



Bucarest, 19 November 2003

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

CONCLUSIONS OF THE 6TH MEETING OF THE MEMBERS OF THE
EUROPEAN NETWORK FOR THE EXCHANGE OF INFORMATION BETWEEN
PERSONS AND ENTITIES RESPONSIBLE FOR THE TRAINING OF JUDGES
AND PUBLIC PROSECUTORS

(LISBON NETWORK)

**“The position of the Schools of Magistrates in the judiciary and their role in the
training of magistrates”**

Bucharest, Romania, 18-19 November 2003

1. Within the framework of its Co-operation Programme to strengthen the Rule of Law, the Council of Europe organised in Bucharest on 18 and 19 November 2003, in co-operation with the National Institute of Magistrates (INM) of Romania, the sixth meeting of the members 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 position of Schools of Magistrates in the judiciary and their role in the training of magistrates”*.

2. The participants expressed their gratitude to the National Institute of Magistrates of Romania for having taken the initiative of inviting the Network to hold its sixth meeting in Bucharest in the premises of the Institute, as well as for the perfect organisation of the meeting and the warm hospitality.

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

3. At the end of the meeting, the members of the Lisbon Network, in the light of the discussions held and of the Report of the General Rapporteur of the meeting², agreed to adopt the present Conclusions.

4. The participants noted that, regardless of the diversity of national institutional systems and the problems arising in certain countries, there is pan-European convergence on the principle that **legislation** on the status of judges and prosecutors should provide for training as **a right and duty** of both categories, deriving from the principles guaranteeing their independence and impartiality, as magistrates should not rely on outside sources and influences to acquire and maintain a high level of professional skill.

5. They expressed the need to further analyse the **institutional position of training structures in national systems** by means of exchange of information, in conformity with Lisbon Network standards. They proposed that, as a follow up to this meeting, with the assistance of the Secretariat and/or other structures of the Network that may be instituted, a questionnaire be circulated, on the basis of country reports available, so that answers - to be disseminated through electronic posting in a website - may form the object of further activities.

6. In the light in particular of the Communications made at the present meeting by the Vice-President of the Consultative Council of European Judges (CCJE), the President of the European Commission for the Efficiency of Justice (CEPEJ) and the Secretary General of the European Judicial Training Network (EJTN) on the work of these respective bodies/institutions, the participants expressed a strong interest in **keeping contacts between the Lisbon Network and the several actors of the European scenario in the field of judicial and prosecutorial training**.

They proposed that, as a follow up to this meeting, this priority be cultivated with the assistance of the Secretariat and/or other structures of the Network that may be instituted. Relevant bodies could inform the Network about issues which they consider should be included in training programmes.

7. Furthermore, recalling the Conclusions of the meeting of the Lisbon Network adopted in Vilnius on 30 September – 1 October 2002 concerning close co-operation with the CCJE, the participants agreed to forward the present Conclusions to the CCJE and agreed to further develop co-operation with the CCJE, especially as regards **training issues**.

Taking account of the work performed by the CEPEJ in the field of the efficiency of justice, the participants agreed that co-operation between the Lisbon Network and the CEPEJ should be developed on magistrates' **training on efficiency topics, especially as regards training of Chief Judges and Prosecutors, involved in managerial duties, as well as in the field of training in new technologies**.

The members of the Lisbon Network recalled the Conclusions of their meeting in Vilnius on 30 September – 1 October 2002 in which the hope was expressed to establish means of co-operation between the Network and the European Judicial

² The full text of the General Report will be sent to participants after the meeting.

Training Network (EJTN) in order to carry out their work together according to European standards concerning the training of judges and public prosecutors. They noted that close coordination with the Lisbon Network was already provided for by the EJTN statutes, since EJTN has a **common constituency** with the Lisbon Network. Having further noted with satisfaction that the Council of Europe was invited on a regular basis to attend the meetings of the EJTN and that formal Observer status of the Council of Europe to the EJTN was on the agenda of the forthcoming General Assembly of the EJTN to be held in Rome on 12 and 13 December 2003, the participants proposed that the Lisbon Network establishes a similar "**passerelle**" toward stable collaboration with EJTN, obviously having the **European Union** as the interlocutor in this process.

