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RL-BU(2009)2

BUREAU OF THE LISBON NETWORK

**Report of the 8th meeting
Bucharest, 20 March 2009**

Secretariat memorandum, prepared by the
Directorate General of Human Rights and Legal Affairs

LIST OF THE MAIN DECISIONS TAKEN BY THE BUREAU

The RL-BU:

- **elected** Mr Constantin BRANZAN, Director of the National Institute of Magistracy of Romania, Chairman of the Lisbon Network for a duration of two years;
- **took note** of the recent developments regarding the training of judges and prosecutors in the countries whose institutions are represented in the Bureau of the Lisbon Network, namely: Croatia, Georgia, Romania, Spain and “the Former Yugoslav Republic of Macedonia”;
- **decided** to hold the plenary meeting of the Lisbon Network in Strasbourg, on 15 – 16 October 2009;
- **agreed** to participate in institutionalising cybercrime training for judges and prosecutors within the framework of the Project on Cybercrime and to appoint up to two representatives to take part in the workshop in Strasbourg from 3 to 4 September 2009 organised in this regard;
- **entrusted** the Secretariat to send a letter to the Directors of the training institutions represented in the Bureau requesting the appointment of one or two persons to the workshop and **decided** to invite France, Germany, Netherlands, Poland, Portugal and Ukraine to join the workshop;
- **decided** that the theme of the next plenary meeting will be “ Why cybercrime training for judges and prosecutors”?
- **decided** that the Council of Europe and, in particular, its Lisbon Network should participate at the highest possible level in the Fourth International Conference On The Training Of The Judiciary to be held in Sidney, Australia, on 26 – 30 October 2009;
- **entrusted** the Secretariat to write a letter to the Head of the International Organisation of the Judicial Training (IOJT) requesting an invitation for the participation of the Council of Europe in the Conference in Sidney;
- **entrusted** the Secretariat to remind the training institutions of the members of the Lisbon Network to update their answers to the questionnaires directly online;
- **entrusted** the Secretariat to check with the colleagues from the European Court of Human Rights, if a manual on how to use the Human Right’s Court database exists and to forward it to the members of the Lisbon Network;
- **noted** that it could be very useful to establish a library within the Lisbon Network Secretariat;
- **pointed out** the importance of the future of the Lisbon Network, and in particular, for the so called “new democracies” and asked the Secretariat to search for new means/ways to keep the Network alive;

I. INTRODUCTION

1. The Bureau of the Lisbon Network held its eighth meeting on 20 March 2009, in Bucharest, on the premises of the National Institute of Magistracy of Romania, the following participated:
 - Ms Marija FUCHS (Croatia)
 - Mr Shota Rukhadze (Georgia)
 - Mr Constantin BRANZAN (Romania)
 - Mr José Miguel GARCÍA MORENO (Spain)
 - Ms Aneta Arnaudovska (“the former Yugoslav Republic of Macedonia”) (FYROM)
2. The Secretariat welcomed the participants, in particular the new Bureau members, Romania and “the former Yugoslav Republic of Macedonia” (FYROM). It also thanked the Director of the National Institute of Magistracy for the invitation to hold the meeting in Bucharest.
3. The Bureau elected Mr Constantin BRANZAN, Director of the National Institute of Magistracy of Romania, Chair of the Lisbon Network.
4. The agenda and list of participants appear in the Appendix I and II respectively.

