



Relevant websites

NCA`s website on international relations

<https://www.domstol.no/nca>

Council of Europe-CEPEJ

<https://www.coe.int/en/web/cepej/>

EU-network - ENCJ

<https://www.encj.eu/>

Consultative Council of European Judges (CCJE):

<https://www.coe.int/en/web/ccje/home>

ACA Europe

<http://www.aca-europe.eu/index.php/en/>

Do you have feedback on the newsletter? Suggestions for topics?

Contact:

Internasjonaltsekretariat@domstol.no

International work

Welcome to the second edition of the newsletter developed by the International Secretariat at the Norwegian Courts Administration (NCA)!

Our aim is to publish the newsletter ca. four times per year. The objective of the newsletter is twofold. It will present relevant news concerning Norwegian courts' international work. It is also dedicated to providing news pertaining to international standards, good practices and general developments in the judicial sector. If you want to subscribe to our newsletter, we need your consent ref GDPR. Please send your consent to: **Internasjonaltsekretariat@domstol.no**

In the first newsletter of 2021, you can read more about the EEA/Norway grants cooperation. NCA is program and project partner for the EEA funds in Bulgaria, Croatia, Lithuania and Romania respectively. The latter is the second largest recipient country of EEA funds (after Poland), and in this issue you will learn more about how NCA supports judicial training and capacity building in Romania. You can also read about bilateral webinars that NCA has organized and executed under the EEA funds recently.

In addition you can find links to recently published reports and opinions from international bodies such as the CEPEJ, the ENCJ, the Council of Europe (CoE) and the OSCE.

We have also interviewed Judge Wiggo Storhaug Larssen, who recently has been appointed as the Norwegian representative in the Consultative Council of European Judges (CCJE). He explains what his role entails and highlights some important topics that will be on the agenda for CCJE.

EEA/Norway grants – Romania

Norwegian courts assist in strengthening the rule of law in Romania

Several Norwegian expert judges and the NCA are involved in the Justice program in Romania under the EEA/Norway grants. The aim is to contribute to increased quality and efficiency in Romanian courts.

The objective of the EEA and Norway Grants is to reduce social and economic disparities and strengthen bilateral relations. A well-functioning legal system is crucial in a democratic society based on the rule of law and is also an important prerequisite for healthy economic development. For that reason, the EEA funds support, inter alia, judicial cooperation and efforts in the judicial sector. Through the EEA grants scheme, the NCA is program partner in several countries. In this newsletter we present the cooperation in Romania:

The justice program in Romania has a strong bilateral dimension. To increase

the efficiency of the Romanian legal system and improve the application of European legal concepts (which is the overarching objective), the program supports comprehensive training modules / programs for legal professionals, as well as the upgrading of IT equipment. The program funds seven predefined projects.

Judicial Training and Capacity Building

NCA contributes to the project "Judicial training and capacity building". The project has a budget on 4.1 million EUR, and is implemented by the Superior Council of Magistracy (SCM) with NCA as program partner. NCA is also a project partner, which means that NCA and judges from several Norwegian courts are used as expertise. The project consists of capacity building and training of judges and prosecutors on various topics:

“Legal Professionals trained in European legal concepts”

NCA contributes to ten seminars entitled "judges delegated to prison facilities and judges solving forced medical measures, with a focus on specific issues related to the Roma population". A guide for judges on this topic will also be developed. Judges Kristine Schilling and Dag Brathole contribute as Norwegian experts.

“Legal Professionals trained in child interviewing techniques”

NCA contributes to fifteen seminars pertaining to techniques for hearing minors. A study visit to Norway will also be arranged, and a guide for best practice in child will be developed. Judge Heidi Heggdal is the Norwegian expert in the seminars.

Please contact us if you want to know more about our EEA co-operation, or if you would like to contribute as an expert in EEA activities.

EEA/Norway grants - Multilateral webinar on "Criminal simplified procedures and confession cases"

The webinar was organized in December 2020, and the aim of the webinar was to share experience on simplified criminal procedures (speedy trials).

The idea was initially that the participants would take part in a study visit to Norway and observe a "live" confession case in Oslo District Court. Due to Covid-19, it was instead adapted digitally.

NCA made a short film which was presented in the webinar. The film is recorded in a courtroom, and shows how the process in a confession case unfolds - as a role play where the accused, court witness and judge interact in a court hearing. Participants (judges, and prosecutors) in Croatia and Lithuania then presented the process for simplified criminal proceedings in their respective countries.

