

JUDICIAL TRAINING:

the right skills to embrace
the digitalisation of justice

26, 27 & 28 April 2023



JUDICIAL TRAINING

European Network of Councils for the Judiciary (ENCJ) Digital Justice Forum

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ENCJ - Introduction

- Established in 2004.
- Unites national institutions of Member States of the EU which are responsible for the support of the Judiciaries and are independent of the executive and legislature.
- Has Members (EU Councils for the Judiciary) and
- Observers (Councils for the Judiciary of candidate EU MS and EEA and Ministries of Justice of EU MS without a Council)
- Increasing cooperation amongst Judiciaries.
- Strengthening, protecting, restoring judicial independence.



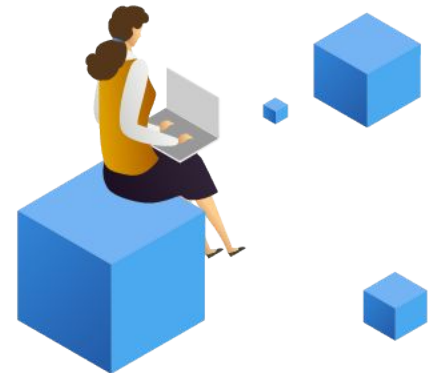
ENCJ Digital Justice Forum

- Set up in 2018 in Rome;
- Aim: to **promote access to justice in a digital age**;
- Identify the areas for improvement to allow for better access to justice;
- Provides a platform for the exchange of information and advice;
- Consists of online and an annual in person seminars;
- Ultimate goal – to develop standards for the judiciaries in various areas linked to digitalization.



ENCJ Digital Justice Forum: meeting themes

- I. **Data collection, algorithms, machine learning and AI (artificial intelligence):** the use in judiciaries
- II. **COVID 19 pandemics:** the soft spots of judiciaries revealed and the necessary steps for a proper way forward.
- III. **Issues concerning GDPR:** publication of court decisions, anonymisation and GDPR; balancing data protection and judicial transparency.
- IV. **Digital domain and judicial independence:** possible implications of digitalization and AI tools on judicial independence.



Main findings

Access to justice (current status)

- Digital access to the Judiciary is desirable for litigants and legal professionals:
 - This makes procedures more accessible, easier and faster.
- Ensure **easy access to online files** for court users and **ensure access for people with no digital access.**
- Who is responsible for digitalisation?
 - The executive branch has the sole responsibility and that has **an impact on the independence of the judiciary.**

The challenge □ **move judiciaries closer to the digitalisation process.**



Main findings

Algorithms, AI and machine learning

- Access to judicial decisions, in the long term, depends on machine learning and automatic anonymisation;
- Countries are try to develop systems for the anonymization of decisions,
 - current market does not offer a convenient tool, **why not a common European solution?**
- To publish or not to publish?
 - There is an urgent need to find **the right balance between data protection and judicial transparency.**



Main findings

AI and judicial independence

- Artificial intelligence is **not always compatible** with judicial reasoning.
- The need to monitor the AI.

- **IA should be ethical-by-design.**
- From the design and learning phases to rules prohibiting direct or indirect violations of the fundamental values protected by the conventions should be fully integrated.

- Any digital **AI-based system** should be **user-friendly** for all user groups.
- An independent institute to control the data consisting of representatives or experts, magistrates and court staff with a role of the Councils could be the way forward.



Thank you for your attention!

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