II. COMMUNICATION BY THE PRESIDENT, MEMBERS OF THE BUREAU AND THE SECRETARIAT

5. Mr Constantin Branzan, the new Chair of the Lisbon Network, thanked the members of the Bureau for the confidence they had shown by electing him, and stressed that during his mandate, the main objective would be to enhance the co-operation between the Lisbon Network and the EJTN as well as to ensure visibility of the Lisbon Network at all levels.
6. The representative of “the Former Yugoslav Republic of Macedonia” (FYROM), Ms Arnaudovska, informed the members about the latest developments within the Academy for Training of Judges and Prosecutors. In particular, following the recommendations of the last plenary meeting of the Lisbon Network, the Academy organised two trainings on justice and media and is currently in contact with the EJTN for the development of other topical trainings. Ms Arnaudovska also stressed the need to elaborate within the Lisbon Network a questionnaire addressed to the training institutions on how to evaluate and assess the quality and effectiveness of the training? The questionnaire should address short, middle and long term impact of the training seminars and how they affect the daily work of a judge and a prosecutor. She also informed that the Academy for Training of Judges and Prosecutors of FYROM became observer within the EJTN.
7. Mr Jose Miguel Garcia Moreno from the Judicial School of Spain informed about the recent establishment of a new Council for the Judiciary with new responsibilities and the election of a new Director of the Judicial School, Mr Pascual Ortuno Munoz.
8. The Director of the National Institute of Magistracy of Romania informed that the Institute is providing training at three levels: initial, continuous and training of trainers with an emphasis on the training on human rights and community law. Specific training is also provided for the judges working within the maritime and navy courts. Mr Branzan also pointed out the importance of training in foreign languages and, in this regard, he mentioned an initiative of the Romanian Institute to set up a summer school in Timisoara, aimed at providing language legal training courses in French and English.

He proposed to establish exchanges between institutions in order to give the possibility to the students to take part in various courses.

9. In Georgia, Mr Shota Rukhadze informed the members that for the first time in 2009 the judicial appointment will be made based on the initial training.
10. The Croatian representative, Ms Marija Fuchs passed the information regarding the organisation of a regional Conference on the challenges and achievements in the establishment of training programmes to be held in September, in Dubrovnik. Members of the Lisbon Network will receive an invitation; accommodation and translation will be provided by the organisers and only transportation expenses will need to be borne by the participants.
11. Following the THEMIS competition, the Secretariat informed the members of the Bureau of the organisation of a study visit to the institutions in Strasbourg, for the two winning teams from Romania and Czech Republic, from 2 to 4 December 2008. The Bureau was also informed about the work of the CCPE and CCJE for 2009 consisting in the drafting of a joint opinion on “the relationships between judges and prosecutors” where joint training will have an important role to play. The topic of the opinion will also be the subject of a joint Conference between judges and prosecutors to be held in Bordeaux from 30/06/09 – 1/07/09.

III. STATE OF PREPARATION OF THE PLENARY MEETING OF THE LISBON NETWORK

12. Following the proposal made by the colleagues from the Economic Crime Division of the Council of Europe, to institutionalise cybercrime training for judges and prosecutors, the Bureau of the Lisbon Network decided to give its full support to enhance the knowledge of judges and prosecutors in matters related to cybercrime. In view of the preparation of a concept paper specifying the approach to training, the type of training needed, training materials and examples of several countries on how to implement the training in practice, the Bureau decided to involve representatives from the five training institutions members of the Bureau (Croatia, Georgia, Romania, Spain and “the Former Yugoslav Republic of Macedonia” FYROM) and to invite other institutions from France, Germany, Netherlands, Poland, Portugal and Ukraine. In the choice of the countries, the various types of training have been taken into consideration (countries where the training is institutionalised and countries like Germany where it is not).
13. The workshop will take place in Strasbourg, from 3 to 4 September and there should be one or two representatives from the training institutions from the countries mentioned at paragraph 10. The profiles of the participants in the workshop should meet at least two of the following criteria:
 - *managerial or leading position in the institution;*
 - *involved in the development of curricula (for initial and/or continuous training);*
 - *excellent knowledge on issues related to cybercrime.*
14. The Secretariat will send a letter containing this information to the Directors of the training institutions in due time after the Bureau meeting and the deadline for the appointment of the persons will be 30 April 2009.
15. Due to the organisation of the fourth International Conference on the training of the judiciary in Sydney, Australia, on 26 – 30 October, the Bureau decided to held the

plenary meeting from 15 to 16 October, in Strasbourg. The topic of the meeting could be: "Why cybercrime training for judges and prosecutors?" and will include discussion about efforts made by the Council of Europe in the fight against cybercrime. The plenary meeting could also focus on a pilot training seminar for judges and prosecutors which would include the definition of cybercrime as criminal offence, electronic evidence and international cooperation.