There was also a contribution from academia, Professor Thomas Weigend from Germany presented various models and simplified procedures, but also discussed the problematic aspects of confession cases in a human rights perspective. Following this, judge Heidi Heggdal from Oslo District Court and Jo Heine Fåfeng Meyer (Police Attorney in the Oslo Police District) spoke about the Norwegian model and the steps in confession cases in Norway, followed by discussions in groups and plenary. The webinar had some 70 participants and the duration was 5 hours.

Regional webinar on (concentrated) court hearings and court performance- NMFA funded project

NCA had planned a regional conference to be held in Dubrovnik in connection with a project in Balkan funded by the Norwegian Ministry of Foreign Affairs (NMFA) in which NCA is a project partner. It was instead adapted as a webinar on the 9th of December 2020. The webinar joined the counterparts from the Balkan project (hereunder judicial Councils and the Ministry of Justice in Albania, Bosnia-Herzegovina, Kosovo, Northern Macedonia, Montenegro and Serbia) and EEA beneficiary, Croatia, and Romania, on the topic of concentrated court hearings and court performance.

Within the subtopics of the preparation of hearings, organisation and conducting of court hearings, the role of the court, parties and their legal representatives and other external actors in these processes were discussed. The webinar brought together experts from Balkan, Romania, along with Norwegian and other international experts, connecting diverse judicial experience, skills and knowledge to look at the legislative as well as the cultural aspects and the differences in this regard between the regional and the legal traditions elsewhere.

The programme to the webinar can be found here: <https://www.domstol.no/en/Norwegian-Courts-Administration/International-Relations/wwestern-balkan/regional-activities/regional-seminar-16.-december-2020/>

NCA meeting with Polish academia

On February 12, 2021, the NCA participated in a video conference with professors and PhD-students at Adam Mickiewicz University in Poznan, Poland. The meeting was organised at the request of Professor Jan Olszanowski (Faculty of Law and Administration) who is also a judge at the district court in Poznan. The Polish academics wanted to learn more about the judicial system in Norway, inter alia the administration of justice and the independence of the judiciary. The NCA gave an introduction to the Norwegian court system, talked about the independence of courts and judges, the dialogue between NCA and the courts, and the use of statistics in court management. The Polish representatives presented how the courts are structured in Poland, how supervision of courts and judges functions and how it is affected by ongoing reforms by the government.

Other relevant reports and news:

Supreme Court of Norway

The Supreme Court's Annual Report 2020

The Supreme Court of Norway has published its annual report for 2020.

The report was launched on 11 January 2021. It is available electronically on the Supreme Court's website, also in English: <https://www.domstol.no/en/Enkelt-domstol/supremecourt/annual-report/2020/>

Norway's representative to the Consultative Council of European Judges (CCJE)



Judge Wiggo Storhaug Larssen was appointed by the Norwegian Ministry of Justice as Norway's representative in the Consultative Council of European Judges (CCJE) on the 1st of January 2021. The CCJE is an advisory body of the Council of Europe on issues relating to the independence, impartiality and competence of judges. It is the only body within an international organisation to be composed exclusively of judges, and in this respect, it is unique in Europe. CCJE has a central role in assessing and formulating recommendations and guidelines for the legal systems in Europe. You can read more about CCJE at: <https://www.coe.int/en/web/ccje/home>

NCA interviewed Larssen to hear more about his work, moreover what he think will be main focus for the CCJE in the time to come:

What does the CCJE do?

- Each member state of the Council of Europe (CoE) appoints a member of the CCJE. The members are all judges. The CCJE is an advisory body to the CoE. Every year, advice is prepared for the Committee of Ministers, so-called "opinions". Last year, an opinion was prepared on the role of national judges' associations.

What will be the main focus in 2021?

- This year (2021) the theme is Judicial Councils. This has been a topic in opinions from previous years as well, in particular in opinion 10 from 2007. The intention is therefore not to reinvent the wheel, but rather to look at the development in the establishment of such councils. It will be an exciting task and I look forward to participate.

What are the challenges for European judges in general at the moment, which topics are on the agenda?

- First and foremost, we have seen that judicial councils in several countries have come under attack from the executive power. The main focus in that regard has been on Poland, but there are challenges in many other countries as well. Furthermore, in most European countries, the courts are struggling with difficult financial situations.

The CCJE prepares (and adopts) opinions on various topics. How are opinions prepared?

