEPEJ using its own methodology and information transmitted by the states concerned in the framework of the CEPEJ evaluation exercise. A new Study, conducted following the collection, processing and analysis of data updated in 2017, was presented to the EC at the end of 2018 with a view to the publication of a new Scoreboard in spring 2019. This exemplary cooperation between the EC and the Council of Europe is based on a multi-year contract under which the EC contributes financially to the work of the CEPEJ (€ 200,000 per year).
20. The EC’s trust in the CEPEJ data and methodology must be highlighted. The involvement of the CEPEJ in the EC’s instrument strengthens the CEPEJ’s preeminent role as regard justice evaluation, as well as the synergies between the European Union and the Council of Europe in this field, and it increases the visibility of the CEPEJ and of the Council of Europe.

Co-operation with the OECD

21. The OECD pays particular attention to the CEPEJ’s work for evaluating the situation of the judicial systems in their European member states, and the CEPEJ methodology for extending such evaluation to non-European members. The CEPEJ Secretariat participated in relevant OECD meetings.

2.1.2 Optimising and improving the foreseeability of the timeframes of judicial procedures: the SATURN Centre

22. The CEPEJ SATURN Centre for Judicial Time Management continued its work as a European observatory of judicial timeframes and its work to develop appropriate tools, with the expert assistance of the CEPEJ Network of pilot courts.
23. In this context, the CEPEJ adopted the Revised Guidelines for Judicial Time management (3rd revision)⁶ and updated the analysis of the length of court proceedings in the member States of the Council of Europe – 3rd edition based on the case-law of the ECtHR.⁷
24. In a qualitative approach, the CEPEJ court coaching programme for implementing SATURN tools on judicial time management is the basis for CEPEJ cooperation programmes (see below).

2.1.3. Promoting the quality of justice

25. The CEPEJ adopted the “European Ethical Charter on the use of artificial intelligence in judicial systems and their environment”⁸ which provides, for the first time in Europe, a framework of principles that can guide policy makers, legislators and justice professionals in addressing the rapid development of Artificial Intelligence in national judicial processes.

To prepare the Charter, the CEPEJ considered, *inter alia*, the conclusions of the discussion on “Artificial Intelligence and judicial systems” which was the topic of the study session organised on 27 June within the framework of the 15th anniversary of the CEPEJ.

The CEPEJ members and experts, as well as its Secretariat, took part in a number of fora in Europe and beyond to promote the application of the Charter.

26. Moreover, the CEPEJ adopted its “Guide on courts’ and public prosecution services’ communication with the public and the media”.⁹
27. Coaching programmes aimed at organising court user satisfaction surveys based on the CEPEJ Handbook are used in several cooperation programmes (see below).

2.1.4. Promoting the use of mediation

28. In order to promote the concrete implementation of the Recommendations of the Council of Europe in the field of mediation, as a means to improve the efficiency and quality of judicial procedures, the CEPEJ

⁶ CEPEJ(2018)20.

⁷ CEPEJ(2018)26.

⁸ CEPEJ(2018)14.

⁹ CEPEJ(2018)15.

adopted a Mediation Development Toolkit¹⁰ which provides practical tools which could help member States to concretely implement and develop the use of mediation, and to support mediation stakeholders in their daily practice. Designed as an evolving document, the toolkit has been complemented by a Baseline Grid for Mediation Performance Indicators (Baseline Mediation Statistics)¹¹, a Code of conduct for mediation centres¹² and Standard mediation forms¹³.

2.2 Supporting States in their judicial reforms

29. The CEPEJ pursued a significant effort in order that its methodology, tools and the experience of its members and experts may be made available for capacity-building and cooperation programmes, enabling in this way the Council of Europe to offer beneficiary States a strong added value as regards reforms of judicial systems. Very good synergies have been developed between the CEPEJ's intergovernmental work and the direct and in-depth use of this work to support judicial reforms at national level. Such cooperation targeted both the national authorities responsible for justice policies (Ministries of Justice, Parliaments, High Councils for the Judiciary) and individual courts.
30. Specific cooperation programmes were carried out by the CEPEJ to support in particular judicial reforms:
- in Albania and Kosovo* - Horizontal Facility for Western Balkans and Turkey - Joint Programme with the European Union,
 - in Latvia - "Evaluation of the Latvian judicial system" - Voluntary Contribution financed through the European Social Fund,
 - in Malta – Support to the efficiency of justice – Structural Reform Support Service of the European Commission,
 - in Slovakia - Strengthening the efficiency and quality of the Slovak judicial system – Voluntary Contribution financed through the European Social Fund,
 - in Spain - Promoting cyberjustice through change management and improvement of data collection – European Commission Structural Reform Support Service;
 - in Morocco - Programme to support the justice sector reform - improving the functioning of justice by using the tools of CEPEJ - Joint Programme with the European Union
 - in Tunisia - Ensuring Sustainable Democratic Governance and Human Rights in the Southern Mediterranean (South Programme 3) - Joint Programme with the European Union.

2.3 Contributing specific expertise to the debate on the functioning of the justice system: providing the legal and judicial community with a forum for discussion and suggestions and bringing justice systems and their users closer together

31. The CEPEJ continued developing specific working relations with other committees of the Council of Europe, such as the justice advisory bodies (CCJE, CCPE), standard-setting committees (CDPC, CDCJ, CDDH) and other bodies dealing with matters related to justice, such as the Department for the execution of Court's judgements.
32. The European Justice Day was celebrated around 25 October in some twenty member States, through more than 40 events. A webinar with the European Law Students Association (ELSA) to celebrate the European Day of Justice achieved 16.000 views and 142 shares.

With specific member States and other international partners

33. The CEPEJ was represented by its members or Secretariat at 60 events, which took place in 27 States in Europe and in other parts of the world and addressed issues of direct relevance to the functioning of justice. Moreover, numerous European media refer regularly to the work of the CEPEJ. This confirms the importance that the European and international judicial communities attach to the work of the CEPEJ.

Means of communication

34. Two issues of the "CEPEJ Newsletter" were published electronically and disseminated to almost 3.000 recipients (registered free of charge on a mailing list), dealing with topics relating to the functioning of justice. It included articles written by senior judicial or political figures and experts, together with news of the CEPEJ's activities.

¹⁰ CEPEJ(2018)7.

¹¹ CEPEJ(2018)23.

¹² CEPEJ(2018)24.

¹³ CEPEJ(2018)25.

35. The success of the CEPEJ's internet site is confirmed, with an average of almost 10.000 connections per month. During the weeks following the publication of the 2018 Evaluation report, the website logged more than 50.000 hits. The site remains a standard reference within the European judicial community.