IV. FEEDBACK ON THE TRAINING MANUAL FOR JUDGES ON CYBERCRIME ISSUES

16. The Bureau members had the possibility to give their feedback on the draft training manual for judges on cybercrime presented during the Octopus Interface Conference in Strasbourg, 10 – 11 March 2009. It was mentioned that not all the countries have the same level of training in the field and that in general terms the document is too long. If a training manual on cybercrime should be drafted, it should definitely be more concise and should contain general information about the possibilities for each country to deliver such training, techniques to combat cybercrime, quality of evidence. Such training should be delivered to judges, prosecutors and police officers.

V. PARTICIPATION OF THE LISBON NETWORK IN THE 4TH CONFERENCE OF THE IOJT, SYDNEY, AUSTRALIA, 26 – 30 OCTOBER 2009

17. The Bureau members agreed that participation of the Council of Europe should be ensured at the 4th Conference of the IOJT. The Lisbon Network did not receive an invitation to participate in this event, this maybe caused by the fact that the Network is unknown for the IOJT. The Secretariat will ensure communication with the IOJT in view of its invitation at highest possible level at the Conference in Sydney, from 26 to 30 October 2009.

V. DISCUSSION OF THE OVERALL WORKING PROGRAMME FOR 2009

18. With regard to the activities of the Lisbon Network for 2009, the members of the Bureau consider it very important to update the information on the website regarding the annual programmes of the training institutions and also to invite all institutions to update their answers to the questionnaire online regarding the:

- *Structural and functional features of training institutions;*
- *Recruitment and initial training of magistrates;*
- *In-service training of magistrates*

The Secretariat will send an email to all members in this regard.

19. The Bureau also decided for the Lisbon Network to continue to give support to the organisation of the 4th edition of THEMIS Competition, to be held this year in Lisbon. The Secretariat could disseminate through the website the information regarding the competition and ensure the participation of two experts in the jury.
20. The members of the Bureau also suggested to establish a library within the Lisbon Network Secretariat in the Council of Europe headquarters.
21. The issue of training regarding the access to the database of the European Court of Human Rights was also raised and several members suggested to the Secretariat to enquire about the existence of a training manual which institutions could use.

VI. FOLLOW-UP TO THE MINIMUM CORPUS OF COUNCIL OF EUROPE STANDARDS

22. The minimum corpus of Council of Europe standards adopted during the 10th Plenary meeting of the Lisbon Network should be constantly updated with information regarding the adoption of new instruments in the fields covered by the document. The Secretariat could continue disseminating the document for the use of all training institutions.

VII. CO-OPERATION BETWEEN THE EJTN AND THE LISBON NETWORK

23. Co-operation between Lisbon Network and EJTN should continue on a practical basis, as it was agreed in the document on cooperation modalities between forums (RL (2008)1). The members of the Bureau considered regrettable the fact that, the EJTN did not assume the responsibility to co-organise the joint study visit for the winning teams of the THEMIS Competition for 2008.
24. The members were informed about a possible reform of the EJTN. This would consist in a fusion between the EJTN and ERA. At this stage, the Secretariat of the Lisbon Network does not have any official information regarding this fusion.

VIII. OTHER BUSINESS

25. The members of the Bureau pointed out the importance of Lisbon Network as a means for the representatives of so called "new democracies" to exchange information and to meet on a regular basis. This should continue to exist and be strengthened in the future through the development of other activities, such as exchange programmes, drafting of training manuals in various areas.

Appendix I**AGENDA**

- 1. Opening of the meeting**
- 2. Adoption of the agenda**
- 3. Election of the President**
- 4. Communication by the President, members of the Bureau and the Secrétariat**
- 5. Preparation of the plenary meeting of the Lisbon Network**
 - *Dates to be decided*
 - *Topics to be decided*
 - *Proposal regarding experts-rapporteurs for each topic*
- 6. Feedback on the Training Manual for judges on cybercrime issues**
- 7. Participation of the Lisbon Network at the Fourth International Conference On The Training Of The Judiciary, Sydney, Australia, 26 – 30 October 2009**
- 8. Discussion of the overall Working programme for 2009**
- 9. Follow-up to the Minimum Corpus of Council of Europe standards**
- 10. Cooperation between the EJTN and the Lisbon Network**
- 11. Other business**

Appendix II**List of Participants****CROATIA****Mrs Marija FUCHS**

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