- The work begins with the individual member states answering a questionnaire about the situation in their respective country, and then a proposal for an opinion is prepared by a working group, with the help of an appointed expert. For the current opinion we are preparing, a German professor, Anne Sanders, has assisted us in the work. The work is expected finalised in early November, and a report will then be published.
- To this end, I believe that my previous experience in the European Network of Councils for the Judiciary (ENCJ) will be useful in my new role in CCJE. For quite a few years now, I have participated in a project that looks at issues of independence and quality in European countries. We have done some interesting research which may be useful also in the CCJE. A key issue in many European countries is that the courts are struggling with public confidence. In some cases there are covert attacks on the government, at the same time however, there is no doubt that public trust in courts is lacking in several countries. In my opinion, it is crucial that courts listen and take into account the various actors and court users. If judicial independence is to be maintained over time, it is important that the organizational independence is safeguarded, but also that the courts are "accountable" or responsible towards society at large.
- In addition to elaborating opinions, the CCJE also provides assistance to individual countries, where there are problems. One of the objectives of the publishing opinions is also to establish a framework for good practices in the member states.

Council of Europe (CoE)

Norway to further boost transparency and accountability of senior executive officials

The Council of Europe's Group of States against Corruption (GRECO) calls for further measures to prevent corruption in Norway in respect of persons entrusted with top executive functions, including ministers, state secretaries and political advisers, as well as members of the police.

Norway relies substantially on high expectations of and trust in its senior officials. It sets conflicts of interest, financial disclosure and other integrity related standards, but violations of those have limited formal consequences other than political repercussions. Thus, GRECO recommends stepping up accountability and enforcement mechanisms. Likewise, more efforts are required to ensure formalised training and counselling channels on ethical matters for all senior executive officials. GRECO also calls for further action on rules on how persons with top executive functions engage with lobbyists, as well as on revolving doors.

GRECO acknowledges the steps taken by the police to strengthen internal control and audit systems. It, however, notes that more can be done to ensure a better coordinated and proactive integrity policy, including by refining risk assessment and information gathering tools, as well as better monitoring and cross-checking of integrity-related registers (business interests, data on disciplinary measures, vetting and re-vetting, internal deviation reports, etc.). Additional action can also be taken to intensify training and awareness-raising activities on integrity-related measures and whistleblowing within the force.

The implementation of the recommendations addressed to Norway will be assessed by GRECO in 2022 through its compliance procedure.

Link to the Fifth Round Evaluation report on Norway in English: [Evaluation report - Preventing corruption and promoting integrity in central governments \(top executive functions\) and law enforcement agencies \(English, PDF\)](#)

CoE- CEPEJ

Launch of the Council of Europe's "Crystal Scales of Justice Prize" for innovative practices contributing to the efficiency and quality of justice

2021 is the year of the 11th edition of the Crystal Scales of Justice Prize of the Council of Europe, organised by the CEPEJ. It is an opportunity to highlight the innovative projects which have recently been set up concerning the functioning of justice, the organisation of judicial procedures or courts.

More specifically, the aim of this Prize is to identify and highlight innovative practices in the organisation of courts and procedures and the functioning of the judicial system in general. These are recently implemented practices that are easily applicable to other countries or institutions and whose effectiveness is measurable.

The 2021 competition is open to courts, bar associations, non-governmental organisations or any other body competent in judicial matters in a member or observer State of the Council of Europe to the CEPEJ*.

Applications must meet the eligibility criteria as set out in the Rules of the Prize and must be sent to the Council of Europe (cepej@coe.int), preferably by electronic means, by **31 March 2021**. [Rules and application form](#)

[More information about the Crystal Scales Prize](#)

Read more here: [Launch of the Council of Europe's "Crystal Scales of Justice Prize" for innovative practices contributing to the efficiency and quality of justice](#)

CoE- CEPEJ

Artificial intelligence and cyber justice at the heart of the discussions of the CEPEJ plenary meeting

During its 34th plenary meeting, on December 8 2020, the CEPEJ adopted a feasibility study on the possible establishment of a certification mechanism for artificial intelligence tools and services on the basis of the CEPEJ Charter on the use of artificial intelligence in judicial systems and their environment, adopted in December 2018. The Council of Europe, if it decides to create such a mechanism, could be a pioneer in this field. After consultation with all member and observer states, this feasibility study will be followed by an action plan that the CEPEJ will prepare and send to the Committee of Ministers for examination in 2021.

