



## **judges@europe forum**

**25-27 October 2023**

**Siracusa International Institute (SII)**

**Syracuse (Italy)**



With financial support from the Justice  
Programme of the European Union

Like the first edition that took place in May 2022, the second edition of the judges@europe forum builds upon the Council Conclusions of 11 March 2021, entitled “Boosting Training of Justice Professionals”. Those conclusions called for the European Commission to support the existing European networks to **promote and enhance the dialogue among judges**. That dialogue is indeed key to the consolidation of the rule of law in the EU and the further development of a common judicial culture in Europe. The purpose of the second edition of the forum is to discuss contemporary challenges in which **good administration of justice and increased demand for judges’ accountability raise for judicial offices in the digital era**. Good administration of justice is the keystone of justice as a public service and a guiding principle in the interface between justice systems and citizens. It makes the former accountable to the latter for qualitative and timely justice, which are essential to upholding the rule of law value common to the EU Member States. The second judges@europe forum explores those concepts from three different angles, each of which raises topical issues in the European legal space.

The first is **accountability through disciplinary proceedings and liability** (session 1). Both touch on judicial ethics, which are an essential component of the good administration of justice. Disciplinary regimes remain largely governed by national law, reflecting specific legal cultures and constitutional history in each of the Member States. The same is true concerning civil and criminal liability, which are an exception to the principle of judicial immunity. However, both regimes attract growing international attention, in particular at the EU and Council of Europe levels, as they relate closely to judicial independence and thus to the rule of law value. Disciplinary and civil or criminal liability regimes for judges contribute to defining the scope and limits of judicial activities. They are legitimate tools for guaranteeing that litigants benefit from effective remedies before courts fulfilling their judicial tasks in accordance with the law and inspiring confidence in citizens. However, disciplinary and liability regimes cannot be (mis)used to undermine judicial independence. The confidential space of discussion provided by the forum will enable a discussion on those key issues. It will also offer an opportunity for the participants to think about the distinction between discipline and judicial ethics beyond the minimum behavioural or professional standards on the basis of sanctioning mechanisms.

The second angle is **accountability through performance and performance monitoring** (session 2), taking into account the ever-growing importance of digital tools in the administration of justice. Judges are no longer only required to resolve cases properly, but also to contribute to the efficiency of justice as a public service. This applies not only to prosecution offices but also to judging offices. In this context, the digitalization of justice, leading up to the complete dematerialization of proceedings, plays an increasing role. Efficiency, organisation and digitalisation, however, must not be at the expense of quality and the protection of the rights of citizens and companies. The challenge is, therefore, an ethical one: to combine efficiency and quality in the administration of justice, without compromising judicial independence. The forum will address, among various issues, the role of court presidents, heads of prosecutors’ offices, ministries of justice and high councils for the judiciary in governance mechanisms within justice systems. The promises and possible drawbacks of artificial intelligence used in a judicial context to increase the efficiency of those systems will also be discussed.

The third angle is **accountability through transparency** (session 3). To some extent, good administration of justice can be seen as an expression of good administration, although it undeniably presents some specific aspects. In a nutshell, it requires public bodies to behave openly and to state reasons properly when acting, and thus partly relates to the quality of justice examined in session 2. The forum’s last session will focus on three issues related to transparency. In the first place, the judges’ right to privacy will be discussed, covering in particular declarations of interests and judges’ political and associative activities. Next, whilst session 2 examines AI from the classical ‘output’ perspective (i.e. rendering judges more efficiently), session 3 examines the ‘input’ aspect of it. Training a deep learning model to develop AI applied to judicial functions takes a lot of time, as it relies on big data analytics. A debate will be held on the dangers of reduced training data and unsupervised learning in building predictive justice algorithms and applications, as well as on data protection issues related to such technological developments. The ultimate goal is to understand the current technological needs, expectations, hopes and fears of participating judges, and to enable EJTN and each member school to better tailor the training of judges on those tools for the benefit of good administration of justice. Lastly, access to court documents also deserves attention, as it triggers a delicate issue of balancing transparency with the secrecy of deliberations and preserving the authority of the judicial office.

In each session, plenary discussions or group workshops will be organised, building upon the presentations and offering an area of free speech and confidentiality to the participants (with the Chatham House Rule).

