

Strasbourg, 24 November 2005



**Council of Europe Co-operation Programme
to strengthen the Rule of Law**

CONCLUSIONS OF THE 7TH PLENARY MEETING OF THE EUROPEAN
NETWORK FOR THE EXCHANGE OF INFORMATION BETWEEN PERSONS AND
ENTITIES RESPONSIBLE FOR THE TRAINING OF JUDGES AND PUBLIC
PROSECUTORS

(LISBON NETWORK)

Web Site of the Lisbon Network: www.coe.int/lisbon-network

**“The quality of the training of Magistrates and common European standards for
judicial training”**

Palais de l’Europe, Strasbourg, France, 23-24 November 2005

Within the framework of its Co-operation Programme to strengthen the Rule of Law, the Council of Europe organised at the Palais de l’Europe in Strasbourg on 23 and 24 November 2005 the seventh plenary meeting of the European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors (**Lisbon Network**)¹ on the theme *“The quality of the training of Magistrates and common European standards for judicial training”*.

At the end of the meeting, the members of the Lisbon Network, in the light of the discussions held and of the Reports and Communications presented during the meeting, agreed to adopt the present **Conclusions** :

¹ Set up at the multilateral meeting in Lisbon on 27 and 28 April 1995.

1. The participants took note that the work of the seventh plenary meeting of the Lisbon Network comes within the scope of the aims set out by the third Summit of Heads of State and Government of the member states of the Council of Europe (Warsaw, 16 – 17 May 2005), who underlined the importance of the training of legal professions and made a Declaration stressing “the role of an independent and efficient judiciary in the member states”.
2. The participants took note with satisfaction of the Conclusions of the first meeting of the Conference of Directors of the European Schools of Magistrates which took place at the Palais de l’Europe in Strasbourg on 22 November 2005 on the theme “ *The challenge for the European Schools of Magistrates: Establishment of quality judicial training for quality justice*” and agreed to append them to the present Conclusions.
3. In the framework of the examination of the future role of the Bureau of the Lisbon Network, the participants agreed to entrust the Bureau in particular with the task of examining, in liaison with other concerned bodies of the Council of Europe, the ways and means of implementing certain texts of the Council of Europe, particularly Opinion No 4 (2003) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels.
4. Furthermore, the participants agreed that the Lisbon Network should be more involved in the implementation of the co-operation programmes of the Council of Europe concerning the training of magistrates and, in particular, the creation or the development of Schools of Magistrates.
5. In the light of the information conveyed by the President of the Bureau of the Lisbon Network at the present meeting and taking into account the current developments in the activities of the Lisbon Network, the participants shared the view that it would be appropriate that the present Bureau be in a position to continue its work for one more year; furthermore they took note that the membership of the present Bureau would be partly renewed partly at the end of 2006.
6. The participants were satisfied with the Analysis made by the Expert of the Lisbon Network of the answers of some members of the Network to the Questionnaires prepared by the Bureau on the structural and functional features of training institutions of judges and prosecutors, as well as on their role in recruitment, initial training and in-service training of judges and prosecutors (cf. document RES/LIB/Bu/Ana/Quest (2005)). Furthermore, the participants agreed to ask the members of the Network who had not yet done so to send their replies to the Secretariat by 31 March 2006 at the latest, in order to enable the Expert to finalise his Analysis in the light of the new replies and, hence, to enable all the members of the Network to have a full picture of the structures and activities of the European entities entrusted with the task of training judges and prosecutors. In this context, they invited the Expert to complete his Analysis taking into account the answers which recently reached the Secretariat, as well as those which will reach the Secretariat in the future. Furthermore, the participants entrusted the Bureau with

the task of examining proposals for future work of the Lisbon Network based on the replies to the Questionnaire.