8. As for **initial training**, the participants underlined how important it is that training of future judges and prosecutors be the object of careful **planning** after consideration of all variables involved. They further confirmed the opinion according to which a well trained judge or prosecutor should, at the very beginning of his or her career, be extensively exposed not only to legal questions, but also, e.g., to social sciences, management methodologies, foreign languages and information technology. Judges and prosecutors should be fully aware, during their initial training, of European issues, including the European Convention on Human Rights (ECHR) and other relevant Conventions and Treaties, as applicable in the magistrate's work.

9. In order to reach the objective of the Lisbon Network to improve - through mutual knowledge - the several training systems, the participants welcomed the opportunity of a further reflection, over the next years, on the **most relevant topics connected with the role of training agencies in recruitment and initial training**. In view of this goal, they proposed that, as a follow up to the present meeting, with the assistance of the Secretariat and/or other structures of the Network that may be instituted, a questionnaire be circulated, on the basis of country reports available, so that answers - to be disseminated through electronic posting in a website - may form the object of further activities. **They agreed that the themes listed under paragraphs 1., letters a) to h) and 2., letters a) to g) of the Appendix** to these Conclusions be investigated.

10. The participants agreed on the principle that **programmes and methods for in-service training** of judges and prosecutors should greatly differ from initial training. They were of the opinion that these programmes and methods should be designed with a view to including *inter alia* topics such as changes in the law and/or its interpretation by courts, means of alternative dispute resolution –in particular mediation- technology, medicine, accounting, social sciences, management techniques, cultural and social phenomena.

11. The members of the Lisbon Network reached the conclusion that in order to continuously improve the quality of training, the organs responsible should conduct frequent **assessments of programmes and methods**. An important role in this process should be played by opinions expressed by all participants to training initiatives, which may be encouraged through appropriate means (answers to questionnaires, interviews).

12. While participants agreed that **performance of trainers** should be monitored, the evaluation of the **performance of participants** in in-service training initiatives

formed the object of discussion. On one side, participants considered that training may be truly fruitful if not influenced by career considerations, on the other side it seemed possible to envisage some form of relevance of participation to training for assignment of a judge or a prosecutor to some specific functions (e.g. juvenile or family law court). Aside from this latter possibility, the only solution to give some weight to training could be that participation in itself, objectively considered, may however be taken into account for professional evaluation.

13. In order to reach the goal of **mutual knowledge of the most relevant topics** connected with the role of training agencies in **in-service training**, the participants proposed that a questionnaire be circulated for further dissemination of the relevant data. **They agreed that the themes listed under paragraph 3., letters a) to j) of the Appendix** to these Conclusions should be investigated. Participants also agreed that a specific questionnaire should be circulated on the crucial issue of training magistrates in deontology.

14. Regarding **deontology issues** examined at the present meeting, participants expressed the view that speaking of **deontology** for judges and prosecutors implies, in theory, a reference also to **rules of conduct outside of the area of discipline**. They considered with interest the experience of adoption of **ethical codes** within the judiciary and the prosecution offices. They stressed the importance of this particular area and agreed that **ethical themes should be components of training programmes in all fields**.

15. Regarding “The Lisbon Network and the future of the professional training of magistrates in the Wider Europe –2002-2006 Programme of Activities”, the members of the Network - considering that it would be essential that at each moment, there should be **an entity that can act on behalf of the Network**, e.g. participating at a meeting of other relevant bodies or informing participants of a relevant issue on which an action should be taken and can ensure that a genuine dialogue takes part within the Network **between one plenary meeting and the next one** – proposed to establish a **Bureau**, elected in their midst by the members of the Lisbon Network.