# PROGRAMME

Day 1: Wednesday, 25 October 2023

|               |  |  |
|---------------|--|--|
| 17.00 – 17.30 | Arrival and Registration of Participants                                       |  |
| 17.30 – 17.45 | Welcome address  | Jean-François THONY, Director of the Siracusa International Institute (SII)  |
| 17.45 – 18.00 | Welcome address<br>Relevance of the judges@europe forum in the EJTN objectives | Ingrid DERVEAUX, EJTN Secretary General  |
| 18.00 – 18.30 | Keynote speech   | Simona GRANATA-MENGHINI, Director and Secretary of the European Commission on Democracy through Law (Venice Commission), Council of Europe (TBC) |
| 18.30 – 19.30 | Optional Social activity <i>Tour of Syracuse old town</i>                      |  |
| 19.30         | Group dinner   |  |
| 21.00         | Fireside chat with guests  |  |

## Day 2: Thursday, 26 October 2023

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|               | <b><u>Introductory session – Contextual and conceptual elements</u></b>  |  |
| 9.00 – 9.15   | Arrival and Registration of Participants   |  |
| 09.30 – 10.00 | Opening keynote speech<br>Challenges and opportunities for the good administration of justice in Europe in the 2020s   | Didier REYNDERS, EU Commissioner for Justice   |
| 10.00– 10.30  | Challenges raised by the topics and the interplay between their various dimensions   | Richard DEVLIN, Professor and Dean of the Dalhousie School of Law, Fellow of the Royal Society of Canada   |
| 10.30 – 11.00 | Coffee Break   |  |
|               | <b><u>Session 1 – Accountability through disciplinary proceedings and liability: balancing judicial independence and the good administration of Justice</u></b>              |  |
| 11.00 – 11.20 | Comparative overview of the disciplinary and liability regimes<br>for judges and prosecutors in the Member States  | Roxana Ioana PETCU, President of the European Network of Justice Inspection Service (RESIJ)  |
| 11.20 - 11.40 | Good administration of justice and balance between procedural autonomy and converging EU standards on disciplinary proceedings and judicial liability:<br>the EU Perspective | Stanislas ADAM, Référendaire, cabinet of the President of the Court of Justice of the European Union (CJEU), Professor of EU law at the University of Ghent, Belgium |
| 11.40 – 12.00 | Judges' civil, criminal and disciplinary liability: perspectives from the ECtHR  | Raffaele SABATO, Judge at the European Court of Human Rights (ECtHR)   |

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| 12.00 – 12.20   | <p><b>Judges' civil, criminal and disciplinary liability as derogations from judicial immunity:</b><br/>Internationalization through soft law and exchanges of good practices</p>  | <p><b>Anke EILERS</b>, President of the Consultative Council of European Judges (CCJE), Council of Europe</p>   |
| 12.20-13.00   | <p><b>Workshops in 4 smaller groups</b><br/>(interactive discussion on real case or fact-pattern inspired by real case)</p> <p>Group 1 - Responsibility and liability for (gross) violations of the law and allegedly inappropriate 'speech', <i>coord. by M. Villu Kõve</i></p> <p>Group 2 - Responsibility and liability for underperformance, <i>coord. by Ioanna Petcu</i></p> <p>Group 3 - Procedural guarantees and remedies for 'targeted' judges and/or prosecutors, <i>coord. by Stanislas Adam and Betlem Roig</i></p> <p>Group 4 - The tenuous dividing line between 'disciplinary' measures and 'organisational' measures aiming to improve the administration of justice, <i>coord. by Richard Devlin</i></p> |   |
| 13.00 – 14.30   | <i>Lunch</i>   |   |
| 14.30 – 14.40   | <p><b>Workshops</b><br/>Continuation of the morning session</p>  |   |
| 14.40 – 14.50   | <i>Short break to gather again in the plenary room</i>   |   |
| 14.50 – 15.20   | <p><b>Plenary Discussion and Q&amp;A session</b><br/><i>Presentation and conclusions of the workshops</i></p>  |   |
| <b><u>Session 2 – Accountability through judicial performance in the digital era: efficiency monitoring and AI applied to judicial activities</u></b> |  |   |
| 15.20 – 15.40   | <p><b>Presentation on Artificial Intelligence, machine learning and deep learning</b></p>  | <p><b>Keri GRIEMAN</b>, Human Centred Computing, Department of Computer Science, University of Oxford</p>   |
| 15.40 – 16.10   | <i>Coffee Break</i>  |   |
| 16.10 – 16.30   | <p><b>Heads of courts and Chief Prosecutors as 'managers' at times of increasing budgetary and time constraints</b></p>  | <p><b>Gilles ACCOMANDO</b>, Director of the Professional Bar Training School under the jurisdiction of the Paris Court of Appeal (EFB), First President of the Court of Appeal in Pau and President of the Court of Cahors, France</p> <p><b>Marco FABRI</b>, National Research Council of Italy (Consiglio Nazionale delle Ricerche) (IGSG-CNR – Bologna Branch)</p> |
| 16.30 – 16.50   | <p><b>Governance mechanisms in the justice system and organization of the Courts:</b><br/>the role of ministries of justice and of high councils for the judiciary</p>   | <p><b>Dalia VASARIENĖ</b>, Judge of the Supreme Court of Lithuania, President of the European Network of Councils for the Judiciary (ENCJ)</p>  |