7. Taking into account information given at the present meeting by the President of the Consultative Council of European Judges (CCJE) and by the Co-Secretary to the European Commission for the Efficiency of Justice (CEPEJ) on the activities of both bodies, the participants agreed to further develop synergies between the Lisbon Network, the CCJE and the CEPEJ. In particular, they entrusted the Bureau of the Lisbon Network with maintaining close links between the three bodies, including, if necessary, by means of regular exchanges of views on topics of common interest.

8. The participants expressed their approval that, at its second meeting, the Bureau had agreed on the yearly publication on the web site of the Lisbon Network of the programmes of initial and continuous training proposed by the European training institutions of Magistrates for the following year. They considered that this would be a concrete step towards sharing the experiences of the training institutions and agreed to send the programmes in English or French to the Secretariat of the Council of Europe so that they could be published, if possible, on the web site of the Lisbon Network beginning with the programmes for the 2006/2007 academic year.

9. The participants agreed with the proposal of the Bureau to decide upon the publication on the web site of the Lisbon Network (www.coe.int/lisbon-network) of the names and details of the European training institutions of judges and prosecutors, as well as, if necessary, other relevant information. They accordingly agreed to send to the Secretariat in English or French by the end of January 2006 at the latest the information they deem appropriate for inclusion on the web site of the Lisbon Network. Furthermore, the participants expressed the wish that, in the framework of its future activities, the Bureau examine other ways and means enabling further development of contacts and exchanges of information between the members of the Lisbon Network.

10. As regards the **quality of judicial training in the light of the recent European developments, at national and international level, in the field of training of judges and prosecutors**, the participants acknowledged that the quality of a justice system can be measured in particular in terms of the system for recruiting and training judges and prosecutors.

11. Recognising the important role that the existence of various European instruments and their effective implementation may play in the achievement of the goals of the Lisbon Network, the participants expressed the wish to be able to agree together on a number of criteria by which the member states of the Council of Europe will be able to evaluate, on a shared basis, the quality of their training institutions. They considered that the latter would constitute an important step towards harmonisation of the training systems on the continent, while respecting the distinctive features of each.

12. Conscious of the increasing place justice takes in people's lives, the participants agreed to give high priority to technical excellence (training must contribute to a reliable

justice system by handing down decisions that can be applied in practice). They also considered that a welcoming and receptive attitude and a readiness to explain and give sound advice to litigants were essential requirements and that a judge's behaviour should be adapted to these expectations. They further underlined that it is important to develop to a greater extent justice that is swift and properly administered.

13. The participants stressed the importance of the link between the recruitment systems of the training institutions of judges and prosecutors and the European university training system, otherwise known as the Bologna system, and expressed the wish that the Bureau of the Lisbon Network examine this issue in the framework of its future activities.

14. As regards the quality of initial training, the participants underlined the requirement of clearly identifying its educational goals and the teaching methods and aids used: duration, small groups, simulation, mixed groups.

15. Furthermore, they reiterated that periods of work experience (as well as alternation between this and periods of study) are an essential adjunct to the theoretical input. Lastly, they considered that examination of the issues of teaching aids, professionalisation of trainers and student evaluation should enable a shared reference framework for evaluating the training institutions to be built.

16. As regards the quality of in-service training, the participants, having recalled that career-long in-service training is not only a duty, but also a right of the judge and of the prosecutor, identified the following goals, ie: maintaining or updating knowledge and skills, sharing good practices and promoting their development, providing a forum for reflection on important issues, providing a window to society and the major issues facing it.

17. As regards the **identification of the criteria for the admission of judges and prosecutors to continuous training activities**, the participants agreed that having suitable admission criteria to in-service training is an important step in the organisation of any training session since with the correct selection of the participants the training session will be more likely to fulfil expectations.

18. The participants reached the conclusion that the definition of suitable admission criteria to in-service training closely depends on the subject matter, the methodologies and the specific aims of the training. In this respect they pointed out:

- that specialised training calls for specialised participants;
- that interactive training methodologies demand the willingness of the participants to actively cooperate with trainers;
 - that multidisciplinary training demands the equal participation of magistrates dealing with the fields in question:
- that basic training is intended to satisfy the training needs of specific categories of judges and prosecutors: the newly recruited, those who have changed or are about to

change the area of their jurisdictional activity or those who need to cover professional gaps according to the evaluation made by the competent bodies.