The Bureau will meet when necessary between plenary meetings of the Lisbon Network, with the task of preparing its work, ensuring the follow-up to its work, as well as keeping in touch with all Network's members and other relevant bodies and strengthening their relationships.

The Bureau shall have, among other tasks, the competence to propose and collect answers to questionnaires.

The Bureau would of course avail itself of the Secretariat of the Council of Europe, as well as of specialists.

In order to ensure prompt information on activities during intervals between meetings of the Lisbon Network, the Bureau, with the co-operation of the Secretariat, shall favour electronic dissemination of documentation through a specific section of the Council of Europe's **website**. Electronic messaging could also be used to guarantee the flow of opinions among members of the Network.

16. Furthermore, the members of the Network proposed to convene a **Conference of Directors of Magistrates' Schools**, as a technical body entrusted with the assistance of the Secretariat of the Council of Europe to execute the Network's decisions regarding specifically judicial training institutions, including a networking action plan of the European Schools, and the creation of a **data bank**, with appropriate indexes, concerning all training actions for judges and prosecutors performed all over Europe by partner Schools.

The Conference will meet when necessary, if possible in the two years period between the plenary meetings of the Network.

17. The participants in the Bucharest meeting agreed to forward the present Conclusions to the Committee of Ministers of the Council of Europe so that the latter can take any possible necessary steps with a view to their implementation.

Appendix to the Conclusions

List of topics to be included in the 2004-2006 Programme of Activities of the Lisbon Network

1. Topics concerning recruitment and initial training

- a) criteria for appointment of initial selection board members;
- b) qualifications for candidates (university degrees, previous professional experience) and assessment of vacancies to be filled;
- c) selection methods (computer assisted pre-selection tests, written and oral examinations, topics for examinations, assessment of general culture and knowledge of foreign languages);
- d) evaluation of test results;
- e) value in the different systems of passing of initial examination (access to initial training as a tool for further selection, or as a tool to begin the professional career); consequences on curricula and assessment of training;
- f) magistrates' school initial training curricula; in particular, relation with university curricula; qualifications and selection of trainers; inclusion in curricula of subjects concerning deontology, social awareness, European and international law, foreign languages, international judicial co-operation; inclusion in curricula of "stages" outside the courts;
- g) value in the different systems of an exit examination; methods of selection;
- h) provision of training and tutoring for judges and prosecutors in the first years of their career (complementary training).

2. Topics concerning structural and functional features of training institutions

- a) criteria for appointment of managerial staff and instructors of the Training institution;

- b) role of judges and prosecutors as instructors and/or members of the management;
- c) choice between full-time instructors or instructors that preserve contact with court practice;
- d) training of trainers;³
- e) institutional arrangements to assure pluralist training;
- f) institutional arrangements to assure vicinity between trainers and trainees (decentralised training vs. centralised training; personalised training programmes);
- g) institutional arrangements to assure participation of the training institution in international co-operation in the field of training.

3. Topics concerning the role of training institutions as regards in-service training

- a) identification of committees and or trainers that develop in-service training programmes and of the authority that approves planning;
- b) statistics: number of activities per year; number of training hours offered per year per magistrate; budgetary resources;
- c) in-service training methods (seminars, workshops, traditional lectures, distance learning, audiovisuals);
- d) training environment (dedicated structures, court buildings, conference centres in hotels and the like);
- e) contents of training initiatives (role of cultural and social themes; role of ancillary sciences; management techniques);
- f) training to support change of functions;
- g) assessment of programmes and methods (questionnaires, interviews);
- h) evaluation of trainers;
- i) areas in which in-service training is compulsory;
- j) impact of participation to training on participants' career.

³ See the conclusions of the meeting of the Lisbon Network held in Budapest, 25-26 October 199, on the theme "The training of trainers".