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| 17.00 | End of Second Day |
| 19.30 | Group Dinner      |

## Day 3: Friday, 27 October 2023

|               |   |  |
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| 9.15 – 9.30   | Arrival and Registration of Participants  |  |
| 9.30 – 9.50   | Judicial time management in the digital era   | <b>Francesco DEPASQUALE</b> , President of the European Commission for the Efficiency of Justice (CEPEJ, Council of Europe)                              |
| 9.50 – 10.10  | L'administration efficiente de la justice à l'heure du numérique et de l'intelligence artificielle: analyse critique  | <b>Emmanuel COULON</b> , Former Registrar of the General Court of the EU   |
| 10.10 – 10.40 | Coffee-Break  |  |
|               | <b>Workshops in 4 smaller groups</b><br>(focus on productivity and digital tools)   |  |
|               | Group 1 - Appropriate tools for measuring performance of judges and prosecutors, coord. by Gilles Accomando and Marco Fabri   |  |
| 10.40 – 12.00 | Group 2 - Dematerialization of acts of procedure, coord. by Emmanuel Coulon and Dalia Vasariené   |  |
|               | Group 3 - Promises and threats of AI tools applied to judicial functions, coord. by Keri Grieman and Francesco Depasquale   |  |
|               | Group 4 – Judging and judicial training in the metaverse? coord. by Gianluca Grasso, Evgenia Papadopoulou and Emmanuelle Laudic-Baron   |  |
| 12.00 – 12.10 | Short break to gather again in the plenary room   |  |
| 12.10 – 12.40 | Plenary Discussion and Q&A session<br>Presentation and conclusions of the workshops   |  |
| 12.40 – 14.10 | Lunch   |  |
|               | <b><u>Session 3 – Accountability through transparency: balancing judges' and prosecutors' right to privacy and freedom of expression with citizens' confidence in justice systems</u></b> |  |
| 14.10 – 14.30 | Comparative overview of the right to privacy of judges in the various Member States   | <b>Ivana HRDLICKOVA</b> , Special Adviser on Rule of Law and Innovation Judicial Academy, Czech Republic, President of the Special Tribunal for Lebanon  |
| 14.30 – 14.50 | Declarations of interests of judges and prosecutors at national, EU, and international levels:<br>an efficient tool against corruption and conflicts of interest?                         | <b>Tatiana VERESS</b> , Director of the Crime Prevention and Criminal Justice Officer, Secretariat of the Global Judicial Integrity Network, UNODC (TBC) |

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| 14.50 – 15.20 | <b>Judges' and Prosecutors' associative and political activities</b><br>through the lenses of codes of judicial ethics   | <b>José IGREJA MATOS</b> , President of the International Association of Judges (UIM-IAJ)/European Association of Judges/Global Judicial Integrity Network Advisory Board |
| 16.00 – 16.30 | <i>Coffee Break</i>  |   |
| 15.20 – 15.40 | <b>Open data and AI applications:</b><br>Do judges dream of electronic sheep?  | <b>Thomas CASSUTO</b> , Chamber President at the Court of Appeals of Paris and Vice-President of Présage Institute  |
| 15.40 – 16.10 | <i>Coffee Break</i>  |   |
| 16.10 – 17.10 | <p><b>Workshops in 4 smaller groups</b><br/><i>(Data mining and machine learning applied to judicial functions" and "Access to judicial documents: preserving the secrecy of deliberations whilst boosting transparency)</i></p> <p>Group 1 - Data protection and data management in machine learning tools applied to judicial functions (link with open data), <i>coord. by Keri Grieman and Monika Frackowiak</i></p> <p>Group 2 - Achieving transparency through judicial ethics: the case of declarations of interests of judges and prosecutors (connected to conflicts of interests and right to privacy for judges), <i>coord. by Fernando Vaz Ventura and Sylvia Dimitrova</i></p> <p>Group 3 - Challenges raised by communication for courts and prosecutors' offices in the digital era, <i>coord. by Martin Kuijer, Hoge Raad</i></p> <p>Group 4 - Predictive justice in the digital era: legal certainty but at what price? <i>coord. by Thomas Cassuto</i></p> |   |
| 17.10 – 17.20 | <i>Short break to gather again in the plenary room</i>   |   |
| 17.20 – 17.50 | <b>Plenary Discussion and Q&amp;A session</b><br><i>Presentation and conclusions of the workshops</i>  |   |
| 17.50 – 18.15 | <b>Concluding Remarks</b>  | <b>Síofra O'LEARY</b> , President of the European Court of Human Rights (ECtHR)   |
| 18.10         | <i>End of Third Day</i>  |   |
| 20:00         | Working dinner "Conclusions"   |   |

