

Digitalising Justice Systems to Bring Out the Best in Justice

Didier Reynders



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Article

ABSTRACT

This special contribution outlines the recent Commission proposals on digitalisation of EU justice systems. On 1 December 2021, the European Commission adopted three initiatives that will make digital communication channels the default channel in cross-border judicial cases, thus translating one of the priorities set out in last year's Communication on the Digitalisation of Justice into action.

AUTHOR

Didier Reynders

Commissioner for Justice and Consumer Affairs (2019-2024).
European Commission

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When citizens think of justice, they might think of lawyers in wigs, law courts with neoclassical pillars, or Lady Justice. But, in practice, this image of justice has changed over time, as have the tools at our disposal to support the pursuit of justice.

I am happy to report that justice in the European Union is advancing towards digitalisation steadily and ambitiously – in line with the trends of our century. Indeed, my priority is to speed up this work and make the justice sector a forerunner during Europe's Digital Decade. I would like to see all barriers to access to justice removed and hope to restore the confidence of citizens and businesses in the efficiency of justice systems.

When the COVID-19 pandemic started, many EU citizens experienced delays and sometimes a full halt to their justice systems. It became apparent that there is still room for progress in making justice systems more resilient and efficient, especially by making the most of the digital transition. On 1 December 2021, I presented three proposals to further modernise our EU justice systems:

The first suggestion aims to make the administration of justice easier and cheaper for citizens and businesses. According to this new proposal, they would be able to use electronic means of communication to file claims and to communicate with authorities from the safety of their homes or offices. Exchanges between Member States will be possible through national portals, and, at the same time, the European Commission will provide an access point for the European e-Justice Portal. We are looking at establishing a modern and integrated solution that tackles existing practical barriers. Citizens will also be able to pay court fees electronically. Moreover, given the lessons learned from the pandemic, our proposal ensures that oral hearings could also take place by means of videoconferencing.

Digital tools are not only useful for accelerating procedures and cutting travel time; they are also fundamental in ensuring our safety from criminal threats. The 2016 Brussels bombings were a coordinated terrorist attack that severely hit Belgium. Many fellow European citizens also experienced the grief and fear that these attacks caused, which are still threatening our societies. We are introducing two proposals that will make the manner in which we approach terrorist threats and criminal investigations more resilient and fit for our digital age.

In this context, the second proposal on digital information in cross-border terrorism cases is directed at significantly modernising Eurojust's information system. In fact, it was the aftermath of the 2015 Bataclan concert hall attack in Paris that made authorities realise they need better cross-border collaboration to counteract cross-border terrorist investigations and prosecutions. This realisation resulted in the creation of Eurojust's European Judicial Counter-Terrorism Register. I am proud to say that it has revolutionised the work of law enforcement authorities across the EU, allowing prosecutors to identify potential links in investigations against terrorist suspects in different EU countries and to coordinate the judicial response. The coordinated involvement of judicial authorities is also crucial from a rule-of-law point of view, as coordinated preventive measures – such as house searches and arrest warrants – need to be authorised and supervised by judicial authorities.

We now aim to take the Register to the next level. We propose modernising the system to identify many links automatically, hence requiring much less manual intervention. This will enable Eurojust to provide faster and better feedback to national authorities. We also propose setting up secure digital communication channels between national authorities and Eurojust. Lastly, this proposal should establish a clear legal basis for cooperation with prosecutors outside the EU.

The third proposal involves supporting the functioning of Joint Investigation Teams (JITs). These teams are set up for specific criminal investigations put together by the authorities of two or more States to carry out criminal investigations together. According to the proposal, a Joint Investigation Teams collaboration

platform would be established. The platform will be a highly secure online collaboration tool aiming to facilitate the exchanges and cooperation within JITs throughout their duration. It will provide for easy electronic communication, the exchange of information and evidence (including large amounts of data), the traceability of evidence as well as the planning and coordination of JIT operations. The platform is designed to be confidential; therefore, it meets the highest levels of cybersecurity standards.

In previous discussions and meetings with justice professionals, it struck me how much investigative judicial authorities rely on each other to exchange information and evidence securely and swiftly. I witnessed that having digital tools in place is crucial, especially when time is of the essence. In addition, citizens and businesses are operating digitally more and more, and they expect to get a digital and fast response to their issues.

As part of the Next Generation EU, the digitalisation of justice systems has become a horizontal objective for all the Member States. I am proud to report that we are delivering on our promises to forge a modern and digital justice system. Member States will also need to implement all manner of tools and IT infrastructures. Together, we are creating a truly efficient and resilient European area of freedom, security and justice.

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