The CEPEJ also adopted the roadmap of its Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST).

The various work carried out in the field of the digitalisation of justice aims to provide new concrete tools in this area to European courts, which has become even more necessary during times of sanitary crisis and closures of courts, while ensuring respect for the fundamental principles of the European Convention on Human Rights and in particular those of its Article 6.

In addition, the President of the CEPEJ, Mr Ramin Gurbanov, was re-elected for a new term of 2 years (1st of January 2021 to 31st December 2022).

→ Feasibility study on the establishment of a certification mechanism for artificial intelligence tools and services:

<https://rm.coe.int/feasability-study-en-cepej.../1680a0adf4>

→ Roadmap of the Working group on Cyberjustice for 2021:

<https://rm.coe.int/cyberjustice-roadmap-en.../1680a0ae12>

COE - Conference of Ministers of Justice

Within the framework of the Greek Chairmanship of the Council of Europe, a Conference of Ministers of Justice gathered together the Ministers of Justice of the 47 member States of the Council of Europe for a joint digital conference entitled "Independence of Justice and the Rule of Law" (9.nov 2020) Read more [here](#). Below are links to the video-recording of the conference:

Session 1: "New challenges for the rule of law and the guarantees for independent justice"

<https://vodmanager.coe.int/coe/webcast/coe/2020-11-09-1/en>

Session 2: "How to strengthen citizens' confidence in

justice" <https://vodmanager.coe.int/coe/webcast/coe/2020-11-09-2/en>

OSCE

Since the outbreak of the pandemic, the Organization for Security and Co-operation in Europe (OSCE) has held several webinars on how the corona crisis affects the rule of law in various member states, and has consequences for citizens, and human rights in general. Last out is a report on human rights and gender equality in crisis situations;

[How women Are Impacted By Restrictions To Fundamental Freedoms And Human Rights: Observations From The Covid-19 Pandemic](#)

The OSCE has also developed guidance on [Monitoring Places of Detention through the COVID-19 pandemic](#)

This guidance is part of ODIHR's ongoing efforts to respond to human rights challenges caused by the COVID-19 pandemic throughout the OSCE.

ENCJ

European Network of Councils for the Judiciary (ENCJ) unites the national institutions in the Member States of the European Union which are independent of the executive and legislature, and which are responsible for the support of the Judiciaries in the independent delivery of justice. The NCA has an observer status in the ENCJ.

ENCJ survey among judges

The ENCJ will once again carry out a survey among judges about their perceived independence. This will be the fourth time this survey will be carried out. The survey results will constitute a part of a report on Independence, Accountability and Quality within the European Judiciaries. NCA will send the survey to all judges in general courts.

Perceptions of the Independence of Judges in Europe

In his new book "Perceptions of the Independence of Judges in Europe - Congruence of Judiciary and Society", Frans van Dijk investigates how judges' independence is perceived. The book was launched in February 2021 and can be freely downloaded. The book by Frans van Dijk is published in collaboration with ENCJ. It is largely based on surveys conducted among judges, co-judges and lawyers around Europe, also in Norway. Download the book in full [here](#).

ENCJ Board statement on the situation in Turkey

On 8 December 2016 the ENCJ General Assembly suspended the observer status of the High Council for Judges and Prosecutors of Turkey as it no longer complied with the ENCJ Statutes and was no longer an institution which is independent of the executive and legislature ensuring the final responsibility for the support of the judiciary in the independent delivery of justice.

Four years later, unfortunately, the situation has not improved and has in fact deteriorated considerably. The Council for Judges and Prosecutors is a Council in name only, as none of its actions or decisions demonstrate any concern for the independence of the judiciary. Without a Council to protect and guarantee the independent delivery of justice in Turkey, there is little hope for the Rule of Law in Turkey in general and for access to independent, fair and impartial courts for all who come before the courts including Turkish citizens.

The ENCJ board has published a statement in solidarity with those judges and prosecutors who, without due process or just cause have been unlawfully dismissed, detained and convicted and calls upon the relevant Turkish authorities to ensure speedy, open, fair and impartial judicial process for all detained judges and prosecutors. Reports of the trials against judges and prosecutors give little reason to believe that due process requirements are being observed or that justice is being valued. The ENCJ also commends the Turkish judges and prosecutors who have managed to find refuge outside of Turkey and continue to stand up and raise their voice for the Rule of Law and justice in Turkey.

Read the full ENCJ statement [here](#):