# SPEAKERS

## **Gilles ACCOMANDO**

Director of the Professional Bar Training School under the jurisdiction of the Paris Court of Appeal (EFB), First President of the Court of Appeal in Pau and President of the Court of Cahors, France

## **Stanislas ADAM**

Référendaire, cabinet of the President of the Court Of Justice of the European Union (CJEU), Professor of EU Law, University of Ghent, Belgium

## **Thomas CASSUTO**

Chamber President at the Court of Appeals of Paris and Vice-President of Présage Institute

## **Emmanuel COULON**

Former Registrar of the General Court of the EU

## **Silvia DIMITROVA**

Deputy director of the National Institute of Justice (NIJ), Bulgaria

## **Francesco DEPASQUALE**

President of the European Commission for the Efficiency of Justice (CEPEJ, Council of Europe)

## **Ingrid DERVEAUX**

Secretary General of the European Judicial Training Network (EJTN)

## **Richard DEVLIN**

Professor and Dean of the Dalhousie School of Law, Fellow of the Royal Society of Canada

## **Anke EILERS**

President of the Consultative Council of European Judges (CCJE), Council of Europe

## **Marco FABRI**

National Research Council of Italy (Consiglio Nazionale delle Ricerche) (IGSG-CNR – Bologna Branch)

## **Monika FRACKOWIAK**

Vice-President of Magistrats Européens pour la Démocratie et les Libertés (MEDEL)

## **Simona GRANATA-MENGHINI**

Director and Secretary of the European Commission on Democracy through Law (Venice Commission), Council of Europe

## **Gianluca GRASSO**

Board Member of the Superior School of the Magistracy (SSM), Italy

## **Keri GRIEMAN**

Human Centred Computing, Department of Computer Science, University of Oxford

## **Ivana HRDLICKOVA**

Special Adviser on Rule of Law and Innovation Judicial Academy, Czech Republic, President of the Special Tribunal for Lebanon

**José IGREJA MATOS**

President of the International Association of Judges (UIM-IAJ)/European Association of Judges/Global Judicial Integrity Network Advisory Board

**Villu KÕVE**

Chief Justice of the Supreme Court of Estonia, Network of the Presidents of the Supreme Judicial Courts of the European Union

**Martin KUIJER**

Judge at the Supreme Court of the Netherlands, Member of the Permanent Court of Arbitration, Substitute member of the European Commission on Democracy through Law (Venice Commission), Council of Europe

**Emmanuelle LAUDIC-BARON**

Magistrate at the International Department, National School for the Judiciary (ENM), France

**Síofra O'LEARY**

President of the European Court of Human Rights (ECtHR)

**Evgenia PAPADOPOULOU**

Vice-President, Association of European Administrative Judges (AEAJ)

**Roxana Ioana PETCU**

President of the European Network of Justice Inspection Service (RESIJ)

**Didier REYNDERS**

EU Commissioner for Justice

**Betlem ROIG MATEO**

Head of Area in the External and Institutional Relations Department of the Judicial School, Spain

**Raffaele SABATO**

Judge at the European Court of Human Rights (ECtHR)

**Jean-François THONY**

Director of Siracusa International Institute (SII)

**Dalia VASARIENĖ**

Judge of the Supreme Court of Lithuania, President of the European Network of Councils for the Judiciary (ENCJ)

**Fernando VAZ VENTURA**

Director of the Judicial Studies Center (CEJ), Portugal

**Tatiana VERESS**

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