19. The participants stressed the importance of a clear definition of the admission criteria that would be adopted for each type of training and the reasons behind them. Furthermore, it was recommended that aspiring participants be asked to state and demonstrate that they match the professional profile requested and/or fill in questionnaires in order to base the selection on probant documentation. At the same time this would enrich the training material and ensure the active participation of the participants.

20. The participants agreed that participation in training sessions should be one of the elements to be considered when evaluating the professional career of judges and prosecutors.

21. As regards **the assessment of the quality of training**, the participants considered that training institutions will probably not escape the quality culture that increasingly concerns both the private and the public sector.

22. As regards the evaluation methods, they were of the opinion that all the notions that are used should first of all be properly defined: assessment, quality (need to develop justice quality standards and a mechanism with which to measure these standards on a regular basis), training, but also training policy of the training institutions (selection of trainers, teaching methodology, priorities, etc..).

23. Furthermore, the participants noted that the assessment methods were highly diverse and underlined that not every method was applicable to the training of judges and prosecutors; hence, the necessity to tailor the assessment methods to the type of training of which the quality is being measured (alternative and indirect systems that should apply at least to continuous training). Finally, they considered that the measure of the quality of training could be summed up in the following sentence: "Checking the way in which the training is organised and dispensed; measuring the results."

24. In the light of the declaration made at the present meeting by the Secretary General of the European Judicial Training Network (EJTN) on the activities of the EJTN and its co-operation with the Lisbon Network, and having in mind the relevant provisions of the Action Plan adopted by the Heads of State and Government of the member states of the Council of Europe at their third Summit, held in Warsaw on 16 and 17 May 2005, the participants, welcoming the fact that the Council of Europe had been granted Observer status to the EJTN on the occasion of the its General Assembly held in Rome on 12 and 13 December 2003:

- reiterated the availability of the Lisbon Network for possible joint projects with the EJTN;

- underlined the availability of the Lisbon Network for facilitating the contacts between the EJTN and the training institutions of judges and prosecutors of the member states of the Council of Europe who are candidates for accession to the European Union;
- entrusted the Bureau of the Lisbon Network, by the means it deems appropriate, to inform the EJTN of the future activities of the Lisbon Network;
- expressed the wish that in the future a link be created on both the web sites of the EJTN and the Lisbon Network, enabling visitors to either of these web sites to visit directly the other web site.

25. The participants entrusted the Bureau of the Lisbon Network with the task of defining possible themes for the eighth plenary meeting.

**Appendix to the Conclusions of the seventh plenary meeting of
the Lisbon Network**

Strasbourg, 22 November 2005



**Council of Europe Co-operation Programme to strengthen the Rule of Law
for 2005**

CONCLUSIONS OF THE FIRST MEETING OF THE CONFERENCE OF
DIRECTORS OF THE EUROPEAN SCHOOLS OF MAGISTRATES

(LISBON NETWORK)

**"The challenge for European Schools of Magistrates: Establishment of quality
judicial training for quality justice"**

Palais de l'Europe, Strasbourg, France, 22 November 2005

1. Within the framework of its Co-operation Programme to strengthen the Rule of Law and of the activities of its European Network for the exchange of information between persons and entities responsible for the training of judges and prosecutors (Lisbon Network), the Council of Europe organised at the Palais de l'Europe in Strasbourg on 22 November 2005 the first meeting of the Conference of Directors of the European Schools of Magistrates on the theme: "*The challenge for European Schools of Magistrates: Establishment of quality judicial training for quality justice*".

2. The participants expressed their gratitude to the Director of the *Ecole Nationale de la Magistrature de la France (ENM)* for having accepted to chair the first meeting of the said Conference and, in his capacity as Chair, to present the General Report.

3. At the close of the meeting, the members of the Conference agreed, in the light of the discussions that had taken place, the General Rapporteur's report and the participants' written contributions, to adopt the present Conclusions:

4. On the basis, in particular, of Recommendation No R (94) 12 of the Committee of Ministers of the Council of Europe to member States on the independence, efficiency and role of judges, the participants agreed that judicial training should play a key role in guaranteeing that judges are highly qualified and competent, so as to ensure quality justice. Having in mind the European Charter on the Statute of Judges and Opinion No 4 of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of the Council of Europe on appropriate initial and in-service training for judges at national and European levels, they underlined the fact that judicial training activities are a matter of public interest and that the training should be administered independently by an authority enjoying appropriate resources.

5. They highlighted the need to make sure that judicial training and professional skills provided to judges and prosecutors not only gives them a sound command of the law but also enables them to administer justice with an appropriate ethical and humanistic approach and with a view that it is easily understandable by justice users.

6. They considered that emphasis should be given to training in management methods and information technology in order to streamline and optimise court management methods.

7. They also took the view that account should be taken, when judicial training syllabi were drawn up, of the need to adapt them constantly to changes in society. Judges and prosecutors should be specially trained to be at the service of society. The participants considered that syllabi should, in particular:

- Inculcate an open-minded attitude to the major issues of present-day society;
- Ensure a knowledge of national and supra-national administrative, social and economic environments;
- Foster an awareness of developments giving rise to court cases (cybercrime, terrorism, etc.) and accordingly provide training in the rights and procedures stemming from such developments.

8. They agreed that, given the need to take account of the establishment of a European judicial area, judicial training institutions must, by devising suitable syllabi:

- help to build such an area and promote a common judicial culture for European judges and prosecutors;

- provide judges and prosecutors, through both initial and in-service training, with tuition in European law and European institutions;
- assure them of an adequate knowledge of civil and criminal judicial co-operation arrangements in Europe.

9. They endorsed the principle that judicial training institutions should work together to this very end, in particular in order:

- to identify shared problems calling for similar, complementary or joint training schemes;
- to establish a common pool of teaching aids and speakers with expertise in fields of relevance to the establishment of a European judicial area.

10. They considered that quality judicial training, geared to quality justice, should be ensured by an ongoing assessment of all stages of the training process, based on the following criteria: definition of training objectives, objectives specific to initial and in-service training, definition of training methods (teaching methods and teaching aids), appraisal of teaching staff and assessment of the results of training, particularly in the light of the functioning of the administration of justice and the expectations of the public.

They felt there was a need to work together, on the basis of these criteria, to establish common standards for the assessment of judicial training in Europe.

11. For the sake of achieving the goal of the Lisbon Network, which was to improve the various training systems through the exchange of information, the Conference participants fully endorsed the decision taken by the Bureau of the Lisbon Network at the close of its meeting held in Ankara on 8 and 9 September 2005 to suggest at the plenary meeting of the Network to decide upon the publication on the web site of the Lisbon Network (www.coe.int/lisbon-network) of the names and details of the European training institutions of judges and prosecutors.

12. They also warmly welcomed the Bureau's decision to publish annually, on the Lisbon Network website, the initial and in-service training courses offered by these institutions for the following year, as from the courses for the 2006/2007 academic year.

13. They agreed that it would be useful to carry out a thorough analysis of the organisation, syllabi and training methods of judicial training institutions in Europe in order to establish common standards, methods and resources. To this end, they were in favour of setting up working groups to continue the analysis of the various themes discussed at this first Conference: *adapting training to the evolution of society, taking into account the construction of the European Judicial Area, assessment of the quality of training and networking of training means*. The working groups could operate by exchanging e-mails and, if necessary, by holding meetings.

14. The participants entrusted the Bureau of the Lisbon Network with the task of defining possible themes for the next meeting of the Conference.